

COMMUNITIES SCRUTINY COMMITTEE

Minutes of a meeting of the Communities Scrutiny Committee held in Council Chamber, County Hall, Ruthin and by video conference on Thursday, 12 December 2024 at 10.00 am.

PRESENT

Councillors Karen Edwards (Vice-Chair), James Elson, Jon Harland, Carol Holliday, Brian Jones, Delyth Jones, James May, Merfyn Parry, Cheryl Williams and Huw Williams (Chair)

ALSO PRESENT

Corporate Director: Economy and Environment (TW), Development Manager (PM), Head of Community and Housing (LG), The Lead Officer – Community Housing (GD), The Lead Officer: Housing Property (MC), Finance and Assurance Officer (JR), Scrutiny Coordinator (KE), Committee Administrators (SW-minutes & ED-Web Host)

Observer: Councillor Terry Mendies

1 APOLOGIES

Apologies were received from Councillor Michelle Blakeley-Walker.

2 DECLARATION OF INTERESTS

Councillor Cheryl Williams declared as personal interest in business item 6 as a Local Authority tenant.

3 URGENT MATTERS AS AGREED BY THE CHAIR

There were no urgent matters.

4 MINUTES

The minutes of the Communities Scrutiny meeting held on Thursday 24 October 2024 were submitted.

Matters arising:

The Corporate Director: Economy and Environment (CDEE) confirmed that following the Committee's recommendation a briefing had been provided to members following the implementation of the new routes on the Trollibocs Recycling Service and associated waste collection functions.

The CDEE was asked to clarify the position of households living on lanes who had received a letter informing them that they had to change the location of where the waste was presented. The Committee were advised that the Head of Service would respond to the query.

Concern was raised that there were still households whose waste was not being collected at all.

RESOLVED that the minutes of the Communities Scrutiny Committee meeting held on 24 October 2024 be approved as a true and correct record of the proceedings.

5 SUSTAINABILITY OF THE PLANNING COMPLIANCE FUNCTION

The Chair welcomed the Lead Member for Local Development and Planning to the meeting along with the Development Manager.

The Lead Member introduced the report (previously circulated) which examined:

1. the degree to which Denbighshire County Council's planning compliance function was fulfilling its purpose to investigate and remedy alleged breaches of planning control; and
2. the future sustainability of the function.

A decision on the adoption of a new version of the Council's planning compliance charter (Appendix 1 previously circulated) was required from the Committee.

The Development Manager explained the role of the Planning Compliance Department and the system within Denbighshire where breaches of planning control could be reported. Those breaches could range from non-maintenance of grassed areas to large scale environmental damage.

Historically Denbighshire County Council adopted a Planning Compliance Charter (appendix 1) which set out how the Council would investigate planning control. Breaches were rated from Priority 1 to Priority 4. If harm were identified it could result in a Notice, with right to appeal. Continued breaches would constitute a criminal offence with the rights of the Authority to prosecute or undertake work in default.

Concern had been raised over the lack of resources and consequent performance of the Planning Compliance Function. The report set out data of the caseload of Denbighshire's Planning Compliance Officers, with comparison to those of adjacent Local Authorities. It was suggested that the Planning Compliance Charter be updated to reflect that caseload and protect the Council from further complaints and allegations of maladministration.

Responding to Members' questions the Development Manager advised:

- Retrospective planning applications were assessed on acceptability. Where they failed they would be subject to a breach of Planning Control, when applicable an enforcement notice would be served.

Similarly, where a planning application had been granted with conditions, failure to meet those conditions would also result in a breach of Planning Control.

- During the process of enforcement in court the Authority would need to prove that harm had been committed.
- The Planning Compliance role was a discretionary function of the Council and not one that generated income. Outsourcing the service would have a significant financial impact on the Council.
- There were two vacant posts within the Planning Compliance section, one of which was awaiting authorisation for recruitment.
- Other local authorities were also experiencing issues which had led to the Welsh Government proposing to increase planning application fees over the next few years, with the potential to introduce an increased fee for retrospective planning applications.
- There was a need to manage expectations of reported breaches given the number of back cases against the resources to deal with them – priority would need to be given to level 4 incidents and update the Charter accordingly.
- If the public considered that there had been a maladministration on the part of planning compliance there was the option to report it to the Public Services Ombudsman for Wales. Updating the Charter to include more manageable timelines would offer protection against that.
- More enforcement notices had been served by Denbighshire over a given period than any other local authority in North Wales. The serving of an enforcement notice was deemed to be sufficient action in itself under the guidance – resulting in a Land Charge on the property.
- Communication with local members regarding updates on planning breaches in their area could be improved.
- Unlike planning applications, enforcement notices were not publicly available.
- Shared Prosperity Funding had previously been provided for two Place Improvement Officer posts to focus on town centre blight. Authorisation had been approved to extend one of those posts until March 2025. Investigation would be required to source external funding to extend that role further into the future.
- It was, yet, unknown what impact the proposed National Park would have on the relevant Local Planning Authorities.

