



## **REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE**

**MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON  
TUESDAY, 26TH JUNE 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, A. Hussey, Ms P. Leonard, J. Ridgewell, J. Scriven, G. Simmonds,  
T.J. Williams, W. 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), M. Lloyd (Head of  
Infrastructure), C. Campbell (Transportation Engineering Manager), J. Lougher (Sport &  
Leisure Development Manager), J. Reynolds (Sports & Leisure Facilities Manager), J.  
Williams (Solicitor), C. Evans (Interim Scrutiny Officer) and R. Barrett (Committee  
Services Officer)

**Together with:**

Councillor K. Etheridge (Blackwood Ward Member)

### **1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R.W. Gough, A.G. Higgs, S. Kent  
and A. Whitcombe.

### **2. DECLARATIONS OF INTEREST**

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

### **3. MINUTES - 15TH MAY 2018**

RESOLVED that the minutes of the Regeneration and Environment Scrutiny Committee meeting held on 15th May 2018 (minute nos. 1 - 10) be approved as a correct record and signed by the Chair.

A Member referred to a previous request for a breakdown of services that are within the remit of the Regeneration and Environment Scrutiny Committee and a classification of these services as either statutory or discretionary. It was noted that this information is in the process of being collated and will be circulated to Members in due course.

### **4. CALL-IN PROCEDURE**

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

### **5. 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) congratulated three young people from Caerphilly Adventures who were recently presented with their Duke of Edinburgh Gold Award at Buckingham Palace, and also referred to the Authority's draft Sport and Active Recreation Strategy being presented later that evening. Members also noted developments across Sport and Leisure Services (including the completion of the bi-annual National School Sport Survey, registrations for the 2019 Bryn Meadows Caerphilly 10K, and record number of direct debit payments and smartcard usage). Additionally, the Committee were advised of the relocation of the Green Spaces team to Ty Bargoed, the successful completion of the Big Spring Clean Campaign, and the progress being made across the Street Scene and Waste Review Scrutiny Working Groups.

The report from Councillor Mrs E. Stenner (Cabinet Member for Environment and Public Protection) updated Members on several major planning applications for housing that are due to be considered by Planning Committee or have been allowed on appeal. Members were advised that the outcome of consultation in respect of the disapplication of paragraph 6.2 of TAN 1 will have an impact on consideration of those applications for development which are outside the settlement and have not already been granted planning permission. Across Strategic Planning, Members were updated on the situation regarding the Local Development Plan to 2021 and a regional Strategic Development Plan, as well as the outcome on consultation on the Draft Regeneration Strategy and Draft Caerphilly Basin Masterplan. Members were also advised of developments across Public Protection, including the Notice of Motion on Lucy's Law recently supported by full Council and consultation with Welsh Government on Clean Air Zones.

Reference was made to affordable housing targets and delivery across new developments, and the Cabinet Member explained that although the Council strives to achieve the recommended levels, this is not always possible, and that a Members' Seminar is being arranged to provide further information in this regard.

The report from Councillor S. Morgan (Deputy Leader and Cabinet Member for Economy, Infrastructure and Sustainability) provided an update on developments across the

Engineering Projects Group, Highway Operations Group, Transportation Engineering Group, Urban Renewal, Business Support and Funding, and Destination and Events.

In response to a Member's query on the total income arising from Section 106 agreements in the Risca area, it was confirmed that this is in the region of £470k, which will be utilised for the development of a footbridge across the river from the Tesco store to Risca town centre. A query was also received regarding funding for the Council's summer events and it was confirmed that this information will be included in a report being presented to the Scrutiny Committee on 30th October 2018.

The Cabinet Members were thanked for their reports.

## **6. 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 June 2018 to June 2019.

The FWP included all reports that were identified at the Scrutiny Committee meeting on 15th May 2018 and the workshop held on 24th May 2018. Members were asked to consider the FWP alongside the Cabinet Work Programme as appended to the report and to suggest any changes.

It was noted that no additional report requests had been received since the workshop was held, and following discussion on its contents, it was unanimously agreed that the Forward Work Programme be published on the Council's website.

## **7. 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.

## **8. CARDIFF CAPITAL REGION CITY DEAL – JOINT OVERVIEW AND SCRUTINY COMMITTEE**

Charlotte Evans (Interim Scrutiny Officer) presented the report, which outlined proposals to establish a Joint Overview and Scrutiny Committee (JOSC) for the Cardiff Capital Region City Deal (CCRCD), and sought the views of Members prior to its presentation to full Council.

