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For all enquiries relating to this agenda please contact Andrea Jones
(Tel: 01443 864221 Email: jonesa23@caerphilly.gov.uk)

Date: 7th June 2023

To Whom It May Concern,

A multi-locational meeting of the **Environment and Sustainability Scrutiny Committee** will be held in Penallta House, and via Microsoft Teams on **Tuesday, 13th June, 2023 at 5.30 pm** to consider the matters contained in the following agenda. Councillors and the public wishing to speak on any item can do so by making a request to the Chair. You are also welcome to use Welsh at the meeting, both these requests require a minimum notice period of 3 working days. A simultaneous translation will be provided on request.

Members of the public or Press may attend in person at Penallta House or may view the meeting live via the following link: <https://civico.net/caerphilly>

This meeting will be live-streamed and a recording made available to view via the Council's website, except for discussions involving confidential or exempt items. Therefore the images/audio of those individuals speaking will be publicly available to all via the recording on the [Council's website](#).

Yours faithfully,

Christina Harrhy
CHIEF EXECUTIVE

A G E N D A

Pages

- 1 To receive apologies for absence.

A greener place Man gwyddach



2 Declarations of Interest.

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

To approve and sign the following minutes: -

3 Environment and Sustainability Scrutiny Committee held on 2nd May 2023. 1 - 6

4 Consideration of any matter referred to this Committee in accordance with the call-in procedure.

5 Environment and Sustainability Scrutiny Committee Forward Work Programme. 7 - 20

To receive and consider the following Scrutiny report: -

6 Public Protection Enforcement Annual Report 2022/23. 21 - 32

Circulation:

Councillors M.A. Adams, R. Chapman, C.J. Cuss, D.T. Davies (Chair), N. Dix, C. Elsbury, M. Evans, A. Gair, A. Hussey (Vice Chair), S. Kent, A. Leonard, D.W.R. Preece, H. Pritchard, J.E. Roberts, S. Williams and C. Wright

And Appropriate Officers

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ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE

MINUTES OF THE MULTI-LOCATIONAL MEETING HELD IN PENALLTA HOUSE AND VIA MICROSOFT TEAMS ON TUESDAY, 2ND MAY 2023 AT 5.30 P.M.

PRESENT:

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

Councillors:

M. Adams, R. Chapman, C.J. Cuss, N. Dix, C. Elsbury, M. Evans, S Kent, A. Leonard,
D.W.R. Preece, H. Pritchard, J.E. Roberts, S. Williams, C Wright

Cabinet Members:

Councillors: P. Leonard (Planning and Public Protection) J. Pritchard (Prosperity,
Regeneration and Climate Change), C. Morgan (Waste, Leisure and Green spaces)

Also in attendance: Cllr J. Jones, J. Reed and Reverend P Cawthorne

Together with:

M.S. Williams (Corporate Director for Economy and Environment), R Hartshorn (Head of
Public Protection Community and Leisure Services), C Edwards (Environmental Health
Manager), M. Godfrey (Team Leader – Pollution Control and Emergency Planning and
Resilience), B Winstanley (Head of Land and Property Services) P Cooke (Transformation
Manager (Lead) – Decarbonisation), M. Jacques (Scrutiny Officer), A Jones (Committee
Services Officer)

RECORDING, FILMING AND VOTING ARRANGEMENTS

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

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A. Gair.

2. DECLARATIONS OF INTEREST

Cllr Adams declared a personal declaration of interest on agenda item 7 as he worked at
South Wales Switchgear during this time.

3. MINUTES – 21ST MARCH 2023

It was moved and seconded that the minutes of the meeting held on 21st March 2023 be

approved as a correct record and by way of Microsoft Forms and verbal confirmation (and in noting there were 14 for, 0 against and 0 abstention) this was unanimously agreed.

RESOLVED that the minutes of the Environment and Sustainability Scrutiny Committee held on 21st March 2023 (minute nos. 1 – 4) 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 March 2023 to May 2023.

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 the reports scheduled for forthcoming meetings.

It was moved and seconded that the report recommendation be approved. By way of Microsoft Forms and verbal confirmation (and in noting there were 15 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. NOTICE OF MOTION – TY LLWYD QUARRY, YNYSDDU

Before discussion commenced the meeting was adjourned for five minutes to allow the Chair to discuss the motion with its proposers, Councillors J. Jones and J. Reed.

Councillor J. Reed in support of the notice of motion, summarised the notice of motion and the reasons for it and explained that in the late 1960's chemical waste in steel containers was dumped in Ty Llwyd Quarry, Ynysddu, by local companies. Over the years strong smelling leachate from the waste, had leaked from the quarry onto the surrounding countryside and waterways.

The Scrutiny Committee was asked to note that consultants SKM and ALS (among others) investigations had shown the presence of dangerous industrial chemicals even 50 years

after they were dumped. The Scrutiny Committee further noted that soil rather than water samples had been taken at the site and analysed by Green Peace had shown serious levels of leachate contamination.

