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CORRESPONDENCE FOLLOWING THE COMMITTEE MEETING

Committee ENVIRONMENTAL SCRUTINY COMMITTEE

Date and Time of Meeting TUESDAY, 19 MARCH 2019, 5.00 PM

Please find below correspondence sent by the Committee Chair following the meeting, together with any responses received.

For any further details, please contact scrutinyviewpoints@cardiff.gov.uk

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Ref: RDB/RP/SE.MM.CW/19.03.2019

21 March 2019

Councillors Elsmore, Michael & Wild,
Cabinet Members – Cardiff Council,
County Hall,
Atlantic Wharf,
Cardiff CF10 4UW.



Dear Councillors Elsmore, Michael & Wild,

Environmental Scrutiny Committee – 19 March 2019

On behalf of the Environmental Scrutiny Committee I would like to thank you and the officers for attending the meeting that took place on Tuesday 19 March 2019. As you are aware the meeting received an item titled 'Air Quality – Progress Update'. The comments and observations made by Members following this item are set out in this letter.

Air Quality – Progress Update

- The Committee task & finish report titled 'Improving Cardiff's Air Quality' was presented at Cabinet on the 20th September 2018. To date we have not received a Cabinet response. I would be grateful if you could confirm when a formal response to this report will be published.
- Members understand that the purpose of the Cabinet report titled 'Air Quality Feasibility Study Outline Business Case – Welsh Government Direction' was to set out the Outline Business Case for '*the preferred option to demonstrate the steps the Council will undertake to ensure compliance with the legal direction*'. They are also supportive of many of the proposed measures that will be introduced to help achieve compliance in the '*shortest time possible*', for example, the introduction of 36 electric buses is very good news for Cardiff, as is the revised taxi policy and the ongoing commitment to improving cycling infrastructure in the city. All of this is very positive, however, during the way forward the following

concerns and suggestions were made by Members about the approach that the Council is taking:

- **Cardiff Wide Air Quality Improvements** - The Committee felt that the main focus of the report was achieving air quality compliance below the 40 µg/m³ target in the '*shortest time possible*', when instead it should have been about doing everything that we can to improve air quality across all of Cardiff in the '*shortest time possible*'. It is clear that urgency has been directed at achieving air quality improvements in and around the city centre, with a number of measures being removed from further assessment in the Outline Business Case as they were either not deliverable or in the vicinity of the immediate problem. For example, CASAP 1 included a new 50mph speed limit on the A4232 - Members believe that this would be very effective and relatively easy to implement, however, it has been removed because it has little or no impact on the city centre. Likewise, delivery of the much needed key infrastructure projects such as the rapid transport bus routes do not appear to be progressing. These and other public transport infrastructure schemes are essential if we want to persuade the public to leave the car at home and instead drive modal shift. Having cleaner buses is very important, but if bus journeys are not efficient and reliable then what is the incentive to change? In short, the Members feel that the motivation for this piece of work should have been to improve air quality across all of Cardiff to produce health benefits for all residents. It should have been supported by a clear commitment to drive modal shift and a citywide set of actions to help achieve this goal.
- **Particulate Matter** – The Committee believe that the main focus of the report is to reduce nitrogen dioxide emissions. This is clearly very important as nitrogen dioxide has a very negative impact on human health, however, other pollutants such as particulate matter are also a major health concern. Electric taxis and buses will significantly reduce nitrogen dioxide, but the mechanical actions of these vehicles (for example, braking) will still produce large quantities of particulate

matter. Members, therefore, believe that Cardiff's Air Quality Strategy needs to include a greater commitment to reducing particulate matter levels.

- **M4 Relief Road & Modelling Confidence** – During the meeting Members raised concerns about the air quality modelling that had taken place during the development of the Outline Business Case. In particular, they asked if future air quality projections included data for the proposed M4 relief road. An officer explained that it was unlikely that M4 relief road data had been included since an actual route has yet to be agreed. Members were concerned by this, as the Council has just signed a document supporting the development of the M4 relief road. There are concerns that the new M4 relief road will increase traffic levels accessing the city, which in turn will increase traffic related pollution. I would be grateful if you could confirm if M4 relief road data has been used when modelling the Outline Business Case. If such modelling hasn't happened then please provide the Committee with a summary of the likely impact of the proposed M4 relief road on air quality in the city.

I would be grateful if you would consider the above comments and provide a response to the content of this letter.

Regards,

A handwritten signature in black ink, appearing to read 'Ramesh Patel', written in a cursive style.

