



To: Members of the Performance
Scrutiny Committee

Date: 28 March 2012

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Dear Councillor

You are invited to attend a meeting of the **PERFORMANCE SCRUTINY COMMITTEE** to be held at **9.30 am** on **THURSDAY, 5 APRIL 2012** in **CONFERENCE ROOM 1A, COUNTY HALL, RUTHIN.**

Yours sincerely

G. Williams
Head of Legal and Democratic Services

AGENDA

PART 1 - THE PRESS AND PUBLIC ARE INVITED TO ATTEND THIS PART OF THE MEETING

1 APOLOGIES

2 DECLARATION OF INTERESTS

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 URGENT MATTERS AS AGREED BY THE CHAIR

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act 1972.

4 MINUTES OF THE LAST MEETING (Pages 1 - 16)

To receive the minutes of the meeting of the Performance Scrutiny Committee held on Thursday, 23rd February, 2012 (copy enclosed).

5 PLANNING APPEALS (Pages 17 - 38)

To consider a report by the Development Control and Compliance Manager (copy enclosed) which provides a detailed analysis of all the planning appeal decisions which have been made from April 2011 to date so that Members can scrutinise the individual cases.

9:45am - 10:15am

6 FINANCIAL REPORT 2011/2012 (Pages 39 - 76)

To consider a report by the Head of Finance and Assets (copy enclosed) to monitor the Council's performance against its budget strategy for 2011/12 as defined in the Medium Term Financial Plan (MTFP)

10:15am - 10:45am

BREAK

10:45am - 11.00am

7 SCRUTINY WORK PROGRAMME (Pages 77 - 92)

To consider a report by the Scrutiny Coordinator (copy enclosed) seeking a review of the committee's forward work programme and updating members on relevant issues.

11:00am - 11:30am

8 FEEDBACK FROM COMMITTEE REPRESENTATIVES

To receive any updates from Committee representatives on various Council Boards and Groups.

PART 2 - CONFIDENTIAL ITEMS

It is recommended in accordance with Section 100A (4) of the Local Government Act 1972 that the Press and Public be excluded from the meeting during consideration of the following item(s) of business because it is likely that exempt information as defined in Paragraph(s) 14 of Part 4 of Schedule 12A of the Act would be disclosed.

9 MONITORING OF THE CAPITAL PROGRAMME (Pages 93 - 122)

To consider a confidential report by the Head of Finance and Assets and the Management Accountant (copy enclosed) to scrutinise and monitor the Council's Capital Programme.

11:30am - 12pm

MEMBERSHIP

Councillors

Peter Duffy
Michael Eckersley
Gwilym Evans
Bobby Feeley
George Green
Ian Gunning

Colin Hughes
Rhys Hughes
Huw Jones
David Lee
Lucy Morris

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PERFORMANCE SCRUTINY COMMITTEE

Minutes of the Performance Scrutiny Committee held in the Conference Room 1a, County Hall, Ruthin on Thursday, 23rd February, 2012 at 9:30 a.m.

PRESENT

Councillors R.L. Feeley (Chair), G.C. Evans, I.A. Gunning, C. Hughes, T.R. Hughes, H.L. Jones and L.M. Morris

The Lead Member for Regeneration and Tourism and the Lead Member for Environment and Sustainable Development attended at the Committee's request and Councillor M.L. Davies attended as an observer.

ALSO PRESENT

Head of Business Planning and Performance (AS), Head of Internal Audit (IB), Corporate Improvement Manager (TW), Head of Finance and Assets (PMcG), Principal Energy Manager (RJ), Head of Planning, Regeneration and Regulatory Services (GB), Business and Performance Manager (EW), Corporate Improvement Officer (EMcW), Head of Housing Services (PMcH), Housing Strategy Officer (SL), Senior Quantity Surveyor (HC), Head of Libraries, Archives and Arts (AJ), Scrutiny Coordinator (RE) and Democratic Services Officer (RAH).

1. APOLOGIES

Councillors P.C. Duffy, M.J. Eckersley and D.W. Lee and the Corporate Director: Business Transformation and Regeneration (BJ)

2. DECLARATIONS OF INTEREST

No personal or prejudicial interests in any items of business were declared.

3. URGENT MATTERS AS AGREED BY THE CHAIR

Attention was drawn to an article published in the Rhyl Journal that week which stated that the developer of the Ocean Plaza project was scaling back its plans for the re-development of the site of Rhyl's former funfair. This was considered to be a matter of urgency pursuant to Section 100B(4) of the Local Government Act 1972.

Councillor T.R. Hughes suggested that this could potentially affect the Council's plans for attracting investment under the Foryd Harbour project. The Head of Finance and Assets noted that the Ocean Plaza project was a private initiative and that such projects would always carry some risk. The Lead Member for Regeneration and Tourism advised the Committee that the Rhyl Going Forward Project Manager was in constant dialogue with the developers.

Councillor G C Evans drew attention to the potential affect of the scaling back of the development on the Council's housing policy and strategy for west Rhyl, as there would be fewer affordable housing units built in the area if the project was scaled down or put on hold. Members asked that the matter be drawn to the attention to the Corporate Director: Business Transformation and Regeneration with a request that elected members be briefed on the latest developments at the Council meeting the following week.

4. MINUTES OF THE LAST MEETING

The Minutes of a meeting of the Performance Scrutiny Committee held on Thursday, 12th January, 2012 were submitted.

Matters arising:-

Concerns relating to a local school – this had been raised as an urgent item under Part II business at the Committee's last meeting and members had been briefed on the developments which were of a confidential nature. The Chair had recently spoken to the Head of School Improvement and Inclusion who was confident that matters were now under control.

Examination results at Key Stage 4 and Post 16 – The Chair notified the Committee that the Estyn inspection had been completed and that the inspectors' findings and final report were unlikely to be published prior to the local authority elections, but initial indications were positive.

RESOLVED – *that the Minutes be received and approved as a correct and accurate record.*

EXCLUSION OF PRESS AND PUBLIC

RESOLVED – *that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 12, 13 and 14 of Part 4 of Schedule 12A of the Local Government Act 1972.*

PART II

The Committee temporarily entered Part II business so a confidential update could be provided by the Scrutiny Coordinator on the developments in addressing the poor condition of the A5104 near Bodidris Hall, Llandegla and the reasons behind the delay in improving the A494 at Gwyddelwern that were discussed at the previous meeting.

PART I

5. ENERGY EFFICIENCY UPDATE

The Head of Finance and Assets (HoFA) presented a report that gave an overview of the Council's progress in reducing energy consumption and becoming more energy efficient following concerns raised by Performance Scrutiny Committee in relation to the Council's performance in meeting targets under the Corporate Plan (EEF002).

The HoFA reported that the receipt of accurate meter readings from sites had increased from 30% in April 2011 to over 80% in January 2012, and that between April 2011 and December 2011 consumption of electricity had reduced by 13%, and consumption of gas had reduced by 24%. Proposed internal sanctions had been deemed to be unmanageable and the improvement in energy efficiency was attributed largely to better housekeeping procedures, for example the £6,000 savings in energy costs realised from improved practices at Llangollen Royal International Pavilion. Capital works for renewable energy schemes had been investigated and an agreement had been reached with E.ON Energy Solutions for the provision of a biomass boiler at Rhyl Leisure Centre, with the energy produced by the boiler to be bought by the Council. This would give an estimated annual saving of £5,000. The Council was also said to be performing well in reducing its production of carbon, with figures from the Local Government Carbon Management Review showing that three of the four Wet Leisure Centres operated by the Council were in the lowest quartile for the volume of carbon produced.

Following consideration by Cabinet in January of Performance Scrutiny Committee's concerns on the Council's performance in this area a range of proposals had been submitted to the Senior Leadership Team (SLT) to continue to improve performance in the efficient use of energy which included:

- The development of corporate awareness;
- Continued improvement in housekeeping practices;
- The identification of poorly performing buildings;
- The investigation of potential avenues to attract external investment in energy schemes; and
- The reinvestment of savings from energy efficiencies into further energy saving schemes

Councillor G.C. Evans asked how accurate the figures were, particularly for electricity consumption in empty buildings and shared sites e.g. schools which were also used as community facilities, and whether Council tenants are recharged for their electricity consumption. The Principal Energy Manager confirmed that there is a combination of approaches for recharging but that electricity costs incurred by the Council are passed on to tenants, and that more accurate and up-to-date figures would be available in April.

Councillor L.M. Morris drew attention to Appendix 4 which listed improvement works that had been undertaken on Council properties and noted that they were principally low cost projects with a quick turnaround for savings, and asked what plans were in place for larger projects that would

provide returns over a longer period. The HoFA said that future projects would depend on the success of projects such as the partnership with E.ON Energy Solutions at Rhyl Leisure Centre, but that the Council was keen to engage with suppliers and to benefit from their expertise in realising projects that would be attainable with minimum investment.

Councillor I.A. Gunning suggested that the heat produced by the underground car park in Rhyl could be extracted and used to heat nearby Council buildings in the Children's Village. The HoFA accepted that the idea could be explored once the Rhyl High School project had been completed, but that any project would have to be subject to a tendering process before any work was commenced. Councillor M.L. Davies added that he had observed lights being left on into the evening in County Hall and that the automatic lighting system was not efficient. The Principal Energy Manager attributed this to a lack of awareness from staff and said that measures were being taken to improve the understanding of the importance of energy efficiency for members of staff.

The Chair and other members commended the more focused approach to energy saving that had been adopted and noted the big improvements that had been made. The Committee:

RESOLVED – *to note the report and the progress made in relation to the Council's energy saving objectives, and to support the proposed measures being developed to continue improvements in carbon reduction and energy efficiency.*

6. PLANNING, REGENERATION AND REGULATORY SERVICES

The Head of Planning, Regeneration and Regulatory Services (HoPRRS) introduced a report, circulated prior to the meeting, which summarised the performance of specific areas within the service and sought the Committee's observations on performance related issues.

Local Development Plan (LDP) – The HoPRRS updated the Committee of recent progress in implementing the LDP, which had been at the 'Examination in Public' stage since 10th January 2012 and would conclude with an independent Planning Inspector's report of recommendations, anticipated for August 2012, which will be formally binding on the Council. A key point of discussion had been the Council's justification for not meeting the Welsh Government's housing growth target for 2021. An LDP Steering Group had also been set up to monitor the progress with the LDP.

The composition and functioning of the LDP Steering Group was questioned and the HoPRRS explained the specific role that the group would be carrying out. It was further explained that the targets for housing development set by the Welsh Government (WG) depended on the housing market as the Council only had the capacity to earmark land for development. The Committee also asked for clarification on the role of the Inspector and the soundness of the LDP. It was said that once the LDP had

been passed by County Council the Inspector determines the viability of the plan and is allowed to make small amendments which the Council is duty-bound to adopt. It was confirmed that the Inspector had the capacity to insist that the target for newly built houses was raised, but a list of potential sites and alternatives for contingency had already been identified and approved should this be required.

On the whole the Inspector seemed to be content with DCC's plan, so fears that the LDP would be rejected outright, as had happened with Wrexham County Borough Council's LDP, were not deemed to be justified at present.

Disability Facilities Grants – DFGs were a statutory requirement under the Housing Grants, Construction and Regeneration Act 1996 which provide for adaptations to give disabled people better freedom of movement in their homes. DCC had spent over £6.6m over the past 5 years in delivering DFGs, and a move to streamline processes had brought about significant reductions in the amount of time taken to implement alterations.

Councillor L.M. Morris commented that the reduction in the time taken to make the necessary adaptations was a positive indicator but that indicators would not be relevant if in practice people were waiting for long periods to be initially assessed for the purpose of having adaptations made to their homes. The Head of Internal Audit said that his department could examine the indicators being used to ensure that performance measurements were reliable, that the definitions for waiting times e.g. for initial assessments/adaptation commencement and completion times were consistent across authorities and therefore gave genuine comparisons.

North Wales Hospital – The Committee was given an update of the progress of work undertaken to maintain the North Wales Hospital in Denbigh and the difficulties that had arisen from the project. DCC had served an Urgent Works Notice against the off-shore company which owns the hospital site to undertake essential works to prevent the collapse of the building's roof and other essential urgent maintenance works. As no response had been received the Council contracted to have the work to save the buildings completed in default, and had served two notices under s.55 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to recoup payments of £250k for the urgent work, which had not been acknowledged. The projected final cost of the work was estimated at £850k.

As DCC did not want to take ownership of the site, the viability of creating a Single Purpose Vehicle (SPV) was being considered as an option in order to serve a Repairs Notice against the hospital site. Consultations with The Prince's Regeneration Trust had led to the proposal of a Building Preservation Trust to be set up to act as the Single Purpose Vehicle should the Council need to apply a Compulsory Purchase Order, and to develop a project for the site based on an adopted master plan. It was also noted that there had been other enquiries from the private sector and one developer in particular had been enthusiastic after meeting with DCC Officers.

The Committee discussed the reality of attracting private sector investment, and the progress of negotiations in further detail. The HoPRRS confirmed that should a Compulsory Purchase Order be necessary that costs would be minimal as the buildings were now regarded as negative equity. Councillor T.R. Hughes queried whether the circumstances of the project put plans for social housing at risk and was informed that more lucrative offers from developers would be preferred in order that profits could be reinvested in the buildings' maintenance.

Enforcement – The Committee was provided with a brief summary of the areas of responsibility that the regulatory component of the Service covered which included Animal Health, Food Safety and Health & Safety, Housing Enforcement, Pollution and Public Health and Trading Standards. The work of the Community Safety Enforcement team was looked at in more detail and the team's recent developments were summarised, which included

- The introduction of mandatory MOT testing by the Council's own Fleet Department for all taxis licensed by the Authority
- A reduction in alcohol-related crime in Denbighshire and Conwy
- The delivery of education about the dangers of smoking in schools
- The submission sent to County Council for approval to introduce Designated Public Places Order targeted at addressing the increase in complaints related to drinking in the street
- An increase in the number of fixed penalty notices for environmental crimes
- A review into the staffing structure for Planning Enforcement

The Chair registered concern about the level of engagement with taxi drivers and the HoPRRS attributed discontentment amongst taxi drivers to the new MOT requirements, but stated that this had been a necessary measure. Councillor T.R. Hughes also had concerns about taxis operating in Denbighshire that had been licensed in other counties and did not meet DCC standards. The HoPRRS confirmed that any taxis transporting school children would need to be licensed but would also need formal approval from DCC's School Transport Department and be subject to Criminal Records Bureau (CRB) checks. However, DCC did not have the power to impose their standards on taxis otherwise operating in Denbighshire if they had been licensed by other local authorities.

Appeals – The Committee was given an overview of planning appeals between 2007 and 2011, which included a notable increase in the proportion of successful appeals with 53% of appeals allowed in 2010/2011. Decisions made by the Licensing Committee relating to premises and taxis could be appealed through the Magistrates' Courts and in the last 5 years only 2 significant appeals had been submitted.

The Committee queried if there had been a reason for the increase in successful planning appeals, suggesting that the rate of successful appeals indicated that the initial system might be flawed. The HoPRRS said that there was no particular reason for the increased success rate of planning

appeals but recognised that the decision making process might benefit from further scrutiny.

