

SUBJECT OVERVIEW AND SCRUTINY COMMITTEE 3 - THURSDAY, 14 NOVEMBER 2019

**MINUTES OF A MEETING OF THE SUBJECT OVERVIEW AND SCRUTINY COMMITTEE 3
HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON
THURSDAY, 14 NOVEMBER 2019 AT 09:30**

Present

Councillor JC Spanswick – Chairperson

N Clarke	P Davies	DK Edwards	DG Howells
DRW Lewis	JR McCarthy	JC Radcliffe	RMI Shaw
RME Stirman	E Venables	LM Walters	

Apologies for Absence

G Thomas, DBF White, JE Williams

Officers:

Phillip Angell	Traffic Management and Parking Team Leader
Sian Hooper	Waste and Cleaner Streets Manager
Zak Shell	Head of Neighbourhood Services
Tracy Watson	Scrutiny Officer
Kelly Watson	Head of Legal & Regulatory Services

95. DECLARATIONS OF INTEREST

Councillor R Young declared a personal interest in agenda item 4, Enforcement, because his step grandson was recently employed by 3GS.

96. APPROVAL OF MINUTES

RESOLVED: That the Minutes of the meeting of Subject Overview and Scrutiny Committee 3 dated 5 September 2019, be approved as a true and accurate record.

97. ENFORCEMENT

The Head of Operations - Communities submitted a report, the purpose of which was to present Committee with the responses to several questions raised by the Committee on various topics relating to Enforcement.

The Head of Operations – Communities gave an outline of the report, following which the Chairperson invited questions from Members.

A Member felt disappointed that the majority of Fixed Penalty Notices (FPNs) issued between April to September 2019, appeared to be mainly in relation to cigarette littering as opposed to any from fly tipping, general/food littering or dog fouling and enquired whether the enforcement was cost neutral. The Head of Operations – Communities confirmed that the contract was based on a cost neutral format and that the threshold when BCBC gets a return may not be until next year. He confirmed that dog fouling enforcement had commenced and would be highlighted in future updates on enforcement. He noted the challenge of observing littering happening and explained that we have a presence now, and whilst officers may be enforcing mainly for cigarette littering, their presence is a deterrent to other littering. He explained that whilst he would like to see more variety of enforcement the down side of the model of self-funding is that

SUBJECT OVERVIEW AND SCRUTINY COMMITTEE 3 - THURSDAY, 14 NOVEMBER 2019

you can't spend too much time catching someone out. He confirmed that fly tipping was still with BCBC officers.

A Member noted the response in respect of the cost neutral format, and enquired whether this covered the cost of the legal department. The Head of Operations – Communities advised that this was a cost burden to the authority and recognised the challenge this raised in terms of resources. He noted the potential surplus which 3GS accrues over and above their operating costs with a 90:10 split in favour of the council.

A Member asked how Enforcement Officers were dressed. The Cleaner Streets & Waste Contract Manager confirmed that officers have logos and wear cameras, identifying them.

A Member enquired the reason for the replacement of 2 Enforcement Officers in September, giving the money that is put into training officers. The Cleaner Streets & Waste Contract Manager advised that this was a decision made by 3GS and related to one personal reason and one due to lack of performance.

A Member acknowledged the high percentage FPN's issued in respect of cigarette littering and noted the impact of cigarette butts littering the environment and the toxic chemicals causing soil and water pollution respectively and highlighted the positives of reducing cigarette littering.

A Member referred to the information relating to locations of FPNs issued from April – September 2019, on page 19 of the report, and noted that it only showed limited locations e.g. there didn't appear to show any FPN's issued in Maesteg or the Valley's? The Cleaner Streets & Waste Contract Manager explained that it was still early days and this was a continuous process but that they did target specific events e.g. Porthcawl Elvis Festival. She confirmed that she was happy for members to identify any hot spots.

A member asked the Head of Operations - Communities if he would be prepared to publish the statistics on the website showing the areas. The Head of Operations – Communities agreed this could be done.

