

## **ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE**

**23 JULY 2013**

Minutes of the meeting of the Environment Overview & Scrutiny Committee of Flintshire County Council held at Delyn Committee Room, County Hall, Mold on Tuesday, 23 July 2013

**PRESENT: Councillor Matt Wright (Chairman)**

Councillors: Haydn Bateman, Derek Butler, Peter Curtis, Chris Dolphin, David Evans, Cindy Hinds, Ray Hughes, Joe Johnson, Colin Legg, Nancy Matthews, Paul Shotton and Carolyn Thomas

**SUBSTITUTES:** Councillors: Ian Dunbar (for Ann Minshull) and Dave Mackie (for Veronica Gay)

**CONTRIBUTORS:** Deputy Leader and Cabinet Member for Environment, Cabinet Member for Public Protection, Waste & Recycling and Director of Environment

Transportation Manager and Rural Transport Project Officer (for minute number 20)

Head of Planning (for minute number 21)

Leader of the Council (for minute number 23)

Head of Regeneration (for minute number 23)

**IN ATTENDANCE:** Environment & Social Care Overview & Scrutiny Facilitator and Committee Officer

### **18. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

Councillor C.A. Thomas declared a personal interest in Agenda Item 4 'Review of Subsidised Bus Services' due to her involvement with Cadwyn Clwyd.

### **19. MINUTES**

The minutes of the meeting held on 26 June 2013 had been circulated with the agenda.

#### Accuracy

Councillor C.A. Thomas asked that it be noted that she had been in attendance in the public gallery at the meeting.

#### Matters Arising

Copies of the action sheet from the meeting were circulated to those present.

Councillor C.J. Dolphin said that despite the Head of Streetscene having stated that contractors were not cleaning gullies, he was aware of cases in his ward where strong jet cleaners were being used to do this. The Director of

Environment would check with the Head of Streetscene and provide a response on locations and frequency of cleaning.

**RESOLVED:**

That, subject to one amendment, the minutes be approved as a correct record and signed by the Chairman.

**20. REVIEW OF SUBSIDISED BUS SERVICES**

The Transportation Manager introduced a report to outline draft proposals of the County's subsidised bus and related services and introduced Ceri Lloyd who had been appointed as the new Rural Transport Project Officer on a 12 month fixed-term basis.

A full list of bus services in Flintshire was attached to the report indicating Red, Amber and Green status to show levels of cost, demand and sustainability. In correcting an error in the report, it was noted that the review had highlighted 8 Red services, 10 Amber services and 13 Green services. Changes to the management of bus services following the reduction in funding across Wales were reported, along with details on the full consultation process.

The Deputy Leader and Cabinet Member for Environment stressed that this would involve a meaningful consultation process providing the opportunity for relevant stakeholders such as Overview & Scrutiny, Town and Community Councils and all Council Members to feedback their views prior to reaching a decision at Cabinet in December 2013. In echoing these comments, the Director of Environment reminded Members that a further report would be brought back to the Committee on 13 November 2013.

Councillor A.I. Dunbar expressed concern about notice given to withdraw commercial bus services 9 and X9 whose route included a steep hill and which many elderly people were reliant upon to access essential services. The Director said it was important to distinguish between the services provided and to bear in mind that the Council had no influence over those run commercially by bus operators and also could not run subsidised services in competition with them. In addition, operators were within their rights to give 56 days' notice to the Traffic Commissioner to withdraw services. The Transportation Manager explained a tendering process was due to commence for replacement bus services to start on 8 September 2013 although these may not be at the same level. Information would be shared with Members. Councillor D. Evans had previously raised concerns about the same issue and welcomed the response.

Councillor W.P. Shotton highlighted the importance of detailed consultation with Town and Community Councils, in view of the cuts to bus grant funding across Wales and the Regional Transport Consortia, and suggested that the newly appointed Rural Transport Project Officer could undertake visits to discuss fully. He also commented on the importance of concessionary bus passes to those in rural and deprived areas of the county.

In response to queries raised by Councillor C.A. Thomas, the Transportation Manager confirmed that Iwan Prys-Jones could present the TAITH

Regional Bus Network Strategy to Overview & Scrutiny and that TAIH had taken over the management of the budget for community transport from 1 April 2013 and community transport operators appeared to be satisfied with the funding received. Following Councillor Thomas' comments on the D42 'on demand' service to rural communities which helped to transport evening workers, it was explained that this currently operated as part of the Deeside Shuttle and was to be re-tendered. The Transportation Manager said that detail such as this was required as part of the consultation process and that improvements would be made where feasible. She noted the suggestion that consultation with Town and Community Councils include information on specific routes which affected them.

