

Communities Scrutiny Committee 04 July 2019

PRESENT:

COUNCILLORS: Stephen Churchman, Glyn Daniels, Elwyn Edwards, Annwen Hughes, Berwyn Parry Jones, Elwyn Jones, Kevin Morris Jones, Dafydd Owen, Edgar Wyn Owen, Angela Russell, Owain Williams, Gruffydd Williams and Gethin Glyn Williams (Chair of this Committee)

OFFICERS: Iwan Evans (Monitoring Officer) for item 10 only.
Gareth James (Member Support and Scrutiny Manager) and Lowri Haf Evans (Member Support Officer).

ALSO IN ATTENDANCE:

In relation to item 7 on the agenda - Council Leader - Councillor Dyfrig Siencyn and Nonn Hughes (Gwynedd and Anglesey Public Services Board Programme Manager)

In relation to item 8 on the agenda - Councillor Catrin Wager (Cabinet Member for Highways and Municipal), Peter Simpson (Street Services Manager) and Jennifer Rao (Business Support Officer - Lead Officer for the Investigation)

In relation to item 9 on the agenda - Councillor Gareth Griffith (Cabinet Member for the Environment),

In relation to item 10 on the agenda - Councillor Gareth Griffith (Cabinet Member for the Environment), Gareth Jones (Senior Planning and Public Protection Manager), Rhun ap Gareth (Senior Solicitor) and Councillor Aled Evans (Member of the Language Committee and Scrutiny Working Group)

1. ELECTION OF CHAIR

RESOLVED to elect Councillor Elfed Roberts as Chair of this Scrutiny Committee for 2019/20.

2. ELECTION OF VICE-CHAIR

RESOLVED to elect Councillor Gethin Glyn Williams as Vice-chair of this Scrutiny Committee for 2019/20.

3. APOLOGIES

Apologies were received from Councillors Simon Glyn, Aled W. Jones, Linda Morgan, Elfed Roberts and Mike Stevens.

Members were informed that Councillor Linda Morgan had undergone surgery recently and that she was now recovering. The Committee conveyed best wishes for her speedy recovery.

Councillors Angela Russell and Dafydd Owen were welcomed as new members to the Communities Scrutiny Committee and Councillors Peter Garlick and Keith Jones were thanked for their contributions to the Committee.

4. DECLARATION OF PERSONAL INTEREST

The following members declared a personal interest in the following item for the reason noted:

- Councillors Owain Williams and Berwyn Parry Jones in item 10 on the agenda as they were Members of the Joint Planning Policy Committee.

The Members were of the opinion that it was a prejudicial interest, and withdrew from the Chamber during the discussion on the item noted.

5. URGENT ITEMS

None to note

6. MINUTES

The minutes of the previous meeting of this committee, held on 4.04.2019, were accepted as a true record of the meeting.

7. ANNUAL REPORT OF THE GWYNEDD AND ANGLESEY PUBLIC SERVICES BOARD 2018-19

A report was submitted by the Cabinet Member, Dyfrig Siencyn, outlining the achievements of the Gwynedd and Anglesey Public Services Board over the past year. Members were reminded that the Board had agreed on priority areas that would improve the economic, environmental and cultural well-being of both counties.

It was reported that the Board accepted the need to focus on what could be achieved in the current climate as the resources of public bodies were under pressure and there were further threats of savings. Nevertheless, by collaborating, opportunities to work differently could be identified and implemented and innovative ways of operating could be introduced.

A brief update was provided on the developments within the six priority fields.

It was reported that the Public Services Board was being scrutinised by the appointed Scrutiny Committees of Gwynedd and Anglesey local authorities and that a joint scrutiny panel between both counties would be developed to scrutinise the work. It was noted that Gwynedd Council and Isle of Anglesey County Council scrutiny officers were discussing key actions in relation to the option of establishing a joint panel during the next months.

The Cabinet Member had confidence in the Board's work and reported that there was a sense of trust amongst Partnerships and there was a desire of wanting to succeed. Everyone was thanked for their contribution.

In response to a comment regarding a lack of resources to realise the objectives, along with the loss of grants as a result of Brexit, the Cabinet Member noted that despite the need to use existing funding, joint success could be seen by sharing and collaborating. He reiterated that Welsh Government itself was in an unusual situation of having to set budgets without knowing what its contribution would be. Despite the confusing situation, there was a need to aspire for the best and identify a better and innovative way of working.

