

ENVIRONMENTAL & PUBLIC PROTECTION SCRUTINY COMMITTEE

15TH JANUARY 2018

PRESENT: Councillor J.D. James (Chair)

Councillors:

J.A. Davies, P.M. Edwards, A.L. Fox, T.M. Higgins, T.A.J. Davies, A. Vaughan Owen, J.S. Phillips and D. Thomas.

Councillor K.V. Broom – Substitute for Councillor A. Davies;
Councillor W.T. Evans - Substitute for Councillor S.J.G. Gilasbey;
Councillor J.K. Howell – Substitute for Councillor B.D.J. Phillips;

Also in attendance:

Councillor P.M. Hughes, Executive Board Member for Public Protection.

The following Officers were in attendance:

R. Mullen, Director of Environment;
J. Fearn, Head of Property;
A. Williams, Head of Waste and Environmental Services;
S.E. Watts, Environmental Protection Manager;
K. Davies, Sustainable Development Manager;
D.W. John, Waste Services Manager;
K. Thomas, Community Safety Manager;
R. James, Group Accountant;
N. Evans, Corporate Energy Officer;
J. Owen, Democratic Services Officer.

Chamber, 3 Spilman Street, Carmarthen – 10:00am - 12:05pm

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A. Davies, S.J.G. Gilasbey, A. James, B.D.J. Phillip, A.D.T. Speake and H.A.L. Evans [Executive Board Member for Environment].

2. DECLARATIONS OF PERSONAL INTEREST

Councillor	Minute Item(s)	Nature of Interest
K.V. Broom	8 - Air Quality Management Area (AQMA) Annual Update	Her husband works for National Resources Wales
D. Thomas	10 – Environmental and Public Protection Scrutiny Committee Actions Update	Owens land in which a public footpath crosses

3. DECLARATIONS OF PROHIBITED PARTY WHIPS

There were no declarations of prohibited party whips.

4. PUBLIC QUESTIONS (NONE RECEIVED)

The Chair advised that no public questions had been received.

5. FUTURE WASTE TREATMENT AND DISPOSAL ARRANGEMENTS

The Committee received for consideration a report on the future waste treatment and disposal arrangements which included an outline of the progress that has been made throughout the County.

Members noted that the Council's current waste and recycling services were delivered by CWM Environmental. The company was established in 1997 as a Local Authority Waste Disposal Company (LAWDC) for the Council. However, in March 2015 the council's fifteen year contract with CWM ended, and a three-year bridging extension was granted to extend the contract up until March 2018. The Council was now in the latter stages of exploring its options for establishing its future waste management arrangements.

The report provided an overview of the process to date and included a detailed analysis of an options appraisal which was conducted at a strategic level. Members noted that the options appraisal found that there were several advantages to using a Teckal approach for the procurement of the Council's new waste treatment contract. Based on the results of the options appraisal, a business case had been developed for the preferred option. The business case methodology was included within the report.

The Head of Waste and Environmental Services highlighted to the Committee that since the production of the report, the Governance Proposals section had been updated to include the Executive Board Member for Environment within the proposed membership for the Council Shareholder Board. In addition, the proposed membership for the Teckal Company Board had been updated to include 2 x independent non-executive Directors.

As set out in the report, the Waste Services Manager explained the next steps and stated that during the development of the options appraisal and business case, the Council had benefited from external technical, legal and financial advice to that end, the move into the implementation stage for the new Teckal company was recommended.

