



To: Members of the County Council

Date: 31 December 2012

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Dear Councillor

You are invited to attend a meeting of the **COUNTY COUNCIL** to be held at **10.00 am** on **TUESDAY, 8 JANUARY 2013** in **COUNCIL CHAMBER, COUNTY HALL, RUTHIN LL15 1YN**.

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 DECLARATIONS OF INTEREST

Members to declare any personal or prejudicial interests in any business identified to be considered at the 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 CHAIRMAN'S DIARY

To note the civic engagements undertaken by the Chairman of the Council (copy to follow).

5 MINUTES (Pages 5 - 20)

To receive minutes of the meeting of County Council held on 4th December, 2012 (copy enclosed).

6 COUNCIL TAX REDUCTION SCHEME (Pages 21 - 26)

To consider a report by the Head of Finance and Assets (copy enclosed) regarding the abolition of council tax benefit in its current form across the UK. A newly developed scheme by the Welsh Government and Local Authorities in Wales to provide council tax support to be adopted by 31st January 2013.

7 COUNTY COUNCIL FORWARD WORK PROGRAMME (Pages 27 - 30)

To consider the Council's forward work programme (copy enclosed).

MEMBERSHIP

Councillors

Ian Armstrong
Raymond Bartley
Brian Blakeley
Joan Butterfield
Jeanette Chamberlain-Jones
Bill Cowie
Ann Davies
James Davies
Meirick Davies
Richard Davies
Stuart Davies
Peter Duffy
Hugh Evans
Peter Evans
Bobby Feeley

Gwyneth Kensler
Geraint Lloyd-Williams
Margaret McCarroll
Jason McLellan
Barry Mellor
Win Mullen-James
Bob Murray
Peter Owen
Dewi Owens
Merfyn Parry
Allan Pennington
Arwel Roberts
Gareth Sandilands
David Simmons
Barbara Smith

Carys Guy-Davies
Huw Hilditch-Roberts
Martyn Holland
Colin Hughes
Rhys Hughes
Hugh Irving
Alice Jones
Huw Jones
Pat Jones

David Smith
Bill Tasker
Julian Thompson-Hill
Joe Welch
Cefyn Williams
Cheryl Williams
Eryl Williams
Huw Williams

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COUNTY COUNCIL

Minutes of a meeting of the County Council held in Council Chamber, County Hall, Ruthin LL15 1YN on Tuesday, 4 December 2012 at 10.00 am.

PRESENT

Councillors Ian Armstrong, Raymond Bartley, Brian Blakeley, Joan Butterfield, Jeanette Chamberlain-Jones, Bill Cowie, Ann Davies, James Davies, Meirick Davies, Richard Davies, Stuart Davies, Hugh Evans, Bobby Feeley, Carys Guy-Davies, Huw Hilditch-Roberts, Martyn Holland, Colin Hughes, Rhys Hughes, Hugh Irving, Alice Jones, Huw Jones, Pat Jones, Gwyneth Kensler, Geraint Lloyd-Williams, Margaret McCarroll, Jason McLellan, Barry Mellor, Win Mullen-James, Bob Murray, Dewi Owens, Merfyn Parry, Arwel Roberts, Gareth Sandilands, David Simmons, Barbara Smith, David Smith, Bill Tasker, Julian Thompson-Hill, Joe Welch, Cefyn Williams, Cheryl Williams, Eryl Williams and Huw Williams.

ALSO PRESENT

Chief Executive (MM), Corporate Directors: Economic and Community Ambition (RM); Customers (HW); Head of Legal and Democratic Services and Monitoring Officer (RGW), Head of Finance and Assets (PM), Head of Planning and Public Protection (GB), Planning Policy Manager (AL) and Committee Administrator (CIW).

1 APOLOGIES

Apologies for absence were received from Councillors Peter Evans and Peter Owen.

The Chair, Members and officers expressed their best wishes to Councillor P.W. Owen following his recent illness.

2 DECLARATIONS OF INTEREST

The following interests were identified in business items to be considered at the meeting.

Councillors T.R. Hughes, E.A. Jones, H.L.I. Jones and E.W. Williams declared a personal interest in Agenda Item 6, LDP Decision in Response to Inspector.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No items were raised which in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

4 CHAIRMAN'S DIARY

A list of civic engagements undertaken for the Council by the Chair and Vice Chair, for the period the 23rd October, 2012 to 20th November, 2012 had been circulated with the papers for the meeting.

The Chair referred to the devastating effect of the floods on so many people and their properties, particularly in areas of St Asaph and Ruthin. She highlighted the determination, spirit and resilience shown by the communities in the areas affected and thanked members of the emergency services, RSPCA, postal workers and all other agencies involved for their efforts under difficult conditions. A special vote of appreciation was extended to the officers and elected Members of the County Council for the team effort and excellent work undertaken during the extreme circumstances.

The Chair explained that an information report would be provided by the Corporate Executive Team to update Members on the incident, and to provided details of the response recovery work being carried out. She confirmed that Denbighshire would continue to provide support, advice and assistance during the recovery process.

Councillor D.I. Smith referred to the offers of help received from all parts of the UK and abroad and thanked everyone involved in the sterling work undertaken. He endorsed the views expressed by the Chair that the County Council and partner agencies had worked well together to respond to the incident.

Councillor W.L. Cowie highlighted the devastating effect of the floods and thanked everyone for the support provided. He endorsed the sympathy expressed to the family and friends of Mrs Margaret Hughes who tragically lost her life during the floods in St Asaph.

Councillor R.L. Feeley referred to the traumatic experience suffered by many residents, and explained that every effort would be made to identify the reasons for the failure of the flood defences at the Glasdir site in Ruthin.

Councillor J.A. Davies highlighted the effects on families in the smaller communities affected by the flooding, particular reference being made to the Rhuddlan area. Councillors A. Roberts, H.Ll. Jones, M.Ll. Davies and J.R. Bartley referred to flood incidents in their respective areas and stressed the need to ensure that equal support was provided for all flood victims throughout the County.

