

To: Members of the Communities
Scrutiny Committee

Date: 9 June 2017

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Dear Councillor

You are invited to attend a meeting of the **COMMUNITIES SCRUTINY COMMITTEE** to be held at **11.15 am** on **THURSDAY, 15 JUNE 2017** in **CONFERENCE ROOM 1A, COUNTY HALL, RUTHIN.**

All members are reminded that the 'Introduction to Scrutiny' training event will be held at 9.30am, immediately prior to the Committee meeting. All councillors and co-opted members are welcome to attend this training event.

Yours sincerely

G. Williams
Head of Legal, HR and Democratic Services

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 APPOINTMENT OF VICE-CHAIR (Pages 3 - 4)

To elect the Committee's Vice-Chair for the municipal year 2017/18 (see attached copy of the role description for Scrutiny Member and Chair/Vice-Chair)

11.15am – 11.20am

4 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.

5 MINUTES (Pages 5 - 12)

To receive the minutes of the Communities Scrutiny Committee held on 23 March 2017 (copy enclosed).

11.20am – 11.25am

6 DENBIGHSHIRE'S LEARNER TRANSPORT POLICY (Pages 13 - 58)

To consider a report by the Head of Education (copy attached) which seeks the Committee to consider the responses received to the recent public consultation on the draft Learner Transport Policy, and to recommend to Cabinet that the policy be adopted.

11.25am – 12pm

7 SCRUTINY WORK PROGRAMME (Pages 59 - 80)

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.

12pm- 12.30pm

MEMBERSHIP

Councillors

Brian Blakeley
Rachel Flynn
Tina Jones
Arwel Roberts
Anton Sampson
Glenn Swingler

Andrew Thomas
Graham Timms
Cheryl Williams
David Williams
Mark Young

Voting Co-opted Members for Education (Agenda Item No. 6 only)

Kathleen Jones

Gareth Williams

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- (vi) **Role:** **Scrutiny Member/Chair**
Salary: Band 3 (Chair only)

Please note: items highlighted are specific to the role of Chair

1. PRINCIPAL ACCOUNTABILITIES

- To Full Council

2. PURPOSE OF ROLE

- Providing leadership and direction
- To participate fully in the activities of the Scrutiny Committee, the development and delivery of its work programme and any associated task and finish groups.
- To assist in the development and monitor impact of Council policy
- To hold the executive to account, monitoring performance and service delivery and challenge decisions through the call in arrangements where appropriate.
- To develop a forward work programme of the committee.
- To report on progress against the work programme to Council, and others as appropriate
- To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making ensuring that meeting objectives are met, and the code of conduct, standing orders and other constitutional requirements are adhered to.
- To act as a focus for liaison between the council, community and external bodies in relation to the scrutiny function.
- To encourage effective contributions from all committee members in both committee and task and finish groups
- To assess individual and collective performance within the committee and liaise with the relevant Group Leader to progress training and development opportunities.
- Fulfil the accountabilities of the elected member role.

3. VALUES and EXPECTATIONS

- To be committed to the values of Denbighshire County Council and the following values in public office:
 - Pride
 - Integrity
 - Respect
 - Unity
 - Attend all relevant meetings
 - Carry out business electronically i.e. meetings and communication, wherever possible
 - To attend mandatory training as specified in the code of conduct and the constitution.
 - To participate in an annual development review to continually improve the performance of the member and the Council.

- To explain and account for personal performance as a County Councillor on a regular basis, particularly through the publication of an Annual Report on the Council's web site.

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 HLHRDS drew members' attention to a recent UK Department for Transport consultation 'Unlocking the UK's High Tech Economy: Consultation on the Safe Used 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.

Report to: Communities Scrutiny Committee
Date of Meeting: 15th June 2017
Lead Officer: Head of Education & Children Services
Report Author: Head of Education
Title: Denbighshire's Learner Transport Policy

1. What is the report about?

- 1.1 To provide feedback following consultation on Denbighshire's Learner Transport Policy.

2. What is the reason for making this report?

- 2.1 Members to consider the consultation responses and to confirm if adoption of the policy can proceed to the next stage.

3. What are the Recommendations?

That Members:

- 3.1 confirm that they have read, understood and taken account of the Well-being Impact Assessment (Appendix 5) as part of their consideration; and
- 3.2
- Consider the information provided herein.
 - Discuss the specific consultation responses received; and
 - Recommend to Cabinet that the policy be approved.

4. Report details

4.1 Background

- 4.1.1 A report was brought to Communities Scrutiny on 2nd February 2017 to provide details of the new policy. At this meeting Members supported the approach outlined and authorised Education Support to undertake the consultation phase; with a Wellbeing Impact Assessment being undertaken beforehand. It was also requested that the outcome of the consultation be brought back to a future scrutiny meeting, and this is that report.

- 4.1.2 The draft policy and the consultation questions developed by Education Support are shown in Appendix 1 and 2 respectively. The consultation period was from 13th March to 30th April 2017.

- 4.1.3 Requests to participate in the consultation along with relevant documents were sent to:

- All parents of pupils at Denbighshire schools; over 13,000 letters sent

- All Denbighshire head teachers and Governing bodies
- All Denbighshire school business and finance managers
- Head teachers of secondary schools near to the Denbighshire border
- All Denbighshire Councillors
- All Denbighshire Community Councils
- The Head of Education at Wrexham, Flintshire, Conwy, Powys and Gwynedd
- Relevant Diocese representatives
- Local Members of Parliament
- Local Assembly Members
- Denbighshire Unions representatives
- All Denbighshire staff
- Llandrillo and Cambria Colleges
- Pupil consultation via secondary school councils
- GWE
- Sustrans
- Documents were also made available at all Denbighshire Libraries
- Visits to Governing Bodies were arranged on request
- Consultation documents were available on Denbighshire's website
- Notifications were placed on social media

4.1.4 It is noted that prior to sending the documentation out for consultation the name of the policy was amended to reflect the fact that post 16 transport is also covered. The draft policy is therefore now called 'Denbighshire's Learner Transport Policy'.

4.2 Consultation Responses

4.2.1 From the online consultation 64 responses were received. A further 15 responses were received either via post, email or conversation. The individual responses have been assessed and categorised. It is noted that some responses covered multiple issues each of which have been recorded and counted individually. These are shown in **Appendix 3**.

4.2.2 The policy was positively received with a number of responses noting that it provides greater clarity on the previous version, and that recognising feeder relationships between schools, and providing free transport on that basis, was a very positive step and supported child welfare.

4.2.3 The issue of Welsh school categorisation was raised, particularly in reference to Ysgol Bro Cinmeirch (Pentre Llanrhaeadr). Concerns were expressed that pupils may move to Ysgol Pant Pastynog (Prion) to be eligible for free transport to Ysgol Glan Clwyd (St. Asaph). There were also concerns that such requests for Ysgol Pant Pastynog could be made under Faith based arrangements as it is a voluntary controlled Church in Wales school. However, this would be dependent on places being available; although the Authority would place pupils at the next nearest Faith based school for any such applications made.

Requests were also received to provide Ysgol Bro Cinmeirch with free transport to Ysgol Glan Clwyd on a discretionary basis and/or that the school should become part of the Glan Clwyd cluster.

- 4.2.4 Due to the positive nature of the changes made regarding feeder relations, a number of comments were received regarding the policy coming into effect from September 2017. This predominately related to the fact that some will be paying for concessionary transport in 2017/18 when it may be free from 2018/19. Under legislation changes to the Authority's transport policy cannot come into effect until September 2018.
- 4.2.5 The cost of concessions and/or guaranteed concession was raised. This aspect will be discussed with Passenger Transport to ensure we are benchmarked against other Welsh Local Authorities, although these costs are very much dependant on local circumstances.
- 4.2.6 A number of responses did not agree with some fundamental aspects of the legislative requirements within which the Authority operates; such as nearest suitable school or the rules regarding transport over 2 or 3 miles for primary and secondary respectively. These cannot be changed by Denbighshire.
- 4.2.7 In terms of hazardous routes, a number of comments had recognised that the Authority had positively responded, in this new policy, to the issues raised in 2015. A few had also asked for all routes throughout the County to be assessed and not just when a new transport application is received. Logistically such a request would be difficult to accommodate; however, the Authority has a robust process in place for undertaking assessments on all new routes and we have presently assessed and recorded over 150 hazardous routes.
- 4.2.8 **Responses from School Councils.**
Thanks to colleagues in Denbighshire's 14-19 Network team, facilitated sessions were undertaken with school pupils in 6 of Denbighshire's secondary schools. The report regarding this consultation is shown in **Appendix 4**.
- 4.2.9 73 responses were gratefully received from these sessions and the process provided an appropriate forum for pupils to voice their opinions. The current policy was well received and many positive comments were received. They also provided some specific comments which mirrored the online consultation, and Education Support / Passenger Services will follow up on and provide feedback to the school councils at a future date.
- 4.2.10 **Other Proposed Changes**
Following recent guidance received from the Public Services Ombudsman Wales, the appeals process in the new policy will be slightly amended. It is suggested in their best practice guide that it should be 2 stage appeal process with officers assessing the appeal initially and stage 2 being an appeals panel which parents / carers can attend. This process will be adopted in the new Learner Transport Policy.

Summary

- 4.2.12 The process of consultation provided valued feedback on a number of areas. It was viewed as a significant improvement and a more balanced approach to the previous policy.

4.2.13 All the individual comments made, and shown in Appendices, have been noted. Some of the suggestions for minor improvements will be incorporated and Passenger Transport has also been notified of any specific issues raised regarding their functions.

4.3 Next Steps

4.3.1 Following the consultation phase the original time line required that the policy be finalised by the end of June 2017, with the policy ratified by Cabinet before September 2017. Implementation of the policy could then occur from September 2018.

4.3.2 It is proposed that the policy itself and its structure do not need to change following the consultation and that members give approval for officers to take forward a process to adopt and ratify the policy through Cabinet.

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?

