

COMMUNITIES SCRUTINY COMMITTEE

Minutes of a meeting of the Communities Scrutiny Committee held in Conference Room 1A, County Hall, Ruthin on Thursday, 24 October 2019 at 10.00 am.

PRESENT

Councillors Mabon ap Gwynfor, Brian Blakeley, Rachel Flynn, Tina Jones, Merfyn Parry, Glenn Swingler, Andrew Thomas, Graham Timms (Vice-Chair), Cheryl Williams and Huw Williams (Chair)

ALSO PRESENT

Corporate Director: Economy and Public Realm (GB); Lead Officer - Corporate Property & Housing Stock (DL); Planning and Public Protection Manager (AL), Head of Highways, Facilities and Environmental Services (TW); Waste and Recycling Manager (TD); Head of Business Improvement & Modernisation (AS); Business Information Team Manager (CB); Scrutiny Coordinator (RhE) and Committee Administrator (HB)

1 APOLOGIES

Apologies were received from Councillor Anton Sampson.

2 DECLARATION OF INTERESTS

The following Councillors declared personal interests:

Business item 4, Minutes of the previous meeting: Councillors Brian Blakeley and Meirick Lloyd Davies, both Council representatives on the North Wales Fire and Rescue Authority.

Business item 5, Gypsy and Traveller Site Provision in the Replacement Local Development Plan (LDP): Councillors Tina Jones and Merfyn Parry.

3 URGENT MATTERS AS AGREED BY THE CHAIR

There were no urgent matters.

The Chair advised that in response to a request from officers, and the agreement of all concerned, he had permitted business items 6 and 7 to be re-arranged on the Committee's order of business. Therefore the Denbighshire and Flintshire Joint Archive Project would be dealt with as business item number 6, with the Proposed New Waste and Recycling Service Design becoming agenda business item number 7.

4 MINUTES

The minutes of the Communities Scrutiny Committee meeting held on 5 September 2019 were submitted.

Councillor Merfyn Parry thanked officers for the report on Llantysilio Mountain Fire.

The Scrutiny Coordinator (SC) advised that the Fire and Rescue Authority had requested to attend a scrutiny meeting before 2020 to discuss its public consultation on the development of an Environment and Sustainability Strategy. She advised that they would be attending the next Partnerships Scrutiny Committee meeting, however members of the Communities Scrutiny Committee were welcome to attend.

Resolved that the minutes of the Communities Scrutiny meeting held on 5th September 2019 be received and approved as a correct record.

5 GYPSY AND TRAVELLER SITE PROVISION IN THE REPLACEMENT LOCAL DEVELOPMENT PLAN

The Lead Member for Planning, Public Protection and Safer Communities introduced the report and appendices (previously circulated) which updated the Committee on the process followed with a view to ensuring the Council discharged its statutory duties with respect of the provision of Gypsy and Traveller sites within the county. This report focussed specifically on sites discussed at Asset Management Group (AMG) and Strategic Planning Group (SPG) meetings for recommendation to Cabinet for inclusion in the replacement Local Development Plan (LDP) process as potential Gypsy and Traveller sites.

During their introduction the Lead Member and officers gave the Committee an overview of the statutory duties placed on the Council for it to provide sites for Gypsies and Travellers. In view of the fact that a need had been identified within the county in the Gypsy and Traveller Accommodation Assessment formally approved by the Council and Welsh Government in 2017. In addition, they outlined the process followed to select potential sites for both residential and transit purposes, the number of pitches required for both a residential and a transit site and reminded members that Cabinet had resolved, in March 2019, that the preferred location for the six pitch residential site would be Green Gates (East) near St. Asaph. In agreeing this site as its preferred location for the residential site Cabinet had also agreed that the allocation of potential sites for the five pitch transit site should be undertaken as part of the replacement LDP process, and that Green Gates (East) should not be considered for the purpose of a transit site, hence the reason for the presentation of this report to the Committee.

Attached to the report was a copy of a report presented to Cabinet Briefing on 9 September 2019 outlining the proposed process to be followed with a view to progressing potential Gypsy and Traveller transit sites for inclusion in the replacement LDP, along with a copy of a report identifying potential Gypsy and Traveller transit sites presented to AMG on 30 September 2019. The latter report included details of the relevant pieces of legislation which placed a statutory duty on the Council to assess the need for such provision, and if identified, to provide sites. Also included as appendices to that report were:

- details of the initial site review criteria
- information pertaining to the site analysis and resulting recommendations, along with details of the further consideration given to those sites shortlisted and a response from Valuation and Estates regarding the potential loss of

agricultural land and potential issues relating to serving notices to quit to tenants

Officers confirmed that all sites previously considered, as part of the original Gypsy and Travellers site provision exercise were considered again. As no landowner had come forward with an offer of land for the provision of Gypsy and Traveller sites, either as part of the initial call for land process for Gypsy and Traveller site provision or as part of a similar exercise under the replacement LDP process, the Council had put forward a number of sites within its ownership for this purpose, as it needed to demonstrate to the Welsh Government (WG) that it was striving to meet its statutory obligations. Hence the reason for the inclusion of agricultural land and designated public open spaces as potential sites for inclusion in the replacement LDP for this purpose, as the LDP process provided an opportunity for the Council to amend current land designations.

