

ENVIRONMENTAL SCRUTINY COMMITTEE

10 NOVEMBER 2015

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

43 : DECLARATIONS OF INTEREST

No declarations of interest were received.

44 : APOLOGIES FOR ABSENCE

No apologies for absence were received.

45 : MINUTES

The minutes of the meeting held on 13 October 2015 were approved as a correct record and were signed by the Chairperson, subject to the addition of the following sentence at the end of the second paragraph in the minute for the Work Programme item:

“The Committee also discussed arrangements for the Task and Finish Inquiry on the Transport Interchange.”

46 : PUBLIC QUESTION

The Chairperson welcomed Sheila Hendrickson-Brown, Chief Executive of Cardiff Third Sector Council to the meeting. Ms Hendrickson-Brown had been invited to the meeting as part of the public questions at scrutiny committees pilot exercise. The questions related to the agenda item on ‘Litter Management and Enforcement in Cardiff’.

Ms Hendrickson-Brown’s question was circulated to Committee Members prior to the meeting.

‘The Council’s performance in terms of its recycling goals show positive outcomes. Does the Council plan to expand the range of items that can be recycled through its kerbside collections/services to include items such as textiles, plastic containers and waxed food and drink cartons (tetra-paks), batteries and aluminium foil?’

Councillor Derbyshire stated that the authority was very keen to expand the range of items that can be recycled and recycle as much waste as possible. The Waste Strategy aimed to identify new materials which can be recycled. Councillor Derbyshire addressed each of the items listed in the question. Members were advised what was possible in terms of recycling and, where items were not currently being recycled, the reasons why.

Ms Hendrickson-Brown was invited to put the following supplementary question:

What can the Council do to work with the Third Sector to further improve the take up of re-cycling services and ensure recycling rates are consistent across all neighbourhood areas?’

Councillor Derbyshire welcomed any assistance the Third Sector might provide, particularly in terms of providing specialised support in the community and in some parts of the City. Councillor Derbyshire considered that education was vital and the third sector could help raise awareness of recycling and reuse issues in certain communities.

47 : LITTER MANAGEMENT AND ENFORCEMENT IN CARDIFF

The Committee received a report providing an opportunity to conduct pre-decision scrutiny of the Cabinet report titled ‘City Operations – Broadening Enforcement Powers to Improve the Public Realm’ which was due to be considered by the Cabinet at its meeting on 12 November 2015, and also consider the Council’s overall approach to litter management and enforcement.

Members were advised that the authority has responsibility for managing litter in Cardiff and these services are carried out by the Street Cleansing Service and Waste Education and Enforcement. The Street Cleansing Service performs street cleansing, public bin emptying and removal of fly-tipping and is responsible for the cleansing of 1088km of carriageway and 1900km of footway. It empties approximately 1700 bins on a regular basis and in 2013/14 it dealt with 6700 fly-tipping incidents. The service employs 177 full time equivalent staff and has a gross budget of £5.53 million and a net budget of £5.02 million.

Waste Education and Enforcement are responsible for the provision of waste management related education and enforcement activities. This includes the statutory enforcement associated with fly-tipping and a range of non-statutory tasks, including education in respect of waste presentation and recycling, assessment of lift requests, and waste-related enforcement (incorrect presentation, littering, dog fouling). Each year the service responds to approximately 1200 requests per month. They also remove around 1000 abandoned trollies each year and in 2014/15 they issued 522 fixed penalty notices. The service employs 18 full time equivalent staff and has a gross budget of £1.28 million and a net budget of £0.57 million.

The report identified that main types of litter found in Cardiff. The Committee was advised that litter is frequently generated in or by high footfall areas; discarded from vehicles; takeaways and public houses; schools; areas of transient populations; parks; private land; and events. Education and awareness is extensively used in Cardiff to reduce littering, such as:

- Targeted campaigns
- Preventative measures
- Dog fouling bags
- Waste presentation education
- Awareness raising
- Literature
- Compositional analysis

The enforcement options available to the authority include:

- Fly-tipping investigations and prosecutions
- Action against those incorrectly presenting waste
- Waste Controls – transfer notes and carrier licences for the removal and disposal of waste
- Waste Enforcement patrols
- Littering prosecutions
- Actions against accumulations on private land
- Ensuring frontages are kept clear
- Street Litter control notices
- Street Litter Control Notices
- Shopping Trolley Policy

The report also included a summary of the main challenges identified in Cardiff and the performance indicators used to measure cleanliness in the City.

