

ENVIRONMENTAL SCRUTINY COMMITTEE

13 OCTOBER 2022

Present: Councillor Owen Jones(Chairperson)
Councillors Derbyshire, Lancaster, Lewis, Lloyd Jones,
Jackie Parry and Wood

26 : APOLOGIES FOR ABSENCE

Apologies were received from Councillors Gibson and Green

27 : DECLARATIONS OF INTEREST

Councillor Owen Jones declared a personal interest in Agenda Item 4 – Electric Bus Scheme accordance with the Members Code of Conduct.

28 : SHARED REGULATORY SERVICES

The Committee received a report on the Shared Regulatory Service Business Plan 2022/23.

Members were advised that the Shared Regulatory Service (SRS) is a collaborative service that was formed between the partner local authorities of Bridgend, Cardiff and the Vale of Glamorgan on 1 May 2015. SRS aims to deliver a fully integrated service under a single management structure for Trading Standards, Environmental Health and Licensing functions with shared governance arrangements ensuring full Elected Member involvement. The creation of the service was originally driven by the need to address reduction in council budgets whilst building resilience within the operation.

SRS operates under a Joint Working Agreement with the Head of Service reporting on service provision to a Joint Committee of Elected Members drawn from the three partner local authorities. The detailed delegations of policy and functions from partners to the Joint Committee and Head of Service are set out in the Joint Working Agreement.

Members were asked to note that the Wales Audit Office 2018/19 report Delivering with Less – Environmental Health Services – Follow up Review made the following Proposal for Improvement

- The Council should strengthen elected member oversight of its health services, for example, through more regular scrutiny of services provided by third parties including the SRS

The Chairperson welcomed Councillor Dan De'Ath, Cabinet Member Transport and Strategic Planning, Helen Picton, Head of Shared Regulatory Service and Jason Bale, Operational Manager to the meeting. Following a brief statement from the Cabinet Member, the officers were invited to introduce the report and provide a presentation on the business plan.

The report provided an overview of the core services provided by SRS and the Shared Regulatory Service Business Plan 2022/23.

The Chairperson opened the debate. Members were asked to comment, seek clarification or raise questions on the report. Those discussions are summarised as follows:

- Members asked officer to comment on the challenges of working in partnerships with other public services and how officers considered that these arrangements could be improved or carried out more effectively. The Head of Shared Regulatory Service stated that partnership working was working effectively, particularly during the Covid pandemic. However, partnerships need to be maintained and invested in, in order to deliver more. Consideration should also be given to furthering partnership working.
- Members noted the number of food hygiene businesses visited in Cardiff. Officers were asked to comment on the number of premises that are revisited and whether there were sufficient staff resources in place to provide the service. The Head of SRS stated that the figures provided will include revisits. High risk premises are visited every six months. After the pandemic Welsh Local Authorities are following the Food Standards Agency Recovery Plan. The milestones included in the Recovery Plan are being hit but the traditional metrics used by the service area are not currently being met due to the impact of the covid pandemic on both the authority and for businesses. Officers stated that the vibrant food sector in Cardiff means that there is a high turnover of new businesses. New food businesses are required to register with the Food Standards Agency or with SRS and these businesses are visited in addition to existing businesses.
- Members asked whether SRS were aware of any recent increases in cases of money laundering. Officers stated that money laundering is an offence with is more frequently prosecuted. There are a number of cases that are currently under investigation.
- Members requested an update on dog breeding in the city. Members were advised that throughout lockdown there was a spike in the price of puppies. There are many breeders still operating in the city and SRS are receiving intelligence on illegal activities. Investigations are continuing.
- Members referred to the risk register entry in relation to insufficient resources currently rated as 'high'. Members asked how resources will be managed across the partner authorities. The Head of SRS advised that a number of options are being considered in order to build in resilience for future service delivery. However, there is currently a lack of qualified staff to recruit from, and that, along with an ageing workforce, contribute to the risk of not being able to have a fully staffed structure. Further savings are likely to have an impact also. SRS are looking to establish an apprenticeship programme and are supporting a

Welsh Government initiative to create a regulatory apprenticeship programme. The Head of SRS accepted that retention of staff is problematic as local authorities cannot compete with salaries offered in the private sector. However, feedback received from a recent staff survey is being used to help management understand and inform decisions around this issue.