There is an expectation that the cost of service will increase to meet the statutory obligations under the Learner Travel (Wales) Measure 2008 and the changes in the policy. As mentioned at the previous Scrutiny meeting, Education Support is working with Passenger Transport on the cost implications of the new draft, particularly the proposed feeder school arrangements. However, ensuring that the school transport budget is scaled correctly to meet the statutory requirements is of critical importance. A potential budget pressure of £300k was highlighted and has been funded as part of the Council’s approved budget for 2017/18. The precise cost however will not become clear until new contracts have been let later in the year.

7. What are the main conclusions of the Well-being Impact Assessment? The completed Well-being Impact Assessment report can be downloaded from the [website](#) and should be attached as an appendix to the report

The findings of the Wellbeing Impact Assessment are shown in Appendix 5 and were also provided as part of the consultation process.

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

A report was previously brought to Communities Scrutiny in February 2017. Council Members were all individually asked to participate in the consultation process.

9. Chief Finance Officer Statement

It is important that the council has an appropriate transport policy in place. Elected Members originally agreed to review the Transport Policy at the Freedoms and

Flexibilities Members' Workshop held in June 2014. The revised policy consulted upon is an extension of this work. Additional funding has been agreed as part of the 2017/18 budget though the actual costs will become clearer when contracts are let in the new academic year.

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 and responding to issues and concerns previously highlighted in the current policy. The consultation has shown that these changes have been received positively.

11. Power to make the Decision

11.1 The Learner Travel (Wales) Measure 2008

11.2 Section 7.4.1 of the Council's Constitution outlines Scrutiny's powers with respect of policy development and review.

Contact Officer:

Head of Education

Tel: 01824 708009

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Denbighshire County Council

Learner Transport Policy

Education and Children Services

Document Control

Document Amendment Record

Sept 2015	Version 1
March 2017	Version 2 Draft for Consultation

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1.0 INTRODUCTION

- 1.1** Denbighshire County Council has a duty to provide school transport in accordance with Learner Travel (Wales) Measure 2008 and the Learner Travel: Statutory Provision and Operational Guidance 2014.
- 1.2** To meet this requirement the Authority will have regard to the following when making arrangements for learners who are ordinarily resident within Denbighshire:
- The age of the learner
 - The distance from home to school
 - The nature of the route from home to school
 - Requests for Welsh or English medium education
 - Requests for Faith based education
 - The needs of learners with disabilities or additional learning needs
 - The needs of learners who are 'looked after' by the Local Authority
 - The needs of learners with dual residency
- 1.3** This list is not exhaustive and the Authority must consider each learner's individual circumstances, taking into account any representations made by parents/carers and relevant professionals. In certain circumstances the Measure permits the Local Authority to apply discretion in relation to the services provided. These discretionary elements are outlined in section 3 of this policy.
- 1.4** Transport for post 16 students to Further Education (F.E.) Colleges is provided under the policy as a discretionary arrangement. See sections 3.5 and 3.6.
- 1.5** The Authority must provide free home to school transport in certain circumstances. These are outlined in section 2. The duty to provide such transport only applies if a child is ordinarily resident in the Authority's area.
- 1.6** The Local Authority will endeavour to provide safe, efficient and cost effective transport to those learners who qualify under this policy at all times.
- 1.7** There may be circumstances where additional or alternative transport arrangements would prove more cost effective than the provision stated in the policy. The Local Authority therefore reserves the right to apply discretion where appropriate if it can be demonstrated that the alternative is more cost effective and efficient.
- 1.8** Home to school transport is provided for eligible learners between their home address or allocated pick-up point, and the qualifying school where they are registered. Free transport is not provided from or to addresses of other family members or friends, parent's work addresses or child care facilities of any sort.
- 1.9** This Policy is effective from 1st September 2018. Transport arrangements assessed and provided under Denbighshire's previous policy will continue unless there is a material change in circumstances which would necessitate a new application being made, e.g. moving home or school / F.E. College. Details of how to make an application are outlined in section 4.

2. HOME TO SCHOOL TRANSPORT

2.1 Qualifying Schools

Denbighshire County Council will provide free transport to learners who meet the entitlement criteria set out in this policy. The policy refers to transport to and from qualifying schools in the following categories:

- a community, controlled, foundation or voluntary aided school
- a non-maintained special school
- a pupil referral unit
- an independent school named in a statement of special educational needs
- a voluntary aided trust school

2.2 Distance Criteria

The Learner Travel (Wales) Measure 2008 stipulates that free transport will only be provided to learners of compulsory school age if the distance from home to their nearest suitable school is at least:

- (a) 2 miles for Primary School pupils
- (b) 3 miles for Secondary School pupils

2.3 Nearest Suitable School

The nearest suitable school is a school that provides education appropriate to the age, ability, aptitude of the learner, and any learning needs that they may have. It will normally be a school in the area the learner resides, or another school (e.g. out of county) if this is closer to home.

Denbighshire residents can find their nearest local school by visiting the '[My Property](#)' link on Denbighshire's website homepage, or by visiting:
www.mylocalschool.wales.gov.uk

2.4 Feeder Schools

The Authority recognises that certain Primary schools are natural feeders for certain Secondary Schools. The relationships between these schools are shown in Appendix 1. Under discretionary arrangements the Authority may also provide free school transport to the designated secondary school, even if this is not the nearest suitable secondary school. Further information is shown in section 3.4 under Discretionary School Transport.

2.5 Measurement of Distance

For assessments under the distance criteria in section 2.2, the calculation from home to school will adhere to guidance provided in the Learner Travel: Statutory Provision and Operational Guidance 2014. The route to school will be measured from the home boundary to the nearest school gate, and may include public footpaths, bridleways and

other pathways, as well as adopted roads. It is not necessarily the shortest distance by road.

Where learners are reasonably expected to walk to school, the distance is measured by the shortest available route along which a child, accompanied as necessary by a responsible adult, may walk in reasonable safety; whilst having regard to the age and needs to the child. If the property is on an un-adopted road it will be measured from where the property meets the adopted highway or adopted path. All calculations of distance will be made using the Authority's chosen software package.

For assessments over the distance criteria mentioned in section 2.2, the distance from home to nearest suitable school will be measured along the shortest available road route, i.e. from the home boundary to the nearest school gate using the Authority's chosen software package. However, if the property is on an un-adopted road it will be measured from where the un-adopted road meets the adopted highway.

For all calculations the measurement of distance will be to the nearest 0.1 of a mile, as measured by the Authority's chosen software package.

2.6 Primary and Secondary School Transport

For Primary and Secondary Schools, the Authority will provide free transport to the nearest suitable school in line with the criteria of this policy. Discretionary provision may also apply, by virtue of the criteria shown in section 3.

2.7 Parental / Carer Preference of School

Parents / carers have the right to express a preference for admission of their child to any school, subject to availability of places. If the application is accepted, the parent / carer loses their entitlement to free transport if it is not their nearest suitable school or, the designated secondary school for the primary feeder school they attended.

This is consistent with meeting the requirements as outlined in the Learner Travel: Statutory Provision and Operational Guidance June 2014.

IMPORTANT - Parents/ Carers are advised to consider the school transport implications before making an expression of preference for a school place. See section 2.3 on nearest suitable school.

2.8 School Admissions

If parents / carers have been unable to secure a place for their child at their nearest suitable school, or if their designated secondary school (from the appropriate feeder primary school) is full, then free transport will be provided to the next nearest suitable school, providing the distance criteria in section 2.2 is met.

2.9 Pick-up Points

Denbighshire County Council considers that in general the provision of shared pick-up points can be part of a suitable transport arrangement within the meaning of section 3 of the Learner Travel (Wales) Measure 2008.

For learners who qualify for transport there will be an expectation that they will depart from a pre-determined pick-up point, unless otherwise stated when the application is processed. The Authority will endeavour to locate pick-up points reasonably close from to learners' homes, and no more than the statutory distances shown in section 2.2. This is in expectation that parents / carers 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. Any measurement of distance will follow the principles as outlined in section 2.5. The assessment will also have regard to hazardous routes, following the principles set out in section 2.10.

It is parental / carer's responsibility to ensure that their child reaches the pick-up point in a timely manner and that they board the vehicle safely. They must also ensure there is a responsible adult to meet their child on the return journey, if the age or needs of the child call for the provision of an escort.

If a responsible adult is not there to meet a child, whose age or needs call for the provision of an escort, then additional costs will be recharged; as it may be necessary for Officers to seek guidance from Children Services and, if required, arrange for the child to be taken to a Local Authority place of care.

Note: Nothing in this Policy creates an expectation that all children should walk to the pick-up points, as in some cases this will be inappropriate. The Authority keeps a register of known hazardous routes, and this forms part of the consideration given when assessing transport applications. However, if a parent / carer 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 circumstances to determine whether any additional or alternative transport arrangements are required for that child; to ensure that the requirements of the Learner Travel (Wales) Measure 2008 are met.

The Local Authority reserves the right to review the pick-up points to ensure a safe route is maintained at all times and subject to ensuring the most cost effective provision is in place.

Once eligibility for school transport has been confirmed, Denbighshire's Passenger Transport department will contact parents / carers and provide details regarding the pick-up point used and the timings of the service.

2.10 Hazardous Routes

For learners who live below the statutory qualifying distance shown in section 2.2, the Local Authority will provide transport to school if the route is deemed hazardous. Hazardous routes are assessed by an appropriate Denbighshire Road Safety Officer following the guidance provided in the Learner Travel: Statutory Provision and Operational Guidance June 2014.

Where pick-up points are used the Local Authority will also consider if there are hazardous routes which could reasonably prevent learners walking to these locations, accompanied as necessary by a responsible adult. In such instances the Local Authority, after assessment, will provide transport from home to the pick-up point, or direct to school (whichever is more efficient).

It is noted that where parents / carers have exercised their right to a school by parental / carer preference (see section 2.7), the requirement for arranging home to school transport is the responsibility of the parent / carer.

The Local Authority will maintain a register of all Denbighshire routes which have been assessed, and as new routes are evaluated these will be added to the register. The Authority will review the complete register every 5 years to ensure that all routes are still categorised correctly.