RESOLVED – that

- (a) the list civic engagements undertaken for the Council by the Chair and Vice Chair be received and noted, and*
- (b) the Chair's statement relating to the flooding incidents in Denbighshire be received and noted.*

5 MINUTES

The minutes of the Council meeting held on the 6th November, 2012 were submitted.

RESOLVED – that the minutes of the Council meeting held on the 11th September, 2012 be confirmed as a correct record.

6 LDP DECISION ON RESPONSE TO THE INSPECTOR

A copy of a report by the Policy, Research and Information Manager, on the consultation on additional housing sites and draft phasing policy, had been circulated with the papers for the meeting.

The Chief Executive (CE) explained that a decision would be sought from Members in respect of the submission of the list of the additional 21 housing sites, along with the associated phasing policy specific to those additional housing sites, to the LDP Planning Inspector. The Council's decision would be submitted to the Inspectors who would form a view as to whether or not the Council had a sound LDP. Should the Council decide not to submit additional sites it would be failing to address the Inspectors' findings and the Inspectors would find the Plan 'unsound', despite the only issue of concern identified by the Inspectors being housing supply.

The CE referred to the wider strategic significance of the LDP, a statutory plan, which would have a direct role to play in achieving the priorities of 'Developing the Local Economy' and 'Ensuring Access to Good Quality Housing' through its policies and proposals. The LDP would provide a vision for the County for the coming years and influence the future of Denbighshire by instilling confidence in the private sector, encouraging investment and increasing employment prospects.

It was emphasised by the CE that the LDP had been developed by Denbighshire and the figure of 7500 new houses included in the LDP had been agreed by Council in 2008. He made reference to the phasing policy and explained that the figure of 7500 was a planning figure and did not specify the number of houses which must be built. The implementation of the 21 sites to the last phase in the Plan would only allow them to be brought forward if deliverable housing land supply fell below five years, and this would be determined by the market and economy. It was suggested that when formulating their decision Members may wish to contemplate the importance of Denbighshire having an LDP, the likelihood of the sites being utilised and consideration being afforded to each individual site.

The Head of Planning and Public Protection (HP&PP) summarised the report which detailed the history and key stages since the commencement of the LDP in 2006. The report highlighted the process adopted, the representations received in response to the consultation on proposed additional housing sites and the draft phasing policy which had been put forward in response to Planning Inspectors' findings regarding housing need and supply issued in June 2012.

The two main functions of the LDP included the allocation of sites for potential development, and the provision of specific policies to guide and control the way development should be carried out. It would therefore be a key document in facilitating economic development across the County by allocating land to meet the County's needs in terms of attracting new employment uses, providing new housing, establishing community and recreational facilities, improving road and other infrastructure. The successful delivery of two of the Council's priorities,

ensuring access to good quality housing and 'Developing the local economy, would also be heavily dependent on having an adopted LDP.

The LDP Strategy agreed in 2008 included potential housing growth of 7500. The vast majority of the potential growth would be accommodated on brownfield land and within existing settlements. However, this growth level had been below the Welsh Government housing projections for the County of 8500. Information on population had been included in Appendices 5 and 6 to the report.

Following agreement at full Council in May 2011, the LDP had been formally submitted to the Planning Inspectorate for public Examination. The Inspectors considered all the evidence presented and issued a note in June 2012 informing the Council that they had accepted the Council's housing target of 7500 new houses to be provided by 2021 to meet housing needs and were not proposing that this should be altered. However, the Inspector considered the Council had not established sufficient supply of housing land in the Plan to meet the agreed need of 7500. In order for the Council to meet its own need figure the Inspector had stated additional sites, which could support approximately 1000 additional dwellings, would need to be included in the Plan. The HPPP explained that the additional 1000 dwellings would provide a greater opportunity and flexibility for the market to meet that figure should the demand materialise. It would also be important to note that the LDP was about allocating land for development and would not dictate, or enforce in any way, the building of 7500 houses.

It was explained that Members had agreed to proceed with the identification of sites previously put forward in the LDP process to accommodate an additional 1000 dwellings to the overall housing supply in the County. All sites previously put forward were screened for constraints and 21 potential housing sites had been identified as indicated in Appendix 2 to the report. Approximately 825 of the dwellings in the additional 21 sites were located in settlements in the north of the County and in towns with existing facilities.

The Council's position during the Examination had been that the additional 1000 houses were not required as there was a sufficient supply of housing in the LDP to meet the identified target of 7500. The Inspector however had taken an alternative view based on all the evidence presented to him during the Hearing Sessions. Given the Council's alternative position to the Inspector it has been considered appropriate to propose an additional policy as well as presenting the list of additional sites. The additional policy, Appendix 1, was a phasing policy which sought to restrict the implementation of the 21 sites to the last phase of the Plan and that they would only be brought forward if the deliverable housing land supply fell below 5 years.

The HPPP explained that the phasing policy had been drafted to ensure a clear and robust approach and had been included as part of the consultation on the 21 sites as it was an integral part of the response to the Inspector. The consultation process was outlined and Appendix 3 identified the number of objections received within the consultation period from local residents on each site. Appendix 4 provided a comprehensive assessment of the consultation undertaken and the responses received.

Members were informed that if they resolve to submit additional sites to the Inspectors, Hearing Sessions would be held at the end of January and objectors would have the opportunity to present their concerns and evidence to the Inspectors who would issue their report following the close of the Hearing Sessions. The consequences of failing to submit additional sites to the Inspectors was outlined by the HPPP. The Council would have to start the process again and this would necessitate additional consultation and research, a further public Examination, entailing significant costs for the Council and potentially taking a further 3 to 4 years.

