

PLACE, SUSTAINABILITY & CLIMATE CHANGE SCRUTINY COMMITTEE

24 NOVEMBER 2022

PRESENT: (In Person) Councillor J.D. James (Chair)

Councillors (In Person):

K. Davies, P. Cooper.

Councillors (Virtually):

S.M. Allen, T.A.J. Davies, D.C. Evans, T.M. Higgins,
N. Lewis, B.D.J. Phillips, S. Godfrey-Coles.

Also in attendance (In Person):

- Councillor A. Vaughan Owen, Cabinet Member for Climate Change, Decarbonisation and Sustainability;
- Councillor E. Thomas, Cabinet Member for Transport, Waste and Infrastructure Services;
- Councillor P.M. Hughes, Cabinet Member for Workforce and Organisation.

Also Present (In Person):

A. Williams, Director of Place and Infrastructure;
J. Morgan, Head of Homes & Safer Communities;
S. Pilliner, Head of Transportation & Highways;
J. Edwards, Business Improvement Manager;
D.W. John, Environmental Services Manager;
E. Evans, Principal Democratic Services Officer;
S. Rees, Simultaneous Translator;
J. Owen, Democratic Services Officer [Minute taker].

Also Present (Virtually):

S.E. Watts, Environmental Protection Manager;
S Charles, Transport Strategy and Infrastructure Manager;
C.N. Nelson, Highways Asset Manager;
R. S. Waters, Highways and Transportation Services Manager;
R. James, Performance Planning & Business Officer;
L.J. Jones, Environmental Health Officer;
K. Thomas, Democratic Services Officer.

Chamber, County Hall, Carmarthen, SA31 1JP and remotely: 10:00am - 12:26pm

1. APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillor G.B. Thomas

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. UPDATED FORWARD WORK PLAN FOR 2022/23

The Committee received its updated Forward Work Plan for 2022/23 for consideration and endorsement in accordance with its decision made at its meeting held on 4th October 2022 [minute 6.2 refers] “resolved that ‘the Place, Sustainability and Climate Change Forward Work Plan Forward Work Plan 2022/23 with the addition of the pre-decision reports identified from the Cabinet Forward Plan be brought to the next meeting for approval.”

Members of the Committee met informally on 21st September, 2022 to further develop its Forward Work Plan. Members considered the Cabinet Forward Plan and identified which reports to include on the Committee’s Forward Work Plan.

During the informal meeting, a topic of concern was raised regarding the levels of phosphates in rivers and the impact on the environment as well as future planning developments, after receiving a brief on the matter from the officers, the Committee felt it would be beneficial to further discuss and scrutinise this matter. It was therefore, proposed to include a report to Committee’s Forward Work Plan. This was duly seconded.

UNANIMOUSLY RESOLVED that subject to the inclusion of a report on the phosphates levels in Rivers within Special Areas of Conservation (SAC), the Place, Sustainability and Climate Change Forward Work Plan the 2022/22 be endorsed.

**5. TASK & FINISH GROUP 2022 –
REVISED PLANNING AND SCOPING DOCUMENT – TO REVIEW THE
MANAGEMENT OF FLY TIPPING WITHIN CARMARTHENSHIRE**

The Committee received a report which outlined the journey to date since the Committee endorsed the original Planning and Scoping document to Review the Management of Fly-tipping within Carmarthenshire at its meeting on 2nd July 2021.

At its informal Forward Work Plan Development Session held on 1st November, 2022, the Committee took the opportunity to discuss the review’s Planning and Scoping Document that was endorsed on 2nd July 2021. The outcome of the session was appended to the report which sought the Committee’s formal endorsement and the formulation of a politically balanced Task and Finish Group in order for the review to commence.

The Committee considered the revised aims and scope of the work of the Task & Finish Group, as set out within the planning and scoping document.

To form a politically balanced Task and Finish Group, the Chair requested for up to 6 nominations from the Committee.