2.11 Additional Learning Needs (ALN)

The Local Authority will make suitable and relevant educational provision for all children with additional learning needs to ensure they are able to develop to their maximum potential.

The level of need is assessed by relevant professionals in Denbighshire's Education department, and this informs the type of transport provided. Transport will then be provided in line with the advice given and reviewed on an annual basis.

If a child has a Statement of Special Educational Needs or an Education Health and Care Plan (EHC Plan), school transport may be included as part of the non-educational provisions made for the child as part of their Statement/EHC Plan. If it is, then transport will be provided. However, free transport may not be provided if parents / carers exercise their right to preference of school which is not the nearest suitable (See section 2.7).

If school transport is not included in a child's Statement/EHC Plan then they may still be entitled to home to school transport under the policy provided that the school they are attending is the nearest appropriate school with a place, and they meet the eligibility criteria.

2.12 Looked After Children (LAC)

A Looked After Child is the term used within the Children Act 1989 to describe children who are under the age of 18 and are provided with care and accommodation by the Local Authority's Children Services department; often with foster carers.

The Learner Travel (Wales) Measure 2008 states the same assessment criteria shall apply to Looked After Children as to children who are not looked after; however, there is no requirement that they attend the nearest suitable school to their home or placement address.

If the Looked After Child attends a school closer than the minimum distance shown in section 2.2, free transport will not be provided. Exceptions by virtue of the criteria shown in section 3 may also still apply.

If the Looked After Child attends a school over the distance shown in section 2.2, transport will be provided to the appropriate school to ensure minimum disruption and continuity of education, while also maintaining child wellbeing. For journeys from placements out of county, or entailing long journeys, a reasonableness test may be applied. This test will have regard to the distance, time of journey and the proximity of other suitable establishments.

2.13 Dual Residency

The Local Authority will provide transport for learners who, due to their family circumstances, may reside in more than one residence; with at least one residence being in Denbighshire. However, this is provided that the school attended is the nearest suitable school from the main residence, or agreed to be the most suitable school taking account of the locations of both residences. Proof of dual residency must be provided and the main residence is usually the property to which child benefit is paid.

If the second residence is in a different Local Authority area, then it is the responsibility of that Authority to consider transport arrangements for that route to school. Parents /carers should therefore apply to the relevant Local Authority.

3. DISCRETIONARY SCHOOL TRANSPORT

3.1 Discretionary Arrangements

Within the Learner Travel (Wales) Measure 2008, discretionary arrangements can be made under section 6 of the Measure. In some instances the cost of such arrangements can be charged to the parent / carer responsible.

3.2 Faith Schools

On a discretionary basis the Authority will provide transport to the nearest suitable Faith school if this is the parental / carers preference. This will apply even if the school is not their nearest suitable school. The distance criteria in section 2.2 will still apply. See the table in Appendix 1 for further details of Faith schools.

If the nearest suitable Faith school is outside of County then transport would still be provided by the Authority.

3.3 Welsh or English Medium Education

In accordance with section 10 of the Learner Travel (Wales) Measure 2008, the Authority promotes access to Welsh medium education by providing discretionary transport to the nearest suitable Welsh or English medium education, if this is parental / carer preference. This will apply even if the school is not their nearest suitable school.

For Welsh Medium education it would be a school which is categorised as either 1 or 2 within the Welsh Government guidelines on Welsh Medium Provision. For category 2 it would be a school where at least 80% of subjects (excluding Welsh and English) are taught through the medium of Welsh, but are also taught through the medium of English. The table in Appendix 1 shows Denbighshire's Welsh Medium School categories.

If the nearest Welsh or English medium school is outside of County then transport would still be provided by the Authority. Preference will only be considered against Welsh Medium or English Medium schools. The distance criteria in section 2.2 will still apply.

3.4 Feeder Schools Arrangements

On a discretionary basis the Authority recognises that certain Primary schools are natural feeder schools for certain Secondary schools. Therefore in regard to Secondary education, free school transport may be provided to either the nearest suitable Secondary School or the recognised feeder Secondary school; providing that the learner lives over the distance criteria in section 2.2, and the journey is agreed to be reasonable; this criteria is shown below.

The Authority reserves the right to apply a test of reasonableness to those parents / carers requesting secondary school transport on the basis of feeder schools. To receive free transport on this basis the learner must:

- Have been attending their nearest suitable primary school from their home location as assessed at the point of admission.
- Meet the distance criteria in section 2.2 for secondary schools.
- If learners move house before commencing secondary school, their entitlement will require re-assessment, as per the criteria shown in section 2.

- In instances where learners have not attended their nearest suitable primary school by parental / carer preference, section 3.4 will not apply. The assessment of school transport applications will then be based solely on nearest suitable Secondary school.

3.5 Post 16 Transport

The Local Authority provides discretionary transport beyond statutory school age where a Denbighshire learner resides 3 miles or more from the nearest suitable school or F.E. college. The learner must be studying full time and be less than 19 years of age on 1st September of the academic year in which the course is taken. Transport will be provided to the nearest secondary school designated by the Authority to serve the learner's home address only, or in the case of full-time vocational courses, to the nearest F.E. college. Transport between learning establishments working in a partnership is provided through the 14-19 Learning Network, as detailed in section 3.6 below.

3.6 14-19 Learning Network

The Authority currently makes provision for a network of transport routes in between some schools and F.E. colleges, working in partnership to allow access to a comprehensive range of educational courses. Transport will be provided free of charge when a learner must travel between establishments to access the necessary partnership courses. All arrangements for this travel are made through participating schools and F.E. colleges.

3.7 School Reorganisation

In cases where school reorganisation has taken place, the Local Authority will consider the most appropriate options for school transport. This may include providing free transport for a specified period of time dependant on circumstances. Such arrangements will be provided on a discretionary basis and will be documented within the reorganisation process; so that relevant schools, governing bodies, parents / carers, and any other stakeholders, are all aware of the terms of the arrangement.

3.8 Moving Home

In cases where a learner, who has been in receipt of free school transport, moves home part way through the academic year, transport will cease if they are no longer attending their nearest suitable school.

If part way through a GCSE year (school years 10 and 11) the Authority will continue to provide discretionary transport until the academic years have been completed, i.e. until the end of year 11.

This undertaking is dependent upon the learner being ordinarily resident in the Authority's area. **Note:** The Local Authority also reserves the right to test the reasonableness of the transport requested under this condition, having regard to the distance, time of journey and the proximity of other suitable establishments.

All other reassessments of eligibility will follow the criteria set out in section 2. This section shall not apply where parents / carers have previously exercised a preference as detailed in section 2.7.

3.9 Managed School Transfers

Where managed school transfers are supported by both the new destination school head teacher and Education Services, parents / carers will be aware of this action and be included in these discussions at school level. School transport in these circumstances may be supported on a discretionary basis where it forms part of the action and agreement of all parties to pursue a change of school in the interests of the learner.

It is the parent / carer's responsibility to ensure that they fully engage with the Authority and the school when pursuing a managed transfer. These matters need to be verified and evidence available. This allows Education Support to make an informed decision based upon the evidence supporting the transport request.

Where no evidence is available, and/or where parent / carers refuse to engage in the process with the school and Education Services, the transport request will be refused. This will be based upon the lack of evidence available for an informed decision to be made.

3.10 Withdrawal of Discretionary Transport

A Local Authority can withdraw the provisions of discretionary school transport, provided it has agreed and published the relevant changes to the policy before the 1st October of the year preceding the academic year in which the changes will come into force.

3.11 Other Discretionary Provisions

Other discretionary arrangements regarding school transport can be made under section 6 of the Measure. The Head of Education and Children Services may apply these powers for free transport in cases such as:

- The safeguarding of a learner, or where there is likely to be significant detrimental impact to that learner's welfare.
- Transport on medical grounds may also be applicable under this criteria, including cases where the parent has a disability that restricts the ability of a learner to travel to school without transport for period of time; or where a learner is temporarily incapacitated through illness or injury.
- Temporary or emergency housing of a family outside of the previous residential area, normally through the Authority's Housing Service, to minimise disruption of education.

This list is not exhaustive and there may be other circumstances where discretion can be applied; however, to ensure consistency of approach regarding discretion evidence may be requested from relevant professionals and the assessment will be recorded.

Where short term discretionary transport arrangements are put in place the Authority will inform parents / carers when these arrangements are to end.

4 MAKING A TRANSPORT APPLICATION

4.1 A school / F.E. College transport application is required when:

- Starting Primary School (not nursery)
- Starting Secondary School
- Moving into Year 7 in a middle school
- Going from year 11 to sixth form / F.E. college; or
- Changing home location or school

4.2 You can make a transport application online at:

<https://www.denbighshire.gov.uk/schooltransport>

Alternatively you can download the application from the website, or request a blank form be posted to you, and send to the address shown on the form.

4.3 The Authority will inform you of the outcome of the application within 15 working days of receiving your form. If you are successful, you will receive details of pick-up times and locations during the summer holidays for September starts, or as soon as possible for applications mid-school year. These details will be sent to you by Denbighshire's Passenger Transport department.

4.4 If your circumstances change during the school year, you must inform the Local Authority. If for example you move home or change school then you need to reapply for school transport at that time. If you are applying for transport during the school year, please do so as soon as you can after your new address is confirmed.

4.5 Full details of all transport related issues can be found in the Denbighshire Parent Handbook:

www.denbighshire.gov.uk/en/resident/education/school-admissions.aspx

5. OTHER INFORMATION

5.1 Nursery Education

The Authority does not provide transport for children attending nursery school or nursery classes at the age of 3 or 4. Transport is provided for eligible children from the commencement of the school year in which the child attains the age of 5 and starts full-time education, normally in reception class.

5.2 Out of School Clubs

The Authority will not provide transport to or from out of school clubs (i.e. breakfast club, after school clubs etc.) or extra-curricular activities that fall outside the statutory curriculum. It is the parent's / carer's responsibility to ensure that appropriate transport arrangements are put in place if these services are accessed.

5.3 Policy Changes

Should it be required to amend this policy, the Authority must follow the requirements as set out in the Learner Travel Information (Wales) Regulations 2009. This requires that the Authority consult, agree and publish changes to the policy before the 1st October of the year preceding the academic year in which the changes come into force.

