

COMMUNITIES SCRUTINY COMMITTEE

Minutes of a meeting of the Communities Scrutiny Committee held in Council Chamber, County Hall, Ruthin, LL15 1YN on Thursday, 22 March 2018 at 10.00 am.

PRESENT

Councillors Brian Blakeley, Meirick Davies, Rachel Flynn, Tina Jones, Anton Sampson, Glenn Swingler, Andrew Thomas, Graham Timms (Vice-Chair) and Huw Williams (Chair)

Co-opted Members Mike Hall, Kathleen Jones, David Lloyd and Gareth Williams attended for business item 5.

Councillors Huw Hilditch-Roberts, Lead Member for Education, Children and Young People, Brian Jones, Lead Member for Highways, Planning and Sustainable Travel and Tony Thomas, Lead Member for Housing, regulation and the Environment were in attendance at Committee's request.

Observers – Councillors Jeanette Chamberlain-Jones, Barry Mellor, Arwel Roberts, Peter Scott, Rhys Thomas, Emrys Wynne and Mark Young.

ALSO PRESENT

Corporate Director Economy and Public Realm (GB), Head of Highways and Environmental Services (TW), Head of Education and Children Services (KE), Principal Manager - Modernising Education (GD), Planning and Resources Manager (IL), Head of Planning and Public Protection (EJ), Traffic, Parking and Road Safety Manager (MJ) Team Leader - Communications & Campaign Management (GW), Flood Risk Engineer (WH), Scrutiny Coordinator (RE) and Committee Administrator (SJ)

1 APOLOGIES

Apologies for absence were received from Councillors Merfyn Parry and Cheryl Williams

2 DECLARATION OF INTERESTS

Councillors Huw Hilditch-Roberts, Brian Blakeley, Graham Timms, Glenn Swingler, Huw Williams, Meirick Lloyd Davies, Tina Jones, Emrys Wynne, Peter Scott and Anton Sampson declared a personal interest in Agenda item 5 – School Cluster Arrangements as they were all School Governors in local schools.

Co-opted Members Mike Hall and David Lloyd declared a personal interest in Agenda item 5 – School Cluster arrangements as they were School Governors in local schools.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters were raised.

4 MINUTES

The minutes of the meeting of the Communities Scrutiny Committee held on 18 January 2018 were submitted.

RESOLVED that the minutes of the meeting held on 18 January 2018, be received and approved as a correct record.

5 SCHOOL CLUSTER ARRANGEMENTS

The Lead Member for Education, Children and Young People introduced the report (previously circulated) which provided members with feedback on the work undertaken by officers in response to a request by the Committee, in June 2017, that consideration be given to the development of a process to facilitate schools, if they so wished, to request to review their school cluster arrangements. During his introduction the Lead Member advised that the Committee's request had stemmed from consideration of the Council's new Learner Transport Policy, effective from September 2018, and in particular in response to concerns from parents of pupils at Ysgol Pantpastynog, Prion and Ysgol Bro Cinmeirch, Llanrhaeadr on whether, dependent upon their home address, they would be entitled to free school transport to either Ysgol Glan Clwyd or Ysgol Brynhyfryd. During the development of the new Learner Transport Policy it became apparent that school cluster arrangements and the 'feeder school' relationship with the secondary schools was extremely important to pupils, parents/carers and schools alike. Consequently, provision was made within the new Learner Transport Policy to recognise the 'feeder school' relationship and provide discretionary free transport to either the nearest suitable secondary school or the recognised 'feeder' secondary school, providing the learner's address and nearest pick-up point was further than three miles from the secondary school. Ysgol Bro Cinmeirch had particular concerns in relation to parents/carers opting for Welsh-medium faith based education in order to access provision at Ysgol Pantpastynog and consequently transfer to Ysgol Glan Clwyd under the feeder school arrangements if Bro Cinmeirch pupils could not be given discretionary travel to Ysgol Glan Clwyd.

