



ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE

**MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON
TUESDAY, 11TH FEBRUARY 2020 AT 5.30 P.M.**

PRESENT:

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

Councillors:

M.A. Adams, A. Collis, C. Elsbury, M. Evans, A. Gair, Ms J. Gale, Mrs A. Leonard, D.W.R. Preece, J. Roberts, J. Scriven, G. Simmonds, A. Whitcombe, T.J. Williams

Cabinet Members:

S. Morgan (Regeneration, Transportation and Sustainability), Mrs L. Phipps (Homes, Places and Tourism)

Together with:

M.S. Williams (Interim Corporate Director of Communities), M. Lloyd (Head of Infrastructure), T. Broadhurst (Estates Manager), K. Peters (Corporate Policy Manager), G. Roberts (Team Leader Transport Officer ITU), M. Jacques (Scrutiny Officer), R. Barrett (Committee Services Officer)

Also present:

Councillor N. Dix (Blackwood Ward), Mr L. Clark (RSPCA)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor S. Kent, together with Cabinet Members Councillor N. George (Environment and Neighbourhood Services) and Councillor Mrs E. Stenner (Finance, Performance and Planning).

2. DECLARATIONS OF INTEREST

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

3. MINUTES – 10TH DECEMBER 2019

RESOLVED that the minutes of the Environment and Sustainability Scrutiny Committee held on 10th December 2019 (minute nos. 1 - 8) be approved as a correct record and signed by the Chair.

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 February to March 2020, and included all reports that were identified at the Scrutiny Committee meeting on 10th December 2019.

Members were referred to the workshop held prior to the main meeting to consider and prioritise items for the Forward Work Programme for the coming year. An updated FWP will be drafted from the discussions at the workshop and brought to the next meeting of the Environment and Sustainability Scrutiny Committee for approval.

Members noted the update from the Scrutiny Officer and unanimously agreed that the Forward Work Programme as appended to the meeting papers be published on the Council's website.

6. CABINET REPORTS

It was noted that the Cabinet report listed on the agenda had not been called forward for discussion at the meeting.

7. NOTICE OF MOTION RELATING TO THE EFFECT OF FIREWORKS IN PUBLIC AND PRIVATE DISPLAYS

Consideration was given to the Notice of Motion submitted by Councillor N. Dix and supported by Councillor D.W.R. Preece. The Scrutiny Committee were asked to consider the Notice of Motion as set out in paragraph 6.1 of the report and make an appropriate recommendation to Council, in accordance with Rule 11(3) of the Council's Constitution.

Councillor Dix presented his Notice of Motion which requested that the Council :-

- (i) Write to Welsh Government urging them to utilise any levers at their disposal to mitigate any negative impacts on animals and vulnerable people of the hosting of firework displays;

and

- (ii) write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays.

The Committee heard evidence from Mr Lewis Clark (RSPCA Cymru) which supported the Notice of Motion. Members were advised that the RSPCA received over 400 calls last year about the impact that fireworks have on animals, including stress and serious injury. Mr Clarke also highlighted the RSPCA's "Bang Out Of Order" campaign which seeks to raise public awareness of these issues by encouraging the responsible use of fireworks and the adoption of tighter regulations concerning their use.

During the course of the ensuing debate, discussion took place on how the suggested maximum noise level of 90dB had been determined. Mr Clark explained that this level had been recommended by the RSPCA following research into the issue, and referred to a report produced by the RSPCA which examines and compares decibel levels. The Committee also discussed the challenges around subjectivity in relation to noise assessments.

A Member expressed the importance of supporting the wider RSPCA campaign and the need to include aspects such as actively promoting public awareness. Members were advised that the Council does not have the powers or duties to implement the full range of suggestions in the RSPCA campaign. The Scrutiny Committee also discussed the rules and restrictions surrounding the sale of fireworks, together with enforcement responsibilities. Officers explained that there are already a number of relevant regulations in place and that enforcement in relation to firework sales is the responsibility of the Trading Standards department.

Following discussion on its contents, it was moved and seconded that the Notice of Motion be supported and that its acceptance be recommended to Council. By a show of hands this was unanimously agreed.

RECOMMENDED to Council that the Notice of Motion be supported.

REPORTS OF OFFICERS

Consideration was given to the following reports.

8. COMMUNITY ASSET TRANSFER – DRAFT POLICY AND PROCESS

The Cabinet Member for Homes, Places and Tourism presented the report, which outlined a draft policy and process for Community Asset Transfer (CAT), and encompassed the views of stakeholders to date. The views of the Scrutiny Committee were sought on its content, prior to further consultation taking place with the Community Council Liaison Sub Committee on 11th March 2020 and referral to Cabinet for a decision on 25th March 2020.