Councillor Reed explained that despite considerable work being undertaken including the recent introduction of an Aeration Chamber there had been no remediation to the outbreaks of leachate and questioned whether this method of managing leachate was fit for purpose as during heavy rainfall leachate still overflows into the Pantyffynnon Woodland and beyond, potentially into the two local Rivers namely the Sirhowy and Ebbw. Councillor Reed further advised that no current investigation has been carried out on the state of the containers carrying the dangerous waste material and as such the impact this was having on the local environment could not be known.

Councillor Reed expressed the concern that the site had still not been designated as contaminated land particularly due to the sites proximity to Pantyffynnon woodland, footpaths and walkways, and therefore, for safety reasons requested the landowners (CCBC) designate Ty Llwyd quarry and Pantyffynnon Woodland, Contaminated Land, as outlined under Part 2A of the Environmental Protection Act 1990.

With the permission of the Chair, Reverend Paul Cawthorne addressed the committee and referred to the deterioration of the barrels and the potential for serious PCB chemical contamination and explained the effects this would have on water courses and suggested that the best way for Caerphilly to respond to the contamination would be in supporting a public inquiry. Reverend Cawthorne explained that Ty Llwyd was particularly vulnerable due to its topography and the possible impact that this particular mix of chemicals apparent at the site could have on the local environment, particularly to aquatic life and he went on to outline the toxicity levels and agreed with Councillor Reed that the site should be designated as contaminated land.

Councillor J. Jones as joint proposer of the Notice of Motion addressed the Scrutiny Committee and explained the history of the site and the leachate movements. Reference was made to the companies that used the site for dumping and reports from consultants SKM, Stanger and Arcadis were also referenced, and asked the Committee to note that since 2002 there had been no further reports in relation to the contamination or the current position of underground toxicity. Councillor Jones also referenced the Aeration Chamber and shared the view that this was doing little to prevent leachate movements and provides no barrier to the contaminated water flowing down the hillside towards the river.

This concluded the speakers on the Notice of Motion and full discussion ensued.

The Cabinet Member for Planning and Public Protection then addressed the Scrutiny Committee and outlined the efforts that had been made to engage with both Local Ward Members, Natural Resources Wales and Arcadis in relation to the quarry and had they attended the meeting that was organised, it would have provided much needed reassurance to them and the community of Ynysddu. The Cabinet Member confirmed that the door remains open to Councillor Reed and Councillor Jones to enter into an open dialogue with the Leadership and Officers of the Local Authority who would very much welcome a collaborative approach.

As a point of accuracy, the Corporate Director for Economy and Environment confirmed that Islwyn Borough Council did not come into being until 1974. Officers then provided points of correction, in terms of the surface water channel that runs down the side of the site, this accepts surface water that enters the drainage ditch at the top of the site before it moves through the waste mass, and it also accepts any surface water runoff from the farmers' fields above that is then culverted under the road and goes off down the mountain. The cap drainage (or pipes that protrude out of the site) these are situated above the cap-membrane and only discharge clean water, however, all that currently flows into the

leachate channel. The Officer confirmed that further works were being considered for the site and as part of these works, the Council were looking to reduce the amount of water entering the leachate system, and this would include removing the cap drainage, but in order to do this the Council firstly had to demonstrate to Natural Resources Wales that the water is clean and free from contamination. The Officer acknowledged the episode in January 2023 where the aeration chamber became overwhelmed. This was due to an extended period of wet weather which did cause some contaminated water to escape off site. Samples were taken at the point of where the water left the Council's site, and at that point, the concentration of contaminants were far less than where they entered the aeration chamber. The Scrutiny Committee were advised that the Council accept there are some nasty chemicals within this site. However, the Council must consider the site in context of a risk based approach as to how the site would affect public health and controlled waters. The January 2023 sample results were passed to colleagues in Public Health Wales and using a risk based approach, the sample results at that point were assessed as posing no significant risk to human health.

Further points of clarification were then given in relation to the woodland and designated footpaths. It was explained that as regulators, Officers had to consider the various pathways listed under the contaminated land legislation / statutory guidance and to prevent people coming into contact with any further leachate, the woodland had to be fenced off. The committee were advised that Officers would be considering additional works to prevent access to the site completely.

Officers provided reassurance that they were working very closely with Natural Resources Wales and were undertaking a range of sampling in and around the site including groundwater and surface water to assess any current risks the site may pose. The officer informed the committee that Natural Resources Wales were investigating the incident that occurred in January of this year but to date, the outcome of the investigation was unknown. Rev Paul Cawthorne referred to high levels of PCBs found in fish within the River Sirhowy, but the officer pointed out these results date back to 1996. These results are held by NRW and as they are the regulators for controlled waters, she could not comment further in this regard. However, the committee were advised of a public website called Water Watch Wales where the aquatic activity within the River Sirhowy was currently rated as Good for fish and high for invertebrates in the Ynysddu area meaning the aquatic life within the river was overall very healthy.

The Officer explained how the site was being considered in the context of Part 2A of the Environmental Protection Act 1990 and following a period of monitoring and sampling, a report would be compiled and would be publicly available.

