

Minutes of Communities Scrutiny Committee held on Thursday, 23 March 2017 at 9.30 am at Conference Room 1a, County Hall, Ruthin

Present:

Councillors Brian Blakeley, Huw Hilditch-Roberts (Chair), Martyn Holland, Bob Murray, Anton Sampson, David Simmons, Cefyn Williams and Cheryl Williams.

Councillor David Smith, Lead Member for Public Realm for agenda items 5 & 6

Also Present: Chief Executive (MM), Head of Legal, HR & Democratic Services (GW), Head of Community Support Services (PG), Localities North Service Manager (JM), Scrutiny Coordinator (RE) and Democratic Services Officer (KAE).

Observers: Councillor Meirick Lloyd-Davies and Arwel Roberts

1 APOLOGIES

Apologies were received from Councillors Bill Cowie, Peter Evans and Rhys Hughes.

Also, Cabinet Member Bobby Feeley for item 7 as Lead Member for Social Care, Adult & Children's Services.

2 DECLARATION OF INTERESTS

Councillor David Simmons declared a personal interest in item 5 on the agenda – the regulation of unmanned aircraft. Councillor Simmons is Chair of an organisation that uses Drones for search and rescue operations.

3 URGENT MATTERS AS AGREED BY THE CHAIR

There were no urgent matters raised.

The Chair and Committee expressed their condolences to the families of the victims of the Westminster terror attack the previous day, and conveyed their best wishes to those injured in the attack.

4 MINUTES

The minutes of the Committee's meeting held on 2 February 2017 were submitted, there were no matters arising.

Resolved: that the minutes of the meeting held on 2 February 2017 be received and approved as a correct record.

5 REGULATION OF UNMANNED AIRCRAFT

The Chair introduced the Lead Member for Public Realm and thanked him for the work he had undertaken on his portfolio over the last 5 years, thoughts that were echoed by the Committee members.

The Lead Member for Public Realm presented the report (previously circulated) and informed the Committee that the report had been submitted to them in response to County Council's request - following its debate in December 2016 on a Notice of Motion put forward by Councillor Arwel Roberts seeking the flying of 'drones' to be banned over all public places in Denbighshire.

County Council had determined that Scrutiny consider whether the Council should introduce further restrictions, to those already provided for by law, in relation to the flying of unmanned aircraft.

The Head of Legal, HR and Democratic Services (HLHR&DS) had provided the Committee with a report detailing the regulatory framework relating to the use of unmanned aircraft, listing the acts and regulations which currently governed their use. The Local Government Byelaws (Wales) Act 2012 provided powers for local authorities to make byelaws for the prevention or suppression of nuisances in their area. Nevertheless, the enforcement of local byelaws in relation to the flying of unmanned aircraft could potentially prove to be extremely difficult, due to the nature of the problem.

The HLHR&DS advised that current legislation contained within the Civil Aviation Act (1982) and the later related Air Navigation Order 2016 were very comprehensive and covered all aspects of flying aircraft, be they manned or unmanned, including drones. He advised that the Council could not do anything to govern drones in flight, the only powers available to them was if they wished to introduce byelaws banning people from flying them from Council owned land.

The HLHR&DS drew members' attention to a recent UK Department for Transport consultation 'Unlocking the UK's High Tech Economy: Consultation on the Safe Use of drones in the UK' which had closed recently. He explained that the wide-ranging consultation (a copy of which was attached to the report) focussed on raising awareness on how to safely operate drones for commercial and leisure purposes, without hindering enterprise or innovation. He also advised the Committee that the Council itself used drones to survey buildings and landscapes.

Councillor David Simmons advised that he was aware that the Royal National Lifeboat Institution (RNLI) was at present trialling some very sophisticated drones, fitted with the very latest technology which would aid the charity's rescue work. Some of the drones already in use by the RNLI were fitted with a Global Positioning System (GPS) which was able to calculate an object's distance from the drone operator.

Responding to members' questions the HLHRDS advised that:

- Local authorities did not have any control over airspace, that was governed by the Civil Aviation Authority (CAA);
- the Civil Aviation Act, 1982 and the Air Navigation Order, 2016 addressed matters such as airspace congestion and aviation noise levels;
- Privacy, personal injury and data protection laws protected individuals' rights to privacy and from intrusion caused by drones and unmanned aircraft;
- It was illegal to fly a drone in built-up areas or, if fitted with a camera, within 50m of a building without a permit; and
- Further guidance would probably be issued by the Department for Transport once all consultation responses had been considered prior to the introduction of any new legislation.

Councillor Arwel Roberts advised the Committee that following his notice of motion he had received an e-mail from a London based global security company in relation to drone related problems, including noise nuisance. The company was offering to help individuals or companies which were being plagued by the use of drones.

A member of the public in attendance at the meeting was invited to address the Committee. He explained that he was a licenced drone operator and was well versed with the current laws regulating their use, which in his view were comprehensive. He advised members that responsibility in relation to reporting complaints about drones had recently been transferred from the CAA to the Police, therefore if a member of the public had a complaint in relation to unmanned aircraft they should, in the first instance, contact the Police. There was also a website which contained details of a code for the safe use of drones. He offered members his services for information on drone/unmanned aircraft related matters and information.

