

To: Members of the Communities
Scrutiny Committee

Date: 28 June 2019

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Dear Councillor

You are invited to attend a meeting of the **COMMUNITIES SCRUTINY COMMITTEE** to be held at **10.00 am** on **THURSDAY, 4 JULY 2019** in **CONFERENCE ROOM 1A, COUNTY HALL, RUTHIN.**

PLEASE NOTE THAT THERE IS A BRIEFING FOR ALL ELECTED MEMBERS AT 9.15 A.M. IMMEDIATELY PRIOR TO THE MEETING.

Yours sincerely

G. Williams
Head of Legal, HR and Democratic Services

AGENDA

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

1 APOLOGIES

2 APPOINTMENT OF VICE-CHAIR (Pages 5 - 6)

To elect the Committee's Vice Chair for the municipal year 2019/20 (copy of the role description for Scrutiny Member and Chair/Vice Chair attached).

3 DECLARATION OF INTERESTS (Pages 7 - 8)

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

4 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.

5 MINUTES (Pages 9 - 18)

To receive the minutes of the Communities Scrutiny Committee held on 9 May 2019 (copy attached).

6 ADOPTION OF A PLANNING COMPLIANCE CHARTER (Pages 19 - 52)

To consider a report by the Development Manager, Planning and Public Protection (copy attached) seeking members' views on the draft Planning Compliance Charter setting out how alleged breaches of planning control were dealt with and how complaints and local organisations such as City, Town and Community Councils could assist in securing planning compliance.

10.10 a.m. – 10.40 a.m.

7 REVIEW AND UPDATE OF HOLIDAY CARAVAN REGULATION PROJECT (Pages 53 - 62)

To consider a report by **(which includes a confidential appendix)** the Development Manager, Planning and Public Protection (copy attached) providing an update on the regulation of holiday caravan parks within the county and to assess the effectiveness of the Council's approach to ensuring compliance with planning and licensing conditions.