Members were advised that the CCRCD Joint Cabinet recently agreed draft terms of reference for the Joint Overview and Scrutiny Committee and equal representation from all 10 local authorities, with one member plus a substitute from each authority. It was also agreed that Bridgend Council would host the JOSC. Details of the proposals for establishing the Joint Scrutiny Committee and the draft terms of reference were appended to the report.

It was noted that there is no requirement for political balance on joint overview and scrutiny committees and Members were referred to the consultation responses contained within the report. They were also asked to consider whether to award a salary payment to the nominee, should they be appointed to chair the Joint Scrutiny Committee. Officers explained that the Independent Remuneration Panel allows local authorities to award a salary payment to chairs of joint scrutiny committees, as detailed in Section 7.2 of the report. It was noted that the Council have made some enquiries amongst the other ten local authorities and to date, none are proposing to make a salary payment.

The Scrutiny Committee were therefore asked to consider the report and make a number of recommendations to Council in regards to the establishment of the JOSC, nomination of a non-executive Member and substitute Member to represent the Authority on this committee, whether to consider if a senior salary should be applied if the nominated Member were to be appointed as Chair of the JOSC, and to note that it will be a decision for each of the ten authorities if it wishes to establish the proposed JOSC.

Having discussed the contents of the report and each of the recommendations in turn, it was moved and seconded that the following recommendations be forwarded to Council for approval. By a show of hands, this was unanimously agreed.

RECOMMENDED to Council that:-

- (i) the proposal to establish a Joint Overview and Scrutiny Committee for the Cardiff Capital Region City Deal be supported;
- (ii) Councillor J. Ridgewell be nominated as the non-executive Member to represent the Authority on the Joint Overview and Scrutiny Committee for the Cardiff Capital Region City Deal, and that either Councillor C. Elsbury or Councillor T.J. Williams be nominated as the substitute Member;
- (iii) that a senior salary payment be applied if the nominated member is appointed as Chair of the Joint Overview and Scrutiny Committee;
- (iv) that it be noted that it will be a decision for each of the ten authorities if it wishes to establish the proposed Joint Overview and Scrutiny Committee.

## **9. DRAFT SPORT AND ACTIVE RECREATION STRATEGY 2019-29**

The Chair invited Councillor K. Etheridge (Blackwood Ward Member) to the table to present his views on the report.

During the course of his representations, Councillor Etheridge summarised his concerns and expressed a need for the Council to obtain the views of a broad range of stakeholders in relation to the proposals. He suggested that the consultation process should include Education stakeholders and schools, that the Education for Life Scrutiny Committee and the Health, Social Care and Wellbeing Scrutiny Committee should hold a joint scrutiny committee meeting on the proposals, and that consideration should be given to calling a public referendum on the Strategy.

Jeff Reynolds (Sports & Leisure Facilities Manager) then presented the report, which sought the views of the Scrutiny Committee on a 10-year holistic vision and Strategy for the delivery of Sport and Active Recreation in Caerphilly county borough, prior to presentation to Cabinet for approval to commence a ten week consultation exercise with a range of stakeholders on the draft Sport and Active Recreation Strategy` 2019-29.

The draft Strategy sets out the future purpose and direction for the provision of sport and active recreation in Caerphilly County Borough, and it establishes the key principles and vision which will inform future decisions and actions over the next ten years. The benefits of leading a physically active lifestyle for the residents of the Borough are well documented and given the current financial climate within which local authorities operate, clear strategic direction is essential.

By way of background, Members were reminded of the Strategic Review of Leisure Facilities presented to the Scrutiny Committee in 2014 that set the scene in respect of a strategic approach to the provision of leisure facilities. Public consultation was undertaken in June 2015; however, the scope of this review was considered too narrow. In 2015 the Council adopted an Outdoor Sports Strategy that included sports pitches, allotments, play provision and amenity green spaces. In May 2016 a further review undertaken by the Wales Audit Office concluded that the Authority needed to develop and agree a vision and strategy for its Sport and Leisure Service.

Members were advised that the draft Strategy takes an intentionally holistic approach to the provision of sport and active recreation provision. The county borough has a significant level of countryside and outdoor space that includes country parks, municipal parks, allotments, fixed play, sport pitches, nature reserves, cycle and walking routes. The Council's Outdoor Sports Strategy adopted in 2015 establishes a clear position that the delivery of activities aimed at improving physical health and wellbeing do not need to be exclusively delivered from a built physical structure. The draft Strategy supports a number of Wellbeing Objectives within the Council's Corporate Plan and the Caerphilly Public Services Board's Wellbeing Plan, and also takes into consideration the seven well-being goals arising from the Wellbeing of Future Generations (Wales) Act 2015.

