

Monmouthshire Select Committee Minutes

Meeting of People Scrutiny Committee held at Council Chamber, County Hall, The Rhadyr USK on Thursday, 10th August, 2023 at 10.00 am

Councillors Present

County Councillor John Crook(Chairman)

County Councillors: Fay Bromfield, Simon Howarth, Penny Jones, Maureen Powell, Sue Riley, Maria Stevens, Jackie Strong, Louise Brown substituting for Christopher Edwards

Also in attendance County Councillors: Jan Butler, Lisa Dymock Richard John, Paul Pavia and Ann Webb and Cabinet Member for Education, Martyn Groucutt and Cabinet Member for Social Care, Safeguarding and Accessible Health Services

Officers in Attendance

Hazel Ilett, Scrutiny Manager
Robert McGowan, Policy and Scrutiny Officer
Jane Rodgers, Chief Officer for Social Care, Safeguarding and Health
Cath Saunders, Children and Young People Directorate
Nikki Wellington, Finance Manager
Joanne Chase, Solicitor
Jenny Jenkins, Head of Adult Services
Deb Hill-Howells, Head of Decarbonisation, Transport and Support Services
Becky Pritchard, Transport Officer

APOLOGIES: County Councillor Christopher Edwards

Note: the following minutes focus on the challenge from members – for the full discussion, the recording of the meeting is at www.youtube.com/watch?v=gSzTQ4y7nRU&list=PLlmqn4nAaFJCbj_Cu0DbhGQkCrLYK7xM&index=1

1. Declarations of Interest

None.

2. 10.00am Public Open Forum for Home to School Transport Policy

The following concerns were raised:

- A Community Councillor representing Mathern Community Council commented on how children from the local area had to walk accompanied by adults on the journey to school along the narrow path along the A48 Pwllmeyric, as the traffic was so congested that the school buses could not get through. The representative was concerned about the health and safety aspect of the pollution from traffic along this route. It was reported that some children were unable to

continue at school for the rest of the school day due to having headaches as a result of this walk.

- A lady had requested to join the meeting for the Public Open Forum, but had problems joining the meeting, but has sent a written contribution outlining concerns about the policy's wording in respect of faith schools. The contribution has been forwarded to the Cabinet Member for Education and the key points have been referenced by Members above, for the Cabinet Member to take into account.

The Chair thanked speakers for attending and speaking under the Public Open Forum to assist the Committee with their deliberations.

3. 10.15am Scrutiny of Home to School Transport Policy

Cabinet Member Martyn Groucutt presented the report with Debra Hill-Howells. Debra Hill-Howells answered the members' questions with Councillor Groucutt and Becky Pritchard.

Key points raised by Committee members:

The following points were raised by the Committee for consideration by the Cabinet Member:

- Concern was expressed about the wording in the policy relating to faith schools and Members agreed that the wording needed to take account of the email from a member of the public over this concern, the wording needing to include the 'nearest suitable faith school', to ensure it would be suitable on the grounds of faith.
- In response, officers confirmed that the changes on the faith education side in the policy 2024/25 will have no practical impact on current and future eligibility of free transport to faith schools and that nobody receiving faith transport will be impacted, which was welcomed by Members.
- In response to Member concerns, officers agreed to change the wording on the paragraph relating to available walking routes to align with the Learner Travel Measure and to remove the paragraph which mentioned 'sufficiently dangerous' and replace it with the wording "If the route to school is deemed to be unsafe, then the learner cannot be expected to walk to school, even though the distance from home to school is less than the distance limit that applies to his/her age. In such circumstances, the learner is entitled to free transport."

