

COMMUNITIES SCRUTINY COMMITTEE

Minutes of a meeting of the Communities Scrutiny Committee held in Conference Room 1A, County Hall, Ruthin on Thursday, 12 March 2015 at 9.30 am.

PRESENT

Councillors Peter Evans, Huw Hilditch-Roberts (Chair), Win Mullen-James (Vice-Chair), Bob Murray and Cefyn Williams.

Co-opted Members: - D. Houghton, Dr D. Marjoram and G. Williams.

Lead Members Councillors Hugh Evans, David Smith and Eryl Williams attended at the Committee's request.

Councillors Stuart Davies, Bobby Feeley, Martyn Holland, Huw Jones, Gwyneth Kensler attended as observers.

ALSO PRESENT

Corporate Director: Economic and Community Ambition (RM), Head of Highways and Environmental Services (SP), Head of Education (KE), Senior Engineer, Flood Risk Management (WH), Scrutiny Coordinator (RE) and Administrative Officer (CW).

1 APOLOGIES

Apologies for absence were received from Councillors James Davies, Gill Greenland, Carys Guy, Rhys Hughes, Joe Welch and Cheryl Williams.

2 DECLARATION OF INTERESTS

Councillor H. Hilditch-Roberts declared a personal interest in Agenda Item 5 "Language Categorisation of all Denbighshire Schools" because his partner was an employee of the Council, and Councillor Martyn Holland declared a personal interest in Agenda Item 5 "Language Categorisation of all Denbighshire Schools" because he was a School Governor.

3 URGENT MATTERS AS AGREED BY THE CHAIR

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

4 MINUTES

The Minutes of a meeting of the Communities Scrutiny Committee held on Thursday, 29th January, 2015 were submitted.

Matters arising:-

In response to a question from Councillor W.M. Mullen-James, the Scrutiny Coordinator agreed to liaise with the Head of Highways and Environmental Services regarding whether the possible provision of a discount for green waste collection for senior citizens had been considered as part of the budget setting process.

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

5 LANGUAGE CATEGORISATION OF ALL DENBIGHSHIRE SCHOOLS

A report by the Head of Education (HE), which sought the Committee to consider the findings of Welsh in Education Strategic Group's review of the language categorisation of the County's schools, was circulated with the papers for the meeting.

It had been resolved by Cabinet on the 30th September, 2014 to request that the Welsh in Education Strategic Group review the language categorisation of all schools during the autumn term and report to Scrutiny in early spring 2015.

The context and criteria of categorisation, included in the report, was summarised by the HE, who also outlined the categorisation and results of the questionnaire in Appendix 2. A breakdown of responses had been included in Appendix 3 with the responses having been checked against current educational outcomes.

The HE and Lead Member for Education informed Members that:-

- the Welsh Government's (WG) 'Defining schools according to Welsh Medium provision (2007)' document was a guidance which set out descriptions and school categories based on the amount of Welsh used in teaching and learning, and the day to day running of schools. This guidance, which had no basis in legislation, was used by education authorities across Wales when developing information for parents on the language medium of their schools;
- in response to a Cabinet decision in September 2014 the Welsh in Education Strategic Group (WESG) had undertaken a review of all the county's schools, both primary and secondary (apart from the special schools), to assess whether all schools were delivering their curriculum within the defined criteria for their current categorisation;
- the results of this assessment had identified anomalies between the current language categorisation and curriculum delivery medium at four of the county's schools - 3 primary schools and 1 secondary school. Whilst one of the primary schools was a dual stream (Category 2) school none of its pupils had been assessed through the medium of Welsh in recent years, but two were expected to be assessed through Welsh this year. Another primary school, which delivered its curriculum mainly in English, but with significant use of Welsh (Category 4), had indicated it was a dual stream school with sufficient capacity to deliver through the medium of Welsh, and that some pupils had actually been assessed via the

medium of Welsh in recent years. The third primary school had acknowledged that it no longer had sufficient capacity to deliver education through the medium of Welsh to permit it to continue with its current Category 4 categorisation. It should therefore be a Category 5 (English medium) school. Of the County's two bilingual secondary schools, currently categorised as Category 2B - 80% minimum education delivery through the medium of Welsh, one had indicated that it should now probably be in Category 2C - between 50% and 79% of its curriculum delivered through the medium of Welsh;