The Committee thanked Councillor Arwel Roberts for drawing the matter of drone use to the Council's attention and to the HLHRDS and the member of the public who had attended the meeting for explaining current legislation governing the use of unmanned aircraft to members. They were of the view that the discussion and the information imparted had been extremely useful and informative. Members were firmly of the view that it would not be effective to introduce any byelaws in relation to flying unmanned aircraft at present as current legislation and guidance available seemed to effectively govern their use. Nevertheless, they undertook to monitor the outcome of the recent consultation exercise and consider the matter further in future if the outcome of the consultation warranted such an approach. It was:

Resolved: subject to the above observations that no further action was recommended at present in respect of the regulation of drone use in Denbighshire, as current legislation and guidance sufficiently governed their use. However, if the findings of the UK Government's consultation on the safe use of drones, 'Unlocking the UK's High Tech Economy', merited further consideration of the matter that a further report be submitted to Scrutiny on potential local regulation.

6 CORPORATE APPROACH TO MANAGING 'SEAGULLS' ACROSS THE COUNTY

The Lead Member for Public Realm introduced the report (previously circulated) and informed the Committee that despite the fact that seagulls were regarded by many as pests they, similar to other wild birds, along with their nests and eggs were protected by law under the provisions of the Countryside & Rights of Way Act 2000. Many 'seagulls' were also afforded additional protection as their populations were falling in the wild. However, the Council acknowledged that in recent years seagull behaviour had become an ever increasing problem for the Authority, residents, visitors and local businesses and therefore action was necessary to minimise their detrimental impact on the county.

The Lead Member drew members' attention to Appendix 2 to the report which contained a draft action plan to address the problems caused by seagulls. He advised that this action plan had already been considered by the Council's Senior Leadership Team (SLT) and officers were now seeking members' views on the proposed actions along with any other actions which Committee members wished to put forward. A number of the appendices attached to the report highlighted the complexities of dealing with problems relating to seagulls, and the various solutions trialled in other areas of the UK to address problems caused by them.

Committee members' highlighted problems within their communities caused by seagulls and how some of these problems were exacerbated by human conduct and bad practices e.g. feeding the birds, putting refuse bags out the night before they were due to be collected, restaurant and fast food outlet's food waste practices etc. They also listed a number of initiatives of which they were aware other local authorities had trialled in a bid to try and mitigate seagull nuisance and control their populations i.e. the erection of bunting/balloons, netting/spikes on roofs, pricking eggs in nests, contraception etc.

The extent of the nuisance and prevalence of seagulls in the county was highlighted by members who referred to a retail unit in Rhyl which, when the roof area was inspected, had 71 seagull nests on it. Another member referred to a school within the county which had spent money from its budget to fund work to safeguard the building and pupils from seagulls.

Responding to members' questions the Lead Member and the Head of Planning and Public Protection:

- Agreed with members that problems caused by seagulls were as much the fault of humans as the fault of seagulls. There was a definite need to educate people in relation to feeding seagulls and how to better manage the disposal of their household waste;
- Confirmed that similarly there was a need to educate food outlets on how to manage the disposal of their waste etc.;
- Advised that seagull problems were becoming as prevalent inland as they were along the coastal area; and
- Confirmed that SLT was of the view that a multi-faceted approach towards the management of seagulls was required, and whilst they had some concerns in relation to the practicalities of enforcing any potential byelaws on the feeding of seagulls there may be merit in passing a byelaw from the perspective of sending out a strong message to residents and visitors alike that the practice would not be welcomed or tolerated.

The Committee supported all the actions proposed by SLT. In addition members recommended that the following steps be taken in relation to managing seagulls across the county:

- as seagulls were known to be able to fly up to 60 miles during night time, and did not recognise county borders, it was key for the Council to draw their proposed actions to manage them to the attention of other local authorities, seeking their assistance and support to adopt a similar approach;
- all county council establishments should be 'fitted' with seagull deterrent measures;
- where there was a known problem of people feeding seagulls the Council's Community Safety Enforcement Team should be asked to issue warnings to individuals who fed the birds and if persuasion was not sufficient fixed penalty notices (FPNs) should be served;
- in order to raise the public's awareness of the problem of feeding seagulls and to act as a deterrent, to consider introducing a byelaw or a Public Space Protection Order (PSPO) to prevent the feeding of seagulls;
- undertake a communication campaign to educate residents and visitors not to feed the seagulls, drawing to their attention the dangers to both humans and the seagulls themselves of this practice (similar to the approach taken by zoos);
- undertake an awareness campaign when distributing refuse calendars on the need to put the refuse out on the day it was due to be collected and on ensuring that it is not accessible to seagulls, other pests or animals i.e. a 'terms of business' for waste collection
- Introduce a 'Seagull Charter' for commercial businesses to ensure that their food waste is secure and not easily accessible to birds or animals when left outside;
- consider undertaking 'out of hours' enforcement action if it transpired that food waste was being left out in an unsecured manner on a regular basis; and
- explore the effectiveness and potential cost of using contraceptives to manage the seagull population.