Members expressed their concern in relation to PCBs and their impact on the environment and were concerned that the condition of the drums could only have deteriorated over time, and this must be looked at in sensible and measured way. Members also considered the role that Welsh Government needed to play on this issue.

Clarification was sought in relation to the companies who had allegedly dumped the chemical waste and how this could be verified. Officers confirmed that Purle Waste Disposal Services were the company running the quarry at the time, and although there were several companies listed within previous reports that used their services there is no evidence to suggest that all those companies listed disposed of toxic waste, many would have disposed of general waste which would have been legal at that time.

Members considered the response, and it was recommended that should the Council write to Welsh Government. No specific companies should be named, as it would not be fair or reasonable to do so without evidence what each company deposited.

Further clarification was sought in relation to the sampling programme and where this could

be accelerated, Officers confirmed that the timeframe quoted was due to the leachate breakouts being a seasonal issue. Given that the leachate is only a problem for a short period each year, sufficient sampling data would be required to inform the risk assessment process.

Having been fully considered it was moved and seconded that subject to an amendment to the motion (having first been agreed by the joint proposers of the motion) to read: -

In their notice of motion Councillor J. Jones and Councillor J. Reed, due to the concern of residents, call on the Council to write to the Welsh Government to support their request to the First Minister Mark Drakeford, for an Independent Public Inquiry **and to investigate and facilitate funding within the Environmental Protection Act Part Two A Second Part Process**, on the Ty Llwyd Quarry...

be approved and by way of Microsoft Forms and in noting there were 15 For, 0 Against and 0 Abstentions it was unanimously agreed that the Notice of Motion be supported.

RECOMMENDED to Council that the Notice of Motion be supported.

8. **UPDATE ON DECARBONISATION ACTION PLAN AND PROPOSED FUTURE APPROACH**

The Cabinet Member for Prosperity, Regeneration and Climate Change presented the report and there were 10 recommendations, The Cabinet Member referenced the 5 corporate commitments in the actions to take.

Members welcomed the report.

The Scrutiny Committee considered and noted the contents of the report.

The Chair wished to put on record his thanks to the Vice Chair Cllr Hussey for all his help and support and thanked Members and to the Democratic Services Staff for doing a fantastic job.

The meeting closed at 18:33pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 13th June 2023, they were signed by the Chair.

CHAIR

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ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE – 13TH JUNE 2023

**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 2nd May 2023. The work programme outlines the reports planned for the period June 2023 to March 2024.
- 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 22nd May 2023. 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 jacquem@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 and Sustainability Scrutiny Committee Forward Work
Programme
- Appendix 2 Cabinet Forward Work Programme
- Appendix 3 Forward Work Programme Prioritisation Flowchart

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Appendix 1 Forward Work Programme - Environment & Sustainability

Date	Title	Key Issues	Author	Cabinet Member
13/06/2023 17:30	Public Protection Annual Report 2022-23		Hartshorn, Robert;	Cllr. Leonard, Philippa;
19/07/2023 17:30	Enforcement & Engagement Review		Lancaster, Hayley;	Cllr. Simmonds, Julian;
19/07/2023 17:30	Caerphilly County Borough Council Speed Limits Traffic Regulation Order 2023		Campbell, Clive;	Cllr. Simmonds, Julian;
19/07/2023 17:30	Update on the Task and Finish inquiry on Residential Parking		Jacques, Mark;	Cllr. Simmonds, Julian;

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Appendix 2

Cabinet Forward Work Programme – 6th June 2023

Meeting date:	Report title:	Key issue:	Report author:	Cabinet Member:
14/06/2023 13:00	Violence at Work Policy.	To approve the updated Violence at Work Policy.	Emma Townsend/ Lynne Donovan	Cllr. Nigel George
14/06/2023 13:20	Youth Forum priority issues for the coming year.	Members of the Youth Forum will be requesting Cabinet support to resolve young people's priority issues 2023/24.	Clare Ewings, Community Education Manager (Participation and Inclusion)/Keri Cole/ Paul O'Neil	Cllr. Carol Andrews
14/06/2023 13:40	Welsh Language Standards Annual Report 2022-23	To consider the Welsh Language Standards Annual Report.	Anwen Cullinane/Sue Richards	Cllr. Nigel George
14/06/2023 14:00	Sustainable Communities for Learning Band B Proposal - Update on Pupil Referral Unit, Pontllanfraith (Centre for Vulnerable Learners).	To provide Cabinet with an update on the Centre for Vulnerable Learners (Sustainable Communities for Learning Band B project) and to seek Cabinet approval on the additional budget required to deliver the project.	Ed (Edmunds)/Keri Cole	Cllr. Carol Andrews
14/06/2023 14:20	Proposed changes to the operation of the Welsh Church Acts Fund and the small Grants to the Voluntary Sector Fund	Following a review by the Grants to the Voluntary Sector Advisory Panel to recommend amendments including delegation to the Section 151 Officer for future changes.	Vicki Doyle/Stephen Harris	Cllr. Eluned Stenner
14/06/2023 14:40	Decarbonisation action plan update and proposed future approach.	To seek Cabinet approval of the proposed next steps and implementation of the decarbonisation strategy.	Paul Cooke/Ben Winstanley/Mark S Williams	Cllr. James Pritchard
28/06/2023 13:00	Supplementary Payment for Residential/Nursing Care Homes to Support Increased Costs of Amenities and Food Costs.	To propose the reuse of the previous WG allocation for driving lessons/ driving test and electric vehicles to provide a one-off payment to assist with heating bills.	Viv Daye/Jo Williams	Cllr. Elaine Forehead

