

To: Members of the Communities  
Scrutiny Committee

Date: 27 June 2016

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Dear Councillor

You are invited to attend a meeting of the **COMMUNITIES SCRUTINY COMMITTEE** to be held at **9.30 am** on **THURSDAY, 30 JUNE 2016** in **CONFERENCE ROOM 1A, COUNTY HALL, RUTHIN.**

Yours sincerely

G. Williams  
Head of Legal, HR and Democratic Services

## **AGENDA**

### **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 (Pages 3 - 14)**

To receive the minutes of the Communities Scrutiny Committee held on 12<sup>th</sup> May, 2016 (copy enclosed).

### **5 REVIEW OF THE HOME TO SCHOOL TRANSPORT POLICY (Pages 15 - 34)**

To consider the findings of a review of the impact of the implementation of the school transport policy and information on the forward planning for September's transport arrangements.

**6 SUPPORTED INDEPENDENT LIVING (Pages 35 - 44)**

To consider the progress made with the introduction of the SIL Service, details of the Supporting People funding for the Service and the benefits of taking an integrated streamlined approach to managing SIL, Reablement and the Health and Social Care Support Worker Service (HSCSW) along with other initiatives to realise value for money (the report to include the number of SIL Service recipients in each Council ward and the SIL Action Plan)

**7 SCRUTINY WORK PROGRAMME (Pages 45 - 60)**

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.

**8 FEEDBACK FROM COMMITTEE REPRESENTATIVES**

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

**MEMBERSHIP**

**Councillors**

Councillor Huw Hilditch-Roberts  
(Chair)

Councillor Rhys Hughes (Vice-Chair)

Brian Blakeley  
Bill Cowie  
Peter Evans  
Martyn Holland  
Bob Murray

Anton Sampson  
David Simmons  
Cefyn Williams  
Cheryl Williams

**Voting Co-opted Members for Education (Agenda Item No. 5 only)**

Debra Houghton  
John Piper  
Gareth Williams

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## COMMUNITIES SCRUTINY COMMITTEE

Minutes of a meeting of the Communities Scrutiny Committee held in Conference Room 1a, County Hall, Ruthin on Thursday, 12 May 2016 at 9.30 am.

### PRESENT

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

Lead Members Huw Jones and David Smith attended at the request of the Committee.

Councillor M.Ll. Davies attended as an observer.

### ALSO PRESENT

Corporate Director: Economic and Community Ambition (RM), Head of Highways and Environmental Services (SP), Head of Planning and Public Protection (GB), Interim Head of Communications, Marketing and Leisure (SH), Section Manager: Network Management (TT), Highways Operations and Street Scene Manager (South) (SB), Lead Officer: Community Housing (GD), Operations Manager: Facilities and Contracts (NH), Countryside and Heritage Services Manager (HR), Cemeteries Officer (JH), Development Manager (PM), Scrutiny Coordinator (RE) and Administrative Officer (CIW).

### 1 APPOINTMENT OF VICE CHAIR

Councillor T R Hughes was nominated and seconded for the role of Vice-Chair of the Committee. No other nominations were received and it was:

**RESOLVED:** *that Councillor T R Hughes be appointed Vice-Chair of Communities Scrutiny Committee for the 2016/17 municipal year.*

### 2 APOLOGIES

Apologies for absence were received from Councillors Bob Murray.

### 3 DECLARATION OF INTERESTS

The following interest was identified in business item to be considered at the meeting.

Agenda Item 7 Housing Grounds Maintenance Contract Update” – A personal interest was declared by Councillor Cheryl Williams. The reason for the declaration was that Councillor Williams was a Council House tenant.

### 4 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.

## 5 MINUTES

The Minutes of the meeting of the Communities Scrutiny Committee held on the 24<sup>th</sup> March, 2016 were submitted:-

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

## 6 DELIVERING WITH LESS - LEISURE SERVICES

A copy of a report by the Lead Officer: Commercial Leisure (LOCL) had been circulated with the papers for the meeting.

The Lead Member for Community Development introduced the report which summarised the Wales Audit Office's (WAO) national report on Leisure Services from Denbighshire's perspective. He explained that:-

- on the whole the national report reflected positively on Leisure Services in Denbighshire, with a number of 'best practice' examples being cited as ones being operated in Denbighshire's Service e.g. the Service having a clear long-term vision and strategy, and subject to a very strict service challenge process that was supported and evidenced via a 'dashboard' that contained a varied range of useful performance data;
- whilst, contrary to a number of local authorities, Denbighshire had retained control of its Leisure Services it did take a very commercial approach to the delivering the Service. It provided the fourth lowest subsidy in Wales to Leisure Services;
- whilst the national WAO report seemed to be advocating a 'trust model' as an appropriate model for delivering leisure services during times of financial constraints, Denbighshire was firmly of the view that this was not the most cost effective model for delivering the services residents expected. Nevertheless, the Council regularly reviewed its service business model and, if following an options appraisal a more effective model for delivering the Service came to the forefront, Members would be asked to examine it.

Responding to Members' questions the Lead Member and officers advised that:-

- some of the data in the report was confusing as it did not compare 'like' with 'like' e.g. the number of leisure centre users – Denbighshire only counted those who actually used the leisure facilities in the county, whilst some other counties counted the 'number of visitors' to leisure centres, regardless of the fact whether they utilised any of the facilities, classes or events;
- Denbighshire's usage figures were based on actual data and not on estimated figures;
- the Council's subsidy to the Service was reducing year on year;
- Leisure Service's staff were now being utilised more wisely and consequently deployed when needed to relieve pressure within the Service at busy

times e.g. meeting holidaying visitors at the refurbished Nova Centre and directing them to where they want to go, promoting services on offer to enhance service-users' health-being;

- the Nova Centre had already achieved its first year operating target and the recently re-furbished Leisure Centre at Ruthin was also performing well and on target to deliver in line with its objectives;
- the Service on all occasions monitored its energy usage and was constantly exploring cost effective methods and technological developments that might reduce running costs. To date it had installed a biomass boiler in Rhyl, pool covers, LED lighting in certain premises, variable speed pumps etc. The installation of solar panels had not to date been deemed to be a viable option.

Members highlighted the various opportunities available in Denbighshire to promote and support residents' health and well-being and the need to promote all activities, be they those provided by Leisure Services or those available via Countryside Services. They emphasised the need for both services to work together to promote all opportunities and the activities arranged by voluntary organisations in the county and liaise with the Communications and Marketing Service with a view to highlighting and promoting the availability of all types of physical activity to enhance residents' general health and well-being on the Council's website. The Committee:

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

- to congratulate the Service on its excellent work to date, and on where it is placed in terms of leisure service provision in comparison to other local authorities in Wales;*
- to encourage the Service to continue to deliver and improve the services it provides; and*
- that consideration around an options appraisal for different operating models should continue to be reviewed as the landscape changes.*

## **7 HOUSING GROUNDS MAINTENANCE CONTRACT UPDATE**

Lead Officer – Community Housing introducing the report (previously circulated) advised that responsibility for grounds maintenance on land in the ownership of the Housing Department now lay with the Department, it had previously been the responsibility of the Highways Department. Tenants were charged a service charge of £1.50 per week for the service provided and the contract was financed from the Housing Revenue Account (HRA) budget. It was acknowledged that there had been issues during 2015 which had generated numerous complaints from tenants, these were because the contract changeover process could not commence early enough, consequently the new contractor was not appointed until June which was well into the grass growing season.

The Lead Officer advised:

- that since the new grounds maintenance arrangements had been established land ownership between various Council departments had become much clearer;

- 83% of those who submitted complaints during 2015 about the grass cutting arrangements had indicated that they were now satisfied with the service they received;
- As the Council now managed its own HRA account it had plans to invest in schemes to improve the environment in and around council housing estates – proposed neighbourhood environmental improvement schemes could also involve the community and see them bid for funds for their own collective projects;
- Details of funding already allocated to various projects, including play areas, were included in Appendix 2 to the report.

In response to Members' questions the Lead Member for Public Realm and officers:

- undertook to check with the contractor whether they could uproot weeds in neighbourhoods rather than spray them, as it was felt that this was a more effective method of eradicating the problem;
- confirmed that the Council now had better information on land ownership within the authority;
- whilst the co-ordination of grass cutting in communities could be a complex matter every effort was made to undertake the work in a co-ordinated manner. As the ownership of parcels of land became clearer the situation should improve further;
- contractors usually undertake a litter pick before they cut an area of land. The Housing Department also had a Service Level Agreement (SLA) in place with the Streetscene Service which meant they could call on their services if required. The Department was also looking to working closer with communities with a view to keeping them clean and tidy. Four Neighbourhood Community Officers would be appointed shortly who would be responsible for, amongst other things, environmental matters. These officers would work with communities and run activities such as litter picking events in a bid to get residents to take ownership of their neighbourhoods. Such events would support and enhance the health and well-being of individuals as well as communities;
- undertook to discuss with individual Members issues of concern to them in the Cynwyd, Rhyl and Prestatyn areas;
- confirmed that whilst Council tenants were levied a £1.50 per week service charge for ground maintenance work the Council could not levy such charges on individuals that lived on the same estates and who were owner-occupiers. Owner-occupiers of individual flats in a Council housing complex could be levied the service charge as they were leasehold owners rather than freehold owners, and were already levied a service charge for other services provided to their property by the Council;
- informed Members that the actual cost of grounds maintenance during 2015/16 was £20k higher than quoted in the report, this was due to additional unforeseen costs. They were confident that costs would be driven down in the future;
- advised that pesticides used by contractors on Council owned land was not of an equivalent strength to that used by the agricultural industry and therefore not as effective – legislation prohibited local authorities using agricultural pesticides on public health and safety grounds;
- confirmed that the cutting of hedges around a Council property was the responsibility of the tenant. If the tenant did not maintain hedges to a reasonable

standard enforcement action could be taken. If they experienced difficulty in maintaining hedges the Council could undertake the work on his/her behalf, for which a charge would be made;

- undertook to ask the contractor to inform residents of when they would be in an area to cut the grass etc. and to ask them to ensure that all vehicles were parked in an appropriate place to ensure that they did not hinder access or the maintenance work in anyway;
- confirmed that where tenants or others had encroached onto Council-owned land over a period of time the Council would in due course reclaim the land and maintain it accordingly.