During the ensuing discussion, the following points were highlighted by individual

Members:

- Climate Change - disappointment was expressed that the work in the context of flooding was reactive, rather than innovative and ambitious.
- Was there a desire to collaborate with the Social Housing Associations in terms of building houses / low carbon homes.
- There was a need to consider cheap ways of building and maintaining houses - e.g. low energy, solar power, ground source heat, that would ensure savings for the future and an affordable element for the tenant.
- Homes for Local People - sites needed to be identified in the right places and the homes needed to respond to the need
- Details were needed regarding the measures and milestones of the projects, and to set a robust timetable rather than noting short-term, medium-term, long-term
- Needed to acknowledge and respond to poverty matters - possible to consider food banks
- Needed to re-assess numbers / housing needs as a result of the delay with the Wylfa Newydd Scheme

In response to a question regarding the relationship with Welsh Government and the Board's ability to influence the adaptation of policies to achieve change, the Cabinet Member noted that the partnership represented a number of public bodies and so should their views or comments need to be expressed, there would be weight to that. It was accepted that it would be difficult to influence policies; however, there was a need to ensure that the messages were shared. It was reiterated that the Future Generations Commissioner was taking an interest in the work but again, did not possibly have the powers to amend policies.

In response to a comment regarding the economic element, it was noted that the economy had not been identified as one of the Board's work fields as the North Wales Ambition Board would be doing this across north Wales.

RESOLVED to accept the report with a request for an update on the partnership's developments every six months.

8. REPORT OF THE WASTE ENFORCEMENT SCRUTINY INVESTIGATION

The report of the Waste Enforcement scrutiny investigation was submitted to the Cabinet Member, Catrin Wager. All were reminded of the background of the brief and Councillor Stephen Churchman, Chair of the investigation, provided a summary of the work undertaken.

The Cabinet Member reiterated her gratitude to the members for their thorough investigation and for the good engagement work done with various groups of people. It was acknowledged that the report was a fair reflection of the work and she welcomed the need to undertake county-wide promotion to raise awareness of the waste and recycling arrangements. She highlighted that the intention was not to start issuing fines immediately and creating an income from the introduction of Section 46 and 47 powers under the Environmental Protection Act (1990). She emphasised that every case would be dealt with individually and she referred to the Flow Chart that outlined the actions.

During the ensuing discussion, the following points were highlighted by individual Members:

- That every situation needed to be assessed individually.
- Suggested using black / clear plastic bin bags on troublesome streets so that the streets were clean and clear after collections.
- Important to establish a procedure and adhere to changes

- Welcomed the special collections - important to consider dignity and respect
- Welcomed the proposal of speaking with individuals to resolve the problems - a number of small, narrow streets, stairs, lack of storage creating problems for some
- Waste collectors left a mess - it was not a good reflection that we were losing the waste that we were collecting!
- Needed to ensure that the collectors closed the lorry doors when collecting
- An increase had been seen in residents using public bins to dispose of their rubbish
- Needed to punish companies that produced plastic

In response to the observations, the Chair of the investigation noted that the working group had accepted that the same arrangements did not work for all and therefore, a recommendation was sought to collaborate with other departments such as Housing and the Environment (Planning) to seek solutions. It was also reiterated that the Service had reviewed its waste collection arrangements in the hope that practices and culture would change as a result. It was hoped that staff would keep to the same routes and become familiar with people's needs and practices. It was noted that the changes would commence in Dwyfor (July 2019).

It was proposed and seconded to accept the six recommendations and to add a recommendation for the collection service workers to act appropriately so that the waste did not escape from the vehicles.

RESOLVED

- **to thank the working group for a thorough report**
 - **to accept the six recommendations included in the report**
- 1. To use the powers of the Environmental Protection Act (1990), Sections 46 and 47, which related to waste receptacles, to introduce a new procedure, where and when required, to fine residents and businesses who dispose of their waste on the wrong day or in the wrong way, as a matter of priority.**
 - 2. To undertake a county-wide promotion campaign to raise awareness of the waste and recycling arrangements, focusing specifically on the City of Bangor and acknowledge the geographical and demographic differences in the county at different times of the year.**
 - 3. To place "QR Code" stickers on recycling receptacles to allow 24 hour access to residents to their waste and recycling collection days and information on items that can be recycled.**
 - 4. To formalise collaboration arrangements between Council Departments.**
 - 5. To raise awareness of the Clinical Collections Services and Collection Assistance Service available for older people and disabled people to dispose of their waste. This can be done as a part of the wider promotion campaign.**
 - 6. Promote the current network of Recycling Centres and hold a specific campaign to promote the Bulky Waste Collection Service.**
- **to include an additional recommendation proposed by the Committee's members**

