

DRAFT MINUTES

DRAFT MINUTES

Meeting ID	3430
Committee	Environmental Scrutiny Committee
Date	19/03/2019
Attendees	<p>Councillor Ramesh Patel (Chair)</p> <p>Councillor Bob Derbyshire (Committee Member)</p> <p>Councillor Philippa Hill-John (Committee Member)</p> <p>Councillor Owen Jones (Committee Member)</p> <p>Councillor John Lancaster (Committee Member)</p> <p>Councillor Jacqueline Parry (Committee Member)</p> <p>Councillor Oliver Owen (Committee Member)</p> <p>Councillor Peter Wong (Committee Member)</p> <p>Councillor Ashley Wood (Committee Member)</p> <p>Richard Bowen (Principal Scrutiny Officer)</p> <p>Gill Nurton (Notify)</p> <p>Alison Taylor (Notify)</p> <p>Graham Porter (Clerk)</p> <p>Mandy Farnham (Notify)</p> <p>Heather Warren (Notify)</p> <p>Davina Fiore (Monitor)</p> <p>Gary Jones (Monitor)</p>

Item ID	15180
Item Title	Apologies for Absence
Summary	Apologies were received from Councillor Lancaster.

Item ID	15181
Item Title	Declarations of Interest
Summary	No declarations of interest were received.

Item ID	15182
Item Title	Minutes
Summary	The minutes of the meeting of the Joint Scrutiny Committee held on 19 November 2019, the Environmental Scrutiny Committees held on 4 December 2018 and 18 February 2019 were approved by the Committee as a correct record and were signed by the Chairperson.

Item ID	15388
Item Title	Draft Public Space Protection Order - Control of Dogs
Summary	The Committee received a report providing Members with an opportunity to

carry out pre-decision scrutiny on the introduction of Public Space Protection Order for Dog Controls and the policy document for Public Space Protection Orders.

Members were advised that Council is responsible for the management and maintenance of public spaces in the City, including parks, play areas, cemeteries, sports grounds, adopted highways and schools. A large number of these areas are used by dog walkers. Whilst the majority of dog owners are responsible and clean up after their dogs, there are persistent issues across Cardiff where dog faeces is not being removed by dog owners.

Despite efforts in recent years, such as public education campaigns, dog fouling continues to be a concern for many Cardiff residents. Public Space Protection Orders can be used by local authorities to deal with specific nuisance problems in particular areas. An order can prohibit or restrict certain activities and are designed to ensure public open spaces are safe from anti-social behaviour.

On 12 July 2018 Cabinet resolved to undertake a 12 week consultation exercise on the proposal to introduce a Public Space Protection Order (PSPO) aimed at introducing dog controls in areas of public open space in Cardiff. The consultation exercise centred on the following proposals:

- The prohibition of dog fouling in all public places owned and/or maintained by the Council;
- The exclusion of dogs in all playgrounds, marked sports pitches and schools, which are owned and/or maintained by the Council
- A requirement that dogs are kept on leads within all Cemeteries owned and/or maintained by the Council
- A requirement allowing authorised officers to give a direction that a dog(s) be put and kept on a lead if necessary
- Setting the fixed penalty fine for breach of the order to a maximum permitted of £100
- That the revocation of the current byelaws associated with dog control in Cardiff be endorsed

A total of 6002 responses were received during the consultation exercise, the results of which were appended to the report at Appendix 1. The consultation prompted a great deal of debate centred on the proposal to ban dogs from marked sports pitches. As a result of the consultation exercise and having considered the responses received, the finalised recommended dog controls proposed were:

- The prohibition of dog fouling in all public spaces owned and/or maintained by the Council;
- The requirement for a dog owner to have a means of clearing dog fouling;
- The exclusion of dogs in all enclosed playgrounds and schools, which are owned and / or maintained by Cardiff Council;
- The requirement that dogs are kept on a lead within all cemeteries owned and / or maintained by Cardiff Council;

- A requirement allowing authorised officers to give a direction that a dog(s) be put and kept on a lead if necessary;
- The fixed penalty notice charge for a breach of a Public Spaces Protection Order for dog controls, as set out above, is set at £100;
- The dog controls will be exempt for persons who have a disability that affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a registered charity and upon which the person relies for assistance.

The Chairperson welcomed Councillor Peter Bradbury, Cabinet Member for Culture and Leisure and Councillor Michael Michael, Cabinet Member for Clean Streets, Recycling and Environment. The Cabinet Members were invited to address the Committee.

Councillor Bradbury stated that the Cabinet has taken on-board the comments received from elected Members and stakeholders. The proposal relating to the prohibition of dogs on marked sports pitches was removed as a result. The Cabinet has also listened to suggestions made by interested parties and the finalised proposals reflect those conversations.

Matt Wakelam, Director, was invited to deliver a presentation. Following the presentation the Committee also received statements from invited stakeholders: Councillor Driscoll, Councillor Mackie, Chris O'Brien of RSPCA, Penny Bowers and Jeremy Sparkes of Cardiff Dog Action. The attendees broadly supported the revised PSPOs and commended the consultation exercise undertaken. Responding to a point made by Penny Bowers, officers advised that therapy dogs will be unaffected by the proposals as enforcement action will only be taken when dogs enter school premises uninvited. The Cabinet was thanked for their willingness to revisit the original proposals and being prepared to make revisions.

