

ENVIRONMENTAL & PUBLIC PROTECTION SCRUTINY COMMITTEE

15 NOVEMBER 2019

PRESENT: Councillor J.D. James (Chair)

Councillors: J.M. Charles, T.A.J. Davies, J.A. Davies, K. Davies, S.J.G. Gilasbey, E. Morgan and A. Vaughan Owen.

Councillor W.T. Evans - Substitute for Councillor S. Phillips;
Councillor K.V. Broom – Substitute for Councillor A.D.T. Speake;
Councillor D.M. Cundy - Substitute for Councillor T. Higgins;
Councillor K. Lloyd - Substitute for Councillor P. Edwards;
Councillor M.J.A Lewis - Substitute for Councillor B.D.J. Phillips;
Councillor E. Williams - Substitute for Councillor D. Thomas.

Also in attendance:

Councillor H.A.L. Evans, Executive Board Member for Environment;
Councillor P.M. Hughes, Executive Board Member for Public Protection;
Councillor C.A. Campbell, Executive Board Member for Communities and Rural Affairs.

The following Officers were in attendance:

J. Fearn, Head of Property;
J. Morgan, Head of Homes & Safer Communities;
R. Carmichael, Rural Conservation Manager;
K. Davies, Sustainable Development Manager;
R. Edmunds, Consumer and Business Affairs Manager;
J Tillman, Information Governance and Complaints Manager;
A. Thomas, Business and Regulation Lead, Communities;
J. Owen, Democratic Services Officer.

Chamber, County Hall, Carmarthen. SA31 1JP: 10:00am - 11:55am

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P. Edwards, T. Higgins, B.D.J. Phillips, S. Phillips, A.D.T. Speake and P. Edwards.

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

There were no declarations of interest.

3. PUBLIC QUESTIONS (NONE RECEIVED)

The Chair advised that no public questions had been received.

4. **CLLR J. JAMES - SCRUTINY AGENDA ITEM REQUEST - DOG BREEDING IN CARMARTHENSHIRE**

The Committee received a report on Dog Breeding in Carmarthenshire. The report was received in addition to the Committee's Forward Work Programme following a request from Councillor J. James under Scrutiny Procedure Rule 10 (1).

Councillor James explained that following the recently aired BBC documentary investigating the puppy farming industry (October 2019), it was necessary to request a report in order to gain information on this very emotive matter.

The Executive Board Member for Public Protection presented the report to the Committee which provided information in relation to the current position of the licensing of dog breeding in Carmarthenshire and the approach taken.

In addition, the report explained the level of pro-active regulation and enforcement that had taken place, how the Councils approach had evolved and future challenges. Information on how the Council continued to improve standards at licensed breeders and where best to target resources in future was included.

The following queries were raised in relation to the report:-

- In response to a query regarding the reviews outlined in the report, the Head of Homes & Safer Communities clarified that reviews took place as part of an ongoing process to improve, ensure clarity in approach and target resources appropriately. The Committee were assured that any recommendations arising from reviews would be part of a comprehensive consultation.
- Reference was made to the current approach in relation to undertaking proactive internet visits/monitoring. The Executive Board Member for Public Protection explained that Officers monitor social media daily and investigated any suspicious activity. The Consumer and Business Affairs Manager further explained that whilst monitoring social media and the internet was prevalent, other proactive work assisted in actively seeking sellers, this included partnership working and working closely with bordering Local Authorities in order to share information.
- Reference was made to the Authority only having 2 dedicated officers to all manage all elements of work to include the inspection and regulation of boarding kennels. It was echoed from the report with strong concern that this number of dedicated resources would not be enough to meet public expectation of the service in regulating such a dynamic and complex industry. The Executive Board Member for Public Protection acknowledged the concern and stated that resources were being reviewed to ensure that priorities were being achieved within designated timeframes.

