

COMMUNITIES SCRUTINY COMMITTEE

Minutes of a meeting of the Communities Scrutiny Committee held in Council Chamber, County Hall, Ruthin on Thursday, 23 January 2020 at 10.00 am.

PRESENT

Councillors Mabon ap Gwynfor, Rachel Flynn, Tina Jones, Merfyn Parry, Anton Sampson, Andrew Thomas, Graham Timms (Vice-Chair) and Huw Williams (Chair)

Lead Member for Waste, Transport and Environment, Councillor Brian Jones, attended for Item 5.

The Leader, Councillor Hugh Evans, attended for Items 6 and 7

Lead Member for Planning, Public Protection and Safer Communities, Councillor Mark Young, attended for Item 8

Observers – Councillors Martyn Holland and Emrys Wynne

ALSO PRESENT

Corporate Director: Economy and Public Realm (GB), Head of Highways and Environmental Services (TW), Flood risk Engineer (WH), Head of Planning and Public Protection (EJ), Lead Officer, Business Support and Local Growth (CB), Chief Digital Officer (BE), Development Control Manager (PM), Planning Compliance Officer (AT), Scrutiny Co-ordinator (RE), and Committee Administrator (SLW)

Also in attendance – Lynnette Jones (member of the public)

1 APOLOGIES

Apologies for absence were received from Councillors Brian Blakeley, Glenn Swingler and Cheryl Williams

2 DECLARATION OF INTERESTS

Councillor Graham Timms declared a personal interest in Item 6 – the Process for Establishing a Business Improvement District, as he was Chair of the Llangollen 2020 BID.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent items.

4 MINUTES

The minutes of the Communities Scrutiny Committee meeting held on 24 October 2019 were submitted.

Matters Arising –

Page 6 – Matters Arising – Llantysilio Mountain Fire – discussions were taking place with Natural Resources Wales (NRW) and the Fire & Rescue Authority regarding the Moorlands Management Officer post. The Fire & Rescue Authority had confirmed they would give support to the Moorlands Manager but would not be contributing to the funding of the post. Councillor Graham Timms registered his disappointment that the Fire & Rescue Authority would not be willing to give any financial contribution towards financing the post.

Pages 6 – 14 (Item 5) – Gypsy and Traveller site provision in the replacement Local Development Plan – It was confirmed that, to date, no dates were set on any Scrutiny or on the Cabinet forward work programmes, but would be added in future months.

Pages 14 – 18 (Item 6) - Denbighshire and Flintshire Joint Archive Project – The National Lottery Heritage Fund (NLHF) bid had been delayed due to the General Election held in December 2019. NLHF had invited representatives to London to give a presentation in early February 2020.

***RESOLVED** that, subject to the above, the minutes of the Communities Scrutiny meeting held on 24 October 2019 be received and approved as a correct record.*

5 WELL-BEING OF FUTURE GENERATIONS (WALES) ACT IN RELATION TO FLOOD RISK MANAGEMENT IN DENBIGHSHIRE

The Lead Member for Waste, Transport and Environment, Councillor Brian Jones, Head of Highways and Environmental Services, Tony Ward, and Flood Risk Engineer, Wayne Hope were all in attendance for the item.

Councillor Brian Jones introduced the report to provide information regarding a report by the Wales Audit Office (WAO) on the Council's approach to flood risk management and compliance with the Well-being of Future Generations Wales Act's sustainable development principle and 5 well-being goals.

Within the report the WAO stated that the council was taking promising action to act in accordance with the sustainable development principle when taking steps to reduce the risk of flooding but needed to consider its next steps to further embrace the principles of the Well-being of Future Generations (Wales) (WFG) Act 2015.

There were concerns within the report that the Council was not demonstrating a prevention approach which created conditions in which problems could arise in the future.

The national Flood and Coastal Erosion Risk Management (FCERM) Strategy for Wales was currently being revised and was expected to be more aligned to the WFG Act and promote greater use of natural flood risk management methods.

Collaborative working was a key component of the Council's approach and it had worked closely with partners on the design and delivery of flood defences but the links with the farming community and other landowners could be strengthened.

Overall it was considered to be a positive report.

The Council's response and actions were contained within Part Two of the report.