Should it be required, the Authority can also issue additional clarification guidance alongside this policy. Any such guidance will be available on the Authority's website.

6. Transport Provision

6.1 Mode of Transport

The Authority will endeavour to provide the most suitable mode of transport for all eligible learners that is safe and provides the most cost effective method of transport. This may be via bus, coach, minibus, or taxi school contracts, or existing public transport. These services and the associated contracts are arranged and managed by Denbighshire's Passenger Transport department.

6.2 Concessionary Transport

If a learner does not qualify for free school transport as set out in this policy, and there are spare seats available on an Authority service, these may be offered as concessionary seats. The following conditions will apply:

- A reasonable charge per term will be applied. This will be reviewed annually before the new school year.
- Concessions may be withdrawn at short notice when seats become unavailable or if they are required for an eligible learner. In such cases a proportional refund will be calculated and given back to the parent / carer.
- Concessionary passes cannot be issued at short notice at the start of the academic year as it is necessary to identify whether there are spare seats on contract vehicles.
- Concessionary seats would not normally be offered where public transport runs alongside school transport. In such circumstances, parents / carers are expected to use existing public transport.

6.3 Transport Payments

There may be circumstances where parents can be offered a nominal payment towards the cost of transporting their children. This is an option only used in exceptional circumstances, and if there are difficulties in arranging school transport for eligible learners. Parents / carers are under no obligation to accept the offer of reimbursement which would usually be a set mileage rate for the miles travelled during two return journeys per day; however this may be deemed the most reasonable mode of transport.

6.4 Behaviour on Transport

Learners travelling on service or contract vehicles provided by the Authority are expected to behave well at all times and comply with the requirements of the School Travel Code, see Appendix 2. This full document is [available here](#).

Any Learners who misbehave, cause, or risk causing damage or injury to the vehicle, driver or passengers, or in any way threaten the safety of the other passengers and/or vehicle, may have their transport eligibility withdrawn. Any learners who are not entitled to free school transport but travel on contract services on a concessionary basis, will also be subject to the same rules.

The behaviour of learners on school transport services is of the utmost importance, so parents / carers are therefore expected to support the Authority, the schools, transport operators and their staff in maintaining good behaviour. It should be clearly understood

that in cases of misbehaviour the ultimate sanction is the removal of the right to receive transport. In such cases the responsibility and full cost of transport to and from school will then fall to the parent / carer.

The Authority encourages feedback from service providers and schools regarding use of the school transport services provided. A log will be maintained of incidents and any related investigation. If necessary parents / carers will be informed of incidents if it can be shown that a child or children have been causing problems.

6.5 Monitoring of Services

The Authority reserves the right to randomly check school transport services to ensure that those travelling are all eligible. Where learners are found to be travelling who are not eligible, Passenger Transport will record these instances and contact the relevant parents / carers to inform them of their options.

6.6 Disclosure and Barring Service (DBS) Checks

Denbighshire's Passenger Transport department manage and arrange all the necessary school transport contracts with the appropriate service providers. This includes undertaking DBS checks for all drivers and passenger school escorts. Note: school escorts are only employed on Primary School Services where deemed appropriate, or if the child's additional learning needs make it appropriate.

6.7 Adverse Weather Conditions

Adverse weather can have an impact on school transport services and their continued provision; therefore, with safety paramount, the transport providers will take the ultimate decision as to whether a service will operate. In severe weather, especially if forecasts are predicting worsening weather, contractors will be advised not to run services.

The Passenger Transport department will make every effort to inform schools when home to school transport is likely to be disrupted. Details of such changes will also be available on the Council's website.

7. APPEALS

7.1 The parent / carer will normally be notified in writing within 15 working days of an unsuccessful school transport application. The Authority will also offer the parent /carer an opportunity to appeal, and advise on the procedure. The appeal must be sent to the Authority no later than 20 working days after the date of refusal.

7.2 Parents / carers should write to the Authority indicating their wish to appeal. This should be sent to admissions@denbighshire.gov.uk stating the reasons for the appeal and raising any circumstances which they believe relevant, and may impact the decision. Additional evidence in support of these circumstances should also be provided to the Local Authority along with the appeal. The appeal and any additional information may also be posted to the following address:

Education Support,
Denbighshire County Council,
PO Box 62,
Ruthin,
LL15 9AZ

7.3 A panel of independent officers from within Denbighshire Council will consider the appeal against the Home to School Transport Policy and make a decision based on the information provided. The decision of the appeal panel will be available within 20 working days of the appeal being received.

The panel will be made up of Local Authority officers who were not involved in the initial request for school transport. The panel meeting will be recorded and minutes provided. The panel will consider all the evidence provided in support of the appeal. If they so wish, parents / carers may attend to provide a brief summary of their appeal. Education Support officers will also have opportunity to provide details of their assessment to the panel.

7.4 After the appeal hearing the parent / carer will be notified by Education Support of the outcome of their appeal in writing. Following this decision there are no further grounds for appeal.

7.5 Records of previous appeals will be maintained by Education Support to ensure consistency of approach. If any additional supportive information provided by the appellant, as requested under 7.2, is consistent with previous appeals which have been upheld, then the formal appeal stage may not be required and after assessment the appellant may be directly informed of the outcome.

8. CONTACT DETAILS

8.1 Transport Applications

For queries related to applications please email admissions@denbighshire.gov.uk or telephone 01824 706000

8.2 Passenger Transport Services

For queries related to operational service issues please email passenger.transport@denbighshire.gov.uk or telephone 01824 706000

8.3 14-19 Transport

For queries related to inter-establishment transport for the 14-19 learning network, please email admissions@denbighshire.gov.uk or telephone 01824 706000

8.4 Transport Complaints

If you wish to make a complaint please email passenger.transport@denbighshire.gov.uk or telephone 01824 706000

8.5 School Admissions

For queries related to School Admissions please email admissions@denbighshire.gov.uk or telephone 01824 706000

8.6 ALN Transport

For queries related to ALN Transport please email admissions@denbighshire.gov.uk or telephone 01824 708064

9. **Links to Relevant Documentation**

The Learner Travel (Wales) Measure 2008

[Available here](#)

Mesur Teithio gan Ddysgwyr (Cymru) 2008

[Ar gael yma](#)

Learner Travel Statutory Provision and Operational Guidance 2014

[Available here](#)

Teithio gan Ddysgwyr Darpariaeth Statudol a Chanllawiau Gweithredol Mehefin 2014

[Ar gael yma](#)

The Travel Behaviour Code

[Available here](#)

Cod Ymddygiad wrth Deithio

[Ar gael yma](#)

Learner Travel Information (Wales) Regulations 2009.

[Available here](#)

Rheoliadau Gwybodaeth am Deithio gan Ddysgwyr (Cymru) 2009

http://www.legislation.gov.uk/wsi/2009/569/pdfs/wsi_20090569_mi.pdf

10. APPENDIX 1

FEEDER SCHOOLS

Secondary School Cluster	Recognised Feeder Primary Schools	Faith School	Other Nearest Suitable School
Ysgol Dinas Bran Welsh Language Category 2	Bryn Collen	No	
	Caer Drewyn	No	
	Carrog	No	
	Gwernant Welsh Category 1	No	Ysgol Morgan Llwyd
	Bro Dyfrdwy Welsh Category 1	No	Y Berwyn / Ysgol Brynhyfryd
Ysgol Glan Clwyd Welsh Language Category 1	Dewi Sant Welsh Category 1	No	
	Henllan Welsh Category 1	No	
	Tremeirchion Welsh Category 1	Yes Church in Wales	
	Twm o'r Nant Welsh Category 1	No	
	Y Llys Welsh Category 1	No	
	Pant Pastynog Welsh Category 1	Yes Church in Wales	Ysgol Brynhyfryd
Denbigh High School	Bodfari	No	
	Cefn Meiriadog	No	Emrys Ap Iwan
	Esgob Morgan	Yes Church in Wales	St Brigid's / Rhyl HS / BEJ
	Faenol	No	Emrys Ap Iwan
	Frongoch	No	
	Pendref	No	
	St Asaph	Yes Church in Wales	Infants only: Esgob Morgan, Trefnant, St. Brigid's or BEJ
	Trefnant	Yes Church in Wales	
Y Parc Infants	No		
Rhyl High School	Bryn Hedydd	No	
	Christchurch	No	
	Emmanuel	No	
	Llywelyn	No	
	Y Castell	No	Emrys Ap Iwan

Secondary School Cluster	Recognised Feeder Primary Schools	Faith School	Other Nearest Suitable School
Ysgol Brynhyfryd Welsh Language Category 2	Betws GG Welsh Category 1	No	
	Borthyn	Yes Church in Wales	St Brigid's
	Bro Cinmeirch Welsh Category 1	No	Ysgol Glan Clwyd
	Bro Elwern Welsh Category 1	No	
	Bro Famau	No	Mold Alun
	Bryn Clwyd	No	Denbigh High School
	Carreg Emlyn Welsh Category 1	No	
	Dyffryn Ial Welsh Category 2	Yes Church in Wales	Mold Alun, St Brigid's, Maes Garmon
	Gellifor	No	
	Llanbedr	Yes Church in Wales	
	Llanfair Welsh Category 2	Yes Church in Wales	St Brigid's
	Pen Barras Welsh Category 1	No	
	Pentrecelyn Welsh Category 1	No	
	Rhewl Welsh Category 2	No	
Rhos Street	No		
Prestatyn High School	Bodnant	No	
	Clawdd Offa	No	
	Hiraddug	No	
	Melyd	No	
	Penmorfa	No	
Blessed Edward Jones Roman Catholic High School	Ysgol Mair	Yes Roman Catholic	Rhyl High School
St. Brigid's 3-19 School Roman Catholic character and tradition	As a through school, it is recognised that St. Brigid's has its own feeder Primary on site.		