The Scrutiny Committee were reminded of the need to make significant savings over the next four years as part of the Council's Medium-Term Financial Plan, and of the need to examine the ways in which services are delivered to make the best use of available resources in the context of the reduced funding available. The last condition survey undertaken on the leisure centre portfolio in 2012 identified £3m of category 1, 2 and 3 requirements and this is likely to increase upon the completion of updated surveys.

The draft Strategy therefore proposed the adoption of Welsh Government's blueprint for sport and active recreation in Wales, 'Facilities for Future Generations', together with a decision making matrix for determining the provision of strategic leisure facilities that are directly managed by the Sport and Leisure Service.

Officers explained that obtaining the views of residents, existing users and a broad range of stakeholders will be essential in shaping the future provision and delivery of sport and active recreation across the county borough. An outline of the proposed consultation activity was set out in the report which will be the most extensive exercise ever carried out by the Council. This will include a ten-week public and stakeholder consultation period on the draft Strategy.

During the course of the ensuing debate, Members referenced the Index of Multiple Deprivation and the potential impact of leisure centre closures in this regard, and expressed a need for deprivation to be included as a consideration within the decision making matrix. Officers confirmed that this factor would be taken into account if included in the consultation responses. They also outlined the three distinct levels within the Facilities for Future Generations' blueprint that was set out in the report, and explained that all leisure centre sites would be subject to individual business cases before a decision is made on the way forward. Reference was made to the need for leisure facilities in major population centres and it was confirmed that this would also be taken into account during the consultation process.

Concerns were raised as to the availability of leisure centre facilities for residents in the daytime under the Strategy, given the potential to transfer a number of joint use sites over to school management. Officers confirmed that the Council works very closely with schools to maximise daytime availability, and that this will be taken into account when developing the services available across the 4 main strategic sites proposed for the county borough. Members were also reminded that extended opening hours are already offered at a number of its leisure centres.

Members expressed concern that the potential closure of sites could lead to residents in certain areas being unable to access leisure centre facilities if they do not have access to transport. They were reminded of the need to examine the delivery of services moving forward in an alternative way, given the current and future financial pressures being faced by the Authority. During the course of the debate, Members were also advised that the Strategy does not solely focus on physical leisure centre buildings but also looks at the wider picture in terms of the use of the countryside and open spaces, and will also examine provision across the private sector to see what facilities are being offered elsewhere.

A query was received regarding proposals in respect of community centres, given their role in supporting the integration of physical activity into everyday lifestyles. Officers confirmed that a separate review is currently being carried in relation to community centres/community hubs, which will be the focus of a separate report in due course.

Discussion took place regarding the ten-week consultation exercise, and Officers explained that this would have an online focus across the Council's website and social media, together with hard copies of the questionnaire placed in libraries and the Council's Newline paper. Members sought reassurance that there would be enough opportunities for those unable to access social media to be aware and comment on the Strategy. It was confirmed that hard copies of the Strategy and consultation questionnaires would also be placed in all Council premises across the county borough.

Reference was made to the call for a public referendum on the Strategy and it was explained that although this would be a matter for Cabinet, it would be difficult to condense the wide reaching proposals contained within the strategy into a single question and therefore it would be more conducive to present a broader range of questions as part of the public consultation.

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

RECOMMENDED to Cabinet that the proposal to undertake a public consultation on the draft Sport and Active Recreation Strategy 2019-29 be supported.

## **10. DECRIMINALISATION OF PARKING – STAGE 2 REPORT**

Prior to the presentation of the report, the Scrutiny Committee received representations from Councillor K. Etheridge (Blackwood Ward Member) in respect of the proposals. During the course of his presentation, Councillor Etheridge suggested a need for staff consultation regarding the potential duality of the Civil Enforcement Officers role, and expressed the need for effective scrutiny regarding the delivery of the Civil Parking Enforcement powers.

Clive Campbell (Transportation Engineering Manager) then presented the report, which updated Members on the progress made with pursuing Civil Parking Enforcement

Powers, and sought the views of the Scrutiny Committee on the proposals for implementation and issues to be considered, prior to the proposals being presented to Cabinet for approval.

