

**ENVIRONMENT AND REGENERATION SCRUTINY COMMITTEE**

Minutes of the Environment and Regeneration Scrutiny Committee held in the Council Chamber, Russell House, Rhyl on Thursday, 18<sup>th</sup> June, 2009 at 9.30 a.m.

**PRESENT**

Councillors R.L. Feeley (Chair), B. Blakeley, M.J. Eckersley, T.R. Hughes, E.R. Jones, P.W. Owen, A. Pennington and C.H. Williams.  
Councillors M.Ll. Davies and G.C. Evans attended as an Observers.

**ALSO PRESENT**

Corporate Director: Environment, Head of Highways and Infrastructure, Section Manager: Network, Scrutiny Support Officer (R. Evans) and Administrative Officer (C.I. Williams).

**APOLOGIES**

Councillor J.M. Davies.

**1. URGENT MATTERS**

In accordance with the requirements of Section 100B(4) of the Local Government Act 1972, the Chair declared that she intended to include for discussion the following matter requiring urgent attention:-

**1. Grass Cutting in Cemeteries**

**2. Recycling**

**2 MINUTES**

The Minutes of a meeting of the Environment and Regeneration Scrutiny Committee held on Thursday, 14<sup>th</sup> May, 2009 were submitted.

Accuracy:-

Present:- Councillor R.L. Feeley be recorded as the Chair.

Matters arising:-

8. Scrutiny Work Programme, Cemetery Benches – Councillor M.J. Eckersley informed the Committee that due to technical problems experienced with his laptop computer he had not received notification of the site meeting with Cemetery Officers. In response to concerns expressed

regarding the problems experienced in respect of laptops malfunctioning, the Scrutiny Support Officer agreed to pursue this matter with the IT Department.

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

### **3 REVIEW OF THE IMPACT OF THE 2008/09 WINTER MAINTENANCE ARRANGEMENTS**

A copy of a report by the Joint Head of Highways and Infrastructure, which provided provide feedback on how the Winter Maintenance Service managed during the 2008/09 season and to look at any lessons that could be learnt and any longer term issues that needed addressing, had been circulated with the papers for the meeting.

The report provided an understanding of the service and how the extended season, following two bouts of extremely bad weather, had impacted on the Authority's ability to deliver the Winter Maintenance Service, the issues relating to it, the resulting costs and the subsequent impact on the road conditions. Officers informed Members of the budget for normal winter maintenance and highlighted how the severe conditions experienced last winter had resulted in a shortfall of over £160,000. Information on the highway networks in Wales had been circulated with the briefing paper for the meeting, and an outline of the overall Highway Maintenance responsibilities had been provided for Members. A copy of the Council's Winter Maintenance Policy had been made available for Members at the meeting.

Albeit the costs had exceeded the budget, the main challenges had been the depletion of the Council's salt stocks, the level of demand for services, prioritising and balancing service delivery with the limited resources available to meet the demand.

The Corporate Director: Environment explained that Members of the Committee may wish to review, challenge and support the Service's priorities and how they were delivered within the resources available and whether there were alternative arrangements that could increase capacity to deliver the Council's priorities.

In response to concerns raised by Members the Corporate Director: Environment confirmed that the availability of funding for winter maintenance had never been an issue as the main driver for the service had been to ensure that road safety wasn't compromised, and therefore the main limiting factor had been the availability of other resources such as plant, labour and materials. He explained that the three main constituent parts in delivering the service were Staff, Gritter Lorries and Salt and each of these specific areas had been detailed in the report.

The Section Manager: Network provided a detailed summary to the background included in the report and responded to the following matters and issues raised by Members:-

General – Details of the changes to the Highways Act 1980 which placed a Statutory duty on Councils to 'ensure, so far as reasonably practicable, that safe passage along a highway was not endangered by snow and ice', were outlined by the Section Manager: Network. He provided details of the network and explained that there were twelve gritting routes with 36 drivers working out of three depots within the County. It was explained that problems relating to legislation, in terms of permitted drivers' hours was quite onerous and therefore had to be factored into the availability equation.

Weather during 2008/09 – Members were informed that Weather Forecasting information was purchased in partnership with other North Wales Authorities. The Section Manager: Network explained that the forecast received in respect of last winter had indicated a drier winter than normal. The Corporate Director: Environment outlined the cost implications relating to the winter and confirmed that there had been a significant increase. As the report referred to the 2008/09 year delivery of the service had not been affected by the budget cuts agreed as part of the Council's 2909/10 budget.

In support of the view expressed by Councillor C.H. Williams, the Committee agreed with the suggestion to introduce a publicity campaign to encourage members of the public to help address the problems caused by adverse weather conditions and to wearing suitable clothing and footwear etc when venturing outdoors. The Committee agreed with the Corporate Director: Environment suggestion that the social Services and Housing Scrutiny Committee be requested to explore ways to assist the elderly and vulnerable to prepare for Winter.

Staff - Members were provided with details of the CRM enquiries received during the adverse weather conditions. It was explained that dealing with these enquiries was onerous therefore in future, with a view to sifting out the number of calls that standard scripting would be introduced.

Salt – It was explained that Denbighshire normally had a guaranteed supply of salt from Salt Union in Winsford, however due to the prolonged and geographically extensive poor weather during the winter the Council's, and associated Agencies, supplies had diminished and as a result there had been no additional salting and all salt heaps and salt bins had been left un-replenished until stocks had sufficiently recovered. In view of the problems experienced at a national level, the question of salt supplies was still under discussion and a number of bodies, including the Welsh Assembly Government, were working to avert similar problems in the future.

Other Issues - Councillor T.R. Hughes requested that prior to next winter schools be made aware of their responsibility to grit the areas within the school boundaries. He made particular reference to the unique situation at

Dinas Bran, Llangollen where the drop off point for approximately 700 pupils was located near the International Pavilion, and requested that consideration be given to gritting this specific area. Concerns were also expressed regarding the hazardous conditions at the multi-storey car park in Denbigh, and the lack of gritting on the slip road from A.525 onto Nant y Faenol Road, Bodelwyddan. The Section Manager: Network referred to paragraph 5.1 of the report which stated that the Highway Authority had a statutory responsibility to keep the roads clear of snow and ice, to the extent that resources allow, however this duty did not extend to other areas within the Authority although there may be a moral or common sense reason to do so. The Corporate Director: Environment referred to the contingency plans currently in place and agreed that he would discuss the matters raised with the Section Manager: Network and the Senior Officer, Parking.

Potholes – Details of the effects of the adverse weather conditions on the road network had been included in Appendix 2 to the report. It was confirmed that a substantial amount of Capital funding had been put into trying to address the problem and reference was made to the Forward Works Programme, which aimed to target the worst roads. In an attempt to mitigate any liability for damages the Council had targeted a number of options and the most successful of these has been the introduction of the Jetpatcher.

In response to concerns expressed by Members regarding the need to cut grass on the central reservations of dual carriageways when grass, which obstructed road users visibility, near junctions and other hazardous stretches of the highway in rural areas had not been cut, the Section Manager: Network referred to the Council's Grass Cutting Policy and confirmed that, although the Council had no obligation to cut the grass, it would be cut in areas where it was perceived to be a hazard, he also agreed to discuss the concerns raised by Members with the Senior Engineer Maintenance. The Committee was of the view that the effects of the 2009/10 budget cuts in respect of the Council's grass cutting programme merited analysis and that the report on the impact and effects of the cuts be presented to the Committee during the autumn.

Following further discussion, it was:-

**RESOLVED – that**

- (a) the Environment and Regeneration Scrutiny Committee receives the report and notes the comments contained therein.*
- (b) the Environment and Regeneration Scrutiny Committee supports the introduction of a publicity campaign to encourage members of the public to help address the problems caused by adverse weather conditions by wearing suitable clothing and footwear.*
- (c) the Corporate Director: Environment discuss the matters raised, in respect of gritting, with the Section Manager: Network and the Senior Officer, Parking.*

- (d) that all managers of council facilities and properties be reminded of their duties to plan and prepare for winter and to grit car parks and public accesses during adverse weather conditions, and*
- (e) that a Working Group be established to explore the levels of winter maintenance work required and to identify resources for the delivery of the required service.*

## **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 items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 14 of Part 4 of Schedule 12A of the Local Government Act 1972.*

## **PART II**

### **4 UPDATE ON THE JOINT HIGHWAYS & INFRASTRUCTURE COLLABORATION**

A copy of a confidential report by the Corporate Director: Environment and Head of Highways and Infrastructure, which provided an update on the progress on the Joint Highways and Infrastructure project between Denbighshire and Conwy Councils, had been circulated with the papers for the meeting.

The Corporate Director: Environment introduced the report and informed Members that the Joint Head of Service had commenced duties at the end of January, 2009. The progress made as part of the collaborative project had been detailed in the report, and it had been highlighted that the progress related purely to the collaboration and did not detail the general management and operation of the services in both authorities. Monthly joint project board meetings had been held and had been scheduled into the future and a Joint Members workshop session had also been scheduled.

The Committee welcomed the Head of Highways and Infrastructure to the meeting and he provided a summary of the report and an overview of the issues being considered and approaches being taken to progress the collaboration with Conwy County Borough Council. He highlighted the overall objectives of the initiative, which included the joint managerial and subsequent further collaboration of the two authorities, and explained that these had been included in the report, together with, details of the project aim and objectives.

The Head of Highways and Infrastructure informed Members that in order to progress the collaboration, it had been necessary to identify strands of activity which would need to be undertaken to enable joint working. He explained that in addition to this it would be possible to identify some work

areas which it was considered could be moved forward relatively quickly and these strands of activity/work areas had been detailed in the report. and related to HR and IT issues, Asset Management, Financial Information, Project Workstreams and Project Support.

Members were informed that Policy differences between Conwy and Denbighshire would be identified as the collaborative project developed, and approval to change policies would be sought when appropriate. In response to a question from Councillor G.C. Evans, it was explained that issues pertaining to scrutiny procedures relating to partnerships and collaborative working was scheduled to be discussed and considered at the Scrutiny Chairs and Vice Chairs Group meeting in July, 2009. The Corporate Director: Environment explained that the provision of training for Members would assist in providing guidance in respect of the operational aspects of each of the respective authorities. The Head of Highways and Infrastructure informed Members that the joint member workshop session had been rescheduled from June to September, 2009 and he stressed the significance and value of the workshop and the importance of the need to take into consideration the outcome of the Focused Agenda Board.

In response to concerns raised by Councillor T.R. Hughes regarding the geographical location of Llangollen, in terms of distance from Conwy, the Head of Highways and Infrastructure explained that he considered that there would be an improvement in service delivery as a result of collaborative working arrangements.

Following further discussion, it was

**RESOLVED** – that the Environment and Regeneration Scrutiny Committee:-

(a) notes the content of the report, and

(b) agrees that a further update on the collaborative project be submitted to the Committee in 6 months time.

## 5 UPDATE ON CLWYD LEISURE

A copy of a confidential report by the Corporate Director: Environment, which provided an update on the progress in relation to Clwyd Leisure Limited, and a follow up to the Wales Audit Office audit into Leisure Services which took place in 2008, had been circulated with the papers for the meeting.

The Corporate Director: Environment introduced the report and provided a summary of the background information pertaining to Clwyd Leisure which had been included in the report. He referred to the financial position of Clwyd Leisure and to the age and condition of the facilities they managed. He explained that the Wales Audit Office report had highlighted the risks to the Council and had recommended that action be taken to mitigate the risk.

The report advised Members on the progress to date and provided an update in respect of the Company's current position. A supplementary progress report on the 'Rhyl Attractions Redevelopment Project', had been included as Appendix 1 to the report, and this provided a summary of other developments currently taking place in relation to the Council's leisure and tourism assets in the County's coastal area.

The Corporate Director: Environment provided background information relating to Clwyd Leisure Limited, which included details pertaining to the number of leisure facilities operated on behalf of the Council, and the current financial position. He made particular reference to paragraph 6.5 of the report which referred to the Wales Audit Office report published by August, 2008. The report reviewed the Council's Leisure Services and indicated that a number of issues between Clwyd Leisure and the Council needed to be resolved due to the risks faced by the Council, as a result of amongst other things the ageing portfolio of assets. A number of actions which had taken place, or which were in hand to provide a sustainable future for the facilities, had been detailed in the report and were summarised by the Corporate Director.

Members were informed that two studies were being commissioned to develop a tourism strategy for the whole of the coast between Prestatyn and Colwyn Bay and to undertake a feasibility study on the options for the redevelopment, of the Sun Centre/Pavilion Theatre, and also the Nova in Prestatyn. The Welsh Assembly Government was supportive of the feasibility study. Any proposal emanating from the study would be developed alongside the Tourism Strategy, to ensure the provision of modern facilities which meet the requirements of residents and visitors to the area. Subject to the completion of the feasibility work, applications for funding would be submitted to the Strategic Area Regeneration (SRA) fund, and other funding routes that may be possible.

It was highlighted that the future of the Clwyd Leisure assets would play an important role in the development of the Council's approach to regeneration, and also in the delivery of leisure services in north Denbighshire. There were also a number of implications to the Council if the facilities operated by Clwyd Leisure Limited were unavailable for use.

In response to questions from Members regarding Clwyd Leisure and the provision of leisure services within the County, the Corporate Director: Environment confirmed that significant progress had been achieved following the recent restructuring exercise within the company, however further work would need to be undertaken in order to support the Company and improve its position. He explained that the longer term proposals, as set out in the report, would develop a series of projects which would see the facilities refurbished or redeveloped, for the benefit of residents and visitors to the County.

During the ensuing discussion, Members supported the views expressed that a further report be submitted to the Committee in December, 2009, to provide an update on the financial position of Clwyd Leisure. It was also agreed that another report be submitted to the Committee in January, 2010, following the completion of the pending studies, outlining the emerging proposals for coastal facilities.

**RESOLVED** – *that the Environment and Regeneration Scrutiny Committee agrees to:-*

- (a) note the progress to date.*
- (b) receive an update report in December, 2009 on the financial position of Clwyd Leisure Limited, and*
- (c) to receive a further report in respect of the emerging proposals for coastal facilities, in January, 2010.*

## **PART I**

### **6 SCRUTINY WORK PROGRAMME**

A copy of a report by the Scrutiny Support Officer, which reviewed the future work programme for the Environment and Regeneration Scrutiny Committee and provided an update on the relevant issues, had been circulated with the papers for the meeting. A copy of the Cabinet's forward work programme had been included as Appendix 2 to the report.

The Scrutiny Support Officer provided a summary of the report and Members agreed the following actions:-

- Scala Business Plan /Clwyd Leisure – In order to avoid the unnecessary duplication of Scrutiny work, Members agreed that as the main issues under consideration for the Scala were expected to be financial matters they would be better suited to the Resources Scrutiny Committee's remit. With regard to issues relating to Clwyd Leisure Limited, these issues were considered appropriate for the Environment and Regeneration Scrutiny Committee's remit, and a report on Clwyd Leisure had been included on the current agenda.
- Information on Planning Training for Members – The Committee agreed that the information report on planning training be re-scheduled for July, 2009.
- Consultation report on the Fees and Charges for Pest Control and Dog Warden Services – Members were informed that a consultation report had been scheduled for circulation during May, 2009 on the proposed fees and charges for the Pest Control and Dog Warden Services. It was explained that the power to set and vary fees and charges for this Service had now been delegated to the Head of Service. Members agreed that an information report in respect of this matter be circulated to Members of the Committee.

