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Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Rebecca Barrett
(Rhif Ffôn: 01443 864245 E-bost: barrerm@caerphilly.gov.uk)

Dyddiad: Dydd Mercher, 16 Mehefin 2021

Annwyl Syr/Fadam,

Bydd cyfarfod o'r **Pwyllgor Craffu yr Amgylchedd a Chynaliadwyedd** yn cael ei gynnal trwy Microsoft Teams ar **Dydd Mawrth, 22ain Mehefin, 2021** am **5.30 pm** i ystyried materion a gynhwysir yn yr agenda canlynol. Gall cynghorwyr a'r cyhoedd sy'n dymuno siarad am unrhyw eitem wneud hynny drwy wneud cais i'r Cadeirydd. Mae croeso i chi ddefnyddio'r iaith Gymraeg yn y cyfarfod, a dylid rhoi cyfnod rhybudd o 3 diwrnod gwaith os ydych yn dymuno gwneud hynny.

Bydd y cyfarfod hwn yn cael ei recordio a bydd ar gael i'w weld trwy wefan y Cyngor, ac eithrio trafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig. Felly, bydd delweddau/sain yr unigolion sy'n bresennol ac/neu sy'n siarad yn ystod ar gael i'r cyhoedd trwy'r recordiad ar wefan y Cyngor yn www.caerffili.gov.uk

Yr eiddoch yn gywir,

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

Christina Harrhy
PRIF WEITHREDWR

AGENDA

Tudalennau

- 1 I dderbyn ymddiheuriadau am absenoldeb
- 2 Datganiadau o Ddiddordeb.

A greener place Man gwyrddach

Correspondence may be in any language or format | Gallwch ohebu mewn unrhyw iaith neu fformat



Atgoffi'r Cynghorwyr a Swyddogion o'u cyfrifoldeb personol i ddatgan unrhyw fuddiannau personol a/neu niweidiol mewn perthynas ag unrhyw eitem o fusnes ar yr agenda hwn yn unol â Deddf Llywodraeth Leol 2000, Cyfansoddiad y Cyngor a'r Cod Ymddygiad ar gyfer Cynghorwyr a Swyddogion

I gymeradwyo a llofnodi'r cofnodion canlynol:-

- | | | |
|---|---|--------|
| 3 | Pwyllgor Craffu yr Amgylchedd a Chynaliadwyedd a gynhaliwyd ar 18fed Mai 2021. | 1 - 6 |
| 4 | Ystyried unrhyw fater a gyfeiriwyd at y Pwyllgor hwn yn unol â'r drefn galw i mewn. | |
| 5 | Blaenraglen Waith Pwyllgor Craffu yr Amgylchedd a Chynaliadwyedd. | 7 - 16 |
| 6 | I dderbyn ac ystyried yr adroddiadau* Cabinet canlynol:-
1. Cynnig Cyllido A469 Troedrhwiw'r-fuwch – 19 ^{eg} Mai 2021;
2. Polisi Prisio Hyb Athletau Cyngor Bwrdeistref Sirol Caerffili – 9 ^{fed} Mehefin 2021. | |

**Os oes aelod o'r Pwyllgor Craffu yn dymuno o'r adroddiad Cabinet uchod i gael eu dwyn ymlaen ar gyfer adolygiad yn y cyfarfod, cysylltwch â Rebecca Barrett, 01443 864245, erbyn 10.00 a.m. ar dydd Llun, 21ain Mehefin 2021.*

- | | | |
|---|---|---------|
| 7 | Derbyn Hysbysiad o Gynnig - Meinciau Coffa. | 17 - 22 |
|---|---|---------|

I dderbyn ac ystyried yr adroddiadau Craffu canlynol:-

- | | | |
|---|--|---------|
| 8 | Gorfodi Diogelwch y Cyhoedd, Cyngor i Ddefnyddwyr, ac Ymateb COVID-19 2020/21. | 23 - 36 |
| 9 | Adolygiad Gorchymyn Diogelu Mannau Agored Cyhoeddus. | 37 - 50 |

Cylchrediad:

Cynghorwyr M.A. Adams, A. Collis, D.T. Davies (Cadeirydd), C. Elsbury, M. Evans, A. Gair, Ms J. Gale, A. Hussey (Is Gadeirydd), S. Kent, Mrs A. Leonard, B. Owen, D.W.R. Preece, J.E. Roberts, J. Scriven, J. Simmonds a T.J. Williams

A Swyddogion Priodol

SUT FYDDWN YN DEFNYDDIO EICH GWYBODAETH

Bydd yr unigolion hynny sy'n mynychu cyfarfodydd pwyllgor i siarad/roi tystiolaeth yn cael eu henwi yng nghofnodion y cyfarfod hynny, weithiau bydd hyn yn cynnwys eu man gweithio neu fusnes a'r barnau a fynegir. Bydd cofnodion o'r cyfarfod gan gynnwys manylion y siaradwyr ar gael i'r cyhoedd ar wefan y Cyngor ar www.caerffili.gov.uk. ac eithrio am drafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig.

Mae gennych nifer o hawliau mewn perthynas â'r wybodaeth, gan gynnwys yr hawl i gael mynediad at wybodaeth sydd gennym andanoch a'r hawl i gwyno os ydych yn anhapus gyda'r modd y mae eich gwybodaeth yn cael ei brosesu.

Am wybodaeth bellach ar sut rydym yn prosesu eich gwybodaeth a'ch hawliau, ewch i'r [Hysbysiad Preifatrwydd Cyfarfodydd Pwyllgor Llawr](#) ar ein gwefan neu cysylltwch â Gwasanaethau Cyfreithiol drwy e-bostio griffd2@caerffili.gov.uk neu ffoniwch 01443 863028.

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ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE

MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON TUESDAY, 18TH MAY 2021 AT 5.30 P.M.

PRESENT:

Councillor D.T. Davies - Chair
Councillor A. Hussey - Vice Chair

Councillors:

M.A. Adams, A. Collis, C. Elsbury, M. Evans, A. Gair, J. Gale, S. Kent, B. Owen, D.W.R. Preece, J.E. Roberts

Cabinet Members:

N. George (Waste, Public Protection & Street Scene), E. Stenner (Customer, Performance and Property Services) A. Whitcombe (Sustainability, Planning & Fleet), R. Whiting (Learning & Leisure)

Together with:

Officers: M.S. Williams (Corporate Director – Economy and Environment), R. Hartshorn (Head of Public Protection, Community & Leisure Services), M. Lloyd (Head of Infrastructure), R. Betty (Customer Services Hub Manager), H. Jones (Waste Strategy and Operations Manager), M. Jacques (Scrutiny Officer), E. Sullivan (Senior Committee Services Office), R. Barrett (Committee Services Officer)

Also present: Cllr K. Etheridge (Blackwood Ward)

MEMBERSHIP CHANGES

The Chair placed on record the Committee's thanks to Councillor A. Whitcombe for his service following his appointment to Cabinet. The Chair also welcomed Councillor J. Simmonds to the Committee (who had tendered apologies for this meeting).

RECORDING AND VOTING ARRANGEMENTS

The Chair reminded those present that the meeting was being filmed and would be available following the meeting via the Council's website – [Click Here to View](#). Members were advised that voting on decisions would take place via Microsoft Forms.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A. Leonard, J. Scriven, J. Simmonds and T.J. Williams.

2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

3. MINUTES – 23RD MARCH 2021

It was moved and seconded that the minutes of the meeting held on 23rd March 2021 be approved as a correct record and by way of Microsoft Forms and verbal confirmation (and in noting there were 11 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that the minutes of the Environment and Sustainability Scrutiny Committee held on 23rd March 2021 (minute nos. 1 – 8) be approved as a correct record.

4. CALL-IN PROCEDURE

There had been no matters referred to the Scrutiny Committee in accordance with the call-in procedure.

5. ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE FORWARD WORK PROGRAMME

Mark Jacques (Scrutiny Officer) presented the report, which outlined details of the Environment and Sustainability Scrutiny Committee Forward Work Programme (FWP) for the period May 2021 to March 2022.

The Committee noted the details of the reports scheduled for forthcoming meetings and a Member asked if an update report on fly-tipping incidents during lockdown could be prepared. The Corporate Director for Economy and Environment offered to compile this data in place of a report for circulation to the Committee following the meeting, and the Member agreed this would be acceptable.

It was moved and seconded that the report recommendation be approved. By way of Microsoft Forms and verbal confirmation (and in noting there were 12 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that the Forward Work Programme as appended to the meeting papers be published on the Council's website.

Prior to the conclusion of the meeting, approval was also sought to add an additional report (Public Space Protection Order) to the Forward Work Programme for 22nd June 2021 and this was agreed by the Committee.

6. CABINET REPORTS

It was confirmed that there had been no requests for any of the Cabinet reports listed on the agenda to be brought forward for discussion at the meeting.

7. NOTICE OF MOTION – POTENTIAL BOOKING SYSTEM FOR HOUSEHOLD WASTE RECYCLING CENTRES (HWRCs)

Prior to consideration of the Notice of Motion, the Scrutiny Officer provided clarification on the procedural rules regarding a Notice of Motion as set out in Part 4 of the Council's Constitution.

The Chair expressed concerns that the Scrutiny Committee would not have an opportunity to scrutinise the forthcoming report on a proposed Booking System for HWRCs that was indicated in the Notice of Motion.

It was therefore moved and seconded that any future report on a proposed Booking System for HWRCs be added to the forward work programme for the Environment and Sustainability Scrutiny Committee, to ensure that its Members have an opportunity to scrutinise the outcome of the consultation process and any proposed booking system prior to its consideration by Cabinet. By way of roll call (and in noting there were 11 for, 0 against and 0 abstentions) this was unanimously agreed. It was therefore

RESOLVED that any future report on the Potential Booking System for HWRCs be added to the Forward Work Programme for consideration by the Scrutiny Committee prior to its presentation to Cabinet.

