

To: Members of the Communities  
Scrutiny Committee

Date: 6 December 2018

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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, 13 DECEMBER 2018** 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 DECLARATION OF INTERESTS (Pages 5 - 6)**

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

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

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

**4 MINUTES (Pages 7 - 24)**

To receive the –

(a) minutes of the Special Communities Scrutiny Committee held on 11 October 2018 (copy enclosed), and

(b) minutes of the Communities Scrutiny Committee held on 25 October 2018 (copy enclosed).

**10.05 a.m. – 10.15 a.m.**

**5 EARLY EDUCATION & FLYING START CHILDCARE COMMISSIONING (Pages 25 - 28)**

To consider a report by the Strategy and Development Officer (copy attached) to seek Scrutiny's views on decision to recommission the childcare elements of Early Education and the Flying Start Programme through parallel formal processes.

**10.15 a.m. – 11.00 a.m.**

**~~~ BREAK 11.00 a.m - 11.15 a.m ~~~**

**6 PERFORMANCE AND EFFECTIVENESS OF PLANNING COMPLIANCE (Pages 29 - 40)**

To consider a report by the Development Manager and Planning Officer (copy attached), which provided information about effectiveness and performance of the planning compliance function.

**11.15 a.m. – 12.00 p.m.**

**7 SCRUTINY WORK PROGRAMME (Pages 41 - 66)**

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

**12.00 p.m. – 12.15 p.m.**

**8 FEEDBACK FROM COMMITTEE REPRESENTATIVES**

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

**12.15 p.m. – 12.30 p.m.**

## **PART 2 - CONFIDENTIAL ITEMS**

None

### **MEMBERSHIP**

#### **Councillors**

Councillor Huw Williams (Chair)

Councillor Graham Timms (Vice-Chair)

Brian Blakeley  
Meirick Davies  
Rachel Flynn  
Tina Jones  
Merfyn Parry

Anton Sampson  
Glenn Swingler  
Andrew Thomas  
Cheryl Williams

#### **Voting Co-opted Members for Education (Agenda Item No. 5 only)**

Kathleen Jones  
David Lloyd

Neil Roberts

#### **COPIES TO:**

All Councillors for information  
Press and Libraries  
Town and Community Councils

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## LOCAL GOVERNMENT ACT 2000

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### Code of Conduct for Members

### DISCLOSURE AND REGISTRATION OF INTERESTS

|  |                                    |
|--|------------------------------------|
| I, ( <i>name</i> )   | <input type="text"/>               |
| a *member/co-opted member of<br><i>(*please delete as appropriate)</i>   | <b>Denbighshire County Council</b> |
| <b>CONFIRM</b> that I have declared a <b>*personal / personal and prejudicial</b> 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:-<br><i>(*please delete as appropriate)</i> |                                    |
| Date of Disclosure:  | <input type="text"/>               |
| Committee <i>(please specify)</i> :  | <input type="text"/>               |
| Agenda Item No.  | <input type="text"/>               |
| Subject Matter:  | <input type="text"/>               |
| Nature of Interest:<br><i>(See the note below)*</i>  | <input type="text"/>               |
| Signed   | <input type="text"/>               |
| Date   | <input type="text"/>               |

\*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 1b, County Hall, Ruthin on Thursday, 11 October 2018 at 9.30 am.

### PRESENT

Councillors Brian Blakeley, Rachel Flynn, Merfyn Parry, Anton Sampson, Glenn Swingler, Graham Timms (Vice-Chair), Cheryl Williams and Huw Williams (Chair)

Councillor Tony Thomas, Lead Member for Housing, Regulation and the Environment was in attendance at the Committee's request.

### Call-in Signatories in attendance:

Councillors Peter Scott, Rhys Thomas, Alan James and Arwel Roberts

### Observers:

Councillors Ellie Chard, Christine Marston, Martyn Holland, Mabon ap Gwynfor, and Hugh Irving.

### ALSO PRESENT

Corporate Director: Economic and Public Realm (GB), Head of Legal, HR & Democratic Services (GW), Lead Officer, Corporate Property & Housing Stock (DL), Scrutiny Co-ordinator (RE), and Committee Administrator (SLW)

## 1 APOLOGIES

Apologies for absence were received from Councillors Meirick Davies, Tina Jones and Andrew Thomas

## 2 DECLARATION OF INTERESTS

None.

## EXCLUSION OF PRESS AND PUBLIC

**RESOLVED** that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting on the grounds that it would involve the disclosure of exempt information as defined in Paragraph 14 of Part 4 of Schedule 12A of the Act.

## 3 REVIEW OF A CABINET DECISION RELATING TO GYPSY AND TRAVELLER SITE PROVISION

The Chair welcomed everyone to the meeting and explained that the Committee had been convened to consider a call-in of a recent Cabinet decision which had approved undertaking pre-planning consultation and subsequent full planning applications for the provision of both residential and transit Gypsy and Traveller sites on the Green-gates Farm East site, on the outskirts of St. Asaph.

The Scrutiny Co-ordinator introduced the Democratic Services Manager's confidential report and appendices (previously circulated) which presented the request made by five non-Cabinet members, under the Council's Call-In Procedure Rules for Scrutiny to review Cabinet's decision of the 25<sup>th</sup> September in relation to proposed sites for future gypsy and traveller provision in the county. Committee members were advised that the criteria relating to the call-in of a Cabinet decision had been met and that the basis of the call-in was that "a better site had not been considered". The call-in request included a specific example of "a better site". As the lead signatory to the request to call-in the Cabinet's decision Councillor Peter Scott was invited to address the Committee to explain the grounds for calling-in the decision and to provide additional background information relating to the request.

During his introduction Councillor Scott advised that he had attended the Cabinet meeting on 25<sup>th</sup> September 2018 in his capacity as the local member for the area where the proposed sites were to be located. He explained that at that meeting he had aired his views on why the Green-gates Farm East site was not appropriate for development as either a residential or transit site for gypsies and travellers. He also explained why he thought other sites, which in his view were better sites, had not been given due consideration by Cabinet before they reached their decision, hence his reason for initiating a call-in request to seek Scrutiny to review Cabinet's decision.

Responding to Councillor Scott's introduction, the Lead Member for Housing, Regulation and the Environment advised that the process to determine whether there was a need in Denbighshire for either a residential site, a transit site, or both, had been on-going for a number of years. Denbighshire, similar to all other local authorities, was required by law to undertake a needs assessment to determine if a need existed within the county for such sites. If a need was identified the local authority would, therefore, be legally obliged to provide such sites within its geographical boundaries. He explained that Welsh Government (WG) grant funding was available for developing both residential and transit sites provided that local authorities identified preferred sites, undertook pre-planning consultation on them and received Planning Committee approval for the developments in time to submit bids for the grant funding ahead of the closing date on 28<sup>th</sup> February 2019. If all of these were achieved the proposal would be to develop the residential site during the 2019-20 financial year and the transit site during 2020-21. The Green-gates Farm East site had already been identified and approved by Cabinet in April 2018 as the preferred site for the development of a residential site. As the WG's guidance on 'Gypsy and Traveller Capital Site Grant' was specific that both residential and transit sites should not be co-located, significant effort had been made to try and identify and secure a separate site along the A55 corridor for development as a 'transit' site. However, due to the short length of the A55 which traversed Denbighshire and the fact that sites had to be within three miles of a primary school, potential suitable locations were limited. Details of the other locations considered were included in the report to Cabinet on 25<sup>th</sup> September 2018, which was appended to the report presented to the Committee at the meeting. When it became evident that the Council would struggle to identify a suitable separate location from the Green-gates Farm East location to develop as a transit site the Lead Member had written to the WG's Minister responsible for



Equalities and co-ordination of issues relating to Gypsies and Travellers explaining the challenges faced by the Council and seeking the Government to take a flexible approach in this case for the co-location of both sites, provided that appropriate screening was erected between them and that they were both some distance from each other. The Minister had responded favourably in relation to this request on the proviso that the Council provided a reasonable amount of screening between both sites, shared plans with the WG officials and permitted residents of the residential site a period of twelve months to settle in prior the transit site becoming operational. Having received these assurances, Cabinet had therefore approved that the transit site also be developed on part of the Green-gates Farm East site.

A total of 40+ sites had initially been explored. Following detailed consideration the number of potential sites were narrowed down to 22 and after further consideration this number was reduced again to 5. Sites were discounted for various reasons i.e. remoteness from the highway network, land ownership and costs associated with purchasing land or costs and time to compulsory purchase land, site clearance/remediation costs, noise levels, risk of flooding, proximity to the local Area of Outstanding Natural Beauty (AONB) etc. A shortlist of 5 potential sites had been submitted to Cabinet in April 2018. Following further discussion and negotiations between officers and a third party, one of these sites was rendered as not viable which resulted in 4 potential sites being presented to Cabinet for consideration on 25<sup>th</sup> September. Members, via PowerPoint slides, were given an overview of the potential sites shortlisted for the provision of a transit site which were presented to Cabinet. During the presentation the Lead Member and officers briefed them on the 'pros' and 'cons' of each site.

Responding to members' questions the Lead Member, Corporate Director: Economy and Public Realm, Head of Legal, HR and Democratic Services and the Lead Officer Corporate Property and Housing Stock:

- confirmed that when a call was made for land to be put forward as potential sites for gypsy and traveller site provision no sites had been submitted, this was probably because landowners were reluctant to suggest selling their land for this purpose;
- advised that whilst the WG guidance in relation to the grant funding recommended that both the residential site and the transit site were not co-located both the WG and the family who would live on the residential site acknowledged that suitable locations along the A55 corridor were extremely scarce. Therefore, on the basis that sufficient distance would set both sites apart and that appropriate screening would be erected both parties were willing to accept the compromise;
- detailed the legislative basis which made it a requirement for local authorities to make residential and transit site provision for gypsies and travellers, and advised that the existence of a transit site for gypsies and travellers would assist the Council in future when dealing with illegal encampments;
- provided details of the legislative acts which gave local authorities and the Police powers to compel gypsies and travellers to move on from illegal encampments;
- confirmed that the family whose needs would be met by the development of the residential site were Denbighshire residents and had confirmed that the site would meet their needs and were willing to move there when developed;

- advised that assessments would be undertaken as part of the Planning application process relating to the proposed sites' impact on the area's highways network, community, business park etc. as well as other planning related considerations;
- indicated that consideration would be given when developing detailed plans for the sites for appropriate passing places to be provided on the lane that would be used to approach the site to enable vehicles towing caravans to pass oncoming traffic;
- gave indicative costs relating to the development of both sites for the purpose of providing 6 residential pitches and 5 transit pitches. The number of residential pitches had been determined on the needs assessment undertaken, whilst the number of transit pitches had been guided by the average number of caravans involved in illegal encampments in the county in recent years. A future needs assessment may identify a need for further provision, but the Council was satisfied that based on the latest needs assessment the proposed number of pitches on both sites would fulfil the identified needs;
- advised that the site would be a managed site, with a booking-in system in operation, although it was unlikely that the site would be staffed on a 24 hour basis;
- confirmed that the Green-gates Farm East site was not currently included in the Local Development Plan (LDP) for either community or residential purposes. However, Planning Committee would consider the application on the basis of the identified need, similar to an application made for an agricultural dwelling outside of a residential settlement area;
- confirmed that neighbouring local authorities had been consulted in relation to site management arrangements whilst North Wales Police and North Wales Fire and Rescue Service had been consulted in relation to the proposed locations. No issues or concerns had been raised by any of the public authorities consulted;
- advised that regardless of whether neighbouring authorities already had gypsy and traveller site provision within reasonable travelling distance from Denbighshire, if a need had been identified within the county, Denbighshire was required by law to make provision for sites within its geographical boundaries;
- confirmed that based on the needs assessment undertaken the residential site would be the first to be developed, subject to planning permission being granted. Residents on that site would be granted twelve months to settle in before the transit site would be developed;
- advised that all local authorities were, under the provisions of the Housing (Wales) Act 2014, required to undertake an 'Assessment of Accommodation Needs' with respect of Gypsies and Travellers at least once in any five year period;
- confirmed that the WG had approved Denbighshire's Needs Assessment process, undertaken during 2015, and acknowledged its conclusions in April 2017;
- advised that the needs assessment had clearly identified that the county's residential 'needs' lay within the vicinity of the A55, rather than in areas close to the other trunk road routes that traversed the county i.e. the A5 and A494.