7. For the collection service workers to act appropriately so that the waste did not escape from the vehicles

- **to present a progress report on the implementation of the recommendations in six months' time following the Cabinet's decision on the first recommendation (see 1. above)**

9. INCOME FROM CAR PARKS

The Cabinet Member submitted a report requesting the Scrutiny Committee to consider establishing a Task Group to assist with the work of analysing the range of options to manage parking in Gwynedd. It was highlighted that the intention was to assess the possible options to increase the income from car parks and consider whether this could be done without increasing the cost for Gwynedd residents.

It was proposed that between three and six members were needed for the Task Group, with representation from Arfon, Meirionnydd and Dwyfor.

RESOLVED to elect Councillors Kevin Morris Jones (Arfon), Angela Russell (Dwyfor), Annwen Hughes and Gethin Glyn Williams (Meirionnydd) as members of the Task Group. A request was made for the Service to submit a brief, terms of reference and timetable for the Task Group for the next meeting of the Communities Scrutiny Committee - 26.9.19.

10. PLANNING AND THE WELSH LANGUAGE SCRUTINY INVESTIGATION

The report of the Planning and Welsh Language scrutiny investigation was submitted to the Cabinet Member, Gareth Griffith. The members were reminded of the background to the decision to hold the investigation by Councillor Gruffydd Williams, Chair of the investigation. He thanked all the participants for their co-operation with the work.

Following discussions with the Council's Legal Service and the Joint Planning Policy Unit regarding the differing opinions on the initial recommendations, it was noted that a compromise had now been reached and an agreement on the five recommendations. Nevertheless, the Chair of the investigation highlighted, after consulting with the other members of the working group, that he wished to amend the recommendation of bringing the investigation to an end and for the research to continue, as inconsistencies had arisen from the work.

The Senior Planning Manager reiterated his appreciation for the research and noted that the Service, where practically possible, had collaborated to facilitate the work. He reiterated that the investigation brief was slightly broader than the element of preparing supplementary planning guidance only. He noted that the Joint Planning Policy Committee had requested comments from the Communities Scrutiny Committee on the responses to the public consultation on the Supplementary Planning Guidance (December 2018 - January 2019). As a result, some expressed that only part D of the report would be submitted to the Policy Committee on 17 July 2019 - further comments from the investigation would be submitted at a subsequent meeting in September. He also asked for further clarity regarding the recommendation to continue with the research.

In response to a question regarding the comment 'it would be illegal to include this statement in the Guidance' (response of the Joint Planning Policy Committee to initial recommendations 1a and 1b, November 2018), the Senior Solicitor noted that the recommendation related to a change in legislation and not the statutory consultation

process. The joint committee could not consider the two recommendations as the consultation was consulting on the planning guidance. One would need to approach the government to change the legislation.

In response to the perception of one member that Policy PS1 was worthless, and that the guidance had not been tested properly, the Senior Planning Manager noted that the annual monitoring process was yet to be completed and therefore there was no evidence to support that opinion. The Senior Manager reiterated that Policy PS1 provided substantial flexibility when considering the Welsh language, where relevant, with the guidance going into detail on how to implement this. Unless specific developments satisfied the type of houses being developed, the Planning Service would encourage a discussion with the developer early on in the process in order to highlight what they would need to do to give consideration to the Welsh language.

The Monitoring Officer reiterated that the statutory framework and relevant policy restricted the authority's ability to ask a developer for a language assessment that went beyond the requirement. Should concerns and perceptions arise that Policy PS1 did not act in accordance with the principle, and that evidence was being submitted to support the findings, appropriate review arrangements would be in place by the procedure.

When discussing the wording of initial recommendation 1a 'that the developer needs to hold a public consultation on every development of 10 or more houses in an urban area and 5 or more in a rural/village area', some members felt that this threshold was too high and that this should be brought to the Government's attention.

The Chair suggested, given the previous discussion held when discussing the Public Services Board and the possible obstruction that policies may be needed in order to operate or change direction, that the Chair of the investigation highlighted recommendation 1a and 1b to the Welsh Language Sub-group established by the Public Services Board.