- In response to a query regarding checking private back gardens for illegal dog breeding, the Consumer and Business Affairs Manager stated that Local Authority Housing Officers assist by checking as part of their inspection programme. It was acknowledged that private properties were being used to trade in dog breeding however, a number of legal constraints existed and that the only way to enter suspected private properties was to present a warrant, required from the magistrates court, which was a challenging and often stressful process.

The Consumer and Business Affairs Manager, in response to a further query reported that Officers and the Executive Board Member for Public Protection were working closely in order to improve the situation. A letter had been sent to the Welsh Government both from the Authority and as part of a Welsh Regional basis to express concerns. It had been reported that the Welsh Government were currently forming a Task and Finish Group to investigate this matter.

- With reference to the 'Buy with Confidence' scheme, it was commented that the public should be encouraged to only purchase dogs from dog breeders who were a member of the scheme. The Executive Board Member for Public Protection agreed and stated that the Authority was actively encouraging known dog breeders to join the scheme which provided assurance to the public that the breeders were trading fairly. Every business listed with the scheme had undergone a series of detailed checks by professionally qualified Trading Standards staff before being approved as a member of the scheme.
- Reference was made to the new legislation known as 'Lucy's Law' which meant that puppies and kittens could no longer be sold by a third party seller, clarification was sought if the legislation applied to backstreet sellers? The Business and Regulation Lead stated the legislation would not be coming into effect in England until April 2020, any Welsh requirements were yet to be decided, as such it was uncertain to state exactly what would be covered until this time.
- Appreciation was expressed to the Officers for the work they undertake and for producing an informative report. It was commented that whilst acknowledging the emotive and controversial nature of the matter, it was felt that this matter warranted further review.

It was therefore proposed that the Environmental and Public Protection Scrutiny Committee further consider this matter by undertaking an investigative scrutiny review. This was seconded.

The Executive Board Member for Public Protection stated that a review would be welcome, however raised concern in relation to the timing of a review as currently there were a number of on-going evolving sensitive cases. The Consumer and Business Affairs Manager suggested that it could be beneficial for a review to consider the processes and constraints both locally and nationally.

In view of the Officers comments, the Chair felt that it would be beneficial to review this subject by means of a Task and Finish, therefore made an amendment to the proposal that dog breeding in Carmarthenshire be the subject for Committee's next Task and Finish review. The amendment was seconded.

UNANIMOUSLY RESOLVED that:

- 4.1 the report on Dog Breeding in Carmarthenshire be received;**
- 4.2 dog breeding in Carmarthenshire be the subject for Committee's next Task and Finish review.**

5. COMPLIMENTS AND COMPLAINTS ANNUAL REPORT 2018/19

The Committee considered the Council's Annual Complaints and Compliments report for the period 2017/18 with specific attention having been paid to Section 10.6 which was relevant to its remit.

It was noted the report detailed:-

- The numbers of complaints investigated and responded to between April 2018 – March 2019 by department.
- Statistics on communications received by the Complaints Team and redirected.
- Complaints determined by the Ombudsman.
- Analysis of complaints and compliments by department.
- Summary of councillor enquiries.

RESOLVED that the Complaints and Compliments Annual Report 2018/19 be received.

6. BUSINESS AND CONSUMER AFFAIRS ANNUAL REPORT 2018/19

The Committee received the Business and Consumer Affairs Services Annual Report for 2017/18 for consideration. The report provided Members with information and statistics on work undertaken by the Service in 2018/19.

The Committee noted that the Service consists of Trading Standards, Licensing and Animal Health Services.

UNANIMOUSLY RESOLVED that the Business and Consumer Affairs Services Annual Report 2018/19 be received.

7. REVIEW OF CARMARTHESHIRE COUNTY COUNCIL'S ENVIRONMENT (WALES) ACT FORWARD PLAN 2016-2019

The Committee received a review the Carmarthenshire County Council's Environment (Wales) Act Forward Plan 2016-2019 for consideration following its first publication in 2017. The review demonstrated how the Council was meeting its legal obligation with reference to the Act.

In order to evidence delivery of this duty, under the Environment Act, it was a statutory duty that all public bodies in Wales must prepare and publish a plan on how they intended to comply with the Biodiversity and Resilience of Ecosystems Duty by March 2017.

