



ENVIRONMENT AND HIGHWAYS CABINET BOARD

*Immediately Following Scrutiny Committee on
THURSDAY, 7 JULY 2016*

COMMITTEE ROOMS A/B - NEATH CIVIC CENTRE

PART 1

1. To agree the Chairperson for this Meeting.
2. To receive any declarations of interest from Members.
3. To receive the Minutes of the previous Environment and Highways Cabinet Board held on 26 May, 2016 and the Special meeting held on 3 June, 2016 (*Pages 5 - 16*)

To receive the Joint Report of the Head of Engineering and Transport, the Head of Streetcare and the Head of Planning and Public Protection

4. Environment and Highways Performance Indicators for Quarter 4 of 2015/16 (*Pages 17 - 34*)

To receive the Report of the Head of Planning and Public Protection

5. Asset Sponsorship (*Pages 35 - 44*)
6. Environmental Health and Trading Standards - Changes to Officer Delegation (*Pages 45 - 50*)

To receive the Report of the Head of Engineering and Transport

7. Award of Contracts - Subsidised Bus Routes (*Pages 51 - 54*)

8. Business Improvement District (*Pages 55 - 58*)
9. List of Approved Contractors (*Pages 59 - 66*)
10. Acceptance and Use of the Neath Port Talbot Specification for the Constructions of Roads for Adoption (*Pages 67 - 70*)
11. Recycling Vehicle Renewal (*Pages 71 - 76*)
12. Traffic Orders - Aberavon (*Pages 77 - 82*)
13. Traffic Orders - Aberavon, Baglan & Port Talbot (*Pages 83 - 88*)
14. Traffic Capital Programme 2016/2017 - Traffic Orders (*Pages 89 - 92*)

To receive the Joint Report of the Head of Engineering and Transport and the Head of Property of Regeneration

15. Incorporation of Non-Operational Council Land into the Highway (*Pages 93 - 96*)

To receive the Report of the Head of Legal Services

16. Alleged Public Footpath - Blaengwrach (*Pages 97 - 106*)
17. Alleged Public Footpath - Margam (*Pages 107 - 126*)
18. Alleged Public Footpath - Pontardawe (*Pages 127 - 138*)
19. Alleged Public Footpaths - Briton Ferry and Neath (*Pages 139 - 160*)

To receive the Report of the Head of Streetcare

20. Foot Golf at Gnoll Country Park (*Pages 161 - 164*)
21. Waste Services Business Plan (*Pages 165 - 188*)
22. Neighbourhood Services Business Plan (*Pages 189 - 208*)

23. To receive the Forward Work Programme 2016/17
(Pages 209 - 210)
24. Any urgent items (whether public or exempt) at the discretion of the Chairman pursuant to Statutory Instrument 2001 No 2290 (as amended).

S.Phillips
Chief Executive

Civic Centre
Port Talbot

Thursday, 1 July 2016

Cabinet Board Members:

Councillors: E.V.Latham and Mrs.S.Miller

Notes:

- (1) *If any Cabinet Board Member is unable to attend, any other Cabinet Member may substitute as a voting Member on the Committee. Members are asked to make these arrangements direct and then to advise the committee Section.*
- (2) *The views of the earlier Scrutiny Committee are to be taken into account in arriving at decisions (pre decision scrutiny process).*

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EXECUTIVE DECISION RECORD

CABINET BOARD - 26 MAY 2016

ENVIRONMENT AND HIGHWAYS CABINET BOARD

Cabinet Board Members:

Councillors: E.V.Latham (Chairperson) and Mrs.S.Miller

Officers in Attendance:

D.Griffiths and Mrs.T.Davies

1. **APPOINTMENT OF CHAIRPERSON**

Agreed that Councillor E.V.Latham be appointed Chairperson for the meeting.

2. **MINUTES OF THE PREVIOUS ENVIRONMENT AND HIGHWAYS CABINET BOARD HELD ON 14 APRIL, 2016.**

Noted by the Committee.

3. **ENGINEERING AND TRANSPORT BUSINESS PLAN, 2016-17**

Officers advised Members that there was an error in the circulated report at page 20 of the Business Plan. 'The management of sickness is below the corporate target due to a variety of reasons...' has been replaced with 'Sickness levels have improved overall within the division and are currently below the corporate target'.

Decision:

That the Engineering and Transport Business Plan 2016-2017 as detailed in the circulated report, be endorsed.

Reason for Decision:

To implement the Council's performance management framework

Implementation of Decision:

The decision will be implemented after the three day call in period.

4. **TRAFFIC CAPITAL PROGRAMME 2016-17 - PROPOSED TRAFFIC ORDERS**

Members received the Addendum report of the Head of Engineering and Transport, which contained an addition to the Traffic Capital Programme 2016/17.

Decisions:

1. That approval be given to Traffic Section Officers for the Traffic Schemes detailed within the Traffic Capital Programme 2016/2017, as detailed at Appendix A to the circulated report, to be advertised in accordance with the statutory requirements, and subject to no objections being received, the schemes be implemented in accordance with the relevant statutory requirements contained within the current Road Traffic Regulations.
2. That in the event of any objections being received in respect of any of the Schemes, these will be reported back to the Environment and Highways Cabinet Board for decision.

Reason for Decisions:

The schemes are necessary in the interest of road safety and providing adequate parking provisions within the County Boundary.

Implementation of Decisions:

The decisions will be implemented after the three day call in period.

Consultation:

Initial consultation on each scheme contained within the Traffic Capital Programme will be carried out with the Local Member(s) for each Ward

affected by a scheme prior to the formal consultation process undertaken with the public and any other affected bodies.

5. **WELSH GOVERNMENT GRANT APPROVALS - HIGHWAYS AND TRANSPORT 2016-17**

Decision:

That the report be noted.

6. **PROPOSED LOADING BAY, COOMBES ROAD, SKEWEN**

Decision:

That the proposed measures for a Loading Bay at Coombs Road, Skewen, as detailed at Appendix A to the circulated report, be advertised, and subject to there being no objections, the Order be implemented.

Reason for Decision:

To provide a loading area for a local distributor in the interest of road safety.

Implementation of Decision:

The decision will be implemented after the three day call in period.

Consultation:

A consultation exercise will be carried out when the Scheme is advertised.

7. **PROPOSED SPEED LIMITS AND CUSHIONS, LONGFORD ROAD, NEATH ABBEY**

Decision:

That the Legal Orders for the implementation of 30mph, 40mph speed limits and speed cushions on Longford Road, Longford, Neath Abbey,

Neath, as detailed at Appendix A to the circulated report, be advertised, and subject to there being no objections, the Orders be implemented.

Reason for Decision:

To reduce vehicular speeds in the interest of road safety.

Implementation of Decision:

The decision will be implemented after the three day call in period.

Consultation:

A consultation exercise will be carried out when the Scheme is advertised.

8. **PROPOSED TAXI RANKS, ORCHARD STREET, NEATH**

Decision:

That the Legal Order for the implementation of taxi ranks in Orchard Street, Neath, as detailed at Appendix A to the circulated report, be advertised, and subject to there being no objections, the Order be implemented.

Reason for Decision:

To provide a safe area for taxi ranks in the interest of road safety.

Implementation of Decision:

The decision will be implemented after the three day call in period.

Consultation:

A consultation exercise will be carried out when the Scheme is advertised.

9. **PROPOSED TRAFFIC ORDERS, ALLTACHAM DRIVE, PONTARDAWE**

Decision:

That the Legal Orders for the implementation of a No Waiting, No Loading at Any Time Order and No Waiting, No Loading, Monday to Friday, 7am – 7pm Order on Alltacham Drive, Pontardawe, as detailed at Appendix A to the circulated report, be advertised and subject to there being no objections, the Orders be implemented.

Reason for Decision:

To prevent indiscriminate parking in the interest of road safety.

Implementation of Decision:

The decision will be implemented after the three day call in period.

Consultation:

A consultation exercise will be carried out when the Scheme is advertised.

10. **PROPOSED TRAFFIC ORDERS, CHRISTOPHER ROAD, SKEWEN**

Decision:

That the Legal Order for the revocation of a Limited Waiting Bay and implementation of a No Waiting at Any Time Order in Christopher Road, Skewen, as detailed at Appendix A to the circulated report, be advertised and subject to there being no objections, the Order be implemented.

Reason for Decision:

To provide access to off street parking in the interest of road safety.

Implementation of Decision:

The decision will be implemented after the three day call in period.

Consultation:

A consultation exercise will be carried out when the Scheme is advertised.

11. **PROPOSED TRAFFIC ORDERS, MAES Y PERGWM AND ADDOLDY ROAD, GLYNNEATH**

Decision:

That the Legal Orders for the implementation of Prohibition of Waiting at any Time Traffic Regulation Orders at Maes y Pergwm/Addoldy Road, Glynneath, as detailed at Appendix A to the circulated report be advertised, and subject to there being no objections, the Orders be implemented.

Reason for Decision:

To prevent indiscriminate parking in the interest of road safety.

Implementation of Decision:

The decision will be implemented after the three day call in period.

Consultation:

A consultation exercise will be carried out when the Scheme is advertised.

12. **PROPOSED TRAFFIC ORDERS, PENYWERN ROAD, BRYNCOCH**

Decision:

That the Legal Order for the implementation of Prohibition of Waiting at any Time Traffic Regulation Orders at Penywern Road, Bryncoch, Neath, as detailed at Appendix A to the circulated report, be advertised and subject to there being no objections, the Orders be implemented.

Reason for Decision:

To prevent indiscriminate parking in the interest of road safety.

Implementation of Decision:

The decision will be implemented after the three day call in period.

Consultation:

A consultation exercise will be carried out when the Scheme is advertised.

13. **FORWARD WORK PROGRAMME 2016/17**

Decision:

That the Forward Work Programme 2016/17, be noted.

14. **ACCESS TO MEETINGS**

RESOLVED: That pursuant to Regulation 4(3) and (5) of Statutory Instrument 2001 No. 2290, the public be excluded for the following items of business which involved the likely disclosure of exempt information as defined in Paragraph 14 of Part 4 of Schedule 12A to the Local Government Act 1972.

15. **URGENT ITEMS**

Because of the need to deal now with the matters contained in Minutes No. 16 and 17 below, the Chairman agreed that these could be raised at today's meeting as urgent items pursuant to Statutory Instrument 2001 No.2290 (as amended).

Reason: Due to the time element.

16. **PUBLIC TRANSPORT TENDERS**

Members received an updated copy of the private information concerning tender prices for local bus contracts, as the circulated copy contained incorrect information.

Decisions:

1. That Route 23 contract number NPT/001 and Route X58 contract number NPT/009 be withdrawn from the Public Transport Tender Process that commenced on the 5 March 2016;
2. That Rule 2.1 of the Contract Procedure Rules be excluded to allow the Council to carry out a mini competition for the said routes for the duration of one calendar year commencing on 1 September 2016, which shall be limited to the pool of operators who previously bid in the recent Public Transport tender process, as detailed in the private circulated report;
3. That in the event of the price for routes 23 and X58 being acceptable to the Authority, the Head of Engineering and Transport be granted delegated authority to accept the bids submitted and award a contract for the duration of one calendar year.

Reason for Decisions:

To ensure continuity of service to areas where subsidised routes were retendered.

Implementation of Decisions:

The decisions are urgent ones for immediate implementation, the Chair of the Scrutiny Committee had agreed to this course of action and therefore there would be no call-in of these decisions.

17. **SMALL TOOLS AND NON-OPERATIVE PLANT**

Decisions:

1. That the requirements of Rule 2.2 of the Council's Contracts Procedure Rules ("CPRS") be excluded;
2. That the Framework and the Framework Agreements be extended for a period of one calendar year from 31 May, 2016 to utilise any proposed National Procurement Service Framework for the eventual appointment of a contractor(s) or alternatively run its own competitive tender exercise and either of these exercises be undertaken at the same time as the extension is put in place.

Reason for Decisions:

To ensure continuity of supply of the Service pending the Authority undertaking a new procurement exercise to secure a new framework for the Service.

Implementation of Decisions:

The decisions are urgent ones for immediate implementation, the Chair of the Scrutiny Committee had agreed to this course of action and therefore there would be no call-in of these decisions.

18. **PRIVATE URGENCY ACTION - 1430**

Decision:

That the following private urgency action taken by the Head of Engineering and Transport in consultation with the requisite Members, be noted:-

Officer Urgency Action No: 1430, 31 March, 2016

Stopping and Seizing Powers under Section S34B and 34C Environmental Protection Act 1990.

CHAIRPERSON

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EXECUTIVE DECISION RECORD
CABINET BOARD - 3 JUNE, 2016
ENVIRONMENT AND HIGHWAYS CABINET BOARD (SPECIAL)

Cabinet Board Members:

Councillors: E.V.Latham (Chairperson) and Mrs.S.Miller

Officers in Attendance:

A.Collins and Mrs S.Curran

1. **APPOINTMENT OF CHAIRPERSON**

Agreed that Councillor E.V Latham be appointed Chairperson for the meeting.

2. **PLANNING BUSINESS PLAN 2016-17**

Decision:

That the Planning Business Plan 2016-17, be endorsed.

Reason for Decision:

To implement the Council's performance management framework.

Implementation of Decision:

The decision will be implemented after the three day call in period.

Consultation:

Staff within the service had been consulted and had contributed towards the development of the Business Plan.

CHAIRPERSON

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

7 July 2016

Joint Report of

Head of Engineering & Transport – D. W. Griffiths

Head of Streetcare – M. Roberts

Head of Planning and Public Protection – N. Pearce

Matter for Monitoring

Wards Affected: ALL

Environment and Highways Performance Indicators for Quarter 4 of 2015/16

- 1 Quarterly Performance Management Data 2015-2016 – Quarter 4 Performance (1st April 2015– 31st March 2016)

Purpose of the Report

- 2 To report quarter 4 performance management data for the period 1st April 2015 to 31st March 2016 for Environment. This will enable the Environment and Highways Cabinet Board and Scrutiny Members to discharge their functions in relation to performance management.

Executive Summary

- 3 In line with the Council's six improvement priorities embedded within the Corporate Improvement Plan, Environment scrutinise performance within Waste Management, Transport and Highways, Public Protection and Private Sector Renewal. On the whole performance demonstrates improvement in line with what we planned to deliver.

Background

4 The role of Scrutiny Committees was amended at the Annual Meeting of Council in May 2010 to reflect the changes introduced by the Local Government (Wales) Measure 2009; Environment will:

- Scrutinise the performance of all services and the extent to which services are continuously improving.
- Ensure performance measures are in place for each service and that the measures reflect what matters to local citizens.
- Promote innovation by challenging the status quo and encourage different ways of thinking and options for service delivery

Failure to produce a compliant report within the timescales can lead to non-compliance with our Constitution. Furthermore failure to have robust performance monitoring arrangements could result in poor performance going undetected.

Financial Impact

5 The performance described in the report is being delivered against a challenging financial background.

Equality Impact Assessment

6 This report is not subject to an Equality Impact Assessment.

Workforce Impacts

7 During 2015/16, the Environment Directorate saw a further downsizing of its workforce (by 87 employees) as it sought to deliver savings of 2.717million in the year.

Legal Impacts

8 This progress report is prepared under:

1. The Local Government (Wales) Measure 2009 and discharges the Council's duties to "make arrangements to secure continuous improvement in the exercise of its functions".

2. The Neath Port Talbot County Borough Council Constitution requires each cabinet committee to monitor quarterly budgets and performance in securing continuous improvement of all the functions within its purview.

Risk Management

- 9 Failure to produce a compliant report within the timescales can lead to non – compliance with our Constitution. Also failure to have robust performance monitoring arrangements could result in poor performance going undetected.

Consultation

- 10 No requirement to consult.

Recommendations

- 11 Members monitor performance contained within this report.

Reasons for Proposed Decision

- 12 Matter for monitoring. No decision required.

Implementation of Decision

- 13 Matter for monitoring. No decision required.

Appendices

- 14 Appendix 1 - Quarterly Performance Management Data 2015-2016– Quarter 4 Performance (1st April 2015– 31st March 2016) – APPENDIX 1

List of Background Papers

- 15 The Neath Port Talbot [Corporate Improvement Plan - 2015/2018](#) “Rising to the Challenge”;

Officer Contact

- 16 Joy Smith, Road Safety and Business Performance Manager
Tel. No: 01639 686581 email: j.smith@npt.gov.uk



**Quarterly Performance Management Data 2015-2016 – Quarter 4
Performance (1st April 2015– 31st March 2016)**

Report Contents:

Section 1: Key points.

Section 2: Quarterly Performance Management Data and performance key

Section 3: Compliments & Complaints Data

Section 1: Key Points

Waste Management

The Council is progressing with the implementation of its waste strategy and achieved the 2015/16 statutory recycling and composting target of 58%. The next target to reuse / recycle / compost 64% of waste collected by 2019/20.

Transport and Highways

The Council continues to progress its street lighting renewal project, with improvements being reflected in the performance figures for fault repairs. Similarly, improvements are being seen in respect of overall road conditions as a result of the improvements made by the Council in respect of Highway Asset Management Planning, although there remains much to be done. The percentage of adults over 60 who hold a bus pass has again increased.

Street Scene & Countryside Management

The performance data for street cleanliness indicates the increasing difficulty in maintaining standards in the context of previous budget reductions. The number of fly tips decreased slightly from 1242 in the previous year to 1225.

Housing – Private Sector Renewal

There has been a significant reduction in the percentage of private sector dwellings that had been vacant for more than 6 months at 1st April that were returned to occupation during the year through direct action by the local authority. Largely properties that are brought back into use is outside of the control of the service, for example, they are affected by external factors such as the local housing market. The service does, however, contact owners of all such properties to provide advice on ways to bring them back to occupation and to direct them towards funding which may assist them. In addition the service takes enforcement action whenever necessary.

Public Protection

Four of the seven comparable indicators achieved maximum performance and one improved. 92.7% of food establishments were “broadly” compliant with food hygiene standards, marginally down on last year’s performance of 92.8%.

All high risk businesses for animal health and trading standards were inspected for the year. Most of the department’s resources are now being devoted to alternative methods of inspection / intervention and investigation into problem traders and problem trade sectors, i.e. a continually developing intelligence led approach. Routine food inspections remain a priority following the recommendations of the Food Standards Agency audit. There is also significant demand on the service for the provision of feed enforcement.

The percentage of significant breaches that were rectified by intervention has dropped in comparison with the previous year for Trading Standards (73.5% in comparison with 86.8% last year). The rectification rate has been affected by more complex investigations which are taking longer to complete. Some of these have since been rectified on completion of the

investigation which has resulted in some convictions for food standards and consumer frauds. Animal Health has achieved a 100% rectification rate, however their breaches, though significant, have been resolved quickly and without the need for long term investigation.

