

ENVIRONMENTAL SCRUTINY COMMITTEE

7 MARCH 2017

Present: County Councillor Mitchell(Chairperson)
County Councillors Awan, Chris Davis, Gavin Hill-John and
Keith Jones

69 : APOLOGIES FOR ABSENCE

Apologies were received from Councillors Clark and Williams.

70 : DECLARATIONS OF INTEREST

No declarations of interest were received.

71 : MINUTES

The minutes of the meeting held on 8 February 2017 were approved by the Committee as a correct record.

72 : NEIGHBOURHOOD SERVICES ENFORCEMENT

Members received a report which provided the Committee with an opportunity to consider the enforcement activities undertaken by Neighbourhood Services since it was established in June 2016. Members were advised that on 16 June 2016 the Cabinet approved the Infrastructure Services Full business case to support the delivery of services through a modified in-house service delivery model. The services within the scope of the business case were listed in the report.

The in-house approach was divided into two new services areas; Neighbourhood Services and Commercial and Collaborative Services. Neighbourhood Services is responsible for delivering services such as Street Cleansing, Parks, Waste Education and Enforcement, Highway Operations, Highway Asset Management and Highway Design and Delivery.

Neighbourhood Services enforcement brings together the waste/environmental, licensing and traffic enforcement suite of powers granted to the authority. Members were asked to focus on those enforcement activities which relate to waste/environmental and highways licensing contraventions in particular.

Members were advised that the total 2016/17 budget within Neighbourhood Services for Cleansing and Enforcement is £4,758,339. From this total £4,024,950 is allocated towards cleansing and £733,389 is used to fund enforcement activities. Neighbourhood Services enforcement currently has 28 full-time equivalent (FTE) posts; this will increase by seven additional posts in 2017/18. During 2017/18 a one-off allocation of £150,000 was provided to Neighbourhood Services to support enforcement. The funding was designed to support the establishment of 7 FTE posts within the Enforcement Team to enable teams to work afternoons and weekends and deliver a high quality services to the residents of Cardiff.

The report provided details of the main elements of the enforcement process: Education Awareness; Enforcement and Prevention and Processing and Transactions. Members were advised that in order for the enforcement process to work efficiently all elements must complement each other. The majority of enforcement issues fall under the following headings:

- Waste Presentation – ensuring waste is presented correctly
- Local Environment Quality – dealing with all types of littering
- Fly Tipping – the illegal dumping of waste
- Highways Licensing Enforcement – enforcement of Highway Licences

There are two teams within Neighbourhood Services that are able to issue fines for environmental and highways licensing contraventions. The LEQ Team issue Fixed Penalty Notices (FPNs) for general litter, dog fouling and highway contraventions. The Waste Team issue Fixed Penalty Notices predominantly for the incorrect presentation of waste.

Members were advised that the authority is continually seeking to improve efficiency across its services. Neighbourhood Services is exploring how it can improve enforcement delivery by developing areas of partnership working; digitalisation; uniform and equipment; etc. The report provided Members of the Committee with further details on each of these measures.

In terms of outcomes, Members were advised that since the creation of Neighbourhood Services there had been an increased focus on enforcement activities. The service has managed to significantly increase the number of (FPNs) issued across a range of littering offences, details of which were set out in Table 1 of the report. The increase in FPNs has in turn created an increase in income. This income was also illustrated in Table 2 of the report, whilst Table 3 illustrated the total Education and Enforcement Activities annually from 2014/15 to 2016/17.

The Chairperson welcomed Councillor Bob Derbyshire, Cabinet Member for the Environment; Andrew Gregory, Corporate Director and Matt Wakelam, Operational Manager to the meeting. The officers were invited to deliver a brief presentation on Neighbourhood Services Enforcement.

Members were invited to comment, seek clarification or raise questions on the information received. Those discussions are summarised as follows:

- Members asked what the response time target was in terms of fly-tipping. Officers indicated that the response time was 5 working days and that 98% of fly tipping was removed within 5 days. The issue of fly-tipping was problematic nationwide and the service area was aiming to improve the number of prosecutions. Members were advised that the Welsh Government was said to be considering permitting authorities to issue FPNs for small scale fly tipping incidents. The service was also moving towards more covert operations and to improve education and enforcement. Officers considered that it was difficult to resolve the fly tipping problem through the courts.
- A Member noted that during a recent 'deep clean' operation in their ward an area of private land was not cleared. Members asked how such areas are dealt with. Officers stated that Street Cleansing Teams will not cleanse private land as they

would be trespassing and there are also insurance liabilities to consider. Where problems on private land are identified, Enforcement Officers will be asked to take action. The Member stated that the area of land in question was a flower bed on open ground. Officers acknowledged that members of the public think that the Council is responsible for all areas of land.