Appendix 2

Cabinet Forward Work Programme – 6th June 2023

Meeting date:	Report title:	Key issue:	Report author:	Cabinet Member:
28/06/2023 13:20	Sustainable Communities for learning band B programme – Phase 3 Proposal	To agree the first phase of the place-shaping plan for the North of the county borough which focuses upon 21st Century schools.	Ed/(Sue Richards on leave)/ Andrea West	Cllr. Carol Andrews
28/06/2023 13:40	Caerphilly Town 2035 - Pentrebanne Street Redevelopment Scheme	The report updates Cabinet on the Pentrebanne Street redevelopment project and seeks approval for a preferred Development option to be pursued out of three that are presented in the report.	Rhian Kyte/Allan Dallimore	Cllr. James Pritchard
28/06/2023 14:00	Regeneration Project Board - Non-Community Council Infrastructure Levy Allocation: Pontllanfraith Ward	To recommend the allocation of £25,776 of the Non-Community Council Community Infrastructure Levy funding for the Pontllanfraith Ward to the Engineering Projects Group to create off-street parking on council land at Gelli Lane, Pontllanfraith.	Rhian Kyte//Dave Lucas/Paul Hudson	Cllr. James Pritchard
12/07/2023 13:00	Court House Car Park, Blackwood – variation of parking charges	To seek Cabinet approval to vary the parking charges in Courthouse Car Park, Blackwood to allow up to 1 hour parking free of charge for all users.	Dean Smith/Marcus Lloyd	Cllr. Nigel George
12/07/2023 13:20	Review of Licensing fees for Dog Breeders, Scrap Metal Dealers and Activities involving Animals (Pet sales) 2023.	To seek approval of licensing fees following the funding review.	Lee Morgan/Rob Hartshorn	Cllr. Philippa Leonard
12/07/2023 13:40	Collaboration and Members Agreement (the CAMA)	To seek Cabinet approval to revise the South East Wales Education Achievement Service Collaboration and Members Agreement (the CAMA)	Keri Cole	Cllr. Carol Andrews

Appendix 2

Cabinet Forward Work Programme – 6th June 2023

Meeting date:	Report title:	Key issue:	Report author:	Cabinet Member:
12/07/2023 14:00	George Street Rear Walls, Cwmcarn	To seek approval to allocate additional Private Sector Housing Capital Funds and Housing Revenue Account Funds during 2023-2025	Claire Davies/Fiona Wilkins/Nick Taylor-Williams	Cllr. Shayne Cook
12/07/2023 14:20	Corporate Plan (including Well-Being Objectives) 2023 to 2028	To consider the Councils Corporate Plan and Well-being Objectives 2023 to 2028	Christina Harrhy/Sue Richards/Kath Peters	Leader/ Cllr. Eluned Stenner
12/07/2023 14:40	Exempt item - Proposed Mineral Working and Restoration of Bedwas Tips - extension of exclusivity agreement.	Exempt item subject to Public Interest Test.	Marcus Lloyd	Cllr. Nigel George
26/07/2023 13:00	Covid 19 - Economic Recovery Framework, Monitoring report	To provide Cabinet with an update on progress in respect of the Council's economic recovery framework.	Rhian Kyte/Allan Dallimore	Cllr. James Pritchard
26/07/2023 13:20	Default speed limit consultation on restricted roads across the county borough from 30mph to 20mph	To review proposed 30mph exemptions within the County Borough as a result of the change in the default restricted road speed limit to 20mph.	Marcus Lloyd	Cllr. Nigel George
26/07/2023 13:40	Annual Corporate Safeguarding Report plus the Annual Safeguarding Management Information Report.	To seek approval of the Annual Safeguarding reports.	Gareth Jenkins	Cllr. Elaine Forehead
26/07/2023 14:00	Day Services	For Cabinet to consider the new proposed Day Services Model.	Jo Williams	Cllr. Elaine Forehead