Section 2: Quarterly Performance Management Data and Performance Key

2015-2016 – Quarter 4 Performance (1st April 2015 – 31st March 2016)

Note: The following references are included in the table. Explanations for these are as follows:

(NSI) National Strategic Indicators (NSIs) - are used to measure the performance of local authorities at a national level and focus on key strategic priorities. Local authorities are under a legal duty to collect & report on these measures.

(PAM) Public Accountability Measures - consist of a small set of “outcome focussed” indicators, selected initially from within the existing Performance Measurement Framework. They will reflect those aspects of local authority work which local authorities agree are considered to be important in terms of public accountability. For example, recycling, educational attainment, sustainable development, etc. This information is required and reported nationally, validated, and published annually.


(SID) Service Improvement Data - can be used by local authority services and their regulators as they plan, deliver and improve services.

All Wales - The data shown in this column is the figure calculated using the base data supplied by all authorities for 2014/2015 i.e. an overall performance indicator value for Wales.

(L) Local Performance Indicator set by the Council.

	Performance Key
☺	Maximum Performance
↑	Performance has improved
↔	Performance has been maintained
v	Performance is within 5% of previous year's performance
↓	Performance has declined by 5% or more on previous year's performance - Where performance has declined by 5% or more for the period in comparison to the previous year, an explanation is provided directly below the relevant performance indicator.
—	No comparable data (data not suitable for comparison /no data available for comparison)
	No All Wales data available for comparison.
1 st – 6 th	2014/15 NPT performance in upper quartile (top six of 22 local authorities) in comparison with All Wales national published measures (NSI & PAM's).
7 th – 16 th	2014/15 NPT performance in mid quartiles (7 th – 16 th) in comparison with All Wales national published measures (NSI & PAM's).
17 th – 22 nd	2014/15 NPT performance in lower quartile (17 th – 22 nd) in comparison with All Wales national published measures (NSI & PAM's).

1. Environment & Transport – Waste Management

No	PI Reference	PI Description	NPT Actual 2013/14	All Wales 2014/15	NPT Quarter 4 2014/15	NPT Quarter 4 2015/16	Direction of Improvement
1	WMT/010i (SID)	The percentage of local authority municipal waste: Prepared for re-use.	0.18%		0.29%	0.45%	↑
2	WMT/010iii (SID)	The percentage of local authority municipal waste: Collected as source segregated bio-wastes and composted or treated biologically in another way.	15.76%		19.34%	19.88%	↑
3	WMT/009b (NSI/PAM)	The percentage of municipal waste collected by local authorities and prepared for reuse and/or recycled, including source segregated bio wastes that are composted or treated biologically in another way.	54.04%	56.24% 	58.10%	58.01%	v
Page 25	<p>Almost 1,500 tonnes of extra recyclables was collected at the kerbside and the recycling centres during 2015/16 which was offset by a reduction in the amount of incinerator bottom ash (IBA) that was recycled (approximately 1,000 tonnes less than in 2014/15). However, with the completion of the Recycle + roll out during 2016/17 and the introduction of side waste restrictions in June 2016 it is expected the overall performance will increase and help meet the next target to reuse/recycle/compost 64% of waste collected by 2019/20.</p>						
4	WMT/010ii (SID)	The percentage of local authority municipal waste: Recycled.	38.09%		38.47%	37.68%	v
		a) Incinerator Bottom Ash recycling rate (see note)	N/a		3.47%	1.97% *	v
		b) Kerbside dry recycling rate	N/a		16.45%	16.40%	v
		c) Household Waste Recycling Centres dry recycling rate	N/a		18.60%	19.31%	↑
<p>*This rate varies with the amount of solid fuel made from the left over household refuse, and also the purpose for which the fuel is used e.g. use as a replacement for coal in cement kilns or use in energy incinerators</p>							

1. Environment & Transport – Waste Management (cont.)

No	PI Reference	PI Description	NPT Actual 2013/14	All Wales 2014/15	NPT Quarter 4 2014/15	NPT Quarter 4 2015/16	Direction of Improvement
5	WMT/012 (SID)	The percentage of local authority collected municipal waste used to recover heat and power.	29.33%		32.40%	29.20%	v
6	WMT/004b (NSI/PAM)	The percentage of municipal waste collected by local authorities sent to landfill.	14.04%	29.38% 2 nd	11.13%	14.10%	v
Despite a small variation in WMT/004b, overall the figure remains well below the Welsh Government target to reduce the amount of waste landfilled to 30%. NPT remains one of the best performing Authorities in Wales with regards to landfill diversion							

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2. Environment & Transport – Transport and Highways

No	PI Reference	PI Description	NPT Actual 2013/14	All Wales 2014/15	NPT Quarter 4 2014/15	NPT Quarter 4 2015/16	Direction of Improvement
7	THS/007 (NSI)	The percentage of adults aged 60 or over who hold a concessionary bus pass.	88.9%	85.8% 7 th	90.6%	92.1%	↑


2. Environment & Transport – Transport and Highways (Cont.)

No	PI Reference	PI Description	NPT Actual 2013/14	All Wales 2014/15	NPT Quarter 4 2014/15	NPT Quarter 4 2015/16	Direction of Improvement
8	THS/011a (SID)	The percentage of: Principal (A) roads in overall poor condition.	6.8%		5.8%	4.5%	↑
9	THS/011b (SID)	The percentage of: Non-principal/classified (B) roads in overall poor condition.	5.2%		4.0%	2.6%	↑
Page 27	THS/012 (PAM)	The percentage of Principal (A) roads, Non-principal (B) roads and Non-principal C roads that are in overall poor condition.	6.7%	11.9%. 3 rd	5.6%	4.3%	↑
11	THS/011c (SID)	The percentage of: Non-principal /classified C roads in overall poor condition.	8.2%		7.0%	5.9%	↑

3. Environment & Transport - Street Scene

No	PI Reference	PI Description	NPT Actual 2013/14	All Wales 2014/15	NPT Quarter 4 2014/15	NPT Quarter 4 2015/16	Direction of Improvement
12	STS/005a (SID)	The cleanliness Indicator	67.6		70.6	70.5	v
13	STS/005b (PAM)	The percentage of highways and relevant land inspected of a high or acceptable standard of cleanliness.	97.8%	96.9% 5 th	98.80%	93.57%	↓
	This figure has decreased due to increasing difficulty in maintaining standards in the context of previous budget reductions						
14	STS/006 (NSI)	The percentage of reported fly tipping incidents cleared within 5 working days	81.10%	93.05% 22 nd	72.06%	67.67%	↓
	<p>There were a total of 1,225 fly tipping incidents recorded by the Authority during 2015-16. 829 were cleared within 5 working days.</p> <p>302 incidents were investigated but not removed by the Council as the tipped material was subsequently removed by the owner or the landowner. Where individuals did not respond to a verbal request to remove waste then a statutory "15 day" clearance notice is issued in which case the Council cannot possibly comply with Welsh Government's national 5 working day target. The P.I. guidance stipulates that we have to include these jobs as they were reported to the Authority. If this was not included in the P.I. our performance would be over 90%.</p> <p>The remaining 94 jobs that were closed down outside of the 5 day target were as follows:</p> <p>45 jobs cleared between 6-10 days, 35 jobs cleared between 11-20 days, 4 jobs cleared between 21-30 days, the remaining 10 jobs were over 30 days as a result of pending prosecutions.</p>						

4. Planning and Regulatory Services – Private Sector Renewal

No	PI Reference	PI Description	NPT Actual 2013/14	All Wales 2014/15	NPT Quarter 4 2014/15	NPT Quarter 4 2015/16	Direction of Improvement
15	PSR/004 (NSI)	The percentage of private sector dwellings that had been vacant for more than 6 months at 1 April that were returned to occupation during the year through direct action by the local authority	37.38%	11.76% 	68.59%	40.20%	↓
	Largely properties that are brought back into use is outside of the control of the service for example they are affected by external factors such as the local housing market. The service does however; contact owners of all such properties to provide advice on ways to bring them back to occupation and to direct them towards funding which may assist them. In addition the service takes enforcement action whenever necessary.						
16	PSR/007a	Of the 446 houses in multiple occupation known to the Local Authority, the percentage that: Have a full licence	1.4%		1.63%	1.35%	v
17	PSR/007b	Of the 446 houses in multiple occupation known to the Local Authority, the percentage that: Have been issued with a licence with conditions attached	0%		0%	0%	—
18	PSR/007c	Of the 446 houses in multiple occupation known to the Local Authority, the percentage that: Are subject to enforcement activity	0.2%		0%	0%	—

5. Planning and Regulatory Services – Public Protection

No	PI Reference	PI Description	NPT Actual 2013/14	All Wales 2014/15	NPT Quarter 4 2014/15	NPT Quarter 4 2015/16	Direction of Improvement
19	PPN/001ii (SID)	The percentage of high risk businesses that were liable to a programmed inspection that were inspected for Food Hygiene	82%		98%	100%	😊
Page 30	PPN/001i (SID)	The percentage of high risk businesses that were liable to a programmed inspection that were inspected for Trading Standards	100%		100%	100%	😊
	PPN/001iii (SID)	The percentage of high risk businesses that were liable to a programmed inspection that were inspected for Animal Health	100%		100%	100%	😊
	PPN/007ii (SID)	The percentage of significant breaches that were rectified by intervention during the year for Animal Health	77.3%		71.4%	100%	😊
	PPN/008ii (SID)	The percentage of new businesses identified which were subject to a risk assessment visit or returned a self-assessment questionnaire during the year: Food Hygiene	79%		79%	92%	↑

5. Planning and Regulatory Services – Public Protection (Cont.)

No	PI Reference	PI Description	NPT Actual 2013/14	All Wales 2014/15	NPT Quarter 4 2014/15	NPT Quarter 4 2015/16	Direction of Improvement
24	PPN/009 (NSI/PAM)	The percentage of food establishments which are “broadly” compliant with food hygiene standards	92.2%	94.2% 17 th	92.8%	92.7%	V
25	PPN/007i (SID)	The percentage of significant breaches that were rectified by intervention during the year for Trading Standards	78.7%		86.8%	73.5%	↓
Page 31	The department is detecting more complex and significant infringements of consumer fraud and is targeting resources to address them. Furthermore, there are a number of food fraud investigations that were ongoing, some of which have since been resolved. Rectifying and fully investigating breaches takes longer than offering advice to a business.						
26	PPN/008iii (SID)	The percentage of new businesses identified which were subject to a risk assessment visit or returned a self-assessment questionnaire during the year: Animal Health	100%		See note	See note	—

- Note : There were no new businesses detected for Animal Health in this period

Section 3: Compliments and Complaints

2015/2016 – Quarter 4 (1st April 2015 – 31st March) – Cumulative data for E&H Board

	Performance Key
↑	Improvement : Reduction in Complaints/ Increase in Compliments
↔	No change in the number of Complaints/Compliments
v	Increase in Complaints but within 5%/ Reduction in Compliments but within 5% of previous year.
↓	Increase in Complaints by 5% or more/ Reduction in Compliments by 5% or more of previous year.

Page 32	1	PI Description	Quarter 4 2014/15	Quarter 4 2015/16	Direction of Improvement
		<u>Total Complaints - Stage 1</u>	12	31	↓
		a - Complaints - Stage 1 upheld	4	15	
		b -Complaints - Stage 1 <u>not</u> upheld	8	16	
		c -Complaints - Stage 1 partially upheld	0	0	

No	PI Description	Quarter 4 2014/15	Quarter 4 2015/16	Direction of Improvement
2	<u>Total Complaints - Stage 2</u>	5	5	↔
	a - Complaints - Stage 2 upheld	0	2	
	b - Complaints - Stage 2 <u>not</u> upheld	5	3	
	c- Complaints - Stage 2 partially upheld	0	0	
Page 33	<u>Total - Ombudsman investigations</u>	1	0	↑
	a - Complaints - Ombudsman investigations upheld	0	0	
	b - Complaints - Ombudsman investigations <u>not</u> upheld	1	0	
4	Number of Compliments	12	23	↑
<p>Stage 1 – There has been an increase in the number of complaints received up to the 4th quarter of 2015/16 when compared to 2014/15. This is attributable to an improved method of recording complaints.</p> <p>Please note - data has marginally changed since the Comments, Compliments and Complaints Annual Report 2015-16 was presented to members in Policy & Resources committee on 19th May 2016. The data and some of the comments have been updated accordingly.</p> <p>Stage 2 – The total annual figure has remained the same for both 2014/15 and 2015/16, therefore this figure remains unchanged.</p> <p>The total number of compliments has almost doubled when compared to the same quarter last year.</p> <p>Welsh Language – There was one Welsh Language complaint reported during the 2015-16 financial year which was not upheld</p>				

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

7 July 2016

Report of the Head of Planning and Public Protection

Nicola Pearce

Matter for Decision

Wards Affected: All

Asset Sponsorship – Consideration of a variation to the Council’s existing Asset Sponsorship contract with Immediate Solutions and the procurement procedures necessary to address the longer term position.

Purpose of the Report

- 1 To consider the need for a variation to the Council’s existing Asset Sponsorship contract with Immediate Solutions and the procurement procedures necessary to address the longer term position.

Executive Summary

- 2 A contract to generate sponsorship revenue from highway roundabouts has been in place between the Council and its partner ‘Immediate Solutions’ since 2011.
- 3 The Council is eager to continue with an asset sponsorship agreement not only to optimise revenue generation in the short and long term to assist the Council in carrying out its functions, but also to continue to provide businesses operating locally the opportunity to promote their identities.
- 4 The implementation of the Public Contract Regulations 2015 provides that the Council is limited in the scope of any arrangement that could be pursued at this time.
- 5 Consequently, this report seeks approval of a variation of the contract with Immediate Solutions to allow the trial of additional pilot schemes; that delegated authority be given to the Head of Planning and Public

Protection to determine what additional assets are to be included in the revised contract; and that a procurement exercise be commenced to run in parallel to obtain a long term partner to begin after the short term extension period has expired.

Background

- 6 A contract (dated 27th November 2011) to generate sponsorship revenue from highway roundabouts has been in place between the Council and its partner 'Immediate Solutions' since 2011. The initial contract was let in June 2012 and the first sponsored sign was erected in August 2012.
- 7 The scheme for the sponsorship of Council assets is essential in the first instance to generate revenue in the short and long term to assist the Council in carrying out its functions and secondly to continue to provide businesses operating locally the opportunity to promote their identities.
- 8 Of particular note is that an annual contribution towards the Council's Forward Financial Plan (FFP) of an additional £3,000, over and above current revenue levels, has been identified (FFP Ref: ENV604). It is crucial therefore that the Council puts arrangements in place to continue the operation of the scheme.

Performance and Current Position

- 9 Since the commencement of the initial contract, the scheme has proved largely successful on most counts. In particular, site occupancy rates have surpassed initial targets and Immediate Solutions have met their contractual requirements.
- 10 In respect of the current position, of the 21 roundabouts included within the scope of the contract, 13 are currently occupied (with 8 of these currently the subject of ongoing discussions / negotiations) the remaining 8 are unoccupied. In terms of revenue, over the 4 financial years the contract has been running, the Council has accrued a total of £96,374.
- 11 The current position for each roundabout is presented in the schedule in **Appendix 1**.

Management of the Contract

- 12 Operation and day to day management of the contract primarily rests with Immediate Solutions, whilst working in partnership with officers of the Planning Policy team.
- 13 Currently all sign production, erection, maintenance, repair and replacement is carried out by Immediate Solutions. The Council identifies and agrees additional sites / assets, approves sponsors and relevant artwork, and the maintenance of the roundabouts themselves remains with the Council's Streetcare Department. Little, if any, amendment to these existing regimes is proposed.
- 14 It will continue to be the responsibility of Immediate Solutions to ensure the exclusions from sponsorship are adhered to. These exclusions from sponsorship are set out in **Appendix 2**.

Future Arrangements

- 15 The Council is eager to continue with an asset sponsorship agreement not only to generate revenue in the short and long term to assist the Council in carrying out its functions, but also to continue to provide businesses operating locally the opportunity to promote their identities.
- 16 The implementation of the Public Contract Regulations 2015 (further detail of which is set out in the Legal Impacts section below), provides that the Council is limited in the scope of any arrangement that could be pursued at this time. In order to obtain a new 'long term' partner, the Council would need to undertake a competitive procurement exercise which could take 3-6 months to resolve.
- 17 Given that the most recent contract with Immediate Solutions was due to expire on 30th June 2016, an urgency action has already been implemented to extend the contract for a short term period of 12 months. This has ensured continuity, that the necessary arrangements are in place for a straightforward transition, and the means to ensure continued generation of revenue in the short term.
- 18 For the longer term arrangement it is contended that whilst this short term extension is in operation, officers will commence a procurement process for a contract to commence in the Summer of 2017.

Additional Assets

- 19 In order to optimise both future sponsorship revenue and the opportunities for local businesses to promote their identities, there is now an opportunity to consider the sponsorship of additional assets, over and above roundabouts, within Neath Port Talbot. The following are examples of assets that have been identified as having the potential to generate such revenue:
- Gateway signs;
 - Lighting columns;
 - Roadside verges (including Parks);
 - Screens in Civic Centres / Libraries;
 - Car parks;
 - Cycle routes.
- 20 Initial discussions have been held with Immediate Solutions concerning this list, with gateway signs, roadside verges and lighting columns being identified as appropriate pilot schemes:
- *Gateway signs* – subject to variables, these assets could potentially generate in the region of £1,000-£1,500 per site/annum;
 - *Roadside verges* – subject to variables, these assets could potentially generate in the region of £1,000 per site/annum;
 - *Lighting columns* – subject to variables, these assets could potentially generate in the region of £500-£600 per column/annum. Whilst these values appear low, Immediate Solutions have advised that usually a large number of columns may be taken together in any one agreement.
- 21 The inclusion of such items in the varied arrangement with Immediate Solutions will allow the Council to see whether such arrangements prove viable for the Council to pursue. They can then be incorporated into any future procurement process that the Council undertakes.
- 22 It is important to highlight however that when moving forward a balance will need to be struck in relation to creating additional revenue whilst protecting vehicle and pedestrian safety and the visual amenity of our assets.

The Way Forward

- 23 Bearing in mind the procurement parameters, details of which are set out in the Legal Impacts section below, the following approach is considered to be the most appropriate way forward at this stage:
- *Short term* – agreement of a variation to the contract with Immediate Solutions, which would include the trial of additional pilot schemes as appropriate.
 - *Long term* – in parallel, commence a procurement exercise to obtain a long term partner with any future contract to commence after the current extended period has expired.

Financial Impact

- 24 Whilst the decisions will potentially incur additional expenditure in relation to the staff resources needed to facilitate the initial set up of additional assets (refer below), it is anticipated that these costs will be clawed back and ultimately covered in respect of the additional sponsorship revenue generated.