The Chair agreed with the suggestion for the Rural Transport Project Officer to visit Town and Community Councils and provide explanation on the proposals, particularly in regard to 'red' services. The Transportation Manager commented that these visits may be needed in September as the new appointment did not start until mid August. Councillor Thomas urged awareness of timeliness of Town and Community Council meetings within the consultation period as some would not be due to meet until the end of September. The Deputy Leader and Cabinet Member for Environment suggested that Town and Community Councils may wish to convene special meetings during August to look at this topic but gave assurance that their involvement was paramount in the consultation process.

Councillor C.J. Dolphin requested that the 22 and 22A services be extended to enable residents in Carmel and Gorsedd to access Holywell town centre shops and leisure facilities.

Councillor P.J. Curtis hoped that the consultation process would involve visits along routes to expand knowledge about areas, rather than a desk exercise, and that the Council could work with commercial operators on usage to avoid wastage from empty buses, particularly during peak periods. He commented on there being no buses from his area to Mold on Sundays and the inconsistent timing of buses travelling from Chester to Holywell and Rhyl. In response to a further comment, the Director acknowledged that some commercial bus operators were competing by running services behind each other. Whilst the Council had been unable to do anything about this in the past, the Regional Bus Network Strategy would provide a quality framework where the Council was better placed to raise this problem.

In response to comments made by Councillor N.M. Matthews, the Transportation Manager explained that priorities were outlined in the policy and that home to school transport for eligible school children was statutory. Contributions were received from Education for some journeys, based on the number of pupils travelling on those routes, and some public service buses on school routes also accommodated fare-paying passengers. She went on to explain that funding for the Clwydian Ranger, which was a seasonal service, had ceased.

Councillor D. Butler felt that a good service was being provided by the Council in view of mileage covered and that transport by local bus companies should be encouraged. He said it was essential that the Deeside Shuttle

continued as it was the only one to serve the Deeside Industrial Park and spoke of the potential for the 7 and 28 services to be extended to this area.

Councillor D.I. Mackie spoke in support of the bus users' surgeries events held on 23 May 2013 at Connah's Quay and Flint, which had been most informative and brought together Council officer expertise with representatives from bus companies and national organisations. He asked for the 'unknown' figures in Appendix 3 to be addressed, where possible, to provide clarity and had been made aware of some routes where roads were not easily accessible for buses, for example York Road in Connah's Quay. On subsidised bus services for students, he referred to the potential for a significant increase in demand for bus services arising from the sixth form hub.

The Transportation Manager said it was intended to arrange a further consultation event in October/November 2013 and asked Members to contact her with suggestions on possible venues. She explained that the role of the Bus Compliance Officer, who had been present at the last event, worked on behalf of the Welsh Government/Bus Users' UK to monitor bus routes across North Wales for their punctuality and reliability and report back to the Transport Commissioner. Unknown figures for routes which were part of the Deeside Shuttle were complex to calculate but would be resolved when the relevant officer had returned from absence. Other unknown figures were for commercial services where operators had opted not to provide this commercially sensitive information. Officers were aware of concerns relating to York Road and concerns had been raised with Arriva regarding this No. 10 service during the daytime when the service was operated commercially (during the evenings, when the service was subsidised, the bus did not operate via York Road), however the Council had no control over commercial journeys. Councillor Shotton said that this issue had been addressed last year where an amicable arrangement had been reached between Arriva and local residents.

Following a question from the Chairman on the size and width of some buses used for rural routes, the Transportation Manager explained that often they needed to accommodate the number of pupils travelling to and from schools in the morning and afternoon; consequently the same buses were also used throughout the day as it was not financially viable to have vehicles sitting idle. She added that viable alternative solutions would be considered as part of the consultation process.

Councillor C. Hinds spoke of the need for residents in Penyffordd to access services to Deeside Industrial Park and for a service to transport pupils from Dobshill to schools in Hawarden (due to capacity issues at Castell Alun) to avoid the need for taxis. The Transportation Manager advised that the latter point had recently been raised with commercial operators, however school selection was down to parental choice and problems with capacity at local schools should be raised with Education.

In response to a query raised by Councillor Curtis on evidence to show that subsidised services were running to the required frequency, the Transportation Manager explained that back-office ticket machine data was available. She also gave an example where an operator had produced GPS data to respond to a challenge on the punctuality of a particular service.

In summing up, the Chairman welcomed the report in view of the cuts made to bus grant funding across Wales and said that innovative thinking would be needed on re-tendering services with meaningful proposals brought back for consideration on 13 November 2013. On the intention to provide a further bus users' event, he suggested that an early evening slot be arranged to accommodate individuals at work or school during the day. The Transportation Manager agreed that this could be considered.

**RESOLVED:**

That the comments made by the Committee on the draft proposals be considered as part of the consultation.

