

# Public Document Pack

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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, 22 Mehefin 2022**

I bwy bynnag a fynno wybod,

Cynhelir cyfarfod aml-leoliad o'r **Pwyllgor Craffu yr Amgylchedd a Chynaliadwyedd** yn Nhŷ Penallta, a thrwy Microsoft Teams ar **Dydd Mawrth, 28ain Mehefin, 2022** am **5.30 pm** i ystyried y materion a gynhwysir yn yr agenda canlynol. Gall Cynghorwyr ac aelodau'r cyhoedd sy'n dymuno siarad ar unrhyw eitem wneud hynny drwy wneud cais i'r Cadeirydd. Mae hefyd croeso i chi ddefnyddio'r Gymraeg yn y cyfarfod, mae angen o leiaf 3 diwrnod gwaith o rybudd os byddwch chi'n dymuno gwneud y naill neu'r llall. Bydd gwasanaeth cyfieithu ar y pryd yn cael ei ddarparu ar gais.

Gall aelodau'r Cyhoedd neu'r Wasg fynychu'n bersonol yn Nhŷ Penallta neu gallant weld y cyfarfod yn fyw drwy'r ddolen ganlynol: <https://civico.net/caerphilly>

Bydd y cyfarfod hwn yn cael ei ffrydio'n fyw a bydd recordiad ar gael i'w weld drwy wefan y Cyngor, ac eithrio trafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig. Felly, bydd delweddau/sain yr unigolion sy'n siarad ar gael yn gyhoeddus i bawb drwy [wefan y Cyngor](#):

Yr eiddoch yn gywir,

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

**Christina Harrhy**  
PRIF WEITHREDWR

## A G E N D A

Tudalennau

1 I dderbyn ymddiheuriadau am absenoldeb

A greener place Man gwyrddach



2 Datganiadau o Ddiddordeb.

Atgoffi'r Cyngorwyr 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 Cyngorwyr a Swyddogion

I gymeradwyo a llofnodi'r cofnodion canlynol:-

- 3 Pwyllgor Craffu yr Amgylchedd a Chynaliadwyedd a gynhaliwyd ar 22ain Mawrth 2022. 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 - 18
- 6 I dderbyn ac ystyried yr adroddiadau\* Cabinet canlynol:-  
1. Statws Cyflwr Tomenni Glo a'r Drefn Archwilio – 23ain Mawrth 2022;  
2. Cynnig i Gynyddu Tariffau Tocynnau Cerbyd Hacni – 6ed Ebrill 2022;

*\*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, 27ain Mehefin 2022.*

- 7 Cael Hysbysiad o Gynnig – Mabwysiadu Adran 99 o Ddeddf Diogelu'r Amgylchedd 1990. 19 - 32

I dderbyn ac ystyried yr adroddiadau Craffu canlynol:-

- 8 Ffioedd Priodasau a Phartneriaethau Sifil – Gwasanaeth Cofrestru. 33 - 38
- 9 Gorfodi Diogelu'r Cyhoedd, Cyngor i Ddefnyddwyr, ac Ymateb i COVID-19 2021/22. 39 - 52

**Cylchrediad:**

**Cyngorwyr** M.A. Adams, R. Chapman, C.J. Cuss, D.T. Davies (Cadeirydd), N. Dix, C. Elsbury, M. Evans, A. Gair, A. Hussey (Is Gadeirydd), S. Kent, Mrs A. Leonard, D.W.R. Preece, H. Pritchard, J.E. Roberts, S. Williams a C. Wright

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](http://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 amdanoch 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 Llawn ar ein gwefan <http://www.caerffili.gov.uk/Pwyllgor/Preifatrwydd> neu cysylltwch â Gwasanaethau Cyfreithiol drwy e-bostio [griffd2@caerffili.gov.uk](mailto: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, 22ND  
MARCH 2022 AT 5.30 P.M.

PRESENT:

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

Councillors:

M.A. Adams, C. Elsbury, M. Evans, A. Gair, S. Kent, A. Leonard, B. Owen, D.W.R. Preece,  
T.J. Williams

Cabinet Members:

Councillors N. George (Waste, Public Protection and Street Scene), J. Pritchard  
(Infrastructure and Property), A. Whitcombe (Sustainability, Planning and Fleet)

Together with:

M. Lloyd (Head of Infrastructure), C. Forbes-Thompson (Scrutiny Manager), R. Barrett  
(Committee Services Officer), J. Lloyd (Committee Services Officer)

### 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. Collis, J.E. Roberts, J. Scriven, J. Simmonds and Mrs J. Stone, together with M.S. Williams (Corporate Director – Economy and Environment).

#### 2. DECLARATIONS OF INTEREST

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

### **3. MINUTES – 8TH FEBRUARY 2022**

It was moved and seconded that the minutes of the meeting held on 8th February 2022 be approved as a correct record and by way of Microsoft Forms (and in noting there were 10 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that the minutes of the Environment and Sustainability Scrutiny Committee held on 8th February 2022 (minute nos. 1 – 10) 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**

C. Forbes-Thompson (Scrutiny Manager) presented the report, which outlined details of the Environment and Sustainability Scrutiny Committee Forward Work Programme (FWP) for the period February 2022 to March 2022.

Members were asked to consider the FWP alongside the Cabinet work programme and suggest any changes prior to publication on the Council's website. The Scrutiny Committee noted the details of reports scheduled for the forthcoming meeting on 28th June 2022.

It was moved and seconded that the report recommendation be approved. By way of Microsoft Forms (and in noting there were 11 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

### **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.

### **REPORTS OF OFFICERS**

Consideration was given to the following report.

### **7. COAL TIP CONDITION STATUS AND INSPECTION REGIME**

The Cabinet Member for Infrastructure and Property introduced the report, which updated the Scrutiny Committee on the current condition status and inspection regimes that are in place for coal tips located within Caerphilly County Borough, ahead of its presentation to Cabinet.

Members were advised that the report summarises the backdrop to the current Welsh Government drive to set up a robust risk-based management system for tip inspection and

tip maintenance for all tip assets in Wales and to understand the legacy posed by the tip sites in private ownership. The new inspection forms developed by Welsh Government have been adopted by the Council and the focus of inspections has now changed to identify planned and preventative maintenance works as opposed to reactive works, with a rolling programme of maintenance works now in place which utilises the Authority's term service tips maintenance contractor.