Equality Impact Assessment

- 25 In order to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010, an Equality Impact Assessment (EIA) Screening Exercise has been carried out.
- 26 Given that the contract stipulates the exclusion of sponsorship which may reasonably be constructed as showing or encouraging any type of prejudice based on race, sexual orientation, disability, religion, gender or age, the Screening Exercise concluded that equality issues are suitably addressed with no requirement to carry out an additional EIA exercise.

Workforce Impacts

- 27 Based on past experience, it is anticipated that when facilitating the initial set up of additional assets for sponsorship, Council staff input is likely to be high. This takes account of the need for Planning Policy officers to:
- Gain cross-departmental agreement in respect of the number, location and siting of signs;
 - Approve sign design templates for the assets as appropriate;

- Arrange pre-application discussions and provide input into the consequent Planning Application process as appropriate;
- Deal with queries and/or complaints as appropriate.

28 Accordingly, if it proves that additional resources are required on a temporary basis to cover the initial set up work, appropriate authorisation will be secured.

Legal Impacts

29 In early 2015, the Public Contract Regulations 2015 (“the Regulations”), which govern the way services, are procured by contracting authorities of which Neath Port Talbot County Borough Council is one, were introduced. They require that agreements of the kind detailed in this report over the value of £164,176 must be advertised in the Official Journal of the European Union (“OJEU”). It is imperative that any long term arrangements for an asset sponsorship arrangement is conducted in accordance with the requirement of the Regulations.

30 However, with regards to the additional elements to be included, the Council must ensure that the value of the varied contract does not exceed the financial threshold detailed above.

31 Even though the requirement to competitively tender the varied contract in Europe is not applicable, the Council is still caught by the general obligations of transparency, equal treatment, non-discrimination and proportionality that derive from the Treaty on the Functioning of the European Union (TFEU) when the contract is of 'certain cross border interest'.

32 What these principles imply in practice is that the contract for this variation should be transparently awarded in a non-discriminatory way. The simplest way to demonstrate compliance would be by going through a procurement exercise compliant with the principles outlined above.

33 In addition, the Council must comply with our own internal Contract Procedure Rules (CPRs) which provide that the Council will, whenever possible, put a contract of this value out to open tender. Rule 2.1 of the CPRs provides that where the value of the contract is over £50,000 tenders shall be invited using whichever of the tender procedures referenced is deemed appropriate.

- 34 Therefore, the Council could potentially be exposed to challenge from aggrieved providers who have not had an opportunity to bid for the varied arrangement. They may wish to challenge this by Judicial Review of the Council's decision.
- 35 The risk of challenge is acknowledged, however it would be contended that the Council must ensure that suitable contractual arrangements can be put in place to generate revenue in the short and long term to assist the Council in carrying out its functions and secondly to continue to provide businesses operating locally the opportunity to promote their identities and it would be contended that such arrangements do represent best value for the Council.
- 36 Attempts will be made to minimise the risk of challenge by ensuring, for example, the limited changes that would be necessary to the existing contract documents would ensure that it does not appear to be a radically different document.
- 37 More significantly, the Council would contend that the risk of challenge is minimised as it is the intention of the Council to embark on a compliant tender exercise to run in tandem with the varied contract. Any organisations who may wish to challenge the variation are more than likely going to be interested in bidding for the longer term arrangement when it is advertised to the market.

Risk Management

- 38 The risk associated with failing to implement the proposed recommendations is that the benefits outlined earlier in this report will not be realised and that the Council will be unable to generate optimum levels of revenue in the short and long term to assist the Council in carrying out its functions and will be unable to continue to provide businesses operating locally the opportunity to promote their identities.

Recommendation

- 39 That having considered the report, it is resolved to make the following recommendations for approval:
1. That rule 2.1 of the Contract Procedure Rules be excluded and that the contract with Immediate Solutions be varied to allow the trial of additional pilot schemes identified in this report.

2. That delegated authority be given to the Head of Planning and Public Protection to determine what additional assets are to be included in the revised contract.
3. To begin a procurement exercise in parallel to obtain a long term partner with any future contract to commence after the current contract term has expired in the Summer of 2017.

Reasons for Proposed Decision

- 40 The recommendations are needed to ensure compliance with the Public Contract Regulations 2015; to generate optimum levels of revenue in the short and long term to assist the Council in carrying out its functions; and to continue to provide businesses operating locally the opportunity to promote their identities.

Implementation of Decision

- 41 The decision is proposed for implementation after the three day call in period.

Appendices

- 42 Appendix 1: Current Position Per Roundabout.
43 Appendix 2: Asset Sponsorship – Exclusions.

List of Background Papers

- 44 Public Contract Regulations 2015.

Officer Contact

- 45 Ceri Morris – Planning Policy Manager [Tel: 01639 686320 / E-mail: c.morris1@npt.gov.uk]

APPENDIX 1

Current Position Per Roundabout

Site Ref	Name / Location	Council Revenue / Annum
1	A48 / Margam Road	£0
2	A4241 Harbourside Road	£0 (Contract recently expired / Negotiations ongoing)
3	A4241 Harbourside Road / Harbour Way	£0 (Contract recently expired / Negotiations ongoing)
4	A4241 Harbour Way / Afan Way	£0
5	A4241 Afan Way / Dalton Road	£1,750
6	A4241 Afan Way / Southdown Road	£0 (Contract recently expired / New Contract pending)
7	A4241 Afan Way / Seaway Parade	£2,700
8	A4241 Seaway Parade / Central Avenue	£3,000
9	A48 Heilbronn Way / Pentyla Baglan Road	£0
10	A465 / A474	£3,000
11	A4230 / Neath Abbey	£0
12	Briton Ferry Road / Eastland Road	£2,000
13	Graig Road / A474	£0
14	A4067 / Tesco	£3,000
15	A4067 / Glanrhyd Industrial Estate	£0
16	A4067 / B4603	£0
17	Glan Yr Avon / B4599	£2,000
18	A421 Harbour Way	£2,750
19	A421 Harbour Way	£4,450
20	A421 Harbour Way	£4,450
21	A421 Harbour Way	£0

Notes:

- *The information in the schedule represents a snapshot in time with the information correct as of the end of May 2016.*
- *Since the commencement of the initial contract, only three roundabouts (Nos. 1, 13 and 15) have yet to generate any revenue.*

APPENDIX 2

Asset Sponsorship – Exclusions

- 2.1 No sponsorship agreement or signs erected as a consequence of an agreement depict any of the following:
1. Sponsorship for contraceptives and associated products and services.
 2. Sponsorship for political parties or where the content is considered to be of a political nature.
 3. Sponsorship on behalf of Trade Unions or Employers Federation.
 4. Sponsorship which may reasonably be constructed as offering or promoting services of a sexual nature.
 5. Sponsorship for religious organisations or where the content is considered to be of a religious nature.
 6. Sponsorship which may reasonably be constructed as showing or encouraging any type of prejudice based on race, sexual orientation, disability, religion, gender or age.
 7. Sponsorship which may reasonably be considered not to comply with the guidelines set down from time to time by the Advertising Standards Authority.
 8. Sponsorship for products of, or organisations dealing in, the tobacco industry.
 9. Such other sponsorship types as the Council reasonably specifies and for which it gives reasonable written notice to the Service Provider that it considers such sponsorship unsuitable.

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

7 July 2016

Report of the Head of Planning and Public Protection

Nicola Pearce

Matter for Decision

Wards Affected: All

Environmental Health And Trading Standards Changes To Officer Delegation Arrangements

Purpose of Report

- 1 To seek approval from Members to amend the authority's current constitution and delegation arrangements to officers in relation to the legislation enforced by the Environmental Health and Trading Standards Service {which are currently set out in the Officers of the Council Delegation Arrangements In Part 3 Of the Authority's Constitution [version 14.08.15]}; in order to add further legislation.

Executive Summary

2. This report seeks to:-
 - a. add the Housing (Wales) Act 2014 to the list of legislation that is enforced by the Environmental Health and Trading Standards Service.
 - b. update the constitution to remove or amend legislation that have been revoked.
- 3.

Background

4. The Housing (Wales) Act 2014 is made up of a number of parts, and the aim of the act is to improve the supply, quality and standards of housing in Wales.

The key element of the Act which relate to Environmental Health is

Part 1 – Regulation of Private Rented Housing.

The introduction of a compulsory registration and licensing scheme for private rented sector landlords and letting of management agents, which will be delivered by Rent Smart Wales.

Amendments required to the constitution include:

Schedule 1

The legislation that should be included in schedule 1 is:

Antisocial Behaviour and Policing Act 2014

The Food Information (Wales) regulations 2014

The Food Supplements (Wales) Regulations 2003

The Nutrition and Health Claims (Wales) Regulations 2007

The Mobile Homes (Wales) Act 2013

Consumer Rights Act 2015

Companies Act 2006

Fraud Act 2006

The legislation that has been revoked and should be removed from the Schedule 1 is:

Companies Act 1985

Fair Trading Act 1973

Petroleum Consolidation Act 1928-1936

Property Misdescriptions Act 1991

Trade Descriptions Act 1968

Reference to Home Improvements Packs (page 3.126)

There are 2 entries in schedule 1 for Animal Health and Welfare Act 1984. Remove one entry.

The effect of the legislation in schedule 1 that should be amended include

1. Housing Act 1985 – remove reference to fitness of housing and condition of houses in multiple occupation and replace with demolition orders and overcrowding.
2. Consumer Protection Act 1987 - Prohibits the sale of goods not in compliance with the relevant safety regulations and the general safety requirements
3. Health and Safety at Work etc Act 1974 – appointed as an inspector under s.19 and authorised to exercise powers via petroleum Regulations

Schedule 2

Remove reference to :-

The Housing (Maximum Charge for Enforcement) Order 1996

The Housing (Fitness Enforcement Procedures) Order 1996

Houses in Multiple Occupation

Part VI section 197 – Repair notices

PartXI section 395 – Houses in multiple Occupation

All reference to the Housing Act 1985 (points 4 to 14) in schedule 2 should be removed.

Amend reference to :

Part IX section 319 to remove “ closing of premise” .`

Financial Impact

4. None

Equality Impact Assessment

5. A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this proposal does not require an Equalities Impact Assessment

Workforce Impact

- 6 The legislation places a new enforcement duty on the authority where landlords or letting agents do not register / obtain a licence. This new duty will have an impact on the workforce

Legal Impact

- 7 None

Risk Management

- 8 None

Any Other Impacts?

9. *Crime and Disorder*

Consultation

- 10 *There is no requirement under the Constitution for external consultation on this item*

Recommendation(s)

- 11 That the delegation arrangements in respect of the Environmental Health and Trading Standards Service which are set out in version 14.08.15 of the authority's Constitution [i.e. in Part 3 - Officer of

the Council Delegation Arrangements : {c} Environmental Health and Trading Standards - Schedule 1] are amended to :

[a] add the Housing [Wales] Act 2014 to the list of legislation [set out in the above referred to Schedule 1] delegated to the Director of Environment, the Head of Planning & Public Protection and the Environmental Health & Trading Standards Manager.

[b] delegate to those officers in [a] above the authority to authorise individual competent and qualified officers to act under that legislation

[c] delegate to those officers in [a] above the authority to institute legal proceedings under the provisions contained in the Housing [Wales] Act 2015 in conjunction with the Head of Legal Services [including the signing of any cautions in accordance with Home Office Guidelines] and, where an alleged offender is being held in custody in relation to an offence, to institute proceedings by way of charge.

12. That the Head of Legal Services be authorised to seek amendment of the Constitution by the Council in due course: in order to reflect the above changes to the authority's delegation arrangements .

Reason for Proposed Decision(s)

- 13 To ensure that the Constitution reflects changes that have been made to certain legislation and that identified further legislation has been added.

Implementation of Decision

14. *The decision is proposed for implementation after the three day call in period.*

Appendices

15. *None*

List of Background Papers

16. None

Officer Contact

17. Nicola Pearce, Head of Planning and Public Protection.
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Mark Thomas, Environmental Health and Trading Standards
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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

7 July 2016

Report of the Head of Engineering & Transport

D. W. Griffiths

Matter for Information

Wards Affected: All

Award of Contracts for Subsidised Local Bus routes

Purpose of Report

- 1 To inform members of the award of contracts to bus companies who operate subsidised Local Bus routes in Neath Port Talbot.

Executive Summary

- 2 Members will be aware of the report of 28th January which informed you of the intention to retender Local Bus, Home to School and Social Service contracted Bus and Taxi services.
- 3 Members will also be aware of a further report of 26th May seeking authority to withdraw two routes from the main tender process owing to significantly higher prices being submitted than current prices, and that these routes were to be the subject of a mini competition.
- 4 This report provides an update on the actions already taken by the Integrated Transport Unit and confirmation that all subsidised local bus routes have been awarded and that the new contracts will commence on 1st September.
- 5 All subsidised local bus routes have been maintained successfully. However, operators on some routes have changed.

Background

- 6 The Council subsidises a limited number of local bus routes via a Welsh Government Grant £312,372. This grant enables operators to provide transport to areas which are not commercially viable for them to operate. Typically, these are areas that are remote or have low patronage.
- 7 On 28th January an information report was brought to E&H informing Members of the intention to retender Passenger Transport, Home to School and Social Services contracts.
- 8 Bids were submitted for passenger transport services on 11th April and the prices for two routes were significantly higher than the prices currently being paid.
- 9 Permission was sought to withdraw the two routes from the tender process and to enter them into a mini competition which was endorsed by the E&H cabinet on the 26th May.
- 10 Nine routes which were subject to the full tender process have been awarded for five years. The two routes which were the subject of the mini competition have been awarded for a period of one year. These will be retendered next year for a period of four years to bring them into line with the main five year contract award for passenger transport services.
- 11 Home to school and Social Services contracts has also been awarded. However, these will be reported to ELL and SSHH who have budget responsibilities for the services provided.

Financial Impact

- 12 Tender bids for all routes for five years total £249,639.
- 13 The two routes put out to the mini competition total £82,548 per annum.
- 14 The Bus Services Support grant (BSSG) budget for '16-'17 is £312,372 which will leave a shortfall of £11,559 for September '16 to March '17.

- 15 The shortfall of £11,559 can be funded from £27k of BSSG re-allocated to the Council which from the overall regional funding allocation.

Equality Impact Assessment

- 16 A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this proposal does not require an Equalities Impact Assessment.

Workforce Impact

- 17 There will be no significant impact on the Integrated Transport Team resources.

Legal Impact

- 18 Compiled with EU OJEU, Welsh Government and internal corporate procedure rules.

Risk Management

- 19 There is no risk for the financial year '16-'17, however the two routes which will have to be retendered next year may be unaffordable. A decision will need to be made at that time on a way forwarded for the financial years 2017 to 2021.

Consultation

- 20 There is no requirement under the Constitution for external consultation on this item.

Recommendation

- 21 Information only

Reason for Proposed Decision

- 22 To ensure continuity of bus service to areas where subsidised routes were retendered.

Implementation of Decision

23 The contracts were awarded on 24th June.

Appendices

24 Nil

List of Background Papers

25 Nil

Officer Contact

26 Peter Jackson, Integrated Transport Manager
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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

7 July 2016

Report of the Head of Engineering & Transport

D. W. Griffiths

Matter for Decision

Wards Affected: Neath North

Business Improvement District (BID)

Purpose of Report

1. To seek Members' approval to introduce free car parking in Neath MSCP after 3pm in the Neath town centre.

Executive Summary

2. This report sets out the Business Improvement District (BID) proposal to the Council to improve footfall in the town centre. Their proposal involves free car parking after 3pm on the roof/top level only of the Neath multi-storey car park.

Background

3. Members will be aware that Neath Port Talbot Council was recently successful in securing Welsh Government funding to set up a Business Improvement District (BID) in Neath town centre.
4. The findings from an initial scoping study indicated a number of issues for a potential BID such as improving gateways into the town, looking at parking options and promoting Neath as a distinctive visitor destination that is safe during the day and night.
5. The BID board have approached the Council with a view to funding free car parking on the top floor of the new Neath multi-storey car park.
6. The initiative will run for a trial 12 month period, with the Authority reviewing the proposal, in terms of any adverse effect on the

Authority's parking income, and the BID providing evidence that footfall to the centre has improved.

7. In return, promotional work will be undertaken by the BID team. It is noted that any advertising undertaken will need to comply with the Council's Policies on banner locations and any planning applications required would be submitted by the BID.

Financial Impact

8. An analysis of income received over the first five months show that on average £500 per annum is taken on the top floor of the car park.
9. As part of the proposal BID will underwrite the income lost from the free car parking.

Equality Impact Assessment

10. Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this function does not require an Equality Impact Assessment.

Workforce Impacts

11. No impact on the workforce.

Legal Impacts

12. The car park is subject to the Authority's off-street car parking order, however, during this period the authority will suspend enforcing the top level of the Neath multi-storey car park.

Risk Management

13. Members need to be aware that there is a risk element to the proposal as motorists will migrate from fee paying car parks and could possibly delay coming in to the centre of Neath until the free car parking comes in to effect. This might lead to a reduction of income in the other car parks, which will be monitored.

Consultation

14. There is no requirement for external consultation.

Recommendations

15. Subject to the formal constitution of the BID, it is recommended:-

- i. That free car parking after 3pm on the top floor of the Neath multi-storey car park in partnership with the BID be agreed for a 12 month period
- ii. The scheme be reviewed in 12 months' time and a report be brought back for scrutiny on its benefits/dis-benefits
- iii. That the enforcement of the top level of the car park during the 12 month period be suspended.

Reason for proposed Decision

16. To support the BID initiative to enhance the vitality of the Town Centre.

Implementation of Decision

17. The decision is proposed for implementation after the three day call-in period.

Appendices

18. None.

List of Background Papers

19. None.

Officer Contact

20. Steve Cook, Parking Manager
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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

7 July 2016

Report of the Head of Engineering & Transport

D. W. Griffiths

Matter for Decision

Ward Affected: All

List of Approved Contractors

Purpose of Report

1. To seek Members' approval to amend the Approved List of Contractors.

Background

2. Members will be aware that on previous occasions reports concerning the compilation of the Approved List of Contractors have been presented to Cabinet Board. Members are updated on a regular basis on outstanding issues relating to the lists.
3. The full list of categories is set out in Appendix A for your information.
4. The following firms have applied to be included in the list:-

	<u>FIRM</u>	<u>CATEGORY</u>
1.	Glamorgan White Lining Ltd	82

Since the previous report in December 2015, the following company has applied to be added on for an additional category:-

<u>FIRM</u>	<u>CATEGORY</u>
Not Applicable	

Equality Impact Assessment

5. Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this function does not require an Equality Impact Assessment.

Financial Implications

6. None.

Consultation Outcome

7. The Approved List of Contractors is promoted on NPT web pages through local events.

Sustainability Appraisal

8. The process gives local companies an opportunity to provide goods and services to the Council.

Recommendation

9. It is recommended that:-

Contractor 1 to be included on the Approved List for the relevant category.

