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To: Cllr Patrick Heesom (Chairman)

Councillors: Mike Allport, Sean Bibby, Chris Dolphin, Andy Dunbobbin,
David Evans, Veronica Gay, George Hardcastle, Cindy Hinds, Ray Hughes,
Dennis Hutchinson, Joe Johnson, Vicky Perfect, Paul Shotton and Owen Thomas

7 July 2020

Dear Sir/Madam

NOTICE OF VIRTUAL MEETING
ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE
MONDAY, 13TH JULY, 2020 at 10.00 AM

Yours faithfully

Robert Robins
Democratic Services Manager

Please note: Due to the current restrictions on travel and the requirement for social distancing, this meeting will not be held at its usual location. This will be a virtual meeting and 'attendance' will be restricted to Committee Members . The meeting will be recorded.

If you have any queries regarding this, please contact a member of the Democratic Services Team on 01352 702345

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 10 March 2020.

4 **RENEWAL OF PUBLIC SPACE PROTECTION ORDERS** (Pages 9 - 16)

Report of Chief Officer (Streetscene and Transportation), Chief Officer (Planning, Environment and Economy) - Deputy Leader of the Council and Cabinet Member for Streetscene and Countryside, Cabinet Member for Planning and Public Protection

Purpose: To seek a recommendation from Scrutiny to commence a public consultation exercise in order to renew Public Space Protection Orders (PSPOs).

ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE **10 MARCH 2020**

Minutes of the meeting of the Environment Overview & Scrutiny Committee of Flintshire County Council held at County Hall, Mold on Tuesday, 10 March 2020

PRESENT: Councillor Patrick Heesom (Chairman)

Councillors: Mike Allport, Sean Bibby, Chris Dolphin, Andy Dunbobbin, David Evans, George Hardcastle, Cindy Hinds, Ray Hughes, Dennis Hutchinson, Joe Johnson, Paul Shotton and Owen Thomas

SUBSTITUTION: Councillors: David Wisinger (for Vicky Perfect)

APOLOGIES: Councillors: Veronica Gay, Chris Bithell and Derek Butler

ALSO PRESENT: Councillors Kevin Hughes, Christine Jones and Colin Legg

CONTRIBUTORS: Councillor Carolyn Thomas, Deputy Leader and Cabinet Member for Streetscene & Countryside; Chief Officer (Planning, Environment & Economy); Chief Officer (Streetscene & Transportation); Regulatory Services Manager; Public Protection Manager – Community and Development Manager

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

67. DECLARATIONS OF INTEREST (INCLUDING WHIPPING)

None were received.

68. MINUTES

The minutes of the meeting held on 14th January were submitted and were moved for approval by Councillor Paul Shotton and seconded by Councillor Joe Johnson.

The minutes of the meeting held on 11th February were submitted and Councillor Hardcastle referred to the second paragraph on page 13 and wanted to add his thanks to the Chief Officer (Street Scene & Transportation). The minutes were then moved for approval by Councillor Chris Dolphin and seconded by Councillor Cindy Hinds.

RESOLVED:

That the minutes be approved as a correct record.

69. FORWARD WORK PROGRAMME AND ACTION TRACKING

The Overview & Scrutiny Facilitator presented the current Forward Work Programme and gave brief details about the Visit to Parc Adfer on 7 April.

It was agreed that the following items scheduled for the meeting to be held on 5 May would be deferred to 7 July in order that a workshop on the maintenance of ditches and watercourses could be held on the 5th of May.

- Fleet Electrification
- Pest Control

Councillor Wisinger emphasised the importance of regular clearing of ditches giving the example of the situation last year in Sandycroft when flooding was caused due to ditches not being cleared unlike this year when ditches were cleared and there was no flooding but a lot more rain.

In response to an issue raised regarding proposed changes to Liverpool Airport flight paths the Chief Officer (Planning, Environment & Economy) agreed to circulate to Members the Liverpool Airport consultation document.

Councillor Owen Thomas referred to changes to bus services which has left areas e.g. Llys Alyn in Rhydymwyn without public transport. The Chief Officer (Streetscene & Transportation) agreed to arrange for Sarah Blake to meet with Rhydymwyn residents regarding demand responsive transport.

The Chair referred to an issue with a cable under the A548 and the Chief Officer (Streetscene & Transportation) advised the Committee that the Council were now responsible for repairs as this was outside the 2 year guarantee period and that a bid for resilience funding to Welsh Government had been made.