In addition the majority of illegal encampments in the county in recent years had also been in the north of the county, hence the reason for determining that the transit site should also be located close to the A55;

- confirmed that, as the need for gypsy and traveller sites had been identified, the WG and/or the gypsy and traveller community could seek a legal challenge via the High Court if the Council failed in its duty to provide sites. Local residents may bring a legal challenge against the granting of planning permission in due course if they were of the view that it had been granted on unreasonable or unreliable grounds, such a legal challenge would need to be lodged within three months of the planning application being granted;
- gave assurances to the Committee that the Cabinet had been privy to detailed unbiased information in relation to all shortlisted sites when they decided on their preferred options and the Lead Member would have been consulted on the proposed recommendation that was put forward to Cabinet;
- advised that the impact of the sites' development on neighbouring properties would be assessed for planning application purposes under the same criteria as any other residential developments; and
- confirmed that an ecological study had been undertaken on the site of the proposed development and had concluded that there were no ecological reasons to hinder the sites' development

The Lead Member assured councillors that since his appointment as portfolio holder he had been briefed by officers involved with the project on a monthly basis and was, therefore, confident that due diligence had been given to every aspect of the process for identifying suitable sites.

Prior to the Committee deliberating on its conclusions and recommendations Councillor Scott was given an opportunity to sum up why he and his fellow signatories were of the view that the Committee should recommend to Cabinet to review its decision designating the Green-gates Farm East site as its preferred site for the purpose of meeting the Council's obligations in relation to gypsy and traveller site provision. He emphasised that they were firmly of the view that the Council had rushed to designate sites to enable it to secure WG funding towards the costs associated with providing the need which had been identified. In order to meet the imminent deadline they were of the view that the report presented to Cabinet on 25<sup>th</sup> September was biased towards the Green-gates Farm East site and that insufficient information had been readily available to all county councillors throughout the democratic process to enable them to be aware of which sites were under consideration along with the reasons why they were deemed suitable or unsuitable. Responding to this the Council's Monitoring Officer advised that whilst the reports to Cabinet throughout had been exempt from publication on the grounds of commercial and financial confidentiality they had been available for elected members to access.

The Chair in his summing up acknowledged that Scrutiny fully understood that the Council was legally obliged to provide sites, both residential and transit, for gypsies and travellers if a need had been identified. It was also satisfied that such a need had been identified. However, members' concerns related to the process that had led to the decision on the preferred sites. In Scrutiny's view, due to the controversial nature of the decision and the reputational risk associated with it,

members needed to be assured that all potential sites had been considered in sufficient detail and that each site had been subject to a uniform assessment process before being eliminated from the final list of potential sites presented to Cabinet on 25<sup>th</sup> September.

Having reviewed the information presented to Cabinet on 25 September Scrutiny members felt that Cabinet had not been presented with sufficient comparable information on the 'pros' and 'cons' of each site to enable it to come to an informed and balanced decision e.g. noise impact, impact on residents/employment areas, devaluation of nearby property, flood risk information, consistent financial information for remediation work etc. On this basis Cabinet should be asked to reconsider its decision of 25<sup>th</sup> September and when reviewing its decision Cabinet should be in possession of the additional comparable, 'like' for 'like' information provided to Scrutiny members at the current meeting in order for them to easily and objectively assess the proposals presented to them.

The Committee also asked that its general concerns on the availability of information on potential Cabinet decisions for non-Cabinet councillors be raised with Cabinet, as non-Cabinet members did not have access to Cabinet Briefing meeting papers, this made it difficult for non-Cabinet members to follow the decision-making process. Members were of the view that in future, all potentially contentious decisions, similar to this matter, should be presented to a Council Briefing session to ensure that all councillors were fully informed about them beforehand. If necessary proposals could be presented to a Council Briefing session for the duration of the decision making process in order to make sure that every councillor was fully versed with them.

The Chair thanked the signatories to the call-in, the Lead Member and officers for attending and answering members' questions and the Committee:

**RESOLVED** that subject to the above observations to recommend to Cabinet that it:-

- (i) acknowledge Communities Scrutiny Committee's conclusions and recommendations following its review of the Cabinet decisions of the 25<sup>th</sup> September;
- (ii) revisit its decision of the 25<sup>th</sup> September 2018 in relation to the proposed location of the residential and transit Gypsy and Traveller Sites in Denbighshire in light of the additional information requested by Scrutiny; and
- (iii) in future, through the provision of information at Council Briefing sessions, ensures that all county councillors are extensively briefed on potentially controversial decisions which the Council or Cabinet are expected to take.

**The meeting concluded at 12.20 p.m.**

## **COMMUNITIES SCRUTINY COMMITTEE**

Minutes of a meeting of the Communities Scrutiny Committee held in the Council Chamber, County Hall, Ruthin on Thursday, 25 October 2018 at 10.00 am.

### **PRESENT**

Councillors Meirick Davies, Rachel Flynn, Tina Jones, Merfyn Parry, Glenn Swingler, Andrew Thomas and Graham Timms (Vice Chair in the Chair)

Councillor Brian Jones, Lead Member for Highways, Planning and Sustainable Travel attended for agenda item 5.

**Observers** – Councillors Bobby Feeley, Huw Hilditch-Roberts, Rhys Thomas and Emrys Wynne

### **ALSO PRESENT**

Corporate Director Economy and Public Realm (GB), Head of Highways and Environment (TW), Waste and Recycling Manager (TD), Team Leader: Tourism, Marketing and Events (PM), Scrutiny Coordinator (RE) and Committee Administrator (KEJ)

Kelly Thomas from Waste and Resources Action Programme (WRAP) attended for agenda item 5.

### **POINT OF NOTICE**

In the absence of the Chair, Councillor Huw Williams, the Vice-Chair Councillor Graham Timms took the Chair for the meeting.

#### **1 APOLOGIES**

Councillors Brian Blakeley, Anton Sampson Cheryl Williams and Huw Williams

Councillor Hugh Evans, Leader and Lead Member for the Economy and Corporate Governance had submitted apologies for agenda item 6 due to a prior engagement.

#### **2 DECLARATION OF INTERESTS**

Councillor Merfyn Parry declared a personal interest in agenda item 5 – Proposed New Waste and Recycling Service Design because his company contracted to Biogen who handled food waste from the Waen Plant.

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

No urgent matters had been raised.

#### **4 MINUTES**

The minutes of the Committee's meeting held on 6 September 2018 were submitted.

**Matters Arising** – Page 9, Item No. 5 Implementation of the Welsh Government's Free Childcare Offer in Denbighshire – Welsh Government Officials had responded to the query relating to correspondence from them on this matter being in English only and provided assurances that all future correspondence would be bilingual.

**RESOLVED** that the minutes of the meeting held on 6 September 2018 be received and approved as a correct record.

## **5 PROPOSED NEW WASTE AND RECYCLING SERVICE DESIGN**

Prior to presenting the report and appendices on the proposed new Waste and Recycling Service (previously circulated) the Lead Member for Highways, Planning and Sustainable Travel introduced Kelly Thomas from WRAP Cymru. Waste and Resources Action Programme (WRAP) Cymru was an organisation that worked with governments, businesses and communities to deliver practical solutions in order to improve a sustainable resource-efficient economy. The Lead Member explained that Kelly Thomas had been working closely with the Council in developing the proposed model presented to the Committee at the meeting.

During his introduction the Lead Member informed members that a number of sessions/workshops had been held for elected members during the proposed new model's development to seek their views and brief them on the need to change the current waste and recycling model. Whilst Denbighshire had consistently been the best performing Council in relation to recycling household waste in Wales for a number of years, national targets and expectations were changing. Under the Welsh Government's (WG) 'Towards Zero Waste' strategy and the statutory requirements of the Waste Measure (Wales) 2010, by 2024/25 local authorities would be expected to increase the amount of reused, recycled and composted waste to 70%. At present Denbighshire met the target of 64% set for 2019/20, but its performance had plateaued in recent years. Therefore if it could not reach the 70% target by 2024/25 it could be levied a fine of up to £200 per tonne on every tonne it sent to landfill that was above its landfill allowance. In addition to the national targets changing, the public's attitude and perception of the human race's responsibility towards the planet and future generations were changing, therefore more effective waste disposal and reuse/recycling methods were required. Having regard to all these elements the Council was therefore proposing under the new model to –

- change the frequency of the dry recyclable waste collections to weekly from fortnightly
- increase the litrage capacity of the dry recyclable waste collections through the provision of the kerbside sort 'trolliboc' system
- extend the textiles and shoes collection service to the entire county; introduce additional kerbside collections for small Waste Electrical and Electronic Equipment (WEEE) and a household batteries collection service

- introduce an opt-in Absorbent Hygiene Products (AHP) e.g. nappies and incontinence products etc. collection service, and
- change the frequency of the current fortnightly residual waste collection service to a four-weekly collection for the majority of households.

The Lead Member emphasised that, whilst the actual cost of introducing the new model could not yet be accurately calculated due to the extent of the work required to re-model the Council's depots to handle the waste that would pass through them, due to the substantial capital grant funding available from the WG to introduce the new kerbside sort service the model had the potential to reduce the budget pressure which already existed within the present collection service which was currently being funded from within reserves. In addition the new model was consistent with the WG's future for recycling and managing waste disposal.

Responding to members' questions the Lead Member, Head of Highways and Environment, the Council's Waste and Recycling Manager and WRAP Cymru's representative –

- advised that all stakeholders had a role to play to ensure the county achieved the 70% recycling rate target. Residents in particular would have a greater role to play through the kerbside sort scheme, as this aspect had the potential to increase the overall amount of quality recyclable waste processed
- confirmed that in future years, due to changes in produce manufacturing, it would be difficult for the Council to retain its current 64% performance in relation to waste recycling. The proposed new waste management model, which conformed with the WG's future vision for waste management, had the potential to lift the Council's performance to the 70% threshold whilst at the same time address budget pressures within the service and deliver benefits and opportunities for a local social enterprise and its employees;
- advised that whilst the current 'blue bin' co-mingled recycling system was extremely popular with residents, there had been an increasing trend in recent times for waste that could not be collected for recycling to be disposed of in these bins which contaminated the recycling stream
- indicated that they were of the view that initially the introduction of the new waste model would increase recycling rates in the region of about 3.1%. This was a conservative estimate, other areas who had introduced a similar system in recent years had on average increased their recycling rates by circa 8%. Conwy County Borough Council had registered an increase of 14% in the amount of recyclable waste it collected following the recent roll-out of a 4 weekly residual waste collection service across the county, all be it their recycling performance before their change was lower than Denbighshire's
- advised that the main product which could not at present be collected for recycling was plastic film, although there were some trials underway in an attempt to find solutions to this problem
- confirmed that the Service had a team of five people who visited individuals and households with a view to educating them about how to manage their household waste appropriately. These officers undertook on average a total of 1,000 visits per quarter. If the new model was approved these officers would have a pivotal role to play in communicating the requirements and benefits of the new

approach to residents and to landlords. WRAP would also have a key role to play in the communications strategy for the proposed new model

