

## **COMMUNITIES SCRUTINY COMMITTEE**

Minutes of a meeting of the Communities Scrutiny Committee held in Conference Room 1A, County Hall, Ruthin on Thursday, 11 September 2014 at 9.30 am.

### **PRESENT**

Councillors Peter Evans, Carys Guy, Huw Hilditch-Roberts (Chair), Rhys Hughes, Joe Welch, Cefyn Williams and Cheryl Williams

Co-opted Members – Gill Greenland, Deborah Houghton, Dawn Marjoram and Gareth Williams attended for Agenda Item 5

Cabinet Members – Councillors Hugh Evans and Eryl Williams attended for particular agenda items relating to their individual portfolios

Observer – Councillor Martyn Holland

### **ALSO PRESENT**

Corporate Director Economic Ambition & Community Ambition (RM), Heads of Service: Customers and Education Support (JW), Education (KE), Planning and Public Protection (GB), Highways and Environmental Services (SP); Public Protection Business Manager (GO); Public Protection Manager (EJ); Scrutiny Coordinator (RE) and Committee Administrator (KEJ)

#### **1 APOLOGIES**

Councillors Win Mullen-James, Bob Murray and David Smith (Lead Member for Public Realm) together with Co-opted Member Nicola Lewis

#### **2 DECLARATION OF INTERESTS**

Councillors Huw Hilditch-Roberts, Martyn Holland, Rhys Hughes, Joe Welch, Cefyn Williams and Co-opted Members Gill Greenland, Debra Houghton and Dawn Marjoram declared a personal interest in Agenda Item 5

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

No urgent matters had been raised.

#### **4 MINUTES**

The minutes of the committee's last meeting held on 26 June 2014 were submitted.

**Accuracy** – co-opted members had been omitted from the attendance list and should include Gill Greeland, Debra Houghton, Nicola Lewis, Dawn Marjoram and Gareth Williams as members' present.

**RESOLVED** that, subject to the above, the minutes of the meeting held on 26 June 2014 be received and approved as a correct record.

## **5 HOME TO SCHOOL TRANSPORT POLICY**

The Head of Customers and Education Support (HCES) submitted a report (previously circulated) outlining proposals for the revised policy for Home to School Transport together with the consultation process and timescale for implementation. She apologised for an error in the report advising it had not been possible to consult with new Nursery pupils planned for September 2015. Some background to the report was provided and it was clarified that there was no proposal to change existing provisions for transport to Welsh Medium or Faith schools within the revised policy. The Chair drew members' attention to a letter (previously circulated) from the Diocese of Wrexham regarding the consultation and proposed changes.

Members considered (1) the outcome of enforcing the new policy to remove historic anomalies in the eligibility process, and (2) implementation of central pick up points as detailed in the revised policy. It was noted that the proposals would likely generate savings of around £272k and £30k in the secondary and primary sectors respectively. Officers agreed with preliminary consultation feedback that disruption caused in implementing pick up points for the primary sector may outweigh the potential savings to be made but that implementation for the secondary sector was acceptable. A large number of responses related to Welsh Medium provision and the HCES reported upon historical anomalies and those who would be affected by strict enforcement of the policy. As a result there had been requests to limit the designation of Welsh Medium to category 1 schools instead of category 1 and 2 and members were advised of the ramifications of such a major policy change which included a detrimental impact on future roll numbers and transport costs. Details of the concessionary transport scheme for those who did not qualify for free transport were also provided.

Key areas of discussion focused on the following –

- whilst acknowledging the absence of national recommendations/guidance on the consultation process and noting the tight timescale in this case, members did raise concerns that the consultation had been published during the school summer holiday period. Members also noted the slight delay in circulating the consultation document to officers of the Diocese of St. Asaph, the oversight in not circulating it earlier in the process to the scrutiny committees' co-opted education members, and that non-availability of addresses for parents of nursery school children had precluded copies being sent to them. It was also highlighted that parents of primary school children not currently eligible for school transport had not been written to but that their future entitlement to provision in the secondary sector may be affected as a result of the changes. However, as the document had been made readily available on the Council's website and given the comprehensive list of consultees and the fact that parents currently in receipt of school transport had been individually written to, members were of the view that the authority had made reasonable efforts to raise awareness of the revised draft policy and the consultation on it. The

committee felt there would be little merit in extending the consultation period as it was unlikely that any new issues would emerge as a result

