

COMMUNITIES SCRUTINY COMMITTEE

Minutes of a meeting of the Communities Scrutiny Committee held in Conference Room 1a, County Hall, Ruthin on Thursday, 12 May 2016 at 9.30 am.

PRESENT

Councillors Brian Blakeley, Bill Cowie, Huw Hilditch-Roberts (Chair), Martyn Holland, Rhys Hughes (Vice-Chair), Anton Sampson, Cefyn Williams and Cheryl Williams.

Lead Members Huw Jones and David Smith attended at the request of the Committee.

Councillor M.Ll. Davies attended as an observer.

ALSO PRESENT

Corporate Director: Economic and Community Ambition (RM), Head of Highways and Environmental Services (SP), Head of Planning and Public Protection (GB), Interim Head of Communications, Marketing and Leisure (SH), Section Manager: Network Management (TT), Highways Operations and Street Scene Manager (South) (SB), Lead Officer: Community Housing (GD), Operations Manager: Facilities and Contracts (NH), Countryside and Heritage Services Manager (HR), Cemeteries Officer (JH), Development Manager (PM), Scrutiny Coordinator (RE) and Administrative Officer (CIW).

1 APPOINTMENT OF VICE CHAIR

Councillor T R Hughes was nominated and seconded for the role of Vice-Chair of the Committee. No other nominations were received and it was:

RESOLVED: *that Councillor T R Hughes be appointed Vice-Chair of Communities Scrutiny Committee for the 2016/17 municipal year.*

2 APOLOGIES

Apologies for absence were received from Councillors Bob Murray.

3 DECLARATION OF INTERESTS

The following interest was identified in business item to be considered at the meeting.

Agenda Item 7 Housing Grounds Maintenance Contract Update” – A personal interest was declared by Councillor Cheryl Williams. The reason for the declaration was that Councillor Williams was a Council House tenant.

4 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.

5 MINUTES

The Minutes of the meeting of the Communities Scrutiny Committee held on the 24th March, 2016 were submitted:-

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

6 DELIVERING WITH LESS - LEISURE SERVICES

A copy of a report by the Lead Officer: Commercial Leisure (LOCL) had been circulated with the papers for the meeting.

The Lead Member for Community Development introduced the report which summarised the Wales Audit Office's (WAO) national report on Leisure Services from Denbighshire's perspective. He explained that:-

- on the whole the national report reflected positively on Leisure Services in Denbighshire, with a number of 'best practice' examples being cited as ones being operated in Denbighshire's Service e.g. the Service having a clear long-term vision and strategy, and subject to a very strict service challenge process that was supported and evidenced via a 'dashboard' that contained a varied range of useful performance data;
- whilst, contrary to a number of local authorities, Denbighshire had retained control of its Leisure Services it did take a very commercial approach to the delivering the Service. It provided the fourth lowest subsidy in Wales to Leisure Services;
- whilst the national WAO report seemed to be advocating a 'trust model' as an appropriate model for delivering leisure services during times of financial constraints, Denbighshire was firmly of the view that this was not the most cost effective model for delivering the services residents expected. Nevertheless, the Council regularly reviewed its service business model and, if following an options appraisal a more effective model for delivering the Service came to the forefront, Members would be asked to examine it.

Responding to Members' questions the Lead Member and officers advised that:-

- some of the data in the report was confusing as it did not compare 'like' with 'like' e.g. the number of leisure centre users – Denbighshire only counted those who actually used the leisure facilities in the county, whilst some other counties counted the 'number of visitors' to leisure centres, regardless of the fact whether they utilised any of the facilities, classes or events;
- Denbighshire's usage figures were based on actual data and not on estimated figures;
- the Council's subsidy to the Service was reducing year on year;
- Leisure Service's staff were now being utilised more wisely and consequently deployed when needed to relieve pressure within the Service at busy

times e.g. meeting holidaying visitors at the refurbished Nova Centre and directing them to where they want to go, promoting services on offer to enhance service-users' health-being;

- the Nova Centre had already achieved its first year operating target and the recently re-furbished Leisure Centre at Ruthin was also performing well and on target to deliver in line with its objectives;
- the Service on all occasions monitored its energy usage and was constantly exploring cost effective methods and technological developments that might reduce running costs. To date it had installed a biomass boiler in Rhyl, pool covers, LED lighting in certain premises, variable speed pumps etc. The installation of solar panels had not to date been deemed to be a viable option.

