

ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE
16 JANUARY 2018

Minutes of the meeting of the Environment Overview & Scrutiny Committee of Flintshire County Council held in the Council Chamber, County Hall, Mold on Tuesday, 16 January 2018

PRESENT: Councillor Ray Hughes (Chairman)

Councillors: Mike Allport, Haydn Bateman, Sean Bibby, Chris Dolphin, Andy Dunbobbin, Veronica Gay, Dave Hughes, Joe Johnson, Colin Legg, Vicky Perfect, Paul Shotton and Owen Thomas

SUBSTITUTES: Councillors: Ian Dunbar (for Cindy Hinds) and David Healey (for David Evans)

APOLOGIES: Councillor Derek Butler

ALSO PRESENT:

Councillors: Clive Carver, Dennis Hutchinson, Richard Jones, Mike Peers and Dave Mackie (as initiators of the call-in who were not Members of the Committee)
Councillors: Christopher Bithell, Rob Davies, Rosetta Dolphin, Mared Eastwood
Christine Jones, and David Wisinger (as observers)

CONTRIBUTORS: Councillor Aaron Shotton, Leader and Cabinet Member for Finance; Chief Executive, Councillor Carolyn Thomas, Cabinet Member for Streetscene and Countryside, Chief Officer (Streetscene and Transportation), Chief Officer (Planning and Environment), Access and Natural Environment Manager,
Finance Manager, Highway Network Manager, Streetscene Co-ordinator

IN ATTENDANCE: Democratic Services Manager, Environment Overview & Scrutiny Facilitator and Committee Officer

52. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None were received.

53. CONSIDERATION OF A MATTER REFERRED TO THE COMMITTEE PURSUANT TO THE CALL IN ARRANGEMENTS

The Democratic Services Manager gave an overview of the procedure for the call in of a Cabinet Decision as detailed in the supporting document. The Cabinet had considered a report on the *Introduction of Garden Waste Charges in Flintshire* at its meeting on 19th December 2017. The decision (Record of Decision 3469) had been called in by Councillors Mike Peers, Richard Jones, Dave Mackie, Dennis Hutchinson and Clive Carver. Copies of the Cabinet report, the Record of Decision and Call in Notice, which identified five reasons for the call in, were included with the agenda papers for the meeting.

54. THE INTRODUCTION OF GARDEN WASTE CHARGES IN FLINTSHIRE

On behalf of the call in signatories, Councillor Mike Peers spoke first. He drew the Committee's attention to a recent survey in the Leader newspaper in which 88% of respondents had been against a fee being charged for garden waste collection with only 12% in favour. He also referred to emails which had been received from Town & Community Councils opposing the proposal.

Reason 1: The proposals do not align with the Wales Government Blueprint for Waste Collection in Wales.

Councillor Peers said that the decision makers had missed the point of the Blueprint, which was the promotion of home composting and the introduction of charges for garden waste collection. Councillor Richard Jones reinforced that the proposal did not align with the blueprint which he assumed that all Members had read. He said that the blueprint envisaged a two stage approach with composting first and then charging with a view to achieving zero waste and a reduction in carbon footprint. The charging element with the Waste Blueprint was intended as an incentive to reduce waste and landfill costs and not to generate an income stream for the County. He said that charging should be the last resort, with composting as the carrot and charging as the big stick.

Reason 2: Cabinet considered its approval of the proposals using an approved and incorrect Scrutiny Minutes.

Councillor Peers reminded the Committee that the minutes which were used at Cabinet had not been approved by the Committee and were inaccurate because of the lack of detail on his proposal.

Reason 3: The proposals do not consider the elderly and vulnerable from the proposed introduction from garden waste charges on the 1st April 2018.

Councillor Peers felt that the impact on elderly and vulnerable people had not been properly considered; a view which was echoed by Councillor Richard Jones who felt that the charge was unfair and would disproportionately affect non vehicle owners.

Reason 4: The charges are unreasonable, contrary to the Environment Act 1990 and when compared to other local authorities.

