

COMMUNITIES SCRUTINY COMMITTEE

Minutes of a meeting of the Communities Scrutiny Committee held in Conference Room 1a, County Hall, Ruthin on Thursday, 25 October 2012 at 9.30 am.

PRESENT

Councillors Huw Hilditch-Roberts (Chair), Win Mullen-James, Bob Murray, Joe Welch, Cefyn Williams, Cheryl Williams and Huw Williams.

Councillors Raymond Bartley, Joan Butterfield, Meirick Lloyd Davies, Martyn Holland and Dewi Owens attended as Observers

ALSO PRESENT

Corporate Director: Learning and Communities (HW), Joint Head of Highways and Infrastructure (SD), Head of Planning, Regeneration and Regulatory Services (GB), Section Manager–Network Management (TT), Section Manager: Traffic Transportation (MJ), Development Control Manager (PM), Democratic Services Manager (SP), Democratic Services Officer (RH) and Administrative Officer (CW).

1 APOLOGIES

Apologies for absence were received from Councillors James Davies, Peter Evans, Carys Guy-Davies and Rhys Hughes

2 DECLARATION OF INTERESTS

No personal or prejudicial interests were declared.

3 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.

4 MINUTES

The Minutes of a meeting of the Communities Scrutiny Committee held on Thursday, 13th September, 2012 were submitted.

RESOLVED – *that the Minutes be received and approved as a correct record.*

5 REVIEW OF HIGHWAY VERGE GRASS CUTTING 2012

A copy of a report by the Joint Head of Highways and Infrastructure, circulated with the agenda, reviewed the grass cutting programme for 2012, assessed the effectiveness of the recommendations put forward by the Committee for 2012 and enabled the formulation of recommendations for next year's programme ensuring that Denbighshire's communities were tidy and safe for residents, businesses and

visitors. A copy of “Life on the Edge”, Roadside Verges Project, Protecting Denbighshire’s Wildflowers was circulated at the meeting.

The Section Manager–Network Management summarised the report which outlined the Council’s grass cutting regime, highlighted the grass cutting issues from 2012 and provided details pertaining to the Contract. He responded to Members questions and explained that a grass cutting regime had been agreed and adopted whereby the first cut would be a reduced treatment on rural roads within the AONB to ensure safety levels, and elsewhere there would be a uniform cut of 1 metre wide swathe with wider treatment in areas such as junctions, visibility splays etc, to ensure visibility was not compromised. Areas which had posed challenges in 2012, and details of grass cutting issues, had been summarised in the report.

It was explained that representations expressing concern had been received from the North Wales Wildlife Trust, and the need to balance compliance with legislative requirements and the expectations of the public was highlighted. It was confirmed that a meeting would be convened between the Lead Member, officers and North Wales Wildlife Trust to discuss the issues raised.

The 2010 contract had been extended to include non principal roads for the last two years with work being undertaken by a single external contractor. Due to issues highlighted last year work had been undertaken with the Contractor to improve matters. In reply to concerns raised regarding the standard a quality of the cut, it was explained that following a successful first cut standards had deteriorated due to the wet summer and the associated increase in grass growth, and customers had been kept informed via the Customer Services section as to progress, however, this had become more difficult as the programme slipped.

As the standard contract contained no financial penalty clauses for the completion of work outside agreed timescales no action could be taken. The contractor could be notified of a failure and afforded the opportunity to address problems within an agreed time period rather than incurring loss of income. Members expressed the view that the contract be reviewed and re-tendered for next year, however, this could result in cost increases. The Contractor had undergone a management restructuring and assurances had been provided about the future management of the contract. Improvements introduced after 2011 had not worked as well as anticipated, mainly due to weather conditions, and further difficulties encountered by the Contractor in meeting the Council’s needs. With regard to the need to clarify the Council’s legal requirements and limitations to comply with legislation in relation to grass and hedge cutting, the Joint Head of Highways and Infrastructure agreed that a fact sheet detailing the Council’s obligations be circulated to Members and the information published on the intranet.

In reply to questions from Councillor H.O. Williams, the Section Manager–Network Management confirmed that, following consultation with Local Members and local Communities, a schedule for grass cutting for roads within the AONB had been circulated. The charging rates for grass and hedge cutting were outlined, which included the different rates charged for areas such as junctions where difficulties could be encountered. It was confirmed that the criteria for grass cutting in urban areas differed from rural areas and was in most instances undertaken in house.