- advised that if a recycling box/bin was entirely contaminated officers would visit the household concerned to discuss the matter. However, if it was just the odd item within the box that was contaminated those items would be left behind for the householder to dispose of appropriately
- advised that a Waste Project Board' had been established to oversee the research and introduction of the proposed new waste model. The Board met on a fortnightly basis. One of its standing agenda items was 'communication' as the Board had identified early-on the importance of communicating the right messages to residents prior to the introduction of the new model
- informed members that the impact of the proposed change in service delivery model on all residents and on the Council's reputation had been identified early-on during the process as had its potential to contribute to the sustainable development principle of the Well-being of Future Generations (Wales) Act 2015. Having regard to the aims and goals of the Act a Well-being Impact Assessment (WIA) exercise had been undertaken, the conclusions of which had been reviewed by a cross-service internal 'Critical Friends' Panel recently. This Panel comprised of representatives from a number of Services which had examined all aspects of the WIA and the design of the receptacles
- advised that whilst there was some confusion amongst the general public on which items were recyclable the Council's advice would be to place all but black plastic packaging containers in the recycling container. Black plastic packaging and plastic film could not be collected for recycling at present. Many manufacturers were looking to reduce the use of black plastic until technology could be designed to separate it from other colours
- confirmed that all plastic pots, tubs and trays were currently accepted by manufacturers in the UK that dealt with recycled waste. However, one of the major advantages of the proposed new waste model was its potential to provide better quality recyclable materials for UK based manufacturers to use
- advised that at present Denbighshire's recycling was sent to Shotton Paper Mill where it was sorted and sold on to manufacturers. The Mill's operators searched the market on a regular basis to achieve the best price for the 'waste' being sold
- confirmed that the proposed weekly AHP waste collection service would be a free of charge opt-in service. Households would be given as much capacity as needed for this service
- advised that details of the containers provided, frequency of collections, collection method, weekly capacity and the regulatory procedures attached to each type of collection were detailed in Appendix I[A] to the report
- advised that the practicalities of introducing a 'pet waste' collection service had been explored at councillors' request. However, it transpired that the introduction of a special service would be costly and therefore not a cost effective use of resources. There were also health and safety concerns relating to service operatives in relation to this type of special provision. No local authority area in the UK operated a special 'pet waste' collection service at present. Officers were of the view that it would be more cost effective for 'pet waste' to be deposited in the residual waste sacks than collected separately. They did not foresee 'pet waste' as being a major problem. If individuals wanted to reduce any unpleasant aromas caused by pet waste they suggested that it be



deposited in plastic rather than bio-degradable bags and then placed in the residual waste sack. However, this would be down to individual choice

- advised that households who only occasionally had AHP waste, i.e. when babies etc. were visiting could deposit them in the residual waste rather than being provided with AHP bins for regular collections
- advised that work was currently underway to explore whether households who were not currently issued with wheelie bins etc. due to access issues could be provided with seagull/animal proof sacks for recyclable and residual waste that would help to contain rubbish presented in disposable sacks. Work was also underway with a view to designing practical solutions for properties where it would not be possible to operate the 'standard service provision' model, e.g. those that were served by communal bin storage areas. If trials proved successful the issue of sacks and/or containers to a large number of these households, particularly those who used communal waste facilities, across the county should further increase recycling rates as would the issue of food waste caddies along with strict enforcement of compliance with the food waste service. In addition the WG had recently announced funding for food waste recycling communication matters. If appropriate solutions could not be found to safely store residual waste for 4 weeks in certain areas, the Service would arrange for more frequent collections
- confirmed that the proposal was for residual waste to be collected on a four-weekly basis and not on a monthly basis
- acknowledged that some properties, with more restricted access to the rear of their properties, tended to store their wheelie bins etc. in their front gardens. This practice, which was a problem nationwide, was unsightly and did not help to promote the local area to visitors or businesses. The council was currently exploring options on how this practice could be reduced in order to improve the local environment. If properties did have yards at the rear which were accessible the Council could consider offering a chargeable service to landlords should they have issues with tenants not taking ownership of bins in order to present them at official kerbside collection points to collect the bins from accessible rear entrances and would work with landlords with a view to devising appropriate solutions
- advised that the public engagement exercise undertaken 'Recycle More, Waste Less' and the associated drop-in sessions had highlighted the fact that residents currently struggled to recycle more due to the fact that the 'blue' co-mingled recycling bins were full well before the fortnightly collection day, whereas this was far less prevalent in the case of residual waste bins. Residents had also highlighted under the consultation that they would welcome the opportunity to be able to recycle a wider range of times than the currently could. The proposed new model addressed this desire. The 'trolliboc' system would provide residents with an opportunity to recycle an additional 35 litres per week of dry recyclable materials, with additional recycling collection services being provided for AHP, WEEE and small batteries
- advised that the response rate to the public consultation survey of a total of 2,450 returned surveys was encouraging and whilst the number that had attended the drop-in sessions had not been high, those who had attended had been supportive of the approach to increase recycling levels

- confirmed that as part of the dry recyclable materials waste collection a re-useable sack, which could be attached to the 'trolliboc' handle, would be provided for recycling brown cardboard
- advised that black boxes for the 'trolliboc' would be cheaper to purchase than coloured ones and agreed with members that these would be less conspicuous if they had to be stored at the front of a property. However, the provision of different colour flaps on the boxes may be required to assist the visually impaired to differentiate what should be placed in each box. Alternatively different coloured boxes could be provided upon request to those households where a need for them was identified
- advised that if the new model was approved households could request a larger residual waste bin if required. However, it was anticipated that not all households would require larger residual waste bins if they abided by the recycling policy, for example single occupancy households
- confirmed that an assisted service would continue to be available for residents who were physically unable to place their bins at the curtilage of their property. Nevertheless, in households where able-bodied family members also resided they would be expected to place the waste receptacles out for collection. This would include properties in rural locations
- advised that it would not be financially viable to allow residents who wished to continue with the present co-mingled recycling system to pay for being permitted to continue using the 'blue bin' system, as this would entail different wagons having to be despatched to collect the waste
- advised that the proposed 'trolliboc' system should not result in the boxes being any heavier than the current blue bin, as the waste would be collected on a weekly rather than a fortnightly cycle and also 'food waste' was heavier than other waste. If the use of the 'food waste' collection system was rigidly enforced this should reduce the amount of food waste which currently ended up in the residual waste system. Effective enforcement of compliance with the 'food waste' recycling system would reduce the volume and weight of residual waste and the potential for residual waste to generate unpleasant aromas etc.
- emphasised that receipt of the £7m capital funding from the WG was entirely dependent upon the Council adopting the WG's preferred waste and recycling model with a view to achieving its ambitious recycling and landfill targets. The Council had resisted until now to change its system, but the capital funding available would support the costs, although not wholly meet them, associated with remodelling the waste and recycling depots to operate the new model. In-depth costings relating to the redevelopment and operational costs of the depots (or working in partnership with neighbouring authorities) had not yet been undertaken as member support for the proposed new model was required first before progressing to a costings exercise. If both Scrutiny and Cabinet were supportive of the proposals detailed costings would be drawn-up. A meeting was scheduled to take place between WG and Council representatives to discuss capital funding ahead of the proposal being presented to Cabinet in December 2018
- advised that the proposed new model had a number of benefits associated with it in addition to attracting a substantial amount of capital funding monies. It would improve the county's recycling rates, extend the types of recycling available to residents, reduce the financial risk to the Council of being liable for excess landfill charges and penalties, support the work of a local social

enterprise and boost the local economy through the creation of approximately 18 new posts. It would also see current operatives re-train or be equipped with new skills in order to deliver the new service. Service staff were aware of the proposals

- advised that the provision of community recycling facilities generally generated very low quality recycling due to the level of contamination that was found in the containers when emptied
- confirmed that the UK Government was currently considering benefits of a deposit and return scheme
- advised that WG had recently announced funding for a national behavioural change programme with a view to encouraging compliance with local authority waste and recycling collection services. Waste minimisation campaigns were already well developed and available for local authority's to use and localise. One example of this type of behavioural change initiative was the Love Food, Hate Waste project. WRAP Cymru was currently working closely with a number of local authorities to look at waste minimisation
- acknowledged that supermarkets etc. did use a lot of packaging, particularly in relation to perishable food. However it was not within the Council's gift to change their working practices. Pressure would need to be exerted nationally and internally for such practices to change. WRAP was involved in working with supermarkets strategically on a national level with a view to reducing unnecessary packaging. Local authorities responsibilities lay with disposing of the waste products from households or retail/business premises
- confirmed that under the draft Waste and Recycling Policy to support the proposed service change, there would be a charge for providing and delivering a new residual waste bin to an address which currently did not have one, or to a new property. However, the householder would be given a free larger residual bin on request as a result of the proposed service change and would be granted a trial period to enable them to decide whether they required the bin in the long-term. Therefore the charge would not come into force until sometime after the service change had been introduced
- advised that all blue bins and smaller black bins which became redundant would be collected and recycled if the householder did not want to keep them
- confirmed that at present the Service did not have any input into the planning and/or building control application process in relation to waste storage space provision for new-build homes or refurbished properties. Nevertheless this was an aspect that officers wished to pursue with colleagues in the Planning and Public Protection Service as they were of the view that 'conditions' included as part of the planning permission process had the potential to protect and improve the local environment, and
- confirmed that the present opt-in chargeable garden waste collection service would remain unchanged if the new model was approved as the chargeable service complied with the Government's Waste Collection Blueprint.

Members queried whether 'black' plastic waste could not be recycled, as agricultural waste such as black silo wrap was collected by private contractors from farms and recycled for use in the production of benches, fencing posts, animal shelters etc. They commended the use made of the recycled food waste by BioGen in the county for generating electricity, with the by-product being spread on agricultural land as fertiliser. The importance of having an effective

communications strategy in place during the planning and implementation stages for the project were stressed, with regular clear communications being issued to residents and all available communication platforms being utilised for this purpose, including educating the county's pupils on the system being introduced so that they may persuade family members to comply with its requirements. A leaflet was due to be circulated to all households before Christmas to promote the benefits of food waste recycling.

The Lead Member emphasised that the proposed new waste and recycling model had the potential to be a game-changer for residents, the Council and the environment. A Communications Plan Framework had already been developed in anticipation of member approval to proceed with further work in relation to the project. The Lead Member had personally agreed to pilot the scheme and he invited Committee members to join in the pilot if they wished.

At the conclusion of the discussion the Committee suggested that it may be useful for residents, if the proposed model was to be implemented, if a video could be produced illustrating the journey taken by recyclable material as this would potentially draw the importance of recycling waste to each individual's attention and highlight to them the important role they had in the process. The Committee –

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

- (a) confirm that it had read, understood and taken account of the Well-being Impact Assessment (Appendix II to the report) as part of its consideration;
- (b) note that the current projected revenue savings of £807,000 (as per Section 6.2 of the report) achievable from implementation of the proposed Waste and Recycling Service design, were higher than any other option modelled;
- (c) note the social benefits (outlined in Appendix III [2] of the report) and financial implications (as per Section 6.3 of the report) of utilising the third sector for the collection of textiles and Waste Electrical and Electronic Equipment (WEEE), and recommend the continuation and expansion of an arrangement with a Denbighshire based Social Enterprise for the collection, re-use and recycling of these materials;
- (d) endorse the proposed new Waste and Recycling Service design as outlined in Appendix I [A] to the report to implement the preferred Welsh Government Blueprint for Waste Collections and to align recycling collection infrastructure with the other five North Wales Authorities;
- (e) note that the draft Household Waste Collection Policy (Appendix I [B] to the report) was designed to support the implementation and regulation of the proposed service in order that revenue savings and environmental targets were met;
- (f) note that Welsh Government had confirmed capital funding support of £4m in 2019/20 and a further £3m for 2020/21 for the implementation of a kerbside sort operation, and request that the Head of Highways and Environment

*continues to work with Welsh Government and WRAP to secure all additional capital funds necessary to implement the new Waste and Recycling Service;*

- (g) request that the Head of Highways and Environment takes a report to Cabinet at the earliest opportunity (subject to resolution (f) above being achieved) to recommend the implementation of the new Waste and Recycling Service outlined in Appendix I to the report, and*
- (h) request that a further report containing detailed information on the proposed new Waste and Recycling Service, including information on service design, depot reconfiguration requirements, indicative costings, availability of funding, and details of the proposed communication strategy be presented to the Committee at its meeting in May 2019.*

At this juncture (12.05 p.m.) the meeting adjourned for a refreshment break.

## **6 TOURISM PROGRESS REPORT**

In the absence of the Leader the Tourism Leader: Tourism, Marketing and Events introduced the report (previously circulated) detailing the progress achieved in relation to various tourism initiatives and their contribution towards delivering the Council's overall ambition in relation to economic development.

During his introduction the Tourism Leader drew attention to the success of the North East Wales and North Wales Tourism Partnerships and the latter's achievement in being awarded £140k Welsh Government funding for the purpose of promoting the area's winter tourism offer, which would support the vision of marketing the area as an all-year round tourist destination. The aim of this was to increase the number of tourists visiting the area, but in doing so realising sustainable all-year round economic benefit rather than mass seasonal tourism which benefited the economy for a limited period of time.