**21. PLANNING SERVICE PERFORMANCE**

The Head of Planning introduced a report to further analyse the performance of the Planning Service, particularly in Quarters 2 and 3 of 2012/13, which had been reported to Cabinet in March 2013. Copies of updated information on performance indicators for Quarter 1 of 2013/14 were circulated to compare to 2012/13 year outturns. An update was also provided on the role of the Conservation Officer, enforcement of planning conditions and inter-departmental consultations.

Councillor A.I. Dunbar welcomed the report which showed excellent progress in all aspects of planning applications. Responding to queries on applications with Section 106 Agreements, the Head of Planning acknowledged the time needed by the Planning Committee to clear the backlog and said that the majority of planning applications with Section 106 Agreements must be considered by the Committee.

With respect to enforcement issues and the time taken to take formal action, it was recognised that some applicants were exploiting the system through the submission of retrospective applications which would need to be determined prior to Formal notices being served.. When asked about direct action, he gave an example of the outcome of the unauthorised gypsy encampment in Essex.

The Chairman asked about the effectiveness of liaison between Legal and Planning in dealing with problems. The Head of Planning felt that there was a good relationship between the two sections with advice efficiently given but suggested that there may be issues with the availability of resources on more complex cases. He added that officers were endeavouring to simplify the process on Section 106 Agreements to speed up the process.

The Deputy Leader and Cabinet Member for Environment was aware of issues on Section 106 Agreements and gave assurance that he received regular updates on cases. He felt that the situation had improved and agreed that there were issues about resources on complex cases which was being addressed corporately.

Councillor C.A. Thomas said that pre-planning discussion was required to provide guidance to applicants and would pursue this with the Head of Planning outside the meeting. The Chairman said that the Committee had previously stressed the importance of pre-planning discussion to avoid problems further down the line. On a further query, the Head of Planning said that officers were working with Town and Community Councils to provide information on key applications with Section 106 Agreements within their areas and that further information could be sought from Claire Leaney.

On the downturn in the determination of minor planning applications within 8 weeks, Councillor G.H. Bateman sought clarity on the 'increased emphasis on negotiating quality'. The Head of Planning explained that this was about finding solutions before submission of the application thus avoiding delays arising from negotiations later in the process. Following a further query, he advised that the statement made by Carl Sargeant AM had reflected changes to extend permitted development rights leading to greater flexibility on planning permissions and the potential for a reduction in householder planning applications. He added that guidance and criteria had been issued by the Welsh Government (WG) on the changes and that workshops had been arranged to help understanding. Information on the changes would be included on the Council's website and circulated to the Committee.

Following a comment from Councillor C.J. Dolphin on ongoing cases, the Head of Planning said that complex planning applications may encounter delays due to viability issues, further information being requested or the need for monitoring, for example from ecology reports.

Councillor W.P. Shotton was pleased to note the improvements in performance and positive changes made to the role of the Conservation Officer and praised the excellent training sessions which had been provided.

Councillor D. Butler asked whether the changes to planning rights would provide the opportunity for major developers to renegotiate new applications to reduce their obligations. The Head of Planning said that this was becoming more common in Flintshire and cited a recent case where there had been a refusal to make the necessary community benefits which led to difficult decisions by officers and the Planning Committee. Councillor Butler asked if the Planning Strategy Group could consider this. As Chair of the Planning Strategy Group, the Deputy Leader and Cabinet Member for Environment agreed to ensure that this was included on the work programme.

In response to a query raised by Councillor C. Hinds on the building of schools, the Head of Planning said that there was little that could be done in the planning process. The Chairman asked if the Facilitator could explore the degree of liaison between Planning and Lifelong Learning Overview & Scrutiny Committees.

In summing up, the Chairman noted the marked improvement in performance which had been noted by Members and said that the Committee would take a keen interest in the sustainability of these improvements.

Councillor N.M. Matthews said it was important that the Conservation Officer took account of views from the community and possessed adequate historical knowledge of the areas covered. The Head of Planning hoped that this was the case and said that other resources were available with a knowledge of areas. He confirmed that this was a full-time post and added that the involvement of a second officer to provide support would help to ease the burden in what was a subjective area of work.

**RESOLVED:**

That the further analysis of the Planning Service's performance for 2012/13 and update on Quarter 1 for 2013/14 be noted, acknowledging the improvements that had begun to take hold in Quarter 4 and those planned for 2013/14.

**22. UPDATE ON THE NORTH WALES RESIDUAL WASTE TREATMENT PROJECT AND THE SUB-REGIONAL FOOD WASTE PROJECT**

The Director of Environment introduced a report to update Members on the procurement process of the North Wales Residual Waste Treatment Project (NWRWTP) and progress on the Sub-Regional Food Waste Project.

On the NWRWTP, discussions had been ongoing with Wheelabrator Technologies Inc (WTI) following Sita's withdrawal from the procurement process earlier in the year and the outcome of finalising commercial aspects of the solution was due to be considered by the Joint Committee (made up of the five partner Authorities) in early Autumn 2013.

