

.COMMUNITIES SCRUTINY COMMITTEE

Minutes of a meeting of the Communities Scrutiny Committee held in Conference Room 1a, County Hall, Ruthin on Thursday, 14 June 2012 at 9.30 am.

PRESENT

Councillors James Davies, Peter Evans, Huw Hilditch-Roberts (Chair), Rhys Hughes, Win Mullen-James, Bob Murray, Joe Welch, Cefyn Williams and Cheryl Williams.
Councillors J. Butterfield, S.A. Davies, H.C. Irving and H.LI. Jones attended as Observers.

ALSO PRESENT

Corporate Director: Customers (HW), Head of Planning, Regeneration and Regulatory Services (GB), School Effectiveness Performance Officer: Secondary (JM), Section Manager: Passenger Transport (PD), Senior Community Safety Enforcement Officer (TWE), Housing Strategy Manager (SK), Housing Strategy Officer (SL), Scrutiny Coordinator (RE) and Administrative Officer (CW).

1 APOLOGIES

Councillor C. Guy-Davies and C. Burgess, D. Houghton, D. Marjoram (Co-opted Members). It was explained that Councillor C Guy-Davies, having been appointed as one of the Council's representatives on North Wales Fire and Rescue Authority, had been invited to attend its induction day ahead of its Annual Meeting, hence the reason she could not be present at the Committee's meeting.

In response to concerns raised by Councillor T.R. Hughes regarding Co-opted Members needing to attend all three Scrutiny Committees which discussed items pertaining to education matters.

The Corporate Director: Learning and Communities explained that the changes to the scrutiny structure had been agreed by Council and a further review of the system would be undertaken at the end of the current Council year. He confirmed that in order to attempt to address the problem items relating to education matters would be included for consideration at the beginning of the agenda. The Scrutiny Co-ordinator outlined the role of the Scrutiny Chairs and Vice Chair Group in coordinating the Work Programmes of the respective Scrutiny Committees, which included the consideration of items pertaining to education matters. The Chair agreed that he would convey the concerns expressed by Members to the Scrutiny Chairs and Vice Chair Group.

2 APPOINTMENT OF VICE CHAIR

In accordance with the Council's Constitution CVs/statements had been requested from interested parties for the office of Committee Vice-Chair. A CV had been received from Councillor H.O. Williams prior to the meeting and circulated to all Members. Councillor Williams was nominated and seconded for the post of

Committee Vice-Chair. A second nomination was received at the meeting for Councillor W. Mullen-James and the Committee agreed that the nomination be accepted for consideration despite the fact that no CV/statement had been received beforehand. Councillor Mullen-James' nomination was seconded.

The Committee received presentations from Councillors W. Mullen-James and H.O. Williams, outlining their qualities and attributes for the office of Vice-Chair of the Committee for the ensuing year. Following a secret ballot it was:-

RESOLVED – *that Councillor H.O. Williams be appointed Vice Chair of the Communities Scrutiny Committee for the ensuing year.*

3 DECLARATION OF INTERESTS

No personal or prejudicial interest were declared

4 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.

5 MINUTES

The Minutes of a meeting of the Communities Scrutiny Committee held on Thursday, 12th April, 2012 were submitted.

The Scrutiny Co-ordinator informed Members that Appendix 4 to the Scrutiny Work Programme report included information on the progress achieved to date with the resolutions agreed at the previous meeting of the Committee.

Matters arising:-

6. Community Engagement Update – In response to a question from Councillor P.A. Evans, the Scrutiny Coordinator explained that the request relating to the boundary maps had been referred to Ordnance Survey for amendment.

RESOLVED – *that, subject to the above, the Minutes be received and approved as a correct record.*

6 ESTYN ADULT COMMUNITY EDUCATION INSPECTION

A copy of a report by the School Effectiveness Performance Officer: Secondary had been circulated with the papers for the meeting.