Reasons for Proposed Decision

10. To keep the Approved List up to date and as far as possible to ensure a competitive procurement process.
11. These recommendations to be adopted for the purpose of supplying a List of Contractors for invitation to tender within the relevant category.

Implementation of Decision

12. The decision is proposed for implementation after the three-day call-in period.

List of Background Papers

13. None

Appendices

14. Appendix A – Approved List of Categories

Officer Contact

15. Hasan Hasan, Engineering Manager
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email: h.hasan@npt.gov.uk

General Services

1. Signs
2. Plant Hire
3. Security
4. Clinical Waste
5. Pest Control
6. Re-Cycling
7. Waste Disposal (eg. Car, Computers, Steel)
8. Crowd Control
9. Traffic Management
10. Portable Buildings
11. Scaffolding

Building Construction / Maintenance

12. Building Construction £50,000 - £200,000
13. Building Construction £200,000 - £1m
14. Building Construction Over £1m
15. Minor Building Works below £50,000
16. Works of Adaptation below £5,000
17. Re-Roofing
 - a) Felt & Asphalt below £10,000 / above £10,000
 - b) Tiles & Slate below £10,000 / above £10,000
 - c) GRP
 - d) High Performance Coverings
 - e) Sheeting & Cladding
18. Supply & Installation of Floor Finishes
 - a) Flexible Sheet, Tiles, Carpets
 - b) Jointless
 - c) Rigid Tiles, Slabs, Mosaics
 - d) Wood
19. Plastering
20. Painting & Decorating
21. Supply & Installation of Windows / Doors
(Windows to BS 7412, Doors to PAS 23/1, PAS 24/1 to BS 7950 Kitemark Scheme)
 - a) PVCU (using Aluplast System)
 - b) Timber
 - c) Aluminium
 - d) Steel
 - e) Roller Shutter
 - f) Security Doors

- g) Automatic Doors
- 22. Suspended Ceilings
- 23. Welding / Fabrication below £5,000
- 24. Welding / Fabrication above £5,000
- 25. Stonework Repair / Restoration / Cleaning
- 26. Glazing & Safety Filming
- 27. Wall Tie Replacement
- 28. External Wall Insulation
- 29. Damp Proofing / Dry Rot / Woodworm Treatment
- 30. Cavity Wall and / or Loft Insulation
- 31. Asbestos Handling & Removal, Asbestos Surveys & Asbestos Consultancy Services
- 32. Window Blinds
- 33. Shop Fitters – Specialist Joinery
- 34. Refurbishment of Laboratories
- 35. Clearance of Void properties
- 36. Works to Listed Buildings

Mechanical & Electrical Engineering

- 37. Domestic (including Housing) Plumbing & Central Heating below £50,000
- 38. Domestic (including Housing) Plumbing & Central Heating above £50,000
- 39. Commercial Heating & Ventilating below £100,000
- 40. Commercial Heating & Ventilating above £100,000
- 41. Domestic (including Housing) Electrical Installation below £50,000
- 42. Domestic (including Housing) Electrical Installation above £50,000
- 43. Commercial Electrical Installations below £100,000
- 44. Commercial Electrical Installations above £100,000
- 45. Gas Boiler Maintenance
- 46. Maintenance of Building Management Systems for Heating & Ventilation

Mechanical & Electrical Specialist Services

- 47. CCTV
- 48. Intruder Alarms
- 49. Fire Alarms
- 50. Warden Call System
- 51. Lifts
- 52. Swimming Pool Plant Equipment
- 53. Water Systems Cleaning & Chlorination
- 54. Ductwork System Cleaning & Sterilisation
- 55. Domestic & Commercial Kitchen Equipment Maintenance

- 56. Supply & Installation of Specialist Kitchen Equipment / Fittings
- 57. Installation, Testing & Maintenance of Local Exhaust Ventilation (LEV)
- 58. Water Systems – Risk Assessment
- 59. Supply & Installation of Pipework & Ductwork Installation
- 60. Supply, Installation and / or Servicing of Automatic Door Systems
- 61. PA Systems / Sound Systems
- 62. Stage Lighting
- 63. Service / Repair of Kilns
- 64. Supply, Installation & Servicing of Leisure Services Equipment
- 65. Specialist Steelwork (stainless Steel & Fabricated Works)
- 66. Lightning Conductors
- 67. Fire Fighting Equipment including Hose Reels
- 68. Smoke / Fire Detectors
- 69. Stage Equipment including Curtains, Gantry, Special Effects etc.
- 70. Computer / Telephone Cabling

Civil Engineering

- 71. Civil Engineering £0 – £25,000
- 72. Civil Engineering £25,000 – £250,000
- 73. Civil Engineering £250,000 – £1m
- 74. Civil Engineering over £1m
- 75. Land Reclamation
- 76. Sewers & Drainage
- 77. Hard & Soft Landscaping
- 78. Ground Investigation
- 79. Demolition
- 80. Surfacing, Carriageway & Footways
- 81. Surface Dressing
- 82. Road Markings & Reflective Road Studs
- 83. Carriageway Slurry Surfacing & Footways
- 84. Fencing
- 85. Gabion & Blockstone
- 86. Steel Fabrication below £25,000
- 87. Steel Fabrication above £25,000
- 88. Bridge Works, New & Maintenance

Civil Engineering Specialists

- 89. Concrete Repairs
- 90. Diving Inspections & Works within Water
- 91. Bridge Deck Expansion Joints
- 92. Bridge Deck Water Proofing
- 93. Soil Nailing

94. Sewer Relining
95. Sewer Surveys
96. Safety Fencing
97. Bridge Parapets (Manufacture & Installation)
98. Access Plant for Inspection
99. Bridge Parapet Painting
100. Painting of Structural Steelwork
101. Arboriculturalist
102. Weedspraying
103. Weather Forecasting
104. Playground Equipment
105. Specialist Cleaning
106. Synthetic Pitches and Sports Facilities
107. Bus / Cycle Shelters
108. Traffic Signals
109. Street Lighting
110. Street Furniture
111. Specialist Contractor not listed above – please specify type of work

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

7 July 2016

Report of the Head of Engineering & Transport

D. W. Griffiths

Matter for Decision

Wards Affected: All

Acceptance and Use of the Neath Port Talbot Specification for the Constructions of Roads for Adoption

Purpose of Report

- 1 To seek Members' approval for the acceptance and use of the updated highway specification standards regarding new streets and public realm in new residential and commercial developments.
- 2 To seek Members' authority for delegated powers to be given to the Director of Environment and the Head of Engineering and Transport to make future alteration to the highway specification in line with changes to the national highway specification.

Executive Summary

- 3 This is to introduce new specification standards to replace the existing standards which are 15 years old and will bring about more up to date use of materials for developments.

Background

- 4 The current adopted specification standards used by the Authority were revised in 2001 and since then there have been a number of changes in national highway specification standards. Therefore the current adopted highway specification standards of the Authority do not reflect the changes of the national highway specification standards. However not all of the elements within the national

highway specification standards are appropriate for residential streets which has led to the production of the Authority's highway specification standards to deal with these changes to ensure quality roads are constructed and have a good life span reducing future maintenance costs.

Financial Impact

- 5 None as the highway specification standards as approved will be held on the Council's web site.

Equality Impact Assessment

- 6 A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this proposal does not require an Equalities Impact Assessment

Workforce Impacts

- 7 The introduction of the new highway specification standards will have no workforce impact.

Legal Impacts

- 8 The introduction of the new highway specification standards will have no legal impact.

Risk Management

- 9 The current highway specification standards give a more up to date specification to ensure users of the highway will have a safe highway to use. It will also ensure materials used are standard and will not present any danger to staff undertaking future maintenance.

Consultation

- 10 There is no requirement under the Constitution for external consultation on this item. A consultation has been undertaken with internal divisions within the Environment Directorate. There were a

number of replies and all comments raised by the relevant divisions within the Environment Directorate have been incorporated into the highway specification standards accordingly.

Recommendations

- 11 It is RECOMMENDED that authority is granted to accept the use of these highway specification standards and to grant delegated powers to the director of Environment and Head of Engineering and Transport, to make any future changes to the Neath Port Talbot Specification for the Construction of Roads for Adoption as required.

Reason for Proposed Decision

- 12 To ensure that highway elements of a new residential or commercial development are constructed to the current highway standards that will support the health and wellbeing of the residents that live on these streets.

Implementation of Decision

- 13 The decision is proposed for implementation after the three-day call-in period.

Appendices

- 14 None

List of Background Papers

- 15 Specification for the Construction of Roads for Adoption.

Officer Contact

- 16 Mr D Adlam, Highway Development Control Manager
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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

7 July 2016

Report of the Head of Engineering & Transport

D. W. Griffiths

Matter for Decision

Ward Affected: All

Recycling Vehicle Renewal

Purpose of Report

1. To advise members of the proposal to renew 2 recycling vehicles 3 years and 8 months early and replace with Kerbside vehicles.

Executive Summary

2. A report has been prepared to replace 2 vehicles early which are currently being used for small lanes and tight areas. This will enable the waste section to become fully kerbside sort and complete the transition to Kerbside vehicles.
3. If agreed, vehicles will be procured via Grant money. (Approval subject to formal confirmation of grant award).

Background

4. In the context of the Council working towards meeting the statutory targets for recycling and composting, and reducing exposure to associated fines, on April 24th 2013 Cabinet agreed a revised waste strategy to improve the Council's performance. This included moving towards kerbside sort recycling collection, where conditions permit, along with associated changes to the receptacles used for presentation of waste and procurement of specialised Romaquip recycling vehicles which are designed for the kerbside sort method of collection, subject to identification of funding.

5. The Smaller wheelbase Romaquip vehicle has been identified as meeting the Council's needs following vehicle trials which were conducted around the tight lanes and hard to reach areas which the current vehicles are being used on. Both vehicles could be in service before November this year.
6. The two vehicles due for renewal in June 2020, which are subject of the report, would have formed part of the normal renewal programme which this Board would usually receive in February covering the renewal proposals for 2020/21.
7. A detailed specification has been developed and using the WRAP Cymru framework will be awarded to Romaquip via direct award.
8. The early replacement vehicles will either be sent to Auction to achieve best price or will possibly be re-allocated within streetcare if there is a requirement within the service and this year's renewals.

Financial Implications

9. These replacement vehicles will be funded from Grant. (Approval subject to formal confirmation of grant award).

Equality Impact Assessment

10. No requirement for an Equality Impact Assessment.

Workforce Impact

11. There will be no workforce impacts.

Legal Impact

12. There is so legal risk to the Authority.

Risk Management

13. There are no service risk management issues associated with the vehicle replacements.

Consultation

14. There is no requirement for external consultation on this item.

Recommendation

15. It is recommended that proposed early renewal of 2 vehicles with the purchase of 2 Romaquip short wheel base vehicles via grant money be accepted.

Reason for Proposed Decision

16. To continue making progress with implementing the Council's Waste Strategy, with achieving statutory targets and avoiding financial penalties for non-conformance.

Implementation of Decision

17. The vehicles listed in this report will finish off the transition over too full Kerbside sort vehicles within the recycling fleet.

Appendices

18. Appendix A – Current vehicles to be renewed early.

List of Background Papers

19. Cabinet Report of 24th April 2013 – Waste Strategy Report

Officer Contact

20. Peter Jackson, Integrated Transport Manager, Engineering and Transport

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✉ p.jackson@npt.gov.uk

21. Kevin Lewis, Fleet Manager, Engineering & Transport

☎ 01639 765071

✉ k.lewis@npt.gov.uk

Appendix A

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Cyngor Bwrdeistref Sirol Castell-Nedd Port Talbot

ENVIRONMENT DIRECTORATE

FLEET SERVICES SECTION

Current Vehicles for Early Renewal

User: Environment Directorate – Streetcare Division – Waste & Neighbourhood Services

Fleet No.	Reg No.	Existing Item	Replacement Type
1273	CN11 BBE	Cage Lorry	Romaquip Kerbside Lorry
1274	CN11 BBF	Cage Lorry	Romaquip Kerbside Lorry

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

7 July 2016

Report of the Head of Engineering and Transport

D.W. Griffiths

Matter for Decision

Wards Affected: Aberavon

Proposed Traffic Orders

Green Park Street/Water Street/Afan Way, Aberavon

Purpose of Report

- 1 To consider the objection received following the advertisement of the above scheme, as indicated in Appendix A.

Executive Summary

- 2 One letter was received in respect of the proposal.
- 3 The report outlines the objection and the recommendations for the scheme.

Background

- 4 Following a planning application, it has been conditioned that the traffic orders advertised are to be implemented to prevent indiscriminate parking in the interest of road safety.

Financial Impact

- 5 The work will be funded by the Developer.

Equality Impact Assessment

- 6 Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been

determined that this function does not require an Equality Impact Assessment.

Workforce Impacts

7 No applicable.

Legal Impacts

8 The scheme has been advertised for a 21 day period.

Risk Management

9 There are no service risk management issues associated with this scheme.

Consultation

10 A consultation exercise was carried out when the scheme was advertised in April 2016.

11 One letter of objection to the scheme was received stating that the resident would have difficulty in parking if the scheme was implemented. They also requested residents parking to be implemented on the street.

Recommendations

12 The objection received to be overruled as there is adequate parking on Green Park Street and the proposed orders will not have a great impact on parking in the area.

13 The street would not meet the criteria for residents parking.

14 The traffic orders to be implemented as advertised and the objector informed accordingly.

Reason for Proposed Decision

- 15 The scheme is necessary to prevent indiscriminate parking in the interest of road safety.

Implementation of Decision

- 16 The decision is proposed for implementation after the three-day call-in period.

Appendices

- 17 Appendix A - Plan

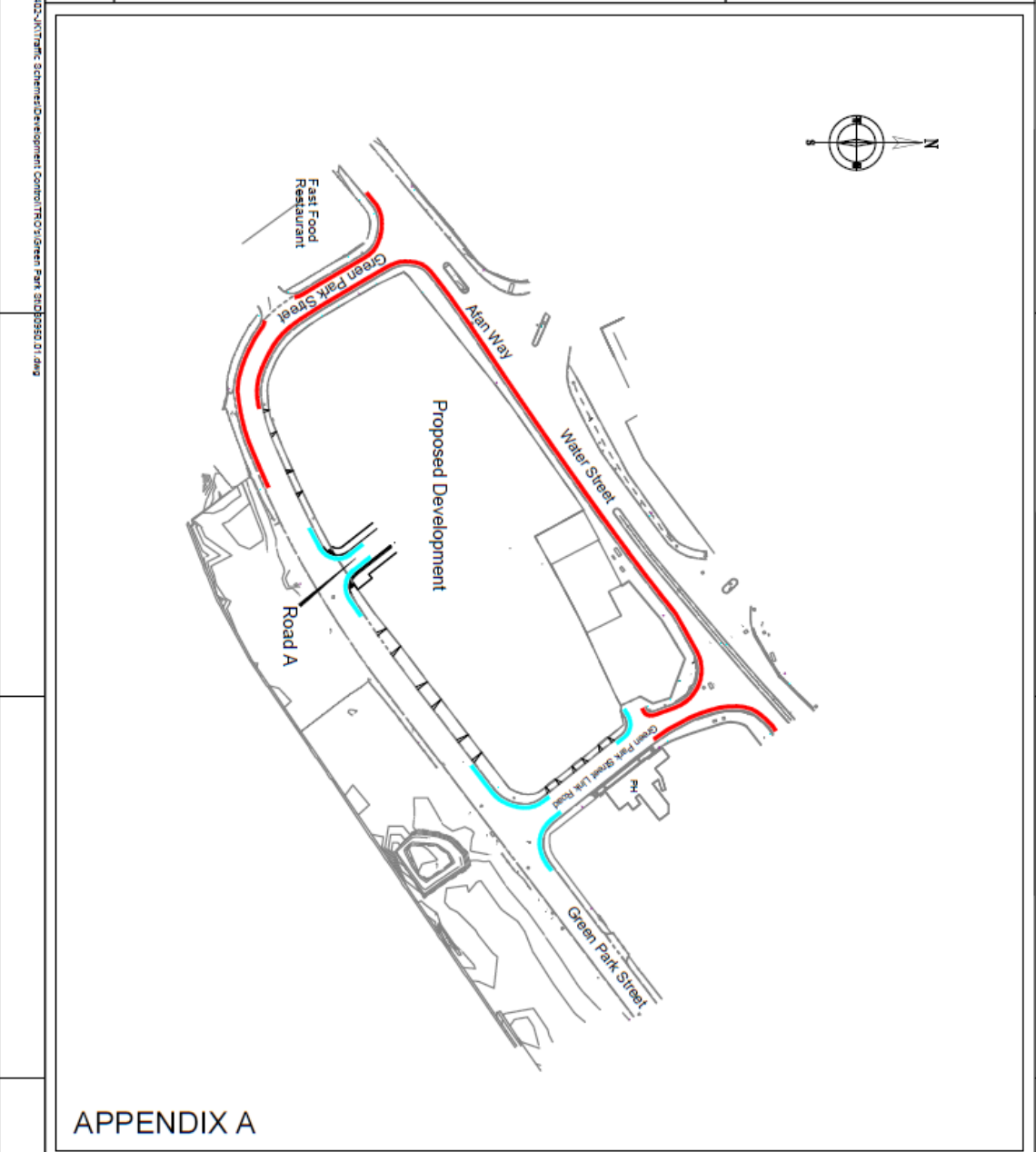
List of Background Papers

- 18 File No. TR25

Officer Contact

- 19 Mr J B Kane – Senior Assistant Engineer
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Email: j.kane@npt.gov.uk
- 20 Mr M Brumby – Project Manager Highways
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Appendix A



APPENDIX A

NOTES

- 1 THIS IS A C.A.D. DRAWING AND SHOULD NOT BE AMENDED BY HAND.
- 2 All dimensions in millimetres unless otherwise stated.

KEY

- Proposed No waiting at any time order
- Proposed No waiting, no loading at any time order

Rev	Date	By	Ch	App	Date



Neath Port Talbot
 Castell-y-chedd Port Talbot
 Castle Street, Port Talbot
 Neath Port Talbot, SA11 2BB

COMPOSITE DIRECTOR OF ENVIRONMENT
 ENGINEERING AND TRANSPORT
 GARETH MITT
 BRIDLEWAY
 BRIDLEWAY PARK
 NEATH SA11 2BB

Project:
**PROPOSED TRAFFIC ORDERS
 GREEN PARK STREET,
 ABERAVON,
 PORT TALBOT**

Rev No. / Title		Prepared Date/By		Approved Date/By	
Date	By	Checked	Appr	Approved	By
Date	By	Date	By	Date	By
Date	By	Date	By	Date	By
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Drawing No: D30890.01					

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

7 July 2016

Report of the Head of Engineering & Transport

D. W. Griffiths

Matter for Decision

Wards Affected: Aberavon, Baglan & Port Talbot

Proposed Traffic Orders

A48 Pentyla Road, Baglan/Ty-Draw Hill, Port Talbot & A4241 Seaway Parade

Purpose of Report

1. To obtain Members' approval to advertise the Legal Orders for the implementation of a 7.5 tonne Weight Restriction Accept for Access Order on A48 Pentyla Road, Baglan, a No Entry and One Way Order on Ty-Draw Hill, Port Talbot and a Prohibition of Driving Order on A4241 Seaway Parade (Rutherglen Roundabout). (Appendices A, B and C)

Executive Summary

2. The report outlines the proposed Orders and the reason why the Orders are required.

Background

3. Following the expiry of the experimental orders put in place on the local road network when the M4 westbound slip road was closed during peak hours, permission is now being sought to regularise the position and to make the Orders permanent.