In response to members' questions the Corporate Director: Economy and Public Realm and the Tourism Leader advised that –

- the Council's Tourism, Marketing and Events staff were willing to work closely with local tourism and events groups when they arranged events in their local areas. With a view to simplifying the process and achieving maximum promotional coverage for local events the Events Notification process had been simplified. The Events Notification form had now been reduced in size to two sides of A4. Upon receipt of a completed form it would be shared with all services and officers who would need to be notified of the event. In addition the proposed date for the event would be checked against other known events being held that day and if it was felt that the event would be impacted by other events in the local area the organisers would be notified. This did not necessarily mean that the date would have to change it was just a mechanism in place to raise awareness and help support the success of all local events
- as part of the work to deliver the 'Connected Communities' corporate priority a report was scheduled to be presented to the 'Communities and Environment

Board” at its October meeting on how infrastructure in the county could be improved to support the holding of different types of community and tourist focused events

- there would always be a need for additional visitor overnight accommodation in Denbighshire. The central part of the county seemed to have a limited number of overnight accommodation for tourists. South Denbighshire was well served by hotels and guest houses, whilst the north of the county had a large number of touring and static caravan sites. Nevertheless, Denbighshire did have a considerable number of quality self-catering accommodation, many of which were 5\* rated
- Visit Wales had funding available for holiday accommodation businesses who aspired to be awarded 4\* or 5\* ratings to help them achieve this goal
- social media coverage had definitely increased the number of potential visitors accessing information on the local area in recent years, this was illustrated in the various appendices attached to the report, including Appendix 13 which included the Scarborough Tourism Economic Activity Monitor (STEAM) information. STEAM measured the impact of both day and staying tourists on the local economy
- social media was used to raise the area’s profile and what was on offer in Denbighshire for tourists, but it was only one of a number of profile raising platforms used for this purpose. The number of social media ‘hits’ seemed to peak when specific awareness raising campaigns were undertaken
- work was underway to reduce the number of social media platforms currently used by the Council’s Tourism, Marketing and Events Service to promote the local offer, with a view to delivering more focused marketing material and information
- the ‘Blogs’ to which links were included in the appendices were written by independent individuals. These individuals were funded by Visit Wales to produce the ‘Blogs’, and whilst some of their narratives may be subject to editing for factual correctness, every effort was made to ensure that the individual ‘blogger’s’ personality and style was clearly visible in their ‘Blogs’
- that all public information produced by the Council and its public partners were published bilingually
- the Council had not closed any of its Tourist Information Points (TIPs), there were a number of these unmanned facilities across the county in public buildings, e.g. libraries and recently one had been opened at the Rhug Estate, Corwen. Discussions were currently underway with the operators of the new Premier Inn in Rhyl to explore the possibility of locating a TIP there. The Council currently operated two Tourist Information Centres (TICs) one in Rhyl and the other in Llangollen
- there were no plans at present to reduce the level of service provided at the county’s TICs. TICs could also generate income through bookings and the sale of books etc. Information on the number of visits to TICs on an annual basis would be provided to members
- local businesses already worked collaboratively with TICs in relation to bookings, goods and activity packages etc. whilst accommodation providers which were part of a chain tended not to regularly interact with TIC booking services. There would always be room and opportunities to improve the services on offer

- the county's TICs and TIPs held a wealth of knowledge on local points of interest and history. Library Service staff in particular were well versed on their local areas and were an invaluable asset for sharing knowledge with visitors to help them maximise and enjoy their experience of visiting the area
- there was no evidence that local accommodation businesses were raising their prices when 'special' large events were held in the county. However, as they were independent businesses they were permitted to lower and raise their prices as they so wished, private businesses were guided by market forces in this respect
- some considerable amount of funding for tourism projects did come from the European Union. Consequently Visit Wales was at present seeking assurances from both UK and Welsh Governments on future funding following the UK's departure from the European Union. Future funding for tourism, similar to a number of other areas, was unknown at present
- the all-year round visitor experience in Denbighshire and the neighbouring areas would target both day visitors from nearby cities such as Liverpool and Manchester as well as individuals and groups who wanted to spend quiet weekends in the area, or experience outdoor activity weekends away. A mixture of both low and high spend visitor experiences, and
- North Wales was now beginning to develop its own tourist identity, similar to the Lake District. The winter tourism project was the first time that the entire region had worked together on a specific single project, therefore this project was being regarded as a potential 'blueprint' for the future.

Following detailed discussion the Committee –

**RESOLVED** that subject to the above observations and the provision of the requested additional information, to receive the data and information provided in the report and associated appendices.

## 7 SCRUTINY WORK PROGRAMME

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

Discussion focused on the following –

- the item on the work programme for the Committee's next meeting relating to Planning Enforcement was re-affirmed and it was agreed to invite the relevant Lead Cabinet Member to that meeting; members also noted the potential for items to be added to the agenda for that meeting following the Scrutiny Chairs and Vice-Chairs' Group meeting that afternoon
- the report on progression of the proposed new Waste and Recycling Service Design requested by the Committee earlier on the agenda would be programmed for May
- highlighted issues arising from the Llantysilio Mountain Fire to be considered by the Scrutiny Chairs and Vice-Chairs' Group that afternoon for allocation to scrutiny as appropriate and confirmed that feedback from the forthcoming multi-agency meeting would be shared with members

- Councillor Meirick Davies raised the issue of resources in Building Control and was advised that the matter should be raised in the Service Challenge in the first instance (the Committee's representative on that Service Challenge was Councillor Huw Williams). He was also advised to complete a Member Proposal Form if he wished for the matter to be considered for scrutiny.

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

## **8 FEEDBACK FROM COMMITTEE REPRESENTATIVES**

The Scrutiny Coordinator drew the Committee's attention to the notes of the Business Improvement and Modernisation Service Challenge on 2 October 2018 which had been previously circulated as part of the Committee's Information Brief.

Councillor Glenn Swingler reported that he had recently attended a lines of enquiry meeting with regard to the Customers, Communication and Marketing Service in order to formulate questions for the Service Challenge meeting which would be held November/December. The Corporate Director Economy and Public Realm confirmed the process for member feedback to the Committee following the subsequent Service Challenge meeting and also highlighted the importance of members familiarising themselves with the work of the two Corporate Programme Boards and encouraged them to complete the appropriate member proposal form for scrutiny if they considered there to be any issues which would benefit from further scrutiny.

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

The meeting concluded at 1.15 p.m.



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|-------------------------------|---|
| <b>Report to:</b>             | <b>Communities Scrutiny Committee</b>   |
| <b>Date of Meeting:</b>       | <b>13<sup>th</sup> December 2018</b>  |
| <b>Lead Member / Officer:</b> | <b>Lead Member for Education, Children and Young People/Head of Education and Children's Services</b> |
| <b>Report Author:</b>         | <b>Strategy and Development Officer</b>   |
| <b>Title:</b>                 | <b>Early Education &amp; Flying Start Childcare Commissioning</b>                                     |

## 1. What is the report about?

Denbighshire County Council will shortly be seeking providers to deliver the childcare elements of both the Flying Start Programme and the Early Education Foundation Phase. Following a review of our arrangements for providing these services, we have decided that recommissioning them will be the best way to ensure quality services, parental choice, fair access to funding and value for money. We propose to conduct this commissioning process in early 2019.

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

- The childcare elements of the two programmes together represent a significant budgetary commitment.
- The services support the Corporate Priority for Young People.
- The report provides an opportunity for the committee to review the decisions around the recommissioning process and to examine a topic that affects residents and local businesses.

## 3. What are the Recommendations?

That the Committee comments on the contents of this report and supports the decision to recommission the childcare elements of Early Education and the Flying Start Programme through parallel formal processes.

## 4. Report details

- Early Education childcare (or Foundation Phase Nursery) is part of the statutory Foundation Phase curriculum for 3-7 year olds in Wales. This Welsh Government programme funds 10 hours of education per week for children in Denbighshire following their 3rd birthday, delivered in a childcare setting such as a playgroup, cylich or private day nursery. Settings follow the Foundation Phase pedagogy, framework and ethos. They are supported by a qualified teacher and are inspected by Estyn to regulate standards.
- Flying Start is a Welsh Government (WG) programme for families with children under 4 living in disadvantaged areas of Wales, including parts of Rhyl, Prestatyn and Denbigh. In Denbighshire, Flying Start is part of Early Help services alongside

the Families First programme. As well as childcare, Flying Start provides parenting programmes, support with speech & language and an intensive health visiting service. Flying Start funds childcare for children from the term after their 2<sup>nd</sup> birthday until the term after their third birthday, for 2.5 hours per day, 5 days a week, 39 weeks a year. Childcare settings receive support from the Flying Start Advisory Teacher and Teaching Assistants.

- We've reviewed funding mechanisms for Flying Start and Early Education childcare services, considering current arrangements, Welsh Government guidance and the Council's Corporate Priorities. Going forward, we've decided to recommission these services to ensure:
  - Quality care services for children
  - Choice for parents and families
  - Open and fair access to funding
  - Value for money
- Foundation Phase guidance requires local authorities to look at the way we commission Early Education childcare in order to maximise value for children and ensure a choice of settings to suit parents' circumstances and needs.
- Flying Start Financial Management Guidance advises local authorities to follow our local procedures when funding services, taking reasonable steps to ensure the best value for money attainable from Flying Start funding.
- Flying Start childcare services were previously tendered in 2013 and Early Education childcare provision has not previously been formally commissioned. We consider that recommissioning these services is the best way to demonstrate appropriate governance and ensure value for money.
- A joint approach has been agreed between Flying Start & Early Education. All childcare services will be recommissioned through two separate but parallel processes, sharing and aligning documentation and approaches as far as possible.
- Current contracts for both programmes will end in August 2019. Flying Start contracts end in March 2019 and will be extended. Early Education providers have rolling contracts which will be formally terminated.
- Flying Start and Early Education Childcare services will be recommissioned in 2019.
- New agreements will be in place to start in September 2019. This will align with the school year to minimise potential disruption for children in case of a change of provider.

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

- 5.1 The Flying Start and Early Education programmes contribute to ensuring that Denbighshire is a place where young people flourish. The childcare services funded, structured and monitored through these programmes support excellent education provision, laying the foundations for developing life skills, supporting a positive transition into primary school and promoting physical and emotional well-being from an early age to prevent problems occurring later in life. At the same time, funded childcare supports parents to access employment opportunities, including in the most disadvantaged parts of the county.

5.2 By ensuring high quality childcare services, increased parental choice, improved access to funding and best value for money, the recommissioning of these services will support the delivery of our commitments to deliver support for parents to give their children the best start in life, to grow into independent and fulfilled adults. The recommissioning process supports our pledge to work with our partners, schools and businesses to make this happen.

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

- The value of funding aggregated over 4 years is £1,987,128 for Flying Start & £1,411,500 for Early Education.
- Staff and resources to develop and run the recommissioning process have been allocated from within the Early Years & Primary and Flying Start Education teams. This has had some impact on routine day-to-day operation. Service staff are supported by the Procurement Business Partner (Social Care) and the ECS Strategy & Development Officer.
- No additional resources are required to support the operation of the childcare services following the conclusion of new arrangements.

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

We will conclude a full Wellbeing Impact Assessment of this commissioning process once we have received and begun evaluating submissions from providers. This will give a clear, practical indication of the scale and nature of any changes to the availability of Flying Start and Early Education childcare in Denbighshire.

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

We have held a series of Commissioning Events to inform and advise providers and other stakeholders, as well as making use of existing forums such as the Childcare Forum, Flying Start's Childcare Providers' Meeting and Early Education's Setting Expectations Meeting.

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

The Chief Finance Officer has confirmed that this report does not require a statement.

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

The recommissioning process presents a medium operational and financial risk in that it may impact on the availability of funded childcare places if insufficient numbers of providers are successful in securing funding. There is a potentially high reputational risk to the Council should the above eventually transpire. These risks will be mitigated by extensive stakeholder engagement to consult & communicate effectively, and by running an effective recommissioning process to select and appoint appropriate childcare providers and to ensure capacity to meet requirements. This will ensure no Flying Start grant underspend is recoverable by WG.

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

Section 7.2.1 of the Council's Constitution states that the Council's Scrutiny Committee "will review or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions whether by the Cabinet or another part of the Council."