- July, 2009 meeting – Members agreed that the following items be included in the Committee future work programme for July, 2009:-
  - (i) Update report on Environmental Health, Food Safety and E-Coli.
  - (ii) Update report on Sickness Absence Management.
- Visit to Loggerheads Country Park – Members agreed that a guided visit around the facilities at Loggerheads Country Park be arranged for the Scrutiny Committee meeting to be held on the 17<sup>th</sup> September, 2009. It was explained that the Countryside Services Manager would provide a short guided tour of the facilities prior to the meeting.
- At the request of Councillor M.J. Eckersley, Members agreed that an information report providing an update in respect of Ffrith Leisure be included in the future work programme for circulation to Members.

Confirmation was provided by the Scrutiny Support Officer of the inclusion of the following items in the Committees' Forward Work Programme:-

- (a) Review of Grass Cutting Policy – October, 2009.
- (b) Update on Joint Highways and Infrastructure Collaboration – December, 2009.
- (c) Clwyd Leisure, update on Financial Position – December, 2009
- (d) Clwyd Leisure, Emerging proposals for coastal facilities – January, 2010.
- (e) The formation of a Winter Maintenance Working Group, and that Councillors B. Blakeley, M.J. Eckersley, R.L. Feeley, T.R. Hughes and P.W. Owen serve on the Group.

The Scrutiny Support Officer informed the Committee that training for Members on Financial Management, particular reference to the scrutiny of financial aspects, had been arranged for the 1<sup>st</sup> July, 2009 in Russell House, Rhyl. Members were requested to inform the Scrutiny Support Officer of their intentions to attend.

**RESOLVED** – *that, subject to the above, the Environment and Regeneration Scrutiny Committee approves the work programme as set out in appendix 1 to the report.*

## 7 URGENT ITEMS

### (i) GRASS CUTTING IN CEMETERIES

Councillor B. Blakeley informed the Committee that he and Councillor J.R. Bartley wished to express concerns regarding the length of grass at Cemeteries at Denbigh and Dyserth Road, Rhyl. The Corporate Director: Environment explained that problems had been experienced in respect of

the contractor responsible for grounds maintenance at the Cemetery in Denbigh, however, these matters had now been resolved. With regard to the Cemetery at Rhyl, he confirmed that the Cemetery in question was not owned by Denbighshire County Council.

**(ii) RECYCLING**

In response to a matter raised by Councillor P.W. Owen regarding the collection of empty glass bottles from Public Houses, the Corporate Director: Environment explained that Denbighshire was not obliged to collect trade waste. He confirmed that arrangements could be made to collect trade waste, however a charge would be levied for the service and the waste collected would not be included in meeting the Councils' set targets.

Meeting ended at 12.15 p.m.

**Environment & Regeneration Scrutiny Committee**

16<sup>th</sup> July 2009

**Report by the Performance & Information Manager, Environment**

---

---

**Sickness Absence**

**1. Purpose of the Report**

To provide the Scrutiny Committee with an updated report on sickness absence within the Directorate, as of end of May 2009.

**2. Executive Summary**

Sickness absence within the Directorate is being actively managed through the Sickness Absence Management Framework. Although managers are actively managing the sickness absence in their services, it has still increased over the same period in the previous year.

**3. Scrutiny Outcomes**

That committee members are updated on the picture for sickness absence for the Directorate and are assured that it is being managed within the Directorate in accordance with procedures.

**4. Recommendations**

That scrutiny committee notes the latest position and decides if further reports are required.

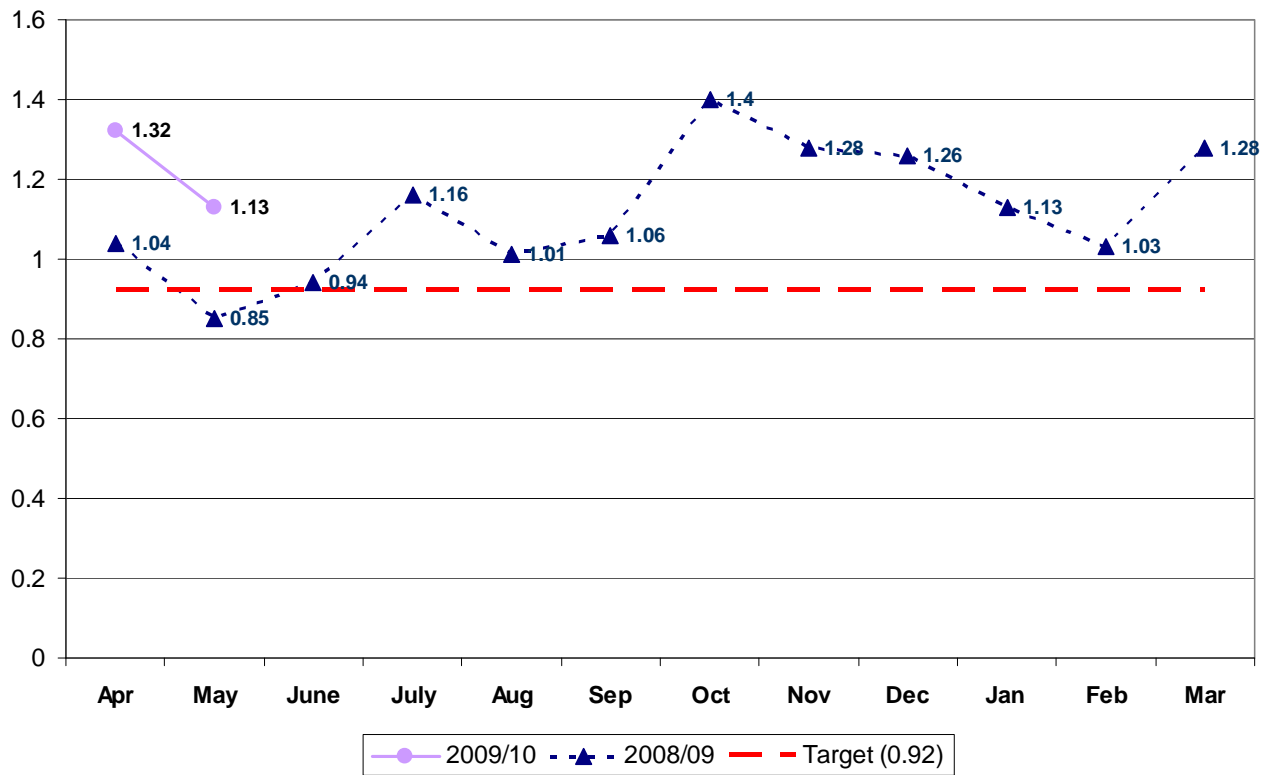
**5. Background**

**5.1 Monthly Figures**

5.1.1 Below is Graph 1 showing monthly sickness absence, and the trend so far this year is in line with the trend in the previous year. However, it is over 30% higher than last year (as of the end of May).

Graph 1

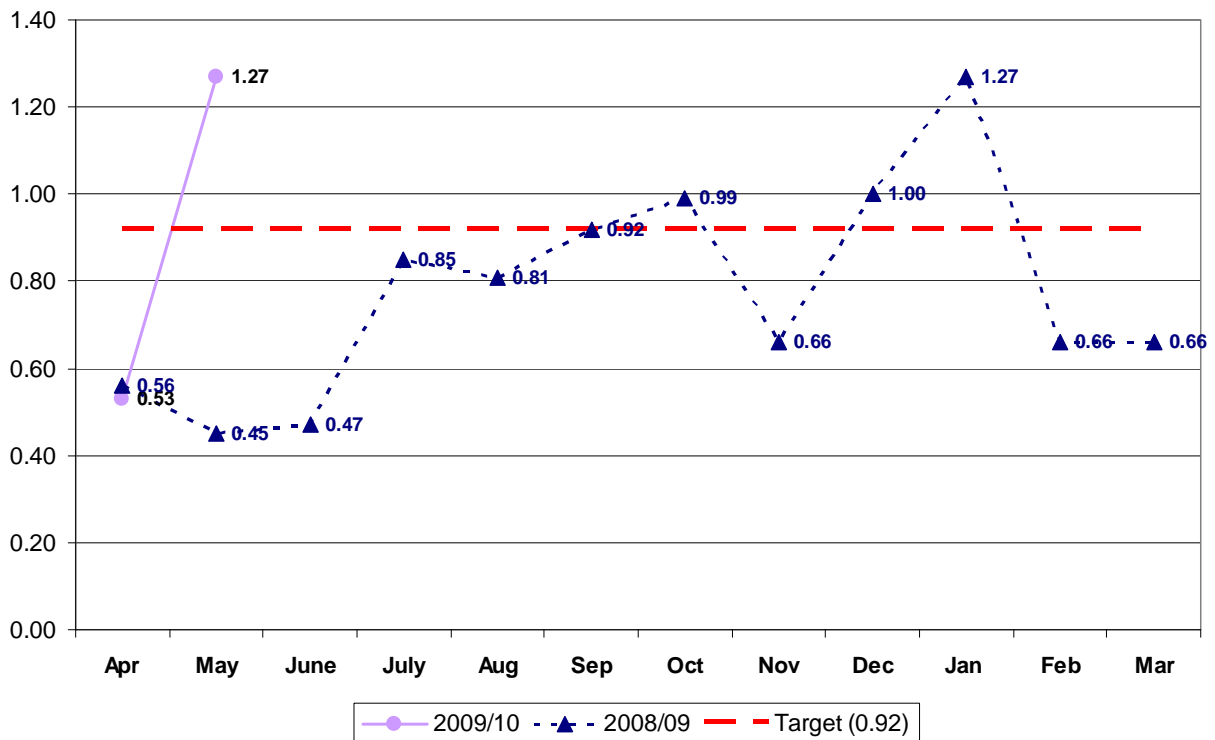
**ENVIRONMENT DIRECTORATE**  
**Average Number of Days Lost per Employee**  
**May 2009**



5.1.2 The monthly trends for each service are highlighted in graphs 2 – 7. With the exceptions of Tourism, Culture & Countryside and Planning & Public Protection, all other departments have increased levels of sickness absence over the previous year.