The recommendations in the report were moved by Councillor Dave Wisinger and seconded by Councillor Paul Shotton.

RESOLVED:

- (a) That the Forward Work Programme be approved; 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; and
- (c) That the Committee notes the progress made in completing the outstanding actions.

70. COMPLAINT MADE TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES

The Chief Officer (Planning, Environment & Economy) introduced a report sharing the details of a complaint that was made against Flintshire County Council that was investigated by the Public Services Ombudsman for Wales in 2019. He confirmed that all 10 recommendations had been accepted.

The Community and Business Protection Manager added that the team had considered the findings very carefully and were endeavouring to move forward constructively taking into account the lessons learnt which will be used

as a model for other cases in the future. An inter-departmental group has been formed to address all cases going forward which would be formally minuted in addition to a detailed action plan. She added that the team are now co-located within the Ewloe.

The Development Manager referred to the planning enforcement policy and the backlog of cases with over 300 cases needing to be investigated individually. She acknowledged that whilst the enforcement team was a very small team, she was hopeful that the Internal Audit report would be satisfactory.

Councillor Wisinger stated that as Chairman of Planning Committee he was not happy with what had gone on but lessons had been learnt and that he was confident the service would keep improving. He welcomed the action plan to deal with the recommendations

Councillor Cindy Hinds raised concerns regarding derelict buildings. In response the Chief Officer (Planning, Environment & Economy) said there was a small pot of money to gift/loan to owners of buildings in a poor state to assist in bringing them back to use.

Councillor Sean Bibby expressed the view that there had been a marked improvement in the way enforcement cases are dealt with. He felt the new complaints process was working well and acknowledged the heavy caseloads of officers.

The Development Manager gave an overview of the structure of the Enforcement Team and stated that each officer would be responsible for approximately 80-90 cases but anyone of the officers would be able to give members an update on any case. In addition the Chief Officer (Planning & Development) agreed to circulate telephone numbers and email addresses of the Enforcement Team to Members.

The recommendations in the report were moved by Councillor Dave Wisinger and seconded by Councillor George Hardcastle.

RESOLVED:

- (a) That the Committee note the content of the report by the Public Services Ombudsman for Wales; and
- (b) That the Committee supports the actions taken by Planning, Environment and Economy as outlined in paragraphs 54 and 55 of the report as set out in Appendix 2.

71. QUARTER 3 COUNCIL PLAN 2019/20 MONITORING REPORT

The Chief Officer (Planning, Environment & Economy) and the Chief Officer (Streetscene & Transportation) jointly presented a report on a summary of performance for Quarter 3 (October – December 2019) position of 2019/20 for the Council Plan priorities 'Green Council', 'Ambitious Council' and 'Safe and Clean Council' to the Committee.

Councillor Hardcastle wanted to thank Streetscene and Cabinet Members regarding the recent change of day for collection of waste for some households within Flintshire. He said that he was expecting a high volume of calls from people in his area but it all went smoothly. However, Councillor Thomas reported that bins in his area had not been collected as people were unaware of new collection day. He added that this was especially dangerous along the A541 where bins are put on the pavement.

Councillor Wisinger added that waste collection is a massive challenge, but it's not always Streetscene that causes the problems as some people put wrong bins out, put too much in the bins or don't fill bags properly causing rubbish to fall out and the refuse collectors don't always have time to pick up what has been blown around.

The Chief Officer (Streetscene & Transportation) responded by saying that they had learnt lessons from the 2012 round changes and that 10,000 properties within Flintshire had been changed. Whilst he acknowledged some streets had been missed, these were dealt with quickly by the crews who needed time to learn the new rounds. He added that any evidence of untidiness should be reported straight away as reporting days later was harder to respond to.

The Regulatory Services Manager agreed to provide Members with contact details / duty rota for missed waste collections on Saturdays as requested by Councillor Dolphin.

Councillor Dunbobbin commented on the fact that whilst recycling had exceeded targets, Local travel arrangements set targets had been doubled and utility works had achieved more than planned an explanation was needed on the areas that were not positive. He questioned where the threshold was and where it triggered the RAG status as it was not clearly defined and as a public document it should be. In response the Chief Officer (Streetscene & Transportation) said that he would take it back to the Performance Team to look at it.

The recommendations in the report were moved by Councillor Paul Shotton and seconded by Councillor Andy Dunbobbin.

RESOLVED:

That the report be noted.