A Member asked how 3GS address issues where a member of the public approached for littering fails to give their identify? The Cleaner Streets & Waste Contract Manager explained that it is an offence to refuse to give Enforcement Officers their details, but highlighted that Enforcement Officers used a conversation with members of the public as a starting point. She explained that this information couldn't be obtained through car details/DVLA. The Head of Operations – Communities reiterated that Enforcement Officers would point out to a member of the public that it is offence not to provide a name and address. He suggested that there are other avenues open to us and highlighted an example whereby another authority have published photos of people and asked for their details. He acknowledged while this is an option, we do not need to go down this road at this stage. A Member then asked in terms of litter thrown from a car window. The Cleaner Streets & Waste Contract Manager explained that yes, the DVLA could be contacted for details in this instance.

A Member asked for clarification in term of hours that Enforcement Officers work. The Cleaner Streets & Waste Contract Manager advised that they start anytime from 7am, but will close about 5pm – 6/6.30pm. They do work weekends where necessary e.g. Elvis festival. They can go in earlier if necessary e.g. early morning dog walkers.

A Member noted the information relating to the status of FPN's on page 20 of the report and asked for clarification of the FPN's issued in error. The Cleaner Streets & Waste Contract Manager explained that this was part of the appeals process. She highlighted

SUBJECT OVERVIEW AND SCRUTINY COMMITTEE 3 - THURSDAY, 14 NOVEMBER 2019

an example where an individual approached seemed to be very ill and would have probably appealed as it was felt he was not in a fit mental state – in this instance a fine would not be issued. Members suggested that perhaps the categorisation used was not the best wording.

A Member referred to paragraph 5.5. of the report and noted that the enforcement vehicle patrol is not determined by a specific rota and enquired how this worked and additionally what does the vehicle do in the school holiday period. The Traffic Management and Parking Team Leader explained that there is rota with the enforcement vehicle patrolling at least once a month at every school, although he noted that it had averaged twice a month. In the holiday period, the enforcement vehicle focused on enforceable areas. e.g. zigzag, no waiting, no loading and bus stops.

A Member noted the enforcement vehicle rota of visiting schools ad hoc, but suggested that a weekly-targeted approach would get the message across to parents/grandparents/ those dropping off. This may result in parking safely away from the school being the norm.

The Cabinet Member for Communities acknowledged the random nature of the enforcement vehicle and noted the Members comments in terms of getting the message out in terms of PCNs. If there is a known hotspot this can be targeted. He asked Members to inform Officers where these hotspots are and giving a reason why. He hoped that the message would get across.

Members discussed the role of PCSO's in respect of Fixed Penalties and the domain of South Wales Police. Clarification was needed on who has the power and who uses the power.

A Member asked for clarification whether the enforcement vehicle was electric and/or hybrid. The Traffic Management and Parking Team Leader confirmed that the vehicle was neither.

A Member enquired whether residents parking was looked at. The Traffic Management and Parking Team Leader confirmed that it can be programmed to identify if no permit but doesn't issue a Penalty Charge Notice (PCN) for this offence.

A Member enquired whether there were particular schools that had a greater number of offences than others. The Traffic Management and Parking Team Leader stated that he didn't have that data to hand but that could it be provided, then it may be available to share with schools.

A Member sought clarity on the role of the enforcement vehicle as it moved from schools. The Traffic Management and Parking Team Leader explained that the vehicle automatically records wherever it hits a pre-programmed area that it can enforce on. He confirmed that the data is not live, but will be analysed later.

A Member asked for clarification on how many schools are actually visited. The Traffic Management and Parking Team Leader explained that the vehicle goes where there are enforcement matters that can be dealt with but noted that 1 school had no zigzags and 2 were dead ends where the vehicle was unable to go.

A Member enquired about the process if a fixed penalty isn't paid. The Head of Legal and Regulatory Services explained that the case file prepared by 3GS is provided to the Legal Department for assessment of the evidence to determine if it can proceed to prosecution. She informed Members that the first 11 prosecutions were due on the 29th November.

A Member enquired if there were any incentives to pay earlier. The Head of Operations – Communities highlighted that this was being addressed with the revised Enforcement Policy for the issuing of Fixed Penalty Notices for environmental offences due to go to Cabinet at the end of November.

