

## **COMMUNITIES SCRUTINY COMMITTEE**

Minutes of a meeting of the Communities Scrutiny Committee held in Conference Room 1A, County Hall, Ruthin on Thursday, 4 July 2019 at 10.00 am.

### **PRESENT**

Councillors Brian Blakeley, Mabon ap Gwynfor, Tina Jones, Anton Sampson, Glenn Swinger, Andrew Thomas, Graham Timms, Cheryl Williams and Huw Williams (Chair)

Councillor Mark Young, Cabinet Lead Member for Planning, Public Protection and Safer Communities attended for agenda items 6, 7 & 8, and Councillor Brian Jones, Cabinet Lead Member for Waste, Transport and the Environment attended for agenda item 9.

**Observers** – Councillors Rhys Thomas, Arwel Roberts and Emrys Wynne

### **ALSO PRESENT**

Corporate Director Economy and Public Realm (GB), Head of Planning and Public Protection (EJ), Development Control Manager (PM), Planning Officer (AT), Traffic, Parking and Road Safety Manager (MJ), Scrutiny Coordinator (RE) and Committee Administrator (KEJ)

#### **1 APOLOGIES**

Councillor Merfyn Parry

#### **2 APPOINTMENT OF VICE-CHAIR**

Nominations were sought for Vice Chair of the Committee for 2019/20.

Councillor Cheryl Williams proposed, seconded by Councillor Brian Blakeley that Councillor Graham Timms be appointed Vice Chair. There being no further nominations and upon being put to the vote it was –

***RESOLVED*** that Councillor Graham Timms be appointed Vice Chair of the Communities Scrutiny Committee for the municipal year 2019/20.

#### **3 DECLARATION OF INTERESTS**

Councillor Huw Williams declared a personal interest in agenda item 8 – Seagull Management Update Report because he was director of a pest control company.

#### **4 URGENT MATTERS AS AGREED BY THE CHAIR**

No urgent matters had been raised.

#### **5 MINUTES**

The minutes of the Committee's meeting held on 9 May 2019 were submitted.

**RESOLVED** that the minutes of the meeting held on 9 May 2019 be received and approved as a correct record.

## **6 ADOPTION OF A PLANNING COMPLIANCE CHARTER**

The Lead Member for Planning, Public Protection and Safer Communities introduced the Development Manager's (Planning and Public Protection) report (previously circulated), which outlined how the Council dealt with and worked to resolve alleged breaches of planning control conditions. The report also detailed how City, Town and Community Councils, complainants and local organisations could work with the Council to secure planning compliance. Attached to the report was a copy of a draft Planning Compliance Charter for the Committee's observations. This Charter had been drawn-up at the Committee's request following a discussion on planning compliance resources at its meeting in December 2018. The Council's Development Manager (Planning and Public Protection) provided an overview of the draft Charter focusing on the three stage process developed within the Charter, these being –

- investigation of alleged breaches
- assessing the level of investment required in order to investigate the alleged breach, and
- determining the most appropriate method to remedy any proven breaches.

He advised members that the Service needed to involve City, Town and Community Councils in the compliance process as they were the local eyes and ears who were likely to be alerted to alleged breaches at an early stage, therefore having their assistance with the process could help the County Council to prioritise compliance work more effectively, particularly in view of its very limited resources in this specialist field. If City, Town and Community Councils were willing to sign up to the Charter it would assist to manage their and the public's expectations and may eventually lead in years to come to Business Improvement Districts (BIDs) becoming involved with the process.

Responding to members' questions the Lead Member, Corporate Director: Economy and Public Realm, Head of Planning and Public Protection, Development Manager and Planning Officer –

- outlined the multi-faceted approach towards prioritising the investigation of alleged planning compliance breaches, depending upon the urgency involved with the allegation, as illustrated in paragraph 2.4 of the draft Charter
- acknowledged that, similar to local authorities City, Town and Community Councils had very limited financial resources available to them. The objective of the Charter would be to enlist the help of this tier of local government to assist the County Council to prioritise its compliance work by undertaking local audits of planning matters taking place in their communities and to ascertain whether they had obtained/not obtained the required consent
- confirmed that whilst a number of support and enforcement staff from the Planning and Public Protection Service, when visiting various areas of the

county to undertake their duties, did report any potential planning breaches to the Planning Officer and had been trained to undertake some limited investigative work, they would not be qualified to undertake planning enforcement duties in relation to any breaches as that was a specialist role. However, this close working relationship between various enforcement officers did help the Planning Officer to prioritise his work

