

To: Members of the County Council

Date: 30 August 2023

Direct Dial: 01824 712589

e-mail: democratic@denbighshire.gov.uk

Dear Councillor

You are invited to attend a meeting of the **COUNTY COUNCIL** to be held at **10.00 am** on **TUESDAY, 5 SEPTEMBER 2023** in **COUNCIL CHAMBER, COUNTY HALL, RUTHIN AND BY VIDEO CONFERENCE.**

Yours sincerely

G Williams
Monitoring Officer

AGENDA

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

1 APOLOGIES

2 DECLARATIONS OF INTEREST (Pages 5 - 6)

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

3 URGENT MATTERS AS AGREED BY THE CHAIR

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

4 MINUTES (Pages 7 - 16)

To receive the minutes of the meetings of County Council held on 4 July 2023 and 20 July 2023 (copy attached).

5 SECOND HOME / LONG-TERM EMPTY COUNCIL TAX PREMIUM (Pages 17 - 84)

To consider a report (copy attached) to seek a decision on an increase to the current Premium rates on properties in Denbighshire.

6 ANNUAL REPORT OF THE COUNCIL'S SCRUTINY COMMITTEE (Pages 85 - 122)

To consider a report (copy attached) for Council to consider the Annual Report of the Scrutiny Committees for 2022/23.

7 STANDARDS COMMITTEE ANNUAL REPORT (Pages 123 - 128)

To consider a report (copy attached) to present the work of the Committee and its findings and observations.

8 NOTICE OF MOTION (Pages 129 - 130)

To consider a Notice of Motion by Councillor Jon Harland on behalf of the Green Party (copy attached).

9 NOTICE OF MOTION (Pages 131 - 132)

To consider a Notice of Motion by Councillor Huw Williams (copy attached).

10 NOTICE OF MOTION (Pages 133 - 134)

To consider a Notice of Motion by Councillor Hugh Irving (copy attached).

11 COUNTY COUNCIL FORWARD WORK PROGRAMME (Pages 135 - 138)

To consider the Council's forward work programme (copy attached).

MEMBERSHIP

Councillors

Councillor Pete Prendergast (Chair)

Councillor Peter Scott (Vice-Chair)

Michelle Blakeley-Walker
Joan Butterfield
Jeanette Chamberlain-Jones
Ellie Chard
Kelly Clewett
Ann Davies
Karen Edwards
Pauline Edwards
Gwyneth Ellis

Brian Jones
Delyth Jones
Paul Keddie
Diane King
Geraint Lloyd-Williams
Julie Matthews
Jason McLellan
Barry Mellor
Terry Mendies

James Elson
Chris Evans
Hugh Evans
Justine Evans
Bobby Feeley
Gill German
Jon Harland
Elen Heaton
Huw Hilditch-Roberts
Martyn Hogg
Carol Holliday
Alan Hughes
Hugh Irving
Alan James

Raj Metri
Win Mullen-James
Merfyn Parry
Arwel Roberts
Gareth Sandilands
Rhys Thomas
Andrea Tomlin
Cheryl Williams
David Williams
Elfed Williams
Eryl Williams
Huw Williams
Emrys Wynne
Mark Young

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LOCAL GOVERNMENT ACT 2000

Code of Conduct for Members

DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

a *member/co-opted member of

*(*please delete as appropriate)*

Denbighshire County Council

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

*(*please delete as appropriate)*

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)**

Signed

Date

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

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COUNTY COUNCIL

Minutes of a meeting of the County Council held in Council Chamber, County Hall, Ruthin and by video conference on Tuesday, 4 July 2023 at 10.00 am.

PRESENT

Councillors Michelle Blakeley-Walker, Joan Butterfield, Jeanette Chamberlain-Jones, Ellie Chard, Kelly Clewett, Ann Davies, Karen Edwards, Pauline Edwards, Gwyneth Ellis, Chris Evans, Hugh Evans, Justine Evans, Bobby Feeley, Gill German, Jon Harland, Elen Heaton, Huw Hilditch-Roberts, Martyn Hogg, Carol Holliday, Alan Hughes, Hugh Irving, Alan James, Brian Jones, Paul Keddie, Diane King, Geraint Lloyd-Williams, Jason McLellan, Barry Mellor, Terry Mendies, Win Mullen-James, Merfyn Parry, Pete Prendergast (Chair), Arwel Roberts, Gareth Sandilands, Peter Scott (Vice-Chair), Rhys Thomas, Andrea Tomlin, Cheryl Williams, David Williams, Elfed Williams, Eryl Williams, Huw Williams, Emrys Wynne and Mark Young

ALSO PRESENT

Chief Executive (GB), Corporate Director: Governance and Business / Monitoring Officer (GW), Corporate Director: Environment and Economy (TW), Head of Finance and Audit / Section 151 Officer (SG), Strategic Planning and Performance Team Leader (IMcG), Planning and Performance Officer (EH), Democratic Services Manager (SP), Scrutiny Co-ordinator (KE), Zoom Host (SJ) and Committee Administrator (SLW).

1 APOLOGIES

Apologies for absence were received from Councillors James Elson, Delyth Jones and Raj Metri

2 DECLARATIONS OF INTEREST

None.

3 URGENT MATTERS AS AGREED BY THE CHAIR

None.

4 CHAIRMAN'S DIARY

The Chair of the Council, Councillor Pete Prendergast, reported on the civic events he and the Vice-Chair had attended.

RESOLVED that the Chairman's diary be noted.

5 MINUTES

The minutes of Full Council held on 9 May 2023 were submitted.

Matters Arising –

Item 11, Page 13 – had further discussions taken place with North Wales Police. It was confirmed a meeting had taken place the previous week and a further meeting was due to take place with the Chief Constable later in the week.

Item 12, Page 16 – had a meeting taken place with Alex Angels regarding the health and social care in the county. It was confirmed a meeting had taken place on 22 May 2023.

RESOLVED that, subject to the above, the minutes of the Council meeting held on 9 May 2023 be confirmed as a correct record.

6 GOVERNANCE FOR DELIVERY AND OVERSIGHT OF THE CORPORATE PLAN, AND OTHER COUNCIL WORK

Councillor Gwyneth Ellis, Lead Member for Finance, Performance and Strategic Assets, introduced the report (previously circulated) to ensure Members were aware of the governance arrangements for delivery of the themes in the Corporate Plan, and mechanisms for oversight and scrutiny for members. The report also clarified how Members could engage with wider Council activity.

Iolo McGregor, the Strategic Planning and Performance Team Leader summarised the report.

Quarterly reports were to be made available and all members would have sight of those reports.

The themes for the Corporate Plan were as follows –

- (i) A Denbighshire of Quality Housing that meets people's needs
- (ii) A prosperous Denbighshire
- (iii) A healthier, happier, caring Denbighshire
- (iv) A learning, growing Denbighshire
- (v) A better connected Denbighshire
- (vi) A greener Denbighshire
- (vii) A fairer, safer more equal Denbighshire
- (viii) A Denbighshire of vibrant culture and thriving Welsh language, and
- (ix) A well-run, high performing Council.

Issues regarding wifi connectivity in rural areas was raised and it was confirmed that Openreach were responsible for the wifi connectivity and not the council. Rather than discuss the issue during full Council, it was agreed the Chief Executive would speak to the Digital Officer and relay the outcome of the meeting to all Members. The contact details of the digital officer would be circulated to all Members following the meeting. The Monitoring Officer confirmed that Openreach would be attending Performance Scrutiny Committee in January 2024.

Following the summary of the governance and oversight of the Corporate Plan, it was unanimously –

RESOLVED that:

- (i) Council confirmed it had understood the governance arrangements, including when and how updates on progress against its Corporate Plan would be received and options for further input and scrutiny;
- (ii) Council confirmed it had understood options for engaging with business in the wider Council portfolio

7 COUNCIL PERFORMANCE SELF-ASSESSMENT 2022 TO 2023

Councillor Gwyneth Ellis, Lead Member for Finance, Performance and Strategic Assets, introduced the report (previously circulated). The report accompanied the council's Performance Self-Assessment for 2022 to 2023. The reports provided the end of year analysis of progress and challenges with the key performance objectives (ie: Corporate Plan themes), and, for the first time, presented data against the new Corporate Plan's performance management framework.

Regular reporting was an essential monitoring requirement of the council's performance management framework and statutory duties in relation to the Local Government and Elections (Wales) Act 2021, the Equality Act 2010 and Wales Measure 2022, and the council's contributions to the Well-being of Future Generations (Wales) Act 2015.

Quarterly reports were taken to Scrutiny and Cabinet meetings and the Executive Summary provided an evaluative statement of the council's progress.

Iolo McGregor, the Strategic Planning and Performance Team Leader summarised the report and at this juncture expressed his gratitude to Emma Horan, the Planning and Performance Officer for producing such a comprehensive report.

The report had previously been presented at Scrutiny Committee and Governance and Audit Committee. There had been no formal recommendations from the Governance and Audit Committee.

During discussions the following points were raised –

- (i) Equality and Diversity – how would this affect both staff and elected members. It was clarified that equality training was part of the members training and also members undertook code of conduct training. Staff were encouraged to undertake equality and diversity training and to treat each other with respect. There were no issued within Denbighshire County Council but everyone were still required to be vigilant. Managers received training regarding all the council's policies and there is work evolving regarding a Diversity Champion.
- (ii) Members were pleased work was ongoing to improve Ysgol Christ the Word and it was looking a lot more positive.
- (iii) Links around Dementia had ceased but it was confirmed that work would continue with Dementia within the community.
- (iv) Councillor Chris Evans raised the issue of Mental Health as the mental health of staff and members was essential. More training would put forward to members and ensuring Managers were aware of any staff with mental health issues. It was confirmed in the 1:1's the first question

was “how are you?”. This question would also need to be asked of members. There are Mental Health First Aiders and a Mental Health Champion in each service. All present thanked Councillor Chris Evans for his input regarding mental health.

- (v) It was confirmed that the purpose of the report was it was an important tool to hold officers to account and options available to members.

Following discussions, it was unanimously –

RESOLVED that, subject to the above, Council approve the Performance Self-Assessment 2022-2023.

**AT THIS JUNCTURE (11.35 A.M.) THERE WAS A 20 MINUTE BREAK.
THE MEETING RECONVENED AT 11.55 A.M.**

8 COUNCIL POLICY ON MEMBER TRAINING

Councillor Julie Matthews, Lead Member for Corporate Strategy, Policy and Equalities, introduced the report (previously circulated) and requested Members views and directions on the requirements for member training.

At this juncture, Councillor Matthews thanked Steve Price, Democratic Services Manager and the Democratic Services team for helping Members in their roles.

The Democratic Services Manager summarised the report.

During discussions the following items were raised as training –

- (i) Councillor Hugh Irving proposed Licensing training be included in the recommendation 3.1 as mandatory together with the Code of Conduct and Planning training. Seconded by Councillor Bobby Feeley and unanimously agreed by a show of hands vote.
- (ii) Equality training to have specific training regarding Gypsy and Travellers.
- (iii) Safeguarding training. Legislation provided opportunity for personal development review (PDR) but in the past the update of the PDR's had been low.
- (iv) Where mandatory training was required by members, it was proposed attendance figures be reported to Group Leaders.
- (v) Councillor Andrea Tomlin proposed mandatory training for Chair and Vice-Chairs. No seconder for the proposal.

It was agreed that Member Training be added to the next Group Leaders meeting and then be brought back to a future Council meeting. Proposed and Seconded.

RESOLVED that Member Training be added to the Group Leaders meeting, following which be added to the Full Council Forward Work Programme.

9 COMMITTEE TIMETABLE 2024

Councillor Julie Matthews, Lead Member for Corporate Strategy, Policy and Equalities, introduced the report (previously circulated).

It was necessary for Council to approve a timetable for 2024 to enable meeting arrangements and resources to be confirmed, to publicise the timetable and to populate the Members' diaries.

The Leader and the Democratic Manager expressed his thanks to Kath Jones, Senior Committee Officer, for preparing the schedule and liaising with officers, as it required extremely careful organisation.

RESOLVED that Council unanimously approved the draft Committee Timetable 2024.

10 NOTICE OF MOTION

Councillor Mark Young presented a Notice of Motion (previously circulated) in respect of Rhyl Beach receiving the award of the Blue Flag which is one of the voluntary awards for beaches, marinas and sustainable tourism boats.

Councillor Barry Mellor responded by thanking Councillor Young for putting forward Notice of Motion. It needed to be recognised this would require a significant amount of work and for the council to work with other partners such as Natural Resources Wales and Welsh Water to identify improvements required. Councillor Mellor supported the Notice of Motion and suggested a report be presented at Scrutiny Committee during 2025.

Councillor Gareth Sandilands proposed an amendment. As a Committee Member of the Plastic Free Prestatyn Group, and also the Surfers against Sewerage connected to Prestatyn PROPOSED an amendment to the Notice of Motion as follows –

“The council will actively be working to retain and regain all Denbighshire’s beaches including Rhyl and Prestatyn enjoyed all year round by tens of thousands of residents and visitors to Denbighshire.” SECONDED by Councillor Win Mullen-James.

A vote took place and the amendment was unanimously approved.

A vote was then requested for the substantive Notice of Motion as follows –

“that council officers continue to work proactively with the relevant agencies to retain and regain blue flag status for all beaches in Denbighshire”.

It was unanimously agreed and, therefore,

RESOLVED Council Officers continue to work proactively with the relevant agencies to retain and regain blue flag status for all beaches in Denbighshire.

11 NOTICE OF MOTION

Councillor Justine Evans presented a Notice of Motion (previously circulated) in respect of Rhyl Central Promenade Kiosks.

Councillor Barry Mellor responded by thanking Justine Evans for the Notice of Motion. It would be necessary to remove the kiosks as the promenade in that area would be raised a substantial amount to create the new sea defences. It was also clarified that closure of the kiosks had been negotiated with the tenants and had their full agreement. Although there were currently no proposals to build new kiosks on the promenade neither had it been ruled out as this could be considered in the future. If this were the case the previous tenants, under certain circumstances, would have first refusal to run them. Therefore, it may not be necessary to undertake a procurement process to appoint new tenants.

In the future consideration would be taken as to whether kiosks would be required to be sited on the promenade. The central Rhyl Flood Scheme was due to be completed by October 2025.

Councillor Mellor PROPOSED an amendment to the Notice of Motion as follows –

“that the report is taken to Scrutiny Committee in spring 2025 to consider an updated masterplan for the Rhyl Promenade including the option of creating the new kiosks”.

SECONDED by Councillor Kelly Clewett.

Councillor Brian Jones stated that the Notice of Motion had been brought forward due to the outcry of local residents.

Councillors Joan Butterfield and Alan James responded that, as ward members, they had not received any complaints from local residents regarding the proposed removal of the promenade kiosks.

The Monitoring Officer confirmed a vote needed to take place on the amendment.

The vote took place and a majority voted in favour of the amendment with 1 vote against.

Therefore, a vote took place on the substantive Notice of Motion which was unanimously agreed and it was –

RESOLVED that the report be taken to Scrutiny Committee in spring 2025 to consider an updated masterplan for the Rhyl Promenade including the option of creating the new kiosks.

12 COUNTY COUNCIL FORWARD WORK PROGRAMME

The Monitoring Officer introduced the Council’s Forward Work Programme (previously circulated).

RESOLVED that the Council’s Forward Work Programme be noted.

THE MEETING CONCLUDED AT 13.36 P.M.

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COUNTY COUNCIL

Minutes of a meeting of the County Council held in the Council Chamber, County Hall, Ruthin and by video conference on Thursday, 20 July 2023 at 2.00 pm.

PRESENT

Councillors Joan Butterfield, Jeanette Chamberlain-Jones, Ann Davies, Karen Edwards, Pauline Edwards, James Elson, Chris Evans, Hugh Evans, Bobby Feeley, Gill German, Jon Harland, Elen Heaton, Huw Hilditch-Roberts, Martyn Hogg, Alan Hughes, Hugh Irving, Alan James, Delyth Jones, Diane King, Julie Matthews, Jason McLellan, Barry Mellor, Terry Mendies, Win Mullen-James, Merfyn Parry, Pete Prendergast (Chair), Arwel Roberts, Gareth Sandilands, Peter Scott (Vice-Chair), Rhys Thomas, Andrea Tomlin, Cheryl Williams, Emrys Wynne and Mark Young

ALSO PRESENT

Chief Executive (GB); Corporate Director: Governance and Business/Monitoring Officer (GW); Interim Head of HR (LD); Lead HR Business Partner – Organisational Development, and Senior Committee Administrator (KEJ)

1 APOLOGIES

Councillors Michelle Blakeley-Walker, Ellie Chard, Kelly Clewett, Gwyneth Ellis, Carol Holliday and Elfed Williams.

2 DECLARATIONS OF INTEREST

No declaration of interest had been raised.

EXCLUSION OF PRESS AND PUBLIC

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

3 APPOINTMENT OF THE HEAD OF FINANCE AND AUDIT (SECTION 151)

The Leader of the Council and Interim Head of HR reported on the recruitment process undertaken for the post and provided details of the Special Appointments Panel and assessment activities used to evaluate candidates.

The Special Appointments Panel had identified one candidate who was potentially suitable for appointing and who had been invited to attend the Council meeting.

The candidate delivered a presentation to Council and responded to questions from members. After the candidate had left the meeting, members discussed the presentation and responses to questions.

RESOLVED that Elizabeth Thomas be appointed to the post of Head of Finance and Audit (Section 151).

The meeting concluded at 3.00 pm.

Report to	Full Council
Date of meeting	5 th September 2023
Lead Member / Officer	Gwyneth Ellis / Steve Gadd
Report author	Paul Barnes/ Elaine Edge/ Leah Gray
Title	Second Home / Long-term Empty Council Tax Premium

1. What is the report about?

- 1.1. To bring the following proposal to full Council, following the Cabinet report of 18th July 2023, on the legislation introduced by Welsh Government (WG) to increase the maximum level of council tax premiums for second homes and long term empty properties.
- 1.2. To provide additional information on the public consultation and help shape decision making.

2. What is the reason for making this report?

- 2.1 To seek a decision from members on an increase to the current Premium rates on these properties in Denbighshire. This proposal was presented at Cabinet on 8th July 2023, who support the recommendations which has resulted in this report to full council for a decision.

