

## **COMMUNITIES SCRUTINY COMMITTEE**

Minutes of a meeting of the Communities Scrutiny Committee held in Conference Room 1a, County Hall, Ruthin on Thursday, 15 June 2017 at 11.15 am.

### **PRESENT**

Councillors Brian Blakeley, Rachel Flynn, Tina Jones, Glenn Swingler, Andrew Thomas, Graham Timms and Mark Young

Co-opted Members Kathleen Jones and Gareth Williams were in attendance for business item number 6

Observers – Councillors Meirick Lloyd Davies, Huw Jones, Richard Mainon, Melvyn Mile, Julian Thompson-Hill and Emrys Wynne

Cabinet Lead Member – Councillor Huw Hilditch- Roberts attended at the Committee's request.

### **ALSO PRESENT**

Corporate Director: Economic and Community Ambition (RM), Head of Legal, HR and Democratic Services (GW), Head of Education (KIE), Education Planning & Resources Manager (IL), Principal Education Support Manager (GD), Scrutiny Co-ordinator (RE) and Committee Administrator (SJ).

### **POINT OF NOTICE**

The Head of Legal, HR and Democratic Services (also the Council's Monitoring Officer) explained the legislation which determined the chairing arrangements for local authority scrutiny committees. As the Labour Group had already announced that they would not be taking up Cabinet positions and were going to be in 'Opposition' the Group was automatically entitled to chair one of the scrutiny committees, they had opted to chair Partnerships Scrutiny Committee. Confirmation was still awaited on whether the Plaid Cymru Group would take-up their seats on Cabinet, because of this the position was still unclear on which Cabinet groups would be entitled to appoint chairs of scrutiny committees. He therefore advised that the Committee may wish to appoint a chair for the meeting in the absence of an official appointment. Committee members nominated and seconded Councillor Mark Young to chair the meeting. The Committee:

**Resolved:** *that Councillor Mark Young be appointed to chair the meeting.*

#### **1 APOLOGIES**

Apologies for absence were received from Councillors Cheryl Williams

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

Councillor Huw Hilditch- Roberts and Councillor Huw Jones declared a personal interest in item 6 on the agenda- Denbighshire's Learner Transport Policy because they were school governors.

### **3 APPOINTMENT OF VICE-CHAIR**

The appointment of Vice-Chair was been deferred until the meeting of Communities Scrutiny 20 July 2017.

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

There were no urgent matters raised.

### **5 MINUTES**

The minutes of the Committee's meeting held on 23 March 2017 were submitted, there were no matters arising.

**Resolved:** *That the minutes of the meeting held on 23 March 2017 be received and approved as a correct record.*

### **6 DENBIGHSHIRE'S LEARNER TRANSPORT POLICY**

The Lead Member for Children and Young People introduced the report (previously circulated) which presented members with the responses received to the recent public consultation on the proposed new policy. In his introduction the Lead Member informed members of the background to the review of the current policy and the development of the new policy, its journey through scrutiny during the term of the previous Council, and the decision to change its name from the 'Home to School Transport Policy' to the 'Learner Transport Policy' in order to reflect that it encompassed all school transport from ages 4 to post 16..

During the review process it became apparent that the policy's application had far wider implications than just the transportation of pupils to their nearest suitable school. For certain school catchment areas there were community implications, as children who had attended the same primary schools throughout their primary stage education could have been required to attend different secondary schools when the rules of the 'home to school transport policy' were applied. This could potentially affect the well-being of individual pupils at the crucial transition stage of their education. One primary school which had negative experiences as a result of the stringent application of these rules was Ysgol Pantpastynog, Prion, whose pupils had until the policy's strict application generally transferred to Ysgol Glan Clwyd, St. Asaph. Due to the distances from individual pupils' homes to the nearest suitable school some pupils were only deemed to be entitled to qualify for free transport to Ysgol Brynhyfryd, Ruthin. Consequently, this had caused some concern to parents whose children would be expected to attend a different secondary schools to their friends, or even in some cases their siblings. This anomaly highlighted the need to recognise the importance of feeder school relationships within the new policy. Another issue which came to light during the development of, and the consultation on, the new policy was the lack of flexibility within the present 'school cluster' arrangements to permit schools to switch clusters if the secondary school into which they fed was deemed to no longer meet the pupils/parents' expectations. This issue was raised by parents, governors etc. at Ysgol Bro

Cinmeirch. Officers proposed to develop a procedure for schools wanting to amend current cluster arrangements and report back to scrutiny in due course.