- Some Members expressed concern about the notice period changing for the withdrawal of transport. Officers agreed to investigate the legal sections of the duty, to assess Learner Travel Needs in the Learner Travel Measure (Wales) 2008. The Learner Travel Measure (Wales) 2008 appears to show an assessment for individual pupils each academic year for the following academic year. This means that whilst the notice period in the current policy of 2023/24 is in line with this legal duty, it is not in line with legal duty in respect of the draft policy for 2024/25, as there is a shorter notice period in the middle of an academic year.
- Concern was expressed about safeguarding on public buses with the extra risks of increasing the use of public buses in 2024/25 from its current small usage. Officers indicated that buses had CCTV and that this was kept for 14 days so any complaints could be reviewed.
- A visiting Member raised concern about the availability of spaces and the unreliability of a public bus company, officers indicating that they could not comment on individual tenders/contracts. Officers also confirmed that they were arranging a school crossing patrol in this Members' area.
- Concern was expressed to ensure that the Safety on Learner Transport (Wales) Measure 2011 was applied for public buses, including the need to have a seat belt on each seat and the necessary driver training requirements.
- Clarification was sought that public buses would only be used for secondary pupils and not primary pupils, as the wording of the draft policy 2024/25 was unclear in this regard.
- Concern was expressed about DBS checks, Members highlighting the need for DBS checks on drivers of public buses within County, recognising that some public buses cross county boundaries.

Formal Outcome of the Scrutiny:

The Chair thanked everyone for their input and the public for their attendance and valuable contribution. He also thanked Cabinet Members and Officers for their contribution and concluded:

The Committee suggested amendments to the draft policy of 2024/25 and requested that the Cabinet Member takes full account of Member concerns and incorporates the proposed amendments. The Committee made the following recommendations to the Cabinet Member:

1. That the email from the member of the public highlighting faith concerns be taken into account by the Cabinet Member in the decision making on the draft policy 2024/25 and amendments to it. The Committee has referenced its concern about the need for clarification on faith transport. Members request that the policy read as 'faith transport to the nearest suitable school', with suitability being on the grounds of the learners' parents' faith, even if that is not the same faith or denomination, and on the basis of the schools' faith admission criteria.
2. That amendments are made to the draft policy for 2024/25 to align it with the Learner Travel Measure Wales on safe walking route. Members also ask that the notice period to withdraw the offer of school transport be legally investigated to ascertain whether it better aligns with the current policy for 2023/24.
3. That amendments are made to the draft policy for 2024/25 to clarify that the use of public buses will only apply to secondary age pupils, and not primary age pupils.
4. That the use of public buses for school transport, such as dedicated school buses, comply with the Safety on Learner Transport (Wales) Measure 2011, which includes individual seat belts and driver training. An additional recommendation made was that drivers be subject to internal Monmouthshire Council DBS check monitoring.
5. That school buses and public buses used for school transport to and from places of education, before and after school, all have CCTV saved for 14 days to help monitor concerns/ complaints in terms of safeguarding, particularly due to members of the public being able to travel on public buses.

4. 11.00am Call-in of the decision by Cabinet of 26th July 2023 in relation to S106 agreement for Caldicot

The Scrutiny Manager explained the Call-in process, as outlined in the Council's Constitution. Councillor Dymock spoke as the Call-in Lead, detailing the reasons for calling in the decision, as stated in the Call-in request. Cabinet Member Martyn Groucutt responded to the points of the call-in and Joanne Chase, Deputy Monitoring Officer provided clarification on the legality of the Section 106 agreement. Councillor Groucutt, Joanne Chase and Cath Saunders answered the members' questions.

Key points raised by Members:

- A member queried whether Section 106 monies had to be spent in the local area. The Deputy Monitoring Officer confirmed that schools within the cluster could benefit, as stated in the Section 106 agreement and that this was legal.

- Members discussed the pupil numbers at the schools concerned: Castle Park primary having 190 pupils with a capacity of 210 pupils and Archbishop Rowan School having 206 pupils with a capacity of 210 pupil.
- Some Members suggested that Archbishop Rowan School would benefit more from the Section 106 monies and would have local mitigating need and that the decision was illogical. Other Members Another Member felt that given the close proximity of the schools, the money could be used to secure immediate benefit for Castle Park primary and suggested monies could be utilised at a later date for Archbishop Rowan School at a future date.
- Officers advised that this was a matter of timing and ensuring monies can be spent within the timescale, given that agreements are drawn up long in advance of monies being received. The Cabinet Member confirmed that the second transfer of money from Church Road would go to Archbishop Rowan School.

