

To: Members of the Communities  
Scrutiny Committee

Date: 16 January 2020

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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, 23 JANUARY 2020** in **COUNCIL CHAMBER, COUNTY HALL, RUTHIN.**

**PLEASE NOTE THAT THERE IS A BRIEFING FOR ALL ELECTED MEMBERS  
AT 09.15 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**

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 5 - 24)**

To receive the minutes of the Communities Scrutiny Committee held on 24 October 2019 (copy attached).

**10.00 a.m. – 10.15 a.m.**

**5 WELL-BEING OF FUTURE GENERATIONS (WALES) ACT IN RELATION TO FLOOD RISK MANAGEMENT IN DENBIGHSHIRE** (Pages 25 - 48)

To receive a report from the Flood Risk Manager (copy attached), to provide information regarding a report by the Wales Audit Office 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.

**10.15 a.m. – 10.45 a.m.**

**6 THE PROCESS FOR ESTABLISHING A BUSINESS IMPROVEMENT DISTRICT** (Pages 49 - 88)

To receive a report from the Lead Officer, Business Support and Local Growth and the Economic and Business Development Team and Programme Manager (copy attached) to provide information regarding the process of forming Business Improvement Districts to enable the Committee to examine the process in detail.

**10.45 a.m. – 11.15 a.m.**

~~~~~ **BREAK (11.15 a.m. – 11.25 a.m.)** ~~~~~

**7 BROADBAND AND MOBILE NETWORKS IN RURAL AREAS** (Pages 89 - 92)

To receive a report from the Chief Digital Officer (copy attached) to provide information regarding current activities in relation to broadband and mobile networks in rural areas.

**11.25 a.m. – 12.00 p.m.**

**8 PLANNING COMPLIANCE CHARTER - ADOPTION OF FINALISED DOCUMENT** (Pages 93 - 142)

To receive a report from the Development Manager (Planning, Public Protection and Countryside Services) (copy attached) to inform members of the outcomes from the consultation on the Planning, Public Protection and Countryside Services' draft planning compliance charter.

**12.00 p.m. – 12.30 p.m.**

**9 SCRUTINY WORK PROGRAMME** (Pages 143 - 166)

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.

**12.30 p.m. – 12.40 p.m.**

## **10 FEEDBACK FROM COMMITTEE REPRESENTATIVES**

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

**12.40 p.m. – 12.45 p.m.**

### **MEMBERSHIP**

#### **Councillors**

Councillor Huw Williams (Chair)

Mabon ap Gwynfor  
Brian Blakeley  
Rachel Flynn  
Tina Jones  
Merfyn Parry

Councillor Graham Timms (Vice-Chair)

Anton Sampson  
Glenn Swingler  
Andrew Thomas  
Cheryl Williams

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## **COMMUNITIES SCRUTINY COMMITTEE**

Minutes of a meeting of the Communities Scrutiny Committee held in Conference Room 1A, County Hall, Ruthin on Thursday, 24 October 2019 at 10.00 am.

### **PRESENT**

Councillors Mabon ap Gwynfor, Brian Blakeley, Rachel Flynn, Tina Jones, Merfyn Parry, Glenn Swingler, Andrew Thomas, Graham Timms (Vice-Chair), Cheryl Williams and Huw Williams (Chair)

### **ALSO PRESENT**

Corporate Director: Economy and Public Realm (GB); Lead Officer - Corporate Property & Housing Stock (DL); Planning and Public Protection Manager (AL), Head of Highways, Facilities and Environmental Services (TW); Waste and Recycling Manager (TD); Head of Business Improvement & Modernisation (AS); Business Information Team Manager (CB); Scrutiny Coordinator (RhE) and Committee Administrator (HB)

#### **1 APOLOGIES**

Apologies were received from Councillor Anton Sampson.

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

The following Councillors declared personal interests:

Business item 4, Minutes of the previous meeting: Councillors Brian Blakeley and Meirick Lloyd Davies, both Council representatives on the North Wales Fire and Rescue Authority.

Business item 5, Gypsy and Traveller Site Provision in the Replacement Local Development Plan (LDP): Councillors Tina Jones and Merfyn Parry.

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

There were no urgent matters.

The Chair advised that in response to a request from officers, and the agreement of all concerned, he had permitted business items 6 and 7 to be re-arranged on the Committee's order of business. Therefore the Denbighshire and Flintshire Joint Archive Project would be dealt with as business item number 6, with the Proposed New Waste and Recycling Service Design becoming agenda business item number 7.

#### **4 MINUTES**

The minutes of the Communities Scrutiny Committee meeting held on 5 September 2019 were submitted.

Councillor Merfyn Parry thanked officers for the report on Llantysilio Mountain Fire.

The Scrutiny Coordinator (SC) advised that the Fire and Rescue Authority had requested to attend a scrutiny meeting before 2020 to discuss its public consultation on the development of an Environment and Sustainability Strategy. She advised that they would be attending the next Partnerships Scrutiny Committee meeting, however members of the Communities Scrutiny Committee were welcome to attend.

***Resolved that the minutes of the Communities Scrutiny meeting held on 5<sup>th</sup> September 2019 be received and approved as a correct record.***

## **5 GYPSY AND TRAVELLER SITE PROVISION IN THE REPLACEMENT LOCAL DEVELOPMENT PLAN**

The Lead Member for Planning, Public Protection and Safer Communities introduced the report and appendices (previously circulated) which updated the Committee on the process followed with a view to ensuring the Council discharged its statutory duties with respect of the provision of Gypsy and Traveller sites within the county. This report focussed specifically on sites discussed at Asset Management Group (AMG) and Strategic Planning Group (SPG) meetings for recommendation to Cabinet for inclusion in the replacement Local Development Plan (LDP) process as potential Gypsy and Traveller sites.

During their introduction the Lead Member and officers gave the Committee an overview of the statutory duties placed on the Council for it to provide sites for Gypsies and Travellers. In view of the fact that a need had been identified within the county in the Gypsy and Traveller Accommodation Assessment formally approved by the Council and Welsh Government in 2017. In addition, they outlined the process followed to select potential sites for both residential and transit purposes, the number of pitches required for both a residential and a transit site and reminded members that Cabinet had resolved, in March 2019, that the preferred location for the six pitch residential site would be Green Gates (East) near St. Asaph. In agreeing this site as its preferred location for the residential site Cabinet had also agreed that the allocation of potential sites for the five pitch transit site should be undertaken as part of the replacement LDP process, and that Green Gates (East) should not be considered for the purpose of a transit site, hence the reason for the presentation of this report to the Committee.

Attached to the report was a copy of a report presented to Cabinet Briefing on 9 September 2019 outlining the proposed process to be followed with a view to progressing potential Gypsy and Traveller transit sites for inclusion in the replacement LDP, along with a copy of a report identifying potential Gypsy and Traveller transit sites presented to AMG on 30 September 2019. The latter report included details of the relevant pieces of legislation which placed a statutory duty on the Council to assess the need for such provision, and if identified, to provide sites. Also included as appendices to that report were:

- details of the initial site review criteria
- information pertaining to the site analysis and resulting recommendations, along with details of the further consideration given to those sites shortlisted and a response from Valuation and Estates regarding the potential loss of

agricultural land and potential issues relating to serving notices to quit to tenants

Officers confirmed that all sites previously considered, as part of the original Gypsy and Travellers site provision exercise were considered again. As no landowner had come forward with an offer of land for the provision of Gypsy and Traveller sites, either as part of the initial call for land process for Gypsy and Traveller site provision or as part of a similar exercise under the replacement LDP process, the Council had put forward a number of sites within its ownership for this purpose, as it needed to demonstrate to the Welsh Government (WG) that it was striving to meet its statutory obligations. Hence the reason for the inclusion of agricultural land and designated public open spaces as potential sites for inclusion in the replacement LDP for this purpose, as the LDP process provided an opportunity for the Council to amend current land designations.

The Committee was advised that AMG at its meeting on 30 September had supported the inclusion of the four sites submitted to it for consideration:

- Rhualt – land off Holywell Road
- Rhualt – former School field
- Denbigh, Henllan Road – Site 1
- Denbigh, Henllan Road – Site 2

In addition, they requested that a further site in Rhualt, land off the B5429 (formerly part of Pant Ifan Newydd) also be included as a potential site.

Officers emphasised that if Cabinet approved the submission of any or all of the potential sites for consideration in the replacement LDP, a substantial amount of detailed work would be required before any of them could be included in the final adopted replacement LDP. Consequently, some or all of them may well not meet the criteria for inclusion eventually. They explained that if Cabinet agreed to their inclusion in the replacement deposit LDP, County Council's approval would be sought for undertaking full public consultation on the deposit LDP. Following public consultation, Council's approval would be sought to submit the document to the WG and the Planning Inspectorate for public examination. The Public Examination would be an opportunity for any individual or organisation objecting to the contents of the LDP to give evidence to an independent Inspector. Following the publication of the Inspector's binding report, Council's approval would be sought to adopt the LDP.

Responding to questions from the Committee Chair, the Lead Member and officers confirmed that:

- the current LDP would expire at the end of 2021. If no replacement LDP was adopted by that date national planning policies would prevail. This in effect would mean that local policies and designations i.e. in relation to affordable housing and development boundaries would be defunct and could not be applied when considering planning applications. Local planning decisions would be determined based on national not local policies;
- local members representing the Council wards which included the proposed sites for inclusion for development as Gypsy and Travellers site provision had been informed of the proposals ahead of the AMG meeting

Officers emphasised that the inclusion of potential sites for Gypsy and Traveller use within the replacement LDP did not equate to those sites being developed for that purpose, as they would still have to be taken through the local authority planning application process, and could therefore be refused at that stage.

Local members for the Council wards under consideration for locating potential sites were given an opportunity to raise points and ask questions to the Lead Member and officers. Responding to the points raised and the concerns put forward by the councillors for the Upper Denbigh and Henllan ward the Lead Member and officers:

- confirmed that the Gypsy and Traveller community had not yet been consulted on the proposed potential sites. They, along with their advocacy groups, would be consulted on the potential sites through the replacement LDP process;
- advised that two separate 'calls for land' had been made to landowners for the purpose of meeting the need identified for Gypsy and Traveller sites. However, no landowners had approached the Council suggesting land for this purpose. In addition, all councillors and City, Town & Community Councils were contacted requesting suggestions for suitable land but none were forthcoming. In the past the Council had approached land owners with a view to buy land for this purpose, but none were willing to sell land to the Authority, hence the reason why the Council itself was putting some of its own land forward for potential inclusion with a view to demonstrating to the WG that it had a realistic and deliverable proposal within its replacement LDP in order to meet the need identified;
- confirmed that the current tenants of the Council land put forward for inclusion had not been notified or consulted on the proposal prior to the AMG meeting because no decision had yet been taken on whether or not the land should be included as a potential site. The reason for this was that AMG may not have agreed with their inclusion, therefore prior notification with the tenants may cause unnecessary stress and worry for them. Whilst AMG did agree with the sites inclusion on the list of potential sites it also asked that another site in Rhualt be added to the list of potential sites, bringing the total number of potential sites for inclusion to five;
- advised that the main route used by Gypsies and Travellers, into and out of Denbighshire, was the A55. As a result the majority of unauthorised encampments were experienced in the coastal area, north of the A55. The reason for this may be that the Gypsy and Traveller community were able to find sufficient work in that area of the county;
- confirmed that WG grant funding towards the costs of providing authorised Gypsy and Traveller sites was currently available until the end of 2021. If the Council approved sites and planning permission was granted the Authority could then bid for any available funding towards developing the sites;
- advised that it was anticipated that there was sufficient capacity within schools in the proposed areas to accommodate the number of children from a transit site if the need arose;
- confirmed that circa 15 unauthorised encampments were experienced in Denbighshire each year;



- emphasised that the Gypsy and Traveller Accommodation Assessment (GTAA) undertaken by the Council was a legal requirement under Section 102 of The Housing (Wales) Act 2014. As a result of undertaking this assessment in Denbighshire a need for both a residential and transit site had been identified. Consequently, Section 103 of the above Act required the Council to make provision to meet the identified need.

The local member for Tremeirchion advised that:

- Rhualt was a small rural community, adjacent to the Clwydian Range and Dee Valley Area of Outstanding Beauty (AONB), which had very few local services and amenities. There was no shop or school in the village anymore, neither was there a bus service, only a twice-weekly taxi-bus service;
- the nearest primary school was in Tremeirchion, the school currently had very few surplus places and was a Welsh-medium school;
- the former School field site in Rhualt, included on the potential sites list, was currently an amenity for local children and families and had recently been refurbished with new state of the art play equipment. As a playing field it was protected from development under the current LDP as a public open space;
- the land off the B5429 at Rhualt was adjacent to a former Council agricultural holding, Pant Ifan Newydd, which the Council had in recent years sold the farmhouse and barn for a substantial amount of money to individuals who had converted them into their homes. The owners of these properties had been led to believe the land adjacent to their properties would eventually be developed for residential purposes, not as a transit site for Gypsies and Travellers. Such a development would have a detrimental affect on the value of their properties. On the opposite side of the B5429 to this proposed site were a number of businesses which employed between them in excess of 100 people. If this particular parcel of land was eventually developed as a transit provision for Gypsies and Travellers, it could seriously affect these businesses and the livelihood of a large number of people;
- the former abattoir site, off Holywell Road, was only a third owned by Denbighshire County Council. The land on this site contained high levels of contamination, including toxic and foot and mouth waste, all of which would add to the cost of preparing the site ready for development. There were also rights of access issues relating to the site as outlined in a letter from a neighbour read out at the meeting. In addition, it was believed that the WG favoured this particular site for development as an Absorbent Hygiene Products (AHP) recycling site;
- as only approximately 8 miles of the A55 traversed Denbighshire, and due to the ease of access to and off the highway and their location, both Rhualt and St. Asaph were disproportionately disadvantaged in terms of the number of these types of developments being put forward for the area.

Responding to Committee members' questions the Lead Member and officers:

- confirmed that as a 'need' for a transit Gypsy and Traveller site had been identified in the county the Council's LDP would run the risk of being rejected

by WG if it did not contain proposed sites for development for this purpose. They emphasised that if this happened the Council would have to adhere to national planning policies when determining planning applications, regardless of local need or preferences;

- advised that if a local authority had identified a need for a residential and/or a transit site for Gypsy and Travellers as part of its GTAA it was duty bound to develop those sites within its county boundaries, regardless of the availability of any similar provision in neighbouring local authority areas;
- confirmed that Conwy County Borough Council (CCBC) already had a residential site, and was in a similar position to Denbighshire with regards to identifying sites to meet transit needs. Flintshire already had a number of residential sites in the Flint area. It had recently identified a location in the same area for potential development as a transit site;
- advised that whilst the AMG had indicated that its preference for the former abattoir site, off Holywell Road, Rhualt, would be for it to become an AHP waste site, it had also instructed that its potential for locating a Gypsy and Traveller transit site continue to be explored, in case the AHP use did not come to fruition;
- confirmed that there was a risk in relation to the land adjacent to Pant Ifan Newydd in Rhualt that, if the location was progressed for inclusion in the replacement LDP for development as a potential transit site for Gypsies and Travellers, the capital value of the remaining land there that had potential for residential development purposes would reduce greatly;
- advised that in relation to some of the proposed sites a balance required to be struck between cost benefit and asset value/devaluation i.e. for the former abattoir site substantial WG funding was available for site remediation work. Whatever facility was eventually developed on that particular site the remediation work would have to be undertaken;
- advised that if, following further investigation work, none of the five sites potentially being proposed for inclusion in the replacement LDP for the purpose of a Gypsy and Traveller site were deemed to be suitable, the process for identifying potential sites would re-commence;
- confirmed that the former school field site at Rhualt was protected as an open space under the current LDP. However, with the development of the replacement LDP an opportunity would arise for the Council to review all current designations if it felt that was necessary. It could do this if it substituted previous designations with other similar designations in the replacement LDP;
- advised that the WG had default powers (Part 6 Planning and Compulsory Purchase Act 2004, section 71) where if it considered a council was failing or omitting to do anything it was necessary for them to do in relation to an LDP the WG could remove an LDP under preparation from local authority control and make any necessary amendments. A public examination would be held and WG could then approve their LDP as the development plan for the area. If this was to happen any decisions relating to the location of sites for Gypsy and Traveller accommodation and other matters would be taken out of the hands of elected councillors;

- advised that the current LDP included criteria based policy for assessing any proposals for Gypsy & Traveller sites, as at the time of its development a GTAA had not been completed . The Assessment had been approved in January 2017 and as a result the need for a residential and transit site had been identified. Consequently, the Council needed to outline in its replacement LDP how it intended to meet those identified needs;
- confirmed that Conwy County Borough Council and Denbighshire County Council had undertaken a joint accommodation needs assessment. In undertaking the assessment they had followed WG published guidance. Whilst the data collation exercise had been undertaken on a joint basis, the data submitted to WG had been based on each individual county area. The WG had scrutinised the data provided to them and indicated its acceptance of the process followed and validated the data. Under Data Protection rules the Council was not in a position to share individual responses received to the GTAA;
- confirmed that both councils were currently in the process of inviting tenders for the next accommodation needs assessment. The current approved assessment covered the time period to 2021, the new assessment would cover the time period to 2033 which matched the replacement LDP timeframe. The new assessment would provide information on any additional need to that identified in the current assessment. This would not replace the findings of the current assessment which had identified the need for both a residential and a transit site, and which the Council was legally bound to deliver;
- advised that the well-being goals assessments in the Well-being Impact Assessment (Appendix 3 to the report) were county-wide assessments at present. Similar assessments would be undertaken on a site by site basis if and when any of the proposed sites were recommended for inclusion in the replacement LDP;
- confirmed that it had been concluded that the provision of five pitches would be sufficient for a transit site in Denbighshire. This figure had been derived based on the number and size of unauthorised encampments in the county over a 12 month period. Five pitches therefore seemed sufficient at this moment in time. If, over time, it became evident that five was not sufficient, further work would be required to assess the best way of meeting that need. This could include the extension of an existing site. Any such proposal would be subject to the normal planning application process.

The Chair permitted two members of the public to address the Committee on their concerns regarding the proposed site locations within their areas, one from each County Council ward. They acknowledged that it seemed that the Council was legally obliged to provide such facilities and that the majority of communities adopted a 'not in my back yard' (NIMBY) approach towards these type of developments. Nevertheless whilst their concerns generally reflected those of elected members, they also highlighted the potential loss of green spaces on rural communities who already had very few public amenities available to them, the loss of agricultural land and the impact on the livelihood of individual farmers, and the lack of local infrastructure in certain areas to support these type of facilities.

A member of the Committee registered his concerns about the 'undemocratic' nature of the Council's AMG, which in his view yielded a large amount of influence despite only having one elected member, a Cabinet member, serving on it. In his view the Group's remit and role should be reviewed. He was reminded by the Lead Member for Planning, Public Protection and Safer Communities that the Group's meetings were open to all councillors to attend. In addition any councillor could address and challenge the Group about any proposals at their meetings. This indeed had taken place during the discussion on the proposed locations for Gypsy and Traveller sites at the Group's meeting on 30 September, which had resulted in a fifth potential site being added to the list.

A question was raised on why a list of proposed sites for the use of the Gypsy and Traveller community were being put forward for inclusion in the replacement LDP without any prior consultation with the Roma, Gypsy or Travelling community on their preferred locations, and/or whether any of the sites under consideration by the Council were suitable for the community. Should they not be involved as early as possible in discussions relating to potential site locations?

Acknowledging that the current process to date seemed more open and transparent than similar ones previously undertaken the Vice-Chair enquired whether the Council could apply for planning permission for more than one transit Gypsy and Traveller site simultaneously? Officers advised that a priority list could be drawn-up of preferred sites if necessary.

In response to further questions the Lead Member and officers advised that:

- the criteria used to assess the suitability of sites was the same as that used for previous exercises. It took into consideration LDP requirements and WG policies amongst other things; and
- whilst the majority of unauthorised encampments in the county were in the Rhyl and Prestatyn areas, which would seem to indicate it to be a preferred area by the Gypsy and Traveller community, the majority of land within Council ownership in that area was deemed unsuitable for development for this purpose as they lay within a recognised flood zone. The WG would therefore reject the inclusion of those sites on that basis.

The Lead Member for Housing and Communities, who would once the site(s) had been developed in the county, be responsible for them advised that in his view national routes for transit sites would need to be developed across the UK, under the direction of central government. He stated that the 'transit' season was generally between June and late autumn of every year and that the Police only had powers to move unauthorised encampments if authorised sites were available in that particular local authority area to accommodate them. In his view five pitches was an insufficient number and the locations being proposed were unsuitable. Hence the reason why central government should take the lead to develop a network of strategically located transit sites that met the needs and demands of the Gypsy and Traveller community. He also expressed the view that Denbighshire County Council should work closely with Conwy County Borough Council in developing a transit site. The Lead Member indicated that, given the concerns raised at the meeting, if a transit site or sites were allocated in the LDP he would delay their implementation for as long as possible.

Local members for Upper Denbigh and Henllan agreed with the Lead Member for Planning, Public Protection and Safer Communities that the Henllan Road, Denbigh locations were not ideal for locating a transit site as they were too far away from the

main transit route, not close enough to local amenities and would not provide the Gypsy and Traveller community with a large enough population base to support their business opportunities. Due to their location there would be a significant risk if one of these sites was developed for this purpose that it would not be used by the Gypsy and Traveller community.

Officers confirmed that its legal obligation was to provide pitches that were sufficient to service travelling caravans, they were not obliged to provide space for the occupants to run their businesses. They also confirmed that the Henllan Road, Denbigh sites had not been considered during the initial Gypsy and Traveller site provision process as the original intention had been to locate both the residential and transit sites at Green Gates (East), St. Asaph.

The Committee was reminded by the Chair that the purpose of the discussion at the current meeting was to seek their observations on the process for progressing potential Gypsy and Traveller sites through the LDP and not to assess the suitability or otherwise of individual sites currently being put forward for inclusion in the LDP as potential sites for this purpose.

At the conclusion of a detailed and in-depth discussion the Committee emphasised their concerns about the stringency of the WG Regulations which required all local authorities that had identified the need for a residential and/or transit Gypsy and Traveller sites to develop those sites on an individual county basis and in isolation of provision that may already be available, and perhaps underutilised, in a neighbouring authority area. It was felt that these Regulations contradicted the WG's ever increasing emphasis on the importance of regional and sub-regional working with a view to realising value for money and efficiencies. The Committee therefore by a majority, with one abstention:

***Resolved:*** - ***to recommend to Cabinet that, prior to determining the transit sites to be put forward as sites to progress as potential Gypsy and Traveller sites in the replacement Local Development Plan, it should have regard to the following matters –***

- (i) the lack of consultation with the Gypsy and Traveller community and their advocacy groups on the suitability of proposed sites for the purposes of being developed as sites for their specific use prior to their inclusion on a list of potential sites for submission as part of the replacement Local Development Plan;***
- (ii) that future processes relating to the identification and selection of potential Gypsy and Traveller sites should be as open and transparent as possible for members and residents, with proposals being presented to all councillors at a Council Briefing session and to Scrutiny for examination prior to being presented to Cabinet for approval;***
- (iii) that clarity be provided on how Denbighshire County Council's Gypsy and Traveller Accommodation Assessment concluded that a five pitch transit site would be sufficient to meet the Gypsy and Traveller transit need in the county;***
- (iv) that Cabinet writes in the strongest terms possible to the Welsh Government expressing its serious concerns about the requirements in Part 3 of the Housing (Wales) Act 2014 which places an obligation on each individual local authority to undertake an***

***Gypsy and Traveller Accommodation Assessment, and if a need is identified for a transit site to be developed that each individual authority is duty bound to provide a transit site within its boundaries regardless of other similar developments which may exist or about to be developed in a neighbouring authority's area. These Regulations seem inappropriate and disproportionate in addressing the needs of the travelling community and contradict other Welsh Government legislation, policies and ambitions which promote effective joint working between authorities on a regional or sub-regional basis;***

- (v) that, until the above matters have been actioned and a further report presented to Scrutiny, a decision on the inclusion of the five sites listed in the report for incorporation as potential development locations for Gypsy and Traveller sites in the replacement Local Development Plan be held in abeyance;***
- (vi) the lack of consultation with local members on the proposed sites within their wards prior to their inclusion in the report to the Asset Management Group. Local members should in future be consulted on any significant proposals affecting their wards not merely informed of them; and***
- (vii) the need for the Asset Management Group to be more open, accessible and transparent to all councillors, particularly as only one elected member is a member of the Group.***

The Committee voted by a majority on a proposal that a report relating to the process and these particular sites be brought back for further consideration following the actioning of recommendations (i) to (v) above.

