

COMMUNITIES SCRUTINY COMMITTEE

Minutes of the Communities Scrutiny Committee held in Conference Room 1a, County Hall, Ruthin on Monday, 16th July, 2012 at 9.30 a.m.

PRESENT

Councillors H. Hilditch-Roberts (Chair), J.M. Davies, P.A. Evans, C. Guy-Davies, T.R. Hughes, W. Mullen-James, R.M. Murray, J.S. Welch, C.L. Williams, C.H. Williams and H.O. Williams and Co-opted Members G. Greenland, D. Houghton and Dr D. Marjoram.

Councillors B. Blakeley, J. Butterfield, C. Hughes, P.M. Jones, G.M. Kensler, M. McCarrol, B. Mellor, D Simmons and W.N. Tasker attended as Observers.

ALSO PRESENT

Corporate Director: Learning and Communities (HW), Head of Business Planning and Performance (AS), Head of Adult and Business Services (PG), Head of School Improvement and Inclusion (KE), Head of Planning and Regulatory Services (GB), Lifelong Learning Finance Manager (CW), Business Planning and Performance (EP), Planning Officer: Renewable Energy Schemes (DS), Development Control Manager (PM), Scrutiny Coordinator (RE) and Administrative Officer (CW).

1 APOLOGIES

None.

2 DECLARATIONS OF INTEREST

No personal or prejudicial interest were declared.

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.

In response to concerns raised by the Co-opted Members of the Committee that they had not received the papers relating to business item 5 on the agenda which was a Part II item, the Scrutiny Coordinator confirmed that the Co-opted Members names had been included on the agenda as voting Members of the Committee and she would look into the matter. Councillor W. Mullen-James explained she had not received any papers for the meeting. At this point the Committee was adjourned for 15 minutes to enable Members to read the relevant papers.

4 MINUTES

The Minutes of a meeting of the Communities Scrutiny Committee held on Thursday, 14th June, 2012 were submitted.

Matters arising:-

9. Effectiveness of Enforcement Action – Dog Fouling – In response to a question from Councillor T.R. Hughes, the Corporate Director: Learning and Communities explained that he would be meeting with the Head of Environment and the Head of Planning, Regeneration and Regulatory Services the following day and would be discussing with them arrangements for the workshop for all Councillors and relevant Heads of Service to discuss adopting and progressing a corporate approach to dealing with the problem of dog fouling in the County.

RESOLVED – *that, subject to the above, the Minutes be received and approved as a correct record.*

EXCLUSION OF PRESS AND PUBLIC

RESOLVED – *that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 14 & 15 of Part 4 of Schedule 12A of the Local Government Act 1972.*

PART II

5 ALLOCATION OF ADDITIONAL RESOURCES TO SPECIAL EDUCATION NEEDS (SEN) IN PRIMARY SCHOOLS

A copy of a report by the Education Finance Manager, which detailed the progress made in reviewing the allocation of additional resources to Special Education Needs (SEN) in Primary Schools, had been circulated with the papers for the meeting.

The Head of School Improvement and Inclusion outlined the report which detailed the background and progress made in reviewing the allocation of additional resources to Special Educational Needs (SEN) in Primary Schools, and the progress made in identifying options for the future funding of SEN in Primary Schools. The report submitted to the Committee in December 2011, which outlined plans for a process of allocating resources to schools for SEN, had been included as Appendix 1 to the report.

It was explained by the Head of School Improvement and Inclusion that significant progress had been made and the plans were currently out for consultation as detailed in the consultation paper included at Appendix 2. An outline of the work being undertaken in respect of the management of Employment Contract Changes for 1 to 1 SEN Support in Schools was provided and this included the consultation process, actions required and suggested timescales. It was confirmed that the new funding model would re-align existing resources to make more efficient and effective

use of the current SEN budget and the current level of overspend would be negated by the new monitoring process. Funding would be transparent and equitable and any savings made against the budget would be returned to the school delegated budget with any increase in the total cost being allocated from the delegated budget.

Dr D. Marjoram highlighted the importance of 1 to 1 support for children with special needs and expressed her support for the proposals and referred to the advantages to be gained and achieved. Members outlined the advantages of the system which enabled support workers to transfer with the child if necessary and the need to monitor and evaluate the process, through the scrutiny process, to assess the benefits of the system.

