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Contact Officer:
Maureen Potter 01352 702322

To: Cllr Ray Hughes (Chairman)

Councillors: Haydn Bateman, Glenys Diskin, Chris Dolphin, Ian Dunbar, David Evans, Veronica Gay, Alison Halford, Cindy Hinds, Colin Legg, Brian Lloyd, Richard Lloyd, Ann Minshull, Sara Parker and Paul Shotton

5 January 2017

Dear Councillor

You are invited to attend a meeting of the Environment Overview & Scrutiny Committee which will be held at 10.00 am on Wednesday, 11th January, 2017 in the Delyn Committee Room, County Hall, Mold CH7 6NA to consider the following items

A G E N D A

1 APOLOGIES

Purpose: To receive any apologies.

2 DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Purpose: To receive any Declarations and advise Members accordingly.

3 MINUTES (Pages 3 - 8)

Purpose: To confirm as a correct record the minutes of the meeting held on 7 December 2016.

4 PILOT DOG DNA SCHEME AND THE INTRODUCTION OF DOG CONTROL PUBLIC SPACES PROTECTION ORDERS (Pages 9 - 12)

Report of Chief Officer (Streetscene and Transportation) - Deputy Leader of the Council and Cabinet Member for Environment

Purpose: To provide the Committee with an update on Public Spaces Protection Orders (PSPO) Dog Control and Dog Fouling.

5 **FORWARD WORK PROGRAMME (ENVIRONMENT)** (Pages 13 - 18)

Report of Environment Overview & Scrutiny Facilitator -

Purpose: The Committee is asked to consider, and amend where necessary, the Forward Work Programme for the Environment Overview & Scrutiny Committee.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Robert Robins', with a horizontal line extending to the right.

Robert Robins
Democratic Services Manager

ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE **7 DECEMBER 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 Wednesday, 7 December 2016

PRESENT: Councillor Ray Hughes (Chairman)

Councillors: Haydn Bateman, Chris Dolphin, Ian Dunbar, David Evans, Veronica Gay, Brian Lloyd, Richard Lloyd, Sara Parker and Paul Shotton

SUBSTITUTES: Councillors: Andy Dunbobbin (for Cindy Hinds) and Dennis Hutchinson (for Colin Legg)

APOLOGIES: Councillors: Alison Halford and Ann Minshull, and Councillor Derek Butler, Cabinet Member for Economic Development

CONTRIBUTORS: Councillor Bernie Attridge, Deputy Leader and Cabinet Member for Environment; Chief Officer (Planning & Environment); and Ancillary and Performance Manager

Chief Executive and Mr. Steffan Owen, Project Manager of the North Wales Residual Waste Project (for minute number 44)

IN ATTENDANCE: Environment Overview & Scrutiny Facilitator and Committee Officer

42. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

There were no declarations of interest.

43. MINUTES

The minutes of the meeting of 2 November 2016 were submitted.

Minute number 38: Renewable Energy Action Plan Update - in response to Councillor Hilary McGuill's question, the Chief Officer explained that consideration had been given to installing solar panels on the high-rise flats in Flat whilst undertaking other work. However, this had not been feasible due to the height of the buildings. He agreed to circulate the Energy Conservation Engineer's detailed response to the Committee and to Councillor McGuill.

Councillor Dennis Hutchinson gave positive feedback on the site visit to the Standard landfill site and asked about the level of savings expected to be generated from the site. The Ancillary and Performance Manager agreed to provide a response during the day.

RESOLVED:

That the minutes be approved as a correct record and signed by the Chairman.

44. NORTH WALES RESIDUAL WASTE PROJECT UPDATE

The Chief Executive provided a verbal update on the final stages of contract completion for the North Wales Residual Waste Project (NWRWP), following a recent meeting of the regional Joint Committee for the project.

Members were reminded of the aim to procure a modern, sustainable waste management solution for five of the North Wales local authorities which would help to meet challenging national recycling targets. Commercial negotiations had concluded with contracts expected to be signed the following week. Construction was due to start on the site in January 2017 and the facility to be fully operational by 2020.

The Chief Executive welcomed the positive support from the Welsh Government (WG) in subsidising 25% of the project which covered operations, gate fees paid by the Local Authorities, haulage contracts and the running of the waste transfer stations across the region. Whilst negotiations had been finalised on the complex matter of gate fee charges, the uncertainty of foreign exchange rates remained a financial risk. However, the current sterling position was showing a slight improvement and could reflect positively on the gate fee, depending on the timing of financial close of the project. The Preferred Bidder, Wheelabrator Technologies Inc (WTI), had increased its number of waste management facilities across the UK and would contribute to a local community benefits fund.