Councillor Peers' view was that the charges proposed were higher than those charged by neighbouring authorities. He went on to say that the proposal to charge for the second and third bins was disproportionate and unreasonable.

Councillor Richard Jones identified the capacity of the garden waste bins used by three of the North Wales Authorities and Wirral Council together with their charges. He said that these figures showed that the proposals for charging in Flintshire would be substantially more expensive than other authorities because of the cubic capacity of the bins and the frequency of collection. He felt that this approach was not fair and not sensible.

Reason 5: In order to assess full cost recovery, the detailed cost of the Garden Waste Collection Service is unknown and was not included in the Scrutiny or Cabinet reports.

Councillor Peers questioned whether a body such as CIPFA (The Chartered Institute of Public Finance and Accountancy) had been used to support the council's implementation of the Blueprint. He opined that the Blueprint did not envisage the money from green waste collection being used to cross subsidise dry recycling or food collection.

Councillor Richard Jones went on to say that the full cost recovery approach was contrary to the blueprint advice. He expressed the view that people would not participate in a scheme which was expensive and seemingly unreasonable, and would find other ways of saving £30 per year either through home composting, travelling to HRC sites, 'fly tipping' or leaving their garden waste to build up. He envisaged that the uptake would be lower than anticipated. Councillor Jones went on to refer to WRAP guidance (the Waste & Resources Action Programme) which emphasised the provision of compost bins and asked whether the Council would be able to provide these as they need to be efficient and good value for money.

Councillor Hutchinson reiterated that there was no element of support in the current proposals for those who could not afford to pay the fee. Councillor Mackie was concerned that the original report which had been received by the Committee on 20th November had lacked an Equalities Impact Assessment. Therefore, his main concern at the proposals was the lack of information provided to Members.

In concluding the presentation by the initiators, Councillor Carver referred to paragraph 3.05 of the Cabinet report. This dealt with a further period of consultation once the service was established to look at issues such as full year rather than part year collection for use of microchip payment mechanisms and reduced rates for residents on benefits. He said that this should be part of the scheme from the beginning. He went on to comment on the Armed Forces Community Covenant and the potential effect on veterans for whom gardening may be their only interest. He was also concerned at the ability of the Council's IT systems to deal with an influx of requests for the service. He went on to comment on the way in which remarks made by the Cabinet Member, Councillor Carolyn Thomas, had been presented in the press.

Councillor Carver then referred to the former John Summers High School Campus and the cost of securing the building 24 hours a day. He urged the Council to demolish it and enable savings of almost £60,000 which is the current payment for non-domestic rates. This would contribute to the budget deficit.

Responses from the decision makers

The Chief Executive thanked the initiators of the Call In for their rigorous explanation. In terms of the process, he reminded the Committee that a Corporate Policy for fees and charges had been in place since last year. One of the principles of the policy was full cost recovery of discretionary services where possible.

With regard to the use of unapproved minutes, the Chief Executive explained that it had been made clear these were draft minutes. This had been stressed by the Democratic Services Manager when he had presented them at the Cabinet meeting, to assist in their deliberations. They had been shared as an aid to discussion. The Chair of the Environment Overview & Scrutiny Committee had confirmed that he was satisfied that they accurately reflected the discussion which had taken place. The Chief Executive said that a protocol on the use of draft minutes would be prepared to avoid any confusion or repeat challenge in the future.

Referring to the Waste Blueprint, the Chief Executive reminded Members that the collection of garden waste was not a mandatory service. He acknowledged there was some validity to the bin capacity argument put forward by Councillor Jones but stressed that the costs of providing the non-mandatory service should be fully recovered at as a working target for an income level for the Council. The cost to households receiving the service would be well below £1 per week.

The Chief Executive went on to explain to the Committee that whilst CIPFA, as mentioned by Councillor Peers had not been used, the Council had last year brought in Deloitte, a major financial advice and consultancy firm. They had conducted an assessment of the Council's fees and charges, as part of a review which led to the adoption of the corporate fees and charges policy with an emphasis on full cost recovery for services.