- in the past 7 years the County had recorded an increase in the number of pupils being educated through the medium of Welsh from 17% to 23%, this was encouraging. However there was a long journey yet to be travelled if the Council was to realise its long-term ambition of seeing all the county's children and young people being fully confident and competent in both Welsh and English when they left school:
- the WESG and School Governors had an important role to play in monitoring and supporting schools to meet and deliver the curriculum in line with its language categorisation, and if a school decided that it could no longer deliver in line with its current categorisation a statutory process would have to be followed in order to change the categorisation of the school.

The following points were raised by Members:-

- whilst school language categorisation was a complex subject, there was a need to examine the anomalies at all four schools in greater depth in order to gain a better understanding of the contributory factors which had given rise to the anomalies and identify any support that could be made available to them;
- it would also be useful to examine in detail the progress made by all schools along the language continuum, in particular those schools already identified under the Modernising Education Programme as ones who wanted to increase their Welsh medium delivery;
- all school re-organisation action plans should be examined to ensure that the identified actions relating to language categorisation, including the necessary support required to assist the schools with the delivery of education through the specified language, had been actioned and met;
- it would be useful for the purpose of undertaking the above exercise to have two or three Scrutiny Members to serve on the Welsh in Education Strategic Group. Dr D Marjoram indicated her interest in being a member of the WESG for this purpose.

Following further discussion, it was:-

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

(a) notes the findings of the review of the County's schools' delivery of education in relation to their language categorisation,

(b) recommends that the Welsh in Education Strategic Group undertake a further review to establish the reasons for the anomalies in the four schools identified in the report, identifying any support that may be available to them to support them going forward,

(c) requests that the WESG also examine the progress made by all county schools along the language continuum, particularly those identified under the Modernising Education Programme as ones who wanted to increase their Welsh medium delivery, and

(d) requests that the Scrutiny Chairs and Vice-Chairs Group be asked to appoint two or three scrutiny Members to serve on the WESG for the purpose of this further review.

6 RHYL COASTAL DEFENCE ASSESSMENT

A copy of a joint report by the Head of Highways and Environmental Services (HHES) and the Senior Engineer, which presented Members with the draft Rhyl Coastal Defence Assessment report commissioned by the Council after the December, 2013 coastal floods, had been circulated with the papers for the meeting.

The Committee had considered Denbighshire's Local Flood Risk Management Strategy in December, 2014 and had expressed a wish to view the Rhyl Coastal Defence Assessment; to understand the Welsh Government (WG) and National Resource Wales (NRW) responses to it, and to consider the implications in terms of any works that might be required, and the availability of potential funding streams.

The HHES introduced the report which outlined the nature of the Rhyl Coastal Defence Assessment, the main conclusions, subsequent discussions with NRW, property flooding rates, schemes to mitigate risk and funding details.

The Lead Member for Public Realm and the HHES referred to the report and the consultant's report on the Rhyl Coastal Defence Assessment, emphasising that the report by its nature was a very technical report. The report had been commissioned in the wake of the December, 2013 coastal flooding incident to assess the likely inundation caused by a 1 in 200 year event and the likely recurrence of such a severe weather event. It was explained that first reading the consultant's report may cause alarm, however its assessments had been based on a combination of weather, marine and astronomical events all happening at the same time, which would be an extremely rare occurrence.