- members' considered that information should be made available to parents of Year 6 pupils far earlier than at present on which secondary school was their 'nearest suitable school', ideally when the children were in Year 5. The committee supported plans to provide an interactive map on the Council's website for this purpose which parents could access
- the committee agreed that free school transport in future should be provided for each pupil in secondary education from a designated pick-up point to their 'nearest suitable school' with pupils who were currently attending a school which was not deemed to be their 'nearest suitable school' being given free transport until such time as they stopped attending that school. It was acknowledged that the transition period would last a number of years and result in disparity during that time
- it was agreed that concessionary travel should be made available at designated pick-up points for new pupils who chose not to attend their 'nearest suitable school' subject to surplus places being available on already commissioned schools transport. Members asked that as much notice as possible be provided to withdraw a concession if seats subsequently became unavailable and noted the intention to limit concessions to a 12 month period with a reasonable charge to cover administration costs. It was also noted that concessions were not provided on public bus services
- members noted the ramifications of changing the school categorisation and were of the view that it should remain as at present, with schools which are not Category 1 being supported to improve and increase the use of Welsh and Welsh Language provision to move along the language continuum
- the committee emphasised the need for robust risk assessments to be undertaken for all pick-up points and hazardous routes to ensure a safe route was maintained at all times and the HCES provided assurances in that regard confirming risk assessments would be undertaken in line with the Learner Travel Measure
- in view of the complexities of the issue the HCES agreed to speak to members outside of the meeting regarding individual cases.

During general debate members also discussed with officers the behaviour of school children when travelling to and from school, particularly those using public transport, and the responsibilities of schools in that regard were acknowledged. Co-opted Member Dawn Marjoram highlighted the excellent service provided by the Council in transporting those pupils with special needs but asked if officers could look into the length of journey times to ensure they remained as short as possible. She also asked that, where appropriate, a cost benefit analysis be undertaken for pupils with additional learning needs to consider residential costs and taxi journeys.

**RESOLVED** that subject to the above comments to recommend to Cabinet that from September 2015 onwards –

- (a) *free school transport should be provided to each pupil in secondary education who qualifies for free transport, from a designated pick-up point to their 'nearest suitable school', and that pupils who are currently attending a*

*school which is not deemed to be their 'nearest suitable school', being given free transport until such time as they cease to attend that school;*

- (b) concessionary travel should be available at designated pick-up points to new pupils who choose not to attend their 'nearest suitable school' only if surplus places are available on already commissioned school transport, and*
- (c) for clarity the name of the policy should be amended to 'Home to School Transport Eligibility Policy'.*

At this juncture (10.50 a.m.) the meeting adjourned for a refreshment break.

## **6 TOWN AND AREA PLANS REVIEW**

The Leader, Councillor Hugh Evans introduced the report (previously circulated) detailing the context and findings of the Town and Area Plans (TAPs) review and actions being proposed as a result. He advocated TAPs as a means of providing a balanced approach to community development and accepted the review findings and actions to move forward. He also thanked the Town Champions for their work and highlighted the importance of local engagement within the process.

The Corporate Director Economic and Community Ambition (CDECA) elaborated upon the review which had concluded that whilst strategic intentions had been met there was a lack of clarity and consistency in the development and delivery of TAPs. It was also difficult to establish value for money as TAPs did not currently provide clear information on anticipated benefits or how impact would be measured. She reported upon the development of an action plan focusing on five key areas in order to improve future arrangements and updated members on progress to date.

