

ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE
27 NOVEMBER 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, 27 November 2018

PRESENT: Councillor Ray Hughes (Chairman)

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

APOLOGIES: Councillors: Chris Bithell, Cabinet Member for Planning and Public Protection , and Derek Butler, Cabinet Member for Economic Development.

CONTRIBUTORS: Councillor Carolyn Thomas, Cabinet Member for Streetscene and Countryside, Chief Officer (Streetscene and Transportation), Chief Officer (Planning, Environment and Economy), Highway Network Manager, Access and Natural Environment Manager, ITU Manager – Streetscene and Transportation, and Team Leader – Access. Planning and Environment

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

27. DECLARATIONS OF INTEREST

None were received.

28. MINUTES

The minutes of the meetings held on 19 September and 16 October 2018 were submitted.

RESOLVED:

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

29. DRAFT RIGHTS OF WAY IMPROVEMENT PLAN 2018-2028 (ROWIP)

The Chief Officer (Planning, Environment and Economy) introduced the report on the new Rights of Way Improvement Plan 2018-2028 as part of the 3 month statutory consultation. He provided background information and advised that this second ROWIP assessed the 2018 network and evaluates progress made since 2008. The current (2018) policy context is examined, priority areas identified and a new style Statement of Action put forward. The Chief Officer invited the Access and Natural Environment Manager to present the report.

The Access and Natural Environment Manager explained that the first ROWIP had identified a number of areas as being key priorities for 2008-2018. Of the 22 tasks

identified 7 had been completed, or substantial progress made, while a further 7 had made little or no progress and 8 had made partial progress. However, record of data had been found to be inconsistent and sometimes lacking causing difficulty in identifying progress in some areas.

The Access and Natural Environment Manager reported on the main considerations, as detailed in the report. He advised that a Policy and Procedure booklet had already been developed as a priority. The policies and procedures would form the basis of a booklet to be made available to users of the Public Rights of Way network and to landowners in order that there is widespread understanding and transparency about what Flintshire County Council does and how it does it.

Councillor Paul Shotton referred to the 1800 individual public paths which made up the public rights of way network in 2018 and commented on the volume of work in managing and maintaining the network and the importance of volunteers in providing assistance in that task. He suggested there could be a greater role for volunteers going forward. The Access and Natural Environment Manager acknowledged the important role undertaken by volunteers in assisting rangers and also referred to local groups which undertook voluntary work to assist the countryside service. In response to the comments made by Councillor Shotton regarding signposting the Access and Natural Environment Manager explained that further progress had been made and work was ongoing. In response to a further question from Councillor Shotton he explained that consultation on the draft Rights of Way Improvement Plan would end in January 2019.

Councillor Chris Dolphin referred to page 56 of the report and the issue around the difficulty experienced by people in electric wheelchairs in gaining access along the Wales Coast Path due to barriers. He asked how this problem was being addressed and spoke of the importance of retaining barriers and in certain areas to problems experienced in the past. The Access and Natural Environment Manager explained that the Authority's position was legal but was reviewing its position in terms of the barriers and was looking to undertake wider consultation on this matter in the New Year. Councillor Carolyn Thomas spoke of the need for equal access for all to the Wales Coast Path.

Councillor David Evans asked for an update on the Local Access Forum. The Access and Natural Environment Manager advised that the Local Access Forums in Flintshire County Council and Wrexham County Borough Council had combined to become a joint forum with 15 members. He anticipated that the first meeting of the new joint Local Access Forum would be held in the New Year.

Councillor Owen Thomas commented on the high number of individual public footpaths and said many in his Ward were unused and were not maintained. He asked if maintenance could be enforced and if the need to keep all footpaths open could be reconsidered. The Chief Officer (Planning, Environment and Economy) advised that landowners had a duty and responsibility to keep footpaths open. He referred to the importance of the public rights of way network as a valuable resource in promoting a healthy living lifestyle and providing voluntary access to the countryside. He advised that an action plan was being produced to ensure that the public footpaths network would be maintained in the future.

Councillor Carolyn Thomas commented on the robust legal process which would be required to remove a public footpath which was no longer in use and reiterated that it was the landowner's duty and responsibility to maintain a public footpath on his land.

Councillor Haydn Bateman raised questions concerning information available for land managers and path users, and the development of GIS as a proactive management and decision-making tool. The Access and Natural Environment Manager responded to the questions on information and promotion, and referring to GIS said that an additional package was trialled and developed this year and work was in progress.

The Team Leader – Access, Planning & Environment, provided an update on the CAMS system and advised that discussions had already commenced with Town and Community Councils and walking groups regarding the plan. The Chief Officer Planning and Environment suggested that an information session on the CAMS system could be provided before the start of a future meeting.

Councillor Veronica Gay raised the problem of responsibility for maintenance of public footpaths in urban areas that crossed the border of one local authority to another and cited a public footpath in her Ward as an example. The Access and Natural Environment Manager explained that the Authority worked closely with other local authorities in Wales and cited Wrexham County Borough Council and Denbighshire County Council as examples. He agreed to take the matter raised by Councillor Gay forward and provide a response.