A Member queried the income generated in respect of PCN's from 1st April 2018 – 31st March 2019 and additionally how much does the service cost. The Traffic Management and Parking Team Leader notified members that the figure was close to £43k in that period as the majority of tickets get paid in the discounted period and some are still outstanding as debts. The Head of Operations – Communities advised that based on a figure of £43k there is a small net cost to the authority.

A Member noted the PNC process on page 14 of the report and in particular the warrant of execution and asked how often does this take place? The Traffic Management and Parking Team Leader advised that there averages 100 warrants for Bridgend every 2 months (for all the PCN offences) but this was not ideal. He noted that there were people with 40 PNC's outstanding and 20 is not unusual, unfortunately in some cases the message was not getting through. He also noted that some people cannot be traced and therefore the revenue is written off. There were also people with insufficient funds or vulnerable people that were all closed. The Traffic Management and Parking Team Leader further advised members that the authority was often contacted by the individual and we will refer them to the Citizens Advice Bureau who we liaise closely with and if the circumstances are such the ticket is closed.

A Member highlighted Driver Awareness courses when it came to speeding and wondered if there could be something similar on the website explaining why enforcement isn't a trivial matter and why it should be enforced? The Head of Operations – Communities acknowledged that this could be taken on board and a targeted campaign be undertaken.

A Member enquired about fly tipping in the Borough and asked how many fines had been levelled against fly tippers in the last year. The Cleaner Streets & Waste Contract Manager advised that there had been 2000 fly tipping instances. 1700 of these were in the public domain. 75 FPN were issued with 11 paid. She further acknowledged the changes to the policy with more of a conversation up front.

The chair thanked Officers for attending the meeting and they left.

Recommendations:

Members recommended writing to the Head of Education and Early Years asking him to send a letter to all heads in the borough requesting them to write to parents reminding them about alleviating bad parking. Members further recommended that the Head of Education and Early Years include this in his report to Governors and that Governing Bodies should receive an annual report on Parking Enforcement outside their respective schools.

Members recommended a targeted publicity campaign in respect of Enforcement to include more education and publicity through the BCBC website, information in respect of air pollution, and greater liaison with schools.

In relation to the status of FPN's issued in April – September 2019, Members recommended the rewording of the category in respect of 'Issued in error' in future reports, to show 'Appeals' for clarity.

SUBJECT OVERVIEW AND SCRUTINY COMMITTEE 3 - THURSDAY, 14 NOVEMBER 2019

Members asked for further data in respect of number of offences per school in the Borough. It was further recommended by Members that this data be shared with schools.

Members recommended receiving a further report on the whole range of Enforcement duties to include Fly tipping, black bags, etc., in April/May 2020.

Further Information Required:

Members raised concern about schools that can't be accessed by the enforcement vehicle and asked for clarification about what alternatives are there for those schools.

Members asked for further information in respect of costs – there needs to be a breakdown showing expenditure against income to see if the services are covering their operating costs. That is both the 3GS contract and the in-house Roly Patroly service.

Members sought clarity on the roles and responsibilities of BCBC and SW Police in terms of enforcement and why the PCSO's in Bridgend cannot undertake the same enforcement as PCSO's in other parts of the South Wales Police area.

98. OVERVIEW AND SCRUTINY - FEEDBACK FROM MEETINGS

The Head of Legal and Regulatory Services submitted a report, the purpose of which was to present to Members the feedback from the previous meeting of Subject Overview and Scrutiny Committee 3 for discussion, approval and actioning, and to place these in RAG status order in terms of the completion of any follow-up action.

RESOLVED: That the Committee considered the attached feedback and Officer's responses as shown at Appendix A to the report and allocated RAG status as follows, to the work areas so stated:

Members noted in section 7.5.2.1 of the consultation, the high percentage of general recreation users of the council's playing fields and/or pavilions. Members raised concerns that a club taking over a facility could chose to fence off this facility, excluding the general public. How will this work in the future if public open space is fenced off - **Green**

The consultation indicated a high percentage in support of play areas being maintained by town and community councils, but unfortunately, the question did not state that this could end up with the local council tax precept being increased to cover the cost of maintenance. Hence it is not clear how valid this support would be if the question had been more fully explained - **Green**

