

Report to	Cabinet
Date of meeting	20 October 2020
Scrutiny Chair:	Councillor Huw O Williams (Chair of Communities Scrutiny Committee)
Report author	Rhian Evans, Scrutiny Co-ordinator
Title	Review of Cabinet Decision relating to disposal of land adjacent to Ysgol Pendref, Denbigh

1. What is the report about?

- 1.1 The conclusions reached by Communities Scrutiny Committee following its review of Cabinet's decision of the 22nd September 2020 in relation to the disposal of land adjacent to Ysgol Pendref in Denbigh.

2. What is the reason for making this report?

- 2.1 To inform Cabinet of Communities Scrutiny Committee's recommendations following its review of the Cabinet's decision in relation to the disposal of land adjacent to Ysgol Pendref, Denbigh. The review was undertaken in accordance with the Council's Call-in Procedure Rules following receipt of a formal signed request for the decision to be reviewed.

3. What are the Recommendations?

That Cabinet:

- 3.1 acknowledges Communities Scrutiny Committee's conclusions and recommendations following its review of the Cabinet decisions of the 22nd September 2020;
- 3.2 revisits its decision of 22nd September 2020 having regard to the vision for future social and affordable housing as set out in the draft new national development framework 'Future Wales – the National Plan 2040';

- 3.3 delays the decision in relation to this particular site for 12 months until the new national development framework is agreed;
- 3.4 considers options to make the land more attractive to social landlords and smaller developers by breaking it up into smaller parcels/plots; and
- 3.5 does not create an oversupply of large unaffordable homes in Denbigh which do not meet the local need

4. Report details

- 4.1 On the 22 September 2020 Cabinet considered a report on 'Disposal of Land Adjacent to Ysgol Pendref in Denbigh'. The report to Cabinet can be seen at Annex A
- 4.2 At the conclusion of its discussion Cabinet resolved to:
 - “(a) approve the disposal of land adjacent to Ysgol Pendref, Denbigh outlined in red on the plan (Appendix A to the report) which is surplus to Council requirements on the open market for residential development and delegates authority to the Lead Member for Finance, Performance and Strategic Assets to approve the final sale, and*
 - (b) confirms it has read, understood and taken account of the Well-being Impact Assessment (Appendix B to the report) as part of its consideration.”*
- 4.3 The Cabinet's decision was published on the Council's website on 24th September. In accordance with the Council's Call-In Procedure Rules the decision was not implemented immediately enabling non-Cabinet members to call-in the decision for examination, if they felt it merited detailed scrutiny
- 4.4 'Notice of Call-In' e-mails by the required number of non-Cabinet councillors, were received in respect of the above decision between the 30th September and 1st October 2020, which was within the 5 working day timescale stipulated in the Council's 'Call-in Procedure Rules'. The grounds for the Call-in were:
 - “1: This is more land owned by Council being sold for a quick fix to fill budget holes.*

- 2: *Upper Denbigh has up to 300 houses being built on the NWH (North Wales Hospital) site and more (mostly) unaffordable housing is not required.*
- 3: *The land is presently farm land. We should be encouraging more people into farming. We don't yet know the effects of Brexit on food security and now would be a foolish time to dump this land.*
- 4: *Although it mentions the land not being suitable for a new build for Ysgol Pendref it was only a very, very short time ago Cabinet agreed to the new 21st century schools programme and to commence a scoping exercise. Has that been completed already?*
- 5: *Once land belonging to the people has been sold to private enterprises there is no going back. How are cabinet certain the land will not be needed in the future.*
- 6: *We must surely be building more social housing.”*

- 4.5 In accordance with the Council's Call-in Procedure Rules Scrutiny had to consider the request within 5 working dates of its receipt. To facilitate this a special meeting of the Communities Scrutiny Committee was convened on the 5th October 2020. For information a copy of that report is attached at Annex B.
- 4.6 Detailed discussion took place at the Communities Scrutiny Committee meeting in respect of the Cabinet decision and the grounds put forward in the Call-in request. Having given regard to the various grounds given for calling-in the decision the Committee acknowledged that the land had been declared surplus to requirements by the Council's Agricultural Estate a number of years previously. It also acknowledged that any capital receipt realised from the sale of land or any other asset could not lawfully be used to finance the Authority's revenue spend or any revenue shortfall.
- 4.7 However the Committee felt that there was merit to request Cabinet to review its decision to dispose of the land on the basis of the number of houses and types of housing developments currently being built, or already planned for Denbigh in the next few years.

- 4.8 The Committee has concerns that the developments will render the town with an oversupply of large unaffordable houses and an insufficient supply of affordable housing and social housing units to meet the needs of local residents. Members are of the view that developing the land adjacent to Ysgol Pendref would further exasperate the problem. Whilst acknowledging that some social housing would be built on this plot of land as part of any future development, it was felt that the number of affordable and social housing units proposed for the development were insufficient given that this particular plot of land was located in one of the most deprived council wards in Wales, and therefore the majority of the houses built there would be unaffordable for local residents.
- 4.9 The Welsh Government recently published its draft new national development framework 'Future Wales – the National Plan 2040'¹, which is currently undergoing scrutiny in the Senedd, prior to being adopted in 2021. Once adopted this framework will set the direction for development across Wales until 2040. Whilst the Committee acknowledges that this is still a working draft it does however have a clear emphasis on the need for more affordable housing across Wales.
- 4.10 On this basis the Committee requests Cabinet to reconsider its decision to sell the land adjacent to Ysgol Pendref at the present time, and to defer the decision to dispose of the land for twelve months by which time the final 'Future Wales – the National Plan 2040' framework should have been approved by the Senedd. Once the new framework is in place a decision could then be taken in relation to the sale of the land in line with the vision for social and affordable housing set out in the framework. At that time consideration should also be given to making the land more attractive to social landlords and smaller developers by breaking it up into smaller parcels/plots.

¹ 'Future Wales – the National Plan 2040': <https://gov.wales/sites/default/files/publications/2020-09/working-draft-national-development-framework-document-september-2020.pdf>

4.11 Scrutiny requests that Cabinet reconsiders its decision of 22nd September 2020 relating to the disposal of the land adjacent to Ysgol Pendref, Denbigh, and in doing so has regards to the above observations and recommendations.

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

5.1. See Section 5 of the Cabinet report dated 22 September 2020 (Annex A).

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

6.1. See Section 6 of the Cabinet report dated 22 September 2020 (Annex A).

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

7.1. See Section 7 of the Cabinet report dated 22 September 2020 (Annex A).

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

This report outlines the conclusions of the Scrutiny process

9. Chief Finance Officer Statement

9.1. See Section 9 of the Cabinet report dated 22 September 2020 (Annex A).

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

10.1. Scrutiny's review of the original Cabinet decision should mitigate against any future risks to the Council posed by external challenges to the decision.

11. Power to make the decision

11.1. Sections 21(2) and (3) of the Local Government Act 2000; and

11.2 Section 7.4.2(a) of the Council's Constitution stipulates that "Scrutiny Committee may review and scrutinise the decisions...of the Cabinet" whilst Section 7.4.2(d) states that they may "make recommendations to the Cabinet...arising from the outcome of the scrutiny process."