Following Storm Dennis in February 2020, Officers working collaboratively with the Coal Authority undertook a data cleanse exercise to determine the exact number of colliery spoil tips which are Local Authority (LA) owned and privately owned within Caerphilly. This exercise reduced the believed number of 249 tips down to 201. The inspection and tips maintenance moved to the Engineering Projects Group in February 2020, with 141 inspections undertaken in 2020, 95 inspections in 2021 and a further 134 inspections programmed for 2022 in accordance with the risk assessment profiles.

It was noted that currently legislation does not give local authorities the power to enter private land unless it is deemed an emergency, and the suggestion is to negotiate with owners to agree access if works are required on private tips. However, as the majority of tips within the county borough are on private land, therefore a tougher enforcement regarding private tips and a more rigorous inspection regime is generally welcomed and supported.

Members were advised that Welsh Government has appointed the Law Commission to develop new legislation on Regulating Coal Tip Safety in Wales. Recommendations are likely to include the setting up of a new supervisory board responsible for the registration of all tips, their classification and agreeing tip management plans. This will provide a consistent approach to tips inspection and maintenance across Wales.

The Scrutiny Committee were referred to the considerable amount of work in regards to coal tip safety in recent years, with the second tranche of works undertaken during 2021/22 concentrating on major maintenance works, in particular sites at Bedwas, Pontllytyn, Aberbargoed, Abertysswg and Penallta. The site at Bedwas required the largest investment where the quarry pond was dredged, and the hillside drainage re-established through the construction of a series of new channels and carrier pipes. In total the predicted spend on tips maintenance for the 2021/22 financial year is just over £1m.

A programme of maintenance works was implemented for the financial year 2020/21 and 2021/22 using grant funding made available by Welsh Government. The first tranche of works undertaken in this 2020/21 period focussed on quick wins, and mainly dealt with drainage maintenance and focussed on clearing blocked or overgrown drainage channels. The extra funding supported the use of inspector engineers from the Engineering Projects Group to ensure the highest level of technical specialism was in place and allowed sufficient time to be allocated to achieve the CCBC inspection programme in full. The funding also allowed progress on the backlog of maintenance works required for many of the tip sites.

In summary, the Scrutiny Committee were advised that the report demonstrates the progress that has been undertaken on the Coal Tip inspection regime to date, and also offers a further and clear movement of travel as the Council heads in the right direction ahead of further legislation expected later this year.

Marcus Lloyd (Head Of Infrastructure) added that there are currently no issues with any of the tips across the county borough, and gave assurances that the inspection regimes in place are robust and all tip sites are currently safe and secure.

A Member expressed his thanks for the comprehensive overview and sought further information and assurances around the process for accessing private sites where a tip may be in imminent danger of collapse or require remedial work. Mr Lloyd explained that although it is recognised that there are concerns around proactive inspection and access to private sites, the Council have been working closely with Welsh Government and the Coal Authority in this regard, and the Coal Authority have inspected all Category 'C' and 'D' tips in private ownership and established that there are no imminent concerns. Mr Lloyd highlighted that there is one tip requiring further investigation, but however there is no immediate danger from this site, and it is not located near to properties or any locations that would cause concern. Members were advised that the new legislation from the Law Commission will initiate this proactive inspection regime and provide a consistent approach across Wales in regards to the inspection process moving forward.

A Member enquired as to the Council's relationship with private tip owners and whether sites would invite the Council to carry out inspections if they had any concerns. Mr Lloyd confirmed that engagement with private sites has improved in recent months and there have been no major issues encountered when access is requested by the Council. He added that the Council have already been approached by one private tip owner to enquire about accessing funding to undertake maintenance works.

A Member referred to the Council's use of drones for 3D topographical surveys and asked if there is any legislation in place to permit the use of these drones to monitor tips on private land. Mr Lloyd explained that this is in the very early stages and would be a matter for the Council to seek advice on and examine in further detail to see if this technology could be utilised as part of the new legislation.

The Cabinet Member for Infrastructure and Property emphasised that the new legislation would hopefully remove the two-tier system currently in place where a private tip has less of an inspection regime than a local authority-owned site, and he was confident that progress is being made by the Council in the right direction.

A Member referred to a number of tips in his ward and asked if there was sufficient vehicular access to these rural sites in the event of an emergency, and also asked who would be responsible for maintaining this access. Mr Lloyd confirmed that this is the responsibility of the Council across local authority-owned tips and the responsibility of the site owner for private tips. However, he added that the Council have a contractor available to attend to tip emergencies and it is the same contractor that the Coal Authority utilise across South Wales, so if there is an instance where the Council needs to attend a tip area situated in a difficult location, they can be assured that the contractor has the sufficient experience and equipment available to be able to undertake this work.

Following consideration of the report, it was moved and seconded that the following recommendations be endorsed by the Scrutiny Committee and forwarded to Cabinet for approval. By way of Microsoft Forms (and in noting there were 11 for, 0 against and 0 abstentions) this was unanimously agreed.

RECOMMENDED to Cabinet that:-

- (i) The use of Caerphilly's policy and procedures for managing tip inspections and maintenance programme, which was originally supported by the Regeneration and Environment Scrutiny Committee on 2-4-2013, be continued;
- (ii) Collaborative working with Welsh Government and the Coal Authority be continued;



- (iii) The exploration of options for addressing maintenance requirements for privately owned spoil tips be continued.

### **CHAIR'S ANNOUNCEMENT**

Before concluding the meeting, Councillor D.T. Davies (Chair) highlighted that this was the last Scrutiny Committee meeting of the current electoral term, and placed on record his thanks to Councillor A. Hussey (Vice-Chair) and Scrutiny Committee Members for their contributions and the support they had given to him as Chair. The Chair expressed particular thanks to Democratic Services staff for their invaluable support, advice, and teamwork, and also thanked all those Officers who had contributed towards to the Scrutiny Committee meetings.

The meeting closed at 5.54 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 28th June 2022.