Members were advised that the Cabinet on 12 November 2015 would receive a report entitled 'City Operations – Broadening Enforcement Powers to Improve the Public Realm'. A copy of the report was appended to the Scrutiny Committee's report. The Cabinet would be asked to consider the following:

- Delegate authority to the Director of City Operations, in consultation with the Cabinet Members for Environment and Transport, Planning and Sustainability to make use of new powers and set fine levels in order to tackle litter problems in the City.
- Endorse consultation on wider enforcement powers in relation to controlling leaflets and flyers and also dog control.
- Provide policy and optional guidance on Fixed Penalty Notices
- Delegate authority to the Director of City Operations, in consultation with the Cabinet Members for Environment and Transport, Planning and Sustainability to explore a 12-month commission-based trial with an external partner for issuing of littering, highways and dog fouling fines.

The Committee was asked to consider the range of powers the Council has to issue Fixed Penalty Notices (FPNs) and also the work undertaken by the City Operations Directorate to review existing and new legislation that can be used to protect and enhance the street scene and open spaces. It was considered that the wider powers outlined in the Cabinet report could be used to improve controls over dog fouling and control of dogs; litter and nuisance from litter; control of printed literature (fly posting and flyers); skips on the highway, A-Frames and tables and chairs. Members were advised that these issues consistently appear as priorities in Cardiff's public consultation surveys.

The Cabinet report focused on the development of five key areas for improved management and enforcement, namely:

- Community Protection Notices
- Public Space Protection Notices
- Control of Printed Literature
- Issuing of Fixed Penalty Notices

- Litter Enforcement Support

The Cabinet report proposed a 12 month trial with a third party company to take on responsibility for the enforcement of litter, dog fouling and other Fixed Penalty Notice patrols. It was anticipated that these would also allow officers in the Waste Education and Enforcement Team to support collection changes and recycling education. The trial would be commission based and would not incur any additional costs to the authority. The provider would take a percentage of the fine income with the remainder being passed to the authority.

The Chairperson invited Councillor Bob Derbyshire, Cabinet Member for the Environment, to make a statement. Councillor Derbyshire stated that the authority was aware of people's concerns regarding litter. It was the subject of regular correspondence and affected the lives of residents and visitors to the city. Effective enforcement was vital in tackling nuisance in the environment. The Cabinet report sets out how to challenge and persuade people to stop dropping litter through enforcement.

Jane Cherrington was invited to deliver a [presentation](#) on the authority's approach to litter management and enforcement. The Committee were asked to comment, seek clarification or raise questions on the information received. Those discussions are summarised as follows:

- Members asked whether there were any plans to increase the number of litter bins in the city or seek sponsorship for those already provided. Members also asked for clarification of how decisions on providing litter bins are determined. An officer stated that there was no formula for determining where to site litter bins. Bins were provided on a demand led basis in areas with high footfall, such as district shopping centres. Companies had expressed an interest in purchasing replacement bins and to use those bins for advertisements. The Cabinet Member reminded Members that every additional bin would need to be emptied periodically and therefore additional resources would be required.
- Members felt that the process for the issuing of Community Protection Notices (CPN) was complicated and questioned whether the issuing of a CPN for a fine of £100 was an efficient use of resources. Officers considered that, whilst the process is complicated, it was better to have those powers to act as a deterrent. Once a CPN has been issued the fine was £100 per breach subsequently.
- With regard to the trial with a third party to carry out enforcement, Members raised concerns that any third party partner may be incentivised to issue as many fines as possible and this could lead to an overly aggressive approach to enforcement. Members asked how the relationship with the enforcement provider would be managed. Officers indicated that the companies working in this field were well-established and had learnt from experiences in other local authorities. The Council would need to clearly define its expectations. Payment rates and the body cameras worn by enforcement officers would allow the authority to monitor what is expected from the service provider.
- Referring to dog control measures, Members questioned which groups would be consulted. Officers stated that veterinary practices, dog walkers, schools, park groups and people with specific interests would be consulted. Councillor would

also be engaged. The Committee were happy to support these proposals.