UNANIMOUSLY RESOLVED that:-

- 5.1 the Revised Planning and Scoping Document – To Review the Management of Fly Tipping within Carmarthenshire be received;**
- 5.2 the aims and scope of the work of the Task and Finish Group as stated within the Revised Planning and Scoping Document be endorsed;**
- 5.3 the politically balanced Membership of the Task and Finish Group on the Review the Management of Fly Tipping within Carmarthenshire be as follows:-**

	COUNCILLOR	PARTY
1.	Councillor Arwel Davies	Plaid Cymru
2.	Councillor Neil Lewis	Plaid Cymru
3.	Councillor Dorian Phillips	Plaid Cymru
4.	Councillor John James	Labour
5.	Councillor Shelly Godfrey-Coles	Labour
6.	Councillor Sue Allen	Independent

6. CARMARTHENSHIRE COUNTY COUNCIL'S ANNUAL REPORT FOR 2021/22

The Committee received a report which appended the Council's Annual Report for 2021/22. The report sought the committee's consideration in respect of the areas within the remit of the Committee.

The Cabinet Member for Workforce and Organisation provided the Committee with a corporate overview of the report. The Cabinet Members for Climate Change, Decarbonisation and Sustainability and Cabinet Member for Transport, Waste and Infrastructure Services presented the sections of the annual report within the remit of the Scrutiny Committee.

Members focussed on the following sections within the document relevant to the Committee's remit:

- Well-being Objective 10: Look after the environment now and for the future
- Well-being Objective: Improve the highway and transport infrastructure and connectivity

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

- Reference was made to page 72 and 132 of the Annual Report. It was observed that page 72 reports that 64% target recycling rate had not been met following the fire at Nantycaws materials Recycling Facility, however page 132 stated that the Audit Wales Review 2021/22 found that the Council had met its statutory recycling targets. In response to the observation, the Director of Place and Infrastructure explained that whilst the Audit Wales Review was undertaken in 2021/22, the statistical information that utilised within the review was from 2020/21 which was when statutory target of 64% target was met confirming that the information within the report was correct.

In response to a further query, the Director of Place and Infrastructure confirmed that the Authority would not be penalised for not meeting the target and explained, the Welsh Government was fully sighted of the Council's ambition in moving towards the new blueprint method of collection where predictions were set to exceed the target.

- Reference was made to Siop ETO on page 77 of the report. It was asked in order to benefit the circular economy, if there was a possibility that people could take the goods deposited in recycled containers prior to going to the shop. The Environmental Services Manager stated that currently donations that deposited at HWRC centres identifies as waste and therefore was not it would not be possible for members of the public to remove such items from containers/skips. However, in acknowledging the benefit to the circular economy it would be a consideration for the future.
- In respect of coastal erosion, it was asked when a comprehensive review was undertaken last? The Director of Place and Infrastructure stated that a regional shoreline Management Plan which, overseen by Environment Department contained measures regarding protecting and managing the coast. In addition to the plan, active monitoring would take place following each storm to identify and react to any damage and mitigate any risk to communities.
- Reference was made to the fleet management section on page 74 of the Annual Plan. An explanation was sought following an observation of the reduction in mileage together with an increase in the total diesel consumed. The Head of Transportation and Highways explained that the reduction in mileage and the increase in fuel was due to a greater prevalence of specialist vehicles within the waste sector which used more fuel than standard vehicles.

- Reference was made to the fleet management section of page 75 of the Annual Plan. With the rising costs of electric in mind, it was asked if the Authority had undertaken a cost comparison of diesel vehicles compared with electric vehicles? The Head of Transportation and Highways explained that the costs of both electric and fuel were being considered as part of a live evaluation project of all fuel types and as the sector transitioned to alternative energy sources. Work is underway on updating the revised Fleet Strategy which will come forward in 2023.

In response to an additional query raised regarding new and emerging technologies, the Head of Transportation and Highways stated that the department was actively aware of and continuously monitoring the availability of new technologies in the different sectors on the market. Whilst it was important to keep abreast of the future technologies it was acknowledged it was a very complex matter in regard to the consideration of the timing and associated risks.

It was commented that the Authority should consider its future electricity supply, rate opportunity – time of use tariff and encourage the charging of vehicles overnight. In response, the Head of Head of Transportation and Highways agreed that consideration regarding maximising energy efficiency on costs would be beneficial.

UNANIMOUSLY RESOLVED that the Carmarthenshire County Council's Annual Report for 2021/22 be received.

7. HIGHWAY ASSET MANAGEMENT PLAN - ANNUAL STATEMENT REPORT 2022

The Committee received the Highway Asset Management Plan (HAMP) Annual Statement Report 2022, presented by Cabinet Member for Transport, Waste and Infrastructure Services.