Overall the committee felt TAPs were the most suitable mechanism to realise the Council's aspiration of being close to the community. Members took the opportunity to detail the approaches taken to the development of Plans in their particular areas and how those Plans were being delivered. It was clear that whilst there were some successes there were also problems such as the lack of action by some services in progressing projects and buy-in to TAPs. Whilst the development of the TAPs had been a constructive process the pace of their delivery seemed to be extremely slow and constrained causing immense frustration for those trying to move forward with particular projects. It was felt there was still some confusion around TAPs and a need for clarity in terms of responsibilities and execution. The Leader and CDECA advised there was now a need to align TAPs to other strategies, such as the Economic Community Ambition Strategy, Town Centre Strategy and the Tourism Strategy to ensure they complemented each other and did not duplicate or detract from one another. To expedite the Plans' delivery, work needed to be undertaken to embed each Plan's priorities into the Council's Service Plans, this would then act as a catalyst to commence their delivery. The long-term objective was that the Plans would be used as reference documents which could be utilised as the basis for drawing down future external funding streams. Further work was also required in assessing existing TAPs to demonstrate value for money and community benefits. The proposed Policy Statement provided greater clarity on the role and purpose of TAPs.

Members emphasised the need for the Plans to come into early fruition to improve outcomes for residents and meet their expectations of the Council. They were asked to forward their comments on the draft Policy Statement to the CDECA as soon as possible.

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

- (a) *the findings of the review into the Town and Areas Plans and the associated Implementation Action Plan be endorsed, and*
- (b) *request that actions be taken forthwith to progress the delivery aspect of the Plans to enable residents to see the outcomes of the work.*

## **7 ADDITIONAL LICENSING SCHEME FOR HOUSES IN MULTIPLE OCCUPATION (HMO)**

The Head of Planning and Public Protection introduced the report (previously circulated) seeking members' views on re-designating an Additional Licensing Scheme for Houses in Multiple Occupation (HMO) within Rhyl prior to public consultation.

The context of the re-designation and legislation governing HMOs was provided together with the criteria which must be met in order to designate an additional licensing scheme. Officers explained the reasons behind the recommendation to expand the Scheme to include more types of HMO in Rhyl following an inspection and assessment process. There was insufficient evidence to justify the use of existing resources to apply the additional licensing scheme outside of Rhyl. Rhyl Member Area Group was supportive of the scheme and would like to see more resources committed and a tougher enforcement approach. The knock on effect of poor housing on families and council services was mentioned and officers highlighted the joint working of council departments in this regard.

The committee was supportive of re-designating the additional licensing scheme, as per the Housing Act 2004, and expanding it to include other types of HMO properties as detailed in Appendix 1 to the report. It was noted that the criteria to extend the scheme beyond Rhyl had not been met and members sought assurances that the expansion of the scheme in Rhyl would not be to the detriment of other parts of the county, i.e. Corwen and Llangollen. Officers advised that problems in relation to HMOs experienced in other areas of the county would be dealt with through the use of the local authority's enforcement powers under different legislation and if sufficient evidence of problematic HMO premises emerged in other areas the situation could be reassessed. In response to questions officers detailed the application and inspection process for HMOs together with general enforcement powers and actions available to the authority. Officers also outlined procedures that could be used in such cases in order to mitigate the risk of affected tenants being homeless. Finally the committee was advised of new legislation being introduced in Wales the following year which required landlords to be registered. The committee was pleased to note the

positive effect of enforcement action in dealing with problematic HMOs and at the conclusion of the discussion the committee –

**RESOLVED** to recommend that –

- (a) *based on the information presented, there was justification for re-designating an additional licensing scheme for houses in multiple occupation;*
- (b) *the types of properties covered by the additional licensing scheme should be as listed in Appendix 1 to the report;*
- (c) *the geographical area covered by the additional licensing scheme to be limited to Rhyl only;*
- (d) *the conditions imposed as part of the additional licensing scheme be as detailed in Appendix 2 to the report;*
- (e) *the licensing fee structure associated with the additional licensing scheme be set as detailed in Appendix 3;*
- (f) *the Health Impact Assessment in Appendix 4 to the report be received, and*
- (g) *the above comments be noted as the committee's response to the consultation on the proposed Additional Licensing Scheme for Houses in Multiple Occupancy.*

At this juncture (12 noon) the meeting adjourned for a refreshment break.