Members were reminded that in light of the feasibility study of creating a Civil Enforcement Area and Special Enforcement Area across the Council's administrative area, Cabinet resolved on 28th February 2018 to adopt an implementation model for Civil Parking Enforcement (CPE) where on street enforcement is undertaken in house and to collaborate with another (or other) local authorities for the back office notice processing and administration. The decision also included an instruction to undertake the Traffic Regulation Order review necessary to prepare the application to Welsh Government to secure the CPE powers. The current planned 'Go live' date for CPE is April 2019. The report set out the proposals and recommendations to be undertaken to implement the decision and the issues requiring further consideration that will assist in achieving this implementation date.

Officers outlined the key actions planned and progress made in regards to CPE preparations, and it was noted that the proposals and issues were presented to a Members Seminar on 6th June 2018. The main topics of discussion arising from this seminar were highlighted and referred to during the course of the meeting, and in particular, Members were asked to note the statutory guidance from the Secretary of State (Section 10.16 of Traffic Management Act 2004 CPE) which states that "...elected members and unauthorised staff should not under any circumstances play a part in deciding the outcome of individual challenges or representations. This is to ensure that only fully trained staff make decisions on the facts presented". Members were also asked to consider and support the formal resolutions and delegations as set out in Section 5 of the report which are required in order to progress the actions necessary for implementation, including an application for CPE powers to Welsh Government.

Detailed discussion took place on the proposals and in response to a Member's query, it was explained that although the majority of enforcement will focus on main urban areas, the Authority will deploy resources to best effect across all areas of the county borough, and assess the types of enforcement approaches to be undertaken.

Several queries were received in respect of staff recruitment arising from the new enforcement processes, including whether the proposed staff levels would be sufficient, and if they are able to cover dual enforcement roles (such as that of Community Safety Wardens (CSWs)). It was confirmed that staffing levels will be reviewed once the new enforcement processes are embedded to determine whether there is a need for additional staff. Members were advised of the complications surrounding dual enforcement, in that the CEO role is only covered by civil legislation whereas CSWs are covered by both criminal and civil legislation, and therefore provide completely separate functions. Officers also outlined the recruitment process for CEOs, implications for the grading structure, the training to be provided, and the working arrangements for these staff.

Members discussed the wide scope of the area to be covered and queried whether CCTV and a mobile enforcement vehicle could be used to monitor and act upon parking infringements. It was explained that CCTV cannot be utilised for such purposes due to considerations around image quality and the requirement to use 'approved devices'. Officers confirmed that consideration is being given to the use of a mobile vehicle at a future point in time.

Reference was made to the issue of parking on pavements and it was confirmed that this type of enforcement will remain under the remit of Gwent Police unless there are double yellow lines where the car is parked on the pavement. Concerns were also raised regarding the three-month gap between the withdrawal from parking enforcement duties

by Gwent Police and the planned implementation date by the Council. Officers explained that discussions are ongoing with Gwent Police to negotiate an extension to mitigate this period and ensure a smooth transition of responsibilities. Additionally, discussion took place regarding fixed fee charges for Penalty Charge Notices (PCNs) and the rationale behind the anticipated level of PCNs for the Caerphilly county borough.

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

RECOMMENDED to Cabinet that:-

- (i) CCBC reach a formal agreement with RCTCBC for them to manage the back office on CCBC's behalf;
- (ii) For consistency, that responsibility for enforcement of all Countryside and Tourism car parks be transferred to the Civil Enforcement team;
- (iii) all existing resident permit parking schemes within the borough be consolidated (as part of the TRO consolidation order) to bring them in line with the policy and ensure consistency across the borough;
- (iv) new customer relation protocols and/or systems via the Customer Services team be developed;
- (v) any cashless parking system be procured remotely and separate to a Civil Parking Enforcement (CPE) IT service provider;
- (vi) that the CEO role initially be implemented under CPE to avoid any delays to its implementation. In parallel work on combining the role with CSWs will be progressed and implemented at the earliest possibility, if viable;
- (vii) any financial surpluses from the operation be ring fenced to CPE activities and provisions in accordance with the requirements detailed within Section 55 (as amended) of the Road Traffic Regulation Act 1984;
- (viii) the recommendations and delegations as set out in Section 5.1 of the report be sought to facilitate the CPE application to WG and subsequent implementation;
- (ix) the additional costs of £431k for the TRO review and CPE set up costs be funded from SEW and Communities Directorate reserves (i.e. £291k from SEW reserve and £140k from Communities Directorate reserve).

The meeting closed at 7.15 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 18th September 2018, they were signed by the Chair.

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CHAIR