In responding to Members' questions the officers:-

- detailed the flood alleviation and coastal defence works carried out to date since the 2013 flooding event and the proposed work to be commenced before the end of the current calendar year, all of which had been well received by local residents. All these works would reduce the risk profile for severe coastal flooding in the area, nevertheless the risk could never be completely eradicated;

- provided an overview of how the proposed scheme would work, under which the golf course would be used as a flood water containment site during times of severe flooding. It was emphasised that the scheme had been developed in consultation with the Golf Club and due to the reasons why water would need to be contained there during an emergency, there should not be any recourse by the Club for recompense for damage to the greens during an extraordinary weather event;
- the proposed North Wales Tidal Energy lagoon, if constructed, would further reduce the risk of sea water overtopping the coastal defences as it would reduce the size and power of the waves that hit the shoreline. However, this would not be built in the near future therefore other measures had to be taken to reduce the risk from the sea for the short to medium term;
- explained the various funding schemes accessed by the Council to finance emergency flood response and alleviation work in the past;
- outlined the work undertaken to advise residents on how to protect their properties in the event of small scale flooding and to reassure them of the work underway to reduce the risk of major floods in future;
- confirmed that there were Flood Wardens already in place in the Rhyl area but more work needed to be undertaken with them to assist them to raise residents' awareness of what to do in the event of a flood;
- verified that the Council was also working with insurance companies etc. to explain the likely risk of flooding in the area and therefore assist residents to access affordable house and contents insurance;

During the ensuing discussion Members suggested that in future it may be useful if more use was made of the media/social media for alerting people of imminent flooding. It was also felt that it would be worthwhile to communicate, in conjunction with other stakeholders, a positive message to residents highlighting how in austere times the Council was investing heavily in flood alleviation measures in a bid to protect vulnerable people and highlighting the good partnership working that was taking place between all stakeholders to deliver this work.

RESOLVED – *that the Committee:-*

- (a) receive and note the contents of the report.*
- (b) notes, for clarity purposes, that the overtopping frequencies quoted in the report were not synonymous with the "property flooding frequency" figures, typically used in Welsh Government assessments of risk, and*
- (c) endorses the development of the flood risk mitigation schemes currently being progressed by the County Council.*

7 THE REMOVAL OF UNAUTHORISED SIGNS FROM HIGHWAY LAND

A copy of a report by the Head of Highways and Environmental Services (HHES), on the Council's policy position in relation to the removal of unauthorised signs from

highway land and how the policy was being implemented, had been circulated with the papers for the meeting.

The issue of unauthorised signs had been debated by the Committee on the 9th September, 2014, and details of the outcome had been included in the report. The latest guidance for officers had been included as Appendix 1, with the Council making a distinction between commercial, and non-commercial/community event signs. Appendix 2 provided a list of examples, in order to illustrate how that distinction had been interpreted in practice. It was felt that as the policy specifically referred to types of unauthorised sign which would be tolerated, it would be incorrect to refer to a “zero tolerance” policy. Appendix 3 provided photographs of examples to assist Members.

In presenting the report the Lead Member for Public Realm emphasised the need for effective partnership working between several Council departments with a view to ensuring fair and equitable treatment for local businesses, to assist community groups, and protect residents' safety when dealing with unauthorised signs placed on highways land.

Members expressed the following views and opinions during the ensuing discussion:-

- the policy had worked well in Prestatyn, where the problem had virtually been eradicated. A feasibility study had recently been commissioned by Prestatyn Town Council to examine whether it would be viable to offer businesses advertising space on boards erected in Town Council owned bus shelters, for which a fee would be charged;

- there had been concerns in other towns about the policy's implementation, particularly the perceived lack of a consistent approach in its implementation, and there was a need for a clear definition of various categories of events e.g. community events;

- in straightforward cases, the policy could be implemented directly by officers. However, in cases where difficulties were likely to occur, the local member should be given the opportunity to contact the event organiser or business regarding the signs. This should be done as early as possible in the process.