The following questions/issues were raised on the report:-

- In response to a query, the Head of Waste and Environmental Services stated that Cwm Environmental was actively competing for external contracts with recent contract awards from other Local Authorities including the treatment of waste from Swansea Council's Garden Waste Collection scheme.
- Arising from the above an additional query was raised regarding benchmarking, the Head of Waste and Environmental Services explained that the difficulties of benchmarking against other businesses due to the nature and number of services provided and the existence of cross-unit arrangements in relation to funding. The Director of Environment added that outside contract arrangements effectively reduced organisational risk and looking forward, additional statistical work would be required to determine 'best value' and as a company seek to gain best advantage.
- It was asked if the company would compete fairly with the private sector. The Director of Environment agreed that this was an important factor and reassured the Committee that the business case would incorporate salient aspects in order to protect local businesses and jobs.
- Following a query regarding interim arrangements, the Waste Services Manager stated that the new arrangements were planned to start in April 2018. In addition, the Director of Environment reported that following legal advice, and by the nature of a Teckal business there would be no obligation to go through a procurement process, thus enabling a speedy process.
- It was commented that none of the profits made by Cwm Environmental had been returned to the Council. The Head of Waste and Environmental Services explained that Cwm Environmental was currently trading as an arm's length company which enabled the Authority to benefit from the profit made through the investment in infrastructure that works towards increasing the Council's recycling performance.
- Reference was made to the Business Case Methodology section of the report. It was commented that whilst it was suggested within the report to proceed with the 'Moderate Business Growth' scenario, it was felt that the 'Ambitions Business Growth' scenario would be the best fit. The Head of Waste and Environmental Services explained that having regard to the regional potential and the given time constraints along with the uncertainty of the waste market the 'Moderate Business Growth' scenario would provide a more suitable basis for a business plan in the short term with an appropriate level of ambition in future years.
- A comment was raised that in previous years, it had been identified that waste lorries from both the Council and Cwm Environmental were collecting from the same places, which was deemed as a waste of resources. The Head of Waste and Environmental Services stated that this scenario would often occur as the both the Council and Cwm Environmental were in direct competition, this would reduce as a result of future arrangements.

- In response to a query, the Director of Environment stated that she had confidence in the operations delivered and that the public would not be impacted upon during the cross-over period.
- It was asked if the North of the County would see an improvement in waste services following the formation of the new Teckal Company. The Head of Waste and Environmental Services stated that any identified improvements required would be included as part of a forward planning strategy.
- With regard to the news on China's ban on imported plastic, it was asked how this would impact the waste recycling service in the future. The Head of Waste and Environmental Services stated that China would be stopping imports of mixed paper and plastic bottles waste from early next year. The ban would affect all Authorities and that a collaborative approach would be investigated in due course.
- Confirmation was sought regarding the transfer of all employees' contracts. The Director of Environment confirmed that with the caveat of taking legal advice, TUPE regulations did not apply to this arrangement and that all staff terms and conditions would remain the same. Furthermore, any new employees would be employed under the Teckal Company's terms and conditions.

UNANIMOUSLY RESOLVED:

- 5.1 to receive the future waste treatment and disposal arrangements;**
- 5.2 that the outcome of options review for future waste treatment and disposal services be noted;**
- 5.3 that the current development of business case for the preferred option be noted;**
- 5.4 that the next steps for project delivery be noted.**

6. GARDEN WASTE SCHEME

The Committee received for consideration a report on the Garden Waste Scheme. The report provided a summary of the position and outcomes from the first year of the separate chargeable Garden Waste service and set out the arrangements and operational delivery for the scheme for 2018-19.

The Committee noted that the garden waste collection service had been well received with approximately 2500 bins requested with 2400 customers signing up in the first year of operation. The majority of customers signed up online and benefited from a cost reduction of 15%.

The report provided a detailed analysis of the first year operation along with the proposal for year two (2018/19).

The following questions/issues were raised on the report:-

- With regard to the potential increase in compost generated across the County, it was asked if there were any figures available on the actual compost generation. The Head of Waste and Environmental Services stated that he didn't have any figures available, however, the new Teckal Company would need to research the market and look to seek future arrangements for the outputs arising from the composting of grass and food waste.
- A comment was raised regarding the lack of provision available for members of the public who were unable to use wheelie bins, this was evident within the analysis of the low number of hessian sacks used. The Head of Waste and Environmental Services acknowledged that the scheme could not be made available to all members of the public where access is difficult and that the hessian sacks do not provide a viable long term solution to this problem. The Council would continue to review alternative options.
- The Director of Environment took this opportunity to remind Members that garden waste service was a discretionary service which the Authority were not obligated to provide, hence the charge for the service.
- Reference was made to the other Authorities which have operated garden waste services for a number of years and their customer base which would equate to 7,400 households in Carmarthenshire. It was asked how the department was going to set out reaching this number of households. The Head of Waste and Environmental Services stated that whilst there would be logistical difficulties he was comfortable with the 7,400 households as a comparator, however, the target for this service would be to breakeven in 2 to 3 years' time with a customer base of approximately 5,000.
- In order to provide more information, the Director of Environment offered to share the initial business case item with members in order to compare with actuals as they come through. The general consensus of the Committee felt that this would be beneficial.
- In response to queries raised regarding charges, the Head of Waste and Environmental Services stated that they were only able to charge for the collection and not for the treatment of waste. Furthermore, the Committee was informed that that charges had increased by 3% due to inflation costs.