**Contact Officer:**

Strategy & Development Officer: Early Intervention, Prevention and Support Service  
Tel: 01824 712225

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|-----------------------------|--|
| <b>Report to:</b>           | <b>Communities Scrutiny Committee</b>  |
| <b>Date of Meeting:</b>     | <b>13 December 2018</b>  |
| <b>Lead Member/Officer:</b> | <b>Lead Member for Housing, Regulation and the Environment/<br/>Head of Planning and Public Protection</b> |
| <b>Report Authors:</b>      | <b>Development Manager and Planning Officer</b>  |
| <b>Title:</b>               | <b>Performance and Effectiveness of Planning Compliance</b>  |

## **1. What is the Report About?**

- 1.1 The purpose of the planning regime is to regulate the development and use of land in the public interest. It is important for local planning authorities (“LPAs”) to have an effective compliance function so that the integrity of the planning regime is safeguarded from development which would undermine it.<sup>1</sup> 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<sup>2</sup>, apply local and national planning policies to have the harmful effects of unauthorised development remedied.
- 1.2 The purpose of this report is to provide Members with an overview of how the Service’s planning compliance function operates, how it is performing, how performance indicators are evolving, and how the compliance function could meet future challenges and improve.

## **2. What is the reason for making the Report?**

This report will provide information to Members about the effectiveness and performance of the planning compliance function.

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

That the Committee considers the contents of the report and provides any comments and suggestions thereon.

## **4. Report details**

### **4.1 *How the planning compliance function operates***

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<sup>1</sup> Appendix 1 contains a case study which demonstrates how planning compliance can regulate development in the public interest.

<sup>2</sup> The procedures the compliance function must follow are set out in the Welsh Government’s *Development Management Manual* (2017), available via <https://gov.wales/topics/planning/policy/development-management-manual/development-management-manual-without-annexes/?lang=en>.

- 4.1.1 The execution of planning compliance powers can be a time- and resource-intensive process<sup>3</sup> which has limited potential to generate income for the Service. The Service has previously had to make budgetary savings as part of the Council's Freedoms and Flexibilities Process, resulting in a reduction in planning compliance officers. The one officer who now covers the entirety of the county handles around 240 reports of potential breaches of planning control (also referred to as 'complaints') each year.<sup>4</sup>
- 4.1.2 Cases are **prioritised** depending on the degree of **harm** being caused and are filtered through an on-line "complaint form". Accordingly, breaches which affect Listed Buildings, Conservation Areas, the Area of Outstanding Natural Beauty and protected trees will generally be afforded the highest priority. Similarly, breaches which conflict with the Council's Corporate Plan will usually be given precedence over other cases.
- 4.1.3 At present, the majority of resource is devoted to responding to reports of planning breaches. While this ensures that complainants' concerns are dealt with effectively, there is the possibility that some breaches go undetected.
- 4.1.4 The Service has recently created the post of a Planning Compliance Project Officer. This officer has been employed on a temporary, part-time basis to assist with the delivery of the Rhyl Town Centre Masterplan by proactively tackling the large number of existing breaches within the town. The long-standing issues of deprivation within Rhyl and the concerted regeneration efforts promoted by the Council have warranted the provision of this resource.
- 4.1.5 A given planning breach may also constitute a breach of a licence, building regulations, housing legislation and/or environmental health legislation. For example, an unsightly building—a planning issue—may also be dangerous—a building control issue. In these instances where there is a degree of overlap, planning compliance officers work alongside Service colleagues to lead or collaborate on the delivery of remedial action. If co-ordinated effectively, with an early identification of desired outcomes and the availability of legislative tools, this resource-pooling approach produces better results more efficiently. Consideration is therefore given to Service-wide approaches whenever a planning breach is reported.

## 4.2 *How the planning compliance function is performing*

- 4.2.1 Tables 2 and 3 in Appendix 2 demonstrate how the compliance function is performing across a number of indicators over a two-year period. The data shows the following:
- Throughout the period, the speed with which the Service investigates alleged breaches is good or fair by national standards. The percentage of cases investigated within 12 weeks has, however, moderately decreased

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<sup>3</sup> An overview of enforcement powers is provided within the Welsh Government's research briefing *The Planning Series: 07 – Enforcement* (2017), available at <http://www.assembly.wales/research%20documents/17-013%20the%20planning%20series%2007%20enforcement/17-013-web-english.pdf>.

<sup>4</sup> Five-year average taken from the years 2013 to 2017 inclusive.

over time. The Service's performance during the first quarter of 2018 (the most recent quarter for which data on other authorities' performance is available) put it 16<sup>th</sup> out of the 22 Welsh authorities;

- The performance in relation to fully resolving cases in a timely manner is less good, having moderately declined in recent quarters. This element of performance is no longer measured across Wales<sup>5</sup>;
- 49 enforcement notices were issued during the past two years. This is more than were issued by comparable authorities such as Wrexham County Borough, Ceredigion and Conwy County Borough Council;
- Of the 49 notices issued, 12 have not been complied with. Of these 12, nine have not then been followed up with further action to either penalise the contravener and/or ensure that the effect of the unauthorised works is remedied.<sup>6</sup> This compares poorly with other authorities; and
- Of the seven formal complaints (via the Corporate Complaints process) the Service received in regard to the compliance function, none were upheld.

4.2.2 While the consistency of the compliance function is not quantitatively measured, the Service acknowledges that Members have raised concerns about the function's capacity to take consistent decisions when, as happens now, breaches are chiefly investigated if and when they are reported. Potential solutions to this and other issues are explored in section 5 of this report.

### 4.3 *How performance indicators are evolving*

4.3.1 On the 17<sup>th</sup> October 2018 the Welsh Government ("WG") sent an open letter to chief planning officers to reiterate the importance of using enforcement powers in a timely way.<sup>7</sup> Notably, it is stated within Annex A to the letter that formal enforcement action is no longer to be viewed as a last resort. In order to encourage LPAs to adopt their favoured approach, WG has revised how their performance indicators are to be interpreted by LPAs—that is; what it means to have investigated a breach, and what it means to have taken further ("positive") action. The resolution of breaches is no longer fully monitored.

4.3.2 Before the 17<sup>th</sup> October, a case would have been deemed investigated when an officer had a) decided whether it was expedient to take further action, b) taken action accordingly (formal or informal), and c) updated the complainant. The action taken could have comprised an informal instruction to cease the breach or a request for a retrospective planning application. Now, a case may only be deemed investigated when a formal enforcement notice has been issued or when a valid planning application has been *received*, not requested. Given that notices and certainly applications can take a long time—often weeks—to prepare, the recent revisions could have ramifications for the

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<sup>5</sup> See Appendix 2 for further information.

<sup>6</sup> Typically this would involve the Service pursuing prosecution and/or, if practicable, carrying out the required remedial works 'in default'. This is the process by which the Council carries out the works required by an enforcement notice and then attaches a land charge to the property so that its financial outlay can be recovered upon the sale of the property.

<sup>7</sup> Available via <https://gov.wales/topics/planning/policy/dear-cpo-letters/timely-use-of-enforcement-powers/?lang=en>.

performance of the compliance function.

#### 4.4 *How the planning compliance function could meet challenges and improve*

4.4.1 Looking at sections 3 and 4 of this report, three main issues can be identified, as follows.

##### 4.4.2 *Responding to WG's reinterpretation of performance indicators by increasing the speed with which cases are processed.*

4.4.2.1 The speed with which the Service handles cases largely depends on:

- Staff resource;
- The number of cases;
- The complexity of cases, which can be exacerbated by investigative impediments or by the stakeholders involved—complainants who persistently insist on action or recalcitrant contraveners; and
- The effectiveness of the mechanisms used to process cases.

4.4.2.2 In response to recent years' reductions in staff resource, the Service has streamlined case-handling processes using a number of mechanisms. These are listed in Appendix 3. The Service can identify four further mechanisms, short of increasing staff resource, through which the speed of case processing could be increased yet more. These are:

- Digitalisation of casework. At present, both electronic and paper files are created for each case, the latter for use during on-site inspections. This leads to a duplication of work which could be eliminated by equipping compliance officers with portable tablet computers and a means of data connection—but this would come at a financial cost;
- Adoption of a planning compliance charter. This document would provide stakeholders with detailed information about how the compliance function operates, and thereby act as a useful tool to manage the expectations of complainants and contraveners<sup>8</sup>;
- Stricter insistence on the use of the 'report a breach of planning' form by all complainants (i.e. both elected Members and members of the public). The compliance charter could furthermore make it within the gift of officers to refuse to investigate a report unless it contains sufficient information and evidence, e.g. photographs, video, etc. This would remove investigative impediments and likely reduce the number of reports received by the Service; and
- Stronger collaboration with other Council departments and community councils, who, through their specialist or local knowledge, could assist with the investigation and monitoring of planning breaches.

##### 4.4.3 *The lack of resource and legal support to take cases to prosecution.*

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<sup>8</sup> Neath Port Talbot Council adopted a planning enforcement charter in January 2018. It can be viewed at <https://www.npt.gov.uk/media/8848/nptcbc-planning-enforcement-charter-approved-26118-v2.pdf>.



- 4.4.3.1 Both Members and complainants have expressed concern about the Service's lack of capacity to follow through on enforcement notices with further punitive action. At present, the task of compiling the statements and proofs of evidence which are necessary to pursue a prosecution falls upon planning compliance officers. This task can be exceptionally time-consuming and result in sizeable resource being diverted away from investigating and resolving other cases.
- 4.4.3.2 The issue is exacerbated by WG's overhaul of performance indicators, which has resulted in the resolution of cases no longer being fully monitored. Much greater emphasis is now given to the investigation phase, reducing the impetus for the Service to fully resolve compliance cases.
- 4.4.3.3 It is nonetheless very much in the public interest for compliance cases to be satisfactorily resolved. Moreover, pursuing planning compliance prosecutions can prove to be highly lucrative for local authorities, of whom many are now exploiting the Proceeds of Crime Act 2002 ("POCA") to obtain significant sums of money from offenders.<sup>9</sup> Regrettably, it is currently unlikely that the Service in Denbighshire could pursue action under the provisions of POCA, given the lack of dedicated staff resource in both the Planning and Legal departments. Similarly, the prospects of bringing more cases to prosecution generally are largely reliant on reprioritisation of workloads and better collaboration between Planning and Legal.

#### 4.4.4 *The need for greater consistency.*

- 4.4.4.1 As stated previously, the kind of proactive monitoring work which would deliver significant improvements to the consistency of the planning compliance function cannot be carried out at present resource levels. In the current context, the compliance function operates most efficiently and consistently when local stakeholders 'help us help them' by taking an active role in reporting unauthorised developments to the Service. Members may therefore wish to consider how they, community councils or other local organisations could assist the planning compliance function to become more consistent.
- 4.4.4.2 Otherwise, the Service may have to consider guidance-led intervention. For example, consideration is being given to producing guidance on planning controls and good design which could then be disseminated to businesses within Conservation Areas. This work could be undertaken in partnership with others (e.g. Town Councils) in order to mitigate the impact on the compliance function's capacity to handle day-to-day caseloads. It is not known how effective additional guidance could be, not least because unauthorised development is presently occurring even though the Service has produced publicly-available supplementary planning guidance on Conservation Areas, Listed Buildings, residential design and shopfronts.

- 4.4.4.3 Beyond the above, potential solutions which would require additional

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<sup>9</sup> For further information see Huw Morris (2017), *No hiding place: Planners and the Proceeds of Crime Act*, available at <https://www.theplanner.co.uk/features/no-hiding-place-planners-and-the-proceeds-of-crime-act>.

resource may not be feasible at this point in time.

**5 How does the decision contribute to the corporate priorities?**

Please see Appendix 2, paragraph A2.3.

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

No additional resources required at this stage. No impact on other services.

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

Not applicable.

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

None to date.

**9 Chief Finance Officer Statement**

There are no direct financial implications as a result of the recommendations of this report

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

The risks are operational and have been identified in the preceding report.

**11 Power to make the decision**

The planning compliance function is exercised in accordance with the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 and other ancillary legislation.

Section 7.4.2(b) outlines Scrutiny's powers with respect of scrutinising the Council's performance in relation to policy objectives, performance targets and/or particular service areas.

**Contact Officer:**

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## Appendix 1: Case study: Remedial works carried out as a consequence of enforcement action at Higgleddy Piggledy, Abbey Road, Llangollen

A1.1 The photograph to the right was taken on the 3<sup>rd</sup> May 2018 after Llangollen Town Council raised concerns about the building with the Service. The building is a Listed Building in a prominent position within Llangollen Conservation Area. It was formerly a townhouse but has a commercial use now.