Councillor K. Etheridge then summarised his Notice of Motion which requested that following the consultation and engagement exercise concerning a potential booking system for the HWRCs, the matter is brought before Full Council for a discussion, debate and vote on the merits of such a scheme with the relevant evidence from other authorities in a detailed report.

Councillor Etheridge summarised the reasons for his Notice of Motion, explaining that he was concerned that any decision on a proposed booking system for HWRCs would be made by Cabinet or under delegated powers. He was therefore pleased the Committee would now have an opportunity to scrutinise the outcome of the consultation process on the proposed booking system before its referral to Cabinet. However, he felt that it was still important for any decision on the proposed booking system to be considered and made by all Members at Full Council.

A Member asked when the outcome of the consultation process on the booking system would be brought back for consideration. The Director for Economy and Environment explained that the timescale is unknown at this stage, but that Officers have been examining practices across HWRCs with a view to improving ongoing queuing problems (hence the reason for the proposed booking system) and highlighted that the Notice of Motion slightly pre-empts the work already being carried out in relation to the booking system which will follow the normal reporting route.

Following discussion on its contents, it was moved and seconded that the Notice of Motion be supported and recommended to Council for consideration. By way of Microsoft Forms and verbal confirmation (and in noting there were 9 for, 1 against and 1 abstention) this was agreed by the majority present. It was therefore

RECOMMENDED to Council that the Notice of Motion be supported.

REPORTS OF OFFICERS

Consideration was given to the following report.

7. CAERPHILLY CONTACT TRACING SERVICE

Rob Hartshorn (Head of Public Protection, Community & Leisure Services) presented the report, which provided an update on the establishment, development, operation, and performance of Caerphilly's Contact Tracing Service

It was explained that the Caerphilly Contact Tracing Team operates as part of the Gwent Contact Tracing Service, which was initiated in May 2020 in response to WG's *Test, Trace, Protect Strategy* arising from the Covid-19 pandemic, and went live in June 2020. Members noted the partnership model in place for the Service reflected in the Delivery Framework at Appendix A of the report.

Mr Hartshorn provided a detailed overview of the Council's organisational-wide response to the Covid-19 pandemic, the setting-up of the Contact Tracing Service, the processes and procedures adopted and established by the service, and the collaborative work undertaken with other Council departments and partnership agencies. Members were advised that the Service has been led by Ruth Betty from Customer Services and that at the peak of the pandemic, Caerphilly's Contact Tracing Service employed over 170 staff, with many of them redeployed from other service areas. Members were referred to staff feedback at Appendix 2 to of the report and Mr Hartshorn paid tribute to the exceptional way in which staff have worked to support each other and deliver a comprehensive Contact Tracing service during the height of the pandemic.

Mr Hartshorn referred to performance fluctuations across the Service and highlighted the much more positive position in Wales compared to England, which has been reflected in a recent Audit Wales report. Moving forward, the Service is working hard to support schools in relation to the pandemic and has also recently put arrangements in place to enable Officers to knock on doors as part of their contact tracing processes for positive Covid-19 cases. However, it was emphasised that this arrangement is not an enforcement role, as ensuring compliance around self-isolation/quarantine remains the responsibility of the police.

Ruth Betty (Customer Tracing Team Manager) then gave an overview of the work of her Team, outlining the extensive partnership working and the sheer commitment and flexibility of staff, and emphasised the passion and diligence of the Team in carrying out their duties despite the daily challenges thrown their way.

Members thanked Mr Hartshorn and Mrs Betty for the update and expressed their thanks to everyone involved in the Contact Tracing Service. One Member referred to Environmental Health involvement in the Service and asked if there had been an impact on that service as a result. Mr Hartshorn explained that details of enforcement activities for 2020/21 will be included in the Public Protection Annual Report being presented to the June meeting of the Scrutiny Committee. However there has been a need for some enforcement areas of work to be de-prioritised so that EHO staff can provide support to essential areas such as schools and care homes when Covid-19 cases arise. A Member also sought clarification on the level of funding for the service from Welsh Government and it was explained that this only covers recruitment of external staff and not the redeployment of existing staff.

Having considered the report, the Scrutiny Committee noted its contents, and placed on record their thanks and appreciation to Mr Hartshorn, Mrs Betty and the Contact Tracing Team whilst acknowledging the contribution and efforts of all staff involved in the Service.

The meeting closed at 6.17 p.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 22nd June 2021.

CHAIR

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ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE – 22ND JUNE 2021

**SUBJECT: ENVIRONMENT AND SUSTAINABILITY SCRUTINY
COMMITTEE FORWARD WORK PROGRAMME**

**REPORT BY: CORPORATE DIRECTOR FOR EDUCATION AND
CORPORATE SERVICES**

1. PURPOSE OF REPORT

- 1.1 To report the Environment and Sustainability Scrutiny Committee Forward Work Programme.

2. SUMMARY

- 2.1 Forward Work Programmes are essential to ensure that Scrutiny Committee agendas reflect the strategic issues facing the Council and other priorities raised by Members, the public or stakeholder.

3. RECOMMENDATIONS

- 3.1 That Members consider any changes and agree the final forward work programme prior to publication.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To improve the operation of scrutiny.

5. THE REPORT

- 5.1 The Environment and Sustainability Scrutiny Committee forward work programme includes all reports that were identified at the scrutiny committee meeting on Tuesday 18th May 2021. The work programme outlines the reports planned for the period June 2021 to March 2022.
- 5.2 The forward Work Programme is made up of reports identified by officers and members. Members are asked to consider the work programme alongside the

cabinet work programme and suggest any changes before it is published on the council website. Scrutiny committee will review this work programme at every meeting going forward alongside any changes to the cabinet work programme or report requests.

- 5.3 The Environment and Sustainability Scrutiny Committee Forward Work Programme is attached at Appendix 1, which presents the current status as at 14th June 2021. The Cabinet Work Programme is attached at Appendix 2. A copy of the prioritisation flowchart is attached at appendix 3 to assist the scrutiny committee to determine what items should be added to the forward work programme.

5.4 **Conclusion**

The work programme is for consideration and amendment by the scrutiny committee prior to publication on the council website.

6. **ASSUMPTIONS**

- 6.1 No assumptions are necessary.

7. **SUMMARY OF INTEGRATED IMPACT ASSESSMENT**

- 7.1 As this report is for information only an Integrated Impact Assessment is not necessary.

8. **FINANCIAL IMPLICATIONS**

- 8.1 There are no specific financial implications arising as a result of this report.

9. **PERSONNEL IMPLICATIONS**

- 9.1 There are no specific personnel implications arising as a result of this report.

10. **CONSULTATIONS**

- 10.1 There are no consultation responses that have not been included in this report.

11. **STATUTORY POWER**

- 11.1 The Local Government Act 2000.

Author: Mark Jacques, Scrutiny Officer jacqum@carphilly.gov.uk

Consultees: Mark S. Williams, Interim Corporate Director of Communities
Robert Tranter, Head of Legal Services/ Monitoring Officer

Lisa Lane, Head of Democratic Services and Deputy Monitoring Officer,
Legal Services
Councillor Tudor Davies, Chair of Environment and Sustainability Scrutiny
Committee
Councillor Adrian Hussey Vice Chair of Environment and Sustainability
Scrutiny Committee

Appendices:

- Appendix 1 Environment & Sustainability Scrutiny Committee Forward Work Programme
- Appendix 2 Cabinet Forward Work Programme
- Appendix 3 Forward Work Programme Prioritisation Flowchart