Bringing empty homes back in to use – Figures were presented to the Committee which detailed the Council's performance over the last 6+ years in bringing vacant private sector dwellings back into occupation. In 2010/2011 154 of the 913 vacant residential properties across Denbighshire (16.87%) were brought back in to use, which compared favourably with the Welsh median of 3.59% and was the 3rd best performance in Wales. It was noted that the data across Wales contained significant discrepancies in the number of empty homes, so there was some doubt over the value of the comparative data but the HoPRRS was confident that the Service was performing well in this respect.

Councillor C. Hughes recognised the strong performance in 2010/2011, but asked why fewer properties had been brought back into use than in 2009/2010. The Business Performance Manager attributed the reduction to the Council being able to undertake a large number of quick, small-scale projects to get properties back in to use at the start of the project, and that the works undertaken in the last year had been more complex. The Lead Member for Regeneration and Tourism added that a loss of WG finance and difficulty in locating the owners of vacant properties had also made regeneration works more difficult.

Houses in multiple occupation – A House in Multiple Occupation (HMO) was explained to be a property in multiple occupancy with shared facilities or self-contained units, e.g. a large house sub-divided into self-contained flats. The Committee was told that while HMOs were subject to planning, building and licensing controls that a significant number of the estimated 366 HMOs in Denbighshire were not licensed. The Council had taken possession of an unlicensed HMO in Rhyl under an Interim Management Order in September 2011, and had successfully prosecuted two other landlords running unlicensed HMOs in West Rhyl.

Financial Plan for Rhyl Regeneration – The Committee was notified of the restructure of the Rhyl Going Forward Team and that the Council had adopted the Rhyl Going Forward Delivery Plan, which concentrates on the West Rhyl Regeneration Area, Town Centre, Tourism & the Coastal Strip and Housing & Neighbourhoods. The report had asked the Committee to determine if a separate report should be produced in order to scrutinise the Rhyl Going Forward project in more depth but the Scrutiny Coordinator informed the Committee that the Scrutiny Chairs and Vice-Chairs Group had already decided to allocate the project's scrutiny to the Partnerships Scrutiny Committee, with the West Rhyl Strategy being considered by Communities Scrutiny Committee.

The report also referenced the 'proposal for improvement' of the Rhyl Going Forward project received from the Wales Audit Office's Annual Improvement Report which recommended that:

“By September 2012 the Council should establish how it will support the RGF delivery plan, including:

- Showing how it fits with County regeneration programme
- Confirming the staff and financial resources that will be available to support delivery
- Arrangements for the periodic evaluation of progress”

The Head of Business, Planning and Performance added that the Wales Audit Office provided a degree of scrutiny of the project but that this would need to be supplemented by DCC’s own scrutiny mechanisms.

RESOLVED – *that the Committee:*

- a) notes the recent developments across the Service; and*
- b) recommends that further scrutiny is carried out in respect of planning appeals; planning enforcement; taxi licensing and the regeneration of Rhyl*

Councillor I A Gunning left the meeting at this juncture

7. MONITORING CORPORATE PLAN PERFORMANCE 2011-12 QUARTER 3

The Corporate Improvement Manager (CIM) introduced a report, circulated prior to the meeting, which provided a summary of performance in 2011-12 against the Council’s Corporate Plan, Performance Indicators (PIs) and the Corporate Project Register.

- The most recent annual performance information against the 2012 indicators showed significant improvements from the 2008-09 baseline of the Corporate Plan but performance against 3 of the key indicators was unlikely to exceed the Wales median for 2011-12.
- Performance against the outcomes of the Corporate Plan were generally positive but targets had not been met in respect of the outcomes relating to the improvement objectives associated with meeting the needs of older and disabled people, addressing deprived areas, and reduction of flood risk.
- On the Corporate Project Register the Foryd Harbour and Ysgol Dyffryn Iâl projects had been identified as having a delivery confidence of Red or Red/Amber
- Outcomes measuring performance in Safeguarding Children and Child Protection were neutral, with ‘Red’ status identified in the timeliness of Children In Need plan reviews, for Looked After Children visits within regulations and in sickness absence levels for staff
- Performance against the Protection of Vulnerable Adults (POVA) indicator for Q3 2011 showed that 87.2% of POVA cases demonstrated that the risk to adults at risk was removed or reduced.
- DCC was in danger of losing up to £250k of funding from the Welsh Government’s Outcome Agreement Grant depending on how the Council’s performance is interpreted under the scheme’s point-based performance measurement system. A maximum of £1m was

available but this would be reduced if a score lower than 25/30 was found across the various outcomes.

The Committee acknowledged that the Council had consistently improved its performance against the majority of performance indicators but had concerns with the indicators currently registering a 'Red' RAG status, those which were currently performing below the Wales median, and those which dealt with performance in the areas of safeguarding and child protection.

The Committee registered particular concern towards the risk posed to the Council of losing up to £250K of the Outcome Agreement Grant for 2011/12 due to the fact that 6 out of the 10 Outcome Agreements between it and the Welsh Government were registering below target performance and were at risk of being subject to financial limitations. Whilst the Committee acknowledged that a number of these agreements were delivered in partnership with other organisations and were therefore not wholly within the Council's control, and that factors outside of local control such as the economic climate also impacted on the Authority's power to deliver the expected outcomes, it was of the view that its concerns with respect to these matters should be drawn to Cabinet's attention. Cabinet and officers should be urged to ensure that all possible measures had been taken to mitigate the risks to the Council of financial loss with respect to the Grant from any lack of actions on its part. The CIM explained that indicators giving a 'Red' status served to highlight issues, which are then taken to the relevant Heads of Service who are responsible for addressing poor performance.

It was proposed that, post the local authority elections, the new Committee should be recommended to establish a working group that would meet regularly with the Corporate Improvement Team and the Head of Internal Audit to discuss any areas of concern identified with respect to the Council's performance against performance indicators and Outcome Agreements, in order to closely monitor and respond to slippages. The Committee:

RESOLVED – to

- a) note the highlighted areas where performance targets were unlikely to be met;*
- b) recommend that the Committee's concerns with respect to performance issues, particularly the potential loss to the Council of Outcome Agreement Grant funding be drawn to Cabinet's attention; and*
- c) recommend to the new Performance Scrutiny Committee, following the 2012 local authority elections, that it establishes a working group, consisting of four members of Performance Scrutiny Committee to meet on a regular basis with the Head of Internal Audit and Corporate Improvement Team personnel for the purposes of monitoring performance against the agreed indicators and agreements.*

8. CORPORATE RISK REGISTER

The CIM presented a report, circulated prior to the meeting, which gave details of the development of the new Corporate Risk Register and provided an update on the risks identified, and the measures that had been taken to mitigate these risks, for the 2011-2012 period.

All service risk registers had been reviewed by services prior to the last round of Service Performance Challenge meetings during October and November 2011 and the Corporate Improvement Team analysed all service risk registers to identify any risks of corporate significance or any risk themes emerging across services. Between December and January the Corporate Improvement Manager had met with the Chief Executive and individual members of the Corporate Executive Team (CET) in order to identify corporate risks, discuss proposed actions and to agree timescales and a final draft of the Corporate Risk Register was prepared for the Senior Leadership Team (SLT) meeting on 2nd February to allow for final amendments. The new Corporate Risk Register was presented to the Corporate Governance Committee on 8th February. The Corporate Risk Register would be formally reviewed by CET twice a year following each round of Service Performance Challenges and would be monitored by the Performance Scrutiny Committee and the Council's Internal Audit Department.

An update of the present level of risk in each of the categories identified under the Corporate Risk Register was given and a critical inherent risk was flagged in respect of:

- the risk of a serious safeguarding error where the Council has responsibility
- the risk that DCC would be unable to develop the staff and management capability to deliver the change agenda
- the risk that the time and effort invested in collaboration is disproportionate to the benefits realised
- the risk that the economic environment worsens beyond current expectations, leading to additional demand on services and reduced income
- the risk that strategic ICT does not enable improvement and support change
- the risk that DCC's asset portfolio becomes an unmanageable obstacle to strategic planning

The Committee was particularly concerned about the risk of ineffective collaboration being classified as 'critical' and had doubts about how successful collaborative projects had been. Collaboration between authorities was explained to be a mandatory requirement of the Welsh Government and that the project would take some time before benefits were realised. The CIM said that risk assessment was consciously harsh in order to be honest about the Council's weaknesses, but that any issues identified would be looked at in detail.

The Committee questioned the depth of the Risk Register and asked whether all aspect of DCC's governance were considered in compiling risks. The Head of Business Planning and Performance assured the Committee that all services were considered, even if not every aspect of Council work was explicitly named, but that if the Committee felt that any risks had been overlooked then the Corporate Improvement Team would wish to know. Councillor G.C. Evans highlighted the potential risk posed by the close link between Scrutiny members and officers/Lead Members in the Service Performance Challenge process, and the inferences which could be drawn from scrutiny having such close involvement in a non-public forum for which the minutes/notes were not widely available, and not available to the general public. The Committee:

RESOLVED –

- a) to note and confirm the proposed actions listed in the Corporate Risk Register to address the identified risks;*
- b) that progress in terms of implementing agreed actions be included by exception in future quarterly performance reports; and*
- b) that a training workshop is set-up to ensure that newly elected Councillors understand the purpose of the Corporate Risk Register.*

9. HOUSING SERVICES

The Head of Housing Services (HHS) introduced a report (previously circulated) which provided an update on the performance of Housing Services in respect of delivering the Welsh Housing Quality Standards (WHQS); waiting lists and allocations; tenancy agreements; and rent arrears. The Committee was asked to provide comments on the work being undertaken in these areas, and also to consider the potential of the Single Access Route to Housing (SARTH) project.

Delivering the Welsh Housing Quality Standard (WHQS)

An update was provided which detailed the progress in delivering the WHQS and the planned works to bring properties up to the national standard. Further information was given that showed the wider regeneration benefits that the works would bring about and a 90%+ tenant satisfaction with improvements was reported. The paper gave an overview of the costs of the programme of works and highlighted some of the problems faced such as asbestos and changes in regulations.

The Committee discussed the work that had been undertaken and raised a number of points that included:

- the need to be vigorous with contractors to ensure value and effectiveness;
- questions relating to the £500k per annum spent on environmental improvements; and

- the difficulty found engaging tenants and in delivering WHQS in places that do not have tenants organisations.

Housing Allocations and Choice Based Lettings Pilot

The HHS explained to the Committee how a review of the Housing Allocation policy had led to an overhaul of the system, moving from an ineffective and unnecessarily bureaucratic process of administering applications to a more focused system of allocation based around a points-based scoring framework which is more efficient in identifying priority need. A new pilot policy had also been developed which would utilise a range of tools to market 'hard to let' properties in a more targeted way, and the policy would be reviewed after 6 and 12 months from implementation.

Councillor T.R. Hughes highlighted that whilst applications for housing far exceeded the number of properties available, many properties remain unoccupied. This was recognised as being a significant issue, and the HHS explained that reports are compiled every week of unoccupied properties with a view to making them available as quickly as possible. The Committee was also given assurances that every attempt would be made to maintain local connections in housing allocation, but that this was only one aspect in allocating properties. The Committee also registered the need for stricter regulation and closer monitoring of the provision of Council properties to ensure effective allocation.

Tenancy Agreement

The Committee was informed that a new tenancy agreement and handbook was to be drafted to replace the present tenancy agreements for introductory and secure tenancies, which had not been reviewed since 1996. Consultations would be undertaken in conjunction with key stakeholders including tenants, local councillors, police, social services and support services, with the target of receiving Cabinet approval in December 2012 for implementation in February 2013. The new tenancy agreement would comply with current legislative standards and make the responsibilities of both parties more clear. The HHS confirmed that a tenant profiling exercise would be undertaken during the coming year in order to establish whether present tenants were occupying suitable properties for their current circumstances.

Housing Services Rent Arrears Performance

A report was presented which charted the Council's performance in collecting rent arrears from tenants living in Council properties and noted the challenges that could negatively impact upon rent collection such as the scheduled changes to housing benefits and the 5.65% increase in rent levels for Denbighshire's Council-owned properties. Tenant arrears were placed at 1.68% of total debit for 2010/11, which was in the upper quartile for Wales, and actual arrears for 2010/11 were £189,932, within the target of £200,000 and represented a reduction in levels of actual arrears for the fifth consecutive year.

Single Access Route To Housing (SARTH) Project

The HHS gave a report on the Single Access Route to Housing (SARTH) project which was a large scale collaborative project that would co-ordinate the various housing allocation frameworks in North East Wales and allow the allocation process to be more efficient for both applicants and providers. It was explained how demand for housing greatly exceeds the number of properties being let by each of the partner local authorities and Registered Social Landlords (RSLs), and examples were given of the problems and inconsistencies faced by applicants. It was anticipated that a revised framework for housing allocation would offer a more effective and transparent system to those awaiting properties, and would focus on promoting alternatives for the remaining applicants who had little prospect of being housed directly. Consultation with partners in other local authorities, housing associations and Glyndwr University was scheduled to take place over the following 18 months, where a common allocations framework would be agreed.

The project was anticipated to cost £394,955 over a 4 year period and a bid had been submitted to the Welsh Government for partial funding, with the remaining costs to be distributed proportionately between the other partners. The HoFA added that collaboration in this area would be crucial, and that it was important to press ahead with the project even if funding could not be secured from the Welsh Government. Following an in-depth discussion members:

RESOLVED –

- (a) to note the progress made in each of the four areas detailed in the report;*
- (b) to support the plans put in place to improve services in these areas and the objectives of the Single Access Route to Housing (SARTH) project; and*
- (c) that the draft Tenancy Agreement and Handbook be submitted to the Committee for consideration prior to its presentation to Cabinet in late 2012*

10. LIBRARY SERVICES

The Head of Libraries, Archives and Arts (HLAA) presented a report, circulated prior to the meeting, which gave details of the performance of the Council's Library Service as determined by the assessment of the Director of CyMAL (Museums, Archives and Libraries Wales). The assessment had found Denbighshire's Library Service to have performed in the lowest quartile in respect of four performance indicators, and the Scrutiny Chairs and Vice-Chairs Group had requested that a report be submitted to explain the assessment's findings.

The assessment was explained to consist of measurement of performance against 14 standards and 20 performance indicators. Denbighshire's Library

Service had met 8 of the standards, partially met 3 of the standards and failed to meet 3 of the standards, which was below the Welsh average of meeting 9 of the standards. Of the three standards that had not been met the one relating to expenditure on library stock had since surpassed the target as the threshold had now been lowered. The same applied to the target for replenishment of lending stock, whilst the staffing level per 1,000 population was within 0.02% of meeting the standard of 0.37%.

The Library Service was performing above the Welsh average in 13 of the 20 indicators, a fact acknowledged by CyMAL, including polling the highest number of participants per 1,000 population at Library events. Four of the indicators were considered to be in the lowest quartile with below-average performance relating to the percentage of library service expenditure spent on books, and the percentage of adults who thought that computer facilities were very good, good or adequate. It was noted that in spite of the relative lack of expenditure on books that Denbighshire was ranked 5th for the number of books issued, and also that all public access computers had been replaced since the survey. The other indicators falling in the lowest quartile related to the percentage of users who thought that the choice of books available was very good, good or adequate, and the percentage of users satisfied that the library buildings offered an attractive environment. Both of these indicators were above the national average so the rankings were said to be rather meaningless and of little concern when the performance of libraries across Wales was so strong.