3. What are the Recommendations?

- 3.1. That members review the paper and supporting information being presented particularly the feedback from the public consultation and advise how they would like officers to proceed. Officers proposals are set out in 3.2 to 3.4. Officers have recommended a measured response to any increase to allow a

learn and evaluate approach. While Welsh government have given powers for an increase of up to 300% we are proposing the following:

- 3.2. It is recommended that there is parity between the standard second home and long term empty premium, to minimise avoidance by taxpayers (who may apply to switch to the more favourable category) and so ensure the administrative burden is not increased significantly, except for properties that fall within recommendation 3.4.
- 3.3. It is recommended that second home and long term empty premium charge will remain at 50% for April 2023 then increases to 100% from April 2024, then 150% from April 2025.
- 3.4. It is recommended that properties that have been unoccupied and unfurnished for 5 years or more pay a higher premium at 50% more than the standard premium. This would make the total premium 150% above the standard charge from 1st April 2024, and 200% above the standard charge from 2025.
- 3.5. It is important to note that:-
 - a) Properties that meet the Welsh Government criteria to be classed as a business (holiday lets) do not pay Council Tax and would not be impacted by the proposals (please see Appendix B section 1.2)
 - b) There are several exemptions available which help those with, for example, properties marketed for sale, properties marketed to let, properties where occupancy is restricted by a planning condition to non-residential, seasonal or holiday let use only (please see Appendix A page 1)
 - c) There is a process in place for DCC to consider a discretionary discount where for example there is significant financial hardship to the business or individual or an exceptional circumstance has occurred and it would be reasonable to support by way of reducing the Council Tax.

4. Report details

Additional information has been provided to support the report and provide further detail if required.

- 4.1. The Background and context (Appendix B 1.1.)
- 4.2. Legislative changes (Appendix B 1.2.)
- 4.3. Considerations (Appendix B 1.3.)
- 4.4. Engagement Summary Report
- 4.5. Data tables
- 4.6. Wellbeing Impact assessment

In the Cabinet report of 23rd May 2023, permission was sought and granted to consult with the public on the option to increase the Council tax premium (as outlined in 3.3 and 3.4 in this paper).

The Authority worked proactively to raise awareness of the consultation resulting in 2,142 page views (37 Welsh) on the Council's page that promoted the consultation to the general public, with 898 visits directly to the consultation survey. 175 customers completed and submitted a response.

On legal advice, we undertook a communication exercise to make over 1,000 second home and long term empty home owners aware of the consultation. We were conscious that proactively engaging this group could have a disproportionate impact on the results of the consultation, and so note the importance of identifying these groups of customers.

71 responses out of 175 were received from the second home owner or long term empty home owner group, and 17 from second home owners that live or work in Denbighshire.

The consultation has concluded, and the results demonstrate that the majority of respondents who live in Denbighshire felt there is a need for an increase in the Council tax premium charges for both long term empty and second homes. Thus supporting the recommendation.

Second homes and long term empty owners did not generally support the proposals, although there was slightly more support for a charge for long term empty properties.

It is recommended to proceed following the public consultation, with the proposal to increase the premium in Council Tax long term empty homes and second homes, to support the Council's Corporate Plan to encourage home owners not to leave their properties empty and to bring them back into use for the benefit of the local community and economy.

The recommendations made by officers have tried to strike a balance to consider how to effectively administer the scheme, while considering the regional context and wider legislative factors.

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

5.1. The purpose of the premium charge is to increase affordable housing within Denbighshire and to maintain and grow sustainable communities. The scheme has a neutral effect on the Council becoming Net Carbon Zero and ecologically positive by 2030.

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

6.1. There will be an impact on staff resources, i.e., there will be an increase in customer engagement within the council tax team if the premium is increased. The property inspector will have an increase in visits to ensure fraud or tax avoidance is minimal. Additional revenue will however be raised if the premium percentage is increased.

6.2. Whilst the main driver is to encourage homes back into full time use rather than generate income, the additional revenue would support a proposal that a project officer role be created to work with disadvantaged groups across Denbighshire raising awareness of income maximisation, this would be a temporary post in the first year and an evaluation of effectiveness would be undertaken before consideration of making this permanent.

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

7.1. We have undertaken a full assessment with support from colleagues in Corporate service, we acknowledge that there may be some perceived negative impact from the proposal. However, overall our view is that all areas are positively impacted. Please find the full impact assessment attached.

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

8.1. The authority has undertaken a public consultation which has resulted in 175 responses, during this process we wrote out to the 1,013 customers that currently have second homes or long term empty properties in Denbighshire to make them aware of the consultation. We have taken the proposed recommendations through Cabinet in July and now here to Full Council.

9. Chief Finance Officer Statement

9.1. The report clearly outlines the options available for the Council's approach to the new flexibilities for charging higher rates for long term empties and second homes. It is important to note that the decision to use these freedoms can be reviewed on an annual basis as part of the annual Council Tax setting process. The recommendation is for a cautious approach while we learn from the experience of other authorities – but we obviously recognise that this is a very political decision. Any decision to change the rates will involve wider consultation which would need to commence as soon as possible. Any decision to change the rates need to be recommended by Cabinet and approved by full Council.

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

10.1. A number of risks have been identified during the scoping element of this proposal and also the public consultation. They include, potential negative impact on the tourism industry, and detrimental financial impact to individuals. As part of any implementation of the project we will form a risk register and will monitor and manage the risks and where possible mitigate the risk.

11. Power to make the decision

- *Housing (Wales) Act 2014*
- *The Council Tax (Exceptions from Higher Amount) Wales Regulations 2015*
- *The Council Tax (Long-term Empty Dwellings and Dwellings Occupied Periodically (Wales) Regulations 2022*

Appendix A

Item 1: Exemptions

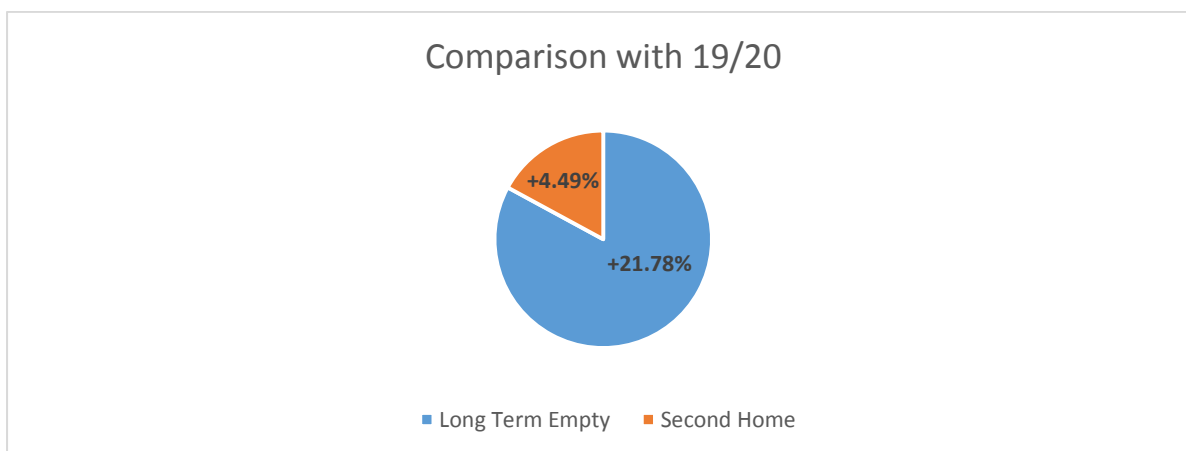
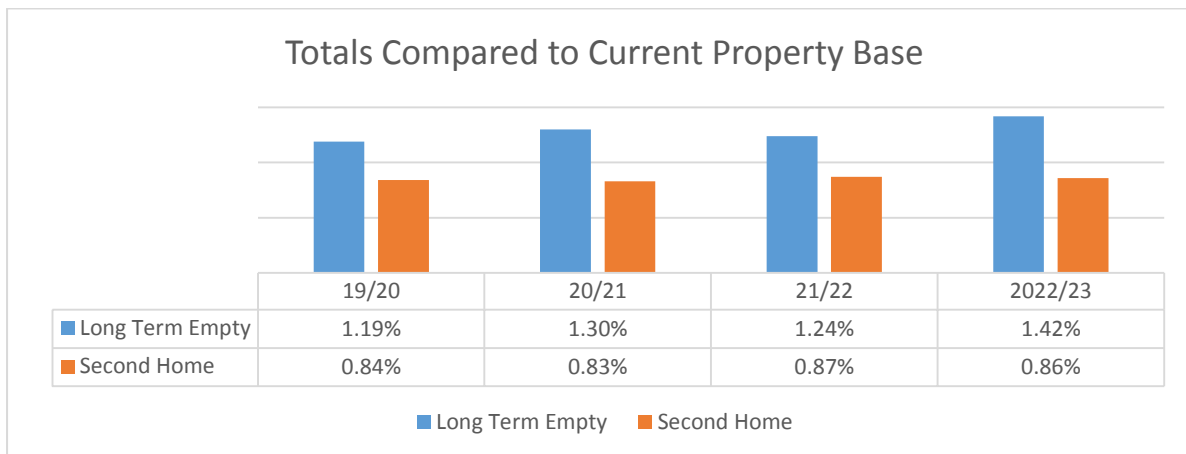
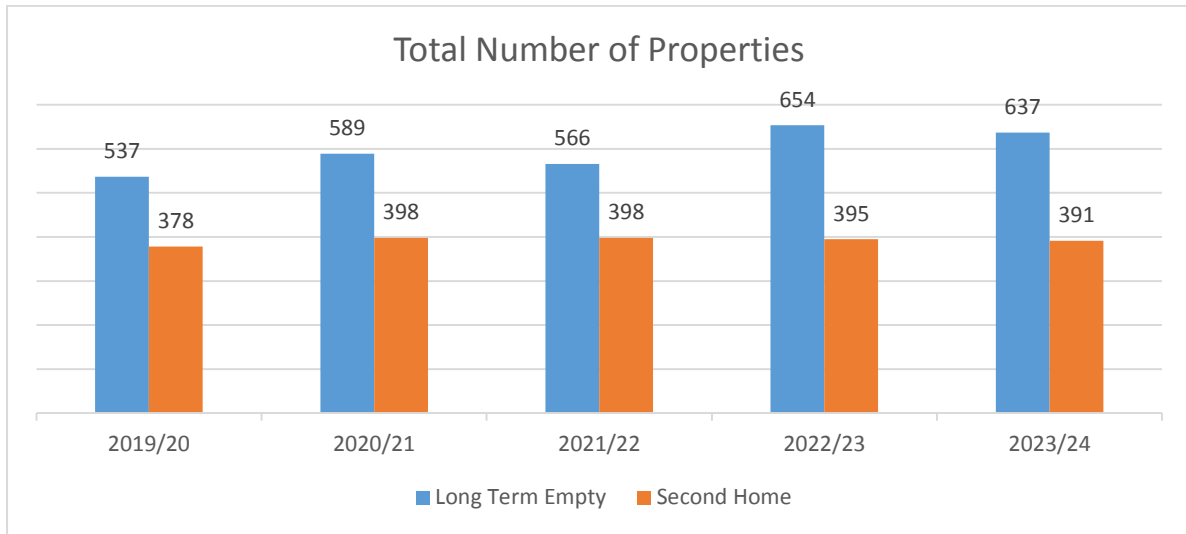
Classes of Dwellings	Definition	Application
Class 1	Dwellings being marketed for sale or where an offer to buy the dwelling has been accepted, time-limited for one year	Long-term empty properties and second homes
Class 2	Dwellings being marketed for let or where an offer to rent has been accepted, time-limited for one year	Long-term empty properties and second homes
Class 3	Annexes forming part of, or being treated as part of, the main dwelling	Long-term empty properties and second homes
Class 4	Dwellings which would be someone's sole or main residence if they were not residing in armed forces accommodation	Long-term empty properties and second homes
Class 5	Occupied caravan pitches and boat moorings	Second homes
Class 6	Dwellings where by virtue of a planning condition, year-round or permanent occupation is prohibited or has been specified for use as short-term holiday accommodation only or prevents occupancy as a person's sole or main residence	Second homes
Class 7	Job-related dwellings	Second homes

Item 2

Income	2019/20	2020/21	2021/22	2022/23	2023/24
Long Term Empty	£272,973	£399,251	£396,375	£483,685	£489,008
Second Home	£327,883	£328,339	£352,217	£292,134	£300,160

Appendix A

Item 3



Appendix A

Item 4

Parish	Long Term Empty	% of properties in parish
Rhyl	521	3.20%
Prestatyn	90	0.90%
Llangollen	35	1.63%
Corwen	33	2.77%
Denbigh	58	1.32%

Parish	Second Homes	% of properties in parish
Rhyl	63	0.39%
Prestatyn	55	0.57%
Llangollen	44	2.05%
Corwen	32	2.68%
Denbigh	20	0.45%

Appendix A

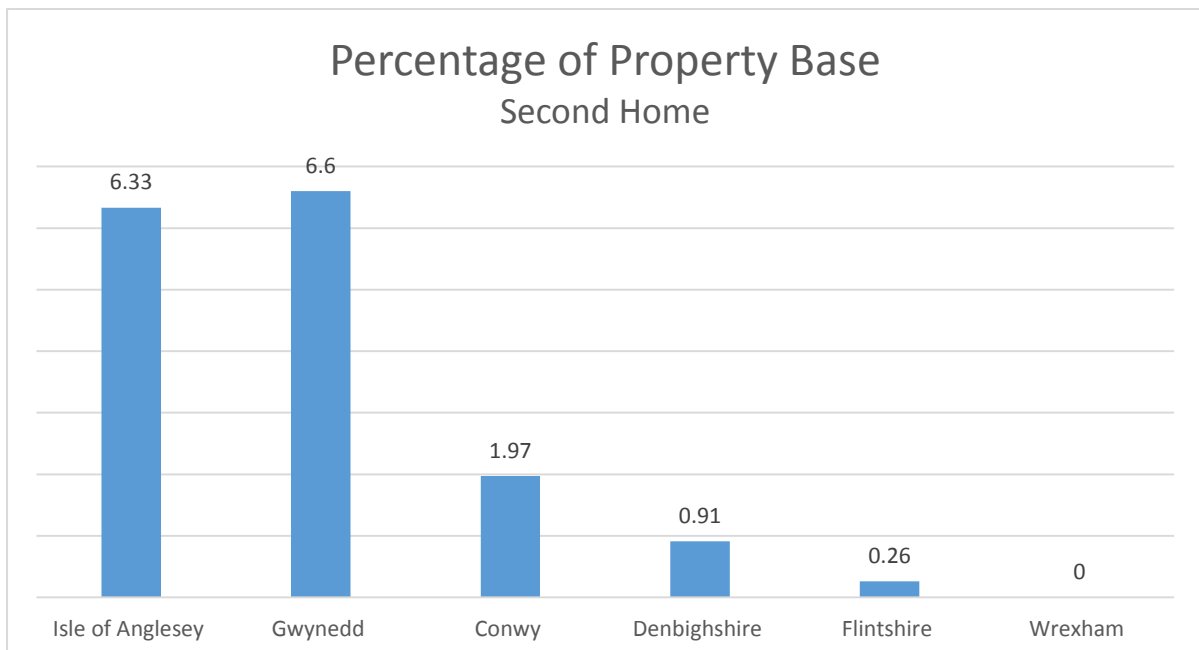
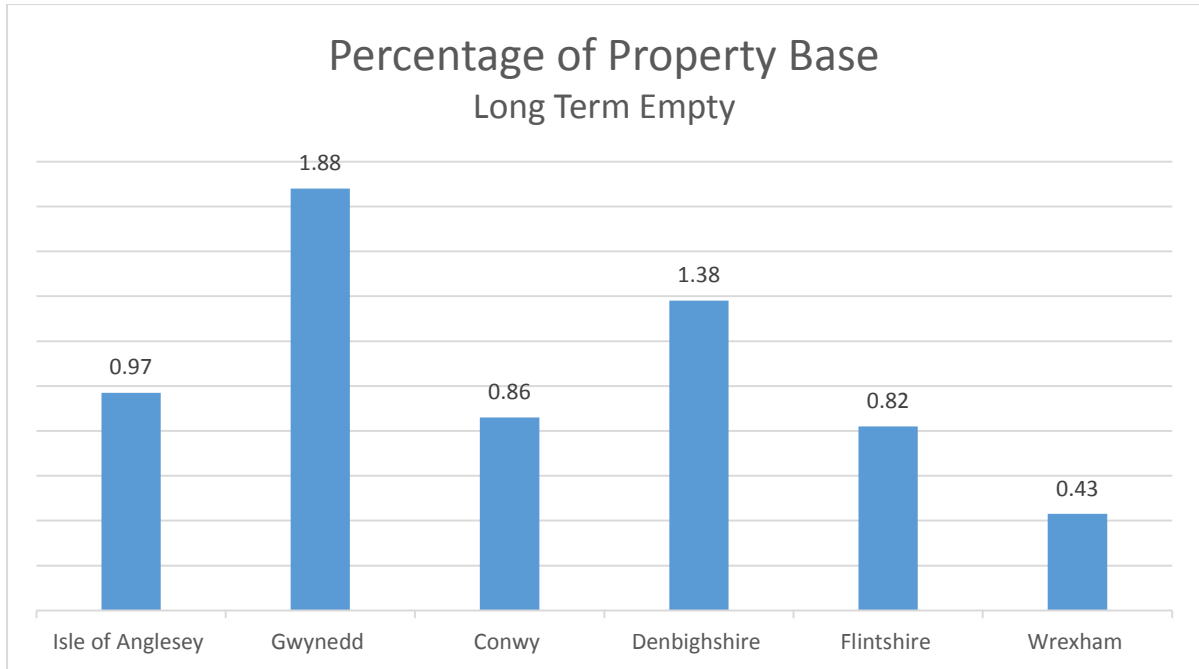
Item 5 –

Long Term Empty	22/23	23/24
Conwy	50%	50%
Gwynedd	100%	100%
Flintshire	50%	50%
Wrexham	50%	50%
Anglesey	100%	100%
Denbighshire	50%	50%

Second Homes	22/23	23/24
Conwy	50%	50%
Gwynedd	100%	150%
Flintshire	50%	50%
Wrexham	50%	50%
Anglesey	35%	50%
Denbighshire	50%	50%

Appendix A

Item 5: Information extracted from Welsh Government, Statistics for Wales Release
January 2023: SFR 3/2023



Appendix A

Item 6

Predicted Revenue from Long Term Empty properties.

Premium Increase	2024/25	2025/26
100%	£1,017,136	£1,057,821
125%	£1,271,420	£1,322,276
150%	£1,525,704	£1,586,731
175%	£1,779,988	£1,851,187
200%	£2,034,272	£2,115,642
225%	£2,288,556	£2,380,097
250%	£3,051,408	£2,644,552
275%	£3,559,976	£2,909,008
300%	£3,051,408	£3,173,463

Appendix A

Item 6

Predicted Revenue from Second Homes.

