

## **COMMUNITIES SCRUTINY COMMITTEE**

Minutes of a meeting of the Communities Scrutiny Committee held in Conference Room 1A, County Hall, Ruthin on Thursday, 14 March 2019 at 10.00 am.

### **PRESENT**

Councillors Brian Blakeley, Meirick Davies, Rachel Flynn, Tina Jones, Anton Sampson, Glenn Swingler, Andrew Thomas, Graham Timms (Vice-Chair), Cheryl Williams and Huw Williams (Chair)

Councillors Julian Thompson-Hill, Lead Member for Finance, Performance & Strategic Assets and Huw Hilditch-Roberts, Lead Member for Education, Children and Young People, were in attendance for Agenda Item 5 at the Committee's request.

Councillors Hugh Evans, Leader, and Councillor Tony Thomas, Lead Member for Housing, Regulation and the Environment were in attendance for Agenda Item 6 at the Committee's request.

Co-opted Members – Kathleen Jones, David Lloyd, and Neil Roberts

**Observers:** Chief Executive, Judith Greenhalgh.

Councillors Bobby Feeley, Alan James, Brian Jones, Peter Scott, Rhys Thomas and Mark Young.

### **ALSO PRESENT**

Corporate Director: Economy and Public Realm (GB), Corporate Director: Communities (NS), Head of Legal, HR & Democratic Services (GW), Head of Education & Children Services (KIE), Lead Officer – Contracts & Facilities (NH), Lead Officer – Corporate Property & Housing Stock (DL), Scrutiny Coordinator (RE), and Committee Administrator (SLW)

#### **1 APOLOGIES**

Apologies for absence were received from Councillor Merfyn Parry

#### **2 DECLARATIONS OF INTEREST**

Councillors Graham Timms, Glenn Swingler, Meirick Lloyd Davies, Brian Blakeley, Cheryl Williams, Anton Sampson, Tina Jones, Peter Scott, Mark Young, Rhys Thomas and Tony Thomas together with David Lloyd and Neil Roberts all declared a personal interest in item 5, as they were all School Governors.

#### **3 URGENT MATTERS AS AGREED BY THE CHAIR**

No urgent matters were raised.

## 4 MINUTES

The minutes of the Communities Scrutiny meeting held on 13 December, 2018 were submitted.

**RESOLVED** that the minutes of the Communities Scrutiny meeting held on 13 December, 2018 be received and approved as a correct record.

## 5 SCHOOL MEAL DEBT POLICY

The Lead Member for Finance, Performance and Strategic Assets introduced the joint report by the Principal Manager Modernising Education and the Lead Officer: Facilities, Assets and Housing (previously circulated) which presented the Committee with the revised School Meal Debt Policy for examination.

In light of recent high profile and national press coverage in relation to school meal debts, and with a view to ensuring that the policy included tighter safeguarding measures, a decision had been taken to redraft the policy. Whilst re-drafting the policy, officers had taken the opportunity to tighten the procedures regarding the non-payment of school meal debts and to highlight the support available from the Council in relation to school meals debts to parents.

During his introduction the Lead Member for Finance, Performance and Strategic Assets emphasised the importance of safeguarding pupils and how the provision of school meals and the application of the school meal debt policy supported the safeguarding agenda, through early intervention and signposting parents to appropriate assistance and support that was available to them. He emphasised that the issuing of a school meal debt letter was the very last resort, after all other 'softer' measures, including the offer of advice, help and support had failed. He confirmed that the level of school meal debt in the county had reduced significantly since the end of the 2018 calendar year, from circa £48K to approximately £20K. Letters were used as a last resort, when all else had failed, and issued to those families whom the authority was aware were in a position to pay the outstanding debt.

The Lead Member for Education, Children and Young People advised members that the Council had learnt lessons following the letters issued in relation to school meal debt at the end of 2018. The County had a clear policy which it now applied consistently across all schools which was to feed every child to ensure that they flourished in all aspects of their education.

