

ENVIRONMENTAL & PUBLIC PROTECTION SCRUTINY COMMITTEE

7 MARCH 2022

PRESENT: Councillor J.D. James (Chair)

Councillors:

J.M. Charles, T.A.J. Davies, J.A. Davies, K. Davies, S.J.G. Gilasbey, T.M. Higgins, E. Morgan, B.D.J. Phillips, J.S. Phillips, D. Thomas and A. Vaughan Owen.

Also in attendance:

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

The following Officers were in attendance:

N. Daniel, Head of ICT and Corporate Policy; Interim Head of Planning
J. Morgan, Head of Homes & Safer Communities;
A. Williams, Head of Waste and Environmental Services;
G. Ayers, Corporate Policy and Partnership Manager;
J. Edwards, Business Improvement Manager;
D.W. John, Environmental Services Manager;
R. S. Waters, Highways and Transportation Services Manager;
I. Macho, Biodiversity Officer;
A. Eynon, Principal Translator;
J. Owens, Democratic Services Officer;
J. Owen, Democratic Services Officer.

Virtual Meeting: 2:00pm - 3:05pm

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P. Edwards and A.D.T. Speake.

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

There were no declarations of any prohibited party whips.
There were no declarations of interest made.

3. PUBLIC QUESTIONS (NONE RECEIVED)

The Chair advised that no public questions had been received.

4. EXTENSION OF PUBLIC SPACE PROTECTION ORDER (CARMARTHENSHIRE DOG ORDERS)

The Committee received a report presented by the Cabinet Member for Public Protection in respect of extending the current Public Space Protection Order (PSPO) which was due to expire at the end of June for a further 3 years.

The Cabinet Member explained that subject to a number of exemptions and restrictions, the Original Order required that people:

- Clean up after their dogs on all public land in the County.
- Put and keep their dog on a lead by direction.
- Not to take their dog onto or permits their dog to enter or remain on any enclosed children's play areas in the County.

The Cabinet Member further explained that a targeted consultation period on the extension of the PSPO had taken place with a number of statutory consultees and other relevant stakeholders, a list of which was included within the report. However, it was evident several responses had been received from individuals and organisation who had not been invited to respond. 43 responses were received with 85% of those respondents supporting the extension of the current PSPO for a period of 3 years.

It was reported that a number of respondents had made suggestions comments through the consultation exercise and that the comments and responses were appended to the report at Appendix 8 of the report.

Committee Members noted that this report sought to extend the duration of the 2016 Order whereby a new Extension Order would need to be made, a draft order was appended to the report at Appendix 2. It was reported that the Authority, subject to a separate consultation, would be able to consider additional controls and conditions to be added to the current PSPO in future and that an engagement exercise was currently being carried out to seek wider views.

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

- In response to a query raised regarding Fixed Penalty Notices, the Cabinet Member for Public Protection explained that as stated in 3.1 of the report since the 2016 Order came into force there had been 3002 (Up to 31/12/2021) complaints received in relation to dog fouling. 100 fixed penalty tickets had been issued and 6 prosecutions had been implemented for offenders who had failed to pay the fixed penalty notice. It was emphasised that the difficulty was that an enforcement officer would have to witness the incident at the time of the offence for a fixed penalty notice to be issued.
- It was asked if the PSPO was enforceable outside of an enclosed space and if pavements were included? The Head of Waste and Environmental Services clarified that the PSPO covered any public land and that enclosed fenced off spaces such as a children's playground would include a no dog zone. It was clarified that footways were included as public land and therefore covered by the PSPO.

- In reference to the response from the Kennel Club as part of the consultation, it was commented that farmers in order to obtain insurance must provide documentation to prove that they worm their dogs. However, it was raised that dog owners were able to work their dog on public footpaths crossing agricultural land thus causing a concern of passing on worms to cattle and sheep. It was asked if it was possible to include that the landowner has a right to enquire with the dog owner if their dog had been wormed. The Cabinet Member for Public Protection acknowledged the query as a concern and agreed to include the matter as part of the future consultation. The Cabinet Member acknowledged the concern and would feed it into the consultation.
- In response to a query, the Cabinet Member for Public Protection, corroborated by the Head of Waste and Environmental Services confirmed that PCSO's were equipped with the power to issue fixed penalty notices to dog fouling offenders which supplements the Council's enforcement officers.

