

COMMUNITIES SCRUTINY COMMITTEE

Minutes of a meeting of the Communities Scrutiny Committee held in Conference Room 1a, County Hall, Ruthin on Thursday, 5 November 2015 at 9.30 am.

PRESENT

Councillors Brian Blakeley, Huw Hilditch-Roberts (Chair), Martyn Holland, Rhys Hughes (Vice-Chair), Bob Murray, Anton Sampson and Cheryl Williams

Co-opted Members:- D Houghton and G Williams

Lead Members Councillors Bobby Feeley, Barbara Smith, David Smith and Eryl Williams attended at the Committee's request.

Observers:- Councillors Meirick Lloyd Davies and Arwel Roberts

ALSO PRESENT

Corporate Director: Communities (NS), Head of Customers & Education Support (JW), Education Planning & Resources Manager (IL), Passenger Transport Manager (PD), Head of Planning & Public Protection (GB), Head of Business Improvement and Modernisation (AS), Development Manager, Planning & Public Protection (PM), Graduate Trainee, Programme Office & Intelligence Team (IBB), GIS Officer (TW), Local Housing Strategy & Development Officer (JA), Senior Officer, Strategy & Partnerships (SL), Lead Officer, Community Housing (GD), Scrutiny Co-ordinator (RE) and Committee Administrator (SLW)

1 APOLOGIES

Apologies for absence were received from Councillors Bill Cowie, Win Mullen-James, and Cefyn Williams

Apologies for absence were received from Co-opted Members Gill Greenland, Dr D Marjoram and J Piper

2 DECLARATION OF INTEREST

Councillor Huw Hilditch-Roberts declared a personal interest in item 5, Review of Home to School Transport Policy.

Councillor Cheryl Williams declared a personal interest in item 7, Draft Housing Strategy.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters.

4 MINUTES

The Minutes of a meeting of the Communities Scrutiny Committee held on 10 September, 2015 were submitted.

RESOLVED that the Minutes of the Communities Scrutiny Committee held on Thursday 10 September, 2015 be received and approved as a correct record.

5 REVIEW OF THE HOME TO SCHOOL TRANSPORT POLICY

The Head of Customers and Education Support (HofC&ES) introduced the report (previously circulated) to provide additional information as requested by the Communities Scrutiny Committee on 10 September, 2015. She outlined the background of the implementation of the Policy. The service had put forward the school transport policy as a potential savings option from September 2016 to a Freedoms & Flexibilities workshop during 2014.

Elected Members on realising the amount of potential savings associated with this budget had instructed officers to work towards implementing the Policy from September 2015 rather than 2016 as originally anticipated. 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.

The policy applied to the eligibility for school transport to secondary schools, hence the 3 mile rule to be eligible to access free home to school transport, and providing that was the nearest suitable school.

In previous years, Denbighshire had been far less stringent when applying the eligibility criteria, and as a result, a high number of pupils had been accessing the service that were not actually eligible.

In applying the policy to secondary school pupils, it had come to light that some primary school pupils had also been provided with free home to school transport even though they were not entitled to the service as they lived less than 2 miles from the nearest suitable school. This appeared to have caused a problem for families in Rhuddlan with children who attended Ysgol Dewi Sant, Rhyl. It was asked that a meeting be held between officers and parents to assess the route from Rhuddlan to the school. The route had been assessed recently as not hazardous. The cost of paying for public transport to Welsh medium or faith schools in future may limit parental choice when choosing schools for their children to attend.

The majority of issues were in the rural areas, as it was pupils from those areas who relied on school transport. Members also referred to the community impact of the loss of bus services to the rural areas. This raised concerns regarding the mid to long-term viability and sustainability of some rural communities following the loss of their schools and bus service. Members were concerned that because of these losses rural communities would, in due course, become commuter residences without a sense of community.

Members reported the steps one high school had taken and that had been to pay for transport for pupils for one area to the school to enable it to maintain pupil numbers.

The terminology used within the Policy may need revising to ensure clarity, the Policy name for example, home to school transport, may be revised to Schools Transport Policy. The Committee at its meeting on 11 September 2014 had resolved that the Policy should be called "Home to School Transport Eligibility Policy", however, there must be consistency in referencing to avoid any confusion with other school transport policies, such as transport for children with Special Educational Needs (SEN).

A positive outcome of the application of the Policy had been the community spirit and the coming together of neighbours to find solutions and work together to transport their children to the designated pick-up points or to schools. Such collaboration would be required more and more in the future as more cuts to public finances began to impact on services which local authorities would be able to provide.

Officers offered to discuss with Members, individually unresolved problems relating to specific individuals/families within their wards. However, they emphasised that not all queries could be resolved to the parents/guardians' satisfaction.