The Committee was advised that AMG at its meeting on 30 September had supported the inclusion of the four sites submitted to it for consideration:

- Rhualt – land off Holywell Road
- Rhualt – former School field
- Denbigh, Henllan Road – Site 1
- Denbigh, Henllan Road – Site 2

In addition, they requested that a further site in Rhualt, land off the B5429 (formerly part of Pant Ifan Newydd) also be included as a potential site.

Officers emphasised that if Cabinet approved the submission of any or all of the potential sites for consideration in the replacement LDP, a substantial amount of detailed work would be required before any of them could be included in the final adopted replacement LDP. Consequently, some or all of them may well not meet the criteria for inclusion eventually. They explained that if Cabinet agreed to their inclusion in the replacement deposit LDP, County Council's approval would be sought for undertaking full public consultation on the deposit LDP. Following public consultation, Council's approval would be sought to submit the document to the WG and the Planning Inspectorate for public examination. The Public Examination would be an opportunity for any individual or organisation objecting to the contents of the LDP to give evidence to an independent Inspector. Following the publication of the Inspector's binding report, Council's approval would be sought to adopt the LDP.

Responding to questions from the Committee Chair, the Lead Member and officers confirmed that:

- the current LDP would expire at the end of 2021. If no replacement LDP was adopted by that date national planning policies would prevail. This in effect would mean that local policies and designations i.e. in relation to affordable housing and development boundaries would be defunct and could not be applied when considering planning applications. Local planning decisions would be determined based on national not local policies;
- local members representing the Council wards which included the proposed sites for inclusion for development as Gypsy and Travellers site provision had been informed of the proposals ahead of the AMG meeting

Officers emphasised that the inclusion of potential sites for Gypsy and Traveller use within the replacement LDP did not equate to those sites being developed for that purpose, as they would still have to be taken through the local authority planning application process, and could therefore be refused at that stage.

Local members for the Council wards under consideration for locating potential sites were given an opportunity to raise points and ask questions to the Lead Member and officers. Responding to the points raised and the concerns put forward by the councillors for the Upper Denbigh and Henllan ward the Lead Member and officers:

- confirmed that the Gypsy and Traveller community had not yet been consulted on the proposed potential sites. They, along with their advocacy groups, would be consulted on the potential sites through the replacement LDP process;
- advised that two separate 'calls for land' had been made to landowners for the purpose of meeting the need identified for Gypsy and Traveller sites. However, no landowners had approached the Council suggesting land for this purpose. In addition, all councillors and City, Town & Community Councils were contacted requesting suggestions for suitable land but none were forthcoming. In the past the Council had approached land owners with a view to buy land for this purpose, but none were willing to sell land to the Authority, hence the reason why the Council itself was putting some of its own land forward for potential inclusion with a view to demonstrating to the WG that it had a realistic and deliverable proposal within its replacement LDP in order to meet the need identified;
- confirmed that the current tenants of the Council land put forward for inclusion had not been notified or consulted on the proposal prior to the AMG meeting because no decision had yet been taken on whether or not the land should be included as a potential site. The reason for this was that AMG may not have agreed with their inclusion, therefore prior notification with the tenants may cause unnecessary stress and worry for them. Whilst AMG did agree with the sites inclusion on the list of potential sites it also asked that another site in Rhualt be added to the list of potential sites, bringing the total number of potential sites for inclusion to five;
- advised that the main route used by Gypsies and Travellers, into and out of Denbighshire, was the A55. As a result the majority of unauthorised encampments were experienced in the coastal area, north of the A55. The reason for this may be that the Gypsy and Traveller community were able to find sufficient work in that area of the county;
- confirmed that WG grant funding towards the costs of providing authorised Gypsy and Traveller sites was currently available until the end of 2021. If the Council approved sites and planning permission was granted the Authority could then bid for any available funding towards developing the sites;
- advised that it was anticipated that there was sufficient capacity within schools in the proposed areas to accommodate the number of children from a transit site if the need arose;
- confirmed that circa 15 unauthorised encampments were experienced in Denbighshire each year;

- emphasised that the Gypsy and Traveller Accommodation Assessment (GTAA) undertaken by the Council was a legal requirement under Section 102 of The Housing (Wales) Act 2014. As a result of undertaking this assessment in Denbighshire a need for both a residential and transit site had been identified. Consequently, Section 103 of the above Act required the Council to make provision to meet the identified need.