The Chief Executive went on to explain that during the Initiator's presentation of their case he had identified salient points to detailed responses as follows:-

- (i) Better promotion of home composting;
- (ii) Consideration of bin size;
- (iii) Cost base;
- (iv) Equalities Impact Assessment
- (v) The review process
- (vi) The robustness of the take up argument

In referring to the review, the Chief Executive suggested that it could incorporate: how the Council could improve composting rates; the effect on vulnerable people in terms of their participation because of affordability, consideration of a bigger bin size e.g. 240L, the take up rate and monitoring any increase in fly tipping. He invited colleagues to comment on those points.

Councillor Carolyn Thomas, the Cabinet Member for Streetscene reminded the Committee that the charges were being brought in as a result of the Welsh Government reducing the Single Environment Grant over the last 2 years. Further reductions were anticipated for the future. She explained that her remarks in the Leader newspaper had been intended to convey the importance of charging for non-mandatory services in order to protect mandatory services such as Education from cuts. She recognised the validity of promoting more home composting and said that information on this could be included with the leaflets

about the introduction of garden waste collection charges. The proposed charges at 83p per week represented good value for money.

The Chief Officer (Streetscene and Transportation) supported the Cabinet Member's comments and referred to the link in the original report to the Welsh Government (WG) Guidance note which said that the County Council should apply charges for green waste collections. The WG currently provided the Council with £3m as the Single Environment Grant and thus their views had weight. He said that the Council had provided compost bins in the past, and through a grant had been able to offer them free of charge. The provision of compost bins at cost was a possibility which could be investigated and guidance could be issued on this.

With regard to the cost breakdown, details had been circulated to the Committee that morning which identified the need for the Garden Waste Service to be fully paid for to enable the Single Environment Grant to support the rest of the service. He appreciated the concerns for the elderly and vulnerable and said that this was something that would be assessed in the first year, as a learning approach and suggested that the Committee could review this as part of its forward work programme.

He went on to remind the Committee that Flintshire had five strategically based household recycling centres and 90% of the population was within a 3 mile or 15 minute car journey time from home. The Assisted Collection Service for those in need would still operate and would continue to be non-chargeable. Proposals for a relief scheme would be brought back to Members next year, as part of the review.

Referring to the concern about increased fly tipping, the Chief Officer reminded the Committee that this was a criminal offence but there was no evidence of an increase in such within Councils which had already introduced charging. The Equality Impact Assessment had been undertaken and would be circulated to Members.

The Cabinet Member said that Streetscene provided a waste collection service to around 60,000 homes and that the missed collection rate was less than 0.08 %.

The Leader of the Council said that he had sat in for most of the Environment Overview & Scrutiny Committee's discussion in November and that he had not heard a great deal new from the Initiators of the Call In. The Cabinet had made its Decision with the knowledge of the Committee's earlier recommendations which had been explained to it by the Democratic Services Manager at the meeting on the 19th December. The principle must be full cost recovery. Not achieving this would have a serious impact elsewhere. He said that the Cabinet are committed to not making cuts in services to balance the budget.

The Leader then referred to the Council Tax Reduction Scheme and the likely impact of making reductions for those households. He went on to comment on the Cabinet Member's remarks being taken out of context in the press. Councillor Carver responded that he had not misrepresented Councillor Thomas'

remarks: he had simply read out the remarks which had been attributed to her by the journalist who had written the story.

In responding to Councillor Carver, the Chief Officer challenged that ICT did have the capacity to implement the scheme and that arrangements had already been made for this. He also explained that if the Committee was minded to recommend that a charge not be levied for the second and third bin as this would have a significant impact on the budget.

The Chairman invited Members of the Committee to comment and ask questions.

Councillor Paul Shotton reminded colleagues that the Council would be charging under £1 per week for a service which was discretionary. The Single Environment Grant had been cut over the last few years. He was satisfied that the home composting issue would be addressed and on that basis proposed Option 1.