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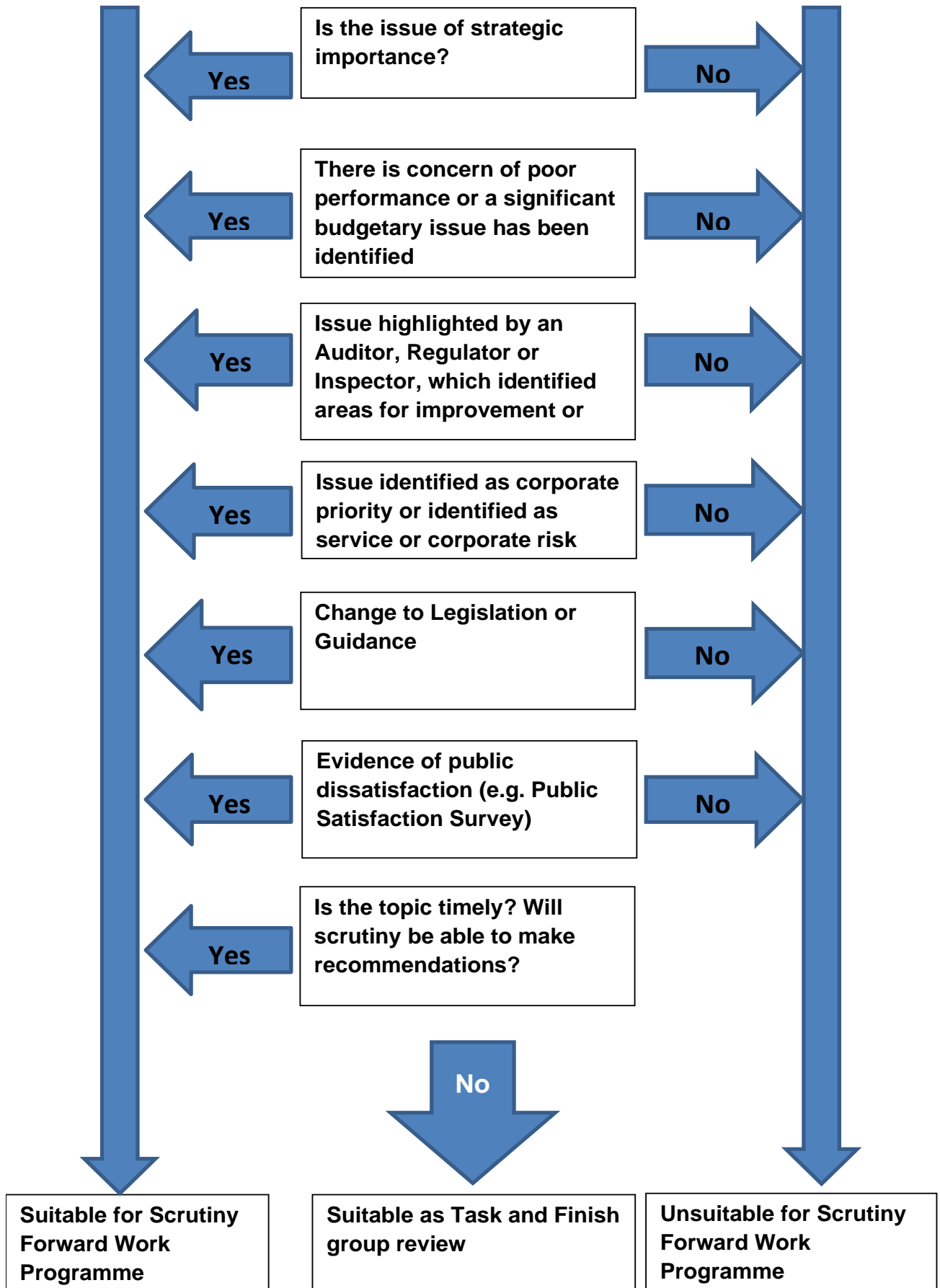
Forward Work Programme - Environment & Sustainability				
Date	Title	Key Issues	Author	Cabinet Member
22/06/21 17:30	Public Protection Annual Report		Hartshorn, Robert;	Cllr. George, Nigel;
22/06/21 17:30	Public Space Protection Order report		Williams, Mark S;	Cllr. Whitcombe, Andrew;
22/06/21 17:30	Notice of Motion – Memorial Benches		Cllr. Roberts, John;	Cllr. Whitcombe, Andrew;
22/06/21 17:30	Information Item - Highway maintenance budget apportionment		Lloyd, Marcus;	Cllr. Morgan, Sean;
14/09/21 17:30	Notice of Motion - Real Nappies	To present the notice of motion submitted by Councillor Andrew Farina-Childs in line with the Council's constitution.	Sullivan, Emma;	Cllr. George, Nigel;
14/09/21 17:30	Directorate Performance Report – Communities Year End Report 2020/21		Williams, Mark S;	Cllr. Whitcombe, Andrew;
14/09/21 17:30	Update on Sport and Active Recreation Strategy			Cllr. Whiting, Ross;
26/10/21 17:30	Active Travel Network Map Review and Consultation		Lloyd, Marcus;	Cllr. Whitcombe, Andrew;

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23/06/2021 10:30	Regeneration Board Project Update	To seek approval for the allocation of up to £107k Regeneration Project Board Development Fund and note the allocation of Licence to Innovate Funding for Coffi Vista, Caerphilly. To consider the allocation of additional funding for the Regeneration Project Board	Kyte, Rhian;	Cllr. Marsden, Philippa;
23/06/2021 10:30	Financial Sustainability Assessment 2020/21 – Caerphilly County Borough Council	To present the Audit Wales report on the findings of the 2020/21 Financial Sustainability Assessment for Caerphilly CBC. Presenting Officer – Gareth Jones (Audit Wales).	Harris, Stephen R;	Cllr. Stenner, Eluned;
23/06/2021 10:30	Provisional Capital Outturn for 2020/21	To provide Cabinet with details of the provisional capital outturn for the 2020/21 financial year prior to the annual external audit of the accounts by Audit Wales.	Harris, Stephen R;	Cllr. Stenner, Eluned;
23/06/2021 10:30	Delivering Good Governance – Caerphilly County Borough Council	To present the Audit Wales report on the findings of the Delivering Good Governance review for Caerphilly CBC. Presenting Officer – Gareth Jones (Audit Wales).	Harris, Stephen R;	Cllr. Stenner, Eluned;
23/06/2021 10:30	Solar Farm Proposal	To seek approval to allocate funds to progress the project in accordance with the agreed next steps.	Camp, Victoria; Williams, Mark S;	Cllr. Marsden, Philippa;
23/06/2021 10:30	C-19 Prevention and Response Plan	Cabinet are asked to endorse the Gwent Covid 19 multi-agency Prevention and Response Plan.	Hartshorn, Robert;	Cllr. George, Nigel;
07/07/2021 10:30	Social Value Policy	To seek approval of the Social Value Policy and the adoption of the Themes, Outcomes and Measures Framework.	Evans, Ian;	Cllr. Gordon, Colin J;
07/07/2021 10:30	Provisional Revenue Outturn for 2020/21	To provide Cabinet with details of the provisional revenue budget outturn for the 2020/21 financial year prior to the annual external audit of the accounts by Audit Wales.	Harris, Stephen R;	Cllr. Stenner, Eluned;
07/07/2021 10:30	House Naming Charges	To consider the introduction of a nominal charge for house naming service.	Kyte, Rhian;	Cllr. Marsden, Philippa;

07/07/2021 10:30	Kickstart Scheme	To outline the key elements of the Department of Work and Pensions (DWP) Kickstart scheme and seek approval to engage with the scheme.	Kyte, Rhian; Williams, Mark S;	Cllr. Marsden, Philippa;
07/07/2021 10:30	Home Office Asylum Dispersal Scheme	To highlight to members the key aspects of becoming an asylum dispersal area and to seek associated approval.	Richards, Sue; Peters, Kathryn;	Cllr. Stenner, Eluned;
07/07/2021 10:30	New Community facility at Ty Sign	Cabinet are asked to consider whether to provide in principle support for a proposal received from Agape Community Church, Ty Sign to build a new community resource centre on land at Holly Road, Tŷ Sign which is in the ownership of the Housing Revenue Account.	Hartshorn, Robert;	Cllr. Stenner, Eluned;
21/07/2021 10:30	Inclusion Strategy	To seek approval associated with well-being, behaviour and exclusion for schools.	Cole, Keri;	Cllr. Whiting, Ross;
21/07/2021 10:30	Proposals for the operation of the Community Empowerment Fund	To seek approval of the fund criteria and grant management of the community empowerment fund	Richards, Sue; Peters, Kathryn;	Cllr. Stenner, Eluned;
21/07/2021 10:30	NEETS Strategy	To update Cabinet on the identification and engagement of young people at risk of NEET – issues and methodology. To identify the key actions necessary to reduce the number of NEET young people in the County Borough	Warren, Paul;	Cllr. Whiting, Ross;

Scrutiny Committee Forward Work Programme Prioritisation



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ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE – 22ND JUNE 2021

SUBJECT: NOTICE OF MOTION – MEMORIAL BENCHES

REPORT BY: CORPORATE DIRECTOR EDUCATION AND CORPORATE SERVICES

1. PURPOSE OF REPORT

- 1.1 The Environment and Sustainability Scrutiny Committee is asked to consider the Notice of Motion as set out in paragraph 5.1 of the report and make an appropriate recommendation to Council. In accordance with Rule 11(3) of the Constitution.

2. SUMMARY

- 2.1 A Notice of Motion has been received from Councillors John Roberts and Colin Elsbury and is supported by Councillors A. Farina-Childs, B. Owen, C. Mann and T. Parry.
- 2.2 The Notice of Motion meets the criteria set out in the Council's Constitution and in accordance with the Council's Rules of Procedure is now referred to the Environment and Sustainability Scrutiny Committee for consideration, prior to its consideration by Council.

3. RECOMMENDATION

- 3.1 The Environment and Sustainability Scrutiny Committee are asked to consider the notice of motion the Notice of Motion as outlined in paragraph 5.1 and make an appropriate recommendation to Council.

4. REASONS FOR THE RECOMMENDATION

- 4.1 In accordance with the Council's Constitution.

5. THE REPORT

5.1 Notice of Motion

Councillor Roberts and Councillor Elsbury request the Council immediately ends its blanket ban on grieving relatives erecting memorial benches on its cemetery sites.

This ban unjustly deprives individuals, families and friends from paying their full respects and being able to remember as they would like, a departed loved one.

In new parts of cemeteries where graves are now being placed people are being discriminated against, particularly some of our more vulnerable people who cannot stand for very long. This might well prevent some people from even visiting the final resting place of their nearest and dearest.

- 5.2 Councillor Roberts provides the following information in support of the notice of motion: -

For years now, as an Authority, we've not permitted benches within cemeteries. We do allow families to consider planting a memorial tree for loved ones, location to be agreed on site with an Area Officer, which makes perfect sense. But it's been asked of me what of the vulnerable, especially if they can't stand for very long, are we preventing some from visiting and with this in mind I asked Environment and Sustainability Scrutiny Committee to consider the above motion.

- 5.3 The following information is provided in relation to cemetery benches: -

A cross party Task and Finish Group reviewed the Council's bereavement service in September 2006, the findings were considered and endorsed by the Living Environment Scrutiny Committee on the 1st July 2008 and then Cabinet on the 15th July 2008.

