

ENVIRONMENTAL SCRUTINY COMMITTEE

26 AUGUST 2015

Present: County Councillors Aubrey, Lomax, Hill-John, Mitchell and Darren Williams

19 : CHAIRPERSON

The Committee appointed Councillor Mitchell as Chairperson for the meeting.

20 : APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Marshall and Councillor Clark.

21 : DECLARATIONS OF INTEREST

The Chairperson reminded Members of their responsibility under Article 16 of the Members' Code of Conduct to declare any interests, whether personal or prejudicial. No declarations of interest were received.

22 : NEW HOUSEHOLD WASTE RECYCLING CENTRE & RE USE FACILITY -
CONSIDERATION OF CALLED - IN CABINET DECISION CAB/15/25;
REPORT OF DIRECTOR FOR CITY OPERATIONS

The Chairperson announced that the meeting had been called to consider a 'called-in' Cabinet Decision – reference CAB/15/15 – New Household Waste Recycling Centre and Re-Use Facility. The Director of Governance and Legal Services was invited to explain the call-in process. The Director explained the call-in process which set out to test the merits of the decisions taken by the Cabinet. Members were advised that the Committee was required to decide at the outset whether they wished to consider the matter, or whether to immediately refer to matter to a full meeting of the Council. Such a meeting would need to be convened within 10 days. The Committee agreed to proceed with the meeting.

Members were advised that two non-executive Members had requested that decision CAB/25/15 be called in for Scrutiny Committee consideration. The reasons for calling in the decision were set out in the report as follows:

- That there has been insufficient consultation with Councillors in the north of Cardiff. To only consult with Councillors in Cathays and Rumney significantly skews the consultation result in favour of the closure of Wedal Road;
- This is an issue of significant public interest and there has been insufficient consultation with residents across all of Cardiff (in particular north Cardiff);
- The Cabinet report does not contain sufficient financial data to justify taking the decision, i.e. there needs to be more detailed financial information. Detailed financial information should include a detailed breakdown of costs for enhancing the Wedal Road and Lamby Way sites along with any potential capital receipts for disposal of the sites;

- The report does not include details of a proper traffic study. This needs to be done to reflect the impact of travelling to and from the respective sites at different times of day;
- The report does not adequately measure:
 - The impact of the closure of Wedal Road on the residents of north Cardiff;
 - The impact of moving the current Wedal Road site to the nearby parks depot on Wedal Road;
 - The potential negative impact on recycling rates in north Cardiff resulting from the closure of Wedal Road. This is particularly important at a time when Cardiff is going through a series of significant waste collection changes;
 - The environmental impact caused by the closure of Wedal Road is not measured in the report, for example, the increase in traffic emissions caused by residents driving further to recycle materials.

The Chairperson invited Councillor Jayne Cowan and Councillor Gareth Holden to explain their reasons for calling in the Cabinet's decision. Councillor Cowan addressed the Committee. Councillor Cowan stated that the closing the Wedal Road HWRC and replacing it with a new facility in Lamby Way would cause severe detriment to residents in the North of the City. Concerns were expressed that the timescale for closure of Wedal Road was too short, and that there were currently no proposals in place for a facility to support residents living in the North of Cardiff. This was coupled with the fact that residents are being forced to have smaller black bins. Councillor Cowan was also concerned that seasonal hours would further compound the problems.

Councillor Cowan felt that that insufficient consultation had been undertaken with elected members and residents prior to the decision being taken. The Councillor felt that when issues of this magnitude are being debated it was crucial to consult with as many people as possible. Whilst this Call In had been granted for a number of reasons, Councillor Cowan felt that the most important of these related to the significant public interest and the insufficient consultation with residents across the City, particularly residents in the North of the City.

Further concerns were expressed that the traffic impact assessment had not been available to Cabinet Members when they arrived at their decision; the increase in pollution; and the potential for an increase in fly tipping and the associated cost implications that would bring.

Members were advised that residents in Cardiff North may be tempted to dispose of recyclable material in black bin bags, rather than travel to Lamby Way. Therefore items such as half used pots of paint could end up in landfill rather than being safely disposed of.

Councillor Cowan read a number of statements she had received from residents which questioned the rationale for closing the Wedal Road HWRC. Councillor Cowan closed by stating that this issue was one which crossed the political divide and she asked that Members of the Committee further consider her request to refer the matter back to full Council.

Councillor Holden asked Members of the Committee to keep two questions in mind when considering the matter, namely: Did the Cabinet report contain sufficient detail? Did the lack of a traffic assessment report and details of distances and times in particular affect the Cabinet's ability to make an informed decision?