Appendix 2

Cabinet Forward Work Programme – 6th June 2023

Meeting date:	Report title:	Key issue:	Report author:	Cabinet Member:
26/07/2023 14:20	Provisional Revenue Budget Outturn for 2022/23	To provide Cabinet with details of the provisional revenue budget outturn for the 2022/23 financial year prior to the completion of the external audit by Audit Wales.	Stephen Harris	Cllr. Eluned Stenner
26/07/2023 14:40	Waste Route Map	To agree the waste route map which will inform the development of the Council's Waste Strategy.	Marcus Lloyd	Cllr. Chris Morgan
06/09/2023	No items currently scheduled			
20/09/2023 13:00	Natural Resources Wales (NRW) CCBC Collaboration Agreement - Cwmcaron Forest Drive	To allow Cabinet to review the outcome of the 2-year pilot in respect of the CCBC management of the Cwmcaron Forest Drive and consider whether or not to extend the collaboration agreement for the continued management of the drive with Natural Resources Wales for a further 5 year period.	Antony Bolter/Allan Dallimore	Cllr. James Pritchard
20/09/2023 13:20	Local Housing Market Assessment and the Welsh Government Prospectus	For Cabinet to discuss and approve the Local Housing Market Assessment and the Welsh Government Prospectus.	Nick Taylor-Williams/Jane Roberts-Waite	Cllr. Shayne Cook
20/09/2023 13:40	Development and Governance Strategy - Housing	For Cabinet to consider the establishment of the development strategy which details the principles, practices and governance arrangements which are needed to facilitate enable and support the new build objectives of Caerphilly Homes now and in the future.	Nick Taylor-Williams/Jane Roberts-Waite	Cllr. Shayne Cook
20/09/2023 14:00	Corporate Performance Assessment	To provide Cabinet with an update with the Corporate Performance Assessment.	Sue Richards/Ros Roberts	Cllr. Eluned Stenner