- Officers were asked to clarify when the criteria for reporting fly-tipping/waste presentation had changed. Officers stated that Natural Resources Wales had issued guidance during 2012 which included guidance on what should and what should not be included as fly-tipping on performance indicator information. Officers confirmed that prior to this guidance being issued fly-tipping and waste presentation problems had both been reported included in the performance indicator information, to the detriment of the service.
- Members noted that the Wales Data Unit reported a drop in the number of fly-tipping incidents reported annually before 2012/13 and after 2012/13 of over 5,000. Officers stated that the definition had changed so the figures were not comparable. There was however, a slight decrease in the overall tonnages collected during the period.
- Officers confirmed that CPSOs are able to issue Fixed Penalty Notices but other commitments means that they do not enforce against litter offences.
- Members asked what benefits were then to delegating authority for this matter to the Director of City Operations. Officers stated that delegating authority would offer greater flexibility and speed up processes. The principles and criteria for the initiative were being set by the Cabinet. The delegated authority would apply to the fixed term 12 month pilot only. Cabinet would need to consider the matter further should the project prove successful.
- Members supported more enforcement action to tackle dog fouling in parks. In particular the Committee expressed the view that sports pitches should be forcefully protected, whilst balancing the needs of dog walkers.
- Members requested that officers consider publishing information regarding skip licences online so that this information can be easily referenced. Officers supported a move towards further digitisation of information but there would be data protection issues to consider. Members asked for clarification of whether skip licences are time limited and whether the licence applies to each individual skip. Officer agreed to seek further information from colleagues in Highways.
- The Committee noted that Council had approved a notice of motion regarding the use of Dog Control Notices, which can be used pre-emptively before incidents occur. Officers stated that PSPO allow the authority to cover the same issues. Discussions have taken place with dog wardens regarding the use of these powers. Officers have looked at how such powers are used in Scotland.

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

48 : MODIFIED IN-HOUSE NEIGHBOURHOOD SERVICES PROJECT

The Committee received a report providing an update on the work being undertaken to develop and deliver the 'Modified In-House Neighbourhood Services Project'. The report reviewed the initial scope and aims of the project; the budget proposals the project was asked to achieve; the outcome of Phase 1 of the project; the relationship

between the project and the development of the 'Infrastructure Services Project'; and the next phase of the project.

Members were advised that the Neighbourhood Services Project South West was first considered by the Environmental Scrutiny Committee during a Task and Finish exercise. Members were briefed at the meeting of 14 December 2014 on the new pilot in the South West area of Cardiff.

The key elements and key principles of the pilot were detailed in the report. The report also included details of the three budget proposals made against the project for 2015/16. At its meeting of 15 September 2015 the Committee was advised that a mitigation plan was in place to realise the shortfall in frontline savings. The Chairperson wrote to the Cabinet Member requesting a copy of the mitigation plan. The plan was appended to the report.

The Committee was invited to consider the progress made during Phase 1 of the project. In particular Members were asked to focus on the impact the project has had on customer contact; the changes in cleanliness of the areas as reflected by the Local Environmental Audit Management System (LEAMS) results; achieved savings; staff and asset productivity; Councillor feedback and lessons learnt.

The work undertaken during the project was also being used to inform the business case for the 'Infrastructure Services Project'. Two separate models were being developed to identify the merits of creating a wholly owned arms-length company and a modified in-house option. Members were advised that lessons learnt such as area based working and multi skilling will be vital components for the success of the new model.

The Chairperson invited Tara King to deliver a brief [presentation](#). The Committee was asked to comment, raise questions or seek clarification on the information received. Those discussions are summarised as follows:

- In terms of Neighbourhood Partnership working, Members asked whether any schemes had been successful. Officers stated that the 'Really Rubbish Roath' campaign had worked with the authority to improve the City Road and Albany Road areas, focussing on bin provision and business waste. Keep Wales Tidy were also looking to work with the authority to expand the scheme. Officers advised that Neighbourhood Management Teams tell Waste Management where problems exist. Progress was slow and efforts were being made to accelerate the rate of learning.
- Members confirmed that there has been some improvement in the wards covered by the project and data provided in the presentation regarding service requests from Councillors would seem bear that out. The Committee asked for a similar breakdown of requests received from Members of the public. Officers agreed to provide this information.
- Members noted that the LEAMs score had improved by 11.6% within the wards covered by the project. Members asked for details of the LEAMs scores in areas outside the project. An officer indicated that there was a mixed picture in areas outside the project, with improvements in some areas and worsening in others.