The Committee was asked to comment, seek clarification or raise questions on the information received. Those comments are summarised as follows:

- Members were advised that there are no plans to outsource enforcement. Approximately 30 existing staff will be upskilled. The authority was not about to introduce a draconian approach to enforcement and efforts would focus on changing behaviour.
- Officers agreed that the terminology and definition of 'dog fouling' needed to be clarified and a standardised text would be adopted moving forward.
- In terms of powers of enforcement to persons under the age of 18, Members were advised that under 18s would be dealt with appropriately. Attempts would be made to educate children and there is also the option to send warning letters to parents. Enforcement officers have no right to demand information from under 18s, but they are able to request Police assistance. The Cabinet Member stated that dog fouling was not

recognised as a problem associated with young people.

- Members asked whether the Enforcement Officers would be enforcing PSPOs full-time. Members were advised that existing officers, supplemented by Park Rangers will be carrying out general checks and targeting particular areas until problems dissipate. Staff would be carrying out a range of duties that would also include enforcement.
- The Cabinet Member stated that it was key that officers have the power to enforce PSPOs as the existing powers of enforcement are being repealed.
- The Committee questioned whether consideration was being given to the hours Enforcement Officers are on duty, as much of the problematic dog fouling will occur during the early morning or late evening. Officers indicated that Park Wardens open and close parks at the start and end of the day. Enforcement will be intelligence-led and will be used to identify and address problems, including earlier and later hours.
- Members noted that a number of consultation exercise responses referred to the insufficient number of bins in parks and questioned whether bins were in the most convenient locations. Members asked whether there were any plans to respond to these points. The Cabinet Member stated that he was happy to engage with dog owning groups regarding the most appropriate location for bins and other issues as he was keen to promote the use of bins and prevent people from dropping litter in the first place.
- Members asked what course of action could be taken if a dog owner refuses to put their dog on a lead when instructed to do so. Officers stated that if an owner refuses to put their dog on a lead then the matter will be reported to the RSPCA. Dogs could potentially be removed from their owners for such breaches.
- Members considered that the authority should stipulate the maximum length of lead permitted to be used in relation to dogs that are required to be put on a lead in cemeteries.
- Members asked for clarification of the most appropriate means for clearing dog fouling. The Cabinet Member stated that dog walkers need to provide a means to clear dog fouling and the authority did not wish to dictate what that would be. Members considered that this needed further clarification.

RESOLVED – That the Chairperson writes on behalf of the Committee to the Cabinet Member conveying their observations.

Item Title	Air Quality - Progress Update
Summary	<p>The Committee received a report providing an update on the work being undertaken to ensure that Cardiff complies with the statutory EU air quality targets and to consider the content of a report titled 'Air Quality Feasibility Study Online Business Case – Welsh Government Direction', which is due to be considered by the Cabinet on 21 March 2019.</p> <p>Members were advised that, following a High Court ruling, the Welsh Government requires the Council to submit a finalised plan to improve air quality by 30 June 2019. The plan is to set out in detail the preferred option for delivering nitrogen dioxide compliance in the shortest time possible. The Cabinet report due to be received on 21 March 2019 outlines the results of the next phase of the Clean Air Feasibility Study and sets out an Outline Business Case (OBC) on a preferred option.</p> <p>The OBC proposes a package of measures as the Council's preferred option, including:</p> <ul style="list-style-type: none"> • Electric buses – 36 electric buses to be implemented on a number of routes within the City Centre • Bus Retro Fitting Programme – target up to 96 buses that do not currently meet the latest Euro 6 emission standard • Taxi Licensing Policy and Mitigation Scheme • City Centre Loop Measures, inclusive of Castle Street • Active Travel Measures <p>The Welsh Government has allocated £20 million for an Air Quality Fund to accelerate compliance with NO₂ limits. The fund will primarily be used to provide support, guidance and finance to enable Cardiff Council to take action to achieved compliance in the shortest time possible. A summary of how the funding would be allocated against each of the measures was set out in the report.</p> <p>Following brief statements from Cabinet Members Councillor Michael Michael, Councillor Caro Wild and Councillor Susan Elsmore, officers were invited to deliver a presentation. The Chairperson welcomed Jason Bale, Programme Manager – Clean Air and Gary Brown, Operational Manager, Assets, Engineering and Operations; Planning, Transport and Environment.</p> <p>The Chairperson opened the debate. Members were invited to comment, seek clarification or raise questions on the information received. Those discussions are summarised as follows:</p> <ul style="list-style-type: none"> • Members asked officers whether they were confident air quality targets would be reached by 2021. Councillor Wild stated that there was an 80% chance targets would be met. • Members asked whether the air quality modelling included the proposed M4 relief road. Members were advised that the South East Wales Transport Model 2021-2026 was used. The M4 relief road is not

included in that model as a final site has yet to be identified.

