

COMMUNITIES SCRUTINY COMMITTEE

Minutes of a meeting of the Communities Scrutiny Committee held in Conference Room 1a, County Hall, Ruthin on Thursday, 10 September 2015 at 9.30 am.

PRESENT

Councillors Brian Blakeley, Bill Cowie, Huw Hilditch-Roberts (Chair), Martyn Holland, Rhys Hughes (Vice-Chair), Win Mullen-James, Bob Murray, Anton Sampson and Cefyn Williams.

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

Lead Members Councillors R.L. Feeley, H.L.I. Jones, J. Thompson-Hill and E.W. Williams attended at the Committee's request.

Councillors J.R. Bartley, M.L.I. Davies, G.M. Kensler, T.M. Parry, A. Roberts, J.S. Welch, H.O. Williams attended as observers.

ALSO PRESENT

Corporate Director: Economic and Community Ambition (RM), Corporate Director: Communities (NS), Head of Legal, HR and Democratic Services (GW), Head of Customers and Education Support (JW), Interim Head of Communication, Marketing and Leisure (SH), Chief Finance Officer (RW), Lead Officer: Young People, Safeguarding and Welfare Development (RE), Passenger Transport Manager (PD), Service Manager: Strategic Development (GG), Director Resources WLGA (JR), Scrutiny Coordinator (RE) and Administrative Officer (CW).

The Chair welcomed Councillor A. Sampson as a new member of the Communities Scrutiny Committee.

1 APOLOGIES

Councillors P.A. Evans, C.L. Williams and G. Greenland (Co-opted Member).

2 DECLARATION OF INTERESTS

Councillors H. Hilditch-Roberts, T.R. Hughes, H.O. Williams and Mr J. Piper declared a personal interest in Agenda Item 3, "Urgent Matters - School Transport" because family members received school transport.

3 URGENT MATTERS AS AGREED BY THE CHAIR

In accordance with the requirements of Section 100B(4) of the Local Government Act 1972, the Chair declared that he intended to include for discussion the following matter requiring urgent attention under Part II:-

1. The Initial Implementation of the Home to School Transport Eligibility Policy:-

In response to the number of queries and complaints raised with local Elected Members, during the school summer holidays, and since the commencement of the new school year, the Scrutiny Chairs and Vice-Chairs Group (SCVCG) had instructed the Committee to consider this matter as an urgent item of business at the meeting.

The Chair emphasised that the Committee would not be examining individual cases or specific pick-up points, but focusing on the principle behind the policy and its initial implementation.

The Head of Customers and Education Support introduced the report and outlined the background to the implementation of the policy. She explained that the Service had put forward the school transport policy as a potential savings option from September 2016 to a Freedoms and Flexibilities Workshop during 2014.

Elected Members, on realising the amount of potential savings associated with this budget, in the region of £300K, had instructed officers to work towards implementing the policy from September, 2015 with a view to protecting the Education Service itself from severe cuts in 2015/16. This decision had necessitated meeting some tight deadlines in order to publish the proposed policy changes within the statutory requirements of 11 months prior to its implementation.

Prior to the Cabinet approving the 'Home to School Transport Eligibility Policy' on the 30th September, 2014 a letter had been sent to parents who were likely to be affected to draw to their attention the potential introduction of such a policy. The draft policy had been considered by Communities Scrutiny Committee on the 11th September, 2014 and by County Council on the 9th September, 2014. Following Cabinet's decision and the policy's publication in October, 2014 a copy was sent to all schools. In May, 2015 all parents that had applied for school transport for their children received a letter informing them of the decision to strictly apply the policy from September 2015, and advised that they would be contacted again with the list of designated pick-up points across the county. A high number of parents had telephoned the Council about the new policy and whilst they acknowledged that its application would inconvenience them a number had commented that they had been surprised to receive a 'door to door service' initially.