## **6 DENBIGHSHIRE AND FLINTSHIRE JOINT ARCHIVE PROJECT**

The Lead Member for Housing and Communities introduced the report and appendices (previously circulated) which provided information regarding the joint archive project for Denbighshire and Flintshire, with a particular focus on the proposed new service delivery model.

During his introduction the Lead Member stressed that the provision of a joint Archive Service with Flintshire County Council and the development of a 'hub and spoke' service, subject to a successful bid to the National Lottery Heritage Fund (NLHF), would benefit the residents of Denbighshire through the provision of a full-time Archive Service instead of the three day service that currently operated in the county. This would be the case despite the fact that the 'hub' would be located in Mold because the 'spoke' part of the service would mean that all Denbighshire's libraries would have access to the Service's digital records and therefore residents would only need to attend their local library to undertake any research work, currently they were required to book an appointment to visit the County Archive in the Old Gaol in Ruthin. If, under the new model, they still wanted to access the original documentation this could still be done by attending the 'hub' at Mold.

Due to their age and fragility archive documents had to be kept under strict environmental conditions in order to preserve and safeguard them, otherwise the Service would be at risk of losing its recognised archive accreditation status. Denbighshire and Flintshire councils were keen to develop a joint Archive Service as Flintshire had already exceeded its storage capacity whilst Denbighshire would by 2021 be in a similar situation. In addition, the Environmental Management System in the Old Gaol in Ruthin was nearing the end of its life and it was anticipated that the cost of replacing it would be substantial, hence why it was felt that the opportunity to deliver a joint service, potentially in a state of the art purpose built building should be pursued. Whilst the present Archive Service occupied 70% of the Old Gaol building it attracted circa 800 visitors per annum, a number of whom were repeat visits, compared to Countryside and Heritage Services visitor numbers of approximately 11,000 per year to its 30% share of the building.

The Lead Member emphasised that the Council already had a commitment to use the Old Gaol for delivering its Archive Service until 2025, if the proposed 'hub' and 'spoke' service delivery model came to fruition as it would take some considerable time to deliver the project in its entirety. In the meantime it would actively pursue potential methods for increasing the range of heritage services that could be provided there once the Archive Service had vacated its space, in conjunction with other Council heritage sites i.e. Nantclwyd y Dre and external organisations such as the National Trust.

Members were advised by the Lead Member that Ruthin Town Council had registered its disappointment that it had not been consulted about the proposal so far, but if the project did come to fruition the Service would not vacate the Old Gaol until 2025, therefore it was felt to be slightly premature to consult the Town Council at this point in time. The priority would be to secure the £11.5m NLHF Heritage Horizons grant first. Any bid for such a substantial amount of funding would need to be for a very special, bespoke project. Hence the reason why Denbighshire wanted to work with Flintshire County Council to build a custom-built building next to Theatr Clwyd in Mold. The process to apply for the grant funding had commenced as both authorities had submitted their joint expression of interest in applying for the Heritage Horizons grant to NLHF on 18 October. By December 2019 the NLHF should inform the councils whether their expression of interest had been accepted to proceed to Stage 2 of the process, which would entail the development of a detailed project proposal and plan for submission to NLHF, who would then determine whether the project should be awarded grant funding by December 2020. The estimated cost of delivering the project was £16,650,344 of which Denbighshire would be expected to contribute just over £2m and Flintshire £3m. If the project was to be delivered it was crucial that £11.5m NLHF monies was secured, without this grant the project would not go ahead. If successful and the project was delivered in its entirety, although the 'hub' would be located in Flintshire all records would be digitally accessible to Denbighshire residents at their local library. It would also 'future proof' the Service for the next 20 years and generate an additional income of circa £12K per annum, reduce the need to pay for commercial storage for records and avoid the substantial costs associated with replacing the environmental management system at the Old Gaol.

The Lead Member and officers confirmed that as Wrexham County Borough Council was a 'new' local authority area a substantial amount of its pre-1996

records were held at the Old Gaol. In addition, a number of historical artefacts from Denbighshire were currently held in storage at the National Library of Wales in Aberystwyth and the National Museum of Wales in Cardiff, the development of this project would include the availability of dedicated exhibition space which would provide an opportunity to request the return of these items for display to the public. Both the Lead Member and officers were of the view that the availability of the funding provided both local authorities with a very rare opportunity to make records, historical documents and artefacts accessible to all residents and provide schools and other establishments with excellent outreach provision to undertake research. Community history was an integral part of the area's identity. Local members for the Ruthin area were invited to address the Committee regarding their concerns about the project. The main points raised by them were:

- that the Well-being Assessment for the proposed project, which was generally positive, did not give sufficient regard to the unanticipated negative impact the relocation of the Service to Mold would have on the economy of Denbighshire, and on Ruthin in particular.
- that a substantial number of those that attended the Old Gaol to use the Service were elderly and therefore may not be able to visit the facility in Mold due to the lack of public transport to the proposed location.
- that in their view the project had been looked at in isolation. The proposal should include a detailed options appraisal for extending the current services available at the Old Gaol, possibly by erecting a purpose built archive storage building on the car park behind the Old Gaol. By having the entire Archive Service and the Old Gaol heritage facility on the same site there would be an opportunity to maximise archive and tourism footfall in the town.
- that the popularity of accessing archives and records digitally via libraries was as yet unknown, it may not be the 'experience' avid archivists would relish.
- the relocation of the Archive Service to Mold would see the Ruthin area lose yet another important resource and as a result other businesses in the town and surrounding area would suffer as historians travelled from far and wide to undertake their research at the Old Gaol, staying in local hotels and spending money in the area.
- that a number of interest groups had already contacted local councillors to register their concerns about the proposal to relocate the Service.
- that the Council should look to grow the services available at the Old Gaol by linking them to various other tourist and heritage assets in the area rather than relocating the Archive Service to Mold.

Responding to the above the Lead Member and officers confirmed that:

- the Council was fully committed to continuing to deliver an Archive Service at the Old Gaol until 2025. Until then it would be working with the Council's Countryside and Heritage Services with a view to securing the building's future through the delivery of more of that's Service's offer from the facility once the Archive Services had vacated its space;



- early discussions were about to begin with the National Trust both regionally and nationally with a view to exploring potential options for the site and the area in general;
- the proposal had been discussed with the local MP and AM, both of whom were supportive of the proposals.
- if the NLHF bid was successful and the purpose built Hub facility in Mold was built it would greatly reduce the running costs of the Archive Service, increase its opening hours from the current three day service to a six-day one and improve its accessibility to all via the libraries. The aim of the proposal was to deliver a better, more accessible service not to enhance Theatr Clwyd. The Archive Hub would be a separate building next to the theatre, not a part of the theatre building, although there would be opportunities for both establishments to work together to enhance outreach services, provide facilities for staff etc.
- whilst Ruthin Gaol housed a substantial amount of Denbighshire's Archives not all were held there, some were held in storage and others were currently held at the Flintshire Archives in Hawarden, this was due to changes in county boundaries during two local government re-organisations.
- the most successful Archive Services in the UK were those that had outreach service provision, hence the aim of developing an active outreach service as part of this proposal with the aim of encouraging individuals, schools, community groups, care homes etc. to use the services available.

Responding to questions from Committee members the Lead Member and officers:

- agreed that the benefits of establishing the proposed 'hub' and 'spoke' service needed to be highlighted to the public i.e. digital access, greater access due to the facility being open on 6 days rather than the current 3 days, more staff to assist the public with their research, more display space for local historical artefacts etc.
- advised that only four projects in the UK would benefit from the NLHF Heritage Horizons Fund. Hundreds of projects were expected to bid for the available monies therefore to be successful projects needed to be innovative, transformative, collaborative and aimed at addressing heritage at risk or landscapes and nature.
- confirmed that Denbighshire with its limited staff numbers and opening hours could not provide outreach services at present. This proposal would address that deficit.
- advised that the Welsh Government (WG) was encouraging Archive Services to work collaboratively, but to date it was only Denbighshire and Flintshire who were demonstrating an appetite to follow this route
- confirmed that a total of six sites had been considered initially for the development of a 'hub', however this site had emerged from the selection process as the preferred site.
- advised that the Service would be run jointly by Denbighshire and Flintshire.
- confirmed that the ultimate aim was to repatriate all local historical artefacts currently in storage at national institutions to enable residents and visitors to the area to see and enjoy them.

- advised that all efforts were currently being channelled to secure a successful bid for the NLHF grant, there was not a 'Plan B' at present, the outcome of which should be known by the end of 2020. Nevertheless, discussions were underway with Countryside and Heritage Services and external organisations with a view to enhancing the future offer at the Old Gaol that would benefit Ruthin and the surrounding area; and
- confirmed that the establishment of the Joint Archive Service with Flintshire would take place in April 2020.

At the conclusion of an in-depth discussion Members emphasised the need to improve communication and consultation will local members on matters that had an impact on their wards and asked the Scrutiny Chairs and Vice-Chairs Group to discuss this at a future meeting. The Committee:

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

- (i) to acknowledge the proposal to create a single shared Archive Service with Flintshire County Council, operating over two sites initially (Ruthin and Hawarden);***
- (ii) by a majority to support that the Service, subject to securing National Lottery Heritage Funding, be delivered via a 'hub and spoke model' – a service 'hub' in a new building adjacent to Theatr Clwyd in Mold and the 'spoke' service delivery through a mix of permanent and temporary community outreach provision;***
- (iii) that options be drawn up for the utilisation of the potential vacated space at Ruthin Gaol, if the proposed single shared archive service and the creation of a 'hub' proceeded, and that those options be presented to the Committee for consideration during the summer of 2020; and***
- (iv) to confirm that as part of its consideration it had read, understood and taken account of the Well-being Impact Assessment (Appendix A).***

Two Committee members voted against (ii) above, but the recommendation was carried by a majority.

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

The Lead Member for Waste, Transport and the Environment introduced the Waste and Recycling Manager's report and appendices (previously circulated) the purpose of which was to update members on the latest funding position for the project along with information on the delivery timescales and associated projects. During his introduction the Lead Member advised that although Appendix II to the report highlighted a project delivery timescale up to 2022, that this referred to Financial Year 2021/22 and that, based on current progress, he had every confidence that the new service would be up and running by September 2021.

At the Chair and Vice-Chair's request the Waste and Recycling Manager provided a PowerPoint version of Appendix III to the report which illustrated the proposed new Central Depot Layout, which would be located in Denbigh. She gave the Committee an overview of the layout and functions of all the separate areas that

would make up this six acre site and the environmental, fire and other regulatory restrictions that required to be complied with during its design and development.

Responding to members' questions the Lead Member, Head of Highways, Facilities and Environmental Services and the Waste and Recycling Manager:

- advised that no decision had yet been taken on the design of the Trollibocs containers that would be purchased and rolled-out, as a number of new manufacturers had recently entered the market.
- confirmed that the present Household Waste Recycling Centres (HWRCs) did not form part of this particular project, and that any discussions surrounding their future would be part of a separate process. The contract for operating the HWRCs was due for renewal in March 2021 therefore a re-tendering exercise would commence in the near future. As part of the re-tendering process income generation opportunities, including those for charitable organisations, from the sale of good quality household 'waste' could be explored.
- advised that despite the fact that the proposed central depot site being an area of six acres it would not be large enough to accommodate the relocation of the current Denbigh HWRC to the same site as there were proposals to include an area to treat highways waste on the central depot site in due course, subject to the approval of a separate business case.
- advised that environmental regulations meant that the only waste material that could be unloaded in the open air was glass, all other waste would have to be unloaded under cover in purpose built buildings.
- confirmed that the entire depot area would require to be compliant with strict noise, odour, contamination and fire regulations, with some waste treatment practices, particularly those involved with Phase 2 of the project – highways waste treatment requiring permits from Natural Resources Wales (NRW) prior to commencement.
- advised that under the new household waste collection system food waste would continue to be collected at the same time as other waste and then would be transferred from the Denbigh depot to the Food Waste Recycling Centre at Rhuallt.
- advised that whilst up to 90 vehicles could be accommodated on the staff parking area at the proposed depot, this number did take into account car sharing which already took place. The Council was aware of its duty to reduce carbon emissions hence a number of vehicle charging points would be located in the car parking area for electric vehicles. In addition staff start times at the depot would be staggered between 6am and 6.45am, with refuse vehicles leaving the depot from 6.30am onwards. The potential for providing transport to staff to and from work had been explored and could be looked at further. All transport related matters on the site would be subject to a highways and transport assessment as part of the planning application process.
- confirmed that none of the current empty sites on Colomendy Industrial Estate were large enough to accommodate the proposed depot site. In addition the Council was currently in the process of purchasing some of the land in order to put in place a suitable access point for the development. The benefits of purchasing this particular plot of land was two-fold, it would

facilitate the development of the new depot and also unlock over 20 acres of development land that would secure the future of a number of successful businesses on the Colomendy Industrial Estate by providing them with room to expand.

- confirmed that the monetary value of 'waste' was extremely low at present, but government targets and regulations required local authorities to recycle and treat more waste and reduce its use of landfill. Due to greater public awareness of the environmental damage of single-use plastic (SUP) and the potential introduction by government of a deposit and return scheme (DRS) people's habits were likely to change which could result in the amount of plastic waste reducing, although this may be counteracted by the increase in population. Discussions were currently underway between central government and local authorities on how the latter could capitalise on the introduction of a DRS.
- advised that many sites in the county had been considered as part of the process for locating a purpose built depot, this particular location was central and had good access to all areas of the county. Given time neighbouring local authorities may wish to use Denbighshire's purpose built facility.

With the Chair's permission a member of the public in attendance was given an opportunity to address the Committee on her concerns in relation to the new waste and recycling service model. She was of the view that residents liked, valued and understood the current co-mingled blue bin recycling service and had concerns about the stability and ease of use of the proposed Trollibocs system, particularly for disabled or elderly residents. Whilst she had been reassured during the discussion that the new system would not be an added cost burden on the Council Tax payer she requested that county councillors draw all residents' attention to the changes and the reasons behind them.

In response officers advised that:

- a variety of communication methods had been utilised for the purpose of drawing the proposed changes to residents' attention thus far, as illustrated in the Communications Plan at Appendix IV to the report, these included a survey, drop-in sessions, radio, press releases, the Council's website and social media pages etc.
- one of the benefits of the proposed new waste and recycling model was that it would help to alleviate a current budgetary pressure in excess of £1m, which could in turn ensure that any future council tax rises may be lower than they would otherwise have to be if the service change was not implemented. This is because the new waste model will cost less to run than the current waste model.
- the Council's Citizens Panel would be involved in the engagement on the type of Trollibocs to purchase and roll-out.
- they acknowledged that the co-mingled 'blue bin' system was popular with residents and had served its purpose, but central government requirements were changing and residents' recycling practices were improving therefore the fortnightly recycling collection was no longer sufficient to meet demand. The Trollibocs system would see the introduction of a weekly recycling collection and no extra charge would be levied on those households that required additional recycling containers.

Lead Member and officers agreed with members that the Council's recent monitoring exercise to identify households that did not place out their orange food recycling caddies for collection on a regular basis had gained widespread media attention. Current monitoring was done by the collection crew and was labour intensive and not completely accurate, hence the decision to trial new technology to monitor food recycling collection rates. The aim of this approach was to help educate residents of the benefits of recycling food waste and to help boost recycling rates. The trial would run in four areas, covering about 600 properties, between November 2019 and at least March 2020. It was estimated that currently approximately a quarter of the county's residual waste was made up of food waste, therefore to reduce this amount it was important for the Authority to understand why some residents continued not to use the food waste recycling scheme provided. Primarily the aim was to educate people, enforcement action was a last resort. The provision of animal proof reusable sacks was being explored for use in places like multi-household properties, these sacks could then be placed in a large communal food-waste holder for collection.

At the conclusion of the discussion the Committee:

**Resolved:**

- (i) subject to the above observations, to acknowledge the progress made to date by the Waste Project Board with a view to securing the delivery of the new Waste and Recycling Service to residents from September 2021;***
- (ii) that the Head of Highways, Facilities and Environmental Services returns to a future meeting of the Committee to provide an update on the outcome of the pilot projects being undertaken to increase capture of recyclable waste across the county, as outlined in Appendix V; and***
- (iii) that the Head of Highways, Facilities and Environmental Services brings a future report to the Committee to propose the Benefits Realisation Plan to be put in place to monitor the environmental, financial, employee and customer benefits of the new waste operating model.***

## **8 SCRUTINY WORK PROGRAMME**

The Scrutiny Co-ordinator (SC) presented the committee's forward work programme report and appendices (previously circulated) the purpose of which was to seek the Committee to review its forthcoming programme of work.

The SC reminded members of the scrutiny proposal form, 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.

At the Scrutiny Chairs and Vice Chairs meeting in September it had been agreed to rearrange the forward work programme to accommodate the items on Gypsy and Traveller site provision and the Denbighshire and Flintshire Joint Archive Project at the current meeting.

**Resolved that members agree the committee's forward work programme.**

## **9 FEEDBACK FROM COMMITTEE REPRESENTATIVES**

There was no feedback.

**Meeting concluded at 2.25pm**

|                              |                                                                                                                                                          |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Report to</b>             | <b>Communities Scrutiny Committee</b>                                                                                                                    |
| <b>Date of meeting</b>       | <b>23<sup>rd</sup> January 2020</b>                                                                                                                      |
| <b>Lead Member / Officer</b> | <b>Councillor Brian Jones Lead Member for Waste, Transport and the Environment / Tony Ward Head of Highways, Facilities &amp; Environmental Services</b> |
| <b>Report author</b>         | <b>Wayne Hope, Flood Risk Manager</b>                                                                                                                    |
| <b>Title</b>                 | <b>Well-being of Future Generations (Wales) Act in Relation to Flood Risk Management in Denbighshire</b>                                                 |

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

- 1.1 In October 2018 the Wales Audit Office commenced an examination of the extent to which the Council is acting in accordance with the sustainable development principle, seven well-being goals and five ways of working set out in the Well-being of Future Generations (Wales) Act 2015. The Wales Audit Office issued a report of its findings in June 2019.

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

- 2.1 To provide information regarding a report by the Wales Audit Office 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.

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

- 3.1 That the Committee considers and comments on the findings of the Wales Audit Office's examination, in particular, the Council's response to the suggested opportunities for improvement identified by the Wales Audit Office.

## **4. Report details**

- 4.1 The Wales Audit Office report, titled "Well-being of Future Generations: An examination of 'work to reduce the number of properties at risk of flooding in Denbighshire' – Denbighshire County Council" is included in Appendix 1.
- 4.2 In the introduction to its report, the Wales Audit Office states that "*The Council is taking promising action to act in accordance with the sustainable development*

*principle when taking steps to reduce the risk of flooding but needs to consider its next steps to further embrace the principles of the Well-being of Future Generations (Wales) Act 2015.”*

- 4.3 The report is structured to include a summary report, a detailed report and an appendix. The summary report and appendix are self-explanatory and won't be considered further by this report. The contents of the detailed report are discussed below.
- 4.4 Part 1 of the detailed report records the examination findings, including what the Wales Audit Office looked for, what the Wales Audit Office found and the opportunities for improvement that were identified. The examination considered all of the Council's activities in relation to 'work to reduce the number of properties at risk of flooding in Denbighshire', in the context of the five ways of working set out in the Well-being Act. Reassuringly, the Wales Audit Office found strengths in each area of activity.
- 4.5 Part 2 of the detailed report sets out in tabulated form the Council's response to the suggested opportunities for improvement. All of the opportunities for improvement identified by the Wales Audit Office are addressed by the Council's responses. The action responses are expressed by the Wales Audit Office using information provided by the Council rather than reproducing the Council's responses verbatim. Nevertheless, all of the opportunities for improvement laid out in the Wales Audit Office report will be incorporated into the Council's activities going forward.

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

- 5.1 One of the Council's corporate priorities for 2017 to 2022 is to provide an attractive and protected environment, supporting wellbeing and economic prosperity. One of the measures identified in the Corporate Plan to enable this is to reduce the number of properties at risk of flooding in Denbighshire. The Wales Audit Office report has identified a number of opportunities for improvement in the way that the Council carries out this measure.

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

- 6.1 The Wales Audit Office report is about activities that the Council already carries out. There is a possibility that the opportunities for improvement that the Wales Audit Office has identified could result in the Council incurring additional costs, but equally there could be cost savings. Overall, the changes in costs are likely to be minimal.



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

7.1 A Well-being Impact Assessment is not required. This is because this report is about the Wales Audit Office's observations of the Council's current activities and suggested opportunities for improvement, and the Council's response to these observations. This report is not, specifically, making a recommendation that the Council changes its activities or the way it goes about them. Any new activities that are developed as a result of this report will be impact assessed.

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

8.1 The presentation of this report is the first opportunity to consult with the Communities Scrutiny Committee. In carrying out its examination, the Wales Audit Office consulted with officers of the Council, including members of the Senior Leadership Team. The Wales Audit Office also consulted with officers in the Welsh Government's Water and Flood Division.

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

9.1 Not required.

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

10.1 There is a reputational risk (low) to the Council in the event that it decides to disregard the opportunities for improvement set out in the Wales Audit Office report.

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

Coast Protection Act 1949

Land Drainage Act 1991

Flood and Water Management Act 2010

Well-being of Future Generations (Wales) Act 2015

Section 7 of the Council's Constitution sets out Scrutiny's powers with relation to this matter

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WALES AUDIT OFFICE  
SWYDDFA ARCHWILIO CYMRU

Archwilydd Cyffredinol Cymru  
Auditor General for Wales

# Well-being of Future Generations: An examination of 'work to reduce the number of properties at risk of flooding in Denbighshire' – **Denbighshire County Council**

Audit year: 2018-19

Date issued: June 2019

Document reference: 1249A2019-20

This document has been prepared for the internal use of Denbighshire County Council as part of work performed in accordance with the Well-being of Future Generations Act (Wales) 2015.

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We welcome correspondence and telephone calls in Welsh and English. Corresponding in Welsh will not lead to delay. Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg a Saesneg. Ni fydd gohebu yn Gymraeg yn arwain at oedi.

This document is also available in Welsh.

The team who delivered the work comprised Jeremy Evans, Gwilym Bury, and Charlotte Owen under the direction of Huw Rees.

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The Council is taking steps to balance current and long-term needs through the focus on long-term flood prevention but needs to consider the sustainability of future work 7

The Council understands current and future challenges in relation to flood risk management but, although it recognises opportunities to develop more sustainable complementary methods, it is not yet fully demonstrating an approach which tries to prevent problems arising in the future 8

The Council has taken an integrated approach to delivering the work on flood management and has considered how project outcomes will benefit its partners as well as its own wellbeing objectives but there are opportunities for the Council to strengthen its approach 9

Collaborative working is a key component of the Council's approach and it has 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 10

The Council is effectively involving stakeholders in the design and delivery of flood management schemes and is responsive to local needs but recognises further work is needed to involve stakeholders and learn from its approach to date 11

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# Summary report

## Summary

### Why we undertook the Examination

- 1 In accordance with the Well-being of Future Generations (Wales) Act 2015 (the Act) the Auditor General for Wales (the Auditor General) is statutorily required to examine public bodies to assess the extent to which they have acted in accordance with the sustainable development principle when:
  - a. setting their well-being objectives; and
  - b. taking steps to meet them.

