



## REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH  
ON TUESDAY, 27TH MARCH 2018 AT 5.30 P.M.

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PRESENT:

Councillor D.T. Davies - Chair  
Mrs C. Forehead - Vice-Chair

Councillors:

J. Bevan, C. Elsbury, R.W. Gough, A. Hussey, S. Kent, Ms P. Leonard J. Ridgewell,  
J. Scriven, A. Whitcombe, T.J. Williams, B. Zaplatynski

Cabinet Members:

N. George (Neighbourhood Services), S. Morgan (Economy, Infrastructure, Sustainability and Wellbeing of Future Generations Champion), Mrs E. Stenner (Environment and Public Protection)

Together with:

M.S. Williams (Interim Corporate Director of Communities), R. Hartshorn (Head of Policy and Public Protection), M. Lloyd (Acting Head of Engineering Services), C. Adams (Acting Highway Operations Group Manager), H. Jones (Principal Waste Management Officer), T. White (Waste Strategy and Operations Manager), J. Williams (Solicitor), C. Forbes-Thompson (Interim Head of Democratic Services), C. Evans (Interim Scrutiny Officer) and R. Barrett (Committee Services Officer)

### 1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A.G. Higgs, G. Simmonds and W. Williams.

### 2. DECLARATIONS OF INTEREST

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

### 3. CHAIR'S ANNOUNCEMENTS

The Scrutiny Committee were advised that Mr Tony White (Waste Strategy and Operations Manager) was due to retire shortly after more than 40 years of service with the Authority. Members placed on record their thanks to Mr White for his hard work and the support he had given to the Scrutiny Committee over the years and wished him well in his retirement.

The Chair also led Members in congratulating Councillor Rob Gough on the occasion of his golden wedding anniversary.

**4. MINUTES - 13TH FEBRUARY 2018**

RESOLVED that the minutes of the Regeneration and Environment Scrutiny Committee meeting held on 13th February 2018 (minute nos. 1 - 14) be approved as a correct record and signed by the Chair.

**5. CALL-IN PROCEDURE**

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

**6. REPORT OF THE CABINET MEMBERS**

The Scrutiny Committee noted the contents of the reports from Councillors N. George, Mrs E. Stenner and S. Morgan which provided an update on their respective portfolios, and had been circulated to Members in advance of the meeting.

The report from Councillor N. George (Cabinet Member for Neighbourhood Services) commended the efforts of staff who continued to deliver essential services during the recent period of heavy snowfall. The Scrutiny Committee were also updated on the acquisition of new Council vehicles, and of Newbridge Leisure Centre's success in achieving the QUEST national quality assurance accreditation for sport and leisure. Additionally, the report also outlined two recent events attended by the Cabinet Member - the Local Government Chronicle Awards ceremony (for which the Council were shortlisted for their Cleaner Greener Caerphilly Initiative) and the annual Sports Caerphilly Disability 6 Nations event.

The report from Councillor Mrs E. Stenner (Cabinet Member for Environment and Public Protection) updated Members in regards to Development Management and Strategic Planning, including the continuing preparations in respect of the regional Strategic Development Plan.

The report from Councillor S. Morgan (Deputy Leader and Cabinet Member for Economy, Infrastructure and Sustainability) updated Members on developments across the Engineering Projects Group, Highways Operations Group, Transportation Engineering Group, Local Tourism, the Cardiff Capital Region City Deal, and the Regeneration Strategy and Caerphilly Basin Masterplan recently endorsed by Cabinet. Members were also advised that it was intended to reopen the two lanes at Pwll y Pant roundabout on Friday 29th March 2018, but that they could potentially reopen earlier (pending the completion of lane markings).

There were no questions received and the Cabinet Members were thanked for their reports.

**7. REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE FORWARD WORK PROGRAMME**

Charlotte Evans (Interim Scrutiny Officer) presented the report, which outlined details of the Regeneration and Environment Scrutiny Committee Forward Work Programme (FWP) for the period March 2018 to July 2018. The Scrutiny Committee were asked to consider the FWP alongside the Cabinet Work Programme as appended to the report and suggest any changes prior to it being finalised and published on the Council's website.