In response to questions the Head of School Improvement and Inclusion explained that contracts would be managed in-house and details of the financial management process and criteria for resource allocation were outlined for the Committee. Reference was made to the significance of the composition of the Moderation Panel, its monitoring role, the appointment of an independent Chair - the only such Panel in Wales to have an independent chair, and Members were informed that there was regular consultation and liaison with the Health Authority, although Health did have a separate commissioning panel. Details pertaining to the provision of training for support assistants and Panel Members were outlined for the Committee. The Education Finance Manager provided details of the administration process, particular reference being made to the financial aspects, in respect of funding mechanisms for Secondary and Primary Schools.

It was explained that there was a risk regarding individual schools' view of Panel decisions and the definition of suitable levels of support to be provided to pupils. However, this should be minimised by the robust criteria applied by the Moderation Panel and the independence of the Panel Members appointed. The Panel would have to ensure that funding was used to improve and impact on the outcomes for children with SEN.

Following further discussion, it was:-

RESOLVED – *to receive the report and note the progress and impact the revised process would have on the effective use of SEN funding in schools.*

PART I

6 REVIEW OF DAY SERVICES IN THE NORTH OF THE COUNTY

A copy of a report by the Head of Adult and Business Services, which provided an update on the review of Day Services in the North of the County and advised on a preferred option for future delivery of services for formal consultation, had been circulated with the papers for the meeting.

The Head of Adult and Business Services explained that as part of the modernisation of social services there was a need to review the provision of stand-alone day services for older people, Hafan Deg in Rhyl and Llys Nant in Prestatyn, to ensure that the service offered was consistent with the policy of reablement.

Detailed descriptions of the centres was provided for Members. A review of the services had been commissioned in July, 2011 and the recommendations made were summarised in the report. Due to measures already implemented the savings requirement had now been reduced to £60,000, to be achieved from the proposals outlined for 2013/14.

The principles in the report were outlined and the Head of Adult and Business Services highlighted the necessity to make changes to meet the future needs of the most vulnerable people in the County. He acknowledged the need for the provision of day care services in Rhyl, Prestatyn and other areas, and that the accessibility of the premises used was of paramount importance.

In reply to a question regarding the distinction between short term intervention and long term care, it was explained that the NHS and Community Care Act 1990 placed a duty on Local Authorities to assess social care needs. The National Assistance Act 1948 and Chronically Sick and Disabled Act 1970 provided for the provision of services to meet any eligible needs. This could be achieved through third party arrangements as currently exist with domiciliary care and residential services.

Members raised the following points in supporting the retention of the respective Centres:-

- The importance of ensuring Local Member involvement at every stage of the consultation process was highlighted. Concern was expressed that the withdrawal of the subsidy for fees had excluded a significant number of potential service users from the consultation process which could subsequently impact on the consultation feedback, and that the provision of services through the private sector would not meet the standards currently provided. The increase in fees also deterred users from utilising the facilities which provided the impression the services were not required.
- Concerns were also raised that some carers were now paying for day care for loved ones from their own carers allowances.
- Reference was made to the excellent staff and facilities currently available, the possible loss of jobs if privatised, the importance of community spirit and the companionship that these establishments offered, and the need for the Authority to continue the provision of high level services.
- In considering the Options, Councillor J. Butterfield felt that it would be important to take into account the under spend of £713k within the Directorate. She explained that it would be important to retain the services within the respective Centres which had been purpose built. It was also felt that the imminent announcements regarding the NHS Service Reviews would not have an impact in respect of the provision of this service.
- The assessment and consultation processes, particular reference to issues pertaining to fees, were questioned
- Concerns were expressed that the number of day care places available in Prestatyn had reduced considerably following the closure of Llys Nant
- Concerns were raised by Councillor D. Simmons regarding

The Head of Adult and Business Services referred to the following key issues in responding to Members:-

- Local Members had been involved in the consultation process and been invited to attend the Focus Group meetings
- Fees and charges had been agreed by Cabinet with a maximum charge of £50 per week levied for home care services, as per Welsh Government (WG) guidelines, which could be waived if the service user could not afford the specified charge. It was confirmed that the Authority would be required to meet any needs identified regardless of any costs.
- Consultation would encompass the wider community, including service users, potential service users and staff, and an Equality Impact Assessment would be undertaken.
- Details were provided of the consultation undertaken as part of the review with, staff, users and carers at the 2 Centres.