The following responses were provided to questions and issues raised by Members:-

- the officers concurred with the view expressed that response time scales for complaints lodged through the CRM system could be reviewed.
- details of expressions of interest in the contract were outlined, and it was confirmed that the contract schedule and details had been set by the Council and were essentially quality based and lead.
- it was explained that the Council did possess powers to serve Enforcement Notice's on the owners of hedges which had not been cut and posed a danger or hazard to the public. Reference was made to the Highway Act 1980 and the relevant Enforcement Powers which enabled the Council to undertake the work and charge the landowners accordingly.
- a re-tendering process could be undertaken. However, this could incur financial implications for the Council if a higher rate of charges was submitted by contractor.
- problems had been encountered as a result of the equipment utilised by the Contractor being too large or unsuitable for use on narrow lanes and roads. An assurance was provided that in cases where work had not been undertaken due to unsuitable equipment, the work would be carried out at a future date.
- the officers responded to questions from Members and agreed to provide an information report on the grass and hedge cutting regime adopted within the Towns and urban areas of the County.
- support for the biodiversity approach was expressed by Councillor M.L. Holland, however, he emphasised the importance of the safety element in determining the grass and hedge cutting regime. He also highlighted the importance of consultation with the respective Community Councils, and Member input, when considering future contract arrangements.

The Chair highlighted the need to review the contract and for the provision of evidence and clarification regarding its current and future requirements, expectations and details of its matrix. Reference was made to the importance of securing a robust contract and Service Level Agreement to ensure that performance standards met expectations. He outlined the significance of consulting with the community and engaging Members in the composition of the contract, particular reference being made to the need to clarify issues in respect of AONB and biodiversity requirements.

The Corporate Director: Customers referred to the previous decisions taken with regard to the procurement of the current contract, and outlined the timescales for securing a contract for the coming year. The Section Manager–Network Management expressed his support for the decisions taken previously and was confident that the issues raised by the North Wales Wildlife trust could be resolved. He agreed that further information pertaining to the operation and matrix of the current contract could be provided and work could be undertaken to procure a new contract with in put from Members.

The Committee supported the view that the contract be reviewed and that Councillors W. Mullen-James, J.S. Welch and H.O. Williams, together with the Lead Member, provide Member in put with regard to the process. Members agreed that

a further progress report be submitted to the January, 2013 meeting of the Committee.

During the ensuing discussion it was:-

RESOLVED – *that the Communities Scrutiny Committee:-*

(a) receives the report and notes the progress and success of the overall cutting regime put in place for 2012.

(b) agrees that the officers, Lead Member and Members identified meet to review the matrix of the existing Contract utilising the evidence and statistics available, and

(c) an information update report be submitted to the January, 2013 meeting of the Communities Scrutiny Committee to inform the Committee of the outcome of these discussions.

6 PREPARATION FOR WINTER MAINTENANCE FOR THE 2012-2013 SEASON

A copy of report by the Joint Head of Highways and Infrastructure, which detailed the preparation for the 2012/2013 Winter Maintenance Programme, provided information regarding the delivery of safer routes for the County's residents and on keeping the County open for business during adverse weather conditions, had been circulated with the papers for the meeting.

The Section Manager–Network Management provided a detailed summary of the report which included issues pertaining to the following key areas and issues:-

- No changes made to the Council's approach in preparing for winter maintenance.
- The retention of the services of Agricultural Contractors.
- Salt stocks levels at Depots at Bodelwyddan, Corwen and Ruthin
- Arrangements for salt heaping and salt bin replenishment.
- Rota arrangements for forecasting and supervision.
- Details of the communication strategy developed in conjunction with the Public Relations Team and Customer Services.
- Contingency arrangements with officers and staff in both Countryside Services and Public Realm.

The officers informed the Committee that they were confident that satisfactory winter maintenance arrangements were in place, and that there was a significant budget allocated to ensure that the service could properly cope with adverse weather. There was also a separate contingency for any particularly severe problems although this had not been drawn on in recent years.

The provision of the Winter Maintenance service was a Statutory requirement under Section 41(1A) of the Highways Act 1980 as amended by Section 111 Railways and Transport Safety Act 2003. The extent of the requirement to meet the duty had been a matter of debate. However, it had been accepted that the Council's published gritting routes provided at least the minimum provision expected. Additional provision would depend on the availability of resource and regular discussions were held with stakeholders to ascertain the best approach to be adopted.