- A Member noted that the European Union Ambient Air Quality Directive (Directive 2008/50/EC) levels of nitrogen dioxide (NO₂) and Particulate Matter smaller than 10µm (PM₁₀) must not exceed 40µg/m³ as an annual average – however there was no particular safe level. The Member asked whether the authority has a moral obligation to bring down levels of NO₂ further than the 40µg/m³ level, and not just aim to meet the legal requirement. Officers were also asked to confirm that they are also aiming to reduce particulate matter. The Cabinet Member stated that the more the authority can bring down levels of NO₂ the better. How far those levels can be reduced will depend on the introduction of new technologies. Officers considered that the level of NO₂ was being lowered to a level that is reasonably practicable given the timeline. The measures will also help to reduce the level of particulate matter and there are further measures to address this set out in the Clean Air Strategy.
- A Member considered that meeting the legal test alone would leave emissions at relatively high levels. Officers were asked whether people would be de-incentivised to use the car. The Cabinet Member stated that initiatives such as the development of cycling superhighways and the introduction of electric vehicle charging points will help change behaviour, but the City was at the start of its journey.
- The Committee welcomed the proposals to introduce electric buses. Members considered that people would not be encouraged to use bus services if the bus infrastructure, such as rapid transit routes, was not in place first.
- Officers were asked to explain the difference between DEFRA and local model methodology. Officers advised that the DEFRA model in full modelling on a national basis. The local model produced more refined and accurate information. Ricardo – who are the leading consultants in the UK on air quality – apply the same model in other Core Cities.
- Members asked whether there was a risk that residents would be asked to change their behaviour firstly in order to meet these legal requirements, and then be asked to make further changes at some point in the future. The Cabinet Member stated that the developing new technologies would lead to rapid change in terms of air quality improvements.
- Officers confirmed that 94 buses will be retrofitted to meet Euro 6 emission standards.
- Members asked officers to explain the rationale for not reducing the speed limit on the A4232 to 50mph from Culverhouse Cross to the Butetown Tunnels. Officers stated that the business case did not required this measure at this stage. Members considered that the

	<p>measure presented a reasonable gain at low cost.</p> <p>RESOLVED – That the Chairperson writes on behalf of the Committee to the Cabinet Member conveying their observations.</p>
--	--

Item ID	15391
Item Title	Parking Fines Appeals Policy
Summary	<p>The Committee received a report providing an opportunity to carry out pre-decision scrutiny on the new Challenges, Representations and Appeals Policy for traffic offences. The draft policy was appended to the report at Appendix 1.</p> <p>Members were advised that the analysis of a sample of 250 appeals identified a potential to improve the management of appeals by having a policy that would help to ensure consistency and adherence to current legislation. Welsh Government guidance states that authorities should formulate and publish their policies on the exercise of discretion. The policies should be applied flexibly and each case be judged on its merits. The authority may also depart from its policy if the particular circumstances of the case warrant it.</p> <p>The Chairperson invited Matt Wakelam, Assistant Director - Street Scene in Planning, Transport & Environment, Infrastructure & Operations to deliver a brief presentation on the policy. Members were invited to comment, seek clarification or raise questions on the information received. Those discussions are summarised as follows:</p> <ul style="list-style-type: none"> Members supported the policy and considered that the Council should have the discretion to look at the circumstances of individual cases. Members asked for details of the grounds of appeal and why appeals were successful. The officers stated that the majority of appeals relate to confusion around signage. Signage is constantly monitored and reviewed. Consideration is also given to medical emergencies and more delicate cases outside the norm. Poor weather conditions are also taken into consideration at appeal. <p>RESOLVED – That the Chairperson writes on behalf of the Committee to the Cabinet Member conveying their observations.</p>

Item ID	15392
Item Title	Improving Public Transport - Response to Welsh Government White Paper (Paving Report)
Summary	<p>The Committee received a briefing paper on the Council's response to the Welsh Government's White Paper Consultation 'Improving Public Transport'.</p> <p>Members were advised that the Welsh Government has set out proposals to legislate for reforming the planning and delivery of local bus services and the licensing of taxis and private hire vehicles. A summary of the Council's</p>

	<p>response was appended to the briefing paper at Appendix 1. The draft response would be considered by the Cabinet on 21 March 2019 and, subject to any changes, will be approved for submission to the Welsh Government.</p> <p>RESOLVED – That Members note the contents of the briefing paper.</p>
--	--

Item ID	15393
Item Title	Environmental Scrutiny Committee - Work Programme 2018/19 - Verbal Update
Summary	<p>Members discussed the Committee's Work Programme. The Principal Scrutiny Officer provided an update on the Biodiversity Task and Finish Inquiry. Members requested that the dates of the proposed Task and Finish Inquiry be circulated.</p> <p>The Committee agreed to receive reports on the Food Strategy, Lamby Way Solar Farm and LED Street Lighting at the meeting due to be held on 2 April 2019.</p>

Item ID	15186
Item Title	Urgent Items (if any)
Summary	No urgent items were received.

Item ID	15187
Item Title	Date of next meeting
Summary	Members were advised that the next Environment Scrutiny Committee is scheduled for 2 April 2019.