- advised that whilst planning compliance work on the whole tended to be reactive, some proactive compliance work was undertaken when potential breaches came to light at a very early stage
- advised that they were of the view that the Charter document would also be useful to residents and local businesses as it outlined what standards were expected from them and what the Council could do if they breached any planning compliance standards
- confirmed that the approach to dealing with eyesore sites was different to that of dealing with non-compliance to planning conditions. Addressing eyesore sites was a complex process which necessitated officers from a range of different services to work together. Fortunately funding had been sourced for a two year period to employ a temporary Planning Officer to focus on Rhyl town centre as part of the project to regenerate the area. The creation of this temporary post had proved extremely successful in its first twelve months. The temporary post was funded for a further twelve months, but due to the benefits realised to date from its creation officers were exploring potential funding streams to fund it for future years with the possibility of the officer's remit being extended to cover the entire county area
- acknowledged members' concerns regarding the Charter document, if adopted, being a public document and readily available for all to read which may encourage some residents to flout planning conditions if they realised that such non-compliance was unlikely to be treated as a priority for enforcement action. Nevertheless, the Lead Member and officers were confident that the adoption of the Charter and its availability to the public would help manage residents' expectations in relation to non-compliance matters. It was important to remember that all planning legislation stated that enforcement was discretionary, and allowed contraveners time to remedy non-compliance matters including applying for retrospective planning permission if necessary
- advised that enforcement officers' time should not be utilised for the purpose of resolving disputes between neighbours
- confirmed that the Planning Officer did prioritise his work on an urgency basis and due to the volume of queries/complaints received the list of priorities changed on a regular basis
- it was always useful for the Planning Officer to receive as much information as possible, including photographic evidence, when queries/complaints were made as this helped with the prioritisation process. Nevertheless, it would be extremely difficult to include in the Charter a definitive list of the types of information or evidence required as every case was different
- advised that the proposed monitoring framework for community benefit compliance of Section 106 agreements was entirely different to the process for planning compliance monitoring of individual residential or business premises. Two posts would be created in the Community Benefit Hub with a view to supporting communities to access community benefit funds, such as Section

106 funding etc. to help deliver the Council's Environment and Resilient Communities corporate priorities, and

- emphasised that the concept of having a Planning Compliance Charter with City, Town and Community Councils was to reduce the risk of planning contraventions occurring in the first place, as these organisations were based within the community and would be alerted early on to potential non-compliance. There was no expectation for City, Town and Community Councils to be experts in the field of planning, but they would have access to County officers for advice and guidance. Officers from the Planning and Public Protection Service could attend their meetings to deliver training and brief them on planning compliance matters if required.

The Chair requested that, following consultation with City, Town and Community Councils on the Charter, the report which will be presented to the Committee should include information on the responses to the consultation, staffing resources, communication timescales with the public and the number of complaints received by the Service on planning contraventions. At the conclusion of the discussion the Committee –

**RESOLVED** that subject to the above observations –

- (a) to endorse the Charter as drafted;
- (b) to request that the draft Charter be circulated to City, Town and Community Councils for consultation and comments, and
- (c) that the revised Charter, following the consultation process, be presented to the Committee for endorsement and recommendation for adoption in December 2019 along with the requested additional information.

## **7 REVIEW AND UPDATE OF HOLIDAY CARAVAN REGULATION PROJECT**

The Lead Member for Planning, Public Protection and Safer Communities introduced the Development Manager's (Planning and Public Protection) report (previously circulated) the purpose of which was to update members on the progress of regulatory activity, and to explore whether the approach agreed by the Committee in 2017 to regulate holiday parks on a 'business as usual' basis was having the desired effects. During his introduction the Development Manager (Planning and Public Protection) advised the Committee that progress reports in relation to this project had been presented to Scrutiny on numerous occasions during recent years as members wanted reassurances that individuals were not using caravans on holiday parks as their permanent residence and consequently avoiding paying Council Tax whilst having access to Council services.

He gave an overview of the process followed to deliver the project to what was now deemed to be a satisfactory position where the regulation of holiday parks could be undertaken on a 'business as usual basis'. The first stage had entailed trawling through Council services' databases to identify individuals who were accessing Council services from holiday park addresses. Following identification of potential breaches of planning and/or licensing conditions on holiday sites officers worked

with the park's operators with a view to remedying any breaches, whilst at the same time ensuring that vulnerable occupants were safeguarded and not made homeless. The final stage of the project was to undertake enforcement action against those operators who were unwilling to co-operate or comply, despite being given the opportunity to do so. Examples of the type of enforcement action undertaken was outlined in the confidential Appendix 2 to the report. The Development Manager reassured members that the objective from now on would be to regularly monitor holiday park activities through regular engagement with the operators, whilst also monitoring access to Council services from holiday parks. Enforcement action would continue to be taken when all alternative methods were exhausted.