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

- In response to a comment raised regarding the concern of the deteriorating conditions of rural roads, the Head of Transportation and Highways stated that the primary issue rested with the constant challenge between escalating demands and reducing budgets, which was not unique to Carmarthenshire. The HAMP's risk-based approach focused limited resources towards areas of greatest need which was keeping the higher class roads in a stable condition. Where appropriate, funds and grants would be sought from Welsh Government in reaction to resolve any storm damage.
- In praising the hot tarmac lorry 'hotbox' which had been recently active in Carmarthenshire, it was asked if the service would be increased in the future? The Head of Transportation and Highways stated that the report highlighted examples of how technology was being utilised in modernising work being carried out to improve efficiency and performance, including the use of the 'hotbox'. The hot material pothole repair initiative trialled with the 'hotbox' vehicle provided a more durable approach in preference to repairing potholes with cold materials.

It was reported that as a result of a successful trial, two 'hotbox' vehicles were to be introduced, further enhancing our repair efficiencies with a one visit 'fix first time' approach.

- In acknowledging that prioritisation process was necessary without adequate funding, it was commented that further reductions in funds for highways from central government and the increasing level of deterioration of unclassified roads, was a cause for concern.

UNANIMOUSLY RESOLVED that the Highway Asset Management Plan – Annual Statement Report 2022 be received.

8. AIR QUALITY UPDATE

The Committee considered an air quality update report which was included onto the Committee's Forward Work Plan at the request of the Committee as it was a subject of ongoing concern and a priority for the people of Carmarthenshire and beyond.

The report, presented by the Cabinet Member for Climate Change, Decarbonisation and Sustainability, contained the work undertaken in respect of Air Quality in Carmarthenshire which currently had three Air Quality Management Areas (AQMA) - Llandeilo, Carmarthen and Llanelli. This update reported information in regard to the Nitrogen Dioxide (NO₂) monitoring across Carmarthenshire with results compared to previous years. An update on the progress with the Air Quality Delivery Plan was also included.

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

- Reference was made to the information provided regarding the air quality at Rhosmaen Street, Llandeilo which signified very high levels of NO₂. It was commented that the air quality in Llandeilo had been a concern for some 20+ years with the issue only worsening year on year. The evidence showed that the NO₂ levels were twice over the legal limit. It emphasised that the only solution to improve the poor air quality in Llandeilo would be to develop a by-pass.

In response to a query raised regarding a review on development of the Llandeilo by-pass, the Cabinet Member Climate Change, Decarbonisation and Sustainability acknowledged that whilst the figures denoted averages for particular times of the day, the figures could also be much higher at other times of the day and year. In addition, it was acknowledged that a by-pass was much needed not only to improve the air quality but to also provide better road safety. The Head of Transportation and Highways advised Members that the road through Llandeilo was the main Swansea to Manchester Trunk road. The road had recently gone through the Wales Transport Appraisal Guidance (WelTag) the outcome of which would then undergo further consultation. This stage would determine the final list of schemes for consideration.

The Cabinet Member for Transport, Waste and Infrastructure Services reported that in his capacity as a local member for Llandeilo he had written

several times to the Deputy Minister for Climate Change, Lee Waters MS on this matter to no avail. However, he reported that as Cabinet Member, he had recently written to the Minister and was pleased to announce that a virtual meeting had been arranged for Monday, 28th November between the Leader of the Council and the Deputy Minister for Climate Change and the subject of Llandeilo by-pass was on the agenda. In light of the information regarding the arranged meeting, it was proposed that an e-mail be sent to the Deputy Minister for Climate Change on behalf of the Committee in support of the Llandeilo by-pass. This was duly seconded.

- It was commented that the new legislation in regard to introducing 20mph speed limit on residential roads and busy pedestrian streets could also have a positive impact on air quality. The Cabinet Member for Climate Change, Decarbonisation and Sustainability stated that currently there was little evidence to prove either way however, the probability of vehicles travelling at a slower speed was likely to have a positive impact. The Highways and Transportation Services Manager added that the introduction of the 20mph speed limits would make the roads safer for pedestrians and cyclists, and that the modal shift would benefit the environment and promote a healthy society.
- It was commented that in general, people were reluctant to give up their cars as the public transport was not a convenient mode of transport.