Councillor Ramesh Patel

Chairperson Environmental Scrutiny Committee

Cc:

- Councillor Huw Thomas, Leader – Cardiff Council;
- Paul Orders, Chief Executive – Cardiff Council;
- Andrew Gregory, Director of Planning, Transport & Environment;
- Gary Brown, Operational Manager – Assets, Engineering & Operations;
- Jason Bale, Programme Manager, Clean Air;
- Davina Fiore, Director of Governance & Legal Services;
- Members of Cardiff's Environmental Scrutiny Committee.

Ref: RDB/RP/CW/19.03.2019

21 March 2019

Councillor Caro Wild,
Cabinet Member for Strategic Planning & Transport,
County Hall,
Atlantic Wharf,
Cardiff CF10 4UW.



Dear Councillor Wild,

Environmental Scrutiny Committee – 19 March 2019

On behalf of the Environmental Scrutiny Committee I would like to thank the officer for attending the Committee meeting on Tuesday 19 March 2019 to discuss the report titled 'Pre Decision Scrutiny: Challenges, Representations & Appeals Policy'. The comments and observations made by Members on the areas relevant to your portfolio of responsibility are set out in this letter.

Pre Decision Scrutiny: Challenges, Representations & Appeals Policy

The Members of the Committee agreed that the new Challenges, Representations & Appeals Policy was a positive step forward. They felt that it provided a clear and concise structure for processing all future appeals, while allowing a degree of flexibility for dealing with the more complicated cases. The Committee would like to pass on their thanks to the staff who were involved in creating this important and well written document.

Regards,

A handwritten signature in black ink, appearing to read 'Ramesh Patel'.

Councillor Ramesh Patel
Chairperson Environmental Scrutiny Committee

Cc:

- Andrew Gregory - Director of Planning, Transport & Environment
- Matt Wakelam – Assistant Director, Street Scene
- Davina Fiore - Director of Governance & Legal Services
- Members of Cardiff's Environmental Scrutiny Committee

**SWYDDFA CYMORTH Y CABINET
CABINET SUPPORT OFFICE**

Fy Nghyf / My Ref : CM41235

Eich Cyf / Your Ref :

Dyddiad / Date: 1st May 2019

Cllr Ramesh Patel
Chair of Environmental Scrutiny
County Hall
Atlantic Wharf
Cardiff
CF10 4UW

Annwyl / Dear Ramesh

Environmental Scrutiny Committee 19 March - PSPO

Thank you for the positive comments with regards the management of the consultation and engagement with regards the introduction PSPO dog controls. A response to the comments raised following the scrutiny meeting is provided below for further information and clarification.

Exceptions: The Public Space Protection Order made a number of appropriate exceptions against the application of the policy, for example, excluding the owners of assistance and guide dogs from prosecution. Therapy dogs were not included on this list, with one witness suggesting that they should be added as an exception. I would be grateful if you could consider adding therapy dogs to the list of exceptions.

Whilst therapy dogs do provide significant social benefits, it is difficult to understand the context of exempting therapy dogs from enforcement in the context of dog controls. The example provided was therapy dogs attending school. However, training of enforcement officers ensures they take into consideration any mitigating factors. In this case, the school's management team will invite dogs into the school in a controlled manner and this is unlike a parent or sibling taking a dog onto school grounds to pick up a child attending the school. Therefore, there is no evidence to support the need for an exemption of therapy dogs to the PSPO for dog controls. However, the team will monitor complaints or concerns raised following the implementation of the PSPO for dog controls to ensure improvements to the PSPO if there are concerns on this

ATEBWCH I / PLEASE REPLY TO :

Swyddfa Cymorth Y Cabinet / Cabinet Support Office, Ystafell / Room 518, Neuadd y Sir / County Hall, Glanfa'r Iwerydd / Atlantic Wharf, Caerdydd / Cardiff, CF10 4UW,
Ffon / Tel: (029) 2087 2501

GWEITHIO DROS GAERDYDD, GWEITHIO DROSOCH CHI

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg, Saesneg neu'n ddwyieithog. Byddwn yn cyfathrebu â chi yn ôl eich dewis, dim ond i chi roi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn arwain at oedi.

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The Council welcomes correspondence in Welsh, English or bilingually. We will ensure that we communicate with you in the language of your choice, as long as you let us know which you prefer. Corresponding in Welsh will not lead to delay.



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matter or any other concern not identified during the consultation and implementation processes.

Enforcement - While the Committee is pleased at the content of the new Public Space Protection Order for the Control of Dogs, it is not convinced that the Council and its partners has the necessary capacity to deliver the required enforcement to support the new powers. It would be appreciated if you could provide the Committee with a summary of all of the enforcement resources that will be in place when the new Public Space Protection Order is introduced and detail on how the impact of these resources might be maximised. For example, how might the Council address dog fouling that takes place in the evening when most officers have finished work.