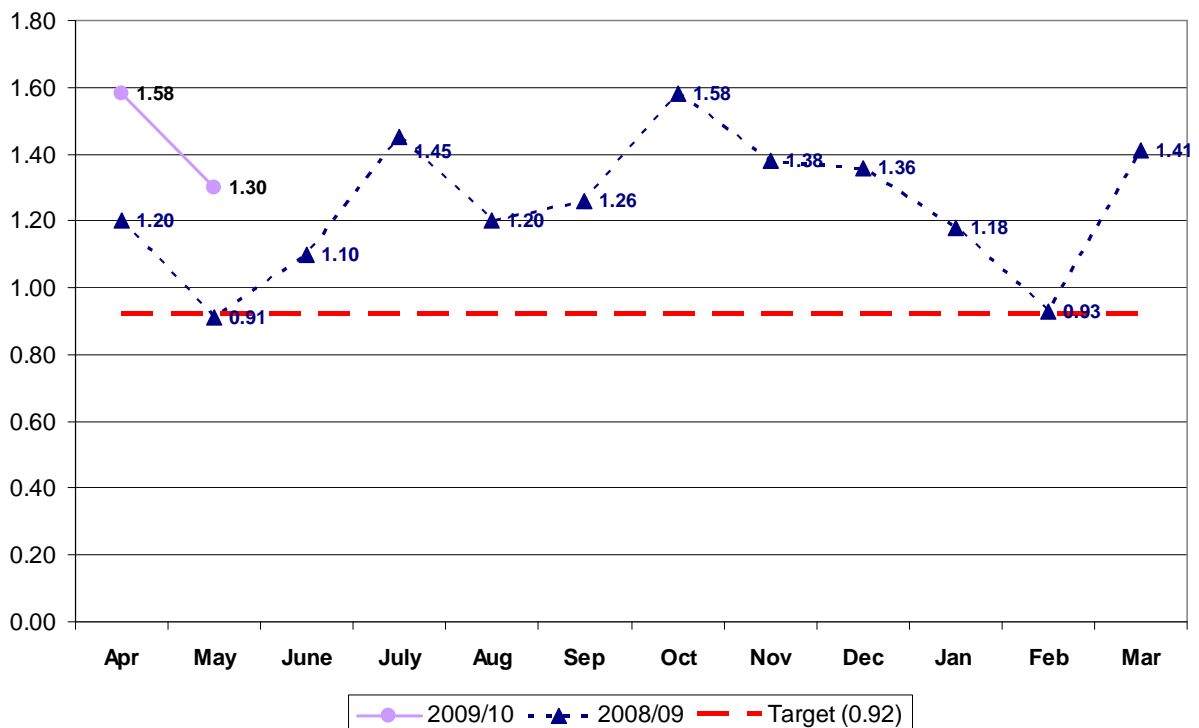
Graph 2

### DEVELOPMENT SERVICES Average Number of Days Lost per Employee May 2009



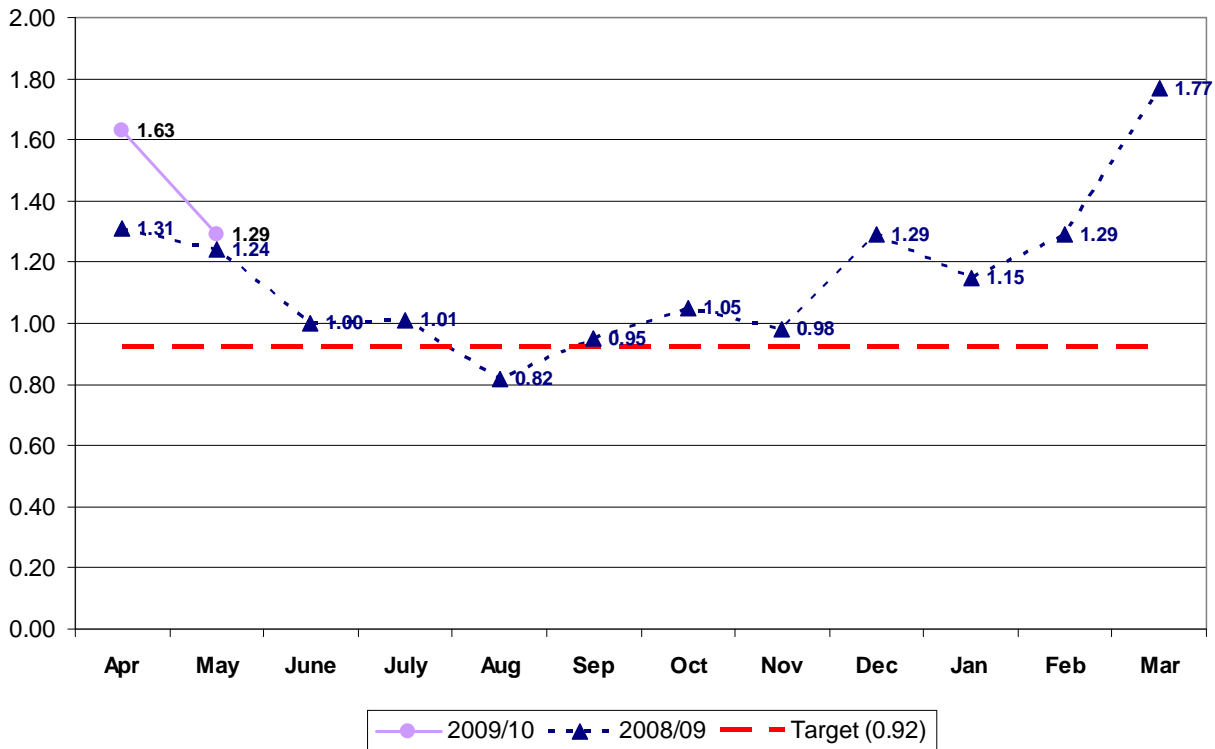
Graph 3

### ENVIRONMENTAL SERVICES Average Number of Days Lost per Employee May 2009



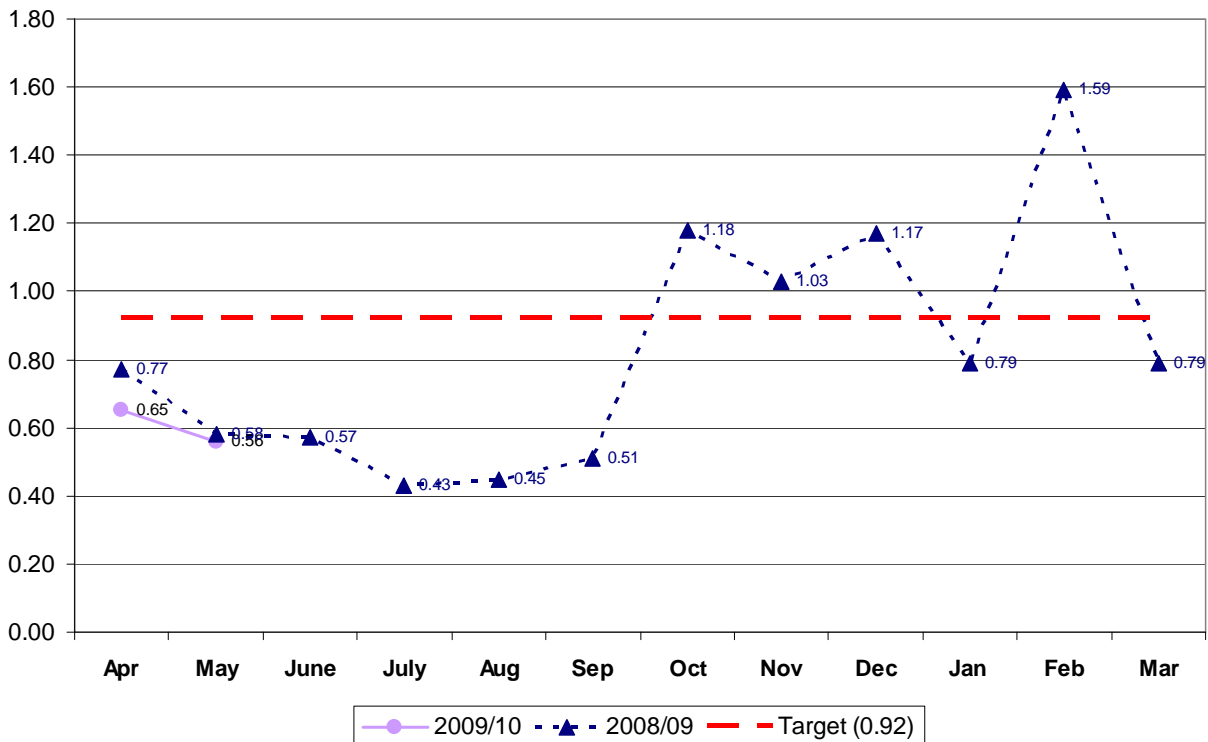
Graph 4

**FINANCE & PERFORMANCE**  
**Average Number of Days Lost per Employee**  
**May 2009**



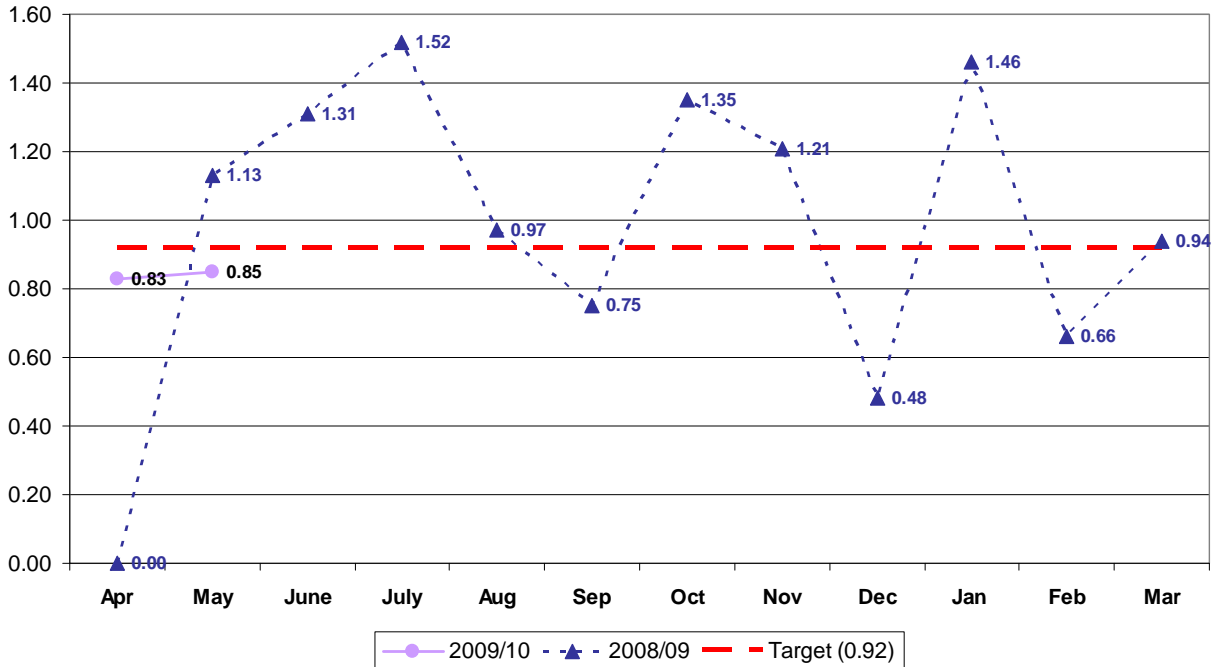
Graph 5

**PLANNING & PUBLIC PROTECTION**  
**Average Number of Days Lost per Employee**  
**May 2009**



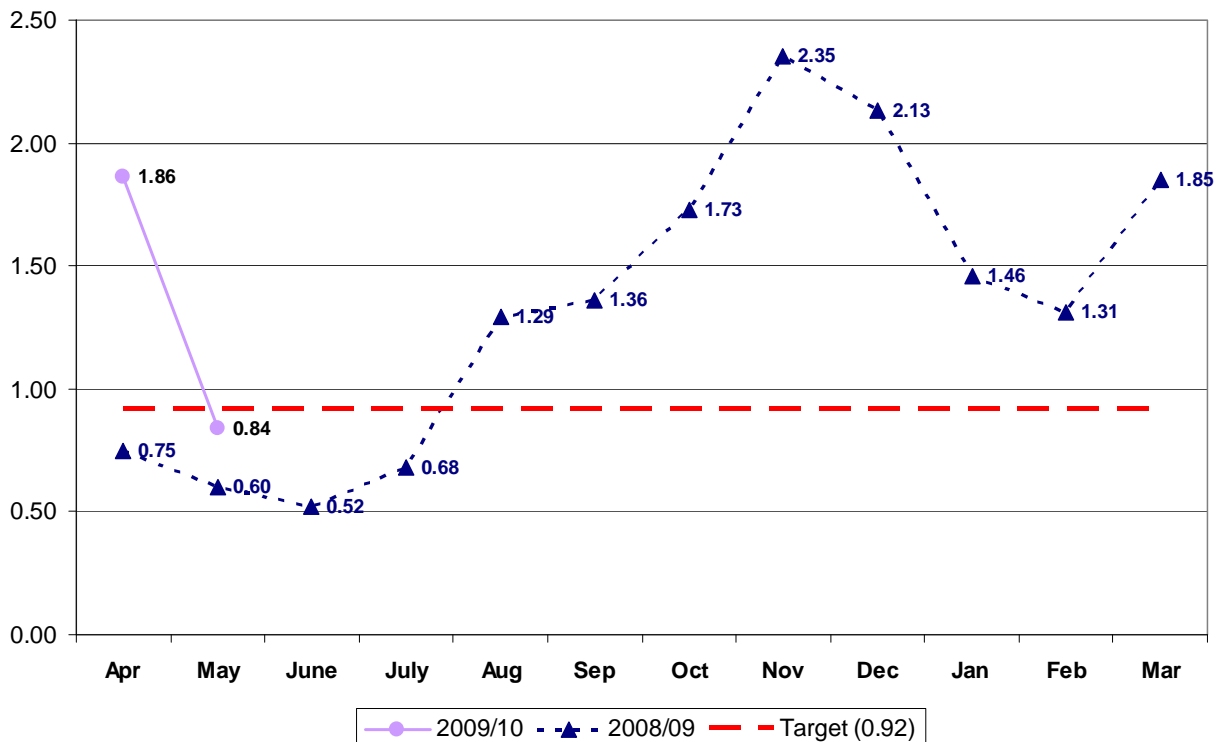
Graph 6

**TOURISM, CULTURE & COUNTRYSIDE**  
**Average Number of Days Lost per Employee**  
**May 2009**



Graph 7

**HIGHWAYS & INFRASTRUCTURE**  
**Average Number of Days Lost per Employee**  
**May 2009**



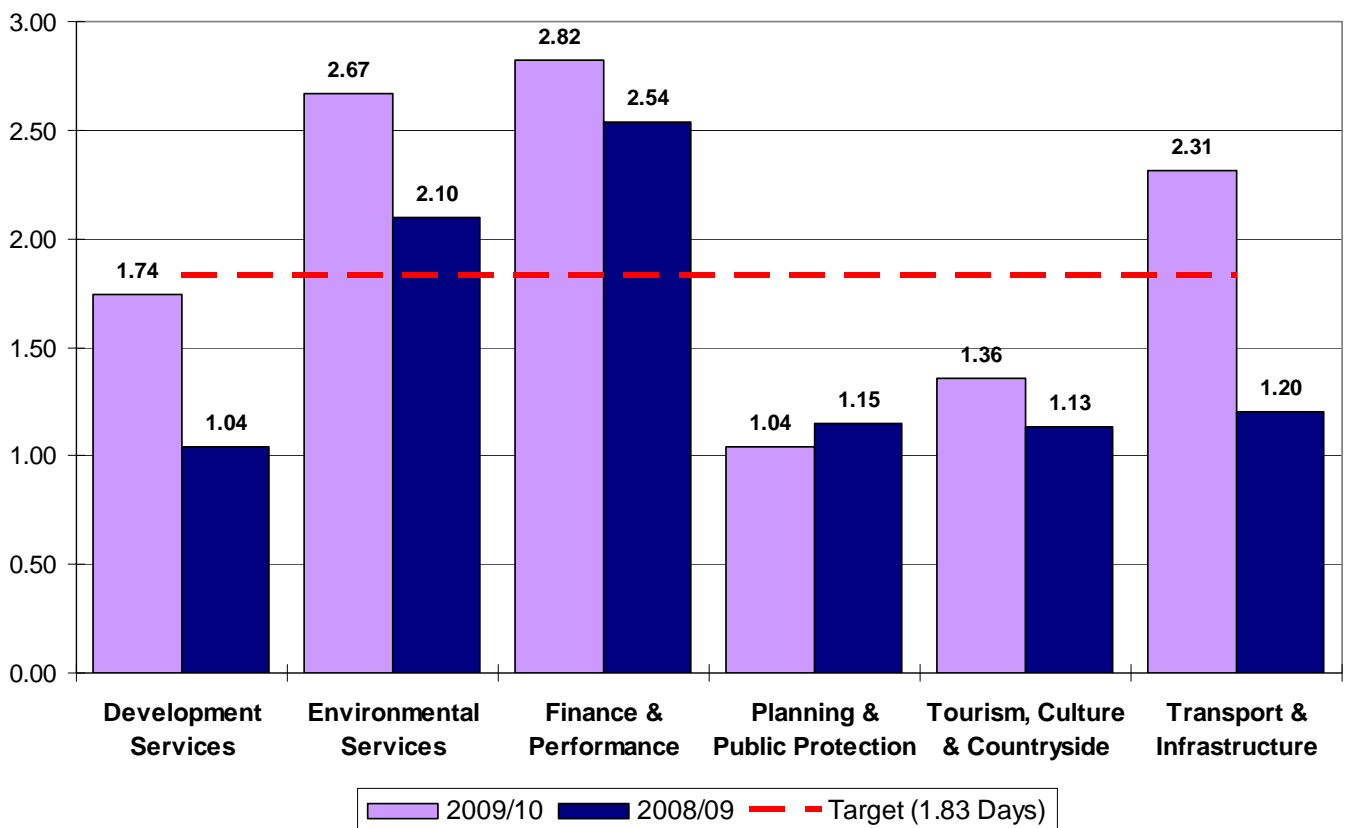
## 5.2 Cumulative

5.2.1 Graph 8 below shows by service the average number of days lost per FTE (full time equivalent) for April – May 2009.

5.2.2 In comparison with the previous year, with the exception of Planning & Public Protection, all services have had higher rates of absence in the first two months of the financial year.

Graph 8

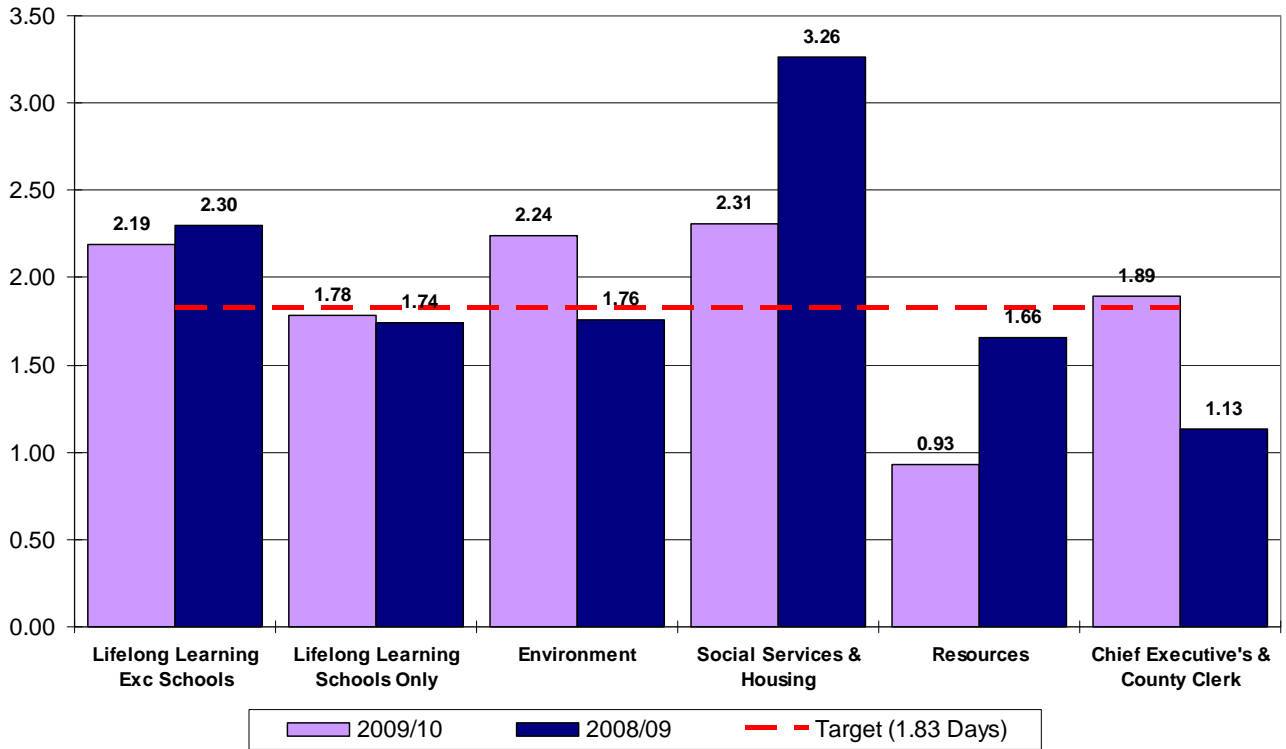
### ENVIRONMENT DIRECTORATE Average Days Lost per Service Cumulative April - May 2009



5.2.3 Most other Directorates, as demonstrated in Graph 9, showed a decrease over the previous year. The exceptions were Schools, Chief Executive's & County Clerk, and the Environment Directorate.