Estyn, when inspecting the Council's Education Service, had rated the Service as having excellent leadership and concluded that children in the county were well supported. As both Education Services and Children's Services were managed by the same Head of Service they were able to share information freely with each other which led to the services having a detailed understanding of every school pupil's education and welfare needs. The Head of Education emphasised that whilst poverty could be a cause for the accrual of a school meal debt, that aspect could be counteracted and supported through supporting parents to apply for free school meals (FSMs) and signposting them to other support. Safeguarding

concerns were different as they could occur anywhere, regardless of affluence or poverty.

She advised that the county's Headteachers and staff within both Education and Children's Services had been consulted on the revised policy.

Responding to members' questions both Lead Members, the Head of Education and Children's Services and the Lead Officer: Facilities, Assets and Housing:

- confirmed that the wording of the letter in Annex A to the draft policy could be amended to be more sympathetic and supportive, rather than demanding. Less use of bold lettering would also lessen the hostile 'tone';
- advised that school meal debts were only recharged to school budgets in the event of the school refusing to engage with the debtor. Where schools had engaged with the debt recovery process any outstanding debts would be reassigned to Catering Services;
- confirmed that parents/guardians used the ParentPay app to pay for school meals for their children. This system was an effective system as it gave a breakdown of exactly what food and beverages pupils had purchased;
- drew attention to Annex B to the draft policy which contained a flow chart to be followed by all schools once the 'trigger point' for school meal debt, arrears of £11 or more, had been reached;
- advised that schools and headteachers were best placed to commence and undertake the process detailed in the flowchart, as they knew their pupils and families better than anyone else. They would be aware of any issues or contributory factors which could well be behind the reason for the debt;
- confirmed that a Well-being Impact Assessment (WBIA) had not yet been completed for the redrafted policy as it was still in draft format. Once approved, a WBIA would be undertaken;
- clarified the point in the Chief Finance Officer's statement regarding any school meal debt being a pressure on the Catering Service's Budget. Any debt not recovered, despite the school pursuing it, would eventually have to be met from within the Catering Service's budget, hence why it would be a direct pressure on that service. If it became apparent during the school's efforts to recover the debt that a family qualified for FSMs that would have a positive impact on the Council's Revenue Support Grant (RSG) entitlement and pupil based grants;
- confirmed that there was no correlation between school meal debt levels and geographical areas of the county or areas where FSM take-up was above average;
- advised that the trigger for the commencement of the school meal arrears process was £11, the weekly cost of school meals per child;
- advised that the average debt per school per week was £7, the reason for a debt in a large number of cases was due to parents/guardians busy lifestyles, forgetting to 'top-up' their ParentPay accounts. Once it was brought to their attention the majority settled their outstanding debts very quickly;
- advised that it would be difficult for school cluster Finance and Business Managers to be responsible for school meal debt recovery work as each

individual school operated their own systems in relation to school meal payments;

- informed the Committee that both headteachers and parents were supportive of the ParentPay system, as parents could monitor their children's eating habits. Officers undertook to enquire whether ParentPay could be adapted to include a family as well as an individual pupil pay facility;
- 'snack policies', including the management of any debt related to them, was a matter for each individual school to administer and monitor. Officers undertook to contact schools to ensure that their snack policies were in line with the county's school meal policy ;
- agreed to explore whether the school meal arrears letter could be issued to arrive on a working/school day, rather than on a Saturday, to enable parents to contact the school immediately to address any issues or problems;
- advised that the aim of informing parents/guardians of the debt immediately the £11 threshold had been triggered was to ensure that the debt did not accrue to an unmanageable level;
- confirmed that if a pupil was deemed vulnerable and his/her parents/guardians had been sent the school meal arrears letter, the child would still be provided with a hot meal. A pupil who was not deemed vulnerable would be provided with a packed lunch. Every effort would be made to ensure that that the child's circumstances were not obvious to his/her peers;
- confirmed that special dietary requirements were taken into account in all schools, including special schools, and would be taken into account if a pupil was to be supplied with a packed lunch under the School Meal Debt Policy; and
- advised that the policy was clear that the welfare of individual children was paramount when applying the school meal debt policy

The Committee was keen that initially a reminder letter was issued to parents/guardians drawing their attention to the debt and the help and support available if they were struggling financially, prior to the more formal school meals arrears letter being sent.