On the Sub-Regional Food Waste Project, positive feedback had been received on the 'interim' service and construction had begun on the treatment facility. The Cabinet Member for Public Protection, Waste & Recycling reported that there had been a slight delay to construction due to the repositioning of a transformer, which it was hoped would soon be resolved by Scottish Power. Approval had been granted to a planning application submitted by WG to develop the western portion of the site as a strategic contingency salt store.

In response to a query raised by Councillor A.I. Dunbar on the NWRWTP, the Cabinet Member for Public Protection, Waste & Recycling explained that fines from the Welsh Government (WG) would apply to Flintshire and the other partner Authorities upon failure to meet statutory waste targets whereas potential knock-on costs would apply to any Authority withdrawing from the project.

Councillor G.H. Bateman sought clarity on the withdrawal of Sita from the process. The Director said that the involvement of Sita for so long in the process had enabled benchmarking to take place with the proposals from WTI. Although Sita had cited commercial reasons for its withdrawal, further explanation had not been divulged to the partnership.

Responding to a question from the Chairman, the Director advised that WTL was an American company whose business plan had been based on creating facilities to further develop opportunities in the UK.

## **RESOLVED:**

That the content of the report be noted.

### **23. DEESIDE ENTERPRISE ZONE PROGRESS REPORT**

Prior to the item, the Chairman stated that he understood the Leader of the Council would be assuming responsibility for regeneration which had previously been under the remit of the late Councillor Peter Macfarlane.

The Head of Regeneration introduced a report to inform Members of progress on the Deeside Enterprise Zone (DEZ) which had been officially launched as Wales' designated area for Manufacturing and Advanced Manufacturing. He detailed the background and consideration of the report including key points within the response from the Welsh Government (WG) to the business plan. It was noted that progress in Year 1 had resulted in the creation of 431 new jobs and 1,300 existing jobs safeguarded, despite physical work on DEZ not yet having started.

The Leader of the Council stressed that the DEZ was a WG led initiative and was one of seven across Wales. He said that the achievement in economic development in Flintshire was recognised and despite previous concern around submission of the business case, subsequent meetings had been held with the Minister and the business case approved. He referred to concerns about competition with two Enterprise Zones in England within a 20 mile radius of Deeside in terms of attracting investment and growing businesses. In providing an update on the North Wales Economic Ambition Board (NWEAB), he highlighted work in enabling access across the region, a key strand of which would be the electrification of the North Wales Coast lines. He remarked that there appeared to be a clear drive for North Wales Authorities to focus on tourism and energy and called on support from Overview & Scrutiny to ensure that views were heard on manufacturing. He welcomed the skills agenda in North Wales which would benefit the region and hoped that links would be developed with China following the visit by the Chinese delegation, to benefit the whole of Flintshire.

Councillor W.P. Shotton welcomed the approval given to commence the Flood Alleviation Scheme and the exciting concept of the North Wales Advanced Manufacturing Skills and Technology Centre to sustain the manufacturing base and safeguard skills. Whilst being mindful of the WG led initiative on the DEZ, he said that more would be expected.

Councillor D. Butler said that the WG should note that Flintshire worked under a certain demographic and spoke of the need for close working between the six Local Authorities and the NWEAB. The interest expressed by the Chinese delegation had been generated through work internally and would benefit people in Flintshire and across North Wales.

Councillor A.I. Dunbar spoke in support of progress made which was starting to come to fruition and of the need to work together to achieve fundamental changes.

The Director thanked the Leader for his comments and spoke of positive progress in approval of the business case, increasing confidence in investment opportunities and benefits for the whole of North Wales. He referred to the six Local Authorities working together and the need to prioritise manufacturing jobs.

The Chairman said that it should be the responsibility of the Council to engage at a local level and suggested that he discuss the best way to take this forward with the Leader of the Council. As this was a quarterly update report, he suggested that a six monthly update be received in future.

The Leader of the Council welcomed this discussion with the Chairman and said that the NWEAB was supportive of manufacturing and that the importance of advanced manufacturing to the whole of North Wales could be reinforced, especially in light of the Ministerial guidance.

In response to a question from Councillor N.M. Matthews on whether the Council or WG dealt with companies investing in the DEZ, the Head of Regeneration explained that this was dependent on the project and proposals involved, but there was generally a shared approach with WG colleagues.

**RESOLVED:**

- (a) That the progress report be noted;
- (b) That the Chairman liaise with the Leader of the Council on a localised approach; and
- (c) That the progress report on Deeside Enterprise Zone be received by the Committee on a six-monthly basis.

Deeside Enterprise Zone marketing document

**24. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE**

There was one member of the press in attendance.

(The meeting started at 10.00 am and ended at 12.23 pm)

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**Chairman**