72. UPDATE ON GARDEN WASTE CHARGES IN FLINTSHIRE

The Regulatory Service Manager gave an update on the 2020 garden waste collection season since the increased changes were implemented as part of the annual fees and charges review and the introduction of the new tag system that had replaced the sticker. She emphasised that there was no duty on the Council to collect garden waste; however garden waste contributed significantly to the overall recycling performance and that it was a discretionary chargeable service offered to reduce landfill and generate revenue for the

provision of other statutory services as recommended by the WG Waste Collections Blueprint (2011).

In response to the questions raised about the fees and how the service was being promoted to those who had not yet taken up subscription the Regulatory Services Manager confirmed that the reduced fee of £32 was still available for all online payments. Members of the public who didn't have the capacity to make the payment online would be able to go to any Flintshire Connects Office and the staff would complete online for them. The £35 fee was for payments made after 1st March 2020 over the phone or at a payment kiosk at Flintshire Connects for cash payments. Work was currently being undertaken to introduce Direct Debit payments next year. An analysis had been done as to how payments were made and to date 70% were done online and 30% face to face.

The Chief Officer (Streetscene & Transportation) agreed to issue instructions to all crews to collect brown bins even if the tags had been put on upside down in response to an issue raised by Councillor Hardcastle.

The recommendations in the report were moved by Councillor Dave Wisinger and seconded by Councillor Andy Dunbobbin.

RESOLVED:

That the work undertaken on the 2020 garden waste collection scheme be noted.

73. WASTE PERMITTING AND DATA FLOW

Following a request from the Scrutiny Committee the Regulatory Services Manager introduced the report on the overview of waste permitting and waste data reporting activities within the Council. Key points were

- Waste Permitting
- Duty of Care
- Waste Carrier
- Waste Reporting

The Chairman and Members were very impressed with the very detailed report and what had been done and encouraged them to keep up the good work. The Chief Officer (Streetscene & Transportation) and Regulatory Services Manager said they would convey the compliments back to the team.

The recommendations in the report were moved by Councillor Owen Thomas and seconded by Councillor Sean Bibby.

RESOLVED:

That the report be noted.

74. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were no member of the press and public in attendance.

(The meeting started at 10.00 am and ended at 12.17 pm)

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Chairman



ENVIRONMENT OVERVIEW AND SCRUTINY

Date of Meeting	Monday 13th July 2020
Report Subject	Review of Public Space Protection Orders
Cabinet Member	Deputy Leader of the Council and Cabinet Member for Streetscene and Transportation Cabinet Member for Planning and Public Protection
Report Author	Chief Officer (Streetscene and Transportation) Chief Officer (Planning, Economy and Environment)
Type of Report	Operational

EXECUTIVE SUMMARY

Public Spaces Protection Orders (PSPO's) are an intervention to prevent individuals or groups committing anti-social behaviour in a public space. They are part of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act").

Councils may make a PSPO after consultation with the Police, the Police and Crime Commissioner and appropriate community representatives. Once introduced, they can be enforced by Council Officers, Police Officers or Police Community Support Officers, if they are designated to do so.

Cabinet approved the making of a dog control PSPO's in September 2017, following a period of consultation and the other requirements under the Act.

PSPO's can last for a maximum of three years before a review is required and the Orders are now due for review or will expire on 19th October 2020.

To extend a PSPO the Council must firstly undertake, in accordance with the Act, a public consultation and notification exercise, as if it were making a new order.

Under provisions of the Act, Flintshire's Alcohol Designated Public Place Order transitioned automatically into a Public Space Protection Order. This order allows Police Officers the power to ask members of the public to surrender alcohol if a member of the public are believed to be causing a nuisance in a public place. This is not a total alcohol ban in public areas, and is not applicable to licensed premises, but encouragement of sensible drinking. This Order also needs to be reviewed.

RECOMMENDATIONS

1	That Scrutiny notes the need to consult with the required statutory consultees and members of the public with the purpose of gaining views to extend the two current PSPO's in Flintshire for a period of three years.
2	That Scrutiny recommends Cabinet approves the consultation methods proposed in the report to gain views on extending the two current PSPO's in Flintshire for a period of three years.

