

ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE
19 SEPTEMBER 2017

Minutes of the meeting of the Environment Overview & Scrutiny Committee of Flintshire County Council held in the Delyn Committee Room, County Hall, Mold on Tuesday, 19 September 2017

PRESENT: Councillor Ray Hughes (Chairman)

Councillors: Mike Allport, Haydn Bateman, Sean Bibby, Andy Dunbobbin, David Evans, Veronica Gay, Cindy Hinds, Dave Hughes, Joe Johnson, Vicky Perfect, Paul Shotton and Owen Thomas

APOLOGIES: Councillors Chris Dolphin and Colin Legg, and Councillor Derek Butler (Cabinet Member for Economic Development)

ALSO PRESENT: Councillors Ian Dunbar, Patrick Heesom, Christine Jones and David Wisinger attended as observers

CONTRIBUTORS: Councillor Chris Bithell, Cabinet Member for Planning & Public Protection; Councillor Carolyn Thomas, Cabinet Member for Streetscene & Countryside; Chief Officer (Planning & Environment); and Chief Officer (Streetscene & Transportation)

Development Manager (minute number 23)
Anti-Social Behaviour Co-ordinator (minute number 24)
Waste & Ancillary Service Manager (minute number 26)
Highway Strategy Manager (minute number 27)
Highways Network Manager (minute number 28)

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

21. DECLARATIONS OF INTEREST

There were no declarations of interest.

22. MINUTES

The minutes of the meeting held on 11 July 2017 were submitted.

RESOLVED:

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

23. PLANNING ENFORCEMENT POLICY AND APPROACH

Councillor Chris Bithell introduced the report to seek approval of the draft Planning Enforcement Policy for consultation before formal adoption and to share details of the future approach to the enforcement function. The proposed changes would help to improve communications and accessibility to achieve a more effective planning enforcement system.

The Chief Officer (Planning & Environment) explained that the policy review had been co-ordinated with the proposed restructure of the Development Management team and was informed by changes in legislation and the outcomes of a recent Internal Audit report into the enforcement function. The main changes to the policy were summarised by the Development Manager who also explained that the restructure would enable resources to be used in a different way.

In response to a question from Councillor Owen Thomas, the Development Manager referred to the challenges of retrospective planning applications but advised that the proposed restructure would strengthen action tracking on such applications and timescales outside which any development would become exempt from potential enforcement action.

Councillor Paul Shotton spoke in support of the recommendations and asked about the implementation date. It was explained that most actions were taking place in the current month, with the restructure consultation period already underway, whilst others such as changes to IT software would take more time to complete.

Councillor David Evans asked that the policy include provision for the case officer to discuss with the local Member their decision on enforcement action and for this information to be made available. The importance of engaging with local Members was acknowledged by officers who said that expediency reports, containing details of enforcement decisions, may in future become publicly accessible. On the issue of anonymity of complainants, careful consideration would need to be given should the register of enforcement complaints become available on the website. The impact of any long-term absences on officer caseloads would be minimised by the restructure and casework approach with enforcement knowledge extended across the whole team. Timescales for site visits to unauthorised gypsy/traveller encampments (as referred to within the policy) would be revised where the Council was the landowner. It was acknowledged that where the encampment was on Council land, the quickest form of action would be through our role as landowner, rather than through planning enforcement.

Following a comment by Councillor Cindy Hinds, it was explained that the proposed changes would help to improve the recording and tracking of complaints to ensure that the complainant received a written response with the local Member copied in.

In response to Councillor Veronica Gay, the Development Manager agreed to clarify 'written complaints' within the policy and to include stronger signposting to relevant departments outside Planning, for example Housing or Highways. She also provided details of the new IT software which interacted with calendar scheduling to automatically record any escalated timescales.

Councillor Owen Thomas referred to the number of cases where enforcement action could not be taken due to the time limit being exceeded. It was noted that the new arrangements would improve transparency on closed cases and that this information would be available in the expediency reports.

Officers agreed to provide contact telephone numbers for the North and South teams, when these had been recruited to, as requested by the Chairman.

RESOLVED:

That the revised Planning Enforcement Policy be approved for consultation subject to Cabinet taking consideration of the comments made by the Committee.