Prior to the conclusion of the discussion the Chair read out an e-mail from Councillor Colin Hughes which detailed an extremely positive response he had received to a complaint with regards to grounds maintenance in his ward recently. Whilst the Committee acknowledged that there had been difficulties initially when the new contract was commenced in June 2015, these problems had now been resolved and to date this year the grounds maintenance contract seemed to be delivered in line with the contract's requirements. It was:-

**RESOLVED** – *that-*

- (i) subject to the above observations, to receive the information and endorse the measures taken to manage the contract and mitigate against similar problems to last year arising in future; and*
- (ii) further work be undertaken to support the delivery of a co-ordinated approach by the Council to grounds maintenance work in communities, including exploring the feasibility of potential joint contracts between services and a contractor prior to commencing any future tendering processes.*

## **8 THE COUNCIL'S RURAL GRASS CUTTING ARRANGEMENTS FOR 2016/17**

A copy of a report by the Head of Highways and Environmental Services (HHES) had been circulated with the papers for the meeting.

Introducing the report and appendices the Lead Member for Public Realm emphasised that the Council had a duty under the Highways Act of 1980 to keep the highway safe for all who used it. It also had a statutory duty, under the Natural Environment and Rural Communities (NERC) Act of 2006 to promote biodiversity. At times both these duties could be at odds with each other, hence the reason why the Council needed to devise a rural grass cutting policy that attempted to meet the requirements of both Acts – ensuring a safe highway network whilst at the same time promoting and supporting biodiversity. Striking an appropriate balance between the requirements of both Acts had been very difficult, and would continue to be so as the growing season varied from year to year. Officers and the Lead Member felt that in 2015 an appropriate balance had been struck in order to comply with both Acts. Responding to Members' questions the Lead Member and officers advised that:

- verges in rural areas, apart from the area which lies within the boundary of the Area of Outstanding Natural Beauty (AONB), would be cut twice yearly, one swathe in May/June, followed by one swathe or full cut in September/October;

- roads within the AONB, known as the biodiversity area, would be cut once in August/September, with visibility splays cut in June/July for safety reasons – by this time the majority of wild flowers would have seeded and died back;
- when cutting verges or splays for safety reasons decisions on the extent of the cut were based on safety risk assessments;
- there was no definitive guidelines on the length or depth of verge cutting, the sole consideration was the safety of road users be they in vehicles, cyclists or pedestrians;
- for a period of time the Council had not been giving sufficient regard to the requirements of the NERC Act, but now that the Well-being of Future Generations (Wales) Act 2015 had established biodiversity as a key consideration, the Council would need to have regard to biodiversity requirements;
- the Council had identified the AONB area as the most appropriate area to undertake the 'biodiversity cut' as it was easily identifiable for the contractors and for residents, therefore it was easier to manage the grass cutting programme and contract;
- verges in other parts of the county had been identified as Roadside Nature Reserves (location maps for these were appended to the report). These 'reserves' were cut as and when it was appropriate to undertake the work, dependent upon the species of flora, fauna and wildlife that grew or lived in them;
- as the growing season tended to start earlier near the coast the contractor tended to start the grass cutting programme in the north of the county, working his way south in order that the verges in the Dee Valley were cut in time for the Royal International Musical Eisteddfod, in Llangollen in early July (this also meant that areas in the Dee Valley which were within the AONB boundary were cut earlier than other parts of the AONB). Nevertheless the grass cutting schedule was sufficiently flexible to accommodate changes if required;
- at present it was anticipated that this year's first cut in non-AONB areas would be completed by mid-July;
- if Members had concerns or enquiries regarding the cutting programme in their area they should log their enquiries via the Customer Relationship Management (CRM) system

A number of Members representing rural wards registered the following concerns with respect to the grass cutting policy:

- the timing of the cut, particularly in the AONB/Biodiversity area, and consequently the length and density of the vegetation that would need to be cut at that point in time;
- their fears for road users' safety due to the policy;
- as the majority of wildflowers would have seeded by the end of June/early July could the biodiversity area not be cut at that point in time, or possibly cut back to approximately 3" of growth to ensure road users' safety - particularly narrow rural roads with steep verges where the vegetation tended to grow out into the road and was therefore hazardous;

The Section Manager- Network Management suggested, to allay Members' concerns, that they would risk assess and prioritise routes within the AONB in time for when the contractor was ready to start the work in that area in July, whilst the Lead Member for Public Realm suggested that in addition to this approach any



complaints received in relation to this year's highways grass cutting programme could be analysed in depth in order to identify improvements for next year.

At the conclusion of a detailed discussion on the policy the Committee:-

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

(i) *to endorse the Rural Highway Grass Cutting Policy, attached at Appendix 1 to the report, pending the third bullet point in paragraph 3.3 (Biodiversity Areas) of the policy being amended to read as follows – “one swathe or full verge width will be cut in late July/August. Every effort would be made to delay this cut for as long as possible, subject to robust highway safety risk assessments being undertaken”; and*

(ii) *that the contractors' schedule for rural highways grass cutting be added to the weekly Roadworks Bulletin issued to Councillors and published on the Council's intranet.*

## **9 CEMETERY RULES AND ENFORCEMENT**

A copy of a report by the Head of Highways and Environmental Services (HHES) had been circulated with the papers for the meeting.

The Lead Member for Public Realm introducing the report advised that the report was being presented to the Committee to seek Members' endorsement for stricter management and enforcement of cemetery rules across the County's lawned cemeteries and to support the enforcement of the rules where breaches occurred. The Committee's support was also sought for the approach taken to meet the demand from the public for memorial benches and for the proposal to introduce Dog Control Orders in the county's cemeteries. The Lead Member emphasised that Members' support was being sought for the recommended approach due to the sensitive nature of the proposals. It was anticipated that there would be a level of public criticism despite the fact that Members had supported the proposals. The Lead Member and officers advised the committee that:-

- 'lawned cemeteries', which was the type of cemeteries owned and operated by Denbighshire County Council, were governed by the 1999 Cemetery Rules. Under these Rules only monuments, usually set on a plinth were allowed, no other adornments were permitted;
- when individuals purchased 'burial rights' clauses setting out the above were set out in the legal agreement. Understandably, purchasers at such a difficult time in their lives possibly did not read all the 'small print' and therefore there was a growing tendency for adornments or small gardens of remembrance to be placed over graves. This practice, which hindered ground maintenance work at the cemeteries, was particularly prevalent at Coed Bell Cemetery in Prestatyn, but also affected other cemeteries throughout the county;
- whilst individuals and families did purchase 'burial rights' the Council was still responsible for maintaining the 'lawned cemeteries'. With a view to keeping these amenities neat and tidy officers were seeking Members' support to write to owners of burial rights or their families who were not currently abiding with the Council's rules for 'lawned cemeteries' requesting them to remove any

embellishments within six months. The correspondence would stipulate that if they did not conform with this request that the Council would, at the end of the six month period, remove the memorabilia;

- there was an increasing problem with dogs in a number of the county's cemeteries, with dog owners using cemeteries as dog recreational areas. This led to dogs urinating on headstones and dog fouling problems in the cemeteries. It was therefore proposed that later on in the year the Public Protection Department would consult on the introduction of dog control orders, banning all dogs (apart from guide dogs) from Council cemeteries;
- there was an increasing problem of road vehicles entering cemeteries and damaging footways and access to grave areas. Removable bollards placed there as deterrents were being damaged or removed therefore the Council was now proposing to install stronger permanent bollards. Mobility scooters, wheelchairs etc. would still be able to negotiate these bollards and gain access to the cemeteries;
- to meet the increasing demand for memorial benches in cemeteries and therefore avoid an excessive number being provided the Council was now purchasing benches and placing them in cemeteries, this ensured that all benches were of the same standard and quality. Families could however purchase memorial plaques, which the Council would source on their behalf, and have these placed on benches in memory of their loved ones.

Responding to Members' questions the Lead Member and officers advised that:-

- items placed on the area of a grave designated for a plinth would be accepted as long as they were in-keeping with the purpose of the cemetery;
- a reasonable 'period of grace' would be permitted with respect of acceptable memorabilia with a view to respecting the family's 'grieving' period;
- the Council regularly corresponded with funeral directors with respect to its rules relating to 'lawned cemeteries' and did ask them to highlight these rules to families when arranging funerals;
- if following the six month notice period embellishments were still in place on the area of a grave the Council would use its enforcement powers and remove them. If subsequently other memorabilia was placed there these would also be removed, until such time as the rules were complied with.

Members fully supported, what they viewed to be an extremely sensible approach, to all matters detailed in the report relating to the appearance, maintenance and upkeep of the Council's lawned cemeteries and the proposals to stringently enforce the Cemetery Rules. Following an in-depth discussion it was:-

**RESOLVED** – *subject to the above observations to endorse:*

- the measures being proposed to improve compliance with cemetery rules:-*
- the operational controls that were now in place relating to the use of memorial benches;*
- the need for legally enforceable Dog Control Orders in Council cemeteries, noting that there would be a further consultation on this proposed scheme later in the year; and*

*(iv) that, prior to the implementation of the above, correspondence be sent to related parties stating clearly the Council's approach, and that a statement be issued to the press and media detailing the Council's approach and the rationale behind it.*

## **10 DRAFT CARAVAN SITES REGULATORY PROCEDURES**

A copy of a report by the Development Manager: Planning and Public Protection had been circulated with the papers for the meeting.

Introducing the report the Lead Member for Public Realm referred to the background to the report and the work that had been undertaken to date with respect of collecting data on the use of caravan sites across the county. He emphasised the importance of this particular project and the potential implications to the Council if people were living on 'holiday' sites all year round i.e. using local services whilst not subject to Council Tax and the Council itself losing out on Revenue Support Grant (RSG) funding as these residents were not included in population figures on which the RSG was based.

The Lead Member and officers advised the Committee that:-

- the draft Caravan Regulatory Procedure, which set out the corporate approach for better regulation of caravan sites, was being presented to Members seeking their agreement to the principles contained within it;
- a lot of engagement had taken place with the British Holiday and Home Park Association (BHHPA) with a view to establishing best practice in the industry and encouraging the industry to effectively manage and regulate itself;
- the BHHPA had recently arranged a joint conference at the Nova in Prestatyn at which planning, licensing, trading standards and business support information was provided to caravans site owners.

Responding to Members' questions the Lead Member and officers:

- confirmed that, whilst the enforcement of regulations relating to caravan sites across the county seemed to be a big undertaking, they were of the view that with the Service's current staffing levels this was possible if the Service concentrated on enforcement action on current and future breaches and breaches which had occurred during the preceding 12 months;
- whilst breaches to planning or licensing conditions which had taken place more than 12 months ago would be identified and the caravan and caravan site owner would be issued with a warning letter advising them of the contravention, officers may decide not to follow-up on these historic cases. However, by law such contraventions could be pursued if they had occurred within a period of up to ten years. A decision would be taken on whether to pursue breaches which had taken place more than twelve months ago based on the circumstances and extent of each individual case, breaches which had occurred within the last twelve months would be pursued as would future breaches;
- alleged breaches of conditions would be investigated from the perspective of both the caravan owner and the caravan site owner/operator;
- the issue of 'lawful residency' would be looked at separately. Residents who were granted a 'Certificate of Residency Lawfulness' would be liable for

Council Tax and have access to certain services. Further enquiries would be required with respect of this aspect;

- clarified that if caravan owners investigated for unlawful occupation of holiday caravans did confirm that they would conform in future with the planning and licensing conditions, that would not affect any action to deal with previous breaches of conditions;
- advised that despite the fact that some council services could be withdrawn from caravan owners who were in breach of planning and licensing conditions by living in caravans on holiday sites, not all services could be withdrawn or refused. Certain key services would by law be required to be provided e.g. education and social care services.