During the ensuing discussion the Committee agreed that a Consultation Plan should be adopted which had to be clear, precise, transparent and involve Local Members at every stage. Members also agreed that the Consultation Plan should identify all interested stakeholders and that the consultation results should be reported back to the Committee in due course. Members

RESOLVED:-

- (a) that the report be received.*
- (b) the preferred option be endorsed for formal consultation with all relevant stakeholders;*
- (c) that Local Members be included in the consultation process at every stage, and*
- (d) that the results of the consultation exercise be submitted to the Committee at its October meeting.*

7 MAJOR INFRASTRUCTURE PROJECTS: RESOURCE ALLOCATION AND COMMUNITY ENGAGEMENT

A copy of a report by the Planning Officer: Renewable Energy Schemes, which sought guidance on the resource commitment and level of community engagement to major infrastructure projects, had been circulated with the papers for the meeting.

Major infrastructure projects were large scale development proposals requiring a consent known as 'development consent' under procedures governed by the Planning Act 2008 (as amended by the Localism Act 2011). Developers wishing to build major infrastructure projects were required to apply for planning permission to the Planning Inspectorate and Local Authorities were statutory consultees. A Report setting out the planning context for major infrastructure projects had been considered by the Planning Committee in May, 2012, and Appendices 1 and 2 to the report included details of the Local Authority's role in the planning process. The financial and resource implications and potential impact/risks associated with each option had been included in Appendix 3, and indicative external costs to respond to major infrastructure projects included in Appendix 4. There was no statutory obligation on the Local Authority to participate in the process of assessment of such schemes. However, as some major infrastructure projects had a significant social, economic and environmental impact on the County and local communities, a collective

response was provided to the Inspectorate and the Council participated, to some degree, in the process. Member input was being sought on the level of resource allocation and the extent of community engagement which should be assigned to major infrastructure projects in future, particularly bearing in mind the Authority aspiration of becoming closer to the community.

Officers summarised the main points in the report which covered resource allocation, the options available to the Council in terms of how it responded to major infrastructure projects and in terms of community engagement in respect of such major projects. Local Authorities were statutory consultees on major infrastructure projects and had an important role to play if they chose to engage with the process. However, there was no planning fee associated with such schemes to cover the respective costs.

The report summarised the key requirements within the process and it was stressed that applications included complex, lengthy documents which required a significant amount of time to assess prior to the formulation of a consultation response. Consultation timescales were set out in statute and would therefore need to be conformed with.

Councillor J.S. Welch explained that residents in his ward had been unaware of recent proposals being put forward in that particular area, and he suggested that the Local Authority adopting a more proactive role would increase awareness locally. He also referred to the affect proposals in various parts of the county could have on communities along A5 with regard to traffic related issues. Councillor C.H. Williams felt that the Authority had a duty to ensure that there was no adverse impact on the residents of the County, whatever the scale of the proposed development. The Head of Planning and Regulatory Services confirmed that in the event of a reduction in numbers, taking it below the given threshold, the application would then be submitted to the Local Planning Authority (LPA). The LPA would then be eligible to receive the respective fee for the application and be better resourced to deal with it.

In response to a question from Councillor J.M. Davies regarding funding and financial implications of each of the options presented, the Head of Planning and Regulatory Services referred to the Chief Finance Officer's Statement with regard to resource and financial implications and the process for bidding for additional internal resources. Councillor H.O. Williams referred to the visual impact of structures, such as windfarms, on communities outside the application area and stressed the importance of including these communities in the consultation process.

The Planning Officer: Renewable Energy Schemes felt that the Authority should engage in the process. However, it would be important to be realistic about what the Council would be capable of delivering and for this reason Option B, which could be dealt with using the existing resources available was being recommended to members. She provided details of the consultation process to date and confirmed that there was no reference in the Planning Act to the undertaking of community engagement. The Development Control Manager outlined the potential risk to the Authority if it was decided to extend its involvement beyond its statutory role in the consultation process, and stated that it would be important that the Authority was viewed as a consultee within the process whilst supporting the local community.