Officers emphasised that Members had decided that the policy only be applied for high school children in the County. School transport in Wales was governed by the Learner Travel (Wales) Measure which effectively stipulated that a Local Authority had a duty to make reasonable travel arrangements to facilitate a child's journey to a secondary school if they lived three miles or more from the nearest suitable school. The Measure did not stipulate that it was the local authority's duty to provide transport from the child's home to the nearest suitable school. It was the parents/guardians' responsibility to make sure the child arrived at the pick-up point. To illustrate this point the Head of Legal Services cited a case taken to the High Court (RV Devon County Council exparte George 1988) where the Council's decision not to provide school transport to an 8 year old child who lived in a rural

area, 2.8 miles from the school and who had to travel to school along an unlit narrow road, had been upheld.

The list of proposed designated points had been circulated to Councillors on the 3rd July and discussed at a Council Briefing session on the 7th July, 2015, and following suggested amendments at that meeting letters had been sent out to all parents during the week beginning 10th August to advise them of the pick-up point for their child(ren). A sufficiently high volume of enquiries had been received following this notification and officers had worked with parents to try and resolve problems. It was only when the new school year started that it became apparent that some children had been using school transport even though their parents/guardians had never applied for transport in the first place. Because of this they had not been contacted prior to the policy's implementation as they were not listed on the school transport database. This had caused additional queries.

Since the implementation of the policy some parents had already worked together to commission their own taxi service to get the children to the designated pick-up point, whilst others were taking it in turns to take the children to the pick-up point.

Responding to Members' questions officers:-

- outlined the Council's duty to educate statutory school age children in the County and parental responsibilities with respect to ensuring that their children were able to access the education on offer;
- Confirmed that all new pick-up points had been subject to a health and safety risk assessment before being deemed suitable. Any potential new pick-up points in future would be subject to the same level of risk assessment tests;
- illustrated the definition of 'hazardous routes' and how its application to pupils who live less than 3 miles from the nearest suitable school differed to that for children who live more than 3 miles from their nearest suitable school but less than 3 miles from their designated school transport pick-up point;
- confirmed that the approval of the policy had been through the democratic process in open sessions of the various committees, the only aspect which had gone through the Council Briefing process was the sharing of proposed designated pick-up points for the purpose of seeking local members' views and opinions on them. Whilst the policy had been approved by Cabinet, in accordance with its executive powers, the budget cut itself had been approved by County Council when it set the Council's budget for 2015/16;
- advised that the charge for concessionary school transport to a school of their choice, which was not their nearest suitable school, was £50 per term. A child would only be permitted to use concessionary travel on a bus if there were 'empty' seats on a bus. Whilst some buses seemed to have surplus seats on some days, those seats were deemed as being available for pupils eligible for free school transport attending their nearest suitable school. If those children did not use the transport provided at all times their 'seats' could not be allocated to concessionary travellers;
- advised that concessionary travel could not be offered to pupils who may want to use it until the all pupils had settled into their schools, and the Authority knew exactly how many children utilised the free transport offered to them to their nearest suitable school;

- confirmed no benefits could be anticipated from offering an opt-in/opt-out of free school transport scheme to the nearest suitable school, as the majority would opt-in even if they only used the transport available on the rare occasion they required it;
- advised that free transport usage was regularly reviewed and modes of transport were modified if required. However, the Council could not commission larger buses on the basis of the number of concessionary travellers on a route, that could only be done based on the numbers of eligible pupils attending their nearest suitable school and who therefore were entitled to free transport;
- confirmed that the notice of withdrawal period for concessionary travel was one school term;
- advised that the 'nearest suitable school' would be either a community school, school that provided education through the medium of Welsh or a faith school, dependent upon parental choice;
- confirmed that where appropriate the Council combined service & school contracts to combine loads (for secondary learners only) and that there were no safety concerns with this arrangement
- assured members that staff would not have told any parent or guardian that a child should walk to the designated pick-up point, they would have informed them that it was the parent/guardian's responsibility to ensure they arrived at the designated pick-up point to access the free transport;
- advised that regardless of whether the policy was implemented in September 2015 or 2016 the issues which came to light during its implementation would be very similar;
- informed Members that if the Council wanted to revert to the previous policy that could be done, but the £300K savings realised from its implementation would need to be found from elsewhere in the Education Service's budget;
- confirmed that officers were looking at each individual query or complaint received and working with parents to try and resolve them. They were even trying to facilitate the provision of a taxi service for groups of parents who were willing to pay for the service to ensure their children arrived promptly and safely at their designated pick-up points;
- Explained that each individual case was judged on its own merits/circumstances. If individual parents were of the view that the decision not to provide free home to school transport for their child(ren) was not justified they did have a right of appeal to the Head of Education. If that appeal was dismissed they could utilise the Council's complaints process, go to the Public Services Ombudsman for Wales or ultimately they could seek a Judicial Review;
- reassured members that each query/complaint was looked at on an individual basis and all possible steps were being taken by officers to achieve a satisfactory resolution.