The Act defines the sustainable development principle as acting in a manner: '...which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs'.

- 2 The Auditor General must provide a report on his examinations to the National Assembly for Wales at least a year before each Assembly election. The first such report must be published by 2020, before the 2021 Assembly election.
- 3 During 2018-19 the Auditor General is undertaking examinations across the 44 bodies covered by the Act to inform his report to the National Assembly.
- 4 In May 2018, the Auditor General published his report, **Reflecting on Year One – How have public bodies responded to the Well-being of Future Generations Act (2015)**. He concluded that public bodies support the principles of the Act and are taking steps to change how they work.
- 5 In developing our approach to undertaking the examinations during 2018-19 we engaged with a range of stakeholders including through our pilot work during 2017-18. We also worked closely with the Future Generations Commissioner.
- 6 As the preliminary work in year one included a consideration of how public bodies had set their Well-being Objectives, the principal focus of this work is the way in which public bodies are taking steps to meet their well-being objectives.
- 7 The findings in this report are based on fieldwork that we undertook during the period October 2018 to February 2019.
- 8 This report sets out our findings from our examination of Denbighshire County Council's Plan for 2017-22 includes a citizen outcome to reduce the number of properties at risk of flooding in Denbighshire a step the Council is taking to meet its Well-being Objectives. The outcome aims to work with partners to undertake a number of flood defence schemes by 2022 which are expected to protect 9000 properties from flooding over the long-term.
- 9 We asked the Council in January 2019 to respond to our findings, so they could be included in this report and we received their action plan in response.

## What we examined

- 10 We examined the extent to which the Council is acting in accordance with the sustainable development principle. We reviewed the work of the Council with its partners to develop and implement the Council's Local Flood Risk Management Strategy. National Resources Wales (NRW) is usually the lead partner on major projects for river flood defences and sea defences. This allowed us to assess the extent to which the Council and its partners are considering the sustainable development principle through its work to reduce the number of properties at risk of flooding in Denbighshire ('the step') towards meeting its well-being objectives.
- 11 Steps the Council will take to achieve this outcome are set out in the Council's Local Flood Risk Management Strategy which outlines its objectives for managing flood and coastal erosion and describes the measures needed over coming years to bring about a better, more sustainable approach. The Strategy recognises that resource pressures will only increase with rising future risk brought about by further development and climate change. Objectives and outcomes are aligned to national strategy objectives and are classified as either short-term (>20yrs) or long-term (20-100 years).
- 12 We reviewed the processes the Council followed in deciding on and implementing the Local Flood Risk Management Strategy. This allowed us to assess the extent to which the Council considered the sustainable development principle.
- 13 In order to act in accordance with the sustainable development principle, public bodies must take account of the following 'ways of working':

### Exhibit 1: the 'five ways of working'

The table below sets out the 'five ways of working' as defined in the Welsh Government's **Well-being of Future Generations (Wales) Act 2015 The Essentials**<sup>1</sup> document.

| The Five Ways of Working                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Long-term</b><br>The importance of balancing short-term needs with the need to safeguard the ability to also meet long-term needs.                                                               |
| <b>Prevention</b><br>How acting to prevent problems occurring or getting worse may help public bodies meet their objectives.                                                                        |
| <b>Integration</b><br>Considering how the public body's well-being objectives may impact upon each of the well-being goals, on their other objectives, or on the objectives of other public bodies. |

<sup>1</sup> Welsh Government, **Well-being of Future Generations (Wales) Act 2015 The Essentials**, (2015)

## The Five Ways of Working

### Collaboration

Acting in collaboration with any other person (or different parts of the body itself) that could help the body to meet its well-being objectives.

### Involvement

The importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the body serves.

- 14 Our examination found that: **The Council is taking promising action to act in accordance with the sustainable development principle when taking steps to reduce the risk of flooding but needs to consider its next steps to further embrace the principles of the Well-being of Future Generations (Wales) Act 2015.**



# Detailed report

## Part One: Examination Findings

The Council is taking steps to balance current and long-term needs through the focus on long-term flood prevention but needs to consider the sustainability of future work

### What we looked for

- 15 We looked for evidence of:
- a thorough understanding of current and long-term needs and the associated challenges and opportunities;
  - planning over an appropriate timescale;
  - resources allocated to ensure long-term benefits; and
  - appropriate monitoring and review.
- 16 Our examination was also informed by the positive indicators for the 'long-term' that we have identified and used as part of this examination.<sup>2</sup>

### What we found

- 17 We identified the following strengths:
- The Council's focus is currently on failsafe long-term engineered projects which have the biggest impact, i.e. large capital projects.
  - The Council anticipates that 1,600 properties in East Rhyl will benefit from a reduced risk of flooding. A range of other schemes are in development and the overall ambition is that approx. 9,000 properties will benefit from a reduced risk of flooding in Denbighshire by 2022.
  - The Council and its partners are making use of grant funding and partners' funding streams to finance the work. The Council's coastal defence projects are supported by the Welsh Government through its Coastal Risk Management Programme, which funds 75% of the costs. The remainder is funded by the Council. The Council has received support from the Welsh Government to develop seven future schemes as well as major coastal defence improvement schemes at Rhyl and Prestatyn. The schemes are in progress and have a total estimated value of around £105 million.

<sup>2</sup> See Appendix 1

18 We identified the following opportunity:

- Although the Council is considering the implication of Brexit on flood mitigation funding, as some funding currently comes from the EU, to mitigate potential financial risks around the long-term sustainability of future work – particularly given reliance on grant funding from the Welsh Government – the Council should consider how it can ensure the long-term resilience of future flood prevention work particularly in the light of recent predictions on climate change and sea level rise which could make future schemes unaffordable.

**The Council understands current and future challenges in relation to flood risk management but, although it recognises opportunities to develop more sustainable complementary methods, it is not yet fully demonstrating an approach which tries to prevent problems arising in the future**

#### What we looked for

19 We looked for evidence of:

- a thorough understanding of the nature and type of problem the step could help prevent from occurring or getting worse;
- resources allocated to ensure preventative benefits will be delivered; and
- monitoring and review of how effectively the step is preventing problems from occurring or getting worse.

20 Our examination was also informed by the positive indicators for 'prevention' that we have identified and used as part of this examination.<sup>3</sup>

#### What we found

21 We identified the following strengths:

- The Council has a wellbeing impact assessment tool which staff must use for projects and which is well integrated into the Council's reporting process. The toolkit is being refined in response to feedback.
- Funding requirements often specify that flood defence projects provide long-term protection (100 years+). When developing schemes, officers consider the potential long-term impacts of environmental forecasts.
- The Council commissions a flood consequence assessment which shows the risk of flooding from fluvial, tidal and surface water in Denbighshire using flood risk mapping data and breach modelling assessments based on Welsh

<sup>3</sup> See Appendix 1

Government's 2016 Climate Change allowances. This is used to inform the Local Development Plan and new developments flood risk.

- The Council monitors data sets of properties at risk of flooding which consider flood prevention work.

22 We identified the following opportunities:

- Given the cross-cutting benefits of flood prevention, the Council should consider how it can focus budgets and future investment on preventative programmes.
- The Council should consider modelling the impact of prevention in terms of costs and should consider how it shift resources towards prevention across the Council as a whole.
- The Council is not yet in this project demonstrating a prevention approach which creates conditions in which problems do not arise in the future, for example the Council appears to have a lack of capacity to comprehensively address biodiversity, the benefits of which sometime include flood prevention. At present it is focused on grant funded programmes. The national flood and coastal erosion risk management (FCERM) Strategy for Wales is currently being revised and is expected to be more aligned to the WFG Act and to promote greater use of natural flood risk management methods.

**The Council has taken an integrated approach to delivering the work on flood management and has considered how project outcomes will benefit its partners as well as its own wellbeing objectives but there are opportunities for the Council to strengthen its approach**

#### What we looked for

23 We looked for evidence of consideration of:

- how this step could contribute to the seven national well-being goals;
- how delivery of this step will impact on the Council's well-being objectives and wider priorities; and
- how delivery of this step will impact on other public bodies' well-being objectives.

24 Our examination was also informed by the positive indicators for 'integration' that we have identified and used as part of this examination.<sup>4</sup>

<sup>4</sup> See Appendix 1.

### What we found

25 We identified the following strengths:

- The Council has considered how the flood management work could contribute to the seven national wellbeing goals.
- The Council has considered how the flood management work project contributes to its wellbeing objectives and wider priorities.
- The Council has worked with several partners including NRW and Dwr Cymru to develop flood management work and has considered how it contributes to partners' objectives.

26 We identified the following opportunity:

- The Council should consider how to take forward learning on the benefits and challenges of working in a more integrated way and how it can embed this approach corporately across all the Council.

**Collaborative working is a key component of the Council's approach and it has 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**

### What we looked for

27 We looked for evidence that the Council:

- has considered how it could work with others to deliver the step (to meet its well-being objectives, or assist another body to meet its well-being objectives);
- is collaborating effectively to deliver the step; and
- is monitoring and reviewing whether the collaboration is helping it or its stakeholders meet well-being objectives.

28 Our examination was also informed by the positive indicators for 'collaboration' that we have identified and used as part of this examination.<sup>5</sup>

### What we found

29 We identified the following strengths:

- The Council's Flood Risk Management Strategy notes the importance of working together with partners and stakeholders to reduce flood risk, including those at risk from flooding taking responsibility to protect and help themselves.

<sup>5</sup> See Appendix 1

- The Council can evidence several recent schemes where it is collaborating effectively with other local flood authorities to reduce the risk of flooding in the county.
- The Council is in discussions with other North Wales councils regarding a collaborative approach to delivering SuDs Approval Body functions by utilising existing resources across all six authorities and/or sharing the cost of employing new members of staff.
- Partners spoke positively about the way the Council has meaningfully involved them in the design and delivery of flood prevention work.

30 We identified the following opportunities:

- The Council should continue to evaluate and learn lessons from its approach to collaboration and consider whether ownership of the project and its performance is shared with partners.
- The Council has considered how it could work with landowners and farmers to reduce flood risk through land management techniques such as leaky dams and tree planting but believes it currently lacks the resources to take this forward and there has been little progress in this area.
- The Council reviews how flood prevention schemes established in collaboration with its partners impact the number of properties at risk of flooding, but it should consider how to include a learning cycle to help it further embed the five ways of working in setting and delivering its well-being objectives.

**The Council is effectively involving stakeholders in the design and delivery of flood management schemes and is responsive to local needs but recognises further work is needed to involve stakeholders and learn from its approach to date**

#### What we looked for

31 We looked for evidence that the Council has:

- identified who it needs to involve in designing and delivering the step;
- effectively involved key stakeholders in designing and delivering the step;
- used the results of involvement to shape the development and delivery of the step; and
- sought to learn lessons and improve its approach to involvement.

32 Our examination was also informed by the positive indicators for 'involvement' that we have identified and used as part of this examination.<sup>6</sup>

<sup>6</sup> See Appendix 1

## What we found

33 We identified the following strengths:

- The Council and its partners have effectively engaged with communities on flood management schemes such as recent work at Llanelwy.
- There are examples of the results of engagement being used to shape the design and development of flood prevention, such as in East Rhyl.
- The Council engages with residents on proposed flood management schemes and volunteer flood wardens provide an effective link with at-risk communities, but wardens are not active in all areas.
- The Council proactively reviews its approach to involvement and uses this to inform future ways of working.

34 We identified the following opportunities:

- The Council should continue to use learning from its current work to evolve the way it involves communities and retains their attention and involvement after schemes are completed; for example flood wardens.
- The Council should consider how traditional methods of involvement may not work in future and consider new ways people may communicate and congregate in the future and the impact of social media.
- The Council should consider strengthening its approach to engaging with young people on environmental issues.

## Part Two: Council's response and actions

35 Following the conclusion of our fieldwork we presented our findings to senior officers of the Council at a workshop in February 2019. At this workshop the Council began to consider its response to our findings and because of discussions at the workshop, and further reflection on our findings, the Council has developed the following actions under specific themes. We will continue to monitor the Council's progress in implementing their action plan, and the extent to which they address the issues we have identified in our findings.

### Exhibit 2: Council Actions

| Sustainable Development principles | Opportunities for Improvement                                                                                                                                                                                                                                                                                     | Action response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Long-term</b></p>            | <p>Although the Council is considering the implication of Brexit on flood mitigation funding, as some funding currently comes from the EU, to mitigate potential financial risks around the long-term sustainability of future work – particularly given reliance on grant funding from the Welsh Government.</p> | <p>Council will monitor impact in its Corporate risk register and Brexit risk register.</p> <p>Funding has always been uncertain and is dependent on the prioritisation of Welsh Government (it is not funded by European monies). There are issues associated with the wider impacts of Brexit, potentially: construction costs, for instance. There may also be an increased threshold for funding flooding schemes should the total funding allocation for all schemes reduce.</p> <p>It is a Corporate Plan priority until 2022. Funding and prioritisation are considered all the time by Council.</p> |

| Sustainable Development principles | Opportunities for Improvement                                                                                                                                                                                                                                                                                                                                                                                                              | Action response                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Long-term</b>                   | Recent predictions on climate change and sea level rise could make future schemes unaffordable and the Council should consider its long-term implications for where people will be able to safely live in Denbighshire.                                                                                                                                                                                                                    | The Council will continue to review predictions on climate change and sea level rise and share information.<br>To support the LDP review the Council undertook an assessment to understand flood risk on the coast and shoreline management policy. No further action is necessary. The Council position is that we hold the line, and we can demonstrate this through our investment in flood defence schemes over the last decade. |
| <b>Prevention</b>                  | Given the cross-cutting benefits of flood prevention, the Council should consider how the it can focus budgets and future investment on preventative programmes.                                                                                                                                                                                                                                                                           | Business case being considered 'to maintain, enhance, protect and preserve Denbighshire's living assets for future generations'.                                                                                                                                                                                                                                                                                                     |
|                                    | The Council should consider modelling the impact of prevention in terms of costs and should consider how it shift resources towards prevention across the Council as a whole.                                                                                                                                                                                                                                                              | This is embodied within the Council's Corporate Plan and future Business cases are being considered in 2019: e.g. energy efficiency and reducing carbon emissions projects.                                                                                                                                                                                                                                                          |
| <b>Prevention</b>                  | The Council is not yet in this project demonstrating a prevention approach which creates conditions in which problems do not arise in the future. At present it is focused on grant funded programmes. The national flood and coastal erosion risk management (FCERM) Strategy for Wales is currently being revised and is expected to be more aligned to the WFG Act and to promote greater use of natural flood risk management methods. | The Welsh Government is consulting on a new national strategy and the Council will subsequently review its own local strategy in 2021.                                                                                                                                                                                                                                                                                               |
| <b>Integration</b>                 | The Council should consider how to take forward learning on the benefits and challenges of working in a more integrated way and how it can embed this approach corporately across all the Council.                                                                                                                                                                                                                                         | The Council's integrated approach embedded through Programme Boards and will review their working in 2019.                                                                                                                                                                                                                                                                                                                           |



| Sustainable Development principles | Opportunities for Improvement                                                                                                                                                                                                                                                                                      | Action response                                                                                                                                                                      |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Collaboration</b>               | The Council should continue to evaluate and learn lessons from its approach to collaboration and consider whether ownership of the project and its performance is shared with partners.                                                                                                                            | The Council's integrated approach embedded through Programme Boards and will review their working in 2019.                                                                           |
| <b>Collaboration</b>               | The Council has considered how it could work with landowners and farmers to reduce flood risk through land management techniques such as leaky dams and tree planting but believes it currently lacks the resources to take this forward and there has been little progress in this area.                          | The Council have prioritised other areas of work but Business case being considered 'to maintain, enhance, protect and preserve Denbighshire's living assets for future generations' |
| <b>Collaboration</b>               | The Council reviews how flood prevention schemes established in collaboration with its partners impact the number of properties at risk of flooding, but it should consider how to include a learning cycle to help it further embed the five ways of working in setting and delivering its well-being objectives. | Reflection and continuous improvement ongoing throughout the Council.                                                                                                                |

| Sustainable Development principles | Opportunities for Improvement                                                                                                                                                                                   | Action response                                                                                                                        |
|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| <b>Involvement</b>                 | The Council should continue to use learning from its current work to evolve the way it involves communities and retains their attention and involvement after schemes are completed, for example flood wardens. | Council engages with communities at risk and is establishing a specific project around community involvement in Rhyl.                  |
|                                    | The Council should consider how traditional methods of involvement may not work in future and consider new ways people may communicate and congregate in the future and the impact of social media.             | Council's new engagement strategy considers non-traditional ways of working.                                                           |
|                                    | The Council should consider strengthening its approach to engaging with young people on environmental issues.                                                                                                   | The Council recognises the opportunities to work with Youth Service and will consider this as part of work on new engagement strategy. |

# Appendix 1

## Positive Indicators of the Five Ways of Working

The table below sets out 'positive indicators' for each of the five ways of working that we have identified and will use to help inform our assessments of the extent to which bodies may be applying the SDP. We do not intend to use the indicators as a 'checklist'. They should be viewed as 'indicators' that will help us to form conclusions, rather than 'determinants' of the extent to which a body is acting in accordance with the SDP in taking steps to meet its well-being objectives.

### Exhibit 3: Positive Indicators of the Five Ways of Working

| <b>What would show a body is fully applying the long-term way of working?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• There is a clear understanding of what 'long-term' means in the context of the Act</li><li>• They have designed the step to deliver the well-being objective/s and contribute to their long-term vision</li><li>• They have designed the step to deliver short or medium-term benefits, which are balanced with the impact over the long-term (within the project context)</li><li>• They have designed the step based on a sophisticated understanding of current and future need and pressures, including analysis of future trends</li><li>• Consequently, there is a comprehensive understanding of current and future risks and opportunities</li><li>• Resources have been allocated to ensure long-term as well as short-term benefits are delivered</li><li>• There is a focus on delivering outcomes, with milestones/progression steps identified where outcomes will be delivered over the long-term</li><li>• They are open to new ways of doing things which could help deliver benefits over the longer term</li><li>• They value intelligence and pursue evidence-based approaches</li></ul> |
| <b>What would show a body is fully applying the preventative way of working?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <ul style="list-style-type: none"><li>• The body seeks to understand the root causes of problems so that negative cycles and intergenerational challenges can be tackled</li><li>• The body sees challenges from a system-wide perspective, recognising and valuing the long-term benefits that they can deliver for people and places</li><li>• The body allocates resources to preventative action that is likely to contribute to better outcomes and use of resources over the longer-term, even where this may limit the ability to meet some short-term needs</li><li>• There are decision-making and accountability arrangements that recognise the value of preventative action and accept short-term reductions in performance and resources in the pursuit of anticipated improvements in outcomes and use of resources</li></ul>                                                                                                                                                                                                                                                                                                         |

#### **What would show a body is taking an 'integrated' approach?**

- Individuals at all levels understand their contribution to the delivery of the vision and well-being objectives
- Individuals at all levels understand what different parts of the organisation do and proactively seek opportunities to work across organisational boundaries. This is replicated in their work with other public bodies
- Individuals at all levels recognise the cross-organisation dependencies of achieving the ambition and objectives
- There is an open culture where information is shared
- There is a well-developed understanding of how the well-being objectives and steps to meet them impact on other public sector bodies
- Individuals proactively work across organisational boundaries to maximise their contribution across the well-being goals and minimise negative impacts
- Governance, structures and processes support this, as do behaviours

#### **What would show a body is collaborating effectively?**

- The body is focused on place, community and outcomes rather than organisational boundaries
- The body has a good understanding of partners' objectives and their responsibilities, which helps to drive collaborative activity
- The body has positive and mature relationships with stakeholders, where information is shared in an open and transparent way
- The body recognises and values the contributions that all partners can make
- The body seeks to establish shared processes and ways of working, where appropriate

#### **What would show a body is involving people effectively?**

- Having an understanding of who needs to be involved and why
- Reflecting on how well the needs and challenges facing those people are currently understood
- Working co-productively, working with stakeholders to design and deliver
- Seeing the views of stakeholders as a vital source of information that will help deliver better outcomes
- Ensuring that the full diversity of stakeholders is represented and they are able to take part
- Having mature and trusting relationships with its stakeholders where there is ongoing dialogue and information is shared in an open and transparent way
- Ensure stakeholders understand the impact of their contribution
- Seek feedback from key stakeholders which is used to help learn and improve



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|                              |                                                                                                                                                                               |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Report to</b>             | <b>Communities Scrutiny Committee</b>                                                                                                                                         |
| <b>Date of meeting</b>       | <b>23 January 2020</b>                                                                                                                                                        |
| <b>Lead Member / Officer</b> | <b>Councillor Hugh Evans (Leader of the Council and Lead Member for the Economy &amp; Corporate Governance)/Emlyn Jones (Head of Planning and Public Protection Services)</b> |
| <b>Report author</b>         | <b>Carolyn Brindle (Lead Officer Business Support and Local Growth)/Mike Horrocks (Economic and Business Development Team and Programme Manager)</b>                          |
| <b>Title</b>                 | <b>The Process for Establishing a Business Improvement District</b>                                                                                                           |

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

1.1 To examine the process of establishing Business Improvement Districts (BIDs) in Denbighshire, including associated communication and engagement with businesses, DCC and other interested parties. To understand potential impact on businesses in the designated area and identification of lessons learnt from BID applications processed to date within the county.

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

2.1 To provide information regarding the process of forming BIDs to enable the Committee to examine the process in detail.

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

3.1 That the Committee considers the information provided, comments accordingly and continues to support the establishment of further BIDs in the county should any town or business group wish to progress one.

## **4. Report details**

### **4.1 What is a BID?**

- 4.1.1 Business Improvement Districts (BIDs) in the UK emerged after enabling legislation in 2004 in England and Wales, 2007 in Scotland and 2014 in Northern Ireland. There are now over 300 BIDs in the UK.
- 4.1.2 A BID is an arrangement whereby businesses get together to decide what additional improvements they want to make to their location, how they are going to manage and deliver those improvements and what they are prepared to pay to make it happen. This information is used to create a business plan upon which all who would have to pay can vote. If the majority vote yes by number and rateable value, payment is mandatory for all businesses in the BID area as defined in the Business Plan. As a non-domestic rate payer the Council has a vote for each eligible property they have in the BID area in the same way that businesses do.
- 4.1.3 A BID normally takes between 12 and 18 months to develop. Once formed, a BID is managed by a legally constituted body. Most BIDs are not-for-profit companies with a Board of Directors. The BID Company is responsible for developing and implementing the Business Plan. A BID can last for a maximum of 5 years before a re-ballot takes place, and must be able to demonstrate how it has benefited businesses who have funded it.

### **4.2 Background**

- 4.2.1 In May 2016 Denbighshire County Council first highlighted the opportunity to learn about BIDs in an open invitation to contacts across the County to attend a visit to Shrewsbury BID in order to learn more. Expressions of interest in the visit were received by the Council's Economic & Business Development Team from Ruthin, Rhyl, Prestatyn and Denbigh. Subsequently only Rhyl and Prestatyn wished to explore the feasibility of a BID further and were supported in this. The Council received an expression of interest from a group of businesses in Llangollen in June 2018 who collected a seed fund pot and with Council support, secured a Welsh Government grant to explore the feasibility and potential development of a BID in their town.



