

# ENVIRONMENTAL & PUBLIC PROTECTION SCRUTINY COMMITTEE

16 NOVEMBER 2018

**PRESENT:** Councillor J.D. James (Chair)

**Councillors:** J.A. Davies, P.M. Edwards, A.L. Fox, S.J.G. Gilasbey, T.M. Higgins, A. James, A.D.T. Speake, T.A.J. Davies, A. Vaughan Owen, B.D.J. Phillips and J.S. Phillips.

**Also in attendance:**

Councillor T. Evans – Substitute for Councillor D. Thomas;  
Councillor H.A.L. Evans, Executive Board Member for Environment;  
Councillor P.M. Hughes, Executive Board Member for Public Protection.

**The following Officers were in attendance:**

S. Pilliner, Head of Transportation & Highways;  
J. Morgan, Acting Head of Homes & Safer Communities;  
S.E. Watts, Environmental Protection Manager;  
R. James, Group Accountant;  
C. Ferguson, Countryside Access Officer;  
J. Owen, Democratic Services Officer.

**Chamber, 3, Spilman Street, Carmarthen – 10:00am - 11:30am**

**1. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor D. Thomas.

**2. DECLARATIONS OF PERSONAL INTEREST INCLUDING ANY PARTY WHIPS ISSUED IN RELATION TO ANY AGENDA ITEM.**

Councillors	Minute Item	Nature of Interest
A. James; A. Davies; T. Evans; J.A. Davies; B.D.J. Phillips	4 – Management of Motorised Traffic on Public Rights of Way	Owns land in which a public right of way crosses

There were no declarations of prohibited party whips.

**3. PUBLIC QUESTIONS (NONE RECEIVED)**

The Chair advised that no public questions had been received.

#### 4. MANAGEMENT OF MOTORISED TRAFFIC ON PUBLIC RIGHTS OF WAY

(NOTE: Councillors A. James, A. Davies, T. Evans, J.A. Davies and B.D.J. Phillips had earlier declared a personal interest in this agenda item but remained seated throughout the consideration of this item.)

The Committee at its meeting held on the 29<sup>th</sup> June, 2018, gave consideration to a Scrutiny Topic Suggestion received from Myddfai Community Council (Minute 11 Refers) in which the Committee duly accepted and requested a report to be submitted for consideration.

In accordance with that recommendation, the Committee received a report on the Management of Motorised Traffic on Public Rights of Way which outlined how the Council's Countryside Access team currently manage the use of the County's Public Rights of Way (PRoW) network by Motorised Vehicles.

The Committee noted that the suggested topic submitted by Myddfai Community Council was requested following regular reports of unlawful use of footpaths and bridleways by motorbikes and 4x4's in the Myddfai area. The Community Council had anticipated that methods of monitoring and control of the issue raised could come from a review of the subject.

The report highlighted the problem of unlawful use of the PRoW network in the County by motorised vehicles and the actions taken by the Authority in order to prevent it.

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

- It was asked, who would be liable in the event of an accident on a PRoW? The Countryside Access Officer explained that in the case of Byways Open to all traffic the Authority would be liable if it was proved that the accident occurred due to a surface defect. However, in the case of Bridleways and Footpaths there is often shared responsibility for the surface as these PRoWs often follow existing farm tracks, in these circumstances the initial claim would normally be received by the Authority who may, depending on the cause of the accident, then refer to the landowner for their public liability insurance to manage.
- In response to a query regarding the legal width of a PRoW, the Countryside Access Officer stated that occasionally PRoW widths are recorded in the Definitive Statement, providing a legal record of individual PRoW widths, however, this is often not the case. If there is no available legal record the physical habitual width is identified and used to define route width. If no physical boundaries or features exist to define habitual width, all available historical mapping and written records are reviewed in order to establish the legal width of a PRoW.
- It was asked, if farmers could request for a temporary closure of a PRoW during the lambing period? The Countryside Access Officer explained that there is no provision under the available legislation to close PRoWs for the purposes of lambing. Typically, the farmers would manage the lambing period by using appropriate fencing and signage. Furthermore, upon request the Authority may be able to contribute by providing signage to farmers obtained from the National Farmers Union.