- unless highway safety was compromised, the first stage of the process would be to contact the owners of the signs and/or the organisers of the event, in order to try and resolve the situation. If the situation could not be resolved, the local member should be alerted immediately;

- it would be useful for tourist information signs to be included on existing road signs i.e. emblems to denote the facilities available at a village/town, and

- for the findings of the Planning, Economic Development and Highways Services working group's work to be presented to scrutiny in due course to ensure that it supported the Council's vision and delivery of its Corporate Plan;

The Leader registered his concerns about the need to strike an appropriate balance between the Council's rights and duties with respect to highway safety enforcement action and its economic development role. The Council needed to be seen to be nurturing and supporting business in the county.

Responding to Members' questions the Head of Service and Lead Member:-

- stressed that officers would willingly apply whichever policy members deemed appropriate in relation to this problem, as long as it did not compromise highway users' safety;
- emphasised that the policy was not a zero-tolerance policy, it had been drawn up in response to members' concerns with respect to the proliferation of unauthorised signs across the County, particular reference being made at a previous meeting to the highway through Lôn Parcwr, Ruthin;
- drew Members' attention to the definition of community events, charity events etc. as detailed in Appendix 2 to the report;
- explained the differences between public highways enforcement action and planning laws;
- acknowledged that mistakes had been made in 2014 when signs, advertising community events already included in the County's Events Strategy, had been taken down as part of the implementation of this policy. Assurances were provided that this would not happen again this year as officers had now been issued with guidance and definitions on these types of events. It would be useful if Members could ask event organisers to contact the Highways Service to advise them of when and where promotional signs for community events were going to be erected, as the Service could then advise on the suitability of the location on safety grounds;
- The Corporate Director: Economic and Community Ambition had commissioned a piece of work to look at how Highways, Economic and Business Development, and the Planning Services could work better together for the purpose of developing the local economy, striking an appropriate balance between enforcement and business support activity, and supporting local businesses. Part of this work would include the compilation of a 'welcome pack' for new businesses which would detail what they could and could not do with respect to advertising their businesses. Until this work had been completed the current policy would be applied, but officers would be advised to have regards to the definition of various types of events as per Appendix 2 to the report;
- confirmed that 'A' Boards were permitted immediately outside businesses as long as there was sufficient thoroughfare to ensure pedestrians' safety;

At the conclusion of the discussion the Committee emphasised that a common sense approach to the policy's application was required, with local Members being made aware of any problems within their areas as soon as they came to light. Business people and community groups needed to be engaged and involved with the process from an early stage in a bid to support them to achieve their aspirations

and the Council to deliver its economic development and clean and tidy streets corporate priorities, whilst also upholding its community safety duties. It was:-

RESOLVED – *that subject to the above observations -*

- (a) to support the principles outlined in the guidance, its continued application and the development of a 'business welcome pack' to assist and support new businesses to establish themselves and promote their services within permitted practices;*
- (b) express support for Denbighshire officers who have to implement the policy, sometimes in difficult circumstances;*
- (c) that the policy guidance should be amended to incorporate the involvement of local members in the process;*
- (d) to support the principle of claiming back costs from any serial offenders who choose to ignore written warnings, and/or any requests from local members, and continue to place signs illegally;*
- (e) support the separate initiatives that are being developed in relation to properly authorised signs and advertisements, especially tourism signs and neighbourhood signs (in areas where several businesses coexist); and*
- (f) request that the findings of the Highways, Economic Development and Planning Services' working group work be presented to scrutiny upon completion to ensure that it supports the Council's vision and the delivery of its Corporate Plan.*

8 RESTRUCTURE OF THE ECONOMIC AND BUSINESS DEVELOPMENT SERVICE

A copy of a report by the Corporate Director; Economic and Community Ambition (CDECA), which set out the context and aims of the review of Economic and Business Development function of the Council, had been circulated with the papers for the meeting.

The report detailed how the review would support the Council's Corporate Plan priority for developing the local economy and the vision set out in the Economic and Community Ambition Strategy. The Council faced a budget reduction target of £17M over the next 2 years with savings totalling £11m having been identified, leaving a balance of £6m with there being little prospect of improved financial settlements in the foreseeable future. The current budget reductions were on top of over £20m cuts made since 2009, and the scale of challenge meant that Council services faced significant changes. The review of the Council's Economic and Business Development function had been undertaken within this context and principles applied had been included in the report.