Another aspect that had been strengthened under the proposed new policy was the appeals process against the refusal of free school transport. This would now be a two stage process. The first stage would entail officers assessing the appeal, this would be followed by an Appeals Panel which parents/carers would be welcome to attend to present their case.

Responding to members' questions Lead Members present and officers explained the 2 and 3 mile rule criteria to qualify for free school transport to primary and secondary schools respectively. They also explained the term 'hazardous route to school' and the process followed to determine the safety of school routes. School routes would always be re-assessed if a new development was built along a route or changes to traffic flow occurred.

In addition they advised that:

- the proposed new policy had regard to parental preference with respect to the category of education they wanted for their child i.e. transport to the nearest 'suitable' school, based on language and/or faith preference, including transport to cross-border schools if the nearest suitable school was located in another county. Parents have the right to express parental preference; however, the policy explains when free transport would be available in-line with the requirements of The Learner Travel (Wales) Measure 2008;
- the cost of the proposed new Learner Transport Policy was not yet known, this would not be known until the new school transport contracts were let later in the year. There was however an expectation that the cost would increase in order to meet the statutory obligations placed on the Authority by the Learner Travel (Wales) Measure. Once those costs had been fully assessed it would be important that a budget bid was made in line with the funding required to enable the Council to meet its statutory obligations;
- once the policy was approved further work would be required to examine whether school transport routes could be managed more effectively in order to realise maximum value for money;
- the 'nearest suitable school' was assessed from the pupil's home address not from his/her primary school;
- the 'pick-up points' list was not included in the policy itself due to the fact that it was subject to constant updates. An updated list would however be available on the Council's website;
- during the preceding financial year the fact that one school transport operating company had gone into liquidation had exacerbated pressures on the school transport budget by circa £300K;
- Ysgol Morgan Llwyd, Wrexham was recognised as a suitable school for pupils transferring from Welsh medium primary provision in the Llangollen area;
- Pupils residing in Wrexham County Borough Council area were key to ensuring the sustainability of Ysgol Dinas Bran in Llangollen;

- They would include Ysgol Brynhyfryd in the 'other nearest suitable school' category for pupils from Ysgol Carrog and Ysgol Caer Drewyn who wished to access a Category 1 or 2 secondary school;
- Once the policy was approved and implemented it would be important to monitor closely that the discretion element within it was applied fairly and consistently;
- The policy included provision for pupils identified with additional learning needs (ALN) to enable them to access suitable and relevant education services to ensure they developed to their maximum potential. Now that both Education and Children's Services were under the same Head of Service a more holistic assessment of each child/pupil's needs was undertaken;
- The Learner Travel (Wales) Measure 2008 does not accommodate the transport of pupils to and from breakfast or after school clubs. The Policy therefore states how the Council meets its duties to provide transport in accordance with this legislation. The Measure only requires local authorities to provide transport to statutory education, breakfast and after school clubs were non-statutory elements;
- Whilst over 13,000 consultation letters had been issued only 79 responses had been received. Nevertheless officers were satisfied with the responses received, the majority of which were positive. If consultees had been extremely dissatisfied with the proposed new policy it was presumed that they would have made their dissatisfaction known by responding to the consultation;
- the Lead Member for Children and Young People and officers were now satisfied that the proposed policy fully conformed with legislation and met the needs of pupils who were entitled to free school transport in Denbighshire;
- officers regularly liaised with colleagues in bordering authorities regarding the provision of transport for pupils to Denbighshire schools and vice-versa. Discussions also took place on the availability of discretionary transport places for Denbighshire pupils on neighbouring authorities' school buses, however this did not always mean that a mutual agreement could be reached ;
- a number of schools in Denbighshire operated 'cycle to school' and 'walking bus' schemes. Success of such schemes was dependent upon schools being engaged with them and committed to running them. This could be an area where the Council's local Member Area Groups (MAGs) may want to explore further in due course;