A Fourth Assessment Framework for library authorities had been issued, covering the 2011-14 period, and Denbighshire's Annual Return for 2011/12 would be submitted to CyMAL in July 2012.

The Committee accepted that the standards and indicators that had not been met were explained to their satisfaction and acknowledged the factors that informed the statistics and the improvements that had since taken place. Members then raised a number of questions relating to the provision of library services in Denbighshire. Councillor G.C. Evans asked if the residents who formerly benefitted from the mobile library service were being engaged after the service ceased. The Committee was advised that disabled residents were able to use the home library service now offered, whereas many of the residents using the mobile service previously were also using the main library buildings as well. Councillor Evans drew attention to the fact that the ICT booking system on the internet was difficult to use. The HLAA stated that the system had recently been upgraded but that there were bandwidth problems that were being investigated.

The Head of Business Planning and Performance questioned where money was being spent if national targets for spending on books and on staff had not been met. This was attributed to the cost of maintaining library buildings, but the service was working with Denbighshire's finance department in order to identify potential savings.

Councillor M.L. Davies enquired about the future of centralised libraries now that books were so widely available electronically, but borrowing across Wales was said to be increasing. Councillor Davies also suggested that arrangements for sharing books between local authorities should be investigated. The HLAA confirmed that the Service was about to launch an e-books lending service. The Committee:

RESOLVED –

a) to note the findings of the CyMAL assessment and confirm its satisfaction with the steps taken to address the targets that had not been met in 2010/11; and

b) that a copy of the Annual Return for 2011/12 be submitted as an information report to the Performance Scrutiny Committee once it had been sent to CyMAL and that a copy is also made available to those involved with the Service Challenge process at that time

11. SCRUTINY WORK PROGRAMMES

The Scrutiny Coordinator introduced a report, circulated prior to the meeting, which asked the Committee to review its programme of future work and provided an update on relevant issues.

The Committee was informed that the Self-Evaluation Assessment of the effectiveness of the Council's Scrutiny function would be compiled following the deadline for returned questionnaires on 9th March. The results would inform the Annual Report of Scrutiny which would be presented to the new Council in May.

Members were advised that the information reports relating to the review of the Library Service's Housebound Service, and on the potential for unoccupied library space to be made available for hire to charities and other organisations were included in the Information Brief circulated to Committee members. With respect to the latter the Head of Libraries, Archives and Arts (HLAA) indicated that he had not been approached by any organisations with any such requests.

The Scrutiny Coordinator advised the Committee that their next meeting on 5th April would be the Committee's final meeting under its present composition prior to the election of the new Council. Only two items had been scheduled for the meeting therefore the Committee was asked to suggest additional items for the agenda and following the recommendation for further scrutiny of planning appeals and planning enforcement earlier in the meeting, the Committee agreed that reports on each of these issues be submitted for scrutiny at the next meeting.

Councillor T.R. Hughes suggested that an item on taxi licensing also be considered at a future meeting. However, the Committee agreed that the issue could be incorporated into a forthcoming programmed Internal Audit review, the findings of which would eventually be reported to the Corporate

Governance Committee. If any serious issues or concerns were highlighted in the review's findings the Corporate Governance Committee could ask scrutiny to examine them in detail and monitor the progress in implementing associated recommendations.

RESOLVED – *that, subject to the above amendments, to approve the forward Work Programme as set out in Appendix 1 to the report.*

The meeting concluded at 4.00pm.

Report to:	Performance Scrutiny Committee
Date of Meeting:	5th April 2012.
Lead Member / Officer:	Head of Planning, Regeneration and Regulatory Services
Report Author:	Development Control and Compliance Manager
Title:	Planning Appeals Analysis 2011/12

1. What is the report about?

The report provides a detailed analysis of all the planning appeal decisions which have been made from April 2011 to date.

2. What is the reason for making this report?

To provide information regarding the performance of the Local Planning Authority in planning appeals so that Members can scrutinise the individual cases.

3. What are the Recommendations?

That Members consider the report and comment on any performance related issues.

4. Report details.

Background

A Planning appeal can be lodged as a result of Denbighshire County Council, as Local Planning Authority, refusing a planning application. Such a refusal decision can be made by Planning Committee/Full Council or by Officers under the provisions of our adopted Scheme of Delegation. The current Scheme of Delegation is attached at **Appendix 1**.

Planning appeals can be heard using one of three methods. These are set out below:-

- **Written Representation** – Exchange of statements between the Council and appellant through the Planning Inspectorate. Usually straightforward and quick with minimal cost involved to either party.
- **Informal Hearing** – Exchange of statements between the Council and appellant with a round table discussion with the Planning Inspector arranged over 1 day. Both sides may apply for costs and involves added Officer/ Member time of attending a day long hearing.

- **Public Inquiry** – Exchange of statements and proofs of evidence between the Council and appellants with a formal Inquiry arranged by the Planning Inspectorate. Legal representation is required for Inquiries as cross-examination of evidence takes place. Can be costly due to legal involvement and the fact the appeals can run into 3 or 4 days.

More recently Denbighshire County Council has been involved in a **Householder Appeal Service**. This pilot process has been set up to speed up the hearing of more simple household extension type appeal cases. There is no exchange of statements in this process but the Inspectorate make a determination based on the submitted planning application and any other relevant documents such as our Committee or Delegated Officer report.

Clearly the Council would seek to defend any refusal decision it gives and hope that the Planning Inspectorate **dismiss** the appellants appeal. Sometimes, however, for a variety of reasons, the Planning Inspectorate **allow** an appeal. It is important, therefore, that we are able to analyse these appeal decisions to see whether there are any lessons to be learnt by Officers, Members and other key parties such as Town and Community Councils in the appeal process.

The Council cannot predict how many planning appeals will be lodged over the course of a year as the decision whether to appeal always lies with the applicant. The following table shows the number of appeal decisions since 2007:-

Planning Appeals	2007/08	2008/09	2009/10	2010/11	2011/12 to date
No. of appeal decisions	34	21	25	30	18

The overall number of planning applications submitted to the Local Planning Authority has reduced in the last few years. However, the percentage of those applications which have been refused has remained fairly constant at around only 10% of decisions made. The number of refusals should give an indication as to the number of appeals which may be lodged but it is not that simple. Factors such as the type of proposal, planning history, planning policies and whether an application received Officer and community support all have a bearing on whether an appeal may be lodged.

The Council should always try to ensure that any refusal decision it makes on a planning application is robust and evidence based. To this end attempts have been made to minimise the risk for possible perverse decisions being made by the Council. Better Officer/Member communication during the planning application process, planning related training for Members and Town/Community Councils and a co-ordinated Planning Appeals process have served the Council well in avoiding the risks of costs being awarded against the Council. However, within a democratic process there is always

some risk that decisions are made by the Planning Inspectorate contrary to the views of the Council.

Appeals Analysis 2011/12

Appendix 2 to the document gives a breakdown of all of the 18 no. appeal decisions the Council has had since April 2011 to date. Some key figures from that analysis are bullet pointed below the table.

Appendix 3 to the document then goes into a more detailed analysis of each specific appeal case, highlighting relevant issues and some lessons learnt. The analysis is not intended to apportion any blame for certain decisions but can be used to highlight key planning Policy areas which may need further examination or to identify training requirements.

5. How does the decision contribute to the Corporate Priorities?

It is considered that the information provided will assist in the on-going drive to ensure planning decisions are made to meet the needs of businesses and communities.

6. What will it cost and how will it affect other services?

The only potential costs associated with the information provided relate to Planning Appeal case no.12 seen in **Appendix 2**. This appeal was allowed and costs were awarded against the Council. The explanation for this is provided in **Appendix 3**. To date the costs have not been confirmed for this appeal but are estimated to be around £12,000.

No other services will be affected by this report.

7. What consultations have been carried out?

No consultations have been carried out as the report is for information only.

8. What risks are there and is there anything we can do to reduce them?

The report is for information only. However, in providing the information and analysis on appeal performance it is considered any future risks of costs being awarded against the Council can be minimised.

9. Power to make the Decision

The power to make decisions on planning applications comes from the Town and Country Planning Act 1990.

Contact Officer:

Development and Compliance Manager

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PLANNING AND PUBLIC PROTECTION

DEVELOPMENT CONTROL AND COMPLIANCE SECTION AND BUILDING CONTROL SECTION

SCHEME OF DELEGATION

The delegation scheme enables officers within the Building Control Section and Development Control & Planning Compliance Section of the Service to deal with certain defined determinations without authorisation from Members.

The purpose of having such a Scheme of Delegation is to ensure an efficient, customer focussed approach whilst maintaining the necessary democratic checks and balances which Planning Committee and Full Council provide.

1. BUILDING CONTROL SECTION SCHEME OF DELEGATION

Building Regulations are made under Part 1 of the Building Act 1984 and are exercisable by statutory instrument through empowerment of Local Authorities to ensure their requirements are met.

Provisions for dealing with defective premises, dangerous buildings and demolitions are set out in Part 3 of the Building Act in Sections 76 - 83 inclusive empowering Local Authorities to serve notices, execute works in default and recover expenses.

The scheme will authorise the Head of Planning and Public Protection, Building Control Manager and any Officer within the Building Control Section so authorised by them to deal with ALL Building Regulations work as set out in the provisions of the Building Act 1984.

2. DEVELOPMENT CONTROL & PLANNING COMPLIANCE SECTION SCHEME OF DELEGATION

Part 1 – Officer Level Decisions

Part 2 – Committee Level Decisions

Part 3 – Full Council Level Decisions

2.1. PART 1 – OFFICER LEVEL DECISIONS

The scheme will allow the Head of Planning and Public Protection, Development Control & Planning Compliance Manager and any Officer within the Development Control & Planning Compliance Section so authorised by them to determine the following types of applications, prior determinations, notifications, approval of conditions, ancillary decisions, amendments and compliance case under the relevant Planning Acts:-

Planning or other Applications

- 2.1.1. All types of planning or other applications on which Officers are recommending approval where 3 or less individual written objections have been received from different individuals raising material planning objections.
- 2.1.2. Any application submitted by or on behalf of the Council on land in the Council's ownership where the proposal relates to a specific function exercised by the Council.
- 2.1.3. All types of planning or other application on which Officers are recommending refusal, except for those referred to in paragraph 2.2.6 below (i.e. retrospective applications which are recommended for refusal should be reported to Planning Committee).
- 2.1.4. All types of prior determinations, neighbouring authority notifications, the need for Environmental Impact Assessments and other notifications.

Compliance Issues

- 2.1.5. Compliance cases which have been investigated by a Planning Compliance Officer and require no further action.
- 2.1.6. Compliance cases where "urgent action" is needed including the serving of Stop Notices, Temporary Stop Notices and Injunctions (Emergency Powers) subject to consultation with the Local Ward Member(s). Once "urgent action" is considered necessary the signatures of the following Council representatives will be required:

Corporate Director **OR** Head of Planning and Public Protection.

Chair **OR** Vice Chair of Planning Committee **OR** Lead Member.
- 2.1.7. Compliance cases which require the serving of:
Section 215 Untidy Land Notice

Listed Building Enforcement Notices

Discontinuance Notices (Advertisement Regs)

Tree Preservation Order Notices & Notices in relation to Trees in Conservation Areas

High Hedges Notices

Enforcement Notices relating to unauthorised Houses in Multiple Occupation (HMOs)

Breach of Condition Notice

Urgent Works Notice

Repairs Notice

- 2.1.8. Legal action in association with breaches of Notices served under the provisions contained in paragraph 2.1.7/2.1.8 above.

Miscellaneous

- 2.1.9. Decide the type of planning appeal, subject to consultation with the Local Ward Member(s), and undertake to defend the Council's position in accordance with the Protocol for Member Involvement in Planning Appeals.
- 2.1.10. To submit observations on behalf of the Council on external consultations or draft documents.
- 2.1.11. Minor amendments to the terms of a Section 106 legal agreement where the substance of the authorised terms has not significantly altered, subject to informal consultation with the Local Ward Member(s).
- 2.1.12. Minor amendments to the wording of planning conditions on applications approved at Planning Committee where the substance of the suggested condition has not significantly altered, subject to informal consultation with the Local Ward Member(s).
- 2.1.13. Minor amendments to Committee authorised Enforcement Notices where the substance of the breach or remedy has not significantly altered, subject to informal consultation with the Local Ward Member(s).

2.2. PART 2 – COMMITTEE LEVEL DECISIONS

The following sets out the types of applications which will need to be reported to Planning Committee for formal determination and as such do not fall within Part 1 of this scheme:-

- 2.2.1. All types of planning or other applications on which Officers are recommending approval where 4 or more individual written objections have been received from different neighbours/residential properties raising material planning objections.
- 2.2.2. All types of planning or other applications on which Officers are recommending approval where a **relevant** material planning objection has been received from a Town/Community Council or body required to be consulted under the provisions of The Town and Country Planning (General Development) Procedure Order.
- 2.2.3. All applications on which Officers are recommending approval which represent a **significant departure** from the adopted policies and guidance of the Development Plan.
- 2.2.4. Any application not already determined under Part 1 above which the Ward Member, for the Ward in which the application is located, has submitted a written request based on valid planning grounds that application be heard at Planning Committee. The request should be made as soon as possible after notification of receipt of the application by the Ward Member to the Head of Planning and Public Protection and/or the Development Control & Planning Compliance Manager.
- 2.2.5. Any application submitted by, on behalf of, or on land in the ownership of:
 - A County Councillor,
 - The Chief Executive
 - Corporate Director
 - Head of Service
 - Member of staff of Planning & Public Protection Service
 - A close relative of any of the above
- 2.2.6. Any retrospective planning or other application which is recommended for refusal where enforcement action is also recommended, unless the enforcement/compliance action falls within paragraph 2.1.7 above.

- 2.2.7. Any application submitted by or on behalf of the Council on land in the Council's ownership where the proposal **does not** relate to a specific function exercised by the Council.
- 2.2.8. Any application to remove or vary a planning condition which has been specifically **imposed by Members** at Planning Committee or Full Council.
- 2.2.9. Any application to vary or modify the terms of a Section 106 legal agreement which is linked to a planning permission given at Planning Committee.
- 2.2.10. Any other application, compliance case or determination which the Head of Service or Development Control & Planning Compliance Manager considers necessary to report to Planning Committee due to interest or circumstance.

2.3. **PART 3 – FULL COUNCIL LEVEL DECISIONS**

The following sets out the applications which will need to be referred to Full Council for determination:-

- 2.3.1. Any application determined at Planning Committee which would represent a **significant departure** from the adopted Development Plan.
- 2.3.2. Any application or compliance case determined or deferred by Planning Committee where, based upon the advice of Officers, it is felt there would be a strong likelihood of an award of costs against the Council at any subsequent planning appeal, legal challenge or Ombudsman investigation.

FOR CLARITY REGARDING THE DEVELOPMENT CONTROL & PLANNING COMPLIANCE SCHEME OF DELEGATION:

Letters of representation will only be taken into account for the purposes of defining whether an application falls within Part 1 or Part 2 of the Scheme of Delegation if they are signed and addressed.