Councillor Dave Healey also supported Option 1 and said that it had been a responsible decision to charge for green waste collection. This was part of a bigger picture: the Education & Youth Overview & Scrutiny Committee would be meeting later in the week to consider School Budgets, which were also under pressure. His views were supported by other Members.

Councillor Gay was opposed to the introduction of charging and asked for a recorded vote on the issue. Councillor Owen Thomas had a number of concerns about the ability of Streetscene to provide the service.

The Chief Executive commented that the Education and Youth Overview & Scrutiny Committee would be considering a 'cash flat budget for schools at its meeting on Thursday afternoon. The Council still had not balanced the budget and that this was the reality of the budget situation.

Councillor Haydn Bateman agreed that no one was happy to be bringing in the proposed charges but suggested that these would be more palatable if the Council were to issue larger 240 litre bins rather than the current 140 litre bins and also to remove the charges for additional bins. The Chief Officer (Streetscene and Transportation) reiterated that the provision of larger bins could be looked at but that it would have a cost. Removing the charges from the second and third bins would certainly increase costs.

Councillor Dolphin congratulated the Initiators of the Call In as their actions had prompted thinking on a number of issues such as the provision of cheaper compost bins.

Following the discussion, the Chairman invited both the Initiators and the Decision Makers to sum up their arguments.

Councillor Peers thanked the Committee for their consideration and emphasised that he still disputed the recovery costs element as he felt that the proposed charging regime was over and above cost recovery and that there was nothing on offer for the elderly, vulnerable and those without transport. He

acknowledged that the Equalities Impact Assessment was to be circulated. He felt that the issue should still go back to Cabinet. This view was echoed by Councillor Richard Jones whose main concern was the reasonableness of the charges as he said that under the current proposals Flintshire would be charging either double or 2.5 times more than any other council.

The Cabinet Member and the Chief Executive responded that this was a non-mandatory service and that the ideas which had been put forward today on composting would be considered.

To enable the Committee to reach a Decision, the Chair invited the Democratic Services Manager to explain the decision making process, which would include a recorded vote.

The Democratic Services Manager explained that in a Committee, the number of Members needed to requisition a recorded vote was four. The requisite number of Members then indicated their support. Councillor Paul Shotton had earlier proposed Option 1 that having considered the Decision the Overview & Scrutiny Committee was satisfied with the explanation it had received. This was seconded by Councillor Dave Healey. Councillor Chris Dolphin had proposed Option 4, but the democratic services Manager explained that for a call in, each Option needed to be voted on in turn, before a further option could be considered.

On being put to the vote, Option 1 was carried as follows:-

For the proposal: Councillors Ray Hughes, Haydn Bateman, Sean Bibby, Andy Dunbobbin, Dave Healey, Ian Dunbar, Dave Hughes, Joe Johnson, Vicky Perfect and Paul Shotton.

Against the proposal: Councillors Mike Allport, Chris Dolphin, Veronica Gay and Owen Thomas.

Abstentions: Councillor Colin Legg

RESOLVED:

That having considered the explanations which it has received, the Committee is satisfied and the decision to introduce garden waste collection charging in Flintshire may now be implemented.

Prior to the next item, the Committee adjourned for a 5 minute break.

55. MINUTES

(i) The minutes of the meeting held on 20 November 2017 were submitted.

Accuracy

Councillor Veronica Gay referred to the final paragraph on page 21 and said that Councillor Peers had proposed that the decision on whether to implement a charging policy for the Garden Waste service be reviewed and asked that the minutes be amended to reflect this. The Chairman commented that the Leader

had previously advised that he was present at the meeting which had not been recorded.

(ii) The minutes of the meeting held on 12 December 2017 were submitted.

RESOLVED:

That subject to the above amendments the minutes be approved as a correct record and signed by the Chairman.

56. BUDGET STAGE 2: REVIEW OF CAR PARKING CHARGES

The Chief Officer (Streetscene and Transportation) introduced a report to seek a recommendation from the Committee on the proposed car parking charges in all Council owned car parks. He provided background information and advised that the car parking charges had not been reviewed since introduction and that the income generated did not meet the full cost of managing and operating the car parks. This position was contrary to the Council's newly adopted corporate policy for fees and charges which expected chargeable non-mandatory functions to be provided on a full cost recovery basis wherever possible.

