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MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Strong Communities Select Committee held at County Hall, The Rhadyr, Usk, NP15 1GA on Thursday, 2nd March, 2017 at 9.45 am

PRESENT: County Councillor A. Easson (Chairman)

County Councillors: D. Dovey, V. Smith and A. Webb

Also in attendance County Councillor(s): D. Edwards and P. Hobson

OFFICERS IN ATTENDANCE:

Hazel Ilett	Scrutiny Manager
Mark Howcroft	Assistant Head of Finance
Kate Stinchcombe	Biodiversity & Ecology Officer
David Jones	Head of Public Protection
Matthew Lewis (Countryside)	Countryside Manager
Linda O'Gorman	Principal Licensing Officer
Paula Harris	Democratic Services Officer

1. Apologies for absence

County Councillors S. Howarth, S. Jones, S. White and P. Watts.

2. Declarations of Interest

None.

3. Open Public Forum

There were members of the public present who wished to take part in the discussion on item 6.

4. To confirm minutes of the previous meeting

The minutes of the Strong Communities Select Committee meeting held on 26th January 2017 and the Special meeting held on the 26th January 2017 were confirmed as an accurate record and signed by the Chair.

5. Public Protection Report

Context:

To undertake scrutiny of service delivery and performance across Public Protection for the first nine months of 2016/17, with comparison to previous years. The Public Protection division comprises of Environmental Health, Trading Standards & Animal Health and Licensing.

Recommendations:

To consider and comment on the contents of the report entitled 'Public Protection Performance report 2016/17, (first 9 months)'.

Key Issues:

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1. Cabinet approved a report in March 2014 recommending budget reductions to Public Protection services for 2014/15 and the coming years. The reduction amounted to £140,000, representing about 10% of the total budget. The impact of this reduction was scrutinised by this Committee in November 2014, prior to a report going to Cabinet on 7th January 2015. At this time, Cabinet requested regular six month reports to Strong Communities committee to monitor performance and assess any negative impacts. The intention was to review progress and take any action deemed necessary.

2. The last performance report was submitted to this Committee on 21st July 2016.

3. The attached report summarises performance over the last nine months of 2016/17, and highlights 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.
- There have been some notable successes in 2016/17, for example improving food safety and animal feed compliance, supporting major developments (A465) and events (Eisteddfod, Abergavenny Food Festival, etc.).
- As detailed in Appendix A, most proactive and reactive work is being carried out professionally, within prescribed response times. There are only a few exceptions, due to increased demand, e.g. some slippage in housing and private water inspections, which will be improved for 2017/18.
- Six monthly reports will continue to be made to this 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. In addition, where work is onerous on officer time, funding will be pursued from major developers, etc.
- Future strategies for sustaining Public Protection services will be developed, (to include further income generation and collaboration), locally, regionally and nationally.

Member Scrutiny:

A Member asked when the Welsh Government introduce new inspections, do they contribute to the costs of carrying out these inspections. In response we were told that we do get some monies but it rarely equates to the cost of carrying out the work.

In respect of the duelling of A465 a member asked what input Environmental Health has with the project. We were told that Environmental Health deal with construction noise and dust, especially noise at night where we have liaised with Costains to limit the hours of operation. There has also been the matter of exhumations which needs to be dealt with humanely and respectfully.

Questions were raised regarding air quality monitoring, with Usk and Hardwick Hill being mentioned, what actions were being taken and who helps fund the costs involved. The officer replied that those two air quality management areas which have to be declared by the local

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authority. As the Hardwick Hill area is a Welsh Government road so officers try to work with them to produce an action plan.

A Member asked for further information regarding the deaths at golf courses and we were told that an incident had taken place where a person had drown retrieving golf balls and as an authority we were responsible for raising the profile of prevention and awareness.

Officers advised members that when employing electrical contractors the person who engages the contractor must ensure that they are NIC approved for carrying out works.

Officers were asked if the immigration checks will add to the workload and were told that there is not a huge problem in Monmouthshire and with regard to taxi drivers, their passports are checked as part of their DBS check.

A member expressed his concerns about people who smoke on the street outside public houses and officers advised that they can speak to the landlords of public houses if particular venues were identified as landlords have a duty to avoid public nuisance.

When asked if there was a language test for taxi drivers we were told that all taxi drivers were subject to a knowledge test which covered money handling, location and safeguarding training.

Committee's Conclusion:

The Committee thanked the officers for the detailed report and their continued work and dedication.

