

To: Members of the Performance  
Scrutiny Committee

Date: 10 January 2014

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Dear Councillor

You are invited to attend a meeting of the **PERFORMANCE SCRUTINY COMMITTEE** to be held at **9.30 am** on **THURSDAY, 16 JANUARY 2014** in **COUNCIL CHAMBER, RUSSELL HOUSE, RHYL**.

Yours sincerely

G. Williams  
Head of Legal and Democratic Services

## AGENDA

### **PART 1 - THE PRESS AND PUBLIC ARE INVITED TO ATTEND THIS PART OF THE MEETING**

#### **1 APOLOGIES**

#### **2 DECLARATION OF INTERESTS**

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

#### **3 URGENT MATTERS AS AGREED BY THE CHAIR**

Notice of items 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 OF THE LAST MEETING** (Pages 5 - 14)

To receive the minutes of the Performance Scrutiny Committee held on Thursday, 12<sup>th</sup> December, 2013.

**5 ESTYN ACTION PLAN** (Pages 15 - 22)

To consider a report by the Head of Education (copy enclosed) which provides an update on the progress made in response to the recommendations made by Estyn following the 2012 inspection.

**9.35 a.m.**

**6 KS4 EXAMINATION RESULTS** (Pages 23 - 32)

To consider a report by the School Effectiveness Performance Officer: Secondary (copy enclosed) which detailed the verified performance of Denbighshire schools external examinations results at Key Stage 4 and post 16.

**10.10 a.m.**

**Comfort Break**

**7 SCHOOL PLACES DATA** (Pages 33 - 44)

To consider a report by the Head of Customers and Education Support (copy enclosed) which provides information regarding pupil places, future projections, condition and suitability of schools and the number of mobile accommodation units currently in use.

**10.55 a.m.**

**8 DENBIGHSHIRE PERFORMANCE ON FLY TIPPING ISSUES** (Pages 45 - 68)

To consider a report by the Head of Highways and Environmental Services (copy enclosed) which sets out how fly-tipping is reported and dealt-with in Denbighshire.

**11.30 a.m.**

**9 SCRUTINY WORK PROGRAMME** (Pages 69 - 72)

To consider a report by the Scrutiny Coordinator (copy enclosed) seeking a review of the committee's forward work programme and updating members on relevant issues.

**12.05 p.m.**

**10 FEEDBACK FROM COMMITTEE REPRESENTATIVES**

To receive any updates from Committee representatives on various Council Boards and Groups

**12.15 p.m.**

## **MEMBERSHIP**

### **Councillors**

Bill Cowie  
Meirick Davies  
Richard Davies  
Colin Hughes  
Geraint Lloyd-Williams

Peter Owen  
Dewi Owens  
Arwel Roberts  
Gareth Sandilands  
David Simmons

### **Voting Co-opted Members for Education (Agenda Item No. 5,6 and 7 only)**

Mr G Williams            Ms D Houghton  
Mrs G Greenland        Dr D Marjoram  
Ms Nicola Lewis

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# Agenda Item 4

## PERFORMANCE SCRUTINY COMMITTEE

Minutes of a meeting of the Performance Scrutiny Committee held in Conference room 1a, County Hall, Ruthin on Thursday, 12 December 2013 at 9.30 am.

### PRESENT

Councillors Bill Cowie, Meirick Davies, Richard Davies, Colin Hughes, Geraint Lloyd-Williams, Dewi Owens, Arwel Roberts, Gareth Sandilands and David Simmons (Chair)

Lead Members, Councillors D.I. Smith and H.C. Irving, attended at the Committee's request.

Councillors M.L. Holland and G.M. Kensler attended as Observers.

### ALSO PRESENT

Corporate Director: Economic and Community Ambition (RM), Head of Customers and Education Support (JW), Head of Planning and Public Protection (GB), Corporate Improvement Officer (NK), Audit Manager (BS), Corporate Complaints Officer (CO), Corporate Programme Office Manager (KA), Building Control and Conservation Architect, (PE), Conservation Specialist and Project Manager (KH), Scrutiny Co-ordinator (RE) and Administrative Officer (CIW).

#### 1 APOLOGIES

Apologies for absence were received from Councillors Peter Owen

#### 2 DECLARATION OF INTERESTS

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

#### 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 OF THE LAST MEETING

The Minutes of a meeting of the Performance Scrutiny Committee held on Thursday, 24<sup>th</sup> October, 2013 were submitted.

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

#### 5 LISTED BUILDINGS AT RISK

A copy of a report by the Head of Planning and Public Protection (HPPP), on the condition of the listed building stock within Denbighshire, had been circulated previously.

Councillor D.I. Smith provided a brief summary of the report instigated by the situation at the former North Wales Hospital. A clear understanding of the extent of listed buildings at risk within Denbighshire and the implications to the Authority, together with, details of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the responsibilities of Local Authorities (LAs) under the Act had been included in the report.

A report by Cadw in 2009 had identified 1812 listed buildings in Denbighshire, and a 2011 survey identified 148 buildings in Denbighshire as being in the “at risk” category. The number of buildings in Denbighshire in the worst at risk category with just one point had been 35. Tables summarising the number and percentage of properties at risk in Denbighshire, and nationally, had been provided.

The HPPP explained that many buildings in the worst category were buildings or structures which stood little or no chance of being a financial asset to the owners. Owners would be more likely to view the structures as a financial burden rather than an asset and would be reluctant to spend money on repairs which could result in dilapidation. Of the 35 structures with a point score of 1, 13 were in this category. Enforcement action was likely to result in carrying out work in default and trying to recover the cost from the owner or compulsory purchasing the building/structure. Neither option would be attractive for a Local Authority.

The Building Control and Conservation Architect (BCCA) confirmed that grants were becoming increasingly scarce. The only major funding body with a growing grant budget was the Heritage Lottery Fund and they had previously funded umbrella grant schemes and not private individuals. Some listed buildings provided opportunities to add value by granting planning permission and listed building consent for a change of use, and another route could be to grant planning permission for enabling development. Working with an owner to help improve the condition of buildings at risk would be the preferred option, but in some cases the owner rather than the building could present problems.

The HPPP and BCCA explained that enforcement powers include an Urgent Works Notice and a Repairs Notice. These powers carry an element of risk to LAs with regards the costs of carrying out the urgent works in default or the costs associated with compulsory purchase and consequential responsibility of being the owner of a dilapidated building. The powers were discretionary and exercised with caution, however, in the circumstances where there were no other options, and where the building might be close to total loss, then a decision not to use enforcement powers may be a threat to the reputation of the Authority.

The BCCA referred to the consultation process being undertaken with regard to Welsh Government’s (WG’s) proposed changes to the legislation. He expressed concern that current powers under the existing legislation were not fit for purpose and did not provide the required authority for appropriate intervention. Members agreed that the Chair submit a letter of support endorsing the views expressed by

the BCCA in his response to the formal consultation, which highlighted the risks associated with the enforcement aspect of the legislation.

The BCCA responded to questions from a number of Members and provided details pertaining to structures located in their respective areas.

Details of potential risks had been incorporated in the report. There were financial and resource implications with tackling buildings at risk which had been managed on a case by case basis. In exceptional cases risks had been mitigated as far as possible and the projects had been subject to formal approval and authorisation.

During the current economic climate the need to target available resources more effectively had been recognised, therefore a building at risk strategy was being drafted which examined how limited resources could be used most effectively.

Appendix 1 set out the category 1 Buildings at Risk in Denbighshire by communities.

The officers provided the following responses to issues raised and questions from Members:-

- the BCCA provided details of the proposed process to be adopted with regard to the inclusion of newly listed buildings.
- It was anticipated that a database containing details of all listed buildings would be provided in the future and updated on a regular basis.
- there was no formal appeal process for listed buildings, however buildings could be removed from the list if it could be demonstrated that the information which had led to the building's listing was incorrect or inaccurate.
- confirmation was provided that a Preservation Notice could be issued to protect a building in danger of demolition or significant alteration, prior to examination by Cadw.
- the BCCA provided an assurance that the majority of listed buildings in the ownership of the County Council were well maintained and kept in good repair.
- The Lead Member for Public Realm requested that Members inform him or the relevant officers if they became aware of listed buildings within their electoral division being modified or demolished without the required consent.

Following further discussion, it was:-

**RESOLVED** – that, subject to the above observations, the Committee:-

- (a) receive and note the contents of the report, and
- (b) agree that the Chair submit a letter of support endorsing the views expressed by the BCCA in his response to the formal consultation on the proposed changes to legislation relating to listed buildings.

## **6 YOUR VOICE - QUARTER 2 REPORT 2013/2014**

A copy of a report by the Head of Customers and Education Support (HCES), which provided an overview of the feedback received via Denbighshire's customer

feedback policy 'Your Voice' for Quarter 2 of 2013/14, had been circulated with the papers for the meeting.

Councillor H.C. Irving introduced the report which provided information regarding performance issues. The HCES explained that Headlines for Quarter 2 had been included in the Appendices to the report and a summary of the following salient points were highlighted:-

- The Council had received 149 complaints.
- More than a quarter (26%) of complaints concerned Planning and Public Protection. This was an increase of 488% compared to Q1. Almost half of the complaints (44%) concerned Community Safety Enforcement.
- The Council had received 261 compliments during Q2, a 264% increase on Q1.
- Adult and Business Services received the most compliments – 97 (37%).

#### Performance

- 97% of complaints had been responded to within the 'Your Voice' timescales. This matched Q1 performance and had exceeded the corporate target of 95%.
- Every stage 2 and stage 3 complaint had been responded to within the 'Your Voice' timescales, which had been an improvement on Q1.
- 87% of complaints received were successfully dealt with at stage 1, an improvement on Q1 (86%).
- 2 service areas had been highlighted as having ORANGE status; Finance and Assets and Highways and Infrastructure.
- ICT had been highlighted as having RED status.

The Committee were informed that The Your Voice scheme directly contributed to the corporate aim of "An excellent Council, close to the community". All costs relating to customer feedback had been absorbed within existing budgets.

The Corporate Complaints Officer (CCO) informed Members that reference in Table 1: Overall complaint response times for Q2, to "other" 67%, only related to two complaints received in respect of HR and one relating to IT.

In reply to concerns raised by Councillor M.LI. Davies, the HCES confirmed that it was Council Policy to provide Welsh responses to complaints received through the medium of Welsh, and any anomalies should be forwarded to the respective Head of Service. It was also confirmed that responses to complaints submitted by Members should be provided in writing and if Members were dissatisfied with the response received this should be referred to the relevant Head of Service to ensure that problematic areas were targeted. The HCES informed the Committee that a Members Workshop would be held on the 13<sup>th</sup> December, 2013 when a demonstration of the changes to the CRM system would be provided. The importance of ensuring that Members utilised the CRM system was emphasised by the HCES even when contacting specific officers.



The CCO responded to a question from Councillor R.J. Davies and explained that the changes to the current schools complaints process were currently out to school governors for consultation. The HCES agreed that the consultation document, recently circulated to School Governors, be distributed to Members of the Committee.

During the ensuing discussion, Members of the Committee congratulated the Head of Customers and Education Support and her staff for the work undertaken.

**RESOLVED** – *that, subject to the above observations, the Committee receive the report and note the performance of services in dealing with complaints.*

Members congratulated the Complaints Team on their effective administration of the Complaints process.

## **7 CORPORATE RISK REGISTER REVIEW**

A copy of a report by the Head of Business, Planning and Performance, on the November, 2013 formal revision to the Corporate Risk Register, had been circulated with the papers for the meeting.

The Corporate Improvement Officer (CIO) introduced the report which incorporated the latest version of the Corporate Risk Register, as agreed at Cabinet Briefing. Formerly the report had been submitted only to CET. However, including Members in its development and management had been prudent. It had been considered that the most effective way would be to involve Lead Members at Cabinet Briefing.

A detailed summary of the main issues to note for the Corporate Risk Register, which had been included in the report, were provided by the (CIO) for Members.

The (CIO) responded to a question from Councillor G. Sandilands and explained that it had been anticipated that the Corporate Risk Register would next be reviewed following agreement of the budget, in February or March, 2014.

In reply to a question from Councillor D. Owens regarding the level of risk in relation to the revision to DCC021: 'The risk that effective partnerships and interfaces between BCU Health Board and Denbighshire County Council (DCC) do not develop, leading to significant misalignment between the strategic and operational direction of BCU and DCC'. The (CIO) provided details of the Inherent and Residual Risk marking ratings process and how they related to DCC021.

The CD:ECA responded to a question from the Chair regarding any possible implications for Directorates as a result of the reduced level of support provided by HR. It was explained that the inclusion of HR on the Risk Register indicated that there was an acknowledgement that there were concerns regarding the level of support available across the Authority. The CD:ECA confirmed that HR had an Improvement Action Plan in place, and this had been an issue which had been flagged following an Internal Audit Review and considered by the Corporate Governance Committee. The Improvement Action Plan was currently being implemented, which included the level of support provided to managers and the

manner in which it was provided. It was explained the Authority had made a decision to change the way in which HR support was provided with HR providing a supporting role for managers. Members were informed that a review would be undertaken, following the implementation of the improvements, to evaluate the outcomes. The Service Challenge for the HR Service was scheduled to take place in the near future and the Committee representative, Councillor R J Davies, was asked to raise the Committee's concerns at that meeting.

**RESOLVED** – that, subject to the above observations, the Committee receive the report and note the deletions, additions and amendments to the Corporate Risk Register.

## **8 CORPORATE PLAN PERFORMANCE REPORT - QUARTER 2 2013/14**

A copy of a report by the Head of Business, Planning and Performance, which provided an update on the delivery of the Corporate Plan 2012-17 at the end of quarter 2 of 2013/14, had been circulated with the papers for the meeting.

The Corporate Improvement Officer (CIO) and Corporate Programme Office Manager (CPOM) introduced the report and informed Members that regular reporting was an essential monitoring requirement of the Corporate Plan to ensure that the Council exercised its duty to improve. The Appendix to the report presented a summary of each outcome in the Corporate Plan. Overall, the report indicated that acceptable progress had been made in delivering the Corporate Plan. It had been recognised that some areas for improvement would take longer to achieve than others. However, it would be important to understand what the improvement journey should look like and this had been incorporated into the analysis within the report.

