



ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE

**MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON
TUESDAY, 14TH MAY 2019 AT 5.30 P.M.**

PRESENT:

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

Councillors:

M.A. Adams, C. Elsbury, M. Evans, A. Gair, R.W. Gough, S. Kent, Mrs A. Leonard,
G. Simmonds, A. Whitcombe and T.J. Williams

Cabinet Members:

N. George (Neighbourhood Services), S. Morgan (Economy, Infrastructure and Sustainability)
and E. Stenner (Environment and Public Protection)

Together with:

M. Lloyd (Head of Infrastructure), C. Adams (Highway Engineering Group Manager),
C. Edwards (Environmental Health Manager), M. Headington (Green Spaces and Transport
Services Manager), M.S. Williams (Interim Corporate Director of Communities),
C. Forbes-Thompson (Interim Head of Democratic Services) and C. Evans (Committee
Services Officer)

1. CHAIR'S ANNOUNCEMENT

The Chair opened the meeting and welcomed those in attendance to the first meeting of the Environment and Sustainability Scrutiny Committee.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A. Collis, Ms J. Gale, D.W.R. Preece and J. Roberts.

3. DECLARATIONS OF INTEREST

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

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

The report outlined details of the Environment and Sustainability Scrutiny Committee Forward Work Programme (FWP) for the period May 2019 to March 2020.

The Committee were asked to note that, the Forward Work Programme has been collated from relevant reports from the previous Regeneration and Environment Scrutiny Committee Forward Work Programme. Members were asked to contact the Interim Head of Democratic Services or Scrutiny Officer should there be any report requests.

Following consideration and discussion, it was moved and seconded that the recommendation in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that the work programme appended to the report be approved.

6. 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 report.

7. NOTICE OF MOTION – CLIMATE CHANGE

The Environment and Sustainability Scrutiny Committee were asked to consider a Notice of Motion, received from Councillor S. Morgan and supported by Councillors D.V. Poole, B. Jones, C. Cuss, C. Gordon, L. Phipps, N. George, P. Marsden, E. Stenner, C. Mann and K. Etheridge, as set out in paragraph 5.1 of the report and make an appropriate recommendation to Council, in accordance with Rule 11(3) of the Council's Constitution.

The Notice of Motion requests that:

- the Council declare a Climate Emergency;
- commit to making Caerphilly County Borough Council a net zero carbon local authority by 2030;
- within 12 months develop a clear energy plan for a route towards being net zero carbon;
- ask that Welsh and UK Government call on World Leaders to acknowledge the overwhelming scientific evidence that Climate Change has been created by human activity;
- call on Welsh and UK Government to provide the necessary support and resources to enable effective carbon reduction and move to a less resource intensive future;
- call on Welsh Government to measure out countries progress in a way that supports and reflects decarbonisation and the ambitious and forward thinking Well Being and Future Generations Act, rather than simply measuring resource use and consumerism;
- work with Public Service Board and Cardiff Capital Region City Deal partners to develop opportunities to deliver carbon savings and to take advantage of the wider benefits of becoming net zero carbon;

- collaborate with experts from the private second and third sectors to develop innovative solutions to becoming net zero carbon.

The Committee were provided with background information that supported the Notice of Motion, which included details from the Intergovernmental Panel on Climate Change (IPCC) Special Report on "Global Warming of 1.5°C" published in October 2018, confirmed that the world is on track to overshoot the Paris Agreement's 1.5°C limit before 2050. The Report describes the enormous harm that a 2°C rise is likely to cause compared to a 1.5°C rise, and told us that limiting Global Warming to 1.5°C may still be possible with ambitious action from national and sub-national authorities, civil society, the private sector and local communities.

The Committee thanked Councillor Morgan for presenting the Notice of Motion and discussion ensued.

In supporting the Notice of Motion, a Member highlighted the recent findings of a Pacific exploration, in which plastic was found 7 meters down at the bottom of the ocean, it was felt that there needs to be action taken to make changes and as a result sought further information on the Authority's plans to consider renewable energy or generate its own energy. It was confirmed that this, along with a number of other options are being considered and detailed in a report to Housing and Regeneration Scrutiny Committee, which will outline a number of options and proposals in order to mitigate the effects of climate change. Officers agreed to circulate the report to Environment and Sustainability Scrutiny Committee when available.