Officers requested Members, who were aware of outstanding complaints/queries, to contact them if they were of the view that any complaints/queries had not been dealt with.

Members requested that a copy of the document circulated to members on 3 July 2015 and the letter sent to parents on 10 August 2015 be circulated to them. Officers agreed to do this.

Following an in-depth discussion, officers responded to Members' questions as follows:

- Discussions had taken place with Conwy County Borough Council with respect to increasing the capacity of the school transport from Betws-yn-Rhôs via Cefnmeiriadog and the problems in finding a mutual and viable resolution.
- It had been emphasised that officers would not suggest that children were to walk to pick-up points, but there may be situations where they could safely walk if accompanied. Parents would be told that they should make arrangements for their children to arrive safely at their required pick-up points, either walking with them where able, or transporting them directly. This would be at their discretion.
- Officers advised that it had not become clear until the start of the autumn term, the total number of pupils affected by the policy changes. The numbers who were eligible for free home to school transport were known, but during the first few weeks of the term, the numbers using the free transport, although ineligible had become clear. The parents/guardians of those pupils would not have received advance notification of the transport's

withdrawal and, therefore, it had been those individuals who had generally generated the complaints.

- An appeal process was in place and this had been working well.
- Officers confirmed that if pupils had been permitted free home to school transport to a school, which was not their nearest suitable school, prior to the implementation of the current Policy, they would still be eligible to the free transport from their designated pick-up point for the remainder of the statutory schooling period.
- It had been confirmed that despite the Policy's implementation, the anticipated savings had not yet been achieved, although they were not too far from the target set.

At the conclusion of the discussion, Members:

RESOLVED that subject to the above and the provision of the required information, to support the continued application of the Home to School Transport eligibility Policy.

At this juncture (10.20 a.m.) there was a break and the Co-opted Members left the meeting.

The meeting reconvened at 10.25 a.m.

6 BETTER REGULATION OF CARAVAN SITES PROJECT UPDATE

The Lead Member for Public Realm, Councillor David Smith, introduced the report (previously circulated) to provide information regarding progress on this project since the previous Scrutiny Committee report.

The Committee had considered the report and it was agreed that the meeting move to Part II

PART II

Exclusion of Press and Public

RESOLVED – that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 13 of Part 4 of Schedule 12A of the Local Government Act 1972.

Officers drew Members' attention to the statistics which illustrated the array of services accessed by people living on "holiday" caravan sites and emphasised that:

- A lot of detailed background work had been undertaken with a view to establishing the extent of the problem of people living in "holiday" caravans on a full-time basis and accessing council services despite the fact that they had not contributed towards those services via the Council Tax system
- There may also be other people living in "holiday" caravans that the Local Authority would not be aware of as they were not registered on the electoral

roll or attempted to access services. Some may even be in full-time employment

- From the research undertaken to date, it was estimated that the Council would be losing in the region of a minimum of £300k per annum in Council Tax monies and Revenue Support Grant (RSG) payments by virtue of the fact that an estimated 175 individuals in the county were living all year round in “holiday” caravans
- The majority of the individuals were living in the county’s larger caravan sites, and these sites had their own services such as shops and launderettes on site
- Work was currently underway with the British Holiday and Homes Parks Association (BH&HPA) with a view to using the Association’s membership as a conduit for promoting good practice and management and identifying malpractices and mismanagement
- Work was underway on developing a Regulatory Procedure Manual and it was anticipated that this manual would be launched during the spring of 2016 at a conference jointly hosted by Denbighshire County Council and the BH&HPA.

During discussion, Members raised concerns with respect to:

- Recent applications to the Council’s Planning Committee seeking to extend operator’s licence conditions from 10 months to 12 months.
- The cost to the Council of the “hidden population” residing in the county’s caravan sites, particularly those who did not have “homes” elsewhere and stayed in their caravans for 10 months, going abroad for the remaining 2 months before returning to their “holiday” caravans in Denbighshire. A number of these people were elderly and would, at some point, be accessing public services in the area.
- There was a possibility that some of those who had homes elsewhere could also be on the electoral roll in two different areas.

Members and officers discussed at some length the benefits and constraints of introducing a “caravan tax” as a way of securing some income from the caravan owners for the services they receive. Members raised concerns in relation to the eligibility criteria for council housing raised within Appendix 5 of the report (page 56), which illustrated access to council housing and how a resident with medical problems in a caravan could gain additional points in comparison to the occupant of a house when applying for council housing. The Lead Officer – Community Housing was requested to look into this matter in detail.

Following the in-depth discussion the Lead Member for Public Realm and officers responded to Members’ questions and advised that:

- The low response to date with respect to the caravan site mapping exercise was partly attributable to the timing of the exercise, which had taken place at the conclusion of the holiday season. However, this should not delay the commencement of the work to populate the Local Land and Property Gazetteer (LLPG) with the information obtained to date.