10.40 a.m. – 11.20 a.m.

~~~~~ **BREAK** ~~~~~

**8 SEAGULL MANAGEMENT UPDATE REPORT** (Pages 63 - 82)

To consider a report by the Head of Planning and Public Protection (copy attached) updating members on the progress made against the Seagull Management Action Plan together with further proposed actions.

**11.30 a.m. – 12 noon**

**9 CAR PARKS IN DENBIGHSHIRE** (Pages 83 - 108)

To consider a report by the Traffic, Parking and Road Safety Manager (copy attached) providing an update regarding the implementation of the Car Park Investment Plan and other car parking issues and seeking members' views thereon.

**12 noon – 12.30 p.m.**

**10 SCRUTINY WORK PROGRAMME** (Pages 109 - 130)

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

**12.30 p.m. – 12.45 p.m.**

## **11 FEEDBACK FROM COMMITTEE REPRESENTATIVES**

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

**12.45 p.m.**

## **MEMBERSHIP**

### **Councillors**

Councillor Huw Williams (Chair)

Mabon ap Gwynfor  
Brian Blakeley  
Rachel Flynn  
Tina Jones  
Merfyn Parry

Anton Sampson  
Glenn Swingler  
Andrew Thomas  
Graham Timms  
Cheryl Williams

### **COPIES TO:**

All Councillors for information  
Press and Libraries  
Town and Community Councils

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- (vi) **Role:** **Scrutiny Member/Chair**  
**Salary:** Band 3 (Chair only)

*Please note: items highlighted are specific to the role of Chair*

### 1. PRINCIPAL ACCOUNTABILITIES

- To Full Council

### 2. PURPOSE OF ROLE

- Providing leadership and direction
- To participate fully in the activities of the Scrutiny Committee, the development and delivery of its work programme and any associated task and finish groups.
- To assist in the development and monitor impact of Council policy
- To hold the executive to account, monitoring performance and service delivery and challenge decisions through the call in arrangements where appropriate.
- To develop a forward work programme of the committee.
- To report on progress against the work programme to Council, and others as appropriate
- To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making ensuring that meeting objectives are met, and the code of conduct, standing orders and other constitutional requirements are adhered to.
- To act as a focus for liaison between the council, community and external bodies in relation to the scrutiny function.
- To encourage effective contributions from all committee members in both committee and task and finish groups
- To assess individual and collective performance within the committee and liaise with the relevant Group Leader to progress training and development opportunities.
- Fulfil the accountabilities of the elected member role.

### 3. VALUES and EXPECTATIONS

- To be committed to the values of Denbighshire County Council and the following values in public office:
  - Pride
  - Integrity
  - Respect
  - Unity
  - Attend all relevant meetings
  - Carry out business electronically i.e. meetings and communication, wherever possible
  - To attend mandatory training as specified in the code of conduct and the constitution.
  - To participate in an annual development review to continually improve the performance of the member and the Council.

- To explain and account for personal performance as a County Councillor on a regular basis, particularly through the publication of an Annual Report on the Council's web site.

## LOCAL GOVERNMENT ACT 2000

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### Code of Conduct for Members

### DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

a \*member/co-opted member of  
*(\*please delete as appropriate)*

**Denbighshire County Council**

**CONFIRM** that I have declared a \***personal / personal and prejudicial** interest not previously declared in accordance with the provisions of Part III of the Council's Code of Conduct for Members, in respect of the following:-  
*(\*please delete as appropriate)*

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)\**

Signed

Date

\*Note: Please provide sufficient detail e.g. 'I am the owner of land adjacent to the application for planning permission made by Mr Jones', or 'My husband / wife is an employee of the company which has made an application for financial assistance'.

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## COMMUNITIES SCRUTINY COMMITTEE

Minutes of a meeting of the Communities Scrutiny Committee held in Conference Room 1A, County Hall, Ruthin on Thursday, 9 May 2019 at 10.00 am.

### PRESENT

Councillors Brian Blakeley, Meirick Davies, Anton Sampson, Glenn Swingler, Andrew Thomas and Graham Timms (Vice-Chair)

Councillor Huw Hilditch-Roberts, Lead Member for Education, Children and Young People was in attendance for Agenda Items 5 and 6 at the Committee's request.

Councillors Julian Thompson-Hill, Lead Member for Finance, Performance & Strategic Assets was in attendance for Agenda Item 7 at the Committee's request.

Co-opted Members – Kathleen Jones, David Lloyd and Neil Roberts

Councillors Rhys Thomas and Emrys Wynne attended as observers

### ALSO PRESENT

Corporate Director: Economy and Public Realm (GB), Corporate Director: Communities (NS), Head of Education & Children Services (KIE), Planning and Resources Manager (IL), Principal Manager - Modernising Education (GD), Chief Accountant (SG), Business Support Manager (PB), Business Support Officer (Contracts & Performance) (RT), Chief Executive Citizens Advice Denbighshire (CAD)(LP), Scrutiny Coordinator (RhE), and Committee Administrator (RTJ)

### 1 APOLOGIES

Apologies for absence were received from Councillors Merfyn Parry, Huw Williams, Tina Jones, Rachel Flynn and Cheryl Williams.

### 2 DECLARATION OF INTERESTS

Councillors Graham Timms, Glenn Swingler, Meirick Lloyd Davies, Brian Blakeley, Anton Sampson together with David Lloyd all declared a personal interest in item 5 as they were all School Governors.

### 3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters were raised.

### 4 MINUTES

The minutes of the Communities Scrutiny meeting held on 14 March 2019 were submitted.

**Matters Arising –**

- Page 8 – Item 5 – School Meal Debt Policy – members were concerned that the revised School Meal Debt Policy seemed to have been circulated to schools prior to it being circulated to councillors under the Delegated Decision process. Members wanted reassurances that their recommended amendments had been incorporated into the final policy. Officers undertook to enquire if this had happened and whether the Delegated Decision in relation to it had been published.
- Page 11 – Item 6 - Gypsy and Traveller Site Provision – Both sites had been taken to Cabinet, the permanent residential site would be pursued, whilst the transit site would not be pursued at the same location and that another location would be sought for the transit site during the development of the new LDP.

**RESOLVED** that the minutes of the Communities Scrutiny meeting held on 14 March, 2019 be received and approved as a correct record.

## **5 DENBIGHSHIRE'S LEARNER TRANSPORT POLICY**

The Lead Member for Education, Children and Young People introduced the Education and Resources Manager's report and appendices (previously circulated) which provided details of the non-statutory elements within Denbighshire County Council's Learner Transport Policy 2018.

During his introduction the Lead Member explained that the county's current Learner Transport Policy came into effect in September 2018, following a consultation exercise with all stakeholders the previous year. The policy represented how the Council discharged its duties under the Learner Travel (Wales) Measure 2008. Whilst reviewing the policy in 2017 a number of anomalies had come to light i.e. hazardous routes, feeder schools and the importance of their relationships with the secondary schools to whom they were affiliated etc. These anomalies were rectified in the revised policy. This policy review along with changes in policy relating to transport provision for pupils attending special schools and transport providers passing on inflationary costs had resulted in the cost of school transport in the county during 2018/19 increasing by approximately £350K. Such an increase would be unsustainable in the long-term. The Lead Member confirmed that the school transport budget was held by the Highways and Environment Service, but it was the Education Service who determined a pupil's eligibility to receive free transport. Whilst this may seem strange, it worked well as Education officers were familiar with the relevant pieces of legislation which governed educational and learner transport eligibility, but the expertise in tendering and procuring transport and knowledge of public transport availability was located in the transport team in the Highways and Environment Service.

Members were advised by the Lead Member that the provision of transport for pupils to access non-statutory elements of education was an extremely contentious issue, which had resulted in a number of local authorities who had proposed or even explored the potential of withdrawing free transport or levying a charge for transport i.e. to faith based or Welsh medium provision, being subject to adverse

press/media coverage and even legal challenge. Whilst withdrawing or levying a charge for the provision of transport to enable pupils to access non-statutory education had the potential to realise some substantial savings for the Council, it would be important that the impact of any change on the education of the county's pupils and supporting them to gain the knowledge and skills required by employers was assessed. This was particularly important in relation to post-16 education. The Council currently spent circa £1m annually on transporting students to post-16 education provision.

Responding to members questions the Lead Member for Education, Children and Young People; the Lead Member Finance, Performance and Strategic Assets; and the Head of Education and Children's Services:

- confirmed that the Authority had a legislative duty to comply with the Learner Travel (Wales) Measure alongside other legislative requirements relating to the provision of education
- advised that any proposal to withdraw free transport to non-statutory education provision would most likely attract negative media coverage. The least contentious element would most probably be transport for post 16 students. Nevertheless, this was not without its risks, particularly on pupils' future career opportunities and the wider economy;
- advised that learner transport in Denbighshire currently cost the Authority approximately £2.5m per year in total. Costs varied from county to county, with larger geographical areas spending a far higher amount on learner transport;
- illustrated the complexities involved with free learner transport determinations e.g. some pupils may well qualify under a number of different categories i.e. Welsh Medium, faith, Special Educational Needs (SEN), hazardous routes etc. whilst others may not qualify at all;
- confirmed that whilst £600K had been added to the learner transport budget two years ago to help ease the pressures on it, this was still insufficient as the budget was continually overspent. This was a recurring problem;
- explained that it was anticipated that further changes to SEN legislation would place increased pressure on the Learner Transport budget, whilst fluctuating fuel prices and increasing maintenance costs, all of which were outside of the Authority's control also put additional pressure on the budget. In addition the Welsh Government (WG) had cut its budget to the Council for school transport provision; and
- confirmed that a good working relationship existed between Education Service staff and those who worked for the Council's Transport Department. Whilst it may seem unusual that the learner transport budget was administered and managed by the Transport Department (within the Environment and Highways Service) there was a valid reason for this approach. This being that transport management expertise and intelligence in relation to co-ordinating all modes of transport lay within the Transport Service. Education Service officers determined the eligibility of a pupil/student for free school transport, once eligibility had been determined the Transport Service then commissioned and co-ordinated the availability of transport for the individual pupil. This approach worked effectively for all concerned;

Members acknowledged the complexities associated with learner transport and education related legislation. They were firmly of the view that, in order to facilitate a thorough review of the non-statutory elements of the Council's Learner Transport Policy, it would be beneficial to establish a working group of members and officers from both the Education and Transport Services to look at all aspects of transport to non-statutory education provision. This group would be able research the approach taken by other local authorities along with the risks and potential impacts associated with withdrawing any element of free transport to non-statutory provision in the future. Lead Member and officers concurred with this approach. They felt that this would provide greater clarity in relation to transport to statutory and non-statutory education provision which would help everyone's understanding of what the Council was providing and the reasons why it was provided. Committee members emphasised the need for the Working Group when undertaking its work to have regard to the rural nature of the county and ensure that no child/student was disadvantaged because of where they lived. The Working Group should also explore the costs of retaining the various elements of learner transport to non-statutory education provision as well as identify potential means for funding the service. As part of its work the Group could determine whether it wanted examine how other local authorities dealt with and funded the provision of learner transport to non-statutory education provision and their effectiveness, potential methods to be utilised to undertake its review i.e. consultations, surveys etc., and approaches towards encouraging students into further education etc.

Following an in-depth discussion the Committee:

**Resolved: - having considered the report and with regard to the above observations:**

- (a) to establish a Working Group comprising of five Committee members and one education co-opted member, supported by officers from the Council's Education Service and Transport Department to examine Denbighshire's Learner Transport Policy in respect of providing transport to non-statutory education provision. The Working Group to specifically focus its work on:***
  - (i) providing clarity and an improved understanding of the Council's annual learner transport budget and the cost of transporting pupils/students to statutory and non-statutory, discretionary and non-discretionary education, including an enhanced knowledge of education and learner transport legislation and their impact on the budget;***
  - (ii) assessing the potential impact of withdrawing the provision of free learner transport for pupils/students who access the various non-statutory or discretionary educational elements currently offered, including any risks to the wider education provision in the area and to the skills base required in local economy; and***
  - (iii) ensuring that every pupil/student in the county has fair and equitable access to education provision and is not discriminated against in any way.***
- (b) to seek expressions of interest from Committee members and co-opted members to serve on the working group and that its draft terms of reference be shared with the Committee in due course; and***
- (c) that the working group report its findings and recommendations to the Committee upon the conclusion of its work***

## 6 IMPACT OF THE CLOSURE OF YSGOL RHEWL

The Lead Member for Education, Children and Young People introduced the Principal Manager: Modernising Education's report (previously circulated) which outlined the support provided to Ysgol Rhewl during the process undertaken to close the school. Attached to the report were appendices summarising the responses received from parents to the questionnaires issued to them, comments received from the schools receiving the remaining pupils along with the observations received from the Acting Headteacher at Ysgol Rhewl at the time of the closure. The Lead Member informed the Committee that only two parents had responded to the questionnaire issued, and of the seven schools that had received pupils from Rhewl five had responded. Some of the feedback received was also contradictory.

It had initially been anticipated that the majority of pupils would transfer to the new schools in Ruthin, however this had not happened. A number of the children had transferred to schools in other areas of the county, some because they lived closer to those schools and others due to parental choice. The Lead Member acknowledged that it was never a pleasant experience to close a school, but it was however pleasing to report that the former pupils had settled well into their new schools. Members were informed by the Principal Manager: Modernising Education that officers from the Council's Education Service had worked closely with the Acting Headteacher at Ysgol Rhewl throughout the whole closure and transfer process. He also advised that the Acting Headteacher had worked diligently with pupils and parents under very difficult circumstances. As well as providing support to parents (including one to one and group meetings), pupils, and the governing body the Council had also provided support, either directly or indirectly, via Careers Wales, to school staff affected by the closure - a fact reflected in the Acting Headteacher's comments. The Head of Education and Children's Services requested it be noted that despite the fact that the Council was undertaking a disappointing and unpleasant experience for them personally the school community at Ysgol Rhewl had conducted themselves impeccably and always been professional, polite, respectful and courteous towards Education Service officers

Responding to members' questions the Lead Member and officers:

- acknowledged that communities valued their school buildings and advised that the Council did initially offer the local community the option to buy redundant school buildings. Where no community facilities existed this had the potential to provide the community with an opportunity to acquire an amenity. Rhewl already had a well-equipped and well used Sports Pavilion, therefore there was no community interest in purchasing the school building which was in a poor state of repair;
- advised that officers had done their utmost to engage with parents, pupils and the school community and to support them through the process, there would always be lessons to be learnt for the future;
- advised that it was important that support etc. was available when parents and stakeholders were ready to engage. Due to the sensitiveness of school closure proposals not all those affected were ready to engage or access

support at the same time. Building flexibility into the process would therefore be key;

- confirmed that some pupils/parents had changed their choice of school of transfer following attending taster days at different schools;
- advised that support had also been provided by the Education Service to those schools who received pupils from Ysgol Rhewl;
- confirmed that the decision not to move those pupils of Ysgol Rhewl whose new school of choice was Rhos Street School to the new school when it opened, but rather to wait until the new academic year, had been taken following discussion and consultation with the Acting Headteacher. It was felt that this was a better approach as it would avoid the need for Year 6 pupils to move for just one term and then move on to secondary education again in the autumn term;
- advised that there was no indication that changing schools had adversely affected pupils' attainment. Two of the schools that had received pupils from Ysgol Rhewl had recently been inspected by Estyn and had received very good inspection reports. A report on the impact of the review of primary education provision in the Ruthin area in its entirety was scheduled for presentation to the Committee at its October 2019 meeting. That report would include an assessment of any impact on pupils' attainment;
- confirmed that the Acting Headteacher had returned to a post at her previous school, some staff had taken redundancy packages whilst others had found alternative employment. The Principal Manager: Modernising Education agreed to circulate more detailed information relating to this and on work being undertaken by the Council's Youth Services to members; and
- reassured the Committee that Rhewl was a village which had strong community links and numerous well established community activities were held there on a regular basis

At the conclusion of the discussion the Committee:

**Resolved: - *subject to the above observations to acknowledge the feedback received and the lessons learnt that will be used for future planning within the Education Service***

**At this juncture (11.45 a.m.) there was a 10 minute break.**

**The meeting reconvened at 11.55 a.m.**

## **7 UNIVERSAL CREDIT**

The Lead Member for Finance, Performance and Strategic Assets introduced the Contracts and Performance Project Manager - Finance's report (previously circulated) which summarised the impact to date of the rollout of Universal Credit (UC) on the County's residents, the effectiveness of mitigation measures, and outlined the plans in place to mitigate the effects on services and residents of the migration of current benefit recipients on to UC in due course. He welcomed the Chief Executive of Citizens Advice Denbighshire (CAD) to the meeting as one of the Council's key partners for delivering support in relation to UC in the county. He explained that the report was being presented to the Committee at members'

request following consideration of a report last year on preparations the Council and its partners were making in readiness for the initial rollout of UC to the majority of the county.

During his introduction the Lead Member advised that the latest information received from the Department of Work and Pensions (DWP) indicated that 'managed migration' of current benefit recipients on to UC should commence in Denbighshire in late 2020. He outlined the membership of the multi-disciplinary Universal Credit Board which the Council had established in a bid to mitigate the risk to the Council and residents of the introduction of UC. Denbighshire's approach in establishing a multi-disciplinary team, which included representatives from the DWP and Citizens Advice Denbighshire (CAD), differed from that of other local authorities the majority of whom seemed to have established Finance or Revenues & Benefits based boards. Since UC had been rolled-out in Denbighshire new legislation had been introduced relating to housing benefits and free schools meals etc. this had necessitated additional work for staff dealing with those areas and with UC claims. The Council and its partners' approach to co-locate staff within Rhyl Job Centre had proved extremely useful in dealing with the changes, drawing potential entitlement to benefit claimants' attention and providing intervention services in a timely manner to avert a crisis situation occurring. Appendix 2 to the report detailed specific measures taken by individual services and the results achieved, whilst Appendix 3 provided anonymous case studies to illustrate the effectiveness of the approach taken by the Council and its partners.

Responding to members' questions the Lead Member for Finance, Performance and Strategic Assets; the Chief Executive of CAD; the Contracts and Performance Manager - Finance; and the Contracts and Performance Project Manager - Finance:

- advised that up until 31 March 2019 UC had been a passport benefit for Free School Meals (FSMs). From 1 April 2019 an income threshold of £7,400 had been introduced for FSM. However anyone entitled to FSMs on 31 March 2019 had been passported over to FSMs under the new Scheme. To facilitate this work the Welsh Government (WG) had commissioned a company called Atkins to support Local Authorities in Wales to undertake the work;
- agreed that homelessness in the under 35 age group was a growing concern. Homelessness was not solely due to UC, there were often a number of contributory factors;
- confirmed that whilst different benefits or tax credits had been combined under the umbrella of UC that did not mean that claimants had lost any benefits. These former benefits were now various components of the new UC benefit. Whilst some premiums had been discontinued, others had been introduced. The objective of the new UC was to support those able to work back into work whilst ensuring that the vulnerable and those unable to work were supported. It was now possible for some individuals to work and receive an element of UC. UC was calculated on an individual's circumstances;
- confirmed that CAD now had a resource located within Rhyl JC to help with homelessness enquiries. This post which was resourced via a European Union (EU) scheme was funded until April 2020 and provided an

unemployed individual with valuable experience for future employment opportunities;

- advised that Civica had confirmed that there had not been a drastic increase in Council Tax arrears as a result of the rollout of UC. However, the Revenues and Benefits Service administered by Civica had recorded a 33% increase in its workload since UC had been introduced. This was attributed to the more complex processes involved with UC and greater engagement with customers. Civica were fully engaged with UC and the Board's work. CAD, through Job Centre Plus, was promoting the availability of Housing Benefit (HB), Council Tax Benefit (CTB) and FSMs;
- confirmed that residents in the Dee Valley area who claimed their UC benefit via Wrexham Job Centre had also been supported, similarly to those who claimed via Rhyl Job Centre. Seven rural villages and hamlets in south Denbighshire and residents in the Dee Valley area had been provided support to access services, advice and information by CAD through the South Denbighshire Community Partnership. In addition to CAD's presence at Llangollen library one day a week, Skype facilities were available also at Llangollen Library on the other days to the Citizens Advice office in Ruthin. Effective working relationships existed between the Council's Library staff, CAD and Job Centre Plus staff across the county;
- advised that whilst the DWP on a UK basis had announced that its funding to support UC claimants, currently paid to local authorities, would cease from April 2019 and be transferred directly to the Citizen's Advice Bureau, due to Denbighshire's close and strong working relationship with CAD, who was already delivering the majority of UC support services for the Council under contract this change should not have a detrimental impact on the Council or its residents. This would equate to a loss of income of £15K for the Library Service, however the Service did not anticipate excessive additional pressures due to the loss of income;
- reminded members that Citizens Advice, including CAD, was a research and campaigning organisation as well as one that supported individuals. The organisation had been successful nationally in securing the backdating of benefits for claimants under the 'Treat as Made' campaign. In Denbighshire, as well as delivering services from its office bases, CAD had an outreach service which could meet people in the community or in their own home. They also had recently started delivering services in Bodelyyddan via its outreach services;
- CAD had a digital suite at its Rhyl office which was used, amongst other things, to help improve benefit recipients' digital skills. CAD was also in discussion with DWP with a view to the DWP co-locating a member of its staff periodically at CAD offices in Denbigh, Ruthin, Corwen and Llangollen;
- confirmed that the graph in Appendix 1 of the report illustrating an increasing number of residents in receipt of UC was positive as it indicated that DWP, CAD and the Council's approach was effective and meant that residents were engaging with the process at an early stage and potentially averting reaching crisis point;
- advised that there was no data available to suggest that private landlords were opting out of letting property to people in receipt of UC, due to the onus being on the tenant to pay their rent to the landlord. The Council's Planning and Public Protection Service was in the process of arranging a Private



Landlords Forum event in June. CAD, Civica, County Council departments, Registered Social Landlords (RSLs) would be taking part in this event, and an invite would be sent to county councillors. Whilst there was an expectation for the benefit recipient to be responsible for paying his/her rent to the landlord, there was an opportunity for the tenant to opt for the rent to be paid directly to the landlord. However, this option was not effectively promoted at present;

- advised that CAD had improved its processes to help claimants set-up banking facilities in order to receive benefit payments;
- advised that the DWP would listen to CAD if they had serious concerns relating to a claimant's claim or circumstances, be they a couple, family unit or a single person;
- confirmed that some work had been instigated with the Homelessness Prevention Team to establish whether there was any correlation between the introduction of UC and the numbers of individuals presenting themselves as homeless;
- confirmed that at present it was only new claims and those claimants who had experienced a 'change in circumstances' that were eligible to claim UC. Current 'legacy benefits' claimants were likely to start migration from approximately late 2020 onwards in Denbighshire, although the exact date had not yet been confirmed by DWP;
- advised that the payment of UC was a five week process. However, during that time the claimant could apply for an advance of up to 100% of his/her entitlement. Citizens Advice nationally was campaigning to reduce the process to a four week one, in order to mirror the process for employees. HB run-on was also available to support claimants;
- confirmed that CAD worked closely with local foodbanks. Foodbanks were only a temporary solution, a 'sticking plaster'. CAD would work with families and individuals in crisis in order to get to the root of the problem and eradicate it for the future;
- confirmed that DWP locally were extremely flexible and open to working closely with CAD and the Council with a view to solving individual problems; and
- advised that at present all partners did not foresee any major problems occurring during the migration of current legacy benefit recipients onto UC. Whilst some of the legacy benefits recipients would possibly have been economically inactive for some considerable amount of time and possibly not very IT literate or used to managing money in a different way, they would also in the main have more settled lifestyles i.e. people going onto UC currently are doing so because of a large life event (e.g. change of relationship status or redundancy), those under managed migration will not also be coping with such an event. In order to prepare for the main migration process the DWP would be undertaking a pilot in the Harrogate area under the 'Who Knows Me' approach to assess the effectiveness of methods in place for migration, prior to rolling it out nationally.

With regards to the issue of homelessness in Denbighshire the Chair advised that Partnerships Scrutiny Committee would be considering the matter at its meeting on 11 July 2019. The Lead Member for Well-being and Independence stated that she was of the view that Denbighshire as a local authority, along with its partners, had

been exemplary in their preparation work for the introduction of UC and that she looked forward to receiving the findings of the study on UC and homelessness in Denbighshire.

At the conclusion of the discussion the Committee:

**Resolved:** - *subject to the above observations*

- (i) to congratulate the Council on its approach and management of support to residents in relation to Universal Credit in Denbighshire;*
- (ii) to continue to support and endorse the project delivery method employed by officers, namely the Universal Credit Board; and*
- (iii) request that a further report be presented to the Committee in late 2020/early 2021 assessing the impact of migrating legacy benefit recipients to Universal Credit on Council Services, and the effectiveness of measures taken by the Council and its partners to mitigate the effects of transferring to Universal Credit on residents and on Council Services.*

## **8 SCRUTINY WORK PROGRAMME**

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