Councillor Holden advised that the travel times/distances provided previously to Environmental Scrutiny Committee and then to Cabinet had been calculated using Google Maps and AA Routeplanner. It was suggested that this methodology was insufficient for a report of this nature and, as a result, the decision taken was seriously undermined. Councillor Holden was aware that Councillor Fenella Bowden has requested copies of the traffic assessment reports from officers and these were not provided. Councillor Bowden resorted to submitting a FOI request for this information. Councillor Bowden stated that these reports should have been made available at the previous Scrutiny Committee and to the Cabinet when it made its decision.

Councillor Holden stated that the decision to close the Wedal Road HWRC and transfer services to Lamby Way was at odds with both Section 51 of the Environmental Protection Act 1990 and WRAP guidance relating to the reasonable minimum levels of provision. Councillor Holden suggested that a city the size of Cardiff should have 3 HWRC sites – one per over 120,000 residents, within a 3-5 mile radius of those residents. Councillor Holden considered both the Lamby Way and Bessmer Road site to be inaccessible as neither site is located on a bus route. Concerns were also expressed regarding access to these sites for people wishing to bring recyclables by bicycle.

Councillor Holden considered the Cabinet report to be insufficient in detail and he questioned whether the lack of detail was wilful or arose from neglect.

Councillor Derbyshire made a brief statement in response to the issues raised. Councillor Derbyshire felt that it was inappropriate to call in this decision. The matter was subject to pre-decision scrutiny and the Committee had been given the opportunity to consider the matter in full previously. Members of the Committee were aware of what the Cabinet Member was attempting to achieve and the reasons behind the decision.

Councillor Derbyshire stated that the Council, at its annual Budget Meeting in February, had agreed to reduce the number of HWRCs in the City from 3 to 2. No alternative options to the decision had been offered by either Councillor or their respective parties at the time. As Cabinet Member, it was Councillor Derbyshire's responsibility to decide which sites to retain.

The Committee was advised that, in terms of a consultation, ward Members in Rumney and Cathays had been consulted with. Councillor Derbyshire had decided not to consult further as he would fully expect Councillors in the north of the City to seek to protect the Wedal Road facility and therefore the consultation would not provide any additional information on which to form his decision.

The financial information indicated that there was very little to choose between Wedal Road and Lamby Way, either option needed the procurement of new infrastructure. These costs were broadly similar. However, if it was decided to locate the new facility at Lamby Way there would be no impact on residents and furthermore, as

Lamby Way was already receiving waste it was considered that any relevant planning issues would be easier to address than a new site at Wedal Road.

The Chairperson opened the debate and invited comments and question from the Members of the Committee. Those discussions are summarised as follows:

- Tara King, responding to questions from the Committee, stated that the Environmental Protection Act (EPA) provisions referred to by Councillors Holden were correct, but exceptions were made for very urban or very rural areas. The EPA stipulates a requirement for HWRCs but not their nature or number per head of population. WRAP guidance was for comparative purposes only and did not form part of any regulatory framework. Bessemer Close and the proposed future Lamby Way sites were very large and would enable different types of recycling and re-use.
- Members were advised that experience has shown that when Waungron Road HWRC closed recycling at the remaining HWRCs increased. However, there was no increase in fly-tipping recorded.
- Members of the Committee were still not convinced with the data presented previously relating to travel times and distances to and from Lamby Way and Wedal Road. It was further noted that the traffic impact assessment report and environmental assessment were not available to the Cabinet at the time of the decision. Officers advised that two assessments were available at this meeting. The travel times/distances provided at the previous Scrutiny Committee meeting were intended to provide a simple snapshot of journeys. Officer accepted that whilst every journey was different, the data provided a reasonable indication of those journeys.
- Officer advised that since the Scrutiny Committee live tracking data had been gathered from fleet vehicles working in the north of the City and returning to Lamby Way. This information indicated an average journey times. An example was provided; Members were advised that a journey between Pentrych and Lamby Way would take between 18 and 19 minutes. Members noted that the examples provided were for journeys very early on Monday mornings during the school summer holidays. Members asked whether the tracking data would be published. Officers agreed to provide Members with the data, and would also provide tracking data for journeys completed in June and July 2015.
- The Cabinet Member asked the Committee to be mindful of the fact that journeys times and travel distances would still be an issue which every HWRC closed.
- Some Members expressed a view that consultation about the proposed closure should have been undertaken with service users. The Cabinet Member stated that the Cabinet report provided a clear indication of who was using HWRCs.
- Member questioned what alternative provision existed in terms of bring sites and whether discussion had been held with neighbouring authorities regarding the use of their facilities. Officers advised that 17% of the material received at Bessemer Close originated from the Vale and was currently being processed at an estimated cost to the authority of £430k. Research had indicated that residents of the Vale prefer to use Bessemer Close because it offered better facilities. Neighbouring

authorities had been approached with a view to entering into an agreement with Cardiff but those authorities would 'not entertain the idea'.