Graph 9

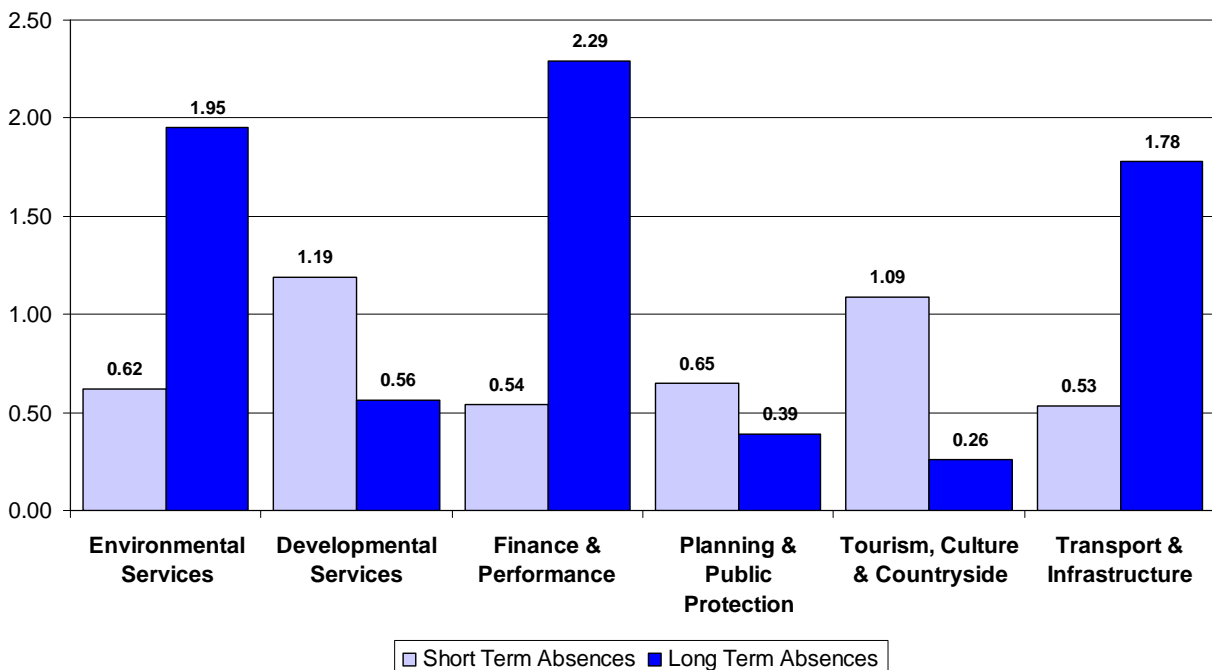
**Denbighshire County Council  
Average Number of Days Lost per Directorate  
Cumulative April - May 2009**



**5.3 Short Term v. Long Term**

Graph 10

**ENVIRONMENT DIRECTORATE  
Short Term v Long Term Absences  
April - May 2009**

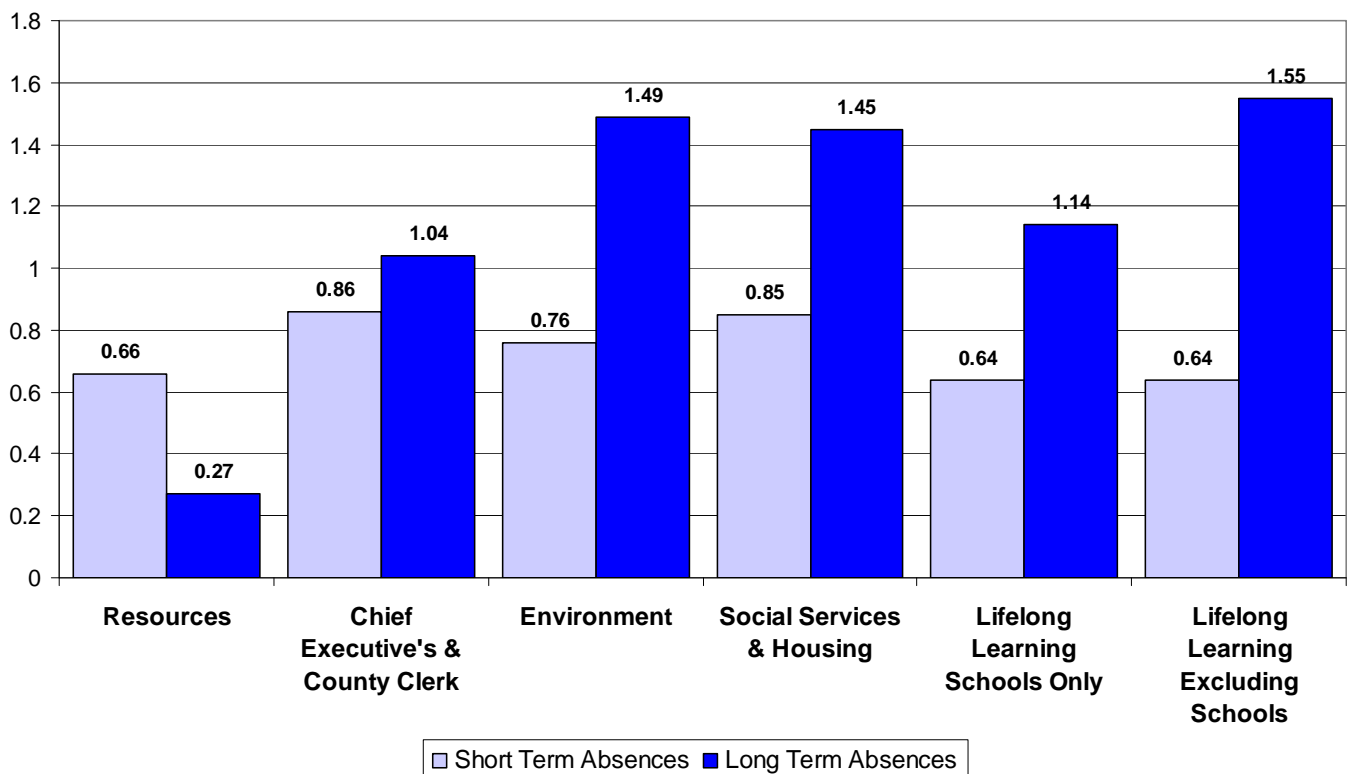


5.3.1 As seen in Graph 10, Long Term absences are prevalent in Environmental Services, Finance & Performance, and Transport & Infrastructure.

5.3.2 When the overall Directorate is compared at the corporate level, as in Graph 11, our levels of long term sickness absence are on trend with the other Directorates.

Graph 11

**DENBIGHSHIRE COUNTY COUNCIL**  
**Short Term Absence v Long Term Absence**  
**April - May 2009**

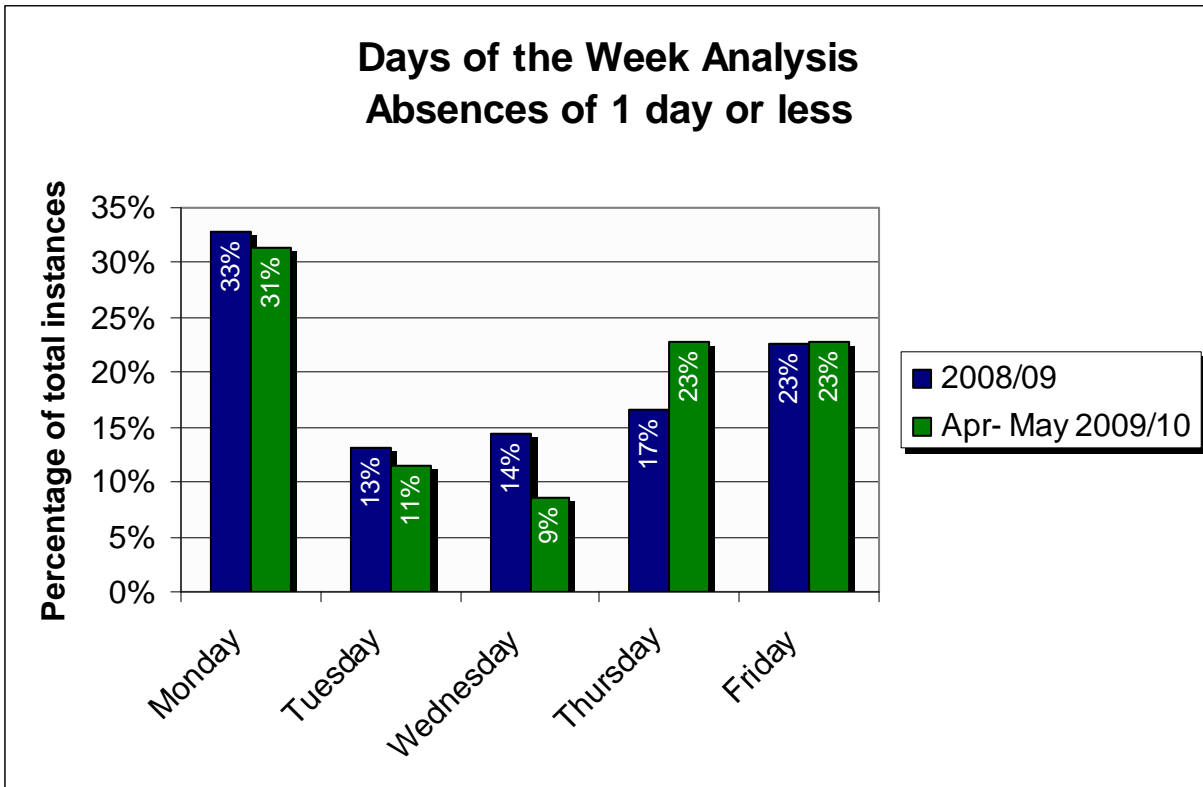


#### 5.4 Monday – Friday Absences

5.4.1 Originally identified as a possible issue in a report to Environment Scrutiny Committee in November 2008, analysis was performed on the year to date information on Monday or Friday absences.

5.4.2 So far this year, of absences of one day or less, 31% were on a Monday and 23% were on a Friday, as demonstrated in Graph 12.

Graph 12



5.4.3 This appears to be on trend with the data that was presented in December 2008, as well as with the whole year of 2008/09.

5.4.4 If there were a complete straight line trend of 20% absence on each day of the week, the Friday absence rate of 23% would not be that remarkable. However, the 31% on Mondays required some investigation.

5.4.5 The services with the highest levels were Environmental Services and Planning & Public Protection. Further investigation will need to be done to try to determine why this is the case, and it must be done with the Heads of Service.

5.4.6 An update on what was revealed will be sent to the Scrutiny Committee in August.

**6.0 Consultation Carried Out**

Presented to Directorate Management Team as regular monthly management tool. Some data will be evaluated by CET as regular management review.

**7.0 Implications on Other Policy Areas**

Not relevant to this report.

**8.0 Background Papers**

None relevant to this report

**Contact Officer:**

Performance and Information Manager – 01824 706989

**Environment and Regeneration Scrutiny Committee**

**16<sup>th</sup> July 2009**

**Report by the Head of Planning and Public Protection and Food and Health & Safety Manager**

---

---

**Food Safety and Health & Safety Enforcement Update**

**1. Purpose of the Report**

At the last Scrutiny Committee meeting, Members requested an update on food safety enforcement, the E-Coli Public Inquiry Report and health & safety enforcement.

This report serves as a general introduction to these matters and provides a platform for further questioning of Officers at the Committee meeting.

Further detailed reports can be presented to future Committee meetings should Members consider that appropriate.

**2. Executive Summary**

The issues addressed within this report include a brief outline of matters relating to food safety, health & safety enforcement and the E-Coli Public Inquiry Report.

**3. Scrutiny Outcomes**

To raise awareness with Members on some of the key issues facing the Council in regard to these specific areas of work.

For Members to consider whether they require more detailed reports on each of the service areas in order to allow for a more in depth review of the key issues.

**4. Recommendations**

The recommendation depends on the outcome of the Committee meeting. If Members require further more detailed reports then Officers will be happy to oblige and the Committee Forward Work Programme can be amended accordingly.

## 5. **Background**

At the last Committee meeting, Members requested an update on food safety, particularly in light of the recent publication of the E-Coli Public Inquiry Report by Professor Hugh Pennington, and health and safety enforcement

These areas of work fall under the Food and Health & Safety Team, managed by the Council's Senior Environmental Health Officer, Emlyn Jones (Food and Health & Safety Manager).

The areas of work the subject of this report are complex and wide-ranging. As such what follows is a general overview of the issues to allow Members to ask questions and to consider whether more detailed reports are required in the future on any particular area of the functions discussed.

### 5.1 Health & Safety

Health and Safety legislation is a complex area of work and is enforced by both local authorities (under the Council's Environmental Health obligations) and the Health and Safety Executive (HSE).

Businesses in the LA enforcement sector are wide ranging and include offices, shops, restaurants, entertainment and leisure, care homes, hotels and warehouses as well as a growing health and beauty sector.

The Health and Safety Executive (HSE) is responsible for enforcing health and safety law at factories, council premises, schools, colleges, hospitals, construction sites, agriculture, domestic premises and all peripatetic activities.

We work closely with the HSE and are participating in a national partnership agreement on developing closer working relationships, provision of training, cross-warranting of officers etc. We also work closely with all other North Wales Local Authorities and work to an agreed work plan of projects and initiatives during each year. This year these projects include violence in night-time economy premises, health & safety within residential care homes, slips and trips in catering premises and legionella inspections. We also develop local projects and this year these include health & safety in swimming pools and tanning salons as well as work on asbestos.

A Health & Safety Intervention Plan 2009/10 for the Authority has recently been submitted for Lead Member Approval.

No health and safety enforcement update reports have recently been brought to the Scrutiny Committee, however Officers would welcome an open discussion during the Committee meeting around health & safety enforcement.

If as a result of that discussion Members required further information or wanted to scrutinise a particular area of health and safety work Officers would bring a separate detailed report back to Committee in accordance with the agreed timetable as laid down in the Committee's Forward Work Plan.