Members were advised that the meeting on the 4 July had 5 substantial items. It was agreed that the draft report on the Llantysilio Mountain Fire should be discussed at a special private meeting of the Committee prior to the 4 July, prior to being circulated to partner organisations for consultation in readiness for publication ahead of September's meeting.

Members were reminded that the next meeting would be its first meeting of the new municipal year, therefore the Committee would be asked to elect its Vice-Chair for 2019/20. Members interested in being appointed to this role were requested to send their CVs to the Scrutiny Co-ordinator by the 30 June.

***RESOLVED*** that, *subject to the above, the forward work programme as detailed in Appendix 1 to the report be approved.*

## **9 FEEDBACK FROM COMMITTEE REPRESENTATIVES**

None.

**The meeting concluded at 1.06 p.m**

**Report to:** Communities Scrutiny Committee

**Date of Meeting:** 4<sup>th</sup> July 2019

**Lead Member / Officer:** Cabinet Lead Member for Planning, Public Protection and Safer Communities

**Report Author:** Development Manager (Planning and Public Protection)

**Title:** Adoption of a Planning Compliance Charter

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## **1. What is the report about?**

- 1.1 The report is about the adoption of a planning compliance charter, the purpose of which is to set out how reports of alleged breaches of planning control are handled and resolved by the Council, and how complainants and local organisations such as City, Town and Community Councils can assist us in securing planning compliance.

## **2. What is the reason for making this report?**

- 2.1 This report seeks to follow up on the proposal, made at the December 2018 meeting of the Scrutiny Committee, to introduce a planning compliance charter. This report will describe the benefits of adopting such a charter.

## **3. What are the Recommendations?**

- 3.1 That Members:
- 3.1.1 Resolve to endorse the charter as currently drafted or make suggestions for further amendments;
  - 3.1.2 Agree on a suitable approach to circulating the (current or amended version of) charter among City, Town and Community Councils for their comments; and
  - 3.1.3 Resolve to consider any amendments which may arise from consultation with City, Town and Community Councils and, if satisfied, to recommend that the charter be adopted at the October 2019 meeting of the Scrutiny Committee.

## **4. Report details**

- 4.1 It is important for local planning authorities to have an effective compliance function so that the integrity of the planning regime is safeguarded from development which would undermine it. This is achieved by ensuring that the compliance function is equipped to: a) investigate alleged breaches in a timely way; and then b) as

appropriate, apply local and national planning policies to have the harmful effects of unauthorised development remedied.

- 4.2 The execution of planning compliance powers can be a time- and resource-intensive process which has limited potential to generate income for the Service. Due to the need to contribute to the Council's financial savings targets over recent years, there is now one compliance officer who covers the entirety of the county, handling around 240 reports of potential breaches of planning control (also referred to as 'complaints') each year.
- 4.3 The Service provided an overview of the performance of the planning compliance function to Scrutiny Committee in December 2018. The report identified that one of the variables which impacts performance is the complexity of the cases handled. The report noted that the complexity of a case can be exacerbated by the stakeholders involved: complainants who persistently and repeatedly insist on action, and contraveners who fail to respect the instructions of the Council.
- 4.4 In order to both manage the expectations of complainants and reinforce the obligations on alleged contraveners, it was proposed that the Council adopts a planning compliance charter which sets out the processes and timescales involved in investigating and enforcing against alleged breaches of planning control. It was moreover proposed that using the charter to promote the involvement of complainants and local organisations in the investigatory process—a "help us to help you" approach—would relieve pressure on resources and deliver further performance improvements for the benefit of all involved. The proposed charter can be seen in Appendix 1.
- 4.5 In particular, it was proposed that the charter could be utilised to bring about a closer working relationship between the Council and City, Town and Community Councils. For now, the charter highlights how City, Town and Community Councils can a) report potential planning breaches, b) assist with the investigatory part of the compliance process and c) get involved in the process of introducing planning guidance and localised controls which could facilitate more effective planning compliance. It is hoped that the charter will inspire City, Town and Community Councils to get involved in place planning and use their funds to work in partnership with the Council to target specific planning issues in their localities. This is not solely a planning compliance matter, but it contributes to achieving the corporate priority of building resilient communities by encouraging regeneration and community engagement.
- 4.6 The charter is divided into sections to account for the two main audiences at which it is aimed: complainants (including City, Town and Community Councils) and contraveners. The first section of the charter provides general information about what constitutes a breach of planning control, and provides advice for developers about how to avoid planning compliance involvement. The second and third sections are specifically aimed at complainants and alleged contraveners respectively.
- 4.7 Section 2 of the charter focuses chiefly on explaining the following:
- What the Service does and does not investigate;
  - The role of local residents and organisations;

- The investigation process—for example, the Service’s approach to site inspections; and
- What happens once a breach has been investigated.

4.8 Section 3 of the charter is aimed at alleged contraveners and focuses chiefly on explaining the following:

- How to respond to an allegation by the Council;
- The functions of different enforcement notices and the penalties for non-compliance;
- The process of applying for retrospective planning permission; and
- What powers officers have to enter land.

4.9 The Service considers that the charter will provide much-needed guidance to stakeholders in the planning compliance system, and that its adoption will thereby reduce demand on officers and result in improvements in the performance of the planning compliance function.

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

5.1 The adoption of the planning compliance charter will increase the efficiency of the planning compliance function, whose purpose is to support the delivery of each of the Corporate Priorities through policy-led development management.

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

6.1 The adoption of the planning compliance charter will not have direct financial implications, and it is not anticipated that it will have any significant implications on other services.

## **7. What are the main conclusions of the Well-being Impact Assessment?**

7.1 The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report on the planning compliance charter has taken into account the requirements of Section 3 ‘Well-being duties on public bodies’ of the Well-being of Future Generations (Wales) Act 2015, and a well-being impact assessment is attached in Appendix 2 accordingly.

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

8.1 The creation of the planning compliance charter is a result of prior consultation with the Scrutiny Committee, as outlined in sections 2 and 4 of this report. The charter has also been subject to consultation within the development management and planning support teams.

**9. Chief Finance Officer Statement**

N/A

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

10.1 There are no identifiable risks to adopting the planning compliance charter.

**11. Power to make the Decision**

11.1 Section 7.4.1 of the Council's Constitution outlines Scrutiny's powers with regards to policy development and review.

**Contact Officer**

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## **Report to Communities Scrutiny Committee**

### **Adoption of a Planning Compliance Charter**

#### **Appendix 1: The draft planning compliance charter**

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A1.1 The draft planning compliance charter is attached.



# Planning compliance in Denbighshire

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## Planning compliance charter

Adopted [month] 2019





# Planning compliance in Denbighshire

Planning compliance charter

Adopted [month] 2019



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## 1. Introduction

### 1.1 The purpose of the compliance charter

The planning regime exists to regulate the development and use of land in the public interest. Planning policies are adopted both nationally and locally to make sure that land is used and developed in an appropriate and responsible way. Applications for planning consent are submitted to Denbighshire County Council and judged against these adopted policies.

Not everyone applies for planning consent when they should. This is where the planning compliance function comes in. This charter sets out how the Council seeks to deal with the harmful effects of unauthorised works by ensuring that planning policies are applied proportionately but robustly.

The charter's primary purpose is to help complainants, alleged contraveners and other interested parties understand how the planning compliance function operates. The Council wishes to work alongside local stakeholders to remedy unauthorised works, in the knowledge that working together is the most effective approach to dealing with breaches of planning control. Advice for complainants is provided in section 2, and advice for alleged contraveners is provided in section 3.

### 1.2 What is a breach of planning control?

A breach of planning control is defined in the Town and Country Planning Act 1990 as:

"the carrying out of a development without the required planning permission, or failing to comply with any condition or limitation subject to which planning permission has been granted".

The term 'development' is also defined in the Act, as follows:

"the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land".

In other words, a breach of planning control is a 'development' which has occurred but which a) does not have planning permission, or b) is contrary to conditions imposed on a planning permission. These are the types of breach which the planning compliance function primarily deals with (see section 2.1 for more information).

It is not necessarily against the law to carry out a development without planning permission. In most cases, there is no legal obligation on developers to apply for planning consent prior to undertaking works—though it is usually simpler for all involved if they do. If they don't, they run the risk of the Council pursuing enforcement action in order to remedy the breach. An offence may then be committed if a developer, upon receipt of an enforcement notice, fails to comply with it.

### **1.3 Development which does not need planning permission**

It is quite often the case that building works or changes of use do not need the Council's consent in the first place. Some development, typically small in scale, is classed as 'permitted development', meaning that it is exempt from the requirement for planning permission. Many extensions to houses, for example, do not need planning permission. Permitted development rights can also apply to changes of use, both temporary and permanent.

Further information about permitted development rights, and whether a development requires planning permission, can be found on the Welsh Government's website—visit [www.gov.wales/planning-permission](http://www.gov.wales/planning-permission).

### **1.4 Avoiding planning compliance involvement**

It is the responsibility of the property owner (or, in limited cases, the person carrying out works) to comply with planning regulations. To avoid the potential involvement of the planning compliance officer, prospective developers should ensure that all of the appropriate consents are in place prior to commencing works. Developers are also advised to inform neighbours about their plans from the outset.

The Welsh Government's website provides extensive guidance in relation to common projects which may need planning consent—see [www.gov.wales/planning-permission](http://www.gov.wales/planning-permission). The Council has also published relevant advice, available via [www.denbighshire.gov.uk/planning](http://www.denbighshire.gov.uk/planning). Of this guidance, the Council's supplementary planning guidance ("SPG") documents, available via the link, are especially useful; covering a wide range of topics, they are tailored to different types of scheme. For example, business owners may find the SPG documents on advertising and shop fronts particularly useful. The documents on Listed Buildings and Conservation Areas may be of use to developers who are carrying out works on a heritage asset. More detailed guidance can be obtained from a planning consultant; a list of agents who operate within Denbighshire is also available on the Council's website.

#### **1.4.1 Lawful development certificates**

The Council does not give informal advice on the need for planning permission. Developers who are unsure as to whether their project needs planning permission

are recommended instead to make an application for a lawful development certificate. This process is not the same as making an application for planning permission; it is a less onerous process which will provide formal confirmation of whether a specified use, operation or activity is lawful for planning purposes. Further information about how to apply for a lawful development certificate is available on the Council's website.

#### **1.4.2 Pre-application advice service**

The Council also offers a pre-application advice service which enables prospective developers to get an informal opinion on the acceptability of the proposed works. To arrange this service, applicants must complete a pre-application advice form which is available on the Council's website. So long as all the necessary information has been provided, we aim to provide a written response to pre-application enquiries within 21 days.

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## > 2. Advice for complainants

### 2.1 What we do and don't investigate

The Council's planning department investigates matters which the law gives us powers to adjudicate over—typically matters which require planning permission. We do not have control over—and do not therefore get involved in—civil matters such

as property disputes, property damage and trespass. Issues such as dangerous trees, blocked drains and inconsiderate parking are best resolved directly between the interested parties, as these are not matters which are overseen by the planning department.

#### > We cannot investigate:

- Property disputes
- Property damage
- Trespass
- Dangerous trees
- Inconsiderate

In some cases—normally those involving larger schemes—a condition attached to a planning permission may control certain aspects of a development's construction. For example, the

planning department may have control over operating hours and mitigation measures, though this is not usually the case for smaller schemes. Complaints relating to the construction phase of developments should in the first instance be referred to the site developer, who may be able to resolve the situation with immediate effect. If this approach is unsuccessful, complainants may wish to consider whether the activity they are concerned about should be reported to the planning department.

The full list of matters which the planning department can investigate is as follows:

- Development (i.e. building works or a change of use of land) which requires planning permission but has proceeded without it;
- Development which has proceeded contrary to plans approved by the Council as part of a planning permission;
- Development which has proceeded contrary to conditions imposed by the Council as part of a planning permission;
- Unconsented alterations to Listed Buildings;
- Unconsented demolition of structures in a Conservation Area;
- Wilful damage to protected trees, i.e. those which are subject to a Tree Preservation Order or located within a Conservation Area;

> If you are unsure about the status of a building or a parcel of land, you can find out by using our interactive map at <http://maps.denbighshire.gov.uk>.

- Uprooting of non-domestic hedgerows;
- Advertisements whose display requires consent but does not have it; and
- Untidy properties which are having a detrimental effect on the wider area.

If an issue is not listed above, it may be the case that it is one for another department of the Council to resolve. For example, dangerous buildings are a building control issue, while the highways department may be best placed to resolve parking issues. The environmental health team can deal with nuisances such as noise, vermin and odour. Alternatively, the issue may be best referred to another agency such as Natural Resources Wales, Welsh Water, the police or the fire and rescue service.

### **2.1.1 Development which is immune from enforcement action**

If a breach of planning control has existed for some time, it may have acquired immunity from remedial action. Planning law prevents the Council taking enforcement action against unauthorised development which has existed for:

- Four years in cases of building/engineering/mining operations;
- Four years in cases consisting of the change of use of any building to use as a single dwellinghouse; or
- Ten years in all other cases.

Breaches of planning control which do not involve 'development' (see section 1.3), such as breaches of Listed Building legislation or instances of untidy property, do not accrue immunity from enforcement.

### **2.1.2 Speculative reports**

The planning department does not investigate speculative reports of activities which have yet to occur. This is because the resources which are available to the planning compliance function are solely dedicated to investigating and resolving unauthorised works which are ongoing or have already taken place. It is also the case that the scale and nature of a breach needs to be understood before the best course of remedial action can be identified.

### **2.1.3 Anonymous reports**

The planning department does not investigate anonymous reports or reports made using a false identity. This is because we may wish to correspond with complainants in order to gain a better understanding of the alleged breach or to discuss the progress of remedial action.

All personal details are confidential and will not be made public during the investigation phase. On rare occasions—those involving serious breaches which result in an appeal or a prosecution—we may be required to give details of the



complaint to the Planning Inspectorate or the Courts. These details may include the complainant's name and address, though we would only divulge these with the complainant's express consent. Similarly, we may need to liaise with external agencies such as Natural Resources Wales, the police and the fire and rescue service in order to investigate an alleged breach effectively.

## 2.2 The role of complainants

The planning compliance function is most successful when it works collaboratively with complainants. The planning department cannot proactively monitor every street and property in Denbighshire, and this is where members of the public come in. By providing local knowledge and 'eyes and ears' on the ground, local residents and organisations are a key component in the process of securing planning compliance.

As well as providing a monitoring presence, local residents and organisations are uniquely placed to remedy the harmful effects of breaches before they need to be escalated to the Council. It is a regrettable fact that the intervention of a planning compliance officer can sometimes be greeted with hostility by developers who are alleged to be carrying out unauthorised works. It is often the case that developers find it unnecessary and antagonistic for the Council to get involved; they will often ask why the aggrieved party couldn't have raised their concerns directly, in order to reach an amicable (and probably swifter) solution.

In order to maintain good community relations—as well as to ensure that our resources are directed at the most severe problems—the Council's involvement should be treated as a last resort. Before reporting an issue to the Council, complainants should consider whether a solution to the problem could be reached more amicably and without the use of limited Council resources.

### > Help us to help you...

- Try to reach an amicable solution before reporting the matter to us
- If it's necessary to report the breach to us, use the designated form
- Provide evidence, if it's safe to do so
- Monitor the situation—be our 'eyes and ears'
- Wait for updates—'don't call us, we'll call you'.

### 2.2.1 The role of city, town and community councils

City, town and community councils have excellent links to the places they serve, and they can use their well-established connections to bring about quick and effective resolutions to local planning issues, to the benefit of all involved. It is also a priority of the Council to work with people and communities to build independence and resilience, involving local people and organisations in shaping

their communities and improving services—and we recognise the crucial role that city, town and community councils can play in delivering these objectives.

The planning compliance function provides a regulatory mechanism through which improvements can be made to Denbighshire’s communities. Shaping communities on a wider scale takes more than reactive regulation, though. City, town and community councils which have a generalised concern about their area’s built environment should therefore consider how they can of work in partnership with the Council to proactively enhance the public realm. For example, they may wish to consider the strategic benefits of commissioning appraisals which the Council could then use to introduce new planning guidance and/or place-specific controls. Localised controls such as Conservation Areas, Areas of Special Control of Advertisements and Article 4 Direction Areas can make a real difference to the public realm, but limits to resources mean that it is not always possible for the Council to implement them unaided. It is for this reason that it is now so important for partnership organisations such as city, town and community councils to work collaboratively with the Council to stimulate regeneration and enhance the built environment.

**> How city, town and community councils can help**

- Assist with finding an amicable solutions to a planning issue before reporting it to us
- When reporting a breach, use the designated form
- Provide evidence and local knowledge
- Monitor the situation
- Commission appraisals for new guidance and improved controls

### 2.3 How to report an alleged breach of planning control

If other methods of remedying an alleged breach prove to be unsuccessful, complainants may wish to report the matter to the Council. We only investigate reports of alleged planning breaches which are submitted to us on the dedicated form, which can be found online by visiting [www.denbighshire.gov.uk/planning](http://www.denbighshire.gov.uk/planning) and then following the link to the enforcement section. Alternatively, a hard copy of the form can be sent out to prospective complainants by post.

**> Reporting a planning breach using the correct form ensures that the matter will be dealt with as quickly, effectively and safely as possible.**

By completing the form, complainants are ensuring that the planning department has all the information they need to carry out any investigation as quickly, effectively and safely as possible. Quite often, the local knowledge that complainants and local

organisations can provide on the form is what makes the difference between a successful and an unsuccessful investigation. For this reason, the planning

department may refuse to investigate an alleged breach until all of the necessary information has been provided.

Similarly, the success and speed of an investigation can hinge on the availability of corroborating evidence, so complainants are encouraged to submit photographs, sound recordings, videos and activity logs—so long as it is safe to gather this material. The planning department may require complainants to submit such evidence before investigating an alleged breach further. It is important for complainants to note that their reports may lead to a criminal investigation. Complainants must therefore ensure that the information and evidence they provide is accurate and a true representation of the facts.

The Council will endeavour to acknowledge reports of planning breaches within ten working days. Complainants should inform the Council if they do not receive an acknowledgement within this timeframe.

## 2.4 The investigation phase

The Council receives around 250 reports of alleged planning breaches each year. Investigations must therefore be prioritised according to the level of harm being caused. The highest priority is given to dealing with breaches which are imminently life-threatening or irrevocably harmful, especially if they are ongoing. Thereafter, priority is usually given to breaches affecting the places and artefacts which are recognised for their special qualities—Listed Buildings, Conservation Areas, the Area of Outstanding Natural Beauty (“AONB”) and protected trees. Similarly, breaches which conflict with the Council’s Corporate Plan will usually be given priority over other cases.

Regard must also be paid to when the breach first occurred. If an unauthorised development is, owing to the passage of time, approaching immunity from enforcement, the investigation into the matter may need to be prioritised accordingly.

The table below (continues overleaf) provides some examples of breaches which the Council typically encounters, and identifies where they would normally fall in the order of priority.

| Priority   | Type of breach                                                                                                                                                                             |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 (Urgent) | <ul style="list-style-type: none"> <li>Ongoing works to a Listed Building or a Scheduled Ancient Monument which are causing irrevocable and significant damage to its character</li> </ul> |

| Priority            | Type of breach                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                     | <ul style="list-style-type: none"> <li>• Ongoing works which are causing irrevocable and significant damage to a designated natural asset, e.g. a Site of Special Scientific Interest or a tree subject to a Tree Preservation Order</li> <li>• Works which are putting people in imminent danger of death</li> </ul> <p>Examples: the ongoing felling of a group of protected trees; the creation of a vehicular access onto a blind corner on a fast A-road.</p>                                                                                                                                                      |
| <p>2 (High)</p>     | <ul style="list-style-type: none"> <li>• Works which have caused irrevocable and significant damage to a Listed Building or a Scheduled Ancient Monument, but are not ongoing</li> <li>• Works which have caused irrevocable and significant damage to a designated natural asset, but are not ongoing</li> <li>• Harmful development which, owing to the passage of time, is approaching immunity from enforcement</li> <li>• The uprooting of a non-domestic hedgerow</li> </ul> <p>Examples: the removal of the original windows from a Listed Building; a building which was erected 3 years and 11 months ago.</p> |
| <p>3 (Moderate)</p> | <ul style="list-style-type: none"> <li>• Works which have adversely affected the character of a designated heritage or natural asset</li> <li>• Unauthorised advertisements</li> <li>• Properties whose unkemptness is causing significant visual harm to the surrounding public realm</li> <li>• Breaches of planning conditions</li> </ul> <p>Examples: the demolition of a wall in a Conservation Area; quarrying within the AONB; an unauthorised shop sign.</p>                                                                                                                                                    |
| <p>4 (Low)</p>      | <ul style="list-style-type: none"> <li>• Development which is not causing significant harm to public amenity, the environment or to the health, safety or wellbeing of the public</li> <li>• Works to non-Listed buildings outside of a Conservation Area and the AONB</li> <li>• Unauthorised ‘householder development’ (works within the garden areas of houses)</li> </ul>                                                                                                                                                                                                                                           |

| Priority | Type of breach                                                                                                                                                                 |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|          | <ul style="list-style-type: none"> <li>• Overgrown front gardens.</li> </ul> <p>Examples: extensions to houses; overheight fences; a change of use of a house to a crèche.</p> |

While all reports of alleged planning breaches will be recorded, those that do not meet priority status will be investigated if and when workloads allow. The Council aims to investigate 50% of reports within 10 weeks, and 80% within 12 weeks. Cases which are complex, lacking in evidence or relatively low-priority may take more than 12 weeks to investigate.

### 2.4.1 Site visits

The Council does not carry out site visits in response to every complaint, but some cases will demand an on-site inspection. It is for the Council to decide whether a visit is needed as part of an investigation.

In order to make the most efficient use of resources, visits are carried out in geographical groupings. For this reason, it may be some weeks after a report has been received before a site visit is undertaken. In order to expedite matters, complainants may wish to provide evidence which would negate the need for a site visit.

## 2.5 What happens once a breach has been investigated?

Once an alleged breach has been investigated, the Council will then pursue remedial action or close the case down. Cases will be closed down at this stage if: a) we do not have sufficient evidence of a breach; or b) a breach has been identified, but is not so harmful that the Council would find it expedient to devote further resources to remedying the matter.

**> The Council will not take action to regularise development for which permission has not been sought but which is otherwise acceptable.**

### 2.5.1 Expediency

The planning compliance function is a discretionary service offered by the Council. As such, it is for the Council to decide whether to pursue remedial action in response to alleged breaches of planning control. The aim of the planning compliance function is to remedy the adverse effects of breaches, not to punish the people carrying them out.

The pivotal issue for the Council is whether the unauthorised development is unacceptably affecting public amenity. It is not an appropriate use of Council

resources to take action against a trivial or technical breach which causes negligible harm to public amenity.

### **2.5.2 Remedial action**

Depending on the severity of the unauthorised development, any ensuing remedial action will in most cases take one of two forms. The Council may:

- 1) Pursue the cessation of the breach, through formal enforcement action if necessary. This option is appropriate when there is adequate evidence of a harmful breach which irreconcilably conflicts with planning policy; or