The key performance aspects of the Corporate Plan for quarter 2 had been summarised and included in the report, and the CIO provided a detailed summary of each of the Outcomes in the Performance Report. The Committee acknowledged that it was still early in the Corporate Plan's life to achieve significant progress in delivering elements of some of the priorities. However, Members highlighted the following concerns relating to four following priorities:-

### **Developing the Local Economy:**

- Outcome 5, 'Vibrant Towns and Communities', the Committee suggested that consideration be given to using the most up to date data available as indicators for measuring 'Tackling Deprivation and Poverty, particularly in parts of Rhyl and Upper Denbigh'. For accuracy purposes it may therefore be useful to use the 2012 median income figures for these indicators.
- Outcome 6, 'Well-promoted Denbighshire': having regard to the number of new build housing completions for the first half of 2013/14 the Committee did have concerns with respect to the Council's ability to deliver its LDP within the expected timeframe

### **Improving Performance in Education & Quality of Our School Buildings:**

- the Committee had a number of concerns with respect to the use of mobile classrooms across the County. Consequently it asked for a comprehensive report to be submitted for its consideration in January on the number, location, age and condition of mobile classrooms as well as on the condition of school buildings in general and on pupil projections and capacity assessments to deal with the projected pupil numbers at the county's schools

#### **Clean and Tidy Streets:**

- Outcome 11: the performance against the indicator on clearing fly tipping incidents had been a cause of concern for the Committee since September 2013. The Committee also had concerns with respect to the accuracy of the Authority's statistical reporting of this PI and had asked that a report on this matter be presented to members at January's meeting and that the report should also contain a definition on what exactly "excellence in relation to reducing fly tipping" would look like.
- Members also expressed concerns on the number of Fixed Penalty Notices (FPNs) issued and enforcement action taken with respect to dog fouling across the county, particularly in comparison to the action and number of FPNs issued for littering. Similar concerns were raised by Communities Scrutiny Committee when it considered the progress report on the Anti Fouling Strategy at its meeting on 25 November.

#### **Ensuring Access to Good Quality Housing:**

- The Committee queried the Council's performance against the performance measure relating to the % of householder planning applications determined within 8 weeks. Officers had already reported on this matter to the Committee in October and whilst members were satisfied with the information imparted the Chair confirmed that he would arrange to meet the Head of Service to discuss this matter further and to see whether any steps could be taken to improve performance in this area.

#### **Modernising the Council to be efficient & improve services for customers**

- Outcome 14: the Committee had concerns on the % of performance appraisals that had been completed which was well below the acceptable level of 95%. Whilst acknowledging that there may be data inaccuracies Members expressed an interest in monitoring the situation going forward.

Details of the financial aspects, consultations undertaken, the Chief Finance Officer Statement and the risks and actions implemented to mitigate them had been included in the report.

Following further discussion and the receipt of responses provided to questions from Members, it was:-

**RESOLVED** – *that the Performance Scrutiny Committee:-*

- (a) receive the report, and*
- (b) note the concerns highlighted by Members relating to five of the corporate priorities.*

## **9 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 'proposal form', Appendix 2, had been received for consideration at the meeting which related to the Annual Report on Corporate Health and Safety. The request emanated from a risk identified in a recent Internal Audit report regarding the lack of clarity around the governance arrangements for Health and Safety. Members agreed that the Annual Report be presented to the Committee at its meeting in May, 2014.

The Cabinet Forward Work Programme had been included as Appendix 3 and a table summarising recent Committee resolutions, and advising on progress with their implementation, had been attached at Appendix 4 to the report.

In September the Committee had requested that they receive an information report on the Authority's use of supply teaching staff. It was explained that due to the complex nature of the work required to draw this information together the report would not be available until the summer term 2014.

The Scrutiny Chairs and Vice-Chairs Group had met on the 24<sup>th</sup> October, 2013 and the 5<sup>th</sup> December, 2013. The Scrutiny Coordinator invited Members attention to Appendix 2 of the Information Brief document which referred to the Economic and Community Ambition Programme Board. Members considered the information circulated, which requested that a Committee representative be appointed to serve on the Board, and agreed that Councillor G. Sandilands be appointed to serve on the Economic and Community Ambition Board. Confirmation was provided that training would be provided for Members appointed to the Board.

In response to questions from Councillor C. Hughes, the CD:ECA provided details of the membership of the Board and agreed to provide further details in respect of the right of non-members to attend meetings.

In response to concerns raised by Councillor C. Hughes regarding the lack of maintenance budget after a period of six months to undertake certain grounds maintenance works, the CD:ECA explained that Housing Services were currently subject to an Improvement Programme. Members agreed that a report on the Improvement Action Plan, which could assist in addressing the concerns expressed, be included in the Committee's Forward Work Programme for February, 2014.

The Committee considered its draft Forward Work Programme for future meetings, as detailed in Appendix 1, and the following amendments and additions were agreed for the following meetings:-

A report on School Places and Mobile Classrooms be included in the forward Work Programme for the 16<sup>th</sup> January, 2014.

**RESOLVED** - that

a) *subject to the above amendments and agreements, the Work Programme as set out in Appendix 1 to the report be approved; and*

b) *Councillor Gareth Sandilands be appointed as the Committee's representative on the Economic and Community Ambition Programme Board*

## **10 FEEDBACK FROM COMMITTEE REPRESENTATIVES**

Councillor C. Hughes reported he had recently attended a Finance and Assets meeting and the following areas were highlighted:-

- Concerns relating to the RAG status.
- Number of attendees at relevant procurement training courses, which had been below the intervention target. An assurance had been provided that this matter was being addressed, together with, a similar issue pertaining to electronic tenders and quotations.
- Finance and Assets having fallen below their targets in respect of complaints.
- Problems having been experienced regarding management information from the TRENT system.

Councillor D. Owens explained that he and Councillor C. Hughes had attended a Property and Audit meeting on the 11<sup>th</sup> December, 2013 and a report would be submitted to the next meeting of the Committee.

Councillor W.L. Cowie informed the Committee that a meeting with the Section Manager: Network Management had been deferred until January, 2014.

Councillor Geraint Lloyd-Williams reported he had attended the pre Service Challenge meeting in November to select questions to be presented to the Head of Service for Communication, Marketing and Leisure. Councillor Lloyd-Williams expressed his surprise at some of the questions that had been selected for the Service Challenge. He explained that he had recently met with the Head of Communication, Marketing and Leisure and informed the Committee it had been reassuring to see the broad range of new sporting events which had been planned in Denbighshire. Reference was made to the three year programme for Rally GB and confirmation was provided that Denbighshire would be at the forefront of future events.

Councillor R.J. Davies explained that a meeting had been scheduled in respect of Lines of Enquiry for HR and a report would be presented to a future meeting.

Councillor G. Sandilands had attended a Strategic Investment Group meeting, at which the provision of funding for the Glasdir bund had been agreed.

***RESOLVED*** – *that the reports be received and the contents noted.*

Meeting ended at 12.25 p.m.

<b>Report To:</b>	<b>Performance Scrutiny Committee</b>
<b>Date of Meeting:</b>	<b>16 January 2014</b>
<b>Lead Member / Officer:</b>	<b>Lead Member for Education/Head of Education</b>
<b>Report Author:</b>	<b>Head of Education</b>
<b>Title:</b>	<b>The post inspection action in response to the Estyn Inspection on the quality of Local Authority Education Services for children and young people in Denbighshire.</b>

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## **1. What is the report about?**

- 1.1. Provide an update on the progress made in response to the recommendations made by Estyn following the 2012 inspection.

## **2. What is the reason for making this report?**

- 2.1. To provide information on and consider progress made following the report presented to the scrutiny committee on 20 June 2013, in response to the recommendations made by Estyn following the 2012 inspection.

## **3. What are the Recommendations**

That the Committee:

- 3.1 considers the information provided and comments on the progress achieved to date in addressing Estyn's recommendations; and
- 3.2 determines whether further monitoring of the action plan's implementation is required.

## **4. Report details**

- 4.1 The main findings of the Estyn Report show that the Local Authority achieved 'Good' for the three key questions:-
  - 4.1.1 How good are outcomes?
  - 4.1.2 How good is provision?
  - 4.1.3 How good is leadership and management?
- 4.2 All other indicators were also judged to be 'Good', with the exception of 3.1 'Leadership', which was judged to be 'Excellent'.
- 4.3 However, in order to improve further, Estyn recommended the following:

- 4.3.1 **Recommendation 1:** Improve the accuracy of Teacher Assessments at the end of Key Stage 3; and
- 4.3.2 **Recommendation 2:** identify all services for children and young people in Denbighshire and establish an effective system to measure the impact of these services to help the Authority and its partners know whether these offer good value for money.

## **5. Progress against Recommendation 1**

- 5.1. Progress has been made against actions identified under this recommendation (please refer to Appendix 1)

## **6. Progress against Recommendation 2**

- 6.1. Progress has been made against actions identified under this recommendation (please refer to Appendix 2).

## **7. Next Steps**

- 7.1 We are now at a crossroads in responding to the recommendations due to a combination of the efficiencies agenda, the regional collaboration work and plans for Estyn assessment in the context of ongoing changes regionally and nationally. Over the next six months officers will evaluate the work undertaken to date, evaluate its efficacy and revise the authority's approach to meeting the recommendations according to the resources now available.

## **8. How does the decision contribute to the Corporate Priorities?**

- 8.1 Improving performance in education and the quality of school buildings is one of the Council's corporate priorities for 2012-17 term of office. In monitoring the delivery of the attached action plan the Committee can assist the Council to fulfil part of the above ambition.

## **9. What will it cost and how will it affect other services?**

- 9.1. All costs accrued will be supported by service budgets.

## **10. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision?**

- 10.1. The purpose of the report is to review and consider progress against recommendations. Therefore, the report is not seeking a decision in response to a proposal. There are no adverse effects on any of the protected characteristics as a result of this report.

## **11. What consultations have been carried out with Scrutiny and others?**

- 11.1. Consultation has been carried out with Key Stakeholders.



## **12. Chief Finance Officer Statement**

12.1. N/A.

## **13. What risks are there and is there anything we can do to reduce them?**

- 13.1 To reduce any risks to school support and challenge in Denbighshire schools, Education Officers within the Authority are monitoring and assessing the quality of the regional support from GwE.
- 13.2 There is an opportunity for officers working for the region to strengthen the moderation process for KS3 Teacher Assessments. This should improve the quality of external moderation ensure continuity and parity of Teacher Assessments across North Wales.

## **14. Power to make the Decision**

- 14.1 No legal requirements but Local Authority inspections are mandatory.
- 14.2 Article 6.3.2 of the Council's Constitution stipulates that scrutiny committees may ensure that actions indicated in action plans are carried out.

**Contact Officer:**  
Head of Education  
Tel: 01824 708009

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Estyn Action Plan  
Monitoring Form  
Recommendation One

Recommendation	Improve the accuracy of teacher assessments at the end of Key Stage 3						
Ref No	Target	Actions	Due Date	Owner	Actual	Status	Comments
1.1	All assessments at KS3 are consistent and in line with WG assessment guidance to ensure that the LA is in the top 10 in Wales.	Collect teacher assessments each term to accurately track individual pupils' progress.	Jun-13	SEO	Heads of English, Welsh and maths have met to review standards and moderate pupils work. This process will be repeated during the spring term	Complete	Although all key indicators at KS3 have improved for the six successive year, the rate of improvement is less than most other LA's in Wales.
		Analysis of pupil level data to compare teacher assessments against FFT D predictions.	Jun-12	SEO	A data sheet for each school have been prepared and has identified pupils at risk of not achieving Level 5	Complete	
		Subject teachers from each school to meet twice a year to work together to agree standards for each subject.	Jun-13	SEO	Teachers to meet during spring term	Complete	GwE (Regional Education Service) are reviewing the process for moderating standards at the end of KS3. GwE is planning to provide regional support to ensure consistent assessment across N Wales.
1.3	Increase the number Level 5, 6 and 7 grades so that the LA is top 10 performing and in line with FFT D.	Extend the use of the Rapid Improvement Planning (RAP) to improve pupil performance in the core subjects.	Mar-13	SEO	RAP improvement planning has been extended to 4/8 schools so far this year.	Complete	These actions have been completed but have not as yet impacted positively on standards
		PLC's in NC subjects to share and develop good practice to increase numbers of pupils gaining Levels 5, 6 and 7 in line with FFT D predictions.			PLC's have been set up in literacy and numeracy in 7/8 schools. PLC in remaining school in place by February 2013.	Complete	
1.4	To provide teachers with a wide range of moderated pupils work and assessments as a reference.	Use Moodle to host (PDF) levelled exemplar materials in all subjects and levels.	Jul-14	SEO	No progress to date.	Incomplete	This will happen at school or regional level in future. This action will not be progressed by Education.
		Provide training for teachers in the use of Moodle.	Jul-14	SEO	SLT members have received training, training for teachers will roll out once materials have been produced late in 2013.	On Target	Additional regional Moodle training has taken place during this year.
1.5	All schools have a curriculum that is more learner-centred and skills-focused.	Work with SLT's to review current KS3 provision as part of school self-evaluation processes.	Jul-14	SEO	Curriculum deputy teachers have set up a working group to review statutory age curriculums to ensure they meet the needs of a skills based curriculum to ensure young people are prepared for PISA focused KS4.	On Target	The WG are currently consulting on significant changes to the curriculum and assessment of pupils at KS3. This will drive changes to the KS3 curriculum in the coming years.
1.6	All schools are above the median at KS3 for the CSI.	SI&I to support and challenge schools that are not improving.	Jul-14	SEO	Half termly review meetings take place to challenge performance at KS3	On Target	Although the LA has improved in 2013, some schools show a decline in performance at KS 3 in 2013.
1.7	Best practice is shared with all schools.	Use training days to share their best curriculum and teaching practice with other schools.	Jul-13	SEO	High schools are using planned training days to moderate pupils work. Meetings with heads and officers will ensure common standards across the LA.	On Target	
1.8	Improve the effectiveness of senior and middle leaders.	Training in the use of RAP to improve pupil performance.	Jul-13	SEO	An education consultant is working with 6/8 to train schools in the RAP process this academic year.	Complete	This training is being extended in secondary schools in 2013-14.

