

Report to	Cabinet
Date of meeting	26 July 2022
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 the Proposed Scheme of Delegated Decision Making for Land Acquisition (Freehold and Leasehold) for Carbon Sequestration and Ecological Improvement Purposes

1. What is the report about?

- 1.1 The conclusions reached by Communities Scrutiny Committee following its review of Cabinet’s decision of the 15th February 2022, on a ‘Proposed Scheme of Delegated Decision Making for Land Acquisition (Freehold and Leasehold) for Carbon Sequestration and Ecological Improvement Purposes’.

2. What is the reason for making this report?

- 2.1 To advise Cabinet of Communities Scrutiny Committee’s conclusions following its review of the Cabinet’s decision in relation to a ‘Proposed Scheme of Delegated Decision Making for Land Acquisition (Freehold and Leasehold) for Carbon Sequestration and Ecological Improvement Purposes’. A review which 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
- 2.2 To present Cabinet with the Committee’s recommendations following its review of the decision and to seek Cabinet to review its original decision and in doing so have regard to Scrutiny’s findings and recommendations.

3. What are the Recommendations?

That Cabinet:

- 3.1 acknowledges Communities Scrutiny Committee's conclusions, its concerns and recommendations following its review of the Cabinet decision of the 15th February 2022 in relation to a 'Proposed Scheme of Delegated Decision Making for Land Acquisition (Freehold and Leasehold) for Carbon Sequestration and Ecological Improvement Purposes'; and
- 3.2 agrees to reconsider its original decision, with a view to expediting the decision-making process for purchasing land, and that prior to reviewing its decision it:
 - (i) works with the Farming Unions and the Federation of Young Farmers Clubs to seek comprehensive responses from those organisations in relation to the Proposed Scheme;
 - (ii) agrees to amend the wording within the Proposed Scheme of Delegated Decision Making (and any associated documentation) as it relates to liaising with local councillors and Member Area Groups (MAGs) to read 'consult/consultation' rather than 'notify/notification';
 - (iii) agrees that, at the appropriate time, a review is undertaken of staffing resources within the Council's Countryside Services to ensure that it has sufficient capacity to deal with the additional duties that will be placed on the Service in future in connection with carbon sequestration and ecological improvement work; and
 - (iv) requests that, when reviewing the decision, it is provided with detailed information on agricultural land grading in Denbighshire (including illustrative maps).

4. Report details

- 4.1 On the 15th February 2022 Cabinet considered a report on "Proposed Scheme of Delegated Decision Making for Land Acquisition (Freehold and Leasehold) for Carbon Sequestration and Ecological Improvement Purposes'. The report to Cabinet can be seen at Annex 1.
- 4.2 At the conclusion of its discussion Cabinet resolved to:
 - (a) *"approve the introduction of the new scheme of delegated decision making for land acquisition (freehold/leasehold) for carbon sequestration and ecological improvement purposes as proposed in Appendix 1 to the report,"*

(b) confirms that it has read, understood and taken account of the Well-being Impact Assessment (Appendix 2 to the report) as part of its consideration.”

- 4.3 The Council’s ‘call-in’ procedure defines a process for Scrutiny to exercise its statutory powers to review or scrutinise executive decisions, and to request that the decision-maker reconsiders a decision that has been taken, prior to it being implemented.
- 4.4 The Cabinet’s decision was published on the Council’s website on 17th February 2022. 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
- 4.5 ‘Notice of Call-In’ e-mails by the required number of non-Cabinet councillors, were received in respect of the above decision between the 23rd and 24th February 2022, which was within the 5 working day timescale stipulated in the Council’s ‘Call-in Procedure Rules’. The grounds for the Call-in were:
- “...concerns are that the Council is in a position to land grab at an auction potentially out bidding any local farmers or landowner need. [We] understand that they are not after prime agricultural land however the decision needs to be discussed with the local Member and the local MAGs pre bidding on land without knowing local knowledge and need.”
- 4.6 The Council’s ‘call-in’ procedure does stipulate that a special meeting of a scrutiny committee should be convened within 5 working days of the receipt of a Notice of Call-In of Decision unless a scrutiny committee has a scheduled meeting within that period. The procedure also states that this timeline can be extended if both the decision-maker and the chair of the scrutiny committee agree to an extension. As the decision did not require urgent implementation an extension to the timeline was agreed to enable the decision to be considered at the next available scrutiny committee meeting. Consequently, the decision was considered by Communities Scrutiny Committee at its next available meeting, which was on 10th March 2022. For information a copy of that report is attached at Annex 2.
- 4.7 An extensive discussion took place during the Communities Scrutiny Committee meeting on the rationale behind the Cabinet decision, the proposed process for undertaking a delegated decision for the purpose of purchasing land for carbon

sequestration and ecological improvement purposes, along with the safeguards that would be put in place to mitigate against the risk of the Authority 'land-grabbing' at auction to the detriment of local businesses and the local community. The [debate](#) in its entirety can be viewed on the Council's website and a copy of the minutes of the discussion can be found at Annex 3 to this report.

- 4.8 At the conclusion of the discussion the Committee acknowledged that, if the Council was to achieve its ambition in relation to carbon reduction, it would require to adopt a multi-faceted approach, which would include purchasing parcels of land to be used to offset unavoidable carbon usage. Nevertheless, the practice should not be used in place of other carbon reduction measures, only to complement them. The Committee was assured that prime agricultural land would not be purchased for this purpose and that a maximum financial threshold would be set for purchasing land for this purpose in order to safeguard public funds.
- 4.9 The Committee did however have concerns regarding the potential unintended consequences of decisions to purchase land for this purpose may have on the future viability of local agricultural businesses and the livelihoods of local families, which could have a detrimental impact on the long-term economic sustainability of local communities, changing the entire fabric and ethos of community life in the county's rural areas. Hence its reasons for seeking Cabinet to review its decision, but prior to doing so to have regard to the Committee's concerns and its recommendations.
- 4.10 The objective of the Committee's recommendations is to strengthen the basis of the Cabinet's decision by securing rural communities' support for the process, reinforcing local elected members' involvement with the process, and making sure that sufficient resources will be made available to the Council's Countryside Services team to deliver the Council's environmental ambitions. Having regards to these conclusions and recommendations the Committee requests Cabinet to reconsider its original decision.

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

- 5.1. See Section 5 of the Cabinet report dated 15th February 2022 (Annex 1).

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

6.1. See Section 6 of the Cabinet report dated 15th February 2022 (Annex 1).

6.2. The costs associated with endorsing Scrutiny's recommendations can be met within existing budgets, whilst securing any additional resources for Countryside Services will form part of future budget setting processes.

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

7.1. See Section 7 of the Cabinet report dated 15th February 2022 (Annex 1).

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

This report presents the conclusions of the Scrutiny process

9. Chief Finance Officer Statement

9.1. See Section 9 of the Cabinet report dated 15th February 2022 (Annex 1).

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

10.1. The endorsement of Scrutiny's recommendations in relation to the original Cabinet decision should mitigate risk to the Council of adverse community reaction and/or negative media coverage in relation to its use of public funds.

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."