The Scrutiny Committee agreed that a report on Street Lighting Options be scheduled for 15th May 2018. In respect of the items scheduled for 26th June 2018, it was agreed that the Community Centres report be moved to a date to be confirmed, and that the Highway Maintenance Plan report be moved to 18th September 2018. In view of these changes, the Committee agreed that the report on the Town Centre Events Programme (listed as date TBC) be scheduled for 26th June 2018.

Subject to the foregoing additions, it was unanimously agreed that the revised Forward Work Programme be published on the Council's website.

## **8. CABINET REPORTS**

None of the Cabinet reports listed on the agenda had been called forward for discussion at the meeting.

## **REPORTS OF OFFICERS**

Consideration was given to the following reports.

## **9. WASTE REVIEW – MEMBERSHIP AND SCOPE OF SCRUTINY WORKING GROUP**

Rob. Hartshorn (Head of Policy and Public Protection) and Hayley Jones (Principal Waste Management Officer) presented the report, which updated Members on the Collaborative Change Programme (CCP) and sought the views of the Scrutiny Committee on the establishment of a Scrutiny Working Group to discuss and consider the findings of each of the CCP workstream reviews in respect of waste management services.

The CCP was established by Welsh Government to facilitate the delivery of more sustainable waste management services across Wales by offering strategic and tailored support to assist local authorities in Wales in achieving the outcomes of the Towards Zero Waste Strategy and associated sector plans. Caerphilly has been actively engaged in the CCP since 2015. A series of reviews have been undertaken by Waste Resources Action Programme (WRAP) and their appointed consultants on the key range of Waste Management services including kerbside collection services, household waste recycling centres and waste transfer station/depot infrastructure. These reviews have culminated in a series of reports which have informed a business plan and cost benefit analysis process.

The report therefore proposed the establishment of a Cross Party Working Group, with full geographical representation, to discuss and review the findings of the workstream reviews, along with the cost benefit analysis. The Group would then report back to the full Committee later in the year, prior to a recommendation being considered by Cabinet and full Council. Officers outlined the potential timescales for the Group (up to 16 weeks) and explained that a minimum of 6 meetings were proposed in order to accommodate potential site visits to services and infrastructures in other local authorities across Wales and/or the UK.

Members were also asked to note the significant financial pressures on the Council's waste budget and service area due to the increase in recycling processing costs and the reduction in grant allocation. Although these pressures were initially absorbed by the service area, over the last 2 years £1.6m contingency has been allocated to cover these budget pressures, plus the service area has deferred replacing vehicles in 2017/18, using almost £400,000 to help balance this year's budget. Additionally, there will be a further impact arising from a £270,000 reduction in WG's Sustainable Waste Management Grant for 2018/19, together with an increase in the recycling gate fee (an additional £300,000 per annum).

Discussion took place regarding the need to secure balanced political and geographical representation across the Scrutiny Working Group and the best approach to be taken in regards to nominations. Officers confirmed that these meetings would take the form of daytime sessions and it was acknowledged that several Scrutiny Committee Members were already committed to the Street Scene Working Group established at the previous meeting.

Following discussion on this item it was unanimously agreed that an invitation be circulated to all Councillors regarding the establishment of a Waste Management Scrutiny Working Group, in order to achieve a balanced political and geographical representation, and that priority selection be given to Members of the Scrutiny Committee. In addition, Members noted the scope of work as outlined in the report and the intended timescale for the final report to inform the Forward Work Programme, and the Chair requested that the time commitment be highlighted in the invitation to Councillors.

## **10. IMPLEMENTATION OF THE SUSTAINABLE DRAINAGE SYSTEMS APPROVAL BODY (SAB)**

Marcus Lloyd (Acting Head of Engineering Services) presented the report, which updated Members regarding the new statutory function for the Council to establish a Sustainable Drainage (SuDs) Approval Body (SAB) under schedule 3 of the Flood and Water Management Act 2010, and also sought Cabinet approval to establish a structure to deliver the SAB.

Members were advised that Schedule 3 of the Flood and Water Management Act (FWMA) 2010 requires surface water drainage for new developments to comply with mandatory National Standards for Sustainable Drainage systems (SuDs). It also requires surface water drainage systems to be approved by a SuDs Approving Body (SAB) before construction work with drainage implications may begin. The responsibility for delivery of the SAB functions rests with the 22 local authorities in Wales alongside their duties as Lead Local Flood Authority (LLFA), and this function will commence in May 2018 with a proposed transition period of 6 months.