The HPPP stressed that there were clear and important risks to the Council in not agreeing the additional sites and therefore not having an LDP. These included:-

- The Council would have no strategic land use plan for the development and growth of the County.
- Delivery of Corporate priorities of housing and economic development would be severely hampered.
- The Council would not have 5 year housing land supply.
- Development would be market driven and applications for new housing could be submitted for any site in the County, including those rejected on the additional housing listed in Appendix 2. Without a 5 year housing supply such applications would be difficult to refuse and if refused even more difficult to justify at any subsequent appeal.
- Inward investment in new employment uses would be unlikely to come forward as there would be little deliverable employment land remaining.
- Inefficient use of Council resources given that considerable work and costs had been ongoing since 2006 to get to this stage.
- Policies in the rejected LDP could not be considered when dealing with planning applications and as such, planning applications would be assessed on policies contained in the outdated UDP
- Anticipated delivery of additional affordable housing to meet local needs would not be achieved.

The officers stressed that the risks of not agreeing the recommendation of the report would need to be weighed against the likelihood of the 21 additional sites not coming forward for development given the associated proposed phasing policy, the reality of the economy, the supply of housing land already included in the LDP and the likelihood of maintaining a 5 year housing supply throughout the lifetime of the Plan. It was confirmed that the majority of costs in progressing the LDP had already been incurred and significant additional cost would be incurred by not adopting the LDP.

Councillor E.W. Williams explained that the LDP was a Denbighshire document and its contents had been agreed by Members. However, some inclusions in the document had been contrary to Members wishes with regard to their own respective areas and were often influenced by directives from outside bodies, such as the Welsh and Central Government. He explained that it would be important to submit proposals to the Inspectors to ensure that Denbighshire had a strategic land

use plan and could influence future developments, and this would enable Denbighshire to restrict development outside the 21 areas identified.

The Policy, Research and Information Manager (PRIM) confirmed that Appendix 4 provided a comprehensive assessment of the consultation undertaken and the responses received, and as agreed by Cabinet late comments and representations had been circulated to Members following the closure deadline of 5.00 p.m. the previous day. Councillor E.W. Williams expressed concern that Welsh Government had failed to submit comments within the specified consultation period. She referred to the Phasing Policy and explained that the 21 sites would only be brought forward if the deliverable housing land supply fell below 5 years. It was confirmed that only one of the identified sites, a brownfield site in Rhyl, was within the flood plain area.

Members questioned the future status of the 21 additional sites identified. Councillor M.L. Holland supported, and Councillor A. Roberts seconded, a proposal by Councillor G.M. Kensler that an additional recommendation be included stating that “none of the sites currently being considered are considered as part of the status quo in 2021”. On being put to the vote the proposal was carried.

In response to concerns raised by Councillor T.R. Hughes that a planning application could be submitted by a developer for affordable housing development in one of the 21 areas identified, the HPPP explained that in accordance with the Phasing Policy officers would recommend the application be refused. However, the application would be submitted to Planning Committee for consideration and a final decision. The Chief Executive explained that the planning process would be far more vulnerable if there was no LDP in place and having an adopted LDP would afford the officers and the Planning Committee the opportunity to reject applications and provide protection for the 21 areas identified.

Councillor E.A. Jones referred to the recent flooding problems experienced in the County and expressed concern that the development of the 21 sites would impact on the coastal area, particular reference being made to the Bodelwyddan and Rhuddlan areas. Councillor Jones suggested that, in view of the availability of new evidence relating to flooding in the Bodelwyddan area, the Welsh Government be requested to reconsider the key strategic site at Bodelwyddan. She felt that the Authority should not proceed with the LDP until the flood status of key strategic land was clarified, and requested that the LDP strategic site strategy be vigorously scrutinised.

An amendment to the recommendation in the report was proposed by Councillor E.A. Jones, and seconded by Councillor A. Roberts, that “the Council refer the key strategic site in Bodelwyddan, as part of the LDP strategy, to the Welsh Government for reconsideration and scrutiny as the proposal would involved the development (of a large area of land on the edge) of a C1 and C2 flood plain”.

The Head of Legal and Democratic Services (HLDS) explained that under the Council’s Standing Orders 10 working days notice would be required to move a motion. It was confirmed that amendments to a motion could be moved without notice. However, the proposal by Councillor Jones related to a key strategic site

and did not relate to the recommendation for consideration by Council. The HLDS explained that, in line with Standing Orders, the proposal by Councillor Jones was not an amendment which could be made to the current motion. In response Councillor Jones felt that as the proposal related to the key strategic site, which was a major part of the LDP and was in context with the 21 sites under consideration, the proposal should be valid.

The Chair deemed that the amendment proposed by Councillor E.A. Jones was not a clear enough motion and the proposal was declined.

The HPPP provided background information relating to issues pertaining to flooding, particularly in respect of the key strategic sites. He referred to the consultation process undertaken and consideration of these matters by the Inspectors and the Environment Agency. It was confirmed that sites subject to objections from the Environment Agency, identified as being in the floodplain, would not be put forward unless identified as brown field sites where there were regeneration issues.

The PRIM outlined the work being undertaken in bringing forward Bodelwyddan as a key strategic site. She explained that flood risk had been identified as a key issue during the early stages of the preparation of the LDP. She confirmed that, in line with national guidance, sites within the floodplain were not generally put forward for inclusion, and the strategic key site at Bodelwyddan had been identified as being outside the flood zone.

Members concurred that the Draft Phasing Policy had been considered in detail and on being put to the vote Members agreed that the Draft Phasing Policy, Appendix 1, be approved for submission to the Planning Inspectorate, subject to the inclusion of an additional recommendation that “none of the sites currently being considered are considered as part of the status quo in 2021”.

The Chair referred to Appendix 2 to the report, Denbighshire LDP Examination, List of additional housing allocations, and informed Members that a vote would be undertaken in respect of each individual site regarding the proposal for their inclusion in the list for additional housing sites. The PRIM introduced each of the sites and provided a summary of the information pertaining to the respective sites, including details of any objections received as included in Appendix 4. The following issues and concerns were raised and responses provided:-

Site 1. AHS 01. Land at side of No.16 Maes y Graig housing estate, Bodfari – Councillor B.A. Smith confirmed that no objections had been submitted by residents and the Community Council had expressed its support. On being put to the vote the proposal was carried.