At the conclusion of the discussion the Committee:

Resolved: - that members

- (i) had read, understood and taken account of the Well-being Impact Assessment (Appendix 1) as part of its consideration; and***
- (ii) subject to the inclusion of above recommended actions, support the corporate actions agreed by the Senior Leadership Team (SLT) as contained in the Table at Appendix 2 of the report.***

7 MANAGING SUPPORTING INDEPENDENT LIVING (SIL), REABLEMENT AND THE HEALTH AND SOCIAL CARE SUPPORT WORKER SERVICE (HSCSW) IN DENBIGHSHIRE

The Head of Community Support Services introduced both the Service Manager: Localities for Community Support Services and the report (previously circulated) to the Committee.

The Head of Service advised that the purpose of the report was to update the Committee on the progress with the merger of the management function of the services following the end of the consultation period with all staff who were within the scope of the new service. It also included details of the proposed indicators that would be used to measure the Service's effectiveness in delivering outcomes once the new management structure was implemented on 1 April 2017.

Whilst the Service would realise monetary savings through a merged management structure, no staff had been made redundant and one member of staff had been redeployed. Once the Service was up and running in April a new business plan would be drawn up. The focus of the Service would be to deliver a greater amount of reablement type services rather than services which created a culture of social care dependency, as it was understood that this approach improved the lives of service users in the long run.

Responding to members' questions the Head of Service advised that:

- the rationale for bringing the three services under one management structure was to ensure that they all worked effectively together to complement and supplement each other's specialist skills;
- in relation to managing discharges from Ysbyty Glan Clwyd this was done via a 'step-down cluster', 1 of 5 in the county – 3 in the north of the county (including the step-down cluster) and 2 in the south;
- there had been no cases of delayed transfer of care (DTC) in either January or February 2017 due to any failings on the Social Services Department's behalf. The cause of the delay were problems experienced by care providers in recruiting staff, particularly in rural areas;
- work was currently underway with the Health Board to explore whether 'empty' residential care beds within the county could be used for pre-hospital discharge purposes while individual care packages were being arranged for patients. This was a complex area which required the cooperation of

independent care providers. However it did have the potential to release hospital beds for medical purposes;

- the Care and Social Services Inspectorate Wales (CSSIW) was currently exploring what could be done within the nursing care sector in order to ease pressures on hospital beds, including whether the requirement for 24 hour nursing care to be available on site could be relaxed provided that sufficient arrangements were in place to call on nursing care if required; and
- from April 2018 onwards, under the provisions of the Social Services and Well-Being (Wales) Act 2014 both the Health Service and local authorities would be required to establish pooled budgets for care homes expenditure with a view to improving outcomes for service-users and improving their overall well-being. Work was currently underway with respect of the development of pooled budgets and a report was due to be presented to Partnerships Scrutiny Committee on 6 April 2017 on the progress to date in Denbighshire in relation to pooled health and social care budgets.

At the conclusion of the discussion the Committee encouraged officers to continue to work with the Health Board for the purpose of improving outcomes for residents, ensuring they were able to regain their independence and remain independent for longer and consequently less reliant on social care services. Members:

Resolved:

- i) subject to the above observations to receive the report and support the approach taken to deliver a seamless Supporting Independent Living (SIL), Reablement and Health & Social Care Support Worker Service in Denbighshire; and***
- ii) that once the draft pooled health and social care budget package has been finalised that it be presented to a Scrutiny Committee for detailed examination.***

8 SCRUTINY WORK PROGRAMME

The Scrutiny Coordinator (SC) submitted a report (previously circulated) seeking members' review of the Committee's work programme and provided an update on relevant issues.

The SC referred to section 5 of the report and the amended items scheduled to Communities Scrutiny Committee (CSC) by the last Scrutiny Chairs and Vice-chairs Group. They included:

- replacing the Review of Primary School Provision in the Ruthin Area report – deferred until review concluded and the Ministerial response on Ysgol Llanbedr Dyffryn Clwyd was received – with the Regulation of Unmanned Aircraft report;
- referring water management at Glasdir to Ruthin MAG as a local issue;

- requesting that the Committee consider a report from Planning and Public Protection on the motion submitted to County Council on 31 January 2017 regarding free car parking for disabled badge holders;
- scheduling the Out of Hours Service and Welsh Ambulance Service Trust items for an autumn meeting of the Committee;
- inviting the Chief Constable of North Wales Police to a Council Briefing session following the local elections in May.

Resolved: that, subject to the above, the forward work programme as detailed in Appendix 1 to the report be approved.

9 FEEDBACK FROM COMMITTEE REPRESENTATIVES

There was no feedback to be received.

The Chair thanked the Committee members for their contribution over the last 5 years. He paid tribute to Councillor Cefyn Williams - who was not standing for re-election- for his support, attendance and sharing his experience to assist steering the Committee.

Councillor Marty Holland thanked the Chair for managing the meetings well.

The meeting closed at 11:23am.