

COMMUNITIES SCRUTINY COMMITTEE

Minutes of a meeting of the Communities Scrutiny Committee held in Council Chamber, Russell House, Rhyl on Thursday, 4 December 2014 at 9.30 am.

PRESENT

Councillors James Davies, Carys Guy, Win Mullen-James (Vice-Chair), Bob Murray, Joe Welch, Cefyn Williams and Cheryl Williams

ALSO PRESENT

Councillor David Smith (Lead Member for Public Realm) – at the Committee's invitation; Chief Executive (MM); Senior Engineer – Flood Risk Management (WH); Development Manager – Planning and Public Protection (PM); Graduate Trainee – Planning and Public Protection (IB-B) and Scrutiny Coordinator (RhE).

1 APOLOGIES

Apologies had been received from Councillor Huw Hilditch-Roberts (Chair) and the Corporate Director: Economic and Community Ambition (RM).

2 DECLARATION OF INTERESTS

No interests of a personal or prejudicial nature were raised.

3 URGENT MATTERS AS AGREED BY THE CHAIR

Councillor Rhys Hughes raised concerns with respect to a recent variation which had been granted to a planning condition relating to the 'Blue Lake' at a quarry on the Horseshoe Pass. He was concerned that neither he nor Llantysilio Community Council had been privy to the consultation on the application to vary the condition whilst other neighbouring community councils, elected members and national bodies had been consulted. Councillor Hughes mentioned that the application had not appeared on the weekly list of applications circulated to councillors. He was concerned that the variance granted had the potential to affect residents' water supply. The Development Manager (Planning and Public Protection) undertook to investigate the circumstances relating to the application and the consultation process undertaken and report back to Councillor Hughes ahead of the following week's Planning Committee meeting.

4 MINUTES

The minutes of the Committee's meeting on 11th September 2014 were submitted.

Accuracy: Councillor James Davies advised that his apologies for the previous meeting had been submitted, but unfortunately had not been recorded.

It was:

Resolved: that, subject to the inclusion of the above, the minutes of the meeting held on 11th September 2014 be received and approved as a true and correct record.

5 FLOOD MANAGEMENT STRATEGY AND FLOOD RELATED MATTERS

The Lead Member for Public Realm introduced the Senior Engineer's (Flood Risk Management) report (previously circulated) on the Local Flood Management Strategy and Flood Related Matters. He outlined the background to the Strategy's production. The Welsh Government (WG) had recently formally approved the Council's Local Flood Risk Management Strategy, the next step would be to deliver the Strategy. A number of the actions and measures identified were already being delivered or had been earmarked for delivery during the next financial year. Discussions were underway with Welsh Government (WG) with a view to securing additional funding towards some of the schemes.

Members were advised that as the Natural Resources Wales' (NRW) Coastal Flooding Review had been inconclusive with respect to the severity of December 2013's coastal flooding event, the Council had commissioned consultants to undertake further work in this area. The resulting report had thrown up some unexpected conclusions. Consequently the report had been shared with both NRW and WG to seek their views on the conclusions drawn. Dependent upon both stakeholders' views on the consultants' conclusions, the Council may challenge the consultants' findings in due course. Members therefore asked that the consultants' report be presented to the Committee, along with the NRW and WG's observations on it, at its next meeting in January 2015. Upon finalisation and agreement of the consultants' report a further assessment of the entire coastline's flood defences and their adequacy would be undertaken by the Council. Nevertheless, no cast iron guarantee could ever be given that flooding would never happen if the event of an extreme weather occurred.

The Senior Engineer (Flood Risk Management) answered individual member's questions relating to individual floodgates in the Rhyl and Prestatyn areas and advised that there were particular concerns with respect to gaps in the sea wall in the Barkby Beach and Nova Centre areas of Prestatyn. He undertook to look again at these gaps to ensure that every effort was made to minimise the risk of severe flooding incidents. It was confirmed that discussions had already taken place to ensure that the any risk posed to the refurbished Nova Centre from coastal flooding was mitigated. Further work was required in relation to developing better secondary flood defences in the Splash Point/Garford Road area of Rhyl. This was subject to further discussions with the WG in relation to funding.

Members enquired on the viability of collecting Christmas trees early in the new year and using them to assist the process of rebuilding sand dunes in the Barkby Beach area. A similar exercise had proved extremely successful in previous years.

In response to further questions it was confirmed that the definition of flood risk areas for the purpose of the European Flood Risk Regulations differed greatly from the local definition of 'Flood Risk Areas' for planning applications and emergency

planning purposes. This anomaly should not affect the area's chances of drawing down money for flood mitigation work. It was confirmed that the WG was currently changing the way in which community flood risk areas were being developed and that no inland areas in Denbighshire had been identified as areas that may need to be 'returned to the sea' with a view to mitigating the risk of widespread coastal flooding. The only areas in the county which had been identified were coastal sand dune areas. These particular areas were quite good at rebuilding themselves through natural processes.

The coastal flooding strategy was managed closely and amended on a regular basis due to climate changes, changes to weather patterns and also to take account of possible projects taking place along the coast and out at sea e.g. the potential development of a tidal lagoon for energy production.