Anonymous letters of representation will not be taken into account for the purposes of defining whether an application falls within Part 1 or Part 2 of the Scheme of Delegation.

Petitions containing names/signatures only will be counted as one single representation for the purposes of defining whether an application falls within Part 1 or Part 2 of the Scheme of Delegation.

Petitions containing clearly written names along with associated addresses will be defined for the purposes of whether an application falls within Part 1 or Part 2 of the Scheme of Delegation as if each name was a separate representation.

All electronic submissions will only be taken into account for the purposes of defining whether an application falls within Part 1 or Part 2 of the Scheme of Delegation if they contain an individuals name and associated address.

“Close relative” is defined as spouses/partners, parents, children, brothers and sisters.

“Significant Departure” is defined as any proposal which, if approved or refused, would harm the fundamental intentions of a Policy in the Development Plan.

“Bodies required to be consulted under Procedure Order” include – Highways, Environment Agency, Health and Safety Executive, Secretary of State for Wales, CADW and Amenity Bodies (on Scheduled Ancient Monuments, Listed Building or Conservation Area applications only), Coal Authority and Theatres Trust.

Author : Paul Mead	Date adopted at Full Council : 07/12/10
Contact : Judith Williams	Version : 3
	Date to be reviewed : 01/12/11

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APPENDIX 2

	Appeal Case	Decision Date	Decision	Appeal Type	Officer Recommendation	Committee Decision	Town/Community Council Response
1.	43/2011/017/PF - 16 Russell Drive, Prestatyn	3/5/11	Allow	Written	Refuse - Delegated	N/A	No Objection
2.	44/2009/1500/PC – 6 Grove Terrace, Rhuddlan	6/5/11	Dismiss	Written	Refuse	Refuse	Recommend for permit
3.	47/2010/0726/PF – Bryn Siriol, Rhualt	21/6/11	Dismiss	Written	Refuse	Refuse	No objection
4.	47/2010/0650/PO – Bryn Mawr, Rhualt Rd, Cwm	14/7/11	Dismiss	Written	Refuse	Refuse	Objection
5.	28/2010/1241/PF – The Scout Hut, Denbigh St, Henllan	21/7/11	Dismiss	Written	Refuse - Delegated	N/A	No Objection
6.	41/2010/1530/PF – Pentre Uchaf Quarry, Mold Rd, Nr Bodfari	26/7/11	Allow	Hearing	Refuse - Delegated	N/A	Concern over size
7.	14/2010/0826/PF – Land adjacent to St.Mary’s Church, Cyffylliog	28/7/11	Allow	Written	Refuse	Refuse	Object
8.	41/2010/1141/PF – Paddock opposite Warren House, Bodfari	18/8/11	Allow	Hearing	Refuse - Delegated	N/A	No Objection – concerns over size

9.	03/2009/1535/PC – Eirianfa, Berwyn Rd, Llangollen	29/9/11	Dismiss	Written	Refuse	Refuse	No Objection
10.	16/2009/1155/PF – Former glasshouse boiler rooms, Llanbedr Hall, Llanbedr	13/10/11	Allow	Written	Grant	Refuse	Object
11.	45/2011/0492/AD – Co-Op, 97 High St, Rhyl	26/10/11	Dismiss	Written	Refuse – Delegated	N/A	No Objection
12.	45/2011/0045/PF – Former Esplanade Service Station, Coast Rd, Rhyl	13/12/11	Allow Costs	Public	Refuse	Refuse	Object
13.	45/2011/0405/PF – 50 Butterson Rd, Rhyl	5/1/12	Dismiss	Written	Refuse – Delegated	N/A	No objection
14.	23/2011/1192/PF – Ffrith Y Geubren, Cyffylliog	25/1/12	Dismiss	Written	Refuse – Delegated	N/A	No Objection
15.	03/2011/0440/PF – 43 Castle Street, Llangollen	24/2/12	Allow	Written	Refuse - Delegated	N/A	Object
16.	ENF/2010/00059 – Land adjacent to Nant Yr Hafod, Llandegla	5/5/11	Uphold	Written	Enforce	Enforce	N/A
17.	20/2011/1111/PF – Ty Pentre, Graigfechan	6/3/12	Dismiss	Written	Refuse – Delegated	N/A	No Objection
18.	44/2011/0508/OB– Land at Abbey Nurseries, Abbey Road, Rhuddlan	15/03/12	Dismiss Costs refused	Hearing	Grant	Refuse	N/A

- Total of **18** appeals so far in 2011/12
- 7 allowed, 11 dismissed (61% success)
- 14 out of the 18 appeals were done by written representation
- 10 of the 18 appeal decisions arose from Committee decisions
- 8 of the 18 appeal decisions arose from delegated Officer decisions
- 7 of the 10 Committee decisions were successful on appeal (70%)
- 4 of the 8 delegated Officers decisions were successful on appeal (50%)
- 4 out of 7 allowed appeals were delegated Officer decisions (1, 6, 8, 15)
- 3 of the above 4 allowed appeals followed the recommendation of the Town/Community Council
- Town/Community Councils had supported or raised no objections to 8 out of the 11 appeals dismissed
- Town/Community Councils had objected to 5 out of the 7 appeals allowed.

Conclusions – Committee decisions have appeared to be more successful in appeals than those made under delegated powers. Most appeal decisions have NOT followed the original recommendations of the Town and Community Councils.

APPENDIX 3

1. 43/2011/017/PF - 16 Russell Drive, Prestatyn – Erection of conservatory - **ALLOWED**

Relevant Issues – Officer had considered that the proposed front conservatory would harm the character and appearance of the dwelling in conflict with Policies **GEN 6, HSG 12 and SPG 1**. The Inspector commented that there were other similar front conservatories in the area and that the proposed design would not harm the rhythm of the street. The Town Council had raised no objection to the proposal.

Decision was made by Officers under Delegated Powers.

Lessons learnt – Case was heard through the householder appeals service which relies upon the information submitted with the application and the delegated Officer report. As such no additional appeal statements can be presented. **Subjective decision on street scene issue.**

2. 44/2009/1500/PC – 6 Grove Terrace, Rhuddlan – Construction of new vehicular access involving the removal of frontage wall (retrospective). - **DISMISSED**

Relevant Issues – Whilst the Town Council had raised no objection the Conservation Architect had concerns over the loss of the frontage wall in a Conservation Area. Inspector agreed with the Conservation Architect stating that the proposal did not comply with policy **CON 5**..

Decision was made by Committee in accordance with Officer recommendation.

Lessons learnt – Further training required for Town Council on Conservation Issues?

3. 47/2010/0726/PF – Bryn Siriol, Rhuallt – Construction of two storey pitched roof extension and balcony to side of dwelling – **DISMISSED**

Relevant Issues – Whilst the Community Council had raised no objection to the proposal the Inspector agreed with Officers and Committee that the size and scale of the extension would not be subordinate to the original dwelling. This was in conflict with policy **HSG 12 and SPG 1**.

Decision was made by Committee in accordance with Officer recommendation.

Lessons learnt – Further training required for Community Council on Household extensions?

4. **47/2010/0650/PO** – Bryn Mawr, Rhualt Rd, Cwm – Outline permission for the erection of a single detached dwelling on land forming the curtilage of Bryn Mawr. – **DISMISSED**

Relevant Issues – Inspector gave a clear steer that this garden area did not constitute an infill plot as there were not 6 existing dwellings forming a group. This was in conflict with policy **HSG 5 and SPG 10**. The Community Council supported this stance also.

Decision was made by Committee in accordance with Officer recommendation.

Lessons learnt – None.

5. **28/2010/1241/PF** – The Scout Hut, Denbigh St, Henllan – Change of use and conversion of the scout hut to a domestic dwelling. **DISMISSED**

Relevant Issues – Whilst the Community Council raised no objections to the scheme Officers had concerns over the lack of available amenity space for the proposed dwelling. The Inspector agreed with Officers citing policy **GEN 6 (v)**.

Decision was made by Officers under Delegated Powers.

Lessons learnt – Further training required for Community Council on amenity space issues?

6. **41/2010/1530/PF** – Pentre Uchaf Quarry, Mold Rd, Nr Bodfari – Erection of agricultural storage buildings (x2) – **ALLOWED**

Relevant Issues – The Community Council did raise some concerns over the size of the proposed buildings and these were echoed by Officers. The Inspector, however, concluded that there was a genuine need for the buildings and that their siting would not harm the AONB.

Decision was made by Officers under Delegated Powers.

Lessons learnt – The farming need for the buildings was not taken into account sufficiently by Officers. The impact on the AONB (policy **ENV 2**) was outweighed by the economic benefits linked to criteria in policy **EMP 13**.

7. **14/2010/0826/PF** – Land adjacent to St.Mary's Church, Cyffylliog – Erection of detached 3 bed bungalow and formation of new vehicular access – **ALLOWED**

Relevant Issues – This was an interesting case which revolved around whether the Local Planning Authority could require an affordable dwelling on a plot of land under 0.1ha. Officers felt that the applicant had circumvented the planning policy by sub-dividing a larger plot over a period of years. The Community Council also raised such concerns.

It was felt that the proposal did not adhere to Policy **HGS 10 or SPG 22**. The Inspector felt that the Authority should have attempted to control the provision of affordable housing on earlier proposals and that it could not request the provision at this stage. The proposal was on a site under 0.1ha and met our adopted Policy.

Decision to refuse was made at Full Council in accordance with Officer recommendation after Planning Committee had resolved to grant.

Lessons learnt – For Officers to take note of the decision and be more aware of the possible circumvention of the affordable housing policy at first application stage.

8. 41/2010/1141/PF – Paddock opposite Warren House, Bodfari – Erection of storage shed in connection with horticultural activity. – **ALLOWED**

Relevant Issues – Officers, in agreement with the AONB Committee, had raised concerns about the impact of this shed on the designated AONB. The Community Council had also raised concerns about the size of the shed. Officers felt that the proposal did not comply with Policy **ENV 2 or Policy EMP 13**. The Inspector disagreed, however, and felt that the shed was justified, even as a hobby use, within such a location. He felt it would be sufficiently screened and did not agree with the AONB Committee's views.

Decision to refuse was made by Officers under Delegated Powers.

Lessons learnt – The Inspector felt that a storage shed of 5m x 4m was justified, even for a hobby use, within the AONB. Officers will need to have regard to this decision when looking at other non-business related requirements in the open countryside. The AONB Committee should also take note of the comments on the visual impacts.

9. 03/2009/1535/PC – Eirianfa, Berwyn Rd, Llangollen - Retention of single storey bungalow (mobile home) as a domestic residence/site manager's accommodation. – **DISMISSED**

Relevant Issues – The case hinged on whether the site owner had provided sufficient evidence of a functional and financial need for such accommodation based on his limited control over a possible tourist site. The Inspector used the provisions of the new **TAN 6** to highlight that there was no justification for the retention of this accommodation. The Town Council had raised no objection, however.

Decision to refuse was made by Committee in accordance with Officer recommendation.

Lessons learnt – Possible training requirement for the Town Council over TAN 6 issues?

10. 16/2009/1155/PF – Former glasshouse boiler rooms, Llanbedr Hall, Llanbedr – Conversion of boiler rooms to 2 bed cottage. – **ALLOWED**

Relevant Issues – The Inspector felt that the Council’s concerns about the size of the residential accommodation proposed and any possible impacts on protected species were unfounded in this case. The Committee had raised these concerns alongside those of the Community Council and refused having regard to Policy **HSG 9 and SPG 16**.

Decision to refuse was made by Committee AGAINST Officer recommendation.

Lessons learnt – The Committee went against Officer recommendation as the local Member felt that the size of the living accommodation proposed was rather small. She also felt that there was a potential impact on protected species. Unfortunately, there was no policy or evidence base upon which to defend the decision.

11. 45/2011/0492/AD – Co-Op, 97 High St, Rhyl – Externally illuminated fascia sign and internally illuminated projecting sign. – **DISMISSED**

Relevant Issues – Inspector felt that the signs were inappropriate in a Conservation Area and agreed with Officers. The Town Council raised no objections.

Decision to refuse was made by Officers under Delegated Powers

Lessons learnt – Possible training requirement for Town Council on outdoor advertisements.

12. 45/2011/0045/PF – Former Esplanade Service Station, Coast Rd, Rhyl – Erection of convenience store. – **ALLOWED WITH COSTS**

Relevant Issues – Officers had listened to the concerns of the Town Council, neighbours, highway engineers and local Members in refusing the proposal on highway safety grounds. Two reasons for refusal were cited related to vehicular access and the movement of delivery vehicles within the site. Policies **TRA 6, TRA 9 and GEN 6** were used. The Inspector allowed the appeal and awarded costs against the Council on the basis that insufficient evidence was provided to show how the delivery vehicle movements could not be accommodated in the site.

Decision was made by Committee in accordance with Officer recommendation

Lessons learnt – Whilst localised highway concerns were apparent and a previous appeal had been dismissed it was evident that the Council could not provide sufficient hard, factual evidence to back up the refusal. The appellants used highway consultants to prove that the site could be used for the convenience store without detriment to highway safety. The proof will really be when the site is up and running.

13. 45/2011/0405/PF – 50 Butterton Rd, Rhyl – Change of use of ground floor from single apartment to two self contained apartments. – **DISMISSED**

Relevant Issues – Whilst the Town Council had raised no objection to the further sub-division of this apartment in West Rhyl Officers felt that the proposal failed to meet the space standards within the adopted **SPG** and harmed regeneration aims in this part of Rhyl. The Inspector acknowledged both these concerns and agreed that the creation of 2 smaller flats from 1 would perpetuate the problem with the preponderance of accommodation of this type in Rhyl.

Decision was made by Officers under Delegated Powers.

Lessons learnt – To maintain a firm stance in relation to possible poor quality living accommodation in this part of Rhyl using the relevant regeneration documents at the Council's disposal to refuse such applications.

14. 23/2011/1192/PF – Ffrith Y Geubren, Cyffylliog – Erection of a 3 storey extension to the front of dwelling (amendment to previously approved scheme). – **DISMISSED**

Relevant Issues – Whilst the Community Council raised no objections to the proposal Officers felt that the size and scale of the extension would not comply with the criteria in policy **HSG 12 and SPG 1**. The Inspector agreed with Officers. The 3 storey extension was an incongruous feature in this location and on this dwelling.

Decision was made by Officers under Delegated Powers

Lessons learnt – Possible training requirement for Community Council on householder extensions?

15. 03/2011/0440/PF – 43 Castle Street, Llangollen – Change of use of ground floor from Class A1 shop to Class A3 hot food take-away. – **ALLOWED**

Relevant Issues – Officers had concurred with the Town Council and Civic Society of Llangollen that the hot food take-away would be inappropriate in a retail location of the town. Officers used policy **RET 5 and RET 16** to defend its decision. The Inspector, however, felt that in looking at a wider retail area the introduction of a further non-retail use would not harm the retail function of the town.

Decision was made by Officers under Delegated Powers

Lessons learnt – The decision raises issues about town centres, retail areas and the introduction of non-A1 uses. It may be for the LDP to address the issue of how we deal with vacant premises, hot food take-aways and retail impacts.