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Recommendation							
Identify all services for children and young people in Denbighshire and establish an effective system to measure the impact of these services to help the authority and its partners know whether these offer good value for money.							
Ref No	Target	Actions	Due Date	Owner	Actual	Status	Comments
1.1	Establish a system / database to map resources available to children and YP within Denbighshire.	Identify core data set based on current fields within the FIS/MCA database	Jul-12	TE	All core data has been identified and mapped to current fields within the FIS database	Complete	Data sets from the database within FIS, ensure that all relevant information is captured which will ensure a robust and efficient measuring tool is in place to assess gaps and current delivery
		Identify a number of data collection mechanisms, this would include an MCA online facility entry system (preferred option as would allow direct import into MCA database) if this can be funded. It may also include spreadsheets and other options that might be proposed by Denbighshire ICT.	Jul-12	RR	The new FIS database has been launched and is active from November 2012. The database is currently being promoted to organisations that work with families in order to ensure that all organisations have up to date details in the web based site. This includes a direct entry process. The FIS outreach workers have a work programme to support continuous development moving forward.	Complete	
		Present plan and timeline to Early and Extending Entitlement	Jul-12	RR	Presentations to support developments have taken place	Complete	
		Promote the new FIS Family Services Directory (FSD) within localities, together with information and guidance on inclusion on the FSD. This would include promotion to partner orgs and the public.	Sep-12 to Aug-13	TE	Promotion is on going following the 'soft launch' of the data base.	Complete	
		In support of the above promote and pilot within the Rhyl & Denbigh localities - the use of the MCA updating mechanism whereby each organisation on the database can update their own details as they change	Jul-13	RR	The Pilots have been completed and reported on and the FIS database is organised for organisations to update their information.	Complete	
		Review options for longer term resources and funding in order to sustain a wide role out (This may include the option of key services / orgs contributing a small amount of money on an annual basis to cover additional functionality. This functionality could include a funding module that would allow individual organisations and the Partnership Team to track and monitor funding arrangements in order to inform future planning.)	Sep-12	LG	Work began on phase one of the Resource Mapping Project for The BIG Plan in September 2012, scoping current grant funding available for service provision within Denbighshire County Council. The Project is split into five phases, aiming to find out where funds come from, how long they exist for, where gaps in funding exist, and auditing the single integrated plan in terms of funding available. The data collated will be analysed and used to influence and improve strategic commissioning of services, gaining best value for money. The Project aims to understand performance and financial reporting requirements in order to have a fully coordinated approach for funding for the future. The five phases of the project will, in turn, incorporate research into internal funding data, funding for Families First and external services working within The BIG Plan, later developing to explore core funding, and match funding availability with a view to resulting in a full and clear picture of resources.	On Target	Phase One timescales have been amended to a target deadline of April 2013 to take into account a revised, broader scope of phase one. Estimated completion of complete project is anticipated as APRIL 2014 with the intention of being managed through SPB subject to approval. The project is on track to the revised completion dates but not on track against the original estimated completion dates. It is not anticipated that the financial resource mapping will extend to include an online module. The Families first Programme in Denbighshire is underpinned by smart commissioning dependent on needs. Evidence of impact will be reviewed during the course of the programme to inform future commissioning and planning decisions.
		Review the implementation of the MCA database process over a period of 4 months with a final evaluation report to CYPSP.	Sep-13	TE	Continuing to input data for services delivering to CYP, ensure the mapping function is attached to each service category to enable an effective system of measuring information which will be available to the authority and its partners	On Target	Responsible officer changed - to be produced ready for next CYPSP meeting in January
1.2	Develop Quality Progression Framework (QPF) incorporating Outcome Star to review quality indicators for each service within the database	Agree small working group to propose core areas for Scorecard/Quality Progression Framework (QPF) based on the 'Youth Service' 'scorecard' matrix. This will include the Outcome Star model.	Jul-12	RR	The 'scorecard' development has been conducted through the Denbigh group and a 'service profiling' tool has been established (based on the work of the youth service scorecard) this tool does not have a 'score' system as the partnership will be interested in organisations view of what they do and the level that they do it. This profile will be dependent upon the organisations circumstances, aims, objectives and resources etc. The profiling will take place in Denbigh as a pilot and evaluated for potential roll out - if successful.	Complete	
		Pilot the QPF (or alternatively agreed name) in 2 localities engaging a range of volunteer organisations / services.	Feb-13	PYO	Group agreed that Denbigh Pilot to be reviewed and wider roll out subject to learning.	Complete	
		Review pilots and improve QPF (if appropriate) and present a final report with evaluation and recommendations to CYPSP	Mar-13	RR	Pilots completed and report presented to Extending Entitlement	Complete	
		Produce an action plan to support implementation across partnerships.	Sep-13	RR	Since the previous update, CYWs have identified known groups within their localities which have been passed onto the FIS to be incorporated into the database. Following FIS database being updated an action plan to involve children, young people and families group can be drawn together which will include using the 'QPF' matrix which has been piloted.	Complete	This piece of work is much bigger than first anticipated and will require partners from the children, young peoples and families group to contribute in order to capture as much detail from groups and partners within each geographical locality
		Review data arising from roll out in order to improve planning, provision and provision delivery	Sep-13	LG	The BIG Plan for Denbighshire has an associated Performance Management Framework. A variety of methods will be used to demonstrate the impact of partnership activity in Denbighshire associated with The BIG Plan. Planning for part II of The BIG Plan will begin in 2013/2014 and will involve a detailed evaluation of the impact of of the plan in order to inform part II of the plan.	On Target	Following the "service profiling" pilot including the production of a QPF (now known as the activity profile checklist) recommendations will be made as to the suitability of rolling out the pilot. If a decision is taken for a wider rollout of the "activity profile checklist" an approach to the data analysis will need to be agreed.
		Make recommendations in order to improve the process and data analysis process	Oct-13	LG		On Target	
		Review 12 months data and incorporate into partnerships planning processes	Mar-14	LG	The Families First programme in Denbighshire also has it's own performance monitoring and evaluation arrangements	On Target	

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**Report to:** Performance Scrutiny Committee

**Date of Meeting:** 16 January 2014

**Lead Member/Officer:** Lead Member for Education/  
Head of Education

**Report Author:** School Effectiveness Performance Officer -  
Secondary

**Title:** KS4 Examination Results

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## 1. What is the report about?

The verified performance of Denbighshire schools external examinations results at Key Stage 4 and post 16. The report also provides analysis of results against benchmarked information and performance against other local authorities.

## 2. What is the reason for making this report?

To provide information regarding the performance of Denbighshire schools teacher assessments and external examinations.

## 3. What are the Recommendations?

That members review and comment on the performance of schools against previous performance and the external benchmarks that are currently available, and identify any potential areas for improvement.

## 4. Key Stage 4 and Post 16 Results

Although most key indicators at KS 4 for external qualifications have improved this year, the Level 2 threshold including English/Welsh and maths has declined slightly which has also impacted on the Core Subject Indicator (CSI).

### Assessments and Examinations Rankings 2011 - 2013

	Denbighshire 2011		Denbighshire 2012		Denbighshire 2013		Wales 2013
	%	Ranking	%	Ranking	%	Ranking	
Level 1	90.9	12	93.2	7	93.6	11	93.2
Level 2	71.4	5	82.7	1	85.7	2	77.8
Level 2 inc. E/W & M	52.5	8	54.7	7	53.4	12	52.7
CSI	51.3	8	53.1	7	49.2	14	49.2
Wider Points	449.8	4	504.9	5	553.2	4	501.2
Capped Wider Points	317.6	9	339.2	3	345.3	7	333.1

## Level 2 including English/Welsh & Mathematic

One of the key performance indicators at the end of key stage 4 is the Level 2 Threshold including English/Welsh and mathematics which is the number of pupils gaining 5 GCSE A\*-C's or vocational equivalents and GCSE English/Welsh and mathematics A\*-C's grades. (Appendix1)

The percentage of pupils achieving the Level 2 inc. English/Welsh & Maths is 53.4% in 2013, which is 1.3% lower than 2012. This is 1.3% (52.7%) above the Welsh average and places the LA 11<sup>th</sup> in Wales in 2013 from 7<sup>th</sup> in 2012. However, although this is a drop this year, it is in line with the LA's free school meal position. The All Wales Core Data Set value added data which compares LA's contextually places the LA 7<sup>th</sup> in Wales in 2013.

The Level 2 inc. English/Welsh & Maths increased in Blessed Edward Jones Catholic High School, Denbigh High School and Rhyl High School, the other schools declined. Blessed Edward Jones and Rhyl High Schools showed the greatest improvement and remain in the 1<sup>st</sup> quartile, Prestatyn High School had the greatest decline.

	2011	2012	2013	Difference 2012-2011	Benchmarked Quartiles
	Level 2 incl. Eng/Welsh & Maths				
St Brigids	75%	72%	71%	-1	3
Denbigh High School	40%	50.0%	51%	+1	3
Ysgol Dinas Bran	60%	57%	56%	-1	3
Prestatyn High School	50%	53%	46%	-7	4
Bl. Edward Jones	37%	39%	44%	+5	1
Rhyl High School	36%	45%	51%	+6	1
Ysgol Brynhyfryd	68%	71%	68%	-3	2
Ysgol Glan Clwyd	67%	68%	66%	-2	2

The total percentage gaining the Level 1 Threshold of GCSE 5A\*-G or vocational equivalents in Denbighshire this year is 94.0% in 2013 which is 1% above 2012.

Three pupils (0.2%) left school without a recognised qualification in 2013, this places the LA 12<sup>th</sup> in Wales giving (Wales 0.3%). This is an improvement from 10 pupils, 0.8% and 19<sup>th</sup> position in 2012 (Wales 0.4%).

## The Level 2 Threshold (5 GCSE 5A\*-C or vocational equivalents)

The Level 2 Threshold is the number of pupils gaining 5 GCSE A\*-C's or vocational equivalents. This replaces the 5A\*-C indicator used in previous years. The percentage of pupils achieving the Level 2 Threshold is 86%, which is 3% higher than last year. This is the fourth year that the Level 2 indicator has increased in Denbighshire high schools. This places Denbighshire LA 2<sup>nd</sup> in Wales in 2013 one place lower than 2012, the All Wales Core Data Set value added the LA 6<sup>th</sup> in Wales.

All schools except for St. Brigid's improved in 2013, Prestatyn High (93%), Ysgol Dinas Bran (99%), Ysgol Glan Clwyd (97%) and Rhyl High School (91%) Ysgol



Brynhyfryd (92%) all achieved over 90% for the Level 2 Threshold. Rhyl High School achieved the greatest increase improving by 15%. (Appendix1)

	2011	2012	2013	Difference 2012-2013	Quartiles
<b>Level 2</b>					
St Brigid's	94.7%	97%	89%	-7%	2
Denbigh High School	53.8%	60%	71%	+11%	4
Ysgol Dinas Bran	86.8%	98%	99%	+1%	1
Prestatyn High School	80.0%	92%	93%	+1%	1
Blessed Edward Jones	45.8%	68%	69%	+1%	3
Rhyl High School	52.0%	76%	91%	+15%	1
Ysgol Brynhyfryd	82.2%	86%	92%	+6%	1
Ysgol Glan Clwyd	78.7%	92%	97%	+5%	1
<b>Denbighshire</b>	<b>71%</b>	<b>81%</b>	<b>86%</b>	<b>+3%</b>	
<b>WALES</b>	<b>67.0%</b>	<b>71%</b>	<b>78%</b>	<b>+7%</b>	

### Ysgol Plas Brondyffryn provisional Level 2 results

Pupils from Ysgol Plas Brondyffryn sit examinations when they are ready, which means few pupils gain a GCSE qualification at the age of 15 missing Welsh Government performance indicator. This year 5 pupils gained the Level 1 Threshold and 55% of pupils successfully achieved a recognised qualification. 74% of pupils at Ysgol Tir Morfa have successfully gained a recognised qualification below GCSE and Level 1.

### Secondary Banding 2012

Banding is used by the Welsh Government as a way of using national data on school performance in context to group schools according to where they are on their improvement journey relative to other schools in Wales. Band 1 schools show good overall performance and progress and those in band 5 show weak performance and progress relative to other schools.

	2010	2011	2012	2013
St Brigids	2	2	2	2
Denbigh High School	5	4	3	3
Ysgol Dinas Bran	3	1	1	2
Prestatyn High School	3	2	2	3
Blessed Edward Jones	4	3	2	3
Rhyl High School	5	4	2	1
Ysgol Brynhyfryd	4	2	2	3
Ysgol Glan Clwyd	3	3	2	2

There are no Denbighshire schools in lower bands 4 and 5 in 2013. Rhyl High School has improved from Band 5 in 2010 to Band 1 in 2013. The local authority average banding score places Denbighshire 5<sup>th</sup> in Wales in 2013 down from 2<sup>nd</sup> in 2012.

### Level 3 threshold results (A Level and vocational equivalent)

The performance indicator for post 16 is the Level 3 Threshold which equates to 2 A levels or vocational equivalents. The Level 3 Threshold has remained static at 96.8%

in for the last three years. This is above the Welsh average of 96.5% and places Denbighshire 9<sup>th</sup> in Wales. A Level results have improved this year in Denbighshire's secondary schools. More students achieved A\*-C grades improving to 77.7% this year, this is 1.0% higher than 2012. Appendix 2.

There has been an improvement in pupils achieving the top A and A\* grades, up to 22.1% which is nearly 2% higher than the 2012, however this is below the Wales average of 22.9%. The number of pupils gaining the Welsh Baccalaureate declined slightly from 172 in 2012 to 170 in 2013. The reduction in the number of pupils sitting the Welsh Baccalaureate has contributed to the small improvement of the average wider point score from in 2012 to 693 18<sup>th</sup> in Wales and 717 in 2013 20<sup>th</sup> in Wales.

The number of students in Denbighshire entered for post 16 qualifications in 2013 increased to 463 compared to 439 in 2012. The improvement in results at KS4 and post 16 partnership working has contributed to this increase. In 2013 66.6% of students progressed to higher education compared with 60.5% in 2012.

Students in the Rhyl 6<sup>th</sup> achieved 94% for the Level 3 Threshold compared with 97% of pupils from Denbighshire high schools. The Rhyl 6<sup>th</sup> results do not contribute to the LA's indicators.

**5 How does the decision contribute to the Corporate Priorities?**

This report contributes to the Corporate Priority of improving performance in education and the quality of our school buildings. Members need to be aware of the performance of schools and the LA against national benchmarks.

**6 What will it cost and how will it affect other services?**

*N/A*

**7 What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision?**

An Equality Impact Assessment (EqIA) is not required as it is not suggesting a change in policy. Although boys and girls perform above the Welsh average for the Level 2 inc. E/W&M, boys comparatively perform better than girls. Boys perform 1.16% above the Welsh averages were as girls are only 0.66% above the Welsh average.

**8. What consultations have been carried out with Scrutiny and others?**

*N/A*

**9. Chief Finance Officer Statement**

*N/A*

**10. What risks are there and is there anything we can do to reduce them?**

- The LA and GwE will continue to challenge Headteachers and managers in schools to ensure that schools are taking appropriate action to improve standards.
- To reduce any risks to school support and challenge in Denbighshire schools, Education Officers within the Authority monitor and assess the quality of the regional education service (GwE)
- Sustaining the improvement in external examination results.
- Continue improvement against the reduction in 14-19 Learning Pathways Grant and ESF Potentials funding after 2014.

