

ENVIRONMENTAL SCRUTINY COMMITTEE

5 JUNE 2018

Present: Councillor Patel(Chairperson)
Councillors Philippa Hill-John, Owen Jones, Lancaster,
Jackie Parry, Wong and Wood

1 : APPOINTMENT OF CHAIRPERSON AND COMMITTEE MEMBERSHIP

The Committee noted that Annual Council on 24 May 2018 appointed Councillor Ramesh Patel as Chair of the Committee and the following Members to the Committee:

Councillors Henshaw, Philippa Hill-John, Owen Jones, Lancaster, Jacqui Parry, Owen, Wong and Wood

2 : TERMS OF REFERENCE

Members of the Committee were asked to note the Committee's Terms of Reference.

3 : APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Oliver Owen and Councillor Mackie.

4 : DECLARATIONS OF INTEREST

The following declarations of interest were received in accordance with the Members Code of Conduct and the Local Government Act 1972:

Councillor Jacqui Parry	Agenda Item 6	Former Chair of Licensing and Public Protection Committees
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5 : MINUTES

The minutes of the meeting held on 15 May 2018 were approved by the Committee as a correct record and were signed by the Chairperson.

6 : SHARED REGULATORY SERVICE - BUSINESS PLAN 2018/19 AND ANNUAL REPORT 2017/18

The Committee received a report on the Shared Regulatory Service Business Plan 2018/19 and the Shared Regulatory Services Annual Report 2017/18. Members were asked to note the content of each document and consider whether they wish to make any comments.

Members were advised that the Shared Regulatory Service (SRS) is a collaborative service formed between the partner local authorities Bridgend, Cardiff and Vale of Glamorgan Councils. The SRS aimed to provide a fully integrated service under a single management structure for the Trading Standards, Environmental Health and

Licensing functions with shared governance arrangements. The creation of the service was originally driven by the need to reduce budgets whilst building resilience within the operation.

The SRS operates under a Joint Working Agreement and the Head of the Service reports to a Joint Committee of Elected Members drawn from the three partner local authorities. The delegations of policy and the functions from partners to the Joint Committee and Head of Service are set out in the Joint Working Agreement, including:

- The functions to be carried out
- The terms of reference and constitution of the Joint Committee, Management Board, etc
- Staffing, services to be provided by the host and other partners, financing and other functional issues
- The finance operating model.

The report provided Members of the Committee with an overview of the core services provided by the SRS.

The SRS produces a Business Plan and Annual report each year. The two documents are designed to focus on future service delivery and reflect on the outcomes of the previous year.

The SRS Business Plan 2018/19 was attached to the report at Appendix 1. The Business Plan set out the resources, targets, challenges and priorities for the coming year in six main sections: Overview of Services; Service Aims and Strategic Priorities; Challenges; Budget and Resources; Workforce Development; and Turning Actions into Outcomes. The Business Plan is also supported by a risk assessment and action plan.

The Annual report was attached at Appendix 2. The main purpose of the Annual report is to reflect on the performance and financial position for the previous financial year.

The Chairperson welcomed Councillor Michael Michael, Cabinet Member for Clean Street, Recycling and Environment and the following officers from SRS: Dave Holland, Head of Shared Regulatory Services; Christina Hill, Operational Manager, Occupational Health and Community Health; Helen Picton, Operational Manager, Consumer Services Team; and Will Lane, Operational Manager, Public Protection; to the meeting. Dave Holland, Head of the Shared Regulatory Service was invited to deliver a presentation. Members of the Committee were then invited to comment, seek clarification or raise questions on the information received. Those discussions are summarised as follows:

- Members sought clarification of the arrangements for scrutiny of the Shared Regulatory Service. Officers advised that there have been lengthy discussions regarding how to best scrutinise the service. The three partner authorities have different scrutiny arrangements in place. Officers from SRS have appeared before scrutiny committees a number of times at each Council and SRS has been challenged to demonstrate how they achieve

the corporate priorities on each occasion.