Site 2. AHS 02. Land to rear of Llys Heulog, Cyffylliog – Councillor J.S. Welch explained that the view had been expressed locally that sufficient land was already available in the area. On being put to the vote the proposal was carried.

Site 3. AHS 03. Land adjoining Bryn Gwynt, Cynwyd – Councillor C.H. Williams proposed an amendment that the number of units be reduced from 15 to 10. On

being put to the vote the amendment was lost. Members voted on the proposal of 15 units and this was carried.

Site 4. AHS 04. Land at Lodge Farm, Denbigh – Councillor C. Hughes was in favor of the provision of additional housing in the area but expressed concern that the site was next to a flood risk area. He stressed that it would be important to ensure that any development would not have a detrimental effect on the flood alleviation system currently in the area. In response to concerns raised by Councillor G.M. Kensler, the PRIM explained that Welsh Water had confirmed that if the site was included in the LDP any work required to increase capacity at the Treatment Works could be included in their Asset Management Plan. On being put to the vote the proposal was carried.

Site 5. AHS 05. Land adjacent to Ysgol Pendref (former Ysgol Heulfre), Denbigh – In response to a request from Councillor C. Hughes, the HPPP confirmed that the word “should” be included in the reference to the need for the provision of traffic calming measures. On being put to the vote the proposal was carried.

Site 6. AHS 06. Land between the old and new Ruthin Road, Denbigh – Councillor J.R. Davies explained that the land was off Ruthin Road which was a very busy highway. He explained that residents felt there had been a lack of consultation which had denied them the opportunity to consider alternative sites. Concerns had also been expressed regarding various highways issues which related to the entrance to the site, volume of traffic, the hazardous nature of the route for children traveling to school, lack service facilities, flooding and the limited provision of sewerage services. Councillor J.R. Bartley endorsed the views expressed and explained that this site and site AHS 05 would have a detrimental effect on the culture and character of the surrounding area. He made particular reference to issues pertaining to flooding in the area and the limited availability of sewerage facilities for any new development. Councillors C. Hughes and G.M. Kensler expressed their support regarding the concerns highlighted by the Local Members.

The PRIM informed Members that the agricultural land grade, best and most versatile land, had been recognised in the sustainability appraisal and no objections had been received from the Environment Agency regarding flood risk. She provided details of highway access to the site and service provision in the area, and explained that Welsh Water had confirmed that sewerage provision was currently available, however, improvement works could be required at the Treatment Works. In response to concerns raised by Councillor Bartley regarding difficulty in obtaining insurance against flooding in the area, it was explained that insurance companies were guided by post codes rather than the topography of the area. On being put to the vote the proposal was carried

Site 7. AHS 07. Land off Eglwys Wen Road, Denbigh – Councillor J.R. Bartley referred to the volume of traffic utilising the highway, particular reference being made to the congestion experienced in the vicinity of Eglwys Wen Church. He referred to the ecology of the area and explained that the objections raised in AHS 06 also applied to this site. Councillor R.J. Davies supported the views expressed. On being put to the vote the proposal was carried.

Site 8. AHS 08. Adjacent Glan Fyddion Estate, Dyserth – Councillors D. Owens, on behalf of the Local Member Councillor P.W. Owen, and J. Thomson-Hill expressed concern regarding the number of houses proposed, and the highway access to the site. Councillor A. Roberts referred to the River Ffyddion and the possible risk of flooding in the vicinity of the site. On being put to the vote the proposal was carried.

Site 9. AHS 09. Land rear of Maes Meurig, Meliden – Councillor D.I. Smith informed Members that the Local Member, Councillor P.A. Evans, had expressed his support. On being put to the vote the proposal was carried.

Site 10. AHS 10. Land rear of Maes Garmon estate, Llanarmon yn Iâl – Councillor M.L. Holland explained that the local community had expressed the view that a 10% increase would be reasonable and acceptable given the size of the village and the development previously agreed. He raised concerns regarding problems relating to highway and sewerage issues, which could create difficulties and increase the cost of providing low cost development in the area. The PRIM explained that an assurance had been provided that highway access was achievable. Welsh Water had confirmed that connection to the sewerage system would not present problems, however, improvement work could be required at the Treatment Works and this would be incorporated in their future investment plans. On being put to the vote the proposal was carried.

Site 11. AHS 11. Land to the north west of Maes Derwen, Llanbedr Dyffryn Clwyd – The PRIM referred to an error on page 6 of the late representations sheet and explained that AHS 11 be amended to AHS 12. Councillor H.O. Williams expressed his support for the site. On being put to the vote the proposal was carried.

Site 12. AHS 12. Land adjacent to The Old Rectory, Llanbedr Dyffryn Clwyd - Councillor H.O. Williams expressed his support for the site. On being put to the vote the proposal was carried.

A break was taken at this juncture in the meeting (13.05 p.m.)

The meeting convened at 1.35 p.m.

PRESENT

Councillors J. Chamberlain-Jones (Chair), I.W. Armstrong, J.R. Bartley, B. Blakeley, J.A. Butterfield, W.L. Cowie, J.A. Davies, M.L.I. Davies, R.J. Davies, S.A. Davies, P.C. Duffy, H.H. Evans, R.L. Feeley, C.L. Guy-Davies, H. Hilditch-Roberts, C. Hughes, T.R. Hughes, H.C. Irving, E.A. Jones, H.L.I. Jones, P.M. Jones, G.M. Kensler, G. Lloyd-Williams, M. McCarrol, J.M. McLellan, B. Mellor, W.M. Mullen-James, R.M. Murray, D. Owens, T.M. Parry, A.G. Pennington, A. Roberts, G. Sandilands, D. Simmons, B.A. Smith, D.I. Smith, W.N. Tasker, J. Thompson-Hill, J.S. Welch, C.H. Williams, C.L. Williams, E.W. Williams and H.O. Williams.

