

## COMMUNITIES SCRUTINY COMMITTEE

Minutes of a meeting of the Communities Scrutiny Committee held in Conference Room 1a, County Hall, Ruthin on Thursday, 20 July 2017 at 9.30 am.

### PRESENT

Councillors Brian Blakeley, Tina Jones, Merfyn Parry, Anton Sampson, Glenn Swingler, Andrew Thomas, Graham Timms (Vice-Chair), Cheryl Williams and Huw Williams (Chair)

Councillor Brian Jones, Lead Member for Highways, Planning and Sustainable Development was in attendance at the Committee's request.

**Observers:** Councillors Martyn Holland, Brian Jones, Huw Jones, Rhys Thomas, Tony Thomas, Emrys Wynne and Mark Young.

### ALSO PRESENT

Corporate Director: Economic and Community Ambition (RM), Head of Planning & Public Protection (GB), Traffic, Parking & Road Safety Manager (MJ), Development Manager (PM), Corporate Research & Intelligence Co-ordinator (DM), Geographic Information System Officer (TW), Scrutiny Co-ordinator (RE) and Committee Administrator (SLW).

#### 1 APOLOGIES

Apologies for absence were received from Councillors Rachel Flynn and Arwel Roberts

#### 2 DECLARATION OF INTERESTS

No declarations of interest.

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

No urgent matters were raised.

#### 4 APPOINTMENT OF VICE-CHAIR

Councillor Graham Timms was nominated and seconded for the role of Vice-Chair of the Communities Scrutiny Committee. No other nominations were received and it was:

**RESOLVED** that Councillor Graham Timms be appointed Vice-Chair of Communities Scrutiny Committee for the 2017/2018 municipal year.

#### 5 MINUTES

The minutes of the meeting of the Communities Scrutiny Committee held on 15 June 2017 were submitted.

***RESOLVED** that the minutes of the meeting held on 15 June 2017, be received and approved as a correct record.*

## **6 UPDATE ON THE MANAGEMENT OF CAR PARKS**

The Lead Member for Highways, Planning and Sustainable Travel, introduced the report (previously circulated) to provide an update on the development of the Car Park Asset Management Plan and the other recommendations which were contained in the car park report which went to Communities Scrutiny in October, 2016.

The recommendations related to the development of a car park asset management plan and income generation initiatives with a view to increasing resources to invest in the county's car parks. Members were advised that the proposals presented to them at the meeting had also been presented to most of the Member Area Groups (MAGs) with the exception of the Elwy MAG. Officers were due to present it to the Elwy Group prior to the end of July. All five MAGs visited to date had been receptive and supportive of the proposals.

Responding to members' questions the Lead Member and officers advised that:

- the proposed investment plan, if approved by the Strategic Investment Group (SIG), would be financed from within the Car Parking Service's budget along with an element of Prudential Borrowing, which would be necessary due to the scale of investment required to realise the Service's ambition for its facilities;
- the previous report presented to the Committee in October 2016 had contained detailed analysis of the impact of the increase in car parking charges on their usage;
- the increase in car parking charges in 2016, the first increase for 7 years, had been necessary in order to address a budget deficit. Committee members at that time had been clear that they supported a consistent pricing policy across the county;
- latest statistics on car park usage in the county indicated that current usage levels were on a par with usage levels prior to the increase in charges. Generally, usage levels had remained consistent for some period of time. Similarly the income received from the Council's car parks had increased slightly;
- new pay and display machines which were to be installed in the Council's car parks could be easily re-programmed by staff if the need arose i.e. if subsidised parking was to be provided by a town council. They would also accept both coin and card payments;
- if the investment plan received SIG's approval it was anticipated it would take approximately five years to deliver the car park asset management plan in its entirety;
- the plan would include providing improved, clearer signs in Council owned car parks with a view to improving the user experience and enhancing car parks to be gateways to Denbighshire for tourists;
- some of the current signs and information boards sited within the county's car parks had been funded by other services or organisations i.e.

countryside services, town councils etc. Funding for some of these signs had been secured through specific grant funding streams i.e. European funding;

- it was anticipated that the current option of paying for car parking by mobile phone would be phased out. This would be due to the introduction of the new pay and display machines having a facility to accept cash and card payment. The current contract for transacting mobile phone payments was due to expire within two years; and
- the 2014/15 Denbighshire Town Centre Parking and Traffic Management Study had examined in detail the extent of the misuse of town centre on-street parking and car park facilities and their consequential impact on businesses and residents.