UNANIMOUSLY RESOLVED that an e-mail be sent from the Scrutiny Committee to the Deputy Minister for Climate Change to convey the Committees strong support for the development of the Llandeilo by-pass which would improve air quality in and around Llandeilo.

9. CONSIDERATION OF ADDITIONAL PUBLIC SPACE PROTECTION ORDER (PSPO) FOR CARMARTHENSHIRE DOG ORDERS

The Committee considered a report on the consideration of additional public space Protection Order (PSPO) for Carmarthenshire Dog Orders.

The report presented by the Cabinet Member for Climate Change, Decarbonisation and Sustainability included the results of a recent engagement survey in relation to the potential to introduce supplementary dog controls by means of an additional PSPO where evidence supports the need for additional orders.

It was reported that since the 2016 order came into force there had been 3,354 complaints received in relation to dog related Anti-Social Behaviour including Dog fouling.

To learn more about an engagement survey to identify areas / issues being experienced that may require additional orders over and above the current base line was carried out. During the same period 108 fixed penalty notices had been issued and 6 prosecutions had been implemented for offenders who had failed to pay the fixed penalty notice.

To work towards addressing the ongoing concerns of the on-going dog related Anti-Social Behaviour within communities, an engagement survey was conducted to capture the views and identify areas or issues being experienced that may require additional orders above the current baseline Public Spaces Protection Orders.

The targeted engagement survey was undertaken with key stakeholders affected by dog related anti-social behaviour and was conducted over an eight-week period between the 10th January to 11th March 2022.

The results and feedback from the engagement survey was provided within and appended to the report.

The Cabinet Member explained that as a result of the engagement survey, the options of additional orders for consideration included:

- Exclusion of dogs from Sports Pitches (site by site or countywide)
- Dogs to be kept on Leads in all public spaces.
- Means to pick up dog faeces

In support of the above option, the report and the Cabinet Member provided suggested next steps for the committee's consideration.

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

In commenting that the majority of fouling incidents occur on the street paths from dogs on leads whereby dog owners choose not to collect and dispose of responsibly, it was suggested to adopt the concept of a 'nudge' theory which had already proven to be successful in other Councils. The Environmental Services Manager explained that the nudge theory was already a key part of the Local Environment Quality Management Plan and should Town/Community Councils wish to get involved in utilising the nudge theory concept Dog Fouling Packs were available for Community Councils. In addition, following a trial, the use of stencils had proven successful in encouraging dog walkers to place their waste into the nearest bin by following the stencilled paw prints on the ground. Furthermore, it was explained that resources were directed to areas in most need.

The Cabinet Member added that in order to direct the available resources appropriately the receipt of intelligence from members of the community was heavily relied upon.

It was acknowledged that the County relied upon 8 Enforcement Officers, and whilst it was necessary to target resources in accordance with the intelligence received, concern was raised that the Enforcement Officers were not available 24/7 to catch offenders after office or daylight hours.

A further comment was raised that adverse weather would be an additional reason for dogwalkers not to pick up their dog faeces and in echoing the earlier comment that the enforcement officers would not be targeted available during out of hours despite the intelligence provided. The Environmental Services Manager explained that the role of the 8 Enforcement Officers included a range of differing offences throughout Carmarthenshire, including fly-tipping, littering, abandoned vehicles etc as well as dog fouling. It was explained that whilst it was not possible for the limited resources to act on each and every complaint, the direction of resources was managed on a prioritised basis. This included a targeted approach based on the intelligence provided by members of the public and Councillors which provides the evidence to target areas of concern.

The Cabinet Member explained that the report following the engagement survey provided options of additional orders seeking views on exclusions from sports pitches either site by site specific or county wide ban? In reviewing the feedback from the engagement survey, it was noted that there were few responses received from sports clubs/associations which could indicate that some areas may not have an issue with dog related anti-social behaviour. In considering this, it was explained that one of the options for consideration included the development of a toolkit specifically for sports club/associations to evidence any issues and should there be a clear issue the sports club had access to a clear avenue to submit an application together with the evidence to place a site specific PSPO.

In addition, Members were informed of the possibility of implementing the option to enforce dog walkers to have a means to pick up dog faeces.