At the conclusion of the discussion the Chair thanked Members and officers for an open and frank discussion. Summing up he requested that Members be provided with links to the trail of discussion/decisions with respect to the policy's approval and implementation. He welcomed the Service's willingness and openness to work with parents/guardians with a view to dealing with each individual query on its own merits and to solve outstanding issues. He also suggested that it may be useful if information about the concessionary travel policy could be communicated to all

Elected Members to enable them to refer to it if they received enquiries from residents, and if an illustration could be provided for the 2/3 mile rule as it related to a 'hazardous' route.

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

- (a) accepted the information received with respect to the initial implementation of the Home to School Transport Eligibility Policy from 2015, and*
- (b) requested that a further report be presented to the Committee in November, 2015 reviewing the Policy's implementation and detailing the measures taken to resolve issues raised during the initial period of its implementation.*

The Committee agreed that Agenda Item 7 "Community Group Profiling Progress Report" be considered at this juncture in the meeting.

4 MINUTES

The Minutes of a meeting of the Communities Scrutiny Committee held on Thursday, 9th July, 2015 were submitted.

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

5 FINANCIAL PLANNING REPORT

A joint report by the Chief Finance Officer (CFO), which highlighted some of the funding decisions taken by Welsh Government in the last year, and outlined the impact on the Council's financial planning, had been circulated with the papers for the meeting.

The Lead Member for Finance, Corporate Plan and Performance highlighted some of the Welsh Government's (WG) funding decisions in the last year and their impact on the Council's financial planning. The Chair welcomed the Welsh Local Government Association's (WLGA) Director of Resources, Mr Jon Rae, to the meeting for the discussion on the report. He explained that an invitation had been extended to the WG's Minister for Public Services to attend the meeting for this discussion, however he had declined and suggested that a representative from the WLGA be invited to attend. Examples of unplanned changes, positive or negative, affecting grant funded activity had been included in Appendix 1.

It was explained that during austere times the financial planning difficulties encountered by Denbighshire had resulted from the level of uncertainty attached to the Welsh Government's (WG) indicative Revenue Support Grant (RSG) estimates, and the lateness of some grant funding notifications severely impacted on its ability to plan and manage its budget as effectively as it would like. This problem was not unique to Denbighshire, similar concerns had been raised by all Welsh Local Authorities (LAs).

The late notification of grant allocations could potentially have wide ranging implications on LA's, dependent upon the purpose of the grant, the audit/monitoring

requirements attached to it, or whether the employment of staff members were dependent upon knowing whether that funding stream was continuing i.e. the Animal Licensing Movement Recording Grant listed in the Appendix to the report. A number of grants in recent years had been awarded within weeks of the end of the financial year with a requirement that the monies be spent by the end of the financial year, such a short timescale for the tendering and procurement of works etc. did not equate to effective and efficient use of valuable resources.

The inconsistencies of the audit regime governing various grants was also a concern as the value of some of the grants were not cohesive with the audit requirements stipulated for them. The WLGA had on numerous occasions made representations to the WG, via the Partnership Council for Wales' Finance Sub-Group, on the predicament faced by Welsh LAs due to the late notification of RSG and grant funding. It was estimated that the administration of the grant funding in total could equate to circa 10% of its actual value which in effect meant that one tenth of the grant monies was spent on administration costs.

The Finance Sub Group had, on the 9th July, 2015, reiterated its concerns to the WG. The WLGA continued to lobby the WG on the basis that grant regimes elsewhere in the UK had been relaxed considerably whereas in Wales over 50 grant schemes remained part of a centralised system, e.g. Scotland had abolished all but two of its annually allocated grants, and in England a dozen or so grants remained.