Responding to members' questions the Lead Member, Development Manager and Planning Officer –

- advised that enforcement action could be taken in accordance with planning and/or licensing regulations. However, in the case of persistent non-compliance licensing legislation had more provisions to be used as a deterrent as non-compliance with licensing legislation did carry financial penalties and ultimately could see an operator having their licence revoked which would lead to the loss of livelihood. Similar to planning enforcement work, resources were limited in this area but if all other courses of action failed licensing enforcement would be used
- confirmed that the Service did not have any evidence of caravans, lodges or chalets being located in remote woodland areas etc. for residential purposes
- advised that one of the main causes behind people occupying holiday caravans on an all-year round basis on some parks was miss-selling on the part of park proprietors/operators, who advertised their caravans/chalets/lodges as residential properties rather than for holiday purposes
- confirmed that enforcement officers visited all holiday parks during their 'closedown period' to check whether there was any evidence that they were being used for residential purposes. If a complaint was received with regards to a park's operation at any time of year it would be visited as a matter of course
- advised that some of the larger holiday parks could be visited by a range of enforcement officers during the course of a year, i.e. planning, licensing, Fire and Rescue Service. If one enforcement authority had concerns about an aspect of the park's operation which was the responsibility of another enforcement service they would draw the relevant authority's attention to any potential breach
- outlined the Council's incremental approach towards dealing with any breach in conditions, advising that if breaches continued to take place an escalation process would be applied in relation to taking enforcement action
- confirmed that Council Tax was levied on residential caravans on residential sites, however the Council did not wish to increase the number of residential caravans in the county and neither did the majority of caravan park operators as people living in residential caravans tended to spend less locally compared to tourists
- drew members' attention to Appendix 1 to the report which highlighted the fact that since the project's inception there had been a marked reduction in the number of people accessing Council services from addresses on holiday parks,

apart from Social Services which had registered a slight increase. This increase was attributed to the fact that elected members wanted to ensure that vulnerable residents were safeguarded and that no one was made homeless as a consequence of enforcement action by the Council, and

- advised that British citizens who resided abroad could use their holiday caravan address for Electoral Registration purposes in order to exercise their right to vote in the UK, regardless of the fact that the caravan may be on a holiday park rather than on a residential site.

Following an in-depth discussion the Committee –

**RESOLVED –**

- (a) *subject to the above observations to endorse the efficacy of the ‘business as usual’ approach towards regulating the use of holiday parks in Denbighshire;*
- (b) *to support officers of the Council to continue to investigate potential unauthorised residential occupation of holiday parks, and*
- (c) *agree that the regulation of Caravan and Holiday Parks in Denbighshire should now continue on a “business as usual” basis without the need for further referral to Scrutiny.*

At this juncture (11.05 a.m.) the meeting adjourned for a refreshment break.

## **8 SEAGULL MANAGEMENT UPDATE REPORT**

The Lead Member for Planning, Public Protection and Safer Communities introduced the Head of Planning and Public Protection Service’s report (previously circulated) the purpose of which was to update members on the progress made against the Seagull Management Action Plan, focusing on specific actions implemented in Rhyl and advising on proposed future actions to be taken.

In response to members’ questions the Lead Member and the Head of Planning and Public Protection advised that –

- in Rhyl, the focus of recent seagull management activity had been on waste storage and Streetscene activities. The progress achieved in these areas was the result of effective joint working between the Planning and Public Protection Service and the Highways and Environmental Services, who was responsible for waste management and Streetscene services. Highways and Environmental Services had successfully transferred an additional 700 properties in Rhyl onto hard plastic food waste collection bins, these properties were previously on either sack collections or used large communal bins, both of which attracted seagulls and other pests. The provision of individual bins had made the waste less accessible for the seagulls and consequently reduced the amount of litter in the area. The Streetscene Service undertook street cleansing activities in Rhyl town centre on a regular basis and this helped with area’s appearance for residents, businesses and visitors