During discussion the following points were raised:

- The Council had secured grants but focus needed to be on ecology and the flood reduction process of that risk. The education of young people to raise awareness was taking place.
- A study was underway to progress work with landowners and the Farmers Union. There had been issues with land owners and farmers who had stated to local Councillors they were expected to pay for equipment to install flood alleviation schemes. It was confirmed that there were farming subsidies available which could assist with costs.
- It was confirmed that areas which posed the greatest risk had been prioritised but that was not to the detriment of other areas. The conclusions were not just for the service but required more indepth discussions on climate change.
- Flood Wardens and Flood Warnings from main rivers were the responsibility of NRW. It was confirmed that the Scrutiny Co-ordinator would obtain a list of Flood Wardens and circulate to all members for their information.

During the discussions and in light of concerns raised in relation to the potential impact of climate change on flood risks in the county, it was agreed that the Communities Scrutiny meeting to be held on 22 October 2020 be dedicated to flooding issues as follows:

- Flood Management Responsibilities in Denbighshire – presenting the conclusions of a joint study on the management practices of the Rhyl Cut and Prestatyn Gutter, adjacent drains and sewers which was already scheduled for the meeting.
- Flood Risk Management across Denbighshire – discussions with officers and other partner organisations on flood management and mitigation matters across the county with public and private partners and land owners. This would include engineering projects and land management initiatives to reduce the risk of flooding and combat the effect of climate change. Information would also be put forward on work the Planning Department were undertaking in relation to flood mitigation as part of the planning process.

RESOLVED –

- *subject to the above observations, to receive the Wales Audit Office's (WAO) report following its examination of, in the context of the Wellbeing and Future Generations (Wales) Act 2015, the Council's "work to reduce the number of properties at risk of flooding in Denbighshire" and the Council's response to the suggested opportunities for improvement identified by the WAO; and*
- *that the Committee's October 2020 meeting be set-aside to examine the Council's own flood risk management and mitigation work and initiatives*

across the county and those being undertaken in partnership with public and private sector partners.

6 THE PROCESS FOR ESTABLISHING A BUSINESS IMPROVEMENT DISTRICT

Councillor Graham Timms declared a personal interest as he was Chair of Llangollen 2020 BID.

The Leader, Councillor Hugh Evans, Head of Planning and Public Protection, Emlyn Jones, and Lead Officer, Business Support and Local Growth, Carolyn Brindle, were in attendance for the item.

The Leader, Councillor Hugh Evans, introduced the report (previously circulated) to provide information regarding the process of forming Business Improvement Districts (BIDs) to enable the Committee to examine the process in detail.

Communities Scrutiny Committee had been requested by the Scrutiny Chairs and Vice-Chair Group to consider the specific topic in response to a request from a business person in Rhyl, Lynnette Jones, who had concerns regarding the transparency of the process involved with establishing a BID.

Lynette Jones, was in attendance at the meeting to put forward some of her concerns:

- To her knowledge, a large number of businesses had not received information regarding the Rhyl BID.
- There had been no formal launch of the BID.
- Business owners had not been invited to put forward suggestions as to what the BID monies could be spent on.
- In her opinion businesses were led to believe they would not have to pay any additional contribution but this was not the case. This was a major issue for struggling businesses.
- The fact that 66 businesses out of 99 had voted in favour of the BID and of the 66, 41 votes were from Denbighshire County Council owned premises.
- No business support had been forthcoming.
- In her and other businesses opinion, suitable consultation had not been carried out.

During discussions, it was emphasised that:

- the process to establish a BID was set out in legislation
- whilst local authorities were not permitted by law to lead on the process of establishing a BID, they did have an important role to play in facilitating a BID ballot, notifying the outcome of any ballot and collecting the BID levy;
- BIDs were business-led initiatives;
- to date in Denbighshire a BID ballot had been held in Rhyl which had resulted in a BID being established in the town, businesses in Prestatyn had decided not to proceed with plans to ballot for the establishment of a BID, and a ballot was due to be held in Llangollen in the spring of 2020;
- communication regarding proposals to hold a ballot with a view to establishing a BID, and the aims and objectives of the proposed BID, was

the responsibility of the BID Group established in the area under consideration;