- Members asked for details of the level of project savings in SRS in 2018/19, 2019/20 and 2020/21. Members were advised that SRS have been asked to deliver 5% savings year on year for three years. A consultation exercise is currently being undertaken with staff as staff numbers are likely to be reduced through redundancies. Members asked whether the SRS will be able to maintain its enforcement capabilities if staff numbers are reduced. Officers indicated that potentially 12 FTE posts will be lost and there will be challenges. However, the set of proposals set out in the Business plan 2018/19 are achievable and the priority areas will be delivered.
- SRS are developing new areas of income. For example, as regulations in Wales are different to those in England, large organisations are approaching SRS, as the 'Primary Authority' in order to access assured advice to businesses that are trading across county boundaries. Another successful area where income has grown has been the provision of food hygiene training to small business.
- Members noted that the performance target SRS/TS/002 – relating to the number of significant breaches that remain outstanding – has not been achieved for a number of years. Members asked officers to comment on these results. Officers stated that significant breach investigations can run for quite some time and are often not concluded within the financial year. Therefore, where investigations are not closed they appear as 'red' and this was misleading. Members asked whether officers considered if there was a better target or better metric that could be employed. Officers replied that potentially there was, but the indicator is a national indicator across Wales. Members were advised that a recent court prosecution against a rogue trader ran for 2 years.
- The Committee noted that sickness absence levels in SRS are lower than the Council average. Members asked whether there were any lessons the Council could learn from this. Officers stated that SRS has a flexible culture that trusts and empowers staff. The Cabinet Member considered that Members should be cautious about comparing sickness absence levels across directorates as working conditions in all services areas are not the same.
- Members asked officers to comment on the measures set out on Page 75 of the Business Plan relating to empty private sector properties. Officers advised that the authority has an empty homes officer who has been tasked with bringing empty properties back into beneficial use. A number of service areas will feed into this. The officer engages with property owners and attempts to signpost them to schemes which are aimed at bringing vacant properties into use. Targets have not yet been set but work is ongoing to develop meaningful targets to be included in the Business Plan in the future. The Cabinet Members stated that a recent officer decision will mean that the authority now has the power to bring large vacant properties back into Council ownership.

- Members asked officers to comment on the success of the Single Point of Contact telephone number. Members were advised that the Single Point of Contact telephone number and the contact centre technology was providing valuable data on the numbers of calls received, the issues, the areas those issues are occurring. SRS will be able to interrogate this data in order to identify trends and prioritise resources.
- Members raised concerns that the elderly or vulnerable people who participate in the assisted list scheme for the waste collections, whereby an orange diamond ticket is displayed, may be targeted by rogue traders and other types of doorstep scams. The Cabinet Member advised that he had heard these concerns expressed previously and he was yet to see any evidence that those participating in the scheme are more likely to be victims of crime. The Cabinet Member felt that the orange diamond scheme was simple and it worked well, however, he would welcome any further information provided by the Committee.
- Members noted that SRS was reaching its targets and it has high rates of satisfaction from customers. Members asked whether there were any plans to further expand SRS in the future. Officers were unaware of any proposals to further expand SRS. However, SRS has demonstrated that local authorities can come together and work in partnership successfully and therefore the partner authorities may well wish to continue with SRS in its current form.
- The Committee considered that feedback received from residents in 'cold calling zones' indicated that these schemes were well received and worked well in practice. Members asked whether cold calling zones could be considered in new areas in the future. Officers stated that the Welsh Government source of funding for such schemes no longer existed. However, SRS do have a supply of stickers/signage that can still be provided to more vulnerable residents.

AGREED – That the Chairperson write to the Cabinet Members on behalf of the Committee to convey their comments.

7 : CABINET RESPONSE TO RESTORE OUR RIVERS

The Environmental Scrutiny Committee 'Restore Our Rivers' report was presented to the Cabinet on 21 September 2017. The Cabinet response was agreed by the Cabinet on 16 November 2017. The 'Restore Our Rivers' report set out to evaluate and address the current problems in Cardiff's rivers and watercourses. The Scrutiny report made 140 key findings and 20 recommendations; 18 recommendations were accepted in principle, one recommendation was partially accepted and one recommendation was rejected.

The Committee received a report setting out the Cabinet's response. Officers from the Planning, Transport and Environment Directorate were invited to attend the meeting to summarise the Cabinet response and answer any questions from the Committee.

The Chairperson welcomed Councillor Michael Michael and Gary Brown, Operational Manager, Assets, Engineering and Operations to the meeting. Councillor Michael was invited to make a brief statement.

Councillor Michael stated that the report presented to Cabinet was an excellent report from former Members of the Environmental Scrutiny Committee. Councillor Michael's only concern was that most of the recommendations relate to some form of partnership working and there was only so much that Cardiff Council alone could do. The Committee was invited to consider inviting Welsh Government and Natural Resources Wales to address the recommendations in the report as it is within the Committee's remit to do so.

The Chairperson invited comments from the Committee. Those discussions are summarised as follows:

- Members noted that the report addressed river restoration on a catchment area level. Members asked why the authority should not adopted an informal shared approach in order to address the recommendations in the report. The Cabinet Member stated that WG and NRW are already working across local authority boundaries and they have the powers to implement change. The Committee is able to hold both bodies to account.
- Members considered that other local authority could be encouraged to adopt the principals set out in the report.
- The Committee sought clarification of the status of the Clean Waterways Directive. The Cabinet Member stated that he was unable to provide an answer as the directive is the responsibility of the NRW. The Cabinet Member considered that NRW should take the lead in following up the recommendations in the report.