Formal Outcome of the Scrutiny:

Following significant debate which can be accessed via the live stream, the Committee proceeded to a vote:

Four Members agreed to accept the Cabinet Member's decision.

Five Members agreed to refer the decision to full Council, reasons cited as being unfair to Archbishop Rowan School and the community of Portskewett.

The decision to refer the matter to Council was carried.

5. 12.00 noon BREAK

6. 12.30pm Public Open Forum Respite Provision Report

Written contributions had been received in advance of the meeting and had been shared with all who attended. A contribution reported how the family felt let down by the Council in terms of the proposals to close Budden Crescent and how alternative respite provision would not meet their needs. A written contribution from another service user highlighted the importance of the service to her and her relative. A written contribution from an academic was also circulated to Members and a lady who has sent a written contribution attended the meeting and spoke on behalf of her family, explaining how the service currently provided at Budden Crescent met the needs of their family and how they would very much struggle without it.

The Chair thanked everyone for their contributions and for assisting the Committee with its scrutiny.

7. 1.00pm Scrutiny of Respite Provision Report

Cabinet Member Ian Chandler introduced the report. Jane Rodgers delivered a presentation. Councillor Strong offered her perspective as the local Ward Member for Budden Crescent. Councillor Chandler, Jane Rodgers, Jenny Jenkins and Clare Morgan answered the members' questions.

Key points raised by Committee Members:

The Committee recognised the commitment of the staff group and the high quality of the care and support the respite service at Budden Crescent has provided to the people with a learning disability and their carers over many years. There were mixed views across the committee about the proposals brought to the Scrutiny Committee, but the following offers key points for consideration by the Executive:

- Some members commented that the report didn't outline the full range of respite opportunities available across the county.
- There were some concerns expressed about the data and whether we have a true picture of the demand for the service, both currently and in the future.
- Some members commented that lower levels of use as a result of the pandemic should not be a justification to remove services.
- Some members acknowledged that whilst supporting people is very important, if demand for the services offered at Budden Crescent has declined, the cost implications cannot be ignored, acknowledging that it leaves less funding available to provide other types of respite.
- Some members felt that relying on facilities provided by other local authorities may be short sighted, given the increasing ageing population and advocated the need for some in-county respite provision.
- Concerns were raised over the ability of the alternative respite provision, to respond to emergencies and how flexible the proposed alternative arrangements would be to meet those needs?
- Members questioned whether Budden Crescent could operate a wider respite model to cater for people suffering with dementia or learning disabilities and whether this would make the service financially viable. Members heard that this

would be very difficult to staff, as different care skills would be needed for people with different health conditions. However, Members are aware that Centrica Lodge in Newport operates a wider respite model, catering for elderly Care, learning disabilities, mental health conditions and younger adults. Members question therefore, why Monmouthshire cannot diversify to meet a number of care needs and suggest this is something the Executive should explore. The possibility of a regional facility was also highlighted, recognising that other authorities are facing similar challenges.

- There were mixed feelings about the review, some members advocating the need for an independent review, but others commented that it was a robust report.

Formal Outcome of the Scrutiny:

The Committee made the following recommendations:

1. That if the Executive does close Budden Crescent, it fully reviews the respite options, given that majority of the options are currently unviable for those with complex needs who need 24/7 care. The Committee requests the Executive ensures that alternative types of respite support and 'shared lives' is accessible to people and provides the appropriate level of care and support for each individual receiving respite.
2. That the Executive ensures that social services fully engage intensively with the families who are unhappy with the recommendation to close Budden Crescent to provide more intensive care and support them and to see how their needs can be met.

8. To confirm the date of the next meeting as 5th October 2023

The meeting ended at **2.40 pm**