

PARTNERSHIPS SCRUTINY COMMITTEE

Minutes of a meeting of the Partnerships Scrutiny Committee held in Council Chamber, County Hall, Ruthin and by Video Conference on Thursday, 18 May 2023 at 10.00 am.

PRESENT

Councillors Joan Butterfield (Chair), Kelly Clewett, Pauline Edwards, Hugh Evans, Huw Hilditch-Roberts, Martyn Hogg, Terry Mendies, Raj Metri, Peter Scott (Vice Chair) and Elfed Williams.

Lead Member Councillor Jason McLellan was in attendance at the Committee's invitation for agenda item 6.

ALSO PRESENT

Officers-

Corporate Director: Economy and Environment (TW) Corporate Director: Communities, Modernisation and Wellbeing (NS), Interim Head of Legal, HR and Democratic Services (LJ), Head of Housing and Communities (LG), Head of Planning, Public Protection and Countryside Services (EJ), Business Manager, Public Protection (AL), Public Protection, Regeneration and Economic Development Manager (GR), Strategic Planning and Housing Manager (AL), Lead Officer, Community Housing (GD), Interim Head of Business Improvement and Modernisation Services (NK), External Funding Manager (AS).

Scrutiny Co-ordinator (RE), Senior Committee Administrator (KJ) and Committee Administrators (NH and SW)

Signatories to Call In

Councillors-

Pauline Edwards	(Committee member)
Hugh Evans	(Committee member)
Huw Hilditch-Roberts	(Committee member)
Merfyn Parry	
Mark Young	

Observers: Councillors Karen Edwards, Bobby Feeley, Hugh Irving, Brian Jones, Rhys Thomas, Andrea Tomlin, David Williams and Huw Williams.

1 APOLOGIES

Apologies for absence were received from Councillor Jeanette Chamberlain-Jones.

The Scrutiny Co-ordinator informed the Committee that since the publication of the agenda and reports for the meeting the Independent Group had made some changes to its membership on the Committee – Councillors Hugh H Evans and Huw Hilditch-Roberts had replaced Councillors Bobby Feeley and David Williams as representatives on the Committee.

2 DECLARATION OF INTERESTS

No interests of a personal or prejudicial nature were declared.

3 APPOINTMENT OF VICE CHAIR

Nominations were sought for the office of Partnerships Scrutiny Committee Vice-Chair for the 2023/24 municipal year. Councillor Peter Scott was nominated for the role by Councillor Terry Mendies and seconded by Councillor Hugh H Evans. No other nominations were put forward.

The Committee:

Resolved: that Councillor Peter Scott be elected Vice-Chair of the Partnerships Scrutiny Committee for the 2023/24 municipal year.

Councillor Peter Scott thanked Committee members for their support and for entrusting him with a further term as Vice-Chair of the Committee.

4 URGENT MATTERS AS AGREED BY THE CHAIR

No matters of an urgent nature had been drawn to the Chair or the Scrutiny Co-ordinator's attention prior to the commencement of the meeting.

5 MINUTES OF THE LAST MEETING

The minutes of the Partnerships Scrutiny Committee meeting held on 9 February 2023 were submitted. The Committee:

Resolved: that the minutes of the meeting held on the 9 February 2023 be received and approved as a true and correct record of the proceedings.

No matters were raised in relation to the accuracy or the contents of the minutes.

6 REVIEW OF CABINET DECISION RELATING TO THE APPLICATIONS SHORTLISTED FOR SHARED PROSPERITY FUNDING

The Chair welcomed Members, Officers and the Leader, Councillor Jason McLellan to the meeting. Members were provided with background information and reasoning for the call in request.

Members were reminded of the reasons for the call in as stated in the report:

“An allocation of £25.6 million had been made to Denbighshire through the UK Prosperity Fund. An open and transparent process must be adhered to for the allocation of those funds”.

“Lack of understanding of the application process and shortlisting process. There was no evidence of a scoring matrix and was described as an art not a science. No sufficient evidence on how projects had been awarded and approved. A lack of evidence aligning the process with the UK Government guidelines. No evidence of a right of appeal for applicants or extra information gathering to support the applications. Lack of consultation with all Members throughout the process”.