## **11. Power to make the Decision**

Articles 6.1 and 6.3.4(b) of the Council's Constitution

**Contact Officer:**

School Effectiveness Performance Officer – Secondary

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# Denbighshire

# Appendix 1

## Summary of School Performance - Difference between performance in 2013 & 2012

Total Number of pupils aged 15 who were on roll in January 2013 :

Percentage of pupils aged 15 who:

	No of pupils on roll in January 2013	% entered at least one qualification		% achieved the Level 1 threshold		% achieved the Level 2 threshold		% achieved the Level 2 threshold including a		% achieved the Core Subject Indicator (2)		Average capped (3) wider points score per pupil		Average wider points score per pupil	
		2012-2013	2011-2012	2012-2013	2011-2012	2012-2013	2011-2012	2012-2013	2011-2012	2012-2013	2011-2012	2012-2013	2011-2012	2012-2013	2011-2012
Rhyl High School	132	100	98	97	91	91	77	51	45	50	44	345	312	571	455
Prestatyn HS	276	100	100	99	98	93	91	46	53	38	50	360	358	505	500
Ysgol Glan Clwyd	168	100	100	100	98	97	91	66	68	66	67	377	354	692	493
Denbigh HS	136	100	100	98	96	71	65	51	50	40	43	326	316	479	431
Ysgol Dinas Bran	152	100	100	99	99	99	98	56	59	55	57	382	377	691	631
Ysgol Brynhyfryd	201	100	100	99	100	92	88	68	71	62	70	371	374	631	622
Blessed Ed Jones	81	100	100	85	87	69	68	44	39	41	39	295	305	396	399
St Brigid's	55	100	100	98	98	89	96	71	72	67	72	383	390	565	564
PRU	20	100	83	5	4	0	0	0	0	0	0	73	55	75	55
Tir Morfa	19	95	100	0	0	0	0	0	0	0	0	40	35	40	35
Plas Brondyffryn	14	71	36	0	9	0	0	0	0	0	0	36	25	36	25
Denbighshire		100	100	94	93	86	83	53	55	49	53	345	339	553	505
Cymraeg		100	99	93	92	78	73	53	51	49	49	333	324	501	465

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## Denbighshire A Level and Level 3 Threshold 2013

## Appendix 2

	%A* - C			%A* - E			%A**+A			%A*			Level 3 Threshold	
	2011	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013	2012	2013
<b>St Brigid's</b>	87.5%	81.7%	80.7%	100.0%	100.0%	97.6%	29.7%	14.6%	32.5%	7.8%	6.1%	2.4%	96%	97%
<b>Denbigh HS</b>	65.0%	76.3%	62.2%	95.0%	95.0%	94.1%	18.6%	13.8%	8.4%	2.9%	6.3%	5.9%	93%	98%
<b>Ysgol Dinas Bran</b>	71.4%	80.5%	82.7%	98.0%	99.4%	99.4%	18.4%	23.4%	23.5%	4.1%	5.2%	2.8%	99%	98%
<b>Prestatyn HS</b>	62.6%	69.0%	68.4%	95.7%	99.3%	96.5%	18.2%	13.4%	18.4%	0.6%	1.8%	4.3%	93%	99%
<b>Ysgol Brynhyfryd</b>	84.6%	80.9%	84.3%	99.6%	100.0%	100.0%	33.1%	30.0%	30.2%	13.4%	5.5%	5.7%	99%	99%
<b>Ysgol Glan Clwyd</b>	78.6%	78.4%	77.8%	100.0%	98.8%	100.0%	19.0%	22.8%	18.6%	3.6%	7.4%	5.4%	99%	100%
<b>Denbighshire</b>	73.0%	76.7%	76.6%	97.7%	98.9%	98.1%	22.5%	20.4%	22.3%	5.2%	4.8%	4.6%	97%	97%
<b>WALES</b>	N/A	N/A	N/A	97.2%	97.6%	97.6%	23.9%	23.6%	22.9%	6.3%	6.0%	6.0%	97%	97%
<b>Rhyl 6th</b>			46.2%			97.8%			11.2%			2,2%		95%

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<b>Report To:</b>	<b>Performance Scrutiny Committee</b>
<b>Date of Meeting:</b>	<b>16<sup>th</sup> January 2014</b>
<b>Lead Officer:</b>	<b>Head of Customers and Education Support</b>
<b>Report Author:</b>	<b>Head of Customers and Education Support</b>
<b>Title:</b>	<b>School Places Data</b>

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**1. What is the report about?**

The report seeks to provide the Committee with information regarding pupil places, future projections, condition and suitability of schools and the number of mobile accommodation units currently in use.

**2. What is the reason for making this report?**

To provide the information requested by the Committee during consideration of the quarterly performance report in December 2013.

**3. What are the Recommendations?**

That the Committee notes the position and comments on the actions being undertaken as part of the Corporate Plan to improve the overall condition of schools in Denbighshire.

**4. Report details.**

**4.1 Background**

4.2 In 2009 the Council adopted the Modernising Education Policy Framework as a key document to facilitate the process of school organisation and improving the overall condition of schools within Denbighshire. The application of the Policy Framework has led the Council to make a number of difficult decisions regarding the future of a number of schools.

4.3 The Council approved in October 2012 its Corporate Plan which included as one of its seven priorities the commitment to “Improving Performance in Education and the Quality of our School Buildings” This commitment included funding proposals to invest approximately £96million into the school estate to improve the quality of school buildings.

4.4 As of December 2012 to assist in this work a clear Modernising Education Programme was established utilising Programme Management methodology. This had the high level vision to develop, organise, direct and implement a co-ordinated range of projects and activities that enable the Council to achieve the outcomes listed in its corporate plan 2012-17.

4.5 It is expected the programme would deliver the outcomes of:-

- significant investment to improve school buildings and facilities and provide improved learning environments for pupils
- reviewed school provision across the county to ensure that we provide the right number of school places, of the right type, in the right location.

This would then deliver the following benefits:-

- Significant improvements in the quality of school buildings and facilities
- A significant reduction in the number of mobile classrooms used
- A reduction in the number of empty spaces in schools, and fewer oversubscribed

4.6 Large parts of the programme will be delivered through internally controlled projects and resources but there will also be a significant level of effective partnership work with other Denbighshire Services and the Welsh Government in view of the dependency upon 21<sup>st</sup> Century Schools Funding to deliver the programme.

#### 4.6 Current Position

4.7 Appendix 1 to the report provides an overview of the position in Denbighshire. This includes the changing position for surplus places and the gradual increase in birth rate in Denbighshire. The appendix also provides an analysis of the three area reviews of primary provision undertaken in Denbighshire to date. These proposals have all led to the removal of mobile places, reduction in surplus places whilst also meeting the increased demand for Welsh medium education. The appendix also notes that since 2007 there has been an 18% reduction in the number of mobiles used in Denbighshire schools. It is expected that the implementation of the findings of the Ruthin review and the completion of other current projects will reduce this further.

4.8 Appendices 2 and 3 to the report provides information per school on full time pupil numbers, surplus places, projections, school capacity, condition and suitability of buildings and the number of mobile units currently in use. At present condition surveys are undertaken on a periodical basis. To assist in the work of school reviews prioritisation is given to undertaking new condition surveys in advance of any proposals being submitted for consideration.

#### 4.9 21<sup>st</sup> Century Schools

4.10 The five Band A projects for 21<sup>st</sup> Century Schools all clearly illustrate the need to improve the quality of school buildings and facilities, allow the removal of mobile units and achieve a reduction in the number of empty spaces in schools as follows.

- In Secondary provision only Ysgol Glan Clwyd and Rhyl High School buildings were ranked as poor in terms of condition and suitability.

- The proposals at Ysgol Glan Clwyd, Bodnant Community School, Ysgol Bro Dyfrdwy and the Joint Faith Secondary provision project will all contribute to the removal of mobile classrooms.
- The Rhyl New School, Bodnant Community School, Ysgol Bro Dyfrdwy and Joint Faith Secondary provision will all lead to the reduction in surplus places. The Ysgol Glan Clwyd proposals will prevent oversubscription for Welsh Medium secondary education.

#### 4.11 Other Priority Areas

- 4.12 The Corporate Plan allows potentially a further £23million to be invested towards implementing the findings of area reviews and other school building projects and improving works. At this stage no decisions have been made where this investment will be made.

### 5. **How does the decision contribute to the Corporate Priorities?**

This workstream contributes directly to the priority within the Corporate Plan to “Improving Performance in Education and the Quality of our School Buildings”. This commitment included funding proposals to invest approximately £96million into the school estate to improve the quality of school buildings.

### 6. **What will it cost and how will it affect other services?**

The overall cost of delivering the Programme is expected to be approximately £96m. Of this £73.4 will be funded as part of the 21<sup>st</sup> Century Schools Programme which 50% of this will be provided directly by the Welsh Government.

### 7. **What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.**

Not required for this report.

### 8. **What consultations have been carried out with Scrutiny and others?**

The report has been produced at the request of the Scrutiny Committee and at this no stage further consultation has been undertaken.

### 9. **Chief Finance Officer Statement**

The schools budget is the largest revenue budget in the Council and also represents the biggest investment element of the Corporate Plan. It is therefore vital that the Council understands how many pupils it is likely to have going forward.

**10. What risks are there and is there anything we can do to reduce them?**

The risk that the availability of the Welsh Government's match- funding contribution towards Band A of the 21st Century Schools programme is not in line with the timescales for Denbighshire's work programme is currently being managed as part of the overall Corporate Risk Register. The service based risk register for Customers and Education Support also includes a number of risks and mitigating actions for the wider Modernising Education Programme. A risk register is also maintained at the Programme Board and individual projects also manage project level risk registers. These are both reviewed regularly.

**11. Power to make the Decision**

Articles 6.3.2(c) and 6.3.3(ch) of the Council's Constitution

**Contact Officer:**

Programme Manager - Modernising Education

Tel: 01824 706254

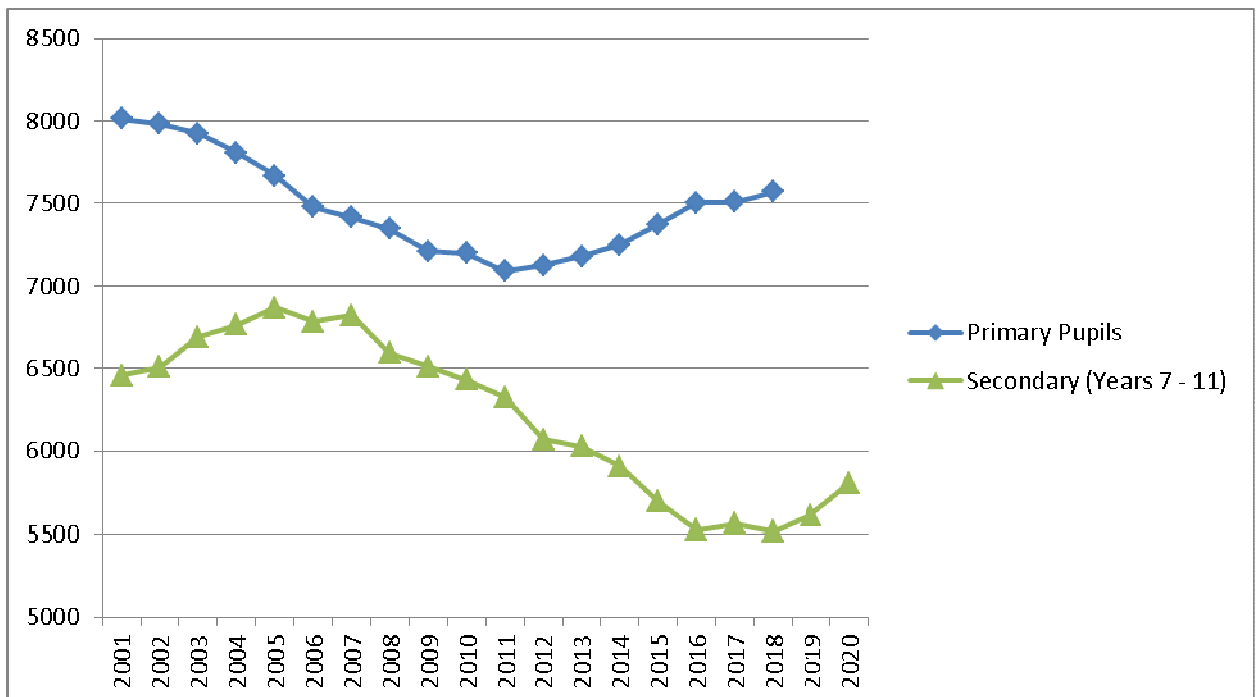
**Management of Surplus Places**

A review of surplus places between academic years 2008-09 and 2012-13 actually shows for Primary schools an increase in surplus places initially followed by a gradual decline. For Secondary schools the surplus is actually increasing over the period. However these statistics require some points of explanation.

Year	Surplus as % (Prim)	Surplus as % (Sec)
2008-2009	14.7%	6.3%
2009-2010	17.6%	9.9%
2010-2011	17.7%	11.9%
2011-2012	16.3%	14.8%
2012-2013	15.5%	16.2%

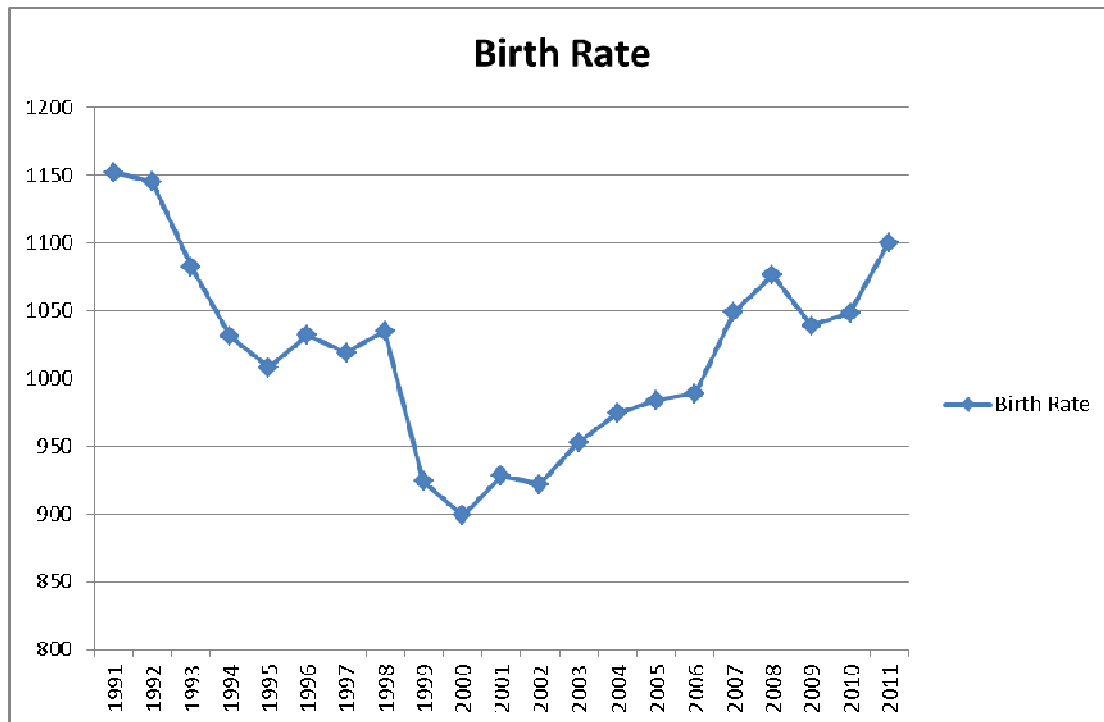
**Points to note**

- Numbers on roll for both sectors have decreased over the period due to a drop in birth rates and thereby increasing the surplus.