ALSO PRESENT

Chief Executive (MM), Corporate Directors: Economic and Community Ambition (RM); Customers (HW); Head of Legal and Democratic Services and Monitoring Officer (RGW), Head of Finance and Assets (PM), Head of Planning and Public Protection (GB), Planning Policy Manager (AL), Senior Licensing Officer (NS) and Committee Administrator (CIW).

Site 13. AHS 13. Land at HM Stanley Hospital - Councillor D. Owens expressed his support for the site. On being put to the vote the proposal was carried.

Site 14. AHS 14. Land to the rear of the crossroads and Bron Y Clwyd, Llanfair Dyffryn Clwyd - Councillor H.H. Evans explained that representations had been received from the community regarding the consultation process, particular reference had been made to the lack of consultation by the Community Council, and requesting that consideration of the site be deferred to a future date. Councillor Jones referred to the timescales pertaining to the consultation process and explained that the County Council could not influence the consultation process adopted by the Community Council. He explained that he had encouraged the growth of villages in his ward for sustainability purposes and for the provision of housing for young people. However, he recognised the lack of capacity for the provision of sewerage services could restrict new development in the area and felt the inclusion of the site in the LDP could encourage and influence future development.

In response to concerns expressed by Councillor E.A. Jones regarding the actions of the Community Council in bring forward the site for inclusion in the list of additional housing allocations, Councillor H.H. Evans provided confirmation that the meeting of the Community Council had been conducted in accordance with the Code of Conduct. On being put to the vote the proposal was carried.

Site 15. AHS 15. Land at Wern Road, Llangollen – Councillor S.A. Davies explained that he had received a number of objections from local residents opposing the site. He made reference to highways issues, which related to the narrow lane in the vicinity of the site. On being put to the vote the proposal was carried.

Site 16. AHS 16. Land adjacent to Dolwar, Pentre Llanrhaeadr – Councillor J.S. Welch explained that he understood that issues pertaining to the speed limit in the area were currently under review. On being put to the vote the proposal was carried.

Site 17. AHS 17. Land at Mid Nant Homestead, off Gronant Road, Prestatyn – In the absence of Councillor J.M. Davies, Councillor J. Thompson-Hill explained that, although part of the site was contained within a former brownfield site it was opposite a listed building and adjacent to the AONB and an SSSI site. He confirmed that the approval of the site would result in the potential loss of a working farm and issues of concern relating to access to the site were highlighted. Councillor J.M. McLellan highlighted the possible increase in the volume of traffic in the vicinity following the amalgamation of Ysgol Bodnant into a joint Infants and Junior school. Councillor H.C. Irving endorsed the views expressed.

The PRIM explained that the site was not located in the green barrier and the Highways Department had not submitted objections. On being put to the vote the proposal was carried.

Site 18. AHS 18. Land at field no.3583, south of Dyffryn Teg, Rhualt – Councillor B.A. Smith expressed her support for the site. On being put to the vote the proposal was carried.

Site 19. AHS 19. Land adjoining Hafod y Gân and Ysgol Tir Morfa, Rhuddlan – Councillor J.A. Davies felt the size of the site did not relate to the size of the Town. The residents and Community Council had expressed concerns relating to inadequate access to the site, an aging drainage system and related flooding problems, insufficient amenity support with capacity issues in the local health service, schools and traffic problems. With the aid of a power point presentation, Councillor A. Roberts highlighted issues of concern relating to the local highway infrastructure, particular reference to Rhuddlan bridge and access problems, flooding and the overall impact on the local community. Councillors E.A. Jones and G.M. Kensler expressed their support for the concerns raised by the Local Members.

The PRIM explained that the provision of additional housing could help to support local community facilities and provide housing for local residents. The Highways Department had indicated access could be achieved to the site and the possibility of imposing a weight limit on Rhuddlan bridge could be examined. Welsh Water had indicated that was sufficient capacity for connection to the existing sewerage system and at the Treatment Works. In response to concerns raised by Councillor E.A. Jones, details of the ownership of the land in question were provided. On being put to the vote the proposal was carried.

Site 20. AHS 20. Land adjoining Maes Hafod and Llys Famau, Ruthin – Councillor D.I. Smith confirmed that no objections had been received by the Local Members. On being put to the vote the proposal was carried.

Site 21. AHS 21. Site at the corner of Sydenham Avenue & West Parade – The PRIM referred to Welsh Government guidance and explained that although the site was within a flood zone, it was a regeneration site. In response to concerns raised by Councillor G.M. Kensler, the PRIM outlined the reasons for the higher density of properties at this site which related to the high quality development in the area. She confirmed that discussions with the Environment Agency, in respect of issues relating to flood risks, were ongoing. Councillor J. Butterfield explained that Members from the Rhyl area were not opposed to the site but were concerned regarding the density of the site. She proposed an amendment that the number of homes on the site be reduced from 26 to 12, and that development be limited to four stories. On being put to the vote the proposal was carried.

Members voted on the inclusion of site AHS 21 in the list additional housing allocations, for 12 homes, with development being limited to four stories. On being put to the vote the proposal was carried.

RESOLVED – that Council approves submission to the Planning Inspectorate of the:-

- (a) Draft Phasing Policy as contained in Appendix 1, subject to the inclusion of an additional recommendation stating that “none of the sites currently being considered are considered as part of the status quo in 2021”, and
- (b) sites AHS 01 to AHS 21, as potential additional housing allocations on an individual basis in the order set out in Appendix 2, subject to the above amendments.

7 REVISED STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

A copy of a report by the Head of Planning and Public Protection, on the revised Statement of Principles under the Gambling Act 2005, had been circulated with the papers for the meeting.

The Head of Planning and Public Protection introduced the report and explained that Section 349 of the Gambling Act 2005 required the Licensing Authority to prepare a Statement of Principles. The Statement set out how the Council proposed to exercise its functions and regulate and control gambling activities within the County. It would be reviewed after three years and a new Statement published and agreed by Full Council. Section 154(1)(c) of the Act states that this function could not be delegated by the Licensing Authority.