16. ENF/2010/00059 – Land adjacent to Nant Yr Hafod, Llandegla – Requirement to remove an unauthorised static caravan and land rover from land. **UPHOLD THE ENFORCEMENT NOTICE**

Relevant Issues – This case revolved around whether the land upon which the caravan and the land rover had been sited retained a residential usage. Evidence showed that the former garden area had been sold off separately from the adjoining house and Officers felt that any permitted rights on the land had ceased at that time. The Inspector agreed and upheld the enforcement notice to have the unsightly structures removed from this countryside location.

Decision was made by Committee in accordance with Officer Recommendation.

Lessons learnt. – None

The unauthorised structures have been removed

17.20/2011/1111/PF – Ty Pentre, Graigfechan – Erection of replacement garage and first floor extension over (revised scheme). – **DISMISSED**

Relevant Issues – Whilst the Community Council had not objected to the proposal Officers felt that the household development failed to comply with policy **HSG 12 and SPG 1** in that the size and scale of the extensions were not subservient to the main dwelling. The Inspector agreed.

Decision was made by Officers under Delegated Powers.

Lessons learnt – Possible training requirement for Community Council on householder developments?

18.44/2011/0508/OB– Land at Abbey Nurseries, Abbey Road, Rhuddlan – Modification of s.106 legal agreement to pay a commuted sum in lieu of provision of affordable housing. – **DISMISSED**

Relevant Issues – The case revolved around detailed financial viability assessments which attempted to show why the developer could only provide a commuted sum in lieu of the original affordable housing provision sought in the s.106 legal agreement. Officers had agreed with the developers a set of figures which they produced at the time of the application. However, Members and the Town Council did not agree to the modification and refused to modify. At the appeal the Inspector explained that the affordable housing and the original s.106 continued to serve a useful purpose.

Decision was made at Committee contrary to Officer recommendation

Lessons learnt – There is a considerable amount of rather detailed financial viability information which has to be analysed in such s.106 modification proposals. This relies on the quality of information supplied but also the analysis of the data at a point in time. There will be a need for on-going training and development of Officers to enable a more robust analysis to be carried out.

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Report to:	Performance Scrutiny Committee
Date of Meeting:	5th April 2012
Lead Member/Officer:	Lead Member (Finance and Efficiency)/ Head of Finance and Assets
Report Author:	Acting Principal Accountant
Title:	Finance Report 2011/12

1. What is the report about?

The attached report is the Finance Report that was taken to Cabinet in March and reviewed the Council's budgetary position as at the end of February 2012. The report includes the Council's revenue budget and the Housing Revenue Account budget.

2. What is the reason for making this report?

To review the Council's performance against its budget strategy for 2011/12 as defined in the Medium Term Financial Plan (MTFP).

3. What are the Recommendations?

To note and comment on the latest financial position and identification of areas of potential overspend/under spend and budgetary pressures and delivery of the Council's budget strategy and MTFP

4. Report details.

The monthly finance monitoring report gives an update on the movements on the year end forecasts for the Council's revenue budget along with a summary of the capital plan and the Housing Revenue Account (HRA). Annex 1 is the report that was presented to Cabinet in March.

The report shows that the Council is likely to under spend by about £846k on its services excluding schools and £400k on corporate budgets. A number of these savings have arisen as services begin to make preparations for savings in 2012/13. During the budget setting process an allowance of 5% for slippage against savings was made. As the savings target is likely to be achieved in full, it was agreed as part of the budget setting to carry the cash forward to invest in priorities in 2012/13. The agreed allocation was £200k toward the investment in the 21st Century schools/modernising education project and £100k to the development of town plans and communities. Currently schools are forecasting a net over spend of £505k which includes seven schools in financial difficulty. If the position remains the same, at the end of the financial year, the movement on school balances for the year would be a net reduction

of £505k. Schools carry negative balances forward to the next financial year so that other schools' balances are not affected.

The external financial environment continues to be highly volatile and is both a short term risk for investments but also a longer term risk for the future financial settlements the Council may receive. The short term risks are managed through the Council's Treasury Management Strategy and overseen by the Corporate Governance Committee. The longer term risks are managed through the Medium Term Financial Plan (MTFP).

At the Performance Scrutiny Committee in January, members asked for information about the Council's borrowing and capital financing requirement in comparison to other Welsh councils. The Council's prudential indicators are based on nationally agreed formulas and are produced so that an assessment on the levels of debt and borrowing in comparison to the Council's overall budget and capital requirements can be made. It can be misleading to compare councils' capital financing requirement, debt and prudential borrowing figures in absolute terms as it takes no account of local circumstances or investment decisions. For example, councils with a relatively low debt or borrowing position may have significant backlogs of capital works to fund in future. A good example of this is in relation to improvements to housing stock – Denbighshire has borrowed to invest in improving its stock but as a consequence, does not have the significant backlogs that some other authorities are now facing.

However, to try to inform the relative position a number of graphs are enclosed as an appendix to this report (Appendix 6). The data presented in the graphs is collected from the CIPFA Capital Expenditure and Treasury Management Statistics 2010/11 and includes data returned from Welsh councils. There are five graphs in total showing:

- Total Capital Financing Requirement
- Capital Financing Requirement per Head of Population
- Total Debt
- Debt per Head of Population
- Cumulative Prudential Borrowing

5. How does the decision contribute to the Corporate Priorities?

Effective management of the council's revenue and capital budgets and delivery of the agreed budget strategy underpins activity in all areas, including corporate priorities.

6. What will it cost and how will it affect other services?

Refer to the attached Cabinet report where full details are reported.

7. What consultations have been carried out?

The revenue budget was recommended by Cabinet and agreed formally by Council after an extensive round of service challenges. The capital plan was approved by Council following scrutiny by the Capital & Assets Strategy Group and recommendation by Cabinet. The Housing Revenue Account has been approved following consultation with elected members and tenant federation representatives.

8. Chief Finance Officer Statement

The full Chief Finance Officer statement is contained in the attached cabinet report.

9. What risks are there and is there anything we can do to reduce them?

See attached cabinet report.

10. Power to make the Decision

Local authorities are required under Section 151 of the Local Government Act 1972 to make arrangements for the proper administration of their financial affairs.

Contact Officer:

Acting Principal Accountant
(01824) 706060

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Report To: CABINET

Date of Meeting: 20th March 2012

Lead Cabinet Member: Lead Member (Finance and Efficiency)

Lead Officer: Head of Finance & Assets

Title: Finance Report

1 What is the report about?

The report gives a forecast position for the council's revenue budget and performance against the budget strategy for 2011/12 as at the end of January 2012. The report also gives a summary update of the Capital Plan, the Housing Revenue Account and Housing Capital Plan.

Part of the report concerns a recommendation from the Strategic Investment Group in relation to a capital project at the Fleet Management depot in Bodelwyddan.

2 What is the reason for making this report?

The report advises members of the latest financial forecasts in order to deliver the agreed budget strategy for 2011/12 as defined in the Medium Term Financial Plan, the Capital Plan and the Housing Stock Business Plan.

3 What are the Recommendations?

Members note the latest financial position and progress against the agreed budget strategy.

Members approve the recommendation of the Strategic Investment Group.

4 Report details

The latest revenue budget forecast is presented as **Appendix 1** and shows a net under spend of £846k on council services (£753k last month) plus £400k on corporate budgets, including the provision for slippage in this year's savings target of £300k. There are also variances within some services compared to original forecasts but these are being managed within the services.

The forecast position for schools shows an over spend of £505k (£396k last month). Further details of departmental budget performance are shown below. The Housing Revenue Account summary is also included in Appendix 1 for information but this is a separate fund and not part of the council's revenue budget.

Appendix 2 to this report gives an update showing progress against the savings and pressures agreed as part of the 2011/12 budget setting process. In total, net savings of £6.359m were agreed and £6.024m (95%) have been achieved with £0.275m (4%) still classed as in progress. The items remaining as 'in progress' are those that cannot be confirmed until the end of the year, though all should be achieved.

5 How does the decision contribute to the Corporate Priorities?

Effective management of the council's revenue and capital budgets and delivery of the agreed budget strategy underpins activity in all areas, including corporate priorities.

6 What will it cost and how will it affect other services?

This section of the report is used to highlight any key variances from budget or savings targets, risks or potential additional savings that may arise throughout the year and to give a more general update on the Capital Plan and the Housing Revenue Account.

Revenue Budget - The revenue budget for services to the end of January shows a projected under spend of £846k (£753k last month). There is also an under spend within corporate budgets. Details are shown below:

The under spend in **Business Planning & Performance** is primarily related to the budget for the administration of the Cymorth grant and the winding down of the current grant. It was agreed at the last service challenge that this could be reviewed as a possible budget saving in future if the net departmental position continues to show an under spend.

A small under spend of £12k is reported in **Leisure, Libraries & Community Development** as a result of delays filling vacant posts.

The **Finance and Assets** budget is forecast to be under spent by £20k, generally as a result of staff vacancies. **Property Services** budget continues to face pressure on fee income targets though this has reduced significantly throughout the year and the department has made savings across supplies and services budgets and is now forecasting a balanced budget.

PFI - The original PFI business case model was constructed using much higher interested rates than the council currently achieves, or is likely to achieve in the medium term. The model assumed investments could be made in the early years of the project which would provide a sufficient return to fund costs in later years. Therefore, provision is being made to ensure there isn't a funding gap in future years.

Highways & Infrastructure shows a forecast position of £263k under spend (£217k last month). As reported in detail previously, the department has

achieved the departmental savings target of £150k and a further £100k in relation to procurement savings on school transport. The budgets for road maintenance are currently forecasting an under spend and this has increased from last month in total, but within this is the budget for general and winter maintenance which is subject to significant swings in demand depending on weather conditions and other factors.

The **Regeneration, Planning & Public Protection** The department is forecasting an under spend of £215k (£228k last month). The under spend includes the priority funding of £145k for 2011/12 for the development of Town Plans and community projects which is currently unspent but will be committed in 2012/13. The service is now waiting for proposals to be considered to ensure they contribute fully to the council's corporate objectives.

Adult Services budgets are shown as balanced but assume that approximately £171k of Supporting People grant will be used to fund pressures within the year (£208k last month). This was part of the strategy agreed at the service challenge in 2010 to manage in-year cost pressures. However, the subsidy from Supporting People will be reducing and ultimately removed so underlying pressures will have to be addressed in the medium term. The outturn as forecast however in the current year allows for the Supporting People reserve to be increased but this is unlikely to happen in future. The overall position within Adults has improved this month and is the net impact of additional costs of residential and nursing care in some localities being offset by reductions in others, plus several charges made against the property of people formerly in care have been realised this month.

Children & Family Services are forecasting an under spend of £122k (£102k last month). There are two main reasons for this: the first is that a number of adoptions that were hoped to be completed before the year-end will now be finalised early in the new financial year - there is a cost associated with each case. The second is that a surplus residential care place is being used by another local authority and so generates income for the council.

The **Environment Services Department** has a budget savings target of £541k in 2011/12 and will be achieved in full. The department is forecasting an under spend for the year. The projected under spend is now £82k (£69k last month). The change is due to reduced expenditure within the cemeteries function as a result of the changes to workforce regulations covering agency employment.

The savings targets within **Customer Services** total £271k this year. Of this, £126k is in relation to procurement efficiencies and is on target. It can be assessed more effectively as actual expenditure on consumables is reviewed at the end of the year. An under spend of £40k is forecast over the departmental budget due to delays in recruitment. If departmental balances are carried forward, it is proposed to use some of this for investment in the intranet in 2012/13.

Expenditure on **corporate budgets** (including bank charges, audit fees and pension back-funding budgets) has been less than anticipated and this should generate an under spend of £100k. Collection rates on **council tax** have remained high this year which will have a positive impact on the yield at year-end and may generate a cash surplus. However, the reform to council tax benefits is likely to reduce collection rates in future years which will impact on the resources available to the council.

Schools – The movement on school balances is now forecast to be a reduction in overall balances of £505k (£396k last month). The position includes seven schools in financial difficulty. Schools with a forecast deficit position are required to submit proposals to achieve a balanced budget. Schools with an over spend at year-end will carry the deficit balance forward. There are currently 11 schools with balances in excess of 8% of their total budget, 12 schools holding balances in excess of 5% and 11 schools within the recommended range of between 2% and 5%.

Capital Plan – Expenditure to the end of February is £23.2m against a plan of £30.9m for the year. **Appendix 3** shows a summary of the current plan and how it is financed. **Appendix 4** gives an update of major projects.

Attached as **Appendix 5 (Part II)** is a capital investment proposal concerning the Fleet Depot at Bodelwyddan (*this document is confidential and presently excluded from public disclosure by virtue of paragraph 14 of Part 4 of Schedule 12A to the Local Government Act 1972*). It is being recommended for approval after having been considered by the Strategic Investment Group on the 8th March.

Housing Revenue Account (HRA) – The latest HRA forecast shows a planned in-year deficit of £1.109m (£1.117m last month) against an original budget of £1.025m. The forecast deficit is currently £94k higher than the original budget. The planned in-year deficit arises as £1.3m of revenue budget is to be used to fund capital expenditure as part of the agreed Housing Stock Business Plan for 2011/12. The Business Plan remains viable and based on the latest forecast, the HRA balance carried forward will be £899k (£892k reported last month).

The Housing Capital Plan forecast outturn has reduced to £5.354m (£5.413m reported last month) compared to the budgeted estimate of £5.969m for the year. Major Improvement Contracts 4 and 5 have been reviewed and the value of works estimated to be completed this financial year has been reduced. Both contracts are currently estimated to be over the original contract sums due to additional costs being identified, such as the removal of asbestos (as reported last month), but the expenditure within the year will be less than planned. The work will roll forward into next year's improvement plan. The achievement of Welsh Housing Quality Standard by the end of 2012/13 remains on target and the latest expenditure forecasts do not affect the viability of the Housing Stock Business Plan. A detailed stock condition survey is planned for early 2012/13 and this will help inform capital investment

and business planning assumptions going forward. A summary of the latest HRA position is shown in the table below.

Housing Revenue Account & Capital Plan Summary:

<u>Housing Revenue Account Summary 2011/12</u>	
<u>February 2012</u>	
Expenditure	£'000
Housing Management & Maintenance	5,380
Capital Charges	2,585
Subsidy	3,079
Provision for Bad Debts	26
Revenue Contribution to Capital	1,341
Total Expenditure	12,411
Income	
Rents	11,138
Garages	155
Interest	9
Total Income	11,302
In Year Deficit	1,109
HRA Balance Carried Forward	899

<u>Housing Capital Plan</u>	
<u>February 2012</u>	
	£,000
Planned Expenditure	5,354
Funded By:	
Major Repairs Allowance	2,400
Revenue Contribution	1,341
Capital Receipts	65
Borrowing	1,548
Total	5,354

7 What consultations have been carried out?

The revenue budget was recommended by cabinet and agreed formally by council after an extensive round of service challenges. The capital plan was approved by council following scrutiny by the Capital & Assets Strategy Group (now called the Strategic Investment Group) and recommendation by cabinet. The Housing Revenue Account has been approved following consultation with elected members and tenant federation representatives.