At the conclusion of the discussion the Committee:

**RESOLVED:**

- (i) that as part of its consideration, it had read, understood and taken account of the Well-being Impact Assessment (Appendix D);*
- (ii) having considered the information presented in the report and answers received to the questions raised, to support the continuation of the work to develop the Car Park Asset Management Plan and the other initiatives listed; and*
- (iii) that a report be presented to the Committee in March 2018 detailing the progress made with the implementation of the Car Park Asset Management Plan and outlining the findings of the cross-service Car Park Task and Finish Group exploring potential options to improve the visitor experience in terms of parking.*

## **7 CONSIDERATION OF FREE PARKING FOR DISABLED BADGE HOLDERS**

The Lead Member for Highways, Planning and Sustainable Travel, introduced the report (previously circulated) to consider whether holders of Disabled Parking Badges (Blue Badges) should be allowed to park for free within the Council's Pay and Display Car Parks.

During the introduction the Head of Planning and Public Protection Service advised that it was the Community Support Services, within the Social Services Department, that administered and issued disabled parking badges (blue badges). He informed the Committee that the report had been presented to members in response to a notice of motion to County Council in January 2017 relating to the principle of charging 'blue badge' holders for parking their vehicles in council-owned car parks.

During the discussion members raised the following points:

- they felt that as Denbighshire was the only Council in North Wales to charge 'blue badge' holders for parking in council car parks, this led to confusion, particularly for those visiting the area;
- people with a disability would generally require an extended period of time to undertake the same activities as able-bodied people i.e. shopping, visiting the bank etc. Therefore they would require to purchase a more expensive

parking ticket to allow for the extended period of time they would require to undertake their activity;

- that, compared to other local authorities, Denbighshire seemed to be adopting an ungenerous approach to 'blue badge' holders;
- that the report did not contain details of the financial implications to the Council if it decided to change its policy to allow disabled badge holders to park free of charge in its car parks;
- that it would be useful for all local authorities if the Welsh Government (WG) gave a clear directive in relation to charging 'blue badge' holders for parking in council owned car parks;
- there was a need for a consistent policy in relation to disabled parking in both the county's urban and rural areas;
- to avoid confusion and uncertainty in relation to charging clear signage was required in all car parks. It was suggested to facilitate this, discussions should take place between the County Council and town and community councils;
- whilst accepting that the need for a 'blue badge' was not means tested people with a disability often incurred additional expenses related to their mobility needs, although some disabled people did receive benefits to help meet their mobility costs;
- with the current demographic changes taking place in the county, there would likely be an increase in the number of disabled parking permit requests in the near future;

Responding to the points and questions raised by members, officers:

- advised that whilst Denbighshire was the only authority in North Wales that charged 'blue badge' holders for parking in its car parks, it was not unique in adopting this approach. A number of other councils in Wales and across the UK adopted a similar approach. Of those that charged, some adopted the same approach as Denbighshire, others permitted additional time for the same charge i.e. an extra hour on top of the time charged;
- emphasised that being a 'blue badge holder' did not reflect a person's ability to pay for parking. 'Blue badges' were issued to people who required assistance to access services or facilities due to mobility problems, not because they were of limited means. Disabled parking badges were not 'means tested', they were issued to people who met a mobility criteria assessment and the badges belonged to the person and not to a specific vehicle. There could be a number of other car park users who were more likely to struggle financially from having to pay for car parking than 'blue badge' holders i.e. the unemployed, pensioners or benefit recipients;
- advised that without undertaking a detailed analysis of the potential impact of withdrawing parking charges for 'blue badge' holders it was difficult to predict the financial implications of a change in policy. However, as a guide, officers estimated the monetary loss of income to be in the region of £20K to £25K. In addition to the financial loss, there could be associated consequential implications if the current policy was changed, such as 'blue badge' holders using designated parking spaces for an extended period of time i.e. all day if working nearby thereby reducing the number of designated parking spaces available for disabled people who wished to access shops or other services,

an increase in the number of applications for 'blue badges' which would place additional pressure on administrative staff within the Community Support Services' department. In addition 'blue badge' holders would continue to utilise their rights to on-street parking if that was more convenient for their place of visit;

- confirmed that WG guidance clearly stated that the decision on whether to charge disabled badge holders for parking in council-owned car parks was a decision for each individual local authority, it was not a central government decision;
- the concessions granted to disabled badge holders on a UK wide basis in terms of parking locations and time restrictions, as listed in paragraph 4.10 of the report, were quite wide-ranging and aimed at improving accessibility and their quality of life;
- confirmed that the law required 6% of the number of car parking spaces in any public car park to be reserved for disabled people;
- advised that they were confident that the Council could substantiate that it had the required number of designated disabled parking bays across its car parks if it was challenged to do so;
- confirmed that 'blue badge' holders that displayed their badges in vehicles parked in non-disabled designated parking bays were afforded the same rights as those parked in designated disabled parking bays;
- confirmed that presently there were just under 7,000 'blue badge' holders in Denbighshire, of which nearly 2,500 had been issued during the past 12 months. Each permit was issued for a period of three years;
- advised that they were not aware of any extensive misuse of the 'blue badge' scheme. Staff from the Social Services department were charged with verifying badge applications, whilst civil enforcement officers patrolling the Council's car parks were charged with challenging any suspected misuse; and
- confirmed that the power to take the decision in relation to car park tariffs was delegated to the Head of Service, as per the Council's Scheme of Delegations.