## **8 STREETSCENE STRATEGY & PERFORMANCE IN RELATION TO THE COUNCIL'S CLEAN STREETS PRIORITY**

The Head of Highways and Environmental Services (HHES) submitted a report (previously circulated) regarding the effectiveness of the strategies being pursued to deliver the Corporate Priority of Clean and Tidy Streets. This element covered a number of different departments and detailed information had been provided on service performance in key areas together with future actions and strategies.

Officers advised that evidence now suggested the Streetscene Strategy and the Team's performance in improving the appearance of the County's public realm were beginning to show good results. Individual operational staff had been given flexibility to prioritise their own work and to take ownership of their town/area which had resulted in them taking pride in their work and proactively keeping their areas clean and tidy. This improvement was corroborated by committee members who paid tribute to those staff who worked in their particular ward areas. It was acknowledged that the authority would never be able to totally eradicate incidents of dog fouling or fly tipping but one of the key factors to success in this area was to effectively manage the response to such incidents and where possible follow them up with enforcement action. The HHES informed members that the next step would be to try and improve the accuracy of data relating to dog fouling, littering and fly

tipping incidents and obtain more accurate information on the actual time taken between the incident being reported and resolved.

At members' request the HHES undertook to make the following enquiries –

- source information on the benefits of the approach taken by Blackburn Council with respect to issuing Fixed Penalty Notices
- provide details on the range of fines imposed for fly tipping and the costs of clearing up fly tipping incidents, and
- to explore the feasibility and legal position with respect to prosecuting known dog fouling/fly tipping offenders with a view to making an example of offenders to the general public.

In response to members' concerns the HHES also agreed to apply a consistent approach to highway advertising – permitting short term advertising of community or charity events as long as they were not obstructing the highway or deemed to be a cause of danger. Any other type of advertising on the highway would be removed. Members highlighted the proliferation of signs in the Lon Parcwr area of Ruthin as an example of a location where action needed to be taken.

With respect to budgetary cuts the HHES was confident that the proposed 10% cut in the Services' budget for 2015/16 was manageable without serious detriment to the service provided. In terms of the proposed Dog Control Orders which the Council had consulted on and had intended to introduce, the Head of Planning and Public Protection advised that legislation was expected in the autumn which would ease the introduction of such orders.

**RESOLVED** *subject to the above to –*

- support the continuation of the current strategies as far as practicable, including the removal of unauthorised advertisements within the public realm, bar short-term adverts for community/charity events as detailed above, and*
- to absorb any future funding cuts in ways that will minimise the overall negative impact on the public's perception of the public realm.*

## **9 SCRUTINY WORK PROGRAMME**

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

During debate the Corporate Director highlighted the need for flexibility in the committee's forward work programme in order to accommodate potential issues arising from the current freedoms and flexibilities budget process. The Chair also referred to the potential for scrutiny of education matters in light of the education reviews going forward. Councillor Rhys Hughes felt there would be merit in scrutinising the former North Wales Hospital in Denbigh and it was agreed to await the findings of the inquiry before making a decision in that regard.

The Scrutiny Coordinator referred to a request for the committee to consider Denbighshire's Supporting People Local Commissioning Plan 2015-18. She also drew members' attention to the information report within the briefing papers on the Rhyl Going Forward Programme and reminded them that any issues of concern could be escalated to the committee for further scrutiny. Finally the committee was asked to confirm its representative and appoint a substitute on the Affordable Housing Task and Finish Group to explore various matters relating to affordable housing.

**RESOLVED** that –

- (a) *the forward work programme as detailed in Appendix 1 to the report be approved;*
- (b) *the request to consider a report on the Denbighshire Supporting People Local Commissioning Plan 2015-18 be passed to the Chairs and Vice Chairs Group to consider whether it was an issue for Partnerships Scrutiny Committee, and*
- (b) *Councillors Cefyn Williams and Rhys Hughes be appointed the Committee's representative and substitute representative respectively on the Affordable Housing Task and Finish Group.*

**10 FEEDBACK FROM COMMITTEE REPRESENTATIVES**

No reports from committee representatives had been received.

The meeting concluded at 1.00 p.m.