Members noted that Carmarthenshire's approach to developing and delivering its Forward Plan had involved engagement with officers in looking at their working practices, plans and projects whilst assisting them in identifying present opportunities for maintaining and enhancing biodiversity and promoting ecosystem resilience, alongside the delivery of their other obligations and objectives.

The following queries were raised in relation to the report:-

- In response to a query in relation to the cost of managing the Ash Dieback disease, the Rural Conservation Manager explained that it was not possible to estimate a cost as there was still a significant amount of work to be undertaken. However, it was confirmed that the £300k assigned over the next 2 years for the management of the disease would be required. In order to manage and control the spread of disease, surveys were currently being undertaken in order to identify high risk areas in order to prioritise appropriate course of action and target resources effectively. The Rural Conservation Manager explained that infected trees were often marked with an orange ribbon.

In order to raise the awareness of the seriousness of this disease, it was suggested that a seminar for all members would be beneficial in order to explain significance of the Ash Dieback disease, how to identify it and the best course of action. Following this suggestion, it was proposed that an all-member seminar on the Ash Dieback disease be arranged. The proposal was duly seconded.

The Executive Board Member for Public Protection explained that an ash dieback working group had been set up and a communications plan was currently being developed in order to raise awareness of the disease. Additionally, a web page was being developed which would include guidance and advice for landowners.

Furthermore, the Rural Conservation Manager added in order to ensure consistent messages were being delivered a 'Frequently Asked Questions' was being developed in association with the NFU, NRU and CLA, a toolkit designed by the Tree Council was being utilised and necessary liaison work was being undertaken with landowners adjacent to highways.

- Reference was made to the current work undertaken with schools (reference number PIMS 1304, page 11 of the report). A query was raised in relation to Johnstown school being the only school mentioned in the Plan. The Rural Conservation Manager stated that the team were constrained with term time, other pressing issues and lack of available resources. A suggestion was raised that the Council could utilise the Carmarthenshire outdoor Schools network in order to assist in getting information out to a wider network of schools. The Rural Conservation Manager took note of the suggestion.

UNANIMOUSLY RESOLVED that:

7.1 the review of Carmarthenshire County Council's Environment (Wales) Act Forward Plan 2016-2019 be received.

7.2 that a member seminar on Ash Dieback disease be arranged.

8. NET ZERO CARBON ACTION PLAN

The Committee considered a report and draft plan which outlined a route towards becoming a net zero carbon Local Authority by 2030. The Plan was developed in accordance with Council's unanimous decision on 20th February, 2019 [minute 7.1 refers] to support the Notice of Motion submitted by Cllr Aled Vaughan Owen:

“...we propose that Carmarthenshire County Council:

1. Declare a climate emergency
2. Commit to making Carmarthenshire County Council a net zero carbon local authority by 2030
3. Develop a clear plan for a route towards being net zero carbon within 12 months
4. Call on Welsh and UK Governments to provide the necessary support and resources to enable effective carbon reductions
5. Work with Public Services Board and Swansea Bay City Deal partners to develop exciting opportunities to deliver carbon savings
6. Collaborate with experts from the private sector and 3rd sectors to develop innovative solutions to becoming net zero carbon.”

The report recommended that a pragmatic approach be adopted which initially focused on the carbon emissions that were presently measured by the Council from non-domestic buildings, street lighting, fleet mileage and Business mileage.

The Executive Board Member for Communities and Rural Affairs emphasised that this approach would need to be sufficiently flexible in order to accommodate changing circumstances, including consideration of the reporting requirements yet to be introduced by Welsh Government as part of its ambition for a carbon neutral public sector by 2030.

It was emphasised that within the confines of the draft action plan, 'Net Zero Carbon' and 'Carbon Neutral' are inter-changeable and that the actions identified in the draft action plan would be reported on annual basis.

