

## ENVIRONMENTAL SCRUTINY COMMITTEE

13 OCTOBER 2015

Present: County Councillor Mitchell(Chairperson)  
County Councillors Clark, Hill-John, Keith Jones, Lomax and  
Darren Williams

### 33 : APOLOGIES FOR ABSENCE

Apologies were received from Councillor Chris Davis and Councillor Gareth Aubrey.

### 34 : DECLARATIONS OF INTEREST

No declarations of interest were received.

### 35 : MINUTES

The minutes of the meeting held on 15 September 2015 were approved by the Committee as a correct record and were signed by the Chairperson.

### 36 : RECYCLING & WASTE RESTRICTING PROGRAMME - UPDATE ON IMPLEMENTATION OF PHASE 1

The Committee received a report providing Members with an opportunity to review the implementation of Phase 1 of the Recycling and Waste Restricting Programme. A report on the programme was received by the Cabinet on 2 April 2015. The main aims of the programme were:

- Meeting the recycling targets and saving requirements for 2015/16 through restricting general waste and delivering the approved Household Waste Recycling Centre changes;
- Outlining the future position on the recycling collections methodology;
- Seeking cost reductions and delivering the most cost effective recycling approach for Cardiff;
- Securing high quality recycling;
- Securing long-term regional working and partnerships for recycling;
- Reducing Cardiff's carbon footprint.

Members were advised that the need to drive operational efficiencies and reduce service costs was evident and was captured in the 2015/16 budget. There was also a need to avoid the Welsh Government's Statutory Recycling Target fines which carry a £200 per tonne penalty for failing to meet the recycling targets. The authority could have received fines in excess of £800k in 2013/14. The outline recycling strategy highlighted that Cardiff faces fines in excess of £2 million by 2015/16 as the recycling target increases from 52% to 58%. Fines could potentially increase to £21 million by 2020 if the collection of waste in the City remains unchanged.

The report focused on the implementation phase of the programme which was introduced in the summer of 2015. The programme aimed to provide an additional 5,000 tonnes of recycling and £622k of budget savings. The main aims of the programme were to move to a smaller capacity bin (140 ltr) or the equivalent volume of bags; the expansion of the number of properties using wheeled bins; and to further control the issuing of green bags and food bin liners and to only provide these to Cardiff residents.

Members were advised that the need to restrict residual waste was recognised in the 2011 Waste Strategy. Analysis of the waste stream had shown that a high proportion of recycling and food waste is not being recycled. If the authority is to achieve its 58% recycling target and change citizens' habits towards waste minimisation and recycling, a consistent waste restriction programme would be required. The 140 litre bins were identified by the Welsh Government as best practice and formed part of their preferred collection blueprint.

The Committee heard that further research and public consultation identified that the preferred method of restricting waste in Cardiff was by reducing the size of the bin (or an equivalent number of bags). The report provided further details of the main changes to collection methods under Phase 1 of the Recycling and Waste Restriction Programme.

In terms of stakeholder engagement, Members were advised that in parallel with the Council's 2015/16 budget stakeholder consultation, a separate consultation took place regarding recycling and waste services. The consultation included a number of key stakeholders such as community groups, waste collection staff, Councillors, contractors and a postal survey of 3000 residents. A total of 1443 responses were received. A summary of the responses received and the headline results were set out in the report.

Phase 1 of the programme was allocated revenue funding of £500k for 2015/16 and capital funding of £2.4 million, mainly for expenditure on the new 140 litre bins. However, the procurement exercise managed to deliver the new bins at a cost of £1.3 million. It was estimated that the proposals would create a saving of £622k in 2015/16. Beyond that it was estimated that savings of £318k would be generated over the life of the Medium Term Financial Plan.

The Committee also received details of the delivery timeline for the project and the communication plan exercise to be undertaken.

The Chairperson welcomed Councillor Bob Derbyshire, Cabinet Member for the Environment and officers from the City Operations Directors. The Chairperson also welcomed Councillor Joe Boyle, Ward Member for the Penylan electoral division and Lee Fisher, a local resident representing a group of residents from Penylan.

Councillor Boyle and Mr Fisher were invited to address the Committee.