The Licensing Committee had approved the draft Statement of Principles for public consultation purposes. There had been no significant changes proposed to the Statement of Principles, Appendix 1 to the report, and no responses had been received to the consultation process, which had been carried out in accordance with the statutory requirements set out in the Gambling Act.

The requirement of the need for the Council to ensure compliance with the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (S.I 636 of 2006) was highlighted. The Regulations governed the form Statements must take, preparation procedures, the review or revision and publication processes. The Regulations required that a Statement be published by being made available for a period of at least 4 weeks prior to the date when it comes into effect.

The Head of Planning and Public Protection explained that the Act permitted Local Authorities to take a policy decision as to whether or not to allow applications to be made for casinos. The existing Statement did not allow applications for casinos. However, this issue would be revisited and any changes presented to Council for a formal resolution.

Members supported a proposal by Councillor M.LI. Davies that the wording of the recommendation in the report be amended to clarify that there had been no significant changes to the rules in the Statement of Principles.

RESOLVED – that:-

- (a) the Statement of Principles for the Gambling Act 2005, as set out in Appendix 1 to this report, be adopted.*
- (b) Council reaffirm not to issue casino premises license. However, this issue be reviewed by Licensing and Regeneration Officers as soon as possible, as part of the corporate economic ambition priority, and*
- (c) the wording of the recommendation in the report be amended to clarify that there had been no significant changes to the rules in the Statement of Principles.*

8 APPOINTMENT OF CHAMPIONS

A copy of a report by the Head of Legal and Democratic Services, on the appointment of champions, had been circulated with the papers for the meeting.

Council had been requested to appoint Members to act as Champions in the following areas for the duration of this term of office:-

- Older People's Champion
- Homelessness Champion
- Carer's Champion
- Learning Disabilities Champion

Welsh Government required the appointment of Champions in certain areas and the above identified roles had been formally recognised by the Council's Constitution.

The role of Champions in Denbighshire had evolved from the appointment of an 'Older People's Champion' which emanated from the guidance in the Strategy for Older People issued by the Welsh Assembly, that every local authority in Wales should have such a Champion. Denbighshire had since increased the range of Champions into other areas and when reviewing of its Constitution had, under paragraph 2.6 of Article 2, formally recognised the importance of the role of Champions in specific areas and included the role within the Constitution.

The process of appointing Champions had been included in the report with Denbighshire's approach having been to ensure the most appropriate Member be appointed to the respective Champion role. A clear role description for Champions had been agreed and adopted and draft descriptions for the roles identified in the Constitution had been included as Appendices to the report. The respective roles had been approved by Council on the 6th November, 2012 with expressions of interest and CVs being requested for submission by the 16th November 2012.

Group Leaders had expressed their support for the appointment of the four Champions identified. They also supported the view that the Corporate Governance Committee look in detail at whether it would be appropriate for Champions to be appointed in respect of other interests. Concern had been expressed by SLT regarding the possibility for confusion and duplication between the roles of Champions and Lead Members where the issue to be championed fell within the remit of an individual Lead Member.

The following CVs of elected Members who wished to be considered for appointment had been circulated to Members:-

Councillor R.L. Feeley – Older People’s Champion.
Councillor J.R. Bartley – Learning disabilities Champion.
Councillor J.A. Davies – Carers Champion.

The HLDS explained that as a nomination had not been received for a Homelessness Champion, this appointment could be included in the report on the Future of Champions which would be submitted to the Corporate Governance Committee for consideration.

Following consideration of the respective CV’s, it was:-

RESOLVED – that Council agrees the following appointments:-

- (a) Councillor R.L. Feeley be appointed as the Older People’s Champion.
- (b) Councillor J.A. Davies be appointed as the Carer’s Champion.
- (c) Councillor J.R. Bartley be appointed as the Learning Disabilities Champion, and
- (d) the appointment of a Homeless Champion be included in the report to be submitted to the Corporate Governance Committee on the Future of Champions.

9 COUNTY COUNCIL FORWARD WORK PROGRAMME

The Head of Legal and Democratic Services introduced the Council’s Forward Work Programme, previously circulated, and Members agreed the following new items be included in the Forward Work Programme:-

Councillor T.R. Hughes referred to the problems experienced in relation to the roll-out of the x2 wheelie bin scheme in the South of the County, and suggested that an item relating to this issue be included in the forward work programme for consideration at County Council. Councillor C.H. Williams endorsed the concerns expressed and requested that details of costs pertaining to the x2 scheme be provided.

Councillor C. Hughes, explained that this matter had been raised at the Performance Scrutiny Committee meeting, on the 29th November, 2012, and it had been resolved that this issues be submitted to the Chairs and Vice Chairs Group for consideration for inclusion in the Forward Work Programme of the appropriate Scrutiny Committee. He had since discussed the matter with the Chair of the Communities Scrutiny Committee and it had been the general consensus of opinion that the matter be referred to the Communities Scrutiny Committee for consideration.

The CE assured Members that he was confident that the head of service and his team were in the process of addressing the problems experienced. He confirmed that an investigation would be undertaken and that a report, including details of costs, would be provided in respect of the problems encountered. Scrutiny would

be afforded the opportunity to examine the matter in full and a further report could be submitted to County Council for consideration, if requested my Members. The CE emphasised that the priority would be to address the problems experienced to ensure the service provision meets resident's needs and expectations.

Councillors H.H. Evans and H. Hilditch-Roberts highlighted the need for the circulation of details of the waste collection arrangements for each area during the immediate future. Councillor D. Smith informed Members that he would be meeting with the Corporate Director: Customers and Head of Environment, on the 5th December, 2012, to discuss the commencement of the investigations, and to examine the process to be adopted to address the problems encountered.

Councillor D.I. Smith referred to the Council Briefing on the 21st January, 2013 and highlighted the importance of the Councillors' Briefing on the Emergency Planning Process, in the light of recent events.

RESOLVED - that, subject to the above, the Council forward work programme be approved and noted.

