

# Public Document Pack

## MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Strong Communities Select Committee held  
at Council Chamber, County Hall, The Rhadyr USK - County Hall, The Rhadyr, Usk on  
Tuesday, 21st May, 2019 at 2.00 pm

**PRESENT:** County Councillor L. Dymock (Chair)  
County Councillor A. Webb (Vice Chair)

County Councillors: A. Easson, J.Treharne and V. Smith

### **OFFICERS IN ATTENDANCE:**

David Jones	Head of Public Protection
Huw Owen	Principal Environment Health Officer (Public Health)
Gillian Dicken	Principal Environmental Health Officer (Commercial)
Hazel Ilett	Scrutiny Manager
Richard Williams	Democratic Services Officer

### **APOLOGIES:**

County Councillor L. Jones

#### **1. Election of Chair**

We noted the appointment of County Councillor L. Dymock as Chair.

#### **2. Appointment of Vice Chair**

We appointed County Councillor A. Webb as Vice-Chair.

#### **3. Declarations of Interest**

There were no declarations of interest raised by Members.

#### **4. Public Protection 2018/19 Performance Report**

##### **Context:**

To scrutinise service delivery across Public Protection services for the financial year 2018/19, with comparison to previous years. The Public Protection division comprises of Environmental Health, Trading Standards & Animal Health and Licensing.

##### **Key Issues:**

In January 2015 Cabinet requested that Public Protection performance be reviewed regularly by the Strong Communities Select Committee to assess any negative impacts. As a consequence, six monthly reports have been provided to the Select Committee, together with annual reports to the Licensing & Regulatory Committee. As per recommendation 2.2 of the report, it is suggested this becomes one annual report,

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noting services are largely compliant with regulatory expectations, and customer satisfaction levels are typically high.

Performance for the twelve month period of 2018/19 highlighted the following:

- The four service teams, for the vast majority of the services they deliver, meet the Authority's legal obligations in relation to Public Protection services.
- Most proactive and reactive work is being carried out professionally within prescribed response times. There are only a few exceptions due to the reactive nature of most of the services. These being: some slippage in proactive housing visits, private water inspections and animal health visits.
- Annual reports will continue to be made to the Select Committee to assess performance over time and help inform future priorities noting the competing demands.
- Services may struggle to take on any new statutory duties that protect the public and the environment, and therefore funding must be sought to support any new work.
- Future strategies for sustaining Public Protection services will be developed (to include further income generation and collaboration) locally, regionally and nationally.
- Services will improve linkages to the Authority's Corporate Business Plan 2017/22 and other key drivers, for example, the Chief Medical Officer Wales' priorities.

#### **Member Scrutiny:**

- With regard to dog fouling, the Authority currently has four civil enforcement officers. However, it is intended to increase this number up to eight. These officers' duties will also include traffic enforcement and the authority to issue fixed penalty notices if they encounter dog fouling or litter offences.
- Work has been undertaken with Network Rail regarding electrification of railway lines in the Chepstow area. It was noted that Network Rail is now emailing local Members regarding this matter.
- With regard to houses of multiple occupation, the Authority is guided by the Housing, Health and Safety rating system. When a house is inspected, a risk assessment is undertaken. It is not a standard, as there are no housing standards anymore in the private rented sector. Therefore, the Authority has to decide what it can enforce in a court of law. The Planning Department does consult with the Environmental Health Department. Conversion of a house to multiple occupation does require Building Regulations approval.

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- With regard to communicable diseases, it was noted that measles is not a notifiable disease. Therefore, the Authority is not under a statutory obligation to investigate this matter. However, Public Health Wales coordinates all vaccinations.
- With regard to air quality, the Environmental Health Department is engaging with stakeholders with regard to 1 location exceeding annual objective levels on Hardwick Hill. There are also areas of concern in Abergavenny in which officers are aware of and Hardwick Hill has been exceeding air quality levels. However, air quality generally has been improving within Monmouthshire. Usk air quality management area links in with the shared space and improvements to the town centre.
- Since the removal of the subsidy for householders some years ago, there has not been a substantial increase in complaints regarding rats.
  - 2018 - 78 complaints received.
  - 2017 - 71 complaints received.
  - 2016 - 74 complaints received
  - 2015 - 104 complaints received.
  - 2014 - 95 complaints received.
- The most appropriate way to deal with rats is to obtain the services of a professional pest contractor.
- Concern was expressed regarding the issues in respect of air quality in Usk town. Parked vehicles through the town are resulting in through traffic being held up. This generates a build of emissions from the vehicles, which is exacerbating the existing poor air quality within the town and is negatively impacting upon the health of residents. There is a need to exit clearly from Usk in order to reduce the build-up of emissions within the town. In particular concern raised regarding air pollution near the fish and chip shop in Usk as cars park in this area. A recent incident highlighted where exhaust from a car starting up was in very close proximity to a young child. Request for car parking in this area to be considered further.
- It was noted that Usk has not exceeded the nitrogen dioxide annual objective level since 2014 most likely due to better technology within vehicles.
- With regard to pollution at High Beech roundabout, Welsh Government has investigated some potential solutions. In the short term, Welsh Government is looking to reconfigure the line markings around the roundabout within this financial year. Next financial year, Welsh Government is looking to potentially re-design the roundabout.
- It was noted that during the closure of the main road through Usk in 2018, improvements in air quality within the town did improve.