UNANIMOUSLY RESOLVED that:

- 6.1 the report on Garden Waste Scheme be received;**
- 6.2 the proposals set out within the report be noted.**

7. REVENUE AND CAPITAL BUDGET MONITORING REPORT 2017/18

The Committee considered the Revenue and Capital Budget Monitoring Report as at 31st October 2017 in relation to the 2017/18 financial year. The report provided members with budget monitoring information for the Environment Service, Public Protection Service and the Community Safety Service and considered the budgetary position. In summary, the revenue budget for the services within the Environment and Public Protection Scrutiny remit were forecasting a £227k overspend.

Whereas, the main variances on capital schemes showed a forecasted net spend of £10,982k compared with a working net budget of £11,651k giving a £-669k variance.

The following issues were raised during consideration of the report:-

- Reference was made to Appendix B. In relation to the underspend within the Public Rights of Way department, it was asked when vacant positions would be filled. The Director of Environment stated that recruitment and backfilling of posts were currently taking place at the same time. However, additional work was ongoing with regard to the rationalising services with Communities department which was anticipated to be completed by next quarter.
- A comment was raised regarding the demand for industrial premises throughout the countryside and that due to the lack of available premises there was currently a heavy reliance on private companies providing such amenities, which was disadvantageous. The Head of Property stated that there was 100% occupancy of all industrial premises within Carmarthenshire and there was a lengthy waiting list. Members were informed that a significant number of industrial units were located within Glanamman and additional units have been built in other areas including Beechwood and Llandeilo. Furthermore, as new funding streams emerge it was hoped to provide additional industrial spaces.

UNANIMOUSLY RESOLVED that the report be received.

8. AIR QUALITY MANAGEMENT AREA (AQMA) ANNUAL UPDATE

The Committee considered the Update on Current Air Quality Management Area (AQMA) in Carmarthenshire. The Committee noted that the Environment Act 1995 placed a duty on local authorities to assess and manage air quality in its area.

The report provided the Committee with a detailed update of the levels of NO² specifically within the town of Llandeilo and areas of Carmarthen and Llanelli which had experienced increasing levels of NO² over the last few years.

The following issues were raised in relation to the report:

- Reference was made to 2.3 of the report. Confirmation was sought in relation to the provision of a by-pass for Llandeilo. The Environmental Protection Manager confirmed that the Welsh Government were hosting a workshop on 16th January 2018 in order to find a way forward. The Director of Environment added that Highways Officers had been lobbying hard to ensure that the process was proceeding speedily.
- In order to provide information on the current air quality in an interactive way, it was suggested that social media platforms and text facilities could be utilised to post NO² results. The Environmental Protection Manager acknowledged that whilst this was a good suggestion, due to the method of collection, the data was only collated on a monthly basis and therefore would not be available for 'live' or 'current' updates. An additional suggestion was raised whereby working collaboratively with the Public Service Board could generate more innovative outcomes. The Environmental Protection Manager stated that the team had previously worked with Public Health Wales and that there may be scope to work with Swansea University as they had necessary specialist equipment and were currently working with individuals with respiratory problems.
- Strong concern was raised regarding the significant congestion problems caused by the new traffic light system on Sandy Road, Llanelli. The Director of Environment explained that the new traffic signals had been designed to detect approaching traffic flows on each arm of the junction and optimise signal timings to minimise congestion. The Director of Environment stated that she would ask the Head of Highways and Transportation to discuss the issue further with the local member.
- With regard to the ongoing traffic problems on Sandy Road, Llanelli concern was raised that the NO² levels in that area could be raised as a result of the congestion. The Environmental Protection Manager confirmed that this was included on the action plan and regular monitoring was ongoing.
- Reference was made to section 3.3 of the report which stated that as part of the Action Planning process, work was being undertaken with a primary school in the Carmarthen area to monitor and assess Air Quality within the school grounds. A query was raised with regard to extending the monitoring work with schools in the Llanelli area. The Environment and Protection Manager stated that arrangements were currently being made to discuss proposals for monitoring Air Quality within the school grounds of a primary school in Llanelli which would mirror the project currently being undertaken in Carmarthen schools.