With the Chair's consent members of the public in attendance at the meeting raised and outlined the following points and issues pertaining to a number of current or potential major infrastructure applications:-

- local authority involvement would be important because of the significant impact on the whole of the County, reference being made to the tourism industry, local forests and in particular to water supplies in the locality
- a representative from 'Stop the Exploitation of Mynydd Mynyllod' (STEMM), suggested that the consultation process with respect to that particular development was being carefully controlled by the applicants. He questioned the impartiality of the consultation process, particular reference being made to maps circulated which excluded any reference to the communities affected within the Application area
- Visual impact assessments had been denied.

The Planning Officer: Renewable Energy Schemes responded to questions and concerns raised with regard to funding matters for different projects, particular reference being made to the criteria for funding from the Welsh Government and the reasons why funding was available for the Clocaenog Scheme but not for the Mynydd Mynyllod Scheme.

The Head of Planning and Regulatory Services made reference to the statutory process for consultation within the new legislation and outlined the possible financial implications and budgetary pressures on the Council in terms of the Options available.

Following further discussion and taking into consideration the views expressed at the meeting, the Committee agreed to recommend the following for:-

Resource allocation - OPTION 3: that the Council utilises existing internal resources and allocates a budget from central funds to ensure that sufficient additional internal and external resources can be dedicated to respond to major infrastructure projects.

Community engagement - Option C: which encompassed Option B plus in addition that the Council dedicate additional internal resources to pro-actively support third party organisations and help local communities understand, engage and respond to major infrastructure projects.

In response to members' requests officers agreed to draw-up a consultation communication strategy to deal with large infrastructure project planning applications and agreed to circulate the draft scheme to Committee members ahead of the Committee's next meeting.

Following further discussion, the Committee:-

RESOLVED – to recommend:-

- (a) *that the Council complies with the provisions set out in the Planning Act 2008 and dedicates sufficient resources to ensure the Council can fully respond to major infrastructure projects and therefore recommends that Resource Allocation Option 3 is adopted for this purpose, and*
- (b) *that the Council dedicates additional internal resources to pro-actively support third party organisations and help local communities understand, engage and respond to major infrastructure projects and recommends Community Engagement Option C for this purpose.*

8 ALLOCATION OF THE MEMBER AREA FUND

A copy of a report by the Community Engagement Manager, which provided an overview on the funding allocated to enable Member Area Groups to support priority projects in their areas and review its success, had been circulated with the papers for the meeting.

In March, 2012 the Committee received a report on the allocation of £50,000 to each of the six Member Area Groups (MAGs) with details of the criteria for its allocation and how it should be utilised for the benefit of the communities. As many of the projects had not then been completed it was agreed a further report be submitted with an analysis of the benefits accrued. The Head of Business Planning and Performance summarised the report which included details of the background to the allocation of the money, distribution of the funds, review of the process, benefits accrued and lessons learnt from the process and details of the recommendations for future distribution of funds. Accompanying the guidance note, which explained the principles behind the allocation process and the likely timetable for distribution, was a project proposal form (Appendix 1). A copy of the 'Overview of Spend to Date' document, detailing each individual project, had been circulated in the Information Papers for the meeting.

Councillor J.M. Davies explained that it would be easier in Towns, where there were Town Plans, to work towards and achieve identified projects and schemes, where as in rural areas issues relating to geographical boundaries and other outside influences could complicate the allocation of funding. Councillor C.H. Williams endorsed the view expressed and highlighted the problems experienced in distributing funding for schemes in rural areas and made particular reference to the allocation of funding between the respective towns villages in the Dee Valley area.

A number of Members expressed concern regarding the distribution and allocation of funding in certain areas of the county, particular reference being made to the allocation of funding to subsidise car parking in Ruthin, which it was claimed had contravened agreed Council Policy in respect of car parking charges.

Reference was made to the surrounding villages becoming a focal part of the Town Plans and the importance of encompassing the needs of the rural communities in the Town Plans. It was highlighted that there was a need to recognise that different areas within the county had varying needs, priorities and requirements. It was important to ensure that the Town Plans reflected local as well as county priorities and were therefore live working documents which could be amended at any time.