Councillor Boyle thanked the Committee for the opportunity to address them. However, the Councillor considered that it was a shame that only now were local residents' voices being heard. Councillor Boyle voiced concerns that the consultation exercise undertaken and referred to in the report was not comprehensive enough.

No Penylan residents had had an opportunity to comment on the proposed changes. Councillor Boyle questioned why the report before the Committee did not give an accurate assessment of the public engagement that had taken place. He also asked how Members of the Committee can be expected to undertake effective scrutiny of the issues without being provided with all the relevant information. Councillor Boyle stated that the authority's own Corporate Plan gave a commitment to 'enhance citizen engagement and widen opportunities for people and communities to shape services around their needs'. Councillor Boyle also drew attention to the Committee's cover report, which made no reference to the consultation undertaken by ward Councillors and local campaign groups.

Mr Lee Fisher addressed the Committee. Mr Fisher advised that he was representing a group of residents in South Penylan. Members were provided with copies of a report submitted by Mr Fisher. Mr Fisher highlighted the key points within the report, namely that the overwhelming majority of residents rejected the 140 litre bins in favour of a return to bags. Members were advised that residents support recycling and understand the initiative to increase recycling by restricting waste. However, local residents considered that wheeled bins were not appropriate in this area, as the majority of the houses had small forecourts and limited access to rear lanes. Therefore, the bins were being stored at the front of the properties, which residents consider to be unsightly and this is detracting from the visual amenity of the area.

Mr Fisher stated that residents appreciate that there can be no bespoke waste collection service, but nobody had bothered to make contact with the Penylan residents to ask them what service they would want and they have not had an opportunity to comment on the changes. Therefore, consultation was lacking and the report considered by the Cabinet was incorrect. The consultation referred to in paragraph 13 formed part of a consultation exercise conducted in 2013/14 which indicated that there was general support for more wheeled bins. The question in the more recent survey referred to smaller bins or an equivalent number of bags in areas which were presenting waste in bags already. In the earlier survey over 70% of people indicated that they did not want smaller bins, but in the more recent survey this question was not asked. Again, residents did not have an opportunity to comment on the proposals.

Mr Fisher advised the Committee that residents in Penylan care about their area. The storage of bins on the forecourts of their properties was now a permanent feature, a feature which is unsightly and which residents face every day. It was suggested that residents were led to believe that the waste collection service was to be unchanged in 'bag areas'. The Council has tried to hide the changes from residents and there has been no meaningful consultation.

Mr Fisher stated that some streets, and in some circumstances, houses within the same street, were being treated differently. Since the initial rollout the Council has agreed to remove green bins from some streets in Penylan and Canton. This amounted to the authority making concessions in some streets, and this has added to the confusion. Mr Fisher considered that these issues could have been addressed from the outset by engaging with residents. However, the lack of consultation has had the opposite effect. Residents now feel disengaged.

Mr Fisher closed by stating that residents did not accept that using bins instead of bags had anything to do with increasing recycling. High levels of recycling were just as easy to achieve with bag collection. Residents were not against minimising waste and were happy to reduce the number of black bags presented. Mr Fisher considered that there were errors in the reports considered by the Cabinet and residents would ask the Public Service Ombudsman to investigate the matter if necessary.

Councillor Bob Derbyshire responded to the points made. Councillor Derbyshire advised the Committee that he has met with Penylan residents on two occasions to discuss their concerns and therefore to suggest that the authority didn't engage with residents was disingenuous. Some amendments to the waste collection services provided in Penylan were made as a result of those meetings.

Councillor Derbyshire stated that the Recycling and Waste Restriction Programme was a City-wide strategy. Changes were not always popular. It was accepted that the bins were not aesthetically pleasing but they were the most practical solution for the health and safety of waste management operatives. Lifting bags of waste was known to present risks to staff. Bags also split or are torn creating litter on the streets. Bins are also more easily identifiable in terms of ownership.

Members were advised that Councillor Derbyshire had consulted with the Council's Conservation Area Officer. As a result, no bins were provided in streets where the conservation area officer considered bins to be unsuitable. The Cabinet Member stated that the authority was unable to survey every household affected by the changes and comply with the preferences of individual households, due to the intricacies of waste collection. The Cabinet Members has sought advice from officers to see what can be done to accommodate residents. Green bins were removed from 2 streets as a result. However, Councillor Derbyshire could see no other reason to make further changes to the programme.