Members highlighted the various opportunities available in Denbighshire to promote and support residents' health and well-being and the need to promote all activities, be they those provided by Leisure Services or those available via Countryside Services. They emphasised the need for both services to work together to promote all opportunities and the activities arranged by voluntary organisations in the county and liaise with the Communications and Marketing Service with a view to highlighting and promoting the availability of all types of physical activity to enhance residents' general health and well-being on the Council's website. The Committee:

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

- to congratulate the Service on its excellent work to date, and on where it is placed in terms of leisure service provision in comparison to other local authorities in Wales;*
- to encourage the Service to continue to deliver and improve the services it provides; and*
- that consideration around an options appraisal for different operating models should continue to be reviewed as the landscape changes.*

7 HOUSING GROUNDS MAINTENANCE CONTRACT UPDATE

Lead Officer – Community Housing introducing the report (previously circulated) advised that responsibility for grounds maintenance on land in the ownership of the Housing Department now lay with the Department, it had previously been the responsibility of the Highways Department. Tenants were charged a service charge of £1.50 per week for the service provided and the contract was financed from the Housing Revenue Account (HRA) budget. It was acknowledged that there had been issues during 2015 which had generated numerous complaints from tenants, these were because the contract changeover process could not commence early enough, consequently the new contractor was not appointed until June which was well into the grass growing season.

The Lead Officer advised:

- that since the new grounds maintenance arrangements had been established land ownership between various Council departments had become much clearer;

- 83% of those who submitted complaints during 2015 about the grass cutting arrangements had indicated that they were now satisfied with the service they received;
- As the Council now managed its own HRA account it had plans to invest in schemes to improve the environment in and around council housing estates – proposed neighbourhood environmental improvement schemes could also involve the community and see them bid for funds for their own collective projects;
- Details of funding already allocated to various projects, including play areas, were included in Appendix 2 to the report.

In response to Members' questions the Lead Member for Public Realm and officers:

- undertook to check with the contractor whether they could uproot weeds in neighbourhoods rather than spray them, as it was felt that this was a more effective method of eradicating the problem;
- confirmed that the Council now had better information on land ownership within the authority;
- whilst the co-ordination of grass cutting in communities could be a complex matter every effort was made to undertake the work in a co-ordinated manner. As the ownership of parcels of land became clearer the situation should improve further;
- contractors usually undertake a litter pick before they cut an area of land. The Housing Department also had a Service Level Agreement (SLA) in place with the Streetscene Service which meant they could call on their services if required. The Department was also looking to working closer with communities with a view to keeping them clean and tidy. Four Neighbourhood Community Officers would be appointed shortly who would be responsible for, amongst other things, environmental matters. These officers would work with communities and run activities such as litter picking events in a bid to get residents to take ownership of their neighbourhoods. Such events would support and enhance the health and well-being of individuals as well as communities;
- undertook to discuss with individual Members issues of concern to them in the Cynwyd, Rhyl and Prestatyn areas;
- confirmed that whilst Council tenants were levied a £1.50 per week service charge for ground maintenance work the Council could not levy such charges on individuals that lived on the same estates and who were owner-occupiers. Owner-occupiers of individual flats in a Council housing complex could be levied the service charge as they were leasehold owners rather than freehold owners, and were already levied a service charge for other services provided to their property by the Council;
- informed Members that the actual cost of grounds maintenance during 2015/16 was £20k higher than quoted in the report, this was due to additional unforeseen costs. They were confident that costs would be driven down in the future;
- advised that pesticides used by contractors on Council owned land was not of an equivalent strength to that used by the agricultural industry and therefore not as effective – legislation prohibited local authorities using agricultural pesticides on public health and safety grounds;
- confirmed that the cutting of hedges around a Council property was the responsibility of the tenant. If the tenant did not maintain hedges to a reasonable

standard enforcement action could be taken. If they experienced difficulty in maintaining hedges the Council could undertake the work on his/her behalf, for which a charge would be made;

- undertook to ask the contractor to inform residents of when they would be in an area to cut the grass etc. and to ask them to ensure that all vehicles were parked in an appropriate place to ensure that they did not hinder access or the maintenance work in anyway;
- confirmed that where tenants or others had encroached onto Council-owned land over a period of time the Council would in due course reclaim the land and maintain it accordingly.