In response to comments raised regarding a ban on dogs from play areas across the Carmarthenshire, the Cabinet Member informed the Committee that the current baseline PSPO included a dog ban from all children's play areas. For clarity, the Director of Place and Infrastructure added that the current PSPO covered all 'enclosed' play areas.

Several comments were made in favour of the option of an additional PSPO to ban dogs from sports pitches, however it was acknowledged that whilst this would be a consistent approach there were also many responsible dog owners and would not wish to penalise families from bringing their dogs when supporting players from the side of the pitch.

In order to provide consistent approach, it was proposed to introduce an additional PSPO to ban dogs from all sports pitches in Carmarthenshire.

The Cabinet Member supported by the Environmental Services Manager advised the Committee that in terms introducing an additional PSPO to ban dog on sports pitches county-wide a series of legal tests would have to be adhered to. The legal tests would require a certainty in that the Authority had reasonable grounds whereby introducing an additional order would prevent occurrence or reoccurrence of the offences of the activities identified across the County. In addition, it must be evidence based and proportionate in response. Members were advised that at present, the required evidence to signify that there was a widespread issue which would be required to introduce a PSPO for a blanket ban on dogs from sports pitches was not available.

In addition, the Authority is required to maintain available space for dog walkers to walk their dogs free from leads in certain community areas, therefore the introduction of a blanket ban could mean that certain areas of the County would no longer be able to provide the available space to walk dogs free from leads, which would cause an issue.

The option of the site-by-site approach would support the gathering of evidence to issue controls in specific areas, better target resource, support communities and assure that the introduction of any future PSPO's would be proportionate and would meet the necessary legal tests.

Following the advice provided, it was commented that the rationale behind the additional PSPO to ban dogs from all sports pitches in Carmarthenshire was purely from a view to provide a consistent approach county-wide. In recognising that families bring dogs to the pitch in support of a player it was suggested to introduce the ban of dogs from the within the boundary line of a sports pitch.

A concern was raised in relation to the dangers of the disease associated with dog faeces. Furthermore, suggestions were made to help strengthen the powers of the existing Enforcement Officers by utilising PCSO's and parking wardens. It was felt that the fines were not enough of a deterrent and name and shame was important and should be utilised more. The Director of Place and Infrastructure stated that PCSO's were able to exercise the same powers as an enforcement officer. Furthermore, the role of parking wardens as a civic enforcement officer had a defined role as part of the Traffic Management Act and therefore it would be very difficult to broaden that role to utilise for other enforcements.

Reference was made to the survey results. In observing that only 12 out of 72 Community Councils within Carmarthenshire had responded it was commented that it would have been helpful for more responses to have been received providing a better picture of the matter.

Following the consideration of the advice and responses provided by the Cabinet member and officers, it was proposed to introduce an additional PSPO to ban dogs from a defined sports pitches located within the County. This was duly seconded.

It was raised that the development of a toolkit would be necessary as there were other areas of concern such as beaches and parks.

A discussion ensued in regard to the option of introducing an order to enforce dog walkers to carry a means to pick up dog faeces. It was raised that this had been introduced in another Authority in Wales with a successful outcome however, it was commented that it would be difficult to police and could cause confrontation. The Director of Place and Infrastructure advised members that this would be an additional tool for the enforcement officers when they engage with dog walkers which serves to change behaviour and mindset contributing to the nudge theory.

9.1 UNANIMOUSLY RESOLVED that the report on the Consideration of Additional Public Space Protection Order (PSPO) for Carmarthenshire Dog Orders be received.

9.2 UNANIMOUSLY RESOLVED TO RECOMMEND TO CABINET that an additional Public Space Protection Order be introduced to ban dogs from defined sports fields located within the County.

10. FORTHCOMING ITEMS

The Committee considered the list of forthcoming items to be placed on the agenda for the next meeting scheduled to take place on 15th December, 2022 and was afforded the opportunity to request for any specific information that Members may wish to include within the reports.

In addition to the reports that were to be presented at the formal Scrutiny Committee on 15th December, Members noted the reports that would also be circulated to them outside of the formal Committee process for scrutiny.

UNANIMOUSLY RESOLVED that the list of forthcoming items for the Committee meeting to be held on the 15th December 2022 be agreed.

11. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON THE 4TH OCTOBER 2022

RESOLVED that the minutes of the meeting of the Committee held on the 4th October, 2022 be signed as a correct record.

CHAIR

DATE