Prior to the decision taken in 2008, families could purchase a wooden bench (for a one-off fee of circa £500) however, this then created a liability for the Council not only in the terms of maintenance but also any damage which was sustained (i.e. the bench would be replaced free of charge). However, when the Task and Finish Group visited each cemetery it was evident that there were far too many benches sited which clearly detracted from a place of dignity and rest.

Officers were also aware of a number of complaints received from families who had purchased memorial benches, requesting that measures be put in place to prevent other visitors from sitting on what they deem as 'their' bench.

The Council now provide suitable metal benches across municipal cemeteries and if required, bereaved families may apply for the installation of a plaque in memory of a loved one. These benches are sited in such a position not to cause any operational difficulties.

Officers are not aware of any specific complaints from service users or stakeholders in relation to the lack of bench provision across municipal cemeteries.

6. ASSUMPTIONS

- 6.1 As a notice of motion is a procedural matter and must be dealt with in accordance with Council's Constitution, no assumptions have been made.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 7.1 This report does not require an Integrated Impact Assessment as it relates to a procedural matter under the Councils Constitution.

7.2 The procedural rules regarding a Notice of Motion are contained within Council's Constitution as adopted in May 2002. The Council's Constitution sets out the framework for the decision-making roles and responsibilities.

7.3 However the outcome of the Notice of Motion and any subsequent reports arising from it may require an Integrated Impact Assessment.

8. FINANCIAL IMPLICATIONS

8.1 There are no financial implications associated with this report.

9. PERSONNEL IMPLICATIONS

9.1 There are no personnel implications associated with this report.

10. CONSULTATIONS

10.1 There has been no consultation undertaken.

11. STATUTORY POWER

11.1 Local Government Act 2000

Author: Emma Sullivan (Senior Committee Services Officer)

Appendices: Appendix 1 Signed copy of Notice of Motion.

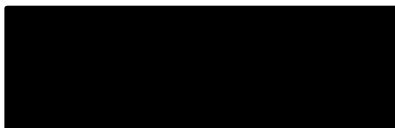
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NOTICE OF MOTION – MEMORIAL BENCHES

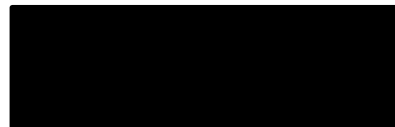
To consider the undersigned Notice of Motion standing in the name of County Borough Councillors John Roberts and Colin Elsbury and supported by the Members listed.

'We call upon Caerffili County Borough Council to immediately end its blanket ban on grieving relatives erecting memorial benches on its cemetery sites. This ban unjustly deprives individuals, families and friends from paying their full respects and being able to remember as they would like, a departed loved one.

In new parts of cemeteries where graves are now being placed people are being discriminated against, in particular, some of our more vulnerable people who cannot stand for very long. This might well prevent some people from even visiting the final resting place of their nearest, and dearest.



Signed: Cllr John Roberts



Cllr Colin Elsbury

Supported by: A. Farina-Child, B. Owen, C. Mann and T. Parry.

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ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE – 22ND JUNE 2021

**SUBJECT: PUBLIC PROTECTION ENFORCEMENT, CONSUMER
ADVICE, AND COVID 19 RESPONSE 2020/21**

REPORT BY: CORPORATE DIRECTOR, ECONOMY & ENVIRONMENT

1. PURPOSE OF REPORT

1.1 The purpose of this report is:

- To provide information on formal enforcement activities within the Public Protection Division including outcomes of investigations undertaken under the auspices of the Regulation of Investigatory Powers Act.
- To consider, in accordance with the Surveillance Camera Commissioner's Code of Practice, the Council's CCTV surveillance camera system to ensure that it remains necessary, proportionate and effective.
- To provide information to Members on the nature of Consumer Advice complaints dealt with by the Trading Standards Service.
- To inform of the Division's response to the Covid 19 pandemic, encompassing infection control and advice; assisting the Test, Trace and Protect team; support and advice to business, and compliance monitoring and enforcement.
- To highlight the decrease in enforcement and regulatory activities as a direct consequence of diverting Public Protection staff to respond to the pandemic.

2. SUMMARY

2.1 The Public Protection Division consists of a wide range of protective and regulatory functions, which seek to protect, promote and improve the health, safety and economic wellbeing of our communities, as well as regulate trade, commerce and the environment. In compliance with the Public Protection Enforcement Policy the report provides an overview of the formal enforcement activity undertaken including outcomes of investigations undertaken under the auspices of the Regulation of Investigatory Powers Act during 2020/21.

- 2.2 The Surveillance Camera Commissioner's Code of Practice states that the local authority should consider, on an annual basis, its surveillance camera system to ensure that it remains necessary, proportionate and effective. This report considers the Public Open Space CCTV system.
- 2.3 This report would normally include details of test purchasing activity regarding age restricted products, enforcement action and the penalties that may be applied. The Authority is required by law to annually review its approach to tackling under-age sales of tobacco and spray paints. Resources were diverted away from such activity in order to respond to the demands of the pandemic and it was not possible or safe to carry out test purchase activity during the year.
- 2.4 The report provides information to Members on the number and nature of complaints dealt with by the Consumer Advice function of Trading Standards in 2020/21.
- 2.5 The report provides information about the Public Protection response to the Covid 19 pandemic and advice and enforcement action taken in relation to the various controls applicable throughout the financial year. The reduction in activity in the tables in Appendix 1 for 2020/21 reflect the transfer of resources and reconfiguration of the service to in response to Covid 19 impacts.

3. RECOMMENDATIONS

- 3.1 Members are requested to consider the review of Public Protection enforcement and other activities, including those associated with the pandemic, CCTV provision, and to note the activity in relation to Consumer Advice.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To provide Members with an opportunity to note the annual review of enforcement activity in accordance with the Public Protection Enforcement Policy.
- 4.2 To keep members informed of the type and level of complaint activity within the county borough and the assistance provided by the Consumer Advice service.
- 4.3 To ensure the Public Open Space CCTV system remains necessary, proportionate and effective.
- 4.4 To enable Members to understand the impact of Covid 19 on the work of regulatory services during 2020/21 and the level and types of response provided by Public Protection.

5. THE REPORT

- 5.1 Public Protection services have a major role in protecting, promoting and improving the health, safety and economic well-being of our communities. This role includes the enforcement of numerous statutes, many of which include criminal sanctions on those who infringe the law.
- 5.2 The Committee will also be aware that prosecution details are normally published on the Council website and in Newslines. Newlines publications were also affected by the

pandemic last year with only one special household survey edition in December.

- 5.3 In order to ensure a fair and consistent approach to enforcement responsibilities the Council has adopted a Public Protection Enforcement Policy which sets out an expectation that there will be an annual review of activity. As a result of the coronavirus pandemic no report was presented in 2020.
- 5.4 The information in Appendix 1 provides a broad picture of the range and number of formal enforcement actions initiated during 2020/21, including those in relation to the Covid19 pandemic (some prosecutions may still be awaiting hearing). In addition to the formal interventions detailed, hundreds of other informal warnings and cautions (both written and verbal) are normally issued every year. The table also includes activity of the CCTV Control unit and Community Safety Wardens for the last financial year.
- 5.5 The Public Open Space CCTV system comprises 150+ cameras covering 28 town and village centres. Cameras in Blackwood, Caerphilly and Bargoed town centres monitor the highest number of incidents, followed by Ystrad Mynach, Newbridge, Risca and Rhymney respectively. While cameras in villages tend to be used to monitor less incidents they are regarded as providing a deterrent effect and help in maintaining community reassurance. The location and number of permanently fixed cameras is considered to be necessary, proportionate and effective.
- 5.6 The CCTV Control Room refers incidents and suspicious behaviour directly to the Police for their action. Descriptions provided by the Control Room can result in arrests being made at the time of the incident and in some cases Control Room Operators are able to guide Police Officers to offenders as a result of on-going monitoring after an incident. The Control Room will store the relevant footage for use by the Police as evidence in the course of their criminal investigations. This substantially reduces the amount of time Police Officers need to spend investigating offences, provides best evidence of a perpetrator committing offences, reduces the need for victims to give evidence in Court and assists the Courts to sentence appropriate to the gravity of the offence.
- 5.7 The CCTV Control Room monitors other activity. During the year 298 warnings were given for out of hours access to Council depots, Amenity sites and schools, in some cases police response was required. 4 calls were received from the Storennet system to deal with suspected shoplifters. Police asked for assistance in monitoring 53 threats of suicide. Numbers reduced significantly last year due to various “lockdowns” and the Stay at Home Message. The Control room has stayed open 24/7 throughout the pandemic.
- 5.8 **Regulation of Investigatory Powers Act 2000 Authorisations**
- 5.8.1 The Regulation of Investigatory Powers Act 2000, places safeguards and controls over activities undertaken by Public Bodies, when they use legitimate tools to enforce breaches of the law, which interfere with the Article 8 Rights of individuals under the European Convention on Human Rights. Insofar as Trading Standards are concerned the permitted activities are:-
- Directed Surveillance (the covert surveillance of individuals)
 - The use of Covert Human Intelligence Sources (either undercover officers or informants)

- Access to Communications Data (restricted access such as subscriber details and data traffic-not the content of any calls/texts etc., but merely the numbers sent to/received from)

5.8.2 The Act and subordinate legislation sets out strict criteria that must be met, before the activity can be authorised and undertaken. In all cases, the interference must be both proportionate and necessary, and full details of activities and the criminal investigation needs to be set out. The Head of Legal Services & Monitoring Officer is the Council's Senior Responsible Officer in relation to RIPA and updates in relation to the operations undertaken are provided to the Audit Committee on a quarterly basis.