It was explained that the SAB, as an independent body within the local authority, will deal with a technical statutory approval process and be able to charge for services within this process. Examples of chargeable aspects were detailed within the report. A business case is currently being prepared in view of the additional staff resources and posts required to meet the statutory function, and it is anticipated that income generation from the SAB is predicted to cover all salary costs and overheads associated with supplying this function. In addition there is a potential for further income generation through regional working and collaboration with neighbouring authorities that have fewer resources and technical knowledge to deliver this statutory function

A Member queried the reporting mechanisms for the SAB and it was confirmed that this would be monitored by the Head of Engineering Services and their team. Discussion took place regarding estimated income generation from the SAB and it was explained that the Council will have options in place (such as fixed term contracts and / or phasing of appointments) to ensure that the additional staffing resources required can be funded from the income received. Members were assured that the income generated would meet all costs associated with this statutory function and were provided with examples of the charging elements and how fees are calculated. It was also explained that the new SAB will provide consistency across all new developments by inspecting surface water drainage systems to ensure that they meet the appropriate standard. In response to a Member's query, it was confirmed that Dwr Cymru Welsh Water had been consulted in regards to the land drainage elements of the new SAB.

Following consideration of the report, it was moved and seconded that the following recommendation be forwarded to Cabinet for approval. By a show of hands, this was unanimously agreed.

RECOMMENDED to Cabinet that the required Sustainable Drainage Systems Approval Body (SAB) with CCBC be established, together with the additional self-funded posts which will allow CCBC to undertake this statutory function and keep the local engineering knowledge and expertise within CCBC.

## **11. IMPLEMENTATION OF WELSH GOVERNMENT LAND DRAINAGE BYELAWS**

Chris Adams (Acting Highway Operations Group Manager) presented the report, which updated Members regarding the Welsh Government (WG) approved standard land drainage byelaws. The report also sought comments from the Scrutiny Committee regarding the implementation of these byelaws prior to presentation to Council for approval.

Members were advised that under the Flood and Water Management Act 2010, local authorities in Wales were given additional powers and responsibilities for managing flooding from surface water, groundwater and ordinary watercourse. As part of the new powers, the responsibility for issuing ordinary watercourse consents passed from Natural Resources Wales to the Lead Local Flood Authorities in 2012.

Since taking on these duties and functions, local authorities have noted that powers under current legislation are limited and certain activities which are not currently consented could potentially increase the risk of flooding, especially in more built up areas. To address this issue WG has recently ratified the updated set of its Ordinary Watercourse Byelaws created under Section 66 of the Land Drainage Act 1991. These Byelaws will enable local authorities to supplement existing powers and help with their land drainage and flood risk management functions. All local authorities are being encouraged to adopt the model byelaws (appended to the report) to ensure consistency across Wales and comply with statutory objectives.

The Scrutiny Committee noted that Caerphilly CBC carried out a 6-week public consultation exercise in October 2017 which incorporated a questionnaire seeking views on the proposed implementation of the Land Drainage Byelaws. In total 34 responses were received (with a summary of the analysis appended to the report) and based on the results, there was a large amount of positive support for the implementation of the proposed Byelaws.

During the course of the debate, reference was made to the low response rate and Officers explained that this had been anticipated as the proposed Byelaws will have little impact upon the majority of individuals. It was confirmed that no responses had been submitted on behalf of companies and that the individual comments received and the responses prepared are available to view on the Council's website. Discussion took place regarding responsibility for watercourses across private land and liability in the event of flooding, particularly if caused by other parties. It was explained that the landowner has overall responsibility for watercourses on their land and that the proposed Byelaws will give the Council powers to intervene, investigate and take action in cases where there could be a drainage issue or flooding risk. It was also confirmed that the new Byelaws can be delivered within existing staff resources and that Officers are not anticipating an increase in land drainage issues as a result of the new legislation.

Following consideration of the report, it was moved and seconded that the following recommendation be forwarded to Council for approval. By a show of hands, this was unanimously agreed.

RECOMMENDED to Council that the implementation of the Land Drainage Byelaws as recommended by WG be approved.

The Chair thanked Members and Officers for their team effort and contributions to the Scrutiny Committee meetings over the past 12 months, and closed the meeting at 6.09 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 15th May 2018, they were signed by the Chair.

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CHAIR