Meeting ended at 14.40 p.m.

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Report To: Full Council

Date of Meeting: 8th January 2013

Lead Member / Officer: Hugh Irving / Paul McGrady

Report Author: Ken A Jones

Title: Council Tax Reduction Scheme

1. What is the report about?

The adoption of the All Wales Council Tax Reduction Scheme.

2. What is the reason for making this report?

The Welfare Reform Act 2012 contained provisions to abolish council tax benefit in its current form across the UK. From 31 March 2013 council tax benefit will come to an end and the responsibility for providing support for council tax and the funding associated with it, has been passed to the Welsh Government. The Welsh Government, in partnership with local authorities in Wales, has developed a new scheme to provide council tax support which Local Authorities must adopt by 31st January 2013. Within the scheme there are local discretions which are also required to be decided by full council.

3. What are the Recommendations?

That member's adopt the All Wales Council Tax Reduction Scheme and that they consider the 4 discretionary elements of the scheme as shown in section 4.1 and approve accordingly.

(Note: Due to the delay in WG providing guidance to Councils, both the Equality Impact Assessment and formal consultation could not begin until late December. These will not be completed prior to despatch of this report and will therefore either follow as late papers or be tabled. These can then be considered on the day and could affect the decision made.)

4. Report details.

The Proposed Scheme

The current analysis of Council Tax Benefit (Appendix A) shows that in Denbighshire there has been a yearly increase in claimants. 2011/12 audited accounts confirm 10,820 claimants at a cost of £9.04 million. The final settlement included a sum of £8.34m towards the cost of providing the new Council Tax Support Scheme in 2013/14.

In considering the development of a new scheme WG agreed that the new scheme should observe the following parameters:

- Be a single nationally-defined scheme to provide a consistent level of support to claimants across Wales which was set at 90% by the Assembly on 20th December. (This means that anyone who previously paid no Council Tax cannot be billed for more than 10% of the full amount of Council Tax due)
- Provide a small number of discretionary elements, similar to those available under the current CTB scheme, to allow local authorities to respond to their differing local circumstances (provided that the costs of any local variation are locally funded);
- Be based on a reform of the current CTB system, at least in the first year to ensure that the operational risks are managed and that support can continue to be provided after April 2013 given the extremely challenging timetables; and
- Where possible, simplify the existing complex arrangements.

The proposed scheme replicates the current Council Tax Benefit scheme with main exceptions being:

- 2nd adult rebate will be removed (At the moment if you can afford to pay your Council Tax but live with someone on a low income you may be able to receive help with your Council Tax).
- minor amendments to earnings and capital disregards levels
- Maintenance payments will no longer be disregarded
- That to achieve the required budget savings a 10% reduction in Council Tax support payable will be applied.

4.1 Discretionary Elements for Council decision

- a) The ability to increase the standard extended payment period of 4 weeks given to people after they return to work, when they have been in receipt of a relevant qualifying benefit for at least 26 weeks
- b) Discretion to disregard part or the whole amount of War Disablement pensions and War Widows Pensions when calculating income
- c) Discretion to provide more than the minimum information prescribed as part of the notification of decisions procedures.
- d) The ability to backdate the application of Council Tax Support awards for working age customers more than the standard period of 3 months prior to the claim.

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

Not Applicable

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

There is an obvious loss of income through the changes to the Council Tax Benefits system. The Council paid out £9.04m in 2011/12. Given the continuing increase in caseload, the forecast expenditure for 2013/14 is around £9.6m. The final settlement included a sum of £8.3m towards the cost of the new scheme. This gives a shortfall of around £1.3m. The Council can only bill residents the equivalent of around £1m due to the 10% maximum that has been included in the legislation. The Council will therefore effectively lose around £300k in income.

The Council has a statutory duty to make reasonable efforts to collect the tax from anyone deemed eligible to pay and will do so. However it is likely some of this £1m will be uncollectable and will therefore cause further pressure on the Council's bad debts provision.

There will be an increase in recovery action, which will require a review of current Revenues staff resource, there will also be a requirement to review Benefit department staff resources. The current Council Tax ICT system has to be upgraded and this has cost £59k.

We are also likely to see increased demands on enquiries to the Benefits Department, debt / financial management and welfare advice centres. The Council has set up a Welfare Reform Group to co-ordinate activities and ensure that residents can obtain the relevant support. As well as all relevant Council departments, the CAB and Benefits Advice Shop are represented.

The WG has made £4.6m available nationally to aid with transitional costs but no details of how to access these funds have yet been released. Additional funding has also been obtained by the Council's Welfare Rights Department to provide additional support.

A corporate Debt Recovery Strategy is being developed to deal with those people who may have multiple debts with the Council such as rent arrears, council tax arrears, benefits overpayments etc.

Regarding the discretionary elements

- a) The ability to increase the standard extended payment period of 4 weeks given to people after they return to work, when they have been in receipt of a relevant qualifying benefit for at least 26 weeks

The amount paid in relation extended payments of 4 weeks in qualifying cases for 2011/12 in respect of Council Tax Benefit was £22,000, to increase the length of time would be proportionate therefore if extended to 6 weeks the cost would be £33,000

- b) Discretion to disregard part or the whole amount of War Disablement pensions and War Widows Pensions when calculating income

The cost of disregarding the War Disablement & War Widows Pensions for 2011/12 in respect of Council Tax Benefit was £17,000.

- c) Discretion to provide more than minimum information prescribed as part of notifications of decisions.

The proposed scheme supports all information required.

- d) The ability to backdate the application of Council Tax Reduction awards for working age customers more than the standard period of 3 months prior to the claim.

The existing Council Tax Benefit regulations allow a maximum backdate of 6 months for a working age customer, and in 2011/12 the amount paid in respect of backdated claims for working age customers was £20,000, it is not possible to calculate the reduction if this is restricted to 3 months.

7. What consultations have been carried out and has an Equality Impact Assessment Screening been undertaken?

The Welsh Government has undertaken an Equality Impact Assessment at a national level on its proposed changes to the Council Tax Benefit system.

