



ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE

MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON TUESDAY, 26TH OCTOBER 2021 AT 5.30 P.M.

PRESENT:

Councillor A. Hussey (Vice-Chair Presiding),

Councillors:

M.A. Adams, A. Collis, D.T. Davies, C. Elsbury, M. Evans, A. Gair, J. Gale, A. Leonard,
B. Owen, J.E. Roberts and T.J. Williams

Cabinet Members:

N. George (Waste, Public Protection and Street Scene), J. Pritchard (Infrastructure and Property), A. Whitcombe (Sustainability, Planning and Fleet), R. Whiting (Learning and Leisure)

Together with:

M.S. Williams (Corporate Director – Economy and Environment), R. Hartshorn (Head of Public Protection, Community and Leisure Services), M. Headington (Green Spaces and Transport Services Manager), N. Kenny (Community Safety Officer), M. Jacques (Scrutiny Officer), E. Sullivan (Senior Committee Services Officer) R. Barrett (Committee Services Officer), J. Lloyd (Committee Services Officer)

Also present:

Councillor K. Etheridge (Blackwood Ward), Dr D. Platt (Local Resident)

ANNOUNCEMENT

The Committee were advised that Councillor A. Hussey (Vice-Chair) would be acting as Chair for the meeting, as Councillor D.T. Davies (Chair) had still not fully recovered from his recent illness. It was noted that Councillor Davies would be present, but that Councillor Hussey would take on all the Chairing responsibilities on this occasion, in case Councillor Davies was unable to stay for the duration of the meeting and in order to provide continuity for Members.

RECORDING AND VOTING ARRANGEMENTS

The Acting Chair reminded those present that the meeting was being filmed and would be available following the meeting via the Council's website – [Click Here to View](#). Members were advised that voting on decisions would take place via Microsoft Forms.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors S. Kent, D.W.R. Preece, J. Scriven and J. Simmonds.

2. DECLARATIONS OF INTEREST

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

3. MINUTES – 14TH SEPTEMBER 2021

It was moved and seconded that the minutes of the meeting held on 14th September 2021 be approved as a correct record and by way of Microsoft Forms (and in noting there were 6 for, 0 against and 4 abstentions) this was agreed by the majority present.

RESOLVED that the minutes of the Environment and Sustainability Scrutiny Committee held on 14th September 2021 (minute nos. 1 – 10) be approved as a correct record.

Councillors A. Hussey and A. Gair confirmed that they had abstained from voting on the minutes as they had not been present at the last meeting, and Councillor D.T Davies also abstained as he had not been present for the whole 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

Mark Jacques (Scrutiny Officer presented the report, which outlined details of the Environment and Sustainability Scrutiny Committee Forward Work Programme (FWP) for the period October 2021 to March 2022.

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 were advised that a request had been received for a report on domestic electric charging points. However, the advice from Officers is to wait for the outcome of the Cardiff Capital Region Challenge Fund bid before preparing any reports in relation to this matter. The Corporate Director for Economy and Environment further explained that CCR have established the Challenge Fund with the intention of solving problems or potential problems of regional or national significance. The provision of domestic charging points in the future presents significant challenges, particularly around terraced, high rise and student properties and is an issue that many local authorities and central government will have to solve if there is to be a move to electric vehicles. Therefore the Corporate Director felt that it would be premature to bring forward a report on this matter until the outcome of the Challenge Fund bid is known.

It was moved and seconded that the report recommendation be approved. By way of Microsoft Forms (and in noting there were 11 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.

7. NOTICE OF MOTION – NINE MILE POINT PLANNING DECISION

Councillor K. Etheridge introduced his Notice of Motion which requested that a full investigation into the Hazrem planning decision takes place. Councillor Etheridge outlined the reasons for the motion and made reference to a letter sent to Chris Evans MP in relation to the matter under consideration which contained information he felt to be relevant to the Scrutiny Committee's deliberations on the motion. He asked Members to accept the motion, the call for a full public inquiry and appointment of an independent person to take the matter forward.

Dr D. Platt (local resident) then addressed the Scrutiny Committee with the permission of the Chair, and detailed the actions he had undertaken in terms of the Judicial Review process, the outcome of the Judicial Review process and why he had taken his matter forward on behalf of the community. Dr Platt believed the conversion of thousands of tonnes of waste into fuel on this site would cause environmental issues to the detriment of the residents in the area. He advised Members that an Environmental Impact Assessment had not been undertaken when the planning application had been submitted and furthermore the application had erroneously referred to the proposal as an industrial process rather than a waste disposal process. He advised that Legal Services had confirmed this as a waste disposal installation in April 2021. He also referenced the letter to Chris Evans MP outlined by Councillor Etheridge and the acknowledgement of this as a waste disposal plant.

