

ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE
17 MARCH 2016

Minutes of the meeting of the Environment Overview & Scrutiny Committee of Flintshire County Council held in the Delyn Committee Room, County Hall, Mold on Thursday, 17 March 2016

PRESENT: Councillor Veronica Gay (Chair)

Councillors: Haydn Bateman, Glenys Diskin, Chris Dolphin, Ian Dunbar, David Evans, Cindy Hinds, Ray Hughes, Colin Legg, Brian Lloyd, Nancy Matthews and Paul Shotton

SUBSTITUTE: Councillor: Mike Lowe (for Ron Davies)

APOLOGIES: Councillors Hilary Isherwood and Ann Minshull. Councillor Bernie Attridge, Deputy Leader and Cabinet Member for Environment; and Councillor Derek Butler, Cabinet Member for Economic Development

ALSO PRESENT: Councillor Marion Bateman

CONTRIBUTORS: Councillor Kevin Jones, Cabinet Member for Waste Strategy, Public Protection & Leisure; Chief Officer, Planning & Environment; Chief Officer, Streetscene & Transportation; Development Manager; and Energy Manager

IN ATTENDANCE: Environment Overview & Scrutiny Facilitator and Committee Officer

59. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

There were no declarations of interest.

60. MINUTES

The minutes of the meetings held on 7 December 2015 and 13 January 2016 were submitted.

RESOLVED:

That both sets of minutes be approved as a correct record and signed by the Chair.

61. POLICY FOR DISPLAY OF 'A' BOARD ADVERTISEMENTS – PILOT SCHEME FOR MOLD TOWN CENTRE

Councillor Kevin Jones introduced a report to seek agreement on consultation for the grant of a general advertisement consent covering specified areas within town centres to address the problem of unauthorised advertisements on the public highway under the various legislation. It was proposed that the approach be trialled in Mold town centre due to potential issues arising from an increase in the display of 'A' boards. Councillor Jones referred to previous work done on this and explained that the intent was to work closely with Mold Town

Council, the Mold town centre Manager and local businesses to regulate 'A' boards whilst avoiding any negative impact on trading.

The Development Manager provided explanation on the current practice for dealing with unauthorised advertisements and spoke about the value of 'A' boards in contributing to the vitality of town centres. He said that planning legislation could be used to introduce a policy, similar to that operated by other councils, to allow the continued display of such advertisements with set criteria and joint controls in place to address safety concerns. A shared plan for the initial scheme in Mold town centre showed that the Consent would seek to protect core retail areas, although it was acknowledged that some commercial premises operated outside this. The introduction of a permit scheme from Streetscene would require further discussion and benchmarking on the practice of other councils. Attention was drawn to section 1.08 of the report detailing criteria for the permitted display of 'A' boards.

Councillor Brian Lloyd questioned the reason behind the proposals and asked about the availability of figures on injuries caused by 'A' boards. He stressed the importance of consultation and said that most display boards in Mold were placed up against the shops which did not create a safety hazard, suggesting that the safety issues in Daniel Owen Square could be addressed by utilising nearby advertising space. He went on to refer to display boards located outside the proposed area of Consent, such as New Street and Chester Street, which could present a risk.

Councillor Jones pointed out that the consultation, which formed part of the report's recommendations, had not yet taken place.

The Development Manager explained that this was the first stage of the process to seek Members' views and that if agreed, would progress to wider consultation on developing the policy with the Town Centre manager and various retail groups, rather than on an individual basis. He did not have statistics on injuries but explained that the proposal was to introduce a policy which offered greater controls for the Council whilst recognising the advertising needs of local businesses. In terms of the placing of 'A' boards outside shops, the plan needed to be read in conjunction with the criteria set out in the report. Having previously been explored, the suggestion for Daniel Owen Square was not recommended due to concerns about the potential accumulation of signage. Commercial premises located outside the proposed area of Consent would still need to apply for permission to display 'A' boards according to the criteria. Enforcement of the policy would be undertaken by Streetscene officers as part of their duties.