5.8.3 Within Caerphilly Council applications are reviewed and authorised by a Senior Manager and if all the criteria are met, the application will be authorised. In the case of Directed Surveillance and Covert Human Intelligence Sources (CHIS), the Authority's Corporate Solicitor undertakes a gate keeper role, keeping records of all applications and vetting them to ensure they are correctly authorised. The latter does not have this responsibility in relation to Communications Data. Communications Data is accessed using the National Anti Fraud Network (NAFN), who have their own internal safeguards.

5.8.4 Once applications are Authorised, Officers must then apply to the Magistrates Courts and obtain Judicial Approval to carry out the activity. During 2020/21, Trading Standards obtained RIPA Authorisations as below:-

Directed Surveillance-	0
Covert Human Intelligence Sources-	1
Communications Data-	1

5.8.5 The Covert Human Intelligence Source authorisation related to the alleged sale of Nitrous Oxide (laughing gas) for personal use.

5.8.6 Communications data was obtained in relation to an investigation into an illegal dog breeder.

5.9 Underage Sales

5.9.1 Complaints about premises supplying age-restricted products are normally received from members of the public, local elected Members, Police Officers, Community Safety Wardens, and other businesses. Complaint data is used to target enforcement activities and also to support authorisations for directed surveillance using covert recording equipment, under the Regulation of Investigatory Powers Act 2000. During the financial year 2020/2021 the Trading Standards Service received a total of 10 complaints, 9 in relation to alcohol and one relating to tobacco

5.9.2 During 2020/21 no test purchase operations were possible due to Covid 19 and the obvious concerns for the safety of the public, officers and volunteers. Many premises were also closed during the various "lock downs" or only providing "click & collect services or deliveries. Where complaints were received, premises were visited and traders advised. Officers also took part in Operation Spectre with Gwent Police, the National Knife Crime annual initiative, visiting retailers who sell knives and advising.

5.10 Illegal Tobacco Activities

- 5.10.1 The sale of illegal tobacco products is an increasing problem in both CCBC and throughout the UK. Each local Authority has a number of premises, whose main purpose is to sell cheap cigarettes and tobacco. Organised Crime Groups are thought to be behind the Trade, and as they have been targeted by Trading Standards have modified their operations to the extent that they take steps to avoid losing any product when raided. Throughout 2020/2021 Trading Standards have continued to take action against known sellers, with a significant seizure taking place from a storage premises prior to the December lockdown. One business is awaiting prosecution, and also due to action from Trading Standards have been given formal notice to vacate the premises they are trading from by their landlords.
- 5.10.2 Caerphilly Trading Standards are also taking part in an all Wales operation targeting this trade, which commenced in March 2021 and will continue into the next financial year, giving specialised resources to help tackle the problem.
- 5.10.3 A large scale national distributor of illegal tobacco was also apprehended in the Borough during February 2021 and almost 200,000 illegal cigarettes seized, with investigations on going.

5.11 Consumer Advice

Consumer complaints are categorised on the authority's database by trade sector and by product or service. Categorisation of complaints follows the current national scheme and allows the data gathered to be used in planning services and, in particular, intervention against particular problem trade sectors. The number and type of complaints was also affected by the pandemic with an increase in complaints about price hikes of toilet paper and hand sanitiser and cancellation of holidays and events.

- 5.11.1 The table below gives the top 10 products/services and the monetary value involved that were complained about during 2020/2021: As a result of the Covid 19 pandemic, the category that now tops the list is Catering, Holidays and accommodation, due to a direct result of Covid restrictions and the effect on holidays and events such as weddings and school trips. New entries in the top 10 such as Gardening Products and Equipment and Culture and Entertainment, are also undoubtedly as a result of the pandemic. The analysis is comparable with national data, with "Catering holidays and accommodation" and "Used vehicles" being the highest sources of complaints both nationally and locally.

	Product/Service	Number	% of Total	Value (£)
1	Catering holidays and accommodation	569	18.86	100488
2	Used vehicles	229	7.59	772326
3	Home maintenance and improvements	216	7.16	1640231
4	Toiletries, perfumes, beauty	170	5.63	70872
5	Pets and veterinarian products	119	3.94	12823
6	Other motoring costs	92	3.22	226
7	Sports and hobby equipment	82	2.72	3466
8	Gardening products and services	81	2.68	130664
9	Motor vehicle repairs and servicing	80	2.65	37129
10	Culture and entertainment	68	2.25	2347

5.11.2 The total value of all goods and services dealt with by the Council's advice service for the financial year was £3,158,497 and the total value of all goods and services where Caerphilly consumers sought advice either directly from the service or through Citizens Advice Consumer Service was £9,591,451. These figures exclude high value complaints regarding financial advice and prize draws.

5.11.3 A quarterly satisfaction survey is sent to all users of the service. This year's results show that 100% of users were either very or fairly satisfied with the service provided.

5.12 Covid 19 response, advice and enforcement activities

5.12.1 Throughout 20/21 Public Protection officers responded to the everchanging legislation and restrictions aimed at reducing the spread of the Corona Virus. Since the start of the pandemic Environmental Health Officers (EHOs) & Commercial Safety Officers (CSOs) have been diverted from "normal" Public Protection work to the Covid response. They have been helping to keep Caerphilly safe by investigating and managing individual cases and clusters of cases of Covid 19. They have provided regular Infection Prevention and Control advice to Care Homes, schools and other educational settings, along with all types of businesses and employers including large factories. The service has been operating 7 days a week including out of hours, and has put in place comprehensive support and advice arrangements for schools, to minimise the numbers of pupil bubbles required to isolate and hence miss out on valuable education. Advice to business and the public has been provided throughout, in order to protect the health safety and welfare of all involved.

A Multi-Disciplinary Team has met weekly to review, advise and manage the incidents in care settings and to organise additional testing as required. This work is reported to the Caerphilly CBC Incident Management Team (IMT). Cluster Management meetings have also been held which focus on the management, control and testing of specific clusters of cases e.g. numerous cases in a workplace; these are also reported to the CCBC IMT. The CCBC IMT oversees the strategic and operational response to managing cases within the county and determines the priority locations for the mobile testing units. The CCBC IMT supports the collective work of the Gwent IMT.

5.12.2 As a consequence of the above commitments, much of the enforcement of coronavirus legislation associated with commercial premises and licensed premises has fallen to our Trading Standards and Licensing Teams. The Environmental

Health teams have been responsible for dealing with close contact services such as hairdressers, barbers, beauticians, gyms, indoor play areas and numerous other premises such as offices and other enclosed workplaces. They have delivered enforcement action (as a follow up to advisory visits) as necessary at businesses which have been non-compliant. This has seen a number of colleagues step forward to redefine their roles in a service which is now also operating 7 days a week. The service has continued to support business with advice in complex circumstances as we have had some 36 different versions of the Regulations since the start of the pandemic. Additionally, a comprehensive, high profile advice and enforcement response has been delivered to encourage compliance and to address those who choose not to comply in order to keep Caerphilly safe.

5.12.3 Enforcement officers across Public Protection dealt with over 3800 complaints about compliance with the Regulations, and proactively monitored premises on a regular basis, carrying out over 7,000 visits and proactively advising over 4,200 businesses. Several close contact services posed particular challenges along with the hospitality sector during various relaxations with officers working in the evenings and at weekends in order to advise and monitor compliance. Sadly, several members of staff have been verbally abused and threatened with violence whilst carrying out their duties. Additional resource was provided from November 2020 with the appointment of Covid 19 Enforcement officers and the ability to bring in dedicated police support as required.

5.12.4 Community Safety Wardens (CSWs) also carried out over 160 hours of joint patrols with Gwent Police of country parks and other beauty spots at various weekends throughout January to March monitoring and policing the stay at home requirements. The Community Safety Team also issued over 50 warning letters to individuals who were reported for having house parties which caused anti-social behaviour (ASB) and breached the regulations.

Throughout the pandemic, there has been an escalation in groups of youths causing ASB and not adhering to the Covid regulations. As a result, the CSWs have carried out over 25 joint operations with Gwent Police to address these issues. In addition, the CSWs have worked closely with Gwent Police and other Community Safety Partners to enforce 16 Dispersal Orders which have been issued to address the most problematic areas across the county borough. Over 220 people have been referred into the Safer Caerphilly Anti-Social Behaviour 4 Strike Process for committing acts of ASB (some linked to Covid breaches) which has resulted in 227 warning letters, 6 Acceptable Behaviour Contracts being signed and one individual receiving a Civil Injunction at court.

5.12.5 The table in appendix one details the number of Improvement, Closure, Prohibition and Fixed Penalty Notices issued during the year. At the time of writing this report 1 Fixed Penalty Notice for business closure offences had not been paid and is currently the subject of formal investigation.

5.12.6 Our Registration Service has always had very high customer satisfaction ratings. Offering a professional but personal service at all times and over 7 days a week, 365 days a year, providing facilities for birth, death, marriage and civil partnership registration. The coronavirus pandemic meant that couples with marriage and civil partnerships booked had their plans and dreams shattered. The team had to contact couples looking to re-arrange their big days without actually knowing when they may actually be able to go ahead. For months Registrars were unable to register births or take notices of marriage and civil partnership. Saddest of all was the registration of

deaths and stillbirths by telephone. Many of these family members had not been able to visit their loved ones in their final days to say goodbye. Our Registrars sitting in their offices or at home with bereaved relatives who have lost loved ones on the other end of a telephone doing their best to ensure a considerate and respectful service.

6. ASSUMPTIONS

- 6.1 There are no assumptions associated with this report, as it is a factual statement of enforcement activity.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 7.1 This report is for information only and so no IIA is required.