Dr Platt felt that the lack of an Environment Impact Assessment was a blunder by Caerphilly County Borough Council, and he could not understand why the site was not correctly identified at the time. He also did not understand why Caerphilly County Borough Council had refused to acknowledge this error for so long and believed that this mistake would have serious consequences for the residents who had to live in the area. Furthermore, as a rate payer he expected more from his local authority.

It was confirmed that Dr Platt would be allowed to answer questions from the Scrutiny Committee. A Member of the Scrutiny Committee who had also been a Member of the Planning Committee at the time of the application, advised that he had attended a site visit prior to the Planning Committee meeting when this application was first considered. The Member queried the opinion of waste recovery or waste disposal and the difference between both and how they can be applied, which he believed could be interpreted either way and which he found confusing. He also sought clarification if the new application to extend the five-year limit had become obsolete, as work had commenced on site within that 5 years, and so did this even come into play in 2020. He also asked Dr Platt if he was aware of the 6-week period before the Judge used it for his determination that there was no

case to answer.

Dr Platt confirmed that there was some room from interpretation here, however Legal Services had confirmed this in a letter that the argument put forward that it was a waste disposal plant was correct and in Dr Platt's view should therefore be subject to an EIA. The Member was correct that the developer was able to start works and the application to extend was withdrawn. But also, in 2020, 3 pre-commencement conditions were complied with and so works could commence, and Dr Platt advised that the legal challenge was based on these aspects as he believed that these should all have been subject to an EIA. He confirmed that he was aware of the deadline, but this matter was subject to the Judge's discretion. However in this case the Judge determined that due to the economic detriment that this would place on the Operator, an extension would not be allowed in this instance. He confirmed that at the moment the site was agreed to be a waste disposal plant but he claimed that as the plant also does drying then it should also be considered to be undertaking chemical treatment and therefore be subject to an EIA, and in this aspect of the case CCBC disagrees.

The Corporate Director for Economy and Environment confirmed that the Operator has submitted an application for a non-material amendment to their planning permission on the basis that they will not be undertaking any drying on the site.

A Member urged the Scrutiny Committee to consider the impact on residents and support the motions' call for an independent external investigation into the matter in the form of a public inquiry.

The Scrutiny Committee were reminded of the internal investigation process led by Mr Richard Edmunds as an independent Corporate Director, and the next stage in the process should the complainant not be happy with the outcome of the internal investigation would be to refer the matter to the Ombudsman. Should Dr Platt be minded to do so, he can take advantage of this mechanism and take the matter forward to the Ombudsman for his consideration.

Having fully considered the Notice of Motion and the evidence presented, and with the motion having been moved and seconded, the Scrutiny Committee took a vote on the motion and by way of Microsoft Forms (and in noting there were 4 for, 7 against and 1 abstention) the motion was declared lost. It was therefore

RECOMMENDED to Council that the Notice of Motion not be supported.

REPORTS OF OFFICERS

Consideration was given to the following reports.

8. PUBLIC SPACES PROTECTION ORDER - DOG CONTROL ON SPORTS PITCHES

The Cabinet Member for Waste, Public Protection and Street Scene introduced the report, which updated Scrutiny Committee on the outcome of a 10-week public consultation regarding a proposed amendment to the Public Spaces Protection Order (PSPO) to include the exclusion of dogs from marked sports pitches. The report also sought Scrutiny Committee views on the proposed amendment to the Public Spaces Protection Order (PSPO) to include the exclusion of dogs from marked sports pitches on a seasonal basis prior to presenting a draft Order to Cabinet for approval.

Members were advised that Public Spaces Protection Orders were introduced by the Anti-social Behaviour, Crime and Policing Act 2014 and can be used to regulate activities in particular public places to ensure that the law-abiding majority can use and enjoy public spaces safe from anti-social behaviour. As such, these Orders provide an opportunity to enhance the Council's enforcement ability to respond to public opinion regarding dog fouling. The existing PSPO excludes dogs from all enclosed children's play and multi-use games areas, requires dogs to be kept on leads in enclosed memorial gardens, requires dog owners to remove dog faeces in public places and have an appropriately receptacle for dealing with the waste, and requires dogs to be put on a lead when directed to do so by an authorised officer on any public land where the dog is considered to be out of control or causing harm or distress to prevent a nuisance.

At its meeting on 22nd July 2020, Cabinet received a report presenting a review of the current position regarding dog fouling. Since implementation of the original Order, Cabinet resolved to undertake a 10 week public consultation exercise on the proposal to amend the Public Spaces Protection Order to include a provision to exclude dogs from marked sports/playing pitches. In view of the impacts of the pandemic this was to be done when it became possible to carry out meaningful consultation with the public and relevant stakeholders.