- 2) Request a planning application to be submitted in retrospect. This is an appropriate method of dealing with breaches which may be harmful, but whose harm could potentially be controlled by attaching a condition to a retrospective planning permission. For example, a planning condition may mitigate noise by requiring the installation of soundproofing. It is also appropriate to request an application if the nature of the breach is such that the submission of evidence and/or the input of specialist consultees is needed in order that an informed decision about a development's acceptability can be made.

In cases where a requested application turns out not to be successful—or not submitted at all—the Council may resort to pursuing the cessation of the breach, through formal enforcement action if appropriate.

### **2.5.3 Formal enforcement action**

The Council has the power to serve enforcement notices which formally require recipients to undertake remedial action or otherwise face a penalty. There are different types of notice the Council can serve, depending on the nature of the breach. Certain notices may only come into effect 28 or more days after their date of issue, in order to allow the recipient the opportunity to appeal. Appeal proceedings are overseen by the Planning Inspectorate, who will either uphold, modify or quash the notice.

Notices must offer recipients a reasonable period within which to carry out the required remedial works. This period of compliance starts when the notice comes into effect or, in cases where appeal proceedings are brought, when the Planning Inspectorate issues their decision.

For relatively minor breaches, the service of the enforcement notice may be deemed sufficiently punitive in itself, given its effect on land valuation. In most cases, however, the response of the notice's recipient will be monitored once the period of compliance has elapsed. If the monitoring reveals that the recipient of a notice has failed to comply with its requirements, the Council may, if expedient, seek to secure further punitive action. Penalties for non-compliance vary depending on the type of

breach and the notice served (see section 3.2). Prosecution may be pursued if it is in the wider public interest to do so, and if legal advice suggests that there is a reasonable prospect of success.

The timescales needed for the complete resolution of cases can unfortunately be extensive, and often dependent on factors outside of the Council's control. The Council will nonetheless strive to resolve all priority cases in a timely manner, and, if expedient, will pursue all appropriate and reasonable avenues to do so.


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## 3. Advice for alleged contraveners

### 3.1 How to respond to an allegation by the Council

Those who are alleged by the Council to have carried out unauthorised works should read the correspondence they have received thoroughly. Any such correspondence will carefully set out the Council's position and provide advice about what to do next. It will state what courses of remedial action are available and, if applicable, the penalties for non-compliance. Given the costs involved, the

Council may refuse to provide further advice beyond this, especially if a fee would ordinarily be levied for providing such advice to the public (as is the case with pre-application advice, for example).

 People who are alleged to have carried out a planning breach should seek the assistance of a planning consultant if they are in any doubt about their obligations.

In light of the above, alleged contraveners are advised to seek the assistance of a planning consultant if they are in any doubt about their obligations. A list of such agents who operate

in the locality is available at [www.denbighshire.gov.uk/planning](http://www.denbighshire.gov.uk/planning). Alternatively, Planning Aid Wales, which is a charitable organisation which helps eligible individuals to participate more effectively in the planning system, provides advisory services including a helpline. Further information about the charity can be found at [www.planningaidwales.org.uk](http://www.planningaidwales.org.uk).

### 3.2 Formal notices

There are a number of formal notices which the Council has the power to issue in response to an alleged breach of planning control. There is no obligation on the Council to make informal attempts at resolving an alleged breach prior to issuing a formal notice.

Each type of notice has a different function. They also have different penalties for non-compliance. These vary depending on the notice served, and will be expressed on, or in an annex attached to, the notice. They most often take the form of one or more of the following:

- Prosecution, which can result in a fine;
- The Council carrying out the works required by the notice followed by action in the County Court to recover all incurred costs; and/or
- The Council carrying out the works and then registering a charge on the property with the Land Registry, recoverable should the property be sold.



Certain notices are appealable. If the recipient of a notice has this right of appeal, the details of how to exercise it will be given in an annex to the notice. Further details about the grounds under which an appeal can be raised will also be provided.

### 3.2.1 Enforcement Notices

Section 172 of the Town and Country Planning Act 1990 gives the Council the power to issue an Enforcement Notice to require an alleged breach of planning control as defined in the Act (see section 1.2 of this document) to be remedied. The required remedial action will be identified on the notice. Once served, there is a period of no fewer than 28 days before the notice comes into effect, to allow its recipient to raise an appeal. Once the notice comes into effect, there is a further period of time to allow for compliance. This period for compliance will vary depending on the nature of the alleged breach. Failure to comply with an enforcement notice within the required timeframe is a criminal offence and can lead to a substantial fine.

### 3.2.2 Listed Building Enforcement Notices

It is a criminal offence under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to alter, extend or demolish a structure subject to a Listing without Listed Building consent. A Listed Building Enforcement Notice ("LBEN") seeks to have unauthorised works remedied by:

- (a) Requiring the building to be brought back to its former state; or
- (b) If that is not reasonably practicable or desirable, requiring other works to alleviate the effects of the unauthorised works; or
- (c) Requiring the building to be brought into the state it would have been in if the terms of any Listed Building consent had been observed.

The Notice must specify a time period for securing compliance with its requirements. There is a right of appeal against a LBEN; the procedures are similar to those used for an appeal against an Enforcement Notice.

If works subject to a LBEN are later authorised by a retrospective application for Listed Building consent, the notice will cease to have any effect. The liability to prosecution for an offence committed before the date of any retrospective consent will remain, however. The penalty for offenders is a substantial fine, imprisonment, or both.

> It is a criminal offence to carry out unauthorised works to a Listed Building. The penalty for offenders is a substantial fine, imprisonment, or both.

### 3.2.3 Breach of Condition Notices

A Breach of Condition Notice (“BCN”) may be served when a condition attached to a planning permission has not been adhered to. Because the imposition of any given condition can be appealed at the time when the planning permission was granted, there is no right of appeal against a BCN. Failure to comply with a BCN can, upon prosecution, lead to a fine.

### 3.2.4 Stop Notices and Temporary Stop Notices

The Council may issue a Stop Notice or a Temporary Stop Notice in order to stop a particularly harmful activity with immediate effect. These notices are typically reserved to dealing with especially severe alleged breaches—‘Priority 1’ cases (see section 2.3) which are ongoing and whose harm is irrevocable.

A Temporary Stop Notice allows the Council to stop a harmful activity in order for us to investigate the matter further and, if appropriate, issue a formal notice to have the identified harm remedied. Stop Notices may only be issued at the same time as an Enforcement Notice or after an Enforcement Notice has been served, and thus are best used to ensure that a harmful activity does not continue during appeal proceedings. Failure to comply with a Stop Notice or a Temporary Stop Notice can lead to a substantial fine.

### 3.2.5 Enforcement Warning Notices

An Enforcement Warning Notice formally requires its recipient to seek to remedy an alleged breach by undertaking one of the following courses of action:

- Apply for planning permission for the unauthorised development in retrospect; or
- Cease the alleged breach.

Serving an EWN prevents an unauthorised development from potentially gaining immunity from further enforcement through the passage of time (see section 2.1.1).

The Council will often issue an EWN in relation to alleged breaches which, after an initial assessment, appear to accord with planning policy in principle. They are reserved for circumstances in which, subject to the imposition of conditions, there is a ‘reasonable prospect’ that retrospective planning permission would be granted if an application for such were to be made. They do not act as a guarantee that planning permission will be forthcoming. Failure to comply with an EWN may lead to further formal action, normally the service of a full Enforcement Notice.

### 3.2.6 Other notices

The Council has the power to issue further types of formal notice, such as those which deal with unconsented advertisements, untidy properties and unauthorised works within Conservation Areas. As is the case with the abovementioned notices, the penalties for non-compliance and the available options for raising an appeal will be expressed either on or in an annex to the notice issued.

## 3.3 Injunctions

If the Council considers a breach of planning control to be sufficiently serious, it may apply to the Courts for a restraint injunction. Those in breach of an injunction can be imprisoned.

## 3.4 Submitting a planning application

Alleged contraveners may be instructed to attempt to regularise unauthorised development by submitting a planning application. In order to ensure that the submitted application passes validation checks—that is, contains all the documentation we need in order to consult on and determine the application—applicants are advised to employ the services of a planning consultant. This can often save applicants time and money in the long run. A list of agents who operate within Denbighshire, as well as general advice on submitting planning applications, can be found at [www.denbighshire.gov.uk/planning](http://www.denbighshire.gov.uk/planning). Our support team can also provide limited assistance by email, at [planning@denbighshire.gov.uk](mailto:planning@denbighshire.gov.uk), or by phone on (01824) 706727.

### 3.4.1 Non-determination of retrospective planning applications

The Council has the power to decline to determine retrospective planning applications for development that is subject to an enforcement notice.

## 3.5 Officers' right of entry onto land

The planning compliance officer has a right of entry onto land to:

- Ascertain whether there has been a breach of planning control;
- Determine whether and how the Council's powers should be exercised; and
- Determine whether there has been compliance.

Any person who wilfully obstructs an authorised officer acting in the exercise of a right of entry shall be guilty of an offence and will be liable to prosecution.

## > Contact us

Website: [www.denbighshire.gov.uk/planning](http://www.denbighshire.gov.uk/planning)  
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# Planning Compliance Charter

## Well-being Impact Assessment Report


This report summarises the likely impact of the proposal on the social, economic, environmental and cultural well-being of Denbighshire, Wales and the world.

|                                                  |                                                                     |
|--------------------------------------------------|---------------------------------------------------------------------|
| Assessment Number:                               | 669                                                                 |
| Brief description:                               | Creating an agreed procedure for the planning compliance processes. |
| Date Completed:                                  | 21/06/2019 09:39:48 Version: 1                                      |
| Completed by:                                    | Paul Mead                                                           |
| Responsible Service:                             | Planning & Public Protection                                        |
| Localities affected by the proposal:             | Whole County,                                                       |
| Who will be affected by the proposal?            | Complainants, contravenors, CT&CC's                                 |
| Was this impact assessment completed as a group? | No                                                                  |

# IMPACT ASSESSMENT SUMMARY AND CONCLUSION

Before we look in detail at the contribution and impact of the proposal, it is important to consider how the proposal is applying the sustainable development principle. This means that we must act "in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs."

## Score for the sustainability of the approach

 ( 3 out of 4 stars ) Actual score : 22 / 30.

## Implications of the score

This is the first draft of an evolving document which will be seeking to create greater partnership working within communities. This will involve the Council empowering CT&CC's along with other community groups to better shape and protect their built environment for the benefit of the local economy.

## Summary of impact

Well-being Goals

A prosperous Denbighshire

A resilient Denbighshire

A healthier Denbighshire

A more equal Denbighshire

A Denbighshire of cohesive communities

A Denbighshire of vibrant culture and thriving Welsh language

A globally responsible Denbighshire

Positive

Positive

Neutral

Neutral

Positive

Neutral

Neutral



## Main conclusions

The draft charter for planning compliance will evolve as CT&CC's and other groups become better prepared to take on more planning compliance work themselves. This in turn will create resilience in communities, help promote better economic conditions through improved environments , it will create cohesion within the communities by groups joining together for common goals and it will become a more sustainable approach to taking effective planning compliance action in the future.

## Evidence to support the Well-being Impact Assessment

- We have consulted published research or guides that inform us about the likely impact of the proposal
- We have involved an expert / consulted a group who represent those who may affected by the proposal
- We have engaged with people who will be affected by the proposal

# THE LIKELY IMPACT ON DENBIGHSHIRE, WALES AND THE WORLD

## A prosperous Denbighshire

|                                 |                                                             |
|---------------------------------|-------------------------------------------------------------|
| <b>Overall Impact</b>           | Positive                                                    |
| <b>Justification for impact</b> | Better maintained communities will only benefit prosperity. |
| <b>Further actions required</b> | Not known                                                   |

### Positive impacts identified:

|                                                             |                                                                                                                                                                              |
|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>A low carbon society</b>                                 | Not known                                                                                                                                                                    |
| <b>Quality communications, infrastructure and transport</b> | Will encourage greater localised preservation and enhancement of infrastructure.                                                                                             |
| <b>Economic development</b>                                 | Will enable local communities to identify priorities for their towns in terms of planning compliance input. This will enhance economic outputs of town centres, for example. |
| <b>Quality skills for the long term</b>                     | Opportunities for CT&CC's to develop planning skills in the future.                                                                                                          |
| <b>Quality jobs for the long term</b>                       | Not known                                                                                                                                                                    |
| <b>Childcare</b>                                            | Not known                                                                                                                                                                    |

### Negative impacts identified:

|                                                             |           |
|-------------------------------------------------------------|-----------|
| <b>A low carbon society</b>                                 | Not known |
| <b>Quality communications, infrastructure and transport</b> |           |
| <b>Economic development</b>                                 |           |
| <b>Quality skills for the long term</b>                     |           |
| <b>Quality jobs for the long term</b>                       |           |
| <b>Childcare</b>                                            |           |

## A resilient Denbighshire

|                                 |                                                                                                                                                       |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Overall Impact</b>           | Positive                                                                                                                                              |
| <b>Justification for impact</b> | Empowering local communities to better police their areas through involvement in the planning compliance process will only increase their resilience. |

|                                 |                         |
|---------------------------------|-------------------------|
| <b>Further actions required</b> | Not known at this stage |
|---------------------------------|-------------------------|

**Positive impacts identified:**

|                                                               |                                                                                                                                        |
|---------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| <b>Biodiversity and the natural environment</b>               | Reporting local issues quicker may benefit the protection of the natural environment through more effective planning compliance action |
| <b>Biodiversity in the built environment</b>                  | Reporting local issues quicker may benefit the protection of the built environment through more effective planning compliance action   |
| <b>Reducing waste, reusing and recycling</b>                  | Not known                                                                                                                              |
| <b>Reduced energy/fuel consumption</b>                        | Not known                                                                                                                              |
| <b>People's awareness of the environment and biodiversity</b> | This will increase as local bodies are able to focus on their local issues.                                                            |
| <b>Flood risk management</b>                                  | Greater awareness as the planning legislation will deal with this in local communities                                                 |

**Negative impacts identified:**

|                                                               |  |
|---------------------------------------------------------------|--|
| <b>Biodiversity and the natural environment</b>               |  |
| <b>Biodiversity in the built environment</b>                  |  |
| <b>Reducing waste, reusing and recycling</b>                  |  |
| <b>Reduced energy/fuel consumption</b>                        |  |
| <b>People's awareness of the environment and biodiversity</b> |  |
| <b>Flood risk management</b>                                  |  |

## A healthier Denbighshire

|                                 |                                                          |
|---------------------------------|----------------------------------------------------------|
| <b>Overall Impact</b>           | Neutral                                                  |
| <b>Justification for impact</b> | Difficult to fully link health with planning compliance. |
| <b>Further actions required</b> | Not known at this stage                                  |

**Positive impacts identified:**



|                                                                                           |                                                                                                                    |
|-------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| <b>A social and physical environment that encourage and support health and well-being</b> | Local groups taking positive action to improve their physical and natural environment will have a positive impact. |
| <b>Access to good quality, healthy food</b>                                               | Not known                                                                                                          |
| <b>People's emotional and mental well-being</b>                                           | A better and more protected environment will support this.                                                         |
| <b>Access to healthcare</b>                                                               | Not known                                                                                                          |
| <b>Participation in leisure opportunities</b>                                             | Not known                                                                                                          |

**Negative impacts identified:**

|                                                                                           |  |
|-------------------------------------------------------------------------------------------|--|
| <b>A social and physical environment that encourage and support health and well-being</b> |  |
| <b>Access to good quality, healthy food</b>                                               |  |
| <b>People's emotional and mental well-being</b>                                           |  |
| <b>Access to healthcare</b>                                                               |  |
| <b>Participation in leisure opportunities</b>                                             |  |

**A more equal Denbighshire**

|                                 |                         |
|---------------------------------|-------------------------|
| <b>Overall Impact</b>           | Neutral                 |
| <b>Justification for impact</b> | Not known               |
| <b>Further actions required</b> | Not known at this stage |

**Positive impacts identified:**

|                                                                                                                                                                                                                                                                       |                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <b>Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation</b> | Not known                                                                                                    |
| <b>People who suffer discrimination or disadvantage</b>                                                                                                                                                                                                               | Not known                                                                                                    |
| <b>Areas with poor economic, health or educational outcomes</b>                                                                                                                                                                                                       | It will be easier to prioritise such areas if CT&CC's identify issues they want tackling in these locations. |
| <b>People in poverty</b>                                                                                                                                                                                                                                              | Not known                                                                                                    |

### Negative impacts identified:

|                                                                                                                                                                                                                                                                       |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation</b> |  |
| <b>People who suffer discrimination or disadvantage</b>                                                                                                                                                                                                               |  |
| <b>Areas with poor economic, health or educational outcomes</b>                                                                                                                                                                                                       |  |
| <b>People in poverty</b>                                                                                                                                                                                                                                              |  |

## A Denbighshire of cohesive communities

Overall Impact

Positive

Page 50

|                                 |                                                                                                                                                                                |
|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Justification for impact</b> | This is the main goal of this draft charter. There will be huge opportunities for positive community cohesion from empowering groups to target planning compliance priorities. |
| <b>Further actions required</b> | Not known at this stage                                                                                                                                                        |

### Positive impacts identified:

|                                               |                                                                                                                                 |
|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| <b>Safe communities and individuals</b>       | Targeting localised planning compliance issues will increased the feeling of safety by improving the environment for citizens.  |
| <b>Community participation and resilience</b> | This is all about involving the communities in how they manage their localities.                                                |
| <b>The attractiveness of the area</b>         | This charter will serve to improve the attractiveness of local areas.                                                           |
| <b>Connected communities</b>                  | there will be an opportunity to connect various groups in communities with the common goal to better police their environments. |
| <b>Rural resilience</b>                       | Rural communities can also identify projects that will benefit them.                                                            |

### Negative impacts identified:

|                                               |                                                                                                        |
|-----------------------------------------------|--------------------------------------------------------------------------------------------------------|
| <b>Safe communities and individuals</b>       |                                                                                                        |
| <b>Community participation and resilience</b> | Possibility for conflicting issues within communities when it comes to planning compliance priorities. |
| <b>The attractiveness of the area</b>         |                                                                                                        |
| <b>Connected communities</b>                  |                                                                                                        |
| <b>Rural resilience</b>                       |                                                                                                        |

## A Denbighshire of vibrant culture and thriving Welsh language

|                                 |                          |
|---------------------------------|--------------------------|
| <b>Overall Impact</b>           | Neutral                  |
| <b>Justification for impact</b> | Not known at this stage. |
| <b>Further actions required</b> | Not known at this stage  |

### Positive impacts identified:

|                                     |                                                                              |
|-------------------------------------|------------------------------------------------------------------------------|
| <b>People using Welsh</b>           | Not known                                                                    |
| <b>Promoting the Welsh language</b> | Through targeting unauthorised and non-bilingual signage.                    |
| <b>Culture and heritage</b>         | Through targeting the refurbishment of traditional buildings in communities. |

**Negative impacts identified:**

|                                     |  |
|-------------------------------------|--|
| <b>People using Welsh</b>           |  |
| <b>Promoting the Welsh language</b> |  |
| <b>Culture and heritage</b>         |  |

**A globally responsible Denbighshire**

|                                 |                         |
|---------------------------------|-------------------------|
| <b>Overall Impact</b>           | Neutral                 |
| <b>Justification for impact</b> | Not known.              |
| <b>Further actions required</b> | Not known at this stage |

**Positive impacts identified:**

|                                                                  |                                                                                                                      |
|------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| <b>Local, national, international supply chains</b>              | Not known                                                                                                            |
| <b>Human rights</b>                                              | Not known                                                                                                            |
| <b>Broader service provision in the local area or the region</b> | Will assist in a wider interest and collective responsibility for the protection and enhancement of the environment. |

**Negative impacts identified:**

|                                                                  |  |
|------------------------------------------------------------------|--|
| <b>Local, national, international supply chains</b>              |  |
| <b>Human rights</b>                                              |  |
| <b>Broader service provision in the local area or the region</b> |  |

|                             |                                                                                  |
|-----------------------------|----------------------------------------------------------------------------------|
| <b>Report to:</b>           | <b>Communities Scrutiny Committee</b>                                            |
| <b>Date of Meeting:</b>     | <b>4<sup>th</sup> July 2019</b>                                                  |