Prior to the conclusion of the discussion the Chair read out an e-mail from Councillor Colin Hughes which detailed an extremely positive response he had received to a complaint with regards to grounds maintenance in his ward recently. Whilst the Committee acknowledged that there had been difficulties initially when the new contract was commenced in June 2015, these problems had now been resolved and to date this year the grounds maintenance contract seemed to be delivered in line with the contract's requirements. It was:-

RESOLVED – *that-*

- (i) subject to the above observations, to receive the information and endorse the measures taken to manage the contract and mitigate against similar problems to last year arising in future; and*
- (ii) further work be undertaken to support the delivery of a co-ordinated approach by the Council to grounds maintenance work in communities, including exploring the feasibility of potential joint contracts between services and a contractor prior to commencing any future tendering processes.*

8 THE COUNCIL'S RURAL GRASS CUTTING ARRANGEMENTS FOR 2016/17

A copy of a report by the Head of Highways and Environmental Services (HHES) had been circulated with the papers for the meeting.

Introducing the report and appendices the Lead Member for Public Realm emphasised that the Council had a duty under the Highways Act of 1980 to keep the highway safe for all who used it. It also had a statutory duty, under the Natural Environment and Rural Communities (NERC) Act of 2006 to promote biodiversity. At times both these duties could be at odds with each other, hence the reason why the Council needed to devise a rural grass cutting policy that attempted to meet the requirements of both Acts – ensuring a safe highway network whilst at the same time promoting and supporting biodiversity. Striking an appropriate balance between the requirements of both Acts had been very difficult, and would continue to be so as the growing season varied from year to year. Officers and the Lead Member felt that in 2015 an appropriate balance had been struck in order to comply with both Acts. Responding to Members' questions the Lead Member and officers advised that:

- verges in rural areas, apart from the area which lies within the boundary of the Area of Outstanding Natural Beauty (AONB), would be cut twice yearly, one swathe in May/June, followed by one swathe or full cut in September/October;

- roads within the AONB, known as the biodiversity area, would be cut once in August/September, with visibility splays cut in June/July for safety reasons – by this time the majority of wild flowers would have seeded and died back;
- when cutting verges or splays for safety reasons decisions on the extent of the cut were based on safety risk assessments;
- there was no definitive guidelines on the length or depth of verge cutting, the sole consideration was the safety of road users be they in vehicles, cyclists or pedestrians;
- for a period of time the Council had not been giving sufficient regard to the requirements of the NERC Act, but now that the Well-being of Future Generations (Wales) Act 2015 had established biodiversity as a key consideration, the Council would need to have regard to biodiversity requirements;
- the Council had identified the AONB area as the most appropriate area to undertake the 'biodiversity cut' as it was easily identifiable for the contractors and for residents, therefore it was easier to manage the grass cutting programme and contract;
- verges in other parts of the county had been identified as Roadside Nature Reserves (location maps for these were appended to the report). These 'reserves' were cut as and when it was appropriate to undertake the work, dependent upon the species of flora, fauna and wildlife that grew or lived in them;
- as the growing season tended to start earlier near the coast the contractor tended to start the grass cutting programme in the north of the county, working his way south in order that the verges in the Dee Valley were cut in time for the Royal International Musical Eisteddfod, in Llangollen in early July (this also meant that areas in the Dee Valley which were within the AONB boundary were cut earlier than other parts of the AONB). Nevertheless the grass cutting schedule was sufficiently flexible to accommodate changes if required;
- at present it was anticipated that this year's first cut in non-AONB areas would be completed by mid-July;
- if Members had concerns or enquiries regarding the cutting programme in their area they should log their enquiries via the Customer Relationship Management (CRM) system

A number of Members representing rural wards registered the following concerns with respect to the grass cutting policy:

- the timing of the cut, particularly in the AONB/Biodiversity area, and consequently the length and density of the vegetation that would need to be cut at that point in time;
- their fears for road users' safety due to the policy;
- as the majority of wildflowers would have seeded by the end of June/early July could the biodiversity area not be cut at that point in time, or possibly cut back to approximately 3" of growth to ensure road users' safety - particularly narrow rural roads with steep verges where the vegetation tended to grow out into the road and was therefore hazardous;

The Section Manager- Network Management suggested, to allay Members' concerns, that they would risk assess and prioritise routes within the AONB in time for when the contractor was ready to start the work in that area in July, whilst the Lead Member for Public Realm suggested that in addition to this approach any

complaints received in relation to this year's highways grass cutting programme could be analysed in depth in order to identify improvements for next year.