The School Effectiveness Performance Officer: Secondary provided a summary of the report which detailed the findings of the Estyn Inspection of the Conwy and Denbighshire Adult Community Education Partnership (Cyswllt Dysgu). The salient points outlined in the report included:-

- Estyn had aimed to answer the three following key questions through an analysis of self-evaluation, performance data, lesson observations and meetings with stakeholders:
 - (i) How good are the outcomes
 - (ii) How good is provision
 - (iii) How good are leadership and management
- Judgement on all three questions had been good. An overall judgement on the partnership's current performance had been considered to be good with the prospects for improvement being excellent.
- The Estyn Inspection report had highlighted the levels of ability achieved from learners from different backgrounds and age groups.
- Not enough Welsh speaking learners had utilised their Welsh language skills well enough as a medium for learning or for assessing their progress.
- Most learners improved their confidence through learning and as a result were better able to manage their lives and support their children.
- Teaching had been good or better in most of the sessions observed by the inspection team.

The Partnership's Leadership had provided good leadership with Leaders collaborating well with a broad range of other key Groups. The partnership had good arrangements for self-assessment, with clear objectives and timescales and Estyn had considered that partnership working had been excellent with improved standards being achieved by learners, an improvement in the quality of teaching and in assessment.

The Committee noted Estyn's recommendations that, in order to further improve the partnership would need to:-

- (i) increase the number of classes and learning activities in which learners achieve excellent standards in their work.
- (ii) increase the amount of excellent teaching and assessment.
- (iii) promote a common approach to safeguarding to raise the standard of all partnership members' policies and procedures, and
- (iv) promote and improve the use of Welsh as a medium of communication for learning.

In reply to a question from Ms G. Greenland regarding the monitoring of the collaboration process between Authorities, the School Effectiveness Performance Officer: Secondary explained that the Partnership's Executive Group would receive reports from the Sub-Groups. The Local Authority would monitor progress, the quality of courses and student numbers through Services Level Agreements and Service Groups based at the Colleges.

Councillor W. Mullen-James referred to paragraph 4.6 of the report which highlighted that not enough Welsh speaking learners use their Welsh language skills well enough as a medium for learning or assessing their progress. The School Effectiveness Performance Officer: Secondary expressed the view that there was a need to offer more Welsh medium courses across the Partnership. He also explained that in many cases there was a confidence issue with many students choosing to learn through the medium of English. In reply to a question from

Councillor H.O. Williams, it was explained that it would be difficult to monitor the number of Welsh speaking students attending University outside the locality.

Councillor J.M. Davies referred to Estyn's expectations that the outcomes from the report, which were good, should be transformed into being excellent and questioned how this could be achieved. The School Effectiveness Performance Officer: Secondary explained that Estyn only provide a judgement and would not offer guidance or direction with regard to achieving further improvement. It would be up to the Partnership itself to determine how it would strive to improve further.

The School Effectiveness Performance Officer: Secondary responded to a question from Councillor T.R. Hughes and explained that the merging of Llysfasi Agricultural College and Deeside College had enabled the provision of a wider range of courses available to the public. The Corporate Director: Customers referred to the strategic alliance between Llysfasi, Deeside College and Coleg Llandrillo which had improved the level of service provision in Denbighshire.

The Chair suggested that, in order to progress the improvements already attained, it would be useful if scrutiny saw the action plan detailing the measures and timescales to achieve the improvement from good to excellent. Following further discussion, it was:-

RESOLVED – *that the Communities Scrutiny Committee receive the report and note Members comments.*

At this juncture as the meeting was progressing ahead of schedule the Chair, with the Committee's consent, varied the order of business.

7 SCRUTINY WORK PROGRAMME

A copy of a report by the Scrutiny Coordinator, which reviewed the draft Forward Work Programme for the Communities Scrutiny Committee and provided an update on the relevant issues, had been circulated with the papers for the meeting.

The Committee's draft forward work programme (FWP), Appendix 1, had been inherited from its predecessor Committee. Members were requested to consider whether the FWP reflected the new Committee's wishes and priorities. Members were informed that details of the FWP for the Partnerships and Performance Scrutiny Committees had been included in the information papers circulated previously.

The Cabinet's FWP had been included at Appendix 3 to the report and a table summarising recent Committee resolutions, advising Members on progress with their implementation, had been attached at Appendix 4.

It was explained that, In performing its role, the Scrutiny Chairs and Vice-Chairs Group could seek individual Scrutiny Committees to take ownership of specific topics. At its last meeting in April, 2012 no specific recommendations were made with respect to Communities Scrutiny Committee.

