

PARTNERSHIPS SCRUTINY COMMITTEE

Minutes of a meeting of the Partnerships Scrutiny Committee held in Meeting Room 4, County Hall, Ruthin on Thursday, 13 February 2020 at 10.00 am.

PRESENT

Councillors Joan Butterfield, Jeanette Chamberlain-Jones (Chair), Gareth Davies, Hugh Irving, Pat Jones, Christine Marston, Melvyn Mile, Rhys Thomas, David Williams and Emrys Wynne (Vice-Chair)

Councillor Brian Jones - Lead Member for Waste, Transport and the Environment and Councillor Tony Thomas Lead Member for Housing and Communities were in attendance for agenda item 5 – The Council And Trunk Road Agency Highways Grass Verge And Hedge Maintenance And Pesticide Application Policies

ALSO PRESENT

Head of Highways, Facilities and Environmental Services (TW), The Head of Planning, Public Protection and Countryside Services (EJ), Public Protection Business Manager (AL), Built Environment Manager (GR) and the Public Protection Officer (ME), Scrutiny Coordinator (RhE), Committee Administrator (RhTJ)

1 APOLOGIES

Apologies for absence were received from Councillor Peter Scott.

2 DECLARATION OF INTERESTS

None.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES OF THE LAST MEETING

The minutes of the Partnerships Scrutiny Committee held on 19 December 2019 were submitted.

Matter of Accuracy –

- Councillor Christine Marston highlighted how she tendered apologies for the meeting however they were not noted, and requested that her apologies be noted.

Matter Arising –

- The committee were made aware that since the previous meeting the Chief Executive of Betsi Cadwaladr University Health Board had resigned and an interim Chief Executive had been appointed.
- Members felt that the discussions which were carried out at the last meeting in regards to the Denbigh Infirmary, North Denbighshire Community Hospital Project and the Health Board Capital Projects in Denbighshire provided the committee with no additional information. This was due to the fact the matters had been discussed in numerous other committees.
- Attention was brought with agenda item 8 and questions a member had received from the Wales Audit Officer, the member felt that they did not have the adequate information for the questions. The Corporate Director: Communities responded to the point by highlighting that as the lead for the project some of the questions which were asked could not be answered therefore did not reflect badly on the member.

RESOLVED that the minutes of the Partnerships Scrutiny Committee meeting held on 19 December 2019, be received and confirmed as a correct record.

5 THE COUNCIL AND TRUNK ROAD AGENCY HIGHWAYS GRASS VERGE AND HEDGE MAINTENANCE AND PESTICIDE APPLICATION POLICIES

The Lead Member for Highways, Environmental Impact, Waste and Sustainable Travel presented the report (previously circulated) alongside the Lead Member for Housing and Communities, and the Head of Highways, Facilities and Environmental Services. There were also David Evans, Deputy Head of Service and Mark Watson-Jones, Environmental Co-ordinator from the North & Mid Wales Trunk Road Agency (NMWTRA).

The report was presented to members at the Committee's request after it had considered the Council's draft Biodiversity Duty Delivery Plan in the summer of 2019. In addition information had been requested on the Council's use of pesticides. Members were seeking assurances that Denbighshire's highways verge/hedge maintenance policies and pesticide application policies were being applied consistently across the county. As three trunk roads, which were the responsibility of the North and Mid Wales Trunk Road Agency (NMWTRA), traversed the county representatives from NMWTRA had also been invited to the meeting to discuss with the Committee its policies in relation to verges/hedge maintenance and pesticide application.

During the discussion the Committee was advised that:

- whilst there had been some considerable media coverage and speculation regarding the safety of Glyphosate and its use, no other effective alternative systemic herbicide had yet been found or developed. A number of authorities were examining alternative methods and scientists were researching potential alternative products, but to date Glyphosate was the most effective product of its type on the market. If the Council and NMWTRA were to use alternative methods or products they would either be extremely labour intensive or expensive to purchase.
- Glyphosate was licensed and used by all UK governments. At present it was the only practical solution for dealing with weeds across the highways

network. The type of systematic herbicide used by the Council and NMWTRA was an industry standard and was deemed to be completely safe if applied by trained operatives and contractors who conformed with safe working practices on which they received training. The pesticide was sprayed twice a year on the county's roads.