- Following a comment raised regarding the difficulties of policing and convicting persons on a PRow, a query was raised regarding the use of CCTV. The Countryside Access Officer stated that whilst the Local Authority would not be able to install CCTV on private land, there were allowances for landowners to install their own CCTV. However, it was advised that landowners contact the Authority to obtain the most current legal advice prior to installing any CCTV system.
- It was asked, how would a landowner know if there was a PRow crossing their land? The Countryside Access Officer explained that the Definitive Map and Statement (DMS) is held in the office of the Countryside Access team. The DMS is the conclusive legal record of all PRow in the County and any landowner can contact the Countryside Access team and they would be able to clarify the alignment and status of any PRow affecting their land.
- In response to a further query regarding insurance and liability, the Countryside Access Officer clarified that the Authority has statutory maintenance responsibilities in respect of the surface of PRows, occasionally shared as previously explained. All PRow furniture e.g. stiles and gates, from a legal stance are the responsibility of the landowner with the Authority having an obligation to contribute 25% towards the cost of furniture maintenance. Until recently, with more resources and the availability of external funding the Authority has largely covered the cost of furniture installations on behalf of the landowner. This has helped to open up the network, maintain good relationships with landowners and ensured good quality, accessible furniture is installed. With the changes to available resources this is unlikely to continue and the Authority may have to adhere to their statutory maintenance responsibilities only.
- In response to a query, the Countryside Access Officer stated that a Public Right of Way is the legal term that encompasses footpaths, bridleways, byways open to all traffic (BOAT) and restricted byways. Furthermore, whilst the term 'Green Lane's is commonly used as a descriptive term, in legal terms it did not exist.
- In response to a concern raised regarding the lack of funding to manage PRow's, the Head of Transportation & Highways explained that the Authority could only lobby the Welsh Government for its own areas of responsibility and similarly, if there was an issue with private land, the individual landowner would be responsible for seeking any additional funding by writing to the Welsh Government.

**UNANIMOUSLY RESOLVED that the report on the Management of Motorised Traffic on Public of Rights of Way be noted.**

## **5. ENVIRONMENTAL & PUBLIC PROTECTION SCRUTINY COMMITTEE ANNUAL REPORT 2017/18**

The Committee received an Annual Report for its work during the 2017/18 municipal year which had been prepared in accordance with Article 6.2 of the County Council's Constitution. The report provided an overview of the work programme and the key issues considered by the Committee. It also detailed the development sessions held for members as well as their attendance at committee meetings.

The Chair informed the Committee that the final report would include a tribute to the Committee's Vice Chair, Cllr. Alun Davies, who after a period of illness had passed away earlier this year. Alun gave valuable contribution to the Committee and would be missed by all.

The Chair took the opportunity to extend his thanks to Councillor Hazel Evans, Executive Board Member for Environment and Councillor Philip Hughes, Executive Board Member for Public Protection for their support throughout the year.

The Executive Board Member for Environment expressed her appreciation to all members of the Committee for their commitment and hard work as demonstrated throughout the Annual Report.

**UNANIMOUSLY RESOLVED that the report be received.**

## **6. SERVICE DELIVERY PLAN 2018/19 - ENVIRONMENTAL PROTECTION**

The Committee received a report which included the Environmental Protection Services Delivery Plan for 2018/19. The Plan outlined the Council's service aims and objectives providing links to the corporate objectives and plans. Appended to the report was an Executive Summary of the plan.

The Plan provided the scope and demands of the Environmental Protection Services and illustrated the demands and challenges on the service and how these would be positively addressed in 2018/19.

The Committee noted that the Environmental Protection Section was required by the Food Standards Agency and the Health and Safety Executive to produce an annual Service Delivery Plan.

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

- In response to a query raised in relation to the monitoring of premises who have been successful in obtaining a 5 star rating, the Environmental Protection Manager explained that the current monitoring process required each business with a 5 star hygiene rating to complete a questionnaire every 3 years as these are low risk premises. In addition, low risk premises could be subject to an inspection following receipt of a complaint or any other reason which may determine a re-visit.