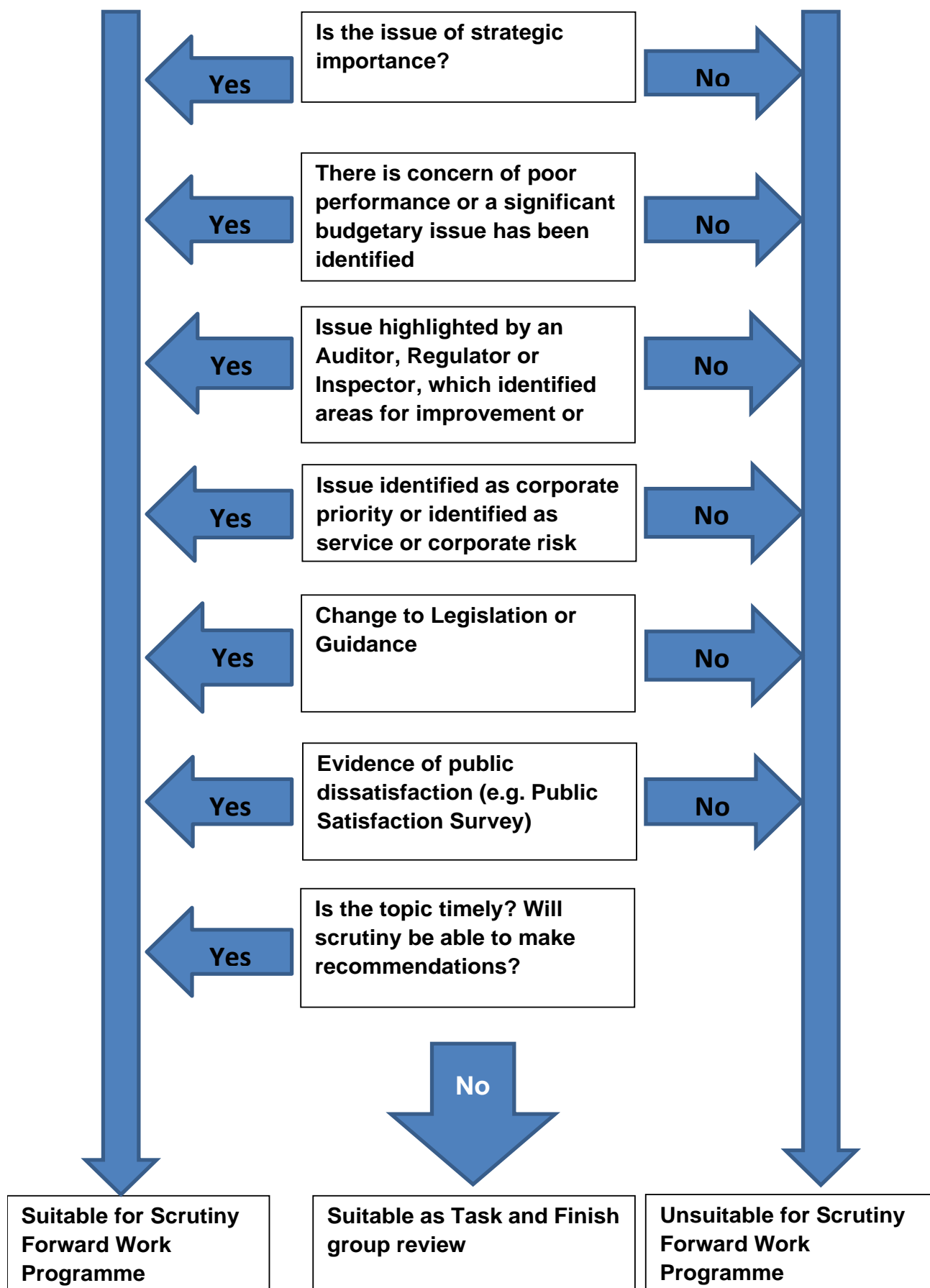
Appendix 2

Cabinet Forward Work Programme – 6th June 2023

Meeting date:	Report title:	Key issue:	Report author:	Cabinet Member:
04/10/2023 13:00	Caerphilly Homes – Re-development of the Former Oakdale Comprehensive School	To seek Cabinet approval for the signing of a delivery agreement (DA) via SCAPE with Willmott Dixon to deliver an 85 new home mixed tenure scheme.	Jane Roberts-Waite	Cllr. Shayne Cook
04/10/2023 13:20	Caerphilly Homes – Re-development of the Former Ty Darran Care Home, Risca	To seek Cabinet approval for the signing of a delivery agreement (DA) via SCAPE with Willmott Dixon to deliver a 46 new, affordable home later living scheme which will set the ambition for the future of later living accommodation in the county borough.	Jane Roberts-Waite	Cllr. Shayne Cook
18/10/2023 13:00	Exempt item - Ness Tar	Exempt item subject to Public Interest Test	Rhian Kyte	Cllr. James Pritchard

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Scrutiny Committee Forward Work Programme Prioritisation



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ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE - 13TH JUNE 2023

**SUBJECT: PUBLIC PROTECTION ENFORCEMENT ANNUAL REPORT
2022/23**

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 provide members with information on other enforcement activities across the Environmental Health Service within the Public Protection division

1.2 Environment and Scrutiny Committee are asked to offer views prior to presentation to Cabinet.

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 2022/23.

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 The report details the nature and number of complaints received concerning under-age sales of alcohol, tobacco and e cigarettes over the previous financial year. An overview of test purchasing activity is provided including the results of 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
- 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 2022/23.
- 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.

3. RECOMMENDATIONS

- 3.1 Members of the Scrutiny Committee are requested to consider the review of Public Protection enforcement and other activities, CCTV provision, and to note the activity in relation to Consumer Advice
- 3.2 Members of the Scrutiny Committee are asked to offer any views prior to presentation to Cabinet.

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.

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 2022/23 (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. During the year the service moved to digital supply of footage for retrospective requests.
- 5.7 The CCTV Control Room monitors other activity. During the year 210 warnings were given for out of hours access to Council depots, Amenity sites and schools, in some cases police response was required. 34 calls were received from the Storen 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 65 threats of suicide.
- 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 2022/23, Trading Standards obtained RIPA Authorisations as below:-

Directed Surveillance-	2
Covert Human Intelligence Sources-	0
Communications Data-	0

- 5.8.5 The Directed Surveillance Authorisations consisted of two under age test purchase operations, both of which covered alcohol and e-cigarettes (vapes).

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 2022/2023 the Trading Standards Service received a total of 55 complaints, 5 in relation to alcohol, 1 relating to tobacco and 39 relating to vaping products.

- 5.9.2 Test purchasing is achieved by using young volunteers selected in accordance with national guidelines. The volunteers, who often work in pairs, carry covert recording equipment, which captures sound and images. If a sale is made the recording is used to support enforcement action. Where volunteers are test purchasing in "on" licence premises support is provided by a witnessing team of officers, including officers from Gwent Police, in order to secure the health and safety of the young people in an adult environment. All activities are risk assessed and parental consent is required before a volunteer is allowed to work with the Trading Standards Service. Test purchase operations are used in conjunction with educational visits, and in these situations formal action is usually not taken, but follow up test purchases planned. Only 2 operations were undertaken during 2022/23, despite the high number of complaints. This was due to the fact that as a result of the Covid 19 pandemic, where no test purchases were possible, new volunteers had to be found and trained, resulting in the recommencement of operations in December 2022.

YEAR	22/23	22/23	19/20	18/19
Product	Sales/ Attempts	% Sales	% sales	% Sales
Alcohol On	0/3	0%	N/A	75% (3/4)
Alcohol Off	2/28	7.1%	17%(2/12)	17.7%(14/79)

E – Cigarettes /Vapes	5/25	20%	17%(3/18)	22.2% (4/18)
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5.9.3 In addition to formal enforcement action, Trading Standards officers also carried out 58 visits to retailers to advise them in detail of their responsibilities in relation to under age sales. The majority of the visits were in relation to vapes, as reflected in the number of complaints received. However joint visits were also undertaken with members of the Licensing Team in relation to alcohol sales and with Police Officers as part of the twice yearly Operation Sceptre designed to highlight knife crime.

5.10 Legislation and Penalties

5.10.1 The Children and Young Persons (Protection from Tobacco) Act 1991 requires the authority to consider its enforcement programme in respect of under age sales of tobacco on an annual basis. The Clean Neighbourhoods and Environment Act 2005 places a duty on the authority to consider activity regarding the under-age sales of aerosol spray paints

5.10.2 The owner/seller of the alcohol will be investigated formally and unless the business has an adequate defence it is likely that they will be prosecuted in court. The maximum fine under the Licensing Act 2003 is £20,000. In relation to other age restricted products, there is no provision for penalty notices and all sales are investigated, unless they were “fact finding” test purchases. If an employee sells then they too would also be investigated and appropriate action taken, which could include prosecution.