Financial Implications

4. The work will be funded by the Capital Programme.

Equality Impact Assessment

5. Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this function does not require an Equality Impact Assessment.

Workforce Impacts

6. Not applicable

Legal Impacts

7. The scheme will be advertised for a 21 day period.

Risk Management

8. There are no service risk management issues associated with this scheme.

Consultation Outcome

9. A consultation exercise will be carried out when the scheme is advertised

Recommendation

10. It is recommended that approval be given for the proposed measures to be advertised as indicated on the attached plans (Appendices A, B & C) and for the Orders to be implemented, subject to there being no objections.

Reasons for Proposed Decision

11. The schemes are necessary as a way of controlling vehicular movement on the local highway network in the interest of road safety.

Appendices

12. Appendix A – Plan of Rutherglen Roundabout
Appendix B – Plan of Pentwyn Baglan Road
Appendix C – Plan of Ty Draw Hill

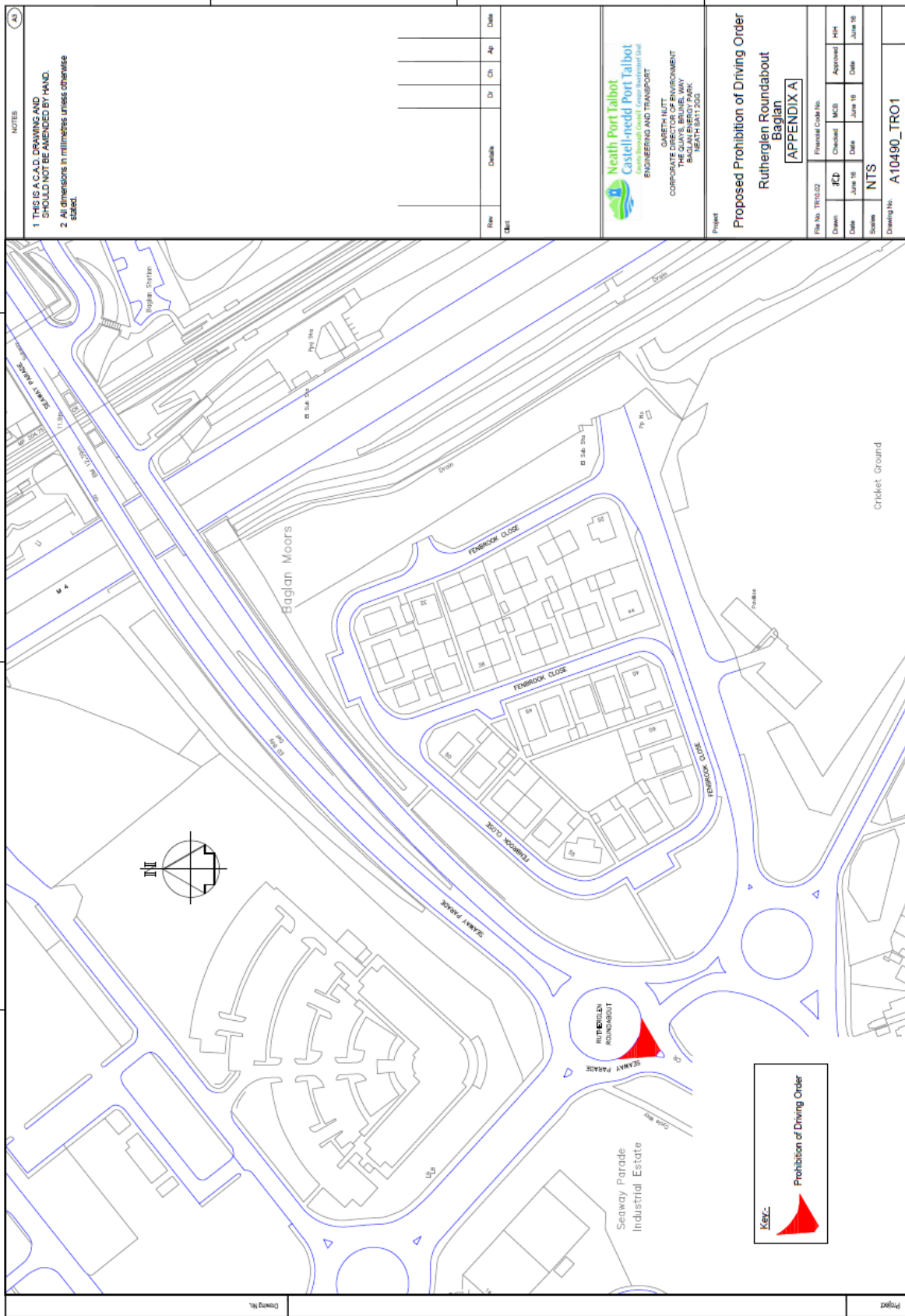
List of Background Papers

13. None

Officer Contact

14. Mr J C Davies – Senior Engineer Traffic
Tel. No: 01639 686479
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15. Mr M Brumby – Project Manager Highways
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Appendix A



24

NOTES

- 1 THIS IS A C.A.D. DRAWING AND SHOULD NOT BE AMENDED BY HAND.
- 2 All dimensions in millimetres unless otherwise stated.

Rev	Details	By	Ch	Ap	Date

Neath Port Talbot
Castell-nedd Port Talbot
Engineering and Transport

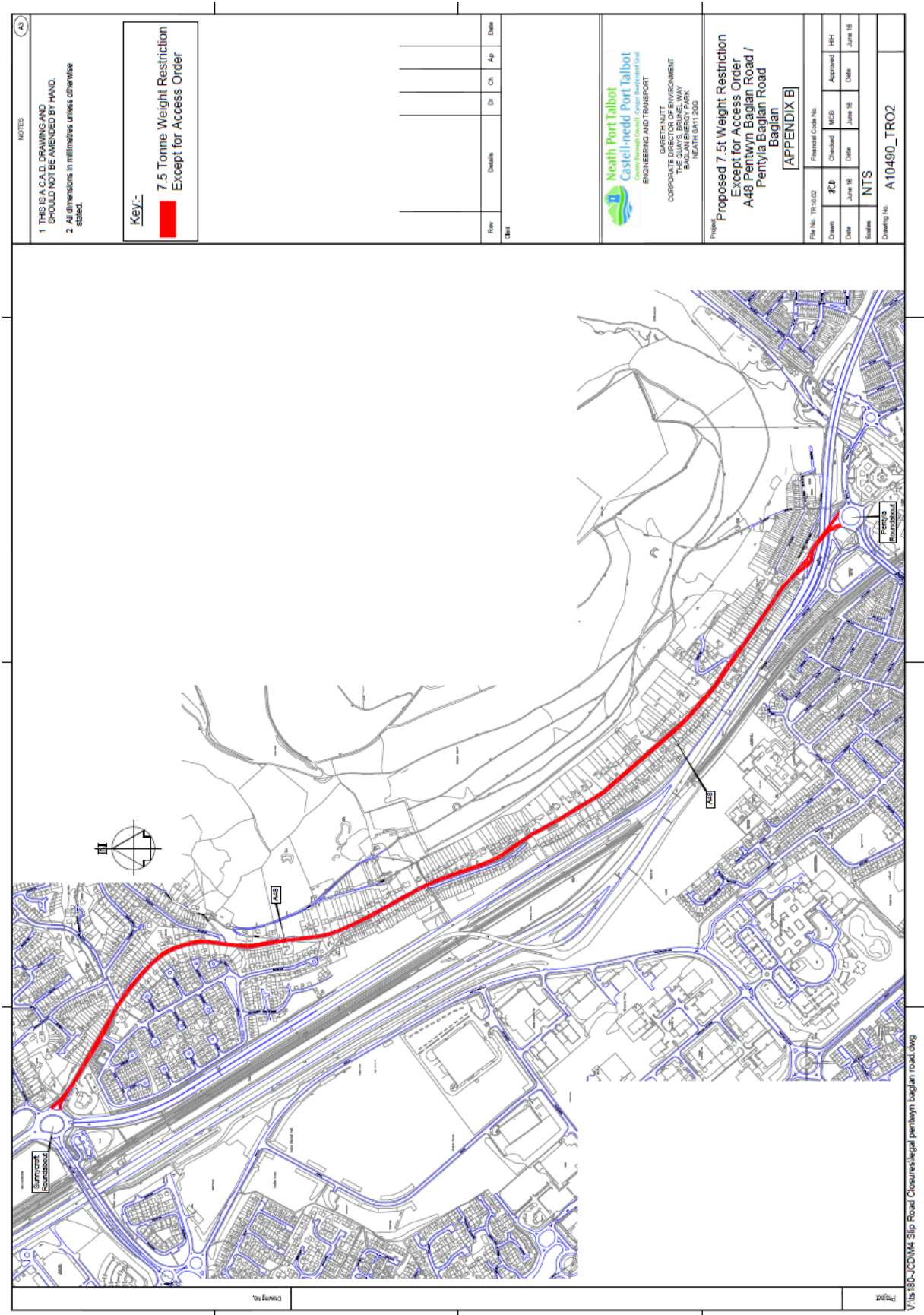
GARETH MITT
CORPORATE DIRECTOR OF ENVIRONMENT
THE QUAYS, BRUNEL WAY
BAGLAN, NEATH SA11 2DQ

Project
Proposed Prohibition of Driving Order
Rutherglen Roundabout
Baglan
APPENDIX A

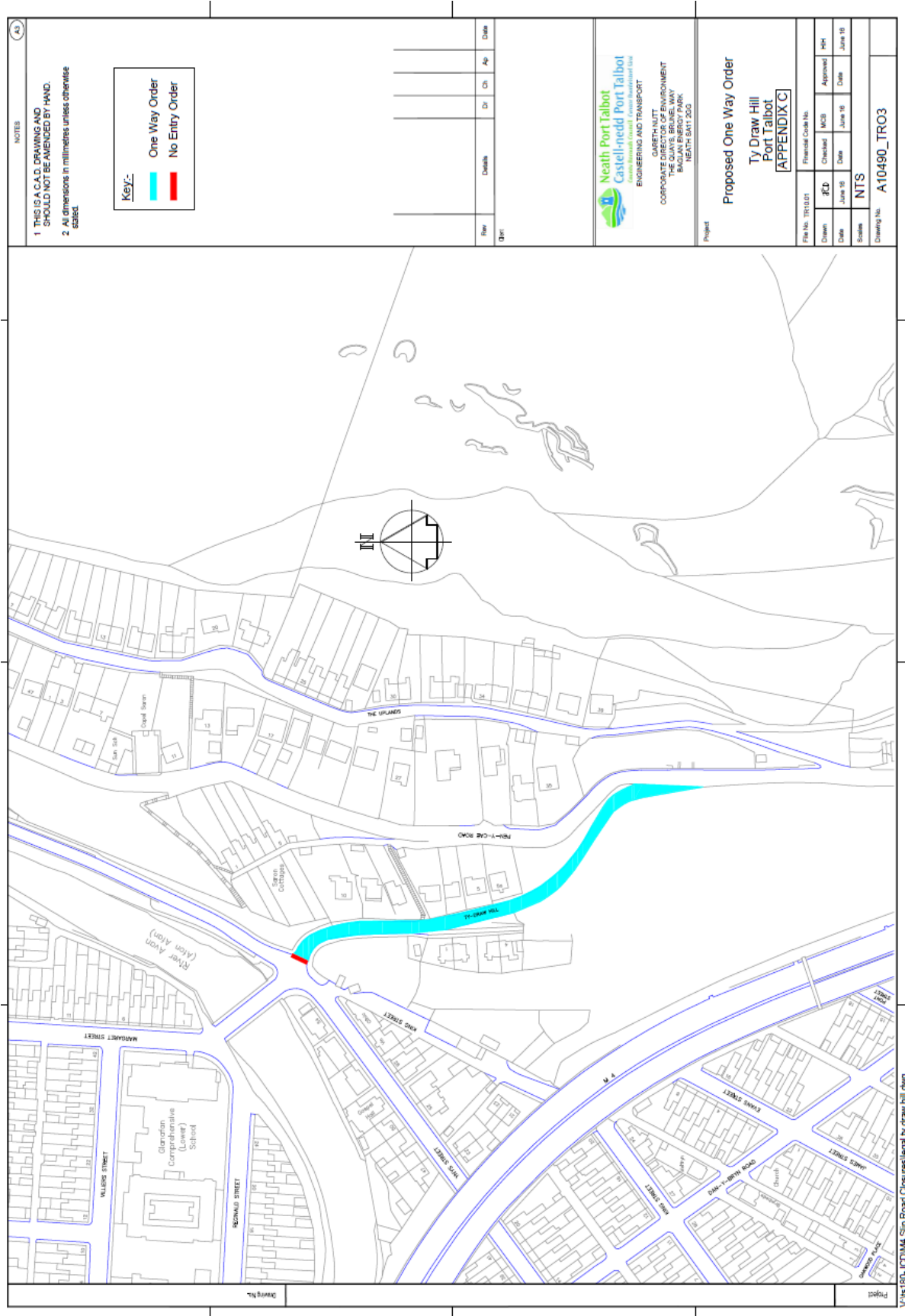
File No. TR10.02	Financial Code No.	
Drawn: JCB	Checked: MCB	Approved: HPH
Date: June 18	Date: June 18	Date: June 18
Scale: NTS		
Drawing No. A10490_TRO1		

V:\18-CJD\184 Slip Road Closures\rutherglen roundabout.dwg

Appendix B



Appendix C



NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

7 July 2016

Report of the Head of Engineering & Transport

D. W. Griffiths

Matter for Decision

Ward Affected: All

Traffic Capital Programme 2016/2017

Proposed Traffic Orders

Purpose of Report

1. To obtain Members' approval to advertise two additional traffic schemes which will be contained within the approved Traffic Capital Programme for 2016 / 2017 financial year; brief descriptions of which are identified in Appendix A.

Executive Summary

2. The Traffic Capital Programme consists of traffic management schemes relating to requests made by Council Members, the public and proposals put forward by officers of the traffic section who have highlighted road safety / parking issues. The proposals if implemented require various legal orders to be made to alleviate/mitigate the issues raised in the interest of road traffic management.

Background

3. These two schemes will be added to the Traffic Capital Programme which was approved by the Environment & Highways Board on the 26th May 2016. Permission has to be sought from Members for approval to advertise any schemes prior to making legal orders.

Financial Implications

4. The work will be funded by the Traffic Capital Programme 2016/2017.

Equality Impact Assessment

5. Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this function does not require an Equality Impact Assessment.

Workforce Impact

6. Not applicable.

Legal Impact

7. The schemes will be publicly advertised for the requisite 21 day statutory period as required by legislation.

Risk Management

8. There are no service risk management issues associated with this Traffic Capital Programme.

Consultation Outcome

9. Initial consultation on each scheme contained within the Traffic Capital Programme will be carried out with the local member(s) for each Ward affected by a scheme prior to the formal consultation process undertaken with the public and any other affected bodies.

Recommendations

10. It is recommended that approval be given to traffic section officers for the schemes contained within the Traffic Capital Programme 2016 / 2017 to be advertised in accordance with the statutory requirements and subject to there being no objections received, for the schemes to be implemented in accordance with the relevant statutory requirements contained within the current Road Traffic Regulations.

In the event of any objections being received in respect of any schemes, these will be reported back to the Environment and Highways Cabinet Board for a decision.

Reasons for Proposed Decision

11. The schemes are necessary in the interest of road safety within the County Boundary.

Appendices

12. Appendix A – Summary of the proposed schemes to be added to the approved Traffic Capital Programme 2016 / 2017

List of Background Papers

13. None.

Officer Contact

14. Mr J C Davies – Senior Engineer Traffic
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15. Mr M Brumby – Project Manager Highways
Tel. No: 01639 686013
email: m.brumby@npt.gov.uk

Appendix A

Cory Street / Company Street, Resolven – One Way Order
Cwm Cadno, Coed Hirwaun, Margam – School Order Prohibiting Parking

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

7 July 2016

**Joint Report of
Head of Engineering & Transport - D. W. Griffiths
and
Head of Property & Regeneration – S. Brennan**

Matter for Decision

Wards Affected: Gwaun Cae Gurwen

Incorporation of Non-Operational Council Land into the Highway

Purpose of Report

1. Members are requested to approve the incorporation of the land described above, which is currently controlled by the Estates Department into the newly constructed highway visibility splay off the junction with New Road.

Executive Summary

2. To formally dedicate the land coloured blue on the attached plan, under Section 24(2) of the Highways Act 1980.

Background

3. The parcel of land marked blue on the attached plan 16-0167 is Estates-owned land and is to be dedicated as highway maintainable at public expense comprising of verge, footway, lighting column and ancillary cabling. The dedication of the land shown coloured blue on the plan is made under Section 24(2) of the Highways Act 1980 – the power to construct new highways.
4. This land is to form the required visibility splay at the new junction of New Road, Gwaun Cae Gurwen giving access to the new fire station shown edged red on plan 16-0167.

5. The dedication of this land to highway maintainable at the public expense will ensure that the visibility splay and highway furniture will be maintained to a standard protecting highway safety.

Financial Impact

6. The only financial impact will be future maintenance costs regarding grass cutting.

Equality Impact Assessment

7. A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this proposal does not require an Equalities Impact Assessment.

Workforce Impacts

8. None.

Legal Impacts

9. As a result of the dedication, the verge, footway and lighting column/cabling within the blue land becomes highway maintainable at the public expense.

Risk Management

10. If land is not transferred to become Highway Authority responsibility then the visibility area would not be maintained accordingly.

Consultation

11. There is no requirement under the Constitution for external consultation on this item.

Recommendations

12. It is recommended that the area of land marked blue on attached plan 16-0167 is transferred from Estates ownership to that of Highway Maintainable at the public expense.