The Chief Executive suggested that the Committee may wish to invite WTI representatives to a meeting in the first quarter of the New Year to provide more information on the project. A detailed report on progress and timescales for the project would also be submitted.

Councillor Paul Shotton welcomed the update and opportunities for local businesses. He referred to the potential for a breeze-block factory on the site to use the bottom ash produced by the facility. Mr. Steffan Owen, Project Manager, explained that bottom ash would contribute towards 7% of recycling performance and would be taken away by an external company for a number of uses. Whilst the suggestion of a conversion factory may be an option for the area, it could not be accommodated on the site itself. In response to comments on the bidder's day event, the Project Manager advised that around 200 companies had expressed an interest in the project.

When asked about use of rail transport at the site, the Chief Executive said that this option had been explored but was considered unviable due to the revenue costs. Road haulage was the immediate solution, however, rail remained an option for future consideration.

Councillors Ian Dunbar and Dennis Hutchinson raised concerns about the impact of road haulage along the Deeside corridor. The Project Manager said that the impact of the estimated 30-40 vehicles per day would be minimal and that there was provision in the contract to define specific routes for haulage contractors, with penalty clauses. The Chief Executive provided explanation on the gate fee which had been negotiated on the basis of a minimum of 175K tonnes of waste, including a minimum 90K tonnes from the partnership with the

remainder from other sources. The total amount of waste was relatively minor in comparison to other facilities in the UK. Comments on improving the road and rail network linked to the longer-term growth strategy.

In response to comments by Councillor Andy Dunbobbin on the A494 consultation, the Chief Executive spoke about the need to meet criteria and the expectation for WG investment which would benefit the Northern Gateway. In respect of the NWRWP, he gave a brief summary of the site selection process where an alternative site had been 'ruled out' due to it not being made available.

When asked by Councillor Haydn Bateman about the use of heat from the facility, it was explained that the use of hot water and steam for use elsewhere was being explored. The generation of electricity for sale to the National Grid would provide the partnership with a share of income.

The Chairman thanked the officers for the update and agreed with the suggestion for WTI representatives to attend a future meeting.

RESOLVED:

That the update be noted and WTI representatives be invited to attend a future meeting.

45. QUARTER 2 IMPROVEMENT PLAN 2016/17 MONITORING REPORT

The Chief Officer (Planning & Environment) introduced the regular update report to consider progress towards the delivery of the impacts set out in the 2016/17 Improvement Plan, focussing on the areas of under-performance relevant to the Committee during Quarter 2.

A number of areas indicated good progress, including the co-ordination of the Single Environment Grant (SEG) by an established working group; an approach which had been endorsed by Welsh Government. The Chief Officer advised that the only major risk area was that funding would not be secured for priority flood defences. Whilst smaller scale schemes were informed by local knowledge, the outcomes of the review of the Mold flood alleviation scheme would be discussed with local Members and the Committee, once it had concluded. The Ancillary and Performance Manager summarised the actions being taken to address the two 'red' performance indicators relating to road safety initiatives.

Councillor Paul Shotton acknowledged the involvement of Kingdom, the environmental protection service, on the success of the pilot scheme and asked how many of the 2,000+ penalty tickets issued had related to dog fouling offences. He went on to thank Streetscene officers and SP Energy for their prompt actions in clearing a significant amount of dog faeces and litter which had been reported as part of an environmental visual assessment.

Councillor Bernie Attridge gave assurance that dog fouling offences would be pursued and prosecutions taken where identified and evidenced. The Ancillary and Performance Manager referred to the challenges on this and outlined the proactive approach being taken to raise awareness along with the

work of the Dog DNA Task Group. A total of 54 fixed penalty tickets had been issued for dog fouling since the start of the pilot, which sent a positive message to deter irresponsible dog owners.

Following comments from Councillor Veronica Gay, the Manager advised that hotspot areas were targeted and agreed to provide details of the locations where the 54 tickets had been issued. The compulsory microchipping of dogs did not form part of the pilot scheme. The Manager noted the suggestion to promote road safety initiatives with licensed driving instructors and would refer comments on a scheme for cyclists to the Road Safety Team. Councillor Attridge said that partners such as the Police could help to raise awareness of road safety initiatives and encourage young drivers to take the 'Pass Plus' driving course.