- Reference was made to the food rating inspection programme table for 2017/18 on page 13 of the plan. An explanation of the categories A-E within the table was requested. The Environmental Protection Manager explained that premises liable for food safety inspections were risk assessed and that the risk assessment category shown in the table dictated the frequency and level of inspection they receive. It was explained that category A included businesses with the lowest food hygiene rating which would require a visit every 6 months, leading up to Category E with the highest food hygiene rating which only required a visit every 3 years.
- Reference was made to the rise in the number of reports of fly tipping, as demonstrated in the graph on page 28 of the plan. It was asked if the increase was attributed to the closure of recycling centres thus causing an increase in public complaints. The Environmental Protection Manager explained that the number of complaints recorded in the graph were fly tipping cases reported on private land only. In addition, whilst currently there was no evidence to suggest that the closure of the recycling centres coincide with the increase, this will be monitored as more evidence is gathered.
- Reference was made to the Air Quality Management Area (AQMA) set out on page 23 of the plan. It was asked, if working with local Eco-school co-ordinators in AQMA's was the best method to raise awareness of poor air quality. The Environmental Protection Manager explained that the intention was to work towards educating children which in turn would inform the parents. Other initiatives were in place including links with the charity 'Walkstreets' which by using a mobile app and a points scoring system could raise money for the school. This was currently in place in Johnstown primary school.

The Head of Transportation and Highways added that through education and working with schools in order to encourage behavioural change, together with the National Policy to improve travel plans it was hoped that the aim to improve air quality for the future would be achieved.

The Executive Board Member for Environment stated that with the assistance of the Council's Road Safety team, schools were encouraged to launch a 'walking bus', which provided a safe means for children to travel to school whilst reducing the number of vehicles at the school gates which pose a safety and environmental problem. All Councillors were encouraged to consider this option for the schools within their areas.

**UNANIMOUSLY RESOLVED TO RECOMMEND TO THE EXECUTIVE BOARD that the Service Delivery Plan – Environmental Protection 2018/19 be approved.**

## 7. REVENUE & CAPITAL BUDGET MONITORING REPORT 2018/19

The Committee considered the Revenue and Capital Budget Monitoring Report as at 31<sup>st</sup> August in respect of the 2018/19 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 £307k overspend.

Whereas, the main variances on capital schemes showed a forecasted net spend of £16,368k compared with a working net budget of £16,470k giving a £-102k variance.

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

- Reference was made to the forecasted variance for car parks and the comment: 'unachievable income targets as the income target is increased every year but parking fees have not been increased.' The Executive Board Member for Environment confirmed that car parking charges had not increased for the last 4 years. It was commented that it was difficult to understand the logic in raising the income targets whilst the car parking charges had not been increased.
- In response to a query relating to free car parking incentives, the Executive Board Member for Environment stated that the 180k received from Welsh Government had enabled the Council to undertake a trial period of free car parking during off-peak times on particular days, in an attempt to shift the pattern of the daily standard footfall. Furthermore, it was hoped that the incentive of free car parking would encourage more people to shop in the area. A review would take place following the completion of the trial period at the end of January 2019.

It was asked how the free car parking incentives were being promoted? The Executive Board Member for Environment stated that promotion would include regular press releases throughout the trial period, advertising in newspapers, notices in car parks and information would be provided on the Council website and social media. The Executive Board Member for Environment encouraged all Councillors to help publicise free car parking by sharing the Council's social media and promote by word of mouth.

**UNANIMOUSLY RESOLVED that the report be received.**

## 8. 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 18<sup>th</sup> May 2018.

**RESOLVED that the report be received.**

## 9. FORTHCOMING ITEMS

The Committee received the forthcoming items for the next meeting scheduled to take place on 10<sup>th</sup> December 2018.

Reference was made to the recent work of the Task and Finish review on the maintenance provision of highway hedgerows and verges. In view of the information gained in respect of conservation and biodiversity, it was deemed that a seminar on conservation and biodiversity would be beneficial for all members.

The Executive Board Member for Public Protection, as Biodiversity Champion, emphasised the importance of conservation and biodiversity and agreed that a member seminar would be informative and educational.

### UNANIMOUSLY RESOLVED:

**9.1 that the list of forthcoming items for the meeting of the Committee to be held on the 10<sup>th</sup> December, 2018 be received;**

**9.2 that a member seminar on conservation and biodiversity be arranged.**

## 10. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON THE 1ST OCTOBER 2018

**RESOLVED that the minutes of the Environment and Public Protection Scrutiny Committee held on the 1<sup>st</sup> October, 2018 be signed as a correct record.**

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CHAIR

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DATE