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CHAIR

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## ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE – 28TH JUNE 2022

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

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

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### 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 22<sup>nd</sup> March 2022. The work programme outlines the reports planned for the period June 2022 to March 2023.
- 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 20th June 2022. 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 jacqu@carphilly.gov.uk

Consultees: Mark S. Williams, Corporate Director for Economy and Environment  
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				APPENDIX 1
Date	Title	Key Issues	Author	Cabinet Member
28/06/22 17:30	Public Protection Annual Report - reporting on enforcement activity and CCTV related matters		Hartshorn, Robert;	Cllr. Leonard, Philippa;
28/06/22 17:30	Registrars (Ceremony) Fees.		Hartshorn, Robert;	Cllr. George, Nigel;
28/06/22 17:30	Notice of Motion – Shopping Trolley Fines		Cllr. Dix, Nigel;	Cllr. Morgan, Chris;
28/07/22 17:30	Car Parking Charges.		Forbes-Thompson, Cath;	Cllr. Simmonds, Julian;
20/09/22 17:30	Parking for Resident Permit Holders		Lloyd, Marcus;	Cllr. Simmonds, Julian;
20/09/22 17:30	Information Item - Highway Maintenance Budget Apportionment.		Lloyd, Marcus;	Cllr. Simmonds, Julian;
25/10/22 17:30	Green Infrastructure Strategy Progress Report		Hartshorn, Robert;	Cllr. Pritchard, Jamie;
06/12/22 17:30	Waste Strategy		Lloyd, Marcus;	Cllr. Morgan, Chris;
07/02/23 17:30				
21/03/23 17:30				

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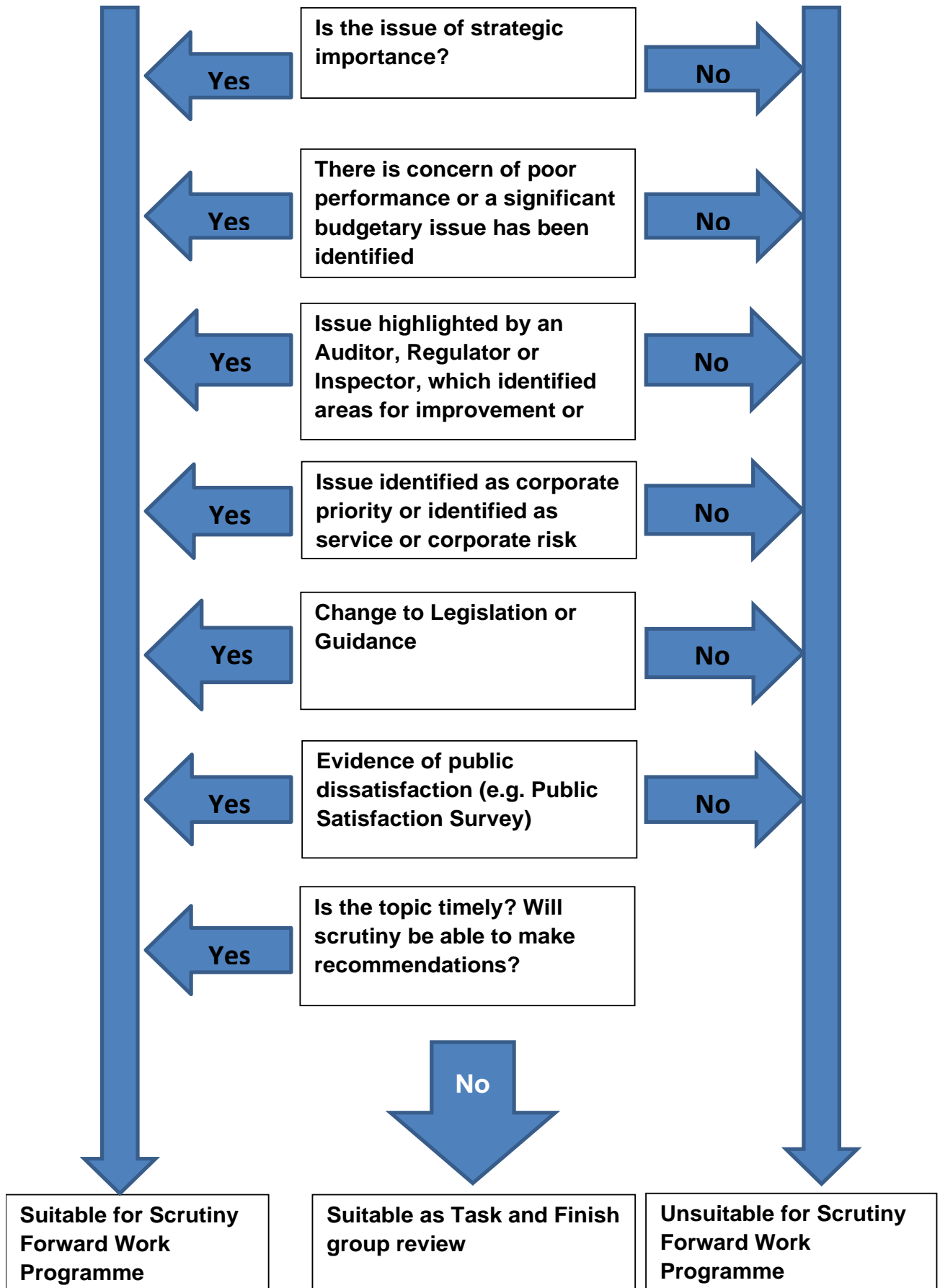
29/06/2022 13:00	Caerphilly County Borough Council Round 2 Levelling Up Fund Submissions	To outline the opportunities and constraints for the Council presented by this new round of Levelling Up funding and seek endorsement for the submission of two constituency projects and one Transport project under this new funding programme by the deadline of the 6th July 2022.	Williams, Mark S;	Cllr. Pritchard, James;
29/06/2022 13:00	Shared Prosperity fund	To update Cabinet on the UK Government Shared Prosperity Fund as part of the UK Government's Levelling Up programme and seek agreement for Rhondda Cynon Taff County Borough Council (RCT) to act as Lead Local Authority for the UK SPF for the Cardiff Capital Region and submit the CCR Investment Plan to the UK Government by the submission deadline of 1st August 2022.	Kyte, Rhian;	Cllr. Pritchard, James;
29/06/2022 13:00	Plateau 4 Oakdale - Draft Heads of Terms	To seek Cabinet approval to agree to the sale of the remaining undeveloped land at Oakdale Business Park Plateau 4 to facilitate the relocation of an existing company to the site to accommodate their growth and expansion plans and retain highly skilled and well paid jobs in the county borough.	Kyte, Rhian;	Cllr. Pritchard, James/Cllr. George, Nigel;
29/06/2022 13:00	Regeneration Project Board - Project Proposals	To consider the allocation of £60,000 of the Non-Community Council Community Infrastructure Levy funding for the Penmaen Ward to the Engineering Projects Group to implement a car park extension at Oakdale Sports Pavilion.	Kyte, Rhian;	Cllr. Pritchard, James;