A1.2 Upon inspection it was apparent that the building had been adorned with unauthorised plastic signage and a satellite dish. It had also been badly neglected, with render and paint peeling off its walls and panes missing from its windows.

A1.3 After several months of informal negotiation, it became apparent that this approach was not going to secure remedial action. Accordingly, the Service proceeded with enforcement action on the 18<sup>th</sup> August 2018. The owner of the premises was issued with enforcement notices requiring them to carry out the following works within four months:

- (i) Remove the three signs;
- (ii) Remove the satellite dish and associated equipment; and
- (iii) Carry out the following works to the front (south) elevation of the building:
  - a. Dispose of any redundant technological apparatus and cabling;
  - b. Repair the render where blown or added and thereafter repaint the walls in a colour to match the existing;
  - c. Repair the second-floor window by replacing any broken window panes;
  - d. Repaint, in a colour to match the existing, the second-floor window sill and the first- and second-floor window frames;
  - e. Where damaged, repair and repaint, in a colour to match the existing, the bay feature to the ground and first floors; and
  - f. Repaint, in the colour black, the porch roof.



A1.4 A site inspection on the 7<sup>th</sup> November 2018 revealed that the required works had been carried out in full, as illustrated in the photograph to the right. The owner decided to sell the premises so that someone new could be responsible for its custodianship.

A1.5 So as not to unreasonably impede the reoccupation of the building as a business premises, the Service has advised the owner of the premises that new signage would be acceptable on the building so long as its design conserves or enhances the special character of the building and the surrounding Conservation Area.



## Appendix 2: The performance of the planning compliance function from Q3 of 2016-17 to Q2 of 2018-19

- A2.1 The performance of the compliance function is measured by both Welsh Government and internally by the Service. In June 2017 the Welsh Government took the decision to overhaul the performance indicators it uses so as to improve their efficacy; the previous indicators were too readily affected by the recalcitrance (or otherwise) of contraveners. Given that it measures an element of performance which is largely within authorities' control, one indicator from the previous regime—the percentage of cases investigated within 12 weeks—has been carried over and continues to be monitored. The remainder of new indicators have been brought in only recently and then further refined in October 2018.<sup>1</sup> As a consequence of this, there is currently little value in making use of them to assess performance.
- A2.2 Given the above, performance is assessed primarily through the Service's own indicators for the purpose of this report—see Table 2, overleaf. In addition to the indicators shown in Table 2, the Service has introduced further performance indicators relating to the recently adopted Corporate Plan, specifically devised to assist with the implementation of the 'Environment' and 'Housing' corporate priorities.
- A2.3 The indicators the Service uses to monitor the compliance function's contribution to the delivery of the Corporate Plan are illustrated in Table 1, below. For the most part these indicators have not been in place for long enough to allow meaningful conclusions to be drawn, hence their exclusion from Table 2.

Table 1: The performance of the planning compliance function from Q3 of 2016-17 to Q2 of 2018-19

| Action  | Objective  | Measurable target  |
|---|--|--|
| Bring empty homes back into use.                | Contribute to achieving the target, expressed in the Empty Homes Delivery Plan, of bringing 500 empty homes back into use.                                     | In 100% of compliance cases pertaining to empty homes; unless the homeowner is untraceable, implement 'positive action'.   |
| Secure commuted sums.                           | Contribute to corporate priorities on housing and communities by securing the payment of commuted sums which are required by planning conditions.              | In 100% of cases where a breach has been identified; secure the payment of the commuted sum(s) or submit instructions to prosecute within 180 days of a breach being identified, unless the original applicant is untraceable. |
| Tackle the County's most harmful eyesore sites. | Contribute to the function of the eyesore sites group to remedy the visual harm being caused by identified problem sites.                                      | In 80% of cases; remedy the visual harm being caused by eyesore sites within the five-year project cycle.  |
| Tackle untidy land.                             | Contribute to the attractiveness of the local environment, as per the priority expressed in the Corporate Plan, by prioritising reported cases of untidy land. | In 80% of cases; remedy the visual harm being caused by the untidy land within 180 days.   |

- A2.4 Table 3, below, shows how Denbighshire's planning compliance function compares to those of a number of other authorities. The table shows certain data which are not collected by Welsh Government, so other authorities' presence within the table was dependent on their response to a request from Denbighshire for the relevant statistics.

<sup>1</sup> See <https://gov.wales/topics/planning/policy/dear-cpo-letters/timely-use-of-enforcement-powers/?lang=en> for further information.

Table 2: The performance of the planning compliance function from Q3 of 2016-17 to Q2 of 2018-19

| Period   | 2016-17 |     | 2017-18 |      |      |     | 2018-19 |     |
|--|---------|-----|---------|------|------|-----|---------|-----|
|  | Q3      | Q4  | Q1      | Q2   | Q3   | Q4  | Q1      | Q2  |
| <b>Caseload</b>  |         |     |         |      |      |     |         |     |
| Reports of alleged breaches received                                   | 46      | 55  | 49      | 52   | 33   | 35  | 40      | 49  |
| <b>Investigation</b>   |         |     |         |      |      |     |         |     |
| Average time taken to investigate cases (weeks)                        | 2.9     | 8.1 | 8.1     | 10.9 | 11.0 | 6.0 | 11.3    | 8.3 |
| Percentage of cases investigated within 12 weeks <sup>2</sup>          | 96      | 91  | 96      | 92   | 87   | 82  | 81      | 77  |
| <b>Formal enforcement action</b>                                       |         |     |         |      |      |     |         |     |
| Enforcement notices issued   | 2       | 4   | 5       | 10   | 5    | 4   | 7       | 12  |
| Appeals made   | 0       | 1   | 1       | 0    | 0    | 0   | 0       | 2   |
| Appeals upheld   | 0       | 0   | 0       | 0    | 0    | 0   | 0       | 0   |
| Enforcement notices not complied with                                  | 1       | 1   | 1       | 3    | 3    | 2   | 1       | 0   |
| Cases taken to prosecution for non-compliance                          | 0       | 1   | 0       | 0    | 1    | 0   | 0       | 0   |
| Cases resolved by the Council carrying out works in default            | 0       | 0   | 1       | 0    | 0    | 0   | 0       | 0   |
| Enforcement notices not complied with and not followed up <sup>3</sup> | 1       | 0   | 0       | 3    | 2    | 2   | 1       | 0   |
| <b>Cases resolved</b>  |         |     |         |      |      |     |         |     |
| Percentage of cases resolved in 180 days                               | 74      | 70  | 87      | 73   | 88   | 56  | 59      | 63  |
| Percentage of 'untidy land' cases resolved in 180 days                 | 50      | 55  | 83      | 64   | 100  | 75  | 75      | 71  |
| <b>Formal complaints</b>   |         |     |         |      |      |     |         |     |
| Formal complaints about the compliance function received               | 0       | 0   | 2       | 1    | 2    | 1   | 1       | 0   |
| Formal complaints upheld   | 0       | 0   | 0       | 0    | 0    | 0   | 0       | 0   |

Performance key:

|                                       |                      |
|---------------------------------------|----------------------|
| <span style="color: green;">■</span>  | Good                 |
| <span style="color: orange;">■</span> | Fair                 |
| <span style="color: red;">■</span>    | Improvement required |
| <span style="color: grey;">■</span>   | Not applicable       |

<sup>2</sup> The Welsh Government measures this performance indicator across all Welsh authorities According to the Welsh Government's most recent Performance Framework, available at <https://gov.wales/topics/planning/planningstats/performance-framework/january-to-march-2018/?lang=en>, Denbighshire places 16<sup>th</sup> out of the 22 authorities.

<sup>3</sup> Not followed up either with prosecution or through carrying out works in default.

Table 3: The performance of the planning compliance function from Q3 of 2016-17 to Q2 of 2018-19 benchmarked against other authorities in Wales

| Period   | 2016-17                        |     | 2017-18 |    |     |    | 2018-19 |    |
|--|--------------------------------|-----|---------|----|-----|----|---------|----|
|  | Q3                             | Q4  | Q1      | Q2 | Q3  | Q4 | Q1      | Q2 |
| <b>Caseload per officer</b>                                      |                                |     |         |    |     |    |         |    |
| Ceredigion   | 247 (493 ÷ 2)                  |     |         |    |     |    |         |    |
| Conwy  | 167 (628 ÷ 3.75 <sup>4</sup> ) |     |         |    |     |    |         |    |
| Denbighshire   | 359 (359 ÷ 1)                  |     |         |    |     |    |         |    |
| Wrexham  | 504 (1008 ÷ 2)                 |     |         |    |     |    |         |    |
| <b>Percentage of cases investigated within 12 weeks</b>          |                                |     |         |    |     |    |         |    |
| Ceredigion   | 91                             | 94  | 97      | 98 | 98  | 97 | —       | —  |
| Conwy  | 98                             | 98  | 98      | 99 | 100 | 97 | —       | —  |
| Denbighshire   | 96                             | 91  | 96      | 92 | 87  | 82 | 81      | 77 |
| Wrexham  | 100                            | 100 | 96      | 92 | 77  | 70 | —       | —  |
| Wales average  | 83                             | 85  | 86      | 85 | 84  | 80 | —       | —  |
| <b>Enforcement notices issued</b>                                |                                |     |         |    |     |    |         |    |
| Ceredigion   | 18                             |     |         |    |     |    |         |    |
| Conwy  | 6                              |     |         |    |     |    |         |    |
| Denbighshire   | 49                             |     |         |    |     |    |         |    |
| Wrexham  | 25                             |     |         |    |     |    |         |    |
| <b>Enforcement notices not complied with and not followed up</b> |                                |     |         |    |     |    |         |    |
| Ceredigion   | 4                              |     |         |    |     |    |         |    |
| Conwy  | 2                              |     |         |    |     |    |         |    |
| Denbighshire   | 9                              |     |         |    |     |    |         |    |
| Wrexham  | 2                              |     |         |    |     |    |         |    |

Performance key:

|   |
|---|
| <span style="display:inline-block; width:15px; height:10px; background-color: #92d050; border: 1px solid black;"></span> Good                 |
| <span style="display:inline-block; width:15px; height:10px; background-color: #f1c232; border: 1px solid black;"></span> Fair                 |
| <span style="display:inline-block; width:15px; height:10px; background-color: #e377c2; border: 1px solid black;"></span> Improvement required |
| <span style="display:inline-block; width:15px; height:10px; background-color: #cccccc; border: 1px solid black;"></span> Not applicable       |

<sup>4</sup> Conwy had four officers up until Q1 of 2018-19, and now has three.

**Appendix 3: Mechanisms employed to streamline case-handling processes**

A3.1 The Service has responded to recent years' reductions in staff resource by streamlining case-handling processes, as follows:

- Introducing the 'report a breach of planning' form.<sup>1</sup> This encourages complainants to provide the breadth of local knowledge needed for a swift and effective investigation. It also filters out complaints which are unrelated to planning or trivial, reducing caseload;
- Refusing anonymous complaints. This reduces caseload but also allows officers to confer with complainants to gain an understanding about breaches and get updates on the progress of remedial action—thus reducing the need for time-consuming site visits;
- Managing complainants' expectations—for example, by providing information about procedures and timeframes at the acknowledgement stage;
- Overhauling the standard letters which are sent to contraveners to make them less adversarial in tone;
- Cutting down on informal negotiation prior to proceeding with enforcement;
- Making use of new powers such as that to issue Enforcement Warning Notices;
- Overhauling back-office systems to enable faster generation of written communications; and
- Amending the scheme of delegation to allow officers to issue formal notices without first having to report to the planning committee.

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<sup>1</sup> Available in hard copy and online via <https://www.denbighshire.gov.uk/en/resident/planning-and-building-regulations/planning/report-a-planning-breach-online.aspx>.



|                         |                                       |
|-------------------------|---------------------------------------|
| <b>Report to:</b>       | <b>Communities Scrutiny Committee</b> |
| <b>Date of Meeting:</b> | <b>13 December 2018</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>        |

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## **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.

#### Cabinet Forward Work Programme

- 4.8 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

- 4.9 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 October 2018. At that meeting it requested this Committee to review the 'Street Naming and Numbering Policy' and to examine the multi-agency response to the fire on Llantysilio Mountain during the summer and the incident's impact on the local area. The review of the Street Naming and Numbering Policy has been included on the work programme for the Committee's meeting on 24 January 2019, whilst a special meeting has been scheduled for 21 February 2019 to examine matters relating to the mountain fire and its impact. That meeting will be held at the International Pavilion in Llangollen. The SCVCG's next meeting is scheduled for the afternoon of 13 December 2018.