5.10.3 Where tobacco is sold both the staff member and the business owner may be liable to court action unless there is an adequate defence in place. There are further sanctions for premises found to be repeatedly selling tobacco to underage persons. If a person/business is convicted of selling tobacco to persons under the age of 18 and at least two other offences occurred in the preceding two years relating to the same premises, trading standards can make an application to a Magistrates' Court for a restricted premises order and/or a restricted sales order.

5.10.4 A restricted premises order prohibits the sale from the premises of any tobacco products to any person, by the business or any of its staff for a period of up to one year. A restricted sales order prohibits a specified person who has been convicted of a tobacco offence from selling any tobacco products to any person and from having any management function related to the sale of tobacco products for a period of up to one year. The maximum fine is £2,500. In the case of Aerosol Spray Paints the maximum penalty is also £2,500 and six months imprisonment.

5.10.5 Penalties for the sales of Vapes and Aerosols are up to a maximum fine of £2,500, whereas the maximum penalty for the sale of knives to an underage person is 6 months imprisonment or an unlimited fine.

5.11 Illegal Tobacco Activities

5.11.1 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 2022/2023 Trading Standards have continued to take action

against known sellers.

5.11.2 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.

5.11.3 During the year 0.7Kg of illegal Hand Rolling Tobacco and 9800 illegal cigarettes were seized from 2 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 £21000 and represented a loss in tax revenue of £12000.

5.12 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.

5.12.1 The table below gives the top 10 products/services and the monetary value involved that were complained about during 2022/2023: The top 10 reflect trends shown throughout the United Kingdom.

	Product/Service	Number	% of Total	Value (£)
1	Used vehicles	221	15.2	1,176,306
2	Home maintenance and improvements	183	12.5	1,420,378
3	Motor vehicle repairs and servicing	56	3.8	58,136
4	Animal and Pets	52	3.5	700
5	E-Cigarettes + Refills	50	3.4	0
6	Furniture	36	2.4	42,701
7	Cigarettes	19	1.3	0
8	Women's Clothing	11	0.7	1430
9	Mobile Phone Handsets	11	0.7	3953
10	Beds and Mattresses	10	0.6	8587

5.12.2 The total value of all goods and services dealt with by the Council's advice service for the financial year was £3,358,253.74 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 £15,129,741.74 These figures exclude high value complaints regarding financial advice and prize draws.

5.12.3 A quarterly satisfaction survey is sent to all users of the service. This year's results show that 98% of users were either very or fairly satisfied with the service provided.

5.13 Environmental Health, Community Safety and Food Hygiene & Standards

5.13.1 In 2022, it was reported that all staff from Environmental Health and many from Community Safety had been redeployed to respond to the pandemic. As such routine

work was paused during 2020, 2021 and part of 2022. It is pleasing to report that the services have since returned to core delivery and have been actively working through a significant back log of workload.

- 5.13.2 In order to drive the speed of recovery, the Food Standards Agency (FSA) published a Recovery Plan that contained a series of milestones Food Hygiene and Food Standards which were reported quarterly, up to the 31st March 2023. The Recovery Plan was designed to tackle the backlog of inspections relating to high-risk food premises. Such high-risk premises are categorised as risk bands A, B and C Food Hygiene and category A for Food Standards. Food Standards responsibility lies with Trading Standards. Considerable effort has been made to ensure the milestone targets were achieved, as detailed below:

Food Hygiene

Category	Completed	Outstanding
A	6	0
B	85	0
C	603	0
C -less than broadly compliant	23	0
Total	717	0

Food Standards

Category	Completed	Outstanding
A	10	0

In addition to the Recovery Plan milestones, further progress was made with various Food Hygiene and Standards interventions at some lower risk premises. That is risk bands D and E, plus new premises and microbiological sampling for Hygiene and medium and low risk categories B and C for Standards as well as new premises, unrated and official samples.

Food Hygiene

Category	Interventions completed
D -less than broadly compliant	3
D	28
E	46
Unrated	421
Outside the programme	83
New registered premises	234
Microbiological samples	375

Food Standards

Category	Interventions completed
B	156
C	152
Unrated	215

Outside the programme	18
New registered premises	234
Official samples	59

- 5.14 There has also been a return to enforcing all other disciplines of environmental health and community safety such as littering and fly tipping. These are also detailed in Appendix 1. Through the council's ongoing community engagement programme, 'The Caerphilly Conversation', the importance of tackling key environmental issues including dog fouling and littering continue to be among the highest priorities for Caerphilly county borough's communities.