Following detailed consideration and discussion on the draft regulatory procedures the Committee:

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

- (i) to agree to the principles of the Regulatory Procedures as set out in Appendix 1 to the report;*
- (ii) agree that officers of the Planning and Public Protection Service finalise the Procedures and begin to implement them; and*
- (iii) that a report be presented to the Committee in twelve months' time evaluating the Procedures' implementation and identifying any problems or anomalies encountered during their implementation and enforcement.*

## **11 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.

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, 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:-

30<sup>th</sup> June, 2016:- Review of the Home to School Transport Policy - The Committee agreed that the findings of the review be examined if the review had been concluded in time.

The Scrutiny Chairs and Vice-Chairs Group had met on the 21<sup>st</sup> April, 2016 and no items had been referred to the Committee for consideration.

Members were informed by the SC that as Annual Council had been held on the 10<sup>th</sup> May Scrutiny Committees had been requested to appoint or re-appoint Members to serve on the Council's Service Challenge Groups. Appendix 5

included the current list of Committee representatives. Members were requested to note that some of the service names had changed during the last year.

Members agreed the following appointments to the Council's Service Challenge Groups:-

Councillor A. Sampson be appointed to Children and Family Services.  
Councillor C.H. Williams be appointed to Planning and Public Protection, with Councillor W.L. Cowie as a substitute.

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

## **12 FEEDBACK FROM COMMITTEE REPRESENTATIVES**

***RESOLVED*** – *No reports were received.*

Meeting ended at 12.45 p.m.

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**Report to:** Communities Scrutiny Committee

**Date of Meeting:** 30<sup>th</sup> June 2016

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

**Report Author:** Head of Education

**Title:** Review of Home to School Transport Policy

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

1.1 Review of the Home to School Transport Policy.

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

2.1 To consider the impact of the implementation of the new school transport policy from September 2015.

**3. What are the Recommendations?**

3.1 That Members consider the information provided herein; and

3.2 That Members give approval to update the Home to School Transport Eligibility Policy in light of the information provided.

**4. Report details**

**4.1 Background**

4.1.1 At the Freedom & Flexibilities Workshop on 17th June 2014 Elected Members gave approval to undertake a review of the existing School Transport policy. This process resulted in a revised Policy which was implemented from September 2015.

4.1.2 The stated purpose of the review from Freedoms & Flexibilities was to examine the following areas: (1) Ensuring 2/3 mile rule Primary/Secondary is adhered to; (2) Faith/Language Provision; (3) Post 16 Provision; (4) Feasibility of central pick up points; (5) SEN provision (6) Hazardous Routes

4.1.3 This review also recognised financial pressures on the School Transport budget at this time, some of which were attributed to historic anomalies in the services provided; which the review sought to correct. An example of which was the number of journeys where pupils were not attending their nearest suitable school but were still receiving free transport.

4.1.4 Following the review, Members ratified the policy at Cabinet on 30<sup>th</sup> September 2014, where it was resolved that: *g) an assessment of the*

*impact of the review of the policy be conducted and presented to Scrutiny at the end of the first year of implementation.*

4.1.5 At the request of Members this review has been drawn forward to this Scrutiny meeting in June 2016.

## **4.2 Legislative Background to School Transport**

4.2.1 The Learner Travel (Wales) Measure 2008 provides the legislative basis for providing school transport. Within this Measure Local Authorities are required to provide free school transport to the nearest suitable school for:

- Primary School pupils if they live more than 2 miles away from a school; or
- Secondary School pupils if they live more than 3 miles away from school.

4.2.2 A definition of nearest suitable school is provided in the Learner Travel Statutory Provision and Operational Guidance June 2014, which complements The Learner Travel (Wales) Measure 2008; an extract of which is shown in Appendix 1.

4.2.3 If pupils live under the distances mentioned in 4.2.1, then within the Legislation they are reasonably expected to walk to school, accompanied as necessary, providing there is a safe walk route available to them. If a safe walk route is not available then the Local Authority will provide free school transport to their nearest suitable school.

4.2.4 The Learner Travel Statutory Provision and Operational Guidance 2014 also includes statutory guidance on risk assessing walked routes to school. Section 1, chapter 5 of this guidance sets out the risk assessment criteria. An extract of this chapter is shown in Appendix 2.

4.2.5 If parents express a preference for admission to a school which is not their nearest suitable school then the Local Authority will not provide free transport; however, parents may pay for concessionary seats on transport provided (within the Authority's closed school contracts), if seats are available. Concessions are not permitted where there is a parallel bus service available. The conditions which apply to concessions under Denbighshire's policy are shown in Appendix 3.

4.2.6 Parents are told during the school Admissions process that free transport will only be available to the nearest suitable school. A map is provided on the Denbighshire website where parents can check which school is their nearest. The following link will take you to the map on the Council's website: <https://maps.denbighshire.gov.uk/mydenbighshire.aspx>

4.2.7 On a discretionary basis the Local Authority will also provide free school transport to the nearest Welsh medium school or Faith based school if this is a parental preference.



#### 4.3 **Response to the Policy Change in 2015**

- 4.3.1 Once notification of the Policy change was sent to parents in early 2015, both Education Support/Passenger Transport received around 250 calls requiring clarification of the change; from a total number transported of 3119 (Primary 584, Secondary 2236 and SEN 299)
- 4.3.2 Following on from these enquiries the Authority received around 35 appeals/complaints from parents regarding the changes made (Appendix 4 shows the appeals process). These primarily related to the removal of feeder taxis and hazardous routes between home and the pick-up points provided. Some of these complaints were escalated to the Local Ombudsman and the Authority responded accordingly.
- 4.3.3 The Authority's position was that parents were responsible for ensuring their children safely got to and from their designated pick-up point, unless there were circumstances which would allow for the use of discretion.
- 4.3.4 Nothing in the Learner Travel (Wales) Measure prevents the Authority from using pick-up points in the way described in the policy, or indeed insisting that it is parental responsibility to ensure they get safely to and from the pick-up points used.
- 4.3.5 In regard to 4.3.3, the Local Authority received a Judicial Review challenge brought at the end of 2015. It contested that the Local Authority had a duty to transport from home to the pick-up point due to hazardous routes.
- 4.3.6 The Authority sought legal counsel in regard to the Judicial Review and they suggested that our policy wording required clarification. Our Legal counsel also advised on circumstances for which the Authority should apply discretion regarding provision of feeder taxis to and from the pick-up point.
- 4.3.7 In light of the guidance provided the Authority re-examined the situation for those who brought the Judicial Review, and also considered other information they now provided regarding their circumstances. These reassessments permitted the Authority to use its discretion in providing feeder taxi services and their services were reinstated.
- 4.3.8 Letters before action were also received from other families who raised concerns regarding their situations. As such the Authority re-examined these cases along with all other previous appeals/complaints to ensure consistency of approach. This process resulted in a number of feeder taxi services being reinstated.
- 4.3.9 Proactively the Authority also wrote to another 165 families who were identified as potentially living on a hazardous route, asking them to apply for transport and provide further detail of their circumstances. This same correspondence was provided in a press release and on Denbighshire's social media.

4.3.10 To date around 85 services have been put in place following these reassessments. As part of this process the number of hazardous routes has also increased to 152.

4.3.11 Guidance has now been issued to clarify the current policy and prevent misinterpretation. This guidance is shown in Appendix 5 and is available on the Authority's website alongside the Policy.

#### 4.4 **Policy Review – Next Steps**

4.4.1 In view of the guidance in Appendix 5, there is now a requirement to update the current policy to incorporate this. There are also some minor updates required within the policy on other unrelated sections.

4.4.2 This process will require the Authority to undertake a consultation exercise with all relevant stakeholders. Any review of the policy will need to be fully completed 12 months before its implementation. The expected time-line for this process is shown below:

- **New policy draft finalised by December 2016**
- **Consultation with stakeholders from January 2017**
- **New policy finalised by June 2017**
- **Ratification by Council of the policy by September 2017**
- **Implementation of new policy from September 2018**

#### 4.5 **Budgetary Implications**

4.5.1 The previous policy revision in 2015 ensured alignment with the Learner Travel (Wales) Measure 2008 and removed historic school transport anomalies. The cost of service was considered as part of this review to ensure school transport was efficient and cost effective. The implementation of pick-up points was part of these efficiency changes, as was ensuring adherence to the nearest suitable school policy.

4.5.2 Now the Authority has clarified certain aspects of our policy within the context of the Learner Travel (Wales) Measure 2008, it has raised the issue of cost of service in meeting these requirements.

4.5.3 Ensuring the school transport budget is scaled correctly to meet the requirements mentioned in this report is of critical importance. The expected budget pressure for 2016/17 is likely to be between 200k and 300k, with the picture becoming clearer once the six monthly position is known. This issue is being assessed with the Head of Finance and once concluded a report will be brought back to Members.

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

The services described herein are all in support of the priority of "Improving Education".

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

The current budgetary position for School Transport is being investigated. There is an expectation that the cost of service will increase to meet ongoing obligations under the Learner Travel (Wales) Measure 2008.

**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.**

This report is defining the review for School Transport. No finalised draft of the Policy is yet available although once completed an Equality Impact Assessment will be carried out before final ratification in 2017.

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

This Scrutiny report is the first consultation with Members regarding a Policy update. Consultation with all relevant stakeholders is planned as per the time line shown in 4.4.2 and will be progressed once the policy review process has been agreed.

**9. Chief Finance Officer Statement**

It is important that the council has the appropriate policy in place and the review will ensure this is so. The financial implications of implementing the policy have been estimated as being between £200 - £300k and will be considered in the budget round, although a more precise estimate will not be available until October/November 2016. It should be noted that while the latest school transport review was highlighted during the 2015 budget process, the transport budget was not reduced as a consequence.

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

There may be adverse publicity in updating this Policy, although the amendments are clarifying the obligations under the Learner Travel (Wales) 2008, for which all previous appellants and complainants have already been addressed.

**11. Power to make the Decision**

The Learner Travel (Wales) Measure 2008

Scrutiny's powers with respect to policy development and review are outlined in Article 6.3.3 of the Council's Constitution.