AGREED – That the Chairperson write to the Cabinet Members on behalf of the Committee to convey their comments.

8 : TREE MANAGEMENT

The Committee received a report which provided Members with an opportunity to review how Tree Management is delivered by the Council and to consider existing and potential future arrangements.

Members were advised that trees bring many health, social, environmental and economic benefits. The management of trees on Council land represents a significant challenge in terms of tree management as it attracts a great deal of public interest. The Tree Management Unit is responsible for all trees located on Council land and across all service areas. The maintenance of street trees is delivered through a framework contract and the budget for this contract is £96,000. The Tree Management Unit employs 10 FTE staff and operates an emergency call out service 24 hours a day, 365 days of the year.

The net revenue budget for Tree Management in Cardiff for 2017/18 was £428,000 plus an additional one-off sum of £100,000 allocated to reduce the backlog of outstanding works. The net revenue budget for Tree Management in Cardiff in 2018/19 is £431,530.

The income target required to achieve a net budget position of £429,020 for 2017/18 was £129,160. The service generated £113,734 which represented a shortfall of £15,426. The income target for 2018/19 is £134,160 – an increase of £5,000. Based on the 2017/18 income figure, the service will need to increase income by £20,426. The main income sources are for surveys and works undertaken on behalf of the School Service, Housing, Strategic Estates and Development Control.

Members were advised that the Council's Tree Management Policy is based on risk management and legislative requirements. Liability claims can be made against the Council if it is alleged that the Council's negligence is deemed to have caused injury, loss or damage. The Council is able to mitigate the risk of successful claims by demonstrating it has a reasonable risk based approach to the inspection and maintenance of its trees.

The Council does not undertake tree maintenance on private land and concerns regarding trees on private land are principally a matter for the landowners to resolve. However, the Council does possess powers to require a landowner to make safe a tree that poses an imminent danger. The Council may intervene and undertake works if a landowner fails to act within a reasonable timescale. The Health and Safety Executive (HSE) Guidance on managing trees recommends that a reasonable and balanced approach is taken when dealing with problem trees. The key elements recommended by the HSE were set out in the report.

The programme of works is risk based and priorities are dictated based on the level of risk posed. The programme of work changes constantly and it is not uncommon for work to be delayed or for completion to take longer than expected. Prioritisation of work is also consistent with the HSE guidance. The categorisation of this risk is as follows:

Perceived Nuisance – unnecessary work rarely considered for action
Low – necessary work completed with five years
Medium – necessary work completed within three years
High – essential work is completed within 1 year
Urgent – work completed within 7 days
Emergency – site made safe within 2 hours

Members were advised that in 2017/18 the Council commissioned APSE to deliver a 'Tree Management Policy and Operational Management Review' and the findings of the review were published in a report entitled 'APSE Solutions – Tree Management Policy and Operational Management Review – Report for Cardiff City Council'. The report was attached at Appendix 1. The report made 6 recommendations, details of which were provided in the cover report.

The Chairperson welcomed Councillor Peter Bradbury, Cabinet Member for Culture and Leisure; Jon Maidment, Operational Manager, Parks and Sport; and Kevin Matthews, Team Leader, Tree Management Unit to the meeting.

Councillor Bradbury addressed the Committee and stated that Tree Management was an important issue that was the subject of a great deal of public interest and correspondence received. The Cabinet Member was reassured that the review of Tree Management Policy had concluded that the authority was correct to employ a risk-based approach. The Cabinet Members concluded by saying that Council Policy and Tree Management in the City in general was carried out by an excellent team of officers.

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

- Members asked how many trees there are in Cardiff. Officers stated that there are approximately 573,400 known trees, but they were unable to estimate how many of that number are the responsibility of the Council.
- Members asked how a net reduction in the budget of £96,000 would impact on the service and whether risk will increase as a result. Officers stated that the reduction would inevitably impact on the amount of work the service is able to do. The risk based methodology would still mean that high risk jobs are prioritised. In mitigation, the service can call upon colleagues in the Ground Maintenance Team, who are qualified in basic chainsaw certification and are able to undertake basic works. The Cabinet Members stated that no decision to reduce budgets is easy but care should be taken not to be too alarmist. Storm Eileen proved that the service is equipped to respond quickly and ensured that public safety is protected.
- Members noted that during the last financial year £100,000 of additional resource was spent addressing 125 high priority jobs. Members asked how this shortfall would be mitigated in the future. Officers stated that the street tree contract has been brought back in house and it may be necessary to call upon other budgets within the Parks Service.
- Members asked what possibilities have been considered in terms of increasing income, such as sponsorship of trees or the sale of logs from felled trees. Officers advised that wood chip and bark is either sold on or used in parks and allotments. Firewood is given to the Harbour Authority for use in their biomass heating system. All waste products are recycled.
- An officer explained that a record of the trees inspected is kept on their tree management database. The software provided information on the conditions of the trees, any works necessary and the dates of any inspections.
- Members commended officers in the Tree Management unit for their response to exceptional circumstances during Storm Eileen. Members