Some insights from recent engagement activities include:

- 94% of respondents to the 'What matters to you?' survey felt that **prioritising community safety** was as important or more important to them than 12 months ago
 - 87% of respondents felt that the need for **work to support environmental issues** is as important or more important to them than 12 months ago
 - Key themes that elicited a large number of comments included the importance of **tackling litter and environmental problems (behaviour change), dog fouling, fly-tipping, community safety, and anti-social behaviour**
- 5.15 As a result of the above feedback our enforcement and engagement activity has an ongoing focus on these issues. It is also why Public Spaces Protection Orders were renewed and extended in 2021. From the figures detailed in Appendix 1 it can be seen that there was a marked increase in some Community Safety Warden activities in 2021/22. This is because in coming out of the Covid pandemic there was an increase in anti-social behaviour in areas throughout the county borough resulting in the team issuing more enforcement measures such as verbal warnings and words of advice. In addition, during this period the Community Safety Warden team had additional staffing numbers and the team increased from six to ten full time posts. In contrast, some of the enforcement figures are lower for 22/23 partly due to a number of vacancies within the team and difficulty in recruiting applicants into the roles which meant they remained vacant for a number of months. However, there was an increase in enforcement action being used to address individuals who persistently commit incidents of anti-social behaviour with 35 acceptable behaviour contracts being signed and 8 individuals being issued with a Civil Injunction at court.
- 5.16 A review of the Council's enforcement and engagement activities is proposed with an initial focus on environmental issues and this will be the subject of a report to Scrutiny Committee later this year.

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 relates to enforcement activity over the last year and 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 There are no personnel implications associated with this report.

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 and Leisure Services

Consultees:

- Councillor Philippa Leonard, Cabinet Member for Planning and Public Protection
- Councillor D.T Davies, Chair of Environment and Sustainability Scrutiny Committee
- Councillor Adrian Hussey, Vice Chair of Environment and Sustainability Scrutiny Committee
- Mark S. Williams, Corporate Director, Economy and Environment
- Christina Harrhy, Chief Executive
- Jacqui Morgan, Trading Standards, Licensing and Registrars Manager
- Ceri Edwards, Environmental Health Manager
- Rob Tranter, Head of Legal Services and Monitoring Officer
- Steve, Harris, Head of Financial Services and Section 151 Officer
- Lynne Donovan, Head of People Services

Background Papers: Public Protection Enforcement Policy

Appendices:

Appendix 1 Public Protection Enforcement Activity 2020-23

Appendix 1 – Public Protection Enforcement Activity 2020-23

Trading Standards and Licensing Legislation

Type of Enforcement Activity	20/21	21/22	22/23
Significant breaches identified during inspection	39 (95%) rectified	87(87%)	133 (89%) rectified
Simple Cautions	NIL	13	3
Prosecutions	NIL(due to covid-8 cases in system, not yet heard)	12	9
Penalty Notices for Disorder (PND) underage sales of alcohol.	0	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	20/21	21/22	22/23
Written Warnings/Advice	38	175	856
Revisits	22	61	77
Improvement Notices	0	4	6
Remedial Action Notices	0	1	1
Prosecutions	0	1	0
Voluntary Closure	0	1	4
Hygiene Emergency Prohibition	0	0	0
Seizure/Surrender	0	0	0
Simple Cautions	0	0	0
Food Hygiene Rating Scheme FPN	2	0	0

Environmental Health - Health and Safety Legislation

Type of Enforcement Activity	20/21	21/22	22/23
Written Warnings/Advice	2	27	71
Revisits	2	5	20
Improvement Notices	0	2	19
Prohibition Notices	0	0	4
Simple Cautions	0	0	1
Prosecutions	0	0	0

Environmental and Nuisance Legislation

Type of Enforcement Activity	20/21	21/22	22/23
Warnings for dog fouling	0	3	26
Warnings for litter	0	4	27
Fixed Penalties for Dog Fouling	4	1	1
Fixed Penalties for Litter	14	15	23
Fixed Penalties for Fly Tipping	41	29	27
Prosecutions for Littering	0	0	0
Prosecutions for Dog Fouling	2	0	0
EPA 1990 – Noise Abatement Notices	0	6	6
EPA 1990 – Statutory Nuisance Notices	8	31	6
Confiscation of noise making equipment	0	0	0
Prosecutions for Statutory Nuisance (Noise)	0	0	0
Stray Dogs Impounded	92	97	76
Prosecutions for Fly tipping	0	14	10

Community Safety

Type of Enforcement Activity	20/21	21/22	22/23
Public Open Space CCTV			
Total no. of incidents monitored/dealt with by CCBC CCTV service	1907 Including requests detailed below	2396 Including requests detailed below	2169 Including requests detailed below
Evidence recorded and provided to Gwent Police	457 DVDs burnt for evidential purposes	481 DVDs burnt for evidential purposes	459 140 DVDs, 319 digital uploads
Requests for monitoring from Gwent Police	603	790	790
Community Safety Wardens and Community Safety Team			
Words of Advice given (acting contrary to acceptable standards of behaviour)	1348	4782	1226
Referrals by Community Safety Wardens into 4 Strike Anti-Social Behaviour process	6	16	1
Verbal Warnings (Name and address, date of birth taken)	5	74	12
Items of Alcohol Confiscated	1	98	5
Issues identified and referred to other departments	90	426	365
Total hours of deployment	3,846	9,449	7,638
Fixed Penalty Notices Issued	2	5	1
Number of Anti-Social Behaviour warning letters sent out	227	378	292
Number of Acceptable Behaviour Contracts (ABCs) signed	6	34	35
Number of Civil Injunctions granted at court	1	5	8