In support of the proposals, Councillor Paul Shotton felt that other areas could be considered under the consultation process and spoke about the potential danger of unauthorised advertisements to disabled people and those with visual impairments.

Councillor Nancy Matthews supported the siting of boards up against shops and suggested that the actual content should be considered as part of the eligibility criteria, to avoid any duplication with signs already displayed on the shop frontage. The Development Manager pointed out the advantages of 'A' boards in terms of visibility to pedestrians and said that development of the policy

would take into consideration different types of advertising which could add to the character of town centres and support businesses.

Councillor Ray Hughes said that the sizes of advertising boards should be considered, raising concerns about the increased sizes of advertising boards used by stallholders on market days in Mold which restricted pavement space. Councillor Jones agreed that this was an issue and had been discussed on previous occasions with stallholders.

In response to questions from Councillor Haydn Bateman, the Development Manager replied that if agreed, the controls put in place would mean that the Council had no liability for any injury or damage caused to highway users. In respect of commercial premises outside the area of Consent, any display boards not conforming to the criteria would need to be removed. The siting of rotating/swinging advertisement signs within the area of Consent did not form part of the proposals and enforcement of display units outside premises depended on whether they were situated on private forecourts. Councillor Lloyd also raised concerns about the size of some swingboards.

Following a similar query from Councillor Mike Lowe, it was explained that newspaper cabinets sited on private forecourts may not require planning permission and were outside the Council's control.

In response to a further query from the Chair, it was explained that shops with a private forecourt were expected to use that area for any signage, and that the permit scheme applied to advertisements on highway land only.

Councillor Ian Dunbar referred to the criteria for allowing a minimum of 1.5m unobstructed passage to footway users. The Development Manager reiterated that the Council had no jurisdiction over signage on private land, however any breach of the criteria within the area of Consent would lead to enforcement action.

On enforcement, Councillor David Evans suggested the inclusion of a clause that continued warnings could result in removal of the board or a fine imposed. The Chief Officer (Streetscene & Transportation) said that the Committee had previously been consulted on all enforcement powers and would circulate the appendix listing all enforcement activities including 'A' boards. He explained that the proposals were an extension of the enforcement duties undertaken by area staff, in line with the protocol previously endorsed by the Committee and Cabinet. In response to further queries, he did not have details to hand on the number of 'A' boards collected by officers as part of their enforcement work. Whilst the Council had adopted an approach not to impose fines, this could be considered by Members, however it was important to note that the aim of the scheme was to regulate display of the boards.

The Chair felt that the restrictions on maximum sizes of advertisements within the criteria should reflect standard document sizes which could be easily sourced by shops. The Development Manager said that the sizes within the criteria were based on those adopted by other councils and reflected general requirements.

Following a query from Councillor Bateman, explanation was given on separate arrangements for enforcement of wheelie bins sited on highway land.

Responding to comments from Councillor Cindy Hinds, it was pointed out that if the proposals went ahead, one of the clauses would prohibit the display of 'A' boards on highway land where market stalls were positioned on market days.

The Chair remarked on the need for clarity on siting advertisements. The Chief Officer (Planning & Environment) said that if the policy was implemented, feedback from the consultation would be shared with the Committee and a leaflet produced giving clear guidance on the siting of 'A' boards, with examples used by other authorities.

Following comments from Councillor Matthews, the Development Manager explained the current approach to enforcement with requests for removal of unauthorised signs followed up by action if necessary. He added that Members may wish the Council to adopt a stricter regime as part of policy development at a later stage.

The Chair proposed that a third resolution be added for the Committee to receive feedback from the consultation before moving forward with the policy. Members agreed to this and a further resolution suggested by Councillor Jones that following consultation, wording in the policy document be reviewed by the Committee to ensure clarity on the meaning.