The Scrutiny Co-ordinator provided Members with a detailed description of the call in procedure.

The Chair allowed all signatories present at the meeting to put forward their reasoning for calling in the Cabinet decision.

Signatories explained to the Committee that the reason for the Call In was to fully understand the process for applying, shortlisting and awarding the Shared Prosperity Fund (SPF) monies, it was not to hold up the process in any way. They highlighted their disappointment in the lack of communication that Members had received regarding the process and therefore this had led to minimal opportunities for Members to contribute.

The Signatories expressed their concerns over the matrix and scoring system and stated that clarity on this would be beneficial. They stated that Members felt isolated from the process and were of the view that many opportunities throughout the process to gain Member involvement had been missed. The discussions continued by signatories questioning the deliverability of the projects that had moved to the next stage of the SPF process.

Signatories continued to stress that they were disappointed by the lack of transparency of the process and the lack of communication with Members. They had signed the call-in request because they felt unsure how to answer potential questions from residents in and applicants in their wards due to the lack of information available to them.

Responding to the points raised by the signatories the Leader stated that he understood the motivations of the signatories in that members should be able to answer questions from residents and applicants within their wards with confidence.

The Leader continued by explaining that the process adhered to the UK Government guidelines which had previously been set out. The timescales given for the SPF were tight and the Group Leaders and the Chairs of all Member Area Groups (MAGs) were written to and asked to circulate the relevant information to Members (copy of the latter e-mail, dated 15 February 2023, had been included at Annex C to the report). 48 organisations were contacted to be involved with the SPF with 12 organisations responding. 1 Elected Member responded to a particular project with no other responses being received from other Members.

The Leader explained that all guidelines were adhered to. Information regarding the SPF was available via social media outlets and on the Denbighshire County Council

website, they stated that the SPF was there to be engaged with. At the close of the application stage the Fund was oversubscribed, with the applications far outstripping the funding available.

The Head of Housing and Communities informed Members that the application process was published online and there was a short list developed according to the availability of funds and in line with UK Government guidelines. Applicants could view on the DCC website what funding was available for each type of project in each year. Each project's deliverability was considered in accordance with the priorities that had been identified in the Council's Investment Plan and having regard to its contribution to the Regional Investment Plan.

The Corporate Director- Economy and Environment explained the scoring Matrix and the Regional Investment Plan to Members. The Matrix was fundamentally the Regional Investment Plan that the Council had previously contributed to and had been approved by the UK Government. All applicants for the SPF were assessed on their ability to deliver on the outcomes and outputs of the Regional Investment Plan. An additional element that was considered was the specific amounts of money that was allocated to each theme for each financial year and to Revenue and Capital activities. The Core Partnership Group needed to identify projects under each theme that would deliver against the outputs and outcomes of the Regional Investment Plan and financial allocations for each financial year.

At the conclusion of the introductory stage Committee members were given an opportunity to question the Leader and Officers. In addition, non-Committee members were given an opportunity to ask questions and comment. In response to the questions and observations raised confirmation was provided:

- that details of the applications received could be shared in confidence with all members. However, members would be obliged not to share detailed information any further.
- that no monies had been released to the successful applicants to date. Dependent upon the outcome of the call-in process those applications deemed to be successful would proceed to the second stage of the award process, which would include more detailed due-diligence testing taking place on their deliverability, both on time and within budget.
- that all bids for SPF monies had to be for projects of at least £250K in value, conform to a strategic fit without duplicating existing provision and be delivered within the county's geographic boundaries. Applications for smaller, lower value, community focussed projects were being administered by Denbighshire Voluntary Services Council (DVSC) (for Community Capacity Building) and Cadwyn Clwyd (for Business Support)
- they had every confidence in the decision-making process followed to date.