24. CONSULTATION OUTCOMES TO THE PROPOSED CONDITIONS OF THE DRAFT DOG CONTROL PUBLIC SPACES PROTECTION ORDER (PSPO)

Councillor Carolyn Thomas introduced a report on the outcome of consultation on the proposed conditions of a Dog Control Public Spaces Protection Order (PSPO) in Flintshire covering dog control and dog fouling, which would replace the existing Dog Control Order.

The Anti-Social Behaviour Co-ordinator gave details of the consultation and the summary of responses which indicated strong support for the proposed conditions. Although 68% of responses agreed with excluding dogs from marked sports pitches, this was the least supported proposal and had attracted late objections. Due to this and concerns that some individuals were not aware of the consultation, the report set out two options: (1) to recommend that Cabinet consider all of the proposed conditions and (2) for Cabinet to consider a further period of local consultation to seek views on whether dogs should be prohibited from around marked sports pitches in areas where there were no alternative dog walking amenities.

The Chairman recalled that Option 1 had received overall support from Members attending the workshop earlier in the year.

To accommodate some concerns raised during the consultation, Councillor Paul Shotton proposed Option 1 with an amendment 'to permit dog exercise around the perimeter of marked sports pitches on a lead'. Officers confirmed that enforcement of the existing Dog Control Order would cease on 20 October 2017 unless the PSPO had been adopted to replace it.

Councillor Owen Thomas pointed out that some sports pitches were unmarked and would not be covered by the conditions. He felt that reference to fields should cover the entire area of those fields and that dogs should be put on a lead when using public footpaths, adding that such preventative actions would avoid potential incidents. The officers said that conditions (i) and (v) addressed these concerns and that appropriate signage would be displayed. On further queries, it was explained that Town and Community Councils had been consulted on land they wished to be included in the PSPO and that any private land would require permission if it was to be included at a future stage.

Members compared the amendment proposed by Councillor Shotton to Option 2.

Councillor Carolyn Thomas said it was recognised that many dog owners were able to control their dogs when let loose for exercise and that condition (v) had been included as a safeguard where this was not the case.

Councillor Shotton's amendment was seconded by Councillor Andy Dunbobbin.

Following comments from Councillor Cindy Hinds on prohibiting dogs from entering play areas, the Chief Officer (Streetscene & Transportation) explained that different signage would be required for different areas.

Whilst Councillor Veronica Gay agreed with the amendment, she felt it was important to recognise the need for dogs to be exercised off the lead and suggested that designated areas could be a future discussion topic for the Committee or a Task Group.

Following a query by Councillor Joe Johnson, Councillor Carolyn Thomas clarified that dog fouling was only currently enforceable under the existing Order. She agreed with the importance of making provision for dog walkers and to recognise the associated health and social benefits. Whilst legislation provided for open space to exercise dogs, the idea of designated areas would be best considered by Town and Community Councils.

On further discussion, it was clarified that Option 2 to extend the consultation on marked sports pitches meant that the remaining conditions could be implemented.

Councillor Evans proposed Option 2 which he felt addressed the amendment put forward. This was duly seconded. On being put to the vote, four Members agreed with Option 1 and seven Members agreed with Option 2. Option 2 was therefore carried.

RESOLVED:

- (a) That following the period of consultation, the Environment Overview & Scrutiny Committee recommends the making of a Public Space Protection Order (PSPO) to cover dog control and dog fouling in Flintshire with the following conditions to Cabinet for final determination. The PSPO will require a person in charge of a dog to:
- (i) Remove their dogs' waste from all public places within Flintshire.
 - (ii) Prohibit taking, or permitting the dog to enter or remain in
 - All areas within school grounds,
 - The playing areas of formal recreational areas including but not exclusively bowling greens and tennis courts
 - Fenced enclosed children's play areas.
 - (iii) Keep their dogs on a lead within a Cemetery.
 - (iv) Have means on their person, at all times, appropriate means to pick up their dogs' waste from all public places in Flintshire.
 - (v) Put their dog on a lead, when directed by an authorised officer, if the dog is loose and causing a nuisance or annoyance to any other person, bird or animal.

The removal of the proposal of dogs being excluded from the playing areas of marked sports pitches in response to a lack of alternative areas

for dogs to be exercised nearby at the current time. Allowing for a period of further consultation for Town and Community Councils to consult locally on marked sports pitches in their areas; and

- (b) To note for information, but subject to final Cabinet determination, the agreed Public Space Protection Order covering dog control and dog fouling commences on 20 October 2017, following a Notice period and publicity of the upcoming Order.

