

No.

ENVIRONMENT AND REGENERATION SCRUTINY COMMITTEE

Minutes of a Remote Meeting held on 12th July, 2022.

The Committee agenda is available [here](#).

The Meeting recording is available [here](#).

Present: Councillor S.D. Perkes (Chair); Councillor J. Aviet (Vice-Chair); Councillors I. Buckley, C.E.A. Champion, P. Drake, V.P. Driscoll, A.M. Ernest, M.J. Hooper, C. Iannucci and I.A.N. Perry.

Also present: Councillors A. Asbrey, L. Burnett (Executive Leader and Cabinet Member for Performance and Resources), B.E. Brooks (Deputy Leader and Cabinet Member for Sustainable Places), C.P. Franks, G. John (Cabinet Member for Leisure, Sport and Well-being), E. Williams (Cabinet Member for Social Care and Health) and M.R. Wilson (Cabinet Member for Neighbourhood and Building Services).

151 ANNOUNCEMENT –

Prior to the commencement of the business of the Committee, the Chair read the following statement: “May I remind everyone present that the meeting will be live streamed as well as recorded via the internet and this recording archived for future viewing”.

152 MINUTES –

RECOMMENDED – T H A T the minutes of the meeting held on 14th June, 2022 be approved as a correct record.

153 DECLARATIONS OF INTEREST –

No declarations were received.

154 TEMPORARY HIGHWAY TRADING LICENCES (REF) –

The Head of Neighbourhood Services and Transport presented the Cabinet reference of 23rd June, 2022.

It was reported that the Council had a detailed policy in place for issuing temporary trading licences for businesses wishing to trade on the public highway.

Most highway trading licences were requested for space on public footways and there were no current issues with the arrangements for these licences. Temporary highway trading licences were also issued for Parklets. Parklets were small purpose built external trading units purchased to assist businesses in Penarth as a pilot

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project during the pandemic but placed in the live carriageway. The success or otherwise of these was currently being assessed and would be the subject of a future report later in the financial year.

The report considered the long-term trading options and associated public realm issues relating to Penarth Esplanade area and the implications of this on the 3 businesses which were currently required to remove their outside trading arrangements from the highway at this location on 30th June, 2022 and the knock on effect of this to one business at Barry Island, similarly affected.

Significant public realm work had been undertaken on Penarth Esplanade, the Pier and Pier Pavilion since 2021, and it was important that all decisions relating to the current and future operation of land the Council controlled at this location were carefully considered, in order to ensure that the full public value of the work already undertaken was obtained and that the area continued to thrive as a visitor destination and an attractive place to live.

The businesses currently benefitting from the trading licences 'on carriageway' at the Esplanade and at Barry Island had all showed their wish to have new licences. All had previously been issued with notice that their licences would end on 30th June, 2022.

There had been significant public interest in the matter of the Esplanade trading licences with widely contrasting views as to whether the al fresco trading arrangements were successful or an annoyance.

Due to the importance of the area and the Council's wish for its continued development as a high-quality visitor attraction and residential location, it was proposed that a comprehensive engagement and public consultation exercise be undertaken, following the consideration of the report to establish views from all interested parties as to the longer-term public realm, trading and associated transportation arrangements.

Cabinet had determined that during the consultation period, the existing trading arrangements at the Esplanade and Barry Island be allowed to continue under temporary licences, with certain caveats, and on a month-by-month basis. Due to the time restrictions between the report and the expiry date of the current trading licences of 30th June, 2022, use of the 'urgency procedure' was requested in relation to the trading situation.

Councillor M. Hooper queried whether the responses received differed between Barry Island and the Esplanade in Penarth, and whether there had been any complaints from Barry Island residents. He also commented that it was important for a different approach to be adopted for the two areas. In reply, the Head of Neighbourhood Services and Transport advised that the responses had been similar with some for some against. She added that there had been some complaints from residents on Barry Island which were mainly related to anti-social behaviour and the consumption of alcohol. In terms of the process, she stated that to be fair the same processes had to be followed, but it was likely that the Council would need different answers for the two areas to the issues raised from the consultation exercise.

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Councillor C. Champion asked why this could not have been undertaken sooner, given that the licences were going to cease at the end of June. In reply, the Head of Neighbourhood Services and Transport stated that it was felt important not to rush the decision given that there was likely to be alternative views and because a discussion was needed with the new Council administration. As Covid had been going on longer than expected, the Council had been granting gradual extensions on a month-by-month basis.

The Committee agreed that it was important for the Council get the views of residents as well as visitors, and it was advised that the duration of the consultation exercise was still be considered, but once agreed this would be shared with the Members. In addition, a report outlining the outcomes of the consultation would be brought for the Committee's consideration.