- that Denbighshire was the only local authority in North Wales that had decided to take the decision-making process in relation to the SPF through the public facing democratic structure, via Cabinet. In other authorities the decisions in relation to application were being taken via the Lead Member delegated decision process.
- that the SPF funding stream had been designed by the UK Government and the process supporting it were subject to guidance provided by the UK Government not the local authority.
- the longlist of applications received had been shared with the Wider Stakeholder Group on 2 March 2023. The e-mail sent to this Group, which included the Chairs of each MAG, on 2 March (copy at Annex C to the report) requested their comments on the applications' strategic fit and deliverability.
- that SPF monies formed part of a number of funding packages brought forward by the UK Government to replace previous pre-Brexit funding streams available from the European Union (EU).
- that due to the tight timescales set out in the SPF guidance it would not have been possible to discuss local applications at individual MAG meetings as no meetings were scheduled within the permitted timeframe.

Prior to drawing the discussion to a close both sides of the debate were given the opportunity to summarise the reasons and rationale behind their viewpoints and decisions.

Signatories:

Officers and Members were thanked for the coherent debate that had taken place. It had been pleasing to hear that Officers had identified that lessons with regards to communication had been learnt and would be taken forward. There were feelings that the term `tight timescales` had been used readily throughout the debate and references were made to an online meeting being easily coordinated for Members. There was fragility in the communication with MAGs and this needed to be improved. Valuable information had been shared during the debate relating to the SPF which had been beneficial however, throughout the SPF process this was felt to be absent. Non-Cabinet Members felt that they were not trusted with confidential information and there was a need to ensure that all information was shared equally with all Members as they required to communicate with their residents and communities. It was concerning to understand that external partners had been perceived to have received more information on the SPF than local Members which also contributed to Members not being sufficiently engaged with the SPF process.

Leader:

The Leader agreed that there had been a good debate and that lessons were to be learnt and taken forward regarding communication. During the debate Members received information from Officers about the complex process of the SPF. The process was complex and fast moving due to the timescales that had been set.

Member engagement in relation to SPF applications had formed part of the discussion on the subject at the Cabinet meeting in January 2023 and an email to MAG Chairs was circulated as an outcome of this. The process was open and accessible, and the large number of applications received was evidence of this. An invitation to Members was circulated to engage Members in the Partnership Group. There were many opportunities for Members to engage in the SPF process.

The Chair thanked the signatories and the Leader for summarising their reasons and rationale.

At the conclusion of the summaries Councillor Huw Hilditch- Roberts Proposed the following:

That the Committee recommend Cabinet, that it's decision on the 25 April be upheld and in doing so confirm that Cabinet agrees that:

- (i) information on the evaluation conclusions relating to each individual application received for Shared Prosperity Funding be shared with all County Councillors forthwith;
- (ii) information relating to the governance arrangements for the Shared Prosperity Funding should be shared with all Councillors;
- (iii) each Member Area Group will be updated on any risks identified relating to individual projects and on progress with their deliverability going forward;
- (iv) the Communication Plan relating to the Shared Prosperity Funding be shared with all County Councillors and
- (v) the Leader, Lead Member for Corporate Strategy, Policy and Equalities and the Corporate Director: Environment and Economy will liaise with local Members prior to taking delegated decisions that may be required, as outlined in the Cabinet report on 25 April 2023.

Prior to seeking the Committee vote upon the above proposal the Chair asked the Interim Head of Legal, HR and Democratic Services to clarify to Committee Members what their options were in relation to the decision which had been called in. The Interim Head of Service explained that the Committee when voting on the proposed recommendation could ask Cabinet to:

- reconsider its original decision on the basis of the grounds stated
- uphold the original decision as taken by Cabinet; or
- recommend to Cabinet that its original decision be upheld but in upholding the decision that Cabinet should explore further the aspects outlined in the recommendation put forward.

The Chair welcomed Members views on the above and at the conclusion of an in-depth debate the Committee:

Resolved: - having considered the information in the report and its associated appendices, along with the representations made during the

course of the discussion in relation to the application and shortlisting process, to recommend to Cabinet that its decision of 25 April 2023, insofar that it relates to the projects shortlisted by the Core Partnership Group for approval, be upheld, and in doing so confirm that Cabinet agrees that:

- (i) information on the evaluation conclusions relating to each individual application received for Shared Prosperity Funding be shared with all county councillors forthwith;***
- (ii) information relating to the governance arrangements for the Shared Prosperity Funding will be shared with all county councillors;***
- (iii) each Member Area Group will be updated on any risks identified relating to individual projects and on progress with their deliverability going forward;***
- (iv) the Communication Plan relating to the Shared Prosperity Funding be shared with all county councillors; and***
- (v) the Leader, Lead Member for Corporate Strategy, Policy and Equalities and the Corporate Director: Environment and Economy will liaise with local members prior to taking any delegated decisions that may be required, as outlined in the Cabinet report of 25 April 2023***

The Chair thanked Members and Officers for their contributions to the debate on what was an extremely complex matter.