11. APPENIDIX 2

SCHOOL BUS TRAVEL BEHAVIOUR CODE

- When at the bus stop, always wait sensibly, off the road.
- Make an agreement with your parent / carer what to do if the bus does not arrive or if you miss it.
- When the bus arrives, wait for it to stop. Never push or rush for the door.
- Show your bus pass (if you have been given one) when you get on the bus.
- On a school bus stay in your seat for the whole journey.
- On a public bus find a seat if one is available.
- Never block the aisle with your bag or other belongings.
- Always wear a seatbelt if one is provided.
- You must not distract the driver when he or she is driving.
- Never eat or drink on the bus.
- Never throw anything in or from the bus.
- Never damage or vandalise any part of the bus.
- Never operate the bus doors or exits, except in an emergency.
- Always follow the instructions of the driver or passenger assistant at all times.
- If there is an accident, stay on the bus until you are told to leave. If it is unsafe to stay on the bus then leave by the safest exit.
- Never try and get on or off the bus until it has stopped.
- Always get off the bus sensibly, taking all your belongings with you.
- Never cross the road in front of or close behind the bus.

Travel Behaviour Code

Your safety is very important. You must behave responsibly and safely when travelling to and from school or college, whether you go there by bus, train, taxi, bicycle, walking or any other way. If you get a bus to school or college, you must also follow the rules in the School Bus Travel Behaviour Code.

If you do not follow this Code, for your own safety, and other people, local authorities, schools and colleges can take action against you. This might involve taking away your right to school transport and even excluding you from school.

<h2>Your Responsibility</h2> <ul style="list-style-type: none">• Always respect others, including other pupils, drivers and the public.• Always respect vehicles and property.• Always be polite.• Never drop litter.• Always obey the law.	<h2>Your Safety</h2> <ul style="list-style-type: none">• Always behave well when travelling.• Always follow the driver's instructions when travelling.• You must not distract drivers.• Always cross the road safely and sensibly.• Always travel by a safe route.	<h2>Your Rights</h2> <ul style="list-style-type: none">• To be safe when travelling.• To be treated fairly and with respect.• To tell someone if somebody or something is causing you problems.• Not to be bullied or picked on.
<p>Please tell a teacher, parent or driver about any bad behaviour or bullying you see.</p>		

**Polisi Cludiant i Ddysgwyr Sir Ddinbych
Denbighshire's New Learner Transport Policy
Ymgynghoriad / Consultation**

1) Nodwch eich enw / Please state your name.

2) Rhowch gyfeiriad e-bost dilys yma i dderbyn cadarnhad ar ôl ichi gwblhau'r ymgynghoriad. Please provide a valid email address for confirmation to be sent after completion.

3) Nodwch fel pa un rydych yn ymateb:
Indicate whether you are responding as a:

- Rhiant / Parent
- Disgybl / Pupil
- Aelod o Staff Ysgol / School Staff Member
- Cyngorydd / Councillor
- Aelod o'r Gymuned / Community Member
- Arall (nodwch) / Other (please specify)

4) Rhowch eich sylwadau ynglŷn â newidiadau arfaethedig y Polisi newydd Cludiant i Ddysgwyr. Please provide your comments regarding the changes proposed in the new Learner Transport Policy.

5) A oes unrhyw beth yn y Polisi newydd Cludiant i Ddysgwyr y byddech yn ei newid? Is there anything in the new Learner Transport Policy that you would change?

6) A oes unrhyw beth arall yr hoffech ei godi mewn perthynas â'r Polisi newydd Cludiant i Ddysgwyr neu Gludiant i'r Ysgol yn gyffredinol? Is there anything else you wish to raise in connection with the new Learner Transport Policy or School Transport in general?

Os oes unrhyw gwestiynau penodol rydych yn dymuno eu gofyn ynglŷn â'r ymgynghoriad, yna cysylltwch â derbyniadau@sirddinbych.gov.uk neu ffoniwch 01824 706000

If there are any specific questions you wish to ask regarding this consultation then contact admissions@denbighshire.gov.uk or telephone 01824 706000

Appendix 3

Summary of Responses and Comments Provided	Number of Responses
Liked the changes regarding feeder relationships in support of child welfare	21
Liked the clarity of wording in the policy	17
Parents / carers should be able to choose category 1 Welsh language schools over category 2 as they are not the same.	14
Ysgol Bro Cinmeirch should be part of Ysgol Glan Clwyd cluster and/or they should get free transport to Glan Clwyd by discretion	10
Want changes to come in to effect Sept 2017 and/or doesn't want to pay in 2017/18	9
Responded to consultation but no comments provided and/or issues noted	8
Concessions should be cheaper and/or guaranteed	7
Concerns over Bro Cinmeirch losing pupils, losing its 'Welshness' and/or pupils going to Pant Pastynog by preference of Faith education.	7
Glad Denbighshire will provide free transport for all pupils attending Pant Pastynog to Ysgol Glan Clwyd	5
Don't agree with nearest suitable school and feel they should get transport to any school requested.	4
Doesn't agree with the 2 and 3 miles rule under legislation and that it should be changed	4
Out of County resident who wants free transport to Ysgol Dinas Bran or is complaining about existing arrangements	4
All routes in Denbighshire should be assessed for hazards and not just when applications are received	4
Concerns about having to walk to school during winter / autumn months and/or how parents get information re services not running in bad weather	4
Suggestions of extra content and/or to change layout of the policy	4
All parents / carers should pay for school transport and/or it should be means tested	3
Calculation of distance should not be by shortest route and / or don't agree with current method of calculation	3
Feels the policy is negatively biased against Welsh language	3
Continuity for siblings going to the same school when policies change	3
Post 16 transport should allow students to go where they want and/or it should go beyond 19 years of age.	2
Concerns regarding safety on Denbighshire transport services	2
Positively liked the changes made regarding hazardous routes assessment	2
Dyserth walking route to Prestatyn is still hazardous	2
Route from Rhuddlan to Ysgol Dewi Sant is still hazardous	2
Wants hazardous routes assessed by non-Denbighshire staff	1

All current hazardous routes should be available online or in policy	1
Wants Denbighshire to provide nursery transport	1
Routes change over time and need to be reassessed for hazards. Denbighshire should be aware	1
Wants regular SEN drivers to reduce the stress of change on pupils	1
Denbighshire should provide free transport for extra curricula activities	1
Denbighshire should pay allowances if parents / carers want to transport themselves	1
Wants an adult to accompany children in each taxi service	1
Not sure what the consultation is about and/or why it has been sent to them	1
Concerned about conduct of drivers on Council services	1
Are Denbighshire looking how the current policy has adversely affected families?	1
Pick-up points should be properly assessed for hazards	1
Could rail be an option for Corwen students to get to Ysgol Dinas Bran?	1
Denbighshire's consultation process for this policy is far improved from last time	1
Pupils should not be using public transport	1
Poor quality of the transport provided	1
Disagrees that Welsh language should receive free transport by preference	1
Policy should have more information re criteria for nearest suitable school	1
Post 16 travel information requires further clarification in policy	1
Make sure parents are aware of transport policy before admissions process	1
If parents are prepared to take pupils to the pick-up points even though they didn't attend their nearest suitable school, they should be allowed to do so.	1

Report Title:	School Council Responses – Learner Transport Policy
Detail of Consultation:	Learner Transport Policy Consultation
Lead Officer:	Ian Land
Report Author:	Elin Kerry
Date:	18/05/2017

1. Outline

The purpose of this consultation was to provide learners within Denbighshire secondary schools an opportunity to respond to the Local Authority's Draft Learner Transport Policy which has recently been reviewed

2. Method

The consultation with learners was conducted in a way which was accessible and clear for learners to understand. A young people's version of the consultation document was produced, which detailed the reason for the consultation, as well as highlighting the main content of the policy. At the end of this document, the 3 consultation questions were situated where learners were able to provide their individual response.

As well as individual responses, the consultation was held within a focus group setting, where learners were able to discuss the policy within a group setting, and a series of questions were asked to gain an understanding of the level of the learners' knowledge.

A total of 73 responses have been received to date following visits to 6 Secondary Schools Councils within the Local Authority.

3. Focus Groups

In order to gain qualitative responses, and gain an understanding of what knowledge the learners had in relation to the existence of the policy, a series of questions were agreed and these were asked during the consultation sessions. The main points to consider are as follows:

- i) The majority of learners who took part in the consultation were not aware of the policy
- ii) Some learners were aware of the '3 mile radius' eligibility criteria
- iii) Learners had an understanding of 'hazardous routes'
- iv) Learners thought it was fair that some schools work in partnership with transition
- v) A proportion of the learners were not aware of the Travel Behaviour Code, and suggested that consequences were needed if these rules were broken

4. Consultation Document

As the reviewed policy and consultation were lengthy, it was agreed that a version for young people would be produced in order to make it clearer to understand, and to highlight main points. The document detailed why the consultation was happening, the main points within the policy, and concluded with the 3 consultation questions. It was made clear at the beginning of the session by the facilitator that it is important that young people have an opportunity to respond to the consultation, though not all comments and suggestions would be implemented or changed. If that would be the case, a response would be provided to the learners to explain why the changes / comments have not been considered. Additional comments in relation to learner transport were welcome, again, learners were encouraged to leave a name and school detail in order for officer to provide them with a timely response if required.

5. Responses

A total of 73 responses were received following sessions with 6 Secondary School Councils. As there were 3 main questions, responses were pooled into themes or common responses. Details below.

Question 1:

What do you think about the changes to the Learner Transport Policy?

Summary of Comments	No.
The changes are fair	13
They are good ideas and policies	12
They are positive and will benefit a lot	12
The changes have made it easier to understand	13
They are very helpful	6
The policy is improved	4
Helps GCSE students	2

Other comments include:

Some elements of the Travel Behaviour Code are unrealistic e.g. not eating / drinking
Need to make people more aware of the Travel Behaviour Code

Question 2:

Is there anything in the policy you would change?