asked whether there had been an opportunity for officers to feedback lessons learned during the event. Officers stated that after emergency events there is an opportunity for officers to feedback lessons learned during debriefings. The Tree Management unit was part of the authority's wider Emergency Management response and the Emergency Management Plan is well rehearsed.

- Members noted that Cardiff's tree stock is one of the best in the UK. Members agreed that more could be done to get this message across to the public and that the potential sponsorship of trees is an area which should be seriously considered. A Members was aware that in some countries newly planted trees are given a 'birth certificate' and this raises interest and community ownership of those trees. Officers confirmed that there are 300 Champion Trees in the City – that is the oldest and largest tree of that species in the country. The authority does have a sponsorship programme and between 20 and 30 memorial trees are requested annually.
- The Cabinet Member stated that the Tree Management unit did not only remove trees, but they also did a lot of work in supporting charities to plan new trees. However, the APSE review report did conclude that the authority could do more to maximise commercial opportunities and work was ongoing to put those recommendations into practice.
- The Cabinet Member stated that the LDP and the new developments in the City brought a challenge. New trees are planted and in years 1 to 5 there are generally no problems. As the trees grow problems start to materialise and, therefore, it is important to plan how these are managed in future.
- Members asked officers to explain the process for recording trees on the tree management software and also whether the costs associated with tree management increase as risk increases. Officers advised that surveying of trees in the city is underway, however, it would not be possible to conduct a full survey without a significant increase in resources. There are 5 main categories for the condition of trees. Low risk require cosmetic works only. High priority trees are generally more expensive to manage. There are other criteria to consider, particularly for street trees, such as damage to infrastructure or insurance claims due to damage to property.
- Members asked officers to explain the rationale for removing street trees. Officers stated that trees are replaced on a 3-year cycle. There is often not enough time to allow for the felling of trees and the replanting new stock during the same year. The Tree Management Unit work closely with colleagues in the Highways Department such as recently in St John's Crescent in Whitchurch, where mature ash trees were causing damage to the footway. Colleagues in highways 'peeled back' the footway allowing for the problem trees to be removed and replaced. The Highways team then reinstated the footway after these

works were completed.

- The Committee asked for comments on the problems the services was having in recruiting and retaining staff. Officers stated that recruitment has been problematic for some time now and some positions have been vacant for 12 months or more. The lack of suitably qualified staff is also a problem in the private sector. Members asked whether the services could do more to compete with the private sector. Officers stated that in order to compete externally with private sector tree management companies the service would need additional capacity. The service currently has a backlog on internal works.
- Members asked what degree of protection is afforded by Tree Preservation Orders (TPOs). Officers stated that TPOs are managed by the Planning Department and they can be used by members of the public to protect existing trees. Developers must state how many protected trees there are within the boundaries of their planning applications. The Cabinet Member stated that whether or not a tree qualifies for a TPO is supported by a bureaucratic process and it was important to manage expectations.
- Officers confirmed that the Tree Management Unit provide in-house training.
- Officers confirmed that the Park Service sell plants and shrubs, though this is not part of the Tree Management service. Recent successes include new contracts with the Business Improvement District and the Vale of Glamorgan Council. Income in this area is increasing year on year.
- Members asked whether more could be done to provide residents with information on the categorisation of the conditions of trees. The Cabinet Members considered that this was a fair point and agreed to reflect upon this.

AGREED – That the Chairperson write to the Cabinet Members on behalf of the Committee to convey their comments.

9 : ENVIRONMENTAL SCRUTINY COMMITTEE - WORK PROGRAMME PLANNING 2018/19

The Principal Scrutiny Officers invited Members to comment on the structure of the Committee's Work Programme for 2018/19. It was suggested that the Committee meet informally to discuss the structure and potential items for inclusion on the Work Programme.

The Committee requested that Principal Scrutiny Officer circulate potential dates and times for the informal discussion, to include dates and times of existing Committee meetings.

Members considered that there was also value in the suggestion that outside bodies be invited to the Work Programme discussion so that those bodies can be invited to suggest which areas or topics the Environmental Scrutiny Committee might wish to focus on.

10 : DATE OF NEXT MEETING

Members were advised that the next Environment Scrutiny Committee is scheduled for 3 July 2018.

The meeting terminated at 7.25 pm

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Chairperson