The Committee considered the draft FWP for future meetings as detailed in Appendix 1, and reference was made to the following issues:-

A completed proposal form from officers for a report to be included on the Committee's forward work programme had been included at Appendix 2. This request related to resource levels and the principles of community engagement with respect to major infrastructure projects that affect the County. Members felt that this important matter merited discussion and the item was included in the Committee's FWP for July, 2012.

Members supported a suggestion by the Corporate Director: Customers that a report be submitted detailing the progress in respect of the recent highway investment programme. Councillor J.M. Davies requested that the report be extended to include the Council's strategic vision with respect to major transport infrastructure developments in Denbighshire. The Committee agreed that a report on progress with highways in Denbighshire, including major infrastructure links within the Highway Network be included in the Work Programme for October, 2012.

Having regard to the optimum number of agenda items to be transacted at a meeting, Members agreed that the reports on Control of Caravan Sites and the Management of allocation of Section 106 Commuted Sums, scheduled for the July, 2012 meeting be rescheduled for a later date.

At the request of Members the following matters were included in the Work Programme, either as information reports or as reports for consideration by the Committee:-

- Winter Maintenance and Gritting
- Grass Cutting
- School Transport Arrangements
- Allotments
- Town Plans

In response to a question from Councillor J.M. Davies relating to Objective 1 funding and a building on Kings Avenue, Prestatyn which had not been let and remained empty, the Committee agreed that an information report be submitted in respect of this matter.

The Scrutiny Coordinator explained that the September meeting of the Scrutiny Committee would be held in Rhyl due to consideration of the three workstreams in the programme which related to the Rhyl Going Forward Project. It was explained that the meeting could examine other issues pertaining to Rhyl, such as the new cycle bridge, and include a tour of the key sites.

The Committee considered the appointment of Committee Representatives on the following Council Groups and Boards:-

Service Performance Challenge Groups - Scrutiny Committees had been invited to appoint a representative to each Group to act as the Committee's contact for each service. The following Members were appointed:-

Housing & Community Development – Councillor R. Murray
Children and family Services – Councillor W. Mullen-James
Adult & Business Services – Councillor R. Murray
Environmental Services – Councillor C.H. Williams
Education and Customers & Education Support – Councillor H. Hilditch-Roberts
Communications, Marketing & Leisure – Councillor J Welch
Finance & Assets – Councillor T.R. Hughes
Highways & Infrastructure – Councillor H.O. Williams
Regeneration – Councillor W. Mullen-James
Planning & Public Protection – Councillor H.O. Williams
Strategic Human Resources – Councillor H. Hilditch-Roberts

The Scrutiny Coordinator agreed to liaise with Councillor C. Guy-Davies in respect of the Legal & Democratic Services and Business Planning & Performance Service Challenge Groups.

Strategic Investment Group - Members appointed Councillor H. Hilditch-Roberts to serve on the Group and Councillor H.O. Williams as the Committee's substitute representative on the Group in the event of the Chair being unable to attend. The Group would meet on a monthly basis to consider the Council's future capital requirements and bids for capital funding and external grants. The terms of reference of the Group had been included in Appendix 6 to the report.

Conwy and Denbighshire Collaboration Programme Board - The report outlined the membership and role of the Board and a copy of the Board's terms of reference had been included in Appendix 7 to the report. The Committee agreed that Councillor W. Mullen-James be appointed to serve as its representative on the Board.

Following further discussion, it was:-

RESOLVED – that:-

- (a) subject to the above, the Partnership Scrutiny Committee approves the Future Work Programme as set out in Appendix 1 to the report.*
- (b) appoints the Members, as stated above, to serve on each of the Service Performance Challenge Groups.*
- (c) appoints Councillor H. Hilditch-Roberts to serve on the Council's Strategic Investment Group, and*
- (d) appoints Councillor W. Mullen-James to serve on the Conwy and Denbighshire Collaboration Programme Board*

8 BUS SERVICES AND REDUCTIONS

A copy of a report by the Section Manager: Passenger Transport, which detailed how bus services were organised, changes to Welsh Government (WG) funding for bus and related services and the consequences for the County Council, and proposed mitigation measures had been circulated with the papers for the meeting.

The report also started the consultation process on the potential reductions in services.