## 5.2 Food Safety

Food Safety enforcement is another complex and high profile area of work.

Our main objective is to ensure that all food and animal feed produced, imported or distributed in Denbighshire is safe to eat and complies with food safety and food standards legislation. This will be achieved through inspection, education, provision of advice, sampling, enforcement and by the investigation of complaints.

The main activity within the team is the undertaking of programmed food hygiene inspections of food businesses within the County.

Our performance in relation to the % of planned high risk food hygiene inspections undertaken by the Authority is the subject of a Welsh Assembly Government (WAG) Strategic Performance Indicator.

The frequency of inspections is determined by risk category. Food premises are rated for food hygiene between categories A and E (A being the highest risk).

For 2009/10 we have the following premises categorisation:

<u>Risk Category</u>	<u>Total Premises</u>	<u>Inspections Planned</u>
A	11	11
B	90	91
C	529	362
D	161	107
E	391	229
Unrated	6	6
<b>Total</b>	<b>1,188</b>	<b>806</b>

Our performance in relation to inspection of high risk food premises (Category A-C) has seen an incremental rise in recent years as can be seen from the following table:

<b>Year</b>	<b>Inspection Target</b>	<b>Inspection Performance</b>
2008/09	90%	97%
2007/08	85%	92%
2006/07	70%	78%
2005/06	65%	71%

2004/05	60%	61%
---------	-----	-----

The target for inspections of high risk premises this year, 2009/10, was originally 97%, but has recently been revised to 100% in light of the Chief Executive's desire for the Council to be in the top half of Welsh Authorities for all of the WAG Statutory Indicators.

A Food Safety Service Plan 2009/10 has recently been submitted for Lead Member approval.

Reports have been brought to the Scrutiny Committee in the past on the performance of the food safety team. Officers would welcome an open discussion during the Scrutiny Committee meeting around the performance of the team and also the challenges that we face in the future.

If as a result of that discussion Members required further information or wanted to scrutinise a particular area of food hygiene work Officers would bring a separate detailed report back to Committee in accordance with the agreed timetable as laid down in the Committee's Forward Work Plan.

### 5.3 E-Coli Public Inquiry Report by Professor Hugh Pennington

Members will be aware that in September 2005 there was the largest ever outbreak of E.Coli 0157 in Wales and the second largest in the UK. The outbreak affected 157 people, most of whom were children in 44 schools across 4 local authority areas (Bridgend, Caerphilly, Merthyr and Rhondda-Cynon Taf). Thirty one people were admitted to hospital and tragically a 5 year boy died.

A joint investigation by the Councils resulted in the butcher supplying wholesale cooked meats pleading guilty to 7 food safety related charges, and in September 2007 he was sentenced to 12 months imprisonment.

Following the outbreak WAG appointed Professor Hugh Pennington to hold a Public Inquiry into the incident. The Public Inquiry was concluded in June 2008 and the final report was published in March 2009. A copy of the Summary Report, including all the recommendations made by Professor Pennington has been provided to all Members of the Council.

At the end of last year the WLGA requested that all Councils' raise awareness of the issues discussed at the Public Inquiry and consider, what were then, the draft recommendations from Professor Pennington. A report was presented to Cabinet in January of this year, the recommendations of which were agreed. A copy of that report is attached for Members information.

There are 5 main areas of concern for the Council:

- Food Procurement and Supply
- Hygiene in School Toilets
- Food Hygiene Inspections

Out of Hours Contact  
Pest Control in Schools

Taking each one in turn:

(i) *Food Procurement and Supply:*

This issue cuts across different services within the Council as different parts of the Council procure food eg Education for school canteens, Social Services for care homes etc.

The Council needs to ensure that an appropriate Section within the Council lead on this issue to introduce a strong Corporate policy to ensure that suppliers of food to any County service provide high quality food, operate in compliance with food law and are subject to external audit. The responsible Section should update Cabinet and be open to Scrutiny.

The Committees views on how to proceed are welcomed.

(ii) *Hygiene in School Toilets:*

The Inquiry report recommended that every local authority should have a programme of audits to ensure that all schools have adequate toilet and hand washing facilities.

It appears that there is no current system in place to audit hygiene standards within school toilets.

It is considered appropriate that the Council draw up and implement a rolling programme of audits for all school toilets within the County and take appropriate improvement measures as necessary.

(iii) *Food Hygiene Inspections:*

Clearly the responsibility of the Food and Health & Safety Team.

See comments above earlier in this report.

(iv) *Out of Hours Contact:*

The Planning & Public Protection Service currently run a limited out of hours service based on the Council's out of hours emergency team contacting either the Head of Service or the Assistant Head of Service.

Providing a more comprehensive service will increase costs, so there needs to be a cost benefit analysis in terms of deciding whether the current arrangements are satisfactory or not.

(v) *Pest Control in Schools:*

Planning and Public Protection Service has a Pest Control Team. Only a limited number of schools have a contract with the Team to provide proactive and reactive pest control service at an annual charge.

The vast majority of the schools carry out their own pest control and call upon the Team as and when necessary.

Officers consider there is an opportunity for Lifelong Learning to enter into a contract with the Team to provide a comprehensive pest control service to all the schools in the County.

Discussions are underway between Officers and a report is on the Cabinet Forward Work Programme in September on this subject.

**6 Consultation Carried Out**

Officers have discussed the preparation of this report with the Corporate Director Environment.

**7 Implications on Other Policy Areas**

N/A

**8 Background Papers**

Cabinet Report, dated 27 January 2009.

**Contact Officer:**

Head of Planning and Public Protection Tel: 01824 706925

Food and Health & Safety Manager Tel: 01824 708151

## **REPORT TO CABINET**

**CABINET MEMBER:** COUNCILLOR H H EVANS LEADER

**DATE:** 27 January 2009

**SUBJECT:** E-Coli Public Inquiry Update

### **1 DECISION SOUGHT**

- 1.1 That Members agree to the recommendations of this report following both the Welsh Assembly Government Chief Medical Officer's (CMO) Review of the food poisoning outbreak that occurred in South Wales during 2005 (referred to as the E-Coli 0157 Outbreak) and the release of the 'Note of Emerging Issues' from Professor Hugh Pennington.

### **2 REASON FOR SEEKING DECISION**

- 2.1 The Welsh Local Government Association (WLGA) recently recommended that each responsible officer within each Local Authority report to its Cabinet following the release of the 'Note of Emerging Issues' from Prof. Hugh Pennington and in advance of the release of the Public Inquiry Report on the E-Coli 0157 Outbreak.
- 2.2 September 2005 saw the largest ever outbreak of E-Coli 0157 in Wales and the second largest in the UK. The outbreak affected 157 people, most of whom were children in 44 schools across four local authority areas (Bridgend, Caerphilly, Merthyr and Rhondda-Cynon Taf (RCT). Thirty one people were admitted to hospital and, tragically, five year old Mason Jones died.
- 2.3 A joint investigation by Bridgend, Caerphilly and RCT councils resulted in William John Tudor (Wholesale butcher supplying cooked meats) pleading guilty to seven food safety related charges. On the 7<sup>th</sup> of September 2007 he was sentenced to 12 months imprisonment, of which he served 12 weeks.
- 2.4 Following the outbreak, the CMO made a number of recommendations for those involved. A copy of the CMO Review, including recommendations can be obtained from Emlyn Jones (Food and Health & Safety Manager) 01824 708151.
- 2.5 A public inquiry into the outbreak, chaired by Professor Hugh Pennington, was concluded in June 2008. The inquiry report is due to be published in the near future, however a 'note of emerging issues' was published by Prof Pennington. A copy of this note can be obtained from Emlyn Jones (Food and Health & Safety Manager) 01824 708151. The final report will make important recommendations that should be considered at Cabinet level following the release of the report. A further report will be produced by the Head of Planning and Public Protection at a later date to consider those recommendations.

### **3.0 CMO's Review Recommendations**

**3.1** The CMO review recommendations along with comments in relation to Denbighshire County Council position in response to the CMO recommendations can be seen as Appendix 1.

### **4.0 Pest Control in Schools**

**4.1** Recent food hygiene inspections of Denbighshire school kitchens by Food Safety Officers have uncovered some pest control problems within school premises. These incidents have varied in severity, with some mouse infestations posing an imminent risk to health. Few schools have pest control contracts in place with either Denbighshire County Council Pest Control Service or external companies. This increases the risk of a pest infestation affecting a school, since some schools only call a pest control company in if they have noticed a problem, when it might be too late.

**4.2** The Food and Health & Safety team would strongly recommend that any food related activities within the County employs the services of the pest control team to undertake routine visits to the premises throughout the year. This would also help to form a defence in food safety law of taking reasonable precautions to prevent a problem from occurring.

**4.3** The Denbighshire County Council Pest Control Service currently visit some schools on a reactive basis, mostly following a sighting of pests or evidence of pests. There is a need to implement a more thorough and proactive system of work to ensure that the risk of pest infestation within Denbighshire schools is controlled. The Service would be willing to enter into a Service Level Agreement with each individual school within Denbighshire, to provide a programmed pest control service.

### **5.0 POWER TO MAKE THE DECISION**

**5.1** Local Government Act 1972

### **6.0 RESOURCE IMPLICATIONS**

#### **6.1 Cost Implications:**

Potential significant cost implications depending on the outcome of the Public Inquiry report.

#### **6.2 Staffing / Accommodation Implications:**

None at this time, pending the outcome of the Public Inquiry report.

#### **6.3 IT Implications:**

N/A

## **7.0 RISK ASSESSMENT**

### **7.1 Risks associated with not agreeing the recommendation/s**

If the recommendations of this report are not agreed with, then the Council exposes itself to potential liabilities and claims as a result of not complying with legal requirements and best practice standards.

### **7.2 Risks associated with agreeing the recommendation/s**

None at this time, although significant additional costs could be incurred pending the outcome of the public inquiry report.

## **8.0 FINANCIAL CONTROLLER STATEMENT**

**8.1** The potential for increased costs for the service will need to be considered during the latter stages of the budget setting process for next financial year. Any new regulations impacting upon Councils should be accompanied by additional funding from WAG. The costs of remedying any failure within schools to comply with current regulations should be funded by the schools concerned.

## **9.0 CONSULTATION CARRIED OUT**

**9.1** Consultation has taken place internally within Planning and Public Protection Services, Lifelong Learning Service and School Meals Service and the proposal has the support of the Head of Service. Issues have also been discussed with Corporate Director Environment and Lead Member Environment who also support the proposed approach.

## **10.0 IMPLICATIONS**

### **10.1 Assessment of Impact on Corporate Priorities:**

Supports the current Council priorities of regeneration and responding to demographic change.

### **10.2 Assessment of impact on the Vision, Community Strategy, Equalities and Sustainability:**

Compliance with the CMO's review recommendations would encourage and contribute to a healthier Denbighshire.

## **11.0 ACTION PLAN**

<b>ACTION</b>	<b>RESPONSIBLE OFFICER / DATE BY WHEN ACTION TO BE COMPLETED</b>	<b>ACTION TO BE REVIEWED &amp; MONITORED BY / DATE TO BE MONITORED</b>
Bring a report to Cabinet following the publication of the Public Inquiry	Emlyn Jones – May 2009	Graham Boase

<p>Report</p> <p>Make contact with LifeLong Learning Directorate (LLLD) regarding an SLA with DCC Pest Control Team. Bring a report to Lead Member on this issue.</p> <p>Make contact with DCC School Meals Service in relation to food procurement. School Meals Service to bring a report to Cabinet on this issue.</p>	<p>Emlyn Jones/Bryn Roberts – June 2009</p> <p>Emlyn Jones – June 2009</p>	<p>Graham Boase</p> <p>Graham Boase</p>
---	--	---

## **12.0 RECOMMENDATIONS**

**12.1** That Members agree to:

**12.2** Note the content of the report and agree in principal to the implementation of the recommendations contained in the CMO review

**12.3** Support the introduction of a policy for all Denbighshire County Council departments providing food to ensure that suppliers are operating in compliance with food law.

**12.4** Support the introduction of a central monitoring system within Lifelong Learning Directorate to regularly monitor the standards of hygiene within school toilets

**12.5** Support the principle of Lifelong Learning entering into a Service Level Agreement with the council's Pest Control Team (Planning and Public Protection Service) to provide a full pest control service, including proactive and preventative inspections.

**12.6** Officers prepare a further report to Cabinet once the final Public Inquiry report is published

## Appendix 1

The CMO's recommendations are stated below along with comments in relation to the current Denbighshire County Council (DCC) position in response to the CMO recommendations.

### **1.0 Food Safety Inspections**

- 1.1** CMO recommends that *“local authorities should, with the Food Standards Agency (FSA), review their interpretation of guidance for the frequency for food safety inspections”*
- 1.2** DCC food safety officers undertake programmed food safety inspections according to frequencies specified in the current FSA Code of Practice for food law enforcement. This area of work is also reported against a Welsh Assembly Government (WAG) Performance Indicator of ‘Inspections to High Risk Food Businesses – PPN/01.
- 1.3** For the year end 2007/08 high risk food premises inspection performance against that planned in Denbighshire was 92% compared to our beginning of year target of 85%. The target for 2008/09 is 90% and projections so far indicate that we will achieve in the region of 95% of high risk food premises inspections. Our recent performance against our targets is summarised in Table 1 below. We also undertake routine inspections of medium & low risk food premises, however due to limited resources, we have prioritized our high risk food premises inspections.

**Table 1**

<b>Year</b>	<b>Inspection Target</b>	<b>Inspection Performance</b>
2007/08	85%	92%
2006/07	70%	78%
2005/06	65%	71%
2004/05	60%	61%
2003/04	100%	75%

- 1.4** Our priority is to secure an improvement in hygiene standards within our poorly performing food businesses in particular. This often involves undertaking revisits to businesses and enforcement work such as serving warning letters, legal notices and prosecution. This is extremely time consuming and has the potential to have an impact on our ability to meet inspection targets. An example of this was a recent food hygiene prosecution case that took approximately 12 months to complete successfully. The level of current resources does not allow for any significant increase in workload. An important point to note though is that it is the food producer's responsibility to supply safe food, hence the role of the regulator needs to be kept in context.
- 1.5** The new FSA Code of Practice has recently been published and the Inquiry report is due to be published in the spring of 2009. Both could pose resource implications for the Service and will need to be considered by the Head of Service.

- 1.6 CMO recommends that *“local authorities should work closely with the FSA in the introduction of the new EU Food Hygiene Regulations as they relate to butchers premises. In particular Local Authorities should assess the need to ensure their attendance at training sessions and contribute appropriately to the development of enforcement guidance”*
- 1.7 The new EU Food Hygiene Regulations came into force in 2006. All food safety officers have received training in relation to these regulations. A scheme of staff appraisals is undertaken within DCC and training needs for all officers are identified for the year. These training needs are primarily food safety update training for food safety officers. All food safety officers are required to obtain a minimum of 10 hours of continuous professional development (CPD) per year as stated in the Food Law Code of Practice. All officers currently meet this target. Further national training needs could be identified following the publication of the Inquiry report and will need to be considered.