- There is broadly a seven year lag between primary and secondary and therefore the change in trend around 2010/11 will be reversed for secondary provision around 2017/18

- The birth rate has now increased in recent years and we forecast this will be reflected in an increase in numbers on roll which will reduce surplus places in the Primary sector initially followed by the Secondary Schools. The number of births in Denbighshire was at its highest since 1992.



- In 2008-09 the surplus places for Secondary Schools was actually at what might be considered a lower than desired level of 6.60%.
- The County is roughly split into deficit of places in the north and surplus in the south so in some places capacity has needed to increase to meet demand.
- The increase in capacity in the Secondary sector is partly as a result of the Learning Centres built in Prestatyn, Brynhyfryd and Dinas Bran. It is also as a result of additional accommodation at Ysgol Glan Clwyd to meet the need for increased demand for Welsh medium education.
- The growth in demand for Welsh medium education at primary level also has to be addressed.
- Rhyl High Scholl and Blessed Edward Jones no longer had 6th form pupils by 2010-11 but did not lose any capacity which increases their surplus figures.

The issue of school places is therefore a complex and diverse one.

### **The Modernising Education Approach**

Since 2009 there has been a specific and targeted approach to managing school places. Modernising education became a corporate priority and the framework put in place through a number of policies which included the management of surplus and deficit places. Integral to the approach has been the need to manage places through long term planning and consultation. This was a lesson learnt from the previous approach to managing school places in 2005. Therefore whilst much work has been undertaken since 2009 the impact of this on surplus places is yet to have its full impact and has only started to be evident in the figures since 2010.

The County has been mapped into 7 geographical areas and all are to be reviewed. To date 3 areas have been reviewed with a focus on primary provision. The key outcomes of these reviews are as follows:-

#### **Prestatyn Area Review**

Agreement that the main three English medium schools should have a capacity of c420 places. The opening of Ysgol Clawdd Offa providing a permanent capacity of 420 places in September 2008 increased the overall supply level for English medium education. The consequent removal of excess capacity was to be achieved by reducing the capacity of Ysgol Penmorfa by removal of mobiles and by amalgamating Bodnant Infants and Juniors to a c420 capacity school via the removal of mobiles. This decision was based on future forecasts of growth in the Primary sector as a consequence of an increased birth rate. For Welsh medium education it was agreed to extend the capacity of Ysgol y Llys to 420 pupils by September 2014.

This strategy has enabled the pupil numbers at Bodnant Community School to be decreased for the school to become a 420 school and has allowed the numbers at Ysgol Clawdd Offa to gradually increase. By 2018 it is anticipated that there will be 293 pupils at this school, a 77% increase in pupils from 2010.

	Pupil Numbers	Capacity	Surplus / Deficit	%
Actual 2010				
English	1386	1737	351	20.2%
Welsh	250	253	3	1.19%
Actual 2013				
English	1380	1617	237	14.66%
Welsh	245	312	67	21.47%
Forecast 2018				
English	1398	1617	219	13.54%
Welsh	328	420	92	21.9%

### Dee Valley East

The Dee Valley East review concluded that there needed to be a review of the Ysgol Bryn Collen and Ysgol Gwernant site in Llangollen and that due to low pupil numbers Ysgol Llantysilio was no longer sustainable. The rationale behind increasing capacity in the town of Llangollen was to allow Ysgol Gwernant, the Welsh Medium school which had a deficit of places to expand to meet increased parental demand. The closure of Ysgol Llantysilio was completed in August 2010 and the completion of extension works to the Ysgol Bryn Collen / Ysgol Gwernant site in Llangollen in September 2011. The expansion of Ysgol Gwernant has also created capacity to enable the closure of Ysgol Glyndyfrdwy to be proposed.

	Pupil Numbers	Capacity	Surplus / Deficit	%
Actual 2009				
English	157	187	30	16%
Welsh	102	110	8	7.27%
Actual 2013				
English	129	158	29	18.35%
Welsh	118	135	17	12.6%
Forecast 2018				
English	128	158	30	19%
Welsh	120	135	15	11.1%

### Edeyrnion (Dee Valley West)

The outcomes from the review were a set of proposals which has led to the closure of Ysgol Glyndyfrdwy in September 2012, the closure of Ysgol Llandrillo and Ysgol Maes Hyfryd and the creation of a new area school, initially on both sites but on a single site by 2014 in Cynwyd. The review also agreed to recommend formal federation between Ysgol Bettws Gwerful Goch and Ysgol Bro Elwern and Ysgol Carrog and Ysgol Caer Drewyn. This will allow the removal of 30% of surplus places in the area by the summer of 2014.

Based on current forecasts without the recommendations there would be an overall surplus of 53.5% by 2018 as opposed to the current forecast of 36.7%

	Pupil Numbers	Capacity	Surplus / Deficit	%
Actual 2011				
English	118	199	81	40.7%
Welsh	187	313	126	40.25%
Actual 2013				
English	105	182	77	42.3%
Welsh	152	238	86	36.1%
Forecast 2018				
English	100	182	82	45%
Welsh	138	194	56	28.9%



## **Ruthin**

Approval was granted for a range of proposals to address surplus places and improvements to schools in the Ruthin area by Cabinet in June 2013. The proposals included the amalgamation of Ysgol Clocaenog and Ysgol Cyffylliog, the closure of Ysgol Llanbedr, the federation of Ysgol Llanfair and Pentrecelyn alongside proposals for investment in new facilities in the town to serve Ysgol Penbarras and Rhos Street School which could lead to the closure of Ysgol Rhewl.

The current capacity of schools in the Ruthin area is 1213 full-time pupil places. Based on historical numbers, the standard pupil projections and the revised pupil forecasts for 2017/18 there is no justification for retaining an overall capacity of 1213.

Based on historical trends and standard pupil projections, an overall capacity of 950 full-time pupil places would be sufficient to meet demand. However, additional capacity may be required to cater for potential increase in demand resulting from birth rate increases and housing developments.

Therefore an overall capacity 1050 full-time places would meet the current demand and provide sufficient surplus capacity to meet any increase in demand over the coming years. Based on the lowest projection for 2017/18 of 916, this would leave 134 surplus places, equivalent to 12.8%.

Dovetailing into this work is the centralised Admissions process which is now managing the allocation of places from a countywide perspective to redress the imbalance of surplus/deficit places between some neighbouring schools.

### **Mobile accommodation**

In line with WG directives the Authority is seeking to remove mobile accommodation. See the table below for the reduction since December 2007.

Mobile Accommodation	Dec-07	Jan-13
Secondary	29	24
Primary	28	22
Special	3	3

This represents a decrease of 18%

A further 7 mobile classrooms are planned to be withdrawn upon completion of the Welsh Medium Primary School building programme in the north of the county, (Ysgol Dewi Sant, Ysgol y Llys and Ysgol Twm o'r Nant) and the rationalisation of Bodnant Community School onto one site.

The on-going area reviews are also likely to identify further mobile classrooms which can be removed, particularly in the Ruthin area.

The proposals within the 21<sup>st</sup> Century Schools Programme would allow for the removal of 3 mobiles at Ysgol Glan Clwyd and 9 at St Brigids.

Primary Provision - updated Jan 2013					Draft Capacity Assessment as at Jan 2013			Deficit / Surplus Places based on 2013 numbers		Projected Pupil Numbers (for Jan each year)					Projected Capacity					Deficit / Surplus Places based on 2018 numbers		Condition Survey Rating	Suitability Survey Rating	Number of Mobiles in Use	
Pupil Numbers (from Jan PLASC each year)					Permanent Build	Mobile Accomm	Overall Capacity	Number	%	2014	2015	2016	2017	2018	2014	2015	2016	2017	2018	Number	%				
2010	2011	2012	Latest available - 2013																						
School																									
<b>Dee Valley East</b>																									
Ysgol Gwernant	100	102	105	118	135	0	135	17	12.59%	119	121	118	122	120	135	135	135	135	135	15	11.11%	A	A		
<b>Welsh Subtotal</b>	<b>100</b>	<b>102</b>	<b>105</b>	<b>118</b>	<b>135</b>	<b>0</b>	<b>135</b>	<b>17</b>	<b>12.59%</b>	<b>119</b>	<b>121</b>	<b>118</b>	<b>122</b>	<b>120</b>	<b>135</b>	<b>135</b>	<b>135</b>	<b>135</b>	<b>135</b>	<b>15</b>	<b>11.11%</b>				
Ysgol Bryn Collen	155	132	134	129	158	0	158	29	18.35%	121	123	122	124	128	158	158	158	158	158	30	18.99%	A	B		
Ysgol Dyffryn Ial	46	43	44	42	61	0	61	19	31.15%	44	42	45	45	48	54	54	54	54	54	6	11.11%	B	A		
<b>English Subtotal</b>	<b>201</b>	<b>175</b>	<b>178</b>	<b>171</b>	<b>219</b>	<b>0</b>	<b>219</b>	<b>48</b>	<b>21.92%</b>	<b>165</b>	<b>165</b>	<b>167</b>	<b>169</b>	<b>176</b>	<b>212</b>	<b>212</b>	<b>212</b>	<b>212</b>	<b>212</b>	<b>36</b>	<b>16.98%</b>				
<b>Dee Valley East Total</b>	<b>301</b>	<b>277</b>	<b>283</b>	<b>289</b>	<b>354</b>	<b>0</b>	<b>354</b>	<b>65</b>	<b>18.36%</b>	<b>284</b>	<b>286</b>	<b>285</b>	<b>291</b>	<b>296</b>	<b>347</b>	<b>347</b>	<b>347</b>	<b>347</b>	<b>347</b>	<b>51</b>	<b>14.70%</b>				
<b>Dee Valley West</b>																									
Ysgol Betws GG	40	36	32	28	41	0	41	13	31.71%	31	27	26	25	28	41	41	41	41	41	13	31.71%	A	B		
Ysgol Bro Elwern	43	36	31	33	48	0	48	15	31.25%	35	33	36	36	38	48	48	48	48	48	10	20.83%	B	B		
Ysgol Bro Dyfrdwy	N/A	N/A	N/A	91	131	18	149	58	38.93%	86	80	81	76	72	149	105	105	105	105	33	31.43%	B	A		1
<b>Welsh Subtotal</b>	<b>83</b>	<b>72</b>	<b>63</b>	<b>152</b>	<b>220</b>	<b>18</b>	<b>238</b>	<b>86</b>	<b>36.13%</b>	<b>152</b>	<b>140</b>	<b>143</b>	<b>137</b>	<b>138</b>	<b>238</b>	<b>194</b>	<b>194</b>	<b>194</b>	<b>194</b>	<b>56</b>	<b>28.87%</b>				
Ysgol Carrog	47	41	33	33	65	0	65	32	49.23%	32	27	23	22	22	65	65	65	65	65	43	66.15%	B	A		
Ysgol Caer Drewyn	81	77	76	72	117	0	117	45	38.46%	72	77	72	78	78	117	117	117	117	117	39	33.33%	A	B		
<b>English Subtotal</b>	<b>128</b>	<b>118</b>	<b>109</b>	<b>105</b>	<b>182</b>	<b>0</b>	<b>182</b>	<b>77</b>	<b>42.31%</b>	<b>104</b>	<b>104</b>	<b>95</b>	<b>100</b>	<b>100</b>	<b>182</b>	<b>182</b>	<b>182</b>	<b>182</b>	<b>182</b>	<b>82</b>	<b>45.05%</b>				
<b>Dee Valley West Total</b>	<b>211</b>	<b>190</b>	<b>172</b>	<b>257</b>	<b>402</b>	<b>18</b>	<b>420</b>	<b>163</b>	<b>38.81%</b>	<b>256</b>	<b>244</b>	<b>238</b>	<b>237</b>	<b>238</b>	<b>420</b>	<b>376</b>	<b>376</b>	<b>376</b>	<b>376</b>	<b>138</b>	<b>36.70%</b>				
<b>Denbigh Area</b>																									
Ysgol Bro Cinmerch	51	56	57	62	80	0	80	18	22.50%	66	76	81	87	89	80	80	80	80	80	-9	-11.25%	B	B		
Ysgol Henllan	45	52	53	55	65	0	65	10	15.38%	59	55	57	57	58	65	65	65	65	65	7	10.77%	A	A		
Ysgol Pant Pastyng	47	50	49	53	54	0	54	1	1.85%	59	60	62	68	68	54	54	54	54	54	-14	-25.93%	B	B		
Ysgol Twm o'r Nant	211	206	214	221	196	48	244	23	9.43%	239	251	254	263	265	244	280	280	280	280	15	5.36%	B	C		2
<b>Welsh Subtotal</b>	<b>354</b>	<b>364</b>	<b>373</b>	<b>391</b>	<b>395</b>	<b>48</b>	<b>443</b>	<b>52</b>	<b>11.74%</b>	<b>423</b>	<b>442</b>	<b>454</b>	<b>475</b>	<b>480</b>	<b>443</b>	<b>479</b>	<b>479</b>	<b>479</b>	<b>479</b>	<b>-1</b>	<b>-0.21%</b>				
Ysgol Bodfari	27	28	34	35	65	0	65	30	46.15%	38	38	40	40	42	65	65	65	65	65	23	35.38%	B	A		
Ysgol Ffronogoch	197	190	182	187	223	0	223	36	16.14%	192	187	200	183	191	223	223	223	223	223	32	14.35%	B	A		
Ysgol Bryn Clwyd	21	22	23	23	71	0	71	48	67.61%	22	22	24	24	23	71	71	71	71	71	48	67.61%	B	A		
Ysgol y Parc	145	131	148	140	146	0	146	6	4.11%	143	140	138	141	140	146	146	146	146	146	6	4.11%	B	B		
Ysgol Trefnant	63	62	64	56	59	0	59	3	5.08%	59	61	67	69	65	59	59	59	59	59	-6	-10.17%	B	B		
St Brigid's School	134	133	137	130	43	52	121	-9	-7.44%	123	115	115	116	115	121	121	121	121	121	6	4.96%	C	B		2
Ysgol Pendref	150	157	156	161	180	0	180	19	10.56%	162	156	157	153	147	180	180	180	180	180	33	18.33%	B	B		
<b>English Subtotal</b>	<b>737</b>	<b>723</b>	<b>744</b>	<b>732</b>	<b>787</b>	<b>52</b>	<b>865</b>	<b>133</b>	<b>15.38%</b>	<b>739</b>	<b>719</b>	<b>741</b>	<b>726</b>	<b>723</b>	<b>865</b>	<b>865</b>	<b>865</b>	<b>865</b>	<b>865</b>	<b>142</b>	<b>16.42%</b>				
<b>Denbigh Area Total</b>	<b>1091</b>	<b>1087</b>	<b>1117</b>	<b>1123</b>	<b>1182</b>	<b>100</b>	<b>1308</b>	<b>185</b>	<b>14.14%</b>	<b>1162</b>	<b>1161</b>	<b>1195</b>	<b>1201</b>	<b>1203</b>	<b>1308</b>	<b>1344</b>	<b>1344</b>	<b>1344</b>	<b>1344</b>	<b>141</b>	<b>10.49%</b>				
<b>Prestatyn Area</b>																									
Ysgol Y Llys	250	262	254	245	196	116	312	67	21.47%	272	288	309	319	328	312	420	420	420	420	92	21.90%	A	A		2
<b>Welsh Subtotal</b>	<b>250</b>	<b>262</b>	<b>254</b>	<b>245</b>	<b>196</b>	<b>116</b>	<b>312</b>	<b>67</b>	<b>21.47%</b>	<b>272</b>	<b>288</b>	<b>309</b>	<b>319</b>	<b>328</b>	<b>312</b>	<b>420</b>	<b>420</b>	<b>420</b>	<b>420</b>	<b>92</b>	<b>21.90%</b>				
Ysgol Hiraddug	193	189	193	199	210	0	210	11	5.24%	204	204	205	206	206	210	210	210	210	210	4	1.90%	B	B		
Ysgol Penmorfa	401	389	389	394	420	0	420	26	6.19%	369	374	365	360	362	420	420	420	420	420	58	13.81%	A	A		
Ysgol Melyd	117	129	123	125	147	0	147	22	14.97%	118	117	117	118	118	147	147	147	147	147	29	19.73%	B	A		
Ysgol Clawdd Offa	165	181	196	223	420	0	420	197	46.90%	234	256	273	283	293	420	420	420	420	420	127	30.24%	A	A		
Bodnant Community School	510	481	471	439	420	420	420	-19	-4.52%	430	418	419	419	419	420	420	420	420	420	1	0.24%	B	B		1
<b>English Subtotal</b>	<b>1386</b>	<b>1369</b>	<b>1372</b>	<b>1380</b>	<b>1617</b>	<b>0</b>	<b>1617</b>	<b>237</b>	<b>14.66%</b>	<b>1355</b>	<b>1369</b>	<b>1379</b>	<b>1386</b>	<b>1398</b>	<b>1617</b>	<b>1617</b>	<b>1617</b>	<b>1617</b>	<b>1617</b>	<b>219</b>	<b>13.54%</b>				
<b>Prestatyn Area Total</b>	<b>1636</b>	<b>1631</b>	<b>1626</b>	<b>1625</b>	<b>1813</b>	<b>116</b>	<b>1929</b>	<b>304</b>	<b>15.76%</b>	<b>1627</b>	<b>1657</b>	<b>1688</b>	<b>1705</b>	<b>1726</b>	<b>1929</b>	<b>2037</b>	<b>2037</b>	<b>2037</b>	<b>2037</b>	<b>311</b>	<b>15.27%</b>				