The local member for Tremeirchion advised that:

- Rhualt was a small rural community, adjacent to the Clwydian Range and Dee Valley Area of Outstanding Beauty (AONB), which had very few local services and amenities. There was no shop or school in the village anymore, neither was there a bus service, only a twice-weekly taxi-bus service;
- the nearest primary school was in Tremeirchion, the school currently had very few surplus places and was a Welsh-medium school;
- the former School field site in Rhualt, included on the potential sites list, was currently an amenity for local children and families and had recently been refurbished with new state of the art play equipment. As a playing field it was protected from development under the current LDP as a public open space;
- the land off the B5429 at Rhualt was adjacent to a former Council agricultural holding, Pant Ifan Newydd, which the Council had in recent years sold the farmhouse and barn for a substantial amount of money to individuals who had converted them into their homes. The owners of these properties had been led to believe the land adjacent to their properties would eventually be developed for residential purposes, not as a transit site for Gypsies and Travellers. Such a development would have a detrimental affect on the value of their properties. On the opposite side of the B5429 to this proposed site were a number of businesses which employed between them in excess of 100 people. If this particular parcel of land was eventually developed as a transit provision for Gypsies and Travellers, it could seriously affect these businesses and the livelihood of a large number of people;
- the former abattoir site, off Holywell Road, was only a third owned by Denbighshire County Council. The land on this site contained high levels of contamination, including toxic and foot and mouth waste, all of which would add to the cost of preparing the site ready for development. There were also rights of access issues relating to the site as outlined in a letter from a neighbour read out at the meeting. In addition, it was believed that the WG favoured this particular site for development as an Absorbent Hygiene Products (AHP) recycling site;
- as only approximately 8 miles of the A55 traversed Denbighshire, and due to the ease of access to and off the highway and their location, both Rhualt and St. Asaph were disproportionately disadvantaged in terms of the number of these types of developments being put forward for the area.

Responding to Committee members' questions the Lead Member and officers:

- confirmed that as a 'need' for a transit Gypsy and Traveller site had been identified in the county the Council's LDP would run the risk of being rejected

by WG if it did not contain proposed sites for development for this purpose. They emphasised that if this happened the Council would have to adhere to national planning policies when determining planning applications, regardless of local need or preferences;

- advised that if a local authority had identified a need for a residential and/or a transit site for Gypsy and Travellers as part of its GTAA it was duty bound to develop those sites within its county boundaries, regardless of the availability of any similar provision in neighbouring local authority areas;
- confirmed that Conwy County Borough Council (CCBC) already had a residential site, and was in a similar position to Denbighshire with regards to identifying sites to meet transit needs. Flintshire already had a number of residential sites in the Flint area. It had recently identified a location in the same area for potential development as a transit site;
- advised that whilst the AMG had indicated that its preference for the former abattoir site, off Holywell Road, Rhualt, would be for it to become an AHP waste site, it had also instructed that its potential for locating a Gypsy and Traveller transit site continue to be explored, in case the AHP use did not come to fruition;
- confirmed that there was a risk in relation to the land adjacent to Pant Ifan Newydd in Rhualt that, if the location was progressed for inclusion in the replacement LDP for development as a potential transit site for Gypsies and Travellers, the capital value of the remaining land there that had potential for residential development purposes would reduce greatly;
- advised that in relation to some of the proposed sites a balance required to be struck between cost benefit and asset value/devaluation i.e. for the former abattoir site substantial WG funding was available for site remediation work. Whatever facility was eventually developed on that particular site the remediation work would have to be undertaken;
- advised that if, following further investigation work, none of the five sites potentially being proposed for inclusion in the replacement LDP for the purpose of a Gypsy and Traveller site were deemed to be suitable, the process for identifying potential sites would re-commence;
- confirmed that the former school field site at Rhualt was protected as an open space under the current LDP. However, with the development of the replacement LDP an opportunity would arise for the Council to review all current designations if it felt that was necessary. It could do this if it substituted previous designations with other similar designations in the replacement LDP;
- advised that the WG had default powers (Part 6 Planning and Compulsory Purchase Act 2004, section 71) where if it considered a council was failing or omitting to do anything it was necessary for them to do in relation to an LDP the WG could remove an LDP under preparation from local authority control and make any necessary amendments. A public examination would be held and WG could then approve their LDP as the development plan for the area. If this was to happen any decisions relating to the location of sites for Gypsy and Traveller accommodation and other matters would be taken out of the hands of elected councillors;

- advised that the current LDP included criteria based policy for assessing any proposals for Gypsy & Traveller sites, as at the time of its development a GTAA had not been completed . The Assessment had been approved in January 2017 and as a result the need for a residential and transit site had been identified. Consequently, the Council needed to outline in its replacement LDP how it intended to meet those identified needs;
- confirmed that Conwy County Borough Council and Denbighshire County Council had undertaken a joint accommodation needs assessment. In undertaking the assessment they had followed WG published guidance. Whilst the data collation exercise had been undertaken on a joint basis, the data submitted to WG had been based on each individual county area. The WG had scrutinised the data provided to them and indicated its acceptance of the process followed and validated the data. Under Data Protection rules the Council was not in a position to share individual responses received to the GTAA;
- confirmed that both councils were currently in the process of inviting tenders for the next accommodation needs assessment. The current approved assessment covered the time period to 2021, the new assessment would cover the time period to 2033 which matched the replacement LDP timeframe. The new assessment would provide information on any additional need to that identified in the current assessment. This would not replace the findings of the current assessment which had identified the need for both a residential and a transit site, and which the Council was legally bound to deliver;
- advised that the well-being goals assessments in the Well-being Impact Assessment (Appendix 3 to the report) were county-wide assessments at present. Similar assessments would be undertaken on a site by site basis if and when any of the proposed sites were recommended for inclusion in the replacement LDP;
- confirmed that it had been concluded that the provision of five pitches would be sufficient for a transit site in Denbighshire. This figure had been derived based on the number and size of unauthorised encampments in the county over a 12 month period. Five pitches therefore seemed sufficient at this moment in time. If, over time, it became evident that five was not sufficient, further work would be required to assess the best way of meeting that need. This could include the extension of an existing site. Any such proposal would be subject to the normal planning application process.