Members were advised by the Head of Education and Children's Services that in order to progress the Committee's request for consideration to be given to the development of a process for primary schools who wished to change their school cluster arrangements a Working Group was established. An overview of the Working Group's remit was attached at Appendix 3 to the report. Each 'secondary school cluster' across the county was invited to appoint two representatives to serve on the Working Group. The cluster representatives appointed constituted a cross-section of school expertise i.e. head teachers, business and finance managers and governors. Local authority representation on the Working Group was made up of members from the School Finance and Passenger Transport teams. The Head of Service informed the Committee that the Working Group at the conclusion of its work had deemed that there was no need to develop a process to enable primary schools to request to change their cluster arrangements. In their view the Council should continue to focus on the School

Modernisation Agenda. This view was similar to that of the Council's Education Service.

In response to members' questions the Lead Member, Head of Service and the Planning and Resources Manager (Education Resources & Support) advised that:

- whilst legislation stipulated that local authorities were required to provide free school transport to pupils who opted to receive Welsh-medium education, provided they attended the nearest suitable school and met the distance criteria, the provision of free school transport to faith-based schools was at the local authority's discretion. However, Denbighshire treated both Welsh-medium and faith-based choices on a par when determining school transport entitlement;
- learner transport legislation stipulated that the amount of time a pupil should be expected to travel in order to receive an education had to be reasonable;
- parental choice was a priority when parents/carers choose a school for their child, the Authority's duty in relation to this extended to the provision of free school transport to the pupil to the nearest suitable school if it exceeded the expected distance for the pupil/parent to make their own arrangements to get to the school;
- whilst one primary school had initially expressed an interest in asking the local authority to develop a process for changing school cluster arrangements once the Working Group was established it became evident that there was no appetite amongst the wider school cluster representation to progress this work further. Officers acknowledged that neither Denbigh nor the Llangollen clusters were fully represented at the Working Group meeting, nevertheless neither cluster had indicated their support for or against developing a process;
- the current school cluster arrangements had been in operation in Denbighshire for a number of years. It was a recognised model for forging and building relationships between primary and secondary schools. The school cluster model had been adopted by the Welsh Government (WG);
- one of the risks identified with developing a process for schools to change their cluster arrangements was the detrimental effect this could potentially have on individual schools' non-delegated budgets if they regularly opted to change their cluster arrangements; and
- if the Committee recommended that a procedure to enable schools to change their school cluster arrangements should be developed parents and other stakeholders would be consulted on the proposed procedure prior to it being submitted to scrutiny for consideration. The development of a procedure would require some significant work and resource on the Council's behalf.

Following an in-depth discussion the Committee:

Resolved: subject to the above observations to determine that –

- (i) the development of a process to enable primary schools to amend their school cluster arrangements was not required as this would work***

- against the co-ordinated approach to the modernisation of Denbighshire's schools;***
- (ii) the implementation of the new Learner Transport Policy 2017 be monitored, in line with the original resolution of the Committee on the 15th June 2017, and that the review also monitor the concerns of Ysgol Bro Cinmeirch; and***
- (iii) the Authority respond to the Headteacher and Governing body of Ysgol Bro Cinmeirch outlining the Committee's resolution.***

6 SEAGULL MANAGEMENT UPDATE REPORT

The Lead Member for Housing, Regulation and the Environment introduced the Head of Planning and Public Protection's report and associated appendices (previously circulated) the purpose of which was to update members on the progress made to date in implementing the Seagull Management Action Plan and proposed future actions to mitigate the nuisance caused by seagulls in the county.

Members were advised by the Head of Planning and Public Protection that the Action Plan, Appendix 3 to the report, was a Council-wide plan with actions allocated to a number of services to take forward and implement. The priority at present was delivering the public awareness campaign, outlined in Appendix 4, and working with food businesses to reduce the availability of food waste which enticed seagulls. Currently the focus was on educating the public and persuading residents, visitors and businesses to work with the Council in a bid to reduce the nuisance and destruction caused by seagulls.