**Contact Officer:**

Education Resources & Support Manager (Planning & Resources)

Tel: 01824 712692

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**Extract from Learner Travel Statutory Provision and Operational Guidance  
June 2014.**

Definition of Nearest Suitable School

- 1.38 The definition of nearest “suitable school” is where the “education or training provided is suitable having regard for the age, ability and aptitudes of the learner and any learning difficulties he or she may have
- 1.39 Local authorities need to consider the suitability of the school when deciding if the placement is appropriate for the learner. Deciding which suitable school is the learners ‘nearest’ is a matter for the local authority to determine in accordance with their own learner travel and education policy. Local authorities need to set out how the nearest suitable school is identified and publish this information in their learner travel policy in accordance with provisions outlined in the Learner Travel Information (Wales) Regulations 2009.
- 1.40 Parents and learners may express a preference for a particular school, a particular type of language provision or faith school, but the Measure does not confer on those parents and learners any rights to free transport to their preferred school and or location, unless that school is determined by the local authority to be the learner’s nearest suitable school and the learner meets the distance criteria.

## Section 1: Statutory Provisions.

### Chapter 5: Risk Assessment of Walked Routes to School

#### Overview

- 5.1 Local authorities are under a legal duty to assess the travel needs of learners who walk to school<sup>1</sup>. In making an assessment local authorities are recommended to take into account the following provisions.

#### Part 1: Risk Assessment Procedure In Relation To Physical/Traffic Risks

- 5.2 The scope of this section covers the relationship between learners and traffic. As pedestrians, learners face a number of hazards which are identified below. Walking the route will enable risk assessors to identify hazards.

#### Route Conditions

- 5.3 For a route to be classed as available Welsh Ministers recommend that the route needs to be:
- A continuous adequate footway on roads which carry medium to heavy traffic flow<sup>2</sup> **or**
  - “Step offs”<sup>3</sup> on roads which have low traffic flow but adequate sight lines to provide sufficient advance warning to drivers and pedestrians **or**
  - On roads with very low traffic flow, no “step offs”, but sufficiently good sight lines to provide adequate advance warning
- 5.4 If there is a need to cross roads Welsh Ministers recommend that there should be one of the following safety measures:
- Pedestrian refuges **or**
  - Visibility – it should be good enough to allow vehicles to stop given the 85<sup>th</sup> percentile speed rule (or the speed at which no more than 15% of the traffic is exceeding) – vehicle stopping distances are set out in the Highway Code<sup>4</sup> **or**
  - Sufficient gaps<sup>5</sup> in the traffic flow and sight lines to allow enough opportunities to cross safely **or**
  - Sufficient crossing facilities (for example, zebra, pelican crossings) **or**
  - Sufficient pedestrian phases at traffic lights (including necessary refuges) **or**
  - Sufficient school Crossing Patrols (lollipop people)

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<sup>1</sup> Section 2 of the Measure

<sup>2</sup> Traffic flows are defined in Chapter 5 paragraphs 5.8 – 5.12

<sup>3</sup> For the purposes of this document the definition of “Step-offs is provided in the glossary (Section 2).

<sup>4</sup> <https://www.gov.uk/browse/driving/highway-code>

<sup>5</sup> Sufficient gaps in traffic flow are outlined in more detail in Chapter 5 paragraphs 5.8 – 5.12

5.5 Risk assessments of walked routes enable local authorities to determine whether a route to school is 'available' (safe) to walk. Further in cases where a route is deemed to be 'unavailable' (unsafe) the assessment process can determine what safeguards could be put in place to ensure that the route is or can become 'available' (safe) to walk. In deciding whether to undertake a risk assessment exercise the local authority will need to take into account whether the route has previously been assessed. If it has been assessed previously what has changed that would mean that a further assessment is required. For example:

- An accident or similar incident
- High accident statistics
- The opening or closure of schools
- Changes made to a route – road works, infrastructure changes
- Changes to traffic composition and volumes, including cyclists
- Changes affecting the route – new builds/housing developments, large scale construction projects
- Changes to the characteristics of the people walking the route – such as a wheelchair user using the route

### **Traffic**

5.6 It is recommended that assessments take place at the usual time learners travel to and from school, namely in the morning at the time before schools start, when traffic flow is generally heaviest (unless it can be shown that the afternoon flow is heavier); at the end of the normal school day finishing time - a minimum of three surveys should be taken.

5.7 Speed limits on roads around or near schools should also be taken into account in relation to traffic flow to determine what safety measures are necessary.

### **Traffic Flow on Roads**

5.8 The flow of traffic along roads is a significant factor in determining the safety<sup>6</sup> of a walked route.

5.9 Low traffic flow occurs on roads that have a traffic flow below 400 vehicles in a 1 hour period; medium traffic flow occurs on roads with a traffic flow between 400 to 840 vehicles per hour; and heavy traffic flow occurs on roads with a traffic flow of over 840 vehicles per hour.

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<sup>6</sup> For the purposes of this document the definition of 'Safety' is provided in the glossary (Section 2)

- 5.10 It is recommended that risk assessors undertake a gap analysis. This records the number of gaps in traffic flow and should record data in five minute consecutive intervals. Four such gaps within a 5 minute period are considered acceptable.
- 5.11 It is recommended that traffic counts are recorded as “passenger car” equivalent values (Passenger Car Units PCUs), by using the following factors:

3 pedal cycles	1 PCU
2 motorcycles	1 PCU
1 Car	1 PCU
1 light goods vehicle (up to 3.5 tonnes gross weight)	1 PCU
1 Bus/Coach (over 3.5 tonnes)	2 PCUs
Goods Vehicles (over 3.5 tonnes)	2 PCUs
Goods Vehicles (over 7.5 tonnes/multi-axle lorries)	3 PCUs

- 5.12 All vehicle counts are two-way except on one-way systems. Dual carriageways are counted as one-way on each side. Where the two-way (one-way of a dual carriageway) traffic flow is below 240 vehicles per hour the road is assessed as safe to cross. This is equivalent to 1 vehicle every 15 seconds, allowing a reasonable gap time to cross a 7m wide road at a walking speed of 0.92 m per second.

### **Collision History**

- 5.13 It is recommended that the road casualty record along the route is noted with special attention to accident danger spots. If the route is also used for public transport a note should be made of stopping places and the level of increased pedestrian use that could impact on foot path availability. Risk assessors could, for example, incorporate a 3 year collision history into the assessment of the whole route.
- 5.14 If a risk<sup>7</sup> is identified, it is recommended that suitable measures are considered – for example the introduction of speed humps or speed cameras<sup>8</sup>.

<sup>7</sup> For the purposes of this document the definition of ‘Risk’ is provided in the glossary (Section 2).

<sup>8</sup> Speed humps and speed cameras are normally only put in place in response to Road Traffic Collision statistics.



## Footpaths

- 5.15 Welsh Ministers consider that a footway, roadside strip of reasonable width and condition, a public footpath or bridleway will all normally be assumed to provide an available route. The footway will need to be wide enough to allow passage and, in the case of young children or those that should be accompanied, it should be wide enough to allow supervision to be carried out safely. The condition of the path should be examined to ensure it is clear of obstacles underfoot and from excessive foliage.
- 5.16 On a road with low traffic flow, a verge that can be stepped on by a child and accompanying parent when traffic is passing can normally be assumed to provide an available route. Many available routes may lie along roads that have neither a footway nor verge. On these roads, it is recommended that the width of the carriageway, traffic speed and type of traffic (e.g. frequent long or heavy goods vehicles) as well as visibility/sight lines that may be affected by sharp bends, high hedgerows or other obstructions ought to be considered.
- 5.17 Where a route is found to be lacking in 'step offs' there may also be issues with adequate visibility– the features that affect the availability of 'step offs' often impact on visibility – hedges, gradients etc. In such cases, it is recommended that these be considered within the assessment criteria carried out by the local authority.
- 5.18 If a risk is identified the following may provide a solution:
- removing vegetation **or**
  - resurfacing or widening the available foot path **or**
  - providing a new foot path **or** • providing lighting.

## Crossing points

- 5.19 Where roads need to be crossed, it is recommended that the availability of crossing facilities such as central refuges, pedestrian crossings or traffic signals be taken into consideration. Where there are no crossing facilities, the route's risk assessment ought to consider each required road crossing, bearing in mind traffic speed and flows, sight lines etc.
- 5.20 If there is a need to cross roads there ought to be:
- Sufficient gaps in the traffic flow and sight lines to allow enough opportunities to cross safely. The gap time analysis should be used where necessary **or**
  - Pedestrian refuges **or**
  - Crossing facilities (e.g., zebra, pelican, puffin crossing etc.) **or** • Pedestrian phase at traffic lights **or**
  - School Crossing Patrol.

- 5.21 If a road needs to be crossed the visibility at the location should allow a vehicle to stop, given the 85<sup>th</sup> percentile speed (the speed at which 85% of the vehicles travel below) of the traffic flow. Vehicle stopping distances should be taken as those given in the Highway Code. In many rural areas, the exercise of continuous judgement is likely to be required. No criteria can provide all the guidance or answers to every situation that may be encountered.
- 5.22 If roads have to be crossed to use a footway or to improve sight lines it may be necessary to advise on safe crossing places. On some country roads the footway may not be continuous. Informed judgement will have to be made about the availability of “step off” points.
- 5.23 The difficulty of crossing at a site can be assessed by considering the number of gaps in the traffic flow that are acceptable to pedestrians. Free flowing traffic may provide gaps randomly and fairly frequently but speeds tend to be higher and gaps would need to be longer in order to cross the road safely. An acceptable gap to cross from kerb to kerb varies with each person. Most people will be able to cross two lanes of normal urban traffic in 4 to 6 seconds. Others may need larger gaps of around 10 to 12 seconds.
- 5.24 It is recommended that the survey records the number of gaps in each 5 minute period that are longer than the road crossing time, using one metre per second as the walking speed. Four gaps in each 5 minute period indicate a road that can be crossed without too much delay. Longer gaps could be classified as multiple gaps rather than as just one gap.
- 5.25 In the case of a rail crossing, particular attention needs to be paid to the type of crossing and incidents that have been recorded to assess the safety of the crossing.

### **Canals, Rivers, Ditches and Embankments**

- 5.26 It is the Welsh Ministers’ view that where appropriate, it is important to ensure that adequate barriers and safety features are included and that these are of the appropriate height to take into account the age groups of learners that may use the route. Safety features include improved barriers, better signage, more lighting or alternative available routes.
- 5.27 It will also be important to establish
- if the route has been subject to severe flooding<sup>9</sup>
  - if this is a regular occurrence and
  - when severe flooding occurs, whether a suitable detour is available

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<sup>9</sup> For the purposes of this document the definition of ‘Flooding’ is provided in the glossary (Section 2)

5.28 Information on flood management procedures can be acquired from Natural Resources Wales<sup>10</sup>.

## Lighting

5.29 The level of natural lighting will differ over the year. Seasonal change may require that a review of the route assessment may be appropriate (if reported conditions present difficulties for the learner and / or companion).