The Chief Officer advised that the proposed revised charging arrangements were shown in Appendix 1 to the report. There were 2 options for the revised charges and the Committee was asked to express a preference for one of the options. The proposed charges were considered reasonable and would still be low when comparing the cost of parking in Flintshire to other Welsh counties. The Chief Officer explained that a review and further impact assessment would be undertaken six months after the new charges had been introduced and would be reported back to the Committee in October 2018.

Councillor Chris Dolphin referred to the proposed charges and clarified his view that the charges should not be standardised across all car parks in Flintshire. He commented on the facilities, shops and services which were provided within each town and said this needed to be taken into account when proposing changes to the current charging arrangements. Councillor Dolphin requested that the current tariff remained in Holywell. He also explained that there were two car parks located in close proximity to each other in Holywell and requested that these be amalgamated under the same name with the same parking charges to assist residents who used the local facilities; citing Holywell Leisure Centre as an example.

Councillors Haydn Bateman and Owen Thomas concurred with the view expressed by Councillor Dolphin that car parking charges in Flintshire should be standardised. Councillors Haydn Bateman and Dave Hughes felt that charges should be standardised in line with the current charges in Mold.

Councillor Sean Bibby proposed an amendment to both options for Buckley, Connah's Quay, Holywell, Queensferry, and Shotton car parks and proposed that an additional tariff of 20p be made for the first 30 minutes. This was seconded by Councillor Ian Dunbar.

Councillor Richard Jones reiterated that not all towns provided the same facilities and commented that free parking increased future footfall in a town centre as people became familiar to shopping in that area. He also commented on the cost of delivering and maintaining car parks and said that information on the expenditure and income received from each of the car parks in Flintshire should be made available for comparison and to determine future income levels. He expressed the view that some car parks were not being fully utilised. Councillor Jones did not support any increase in car parking charges in Buckley as he felt this would not attract new commercial business into the area or support existing local retailers and residents. Councillor Jones proposed that there was no change to car parking charges in Flintshire and that the income required to address the shortfall in the budget gap should be found from other services.

Councillor Aaron Shotton acknowledged that the issue of raising charges was contentious and the vibrancy of the town centres was an important consideration. He said the approach was in line with the Council's Fees and Charges Policy and Parking Strategy and commented on the need to maximise revenue generation with full cost recovery wherever possible. He referred to the need to balance the annual budget and commented on the current shortfall and said income levels had to be raised across all services to address the budget 'gap'. The Chief Executive emphasised the need for certainty of income in planning an annual budget.

Councillor Veronica Gay expressed the view that the proposed increase in charges for Flint Railway Station should be higher. However, Councillor Vicky Perfect felt that the proposed charges were acceptable.

Councillor Mike Peers commented on the Council's Car Parking Strategy and Fees and Charges Policy and said it should be reviewed to look at those areas which had initially been discounted. He added that the smaller car parks also had the potential to raise income for the Authority. Referring to the Flint area Councillor Peers asked if there was a possibility to recharge for the cost of lost income in that area. He expressed the view that there was not a "level playing field" and said there was both high and low utilisation of car parks in Flintshire town centres. He also commented on the impact of displacement and the availability of "off street" car parking and the differential in areas. Councillor Peers proposed that there should be no charge to park for up to 30 minutes on a short stay car park and that there should be a charge of 20p for up to 1 hour on other car parks.

The Chair concurred that there should be no free car parking and commented on the cost of maintenance for all car parks.

Councillor Chris Dolphin said that consultation should take place with local Town Councils concerning proposals to increase car parking charges to obtain their views on what is reasonable and affordable in their areas.

Councillor Richard Jones proposed a third option to retain the current charges and that the costs of running each car park be analysed.

Due to the number of comments and concerns put forward the Leader suggested that rather than vote on the options within the report, that Cabinet be

asked to consider all the proposals put forward. Following discussion it was agreed that the additional proposals raised by the Committee would be forwarded to Cabinet for consideration.