8. FINANCIAL IMPLICATIONS

- 8.1 Whenever prosecutions are taken in the Courts we do seek to recover the reasonable costs of investigation and prosecution.
- 8.2 The income that is generated by the imposition of fixed penalty notices or recovery of court costs is included in the revenue budget.

9. PERSONNEL IMPLICATIONS

- 9.1 Personnel across Public Protection worked incredibly hard throughout the year responding to ever changing circumstances and demands of the pandemic often carrying out different roles and work patterns. Over the past twelve months, several staff were seconded into the service and a few new members of staff were appointed on short fixed term contracts.

10. CONSULTATIONS

- 10.1 The consultees listed below have been consulted on this report and their views have been incorporated accordingly.

11. STATUTORY POWER

- 11.1 Officers within Public Protection enforce a large number of Acts and Regulations which are listed in part 3 of the constitution, Responsibility for Functions.

Author: Rob Hartshorn, Head of Public Protection, Community & Leisure Services
Consultees: Councillor Nigel George, Cabinet Member for Waste, Public Protection & Streetscene
Councillor D.T Davies, Chair of Environment & Sustainability Scrutiny Committee
Councillor A. Hussey, Vice Chair of Environment & Sustainability Scrutiny Committee
Mark S. Williams, Corporate Director, Economy & Environment
Jacqui Morgan, Trading Standards, Licensing & Registrars Manager

Ceri Edwards, Environmental Health Manager
Rob Tranter, Head of Legal Services and Monitoring Officer
Anwen Cullinane, Senior Policy Officer (Equalities, Welsh Language & Consultation)
Steve, Harris, Head of Financial Services & Section 151 Officer
Lynne Donovan, Head of People Services

Background Papers: Public Protection Enforcement Policy

Appendices:

Appendix 1 Public Protection Enforcement Activity 2018-21

Appendix 1 – Public Protection Enforcement Activity 2018-21

Trading Standards and Licensing Legislation

Type of Enforcement Activity	18/19	19/20	20/21
Significant breaches identified during inspection	223 (93%) rectified	238 (96%) rectified	39 (95%) rectified
Simple Cautions	15	8	NIL
Prosecutions	10 (plus 10 waiting for trial)	20	NIL(due to covid-8 cases in system, not yet heard)
Penalty Notices for Disorder (PND) underage sales of alcohol.	2	2	NIL
Fixed Penalty Notices (FPN) Section 6 of the Health Act 2006(Smoking ban)	2	0	0

Environmental Health Food Safety Legislation

Type of Enforcement Activity	18/19	19/20	20/21
Written Warnings/Advice	884	860	38
Revisits	290	245	22
Improvement Notices	46	18	0
Remedial Action Notices	2	0	0
Prosecutions	4	1	0
Voluntary Closure	4	4	0
Hygiene Emergency Prohibition	1	0	0
Seizure/Surrender	1	0	0
Simple Cautions	0	1	0
Food Hygiene Rating Scheme FPN	20	7	2

Environmental Health - Health and Safety Legislation

Type of Enforcement Activity	18/19	19/20	20/21
Written Warnings/Advice	108	102	2
Revisits	23	34	2
Improvement Notices	18	23	0
Prohibition Notices	7	1	0
Simple Cautions	0	0	0
Prosecutions	0	0	0

Environmental and Nuisance Legislation

Type of Enforcement Activity	18/19	19/20	20/21
Warnings for dog fouling	6	8	0
Warnings for litter	80	3	0
Fixed Penalties for Dog Fouling	55	11	4
Fixed Penalties for Litter	111	77	14
Prosecutions for Littering	8	3	0
Prosecutions for Dog Fouling	4	1	2
EPA 1990 – Noise Abatement Notices	10	7	0
EPA 1990 – Statutory Nuisance Notices	30		
Confiscation of noise making equipment	0	0	0
Prosecutions for Statutory Nuisance (Noise)	0	0	0
Stray Dogs Impounded	157	157	92
Prosecutions for Fly tipping	9	3	0
Cautions for Fly Tipping	1	0	0

Community Safety

Type of Enforcement Activity	18/19	19/20	20/21
Public Open Space CCTV			
Total no. of incidents monitored/dealt with by CCBC CCTV service	3087 Including requests detailed below	3177 Including requests detailed below	1907 Including requests detailed below
Evidence recorded and provided to Gwent Police	673 DVDs burnt for evidential purposes	608 DVDs burnt for evidential purposes	457 DVDs burnt for evidential purposes
Requests for monitoring from Gwent Police	765	823	603
Community Safety Wardens and Community Safety Team			
Words of Advice given (acting contrary to acceptable standards of behaviour)	587	219	1348
Referrals by Community Safety Wardens into 4 Strike Anti-Social Behaviour process	27	13	6
Verbal Warnings (Name and address, date of birth taken)	35	11	5
Items of Alcohol Confiscated	68	47	1
Issues identified and referred to other departments	332	214	90
Total hours of deployment	10,915	5,784	3,846
Fixed Penalty Notices Issued	16	9	2
Number of Anti-Social Behaviour warning letters sent out	271	401	227
Number of Acceptable Behaviour Contracts (ABC's) signed	5	16	6
Number of Civil Injunctions granted at court	5	4	1

Type of Enforcement Activity	20/21
Covid 19	
Complaints responded to	3864
Number of inspections	7037
Improvement notices issued	34
Closure notices issued	4
Fixed penalty notices	8
Prohibition notices	3
Prosecutions (including pending)	1
Warden patrols with Gwent Police of country parks and beauty spots	160 hours

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ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE – 22ND JUNE 2021

SUBJECT: PUBLIC SPACE PROTECTION ORDER REVIEW

REPORT BY: CORPORATE DIRECTOR, ECONOMY & ENVIRONMENT

1. PURPOSE OF REPORT

- 1.1 To seek the Committee's views on the proposal to undertake a public consultation on the proposed changes to the current Public Space Protection Orders for anti-social behaviour (ASB) and drinking in a public place.

2. SUMMARY

- 2.1 The Anti-Social Behaviour, Crime and Policing Act 2014 brought in a new power for local authorities to deal with anti-social behaviour problems in a geographical area by imposing conditions on the use of an area. The aim of a Public Space Protection Order (PSPO) is to ensure that the law-abiding majority can use and enjoy public spaces, free from anti-social behaviour.
- 2.2 PSPOs replaced a number of existing legal provisions including Designated Public Place Orders (DPPOs), Gating Orders, and Dog Control Orders. Existing Orders made under previous legislation transferred to become PSPOs in 2017 for a maximum period of three years. Due to the Covid 19 pandemic it was not possible to carry out a full review of the PSPOs in 2020 so they were renewed for a period of 12 months with the view to a full review being carried out in 2021.
- 2.3 PSPOs are subject to a consultation and notification process and may be appealed by any 'interested person' (a person who lives, works in, or regularly visits the Restricted Area) within 6 weeks of the date of the Order.
- 2.4 This report outlines the proposals for the next three years for the current PSPOs in place throughout Caerphilly County Borough that address ASB and drinking in a public place. It also outlines proposals to vary several existing areas and consideration for a number of new locations.

3. RECOMMENDATIONS

- 3.1 Committee members' views are requested on the undertaking of a public consultation exercise on the below proposals to the PSPOs for anti-social behaviour and drinking in a public place.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To enhance community safety in the identified areas.

5. THE REPORT

- 5.1 The Safer Communities Action Area of the Well-being of Future Generations Wellbeing plan identifies that feeling unsafe in a community has a significant impact on quality of life, whether someone is a direct victim of crime and disorder, or fears that they may be at some time in the future. One of the priority areas of the Safer Communities area of the action plan is to work with regional partners to create safe, confident communities and promote community cohesion to provide reductions in crime and disorder, reductions in anti-social behaviour and to improve community confidence and cohesion.
- 5.2 Use of PSPOs in areas highlighted by the community or partners agencies as being focal points for anti-social behaviour, crime and disorder, and by having open public consultation on the restrictions that should be brought in to these areas to target the reported behaviour is directly supportive of the Wellbeing Plan aims.
- 5.3 PSPOs introduced by the Anti-social Behaviour, Crime and Policing Act 2014 (the Act) can be used to regulate activities in particular public places, to ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour. Whilst the Act allows local authorities to regulate activities in public places, the legislation specifies certain requirements which must be considered prior to making an Order.
- 5.4 A local authority may make a Public Space Protection Order if it is satisfied on reasonable grounds that two conditions are met. The first condition is that activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality or it is likely that the activities will be carried on in a public place and that they will have such an effect. The second condition is that the effect or likely effect is likely to be of a persistent or continuing nature, is likely to be such as to make the activity unreasonable and justifies the restriction imposed by the Order.
- 5.5 Extending, varying and introducing the new areas listed below will assist in targeting the anti-social behaviour occurring in these areas. It is likely that if the Orders are not in place then there will be an increase in the amount, or the severity, of the anti-social behaviour in the Restricted Areas due to there being a decrease in the consequences of behaving in such a manner and reduction in the powers of Enforcement Officers to target those responsible.
- 5.6 Please note that the PSPOs in place over the last 3 years have provided grounds for targeted enforcement patrols and the powers for authorised persons (Police and Community Safety Wardens) to engage persons behaving in an anti-social manner at an early stage. This may involve moving them on or issuing Fixed Penalty Notices to effectively disrupt the anti-social activity and prevent it escalating to the point of becoming criminal activity (e.g., Criminal Damage or Violence offences). Details are provided below of the four proposals for public consultation:
- 5.7 PSPO Caerphilly County Borough Council Bus Stations at Caerphilly, Blackwood, Bargoed and Nelson and the Passenger Bridge and Train Station at Caerphilly

This PSPO was introduced in 2017 as a result of multiple community reports and complaints to agencies of considerable ASB in these areas. Gwent Police and the CCBC Community Safety Wardens continue to patrol and monitor these areas due to the number of continued reports of ASB. Over the last three years Gwent Police have received 244 complaints of ASB and crime and disorder at Blackwood bus station alone. The Community Safety partner agencies have needed to arrange specific operations to target ASB at the station and have used the restrictions in place to move people on, issue ASB referrals and Fixed Penalty Notices when required. It is therefore proposed to renew this PSPO for a further three years to assist with the enforcement of these issues.