| <b>Lead Member/Officer:</b> | <b>Cabinet Lead Member for Planning, Public Protection and Safer Communities</b> |
| <b>Report Author:</b>       | <b>Development Manager (Planning and Public Protection)</b>                      |
| <b>Title:</b>               | <b>Review and Update of Holiday Caravan Regulation Project</b>                   |

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## **1. What is the report about?**

- 1.1 The report is about the regulation of holiday caravan parks within the County. It details how the Council is monitoring and enforcing against the permanent residential occupation of caravans on the parks.

## **2. What is the reason for making this report?**

- 2.1 This report seeks to update Members on the progress of regulatory activity and explore whether the approach agreed by the Committee in 2017—to regulate the parks on a ‘business as usual’ basis—is having the desired effects.

## **3. What are the Recommendations?**

- 3.1 That Members:
- 3.1.1 provide observations on the efficacy of the ‘business as usual’ approach;
  - 3.1.2 support Officers of the Council to continue to investigate potential unauthorised residential occupation of holiday parks; and
  - 3.1.3 agree that this regulation can continue on a “business as usual” basis without the need for any further referral to Scrutiny.

## **4. Report details**

- 4.1 Up to 2017, a proactive ‘caravan project’ sought to identify and remedy instances of residential occupation on Denbighshire’s holiday parks. Members, Assembly Members and Members of Parliament had hitherto expressed concerns about a hidden population of inhabitants of holiday parks. To tackle the issue effectively, the project involved input from Community Support Services and Education and Children Services as well as from Planning and Public Protection.
- 4.2 A software tool was developed in order to monitor various Council databases, and initial investigations revealed that various Council services were being accessed by

people giving a caravan as their address. Further, up-to-date details of Council service access is provided in Appendix 1.

- 4.3 Based on the evidence acquired from the monitoring tool, regulatory officers carried out inspections of the sites which appeared to be the most problematic. These audits, which have continued through 2018 and 2019, have confirmed that some instances of residential occupation have occurred.
- 4.4 Taking regulatory action against unauthorised residential occupation is complex, requiring clear evidence that the occupant does not have a principal residence elsewhere. It must also be accepted that some breaches have been in existence for a number of years, and may therefore have acquired immunity from enforcement.
- 4.5 The above notwithstanding, the Planning and Public Protection Service has issued six enforcement notices relating to the unauthorised residential occupation of caravan parks within the past three years. Furthermore, one of these cases was successfully progressed to prosecution. Information on some of the relevant regulatory work undertaken to date is set out in Appendix 2 (this appendix is excluded from disclosure by virtue of paragraph 14 of Part 4 of Schedule 12A to the Local Government Act, 1972).
- 4.6 The adoption in July 2018 of supplementary planning guidance (“SPG”) on caravans, chalets and camping<sup>1</sup> has bolstered the Service’s regulatory capabilities. Section 9 of the document relates to the use of holiday parks. It specifies that the Council, when granting planning permissions for holiday parks, will impose a condition to expressly limit the caravans’ use to holiday-related purposes. As was proposed at the 2017 Scrutiny Committee meeting, the SPG also specifies that a further condition will be applied so as to simplify the process of investigating potential breaches. It reads:
- The caravan site license holder or his/her nominated person(s) shall maintain an up-to-date register of the names(s) and principal address(es) of the owner(s) and the principal occupier(s) of each holiday unit on the site. The register shall also contain copies of up-to-date council tax demands pertaining to each principal address given. The register shall be made available for inspection by Officers of the Local Planning Authority at all reasonable times.*
- 4.7 In addition to planning permission, holiday parks are required to be licensed under the Caravan Sites and Control of Development Act 1960. A licence can only be issued if planning permission has been granted and this is a ‘one-off licence’. Licences are drafted using the latest model standards which are available at the time of issue. They control the duration for which the caravans on a site may be occupied and are issued subject to various conditions concerning matters such as caravan spacings, fire-fighting equipment, electrical safety, sanitation etc. Unlike a planning permission, a licence can be revoked if repeatedly breached.
- 4.8 There is no firm evidence that enforcing against the unauthorised occupation of caravans on holiday parks has resulted in an increase in homelessness.

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<sup>1</sup> Available at <https://www.denbighshire.gov.uk/en/resident/planning-and-building-regulations/local-development-plan/ldp-spg/spg-documents/adopted-spg-documents/Supplementary-Planning-Guidance-Caravans-Chalets-and-Camping.pdf>.

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

- 5.1 The regulation of holiday parks helps to ensure that the tourism sector is a fair trading environment in which business who operate in compliance with planning and licensing requirements are able to flourish. Addressing how holiday parks operate therefore contributes to the Council's Economic Ambition Strategy and the Better Business for All project. In discouraging the misselling of holiday caravans as permanent homes, the regulation of holiday parks also contributes to the Corporate Priority of ensuring that people have housing which meets their needs.

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

- 6.1 Reducing the number of people accessing Council services while not paying Council Tax should result in financial savings, although the Service's interventions may have resulted in an increase in housing applications.
- 6.2 Further regulatory work can be done on a 'business as usual' basis with existing staffing resources within the Service. Any other work would require additional resources.

**7. What are the main conclusions of the Well-being Impact Assessment?**

- 7.1 This report is an update report and therefore does not require a WBIA.

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

- 8.1 Other departments of the Council including Finance, Social Services and Housing have been engaged to provide data to assist in investigations.

**9. Chief Finance Officer Statement**

- 9.1 The regulation approach outlined should be contained within existing resources.

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

- 10.1 Ceasing the unauthorised occupation of caravans on holiday parks inevitably displaces people. There is a risk, depending on individual circumstances, that those who are displaced become homeless. The Council can mitigate this situation by using its discretionary power to underenforce (e.g. by extending timeframes for compliance) and, more generally, by ensuring that there is sufficient suitable accommodation for people within the County—homeless people in particular.
- 10.2 There are financial risks associated with the Council not undertaking further regulatory work. Firstly, people accessing Council services while not paying Council Tax are a clear drain on Council resources. Secondly, there is a risk that the tourism sector would be harmed if, as would be likely, insufficient regulation resulted in an undermining of the fair business environment which gives all operators an equal chance to prosper. These risks can be reduced by the Service continuing to enforce against unauthorised occupation when evidence of such comes to light.

## **11. Power to make the Decision**

- 11.1 Section 7.4.1(e) of the Council's Constitution stipulates Scrutiny's right to consider the impact of policies to assess if they have made a difference, whilst Section 7.4.2(b) outlines Scrutiny's powers with respect of the Council's performance in delivering policy objectives.
- 11.2 Compliance action and regulation of holiday caravan sites can be taken under the following pieces of legislation:
- Town and Country Planning Act 1990;
  - Caravan Sites and Control of Development Act 1960;
  - Public Health Act 1936; and
  - Section 7.4.1(e) of the Council's Constitution stipulates Scrutiny's right to consider the impact of policies to assess if they have made a difference, whilst Section 7.4.2(b) outlines Scrutiny's powers with respect of the Council's performance in delivering policy objectives.

### **Contact Officer**

Development Manager (Planning and Public Protection)

Tel: 01824 706727



**Report to Communities Scrutiny Committee**

**Review and Update of Holiday Caravan Regulation Project**

**Service access from caravans on holiday parks**

- A1.1 The Service has produced a software-based monitoring tool that enables officers to see the caravans where someone is receiving a council service and therefore likely to be a resident and not a holidaymaker. The data used to paint this picture includes:
- Social Services information from PARIS;
  - Education information from CAPITA ONE;
  - Council Housing Applications information from CAPITA HOUSING;
  - Licensing information from TASCOMI;
  - Electoral Registration information from EXPRESS; and
  - Caravan address and geographical information from LLPG.
- A1.2 All of these data are extracted from the native system and transformed (to make the data compatible) and then loaded into a ‘data warehouse’. The presentation tool (Power BI) links to the data in the ‘data warehouse’ and displays the data as an interactive tool with charts and tables. This information can be used as evidence in enforcement action and to support the ‘soft’ negotiations officers have with site owners to encourage them to adopt good practice.
- A1.3 In the time since the monitoring tool was set up (between the November 2015 and July 2017 scrutiny reports), there has been a reduction in the number of instances of Council services being delivered to occupiers of holiday caravans, as shown in the table below.

|                              | 2015       | 2017       | 2019      | 2015-2019 difference |
|------------------------------|------------|------------|-----------|----------------------|
| Electoral Registration       | 98         | 71         | 72        | -26                  |
| Social Services              | 7          | 1          | 10        | 3                    |
| Education                    | 20         | 15         | 4         | -16                  |
| Housing Benefits             | 1          | 0          | 0         | -1                   |
| Council Housing Applications | 36         | 21         | 8         | -28                  |
| Licensing                    | 6          | 3          | 0         | -6                   |
| <b>Total</b>                 | <b>168</b> | <b>111</b> | <b>94</b> | <b>-74</b>           |



By virtue of paragraph(s) 14 of Part 4 of Schedule 12A  
of the Local Government Act 1972.

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**Report to:** Communities Scrutiny Committee

**Date of Meeting:** 4<sup>th</sup> July 2019

**Lead Member / Officer:** Lead Member for Planning, Public Protection and Safer Communities.

**Report Author:** Head of Planning and Public Protection

**Title:** Seagull Management Update Report

## **1. What is the report about?**

- 1.1 Seagulls are both a part of everyday life within our towns and also represent something of a nuisance to some residents and visitors of the County. There are limitations on what actions the Council can take to control/manage the seagull population. The Council agreed to explore some proportionate and affordable actions that could help to control/manage the nuisance. An action plan was approved and the report details the progress made by the Council against the agreed seagull management action plan and what further actions are proposed.

## **2. What is the reason for making this report?**

- 2.1 To update Members on the progress made against the action plan, specific actions that have taken place in Rhyl and to advise Members of future actions to be taken.

## **3. What are the Recommendations?**

- 3.1 Members to consider and comment on the content of the report and support the actions taken to date.

## **4. Report details**

- 4.1 Gulls (of which there are many types) are highly intelligent and adaptable birds. Many have become part of urban living and have gradually moved away from the sea. Gulls are protected under the Countryside & Rights of Way (CRoW) Act 2000.
- 4.2 A detailed report was previously presented to Communities Scrutiny Committee on the 22<sup>nd</sup> of March 2018 (Appendix 1), detailing the 'problems' associated with 'seagulls'. An action plan (Appendix 2) was agreed by the Council's Senior Leadership Team (SLT) and supported by Members. The action plan is a cross Council plan, detailing actions that could be explored and undertaken by various Council services. DCC services have undertaken work over the past 12 months which we believe would have a positive impact on addressing some of the 'problems' associated with seagulls. As agreed at the Scrutiny Committee in March 2018, letters were sent to Welsh Government, WLGA and Natural Resources Wales to ask for support and assistance in dealing with this national and regional challenge, but no response was received from any of those organisations.

#### 4.3 **Complaints**

4.4 A total of 45 complaints from members of the public were received by DCC in relation to seagulls since the 1<sup>st</sup> of March 2018. These complaints mainly relate to residents complaining about neighbours feeding seagulls. Some relate to swooping seagulls on Rhyl High Street mainly. Following receipt of such complaints about feeding at residential properties, officers from Planning and Public Protection send a warning letter to the resident advising them not to feed seagulls and that it is causing nuisance to others. Please see Appendix 3 for an example of such letters. If the issues persist then it is possible to serve a legal notice requiring the person to stop feeding the seagulls. To date, there has been no need to serve a legal notice to deal with any specific problems at residential properties. No complaints were received about feeding of seagulls in public spaces/high street etc.

#### 4.5 **Communications/Media**

4.6 Work was undertaken on publicising the seagulls issue to engage with residents and businesses and get their support to address the problem. This included:

- News stories asking people not to feed the seagulls.
- Articles on the corporate website
- A programme of social media messages about the seagulls.
- Articles in three editions of County Voice.
- Video with Head of Planning and Public Protection for social media.
- Video with the former Mayor of Rhyl, welcoming news that the Council was launching a campaign.

4.7 Due to reduced capacity within the DCC Communications Team/Press Office they are unable to support the project to the same level for the future.

4.8 The Planning and Public Protection Service has funded the design and printing of posters to be placed in the shop windows of businesses in Rhyl advising members of the public not to feed the seagulls. These have been distributed and should further help to raise awareness with residents and visitors in particular. The posters can be found at Appendix 4.

#### 4.9 **Waste/Streetscene Activities**

4.10 Highways and Environmental Services have introduced a common specification and replaced all bins within Rhyl town centre and promenade areas which has effectively doubled the capacity and the birds are now unable to gain access. The Service has received positive feedback since this change and the cleanliness of these areas has been much improved.

4.11 An improved cleansing and sweeping regime has been introduced, which comprises of more frequent emptying of bins, more sweeping and regular jet washing of street furniture, (particularly during the summer months), which again has improved the perception and satisfaction of the public realm and town centre areas.

4.12 All new lighting columns are now routinely assessed to establish whether bird deterrents can be fitted but this is not always possible although the majority do carry some form of anti-perching measure within the coastal areas.

- 4.13 Highways and Environmental Services are exploring the cost of installing and maintaining netting in Rhyl Town Centre, but it is not currently clear where the funding to install it would be found, given there is already a significant pressure on the Streetscene revenue budget. Installing netting would also require us to obtain the necessary permissions from private landlords. The Rhyl Business Improvement District (BID) has stated that it intends to invest £400,000 over 5 years in cleansing & maintenance (the primary focus of the BID for the first two years), and has specifically committed to tackling seagull related issues. This may therefore be something that the BID could look at if netting is considered to be one of the most effective ways to tackle seagull related issues.
- 4.14 Waste and Recycling Services are continuing to design out disposable sacks in the area, moving all suitable properties to a wheeled bin system. Dumped black bags, and black bags placed out at collection points on waste collection day are a main source of food for the seagulls.
- 4.15 The “on-street” communal bin containers that have attracted black sack dumping have also been removed, and residents have successfully been transferred to individual bins and re-issued with food waste caddies.
- 4.16 Approximately 15 properties are trialling large gull proof sacks. The residents present their disposable sacks inside the gull proof sack, providing effective containment of the waste. Feedback from the residents using the sacks has been very positive and the seagulls have not attempted to penetrate them. An application for funding has been submitted to Welsh Government through a collaborative nationwide bid being led by Keep Wales Tidy and the outcome of the application is expected in February. Funding has been requested to provide enough gull proof sacks to supply all households that have to remain on a sack collection service due to storage constraints. The funding also covers the implementation of appropriate technology to closely monitor participation in the service and compliance with the Council’s recycling service. Contingency budget have been allocated for this project in the New Waste Operating Model, should the funding application be unsuccessful. Design of the sacks will be tweaked as a result of feedback from waste operatives and residents.
- 4.17 The Council is also taking part in recycling enforcement trials operating across the North Wales region. Welsh Government have funded the trials and WRAP are developing the supporting communications campaign. Whilst this will be delivered across the entire County, West Rhyl is one of several areas been selected as a focus area, where additional resources will be targeted to increase participation in recycling. This will help drive food waste out of disposable sacks and into lockable secure food waste caddies, cutting off a significant source of food for the seagulls. Pre-trial monitoring will take place in February to ascertain important baseline data that will help thoroughly evaluate the campaign approach.
- 4.18 **DCC Property Services**
- 4.19 The Council’s Property Services continue to provide assurances that where ‘practically’ and ‘financially’ possible, they implement measures to protect our existing and new properties from seagulls. They implement appropriate measures to either improve or contain the issues. All the new recent waterfront developments have been designed and improved to reduce the impact of seagulls. We will never totally eradicate

the problem. We will always apply best endeavours when we are investing in our properties. Seagull deterrent measures are now automatically part of the project briefs.

#### **4.20 Rhyl Business Improvement District**

4.21 The Rhyl Business Improvement District (BID) has identified seagull control as a priority for them. They are currently developing their final business plan and therefore the BID might consider funding seagull control within the town.

4.22 Although the Council is under significant financial pressure and budgets are reducing, DCC services have clearly undertaken a significant amount of work over the past 12 months that will help to address the problems posed by seagulls in the town centre balanced against the fact that gulls are a part of coastal life.

4.23 Further work may be possible over the next 12 months, particularly in collaboration with the business community in Rhyl.

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

5.1 The work contributes to the Corporate Priority of providing an attractive and protected environment

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

6.1 All actions will need to be funded within existing service budgets.

### **7. What are the main conclusions of the Well-being Impact Assessment?**

7.1 This is an update report and therefore there is no need to undertake a Well-Being Impact Assessment. An assessment was previously undertaken for the March 2017 report to Members.

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

8.1 Consultation with various DCC Services, Communities Scrutiny Committee and Rhyl Business Improvement District.

### **9. Chief Finance Officer Statement**

9.1 The actions highlighted should be contained within existing resources.

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

10.1 Risk to the Council's reputation amongst residents if no action is taken to address some of the concerns. There is also a risk that the actions taken have negligible impact and also that measuring the impact is also difficult.

### **11. Power to make the Decision**

11.1 The report is providing an update and there is no decision required.



11.2 Section 7.4.2(b) of the Council's Constitution states that scrutiny committees may "review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas".

**Contact Officer:**

Head of Planning and Public Protection

Tel: 01824 706350

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**Report to:** Communities Scrutiny Committee

**Date of Meeting:** 22<sup>nd</sup> March 2018

**Lead Member / Officer:** Lead Member for Housing, Regulation and the Environment

**Report Author:** Head of Planning and Public Protection

**Title:** Seagull Management Update Report

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## **1. What is the report about?**

- 1.1 Seagulls are both a part of everyday life within our towns and also represent something of a nuisance to some residents and visitors of the County. There are limitations on what actions the Council can take to control/manage the seagull population. The Council agreed to explore some proportionate and affordable actions that could help to control/manage the nuisance. An action plan was approved and the report details the progress made by the Council against the agreed seagull management action plan and what further actions are proposed.

## **2. What is the reason for making this report?**

- 2.1 To update Members on the progress made against the action plan and to advise Members of future actions to be taken.

## **3. What are the Recommendations?**

- 3.1 Members are asked to consider the contents of the report, comment accordingly and support the actions taken to date.

## **4. Report details**

- 4.1 Gulls (of which there are many types) are highly intelligent and adaptable birds. Many have become part of urban living and have gradually moved away from the sea. Gulls are protected under the Countryside & Rights of Way Act 2000.
- 4.2 A detailed report was previously presented to Members on the 23<sup>rd</sup> of March 2017 (Appendix 1), detailing the 'problems' associated with 'seagulls'. An action plan was agreed by the Council's Senior Leadership Team (SLT) and supported by Members at the 23<sup>rd</sup> of March Communities Scrutiny Committee meeting (Appendix 2). The action plan was a cross Council plan, detailing actions that could be explored and undertaken by various Council services.
- 4.3 For ease of reading, Appendix 3 provides Members with an update against the actions and any further actions that Members wanted officers to consider following the March 2017 Committee meeting.

- 4.4 Members will note from Appendix 3 that progress has been made by the relevant DCC services and may wish to note in particular the Communications Strategy that has been developed to both inform and educate residents, visitors and businesses around the actions that they can take to help reduce the nuisance caused by Seagulls. This strategy can be seen at Appendix 4 to this report.
- 4.5 The engagement and communication with residents will help us to better understand the concerns and how we can tackle and respond to them. Early indications from CRM data/complaints received by the Council seems to suggest that the main cause of concern and complaints is dive-bombing/attacking people on the streets, who are often eating. The progress made by the Council in ensuring bins are seagull proof, progress on taking enforcement action against individuals littering etc. means that seagulls are often resorting to snatching food from people walking along our streets. There is limited evidence to suggest that there is widespread problem of feeding seagulls.
- 4.6 Any excessive feeding of birds by individuals, which would have a detrimental impact on other residents, could be addressed by means of serving a Community Protection Notice under the Anti-Social Behaviour, Crime and Policing Act 2014. These would probably be limited in numbers but the legislation is available to tackle persistent problems.
- 4.7 The education and media campaign will help us to better inform residents and visitors about the risks and what action can be taken to reduce the risk and control the seagull population.

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

- 5.1 The work contributes to the Corporate Priority of providing an attractive and protected environment

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

- 6.1 All actions will need to be funded within existing service budgets.

## **7. What are the main conclusions of the Well-being Impact Assessment?**

- 7.1 This is an update report and therefore there is no need to undertake a Well-Being Impact Assessment. An assessment was previously undertaken for the March 2017 report to Members.

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

- 8.1 Consultation with various Denbighshire County Council Services and Communities Scrutiny Committee.

## **9. Chief Finance Officer Statement**

- 9.1 The actions proposed will be contained within existing resources.

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

- 10.1 Risk to the Council's reputation amongst residents if no action is taken to address some of the concerns. There is also a risk that the actions taken have negligible impact and also that measuring the impact is also difficult.

**11. Power to make the Decision**

- 11.1 The report is providing an update and there is no decision required. However, Section 7.4.2(b) states that scrutiny committee may "review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas".

**Contact Officer:**

Head of Planning and Public Protection

Tel: 01824 706350

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“Seagull” Action Plan

| <b>Proposed Action</b>                                                                     | <b>Comment</b>                                                                                                                                                                                                                                                                                                    | <b>SLT conclusion</b>                                                                                                                          | <b>Update</b>                                                         |
|--------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| Do Nothing                                                                                 | The Council currently has no agreed corporate approach. It is not a matter for 1 Service. There is currently no budget specifically allocated to dealing with seagulls.                                                                                                                                           | Consensus that there is an issue and that reasonable/proportionate/low cost actions should be implemented covered by existing Service budgets. | N/A                                                                   |
| Introduce a long term programme of culling (shooting, poisoning, trapping & disposing etc) | No in-house resource. Would need to employ specialist contractors.<br><br>Costs would be significant given the intensity and period of time.<br><br>Licensed required from WG<br><br>Impact of culling not proven (eg new birds move into the area to replace those culled)<br><br>Inhumane and open to criticism | No support for this approach.                                                                                                                  | N/A                                                                   |
| Introduce a long term programme of destroying nests/eggs, replace with “dummy” eggs etc.   | No in-house resource. Would need to employ specialist contractors.<br><br>Costs would be significant given the intensity and period of time.<br><br>Licensed required from WG<br><br>Some evidence that some positive impacts on population and behaviour.<br><br>Inhumane and open to criticism                  | No support for this approach based mainly on cost and limited impact.                                                                          | N/A                                                                   |
| Introduce a by-law or Public Space                                                         | Could be added to other Env/ASB offences such as dog fouling, littering etc.                                                                                                                                                                                                                                      | SLT not particularly supportive but concluded on seeking the views of Scrutiny as to                                                           | <b>Legal advice has been sought. A PSPO can only be introduced if</b> |

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| <p>Protection Order (PSPO) preventing the feeding of gulls</p>                | <p>(feeding birds is NOT littering)</p> <p>No evidence there is a particular problem of people feeding the gulls</p> <p>Difficult to enforce (eg people feeding gulls on private land, out of hours etc)</p> <p>Other Authorities have received objections based on human rights as certain religions promote the feeding of birds</p> | <p>whether or not to carry out a formal public consultation exercise.</p> <p><b>Lead Service; Planning &amp; Public Protection</b></p> | <p>there is a justified need i.e a real problem with seagull feeding. We do not have the number of complaints to justify the PSPO or a bylaw. Other powers are available such as legal notices to serve on individuals regularly feeding seagulls and having a detrimental effect on others.</p>                         |
| <p>Introduce variety of methods to “scare” birds in certain problem areas</p> | <p>Possible methods include loud bangs, play distress calls, introduce moving apparatus (eg “angry bird” ballons), use of live hawks etc.</p> <p>May discourage birds in areas deployed, although they will only move nearby and the impact is short lived</p>                                                                         | <p>Could be deployed in known problem areas.</p> <p><b>Lead Service; Highways &amp; Env</b></p>                                        | <p>This has been utilised in the past, but only has a limited (and temporary) impact. Evidence (from CRMs) suggests that this is not currently a major problem, as we only had 1 CRM about seagulls last year. It therefore doesn’t feel that there are currently any problem areas where we need to scare seagulls.</p> |