Both Lead Members and the officers drew particular attention to the quality of Council's School Catering Service, who was ranked in the top three school catering services in Wales and in the top ten in the UK. Recently, Jane Jones, a cook at Ysgol Twm o'r Nant, Denbigh had been awarded the accolade of the Best School Cook in Wales and would shortly be representing Wales in the UK finals at Stratford-upon-Avon. The Committee requested that their congratulations be conveyed to Ms Jones.

At the conclusion of the discussion the Committee:

**RESOLVED** - *having examined the draft revised School Meal Debt Policy, subject to the above observations;*

- (i) *that the draft policy be amended to include the sending of a reminder letter initially;*

- (ii) followed, if necessary, by an amended version of the letter included at Annex A, which should be worded in a more sympathetic and supportive manner and be issued on a day of the week that ensured it was received on a working/school day;*
- (iii) that enquiries were made to establish whether ParentPay could be adapted to include a family as well as an individual pupil pay facility; and*
- (iv) once amended as per the Committee's recommendations that the Policy be approved via a joint Delegated Decision by both Lead Members and circulated to all councillors for information*

**At this juncture (11.05 a.m.) there was a 10 minute break.**

**The meeting reconvened at 11.15 a.m.**

## **6 GYPSY & TRAVELLER SITE PROVISION - UPDATE FOLLOWING THE PRE-PLANNING CONSULTATION PROCESS**

The Lead Member for Housing, Regulation and the Environment introduced the report (previously circulated) to update Scrutiny on the Pre Planning Consultation exercise undertaken in respect of the provision of residential and transit Gypsy & Traveller sites.

The report provided a breakdown and overview of the responses to the Council's Pre Planning Consultation process.

During his introduction the Lead Member advised that over 700 responses had been received to the consultation exercise and he thanked all who had responded for engaging with the process.

The Corporate Director: Communities, via a PowerPoint presentation:

- emphasised that Cabinet had chosen to undertake this exercise, although it was not a process it was required by law to undertake in relation to this proposal;
- gave an overview of the pre-planning consultation process;
- summarised local activity around the consultation;
- highlighted the Equality concerns raised as part of the consultation;
- confirmed that a total of 774 responses had been received from respondents whose addresses covered a wide geographical area. Of the 774 responses received, 20% of respondents had used a template letter to submit their response, and within the responses received a total of 4526 issues had been recorded;
- advised that the Equalities Commission had been taking an interest in the proposal and process. Approximately 17% of the responses received had contained inappropriate comments, however these responses had not been disregarded in their entirety. Any inappropriate elements had been disregarded, with all appropriate comments considered as part of the overall analysis. One complaint in relation to an equalities matter had been registered with the Council;

- advised that 160 people had attended the 'drop-in' event held as part of the consultation exercise;
- advised that the main issues raised in the feedback received were location, information in relation to the proposals, highways matters, economic impact, the Local Development Plan (LDP), security matters and crime rates, impact on the community, financial costs, health and health and safety matters, the proximity of both sites to one another and the visual impact on the local area;
- confirmed that whilst not all of the issues raised were material planning matters, they were important and of concern to local residents. Officers were satisfied that the material planning matters could be satisfactorily mitigated against and addressed via the formal planning process, whilst extensive research suggested that the perceived impacts of the sites on the area and community were unlikely to be realised.

Prior to opening the session to the Committee for questions the Chair emphasised that the purpose of the discussion at the meeting was to analyse the pre-planning exercise undertaken, and the responses received, in relation to the proposed transit and residential Gypsy and Traveller sites on the Green-gates Farm (East) site in St. Asaph. It was not to revisit any earlier decisions in relation to the gypsy and traveller needs assessment or the proposed location as these matters had already been approved, reviewed and confirmed. The Council Leader advised the Committee that Cabinet had taken Scrutiny's views very seriously. Cabinet needed to satisfy itself that sufficient work had been undertaken before it could re-affirm its original decision and was reassured that this had been done.

The Vice-Chair reiterated the disappointment he had felt after presenting the Committee's concerns and recommendations to Cabinet, following the call-in of the October 2018 decision to approve the Green-gates Farm (East) site for the transit Gypsy and Traveller site as well as the residential site. He was of the view that Cabinet had not given itself sufficient time and due consideration to Scrutiny's comments and recommendations before confirming its original decision.