The Section Manager: Passenger Transport introduced the report and explained that bus services in Denbighshire had improved following an increase in numbers, with passengers travelling free of charge under the Cerdyn Cymru arrangements for people over 60, and those with certain disabilities. This reflected additional County Council and WG funding for newer and more accessible vehicles and improvements in frequency.

The report detailed the three categories of bus services in Wales which include Commercial, Contract and Other services. The status of each bus service in Denbighshire had been summarised in Appendix 1 to the report. The bus network had evolved incrementally over a number of years, particularly since the deregulation of bus services. Denbighshire had enjoyed a relatively stable and growing local bus market and the factors relating to the level of service provision in each respective area had been outlined in the report.

It was explained that the several sources of support for the provision of bus services were changing and would all be affected by recent WG announcements, which had been received too late for consideration under the Council's budget setting process for the current financial year. The changes would include reductions in the Local Transport Services Grant (LTSG) from £396,000 to £288,000, over a full year. Subsequently, the WG had offered a minimum of three months' transitional funding, possibly extending to six or even nine months. The extension would be dependent upon a national, strategic ministerial review of funding which might see radical changes.

Members were informed that despite the potential future funding changes Denbighshire would need to plan for an imminent reduction in WG bus funding. Details of funding arrangements for bus services, and the impact of the WG's changes, had been included in Appendix 2 to the report and suggested possible future changes had been outlined in Appendix 3. Officers suggested that there would be a need to accommodate service pressures for changes to bus services and a modest overspend in 2011/12. Savings of approximately £145,000 would be required over a full year on a combined 2011/12 budget of £911,000. It was felt that most of the proposed changes could prove unpalatable and, for the reasons stated in Appendix 3, consultation had been recommended with stakeholders putting forward alternatives which officers considered to be more acceptable. The officers confirmed that there were no proposals to alter or reduce services which transport school children. Information pertaining to bus services which transport school children and fare paying passengers was provided for the Committee, together with, details relating to the use of single fares, day and rover tickets.

In reply to questions from Councillor J. Butterfield regarding the provision of bus services to hospitals for both patients and visitors, particular reference being made to difficulties in accessing Abergele Hospital. The Section Manager: Passenger Transport explained that nationally between 2% and 5% of passengers use bus services to travel to hospitals. He confirmed that services were provided to all main Hospitals and consultation would continue with Betsi Cadwaladr University Health

Board (BUHB), who was reviewing patient services, and the Ambulance Trust with a view to identifying passenger transport service requirements. In response to a suggestion from Councillor Butterfield it was agreed that the Committee receive an information report on Community Health Transport Scheme Pilot.

The following issues were raised and responses provided:-

- The role of the Bus Users Forum was outlined by Councillor H.Ll. Jones. He also raised concerns regarding the X94 Wrexham to Barmouth service and the accuracy of details in respect of the number 50 Uwch y Dre to Ysgol Caer Drewyn service, as detailed in Appendix 3 to the report. Councillor Jones referred to an historic agreement, when Ysgol Caer Drewyn had been established, which permitted pupils attending that school from the Uwch y Dre area to be entitled to free school transport.
- The Section Manager: Passenger Transport provided responses to Members questions relating to the possible extension of services in the Dee Valley, services to Betws Gwerfil Goch, St Asaph Business Park and the number 98 Llangollen to Llantysilio service. He explained that funding issues raised regarding the Clwydian Ranger Service could be discussed with Cadwyn Clwyd.

The Chair explained that he felt it would be important that details pertaining to service usage were provided to members of the public as part of the consultation process. Members noted the need to consult with residents and bus passengers on proposed changes and agreed that a Working Group be convened to consider the findings of the consultation exercise prior to a report on the proposed measures to address the reduction in funding being considered by Cabinet. Councillors P.A. Evans, T.R. Hughes, C.H. Williams and H.O. Williams were appointed to serve on the Working Group. The Committee also nominated and seconded Councillor H. Hilditch-Roberts for appointment as Chairman of the Rural Transport Forum.