Councillor Gay also referred to a draft development brief on Wrexham Road in Chester and raised concerns about the impact on surrounding areas. The Chief Officer confirmed that as part of the consultation process, the Council had expressed concerns to Chester West & Cheshire Council about the effect on the highways, surface water and foul water infrastructure.

Following a matter raised by Councillor Dennis Hutchinson on noise nuisance at a private housing estate, the Manager explained that this was a Police matter, but that the Council could issue fixed penalty notices on open spaces. The Chief Officer suggested that noise nuisance matters be referred to Pollution Control so that incidents could be logged and evidence gathered.

In response to concerns expressed by Councillor Brian Lloyd on the potential for more flooding in Mold, the Chief Officer said that the results of the review of the Mold scheme were due at the end of the month. Councillor Attridge urged Members to make representations to the Assembly Member to lobby Welsh Government for funding for the scheme.

Councillor Richard Lloyd raised issues on Public Protection Spaces Orders (PPSOs), litter/leaves left in streets by the Recycling team, cyclists using footpaths to access cyclepaths and the need to promptly remove temporary traffic signals after work completion. In responding, the Manager asked that matters of rubbish removal be referred to Streetscene supervisors where there were health and safety concerns, adding that the new vehicles would help to reduce spillage of waste. He would pass on the comments about cyclists to the Road Safety team if specific details were given.

Councillor Chris Dolphin expressed his appreciation to the team for the improved road safety schemes and praised the work carried out at the Greenfield Recycling Centre for improving the appearance of the facility.

In response to comments from Councillor Ian Dunbar, the Chief Officer provided clarification on the elements covered by the SEG and noted the request to keep Town/Community Councils updated on the Local Development Plan (LDP) vision.

Councillor Gay pointed out the lack of public buildings in Saltney in which to display information on the LDP consultation. The Chief Officer suggested that she liaise with the Planning Strategy Manager to identify an appropriate location.

He agreed to discuss a separate issue on tree maintenance following the meeting.

RESOLVED:

That the report be noted.

46. FORWARD WORK PROGRAMME

- A reminder was given of the workshop on Public Spaces Protection Orders - Dog Control, Dog Fouling & Dog DNA on 5 January 2017 to which all Members had been invited.
- Members were advised that the Committee's provisional budget meeting on 13 January 2017 was no longer required and that formal notification would be issued.
- A presentation on the Flintshire Bridge Converter Station would be scheduled for a future meeting, as requested by Councillor Paul Shotton.

RESOLVED:

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

47. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There was one member of the press in attendance.

(The meeting started at 10am and ended at 11.40am)

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Chairman

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ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE	
Date of Meeting	Wednesday 11 January 2017
Report Subject	Pilot Dog DNA scheme and the introduction of Dog Control Public Spaces Protection Orders
Cabinet Member	Deputy Leader of the Council and Cabinet Member for Environment
Report Author	Chief Officer (Streetscene and Transportation)
Type of Report	Operational

EXECUTIVE SUMMARY

Flintshire County Council adopted powers within the clean Neighbourhoods and Environment Act 2005 and currently has a single Dog Control Order, covering the entire County, in relation to the fouling of public open space by dogs. Due to changes in legislation the current Dog Control Order needs to be replaced, otherwise enforcement actions would not be able to continue against owners that allow their dogs to foul in public areas without collecting the waste and disposing of it in an appropriate manner.

In October 2014, the Anti-Social Behaviour, Crime and Policing Act 2014 came into force. The Act covers a wide variety of anti-social behaviour and the sections relevant to dog fouling include the introduction of Public Spaces Protection Orders (PSPO) and this report considers replacing the current Dog Control Order with a new PSPO covering the all public open space across the County.

The existing Dog Control Order only requires owners to remove their dog's waste from public areas however, the creation of a PSPO provides an opportunity for enforcement against other designated offences, such as the complete exclusion of dogs from a defined area or keeping dogs on leads on certain classifications of open space at all times, such as children's play areas, marked sports pitches and other formal recreation areas.

An all member workshop has been arranged for January 5th 2017 to highlight the prohibition options available and to obtain members views on both these and the possible introduction of a pilot dog DNA scheme in the County following the work carried out by the Environment and Overview Task and Finish group.