In being asked to comment, Councillor M. Wilson, Cabinet Member for Neighbourhood and Building Services, stated that he agreed that it was important to consult with residents and visitors. He added that during Covid some businesses had been very innovative, and the Council was keen to help local economies, but there was also a need to strike a balance.

Scrutiny Committee, having considered the reference of Cabinet, subsequently

RECOMMENDED – T H A T the contents of the report and resolutions of Cabinet made on 23rd June, 2022 be accepted.

Reason for recommendation

Having regard to the contents of the report and discussions at the meeting.

155 HIGHWAY MAINTENANCE THREE YEAR PLAN 2022-2024 (REF) –

The Cabinet reference of 7th July, 2022 was presented by the Head of Neighbourhood Services and Transport.

Section 41 of the Highways Act 1980 detailed the Council's legal duty as highway authority to maintain highways at public expense.

The Highway Maintenance Three Year Resurfacing Plan 2022 – 2024 provided the foundation for delivering a well-maintained and managed highway which was essential to sustain the Vale of Glamorgan's economic, social and transport needs. The proposed Resurfacing Plan was attached at Appendix A to the report with priority roads identified by the Council's Highway Engineers as requiring treatment. All roads listed within the Plan for resurfacing had been assessed over the last 12 months in accordance with the 'Carriageway Resurfacing Prioritisation Scoring System' as detailed at Appendix B to the report and would be treated in financial year 2022/2023.

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The roads listed for Micro Asphalt and Surface Dressing were preventative treatments determined by engineering assessment only and listed at Appendix A.

The allocation of the budget for 2022/23 would be spent on three carriageway treatment types, namely Resurfacing, Surface Dressing and Micro Asphalt works in line with the priority listing in the Plan. It was anticipated the available budget of £2.3million (2022/23) would enable the resurfacing of roads scoring a total of 210 points or above on the Plan for 2022/23.

Those roads listed within Appendix A that did not receive works this year would be planned for completion in the next financial year, subject to adequate funding. Those roads listed with no scores against them had been added to the Plan following on from stakeholder referrals and would be reviewed once assessed, scored and considered on review of the Plan.

Should the condition of any highway be such that it required immediate attention, it was suggested that the Director of Environment and Housing be granted delegated powers, in consultation with the Cabinet Member for Neighbourhood and Building Services, to amend the Plan.

Councillor M. Hooper commented that as this was a three-year plan, he was concerned about the impact of inflation as well as wider economic issues. These could have an effect on highway improvement works and contractors, particularly in relation to a shortage of skilled workers. In reply, the Head of Neighbourhood Services and Transport stated that inflation was an issue, as was increasing cost of materials. That was why the service had determined to undertake works that scored 210 points or above, but it would also depend on any other additional costs. She added the service had good relationships with the contractors, with which she held regular meetings held to ensure that they were aware of their obligations and that the Council was receiving value for money. Due to increasing costs the budget allocated would not go as far as it used to.

Councillor I. Perry questioned why the villages of Bonvilston and St. Nicholas were not identified in the Plan, referring to the improvements needed on the A48 which was affected by potholes. He also commented that the Plan took no account of the health and well-being of residents as outlined within the Future Generations Act, particularly in relation to tackling road noise. In response, the Head of Neighbourhood Services and Transport confirmed that the current policy did not take account of road traffic noise, but it did comply with the Highways Act. The A48 through Bonvilston and St. Nicholas was identified within the Appendix, but it achieved a score of 165. A review of the scoring system was proposed to take place, and the Head of Neighbourhood Services and Transport stated that inclusion of road noise could be considered. With regard to potholes, it was advised that Councillors should report the locations to the Highways Department.

Councillor M. Wilson, Cabinet Member for Neighbourhood and Building Services with permission to speak, stated that the Future Generations Act was a wide-ranging piece of legislation and he agreed that further consideration would be required when undertaking the review of the scoring system. It was also important for the Council to consider how road noise was measured. With regard to tackling potholes, the

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Cabinet Member referred to the current level of investment of almost £4million and he welcomed suggestions from Councillors and members of the public.

The Committee agreed to receive a presentation on road resurfacing, and it also accepted the contents of the report with the objections of Councillors I. Perry and M. Hooper being noted.

Committee, having considered the reference of Cabinet,

RECOMMENDED – T H A T the contents of the report and resolutions of Cabinet made on 7th July, 2022 be accepted.

Reason for recommendation

Having regard to the contents of the report and discussions at the meeting.