- the rate of the levy in the BID area was set by the BID Board. Whilst the local authority collected the levy it was paid over to the BID Board for it to use to deliver its objectives and priorities;
- local authorities were not permitted to withdraw any of their services within a BID area on the basis that BID income could be used to provide those services. All local authority decisions in relation to cutting services were required to be taken on a county-wide basis and be equitable to all residents. However, BID monies could be used to supplement local authority services if they supported the delivery of the BID's priorities;
- the Council did have a vote in respect of each business premises it owned within the proposed BID district which met the ballot rateable value threshold. In Denbighshire Cabinet would decide whether to exercise its votes in a BID ballot and how those votes should be cast. In both the Rhyl BID ballot and the forthcoming Llangollen BID ballot Cabinet had decided to exercise its votes in favour of establishing a BID and had delegated authority to the Corporate Director: Economy and Public Realm to complete all ballot papers on behalf of the Authority;
- BID areas were usually very specific areas of a town, not the entire town, and were illustrated on a map accompanying BID information by a red line which clearly defined the area's boundary. In the majority of cases, once established, BIDs were companies limited by guarantee and were therefore obliged to publish annual accounts etc.
- whilst, once established, the Council would have a seat on the BID Board it did not have any greater influence on the Board's decisions than any other Board member. Nevertheless, by having a seat on the Board the Council could gauge how its services could be used to complement the work of the BID Board. BID Boards could take any decision as long as they were lawful decisions. The aims of BID Boards were to draw together businesses and services with a vested interest in seeing an area thrive. It was a vehicle for building a level of mutual trust between different stakeholders with a view to increasing prosperity in the area.

It was acknowledged that lessons could be learnt from the Rhyl BID ballot, particularly with regards to communication and engagement with those businesses eligible to vote in the ballot, which may be useful for those involved with the arrangements for the forthcoming Llangollen BID ballot. Officers were requested to draw these matters to the attention of the relevant individuals involved with both BIDs and encourage them to liaise with each other. It was also acknowledged that the number of Council owned business properties in the Rhyl BID area, and the Council's decision to exercise all of its votes in favour of establishing a BID along with a high number of eligible businesses not exercising their right to vote, had contributed towards the result to establish the BID. However, all proper legal processes had been followed and the BID had been established by a majority vote which was compliant with the legislative requirements. In response to members' concerns regarding this, officers agreed to raise with the UK Government, via the consultants facilitating work to establish BIDs across the UK, the possibility of introducing a percentage threshold that would require to be met of the eligible businesses who were in favour of the establishment of a BID i.e. 40%.

At the conclusion of the discussion the Committee:

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

- (i) contact be made with the Chair of both the Rhyl Business Improvement District Board and the Chair of the Llangollen Business Improvement Group with a view to sharing experiences and learning lessons on how to effectively communicate with the local business community and engage them with the process of establishing a Business Improvement District and the importance of exercising their votes;*
- (ii) contact be made with the consultants, MOSAIC, seeking them to feedback to central government the benefits of introducing in the legislation a percentage threshold for those in favour of establishing a BID, with a view to endorsing the BID's influence; and*
- (iii) continues to support the establishment of further Business Improvement Districts in the county should any town, rural area or business group wish to progress one.*

At this juncture (11.40 a.m.) there was a 15 minute break.

The meeting reconvened at 11.55 a.m.

7 BROADBAND AND MOBILE NETWORKS IN RURAL AREAS

The Leader, Councillor Hugh Evans and the Chief Digital Officer, Barry Eaton were in attendance for the following item.

The Leader, Councillor Hugh Evans, introduced the report (previously circulated) to detail the work being undertaken by the Council with respect of securing better connectivity in rural areas, in line with the recommendations of the November 2018 Wales Audit Office report on Local Government Services to Rural Communities, specifically in relation to broadband and mobile networks in rural areas.

Denbighshire County Council had long-standing concerns on the availability of superfast broadband in all areas of the county, therefore, Scrutiny had requested an update on the progress made to date in securing superfast broadband access to all who wanted it. Through the provision of a visual presentation, the Committee was advised that whilst approximately 90% of properties in Denbighshire had access to superfast broadband, 10% were unable to access it. The majority of these properties were located in the county's rural areas. Even after the rollout of Phase 2 of Superfast Cymru, due to be completed during 2021, somewhere in the region of 5% of the county's properties would still not be able to access superfast broadband.

The Council was actively working with other public sector organisations across North Wales to bid for Local Full Fibre Network (LFFN) funding. If successful, the money would be utilised to connect 39 public sector premises in the county to superfast broadband (amongst the premises to benefit would be the meeting places of all community councils in Denbighshire). Whilst this initiative would benefit a number of rural communities, not all rural areas would benefit.

Another positive step forward was the recent recruitment of a Digital Business Officer for a 12 month period. This officer would be available to assist small businesses and communities to identify solutions to broadband access. The officer would also work with community councils and community groups with a view to identifying opportunities to improve broadband access, and to assist with the development of community-led bids for funding to help secure broadband access.