Responding to members' questions the Lead Member for Housing, Regulation and the Environment, Corporate Director: Communities and the Lead Officer Property and Housing:

- confirmed that the Council could not apply for Welsh Government (WG) grant funding to develop any of the sites until planning permission for them had been granted;
- advised that whilst the proximity of both the residential and transit site to each other was in this case closer than that suggested in WG guidance, officers had discussed this problem with WG officials, who had sought reassurances that the proposed locations had been discussed with the gypsy and traveller communities. Whilst there was some slight level of concern with the gypsy and traveller community about the proximity of the sites the WG had indicated that it was satisfied with the decision to locate both on the Green-gates Farm (East) site;
- confirmed that undertaking an Assessment of Accommodation Needs for Gypsies and Travellers residing or resorting to a local authority area was a requirement under The Housing Act (Wales) 2014. To comply with this requirement, the Council had, in 2017, undertaken the required

Assessment. This had resulted in a need being identified for both a residential and transit site in the county. The Assessment had identified a need for 6 residential pitches and 5 transit pitches in the county. Upon submission to WG they had endorsed the Council's assessment process and conclusions and consequently the authority was now legally obliged to provide these sites;

- advised that the Council had, in accordance with the requirements of the Well-being and Future Generation (Wales) Act 2015 assessed each proposed site's impact on the social, economic, environmental and cultural well-being of Denbighshire, Wales and the world (copies of the Well-being Impact Assessments (WBIA's) for both the residential and transit sites had been published with the Committee papers). Whilst these WBIA's included an assessment of the economic impact their scope was far wider than the scope of an industrial/business impact assessment. Initially one WBIA had been undertaken which included both the residential and transit site. However, having received advice from the Critical Friends Panel who reviewed the WBIA it had been decided that it would be opportune to review the original WBIA and split it into a separate WBIA, one for each site. Both WBIA's had since been reviewed by the Critical Friends Panel;
- advised that all letters and correspondence received from local businesses had been fed into the consultation process. In addition, the Lead Member and officers from the Council's Economic and Business Development Team had met with a number of businesses and business leaders/representatives in the area to discuss the proposals. All businesses had been afforded the same opportunity as any other member of the public to engage with the consultation process;
- confirmed that there was no evidence to substantiate a claim from the local Assembly Member (AM) that businesses who had previously indicated an interest in moving or establishing on the nearby business park had withdrawn their interest as the result of the proposed development of gypsy and traveller sites in the area;
- advised that the Lead Member had spoken to the Chief Executive of one of the largest businesses in the vicinity on three occasions over the preceding month;
- advised that the Council recognised that there would be an impact from this development, similar to any other development in the county. However, a number of information channels had been utilised for the purpose of informing and advising residents and businesses on matters relating to the development i.e. a 'drop-in' event at St. Asaph Library which 160 people had attended, a 'myth buster' on the Council website, over time information was built up on the website on how the proposals were developing;
- confirmed that the WBIA assessed the impact on all residents, including those with disabilities and those from minority ethnic groups;
- advised that the process to identify and agree on proposed sites had been open and transparent. The initial 'call for sites' had been made in public, as had the Gypsy and Traveller Assessment of Accommodation Needs. The only elements which had been discussed under Part II business were the sites identified as potential locations for the sites, this was due to commercial sensitivity requirements;