RESOLVED:

That the comments and concerns raised by the Committee be forwarded to Cabinet for consideration.

57. GRASS CUTTING POLICY REVIEW

Councillor Carolyn Thomas introduced the report to inform the Committee of the new revised Grass Cutting Policy and invited the Chief Officer (Streetscene and Transportation) to present the report.

The Chief Officer provided background information and explained that the report provides details of the standards followed at each location and the preferred service delivery option in each case. The report specifically detailed the highway grass cutting standards and demonstrates the Council's compliance with the latest Highway Code of Practice which was released in March 2017. The Chief Officer reported on the main changes to the existing policy as detailed in the report.

Councillor Richard Jones referred to the revised Policy which was appended to the report and said it did not identify what had been taken out of the original report and therefore it was not possible to see what changes had been made to the revised policy. Councillor Jones commented on the importance of litter picking, particularly before the first cut.

The Chief Officer responded to the comments and concerns raised by Members around highway visibility, gateways, grass verges, and litter. In response to the concerns made by Councillor Colin Legg regarding Ragwort the Chief Officer explained the procedures used to control growth and dispose of Ragwort.

RESOLVED:

That the Committee recommends Cabinet approves the Council's revised Grass Cutting Policy.

58. URBAN TREE AND WOODLAND STRATEGY

Councillor Carolyn Thomas introduced the report to advise of the objectives and actions set out in the Urban Tree and Woodland Plan and invited the Chief Officer (Planning and Environment) to present the report.

The Chief Officer provided background information and advised that the Urban Tree and Woodland Strategy provides a method for managing trees and woodlands more sustainably to meet the Welsh Government's and Council's aspirations.

The Strategy examined the opportunities for tree planting, how this will be done, and provides a best practice approach to the management of existing trees. Members were asked to consider the vision, objectives and actions as set out in the Strategy which was appended to the report.

In response to the questions and comments raised the Access and Natural Environment Manager, explained that engagement will take place with local communities regarding the location of tree planting and also to involve the community in the process of planting the trees.

Councillor Veronica Gay welcomed the report and spoke in support of the involvement of local communities which she said would nurture protection for urban trees and local woodland in the future and deter vandalism.

Councillor Owen Thomas expressed concerns around poor visibility on some highways due to tree planting and asked if this could be looked at.

Councillor Ian Dunbar also commented on the issue of vandalism to trees and asked if there was any form of protection in place. He also asked who was responsible for the future maintenance of tree planting.

The Access and Natural Environment Manager responded to the concerns and questions raised regarding the safeguarding of trees and said that the planting of the “right tree” in the “right location” was a crucial consideration. He also said that the direct involvement of children in the planting of trees developed a respect for the importance and protection of trees and woodland in the future. Referring to the maintenance of trees the Access and Natural Environment Manager explained that most of the areas where tree planting occurred were under the control of the Authority and said the cost of maintenance was not expensive in the long term. He advised that the Strategy considered how to build resilience into tree stock for the future with a view to providing a variety of different species across the County.

Councillor Paul Shotton commented on the health benefit of reduced air pollution which was provided through tree planting. He referred to the ‘Our Backyard’ scheme which had been accessed by Connah’s Quay Town Council which was proving to be of benefit.

RESOLVED:

That the vision, objectives and actions as set out in the Urban Tree and Woodland Strategy be approved

59. FORWARD WORK PROGRAMME

The Environment Overview & Scrutiny Facilitator presented the Forward Work Programme for consideration. She advised that it had been agreed that an additional meeting of the Committee would be arranged during February and the date would be confirmed to Members by email. The Facilitator also advised that an invitation had been sent to members of the Committee to attend a site visit to Parc Adfer on the 21 February 2018 at 10.00 a.m.

RESOLVED:

- (a) That the Forward Work Programme be amended; 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.

60. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There was one member of the press and one member of the public in attendance.

(The meeting started at 10.00 am and ended at 2.17 pm)

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Chairman