Members raised concerns that given the number of backlog of cases that the Authority had, the subsequent negative impact of not recruiting to one of the Planning Compliance Officer vacant posts.

It was proposed that local members be kept informed on the progress of breach complaints in their area, particularly where enforcement notices had been issued, to be able to update complainants and alleviate the pressure on compliance officers' administrative tasks.

The Lead Member understood the concerns raised over the resources available for the Planning Compliance function, agreeing that ideally a cohort of 4 officers would be required to deal with existing caseloads. However, the Authority were under unprecedented financial pressures and that number of officers was unrealistic, it was more sensible to update the Charter to reflect this.

The Committee recommended that a review was brought back to Communities Scrutiny Committee in June 2025 as an update report regarding the impact of the revised charter and resources allocated to the Planning Compliance Function.

Having given the opportunity for all members of the committee to ask questions the Chair allowed a member observing the meeting – Councillor Mendies - to contribute to the discussion.

Councillor Mendies noted that whilst investigations of breaches were not chargeable, forcing breachers of planning to submit planning applications retrospectively or alternatively fining them for doing so could generate income.

The Development Manager responded that very few of the ongoing cases would warrant a planning application to be submitted to remedy the situation. Those cases which conditions were breached would not fall within that category. Undertaking enforcement actions was costly not only in terms of investigation but sometimes required the input of project management and ultimately legal services or undertaking the works in default. The Planning Compliance service would not 'pay for itself', it was not fee earning and a discretionary service.

Councillor Merfyn Parry proposed the following recommendation:

“Due to the limited resources currently available in planning enforcement, both in terms of staffing and finance, I recommend that Denbighshire County Council adopts a more transparent and collaborative approach by informing local members of all planning enforcement notices issued.

Specifically, the following is proposed:

1. Notification to Local Members:

- Local members should receive a summary of all planning enforcement notices sent out within their ward. This notification should include the nature of the enforcement, the timeline for compliance, and potential outcomes if compliance is not achieved.

2. Ongoing Updates:

- Updates should be provided to local members on the progress and outcomes of these enforcements, ensuring they remain informed of any developments or resolutions.

3. Benefits of the Recommendation:

- This approach would enhance transparency and enable members to assist constituents in understanding the implications of enforcement actions.
- It would help manage expectations and reduce confusion or complaints regarding enforcement processes.
- By keeping local members informed, the Council can better utilize the collaborative relationship between officers and elected representatives to ensure compliance and effective resolution of planning breaches. By implementing this recommendation, the Council can strengthen its planning enforcement processes, improve communication with local communities, and make the most effective use of its limited resources.”

RESOLVED that the Communities Scrutiny Committee:

- i. endorses the new version of the Planning Compliance Charter;***
- ii. supports officers’ intention to present the final version of The Charter for Lead Member approval;***
- iii. requests that an update report regarding the impact of the revised Charter and resources allocated to the Planning Compliance Function be presented in June 2025 and***
- iv. requests that going forward all local members should receive a summary of all planning enforcement notices sent out within their ward. Updates should be provided to local members on the progress and outcomes of those enforcements, ensuring they remain informed of any developments or resolutions.***

6 HOUSING RENT SETTING AND HRA BUDGETS 2025/26

The Lead Member for Housing and Communities introduced the report (previously circulated) to consider the social housing rent review and the Housing Revenue Account (HRA) finance. The proposed increase in rent for Community Housing Tenants was 2.7% - a lower increase than in previous years. The Lead Member referred to the pressures upon the HRA annual capital spend – which had not been matched by external funding – and subsequent need to source additional borrowing.

The Head of Housing and Community Services explained that every year a report was presented to Cabinet to support a rent increase to manage the income required to manage the Council’s housing stock. It was important to ensure that any

proposed rental increase was affordable to tenants. Appendix 3 set out the procedure for determining housing rent increases.