Premium Increase	2024/25	2025/26
100%	£624,333	£649,306
125%	£780,416	£811,632
150%	£936,499	£973,959
175%	£1,092,582	£1,136,286
200%	£1,248,666	£1,298,612
225%	£1,404,746	£1,460,938
250%	£1,404,749	£1,623,265
275%	£1,716,315	£1,785,592
300%	£1,872,999	£1,947,918

Relevant Considerations

The legislation which allows local authorities to charge up to 300% from April 2023 can be found here: <https://www.legislation.gov.uk/wsi/2022/370/contents/made>

WG provided a statement in March 2022 outlining their commitment to address the issue of second homes and unaffordable housing. This can be found here:

<https://www.gov.wales/new-tax-rules-second-homes>

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1.1 The Background and context

WG have made a commitment to address the issue of second homes and unaffordable housing facing many communities in Wales. Using the planning, property and taxation systems, they plan, in collaboration with local government to take action.

The Council Tax Premium is intended to be a tool to help bring long-term empty properties back into use to provide safe, secure, and affordable homes and to support local authorities in increasing the supply of affordable housing and enhancing the sustainability of local communities.

There are various classes of dwellings that are exempt from paying the premium, these are detailed in Item 1 of Appendix A:

From April 2023, local authorities are able to charge up to 300% council tax premiums on second homes and long-term empty properties. A premium is an additional percentage on top of the standard council tax bill. Previously the maximum premium for these properties was set at 100%. Local authorities are given the autonomy to make the decision to increase the premium based on local needs, and apply different levels for second homes and long-term empty dwellings.

In 2017 Denbighshire County Council agreed to introduce a premium of 50% on top of the standard charge on long-term empty properties in Denbighshire from 1st April 2018 and 50% on top of the standard charge on second homes in Denbighshire from 1st April 2019.

Item 2 in Appendix A highlights the income raised as a result of the premiums. Item 3 details the number of long-term empty properties and second homes in Denbighshire that are charged a premium.

WG have provided updated guidance on the implementation and administration of the Council Tax Premium. Some key points to note include,

allowing local authorities discretion on the charging of the premium, taking into account local needs.

It has also added two categories where the premium won't be charged. This includes properties that are restricted by planning conditions which mean that they can only be used as short-term holiday lets or where the property is prevented from being used as someone's main residence.

1.2 Legislative changes Considerations

Currently dwellings that are classed as commercial holiday lets, can be transferred from the Council Tax listing to the NNDR list. The majority of these properties then qualify for Small Business Rate Relief (SBRR) and so don't contribute to either tax.

The criteria, as set by Welsh Government, for a holiday let to be considered for NNDR was previously:

- Property has to be let for at least 70 days per year;
- Property has to be available to let for at least 140 days per year.
- This changed from April 2023 to:
- Property has to be let for at least 182 days per year;
- Property has to be available for at least 252 days per year.

The change is intended to provide a clearer demonstration that the properties concerned are being let regularly as part of a genuine holiday accommodation business, and making a substantial contribution to the local economy.

There have been significant concerns raised within the tourism sector in Wales to these changes, citing in some cases units can only be used seasonally, reducing the available number of days that a property could be advertised for let and physically occupied, which is below the minimum threshold. Further concerns have been raised in respect of Air BNB properties, which can in many instances be part of a resident's home and not

identified for Council Tax liability or NNDR. In response WG have provided LA's with amended guidance to exempt properties that can only be let short term, and cannot be used as a sole or main residence as part of the planning regulations. This guidance came into effect from 1st April 2023.

WG have also increased the Land Value Tax (LVT) on second homes in Wales to help fund increased social housing. Those purchasing a second property now have to pay a 4% levy on the LVT.

Since the introduction of the 50 % premium on second homes in 2017, 156 dwellings have been transferred from council tax to NNDR. Many of these will have transferred naturally without the premium as all new holiday lets are initially banded within the Council as liable for council tax and only transferred to NNDR when the Valuation Office Agency agrees it meets the criteria to be treated as a business. There was an increase in transfers to NNDR during the Covid pandemic as holiday let owners needed to be liable for NNDR in order to receive the grant payments. Additionally, because of the international travel restrictions 'Staycations' increased significantly, which increased the levels of commerciality and numbers of properties moving across to NNDR. It is expected that some of these properties will transfer back over to Council Tax now that foreign travel is fully accessible.

The consideration when initially introducing the 50% premium was to ensure there wasn't a significant loss to the tax base impacting on DCC revenue, whilst having a positive impact in reducing the number of long-term empty and second homes and increasing revenue in which to support the need for affordable housing. It is difficult to confirm over the last 3 years if this has had the desired effect as the council tax team are more vigilant in identifying empty properties or second homes.

Update from DCC Planning

On 4th July 2022 the First Minister and the Leader of Plaid Cymru announced a package of measures to address the negative impact second homes and short-term holiday lets can have on the viability and affordability of housing for local people in communities in Wales. As part of the three pronged approach

proposed including changes to local taxation, this also built in a land use planning element with the introduction of three new use classes. These three new use classes will give local planning authorities the ability, where they have evidence, to make local amendments to the planning system through an Article 4 Direction, allowing them to consider whether planning permission would be required to change from one use class to another and to control the number of additional second homes and short-term lets in an area. These changes came into force on 20th October 2022.

As part of the package of measures, WG also intend to introduce a statutory licencing scheme for all visitor accommodation providers in Wales. The scheme will aim to ensure that all providers meet health & safety requirements such as gas and electrical safety, are insured and have planning permission to allow the premises to be let. It will also provide WG and local authorities with better intelligence and a comprehensive register of visitor accommodation providers. WG have consulted on proposals for the scheme and are currently reviewing the responses to the consultation. It is anticipated that WG will finalise the scheme later this year.

Officers will be analysing the approach taken by other Council's across Wales where the impacts of second homes and short-term holiday lets are more pronounced. Once the licensing scheme has been finalised, as the final element of WG's three pronged approach, the intention is to report to Communities Scrutiny Committee to discuss the potential impact of the measures and the Council's approach moving forward.

1.3 Considerations

Parity between the Long-Term Empty and Second Home Premium needs to be considered. Having parity, reduces loopholes in that an owner states the property is unfurnished to gain 12 months before the premium is charged, whereas second homes incur the premium immediately. There would be

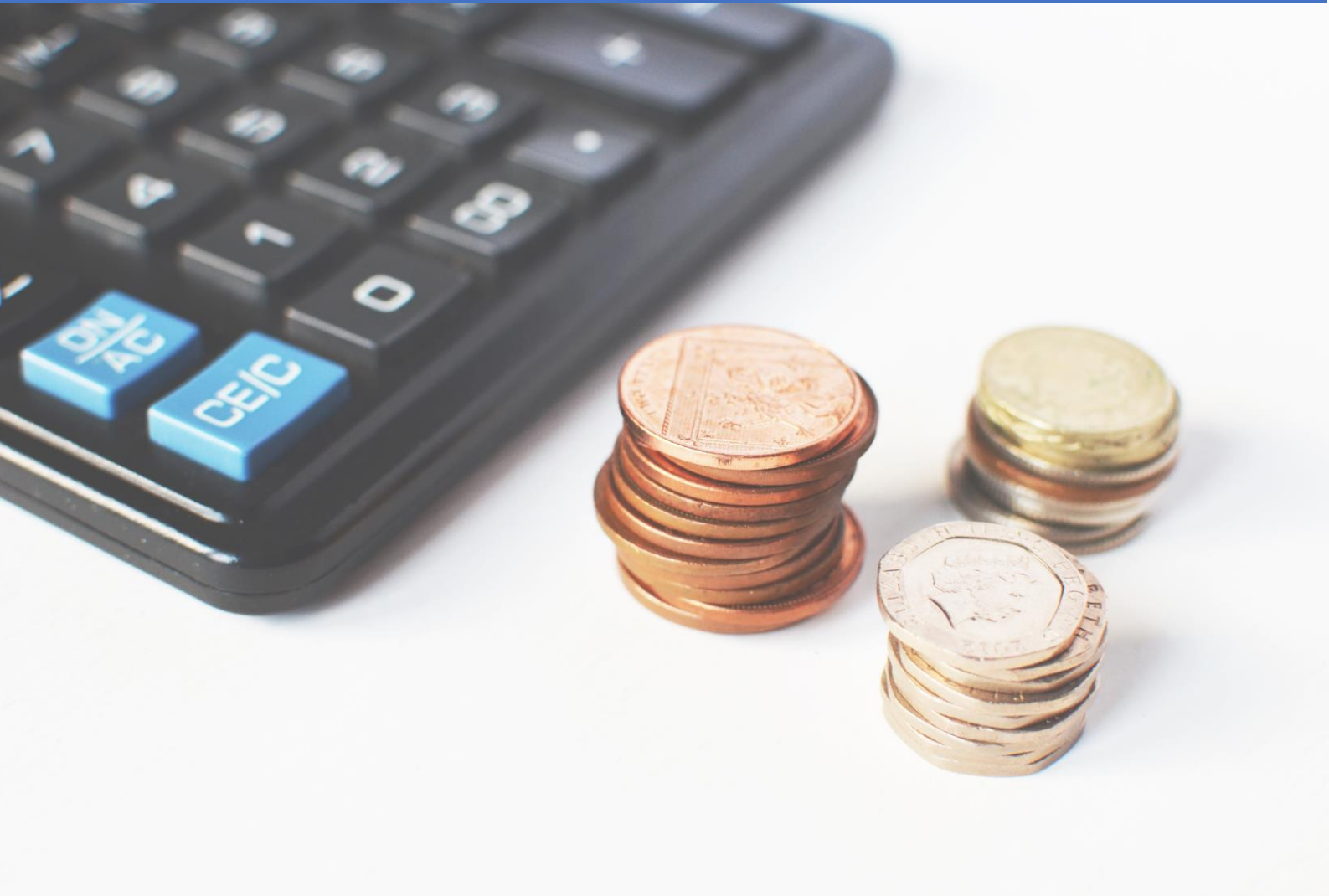
additional resource required should parity not be maintained. An increase in property inspections and investigative work as well as more detailed administrative tasks will be required. This is estimated at an increased cost of £32k.

Regionally Denbighshire has relatively low numbers of second homes compared to other areas, such as Gwynedd and Ynys Mon. Due to this the impact is not as high on communities compared to others in the North and Mid Wales region. Please see Item 5 in Appendix A the premium charges currently in place across North and Mid Wales.

There are areas within Denbighshire that have relatively high numbers of second homes listed in council tax. These are detailed as Item 4 in Appendix A.

The total number of Long-Term Empty properties over 5 years that could be charged the additional premium are currently: 493

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Appendix 1

Consultation Data Tables

Summary of data received

In total, the Council received 228 full or partial online survey responses and 12 full or partial paper responses to the survey (a total of 240 survey responses).

Due to concerns about the potential for the consultation to be ‘hijacked’ by various campaign groups (either in favour or against any form of extra taxation), the Council requested that all responses be verified by respondents providing their name and address.

The Council also stated that duplicate data and any data violating the Council’s zero tolerance policy on abusive language would be removed and these responses would not be considered. In total:

1. 175 verified survey responses were received
2. 62 surveys were only partially completed and therefore the responses could not be verified. Of these, 15 entries were duplicate partial completions from 6 unique IP addresses.
3. 1 duplicate verified survey response was removed
4. 2 responses were removed for violating the Council’s zero tolerance policy on abusive language

Appendix 1 – Consultation Data Tables

Respondent profile:

The survey comprised mainly of multiple choice questions, either single response or rank-based. These aimed to find out:

- Whether respondents supported the proposals
- The impact respondents felt the proposals may have on the supply of affordable housing, rental housing, house prices, the tourism industry, the Welsh language and Welsh culture.

We asked respondents what their interest or reason for responding was.

Which of the following best applies to you?		
Response	Number of Respondents	Percentage of Respondents
Live and/or work in Denbighshire only	70	40%
Live and/or work in Denbighshire AND own a second home	17	10%
Own a second home only	59	33%
Own a long-term empty home only	12	7%
Is a Councillor (DCC and/or Town, City & Community)	7	4%
Other <i>Includes:</i> 1. People who live in Denbighshire and own a long-term empty home 2. People who own both a second home and a long-term empty home 3. People with no local connection 4. People who ticked 'other' but did not specify further	10	6%
TOTAL RESPONDENTS	175	100%

Long Term Empty Homes Increase from 1st April 2024

To what extent do you agree or disagree with the proposals to raise council tax on LONG-TERM EMPTY HOMES to 100% from 1st April 2024													
	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Unsure (or left blank)		TOTAL RESPONDENTS OF THIS TYPE
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	
Live or work in Denbighshire	39	55.71%	9	12.86%	0	0.00%	3	4.29%	16	22.86%	3	4.29%	70
Live or work in Denbighshire and own a second home	2	11.76%	1	5.88%	3	17.65%	3	17.65%	8	47.06%	0	0.00%	17
Own a second home	8	13.56%	13	22.03%	8	13.56%	4	6.78%	23	38.98%	3	5.08%	59
Own a long-term empty home	0	0.00%	0	0.00%	1	8.33%	0	0.00%	10	83.33%	1	8.33%	12
Councillor (either DCC or Community)	2	28.57%	2	28.57%	0	0.00%	0	0.00%	2	28.57%	1	14.29%	7
Other	3	30.00%	0	0.00%	2	20.00%	1	10.00%	4	40.00%	0	0.00%	10
TOTALS FOR ALL RESPONDENTS	54	30.68%	25	14.20%	14	7.95%	11	6.25%	63	35.80%	8	4.55%	175

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Comments:

- 44.88% of all respondents (79 out of 175) agreed or strongly agreed
- 42.05% (74 out of 176 respondents) disagreed or strongly disagreed.
- The respondent group most in favour of the proposals were **people who live or work in Denbighshire** with 68.57% (48 out of 70 of this respondent type) agreeing or strongly agreeing with the proposal.
- 45.76% of second home owners disagreeing or strongly disagreeing, however 35.59% of second home owners did agree or strongly agreed
- Owners of long-term empty homes did not support the proposals at all.
- 4 out of the 7 respondents who said they were councillors also supported this particular proposal, whilst 2 disagreed (1 'unsure' vote)
- 3 out of 17 second home owners that live or work in Denbighshire agreed with the proposals, whilst 11 disagreed

Appendix 1 – Consultation Data Tables

Long Term Empty Homes Increase from 1st April 2025:

To what extent do you agree or disagree with the proposals to raise council tax on LONG-TERM EMPTY HOMES to 150% from 1st April 2025													
	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Unsure (or left blank)		TOTAL RESPONDENTS OF THIS TYPE
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	
Live or work in Denbighshire	38	54.29%	7	10.00%	2	2.86%	3	4.29%	17	24.29%	3	4.29%	70
Live or work in Denbighshire and own a second home	2	11.76%	1	5.88%	2	11.76%	3	17.65%	8	47.06%	1	5.88%	17
Own a second home	8	13.56%	8	13.56%	10	16.95%	5	8.47%	21	35.59%	7	11.86%	59
Own a long-term empty home	1	8.33%	0	0.00%	4	33.33%	0	0.00%	6	50.00%	1	8.33%	12
Councillor (either DCC or Community)	3	42.86%	2	28.57%	0	0.00%	0	0.00%	2	28.57%	0	0.00%	7
Other	3	30.00%	0	0.00%	0	0.00%	2	20.00%	5	50.00%	0	0.00%	10
TOTALS FOR ALL RESPONDENTS	55	31.25%	18	10.23%	18	10.23%	13	7.39%	59	33.52%	12	6.82%	175

Comments:

- 41.48% of all respondents (73 out of 175) agreed or strongly agreed
- 40.91% (72 out of 175 respondents) disagreed or strongly disagreed
- The respondent groups most in favour of the proposals were **people who live or work in Denbighshire** with 64.29% (45 out of 70 of this respondent type) agreeing or strongly agreeing with the proposal.
- 44.06% of second home owners disagreed or strongly disagreed, however 27.12% of second home owners did agree or strongly agreed
- Owners of long-term empty homes did not support the proposals.
- 5 out of the 7 respondents who said they were councillors also supported this particular proposal
- 3 out of 17 second home owners that live or work in Denbighshire agreed with the proposals, whilst 11 disagreed

Appendix 1 – Consultation Data Tables

Long Term Empty Homes unoccupied for a continuous period of 5 years increase to 150% from 1st April 2024:

To what extent do you agree or disagree with the proposals to raise council tax on LONG-TERM EMPTY HOMES unoccupied for a continuous period of 5 years or longer to 150% from 1st April 2024													
	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Unsure (or left blank)		TOTAL RESPONDENTS OF THIS TYPE
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	
Live or work in Denbighshire	42	60.00%	8	11.43%	1	1.43%	3	4.29%	12	17.14%	4	5.71%	70
Live or work in Denbighshire and own a second home	4	23.53%	4	23.53%	2	11.76%	2	11.76%	4	23.53%	1	5.88%	17
Own a second home	13	22.03%	17	28.81%	7	11.86%	2	3.39%	14	23.73%	6	10.17%	59
Own a long-term empty home	1	8.33%	0	0.00%	4	33.33%	0	0.00%	6	50.00%	1	8.33%	12
Councillor (either DCC or Community)	3	42.86%	2	28.57%	0	0.00%	0	0.00%	2	28.57%	0	0.00%	7
Other	4	40.00%	3	30.00%	0	0.00%	0	0.00%	3	30.00%	0	0.00%	10
TOTALS FOR ALL RESPONDENTS	67	38.07%	34	19.32%	14	7.95%	7	3.98%	41	23.30%	12	6.82%	175

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Comments:

- 57.39% of all respondents (101 out of 175) agreed or strongly agreed
- 27.28% (48 out of 175 respondents) disagreed or strongly disagreed
- The respondent group most in favour of the proposals were **people who live or work in Denbighshire** with 71.43% (50 out of 70 of this respondent type) agreeing or strongly agreeing with the proposal.
- Owners of second homes were generally supportive of the proposals for long-term empty homes, with 50.84% (30 out of 59 of this respondent type) agreeing or strongly agreeing. 27.12% of second home owners disagreed or strongly disagreed with the proposals for long-term empty homes.
- Owners of long-term empty homes did not support the proposals, with only one respondent strongly agreeing with them.