Recently WG Ministers had indicated a willingness to consolidate the number of grants they awarded. Whilst this was a positive move it did carry the risk that consolidation comes hand in hand with drastic reductions in the financial value of future grants.

With regard to the timing of the next settlement, the outlook for the 2016/17 appeared to be very tight as it now seemed likely that the UK Chancellor would not be making his Comprehensive Spending Review (CSR) statement until the 25th November. This would delay the WG's announcement on its budget until at least Christmas or the new year with the final RSG announcement likely to be early in 2016, approximately three months later than usual. This would further impact on LA budget setting for the next financial year;

It was explained that it would be useful for different levels of governments to work closely together to build a high level of mutual trust and respect with a view to unhypothecating a number of the grants, and include them in the overall RSG settlement with an expected assurance that the monies would be used for their intended purposes. It would also be extremely useful if Wales could adopt a national outcomes framework model, similar to the one used in Scotland, where the national government permitted LAs to set their own priorities and utilise the RSG for the purpose of delivering those as long as they contributed towards the delivery of the national outcomes in due course.

The WLGA was currently working on influencing the political parties' manifestos ahead of next year's Welsh Assembly elections on the basis that devolution does not stop with the devolvement of power from the UK Government to the WG, but

that it also included the 'double devolution' of powers and flexibilities to LAs and to Town and Community Councils.

Members were keen that representations be made to all local Assembly Members on the cost of administering individual grants in comparison to the actual outcomes achieved from awarding them, and the fact that better value for money could be achieved if the value of these grants could be included in the RSG.

Following detailed discussion the Committee:-

RESOLVED – that:-

- (a) the Welsh Local Government Association convey the Committee's observations above to the Welsh Government via the Partnership Council for Wales' Finance Sub-Group; and*
- (b) a letter be sent to all local Assembly Members registering the Committee's concerns as outlined above.*

6 SUPPORTING INDEPENDENT LIVING SERVICES

A copy of a report by the Head of Community Support (HCS), which monitored the effectiveness of the new Supporting Independent Living Service (SILS), had been circulated with the papers for the meeting.

The Lead Member for Social Care (Adults and Children's Services) introduced the report, previously circulated, which gave an overview of the findings of the recent Supporting People led strategic evaluation of the service. Future proposals for the service were also outlined in the report.

The Lead Member acknowledged that whilst the progress in moving the old warden service into the new Supporting Independent Living (SIL) Service had been slow, it was now progressing and would in due course deliver the type of service the WG wanted to see Councils provide.

The Service Manager: Strategic Development advised Members that there were a few areas within the project that required urgent attention, these being:-

- realising value for money from the service, by promoting its availability and encouraging more people to use it.
- raising awareness of the service and the fact that it is a service that was available to all County residents who may benefit from it, not restricted as the previous service was to people living in sheltered accommodation.
- better co-ordination of the service with other Health and Social Care services i.e. Reablement, Single Point of Access (SPoA).

The Service Manager outlined the three levels of support which the SIL Service provides for service-users. He also advised that the SIL Action Plan addressed a number of actions detailed in the Council's Ageing Well Plan, endorsed by County Council two week previously.

Members were advised that the Supporting People grant funding for Denbighshire was in the region of £6m, and whilst the amount for next year was expected to be lower than that awarded for this year it still equated to a considerable amount of money. Money which needed to be spent wisely and targeted to support the most vulnerable in the community. Members felt that it was therefore important that local Assembly Members were informed of the potential impact on vulnerable residents of cuts to this particular grant funding.

Members also asked that a progress report be presented to them in December, 2015 which should include the SIL Action Plan, details of the awareness raising campaign both inside and outside the Council, other initiatives to realise value for money and the number of SIL Service recipients in each Council ward.

At the conclusion of the discussion it was:-

RESOLVED – *that the Committee:-*

(a) receives the report and, subject to the above observations, supports the approach being taken to establish and embed the Supporting Independent Living Service in Denbighshire, and

(b) that a further progress report, including the SIL Action Plan, be presented to the Committee at its December, 2015 meeting.