Summary of Comments	No.
Reduce the mile radius from 3 as its far to walk	12
People shouldn't have to pay for transport	4
Not fair to exclude some from house move transport provision	4
Have a policy for paying for the bus	2
Families on low income or receive benefits get it free or cheaper	2

Other comments include:

Make people more aware of the Travel Behaviour Code
Allow people to eat or drink on the bus

Question 3:**Is there anything else you'd like to tell us about School Transport?**

Summary of Comments	No.
What happens if someone needs temporary transport e.g. after injury?	6
Buses need cleaning	3
How would bullying affect transport if moved to a new school?	2
Bus drivers need to know about Travel Behaviour Code	2
Make the policy more accessible for all to know about it	2

Other comments include:

Need consequences if disobey Travel Behaviour Code

Need more security on buses

Service buses are full

6. Conclusion

At the end of each session, the facilitator made the participants aware that any questions or issues raised which required a response would receive so; and that all responses would form part of a wider response to the consultation.

If any changes were as a result of anything that would be said, the facilitator would ensure that participants are aware of these changes.

Denbighshire's Draft Learner Transport Policy

Wellbeing Impact Assessment Report

This report summarises the likely impact of a proposal on the social, economic, environmental and cultural well-being of Denbighshire, Wales and the world.

Assessment Number:	183
Brief description:	The Policy relates to how Denbighshire meets the School Transport requirements outlined in the Learner Travel (Wales) Measure 2008. It is an update to the current Policy which came into effect from September 2015. The assessment was undertaken in a facilitated session with staff from Education, Passenger Transport, Finance, Sustainable Transport & Planning, the Chair of Denbighshire's School Governors Association, representatives from Ysgol Brynhyfryd and Ysgol Glan Clwyd, and a Councillor. Feedback was also sought from Denbighshire's Quality Assurance Group, which considers Impact Assessments from across the Authority.
Date Completed:	02/03/2017 20:47:30 Version: 2
Completed by:	Education Resources and Support Manager
Responsible Service:	Education & Children Services
Localities affected by the proposal:	Whole County,

IMPACT ASSESSMENT SUMMARY AND CONCLUSION

Before we look in detail at the contribution and impact of the proposal, it is important to consider how the proposal is applying the sustainable development principle. This means that we must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Score for the sustainability of the approach

Could you do more to make your approach more sustainable?

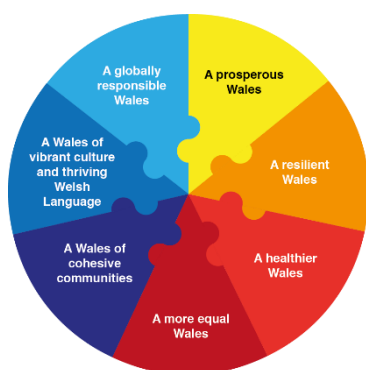


(2 out of 4 stars)

Actual score: 15 / 24.

Summary of impact

Wellbeing Goals



A prosperous Denbighshire	Positive
A resilient Denbighshire	Neutral
A healthier Denbighshire	Positive
A more equal Denbighshire	Positive
A Denbighshire of cohesive communities	Positive
A Denbighshire of vibrant culture and thriving Welsh language	Positive
A globally responsible Denbighshire	Neutral

Main conclusions

In respect of the sustainable development score, the intention of the policy is to be a long-term solution to learner transport in Denbighshire. The policy is not budget-driven, and aims to meet the demands to ensure learners can get to school or Further Education College safely. During the process of the impact assessment, it was concluded that a more joined up approach to developing schools and transport, between Education and Sustainable Transport & Planning teams. This would ensure that new schools/footpaths/cycle paths and so on, are developed in a way that is mutually beneficial and meets the needs of communities. The Local Development Plan (LDP) is also important to this policy, e.g. new housing developments could have implications for home to school transport. The new amendments made to the policy are seeking to address issues with the current policy and which have previously been raised by parents, carers and Councillors. The initial review of the draft policy by Denbighshire's Communities Scrutiny Committee was welcomed and Members acknowledged that the latest draft of the policy was a far better, clearer and more flexible policy than the original. It has previously been recognised that some parents / carers may disagree with the 2 or 3 mile rule for providing transport, particularly in rural areas, although these distances are stipulated in legislation. Routes are assessed and if there are

hazards these will always be taken into account. On the whole the policy has many positive impacts and has a neutral impact in respect of a resilient and a globally responsible Denbighshire. Parents / Carers can make a preference for Welsh or English medium provision and the policy promotes access to Welsh medium education by providing discretionary transport, where this is a parental / carer preference and the criteria is met. Some parents / carers may still have concerns around the categorisation of schools and we have acknowledged this within this impact assessment. Whether mobile network not-spots could affect the safety of children waiting at isolated pick up points is not certain and should be understood (parents / carers are encouraged to ensure there are 'back up' plans). Overall though, the impact on Welsh language and culture and people with protected characteristics is positive. The policy also supports Faith based education, if this is a parental / carer preference and the eligibility criteria is met. The impact assessment has identified the potential to maximise information about active travel and opportunities to enable schools/ parents / carers to develop walking buses in their communities.

THE LIKELY IMPACT ON DENBIGHSHIRE, WALES AND THE WORLD

A prosperous Denbighshire

Overall Impact	Positive
Justification for impact	Positive Impact on local economy for service providers. Enabling children to access Education. Fewer individual journeys to school by parents / carers.

Positive consequences identified:

Routes are profiled to ensure they are most efficient and therefore impact is reduced. Having learners on one bus together is better than individual families travelling in cars and decreases car journeys. However, it is noted that there is an eligibility criteria and parents / carers can express a school preference, for which they may then be required to provide transport.

In terms of economic development, this policy is important demand for local transport suppliers. Many could not exist on excursions and tours alone, and this ensures their businesses are sustainable.

Can help parents / carers get to work and manage their work/life balance. Creates jobs for individual drivers.

There are skills involved in the provision of transport, e.g. maintaining Driver Certificate of Professional Competence.

We need to ensure links with local bus services to ensure the viability/sustainability of local bus services. Our passenger transport team monitors this to see where public transport can be optimised.

In terms of care for children whilst using home to school transport, some buses will have passenger escorts. However, it is a parent's / carer's responsibility to ensure child care arrangements are in place.

Unintended negative consequences identified:

We are not proposing to use hybrid/electric vehicles at the moment. Denbighshire has explored battery-operated buses (this is constantly kept under review), but we don't have any emissions 'hot spots'. School transport in Denbighshire would predominantly be provided using diesel vehicles.

Some families may find that the timing of school transport might not meet their work needs, although it is their responsibility to make necessary care arrangements (especially in secondary schools).

If the policy were not in place, it could impact on transport provision more broadly, e.g. we rely on local bus services to take children to school.

Using transport could result in families missing out on wraparound care.

Mitigating actions:

Low carbon consideration for contracts will continue to be kept under review. Parents / carers are encouraged to have back up plans as they are responsible for making necessary care arrangements.

A resilient Denbighshire

Overall Impact	Neutral
Justification for impact	Reduced journeys to school. Lower carbon footprint. DCC Biodiversity Plan is accommodated within the requirements of route assessment by Highways.

Positive consequences identified:

A reduction in the number of vehicles on the road is positive.

When assessing potential hazards, all aspects of the environment are considered, which can include things such as hedgerows. This may result in designating routes as hazardous if, for example, it impacted on visibility.

Unintended negative consequences identified:

If safer walking routes are ever needed, these could result in loss of habitats, e.g. hedgerows.

In terms of energy/fuel consumption, we keep cleaner vehicles under review. Hybrids are costly to suppliers. We don't use double-deckers and refer to use 70 seat single decks. Double decks can cause a problem because of the inability to fit seat belts to older vehicles. They use more fuel but seat for seat they are not that inefficient, though 70 seat saloons are more fuel efficient than double decks.

Currently this policy does not aim to raise people's awareness of environment/biodiversity issues, but information could be inserted into the policy.

Some lanes (walking routes) are at risk of flooding, and do flood occasionally. Closure of a lane can reinstate the duty to provide free school transport where distances are extended. Where roads are flooded, you cannot prevent walkers from passing through the flooded lane. The Authority risk assesses such locations and the services provided.

Mitigating actions:

Lower carbon technology will continue to be a consideration on transport contracts (the market needs to mature however). The Policy could signpost to relevant information and websites regarding safer walking / cycling routes to school. This will be incorporated. The flooding issue has been explored and the safest solution has been to reinstate a transport service (in the case of Caer Drewyn) between November - April. We will be doing another assessment in April 2017. This does form part of the consideration given to any new school development sites - as part of the planning process.

A healthier Denbighshire

Overall Impact	Positive
Justification for impact	The legislation encourages walking to school if under the stipulated distances from school, and there are no hazards which would prevent this. Introducing feeder schools is in the welfare and well-being interests of learners. They can stay with their friends as they transition to secondary school - if they so wish.

Positive consequences identified:

Where safe and below the statutory distances, children/families are encouraged to walk/cycle to school.

This policy enables children to access education and remain with their friendship group. This draft new policy approach is in the interests of the learner. Revised appeals process with a panel considering discretionary provision and supportive information presented by parents / carers. Process designed to be easier. Discretionary provision is documented to ensure consistency.

Unintended negative consequences identified:

Potential to maximise info/links to active travel.

Mitigating actions:

The Policy could signpost to relevant information and websites regarding safer walking / cycling routes to school. This will be incorporated. Signpost to relevant departments to ensure schools and parents / carers can access information on setting up walking buses and safe routes to school. Road Safety and Sustainable Transport can offer officer support to establish walking buses.

A more equal Denbighshire

Overall Impact	Positive
Justification for impact	We are not aware of any positive/negative impacts on gender reassignment; pregnancy and maternity; race; sexual orientation. The team will always review provision in cases where individual's circumstances change. The team takes into consideration aspects of financial hardship if we are presented with such information and are asked to consider family circumstances.

Positive consequences identified:

This policy positively affects the 'age' protected characteristic because it is about facilitating children's education. We do recognise sibling relationships as part of the Admissions process to schools. Where families move during GCSEs, the policy still includes provision for meeting the transport needs of learners (where reasonable). For disabled children and young people, on a closed school contract the buses are inaccessible but when we are aware of a need and the provision will always be delivered via accessible vehicles. Signage on the bus is clear. The authority will ensure appropriate solutions in place (e.g. home pick up where that is necessary). We also consider the ability of the parent / carer to get the child to school (e.g. in short term situations). The document provides support for divorced / separated couples (dual residency). The policy supports faith-based education, where eligible.