It must be recognised that this is a prescribed scheme with the burden being borne by all groups and has been impact assessed at a National level therefore there is no discretion to protect identified groups within Denbighshire. A further assessment of the local scheme has been undertaken and will be available prior to a decision being made by members.

8. What consultations have been carried out with Scrutiny and others?

The Welsh Government has consulted on the main scheme and issued a consultation document, *Providing Support for Council Tax in Wales*, on 6th February 2012

A further technical consultation document was issued on 21st September 2012, on the draft Council Tax Reduction Scheme (Default Scheme) Regulations. The consultation period for this closed on 17th October 2012.

DCC consultation on the discretionary powers closed on 4th January 2013, with responses to the consultation to be reported prior to a decision being made by members.

There have been several member workshops on the issue.

9. Chief Finance Officer Statement

This represents the biggest change to the Council Tax system since its inception. The issues around it have been well rehearsed and it will put further financial pressure on the Council. The full extent of the financial risks will not become clear until well into the next financial year.

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

There are significant risks to the Council in implementing the scheme. These have been highlighted to members at various workshops. A risk register is maintained by the Head of Revenues and Benefits.

11. Power to make the Decision

The Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012

The Council Tax Reduction Scheme (Default Scheme)(Wales) Regulations 2012

Appendix A

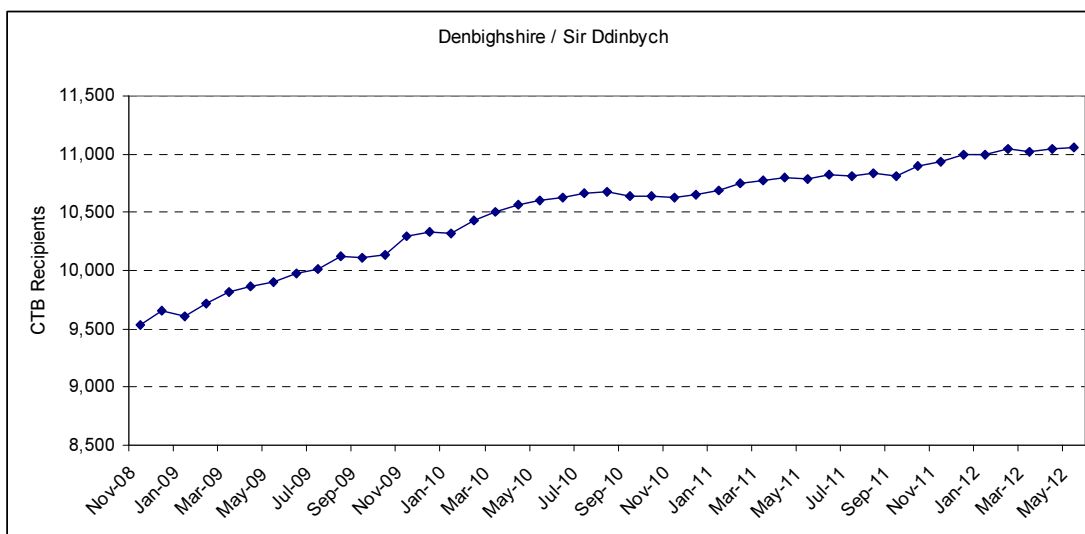
11/12 Caseload

Benefit type	Sector	Customers	Value
Council Tax Benefit	Council Tax Benefit	10,820	£9.04 Million

Break Down of Claimants

Claimant type	%
Pensioners	48%
Working Age & Unemployed	35%
Working Age & in Employment	17%

Council Tax Benefit Claims



County Council Forward Work Plan

Meeting	Item (description / title)	Purpose of report	Council Decision required (yes/no)	Author – Lead member and contact officer
8 January	1	Council Tax Support Scheme	Adoption of a new scheme following statutory regulations	Yes Ken Jones / Paul McGrady
Council Briefing 21 January	1	Taith Presentation	A general briefing on Taith's work	N/A Cllr David Smith / Stuart Davies / Iwan Prys-Jones (Taith)
2	Councillors' Briefing on Emergency Planning	Requested by Councillor David Smith	N/A	Cllr David Smith / Rebecca Maxwell / Don Norris
5 February	1	HR Policies and Procedures		Linda Atkin
2	SPG West Rhyl			Angela Loftus
3	Revenue Budget Agreement			Cllr Julian Thompson-Hill / Paul McGrady
4	Older Peoples Commissioner for Wales – Presentation of Programme of Work			Cllr Bobby Feeley / Sally Ellis
NOTE: 'TRAINING ON CUSTOMER SERVICES' TO BE AN HOUR'S SESSION FOR MEMBERS BEFORE THE				

County Council Forward Work Plan

Meeting	Item (description / title)	Purpose of report	Council Decision required (yes/no)	Author – Lead member and contact officer
COUNCIL MEETING ON 5 FEBRUARY				
26 February	1 HR Policies and Procedures			Linda Atkin
	2 Wind Farms Interim Planning Guidance			Graham Boase
	3 Council Tax Setting and Associated Matters		Yes	Cllr Julian Thompson-Hill / Paul McGrady
Council Briefing 11 March				
9 April	1 HR Policies and Procedures			Linda Atkin
	2 Corporate Plan Annual Delivery Document			Alan Smith
Council Briefing 22 April				
7 May	1 HR Policies and Procedures			Linda Atkin

County Council Forward Work Plan

Future Meeting

Date	Item (description / title)	Purpose of report	Council decision required (yes / no)?	Author – Lead member and contact officer
Council Briefing – Date tbc	Presentation by the Empty Homes Officer	Proposed by the Performance Scrutiny Committee on 1 December 2011 to inform of the post's roles and objectives	No	Tbc

Note for officers – Full Council Report Deadlines

Meeting	Deadline	Meeting	Deadline
January	18 December	February (5th)	22 January
		February (26th)	12 February

Updated 17/12/2012 - SP

Council Work Programme.doc

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