There was general support for the proposed reduction in frequency of grass cutting in certain areas where appropriate, but it was pointed out that just leaving some areas uncut is not a substitute for managing reduced cutting to enhance biodiversity - **Red**

A member queried whether play areas would be refurbished or upgraded before being handed over to a Town or Community Council - **Green**

Concern was expressed as to how standards of maintenance are going to be monitored in the future if there are a range of organisations maintaining sites to varying standards. There is a danger of the asset gradually deteriorating due to limited or poor / uncoordinated maintenance and hence the facility may be lost to the community and

SUBJECT OVERVIEW AND SCRUTINY COMMITTEE 3 - THURSDAY, 14 NOVEMBER 2019

future generations. What safeguards are in place to prevent this and how is this going to work with reduced staff and resources at BCBC - **Green**

Members suggested the option of a collective services being purchased back from BCBC for the maintenance of play areas could be raised on a future TCC agenda. It was noted that TCC's would not have the qualified staff to undertake the regular inspections and maintenance - **Green**

Members noted that the annual audit and independent inspection that needs to be undertaken on all play areas every 12 months, would be more cost effective if co-ordinated by BCBC with the appropriate re-charge being made to the town or community council - **Green**

Concern was expressed that the direction of travel within the report was geared towards meeting the MTFs, whereas this is not truly compatible with the Wellbeing of Future Generations Act - **Green**

Concern was expressed that the report is geared towards removing the subsidy that currently exists for the use of sports pitches, but it was pointed out that there are other non-statutory services operating that have a subsidy level (e.g. Leisure Centres, Arts & Culture) and are these also being looked at in the same way - **Red**

Members asked for legal clarification on whether dogs could be banned, if a Town or Community Council took over the running of a Children's Playground. What is the position with PSPO's being implemented on both play areas and sports pitches - **Red**

Members asked for clarification that if a club either does not want to or is unable to take over a facility, or unable to afford the revised charges, will that facility will ultimately close - **Green**

Members noted the scale of charges in Appendix E, but asked for a more detailed breakdown of costs. There needs to be the annual maintenance cost shown for sports pitches. There was also some confusion as to what happens when more than one club share use of a pitch – do they both pay the full fee as in the example given by Cllr.D. Lewis it could end up with a bill of around £40,000 for two pitches with several teams which is more than the actual maintenance cost - **Red**

It was also noted that the comparison between Sports Pitches (Cricket) in 2019 and 2020 showed a unit cost and then an annual amount, and sought further information on costs in order to have a comparative cost from one year to the next – **Green**

99. **FORWARD WORK PROGRAMME UPDATE**

The Head of Legal and Regulatory Services submitted a report, that:

- a) Presented the items prioritised by the Corporate Overview and Scrutiny Committee, including the next item delegated to Subject Overview and Scrutiny Committee 3;
- b) Asked the Committee to identify (if any) further items for consideration using the pre-determined criteria form.

Attached at Appendix A to the report was the overall FWP for the Subject Overview and Scrutiny Committees, which included topics prioritised by the Corporate Overview and Scrutiny Committee for the next set of Subject Overview and Scrutiny Committees in Table A, as well as topics that were deemed important for future prioritisation at Table B.

SUBJECT OVERVIEW AND SCRUTINY COMMITTEE 3 - THURSDAY, 14 NOVEMBER 2019

The Scrutiny Officer presented the Forward Work Programme and informed the Committee that in respect of the next round of committee meetings, the committee will consider the item on Budgets scheduled for January. She informed the committee however that an email had been received from the Interim Deputy Head of Finance informing the committee that WG has delayed the settlement dates due to the election, so it is highly likely that the meetings in January will need to change again.

Members agreed that the meeting of Subject Overview and Scrutiny Committee 3 scheduled for the 27 January be kept free for potential changes to the budget meetings. Members further agreed to consider the item on Homelessness Strategy (potentially alongside Supporting People Grant and Emergency Accommodation) in March and the item on Empty Properties in April/May.

Lastly, members were reminded that if they have any items they wish to put forward to scrutiny for consideration, to complete the criteria form and send to scrutiny officers for further scoping out.

RESOLVED: That the report be noted.

100. **URGENT ITEMS**

None

The meeting closed at 11.15am