At the conclusion of a detailed discussion on the policy the Committee:-

RESOLVED – *subject to the above observations:-*

(i) *to endorse the Rural Highway Grass Cutting Policy, attached at Appendix 1 to the report, pending the third bullet point in paragraph 3.3 (Biodiversity Areas) of the policy being amended to read as follows – “one swathe or full verge width will be cut in late July/August. Every effort would be made to delay this cut for as long as possible, subject to robust highway safety risk assessments being undertaken”; and*

(ii) *that the contractors' schedule for rural highways grass cutting be added to the weekly Roadworks Bulletin issued to Councillors and published on the Council's intranet.*

9 CEMETERY RULES AND ENFORCEMENT

A copy of a report by the Head of Highways and Environmental Services (HHES) had been circulated with the papers for the meeting.

The Lead Member for Public Realm introducing the report advised that the report was being presented to the Committee to seek Members' endorsement for stricter management and enforcement of cemetery rules across the County's lawned cemeteries and to support the enforcement of the rules where breaches occurred. The Committee's support was also sought for the approach taken to meet the demand from the public for memorial benches and for the proposal to introduce Dog Control Orders in the county's cemeteries. The Lead Member emphasised that Members' support was being sought for the recommended approach due to the sensitive nature of the proposals. It was anticipated that there would be a level of public criticism despite the fact that Members had supported the proposals. The Lead Member and officers advised the committee that:-

- 'lawned cemeteries', which was the type of cemeteries owned and operated by Denbighshire County Council, were governed by the 1999 Cemetery Rules. Under these Rules only monuments, usually set on a plinth were allowed, no other adornments were permitted;
- when individuals purchased 'burial rights' clauses setting out the above were set out in the legal agreement. Understandably, purchasers at such a difficult time in their lives possibly did not read all the 'small print' and therefore there was a growing tendency for adornments or small gardens of remembrance to be placed over graves. This practice, which hindered ground maintenance work at the cemeteries, was particularly prevalent at Coed Bell Cemetery in Prestatyn, but also affected other cemeteries throughout the county;
- whilst individuals and families did purchase 'burial rights' the Council was still responsible for maintaining the 'lawned cemeteries'. With a view to keeping these amenities neat and tidy officers were seeking Members' support to write to owners of burial rights or their families who were not currently abiding with the Council's rules for 'lawned cemeteries' requesting them to remove any

embellishments within six months. The correspondence would stipulate that if they did not conform with this request that the Council would, at the end of the six month period, remove the memorabilia;

- there was an increasing problem with dogs in a number of the county's cemeteries, with dog owners using cemeteries as dog recreational areas. This led to dogs urinating on headstones and dog fouling problems in the cemeteries. It was therefore proposed that later on in the year the Public Protection Department would consult on the introduction of dog control orders, banning all dogs (apart from guide dogs) from Council cemeteries;
- there was an increasing problem of road vehicles entering cemeteries and damaging footways and access to grave areas. Removable bollards placed there as deterrents were being damaged or removed therefore the Council was now proposing to install stronger permanent bollards. Mobility scooters, wheelchairs etc. would still be able to negotiate these bollards and gain access to the cemeteries;
- to meet the increasing demand for memorial benches in cemeteries and therefore avoid an excessive number being provided the Council was now purchasing benches and placing them in cemeteries, this ensured that all benches were of the same standard and quality. Families could however purchase memorial plaques, which the Council would source on their behalf, and have these placed on benches in memory of their loved ones.

Responding to Members' questions the Lead Member and officers advised that:-

- items placed on the area of a grave designated for a plinth would be accepted as long as they were in-keeping with the purpose of the cemetery;
- a reasonable 'period of grace' would be permitted with respect of acceptable memorabilia with a view to respecting the family's 'grieving' period;
- the Council regularly corresponded with funeral directors with respect to its rules relating to 'lawned cemeteries' and did ask them to highlight these rules to families when arranging funerals;
- if following the six month notice period embellishments were still in place on the area of a grave the Council would use its enforcement powers and remove them. If subsequently other memorabilia was placed there these would also be removed, until such time as the rules were complied with.

Members fully supported, what they viewed to be an extremely sensible approach, to all matters detailed in the report relating to the appearance, maintenance and upkeep of the Council's lawned cemeteries and the proposals to stringently enforce the Cemetery Rules. Following an in-depth discussion it was:-

RESOLVED – *subject to the above observations to endorse:*

- the measures being proposed to improve compliance with cemetery rules:-*
- the operational controls that were now in place relating to the use of memorial benches;*
- the need for legally enforceable Dog Control Orders in Council cemeteries, noting that there would be a further consultation on this proposed scheme later in the year; and*

(iv) that, prior to the implementation of the above, correspondence be sent to related parties stating clearly the Council's approach, and that a statement be issued to the press and media detailing the Council's approach and the rationale behind it.