The enforcement of PSPO for dog controls will be challenging due to resource levels and the working hours of enforcement officers / park rangers. However, there must be recognition the new powers replace existing legislation and by-laws and therefore there is no considerable expansion of enforcement areas. The publication of the PSPO and associated media will assist in raising awareness.

The management of enforcement is important to ensure there is compliance and there will be a focus of resource to educate and enforce the PSPO at its implementation towards the end of 2019. Following the implementation of the PSPO enforcement officers will utilise evidence from complaints and concerns to apply resource. If there are concerns associated in the evenings then the management team will ensure resources are applied at these times to address the concerns, albeit this would be on a case-by-case basis. Moving forward the Street Scene management team are looking to provide a better balance of resource for both cleansing and enforcement to meet the demands of the city.

The resource for managing the PSPO for dog controls as part of their roles is:

- 25 Environmental Enforcement Officers in Street Scene Services.
- 8 Urban Park Rangers in Parks Services

Education – It is clear that the new Public Space Protection Order for the Control of Dogs will have an impact on a large number of dog owners and other members of the public. This means that the changes will need to be supported by an initial and ongoing campaign of education and awareness. With this in mind I would be grateful if you could provide the Committee with details of the educational campaign that will support the introduction of the new powers, the distribution channels that will be used and the budget that has been allocated for this work.

The development of educational campaign will now be commencing following approval of the implementation of a PSPO for dog controls by Cabinet. The campaign will focus on how we get the information on dog controls to specific targeted citizens and residents. For example, although the requirement to carry a means of cleaning up dog fouling will be generic to all dog owners the control of dogs accessing schools and cemeteries will affect a smaller demographic. Therefore, the media will be targeted to get the messages out via the most appropriate routes. An example of this could be to provide a suite of social media and messaging specifically for Schools and for them to use their communication channels to get to parents of children attending schools as the schools will already have good communication channels in place with this demographic.

There is a recognition of a significant opportunity to work with dog groups to get social media and messaging to broader dog owners. However, it is likely most of those who are members of dog groups will be responsible dog owners and would already comply with the majority of the dog controls to be put in place.

Clear Definitions – During the meeting there was some debate around the proposed text for parts of the new Public Space Protection Order, and the importance of using accurate wording to define exactly what the new powers mean. Examples include:

- ***The use of the phrase ‘the prohibition of dog fouling in all public spaces owned and / or maintained by the Council’ could confuse some residents as it suggests that a dog is prohibited from fouling even if the owner immediately removes the faeces;***
- ***Clarification on what is deemed a reasonable ‘means of clearing dog fouling’;***
- ***An explanation of what might constitute a reasonable length of lead for use in a cemetery.***

The Committee accepts that the Council needs to use established legal text to create the new document; however, whenever possible it also needs to accurately define exactly what it is trying to achieve. Getting this right at the outset will help to prevent any future confusion.

It is agreed that via the communication and engagement exercise being undertaken there will be a need to clearly promote what the controls mean. Certain aspects will need consideration by the enforcement officer at the time of witnessing any concerns. For example, a dog on a lead in a cemetery is about controlling the dog from inappropriate activity. Therefore, a dog on a long lead would not be a concern if it was under control; however, if it was on a long lead and was digging up graves or garden areas in the cemetery then action would be required. In this case we may just state the control as ‘a dog is on a lead and under control by the owner’ rather than get into the difficult decision of ascertaining what length of lead is acceptable.

Discussions will now be taking place with the legal team and environmental enforcement managers about signing and communications but it is recognised there is a balance between getting control and being over-zealous with the powers.

Bins – One of the public priorities identified in the consultation exercise was better provision of bins to help reduce dog fouling. Given that this is a public priority, I would be grateful if you could let the Committee know how you plan to address this clearly documented concern.

The Council has had a programme of bin renewal / replacement over recent years to improve the bin infrastructure across the City. A review of the provision of bins in parks will take place to ascertain the requirement of additional bins. The team are considering the placement of bins at the entrance to parks that promote the messages relating to dog fouling and other dog controls to ensure the key messages are seen prior to the exercising of dogs and allowing owners to place dog waste in the bins as they leave. There does need to be a recognition that by having bins located throughout parks that this does create

issues on how the waste is collected as most park areas do not have vehicular access.

I trust the above is of assistance. If you have any further queries, please do not hesitate to contact either myself or my officers direct.

Yn gywir / Yours sincerely



Y Cyngorydd / Councillor Councillor Peter Bradbury
Aelod Cabinet Dros Ddiwylliant a Hamdden
Cabinet Member for Culture & Leisure



Councillor / Y Cyngorydd Michael Michael
Cabinet Member for Clean Streets, Recycling & Environment
Aelod Cabinet dros Strydoedd Glân, Ailgylchu a'r Amgylchedd