Appendix 1 – Consultation Data Tables

Long Term Empty Homes unoccupied for a continuous period of 5 years increase to 200 % from 1st April 2025:

To what extent do you agree or disagree with the proposals to raise council tax on LONG-TERM EMPTY HOMES unoccupied for a continuous period of 5 years or longer to 200% from 1st April 2025													
	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Unsure (or left blank)		TOTAL RESPONDENTS OF THIS TYPE
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	
Live or work in Denbighshire	43	61.43%	3	4.29%	3	4.29%	6	8.57%	13	18.57%	2	2.86%	70
Live or work in Denbighshire and own a second home	4	23.53%	4	23.53%	3	17.65%	2	11.76%	4	23.53%	0	0.00%	17
Own a second home	11	18.64%	15	25.42%	12	20.34%	2	3.39%	12	20.34%	7	11.86%	59
Own a long-term empty home	0	0.00%	0	0.00%	3	25.00%	1	8.33%	8	66.67%	0	0.00%	12
Councillor (either DCC or Community)	2	28.57%	2	28.57%	1	14.29%	0	0.00%	2	28.57%	0	0.00%	7
Other	4	40.00%	3	30.00%	0	0.00%	0	0.00%	3	30.00%	0	0.00%	10
TOTALS FOR ALL RESPONDENTS	64	36.36%	27	15.34%	22	12.50%	11	6.25%	42	23.86%	9	5.11%	175

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Comments:

- 51.70% of all respondents (91 out of 175) agreed or strongly agreed
- 30.11% (53 out of 175 respondents) disagreed or strongly disagreed
- The respondent group most in favour of the proposals were **people who live or work in Denbighshire** with 65.72% (46 out of 70 of this respondent type) agreeing or strongly agreeing with the proposal.
- Owners of second homes were generally supportive of the proposals for long-term empty homes, with 44.06% (26 out of 59 of this respondent type) agreeing or strongly agreeing. 23.73% of second home owners disagreed or strongly disagreed with the proposals for long-term empty homes. 8 out of 17 second home owners that live in Denbighshire agreed with the proposals
- Owners of long-term empty homes did not support the proposals, with only one respondent strongly agreeing with them.
- 4 out of the 7 respondents who said they were councilors also supported this particular proposal, 2 disagreed.

Second Home 150% above the standard charge from 1st April 2024

To what extent do you agree or disagree with the proposals to raise council tax on SECOND HOMES to 100% from 1st April 2024													
	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Unsure (or left blank)		TOTAL RESPONDENTS OF THIS TYPE
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	
Live or work in Denbighshire	38	54.29%	5	7.14%	2	2.86%	5	7.14%	19	27.14%	1	1.43%	70
Live or work in Denbighshire and own a second home	0	0.00%	0	0.00%	0	0.00%	1	5.88%	16	94.12%	0	0.00%	17
Own a second home	1	1.69%	1	1.69%	0	0.00%	9	15.25%	47	79.66%	1	1.69%	59
Own a long-term empty home	0	0.00%	0	0.00%	2	16.67%	2	16.67%	8	66.67%	0	0.00%	12
Councillor (either DCC or Community)	2	28.57%	3	42.86%	0	0.00%	0	0.00%	2	28.57%	0	0.00%	7
Other	2	20.00%	1	10.00%	0	0.00%	1	10.00%	6	60.00%	0	0.00%	10
TOTALS FOR ALL RESPONDENTS	43	24.43%	10	5.68%	4	2.27%	18	10.23%	98	55.68%	2	1.14%	175

Comments:

- 30.11% of all respondents (53 out of 175) agreed or strongly agreed
- 65.91% (116 out of 175 respondents) disagreed or strongly disagreed
- The respondent group most in favour of the proposals were **people who live or work in Denbighshire** with 61.43% (43 out of 70 of this respondent type) agreeing or strongly agreeing with the proposal.
- Owners of second homes were generally not supportive of the proposals for the increase for second homes, with 94.91% (57 out of 59 of this respondent type) disagreeing or strongly disagreeing.
- Owners of long-term empty homes did not support the proposals
- 5 out of the 7 respondents who said they were councillors also supported this particular proposal, 2 disagreed.
- 8 out of 17 second home owners that live or work in Denbighshire agreed with the proposals, whilst 6 disagreed

Appendix 1 – Consultation Data Tables

Second Home 200% above the standard charge from 1st April 2025:

To what extent do you agree or disagree with the proposals to raise council tax on SECOND HOMES to 150% from 1st April 2025													
	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Unsure (or left blank)		TOTAL RESPONDENTS OF THIS TYPE
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	
Live or work in Denbighshire	36	51.43%	4	5.71%	3	4.29%	5	7.14%	21	30.00%	1	1.43%	70
Live or work in Denbighshire and own a second home	0	0.00%	0	0.00%	1	5.88%	0	0.00%	16	94.12%	0	0.00%	17
Own a second home	1	1.69%	0	0.00%	0	0.00%	6	10.17%	49	83.05%	3	5.08%	59
Own a long-term empty home	0	0.00%	4	33.33%	0	0.00%	6	50.00%	2	16.67%	0	0.00%	12
Councillor (either DCC or Community)	3	42.86%	2	28.57%	0	0.00%	0	0.00%	2	28.57%	0	0.00%	7
Other	2	20.00%	0	0.00%	1	10.00%	1	10.00%	6	60.00%	0	0.00%	10
TOTALS FOR ALL RESPONDENTS	42	23.86%	10	5.68%	5	2.84%	18	10.23%	96	54.55%	4	2.27%	175

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Comments:

- 29.54% of all respondents (52 out of 175) agreed or strongly agreed
- 64.78% (114 out of 175 respondents) disagreed or strongly disagreed
- The respondent group most in favour of the proposals were **people who live or work in Denbighshire** with 57.14% (40 out of 70 of this respondent type) agreeing or strongly agreeing with the proposal.
- Owners of second homes were generally not supportive of the proposals for the increase for second homes, with 93.22% (55 out of 59 of this respondent type) disagreeing or strongly disagreeing.
- Owners of long-term empty homes did not support the proposals
- 5 out of the 7 respondents who said they were councillors also supported this particular proposal, 2 disagreed.

Appendix 1 – Consultation Data Tables

What impact do you think the proposals could have on the supply of affordable housing in Denbighshire?									
	Increase supply		Decrease Supply		No impact on supply		Unsure or left blank		TOTAL RESPONDENTS OF THIS TYPE
	Number	%	Number	%	Number	%	Number	%	
Live or work in Denbighshire	36	51.43%	8	11.43%	20	28.57%	6	8.57%	70
Live or work in Denbighshire and own a second home	0	0.00%	4	23.53%	13	76.47%	0	0.00%	17
Own a second home	6	10.17%	10	16.95%	36	61.02%	7	11.86%	59
Own a long-term empty home	0	0.00%	5	41.67%	5	41.67%	2	16.67%	12
Councillor (either DCC or Community)	3	42.86%	1	14.29%	3	42.86%	0	0.00%	7
Other	2	20.00%	0	0.00%	8	80.00%	0	0.00%	10
TOTALS FOR ALL RESPONDENTS	47	26.70%	28	15.91%	85	48.30%	15	8.52%	175

What impact do you think the proposals could have on the supply of rental housing in Denbighshire?									
	Increase supply		Decrease Supply		No impact on supply		Unsure or left blank		TOTAL RESPONDENTS OF THIS TYPE
	Number	%	Number	%	Number	%	Number	%	
Live or work in Denbighshire	35	50.00%	10	14.29%	23	32.86%	2	2.86%	70
Live or work in Denbighshire and own a second home	3	17.65%	4	23.53%	9	52.94%	1	5.88%	17
Own a second home	6	10.17%	10	16.95%	36	61.02%	7	11.86%	59
Own a long-term empty home	1	8.33%	4	33.33%	5	41.67%	2	16.67%	12
Councillor (either DCC or Community)	4	57.14%	1	14.29%	2	28.57%	0	0.00%	7
Other	2	20.00%	0	0.00%	8	80.00%	0	0.00%	10
TOTALS FOR ALL RESPONDENTS	51	28.98%	29	16.48%	83	47.16%	12	6.82%	175

Appendix 1 – Consultation Data Tables

What impact do you think the proposals could have on house prices in Denbighshire?									
	Increase house prices		Decrease in house prices		No impact on house prices		Unsure or left blank		TOTAL RESPONDENTS OF THIS TYPE
	Number	%	Number	%	Number	%	Number	%	
Live or work in Denbighshire	2	2.86%	28	40.00%	28	40.00%	12	17.14%	70
Live or work in Denbighshire and own a second home	1	5.88%	4	23.53%	11	64.71%	1	5.88%	17
Own a second home	7	11.86%	8	13.56%	40	67.80%	4	6.78%	59
Own a long-term empty home	5	41.67%	2	16.67%	5	41.67%	0	0.00%	12
Councillor (either DCC or Community)	0	0.00%	2	28.57%	2	28.57%	3	42.86%	7
Other	0	0.00%	4	40.00%	6	60.00%	0	0.00%	10
TOTALS FOR ALL RESPONDENTS	15	8.52%	48	27.27%	92	52.27%	20	11.36%	175

Do you think the proposals could impact tourism in Denbighshire?							
	Yes		No		Unsure or left blank		TOTAL RESPONDENTS OF THIS TYPE
	Number	%	Number	%	Number	%	
Live or work in Denbighshire	25	35.71%	36	51.43%	9	12.86%	70
Live or work in Denbighshire and own a second home	16	94.12%	1	5.88%	0	0.00%	17
Own a second home	49	83.05%	6	10.17%	4	6.78%	59
Own a long-term empty home	6	50.00%	2	16.67%	4	33.33%	12
Councillor (either DCC or Community)	3	42.86%	2	28.57%	2	28.57%	7
Other	8	80.00%	2	20.00%	0	0.00%	10
TOTALS FOR ALL RESPONDENTS	107	60.80%	49	27.84%	19	10.80%	175

Appendix 1 – Consultation Data Tables

To what extent do you agree or disagree that the proposals could lead to an increase in people speaking or learning Welsh in Denbighshire?													
	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Unsure (or left blank)		TOTAL RESPONDENTS OF THIS TYPE
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	
Live or work in Denbighshire	9	12.86%	11	15.71%	17	24.29%	11	15.71%	17	24.29%	5	7.14%	70
Live or work in Denbighshire and own a second home	0	0.00%	0	0.00%	3	17.65%	2	11.76%	12	70.59%	0	0.00%	17
Own a second home	2	3.39%	1	1.69%	13	22.03%	11	18.64%	30	50.85%	2	3.39%	59
Own a long-term empty home	0	0.00%	0	0.00%	0	0.00%	2	16.67%	10	83.33%	0	0.00%	12
Councillor (either DCC or Community)	1	14.29%	2	28.57%	2	28.57%	0	0.00%	2	28.57%	0	0.00%	7
Other	2	20.00%	0	0.00%	1	10.00%	2	20.00%	5	50.00%	0	0.00%	10
TOTALS FOR ALL RESPONDENTS	14	7.95%	14	7.95%	36	20.45%	28	15.91%	76	43.18%	7	3.98%	175

To what extent do you agree or disagree that the proposals could lead to an increase in people participating in Welsh culture in Denbighshire?													
	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Unsure (or left blank)		TOTAL RESPONDENTS OF THIS TYPE
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	
Live or work in Denbighshire	11	15.71%	9	12.86%	14	20.00%	10	14.29%	20	28.57%	6	8.57%	70
Live or work in Denbighshire and own a second home	0	0.00%	0	0.00%	3	17.65%	2	11.76%	12	70.59%	0	0.00%	17
Own a second home	5	8.47%	0	0.00%	9	15.25%	11	18.64%	30	50.85%	4	6.78%	59
Own a long-term empty home	0	0.00%	0	0.00%	0	0.00%	2	16.67%	10	83.33%	0	0.00%	12
Councillor (either DCC or Community)	2	28.57%	1	14.29%	2	28.57%	0	0.00%	1	14.29%	1	14.29%	7
Other	2	20.00%	0	0.00%	2	20.00%	1	10.00%	5	50.00%	0	0.00%	10
TOTALS FOR ALL RESPONDENTS	20	11.36%	10	5.68%	30	17.05%	26	14.77%	78	44.32%	11	6.25%	175



Council Tax Consultation:

Detailed public engagement report

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Purpose of this report

To provide a detailed analysis of data received from interested parties on the proposals to raise the council tax premium in Denbighshire for long-term empty homes and second homes.

Background to this report

The current charge for long-term empty homes and second homes in Denbighshire is 50% over the standard charge.

Welsh Government have granted local authorities the power to raise council tax premiums for long-term empty homes and second homes, by up to 300% over the standard charge, from 1st April 2024.

The Council consulted on the following proposals:

1. To raise council tax for long-term empty homes and second homes to 100% above the standard charge from 1st April 2024
2. To raise council tax for long-term empty homes and second homes to 150% above the standard charge from 1st April 2025
3. To charge an additional 50% premium for all long-term empty homes which have been empty for a continuous period of five years or longer. This would make the total premium 150% above the standard charge from 1st April 2024, and 200% above the standard charge from 2025.

Stakeholder Engagement:

- Owners of second homes and long-term empty homes, whether or not resident in Denbighshire
- Elected members
- Planning, Public Protection & Countryside Services
- Corporate Support Service: Performance, Digital and Assets
- Corporate Support Service: People
- Finance and Audit Services
- City, Town and Community Councils
- MPs and MSs
- Citizens Advice Denbighshire
- Tackling Poverty Operational Group (includes BCUHB, DWP & Housing Associations)

Summary of engagement and consultation activities:

A public consultation was conducted from the 26th May 2023 to the 21st June 2023 to ask for views on the proposed increase.

The public consultation was available online via the Denbighshire County Council website and paper copies were available at all Denbighshire Libraries / One Stop Shops.

The consultation was promoted through the Council's website, social media, and by a press release.

662 emails and 351 letters were sent to all long-term empty and second home owners that would be impacted by the proposed increase in premium.

Date	Planned Engagement Activity	Stakeholders involved
26 th May to 21 st June	Public Consultation	General Public
25 th May	Email /Letter notification to owners of second homes and long-term empty homes	Owners of long-term empty homes and second homes in Denbighshire
26 th May	Press Release	General Public
26 th May to 21 st June	DCC Council Tax Web Page highlight	General Public
26 th May to 21 st June	Weekly Social Media Campaign	General Public
26 th May to 21 st June	Paper copies of the survey made available to print upon request	General public

Summary of responses:

The responses received related to properties from a cross section of Denbighshire County Council’s parishes; the majority of responses were received from South of the County, post codes LL20 and LL15, and North of the County from LL18 and LL19.

The survey allowed for respondents to make some general comments and these are summarised below with clarification.

	Comment summary	DCC Point of clarification
a	<p>This is a money making exercise by Local Authorities.</p> <p>Where will the extra money go?</p>	<p>The power to charge a premium has been granted to Local Authorities by Welsh Government. A decision whether to charge is to be made by each Local Authority in Wales. Welsh Government’s purpose in granting these powers is intended to be a tool to help Local Authorities: -</p> <ul style="list-style-type: none"> bring long-term empty homes back into use to provide safe, secure and affordable homes; and support local authorities in increasing the supply of affordable housing and enhancing the sustainability of local communities <p>Welsh Government have also stated ‘authorities are encouraged to use any additional revenue generated to help meet local housing needs, in line with the policy intentions of the premiums.’</p>
b	<p>Local Authorities should be more proactive in helping owners to bring these homes back into use</p>	<p>Denbighshire County Council are focussed on long term empty homes, and support is available by way of:</p> <ul style="list-style-type: none"> • Grants for properties which have been unoccupied for more than 6 months and properties with no viable plan to bring them back into use.

Council tax consultation – detailed public engagement data report

		<ul style="list-style-type: none"> The Landlord Offer where landlords are given incentives to allow Denbighshire to use their property for 6 months to help a homeless person or family
c	You shouldn't punish people for owning these homes	Noted
d	Denbighshire County Council should compulsory purchase empty homes and sell to local landlords/local construction businesses	This feedback has been noted for further consideration.
e	Empty properties are not good for the area and people who need homes could be living in them.	Empty homes can be a blight on an area, especially when there is high housing demand. Denbighshire County Council recognises this and has adopted a twin approach of working closely with owners, landlords and Housing Associations, as well as colleagues from within the Local Authority, to bring empty properties back into use, whilst working closely with internal and external enforcement agencies to target the most problematic 'eyesore' properties to find a solution that benefits the local community through a supply of properties at affordable rates.
f	Yes- should encourage long term empty homes to come on to the market as accommodation for others.	If council tax premium is enacted, this should encourage more owners of long term empty homes to work with Denbighshire County Council to bring these properties back into use.
g	I can't meet the self-catering eligibility criteria to transfer my property to Business Rates, so I am penalised.	If a property does not meet the Valuation Office Agency criteria to be assessed as a commercial holiday home for Business Rates, it

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		will be placed in the Council Tax list and treated as a Second Home.
h	Second Home owners contribute to the local community and don't use the services as frequently.	Noted
i	The housing market is slow; I am paying a premium on a property I can't sell	<p>The premium charge can be waived for up to 12 months on long-term empty and second homes if they are being marketed for sale or let.</p> <p>100% exemption from Council Tax charge is available for 6 months if a property is unfurnished and unoccupied, and up to 12 months for a property undergoing major work or structural alteration.</p>
j	Local landlords and small construction businesses support DCC by buying long-term empty properties to bring them back in to use, but usually the exemptions have already been used.	<p>The Class A Exemption is available for properties undergoing major renovation or structural alteration. Empty Homes Grants are also available for long-term empty homes.</p> <p>This feedback has also been noted for further consideration</p>
k	You should consider homes in probate differently, and help people who have inherited properties	Exemptions are available on properties that have been left empty following the death of a taxpayer for up to six months after the date of Probate. Please see below for examples of reductions available in these cases
l	I own a long term empty property that isn't habitable	<p>The Class C Exemption is available for up to 6 months for a substantially unfurnished and unoccupied property.</p> <p>The Class A Exemption is available for a property which requires, or is undergoing major renovation or structural alteration to make it habitable, for a maximum period of 12 months.</p> <p>If the property is <u>not capable of repair</u> a request can be made directly to the Valuation Office to delete the property from the Council tax list.</p>

m	People will buy second homes in other areas instead.	Noted: However, all Local Authorities in Wales have been granted these powers. Some Authorities have already implemented an increase in the premium charge and others are considering doing so. In England the power to charge a premium has been in place since 2013
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Common Themes:

Inherited properties

Owners of inherited properties disagreed with the proposals and suggested an increase in the premium would cause financial difficulties as they struggle to sell their long-term empty homes and second homes.

Denbighshire’s position (in line with Welsh Government): The Council Tax (Exempt Dwellings) Order 1992 provides exemptions for properties that have been left unoccupied by a deceased person for up to 6 months after probate is granted.

The Grant of Probate and transfer of property to a beneficiary, on average, can take 2-4 years to complete. During this time the property, in most cases, is fully exempt from the Council tax charge whilst unoccupied.