10 DRAFT CARAVAN SITES REGULATORY PROCEDURES

A copy of a report by the Development Manager: Planning and Public Protection had been circulated with the papers for the meeting.

Introducing the report the Lead Member for Public Realm referred to the background to the report and the work that had been undertaken to date with respect of collecting data on the use of caravan sites across the county. He emphasised the importance of this particular project and the potential implications to the Council if people were living on 'holiday' sites all year round i.e. using local services whilst not subject to Council Tax and the Council itself losing out on Revenue Support Grant (RSG) funding as these residents were not included in population figures on which the RSG was based.

The Lead Member and officers advised the Committee that:-

- the draft Caravan Regulatory Procedure, which set out the corporate approach for better regulation of caravan sites, was being presented to Members seeking their agreement to the principles contained within it;
- a lot of engagement had taken place with the British Holiday and Home Park Association (BHHPA) with a view to establishing best practice in the industry and encouraging the industry to effectively manage and regulate itself;
- the BHHPA had recently arranged a joint conference at the Nova in Prestatyn at which planning, licensing, trading standards and business support information was provided to caravans site owners.

Responding to Members' questions the Lead Member and officers:

- confirmed that, whilst the enforcement of regulations relating to caravan sites across the county seemed to be a big undertaking, they were of the view that with the Service's current staffing levels this was possible if the Service concentrated on enforcement action on current and future breaches and breaches which had occurred during the preceding 12 months;
- whilst breaches to planning or licensing conditions which had taken place more than 12 months ago would be identified and the caravan and caravan site owner would be issued with a warning letter advising them of the contravention, officers may decide not to follow-up on these historic cases. However, by law such contraventions could be pursued if they had occurred within a period of up to ten years. A decision would be taken on whether to pursue breaches which had taken place more than twelve months ago based on the circumstances and extent of each individual case, breaches which had occurred within the last twelve months would be pursued as would future breaches;
- alleged breaches of conditions would be investigated from the perspective of both the caravan owner and the caravan site owner/operator;
- the issue of 'lawful residency' would be looked at separately. Residents who were granted a 'Certificate of Residency Lawfulness' would be liable for

Council Tax and have access to certain services. Further enquiries would be required with respect of this aspect;

- clarified that if caravan owners investigated for unlawful occupation of holiday caravans did confirm that they would conform in future with the planning and licensing conditions, that would not affect any action to deal with previous breaches of conditions;
- advised that despite the fact that some council services could be withdrawn from caravan owners who were in breach of planning and licensing conditions by living in caravans on holiday sites, not all services could be withdrawn or refused. Certain key services would by law be required to be provided e.g. education and social care services.

Following detailed consideration and discussion on the draft regulatory procedures the Committee:

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

- (i) to agree to the principles of the Regulatory Procedures as set out in Appendix 1 to the report;*
- (ii) agree that officers of the Planning and Public Protection Service finalise the Procedures and begin to implement them; and*
- (iii) that a report be presented to the Committee in twelve months' time evaluating the Procedures' implementation and identifying any problems or anomalies encountered during their implementation and enforcement.*

11 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 in Appendix 2. The Cabinet Forward Work Programme had been included as Appendix 3, and a table summarising recent Committee resolutions and advising on progress with their implementation, had been attached at Appendix 4.

The Committee considered its draft Forward Work Programme for future meetings, Appendix 1, and the following amendments and additions were agreed:-

30th June, 2016:- Review of the Home to School Transport Policy - The Committee agreed that the findings of the review be examined if the review had been concluded in time.

The Scrutiny Chairs and Vice-Chairs Group had met on the 21st April, 2016 and no items had been referred to the Committee for consideration.

Members were informed by the SC that as Annual Council had been held on the 10th May Scrutiny Committees had been requested to appoint or re-appoint Members to serve on the Council's Service Challenge Groups. Appendix 5

included the current list of Committee representatives. Members were requested to note that some of the service names had changed during the last year.

Members agreed the following appointments to the Council's Service Challenge Groups:-

Councillor A. Sampson be appointed to Children and Family Services.
Councillor C.H. Williams be appointed to Planning and Public Protection, with Councillor W.L. Cowie as a substitute.

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

12 FEEDBACK FROM COMMITTEE REPRESENTATIVES

RESOLVED – *No reports were received.*

Meeting ended at 12.45 p.m.