It benefits parents / carers in that if the eligibility criteria is met the Authority will pay for transport. Financial hardship may be an element under discretionary considerations if this is raised and evidenced.

Unintended negative consequences identified:

There have previously been incidents of bullying on buses but not in relation to children and young people with protected characteristics, as far as we are aware. Some parents / carers might find it harder to understand the information about the policy.

Some parents / carers may make a choice about the secondary school based on financial considerations of transport. Feeder school arrangements should positively improve this.

Mitigating actions:

The new draft policy now includes details of the Behaviour Code on Authority services, and the processes followed for reported incidents. It has also strengthened the aspects of parental / carer responsibility and working with the Authority to resolve issues. A frequently asked questions (FAQ) section will be developed and this will be informed by the consultation process. Parents / Carers will be able to provide views regarding the Authority's process for dealing with behaviour on services as part of the formal consultation.

A Denbighshire of cohesive communities

Overall Impact	Positive
Justification for impact	Application of the policy ensures safe access to education for learners. Parents / Carers are responsible for ensuring learners get to and from the pickup points safely, and that they are met by a responsible adult if their age or needs calls for this. Process in place if learners are not met at the pickup point. Passenger transport advises on where pick up points should be. They are all risk assessed. Information about adverse weather and service cancellations or school closures is published online.

Positive consequences identified:

The policy is about ensuring safe routes to school (either in a bus, or walking/cycling). Safeguarding is a concern while children at bus stops, especially if they are in a group. Safe/hazardous routes are assessed.

Policy can positively support rural communities in that transport is provided free of charge if the eligibility criteria is met.

Reduces the impact on private motoring. The policy is a considered approach to Denbighshire's specific circumstances and is more flexible than approaches of other Local Authorities.

Unintended negative consequences identified:

There are perceptions that cars are safer than buses but this is not the case. Safeguarding of pupils where they are picked up on their own, but the pick-up points are assessed by professionals to ensure they are appropriate. Not spots could be an issue if there were to be problems with the service on a particular day/or the child needed to contact someone (999 calls can always be made). Circa 160 routes are currently assessed as hazardous (there might be more than one section of hazards on one stretch of road).

There are opportunities to maximise the participation of families to increase resilience in the respect of transport to school. Information for schools/families about walking buses is being considered. Some schools in Denbighshire have taken this forward.

Mitigating actions:

The pick-up points are assessed by professionals following relevant guidance to ensure they are appropriate. We know where the main hazards are in Denbighshire; these are documented and are considered as part of the application process. There may be other routes not currently assessed but we will assess those as required. All known hazardous routes are reassessed every 5 years.

A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact	Positive
Justification for impact	If the policy didn't exist then access to Welsh medium education would be affected. The policy promotes access to Welsh medium education by providing discretionary transport, where this is a preference and the eligibility criteria is met. The legislation ensures Local Authorities promote access to Welsh medium education.

Positive consequences identified:

Parents / Carers can make a preference for Welsh or English medium provision. Promotes access to Welsh medium education by providing discretionary transport, where this is a preference and the eligibility criteria is met.

The policy does promote Welsh language and access to Welsh medium education. Signage on services is bilingual, Welsh first.

The policy supports access to Welsh-medium education and the language is important to culture and heritage.

Unintended negative consequences identified:

The schools categorisation can be sometimes be difficult for parents / carers to understand. However, we have to work within this Welsh Government categorisation scheme. Some parents / carers may express a preference for a category 1 school but this is not distinguished from category 2 provision by Welsh Government. Extra detail regarding the categorisation has been added to the new policy.

Some primary-aged children may be travelling alone and be Welsh-speaking only. No example of this ever being a problem however. Statutory signage is in English only

Mitigating actions:

The policy is likely to attract further discussion regarding categorisation. The Welsh in Education Strategic Plan (WESP) group will be considering the draft policy. Some parents / carers would like to see category 1 schools in their own right, separate to category 2 - however this is an issue for Welsh Government consideration. Extra detail has been provided in the new policy regarding categorisation.

A globally responsible Denbighshire

Overall Impact	Neutral
Justification for impact	Contracts held with local transport providers which benefits the local economy.

Positive consequences identified:

Procurement through tender tends to favour larger firms. Local contractors do benefit as they are more cost effective.

Conditions of contract include human rights. This policy ensures access to education.

The policy ensures children could access nearest Welsh language school or Faith School, even if out of county.

Unintended negative consequences identified:

No negative impacts have been identified.

Mitigating actions:

No negative impacts have been identified by the impact assessment.

Report to:	Communities Scrutiny Committee
Date of Meeting:	15 June 2017
Lead Officer:	Scrutiny Co-ordinator
Report Author:	Scrutiny Co-ordinator
Title:	Scrutiny Work Programme

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:

- 3.1 considers the information provided and approves, revises or amends its forward work programme as it deems appropriate; and
- 3.2 appoints representatives to serve on the nine Service Challenge Groups and the Strategic Investment Group.

4. Report details

- 4.1 Section 7 of Denbighshire County Council's Constitution sets out each Scrutiny Committee's terms of reference, functions and membership, as well as the rules of procedure and debate.
- 4.2 The Constitution stipulates that the Council's scrutiny committees must set, and regularly 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. From now on 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. 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) 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 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). No items should 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.

5. Appointments to Council Boards and Groups

- 5.1 The Council operates various Boards and Groups to oversee specific areas of work or services' performance. Membership of these boards/groups include both councillors and officers. Councillor representatives on them are either by virtue of their Cabinet position or by appointment by the committees on which they serve. As we are now in a new Council term appointments need to be made to a number of boards/groups.
- 5.2 At this point in time Communities Scrutiny Committee is asked to appoint representatives to serve on the Council's:
- **Service Challenge Groups:** the Council has nine services, therefore the Committee is asked to appoint a representative to serve on the Service Challenge Group for each one of these services. Information on the Service Challenge Group process along with a schedule of the Groups' meeting dates can be found at Appendix 4a to this report:
 - **Strategic Investment Group (SIG):** this group examines applications for financial resources for major capital investment projects. It meets on a monthly basis, usually during the afternoon of Cabinet meeting days. More information on this Group's Terms of Reference can be found at Appendix 4b to this report. The Committee is asked to appoint one representative to service on the SIG.

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 Well-being Impact Assessment? The completed Well-being Impact Assessment report can be downloaded from the [website](#) and should be attached as an appendix to the report

A Well-being Impact Assessment has not been undertaken in relation to the purpose or contents of this report. However, Scrutiny's through its work in examining service delivery, policies, procedures and proposals will consider their impact or potential impact on the sustainable development principle and the well-being goals stipulated in the Well-being of Future Generations (Wales) Act 2015.

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

Section 7.11 of the Council's Constitution stipulates that scrutiny committees and/or the Scrutiny Chairs and Vice-Chairs Group will be responsible for setting their own work programmes, taking into account the wishes of Members of the Committee who are not members of the largest political group on the Council.

Contact Officer:

Scrutiny Coordinator

Tel No: (01824) 712554

e-mail: rhian.evans@denbighshire.gov.uk

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
20 July	Cllr. Tony Thomas	1. Car Parking charges and proposed Car Park Asset Management Plan <i>[WIA required on draft asset management plan]</i>	(i) To report on the progress made in relation to the recommendations agreed by the Committee at its October 2016 meeting (ii) To consider the draft asset management plan for the county's car parks	(i) To monitor the progress to date in implementing the recommendations, including any problems encountered and their solutions; and (ii) Input into the car park asset management plan with a view to ensuring that it delivers a sustainable programme of improvements that will support the delivery of clean and tidy streets and developing the local economy corporate priorities	Graham Boase/Mike Jones	October 2016 (rescheduled May 2017)
	Cllr. Tony Thomas	2. Free Car Parking for Disabled Badge Holders	To examine the feasibility of introducing free car parking for all disabled badge holders across the county	Determination of whether an equitable scheme could be introduced in the county that would be fair to all car park users and not disadvantage groups with protected characteristics	Graham Boase/Mike Jones	By SCVCG February 2017 in response to a Notice of Motion passed by County Council in January 2017 (rescheduled May 2017)
	Cllr. Tony Thomas	3. 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	Graham Boase/Paul Mead	May 2016 (rescheduled May 2017)

Communities Scrutiny Committee Forward Work Plan

Meeting	Lead Member(s)	Item (description / title)		Purpose of report	Expected Outcomes	Author	Date Entered
			[WIA required]		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		
7 September							
19 October	Cllr. Huw Hilditch-Roberts	1.	Review of Primary School Provision in the Ruthin area [Education]	To outline the lessons learnt during the process of reviewing primary school provision in the Ruthin area (the report to highlight procedural flaws identified during and at the conclusion of the review process as well as methods/processes that worked well, and the impact on pupils at the schools	To improve processes relating to reviewing school provision in the county for the purposes of any future reviews	Karen Evans/Geraint Davies/James Curran	By SCVCG November 2016 and deferred by SCVCG February 2017

Communities Scrutiny Committee Forward Work Plan

Meeting	Lead Member(s)	Item (description / title)	Purpose of report	Expected Outcomes	Author	Date Entered
			subject to the review)			
<i>WAST and BCU GP OOH Service reps to attend (WAST can't make this date or 30 Nov. Once 2018 dates have been set offer WAST a date and then contact Sefton Brennan, BCUHB to see if he's also available)</i>	<i>Cllr. Bobby Feeley</i>	2. <i>Welsh Ambulance Service Trust (WAST) and the GP Out of Hours (OOH) Service (date to be confirmed based on all parties' availability)</i>	<i>To brief the Committee on: (i) WAST's performance in reaching targets in the North Wales region and on the findings of recent pilot schemes in Denbighshire and North Wales; and (ii) the GP OOH Service's work and how its work complements the WAST's work and reduces pressures on WAST</i>	<i>To explore potential areas where the Council can help support the delivery of preventative and intervention services across the county</i>	<i>WAST/BCUHB</i>	<i>By SCVCG February 2017</i>
30 November						