Presenting the report on the restructure of the Service the Leader and the CDECA emphasised that the Council had developed a very ambitious Corporate Plan and set itself extremely challenging targets in its Economic and Community Ambition Strategy, some of which were to be delivered by 2017. In recent months the Council had given an undertaking that it would strive to deliver the Plan and Strategy despite being faced with unprecedented cuts to its budget for the foreseeable future. As a result of these severe financial cuts services had to be tailored to deliver the expected outcomes in the most effective and efficient way,

hence the reason for the restructure of the Economic and Business Development Service. Both the Leader and CDECA reassured Members that the new cross county management and delivery structure was aimed at delivering the three headline targets in the Economic and Community Ambition Strategy's Delivery Plan - more people in work, higher household incomes, and more and healthier local businesses. The roles of the posts within the structure, along with the additional post in the Business Improvement and Modernisation Service, were outlined. Responding to Members' questions the CDECA and Leader confirmed that:-

- the responsibility for delivering both the corporate priority relating to economic development and the Economic and Community Ambition Strategy were not the sole responsibility of the Economic and Business Development Service, all Council services had a stake in them and a role to play with their delivery;
- Town and Area Plans would in future become focussed delivery Plans. The Town Champion's role would be reviewed with a view to strengthening it and Heads of Service would be allocated actions or aspects of Town and Area Plans to be delivered within specific deadlines. They would be held accountable for delivering these projects as they would feature in their Service Plans;
- the Town Champions and the Economic and Community Ambition Board had been consulted on the restructure proposals;
- certain aspects of the economic development corporate priority were being progressed at different levels e.g. educational/employer skills development, electrification of the North Wales railway network, promoting the region as an area for business were being progressed regionally via the North Wales Economic Ambition Board, whilst other more local aspects such as promoting Denbighshire as a good location for business were taking place at county level.
- WG was not always taking heed of local authorities or regional bodies' advice on what would deliver the best economic outcomes for the area. At times this compounded local authorities' efforts to drive forward economic development, therefore local authorities had to be creative and innovative in their approach;
- in future European funding would be administered on a regional, North Wales, basis. Confirmation was still awaited on where the European funding team would be located and on when community funding from large infrastructure projects such as wind farms would be available. As the Council was no longer in a position where it could employ staff until funding streams had been confirmed or became available it had to work with what was currently available to it, hence the restructure of the Service which had been undertaken on the basis of what was currently available and known future availability;
- a separate report on potential future community funding, including wind farm and European monies, was due to be presented to Partnerships Scrutiny Committee on 19 March 2015. Whilst the administration of European funding would move to a regional base it was not anticipated that Denbighshire would lose out on any money as it was one of the areas identified to benefit from EU Structural Funds for the period 2014-2020. However, going forward, the Council and communities would

need to refine their practices, and work more closely together, when developing projects in order to maximise the benefits from available funds;

- the Service restructure was underway and should be completed by May, 2015. The reduced number of posts was in no way an adverse reflection on present postholders' capabilities. The basis of its establishment was the 'good enough' concept within financial means to facilitate the delivery of the Council's vision and intended outcomes;

The following views and opinions were expressed by Members:-

- whilst supporting the aims of the Economic and Community Ambition Strategy they questioned whether the Council was setting itself targets which were too ambitious, particularly with respect to the digital infrastructure, as such matters were not within the Council's control;

- whilst acknowledging that the Service's management structure was an operational decision, expressed reservations on the pace of the process and the extent of staffing cuts, and whether the governance structure was right;

- emphasised that whilst a lot of activity had taken place during the last three years, the number of projects delivered to date seemed low. Therefore, going forward, there needed to be much more emphasis on delivering tangible outcomes, all of which would need to be evidenced;

- raised concerns about the perceived incremental regionalisation of administration, governance and funding of economic development matters and the potential impact on economic development locally.