5.30 It is recommended that street lighting is also taken into account.

## Planned Changes in the Area

5.31 The assessment ought to consider any proposals that might impact on safety. Much of this information is likely to be held by the local authority and therefore the following checks will inform the risk assessment:

- Highways departments for proposed road works that would have a short-term impact on traffic conditions (e.g. road widening schemes)
- Planning departments for developments that may have a long-term impact on traffic (e.g. housing or retail developments)
- Education departments to check any proposed school reorganisations and/ or mergers

5.32 Where proposed changes are developed and may impact on walked routes to school, it is recommended that the relevant local authority department lead consult with learner travel teams as appropriate.

## Level Crossings

5.33 There are more than 6,500 level crossings in Britain with 1,167 (or 18% of them) within the Network Rail Wales Route.

5.34 It is recommended that risk assessors, where applicable, include level crossing risk consideration within the risk assessment. Network Rail have produced educational material for schools which can be accessed by clicking <http://www.networkrail.co.uk/level-crossing/>

5.35 Where appropriate, risk assessors should consider contacting Network Rail's team of Level Crossing Managers who can provide advice and guidance on level crossing risk assessment control measures, such as level crossing risk awareness events. Contact details are available at <http://safety.networkrail.co.uk/Services/Contacts>

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<sup>10</sup> <http://naturalresourceswales.gov.uk/alerts/?lang=en>

## Part 2: Risk Assessment Procedure in relation to Social Danger

### The nature of Social Danger

- 5.36 'Social Danger' is open to different interpretations and is subjective. In this context, the commonest interpretations provided by children and young people are as follows: stranger danger; danger(s) posed by paedophiles; danger(s) posed by criminals (muggers, thieves, murderers, kidnappers); anti-social behaviour (the presence of bullies or of alcoholics or drug addicts on walked routes to school); and physical manifestations, such as discarded needles or places where drug abuse/misuse take place.
- 5.37 Children experience real dangers when walking to and from school. Like adults, children can also perceive dangers even if none exists, and that too will understandably influence their behaviour and needs to be taken into account. A perceived danger may feel no less real than an actual danger. It will be important that before undertaking risk assessments, local authorities determine whether the perceived danger is supported by any evidence.
- 5.38 Where appropriate, Welsh Ministers recommend that other local authority services work to alleviate some fears, for example street cleaning or dog warden services.
- 5.39 There may also be a need to work with the teachers and parents of children who are concerned about stranger danger so that the child can be reassured though still aware of risk averse behaviours; travelling with friends, not speaking to strangers, etc. Consequently it is recommended that the local authority transport officials refer those cases not substantiated by evidence to the relevant school.

### Tackling Social Danger in Risk Assessments – Working with Partners

- 5.40 In the conduct of risk assessments, it is recommended that local authorities work in partnership with organisations/agencies which have expertise in, including responsibility for, tackling and quantifying social danger. The Police or Police Community Support Officers have responsibility for crime, disorder and antisocial behaviour whilst the Local Safeguarding Children Boards have responsibility for safeguarding/child protection matters.
- 5.41 Section 25 of the Children Act 2004<sup>11</sup> places a duty on local authorities to promote co-operation between the authority and 'relevant partners' to improve the wellbeing of children and young people. The 'relevant partners' comprise the Local Safeguarding Children Boards (LSCBs). Usually, these bodies include the Police Authority; the Chief Officer of Police; the local probation board; the youth offending team; the NHS Trust; the Local Health Board; and the relevant local authority

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<sup>11</sup> <http://www.legislation.gov.uk/ukpga/2004/31/section/25>

(particularly senior Directors of Education and Social Services). The Welsh Government recommends that local authority transport officials should be invited to and regularly attend these meetings of the LSCBs to cover the safety of walked routes. Alternatively it is recommended that transport issues are included as an agenda item at each meeting and where appropriate further engagement with transport officials should be made.

- 5.42 The Children and Young People's Plan (Wales) Regulations 2007<sup>12</sup> require that each local authority, following consultation with partners, should publish a Children and Young People's Plan setting out how they will improve the well-being of children and young people in their authority. The Welsh Government recommends that information about how walked routes have been risk-assessed and made safer should feature in these Plans.
- 5.43 The Welsh Government published statutory guidance<sup>1314</sup>, namely 'Stronger Partnerships for Better Outcomes' 2006 (National Assembly for Wales Circular 35/2006)<sup>148</sup> and 'Shared Planning for Better Outcomes' 2007 (Welsh Assembly Government Circular 31/2007)<sup>149</sup> which outlines the requirement on local authorities to prepare and publish a plan setting out the authority's strategy for discharging their functions in relation to children and relevant young people. Further Information about these documents is provided in Section 3 (Question 18).

### **Multi Agency Public Protection Arrangements (MAPPA)<sup>15</sup>**

- 5.44 Under sections 325-327 of the Criminal Justice Act 2003<sup>16</sup>, there is a statutory duty on the "Responsible Authorities" (the Police, Probation and Prison Services) to establish arrangements to assess, manage and reduce the risk presented by relevant sexual and violent offenders to reduce re-offending and protect the public. This includes those who are considered to pose a risk to, or potential risk of harm to, children.
- 5.45 Partner organisations, which include local authorities, health boards, youth offending teams and social housing providers have a statutory duty to cooperate with the Responsible Authorities<sup>152</sup>. The Welsh Government expects local authority risk assessors to work within the legal framework described above to obtain the relevant

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<sup>12</sup> S.I. 2007/2316. - <http://www.legislation.gov.uk/wsi/2007/2316/contents/made>

<sup>13</sup> Under sections 25(B) 26 and 27(4) of the Children Act 2004

<sup>14</sup> <http://wales.gov.uk/topics/childrenyoungpeople/publications/strongerpartnerships/?lang=en>

<http://wales.gov.uk/topics/educationandskills/publications/guidance/sharedplanningforbetteroutcomes?lang=en>

<sup>15</sup> <https://www.gov.uk/government/publications/multi-agency-public-protection-arrangementsmappa--2>

<sup>16</sup> <http://www.legislation.gov.uk/ukpga/2003/44/section/325> <sup>152</sup> Section 325(3) Criminal Justice Act 2003.

expertise in terms of managing the risks posed to children using walked routes to school.

- 5.46 In terms of quantifying social danger, the existence of any such dangers should be supported by evidence (either qualitative or quantitative).
- 5.47 When cooperating with other agencies, local authorities will need to put in place information-sharing protocols which comply with the Data Protection Act 1998<sup>17</sup> (particularly as information relating to children is sensitive)<sup>18</sup>.

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<sup>17</sup> <http://www.legislation.gov.uk/ukpga/1998/29/contents>

<sup>18</sup> Further information regarding this provision is outlined in Section 3 (Question 22 of this document),

**Extract from Denbighshire's Home to School Transport Eligibility Policy**

**4.12 Concessionary Transport**

*The Authority will consider concessionary transport if a learner does not qualify for free transport against any of the criteria detailed in this policy but could be placed on an existing contract transport route that has empty seats. The following circumstances would however apply:*

- (a) A reasonable charge per term will be applied. We will review this annually*
- (b) Concessions may be withdrawn at short notice when seats become unavailable*
- (c) Concessionary passes cannot be issued at short notice at the start of the academic year as it is necessary to identify whether there are surplus places on contract vehicles*
- (d) Concessionary fares cannot be offered where public transport runs alongside school transport*

Further guidance and contact information regarding concessionary travel is also available on Denbighshire's School Transport web pages.

**Extract from Denbighshire's Home to School Transport Eligibility Policy**

**7. APPEALS**

- 7.1 *The parent, guardian or carer will normally be notified in writing within 15 working days of an unsuccessful application. The refusal will provide details of their right of appeal.*
- 7.2 *The parent, guardian or carer can put their appeal in writing to [admissions@denbighshire.gov.uk](mailto:admissions@denbighshire.gov.uk) stating their reasons for appealing against the decisions.*
- 7.3 *An Independent Officer will consider the appeal against the Home to School Transport Policy and make a decision based on the information provided.*
- 7.4 *The parent, guardian or carer will be notified of the outcome of their appeal in writing within 5 working days of their appeal being received, provided no further information is required to support the decision. Following this decision there are no further grounds for appeal.*



# **Denbighshire County Council Home to School Transport Eligibility**

## **Additional Guidance Regarding Use of Pick-up Points**

In relation to section 4.2 of Denbighshire's Home to School Transport Eligibility Policy, the Local Authority considers that the provision of shared pick-up points is a suitable transport arrangement within the meaning of section 3 of the Learner Travel (Wales) Measure 2008.

The Authority will endeavour to locate pick-up points reasonably close to learners' homes, in the expectation that parents and guardians will be able to make use of their designated pick-up point in order to ensure for their child a safe and timely journey to and from school.

Nothing in the Policy creates an expectation that all children should walk to the pick-up point, as in some cases this will be inappropriate. If a parent or guardian believes that the use of a pick-up point is not suitable for their child, they should bring their concerns to the attention of the Authority, which will then investigate the child's circumstances to determine whether the Authority owes a duty to make any additional or alternative transport arrangements for that child. Any additional or alternative arrangements will be made under sections 3 and 4 of the 2008 Measure.

Discretionary arrangements can also be made under section 6 of the 2008 Measure; in which case, the cost of any additional arrangements may be charged to the parent or guardian responsible for the child.

Should parents or guardians require further information regarding the guidance above, please email your request to [admissions@denbighshire.gov.uk](mailto:admissions@denbighshire.gov.uk) or write to:

Education Support,  
Denbighshire County Council,  
County Hall, Wynnstay Road,  
Ruthin LL15 1YN.

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<b>Report to:</b>	<b>Communities Scrutiny Committee</b>
<b>Date of Meeting:</b>	<b>30 June 2016</b>
<b>Lead Member/Officer:</b>	<b>Lead Member for Social Care (Adults and Children's Services)/ Head of Community Support Services</b>
<b>Report Authors:</b>	<b>Senior Housing Officer (Supported Housing) &amp; Supporting People Team Manager</b>
<b>Title:</b>	<b>Supporting Independent Living Service (SIL)</b>

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

This report is about the progress of SIL in meeting the housing related support need of older people across the County, during the current financial climate of ongoing constraint and the need for the Council to deliver savings

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

It was agreed at the September 2015 meeting of the Scrutiny Committee that reports on SIL would continue to be brought before future meetings of the Communities Scrutiny Committee, until notified otherwise, to enable members to monitor the progress of SIL in meeting the housing related support needs of older people across the County.