156 REVENUE MONITORING FOR THE PERIOD 1ST APRIL TO 31ST MAY 2022 (DEH) –

It was reported that the revenue position for 2022/23 would continue to be challenging for the Council both operationally and financially due to the ongoing implications of the COVID-19 pandemic. Whilst the majority of Covid funding from Welsh Government had now ceased funding streams continued for Free School Meals, some elements of Social Services and any remaining self-isolation payments. A general Covid response reserve £1.249m had been established during 2021/22 to help meet some of those pressures in 2022/23.

Emerging pressures during 2022/23 related to energy standing charges, general inflation particularly in areas such as school transport and cost of living and staffing pressures were being experienced across services and would need to be carefully monitored during the financial year.

An efficiency target of £500k had been set for the year and services were currently working towards achieving their targets. There were some issues remaining relating to unachieved savings targets from previous years.

Whilst it was early in the financial year, the services that fell within this Committee's remit were currently projected to outturn on budget.

Councillor M. Hooper suggested that future reports should contain more narrative about the impact of inflation and rising prices. He also queried the likelihood of the Council achieving all savings given that some savings had not been achieved last year on top of the pressures from rising inflation. In reply, the Accountant stated that the inflationary pressures would likely continue, but the Council had sizeable budget reserves that it had built up over previous years which it could utilise. The other important aspect was the budget settlement from Welsh Government, which for the next financial year was an increase of around 3%. This however was below inflation. With regard to Neighbourhood Services and Transport, it was advised that a savings target for last year had not been fully achieved and an extra £100k of

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savings was required this year. This would involve the retendering of a service area. If the budget savings were not achieved, then the Council may have to consider the use of its reserves.

Councillor Wilson (Cabinet Member) with permission to speak, stated that Councillor Hooper had raised some important points with regard to inflationary pressures, and going forward the Council needed to look at its budget and all of its cost pressures and in particular the reasons for those pressures, such as, the shortage of lorry drivers and the increase in the cost of building materials. Councillor Wilson stated that the Cabinet was happy to consider any ideas and suggestions about saving money and raising extra income.

Subsequently it was

RECOMMENDED – T H A T the position with regard to the Authority's 2022/23 Revenue Budget within the remit of the Committee be noted.

Reason for recommendation

Having regard to the contents of the report and discussions at the meeting.

157 CAPITAL MONITORING FOR THE PERIOD 1ST APRIL TO 31ST MAY 2022 (DEH) –

The report provided an update on the progress of the Capital Programme for the period 1st April to 31st May, 2022. Details by scheme were shown in Appendix 1.

The report set out any requested changes to the 2022/23 and future years 'Capital Programme.

Councillor M. Hooper commented that there was insufficient narrative relating to the pressures as a result of rising inflation. He also asked for more information to be included about the Cardiff Region City Deal.

In reply to a query regarding the contract for electric cars and the use of electric charging points, the Head of Neighbourhood Services and Transport stated that there had been a tender process for the procurement of electric cars for the Council, to replace the diesel vehicles previously operated. The vehicle chosen was extremely competitive in terms of miles per charge and price. With regards to charging points, the Committee was advised that there were a number of phases for the roll out of electrical infrastructure. The first phase was with the City Deal, which involved putting taxi charging points in a number of locations across the Vale including Penarth. This was a trial and the findings of this would be reviewed by Welsh Government. In terms of general charging points, these would be rolled out to the Council's car parks in the main, but also to places such as leisure centres and country parks over the next few months. Again, this was something that the Council was working on delivering with the City Deal.

Subsequently, it was

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RECOMMENDED –

- (1) T H A T the progress made on delivering the 2022/23 Capital Programme for the schemes in the remit of the Committee be noted.
- (2) T H A T the use of Delegated Authority in relation to projects set out at Recommendation (2) of the report be noted.
- (3) T H A T the use of Emergency Powers as detailed in Appendix 1 to the report be noted.
- (4) T H A T the changes to the 2022/23 and future years' Capital Programme as set out at Recommendation (4) of the report be noted.

Reason for recommendations

(1-4) Having regard to the content of the report on Capital Programme progress, the use of Delegated Authority, the use of Emergency Powers and changes to the Capital Programme

158 ANNUAL DELIVERY PLAN MONITORING REPORT: QUARTER 4 PERFORMANCE 2021/22 (DEH) –

The performance report presented the Council's progress at Quarter 4 (Q4) (1st April 2021 to 31st March 2022) towards achieving its Annual Delivery Plan (2021/22) commitments as aligned to its Corporate Plan Well-being Objectives.

The appended presentation was intended to provide Members with an overview of end of year performance earlier in the calendar year. This was ahead of the more detailed Self-Assessment 2021-22 which would be reported to Cabinet and Full Council prior to publication in early November 2022.