## **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.

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## 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   |
|-------------|-----------------------------------|---|---|---|---|--|
| 24 Jan 2019 | <b>Cllr. Tony Thomas</b>          | 1. Caravan and Holiday Park Regulation Procedure                      | To assess the effectiveness of the county's regulation procedure in ensuring that caravan and holiday park planning and licensing conditions are complied with  | Ensuring that all regulatory stipulations are adhered to and that holiday caravan sites contribute towards the economic prosperity of the area and local residents are supported to live in homes that meet their needs | Emlyn Jones/Paul Mead                   | By SCVCG January 2018  |
|             | <b>Cllr. Huw Hilditch Roberts</b> | 2. Ysgol Rhewl and Ysgol Llanbedr Dyffryn Clwyd<br><b>[Education]</b> | An evaluation of the support provided to both schools and stakeholders during the period leading up to<br>(i) the closure of Ysgol Rhewl and the transfer of pupils to the new area school in Ruthin; and<br>(ii) the WG's Cabinet Secretary's announcement in relation to Ysgol Llanbedr D C's | To ensure that pupils and stakeholders are adequately supported by the education authority to ensure that the pupils are not disadvantaged, attain the desired outcomes and realise their potential                     | Karen Evans/Geraint Davies/James Curran | October 2017 (rescheduled September 2018 – Ysgol Rhewl until Jan 2019 & Ysgol Llanbedr until outcome of Ministerial decision is known) |

## Communities Scrutiny Committee Forward Work Plan

| Meeting   | Lead Member(s)              | Item (description / title) |                                    | Purpose of report  | Expected Outcomes   | Author  | Date Entered          |
|---|-----------------------------|----------------------------|------------------------------------|--|---|---|-----------------------|
|   |                             |                            |                                    | appeal and subsequent future arrangements for the education of its pupils  |   |   |                       |
|   | <b>Cllr. Richard Mainon</b> | 3.                         | Street Naming and Numbering Policy | To review the Council's Street Naming and Numbering policy   | To ensure that the policy is fit for purpose, is applied consistently across the county, and if appropriate to recommend amendments to the policy to strengthen it for the future   | Alan Smith  | By SCVCG October 2018 |
| 21 February<br>date tbc<br><br>Special Meeting to be held in Llangollen | <b>Cllr. Mark Young</b>     | 1.                         | <i>Llantysilio Mountain Fire</i>   | <i>To examine the multi-agency response to the mountain fire in the summer of 2018 and the fire's impact on the local area, environment and businesses</i> | <i>To ensure that the lessons learnt following the incident are used to improve multi-agency responses to similar emergencies in future and determine whether land management practices could be better utilised to mitigate against the spread of the fire/or isolate such incidents going forward</i> | <i>Neil Culff<br/>NWREP<br/>Graham Boase/Emlyn Jones/Tony Ward - Services and Multi-agency presentation/report<br/>(Police/FRS/NRW/local business reps/agricultural business reps/Countryside Services/Highway Service to be invited)</i> | By SCVCG October 2018 |
|   |                             |                            |                                    |  |   |   |                       |

## Communities Scrutiny Committee Forward Work Plan

| Meeting  | Lead Member(s)   | Item (description / title)                           | Purpose of report  | Expected Outcomes   | Author                    | Date Entered |
|----------|--|--|--|---|---------------------------|--------------|
| 14 March | <b>Cllr. Tony Thomas</b>   | 1. Seagull Management Update                         | To report on the progress made in developing and delivering the Seagull Management Action Plan and the associated Public Awareness Campaign  | An assessment of whether appropriate and proportionate actions are being taken to protect residents, businesses and visitors from the nuisance caused by gulls and whether the measures taken are effective and support the delivery of the Council's Corporate Plan                                | Emlyn Jones/Gareth Watson | March 2018   |
|          | <b>Cllr. Brian Jones</b>   | 2. Car Park Asset Management Plan                    | To detail the progress made to date with the delivery of the asset management plan and associated initiatives  | To realise the delivery of the plan, the investment programme in the county's car parks and the associated initiatives with a view to delivering the connected communities and environment priorities within the Council's corporate plan   | Emlyn Jones/Mike Jones    | March 2018   |
|          | <b>Cllr. Brian Jones</b><br><br><b>Reps from Dŵr Cymru Welsh Water &amp; NRW to be invited</b> | 3. Flood Management Responsibilities in Denbighshire | To present the conclusions of the joint study into whether improvements 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 | An assessment of whether the Council effectively fulfils its responsibilities in relation to flood management and mitigation and works effectively with partner organisations to reduce the risk of flooding and deliver the Environment and Resilient Communities priorities of the Corporate Plan | Tony Ward/Wayne Hope      | March 2018   |

## Communities Scrutiny Committee Forward Work Plan

| Meeting | Lead Member(s)                    | Item (description / title)  | Purpose of report   | Expected Outcomes  | Author                    | Date Entered |
|---------|-----------------------------------|---|---|--|---------------------------|--------------|
|         |                                   |   | management and flood mitigation   |  |                           |              |
| 9 May   | <b>Cllr. Julian Thompson-Hill</b> | 1. Universal Credit<br><br>(unless concerns merit it to be brought to Scrutiny earlier) | To detail:<br>(i) the impact of the introduction of Universal Credit (full service) on Council services and residents 12 months following roll-out to the majority of the county area;<br>(ii) the effectiveness of the measures taken by the Council and its partners with a view to mitigating the effects of its introduction on residents and Council services, including the lessons learnt; and | An understanding of the impact of UC on Council services and on residents during the early roll-out stages of the new benefits system in the county; an assessment of the effectiveness of measures taken to date in supporting services and residents to deal with the changes and proposed plans for dealing with the remainder of the rollout and the eventual migration of current benefit recipients onto the new UC in due course.<br><br>Scrutiny's consideration of the above matters will assist it to identify proposed ways to mitigate against the effects of UC adversely affecting the Council's aim of building resilient communities | Paul Barnes/Rachel Thomas | May 2018     |



## Communities Scrutiny Committee Forward Work Plan

| Meeting | Lead Member(s)           | Item (description / title) |  | Purpose of report  | Expected Outcomes  | Author                     | Date Entered |
|---------|--------------------------|----------------------------|--|--|--|----------------------------|--------------|
|         |                          |                            |  | (iii) the work underway to mitigate the impact on services and residents in readiness for the migration current benefit recipients on to UC in due course  |  |                            |              |
|         | <b>Cllr. Brian Jones</b> | 2.                         | <b>Proposed New Waste and Recycling Service Design</b> | 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       | October 2018 |
|         | <b>Leader</b>            | 3.                         | <b>Tourism Signage Strategy for Denbighshire</b>       | 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     |

## 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                            |  |                     |
| 4 July        |                                   |                            |   |  |  |  |                     |
| 5 Sept        |                                   |                            |   |  |  |  |                     |
| 24 Oct        | <b>Cllr. Huw Hilditch Roberts</b> | 1.                         | <i>Impact of the Ruthin Primary Education Area Review</i><br><br><b>[Education]</b> | <i>To consider the findings of the of the impact assessment (based on the WCFG Act principles and goals) undertaken following the conclusion, implementation of the decisions relating to the review</i> | <i>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</i> | <i>Karen Evans/Geraint Davies/James Curran</i> | <i>October 2017</i> |
| 12 Dec        |                                   |                            |   |  |  |  |                     |
| May/June 2020 | <b>Cllr. Huw Hilditch-Roberts</b> | 1.                         | Welsh Government's Free Childcare   | To assess the take-up and impact of the WG's free childcare offer in   | To evaluate whether the introduction of the free childcare offer has supported the delivery of the Council's corporate priorities relating   | Karen Evans/James Wood                         | September 2018      |

## Communities Scrutiny Committee Forward Work Plan

| Meeting | Lead Member(s) | Item (description / title) | Purpose of report                               | Expected Outcomes   | Author | Date Entered |
|---------|----------------|----------------------------|---|---|--------|--------------|
|         |                | Offer in Denbighshire      | the county since its introduction in April 2019 | to young people and resilient communities, supported the local economy and will enhance better outcomes for children and families |        |              |

**Future Issues**

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

**For future years**

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**Information/Consultation Reports**

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

**Note for officers – Committee Report Deadlines**

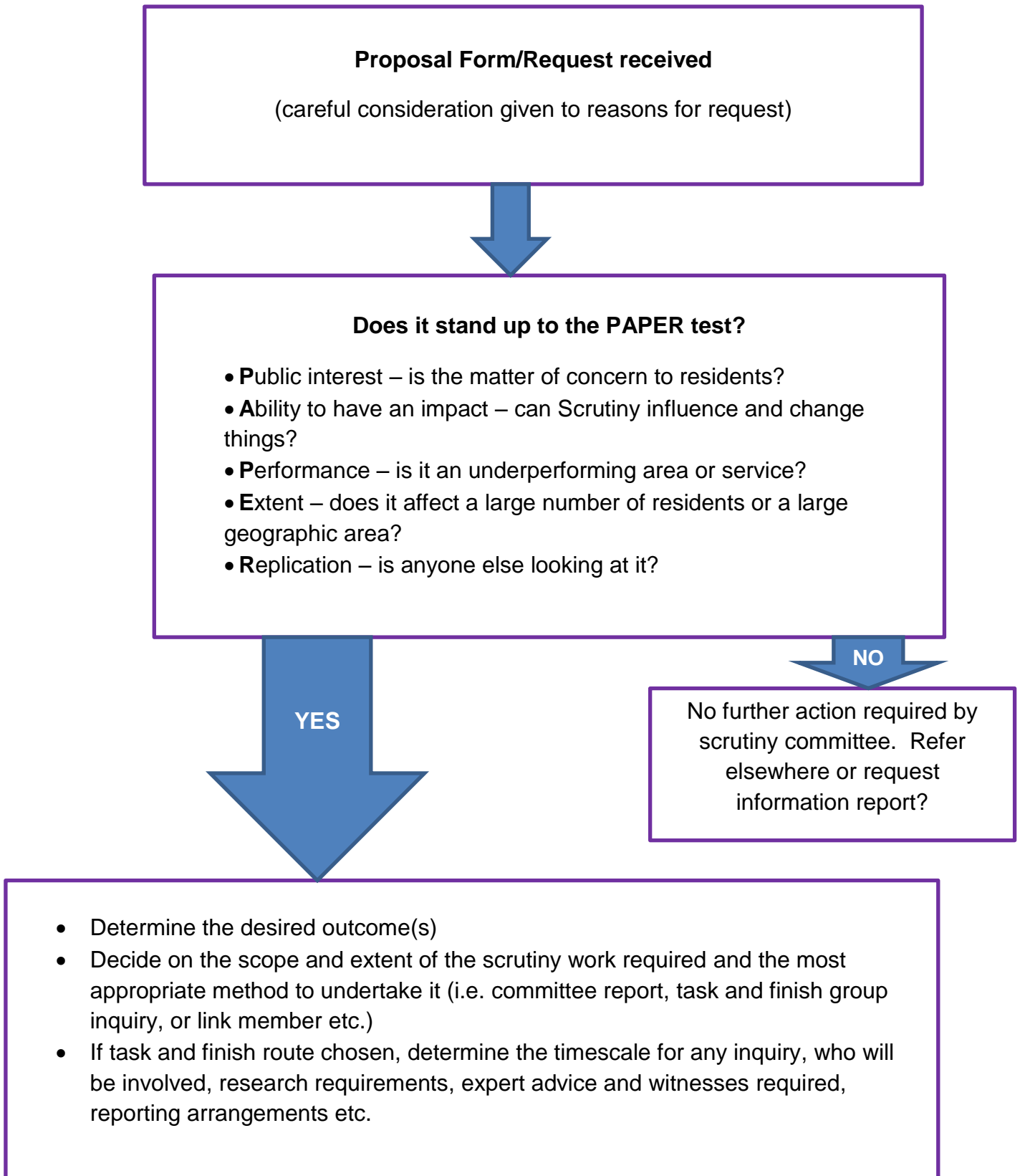
| Meeting         | Deadline               | Meeting     | Deadline          | Meeting  | Deadline           |
|-----------------|------------------------|-------------|-------------------|----------|--------------------|
|                 |                        |             |                   |          |                    |
| 24 January 2019 | <b>10 January 2019</b> | 21 February | <b>7 February</b> | 14 March | <b>28 February</b> |