The majority of funding for Phase 3 of the West Rhyl Coastal Defence Scheme had now been secured and work was scheduled to commence on site in January 2015. Regional work on flood risk management was crucial, as flooding does not recognise county nor national boundaries.

With respect to the Clwyd and Elwy Natural Flood Risk Management Projects members were advised that Cadwyn Clwyd had secured money to determine the most appropriate method of retaining water in upland areas for a longer period of time in order to alleviate the risk of flooding further downstream. NRW had been leading on this work and officers had recently seen a copy of the draft report on the river Elwy catchment area. Following detailed discussion the Committee:

Resolved: - that,

- (i) subject to actions being taken in response to the above points and observations, the Council was striving to meet its statutory and discretionary obligations with respect to flood risk management and protection;*
- (ii) subject to the above observations, to endorse the flood risk management actions undertaken to date by the Council to manage the risk from flooding, particularly in response to the December 2013 coastal flood event; and*
- (iii) that the consultants' report, the 'Rhyl Coastal Defence Assessment', along with the Council, Welsh Government and Natural Resources Wales' observations on its findings, be presented to the Committee at its January 2015 meeting for detailed examination.*

6 SCRUTINY WORK PROGRAMME

The Scrutiny Co-ordinator introduced a report (previously circulated) seeking the Committee to review its programme of future work. The report also updated members on scrutiny related matters.

In response to members' queries the Lead Member for Public Realm advised that he would instruct officers to re-send the information regarding the green waste charge and a copy of the leaflet issued to residents to all county councillors with a note advising them to inform residents to contact county offices, one stop shops or

local libraries if they had queries pertaining to the new scheme. Members requested that a report on the progress to date relating to initial take-up of the new chargeable green waste scheme and the associated service and budget implications be scheduled into the Committee's forward work programme for January 2015.

Members were advised by the Chief Executive that scrutiny committees would have an important role to play in evaluating the impact of budget cuts on residents, the Council, and the area in general, as well as in monitoring their effect on the Council's performance. It was anticipated that the final set of proposed budget cuts for the 2015/16 financial year would be discussed at a budget workshop on 12 December 2014, with potential areas for cuts during 2016/17 being discussed at meetings from January 2015 onwards.

Consequently the Committee requested that proposals on proposed gritting route reductions be presented to members at the meeting in April 2015 for detailed examination. It was:

Resolved: *subject to the above inclusions, to approve the draft work programme as detailed in Appendix 1 to the report.*

7 FEEDBACK FROM COMMITTEE REPRESENTATIVES

Councillor Cefyn Williams reported that the work of the Affordable Housing Task and Finish Group was progressing satisfactorily, with Group meetings being very well attended. It seemed likely that the local threshold would remain at 10% affordable housing allocation per housing development site for the foreseeable future, until such time as house prices rose to a level that merited a revision of the threshold.

Councillor G Lloyd-Williams advised that he had recently attended a lines of inquiry meeting to prepare for an imminent Service Challenge meeting. He reported that the Service was working well and was, in some areas, a sector-leading service. Discussions were also under way on proposed changes to the Library Service.

Councillor Cheryl Williams advised that it had become apparent, at a recent meeting relating to the Business Improvement and Modernisation Service, that a large number of county councillors were not familiar with the extent of the Service's work to date in modernising the Council. Consequently, a presentation would be given to councillors at a Council Briefing session early in the new year on the programme and its progress to date.

Councillor Win Mullen-James reported on a recent meeting of the Corporate Parenting Forum which she had attended and at which members had been given an enlightening presentation on the procedures which are followed when the Council selects parents for its looked after children. She felt that the staff's enthusiasm for their work was to be commended.

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 items of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 13 and 18 of Part 4 of Schedule 12A of the Local Government Act 1972.*

8 DRAFT CARAVAN SITES STRATEGY FOR DENBIGHSHIRE

The Lead Member for Public Realm introduced a confidential report by the Development Manager (Planning and Public Protection) (previously circulated) which summarised the findings of the Project Group established to try and develop a strategy to better manage holiday caravan sites across the county. Attached to the report was a draft options appraisal for the strategy, titled 'Records, Regulation and Repercussions'. This document outlined the Council's vision for holiday caravan sites in the area, which was to ensure that they "are operating in accordance with their relevant statutory consents...clear strategies are in place to address the unauthorised residential occupation of holiday caravans including regularisation of established sites and the effective enforcement of others." There had been widespread concern, both locally and nationally, for some considerable time on whether or not all holiday caravan site operators were wholly complying with the planning and licensing conditions pertaining to their sites. With a view to researching the extent of the work required in this area the Project Group had been established to research the extent of any planning or licensing non-compliance in this area. This Group had selected five holiday caravan sites, of different sizes located in various parts of the county, and gathered some preliminary information on their operations with a view to determining the extent of any breach of holiday restrictions on those sites. Subsequently the addresses were cross-referenced with information held on Council services' databases to establish whether any applications for services or claims for benefits had been generated from these sites, as this would potentially indicate whether regulatory conditions on the sites were being contravened.