Councillor Derbyshire closed by stating that the Penylan ward was 10<sup>th</sup> from bottom in terms of recycling for 2012/13, but was near the top in terms of the total tonnage of waste produced. The bin collection method was considered to be the best way forward for the City. Early indications suggested that Cardiff's residents were already recycling more.

Jane Cherrington, Operational Manager, Strategy and Enforcement, addressed the Committee. It was accepted that the Cabinet report had presented the findings from two separate consultation exercises. These findings were also bolstered by questions in the Ask Cardiff survey, which indicated that residents preferred bins over bags.

Jane Cherrington was invited to deliver a presentation to update the Committee on the recycling and waste collection changes. The Chairperson asked Members to comment, raise questions or seek clarification on the information received. Those discussions are summarised as follows:

- Members noted that the consultation exercise conducted by residents in Penylan demonstrated that an overwhelming majority of residents preferred bag collections. The Cabinet Member was asked whether it would have been better to ask the Penylan residents what their preferred collection method was.

The Cabinet Member stated that the authority could not survey all residents. It was also important to be mindful of the wider consultation. There were also operational issues to consider. In total, 10,000 black bins have been provided to areas that formerly received bag collections. Only a few hundred households had complained. The Cabinet Member was sorry that residents were inconvenienced but he was prepared to stand by his decision based on what was best for the City as a whole.

- Member asked what problems were being experienced during the roll out of the new 140 ltr bins, and why it was that some residents were being left with black bins of both sizes. Officers stated that some residents had not presented their 240 ltr bins as they did not want them removed. There were two teams collecting and removing the 240 ltr bins. Officers were logging these sorts of issues and responding to them. A number of applications to retain the 240 ltr bin had been received from larger families, those with 6 or more members, following a campaign on social media and in the local press. These applications are currently being processed.
- Members asked if the Education and Enforcement Team were being used to support the programme. Officers stated that before the new system 40 enforcement notices were issued, compared to 3,000 notices under the revised scheme. Members asked for further details of the ratio between enforcement notices issued and fines. Officers agreed to provide this data.
- Members asked how the cost of bin bags compared with the costs of providing bins over the life expectancy of the bin. Officers stated that bags were more expensive.
- Members questioned how the service approached education and enforcement in wards with large transient populations. Officers stated that addressing these sorts of issues were part of their normal activities. Teams on the ground were aware of the problem properties. Literature was available in 16 languages and workshops were regularly held with community leaders.
- Members noted that large parts of Penylan are conservation areas. Members asked for clarification of how conservation areas were treated across the City and what rationale was used when deciding to provide wheeled bins in conservation areas or not. Officers stated that conservations areas were graded and service delivery was balanced with the requirements of the service. Waste collection rounds were constructed around vehicles collecting a 'full load'.
- In terms of health and safety, officers indicated recycling within green bags was lighter than the general waste within black bags, the contents were visible and there were fewer lifting injuries and cuts from broken glass.
- The Committee considered that a key issue emerging from the representations received was that the wheeled bins were creating architectural/visual complaints from residents. Members asked whether the service delivery provided in conservation areas would be reviewed as some point in the future. The Cabinet Member stated that wheeled bins were temporary structures. They were not provided in areas where the Council's Conservation Area Officer considered them

to be inappropriate.

- The Committee requested that the Cabinet Member endeavour to make future consultation exercises more comprehensive. The Cabinet Member agreed to look at what could be done to improve consultation. However, the needs of the City as a whole needs to be considered. The Committee suggested that officers consider a tailored approach to consultation in specific areas.
- The Committee welcomed the allowances given to residents with large families or medical waste requirements.

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

### 37 : PLANNING SERVICE - MEMBER UPDATE

The Committee received a report providing them with an opportunity to consider the current challenges facing the Planning service and review the work being undertaken to address these challenges. The Committee was asked to consider the impact of the Planning Wales Act 2015 and the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits)(Wales) Regulations 2016.

Members were advised that the Planning Wales Act 2015 became law on 6 July 2015. The Act aims to deliver a planning system which is fair, resilient and enables development by putting in place delivery structures, processes and procedures to make Wales' planning system fit for the 21<sup>st</sup> Century.