## 4.3 The Role of a Local Authority

4.3.1 Despite the business led approach there are a series of important roles the authority is required to perform. These are defined in law and set out in technical guidance online and attached at Appendix 1. In summary these are:

- Being familiar with the BID Regulations. The key legislation can be found at [legislation.gov.uk](http://legislation.gov.uk)
- Rating List Holder. The local authority provides the name of each business ratepayer within the boundary of the proposed BID, the address and rateable value.
- Service Provider – ‘Baseline Statements’ are provided by the Council on a range of key services e.g. cleansing & maintenance, public conveniences and street lighting to ensure that the BID activity will be over and above the Council’s existing provision. The Council can still make cuts to provision across the County but it cannot single out a BID area for specific cuts.
- Collection of the BID Levy. The local authority is required to manage the collection and enforcement of BID levy charges. All costs are recovered.
- Ballot Holder - for provision of Ballot Services. The local authority is required to ensure the ballot is operated in line with BID Regulations. All costs are recovered.
- Notification of Ballot Outcome. As soon as reasonably practical the ballot holder arranges for public notice of the outcome of the ballot.
- Declaring a Ballot Void.
- Termination. In the event a BID fails by e.g. insufficient funds or failure to deliver services, the local authority would have a role in closing the BID. It would run a consultation with ‘appropriate’ business representatives and give notice of 28 days

4.3.2 More detail on the process followed for exploring/establishing BIDs in Denbighshire can be found in Appendix 2.

4.3.3 In terms of lessons learnt’ the requirements are set out in the legislation referred to above and the Local Authority is required to follow these.

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

- 5.1 The BID work supports the Council's Corporate Plan aim to "work with people and communities to build independence and resilience", bringing together stakeholders and developing a partnership to support improvements in the town centre that will benefit those who run a business, live, work in and visit the area.

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

- 6.1 The Council must pay the BID levy on its eligible properties in a BID area once a BID is formed. A range of service areas may engage with BIDs on collaborative work that benefits local businesses and residents by improving towns.

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

A well-being impact Assessment is not applicable to this report per se. A Well-being impact Assessment is however prepared for each BID and provided to Cabinet when the BID is discussed. An example is attached at Appendix 3.

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

- 8.1 During the feasibility stages of BIDs a wide range of consultations are carried out (as detailed in Appendix 2. These include surveys of all relevant National Businesses Head Offices; presentations to Business Groups/Chambers of Trade, the Council's Senior Leadership Team, Member Area Groups, briefings with the Lead Member; meetings with the Democratic Services Manager and specific contact with Heads of Service during the collection of Baseline Statements.

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

There are obviously some resource implications for the Council in facilitating the process however these should be contained within existing resources or fully considered as part of the process if that is not the case. The more significant impact on the Council is that the Council must pay the BID levy on its eligible properties in any

BID area once a BID is formed. It is important that this pressure is fed into the budget process as Business Rates Costs are funded corporately

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

10.1 There are no significant identifiable risks in following the recommendation if it complies with current BID Legislation.

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

11.1 Section 7.2.3 of the Council's Constitution states that Scrutiny may consider any matter which affects the Council's area or its inhabitants.

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Department for  
Communities and  
Local Government

# Business Improvement Districts

Technical Guide for Local Authorities



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# Introduction

This Technical Guide focuses on the core roles and responsibilities that a local authority is required to undertake in relation to a ratepayer-based Business Improvement District (BID) development, management and termination. BIDs are business-led partnerships focused on improving and enhancing commercial areas. These areas are typically within town and city centres, commercial locations and industrial estates, but can also cover tourist areas. Despite the business-led approach there are still a series of critical roles that a local authority is required to perform to facilitate the establishment, smooth running and termination as required.

It is the responsibility of both the local authority and the BID proposer to thoroughly read and understand the BID legislation to ensure the processes are executed appropriately.

The key legislation can be found at

<http://www.legislation.gov.uk/all?title=Business%20Improvement%20Districts%20>

At the commencement of the BID development process, the local authority should agree a full timeline to ballot with the BID proposer to ensure all processes are covered and appropriate lead-in times have been considered and agreed. The responsibilities for a local authority in enabling the establishment and successful operation of a BID are set out below and described in detail in this paper:

## **1. Being familiar with the BID Regulations**

2. Rating List Holder
3. Service Provider - for provision of statement of existing baseline services
4. Collection of the BID Levy
5. Ballot Holder - for provision of Ballot Services
6. Notification of Ballot Outcome
7. Declaring a Ballot Void
8. Termination Procedures

## **1. Being familiar with the BID Regulations**

The local authority will wish to satisfy itself that the responsibilities explained in this Guide have been completed in accordance with the BID legislation.

The local authority should ensure it has complied with the regulations, either through a formal committee process and/or through a delegated approval to a lead member or officer but this should be fully documented. In practice, local authorities with areas who are establishing a BID have decided to fulfil their responsibilities via a committee paper, which usually includes a formal approval for the respective



local authority to cast their vote on their own hereditaments and to make the financial provision for the levy costs assuming a successful ballot.

The local authority has specific responsibilities in the following areas:

### **1a. Veto of BID Proposals**

The local authority should satisfy itself that the BID proposal does not conflict with any existing local authority policy nor propose a disproportionate burden on particular businesses by way of an unfair levy charge on a certain 'class' of levy payers, for example by an inappropriate manipulation of the BID boundary. It is sensible to do this prior to allowing the ballot to take place so as to minimise the risk of having to veto the proposals following the ballot. An unfair charge may be a disproportionately higher rate for one sector/group of businesses that isn't reflected in the scope of the BID proposals or perhaps a disproportionately low rate for one sector/group of businesses that in effect means their services are being heavily subsidised by others. An inappropriate manipulation would involve examples such as capturing a high rateable value property, which in geographical terms appears outside the scope of the BID.

#### ***Veto of BID proposals (Reg 12)***

**12.** (1) *For the purposes of section 51(2) of the Act, the prescribed circumstances are that the relevant billing authority is of the opinion the BID arrangements are likely—*

*(a) to conflict to a material extent with any policy formally adopted by and contained in a document published by the authority (whether or not the authority is under a statutory duty to prepare such document); or*

*(b) to be a significantly disproportionate financial burden on any person or class of persons (as compared to the other non-domestic ratepayers in the geographical area of the BID) and —*

*(i) that burden is caused by the manipulation of the geographical area of the BID or by the structure of the BID levy; and*

*(ii) that burden is inequitable*

### **1b. Submission of the BID Proposals**

The local authority should be satisfied that the submission from the BID proposer includes a copy of the BID proposal; details of the consultation undertaken; details of the finances and financial management of the BID (all of which are likely to be contained in the single Business Plan document that businesses will vote on); and a demonstration that finances are available to cover the cost of the ballot in the event that it fails and the number of persons voting in favour was less than 20% of the number of persons entitled to vote.

The local authority must be notified that the BID proposer wishes to put proposals for a BID to a ballot, and the BID proposer needs to ask the billing authority (the

local authority) to instruct the local authority's returning officer (the ballot holder) to hold a ballot.

**BID Proposals (Reg 4)**

*(2) Where a BID proposer decides to seek approval of BID proposals in a BID ballot or the BID body decides to seek approval of alteration proposals in an alteration ballot or renewal proposals in a renewal ballot, it shall—*

*(a) send to the relevant billing authority—*

*(i) a copy of the BID proposals, alteration proposals or renewal proposals, as the case may be, together with a summary of—*

*(aa) the consultation it has undertaken with those persons who are to be liable for the proposed BID levy;*

*(bb) the proposed business plan (including the estimated cash flow, an estimate of the predicted revenue to be generated and the predicted expenditure to be spent under the BID arrangements, the predicted budget over the duration of the BID arrangements and the contingency margin included in the budget); and*

*(cc) the financial management arrangements for the BID body, and the arrangements for periodically providing the relevant billing authority with information on the finances of the BID body; and*

*(ii) a notice in writing requesting the relevant billing authority to instruct the ballot holder to hold a BID ballot in relation to the BID proposals, an alteration ballot in relation to the alteration proposals or a renewal ballot in relation to the renewal proposals, as the case may be; and*

*(b) provide the relevant billing authority with such information as it shall reasonably require to satisfy itself that the BID proposer or, as the case may be, the BID body, has sufficient funds to meet the costs of the BID ballot, the renewal ballot, or the re-ballot in relation to the BID ballot, or the renewal ballot, as the case may be, should it be required to do so under regulation 10.*

**1c. Content of the BID Proposals**

The local authority will need to check that the final BID proposals include all of the details stated within Schedule 1 to the BID Regulations (the Business Improvement Districts (England) Regulations 2004) prior to proceeding to ballot. It should satisfy itself that all of these elements have been included in the BID proposals prior to giving the go ahead to the commencement of the ballot process.

**Schedule 1**

*1. (1) Subject to sub-paragraphs (2) and (3), the matters which shall be included in BID proposals are—*

*(a) a statement of the works or services to be provided, the name of who will provide them (the name of the BID body or local authority BID body) and the type of body the provider is (whether a local authority, a company under the control of the authority, a limited company or a partnership);*

*(b) a statement of the existing baseline services (if any) provided by the relevant billing authority or other public authority;*

- (c) a description of the geographical area (including a map showing that area) in which the proposed BID arrangements are to have effect;*
- (d) a statement of whether all non-domestic ratepayers in the geographical area or a specified class of them are to be liable to the BID levy, an explanation of how the amount of the BID levy to be levied is to be calculated and an explanation of whether any of the costs incurred in developing the BID proposals, holding of the ballot or implementing the BID are to be recovered through the BID levy;*
- (e) a statement of the specified class of non-domestic ratepayer (if any) for which and the level at which any relief from the BID levy is to apply;*
- (f) a statement of whether the BID arrangements may be altered without an alteration ballot and, if so, which aspects of the BID arrangements may be altered in this way;*
- (g) a statement of the duration of the BID arrangements; and*
- (h) a statement of the commencement date of the BID arrangements*

## **2. Rating List Holder for provision of Rating List data**

On receipt of a valid request from the BID Proposer, the Local Authority is required to prepare a document (from its business rates records) showing the name of each business ratepayer within the boundary of the proposed BID, together with the address and rateable value of each relevant business property occupied or (if unoccupied) owned by the ratepayer, and provide this to the BID proposer.

Due to the nature of the rating list, the entries on this list can be out of date by virtue of for example vacancies or changes of occupation. The data from this source only guarantees the legally eligible hereditaments that are registered on the rating list at that point. The BID proposer will need to ensure the final voter list contains the appropriate updated information – please see details set out in ‘Creating the Voter List’

When the Valuation Office Agency updates the ratings list, it is good practice to ensure that any changes that have occurred during the consultation period are forwarded to the BID proposer so that it can be reflected in the voter list where appropriate. The final update should be the last Valuation Office Agency update before the Notice of Ballot.

### ***Obtaining information from billing authority for the purpose of developing BID proposals (Reg 2)***

***2. (1) On receiving a request (made in accordance with paragraph 2) from any person who is developing BID proposals, the relevant billing authority shall–***

***(a) prepare a document showing (as far as the relevant billing authority is able to ascertain from its non-domestic rates billing records at that time) the name of each non-domestic ratepayer and the address and rateable value of each hereditament which is occupied, or (if unoccupied) owned, by him in the geographical area of the BID proposals to be developed; and***

*(b) supply a copy of the information in the document to the person concerned in data form.*

**Obtaining information from billing authority for the purpose of canvassing (Reg 11)**

*11. (1) As soon as practicable after instructing the ballot holder to hold a ballot (under regulation 5(1)), the relevant billing authority shall–*

*(a) prepare a document showing (as far as the relevant billing authority is able to ascertain from its non-domestic rates billing records at that time) the name of each non-domestic ratepayer and the address and rateable value of each hereditament which is occupied, or (if unoccupied) owned, by him in the geographical area to which any BID proposals, alteration proposals or renewal proposals, as the case may be, relate;*

*(b) provide a copy of the document referred to in paragraph (1)(a) to the ballot holder as soon after instructing as practicable; and*

*(c) make available for inspection by any person a copy of the information in the document referred to in sub-paragraph (a) at its principal office during normal working hours.*

### **3. Service Provider for provision of statement of existing baseline services**

It is a requirement under Schedule 1, paragraph 1(1) (b) to the BID Regulations that the BID proposals include a statement of the existing baseline services provided by the local authority or any other public authority in the proposed BID area. The statement will form part of the BID proposals which demonstrate to businesses voting for the BID that the proposed BID services are additional to the baseline services provided by the public authorities.

It is best practice for a baseline agreement to be approved at the start of a BID's term which sets out baseline services the local authority is going to provide (that reflects the statement of existing baseline services) and services to be provided by the BID. It is unrealistic for local authorities to commit to specific service levels for the full five year term of the BID. The BID proposer and local authority need to agree a process for reviewing the baseline agreement and best practice suggests the baseline agreement includes an annual commitment for review and if necessary update service levels, to reflect the services each will provide the following year.

Where a change in the baseline services provided by the local authority results in the BID having to alter the BID arrangements, it may need to hold an alteration ballot before it can do so. Changes can be made to the arrangements without a ballot, but only where the original arrangements contain provision to this effect and only where the change would not alter the geographical boundary of the BID, increase the levy or cause anyone to pay the levy who had not previously been liable.

### **Schedule 1**

*(b) a statement of the existing baseline services (if any) provided by the relevant billing authority or other public authority;*

#### **Alteration of BID arrangements without an alteration ballot (regulation 16)**

*(1) Subject to paragraphs (2) to (4), BID arrangements may be altered without an alteration ballot where the arrangements include a provision to that effect.*

*(2) No provision mentioned in paragraph (1) may alter—*

*(a) the geographical area of the BID; or*

*(b) the BID levy in such a way that would—(i) cause any person to be liable to pay the BID levy who was not previously liable to pay; or*

*(ii) increase the BID levy for any person.*

*(3) Where paragraph (1) applies, the BID arrangements must include a provision describing the procedure to make the alteration.*

*(4) The procedure referred to in paragraph (3) must include—*

*(a) where there is a BID body, a consultation between the BID body and the relevant billing authority; and*

*(b) where a local authority BID body is responsible for implementing the BID arrangements, a consultation between the relevant billing authority and such representatives of the business community for the geographical area of the BID as the authority considers appropriate.*

*(5) Where the BID arrangements are altered pursuant to this regulation—*

*(a) the billing authority shall ensure the BID arrangements (as altered) are made by the time those BID arrangements (as altered) are to come into force and shall send a notice in writing explaining the reason for and the effect of the alteration to each person liable for the BID levy; and*

*(b) sections 44 to 47 of the Act, regulations 14 to 18 and Schedules 3 and 4 shall have effect from the date the BID arrangements (as altered) come into force as if a reference in each of those provisions to “BID arrangements” were a reference to the BID arrangements (as altered).*

#### **Alterations of the BID arrangements following a ballot (regulation 17)**

*(1) Where there is a proposal to alter—*

*(a) BID arrangements and those arrangements do not include a provision allowing for the arrangements to be altered without a ballot;*

*(b) the geographical area of the BID; or*

*(c) the BID levy in such a way that would—*

*(i) cause any person to be liable to pay the BID levy who was not previously liable to pay; or*

*(ii) increase the BID levy for any person,*

*the BID body or, where a local authority BID body is responsible for implementing the BID arrangements, the relevant billing authority may alter the BID arrangements in accordance with this regulation.*

*(2) An alteration of the BID arrangements under this regulation is not to come into force unless the alteration proposals are approved by a ballot of the non-domestic ratepayers who are to be liable for the BID levy under the BID arrangements (as altered) (“an alteration ballot”) and they are not to be regarded as approved by an alteration ballot unless—*

*(a) a majority of the persons voting in the alteration ballot have voted in favour of the alteration proposals; and*

*(b) the aggregate of the rateable values of each hereditament in respect of which a person voting in the alteration ballot has voted in favour of the alteration proposals exceeds the aggregate of the rateable values of each hereditament in respect of which a person voting in the alteration ballot has voted against the alteration proposals.*

*(3) Where BID arrangements are altered pursuant to this regulation—*

*(a) the billing authority shall ensure the BID arrangements (as altered) are made by the time those BID arrangements (as altered) are to come into force; and*

*(b) sections 44 to 47 of the Act, regulations 14 to 18 and Schedules 3 and 4 shall have effect from the date the BID arrangements (as altered) come into force as if a reference in each of those provisions to “BID arrangements” were a reference to the BID arrangements (as altered).*

## **4. Collection of the BID Levy**

The local authority is required to manage the collection and enforcement of BID levy charges. In practice the BID body and the local authority establish a levy collection agreement often known as an Operating Agreement. The principle of this agreement is to define the principles and processes for collecting the levy; enforcing the payment of the levy; reporting on collection and bad debt; monitoring provisions between the BID and the local authority; and providing regular detailed and summary information on the service to the BID as the client. Best practice suggests that a draft arrangement between the authority and BID should be available for scrutiny by businesses during the ballot period.

The local authority may opt to send the levy bill out as part of the business rate bill or as a separate bill. Best practice suggests that a separate bill that includes a clear logo for the BID on the header of the bill and a smaller local authority logo with reference to the local authority being the collection agency on behalf of the BID is preferable. This helps to ensure businesses recognise that the BID is delivering specific services over and above that which is funded and delivered by the local authority. The local authority is also required to issue an annual billing leaflet with the levy bills and this should include the previous year’s financial summary and the forecast for the forthcoming year as per Schedule 4 to the BID Regulations, paragraph 3 (2). In practice, a billing leaflet is often produced by the BID with the in-house design style and approved by the local authority prior to printing.

The mechanism for charging should be defined within the levy rules of the BID business plan and should be agreed between the BID proposer and local authority rating department in advance of publication of the Business Plan. There is no requirement within the BID regulations to follow the charging principles of the business rates system; instead it is up to the BID proposer to consider the principles that are appropriate to their location.

There are two charging principles – ‘daily charging’ that mirrors the approach in the business rate system of the charge being broken down to each day of the 365 days of the year thereby managing refunds as each change to occupation occurs; or ‘chargeable day’ that imposes the full year levy charge on the incumbent on a fixed day of the year (usually 1<sup>st</sup> April) and then makes no refunds within the year as a result of any changes. The daily charge system is a more complex system and therefore requires a greater resource making the annual levy collection charge higher. Where refunds are provided a further component on the levy rules should be fixing the charging system so that it operates within a closed financial year meaning refunds are only applicable within the current chargeable year. Whilst the chargeable day system tends to be preferred by BIDs because it provides a more predictable cash flow and usually means a lower collection charge.

The local authority is permitted to charge a reasonable fee for this service. There have been wide variations on charging policies across the country with approximately one third of local authorities providing the service at no charge to the BID, whilst others at the other end of the spectrum charging over £100/hereditament (Source: British BIDs Nationwide BID Survey). As a consequence levy payers have increasingly challenged these charges on the basis that there appears to be no correlation between the levy collection rate and its relative collection charge. The Industry Criteria and Guidance Notes (published by British BIDs annually on behalf of the British Retail Consortium, the British Council of Shopping Centres, the Federation of Small Businesses and the Inter Bank Rating Forum) recommend an industry standard of ‘a maximum charge of £35/hereditament or 3% of annual levy income, whichever is the lower.

***Administration of the BID Levy etc (Reg 15)***

***15. The relevant billing authority shall, by the commencement date, provide for the imposition, administration, collection, recovery and application of the BID levy and Schedule 4 shall have effect with respect to those matters.***

***Schedule 4 paragraph 3***

***(2) A billing authority must when it serves a demand notice supply to the person to whom the notice is served the following information—***

***(a) the revenue from the BID levy the billing authority was due to receive in the previous year;***

***(b) the amount spent on the BID arrangements in the previous year;***

***(c) a description of the matters on which it was spent; and***

*(d) a description of the matters on which it is intended to spend the revenue from the BID levy in the financial year.*

## **5. Ballot Holder for provision of Ballot Services**

The local authority is required to ensure the ballot is operated, either in-house or outsourced, in line with the BID Regulations. Irrespective of whether the ballot is run in-house or outsourced, the local authority ballot holder still remains legally responsible for the ballot process as set out within the Regulations.

### **Ballot Timetable**

The timetable for the ballot is defined within Schedule 2 to the BID Regulations stating the key dates as follows:

- Notification to the local authority and the Secretary of State by the BID proposer (min 84 calendar days prior to submitting proposals to the local authority)
- Notice of Ballot (Ballot holder to notify voters) (min 42 calendar days before the ballot day)
- Ballot Period (min 28 calendar days)
- Ballot Day (must be a working day and finish at 5pm)
- Count and Announcement (as soon as 'practicable' after the ballot day)

### **Creating the Voter List**

The local authority is required to ensure a voter list has been created in readiness for a ballot, and this must originate from the rating list to define the eligible hereditaments. The Regulations set out that the voter must be an eligible ratepayer who will be liable to pay the BID levy and that the address to which the ballot paper must be sent can be the address of the hereditament within the BID area or their principal place of business. In practice the rating list does not always provide all the relevant information that enables the creation of the voter list, the key information it does provide is the actual hereditament entry and Unique Property Reference Number (UPRN).

Best practice demonstrates that the default position should be to prepare the list using the local hereditament address with 'The Manager' as the contact and then to update the list to a principal place of business/head office when voter details are confirmed. Therefore the local authority should identify how additional voter details can be collected to maximise the opportunity for businesses to cast their vote. This may be done directly by the local authority by way of pre-ballot canvass but, perhaps most likely, via the BID proposer ensuring evidence of voter identity is proved to the ballot holder who remains responsible for the list at all times. All ballot papers are required to be sent within England via a postal ballot and



therefore any person entitled to vote that is located outside England must be identified in advance and offered a proxy.

### **Managing Changes to the List**

To ensure that the final voter list is as accurate as possible, the ballot holder should ensure it corresponds with the rating list update from the Valuation Office Agency closest to the date of Notice of Ballot. Once the Notice of Ballot has been issued to the voters, this list is then fixed and no changes to the rating list can be taken into account during the ballot period. In the event that ballot papers have not reached the correct name and address of the voter during the period of the ballot the Regulations allow two provisions:

1. Proxy Application – where a named voter is unable or is not the appropriate person to vote, he/she can apply for a proxy vote to be given to a colleague within the same business. This can be done from the date of the Notice of Ballot through to ten days before the end of the ballot period. The proxy application must be sent from the original named voter to the ballot holder.
2. Replacement of Lost Papers – where a voter has not received a ballot paper by the fourth day before the end of the ballot period, the voter can apply for a replacement ballot paper.

### **Ballot Principles**

The ballot is run as a secret ballot meaning that the BID Proposer will not be notified of which way votes have been cast at any stage of the ballot, or after the ballot has ended. However the ballot holder may report to the BID Proposer during the ballot which ballot papers have been received.

The ballot must be won on two counts – both a majority by number of votes; and a majority by rateable value of those that turnout to vote with no turnout threshold required.

The count of the ballot papers is the responsibility of the ballot holder and is required to be carried out as soon as practicable after the ballot has ended. In practice, it is usually undertaken the morning after the ballot has ended with the announcement straight after the count on the same day.

### **Ballot Materials**

There are two sets of documents prepared for the ballot– firstly the documents created and issued in accordance with the Regulations; and secondly the campaign and canvassing documents produced by the BID proposer and not dictated by the Regulations nor requiring the involvement of the local authority.

## Ballot Documents

The BID proposer will send out the notification of their intention to put the BID proposals to a ballot to both the Secretary of State and the local authority, at least 84 days before formally asking the ballot holder to arrange a ballot.