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

That Members:

3.1 consider the contents of this report, comment as appropriate; and

3.2 determine whether a further fully detailed report is brought before Scrutiny concerning the potential benefits of taking an integrated streamlined approach to managing SIL, Reablement and the Health and Social Care Support Worker Service (HSCSW).

## **4. Report details**

4.1 SIL is fully funded by the Supporting People Grant, provided directly by Welsh Government and has been subject to a full Supporting People (SP) Service Review in September 2015, which resulted in 21 recommendations over 6 Outcome Areas. The latest Action plan can be found in appendix 2. Supporting People have appointed a Generic Link Worker who will work with SIL one day per week, their role is to ensure that SIL and other internal services funded via Supporting People, are in compliance with Supporting People Programme Guidance and are operating in a non-bureaucratic and sustainable way. The Senior SIL Officer has been working with the SP Contract and Reviewing Officer and the Supporting People Link Worker, on the development and implementation of an action plan.

- 4.2 A new contract was issued to SIL commencing April 2016. Funding for SIL was confirmed for 2016/2017. The “settlement” had a direct bearing on the SP Budget across Wales and the size of the SP Grant awarded to Denbighshire. The budget for SIL in 2016/2017 is £505,000 which is a reduction of £42,962 from 2015/2016. The reduction of funding has been negated by the deletion of 0.40 of the post, Care and Support Manager. Line management responsibility for SIL will sit with the Supporting People team manager for the next 12 months.
- 4.3 The Supporting People Grant to SIL has been secured for 2016/2017, however, as with all SP funded services, SIL must be prepared for future cuts in funding.
- 4.4 Options being considered include the possibility of placing SIL, Reablement and the Health and Social Care Support Worker Service (HSCSW) under a new aligned Supporting Independence in Denbighshire (SID) management structure, which potentially could reduce management overhead costs for all services and therefore provide some protection for front line service delivery in the future.
- 4.5 Such a proposal would see each of the three service areas remaining essentially independent of each other, which would help in terms of performance monitoring, financial accountability and, most importantly, service user understanding, but should facilitate greater integration between them, thus delivering an overall service of enhanced quality, at reduced overall cost.
- 4.6 Further work is needed to determine the full feasibility of implementing an aligned management structure, and fully assessing the impact of this on service delivery from the service user perspective. This work will be progressed by the Supporting People Link Worker over the next financial year.
- 4.7 Currently SIL is delivering 400 support hours per week, which is less than its contractual requirement of 507 hours capacity per week. However, this is a slight improvement since the last report. A breakdown of Service Users per ward can be found in appendix 1. SIL had 2.29, full time Equivalent vacant posts, these post were left vacant whilst awaiting funding to be confirmed and recruitment has now taken place. Demand is likely to increase as the service becomes more known, both through word of mouth and more formal marketing. The indication based on current numbers, is that demand would still be met within existing or even reduced capacity; helped in part by the under pinning Reablement ethos of focused time limited intervention aimed at promoting independence. An action plan for marketing and promoting the service has been developed and will be implemented over the coming months.

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

This project will contribute to supporting Denbighshire’s Corporate Plan 2012-2017 in the following areas:-

- a. Vulnerable people are protected and are able to live as independently as possible
- b. Ensuring access to good quality housing. This project plays a key role in contributing to the prevention of homelessness for vulnerable people.

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

For 2016-17 the cost of SIL to the Supporting People Grant is £505,000.

## **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.**

Over successive years, the proposals to remodel the Wardens' Service to a Tenure Neutral Service were included in the Supporting People Operational Plan and latterly the Supporting People Local Commissioning Plan for which an Equality Impact Assessment was completed.

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

8.1 The changes to the Sheltered Housing Warden Service to create SIL, in line with Welsh Government recommendation, have been considered in the context of the Supporting People Local Commissioning Plan (previously known as Supporting People Operational Plan) since 2009. The local commissioning plan is consulted upon with stakeholders, service users and scrutiny committee.

8.2 In the September 2015 report to Scrutiny it was stated "During the review, the Contracts and Reviewing Officer interviewed Service Users, there was evidence to suggest that Service Users did not fully understand what the changes were or why they were necessary. This was highlighted to the SIL manager during the review who confirmed that the SIL service has carried out extensive consultation with Services Users and stakeholders throughout the transition. The SIL service will continue to address these concerns as they move forward with promoting the service

8.3 There is a commitment to share good quality information regarding potential changes to SIL with service users, staff and members

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

As stated above SIL is fully funded by the Supporting People Grant provided directly by Welsh Government. It is important that the service is delivered within the budget provided for by the Supporting People Grant. This report identifies a reasonable approach to delivering the service within the £505k budget for 2016/17 (a reduction of £43k) as well as illustrating financial and service delivery planning for a likely reduction in grant levels in future years.

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

The main risk is that Supporting People Grant is reduced by more than expected in future years, creating a situation where further reductions to the SIL budget are made. The review of management arrangements will reduce this risk but there may be a need to further reduce the number of hours of direct support provided.

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

Article 6.3.3 of the council's constitution sets out Scrutiny committee powers with respect to policy development and review, whilst Article 6.3.4 details its powers with regards to reviewing the Council's performance in meeting policy objectives.

## **12. Contact Officer:**

Community Support Services  
Tel: 01824 712300

## Appendix 1

<b>DCC WARDS</b>	<b>Councillors</b>	<b>SIL Recipient</b>
Bodelwyddan	C. Alice Jones	0
Corwen	C .Huw Jones	21
<b>Plus</b> Cynwyd=4, Betws GG=2, Glyndyfrdwy=2		8
Efenechtyd	C. Eryl Williams	0
Llanarmon yn Iâl/Llandegla	C Martyn Holland	3
Llanbedr DC/ Llangynhafal	C Huw Williams	2
Llandrillo	C. Cefyn Williams	1
Llandyrnog	C Merfyn Parry	0
Llanfair DC/ Gwyddelwern	C. Hugh Evans	3
Llangollen	C Stuart Davies/C Rhys Hughes	10
Llanrhaeadr-yng-Nghinmeirch	C. Joe Welch	0
Ruthin	C Bobby Feeley/ C. Huw Hilditch-Roberts/ C Davis Smith	12
<b>Plus</b> Cyffylliog=3, Eryrys=1, Maeshafn=1, Graigfechan=1, Pwllglas=2, Clawddnewydd=1 =9		
Rhuddlan	C Ann Davies / C Arwel Roberts	6
St Asaph East & West	C. Dewi Owens/ C Bill Cowie	10
Trefnant	C Meirick Lloyd Davies	3
Tremeirchion	C. Barbara Smith	0
<b><u>Denbigh in Total = 14</u></b>		
Denbigh Central	C. Gwyneth Kensler	
Denbigh Lower	C. Raymond Bartley	
Denbigh Upper- Henllan	C. Colin Hughes/Geraint Lloyd Williams	1
<b>Plus</b> Bodfari=1, Llanrhaeadr=4		5

**Prestatyn in Total = 30 PLUS Meliden=1, Dyserth=5**

Prestatyn Central	C Peter Duffy/ C Hugh Irving	
Prestatyn East	C. Anton Sampson/ C. Julian Thompson Hill	
Meliden	C Peter Evans	1
Prestatyn North	C Carys Guy/ C Jason McLellan/C. Paul Penlington	
Prestatyn S West	4C Bob Murray/ C. Gareth Sandilands	

**Rhyl in Total = 64**

Rhyl East	C Barry Mellor / C. David Simmons	
Rhyl South	C Jeanette Chamberlain-Jones / C Cheryl Williams	
Rhyl S East	C Brian Blakely/ C Win Mullen-James/ C Bill Tasker	
Rhyl S West	C Pat Jones/ C. Pete Prendergast	
Rhyl West	C Ian Armstrong/ C Joan Butterfield	

**TOTAL =208**



SIL SP Review Action Plan				
Recommendation	Action to be taken	By Whom	By When	Outcome
<b>2. COST EFFECTIVENESS / FINANCIAL</b>				
<b>Recommendation 1:</b> SIL to provide the Contract and Reviewing Officer with a schedule of promotional and awareness raising work that will ensure that potential Stakeholders and Service Users and informed and aware of the service. (page 10)	<ul style="list-style-type: none"> <li>Produce a promotion &amp; marketing plan – <b>(Presently in draft form)</b></li> <li>SIL Service to engage with “Dewis”</li> <li>SIL Service to engage with “Tacking Points”</li> </ul>	Angela Hesford	31/05/2016 (Draft to CO)	Promotion to teams will begin by staff W/C 27/06/16
<b>3. OUTCOMES AREA – Promoting Personal and Community Safety</b>				
<b>Recommendation 8:</b> It is recommended that outcome returns be monitored by the Contracts and Reviewing officer at six monthly intervals to ensure numbers on the PMR and outcomes returns correspond correctly. (page 16)	<ul style="list-style-type: none"> <li>To be checked at progress meetings once final outcome reports for 2015/16 are received. (Debbie Nalecz to arrange meeting mid May 2016)</li> </ul>	Angela Hesford / Debbie Nalecz - Contracts & Review Officer	31.05.2016	
<b>Recommendation 9:</b> It is recommended the SIL management team liaise with the Health and Safety department to ensure provisions for lone working and first aid are adequate. (page 16)	<ul style="list-style-type: none"> <li>SIL Lone worker Policy is in development</li> <li>Consideration will be given to the potential integration with reablement (Angela Hesford and the Team Leaders are – Working together with Gerry Lapington Corp H &amp; S)</li> <li>Lone worker training will be carried out annually</li> <li>Breaches and shortcomings will be addressed in 1:2:1 meetings with staff</li> </ul>	Angela Hesford / Christine Barlow / Richard Crane	Ongoing	CB/RC to make appt with GL regarding Risk training
	<ul style="list-style-type: none"> <li>First Aid Training – One day course not currently available via iTrent. Awaiting information from Karen Bee – First Aid Co-ordination. It is hoped this can be provided in one session for the whole team</li> </ul>	Angela Hesford	01/06/2016	

	<ul style="list-style-type: none"> <li>• Purchase suitable First Aid Kits, if required</li> </ul>	Angela Hesford	15/06/016	
<p><b>Recommendation 10:</b> SIL to consider how they can meet the training needs of staff in relation to lone working which are highlighted within this document. (page 16)</p>	<ul style="list-style-type: none"> <li>• This will be constantly reviewed in 1:2:1 meetings and Annual Performance Appraisal and in Team Meetings</li> <li>• Any shortcomings will be addressed</li> <li>• Evidenced by spot check</li> </ul>	Angela Hesford / Christine Barlow / Richard Crane	Ongoing	
<p><b>Recommendation 11:</b> It is recommended that further training is delivered focusing on risk management plans for staff members where there is an identified issue. (page 16)</p>	<ul style="list-style-type: none"> <li>• Training provided by Gerry Lapington during Lone Worker training session on 19/01/2016</li> <li>• Further training to be provided regarding ‘needs’ and ‘risks’ assessments for staff during 1:2:1, Hub meetings, full staff meetings and workshops; to include: Environmental factors, Triggers etc.</li> <li>• Quality checks carried out by sampling and reviewed with staff in 1:2:1 meetings</li> <li>• Quality checks to be carried out during Validation visits by Reviewing Officer</li> </ul>	Angela Hesford / Christine Barlow / Richard Crane <i>(With help from CO)</i>	30/05/2016	Dates confirmed for Risk Assessment Workshop are Thursday 28 <sup>th</sup> April (South) and 18 <sup>th</sup> May (North)
<p><b>Recommendation 12:</b> It is recommended SIL consider how the service can ensure Service Users have access to important information such as Risk Assessments and goals within support plans. (page 16)</p>	<ul style="list-style-type: none"> <li>• Further training to be provided regarding equalities and diversity all for staff during 1:2:1, Hub meetings, full staff meetings and workshops</li> </ul>	Christine Barlow / Richard Crane / ASO's <i>(With help from CO)</i> Becky Woodcraft	30/08/2016	Trainer to be invited to May or June hub.