- Other methods, such as hot foam treatment was used in certain areas of the county i.e. Sites of Special Scientific Interest (SSSIs). However, its use was limited and therefore it would not be practical to use it across the highway network;
- Residents were sometimes alarmed to see operatives applying pesticides in public places wearing protective clothing and face masks when members of the public were present and not afforded any protection, however the pesticides were deemed to be safe for the general public. The reasons why operatives wore the protective clothing was to conform with health and safety rules relating to prolonged exposure to chemicals, as they dealt with them day in day out. Short-term exposure, such as experienced by the general public, did not pose a health risk
- Both Denbighshire County Council and NMWTRA were involved with the North East Wales Biodiversity Network, this ensured that all agencies operating in the area applied similar biodiversity and health and safety grass verge cutting and pesticide application practices. In addition, all highways maintenance contracts were set following a formal tendering process. The highways authorities drew up the contract specifications which stipulated matters such as the frequency of cuts, chemical application and types of chemicals to be used, all of which were based on current legislation and regulations. All contracts were monitored to ensure compliance with the contract specification. Contracts were not always let based on price alone, quality of the work was also a factor. It was therefore important for elected member to inform the agencies of good as well as of poor quality work;
- Both the Council and NMWTRA communicated with operatives and appointed contractors in relation to the location of roadside nature reserves and how to protect them during verge cutting and weed spraying exercises;
- The majority of hedges across the county were in private ownership, therefore responsibility for their maintenance lay with the landowners

Rural members emphasised the need to effectively schedule verge cuts on rural roads to coincide with the variances in the growing season from year to year and also to ensure that the verges were cut before some of the vegetation hardened i.e. cow parsley. They felt that verge cutting policies therefore required to have an element of flexibility built into them. On this basis the Committee:

Resolved: - having examined the current policies of both organisations, and subject to the above observations –

- (i) to receive the report and recommend that the timing of grass verge cuts be adhered to across the county, with a level of flexibility built into it to them accommodate the variances in growing seasons from year to year; and***
- (ii) that the Council's Highways Grass Verge Maintenance Policy be presented to the Committee at its May 2020 meeting for review***

6 ADDITIONAL LICENSING OF HOUSES IN MULTIPLE OCCUPATION

The Head of Planning, Public Protection and Countryside Services presented the report Additional Licensing of Houses in Multiple Occupation alongside officers, Public Protection Business Manager, Built Environment Manager and the Public Protection Officer (Environmental Health).

Officers had requested that Scrutiny considered a proposal to renew the Council's Additional Licensing of Houses in Multiple Occupation Scheme, currently operating within Rhyl, and to also extend the scheme to include relevant properties in Prestatyn, Denbigh and Llangollen. The Committee was advised by the Lead Member that both North Wales Police (NWP) and North Wales Fire and Rescue Service (NWFRS) were pleased with the effectiveness of the current scheme operating in areas within Rhyl and were eager for the scheme to be renewed. In light of the success of the current scheme the Council was keen to extend it to three other towns in the county, Denbigh, Llangollen and Prestatyn in order to ensure that houses in multiple occupation not covered by the mandatory scheme would now be regulated more effectively. The purpose of the scheme was to ensure that houses in multiple occupation were maintained to a reasonable standard, and that they provided suitable and safe accommodation for the people who lived there. Following consideration by Scrutiny, the next step would be to take the Scheme to each of the relevant Member Area Groups (MAGs) and to commence a 10 week public consultation on the Scheme prior to presenting it to Cabinet for approval and adoption.

Officers outlined the benefits of having an Additional Licensing Scheme for Houses of Multiple Occupation (HMO) advising that the Council proactively inspected properties covered by the mandatory and additional schemes to ensure compliance. It also allowed the Council to work with private landlords to secure improvements, which in turn helped reduce the number of voids in the county, increase the number of housing units available in Denbighshire, as well as improve the County's performance against the number of overcrowded properties recorded in the Wales Index of Multiple Deprivation (WIMD).