Whilst noting that the Well-being Impact Assessment (WIA) stated that the Council was not at present proposing that providers would have to use non-diesel vehicles for school transport purposes Committee members welcomed the statement that the potential to use battery-operated vehicles would be kept under constant review. Councillor Huw Ll Jones advised that he had suggested that pupils from Corwen attending Ysgol Dinas Bran could actually utilise the train from Corwen to Llangollen as a potential mode of transport. Members commended officers on the discretion applied to school transport requests which they had been involved with on constituents' behalf and the sensitive manner in which they had dealt with the individuals concerned.

The Lead Member for Children and Young People informed the Committee that it was his intention following his recent appointment to write to the Welsh Government's (WG) Cabinet Secretary for Education on a number of local and national education related matters, amongst which was the WG's school categorisation process and the unintended detrimental impact it was having on some pupils and communities in the county.

In commending the proposed Denbighshire Learner Travel Policy to the Committee the Lead Member emphasised that this was an example where elected members had listened to parents, carers, teachers, pupils and communities' concerns and modelled the new policy with a view to addressing the majority of those concerns whilst ensuring that it conformed with all legislative duties.

At the conclusion of the discussion members:

**Resolved:**

- (i) ***to confirm that they had read, understood and taken account of the Well-being Impact Assessment (Appendix 5);***
- (ii) ***that Appendix 1 of the draft Policy be amended to include Ysgol Brynhyfryd in the 'other nearest suitable school' column for pupils transferring from Ysgol Carrog and Ysgol Caer Drewyn;***
- (iii) ***that officers develop a procedure by which schools if they wish to move from a particular cluster could engage in a process with the Local Authority to consider their arrangements, and report their findings to the Committee in due course; and***
- (iv) ***subject to the above that Cabinet be recommended to approve the policy for implementation from September 2018 and that its implementation be monitored.***

## **7 SCRUTINY WORK PROGRAMME**

A copy of a report by the Scrutiny Coordinator (SC), 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 SC requested that any proposals be submitted to herself. The Cabinet Forward Work Programme had been included as Appendix 3, information and a table illustrating Service Challenge Groups was included as Appendix 4. The SC informed members that, for each of the 9 Service Challenge group's, a representative from Communities Scrutiny was sought to serve on the groups. In addition a representative was sought to serve on the Strategic Investment Group (SIG). Following discussions the Committee appointed the following:

<b>Service:</b>	<b>Communities</b>
<b>Education and Children's Services</b> – Karen Evans	Cllr. Tina Jones

<b>Community Support Services</b> – Phil Gilroy	Cllr. Rachel Flynn
<b>Legal, HR &amp; Democratic Services</b> – Gary Williams	Cllr. Anton Sampson
<b>Business Improvement &amp; Modernisation</b> – Alan Smith	Cllr. Andrew Thomas
<b>Customers, Communications, &amp; Marketing</b> – Liz Grieve	Cllr. Glenn Swinger
<b>Facilities, Assets &amp; Housing</b> – Jamie Groves	Cllr. Graham Timms
<b>Finance</b> – Richard Weigh	tbc (Cllr. Arwel Roberts or Cllr. Cheryl Williams)
<b>Highways &amp; Environmental Services</b> – Tony Ward	Cllr. Brian Blakeley
<b>Planning &amp; Public Protection</b> – Graham Boase	Cllr. Mark Young

<b>Strategic Investment Group</b>	Cllr. Mark Young
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The Committee considered its draft Forward Work Programme for future meetings, Appendix 1 and made no amendments

***RESOLVED*** that, the Forward Work Programme as set out in Appendix 1 to the report be approved and representation to serve on the 9 Service Groups be delegated and confirmed.

The meeting concluded at 12:45 p.m.