<p><b>Recommendation 15:</b> It is recommended that SIL build links with the Single Point of Access service and utilise the new Dewis Database to develop a greater understanding of resources available in Denbighshire /</p>	<ul style="list-style-type: none"> <li>• SIL Staff have the link to ‘Dewis’ and are able to access information and up-dates form this site</li> <li>• SIL Staff have been issued information regarding ‘Talking Points’ and will be given up-dates / information regarding on-going events</li> <li>• Member of SPoA and ‘Talking Points’ to be invited to speak at Team Meeting - . (Sandra Naughton to be invited to SIL Team Meeting of 26/05/2016)</li> <li>• ‘Talking Points’ will increase the breadth of staff knowledge and thus, encourage service user engagement</li> </ul>	<p>Angela Hesford / Christine Barlow / Richard Crane / ASO’s</p>	<p>31/05/2016</p>	
<p><b>6. OUTCOME AREA – Promoting Health and Wellbeing</b></p>				
<p><b>Recommendation 22:</b> SIL to develop a policy on substance misuse to include the management of illegal substances. (page 28)</p>	<ul style="list-style-type: none"> <li>• Develop policy for information sharing protocol between SIL and other agencies including internal and external bodies in line with Freedom of Information Legislation</li> <li>• Carryout Equality Impact Assessment</li> <li>• The ‘Wardens Hand Book’ to be modernised and updated for Accommodation Support Officers</li> <li>• (AH to check Corp Policy / WASPI (Lisa Jones – Legal)</li> </ul>	<p>Angela Hesford / Christine Barlow / Richard Crane / <i>(With help from CO)</i></p>	<p>31/05/2016</p>	<p><b>Safeguarding training booked for 15/07/16 AH to explore outside training for Mental Health</b></p>
<p><b>Recommendation 23:</b> It is recommended that SIL ensure all staff members receiving training on mental health and the resources available. (page 28)</p>	<ul style="list-style-type: none"> <li>• Training to be sourced via internal and external opportunities for suitable Safeguarding, Mental Health, etc. training events and suitable e-Learning modules</li> </ul>	<p>Angela Hesford / Christine Barlow / Richard Crane / <i>(With help from CO)</i></p>	<p>Ongoing</p>	
<p><b>7. ENSURING PARTICIPATION AND</b></p>				

<b>CONSULTATION</b>				
<b>Recommendation 24:</b> It is recommended as part of developing their Service User Involvement Strategy that SIL liaise with Estate Management to consider how hubs can be fully utilised and remain financially viable in the future. (page 31)	<ul style="list-style-type: none"> <li>This will be developed by Team Leaders; working with Community Housing to establish events and activities for Service Users. The above must be done from a Service Users perspective</li> <li>It is envisaged that SU will maintain this once set-up, thus, promoting the reablement ethos and 'communities'</li> </ul>	Richard Crane / Christine Barlow	30/08/2016	
<b>8. SAFEGUARDING</b>				
	<ul style="list-style-type: none"> <li>All Staff to attend 'All Wales Basic Safeguarding: - Children &amp; Adults' – to be booked via iTrent</li> <li>Training via iTrent.</li> <li>(To link with recommendation 10)</li> </ul>	Angela Hesford /	30/09/2016	All booked onto 15/07/16
<b>Recommendation 27:</b> It is recommended that SIL keep a log of all safeguarding referrals made and incidents logged through the DCC system, which include actions implemented and the overall outcome (to include whether the staff protection register has been used). (page 34)	<ul style="list-style-type: none"> <li>Data Base to be created and used to ensure incidents relating safeguarding issues are recorded to include: - What happened? Who was involved? How was situation resolved? / What was outcome? Decision to record on 'staff protection register' Yes/No/? Etc.</li> </ul>	Angela Hesford / Christine Barlow / Richard Crane / Becky Woodcraft (With help from CO	ongoing	

<b>Report to:</b>	<b>Communities Scrutiny Committee</b>
<b>Date of Meeting:</b>	<b>30 June 2016</b>
<b>Lead Officer:</b>	<b>Scrutiny Co-ordinator</b>
<b>Report Author:</b>	<b>Scrutiny Co-ordinator</b>
<b>Title:</b>	<b>Scrutiny Work Programme</b>

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

The report presents Communities 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 In recent years the Welsh Government (WG) and the Wales Audit Office (WAO) have highlighted the need to strengthen scrutiny's role across local government and public services in Wales, including utilising scrutiny as a means of engaging with residents and service-users. Going forward scrutiny will be expected to engage better and more frequently with the public with a view to securing better decisions which ultimately lead to better outcomes for citizens. In future the WAO will measure scrutiny's effectiveness in fulfilling these expectations.

- 4.5 Having regard to the national vision for scrutiny whilst at the same time focussing on local priorities, the Scrutiny Chairs and Vice-Chairs Group (SCVCG) has recommended that the Council's scrutiny committees should, when deciding on their work programmes, focus on the following key areas:
- budget savings;
  - achievement of the Corporate Plan objectives (with particular emphasis on the their deliverability during a period of financial austerity);
  - any other items agreed by the Scrutiny Committee (or the SCVCG) as high priority (based on the PAPER test criteria – see reverse side of the 'Member Proposal Form' at Appendix 2) and;
  - Urgent, unforeseen or high priority issues

#### 4.6 Scrutiny Proposal Forms

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 officer proposal forms have been received for consideration at the current meeting.

- 4.7 With a view to making better use of scrutiny's time by focussing committees' resources on detailed examination of subjects, adding value through the decision-making process and securing better outcomes for residents, the SCVCG has decided that members, as well as officers, should complete 'scrutiny proposal forms' outlining the reasons why they think a particular subject would benefit from scrutiny's input. A copy of the 'member's proposal form' can be seen at Appendix 2. The reverse side of this form contains a flowchart listing questions which members should consider when proposing an item for scrutiny, and which committees should ask when determining a topic's suitability for inclusion on a scrutiny forward work programme. If, having followed this process, a topic is not deemed suitable for formal examination by a scrutiny committee, alternative channels for sharing the information or examining the matter can be considered e.g. the provision of an 'information report', or if the matter is of a very local nature examination by the relevant Member Area Group (MAG). In future no items will be included on a forward work programme without a 'scrutiny proposal form' being completed and accepted for inclusion by the Committee or the SCVCG. Assistance with their completion is available from the Scrutiny Co-ordinator.

#### Cabinet Forward Work Programme

- 4.8 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 3.

#### Progress on Committee Resolutions

- 4.9 A table summarising recent Committee resolutions and advising members on progress with their implementation is attached at Appendix 4 to this report.

**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 is due to hold its next meeting on 28 June 2016. Any matters discussed at that meeting which affect this Committee will be reported verbally to members at the meeting on 30 June.

**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 to deliver its corporate priorities, improve outcomes for residents whilst also managing austere budget cuts.

**7. 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.

**8. 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.

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

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

e-mail: [rhian.evans@denbighshire.gov.uk](mailto:rhian.evans@denbighshire.gov.uk)

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## Communities Scrutiny Committee Forward Work Plan

Note: Items entered in italics have not been approved for submission 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
8 September						
27 Oct 2016						
15 December						
2 February 2017						
23 March						
15 June	<b>Cllr. David Smith</b>	1. Caravan Site Regulation Procedure	To evaluate the implementation of the Caravan Site Regulation Procedure	(i) an evaluation of the procedure's effectiveness in ensuring that caravan sites are abiding by their planning and licensing permission ensuring that they help support the development of the local economy and keep vulnerable people safe; and (ii) identification of any problems encountered during the procedure's enforcement and/or any anomalies or unforeseen risks that came to light during enforcement	Graham Boase/Paul Mead	May 2016

## Communities Scrutiny Committee Forward Work Plan

Meeting	Lead Member(s)	Item (description / title)	Purpose of report	Expected Outcomes	Author	Date Entered
20 July						
7 September						
19 October						
30 November						

**Future Issues**

Item (description / title)	Purpose of report	Expected Outcomes	Author	Date Entered
Community Infrastructure Levy (CIL)	To outline the proposals for implementing the CIL in Denbighshire	The development of an appropriate and effective CIL scheme for the County	Graham Boase/Angela Loftus	February 2013