A Member sought clarification on whether financial or social assessments were undertaken prior to the presentation of the Notice of Motion. It was confirmed that there has not been a direct assessment undertaken, however the Social Implications are obvious, should there be no action taken. Further concerns were raised that there would be little impact on Climate Change, when there are large, developing economies increasing their carbon output, and the financial implications to these proposed changes in the Notice of Motion would have a significant impact on the Welsh Economy. It was argued that change is required in order to make an impact to mitigate Climate Change and reduce carbon output; the implementation of more sustainable greener energy sources would have a lasting effect on the environment and economy.

Whilst supporting the Notice of Motion, a Member sought clarification on budgetary implications, as it has been necessary to make cuts to public services in the Medium Term Financial Plan (MTFP) and implementation of greener energy sources such as electric vehicle charging points and replacement of fleet vehicles has substantial financial costs. It was noted that resources would be implemented where possible, and there would be a requirement to continue to use fossil fuels in some instances, however a plan is required in order to examine all options in order to move to a greener economy.

Discussions took place around planting trees to reduce carbon emissions and members queried whether there are any planned schemes with schools or Housing Developers to plant more trees or the allocation of parcels of land for the development of woodland. Members were asked to note that there are planned works in Cwmcarn Forest Drive; however, detailed plans would be outlined within the coming report.

Following consideration and discussion, it was moved and seconded that the recommendation in the report be approved. By a show of hands, and in noting that there was 1 abstention, this agreed by the majority present.

RESOLVED that for the reasons contained in the Officer's Report the Environment and Sustainability Scrutiny Committee are asked to consider the Notice of Motion outlined in paragraph 5.1 and make appropriate recommendation to Council.

8. HIGHWAY ASSET MANAGEMENT PLAN ANNUAL STATUS AND OPTIONS REPORT – CARRIAGEWAY ASSET

The report provided the Scrutiny Committee with a summary of status of the Council's Highway (carriageway and footway) asset and sought comment on the options available for future planned maintenance strategies and their resultant budgetary implications, prior to final funding strategy being considered as part of the 2020/21 budget setting process.

The report focussed on the Annual Status and Options Report (ASOR), which was appended to the report, for carriageways, which is based on the Asset Management Framework template derived from the collective effort of Welsh and Scottish Local Authorities, namely; County Surveyors Society Wales (CSSW) and the Society of Chief Officers of Transportation in Scotland (SCOTS).

It was noted that the ASOR analyses evidence of Asset Management practice and it can describe the current condition of the asset, detail the service that the asset and current budgets are able to provide and present the options available for future planned maintenance budgets and strategy.

The long-term options within the report consider the strategic approaches available together with the proposed outcomes associated with each alternative. The predicted impacts of future options are explored and recommendations made based upon this evidence.

The Committee were asked to note that the average annual carriageway budget shortfall in England and Wales is reported to be £3.9 million per authority, up from £3.3 million in 2018, and the amount required to bring the local road network up to scratch is now approaching £10 billion.

The Committee thanked the Officer for the report and discussion ensued.

A Member sought clarification on the budget stream in which the additional funding could be sourced. Officers explained that the report has identified a need for additional funding requirements in order to continue to conduct planned and emergency repairs to the highways infrastructure, however it is not clear as to where the funding could be sourced

A Member, in noting the Assumptions within the report with reference to the continuing austerity measures queried whether there could be additional financial support from Welsh Government (WG). Officers confirmed that, through Wales Local Government Association (WLGA), the Authority continues to lobby for additional funding.

Discussions took place around the increase in insurance claims relating to Highway defects, which have increased by over 42% in the past 3 years. Officers assured the Committee however that whilst there has been an increase, the total number of successful claims value to be very low, and mitigation levels are very good. There are variances year on year as a result of weather damage, however defence mechanisms are very good and the department has a 100% record for inspections conducted on time.

Members discussed Pot Holes within the borough and it was noted that the patch machine is now on the road and providing decent outputs, however it does have limitations. In addition Members were asked to note that pot holes are addressed within 42 days, as set within CSS Guidance, however on average, repairs are conducted within 21/22 days. Emergency repairs however are addressed within 2 hours.