RESOLVED:

- (a) That the policy of a general advertisement consent covering specified areas within identified town centres be agreed, to be explored further through consultation with interested services within the Council, relevant Town/Community Councils and other interested parties and focus groups;
- (b) That the criteria for such a consent (conditions on the draft Advertisement Consent and Highways permit) be piloted in Mold town centre where a formal planning application (Consent to Display Advertisements) be submitted (by the appropriate officer) for the eventual consideration of the Planning & Development Control Committee;
- (c) That feedback from the consultation process be reported back to the Committee before moving forward; and
- (d) That, following the consultation, the policy document be reviewed by the Committee to ensure clarity on the wording.

62. BUSINESS CASE FOR SOLAR FARMS AT BROOKHILL AND STANDARD LANDFILL SITES

Councillor Kevin Jones presented an update report on the opportunity to develop solar farms at Brookhill and Standard landfill sites in Buckley, following the report to Cabinet in June 2015. This would enable the ongoing reduction in value of the two landfill sites to be supplemented by significant levels of revenue generated from investment in the solar farms whilst reducing the Council's carbon

footprint. The plans also included the potential to use the energy to power the Council's fleet of vehicles.

The Chief Officer (Streetscene & Transportation) referred to a significant amount of work carried out following the Cabinet report when there had been some uncertainty about the feed-in tariffs. Since that time, it was shown that the new rate for larger scale Photo Voltaic systems had reduced from the previous year. The business case indicated that the scheme required significant investment but that use of the existing connection to the electricity grid would provide an opportunity to produce income for the Council beyond a 20 year period. Development of the solar farms under the Council's control was considered to be more beneficial than renting. The Chief Officer stated that many local authorities were moving towards similar schemes and described the tendering exercise under the APSE framework, the impact assessments which had been undertaken and support received through the consultation process. He added that the scheme allowed some flexibility to move the solar panels and confirmed that the public rights of way on both sites remained unaffected. He thanked the Cabinet Member and Energy Manager for their efforts in taking forward the initiative and explained that options for the Council to power its own vehicle fleet would be considered at a later date.

The Energy Manager provided an overview of the business cases based on increases in the annual inflation rate of 2½% and 5%, and explained the potential benefits in increased savings from the climate change levy. It was intended for the entire system to be operated and maintained by the installers with the inclusion of a performance guarantee in the contract to safeguard the Council in the event that targets were not achieved.

Councillor Nancy Matthews asked whether consideration had been given to the percentage of daylight hours needed to provide the energy, taking account of different seasons. The Energy Manager said that the duration of daylight hours was more important than maximum output. The power generated for use at Alltami would be a combination of landfill gas with solar power, providing more than enough to satisfy the demands at Alltami.

In supporting the proposals, Councillor Ian Dunbar welcomed the financial benefits in view of increasing energy costs.

Councillor Colin Legg also spoke in support but stressed the importance of using scientific recording equipment to ascertain the average sunshine hours, range and tendency to increase/decrease over a period of years to give assurance on more precise figures. The Energy Manager explained that Lark Energy, the successful company from the tendering process, had given a guarantee on output achieved from the solar farms. He was unsure on what basis this had been given but agreed to make enquiries. It was suggested that Councillor Legg email details of his question to the Energy Manager so that a response could be provided.

Councillor Paul Shotton welcomed the business case and benefits to the Council, including the potential to explore electric powered vehicles. He also felt that other Council land in the county could be identified for solar initiatives.

Councillor Jones advised that other sites would continue to be explored but that the two sites in this scheme would achieve faster outcomes at this stage.

Following a question from Councillor David Evans on the accuracy of the operational maintenance costs, the Energy Manager explained that these calculations were based on the tender returns and represented a 2½% yearly increase which covered all elements.

In response to questions from the Chair, Councillor Jones advised that more details on the option to power larger Council vehicles by hydrogen would be submitted to the Committee at a later date. The potential use of electrically powered vehicles would need to include consideration of the vehicle type required, leased or purchased, with comparison on current running costs.

When asked by Councillor Haydn Bateman about the current operational energy costs for Alltami, the Energy Manager replied that this was around £95K per year.

RESOLVED:

That the development of the two solar farms, and the high voltage connection of Brookhill landfill site with Alltami Depot be recommended to Cabinet for approval.