Future Issues

Communities Scrutiny Committee Forward Work Plan

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

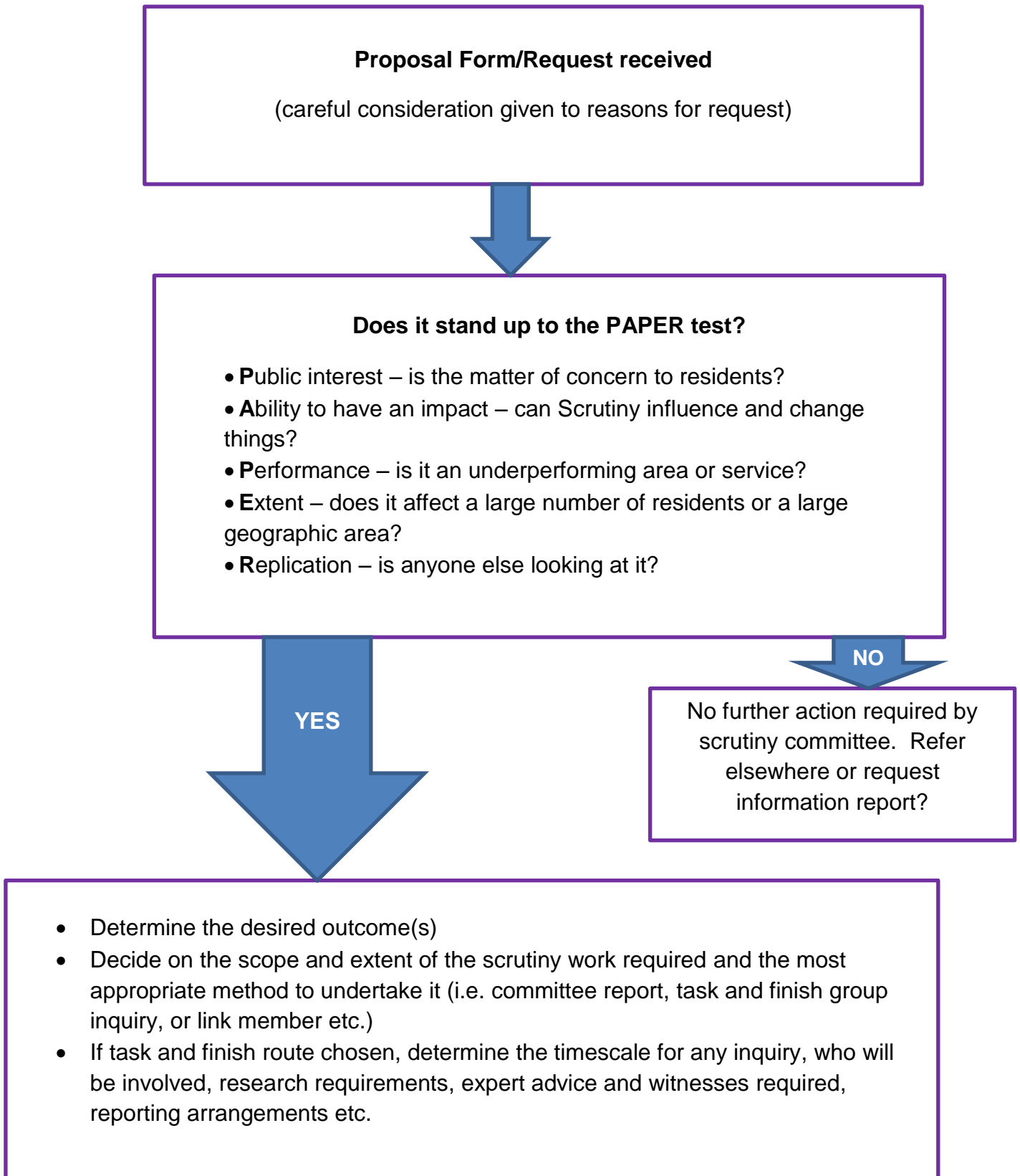
Note for officers – Committee Report Deadlines

Meeting	Deadline	Meeting	Deadline	Meeting	Deadline
20 July	6 July	7 September	24 August	19 October	5 October

Communities Scrutiny Work Programme.doc
 07/06/17 RhE

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

Consideration of a topic's suitability for scrutiny



Cabinet Forward Work Plan

Meeting	Item (description / title)		Purpose of report	Cabinet Decision required (yes/no)	Author – Lead member and contact officer
18 July	1	Finance Report	To update Cabinet on the current financial position of the Council	Tbc	Richard Weigh
	2	Bodelwyddan Castle	To consider the future of Bodelwyddan Castle	Tbc	Jamie Groves / Rebecca Williams / Gerald Thomas
	3	21st Century Schools Programme – Band B Proposals	To seek approval of Denbighshire’s Strategic Outline Programme for Band B of the 21st Century Schools Programme for submission to the Welsh Government	Yes	Karen Evans
	4	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet’s attention	Tbc	Scrutiny Coordinator
26 Sept	1	Finance Report	To update Cabinet on the current financial position of the Council	Tbc	Richard Weigh
	2	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
24 Oct	1	Finance Report	To update Cabinet on the current financial position of the Council	Tbc	Richard Weigh
	2	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet's attention	Tbc	Scrutiny Coordinator
21 Nov	1	Finance Report	To update Cabinet on the current financial position of the Council	Tbc	Richard Weigh
	2	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet's attention	Tbc	Scrutiny Coordinator
12 Dec	1	Finance Report	To update Cabinet on the current financial position of the Council	Tbc	Richard Weigh
	2	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet's attention	Tbc	Scrutiny Coordinator

Cabinet Forward Work Plan

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>	<i>22 May</i>	<i>July</i>	<i>4 July</i>	<i>September</i>	<i>12 September</i>

Updated 12/05/17 - KEJ

Cabinet Forward Work Programme.doc

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Service Challenge

Each service participates in an annual Service Performance Challenge. To support the discussions, three months before the meeting a service would begin preparation of their paperwork. There are limits placed here on what is submitted to retain focus. Generally a service will produce a Self-Assessment and update their Service Risk Register. Corporately, a performance report on their Service Plan is produced; a comparative performance report; a needs and demands report; and a business performance report. Progress on actions from the last challenge are also included, but these will generally be reported on in the Service Plan Performance Report if they are long-term.

A month before the Challenge all the paperwork is submitted and circulated. Shortly after, the Challenge panel will meet for an hour to agree the Lines of Inquiry – the key discussion areas around which questions can be asked. The panel generally is made up of service Link Members from each scrutiny committee (Communities, Partnerships and Performance); the relevant Cabinet Lead Member(s) and Cabinet Lead Member for Performance; Wales Audit Office Lead Performance Officer (and other regulatory representatives where applicable); all Corporate Directors; and chaired by the Chief Executive. The Leader and Section 151 Officer are also invited. The Head of Service does not attend this meeting.

Once the Lines of Inquiry have been agreed, these are shared with the Head of Service (along with a briefing on some of the questions they might be asked). The paperwork is updated finally and circulated again.

Approximately two weeks later, the Challenge takes place (with the Head of Service present this time), and only actions are recorded. These are circulated to the Head of Service and Chief Executive for approval, then saved within Verto with the papers, and added to the Service Plan for quarterly reporting.

Service Challenge Programme 2017-18

Service / Function	Paper deadline (1 month before)	“Lines of Inquiry” meeting (2 weeks before)	Meeting papers published (1 week before)	Challenge Meeting
Customers, Communications & Marketing	August 17	Sept 13 12noon – 1.00pm	Sept 18	September 25 1.00pm – 4.00pm
Business Improvement & Modernisation	September 29	October 17 3.00pm – 4.00pm	October 19	October 26 2.00pm – 5.00pm
Planning & Public Protection	October 20	November 14 11.00am – 12.00am	November 16	November 23 9.30am – 12.30pm
Community Support Services	November 13	November 28 3.00pm – 4.00pm	December 6	December 13 2.00pm – 5.00pm
Facilities, Assets & Housing	December 15	January 11 2.00pm – 3.00pm	January 16	January 25 2.00pm – 5.00pm
Education and Children’s Services	January 26	February 13 2.00pm – 3.00pm	February 20	February 27 2.00pm – 5.00pm
Finance	February 22	March 8 2.00pm – 3.00pm	March 15	March 22 2.00pm – 5.00pm
Legal, HR & Democratic Services	March 22	April 10 2.00pm – 3.00pm	April 17	April 24 2.00pm – 5.00pm

Highways & Environmental Services

April 27

May 15 2.00pm -
3.00pm

May 17

May 24 2.00pm -
5.00pm

For any further information about the programme, please contact the Strategic Planning & Performance team on x6591

Updated 20/03/2017

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Service Challenge Programme 2017-18

Service / Function	Paper deadline (1 month before)	“Lines of Inquiry” meeting (2 weeks before)	Meeting papers published (1 week before)	Challenge Meeting
Customers, Communications & Marketing	August 17	Sept 13 12noon – 1.00pm	Sept 18	September 25 1.00pm – 4.00pm
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STRATEGIC INVESTMENT GROUP

27 MAY 2014

TERMS OF REFERENCE.

The Strategic Investment Group will provide an independent review of a Business Case and will have delegated authority to approve to the value of £1 million. They will appraise all Capital bids regardless of value, and significant Revenue and Grant Funding applications, review and approve, or make appropriate recommendation to Cabinet or Full Council those applications made above £1m.

1. To review and approve (within agreed delegation authority) the capital and significant revenue requirements; and to appraise current projects against investment as submitted by Heads of Service and/or Project and Programme Boards and in light of possible future funding available.
2. Recommend a medium to long term strategy for;
 - Prioritising schemes for support
 - Identifying options for increasing funding available
3. Ensure bids for resources are in line with;
 - Statutory requirements
 - Have a Full Business Case (in Verto)
 - Council's agreed priorities,
4. To review all bids for external revenue and capital funds.

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