The Ballot Holder will send out the following:

- a. Notification to the Secretary of State at least 42 days before the day of the ballot, confirming that the Notice of Ballot has been issued
- b. Notice of Ballot and covering letter to those entitled to vote, which includes an explanation of the ballot arrangements, an explanation that the person may request a copy of the BID proposals from the BID proposer and provides the name and address of the BID proposer.
- c. Ballot Paper (best practice suggests using a different colour for the ballot paper to ensure it stands out and ensuring the envelopes used include the logo for the BID and a strapline making reference to 'Ballot papers enclosed, please return by *date*').
- d. Ballot Statement (often produced by the BID proposer in line with the other campaign documents and approved by the local authority. This must be sent out with the ballot paper and should be an impartial and factual document which provides an explanation of the BID arrangements and the ballot arrangements )

Best practice also suggests the inclusion in the ballot documents of:

- e. The statement of existing baseline services (these must be available for inspection prior to the ballot). If a Baseline Agreement has been agreed (which includes the statement of existing baseline services) then this should be made available. Section 3 of this Guide refers
- f. Levy collection arrangement (or operating agreement, (available for inspection prior to the ballot and for adoption at the commencement of the BID)) Section 4 of this Guide refers

### **Ballot holder (Reg 6)**

**6.** (1) *The person who holds a BID ballot, renewal ballot, alteration ballot or re-ballot ("the ballot holder") shall be the person the relevant billing authority has appointed under section 35 of the Representation of the People Act 1983(1) as the returning officer for elections to that authority.*

(2) *The ballot holder may by writing under his hand appoint one or more persons to discharge all or any of his functions under these Regulations.*

### **Arrangements for holding a ballot and conduct of a ballot (Reg 7)**

**7.** *On receipt of an instruction under regulation 5, the ballot holder shall make arrangements for conducting a BID ballot, alteration ballot, renewal ballot or re-ballot, as the case may be, in accordance with Schedule 2.*

### **Persons entitled to vote (Reg 8)**

8.—(1) *Subject to paragraph (3), a person shall be entitled to vote in a BID ballot, an alteration ballot or a re-ballot in respect of a BID ballot or an alteration ballot if, on the date the ballot holder publishes the notice under paragraph 3(a) of Schedule 2, he falls within the class of non-domestic ratepayers to be liable for the BID levy described in the BID proposals or the alteration proposals, as the case may be.*

**Schedule 2**

8.—(1) *Nothing is to be printed on the ballot paper except in accordance with this paragraph.*

(2) *Each ballot paper may have a number or barcode printed on the back.*

(3) *The box in which a vote may be marked on the ballot paper shall not be less than 1.5 centimetres square.*

(4) *All of the words on the ballot paper shall appear in the same size type.*

10.—(1) *One ballot paper shall be issued in respect of each person entitled to vote in the BID ballot, renewal ballot, alteration ballot or re-ballot, as the case may be, in respect of each hereditament for which he is entitled to vote.*

(2) *The address to which the ballot paper is to be sent is—*

(a) *the address of the hereditament or the principal place of business within England of the person entitled to vote; or*

(b) *in the case of a proxy, the address shown for the proxy on the list prepared under paragraph 3(b).*

(3) *At the same time there shall be issued to each person entitled to vote or, if applicable, his proxy—*

(a) *a statement prepared by the ballot holder providing an explanation of the BID arrangements and the arrangements for the ballot; and*

(b) *an envelope for the return of the ballot paper (referred to in this Schedule as the “return envelope”).*

## 6. Notification of Ballot Outcome

The Regulations require that as soon as is reasonably practicable after the ballot the ballot holder should arrange for public notice to be given of the outcome of the ballot. Public notice must be given of the four specific matters set out paragraph 17(1)(a) of Schedule 2 to the Regulations, which are:

(a) the total number of votes cast in the ballot excluding any votes given on ballot papers rejected under paragraph 15 of Schedule 2;

(b) the aggregate rateable value of each hereditament in respect of which a person voted in the ballot;

(c) the total number of votes cast in favour of the question asked in the ballot; and

(d) the aggregate rateable value of each hereditament in respect of which a person voting in the ballot has voted in favour of the question asked.

The Regulations do not currently prescribe the manner of publication or the period for which such publication should remain in the public domain. Best practice has shown that, in addition to publication of the outcome by the ballot holder, the BID proposer should look to exploit all media and social media options. They should ensure that all businesses on the ballot voter list are made aware of the outcome as soon as possible.

Best practice also suggests that the Local Authority, as a minimum, should place the outcome of the ballot on their website as soon as the outcome is known. They should also consider other options via social media and publicising in the local newspaper.

## 7. Declaring a Ballot Void

There is a 28 day period immediately after the ballot result announcement during which a request to the Secretary of State to declare the ballot void can be made. The request can be made by either the BID proposer/body, at least 5% of the voters, or the local authority and this request needs to be made in writing to the Secretary of State. The request must set out the basis of the challenge which must be a perceived material irregularity in the ballot process. A material irregularity means either that there has been a contravention of the regulations which is likely to have had a significant effect on the voting and/or that persons other than those entitled to vote have purported to vote or persons entitled to vote have been prevented from voting or hindered from doing so freely in accordance with their own opinion and that this is likely to have caused a significant impact on the result of the ballot. On receipt of a request, the Secretary of State is required to notify the BID proposer and the local authority and then a further 28 days are available for written representations to be made and 14 days thereafter in response. If the Secretary of State declares the ballot void, a re-ballot must be held.

### **Regulation 9**

9.—(1) *Subject to paragraph (3), the Secretary of State may declare void a BID ballot, renewal ballot, alteration ballot or re-ballot if it appears to him that a material irregularity has occurred.*

(2) *In this regulation, “material irregularity” means—*

(a) *a contravention of any requirement of these Regulations which, in the Secretary of State’s opinion, means it is likely that voting in the BID ballot, renewal ballot, alteration ballot or re-ballot, as the case may be, has been affected to a significant extent by the contravention;*

(b) *persons other than persons entitled to vote have purported to vote in the BID ballot and, in the Secretary of State’s opinion, it is likely that the result of the BID*

*ballot, renewal ballot, alteration ballot or re-ballot, as the case may be, has been affected to a significant extent; or*

*(c) persons entitled to vote have been prevented from voting or hindered from doing so freely in accordance with their own opinion and, in the Secretary of State's opinion, it is likely that the result of the BID ballot, renewal ballot, alteration ballot or re-ballot, as the case may be, has been affected to a significant extent.*

*(3) Paragraph (1) shall not apply unless, by the date which is 28 days after the notice of the result is published pursuant to paragraph 17 of Schedule 2, a person ("the complainant"), being a person or group of persons referred to in paragraph (4), has made a request (by notice given in writing) to the Secretary of State to exercise his powers under this regulation, specifying the reason for such a request.*

*(4) The persons mentioned in paragraph (3) are—*

*(a) the BID proposer or the BID body;*

*(b) at least 5 per cent. of the number of persons entitled to vote in the BID ballot, renewal ballot, alteration or re-ballot, as the case may be; or*

*(c) the relevant billing authority.*

*(5) On receipt of a request under paragraph (3) the Secretary of State shall notify the complainant, the relevant billing authority and the BID proposer or the BID body, as the case may be, in writing that he has received the request and send a copy to each of them.*

*(6) Where two or more requests relate to the same ballot, the Secretary of State may decide those requests together.*

*(7) Within 28 days of the date of the notice given by the Secretary of State under paragraph (5) the complainant, the relevant billing authority and the BID proposer or the BID body, as the case may be, may serve on the Secretary of State written representations in respect of the request.*

*(8) A copy of the representations made by one party shall be sent by the Secretary of State to the other parties and shall be accompanied by a statement explaining the effect of paragraph (9).*

*(9) Any party to whom a copy of representations is sent under paragraph (8) may within 14 days of receiving them serve on the Secretary of State further written representations in reply and the Secretary of State shall send a copy of any such further representations to the other parties.*

*(10) The Secretary of State shall notify the complainant, the relevant billing authority and the BID proposer or the BID body, as the case may be, in writing of his decision and where he declares void a BID ballot, renewal ballot, alteration ballot or re-ballot, he shall notify the relevant billing authority in writing requiring it to arrange for a re-ballot or, as the case may be, a further re-ballot to be held.*

*(11) Where the Secretary of State declares void a BID ballot, a renewal ballot, an alteration ballot or a re-ballot in relation to such a ballot and he is of the opinion that the material irregularity was caused by the actions or omissions of the BID proposer or BID body, as the case may be, he shall issue a notice in writing to that effect with his decision notice and, he shall include in the notice an explanation of the effect of regulation 10.*

*(12) Where the Secretary of State declares void a BID ballot, a renewal ballot, an alteration ballot or a re-ballot in relation to such a ballot—*

*(a) the BID arrangements, the renewed BID arrangements or the alterations to the BID arrangements, to which the ballot declared void relates, shall not come into force on the commencement date; and*

*(b) subject to paragraph (13), the BID arrangements, the renewed BID arrangements or the alterations to the BID arrangements, if subsequently approved in the re-ballot, shall come into force on such day as the relevant billing authority determines.*

*(13) The day determined under paragraph (12) shall be no later than a year after the date of the notice of the result is published pursuant to paragraph 17 of Schedule 2.*

## **8. Termination Procedures**

The local authority has a role defined in the Regulations in pursuing termination procedures in the event that the BID has insufficient funds and/or is unable to deliver the services. The termination arrangements require the local authority to run a consultation with 'appropriate' business representatives and to give a notice of 28 days.

### ***Termination of BID arrangements (Reg 18)***

*18.—(1) The relevant billing authority may terminate BID arrangements where—*

*(a) in the opinion of the authority, the BID body will have insufficient finances to meet its liabilities for the current chargeable period and the authority has—*

*(i) offered the BID body a reasonable opportunity to arrange for financing the shortfall or for a reduction in the works or services under the BID arrangements which is sufficient to offset the shortfall; and*

*(ii) given those persons who are liable to the BID levy an opportunity, at a public meeting, to make representations in relation to the termination of the BID arrangements; or*

*(b) the authority is unable, due to any cause beyond the control of the authority, to provide works or services which are necessary for the BID to continue and the authority has—*

*(i) where there is a BID body, consulted the BID body and conducted a consultation with such representatives of the business community for the geographical area of the BID as the authority considers appropriate; and*

*(ii) where a local authority BID body is responsible for implementing the BID arrangements, conducted a consultation with such representatives of the business community for the geographical area of the BID as the authority considers appropriate.*

## Summary Checklist for best practice

Developing a BID is labour intensive, both for the BID proposer and the local authority and requires a focused effort to ensure a robust and thorough process is followed.

The key tasks for a local authority to complete are:

1. Regulations
  - a. Thoroughly read and understand the Regulations
  - b. Agree the 'approval process' whether this is via Committee or delegated approval
  - c. Satisfy yourself there is likely to be no need for a veto of the BID proposals
  - d. Review and sign-off the BID proposals prior to ballot
2. Ratings List Data
  - a. Provide rating list data for consultation
  - b. Provide updated rating list data for the voter list
3. Baselines
  - a. Coordinate details on local authority services and produce the statement of existing baseline services
4. Levy Collection
  - a. Produce the levy collection arrangement (operating agreement) defining the terms of levy collection and enforcement
  - b. Agree the arrangements for billing along with the annual billing leaflet
  - c. Agree method of charging, i.e. daily charging or chargeable day and ensure there is a closed financial year rule in place
  - d. Agree the pricing of the levy collection service in line with Industry Criteria
5. Running the Ballot
  - a. Agree whether the ballot is going to be in-house or outsourced and confirm the timetable
  - b. Agree the principles of creating the voter list and confirm if a pre-ballot canvass is going to take place
  - c. Set the voter list at the last rating list update prior to the Notice of Ballot
  - d. Agree the contents of all ballot pack materials
  - e. Agree the procedures for proxy applications and replacement ballot paper requests
  - f. Agree the ballot count arrangements and the announcement of the result
6. Void Ballot
  - a. Be aware of the rules in relation to declaring a ballot void by the Secretary of State
7. Termination
  - a. Be aware of the responsibilities of the local authority in relation to a possible call for termination

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## **Appendix 2.**

### **BIDs in Denbighshire**

- 1.** As a BID is a legal entity and the process required to set one up requires particular expertise, a procurement exercise was undertaken by the County Council with the involvement of BID Task Groups to secure the services of an expert in this field to work with the businesses in the towns. This procurement process was undertaken for Rhyl & Prestatyn in 2017 and again for Llangollen in 2018. The MOSAIC Partnership were successful in both instances and embarked on the process of supporting businesses to explore BIDs in each of these 3 towns.

### **2. The process of forming a BID**

*2.1 Feasibility* - This initial stage considers Financial analysis; area/boundary modelling and engagement with businesses and both Town and County Councils through e.g. meetings and surveys. It identifies business interest and assesses the viability of a BID.

*2.2 Development & Campaign* - If the BID has been seen to be feasible both in terms of finance and local support then a team to explore it further is developed. This 'BID Task Group' is formed in the town and comprises mainly businesses but often includes a representative from Town and County Councils. It is supported by the independent experts and develops the Draft Business Plan, engaging more widely with local stakeholders through:

- face-to-face meetings with businesses
- workshops, presentations, stakeholder meetings and drop in sessions
- websites created for the potential BID
- newsletters/mail shots to all potential levy payers within the proposed BID boundary

Once this process of consultation and collaboration is complete, the Final Business Plan is produced.

2.3 *Final Business Plan* - The Local Authority by law must be satisfied the BID proposals contain all the information needed to make a clear assessment. The Final Business Plan contains this information - it is the document on which businesses vote. It usually contains the following:

|                                                                    |                              |
|--------------------------------------------------------------------|------------------------------|
| Statement of Works                                                 | Summary of Consultation      |
| Delivery Body and Type                                             | Budget Forecast              |
| Baseline Services Statement                                        | Duration of BID Arrangements |
| Description of Geographical Area including Map                     | Commencement Date for BID    |
| BID Levy Rules (amount, payers, exemptions)                        | Statement on Development     |
| Statement for any Alteration Arrangements (with or without ballot) |                              |

### 3. The Power of Veto

3.1 The Local Authority has a duty in law to be satisfied with the BID proposal/ Business Plan. It can veto the proposal only on a limited number of issues (set out below). The Business Plan is therefore examined by officers ahead of recommendations to Cabinet and prior to a BID Ballot in order to assess if the proposals are likely to:

- conflict to a significant extent with an existing local authority policy,
- place a disproportionate financial burden on particular businesses e.g. by manipulating the boundary or
- the burden from the levy is unjust e.g. one particular sector pay a far lower or higher charge than others.

### 4. The Ballot

4.1 Once the BID proposers request has been accepted through Cabinet as meeting the criteria set out in legislation, the Council provides the mailing list

of ratepayers within the BID boundary to the BID proposer. The BID proposer has a part to play in ensuring the list is as up to date as possible, working with the Authority.

- 4.2 At least 84 days before submitting proposals, the ballot proposer (in Denbighshire this has been to date the independent experts on behalf of the businesses), notifies the Local Authority and the Secretary of State of their intention to put the BID proposal to ballot. For Rhyl this was dated 19<sup>th</sup> June 2018. For Llangollen notification was dated 15 October 2019.
- 4.3 At least 42 days before the final ballot date, the ballot holder should publish a notice stating the date of the ballot, and send a copy of this to the Secretary of State. In Denbighshire an independent provider, the Electoral Reform Service, has been used to conduct the ballot and count the votes.
- 4.4 Businesses that are subject to the levy, as set out in the proposals, vote in the ballot. This determines whether the scheme goes ahead.
- 4.5 In Rhyl notice of ballot was sent on 11 Oct 2018 and ballot packs sent to each qualifying property on 25 October 2018 giving 28 days to cast their vote.
- 4.6 Each business entitled to vote in a Business Improvement District ballot is allowed one vote in respect of each property occupied or (if unoccupied), owned by them in the geographical area of the Business Improvement District as delineated in the BID Business Plan.
- 4.7 As a non-domestic rate payer the Council has a vote for each eligible property they have in the BID area in the same way that businesses do, and this information is presented to Cabinet Briefing and Cabinet. For Rhyl this was 10 September 2018 and 25 September 2018. For Llangollen this is scheduled for 13 & 21 January 2020. In Denbighshire the vote is delegated to a Chief Officer. This also means that as a voter the Council is liable to pay the BID levy. In Rhyl this year the Council is liable for £19,361 of BID levy. In Llangollen the current projection is for £6,250 p.a.
- 4.8 Whilst the Local Authority is legally responsible for overseeing the ballot process, the BID Task Group is responsible for, and plays a vital role in

communicating, providing information and campaigning for business support. Businesses that would not be subject to the levy or who are outside the BID boundary will not receive ballot papers or direct communication on the proposals. However, information about the proposed BID appears in local media and the Final Business Plan is published on line in the run up to the ballot so is readily available.

- 4.9 A successful vote is one that has a simple majority both in votes cast and in rateable value of votes cast. In the Rhyl BID these criteria were met. There were 463 eligible properties of which 99 voted with 66 in favour.
- 4.10 As soon as practicable after the vote the local authority makes the announcement. In Rhyl the ballot closed on 22/11/2018 and the announcement was made on 23/11/18 and posted on the local authority website and the BID website on 27/11/18. A Press release on behalf of the BID was issued by the local authority to the media on 27/11/18. The BID proposers then wrote to levy payers summarising the next steps going forward.

## **5. Declaring a ballot void**

- 5.1 There is a 28 day period straight after the ballot result announcement during which a request to the Secretary of State can be made to declare the ballot void. The request can be made by the BID, at least 5% of the voters or the local authority and must be in writing setting out the basis of the challenge, which must be a material irregularity in the ballot process. The Secretary of State cannot consider questions surrounding the result, nature or merit of the Business Improvement District or Business Improvement District policy.

## **6. Current Position**

- 4.1 In the case of a 'yes vote' the local authority will manage billing and the collection of the levy and will hold the levy in a ring-fenced revenue account on behalf of the BID. This usually takes the form of an operational agreement between the new BID and the Council.

- 6.1 The Rhyl BID has been through the feasibility and development process according to legislative requirement and resulted in a 'yes' vote at ballot. It is now established as Rhyl Bid Ltd, a not for profit company. The operational agreement is in place and the BID has a manager in post reporting to a BID Board comprising business representatives, a Town Council and a County Council representative (Head of Highways & Environmental Services).
- 6.2 Businesses in Prestatyn did not wish to progress further with the development of a full BID business plan, though there may be future interest from new business representatives.
- 6.3 Llangollen has been through feasibility and is currently coming to the close of development process. Its proposals are scheduled for Cabinet Briefing and Cabinet for January 2020 with a view to going to ballot in February 2020 closing 19 March 2020.

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# Business Improvement District, Llangollen

## Well-being Impact Assessment Report


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

|                                                  |                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Assessment Number:                               | 490                                                                                                                                                                                                                                                                                                              |
| Brief description:                               | Exploring the feasibility of creating a Business Improvement District (BID) in Llangollen. Subject to a positive outcome from the feasibility the project would then move into a development and ballot stage. If the outcome of the ballot was a 'yes' vote then the project would move to set up a formal BID. |
| Date Completed:                                  | 17/08/2018 13:43:07 Version: 1                                                                                                                                                                                                                                                                                   |
| Completed by:                                    | Carolyn Brindle                                                                                                                                                                                                                                                                                                  |
| Responsible Service:                             | Planning & Public Protection                                                                                                                                                                                                                                                                                     |
| Localities affected by the proposal:             | Llangollen,                                                                                                                                                                                                                                                                                                      |
| Who will be affected by the proposal?            | Llangollen                                                                                                                                                                                                                                                                                                       |
| Was this impact assessment completed as a group? | No                                                                                                                                                                                                                                                                                                               |

# IMPACT ASSESSMENT SUMMARY AND CONCLUSION

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

## Score for the sustainability of the approach

 ( 3 out of 4 stars ) Actual score : 21 / 30.

## Implications of the score

The project is only at project brief stage. The project is dependent on securing funding from Welsh Government. Positive outcomes and sustainability will be identified through the three stages of the project as they are worked through with stakeholders in Llangollen. An open call to engage was put out by the Chamber of Trade in Llangollen, this kick started the project idea. The Town Council is also a stakeholder. Through the life of the project a wide range of engagement will take place. The County Council is only a facilitator of the process.

## Summary of impact

Well-being Goals

A prosperous Denbighshire

A resilient Denbighshire

A healthier Denbighshire

A more equal Denbighshire

A Denbighshire of cohesive communities

A Denbighshire of vibrant culture and thriving Welsh language

A globally responsible Denbighshire

Positive

Positive

Positive

Neutral

Positive

Positive

Positive



## Main conclusions

The proposal contributes positively to the well being of future generations. It allows the business community to forward plan. It allows partners to work together to maximise positive outcomes and minimise negative wherever possible.