RECOMMENDATIONS

1	That Environment Overview and Scrutiny notes the work carried out by the Dog DNA Task & Finish Group and recommends a potential pilot area for a scheme to Cabinet.
2	That Environment Overview and Scrutiny recommends Cabinet approve the Implementation of a Dog Control Public Space Protection Order (PSPO) for specific offences on designated classifications of open space. (A summary of the outcomes and recommendations from the workshop will be presented at the Committee meeting)

REPORT DETAILS

1.00	EXPLAINING THE BACKGROUND TO THE PROPOSALS
1.01	The dog DNA Task and Finish group were convened to investigate dog DNA testing schemes which have been introduced elsewhere in England and further afield in order to assist with the problem of dog fouling in Flintshire. The group also reviewed the option of introducing Public Spaces Protection Orders (PSPO's) to deal with dog fouling, which included wider prohibitions with respect to dog ownership, other than dog fouling.
1.02	Serving PSPO's is an intervention intended to prevent individuals or groups committing anti-social behaviour in a public space and they form part of the Anti-Social Behaviour, Crime and Policing Act 2014. Councils may introduce a PSPO after consultation with the Police, the Police and Crime Commissioner and community representatives and they can be enforced by Police Officers, Police Community Support Officers and Council Enforcement Officers (if designated to do so). The maximum duration of a PSPO before a review is required is three years, but can last for shorter periods of time where appropriate.
1.03	Flintshire Council currently has a single Dog Control order which covers the entire County as follows:- <i>Fouling of Land by Dogs, (Flintshire County Council) - Order Number 1, 2009</i> The minimum recommendation is to replace the current Dog Control Order with a new PSPO covering dog fouling on publically open space land across Flintshire and an order requiring dogs to be put on a lead, when the owner is directed to do so by an authorised officer.
1.04	An all Members Workshop has been arranged for 5th January 2017 with the intention of further explaining the law around PSPO's, and capturing members views on:- <ol style="list-style-type: none">1. The further prohibition options available in respect of dog control on relevant land classifications.2. Enforcement arrangements for any of the prohibitions options

	<p>considered appropriate.</p> <p>3. The possibility of introducing a pilot dog DNA scheme in Flintshire.</p> <p>4. Other issues in respect of dog fouling.</p>
1.05	<p>Prohibition options to be considered by the workshop for defined categories of open space include the following:</p> <ol style="list-style-type: none"> 1. Excluding dogs from <ul style="list-style-type: none"> • marked sports pitches • formal recreation areas (e.g. bowling greens and tennis courts) • children's play areas • school grounds 2. All dogs to be kept on a lead in cemeteries 3. For dog walkers to have a maximum number of dogs under their control at any one time
1.06	<p>The Dog DNA Task and Finish Group have explored the dog DNA scheme trialled in Barking and Dagenham - the first of its type in the Country. Dog owners were encouraged to register their dog's DNA with a specified company, whilst officers from the Council's environmental enforcement team carried out proactive patrols in three pilot area to collect samples of dog faeces. The samples are then sent to check for a match to any dog registered on their database.</p>
1.07	<p>The proposal in Flintshire is to dedicate an area for dog walkers who have recorded their dogs DNA on a central data-base, which will be highlighted by a tag on the dog's collar. It would be an offence to walk a dog in the designated area without a tag and any dog faeces found in the area would be traceable through a DNA test. The cost of undertaking the trial will be presented to the workshop.</p>
1.08	<p>The outcome of all of the above proposals is anticipated to help create better, cleaner, safer places by promoting considerate dog ownership, leading to reduced incidences of uncollected dog waste.</p>

2.00	RESOURCE IMPLICATIONS
2.01	Budget - There will be costs associated with any signage for PSPO's in any areas where they may need to be displayed.
2.02	Legal – A new PSPO would replace the existing Dog Control Order. A legal process would need to be followed with the appropriate formal consultation process included - any views received during the process would be duly considered.
2.03	Staffing – All new PSPO's would be enforced by Streetscene Enforcement staff supported by the current external enforcement organisation when

	required.
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3.00	CONSULTATIONS REQUIRED / CARRIED OUT
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3.01	Any PSPO would require a public consultation and formal consultation with the Chief Constable of North Wales Police, The Police and Crime Commissioner for North Wales and appropriate community representatives.
3.02	Internal discussions have occurred between Streetscene and Transportation, Leisure Services & Community Safety.
3.03	With Deputy Leader and Cabinet Member.

