
COMMUNITIES SCRUTINY COMMITTEE 11/10/18

PRESENT:

COUNCILLORS: Stephen Churchman, Elwyn Edwards, Peter Garlick, Simon Glyn (Chairman), Annwen Hughes, Elwyn Jones, Kevin Morris Jones, Edgar Wyn Owen, Mike Stevens, Catrin Wager, Owain Williams and Gruffydd Williams.

OFFICERS: Gareth James (Member Support and Scrutiny Manager) and Lowri Haf Evans (Member Support Officer).

ALSO IN ATTENDANCE:

In relation to item 5 on the agenda - Dafydd Meurig (Cabinet Member - Environment), Dafydd Wyn Williams (Head of Environment), Gareth Jones (Senior Planning and Environment Manager) and Manon Williams (Public Protection Manager (Retail))

In relation to item 6 on the agenda - Dafydd Meurig (Cabinet Member - Environment), Dafydd Wyn Williams (Head of Environment), Gareth Jones (Senior Planning and Environment Manager) and Alun Evans (Public Protection Manager (Welfare))

In relation to item 7 on the agenda - Emlyn Jones (Senior Manager, Gwynedd Consultancy) and Owain Griffiths (Environment Group Officer - YGC)

1. APOLOGIES

Apologies were received from Councillors Glyn Daniels, Aled W Jones, Berwyn Parry Jones, Keith Jones, Linda Morgan, Gethin Glyn Williams and Gareth Griffith (Cabinet Member for YGC)

2. DECLARATION OF PERSONAL INTEREST

None to note

3. URGENT ITEMS

None to note

4. MINUTES

The minutes of the previous meeting of this committee, held on 14.6.2018, were accepted as a true record of the meeting.

5. THE SERVICE PROVIDED BY THE TRADING STANDARDS UNIT (PUBLIC PROTECTION)

The report of the Head of the Environment Department was presented, which outlined the activities and responsibilities of the Trading Standards Unit, which formed part of the Public Protection Service. A brief description of the nature of the work of the Unit was provided. The changes the Unit had experienced over recent years along with the challenges it had faced, were outlined.

The Senior Manager noted that it was likely the Unit's areas of work had not been

discussed at Committees since the time of the foot and mouth outbreak. The report, therefore, provided a good opportunity to raise awareness of the Unit's areas of work and statutory duties that supported agricultural businesses in the County. He highlighted that many fields were specialist fields and that they varied greatly. A request was made for the Committee to consider the priorities of Gwynedd Council - were they Trading Standards (pure) or Animal Health and Welfare. He reiterated that, at present, the Service was only managing to scrape the surface in an attempt to strike a balance between reactive work and proactive work. To date, there had been no complaints and the work would, therefore, proceed; yet he highlighted the unavoidable risk in the event that something were to go amiss.

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

- The cuts to staffing numbers had been excessive
- More information was needed on the performance of the Unit; that is, did the service address statutory requirements
- Acknowledged that the officers were doing their best and that there were insufficient resources
- The report highlighted fundamental values in safeguarding the welfare of people and animals
- There was a need to collaborate with partners
- There was a need to consider the impact of Brexit on agriculture

In response to a question about the effects the cuts would have and how the Unit would avoid failures, the Cabinet Member emphasised that the Unit was coping but had had to adapt its work practices. He explained that the current situation was sufficient but that he did not wish to see further cuts in the field. With the need for specialist staff across the field to avoid risks to the Council, the work had to be done correctly and, although it was coping, the service was losing its robustness.

In response to the comment about the number of service requests (1766), it was noted that not every request was resolved and the Unit had to prioritise.

The Public Protection Manager (Retail) stated that national influences were also challenging and that it was difficult to strike a balance. She noted that the Unit collaborated well with the Police, RSPCA, DEFRA, Vets and others, by focusing on providing advice before offences took place and ensuring that general standards did not fall. She reiterated that the Unit did not have enforcement powers and that the only fees imposed were in relation to weights and measures.

It was proposed and seconded to accept the report.

RESOLVED:

- to acknowledge the excellent work of the Unit
- to request a more detailed report that would contain data about the Unit's performance (to be included in the Committee's work programme 2018/19)

6. FOOD STANDARDS AGENCY AUDIT OF GWYNEDD COUNCIL'S FOOD LAW ENFORCEMENT SERVICES, 22-26 FEB 2016.

Submitted - the report of the Cabinet Member on the progress made to address

34 recommendations published by the Food Standards Agency (FSA) following an audit of the Council's food law enforcement provision. A report was provided on the progress made to meet the recommendations in accordance with the plan at the Communities Scrutiny Committee, 10.10.17. In February 2018, FSA officers revisited the Service to assess further progress on the improvement plan. It was reported that 20 of the recommendations still required further action.

It was reported that the Service had taken major steps toward meeting the 34 recommendations made in the FSA's full audit of the Council's food law enforcement provision in February 2016. After revisiting in February 2018, confirmation was given that the Service had met a proportion of the recommendations, that it had made good progress on some recommendations, but that limited progress or no progress had been made to meet four of the recommendations.