REPORT DETAILS

1.00	EXPLAINING THE BACKGROUND TO THE PROPOSALS
1.01	<p>PSPO's are designed to stop individuals or groups committing anti-social behaviour in a public place. PSPO's may not be made for a period of more than three years, but can be extended or varied if legal requirements are met.</p> <p>On 12th September 2017, Cabinet approved the making of a Dog Control Public Space Protection Order (PSPO) following a period of consultation and other requirements under the Act. The PSPO required dog owners to:</p> <ol style="list-style-type: none">1. Remove their dogs' waste from all public places within Flintshire,2. Have a means on their person to pick up dog waste,3. Place their dog on a lead when asked by an authorised officer if the dog was causing a nuisance.4. Prohibit dogs from entering the playing areas of public marked sports pitches, formal recreation areas including but not exclusively bowling greens and tennis courts, fenced equipped children's play areas and all areas within school grounds,5. Keep their dog on a lead in cemeteries.
1.02	<p>Since the implementation of the dog control PSPO over 1,100 dog walkers have been approached and provided with information and advice on the prohibitions of the Order. A total of 3 Fixed Penalty Notices (FPN's) have been issued for dog fouling and 45 for dogs entering the boundaries of marked sports pitches. Whilst enforcement activity is timed to busy periods of dog walking and when intelligence is received about a regular offender, it is difficult to actually witness dog owners not clearing up after their dogs. The Council has adopted a high profile approach in order to act as a deterrent and enforcement officers enter into dialogue with dog walkers during their patrols to ensure that they are aware of the PSPO's. It should be noted that a high number of FPN's is not the only measure by which the success of PSPO's should be measured and overall cleanliness and public awareness of the FPN process should also be considered.</p>
1.03	<p>Flintshire's Designated Public Place Order automatically transitioned to a PSPO under the Act in October 2017. The order allows designated officers, in this case Police Officers, the power to ask members of the public to surrender their alcohol if they are deemed to be a nuisance in</p>

	<p>public areas. Licensed premises are not included under these restrictions. Drinking alcohol in a public place is not a breach of the Order, but refusing the officers request to cease drinking, or surrender their alcohol when asked.</p>
1.04	<p>Initial discussion has taken place with Flintshire's North Wales Police Chief Inspector who is supportive of the Alcohol Control PSPO being consulted on with the same requirements.</p>
1.05	<p>PSPO's can be introduced in a specific public area where the local authority is satisfied on reasonable grounds that certain conditions have been met. These would include the nature of the anti-social behaviour requiring that:</p> <ul style="list-style-type: none"> • Activities that have taken place have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will take place and that they will have a detrimental effect • The effect or likely effect of these activities: <ul style="list-style-type: none"> • Is, or is likely to be, persistent or continuing in nature • Is, or is likely to be, unreasonable • Justifies the restrictions being imposed <p>Any local authority that made a PSPO, may extend the period for which it has effect if it is satisfied, on reasonable grounds that doing so is necessary to prevent an occurrence or recurrence of the activities identified in the order, or an increase in the frequency or seriousness of those activities, after that time.</p>
1.06	<p>PSPO's are not permitted to have an effect for a period of more than 3 years, unless extended under Chapter 2 Section 60 of the Act.</p> <p>Before the time when a PSPO is due to expire, the local authority that made the PSPO may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent—</p> <p>(a) occurrence or recurrence after that time of the activities identified in the order, or</p> <p>(b) an increase in the frequency or seriousness of those activities after that time.</p> <p>An extension under this section may not be for a period of more than 3 years, but a PSPO may be extended under this section more than once.</p>
1.07	<p>A constable or authorised person of the Council may issue a Fixed Penalty Notice of £75 to anyone he or she believes to be guilty of an offence under PSPO restrictions, which would be required to be paid within 14 days. Failure to do so may lead to a fine on summary conviction not exceeding level 3 (currently £1000) on the standard scale.</p>
1.08	<p>Consultation is proposed to take place through two online surveys, one for each PSPO, asking for residents and statutory consultees' views on the PSPO's to be extended and whether the requirements of the orders are proportionate, on the FCC website for a period of 5 weeks through August</p>