During the Committee's discussions the Lead Member and Officers:

- advised that anti-social behaviour in private sector HMO required stricter monitoring and enforcement action taken where necessary;
- confirmed that the Housing Enforcement Team comprised of six full time equivalent (FTE) staff and were confident, based on current available data, that this would be sufficient to manage the proposed extended additional licensing scheme. The Team also benefited from income received from fees which provided them with some flexibility to employ additional staff if required;
- advised that prosecuting non-compliant landlords was a lengthy and complex process, hence the low number of prosecutions undertaken in the ten years the Scheme had been operating in parts of Rhyl. Dialogue, and if required enforcement or prohibition action, were far more effective management tools as in order to secure their income from their properties landlords would eventually work with the Council with a view to complying with requirements;

- explained the complexities involved with the Planning, Building and Licensing Regulations but emphasised that all three services worked closely together on matters of concern;
- advised that the Service relied heavily on reactive information from tenants, the public and elected members regarding potential incidents of non-compliance. It also worked closely with the Council's Homelessness Service and external agencies in relation to access to housing and homelessness services;
- confirmed that the Service used Rent Smart Wales data to compare registrations and licensing data with that held by the Council;
- advised that all complaints received in relation to housing enforcement contraventions were actioned within five days; and
- advised that the Additional Licensing Scheme did not apply to Registered Social Landlords (RSLs) as they required to comply to the same housing regulations as the Council's housing stock, the Additional Licensing Scheme applied to private sector landlords. However, if members had concerns about any RSL properties or tenants they could forward them to the Council's Housing Enforcement Team and they would raise them with the RSLs as they met them on a regular basis

Responding to members' concerns as to whether introducing the Additional Licensing Scheme to specific towns in the county and not to all towns and villages may have a detrimental effect by driving unscrupulous landlords to operate in areas not covered by the scheme, officers advised that they would closely monitor the situation. This could be done by working closely with Environmental Services through monitoring waste and recycling data for an area in case they were emptying multiple waste receptacles for single properties. Members also registered their concerns on the perceived increase in the number planning applications for conversion of single dwellings into multiple-occupancy dwellings considered by the Council's Planning Committee in recent months, be they for converting into HMOs or stand-alone apartments.

The Committee requested to be provided with a link to the 'Rent Smart Wales' website and data, and to be provided with the register of RSL properties in Denbighshire.

At the conclusion of the discussion the Committee:

Resolved: - subject to the above observations –

- (i) and the provision of an 'Information Report' on the number of planning applications received by the Council during the last two years seeking permission to convert single dwellings into Houses of Multiple Occupation and/or into self-contained apartments , including the number of applications granted and refused by officers and by the Planning Committee;***
- (ii) having considered the contents of the report and given particular consideration to the geographical area Covered by the proposed Additional Licensing Scheme, the type of Houses in Multiple Occupation to be covered by the additional scheme, the justification***

and evidence for re-designating an Additional Licencing Scheme, the Conditions to be imposed as part of the Scheme, and the fees to be applied to the Scheme, to support the forthcoming consultation on extending the Additional Licensing Scheme;

(iii) that as part of its consideration it had read, understood and taken account of the Well-being Impact Assessment (Appendix 7); and

(iv) that following the conclusion of the public consultation process the final draft Additional Licensing for Houses in Multiple Occupation be presented to the Committee for further scrutiny prior to its submission to Cabinet for approval

7 SCRUTINY WORK PROGRAMME

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

2nd April – it was clarified that the North Wales Growth Bid Phase 2– Governance Agreement was looking likely it would be available for the meeting. It was clarified it was to discuss the governance and not how the funding was being allocated.

21st May – The Council's Highways Grass Verge Maintenance Policy included on the forward work programme.

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

8 FEEDBACK FROM COMMITTEE REPRESENTATIVES

None.

The meeting concluded at 12:53 p.m.