It was acknowledged, in accordance with some of the recommendations, that there were insufficient resources to meet the requirements of food law enforcement as demanded by Welsh Government. In a report to the Cabinet (July 2018) the importance of the service with respect to statutory requirements, the nature of the work, and the possible risks for the residents of Gwynedd and the Council from non-compliance with the requirements, were outlined. The Cabinet, consequently, agreed that the Environment Department could use an (annual) income of £70,000 from the Transportation and Countryside Service, which had previously been identified as a contribution toward the Council's savings plan, to employ new officer(s) to the Public Protection Service on a permanent basis. Having made appointments and after a period of settling down/training it was expected that this would allow the Service, in time, to meet its food law enforcement commitments in accordance with the National Food Safety Framework Agreement.

Meanwhile, it was noted that the Service would continue to implement the improvements noted in the improvement plan to fully meet the 34 original recommendations. It was reiterated, because of the historical backlog of food safety inspections, time would be needed to complete them. It showed that 290 inspections, that should have been completed by the end of March this year, were still pending. If the appointments procedure was successful, it was expected that the work would be completed by 2021 at the latest.

During the ensuing discussion, Members highlighted the following points:

- It was reassuring to see progress, but there was concern that two and a half years had elapsed and 20 recommendations still needed further action. Further progress was needed
- The Council's failure to meet statutory requirements posed a significant risk
- Lack of resources was not a good enough excuse
- Targets still needed to be met
- The effect of the cuts was now visible - this was evidence that excessive cuts had been a mistake
- Why had a request for financial support not been made to the FSA within the two and a half years in order to address the lack of resources?
- It was accepted that there had been an increase in the workload and that officers had to put in more effort
- Statutory requirements had to be prioritised

In response to a question about the ability to charge a fee for visits, the Public

Protection Manager (Welfare) stated that charging fees had recently attracted national attention; but, to date the 'political' will to charge fees was lacking. It was reiterated that a fee of £150 was charged for a revisit.

The Cabinet Member reiterated that the paperwork for the visits were being enforced by the FSA and that it was laborious. The intention to look into information technology systems was noted, but that it was difficult to establish less bureaucratic arrangements - this was frustrating. It was argued that some of the recommendations were valid but that some formed part of unnecessary procedures.

It was proposed and seconded that the Committee request that the Cabinet refer the matter to Welsh Government since the Service was unable to meet the statutory recommendations in this field, and to request more funding.

RESOLVED:

Accept the content of the report of the Cabinet Member for the Environment, and recognise that the Council is unable to meet its statutory responsibilities in the field of Food Standards.

Members of the Scrutiny Committee wished to draw the Cabinet Members' attention to their responsibility in this field, and recommended that the contact Welsh Government immediately to request further resources to meet the statutory requirement.

7. IMPLEMENTATION OF SUSTAINABLE DRAINAGE SYSTEMS ON NEW DEVELOPMENTS

Gwynedd Consultancy presented a report highlighting the implications to the Council and developers from implementing Schedule 3 of the Flood and Water Management Act 2010. In accordance with the Act, new developments would have to contain Sustainable Drainage Systems (SuDS) features that satisfied national standards. It was noted that all Local Authorities were required to establish a body that would accept, approve, adopt and enforce SuDS features, in accordance with the new Regulations - which was the Sustainable Drainage Systems Approval Body (SAB).

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

- Developers were facing increased pressure and costs
- The costs would add to the sale price of the house and it would, therefore, be impossible to provide affordable houses
- This was a further statutory requirement imposed on an Authority without further funding
- There was a need to ensure good and transparent arrangements and to establish a good relationship with developers

In response to a question that asked whether the service would be self-sufficient, officers stated that they were confident it could work. Given the intention to work jointly with Anglesey, it was reiterated that the fees were currently vague and several applications would be needed to ensure success. It was highlighted that a consultation process had taken place and that the costs for smaller developers had been highlighted. The need to ensure that developers were responsible for maintenance costs since additional funds were not available was also stated. It

was reported that the funds to establish the body was a £29k cut that had not been introduced (which would be available for three years). It was argued that this was sufficient to establish a procedure to refine and maximise the potential to make this work. There would have to be sufficient funding to meet needs. It was reported that the Service had expertise within the field and was, therefore, likely to be able to cope with the additional work and to lead across North Wales. This would place Gwynedd in a strong position.

In response to a question about the impact on the planning applications timetable, it was noted that the process reflected planning procedure. It was reiterated that the two procedures came under two different Acts and, although not dependent on each other, both procedures needed to be in place before construction work could begin. The intention was to commence in January 2019.

It was proposed and seconded to accept the information and a request was made for a progress report in 18 months.

RESOLVED to accept the report.

The Committee acknowledged the lack of funds for setting up the body to enforce SuDS features. A request was made for the Service to provide an update / progress report in 18 months

8. PLANNING AND THE WELSH LANGUAGE SCRUTINY INVESTIGATION

An update was presented on the investigation along with an amended timetable that extended the steps until May 2019.

It was proposed and seconded to accept the update

The meeting commenced at 10.30 am and concluded at 12.20 pm

CHAIRMAN