Councillor Paul Shotton thanked Councillor Carolyn Thomas for her attendance at a meeting with wheelchair users and the Flintshire Disability Access Forum to seek solutions to the issue of access for larger wheelchairs in some areas.

RESOLVED:

- (a) That the draft Rights of Way Improvement Plan and policy and procedures booklet as part of the three month statutory consultation, be supported; and
- (b) That a further report be submitted to the Committee in March 2019.

30. **ENVIRONMENTAL ENFORCEMENT**

The Chief Officer (Streetscene and Transportation) introduced a report on the options for the future delivery of the Environmental Enforcement service. He provided its contract with Kingdom, Kingdom had withdrawn their services with effect from end of August 2018. The Chief Officer explained that the residual in-house enforcement officer team were currently undertaking all enforcement activities in the County. The report identified the 5 possible options for delivering county wide enforcement of its environmental policies. The Chief Officer invited the Highway Network Manager to present the report and the enforcement options appraisal which was appended.

The Highway Network Manager advised that following the recommendation to terminate the contract with Kingdom and explore different service delivery models, all Authorities in North Wales had been approached to understand their proposals moving

forward. Similar to this Authority, neighbouring Local Authorities were currently undergoing a review of their enforcement services with all options still open for consideration. The Highways Strategy Manager reported on the 5 options available for county wide enforcement and referred to the relevant costs, benefits, and risks for the future service delivery models. He advised that the preferred option was Option 2 – An enhanced in-house enforcement provision for the future delivery of the environment and car parking enforcement service within the County.

Councillor David Evans proposed that Option 2 be agreed subject to the removal of the zero tolerance principal to issuing Fixed Penalty Notices (FPNs) for littering offences. He expressed the view that the risks with Option 3 outweighed the benefits and said he could not support this option.

The Chief Officer explained that in respect of enforcement there is clear guidance to enforcement officers on when to enforce against intentional as opposed to accidental incidents.

Councillor Paul Shotton spoke in support of Option 2 and the proposal to employ a further 2 Enforcement Officers to deliver a service which would cover all the County. He spoke of the need to engage with volunteers and local community groups and organisations to raise awareness and assist with the problem of discarded litter in local community areas. He referred to the cost of environmental enforcement and asked that an update be provided to the Committee next year.

The Chief Officer explained that the employment of 2 further Enforcement Officers would create a budget cost pressure. He acknowledged the comments made by Councillor Shotton regarding the involvement of the local community in the 'clean-up' of local areas and said that local groups and volunteers were engaged when local events were held. He also advised that local area coordinators could be asked to use their community contacts and connections to seek assistance.

The Chair asked if he could be informed of when enforcement officers visited his Ward. Councillor Carolyn Thomas said this information would be provided. The Chief Officer said he would contact all Members to ask if they would also wish to receive this information.

Councillor Dave Hughes expressed his appreciation for the quick and efficient response he had received from the enforcement team to address the matters he had raised in his Ward.

Councillor Veronica Gay suggested that the Authority contacted Town and Community Councils to ask if they would consider the joint funding of enforcement officers with a view to maintaining their own town or community areas. During discussion the Chief Officer suggested that the best option would be for Town and Community Councils to make an application to the environmental enforcement service if they wished to apply for enforcement assistance in their area.

Councillor Andy Dunbobbin referred to Option 3 – collaboration with neighbouring authorities to undertake all enforcement activities on a regional basis and

and asked if there had been any progress on this. The Chief Officer explained that Flintshire had made a statement of intent regarding its position but no formal discussions had developed with other authorities yet. In response to a further question from Councillor Dunbobbin the Chief Officer explained that working in collaboration with other local authorities to deliver all of the environmental enforcement services could achieve savings in back office and management systems.

The Chief Officer and Highway Network Manager responded to the further questions and comments raised by Members concerning environmental enforcement. Officers provided further information on shift-working, the role of local area coordinators, and service operation and principles. The Highway Network Manager advised that the environmental enforcement service would respond to local requests to provide as much cover as possible across the whole of the County.

The Chair referred to the proposal which had been made by Councillor David Evans that Option 2 be adopted subject to the removal of the zero tolerance principal to issuing Fixed Penalty Notices (FPNs) for littering offences. Councillor Sean Bibby seconded the proposal and when put to the vote this was carried.

Councillor David Evans proposed that Option 3 be reviewed in 12 months. This was duly seconded and when put to the vote was carried.

Councillor Veronica Gay proposed that the Authority contacted local Town and Community Councils with a view to working in collaboration on the employment of environmental enforcement officers. The proposal was seconded by Councillor Haydn Bateman and when put to the vote was carried.

RESOLVED:

- (a) That Option 2 be adopted subject to the removal of the zero tolerance principal to issuing Fixed Penalty Notices (FPNs) for littering offences;
- (b) That Option 3 be reviewed in the 12 months; and
- (c) That the Authority contacts local Town and Community Councils with a view to working in collaboration on the employment of environmental enforcement officers.