Following consideration and discussion, it was moved and seconded that the recommendation in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officer's Report:

- i) Caerphilly Council's resources, both operational and financial, are inevitably finite. This reinforces the need for proportionate response to the longer-term impact of budget commitment in relation to maintenance strategies. Members are therefore asked to review the strategic approaches (para 5.9), which detail the future impacts and financial liabilities associated with each option and consider the long term impact on the network and our future generations;
- ii) Given the value of the Highway Asset and its strategic importance, Members support investing as much capital as possible into the Authority's Highway Infrastructure while recognising that there will be other strategic priorities competing for the limited resources available to the Authority over the medium term;
- iii) the Scrutiny Committee support option C4 paragraph 5.9 (maintain current condition) as the minimum standard for adoption. This would require an annual capital investment increase of £1,570,000 on top of the 2019/20 planned maintenance budget of £767,000 (option C2), or an investment increase of £660,000 if the temporary MTFP saving for 2019/20 is restored in 2020/21 (option C3). This would maintain roads at current standards in the medium term.
- iv) Members note that the final approval of the Capital Programme is a matter for Full Council when annual budget proposals are considered in February each year.

9. LOCAL TOILETS STRATEGY

The report provided the Committee with the findings of the public consultation exercise undertaken on the draft Caerphilly County Borough Local Toilets Strategy together with consideration of the updated strategy prior to presentation to Cabinet for a decision.

The report was presented to Cabinet on the 28th November 2018 detailing the requirement for Caerphilly County Council to produce a Local Toilets Strategy and sought permission to consult on the prepared draft Local Toilets Strategy. Caerphilly County Borough Council must publish its strategy by 31st May 2019.

It was noted that the duty to prepare a Local Toilets Strategy does not require local authorities to provide and maintain public toilets directly. The Local Authority must take a strategic view on how facilities can be provided and accessed by their local population. Upon review of this strategy, Caerphilly County Borough Council is required to publish a statement of progress. The strategy should contribute toward achieving accessible and clean toilets wherever people live, work or visit.

During Autumn 2018, an assessment of need, including a public consultation exercise, was completed to identify existing provision, current and future need and gaps in provision. Feedback and findings from this work were incorporated into the draft Strategy. Thereafter, a public consultation exercise was undertaken between 14th December 2018 and the 8th March 2019 to collect the views regarding the content of the updated draft strategy. 83 responses were received and have been analysed and reported in Appendix 1 of the report.

The last consultation exercise was run almost in parallel with the public consultation on the Medium Term Financial Plan (MTFP); which included a proposal to close five blocks of public toilets across the county borough. Consequently, many of the respondents associated the closure of public toilets with the Strategy, consequently much of the feedback from the consultation exercise related to the removal of existing provision, particularly facilities for disabled persons.

The Strategy makes reference to the closure of the public toilets; therefore it has not been necessary to amend the strategy as a direct result of comments received.

Environment and Sustainability Scrutiny Committee were asked to consider the findings of the public consultation exercise and the updated Local Toilets Strategy prior to presentation to Cabinet for a decision to adopt and publish the Local Toilets Strategy.

A Member raised significant concerns around the Local Authority's compliance with Housing and Sanitation rights and legislation as a result of the closure of facilities. Officers explained that housing legislation introduced the requirement for proper internal toilet facilities, for which the Council, as a result of Wales Housing Quality Standard (WHQS) works are compliant; however, there is not a requirement for the Local Authority to provide public toilets, as this is a discretionary service.

Discussions took place around the consultation process for closures of public toilets and it was noted that there was a great deal of involvement with Community Councils, premises owners and voluntary organisations, and, since the closure of facilities in town centres, work is underway in Caerphilly, Bargoed, Risca and Blackwood to arrange transferring of responsibility for the provision of facilities.

The Committee discussed the signage for facilities in Town Centres, in which local businesses are providing facilities to the public. It was noted that an "App" is being developed for smartphones, in which members of the public will be able to readily access information on facilities; in addition stickers are also being developed and provided by Welsh Government in which premises can display. Members raised a number of concerns around the use of the "App", particularly for older members of the public and those who do not have access to a Smartphone.

Following consideration and discussion, it was moved and seconded that the recommendation in the report be approved. By a show of hands and in noting that there were 4 against and 1 abstention, this agreed by the majority present.

RESOLVED that for the reasons contained in the Officer's Report the Scrutiny Committee consider the findings of the public consultation exercise and the updated Local Toilets Strategy prior to presentation to Cabinet for a decision to adopt and publish the Local Toilets Strategy.