The Council's Team Leader: Communications and Campaign Management outlined the actions and initiatives underway as part of the public awareness campaign, which had been approved in February 2018. These included:

- social media campaign which would include awareness raising videos;
- contacting city, town and community councils to seek their support for the work and to encourage them to support the Council's work by sharing information with residents and ensuring that streets and public areas were kept clean and tidy;
- encouraging businesses, residents and visitors to dispose of any food waste responsibly and in a secure manner;
- contacting schools with a view to educating children about the nuisance caused by seagulls and other animals and of the need to safely dispose of food waste and other rubbish. It was envisaged that this approach would be useful for communicating the same messages to parents etc. as they were likely to listen to their children's views on matters;
- through the Education Service's Enrichment Programme to run a poster designing competition with the winning entry being used for the Council's awareness campaign

Councillor Anton Sampson shared with the Committee photographs of a poster used by Great Yarmouth Borough Council in a bid encourage people to dispose of food waste etc. responsibly, whilst Councillor Brian Blakeley shared a number of complaints and comments he had received from residents.

Responding to members' questions the Lead Member, Corporate Director: Economic and Community Ambition, Head of Service, and Team Leader: Communications and Campaign Management confirmed that:

- food waste was the main cause of concern as it attracted the seagulls. If access to food waste could be reduced it was anticipated that the problems caused by the seagulls would diminish;
- duty of care inspections on businesses to ensure that they had commercial waste disposal contracts and were using pest-proof containers for food waste were currently underway. Similar checks were being undertaken on food outlets during routine food hygiene inspections. Consideration was currently being given to whether to include securing food waste as one of the compliance areas for food hygiene inspections;
- street cleaning work was being undertaken on a regular basis in coastal towns with a view to reducing the amount of litter and keeping the streets and street furniture clean and tidy;
- whilst falconry had been used successfully as a deterrent in recent years to scare away the seagulls, its effects were short-term and once the birds of prey were withdrawn the seagulls returned. Using falconry was also quite expensive and therefore not sustainable in the long-term;
- the Council intended to lobby the WG, Welsh Local Government Association (WLGA) and National Resources Wales (NRW) with a view to having a national or regional cross-organisational campaign on seagull management and risk mitigation, and to better understand the gulls behaviour pattern with a view to predicting their evolving feeding patterns;
- discussions were underway with the Council's Legal Department on the viability of introducing bylaws or Public Space Protection Orders (PSPOs) in relation to preventing the feeding of gulls. However, before such measures could be considered the Service would need to provide evidence in relation to the actual number of complaints received by the Council pertaining to people feeding gulls. At present the number of actual complaints received by the Council was extremely low, although officers were well aware of the anecdotal complaints relating to the feeding of gulls and the problems it caused. The viability of introducing a bylaw or a PSPOs would be reviewed again in 12 months' time. In the meantime residents and visitors would need to be made aware of the importance of reporting any 'gull-related' incidents to the Council's Customer Services Centre;
- the Council did have powers under the Anti-Social Behaviour, Crime and Policing Act 2014 to serve Community Protection Notices on individuals who were found to be excessively feeding birds. However, this power was rarely used. The Council's initial approach would be to write to the individual concerned to advise them that complaints had been received about their behaviour and its impact on others. It was felt that utilising a non-adversarial, persuasive approach was more effective in the majority of cases;
- the use of bin bags in certain areas further compounded the problems caused by seagulls as they enticed them and could be ripped open easily by them. Unfortunately there were properties and areas in the county which could only be issued with bags rather than wheelie bins and secure food caddies due to access problems for the waste collection service. The Head of Planning and Public Protection undertook to discuss with the Head of

Highways and Environmental Services whether other more secure 'waste disposal' options were now available that could be issued to these properties and whether clips could be fitted on to current wheelie bins to secure their contents in adverse weather conditions or to stop seagulls and other vermin opening them;