## Evidence to support the Well-being Impact Assessment

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



# THE LIKELY IMPACT ON DENBIGHSHIRE, WALES AND THE WORLD

## A prosperous Denbighshire

|                                 |                                                                                                                                                                                                                                                   |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Overall Impact</b>           | Positive                                                                                                                                                                                                                                          |
| <b>Justification for impact</b> | The main purpose of the proposal is to engage and empower the business community to improve the trading condition within their town. This will improve business representation and give them a voice in issues affecting the economy of the area. |
| <b>Further actions required</b> | Better communication and shared knowledge.                                                                                                                                                                                                        |

### Positive impacts identified:

|                                                             |                                                                                                                                                                                              |
|-------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>A low carbon society</b>                                 | The BID process will inform and educate stakeholders on a range of issues. Other BIDs have looked at such issues as energy saving and waste reduction as well as bulk buying to reduce cost. |
| <b>Quality communications, infrastructure and transport</b> | The BID process will use effective communication. Quality infrastructure will be important.                                                                                                  |
| <b>Economic development</b>                                 | The BID by definition has to result in business benefit. It is its raison d'etre. If the BID progresses then a robust and resilient Business Plan will be produced.                          |
| <b>Quality skills for the long term</b>                     | The purpose of the BID is to improve trading conditions. A more prosperous economy should lead to upskilling of the local population and better wages.                                       |
| <b>Quality jobs for the long term</b>                       | Better business profitability should generate better paid jobs long term.                                                                                                                    |
| <b>Childcare</b>                                            | More people in better paid jobs may reduce the need for childcare                                                                                                                            |

### Negative impacts identified:

|                                                             |                                                         |
|-------------------------------------------------------------|---------------------------------------------------------|
| <b>A low carbon society</b>                                 | Business growth could lead to more waste/pollution.     |
| <b>Quality communications, infrastructure and transport</b> |                                                         |
| <b>Economic development</b>                                 | Increased competition.                                  |
| <b>Quality skills for the long term</b>                     |                                                         |
| <b>Quality jobs for the long term</b>                       |                                                         |
| <b>Childcare</b>                                            | More people in work may increase the need for childcare |

## A resilient Denbighshire

|                                 |                                                                                                                                                                                                                                                            |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Overall Impact</b>           | Positive                                                                                                                                                                                                                                                   |
| <b>Justification for impact</b> | If the BID goes ahead it unlocks the potential for the business community to work together and consider how best to look after the assets on which the town is based. It can embed the principles of resilience and sustainability into the Business Plan. |
| <b>Further actions required</b> | Awareness of the special nature of the town in the AONB and with a World Heritage Site will be built into any work done in relation to stakeholder engagement and the development of a Business Plan should the BID go ahead.                              |

### Positive impacts identified:

|                                                               |                                                                                  |
|---------------------------------------------------------------|----------------------------------------------------------------------------------|
| <b>Biodiversity and the natural environment</b>               | Llangollen is within the AONB and will take cognizance of its special qualities. |
| <b>Biodiversity in the built environment</b>                  | Llangollen is within the AONB and will take cognizance of its special qualities. |
| <b>Reducing waste, reusing and recycling</b>                  | BIDs can work to minimise waste and inefficiency .                               |
| <b>Reduced energy/fuel consumption</b>                        | BIDs can work to minimise waste and inefficiency .                               |
| <b>People's awareness of the environment and biodiversity</b> |                                                                                  |
| <b>Flood risk management</b>                                  |                                                                                  |

### Negative impacts identified:

|                                                               |                                                                                          |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------|
| <b>Biodiversity and the natural environment</b>               | Increased trade may result in increased footfall and pressure on the natural environment |
| <b>Biodiversity in the built environment</b>                  | Increased trade may result in increased footfall and pressure on the environment         |
| <b>Reducing waste, reusing and recycling</b>                  |                                                                                          |
| <b>Reduced energy/fuel consumption</b>                        |                                                                                          |
| <b>People's awareness of the environment and biodiversity</b> |                                                                                          |
| <b>Flood risk management</b>                                  |                                                                                          |

## A healthier Denbighshire

|                                 |                                                                                                     |
|---------------------------------|-----------------------------------------------------------------------------------------------------|
| <b>Overall Impact</b>           | Positive                                                                                            |
| <b>Justification for impact</b> | Residents will be positively impacted by enjoying a healthy, sustainable, local business community. |

|                                 |                                                                                                                                           |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Further actions required</b> | The BID involves a wide range of stakeholders and if it goes ahead can build the principles of sustainable growth into its Business Plan. |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|

**Positive impacts identified:**

|                                                                                           |                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>A social and physical environment that encourage and support health and well-being</b> | A healthy business community will have a ripple effect in the community through e.g. access to jobs; improved income and opportunities from initiatives delivered by the BID.                        |
| <b>Access to good quality, healthy food</b>                                               | More people in work and better household incomes will support access to better food & drink. Supply chain development in the hospitality industry of the town could improve food quality and access. |
| <b>People's emotional and mental well-being</b>                                           | A more resilient and prosperous economy will have a knock on effect on people's well being.                                                                                                          |
| <b>Access to healthcare</b>                                                               | Llangollen is well placed to access the Countryside and has a developing Activity Tourism offer. A good trading environment and increased investment should improve access to wellbeing.             |
| <b>Participation in leisure opportunities</b>                                             | As above.                                                                                                                                                                                            |

**Negative impacts identified:**

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

**A more equal Denbighshire**

|                                 |                                                                                                            |
|---------------------------------|------------------------------------------------------------------------------------------------------------|
| <b>Overall Impact</b>           | Neutral                                                                                                    |
| <b>Justification for impact</b> | The development of a BID will not have an impact. The actions delivered by a BID are unknown at this time. |
| <b>Further actions required</b> | We are not aware of any negative impacts at this stage.                                                    |

**Positive impacts identified:**

|                                                                                                                                                                                                                                                                       |                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| <b>Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation</b> | A potential Business Plan will not discriminate.                     |
| <b>People who suffer discrimination or disadvantage</b>                                                                                                                                                                                                               |                                                                      |
| <b>Areas with poor economic, health or educational outcomes</b>                                                                                                                                                                                                       | A BID is designed to improve economic sustainability and prosperity. |
| <b>People in poverty</b>                                                                                                                                                                                                                                              | A BID is designed to improve economic sustainability and prosperity. |

**Negative impacts identified:**

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

**A Denbighshire of cohesive communities**

|                       |          |         |
|-----------------------|----------|---------|
| <b>Overall Impact</b> | Positive | Page 86 |
|-----------------------|----------|---------|

|                                 |                                                                                                                                                                              |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Justification for impact</b> | The BID model is dependent upon the business community being involved and voting to make it happen. They are then in control of its development and engaged in its delivery. |
| <b>Further actions required</b> | The BID offers the opportunity to forward plan and take account of potential unintended negative effects.                                                                    |

**Positive impacts identified:**

|                                               |                                                                                                                                             |
|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Safe communities and individuals</b>       | The development of a Business Plan allows the Town to consider such issues as community safety.                                             |
| <b>Community participation and resilience</b> | The development of a BID involves a wide range of participation and assists the business community to find ways of becoming more resilient. |
| <b>The attractiveness of the area</b>         | A healthy economy should lead to more investment and better care of the area.                                                               |
| <b>Connected communities</b>                  | Access to goods and services locally should be safeguarded and hopefully improved.                                                          |

**Negative impacts identified:**

|                                               |                           |
|-----------------------------------------------|---------------------------|
| <b>Safe communities and individuals</b>       |                           |
| <b>Community participation and resilience</b> |                           |
| <b>The attractiveness of the area</b>         | Potential overdevelopment |
| <b>Connected communities</b>                  |                           |

**A Denbighshire of vibrant culture and thriving Welsh language**

|                                 |                                                                                                                                                                                                                            |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Overall Impact</b>           | Positive                                                                                                                                                                                                                   |
| <b>Justification for impact</b> | Llangollen is highly dependent on its natural and cultural assets as a large part of its economy is visitor based. The BID therefore can build sustainability and care of these into its Business plan should it go ahead. |
| <b>Further actions required</b> | We are not aware of any negative impacts at this stage. There is the opportunity to consider this as part of the stakeholder engagement and business planning process.                                                     |

**Positive impacts identified:**

|                                     |                                                                                                                                         |
|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| <b>People using Welsh</b>           | This will be a sector of the market that the BID Business Plan has the opportunity to address.                                          |
| <b>Promoting the Welsh language</b> | Material produced in the development stage will be bilingual                                                                            |
| <b>Culture and heritage</b>         | The BID Business Plan should it go ahead has the opportunity to address these issues as Llangollen is highly dependent on these assets. |

## Negative impacts identified:

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

## A globally responsible Denbighshire

|                                 |                                                                                                                                                                                             |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Overall Impact</b>           | Positive                                                                                                                                                                                    |
| <b>Justification for impact</b> | It is too early to see the consequences on supply chains but if the BID goes ahead then it offers the potential to build sustainability and local growth principles into the Business Plan. |
| <b>Further actions required</b> | By building the principles of sustainability and local growth into the Business Plan.                                                                                                       |

## Positive impacts identified:

|                                                                  |                                                                                                                                                                                               |
|------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Local, national, international supply chains</b>              | There will be opportunities for local suppliers to provide services e.g. translation, print, design. An improved economy should strengthen local supply chains and open up new opportunities. |
| <b>Human rights</b>                                              | Local access to goods and service should be safeguarded through a better planned economic environment.                                                                                        |
| <b>Broader service provision in the local area or the region</b> |                                                                                                                                                                                               |

## Negative impacts identified:

|                                                                  |                                                                                                                                                                    |
|------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Local, national, international supply chains</b>              | If the BID goes ahead and the result is economic growth it is possible that in the future larger orders may result in companies outside the area fulfilling these. |
| <b>Human rights</b>                                              |                                                                                                                                                                    |
| <b>Broader service provision in the local area or the region</b> |                                                                                                                                                                    |

|                              |                                                                |
|------------------------------|----------------------------------------------------------------|
| <b>Report to</b>             | <b>Communities Scrutiny Committee</b>                          |
| <b>Date of meeting</b>       | <b>23<sup>rd</sup> January 2020</b>                            |
| <b>Lead Member / Officer</b> | <b>Leader/Head of Business Improvement &amp; Modernisation</b> |
| <b>Report author</b>         | <b>Barry Eaton, Chief Digital Officer</b>                      |
| <b>Title</b>                 | <b>Broadband and Mobile Networks in Rural Areas</b>            |

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

1.1 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 WAO report on Local Government Services to Rural Communities, specifically in relation to broadband and mobile networks in rural areas.

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

To provide information regarding current activities in relation to broadband and mobile networks in rural areas.

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

That the Committee having considered the information provided in this report, provides observations and supports the activities detailed within.

## **4. Report details**

### Delivery of Superfast Broadband

Although in last few years significant progress has been made in the delivery of broadband in Denbighshire with approximately 90% of properties covered, this is predominately in urban areas which have higher population density. The remaining 10% without Superfast is almost exclusively in our more rural areas.

The County Council is represented at a regional level by the Council Leader on the North Wales Economic Ambition Board and Officers attend all meetings in relation to the North Wales Growth Deal and Superfast Broadband delivery which is within the remit of the Digital subgroup.

Although not funded by the Growth Deal, this work has secured improved connectivity to schools, libraries and public buildings funded by the Department for Culture Media and Sport through its Local Full Fibre Networks Challenge Fund. Additionally, Denbighshire requested the inclusion of an additional 37 sites in rural areas which we believe will significantly improve and enhance the availability of Superfast Broadband in those areas. Open Reach have scheduled completion of this work by April 2021.

In addition, the County Council's Superfast Broadband Project Board has delivered a community broadband public workshop, to outline the activities the council can support in relation to meeting the objectives set out in the Corporate Plan concerning the delivery of superfast broadband and mobile networks. The workshop was well received and attended and we plan to do more in workshops in the future. Work is also underway in the Nantglyn area on a pilot project to deliver superfast broadband to the community.

The Council works proactively across the region and with Welsh Government to support the rollout of Superfast by Open Reach and wherever possible influence the rollout plans for Denbighshire. Although any rollout of Superfast is welcome, there will still be properties unable to connect and through our work with community groups and the pilot project, we are endeavouring to assist them in developing their own solutions to achieve their connectivity requirements. Current estimates are that approximately 1000 properties will fall into this category.

Officer resources to assist in the delivery of these activities will be improved this year by the appointment of a full time Digital Support Officer (interviews January 2020), part funded by the Leader Project through European funding.

### Mobile Networks

The Council actively engages with mobile network providers and has provided a single point of contact in the Council. Through representation at regional and national forums and groups the Council actively supports, although significant progress has been made in the roll out of 3 and 4G across Denbighshire, the availability of fit for purpose mobile networks and coverage in the more remote areas remains challenging.



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

By supporting the activities in this report, the committee contributes to the delivery of corporate priorities detailed in the corporate plan in relation to digital exclusion and the availability of fit for purpose superfast broadband and mobile connectivity.

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

Funding has already been allocated in the Corporate Plan

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

A well-being impact assessment is not required for this report.

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

Consultation was undertaken in the development of the Corporate Plan priorities.

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

Not Required

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

The Council has limited control of the rollout of broadband as the Council has no statutory powers to intervene. This risk is mitigated by the Council's active engagement with Welsh Government and local communities.

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

Article 7.2.3 stipulates that Scrutiny may consider any matter which effects the Council's area or its inhabitants.

Article 7.4.2(b) outlines Scrutiny powers with respect of the Council’s performance in relation to policy objectives, performance targets and/or specific service areas.

|                              |                                                                                                    |
|------------------------------|----------------------------------------------------------------------------------------------------|
| <b>Report to</b>             | <b>Communities Scrutiny Committee</b>                                                              |
| <b>Date of meeting</b>       | <b>23<sup>rd</sup> January 2020</b>                                                                |
| <b>Lead Member / Officer</b> | <b>Cllr. Mark Young, Cabinet Lead Member for Planning, Public Protection and Safer Communities</b> |
| <b>Report author</b>         | <b>Development Manager (Planning, Public Protection and Countryside Services)</b>                  |
| <b>Title</b>                 | <b>Planning compliance charter – adoption of finalised document</b>                                |

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

1.1 This report informs Members of the outcomes from the consultation on the Planning, Public Protection and Countryside Services' draft planning compliance charter ("the Charter"), which was undertaken with City, Town and Community Councils. The report also presents information about the performance of the planning compliance function.

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

2.1 A decision is required on the matter of endorsing the post-consultation version of the Charter, so that a final draft can be presented for Lead Member approval through the Council's delegated decision process.

2.2 The report also provides information about the performance of the planning compliance function.

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

3.1 That Members—

- (i) Endorse the draft Charter, entitled 'Planning compliance in Denbighshire – Planning compliance charter' (Appendix 1), in line with 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 they have read, understood and taken account of the Well-being Impact Assessment (Appendix 3) as part of their consideration.

## **4. Report details**

4.1 The Service presented a report to the Scrutiny Committee about the performance of the planning compliance function in December 2018. The report highlighted the challenge presented by the Welsh Government's introduction of new performance indicators in October 2018. It identified four mechanisms which would increase the speed with which cases are processed:

- Stricter insistence on the use of the 'report a breach of planning' form by all complainants, including Members;
- Casework digitisation;
- Adoption of a planning compliance charter to manage the expectations of complainants and contraveners; and
- Strengthened collaboration with partners such as City, Town and Community Councils.

In response, the Committee resolved to request the production of a compliance charter which, as well as managing the expectations of complainants and contraveners, would set out how the Council would seek to collaborate with partnership organisations.

4.2 An initial draft of the Charter was presented to Scrutiny Committee in July 2019. Members resolved:

- (i) To endorse the Charter as drafted;
- (ii) To request that the draft Charter be circulated to City, Town and Community Councils for consultation and comments; and

- (iii) That the revised Charter, following the consultation process, be presented to the Committee for endorsement and recommendation for adoption, along with certain additional information.

The requested additional information is as follows:

- Information on the responses to the consultation;
- Information on staffing resources;
- Communication timescales with the public; and
- The number of complaints received by the Service about planning breaches.

The responses to the consultation are reviewed within the Consultation Report, attached hereto as Appendix 2, while the remaining information is provided in Appendix 4.

- 4.3 Following the consultation exercise, the Service proposes to make a small number of changes to the text, as illustrated in Appendix 1. Proposed insertions are shown highlighted in yellow and proposed deletions have a strikethrough. The document will be subject to final design tweaks subsequent to its prospective adoption, to ensure that the Charter is legible, complies with the Council's corporate identity and meets accessibility requirements. It will also be translated into Welsh prior to publication.
- 4.4 The first section of the Charter provides general information about what constitutes a breach of planning control, and provides advice for developers about how to avoid planning compliance involvement. The second and third sections provide advice for complainants and alleged contraveners respectively. The Charter highlights how local organisations can a) report potential planning breaches, b) assist with the investigatory part of the compliance process and c) get involved in the process of introducing planning guidance and localised controls which could facilitate more effective planning compliance. It is hoped that the Charter will inspire City, Town and Community Councils to get involved in place planning and use their funds to work in partnership with the Council to target specific planning issues in their localities. This is not solely a planning compliance matter, but it contributes to achieving the corporate priority of building resilient communities by encouraging regeneration and community engagement.

4.5 In providing much-needed guidance to stakeholders, the Charter, if adopted, should reduce demand on officers and thus improve the performance of the planning compliance function, as detailed in the report presented to Scrutiny Committee in December 2018.

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

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

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

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

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

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

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

8.1 The creation of the Charter is a result of prior consultation with the Scrutiny Committee, as outlined in section 4 of this report.

8.2 The Charter has also been subject to consultation with City, Town and Community Councils, as outlined in the Consultation Report (Appendix 2). The Service proposes to make a small number of changes to the Charter in response to the consultation exercise, as illustrated in Appendix 1.

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

9.1 There are no direct financial implications of this report.

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

10.1 There are no identifiable risks to adopting the Charter.

10.2 If the Charter is not adopted, there is a risk that the level of unmet demand on the Service will not be reduced. There is a risk that the performance of the planning compliance function will continue to require improvement according to Welsh Government measures, meaning that other mechanisms of achieving improvement would be needed to maintain performance relative to other councils and thereby avoid reputational damage.

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

11.1 Section 7.4.1(e) of the Council's Constitution stipulates Scrutiny Committee's right to consider the impact of policies to assess if they have made a difference, whilst Section 7.4.2(b) outlines Scrutiny Committee's powers with respect of the Council's performance in delivering policy objectives and Section 7.4.2(d) states that Scrutiny can make recommendations to the Cabinet and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process.

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# Planning compliance in Denbighshire

## Planning compliance charter

Adopted **January 2020** 2019



# Planning compliance in Denbighshire

## Planning compliance charter

Adopted **January 2020** ~~2019~~

This charter is available in Welsh. Copies can also be made available in any other language on request by emailing [planning@denbighshire.gov.uk](mailto:planning@denbighshire.gov.uk) or phoning (01824) 706727.

For a Braille, large-print, tape or CD version of this charter, call free on (01824) 706161.



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# > 1. Introduction

## 1.1 The purpose of the compliance charter

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

Not everyone applies for planning consent when they should. This is where the planning compliance function comes in. This charter sets out how the Council seeks to deal with the harmful effects of unauthorised works by ensuring that planning policies are applied proportionately but robustly. It complements the Enforcement Protocol adopted by the Council's Planning, Public Protection and Countryside Services, which is available at <https://www.denbighshire.gov.uk/en/business/business-support-and-advice/planning-public-protection-enforcement-policy.pdf>.

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

## 1.2 What is a breach of planning control?

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

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

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

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

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

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

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

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

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

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

It is the responsibility of the property owner (or, in limited cases, the person carrying out works) to comply with planning regulations. To avoid the potential



involvement of the planning compliance officer, prospective developers should ensure that all of the appropriate consents are in place prior to commencing works. Developers are also advised to inform neighbours about their plans from the outset.

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

### **1.4.1 Lawful development certificates**

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

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

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



## > 2. Advice for complainants

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

The Council's planning department investigates matters which the law gives us powers to adjudicate over—typically matters which require planning permission. We do not have control over—and do not therefore get involved in—civil matters such as property disputes, property damage and trespass. Issues such as dangerous trees, blocked drains and inconsiderate parking are best resolved directly between the interested parties, as these are not matters which are overseen by the planning department.

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

- Development (i.e. building works or a change of use of land) which requires planning permission but has proceeded without it;
- Development which has proceeded contrary to plans approved by the Council as part of a planning permission;

| > | <u>We cannot usually investigate:</u>  | <u>Resolution:</u>                         |
|---|----------------------------------------|--------------------------------------------|
|   | • Property disputes                    | Civil matter                               |
|   | • Property damage                      | Civil matter                               |
|   | • Trespass                             | Civil matter                               |
|   | • Property damage                      | Civil matter                               |
|   | • Litter accumulations                 | Report to the Environmental Health section |
|   | • Nuisances—noise, vermin, odour, etc. | Report to the Environmental Health section |
|   | • Unauthorised waste handling          | Report to Natural Resources Wales          |
|   | • Poor workplace health and safety     | Report to the Health and Safety Executive  |
|   | • Dangerous structures                 | Report to the Built Environment section    |
|   | • Inconsiderate parking                | Report to the Highways authority           |
|   | • Dangerous trees                      | Report to the                              |

- Development which has proceeded contrary to conditions imposed by the Council as part of a planning permission;
- Unconsented alterations to Listed Buildings;
- Unconsented demolition of structures in a Conservation Area;
- Wilful damage to protected trees, i.e. those which are subject to a Tree Preservation Order or located within a Conservation Area;
- Uprooting of non-domestic hedgerows;
- Advertisements whose display requires consent but does not have it; and
- Untidy properties which, owing to their lack of maintenance, are having a detrimental effect on the wider area.

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



If you are unsure about the status of a building or a parcel of land, you can find out by using our interactive map at

In some cases—normally those involving larger schemes—a condition attached to a planning permission may control certain aspects of a development's construction. For example, the planning department may have control over operating hours and mitigation measures, though this is not usually the case for smaller schemes. Complaints relating to the construction phase of developments should in the first instance be referred to the site developer, who may be able to resolve the situation with immediate effect. If this approach is unsuccessful, complainants may wish to consider whether the activity they are concerned about should be reported to the planning department.

### 2.1.1 Development which is immune from enforcement action

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

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

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

### **2.1.2 Speculative reports**

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

### **2.1.3 Anonymous reports**

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

All personal details are confidential and will not be made public during the investigation phase. On rare occasions—those involving serious breaches which result in an appeal or a prosecution—we may be required to give details of the complaint to the Planning Inspectorate or the Courts. These details may include the complainant's name and address, though we would only divulge these with the complainant's express consent. Similarly, we may need to liaise with external agencies such as Natural Resources Wales, the police and the fire and rescue service in order to investigate an alleged breach effectively.

## 2.2 The role of complainants

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

As well as providing a monitoring presence, local residents and organisations are uniquely placed to remedy the harmful effects of breaches before they need to be escalated to the Council. It is a

regrettable fact that the intervention of a planning compliance officer can sometimes be greeted with hostility by developers who are alleged to be carrying out unauthorised works. It is often the case that developers find it unnecessary and antagonistic for the Council to get involved; they will often ask why the aggrieved party couldn’t have raised their concerns directly, in order to reach an amicable (and probably swifter) solution.

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

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

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



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

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

independence and resilience, involving local people and organisations in shaping their communities and improving services—and we recognise the crucial role that city, town and community councils can play in delivering these objectives.

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



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

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

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

If other methods of remedying an alleged breach prove to be unsuccessful, complainants may wish to report the matter to the Council. We only investigate

reports of alleged planning breaches which are submitted to us on the dedicated form, which can be found online by visiting

[www.denbighshire.gov.uk/planning](http://www.denbighshire.gov.uk/planning) and then following the link to the enforcement section.

Alternatively, a hard copy of the form can be sent out to prospective complainants by post.

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

By completing the form, complainants are ensuring that the planning department has all the information we need to carry out any investigation as quickly, effectively and safely as possible. Quite often, the local knowledge that complainants and local organisations can provide on the form is what makes the difference between a successful and an unsuccessful investigation. For this reason, we may refuse to investigate an alleged breach until all of the necessary information has been provided.

Similarly, the success and speed of an investigation can hinge on the availability of corroborating evidence. Accordingly, complainants may wish to submit photographs, sound recordings, videos and activity logs. It is important for complainants to note that their reports may lead to a criminal investigation, so they must ensure that the information and evidence they provide is accurate and a true representation of the facts.

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

## 2.4 The investigation phase

The Council receives around 250 reports of alleged planning breaches each year. Investigations must therefore be prioritised according to the level of harm being caused. The highest priority is given to dealing with breaches which are imminently

life-threatening or irrevocably harmful, especially if they are ongoing. Thereafter, priority is usually given to breaches affecting the places and artefacts which are recognised for their special qualities—Listed Buildings, Conservation Areas, the Area of Outstanding Natural Beauty (“AONB”) and protected trees. Similarly, breaches which conflict with the Council’s Corporate Plan will usually be given priority over other cases.

Regard must also be paid to when the breach first occurred. If an unauthorised development is, owing to the passage of time, approaching immunity from enforcement (see section 2.1.1), the investigation into the matter may need to be prioritised accordingly.