- Members asked whether additional economies of scale could be realised if SRS was expanded to include additional authorities or whether specialisms would be lost by further expansion. The Cabinet Member stated that when SRS was first established it was hoped that it would be the first in a series of collaborations and the Cabinet would still be open to exploring further expansion. The Head of SRS stated that SRS would be keen to explore further expansion and if an additional partner was identified then the business case would be considered.
- Officers confirmed that there are 4 Illegal Money Lending Units in the UK – one in each of the home nations. The Welsh unit is a specialist team hosted by SRS and which covers all 22 Welsh Local Authorities.
- Members asked for clarification on how food hygiene standards had improved given the reduction in food hygiene premises inspections during the period. Members were advised that the Food Standards Agency holds the most recent inspection details and food hygiene rating figure for premises. Those ratings reflect the score from the last inspection.
- The Head of SRS confirmed that officers are compensated for undertaking 'out of hours' duties under formal arrangements. The 'out of hours' services are currently being reviewed. Best practice from each of the 3 local authorities which form SRS is being used to develop a model which is more resilient and better supported by staff.
- Members sought clarification on responsibility for the removal of dead birds from waterways in the city. The Head of SRS advised that there was a number of ways that this could be reported including under the avian flu protocols. Normally DEFRA, SRS and Natural Resources Wales should be notified if a dead wild bird is found. A large number of birds in one location should be reported to DEFRA who may potentially investigate. Officers agreed to provide the correct contact details to the Committee. In terms of the collection of dead birds, responsibility would be with the landowner.
- Members requested information around the best way to report a rogue trader. Officers advised that there were a number of channels available including direct to SRS via the 0300 number, via social media and via the Citizens Advice Consumer service. SRS would welcome reports of rogue traders. Information on where to report rogue traders was also offered to the Committee. Members were advised that 24 October 2022 was National Trading Standards Wales

Week and there would be a lot of media attention on rogue traders that week.

- A Member asked how the variation in the rates of fare for hackney carriages and private hire vehicles could be controlled. Officers stated that Cabinet recently agreed a fare increase. However, the fare increase agreed is the maximum that operators are permitted to charge. However, operators can charge a lower rate of fare if they wish. The Cabinet Member stated that fares have not increased in the city since 2018 and the recent fare increase was in line with fares in comparator cities.
- Officers confirmed that firework displays are not licensable. An organised display would need to be risk assessed. The legislation around the impact of fireworks displays sets a maximum noise level and restricts the times of day which fireworks can be discharged.
- Members noted that prosecutions of rogue traders are time consuming and often result in meagre sanctions being imposed. Members asked what efforts were being made to engage with the courts. It was noted that officers in other authorities use powers to close shops. The Head of SRS stated that cases are complex and can take a while to get through the court process. Courts are also dealing with a backlog from the covid pandemic. Courts have sentencing guidelines which can result in low level fines being issued. SRS stated that Newport are successfully trialling the closure of premises and they are sharing their experiences with other authorities.

RESOLVED – That the Chairperson writes to the Cabinet Member on behalf of the Committee to convey any comments, observations and recommendations made during the way forward.

29 : ELECTRIC BUS SCHEME

The Committee received a report providing Members with an opportunity to consider supporting the allocation of grant funding towards the provision of new electric buses from the Welsh Government, prior to consideration by the Cabinet on 20 October 2022.

Members were advised that Cardiff Bus released 36 new electric buses in January 2022 following a successful bid by Cardiff Council and Cardiff Bus to the Department of Transport's Ultra Low Emissions Bus Scheme of £5.7m. However, this represents a small percentage of the overall fleet of approximately 250 buses delivering local services in Cardiff. Welsh Government are making up to £8 million is available to the Council to increase the availability of electric buses in the City.