Officers confirmed that the information collated from the exercise had in effect raised more questions than had been answered. Council departments held a wealth of information and records which could be used for cross-referencing or evidence purposes e.g. planning and licensing records, social services and education records, benefits, council tax and bus pass application records. Using such information officers had been able to issue a number of site owners with Planning Contravention Orders (PCNs) informing them of a suspected use of their site for permanent residential purposes. As a result some of the owners had volunteered to work with the Council to ensure that in future conditions were abided by, discussions were underway with others with a view to ensuring compliance and avoiding enforcement action. Nevertheless, one owner had been summoned to a magistrates court early in 2015 on non-compliance grounds.

Based on the success of the pilot project officers were keen to continue with the work. Whilst there were benefits to the Council and the local tourist industry

through ensuring compliance with regulatory conditions, there could also be repercussions for the Council if enforcement action was taken against owners i.e. the need to house displaced vulnerable residents if sites were forced to close etc. Nevertheless, members felt that the benefits of enforcement and strict application of the regulations outweighed the risk associated with complacency in this area, as illegal residency of holiday caravan sites was a drain on local public services, be it local authority, health services or other public services as the residents were not liable for Council Tax as the caravans were not classed as their permanent residence.

Whilst a member of the Welsh Assembly had tabled a Holiday Caravan Sites (Wales) Bill in the Assembly, it seemed that there was a lack of willingness at this moment in time to enact that Bill as a stand-alone piece of legislation. However, some aspects of the Bill may be realised through amendments to existing legislation.

Responding to members' questions the Development Manager (Planning and Public Protection):

- outlined the complex nature of caravan site charging policies and practices and of the legislative definition of 'caravan' and 'holiday' etc.
- confirmed that he would inform members of the outcome of an imminent meeting with the owner of one of the county's largest caravan sites
- confirmed that the Planning and Public Protection Service was keen to continue with the work undertaken to date by the pilot project and to extend this further;
- advised that self-regulation would play a key role in ensuring compliance, however enforcement action may well be required in some cases and this may prove difficult due to limited financial and human resources in the light of budget constraints
- stated that he was seeking a steer from members on the corporate way forward with respect to securing better regulation of caravans sites in the County and on the most effective way of moving the pilot project forward i.e. through the establishment of a high level group to drive the project and maintain momentum
- confirmed that Conwy County Borough Council had identified a similar non-compliance problem in its area, although it was not thought that they had resolved the matter to date

Members suggested that, in addition to the records referred to in the report, it may be useful to utilise the following records for cross-referencing/data collection purposes:

- Disabled 'blue' badge application records
- approach the Health Board with a view to sharing information on the number of patients registered on their databases (centrally and with GP surgeries) who had given their address as a caravan site in the county;
- check again the 'Register of Electors' and any other Council databases to ensure that none of the 'street/avenue names' used actually referred to 'streets' on caravan sites as some of the larger sites were known to have 'named streets' on site, this practice may disguise the true number of unauthorised permanent residents; and

- to possibly approach mobile phone companies and satellite television providers to establish whether they are providing services to residents at specific caravan sites

During the discussion members:

- emphasised the need to work with caravan site operators to ensure compliance with planning and licensing conditions whilst recognising the valuable assistance provided by them to the Authority in recent years to rehouse displaced victims of large-scale flooding
- emphasised the need for a clear message to be communicated to holiday caravan site owners that in future the Council would not tolerate non-compliance with planning or licensing instructions and that if owners were not willing to work with the Council to manage their sites effectively that the Authority would utilise enforcement action
- supported the Lead Member's suggestion that a case be made for additional officer support to be made available, under the 'spend to save' initiative, to progress the project and enforce compliance in this area;
- raised concerns that the additional, supplementary information sought from Social Services could not be made available in time to inform the report at this stage of its development; and
- to ask all Council departments to inform Planning and Public Protection as a matter of course if they received a request for a service or benefit from an individual who gave a caravan site as their address.

Following detailed discussion on the report and the options appraisal the Committee:

Resolved:

- i) subject to the above observations, and pursual of the suggested lines of inquiry, to endorse the final production of the Strategy document;*
- ii) to request that the Head of Planning and Public Protection, at the earliest possible opportunity, present a business case to the Corporate Executive Team (CET) detailing proposals to effectively engage an officer to progress the 'Better Regulation of Caravan Sites' project; and*
- (iii) that a progress report on the Strategy's development, and the above points be presented to the Committee at its March 2015 meeting*

Prior to the meeting's conclusion the Chief Executive advised members' that additional funding of approximately £113m had been allocated to the WG in the UK Chancellor's Autumn Statement. The WG had already announced that circa £70m of this money would be allocated to the Health Service, but no decision had yet been made on the allocation of the remainder. The Leader would be writing to the Minister for Public Services making a case for a substantial amount of the remaining allocation to be awarded to local government, and specifically for local government services in North Wales. The Chief Executive requested members to similarly lobby their Welsh Assembly representatives and party political representative to do the same with a view to protecting services in the region.

Meeting concluded at 12pm.