- In response to a question from Councillor R.M. Murray, it was explained that the recommendation in the code of practice states that vehicles should not exceed 30 mph while gritting. He confirmed that the vehicles were calibrated and fitted with trackers, and that there were various settings for spreading in relation to road widths.
- The Joint Head of Highways and infrastructure outlined the Authority's Statutory Duty to treat adopted roads. It was explained that other Directorates, such as Lifelong Learning and social Services, had made arrangements in respect of their own services and properties, however, a contingency plan was in place to deal with emergencies.
- An outline of the salt stock levels within the County, as required by the Welsh Government, was provided by the officers. The officers assured Members that, unless there were extreme weather conditions resulting in a national shortage of salt supplies, they were confident that there would be sufficient supplies in Denbighshire.
- It was confirmed that two small gritting machines had been purchased to treat areas within the Towns.
- Details of legislation relating to drivers working hours, and work rota's for drivers, was provided by the Section Manager–Network Management. It was agreed that further details pertaining the agreement with Unions in respect of drivers' hours could be provided.
- Members were informed that private contractors could be utilised for winter maintenance purposes if required.
- It was confirmed that there would be a charge to replenish salt stocks in salt bins on school sites.
- Pavements in towns, such as those in shopping areas, would be treated following the completion of work on the main arterial network which would receive priority.
- With regard to the treatment of roads leading to homes for the elderly, unadopted roads, car parks and pavements in towns, the Section Manager–Network Management confirmed that Public Realm staff would be utilised to assist with snow clearance and the spreading of salt and grit when available. He outlined the difficulties which could be encountered in providing winter maintenance services to areas outside the designated responsibility of the Authority. The Joint Head of Highways and Infrastructure confirmed that officers would liaise with Social Services to ensure that there was sufficient contingency for dealing with winter weather around housing developments for the elderly and vulnerable groups.
- The schedule for gritting and winter maintenance would be made available and included on the web-site when finalised.
- Members were informed that if the situation arose where salt placed in salt bins or salt heaps was being misused then the appropriate action would be taken, such as the addition of coloring to salt supplies.
- Confirmation was provided that a Denbighshire emergency telephone number was available.

During the ensuing discussion, it was agreed that clarification be provided outlining details of the areas of responsibility for winter maintenance with regard to the respective Directorates. The Joint Head of Highways and Infrastructure confirmed

that there would be a focus on the priorities emanating from the adopted highway network and other areas raised would be referred to SLT for consideration.

RESOLVED – *that the Communities Scrutiny Committee:-*

(a) agrees that the Winter Maintenance preparations were sufficient for the winter conditions anticipated.

(b) confirms that the contingency arrangements for more severe conditions were also adequate, and

(c) request that clarification be provided outlining details of the areas of responsibility for winter maintenance with regard to the respective Directorates.

7 PROGRESS WITH HIGHWAYS CAPITAL MAINTENANCE WORK AND MAJOR TRANSPORT INFRASTRUCTURE WORK

A copy of report by the Joint Head of Highways and Infrastructure, which detailed the progress to date with the highways maintenance programme and outlined the mechanism and potential funding streams for large scale infrastructure investment within Denbighshire, had been circulated with the papers for the meeting. An information report which detailed the mechanism and potential funding streams for large scale infrastructure investment within Denbighshire had been included as Appendix 1.

The Section Manager–Network Management explained that work had commenced on the draft programme for next year and he would be attending Area Group meetings to discuss the proposals. The Chair informed Members that the Strategic Investment Group had recently considered a report on Welsh Government investment and funding with regard to highways, and requested a consistent risk assessment across the highways infrastructure to enable the prioritisation of expenditure.

The report detailed progress of the 2012/13 Capital Maintenance programme. Improving the condition of roads remained a priority and Denbighshire had committed £1,400,000 in 2012/2013, with the specific intention of targeting the County roads which had been the subject of complaints or potential risks. There had been an allocation of £2,022,000, Welsh Government Local Government Borrowing Initiative (LGBI) funding, and this had been focused mainly on the A and B roads within the County. The entire programme had been linked to addressing specific issues identified as part of the more technical surveys such as SCRIM, an assessment of skidding resistance.

The resurfacing programme had been split into three main categories of traditional bituminous resurfacing, microasphalt and Surface Dressing. Details of the schemes, together with, programmed works and schemes currently being undertaken, had been summarised in the report. Over the remaining months of the financial year approximately twelve remaining schemes had been scheduled into the programme which was currently within budget.