13/07/2022 13:00	Registrars (Ceremony) Fees	To consider proposed increases to locally set statutory ceremony fees in the Registration Service for 2022/23 on a cost recovery basis.	Hartshorn, Robert;	Cllr. Leonard, Phillipa;
13/07/2022 13:00	Compliance with the minimum energy efficiency standards fixed penalty notice proposal	For Cabinet to agree and adopt an Enforcement Protocol as the Council's approach to dealing with identified non-compliances with the MEES Regulations, including the use of Compliance Notices and Penalty Notices where appropriate. The Protocol will improve the energy efficiency of private rented sector housing whilst ensuring landlords comply with their legal obligation under the MEES regulation.	Taylor-Williams, Nick;	Cllr. Cook, Shayne;
13/07/2022 13:00	The Implementation of Renting Homes Wales Act – Contracts	To update Cabinet on the Renting Homes (Wales) Act 2016 which is new legislation the provisions of which affect all rented homes in Wales. The Act gives greater clarity on the rights and responsibilities of both public and private sector tenants and landlords through written contracts.	Taylor-Williams, Nick;	Cllr. Cook, Shayne;
13/07/2022 13:00	The Gypsy and Traveller Accommodation Assessment (decision)	Local Authorities in discharging their duties under Part 3 of the Housing (Wales) Act 2014 are required to produce a Gypsy and Traveller Accommodation Assessment and to make provision for sites where the assessment identifies an unmet need for accommodation / mobile home pitches The report will outline the findings of the GTAA that was undertaken during the latter part of 2021/22 before it is submitted to Welsh Government.	Roberts-Waite, Jane;	Cllr. Cook, Shayne;

13/07/2022 13:00	Rent Policy Report	To offer recommendations to Cabinet for reviewing the current rent policy to reflect an appropriate affordability model (to evidence to WG that our rents are affordable to tenants).	Taylor-Williams, Nick/Evans-McLean, Rhian;	Cllr. Cook, Shayne;
27/07/2022 13:00	2021/22 Provisional Outturn Report	To provide Cabinet with details of the provisional revenue budget outturn for the 2021/22 financial year prior to the annual external audit of the accounts by Audit Wales.	Harris, Stephen R;	Cllr. Stenner, Eluned;
27/07/2022 13:00	Shared Ambitions Strategy 2019 – 2022.	To provide Cabinet with an update on the Shared Ambitions Strategy 2019-2022. As part of the Council's self-evaluation, a review of the impact of the Shared Ambitions Strategy has been completed. Recommendations are included in the new Strategy to be launched in September 2022.	Cole, Ceri;	Cllr. Andrews, Carol;
27/07/2022 13:00	Childcare Sufficiency Assessment	Childcare Sufficiency Assessment 2022-2027 and subsequent action plan has been completed and now needs consultation and approval to submit final report to WG.	Mutch, Sarah;	Cllr. Andrews, Carol;
27/07/2022 13:00	Proposed construction of a multi-purpose Cadet and Sports Pavilion at Morgan Jones Park, Caerphilly	To seek the views of Cabinet in relation to a joint project with the Ministry of Defence (MOD) to construct a multi-functional cadet and sports pavilion at Morgan Jones Park, Caerphilly and to seek capital funding.	Headington, Mike;	Cllr. Morgan, Chris;

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**Scrutiny Committee Forward Work Programme Prioritisation**



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## ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE – 28TH JUNE 2022

**SUBJECT:** NOTICE OF MOTION – ADOPT SECTION 99 OF THE ENVIRONMENTAL PROTECTION ACT 1990

**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 Councillor N. Dix and is supported by Councillors A. Farina-Childs, K. Etheridge, B. Owen and J. Jones
- 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 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

In his Notice of Motion Councillor Dix asks Council to: -

Adopt Section 99 of the Environmental Protection Act 1990, which will give Council greater powers to deal with supermarket trollies being left on our streets, polluting our rivers and green spaces.

The Motion also asks Council to note that the current arrangement is failing, trollies are not being collected, the current system is not monitored, and no one had overall responsibility to ensure that trollies are collected and this needs to be addressed to protect our local environment.

- 5.2 Photographic examples are attached as appendices to this report in support of the notice of motion.
- 5.3 Officer's will verbally update the Environment and Sustainability Scrutiny Committee on their comments in relation to Section 99 of the Environmental Protection Act 1990 at the meeting.

## **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 as a notice of motion is a procedural matter and has met the criteria as set out in the Council's Constitution.

## **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.

Appendix 2 Photograph Examples

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**NOTICE OF MOTION – ADOPT SECTION 99 OF THE ENVIRONMENTAL PROTECTION  
ACT 1990**

To consider the undersigned Notice of Motion standing in the name of County Borough  
Councillor N. Dix and supported by the Members listed.

The Motion asks Council to: -

Adopt Section 99 of the Environmental Protection Act 1990, which will give Council greater  
Powers to deal with supermarket trollies being left on our streets, polluting our rivers and  
green spaces.