Members were advised that Community Asset Transfer is the transfer of assets previously provided via public sector funds to the management and control of community organisations. CAT can be used where the asset may have a community benefit as an alternative to disposal. It was explained that CAT is not a route to surplus asset disposal and cost saving.

Officers outlined how the draft policy is written to provide a robust but flexible staged process with an informal discussion preceding an Expression of Interest stage, followed by a full Business Case. The draft policy has been developed using Welsh Government guidance in order to provide a consistent, transparent and easily understood process that can be used to support community organisations and guide the decision-making of the Council.

During the course of the ensuing debate, a Member asked for examples of successful and unsuccessful CAT case studies. Officers highlighted the Old Library in Morgan Jones Park

in Caerphilly an example of best practice due to the success of its community café, and explained that no unsuccessful examples could be provided as the Council does not approve business cases that do not meet certain principles. An example was given of an arts centre in a neighbouring authority which had failed as a CAT and was passed back to that authority due to challenges including the age of the building and subsequent liabilities. It was emphasised to Members that there needs to be a robust process in place to avoid CATs failing and the asset being transferred back to the local authority.

A query was raised on covenants and whether or not the site of the former Cwmcarn High School could solely be used for educational purposes. Officers advised that the value of covenants are not as conclusive as they used to be, but that future use of the land would be judged on merits such as adding social value to local communities. The Member was also advised that the current planned use for the site is for educational purposes. It was agreed that the Officer would circulate further information in response to this query to Members following the meeting.

A Member sought clarification on the condition of assets prior to being transferred to community organisations, and whether or not the Council ensured that each asset was handed over in a good condition. Officers advised that this is not always the case, although the Council will work with community groups to enable grant funding for building improvements, and ensures that all assets meet statutory obligations before handover.

Reference was made to the process surrounding the takeover of the management of bowls clubs. Officers outlined the Council's involvement in the process and their efforts to achieve equity of provision, and explained that this is a completely different process to that of Community Asset Transfer. It was also explained that the bowls clubs are operated under management agreement, whereas the main type of tenure under CAT would entail the transfer of a lease to community groups which allows the tenant to apply for loans and grant funding. Such funding cannot be secured if tenants have a management agreement; however this type of CAT can be considered if requested. Officers also provided clarification on "licence to occupy" tenure and gave an example of where this has been utilised by a local rugby club in order to meet WRU regulations.

One Member referred to the need for CATs to enable community empowerment, and as a result expressed disagreement with a sentence in the 'Guiding Principles used by the Local Authority' section of the draft Policy and Process for Community Asset Transfer as appended to the report, which stated "***Those assets which have the potential to generate significant capital receipts are not likely to be considered as suitable for transfer***". Officers advised that this wording follows the Welsh Government's Assets Cymru Guide to Community Asset Transfer 2019 and that CAT is a local authority-led process. Officers also pointed out that the WG guidance had been issued to all 22 Local Authorities in Wales and that this wording was designed to provide Local Authorities with flexibility to do whatever suits their own local circumstances.

The Member moved an additional recommendation to Cabinet in that the above sentence be removed from the final version of the Council's Community Asset Transfer – Policy and Process. This was seconded and by a show of hands (and in noting there were four against and two abstentions) was agreed by the majority present.

Following consideration and discussion, it was moved and seconded that the following recommendation (including the aforementioned addition) be forwarded to Cabinet for approval. By a show of hands (and in noting there was one against) this was agreed by the majority present.

RECOMMENDED to Cabinet that the Community Asset Transfer – Policy and

Process be adopted following further consultation with the Community Council Liaison Sub Committee, subject to the removal of the sentence *“Those assets which have the potential to generate significant capital receipts are not likely to be considered as suitable for transfer”* from the “Guiding Principles used by the Local Authority” section of the draft Policy.

9. INTEGRATED TRANSPORT UNIT COLLABORATION

The Cabinet Member for Regeneration, Transportation and Sustainability presented the report, which outlined a proposal for collaborative working across the Integrated Transport Units (ITUs) of both Caerphilly and Rhondda Cynon Taf County Borough Councils. The report sought the views of the Scrutiny Committee on the proposal ahead of its presentation to Cabinet on 11th March 2020.

Members were advised that discussions have taken place between the two councils on the potential to create a joint ITU, and that both councils already have well-run and adequately resourced ITUs providing services for public bus services, home to school transport and Social Services transport for vulnerable adults and children. The proposal is to underpin the good work that each council undertakes through its respective ITUs, and create resilience and capacity that will ensure business continuity. The proposal is for a joint management structure to be put in place to manage the respective ITUs, and through this collaboration the two councils would share resources to create a centre of excellence for the delivery of passenger transport services across the Caerphilly and Rhondda Cynon Taf county boroughs. It was noted that whilst harmonising processes and procedures were mutually beneficial, under the proposal each ITU would remain independent and self-sufficient.