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- The Environmental Health Department produces a monitoring update report regarding air quality in Usk and Chepstow. This report could be circulated annually to the Select Committee.
- An update report regarding air pollution in Usk and the work that is being undertaken to address this issue will be presented to a future meeting of the Select Committee.
- With regard to staffing in respect of Trading Standards and Animal Health, it was noted that a member of staff has been on long term sick leave. Trading standards officers have been used to provide cover for this post. Going forward, it is anticipated that the member of staff will leave the authority on ill health grounds and that post will be filled in due course.
- In response to a question raised regarding a prohibition order, it was noted that the local Member would not ordinarily be made aware that the order has been served. However, going forward, local Members could be made aware of this process.
- In response to a question raised regarding whether vape shops were on the tobacconists' register, the Head of Public Protection stated that he would investigate this matter and report back to the Select Committee.

#### **Committee's Conclusion:**

- An update report regarding air pollution in Usk and the work that is being undertaken to address this issue to be presented to the Select Committee later in the year.
- The Head of Public Protection would investigate whether vape shops are on the tobacconists' register and report his findings back to the Select Committee.

We resolved that future performance updates will consist of:

- One annual performance report, to be scheduled in May of each year.
- A half year exception report, highlighting any gaps in service delivery, to be scheduled in November of each year. This second report to be supplemented by a focus on one specific service area, to be guided by the Select Committee. This will inform service priorities, going forward.

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### **5. Pre-decision scrutiny of the Monmouthshire Local Toilet Strategy**

#### **Context:**

To undertake pre-decision scrutiny of the draft Monmouthshire County Council Local Toilets Strategy.

#### **Key Issues:**

Part 8 of the Public Health (Wales) Act 2017 'Provision of Toilets' came into force on 31st May 2018. It places a duty on each local authority in Wales to prepare and publish a local toilet strategy for its area.

Local authorities in Wales now have the responsibility to:

- Assess the need for toilet provision for their communities.
- Plan to meet those needs.
- Produce a local toilets strategy.
- Review, update and publicise revisions to the strategy.

Local Authorities must prepare and publish their strategies by 31st May 2019. Due to the ten week consultation process, and Committee diaries, this Authority will be a few days late with the strategy going to an Individual Cabinet Member Decision on 12th June 2019. Welsh Government has been advised of the slight delay and is satisfied to accept. The duty to prepare a local toilets strategy does not require local authorities to provide and maintain public toilets directly. Indeed, further to the work of the 'Public Convenience Working Group' in 2009 (a sub-group of the Strong Communities Select Committee), most public toilet blocks were successfully transferred to Town and Community Councils to manage. It is for the County Council to take a strategic view on how publicly accessible toilets can be provided and accessed across the County.

A draft strategy has been prepared. This has incorporated:

- Opinions expressed via a public survey that was undertaken between 19th December 2018 and 11th January 2019.
- Comments made during the public consultation period that was undertaken between 22nd February and 3rd May 2019.
- Comments from Gwent Police and Abergavenny Town Council's own survey from the summer of 2018.
- Two surveys of the 18 public toilet blocks, one by Members on 7th February 2019 and the other by the Property Services Department in April 2019.

The statutory guidance (August 2018) from Welsh Government has been followed in preparing the local strategy. One key undertaking was to 'map out' all existing publicly accessible toilets in the County. This comprehensive map, identifying locations and

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opening times, has been shared with Welsh Government to be provided on an all-Wales basis. The map will also be provided via Monmouthshire County Council's website for open access.

The key actions identified are as follows:

- Continue to work closely with Town & Community Councils on options for maintaining and improving public toilet provision in the County.
- Work with partners on how to best utilise the £17,200 Welsh Government grant.
- Work with the private sector to seek to provide more publicly available toilets that were most needed.
- Display the national 'toilet / toiled' national logo in all participating toilet facilities, including leisure centres and libraries.
- Improve awareness and information available on publicly accessible toilets by updating information on the Monmouthshire County Council website and Lle open access data held by Welsh Government, together with App development.
- Regularly review cleaning and maintenance standards, together with Town and Community Councils that manage the public toilets in Monmouthshire's towns and villages.
- Environmental Health Officers to inspect both public and privately provided toilets as part of its inspection regime. Provide a grading of public toilets to determine progress over time.
- Work closely with Gwent Police to find solutions to reduce anti-social behaviour associated with public toilets.
- Provide proactive advice to all event organisers in the County on the suitability of their toilet provision.
- Respond to any Welsh Government recommendations on public toilet provision, and seek out notable practice adopted in other counties.
- Establish a small Working Group of Members and Officers to ensure recommendations are implemented.

#### **Member Scrutiny:**

- The Select Committee supported the establishment of a small working group of Members and Officers to ensure recommendations are implemented.
- With regard to schemes in which individuals would be required to pay to use a public toilet within the County, it was noted that a scheme had been trialled at a

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public toilet in Bulwark but had not been successful. For such a scheme to be successful, footfall needs to be high in order to off-set the maintenance costs. However, this matter could be considered by the working group.

- The Planning Department had advised that requesting toilet facilities in all retail outlets was not achievable, as it was not consistent with national planning advice. A planning condition would need to be necessary. The Planning Department was of the view that such a requirement would not meet the test for necessity or reasonableness and possibly enforceability. Toilets are provided in restaurants and sit down food outlets but not generally in retail premises.
- There is a legal requirement to report back to Welsh Government in May 2021. Therefore, implementation of the recommendations outlined in the report need to be implemented, going forward.
- In response to a question raised, it was noted that Lle open access data held by Welsh Government, is a national database that Welsh Government sponsors. This will provide the initial information from all local authorities and national parks. This will be developed into an app.

#### **Committee's Conclusion:**

We resolved that:

- 1) the Monmouthshire Local Toilets Strategy be subject to an Individual Cabinet Member Decision on 12th June 2019.
- 2) A Working Group of Members and Officers be established to ensure recommendations are implemented. County Councillors V. Smith and A. Webb agreed to represent the Select Committee on the Working Group.

**The meeting ended at 3.39 pm.**

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