

COMMUNITIES SCRUTINY COMMITTEE

Minutes of a meeting of the Communities Scrutiny Committee held in Conference Room 1A, County Hall, Ruthin on Thursday, 23 April 2015 at 9.30 am.

PRESENT

Councillors Carys Guy, Huw Hilditch-Roberts (Chair), Rhys Hughes, Win Mullen-James (Vice-Chair), Bob Murray, Cefyn Williams and Cheryl Williams.

Lead Member Councillor David Smith attended at the Committee's request.

Councillors Brian Blakeley and Martyn Holland attended as observers.

ALSO PRESENT

Corporate Director: Economic and Community Ambition (RM), Head of Highways and Environmental Services (SP), Head of Business, Improvement and Modernisation (AS), Head of Planning and Public Protection (GB), Section Manager: Network Management (TT), Development Manager: Planning and Public Protection (PM), Scrutiny Coordinator (RE) and Administrative Officer (CW).

1 APOLOGIES

Apologies for absence were received from Councillors P.A. Evans, J.S. Welsh and Lead Member H.C. Irving.

2 DECLARATION OF INTERESTS

No Members declared any personal or prejudicial interests in any business identified to be considered at the meeting.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No items were raised 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.

4 MINUTES

The Minutes of a meeting of the Communities Scrutiny Committee held on Thursday, 12th March, 2015 were submitted.

RESOLVED – *that the Minutes be received and approved as a correct record.*

5 RATIONALISATION OF PRECAUTIONARY GRITTING ROUTES

A copy of a joint report by the Head of Highways and Environmental Services (HHES) and the Network Manager on how Highways and Environmental Services

intend to deliver reductions in precautionary salting mileages, which had been endorsed as part of the Freedoms and Flexibilities process, had been circulated with the papers for the meeting.

The HHES introduced the report which detailed how the required reductions in route mileage had been developed in a logical and rational manner, and provided an assurance that they would deliver the required savings.

The officers confirmed that a total of £250K of savings would be required from within the Highways maintenance budget for 2015/16. Potentially £60K of the total savings had been identified through reducing the number of precautionary gritting routes in the County. The routes referred to in the report were part of the County's own road network. Trunk roads had not been included as they were the responsibility of the Welsh Government, who paid the Council to grit them on its behalf. He emphasised that the proposal was to remove the identified routes from the 'precautionary' gritting schedule. These routes would be gritted in the event of a snowfall or snow being forecast.

The Section Manager: Network Management (SMNM) confirmed that the majority of the proposed routes were located in the north of the County, as alternative routes were available for road-users. The lack of suitable alternative routes in the south of the county meant that the rationalisation process could not as easily be applied there.

A change in legislation within the last 10 years had meant that Local Authorities now had to publicise in advance which routes they planned to precautionary grit during the forthcoming winter, hence the reason to consult on these proposals at this time.

The following points, included in the report were also highlighted:-

- Each salting run involved 9 vehicles driving a total of 850 kilometres of which 570 kilometres was salted.
- The optimisations prior to the 2014/15 season having led to some complaints from the public, so the reasons behind the changes would have to be communicated in a planned and coordinated manner.
- An estimated route reduction of around 10% being required to achieve the level of saving specified on non-trunk roads, dependent on weather conditions.

In response to Members' questions the officers and the Lead Member advised that once the final decision had been taken to remove the identified roads from the County's precautionary gritting lists the decision would be communicated to all neighbouring local authorities with whom the Council worked closely with on cross-border gritting. This was normal practice and would inform the normal discussions between authorities on cross-border gritting arrangements. All the savings in relation to this proposal would be realised from the salt/grit saved and vehicle operative costs, no jobs would be lost. However, an adverse winter could severely impact on the projected savings.

It was also explained that with respect to assessing risks when determining gritting routes officers considered the probability factor of accidents occurring. In relation to the routes identified for withdrawal from the precautionary gritting schedule the probability factor had not been calculated as 'high risk', it was considered an 'acceptable' level of risk. However, if it became apparent that a high rate of accidents were occurring it would be reported to the Head of Service who would undertake an immediate review of the risk and the decision.

The officers agreed that they would circulate the proposals and relevant maps to each Member Area Group (MAG) seeking them to discuss them before July 2015. If required a Highways officer would be made available to attend the MAG meetings to explain the proposals.

Members were informed that the resulting effects of the review would be on the drivers only. There would not be any disproportionate impact on any groups with protected characteristics, and Members attention was invited to Appendix 2. Details of the consultation process adopted, and the possible risks and measures implemented to mitigate them, had been included in the report.

At the conclusion of the ensuing discussion, it was:-

RESOLVED – *that, subject to the above and the distribution of the proposals to Member Area Groups for information, Communities Scrutiny Committee endorse the route changes for precautionary gritting.*

6 BETTER REGULATION OF CARAVAN SITES

A report by the Development Manager, Planning and Public Protection (DM), which stemmed from Members' concerns on the perceived use of holiday caravan sites for residential use and the potential consequential loss of income for the Council, had been circulated with the papers for the meeting.

The Head of Planning and public Protection (HPP) introduced the report and explained that a pilot project to assess the scope of the problem had identified the complexity of the work and the potential implications of sudden stringent enforcement on a number of Council departments and on individuals who may be 'living' on some sites. This pilot had also highlighted that a gap existed in routine information sharing between the service provider arm of the Council and its regulatory services - routine information sharing may avert the escalation of the problem over time and assist with the calculation of population figures which affected the amount of Revenue Support Grant (RSG) awarded to the Council.

As a result of the Committee's earlier recommendation that resources be made available to take the project forward, the Corporate Executive Team (CET) had asked the Business Improvement and Modernisation Service to source data from all Council departments on individuals who had given caravan parks as their address when applying for services or concessions. Through the initial pilot work it had become apparent that there was a need for the Council's regulatory services to

work with some caravan site owners to support them to better manage their sites and comply with the conditions granted to them.