4.00	RISK MANAGEMENT
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4.01	If the current Dog Control Order is not replaced by October 2017, the enforcement against owners that allow their dogs to foul in public areas would not be able to continue.
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5.00	APPENDICES
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5.01	None – the outcome of the workshop will be presented at the committee meeting.
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6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
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6.01	None. Contact Officer: Stephen O Jones Telephone: 01352 704700 E-mail: stephen.o.jones@flintshire.gov.uk
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7.00	GLOSSARY OF TERMS
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7.01	Public Spaces Protection Orders (PSPO's)
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ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE

Date of Meeting	Wednesday 11 January 2017
Report Subject	Forward Work Programme
Cabinet Member	Not applicable
Report Author	Environment Overview & Scrutiny Facilitator
Type of Report	Operational

EXECUTIVE SUMMARY

Overview & Scrutiny presents a unique opportunity for Members to determine the Forward Work programme of the Committee of which they are Members. By reviewing and prioritising the Forward Work Programme Members are able to ensure it is Member-led and includes the right issues. A copy of the Forward Work Programme is attached at Appendix 1 for Members' consideration which has been updated following the last meeting.

The Committee is asked to consider, and amend where necessary, the Forward Work Programme for the Environment Overview & Scrutiny Committee.

RECOMMENDATION

1	That the Committee considers the draft Forward Work Programme and approve/amend as necessary.
2	That the Facilitator, in consultation with the Chair of the Committee be authorised to vary the Forward Work Programme between meetings, as the need arises.

REPORT DETAILS

1.00	EXPLAINING THE FORWARD WORK PROGRAMME
1.01	Items feed into a Committee's Forward Work Programme from a number of sources. Members can suggest topics for review by Overview & Scrutiny Committees, members of the public can suggest topics, items can be referred by the Cabinet for consultation purposes, or by County Council or Chief Officers. Other possible items are identified from the Cabinet Work Programme and the Improvement Plan.
1.02	<p>In identifying topics for future consideration, it is useful for a 'test of significance' to be applied. This can be achieved by asking a range of questions as follows:</p> <ol style="list-style-type: none">1. Will the review contribute to the Council's priorities and/or objectives?2. Is it an area of major change or risk?3. Are there issues of concern in performance?4. Is there new Government guidance of legislation?5. Is it prompted by the work carried out by Regulators/Internal Audit?
2.00	RESOURCE IMPLICATIONS
2.01	None as a result of this report.
3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Publication of this report constitutes consultation.
4.00	RISK MANAGEMENT
4.01	None as a result of this report.
5.00	APPENDICES
5.01	Appendix 1 – Draft Forward Work Programme
6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>None.</p> <p>Contact Officer: Margaret Parry-Jones Overview & Scrutiny Facilitator</p> <p>Telephone: 01352 702427</p> <p>E-mail: margaret.parry-jones@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	Improvement Plan: the document which sets out the annual priorities of the Council. It is a requirement of the Local Government (Wales) Measure 2009 to set Improvement Objectives and publish an Improvement Plan.

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ENVIRONMENT OVERVIEW & SCRUTINY FORWARD WORK PROGRAMME

Draft Forward Work Programme

Date of Meeting	Subject	Purpose of Report/Presentation	Scrutiny Focus	Responsible/Contact Officer	Submission Deadline
8 February 2017 10.00 am	Trading Standards Collaborative Projects Deeside Vision	To receive an update on the collaborative projects To update the committee on the latest developments	Awareness Raising	Chief Officer Planning and Environment Chief Officer Streetscene and Transportation	
8 March 2017 2pm	Q3 Improvement Plan Monitoring report Planning Enforcement Policy	To enable Members to fulfil their scrutiny role in relation to performance monitoring To consider the proposed changes.	Assurance Options consultation	Facilitator Chief Officer Planning and Environment	
13 June 2017 10.00 am	Q4 and Year End Improvement Plan monitoring Update on Provision of Residents Parking Schemes and Disabled Bays on the Highway Network	To enable Members to fulfil their scrutiny role in relation to performance monitoring To review the current Policy for the provision of Resident Parking Schemes.	Assurance Awareness Raising	Facilitator Chief Officer Streetscene and Transportation	
11 July 2017 10.00 am					

ENVIRONMENT OVERVIEW & SCRUTINY FORWARD WORK PROGRAMME

ITEMS TO BE SCHEDULED as agreed by Committee

Item	Purpose of Report/Session	Responsible / Contact Officer
Presentation on the Flintshire Bridge Converter Station	As agreed at Environment O & S Committee on 7 December 2016	

REGULAR ITEMS

Month	Item	Purpose of Report	Responsible / Contact Officer
Quarterly/ Half-Yearly	Improvement Plan Monitoring and Performance Reports	To enable Members to fulfil their scrutiny role in relation to performance monitoring.	Chief Officers