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

| Priority   | Type of breach                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 (Urgent) | <ul style="list-style-type: none"> <li>• Ongoing works to a Listed Building or a Scheduled Ancient Monument which are causing irrevocable and significant damage to its character</li> <li>• Ongoing works which are causing irrevocable and significant damage to a designated natural asset, e.g. a Site of Special Scientific Interest or a tree subject to a Tree Preservation Order</li> <li>• Works which are putting people in imminent danger of death</li> </ul> <p>Examples: ongoing excavations at a Scheduled Ancient Monument; the ongoing felling of a group of protected trees; the creation of a vehicular access onto a blind corner on a fast A-road.</p> |
| 2 (High)   | <ul style="list-style-type: none"> <li>• Works which have caused irrevocable and significant damage to a Listed Building or a Scheduled Ancient Monument, but are not ongoing</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

| Priority            | Type of breach                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                     | <ul style="list-style-type: none"> <li>• Works which have caused irrevocable and significant damage to a designated natural asset, but are not ongoing</li> <li>• Harmful development which, owing to the passage of time, is approaching immunity from enforcement</li> <li>• The uprooting of a non-domestic hedgerow</li> </ul> <p>Examples: the removal of the original windows from a Listed Building; a building which was erected 3 years and 11 months ago; a Listed Building which has had stained-glass windows removed; excavation works which have occurred within a SSSI; a non-domestic hedgerow which has been uprooted.</p>                                                                                                                                                                                                                                                                                                                                                                                          |
| <p>3 (Moderate)</p> | <ul style="list-style-type: none"> <li>• Works which have had a significant adversely affected adverse effect on the character of a designated heritage or natural asset, but are not ongoing</li> <li>• Unauthorised dwellings in the open countryside</li> <li>• Unauthorised, non-temporary advertisements</li> <li>• Properties whose unkemptness is Buildings which, owing to their lack of maintenance, are causing significant visual harm to the surrounding public realm</li> <li>• Breaches of planning conditions attached to planning permissions</li> </ul> <p>Examples: an unauthorised extension on a Listed Building; the demolition of a wall in a Conservation Area; quarrying within the AONB Area of Outstanding Natural Beauty; an unauthorised shop sign in a Conservation area; an unauthorised conversion of a barn into a dwelling; a long-term empty home which is visually harming a busy public thoroughfare; a new dwelling not being used as an Affordable Home, in breach of planning conditions.</p> |



| Priority | Type of breach                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4 (Low)  | <ul style="list-style-type: none"> <li>• Development which is not causing significant harm to public amenity, the environment or to the health, safety or wellbeing of the public</li> <li>• Works to non-Listed buildings outside of which are not within a Conservation Area and or the AONB Area of Outstanding Natural Beauty</li> <li>• Unauthorised ‘householder development’ (works within the garden areas of houses)</li> <li>• Overgrown front gardens</li> <li>• Breaches which are temporary.</li> </ul> <p>Examples: outbuildings in gardens; extensions to houses; overheight fences; a changes of use of a house to a crèche such as a bookshop selling tea and coffee.</p> |

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

### 2.4.1 Site visits

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

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

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

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

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

### 2.5.1 Expediency

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

The pivotal issue for the Council is whether the unauthorised development is unacceptably affecting public amenity. It is not an appropriate use of Council resources to take action against a trivial or technical breach which causes negligible harm to public amenity.

### 2.5.2 Remedial action

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

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

the submission of evidence and / or the input of specialist consultees is needed in order that an informed decision about a development's acceptability can be made.

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

### **2.5.3 Formal enforcement action**

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

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

For relatively minor breaches, the service of the enforcement notice may be deemed sufficiently punitive in itself, given its effect on land valuation. In most cases, however, the response of the notice's recipient will be monitored once the period of compliance has elapsed. If the monitoring reveals that the recipient of a notice has failed to comply with its requirements, the Council may, if expedient, seek to secure further punitive action. Penalties for non-compliance vary depending on the type of breach and the notice served (see section 3.2). Prosecution may be pursued if it is in the wider public interest to do so, and if legal advice suggests that there is a reasonable prospect of success.


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

## 3. Advice for alleged contraveners

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

Those who are alleged by the Council to have carried out unauthorised works should read the correspondence they have received thoroughly. Any such correspondence will carefully set out the Council's position and provide advice about what to do next. It will state what courses of remedial action are available

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

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

In light of the above, alleged contraveners are advised to seek the assistance of a planning consultant if they are in any doubt about their obligations. A list of such agents who operate in the locality is available at [www.denbighshire.gov.uk/planning](http://www.denbighshire.gov.uk/planning). Alternatively, Planning Aid Wales, which is a charitable organisation which helps eligible individuals to participate more effectively in the planning system, provides advisory services including a helpline. Further information about the charity can be found at [www.planningaidwales.org.uk](http://www.planningaidwales.org.uk).

### 3.2 Formal notices

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

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

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

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

### 3.2.1 Enforcement Notices

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

Failure to comply with an enforcement notice within the required timeframe is a criminal offence and can lead to a substantial fine.

### 3.2.2 Listed Building Enforcement Notices

It is a criminal offence under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to alter, extend or demolish a structure subject to a Listing without Listed Building consent. A Listed



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

Building Enforcement Notice (“LBEN”) seeks to have unauthorised works remedied by:

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

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

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

### **3.2.3 Breach of Condition Notices**

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

### **3.2.4 Stop Notices and Temporary Stop Notices**

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

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

### **3.2.5 Enforcement Warning Notices**

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

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

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

The Council will often issue an EWN in relation to alleged breaches which, after an initial assessment, appear to accord with planning policy in principle. They are reserved for circumstances in which, subject to the imposition of conditions, there

is a 'reasonable prospect' that retrospective planning permission would be granted if an application for such were to be made. They do not act as a guarantee that planning permission will be forthcoming. Failure to comply with an EWN may lead to further formal action, normally the service of a full Enforcement Notice.

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### **3.2.6 Other notices**

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

### **3.3 Injunctions**

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

### **3.4 Submitting a planning application**

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

#### **3.4.1 Non-determination of retrospective planning applications**

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

### **3.5 Officers' right of entry onto land**

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

- Ascertain whether there has been a breach of planning control;

- Determine whether and how the Council's powers should be exercised; and
- Determine whether there has been compliance.

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

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## > Contact us

Website: [www.denbighshire.gov.uk/planning](http://www.denbighshire.gov.uk/planning)

Email: [planning@denbighshire.gov.uk](mailto:planning@denbighshire.gov.uk)

Phone: (01824) 706727

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## Appendix 2: Consultation Report

- A2.1 As per the resolution of the Scrutiny Committee at its July 2019 meeting, the Service has carried out a consultation on the draft planning compliance charter (“the Charter”) with City, Town and Community Councils. This report summarises the consultation process and the consultee responses received.
- A2.2 Each of the City, Town and Community Councils was provided with a copy of the draft Charter and invited to provide comments. The document was circulated among consultees by post or, in instances where the Service had an email address for the City/Town/Community Council, by email. Further copies were provided by post upon request.
- A2.3 The Service initially intended to run the consultation from the 10<sup>th</sup> October 2019 to the 31<sup>st</sup> October 2019, but extended the consultation deadline to the 5<sup>th</sup> December 2019 in response to consultee concerns. This means that the draft Charter was subject to a consultation period of eight weeks.
- A2.4 Table 1, below, summarises the responses we received from consultees. None of the submitted representations was received in Welsh.

**Table 1: Table of consultee responses (continues overleaf)**

| Consultee                 | Relevant consultee comments                                                                                                                                                                                                                                                                                                                                                                                 | Summary of consultee response                                                                                                   | Service response | Recommendation      |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------|
| Denbigh TC                | Denbigh Town Councillors have passed a resolution to adopt the charter, no amendments required.                                                                                                                                                                                                                                                                                                             | No amendments to the charter required.                                                                                          | Comment noted.   | No action required. |
| Llanfair Dyffryn Clwyd CC | 2.1 Reference to national and to Denbighshire planning technical advisory and other documents is welcomed. The need to consider any proposed development in the light of best practice should be a key consideration. For example, Llanfair DC welcomes the DCC Supplementary Planning Guidance on Caravans, Chalets & Camping which has helped inform comment on proposals and to encourage best practice. | Reference to national and to Denbighshire planning technical advisory and other documents is welcomed.                          | Comment noted.   | No action required. |
|                           |                                                                                                                                                                                                                                                                                                                                                                                                             | Welcomes and agrees with the definitions set out in the draft charter relating to the role of planning and development control. | Comment noted.   | No action required. |

| Consultee | Relevant consultee comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Summary of consultee response                                                                                                                                                                                                                                                                                                       | Service response                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Recommendation                                                                                                                                                              |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           | 2.2 Llanfair DC Community Council welcomes and agrees with the definitions set out in the draft charter relating to the role of planning and development control.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Clarification of what can and cannot be covered by Development Control is welcomed and broadly agreed with.                                                                                                                                                                                                                         | Comment noted.                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Expand the relevant section so as to provide further clarification.                                                                                                         |
|           | 2.3 Clarification of what can and cannot be covered by Development Control is welcomed and broadly agreed with.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Would welcome the opportunity to engage more closely with Council planners to develop place specific controls.                                                                                                                                                                                                                      | Comment noted.                                                                                                                                                                                                                                                                                                                                                                                                                                                             | No action required.                                                                                                                                                         |
|           | 2.4 Llanfair DC Community Council welcomes the comments in the charter setting out the role that it can play in encouraging responsible development. There have been a number of instances where Community Council involvement with proposed changes has resulted in good outcomes. For example, where tree felling was proposed at Silver Birches the Community Council was able to encourage a more environmentally friendly approach which resulted in a better approach. The Llanfair DC Community Council would welcome the opportunity to engage more closely with Council planners to develop place specific controls. The Conservation area in Llanfair DC is an obvious example and with the move of pupils from the old school in late 2019 there is both a need and an opportunity to shape this place for the future. | Agrees with the hierarchical approach proposed to deal with alleged reported breaches.                                                                                                                                                                                                                                              | Comment noted. This approach is determined by the Welsh Government's Development Management Manual in any case.                                                                                                                                                                                                                                                                                                                                                            | No action required.                                                                                                                                                         |
|           | 2.5 Llanfair DC Community broadly agrees with the hierarchical approach proposed to deal with alleged reported breaches.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | We would seek to agree at an early stage with the Council the extent of harm from any proposal such that expectations over how matters will be dealt with are understood. Given the timescales set out in section 2.1.1 of the draft charter, it is important that matters are dealt with expediently and that clarity is provided. | The idea of agreeing the degree of harm—and thus the priority with which the case will be handled—has theoretical merits but would be problematic in practice. It is often not possible to determine harm/priority without some degree of investigation. The Authority would also not wish to encourage false expectations of case-handling timescales, which are dependent on existing workloads as well as the intrinsic harm of the unauthorised development concerned. | Make the list of breaches within the charter more detailed and exhaustive, in order that stakeholders may understand the priority with which a given case is being treated. |
|           | 2.6 The draft charter states “The pivotal issue for the Council is whether the unauthorised development is unacceptably affecting public amenity. It is not an                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                             |

| Consultee     | Relevant consultee comments                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Summary of consultee response                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Service response                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Recommendation      |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
|               | appropriate use of Council resources to take action against a trivial or technical breach which causes negligible harm to public amenity." Llanfair DC would seek to agree at an early stage with the Council the extent of harm from any proposal such that expectations over how matters will be dealt with are understood. Given the timescales set out in section 2.1.1 of the draft charter it is important that matters are dealt with expediently and that clarity is provided. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                     |
| Llangollen TC | City, Town and Community Councils only have a legal right to ask for copies of planning applications to comment on the merits of the same. Therefore, having considered the document in detail, Members consider the comment contained in the highlighted text box on page 10 "Help us to help you...Try to reach an amicable solution before reporting the matter to us" falls outside the remit of the City, Town and Community Councils and should be deleted.                      | Members do not consider that they should have responsibility to carry out the tasks listed under section 2.2 of the draft charter, "The role of complainants", namely: <ul style="list-style-type: none"> <li>• Try to reach an amicable solution before reporting the matter to us;</li> <li>• If it's necessary to report the breach to us, use the designated form;</li> <li>• Provide evidence;</li> <li>• Monitor the situation; and</li> <li>• Wait for updates.</li> </ul> | While the Authority recognises that City, Town and Community Councils are not obligated to assist the Authority on planning compliance matters, it is considered that working together results in better outcomes, for the benefit of all involved. Concerns about providing assistance have not been raised by any other City, Town or Community Council, and given that this view is in the minority, the Authority does not propose to change the charter in response. | No action required. |
| Ruthin TC     | Members were pleased to receive the report, and felt that it was clearly laid out and outlines everything clearly. They did not wish to suggest any amendments, and it was resolved to accept the draft Charter.                                                                                                                                                                                                                                                                       | No amendments to the charter required.                                                                                                                                                                                                                                                                                                                                                                                                                                            | Comment noted.                                                                                                                                                                                                                                                                                                                                                                                                                                                            | No action required. |

A2.5 Of the consultee responses received, most were broadly positive and welcomed the introduction of the Charter. As Table 1 demonstrates, the Service has made changes to the draft Charter in two areas in response to the consultation:

- 1) The section regarding what the planning compliance function can and cannot do has been expanded so as to provide further clarification; and
- 2) The section listing types of breaches and how they are prioritised has been made more detailed and exhaustive, in order that stakeholders may understand the priority with which a given case is being treated.

In addition to the above, some further minor textual changes have been made; these are highlighted in the draft Charter provided in Appendix 1.

A2.6 Llangollen Town Council members expressed their view that they should not have responsibility to carry out the tasks listed under section 2.2 of the draft Charter. While the Service recognises that City, Town and Community Councils are not obligated to assist the Council on planning compliance matters, it considers that working together results in better outcomes, for the benefit of all involved. Given that the view of Llangollen Town Council members is in the minority—concerns about providing assistance have not been raised by any other City, Town or Community Council—the Service does not propose to change the Charter in response.



# Planning Compliance Charter

## Well-being Impact Assessment Report

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

|                                                  |                                                                     |
|--------------------------------------------------|---------------------------------------------------------------------|
| Assessment Number:                               | 669                                                                 |
| Brief description:                               | Creating an agreed procedure for the planning compliance processes. |
| Date Completed:                                  | 08/01/2020                                                          |
| Completed by:                                    | Paul Mead                                                           |
| Responsible Service:                             | Planning & Public Protection                                        |
| Localities affected by the proposal:             | Whole County,                                                       |
| Who will be affected by the proposal?            | Complainants, contravenors, CT&CC's                                 |
| Was this impact assessment completed as a group? | No                                                                  |

# IMPACT ASSESSMENT SUMMARY AND CONCLUSION

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

## Score for the sustainability of the approach

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

## Implications of the score

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

## Summary of impact

Well-being Goals

A prosperous Denbighshire

A resilient Denbighshire

A healthier Denbighshire

A more equal Denbighshire

A Denbighshire of cohesive communities

A Denbighshire of vibrant culture and thriving Welsh language

A globally responsible Denbighshire

Positive

Positive

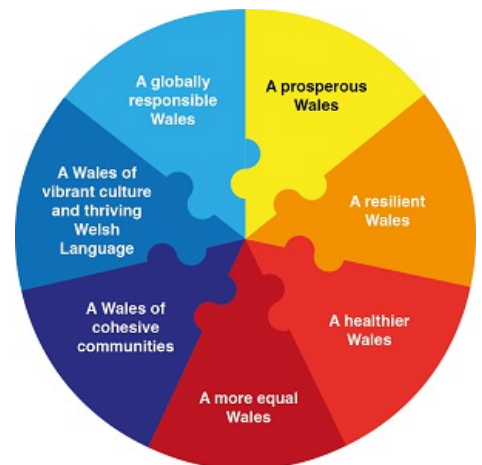
Neutral

Neutral

Positive

Neutral

Neutral



## Main conclusions

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

## Evidence to support the Well-being Impact Assessment

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

# THE LIKELY IMPACT ON DENBIGHSHIRE, WALES AND THE WORLD

## A prosperous Denbighshire

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

### Positive impacts identified:

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

### Negative impacts identified:

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

## A resilient Denbighshire

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

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

**Positive impacts identified:**

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

**Negative impacts identified:**

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

**A healthier Denbighshire**

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

**Positive impacts identified:**

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

**Negative impacts identified:**

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

## A more equal Denbighshire

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

**Positive impacts identified:**

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

### Negative impacts identified:

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

## A Denbighshire of cohesive communities

|                       |          |          |
|-----------------------|----------|----------|
| <b>Overall Impact</b> | Positive | Page 136 |
|-----------------------|----------|----------|

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

**Positive impacts identified:**

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

**Negative impacts identified:**

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

**A Denbighshire of vibrant culture and thriving Welsh language**

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

**Positive impacts identified:**

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

**Negative impacts identified:**

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

**A globally responsible Denbighshire**

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

**Positive impacts identified:**

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

**Negative impacts identified:**

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



## Appendix 4: Performance Report

A4.1 At the July 2019 meeting of Scrutiny Committee, Members resolved to request information on the following:

- Staffing resources;
- Communication timescales with the public; and
- The number of complaints received by the Service on planning contraventions.

This information is presented in Table 1, overleaf.

A4.2 The Service does not keep a record of communication timescales per se, so Table 1 instead shows information about the time taken to ‘investigate’ and ‘take positive action’ in relation to cases. It is at these junctures that updates are typically provided to complainants and alleged contraveners, so they serve as useful indicators of communication timescales.

A4.3 The colour coding in Table 1 relates to Welsh Government performance targets: green denotes good performance; yellow denotes fair performance; and red means improvement is required. It is important to note that on the 17<sup>th</sup> October 2018 (roughly midway through Q3 of the 2018-19 period), the Welsh Government revised how its performance indicators are to be interpreted by local planning authorities—that is; what it means to have investigated a breach, and what it means to have taken further (‘positive’) action.<sup>1</sup>

A4.4 Before the 17<sup>th</sup> October 2018, 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, e.g. to cease the breach or submit a retrospective planning application. Now, such informal courses of action do not count towards a case being investigated for the purpose of the Welsh Government’s statistics; a case can only now be recorded as investigated when a formal enforcement notice has been issued or when a valid planning application has been received (as opposed to merely requested). Notices and certainly applications can often take weeks to prepare, and thus the Welsh Government’s revisions have had a noticeably detrimental impact on the

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<sup>1</sup> Further information about this topic was provided to Scrutiny Committee in the Service’s December 2018 report entitled “Performance of the Council’s planning compliance function”.

recorded performance of the compliance function. For the past four quarters—i.e. since the introduction of the new performance measures—the Service’s performance in the investigation phase has “required improvement”.

**Table 1: Staffing, caseload and performance statistics, January 2017 to December 2019**

| Period                                               | 2016-17<br>Q4 | 2017-18 |      |    |    | 2018-19 |     |                 |      | 2019-20 |      |      |
|------------------------------------------------------|---------------|---------|------|----|----|---------|-----|-----------------|------|---------|------|------|
|                                                      | Q4            | Q1      | Q2   | Q3 | Q4 | Q1      | Q2  | Q3 <sup>1</sup> | Q4   | Q1      | Q2   | Q3   |
| <b>Staffing</b>                                      |               |         |      |    |    |         |     |                 |      |         |      |      |
| Number of staff members (full-time equivalent)       | 1             | 1       | 1    | 1  | 1  | 1       | 1   | 1.6             | 1.6  | 1.6     | 1.6  | 1    |
| <b>Caseload</b>                                      |               |         |      |    |    |         |     |                 |      |         |      |      |
| Reports of alleged breaches received/created         | 55            | 49      | 52   | 33 | 35 | 40      | 49  | 77              | 43   | 75      | 45   | 42   |
| <b>Performance (timescales)</b>                      |               |         |      |    |    |         |     |                 |      |         |      |      |
| Percentage of cases ‘investigated’ within 12 weeks   | 91            | 96      | 92   | 87 | 82 | 81      | 77  | 78              | 61   | 62      | 67   | 33   |
| Average time taken to ‘investigate’ cases (weeks)    | 8.1           | 8.1     | 10.9 | 11 | 6  | 11.3    | 8.3 | 10.4            | 14.7 | 16      | 14.7 | 21.9 |
| Average time taken to take ‘positive action’ (weeks) |               |         |      |    |    |         |     | 17.1            | 27.9 | 28.4    | 19.8 | 25.4 |

<sup>1</sup> New system of measuring performance introduced (on 17<sup>th</sup> October 2018).

A4.5 It was after the 17<sup>th</sup> October 2018 that the average time taken to investigate cases was no longer monitored by the Welsh Government (though the Service continues to monitor this). Instead, the concept of taking a ‘positive action’ was introduced and monitored. A positive action has been taken when, following investigation, it is decided that a breach has occurred and one of the following courses of action has also taken place:

- a) Informal negotiation removes the breach;
- b) An Enforcement Notice is issued;
- c) Planning permission is granted in retrospect;
- d) Prosecution is brought;

e) Direct action by the Authority removes the breach.

Throughout the period in which it has been monitored (five quarters to date), the Service's performance as regards taking a 'positive action' has been categorised as "fair".

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|                        |                                           |
|------------------------|-------------------------------------------|
| <b>Report to</b>       | <b>Communities Scrutiny Committee</b>     |
| <b>Date of meeting</b> | <b>23 January 2020</b>                    |
| <b>Lead Officer</b>    | <b>Rhian Evans, Scrutiny Co-ordinator</b> |
| <b>Report author</b>   | <b>Rhian Evans, Scrutiny Co-ordinator</b> |
| <b>Title</b>           | <b>Scrutiny Work Programme</b>            |

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

The report presents Communities Scrutiny Committee with its draft forward work programme for members' consideration.

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

To seek the Committee to review and agree on its programme of future work, and to update members on relevant issues.

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

That the Committee

3.1 considers the information provided and approves, revises or amends its forward work programme as it deems appropriate; and

3.2 identifies key messages and themes from the current meeting which it wishes to publicise via the press and/or social media.

## **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**

5.1 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 19 December 2019. At that meeting it requested this Committee to consider the following item of business at its March meeting:

- Well-being of Future Generations: An examination of taking steps to revise household waste collection, supporting the well-being objective of delivering an attractive and protected environment. This is a report produced by the Wales Audit Office (WAO).

The Group's next meeting is scheduled for 30 January 2020.

5.2 With a view to raising Scrutiny's profile and encouraging public engagement the Group recently decided that all three scrutiny committees should, for a trial period, identify key themes or messages arising from their meetings for publication via the Authority's social media pages and the local press. The Committee is therefore asked to identify which themes or messages it wishes to highlight from the current meeting.

## **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?**

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

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

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

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

No risks have been identified with respect to the consideration of the Committee's forward work programme. However, by regularly reviewing its forward work programme the Committee can ensure that areas of risk are considered and examined as and when they are identified, and recommendations are made with a view to addressing those risks.