- that they were not aware of any lobbying of the UK Government with a view to lifting the legal protection given to 'seagulls';
- the use of cartoon/picture posters for the purpose of raising public awareness was acknowledged as an effective method for engaging with people and educating them to consider changing their habits;
- they were aware of the problem caused by seagulls at Ysgol y Castell, Rhuddlan and the cost of introducing measures to address the problem. As far as they were aware this was an isolated incident, but they offered to enquire with the Council's Buildings Maintenance Service on who would be liable to pay for risk reduction work on school buildings;
- hotels, caravan and holiday parks would be included in the awareness raising work undertaken by the Communications and Marketing Team; and
- the work to raise public awareness was key if the Council was to be successful in reducing the nuisance caused by seagulls in the county. Any ambitions the Authority had in relation to increasing tourist footfall through seeing open air restaurants etc. flourish would be dependent on a large reduction in the number of seagulls in the county;

It was also suggested during the discussion that it may be worthwhile to contact Betsi Cadwaladr University Health Board (BCUHB) to enquire if they held statistics on the number of individuals who had attended the Emergency Departments or Minor Injuries Units at local hospitals with injuries or complaints caused by seagulls. At the conclusion of the discussion the Committee:

Resolved: - subject to the above observations -

- (i) to instruct the Lead Member and officers to contact the Welsh Government, Welsh Local Government Association and National Resources Wales to seek their commitment to work with the Council for the purpose of effectively managing and mitigating the risks and nuisance caused by seagulls;***
- (ii) that the public awareness campaign include the production of posters and stickers etc. to be placed in food outlets and on waste containers/bins asking people to safely and securely dispose of their food waste;***
- (iii) if appropriate, that officers utilise the powers to serve Community Protection Notices in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014, to individuals who excessively feed birds and have a detrimental impact on other residents; and***
- (iv) that a report be presented to the Committee in twelve months' time on the progress made in developing and delivering the Seagull Management Action Plan and the associated Public Awareness Campaign***

7 CAR PARKS IN DENBIGHSHIRE

The Lead Member for Highways, Planning and Sustainable Travel introduced the Traffic, Parking and Road Safety Manager's report (previously circulated) the purpose of which was to update the Committee on the progress made with the implementation of the Car Park Asset Management Register and Investment Programme. Also included in the report were details of the progress made by the Car Park Task and Finish Group in developing measures to improve the visitor experience for car park users. Members were given an overview of various elements of the work undertaken to date as part of the development of the Asset Management Register and proposed Investment Programme (outlined in Appendix B to the report) and on the interventions identified by the Task and Finish Group by the Traffic, Parking and Road Safety Manager.

Responding to the Committee's questions the Lead Member, Corporate Director: Economic and Community Ambition and the Traffic, Parking and Road Safety Manager advised that:

- they were satisfied with the progress made in developing various aspects of the work that required to be undertaken. Undertaking the car park surveys had taken some considerable time, but the majority of the planning work had now been completed. Officers had visited each Member Area Group (MAG) to brief them on the proposals and seek their support for the plans;
- it was anticipated that the improvement programme in its entirety would take five years to complete. Implementation was at an early stage with only approximately 12 new pay and display machines installed to date. The cost of this work was being met from within the Car Parking Service's budget;
- the investment programme required further budget profiling prior to being developed into a Business Case for submission to the Council's Strategic Investment Group (SIG) for approval;
- a phased approach would be taken for undertaking the work. During the first two years present pay and display machines would be replaced with machines that would accept card payments and produce better data profiles of each car parks usage. Signage would be improved in car parks during the early stages of the plan's implementation as this would help improve the visitor experience by providing clear information on whether they were short or long stay car parks/areas of car parks. More cosmetic improvements i.e. lighting and landscaping would be upgraded during the latter stages of the investment plan's implementation;
- further work was required in order to impact assess some of the interventions put forward by the Car Park Task and Finish Group i.e. transferable pay and display tickets between long stay car parks across the county, paperless parking permits etc.;
- the investment plan constituted an investment in excess of £1.3m over a five year period in 44 of the county's Council owned car parks. Whilst the plan was fluid, work would be undertaken following a prioritisation exercise;
- the Council's contract for pay and display machines that accepted payment by telephone calls would run for another two years. However, this facility was not widely used therefore the pay and display machines may be replaced with machines providing different functions when the contract expired;