Bad weather had hampered work on some of the bridges and this work would now be deferred into 2013/14. Details of work progressed and schemes completed

within the current financial year had been outlined in the report, together with, the inclusion of a list of bridge strengthening and refurbishment works.

In reply to questions from Members, it was explained that the 2013/14 Capital Maintenance Programme would be finalised by January, 2013. Work would be funded jointly between the LGBI and Denbighshire's own resources, at present funding had been estimated at around £3.5 million for the overall programme, which included bridges and street lighting. A detailed programme would be required for submission to the Welsh Government by December, 2012 and this would be communicated to all elected Members, Town and Community Councils and put on the website. The report outlined the consultation process adopted and highlighted the main associated risks. It was confirmed that the review cycle period for work undertaken on highways could now be identified following long term financial commitment.

Councillor R.M. Murray referred to problems relating to resurfacing work undertaken on the Coast Road between Rhyl and Prestatyn. He also expressed his appreciation for the work undertaken by the Group Manager: Change Programme, Business Support and Tourism in his supervisory role. The Section Manager–Network Management provided details of the work undertaken and the supervisory role of the Council. He confirmed that any failures relating to the standard or quality of work would be addressed by the contractor under the warranty and he agreed to examine the areas of concern raised by Members.

In reply to concerns raised by Councillor W. Mullen-James, it was explained that repair and improvement works relating to the condition of the road surface on the A 547 between Rhuddlan and Abergele would require significant investment. The costs incurred in cleaning mud deposited on the highway, which renders them in a dangerous condition, could be charged to the perpetrator if they do not undertake the work themselves. With regard to the issue of clearing leaves from the highway, the need to strike a balance between safety and expenditure would be significant.

In response to a question from Councillor J. Welch, the Section Manager–Network Management explained that a two year programme of scheduled highway improvements was currently being developed in line with the Welsh Government funding through the local government borrowing initiative. The Joint Head of Highways and Infrastructure highlighted the need for caution when producing a draft programme of work. He stressed the need to balance the ability to deliver against expectancy levels, and ensure the delivery of services in line with the resources available.

The Section Manager–Network Management replied to concerns raised by Councillor C.H. Williams and explained that it was anticipated that scour works on bridges, not undertaken in the summer due to high water levels, would be undertaken next summer if water levels permitted. Details of the gully emptying schedule were outlined for Members.

The Chair summarised the areas of concern and issues raised by Members which included the:-

- clearance of mud deposited on highways, particularly farm and field entrances.
- carry over plan for the undertaking of bridge works.
- production of a 2 year forward work programme plan, with an outline of the background and history to be presented to the Area Member Groups.
- management of expectations of the highway maintenance work programme, including communication, particular reference to Town and Community Councils.

The Section Manager: Traffic Transportation referred to Appendix 1 to the report and explained that the TAIH North Wales Regional Transport Plan (RTP) was the mechanism for the identification, development and delivery of major transport infrastructure schemes. It included the six North Wales Local Authorities with Denbighshire being represented by the Lead Member for Public Realm and the Chair of the Communities Scrutiny Committee.

The RTP transport policy objectives and priorities aligned with the objectives in the Wales Transport Strategy. Associated with the RTP was the annual capital funding from the Welsh Government which was termed Regional Transport Consortia Grant (RTCG). TAIH collated bids for RTCG from the six authorities as part of an annual bidding process, together with bids for Region-wide projects. All projects receiving RTCG would be included in the RTP programme and each project independently assessed to check compliance with the RTP transport policy objectives and priorities. Projects not meeting the transport policy would not be included in the programme. Approximately £4.5 million of RTCG would be available for the TAIH region per annum, although this could be reduced to under £4.0 million the next two years. Details of Denbighshire projects funded from the RTCG in recent years had been included in the report. It was confirmed that there had been examples where the Welsh Government had funded relief road projects. Only 18 months of the current 5 year programme remained and preparations would need to be made for the next 5 year programme which would commence in 2014. Details of the consultation process with Members was outlined

Members were informed that Taith provided an important source of funding for the Council and this would become more prevalent as regional working increased. The importance of ensuring their benefit was maximised was highlighted. Any projects funded by the Regional Transport Consortia Grant would be subject to a robust project management methodology to ensure any risks associated with an individual project were managed appropriately.