- the reduced capacity within the Customers, Communication and Marketing Service had impacted slightly on delivering messages to the public with respect of not feeding seagulls etc. as the Service had to prioritise its work based on urgency and staff availability. However, communications were very good and did not have to be resource intensive i.e. asking people and businesses to display posters in their windows etc., using social media to relay messages to the public
- not all complaints in relation to seagulls, and/or of people feeding them, were received via the Council's Customer Relationship Management (CRM) system, some were received directly by the Service itself. If a complaint was received the first course of action would be to issue a warning letter (a copy of which was attached at Appendix 3 to the report). To date the practice of issuing the letter had been sufficient and no legal notices had been served on any individual for feeding seagulls. No complaints had been received in relation to anyone feeding seagulls in public spaces
- taking enforcement action against individuals for feeding seagulls would be extremely difficult, but if required enforcement officers in the Planning and Public Protection Services could exercise enforcement action against persistent offenders. Nevertheless, to date this course of action had not been needed. The majority of people responded positively to the posters displayed in coastal towns asking people kindly to "feed the bin" not the seagull (Appendix 4 to the report) and to warning letters issued
- seagulls were intelligent creatures and would in order to survive follow food supplies, hence the reason why there seemed to be an increasing number of them to be found in the county's inland market towns
- deterrent measures such as erecting bunting had been trialled in coastal areas. This had proved an effective deterrent initially until the seagulls had become accustomed to it and realised that it would not harm them
- problems caused by seagulls were not unique to Denbighshire, similar problems were encountered across Wales. It was therefore extremely disappointing that none of the three public bodies lobbied in relation to the problem following the Committee's discussion on the Seagull Management Plan at its March 2018 meeting, namely Welsh Government (WG), Natural Resources Wales (NRW) and the Welsh Local Government Association (WLGA) had even acknowledged, let alone responded, to the letters sent on the Committee's behalf, and
- wherever possible all new Council buildings (including schools) were fitted with seagull proof measures i.e. on roofs, lampposts etc. A similar approach was also used when undertaking major refurbishment work on Council-owned premises.

Members emphasised the benefits of educating children in the county's schools on why they should not feed seagulls and asked officers to enquire with the Education Service whether this aspect of community responsibility could in anyway be featured within the curriculum, similar to the approach taken for teaching pupils about the importance of not littering, particularly at the primary school education stages. The Committee requested that the Lead Member and officers write again to WG, NRW and WLGA seeking support and assistance to local authorities to deal with the problems caused by seagulls, and registering disappointment that the first letters were not even acknowledged let alone a response received. The Head of Planning and Public Protection undertook to action these points and to liaise with

Highways and Environmental Services to explore potential opportunities of having promotional stickers, based on the poster, placed on safe secure bins located across the county.

Members commented that it would be beneficial if the County Council could work with City, Town and Community Councils with a view to having secure public waste bins in all communities in due course and also make it compulsory for all food related businesses to have secure food waste containers.

At the conclusion of the discussion the Committee –

**RESOLVED** *that subject to the above observations and the provision of the requested information –*

- (a) correspondence be sent once again to the Welsh Government, Natural Resources Wales and the Welsh Local Government Association seeking support and assistance for local authorities to deal with problems associated with Seagulls due to their protected species status, and;*
- (b) to support the actions taken to date, and identified for the future, in relation to Seagull Management in Denbighshire.*

## **9 CAR PARKS IN DENBIGHSHIRE**

The Lead Member for Waste, Transport and the Environment introduced the Traffic, Parking and Road Safety Manager's report (previously circulated), the purpose of which was to update members on the progress made to date with the implementation of the Car Park Investment Plan and associated initiatives. During his introduction he drew members' attention to the work undertaken during 2018/19, the first year of the five year investment plan, and the work undertaken to date in 2019/20.

Responding to members' questions the Lead Member, Head of Planning and Public Protection and the Traffic, Parking and Road Safety Manager –

- advised that following a second tendering exercise the contract for the development of the former Post Office site in Rhyl as a new short stay car park should be let in early autumn 2019
- confirmed that the costs associated water-proofing work on the decks of multi-storey car parks was inflation proofed
- confirmed that Prestatyn Town Council subsidised car parks within the town therefore the Council did not receive any revenue from those car parks, consequently Streetscene services were delivered at these sites under a Service Level Agreement (SLA) between the County and Town Council. In recent years these type of SLAs had become far more specific in relation to which services would be delivered for the price charged. Similar SLAs had now been developed for comparable amenities across the county, this approach helped the Service to effectively monitor the maintenance work undertaken
- emphasised that the county's car parks were often the gateway for visitors to the county and to its towns, it was therefore important that they were aesthetically



welcoming due to their potential to support and develop the local economy, hence the importance of undertaking the investment programme;