31. LOCAL TOILETS STRATEGY

The Highway Strategy Manager provided background information and advised that the production of a Local Toilets Strategy would require a consultation process to be undertaken with all relevant stakeholders to help understand local demand and local need for the service which would subsequently inform the Council's Strategy going forward.

The Highway Network Manager reported on the main considerations, as detailed in the report, and explained that whilst the consultation needed to ascertain the location, access, facilities provided, frequency of use, and quality of existing sites, it also had to determine whether additional or fewer sites balanced the demand and

need against a deteriorating budget position. The final Strategy and proposals would need to be sustainable without significantly increasing financial pressure on the Council. The outcome of the consultation, together with the recommended Public Toilet Strategy would be presented to Cabinet for approval in April 2019 and to Overview & Scrutiny for their comments beforehand to enable the Council to have the Strategy in place by May 2019.

In response to a question from Councillor Joe Johnson regarding the number of public toilets in Flintshire, the Chief Officer (Streetscene and Transportation) explained that there were 4 and, following a previous decision, the general public also had access to the toilet facilities available in Council buildings rather than dedicated sites, and cited library and leisure centres as examples.

Councillor Chris Dolphin referred to the closure of the public conveniences in Holywell. and asked if the building was to be demolished or sold, as it had been closed for some time. The Chief Officer (Streetscene and Transportation) explained that when public conveniences in a dedicated site were closed the building formed part of the County's assets. He agreed to make enquiries with the assets team regarding this matter and report back to Councillor Dolphin.

Councillor Sean Bibby asked if discussions had taken place with local businesses about allowing the general public to access the toilet facilities in their buildings, and cited local pubs and cafes as examples. The Chief Officer explained that this option had been introduced in some areas of Wales, however feedback suggested that these facilities were not always suitable for elderly people or young children.

Councillor Paul Shotton commented on the need for local businesses to engage more fully with the initiative to increase footfall in local town centres. Councillor Carolyn Thomas suggested that Members contact the local businesses in their Wards to encourage interest in the scheme. The Chief Officer Streetscene and Transportation agreed to enquire regarding the current status of the scheme and circulate to members.

Councillor David Evans stressed the importance of toilet facilities on the Wales Coast Path and on cycle routes.

RESOLVED:

- (a) That the Committee supports the formal public consultation exercise required to deliver the Council's Local Toilets Strategy; and
- (b) That a report be submitted at the end of the consultation process to provide feedback on the comments received and a draft Local Toilets Strategy for further scrutiny by the Committee.

32. SCHOOL TRANSPORT – CONCESSIONARY FARES

The ITU Manager – Streetscene and Transportation introduced a report to seek a recommendation for the rate to be charged for school transport concessionary seats. She provided background information and explained that the Committee had

previously recommended the adoption of Option 2 (ie. £100.00 per term) as its preferred pricing structure for a concessionary bus pass for the current school year (2018/19) with a review to be carried out on the impact of the increased cost in order that the level could be set for future years. She advised that the rate was less than 50% of the full cost of providing concessionary seats and this created financial pressures for the Authority.

She reported on the main considerations, as detailed in the report, and said the options for future concessionary seat charges were appended to the report. Whilst the long term aim would be full cost recovery for the service, it was considered unfair to raise the charges to this level in such a short period of time and therefore options 1 and 3 were not currently recommended. Option 2 (£450 per year - £150 per term) was recommended for 2019/20 as it provided a balanced position against full cost recovery and the affordability of the scheme for parents (particularly for parents with more than one child travelling to school).

In response to a query from Councillor Owen Thomas, the ITU Manager – Streetscene and Transportation explained that the Authority did not have a legal responsibility for pupils who used school buses as it was parental choice to use that method of transport. In response to the comments made by Councillor Thomas regarding the cost of subsidising unused places on school buses the Chief Officer advised that a review of the school transport provision had been undertaken to make sure it was fit for purpose.

In response to the comments made by the Chair regarding school appeals, Councillor Carolyn Tomas referred to the school transport policy and advised that from September 2019 children were only provided with free transport to their nearest school.

Councillor Chris Dolphin proposed that Option 2 - £450 per year (£150 per term) be approved as the preferred rate for concessionary seats in 2019/20 and when put to the vote this was carried.

RESOLVED:

- (a) That the information on revenue projections from the various options for concessionary fare prices be noted; and
- (b) That Option 2 - £450 per year (£150 per term) as the preferred rate for concessionary seats in 2019/20 be recommended for approval to Cabinet.

33. FORWARD WORK PROGRAMME

The Environment Overview & Scrutiny Facilitator presented the Forward Work Programme for consideration. She advised that the next meeting of the Committee would be held on 11 December 2018. It was agreed that the item on Charging Points for Electronic Cars would be deferred for consideration at a future meeting of the Committee.

Councillor Joe Johnson suggested that a workshop be held on recyclable waste. During discussion it was agreed that a short information session be arranged for the Committee prior to the start of a future meeting.

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.

34. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There was one member of the press and no members of the public in attendance.

(The meeting started at 10.00 am and ended at 12.15 pm)

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Chairman