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

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

### **Contact Officer:**

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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                                                                           |
|----------|--------------------------|------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|----------------------------------------------------------------------------------------|
| 12 March | <b>Leader</b>            | 1. Tourism Signage Strategy for Denbighshire                                             | To outline the progress made by the Working Group in developing a tourism signage strategy for the county, consideration of potential funding sources, and the anticipated timescale for the project's delivery | 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 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                                                                                                                        | Mike Jones/Peter McDermott       | May 2018 (rescheduled by SCVCG December 2018 & rescheduled by the Committee June 2019) |
|          | <b>Cllr. Tony Thomas</b> | 2. Progress report on recommendations stemming from the Llantysilio Mountain fire review | To monitor progress made in relation to implementing the Review's recommendations in conjunction with the Council's partner agencies and organisations                                                          | (i) The development of a Regional Wildfire Plan to help partner agencies respond effectively to similar incidents in future and to reduce the risk of similar incidents occurring; and<br>(ii) Securing sufficient funding to establish and fund a dedicated Upland and Moorland Management Officer post to support all partner organisations, landowners and graziers to effectively manage the habitat, reducing the risk of wildfires in an economically viable way in line with WG agricultural policies which benefits the local | Emlyn Jones/Huw Rees/David Shiel | September 2019                                                                         |

## Communities Scrutiny Committee Forward Work Plan

| Meeting | Lead Member(s)                    | Item (description / title) |                                                                                           | Purpose of report                                                                                                                                                                | Expected Outcomes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Author                   | Date Entered           |
|---------|-----------------------------------|----------------------------|-------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------------------|
|         |                                   |                            |                                                                                           |                                                                                                                                                                                  | area and supports the delivery of the Council's Environment corporate priority                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                          |                        |
|         | <b>Cllr. Huw Hilditch-Roberts</b> | 3.                         | Denbighshire's Learner Transport Policy: Non-Statutory Elements<br><br><b>[Education]</b> | To present the findings of the Task and Finish Group's study into the county's learner transport provision for pupils and students accessing non-statutory elements of education | (i) Clarity and understanding of Council's annual learner transport budget and the cost of transporting pupils/students to statutory and non-statutory, discretionary and non-discretionary education, including an enhanced knowledge of education and learner transport legislation and their impact on the budget;<br>(ii) an assessment of the potential impact of withdrawing the provision of free learner transport for pupils/students who access the various non-statutory or discretionary educational elements currently offered, including any risks to the wider education provision in the area and to the skills base required in local economy; and<br>(iii) ensuring that every pupil/student in the county has fair and equitable access to education provision and is not discriminated against in any way | Task and Finish Group    | May 2019               |
|         | <b>Cllr. Brian Jones</b>          | 4.                         | Well-being of Future Generations: An examination of                                       | For the Committee to consider the Wales Audit Office's (WAO)                                                                                                                     | To formulate recommendations and seek assurances that the Council has appropriate plans in place to respond to the issues raised by the WAO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Tony Ward/Tara Dumas/WAO | By SCVCG December 2019 |

## Communities Scrutiny Committee Forward Work Plan

| Meeting | Lead Member(s)                    | Item (description / title) |                                                                                                                                              | Purpose of report                                                                                                                                                           | Expected Outcomes                                                                                                                                                                                                                                                                                          | Author                                      | Date Entered   |
|---------|-----------------------------------|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|----------------|
|         |                                   |                            | taking steps to revise household waste collection, supporting the well-being objective of delivering an attractive and protected environment | findings and the Council's proposed response to them                                                                                                                        |                                                                                                                                                                                                                                                                                                            |                                             |                |
| 7 May   | <b>Cllr. Huw Hilditch-Roberts</b> | 1.                         | Welsh Government's Free Childcare Offer in Denbighshire                                                                                      | To assess the take-up and impact of the WG's free childcare offer in the county since its introduction in April 2019                                                        | To evaluate whether the introduction of the free childcare offer has supported the delivery of the Council's corporate priorities relating to young people and resilient communities, supported the local economy and will enhance better outcomes for children and families                               | Karen Evans/James Wood                      | September 2018 |
| 2 July  | <b>Cllr. Tony Thomas</b>          | 1.                         | Ruthin Gaol                                                                                                                                  | To consider potential options for the utilisation of the vacated space at the facility if the proposed single-shared archive service with Flintshire County Council and the | To formulate recommendations in relation to securing the future of the Gaol through the development of a tourist and education asset that will benefit local residents and tourists whilst supporting the area and county's economic development in line with the Council's Environment corporate priority | Alan Smith/Craig Berry/ Helen Vaughan-Evans | October 2019   |

## Communities Scrutiny Committee Forward Work Plan

| Meeting     | Lead Member(s)                                                                                 | Item (description / title) |                                                                                           | Purpose of report                                                                                                                                                                                                                                         | Expected Outcomes                                                                                                                                                                                                                                                                                          | Author                                  | Date Entered                                                                                                    |
|-------------|------------------------------------------------------------------------------------------------|----------------------------|-------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------|
|             |                                                                                                |                            |                                                                                           | creation of the 'hub' proceeds                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                            |                                         |                                                                                                                 |
| 3 September | <b>Cllr. Huw Hilditch Roberts</b>                                                              | 1.                         | Impact of the Ruthin Primary Education Area Review<br><br><b>[Education]</b><br><br>(tbc) | To consider the findings of the of the impact assessment (based on the WBFG Act principles and goals) undertaken following the conclusion, implementation of the decisions relating to the review                                                         | Identification of any negative or unintended/unexpected outcomes from the school reorganisation decisions that will assist planning for similar projects in future to ensure the well-being of all stakeholders                                                                                            | Karen Evans/Geraint Davies/James Curran | October 2017 (rescheduled June 2019 and by SCVCG September 2019)                                                |
| 22 October  | <b>Cllr. Brian Jones</b><br><br><b>Reps from Dŵr Cymru Welsh Water &amp; NRW to be invited</b> | 1.                         | <i>Flood Management Responsibilities in Denbighshire (tbc)</i>                            | <i>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</i> | <i>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</i> | <i>Tony Ward/Wayne Hope</i>             | <i>March 2018 (rescheduled February 2019 &amp; June 2019) rescheduled until conclusion of the Phase 3 study</i> |

## Communities Scrutiny Committee Forward Work Plan

| Meeting                          | Lead Member(s)                    | Item (description / title) |                  | Purpose of report                                                                                                                                                                                                                                                                                                       | Expected Outcomes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Author                    | Date Entered |
|----------------------------------|-----------------------------------|----------------------------|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|--------------|
|                                  |                                   |                            |                  | <i>management and flood mitigation</i>                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                           |              |
| 10 December                      |                                   |                            |                  |                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                           |              |
| early 2021<br>(prov. date – tbc) | <b>Cllr. Julian Thompson-Hill</b> | 1.                         | Universal Credit | To detail:<br>(i) the impact of migrating legacy benefits residents on to Universal Credit on Council services; and<br>(ii) the effectiveness of the measures taken by the Council and its partners with a view to mitigating the effects of migrating legacy benefits residents on to UC (including the lessons learnt | (i) An understanding of the impact of migrating legacy benefit recipients onto UC on Council services and on residents themselves; and<br><br>(ii) an assessment of the effectiveness of measures taken to support services and residents to deal with the changes and proposed plans for dealing with the remainder of the rollout.<br><br>Scrutiny's consideration of the above matters will assist it to identify proposed ways to mitigate against the effects of UC adversely affecting the Council's aim of building resilient communities | Paul Barnes/Rachel Thomas | May 2019     |
|                                  |                                   |                            |                  |                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                           |              |

## Communities Scrutiny Committee Forward Work Plan

**Future Issues**

| Item (description / title)                     | Purpose of report                                                                                                                                                                               | Expected Outcomes                                                                                                                                                                                                                | Author               | Date Entered |
|------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------|
| Waste and Recycling                            | To provide an update on the outcome of the pilot projects undertaken to increase the capture of recyclable waste across the county                                                              | An evaluation of the pilot projects' success in increasing recycling rates and recommendations for future improvements in this area                                                                                              | Tony Ward/Tara Dumas | October 2019 |
| Waste and Recycling: Benefits Realisation Plan | To examine the proposed Benefits Realisation Plan to be implemented for the purpose of monitoring the environmental, financial, employee and customer benefits of the new waste operating model | The formulation of recommendations in relation to the Benefits Realisation Plan with a view to ensuring effective, meaningful and quantifiable monitoring of the model that will help support future improvements to the service | Tony Ward/Tara Dumas | October 2019 |

**For future years**

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

**Information/Consultation Reports**

| Information / Consultation                                  | Item (description / title)                | Purpose of report                                                                                             | Author(s)              | Date Entered |
|-------------------------------------------------------------|-------------------------------------------|---------------------------------------------------------------------------------------------------------------|------------------------|--------------|
| <b>INFORMATION</b><br><i>(for circulation January 2021)</i> | Car Park Asset/Investment Management Plan | To detail the progress made to date with the delivery of the asset management plan and associated initiatives | Emlyn Jones/Mike Jones | July 2019    |

**Note for officers – Committee Report Deadlines**

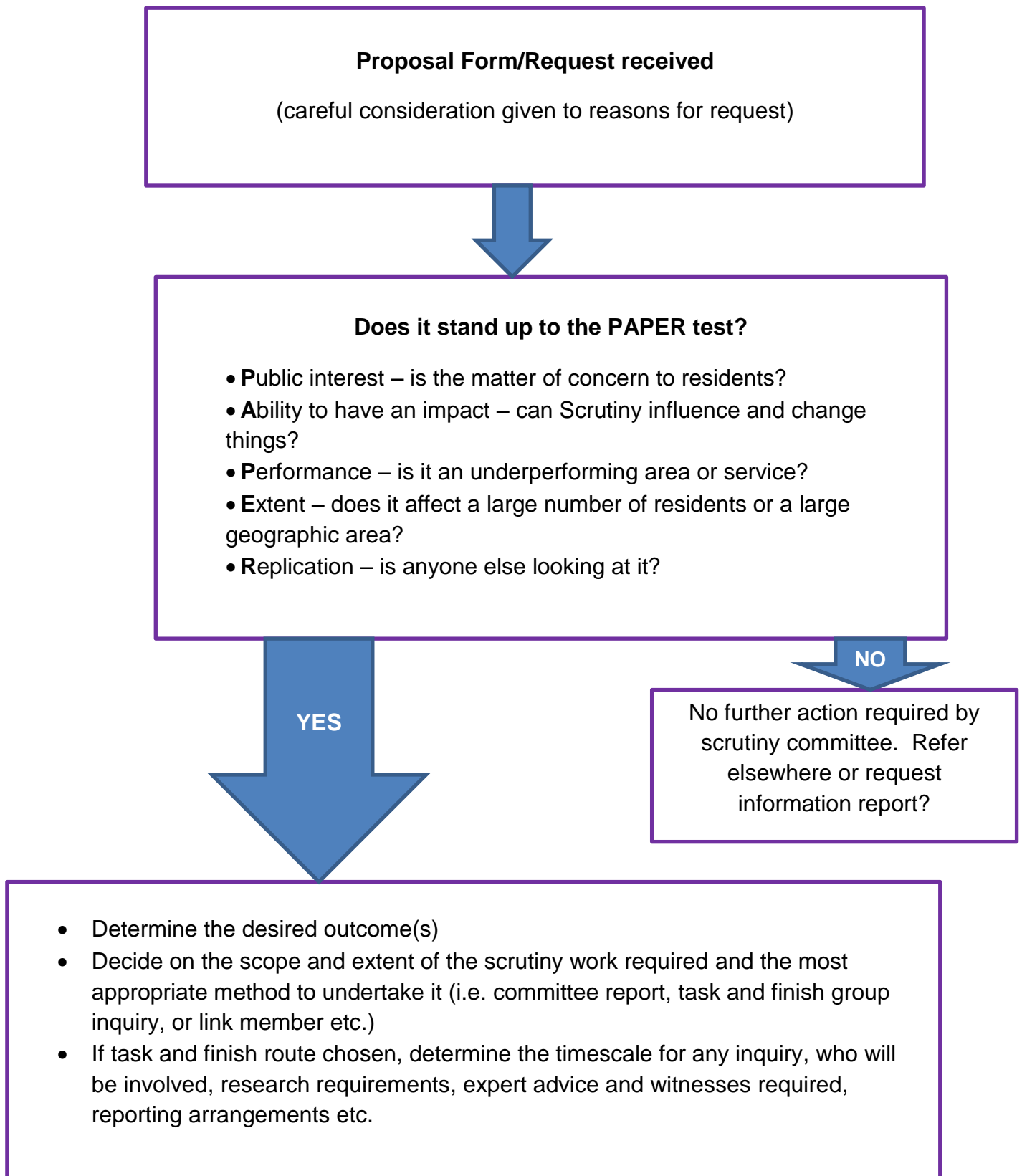
| Meeting  | Deadline           | Meeting | Deadline        | Meeting | Deadline       |
|----------|--------------------|---------|-----------------|---------|----------------|
| 12 March | <b>27 February</b> | 7 May   | <b>23 April</b> | 2 July  | <b>18 June</b> |

14/01/2020 RhE



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

## Consideration of a topic's suitability for scrutiny



## Cabinet Forward Work Plan

| Meeting     | Item (description / title) |                                                                                            | Purpose of report                                                                                                                                                                                               | Cabinet Decision required (yes/no) | Author – Lead member and contact officer                         |
|-------------|----------------------------|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|------------------------------------------------------------------|
| 18 Feb 2020 | 1                          | Procurement of Care and support for the Extra Care Housing Scheme, Llys Y Dyffryn, Denbigh | To seek Cabinet authorisation to procure the care and support for the Extra Care Housing Scheme, Llys Y Dyffryn, Denbigh                                                                                        | Yes                                | Councillor Bobby Feeley / Phil Gilroy / Emily Jones-Davies       |
|             | 2                          | Approval for the North Wales Regional Supported Living Agreement                           | To approve the acceptance / rejection of tenders in relation to a procurement exercise led by Denbighshire County Council on behalf of the six North Wales Councils and Betsi Cadwaladr University Health Board | Yes                                | Councillor Bobby Feeley / Phil Gilroy / Alison Heaton            |
|             | 3                          | Recommendations of the Strategic Investment Group                                          | To recommend approval to Council.                                                                                                                                                                               | Yes                                | Councillor Julian Thompson-Hill / Steve Gadd / Richard Humphreys |
|             | 4                          | Gypsy and Traveller Site Provision                                                         | To discuss and approve Council owned sites for submission through the LDP process for Gypsy and Traveller accommodation (transit).                                                                              | Yes                                | Councillor Mark Young / David Lorey / Angela Loftus              |
|             | 5                          | North Wales Growth Bid Governance Agreement 2                                              | To approve the governance arrangements in relation to                                                                                                                                                           | Yes                                | Councillor Hugh Evans / Graham Boase / Gary Williams             |

## Cabinet Forward Work Plan

| Meeting            | Item (description / title) |                                                                                                                                                                | Purpose of report                                                  | Cabinet Decision required (yes/no) | Author – Lead member and contact officer                                          |
|--------------------|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|------------------------------------|-----------------------------------------------------------------------------------|
|                    |                            |                                                                                                                                                                | the implementation of the growth deal                              |                                    |                                                                                   |
|                    | 6                          | Finance System Procurement                                                                                                                                     | To approve a new procurement process for a finance system          | Yes                                | Councillor Julian Thompson-Hill / Rhys Lloyd Jones / Helen Makin                  |
|                    | 7                          | Finance Report                                                                                                                                                 | To update Cabinet on the current financial position of the Council | Tbc                                | Councillor Julian Thompson-Hill / Steve Gadd                                      |
|                    | 8                          | Items from Scrutiny Committees                                                                                                                                 | To consider any issues raised by Scrutiny for Cabinet's attention  | Tbc                                | Scrutiny Coordinator                                                              |
| <b>24 Mar 2020</b> | 1                          | Implementation of an Alternative Delivery Model (ADM) for various leisure related activities/functions: approval of contract award to Denbighshire Leisure Ltd | To seek approval of contract award to Denbighshire Leisure Ltd     | Yes                                | Councillors Bobby Feeley & Julian Thompson-Hill / Graham Boase / Siân Lloyd Price |
|                    | 2                          | Finance Report                                                                                                                                                 | To update Cabinet on the current financial position of the Council | Tbc                                | Councillor Julian Thompson-Hill / Steve Gadd                                      |
|                    | 3                          | Items from Scrutiny Committees                                                                                                                                 | To consider any issues raised by Scrutiny for Cabinet's attention  | Tbc                                | Scrutiny Coordinator                                                              |
|                    |                            |                                                                                                                                                                |                                                                    |                                    |                                                                                   |

## Cabinet Forward Work Plan

| Meeting            | Item (description / title) |                                | Purpose of report                                                                                                        | Cabinet Decision required (yes/no) | Author – Lead member and contact officer                   |
|--------------------|----------------------------|--------------------------------|--------------------------------------------------------------------------------------------------------------------------|------------------------------------|------------------------------------------------------------|
| <b>28 Apr 2020</b> | 1                          | Contract Procedure Rules       | To consider the reviewed contract procedures rules which will require adoption and form part of the council constitution | Tbc                                | Councillor Julian Thompson-Hill / Lisa Jones / Helen Makin |
|                    | 2                          | Finance Report                 | To update Cabinet on the current financial position of the Council                                                       | Tbc                                | Councillor Julian Thompson-Hill / Steve Gadd               |
|                    | 3                          | Items from Scrutiny Committees | To consider any issues raised by Scrutiny for Cabinet's attention                                                        | Tbc                                | Scrutiny Coordinator                                       |
|                    |                            |                                |                                                                                                                          |                                    |                                                            |
| <b>26 May 2020</b> | 1                          | Finance Report                 | To update Cabinet on the current financial position of the Council                                                       | Tbc                                | Councillor Julian Thompson-Hill / Steve Gadd               |
|                    | 2                          | Items from Scrutiny Committees | To consider any issues raised by Scrutiny for Cabinet's attention                                                        | Tbc                                | Scrutiny Coordinator                                       |
|                    |                            |                                |                                                                                                                          |                                    |                                                            |
| <b>30 Jun 2020</b> | 1                          | Finance Report                 | To update Cabinet on the current financial position of the Council                                                       | Tbc                                | Councillor Julian Thompson-Hill / Steve Gadd               |

**Cabinet Forward Work Plan**

| <b>Meeting</b> | <b>Item (description / title)</b> |                                | <b>Purpose of report</b>                                          | <b>Cabinet Decision required (yes/no)</b> | <b>Author – Lead member and contact officer</b> |
|----------------|-----------------------------------|--------------------------------|-------------------------------------------------------------------|-------------------------------------------|-------------------------------------------------|
|                | 2                                 | Items from Scrutiny Committees | To consider any issues raised by Scrutiny for Cabinet's attention | Tbc                                       | Scrutiny Coordinator                            |
|                |                                   |                                |                                                                   |                                           |                                                 |
|                |                                   |                                |                                                                   |                                           |                                                 |

*Note for officers – Cabinet Report Deadlines*

| <i>Meeting</i> | <i>Deadline</i>  | <i>Meeting</i>  | <i>Deadline</i>   | <i>Meeting</i> | <i>Deadline</i> |
|----------------|------------------|-----------------|-------------------|----------------|-----------------|
|                |                  |                 |                   |                |                 |
| <i>January</i> | <b>7 January</b> | <i>February</i> | <b>4 February</b> | <i>March</i>   | <b>10 March</b> |

Updated 10/01/20 - KEJ

Cabinet Forward Work Programme.doc

## Progress with Committee Resolutions

| Date of Meeting | Item number and title                                                           | Resolution                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Progress                                                                                                                                                                              |
|-----------------|---------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 24 October 2019 | 5. Gypsy and Traveller Site Provision in the Replacement Local Development Plan | <p><b><i>Resolved:</i></b> - <i>to recommend to Cabinet that, prior to determining the transit sites to be put forward as sites to progress as potential Gypsy and Traveller sites in the replacement Local Development Plan, it should have regard to the following matters –</i></p> <ul style="list-style-type: none"> <li data-bbox="891 619 1518 1002"><i>(i) the lack of consultation with the Gypsy and Traveller community and their advocacy groups on the suitability of proposed sites for the purposes of being developed as sites for their specific use prior to their inclusion on a list of potential sites for submission as part of the replacement Local Development Plan;</i></li> <li data-bbox="891 1010 1518 1313"><i>(ii) that future processes relating to the identification and selection of potential Gypsy and Traveller sites should be as open and transparent as possible for members and residents, with proposals being presented to all councillors at a Council Briefing</i></li> </ul> | <p>Lead Member and officers advised of the Committee's recommendations.</p> <p>Cabinet scheduled to discuss Gypsy and Traveller Site Provision at its meeting on 18 February 2020</p> |

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|  |  | <p><i>session and to Scrutiny for examination prior to being presented to Cabinet for approval;</i></p> <p><i>(iii) that clarity be provided on how Denbighshire County Council's Gypsy and Traveller Accommodation Assessment concluded that a five pitch transit site would be sufficient to meet the Gypsy and Traveller transit need in the county;</i></p> <p><i>(iv) that Cabinet writes in the strongest terms possible to the Welsh Government expressing its serious concerns about the requirements in Part 3 of the Housing (Wales) Act 2014 which places an obligation on each individual local authority to undertake an Gypsy and Traveller Accommodation Assessment, and if a need is identified for a transit site to be developed that each individual authority is duty bound to provide a transit site within its boundaries regardless of other similar developments which may exist or about to be developed in a</i></p> |  |
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|  |  | <p><i>neighbouring authority's area. These Regulations seem inappropriate and disproportionate in addressing the needs of the travelling community and contradict other Welsh Government legislation, policies and ambitions which promote effective joint working between authorities on a regional or sub-regional basis;</i></p> <p><i>(v) that, until the above matters have been actioned and a further report presented to Scrutiny, a decision on the inclusion of the five sites listed in the report for incorporation as potential development locations for Gypsy and Traveller sites in the replacement Local Development Plan be held in abeyance;</i></p> <p><i>(vi) the lack of consultation with local members on the proposed sites within their wards prior to their inclusion in the report to the Asset Management Group. Local members should in future be consulted on any significant</i></p> |  |
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|  |                                                                 | <p><b>(vii) proposals affecting their wards not merely informed of them; and the need for the Asset Management Group to be more open, accessible and transparent to all councillors, particularly as only one elected member is a member of the Group.</b></p> <p>The Committee voted by a majority on a proposal that a report relating to the process and these particular sites be brought back for further consideration following the actioning of recommendations (i) to (v) above.</p>                     |                                                                                                                                                                                                                                                                      |
|  | <p><b>Denbighshire and Flintshire Joint Archive Project</b></p> | <p><b><u>Resolved:</u> - subject to the above observations –</b></p> <p><b>(i) to acknowledge the proposal to create a single shared Archive Service with Flintshire County Council, operating over two sites initially (Ruthin and Hawarden);</b></p> <p><b>(ii) by a majority to support that the Service, subject to securing National Lottery Heritage Funding, be delivered via a ‘hub and spoke model’ – a service ‘hub’ in a new building adjacent to Theatr Clwyd in Mold and the ‘spoke’ service</b></p> | <p>Lead Member and officers advised of the Committee’s recommendations.</p> <p>(ii) confirmation awaited on the outcome of the National Lottery Heritage Funding application – this has been delayed due to the holding of the General Election in December 2019</p> |

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|  |                                                           | <p><i>delivery through a mix of permanent and temporary community outreach provision;</i></p> <p><b>(iii) that options be drawn up for the utilisation of the potential vacated space at Ruthin Gaol, if the proposed single shared archive service and the creation of a ‘hub’ proceeded, and that those options be presented to the Committee for consideration during the summer of 2020; and</b></p> <p><b>(iv) to confirm that as part of its consideration it had read, understood and taken account of the Well-being Impact Assessment (Appendix A).</b></p> | <p>(iii) A report on the potential options for the utilisation of the vacated space at Ruthin Gaol has been scheduled into the Committee’s forward work programme for its meeting on 2 July 2020 (see Appendix 1)</p>                 |
|  | <b>7. Proposed New Waste and Recycling Service Design</b> | <p><b><u>Resolved:</u></b></p> <p><b>(i) subject to the above observations, to acknowledge the progress made to date by the Waste Project Board with a view to securing the delivery of the new Waste and Recycling Service to residents from September 2021;</b></p> <p><b>(ii) that the Head of Highways, Facilities and Environmental Services returns to a future meeting of the Committee to provide an update on the outcome</b></p>                                                                                                                           | <p>Lead Member and officers informed of the Committee’s recommendations.</p> <p>A public consultation has recently been undertaken in relation to the development of the proposed waste and recycling transfer station at Denbigh</p> |

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|  |  | <p><b><i>of the pilot projects being undertaken to increase capture of recyclable waste across the county, as outlined in Appendix V; and</i></b></p> <p><b><i>(iii)that the Head of Highways, Facilities and Environmental Services brings a future report to the Committee to propose the Benefits Realisation Plan to be put in place to monitor the environmental, financial, employee and customer benefits of the new waste operating model.</i></b></p> | <p>(ii) &amp; (iii) future reports have been scheduled into the Committee's forward work programme as per the Committee's instructions. Confirmation is awaited on when the reports will be available for presentation therefore they have been listed under the 'Future Issues' section (see Appendix 1 attached ) until confirmation of their availability is received</p> |
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