

Monmouthshire Select Committee Minutes

Meeting of Strong Communities Select Committee held at on Thursday, 10th March, 2022 at 2.00 pm

Councillors Present

County Councillor S. Woodhouse (Chairman)

County Councillors: A. Easson, C. Edwards, R. Harris, V. Smith and J. Treharne

Officers in Attendance

Hazel Ilett, Scrutiny Manager
Robert McGowan, Policy and Scrutiny Officer
Jonathan Davies, Acting Assistant Head of Finance
David Jones, Head of Public Protection
Dave Loder, Finance Manager
Huw Owen, Principal Environment Health Officer (Public Health)

APOLOGIES: Councillors A. Webb and L.Dymock

1. Declarations of Interest

There were no declarations of interest.

2. Public Open Forum

No public submissions were received.

3. Public Spaces Protection Order on Dog Controls

Huw Owen presented the report and answered the members' questions.

Challenge:

The majority of non-dog owners say that fouling is a problem, but dog owners don't seem to see it as a problem – they are the ones that we need to address. It will take perhaps 18 months to bring any orders into effect – is there anything that can be done sooner than that? Could existing littering laws be utilised?

It was basically a 50/50 split between owners and non-owners as to whether fouling is a problem. It's encouraging that half of dog owners recognise the problem, as does Dogs Trust. There is existing legislation relating to dog fouling i.e. the designation order that makes it an offence for a person responsible for a dog to not pick up after it, covering pavements and public footpaths, etc. The legislation is enforced to some extent; in recent years we have issued some fixed penalty notices. Enforcement will no doubt be a matter that we need to consider in later reports, if and when a PSPO is introduced: who enforces it, who has authority to give fixed penalty notices. In recent years we have

taken the approach of raising awareness of the problem (which we will need to continue doing). The positive of a long process is that the process itself raises awareness.

One concern is exclusion areas e.g. parks, for reasons outlined in the report. Another concern is future consideration: are there adequate resources to police this, from a council perspective? Will there be more designated walking areas? Will the council have funds for more areas in the towns? Will other applications be put to the back of the queue in the future?

Currently, environmental health officers and officers in the waste and street cleaning sections are authorised for enforcement. We don't have any officers solely with this duty doing patrols. We tried this over 10 years ago and found that it was not cost-effective. Moving forward, the number of authorised officers will depend on what the stakeholders want in regard to leads areas and exemption areas – do they want these, and how many? We have engaged in early discussions with the manager of the civil enforcement officers responsible for double yellow line parking – there is potential scope for these officers to be included. Police officers might also be included.

Enforcement is essential. When raising awareness we need to ask people “Are you prepared to pay extra for dedicated officers for enforcement?”. If 50% of owners don't believe that people should pick up after their dogs then the use of fines is justified.

50.5% of the 931 dog owners who responded said that dog fouling is a problem – it doesn't mean that the 49.5% don't think that dog mess should be picked up. Importantly, 87.2% of owners and non-owners support a control requiring mess to be picked up. Yes, the point about dedicated officers is acknowledged. Dog fouling is fairly infrequent and the chances of catching someone are low – having a dedicated officer walking the streets each day might not mean that anyone is caught, especially considering early morning and night-time walks. So, the number of authorised officers will need to be very much led by what the stakeholders want, which would be a subject for further discussion.

Enforcement is a concern – how can we police it? It would be better to have something and then look to try and enforce it rather than not having anything in place.

For enforcement, we are also reliant on local solutions for local problems. If there is a particular area where there is a problem, and the PSPO covers that as a dogs-on-leads or exemption area, then we are reliant on information being given to us by members of the public, particularly related to offences at regular times. This intelligence will enable us to make a more proactive response.

Chair's Summary:

We have had an extensive discussion today on the feedback from the public consultation process, which is the 2nd report on this matter, the first having been considered by the committee last year. There are several distinct issues we have discussed today, which are:

- 1) Dog Fouling: We have to consider whether we apply the 'Pick it up' slogan universally, because if we don't apply this universally, we would need to specify where it applies and where it doesn't ~ this will have a cost implication in terms of signage. We need to consult with private landowners such as Woodlands Trust for their views.
- 2) New offence: The introduction of a new offence to not put a dog on a lead of 2m when asked to do so by an enforcement officer.
- 3) Dog designated areas: we have invited comments on dogs on fields, sport pitches, parks, children's play areas and cemeteries. In summary, the public consultation favoured dogs on leads as opposed to dog exemption areas and we had helpful feedback from the Dog's Trust.

Some of the issues we discussed were the practicality of enforcement and the cost implications. Officers have advised that it's not for Environmental Health to decide which areas should be dog on leads areas or dog exemption areas. It should be for the land controller/owner to decide this, taking into account the views of stakeholders and town and community councils.

The next stage will be to engage with stakeholders and then produce a draft a PSPO. The Council will then undertake a further public consultation and report back to the committee.

Enforcement is a major concern of the committee. Perhaps CCTV could be used for picking up a regular offender in the same place. Councillor Easson expressed concern for further measures being needed between now and the PSPO coming in, particularly relating to the problem with fouling around Castle Park school.