- advised that the five year development plan had been drawn-up on a priority basis with a view to avoiding further deterioration which would require significantly more investment to remedy in the long-term. The larger structural investment projects had been scheduled for years 1 to 4, with year 5 focusing more on smaller aesthetic work. As time progressed more detail of maintenance work to be undertaken at specific locations and the financial years when they would be undertaken would appear in the Investment Plan. It was anticipated that eventually regular maintenance work would form part of the Service's 'business as usual' financial planning and financed from within the revenue the Service generated
- advised that circa 33% of the county's car parks were currently able to accept cash free payments, the eventual aim was for all car parks to have facilities to accept cash free payments and in due course to be paperless via a digital payment recognition system
- confirmed that the present mobile phone payment facility for car parking would shortly be replaced by a smartphone app facility
- acknowledged that the provision of electronic signs denoting the number of available car parking spaces would be a useful facility in the county's tourist towns, these were extremely expensive therefore it would be essential that a feasibility study was undertaken in order to justify the investment
- confirmed that parking enforcement action was undertaken when required at all 47 car parks operated by the Council's Traffic, Parking and Road Safety Service. Car parking enforcement action in county operated car parks in rural areas were the responsibility of the Council's Countryside Service
- confirmed that entering into an agreement with local businesses to enable people who purchased parking tickets to receive a discount in small or large businesses in a town or village i.e. via a redeemable voucher/tear-off portion on the parking ticket was feasible. Similar promotions had taken place in previous years. Businesses in Rhuddlan had expressed an interest in entering into this type of scheme and costings were currently awaited in relation to facilitating the scheme. Costs were not anticipated to be excessive or prohibitive, and
- confirmed that the situation which had operated in Denbigh for a number of years which had permitted people attending places of worship on a Sunday morning to park free of charge in Council-owned car parks was unique and had been a long-standing local agreement. Discussions were currently underway with local churches and chapels with a view to resolving the situation and aligning the charging policy for the town's Council-owned car parks with that of the rest of the county where charges were payable between 8am and 5pm on a Sunday.

At the conclusion of the discussion the Committee –

**RESOLVED** that, subject to the above observations –

- (a) *to support the continuation of the work to implement the Car Park Investment Plan and the other parking initiatives detailed within the report, and*

- (b) *requested that an Information Report be submitted to the Committee in 18 months' time to update members on the progress made with the delivery of the Car Park Asset Management/Investment Plan and associated activities.*

## **10 SCRUTINY WORK PROGRAMME**

The Scrutiny Coordinator submitted a report (previously circulated) seeking members' review of the Committee's work programme and provided an update on relevant issues.

Discussion focused on the following –

- the next scheduled meeting on 5 September had been set aside to discuss the Committee's report on the inquiry conducted into the Llantysilio Mountain Fire – consequently members agreed that the items originally scheduled for that meeting be rescheduled to the October meeting. The Corporate Director commended the Scrutiny Coordinator on the report produced following the inquiry
- all other items on the work programme be reaffirmed including the addition of the update on the Planning Compliance Charter agreed earlier in the meeting
- the draft terms of reference of the Learner Transport Policy Working Group had been included in the information brief (previously circulated) and nominations to serve on the Working Group were discussed together with the timescale for completion of the work given the 12 month lead in period to implement any changes from September 2021
- members were encouraged to submit any proposal forms regarding topics for scrutiny prior to 21 July for submission to the next meeting of the Scrutiny Chairs and Vice Chairs Group on 31 July – the Chair added that a proposal to allow members to observe future Group meetings would be discussed.

**RESOLVED** that –

- (a) *subject to the above, the forward work programme as detailed in Appendix 1 to the report be approved, and*
- (b) *Councillors Brian Blakeley, Graham Timms, Cheryl Williams, Huw Williams and Co-opted Member Kathy Jones be appointed to serve on Learner Transport Policy Working Group; and subject to his confirmation, Councillor Mabon Ap Gwynfor also be appointed to serve on that Group.*

## **11 FEEDBACK FROM COMMITTEE REPRESENTATIVES**

Councillor Huw Williams referred to the good outcome of the recent Finance Service Challenge and commended the former Head of Finance Richard Weigh on his work.

Councillor Brian Blakeley reported upon the Highways and Environment Service Challenge – topics for discussion included the new Waste Model and possible new depot together with other public realm issues including street cleaning and litter.

Members noted that the Service Challenge Programme had now been completed and the Corporate Director reported upon steps to review the service challenge arrangements with a view to adapting and improving the process.

***RESOLVED*** that the reports be received and noted.

The meeting concluded at 12.37 p.m.