The Chair permitted two members of the public to address the Committee on their concerns regarding the proposed site locations within their areas, one from each County Council ward. They acknowledged that it seemed that the Council was legally obliged to provide such facilities and that the majority of communities adopted a 'not in my back yard' (NIMBY) approach towards these type of developments. Nevertheless whilst their concerns generally reflected those of elected members, they also highlighted the potential loss of green spaces on rural communities who already had very few public amenities available to them, the loss of agricultural land and the impact on the livelihood of individual farmers, and the lack of local infrastructure in certain areas to support these type of facilities.

A member of the Committee registered his concerns about the 'undemocratic' nature of the Council's AMG, which in his view yielded a large amount of influence despite only having one elected member, a Cabinet member, serving on it. In his view the Group's remit and role should be reviewed. He was reminded by the Lead Member for Planning, Public Protection and Safer Communities that the Group's meetings were open to all councillors to attend. In addition any councillor could address and challenge the Group about any proposals at their meetings. This indeed had taken place during the discussion on the proposed locations for Gypsy and Traveller sites at the Group's meeting on 30 September, which had resulted in a fifth potential site being added to the list.

A question was raised on why a list of proposed sites for the use of the Gypsy and Traveller community were being put forward for inclusion in the replacement LDP without any prior consultation with the Roma, Gypsy or Travelling community on their preferred locations, and/or whether any of the sites under consideration by the Council were suitable for the community. Should they not be involved as early as possible in discussions relating to potential site locations?

Acknowledging that the current process to date seemed more open and transparent than similar ones previously undertaken the Vice-Chair enquired whether the Council could apply for planning permission for more than one transit Gypsy and Traveller site simultaneously? Officers advised that a priority list could be drawn-up of preferred sites if necessary.

In response to further questions the Lead Member and officers advised that:

- the criteria used to assess the suitability of sites was the same as that used for previous exercises. It took into consideration LDP requirements and WG policies amongst other things; and
- whilst the majority of unauthorised encampments in the county were in the Rhyl and Prestatyn areas, which would seem to indicate it to be a preferred area by the Gypsy and Traveller community, the majority of land within Council ownership in that area was deemed unsuitable for development for this purpose as they lay within a recognised flood zone. The WG would therefore reject the inclusion of those sites on that basis.

The Lead Member for Housing and Communities, who would once the site(s) had been developed in the county, be responsible for them advised that in his view national routes for transit sites would need to be developed across the UK, under the direction of central government. He stated that the 'transit' season was generally between June and late autumn of every year and that the Police only had powers to move unauthorised encampments if authorised sites were available in that particular local authority area to accommodate them. In his view five pitches was an insufficient number and the locations being proposed were unsuitable. Hence the reason why central government should take the lead to develop a network of strategically located transit sites that met the needs and demands of the Gypsy and Traveller community. He also expressed the view that Denbighshire County Council should work closely with Conwy County Borough Council in developing a transit site. The Lead Member indicated that, given the concerns raised at the meeting, if a transit site or sites were allocated in the LDP he would delay their implementation for as long as possible.

Local members for Upper Denbigh and Henllan agreed with the Lead Member for Planning, Public Protection and Safer Communities that the Henllan Road, Denbigh locations were not ideal for locating a transit site as they were too far away from the

main transit route, not close enough to local amenities and would not provide the Gypsy and Traveller community with a large enough population base to support their business opportunities. Due to their location there would be a significant risk if one of these sites was developed for this purpose that it would not be used by the Gypsy and Traveller community.

Officers confirmed that its legal obligation was to provide pitches that were sufficient to service travelling caravans, they were not obliged to provide space for the occupants to run their businesses. They also confirmed that the Henllan Road, Denbigh sites had not been considered during the initial Gypsy and Traveller site provision process as the original intention had been to locate both the residential and transit sites at Green Gates (East), St. Asaph.

The Committee was reminded by the Chair that the purpose of the discussion at the current meeting was to seek their observations on the process for progressing potential Gypsy and Traveller sites through the LDP and not to assess the suitability or otherwise of individual sites currently being put forward for inclusion in the LDP as potential sites for this purpose.