- Not all caravan site operators were members of the BH&HPA, around 75% of the county's caravan site operators were members. Unfortunately, it was the larger sites that tended not to be members of the Association.
- Some caravan sites did not permit individual post boxes on site, all mail had to be delivered to the site office. This assisted the site owners to police the dwellings better. Some site owners would not sell a caravan to someone without a valid proof of an address elsewhere.
- NHS registers were also a useful source of data on people who lived on caravan sites.
- Whilst the council supported the concept of an all year round tourist trade, this did not constitute having the same individuals residing in caravans for 12 months. People who resided permanently in their caravans did not contribute as much to the local economy as those who visited for a short period of time, as the latter would visit various locations and spend money in those places. The former were more than likely to make more use of the on-site facilities such as shops, bars and restaurants.
- Holiday cottages were also governed by legislation to avoid them being classed as permanent dwellings. The licence for holiday cottages would stipulate the conditions placed upon them.
- Whilst there were not any incentives for "badly managed" sites to adhere to the rules, it would be hoped that having a "bad reputation" or "bad name" would alter their approach. If this would not work, the council would need to go down the enforcement route.
- If an individual had purchased a caravan on a 10 month site, thinking it was an all year-round site, he/she could contact the Trading Standards Department for guidance relating to being miss-sold a product. Officers also undertook to take this matter up with the BH&HPA.
- It would not be useful to trawl through historic data on occupancy of caravan sites, it would be a far more efficient use of resources to concentrate efforts on data from the last twelve months and into the future.

The Lead Member for Public Realm appealed to councillors to let officers know if they had any caravans within their wards which they suspected were being occupied on a permanent basis without the required residency permission.

Members agreed that the Council could not afford to lose circa £300k per year. There was, therefore, a need to establish the amount of enforcement action it could afford to take in the future. A standard and consistent regulatory policy combined with partnership working with the BH&HPA association and local caravan site operators should in the long-term realise benefits for all concerned and help the council to deliver a number of its corporate priorities. At the conclusion of the discussion, Members expressed their gratitude to the officers for their work and the Committee:

RESOLVED that subject to the above to agree:

- (i) *That the corporate address database and new monitoring regime be used to tackle possible future unauthorised residential occupation of holiday caravans through joint planning and licensing controls*

- (ii) To the development of joint procedures and documents for monitoring, investigating and enforcing of sites*
- (iii) To the development of a proactive strategy for tackling larger “problem” sites in the county where evidence of unauthorised residential occupation is most prevalent, and that this strategy will need to establish appropriate time periods after which action may not be considered appropriate.*
- (iv) To the establishment of further links with the British Holiday and Home Park Association (BH&HPA) to create park management procedures for all sites, and*
- (v) That the draft Regulatory Procedure manual be presented to the Committee in the spring of 2016 (possibly March) for members’ comments.*

At this juncture (11.25 a.m.) there was a break

Meeting reconvened at 11.35 a.m.

The meeting resumed to PART 1 at this juncture.

PART 1 - THE PRESS AND PUBLIC WERE INVITED TO ATTEND THIS PART OF THE MEETING

7 DRAFT HOUSING STRATEGY

The Lead Member for Modernisation and Housing, Councillor Barbara Smith, introduced the report (previously circulated) to present the Council’s Draft Housing Strategy and associated Delivery Plan for members’ observations, prior to its presentation to the Lead Members’ Steering Group the following week.

The Strategy, which would support the delivery of a number of the Council’s Corporate Priorities, would be presented to County Council in December, 2015 for approval and adoption. The progress in delivering a number of the Strategy’s actions would also likely feature in the Wales Audit Office’s (WAO) Corporate Assessment of Denbighshire County Council, due to take place in the autumn of 2016.

During the discussion on the Strategy and Delivery Plan, members raised the following points:

- More stringent enforcement of planning and licensing conditions in relation to holiday caravan sites in the county, as proposed in the earlier report on the Committee’s business agenda on “Better Regulation of Caravan Sites Project”, could potentially impact on the Housing Strategy’s proposed delivery plan
- Now that the Council had voluntarily withdrawn from the Welsh Government’s (WG) Housing Revenue Account (HRA) arrangements, it would be expected to utilise at least part of the former HRA monies for the purpose of house building. Although there would be other pressures on the

HRA budget, the new arrangements provided the Council with opportunities to maximise the benefits from the utilisation of the former HRA monies

- The restrictions of the current Hamlets Policy were highlighted i.e. the fact that some hamlets did not want affordable housing as there were no employment prospects or local services available to attract people who needed affordable housing in those areas – no local schools or bus services. This was further underlined by the fact that three local housing associations that had been approached by a landowner with a view to developing on land in an area which was within the Local Development Plan (LDP) had refused the offer on the grounds that they would not be able to deliver any development on it due to the constraints of the Hamlets Policy
- The availability and use of Council owned land also needed to be included in the Strategy's delivery plan
- The need to ensure that the Council Housing waiting list was up to date, and the numbers waiting for council housing was regularly checked and verified. There was also a need to make sure that the Council's Affordable Housing register was current and to promote it across the county
- The Lead Officer – Community Housing was asked to consider keeping the housing 'walkabouts' at which local members accompanied housing officers visiting housing estates, as councillors were of the view that these were beneficial and useful.