8 Chief Finance Officer Statement

The delivery of the savings target for this year is a significant achievement. The savings that remain as in-progress will be confirmed by the end of the year. It is important that services continue to manage budgets prudently and that any in-year surpluses are considered in the context of the medium-term financial position.

As predicted, the overall position has continued to improve and part of this improvement is because of progress being made in the delivery of next year's savings. Some corporately held budgets for specific provisions that are committed in future years will generate a cash surplus in the current year.

Economic Commentary & Treasury Management Update

Financial markets continue to be very volatile and this is causing problems as the number of institutions with which the council can invest is very limited. Earlier in the year, the council decided to limit all investments to six months as a prudent measure. More recently, the ratings of a number of UK banks have been downgraded. This has a direct impact on the council's treasury management strategy and meant that amendments had to be agreed to the strategy for the current year to allow the council to place cash on deposit with its appointed bankers. Deposits with other UK banks have now been limited to one month. The council is continually exploring all prudent options to ensure that investments are secure whilst also trying to achieve the most reasonable returns possible in the circumstances.

Due to lower than anticipated borrowing costs this year, there will be a surplus in the capital financing budget. This is because additional borrowing was not required as originally planned. This will be used to reschedule debt before the end of the financial year and will provide a small reduction in the council's overall borrowing costs.

Total borrowing currently stands at £136m at an average rate of 5.73% and total investments are £27.0m at an average rate of 1.45%.

9 What risks are there and is there anything we can do to reduce them?

This is the most challenging financial period the council has faced and failure to deliver the agreed budget strategy will put further pressure on services in the current and future financial years. Effective budget monitoring and control and early reporting of variances will help ensure that the financial strategy is achieved.

Specific risks are apparent when dealing with capital projects and can include expenditure or time overruns, funding issues and other non-financial considerations. A robust approval mechanism and close financial monitoring

and reporting, along with effective project management procedures, help to minimise these risks.

The HRA is undertaking a considerable capital investment to improve the housing stock and using borrowing and grants to fund the works. Any borrowing must be affordable and the regular monitoring and annual approval and viability assessment of the Housing Stock Business Plan ensures that this is so.

10 Power to make the Decision

Local authorities are required under Section 151 of the Local Government Act 1972 to make arrangements for the proper administration of their financial affairs.

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Appendix 1

DENBIGHSHIRE COUNTY COUNCIL REVENUE BUDGET MONITORING REPORT 2011/12

Forecast as at 29/02/2012	Budget			Projected Outturn			Variance			Net	Variance Previous Report
	Expenditure	Income	Net	Expenditure	Income	Net	Expenditure	Income	Net		
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000		
Business Planning & Performance	2,263	-1,292	971	2,163	-1,292	871	-100	0	-100	-10.30%	-100
Legal & Democratic Services	2,086	-538	1,548	2,086	-538	1,548	0	0	0	0.00%	0
Finance & Assets	14,538	-7,413	7,125	14,925	-7,820	7,105	387	-407	-20	-0.28%	-20
Highways & Infrastructure	20,218	-9,529	10,689	20,133	-9,707	10,426	-85	-178	-263	-2.46%	-217
Regeneration, Planning & Public Protection	5,763	-1,949	3,814	5,452	-1,853	3,599	-311	96	-215	-5.64%	-228
Adult & Business Services	44,730	-13,004	31,726	43,884	-12,158	31,726	-846	846	0	0.00%	0
Children & Family Services	9,904	-1,105	8,799	9,922	-1,245	8,677	18	-140	-122	-1.39%	-102
Housing Services	1,624	-1,236	388	1,605	-1,209	396	-19	27	8	2.06%	23
Leisure, Libraries & Community Development	10,273	-4,675	5,598	11,370	-5,784	5,586	1,097	-1,109	-12	-0.21%	0
Strategic HR	1,672	-370	1,302	1,672	-370	1,302	0	0	0	0.00%	0
Customer Services	3,847	-876	2,971	3,807	-876	2,931	-40	0	-40	-1.35%	-40
Environment	19,650	-8,219	11,431	19,594	-8,245	11,349	-56	-26	-82	-0.72%	-69
Modernising Education	1,336	0	1,336	1,396	-60	1,336	60	-60	0	0.00%	0
School Improvement & Inclusion	11,225	-6,678	4,547	11,236	-6,689	4,547	11	-11	0	0.00%	0
Total Services	149,129	-56,884	92,245	149,245	-57,846	91,399	116	-962	-846	-0.92%	-753
Corporate	42,675	-36,671	6,004	42,575	-36,671	5,904	-100	0	-100	-1.67%	-100
MTFP 2011/12 Slippage Provision	300	0	300	0	0	0	-300	0	-300	-100.00%	-300
Precepts & Levies	4,549	0	4,549	4,549	0	4,549	0	0	0	0.00%	0
Capital Financing	12,104	0	12,104	12,104	0	12,104	0	0	0	0.00%	0
Total Corporate	59,628	-36,671	22,957	59,228	-36,671	22,557	-400	0	-400	-1.74%	-400
Council Services & Corporate Budget	208,757	-93,555	115,202	208,473	-94,517	113,956	-284	-962	-1,246	-1.08%	-1,153
Schools	67,166	-7,226	59,940	67,671	-7,226	60,445	505	0	505	0.84%	396
Total Council Budget	275,923	-100,781	175,142	276,144	-101,743	174,401	221	-962	-741	-0.42%	-757
Housing Revenue Account	12,327	-11,302	1,025	12,411	-11,302	1,109	84	0	84	8.20%	92

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Appendix 2 Medium Term Financial Plan Update 2011/12 Update to 29/02/2012						Posts
Ref	Action	Status	Saving £'000	Total £'000		
General						
A1	Workforce Budget Reduction 1%	Achieved	125		Base budget reduction applied to staffing budgets.	
A4	Reduce staff advertising	Achieved	150		Base budget reduction applied though actual expenditure has exceeded the total cut.	
A5	Procurement savings	Achieved	200		Includes savings on e-tendering school transport contracts and new insurance contract.	
A7	Costs of Democracy	Achieved	25		Reduction in cabinet membership etc.	
A8	Review of Senior Management & Exec PAs	Achieved	365		Based on removal of 3 senior management posts and 2 PA posts.	
A9	Reduce budget for Major Events	Achieved	40		Base budget reduction.	
DS1	Reduction in School Roles	Achieved	340		Based on forecast reduction in pupil numbers.	
DS2	Removal of Unused School Pay Budget Provision	Achieved	620		Removal of single status funding.	
G1	Removal of one-off Budget 2010/11	Achieved	2,185	4,050		5
Asset Review						
B1	Office accommodation	Achieved	80	80	Savings in relation to Trem Clwyd and Fronfaith.	
Support Services Review						
C1	HR review	Achieved	50		Ongoing savings re HR Direct and impact of restructure, inc saving on 1 management post.	1
C12	Insurance Tender	Achieved	50		New contract has delivered savings. Part of the saving included in procurement target above.	
C2	Property services - phase 1	Achieved	100		Savings through restructure - redundancy and reduction in use of agency staff.	1
C3	Legal services - phase 1	Achieved	42		Removal of a solicitor's post	1
C4	Democratic support	Achieved	52		Removal of a manager's post	1
C5	ICT/IM	Achieved	131		Four redundancies as part of reorganisation of the department	4
C5	ICT/IM	In Progress	14		Dependent upon wider use of Proactis to allow a further post to be declared redundant	
C6	ICT/IM	In Progress	126		Procurement/consolidation of equipment - will be achieved but need to prove later in the year.	
C7	Finance - Financial Management	Achieved	70	635	Removal of 2 posts in creditor payments	2
Service Challenges						
Leisure, Libraries & Community Development						
Da1	Leisure services- Management System	Achieved	40		New booking system and membership scheme	
Da2	Back office co-location	Achieved	20		Savings in admin as sections move to one location	
Da5	Remove subsidy by increasing income	Achieved	50		General increases in income from various sources	
Dk2	Merger of N Wales Bibliographic Services	Achieved	20		Libraries	
Dk3	Running Costs / Income	Achieved	27		Libraries - review of cleaning and caretaking costs	
Dk4	Family Info and Archives review	Achieved	35		Libraries	
Dk5	Review of housesbound service	In Progress	10	202	Libraries	
Environmental Services						
Db11	Outsource Propogation	Achieved	30		Open spaces - included restricted use of nursery for bedding plants as well as outsourcing	
Db13	Cemetaries charging -	Achieved	34		Increase charges over inflation	
Db16	Countryside staff reduction	Achieved	24		Post reduction Senior Admin Officer	1
Db17	Tourism Service Redesign	Achieved	20		Saving of PA post.	1
Db18	Regeneration Service Redesign	Achieved	23		Savings from redefinition of roles, lower numbers and integrations with public realm and leisure.	
Db2	Renegotiate recycle and disposal contracts	Achieved	220		New recycling contract	
Db5	Regional Waste Project Procurement Budget	Achieved	94		Reduction in project budget as it comes live	
Db8	Reduce Overtime (Street Cleansing)	In Progress	20		Introduction of flat time for weekends and review of hours allocated to specific jobs	
Db9	Fleet Efficiency	Achieved	50		Hired vehicles replaced by in-house	
Db1/12	Other	Achieved	26			
Db14	WAG Waste Target Pressures	Confirmed	-247		Pressure is as originally forecast.	
Db15	Free School Meals Cost Pressures	Confirmed	-130	164	Pressure is as originally forecast.	
Planning, Regeneration & Regulatory Services						
Dc1	Review of Regeneration	Achieved	40		Staff reductions as a result of restructuring - includes elements of a management post	1
EC21	Review Pest Control	Achieved	30		Part of collaboration project - one post gone on EVR	0.5
EC22	Review Development Control	In Progress	20		Officer on long term sabbatical, not replaced.	1
EC25	Review of CCTV service	Achieved	20		Review of shift patterns and overtime.	
EC26	Review of Pollution Control	Achieved	30		Part of the same project as noted against Pest Control	0.5
EC27	Review of Trading Standards	Achieved	60	200	Part of collaboration - senior management posts shared with Conwy.	1

		Status	Saving £,000	Total £'000		
Highways & Infrastructure						
Dd1	Road Safety	Achieved	45		Various small savings due to use of traffic signals, anti-skid surfaces, etc.	
EC11	Street Lighting	Achieved	30		Based on work recharged to Conwy under collaborative structure.	
	Public Transport	Replacement	30		Savings based on work recharged to Conwy under collaborative structure.	
	Car Parking	Replacement	15		Part of the saving on collaborative parking arrangements brought forward from 12/13	
EC14	Street Works	Achieved	20		Savings on admin/standardisation of policies etc Including fees for skips, increasing inspection/charges	
EC16	Winter Maintenance	In Progress	10	150		
Adult & Business Services						
Df1	Cefndy Healthcare	Achieved	60		Gradual removal of council subsidy	
Df10	Restructure part of service	Achieved	53		Removal of one service manager post	1
Df16	Administration Rationalisation	Achieved	47		Reduction of administrative support as part of wider review	2
Df17	Systems Thinking and Vacancy Control	Achieved	40		Removal of long-term vacancies and introduction of new locality structure	1
Df19	Workforce Development Review	Achieved	30		Changes to qualifying routes for social work trainees - more use of part-time OU courses plus Gd 8 post (60%) being deleted	0.5
Df6	Day care - review and rationalise	Deferred	60		Will be delivered in full next year (£120k)	
Df8	Impact of investment in reablement	In Progress	75		Investment in reablement packages (intensive home care) to avoid residential care. On target to be achieved.	
Df9	Residential Care - Impact of Extra Care	Achieved	60		Saving is around the differential between residential care cost and extra care - up to £150 per week.	
Df99	Compensating savings within the services	Achieved	451		Pressure reduced by £115k as PMDF grant has been paid in 2011/12	
Df5,12-15	Other	Achieved	51		Includes savings through Telecare, re-ablement and reduction in contribution to Mental Health Partnership	
P1/4/6	Loss of Grant	Confirmed	-179		Loss of grant figure reduced by £115k as noted above.	
P2/3/5	Demographic Change	Confirmed	-272	476	Impact being dampened in 2011/12 by use of Supporting People grant funding.	
School Improvement & Inclusion						
Dh1	Service Restructure	Achieved	261	261	Includes the removal of 4.5 posts.	4.5
Children & Family Services						
Dj1	Management Changes	Achieved	105		Review of senior posts - includes removal of two senior manager level posts.	2
Dj10	TAPP Team change in funding	Achieved	93		CHC funding from the NHS has replaced the base budget for the team - long term funding.	
Dj3/6/9/13	Other Savings	Achieved	56		Includes £35k budget for projects that have now finished (inc merger etc), plus savings to therapy service	
Dj5	Re-shaping Supervised Contact Service	Achieved	33		Costs have been brought down but there is still a pressure hence marked as in progress.	
Dj2	Admin Rationalisation	Achieved	40		Deleted one vacant admin post and one further post will be redundant this year.	2
Dj20	Legislative	Confirmed	-14		Increased costs resulting from Southwark Judgement - more likely to be £20k.	
Dj16/17	Social Worker & Staffing Pressures	Confirmed	-117		Pressure has reduced because of vacancies but offset by an increase in fostering pressure.	
Dj18	In-house Fostering	Confirmed	-62		Pressure has increased from the original estimate.	
Dj19	Direct Payments	Confirmed	-24	110	Pressure is as expected.	
Housing Services						
Dz1	Various small savings	Achieved	31	31	Numerous small savings. Will be confirmed following review of total housing budget, including the HRA.	
Total Savings 2011/12				6,359		34
Summary:			£'000	%		
Savings Achieved/Replaced or Pressures Confirmed			6,024	95		
Savings In Progress/Being Reviewed			275	4		
Savings Not Achieved/Deferred			60	1		
Total			6,359			

Denbighshire County Council - Capital Plan 2011/12 - 2014/15
Position as at February 2012

APPENDIX 3

		2011/12	2012/13	2013/14	2014/15
		£000s	£000s	£000s	£000s
Capital Funding:					
1	General Funding:				
	Unhypothecated Supported Borrowing	3,262	9,549	3,152	2,994
	General Capital Grant	3,564	1,934	1,931	1,931
	General Capital Receipts	2,586	1,063		
	Earmarked Capital Receipts	216	150	0	0
		9,628	12,696	5,083	4,925
2	Prudential Borrowing	8,885	10,745	3	300
3	Reserves and Cera	886	1,740	0	0
4	Specific Grants and Contributions	11,521	9,610	2,809	619
	Total Finance	30,920	34,791	7,895	5,844
	Total Estimated Payments	-30,920	-33,260	-2,812	-919
	Contingency	0	-1,531	-1,000	-1,000
	Earmarked Contingency				
	Unallocated Reserve	0	0	0	0
	Funding available	0	0	4,083	3,925

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Appendix 4 Major Capital Projects Update