| <p>Introduce netting/bunting over public spaces</p>                           | <p>Limited locations where this could Introduced</p> <p>May require permission from private properties</p>                                                                                                                                                                                                                             | <p>Could be deployed in known problem areas.</p> <p><b>Lead Service; Highways &amp; Env</b></p>                                        | <p>We only have bunting on the High Street in Rhyl. We are not aware of any sites where similar bunting or netting is installed due to the lack of suitable fixing points.</p>                                                                                                                                           |
| <p>Discourage “perching” in public realm</p>                                  | <p>Ensure street furniture such as lampposts have spikes etc to prevent perching</p> <p>Limited impact</p> <p>Too expensive to retro fit</p>                                                                                                                                                                                           | <p>Already a consideration and is done.</p> <p><b>Lead Service; Highways &amp; Env</b></p>                                             | <p>We have fitted bird deterrents on most lighting columns in town centres, and also on areas where we have received reports through the CRM (which is very few). However, it should be noted that</p>                                                                                                                   |



|                                                                  |                                                                                                                                                                                                                          |                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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|                                                                  |                                                                                                                                                                                                                          |                                                                                                                                                                                                                      | deterrents on lighting columns have a limited impact. We have recently changed most street bins in our coastal town centre areas to stop seagulls from accessing their contents.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Adapt existing Council buildings to help make them seagull proof | <p>Introduce netting over roofs, spikes on window ledges etc at Council buildings such as offices, schools etc.</p> <p>Potentially very expensive and therefore only to be considered at extreme “problem” buildings</p> | <p>Officers to consider adaptation and capital funding on those buildings were there is an accepted problem.</p> <p><b>Lead Service; Property</b> (+ Service responsible for building eg if a school, education)</p> | <p><b>We committed to do this if it was financially viable to do so and on the understanding it wouldn’t feature highly in our maintenance programme ahead of essential maintenance elsewhere. i.e it wouldn’t be at the expense of essential maintenance to our schools and public buildings. To date we have applied better solutions at Rhyl pavilion as an example, as part of a wider refurbishment programme. We do not have resources to seagull proof all our existing Council buildings. But when possible, we take the opportunity to do so, when refurbishing existing buildings and particularly when undertaking large capital works to rooflines.</b></p> |
| Design new Council buildings to help make them seagull proof     | Have a design criteria on all new Council buildings to consider preventing nesting/perching                                                                                                                              | <p>New Council Policy to ensure this is done.</p> <p><b>Lead Service; Property</b></p>                                                                                                                               | <p><b>Yes we apply this rule to all new development concepts. Nova, was one example, and now the Waterpark is being seagull proofed as</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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|                                                                                                                                    |                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                        | much as practically possible within the design.                                                                                                                                                                                                                                                                                                                                                                                                            |
| Introduce Supplementary Planning Guidance (SPG) to encourage all new buildings to consider being seagull proof at the design stage | Introduce “best practice” to “design out” gulls from new buildings (private sector).<br><br>Probably not always enforceable at the planning decision stage, as only guidance.                                                                        | Report to LDP Steering Group.<br><br><b>Lead Service; Planning &amp; Public Protection</b>                                                                                                                             | <b>A new planning information sheet is being developed to provide guidance to applicants on seagull proofing measures.</b>                                                                                                                                                                                                                                                                                                                                 |
| Reduce availability of waste food through Council refuse collection                                                                | Ensure our public realm bins are seagull proof.<br><br>Encourage all households to recycle all food in appropriate containers.<br><br>Remove all bin bags from normal collection                                                                     | Officers to have regard to these factors and seek improvements as possible<br><br><b>Lead Service; Highways &amp; Env</b>                                                                                              | <b>Duty of Care inspections of food businesses to ensure that they have commercial waste disposal contracts, that they are using containers (which vermin cannot access) and that they have an adequate number of containers for the volume of waste they produce. In certain areas where we have specific problems with seagulls, Public Protection Officers are also checking refuse storage etc during food hygiene inspections of food businesses.</b> |
| Reduce the availability of waste food at food business premises                                                                    | Ensure food business premises dispose of their waste food appropriately and in seagull proof containers<br>Work with food business to suggest ways of limiting food litter and where necessary more enforcement of the fast food litter legislation. | Officers to do more with food business premises to reduce food litter and availability of waste food for the gulls.<br><br><b>Lead Service; Highways &amp; Env and Planning &amp; Public Protection (food hygiene)</b> | <b>As above and specific work being done in Rhyl as part of the West Rhyl Neighbourhood Management Project.</b>                                                                                                                                                                                                                                                                                                                                            |

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| <p>Have an ongoing campaign to educate the public/businesses not to feed gulls and to take more responsibility to deal with gull nests on their property</p> | <p>Concerted PR campaign run every year to encourage none feeding of gulls, gull proofing properties, less food waste etc</p> <p>Provide leaflets for display in food business premises regarding not to feed the gulls and to take care when eating in the open</p> | <p>Officers to put together a PR campaign.</p> <p><b>Lead Service; Communications &amp; Marketing</b></p> <p>Signs to be erected around relevant towns “do not feed the gulls”.</p> <p><b>Lead Service; Highways &amp; Env and Planning &amp; Public Protection</b></p> <p>Adverts for food business premises.</p> <p><b>Lead Service; Planning &amp; Public Protection</b></p> | <p><b>Communications Strategy developed to incorporate media messages, signs, engagement with the public, businesses, Members and others.</b></p>                                                                                                                                                                                                                                                                                   |
| <p>Lobby WG, WLGA and NRW to make the issue more of a national or at least regional campaign</p>                                                             | <p>Seek a more consistent national approach</p>                                                                                                                                                                                                                      | <p>Lead Member to write to relevant organisations.</p> <p><b>Lead service; Planning &amp; Public Protection</b></p>                                                                                                                                                                                                                                                             | <p><b>To be undertaken</b></p>                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>Other actions suggested by Members at the March 2017 Committee Meeting</p>                                                                                | <p>Raise awareness through distributing the refuse calendars.</p> <p>Consider taking out of hours enforcement action if food waste is left out in an unsecure location/manner</p>                                                                                    | <p><b>Lead service: Highways and Env Services</b></p> <p><b>Lead Service: Highways and Env Services</b></p>                                                                                                                                                                                                                                                                     | <p><b>We will undertake an awareness campaign the next time the calendars are released which will be Nov 2018. The wider communications strategy will also send messages out to residents.</b></p> <p><b>Very few domestic properties without food waste collections. All using gull proof caddies. No capacity to undertake out of hours enforcement action however any complaint should be submitted through CRM and will</b></p> |

|  |                                                                              |                                                            |                                                                                                                                                                                                       |
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|  | <p>Explore the effectiveness of contraceptives on the seagull population</p> | <p><b>Lead Service: Planning and Public Protection</b></p> | <p><b>be investigated by waste enforcement officers and recycling officers</b></p> <p><b>No licensed contraceptives for birds in the UK. Research to date suggests that they are ineffective.</b></p> |
|--|------------------------------------------------------------------------------|------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Eich cyf / Your ref

Ein cyf / Our ref

Dyddiad / Date

Rhif union / Direct dial 01824 706454

Owner/Occupier  
Address  
Address  
Denbighshire  
Post Code

### Appendix 3

Dear Sir, Madam

### **ALLEGED NUISANCE BIRD FEEDING – ADDRESS, POST CODE**

We have received a complaint **alleging** the existence of a nuisance caused by feeding the birds in the above area on a regular basis, specifically Pigeons and Seagulls.

This matter has now been referred to our section as there is now new legislation under the Anti-social Behaviour, Crime and Policing Act 2014 to deal with nuisance behaviour which is detrimental to people in the community. This is an **advisory letter** only at this stage but if there is evidence of a persistent and continuing problem we may seek to take formal action.

Birds such as pigeons, seagulls and other larger species (jackdaws, crows etc) may cause annoyance or nuisance to people because of the noise they create, the damage they can cause to buildings and the fact that they spread disease through their droppings. In addition to this, an aspect that gives concern for public health is that when food is put out for birds, vermin such as rats are also encouraged to the area.

We appreciate that people like to feed birds but would request that food put out is only for the attraction of small garden birds and not the larger varieties likely to cause nuisance. Advice is available from the RSPB website: [www.rspb.org.uk/makeahomeforwildlife/advice/helpingbirds](http://www.rspb.org.uk/makeahomeforwildlife/advice/helpingbirds).

Should you wish to discuss this matter further please contact us on the details above.

Yours sincerely

Swyddog Lles Anifeiliaid  
Animal Health Welfare Officer

Cyngor Sir Ddinbych  
Blwch Post 62  
Rhuthun,  
Sir Ddinbych LL15 9AZ  
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Website: [www.denbighshire.gov.uk](http://www.denbighshire.gov.uk)





**PEIDIWCH A'M BWYDO..  
BWYDWCH Y BIN!**

**DON'T FEED ME..  
FEED THE BIN!**

I adrodd unrhyw broblemau gyda gwylanod, ffoniwch  
To report any issues with seagulls, please phone

**01824 706000**

neu drwy e-bost: [ymholiadau@sirddinbych.gov.uk](mailto:ymholiadau@sirddinbych.gov.uk)  
or e-mail: [enquiries@denbighshire.gov.uk](mailto:enquiries@denbighshire.gov.uk)



A seagull is shown in flight against a clear blue sky. The bird is white with grey wings and a yellow beak. It is flying towards the left of the frame, with its wings spread wide. The background is a solid, bright blue.

**PEIDIWCH A'M BWYDO..  
BWYDWCH Y BIN!**

**DON'T FEED ME..  
FEED THE BIN!**

I adrodd unrhyw broblemau gyda gwylanod, ffoniwch  
To report any issues with seagulls, please phone

**01824 706000**

neu drwy e-bost: [ymholiadau@sirddinbych.gov.uk](mailto:ymholiadau@sirddinbych.gov.uk)  
or e-mail: [enquiries@denbighshire.gov.uk](mailto:enquiries@denbighshire.gov.uk)

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**Report to:** Communities Scrutiny Committee

**Date of Meeting:** 4<sup>th</sup> July 2019

**Lead Member/Officer:** Lead Member for Waste, Transport and the Environment/  
Head of Planning and Public Protection

**Report Author:** Traffic, Parking and Road Safety Manager

**Title:** Car Parks in Denbighshire

## 1. What is the report about?

- 1.1 To provide an update regarding the implementation of the Car Park Investment Plan and other car parking initiatives.

## 2. What is the reason for making this report?

- 2.1 Approximately two years ago, we developed an Asset Management Register for our car parks. Prior to this, no records were kept of car park assets which obviously made it difficult to manage those assets effectively. This resulted in too much unplanned, reactive maintenance work taking place, whilst investment in planned maintenance work was insufficient. In early 2018, a Car Park Investment Plan was developed to identify and prioritise car park investment over a five year period.
- 2.2 Our car parks play a key role in supporting our town centres and tourist attractions. They serve as a gateway to our towns; and for many car-based journeys, they will often be the first thing that visitors see when they alight from their vehicles. It is thus very important that our car parks are kept safe, clean, tidy, and are well-maintained.
- 2.3 Previous reports concerning the Car Park Asset Management Register and Investment Plan were presented to Communities Scrutiny Committee in July 2017 and March 2018. At the March 2018 meeting, the Committee requested a further progress update in 2019. A copy of the March 2018 report is included in Appendix A to this report, for convenience.

## 3. What are the Recommendations?

- 3.1 That the Committee considers the contents of the report, provides observations, and supports the continuation of the work to implement the Car Park Investment Plan and other parking initiatives detailed within the report.

## 4. Report details

### Introduction

- 4.1 We recognise that well-managed car parks can play an important role in supporting our town centres and tourist attractions, and form a key part of regeneration work.

- 4.2 The Car Park Asset Management Register and Investment Plan will assist us to manage our existing assets more effectively. However, the Investment Plan is also about improving the facilities within our car parks, such as through better information provision for car park users and providing more flexible ways of paying for parking.
- 4.3 The following sections outline the various work that has been undertaken in our car parks since the previous update report was presented to Communities Scrutiny Committee in March 2018.
- 4.4 The original Investment Plan is included in Appendix B to this report. In practice, we have had to amend this Plan during the first year to coordinate car park improvement work with some of the significant regeneration projects that have been taking place.
- 4.5 The original Investment Plan proposed £566k of expenditure in Year 1 of the Plan, (which was financial year 2018-19); this was to be funded predominantly from prudential borrowing, to be repaid over subsequent years from the car park revenue budget. However, the ongoing work to redevelop the Rhyl Central Car Park (formerly known as the Underground Car Park), plus the need to carry out urgent works at some other car parks has resulted in changes to the Investment Plan. The revised Investment Plan is included in Appendix C and now includes a greater level of spend in Years 3, 4 and 5 of the Plan, when compared with the original Plan. This change is partly due to the need to reprioritise some work to tie-in with regeneration projects and partly because we want to fully evaluate the impact that some recent projects will have on car park revenue before we commit to any further borrowing.

Details of improvement work undertaken in Year 1 of Investment Plan (2018-19)

- 4.6 The work undertaken in Year 1 of the Investment Plan is listed on the first page of the Revised Investment Plan in Appendix C, with some photographs of completed work in Appendix D. A summary of the work is provided in the following paragraphs.
- 4.7 Fifteen pay and display machines were replaced by new machines near the end of financial year 2018-19. This brings the total number of new machines up to 30, which means that 33% of our machines offer the option to pay by chip and pin card, contactless payment or coin payment. These new machines are also networked, providing us with information about fault status, ticket sales and cash levels. The latter information will enable more efficient planning of cash collections.
- 4.8 The refurbishment of the Rhyl Central Car Park (formerly Rhyl Underground Car Park) was completed recently, with the car park reopening in early April 2019. The refurbishment work included the formation of new pedestrian accesses, the widening of the existing vehicle entrance, new canopies over the central stairwells, a new ventilation system, new fire alarm system, new lighting, new signage and a new CCTV system. We have also changed the way we manage this car park to improve maintenance operations and through creating the completely new role of car park site supervisor. This latter role covers both Central Car Park and, increasingly, will also cover the Denbigh Multi-Storey car park.
- 4.9 The past twelve months has also seen the refurbishment of Vale Street Car Park in Denbigh. This is a project that was originally planned for nearer the end of the Investment Plan. However, we brought this scheme forward to Year 1 because some

areas of block paving within the car park had become loose, creating a potential trip hazard for pedestrians. The areas of defective surfacing have been re-laid. We also took the opportunity to change the layout of kerbing around the pay and display to make it safer for pedestrians and more accessible.

- 4.10 In the summer of 2018, a completely new short stay car park was opened on Queen Street in Rhyl comprising of 20 parking spaces.
- 4.11 The Sky Tower Car Park was also refurbished during February and March 2019 to tie-in with the external works to SC2. These refurbishment works included the resurfacing of the car park, improvements to the existing surface water drainage, the refurbishment of street furniture and some reconfiguration of the car park layout.
- 4.12 Following the work last year to refurbish the central Nova car park in Prestatyn. Further refurbishment work has taken place this year to the Nova West car park to improve accessibility, replace the pay and display machine and to renew the signage.
- 4.13 A scheme to renew all the car park tariff and information signs within the Rhyl and Prestatyn car parks was implemented in March 2019. Work to replace the signs in all the other Denbighshire car parks is currently at the design stage, with the new signage likely to be installed over the next three months.
- 4.14 Physical improvements to the landscaping were recently implemented in Park Road car park in Ruthin to replace the temporary concrete blocks that were originally introduced to discourage anti-social driving in the car park, especially at night time.
- 4.15 A section of free parking spaces (like those in Market Street, Ruthin and Factory Ward, Denbigh) were introduced in Morley Road and West Kinmel Street car parks in Rhyl, following feedback from businesses and Rhyl Town Council.
- 4.16 Improvements have been made to the entrance of East Parade Car Park in Rhyl, including the provision of a new footway into the car park to improve safety.
- 4.17 New Service Level Agreements for all car parks have been developed to ensure that all car park grounds maintenance work is itemised accurately and to enable us to improve how we monitor the maintenance of our car parks.
- 4.18 An extra hour of parking time for Blue Badge holders was implemented in June 2018. Car park users displaying a valid Blue Badge will receive an additional hour of parking time in addition to the time displayed on their pay and display ticket.

Work to be implement in Year 2 of Investment Plan (2019-20)

- 4.19 We are currently in the process of developing the specification for a new system to replace paper parking permits with a paperless system. The new system will be more convenient for permit holders and will significantly reduce the amount of administration work that the Council undertakes for the current system. The new system will work by storing the permit holders' vehicle registration numbers in a secure database which can be checked by enforcement officers using their smartphone. The new system will also be capable of allowing car park users to pay for parking using a smartphone app.

4.20 At the time of writing this report, we are currently out to tender for the procurement of a new car park cash collection contract. This will be both more efficient and safer than the existing in-house system and will not result in any job losses. It is also expected that the proportion of cash collected will reduce over time as cashless payment options become available in more of our car parks.

4.21 We plan to replace more of our pay and display machines in financial year 2019-20.

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

5.1 Connected Communities: Communities are connected and have access to goods and services locally, online and through good transport links. Accessible parking is vital for car-based journeys to town centres.

5.2 Environment: Attractive and protected, supporting well-being and economic prosperity. Well-managed and attractive car parks can complement the tourist economy and the town centre retail economy.

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

6.1 The majority of the work detailed in the car park Investment Plan work is being funded from within the existing car park revenue budget. This includes the cost of repaying any prudential borrowing associated with the investment in the car parks.

6.2 The major investment in the Rhyl Central Car Park is subject to a separate business case relating to the forecast increase in usage due to SC2 opening.

## **7. What are the main conclusions of the Well-being Impact Assessment?**

As the report is providing an update on the implementation of a project and is not seeking a decision, then a Well-being Impact Assessment is not required.

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

8.1 This paper is a progress update following the previous reports presented to the Communities Scrutiny Committee in October 2016, July 2017 and March 2018.

8.2 When preparing the Car Park Investment Plan, all six Member Area Groups were consulted with separately.

## **9. Chief Finance Officer Statement**

It is important that all future investment decisions continue to be taken to the Strategic Investment Group for discussion and approval if appropriate.

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

Borrowing too much and creating a future budget pressure. To reduce this risk borrowing decisions are developed in conjunction with Finance colleagues and then taken to Strategic Investment Group for approval.

**11. Power to make the Decision**

11. Section 7.4.2 of the Council's Constitution outlines Scrutiny's powers with respect to examining the impact of decisions and the application of policies.

**Contact Officer:**

Traffic, Parking and Road Safety Manager

Tel: 01824 706959

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## APPENDIX A

**Report to:** Communities Scrutiny Committee

**Date of Meeting:** 22<sup>nd</sup> March 2018

**Lead Member/Officer:** Lead Member for Highways, Planning and Sustainable Travel/Head of Planning and Public Protection

**Report Author:** Traffic, Parking and Road Safety Manager

**Title:** Car Parks in Denbighshire

### 1. What is the report about?

- 1.1 To provide an update regarding the implementation of the Car Park Asset Management Register and Investment Programme plus the cross-service Car Park Task and Finish Group as per the recommendations of the report that went to Communities Scrutiny Committee in July 2017.

### 2. What is the reason for making this report?

- 2.1 In July 2017, the Committee requested that a further progress report be provided in March 2018. A copy of the July 2017 report is provided in Appendix A.

### 3. What are the Recommendations?

- 3.1 That the Committee considers the contents of the report, provides observations, and supports the continuation of the work to implement the Car Park Asset Management Register, Investment Programme and the work of the Car Park Task & Finish Group.

### 4. Report details

- 4.1 This report describes the work that has been taking place to develop systems that will assist us to manage our car parks more effectively. This will improve the “visitor experience” for car park users and will benefit the local economy, both in terms of retail and tourism.
- 4.2 There are two elements to this work:
- i) The development of a Car Park Asset Management Register (CPAMR) and Investment Programme to prioritise investment in the car parks, with the aim of improving their visual appearance and ease of use.
  - ii) Other complementary measures that make it easier for people to use our car parks. This will include, for example; better provision of information; more flexible ticketing arrangements; and a more modern system for administering parking permits.

Car Park Asset Management Register

## APPENDIX A

- 4.3 A Car Park Asset Management Register (CPAMR) has been developed to help us manage our car parks assets more efficiently and to keep accurate records of their condition. No record of these assets was kept previously, so we commissioned the Highways and Environmental Services Works Unit to carry out extensive survey work to record the location and condition of all the assets within our car parks. Photographic records of each asset have also been taken.
- 4.4 Each asset has been accurately mapped using Global Positioning System (GPS) survey technology so that they can be easily located by inspection staff and maintenance contractors, for example. All the asset information is stored on a database.
- 4.5 Examples of car park assets are the car park surface; road markings/lines; signage within the car park; Pay and Display machines; swing barriers; height barriers; bollards; boundary walls and fences; surface water drainage systems; car park lighting; soft and hard landscaping and so on.
- 4.6 The condition of each asset has been assessed in terms of its estimated remaining life, or in other words, how long until it will need replacing.
- 4.7 Routine inspections of our car parks are presently carried out by Highway and Environmental Services' Streetscene inspection staff to a pre-determined schedule. This inspection regime will continue in the future, but the CPAMR will be accessible on the Inspectors' handheld devices. This will speed up the inspections and means that inspection information will be recorded and will update the CPAMR automatically in real-time.
- 4.8 The CPAMR will be overseen and maintained by officers within the Traffic, Parking and Road Safety Section.

### Investment Programme

- 4.9 It is proposed that we embark upon a programme of investment to contribute towards improving the user experience within our car parks. This will include improving the visual appearance of the car parks, improving information signage within them, and investing in more modern pay and display machines which enable payment by card. The draft Investment Programme is provided in Appendix B.
- 4.10 All the information recorded by the car park surveys referred to in 4.3 above, have been used to help identify and prioritise the works shown in the Investment Programme.
- 4.11 The Traffic, Parking and Road Safety Manager visited all six of the Member Area Groups between June and September 2017 to discuss priorities for investment in our car parks. The feedback received has been used to assist in the identification and prioritisation of the works in the Investment Programme.
- 4.12 It is proposed that this investment will be funded wholly from the existing car park budget. This is likely to require some prudential borrowing owing to the level of investment required in the first two years of the programme, however, the repayments against the borrowing would be made from the car park budget. The spend profile and amount of borrowing required needs to be developed in detail with



## APPENDIX A

Finance officers. It is proposed that this will then be developed into a Business Case which will then be submitted to the Strategic Investment Group for approval.

- 4.13 The proposed refurbishment of Rhyl Children's Village (Underground) car park is being funded separately and not from the existing car park budget. It is subject to a separate Business Case that has been approved by the Strategic Investment Group and is due to be considered by Cabinet on the 20<sup>th</sup> March 2018.

### Car Park Task and Finish Group

- 4.14 A Car Park Task and Finish Group was set up comprising of officers from *Traffic, Parking and Road Safety*; from *Tourism, Marketing and Events*; and from *Countryside Services*. The Group was set up to consider potential measures that would improve the visitor experience for car park users. The Group has met on a number of occasions. The following interventions have been identified by the Group and are currently being developed for implementation:
- Transferable pay and display tickets between Long Stay car parks