<b>Report to:</b>	<b>Performance Scrutiny Committee</b>
<b>Date of Meeting:</b>	<b>16 January 2014</b>
<b>Lead Member/Officer:</b>	<b>Lead Member for Public Realm/Head of Highways and Environmental Services</b>
<b>Report Author:</b>	<b>Project Manager (NE Hub)/Senior Environmental Crime Officer/Head of Highways and Environmental Service</b>
<b>Title:</b>	<b>Denbighshire's Performance on Fly-tipping Issues</b>

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## **1. What is the report about?**

This report sets out how fly-tipping is reported and dealt-with in Denbighshire.

## **2. What is the reason for making this report?**

- To properly inform the debate about the Council's performance in this service area.
- To clarify what Denbighshire records as a fly tipping incident, and how this might vary from what other councils record.
- To outline the strong enforcement stance that the Council has adopted, and explain why it is felt to be an appropriate response to the issue.

## **3. What are the Recommendations?**

That the Committee comments on the information provided and support that:

- 3.1 the Council should continue to record fly-tipping incidents in the way that it currently does;
- 3.2 the Council's policy of rigorous enforcement on fly-tipping issues should continue; and
- 3.3 Denbighshire should continue to lobby Natural Resources Wales regarding the quality of the 'Flycapture' data collated across Wales.

## **4. Report details**

### 4.1 National Statistics – incident numbers

Natural Resources Wales (NRW) administer a database called 'Flycapture' into which all Welsh Councils have to enter their fly-tipping statistics. NRW prescribe the procedures for submitting the data, including what should, and should not, count as a fly-tipping incident.

However, individual councils continue to use different methods to gather and process their own statistics, and this affects the comparability of the published data. Examples of the differing ways that individual councils record their fly-tipping incidents include:

- Some councils leave the recording to their Public Protection departments (typically *Environmental Health* or *Pollution Prevention*) and they only record the incidents that they are called upon to investigate, i.e. where there is evidence present to support an investigation or prosecution.

- Some councils do not record or investigate incidents that occur on private land, for example Forestry Commission land, National Trust land, commercial and domestic premises,
- Some councils routinely use private contractors to clear waste, and do not capture all the individual incidents that are cleared.
- In councils where there is a heavy reliance on “numbers” as a service performance indicator, there can be a perceived pressure not to report marginal cases rigorously.
- Conversely; in some councils, resource are allocated according to demand. In these instances, increases in reporting levels have been observed.

The huge variances in reported incident numbers (see table below as an example) can only be explained by the different data collection and processing methods that councils are using. The variances cannot be explained by demographic differences or observed behavioural differences. Denbighshire’s Environmental Crime Team recognised this phenomenon some time ago, and have been pressing NRW for a more consistent reporting regime ever since.

Clearly, if councils are not gathering data in a consistent manner, the annual NRW report does not show a like for like comparison, and the use of the statistics as a performance measure is therefore flawed.

#### 4.2 Comparison with other North Wales councils

<b>Reported numbers</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>
<b>Anglesey</b>	1585	1045	801	1103
<b>Conwy</b>	1009	1361	1055	935
<b>Denbighshire</b>	5189	2515	2249	2144
<b>Flintshire</b>	785	697	911	911
<b>Gwynedd</b>	511	648	527	371
<b>Wrexham</b>	3279	1759	1022	505

Denbighshire’s reported incidents typically run at approximately 2 to 2.5 times higher than the numbers being reported by the other North Wales councils. The primary reason for that is because Denbighshire purposely attempts to capture every single incident of illegally deposited waste, whether or not it is on public or private land, and regardless of whether or not it is reported by a member of the public. Denbighshire does this because the recording of an incident triggers the council’s internal investigation processes (see para 4.5).

We regard high reporting rates as a pre-requisite for the minimisation of actual fly-tipping activity (on the ground), That is a very important principle.

#### 4.3 Denbighshire historical trends (highlighted above)

The 2009/10 figures included large numbers of black bags (domestic refuse). Because many of these bags were near their donor address, they should not really have been recorded as being fly-tipped. They were more correctly “mis-presented domestic waste”, i.e. rather than illegally deposited, or “fly-tipped” waste.

However, from 2010-11 onwards, the correct recording methods have been used, and they show a gradual reduction in incidents year on year. This reduction is real.

There are two main contributory factors to the reducing trend within Denbighshire. Firstly, the council's rigorous enforcement policy (see para 4.5), and secondly the introduction of containerised systems for virtually all domestic waste collections (wheelie bins). This has restricted the ability of fly-tippers to mask their activity.

#### 4.4 Future developments

The fly-tipping Enforcement Team would like the council's CRM system to move over to geographically-based recording. Currently it is customer based. This change would simplify the processing of *all* streetscene issues (not just fly-tipping). It would also help with the analysis of incidents by location, which would in turn provide for more effective targeting of enforcement. NRW have also expressed a desire to move to geographical systems, but they are unlikely to do so within the next two years.

We also need the ability to categorise incidents better. There is a need to isolate the incidents that are genuine fly-tipping, and also the incidents where we have the duty to clean up (these are not necessarily the same). We currently do this via a stand-alone, secondary analysis. Ideally, it should be part of the council's normal CRM processes.

#### 4.5 importance of DCC's Enforcement strategy

Since 2005, Denbighshire's Environmental Crime Team has proactively pursued a policy of investigating all fly-tipping incidents and taking enforcement action whenever there is sufficient evidence to do so. Over 50% of the enforcement actions in North Wales are carried out by Denbighshire, even though we only have around 14% of the population.

The resulting investigations and/or prosecutions have had a significant deterrent effect, and this is felt to be a crucial factor in making Denbighshire a clean and pleasant county.

Denbighshire's Fly-tipping Enforcement Outcomes	2009-10	2010-11	2011-12	2012-13	2013 -14 (YTD)
Warning/Advisory Actions	339	308	163	147	166
Fixed Penalty Notices	10	6	4	2	2
Enforcement Notices	42	25	75	57	27
Prosecutions	7	7	2	4	2 (+ 4 pending)
Formal Cautions	17	8	10	7	2

#### **5. How does the decision contribute to the Corporate Priorities?**

The minimisation of fly-tipping activity is part of the corporate clean and tidy streets priority.

#### **6. What will it cost and how will it affect other services?**

No changes proposed

#### **7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision?**

Completed EqIA template is attached (appendix 1), as is the enforcement policy (appendix 2). The approach to flytipping does not exhibit potential for discrimination, subject to continuing monitoring and review.

**8. What consultations have been carried out?**

None

**9. Chief Finance Officer Statement**

Not required (no financial changes proposed).

**10. What risks are there and is there anything we can do to reduce them?**

That the Council is unfairly represented in NRW annual reports. In mitigation; the Environmental Crime team will continue to lobby NRW to ensure quality of data submitted in to the database is more consistent and robust.

**11. Power to make the Decision**

Under Section 2 of the Local Government Act 2000, i.e. the promotion or improvement of the environment for the well-being of the area.

Article 6.3.4(b) of the Council's Constitution sets out scrutiny's powers with respect to examining the Council's performance in delivering its services and priorities.

**Contact Officer:**

Head of Highways & Environmental Services

Tel: 01824 706801



Denbighshire's Approach to taking  
Enforcement Action Against Flytippers  
06/01/2014

Equality Impact Assessment

# Denbighshire's Performance on Flytipping Issues

Contact: Jim Espley, Waste & Transport

Updated: 06/01/2014

## 1. What type of proposal is being assessed?

A service review or re-organisation proposal

## 2. Please describe the purpose of this proposal

Denbighshire's policy in relation to reports of flytipping is to take enforcement action against those who have flytipped, where it is in the public interest to do so.

## 3. Does this proposal require a full equality impact assessment? *(Please refer to section 1 in the toolkit above for guidance)*

No

The policy of enforcing against flytipping shows no potential for discrimination, subject to continuing monitoring and review. In preparing case files for possible enforcement action a 3 stage approval process is undertaken (Investigating Officer / Waste Manager / Legal). In determining whether enforcement action should be taken, due regard is taken into the individual's well being, mental health, age etc as per the enforcement policy attached.

## 4. Please provide a summary of the steps taken, and the information used, to carry out this assessment, including any engagement undertaken *(Please refer to section 1 in the toolkit for guidance)*

<Type here>

## 5. Will this proposal have a positive impact on any of the protected characteristics? *(Please refer to section 1 in the toolkit for a description of the protected characteristics)*

<Please summarise any likely positive impact and identify which protected characteristics will benefit>

**6. Will this proposal have a disproportionate negative impact on any of the protected characteristics?**

<Please summarise any disproportionate negative impact and identify which protected characteristics will be affected>
---

**7. Has the proposal been amended to eliminate or reduce any potential negative impact?**

<Please Select>	<If yes, please provide detail>
-----------------	---------------------------------

**8. Have you identified any further actions to address and / or monitor any potential negative impact(s)?**

<Please Select>	<If yes please complete the table below. If no, please explain here>
-----------------	--

Action(s)	Owner	Date
<Please describe>	<Enter Name>	<DD.MM.YY>
<For additional actions, insert row below>	<Enter Name>	<DD.MM.YY>

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**9. Declaration**

Every reasonable effort has been made to eliminate or reduce any potential disproportionate impact on people sharing protected characteristics. The actual impact of the proposal will be reviewed at the appropriate stage.

Review Date:	<DD.MM.YY>
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Name of Lead Officer for Equality Impact Assessment	Date
<Type Name>	<DD.MM.YY>

**Please note you will be required to publish the outcome of the equality impact assessment if you identify a substantial likely impact.**

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# **ENVIRONMENT DIRECTORATE**

## **ENVIRONMENTAL SERVICES**

**POLICY IN RELATION TO THE ENFORCEMENT OF ENVIRONMENTAL CRIME**

<b>Updates:</b>	
<b>Version: 1.2</b>	<b>Date: 29<sup>th</sup> July 2010</b>
<b>Review:</b>	<b>October 2012</b>

## Environmental Services

### Environmental Crime Enforcement Policy

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## **1. Introduction**

- 1.1 Environmental Services will apply this policy so that it can make fair and consistent decisions about enforcement actions in relation to the investigation of offences of fly tipping, breaches of the regulations in respect of trade waste and the abandonment of vehicles on private and public land within the County .Fair and effective enforcement is essential to protect the health, safety and interests of the residents, visitors and businesses of Denbighshire. Even in a small case, a decision about enforcement action has serious implications for all involved; the general public, businesses, victims, witnesses and defendants
- 1.2 The Policy is also designed to make sure that everyone knows the principles that the Environmental Crime Officers within Environmental Services will apply when carrying out investigation and enforcement activities. By applying consistent principles, everyone involved in the process is helping to treat stakeholders in a fair and effective manner.

## **2. Approval**

- 2.1 This policy was before the County Council Environment Scrutiny Committee on 14<sup>th</sup> October 2010 and was approved. It will be re-evaluated every 2 years.

## **3. Scope**

- 3.1 This policy applies to the enforcement activities under the legislation enforced by Environmental Crime Officers within Environmental Services.
- 3.2 Enforcement in the context of this policy includes formal or informal action carried out in the exercise of, or against the background of, statutory enforcement powers. This is not limited to formal enforcement action such as prosecution, but includes, for example, the inspection of premises for the purpose of checking compliance with acts and regulations, and the provision of suitable advice to aid compliance.

#### **4. Access to the Policy**

- 4.1 This policy is available on the Council's web site and in hardcopy at Kinmel Park Depot, Bodelwyddan, Denbighshire, LL18 5UX. It can be ordered by telephoning 01824 706100 (Cymraeg) or 01824 706101 (English), or writing to the Environmental Services Environmental Crime Department, Kinmel Park Depot, Bodelwyddan, Denbighshire, LL18 5UX.
- 4.2 On request, this policy will be made available on audio tape, in Braille, large type, or in other languages.