- Members welcomed the fact that fly-tipping was being removed more quickly and questioned whether fly-tipping was reducing as a result. Officers stated that the picture will vary from ward to ward. There was some anecdotal evidence to suggest that fly-tipping was reducing in frequency. However, enforcement still needed to be strengthened.
- Officers confirmed that any fines levied for fly-tipping through the Courts are retained by the Courts and whilst legal costs can be reclaimed, it was not possible to reclaim the time spent by officers investigating these matters. Therefore, prosecutions through the Courts were not cost neutral.
- The Committee asked for further details of the LEAMs survey. Officers stated that the LEAMs survey was a self-audit performed by officers who were independent of the Waste Management Service, which was supplemented by reports from Keep Wales Tidy. The survey covered meterage on a random sample of 12 streets per month.
- Members asked whether it was feasible to complete the restructure of management and back office staff by February at the same time as moving towards Modified In-House/Alternative Delivery Model. Officers stated that the restructure was intrinsically linked to the ADM options is agreed and this will not stop the restructure moving forward. The Cabinet Member stated that next year's budget would impact and options would be taken into account, so that both options are in alignment at the time of decisions re the budget. Officers were confident that the savings could be achieved under both options.
- Members were concerned that the city has been divided on an East/West basis, rather than an alignment with the existing Neighbourhood Management areas. Officers advised that the city was split East/West in terms of management. The East/West areas would be divided further and routes would be optimised. As part of the project, it was anticipated that some assets/depots would be disposed of and that investment would be made in those assets retained.
- Members asked what was being done to manage the scale of internal recharging into City Operations from other Council directorates. They also asked if the current rate of internal recharging would affect the development of the Full Business Case for the Infrastructure Services project. The Assistant Director for City Operations explained that internal recharging was an issue for the Directorate, however, work had been undertaken in this area to better manage and reduce the problem. The Assistant Director for City Operations anticipated that the internal recharging problem would be reduced by the time of Full Business Case publication.

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

49 : CARDIFF'S FUTURE WASTE FACILITIES - MEMBER UPDATE

The Committee received a report providing an update on the work being undertaken to develop waste infrastructure and facilities for Cardiff. Members were asked to consider a progress update on the Prosiect Gwyrdd contract; a progress update on the anaerobic digestion plant; an update on proposals to develop future waste

infrastructure with other local authorities and partners; and work currently being undertaken to develop reuse and recycling facilities across Cardiff.

The Committee at its meeting of 13 October 2015 expressed an interest receiving and update on the development of Cardiff's waste infrastructure and facilities, and in particular progress on Prosiect Gwyrdd and the anaerobic digestion plant which will process Cardiff's Organic Waste.

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

- Members asked whether it would be possible to waive the collection charge for items that are being donated to a re-use facility. Track 2000 and British Heart Foundation also charge to collect donated goods. All resident were now charged for bulky waste collections, as any exemptions had been removed. However, collections were charged at a lower rate.
- Officers confirmed that the recycling of bottom ash from the energy from waste facility would be included in the current year's recycling figures. It was anticipated that this would add around 7% to the overall recycling figures in future years.

The Chairperson tabled the following question, received from Dave King, of the Cardiff Rivers Group:

“Could the Council update us on the latest position with setting up a community drop off area at Bessemer Road HWRC for items that could be reused, repaired and reused and a community shop alongside it? There were council employees undertaking a survey many months ago but haven't seen anything. Huge amount of stuff dumped in skips that could be diverted and generate funds for local community.”

The Cabinet Member agreed to provide a response to the question.

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

50 : CORRESPONDENCE

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.

51 : DATE OF NEXT MEETING

Members were advised that the next Environment Scrutiny Committee is scheduled for 8 December 2015.

The meeting terminated at 7.45 pm