The Committee noted that whilst the preferred primary method of compensating for the Council's residual carbon footprint would be to significantly increase the amount of renewable energy generated, this would require significant financing. Therefore, it was essential to establish a robust business case for each potential renewable energy project.

The following matters were raised in relation to the report:-

- Concern was raised that the local electricity distribution network did not have sufficient capacity to enable the Council to pursue its aim of significantly increasing the amount of renewable energy generated on its land. The Executive Board Member for Communities and Rural Affairs reported that discussions had taken place with the Leader of the Council to gain a joint approach in order to lobby the electricity distribution network operator - Western Power Distribution - to gain additional capacity on the network.
- In response to a query regarding working in collaboration with Public Service Boards (PSB) the Sustainable Development Manager stated that in order to build upon previous joint working, Carmarthenshire PSB would be holding a workshop to establish how member organisations were responding to climate change, outlining current and planned activity within their organisations and to identify opportunities for collaboration across PSB partners. The Executive Board Member added that he was keen to work collaboratively with Public Service Board's with the intention of avoiding a duplication of efforts.
- In response to a comment raised in relation to the Councils electric charging provision within County owned carparks and staff carparks, the Sustainable Development Manager stated that funding for an additional 26 charging points had been secured. In addition, the Executive Board Member for Environment assured the Committee that the Council would continue to apply for grant funding for charging points annually.
- Reference was made to a recent conference organised by Head of Property, it was commented that as the content of the conference was very informative, it was suggested that this be simulated for the purposes of Elected Members. The Sustainable Development Manager agreed and stated that a workshop for all members would be organised in due course.
- In response to a query in relation to electric vehicles, the Executive Board Member for Environment stated that there were proposals to work with partners and agencies to create a more sustainable environment by way of a new infrastructure, including an investment in rapid charging points for electric vehicles. In addition, Members were informed that an electric refuse lorry was currently on trial and should this be successful, the Council's refuse fleet would be more energy efficient and environmentally friendly.
- The Sustainable Development Manager, in response to a query raised in relation to integration reported that draft templates for undertaking Integrated Impact Assessment on Council proposals and decisions had been agreed for a period of testing before the introduction during 2020. During the testing phase, the inclusion of Environment (Wales) Act 2016 impact assessment requirements would help to put climate change / carbon reduction within the DNA of the Council.

- Reference was made to the list of the Council's top energy consuming/carbon emitting buildings (2018/19) on page 4 of the report. Disappointment was expressed that Ysgol Bro Dinefwr was named in the top 10 particularly as it was a new modern building. The Sustainable Development Manager explained the school was included in the list due to it being a large substantial school with a high energy demand and the consumption measurement did not reflect the occupancy and floor area. Furthermore, Ysgol Bro Dinefwr hosted one of the Council's largest arrays of renewable energy technologies in terms of solar panels.
- With a view to relay the plan to communities, it was requested that a more accessible version be created including a version suitable for a young person to understand.

Committee Members expressed their gratitude to Officers for their hard work in developing the plan and for their commitment to deliver.

UNANIMOUSLY RESOLVED TO RECOMMEND TO EXECUTIVE BOARD that the draft Net Zero Carbon Plan be endorsed.

9. FORTHCOMING ITEMS

The Committee considered the list of forthcoming items for the meeting scheduled to take place in December, 2019 and was afforded the opportunity to request for information to be placed in to the reports.

Members noted that the Budget Monitoring 2019/20 report (Period from April 2019 to August 2019) had been circulated to all Committee Members by e-mail on 4th November, 2019 at the Chairs request, to reduce the number of items for consideration on today's agenda.

There were no comments/queries/concerns raised in relation to the circulated Budget Monitoring 2019/20 report (Period from April 2019 to August 2019).

UNANIMOUSLY RESOLVED that:

- 9.1 the list of forthcoming items be received;**
- 9.2 the updated Forward Work Programme be noted.**

10. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON THE 30TH SEPTEMBER 2019

RESOLVED that the minutes of the Environment and Public Protection Scrutiny Committee held on the 30th September, 2019 be signed as a correct record.

CHAIR

DATE