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

- (a) the report be received;*
- (b) officers consult with the wider community as regards potential bus service cuts and, as part of the consultation exercise, the public be provided with information on service usage;*
- (c) a Working Group be convened to consider the findings;*
- (d) the Joint Head of Highways & Infrastructure produces a further report, for Cabinet, summarising the results of the consultation, and views of the Working Group, and proposing specific measures, in line with the timescale demanded by the Welsh Government and the budget available, and*
- (e) Councillor H. Hilditch-Roberts be appointed Chairman of the Rural Transport Forum.*

9 EFFECTIVENESS OF ENFORCEMENT ACTION - DOG FOULING

A copy of a report by the Head of Planning, Regeneration and Regulatory Services which detailed the effectiveness of enforcement action regarding dog fouling within Denbighshire, had been circulated with the papers for the meeting.

Copies of Appendices were circulated at the meeting, together with, documents relating to:-

The Public Realm and Environment Crime Working Group held on the 5th November, 2008 and 26th January, 2009.

A report to Environment Scrutiny Committee dated 15th October, 2009

A letter from the Chair of the Environment Scrutiny Committee to the Chief Constable dated the 30th December, 2008.

The report provided information on historical, current and future methods of prevention and detection of dog fouling in Denbighshire. Dog Fouling remained the single most complained about public nuisance in Denbighshire. This type of crime was categorised as “Environmental Crime”, and the offence was dealt with under the provisions of the Dogs Act 1996 and the Environmental Protection and Clean Neighbourhood Act 2005. It was explained that employees of the Authority and Police Community Support Officers (PCSOs) were authorised to issue Fixed Penalty Notices (FPNs).

The Head of Planning, Regeneration and Regulatory Services outlined the following salient points contained in the report:-

- issuing of Fixed Penalty Notices as an alternative to prosecution, payment and prosecution procedures.
- a ‘robust enforcement regime’ had been adopted by Denbighshire County Council’s Public Protection Service since 2008.
- details of Enforcement Activities between 2008 and the current date.
- methods employed by Community Safety Enforcement in Denbighshire in preventing and detecting offences dog fouling.
- criteria for classification of stray dogs and details of the Dog Walking Charter.
- use of publicity and CCTV and the investigation of offences.
- lack of participation of Police and PCSOs in issuing FPNs
- communication with the public and encouragement and the use schools pupils to educate parents and the general public with respect to the dangers of dogs fouling
- requests to have dog foul cleared and audits to establish the need for bins and signage.
- engagement of private contractors through employment agencies.
- the conclusions drawn through experience of dealing with the problem of dog fouling.

The Committee viewed a video of a case study undertaken in the Marine Lake area of Rhyl which highlighted the operational aspects of the work undertaken by officers and the effectiveness of surveillance work and evidence gathering leading to the issue of a FPN.

The officers provided the following responses to matters raised by members:

- the issue of replacing and updating dog fouling signs would be addressed.

- agreed to examine the possibility of treating areas where dog fouling had occurred with an appropriate spray substance.
- officers agreed to approach North Wales Police with respect to having a greater emphasis placed on PCSOs issuing FPNs as a method of preventing and reducing crime
- confirmation was provided that Denbighshire had employed contractors to issue Fixed Penalty Notices, but that this approach seemed to have been more effective in relation to litter enforcement than incidences of dog fouling
- details were outlined of the collaborative working between Conwy and Denbighshire, with Denbighshire being the Lead Authority.
- the need to expand on the imitative undertaken at Bodnant School, Prestatyn
- the problems and legal implications which could arise if bans were implemented on the use of school playing fields, and if dog control orders were introduced.

The officers provided details pertaining to the issuing and distribution of dog waste bags and provision of dog waste bins in identified hot spot areas. Members were informed that the provision of dog waste bins came under the remit of the Head of Environment and that there were issues regarding the collection of hazardous waste. Complaints in respect of dog fouling incidents would be received and tracked via the Customer Relationship Management (CRM) System.

In response to concerns raised by Councillor T.R. Hughes, the Committee supported the view that a clear stance was required in respect of this matter, taking into consideration any financial implications.

In reply to a question from Councillor J. Butterfield, that the wardens at Brickfields Pond and Nature Reserve area in Rhyl be authorised to issue Fixed Penalty Notices, it was explained this would be a matter for consideration and agreement by the respective officers.

Members requested further information pertaining to statistics on the number of dog fouling incidents reported to the Street Cleaning Team during 2011/12, the number cleaned up within 5 days of receipt of complaint, the number not responded to and the reasons why and how the respective figures compare to previous years.