The Planning Wales Act 2015 would create a number of changes, including:

- Providing a modern delivery framework for the preparation of development plans and planning decisions, including allowing Welsh Ministers to decide a limited number of planning applications in defined circumstances;
- Strengthening the plan-led approach to decisions on planning applications by providing a legal framework for the preparation of a National Development Framework and Strategic Development Plans;
- Improving collaboration by allowing the Welsh Ministers to direct local planning authorities to work together and for local planning authorities to be merged;
- Improving engagement with communities by introducing a statutory pre-application consultation process for significant planning applications;
- Modernising the planning enforcement system so that breaches of planning control can be dealt with quickly.

The changes brought about by the Planning Wales Act 2015 would also have implications for the planning fees which can be levied by the authority. The report highlighted these implications.

The Chairperson welcomed Councillor Patel, Cabinet Member for Transport, Planning and Sustainability; Councillor Michael Michael, Chairperson of the Planning

Committee; Andrew Gregory, Corporate Director and James Clemence, Head of Planning to the meeting. Councillors Patel and Michael were invited to make brief statements.

Councillor Patel stated that the authority was hopeful of securing its LDP in the coming months. Councillor Michael stated that planning played a key role in growth and was an important indicator for the economy. The new regulations would enable planning authorities to work more efficiently. However, it would present challenges in terms of meeting the time constraints for determining applications.

James Clemence was invited to deliver a presentation of the changes to the planning system. The Committee were invited to comment, seek clarification or raise questions on the information received. Those discussions are summarised as follows:

- The Committee asked whether the 'refund clause' would result in planning applications being rushed through the application process. Officers advised that the service would seek to remain flexible and work with developers in order to maintain high standards.
- Members asked whether the high number of applications received would affect the quality of the decisions being taken. The Chair of Planning Committee stated that the authority were happy to discuss and engage with developers in order to inform applications. Cardiff Council has a record of listening to all parties. The Cabinet Member advised that developers were aware what the authority would and would not accept and therefore, planning applications are well-prepared.
- Members asked what, in terms of customer engagement, the authority was doing to simplify the planning application process. Officers stated that a simplistic guide to completing the application form was available. The Chair of Planning Committee stated that there was an advisory role here for Ward Members.
- The Committee asked for an update on the Task and Finish Group into Section 106 funding. The Chair of Planning stated that this was an important area. It was suggested that Members could prioritise schemes within their wards for s106 to be allocated towards. The Task and Finish Group were looking at this and Ward Members would have an opportunity to contribute. The Cabinet Member considered that there must be clarity on what s106 (and C.I.L.) can and cannot be used for. It was anticipated that the Task and Finish inquiry report would provide a greater understanding of these issues.
- The Committee asked what the witness thought were the drivers for changing the planning application regime. Members were advised that the Welsh Government was looking at way to improve the process and provide the best service possible to the customer.
- Members asked whether the new regulations would broaden the scope for issuing penalties for breaches of planning conditions. Officers stated that the regulations would remove some loopholes and provide clarification on retrospective application and enforcement.

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

38 : ENVIRONMENTAL SCRUTINY COMMITTEE - WORK PROGRAMME ITEM

The Committee was asked to consider some amendments to the Committee’s Work Programme for 2015/16. The Principal Scrutiny Officer outlined a number of minor amendments to the Work Programme during November and December.

The Principal Scrutiny Officer also provided an update on the s106 Task and Finish Group and sought expressions of interest for Members to attend a series of lectures in Swansea.

AGREED – That the Work Programme be amended as proposed.

39 : CORRESPONDENCE REPORT

The Committee received copies of correspondence sent and received in relation to matters previously scrutinised by this Committee.

AGREED – That the correspondence report and attached documentation be noted.

40 : ANY OTHER BUSINESS

Members expressed their concerns that the agenda and reports pack for this meeting were 306 pages in length. Members stated that they understood the rationale for providing background papers such as the Cabinet Report on the Recycling and Waste Restriction Programme and its appendices, but questioned whether Members of the Committee could be signposted to this information instead in the future by way of a hyperlink.

The Principal Scrutiny Officer advised that a hyperlink to the Cabinet report was provided in the report.

41 : DATE OF NEXT MEETING

Members were advised that the next Environmental Scrutiny Committee will take place on 10 November 2015.

The meeting terminated at 8.15 pm