Details of the progress made since December, 2014, and the findings of an initial trawl of the pilot group, had been included in Appendix 1 a confidential document.

In January, 2015 a meeting had been held with a major caravan park owner to explain the nature of the Council project, and Appendix 2 provided a summary of the meeting. Officers from Denbighshire and Conwy had also met to discuss the nature of the project, the scale of the problem and the potential for collaborative work on a "Site Monitoring" protocol.

The HPP and DM responded to Members' questions and advised that:-

- individual caravans situated in the gardens of private dwellings were not included within the current project, as the majority of these in Denbighshire were an ancillary part of the main dwelling;
- chalets were covered by the same planning and licensing laws as caravans;
- if holiday caravan site owners were permitting caravan owners to live on their sites for the entire duration of their licence e.g. 10 months etc. and those caravan owners could not supply a 'home' address elsewhere, both the site owner and the caravan owner could be liable for prosecution on the grounds that the site was not complying with its planning and licensing conditions as a 'holiday' site, and the caravan owner for using a holiday caravan as their permanent abode;
- the priority of the work going forward would be to stop people using their caravans as their permanent residence. However, this would need to be managed effectively to limit the impact of enforcement action on individuals, some of whom were vulnerable. There would also need to be contingency plans in place to deal with the consequences of any action on the Council itself i.e. people presenting themselves as homeless. There may also be an issue around the quality of the caravans in comparison to the quality of housing available for the displaced caravan dweller and their 'financial' circumstances to secure alternative accommodation;
- once the extent of the problem and the anticipated impact of stringent enforcement was clear a decision would need to be taken on what the Council should do with respect to historical breaches and what it would be doing in future to deal with breaches of conditions. The cost of an all-encompassing enforcement policy could be extremely high and the fallout from it could potentially be unmanageable and damaging to the Authority's reputation;
- there were 2 residential caravan sites in Denbighshire, in Rhyl and Prestatyn respectively;
- caravan site owners were subject to National Non-Domestic Rates (NNDR) business rates. This was calculated by the Valuation Office and collected centrally by the government, with a percentage of it returning to the County via the RSG settlement. The local Authority was not therefore obliged to provide services such as refuse collection on these sites;
- if breaches to planning or licensing laws were suspected Data Protection laws could not legitimately be used to withhold information;
- the regulations pertaining to free bus passes had been changed earlier this year. Individuals who now presented a caravan site as their permanent residence would not be eligible for a free bus pass;

- compliance with caravan site regulations was not a problem that was unique to Denbighshire, the majority of local authorities seemed to be struggling with policing and enforcing the conditions granted. It was also fair to say that some owners were self-regulating and complying with the conditions granted to them.

Members felt that there was a need to investigate the extent of the problem and the potential costs and impact of enforcement options, including perhaps consideration being given to having some sites designated dual use sites - holiday and residential use, but with a clear separation between the two areas of the sites. They also felt that the work in relation to better regulation of caravan sites should be publicised widely. Consequently the Committee:-

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

- (a) *the Committee support the direction of the project to date and acknowledge the potential extent of the work in hand; and*
- (b) *the results of the scoping work and the draft strategy options for more effective regulation of caravan sites be presented to the committee in the summer of 2015.*

7 SCRUTINY WORK PROGRAMME

A copy of a report by the Scrutiny Coordinator, which requested the Committee to review and agree its forward work programme and which provided an update on relevant issues, had been circulated with the papers for the meeting.

A copy of the 'Member's proposal form' had been included as Appendix 2. A copy of the Cabinet forward work programme had been provided as Appendix 3. A table summarising progress on recent Committee resolutions and advising Members on progress with their implementation had been included in Appendix 4.

The SC explained that as the next meeting of the Committee would be the first meeting after the Annual Council meeting, the Committee would be required to appoint a Vice Chair for the ensuing year. The role description for the Scrutiny Chair and Vice Chair had been included in the Briefing Notes for the meeting. The SC explained that CV's would be sought from Members wishing to submit nominations for the post, and these would be required by the 20th May, 2015.

Members agreed that a report on Affordable Housing Task and Finish Group's findings be included on the Committee's forward work programme for the next meeting, following consideration by Council Briefing.

The Scrutiny Chairs and Vice-Chairs Group had met on the 2nd April, 2015. At the meeting it considered a request made at the County Council meeting on 24th February, 2015 that the impact of late notification and allocation of central government grant funding on local government financial planning and management be examined in detail. Members concurred with the views expressed by the SCVCG that the Committee include this item in its forward work programme for meeting in July, 2015. It was also agreed that the Welsh Government Minister be

invited to attend the meeting to discuss how the timing of grant allocation and notification could be improved for the benefit of all parties.

Members agreed that a report on the Youth Service, and the progress made with the community mapping exercise on services available for children and young people, be included in the Committee's forward work programme for its meeting in September, 2015 as detailed in Appendix 1.

RESOLVED – *that, subject to the above amendments and agreements, the Work Programme as set out in Appendix 1 to the report be approved.*

8 FEEDBACK FROM COMMITTEE REPRESENTATIVES

The Chair had attended an Education Service Challenge meeting on the 22nd April, 2015. He explained that the meeting had been very positive and highlighted the main topics of discussion which included:-

- The reasons for the core subject indicators (CSI) results in Denbighshire being misleading.
- The role and responsibilities of LEA Governors.
- Consultation on the quality and appointment of Headteachers
- Welsh language in Denbighshire schools.
- Management of the appraisal system.

RESOLVED – *that the Committee receive and note the report.*

Meeting ended at 11.55 a.m.