All 4 Corporate Plan Well-being Objectives were attributed a Green performance status at Q4 to reflect the good progress made to date in meeting the Council's Annual Delivery Plan commitments for 2021/22. This was positive given the ongoing challenges arising from the pandemic.

89% (287 out of 321) of planned activities outlined in the Council's Annual Delivery Plan had been attributed a Green performance reflecting the positive progress made during the quarter, 11% (34) of planned activities were attributed a Red status.

Of the 34 actions attributed a Red performance status at end of year, 29% (10) were directly as a result of service reprioritisation measures undertaken in response to the impact of the ongoing COVID-19 pandemic. In relation to these areas, where appropriate, work had recommenced as part of the Council's recovery plans and strategy. Progress in relation to Coronavirus recovery was being reported to Members in the presentation accompanying this performance report at Scrutiny Committee and focused on highlighting issues pertinent to the Committee's remit.

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This Coronavirus recovery update formed part of quarterly performance reporting to ensure Members maintained an oversight of the recovery issues impacting on the work of their respective Committees. From this perspective, Members were requested to note the progress to date in relation to Coronavirus recovery.

Of the 149 performance measures aligned to the Council's Corporate Plan Well-being Objectives, data was reported for 67 measures where a performance status was applicable. 72% (48) measures were attributed a Green performance Status, 7% (5), Amber status and 21% (14), Red status. A performance status was not applicable for 82 measures. 45 of these related to those measures establishing baseline performance for 2021/22, those measures due to reprioritisation measures undertaken in response to the impact of the ongoing COVID-19 pandemic (22) and those measures where data was unavailable for the period due to Non-COVID reasons (15).

In relation to the 14 measures attributed a Red performance status during the quarter, the impact of COVID-19 had contributed to 64% (9) missing target.

In relation to the planned activities within the remit of the Environment and Regeneration Scrutiny Committee, 90% (94 out of 104) were attributed a Green performance status and 10% (10) Red status. Of the 10 attributed a Red performance status, the impact of COVID-19 had been identified as a contributory factor in the reported slippage for 2 actions. Of the 21 measures reported, 86% (18) were attributed a Green performance status, 5% (1) was attributed an Amber status and 10% (2) Red status. In relation to the 2 measures attributed a Red status, the impact of COVID-19 had contributed to missing the target for none of the measures.

The report sought elected Members' consideration of Q4 performance results and the proposed remedial actions to address areas of identified underperformance. Upon consideration, the Scrutiny Committee was recommended to refer their views and any recommendations to Cabinet for their consideration.

Having considered the report, it was

RECOMMENDED –

(1) T H A T the performance results and progress towards achieving the Annual Delivery Plan 2021/22 commitments as aligned to the Council's Corporate Plan Wellbeing Objectives within the remit of the Committee be noted.

(2) T H A T the remedial actions to be taken to address areas of under-performance and to tackle the key challenges identified within the remit of the Committee be noted.

(3) T H A T the progress being made through the Council's recovery strategy and Directorate Recovery Plans in response to the ongoing Coronavirus pandemic be noted.

No.

Reason for recommendations

(1-3) Having regard to the contents of the report and discussions at the meeting.

159 EXCLUSION OF PRESS AND PUBLIC –

RESOLVED – T H A T under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 4 of Schedule 12A (as amended) of the Act, the relevant paragraphs of the Schedule being referred to in brackets after the minute heading.

160 AWARD OF CONTRACTS FOR SUPPORTED LOCAL BUS SERVICES CALL-IN (EXEMPT INFORMATION – PARAGRAPHS 12 AND 14) –

The Scrutiny Committee considered the call-in from Councillor A. Ernest relating to the award of contracts for supported local bus services.

The Committee agreed that supporting local bus services was important when it came to tackling climate change and reducing traffic on the roads. The bus services were also extremely important in supporting vulnerable groups as well as being vital in assisting people to travel to and from work and boosting tourism and social activities. It was commented that the Council should look to invest more with a possibility to cut fares and to promote services. The Committee therefore agreed that greater promotion of the services was required to raise public awareness and increase passenger numbers.

Subsequently

RECOMMENDED –

(1) T H A T the contents of the report and the resolutions of Cabinet made on 9th June, 2022 be accepted.

(2) T H A T Cabinet be advised of the view of the Environment and Regeneration Scrutiny Committee for the need for more promotion and awareness raising of the supported local bus services.

Reasons for recommendations

(1) Having regard to the contents of the report and discussions and the meeting.

(2) To promote the bus services in order to raise public awareness and to increase passenger numbers and based on the view that the bus services assist people to travel to work, help tourism and social activities as well as being vital to vulnerable groups and hard to reach communities.