At the conclusion of a detailed and in-depth discussion the Committee emphasised their concerns about the stringency of the WG Regulations which required all local authorities that had identified the need for a residential and/or transit Gypsy and Traveller sites to develop those sites on an individual county basis and in isolation of provision that may already be available, and perhaps underutilised, in a neighbouring authority area. It was felt that these Regulations contradicted the WG's ever increasing emphasis on the importance of regional and sub-regional working with a view to realising value for money and efficiencies. The Committee therefore by a majority, with one abstention:

Resolved: - ***to recommend to Cabinet that, prior to determining the transit sites to be put forward as sites to progress as potential Gypsy and Traveller sites in the replacement Local Development Plan, it should have regard to the following matters –***

- (i) the lack of consultation with the Gypsy and Traveller community and their advocacy groups on the suitability of proposed sites for the purposes of being developed as sites for their specific use prior to their inclusion on a list of potential sites for submission as part of the replacement Local Development Plan;***
- (ii) that future processes relating to the identification and selection of potential Gypsy and Traveller sites should be as open and transparent as possible for members and residents, with proposals being presented to all councillors at a Council Briefing session and to Scrutiny for examination prior to being presented to Cabinet for approval;***
- (iii) that clarity be provided on how Denbighshire County Council's Gypsy and Traveller Accommodation Assessment concluded that a five pitch transit site would be sufficient to meet the Gypsy and Traveller transit need in the county;***
- (iv) that Cabinet writes in the strongest terms possible to the Welsh Government expressing its serious concerns about the requirements in Part 3 of the Housing (Wales) Act 2014 which places an obligation on each individual local authority to undertake an***

Gypsy and Traveller Accommodation Assessment, and if a need is identified for a transit site to be developed that each individual authority is duty bound to provide a transit site within its boundaries regardless of other similar developments which may exist or about to be developed in a neighbouring authority's area. These Regulations seem inappropriate and disproportionate in addressing the needs of the travelling community and contradict other Welsh Government legislation, policies and ambitions which promote effective joint working between authorities on a regional or sub-regional basis;

- (v) that, until the above matters have been actioned and a further report presented to Scrutiny, a decision on the inclusion of the five sites listed in the report for incorporation as potential development locations for Gypsy and Traveller sites in the replacement Local Development Plan be held in abeyance;***
- (vi) the lack of consultation with local members on the proposed sites within their wards prior to their inclusion in the report to the Asset Management Group. Local members should in future be consulted on any significant proposals affecting their wards not merely informed of them; and***
- (vii) the need for the Asset Management Group to be more open, accessible and transparent to all councillors, particularly as only one elected member is a member of the Group.***

The Committee voted by a majority on a proposal that a report relating to the process and these particular sites be brought back for further consideration following the actioning of recommendations (i) to (v) above.

6 DENBIGHSHIRE AND FLINTSHIRE JOINT ARCHIVE PROJECT

The Lead Member for Housing and Communities introduced the report and appendices (previously circulated) which provided information regarding the joint archive project for Denbighshire and Flintshire, with a particular focus on the proposed new service delivery model.

During his introduction the Lead Member stressed that the provision of a joint Archive Service with Flintshire County Council and the development of a 'hub and spoke' service, subject to a successful bid to the National Lottery Heritage Fund (NLHF), would benefit the residents of Denbighshire through the provision of a full-time Archive Service instead of the three day service that currently operated in the county. This would be the case despite the fact that the 'hub' would be located in Mold because the 'spoke' part of the service would mean that all Denbighshire's libraries would have access to the Service's digital records and therefore residents would only need to attend their local library to undertake any research work, currently they were required to book an appointment to visit the County Archive in the Old Gaol in Ruthin. If, under the new model, they still wanted to access the original documentation this could still be done by attending the 'hub' at Mold.

Due to their age and fragility archive documents had to be kept under strict environmental conditions in order to preserve and safeguard them, otherwise the Service would be at risk of losing its recognised archive accreditation status. Denbighshire and Flintshire councils were keen to develop a joint Archive Service as Flintshire had already exceeded its storage capacity whilst Denbighshire would by 2021 be in a similar situation. In addition, the Environmental Management System in the Old Gaol in Ruthin was nearing the end of its life and it was anticipated that the cost of replacing it would be substantial, hence why it was felt that the opportunity to deliver a joint service, potentially in a state of the art purpose built building should be pursued. Whilst the present Archive Service occupied 70% of the Old Gaol building it attracted circa 800 visitors per annum, a number of whom were repeat visits, compared to Countryside and Heritage Services visitor numbers of approximately 11,000 per year to its 30% share of the building.

The Lead Member emphasised that the Council already had a commitment to use the Old Gaol for delivering its Archive Service until 2025, if the proposed 'hub' and 'spoke' service delivery model came to fruition as it would take some considerable time to deliver the project in its entirety. In the meantime it would actively pursue potential methods for increasing the range of heritage services that could be provided there once the Archive Service had vacated its space, in conjunction with other Council heritage sites i.e. Nantclwyd y Dre and external organisations such as the National Trust.