UNANIMOUSLY RESOLVED that the report be received.

9. COUNCIL'S ENERGY CONSUMPTION

The Committee, at its meeting held on the 17th November, 2017 resolved to receive a report on the Council's energy consumption [minute 10 refers]. In response to the request the Committee received the report which provided information on the energy consumption in the Council's non-domestic buildings and included details on:-

- Performance Measures
- Energy Efficiency programmes
- New Build Programme
- Opportunities for renewable energy

The Committee thanked Officers for producing a clear and informative report.

The following issues were raised in relation to the report:

- Clarification was sought as to what the targets were. The Head of Property stated that currently no targets had been set by the Welsh Government or internally, however the team was proactive in their work and strived to be ahead of the game and seek ways to further reduce our energy consumption. The Sustainable Development Manager added that any opportunities to improve would be researched and considered. The Corporate Energy Officer added that it was important to remember that energy efficiency measures, although perhaps less glamorous than renewables, were also essential.
- With regard to the amount of electricity and having regard to the current financial austerity, assurance was sought that in the Council were receiving the best possible deal. The Sustainable Development Manager reassured members that all electricity procured through the National Procurement Service (NPS) was from renewable energy sources and that it was the best possible price.
- In response to a query raised in relation to providing renewable energy to old buildings, the Sustainable Development Manager explained that old buildings were a challenge, all basic measures were being carried out in order to realise a reduction in energy. The Corporate Energy Officer mentioned the challenges raised by Listed Building status and but added that by fitting draught exclusion systems and removing fan heaters savings had been made.

UNANIMOUSLY RESOLVED that the report be received and noted.

10. ENVIRONMENTAL & PUBLIC PROTECTION SCRUTINY COMMITTEE ACTIONS UPDATE

The Committee received a report detailing the progress achieved in relation to actions, requests or referrals emerging from meetings since 2nd October 2017.

UNANIMOUSLY RESOLVED that the report be received.

11. REFERRAL FROM POLICY AND RESOURCES SCRUTINY COMMITTEE- TOWY VALLEY CYCLE PATH EXPENDITURE

The Committee was advised that the Policy and Resources Scrutiny Committee, at its meeting on 6th December 2017, had following consideration of the Corporate Asset Management Plan and Officer Accommodation Strategy Update, resolved “that the Environment and Public Protection Scrutiny Committee be requested to scrutinise expenditure on the proposed Towy Valley Cycle Path.”

In order that the Committee could undertake the request, a report providing detailed information on the expenditure of the proposed Towy Valley Cycle Path was requested to be submitted to the next meeting.

UNANIMOUSLY RESOLVED that a report on the expenditure of the proposed Towy Valley Cycle Path be submitted to the next meeting.

12. FORTHCOMING ITEMS

The Committee considered the list of forthcoming items for the meeting scheduled to take place on the 2nd March 2018 and was afforded the opportunity to request for information to be placed in to the reports.

Members noted that due to an administrative error, the Highway Footway and Road Safety Investment Programme Update due to be considered at this meeting would now be brought before the Committee at the next meeting.

Due to the high volume of items scheduled to be considered at the meeting on 2nd March 2018 and to ensure that Members to continue to provide an effective scrutiny function, it was proposed that an additional Committee meeting be arranged in February 2018 and that some items on the forthcoming items list be brought forward.

UNANIMOUSLY RESOLVED that:-

12.1 the list of forthcoming items to be considered at the next scheduled meeting on the 2nd March 2018 be noted;

12.2 an additional Environmental and Public Protection Scrutiny Committee be arranged in February 2018.

13. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON THE:-

13.1. 17TH NOVEMBER 2017

RESOLVED that the minutes of the Environment and Public Protection Scrutiny Committee held on the 17th November, 2017 be signed as a correct record.

13.2. 11TH DECEMBER 2017

RESOLVED that the minutes of the Environment and Public Protection Scrutiny Committee held on the 11th December, 2017 be signed as a correct record.

CHAIR

DATE