A consultation exercise will be undertaken with bus operators during October 2022 in order to inform that development of grant criteria and an application process.

Members were asked to note the Welsh Government's 'Net Zero Wales' target to decarbonise the bus fleet by 2035 and the following key actions contained in the Council's 'One Planet Cardiff Strategy':

- Move to 100% low emission taxis and buses by 2027
- Work with local bus operators, including Cardiff Bus and local taxi companies to facilitate the shift to low emission taxis and buses
- Help deliver charging infrastructure across the city to ensure businesses have the confidence to make the shift in line with the most recent Electric Vehicle Strategy

Following a brief statement from Councillor De'Ath, Cabinet Member for Transport and Strategic Planning, the Committee received a presentation. The Chairperson invited Members to comment, seek clarification or raise questions on the report. Those discussions are summarised as follows:

- Members asked how many buses would be provided from the £8 million funding allocation. Officers stated that the market for electric vehicles is changing and more manufacturing is taking place. Therefore it was hoped good value for money would be achieved. It was anticipated that between 40 and 50 buses will be provided.
- Members asked how funding the infrastructure required to support an electric bus fleet would be balanced against the number of buses. Members were advised that as part of the conditions of the award of the grant funding, the use of electric buses in the city must be maximised. Operators must demonstrate value in terms of patronage in passenger kilometres travelled.
- Members noted the proposed collaboration on services with Newport Bus. Members asked whether the number 30 route was earmarked as a potential electric bus route. Officers considered that whilst this was a possibility it was for the operators to put forward proposals. The strategic importance of the route, the air quality benefits and the community benefits will also be factored in.
- Members sought to clarify how much officers hoped that air quality in the city would improve as a result of the additional electric buses operating in the city. Officers stated that bus operators will be asked to quantify the reduction in emissions so therefore it would be possible to estimate a level of improvement. It was evidenced that the 36 electric buses currently operating have led to an improvement in air quality in the City Centre.
- Members asked whether there were any plans to use sustainability sourced electricity to power the electric bus fleet. Officers considered that operators

could potentially be asked to demonstrate whether their electricity comes sustainable sources as part of the application criteria.

- Members asked whether the Council was prioritising patronage or air quality when decisions are made on routes for the existing electric bus fleet. Officers stated that both are considered and used to inform a balanced decision. Welsh Government's priority is to maximise use. By focussing on patronage and encouraging modal shift there are also air quality benefits.
- Members were advised that this scheme would be used to inform future decisions. If the scheme proved to be successful then it was anticipated that additional funding would soon be made available for further schemes.

RESOLVED – That the Chairperson writes to the Cabinet Member on behalf of the Committee to convey any comments, observations and recommendations made during the way forward.

30 : SPG INQUIRY

The Chairperson welcomed Councillor Peter Wong, Chair of the SPG Inquiry Task and Finish Group and Angela Holt, Principal Scrutiny Officer to the meeting. Councillor Wong delivered a presentation on the Task and Finish Inquiry and the key findings set out in the report.

During earlier discussions to inform the joint scrutiny of the Replacement Local Development Plan, Members raised the need to scrutinise the use of Supplementary Planning Guidance in Cardiff. A Task and Finish Group was established the terms of reference of which were set out in the report.

Members were asked to consider the report and to discuss and agree any amendments.

RESOLVED – That the SPG Task and Finish Inquiry report be endorsed for submission to Cabinet.

31 : COMMITTEE BUSINESS

The Committee received a report providing an overview of the recommendations made by the Committee since January 2021.

RESOLVED – That the report be noted.

32 : URGENT ITEMS (IF ANY)

No urgent items were received.

33 : DATE OF NEXT MEETING

Members were advised that the next Environment Scrutiny Committee is scheduled to take place on Thursday 10 November 2022 at 4.30pm.

34 : CORRESPONDENCE FOLLOWING THE COMMITTEE MEETING

The meeting terminated at 6.30 pm