#### **5. General Principles**

- 5.1 Each case is unique and must be considered on its own merits. There are however, general principles that apply in the way each case must be approached. These are laid out in this policy and in the Enforcement Concordat to which the Authority has signed up.
- 5.2 Environmental Crime Officers action must be fair, independent and objective. They must not let any personal views about issues such as ethnic or national origin, gender, religious beliefs, political views or the sexual orientation of the suspect, victim, witness or offender influence their decisions. They must not be affected by improper or undue pressure from any source.
- 5.3 The Environmental Services Environmental Crime Department is a public authority for the purposes of the Human Rights Act 1998. Officers must apply the principles of the European Convention on Human Rights in accordance with the Act.



## 6. Complaints

- 6.1 Complaints which may result in enforcement action against a business or individual will be notified to that business or individual as soon as is practicable, except in the circumstances described in 6.2 below. During the progression of enforcement action that business or individual will be further notified of progress, potential action and any new information.
- 6.2 In circumstances where notification could impede enforcement action, notification will not take place until those circumstances no longer exist.
- 6.3 We will comply with the principles of the Freedom of Information Act, the Environmental Information Regulations and the Data Protection Act to protect the identification of complainant's details.

## 7. Deciding the action to take

- 7.1 There are two issues to determine. The first is what level of enforcement action to take. The second is that, if the first decision is to take formal enforcement action, then, is that action viable and appropriate. There are two stages in determining whether formal enforcement action is viable and appropriate:

- **Stage 1: the evidential test,**
- **Stage 2: the public interest test.**

There are two stages in the decision to take formal enforcement action.

The first stage is the **evidential test**. If the case does not pass the evidential test, proceedings will not be instituted, no matter how important or serious it may be. Further investigation may be necessary and Officers may be instructed to carry out further enquiries.

The second stage is to decide whether the proposed action is in the **public interest**.

Environmental Services will only start, and continue with formal enforcement action when the case has passed both tests. The following paragraphs, detail how this policy applies to the consideration of taking a prosecution:

*'Environmental Crime Officers will, when required consult the Legal Services Department to determine that there is enough evidence to provide a 'realistic prospect of conviction' against any defendant on each charge. If consultation is not required Environmental Crime Officers will instigate formal enforcement proceedings and draw together the necessary legal documentation for submission to the Legal Services Department, this legal documentation is referred to as the case file. All case files will be vetted and 'counter signed' by the Environmental Crime Manager or Senior Waste Officer (Operations) within Environmental Services'*

*'A realistic prospect of conviction is an objective test, it means that a jury or bench of magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged. This is a separate test from the one that the criminal courts themselves must apply'*

When deciding whether there is enough evidence to prosecute, Environmental Crime Officers must consider whether the evidence can be used and whether it is reliable. Public interest must be considered in each case where there is enough evidence to provide a realistic prospect of conviction. A prosecution will usually take place unless there are public interest factors tending against prosecution which clearly outweigh those tending in favour. Although there may be public interest factors against prosecution in a particular case, often the prosecution should go ahead and those factors should be put to the court for consideration when sentence is being passed.

Environmental Crime Officers, Environmental Services Managers and the Legal Services Department must balance factors for and against prosecution carefully and

fairly. Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence or the circumstances of the suspect. Some factors may increase the need to prosecute but others may suggest that another course of action would be more appropriate.

The following lists some of the common public interest factors, both for and against prosecution. The list is not exhaustive. The factors that apply will depend on the facts in each case.

### **Some common public interest factors in favour of prosecution.**

The more serious the offence, the more likely it is that a prosecution will be needed in the public interest. A prosecution is likely to be needed if:

- *a conviction is likely to result in a significant sentence;*
- *the evidence shows that the defendant was a ringleader or an organiser of the offence;*
- *there is evidence that the offence was premeditated;*
- *the victim of the offence was vulnerable, has been put in considerable fear, or suffered personal, damage or disturbance;*
- *the offence was motivated by any form of discrimination against the victim's ethnic or national origin, sex, religious beliefs, political views or sexual orientation, or the suspect demonstrated hostility towards the victim based on any of those characteristics;*
- *the defendant's previous convictions or cautions are relevant to the present offence;*
- *there are grounds for believing that the offence is likely to be continued or repeated, for example, by a history of recurring conduct.*

### **Some common public interest factors against prosecution**

A prosecution is less likely to be needed if:

- *the court is likely to impose a nominal penalty;*
- *the defendant has already been made the subject of a sentence and any further conviction would be unlikely to result in the imposition of an additional sentence or order, unless the nature of the particular offence requires a prosecution;*
- *the offence was committed as a result of a genuine mistake or misunderstanding (these factors must be balanced against the seriousness of the offence);*
- *the loss or harm can be described as minor and was the result of a single incident, particularly if it was caused by a misjudgement;*
- *there has been a long delay between the offence taking place and the date of the trial, unless:*
  - the offence is serious;*
  - the delay has been caused in part by the defendant;*
  - the offence has only recently come to light; or*
  - the complexity of the offence has meant that there has been a long investigation;*
- *a prosecution is likely to have a bad effect on the victim's physical or mental health, always bearing in mind the seriousness of the offence;*
- *the defendant is elderly or is, or was at the time of the offence, suffering from significant mental or physical ill health, unless the offence is serious or there is a real possibility that it may be repeated.*

Deciding on the public interest is not simply a matter of adding up the number of factors on each side. Officers in conjunction with the legal team must decide how important each factor is in the circumstances of each case and go on to make an overall assessment.

## **7.2 What level of enforcement action to carry out.**

This can be one, or a number, of the following.

- Prosecution / (FPN) Fixed Penalty Notice (if appropriate or applicable)
- Formal Caution

- Written warning and advice
- Verbal warning and advice
- Revisit of premises
- No action

### **Prosecution:**

In order to take forward a prosecution, Environmental Crime Officers must be satisfied that a crime has been committed and that there is sufficient evidence available in order to afford a reasonable prospect of conviction at a court. Such offences may be discharged by way of Fixed Penalty Notice (FPN) if appropriate and or applicable, should the offence be admitted.

### **Formal Caution:**

A record of the Caution will be kept on file for 2 years. Where appropriate, a formal caution may be sent to the relevant Police Constabulary and or The Environment Agency (Wales). If the offender commits a further like offence, the formal caution may influence the decision to take a prosecution. If during the time the caution is in force the offender pleads guilty to, or is found guilty of, committing another like offence anywhere in England and Wales, the caution may be cited in court. If an offender accepts a formal caution, agreement will be reached concerning the repayment of cost incurred when disposing of offending items by Denbighshire County Council.

Should a person refuse to accept a formal caution then the Authority will institute proceedings and the court will be advised that the defendant would not accept the formal caution procedure.

### **Written Warning:**

For some contraventions offenders may be sent a firm but polite letter clearly identifying the contraventions, giving advice on how to put them right and including a

deadline by which this must be done. Failure to comply could result in more severe enforcement action being taken. The time allowed must be reasonable, but must also take into account the health, safety and nuisance implications of the contravention.

**Verbal Warning / Words of Advice:**

For minor breaches of the law, verbal advice will be given clearly identifying the contraventions, and giving information on how to put them right and including a deadline by which this must be done. Failure to comply could result in more severe enforcement action being taken. The time allowed must be reasonable, but must also take into account the health, safety and nuisance implications of the contravention.

**Revisit:**

Following a formal notice; written warning and advice; or verbal warning and advice, officers may revisit the premises to check compliance has been achieved. For very minor contraventions we may advise that a revisit may be carried out after the agreed deadline. Officers will then decide whether to actually make a revisit depending upon the health, safety, environmental damage or nuisance implications of the contravention, and the perceived likely responding action of the offender to the verbal advice.

**No Further Action:**

In exceptional circumstances, contraventions may not warrant any further action. This can be where the cost of compliance to the offender outweighs the detrimental impact of the contravention on the community, or the cost of the required enforcement action to the Authority outweighs the detrimental impact of the contravention on the community. A decision of no action may also be taken where formal enforcement is inappropriate in the circumstances, such as where a trader has ceased to trade, or the offender is elderly and frail and formal action would seriously damage their well being.

## **8. Liaison**

8.1 Regular meetings between Environmental Services Managers and Environmental Crime Officers will take place. The purpose of these meeting is to allow Officers the opportunity to detail investigations which they are undertaking / planning to undertake.

8.2 Where an enforcement matter affects other County Departments the Head of Environmental Services will be informed and information will be passed to the Head of the relevant Department as soon as possible

8.3 Where an enforcement matter affects a wide geographical area beyond the County's boundaries, or involves enforcement by one or more other local authorities or organisations; all relevant authorities and organisations will be informed of the matter as soon as possible and all enforcement activity co-ordinated with them.

## **9. Offences**

9.1 The Head of Environmental Services, Environmental Services Managers or Environmental Crime Officers may take advice from the Authorities Legal Services Department in order to provide greater clarification of any offences committed.

## **10. Accepting Guilty Pleas**

10.1 Defendants may want to plead guilty to some, but not all, of the charges. Alternatively, they may want to plead guilty to a different, possibly less serious charge because they are admitting only part of the offence. Environmental Services Managers will only accept the defendant's plea if they think the court is able to pass a sentence that matches the seriousness of the offending. Environmental Services Manager will not accept a guilty plea because it is convenient.

10.2 In cases where a defendant pleads guilty to the charges but on the basis of facts that are different from the prosecution case, and where this may significantly affect sentence, the court should be invited to hear evidence to determine what happened, and then sentence on that basis.

## **11. Considering the views of those affected by offences**

11.1 The Environmental Services Environmental Crime Department undertakes enforcement on behalf of the public at large and not just in the interests of any particular individual or group. However, when considering the public interest test (see section 7 above) the consequences for those affected by the offence, of the decision whether or not, and how to take enforcement action, and any views expressed by those affected will be taken into account.

11.2 Those people affected by the offence will be told about any decision that makes a significant difference to the case in which they are involved.

## **12. Re-starting a prosecution**

12.1 People should be able to rely on enforcement decisions taken by Environmental Crime Officers. Normally, if a suspect or defendant is advised that there will not be a prosecution, or that the enforcement action has been stopped, that is the end of the matter and the case will not start again. Occasionally there are special reasons why enforcement action will re-start, particularly if the case is serious. These reasons include:

- *in cases where a new look at the original decision shows that it was clearly wrong and should not be allowed to stand,*
- *cases which are stopped so that more evidence, which is likely to become available in the fairly near future, can be collected and prepared. In these cases, the defendant will be told that the enforcement action may well start again,*



- *cases which are stopped because of a lack of evidence but where more significant evidence is discovered later.*

The decision to restart an investigation / prosecution will be taken by Environmental Services Managers in conjunction with the Legal Services Department.

### **13. Code for Crown Prosecutors**

13.1 This policy takes account of all the relevant parts of the Code for Crown Prosecutors.

### **14. Enforcement Policy implementation**

14.1 Internal audits will be undertaken periodically to ensure that all enforcement activity is carried out in accordance with this policy. These audits will be carried out by the Environmental Crime Team Manager who will report his findings to the Senior Waste Officer (Operations).

14.2 Records of the audits will be kept by the Environmental Crime Team Manager for inspection.

### **15. The Role of the County's Legal Services**

15.1 Environmental Services Managers may send copies of reports to the Legal Services Department for guidance and advice.

### **16. Complaints / Grievances against an Officer**

16.1 Should any person wish to complain about the conduct of any Officer then they should contact the Corporate Complaints Officer who will investigate the matter. The address of the Corporate Complaints Officer is Customer Care Services,

Council Offices, Wynnstay Road, Ruthin, LL15 1YN or via the telephone on 01824 706169 or via email on [complaints@denbighshire.gov.uk](mailto:complaints@denbighshire.gov.uk).

16.2 Alternatively the aggrieved person may contact the Head Environmental Services who will arrange for the matter to be investigated.

## 17. Regulation of Investigatory Powers Act 2000

17.1 The requirements of this Act are relevant to investigations undertaken by this Department. The following paragraphs deal with the authorisation procedures for using covert surveillance and using covert human intelligence sources (i.e. informants). Permission must be sought and obtained in the circumstances listed below.

**Directed Surveillance** is defined as covert surveillance but not intrusive and is undertaken for the purposes of a specific investigation or a specific operation. Also the surveillance is carried out in such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation) and otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be practicable for an authorisation to be sought for the carrying out of the surveillance.

**Intrusive Surveillance** is defined as covert surveillance that is carried out in relation to anything taking place on any residential premises or in any private vehicle and involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device.

17.2 **Covert Human Intelligence Source (CHIS)** is a person who:

Establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within (a) or (b) below

(a) the person covertly uses such a relationship to obtain information or to provide access to any information to another person; or

(b) the person covertly discloses information obtained by the use of such a relationship, or as a consequence of the existence of such a relationship

17.3 **Surveillance is covert if** it is carried out in a manner that is calculated to ensure that persons who are subject to the surveillance are unaware that it is or may be taking place.

17.4 **A purpose is covert,** in relation to the establishment or maintenance of a personal or other relationship, if the relationship is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose.

17.5 In the event of any officer wanting to use any form of covert surveillance permission must be sought from one of the following officers:-

Head of Planning and Public Protection Service

Assistant Head of Planning and Public Protection Service

17.6 Authorisation for any form of surveillance will be given in writing and the authorising officer will take into account the provisions of Section 28 of the Act and in particular will have regard as to whether the authorised surveillance is proportionate to what is sought to be achieved by carrying it out.

17.7 In the event of any officer wanting to use a CHIS permission must be sought from one of the following officers:-

Head of Planning and Public Protection Service

Assistant Head of Planning and Public Protection Service

17.8 Authorisation for using a CHIS will be given in writing and the authorising officer will take into account the provisions of Section 29 of the Act and in particular will have regard as to whether the use of such a person is proportionate to what is sought to be achieved.

**Report to:** Performance Scrutiny Committee

**Date of Meeting:** 16 January 2014

**Report Author:** Scrutiny Coordinator

**Title:** Scrutiny Work Programme

---

**1. What is the report about?**

The report presents Performance Scrutiny Committee with its draft forward work programme for members' consideration.

**2. What is the reason for making this report?**

To seek the Committee to review and agree on its programme of future work, and to update members on relevant issues.

**3. What are the recommendations?**

That the Committee considers the information provided and approves, revises or amends its forward work programme as it deems appropriate.

**4. Report details.**

4.1 Article 6 of Denbighshire County Council's Constitution sets out each Scrutiny Committee's terms of reference, functions and membership, whilst the rules of procedure for scrutiny committees are laid out in Part 4 of the Constitution.

4.2 The Constitution stipulates that the Council's scrutiny committees must prepare and keep under review a programme for their future work. By reviewing and prioritising issues, members are able to ensure that the work programme delivers a member-led agenda.