- the refurbishment works to be carried out on the underground car park in Rhyl would not form part of this investment plan. The business case for that work had been approved by both SIG and Cabinet recently;
- the five year Car Park Investment Programme was aimed at maintenance and upgrading work on current Council owned car parks, any proposed plans to change car parking facilities or increase car parking capacity in any areas of the county would require to be based on a separate business case which would need the approval of SIG ;
- Denbighshire had opted to replace its pay and display machines with newer models from Parkeon. Parkeon was widely acknowledged as a reliable supplier of pay and display machines with a large number of local authorities opting to install their machines. Whilst Denbighshire County Council had chosen to continue to use them Conwy County Borough Council used a different supplier. The purchasing of new pay and display machines was undertaken in line with the Council's Contract Procedure Rules (CPRs) and national procurement rules. By adhering to these rules and procedures the Council benefited from economies of scale pricing for goods;
- consultation on the proposals in the Investment Programme had been undertaken with the 6 MAG groups; city, town and community councils had not been consulted on the proposals;
- paperless permits would entail Civil Enforcement Officers either scanning or manually inputting car number plates using hand held devices to verify that a permit had been purchased for that particular vehicle;
- further work was required in relation to the type of electronic system that would be required to enable car park users to purchase flexible parking permits and on payment methods for such permits;
- there had been a drop in car park income during the current year. The potential for a further income drop in the future would be considered when determining the amount of prudential borrowing required to fund the improvements, so as to minimise the risk of creating a future budget pressure.
- civil enforcement work relating to car parks in the county was set up to be cost neutral.

Prior to the conclusion of the discussion Councillor Arwel Roberts appealed to the Traffic, Parking and Road Safety Manager for his assistance to resolve a matter in Rhuddlan relating to the transfer of a car park to the ownership of the county council. The Committee:

Resolved: - subject to the above observations –

- (i) to support the continuation of the work to implement the Car Park Asset Management Register, Investment Programme and the work of the Car Park Task and Finish Group; and***
- (ii) that a further report be presented to the Committee in twelve months' time on the progress made in developing, implementing and delivering all elements of the Register, Investment Programme and the initiatives identified by the Car Park Task and Finish Group***

8 INVESTIGATION INTO THE 19 JULY 2017 FLOODS

The Lead Member for Highways, Planning and Sustainable Travel introduced the Flood Risk Manager's report (previously circulated) which presented the Committee with the findings of the investigation into the 19th July 2017 floods in the north of the county. Attached to the report was a copy of the final report produced in accordance with Section 19 of the Flood and Water Management Act 2010. Under the Act's provisions the Council was required to investigate, prepare and publish this report in response to incidents of flooding within its geographical boundaries.

The Flood Risk Manager outlined the Council's duties with respect of investigating the floods that occurred and advised that the amount of rainfall that fell in the northern part of the county on 19th July 2017 equated to a 1 in 50 year event. He proceeded to outline the process undertaken to investigate the cause and extent of the floods and advised that, due to the large geographical area affected, it had taken some considerable time to collate and analyse all the evidence and information gathered. The investigation had concluded that the cause of the flood was a pluvial event due to an excessive volume of surface water being unable to enter the drainage and sewage systems at a fast enough rate to enable it to drain away. The volume of rainfall that day exceeded the amount of capacity within the local drainage and sewage systems to continually flow. This lack of capacity was further exacerbated by blockages in pipes and problems encountered in pumping stations, both of which were the responsibility of Dŵr Cymru Welsh Water (DCWW). The Flood Risk Manager emphasised that both DCWW and Natural Resources Wales (NRW) had worked closely with the Council when undertaking the flood investigation work and the Lead Member informed the Committee that the officer had forged a good working relationship with both organisations, both of whom had accepted that all partners had responsibilities in relation to flood risk management in this area.