5.8 PSPO Caerphilly County Borough Council Bus Shelters and Bus Stops

This PSPO was also introduced in 2017 for the same reasons as the Bus Station PSPO above. Local knowledge of Police Crime And Disorder Reduction Officers (CADROs) and Community Safety Wardens continues to suggest that these bus stops and shelters are focal points for people gathering in the locality. Having a PSPO in place to restrict certain behaviours in these areas has allowed persons to be moved on or stopped from engaging in activities (e.g., loitering and drinking alcohol in a public place) which would otherwise progress to anti-social behaviour. It is therefore proposed to renew this PSPO for a further three years to assist with the enforcement of these issues.

5.9 PSPOs – Drinking alcohol in a public place

Since 2006 the Council has used powers to restrict anti-social drinking in designated public places by introducing several DPPOs. The historic DPPOs (which transferred to PSPOs in 2017 under the new legislation) cover 31 areas across the county borough which cover 280 specific locations such as streets, lanes and parks. Under these PSPO areas it is an offence for an individual to continue to consume alcohol having been requested to stop by an authorised officer.

5.9.1 The legal powers conferred upon Police Officers and Community Safety Wardens by these PSPOs are used regularly and are considered to provide an effective additional tool to assist them in addressing ASB and crime and disorder associated with the consumption of alcohol. However, enforcement is limited since these only cover alcohol restrictions. A lot of the areas covered are known ASB hotspots and Police and Community Safety tasking priority areas.

5.9.2 After consultation with the Police and key Community Safety partners it is proposed to vary a number of these existing areas to include ASB restrictions. A full list of these areas is listed under Appendix A and the areas to be varied are highlighted. The proposed wording for the proposed additional ASB restrictions for the varied PSPO will include:

- No person shall behave in a disorderly, indecent, or offensive manner.
- No person shall damage or deface any part of this area.
- No person shall consume alcohol when requested not to do so by an authorised person.
- No person shall litter, graffiti or deliberately set fires within this area.
- No person shall wilfully obstruct or impede an authorised person in the execution of their duty.
- No person shall be in possession of an off-road vehicle in this area.

- Any person reasonably suspected, by an authorised person, of breaching the relevant provisions shall give his name and address when requested to do so by an authorised person.

5.9.3 It is proposed to renew/vary these PSPO areas for a further three years.

5.10 New PSPO areas

Through consultation with Gwent Police the following areas have been identified as meeting the criteria for a new PSPO:

5.10.1 Trethomas River Walk

Both adults and young people congregate in groups in the area along Trethomas River Walk, in particular at the area of the “wooden fish carving”. Groups drink alcohol, leave behind litter including empty cans and broken glass bottles. They use foul language and are intimidating to passers-by including families who are trying to enjoy the natural beauty of the area. This has been discussed locally at Bedwas Police tasking meetings and reports of littering at the location have been reported by the CCBC Rivers Officer. The location has also been patrolled regularly by the Neighbourhood Policing Team. It is difficult to quantify the call data as there is no specific Police beat code for this location, however feedback from local residents, and officers indicate that there is an issue here that has become persistent in nature.

5.10.2 Cwrt Coch Street Play Area, Aberbargoed

For the year 2020-2021 there have been 27 reports of ASB in the area of Cwrt Coch Street, Aberbargoed and the area known as the Aberbargoed Park. There has also been a great deal of community tension highlighted on social media regarding the area. Complaints have been received from local councillors and residents. The range of anti-social behaviour includes large gatherings of young people causing a nuisance, noise nuisance, littering, off road bikes and quads. This area has been discussed at the Safer Caerphilly Partnership Tasking and has been part of a patrol plan by the local Neighbourhood Policing team.

5.10.3 Ystrad Mynach Park

For the year 2020-2021 there have been 28 Reports of ASB linked to Ystrad Mynach Park, Caerphilly Road. Historically there have been reports of ASB also recorded at the park as a result of large groups of young people gathering and causing a nuisance by consuming alcohol and deliberate fire setting. Tragically, the area has also been highlighted following the death of a child due to a drugs overdose at the location. Incidents recorded at the park include: gangs of young people causing trouble, deliberate fire setting, fighting at the location, being intoxicated, and setting a tree on fire. Due to the levels of ASB in the area Ystrad Mynach Park has previously been highlighted as a Gwent Police “Your Voice Priority” identified by members of the public via a public survey. Previously several Dispersal Notices have been issued to prevent offending in this area.

5.10.4 Newbridge – High Street, Celyn Road, Bridge Street, Land surrounding Newbridge Leisure Centre including the car park, Calzaghe Bridge.

Historically Newbridge has been an ASB hotspot for Caerphilly Central Policing team. Recently the problem has resurfaced and has involved some serious incidents. Community tensions increased following an incident involving over 40 young people. Some of whom damaged cars and smashed the front window of a house as they made their way over Calzaghe Bridge. Two dispersal notices have been issued in recent

weeks and the area is now a Gwent Police Your Voice Priority. The ASB can be widespread and the areas listed above are the main focal points for young people to gather.

- 5.11 It is therefore proposed that these new areas are covered by a PSPO for a period of three years.

5.12 **Conclusion**

The above proposals aim to ensure that the law-abiding majority can use and enjoy our public spaces, safe from anti-social behaviour. Scrutiny members are asked for their views on conducting a public consultation on the above proposals.

6. ASSUMPTIONS

- 6.1 There are no assumptions associated with this report.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 7.1 An Integrated Impact Assessment has been undertaken. The reduction of anti-social behaviour and crime and disorder in public places across the county borough will benefit children, young people and adults and help provide clean and safe areas for communities to enjoy. No negative impacts have been identified

Link to full Integrated Impact Assessment

https://www.caerphilly.gov.uk/CaerphillyDocs/IIA/IIA_PSPO_ASB_Alcohol_May2021

8. FINANCIAL IMPLICATIONS

- 8.1 There will be a financial cost of appropriate signage at the new PSPO sites and the varied sites. This will be met through existing budgets.

9. PERSONNEL IMPLICATIONS

- 9.1 Temporary increase in workload to conduct the consultation and to develop the amended PSPOs. Any additional restrictions imposed may increase the potential for staff to be placed in confrontational situations. However, the proposals provide additional powers intended to moderate and de-escalate adverse behaviour. It will be important to ensure that the necessary training and procedures are in place so that staff are able to assist with the expectations in relation to enforcement of these proposals.

10. CONSULTATIONS

- 10.1 This report has been sent to the consultees listed below and all comments received are reflected in this report.

11. STATUTORY POWER

- 11.1 Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014
The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014

Author: Natalie Kenny, Community Safety Officer

Consultees: Cllr Nigel George, Cabinet Member for Environment and Neighbourhood Services
Cllr. D.T. Davies – Chair of Environment & Sustainability Scrutiny Committee
Cllr. A. Hussey - Vice Chair of Environment & Sustainability Scrutiny
Mark S. Williams –Corporate Director, Economy & Environment
Rob Hartshorn, Head of Public Protection, Community and Leisure Services
Rob Tranter, Head of Legal Services/Monitoring Officer
Steve Harris, Head of Financial Services & S151 Officer
Lynne Donovan, Head of People Services
Ceri Edwards Environmental Health Manager
Anwen Cullinane, Senior Policy Officer (Equalities & Welsh Language)
Liz Sharma, Consultation and Public Engagement Officer
Supt. Mark Hobrough, Gwent Police
Ch. Insp. Amanda Thomas, Gwent Police
Insp. Gavin Clifton, Gwent Police
Insp. Andrew Boucher, Gwent Police
Insp. Richard Tovey, Gwent Police
Paul O'Neill, Senior Youth Service Manager
Michaela Rogers, Youth Offending Service Manager
Mike Headington, Green Spaces and Transport Services Manager
Todd Rawson, Solicitor
Rachel Thornett, Tenancy Enforcement Manager
Jared Lougher, Sport & Leisure Development Manager

Background Papers:

The Anti-Social Behaviour, Crime and Policing Act 2014. Statutory guidance for frontline professionals.

Appendices:

Appendix A List of the PSPO areas that transferred from DPPOs in 2017.

Caerphilly County Borough Public Space Protection Orders (PSPOs) -
Drinking alcohol in a public place

Additional restrictions on anti-social behaviour are proposed for those locations highlighted.