On 11th June 2021 a full public and stakeholder consultation was carried out for a period of 10 weeks by way of an online questionnaire and was preceded by wide scale communication and engagement via the local press media and the Council's website and social media accounts. 85% of respondents to the survey agreed with keeping the current restrictions within the PSPO. 53.5% of the respondents agreed with the proposal of banning dogs from marked sports pitches whilst 43.8% disagreed, while 2.7% did not know.

Having regard to the requirements of the Act and the responses to the consultation it is considered that the conditions required to retain the existing provisions of the Public Spaces Protection Order and the addition of the exclusion of dogs from marked sports pitches have been satisfied. The views of the Scrutiny Committee were therefore sought on the proposed PSPO included at Appendix 2 of the report prior to its presentation to Cabinet.

The Scrutiny Committee discussed the report and were pleased to note the extensive level of responses to the public consultation. One Member questioned the logic of only applying the Protection Order to marked sports pitches. He felt that extending the order to all sports pitches would allow irresponsible dog owners to be challenged during the summertime when posts were removed and pitches were unmarked. The Member held the view that sports pitches should be treated equally all year round and that the effects of dog excrement remained in the soil for a period of 2 years.

Rob Hartshorn (Head of Public Protection, Community and Leisure Services) advised that restrictions on an all-year round basis had been considered, but it was felt that applying the restrictions to sports fields that were unmarked in the off-season would be confusing for dog owners. However he explained that if it was the view of Scrutiny Committee that the restrictions should apply all year round then these comments would be passed to Cabinet for consideration.

Several Members voiced their support for the proposals but expressed the need for consistency by having a year-round PSPO with a blanket ban across all pitches. One Member outlined how his local rugby club started pre-season training on their pitch in late summer when it was still unmarked. Another Member explained how many cricket pitches were unmarked, with the boundary only marked out on the matchday itself, and he felt that the current proposal did not sufficiently protect those playing cricket. One Member

expressed the view that an all-year round PSPO for all sports pitches would make the Protection Order much easier for officers to enforce.

Having considered and discussed the report and provided views on the draft Public Spaces Protection Order (PSPO) attached at Appendix 2 to include the exclusion of dogs from marked sports pitches, the Scrutiny Committee noted that their views and comments will be reported to Cabinet when the draft Order is presented to Cabinet for approval.

9. GRASS CUTTING REGIMES

The Cabinet Member for Waste, Public Protection and Street Scene introduced the report, which sought the views of the Scrutiny Committee prior to a further report to Cabinet in relation to grass cutting regimes across the county borough and proposals to enhance and promote biodiversity following consultation with local members.

Members were reminded that the national lockdown imposed in March 2020 required the Council to transform to respond to the COVID-19 global pandemic and many services across the Council were paused, including grass-cutting measures. The national and local lockdowns forced residents to interact with their surroundings in a new way and appreciation for local county and urban parks along with other open green spaces heightened, which benefitted residents with both their physical and mental wellbeing. In addition, throughout the summer of 2021, a consultation exercise was undertaken with local members to identify suitable areas within their respective wards which could be allowed to flourish during the summer period and be marked with a wooden plaque thanking residents for allowing the dedicated areas to grow into eco-friendly spaces.

The Scrutiny Committee were therefore asked to recommend to Cabinet that the approach adopted during the 2021 cutting season be adopted as the standard going forward in relation to the Council's highway verges and by-pass routes where mowing is kept to a minimum, that urban areas such as housing estates, older person accommodation and cemeteries are maintained at the current cutting frequencies, and that the Scrutiny Committee endorse the list of areas nominated by local members within their respective wards which could be allowed to flourish during the summer period. Officers will continually work with local members to identify areas as the programme is expanded.

Mike Headington (Green Spaces and Transport Services Manager) highlighted the unexpected and welcome impact on the environment brought about by the pause in the grass-cutting programme due to the lockdown. Members were advised that the Green Spaces team are continually striving to ensure that the Council are continually transforming and evolving to ensure they are meeting the ever-changing needs of communities and doing all that they can to respond to the Climate Emergency declared by the Authority in 2019. It was also explained that the management of green and blue spaces should be directed by the Green Infrastructure Strategy formally adopted in November 2020.

The Scrutiny Committee were advised that the Council participated in the 'No Mow May' campaign in May 2021, which encouraged local individuals, councils, and stakeholders to help bees, butterflies, and other wildlife by letting wildflowers grow on lawns and green spaces throughout May instead of mowing them. Across the county borough, cutting along highway verges and roundabouts were kept to a minimum, although grass cutting still took place in order to maintain road visibility and safety, maintain margins and access on footways and cycle paths, and maintain parks, sports grounds, cemeteries, housing estates, play and recreational green open spaces. Members were referred to Appendix 1 of the report containing photographs taken along both the Risca and Newbridge by-pass routes in June 2021, which illustrate the success of the approach.