Members from the Rhyl area detailed a number of long-standing flood related problems in the Rhyl area including the camber of the road in Ffordd Derwen, water flowing off Ysgol Dewi Sant's playing fields, fly tipping on Network Rail owned land and problems with drains and soakaways in its ownership, problems on Ffordd Elan and the new Rhyl Rugby Club pitch. The Head of Highways and Environmental Services and the Flood Risk Manager advised members that the cause of a number of these problems were very complex. Due to the complexities involved the Council had been able to secure funding from the WG to undertake an in-depth study into the type of work that would be required to improve the situation. Nevertheless, no one could give an absolute guarantee that such an event would never happen again, all that could be done was to reduce the risks of flooding in future. The results of the drainage study at Ffordd Derwen, Rhyl was expected in September 2018. Similarly the results of the collaborative work with DCWW and NRW to investigate whether improvements could be made to the management of the Rhyl Cut and Prestatyn Gutter as well as adjacent drains and sewers was expected around the same time.

Responding to members' questions officers advised that:

- DCWW was undertaking a study in the Bro Berllan area of Rhuddlan with a view to understanding the extent of the flood and drainage problems there;

- Council-owned gulleys were emptied on at least an annual basis, with those known to cause problems being emptied on a more regular basis. If members became aware of gulleys that could potentially increase the risk of flooding or which required emptying they should contact the Customer Service Centre to report the matter;
- the Council took incidents of fly-tipping very seriously and made every effort to work with the perpetrators to educate them on the problems caused by them and the associated costs;
- whilst proposals for the provision of separate sewers for sewage and surface water were put forward when water companies were privatised and DCWW had been developing plans to introduce these for some time, Council officers were not aware that any such schemes had been implemented in Denbighshire to date;
- with regards to the maintenance of ditches and river banks whilst NRW had powers to carry out this type of work it was not a duty of the NRW to undertake the work, usually it was deemed to be the responsibility of the riparian landowner to undertake the maintenance work; and
- staff from the Highways and Environmental Services worked closely with Education Service staff to mitigate the risks to schools and pupils from flooding and other adverse weather events.

The Committee at the conclusion of the discussion:

Resolved: - subject to the above observations to

- (i) request that officers to report on the findings of the Welsh Government grant funded drainage study at Ffordd Derwen, Rhyl to the Rhyl Member Area Group following the publication of the report in the autumn of 2018;***
- (ii) request officers to attend meetings of the Elwy, Prestatyn and Rhyl Member Area Groups to discuss local flood risk related matters; and***
- (iii) request that the findings of the study undertaken in conjunction with Dŵr Cymru Welsh Water and Natural Resources Wales into whether improvements could be made to the management of the Rhyl Cut and Prestatyn Gutter, adjacent drains and sewers, be presented to the Committee when completed, and that representatives from both organisations be invited to the meeting to discuss the findings and to outline each organisation's responsibilities in relation to flood management and flood mitigation.***

9 SCRUTINY WORK PROGRAMME

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

Discussion focused on the following –

- the three items on the work programme for the Committee's next meeting were re-affirmed and it was agreed to invite the relevant Lead Cabinet Members to that meeting;

- members noted that the Scrutiny Chairs and Vice Chairs Group had met to consider a number of potential items for scrutiny, which had been included on the Committee's work programme;
- members were encouraged to complete the Scrutiny questionnaire which had been circulated, to evaluate the effectiveness of Scrutiny;
- the Scrutiny Coordinator explained to members that a change in membership of Communities Scrutiny Committee had created a vacancy on the Finance Service Challenge Group. Appointment of a member was sought to represent the Committee, Councillor Timms nominated the Chair Councillor Huw Williams to represent Scrutiny. The Committee were all in agreement with the appointment.
- reference was made to the Committee's information brief which included an update on actions from the last meeting together with further information as requested

It was:

Resolved: - subject to the above to confirm the Committee's forward work programme

10 FEEDBACK FROM COMMITTEE REPRESENTATIVES

Committee representatives reported upon their attendance at meetings as follows –

Councillor Graham Timms had attended the Service Challenge for Facilities, Assets and Housing and noted that an update report had been included in the information update brief.

The meeting concluded at 13.15 p.m.