The Head of Service advised the Committee that he was satisfied having listened to the discussion that the current arrangements were not agreeable to members and he offered to undertake some further work on the implications of various options relating to car parking tariffs for disabled blue badge holders, including free car parking in designated disabled bays and the potential of permitting all 'blue badge' holders an additional fixed period of time for the same tariff as other users when parked in any council-owned car park i.e. an additional 1 hour, prior to publishing his 'Delegated Decision'. If at that stage members continued to have concerns about the matter they could, within the rules laid out in the Council's Call-In Procedures, call the decision in for further scrutiny.

At the conclusion of a comprehensive discussion the Committee:

**RESOLVED:**

- (i) *to confirm that, as part of its consideration, it had read, understood and taken account of the Well-being Impact Assessment (Appendix B); and*

*(ii) that the Head of Service, in consultation with the Lead Member for Highways, Planning and Sustainable Travel, having considered the above observations take a delegated decision in relation to car park tariffs for 'Blue Badge' holders.*

**At this juncture (11.00 a.m.) there was a 15 minute break.**

**The meeting reconvened at 11.15 a.m.**

## **8 REVIEW AND UPDATE OF HOLIDAY CARAVAN REGULATION PROJECT**

The Lead Member for Highways, Planning and Sustainable Travel, introduced the report (previously circulated) to update members about the on-going regulation of holiday caravan parks within the county and how the council was monitoring and enforcing possible breaches thereon.

The Head of Planning and Public Protection and the Development Manager (Planning and Public Protection) informed members that the initial work relating to the Project had commenced around four to five years previously and had been based on anecdotal evidence relating to alleged breaches of planning and licensing conditions on some of the county's holiday parks. At that time both members and officers had concerns in relation to the perception that some individuals were living as permanent residents in holiday caravans, and whilst they were not paying Council Tax they were accessing Council Services, as well as other public services i.e. health services in the county.

With a view to corroborating the anecdotal evidence, enquiries were instigated with a number of Council services to determine whether caravan occupiers were accessing Council run services as was suspected. The enquiries did confirm that some 'holiday' caravan occupiers were actually accessing various services. Following this initial piece of work the Council's Business, Improvement and Modernisation (BIM) Service was approached with a request to undertake further work to help co-ordinate Council databases in order to make it easier for Enforcement Officers to gather evidence of recent access to services by caravan dwellers. BIM developed a monitoring tool specifically for this purpose – a demonstration of the tool's evidence base and its capabilities was given to members at the meeting. This monitoring tool had the capacity to drill down to Member Area Group (MAG), Council ward, and individual caravan detail, which was extremely useful to Enforcement Officers when undertaking their work. Information recorded in the tool was updated on a monthly basis. The confidential document at Appendix 1 to the report illustrated the tool's effectiveness in reducing the number of services delivered to holiday caravan dwellers since 2015. This reduction had been achieved through effective partnership working with the British Holiday and Home Park Association (BHHPA) and other partners. With its limited resources of 1 Planning Compliance Officer and 0.5 of a Licensing Officer the Council would have encountered difficulties in undertaking compliance and enforcement work in relation to the 6,000 static and 400 touring caravan pitches in the county. Partnership working was therefore crucial if compliance work was to succeed. Through working with the BHHPA it soon became evident that the root cause of

caravan dwellers accessing Council services from 'holiday caravans' was that a handful of large caravan sites had either been unable to effectively manage their site records or had disregarded the planning and licensing conditions granted for their sites. The BHHPA's assistance had been crucial in assisting the Council to reach the position it was at currently. As a result of this work the number of holiday caravan dwellers accessing Council services had reduced, caravan site owners were now more willing to co-operate with the Council and take responsibility for managing their sites in line with the conditions granted. One pending prosecution for breach of planning conditions had also resulted from the work involved with the Project.

Officers were now confident, on the basis of the work undertaken to date and the strong working relationship that existed between officers and BHHPA officials, that compliance work could be undertaken on a 'business as usual basis' from now on.