In addition, the premium charge is not paid on a property for a maximum of 12-months if it is being marketed to sell or let.

Example 1: Inherited Properties

A property becomes unoccupied following the death of an owner, and probate is granted 2 years later:

Class F Exemption awarded (100%)	01.04.2023 to 01.10.2025 (ends 6 months after probate)
Furniture removed Class C awarded (100%)	01.10.2025 to 01.04.2026
Long Term Empty Standard charge	01.04.2026 to 01.10.2026
Long Term Premium charge starts	01.10.2026
Total reduction awarded:	36 months at 100% exemption from Council Tax charge

Properties that are inherited have usually benefitted from a minimum 18 months' full exemption from the Council Tax charge.

Example 2: Inherited Properties

A property becomes unoccupied following a death. The family inherit the property and the property is placed on the market to for sale.

Class F Exemption awarded (100%)	01.04.2023 to 01.04.2024 (ends 6 months after probate)
Furniture removed Class C awarded (100%)	01.04.2024 to 01.10.2024
Long Term Empty Standard charge	01.10.2024 to 01.04.2025
Long Term Premium charge waived for 12 months (being marketed for sale)	01.04.2025 for 12 months
Total reduction awarded:	18 months at 100% exemption from Council Tax and 12 months' premium charge waived

Hardship

Owners in the following categories were concerned that the proposals would cause hardship for:

- Inherited properties due to slow housing market
- Small self-catering businesses due to higher running costs
- Second Home owners that use properties to visit family in the area
- Landlords due to delays in rental market and renovation timescales
- Small businesses that buy empty homes to renovate.

Denbighshire’s position (in line with Welsh Government): Section 13A(1)(c) of the Local Government Finance Act allows a billing authority to reduce the Council Tax payable after taking into account any discounts, disregards, reliefs, and exemptions. Payments for Section 13A reductions are funded wholly by the Council.

The Council must balance the need of the individual requesting financial support, against the interests of Denbighshire’s Council Tax payers and will consider a Discretionary Reduction on a case by case basis for exceptional financial hardship.

Tourism and Second Homes:

Owners of self-catering second homes noted that:

- they already struggle to meet the new self-catering eligibility rules for National Non-Domestic rating introduced in April 2023, to be moved to Business Rates, and;
- an increase in the premium would result in increased running costs which would have to be passed on to paying customers, and;

- this could reduce the number of holiday rentals in the area. In turn this would have an impact on the number of tourists visiting Denbighshire and spending in local businesses.

Owners of Second Homes noted:

- the financial burden may force second home owners to sell
- said there should be two categories of second homes. Those used as self-catering accommodation, and those used as second homes to visit family and friends.
- second home owners use local trades people, tourist attractions, support the local economy, and the Welsh language/culture.

Denbighshire’s position (in line with Welsh Government): Section 139 of the Housing Act (Wales) 2014 and appended to Section 12A of the Local Government Finance Act 1992. A ‘Second Home’ is defined in Council Tax legislation as a property that is furnished, but is no one’s main residence.

Self-catering properties must either be listed in the Council Tax list, or the Non-Domestic rating list if the eligibility criteria is met to be classed as a commercial holiday let.

Long Term Empty Homes

Responses received stated the slow housing market impacts how long a property is left empty as it is difficult to sell or let.

Landlords and small constructions companies stated they support Denbighshire with bringing long-term empty properties back in to use, and there is usually no discount available in Council Tax for the renovation period. The impact of a proposed increase would result in less capital to spend on properties and financial difficulty.

Denbighshire’s Position (in line with Welsh Government): Section 139 of the Housing Act (Wales) 2014 and appended to Section 12A of the Local Government Finance Act 1992. The Council Tax premium charge starts 12 months after a property becomes substantially unfurnished, and a further 12 months’ exemption from the premium charge is available whilst a property is being marketed for sale or let.

The Council can offer support for empty properties by way of:

- Landlord offer scheme can assist, by providing incentives to an owner to use their empty property to accommodation homeless families-
<https://www.denbighshire.gov.uk/en/housing-homelessness-and-landlords/landlords/landlord-offer.aspx>
- Empty Homes Grants - <https://www.denbighshire.gov.uk/en/benefits-grants-and-money-advice/adapting-or-improving-a-property/empty-homes-assistance.aspx>

Further consideration will be made for cases where landlords and small businesses that support the Council in bringing long term empty properties back in to use, following responses received.

Recommendation:

A robust engagement campaign was conducted for the duration of the public consultation period to ensure maximum exposure, and to encourage responses from members of the public.

There were 2142 page views (37 Welsh) on the Council's page that hosted the consultation to the general public, with 898 visits directly to the consultation survey. 175 customers completed and submitted a response.

Alternative channels were also open to customers through written or supported submission from Libraries and One Stop Shops.

As part of the consultation survey we identified the following groups:

- Live or work in Denbighshire
- Live or work in Denbighshire and own a second home
- Own a second home
- Own a long-term empty home
- Councillor (either DCC or Community)
- Other

On legal advice, we undertook a communication exercise to make over 1000 second home and long term empty home owners aware of the consultation, and advice and guidance was provided on how to complete a survey response.

71 responses out of 175 were received from the second home owner or long term empty home owner group, and 17 from second home owners that live or work in Denbighshire.

We were conscious that proactively engaging this group could have a disproportionate impact on the results of the consultation, and so note the importance of identifying these groups of customers.

Detailed quantitative data analysis is provided in the '**Appendix 1 - Consultation data tables**' attachment.

Overall the consultation confirmed the majority vote was **in favour** of the 100% and 150% increase for **long term empty homes**.

When you look specifically at Denbighshire residents, they contributed to a high number of respondents that felt there is a need to increase the premium charge on long term empty and second homes

- 68% supported the proposal for long term empty increase from 1st April 2024
- 64% supported the proposal for long term empty increase from 1st April 2025
- 71% supported a 150% increase for long term empty properties over 5 years from 1st April 2024
- 66% supported a 150% increase for long term empty properties over 5 years from 1st April 2025

Second home owners are less supportive of the proposals for the long term empty homes increase of 100% and 150%, however, their support increases in favour for the proposals for the long term empty properties over 5 years.

Support from Denbighshire residents ebbs away slightly from second home and long term empty home owners the higher the premium.

Overall, at a high level the consultation looks like there is less support for the proposed increase for second homes across all demographics.

However, when you look specifically at Denbighshire residents:

- 61% supported the proposal for the second home increase from 1st April 2024
- 57% supported the proposal for the second home increase from 1st April 2025

The majority of respondents when asked about their opinion on any effect the proposals may have on the Welsh language and Welsh culture, overall felt there wasn't going to be a significant impact.

Out of 175 responses:

- 104 disagreed or strongly disagreed that the proposals could lead to an increase in people speaking or learning Welsh in Denbighshire; and,
- 104 disagreed or strongly disagreed that the proposals could lead to an increase in people participating in Welsh culture.

When asked about the impact on tourism:

- 60% of people overall said there would be an impact on tourism whereas 28% said there wouldn't.
- The majority of second home owners and long term empty home owners felt there would be an impact
- 51% of Denbighshire residents that don't have second homes felt there wouldn't be an impact on tourism

52% of respondents thought that overall the proposals would not have an impact on house prices in Denbighshire, whereas 27% thought there could be a decrease in house prices, and 8.5% an increase in house prices.

40% of Denbighshire residents, who don't own a second home, felt there would be no impact, or a decrease in house prices.

83 out of the 175 responses say there would be no impact supply on rental in Denbighshire, and 50% of Denbighshire residents, that don't own a second home or long term empty home, believe there would be an increase in supply of rental properties.

48.3% of respondents believed there would be impact on supply of affordable housing in Denbighshire, whilst 51% of Denbighshire residents, that don't own a second home or long term empty home, believe there would be an increase.

The consultation has concluded, and the results demonstrate that the majority of respondents who live in Denbighshire felt there is a need for an increase in the Council tax premium charges.

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Increasing Council Tax Premiums on Long Term Empty Homes & Second Homes: 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: 1197

Brief description: In Denbighshire we currently have a council tax premium of 50% on long term empty homes and second homes. (ie a charge of 50% above the standard council tax). From 1st April 2023, Welsh Government has granted local authorities in Wales the power to raise the council tax premium for these properties up to 300% above the standard charge. Welsh Government intend this to be a tool to help local authorities to change behaviours and encourage properties back into full time use. It is part of a plan to provide safe, secure and affordable homes by supporting local authorities to increase the supply of affordable housing and enhance the sustainability of local communities. Following these intentions Denbighshire County Council is proposing 1. To increase the premium for long-term empty homes and second homes from the current rate of 50% above the regular council tax charge, to 100% from 1st April 2024. 2. To increase the premium for long-term empty homes and second homes to 150% from 1st April 2025 3. To charge an additional 50% premium for all long-term empty homes which have been empty for a continuous period of five years or longer. (ie This would make the total premium 150% above the standard charge from 1st April 2024, and 200% above the standard charge from 2025). It is recommended that there is parity between the standard second home and long term empty premium, to minimise avoidance by taxpayers (who may apply to switch to the more favourable category).

Date Completed: 03/07/2023 11:29:11 Version: 2

Completed by: Rachel Thomas

Increasing Council Tax Premiums on Long Term Empty Homes & Second Homes

Responsible Service: Finance and Audit Services

Localities affected by the proposal: Whole County,

Who will be affected by the proposal? Those with housing needs (including the homeless, those in short term accommodation, those on housing waiting lists) owners of long term empty properties, owners of second homes, neighbours to these properties.

Was this impact assessment completed as a group? Yes

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 : 30 / 36.

Summary for each Sustainable Development principle

Long term

In line with Welsh Government (WG) intentions, these proposals seeks to improve affordability and availability of housing in the County and so grow prosperous and sustainable communities. WG has not provided conditions on how to use money from these premiums. However it is an opportunity to address local housing needs including homelessness; lessen some of the impacts second homes and long term empty properties can have on local communities; potentially develop projects to tackle poverty.

Prevention

The proposals aim to increase the availability of housing, directly supporting those who are most socio-economically disadvantaged. For those who own such homes, there are several exemptions from the premium (see www.gov.wales/council-tax-empty-and-second-homes). There is also an existing process for such owners in financial hardship. A phased and balanced approach on the % increase has deliberately been adopted, with at least 6 months notice period given to owners impacted.

Integration

This is Welsh Government legislation which aims to help Local Authorities address the demand for affordable housing. In addition the proposals are very much in line with our Corporate Plan.

Increasing Council Tax Premiums on Long Term Empty Homes & Second Homes

Specifically it supports the priority to ensure sufficient good quality housing is available. By bringing properties back into full time use we expect to see a positive impact on local economies and so support a prosperous Denbighshire.

Collaboration

This is part of a Welsh Government approach to address the housing crisis. All Local Authorities in Wales have the opportunity to use these powers and whilst we are making proposals based on Denbighshire needs we are engaging with neighbouring Local Authorities. In the development of Denbighshire proposals we have worked closely with colleagues in Council Tax and Planning.

Involvement

In accordance with Welsh Government recommendations we have undertaken a public consultation on the proposals. The consultation has been available online and computer access / paper copies available at all our libraries. Owners of long term empty homes and second homes have been directly notified of the consultation. A broader awareness has been undertaken through a press release and social media. Feedback received from the public consultation is included in this impact assessment.

Summary of impact

Well-being Goals	Overall Impact
A prosperous Denbighshire	Positive
A resilient Denbighshire	Positive
A healthier Denbighshire	Positive
A more equal Denbighshire	Positive
A Denbighshire of cohesive communities	Positive
A Denbighshire of vibrant culture and thriving Welsh language	Positive

Increasing Council Tax Premiums on Long Term Empty Homes & Second Homes

Well-being Goals	Overall Impact
A globally responsible Denbighshire	Positive

Main conclusions

By increasing the council tax charges on long-term empty homes and second homes, we aim to encourage homeowners to bring long term empty and second homes back into use for the benefit of the local community and economy.

When considering these aims against the themes and goals of the Well being of Future Generations (Wales) Act we are able to demonstrate strong positive impacts for both current generations and future ones, particularly in improving access to housing, supporting local economies and communities and creating a more financially equal Denbighshire.

For the current owners of long term empty homes and second homes who would be impacted by these proposals we have raised awareness at this early proposal stage, will give 6 months notice of any changes, are recommending a phased and balanced approach to the increase, have a hardship process in place, will be clear and transparent on the exemptions available.

The likely impact on Denbighshire, Wales and the world.

A prosperous Denbighshire

Overall Impact

Positive

Justification for impact

The aim of these proposals is to address the demand for housing in the county. This is intended to both support local economies and regenerate them whether they be rural or urban. In addition whilst Welsh Government has not provided any conditions on how councils should use additional money from these premiums, it is an opportunity to address local housing needs including homelessness and to lessen some of the impacts second homes and long term empty properties can have on local communities.

Further actions required

By taking a phased and moderate approach to the increase in Council Tax premiums (ie WG allows us to increase the premium up to 300% but we are phasing in lower amounts) we hope to strike a balance between encouraging the return of properties in full time use against the impact on owners and tourism. Should the proposals be agreed we will be giving 6 months notice to relevant owners. There are also key exemptions from the premium and also a process for those in financial hardship.

Positive impacts identified:

A low carbon society

Feedback in the public consultation suggested that releasing existing properties back into the marketplace was better than building more properties.

Quality communications, infrastructure and transport

no known impacts

Economic development

Increasing Council Tax Premiums on Long Term Empty Homes & Second Homes

Addressing the housing demand is a key driver for these proposals. By doing this we anticipate a positive impact on the support and regeneration of the local economies in both urban and rural areas of the County.

Quality skills for the long term

Addressing the demand for homes may encourage those with certain skills to stay or move into the area.

Quality jobs for the long term

Consultation feedback noted bringing more properties back into the market is helpful for attracting workers into the area.

Childcare

no known impacts

Negative impacts identified:

A low carbon society

no known impacts

Quality communications, infrastructure and transport

no known impacts

Economic development

Some responses in the public consultation were concerned that these proposals would mean fewer second homes available as holiday accommodation and so negatively impact the tourism economy in Denbighshire.

The properties that would be impacted by an increase in premium would be second homes which come under Council Tax rather than Business Rates (those that are let for holiday purposes sufficiently in line with updated WG rules, come under Business Rates so would not be impacted by these proposals).

Quality skills for the long term

no known impacts

Quality jobs for the long term

no known impacts

Childcare

no known impacts

A resilient Denbighshire

Overall Impact

Positive

Justification for impact

Bringing back into full time use existing properties instead of building new developments on land that could otherwise be used to promote biodiversity and protect ecology.

Further actions required

The proposed extra premium for those properties which are long term empty for 5 years or more is designed to further encourage those properties back into use.

Positive impacts identified:

Biodiversity and the natural environment

Bringing back into full time use existing properties instead of building new developments on land that could otherwise be used to promote biodiversity and protect ecology.

Biodiversity in the built environment

no known impacts

Reducing waste, reusing and recycling

no known impacts

Reduced energy/fuel consumption

no known impacts

People's awareness of the environment and biodiversity

no known impacts

Flood risk management

no known impacts

Negative impacts identified:

Biodiversity and the natural environment

no known impacts

Biodiversity in the built environment

no known impacts

Reducing waste, reusing and recycling

no known impacts

Reduced energy/fuel consumption

no known impacts

People's awareness of the environment and biodiversity

no known impacts

Flood risk management

no known impacts

A healthier Denbighshire

Overall Impact

Positive

Justification for impact

Whilst there were some concerns from second home owners about either having to pay the premium or give up the second property, the overall impact is positive as it directly supports those individuals and families in our communities who need a home.

Further actions required

By taking a phased and moderate approach to the increase in Council Tax premiums (ie WG allows us to increase the premium up to 300% but we are phasing in lower amounts) we hope to strike a balance between encouraging the return of properties in full time use against the impact on owners. Should the proposals be agreed we will be giving 6 months notice to relevant owners. There are also key exemptions from the premium and also a process for those in financial hardship.

Positive impacts identified:

A social and physical environment that encourage and support health and well-being

Homes that are in full time use are more likely to be well maintained and present fewer physical hazards such as broken windows. This is positive for immediate neighbours to such properties and in turn enhances the wider community.

Access to good quality, healthy food

no known impacts

People's emotional and mental well-being

The availability of good quality housing is an essential factor for an individual's health and wellbeing.

Access to healthcare

no known impacts

Participation in leisure opportunities

no known impacts

Negative impacts identified:

A social and physical environment that encourage and support health and well-being

no known impacts

Access to good quality, healthy food

no known impacts

People's emotional and mental well-being

Some respondents to the consultation were concerned that the proposals would mean they would need to give up a second home. Some of these second homes hold strong emotional attachments or some provide a source of income.

Access to healthcare

no known impacts

Participation in leisure opportunities

no known impacts

A more equal Denbighshire

Overall Impact

Positive

Justification for impact

An increase in supply may stabilise house prices which would be positive for buyers although it is noted that this may have a negative financial impact on those selling. However the overall impact is viewed as positive as bringing properties back into the market place will increase the supply for the benefit of those needing housing.

Further actions required

No action required

Positive impacts identified:

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

no known impacts

People who suffer discrimination or disadvantage

These proposals are designed to encourage properties back into the marketplace and so help address the high demand for housing. This aims to support those who do not have a home or are in need of one eg are in temporary accommodation.

People affected by socio-economic disadvantage and unequal outcomes

Bringing properties back into the market place will increase the supply for the benefit of those needing housing. Also an increase in supply may stabilise prices which would be positive for those buying.

Areas affected by socio-economic disadvantage

no known impacts

Negative impacts identified:

Improving the well-being of people with protected characteristics. The nine protected

Increasing Council Tax Premiums on Long Term Empty Homes & Second Homes

characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

no known impacts

People who suffer discrimination or disadvantage

no known impacts

People affected by socio-economic disadvantage and unequal outcomes

An increase in supply may bring down house prices which is a negative consequence for those selling.

Whilst the overall proposals aim to help meet the local demand for a home, there is no guarantee that all homes that are brought back into the marketplace will be bought by those without housing.

Areas affected by socio-economic disadvantage

no known impacts

A Denbighshire of cohesive communities

Overall Impact

Positive

Justification for impact

Full time residents have more opportunity to consistently contribute socially and economically to the community.

Encouraging the development of long term empty properties will improve visual attractiveness.

Further actions required

No action required

Positive impacts identified:

Safe communities and individuals

Tackling long term empty properties could reduce issues such as pest control and anti social behaviour

Community participation and resilience

Instead of having empty properties or second properties where people stay short term, these properties would be occupied full time and so the residents are more likely to be consistent participants in the local community.