## **2.0 Food Procurement & Supply**

This issue cuts across different areas of responsibility within the Council i.e schools, public protection and the school meals service

- 2.1 CMO recommends that *“local authorities should have proper regard to the standards and procedures established by Value Wales in securing contracts for the provision of food items for people in their care or for whom they have responsibility”*
- 2.2 Food procured by any local authority needs to be subject to a robust procurement system to ensure that public health is protected. Particular attention needs to be given to checking food safety management standards and practices of suppliers and subcontractors throughout the continuation of the contract.
- 2.3 It is a legal requirement that any food supplied in the course of a business complies with food safety requirements. There are defences available to those charged with food safety offences, these being Sections 20 and 21 of the Food Safety Act 1990 (Offences due to the fault of another person and the defence of due diligence).
- 2.4 To claim these defences, DCC would need to prove that they ‘took all reasonable precautions and exercised all due diligence to avoid the commission of the offence’. This involves active steps to ensure that food supplied is fit for human consumption and safe. These steps would include using reputable suppliers, proactively checking the standards of the suppliers using relevant local authority information or third party checks, establishing whether the supplier has a documented food safety management system in place etc
- 2.5 Denbighshire County Council’s School Meals Service is part of Environmental Services and based within the Environment Directorate.
- 2.6 The service currently supplies food to 65 secondary and primary schools. The Service has a policy of purchasing local produce from local suppliers whenever

possible but is also bound by the Councils commitment to providing Best Value at all times.

- 2.7** Denbighshire County Council and neighbouring authorities (Conwy, Flintshire and Wrexham) utilise the services of SNUPI (The Scottish and Northern Universities Purchasing Initiative). SNUPI offers a service which accredits suppliers to show due diligence using the services of STS Plc (Support, Training and Services). To date contracts with SNUPI are in place for groceries, frozen food, milk and bread.
- 2.8** STS undertake audits of food suppliers. Their audits are against a comprehensive Code of Practice which has been developed over a number of years. The latest version, the STS Code of Practice and Technical Standard for Food Processors and Suppliers to the Public Sector, is currently being externally assessed by the United Kingdom Accreditation Service. All auditors are qualified Environmental Health Officers who have also been trained to register as Lead Assessors of Quality Systems and have considerable food manufacturing experience.
- 2.9** Suppliers are requested to provide documented evidence of a number of requirements as set out in the Code of Practice, which includes evidence of compliance with local authority/Meat Hygiene Service requirements.
- 2.10** The service is supplied with other food products i.e cooked meats, dairy products, by means of a locally agreed contract agreement with local food suppliers. These are three companies based in Denbighshire and Conwy respectively. Meetings are held on a regular basis between one of these companies and the School Meals Service to discuss a variety of matters. Details of food safety compliance for the other 2 companies have now been requested through the Environmental Health Team.
- 2.11** If Denbighshire County Council School Meals Service relies on information provided by STS through SNUPI, then it must satisfy itself that the information is verified on an on-going basis. It must also take active steps to monitor and resolve any complaints or issues that arise during the contract. Clearly, it must also satisfy itself that the food safety procedures and food quality of local suppliers used by the School Meals Service has been evaluated. Similar monitoring procedures should also be implemented.

### **3.0 Hygiene in School Toilets**

- 3.1** CMO recommends that *“local authorities should invite school governing bodies to review their regimes for cleaning school premises and in particular for the provision and operation of sanitary facilities for pupils, any such review should consider access by pupils to toilet paper and soap and hot water”*
- 3.2** The Public Inquiry has raised concerns about the standards of hygiene in school toilets in Wales. Clean toilets and provision of basic hand-washing facilities was seen as a fundamental public health issue.
- 3.3** Denbighshire County Council Lifelong Learning Service advise that they do not have access to information on the hygiene standards of school toilets. The

hygiene standards of toilets at each school is, ultimately the responsibility of the Head Teacher for that school. The Lifelong Learning Service do not currently monitor cleaning and hygiene standards of school toilets centrally.

- 3.4** Denbighshire County Council Building Cleaning Services are responsible for cleaning (including toilets) at four schools within the County. These being, Rhyl High School, Blessed Edward Jones, Ysgol Glan Clwyd and Tir Morfa School. These sites are subject to a strict daily cleaning regime and staff are trained in a colour coding scheme of cleaning as well as the correct use of cleaning chemicals. Building Cleaning Services also undertake inspections of these four schools to assess the standard of hygiene.
- 3.5** The Building Cleaning Services also have agreed Service Level Agreements with 12 other schools within the County. These agreements involve providing health & safety training for the school staff and making recommendations to the schools following routine inspections of the school premises. Any recommendations are entirely down to each individual school to follow.
- 3.6** Both the Lifelong Learning Service and Building Cleaning Service advise that the majority of schools within the County either use the services of the caretaker to clean the toilets or in some cases school staff or pupils. There is no monitoring data to comment on the hygiene standards of these school toilets.
- 3.7** In a recent survey of school toilets within Wales (not including Denbighshire) organised by the Wales Heads of Environmental Health, it was found that hot water, soap and hand drying facilities were absent in a 'serious number of instances'.
- 3.8** The Building Cleaning Service advise that the biggest difficulty they face in providing a high standard of cleaning in our schools is the general poor state of repair of the toilets, abuse during break periods the schools lack of action in repairing broken toilet seats, filling up soap dispensers and toilet roll dispensers.
- 3.9** However, some success has been achieved by the Tir Morfa School recently. They were entered in the 'Loo of the Year' competition and achieved a 5 Star award.
- 3.10** Denbighshire schools also participate in the 'healthy schools' initiative, of which personal hygiene and hand washing is a part of it.
- 3.11** Due to the lack of substantive evidence it is not possible to provide an accurate summary of the hygiene standards within our school toilets. However, this is part of the problem. It is clear that the Life Long Learning Service and the County's schools should review its procedures in maintaining clean and safe school toilets. This review should clearly define roles and responsibilities for all involved in the management and provision of hygienic school toilets.
- 3.12** There is also a clear need to implement a monitoring system for checking the hygiene standards within school toilets and a need for independent auditing and/or enforcement to ensure standards are achieved and maintained.

Consideration should also be given to priorities for capital spending on school toilets.

#### **4.0 Food Poisoning Outbreak Responses**

**4.1** CMO recommends that *“local authorities should review the resources available to them in respect of major outbreaks of food poisoning or foodborne infections to ensure that they are capable of an adequate response to such emergency situation”*

**4.2** The food and health & safety team is capable of responding to an emergency situation such as a major outbreak of food poisoning. This will be in liaison with partners such as the National Public Health Service Wales. However, such a temporary redirection of resources will inevitably lead to a reduced level of programmed food hygiene inspection. Depending on the number of such emergency situations during the year, this will make it difficult to achieve performance targets.

**4.3** In the event of such a major outbreak, competent staff resources from other areas of the department and/or from neighbouring local authorities would need to be directed into the team.

#### **5.0 Food Poisoning Outbreak Control Plans**

**5.1** CMO recommends that *“local authorities should be encouraged to ensure that their outbreak control plans are up to date and incorporate the latest advice from appropriate working groups”*

**5.2** The current outbreak control plan used in Denbighshire is based on an All Wales model plan. This All Wales Plan is currently being reviewed by the Directors of Public Protection Wales Food Safety and Communicable Disease Technical Panels. The Food and Health & Safety Manager is reviewing Denbighshire’s outbreak control plan to ensure that it is current and up to date. Any changes made to the All Wales plan will be considered and incorporated into the Denbighshire plan as necessary.

#### **5.3 Out-of-hours working**

**5.4** CMO recommends that *“local authorities should be encouraged to review their systems for ensuring officers have contracts of employment to guarantee that necessary out-of-hours working can be introduced immediately”*

The Planning and Public Protection Department currently operate a system of contacting the Head of Planning and Public Protection or Assistant Head of Service in an emergency out-of-hours situation. The Food and Health & Safety Manager is also contactable in an emergency situation as an authorised officer under the Public Health (Control of Disease) Act 1984. Officers within the Planning and Public Protection Department are then contactable out of hours on a ‘goodwill’ basis.

**5.5** It is likely that additional resources will be required if the existing informal arrangement is formalised.

Environment and Regeneration Scrutiny Committee

16 July 2009

Report by the County Ecologist

---

---

**Denbighshire's NERC Act Biodiversity Duty Action Plan – Update on Progress**

**1. Purpose of the Report**

- 1.1** To update members on progress on the implementation of the Denbighshire Natural Environment and Rural Communities (NERC) Act Biodiversity Duty Action Plan, approved by Council in November 2008. The presentation that follows highlights examples of what has been achieved so far and what further opportunities exist to integrate biodiversity across the authority.

**2. Executive Summary**

- 2.1** This is a report on the progress that has been made to implement the Biodiversity Duty Action Plan. Examples of current best practice and future priorities are summarised below.

**2.2 Current actions:**

- The Council has appointed a lead member Biodiversity Champion, Councillor David Thomas.
- Through the planning system, the Council ensures that development impacts are minimised and opportunities are taken to provide biodiversity gains.
- Working with partners, biodiversity projects are being delivered locally and include the Wheeler Valley Water Vole Project and the Alyn Valley Himalayan Balsam Project.
- Countryside Sites are being managed to maximise their wildlife value, with many representing some of the most important sites in the county for biodiversity, for example, Gronant Dunes, Moel Famau and Brickfields Pond.
- Other 'non-planning' activities have also contributed significantly to the conservation of biodiversity with new habitats being created at, for example, Glanmorfa and Marine Lake, adjacent to new cycleways and in association with BREAAAM projects. At Nantclwyd y Dre a breeding colony of lesser horseshoe bats has been successfully protected.
- Working with Highways, the roadside verge cutting regime has been modified to protect verges having the greatest value for wildflowers.
- Training sessions have been provided to staff and Members to increase understanding of biodiversity issues.

- Awareness-raising events and activities have been organised for schools, local communities and the general public.

### **2.3 Future priorities:**

- Continue programme of training and produce specific guidance to enable staff to comply with wildlife legislation and identify opportunities to enhance biodiversity.
- Promote biodiversity conservation on other Council land, for example, the agricultural estate and parks and open spaces.
- Ensure corporate-wide policies, projects and strategies incorporate biodiversity considerations through amendments to Council's Corporate Project Management Methodology and through a question on committee reports regarding compliance.
- Promote sustainable development that is linked to biodiversity targets, and promote green tourism.
- Consider an agreement with Cofnod, the North Wales Records Centre, to provide essential data to inform decision-making.
- Encourage attainment of green dragon awards<sup>1</sup> on business parks.
- Introduce biodiversity targets into Service Business/Operational Plans.

## **3. Scrutiny Outcomes**

- 3.1** To raise awareness of the actions required to demonstrate compliance with the NERC Act Biodiversity Duty.

## **4. Recommendations**

- 4.1** That the Committee supports continued progress towards wider implementation of the Biodiversity Duty Action Plan.

## **5. Background**

- 5.1** The Denbighshire Biodiversity Duty Action Plan was produced in response to the new duty that was placed on local authorities by the Natural Environment and Rural Communities (NERC) Act 2006, requiring all public bodies, in exercising their functions, to have regard to the conservation of biodiversity. In practice, this means that local authorities are required to take account of the needs of priority habitats and species. These are listed in the Denbighshire Local Biodiversity Action Plan (LBAP), 'Our Future with Wildlife' which provides the framework for the protection and enhancement of the variety of biodiversity within the county.

- 5.2** Whilst the lead for conserving and enhancing biodiversity is taken by Countryside Service, the duty is a corporate responsibility that can only be successfully implemented if all services are involved. The primary aim of the duty is to raise the profile of biodiversity across the authority and ensure that biodiversity becomes a natural consideration in policy and decision-making.

---

<sup>1</sup> An environmental management system.

The biodiversity duty is in addition to other statutory responsibilities to protect designated sites, habitats and species such as the Habitats Regulations (amended 2007).

- 5.3** Welsh Assembly Government has issued specific guidance and is monitoring local authority compliance with the new duty, with a report to be produced in November 2009. With limited resources it is essential to work closely with adjoining authorities and other organisations and groups to deliver local biodiversity action. Often, small-scale action can help deliver multiple benefits for biodiversity.

## **6. Consultation Carried Out**

- 6.1** The Action Plan has been the subject of internal and external consultation with interested parties including the Denbighshire Biodiversity Partnership.

## **7. Implications on Other Policy Areas**

- 7.1** Conserving and enhancing biodiversity is fully compliant with the Vision for Denbighshire as an ideal place to live because ‘we will respect and maintain our natural environment’, and ‘we will celebrate and respect the diversity of the county’, and is also supported by the Community Strategy. The new biodiversity duty will have some implications for the development or review of the Council’s other plans and strategies.

## **8. Background Papers**

‘Action Plan to implement Local Authority Biodiversity Duty under the Natural Environment and Rural Communities (NERC) Act 2006 within Denbighshire’.

### **Contact Officers:**

County Ecologist (Tel 01824 708263)

Biodiversity Officer (Tel 01824 – 708234)

## **Action Plan to implement Local Authority Biodiversity Duty under the Natural Environment and Rural Communities (NERC) Act 2006 within Denbighshire**

The purpose of this Action Plan is to explain how the Council can comply with the NERC Biodiversity Duty and achieve best practice. The new duty under section 40(1) of the Act requires local authorities, in exercising their functions, to have regard to the purpose of conserving biodiversity. This also includes restoring and enhancing species populations and habitats as well as protecting them. In particular, habitats and species of principal importance in the UK and Wales (s42 list) must be taken into account. The Denbighshire Local Biodiversity Action Plan (LBAP) is essential to achieving this.

The Action Plan to implement the Duty across the authority follows recently published Defra guidance to Local Authorities (LA's) on how to integrate biodiversity conservation into a wide range of LA activities, functions and services. Additional guidance from the Wales Biodiversity Partnership (WBP) and Welsh Assembly Government has also been incorporated. The Action Plan also highlights LA responsibilities under other UK legislation (section 25 Wildlife and Countryside Act 1981 (as amended)) and the Habitats Regulations 1994 (as amended) implementing European law to protect designated sites, habitats and species. Under these Regulations the Council, as a competent authority, is also required to undertake Appropriate Assessments of proposals affecting European 'Natura 2000' sites.

Key areas within the authority where opportunities exist to comply with the Biodiversity Duty and where priority action is required are highlighted below.

### **1) Denbighshire Local Biodiversity Action Pan (LBAP)**

Denbighshire's Local Biodiversity Action Plan (LBAP) has been developed through a local partnership between the Council and other organisations, and has been endorsed by the Council. The LBAP enables the Council to contribute to the UK Biodiversity Action Plan by focusing on local priorities. EU, UK and Wales targets for habitats and species under threat or declining can only be achieved through the delivery of the LBAP, which also provides the framework for implementing the NERC Act Biodiversity Duty. The Council has overall responsibility for co-ordinating the Denbighshire LBAP with support and advice from the local Partnership.

#### **ACTION**

- 1) Continue to support the Local Biodiversity Partnership and provide co-ordination of the LBAP.**
- 2) Encourage and support biodiversity action on a regional scale including the publication of action plans.**
- 3) Continue to provide sufficient resources in accordance with WBP and WAG guidelines to ensure compliance with and enforcement of the**

**amended Habitats Regulations and the NERC Act Biodiversity Duty. In particular, continue to support the full time Biodiversity Officer post to ensure that the LBAP is implemented and to support the Council to comply with the new Duty.**

## **2) Local Policies, Plans and Strategies**

LA's are able to have regard to biodiversity conservation through the wide range of Council policies, plans and strategies that are produced (for example, Local Development Plan, Economic Development Strategy, Property and Housing Strategy, Sustainable Tourism Strategy, Community Strategy) as well as in the County's Vision Statement and the range of Service and Departmental Business Plans. The following measures are needed to make biodiversity an integral part of policy and decision-making.