  - Visitor offers on the back of pay and display tickets offering discounts
  - The Pilot of a new type of pay and display machine that can be programmed to give car park users the option to print vouchers out. For example, these vouchers could provide a discount in specific shops that are participating in the initiative.
  - Paperless parking permit system to replace the existing system of paper-disk permits which can be purchased by the general public for use in our beach and/or long stay car parks.
  - Improved tourist/visitor information signage within car parks
- 4.15 We have commenced the procurement process for a new paperless permit system. We have researched what systems other authorities use and what technologies are available to help specify the requirements for our own system. The project team developing this project includes officers from both ICT and the Digital Futures team.
- 4.16 Once implemented, the new paperless permit system, will enable us to expand the range of permits we currently offer to enable much shorter duration permits to be offered. This would potentially be very beneficial for hotels and guest houses who may wish to purchase short duration permits for their guests, for example.
- 5. How does the decision contribute to the Corporate Priorities?**
- 5.1 *Connected Communities: Communities are connected and have access to goods and services locally, online and through good transport links.* Accessible parking is vital for car-based journeys to town centres for goods, employment and services.
- 5.2 *Environment: Attractive and protected, supporting well-being and economic prosperity.* Well-managed and attractive car parks complement the tourist economy and the town centre retail economy.
- 6. What will it cost and how will it affect other services?**
- 6.1 As explained in 4.12, the costs of the works listed in the draft Investment Programme plus the other initiatives listed in 4.14 will be fully met from within the Car Parks

## APPENDIX A

budget, albeit some prudential borrowing will be necessary. The Investment Programme will be developed further in conjunction with Finance officers and will result in a Business Case being submitted to SIG for approval.

- 6.2 The paperless system requires the input of officer time from both ICT and Customer Service teams. Both teams are represented on the project team.

### **7. What are the main conclusions of the Well-being Impact Assessment?**

As the report is providing an update on the implementation of a project and is not seeking a decision, then a Well-being Impact Assessment is not required. This has been confirmed by the Strategic Planning and Performance Officer.

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

- 8.1 This paper is a progress update following previous reports presented to the Communities Scrutiny Committee in October 2016 and in July 2017.

- 8.2 All six of the Member Area Groups were consulted regarding the Car Park Investment Programme, as referred to in 4.11.

### **9. Chief Finance Officer Statement**

It is important to understand the works required to maintain or develop the Council's car parks. The production of an asset management plan has greatly assisted in this regard, highlighting both the nature of works required and estimated costs. As stated in the report it is important that the works required are funded from within parking resources. The Investment Programme will need to be developed further in conjunction with Finance Officers and will be subject to the council's internal approval processes, including reporting to the Strategic Investment Group (SIG).

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

- 10.1 The Car Park Investment Programme and Asset Management Register will result in us adopting a more strategic approach to how we maintain and improve our car parks. This will reduce the amount of reactive maintenance work that we do, which is work that typically places a strain on staff and financial resources.

- 10.2 Taking a more planned approach to how we maintain our car parks will reduce the likelihood of accidents occurring within our car parks such as slips and trips.

- 10.3 The funding required for the Investment Programme needs to be carefully planned to reduce the risk of creating a budget pressure if, for example, car park income reduces unexpectedly in the next few years.

### **11. Power to make the Decision**

Section 7.4.2 of the Council's Constitution outlines Scrutiny's powers with respect to examining the impact of decisions and the application of policies.

**Contact Officer:** Traffic, Parking and Road Safety Manager Tel: 01824 706959

**Original Car Park Investment Plan**

| <b>2018-19 (Year 1)</b> |                                                                                                                                                                                                                   |                 |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 1.1                     | Replace all 39 no. existing "Parkeon Classic" Pay and Display machines with new "Parkeon Strada" machines<br><br>(23 no. in various car parks across Denbighshire<br><br>16 no. on Rhyl Promenade)                | £176,000        |
| 1.2                     | Re-waterproof decks at Denbigh Multi-storey CP<br><br>(Undertaking this work early reduces the risk of subsequent structural damage occurring such as corrosion of the reinforced concrete beams).                | £200,000        |
| 1.3                     | Provide new information signs in all car parks to replace existing signage<br><br>(This will include an audit of existing signs to remove any unnecessary duplication and clutter including redundant posts etc.) | £150,000        |
| 1.4                     | Resurfacing of 2 no. car parks with Category C condition<br><br>(Category C refers to an expected usable life of 5 years or less remaining)                                                                       | £25,000         |
| 1.5                     | Renewal of road markings in 10 car parks with lines in Category C condition<br><br>(Category C refers to an expected usable life of 5 years or less remaining)                                                    | £15,000         |
|                         | <b>Total</b>                                                                                                                                                                                                      | <b>£566,000</b> |

| <b>2019-20 (Year 2)</b> |                                                                                                                                                                                                                |                 |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 2.1                     | Replace 31 no. remaining "Parkeon Evolution" Pay and Display machines with new "Parkeon Strada" machines                                                                                                       | £140,000        |
| 2.2                     | Replacement of height barriers classified as Category C condition<br><br>(Category C refers to an expected usable life of 5 years or less remaining)                                                           | £50,000         |
| 2.3                     | Resurfacing of 5 no. car parks with Category C condition<br><br>(Category C refers to an expected usable life of 5 years or less remaining)                                                                    | £75,000         |
| 2.4                     | Refurbishment of ventilation and fire prevention systems within Denbigh Multi-Storey Car Park<br><br>(*Specialist survey work required to define extent and provide more accurate cost estimate for this work) | £250,000        |
|                         | <b>Total</b>                                                                                                                                                                                                   | <b>£515,000</b> |

| <b>2020-21 (Year 3)</b>                                                                                                                  |                 |
|------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| Landscaping improvements – Phase 1<br>(Scope of which car parks will be included in this phase will need defining nearer the time)       | £50,000         |
| Replacement of street lighting – Phase 1<br>(Scope of which car parks will be included in this phase will need defining nearer the time) | £30,000         |
| Boundary wall or fence repairs and replacement where required.                                                                           | £40,000         |
| <b>Total</b>                                                                                                                             | <b>£120,000</b> |

|                                                                                                                                          |                |
|------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <b>2021-22 (Year 4)</b>                                                                                                                  |                |
| Landscaping improvements – Phase 2<br>(Scope of which car parks will be included in this phase will need defining nearer the time)       | £50,000        |
| Replacement of street lighting – Phase 2<br>(Scope of which car parks will be included in this phase will need defining nearer the time) | £30,000        |
| <b>Total</b>                                                                                                                             | <b>£80,000</b> |

|                                                                                                                                          |                |
|------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <b>2022-23 (Year 5)</b>                                                                                                                  |                |
| Landscaping improvements – Phase 3<br>(Scope of which car parks will be included in this phase will need defining nearer the time)       | £50,000        |
| Replacement of street lighting – Phase 3<br>(Scope of which car parks will be included in this phase will need defining nearer the time) | £30,000        |
| <b>Total</b>                                                                                                                             | <b>£80,000</b> |

| <b>Yearly totals</b> |                   |
|----------------------|-------------------|
| 2018-19              | £565,000          |
| 2019-20              | £515,000          |
| 2020-21              | £120,000          |
| 2021-22              | £80,000           |
| 2022-23              | £80,000           |
| <b>Grand total</b>   | <b>£1,360,000</b> |



**Revised Car Park Investment Plan**

| <b>2018-19 (Year 1)</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                  |                |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| 1.1                     | Replace the following 15 existing pay and display machines with new “Parkeon Strada” machines:<br><br>Denbigh – Factory Ward (1 no.)<br>Llangollen - East Street (1 no.) and Market Street (2 no.)<br>Ruthin – Park Road (1 no.) and Cae Ddol (1 no.)<br>Prestatyn – Nova Central (2 no.), King’s Avenue (1 no.) and Railway Station (1 no.)<br>Rhyl – Central Car Park (3 no.), Morley Road (1 no.) and Railway Station (1 no.) | £63,000        |
| 1.2                     | Provide new information signs in all Rhyl and Prestatyn car parks that haven’t already got the new style signage.                                                                                                                                                                                                                                                                                                                | £15,000        |
| 1.3                     | Refurbishment of Sky Tower Car Park, Rhyl<br><i>(Prudential borrowing)</i>                                                                                                                                                                                                                                                                                                                                                       | £150,000       |
| 1.4                     | Refurbishment of Vale Street Car Park, Denbigh                                                                                                                                                                                                                                                                                                                                                                                   | £20,000        |
| 1.5                     | Minor improvements to Nova West Car Park, Prestatyn                                                                                                                                                                                                                                                                                                                                                                              | £9,000         |
| 1.6                     | Improvements to entrance of East Parade car park, Rhyl                                                                                                                                                                                                                                                                                                                                                                           | £11,000        |
| 1.7                     | *Refurbishment of Rhyl Central Car Park (formerly Underground CP)<br><i>Subject to separate business case based on increase in car park usage by visitors to SC2</i>                                                                                                                                                                                                                                                             |                |
| 1.8                     | *Safety improvements including new active travel route through Park Street car park, Ruthin<br><i>Being funded from WG Safe Routes in Communities grant</i>                                                                                                                                                                                                                                                                      |                |
| 1.9                     | *New car park in Queen Street, Rhyl<br><i>Funded by Facilities, Assets and Housing. Revenue from new car park will repay investment.</i>                                                                                                                                                                                                                                                                                         |                |
| 1.10                    | *New car park in Water Street, Rhyl<br><i>Funded by Facilities, Assets and Housing. Revenue from new car park will repay investment.</i>                                                                                                                                                                                                                                                                                         |                |
|                         | <b>Total</b>                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>268,000</b> |

\*These works are funded separately to the other projects within the Investment Plan so the costs of these projects are not shown in the Investment Plan for this reason.

| <b>2019-20 (Year 2)</b> |                                                                                                                                                  |                 |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 2.1                     | Replace 30 Pay and Display machines with new "Parkeon Strada" machines                                                                           | £120,000        |
| 2.2                     | Provide new information signs in Corwen, Denbigh, Llangollen, Rhuddlan, Ruthin and St Asaph car parks.                                           | £40,000         |
| 2.3                     | Replacement of height barriers classified as Category C condition<br>(Category C refers to an expected usable life of 5 years or less remaining) | £30,000         |
| 2.4                     | Resurfacing of 2 no. car parks with Category C condition<br>(Category C refers to an expected usable life of 5 years or less remaining)          | £30,000         |
|                         | <b>Total</b>                                                                                                                                     | <b>£220,000</b> |

| <b>2020-21 (Year 3)</b> |                                                                                                                                                                                                    |                 |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 3.1                     | Replace remaining 30 Pay and Display machines with new "Parkeon Strada" machines                                                                                                                   | £120,000        |
| 3.2                     | Re-waterproof decks at Denbigh Multi-storey CP<br><br>(Undertaking this work early reduces the risk of subsequent structural damage occurring such as corrosion of the reinforced concrete beams). | £200,000        |
| 3.3                     | Resurfacing of 3 no. car parks with Category C condition<br><br>(Category C refers to an expected usable life of 5 years or less remaining)                                                        | £45,000         |
|                         | <b>Total</b>                                                                                                                                                                                       | <b>£365,000</b> |

| <b>2021-22 (Year 4)</b> |                                                                                                                                                                                                                |                 |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 4.1                     | Refurbishment of ventilation and fire prevention systems within Denbigh Multi-Storey Car Park<br><br>(*Specialist survey work required to define extent and provide more accurate cost estimate for this work) | £250,000        |
| 4.2                     | Landscaping improvements – Phase 2<br><br>(Scope of which car parks will be included in this phase will need defining nearer the time)                                                                         | £50,000         |
| 4.3                     | Replacement of street lighting – Phase 1<br><br>(Scope of which car parks will be included in this phase will need defining nearer the time)                                                                   | £60,000         |
|                         | <b>Total</b>                                                                                                                                                                                                   | <b>£360,000</b> |

| <b>2022-23 (Year 5)</b> |                                                                                                                                              |                 |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 5.1                     | Landscaping improvements<br><br>(Scope of which car parks will be included in this phase will need defining nearer the time)                 | £80,000         |
| 5.2                     | Replacement of street lighting – Phase 2<br><br>(Scope of which car parks will be included in this phase will need defining nearer the time) | £30,000         |
| 5.3                     | Boundary wall or fence repairs and replacement where required                                                                                | 40,000          |
|                         | <b>Total</b>                                                                                                                                 | <b>£150,000</b> |

| <b>Yearly totals</b> |                   |
|----------------------|-------------------|
| 2018-19              | £268,000          |
| 2019-20              | £220,000          |
| 2020-21              | £365,000          |
| 2021-22              | £360,000          |
| 2022-23              | £150,000          |
| <b>Grand total</b>   | <b>£1,363,000</b> |

**Appendix D – Photographs of some of the completed works**



**Queen Street, Rhyl - New Short Stay Car Park**



**East Parade Car Park, Rhyl - Improved entrance which now includes a footway**

## Appendix D – Photographs of some of the completed works



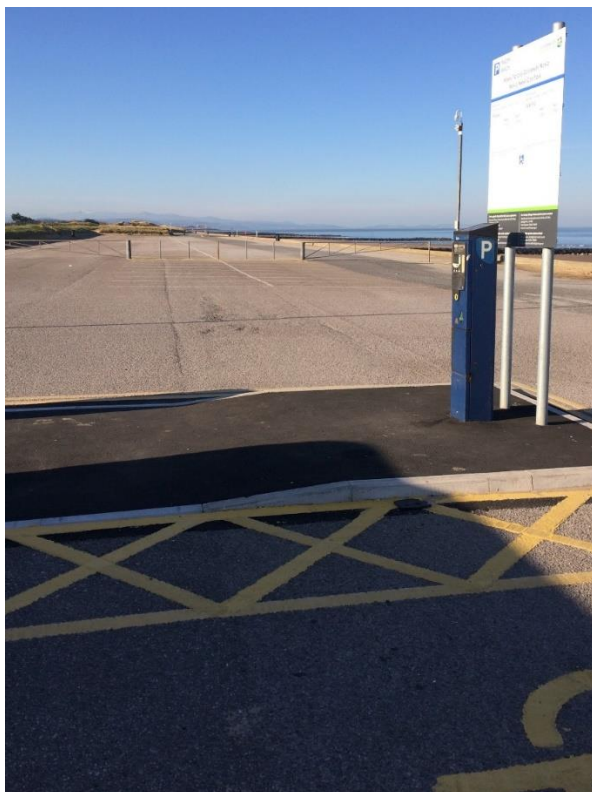
Vale Street Car Park, Denbigh – New pay and display machine with card payment options



## Appendix D – Photographs of some of the completed works



New tariff sign – This example is taken from Vale Street Car Park, Denbigh



Nova West Car Park, Prestatyn – Accessibility improvements for P&D machine and new tariff sign

**Appendix D – Photographs of some of the completed works**



**Morley Road Car Park, Rhyl - Free parking area**

|                         |                                       |
|-------------------------|---------------------------------------|
| <b>Report to:</b>       | <b>Communities Scrutiny Committee</b> |
| <b>Date of Meeting:</b> | <b>4 July 2019</b>                    |
| <b>Lead Officer:</b>    | <b>Scrutiny Co-ordinator</b>          |
| <b>Report Author:</b>   | <b>Scrutiny Co-ordinator</b>          |
| <b>Title:</b>           | <b>Scrutiny Work Programme</b>        |

---

## **1. What is the report about?**

The report presents Communities 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 its programme of future work, 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 forward work programme as it deems appropriate.

## **4. Report details**

- 4.1 Section 7 of Denbighshire County Council's Constitution sets out each Scrutiny Committee's terms of reference, functions and membership, as well as the rules of procedure and debate.
- 4.2 The Constitution stipulates that the Council's scrutiny committees must set, and regularly 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.
- 4.3 For a number of years it has been an adopted practice in Denbighshire for scrutiny committees to limit the number of reports considered at any one meeting to a maximum of four plus the Committee's own work programme report. The aim of this approach is to facilitate detailed and effective debate on each topic.
- 4.4 In recent years the Welsh Government (WG) and the Wales Audit Office (WAO) have highlighted the need to strengthen scrutiny's role across local government and public services in Wales, including utilising scrutiny as a means of engaging with residents and service-users. From now on scrutiny will be expected to engage better and more frequently with the public with a view to securing better decisions which ultimately lead to better outcomes for citizens. The WAO will measure scrutiny's effectiveness in fulfilling these expectations.

- 4.5 Having regard to the national vision for scrutiny whilst at the same time focussing on local priorities, the Scrutiny Chairs and Vice-Chairs Group (SCVCG) recommended that the Council's scrutiny committees should, when deciding on their work programmes, focus on the following key areas:
- budget savings;
  - achievement of the Corporate Plan objectives (with particular emphasis on the their deliverability during a period of financial austerity);
  - any other items agreed by the Scrutiny Committee (or the SCVCG) as high priority (based on the PAPER test criteria – see reverse side of the 'Member Proposal Form' at Appendix 2) and;
  - Urgent, unforeseen or high priority issues

#### 4.6 Scrutiny Proposal Forms

As mentioned in paragraph 4.2 above the Council's Constitution 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 subjects. No officer proposal forms have been received for consideration at the current meeting.

- 4.7 With a view to making better use of scrutiny's time by focussing committees' resources on detailed examination of subjects, adding value through the decision-making process and securing better outcomes for residents, the SCVCG decided that members, as well as officers, should complete 'scrutiny proposal forms' outlining the reasons why they think a particular subject would benefit from scrutiny's input. A copy of the 'member's proposal form' can be seen at Appendix 2. The reverse side of this form contains a flowchart listing questions which members should consider when proposing an item for scrutiny, and which committees should ask when determining a topic's suitability for inclusion on a scrutiny forward work programme. If, having followed this process, a topic is not deemed suitable for formal examination by a scrutiny committee, alternative channels for sharing the information or examining the matter can be considered e.g. the provision of an 'information report', or if the matter is of a very local nature examination by the relevant Member Area Group (MAG). No items should be included on a forward work programme without a 'scrutiny proposal form' being completed and accepted for inclusion by the Committee or the SCVCG. Assistance with their completion is available from the Scrutiny Co-ordinator.

#### Llantysilio Mountain Fire

- 4.8 Earlier this year the Committee conducted an inquiry into last summer's fire on Llantysilio Mountain and its impact on the area. The Committee's report on its findings, conclusions and recommendations is in the process of being finalised. The intention is for the report to be published ahead of the Committee's next meeting, on 5 September, and for all agencies and organisation who were involved with the fire and land management on the mountain to attend that meeting to discuss the report, the lessons learnt and the way forward for the future.

4.9 To facilitate the entire meeting to be set-aside for the discussion the following items, which were scheduled on the Committee's forward work programme for September's meeting, have been rescheduled for presentation to the Committee on 24 October:

- Flood Management Responsibilities in Denbighshire
- Proposed New Waste and Recycling Service Design
- Tourism Signage Strategy for Denbighshire

#### Cabinet Forward Work Programme

4.10 When determining their programme of future work it is useful for scrutiny committees to have regard to Cabinet's scheduled programme of work. For this purpose a copy of the Cabinet's forward work programme is attached at Appendix 3.

#### Progress on Committee Resolutions

4.11 A table summarising recent Committee resolutions and advising members on progress with their implementation is attached at Appendix 4 to this report.

### **5. Scrutiny Chairs and Vice-Chairs Group**

Under the Council's scrutiny arrangements the Scrutiny Chairs and Vice-Chairs Group (SCVCG) performs the role of a coordinating committee. The Group met on 25 April 2019. No items were referred to this Committee for consideration. The Group's next meeting is scheduled for 25 July 2019.

### **6. 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 to deliver its corporate priorities, improve outcomes for residents whilst also managing austere budget cuts.

### **7. 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.

### **8. What are the main conclusions of the Well-being Impact Assessment? The completed Well-being Impact Assessment report can be downloaded from the [website](#) and should be attached as an appendix to the report**

A Well-being Impact Assessment has not been undertaken in relation to the purpose or contents of this report. However, Scrutiny through its work in examining service delivery, policies, procedures and proposals will consider their impact or potential impact on the sustainable development principle and the well-being goals stipulated in the Well-being of Future Generations (Wales) Act 2015.

### **9. What consultations have been carried out with Scrutiny and others?**

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

**10. 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.

**11. Power to make the decision**

Section 7.11 of the Council's Constitution stipulates that scrutiny committees and/or the Scrutiny Chairs and Vice-Chairs Group will be responsible for setting their own work programmes, taking into account the wishes of Members of the Committee who are not members of the largest political group on the Council.

**Contact Officer:** Scrutiny Coordinator  
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e-mail: [rhian.evans@denbighshire.gov.uk](mailto:rhian.evans@denbighshire.gov.uk)



## Communities Scrutiny Committee Forward Work Plan

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

| Meeting     | Lead Member(s)                                                   | Item (description / title)                                                      | Purpose of report                                                                                                                                                                                 | Expected Outcomes                                                                                                                                                                                                                                                                          | Author                                  | Date Entered                                       |
|-------------|------------------------------------------------------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|----------------------------------------------------|
| 5 September |                                                                  | 1. Llantysilio Mountain Fire                                                    | To present the findings of the inquiry into the fire and the lessons learnt from the incident                                                                                                     | To confirm the inquiry's findings and formulate recommendations based on the findings with a view to improving:<br><br>(i) multi-agency responses to similar incidents in future; and<br>(ii) land management practices to mitigate against the risk and spread of similar fires in future | Steve Price/Rhian Evans                 | March 2019                                         |
| 24 Oct      | <b>Cllr. Huw Hilditch Roberts</b>                                | 1. Impact of the Ruthin Primary Education Area Review<br><br><b>[Education]</b> | To consider the findings of the of the impact assessment (based on the WBFG Act principles and goals) undertaken following the conclusion, implementation of the decisions relating to the review | Identification of any negative or unintended/unexpected outcomes from the school reorganisation decisions that will assist planning for similar projects in future to ensure the well-being of all stakeholders                                                                            | Karen Evans/Geraint Davies/James Curran | October 2017 (rescheduled June 2019)               |
|             | <b>Cllr. Brian Jones</b><br><br><b>Reps from Dŵr Cymru Welsh</b> | 2. Flood Management Responsibilities in Denbighshire                            | To present the conclusions of the joint study into whether improvements                                                                                                                           | An assessment of whether the Council effectively fulfils its responsibilities in relation to flood management and mitigation and works effectively with partner                                                                                                                            | Tony Ward/Wayne Hope                    | March 2018 (rescheduled February 2019 & June 2019) |