25. COUNCIL PLAN 2017-23

The Chief Officer (Planning & Environment) presented the Council (Improvement) Plan for 2017-23 which had been reviewed and refreshed to reflect the Council's key priorities for the five year term of the new administration. Amongst the revised set of six priorities, attention was drawn to the 'Green Council' priority which was relevant to the Committee.

RESOLVED:

That the Committee supports the targets and milestones in the Measures and Milestones document of the Council (Improvement) Plan 2017-23 and confirms there are no issues to be brought to the attention of Cabinet prior to adoption by the County Council for final publication.

26. REVISED ENVIRONMENTAL ENFORCEMENT AND CAR PARKING ARRANGEMENTS

The Waste & Ancillary Service Manager presented a report to consider engaging a specialist private partner to carry out environmental enforcement activities of low-level crime such as dog fouling, littering and car parking on behalf of the Council under a 2-year contract.

The conclusions of the 12 month trial of the formal agreement with Kingdom were positive in respect of the significant increase in the number of fixed penalty notices (FPN) issued during that time and the impact on town centres and open spaces. A breakdown of litter types from July 2016 to April 2017 showed this to be predominantly cigarette litter. The terms of the agreement meant that the proportion of income generated by the Council was being used to fund additional enforcement activity to specifically target dog fouling hotspot areas. The extension of the pilot until December 2017 would enable consideration of a longer term solution.

To tackle the issue of side waste, the Council intended to take a 3-stage approach to work with residents who failed to present their waste in the correct way and to use specific powers to issue FPNs as a last resort. A small team of Council officers would be responsible for this enforcement alongside similar environmental crime such as fly tipping, whilst also providing occasional support to the contract provider on low-level environment crimes.

Councillor Paul Shotton welcomed the findings of the report and spoke in support of all the recommendations.

Councillor David Evans queried comments on the Council's ranking on environmental enforcement. He felt that the breakdown of FPNs demonstrated the need for greater focus on dog fouling offences rather than littering and that bringing the service in-house would help to prioritise and tackle offences which were of most concern. Councillor Carolyn Thomas emphasised the more successful outcomes from outsourcing the service and gave assurances that dog fouling enforcement (albeit more challenging to enforce) was a key priority. The Chief Officer (Streetscene & Transportation) said that cigarette litter was a widespread problem and that the impact of the pilot was evident across the county. He urged Members to share intelligence on dog fouling and provided details of the senior officer post to manage the outsourced contract and deal with appeals.

The Waste & Ancillary Service Manager agreed to circulate the 'Keep Wales Tidy' report, together with details on the number of enforcement cases that the Council had taken to court.

On side waste enforcement, it was explained that for both options for stage 1 of the process, the bin would be labelled to advise the resident why waste had either been removed or one bag left in the empty bin. It was stressed that no side waste would not be left outside properties.

Councillor Haydn Bateman proposed Option 1 of stage 1 of the process, which was to remove all side waste in the first instance.

The Chairman said that public bins with provision for cigarette stubs would help to reduce litter. He was advised that public houses and cafes were encouraged to provide facilities to reduce this type of litter and that intelligence on hotspot areas should be shared to identify where a bin was needed.

Councillor Chris Bithell welcomed the success of the pilot and referred to the stronger stance adopted by some other countries.

Councillor Owen Thomas said there was insufficient disabled parking provision in town centres and that non-disabled spaces should be clearly marked to indicate that these were not free of charge to disabled users. The Waste & Ancillary Service Manager advised that the latter point had been agreed as part of the Council's policy and that statutory obligations were being met. On the volume of litter generated by fast-food outlets, he spoke about working with those organisations on national campaigns and the sharing of intelligence on problem areas. Following similar concerns from other Members, the Chief Officer stated his willingness to write to the Minister about this ongoing problem if the Committee wished.

Councillor Andy Dunbobbin also felt that enforcement services could be carried out in-house with learning taken from recent initiatives such as Community Asset Transfers. It was explained that outsourcing to an external organisation gave access to specialist expertise and additional resources.

In questioning consistency of enforcement across the county, Councillor Veronica Gay said that specific targets should be set for each area and that feedback should be given to local Members in response to intelligence shared.

As requested, the officers agreed to carry out a mapping exercise to show the locations of FPNs issued.