Reason for Proposed Decision

13. To ensure the land forming the visibility splay is under Highway Authority responsibility.

Implementation of Decision

14. The decision is proposed for implementation after the three day call-in period.

Appendices

15. Appendix A - Plan

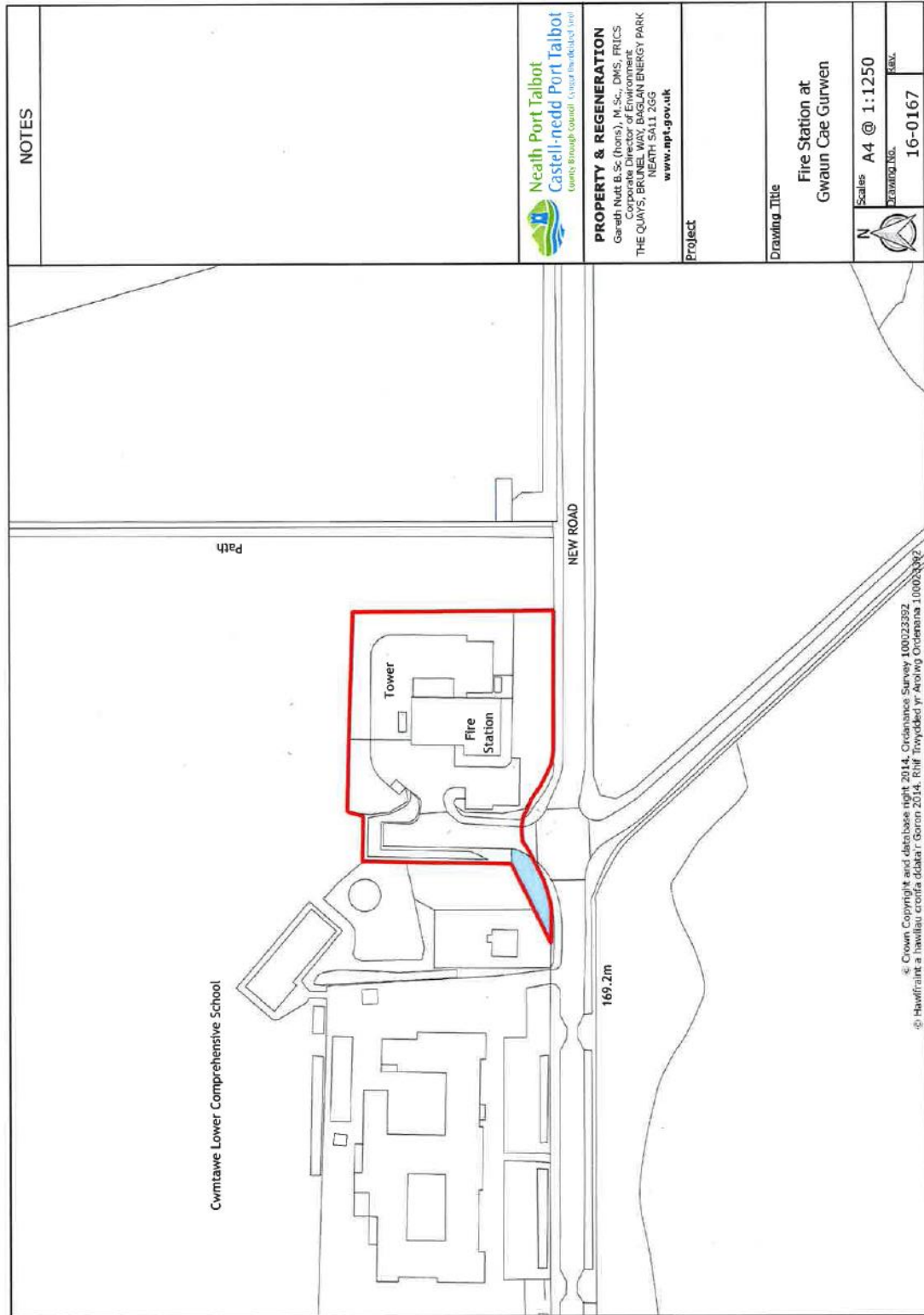
List of Background Papers

16. None.

Officer Contact

17. Mr David Adlam, Development Control Manager, Engineering & Transport
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18. Mr David Phillips, Estates Manager, Property & Valuation Manager
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Appendix A



NOTES



PROPERTY & REGENERATION
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NEATH SA11 2GG
www.npt.gov.uk

Project

Drawing Title
**Fire Station at
Gwaun Cae Gurwen**

N	Scale	A4 @ 1:1250
	DRAWING NO.	16-0167

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

ENVIRONMENT AND HIGHWAYS CABINET BOARD

7 July 2016

REPORT OF THE HEAD OF LEGAL SERVICES – DAVID MICHAEL

MATTER FOR DECISION

WARD AFFECTED: BLAENGWRACH

ALLEGED PUBLIC FOOTPATH BETWEEN HIGH STREET, EMPIRE AVENUE AND HEOL Y FELIN, COMMUNITY OF BLAENGWRACH

Purpose of the report

To determine the application to register the paths A-C and B1-D as public footpaths as shown on plan no.1

Background

The application was submitted in 2012 to this Council to recognise the paths shown on the attached plan as public footpaths.

The path between A-C is a vehicular lane, generally 3 metres wide and on the whole comprising gravel being bounded either by a stone wall, wooden fence or a hedge.

The path between B1-B is a field path with 6 steps where the path leaves the access lane to Cwmboyle House (point E). The path slopes uphill, crossing the field before reaching what appears to be the remnant of a stile at B alongside a field gate. Access to Empire Avenue passes along a 3.8 metre wide alleyway to point D where the path crosses the field it is 1.2 metres wide.

The application was supported by 9 persons, one of whom is deceased and 3 of whom agreed to be interviewed, one being the applicant who was met on site. The average length of use for A-C is 34 years and for B1-D, 39 years.

Ownership of the lane A-C is unknown, and the length B1-D being in this Council's ownership.

All the usual organisations have been consulted along with the Local Member and those residents of Cwmboyle House, Tudor Lodge and the Cwmgwrach Rugby Club. Whilst the lane provides access to these properties, only the rugby club responded. Their representative confirmed that the club uses the lane between points C-C1 to access their track to the playing field from point C1. The Club indicated they have no objection to this application.

The issue is to determine if there has been a period of at least 20 years uninterrupted use counting retrospectively from the first occasion that use was called into question either due to the path being closed or from the date on which the application was submitted. According to the evidence below, the path has not been closed to the public for use on foot and so the date of the application will mark the end of the 20 year period. Therefore the relevant period will be 1992- 2012. Appendix 1 provides the relevant extract from the Highways Act 1980 which deals with the 20 year period. Appendix 2 is an extract from the Wildlife and Countryside Act 1981 which requires any Council to consider such an application and determine the status of the path under consideration.

The Evidence

None of the 3 interviewed nor anyone else from their completed user evidence forms indicated the two paths were ever obstructed throughout the time they have been in use. Two persons said bollards were placed in the lane (being up ended railway sleepers) just south of its junction with the access track to Cwmboyle House (B1) This is thought to have occurred in about 2007. These were replaced by the current two large boulders. It is suggested these were only intended to prevent people driving the full length of this lane A-C. It is also contended from the three people interviewed that these did not interfere with pedestrian passage.

There is no record of any other challenge to the public's use of the way hence the relevant period can be taken as 1992-2012.

Seven supporters have stated they have each used the path for at least the 20 year period concerned for A-C and six would say the same for the length B1-C.

The applicant suggested that the Council has occasionally undertaken some maintenance of the path B-C but there is no record of this Council having undertaken such work. The Community Council also said they have never been involved in such work.

History

According to the applicant the “pit head baths” for the former Empire Colliery was located south of this area and closed in the 1970’s. That colliery first appears by that name on the 1914 edition of the ordnance survey although an old coal level appears in that vicinity on the 1877 edition of the ordnance survey. However, another was opened close to point A and so many miners who lived closer to the Empire Colliery and therefore south of this path, would still use the path to change at the baths before returning the same way after their shift was over. The applicant said he worked at this colliery from 1953-1958.

When the Blaengwrach drift mine opened (shown as DM) it provided underground access to the former Empire Colliery. It closed in 1986, and so until that time, the applicant states this path was still in intensive use by miners to access the entrance to this mine.

After this drift mine closed, land reclamation work took place on the area between points B1 and B, which had been a storage yard containing buildings. The area was levelled but raised sufficiently to require the steps being installed at B1.

Map Evidence

The claimed public path is a long established feature as it appears on the 1st edition of the ordnance survey 1875-1877. A mineral railway is shown on the 3rd edition surveyed in 1914, running approximately parallel to this path, but continuing south east to the former Empire Colliery. A second mineral railway appears on a later edition surveyed in 1962 which runs approximately parallel to the first mentioned railway, but extending as far as the drift mine. By the 1984 edition the railway to the former Empire Colliery is absent although the railway to the drift mine is shown as that mine did not close until 1986. This supports the contention that with the path lying in such close proximity to the drift mine, it would have been in use by these miners and would also have provided access for some who worked at the former Empire Colliery.

The use of this path A-C to access the mines falls before the relevant period 1992-2012 but suggests there has been a long established use of the path A-B-C. Nonetheless it is also possible the lane was under the ownership of the National Coal Board given they owned the adjacent land. If that is the case, then during this earlier period, any use of the path by those employed at either of the mines could be interpreted as permissive use across land under the ownership of their employers.

Conclusion

Whilst only 3 people responded to requests to be interviewed those who were, indicated they have seen others use the path over the years.

Ownership of the path A-B-C is unknown and whilst it is possible it is under the ownership of the National Coal Board, no clarification has been received from this Board.

This Council has taken no action to prevent access over the land B1-B since it purchased the field in 1988. So neither path appears to have even been obstructed throughout the period 1992-2012 nor any other action or indication given to the public that there was no right of access.

On the evidence currently available there is sufficient evidence to justify making a modification order.

Appendices

Plan 1

Appendix 1

Appendix 2

Recommendation

A modification order is made to include the two lengths of paths A-B1-C and B1-D as public footpaths only and if no objections are received to confirm the same as an unopposed order.

Reasons for the Proposed Decision

The current evidence suggests:-

The path is historic and in all probability been in use by miners as well as the public since the Empire Colliery was in operation and possibly even before that colliery opened.

Use has been uninterrupted throughout the relevant period

This Council has not taken any action to prevent use where the path passes over the land under its ownership.

Steps and what appears to be a remnant of a stile alongside a gate have been installed giving the appearance that this was for the benefit of the public.

No objections or any evidence has been submitted to counter the applicant's contention that these two paths are public rights of way.

List of Background papers

M08/15

Officer Contact

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APPENDIX 1
HIGHWAYS ACT, 1980

Section 31. Dedication of way as a highway presumed after public use for 20 years.

Where a public way over land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has actually been enjoyed by the public as of right and without interruption of a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during this period to dedicate it.

For Section 31(1) Highways Act, 1981 to operate and give rise to a presumption of dedication the following criteria must be satisfied:

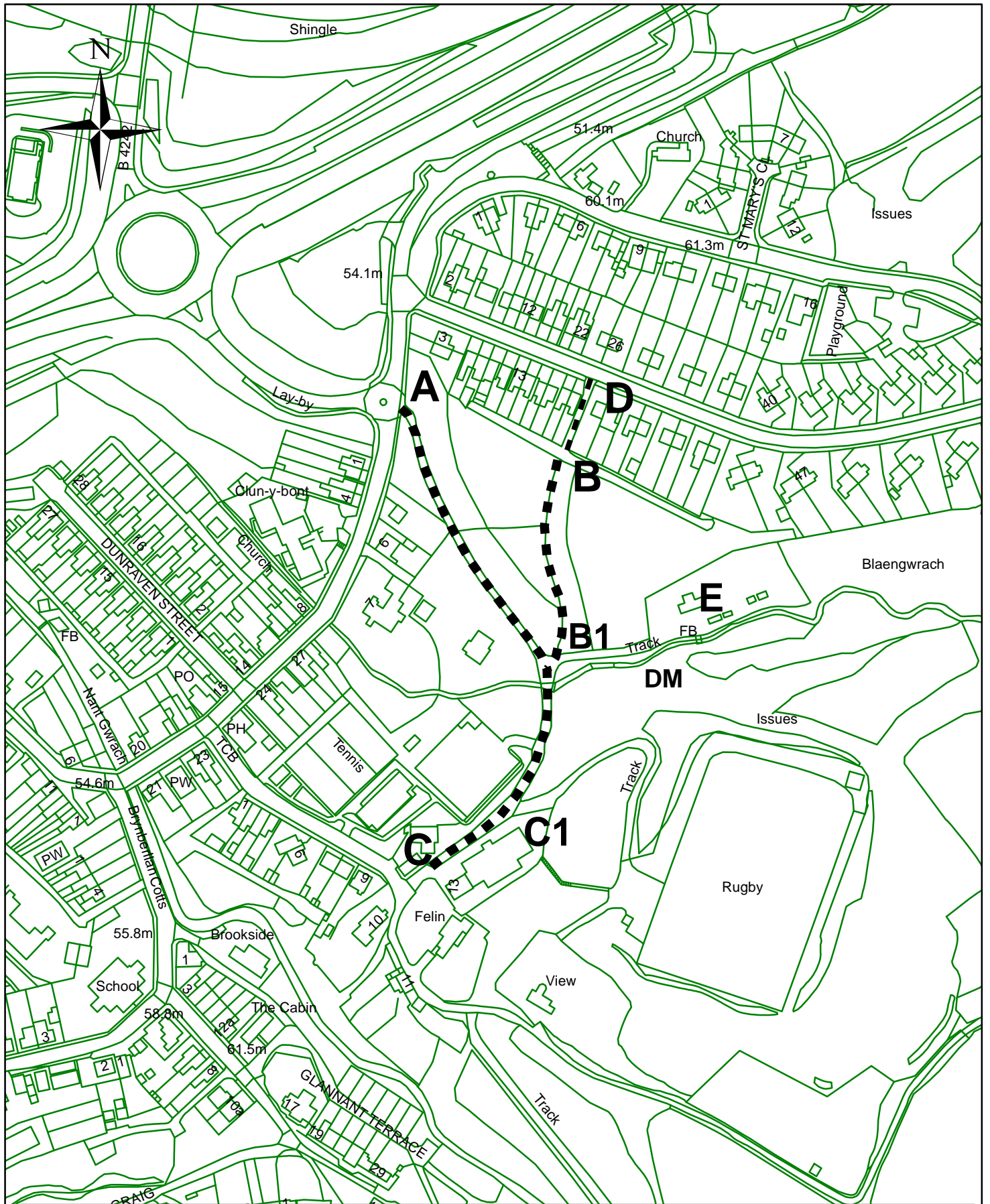
- the physical nature of the path must be such as is capable of being a public right of way
- the use must be 'brought into question', i.e. challenged or disputed in some way
- use must have taken place without interruption over the period of twenty years before the date on which the right is brought into question
- use must be *as of right* i.e. without force, without stealth or without permission and in the belief that the route was public
- there must be insufficient evidence that the landowner did not intend to dedicate a right of type being claimed
- use must be by the public at large

APPENDIX 2
WILDLIFE AND COUNTRYSIDE ACT, 1981

Section 53 Duty to keep the Definitive Map and Statement under continuous review.

- (2) As regards every definitive map and statement, the surveying authority shall:
 - (a) as soon as reasonably practical after the commencement date, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence, before that date, of any of the events specified in sub-section 3; and
 - (b) as from that date, keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence on or after that date, of any of those events, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence of that event.
- (3) The events referred to in sub section (2) are as follows:-
 - (b) the expiration, in relation to anyway in the area to which the map relates of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path or restricted byway;
 - (c) the discovery by the Authority of evidence which (when considered with all other relevant evidence available to them) shows:
 - (i) that a right of way which is not shown on the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A a byway open to all traffic;
 - (ii) that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description.
 - (iii) that there is no public right of way over land shown in the map and statement as a highway of any description ,or any other particulars contained in the map and statement require modification.

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Alleged public Path ■ ■ ■ ■ ■

Grid Ref Sn 868054

Scale 1: 2500

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Ordnance Survey 100023392

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**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
ENVIRONMENT AND HIGHWAYS CABINET BOARD**

7 July 2016

REPORT OF THE HEAD OF LEGAL SERVICES – DAVID MICHAEL

MATTER FOR DECISION

WARD AFFECTED: MARGAM

**ALLEGED PUBLIC FOOTPATH FROM WATER STREET TO
FOOTPATH NO.90 COMMUNITY OF MARGAM**

Purpose of Report

To determine the status of the path shown on Plan No.1 from point A – H.

Background

An application was made in 1996 to register a public path along the route shown A-H on Plan No. 1. No landowners were identified by the applicant and so notice of the claim was not served on any owners as required by the provisions of the Wildlife and Countryside Act 1981.

It was not until 2006, the applicant served notice of his claim on the only two known owners.

It is still possible for a Council to determine an application that has not been compliant with the Act. The difference being the date of the application cannot count as a “calling into question” of the existence of the alleged public path. This date can also be identified when the path becomes either obstructed or some other indication the landowner does not wish to dedicate the path as a public right of way. Secondly, the applicant has no right of appeal to the Welsh Ministers against the Council for not having determined the application.

Under the 1981 Act, the Council is nonetheless obliged to consider any evidence it discovers that shows a public path may exist. Appendix 1 enclosed, highlights the relevant part of those provisions.

In 1997 an objection was made by the National Farmers Union on behalf of three landowners, two of whom still have a legal interest in the land

containing the path. An objection has also been made by one of the persons referred to, who makes use of the lane to access land held by him in close proximity to the railway line. The grounds for his objection are set out in Appendix 6 and this Council's comments to the objection are also included in that Appendix.

It is not known who owns the path or lane between Points A and B as it remains unregistered.

The path A-H provided access to the former Newlands Colliery, which was sited at about NC as shown on Plan No. 2. The Colliery opened in 1918 and closed in 1968. Claimants have said access was via A-B from Water Street and from Pyle via H-B.

After the colliery closed a Sunday Market was held on the same site from approximately 1972 until 1980.

From 1982 until around 1990, two firms had been engaged in extracting coal from the tip which was still in existence. They transported the coal to a washery at Cribwr Colliery identified as CC on Plan No. 2.

The area was subsequently landscaped.

The Evidence

Seven people submitted evidence forms in 1997 although subsequent user evidence has been submitted since that time. Appendix 2 provides the details of what has been received over the last 18 years.

To date there are 9 people who have stated they would continue to support this application four of whom have provided signed statements.

Therefore it is the current user evidence from the nine persons which is now most relevant in coming to a decision.

The minimum 20 year period of use

The issue to determine is whether there has been a minimum period of 20 years "uninterrupted" use which would establish the owners had dedicated the route as a public footpath.

This 20 year period is calculated by counting retrospectively from the first occasion the use was "uninterrupted". This can be taken to have been the placing of a locked gate, other barrier or fence across the way or alternatively, the placing of a notice alongside the path making it clear to the public no such public path exists. Appendix 3 includes the relevant provisions of the Highways Act 1980.