**For future years**


**Information/Consultation Reports**

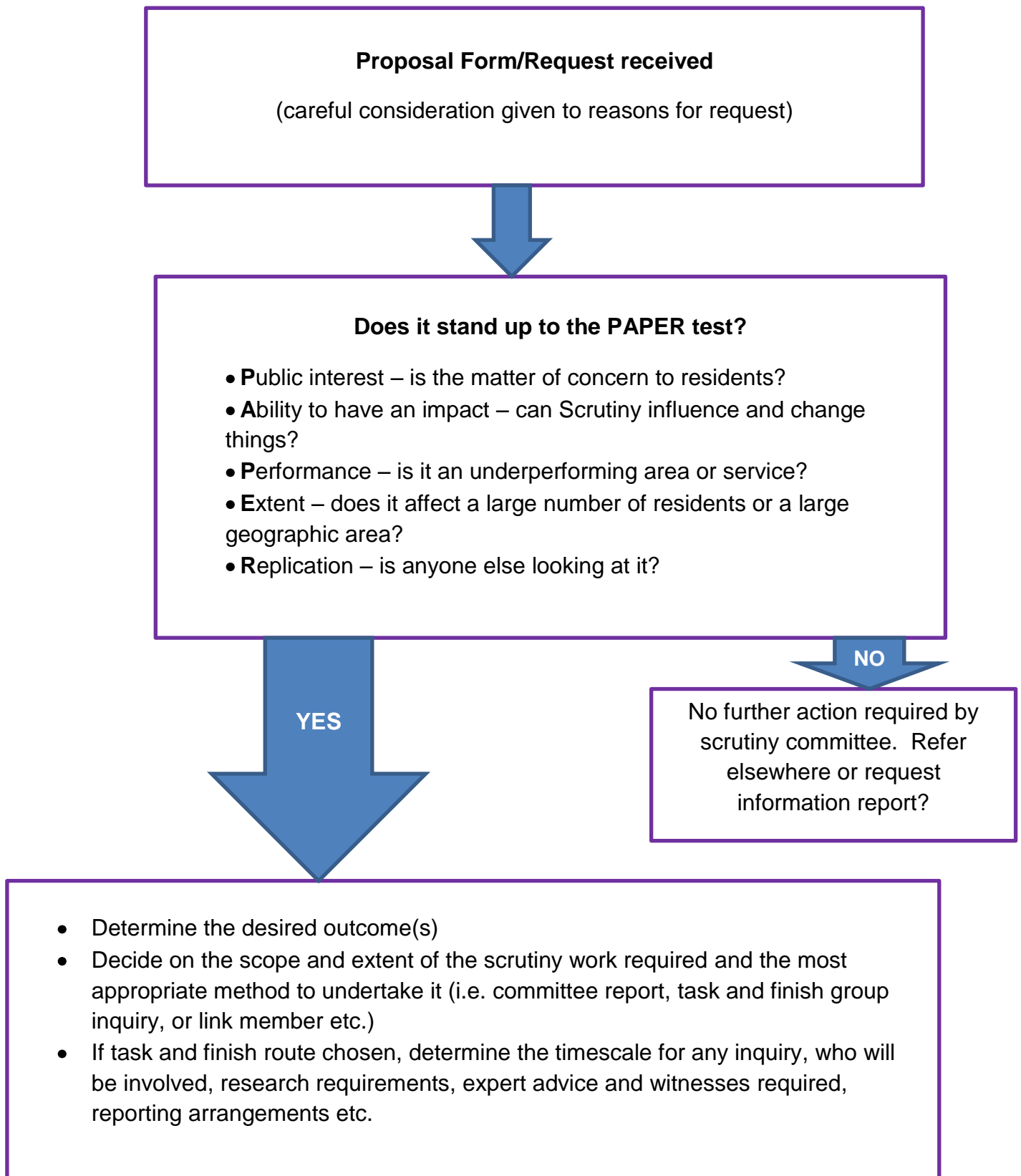
Information / Consultation	Item (description / title)	Purpose of report	Author	Date Entered

**Note for officers – Committee Report Deadlines**

Meeting	Deadline	Meeting	Deadline	Meeting	Deadline
8 September	<b>25 August</b>	27 October	<b>13 October</b>	15 December	<b>1 December</b>

<b>Member Proposal Form for Scrutiny Forward Work Programme</b>	
<b>NAME OF SCRUTINY COMMITTEE</b>	
<b>TIMESCALE FOR CONSIDERATION</b>	
<b>TOPIC</b>	
<b>What needs to be scrutinised (and why)?</b>	
<b>Is the matter one of concern to residents/local businesses?</b>	<b>YES/NO</b>
<b>Can Scrutiny influence and change things?</b> (if 'yes' please state how you think scrutiny can influence or change things)	<b>YES/NO</b>
<b>Does the matter relate to an underperforming service or area?</b>	<b>YES/NO</b>
<b>Does the matter affect a large number of residents or a large geographical area of the County</b> (if 'yes' please give an indication of the size of the affected group or area)	<b>YES/NO</b>
<b>Is the matter linked to the Council's Corporate priorities</b> (if 'yes' please state which priority/priorities)	<b>YES/NO</b>
<b>To your knowledge is anyone else looking at this matter?</b> (If 'yes', please say who is looking at it)	<b>YES/NO</b>
<b>If the topic is accepted for scrutiny who would you want to invite to attend e.g. Lead Member, officers, external experts, service-users?</b>	
<b>Name of Councillor/Co-opted Member</b>	
<b>Date</b>	

## Consideration of a topic's suitability for scrutiny



Cabinet Forward Work Plan

Appendix 3

Meeting	Item (description / title)		Purpose of report	Cabinet Decision required (yes/no)	Author – Lead member and contact officer
26 July	1	Faith Based Secondary Position	To seek approval to commence the formal stage of public consultation on proposals to close Blessed Edward Jones Catholic High School and to open a new Joint Faith school	Yes	Councillor Eryl Williams / Karen Evans
	2	Tyn y Celyn, Llanbedr Dyffryn Clwyd, Rhuthun	To declare surplus to the requirements of the Agricultural Estate and thereafter to dispose	Yes	Councillor Julian Thompson-Hill / Mair Jones
	3	Lodge Farm, Denbigh	To declare surplus to the requirements of the Agricultural Estate and thereafter to dispose to the sitting Tenant	Yes	Councillor Julian Thompson-Hill / Mair Jones
	4	Finance Report	To update Cabinet on the current financial position of the Council	Tbc	Councillor Julian Thompson-Hill / Richard Weigh
	5	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet's attention	Tbc	Scrutiny Coordinator

Cabinet Forward Work Plan

Meeting		Item (description / title)	Purpose of report	Cabinet Decision required (yes/no)	Author – Lead member and contact officer
<b>27 Sept</b>	1	Finance Report	To update Cabinet on the current financial position of the Council	Tbc	Councillor Julian Thompson-Hill / Richard Weigh
	2	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet's attention	Tbc	Scrutiny Coordinator
<b>25 Oct</b>	1	Finance Report	To update Cabinet on the current financial position of the Council	Tbc	Councillor Julian Thompson-Hill / Richard Weigh
	2	Corporate Plan Performance Report 2016/17 Q1	To consider progress against the Corporate Plan	Tbc	Cllr Julian Thompson-Hill / Alan Smith
	3	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet's attention	Tbc	Scrutiny Coordinator
<b>15 Nov</b>	1	Finance Report	To update Cabinet on the current financial position of the Council	Tbc	Councillor Julian Thompson-Hill / Richard Weigh
	2	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet's attention	Tbc	Scrutiny Coordinator
<b>13 Dec</b>	1	Finance Report	To update Cabinet on the current financial position of	Tbc	Councillor Julian Thompson-Hill /

Cabinet Forward Work Plan

Meeting	Item (description / title)		Purpose of report	Cabinet Decision required (yes/no)	Author – Lead member and contact officer
			the Council		Richard Weigh
	2	Corporate Plan Performance Report 2016/17 Q2	To consider progress against the Corporate Plan	Tbc	Cllr Julian Thompson-Hill / Alan Smith
	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

<i>Meeting</i>	<i>Deadline</i>	<i>Meeting</i>	<i>Deadline</i>	<i>Meeting</i>	<i>Deadline</i>
<i>June</i>	<b>14 June</b>	<i>July</i>	<b>12 July</b>	<i>September</i>	<b>13 September</b>

Updated 16/06/16 - KEJ

Cabinet Forward Work Programme.doc

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## Progress with Committee Resolutions

Date of Meeting	Item number and title	Resolution	Progress
12 May 2016	6. Delivering with Less – Leisure Services	<p><b>RESOLVED</b> – that subject to the above observations:-</p> <p>(i) to congratulate the Service on its excellent work to date, and on where it is placed in terms of leisure service provision in comparison to other local authorities in Wales;</p> <p>(ii) to encourage the Service to continue to deliver and improve the services it provides; and</p> <p>(iii) that consideration around an options appraisal for different operating models should continue to be reviewed as the landscape changes.</p>	The Lead Member and officers have been informed of the Committee's recommendations
	7. Housing Grounds Maintenance Contract Update	<p><b>RESOLVED</b> – that-</p> <p>(i) subject to the above observations, to receive the information and endorse the measures taken to manage the contract and mitigate against similar problems to last year arising in future; and</p> <p>(ii) further work be undertaken to support the delivery of a co-ordinated approach by the Council to grounds maintenance work in communities, including exploring the feasibility of potential joint contracts between services and a contractor prior to commencing any future tendering processes.</p>	Lead Member and officers informed of the Committee's recommendations
	8. The Council's Rural Grass Cutting Arrangements for 2016/17	<p><b>RESOLVED</b> – subject to the above observations:-</p> <p>(i) to endorse the Rural Highway Grass Cutting Policy, attached at Appendix 1 to the report, pending the third bullet</p>	Lead Member and officers informed of the

		<p>point in paragraph 3.3 (Biodiversity Areas) of the policy being amended to read as follows – “one swathe or full verge width will be cut in late July/August. Every effort would be made to delay this cut for as long as possible, subject to robust highway safety risk assessments being undertaken”; and</p> <p>(ii) that the contractors’ schedule for rural highways grass cutting be added to the weekly Roadworks Bulletin issued to Councillors and published on the Council’s intranet.</p>	Committee’s recommendations
	<b>9. Cemetery Rules and Enforcement</b>	<p><b>RESOLVED</b> – subject to the above observations to endorse:</p> <p>(i) the measures being proposed to improve compliance with cemetery rules:-</p> <p>(ii) the operational controls that were now in place relating to the use of memorial benches;</p> <p>(iii) the need for legally enforceable Dog Control Orders in Council cemeteries, noting that there would be a further consultation on this proposed scheme later in the year; and</p> <p>(iv) that, prior to the implementation of the above, correspondence be sent to related parties stating clearly the Council’s approach, and that a statement be issued to the press and media detailing the Council’s approach and the rationale behind it.</p>	Lead Member and officers informed of the Committee’s recommendations
	<b>10. Draft Caravan Sites Regulatory Procedures</b>	<p><b>RESOLVED</b> – that subject to the above observations:-</p> <p>(i) to agree to the principles of the Regulatory Procedures as set out in Appendix 1 to the report;</p> <p>(ii) agree that officers of the Planning and Public Protection Service finalise the Procedures and begin to implement them; and</p> <p>(iii) that a report be presented to the Committee in twelve months’ time evaluating the Procedures’ implementation and</p>	Lead Member and officers informed of the Committee’s recommendations. A report on the implementation of the Procedures

		<i>identifying any problems or anomalies encountered during their implementation and enforcement.</i>	has been scheduled into the Committee's forward work programme for June 2017 (see Appendix 1)
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