The attractiveness of the area

Reducing the number of long term empty properties will result in fewer properties in various stages of disrepair with associated possible pest issues and anti-social behaviour.

Connected communities

no known impacts

Rural resilience

no known impacts

Negative impacts identified:

Safe communities and individuals

no known impacts

Community participation and resilience

In the consultation some second home owners noted their contribution to the local community by using eg local restaurants, shops, trades people.

The attractiveness of the area

no known impacts

Connected communities

no known impacts

Rural resilience

no known impacts

A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact

Positive

Justification for impact

It is noted that the overall public consultation feedback did not see these proposals as having much relevance or impact on the Welsh language or culture. However it is anticipated that local people are more likely to purchase the properties that come back into the marketplace. For this reason it is felt that the overall impact would be positive.

Further actions required

No action required

Positive impacts identified:

People using Welsh

Having more housing available for local people may mean able to retain more Welsh speakers

Promoting the Welsh language

no known impacts

Culture and heritage

no known impacts

Negative impacts identified:

People using Welsh

More housing may become available and prices lower, but this may attract buyers from outside Wales who are less likely to be Welsh speakers

Promoting the Welsh language

no known impacts

Culture and heritage

no known impacts

A globally responsible Denbighshire

Overall Impact

Positive

Justification for impact

Having properties in full time use, rather than empty or in partial use, would provide a more consistent positive impact on local supply chains, with full time residents using supply chains full time eg local shops. Having a better supply of housing also improves chances of retaining or attracting workers, which supports the local economy.

Addressing the high demand for housing is a goal shared by a broad range of public bodies.

Further actions required

By taking a phased and moderate approach to the increase in Council Tax premiums (ie WG allows us to increase the premium up to 300% but we are phasing in lower amounts) we hope to strike a balance between encouraging the return of properties in full time use against the impact on owners. Should the proposals be agreed we will be giving 6 months notice to relevant owners. There are also key exemptions from the premium and also a process for those in financial hardship.

Positive impacts identified:

Local, national, international supply chains

Homes in full time use are more likely to contribute to the local economy. Workers more likely to be able to find somewhere to live locally to support the local economy.

Human rights

no known impacts

Broader service provision in the local area or the region

Improved access to housing.

Reducing climate change

no known impacts

Negative impacts identified:

Local, national, international supply chains

The reduction in second homes may impact on availability of a specific set of holiday accommodation (ie second homes which are let below updated WG rules and so fall under Council Tax rather than business rates) which may in turn have a negative impact on some local supply chains.

Human rights

no known impacts

Broader service provision in the local area or the region

no known impacts

Reducing climate change

no known impacts

Report to	County Council
Date of meeting	5 September 2023
Lead Member/Officer	Scrutiny Chairs and Vice-Chairs Group/Steve Price, Democratic Services Manager
Head of Service	Lisa Jones, Interim Head of Corporate Support Service: People
Report authors	Karen Evans and Rhian Evans, Scrutiny Co-ordinators
Title	Annual Report of the Council's Scrutiny Committee 2022/23

1. What is the report about?

1.1. The Annual Report of the Council's Scrutiny Committees for 2022/23.

2. What is the reason for making this report?

2.1. To present to Council the Scrutiny Committees' annual report on their activities during 2022/23.

2.2. The report is presented to County Council to comply with Section 7.4.4 of the Council's Constitution which stipulates that the Authority's scrutiny committees must report annually to full Council on their work and make recommendations for future work programmes and amended working methods if appropriate.

3. What are the Recommendations?

3.1 That Council considers the Annual Report of the Scrutiny Committee for 2022/23, comments accordingly and approves its publication.

4. Report details

- 4.1. The Constitution of Denbighshire County Council stipulates that the Authority's Scrutiny Committees will report annually on their activities during the year to County Council.
- 4.2. It was reported last year that 2021/22 had been very much a year of adapting to the 'new normal' following the pandemic, 2022/23 on the other hand was a year of transition. Transition out of the Covid recovery measures with service delivery practices having more of a familiar feel about them, although the majority of services had adapted to a greater or lesser extent and adopted new ways of working. It was also a year of transition and new beginnings for the Authority following the local authority elections. In 2022 48 councillors were elected to serve on Denbighshire County Council, 23 of whom were elected for the first time. The elections also resulted in a change in administration in the county.
- 4.3. The first year of a new Council's term always entails a vast amount of training and familiarisation events for elected members, to help them settle into their new roles and understand their responsibilities. From the outset of the new Council term committee meetings, including Scrutiny Committee meetings, were held as 'hybrid meetings', with committee members having the option of attending the meeting in person or remotely via video conferencing. All Scrutiny Committee meetings are now webcast live on the Council's website, with a recording available on the Council's website following each meeting.
- 4.4. The Committees' Annual Report is attached at Appendix 1. It provides the reader with a brief introduction on what scrutiny is and how scrutiny operates, along with an overview of the work undertaken by each committee during the course of the year. It also includes information on how residents can participate and contribute to the scrutiny process. Upon approval the report will be translated and be made available on the Council's website.
- 4.5. The report outlines how Scrutiny has supported and challenged the Council's work throughout the year, via a mixture of pre and post-decision scrutiny; monitoring corporate performance and risk management; assessing the effectiveness of partnership arrangements in delivering services, supporting residents and delivering community and economic benefit across the county.

4.6. During the year Scrutiny continued the practice of engaging with both public and private partner organisations with a view to effectively working together to improve services and outcomes for residents. These organisations are referenced in the report. Scrutiny intends to continue engaging with these and other organisations in future.

4.7 The report also provides an overview of:

- the work of the Joint Overview and Scrutiny Committee (JOSC) for the Conwy and Denbighshire Public Services Board (PSB)
- the integral role played by the Scrutiny Chairs and Vice-Chairs Group (SCVCG) in securing effective scrutiny;
- the process for proposing a topic for Scrutiny's attention and the method used to determine whether a topic is suitable for detailed examination by Scrutiny; and
- summarises the conclusions of the reviews resulting from the call-in of two Cabinet decisions during the year

4.8 As the term of the former Council drew to a close the outgoing SCVCG undertook an evaluation exercise of Scrutiny's effectiveness. The findings of that exercise were analysed by members of the incoming Council's SCVCG who recommended a number of actions to strengthen and improve the effectiveness of Scrutiny going forward. These included the provision of scrutiny specific training events, and raising public awareness of Scrutiny as a facilitator for citizen involvement in the decision-making process and encouraging residents to engage with Scrutiny to facilitate better decision-making: Work will take place during 2023/24 and throughout the term of this Council to address both these areas.

4.9 It has long been acknowledged that Scrutiny, locally and nationally, encounters difficulties in getting the public to engage with its work, other than when contentious issues are discussed. The provisions in the Local Government & Elections (Wales) Act 2021 are expected to assist in this regard as it requires local authorities to develop and implement a Public Participation Strategy

(PPS), which include arrangements to facilitate bringing the views of the public to the attention of Scrutiny. Denbighshire's draft PPS is currently under development. However, there is already a mechanism in place for residents to submit a request seeking Scrutiny to examine a specific topic or matter of concern to them. This can be done via the submission of a Scrutiny proposal [form](#) which can be completed electronically or submitted as a paper copy. As part of our efforts to encourage greater public engagement and participation in Scrutiny, we ask all county councillors to draw the availability of this facility to residents' attention.

5 How does the decision contribute to the Corporate Plan 2022 to 2027: The Denbighshire We Want?

- 5.1 Effective scrutiny will assist the Council to deliver its corporate themes and Plan in line with community needs, residents' wishes and within budget.
- 5.2 The approval of the report will have a neutral contribution towards the Council's ambition to become Net Carbon Zero and Ecologically Positive by 2030, as the report will only be published in electronic format and will be available to read or download on the Council's intranet site and public website.

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

- 6.1 The publication of the Annual Report forms part of the committee reports pack despatched electronically to county councillors and other recipients. Upon approval and translation, it will be available to read or download on the Council's intranet site and public website. Any costs incurred with respect of the work of task and finish groups will be met from within existing budgets.

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

- 7.1 A Well-being Impact Assessment (WBIA) is not required for this report as no decision or change of policy is being sought. The Annual Report is presented solely to inform councillors and residents of the Scrutiny Committees' work

during the preceding twelve months and as a means of outlining potential future areas of work.

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

8.1 Members of the Scrutiny Chairs and Vice-Chairs Group (SCVCG) have been involved with the process of drafting the Annual Report and consulted on its contents.

9 Chief Finance Officer Statement

9.1 There are no significant financial implications resulting from this report. As mentioned in paragraph 6 above any costs relating to the production of the Report will be contained within existing budgets, as will any costs arising from the establishment of task and finish groups.

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

10.1 No risks have been identified with respect to the consideration of the Scrutiny Committees' Annual Report

11 Power to make the decision

11.1 Section 21 of the Local Government Act 2000

11.2 Section 7.4.4 of the Council's Constitution.

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Annual Report of the Scrutiny Committees 2022 to 2023



Appendix 1

Annual Report of the Scrutiny Committees 2022 to 2023

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What is scrutiny?

Scrutiny is a key component of the Council's political structure. Many of the Council's important decisions are taken by Cabinet, a group of nine councillors to whom the County Council has given its powers to take decisions relating to policies and procedures on its behalf.

The term 'scrutiny' derives from the Latin word 'scrutinium / scrutari' which means 'to search'. In the context of local government Scrutiny's role is to research and examine policies and decisions, to assess whether they could be improved or strengthened, to deliver better services for residents and visitors to Denbighshire. Scrutiny is often referred to as the Council's 'critical friend', its purpose is to provide constructive criticism in order to continually seek improvements to services, secure better decisions and realise better outcomes.

Scrutiny Committees cannot take decisions, but they can influence policies, review decisions taken by Cabinet and Officers, make recommendations, and examine a range of topics that affect residents, local businesses and visitors to the county.

Scrutiny in Action

Scrutiny should at all times work in an impartial way. It should not be influenced by party politics, its focus should be on improving the lives of residents and on securing better outcomes for the county area.

Scrutiny Committees have an active role to play in developing policies and reviewing performance. They also have the responsibility of holding the Cabinet and other decision makers to account on the decisions they make.

If a Scrutiny Committee believes that an issue should be looked at in more depth before a decision is implemented, it can request a review under the "Call-In" procedure which will allow Scrutiny Committees to formulate alternative proposals.

How does scrutiny work in Denbighshire?

Scrutiny acts as a 'critical friend' to the Council's leadership, driving improvements not only to services delivered by the Council itself, but to services delivered in partnership with other public services in the area by enabling the concerns of the public to be heard.

The Council's scrutiny work is undertaken by three thematic, cross-cutting Scrutiny Committees, meeting approximately every 7 weeks and comprising of 11 elected members from all political parties/groups on the Council.

The three committees in Denbighshire are:

- Communities Scrutiny Committee
- Partnerships Scrutiny Committee
- Performance Scrutiny Committee

When examining education matters representatives appointed by the Church in Wales and the Catholic Church, along with representatives elected by parent governors, also serve on the committees. When dealing with education matters these representatives have full voting rights. Two of the three parent governor representative posts on Scrutiny are currently vacant. If you are a parent governor at one of the Council's secondary or special schools, and would be interested in representing your sector on Scrutiny please get in touch with us (contact details can be found in the 'How residents can participate in Scrutiny' section towards the end of this report). We would love to hear from you.

Scrutiny Chairs and Vice-Chairs Group

The Chairs and Vice-Chairs of the three scrutiny committees serve on the Council's Scrutiny Chairs and Vice-Chairs Group (SCVCG) along with the Chair and Vice-Chair of the Governance & Audit Committee and the Chair of the Democratic Services Committee. This Group acts as a co-ordinating group for the committees' work. Requests for items to be considered by a scrutiny committee, be they from county councillors, Council officers, residents, businesses, other public services/organisations or the general public are examined by this Group to determine whether they meet the criteria for Scrutiny, or whether they would benefit from being considered by another forum or group. The explanation on the PAPER test on the following page illustrates the criteria and process for determining whether a topic is suitable for scrutiny.

During 2022/23 a total of 34 requests for items to be scrutinised were considered by the Scrutiny Chairs and Vice-Chairs Group. Of these 34 requests:

- 21 were submitted by county councillors
- 11 by officers
- 1 was a request from a Co-opted Education representative.
- 1 was referred by the Governance and Audit Committee

The Scrutiny Chairs and Vice-Chairs Group ensures that the scrutiny committees' work programmes are balanced and that subjects are not duplicated. It also has a role to play in supporting and strengthening the Council's scrutiny function through the identification of best practice, training or development opportunities for scrutiny committee members and helping to implement any necessary changes to scrutiny practices.

The process for determining a topic's suitability for scrutiny

Step one: considering the request

Proposal form or request received and careful consideration is given to the reasons behind the request.

Step two: does it stand up to the PAPER test?

- **Public interest:** is the matter of concern to residents?
- **Ability to have an impact:** can Scrutiny influence and change things?
- **Performance:** is it an underperforming area or service?
- **Extent:** does it affect a large number of residents or a large geographic area?
- **Replication:** is anyone else looking at it?

If not, then no further action is required by a scrutiny committee and the request will be referred elsewhere, or information requested and shared with the individual or organisation who submitted the request.

If yes:

Step three: assessment and planning (this will be done by the Scrutiny Chairs and Vice-Chairs Group)

- Determine the desired outcome(s)
- Decide on the scope and extent of the scrutiny work required and the most appropriate method to undertake it (i.e. committee report, task and finish group inquiry, or link member to pursue etc.)
- If task and finish group route chosen, determine the timescale for any inquiry, who will be involved, research requirements, expert advice and witnesses required, reporting arrangements etc.

Scrutiny's work during 2022/23

24th May 2022 marked the new municipal year and a new Council term for Denbighshire County Council, which welcomed the return of 25 former County Councillors together with the addition of 23 newly elected members.

Over the course of the year Council Services gradually transitioned out of the Covid recovery measures in place during 2021/22 and began returning to 'business as usual', albeit with some services having adapted to new ways of working.

Council committee meetings, including Scrutiny Committee meetings, were held as 'hybrid meetings', which meant committee members had the option of attending the meeting in person at the designated venue, or remotely via video conferencing. All Scrutiny Committee meetings are now webcast live on the Council's website, with a recording of the webcast available on the website following each meeting.

Scrutiny and the Council's Corporate Priorities during 2022/23

The Council's Corporate Plan [‘The Denbighshire We Want’](#) and its priorities for 2022 – 2027 was agreed in October 2022, the Plan sets out what it is that the Council wants to achieve for the benefit of local residents and communities over the next five years. The Corporate Priorities for the 2022 to 2027 Council term are as listed below. Beneath each heading are examples of the types of actions that will help deliver each priority:

1. A Denbighshire of quality housing that meets people's needs: ensuring that everyone is supported to live in homes that meet their needs.

- Ensuring that people can access quality housing that meet their needs.
- Helping people to improve the energy efficiency of their homes.
- Working to prevent homelessness.

2. A prosperous Denbighshire

- Supporting economic growth.
- Developing a plan to grow Denbighshire's businesses in the future.
- Providing advice and support for business growth and helping local communities to thrive.

3. A healthier and happier, caring Denbighshire

- Delivering high standards of social care.
- Supporting people of all ages to live well and be safe.
- Helping people to live independently, providing support when needed.

4. A learning and growing Denbighshire

- Supporting parents, and young children in the early stages of their development.
- Making sure everyone has fair opportunities to learn.
- Providing quality buildings and facilities that support learning and thriving communities.
- Supporting people to learn new skills, volunteer and find good jobs.

5. A better connected Denbighshire

- Maintaining a quality road network and enabling people to access education, employment, services and activities.
- Supporting communities with improved digital networks and skills.
- Working to support personal and community well-being.
- Supporting our green infrastructure.

6. A greener Denbighshire

- To become a net carbon zero and ecologically positive organisation by 2030.
- Looking after and improving the natural environment.
- Working with communities to cope with and reduce the impacts of climate change.
- Improve recycling rates and reduce waste.

7. A fairer, safe, and more equal Denbighshire

- Working to address the inequality and poverty faced by our communities.
- Ensuring that everyone receives the same standard of service to support their well-being.
- Promoting and celebrating diversity within our communities.

8. A Denbighshire of vibrant culture and thriving Welsh language

- Ensuring that everyone can access services in Welsh naturally at all stages in their lives.
- Supporting the broader use of Welsh and the celebration of Welsh culture.
- Developing a strategy to promote Denbighshire's rich culture, heritage and natural assets.

9. A well-run, high performing Council

- Embedding a positive culture of ambition, transparency and improvement.

- Developing close and trusted relationships between our staff, elected members and our communities.
- Ensuring the council is well-run and good value for money.
- Ensuring Denbighshire County Council is a good employer and an excellent place to work.

The Council is fortunate in that its thematic scrutiny committee structure provides sufficient flexibility to enable any of the committees to examine various aspects of the Authority's progress in delivering its corporate priorities.

Call-in of Cabinet decisions

The Council's Call-In Procedure was invoked twice during 2022/23 both call-ins were for decisions taken by the Council's Cabinet.

1. Recommendation of the Regional Fee Setting Group.

On 13 December 2022 Cabinet discussed a report detailing the recommendations of the North Wales Regional Fees Group for 2023/24, in respect of residential and nursing home fees. The report explained how the fees were calculated and concluded with a recommendation for how Denbighshire County Council should utilise this work to inform local fee setting. Cabinet resolved to accept all the recommendations of the Fees Group as set out within the report.

A call-in of the decision was received on 19th December 2022. As this decision did not require to be implemented urgently the decision-maker (Cabinet) and the Chair of Communities Scrutiny Committee agreed to waive the 5-day period set-out in the Council's Call-In Procedure Rules to hear the review. This enabled Communities Scrutiny Committee to consider the basis for the call-in and review the evidence upon which the Cabinet had taken its decision and its next meeting, which was on 19 January 2023.

Having considered the evidence presented to it in relation to the decision taken by Cabinet, the Committee decided not to ask Cabinet to reconsider its decision of 13 December 2022 to accept the recommendations of the Fees Group. Nevertheless, in response to a new scrutiny request on the issue of 'Engagement with Care Forum Wales and Care Providers in Denbighshire' the Scrutiny Chairs and Vice-Chairs Group has asked Communities Scrutiny Committee to examine the progress achieved in encouraging care providers to engage with the Council on matters relating to care provision and fee setting. The Committee will be examining this aspect during the autumn of 2023.