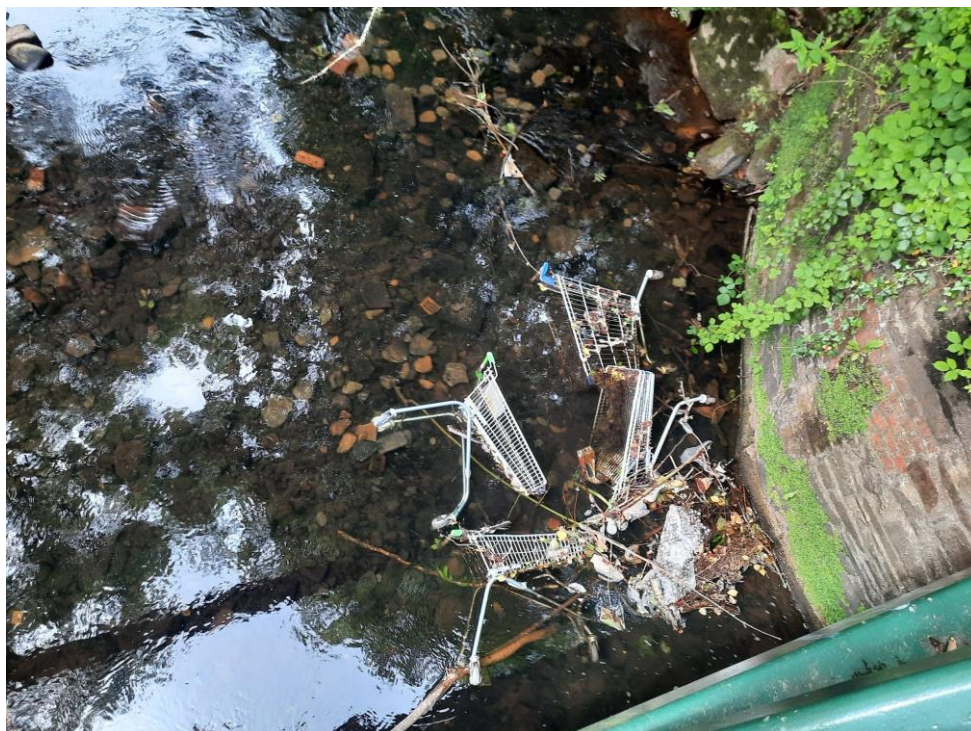
The Motion also asks Council to note that the current arrangement is failing, trollies are not  
being collected, the current system is not monitored, and no one had overall responsibility to  
ensure that trollies are collected and this needs to be addressed to protect our local  
environment.

A large black rectangular redaction box covering the signature area.

Signed: Councillor N. Dix

Supported by: Councillors A. Farina-Childs, K. Etheridge, J. Jones, B. Owen

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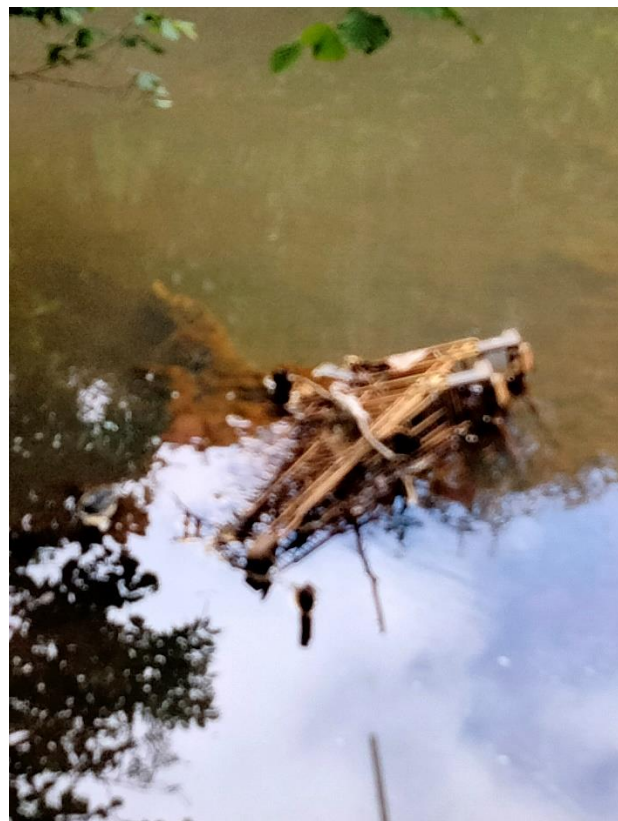




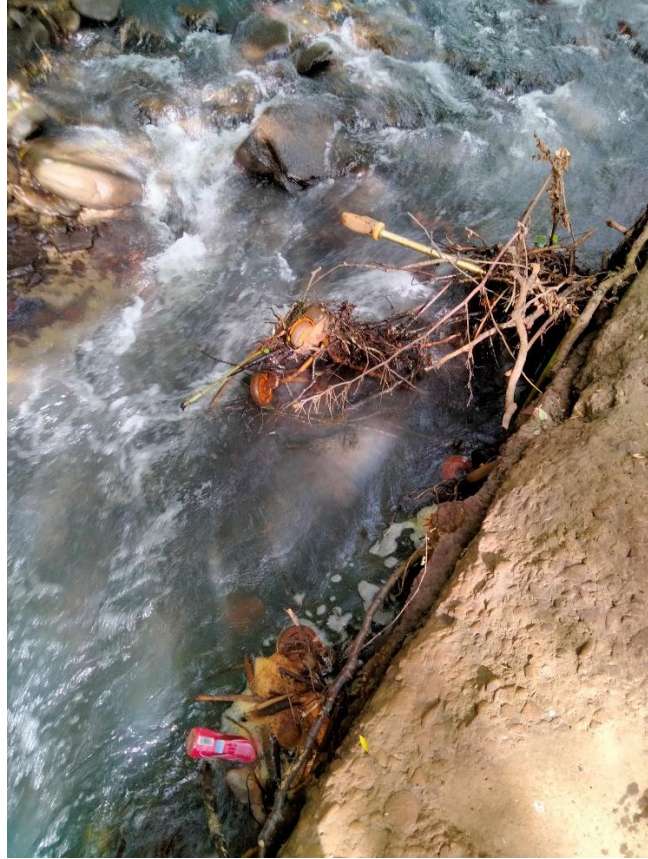
















## **ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE – 28TH JUNE 2022**

**SUBJECT: MARRIAGE AND CIVIL PARTNERSHIP FEES – REGISTRATION SERVICE**

**REPORT BY: CORPORATE DIRECTOR FOR ECONOMY AND ENVIRONMENT**

### **1. PURPOSE OF REPORT**

- 1.1 To seek the views of the Scrutiny Committee prior to a further report to Cabinet in relation to proposed increases to the fees charged for the administering of wedding and civil partnership ceremonies by the Registration Service.