A record of site visits was made in 1996, 2007 and 2015. That undertaken in 1996 found two sealed gates at point A1, an unlocked gate at B and a sealed and partly collapsed gate at point D. A detailed description can be found in Appendix 4.

The subsequent visit made in 2007 is included in Appendix 5 which discovered a padlocked gate at point B. Both visits therefore show there was a well-defined path for its entire length, but also containing obstructions.

One of the previous owners who occupied the former site of the Newlands Colliery between 1989 and 2004 stated in 1996, that the gate at point D had been sealed for between 10 and 15 years. Thereby suggesting there had been an obstruction since at least 1986.

A more recent site visit in 2015 included a meeting with another owner of some of the adjacent fields, in particular those to the north west of the path A-B. That owner stated that after the Sunday Market ceased trading, the field marked CP, which has been used by the previous owner as a car park, became occupied by up to 70 caravans belonging to travellers. After obtaining a court order, the current owner installed a locked gate across the road at about A₂ in 1980 as shown on Plan No. 1. This was to prevent travellers from returning as well as taking other measures to prevent access. According to this owner the gate was kept locked until about 1990.

According to the accounts provided, the sealed gate at point D discovered in 1996, the padlocked gate at B in 2007 shows there could have been no 20 year period of uninterrupted access after 1996.

The former occupier of the Colliery site stated there was a gate across the claimed public path from at least 1986. The current owner states a locked gate was across the path from as early as 1980. This therefore suggests the earliest time use was interrupted was in 1980, which would result in the relevant period being 1960-1980.

Appendix 2 provides the details of those upon whom this Council can rely to continue to support this application, under the heading "Interviewed 2015". Two of the persons do not themselves claim to have walked the path for the full 20 years from 1960-1980.

The Sunday Market

The coal that was being transported to the Cribwr Colliery occurred after 1980. So the first issue to address is whether there was any interruption

to the public using the path throughout the period the Sunday Market was trading.

The National Farmers Union stated the market operated from 1972 until 1980. Four claimants quoted the market opened sometime in the 1970's; others were not specific but acknowledged it occurred after the colliery closed.

The Farmers Union stated a night watchman would have been employed at the site to protect the premises even after the colliery closed, but there is no evidence for this. No reference has been made to this statement by those interviewed. According to these claimants the market was a popular destination but nonetheless posed no problem in being able to continue in either direction from the market.

The Newlands Colliery (1918-1968)

This colliery closed in 1968 and so would have been operational for 8 of the 20 year relevant period. The National Farmers Union and one of the current owners of land adjacent to the path A-B stated a night watchman would have been employed to prevent unauthorised access through the site, although this has yet to be corroborated by any supporting evidence.

Seven claimants said there was no problem in walking through the site when the colliery was operating. One suggested that most people who used the path probably knew many of the miners working at that colliery.

Map Evidence

The colliery is, as expected, absent from the 1921 edition of the ordnance survey which has a survey date of 1914 which is 4 years before the colliery opened. The colliery first appears on the 4th edition with a survey date of 1941, with an extension to the tip eastwards on the 1947 survey. Both editions show the path running alongside the railway between points B and C, and situated at the perimeter of the site of the colliery.

On the 1962 edition, which was also surveyed that year, the plan shows a turning circle adjacent to the entrance at point B but within the site of the colliery. The path joins this turning circle as it is approached from point C and leaves immediately via the bridge. The plan suggests the path did not pass over any mineral railways, between buildings or over coal tips. This would imply the path did not cross into the operational area of the colliery. However the bridge at point B provided vehicular access from the road A-B to the colliery, as evidenced by the 1952

planning application below. Consequently it can be assumed many vehicles accessing the site would have passed back and forth over this bridge. In this regard pedestrians and vehicles would have been using the same route. However it is not known how many vehicles would have been passing across this bridge in any one day nor whether this was an issue for the owners of the colliery, "Cribbwr Collieries Limited."

One claimant said the road A- B was extended from Point A₁ – B to serve the colliery. The 3rd edition of the ordnance survey shows the road only extending as far as point A1 and first appears for its full length to point B on the 1941 survey. The 1982 survey is the next to follow on from the 1962 survey and identifies the site of the Newlands colliery as a disused mine but the road still in existence as previously.

In addition a planning application was made to Port Talbot Council in March 1952 to erect new buildings at the colliery. The plan attached to that application clearly shows the bridge an annotated "Main Entrance-Buses and Lorries etc. " It also shows the turning circle referred to above in more detail, showing the path approaching that circle from the south east. Consent was granted on the 4th April 1972 with no conditions attached to that consent.

Conclusion Grounds for making an Order

Under the provisions of the Wildlife and Countryside 1981 this Council can make an order if it considers the evidence satisfies one of two tests which are contained under S53 (3) (c) (i) Appendix 1. That is whether a public path subsists or it is reasonable to allege one subsists. In the case of the latter, an order can be justified if there is no credible evidence that the land owner had no intention to dedicate the path. There is the assertion the public would have been prevented from walking through the colliery during the period 1960-1968 from two objectors but no specific evidence to support that contention. This is contrasted by seven claimants who have said there was no issue in walking through the colliery when it was operating.

Consequently a modification could be made on this basis in the absence of any counter evidence.

Recommendation

That a Modification Order be made to recognise the path from Points A-H as shown on plan no.1 as a public footpath and if no objections are received, to confirm the same as an unopposed order.

Reasons for the Proposed Decision

The evidence suggests public use was first interrupted in 1980 resulting in a relevant period from 1960 – 1980. There are nine people who continue to support this application seven of whom have stated that there was no problem in passing through the colliery when it was operating. There is no evidence to establish that the public were denied access through the colliery. Under the test set out in Appendix 1 it is therefore justifiable for the Council to make a modification order.

Consultation

This item has been subject to extensive consultation

Appendices

Plan No's 1 -2
Appendices 1-6

List of Background Papers

M08/4

Officer Contact

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APPENDIX 1

WILDLIFE AND COUNTRYSIDE ACT, 1981

Section 53 Duty to keep the Definitive Map and Statement under continuous review.

- (2) As regards every Definitive Map and Statement, the Surveying Authority shall:
 - (a) as soon as reasonably practical after commencement date, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence, before that date, of any of the events specified in Sub-Section 3; and
 - (b) as from that date, keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence on or after that date, of any of those events, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence of that event.
- (3) The events referred to in Sub-Section 2 are as follows:
 - (b) the expiration, in relation to anyway in the area to which the map relates of any period such that the enjoyment by the public of the way during that period rises a presumption that the way has been dedicated as a public path or restricted byway;
 - (c) the discovery by the Authority of evidence which (when considered with all other relevant evidence available to them) shows:
 - (i) that a right of way which is not shown on the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to Section 54A a byway open to all traffic;

- (ii) that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description;
- (iii) that there is no public right of way over land shown in the map and statement as a highway of any description or any other particulars contained in the map and statement require modification.

APPENDIX 2

SUMMARY OF THE USER EVIDENCE

Date of submission of evidence

Forms completed in 1995
Submitted in 1997

Average no .years

1.

1935 – 1995 }
1945 – 1995 }
1942 – 1968 }
1958 – 1995 }
1970 – 1995 }

43

Forms submitted/completed in 1997

2. 1940 – 1998 }
1932 – 1998 }

62

Forms submitted in 1998

3. 1953 – 1998 }
1940 – 1998 }
1947 – 1998 }
1968 – 1998 }

46

Those interviewed in 1998

4. 1956 – 1998 }
1930's – 1998 }
1945 – 1998 }
Unknown - 1998 }
1960's – 1998 }
1936 – 1998 }
1940 – 1998 }
1961 – 1998 }
1946 – 1998 }
Unspecified period

43

Forms submitted in 2007

5. 1954 – 2007 } 55
1959 – 2007 }
1960 – 2007 }
1956 – 2007 }
1943 – 2007 }

6. The nine interviewed in 2015
Taking 1980 as the date of challenge

- 1933 – 1980 }
1944 – 1980 }
1954 – 1980 }
1960's -1980 }
1954 – 1980 } 40
1936 – 1980 }
1957 – 1980 }
1935 – 1980 }
1970's – 1980 }

APPENDIX 3

HIGHWAYS ACT, 1980

Section 31. Dedication of way as a highway presumed after public use for 20 years.

Where a public way over land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has actually been enjoyed by the public as of right and without interruption of a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during this period to dedicate it.

For Section 31(1) Highways Act, 1981 to operate and give rise to a presumption of dedication the following criteria must be satisfied:

- the physical nature of the path must be such as is capable of being a public right of way
- the use must be 'brought into question', i.e. challenged or disputed in some way
- use must have taken place without interruption over the period of twenty years before the date on which the right is brought into question
- use must be *as of right* i.e. without force, without stealth or without permission and in the belief that the route was public
- there must be insufficient evidence that the landowner did not intend to dedicate a right of type being claimed
- use must be by the public at large

APPENDIX 4

Site Report 26th January 1996

1. Commences at the limit of the county highway beside Bethel Chapel, Water Street, Kenfig Point A.
2. Passes generally in a north easterly direction for 470 metres over a 4 metre wide tarmac road bounded on both sides.
3. At some 125 metres north east of the Chapel the road (which formerly served Newlands Colliery) is sealed by two metal field gates which are wired together (Point A1).
4. At Point B on the north side of the bridge over the railway there is an unlocked field gate.
5. The path then turns south east initially over soft grassy land for 110 metres to Point C.
6. At Point C the path becomes a bounded lane some 2.5 metres wide with a soil/stone base surface and continues in this condition for 130 metres to Point D.
7. At Point D there is a sealed metal field gate which has partially collapsed and awkward to cross when approaching from the North West.
8. The path continues as a bounded 3 metre wide path also soil/stone based for some 70 metres before encroaching vegetation narrows the well-worn track to between 1 and 1.5 metres for the remaining 80 metres to Point E.
9. At Point E there is a short (5 metre) worn link up the northern bank to a 4 metre wide stone based Hall Road which parallels section E-F.

10. From Point E to Point H some 100 metres the encroaching vegetation narrows a well-worn track to less than 1 metre in places probably because of a number of walkers use the haul road. However, this section is still passable.

11. At Point F the path turns south onto a partly tarmacked bridge over the railway then south east for a total of 400 metres along a bounded 2 metre wide stone based path to a junction with Footpath No. 90. Section G-H has an available width between the fences of 3 metres but this has narrowed to the 1-2 metres by encroaching vegetation.

APPENDIX 5

A gate was padlocked at Point B but no visible sign of any path between Points B and C. After Point C the path becomes more defined but after some 100 metres becomes impassable due to overgrown vegetation. The path re-appears from Point D and once over the bridge between Points G and H the path is well defined and maintained.

APPENDIX 6

- (1) That because the application was made in 1996 the presumption is that those who made the claim were asserting they had a right to walk to path at that time
- (2) Therefore there should be a presumption the application was based on an uninterrupted period of 20 years use counting retrospectively from 1996.
- (3) However that was found wanting after investigation. Consequently this raises the question as to what weight should be placed on there having been uninterrupted use for the earlier period 1960-1980 when the subsequent period has been found to be incorrect.

Comment

- (1) The case commencing R U Oxfordshire County Council ex parte Sunningwell Parish Council 1999 establishes what users believe is irrelevant. It is a question of whether the landowner acquiesced to that which is relevant.
- (2) The case commencing Paterson V Secretary of State for Environment, Food and Rural Affairs 2010 has established that in order for section 31 of the Highways Act 1980 to operate, it is only necessary to identify some period of twenty years spanning back from any date when the alleged public right of way was called into question.
- (3) The claimants have acknowledged the existence of gates across the path at various times in the past.

Of the nine currently in support

Two people ceased walking the paths after 1982, another person could not recall when the gates were locked but said he nonetheless jumped over them. Another remembered locked gates but estimated this was 1997. The applicant stated that by the year 2000 more gates had been installed and locked.

Those who submitted evidence forms in 1997 but are no longer available to continue to support this application

One person said three gates had been installed over the 12 years prior to 1997, another stated gates were put up in 1988 after the reclamation of the land. One person acknowledged two gates had been installed but

gave no dates, and three other people each made reference to two gates on the path.

The above highlights those supporting the claim did acknowledge the existence of gates on the route, but none do so for the earlier period of 1960-1980.

- (4) It is difficult to find evidence as to what measures were taken by those in possession of the land affected by this application prior to 1980.

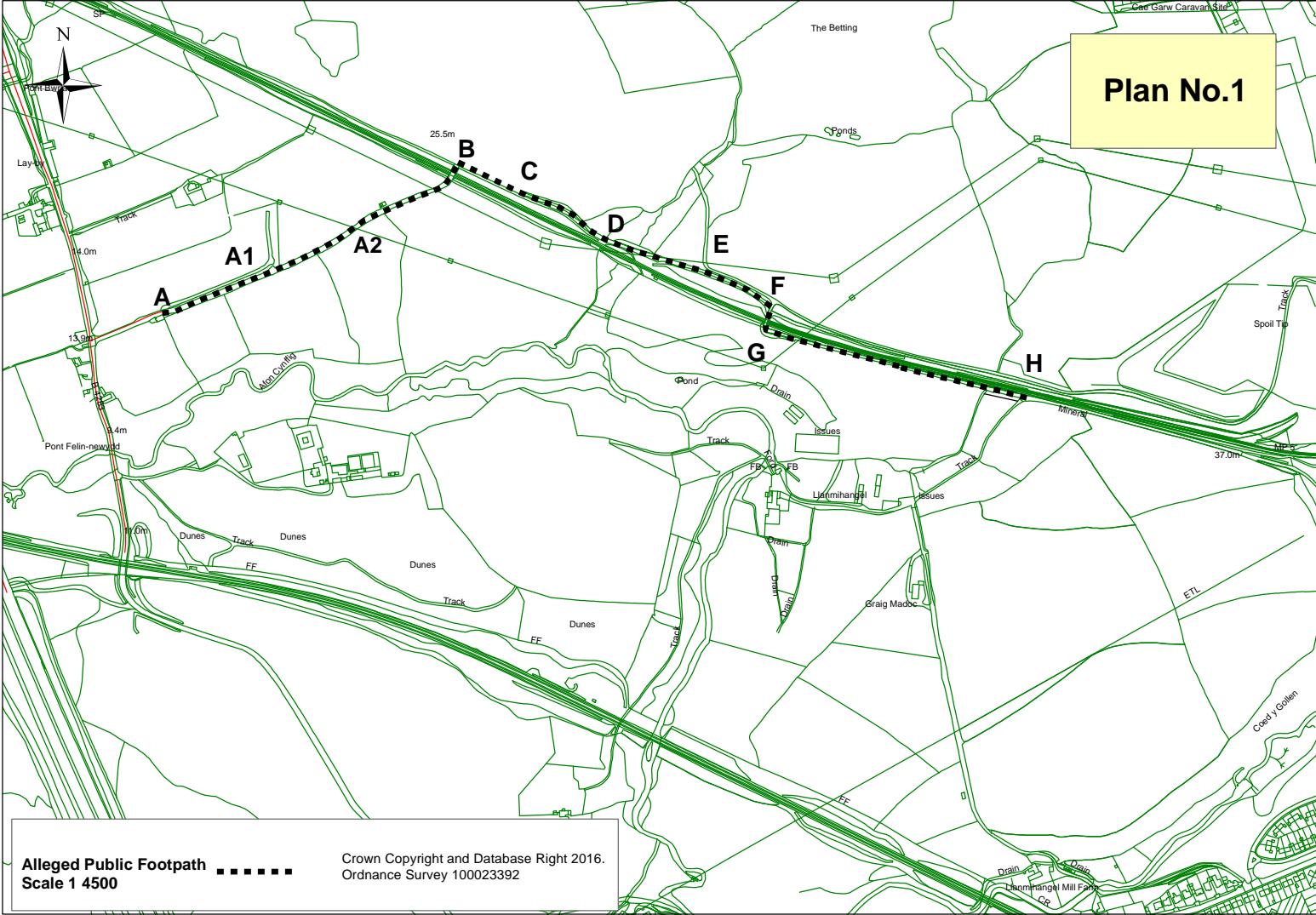
Comment

The current owners of the path have not been identified and the application can only be assessed on evidence that is available. The other affected owners have not come forward with any comments.

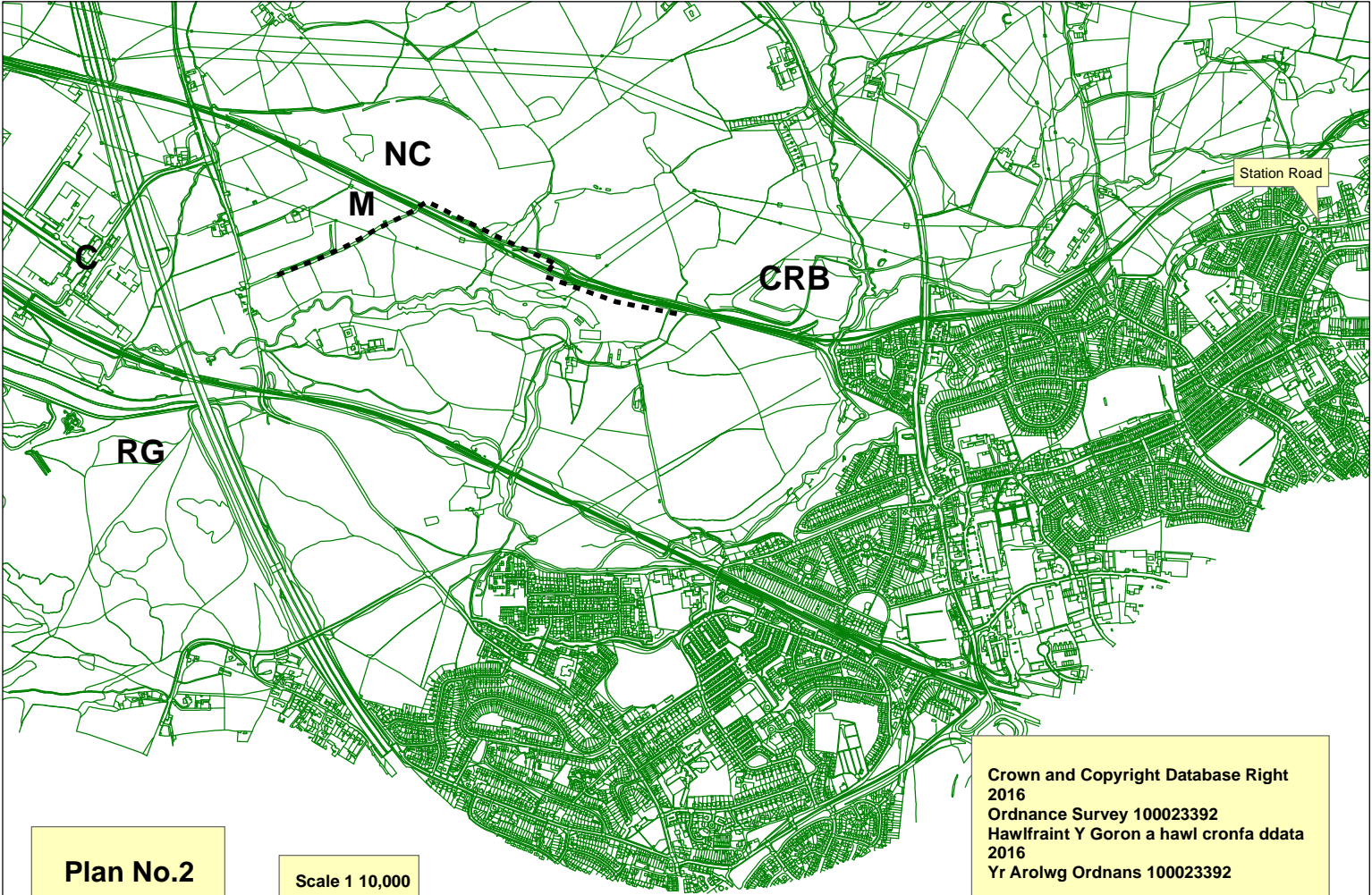
- (5) Secondly if it is alleged a public right of way exists, why was no application made in 1980 when the path became obstructed?