## Communities Scrutiny Committee Forward Work Plan

| Meeting | Lead Member(s)                       | Item (description / title) |                                                 | Purpose of report                                                                                                                                                                                          | Expected Outcomes                                                                                                                                                                                                                                                                                                                                                                                                                              | Author                             | Date Entered                                                  |
|---------|--------------------------------------|----------------------------|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|---------------------------------------------------------------|
|         | <b>Water &amp; NRW to be invited</b> |                            |                                                 | could be made to the management of the Rhyl Cut and Prestatyn Gutter, adjacent drains and sewers, and to outline each organisation's responsibilities in relation to flood management and flood mitigation | organisations to reduce the risk of flooding and deliver the Environment and Resilient Communities priorities of the Corporate Plan                                                                                                                                                                                                                                                                                                            |                                    |                                                               |
|         | <b>Cllr. Brian Jones</b>             | 3.                         | Proposed New Waste and Recycling Service Design | To consider detailed information on the proposed new services, including service design, depot reconfiguration requirements, indicative costings and funding available and proposed communication strategy | Assurances that the proposal are progressing in accordance with the Council and the national vision in relation to waste management, reconfiguration costs are manageable and will realise indicative savings and ease budget pressure and that residents are buying into the new waste concept which will deliver the corporate priority relating to an attractive and protected environment that supports well-being and economic prosperity | Tony Ward/Tara Dumas/Peter Clayton | October 2018 (rescheduled March 2018 & June 2019)             |
|         | <b>Leader</b>                        | 4.                         | Tourism Signage Strategy for Denbighshire       | To outline the progress made by the Working Group in developing a tourism signage strategy for the                                                                                                         | The development of a tourism signage strategy that complements trunk road signage and technological innovations in the field of tourism, takes into account the aims of 'The Wales Way' project, attracts visitors                                                                                                                                                                                                                             | Mike Jones/Peter McDermott         | May 2018 (rescheduled by SCVCG December 2018 & rescheduled by |



## Communities Scrutiny Committee Forward Work Plan

| Meeting                                    | Lead Member(s)                    | Item (description / title) |                                                         | Purpose of report                                                                                                                                                                                          | Expected Outcomes                                                                                                                                                                                                                                                                                                                                                                                                    | Author                    | Date Entered             |
|--------------------------------------------|-----------------------------------|----------------------------|---------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|--------------------------|
|                                            |                                   |                            |                                                         | county, consideration of potential funding sources, and the anticipated timescale for the project's delivery                                                                                               | and increases the value of tourism spend in the county in line with the corporate priority relating to the Environment, and in-keeping with the outcomes of Denbighshire's Tourism Strategy                                                                                                                                                                                                                          |                           | the Committee June 2019) |
| 12 Dec                                     |                                   |                            |                                                         |                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                      |                           |                          |
| May/June 2020                              | <b>Cllr. Huw Hilditch-Roberts</b> | 1.                         | Welsh Government's Free Childcare Offer in Denbighshire | To assess the take-up and impact of the WG's free childcare offer in the county since its introduction in April 2019                                                                                       | To evaluate whether the introduction of the free childcare offer has supported the delivery of the Council's corporate priorities relating to young people and resilient communities, supported the local economy and will enhance better outcomes for children and families                                                                                                                                         | Karen Evans/James Wood    | September 2018           |
| late 2020/early 2021<br>(prov. date – tbc) | <b>Cllr. Julian Thompson-Hill</b> | 1.                         | Universal Credit                                        | To detail:<br>(i) the impact of migrating legacy benefits residents on to Universal Credit on Council services; and<br>(ii) the effectiveness of the measures taken by the Council and its partners with a | (i) An understanding of the impact of migrating legacy benefit recipients onto UC on Council services and on residents themselves; and<br><br>(ii) an assessment of the effectiveness of measures taken to support services and residents to deal with the changes and proposed plans for dealing with the remainder of the rollout.<br><br>Scrutiny's consideration of the above matters will assist it to identify | Paul Barnes/Rachel Thomas | May 2019                 |

Communities Scrutiny Committee Forward Work Plan

| Meeting | Lead Member(s) | Item (description / title) |  | Purpose of report                                                                                            | Expected Outcomes                                                                                                           | Author | Date Entered |
|---------|----------------|----------------------------|--|--------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|--------|--------------|
|         |                |                            |  | view to mitigating the effects of migrating legacy benefits residents on to UC (including the lessons learnt | proposed ways to mitigate against the effects of UC adversely affecting the Council's aim of building resilient communities |        |              |
|         |                |                            |  |                                                                                                              |                                                                                                                             |        |              |

## Communities Scrutiny Committee Forward Work Plan

## Future Issues

| Item (description / title)                                      | Purpose of report                                                                                                                                                                | Expected Outcomes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Author                | Date Entered |
|-----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|--------------|
| Denbighshire's Learner Transport Policy: Non-Statutory Elements | To present the findings of the Task and Finish Group's study into the county's learner transport provision for pupils and students accessing non-statutory elements of education | <ul style="list-style-type: none"> <li>(i) Clarity and understanding of Council's annual learner transport budget and the cost of transporting pupils/students to statutory and non-statutory, discretionary and non-discretionary education, including an enhanced knowledge of education and learner transport legislation and their impact on the budget;</li> <li>(ii) an assessment of the potential impact of withdrawing the provision of free learner transport for pupils/students who access the various non-statutory or discretionary educational elements currently offered, including any risks to the wider education provision in the area and to the skills base required in local economy; and</li> <li>(iii) ensuring that every pupil/student in the county has fair and equitable access to education provision and is not discriminated against in any way</li> </ul> | Task and Finish Group | May 2019     |
|                                                                 |                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                       |              |

## Communities Scrutiny Committee Forward Work Plan

**For future years**

|  |  |  |  |  |
|--|--|--|--|--|
|  |  |  |  |  |
|  |  |  |  |  |

**Information/Consultation Reports**

| <b>Information / Consultation</b> | <b>Item (description / title)</b> | <b>Purpose of report</b> | <b>Author(s)</b> | <b>Date Entered</b> |
|-----------------------------------|-----------------------------------|--------------------------|------------------|---------------------|
|-----------------------------------|-----------------------------------|--------------------------|------------------|---------------------|

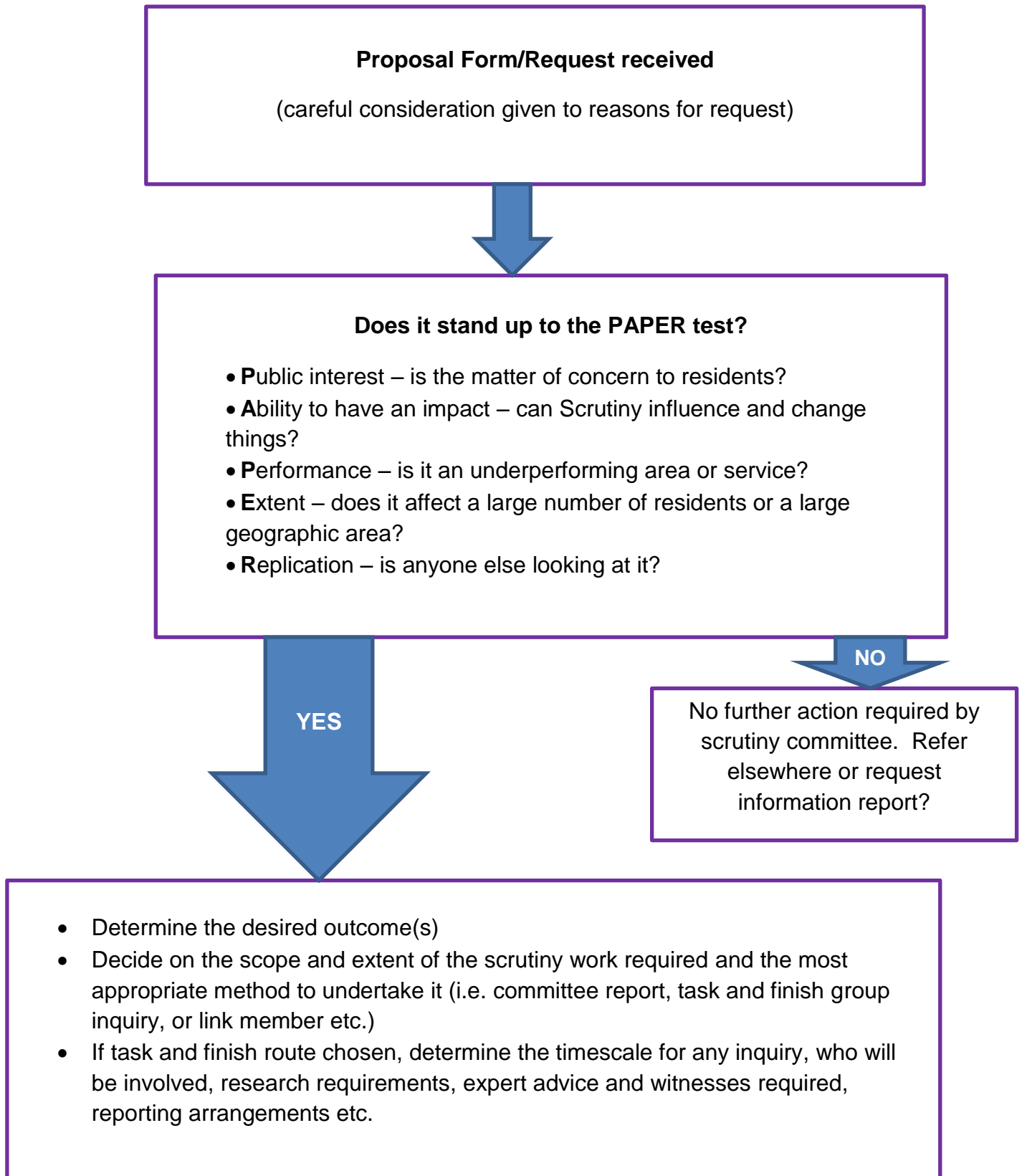
**Note for officers – Committee Report Deadlines**

| <b>Meeting</b> | <b>Deadline</b>  | <b>Meeting</b> | <b>Deadline</b>   | <b>Meeting</b> | <b>Deadline</b>    |
|----------------|------------------|----------------|-------------------|----------------|--------------------|
| 5 September    | <b>22 August</b> | 24 October     | <b>10 October</b> | 12 December    | <b>28 November</b> |

Communities Scrutiny Work Programme.doc  
27/06/2019 RhE

| <b>Member Proposal Form for Scrutiny Forward Work Programme</b>                                                                                                                        |               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <b>NAME OF SCRUTINY COMMITTEE</b>                                                                                                                                                      |               |
| <b>TIMESCALE FOR CONSIDERATION</b>                                                                                                                                                     |               |
| <b>TOPIC</b>                                                                                                                                                                           |               |
| <b>What needs to be scrutinised (and why)?</b>                                                                                                                                         |               |
| <b>Is the matter one of concern to residents/local businesses?</b>                                                                                                                     | <b>YES/NO</b> |
| <b>Can Scrutiny influence and change things?</b><br>(if 'yes' please state how you think scrutiny can influence or change things)                                                      | <b>YES/NO</b> |
| <b>Does the matter relate to an underperforming service or area?</b>                                                                                                                   | <b>YES/NO</b> |
| <b>Does the matter affect a large number of residents or a large geographical area of the County</b><br>(if 'yes' please give an indication of the size of the affected group or area) | <b>YES/NO</b> |
| <b>Is the matter linked to the Council's Corporate priorities</b><br>(if 'yes' please state which priority/priorities)                                                                 | <b>YES/NO</b> |
| <b>To your knowledge is anyone else looking at this matter?</b><br>(If 'yes', please say who is looking at it)                                                                         | <b>YES/NO</b> |
| <b>If the topic is accepted for scrutiny who would you want to invite to attend e.g. Lead Member, officers, external experts, service-users?</b>                                       |               |
| <b>Name of Councillor/Co-opted Member</b>                                                                                                                                              |               |
| <b>Date</b>                                                                                                                                                                            |               |

## Consideration of a topic's suitability for scrutiny



## Cabinet Forward Work Plan

| Meeting             | Item (description / title) |                                                                                                                                                     | Purpose of report                                                                                                                                                                                                              | Cabinet Decision required (yes/no) | Author – Lead member and contact officer                                            |
|---------------------|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------------------------------------------------------------------------------|
| <b>30 July 2019</b> | 1                          | Implementation of Alternative Delivery Model (ADM) for various leisure related functions and activities: ADM Implementation Costs & Revenue Savings | To approve the investment decision further to a review the one off cost for the implementation of the ADM project, and the associated revenue savings to be realised                                                           | Yes                                | Councillors Bobby Feeley and Julian Thompson-Hill / Graham Boase / Sian Lloyd Price |
|                     | 2                          | Ethical Code of Employment                                                                                                                          | To seek Cabinet approval of the Ethical Code of Employment                                                                                                                                                                     | Yes                                | Councillor Richard Mainon / Helen Makin                                             |
|                     | 3                          | Regional Pooled Budget Agreement                                                                                                                    | To approve a regional agreement to further develop a non-risk sharing pooled budget arrangement for care home accommodation for older people, to comply with the requirements of the Social Services and Wellbeing (Wales) Act | Yes                                | Councillors Bobby Feeley and Julian Thompson-Hill / Judith Greenhalgh / Steve Gadd  |
|                     | 4                          | Employment Policies                                                                                                                                 | To gain approval from Cabinet for the adoption of five Employment Policies                                                                                                                                                     | Yes                                | Councillor Richard Mainon / Catrin Roberts / Andrea Malam                           |
|                     | 5                          | East Rhyl Coastal Defence Scheme                                                                                                                    | To update Cabinet Members on the current status the East                                                                                                                                                                       | Yes                                | Councillor Brian Jones / Wayne Hope                                                 |

## Cabinet Forward Work Plan

| Meeting            | Item (description / title) |                                                        | Purpose of report                                                                                                                                                             | Cabinet Decision required (yes/no) | Author – Lead member and contact officer             |
|--------------------|----------------------------|--------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|------------------------------------------------------|
|                    |                            |                                                        | Rhyl Coastal Defence Scheme and seek approval of the scheme to the construction phase.                                                                                        |                                    |                                                      |
|                    | 6                          | Finance Report                                         | To update Cabinet on the current financial position of the Council                                                                                                            | Tbc                                | Councillor Julian Thompson-Hill / Steve Gadd         |
|                    | 7                          | Items from Scrutiny Committees                         | To consider any issues raised by Scrutiny for Cabinet's attention                                                                                                             | Tbc                                | Scrutiny Coordinator                                 |
|                    |                            |                                                        |                                                                                                                                                                               |                                    |                                                      |
| <b>24 Sep 2019</b> | 1                          | North Wales Growth Bid Governance Agreement 2          | To approve the governance arrangements in relation to the implementation of the growth deal                                                                                   | Yes                                | Councillor Hugh Evans / Graham Boase / Gary Williams |
|                    | 2                          | Rhyl Vision and Master Plan (report and presentation)  | To agree to pursue the vision and key projects over the long term, committing resources to bring about the desired changes in collaboration with a wide range of stakeholders | Yes                                | Councillor Hugh Evans / Emlyn Jones / Mike Horrocks  |
|                    | 3                          | Implementation of Alternative Delivery Model (ADM) for | To consider and approve the Council's Strategic                                                                                                                               | Yes                                | Councillors Bobby Feeley and Julian Thompson-Hill /  |



## Cabinet Forward Work Plan

| Meeting            | Item (description / title) |                                                                    | Purpose of report                                                                                                                    | Cabinet Decision required (yes/no) | Author – Lead member and contact officer     |
|--------------------|----------------------------|--------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|----------------------------------------------|
|                    |                            | various leisure related functions and activities: Board Membership | Governance Board for the Local Authority Trading Company (LATC) and review and recommend to Council the Board membership of the LATC |                                    | Graham Boase / Sian Lloyd Price              |
|                    | 4                          | Contract Procedures Rules                                          | To consider the reviewed contract procedures rules which will require adoption and form part of the council constitution             | Tbc                                | Councillor Julian Thompson-Hill / Lisa Jones |
|                    | 5                          | Finance Report                                                     | To update Cabinet on the current financial position of the Council                                                                   | Tbc                                | Councillor Julian Thompson-Hill / Steve Gadd |
|                    | 6                          | Items from Scrutiny Committees                                     | To consider any issues raised by Scrutiny for Cabinet's attention                                                                    | Tbc                                | Scrutiny Coordinator                         |
|                    |                            |                                                                    |                                                                                                                                      |                                    |                                              |
| <b>22 Oct 2019</b> | 1                          | Finance Report                                                     | To update Cabinet on the current financial position of the Council                                                                   | Tbc                                | Councillor Julian Thompson-Hill / Steve Gadd |
|                    | 2                          | Items from Scrutiny Committees                                     | To consider any issues raised by Scrutiny for Cabinet's attention                                                                    | Tbc                                | Scrutiny Coordinator                         |

## Cabinet Forward Work Plan

| Meeting            | Item (description / title) | Purpose of report                                  | Cabinet Decision required (yes/no)                                                               | Author – Lead member and contact officer |                                                                 |
|--------------------|----------------------------|----------------------------------------------------|--------------------------------------------------------------------------------------------------|------------------------------------------|-----------------------------------------------------------------|
|                    |                            |                                                    |                                                                                                  |                                          |                                                                 |
| <b>19 Nov 2019</b> | 1                          | Quarter 2 Performance Report on the Corporate Plan | To provide members with analysis about performance and progress against our corporate priorities | Tbc                                      | Councillor Julian Thompson-Hill / Nicola Kneale / Iolo McGregor |
|                    | 2                          | Finance Report                                     | To update Cabinet on the current financial position of the Council                               | Tbc                                      | Councillor Julian Thompson-Hill / Steve Gadd                    |
|                    | 3                          | Items from Scrutiny Committees                     | To consider any issues raised by Scrutiny for Cabinet's attention                                | Tbc                                      | Scrutiny Coordinator                                            |
|                    |                            |                                                    |                                                                                                  |                                          |                                                                 |
| <b>17 Dec 2019</b> | 1                          | Finance Report                                     | To update Cabinet on the current financial position of the Council                               | Tbc                                      | Councillor Julian Thompson-Hill / Steve Gadd                    |
|                    | 2                          | Items from Scrutiny Committees                     | To consider any issues raised by Scrutiny for Cabinet's attention                                | Tbc                                      | Scrutiny Coordinator                                            |
|                    |                            |                                                    |                                                                                                  |                                          |                                                                 |

Note for officers – Cabinet Report Deadlines

## Cabinet Forward Work Plan

| <i>Meeting</i> | <i>Deadline</i> | <i>Meeting</i>   | <i>Deadline</i>     | <i>Meeting</i> | <i>Deadline</i>  |
|----------------|-----------------|------------------|---------------------|----------------|------------------|
|                |                 |                  |                     |                |                  |
| <i>July</i>    | <b>16 June</b>  | <i>September</i> | <b>10 September</b> | <i>October</i> | <b>8 October</b> |

Updated 25/06/19 - KEJ

Cabinet Forward Work Programme.doc

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## Progress with Committee Resolutions

| Date of Meeting | Item number and title                      | Resolution                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Progress                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9 May 2019      | 5. Denbighshire's Learner Transport Policy | <p><b><u>Resolved:</u></b> - <i>having considered the report and with regard to the above observations:</i></p> <p><i>(a) to establish a Working Group comprising of five Committee members and one education co-opted member, supported by officers from the Council's Education Service and Transport Department to examine Denbighshire's Learner Transport Policy in respect of providing transport to non-statutory education provision. The Working Group to specifically focus its work on:</i></p> <p><i>(i) providing clarity and an improved understanding of the Council's annual learner transport budget and the cost of transporting pupils/students to statutory and non-statutory, discretionary and non-discretionary education, including an enhanced knowledge of education and learner transport legislation and their impact on the budget;</i></p> <p><i>(ii) assessing the potential impact of withdrawing the provision of free learner transport for pupils/students who access the various non-statutory or discretionary educational elements currently offered, including any</i></p> | <p>(a) draft terms of reference for the Working Group compiled and circulated to officers for observations</p> <p>(b) expressions of interest sought from Committee members to serve on the Working Group</p> <p>(c) a report on the Working Group's findings and associated recommendations listed under 'Future Issues' on the Committee's forward work programme (see Appendix 1). Timescale for presentation to be determined by the Working Group</p> |

|  |                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                       |
|--|------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |                                                | <p>risks to the wider education provision in the area and to the skills base required in local economy; and</p> <p>(iii) ensuring that every pupil/student in the county has fair and equitable access to education provision and is not discriminated against in any way.</p> <p>(b) to seek expressions of interest from Committee members and co-opted members to serve on the working group and that its draft terms of reference be shared with the Committee in due course; and</p> <p>(c) that the working group report its findings and recommendations to the Committee upon the conclusion of its work</p> |                                                                                                                                                                                                                       |
|  | <b>6. Impact of the Closure of Ysgol Rhewl</b> | <b>Resolved:</b> - subject to the above observations to acknowledge the feedback received and the lessons learnt that will be used for future planning within the Education Service                                                                                                                                                                                                                                                                                                                                                                                                                                  | Cabinet Lead Member and officers advised of the Committee's observations                                                                                                                                              |
|  | <b>7. Universal Credit</b>                     | <b>Resolved:</b> - subject to the above observations<br>(i) to congratulate the Council on its approach and management of support to residents in relation to Universal Credit in Denbighshire;<br>(ii) to continue to support and endorse the project delivery method employed by officers, namely the Universal Credit Board; and                                                                                                                                                                                                                                                                                  | Cabinet Lead Member and officers advised of the Committee's observations and support, and a follow-up report has been scheduled into the Committee's forward work programme for late 2020/early 2021 (see Appendix 1) |

|  |  |                                                                                                                                                                                                                                                                                                                                                                                        |  |
|--|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|  |  | <p>(iii) <i>request that a further report be presented to the Committee in late 2020/early 2021 assessing the impact of migrating legacy benefit recipients to Universal Credit on Council Services, and the effectiveness of measures taken by the Council and its partners to mitigate the effects of transferring to Universal Credit on residents and on Council Services.</i></p> |  |
|--|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

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