### **2. SUMMARY**

Ceremony fees are set on a cost recovery basis and have not been reviewed since 2019/20. A recent assessment of the cost of providing the service indicated a need to increase fees and proposals are presented within the report. It is also proposed that in future ceremony fees are routinely reviewed every 2 years, or sooner should there be a significant change in circumstances, to ensure that a reasonable level of costs are recovered.

### **3. RECOMMENDATIONS**

- 3.1 That members of the Scrutiny Committee provide views on the proposed increase in ceremony fees and the proposal that ceremony fees be reviewed routinely every 2 years prior to consideration by Cabinet on the 13<sup>th</sup> July 2022.

### **4. REASONS FOR THE RECOMMENDATIONS**

- 4.1 To recover a reasonable level of costs incurred in administering wedding and civil partnership ceremonies by the Registration Service.

### **5. THE REPORT**

- 5.1 Marriage and Civil Partnership fees are set nationally at £46 where a “commissioned” ceremony room is used. Every local authority has to offer a ceremony in a statutory

room at this fee. However, this national fee does not cover the costs of the statutory attendance levels of Registration Officers. Consequently many Registration Services, including Caerphilly, also offer ceremonies in de-commissioned rooms where the chargeable fees are discretionary. Craig Penallta is Caerphilly's de-commissioned ceremony room. Additionally where marriage and civil partnerships are conducted at approved premises across the county borough the chargeable fee is again discretionary.

- 5.2 Ceremony fees have not been reviewed since 2019/20. The Authority compares its fees with the cost of providing the service and with those charged by other authorities in Wales. Analysis indicates that the Registration Service is not recovering the whole cost incurred in providing the service. It is therefore proposed that fees for 2022/23 are set as per the table below.

#### **Craig Penallta**

	<b>Current Fees</b>	<b>Proposed Fees</b>	<b>Increase</b>	<b>Percentage</b>
Mon – Friday	£221	£228	£7	3.2%
Saturday	£300	£320	£20	6.6%
Sunday/BH	£300	£320	£20	6.6%

#### **Approved Premises**

	<b>Current Fees</b>	<b>Proposed Fees</b>	<b>Increase</b>	<b>Percentage</b>
Mon – Friday	£286	£297	£11	3.8%
Saturday	£410	£435	£25	6.1%
Sunday/BH	£410	£435	£25	6.1%

- 5.3 As the Authority takes provisional bookings for ceremonies up to three years in advance it is currently not possible to inform couples at the time of booking what the actual fee for a future ceremony will be. Couples are told the current fee, that it is subject to change, and that exact fee information will be confirmed in writing nearer to the time.
- 5.4 Some Registration Districts in Wales have different pricing structures depending on the day of the week, size of the room, number of guests attending etc. so it is not always possible to make direct comparisons or collate the average fee. The table below summarises the highest and lowest fees charged across Wales and those proposed for CCBC. The table indicates that CCBC fees even with the proposed increases are very reasonable and in the lower levels of fees charged.

## 5.5 All Wales Ceremony Fee Comparison

### Decommissioned Room

<b>Monday – Friday</b>	Lowest	£136
	Highest	£495
	<b>CCBC Proposed</b>	<b>£228</b>
<b>Saturday</b>	Lowest	£148
	Highest	£495
	<b>CCBC Proposed</b>	<b>£320</b>
<b>Sunday</b>	Lowest	£214
	Highest	£550
	<b>CCBC Proposed</b>	<b>£320</b>
<b>Bank Holiday</b>	Lowest	£300
	Highest	£697
	<b>CCBC Proposed</b>	<b>£320</b>

### Approved Premises

<b>Monday – Friday</b>	Lowest	£297
	Highest	£524
	<b>CCBC Proposed</b>	<b>£297</b>
<b>Saturday</b>	Lowest	£376
	Highest	£595
	<b>CCBC Proposed</b>	<b>£435</b>
<b>Sunday</b>	Lowest	£410
	Highest	£756
	<b>CCBC Proposed</b>	<b>£435</b>
<b>Bank Holiday</b>	Lowest	£410
	Highest	£765
	<b>CCBC Proposed</b>	<b>£435</b>

## 5.6 Conclusion

Ceremony fees are determined on a cost recovery basis and current fees do not meet the cost of delivering the service. Fees have not been increased since 2019/20 and any delay in implementing an increase now will lead to higher increases in future years. The proposed increases are modest and still leave the authority reasonable

and competitively priced when compared with other districts. It is also proposed that in future ceremony fees are routinely reviewed every 2 years, or sooner should there be a significant change in circumstances, to ensure that a reasonable level of costs are recovered.

## **6. ASSUMPTIONS**

6.1 No assumptions have been made within this report.

## **7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT**

7.1 The Integrated Impact Assessment (IIA) has identified mainly neutral impacts as the proposed fee increases apply equally to everyone. Ceremony fees are overdue for a review, any further delays in increasing fees will lead to higher increases in future years. The proposed increases are based on cost recovery and are reasonable when compared with other Welsh Districts. Not increasing fees leads to a higher burden on CCBC rate payers. The link to the IIA is detailed below.

**[Link to Integrated Impact Assessment](#)**

## **8. FINANCIAL IMPLICATIONS**

8.1 If the proposed increases are implemented it is estimated that there will be an increased income of £6,900 per annum based on current ceremony numbers. Fees are determined on a cost recovery basis and current fees do not meet the cost of delivering the service. Fees have not been increased since 2019/20 and any delay in implementing an increase now will lead to higher increases in future years. It is also proposed that in future ceremony fees are routinely reviewed every 2 years, or sooner should there be a significant change in circumstances, to ensure that a reasonable level of costs are recovered.