Members referred to various initiatives underway in Wales and in other European countries which were aimed at maximising access to Broadband and asked the Council to provide information to Community Councils on the work that would be undertaken in Denbighshire to help communities access Broadband services. It was also suggested that elected members could encourage Community Councils within their wards to work together in order to secure better Broadband access. The recent appointment of a Digital Business Officer would assist, as this officer would be available to help communities to find broadband solutions and develop bids for community voucher schemes to facilitate the delivery of broadband services to their area.

In commending the initiatives underway with a view to realising superfast broadband access for the majority of properties in Denbighshire, the Committee was also firmly of the view that central government should be doing considerably more to ensure that all properties, regardless of their location, should have equal access to superfast broadband. They felt that in 21st century Wales broadband access should be viewed as a necessity of daily life, a basic utility similar to clean water and electricity. On this basis the Committee agreed to write to relevant Welsh Government Ministers and Commissioners emphasising this point and drawing the Committee's concerns to their attention. The Committee:

RESOLVED-

- (i) subject to the above observations to support the activities detailed in the report and presentation received on the work underway in Denbighshire to improve access to Broadband and Mobile Networks in Denbighshire's rural areas; and*
- (ii) to write to relevant Welsh Government Ministers and Commissioners seeking their assistance to ensure that all properties in Wales had equal access to Broadband services on the basis that Broadband was a required commodity for every individual's daily life in the 21st century*

8 PLANNING COMPLIANCE CHARTER - ADOPTION OF FINALISED DOCUMENT

The Lead Member for Planning, Public Protection and Safer Communities, Councillor Mark Young, Head of Planning and Public Protection, Emlyn Jones, Development Control Manager, Paul Mead and Planning Compliance Officer, Adam Turner were all in attendance for the following item.

Councillor Mark Young introduced the report (previously circulated) to inform Members of the outcomes from the consultation on the Planning, Public Protection and Countryside Services' draft planning compliance charter, which was

undertaken with City, Town and Community Councils. The report also presented information about the performance of the planning compliance function.

The draft Charter had recently been the subject of a consultation exercise with all of Denbighshire's city, town and community councils. Suggested changes submitted by the various councils had, where possible, been incorporated into the revised draft Charter presented to the Committee for its observations prior to being submitted to the Lead Member for approval in line with the Council's Scheme of Delegation to Cabinet members. Also included in the report, at the Committee's request, was information on the Council's Planning Compliance function's performance during recent years. The aim of the Charter was to assist the Council to address planning compliance contraventions within the finite resources at its disposal whilst managing communities and residents' expectations on what could be achieved at county level and what could be addressed at city, town or community level at an early stage which could mitigate against the risk of wider or greater contraventions which would require the County Council's Planning Compliance function to intervene via formal enforcement action.

Assurances were given that the Charter did contain safeguards within it for planning contraventions, regarded by the Authority as low priority cases, to be investigated and followed up if there was evidence that they were harmful to an individual's health and well-being. The aim of the Charter was to work closely with the communities to resolve matters, find amicable solutions and reduce the risks of breaches at all levels.

It was confirmed that the Charter was a living document which could be amended.

As there was only the one officer who covered the whole of the county, members agreed it was an extremely difficult task. It was confirmed increased resources were difficult to obtain in the current financial climate.

The Committee:

RESOLVED: to

- (i) endorse the draft Charter, entitled 'Planning Compliance in Denbighshire – Planning Compliance Charter (Appendix 1) in line with the proposed amendments as set out in the Consultation Report (Appendix 2);*
- (ii) support officers' intention to present the final version of the Charter for Lead Member approval; and*
- (iii) confirm that members had read, understood and taken account of the Well-being Impact Assessment (Appendix 3) as part of their consideration*

9 SCRUTINY WORK PROGRAMME

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

Discussion focused on the following –

- The next scheduled meeting on 12 March, to invite relevant Lead Members;

- 22 October meeting to be set aside to discuss flooding issues;

The Scrutiny Co-ordinator reminded members of the Scrutiny proposal form and she advised that any proposals should be sent to her so they could be considered by the Scrutiny Chairs and Vice Chairs Group for inclusion on the forward work programme.

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

10 FEEDBACK FROM COMMITTEE REPRESENTATIVES

No feedback.

The meeting concluded at 1.10 p.m.