### **ACTION**

- 1) Ensure consideration is given to integrating biodiversity objectives into the various Council policies, plans and strategies through early discussion and consultation processes, taking account of the need to reduce impacts and also provide gains for wildlife.**
- 2) Ensure that Business Plans and Council projects and proposals, including grant-aided schemes, take account of biodiversity.**

## **3) Local Development Plan/Development Control**

The planning system through the Development Plan and Development Control process has a key role to play in protecting biodiversity locally and in meeting national and local biodiversity actions and targets for habitats and species. The new Local Development Plan (LDP) with objectives to accommodate higher rates of growth in the county will bring significant pressures on wildlife and the environment. The new Duty requires that both protective and enhancement policies and allocations for biodiversity and protected habitats and species should be incorporated into the LDP. In this way, biodiversity considerations will support sustainable development in the area. The Council has a key role to play in contributing to the objectives of the Welsh Assembly Government's Environment Strategy for Wales, in particular, to halt the loss of habitats and species in the UK by 2010 and assist their recovery. LA's also have an important role in contributing to the UK's efforts to reduce the effects of climate change, for example, through encouraging sustainable flood management through tree planting and protection of natural floodplains and coastlines, the sustainable management of woods and peat bogs, and the safeguard of natural links between habitats so that species are able to migrate in response to climate change.

### **ACTION**

- 1) Ensure that biodiversity conservation is taken fully into account in the LDP, DC and other consent procedures such as building regulations, following guidance in the draft Planning Policy Wales TAN 5 (Nature Conservation) and interim planning advice on climate change. Ensure full compliance with European and UK legislation.**

- 2) Produce updated Supplementary Planning Guidance on Protected Species and Biodiversity to guide planners and developers.
- 3) Secure effective conditions and obligations, and adequate commuted sums, for mitigation, enhancement and compensation measures (for example, habitat restoration on mineral sites, creation of new ponds, retaining linear features, protection of wetland through flood defences).
- 4) Monitor the success of planning conditions and obligations in delivering long term biodiversity targets, and ensure such sites are not subject to subsequent threats or proposals.
- 4) Ensure short and long term regulation and enforcement of conditions and obligations.
- 5) Maintain and update the register of non-statutory Wildlife Sites.
- 6) Maintain connectivity of habitats and recognise potential wildlife value of brownfield sites.

#### **4) Council-Owned Land and Buildings**

Local authorities can contribute to biodiversity conservation through the direct management for wildlife on their own land and buildings and through the decisions they make regarding use of chemicals, water, compost, invasive species. The key areas within the Council's estate where action is required in order to fulfil obligations under the various biodiversity-related legislation including the Habitats Regulations are highlighted below.

##### **(A) Countryside Sites**

Countryside Sites are managed by the Countryside Service for the benefit of local people, visitors, schools, community groups and wildlife. They also enable volunteers to become involved in local action. They include designated Sites of Special Scientific Interest (SSSI's) and European 'Natura 2000' sites (ie Special Areas of Conservation). 3 Countryside Sites have been designated as Local Nature Reserves. Many of them represent some of the most important sites in the county for wildlife and can make a significant contribution to the delivery of actions and targets in national and local Biodiversity Action Plans. The Clwydian Range AONB Management Plan and the Heather and Hillforts Project which include areas outside the Council's ownership also have a role in delivering biodiversity objectives.

##### **ACTION**

- 1) Agree action required to ensure features of SSSI's within the Council's ownership are in favourable or recovering condition by 2010.
- 2) Produce and implement biodiversity statements or management plans on all other Countryside Sites, in order to protect and enhance conditions for priority habitats and species.
- 3) Ensure all Countryside Service activities, projects and plans take account of biodiversity-related legislation.
- 4) Control the introduction and spread of invasive alien species on all Council-owned land.

## **(B) Parks and Open Spaces**

Within urban and rural areas and countryside around towns, there are a variety of pockets of 'green open space' owned by the Council from local parks and gardens, sports grounds, cemeteries, school grounds and garden allotments to recreational sites (such as Marine Lake, beaches and sand dunes), small commons, green lanes, hedges, disused railway lines and river and canal corridors. Together they form a valuable network of green open space, which when linked up can provide valuable corridors and migration routes for wildlife. If managed sympathetically, they can provide important habitats for wildlife, as well as offering opportunities for people to get closer to nature, with resulting benefits for health and well-being. Wildlife considerations can also help the Council achieve a Green Flag Award, a national standard for parks and green spaces.

### **ACTION**

- 1) Look at ways to improve the management of 'green open spaces' for wildlife and produce guidelines (for example, less intensive grass cutting, native planting, avoidance of use of invasive plant species, reduced herbicide and pesticide use). In the latter context, action will also be taken to encourage garden centres and other outlets to restrict the sale of invasive plant species, to support action at a national level to control their use and sale and to raise awareness amongst the general public.**
- 2) Identify areas of green space around main towns which can be linked up for public enjoyment and biodiversity.**
- 3) Produce interpretation explaining management and benefits and involve public where possible.**

## **(C) Council Buildings**

Buildings can provide important nesting sites for birds and roosting sites for bats. Bats roost in such places as loft spaces, under ridge tiles and in crevices, and are particularly vulnerable when maintenance works are being carried out or during conversion or extension works to existing buildings. Biodiversity can contribute to achieving various certification schemes, for example, 'BREEAM', enabling local authorities to demonstrate that their buildings meet recognised environmental standards.

### **ACTION**

- 1) Ensure that improvements, conversions and extensions to Council buildings take full account of wildlife legislation.**
- 2) Consider ways to increase the value of new buildings for biodiversity at the early design stage.**
- 3) For new developments consider techniques such as Sustainable Urban Drainage Schemes or Green roofs.**

## **(D) Council Farms**

Local authorities have a key role to play in encouraging tenants to enhance the management of land for biodiversity through their tenancy agreements, or to enter sites into agri-environment funded schemes. Often small scale measures can be implemented with maximum benefits to wildlife, with minimal impact on the farming operation. EU legislation already requires farms receiving Single farm payments to provide minimum environmental benefits (cross-compliance), but additional measures are needed to comply with the Biodiversity Duty.

#### **ACTION**

- 1) Encourage farm tenants to maintain and enhance habitats on the farm, and to implement wildlife-friendly practices to encourage species under threat.**
- 2) Undertake farm surveys and prepare farm biodiversity plans and guidance on farm management practices to enhance priority habitats and species, where tenancies are to change, to form part of next tenancy agreement.**

#### **(E) Council Woodlands and Trees**

Ideally, Council woodlands are brought under sustainable management to secure their long-term future. The Forestry Commission's Better Woodlands for Wales grant scheme aims to secure the long-term sustainable management of woodlands and the planting up of new areas and gaps. Trees provide important habitats for a wide range of species including roosting bats and nesting birds. Works on trees and scrub must have regard to bird nesting periods and bat breeding and hibernation sites.

#### **ACTION**

- 1) Prepare FC Better Woodlands for Wales Plans for Council-owned woods and new woodland areas where appropriate.**
- 2) Ensure trees requiring felling or pruning are first assessed for presence of bats, and measures taken to avoid harm or disturbance.**
- 3) Avoid sensitive bird nesting periods when carrying out works on trees and scrub.**

#### **5) Transport and Highways**

Bridges, culverts and other structures can support protected species and other wildlife. Roadside verges are often the last remaining areas of unimproved grassland. If managed sympathetically, they can contribute significantly to biodiversity, and act as corridors linking other habitats.

#### **ACTION**

- 1) When carrying out improvements to roads and associated structures, assess whether protected or priority habitats and species would be affected and provide adequate mitigation and compensation.**
- 2) Consider what measures can be taken to reduce otter and badger road kills (for example, provision of otter ledges and tunnels, provision of uninterrupted dry riverbanks when constructing new river crossings).**

- 3) Implement modifications to the verge cutting regime to allow wildlife to flourish, without compromising public safety.**
- 4) Encourage use of Sustainable Urban Drainage Systems as the preferred method of addressing surface water management issues.**
- 5) Aim to enhance the local environment when creating new cycleways.**

## **6) Tourism and Recreation**

Biodiversity is increasingly seen as an important asset to tourism and local economies, and in the promotion of visitors to the local area through, for example, local distinctiveness initiatives and promotion of wildlife-rich areas.

### **ACTION**

- 1) Encourage green tourism.**
- 2) Link tourism benefits to biodiversity action.**
- 3) Assist businesses to gain awards for integrating biodiversity conservation on their sites.**

## **7) Education, Advice and Awareness Raising**

Local authorities have an important role in promoting understanding and awareness of biodiversity issues through involvement with schools, communities and general public, and by encouraging land managers, businesses and other organisations to act in ways that benefit conservation. The Council will also need to increase awareness amongst Council staff and elected members of its duties under the NERC Act and Habitats Regulations.

### **ACTION**

- 1) Involve the schools, local community and general public in environmental projects and events. Visit schools and community groups to talk about biodiversity issues.**
- 2) Assist schools with developing wildlife areas within school grounds; encourage the formation of eco-schools.**
- 3) Provide the general public with information and interpretation on biodiversity.**
- 4) Provide training courses for Council staff and elected members on the Biodiversity Duty, Habitats Regulations and other wildlife legislation to develop best practice.**
- 5) Support the role of Biodiversity Champion in developing best practice for implementing the Biodiversity Duty throughout the authority.**
- 6) Provide regular training on Habitats Regulations and biodiversity duty working practices for all relevant staff including Planning and Building Control Officers, design team members and site managers.**

## **8) Databases**

The Local Records Centre (LRC) known as Cofnod has recently been set up to collate and maintain up to date records on environmental data from a wide range of sources. As such Cofnod has an important role in supporting the requirement of local authorities to have a sound database on habitats and

species in order to ensure informed decision-making, and to monitor the delivery of actions and targets in the LBAP.

#### **ACTION**

- 1) Support the LRC Cofnod in their role as holders of good quality data on biodiversity.**
- 2) Develop a service level agreement with Cofnod to provide biodiversity data for this area to Denbighshire County Council.**
- 3) Work with voluntary organisations to collect species data.**

#### **Sources of Information:**

- 1) Our Future with Wildlife. Denbighshire's Local Biodiversity Action Plan.
- 2) Guidance for LA's on Implementing the Biodiversity Duty. Defra. 2007.
- 3) Wales Biodiversity Framework. Wales Biodiversity Partnership and WAG (see Annex H – regarding minimum required staff for LA to co-ordinate LBAP and fulfil Biodiversity Duty).
- 4) ALGE Document 'Increasing the Momentum'.
- 5) Biodiversity Checklists for LA's, and Endorsement document. WBP

Environment and Regeneration Scrutiny Committee

16<sup>th</sup> July 2009

**Report by the Senior Property Manager**

---

---

**Energy Efficiency**

**1. Purpose of the Report**

To inform the Committee on measures currently being carried out by Property Services to increase the Energy Efficiency of the council's property portfolio.

**2. Executive Summary**

Much work has been done and is in progress to reduce utility costs and minimise carbon emissions. Capital bids are submitted each year to enable projects to be carried out. £50k has been made available for 2009/ 2010.

The report highlights the current work being carried out by property Services to keep utility cost and carbon emissions to a minimum. Whilst savings are made the limited staff resources is restricting what can be achieved and further potential savings are being missed.

**3. Scrutiny Outcomes**

The report highlights the current work being carried out to reduce utility costs. It also highlights the limited resources currently available and how these are being addressed and provides recommendations where improvements can be made.

**4. Recommendation - that**

The Scrutiny Committee considers and challenges the Council's arrangements to promote energy efficiency.

**5. Background**

5.1 Property Services are responsible for ensuring the Council's energy and water costs are kept to a minimum. The work load is shared between the Senior Property Manger and an Energy officer although the Property Manager currently has much of his time taken up with office accommodation moves. With over 200 sites in the property portfolio there is clearly a staff resource issue.

5.2 Denbighshire is part of the North Wales Energy Partnership, which is made up of all the Councils in North Wales and included the Police and Fire Service.

Regular meetings are held to discuss and resolve energy management issues. Compared to other authorities Denbighshire is performing quite well but some organisations do have better resources. Flintshire, for instance, has 5 members of staff in their Energy team.

- 5.3 Property Services have a limited budget to invest in energy efficient measures. They also provide advice to building managers, caretaker etc on how to carry out good house keeping procedures to reduce energy consumption.
- 5.4 The Council's current Carbon Reduction Strategy was produced in partnership with the Carbon Trust in 2008. The target reduction of 60% by 2018 equates to a 6.67% reduction annually for the next 9 years. This is now considered unrealistic and unachievable unless a significant rise in human and financial resources is committed now.
- 5.5 The Carbon Reduction Commitment (CRC) legislation which comes into operation next year will create further work for the department. To plan for this a Carbon reduction programme steering group has been set up to highlight what resources will be required to meet the requirement of the CRC. The group is made up of officers from Property, Project Management, Finance and the Policy unit. A report will be going to Cabinet at the end of the summer. It will highlight a framework for action between now and 2020, based on solid evidence and proven need. This will supersede the existing strategy.
- 5.6 The new framework will set a target to commit the Council to reduce its carbon emissions by 3% per year to meet current government targets. In 2008 /2009 consumption actually went up but much of this could be attributed to the cold winter. See appendix 2.
- 5.7 A further report will be submitted to this committee when the steering group has completed its work and produced detailed recommendations.

## 6. **Consultation Carried Out**

Building Services, Design Services and building managers have highlighted potential projects where energy efficiency measures can be carried out. Each proposal is investigated and analysed to determine the potential cost and carbon saving by carrying out the project.

## 7. **Implications on Other Policy Areas**

Issues raised within this report are supported by existing policy and strategies.

- a. Efficiency Strategy 2007 / 2010
- b. Sustainable development plan
- c. Environmental policy
- d. Improvement plan

**8. Background Papers**

Appendix 1 shows the current projects planned to be carried out this financial year.

**Contact Officer:**

Senior Property Manager Tel: 01824 706733.