- questioned whether the new structure would have sufficient resources to effectively deliver the Economic and Community Ambition Strategy and corporate priority to a 'good enough' standard;

- emphasised the need to strengthen the role of the town champions with respect to delivering the town and area plans;

- registered concerns on whether the Council was realising a return on investment from all regional economic development organisations with which it was involved, and whether all major developments in the region, despite being marketed as opportunities/projects for Wales, were actually nothing more than projects in Wales with the majority of the staff transferring in from outside the region.

It was confirmed that the impact of the Service's restructure in delivering outcomes would be measured by the 'Cutting Our Cloth' Task and Finish Group through its work on the impact of the budget cuts on the deliverability of the Corporate Plan.

Following an in-depth discussion it was:-

RESOLVED – that, subject to the above observations, to support the rationale for, and the expected outcomes arising from, the review of the Council's Economic and Business Development function.

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 which provided an update on relevant issues, had been circulated with the papers for the meeting.

In response to a question from Councillor R.M. Murray, the Scrutiny Coordinator outlined the process to be followed if Members wished to invite the Police Commissioner to attend a meeting, and confirmed that assistance in completing forms would be available if required.

The Committee considered its draft Forward Work Programme for future meetings, Appendix 1, and it was agreed that the Lead Member, Councillor D.I. Smith, be invited to attend the meeting on the 23rd April, 2015 for consideration of the two business items.

The Scrutiny Chairs and Vice-Chairs Group (SCVCG) had met on the 19th February and appointed representatives to serve on the Cross-Scrutiny Task and Finish Group established to evaluate the impact of the budget cuts. The Committee's representatives would be Councillors H. Hilditch-Roberts and T.R. Hughes, with Councillors W. Mullen-James and J. Welch being the substitute Members. Substitute Members would be called upon to participate in the Group's work as it progressed.

The Group had discussed the arrangements for reporting on the Scrutiny Committees' work during 2014/15 to Annual Council in May, and as part of that process had decided to undertake an evaluation exercise of the scrutiny function's work. All Members and Senior Managers had been issued with a short questionnaire, to be returned by the 16th March, 2015, seeking them to evaluate scrutiny's effectiveness from their perspective. A summary of the findings would be reported as part of the item on the Annual Report at the Annual Council meeting in May.

An item discussed at length at the SCVCG meeting was the WG's recent White Paper, Devolution, Democracy and Delivery – Reforming Local Government: Power to Local People. Chapter 8 of the White Paper, 'Strengthening the Role of Review', set out WG's proposals for scrutiny. The SCVCG's views on the consultation questions relating to chapter 8 would be fed into the Council's overall consultation response to the WG.

In reply to concerns raised regarding the inclusion of Declaration of Interest Forms with agenda packs, the Scrutiny Coordinator agreed to convey Members concerns to the relevant officers.

The Scrutiny Coordinator referred to the Information Pack circulated prior to the meeting which included a progress report on the Rhyll Going Forward Programme.

She also confirmed that the information requested on car park income had also been circulated to Members that morning.

RESOLVED – *that, subject to the above amendments and agreements, the Work Programme as set out in Appendix 1 to the report be approved.*

10 FEEDBACK FROM COMMITTEE REPRESENTATIVES

Councillor W.M. Mullen-James attended a Corporate Parenting meeting on the 11th March, 2015, and provided copies of two presentations received at the meeting to be circulated to Members of the Committee. Councillor Mullen-James referred to concerns raised relating to accommodation provision for young persons.

Councillor C.H. Williams attended the Affordable Housing Task and Finish Group, whose business would be concluding soon, and a report would be presented to Cabinet in the near future.

Councillor H. Hilditch-Roberts attended the HR Service Challenge meeting and noted significant improvements in service delivery, particular reference being made to the impact made by the Head of Legal, HR and Democratic Services since his appointment as Head of HR.

RESOLVED – *that the Committee receive and note the above reports.*

Meeting ended at 1.20 p.m.