UNANIMOUSLY RESOLVED TO RECOMMEND TO CABINET:

4.1 that the duration of the Carmarthenshire County Council (Dog Control) Public Spaces Protection Order 2016 be extended for a further period of 3 years with effect from the 1st July 2022;

4.2 that the Council makes an Extension Order to give effect to the above extension and endorses the 2016 Order with suitable wording to reflect the fact that the duration of the 2016 order has been extended.

5. CHIEF EXECUTIVE'S DEPARTMENTAL BUSINESS PLAN 2022/23

The Cabinet Member for Communities and Rural Affairs presented the report explaining that the Communities Departmental Draft Business Plan 2022/23 only included extracts of the Chief Executive's Department Business Plan for the ICT & Corporate Policy Division relevant to this Scrutiny Committee which was community safety.

Committee Members considered the extracts relating to Community Safety.

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

- In response to a query which sought clarification in relation to the similarities of the descriptions in Key Actions and Measures Reference 1, 2, 4 and 7, the Corporate Policy and Partnership Manager explained that the extract included actions from the departmental plan as well as the divisional plan in order to provide more context. In acknowledging that the wording was very similar in nature, the reason for the similarities was due to the duty in regard to the anti-terrorism element of the Contest Strategy and that there was a new requirement specifically in terms of the 'protect duty'. Furthermore, in accepting the point raised regarding the wording the Corporate Policy and Partnership Manager agreed to rephrase to provide clarity.

UNANIMOUSLY RESOLVED that the Community Safety elements of the Communities Departmental Business Plan 2022/23 relevant to the remit of this Scrutiny Committee be received.

6. ENVIRONMENT DEPARTMENTAL BUSINESS PLAN 2022/23

The Committee Members considered the Environment Departmental Business Plan 2022/23 presented in turn by the Cabinet Members for Environment, Public Protection and Communities and Rural Affairs in respect of the areas falling within their portfolios and the Committees remit.

The Cabinet Member for Communities and Public Affairs explained that whilst Net Zero Carbon transcended across all areas of the Council's work, the responsibility had been transferred under the Environment Department and therefore the appropriate actions and measures had now included the Environment Departmental Business Plan.

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

- Reference was made to the Planned Improvements for 2022/23 in relation to the introduction of the 20mph speed limits as a national default in residential areas. It was raised that there were a number of villages which did not have any limit set under the national speed limit of 60mph, it was asked how would these be affected? The Cabinet Member of Environment explained that the Welsh Government were currently looking at those areas with limits of 30mph and that they would be looking at urban areas as opposed to rural areas. In response to a further query regarding residential areas where no limits were currently set, the Highways and Transportation Manager clarified that the proposed Welsh Government legislation related to the term 'restricted roads', whereby the speed limit would be governed by a system of street lighting. Where street lighting exists on roads currently set with a 30mph limit, the new legislation required these areas to be reduced to 20mph. Therefore, those villages that do not have street lighting or a 30mph speed limit they would not be affected by the new legislation.

In response to a further query regarding residential areas with no current speed limit, the Highways and Transportation Manager stated that whilst these areas would not be considered under the legislation, settlements that may benefit from the introduction of a speed limit could be considered as part of the project.

- Reference was made to the measure cited on page 29 of the report ref E11 – “we will expand this successful approach and use S106 agreements and developer contribution to deliver other necessary biodiversity benefits where this is appropriate. (September 2022 & March 2023)”. It was commented that Members had recently been informed that they could apply for the S106 money to be used in their community. Clarification on the measure was sought with concern that communities would lose out on this S106 money. The Biodiversity Officer explained that for development where there was a significant impact on biodiversity, which could not be mitigated on site or where it was complicated to do so, the Council had successfully adopted an approach where S106 funding for CCC was accepted to undertake appropriate mitigation/compensation for the developer on site or offsite through an agreed funded management plan. This would allow for no net loss of biodiversity, whilst allowing the development to take place. The Biodiversity Officer provided relevant examples to the Committee.