On being put to the vote, Option 1 of stage 1 of the side waste enforcement process, was carried.

RESOLVED:

- (a) That the Committee supports the procurement of a single Business Partner on a short-term 2 year contract (with an option to extend based on performance) to undertake the enforcement of low level environmental crime, dog control and car parking offences on behalf of the Council'; and
- (b) That the Committee recommends Option 1 to Cabinet for side waste enforcement.

27. UPDATE ON THE COUNCIL'S HIGHWAY SPEED LIMIT REVIEW

The Highway Strategy Manager presented an update report on progress in addressing the historic anomalies within existing speed limit orders together with details of the next stage to enable delivery of a single consolidated Order. An update was included on the outcome of individual Member requests for revised speed limits in their wards with clarification given on the Department of Economy & Transport (DfET) national criteria against which all requests had been considered.

In summarising the key points, the Manager highlighted anticipated timescales for advertising the Order along with the approach to dealing with objections. He stressed the importance of getting the Order right to reduce any risk of legal challenge.

In moving the recommendations, Councillor David Evans asked about timescales for signage and was informed that this would be 4-6 weeks after the advertising period, unless objections were received.

Councillor Owen Thomas questioned the results for roads in his ward and was informed that all local Members had been offered an opportunity to discuss the results with Streetscene Area Co-ordinators. The Chairman suggested that he raise his concerns outside the meeting. The Manager spoke about the work undertaken to produce detailed assessments involving a range of contributory factors and national criteria.

Following a question by Councillor Haydn Bateman, the Manager clarified that the aim of the review was to eliminate inconsistencies and ensure the speed limits were enforceable.

The Chief Officer (Streetscene & Transportation) gave a reminder that the advertisement of the Order would allow opportunities to raise objections.

RESOLVED:

- (a) That the progress made on the Speed Limit Review and the legal process required to enable the delivery of a single consolidated Order be noted; and
- (b) That the outcome of the assessments of Member requests for individual speed limit amendments, which have been considered against the speed limit guidance produced by the DfET, be noted.

28. REVIEW OF THE WINTER MAINTENANCE POLICY

The Highways Network Manager presented an update report on proposed changes to the Winter Maintenance Policy along with details of the county's response to other adverse weather conditions, seeking approval of the new Sand Bag Distribution Policy to be activated during periods of heavy rainfall or other flooding events. During the presentation, the Council's statutory duties were summarised and details shared on the operating arrangements for the winter service.

In response to questions from Councillor Paul Shotton, the Manager explained that the Sand Bag Distribution Policy had been developed to enable a consistent regional response due to the potential for flooding to affect cross-boundary areas. Discussions were taking place on accessing Welsh Government funding for councils and Natural Resources Wales.

Councillor Haydn Bateman queried spend for 2016/17 and was informed that this reflected an increase in the number of salt callouts on frosty evenings as opposed to snow events. The Chief Officer (Streetscene & Transportation) said that information on the number of callouts over the past two years would be shared with the Committee. Following a suggestion by Councillor Bateman, it was agreed that arrangements would be made for the Committee to view one of the new gritting fleet vehicles at County Hall.

Councillor Owen Thomas praised the service but pointed out the impact on rural roads if snow ploughs were delayed in responding to snow events. The Manager agreed to pass on this comment to the Duty Officer and explained that roads were prioritised for treatment. He said that the Council was able to call upon a number of agricultural contractors and would circulate details of those called out over a 3-year period.

In response to a question from Councillor Veronica Gay, officers gave a reminder of the agreed joint arrangements for sheltered accommodation involving Streetscene and Housing.

RESOLVED:

- (a) That the Committee recommends approval of the revised Winter Maintenance Policy (2017-19) - Appendix 1 and the procedures contained therein for delivering the winter maintenance service; and

- (b) That the Committee notes the details of the county's response to other adverse weather events and recommends approval of the new Sand Bag Distribution Policy - Appendix 2.

29. FORWARD WORK PROGRAMME

The Facilitator presented the current Forward Work Programme for consideration.

Following a suggestion by Councillor David Evans, it was agreed that an item on School Transport would be scheduled for December 2017 with an additional meeting to be arranged if necessary.

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.

30. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were two members of the public and one member of the press in attendance.

(The meeting started at 10am and ended at 1.05pm)

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Chairman