## **9. PERSONNEL IMPLICATIONS**

9.1 There are no personnel implications associated with this report.

## **10. CONSULTATIONS**

10.1 The views of the listed consultees have been reflected within this report.

## **11. STATUTORY POWER**

11.1 Local Government Act 2000.

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Consultees: Councillor Philippa Leonard, Cabinet Member for Planning & Public Protection



Councillor D.T Davies, Chair Environment & Sustainability Scrutiny  
Councillor Adrian Hussey, Vice Chair Environment & Sustainability  
Scrutiny  
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Donovl@caerphilly.gov.uk  
David Roberts, Interim Finance Manager  
Roberda@caerphilly.gov.uk  
Della Mahony, Superintendent Registrar  
Mahond@caerphilly.gov.uk

Background Papers: None

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## ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE – 28TH JUNE 2022

**SUBJECT: PUBLIC PROTECTION ENFORCEMENT, CONSUMER  
ADVICE, AND COVID-19 RESPONSE 2021/22**

**REPORT BY: CORPORATE DIRECTOR, ECONOMY AND 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 2021/22.

- 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. However, during this reporting period resources were diverted away from such activity to respond to the demands of the pandemic and it was not possible or safe to carry out test purchase activity.
- 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 2021/22.
- 2.5 The report provides information to Members regarding the diverse range of enforcement activities delivered by Environmental Health, Community Safety and Trading Standards Teams; to protect the public and the environment.
- 2.6 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. As in the previous year, the reduction in activity in the tables in Appendix 1 for 2021/22 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 2021/22 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 published on the Council website.
- 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.
- 5.4 The information in Appendix 1 provides a broad picture of the range and number of formal enforcement actions initiated during 2021/22, 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 170+ cameras covering 28 town and village centres. Cameras in Blackwood, Caerphilly and Bargoed town centres monitor the highest number of incidents, followed by Rhymney, Risca, Newbridge and Ystrad Mynach 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 399 warnings were given for out of hours access to Council depots, Amenity sites and schools, in some cases police response was required. 10 calls were received from the Storennet system to deal with suspected shoplifters though it should be noted that the system has only recently been updated and operational. Police asked for assistance in monitoring 68 threats of suicide. Numbers reduced significantly in the last two years 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 Public Protection is 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 2021/22, Public Protection did not obtain any RIPA Authorisations mainly due to reduced activities due to Covid 19 impacts, in particular underage sales operations as detailed in 5.9 below.

## **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 2021/2022 the Trading Standards Service received a total of 48 complaints, 28 in relation to alcohol, 5 relating to tobacco and 15 relating to vaping products.

5.9.2 During 2021/22 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. Resuming test purchase activities is a priority for 22/23.

## **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 2021/2022 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 During the year 8.5 Kg of illegal Hand Rolling Tobacco and 215,000 illegal cigarettes were seized from 5 premises in Caerphilly and a number of individuals are currently being investigated for various offences relating to the distribution of illegal tobacco products. The street value of the product seized was over £60,000 and represented a loss in tax revenue of £80,000.

### 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.

- 5.11.1 The table below gives the top 10 products/services and the monetary value involved that were complained about during 2021/2022: The top 10 shows marked differences from previous years, along with some consistency. Home Improvement complaints have increased dramatically, along with complaints about pubs and Inns and animals. This increase is undoubtedly as a direct result of the Covid 19 pandemic, which has encouraged rogue builders especially to be more active, along with an increase in illegal dog breeders. Used vehicles remain a significant problem, along with vehicle repairs. These trends are reflected throughout the UK.

	<b>Product/Service</b>	<b>Number</b>	<b>% of Total</b>	<b>Value (£)</b>
<b>1</b>	Home maintenance and improvements	250	13.1	1,256,031
<b>2</b>	Used vehicles	217	11.4	1,046,257
<b>3</b>	Animals and pets (including farm animals)	112	5.8	8,500
<b>4</b>	Pubs and Inns	69	3.6	0
<b>5</b>	Motor vehicle repairs and servicing	51	2.7	22,315
<b>6</b>	Alcoholic drinks	41	2.2	50
<b>7</b>	Gardening products and services	31	1.6	161,575
<b>8</b>	Upholstered furniture	27	1.4	31,069
<b>9</b>	Prepared food	24	1.3	49
<b>10</b>	Non- Upholstered furniture	20	1.1	21,005

- 5.11.2 The total value of all goods and services dealt with by the Council's advice service for the financial year was £3,527,016 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 £20,037,991.

- 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 the past two years Public Protection officers responded to the ever changing 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. Such support has helped to keep essential services operating and the food and other critical supply chains running. The EHOs have worked in collaboration with the Test Trace and Protect (TTP) Team, providing TTP with advice in relation to more challenging cases and difficult situations. Importantly, Public Protection played an invaluable role in the "Team Caerphilly" collaborative approach in responding to the pandemic.

Considerable input was provided to the safe operation of school hubs, that were provided for the children of various key workers during the various lockdowns and school closures; thus, allowing key workers e.g., in the blue light services plus nurses and doctors etc. to work in the NHS. Additionally, EHOs have provided advice to our collective services that have tackled food insecurity throughout the pandemic, via the operation of food banks etc.; delivery of food, medicines, and care packages to vulnerable residents, particularly those that needed to shield and the delivery of free school meals. Public Protection staff also assisted with the distribution and delivery of free school meals.

The service 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. Particular attention was afforded to protecting the pupils and staff at Trinity Fields School and their satellite units. Advice to business and the public has been provided throughout, to protect the health safety and welfare of all involved.

The Enviro-crime Enforcement Officers, assisted with visits to individuals that tested positive for Covid 19, however were not responding to attempted contacts from the TTP team. The visits were designed to primarily check on their welfare and to also check that they were at home isolating as required. Such visits were also conducted to returning travellers from abroad, to check on isolation requirements, to reduce the risk of introducing a new variant to the UK.