Members were advised by the Lead Member that Ruthin Town Council had registered its disappointment that it had not been consulted about the proposal so far, but if the project did come to fruition the Service would not vacate the Old Gaol until 2025, therefore it was felt to be slightly premature to consult the Town Council at this point in time. The priority would be to secure the £11.5m NLHF Heritage Horizons grant first. Any bid for such a substantial amount of funding would need to be for a very special, bespoke project. Hence the reason why Denbighshire wanted to work with Flintshire County Council to build a custom-built building next to Theatr Clwyd in Mold. The process to apply for the grant funding had commenced as both authorities had submitted their joint expression of interest in applying for the Heritage Horizons grant to NLHF on 18 October. By December 2019 the NLHF should inform the councils whether their expression of interest had been accepted to proceed to Stage 2 of the process, which would entail the development of a detailed project proposal and plan for submission to NLHF, who would then determine whether the project should be awarded grant funding by December 2020. The estimated cost of delivering the project was £16,650,344 of which Denbighshire would be expected to contribute just over £2m and Flintshire £3m. If the project was to be delivered it was crucial that £11.5m NLHF monies was secured, without this grant the project would not go ahead. If successful and the project was delivered in its entirety, although the 'hub' would be located in Flintshire all records would be digitally accessible to Denbighshire residents at their local library. It would also 'future proof' the Service for the next 20 years and generate an additional income of circa £12K per annum, reduce the need to pay for commercial storage for records and avoid the substantial costs associated with replacing the environmental management system at the Old Gaol.

The Lead Member and officers confirmed that as Wrexham County Borough Council was a 'new' local authority area a substantial amount of its pre-1996

records were held at the Old Gaol. In addition, a number of historical artefacts from Denbighshire were currently held in storage at the National Library of Wales in Aberystwyth and the National Museum of Wales in Cardiff, the development of this project would include the availability of dedicated exhibition space which would provide an opportunity to request the return of these items for display to the public. Both the Lead Member and officers were of the view that the availability of the funding provided both local authorities with a very rare opportunity to make records, historical documents and artefacts accessible to all residents and provide schools and other establishments with excellent outreach provision to undertake research. Community history was an integral part of the area's identity. Local members for the Ruthin area were invited to address the Committee regarding their concerns about the project. The main points raised by them were:

- that the Well-being Assessment for the proposed project, which was generally positive, did not give sufficient regard to the unanticipated negative impact the relocation of the Service to Mold would have on the economy of Denbighshire, and on Ruthin in particular.
- that a substantial number of those that attended the Old Gaol to use the Service were elderly and therefore may not be able to visit the facility in Mold due to the lack of public transport to the proposed location.
- that in their view the project had been looked at in isolation. The proposal should include a detailed options appraisal for extending the current services available at the Old Gaol, possibly by erecting a purpose built archive storage building on the car park behind the Old Gaol. By having the entire Archive Service and the Old Gaol heritage facility on the same site there would be an opportunity to maximise archive and tourism footfall in the town.
- that the popularity of accessing archives and records digitally via libraries was as yet unknown, it may not be the 'experience' avid archivists would relish.
- the relocation of the Archive Service to Mold would see the Ruthin area lose yet another important resource and as a result other businesses in the town and surrounding area would suffer as historians travelled from far and wide to undertake their research at the Old Gaol, staying in local hotels and spending money in the area.
- that a number of interest groups had already contacted local councillors to register their concerns about the proposal to relocate the Service.
- that the Council should look to grow the services available at the Old Gaol by linking them to various other tourist and heritage assets in the area rather than relocating the Archive Service to Mold.

Responding to the above the Lead Member and officers confirmed that:

- the Council was fully committed to continuing to deliver an Archive Service at the Old Gaol until 2025. Until then it would be working with the Council's Countryside and Heritage Services with a view to securing the building's future through the delivery of more of that's Service's offer from the facility once the Archive Services had vacated its space;

- early discussions were about to begin with the National Trust both regionally and nationally with a view to exploring potential options for the site and the area in general;
- the proposal had been discussed with the local MP and AM, both of whom were supportive of the proposals.
- if the NLHF bid was successful and the purpose built Hub facility in Mold was built it would greatly reduce the running costs of the Archive Service, increase its opening hours from the current three day service to a six-day one and improve its accessibility to all via the libraries. The aim of the proposal was to deliver a better, more accessible service not to enhance Theatr Clwyd. The Archive Hub would be a separate building next to the theatre, not a part of the theatre building, although there would be opportunities for both establishments to work together to enhance outreach services, provide facilities for staff etc.
- whilst Ruthin Gaol housed a substantial amount of Denbighshire's Archives not all were held there, some were held in storage and others were currently held at the Flintshire Archives in Hawarden, this was due to changes in county boundaries during two local government re-organisations.
- the most successful Archive Services in the UK were those that had outreach service provision, hence the aim of developing an active outreach service as part of this proposal with the aim of encouraging individuals, schools, community groups, care homes etc. to use the services available.