The Lead Officer – Community Housing summarised the report as follows:

- Weekly rents remained low and within strict affordability measures.
- There were significant budget pressures – Welsh Housing Quality Standard.
- Investments benefitted tenants.
- Less than the maximum possible increase in rent meant less investment in homes.
- Denbighshire's tenants Value for Money satisfaction was amongst the highest in Wales.
- Tenants' satisfaction with the overall service was amongst the highest in Wales.

The Committee were reminded that the maximum rent increase allowed was set every year by Welsh Government, generally based on the September CPI figure plus 1%. In September 2024 CPI was comparatively low compared to previous years at 1.7%.

In consideration of rent increases an affordability assessment was undertaken taking into account the following:

- Joseph Rowntree Foundation (JRF) Living Rent Model.
- Office of National Statistics data from October 2024 on average household incomes within Denbighshire.
- Lowest 30th Percentile of earned income.
- Rent being no more than 28% of the lowest earned income.

The Authority's rents were well within those levels. An infographic (page 65) showed what the increased rent would be for various types of rental property available, all of which proposed rents remained below the Living Rent Model.

The Finance and Assurance Officer explained how rising costs had impacted on the maintenance and new build of housing stock. The grant received from Welsh Government had remained static resulting in the need to borrow. A graph in appendix 3 (page 68) highlighted debt financing costs (interest) rising over the next 7 years with forecasts deficits going into debt in the next 3 years. Hence, a thorough review of the HRA and Capital programme would commence in the new year to ensure that capital projects were financially sustainable.

The Lead Officer: Housing Property reminded members of the Welsh Housing Quality Standards 2023 which drove the maintenance programmes for the housing stock. To be compliant with WHQS there were a number of other new budget pressures including:

- Air Source Heat Pumps.
- Solar Panels.
- External Wall Insulation.
- Kitchen & bathroom refurbishments.
- External storage facility.
- Flooring changes and
- Water butt installation.

Moving forward focus would be on affordable warmth, with the Target Energy Pathways EPC C 75 being the new standard by 2027.

The impact from that investment was improved energy efficiency and likely energy fuel savings to households who responded positively in regard to tenant satisfaction in respect of their rent being value for money.

Responding to members' questions the Head of Service advised that the review in the new year would be to identify how to achieve the WHQS standards plus deliver new social housing given the financial constraints. It was anticipated that a 'deep dive' review would identify efficiencies that could be made and failing to meet WHQS would jeopardise future WG grant funding.

The Committee heard that in addition to work on the housing stock the Service was proactively involved in assisting tenants who may face difficulties in rent payments. The majority of issues arose where the tenant faced a change in circumstances. Housing officers had a dedicated area to support and liaise with tenants, identifying issues at the earliest opportunity. Every effort was made to assist the tenant, with legal recourse being the last option if tenants failed to engage. Rent arrears within the County were similar to all registered social landlords throughout Wales. It was not anticipated that the proposed increase in rent would increase the rate of rent arrears in Denbighshire.

The void rate of properties was approximately 10% of the stock. If a property became void consideration was given to whether to remodel or dispose of the property – depending on the cost of bringing them up to WHQS. Conversely, the service was pursuing a programme of buy back ex council houses (partly funded by Welsh Government) as a cost effective way to add to the housing stock.

The Committee thanked officers for their presentation, the thoroughness of the report presented and excellent work being achieved by the Service.

RESOLVED: that

I. the Committee have considered and agreed the content of the report and

II. the Committee commend the positive work carried out.

7 SCRUTINY WORK PROGRAMME

The Scrutiny Co-ordinator (SC) guided members through the Communities Scrutiny Committee Forward Work Programme (appendix 1).

The Committee were advised that, as requested at the previous meeting, the update of the Trollibocs Recycling Service and Associated Waste Function report following the implementation of the additional resources and route review had been added to February's agenda.

The Public Conveniences Savings Proposal had been amalgamated with the Local Toilet Strategy. The report would be presented at the Committee meeting on 27th March, prior to going to Cabinet for decision in April.

Members were reminded that a scrutiny proposal form was included in the agenda pack. Any items being presented for potential scrutiny should be submitted in time for the next Scrutiny Chairs and Vice-chairs Group which would next meet on 20th January.

RESOLVED that subject to the above the Communities Scrutiny Committee forward work programme be agreed.

8 FEEDBACK FROM COMMITTEE REPRESENTATIVES

There was no feedback received.

Meeting concluded at 11:54