Responding to members' points the Lead Member for Modernisation and Housing and officers outlined the aims of each of the five themes in the Strategy and explained the how each theme complemented each other. They advised that:

- The constraints of the Hamlets Policy had been discussed by the Steering Group and action 1.5 of the Strategy's Delivery Plan for 2015 – 2020 was aimed at addressing the difficulties caused by the Hamlets Policy
- Council owned land would be discussed as part of the actions to deliver the Delivery Plan once the Strategy had been approved and adopted by County Council. The actions in the Delivery Plan would be incorporated into each Service's business plans
- With respect to the Council Housing list there were circa 3K applicants on the list at present, the current validity of these figures were checked on a regular basis, but it was an onerous and time consuming process as it had to be undertaken manually
- There were also other people in the communities who would not register for council housing as there was not any such housing available to them in the areas they wanted to reside. The same was true of the Affordable Housing list. Reference was made to work underway with Llandyrnog Community Council with a view to promoting the Affordable Housing list in that particular area. This was also a manual time consuming process. The Lead Member emphasised that local elected members had a role to play in promoting the availability of this list in their areas and the benefits to all concerned from promoting the list's existence
- The synergy between the five different themes in the Housing Strategy were outlined as was the need for effective cross-service and cross-sector work in order to realise the Strategy's outcomes

- Work was required in a bid to understand why developers were still reluctant to come forward to develop sites already identified under the LDP – whether there were any underlying economic or other factors contributing to this reluctance
- The WAO was keen to know whether the Council was putting sufficient pressure on Registered Social Landlords (RSLs) to develop affordable housing. It was also enquiring regarding the Council's intentions for its HRA monies
- There was a need to secure the development of appropriate housing for residents, to meet all vulnerable individuals' needs
- The well-established Tenants Forum was still operating and there was a good level of tenant engagement with the Council. However, there was always scope for improvement. Generally tenant dissatisfaction seemed to stem from very local issues
- There may be a need to review Theme 5 of the Strategy, 'Sustainable Communities', with a view to strengthening it with respect to dealing with anti-social behaviour (ASBO)
- The Council's Corporate Executive Team (CET) were currently exploring governance options for the Strategy's delivery. The preference was not to have a Board oversee it. There would definitely be a role for scrutiny in monitoring the Strategy's delivery, in particular with respect to the delivery of the expected outcomes.

Members acknowledged that all councillors had been given ample opportunity to contribute towards the draft strategy. They would also have an important role in ensuring its delivery. With a view to initiating the monitoring of the Strategy's outcomes once adopted members agreed to seek advice from the Head of Business Improvement and Modernisation on the most appropriate time for commencing the monitoring role, having regard to the forthcoming Corporate Assessment.

The Strategy would give the Council an opportunity to develop the full range of housing opportunities to suit residents' needs from cradle to grave and improve the quality of life across the county. The Committee:

RESOLVED that subject to the above observations and completion of the listed actions to

- (i) *recommend that County Council, at its meeting in December 2015, approve and adopt the Draft Housing Strategy and associated Delivery Plan for the period 2015-2020; and*
- (ii) *that Scrutiny should periodically monitor the delivery of the Strategy's outcomes.*

8 SCRUTINY WORK PROGRAMME

A copy of a report by the Scrutiny Co-ordinator 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. The Cabinet Forward Work Programme had been included as Appendix 3, a table summarising recent committee resolutions and advising on progress with their implementation had been included in Appendix 4, and the Terms of Reference for the Corporate Equality Group (CEG) in Appendix 5.

The Scrutiny Co-ordinator requested the Committee to appoint a substitute representative to serve on the Council’s Corporate Equalities Group (CEG). Councillor Martyn Holland volunteered to be the substitute representative for Councillor Win Mullen-James.

RESOLVED that the Work Programme as set out in Appendix 1 to the report be approved.

9 FEEDBACK FROM COMMITTEE REPRESENTATIVES

Councillor Huw Hilditch-Roberts gave a brief resume of the meetings he had recently attended. Those meetings included TAITH, the Welsh in Education Strategic Group (WESG) and the Economic and Community Ambition (ECA) Board.

The meeting concluded at 12.40 p.m.