Mr Headington highlighted the consultation that took place with local ward members in Summer 2021 to identify suitable areas within their respective wards which could be allowed to flourish during the summer period. Areas in Risca, Gelligaer, Pontllanfraith, Trethomas and Llanbradach were nominated, with the specific locations set out at Section 5.8 of the report and aerial photographs of these areas set out at Appendix 2 of the report. Mr Headington also confirmed that additional locations had since been suggested by a Newbridge ward member and he would work with the Member to assess the suitability of these locations for the eco-friendly scheme.

The Scrutiny Committee discussed the report and a Member praised the commitment to allow the growth of wildflowers but raised the issue of road safety if visibility was reduced as a result of policy at highway locations such as roundabouts. Mr Headington provided assurances that the policy would not impede traffic safety and outlined how verges along principal roads such as bypass routes are cut twice a year to ensure that sight lines are maintained. A Member also requested contact details for Parks Officers in relation to the eco-friendly spaces scheme and these were provided to the Scrutiny Committee.

Following consideration of the report, it was moved and seconded that the following recommendations be forwarded to Cabinet for approval. By way of Microsoft Forms (and in noting there were 12 for, 0 against and 0 abstentions) this was unanimously agreed.

RECOMMENDED to Cabinet that:-

- (i) The approach adopted during the 2021 cutting season be adopted as the standard going forward in relation to our highway verges and by-pass routes where mowing is kept to a minimum;
- (ii) Urban areas, such as housing estates, older person accommodation, cemeteries etc. are maintained at the current cutting frequencies;
- (iii) the list of areas nominated by local members within their respective wards which could be allowed to flourish during the summer period, be endorsed. Officers will continually work with local members to identify areas as the programme is expanded.

10. PUBLIC SPACE PROTECTION ORDERS - ANTI-SOCIAL BEHAVIOUR AND DRINKING ALCOHOL IN A PUBLIC PLACE

The Cabinet Member for Waste, Public Protection and Street Scene presented the report, which updated the Scrutiny Committee on the outcome of a public consultation regarding the extension and proposed amendments to the existing Public Space Protection Orders for anti-social behaviour (ASB) and drinking alcohol in a public place. The report also sought Scrutiny Committee views on the variation of some existing PSPO areas to include anti-social behaviour restrictions and on introducing a number of new areas prior to presenting draft Orders to Cabinet for approval (Appendices 3-5).

Members were reminded of the introduction of Public Space Protection Orders in 2014 and their use by local authorities to deal with anti-social behaviour problems in a geographical area by imposing conditions on the use of an area. On 22nd June 2021 the Environmental and Sustainability Scrutiny Committee endorsed a proposed public consultation on proposed extension and amendments to the existing PSPO for ASB and drinking alcohol in a public place. A public consultation was launched on 23rd July 2021 for a period of six weeks, with the latest report detailing the outcome of the consultation and proposed draft

PSPOs at Appendices 3-5 for the Committee's consideration prior to presenting the draft Orders to Cabinet for approval.

Natalie Kenny (Community Safety Officer) expanded on the consultation and explained that a total of 127 surveys were completed online. The majority of respondents were supportive of the proposed changes and extension to the existing PSPO, with 94% agreeing with the proposal to extend the current PSPOs for a period of three years and 96% agreeing to vary some areas to include restrictions for anti-social behaviour.

The Scrutiny Committee discussed the report and one Member raised the number of anti-social behaviour complaints received by Gwent Police for Blackwood Bus Station and asked if the nature of complaint had changed over the three years, or if it was dominated by one factor. Mrs Kenny explained that complaints were mainly associated with youth annoyance and drug-taking, and highlighted that this location was a priority area for the Community Safety team.

A Member sought clarification on the proposed PSPO extension as he was unable to locate the information for specific wards within the report. Mrs Kenny outlined how the PSPO would be extended in all existing areas for a further 3 years, and explained that further areas had been suggested as part of the consultation process and that some of these locations would now be covered by the PSPO.

One Member highlighted a reference in the report to anti-social behaviour at Crossways in Pantside but believed that the ASB issue was instead in an alternative location behind the nearby shops in the centre of Pantside. Mrs Kenny explained that a problematic area had initially been identified around the Crossways bus shelter following discussion with the police, but that the Community Safety team would now take into consideration the car park area behind the shops owing to recent reports around anti-social behaviour in this area.

Having considered and discussed the report and provided views on extending the existing PSPOs for a period of 3 years, varying several areas to include anti-social behaviour restrictions, and introducing a number of new areas, the Scrutiny Committee noted that their views and comments will be reported to Cabinet when the draft Orders are presented to Cabinet for approval.

The meeting closed at 6.48 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 7th December 2021.

CHAIR