Rhyl Coastal Defence

Budget	£10.0m
Funding	WAG Grant
Expenditure to Date	£6.563m
Comments	<p>This coastal defence scheme will reduce the flood risk to some 2,000 properties and 500 businesses in West Rhyl. Approval for phases 1 & 2 has been given by the Welsh Government and they have notified us of approval to increase the grant to £8.246m. This will enable the Council to complete phases 1 & 2 of the scheme in isolation of Phase 3. Formal approval of the grant increase is still awaited.</p> <p>Phases 1 & 2 are the works to the inner harbour and river training wall. The works are underway and are anticipated to be complete by early May 2012.</p> <p>Approval for Phase 3 of the works, in relation to the stepped revetment towards the drift park is still awaited. The Welsh Government has approved a report identifying the remaining flood risk on completion of Phases 1 & 2 and instructed the authority to proceed to calculate the cost benefit of building Phase 3. As part of this, officers will calculate the cost of the most economic solution to reduce flood risk; this is likely to be a rock revetment.</p> <p>The Welsh Government have advised that if the Council decide to build a promenade as originally proposed, the additional cost would need to be met by the Council. Early estimates of this element suggest up to £1m funding would be required.</p> <p>It looks increasingly likely that grant approval for Phase 3 will not be received until 2013/14.</p> <p>The scheme is 100% funded by the Welsh Government until March 2012. Any costs incurred beyond this date will receive a lesser grant contribution of about 87%. The council will attempt to incur the majority of the costs for Phases 1 & 2 whilst 100% funding applies. However, Phase 3 will require a 13% contribution from the Council and funding has been allocated from existing capital resources to cover the required contribution.</p>
Forecast Expenditure 11/12	£5.545m

Foryd Development

Budget	£10.013m (inc Revenue £413k)
Funding	WG, WEFO and Sustrans grants
Expenditure to Date	£1.02m
Comments	<p>Summary</p> <p>A preferred design for the project which supports the working harbour and provides a smaller timber modular building on the harbour square, was agreed further to meetings with the Project Board, Informal Cabinet, Welsh Government (WG) and the Welsh European Funding Office (WEFO).</p> <p>A re profile of the project was submitted to the WG in February; this will form part of a new project approval to formally recognise the additional contribution from WEFO and the additional contribution agreed by the Council on 15 November 2011.</p> <p>The WG Estates department are currently reviewing the project costs to ensure that the project represents value for money; this is expected to be complete before the end of March 2012.</p> <p>Foryd Harbour Cycle & Pedestrian Bridge</p> <p>The detailed design is nearly complete other than the mechanical and electrical works and a tender report is being prepared.</p> <p>Further to a recent Cabinet report, an order has been placed for materials to ensure that that the project stays on the critical path.</p> <p>The preparation of the contract documents for the construction phase of the bridge is near completion, and it is hoped to award the contract in early April 2012.</p> <p>Correspondence from the WG regarding the Section 106 Order in respect of the bridge has confirmed that there are no major issues of concern and it is anticipated that the documentation required to allow confirmation of the order will now be completed.</p> <p>Commencement of on-site works will complement the Public Square scheme to share site costs. This is planned for June 2012 with completion by March 2013.</p> <p>Quayside Units, Public Square & Extended Quay Wall</p>

	<p>The Planning application for the works will be considered at a Conwy County Borough Council Planning Committee meeting scheduled for 14th March 2012.</p> <p>The environmental mitigation works within the Marine Lake have been amended further to consultation, and given that a lesser amount of shingle is to be imported from Foryd Harbour for this work, there is no longer a need for planning permission. This work is planned for February 2013.</p> <p>Work has now commenced on the detailed design which is progressing well, and in parallel the contract documents are being prepared. The contract documents for the public square and the bridge will be reviewed together to ensure that they are complementary.</p> <p>Applications for the necessary licences, permits and orders to commence the works have been made, and their progress is being monitored.</p> <p>The programme of works shows a start on site in June 2012 with the initial works being the construction of the quay walls and the infrastructure of the public square. The programme of works for this element of works dovetails with that of the Pedestrian and Cycle Bridge to enable the schemes to progress alongside each other. It is anticipated that the contract for the quay walls and the public square will be awarded in April 2012; the work will commence in June 2012 and complete by March 2013 enabling the bridge works to be completed. The finishes to the square and the building will be subject to subsequent works contracts; these are scheduled to complete in December 2013. This is due to the settlement period required further to the construction of the quay walls.</p>
Forecast Expenditure 11/12	£1.27m

Highways Programme Works

Budget	£5.87m
Funding	£5.87m Prudential Borrowing
Expenditure to Date	£5.0m
Comments	<p>An allocation of £5.87M was made to progress highways capital works as part of the 2011/12 Capital Bid process.</p> <p>A regular update on progress achieved is produced by the Head of Highways and Infrastructure. A final update for the year will be sent to Councillors and SLT in the near future.</p>

Forecast Expenditure 11/12	£5.87m
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Property Acquisition & Demolitions

Budget	£3.17m
Funding	£1.93m SRA Grant ; DCC Prudential Borrowing £1,025k , £220k PEG
Expenditure to Date	£2.65m
Comments	<p>Council have previously approved the purchase of a number of properties in Rhyl as part of public realm works:</p> <p>87/88 West Parade The Council has acquired the freehold of this property. The demolition contractor is on site and work is proceeding. Completion of all the works is expected to be complete by mid April.</p> <p>24 West Parade This property, which forms an integral part of a building known as the Honey Club is now in the ownership of the Council.</p> <p>25 & 26 West Parade Discussions with the owner are continuing. A separate report is on this agenda in relation to these properties.</p> <p>26 Abbey Street Transfer of ownership to the Authority is imminent.</p> <p>28 and 30 Abbey Street Both properties are now in the ownership of the Council. Tenders received for demolition have been sent to the Welsh Government for approval. It is anticipated demolition works will commence in May.</p> <p>Costigans This property is now in the Council's ownership. Contractors for the renovation works have been appointed and will be on site by 20 March. Following the renovations works, the property will be offered for sale on the open market.</p> <p>The Honey Club Developers have been invited to submit expressions of interest for the site. A separate report is on this agenda seeking approval for the sale of the property to the preferred developer.</p>
Forecast Expenditure 11/12	£1.2m

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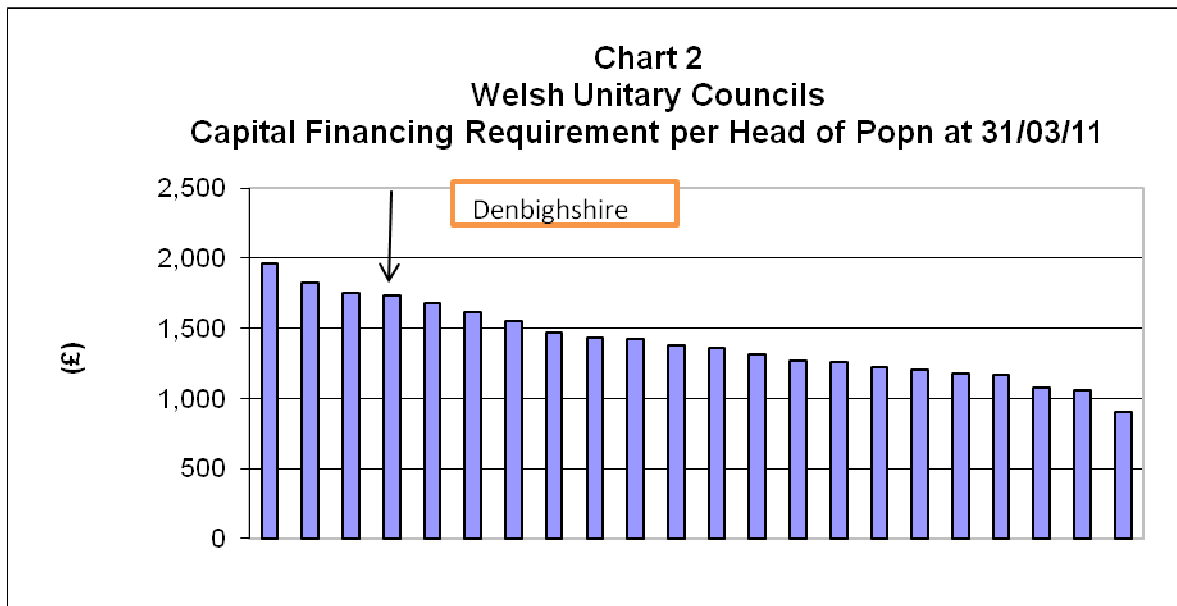
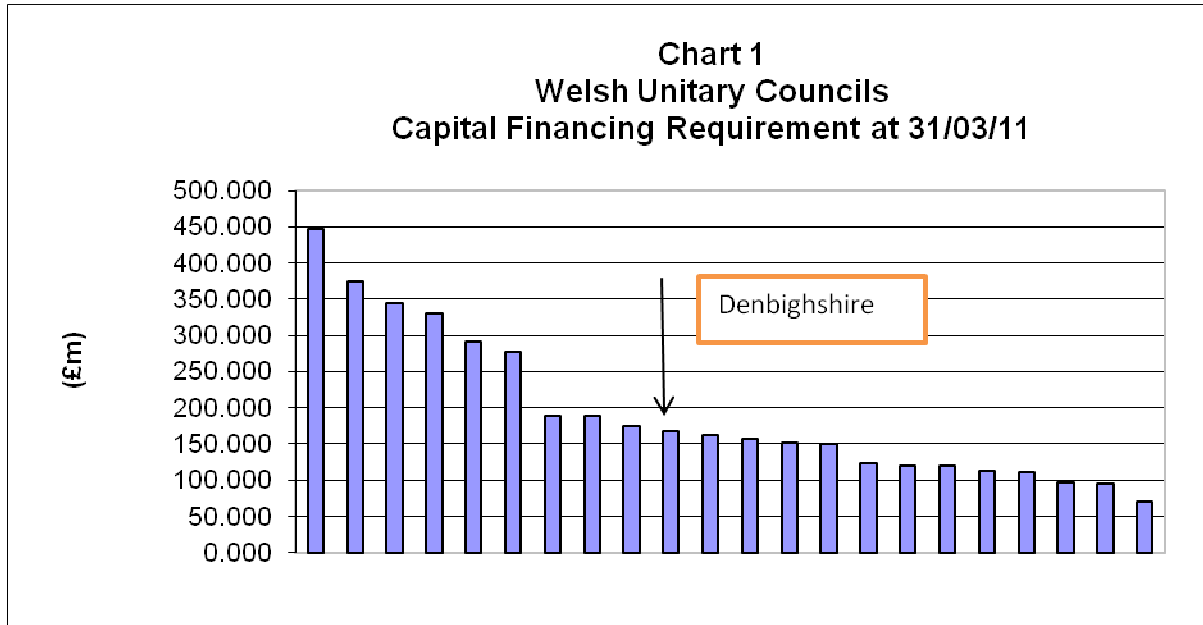


Chart 3
Welsh Unitary Councils
Total Debt at 31/03/11

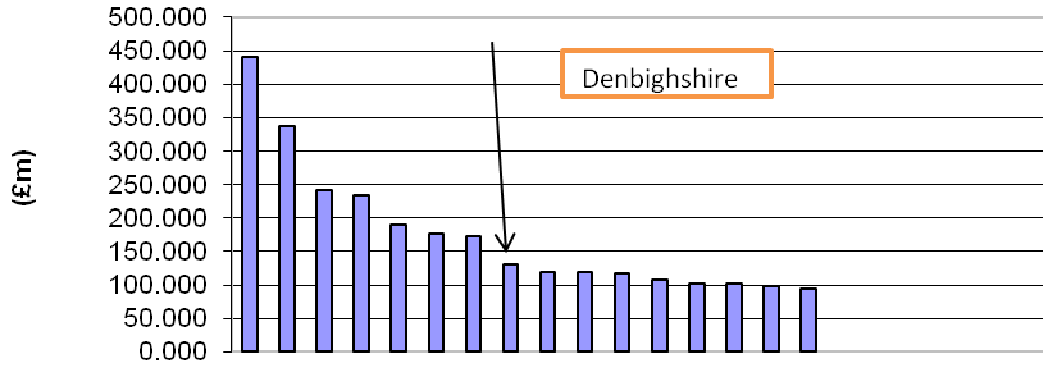


Chart 4
Welsh Unitary Councils
Debt per Head of Popn at 31/03/11

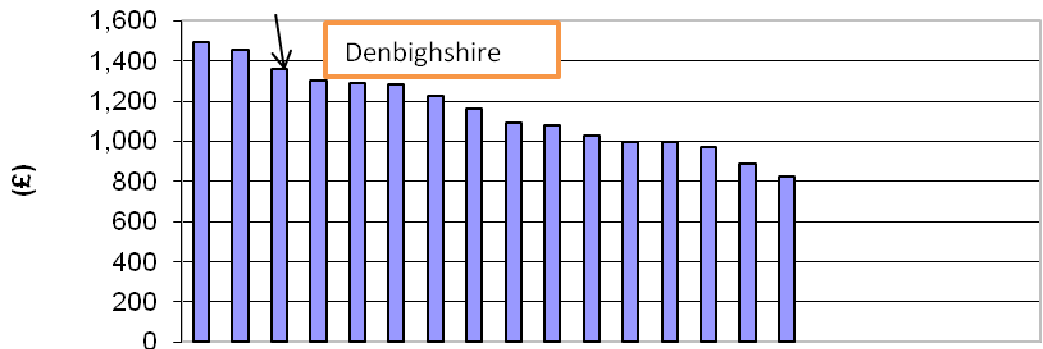
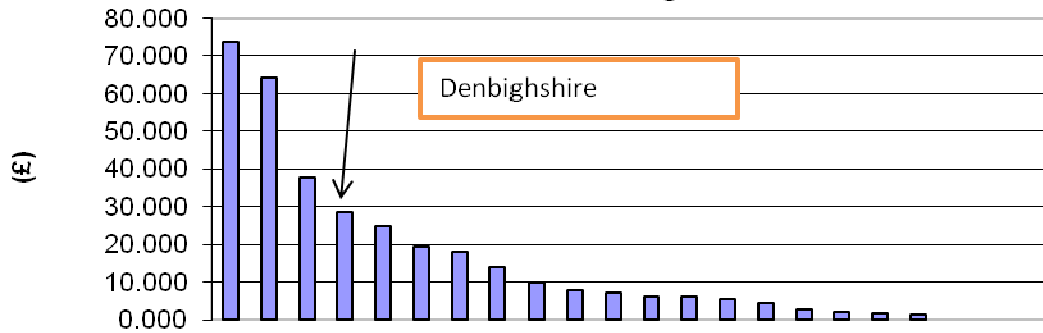


Chart 5
Welsh Unitary Councils
Cumulative Prudential Borrowing 2008-09 to 2010-11



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Report To: Performance Scrutiny Committee

Date of Meeting: 5 April 2012

Report Author: Scrutiny Coordinator

Title: Scrutiny Work Programme

1. What is the report about?

- 1.1 The report presents the Performance Scrutiny Committee with its draft forward work programme for members' consideration.

2. What is the reason for making this report?

To seek the Committee to review and agree on a proposed programme of future work to present to the new Committee following May's local authority elections, and to update members on relevant issues.

3. What are the recommendations?

That the Committee considers the information provided and approves, revises or amends its draft forward work programme as it deems appropriate.

4. Report details.

- 4.1 The Constitution of Denbighshire County Council requires scrutiny committees to prepare and keep under review a programme for their future work. By reviewing and prioritising issues, members are able to ensure that the work programme delivers a member-led agenda.