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| <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

## Appendix 3

| Meeting       | Item (description / title) |  | Purpose of report   | Cabinet Decision required (yes/no) | Author – Lead member and contact officer                     |
|---------------|----------------------------|--|---|------------------------------------|--|
| <b>18 Dec</b> | 1                          | Denbighshire County Council Waste & Recycling Model                      | To seek approval to develop/implement a new model for waste and recycling service, subject to confirmation of funding from Welsh Government | Yes                                | Councillor Brian Jones / Tony Ward / Tara Dumas              |
|               | 2                          | Homelessness Prevention/Supporting People Commissioning Plan 2019-22     | To approve the Commissioning Plan prior to its submission to the Regional Collaborative Committee and Welsh Government in January 2019      | Yes                                | Councillor Bobby Feeley / Liana Duffy                        |
|               | 3                          | Sustainable Drainage Systems (SuDS) Approval Body (SAB)                  | To seek Cabinet approval for the establishment of a Sustainable Drainage Systems Approval Body  | Yes                                | Councillor Brian Jones / Wayne Hope                          |
|               | 4                          | North Wales Connectivity Strategy and Local Full Fibre Network Programme | To consider the roll-out of local full fibre networks   | Tbc                                | Councillors Hugh Evans and Richard Mainon / Stuart Whitfield |
|               | 5                          | Finance Report   | To update Cabinet on the current financial position of the Council  | Tbc                                | Councillor Julian Thompson-Hill / Richard Weigh              |

| Meeting            | Item (description / title) |  | Purpose of report   | Cabinet Decision required (yes/no) | Author – Lead member and contact officer                       |
|--------------------|----------------------------|--|---|------------------------------------|--|
|                    | 6                          | Items from Scrutiny Committees                                     | To consider any issues raised by Scrutiny for Cabinet’s attention   | Tbc                                | Scrutiny Coordinator   |
| <b>22 Jan 2019</b> | 1                          | Budget 2019/20 – Final Proposals                                   | To consider a report setting out the implications of the Local Government Settlement 2019/20 and proposals to finalise the budget for 2019/20.  | Tbc                                | Councillor Julian Thompson-Hill / Richard Weigh                |
|                    | 2                          | Recommendations of the Strategic Investment Group                  | To seek Cabinet’s support of projects identified for inclusion in the 2019/20 Capital Plan.   | Tbc                                | Councillor Julian Thompson-Hill / Richard Weigh                |
|                    | 3                          | Housing Rent Setting & Housing Revenue and Capital Budgets 2019/20 | To seek approval for the proposed annual rent increase for council housing and to approve the Housing Revenue Account Capital and Revenue Budgets for 2019/20 and Housing Stock Business Plan | Yes                                | Councillor Julian Thompson-Hill / Richard Weigh / Geoff Davies |
|                    | 4                          | Finance Report   | To update Cabinet on the current financial position of the Council  | Tbc                                | Councillor Julian Thompson-Hill / Richard Weigh                |



## Cabinet Forward Work Plan

## Appendix 3

| Meeting            | Item (description / title) |  | Purpose of report  | Cabinet Decision required (yes/no) | Author – Lead member and contact officer        |
|--------------------|----------------------------|--|--|------------------------------------|---|
|                    | 5                          | Items from Scrutiny Committees   | To consider any issues raised by Scrutiny for Cabinet's attention                                      | Tbc                                | Scrutiny Coordinator                            |
| <b>26 Feb 2019</b> | 1                          | Denbighshire's Replacement Local Development Plan – Draft Pre Deposit (preferred strategy) for consultation. | To consider a recommendation to Council.   | Tbc                                | Councillor Brian Jones / Angela Loftus          |
|                    | 2                          | Non-Domestic Rates (NDR) Write-Offs  | To seek Cabinet approval to write off irrecoverable NDR (Business rates) as detailed within the report | Yes                                | Councillor Julian Thompson-Hill / Richard Weigh |
|                    | 3                          | North Wales Construction Framework 2   | To appoint contractors for the project   | Yes                                | Councillor Julian Thompson-Hill / Tania Silva   |
|                    | 4                          | Finance Report   | To update Cabinet on the current financial position of the Council                                     | Tbc                                | Councillor Julian Thompson-Hill / Richard Weigh |
|                    | 5                          | Items from Scrutiny Committees   | To consider any issues raised by Scrutiny for Cabinet's attention                                      | Tbc                                | Scrutiny Coordinator                            |
| <b>26 Mar 2019</b> | 1                          | Finance Report   | To update Cabinet on the current financial position of the Council                                     | Tbc                                | Councillor Julian Thompson-Hill / Richard Weigh |

| Meeting            | Item (description / title) |   | Purpose of report  | Cabinet Decision required (yes/no) | Author – Lead member and contact officer             |
|--------------------|----------------------------|---|--|------------------------------------|--|
|                    | 2                          | Items from Scrutiny Committees                | To consider any issues raised by Scrutiny for Cabinet’s attention                            | Tbc                                | Scrutiny Coordinator                                 |
| <b>30 Apr 2019</b> | 1                          | Finance Report                                | To update Cabinet on the current financial position of the Council                           | Tbc                                | Councillor Julian Thompson-Hill / Richard Weigh      |
|                    | 2                          | Items from Scrutiny Committees                | To consider any issues raised by Scrutiny for Cabinet’s attention                            | Tbc                                | Scrutiny Coordinator                                 |
| <b>28 May 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                          | Finance Report                                | To update Cabinet on the current financial position of the Council                           | Tbc                                | Councillor Julian Thompson-Hill / Richard Weigh      |
|                    | 3                          | Items from Scrutiny Committees                | To consider any issues raised by Scrutiny for Cabinet’s attention                            | Tbc                                | Scrutiny Coordinator                                 |

Future Issues – date to be confirmed

| <i>Item (description/title)</i>       | <i>Purpose of report</i>  | <i>Cabinet Decision required (yes/no)</i> | <i>Author – Lead member and contact officer</i> |
|---------------------------------------|---|---|---|
| Rhyl Regeneration Programme re-launch | To support the future arrangements regarding the regeneration of Rhyl | Yes                                       | Councillor Hugh Evans / Graham Boase            |
|                                       |   |   |   |

*Note for officers – Cabinet Report Deadlines*

| <i>Meeting</i>  | <i>Deadline</i>   | <i>Meeting</i>  | <i>Deadline</i>   | <i>Meeting</i> | <i>Deadline</i>  |
|-----------------|-------------------|-----------------|-------------------|----------------|------------------|
|                 |                   |                 |                   |                |                  |
| <i>November</i> | <b>6 November</b> | <i>December</i> | <b>4 December</b> | <i>January</i> | <b>8 January</b> |

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## Progress with Committee Resolutions

| Date of Meeting | Item number and title  | Resolution   | Progress   |
|-----------------|--|--|--|
| 11 October 2018 | 3. Review of a Cabinet Decision Relating to Gypsy and Traveller Site Provision | <p><b>RESOLVED</b> that subject to the above observations to recommend to Cabinet that it:-</p> <p>(i) acknowledge Communities Scrutiny Committee's conclusions and recommendations following its review of the Cabinet decisions of the 25<sup>th</sup> September;</p> <p>(ii) revisit its decision of the 25<sup>th</sup> September 2018 in relation to the proposed location of the residential and transit Gypsy and Traveller Sites in Denbighshire in light of the additional information requested by Scrutiny; and</p> <p>(iii) in future, through the provision of information at Council Briefing sessions, ensures that all county councillors are extensively briefed on potentially controversial decisions which the Council or Cabinet are expected to take</p> | <p>The Committee's observations and recommendations were reported to Cabinet at its meeting on 15 October 2018.</p> <p>At its meeting on 15 October Cabinet considered the Committee's comments and observations and:</p> <p><b>"RESOLVED</b> that Cabinet –</p> <p>(a) acknowledges Communities Scrutiny Committee's conclusions and recommendations following its review of the Cabinet decisions of 25 September 2018;</p> <p>(b) having taken into account the recommendations from Communities Scrutiny Committee and the further information provided at the meeting confirms the decisions made on 25 September 2018 to –</p> |

|  |  |  |   |
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|  |  |  | <p><i>(i) approve undertaking pre-planning consultation and subsequent full planning applications (taking into consideration the outcomes of the pre-planning exercise) for the residential and transit Gypsy and Traveller sites on the Green-gates Farm East site in the locations indicated in Appendix 1 to the report, and</i></p> <p><i>(ii) approve the submission of funding bids to the Welsh Government in respect of proposals for residential and/or transit Gypsy Traveller sites subject to planning consent being granted in line with the programme outlined in paragraph 4.11 of the report.”</i></p> <p><i>(c) the Lead Member liaise with Local Members as to the most appropriate form and method of consultation with the local community during the pre-planning consultation, and</i></p> <p><i>(d) in all matters to come before Cabinet for a formal decision Lead Members do now and will in future consider the need to brief and engage the wider membership and the most appropriate</i></p> |
|--|--|--|---|

|                        |   |  |   |
|------------------------|---|--|---|
|                        |   |  | <i>and proportionate way to do this which could include Council Briefing, Scrutiny Committee, Member Area Groups or workshops/training events.”</i> |
| <b>25 October 2018</b> | <b>5. Proposed New Waste and Recycling Service Design</b> | <p><b>RESOLVED</b>, subject to the above observations, to –</p> <p>(a) <i>confirm that it had read, understood and taken account of the Well-being Impact Assessment (Appendix II to the report) as part of its consideration;</i></p> <p>(b) <i>note that the current projected revenue savings of £807,000 (as per Section 6.2 of the report) achievable from implementation of the proposed Waste and Recycling Service design, were higher than any other option modelled;</i></p> <p>(c) <i>note the social benefits (outlined in Appendix III [2] of the report) and financial implications (as per Section 6.3 of the report) of utilising the third sector for the collection of textiles and Waste Electrical</i></p> | Lead Member and officers advised of the Committee’s observations and recommendations.   |

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|  |  | <p><i>and Electronic Equipment (WEEE), and recommend the continuation and expansion of an arrangement with a Denbighshire based Social Enterprise for the collection, re-use and recycling of these materials;</i></p> <p><i>(d) endorse the proposed new Waste and Recycling Service design as outlined in Appendix I [A] to the report to implement the preferred Welsh Government Blueprint for Waste Collections and to align recycling collection infrastructure with the other five North Wales Authorities;</i></p> <p><i>(e) note that the draft Household Waste Collection Policy (Appendix I [B] to the report) was designed to support the implementation and regulation of the proposed service in order that revenue savings and environmental targets were met;</i></p> <p><i>(f) note that Welsh Government had confirmed capital funding support of £4m in 2019/20 and</i></p> |  |
|--|--|--|--|



|  |  |  |  |
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|  |  | <p><i>a further £3m for 2020/21 for the implementation of a kerbside sort operation, and request that the Head of Highways and Environment continues to work with Welsh Government and WRAP to secure all additional capital funds necessary to implement the new Waste and Recycling Service;</i></p> <p><i>(g) request that the Head of Highways and Environment takes a report to Cabinet at the earliest opportunity (subject to resolution (f) above being achieved) to recommend the implementation of the new Waste and Recycling Service outlined in Appendix I to the report, and</i></p> <p><i>(h) request that a further report containing detailed information on the proposed new Waste and Recycling Service, including information on service design, depot reconfiguration requirements, indicative costings, availability of funding, and details of the proposed</i></p> | <p><i>(g) report scheduled to be considered by Cabinet at its meeting on 18 December (see Appendix 3)</i></p> <p><i>(h) see Appendix 1 – a further report is scheduled for presentation to this Committee at its meeting on 9 May 2019</i></p> |
|--|--|--|--|

|  |                                   |  |  |
|--|-----------------------------------|--|--|
|  |                                   | <i>communication strategy be presented to the Committee at its meeting in May 2019</i>   |  |
|  | <b>6. Tourism Progress Report</b> | <b>RESOLVED</b> <i>that subject to the above observations and the provision of the requested additional information, to receive the data and information provided in the report and associated appendices.</i> | Lead Member and officers advised of the Committee's observations |