The Senior Community Safety Enforcement Officer agreed that the following issues highlighted would be raised at the next CSP meeting:-

- examine the possibility of Enforcement Officers periodically wearing polo shirts/jackets/tabards which would identify them as enforcement officers and act as a deterrent for dog owners not clearing up after their dogs.
- signage in areas across the County be reviewed to ensure that the information on them was up to date.
- the importance of PCSOs issuing fixed penalty notices for dog fouling as this helped to keep neighbourhoods neat and tidy and mitigate the risk of other environmental crime and anti-social behaviour.

The Head of Planning, Regeneration and Regulatory Services referred to the conclusions, and the following recommendations contained in the report:-

- the continuation of the issuing of Fixed Penalty Notices.
- emphasis to be placed on intelligence led activity to seek sufficient evidence to justify prosecution and therefore offering an alternative punishment to a Fixed Penalty Notice.
- sustained utilisation of CCTV to obtain evidence of offending.
- a review the level of training of officers to ensure that the investigative skills in respect of the offender's identity and standards of proof were improved.
- review the conditions and requirements of contractors and enforcement officers when dealing in particular with the standards of proof and offenders identity.
- a greater emphasis on education in schools and the community, with members of the community accepting responsibility for enforcement regimes.
- consideration be given for the creation of Dog Walkers Charters and similar Charters with the Local Authority, Housing Associations, businesses and public groups.
- improved communication with the media to report on prosecutions, operations and initiatives.

Following further discussion, it was:-

RESOLVED – *that the Committee:-*

(a) receive the report.

(b) support the recommendations as set out in paragraph 4.5 of the report.

(c) requests that the Senior Community Safety Enforcement Officer informs the next Community Safety Partnership (CSP) meeting of the concerns raised by Members,

(d) supported the view that a clear stance should be adopted with regard to the matter of dog fouling offences, taking into consideration any financial implications; and

(e) that a workshop be arranged for all councillors and relevant Heads of Service in the autumn with a view to adopting and progressing a corporate approach to dealing with the problem of dog fouling in the county

10 SINGLE ACCESS ROUTE TO HOUSING (SARTH)

A copy of a joint report by the Project Officer and Housing Strategy Officer, which outlined the progress made with the Single Access Route to Housing (SARTH) collaborative project and provided an opportunity for the Committee to influence the future direction of the project, had been circulated with the papers for the meeting.

The Housing Strategy Manager summarised the report and sought the Committee's views on the draft Common Allocations Framework (CAF) before proceeding to public consultation.

It was explained that SARTH was a partnership project between all the major social landlords in North East Wales, covering the local authority areas of Conwy County Borough, Denbighshire, Flintshire and Wrexham County Borough. The partners included Conwy County Borough, Denbighshire, Flintshire, Wrexham, Cartrefi Conwy, Clwyd Alyn Housing Association, Cymdeithas Tai Clwyd, North Wales Housing and Wales and West Housing.

The overall aim of SARTH would be to provide a common access route to a range of affordable housing options which was transparent, legal, efficient and accessible to all sections of the community. Concerns had been expressed that, when seeking housing, applications would be required on five different lists. The report presented a draft common allocations framework (CAF) which had three points outstanding which would require agreement prior to consultation.

A summary of the key elements of the CAF had been summarised in the report and further detail provided in Appendix A, and the project generally in Appendix B.

The Housing Strategy Manager informed the Committee that a Member training session would be held on the 22nd June, 2012 and outlined the issues to be discussed and considered in terms of allocation issues.

Councillor T.R. Hughes welcomed and expressed his support for the initiative. The Housing Strategy Manager responded to questions from Members in respect of:-

- the presentation of the report to 5 Registered Social Landlord Boards
- the provision of Affordable Housing within the County.
- the availability of agricultural housing in Denbighshire.
- the availability of one bedroom flats within the County.

During the ensuing discussion the Chair noted the progress made and the work undertaken to date and officers undertook to provide the additional information which members had requested to them via the Scrutiny Coordinator. The Committee:

RESOLVED – *to note the contents of the report and endorse the progress made to date with the SARTH project and the draft Common Allocations Framework.*

Meeting ended at 12.40 p.m.