Responding to questions from Committee members the Lead Member and officers:

- agreed that the benefits of establishing the proposed 'hub' and 'spoke' service needed to be highlighted to the public i.e. digital access, greater access due to the facility being open on 6 days rather than the current 3 days, more staff to assist the public with their research, more display space for local historical artefacts etc.
- advised that only four projects in the UK would benefit from the NLHF Heritage Horizons Fund. Hundreds of projects were expected to bid for the available monies therefore to be successful projects needed to be innovative, transformative, collaborative and aimed at addressing heritage at risk or landscapes and nature.
- confirmed that Denbighshire with its limited staff numbers and opening hours could not provide outreach services at present. This proposal would address that deficit.
- advised that the Welsh Government (WG) was encouraging Archive Services to work collaboratively, but to date it was only Denbighshire and Flintshire who were demonstrating an appetite to follow this route
- confirmed that a total of six sites had been considered initially for the development of a 'hub', however this site had emerged from the selection process as the preferred site.
- advised that the Service would be run jointly by Denbighshire and Flintshire.
- confirmed that the ultimate aim was to repatriate all local historical artefacts currently in storage at national institutions to enable residents and visitors to the area to see and enjoy them.

- advised that all efforts were currently being channelled to secure a successful bid for the NLHF grant, there was not a 'Plan B' at present, the outcome of which should be known by the end of 2020. Nevertheless, discussions were underway with Countryside and Heritage Services and external organisations with a view to enhancing the future offer at the Old Gaol that would benefit Ruthin and the surrounding area; and
- confirmed that the establishment of the Joint Archive Service with Flintshire would take place in April 2020.

At the conclusion of an in-depth discussion Members emphasised the need to improve communication and consultation will local members on matters that had an impact on their wards and asked the Scrutiny Chairs and Vice-Chairs Group to discuss this at a future meeting. The Committee:

Resolved: - subject to the above observations –

- (i) to acknowledge the proposal to create a single shared Archive Service with Flintshire County Council, operating over two sites initially (Ruthin and Hawarden);***
- (ii) by a majority to support that the Service, subject to securing National Lottery Heritage Funding, be delivered via a 'hub and spoke model' – a service 'hub' in a new building adjacent to Theatr Clwyd in Mold and the 'spoke' service delivery through a mix of permanent and temporary community outreach provision;***
- (iii) that options be drawn up for the utilisation of the potential vacated space at Ruthin Gaol, if the proposed single shared archive service and the creation of a 'hub' proceeded, and that those options be presented to the Committee for consideration during the summer of 2020; and***
- (iv) to confirm that as part of its consideration it had read, understood and taken account of the Well-being Impact Assessment (Appendix A).***

Two Committee members voted against (ii) above, but the recommendation was carried by a majority.

7 PROPOSED NEW WASTE AND RECYCLING SERVICE DESIGN

The Lead Member for Waste, Transport and the Environment introduced the Waste and Recycling Manager's report and appendices (previously circulated) the purpose of which was to update members on the latest funding position for the project along with information on the delivery timescales and associated projects. During his introduction the Lead Member advised that although Appendix II to the report highlighted a project delivery timescale up to 2022, that this referred to Financial Year 2021/22 and that, based on current progress, he had every confidence that the new service would be up and running by September 2021.

At the Chair and Vice-Chair's request the Waste and Recycling Manager provided a PowerPoint version of Appendix III to the report which illustrated the proposed new Central Depot Layout, which would be located in Denbigh. She gave the Committee an overview of the layout and functions of all the separate areas that

would make up this six acre site and the environmental, fire and other regulatory restrictions that required to be complied with during its design and development.

Responding to members' questions the Lead Member, Head of Highways, Facilities and Environmental Services and the Waste and Recycling Manager:

- advised that no decision had yet been taken on the design of the Trollibocs containers that would be purchased and rolled-out, as a number of new manufacturers had recently entered the market.
- confirmed that the present Household Waste Recycling Centres (HWRCs) did not form part of this particular project, and that any discussions surrounding their future would be part of a separate process. The contract for operating the HWRCs was due for renewal in March 2021 therefore a re-tendering exercise would commence in the near future. As part of the re-tendering process income generation opportunities, including those for charitable organisations, from the sale of good quality household 'waste' could be explored.
- advised that despite the fact that the proposed central depot site being an area of six acres it would not be large enough to accommodate the relocation of the current Denbigh HWRC to the same site as there were proposals to include an area to treat highways waste on the central depot site in due course, subject to the approval of a separate business case.
- advised that environmental regulations meant that the only waste material that could be unloaded in the open air was glass, all other waste would have to be unloaded under cover in purpose built buildings.
- confirmed that the entire depot area would require to be compliant with strict noise, odour, contamination and fire regulations, with some waste treatment practices, particularly those involved with Phase 2 of the project – highways waste treatment requiring permits from Natural Resources Wales (NRW) prior to commencement.
- advised that under the new household waste collection system food waste would continue to be collected at the same time as other waste and then would be transferred from the Denbigh depot to the Food Waste Recycling Centre at Rhuallt.
- advised that whilst up to 90 vehicles could be accommodated on the staff parking area at the proposed depot, this number did take into account car sharing which already took place. The Council was aware of its duty to reduce carbon emissions hence a number of vehicle charging points would be located in the car parking area for electric vehicles. In addition staff start times at the depot would be staggered between 6am and 6.45am, with refuse vehicles leaving the depot from 6.30am onwards. The potential for providing transport to staff to and from work had been explored and could be looked at further. All transport related matters on the site would be subject to a highways and transport assessment as part of the planning application process.
- confirmed that none of the current empty sites on Colomendy Industrial Estate were large enough to accommodate the proposed depot site. In addition the Council was currently in the process of purchasing some of the land in order to put in place a suitable access point for the development. The benefits of purchasing this particular plot of land was two-fold, it would

facilitate the development of the new depot and also unlock over 20 acres of development land that would secure the future of a number of successful businesses on the Colomendy Industrial Estate by providing them with room to expand.