Bring sites only cater for recycling of paper, cans, plastic and glass, all of which can be recycled through the kerbside collect system. Bring sites also do not count towards Welsh Government recycling targets.

- Members questioned whether it was realistic to assume residents would seek to bring recycling to HWRCs by bicycle. Officer confirmed that attendance at HWRCs by bicycle was negligible. The use of the current Wedal Road site was restricted to non-pedestrians only, due to Health and Safety concerns.

Officers stated that the Bessemer Road Equalities Impact Assessment (EIA) indicated that the Bessemer Road site was far more accessible to the elderly and disabled.

- Officers were asked to elaborate on the statement made by the Cabinet Member that the costs of both solutions were broadly similar. Members were advised that, based on the original design for Bessemer Road, the new designs for both sites was almost identical, and included in those calculations was a capital receipt for the existing Wedal Road facility.
- Officers indicated that consideration is being given to offering an opportunity to establish a 're-use' facility to 3rd sector partners. Members were advised that the 'ideal' location for such a facility would be Wedal Road. However, such a facility would be a shop-type unit and very different in its make-up to a supersite.
- The Cabinet Member was asked to further clarify why the 2012/13 decision to develop a supersite at Wedal Road had changed. The Councillor indicated that, following lobbying from ward Members and local residents, officers were asked to look at alternative sites. The Cabinet Member also considered the practicalities – Wedal Road was a popular facility, however there were residents nearby and traffic and planning issues to address. Lamby Way was located in an industrial area, where waste facilities already existed and where planning issues were more straightforward.

The Chairperson closed the debate and invited representations from the witnesses who had been invited to attend. These representations are summarised as follows:

- Steve Morris, a resident of Nant y Wedal, addressed the reasons for call in the decision outlined in the report. Mr Morris stated that he considered Wedal Road to be an unsuitable location for the new supersite. A facility 3 times the size of the existing facility, with longer operating hours, would only serve to exacerbate traffic congestion and the noise and odour problems currently experienced by residents. Cars queueing to enter Wedal Road sit idle with their engines running causing pollution. No solution was ideal and it was inevitable that some residents would need to travel further to use a HWRC.
- Councillor Michael Michael addressed the Committee. Councillor Michael stated that the Bessemer Road site was brilliant, with no queues. Lamby Way was accessible and offered a better solution. It was not possible for the Council to keep both Wedal Road and Lamby Way operational and therefore a decision

needed to be made. Councillor Michael felt that the Cabinet had considered all relevant matters and arrived at the right decision.

- Craig Williams MP supported the call-in. It was considered important to the citizens of Cardiff North to make a number of points. The concerns to traffic and travel times merited reference back of the City to the Cabinet. He questioned whether the full Council should be given the opportunity to debate the matter. Craig Williams MP requested sight of the traffic assessment report. The Committee was advised that local authority services in Cardiff North were diminishing. Recycling rates in the area were high and therefore some investment needs to be made to support this. Problems would be further compounded by the reduction in the size of the wheeled bins.
- Douglas Haig spoke representing the opinions of landlord and their residents. Mr Haig advised that the majority of tenanted properties in the City were served by Wedal Road. Trips to Wedal Road from tenanted properties exceed those from other properties and the majority of residents in those properties do not have access to vehicles or encouraged not to use them. Concerns were expressed that tenanted property areas have the worst street scenes, despite programmes being put in place to address these issues. Residents are transient and they are encouraged to recycle by using the local HRWC. An opportunity existed to develop the new Wedal Road facility including a re-use facility but also with pedestrian and cyclist access.
- Councillor Fenella Bowden supported the call-in. Councillor Bowden was disappointed that the authority would not be pursuing a solution at Wedal Road, against the wishes of the majority of residents. Councillor Bowden indicated that she had not been consulted with. Residents and service users within her ward were not consulted either because the Cabinet Member 'already knew the answer'. Councillor Bowden indicated that she had requested copies of the traffic assessment reports supporting the July decision of the Cabinet. Councillor Bowden considered that such documents should be in the public domain. The Councillor did not share the view that residents would travel to Lamby Way. She said that fly-tipping was likely to increase. Councillor Bowden requested that the decision be referred back to Cabinet.

The Chairperson adjourned the meeting at this point so that Members could consider the written statements received.

AGREED – The Principal Scrutiny Officer was instructed to write a letter to the Cabinet Member for the Environment stating that the decision had been referred back to Cabinet for further consideration. During the way forward Members considered the evidence presented against the reasons cited for the call in. After consideration of each of the call in reasons Members voted on whether to refer the decision back to Cabinet; this resulted in the majority of Members voting for it to be referred back to Cabinet. Members asked that the letter emphasise the need for any future Cabinet report to include details of a proper traffic study which would investigate travelling times from various parts of Cardiff to the proposed site.

23 : MEETING FINISH

The meeting terminated at 5.00 pm