The officers provided the following responses to issues and matters raised by Members:-

- Details of capital funding, maintenance and future up keep costs for cycle paths were outlined by the Section Manager: Traffic Transportation.
- There were currently no plans pertaining to the Lower Denbigh Road from St Asaph to Denbigh. However, the views of Members would be sought through the consultation process with regard to the preparations for the forthcoming 5 year plan.
- It was explained that it was the intention to extend the Vale of Clwyd Cycle Way through to Ruthin, which would provide a link to the North and South of the Colomendy Business Park.

- Discussions had taken place with the Strategic Directors in Conwy County Borough Council regarding the clearance of sand from the cycle path on the Conwy side of the Harbour development. It was confirmed that consideration had been given to the provision of screening and discussions in respect of this matter were on going. It was agreed that a progress report be provided in respect of this matter.
- With regard to the forthcoming Eisteddfod to be held in Denbigh, it was confirmed that liaison meetings of the Strategic Group, chaired by the Corporate Director: Customers, had been held to consider access arrangements. Sub-Groups had been set up which included the Safety Advisory Group which incorporated areas relating to Emergency Planning and Traffic Plan arrangements.

Following further discussion, it was:-

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

- (a) contents of the report and Appendix 1.*
- (b) progress to date and confirms the proposed strategy for going forward.*
- (c) involvement of the Council in the strategic infrastructure development, and*
- (d) issues and areas of concern raised by Members and agrees the actions highlighted.*

8 BRINGING PLANNING CLOSER TO THE COMMUNITY

The Development Control Manager (DCM) introduced a report on the way the Development Control and Compliance Team consulted and engaged with the community on planning proposals. The DCM outlined the current approach to consultation and communication and advised that the team now wanted to develop their practices further and had drawn up draft service standards for planning consultation and community engagement.

Councillors Huw Williams queried whether some town and community council members would benefit from training on planning matters and related code of conduct issues such as when to declare personal interests. The DCM reported that further training on those issues would be helpful and would be supported by the service. Councillor Martyn Holland suggested that neighbouring town and community councils could join together for joint training, for example, suggesting that the three community councils in his ward could be invited to do so, a suggestion that the Head of Planning and Public Protection Services (HPPPS) supported.

Members of the Committee praised the department for the level and standard of interaction with town and community councils and for improved interaction with members generally. The HPPPS thanked the Committee for their comments but stated that the service still intended to secure further improvements.

RESOLVED – *That the Communities Scrutiny Committee:*

- (a) Supports the arrangements currently used by the Planning service to liaise with town and community councils;*

(b) Supports the draft information guide which sets out proposed service standard for the planning consultation and community engagement; and

(c) Congratulates Planning staff for their proactive approach to community engagement.

9 SCRUTINY WORK PROGRAMME

The Democratic Services Officer (DSO) introduced a report on the committee's forward work programme. He advised that a report on a review of day care services in the north of the county had been deferred until January when relevant financial information would be available.

Councillor Joan Butterfield stated that members in the north of the county were of the view that the report was urgently required. The Corporate Director: Customers (CDC) responded by suggesting that the report could be received in December rather than January; and a report on Etape be deferred until January to make room on the agenda. However, this would depend on sufficient information being available to justify consideration of the day care services report in December.

The Committee agreed to this approach.

Members also agreed to receive a report on the Supporting People Strategy in February 2013 which would follow the publication of the authority's 3 year spending plans

The Committee agreed to consider the draft Local Housing Strategy in February 2013, and the final strategy document would be considered by the committee around June 2013. However, the committee requested confirmation that there would be sufficient time and opportunity for them to suggest amendments to the draft strategy if they were thought to be needed.

The DSO reminded the committee that a copy of the draft tenancy handbook had been circulated to members of the committee with an invitation to make comments or suggestions on the contents. He also reported that a new draft tenancy agreement was expected to be circulated to the Communities Scrutiny Committee soon. Councillor Butterfield referred to the involvement of registered social landlords and queried whether their views would be taken into consideration and the possible merits of referring the issue to the Partnerships Scrutiny Committee was discussed by members, but a referral was not agreed.

The DSO advised that a consultation report on a community covenant with the armed forces would be circulated to members of the committee in November. The Chair requested members to copy their responses to the other members of the committee for information and to avoid unnecessary duplication.

RESOLVED – *that, subject to the above amendments, the Communities Scrutiny Work Programme be approved.*

10 FEEDBACK FROM COMMITTEE REPRESENTATIVES

No updates from committee representatives on the various Council boards and groups were given.

Meeting ended and 12.40 p.m.