The Committee spoke of the unfairness of rate payers picking up the bill for construction industry traffic works and hoped that we can contact Welsh Government in response to addressing this issue.

The Committee look forward to the next update in which they would like more information on the air quality issue and invite Huw Owen from Environmental Health to speak on this matter.

6. Castle Meadows

Context:

To advise Members and seek their views on the request to allow canoeing on the River Usk at Castle Meadows which is currently managed as a fishery.

Key Issues:

Background

1. There was one outstanding issue from the Bryn y Cwm Area Committee's previous consideration of the Castle Meadows Management Plan: Requests as part of the consultation process for wider access to the River Usk and for a change of policy to allow canoeing and wild swimming in that section of the river adjoining the meadows where the Council has riparian rights (the Town waters).

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2. The task and finish group established to guide preparation of the Castle Meadows Management Plan took the view that further discussions between the canoeing and fishing interest would be necessary to explore if there could be agreement on wider use of the river. It was resolved that officers facilitate further discussion and bring a further report back to the Area Committee, as required.

3. This process was unfortunately rather extended but a meeting took place between Abergavenny Canoe Club and the Abergavenny Game Fishing Association, and an agreed note of the meeting was prepared.

4. As will be seen for the note the discussions have not reached agreement on a way forward. Consequently Area Committee resolved that a report regarding this matter should be prepared and presented to a Strong Communities Select Committee with a view to the Committee undertaking pre-decision scrutiny on this matter.

Context

5. Access to inland water has long been a contentious issue and there is no settled national view on rights to navigation on rivers in Wales. The matter has been considered by the National Assembly's Sustainability Committee (2009) which highlighted the deficit in opportunities, as well as the contested nature of rights to and on water for recreation: Welsh Government's policy is to support the establishment of voluntary access agreements.

6. Welsh Government's view, as set out in the Access & Outdoor Recreation Green Paper (2015), is that access arrangements should be drawn up by landowners and riparian owners, consulted upon, and then put in place. Access under such arrangements could be all year round, at certain times of year or depend on water levels. They could also determine what types of activities can sensibly take place on any given stretch of water at any given time of year. These arrangements should primarily be focussed on three elements:-

- i. protecting the natural environment;
- ii. having no detrimental impact on land management; and
- iii. having respect for the needs of other users.

Welsh Government's view is that access arrangements along these lines need not be perceived as an acknowledgment that rights do not already exist nor should they be perceived as acknowledgment that they do. They view such arrangements as not setting out the limits of use, but rather the opportunities available for responsible shared use of the water.

7. The Cabinet Secretary for Environment and Rural Affairs has very recently announced her intention to develop proposals on how current laws relating to public access for outdoor recreation can be improved but no details, timescale, or indication as to whether this will extend to access to water has been set out and so consideration of this issue will need to be under the current position.

8. On the river Usk although the Usk Fishing Association, an independent association representing riparian owners, clubs, associations, organisations interested in the preservation of fishing on the river, also supports the creation of voluntary access agreements no agreements are in place immediately north or south of Llanfoist Bridge / the Town waters.

9. Abergavenny Canoe Club are a Canoe Wales affiliated club with adults, family and junior members. They currently use the Abergavenny leisure centre pool and their request is based on a desire to allow progression from using the pool to the river at Castle Meadows. The other

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principle interest in this matter is the Abergavenny Game Fishing Association who have a long standing relationship with the Council to assist in the management of the fishing rights at Castle Meadows. The Chairman of Abergavenny Canoe Club and the Chairman of Abergavenny Game Fishing Association have both been invited to present to the meeting.

10. The Castle Meadows Management Plan 2014/19 does not directly address the use of the river but the overall aims of the plan include increased community use and involvement in its management and conservation, including appropriate events and activities.

11. Finally the river is designated as a Site of Special Scientific interest (SSSI) and Special Area of Conservation (SAC) for its migratory and resident fish species, including twaite and allis shad, sea, river and brook lamprey, Atlantic salmon and bullhead. Any specific proposals to vary management arrangements will need to be fully assessed including carrying out a Habitats Regulations Assessment / consultation with Natural Resources Wales.