7 COMMUNITY GROUP PROFILING PROGRESS REPORT

A report by the Lead Officer: Young People, Safeguarding and Workforce Development (YPSWD), which provided an update on the mapping and profiling of community groups and emerging key themes, had been circulated with the papers for the meeting.

The Lead Member for Community Development introduced the report and outlined the themes emerging from the mapping work. The Interim Head of Communication and Leisure and the Lead Officer: Young People, Safeguarding and Workforce Development advised that of the approximately 1000 community groups that exist in Denbighshire around 300 had been profiled to date.

The profiling work would assist the Council to plan for children and young people's needs in future, particular out of school activities. The next steps in the project had been detailed within the report. Responding to Members' questions and concerns, officers advised that:-

- The profiling work in each locality included organisations/groups' equality and diversity, which covered all types of disabilities be they physical or learning disabilities. The Service was also working closely with the Social Services Department on issues such as inclusion, holiday schemes and about whether the Disability Toolkit could be applied to the Youth Service's broader work;
- Whilst some initial themes were emerging at this stage, particularly in relation to accessibility for disabled individuals to community groups, with only circa 30% of the profiling work completed it was anticipated that once the profiling was in the region of 80% complete some firm conclusions could be drawn on the number

of groups accessible to the disabled. At this point it was envisaged that the voluntary sector could be asked to help support this area in future;

- Confirmed that the mapping process should be more or less completed by the end of the current financial year;
- With a view to encouraging young people to engage with community/activity groups, and with different age groups, the establishment of a 'virtual youth service' was being proposed, as a means of information sharing and communicating information about the diverse groups available in the County;
- They were aware of a shortage of age 12 to 25 specific provision in the Prestatyn area. However, further work was required to determine whether young people in this age group were engaging with other broader age-range community groups in that area, and whether they were involved in more than one of these groups. The Children and Young People's Partnership had recently highlighted low level mental health issues within this specific age group;
- Confirmed that they were working closely with Menter Iaith and Yr Urdd with a view to growing the availability of social settings where pupils could use the Welsh Language outside of a formal educational setting. The County's own Youth Clubs were encouraging the use of Welsh in their sessions and the Welsh in Education Strategic Group (WESG) were also looking at potential opportunities for doing this. The Lead Member advised that he had recently contacted the Welsh Language Commissioner with respect of this matter

The Lead Officer agreed to promote the need for all groups to be as inclusive as possible and accessible to people with disabilities. As the majority of the groups were community groups run by volunteers they would need to be persuaded and influenced to be inclusive to all. Members felt that it was important that community based groups need to work closely together to complement each other and to ensure that no particular age group or element of the community felt disengaged or isolated.

Members congratulated the officers on their progress with the profiling work across the County, particularly with young offenders in rehabilitating them and turning them away from a life of crime. This work would undoubtedly pay dividends in the future.

Following further discussion, it was:-

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

- (a) receives the information provided; and*
- (b) supports the continuation of the work to map and profile the community groups across the County.*

Councillor M LI Davies queried why Council documentation seemed recently to have reverted to using the English alphabet for sub-paragraphs and not the Welsh alphabet. He thought that this contravened the Council's Welsh Language Policy. The Scrutiny Co-ordinator undertook to look into the matter and report back to the Committee in due course.

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.

A copy of the 'Member's proposal form' had been included in Appendix 2. In response to a question from Councillor R.M. Murray, it was explained that completed proposal forms requesting the inclusion of business items on the Committee's agenda would be considered. The SC explained that assistance in completing forms would be available if required. 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.

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

5th November, 2015:- The Committee agreed that Lead Members, Councillors B.A. Smith, D.I. Smith and E.W. Williams, be invited to attend the meeting.

In response to a request from the Lead Member the presentation of the draft Housing Strategy had been deferred until the November meeting. This would enable the Lead Member and officers to incorporate into the Strategy the feedback and comments received on the draft Strategy at a housing staff workshop held in late August.

The Scrutiny Coordinator informed the Committee that an information report pertaining to the Reablement Service had been circulated with the Information Brief for the meeting.

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

9 FEEDBACK FROM COMMITTEE REPRESENTATIVES

No reports were received.

Meeting ended at 12.55 p.m.