ABERBARGOED

- Length of Commercial Street from Bedwellty Road junction including
- Bedwellty Road (at traffic lights)
- All junctions and access points to following side roads and access lanes along the length of Commercial Street:
- School Street, Cwrt Coch Street, Elm Street, Church Street, George Street, James Street, Byron Road (both sides of Commercial Street included)
- Also to all alleyways and access points to back lanes along full length of Commercial Street

ABERCARN

- High Street
- Distillery area

ABERTRIDWR

- The Square
- High Street (from The Square to its junction with Brook Street)
- Church Road (from The Square to its junction with Tridwr Road)
- Clos Morgan Gruffydd
- Thomas Street (from The Square to injunction with Cross Street and Kings Close)
- King Street (from injunction with Kings Close to High Street)
- Tridwr Road (to injunction with Ilan Road)
- Kings Close
- William Street
- Cross Street
- Plas Nant
- Farm Close

BARGOED

- Lower High Street
- Upper High Street
- High Street
- Heolddu Road
- McDonnell Road
- Commercial Street, Gilfach
- Vere Street, Gilfach
- Hanbury Road
- The Square, Bargoed
- Children's Playground, Ilancayo Street

BEDWAS

- Church Street and its rear lanes

- Children's Park and grassed area adjoining the police station
- St Mary Street and its rear lanes
- St Catherine's Close and lanes at the rear

BLACKWOOD

- Bloomfield Road
- Pentwyn Road
- Cefn Road
- High Street
- Woodbine Road
- Wesley Road
- Woodbine Place
- Hall Street
- George Street and its rear access lanes
- William Street and its rear access lanes
- Bridge Street and its rear access lanes
- David Street
- Thorncombe Road
- Playground at Thorncombe Road
- Homeland Place
- Park Terrace
- St David's Avenue
- Gravel Lane
- Garfield Street
- Playground at end of Garfield Street
- Ladysmith Road
- Albion Terrace
- Footpath between Cliff Road and St David's Avenue
- Land off Hall Street and the Citizen's Advice Bureau Car Park
- Bus Station
- Courthouse Car Park off Blackwood Road
- Thorncombe Road No. 1 Car Park
- Thorncombe Road No. 2 Car Park
- Thomecombe Road No. 3 Car Park
- High Street Car Park
- Cliff Road Car Park
- Car Park adjacent Red Lion, High Street
- Wesley Road Car Park
- Woodbine Road Car Park
- Bus Station Car Park
- Gordon Road
- The Park, Libanus Fields
- Showfield, Greenwood Road
- Sunnybank Road
- Twynyffald Road
- Ty-Isha Terrace
- Bryn Road
- Apollo Way Estate
- Apollo Way
- Chartist Way
- Gibbs Close
- Palmer Place

- Waunllwyn Crescent
- Parfitt Place
- Croeso Square

BRITANNIA

- Angel Lane
- Britannia Walk
- Orchard Lane
- Salway Avenue
- Farm View
- Hodges Crescent
- Britannia Terrace
- Britannia Villas

CAERPHILLY

- Piccadilly Square
- Mill Road and its rear lanes from its junction with Piccadilly Square to its junction
- with Churchill Park
- Morgan, Jones Park
- Dafydd Williams Park and grounds surrounding Caerphilly Castle
- Caerphilly Bus Station
- Railway Terrace
- Station Terrace
- Twyn Car Park
- Crescent Road Car Park
- Play area rear of Bartlett Street
- Cenotaph Area
- Twyn Square
- Station Square
- Cardiff Road and its rear lanes south of its junction with St Martin's Road and King
- Edward Avenue
- Castle Street
- Clive Street
- Pentrebane Street
- Stockland Street
- St Fagans Street
- Park Lane
- Bradford Street and its rear lanes
- Clifton Street
- White Street and its rear lanes
- Station Terrace
- Bartlett Street and its rear lanes (from its junction with White Street to Cardiff Road)
- Broomfield Street and its rear lanes
- Windsor Street and its rear lanes
- Salop Street and its rear lanes
- Main Road, Treceenydd
- Market Street

CHURCHILL PARK, CAERPHILLY

- Lewis Drive and its rear lanes
- Howard Drive and its rear lanes
- Dyfed Drive and its rear lanes
- Davies Drive and its rear lanes
- Dylan Drive and its rear lanes
- Footpath from Lewis Drive to Pontygwindy Industrial Estate
- Footpath to the rear of Dylan Drive

CEFN FFOREST

- Welfare Ground
- Bryn Road
- The Ecopark
- The Square, Cefn Fforest Avenue
- Twyn Gardens

CROSPENMAEN

- Football field at end of Meadow Walk, Overdale Walk, Grove Walk, Shelley Close, Byron Place, Cherry Grove and Williw Park

CROSSKEYS

- Waunfawr Park
- Gladstone Street from junction with Cobden Street
- Cobden Street
- Waunfawr Road
- The Footpath surrounding Waunfawr Path and allotments leading to Gladstone Street
- Entrance to Pandy Park
- Gladstone Street to cycleway entrance
- Length of cycleway alongside Waunfawr Park

CWMCARN

- Jamesville
- Newport Road
- Chapel Farm subway
- Grandstand, Abercarn Welfare Ground

FOCHRIW

- The Grove and adjoining land including the youth shelter and kick wall area
- Pontlottyn Road
- Land surrounding Fochriw Community Centre
- Cae Glas Newydd and its rear lanes
- Car park at Cae Glas Newydd

GELLIGAER

- Castle Hill
- St Cattwgs Avenue
- Heol Edward Lewis
- Oxford Street including subway connecting with Castle Hill

GRAIG Y RHACCA

- Penllwyn Walk

HENDREDDENY ESTATE, CAERPHILLY

- Groeswen Road
- Raglan Court
- Groeswen Drive at junction with Groeswen Road
- Entrance to Pembroke Court
- Monmouth Court

LLANBRADACH

- Oak Terrace and its rear lanes
- Station Road
- Car Park at the corner of Oak Terrace and Station Road
- The Square
- High Street and its rear lanes
- Llanbradach Park

NEW TREDEGAR

- Commercial Street
- James Street
- Tredegar Road

OAKDALE

- Oakdale Square
- Central Buildings
- Aberconwy Place
- Central Avenue

PHILLIPSTOWN

- Derlwyn Street and its rear lanes
- Penrhyn Terrace and its rear lanes
- Fothergills Road and its rear lanes
- Jones Street
- Footpaths and steps connecting Derlwyn Street, Jones Street, Penrhyn Terrace and Fothergills Road
- Fernhill Terrace and its rear lanes
- Cefn Rhychdir Road and its rear lanes
- Pritchard Terrace and its rear lanes
- Meadow Terrace and its rear lanes
- Dafolog Terrace and its rear lanes
- Farm Terrace and its rear lanes
- Land surrounding Phillipstown Community Centre
- Car park adjacent to Phillipstown Community Centre
- Grassed area on Bedlwyn Road
- Bedlwyn Road

PENLLWYN

- St Sannan Road
- Heol Trelyn
- Mynyddislwyn Close
- Highmead

- Penymead
- Rhymney Close
- Broadmead
- Fleur de Lys Avenue

PONTLLANFRAITH

- Newbridge Road and its rear lanes
- Brookfield Road
- Llanarth Road
- Islwyn Terrace and its rear lanes
- Musselwhite Court
- Millbrook Road
- Islwyn Park

PONTLOTTYN

- Merchant Street
- High Street
- Stuart Street
- Picton Street
- School Road
- River Road
- The Recreation Ground
- Railway Station

PENPEDAIRHEOL

- Llwyn Onn
- The Square
- Hospital Road
- Pengam Road from the Square to its junction with Haulwen Road
- Pengam Road from the Square to its junction with Glyngaer Road
- Hengoed Road from the Square to its junction with Rolls Avenue
- Rear lane running parallel with Hengoed Road between Hospital Road and Berthanllwyd Street

PENYRHEOL, CAERPHILLY

- Troed y Bryn
- Bryntirion
- Rhiw Fach
- Heol Tir Gibbon
- Tir Coed
- Bryn Glas
- Gelli Deg
- Pleasant Place
- Bryn Teg
- Maes Hir
- Cae Glas
- Heol Aneurin from its junction with the B4263 to its junction with Heol Tir Gibbon
- Penyrheol Park
- Car Park rear of Penyrheol Park
- Area surrounding shops at Heol Aneurin, Penyrheol from Glan Ffrwd to Heol-Y- Gogledd

RHYMNEY

- High Street
- Upper High Street
- Church Street
- War Memorial Park
- Eisteddfod Field

RISCA

- Tredegar Street
- Commercial Street
- Danygraig Road including land under the flyover carrying the A467
- Mill Street
- Tredegar Park
- Lane linking Sarn Place to St Mary's Street
- Lane to the rear of Commercial Street, Pontymister
- Park Road
- Station Road
- Baths Field
- Car Park and land surrounding shops, junction of Elm Drive and Holly Road, Ty Sign
- Car Park and land surrounding shops, area bounded by Elm Drive, Aster Close and
- Thistle Way
- Fields Road
- Elm Drive
- Manor Way

TRETHOMAS

- Cenotaph and surrounding area
- Navigation Street
- Newport Road and lanes leading to Bryn y Fran Avenue and Heol yr Ysgol
- Parade of shops at Llanfabon Drive including the rear lane joining The Bryn
- Waste land at the rear of Llanfabon Drive and Bryn Awel

TRINANT

- Trinant Terrace

YSTRAD MYNACH TOWN CENTRE

- Commercial Street and all rear lanes and access lanes adjoining Commercial Street
- Central Street and all rear lanes and access lanes adjoining
- Church Street and all rear lanes and access lanes adjoining
- Lisburn Road and all rear lanes and access lanes adjoining
- Oakfield Road and all rear lanes and access lanes adjoining
- Lewis Street and all rear lanes and access lanes adjoining
- Junction Lewis Street/Bedwlwyn Street
- Bedwlwyn Street and all rear lanes and access lanes adjoining
- Junction at Bedwlwyn Street and Bedwlwyn Road
- Bedwlwyn Road and all rear lanes and access lanes adjoining

- Davies Street and all rear lanes and access lanes adjoining
- Pengam Road and all rear lanes and access lanes adjoining
- Rear of Sports Centre and School fields to footpath
- Footpath/cycleway adjoining A469
- All School grounds and all rear lanes and access lanes adjoining
- A472 to junction with Lewis Street