2. Applications Shortlisted for Shared Prosperity Funding.

A decision taken by Cabinet on 25 April 2023 with regards to the application and shortlisting process, together with the recommendations from the Core Partnership Group about which Shared Prosperity Fund applications to approve, was subsequently called-in on 5th May by members of the Independent Group. The grounds for the call-in were a lack of understanding of the application process along with a lack of consultation with elected members throughout the process.

Partnerships Scrutiny Committee on 18 May 2023 reviewed the Cabinet decision. At the conclusion of an extensive debate the Committee was satisfied that 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, it recommended that the Cabinet decision of 25 April 2023, insofar that it related to the projects shortlisted by the Core Partnership Group for approval, be upheld. Whilst it was content for the projects to go forward to the next stage of the approval process it did ask that Cabinet share with all county councillors:

- (i) information on the evaluation conclusions relating to each individual application received for Shared Prosperity Funding;
- (ii) information relating to the governance arrangements for the Shared Prosperity Funding;
- (iii) the Communication Plan relating to the Shared Prosperity Funding.

In addition, the Committee requested that:

- (iv) each Member Area Group be updated on any risks identified relating to individual projects and on the progress with their deliverability going forward;
and
- (v) relevant Cabinet members and Council officers liaise with local members prior to taking any delegated decisions that may be required, as outlined in the Cabinet report of 25 April 2023.

Positive outcomes of the scrutiny process

One of the main objectives of the scrutiny process is to add value and to try and ensure that decisions taken by the Council have a positive impact on the lives of people who live, work and visit Denbighshire. There is an expectation for Scrutiny to evidence the benefits it has added to the decision-making process and how those benefits manifest themselves in better outcomes for businesses and residents of the county. Such benefits, in the main, are generally difficult to evidence, but the overall objective of Scrutiny is to support better decision-making which in turn delivers better services.

One such decision which was a direct result of a recommendation made by Communities Scrutiny Committee was the establishment of the Moorlands Management Officer role. This post was established in 2020 following the Committee's [Review into the Llantysilio Mountain Fire](#) 2019. An update report was presented to the Committee in March 2023 highlighting the positive impact of having a Moorland Officer fostering good relationships and co-ordinating multi-agency and stakeholder working in relation fire response plans and habitat/fuel load management over key areas of the Clwydian Range, Llantysilio Mountain and Llandegla Moor.

The Committee endorsed the progress made in delivering the Denbighshire Moorlands Project and supported the efforts underway to extend the existing partnership with Natural Resources Wales. It also requested that officers of the Moorland Partnership Board regularly updated local councillors on Board decisions or operational work that affected their electoral ward.

Following a previous Task and Finish Group set up by Communities Scrutiny Committee with Natural Resources Wales, Dŵr Cymru/Welsh Water and land owner representatives, for the purpose of establishing closer working relationships with all public bodies and individual landowners in an effort to educate on the responsibilities of riparian land owners to reduce the risk of flooding, the Committee was once again asked to support the proposal to re-establish a similar multi-agency working group to oversee the Development of the new Flood Risk Management Strategy. The establishment of multi-agency officers

and members working groups are viewed as a useful way of opening up communication channels, fostering levels of mutual trust to aid better working relationships and practices that should in turn benefit residents and the organisations themselves.

Communities Scrutiny Committee



Cllr. Huw Williams (**Chair**)



Cllr. Karen Edwards (**Vice-Chair**)

The following link will take you to [information about the Communities Scrutiny Committee, its agendas and reports on the Council's website](#)

This Committee examines matters that directly affect local communities and residents' daily lives. These may be matters within the Council's direct control or aspects of day to day life which the Council may be able to influence. The Committee considered a range of Corporate Priority topics during the 2022/2023 municipal year.

A Prosperous Denbighshire

The Committee continued to monitor the work being undertaken through the **Rhyl Regeneration Programme** - a priority for many years due to the level of deprivation in the town. A considerable amount of investment had taken place in the regeneration of Rhyl for the benefit of businesses, residents and tourists.

The **Draft Tourism Signage Plan for Denbighshire** was considered, with the Committee acknowledging the importance of the distinctive brown tourism signs on roads that were equally as important as social media and electronic navigational aids in encouraging tourism. It was requested that, with a view to exploring how all areas, both urban and rural, could maximise the economic impact and benefits to be realised from the Tourism Signage Plan that the topic be presented to each Member Area Group (MAG) for discussion.

Staying with tourism, the **Second Homes and Short Term Holiday Lets** item, detailing the current planning requirements in relation to second homes and short term holiday lets, together with potential measures such as taxation and / or licencing that could be introduced in the future and their implications was examined. The discussion included the impact on availability of local housing and need for second home owners to make a fair and effective contribution to the communities in which they buy.

A Greener Environment

This priority is working with communities to cope with and reduce the impacts of climate change. The Committee reviewed the **Proposed Central Rhyl and Central Prestatyn Coastal Defence Schemes** – to ascertain the value and benefit of the potential coastal flood risk management schemes. The Committee supported the progression of both schemes to construction, subject to funding approval and recommended that that the schemes be taken to Strategic Investment Group, Cabinet and Council successively for their respective approval.

As part of the Authority's means to halt and reverse biodiversity loss and tackle the Climate and Ecological Emergency it introduced the **Wildflower Meadow Project**, a cross service collaboration to create urban and peri-urban local provenance meadows through a reduced 'cut-and-collect' mowing regime. The Committee received an update report on the engagement and increased publicity with stakeholders on the Wildflower Meadow Project and pledged its continued support for the Project.

The **Waste Service Remodelling Project** update was presented to the Committee highlighting the upcoming activities to facilitate the change to the waste service. The new service would begin with the introduction of collection of Absorbent Hygiene Products in September 2023; the 'kerb side sort' recycle service would commence in March 2024 with the residual waste model being implemented during the summer of 2024. A robust communication and engagement exercise will support the new service roll out so that all residents are aware of, and understand, the proposed changes. The Committee endorsed

the future activities to be undertaken in preparedness and requested that the Impact Assessment be regularly reviewed and updated as the project progressed.

A healthier and happier, caring Denbighshire

The **Welsh Ambulance Service Trust (WAST)** gave the Committee a presentation highlighting matters relating to ambulance response times, including various emergency response data for callouts in Denbighshire. The Committee were grateful for the information provided by the WAST, and acknowledged the measures being developed and implemented in a bid to respond and effectively manage emergency call-outs going forward. The Committee, having regard to the pressures currently experienced by WAST recommended that the Corporate Director: Environment and Economy convene a discussion between senior officials of Denbighshire County Council and WAST with a view to exploring potential options for enhancing local authority and Third Sector links that could possibly help support the Ambulance Service to focus its resources on dealing with emergency calls.

Partnerships Scrutiny Committee



Cllr. Joan Butterfield (**Chair**)



Cllr. Peter Scott (**Vice-Chair**)

This Committee is responsible for examining the effectiveness of services provided by the Council either in collaboration, or in partnership, with other public sector organisations, and for making sure that those services are meeting the needs of residents.

The following link will take you to [information about the Partnerships Scrutiny Committee, its agendas and reports on the Council's website](#)

Despite changes in political leadership and management structures across the region work on developing and delivering regional and sub-regional partnership working arrangements continued. As partnership working arrangements continue to develop and evolve in the post-pandemic era, the Committee continued its work in examining the effectiveness of services delivered in collaboration, or in partnership, with other public sector organisations, private companies and voluntary groups, making sure that they met the needs of residents.

The number and types of services delivered in conjunction with external providers are extremely wide-ranging, from social care to economic development and environmental enforcement to community safety. Every one of these partnership arrangements also help secure the delivery of each of the corporate themes which will in due course contribute towards the realisation of the Council's Corporate Plan.

With a view to ensuring that both the local and regional economy were adapting in the wake of national and international social, financial and political unrest while continuing to focus on future regeneration and prosperity the Committee examined the **Annual Report of the North Wales Economic Ambition Board 2021/22** and discussed with Board representatives its achievements to date as well as challenges that lay ahead. Acutely aware of the economic and personal hardship the cost of living crisis was having on individuals and families across the county and its potential 'knock on' effect on Council services the Committee scrutinised the effectiveness of the **Homelessness and Housing Support Services'** early intervention work, supporting families in crisis to remain in their own homes and plan for the future. This type of early intervention work is heavily reliant on strong partnership working arrangements being in place and being effectively co-ordinated between public, private and voluntary organisations. Housing, social and financial pressures, amongst other factors, can lead to mental health problems, particularly amongst the most vulnerable and deprived in society. The Committee is continually keen to ensure that all agencies are working effectively together to protect the most vulnerable residents within the county. As part of its work in gaining assurances that residents are protected from harm's way it examined the **2021/22 Annual Report on Safeguarding Adults in Denbighshire**. It also met with representatives from the Health Board, Police and the Council's Social Care Service to examine **Partnership Working Arrangements in relation to Mental Health** as it wanted to make sure that all of these agencies were working effectively together to identify mental health issues at the earliest possible opportunity in order to facilitate the timely provision of appropriate intervention and support to vulnerable individuals in crisis.

Denbighshire, similar to many other areas, has an ageing population which results in an ever increasing demand for social care services. With a view to managing this demand and supporting individuals to remain active and independent for as long as possible health, social care, housing and the voluntary sector work closely together, under the auspices of the **North Wales Regional Partnership Board** to develop and deliver services that meet people's individual need. This organisation's activities in planning and developing appropriate services were also examined by the Committee during the year.

Acknowledging the growing importance of the voluntary sector along with the Council and other public authorities' reliance on voluntary organisations to help them reach out to individuals and communities to help them build strong, vibrant, sustainable communities across the length and breadth of the county, the Committee discussed with the Chief Officer of **Denbighshire Voluntary Services Council (DVSC)** the services and support provided by DVSC affiliated voluntary organisations in Denbighshire. DVSC provides support and guidance to community organisations and individuals with the aim of empowering them to establish, build and sustain local networks that will encourage long-term community resilience and promote independence.

In its capacity as the Council's designated committee for scrutinising crime and disorder related matters members examined the performance and activities of the **Conwy and Denbighshire Community Safety Partnership (CSP)** through consideration of its Annual Report for 2021/22 and also focussed on its priorities for 2022/23. Environmental crime, such as dog fouling, littering, graffiti, fly tipping etc. are unsightly and blight local communities, they can also pose a threat to public health. In an attempt to make sure that the contract, between the Council and the company commissioned to take enforcement action against the perpetrators of environmental crime, was robust and delivered the type of services which met the needs of local communities the Committee contributed to a consultation on variations to the contract in place to deliver **Environmental Enforcement Service** patrols across the county.

Again, as during the tenure of previous councils, the Committee has continued its programme of regular meetings with Betsi Cadwaladr University Health Board for the purpose of realising the delivery of the **North Denbighshire Community Hospital Project** which should eventually culminate with the building of a purpose built hospital and health and social care hub in the area. The Committee will continue with this work during the forthcoming years.

Performance Scrutiny Committee



Cllr. Hugh Irving (**Chair**)



Cllr. Gareth Sandilands (**Vice-Chair**)

The following link will take you to [information about the Performance Scrutiny Committee, its agendas and reports on the Council's website](#)

Performance Scrutiny Committee has a crucial role to play in ensuring that the Council delivers quality services to residents and in supporting the Council to deliver its Corporate Plan. 2022/23 was in a way very much a transition year for the 'new' Committee following the local authority elections. Metaphorically speaking it was a year of picking up the baton from its predecessor, tying up loose ends, and setting firm foundations for the Committee's work during the forthcoming 2022/27 Council term.

In fulfilling this role, the Committee regularly monitored the delivery of a number of the Council's plans and strategies. For example, the **Housing and Homelessness Strategy Action Plan**, inherited from the previous Council but identified as a key area of work for the new Council in its bid to tackle poverty and deprivation in the county. It concluded the monitoring work on the delivery of the **Corporate Plan 2017/22** and then commenced the monitoring arrangements for the new **2022/27 Corporate Plan**. By focussing on the Council's progress in implementing the Plan and at its performance with the initial stages of its delivery the Committee will be able to identify areas or services which may merit closer scrutiny as time goes on. Hand in hand with monitoring the Council's progress in delivering its plans and strategies the Committee, twice a year, reviews the Authority's **Corporate Risk Register**. This Register contains the high level risks that have been

identified as ones that have the potential to disrupt the day to day delivery of essential Council services, as well as its medium to long-term objectives. The Register also identifies the measures put in place to manage those risks and secure the continued delivery of front line services during challenging times. Through the examination of the Risk Register, the Council's performance in delivering its Corporate Plan and in responding to residents' complaints submitted under the **'Your Voice' Complaints Procedure** the Committee can focus its work on supporting service delivery improvements on all fronts.

Having information and services freely available and easily accessible to residents within reasonable reach to the communities where they live is crucial if the Council is to realise its ambition of delivering the nine themes within its new Corporate Plan. Annually Performance Scrutiny Committee examines the **Library Service's Standards and Performance** in delivering services in line with the national requirements set out in the Welsh Public Library Standards, but more importantly for local residents the progress made in Denbighshire in delivering innovations aimed at transforming libraries from the traditional concept of them being strictly book-lending establishments into more holistic 'happy places' that support individual and community resilience and well-being.

Empowering community resilience and improving the well-being of residents through working in partnership with various Council and external organisations were key features in a number of areas examined by the Committee during the year. These aspects were scrutinised during the consideration of the **Draft Director of Social Services Annual Report for 2021/22**, the **Social Care Market Stability Report**, and the potential expansion of day care services at **Hafan Deg in Rhyl**. Examination of **Cefndy Healthcare's** performance in recent years gave the Committee an insight into the organisation's operations during and post Covid and Brexit, both of which had disrupted global supply chains, and impacted on employment and business development opportunities. It was encouraging to learn that this well-established and much valued employer was adapting and evolving to meet new and future demand for its products.

In addition to regular monitoring of the Council's performance in delivering medium to long-term strategies and action plans Scrutiny also needs to be able to respond to the here and now, including making sure that shortcomings or oversights encountered elsewhere are not likely to occur in Denbighshire. In the wake of the tragic death of an 8-year-old boy as a result of prolonged exposure to mould in a housing association flat in England, members examined the Council's own procedures for dealing with **Mould and Condensation in Denbighshire's Council Housing Stock**. Scrutiny of this work reassured the Committee that the Council had robust systems and processes in place to ensure that reports of damp, mould and condensation were dealt with promptly and effectively.

Under the Council's thematic scrutiny committee structure Performance Scrutiny Committee is the main committee that deals with the scrutiny of education related topics, as generally they impact in one way or another on performance related matters, be that on individual performance or collectively the performance of a school or the local education authority and those external organisations that support the delivery of education.

The impact of Covid on pupils' education has been widely reported and is well documented. In the absence of examination results data, it has been nigh on impossible for local authority scrutiny committees to effectively monitor collective educational performance during recent years. Therefore, the focus of education related scrutiny during 2021/22 has been on the Education Service's plans and preparedness for the changes that lie ahead. Focussing on those changes the Committee has during the year examined the Service and GwE's (the regional school improvement service) work in supporting schools with the implementation of the new **Curriculum for Wales**. It has also looked at the progress made by the Education Service in complying with the statutory requirements relating to **Additional Learning Needs** as set out in the Additional Learning Needs and Education Tribunal (Wales) Act 2018 and considered the potential implications for the county's schools and pupils of the conclusions drawn by the Welsh Government following its consultation on **School Categorisation according to Welsh Medium Provision**.

Despite the constraints posed by the non-availability of school examination performance data for the Committee to examine, Estyn (the external regulator for schools and education

matters) reports on individual schools are still available and are an important yardstick of a school's performance in delivering educational services. An extremely critical Estyn inspection report on Christ the Word Catholic School, a new voluntary aided all-through school in the county, which resulted in the school being placed under special measures, prompted the Committee to examine what led to the school being placed in special measures and the steps being taken by all involved with the school to address the recommendations made by Estyn. The Committee during a meeting attended by representatives from the Catholic Diocese, the new interim school leadership team, local authority Education Service staff and officers from GwE, examined in detail matters relating to school leadership and management since its establishment until it was placed in special measures, along with the response to the recommendations for improvement made by Estyn and the proposed plans for recovery and improvement. Reassured that necessary and appropriate steps were being taken to support the school to achieve lasting improvements the Committee agreed to continue monitoring the delivery of the action plans with a view to securing sustainable long-term improvements.

Joint Overview and Scrutiny Committee for the Conwy and Denbighshire Public Services Board

The Conwy and Denbighshire Joint Overview and Scrutiny Committee (JOSC) was established by both authorities during the term of the previous councils for the purpose of fulfilling their statutory duties of scrutinising the Conwy and Denbighshire Public Services Board (PSB). This Committee comprises of 16 members, 8 representing Conwy County Borough Council and 8 representing Denbighshire County Council. Each Council's representation on the JOSC reflects the political balance of their Council. The JOSC's terms of reference specifies that the Chair and Vice-Chair will alternate every two years between the elected membership of Denbighshire and Conwy councils. Dependent on which Council's turn it is to Chair the JOSC, the Vice-Chair will be appointed from amongst the other Council's representatives on the committee. 2022/23 was the second year of Denbighshire's turn to chair the JOSC and Councillor Gareth Sandilands was elected Chair with Councillor Cheryl Carlisle from Conwy appointed as Vice-Chair.

Similar to all other committees the 2022/23 year involved a period of training and transition for the JOSC, prior to continuing with the work started by its predecessor committee. In line with its terms of reference the JOSC considered the **Public Services Board's Annual Report for 2021/22**. At the conclusion of its consideration it was satisfied that the Board had complied with the requirements of the Well-being and Future Generations (Wales) Act 2015 in relation to reporting on its activities and the progress made in delivering its 2017 to 2022 Well-Being Plan.

Whilst the work to deliver one Well-Being Plan was reaching its culmination the preparatory work to develop its successor Plan had been underway for some time. As documented in last year's Annual Report the JOSC had examined the approach taken in developing the new Well-being Assessment, a key document required to support the development of the new Well-Being Plan. In addition to being required to consult with the JOSC on the Well-being Assessment the PSB is also required to consult with the JOSC on its draft Well-Being Plan, and any amendments it proposes to make to it. Therefore,

during 2022/23 the **PSB's draft Well-Being Plan for the period 2023/2028** was presented to the JOSC for examination ahead of its approval and adoption. In fulfilling its statutory role as a consultee on the Well-Being Plan the Joint Committee examined the draft Plan in detail before endorsing its four key themes of:

- Well-being
- Economy
- Equality
- Housing

which should support the Plan's focus of making Conwy and Denbighshire a more equal place with less deprivation. All of these themes and the Well-being Plan's overall objective dovetail and complement each Council's own Corporate Plan.