During the course of the ensuing debate, one Member raised the issue of Trade Union involvement, and asked if their views had been taken into consideration. Officers explained that the relevant Trade Unions had been fully consulted as part of the Consultation Process, which included ITU staff, and their support for the proposal had been secured. It was highlighted that no redundancies are currently anticipated as a result of the collaboration proposal.

Discussion took place on the possibility of extending the collaborative approach with other local authorities to future work practices. Officers explained that this could be an option as the Council considered different ways of working arising from the recommendations of the WG White Paper on Improving Public Transport, but ensuring that the necessary skillsets were in place would have to be a priority beforehand. One Member referred to the financial implications as detailed in the report and asked why no cost savings had been identified as a result of amalgamating transport teams. Officers explained that savings would be made in the future after aligning services and ensuring that contracts are fully integrated. Additionally, each ITU has contracts with different suppliers for services such as IT, and Members were advised that collaboration would ultimately produce savings, but only after alignment was fully established.

The Scrutiny Committee sought clarification on the autonomy of the ITUs and one Member was keen to establish the impact on future applications for public transport funding. Officers gave assurances about the independence of each ITU and advised that grant applications in the future would still be submitted as unitary authorities.

Following consideration and discussion, 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) the Council works with Rhondda Cynon Taf County Borough Council to create a centre of excellence for the delivery of passenger transport services across Caerphilly and RCT, be approved;
- (ii) Delegated authority be sought from Cabinet for the approval and amendment of the business and delivery plan to the joint management team, and for the preparation and agreement of Terms of Reference for the joint board/ steering group in consultation with the respective Cabinet/ Executive Members.

10. LOCAL TRANSPORT PLAN AND METRO DELIVERY UPDATE

The Cabinet Member for Regeneration, Transportation and Sustainability presented the report, which provided an update on the Council's progress with pursuing its Metro Plus priorities.

Members were advised that the Council's adopted South East Wales Valleys Local Transport Plans (LTP) sets out the transport priorities for the county borough. These support the Council's policies in the Local Development Plan and contribute towards the delivery of the South Wales Metro and wider Cardiff Capital Region aspirations to address the current environmental, social and economic challenges in the region. Good progress has been made to date but significant additional resources and commitment are required if the Council's outstanding priorities and aspirations are to be realised.

The Scrutiny Committee noted the progress made to date across the Council's short term transport priorities since the adoption of the Local Transport Plan, with further details set out in the report and its appendix. These include bus corridor enhancements for the Caerphilly Basin, Active Travel link improvements between Ystrad Mynach and Nelson, progress on the Active Travel schemes for Fleur-de-Lis and Ystrad Mynach, and completion of the highway improvement scheme for the A468/A469 Pwllpant roundabout. The report also highlighted the achievements of Transport for Wales across its rail service in preparation for the delivery of the South Wales Metro, including provision of ticket machines, improved internet access, the refurbishment of Cardiff Central train station, transformation of Sunday rail timetables, the expedited removal of Pacer trains and the introduction of pay as you go for smartcard users by April 2020.

The Scrutiny Committee discussed the report and a Member asked when the new rolling stock would be introduced, particularly for the Rhymney Valley line. Officers explained that the new stock is due to be introduced in 2022 but that changes may become apparent prior to this, including the refurbishment of older stock around the same period.

A Member referred to the increasing population and the subsequent pressures on the highways network, particularly given the traffic congestion for commuters in and around Cardiff. He highlighted the knock-on effect this could have for the planned Blackwood-Caerphilly bus scheme, suggested that there was a need to look at a more immediate approach to ease congestion and asked if there were any shorter to medium term strategies in place. Officers explained that WG are striving to encourage the use of public transport but are facing a number of challenges in this regard. There are proposals to introduce a congestion charge in Cardiff to discourage motorists from using the most convenient routes, which if they come into effect should alleviate network pinch points and allow buses to move through more quickly. Members also suggested that there was a particular focus on congestion in Cardiff City Centre and that more emphasis needs to be given to addressing this issue on a regional basis.

During the course of debate, Officers responded to a general query regarding the location of strategic Active Travel schemes listed in the appendices. Discussion also took place regarding train capacity, and in response to a Member's query, Officers confirmed that they were not aware of any plans to reduce the number of carriages on Valley lines. The Scrutiny Committee were also advised that funding has recently been secured for bus stop enhancements across the Mid Valleys area of the county borough.

Having considered and discussed the report, the Scrutiny Committee unanimously agreed that its contents be noted, and thanked the Officers for responding to their queries.

The meeting closed at 6.55 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 1st October 2020, they were signed by the Chair.

CHAIR