10. COMMUNITY ASSET TRANSFER PRINCIPLES (PLAYING FIELDS)

The report sought the views of the Scrutiny Committee on the adoption of a set of guiding principles in relation to the transfer of playing fields to sporting organisations, prior to the presentation to Cabinet for a decision.

It was noted that the Council is receiving an increasing number of applications from sports clubs to lease facilities (sports fields and/or pavilions). To date, the general ethos is that the Council would support clubs ambitions (on an ad-hoc basis); however in the absence of any guiding principles and for the reasons set out in the body of the report, this is becoming increasingly difficult. The Council is committed, where possible, to provide assistance to clubs to become more sustainable and enable their development and progression to higher leagues. This not only brings benefits for the club, its players, sport in general and the county borough, but the adoption of the principles enables the Local Authority to protect assets.

The report outlined some guiding principles which will assist in decision making and provide clarity for sporting organisations when considering applications for transfer of playing fields and or pavilions.

The Scrutiny Committee thanked the Officers for the detailed report and discussion ensued.

A Member sought clarification on Principle 8, in which the Authority will continue to honour existing leases, where the clubs are fully compliant with the terms of the lease and queried the process to uphold this. Officers explained that there will be requirements within the Lease, evidence for which will be required on an annual basis.

Discussions took place around the implementation of barriers on pitches within parks across the borough and whether this would be feasible, as it could limit public access to spaces and hinder wellbeing. Officers explained that there are concerns from a number of clubs for dog fouling on pitches, however, barriers are often single pole barriers, which are used for crowd control during fixtures and are not obstructive for public access, however, where a club has requested to provide a stand for spectators, this has to be considered on merit, as often these facilities can attract Anti-Social Behaviour and therefore further fencing is required, which is not always suitable on all facilities.

The Committee discussed the principles in detail and reference was made to a recent application in which Members were not able to grant an application on a local ground, as it was determined that the facilities would not be suitable for the long term use of the club. Since this time however, the Local Authority, along with the applicant has sourced more suitable facilities, which meet the needs of the club.

It was noted that the standards and requirements of pitches are often dictated by the leagues and Members queried how this can be implemented. Officers explained that the criteria regularly changes and can be difficult to adapt facilities in order to meet the constantly changing requirements in order for clubs to continue progression.

RESOLVED that for the reasons contained in the Officer's Report the Scrutiny Committee recommended that the following principles be adopted:

- i) That the Council grant permission where it is appropriate to do so, for clubs to install crowd control barriers (with or without infill panels to exclude dogs);
- ii) Where there is an overly restrictive covenant placed on the playing field or building, the Council will be precluded from entering into lease or licence agreements with clubs;
- iii) That the Council will only accept applications from clubs, where they are at least eighteen months away from commencing within a new league structure for example, Welsh League in Football and either the WRU Championship or Premiership in rugby. Any application must be accompanied by a robust business case and a non-refundable fee of £500 to cover initial legal costs and officer's time. Additionally, where relevant, the club will be liable for advertising costs as set out within The Playing Fields (Community Involvement in Disposal Regulations) (Wales) 2015, which can be in excess of £4,000. To this end, pre-application discussions with officers are encouraged;
- iv) That the Council grant preferred user status where it is appropriate to do so, to such clubs who are registered as Community Amateur Sports Clubs (CASC's);
- v) That officers review the booking process and continue to explore development opportunities at 3G pitches to facilitate those clubs in the higher leagues un meeting their league requirements;
- vi) That playing fields and other facilities held on charitable trust have different governance arrangements and will need to be the subject of a separate decision making process;

- vii) That where management agreements are granted, responsibility for statutory testing and maintenance (within buildings) and grounds maintenance will be retained by the Council and recharged to the club as part of the agreement;
- viii) That the Authority will continue to honour existing leases, where the clubs are fully compliant with the terms of the lease;
- ix) That all applications will be subject to a discussion, to highlight any potential issues, between relevant officers will engage the relevant local members and Cabinet Member at the earliest stage in the application process and will determine the most appropriate method for consultation with residents in conjunction with the relevant local member(s). The views of local member(s) will be taken into account in the decision making process set out in the Council's Constitution. Where the ultimate decision is to refuse any application for asset transfer then the decision will be communicated as the decision of the Council and will not be attributed to the views of any individual members;
- x) That any exception to this set of principles is brought before Cabinet for a decision.

The meeting closed at 6.57 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 25th June 2019, they were signed by the Chair.

CHAIR