The committee supports the recommendations in the report and thanks the officers for their extensive work on this matter, because it is an important topic that the public will

undoubtedly have a major interest in, so our efforts to engage them fully on this are much appreciated.

4. Budget Monitoring - Scrutiny of the budgetary position (revenue and capital) for services falling within the committee's remit at Month 9

Jonathan Davies and Dave Loder presented the report and answered the members' questions.

Challenge:

You have indicated a budgetary underspend of £3m; if so, it will go into the prudential reserves. You indicated that our reserves aren't as healthy as in other authorities. What does WLGA advise that the amount of prudential reserves should be? Before the £3m goes in, what are our percentage reserves compared to the prudent amount?

We recently took a report through the Governance and Audit committee regarding our reserves levels, which went into detail about our earmarked reserves and council fund reserve. There is guidance that our council fund should be between 4-6% of our net revenue budget. Our council fund, as it stands, is just over 5%. When talking about comparative levels across Wales, the report indicated that we sit at around 19th in terms of our overall levels of reserves. So, we are near the bottom of that spectrum despite us being able to replenish reserves in the last two financial years. Replenishment is a positive but we still have a way to go. While comparisons can be useful, we also have to bear in mind that authorities will be in different places in their investment cycles i.e. some will have invested heavily from reserves and will look to bear the fruit of that now, whereas others will be at the start of that journey.

So, we are in the middle of the 4-6% of the advised reserves and are going to put the underspend into it, while at the same time asking the population to pay more council tax at 2.95%. Do you think the public would be happy if they realised that?

Any in-year underspend will have to be carried over regardless, so will go to reserves by default. We also have to bear in mind that a lot of this late notification has come through in the past 4-6 weeks; while it's always welcomed, it makes it very hard for robust service delivery when it's so late. It would be much easier if it came in within the original budget settlement for the year. In terms of replenishing reserves, the council (in the new administration) will need to make the decision as to the use of that money and the ability for that to be targeted towards service efficiencies or reducing costs over the medium term. So, there will be further options in the future. It is important to make the distinction

between the council fund and earmarked reserves: the 4-6% level refers solely to the council fund.

How much notice do you get to apply for grants?

It varies. The majority of grants that have come through recently are unhypothecated, which means that we don't have to apply – it doesn't go through that process, as with others. What we are seeing is probably the result of some underspends in Welsh Government's budget, the result of which is that they are looking to put that money into local authorities and health, so there's very little administrative burden on us. There are some smaller grants that need to go through an application process but in this round of notifications it has been a low administrative burden on finance.

Could the figures relating to waste and street services be clarified?

The Waste outturn is split between Covid-related and non-Covid-related costs. £236k has formed part of the Covid-related expenditure, down to having to bring on more vehicles because of social distancing, staff self-isolating, etc. Being a frontline service agency staff have to come in to cover the losses, to ensure the rounds are completed. Those costs are claimable from Welsh Government, so have been separated out, then the remaining non-Covid underspend is made up of contract savings etc.

Are staff vacancies intentional? Are they due to the calibre of applicants or the rate of pay that we offer?

It is probably a mixture. We are struggling to fill posts in certain areas because we aren't paying enough but some will have been held vacant because of the spending freeze mentioned earlier. Other underspends are due to restructures in which we have built the budget to include new posts that then haven't been filled for various reasons. So, it is a multitude of factors. There are a lot of vacancies – there will always be some – but we wouldn't expect to have as many next year.

It seems to be a waste of time and energy to build a budget that we then can't comply with. Should we not build a budget based around what we can actually afford?

A lot of this comes off the back of the pandemic conditions – the emergency response that we had to make. Things haven't returned to the pre-pandemic picture as fast as we would have liked.

Chair's Summary:

We noted at the outset of the discussion on this item that the report being brought to us is not as timely as usual and why, so our observations have taken this into account. The report has been taken to other scrutiny committees, so some members will have scrutinised this several times, however, we have asked questions around underspends and also our levels of reserves and comparative levels across Wales and had adequate responses from officers on this. Future scrutiny of budget monitoring will be undertaken by the new Performance and Overview Scrutiny Committee when the new council administration is established. Members wished to express thanks and admiration for the team's hard work over the years.

Councillor Easson requested that in the next administration, a report comes back to members about the levelling up fund for Monmouth and Caldicot.

5. To confirm minutes of the previous meeting

The minutes were confirmed and signed as an accurate record, proposed by Councillor Easson and seconded by Councillor Edwards.

6. Action list

7. Strong Communities forward work programme

The decision was taken by Council last week to repurpose the existing select committee arrangements. A meeting will be scheduled with officers and the Cabinet member in the new administration to discuss Councillor Smith's report. Further reports relating to today's topic on dog orders will come back in the new arrangements. Most of the other items discussed this year in this committee have been concluded.

8. Cabinet & Council forward work programme

9. Date and time of next meeting

This will be for the next administration to agree.

The meeting ended at **3.32 pm**.