Options

12. It is suggested that the way forward is to set aside the wider controversy around the rights for navigation and consider the specific request from Abergavenny Canoe Club:

Option1: The Council may wish to maintain its current position – i.e. the “status quo” at least until such time as any wider access agreements can be secured through the Usk Fishing Association, or other means; or there is a change in the statutory position. Given the lack of progress in recent years this would seem likely to frustrate the canoe club’s aspirations for a long period of time;

Option 2: In theory it would be open to the Council to permit any navigational use of Town waters. However such isolated general use in advance of any wider access agreement on the surrounding parts of the river is very likely to lead to a “free for all” causing significant management problems, uncontrolled impact on the fishery and adverse nature conservation impacts and so is not recommended;

Option 3: To seek to secure a voluntary access agreement between the key parties along the lines of Welsh Government’s recommended approach. It is clear this would require goodwill and further compromise from all parties. It would be possible to “pilot” such an agreement if that helped allay reasonable concerns. The specifics of any such agreement would need to be subject to a Habitat Regulations Assessment.

Recommendations:

To seek Select Committee’s views on the potential three options set out below for wider use of the River Usk prior to consideration by Cabinet.

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Public Open Forum:

We were joined for this item in the chamber by the Cabinet member for Community Development, the Ward Member for Castle Meadows and members of the public representing Canoe Wales, Abergavenny Game Fishing Association, Usk Local Fisheries Group and the Chairman of the Usk Fishing Association.

This item had been referred to Strong Communities Select Committee by Bryn y Cwm area committee for scrutiny.

During the discussion the members of the public representing the fishing associations and groups made the following points;

As fishermen they have no issues with the canoeists using the river, the issue is that the canoeists wish to use the river 365 days a year which is not acceptable when anglers are paying almost £300 a year to fish.

When a canoe goes through the water, the fish are gone for the day.

The Usk fishing association is not necessarily about fisherman but also the riparian ownerships of the riverbanks and the access to those rivers.

There are 92 miles of the river Usk from estuary to the dam of which there are 146 fisheries and Monmouthshire County Council are owners of one stretch of the river which is The Meadows.

The fishing association are very concerned about safety issues and are acutely aware of incidents which have previously taken place on the river.

The anglers are hopeful that they are close to achieving a VAA from above Beacon Bridge down towards Crickhowell Bridge with Brecon Canoe Club and are looking to discuss options with Abergavenny Canoe Club.

The UFA ask that Monmouthshire County Council allow them to represent Monmouthshire County Council as the riparian owner in further wider negotiations to include Beacon and Abergavenny canoe clubs along with Coleg Gwent as the three major canoe clubs on the river.

The UFA Chairman was keen to stress that he wants a VAA that works for everyone.

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During the discussion the members of the public representing the Abergavenny Canoe Club made the following points;

They are in favour of a local access agreement for Castle Meadows as this is their local stretch of water.

It was asked that Monmouthshire County Council as riparian owners look at a bylaw that dates back the 1950's from Gwent County Council.

The National Governing Body of Canoeists have been trying to negotiate VAAs in Wales for some time and they are notoriously difficult.

The Chair of Brecon Canoe club have no interest in entering into a voluntary access arrangement for the River Usk. He is prepared to do it as a national governing body, but not as a canoe club.

Canoe Wales is keen on the concept of entering into VAAs subject to the direction that Welsh Government wishes to take now that they are reviewing the situation. The National Governing Body of Canoeists are more than happy to sit down and discuss VAAs provided they are inclusive, fair and based on evidence. They feel it important that VAAs are brokered by local authorities.

The Abergavenny Canoe club would like to use Castle Meadows as a site where they can train, use one or more evening a week.

In summing up we were told that this should not be an anglers versus canoeists issue as there was no reason why both activities should not take place. The piece of river is perfect for developing young paddlers and it would be a great shame if it was not made available for canoeists. They are aware of environmental protection and work closely with Natural Resources Wales to understand issues such as spawning.

They are not looking for 365 days a year access but a fair usage considering other river users, one or two evening a week would be ideal.

Mention was made to the Westminster and Welsh Government feeling the law on navigation was unclear.

As a resolution the canoeists feel that a VAA would be the best option, one covering Castle Meadows and potentially one that covers the whole river.

Member Scrutiny:

A Member asked what is the difference between the River Wye and the River Usk and was answered that some of the River Wye is a navigational river under law. The parts are not navigational, as of this year now have a new VAA from Rhayader to Builth. The River Usk is different, it is a much smaller river and there are not currently under law, navigational rights, except up to the end of the estuary on the River Usk.

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It was clarified that we have riparian rights reflecting our land ownership on both sides of the river from the old Llanfoist Bridge to the confluence with the Y Fenni.