Members supported the view that the allocation of similar community funding in future be linked to the development of the Town Plans.

The Head of Business Planning and Performance explained that assigning funds to support Town Plans, particularly in areas where regeneration was a priority, would be important. The Corporate Director: Learning and Communities endorsed the view that following the development of the Town Plans the allocation of funding could be managed more strategically in future and that consultation on any future projects should be as inclusive as possible. Following further discussion, it was:-

RESOLVED – *that the Committee:-*

- (a) receive the report and note the one-off allocation of funds with no commitment that the process would be repeated;*
- (b) recommends that any suggested future scheme(s) must be submitted to a MAG meeting and be fully endorsed at that meeting rather than be devolved to individual Ward Members,*
- (c) agrees that all future schemes be aligned to and support the delivery of the Town Plans/Rhyl Going Forward or rural projects agreed by the MAG; and*
- (d) that all future schemes take into account the distinctive and diverse needs of different communities across the County*

9 SCRUTINY WORK PROGRAMME

A copy of a report by the Scrutiny Coordinator, which reviewed the draft Forward Work Programme (FWP) for the Committee and provided an update on relevant issues, had been circulated with the papers for the meeting.

The Scrutiny Coordinator informed Members that responses to issues raised at the previous meeting had been included in the Information Brief circulated ahead of the meeting. The Cabinet's Forward Work Programme had been included as Appendix 2 to the report, and a table summarising recent Committee resolutions and advising of progress with their implementation had been included at Appendix 3.

At its meeting on the 5th July, 2012 the Scrutiny Chairs and Vice-Chairs Group had considered the work programmes of the three scrutiny committees in conjunction with those of Cabinet and the Corporate Governance Committee. It considered and agreed that an item related to the establishment of service standards for consultation and community engagement with respect to the planning process be included in the FWP for the October 2012 meeting of the Committee.

Following the appointment of Committee representatives on Council Groups and Boards at the last meeting one vacancy still existed for a representative on the Service Performance Challenge Groups. The Committee agreed that Councillor C.L. Williams be appointed to serve on the Business Planning and Performance Service Challenge Group. A copy of the latest list of scrutiny representatives on the Service Performance Challenge Groups had been included as Appendix 4 to the report.

The Scrutiny Coordinator explained that further information had been sought in respect of the item pertaining to the management of allotments. The Committee

agreed that an update in respect of this issue be circulated to all Councillors when available.

The Committee considered the draft Forward Work Programme for future meetings as detailed in Appendix 1. Having regard for the optimum number of agenda items to be transacted at a meeting, Members agreed that the following amendments be included in the FWP for the Committee:-

September, 2012 meeting: Members were reminded that the September meeting of the Communities Scrutiny Committee would be held in Rhyl due to consideration of the three workstreams in the programme which related to the Rhyl Going Forward Project. A tour of the key sites and areas would be arranged and it was agreed that the tour could include a visit to Hafan Deg Day Care Centre.

October, 2012 meeting:-

- Etape Cymru item be rescheduled for the December, 2012
- Getting Closer to the Community Programme be deferred and possibly included in the Corporate Plan which would be considered by Performance Scrutiny Committee in due course.
- Flood Risk Areas within Denbighshire to be transferred to Partnerships Scrutiny Committee.
- Winter Maintenance 2012/13 and Review of Highway Grass Cutting 2012 to be amalgamated for consideration as one business item.
- Review of Day Services to be included in the FWP for the October meeting.

In response to a request that it appoint a representative on the Schools Standards Monitoring Group (SSMG) the Committee agreed that Councillor J.S. Welch be appointed as its representative, with Councillor W. Mullen-James as a substitute member. Following further discussion, it was:-

RESOLVED – that:-

- (a) subject to the above amendments, the Committee approves the Future Work Programme as set out in Appendix 1 to the report;*
- (b) Councillor C.L. Williams be appointed to serve on the Business Planning and Performance Service Challenge Group, and*
- (c) Councillor J.S. Welch be appointed as the Committee representative on the Schools Standards Monitoring Group, with Councillor W. Mullen-James as his substitute.*

Meeting ended at 12.35 p.m.