At this juncture the Committee adjourned for a break.

7 MOULD & CONDENSATION IN HOUSING ASSOCIATION (RSL) HOUSING STOCK AND PRIVATE RENTED SECTOR PROPERTIES

The Head of Planning, Public Protection and Countryside Services gave a brief background on Mould and Condensation in Housing Association (RSL) Housing Stock and Private Rented Sector Properties. He began by explaining that it was very much team effort, working closely across many services.

The report was based on the management of mould and condensation in properties owned and managed by registered social landlords and in the private rented sector. The report followed on from a recent report regarding the same issue within Council housing stock.

There were two main aspects to the report as follows:

1. To provide an update on the situation in the Private Rented Sector.
2. To provide an update on the positive actions that had been taken by Registered Social Landlords to address and respond to the current situation.

It was explained that the RSLs were responsible to their own Boards and to Welsh Government in relation to the management of the standards of their own properties.

The Public Protection, Regeneration and Economic Development Manager (PPREDM) guided Members through the elements of the report relating to the

private rented sector and the work that was ongoing via the Council's Public Protection Team and Housing Enforcement Officers. The housing enforcement legislation was set out in the Housing Act 2004. Any enforcement that was taken, was enforced under the Housing, Health and Safety Rating System (HHSRS). The process set out in the guidelines allowed time for landlords to take action before any enforcement was taken.

Enforcement action figures over the last 4 years (previously circulated) had gradually reduced with the Minimum Energy Efficiency Standard and the Renting Homes Wales Act potentially being contributing factors.

In conjunction with the commencement of the Renting Homes (Wales) Act 2016 earlier in 2023, the Housing Enforcement Team had made a change to the complaint investigation process to ensure that the landlord was made aware of any complaint by their tenants, in order to give them the opportunity to address the disrepair issues before formally involving the Council's Housing Enforcement Team. If after 21 days the problem still existed, or significant progress had not been made, then Housing Enforcement would arrange to carry out an inspection. The new process applied to all complaints received except for emergencies which were prioritised and inspected as soon as practicable.

The PPREDM continued to explain that in respect of RSLs very few complaints had been received. Where such complaints were received, Housing Enforcement would advise the tenant in the first instance to contact their housing provider so that their landlord had the opportunity to address their concerns directly. To date no cases with RSLs had required any further escalation or involvement.

The Strategic Planning and Housing Manager explained the second aspect of the report relating to the positive actions that had been taken by RSLs. Two out of the six local RSLs had provided the Council with a copy of their response to Welsh Government to reassure the Committee that, as responsible landlords they had responded to the issue. A brief summary of their response was given as follows: -

- All reports of damp, mould and condensation were recorded, inspected and the case load monitored by a senior officer with reports to senior leadership teams and boards of management.
- Clear processes were in place to manage all reports from households to ensure prompt action was taken.
- The most at risk households and properties had been targeted for intervention and support.
- All frontline staff had received training and awareness to be able to identify and report any issues with mould and condensation.
- Partnerships to deliver advice to households on energy efficiency and household finances were in place.
- There was significant investment and innovation in homes to improve energy efficiency measures.

The Chair thanked the officers for their report and Members were invited to ask questions.

Members questioned the level of support that tenants in private rented accommodation received and if this was similar to tenants in RSLs. Officers clarified that if a tenant of a private rented property had an issue, then they would be directed to inform their landlord in the first instance. If the landlord was uncompliant, then this would be when Housing Enforcement would become involved to address the issues raised. Generally, the same protection was given to tenants in Council-owned homes, RSLs and the Private Rented Sector under the Renting Homes (Wales) Act.