During the forthcoming year the JOSC will focus its work on examining how the PSB is managing risks as well as its progress with the initial stages of implementing and delivering the Well-Being Plan.

Joint Overview and Scrutiny Committee for the Conwy and Denbighshire Public Services Board



Cllr. Gareth Sandilands (**Chair**)



Cllr. Cheryl Carlisle (**Vice-Chair**)

Membership

Conwy County Borough Council

- Cllr. Cheryl Carlisle (Vice-Chair)
- Cllr. David Gerard Carr
- Cllr. Bernice McLoughlin
- Cllr. Angie O'Grady
- Cllr. Stephen Anthony Price
- Cllr. Kay Redhead
- Cllr Austin Roberts
- Cllr. John Roberts

Denbighshire County Council

- Cllr. Joan Butterfield
- Cllr. Kelly Clewett
- Cllr. Pauline Edwards
- Cllr. Alan Hughes
- Cllr. Paul Keddie
- Cllr. Terry Mendies
- Cllr. Gareth Sandilands (Chair)
- Cllr. Elfed Williams

The following link will take you to [information about the Joint Committee, its agendas and reports on the Council's website](#)

Scrutiny requests from residents

For a number of years Denbighshire's scrutiny committees has operated an established mechanism which enables residents to draw matters of concern to Scrutiny's attention. This is facilitated through the completion of a Scrutiny request form, available on the Council's [website](#), or from the Scrutiny Co-ordinators. Completed scrutiny request forms are presented to the Scrutiny Chairs and Vice-Chairs Group, in the same way as requests received from councillors, officers or other organisations for consideration and determination on whether the subject merits examination by one of the Scrutiny Committees, or whether greater benefits could be achieved if the matter was examined by another forum.

How can residents participate in Scrutiny?

Would you like scrutiny to look at a particular matter?

You can raise a matter for consideration by one of Denbighshire County Council's scrutiny committees by filling out the Scrutiny Request Form (overleaf) or by downloading the [form](#) from the Council's website and submitting it by e-mail. The Chairs and Vice-Chairs of the three scrutiny committees meet periodically to decide how to allocate the work of the scrutiny committees and will consider if any matter raised should be examined in detail by one of the committees, or if another course of action should be pursued. This can range from a referral to the service responsible, to full scrutiny of the matter by one of the scrutiny committees, or even the establishment of a specialist 'task and finish group' to investigate and report on a particular matter.

Would you like to attend a meeting of a scrutiny committee?

Denbighshire County Council's scrutiny committee meetings are generally open to the public, and residents of Denbighshire and the general public are encouraged to attend or watch the webcast on the Council's website. A list of upcoming scrutiny committee meetings and the matters to be discussed are available on the ['Scrutiny'](#) page of the Council's website.

If you wish to take part in the discussion on a particular matter you will require the permission of the Chair of the committee (further details can be found overleaf).

Occasionally some items being discussed by a committee will contain confidential information and cannot be discussed in the usual public forum. Any such items (referred to as 'Part Two (II)') will be clearly identified when the meeting papers are published, and the Chair of the committee meeting discussing a 'Part II' item will make it clear that the meeting should continue without the press and public in attendance in order to avoid divulging confidential information.

Would you like to speak to a committee on an item being discussed?

Members of the public are very welcome to attend scrutiny committee meetings, either in person or via video link, but will require the permission of the Chair of the committee if they wish to speak or make representations at a committee meeting. If you wish to submit evidence to a committee, or address members on your experience in relation to a subject under discussion, please contact one of the Scrutiny Co-ordinators in advance of the meeting so that this can be arranged and any paperwork can be circulated to members of the committee.

Occasionally scrutiny committees may wish to 'co-opt' an individual with particular experience or expertise to become a temporary member of the committee or ask them to contribute to an inquiry as an expert witness.

Keeping up to speed with decisions made by Denbighshire's scrutiny committees

You can keep track of what is being discussed at each scrutiny committee meeting, as well as any other public Council meeting, by visiting the ['meetings'](#) page of the Council's website. The latest 'work programme' for each of the scrutiny committees is available with the meeting papers for each meeting and the confirmed agenda for each meeting will usually be available 5 - 7 days before the meeting is due to take place.

The minutes of previous scrutiny meetings and a record of the recommendations made are also available on the Council's website, as are the recordings of recent scrutiny committee meetings.

Further advice or information is available by contacting the Scrutiny Co-ordinators, Karen Evans on karen.a.evans@denbighshire.gov.uk (01824 712575) or Rhian Evans on rhian.evans@denbighshire.gov.uk (01824 712554), or by sending an e-mail to the following general e-mail address: democratic@denbighshire.gov.uk .

Scrutiny request form

Is there something you would like scrutiny to have a look at?

Please give a brief description of the topic you would like to be considered by one of the Scrutiny Committees and why you think it should be considered

Would you like to attend a meeting of a Scrutiny Committee?

YES / NO

It would be useful if you could give us the following details so that we may respond to your request

Your name:

Address:

Postcode:

Email:

Telephone number:

Please return this form to:

Scrutiny Co-ordinators

Legal, HR and Democratic Services

PO Box 62

Ruthin

LL15 9AZ

or e-mail it to democratic@denbighshire.gov.uk

Report to	County Council
Date of meeting	5 th September 2023
Lead Member / Officer	Julia Hughes, Chair of Standards Committee;
Report author	Lisa Jones, Interim Head of Legal and Democratic Services
Title	Standards Committee Annual Report

1. What is the report about?

This is Annual Report of Standards Committee to the Full Council and covers the calendar year January to December 2022. It was agreed that the Chair will present this report to the Full Council, in order to keep Members informed of trends; issues in respect of compliance with the Members' Code of Conduct generally across the County and the work of the Committee in driving up standards of behaviour at County level, but also at Town, City and Community levels.

2. What is the reason for making this report?

It was agreed by Members of this Committee that an Annual Report should be presented on the work of the committee each year and its findings and observations, to all Council Members as part of the Committee's drive to increase standards of ethical behaviour and compliance with the Members' Code of Conduct.

3. What are the Recommendations?

That Members note the contents of the report.

4. Report details

- 4.1 Standards Committee main role is to monitor adherence to the Members Code of Conduct. All members are aware that their Code is founded (and should be read in conjunction with) the 7 Nolan Principles of Public Life. In Wales there are ten principles namely Selflessness, Honesty, Integrity and Propriety, Duty to uphold the law, Stewardship, Objectivity in decision making, Equality and Respect, Openness, Accountability and Leadership.
- 4.2 By way of reminder, Standards Committee consists of the following Member types – 2 County Councillors, 4 Independent (co-opted) Members, and 1 Community Council Member (who is not also a twin hatted Member). The majority of the Members are therefore not elected, but are recruited from members of the public as per the requirements of legislation in Wales. The Committee can also only be quorate when at least half of those Members present are the independent lay members. Following the May 2022 elections a new chair and vice chair were in place for the Council term and a new lay member recruited.

4.3 During 2022 the Committee met on four occasions. The table below sets out a summary of the items under discussion: -

Date of Meeting	Report Items/Area s
4 th March 2022	<ul style="list-style-type: none"> • Standing Item: Attendance at meetings • Standing item: Forward Work Programme • Standing item: overview of complaints in Denbighshire against Members • Ethics and Standards training for the new Council and Town City and Community Councils • National Standards Conference
22 nd July 2022	<ul style="list-style-type: none"> • Standing Item: Attendance at meetings • Standing item: Forward Work Programme • Standing item: overview of complaints in Denbighshire against Members • Standing item: PSOW – ‘Our Findings’ • Ethics and Standards Training update on progress • WG draft Guidance on the new Group Leaders’ Duty • National Standards Forum update
28 th October 2022	<ul style="list-style-type: none"> • Standing item: Attendance at meetings • Standing item: Forward Work Programme • Standing Item: Overview of Complaints against Members • Chairs Draft Annual Report for consideration

2 nd December 2022	<ul style="list-style-type: none"> • Standing item: Attendance at meetings • Standing item: PSOW – ‘Our Findings’ • Standing item: Dispensation Requests • Standing item: Forward Work Programme • Standing item: Overview of Complaints against Members • Member Training uptake and feedback to Committee • Ethical Liaison and Group Leaders’ Duty • National Standards Forum – feedback • Remuneration for Independent Members
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4.4 Standing Items

There are now 5 standing items:

(a) Reports from Standards Members in respect of their attendance and observations at Committee and Council meetings whether at County or Town City and Community level.

Denbighshire County Council Standards Committee is proactive in its’ approach to raising standards and awareness of the Code of Conduct. Committee Members attend to observe conduct and general effectiveness of the meetings; will then feed back to the Committee, who may make recommendations in respect of any training needs or trends or patterns of conduct in particular communities or at County level.

In line with every previous annual report the Committee is keen to make it clear that their approach by attending in person at meetings is taken from a supportive angle; in order to target resources to improve standards and the public’s confidence in the vital work being done at community level, on a voluntary basis. The Committee fully recognises the value such councils and their members add to local communities. The Committee believes that the Code is there to give public confidence, but to also protect members and any efforts to raise this awareness for all serving members is a key theme they continually endorse.

(b) Overview of Complaints lodged against Members with the Public Services Ombudsman for Wales.

The report is presented in a closed session and members are provided with a limited amount of detail in respect of the complaint but with sufficient detail to enable members to consider if training or other actions can be recommended to particular town, city and community councils or the County Council, which are experiencing issues or an increase in complaints.

(c) Forward Work Programme.

This aligns the approach of other council committees and encourages a more strategic approach to the role of the Committee as a proactive one not just reactive to complaints.

(d) Dispensation Requests.

A ‘Dispensation’ can be applied for by a Member in situations where they have a personal and prejudicial interest for which there is no exemption under the Code but that the Member wishes to obtain a dispensation enabling them to take part in the debate (with or without a vote) and such dispensations are set out in Regulations. For example

the member has a particular role or expertise that could be of value to the debate; the members' participation would not damage public confidence; or at least half the members considering the business have a personal and prejudicial interest – which may make the meeting inquorate and therefore not possible to provide a resolution. Standards Committee instructs the Monitoring Officer to write to clerks at least annually to remind clerks of the ability for one or more Members to make an application. Standards Committee have some discretion to apply terms and conditions to such a grant of dispensation.

The Committee has some concern that the level of applications has reduced over the past 4 to 5 years and the Committee is not clear as to why this is the case. Clerks are encouraged to consider this option in their day to day advice to members and should not hesitate to make contact with the Monitoring Officer where clarification is needed.

(e) Public Services Ombudsman for Wales 'Our Findings'

This quarterly round up of cases is provided to the Committee to enable members to be informed of the thresholds and level of sanctions handed down or any areas of good practice and provides a 'national' picture. This information will inform whether local policy changes are required or additional training is needed for example; such updates are used by the Committee in a positive way to reflect practise in Denbighshire.

- 4.5 Training events in respect of Ethics and the Code of Conduct have been taking place in consultation with Standards Committee who fully support and encourage attendance by all elected members – via online and face to face sessions for County Councillors and Town City and Community Council Members. At County level such compliance contributes to promoting strong officer-member relations, with all County Council members having attended at least one session. Ongoing events for 2023 for town, city and community councils are scheduled, with the Committee keen to encourage and improve the attendance of community representatives and to take up this free awareness session, with the emphasis on the Code being there to protect Councillors in their vital community work. Data on the level of training take up by Community Councils is being collated and will be fed back to the Committee in due course.
- 4.6 During the year in question the established 'North and Mid Wales Standards Forum' has been formally replaced by an All Wales 'National Standards Committee Forum'. The forum now has secretariat assistance from the WLGA and provides a wider view of topical issues and a stronger voice in representing the views of the Standard Committees back to the Ombudsman and the Welsh Government. This national Forum met for the first time on the 8th December 2022 in order to agree Terms of Reference and appoint a Chair and Vice Chair; discuss the approaches taken nationally in supporting Group Leaders with their duty under the Local Government and Elections (Wales) Act 2021 and finally receiving a presentation from the Public Services Ombudsman for Wales, Michelle Morris.
- 4.7 Of note is that during 2022 there were no Standards Committee Determinations (hearings) as to whether there had been a breach of the Code of Conduct.
- 4.8 A key role for the Committee going forwards will be receiving an annual report from each Group Leader on the efforts being made that contribute to compliance with their new duty to take reasonable steps to promote and maintain high standards of conduct of their members under the Local Government and Elections (Wales) Act 2021.
- 4.9 The duty recognises those in positions of leadership and influence within a principal council should have some responsibility in respect of the ethical behaviour of members of their group and to act as a positive role model.

- 4.10 It is acknowledged that the duty is not intended to be the panacea, but it is designed to be proportionate and helpful. The aim is to prevent or stop inappropriate behaviour before it escalates into a breach of the Code of Conduct. Leaders must have regard to Statutory Guidance issued which is designed to support leaders of political groups understand and discharge their duties in relation to high standards of conduct, whilst recognising that they will wish to, and should, be encouraged to develop their own approach in line with their wider statutory obligations, local circumstances, and best practice. The Committee looks forward to working collaboratively, supporting Group Leaders with their duty wherever possible; and on the whole Group Leaders are approaching this new duty positively. The next Annual Report will examine compliance with the duty more closely.
- 4.11 A review into whether the ethical framework is fit for purpose is being conducted for the Welsh Government, referred to as the 'Penn Review'. Looking forward into 2023 the Committee and the Council will be contributing to the Welsh Government response to the Penn Review, which the Standards Committee 2021 Annual Report made reference; including a review of the impact of local resolution protocols.
- 4.12 In respect of the registration of gifts and hospitality thresholds, the Committee is looking at national consistency across Wales.

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

A fully functioning and representative Standards Committee which upholds the high standards expected of members helps underpin the Council's exercise of its democratic functions.

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

There are no additional costs associated with this report and there are no implications for other services as a result of this report.

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

Not required.

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

No other consultations are considered required; consultation with Standards Committee has taken place and they are content the report reflects the Committee and Chair' perspective in respect of adherence to the Members' Code of Conduct in the County and observations in respect of probity and ethics generally.

9. Chief Finance Officer Statement

Not required.

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

There are no identified risks.

11. Power to make the decision

The Local Government Act 2000; the Standards Committee (Wales) Regulations 2001 and the Standards Committee (Wales) (Amendment) Regulations 2006.

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Agenda Item 8

NOTICE OF MOTION PUT FORWARD BY COUNCILLOR JON HARLAND ON BEHALF OF THE GREEN PARTY FOR CONSIDERATION BY FULL COUNCIL.

This Council:

- Is concerned about the number of cases reported to the RSPCA each year, regarding pets given as prizes via fairgrounds, social media, and other channels
- Is concerned for the welfare of those animals that are being given as prizes
- Recognises that many cases of pets being as prizes may go unreported each year
- Supports a move to ban the giving of live animals as prizes, in any form, on Denbighshire land

The Council agrees to:

- Ban outright the giving of live animals as prizes, in any form, on Denbighshire land.
- Write to the UK Government, urging an outright ban on the giving of live animals as prizes on both public and private land.

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Agenda Item 9

To consider a Notice of Motion by Councillor Huw Williams.

'That all dogs are kept on leads on Denbighshire owned and managed Common grazing land excluding sheep dogs owned by grazers'

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Notice of Motion put forward by Councillor Hugh Irving.

'Denbighshire County Council continues to consult with members and the general public on the implementation of the 20 mph default speed limit proposals and officers prepare a report for members on the methodology as to how the decision to only nominate five roads throughout Denbighshire for exemption was made. In particular how the general public were made aware that applications for exemption could be made.

The Council confirm that they will closely monitor and keep members informed of the impact the proposals are having on Police and emergency service response times, retained fire fighter call out times and general traffic flows.

That the Council confirm that they will engage with Members on these concerns through the Member Area Groups and the Scrutiny process and that requests for further exemptions or consideration of any other issues regarding the new limits are promptly dealt with.'

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COUNCIL FORWARD WORK PROGRAMME

Meeting	Item (Description / Title)		Purpose of Report	Council Decision Required (yes/no)	Lead member and Contact Officer
14 November 2023	1	Panel Performance Assessments	For Council to approve amendments to the Constitution	Yes	Clr Jason McLellan (Leader) Interim Head of Service – Nicola Kneale Report Author – Iolo McGregor
	2	Petition Scheme	To approve a Petition Scheme for the Council	Yes	Clr Julie Matthews / Gary Williams
30 January 2024	1	Budget 2024-2025 – Final Proposals		Yes	Lead Member – Clr Gwyneth Ellis Head of Finance -
	2	Council Tax Reduction Scheme 2024-2025		Yes	Lead member – Clr Gwyneth Ellis Head of Finance – Paul Barnes
27 February 2024	1	Council Tax 2024/2025 and associated matters		Yes	Lead Member – Clr Gwyneth Ellis Head of Finance – Paul Barnes
	2	Capital Plan 2024/2025 and recommendations of the Strategic Investment Group		Yes	Lead Member – Clr Gwyneth Ellis Head of Finance -
	3	Treasury Management Strategic Statement (TMSS) 2024/2025 and Prudential Indicators 2024/2025		Yes	Lead Member – Clr Gwyneth Ellis Head of Finance – Rhys Ifor Jones

COUNCIL FORWARD WORK PROGRAMME

14 May 2024	1	Appointment of the Chair and Vice-Chair of County Council	To appoint the Chair and Vice-Chair of the Council for the 2024-2025 municipal year	Yes	Gary Williams / Steve Price
	2	Pay Policy Statement 2024-2025	To approve the Pay Policy Statement for 2024-2025	Yes	Lead Member – Cllr Gwyneth Ellis Head of Service – Catrin Roberts Report Author – Sophie Vaughan
	3	Annual Review of Political Balance and Appointment of Scrutiny Chairs	To consider a report on Political Balance and Committee-related issues	No	Lead Member – Cllr Julie Matthews Head of Service – Catrin Roberts Report Author – Steve Price
	4	Annual Report of Scrutiny	To review the annual report of Scrutiny	No	Lead Member – Cllr Julie Matthews Head of Service – Catrin Roberts Report Authors – Rhian Evans and Karen A. Evans
9 July 2024					
10 September 2024					
12 November 2024					

COUNCIL FORWARD WORK PROGRAMME

Note for Officers – Full Council Report Deadlines

<i>Meeting</i>	<i>Deadline</i>	<i>Meeting</i>	<i>Deadline</i>	<i>Meeting</i>	<i>Deadline</i>
05.09.2023	21.08.2023	14.11.2023	31.10.2023	30.01.2024	16.01.2024
27.02.2024	13.02.2024	14.05.2024	30.04.2024	09.07.2024	25.06.2024
10.09.2024	27.08.2024	12.11.2024	29.10.2024		

Updated 31/07/2023 SLW

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