**Appendix 1**

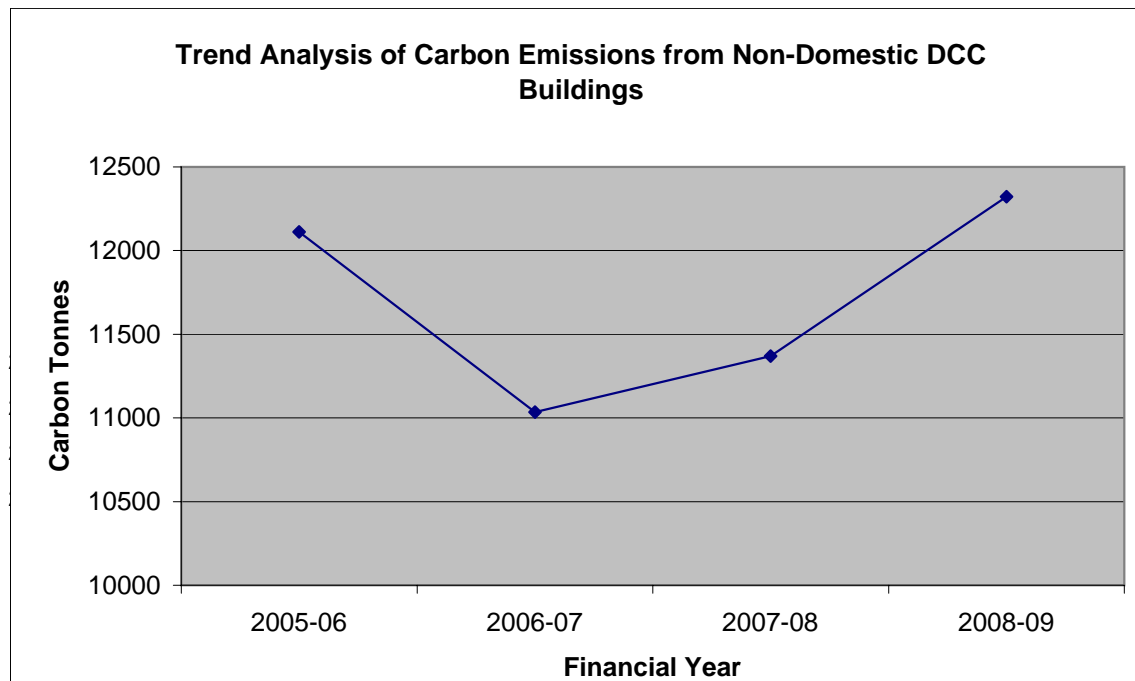
Energy Efficiency projects for 2009/ 2010

SITE LOCATION	Project	COST £	E =est.costs A= actual	EST. ANNUAL SAVING	PAYBACK YRS.
Trem Clwyd	Install loft insulation	£5,000	E	£3,500	1.43
Ty Nant	Improve heating controls	£2,000	E	£1,000	2.00
Ysgol Llewellyn	Replace draughty windows	£5,000	E	£2,500	2.00
Rock House	Install controls on electric heating	£3,000	E	£1,500	2.00
Ysgol Penmorfa	Convert from oil to gas	£7,000	E	£3,000	2.33
Rhyl Library	Replace heating controls	£5,000	E	£2,000	2.50
Russell House	Loft Insulation	£5,000	E	£2,000	2.50
46 Clwyd Street	Loft insulation	£7,000	E	£2,500	2.80
Fronfraith offices	Loft insulation	£5,000	E	£2,000	2.50
Ysgol Mair, Rhyl	Relace heating controls	£6,000	E	£2,000	3.00
		<b>£50,000</b>		<b>£22,000</b>	<b>2.27</b>

Avg

## Non-domestic council buildings

	2005-06	2006-07	2007-08	2008-09
<b>Carbon Tonnes</b>	12110.812	11034.581	11370.174	12321.619
<b>Carbon Reduction (tonnes)</b>	baseline	1076.231	-335.593	-951.445
<b>Carbon Reduction (%)</b>	baseline	8.88%	-3.04%	-8.37%
<b>Cumulative Reduction (tonnes)</b>	baseline	1076.231	740.638	-210.807
<b>Cumulative Reduction (%)</b>	baseline	8.88%	5.84%	-2.53%



## Environment and Regeneration Scrutiny Committee

16 July 2009

### Report by the Scrutiny Support Officer

---

---

#### Scrutiny Work Programme

##### 1. Purpose of Report

To review the future work programme for the Environment and Regeneration Scrutiny Committee and to update members on relevant issues.

##### 2 Scrutiny Outcomes

2.1 Committee members are recommended to review the issues listed in the draft forward work programme (appendix 1) for future meetings, taking into consideration:-

- Relevance to the Committee's / Council's priorities
- Meeting workload
- Timeliness
- Outcomes
- Key issues and information to be included
- Officers and / or lead Cabinet members who should be invited
- Questions to be put to officers / lead Cabinet members.

2.2 By reviewing and prioritising issues, members are able to ensure that the work programme delivers a member-led agenda.

##### 3 The Work Programme

3.1 The Constitution of Denbighshire County Council requires scrutiny committees to prepare and keep under review a programme for their future work. The committee's draft forward work programme is attached as appendix 1.

3.2 The Cabinet's forward work programme is this month included with the Committee's green briefing notes.

##### 4 Asset Management Group

4.1 On 14 May the Environment and Regeneration Scrutiny Committee asked their chair to meet with the chair of the Resources Scrutiny Committee to look into asset management issues. Details of this and the chairs' discussion are attached as appendix 2.

- 4.2 As a result, a small working group is being established. The membership is suggested to be the two chairs plus two members from each committee, with expressions of interest requested from members of both committees. The first meeting is scheduled for **Thursday, 30 July at 2.30 p.m.** in conference room 1b, County Hall. The Head of Development Services and a Scrutiny Support Officer will be present to support the work.
- 4.3 At the time of writing this report, Councillor Rhys Hughes has expressed his interest in joining the working group, leaving an opportunity for one more member of the Scrutiny Committee.
- 4.4 Members will note from this week's Cabinet's Forward Work Programme that a report on the Agricultural Estate has been scheduled for Cabinet's October meeting.

## **5 WLGA Session for Scrutiny Members**

- 5.1 The WLGA will be facilitating a session organized by the Council's Corporate Health Improvement Group on the role Scrutiny members have in promoting health and well-being.
- 5.2 An invitation has been extended to the chair and two members of each of the scrutiny committees to attend. The session will be held on Wednesday, 29 July at 2 p.m. in 64 Brighton Road, Rhyl.
- 5.3 Committee members interested in this event are requested to contact Siân Bennett, Health Improvement Officer, or the Scrutiny Support Officer.

## **6 Training for Members on Planning Matters**

- 6.1 An information report by the Head of Planning and Public Protection is being circulated as part of the Committee's July briefing notes. In accordance with the Committee's approved work programme it is not intended that the Committee should discuss the report in detail during the Scrutiny meeting.
- 6.2 Members' attention is however drawn to the report's recommendations which seek the Committee's support for enforcing the agreed Protocol for Member Training. This would include liaising with and imposing the necessary voting restrictions on those members ineligible to vote due to their lack of attendance at the necessary training.

## **7 Implications on Other Policy Areas**

The development and review of a coordinated work programme will assist the Council in monitoring and reviewing policy issues.

## **8 Recommendations – That the Committee**

- 8.1 Support the Head of Planning and Public Protection's role in managing and enforcing the Council's Protocol for Member Training on planning matters and consider whether to circulate the information report (attached to the green briefing paper) to all members of the Council.
- 8.2 Considers the draft Work Programme for the Environment and Regeneration Scrutiny Committee as contained in Appendix 1 and approves or amends as necessary.

Contact Officer: Scrutiny Support Officer  
(Tel No. 01824 - 712589: e.mail: dcc\_admin@denbighshire.gov.uk)

Environment and Regeneration Scrutiny Committee Forward Work Plan Appendix 1

**Note: Any items entered in italics have not been approved for submission by the Committee. Such reports are listed here for information, pending formal approval.**

Meeting	Item (description / title)		Purpose of report	Expected Outcomes	Author	Date Entered
17 Sept Loggerheads	1	Heritage & cultural assets studies and the Review of the Arts Service	To review the scoping studies commissioned for heritage assets management.	Identified by the Committee during January 09	Paul Murphy	Feb and May 09
	2	Quarterly Performance Report – Q1	To enable members to fulfil their scrutiny role with regard to the monitoring and management of performance	Delivery of the Committee's role in monitoring and challenging officers, lead members and services in respect of agreed targets and objectives	Terri Fleming	April 09
	3	The draft 2010 / 2011 Budget	To scrutinise progress in developing draft budget proposals for the Environment Directorate.	Scrutiny of & member involvement in the drafting of the budget.	Mike Hitchings	May 09
15 October County Hall, Ruthin	1	Enforcement of Environment Crime	To scrutinise the actions implemented & the performance achieved under the Council's strategy for dealing with environment crimes e.g. dog fouling & littering	The Committee will be in a position to evaluate the impact of the recent enforcement developments & identify future activities.	Graham Boase / Roly Schwarz	April 09
	2.	Review of Roadside Grass Cutting	To scrutinise the effects of the 2009/10 budget efficiencies on the County's verge cutting programme	An evaluation of the impact of the efficiency savings on the Authority and the public, with a view to formulating recommendations in relation to the 2010/11 grass cutting programme ahead of the budget setting process	Tim Towers	June 09

Environment and Regeneration Scrutiny Committee Forward Work Plan Appendix 1

<b>Meeting</b>	<b>Item (description / title)</b>		<b>Purpose of report</b>	<b>Expected Outcomes</b>	<b>Author</b>	<b>Date Entered</b>
12 November Ty Nant, Prestatyn	1	Risk Management Update for the Environment Directorate	To review the high level risks within the Directorate	Scrutiny members will be aware of the risks & can develop proposals to monitor and address them.	Ivan Butler	March 09
	2	Quarterly Performance Report – Q2	To enable members to fulfil their scrutiny role with regard to the monitoring and management of performance	Delivery of the Committee’s role in monitoring and challenging officers, lead members and services in respect of agreed targets and objectives	Terri Fleming	April 09
10 December Ty Nant, Prestatyn	1	Update on Joint Highways and Infrastructure Collaboration	To advise the Committee on the progress with the Joint Highways and Infrastructure project between Denbighshire and Conwy councils	An evaluation of the progress to date with the collaboration project, identification of any slippages or risks, and recommendations to mitigate against identified risks	Iwan Prys-Jones/Stuart Davies	June 09
	2	Clwyd Leisure – Financial Position (Part II)	To receive details on the company’s financial position following the 2009 summer season	An evaluation of the company’s financial position will enable the Committee to establish the current level of risk to the Authority, the measures required to mitigate the risk and to inform recommendations in relation to the future development of the Council’s assets	Iwan Prys-Jones	June 09

Environment and Regeneration Scrutiny Committee Forward Work Plan Appendix 1

<b>Meeting</b>	<b>Item (description / title)</b>		<b>Purpose of report</b>	<b>Expected Outcomes</b>	<b>Author</b>	<b>Date Entered</b>
15 January 2010 (Special)  Russell house, Rhyl	1					
21 January 2010  County Hall, Ruthin	1	Clwyd Leisure / coastal facilities	To present the emerging future proposals for the coastal facilities.	Scrutiny of the emerging proposals will ensure that any future development of the facilities will contribute to the Council's regeneration priority, and ensure value for money and long-term viability	Iwan Prys-Jones	June 09
18 February 2010  Ty Nant, Prestatyn	1	Quarterly Performance Report – Q3	To enable members to fulfil their scrutiny role with regard to the monitoring and management of performance	Delivery of the Committee's role in monitoring and challenging officers, lead members and services in respect of agreed targets and objectives	Terri Fleming	April 09
13 May 2010  County Hall, Ruthin	1	Quarterly Performance Report – Q4	To enable members to fulfil their scrutiny role with regard to the monitoring and management of performance	Delivery of the Committee's role in monitoring and challenging officers, lead members and services in respect of agreed targets and objectives	Terri Fleming	April 09

Environment and Regeneration Scrutiny Committee Forward Work Plan Appendix 1

<b>Future Items Item (description / title)</b>	<b>Purpose of report</b>	<b>Expected Outcomes</b>	<b>Author</b>	<b>Date Entered</b>
Review of studies into sustainability and future plans for: <ul style="list-style-type: none"> <li>Pavilion Theatre &amp; tourism / cultural regeneration in Rhyl</li> </ul>	To review the findings of studies into the heritage & culture portfolio, including those from LABGI funds, and by Development Services.	To review proposals for sustainability and focus on the Council's priorities.	Paul Murphy	Jan 09`
Winter Maintenance Arrangements	To present the findings of the Winter Maintenance Arrangements Working Group in relation to the severe weather road maintenance arrangements required for future years including the service efficiencies which can be realised in order to achieve the optimum arrangements	To formulate recommendations in relation to winter maintenance arrangements ahead of the 2010/11 budget setting process	Stuart Davies/Tim Towers	June 09

<b>Information / Consultation</b>	<b>Item (description / title)</b>	<b>Purpose of report</b>	<b>Author</b>	<b>Date Entered</b>
To be circulated with July briefing notes	Benchmarking of performance & financial data for fleet management.	To highlight how efficient and cost-effective the Council's fleet management arrangements are in comparison to other local authorities.	Mike Hitchings / Graham Taylor	February 09
To be circulated with July briefing notes	Impact of Car Parking Charges	To provide usage, complaints and income to ascertain the impact of car parking charges	Mike Hitchings / Derek McEwan	February 09
July 09	Ffrith Leisure Limited	To provide information on the current position in relation to Ffrith Leisure Limited and the Festival Gardens site	Iwan Prys-Jones	June 09
September 09 & March 2010	Scala Business Plan Update PART II	To monitor the progress of the Scala Co Ltd in delivering against the Service Level Agreement (SLA) to budget	Paul Murphy	March 09

Environment and Regeneration Scrutiny Committee Forward Work Plan Appendix 1

Updated 9/07/2009

*Note for officers – Committee Report Deadlines*

<i>Meeting</i>	<b><i>Deadline</i></b>	<i>Meeting</i>	<b><i>Deadline</i></b>	<i>Meeting</i>	<b><i>Deadline</i></b>
<i>September</i>	<b><i>3 September</i></b>	<i>October</i>	<b><i>1 October</i></b>	<i>November</i>	<b><i>29 October</i></b>

Environment & Regeneration Scrutiny Work Programme.doc

## Asset Management Working Group - 2009

		Notes
Terms of reference	<ul style="list-style-type: none"> <li>• The Corporate Director, Environment, Head of Development Services, Scrutiny Support Officer and the Chairs of the Environment &amp; Regeneration and Resources Scrutiny Committees be requested to agree the scope of a future Scrutiny working group review into Member's involvement in asset management, primarily:               <ul style="list-style-type: none"> <li>○ The agricultural estate</li> <li>○ Vacant or unused properties and assets</li> </ul> </li> </ul> <p>(Environment &amp; Regeneration Scrutiny Committee, 14 May 2009)</p> <ul style="list-style-type: none"> <li>• Report findings / options to the Scrutiny Committees.</li> </ul>	
<b>Scoping Meeting</b> Held 2 June 2009	<ul style="list-style-type: none"> <li>• Agreed to use the 2005 Scrutiny Working Group's review of the Council's assets and the asset challenge process involving the Area Elected Member Groups in 2006 / 2007.</li> <li>• Officers to provide information on the progress of current asset sales.</li> </ul>	<b>Information to be provided by Iwan / Gareth</b>
	<ul style="list-style-type: none"> <li>• Chairs to agree the Working Group's membership and meeting date(s)</li> </ul> <p><i>Suggested membership = both chairs plus 2 members from each committee.</i></p>	<b>Cllrs Evans and Feeley (Steve Price)</b>
<b>Working Group meeting</b> 30 July	<ul style="list-style-type: none"> <li>• Working Group to review information held by the Council on its assets, their management and disposals</li> <li>• Members to challenge progress made following the previous studies.</li> <li>• Members to consider:               <ul style="list-style-type: none"> <li>○ Key issues and information to be covered in any future meeting(s) or report to the parent Scrutiny Committees</li> <li>○ Officers and / or lead Cabinet members to be invited to contribute</li> <li>○ Questions to be put to officers / lead Cabinet members</li> <li>○ Independent experts and witnesses to be invited to give evidence.</li> </ul> </li> <li>• Detailed <b>outcomes</b> required from the review.</li> </ul>	