- advised that to have in excess of 700 people responding before a planning application was submitted was extremely encouraging;
- confirmed that whilst the proposed sites at Green-gates Farm (East) had not been identified as a development site under the current LDP any application made on the site would be tested against policy BSC10 , relating to building sustainable communities, of the LDP. Similarly, if an application was received to build affordable/social housing on a piece of land not within the LDP area that application would be tested against the BSC4 policy of the LDP. Such applications would need to demonstrate a justified need for the development outside of settlement areas;
- confirmed that Cabinet was operating within its rights when seeking and identifying potential sites for this particular purpose. Planning Committee would decide on whether or not to grant planning permission for any site. It would be expected to base its decision on adopted policies and material planning matters;
- acknowledged that whilst a number of studies of provision made for gypsy and traveller residential and transit sites across the UK and in Europe had been used when responding to a number of the comments received as part of the feedback, this was because similar studies on sites in Wales were not available, despite there being a number of sites in Wales i.e. the photographs of sites shown on the presentation were of a site on an industrial park in Conwy County Borough Council and a site located within the Brecon Beacons National Park;
- confirmed that the Council had worked closely with other local authorities, WG and the Gypsy and Traveller Community when developing the proposals for the sites in Denbighshire;
- confirmed that an ecology test had been undertaken on the proposed sites. If the proposal(s) proceeded to the formal planning stage, further more intensive ecological and other studies would be undertaken. This was a practice followed for all planning applications relating to new developments;
- re-affirmed that the pre-planning consultation exercise was about the development and not about who would be eventually residing there;
- advised that whilst there was a family currently residing within the county whose needs had been identified for a residential site, as a recognised ethnic group they had a right to expect that their needs would be met. As a Gypsy or Traveller family their needs was not a house within the county but the provision of pitches for them to locate their caravan or mobile home;
- advised that if the Council did not meet the need identified under its own Assessment of Accommodation Needs it would be open to litigation via the High Court. The Equalities Commission may consider supporting legal action against the Council for breaching its statutory duty in relation to the Gypsy and Traveller communities. Even if Cabinet deferred a decision on any of the proposed sites for the foreseeable future, the requirement to meet the identified need would still be there and required to be addressed; and
- confirmed that officers were satisfied that the sites had been identified as per the guidance prepared by WG and had taken into account all aspects covered by the guidance in relation to suitability, affordability etc.



Addressing the Committee, the local member for St Asaph (West) highlighted the efforts made by the City Council to notify all residents and businesses of the proposals and to engage them with the pre-planning consultation process.

The Council's Monitoring Officer outlined to all present the public sector's equality duty which necessitated the need to disregard any derogatory comments made on ethnicity or stereotypical grounds. On this basis the Council was within its rights to disregard all points made by respondents who had made derogatory or offensive representations in their submissions, however it had been decided not to use this approach but rather to redact the responses and include all other non-derogatory feedback in the analysis.

Prior to formulating a recommendation for presentation to Cabinet the Committee requested the meeting to be adjourned to enable a clear recommendation to be formulated.

**At this juncture (12.50 p.m.) the meeting was adjourned.  
The meeting reconvened at 1.00 p.m.**

When the meeting resumed two recommendations were put forward. They were :

- (i) that the residential and transit Gypsy & Traveller sites are not developed close to each other, wherever they are located; and
- (ii) that the location of the residential and transit Gypsy and Traveller sites are determined through the ongoing Local Development Plan process

Recommendation (i) was approved unanimously with recommendation (ii) being approved by a majority vote.

It was therefore:

**RESOLVED** - *that the Committee, having considered the analysis of the pre-planning consultation exercise undertaken in respect of the proposed transit and residential Gypsy and Traveller sites on Green-gates Farm (East) site in St. Asaph, recommends to Cabinet –*

- (i) that the residential and transit Gypsy & Traveller sites are not developed close to each other, wherever they are located; and*
- (ii) that the location of the residential and transit Gypsy and Traveller sites are determined through the ongoing Local Development Plan process*

## **7 SCRUTINY WORK PROGRAMME**

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

Due to the number of items on the forward work programme for the meeting taking place on 9 May 2019, it was agreed that two items be moved. Therefore, the following were agreed:

9 May 2019

- (i) Universal Credit
- (ii) Denbighshire's Learner Transport Policy: Non-Statutory Elements
- (iii) Ysgol Rhewl

4 July 2019

- (i) Planning Compliance Charter
- (ii) Caravan and Holiday Park Regulation Procedure
- (iii) Seagull Management Update
- (iv) Car Park Asset Management Plan

5 September 2019

- (i) Flood Management Responsibilities in Denbighshire
- (ii) Tourism Signage Strategy for Denbighshire
- (iii) Proposed new Waste and Recycling Service Design

The Scrutiny Coordinator confirmed that a Briefing would be held 45 minutes prior to the commencement of the Special Meeting regarding the Llantysilio Mountain Fire on Wednesday 20 March 2019.

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

**8 FEEDBACK FROM COMMITTEE REPRESENTATIVES**

None.

**The meeting concluded at 1.25 p.m.**