63. QUARTER 3 IMPROVEMENT PLAN MONITORING REPORT

The Facilitator introduced the regular update report to consider progress towards the delivery of the impacts set out in the 2015/16 Improvement Plan, focussing on the areas of under-performance relevant to the Committee during the third quarter.

The Chair raised concerns at the amount of litter in the county, which she felt had increased since the introduction of the zero tolerance policy. The Chief Officer (Streetscene & Transportation) advised that annual statistics on this were to be published later in the week but that Flintshire's ranking had previously been low compared with other Welsh authorities. He assured the Committee that enforcement activities were continuing, despite the reduction in resources, with reported incidents acted upon and improvements sought. Councillor Kevin Jones acknowledged that litter was an issue and referred to a meeting due to take place to discuss progress.

Councillor Paul Shotton expressed his gratitude to Streetscene officers for their prompt response to a resident's complaint on litter. He also referred to the Deeside task group which was continuing to meet.

Following comments from Councillor Cindy Hinds on an increase in dog fouling incidents in her ward, the Chief Officer (Streetscene & Transportation) said that this topic would also be discussed at the forthcoming meeting. He stressed the importance of sharing intelligence with Streetscene on regular occurrences of dog fouling. In response to a question from the Chair, he confirmed that small quantities of dog waste bags were carried by Streetscene officers, however there was no budget for these to be more widely available.

In referring to the discussions of the Dog DNA Task Group, the Chair spoke about the need for officers to liaise with the Police to access information on hotspot areas and times. The Chief Officer explained that he was working with the Police to highlight the problem of dog fouling in certain areas.

Following a question from Councillor Haydn Bateman, the Chief Officer (Planning & Environment) confirmed that the report on the Local Development Plan's vision and objections had been emailed to all Council Members on 14 March 2016.

On Transport infrastructure and services, the Chair asked about funding to support the Council's priorities for accessing employment, health, leisure and education. The Chief Officer (Streetscene & Transportation) advised that funding would be available in May for schemes to be completed within the year. He confirmed that plans were on track to complete all the transport schemes by the end of the year.

The Chair said that she would speak separately with the Chief Officer regarding a road resurfacing issue in her ward.

Councillor Colin Legg expressed his concerns about the enforcement of decisions made by the Planning & Development Control Committee. The Chief Officer (Planning & Environment) explained that whilst live issues could not be discussed, there would be an opportunity to raise generic issues of non-compliance as part of the item on planning enforcement to be scheduled for a future meeting.

RESOLVED:

That the report be noted and comments fed back to the Corporate Resources Overview & Scrutiny Committee which is responsible for the overview and monitoring of performance.

64. FORWARD WORK PROGRAMME

The Facilitator presented the current Forward Work Programme for consideration by the Committee. The following changes were agreed:

- 13 April - A representative from Welsh Water to be invited for the item on the design of drainage for new development sites.
- 18 May - Rights of Way Policy to be included.
- 19 July - Possible Rights of Way service review and Planning annual performance report to be added.
- The Facilitator to liaise with officers to establish whether the May and July meeting dates needed to be rescheduled to enable pre-scrutiny of policy decisions before Cabinet. Members to be notified of any changes to the dates.
- An update on the Area of Outstanding Natural Beauty to be scheduled for a future meeting.

Councillor Chris Dolphin remarked on recent changes made to other committee meeting dates. The Facilitator advised that Overview & Scrutiny

meeting dates had been scheduled in advance of Cabinet dates in the committee diary for 2016/17 to enable pre-scrutiny. She explained that changes to meetings in the current diary were due to a number of reasons and would look into this if Members wished. Following further discussion, she agreed to feedback the concerns to officers.

RESOLVED:

- (a) That the Forward Work Programme be amended as necessary; and
- (b) That the Facilitator, in consultation with the Chair and Vice-Chair of the Committee, be authorised to vary the Forward Work Programme between meetings, as the need arises.

65. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were no members of the press or public in attendance.

(The meeting started at 2.00 pm and ended at 4.00 pm)

.....
Chair