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 includes representatives from Environmental Health, Social Services, Public Health Wales, Aneurin Bevan University Health Board, Gwent Police, and other co-opted members as required e.g., Education and the Test Trace and Protect team. The CCBC IMT is Chaired by the Environmental Health Manager; the 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, supermarkets, factories, 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. The service has continued to support business with advice in complex circumstances as we have had some many 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 900 complaints about compliance with the Regulations, and proactively monitored premises on a regular basis, carrying out almost 6000 visits and proactively advising over 2000 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 were 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 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 Community Safety Wardens (CSWs) have continued to conduct joint patrols with Gwent Police and partners to manage anti-social behaviour in communities. A total of 378 people were 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 378 warning letters, 34 Acceptable Behaviour Contracts being signed and five individuals receiving a Civil Injunction at court.
- 5.12.5 A table in Appendix one details the number of Improvement, Closure, Prohibition and Fixed Penalty Notices issued during the year. As can also be seen in Appendix one, Enviro-crime Enforcement is another area that has been impacted during the pandemic. We know however that this remains a priority for our communities with the results of the Caerphilly Conversation published in 2021 reflecting lower levels of satisfaction with street and environmental cleansing and with respondents identifying littering, dog fouling, and fly tipping as factors.
- 5.12.6 Since the recent relaxation of restrictions, officers have begun the process of transitioning back to core work. However, they face an enormous backlog of work, particularly associated with food safety and standards inspections. Additionally, it is noted that several recent inspections and interventions have taken longer than normal, as the operating standards in some premises have unfortunately declined throughout the pandemic.

## **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 past two years 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. In recognition of the pressures and demands across the Public Protection service Council approved budgetary growth for 15 additional posts in 2022/3 including Environmental Health Officers, Enforcement Officers, Fair Trading Officers, and Community Safety Wardens.

## **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 Philippa Leonard, Cabinet Member for Planning & Public Protection  
Councillor D.T Davies, Chair of Environment & Sustainability Scrutiny Committee  
Councillor Adrian Hussey, Vice Chair of Environment & Sustainability Scrutiny Committee  
Mark S. Williams, Corporate Director, Economy & Environment  
Christina Harrhy, Chief Executive  
Jacqui Morgan, Trading Standards, Licensing & Registrars Manager

Ceri Edwards, Environmental Health Manager  
Rob Tranter, Head of Legal Services and Monitoring Officer  
Steve, Harris, Head of Financial Services & Section 151 Officer  
Lynne Donovan, Head of People Services

Background Papers: [Link to Public Protection Enforcement Policy](#)

Appendices:

Appendix 1 Public Protection Enforcement Activity 2019-22

## Appendix 1 – Public Protection Enforcement Activity 2019-22

### Trading Standards and Licensing Legislation

Type of Enforcement Activity	19/20	20/21	21/22
Significant breaches identified during inspection	238 (96%) rectified	39 (95%) rectified	87(87%)
Simple Cautions	8	NIL	13
Prosecutions	20	NIL(due to covid-8 cases in system, not yet heard)	12
Penalty Notices for Disorder (PND) underage sales of alcohol.	2	0	0
Fixed Penalty Notices (FPN) Section 6 of the Health Act 2006(Smoking ban)	0	0	0

### Environmental Health Food Safety Legislation

Type of Enforcement Activity	19/20	20/21	21/22
Written Warnings/Advice	860	38	175
Revisits	245	22	61
Improvement Notices	18	0	4
Remedial Action Notices	0	0	1
Prosecutions	1	0	1
Voluntary Closure	4	0	1
Hygiene Emergency Prohibition	0	0	0
Seizure/Surrender	0	0	0
Simple Cautions	1	0	0
Food Hygiene Rating Scheme FPN	7	2	0

### Environmental Health - Health and Safety Legislation

Type of Enforcement Activity	19/20	20/21	21/22
Written Warnings/Advice	102	2	27
Revisits	34	2	5
Improvement Notices	23	0	2
Prohibition Notices	1	0	0
Simple Cautions	0	0	0
Prosecutions	0	0	0

### Environmental and Nuisance Legislation

Type of Enforcement Activity	19/20	20/21	21/22
Warnings for dog fouling	8	0	3
Warnings for litter	3	0	4
Fixed Penalties for Dog Fouling	11	4	1
Fixed Penalties for Litter	77	14	15
Prosecutions for Littering	3	0	0
Prosecutions for Dog Fouling	1	2	0
EPA 1990 – Noise Abatement Notices	7	0	6
EPA 1990 – Statutory Nuisance Notices	14	8	31
Confiscation of noise making equipment	0	0	0
Prosecutions for Statutory Nuisance (Noise)	0	0	0
Stray Dogs Impounded	157	92	25
Prosecutions for Fly tipping	3	0	14
Cautions for Fly Tipping	0	0	0

## Community Safety

Type of Enforcement Activity	19/20	20/21	21/22
<b>Public Open Space CCTV</b>			
Total no. of incidents monitored/dealt with by CCBC CCTV service	3177 Including requests detailed below	1907 Including requests detailed below	2396 Including requests detailed below
Evidence recorded and provided to Gwent Police	608 DVDs burnt for evidential purposes	457 DVDs burnt for evidential purposes	481 DVDs burnt for evidential purposes
Requests for monitoring from Gwent Police	823	603	790
<b>Community Safety Wardens and Community Safety Team</b>			
Words of Advice given (acting contrary to acceptable standards of behaviour)	219	1348	4782
Referrals by Community Safety Wardens into 4 Strike Anti-Social Behaviour process	13	6	16
Verbal Warnings (Name and address, date of birth taken)	11	5	74
Items of Alcohol Confiscated	47	1	98
Issues identified and referred to other departments	214	90	426
Total hours of deployment	5,784	3,846	9,449
Fixed Penalty Notices Issued	9	2	5
Number of Anti-Social Behaviour warning letters sent out	401	227	378
Number of Acceptable Behaviour Contracts (ABC's) signed	16	6	34
Number of Civil Injunctions granted at court	4	1	5

<b>Type of Enforcement Activity</b>	<b>20/21</b>	<b>21/22</b>
<b>Covid 19</b>		
Complaints responded to	3864	928
Number of inspections	7037	5992
Improvement notices issued	34	7
Closure notices issued	4	1
Fixed penalty notices	8	0
Prohibition notices	3	0
Prosecutions	0	1
Warden patrols with Gwent Police of country parks and beauty spots	160 hours	N/A

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