4.3 For a number of years it has been an adopted practice in Denbighshire for scrutiny committees to limit the number of reports considered at any one meeting to a maximum of four plus the Committee's own work programme report. The aim of this approach is to facilitate detailed and effective debate on each topic.

4.4 The Committee is requested to consider its draft work programme for future meetings, as detailed in appendix 1, and approve, revise or amend it as it deems appropriate taking into consideration:

- issues raised by members of the Committee
- matters referred to it by the Scrutiny Chairs and Vice-Chairs Group
- relevance to the Committee's/Council's/community priorities

- the Council's Corporate Plan and the Director of Social Services' Annual Report
  - meeting workload
  - timeliness
  - outcomes
  - key issues and information to be included in reports
  - whether the relevant lead Cabinet member will be invited to attend (having regard to whether their attendance is necessary or would add value). (In all instances this decision will be communicated to the lead member concerned)
  - questions to be put to officers/lead Cabinet members
- 4.5 When considering future items for inclusion on the forward work programme members may also find it helpful to have regard to the following questions when determining a subject's suitability for inclusion on the work programme:
- what is the issue?
  - who are the stakeholders?
  - what is being looked at elsewhere
  - what does scrutiny need to know? and
  - who may be able to assist?
- 4.6 As mentioned in paragraph 4.2 above the Council's Constitution requires scrutiny committees to prepare and keep under review a programme for their future work. To assist the process of prioritising reports, if officers are of the view that a subject merits time for discussion on the Committee's business agenda they have to formally request the Committee to consider receiving a report on that topic. This is done via the submission of a 'proposal form' which clarifies the purpose, importance and potential outcomes of suggested subjects. No such proposal form has been received for consideration at the current meeting.

#### Cabinet Forward Work Programme

- 4.7 When determining their programme of future work it is useful for scrutiny committees to have regard to Cabinet's scheduled programme of work. For this purpose a copy of the Cabinet's forward work programme is attached at Appendix 2.

#### Progress on Committee Resolutions

- 4.8 A table summarising recent Committee resolutions and advising members on progress with their implementation is attached at Appendix 3 to this report.

#### Housing Service's Improvement Plan

The Committee at its last meeting requested to consider the above improvement plan at its meeting in February 2014. Following consultation with the Head of Service he advises that it would be more beneficial if the report was presented to the Committee in early

summer, as by then comparative benchmarking information will be available which will enable members to compare and contrast the performance of the Service over the past 12 months with other local authorities and Registered Social Landlords (RSLs). The availability of this information will enable the Committee to have an informed discussion based on validated data. The Committee is asked to confirm this rescheduling.

**5. Scrutiny Chairs and Vice-Chairs Group**

Under the Council's scrutiny arrangements the Scrutiny Chairs and Vice-Chairs Group (SCVCG) performs the role of a coordinating committee. The Group will hold its next meeting on 9 January. Any items referred to the Committee from the Group will be reported verbally to members at the meeting on 16 January.

**6. How does the decision contribute to the Corporate Priorities?**

Effective scrutiny will assist the Council to deliver its corporate priorities in line with community needs and residents' wishes. Continual development and review of a coordinated work programme will assist the Council in monitoring and reviewing policy issues.

**7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.**

No Equality Impact Assessment has been undertaken for the purpose of this report as consideration of the Committee's forward work programme is not deemed to have an adverse or unfair impact on people who share protected characteristics.

**8. What will it cost and how will it affect other services?**

Services may need to allocate officer time to assist the Committee with the activities identified in the forward work programme, and with any actions that may result following consideration of those items.

**9. What consultations have been carried out?**

None required for this report. However, the report itself and the consideration of the forward work programme represent a consultation process with the Committee with respect to its programme of future work.

**10. What risks are there and is there anything we can do to reduce them?**

No risks have been identified with respect to the consideration of the Committee's forward work programme. However, by regularly

reviewing its forward work programme the Committee can ensure that areas of risk are considered and examined as and when they are identified, and recommendations are made with a view to addressing those risks.

**11. Power to make the decision**

Article 6.3.7 of the Council's Constitution stipulates that the Council's scrutiny committees must prepare and keep under review a programme for their future work.

**Contact Officer:** Scrutiny Coordinator  
Tel No: (01824) 712554  
Email: [dcc\\_admin@denbighshire.gov.uk](mailto:dcc_admin@denbighshire.gov.uk)



**Note: Any items entered in italics have not been approved for inclusion at the meeting shown by the Committee. Such reports are listed here for information, pending formal approval.**

Meeting	Lead Member(s)	Item (description / title)	Purpose of report	Expected Outcomes	Author	Date Entered
20 February	<b>Cllr. Hugh Irving</b> <i>(required)</i>	1. 'Your Voice' complaints performance (Q3)	To scrutinise Services' performance in complying with the Council's complaints process	Identification of areas of poor performance with a view to the development of recommendations to address weaknesses.	Jackie Walley/Clare O'Gorman	February 2013
20 March	<b>Cllr. Bobby Feeley</b>	1. In-House Provider Visit 2013/14 Overview	To consider feedback on the visits undertaken in-house social care providers which highlight the quality, customer experience and good practice/improvement actions for the providers	To monitor the quality of services provided and identify any issues which arise from the visits which require to be addressed in order to improve the quality of the service provided	Phi Gilroy	August 2013
	<b>Cllr. Huw LI Jones</b>	2. <i>Arms Length Organisations</i>	<i>To consider proposals on how to effectively scrutinise the Council's Arm's Length Organisations</i>	<i>To realise value for money from these organisations and to ensure that they effectively contribute towards the delivery of the Council's priorities</i>	<i>Alan Smith</i>	<i>October 2013</i>
1 May	<b>Cllr. Julian Thompson-Hill</b>	1. Corporate Health and Safety Annual Report	To consider the Council's management of general health and safety and fire safety matters	Assurances that the Authority is abiding and conforming with all relevant H&S legislation and therefore mitigate the risk of litigation	Gerry Lapington	November 2013
	<b>Cllr. Hugh Irving</b>	2. <i>Housing Service's</i>	<i>To examine the Service's</i>	<i>To ensure that the</i>	<i>Peter McHugh</i>	<i>December</i>

Meeting	Lead Member(s)	Item (description / title)		Purpose of report	Expected Outcomes	Author	Date Entered
	(required)		<i>Improvement Plan</i>	<i>Improvement Plan (including the housing maintenance plan)</i>	<i>Service is continuously improving its performance and effectively contributing towards the corporate plan priority of ensuring residents have access to good quality housing</i>		2013
June 2014	<b>Cllr. Hugh Irving</b>	1	Your Voice' complaints performance (Q4)	To scrutinise Services' performance in complying with the Council's complaints process	Identification of areas of poor performance with a view to the development of recommendations to address weaknesses.	Jackie Walley/Clare O'Gorman	February 2013
	<b>Cllr. Barbara Smith</b>	2.	Corporate Risk Register	To consider the Council's Corporate Risk Register following the latest formal review by CET	Identification of effective measures to address the high level risks	Alan Smith/Nicola Kneale	February 2013
	<b>Cllr. Barbara Smith</b>	3	Corporate Plan QPR: Q4 2013/14	To monitor the Council's progress in delivering the Corporate Plan 2012-17 consider the latest version of	Ensuring that the Council meets its targets, delivers its Corporate Plan and the Council's services in line with its aspirations and to the satisfaction of local residents	Alan Smith/Nicola Kneale	February 2013
	<b>Cllr. David Smith</b>	4	Provision of CCTV and Out of Hours Service	To consider the preferred options identified for the delivery, with limited financial resources, of an equitable CCTV and associated Out of Hours service across the County in future	Provision of an effective and efficient service will assist the Authority to deliver the corporate priorities of protecting vulnerable people, keeping streets clean	Graham Boase/Emlyn Jones	October 2013

Meeting	Lead Member(s)	Item (description / title)	Purpose of report	Expected Outcomes	Author	Date Entered
				and tidy and bring the Council closer to the community		
Sept/October	<b>Cllr. Barbara Smith</b>	1. Annual Performance Review 2013/14	To seek Scrutiny's view on the Council's Annual Performance Review report prior to its submission to County Council for approval	Participation in the consultation on the Annual Report will assist the Committee to identify areas of weakness and build them into its future work programme with a view to realising improvements going forward	Alan Smith	September 2013
	<b>Cllr. Eryl Williams</b>	2. Provisional External Examinations and Teacher Assessments <b>[Education]</b>	To review the performance of schools and that of looked after children	Scrutiny of performance leading to recommendations for improvement	Julian Molloy	September 2013

**Future Issues**

Item (description / title)	Purpose of report	Expected Outcomes	Author	Date Entered
<i>Parking Enforcement (deferred until after Communities Scrutiny Committee has considered a report on the impact of the Council's Parking Enforcement Strategy on economic development scheduled for 25 November 2013)</i>	<i>To examine the statistics on the number of Penalty Charge Notices (PCNs) issued during 2012/12 and 2013/14 to date, the breakdown of PCNs per MAG area (and per town), the number of prosecutions arising from the issue of CPNs (and the associated costs of pursuing prosecutions), cost of the running the service and the income generated for the Authority</i>	<i>Assurances that the Service is demonstrating value for money and supporting the Council's delivery of its corporate priorities of developing the local economy and maintaining clean and tidy streets</i>	<i>Mike Jones</i>	<i>By the SCVCG September 2013</i>

**Information/Consultation Reports**

Date	Item (description / title)	Purpose of report	Author	Date Entered
<b>Available during the summer term 2014</b>	Use of Supply Teachers <b>[Education – to be shared with coopted members]</b>	To detail the use made of supply teachers within the county during recent years and to date this year. The report to detail the costs to the Council of hiring supply teachers, the lengths of time for their hire, the expectations/objectives given to them upon engagement and the quality monitoring arrangements in place to evaluate their effectiveness	Karen Evans	September 2013

**Note for officers – Committee Report Deadlines**

Meeting	Deadline	Meeting	Deadline	Meeting	Deadline
20 February	<b>6 February</b>	20 March	<b>6 March</b>	1 May	<b>17 April</b>

Performance Scrutiny Work Programme.doc

Updated 06/01/14 RhE

Cabinet Forward Work Plan

Appendix 2

Meeting	Item (description / title)		Purpose of report	Cabinet Decision required (yes/no)	Author – Lead member and contact officer
18 February	1	Finance Report Update	To update Cabinet on the current financial position of the Council	Tbc	Cllr Julian Thompson-Hill / Paul McGrady
	2	Advocacy Provision for Children and young people in North Wales	To commission a regional N. Wales advocacy service for vulnerable children and young people	Tbc	Cllr Bobby Feeley / Michelle Hughes
	3	North Wales Residual Waste Project	To agree contractual arrangements for the disposal of the council's residual waste.	Tbc	Cllr David Smith / Steve Parker / Jim Espley
	4	Street Naming Policy	To consider amendments to the current Street Naming Policy and to adopt the new Policy.	Yes	Cllr Huw Jones / Hywyn Williams
	5	Rhyl New School Project	To approve the Business Case	Yes	Cllr Eryl Williams / Jackie Walley
	6	The National Model for School Improvement	tbc	tbc	Cllr Eryl Williams / Karen Evans
	7	Response to consultation on Town and Area Plans – Ruthin & Prestatyn areas	To approve the town and areas plans for Ruthin and Prestatyn areas	tbc	Cllr Hugh Evans / Rebecca Maxwell / Peter McHugh / Tom Booty

Cabinet Forward Work Plan

Meeting	Item (description / title)		Purpose of report	Cabinet Decision required (yes/no)	Author – Lead member and contact officer
	8	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet's attention.	Tbc	Scrutiny Coordinator
<b>25 March</b>	1	Finance Report Update	To update Cabinet on the current financial position of the Council	Tbc	Cllr Julian Thompson-Hill / Paul McGrady
	2	Corporate Plan QPR: Quarter 3 2013/14	To monitor the Council's progress in delivering the Corporate Plan 2012 -17	Tbc	Cllr Barbara Smith / Tony Ward
	3	Response to consultation on Town and Areas Plans – Rhyl, Denbigh & Rhuddlan areas	To approve the Town and Area Plans for Rhyl, Denbigh & Rhuddlan areas	Tbc	Cllr Hugh Evans / Rebecca Maxwell / Peter McHugh / Tom Booty
	4	Procurement Business Case for Three Counties	To consider the Business Case	Yes	Cllr Julian Thompson Hill / Paul McGrady
	5	West Rhyl Housing Improvement Project	Detailed design of open green space to be considered	Tbc	Cllr Hugh Evans / Carol L Evans
	6	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet's attention	Tbc	Scrutiny Coordinator
<b>29 April</b>	1	Finance Report Update	To update Cabinet on the current financial position of	Tbc	Cllr Julian Thompson-Hill / Paul McGrady

Cabinet Forward Work Plan

Meeting		Item (description / title)	Purpose of report	Cabinet Decision required (yes/no)	Author – Lead member and contact officer
			the Council		
	2	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet’s attention.	Tbc	Scrutiny Coordinator
<b>27 May</b>	1	Finance Report Update	To update Cabinet on the current financial position of the Council	Tbc	Cllr Julian Thompson-Hill / Paul McGrady
	2	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet’s attention.	Tbc	Scrutiny Coordinator
<b>June</b>	1	Finance Report Update	To update Cabinet on the current financial position of the Council	Tbc	Cllr Julian Thompson-Hill / Paul McGrady
	2	Corporate Plan QPR: Quarter 3 2013/14	To monitor the Council’s progress in delivering the Corporate Plan 2012 -17	Tbc	Cllr Barbara Smith / Tony Ward
	3	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet’s attention	Tbc	Scrutiny Coordinator

Note for officers – Cabinet Report Deadlines

Cabinet Forward Work Plan

<i>Meeting</i>	<i><b>Deadline</b></i>	<i>Meeting</i>	<i><b>Deadline</b></i>	<i>Meeting</i>	<i><b>Deadline</b></i>
<i>February</i>	<i><b>4 February</b></i>	<i>March</i>	<i><b>11 March</b></i>		

Updated 03/01/13 - KEJ

Cabinet Forward Work Programme.doc



## Progress with Committee Resolutions

Date of Meeting	Item number and title	Resolution	Progress
13 December 2013	5. Grade II Listed Buildings	<p><b>RESOLVED</b> – that, subject to the above observations, the Committee:-</p> <p>(a) receive and note the contents of the report, and</p> <p>(b) agree that the Chair submit a letter of support endorsing the views expressed by the BCCA in his response to the formal consultation on the proposed changes to legislation relating to listed buildings</p>	Copy of letter circulated to members in the Information Update document
	9. Scrutiny Work Programme	<p><b>RESOLVED</b> – that,</p> <p>a) subject to the above amendments and agreements, the Work Programme as set out in Appendix 1 to the report be approved; and</p> <p>b) Councillor Gareth Sandilands be appointed as the Committee’s representative on the Economic and Community Ambition Programme Board</p>	Relevant officers notified of the appointment

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