	2020 and the first week in September 2020. The consultation responses will be considered by the Council before a decision is made on final PSPO's.
1.09	<p>The requirements for the Dog Control PSPO are for dog owners to:</p> <ol style="list-style-type: none"> 1. Remove their dogs' waste from all public places within Flintshire, 2. Have a means on their person to pick up dog waste, 3. Place their dog on a lead when asked by an authorised officer. 4. Prohibit dogs from entering the playing areas of public marked sports pitches, formal recreation areas including but not exclusively bowling greens and tennis courts, fenced equipped children's play areas and all areas within school grounds, 5. Keep their dog on a lead in cemeteries. <p>An interactive map will be made available online with colour coding of each land category showing which restriction is in force at which location, including relevant land adopted by the local authority since the Order was made in 2017, along with a document explaining Frequently Asked Questions.</p> <p>With regard to the Dog Control PSPO consultation it is proposed to write to the following outlining the proposal to extend the PSPO and where they are able to take part:-</p> <ul style="list-style-type: none"> • Elected members • School head teachers, • Town and Community councils, • Bowling club secretaries, • Lease holders of affected land, i.e sports clubs. • Charities and Organisations such as the RSPCA and Kennel club, • North Wales Police and the Police and Crime Commissioner. • Any other appropriate community representatives.
1.10	<p>The Alcohol Control PSPO will require the following to be written to directing them to take part in the consultation.</p> <ul style="list-style-type: none"> • Elected Members • North Wales Police • The Police and Crime Commissioner • Flintshire's Drug and Alcohol Teams and Substance Misuse Service • The Area Planning Board • Town And Community Councils • Any other appropriate Community representative.
1.11	A press release through local newspapers, regular updates via FCC social media and highlighted on the FCC website will be made to inform the public on the proposals and where/how to take part in the consultation.
1.12	Following closure of the consultation period the results of the surveys will be considered and analysed and a report will be submitted to the Environment Overview and Scrutiny Committee for discussion and

	recommendations on the final PSPO's (subject to consultation outcomes) will be made to Cabinet.
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2.00	RESOURCE IMPLICATIONS
2.01	Budget – There may be costs associated with any signage for the new PSPO's in any areas where they may need to be displayed. These costs will need to be funded from current budgets
2.02	Legal – Notice and publicity of the PSPO will need to be made prior to any extension being made.
2.03	Staffing – The Dog Control PSPO would be enforced by Streetscene Enforcement staff. An Alcohol Control PSPO would be enforced by designated officers of North Wales Police.

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT
3.01	<p>An Equality Impact and Welsh Language Assessment (EIA) was completed for the current Dog Control PSPO and the Order contains exemptions for those with protected characteristics. This document shall be reviewed for the proposed extension of the Dog Control PSPO and a new EIA will be completed and included before recommendations for the final order.</p> <p>To enable a PSPO to be extended the legal requirements of the Anti Social Behaviour, Crime and Disorder Act 2014 have to be met, which includes required consultation. Not to meet the statutory requirements may result in successful legal challenge.</p> <p>Documents are not, due to current the current COVID 19 pandemic, going to be physically available for the public to view at FCC public buildings. This is not a legal requirement under the Act, nor is it desired in the relevant statutory guidance.</p> <p>Both Orders expire on 19th October 2020. Not having any Order in place following this date will mean any enforcement of the current prohibitions will not be able to take place.</p>

4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	FCC must carry out the necessary consultation and the necessary publicity, and the necessary notification before extending the period for which a PSPO has effect.

	<p>The necessary consultation means consulting with—</p> <ul style="list-style-type: none"> (a) the chief officer of Police, and the local policing body, for the Police area that includes the restricted area; (b) whatever community representatives the local authority thinks it appropriate to consult; (c) the owner or occupier of land within the restricted area; <p>The necessary publicity means—</p> <ul style="list-style-type: none"> (a) in the case of a proposed Order or variation, publishing the text of it; (b) in the case of a proposed extension or discharge, publicising the proposal; <p>The necessary notification means notifying the following authorities of the proposed Order, extension, variation or discharge</p> <ul style="list-style-type: none"> (a) the parish council or community council (if any) for the area that includes the restricted area;
4.02	Consultation has taken place with the Chief Officer of Streetscene and staff
4.03	Consultation has taken place with Flintshire's Chief Inspector of North Wales Police

5.00	APPENDICES
5.01	None

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None

7.00	CONTACT OFFICER DETAILS
7.01	<p>Contact Officer: Stephen O Jones Telephone: 01352 704700 Email: stephen.o.jones@flintshire.gov.uk</p> <p>Contact Officer: Andrew Farrow Telephone: 01352 703201 Email: andrew.farrow@flintshire.gov.uk</p>

8.00	GLOSSARY OF TERMS These are provided corporately on the Infonet (link) and maintained by the Executive Office
8.01	Public Space Protection Orders (PSPO's)

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