- 4.2 The Committee is therefore requested to consider its draft work programme for future meetings, as detailed in appendix 1, and approve, revise or amend it as it deems appropriate taking into consideration:

- issues raised by members of the Committee
- matters referred to it by the Scrutiny Chairs and Vice-Chairs Group
- relevance to the Committee's/Council's/community priorities
- the Council's Corporate Plan and the Director of Social Services' Annual Report
- meeting workload
- timeliness
- outcomes
- key issues and information to be included in reports

- the scheduling of education related topics which require the attendance of the statutory education co-opted members
 - officers and/or lead Cabinet members who should be invited (having regard to whether their attendance is necessary or would add value)
 - questions to be put to officers/lead Cabinet members
- 4.3 When considering future items for inclusion on the forward work programme members may also find it helpful to bear the following questions in mind when determining a subject's suitability for inclusion on the work programme:
- what is the issue?
 - who are the stakeholders?
 - what is being looked at elsewhere
 - what does scrutiny need to know? and
 - who may be able to assist?
- 4.4 As mentioned in paragraph 4.1 above the Constitution of Denbighshire County Council requires scrutiny committees to prepare and keep under review a programme for their future work. To assist the process of prioritising reports, if officers are of the view that a subject merits time for discussion on the Committee's business agenda they have to formally request the Committee to consider receiving a report on that topic. This is done via the submission of a 'proposal form' which clarifies the purpose, importance and potential outcomes of suggested issues. No such proposal forms have been received for consideration at the current meeting.
- 4.5 Planning Enforcement
Members will recall that the Committee requested a report detailing financial and other resources available to the planning enforcement team and its performance in delivering its services. Unfortunately, it was not possible to have the report ready for the current meeting and therefore with the Chair's consent the presentation of the report has been deferred to a future meeting.
- 4.6 Schedule of Meetings for 2012/13
County Council recently agreed on its schedule of meetings for the forthcoming municipal year. Following the local authority elections on 3 May the Council will need to appoint a Leader, who will then appoint members to the Cabinet before the membership of committees can be decided upon. Consequently this will result in a delay before the new committees meet for the first time. The first scrutiny meeting will be held on 31 May when Partnerships Scrutiny Committee will meet. Performance Scrutiny Committee is not scheduled to hold its first meeting until 28 June and, as no Council committees meet during August, its subsequent meeting will not be held until 6 September. A consequence of this new schedule of meetings is that the business agendas for both June and September's meetings presently exceed the optimum number of four items each. The Scrutiny Chairs and Vice-

Chairs Group will discuss the forward work programmes for all committees at its meeting on 29 March and the recommendations emanating from that discussion will be reported to the Committee at its meeting on 5 April with a view to resolving the scheduling problem.

4.7 Cabinet Forward Work Programme

A copy of the Cabinet's forward work programme is attached at Appendix 2. The Committee may find this document useful when considering items for inclusion on its programme of future work.

4.8 Progress on Committee Resolutions

A table summarising recent Committee resolutions and advising members on progress with their implementation is attached at Appendix 3 to this report.

5. How does the decision contribute to the Corporate Priorities?

Effective scrutiny will assist the Council to deliver its corporate priorities in line with community needs and residents' wishes. Continual development and review of a coordinated work programme will assist the Council in monitoring and reviewing policy issues.

6. What will it cost and how will it affect other services?

Services may need to allocate officer time to assist the Committee with the activities identified in the forward work programme, and with any actions that may result following consideration of those items.

7. What consultations have been carried out?

None required for this report. However, the report itself and the consideration of the forward work programme represents a consultation process with the Committee with respect to its programme of future work.

8. What risks are there and is there anything we can do to reduce them?

No risks have been identified with respect to the consideration of the Committee's forward work programme. However, by regularly reviewing its forward work programme the Committee can ensure that areas of risk are considered and examined as and when they are identified, and recommendations are made with a view to addressing those risks.

9. Power to make the decision

Article 6.3.7 of the Council's Constitution stipulates that the Council's scrutiny committees must prepare and keep under review a programme for their future work.

Contact Officer:

Scrutiny Coordinator

Tel No: (01824) 712554

Email: dcc_admin@denbighshire.gov.uk

Note: Any items entered in italics have not been approved for inclusion at the meeting shown 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
28 June	1 Your Voice' complaints performance (including Social Services and Education complaints)	To scrutinise performance on a quarterly basis thorough the Council's complaints process. <i>(to include exceptions reporting and narrative for performance areas registering red/amber)</i>	Identification of areas of poor performance and development of recommendations with a view to improving performance and service delivery	Steven Goodrum / Catherine Spencer	July 2011
	2 Monitoring Performance Against the Corporate Plan (QPR 4) and Project Register	To scrutinise the Council's performance in delivering its Corporate Plan and <i>progress on the Council's major projects</i>	(i) Identification of trends or areas of poor performance leading to recommendations to address declining performance and realise the Council's ambition to become a high performing authority (ii) Identification of risks with respect to major projects not being delivered on time or within budget and the formulation of recommendations to address any problems identified	Tony Ward/Keith Amos	September 2011
	3 Financial Report 2011/12	To monitor the Council's performance against its budget strategy for 2011/12 as defined in the MTFP	(i) identification of areas of potential overspend/underspend and budgetary pressures; and (ii) delivery of the Council's	Paul McGrady	September 2011

Meeting	Item (description / title)	Purpose of report	Expected Outcomes	Author	Date Entered
			budget strategy and MTFP		
	4 Review of Educational Support Services (building capacity in schools) [Education item]	To consider the findings of the review into Educational Support Services	The development of building capacity within schools to aid the effective use of their delegated budgets	Jackie Walley/Carly Wilson	By SCVCG November 2011
	5 Planning Enforcement (date tbc)	Details of financial and other resources available to the Planning Enforcement Team and its performance in delivering its services	Identification of options to alleviate pressures and improve the Council's performance in this service area	Paul Mead	February 2012 (rescheduled March 2012)
6 September	1 Monitoring of the Capital Programme	To scrutinise and monitor the Council's Capital Programme	Identification of potential areas of risk with respect to the capital plan and the formulation of measures and recommendations to address any risks identified	Paul McGrady/ Richard Humphreys	October 2011
	2 Transformation of Post 16 Education [Education]	To present the draft proposals for transforming the provision of post 16 education in Denbighshire	The development of a viable and robust policy for the delivery of post 16 education in the county	John Gambles	May 2011 rescheduled by SCVCG November 2011
	3 Post 16 School Transport [Education]	To consider the effectiveness of the delivery of post 16 education in the County and its associated costs	Development of an effective and efficient transport strategy that will contribute to improved achievements and outcomes for pupils and students	John Gambles/Carly Wilson	By SCVCG November 2011
	4 Schools in Financial Difficulty [Education]	To scrutinise the progress achieved to date by those schools identified as being in financial difficulty in delivering their recovery plans and	Efficient use of the Authority's resources and identification of measures to support financial recovery and aid educational and financial performance	Ivan Butler/Carly Wilson	January 2012

Meeting	Item (description / title)	Purpose of report	Expected Outcomes	Author	Date Entered	
		reducing their deficits, and the potential impact on their educational performance				
	5	Annual Report 2011/12	To report the Council's performance against the set PIs for 2010/12	Identification of trends or areas of poor performance leading to recommendations to address declining performance and realise the Council's ambition to be a high performing authority	Tony Ward	September 2011
	6	Financial Report 2012/13	To monitor the Council's performance against its budget strategy for 2011/12 as defined in the MTFP	(i) identification of areas of potential overspend/underspend and budgetary pressures; and (ii) delivery of the Council's budget strategy and MTFP	Paul McGrady	September 2011
Sep/Oct [whole meeting]	1	CSSIW's Annual Review and Evaluation of Performance	To consider the CSSIW's annual report on Adult and Children's Services	Identification of performance-related issues	Sally Ellis/Phil Gilroy/Leighton Rees	November 2011
18 October	1	Monitoring Performance Against the Annual Plan, Corporate Plan (QPR 1) and Project Register	To scrutinise the Council's performance in delivering its Corporate Plan and progress on the Council's major projects	(i) Identification of trends or areas of poor performance leading to recommendations to address declining performance and realise the Council's ambition to become a high performing authority (ii) Identification of risks with respect to major projects not being delivered on time or within budget and the formulation of recommendations to	Tony Ward/Keith Amos	September 2011

Meeting	Item (description / title)	Purpose of report	Expected Outcomes	Author	Date Entered	
			address any problems identified			
	2	Monitoring of the Capital Programme	To scrutinise and monitor the Council's Capital Programme	Identification of potential areas of risk with respect to the capital plan and the formulation of measures and recommendations to address any risks identified	Paul McGrady/ Richard Humphreys	October 2011
	3	Review of Foundation Phase Provision and outcomes of KS1 and KS3 assessments [Education]	To consider the findings of the Review of the Foundation Phase and the provisional exam and teacher assessment results	Identification of any shortfalls in performance and development of measures to improve performance and the delivery of education	Gwenn/Brockley Julian Molloy	By SCVCG November 2011
	4	Corporate Risk Register	To consider the Council's Corporate Risk Register	Identification of effective measures to address the high level risks	Tony Ward	February 2012
29 November	1	Financial Report 2012/13	To monitor the Council's performance against its budget strategy for 2011/12 as defined in the MTFP	(i) identification of areas of potential overspend/underspend and budgetary pressures; and (ii) delivery of the Council's budget strategy and MTFP	Paul McGrady	September 2011
	2	Draft Tenancy Agreement and Handbook	To consult on the draft new tenancy agreement and handbook	Formulation of recommendations with respect to the new agreement and handbook for submission to Cabinet	Peter McHugh	February 2012
10 January 2013	1	<i>External Examinations and Teacher Assessments 2010 – 2011</i>	<i>To review the performance of schools and that of looked after children</i>	<i>Scrutiny of performance leading to recommendations for improvement</i>	<i>Julian Molloy</i>	<i>By SCVCG November 2011</i>

Meeting	Item (description / title)	Purpose of report	Expected Outcomes	Author	Date Entered
	<i>[Education]</i>				
21 February					
11 April					
23 May					

Future Issues

Item (description / title)	Purpose of report	Expected Outcomes	Author	Date Entered

Information/Consultation Reports

Date	Item (description / title)	Purpose of report	Author	Date Entered
July 2012	Your Voice' complaints performance (including Social Services and Education complaints)	The provision of information on Services' performance in complying with the Council's complaints process and the identification of areas of poor performance with a view to the development of recommendations to address weaknesses. <i>(to include exceptions reporting and narrative for performance areas registering red/amber)</i>	Steven Goodrum/Catherine Spencer	October 2011
Information Report July 2012	Library Service's 4 th Assessment Framework 2011-14 – Annual Return 2011/12	To inform the Committee of the County's Library Service's Annual Return 2011/12 to CyMAL	Arwyn Jones	October 2011

26/03/2012

Note for officers – Committee Report Deadlines

Meeting	Deadline	Meeting	Deadline	Meeting	Deadline
28 June	14 June	6 September	23 August	18 October	4 October

Performance Scrutiny Work Programme.doc

CABINET: FORWARD WORK PROGRAMME

24 APRIL 2012	
Finance Report 2011 -2012	Councillor J Thompson Hill P McGrady
ABBA Floating Support Project – Contract Award	Gary Major / Cllr P A Dobb
Mental Health Homeless Supported Housing – Contract Award	Gary Major / Cllr P A Dobb
The Proposed Denbighshire Community Endowment Fund. Purpose: To receive Cabinet approval for a new approach to deal with the dormant trust funds.	Councillor H H Evans / Hywyn Williams
Regional Collaborative Committees	Cllr P A Dobb / Sally Ellis / Jenny Elliot
Recommendations from Scrutiny Committees	Scrutiny Coordinator

FUTURE ISSUES

MAY 2012	
Corporate Plan Q4 performance report	Ewan McWilliams / Tony Ward
JUNE 2012	
Regional CCTV	Councillor Sharon Frobisher / Graham Boase
Regional Collaboration on Economic Regeneration Purpose: Approval for the governance arrangements for priority collaborative activities	Councillor David Thomas / Mark Dixon
DECEMBER 2012	
Welsh Housing Quality Standards	Councillor David Thomas / Peter McHugh

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Progress with Committee Resolutions

Date of Meeting	Item number and title	Resolution	Progress
23 February 2012	5. Energy Efficiency Update	<i>RESOLVED – to note the report and the progress made in relation to the Council’s energy saving objectives, and to support the proposed measures being developed to continue improvements in carbon reduction and energy efficiency.</i>	No further action required at present
	6. Planning, Regeneration and Regulatory	<i>RESOLVED – that the Committee: a) notes the recent developments across the Service; and b) recommends that further scrutiny is carried out in respect of planning appeals; planning enforcement; taxi licensing and the regeneration of Rhyl</i>	All items scheduled into forward work programmes or form part of Internal Audit Reviews
	7. Monitoring Corporate Plan Performance 2011-12 Q3	<i>RESOLVED – to a) note the highlighted areas where performance targets were unlikely to be met; b) recommend that the Committee’s concerns with respect to performance issues, particularly the potential loss to the Council of Outcome Agreement Grant funding be drawn to Cabinet’s attention; and c) recommend to the new Performance Scrutiny Committee, following the 2012 local authority elections, that it establishes a working group, consisting of four members</i>	Narrative included in the Monitoring the Corporate Plan report presented to Cabinet on 20 March 2012 Will be actioned post the May 2012 local authority elections

		<i>of Performance Scrutiny Committee to meet on a regular basis with the Head of Internal Audit and Corporate Improvement Team personnel for the purposes of monitoring performance against the agreed indicators and agreements.</i>	
	8. Corporate Risk Register	<p>RESOLVED –</p> <p><i>a) to note and confirm the proposed actions listed in the Corporate Risk Register to address the identified risks;</i></p> <p><i>b) that progress in terms of implementing agreed actions be included by exception in future quarterly performance reports; and</i></p> <p><i>b) that a training workshop is set-up to ensure that newly elected Councillors understand the purpose of the Corporate Risk Register.</i></p>	Will be actioned post the May 2012 local authority elections
	9. Housing Services	<p>RESOLVED –</p> <p><i>(a) to note the progress made in each of the four areas detailed in the report;</i></p> <p><i>(b) to support the plans put in place to improve services in these areas and the objectives of the Single Access Route to Housing (SARTH) project; and</i></p> <p><i>(c) that the draft Tenancy Agreement and Handbook be submitted to the Committee for consideration prior to its presentation to Cabinet in late 2012</i></p>	The draft agreement and handbook are scheduled into the Committee's work programme for the meeting on 29 November

	<p>10. Library Services</p>	<p>RESOLVED – <i>a) to note the findings of the CyMAL assessment and confirm its satisfaction with the steps taken to address the targets that had not been met in 2010/11; and</i> <i>b) that a copy of the Annual Return for 2011/12 be submitted as an information report to the Performance Scrutiny Committee once it had been sent to CyMAL and that a copy is also made available to those involved with the Service Challenge process at that time</i></p>	<p>Scheduled into work programme as an information for July 2012</p>
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