It was asked if there was another area that the canoeists could enter the river and the length of the stretch of water referred to. In answer we were told it is 0.6 of a mile.

A member asked what a habitat regulation assessment was and was told by an officer that that this is a fairly common process where we look at the potential impact of the decision we will take on the matter of interests for the SAC.

The local Member expressed concerns regarding the breeding of fish in March-October and the impact the canoeists would have during those months. Concerns were raised over the complexity of the issues and the local Member spoke of the need for further discussion between all interested parties.

In reference to the fees paid by anglers we were told that anglers paid £82 for a rod license and then a further £175 for a fishing permit. We were told that canoeists do not pay to use the rivers.

It was asked if the Canal and Rivers Trust have had any input and we were answered no as it does not fall into their remit.

With regard to fishing a Member asked how important this 0.6 stretch of river was we were told that the middle stretches of the River Usk have always been acknowledged as prime brown trout fishing also the Salmon catches on the Abergavenny town waters, since the 1950's have been one of the better and most productive fishing beats on the River Usk.

Committee's Conclusion:

Members felt that option three would be the most suitable resolution;

To seek to secure a voluntary access agreement between the key parties along the lines of Welsh Government's recommended approach. It is clear this would require goodwill and further compromise from all parties. It would be possible to "pilot" such an agreement if that helped allay reasonable concerns. The specifics of any such agreement would need to be subject to a Habitat Regulations Assessment.

The Cabinet Member responsible will facilitate the Chairing of meetings between canoe and angling groups to drive forward option three and come to, with good will and future compromise from all parties possibly a pilot scheme to an agreement in the future.

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7. Biodiversity

Context:

To advise Members of the preparation of Biodiversity and Ecosystem Resilience forward plan in order to meet the Section 6 duty of the Environment (Wales) Act 2016 and to provide support for delivery of the Well-being of Future Generations (Wales) Act 2015.

Recommendations:

To seek Select Committee's endorsement of the Biodiversity & Ecosystem Resilience forward plan prior to its consideration by Council.

Key Issues:

1. Section 6 of the Environment (Wales) Act 2016 places a duty on public authorities to seek to maintain and enhance biodiversity where it is within the proper exercise of their functions. In doing so, public authorities must seek to promote the resilience of ecosystems. This means that the Council must take a pro-active approach to improve and not reduce biodiversity when carrying out functions.

2. The duty came into force on 21st May 2016 and replaces the biodiversity duty in the Natural Environment and Rural Communities Act 2006. The preparation of a forward plan assists in complying with the new duties and is currently a requirement on all Public Authorities.

3. There is a requirement to report on the plan in 2019 and every 3 years following this. The plan can be subsequently reviewed following the results of monitoring.

4. The work undertaken to meet the Biodiversity and Resilience of Ecosystems duty will assist the Council to maximise contributions to Well-being Goals under the Well-being of Future Generations (Wales) Act 2015. It will particularly help towards delivery of the Wellbeing goal for Resilience. This goal is to ensure Wales is a nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).

5. In production of the forward plan we have considered the work that individual service areas undertake which could have a positive or negative impact on Biodiversity & Ecosystem Resilience.

6. The work of other key organisations with whom Monmouthshire County Council can collaborate with to maximise delivery under the Act has also been considered e.g. Wye Valley AONB, Gwent Wildlife Trust and Brecon Beacons National Park Authority.

7. Objectives have subsequently been developed which cover key areas of the Council's work. Objectives include proposals to adequately consider biodiversity and ecosystem resilience in decision making at all levels, environmental education and awareness raising, management of land for biodiversity and partnership working at a landscape scale to maximise benefits.

8. To ensure future delivery is integrated into the Council's functions, Welsh Government guidance suggests that commitment to action is integrated into business and corporate plans. This will be the next step in the Council's compliance with the duty.

Member Scrutiny:

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A member applauded the officers for their work and praised them for their forward thinking report.

It was asked if officers were involved with the incredible edible garden and were told that it is a delivery mechanism for this project and hopefully will be used as an example across the county. It was hoped that people would be invited to visit the garden to show them how they can create a pollinator garden.

A member commented on the garden at Usk County Hall and hoped that local medics would visit and promote the health benefits of gardening.

A Member queried the council's responsibility when dealing with Japanese knotweed and we were told that it is the landowner's responsibility but it is not an offence to have Japanese knotweed on your land, the offence is to allow it to grow and spread.