Responding to members' questions officers:

- outlined how in their opinion a situation had developed over an extended period of time which had led to 'holidaymakers' by stealth becoming 'residents'. The closer working relationships forged between Council departments as part of this project, as well as the links established with external partners, should safeguard against a similar situation developing in future;
- confirmed that holiday caravans were not liable for Council Tax, consequently people 'residing' in them were not included in the population assessment which was the basis for the Council's annual Revenue Support Grant (RSG) settlement;
- confirmed that the Council had ceased issuing bus passes to individuals that resided in holiday caravan sites since 2015;
- advised that long-term caravan occupation, be it on a large site or an individual plot, should in future be easily detected through the use of the monitoring tool. If at any time a caravan resident attempted to access a service, or register a holiday caravan as a postal address, it would trigger a compliance enquiry. Any attempt to register a caravan for the purpose of receiving mail would generate a land and property gazetteer entry. Information held on the land and property gazetteer was available to a number of services, including the Health Service;
- advised that holiday caravan residents who had access to their caravan for specific periods of the year i.e. 10 months should always have a 'main' residence address – an address at which they were registered for Council Tax, Electoral Roll purposes etc.;
- confirmed that the Council's Social Services' Department did occasionally use holiday caravans for the purpose of homing vulnerable people on a very short term basis, usually in emergency situations. The numbers were very low, usually no more than about six individuals. The Council closely monitored the situation to ensure that the individuals concerned were moved to more suitable accommodation, one which better suited their needs, as swiftly as possible;
- outlined Planning and Licensing Officers' rights of entry to caravan sites, emphasising that if the licensed operator/manager refused entry to

regulatory officers the Council could, within 24 hours, access the site accompanied by the Police;

- confirmed that generally it was the site operator or manager, the named licensee, who was liable for ensuring that the site and its users conformed with any planning and licensing conditions granted. It was extremely rare for the owner of an individual caravan to be liable;
- advised that in future the Council would consider attaching stricter clauses when permitting planning permission and granting licences for caravan sites e.g. including a requirement for the licence holder to provide Council Tax registration details for all caravan owners on an annual basis;
- advised that if the Council suspected that people were using a caravan as a permanent residence, officers would approach the site licence holder who would then be responsible for approaching the caravan resident to request evidence that it was not their permanent home. If evidence was not provided the onus was on the licence holder to take any necessary action to ensure that all planning and licensing conditions were complied with in order to avoid the Council taking enforcement action. This could result in individuals or families presenting themselves to the Council as homeless, which in turn could potentially place pressures on the Social Services Department;
- confirmed that it was crucial for park owners/operators to stringently manage their sites to make sure that caravans were being used for holiday purposes only and not being misused i.e. owners sub-letting caravans to vulnerable individuals, because as licence holders they were liable for any breach of conditions and resulting penalties ; and
- advised that if a person presented themselves as 'homeless' as a result of being evicted from a 'holiday' caravan they would need to satisfy the 'local connections test' before the Council would become liable for providing them with housing. The responsibility for providing housing would lie with the local authority within whose area they had their last registered permanent address.

Prior to concluding the discussion members registered concerns in respect of whether there were any vulnerable people residing on caravan sites in the county of whom the Council was unaware due to the fact that they had not attempted to apply for a service. Concerns were also raised in relation to whether individual caravans or sheds in rural areas of the county were actually being used for residential purposes. In response to these concerns officers requested members to report any concerns or suspicions which came to their attention to officers at the earliest possible convenience to enable them to be investigated.

The Committee congratulated officers on the extensive work undertaken in relation to this Project over an extended period of time. It was of the view that it represented a worthwhile piece of scrutiny work and an excellent example of effective cross-service and partnership working which benefited the Council, protected vulnerable people and supported economic development by ensuring that holiday caravan sites were used for their intended purpose. Members:

**RESOLVED:** *subject to the above observations to -*

- (i) *support and commend the data management and monitoring systems set up as part of the Project;*



- (ii) agree for officers of the Planning and Public Protection Service to continue to investigate potential unauthorised residential occupation and to regulate parks accordingly; and*
- (iii) agree that the regulation work should now continue on a 'business as usual' basis without the need for any further referral to Scrutiny.*

## **9 SCRUTINY WORK PROGRAMME**

A copy of a report by the Scrutiny Co-ordinator, which requested the Committee to review and agree its Forward Work Programme and which provided an update on relevant issues, had been circulated with the papers for the meeting.

A copy of the Members Proposal Form had been included in Appendix 2. The Cabinet Forward Work Programme had been included as Appendix 3, and a table summarising recent Committee resolutions and advising on progress with their implementation, had been attached at Appendix 4.

It was confirmed that the Chair, Councillor Huw Williams would sit on the Planning and Public Protection Service Challenge Group and serve as the Committee's representative on the Strategic Investment Group.

***RESOLVED*** – *subject to the above to approve the appointments and the Committee's forward work programme.*

## **10 FEEDBACK FROM COMMITTEE REPRESENTATIVES**

None.

**The meeting concluded at 12.05 p.m.**