- confirmed that the monetary value of 'waste' was extremely low at present, but government targets and regulations required local authorities to recycle and treat more waste and reduce its use of landfill. Due to greater public awareness of the environmental damage of single-use plastic (SUP) and the potential introduction by government of a deposit and return scheme (DRS) people's habits were likely to change which could result in the amount of plastic waste reducing, although this may be counteracted by the increase in population. Discussions were currently underway between central government and local authorities on how the latter could capitalise on the introduction of a DRS.
- advised that many sites in the county had been considered as part of the process for locating a purpose built depot, this particular location was central and had good access to all areas of the county. Given time neighbouring local authorities may wish to use Denbighshire's purpose built facility.

With the Chair's permission a member of the public in attendance was given an opportunity to address the Committee on her concerns in relation to the new waste and recycling service model. She was of the view that residents liked, valued and understood the current co-mingled blue bin recycling service and had concerns about the stability and ease of use of the proposed Trollibocs system, particularly for disabled or elderly residents. Whilst she had been reassured during the discussion that the new system would not be an added cost burden on the Council Tax payer she requested that county councillors draw all residents' attention to the changes and the reasons behind them.

In response officers advised that:

- a variety of communication methods had been utilised for the purpose of drawing the proposed changes to residents' attention thus far, as illustrated in the Communications Plan at Appendix IV to the report, these included a survey, drop-in sessions, radio, press releases, the Council's website and social media pages etc.
- one of the benefits of the proposed new waste and recycling model was that it would help to alleviate a current budgetary pressure in excess of £1m, which could in turn ensure that any future council tax rises may be lower than they would otherwise have to be if the service change was not implemented. This is because the new waste model will cost less to run than the current waste model.
- the Council's Citizens Panel would be involved in the engagement on the type of Trollibocs to purchase and roll-out.
- they acknowledged that the co-mingled 'blue bin' system was popular with residents and had served its purpose, but central government requirements were changing and residents' recycling practices were improving therefore the fortnightly recycling collection was no longer sufficient to meet demand. The Trollibocs system would see the introduction of a weekly recycling collection and no extra charge would be levied on those households that required additional recycling containers.

Lead Member and officers agreed with members that the Council's recent monitoring exercise to identify households that did not place out their orange food recycling caddies for collection on a regular basis had gained widespread media attention. Current monitoring was done by the collection crew and was labour intensive and not completely accurate, hence the decision to trial new technology to monitor food recycling collection rates. The aim of this approach was to help educate residents of the benefits of recycling food waste and to help boost recycling rates. The trial would run in four areas, covering about 600 properties, between November 2019 and at least March 2020. It was estimated that currently approximately a quarter of the county's residual waste was made up of food waste, therefore to reduce this amount it was important for the Authority to understand why some residents continued not to use the food waste recycling scheme provided. Primarily the aim was to educate people, enforcement action was a last resort. The provision of animal proof reusable sacks was being explored for use in places like multi-household properties, these sacks could then be placed in a large communal food-waste holder for collection.

At the conclusion of the discussion the Committee:

Resolved:

- (i) subject to the above observations, to acknowledge the progress made to date by the Waste Project Board with a view to securing the delivery of the new Waste and Recycling Service to residents from September 2021;***
- (ii) that the Head of Highways, Facilities and Environmental Services returns to a future meeting of the Committee to provide an update on the outcome of the pilot projects being undertaken to increase capture of recyclable waste across the county, as outlined in Appendix V; and***
- (iii) that the Head of Highways, Facilities and Environmental Services brings a future report to the Committee to propose the Benefits Realisation Plan to be put in place to monitor the environmental, financial, employee and customer benefits of the new waste operating model.***

8 SCRUTINY WORK PROGRAMME

The Scrutiny Co-ordinator (SC) presented the committee's forward work programme report and appendices (previously circulated) the purpose of which was to seek the Committee to review its forthcoming programme of work.

The SC reminded members of the scrutiny proposal form, she advised that any proposals should be sent to her so they could be considered by the Scrutiny Chairs and Vice-Chairs Group for inclusion on the forward work programme.

At the Scrutiny Chairs and Vice Chairs meeting in September it had been agreed to rearrange the forward work programme to accommodate the items on Gypsy and Traveller site provision and the Denbighshire and Flintshire Joint Archive Project at the current meeting.

Resolved that members agree the committee's forward work programme.

9 FEEDBACK FROM COMMITTEE REPRESENTATIVES

There was no feedback.

Meeting concluded at 2.25pm