- Reference was made to page 41 of the report – Ref 43 - Improve Active Travel Routes for Communities. The Highways and Transportation Manager, in response to a query of the non-inclusion of the Cardi Bach footway stated that the Active Travel initiative was in the main aimed towards a model shift away from vehicles thus encouraging walking and cycling It was explained that the Cardi Bach project was still in its formative stage in terms of development and that the Council was working with Sustrans and Pembrokeshire County Council regarding the feasibility of the project. Not until the feasibility studies were in a position to provide a definitive proposal together with secured funding for the scheme would it be included within the business plan which would include the necessary milestones for the project.
- Praise was expressed in the development of the new-style business plan, which include more information, more readable, easier to understand, provides the direction of travel and what success would look like. Appreciation was extended to the officers involved in the development of the plan.
- Reference was made to the upcoming agenda Item 9 – Non-submission report which provided an explanation of the non-submission of the Communities Departmental Business Plan 2022/23. It was raised that in line with the explanation, the items would be placed within the Environmental Departmental Plan. It was asked when this would be included? Head of Homes & Safer Communities reported whilst the new Sustainability and Place Division was being established, it would be prudent to consider the current synergies with Public Protection. Following this piece of work, the Communities Departmental Business Plan would be presented to Committee Members in July 2022.
- In response to a query regarding the future plans to start the waste amnesties in the North of the County, the Environmental Services Manager explained that there would be a review of practices as part of the pandemic recovery. The number of amnesties and locations would also be subject to review, communication with local Members be priority whilst moving towards normal working practices.

UNANIMOUSLY RESOLVED that the Environment Department Business Plan 2022/23 be received.

7. FUTURE ACCESSIBILITY OPTIONS AT HOUSEHOLD WASTE RECYCLING CENTRES (HWRC)

The Committee received a report for information presented by the Cabinet Member for Environment which provided an update position and future option for the Household Waste Recycling Centres (HWRC).

This report provided information in regard to a future strategy of accessibility for the HWRC service in Carmarthenshire, which would ensure an efficient and accessible service for Carmarthenshire residents whilst maximising our recycling performance in the delivery of this service in the long term.

Members considered the report which provided the current position and the service impacts together with the proposed options that would enable the success of the booking system with the development of an Automatic Number Plate Recognition (ANPR) system across the network of HWRC's as follows:

- Retain the IT based appointment system as is currently in place for the next twelve months.
- Retail the IT based appointment system for the next twelve months and pilot a hybrid approach of bookings
- Remove the IT based appointment system
- In 12 months introduce an Automatic Number Plate Recognition (ANPR) and resident registration access system at all four HWRCs.

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

- It was commented that residents have reported that residents were happy with the current booking system however, clarification was sought on the method of use. The Cabinet Member agreed that the reports suggest that HWRC users across the County were satisfied with the current booking method both online and telephone. What was being proposed was that the current booking system continue for 12months whilst the ANPR option was being explored.

UNANIMOUSLY RESOLVED that the Future Accessibility Options at Household Waste Recycling Centres (HWRC) report be received.

8. PROVISION OF PAVEMENTS IN RURAL AREAS

The Committee received a report on the Provision of Pavements in Rural Areas presented by the Cabinet Member for Environment. This report had been written at the request of the Committee following a referral from Community and Regeneration Scrutiny Committee regarding the lack of provision of pavements in rural areas and the backlog of requests.

The Community and Regeneration Scrutiny Committee at its meeting held on 1st July 2021 raised a concern regarding a lack of pavements in rural areas to facilitate increased levels of walking and cycling and made reference to the outstanding pool of requests for pavements

The report stated that there had been a longstanding pressure on the County Council from the large number of requests received for highway improvements such as upgraded junctions, traffic calming, new sections of road and new footways. The requests received far exceeded the available resources through the Council's annual capital budget allocated for Highway Infrastructure and Road Safety Improvements. The level of capital funding available was £250k per annum. The level of funding enabled delivery of a maximum of three schemes per year.

Committee members, in considering the information provided within the report the following comments/queries were raised:

- In acknowledging the limited resources available it was emphasised that the current provision of pavement in rural areas continued to be a huge concern. Similar to other development schemes, it was asked if there was a way to sort the ongoing issue of pavements through borrowing money? In response, the Cabinet Member advised would be best discussed as part of the Forward Work Programme following the elections.

UNANIMOUSLY RESOLVED that the Provision of Pavements in Rural Areas report be received.

9. NON-SUBMISSION OF SCRUTINY REPORT

The Committee received an explanation for the non-submission of the following scrutiny report:

- The Communities Departmental Business Plan 2022/23

Members noted the revised submission date would be after the election period.

UNANIMOUSLY RESOLVED that the explanation for the non-submission be noted.

10. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON THE 1ST FEBRUARY 2022

RESOLVED that the minutes of the meeting of the Committee held on the 1st February, 2022 be signed as a correct record.

CHAIR

DATE