The Scrutiny Manager highlighted that recommendation 1a was now historical (April 2018) but he suggested that the Scrutiny Committee could ask the Joint Planning Policy Committee for updated responses. In response to the suggestion, the Monitoring Officer expressed that the Joint Planning Policy Committee had already responded to the observations, had created supplementary planning guidance in line with the requirements, and had held a public consultation. At the end of the process, the responses were weighed up against the proposal. The Scrutiny Committee was advised that no update of the original responses was required as this had been implemented and the findings considered. Therefore, the process did not need to be reopened.

The Scrutiny Manager referred to the need for the consultation's responses to be clear and robust. He suggested that the Joint Planning Policy Unit did not have the resources or expertise to undertake effective consultation work and that observations should be analysed clearly and coherently. A member highlighted that only six responses had been received to the 2019 public consultation and he was of the opinion that this was poor and raised a question as to whether a document over 100 pages long was understandable.

In response to the observation, the Senior Planning Manager noted that he was confident that the method of holding the public consultation was in line with relevant guidelines and that it was obvious that there had been a period of almost two years for Gwynedd and Anglesey to have ongoing input into the process. Therefore, he disagreed with the Scrutiny Manager.

In response to a request to amend recommendation 5 to continue with the investigation, the Cabinet Member, Gareth Griffith (who was also the Chair of the Joint Planning Policy

Committee), suggested that the investigation needed to come to an end and for the supplementary planning guidance to be adopted. He reiterated with a monitoring procedure in place, work would be done to review the guidance.

The Monitoring Officer noted that should the Scrutiny Committee wish for the investigation to continue, he would advise them to redefine the terms of reference as the 'final report' of the investigation had been submitted to the Committee. If there was a desire to re-establish the working group, sufficient resources would need to be secured to lead and support the investigation. It was agreed that the purpose of the investigation would be to 'establish an overview of how language assessments are discussed'.

The Senior Planning Manager noted that the Planning Guidance would be submitted to the Joint Planning Policy Committee on 17 July, where the Committee would be requested to consider adopting the Guidance.

It was proposed and seconded to accept the report in line with one amendment that the investigation continued.

RESOLVED to accept the report along with the following recommendations:

- 1. That the Councils have discretion in terms of requesting a 'Welsh Language Statement' or 'Welsh Language Impact Assessment' when dealing with any planning applications, whether windfall or not, where the Welsh language is a material consideration, in accordance with section 31(2) of the Planning Act (Wales) 2015.**
- 2. That the *Joint Planning Policy Unit* should submit the following to a meeting of the *Communities Scrutiny Committee* as soon as possible:**
 - **The first Annual Monitoring Report of the new Development Plan**
 - **An analysis of the contribution of the current Planning Guidance to the impact of developments on the viability of the Welsh language in Gwynedd since 2009.**
- 3. To note broader thresholds than windfall developments for carrying out *Language Statements* and *Language Assessments* on relevant policies.**
- 4. To ask language enthusiasts for their support to deliver the work.**
- 5. That there is a need to submit a further report to the Communities Scrutiny Committee, including a brief and terms of reference for re-establishing a working group to investigate 'establishing an overview of how language assessments are being discussed'.**

11. SCRUTINY OF PERFORMANCE ARRANGEMENTS

The members were reminded that regular meetings were being held between Cabinet Members, Heads of Departments and their Service Managers to review the work and performance of the service. The Chief Executive or Corporate Director would be present at these meetings to challenge performance. In addition, two members of each Scrutiny Committee (along with the Audit Committee) would be invited to these meetings in order to have a taste of performance matters and also if any performance matters could merit attention at Scrutiny Committees in due course. The members were expected to report back to the first informal meeting of the relevant Scrutiny Committee following these meetings.

Following a change in the Committee's membership and a member's wish to stand down, the nominations representing the Communities Scrutiny Committee at the performance

challenge meetings and the nominations for the empty seats were confirmed.

RESOLVED to nominate the following,

Councillors Edgar Owen and Elwyn Jones Highways and Municipal
Councillors Berwyn P Jones and R Glyn Daniels Environment
Councillors Simon Glyn and Mike Stevens Gwynedd Consultancy

Following the announcement that Gareth James, Members Manager - Support and Scrutiny would be retiring at the end of the month, Gareth was thanked for his work and his support to the Scrutiny Committee over the years. He was wished a happy retirement.

The meeting commenced at 10.15am and concluded at 12.45pm