- Members sought clarification on the Council's policy on fly tipping in lanes. Members were advised that the authority is moving away from reactive cleansing in lanes and towards cyclical cleansing. Officers considered that in gated lanes where gates have been installed to prevent anti-social behaviour and fly tipping was taking place then it was difficult to believe that persons from outside the area were responsible. The authority would like to encourage residents to take ownership of the lanes and report any incidences of fly tipping. The Cabinet Member stated that many lanes were private land and responsibility for cleansing those areas lay with the residents.
- Officers were asked to provide details of the move towards further commercialisation of the service. Officers expressed the view that it was essential that the service has a better understanding of its performance, costs and likely levels of income before it enters into commercial agreements. Members were advised that it was unlikely Neighbourhood Services would ever be 100% self-funded but the service was moving in that direction. Furthermore, until aspects such as digitalisation are delivered the service would not be in a position to deliver services to stakeholders and partners.
- In terms of enforcement powers, Members were advised that responsibility for a number of enforcement powers was formerly held by the Planning Committee. However, an officer delegation was put in place. Processes were built up and put in place and the service area is now in a position to increase enforcement activity. The 2016/17 budget included an additional £150,000 funding which was used to recruit additional enforcement officers. The 'one-off' sum would be removed from future budgets and there was an expectation that these posts would be self-financed from increased income.
- Members raised concerns that the authority would be viewed as 'too aggressive' in its application of enforcement powers. The Cabinet Member stated that public opinion supports the issuing of penalties for offences such as littering. Officers advised the authority was not seeking to increase income by increasing enforcement; the authority aspired to improve the environment for everyone.

RESOLVED – That the Chairperson writes on the Committee's behalf to the Cabinet Member to convey their comments and observations.

73 : CITY OPERATIONS DIRECTORATE AND COMMERCIAL &
COLLABORATIVE SERVICES - QUARTER 3 PERFORMANCE REPORT
2016/17

The Committee received the City Operation and Commercial and Collaborative Services Performance reports for Quarter 3 2016/17. Members were asked to consider the reports and provide observations to support the Cabinet's consideration of the Quarter 3 Delivery and Performance Report 2016/17.

The City Operations and Economic Development Quarter 3 Performance Reports were appended to the report at Appendix 1 and Appendix 2. The reports examined a number of performance areas including: progress made against performance indicators; progress made against Corporate Priorities and Directorate Priorities; and Progress Made against Key Challenges and Key Achievements.

Appendix 3 to the report provided a range of Council-wide performance information which was intended to help the Committee benchmark against other service areas and against the Council as a whole. The document included information on customer contact; staffing costs; financial tracking information; sickness absence levels; and PPDR compliance.

A number of key observations from identified from each service area's performance report were set out in the report.

City Operations - Environment

The Committee received a brief presentation. Members were asked to comment, seek clarification or raise questions on the information received. Those discussions are summarised as follows:

- Members of the Committee requested details of the numbers of employees who have departed from the authority as a result of long-term sickness absence. Officers advised that whilst the issue of long-term sickness absence is being addressed, and the figures requested are available, they were not able to provide accurate details at the meeting. Accountability for sickness absence was being given to mid-level managers and team leaders.
- Officers confirmed that the authority has a resilient long-term plan in place to manage a heavy snow event.

City Operations – Strategic Planning, Highways and Traffic and Transportation

The Committee received a brief presentation. Members were asked to comment, seek clarification or raise questions on the information received. Those discussions are summarised as follows:

- Members requested details of the authority's representation on the Cardiff City Region Transport Authority (CCRTA) and when the authority would begin meeting on a regular basis. Members were advised that the authority's representative on the shadow authority is Councillor Patel. The shadow authority will formalise the governance structure. Councillor Patel stated that he will make Cardiff's case for a light-rail solution clear, including a link between Radyr and Coryton that would complete a 'circle line'. All authorities have a list of schemes but a light rail solution would offer much more flexibility.

Commercial and Collaboration

The Committee received a brief presentation. Members were asked to comment, seek clarification or raise questions on the information received. Those discussions are summarised as follows:

- The Committee commended officers on the service areas performance indicator results for the total amount of waste recycled, particularly when this figure is compared to the results achieved by the core city comparator authorities.
- Officers confirmed that the recycle/reuse figure did fluctuate throughout quarters 1, 2, 3 and 4. Peaks are anticipated at different times of the year such as in the spring. These peak are identified and additional resources are put in place to manage these.

RESOLVED – That the Chairperson writes on the Committee’s behalf to the Cabinet Member to convey their comments and observations.

74 : ENVIRONMENTAL SCRUTINY COMMITTEE - DRAFT ANNUAL REPORT 2016/17

The Principal Scrutiny Officer presented that Environmental Scrutiny Committee Annual Report 2016/17. The report outlined the Committee’s main activities undertaken during the year under the following headings: inquiries; Pre-decision Scrutiny; Performance Monitoring; Briefing Information; and Call-In Meeting. The report concluded by setting out topics scrutinised by the Committee during the year and those identified as suitable priorities for future scrutiny examination.

The Principal Scrutiny Officer invited comments on the report. Members accepted and endorsed the contents of the report.

AGREED – That the Environmental Scrutiny Committee Annual Report 2016/17 be approved and presented to Council.

75 : DRAFT ENVIRONMENTAL SCRUTINY COMMITTEE TASK & FINISH REPORT - MANAGEMENT OF SECTION 106 FUNDING FOR THE DEVELOPMENT OF COMMUNITY PROJECTS - TO FOLLOW

The Principal Scrutiny Officer presented the draft Task and Finish Enquiry Report on the Management of Section 106 Funding for the Development of Community Projects. The Committee received an overview of the enquiry’s key findings. Members also received a briefing on the process for evaluating community projects funded by Section 106 contributions.

AGREED – That, subject to amendment, the Task and Finish Enquiry Report on the Management of Section 106 Funding for the Development of Community Projects, be approved.

The meeting terminated at 7.45 pm

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