Committee's Conclusion:

Members stressed the importance of the items outlined in the report and were enthusiastic about the long term goals.

The importance of working with key organisations with whom Monmouthshire County Council can collaborate with to maximise delivery under the Act has also been considered valuable e.g. Wye Valley AONB, Gwent Wildlife Trust and Brecon Beacons National Park Authority.

The Committee are committed to seeing that future delivery is integrated into the Council's functions with Welsh Government guidance suggesting that commitment to action is integrated into business and corporate plans. This will be the next step in the Council's compliance with the duty and the committee look forward to reviewing this on an ongoing basis.

8. Revenue and Capital Monitoring 2016/17 - Period 3 outturn forecast statement

Context:

1. The purpose of this report is to provide Members with information on the forecast revenue outturn position of the Authority at the end of period 3 which represents month 9 financial information for the 2016/17 financial year.

2. This report will also be considered by Select Committees as part of their responsibility to;

- assess whether effective budget monitoring is taking place,
- monitor the extent to which budgets are spent in accordance with agreed budget and policy framework,
- Challenge the reasonableness of projected over or underspends, and
- monitor the achievement of predicted efficiency gains or progress in relation to savings proposals.

Key Issues and recommendations to Cabinet;

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1. That Cabinet notes the extent of forecast revenue underspend using period 3 data of £79,000, an improvement of £919,000 on previous reported position at period 2.
2. That Cabinet expects Chief Officers to continue to review the levels of over and underspends and reallocate budgets to reduce the extent of compensatory positions needing to be reported from at quarterly cycles.
3. That Cabinet appreciates the extent of predicted schools reserve usage, its effect of forecast outturn reserve levels and the related anticipation that a further 6 schools will be in a deficit position by end of 2016-17.
4. That Cabinet considers the capital monitoring, specific over and underspends, and importantly that Cabinet recognises the risk associated with having to rely on a use of capital receipts in the year of sale and the potential for this to have significant revenue pressures should receipts be delayed and temporary borrowing be required.
5. That Cabinet approves an additional investment of £30,000 into the Disabled Facilities Grant capital budget in order to respond to demands being placed on the current programme, funded by a virement from existing Highways Maintenance and Access for All budgets.
6. That Cabinet approves a £30k increase to Woodstock Way linkage scheme afforded by an equivalent underspend to another area improvement scheme (Abergavenny).

Member Scrutiny:

In respect to slippage a member voiced their frustration and asked that managers were more careful in valuing their works in the first instance.

Referring to the action list from the previous meeting the officer was asked for an update regarding Raglan market and we were told this will be to follow.

Borough Theatre was noted as a shortfall in income against income targets, a member thought we had divested ourselves by now and asked the current position. We were told that prior to 2013 the council had entered into a trust arrangement with the theatre which meant it paid a management fee to the theatre annually which is on a declining basis.

Referring to Mandate B11, the senior leadership review, it was asked why we had not achieved the saving. The Officer answered that the saving was a presumption and would not be achieved.

A Member stressed the importance of staff joining the pension scheme and asked what steps the HR team are taking to encourage staff to join.

A Member asked for an analysis of the whole building, the market hall and the theatre.

Committee's Conclusion:

Members thanked the Officer for the report and the high level of detail it contained.

Members felt that effective budget monitoring is taking place and in monitoring the extent to which budgets are spent in accordance with agreed budget and policy framework felt

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that some areas could be looked at in more detail.

The situation with staff pension provision and the uptake of the pension needs to be looked at with the Human Resources team and this would be added to the work programme.

9. Verbal update on the household waste recycling contract

We received a verbal update from the Head of Waste and Street Services in regard to the household waste recycling contract.

In June 2016 proposed procurement strategy paper for scrutiny discussion and on the 9th March 2017 the report is going to full Council to sign off the procurement strategy to allow officers to go out to procurement and instigate a new contract from the 1st October 2018.

10. Action list

All actions were noted and the outstanding actions will be followed up by the officers responsible.

11. Strong Communities forward work programme

Members discussed the Work Programme for the Strong Communities Select Committee. In doing so it was decided by members that street lighting and public toilets were added to the agenda for the last meeting of the year.

12. Cabinet & Council forward work programme

There were no items which required scrutiny.

13. Date and time of next meeting

6th April 2017 at 10am (pre-meeting at 9.30am)

The meeting ended at 13.35