Members queried the data in the report (previously circulated) noting a significant increase in the number of premises inspections carried out where hazards were identified, and enforcement action was taken from 2021/2022- 2022-2023. Officers stated that there could be a number of contributing factors namely coming out of the Covid Pandemic and also that different seasons within the year presented different issues within the housing sector, for example it could have been a damp, wet year which could contribute to a higher number of complaints being received.

Members questioned how no-fault evictions would affect the data collected. Officers stated that the team were regular speaking with tenants and landlords encouraging them to access information and support. The Rented Homes (Wales) Act was aimed at tackling the issue and was helping to prevent homelessness. Officers did not see this being an issue going forward. If in the unlikely event a no-fault eviction was to occur there were legal routes to take to support those affected.

Members highlighted the importance that is being put on insulating homes and whether this was helpful in addressing the mould and condensation issue. Officers stated that each property was different however, there was a need to improve the energy efficiency performance of properties as this would make the heating of a property cheaper for tenants. Managing humidity and ventilation within a property was also important in reducing and eradicating mould and condensation.

The Chair thanked the officers for their report.

At the conclusion of the discussion the Committee:

Resolved: subject to the above observations and the reassurances given

- (i) to confirm that it had read and understood the report; and***
- (ii) request that the Welsh Government's findings following its review of social landlords in Wales' response to incidents of mould and condensation in their housing stock be circulated to Committee members for information upon the report's publication.***

8 SCRUTINY WORK PROGRAMME

The Scrutiny Co-ordinator introduced the report and appendices (previously circulated) seeking Members' review of the Committee's work programme and which provided an update on relevant issues.

The next Partnerships Scrutiny Committee meeting was due to be held on the 6 July 2023. There were 3 substantial items listed for the next Partnerships Scrutiny Committee on the 6 July 2023:

- North Wales Economic Ambition Board Annual Report
- Adult Safeguarding Annual Report
- Re-ballot for potential Rhyl Business Improvement District (BID) 2nd term (deferred with the Chair's permission from the current meeting's business agenda)

At the April meeting of the Scrutiny Chairs and Vice Chairs Group it was requested that a report on the Setting of Affordable Rent Levels be brought to the Partnerships Scrutiny Committee. It was also requested that a representative from the Private Landlord Sector be invited to the meeting. The Scrutiny Co-ordinator had spoken with the Strategic Planning and Housing Manager, and they were hopeful to present a report at Committee's October meeting.

Members were reminded of the Service Challenge Groups (information previously circulated) and due to the restructure of Services there were 3 more groups that required representatives from the Committee these were: -

- Housing and Communities
- Corporate Support Service: Performance, digital and Assets
- Corporate Support Service: People

Councillor Martyn Hogg nominated himself for the representative role on the Corporate Support Service: Performance, Digital and Assets Group and Members were in favour.

No other expressions of interest were received for Housing and Communities and Corporate Support Service: People Service Challenge Groups and it was agreed that representatives for these Groups would be sought at the Committee's next meeting.

At the conclusion of the discussion the Committee:

Resolved:

- (i) subject to the amendments and potential inclusions outlined above and during the course of the meeting, to confirm the Committee's Forward Work programme as set out in Appendix 1; and***
- (ii) to appoint Councillor Martyn Hogg as the Committee's representative on the Corporate Support Service: Performance, Digital and Assets Service Challenge Group, and that expressions of interest in serving as the Committee's representatives on the Housing & Communities and the Corporate Support Service: People Service Challenge Groups to be sought at the Committee's next meeting.***

9 FEEDBACK FROM COMMITTEE REPRESENTATIVES

Councillor Peter Scott reported on a meeting of the Capital Scrutiny Group (CSG) which he had recently attended as the Committee's representative. As this was the Group's inaugural meeting it had received an overview of the new capital process and formally approved its terms of reference. Members also received information on the funding available for the Medium Term Capital Strategy and considered capital bids relating to Nantclwyd y Dre and the WG's Empty Homes Grant Scheme. In addition, information was presented to the Group on potential future schemes for funding it would be expected to consider and the progress achieved to date in relation to Levelling Up and Shared Prosperity Fund projects.

The Chair thanked Members for their contributions and comments at the meeting.

Meeting concluded at 1.25pm