Comment

Is it not possible to say why members of the public did not approach the Council in the early 1980's when it is suggested this was the time the path was first obstructed. It is also unknown why the path was not considered when the reviews were undertaken of the existence of public paths under the National Parks and Access to the Countryside Act 1949. However many paths were not included at that time, which is the reason why Section 53 of the Wildlife and Countryside Act 1981 enables the Council to continuously review its Definitive Map and Statement. This can be done on the receipt of applications or on the discovery of evidence which shows the map and statement needs amending.



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Plan No.2

Scale 1 10,000

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**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
ENVIRONMENT AND HIGHWAYS CABINET BOARD**

7 July 2016

REPORT OF HEAD OF LEGAL SERVICES – DAVID MICHAEL

MATTER FOR DECISION

WARD AFFECTED: PONTARDAWE

**ALLEGED PUBLIC FOOTPATHS FROM SWANSEA ROAD TO
FOOTPATH NO. 42 COMMUNITY OF PONTARDAWE**

Purpose of the Report

To determine the application made to this Council to recognise the two paths as public rights of way on foot

Background

An application was submitted in 2007 to recognise two paths, both of which pass over land under the ownership of the Council as shown on Plan No.1.

The route A-B-C consists of a series of steps and landings sloping downhill from Swansea Road at point A to where the path joins footpath No.42 at point C.

The other path B-D slopes more gradually downhill and comprises tarmac. Both paths have galvanised handrails along one side of their entire lengths.

Lighting columns are situated at points A, C and D, with an additional column placed approximately mid-way between points B and D.

A pedestrian barrier is positioned on the footway where the path joins Swansea Road at point A and another at point D which is also a vehicular width road. These are typically used to either prevent children running directly into oncoming traffic or to prevent motorcycles accessing a path.

The Evidence

In order to assess the validity of the application it is necessary to identify:

- (a) either the minimum twenty year period which would be required to satisfy the provisions of Section 31 of the Highways Act 1980 (Appendix 1). This raises the presumption the landowner has dedicated the path to the public in the absence of any contrary intention, assuming that use has been uninterrupted.
- (b) alternatively consider whether there has been a dedication of the path to the public under common law, (Appendix 2) where the owner, that is this Council, has taken measures to encourage and facilitate public use over and above merely acquiescing to that use

The obligation on this Council to consider and investigate this application is governed by the provisions of the Wildlife and Countryside Act 1981 (Appendix 3)

The Relevant Twenty Year Period

This is usually calculated by counting retrospectively from the first occasions the public's use of the way has been challenged, either by an obstruction of the way, turning members of the public away or by the positioning of notices specifically prohibiting pedestrian access. If such action did not arise, as is the case here, then the date of the application would identify the end of the twenty year period. Given the claim was submitted in 2007, that period will be 1997-2007.

Twelve people submitted user evidence forms in support of this application, although three can no longer be contacted. Nine gave more detailed information when interviewed and claim an average of 33 years use counting retrospectively from 2007; seven people claim to have use of both paths for a minimum of 20 years.

The History of the Paths

The path A-B-D first appears on the 1984 edition of the Ordnance Survey at a scale of 1:1000. The earlier editions of 1878, 1893, 1918 and that thought to be in the 1940's at a scale of 25 to 1 mile and 1:2500 do not show the steps in A-B-C. However, they do show another diagonal path which joins footpath no.42 about mid-way between points C-D but joining Swansea Road at the same point as the present one at point A.

Footpath No.42, C-D, approximately follows the line of what would have been a towpath. This earlier diagonal path referred to above joined the canal at a lock and footbridge which appears to provide access to the Pontardawe Steel and Tin Plates works on the southern eastern side of the canal. This site is later shown as an Industrial Estate on the 1984 and 1992 edition, and a path leading to these works from what was the lock gates.

One person said the stone stile at point A pre-dates the construction of the path A-B-C.

Whilst this earlier path does not follow the precise alignment of the current one, the ordnance surveys highlights that there has been a path from Swansea Road at Point A to what is now footpath No. 42 from at least 1878.

User Evidence

One of the claimants estimated that the path A-B-C containing the steps was constructed sometime between 1977 and 1982. The ordnance survey plans are difficult to interpret as showing this path in the 1984 and 1992 editions.

The distribution of those claiming use is shown on Plan no. 2 which shows it is a path favoured by the wider public rather than a limited number who live in close proximity to the path. Use of the path by some of the school pupils should also be considered as representing a wider constituent.

Three indicated it is used by the pupils of Cwmtawe Comprehensive School which is also marked on Plan No. 2, for those pupils presumably living near Swansea Road or disembarking from the bus stop which is at point A. One person said some parents park their cars on that road to collect their children. Another indicated the road was narrowed in order to slow traffic to make it safer for children to cross. The positioning of the two barriers at either end of the path A-B-C suggest it has been recognised the path provides a useful means of access for some pupils of this school. The School was re-sited to the current location in 1996.

One person indicated the paths were used for some who worked at the former Pontardawe Steel Works. Four claimants said they have used this path to reach the retail park now situated between the Leisure Centre and Pontardawe, two said they have walked to the Leisure Centre this way, and two referred to the supermarket as a reason for using the path. One other said he has used the path as a way of walking to Pontardawe and also to visit friends.

The applicant stated she has used the path to walk her dog but noted the bus stop was installed at the point where the path joins Swansea Road.

Improvement, Maintenance and Character of the Path

In 2007 a site visit revealed part of the tarmac on the section A-B-D had been eroded and in part comprised of broken slabs. There was evidence of an old stone stile and Point A with some of the stone

missing. Since that time the path A-B-D has been re-surfaced with tarmac and the broken stone stile removed.

The handrails according to three people have been broken with some section missing from around 2007. This had remained so when seven people were interviewed in 2009. Since that time both sets of handrails have been replaced or repaired. According to another person, these handrails were also repaired between 1987 and 1989 after they had remained broken for many years.

The older lighting columns referred to at points A, C and D were originally installed in 1969 and substituted by another set positioned alongside in October 2015. A lighting column between Points B and D was installed in July 2012.

Conclusion

The requirement to shown 20 years uninterrupted use has been satisfied by those in support of the application. The reasons for use can be traced back to the earlier path which joined the canal between points C-D and provided access to the former steelworks, thereafter the industrial estate, and later again onto the present retail park, Leisure Centre and the comprehensive school. Consequently given the evidence of use over the period and in the absence of any evidence to the contrary it is evident the paths have been dedicated to the public through long term use.

Common Law

In addition this Council as landowner has improved the surface of the path B-D, renewed and repaired the handrails and even provided an additional lighting column on the path B-D. Lighting columns were installed at the three ends of the path by this Council's predecessor. There is also some evidence of previous repairs to the handrails in or around the period 1987 -1989. Also concern over the safety of the pupils walking to and from the comprehensive school which was addressed by the installation of the barrier and Points A and C.

This and previous Councils have taken measures to enable the public to use the paths and on occasions maintain or even improve the paths condition. Consequently this provides evidence of an intention to expressly dedicate the path under common law. That is where the path is set out for public use and the public accept that dedication by their use of it. Therefore it can also be concluded that these two paths have been dedicated under common law thus providing further evidence in justifying the making of a modification order.

Appendices

Plan No. 1

Plan No. 2

Appendix 1

Appendix 2

Appendix 3

Recommendation

That a modification order be made to show the paths A-B-C and B-D as public footpaths and if no objections are received, to confirm the same as an unopposed order

Reasons for the proposed decision

There is sufficient evidence of uninterrupted use during the relevant period.

The reasons for use have varied over the past as the two paths appear to have evolved from the earlier but single path between Swansea Road and what would have been the canal towpath.

This Council has been responsible for improving and maintaining the surface of the two paths as well as in the provision of lighting and handrails. In effect this Council has expressly dedicated the paths to the public.

List of background papers

M08/6

Officer contact

Mr Iwan Davies – Principal Solicitor-Litigation

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Recommended – that a modification order be made to include the lengths of paths A-B-C and B-D as a public footpath into the Definitive Map and Statement and if no objections are received to confirm the same as unopposed.

APPENDIX 1

HIGHWAYS ACT, 1980

Section 31. Dedication of way as a highway presumed after public use for 20 years.

Where a public way over land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has actually been enjoyed by the public as of right and without interruption of a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during this period to dedicate it.

For Section 31(1) Highways Act, 1981 to operate and give rise to a presumption of dedication the following criteria must be satisfied:

- the physical nature of the path must be such as is capable of being a public right of way
- the use must be 'brought into question', i.e. challenged or disputed in some way
- use must have taken place without interruption over the period of twenty years before the date on which the right is brought into question
- use must be *as of right* i.e. without force, without stealth or without permission and in the belief that the route was public
- there must be insufficient evidence that the landowner did not intend to dedicate a right of type being claimed
- use must be by the public at large

APPENDIX 2

DEDICATION UNDER COMMON LAW

No minimum period of use is required, but the claimants must show that it can be inferred by the landowners conduct, that he or she had dedicated the route. User of right is not of itself necessarily sufficient, nor mere acquiescence by the owner under statute, twenty years, if proved to have been uninterrupted will be sufficient to show presumed dedication.

Under common law it is still possible that use was due to the landowners tolerance rather than because that landowner had intended to dedicate. Consequently there needs to be evidence that the landowner (or owners) for whatever period is being considered, not only acquiesced to that use but either directly or indirectly took measures to facilitate public use.

Obviously this means the landowners have to be identified and evidence that they wished to have the route dedicated to the public.

For the right of way to be established, it needs to be shown that it has been used openly as of right and for so long a time that it must have come to the knowledge of the owners that the public were so using it as of right. Public user is no more than evidence which has to be considered in the light of all available evidence.

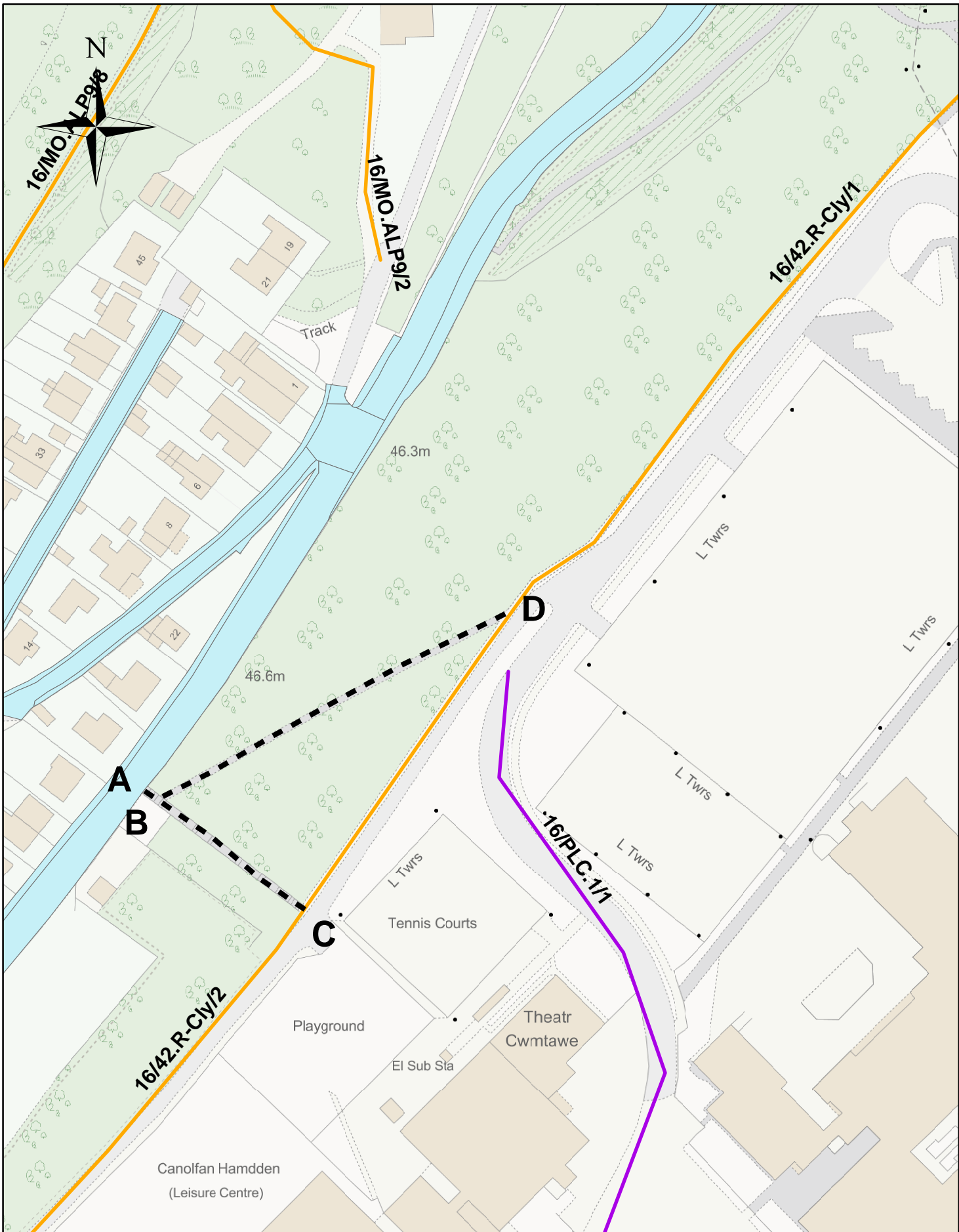
As a matter of proof at common law, the greater the length of user that can be demonstrated the stronger the inference of dedication will usually be.

APPENDIX 3

WILDLIFE AND COUNTRYSIDE ACT, 1981

Section 53 Duty to keep the Definitive Map and Statement under continuous review.

- (2) As regards every definitive map and statement, the surveying authority shall:
 - (a) as soon as reasonably practical after the commencement date, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence, before that date, of any of the events specified in sub-section 3; and
 - (b) as from that date, keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence on or after that date, of any of those events, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence of that event.
- (3) The events referred to in sub section (2) are as follows:-
 - (b) the expiration, in relation to any way in the area to which the map relates of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path or restricted byway;
 - (c) the discovery by the Authority of evidence which (when considered with all other relevant evidence available to them) shows:
 - (i) that a right of way which is not shown on the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A a byway open to all traffic;
 - (ii) that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description.
 - (iii) that there is no public right of way over land shown in the map and statement as a highway of any description ,or any other particulars contained in the map and statement require modification.



Alleged Public Footpath



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Ordnance Survey 100023392

Plan No.1

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Comprehensive
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Ordnance Survey 100023392

Plan No.2

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

ENVIRONMENT AND HIGHWAYS CABINET BOARD

7 July 2016

REPORT OF HEAD OF LEGAL SERVICES – DAVID MICHAEL

MATTER FOR DECISION

WARDS AFFECTED: NEATH EAST AND BRITON FERRY EAST

ALLEGED PUBLIC FOOTPATH FROM GARDNERS LANE TO EAGLESBUSH VALLEY (A-B-C) AND TO YNYSMAERDY ROAD, VIA CEFN COED FARM (B-E-F), COMMUNITY OF BRITON FERRY AND NEATH

Purpose of Report

To determine an application to register a public footpath from points A-B-C and B-E-F as shown on Plan No.1

Background

This application was made on the 19th August 2010. Point A is at Gardners Lane being Byway No. 11 and point C at Byway No.7. The length of path B – D forms the accommodation road to Cefn Coed Farm (near point D) although the vehicular road continues almost as far as the former railway cutting at point E (known locally as the “Incline”). This road then proceeds west to join Pant Howell Ddu at point G. The length E to F forms the remainder of the claimed public path and passes over the former railway cutting which is under the ownership of this Council. It has not been designated as a public highway nor open space.

The application was originally supported by sixteen people who allege an average of thirty seven years use with one additional person having come forward claiming part use of the paths for most of the 60 years he has lived in the area.

The owners of Cefn Coed Farm, Eaglesbush Cottage House (the latter being close to point A) and another who owns some of the lane between points A1 and B, object to the application. No other representations

have been made from any of the other organisations and individuals who have been consulted.

Because the claim is based on long term use of these paths, the test will be to ascertain whether there has been a minimum uninterrupted period of twenty years to show there has been a presumption of dedication under the Highways Act 1980. The relevant extract is contained in Appendix 1 also whether there is sufficient evidence under common law to show the owners of the routes wished to dedicate the route as a public footpath. This is summarised in Appendix 2.

Appendix 3 sets out the tests under the provisions of the Wildlife and Countryside Act 1981. It should be noted that this Council does not necessarily have to conclude a public path exists on the balance of probabilities as required under Section 53(3) (b). It can also make a modification order on the basis it is reasonable to allege a public path exists under Section 53(3) (c) (i). So the issue is whether the Council can be justified in making a modification order. A further explanation of this second test is summarised in Appendix 4

The minimum twenty year period must be calculated from the first occasion the alleged existence of the public path was called into question. The twenty year period is calculated by counting retrospectively from that date.

In this case, the routes according to the applicant had always been open for use until a locked gate was placed across the road at point D in 2009. There is evidence of earlier locked gate/s at this location and also at points A and B. If that is established, then the relevant period would have to be re-calculated. In the case of A-B-C it is 1971-1991 as considered below.

The alleged existence of a public way can also be called into question by notices being placed alongside a path specifically denying the existence of a public way (Case law has established that notices stating “private” or “no through road” would not count as challenging the public’s right to use a path). In addition a landowner may avail themselves of the opportunity to deposit a statement of their non-intention to dedicate a public way to the Local Authority. They would have to reproduce that statement every ten years (although that requirement was formerly every six years). Part of this claim public footpath is affected by such a statement at point A1 which was made in 1993. Subsequent statements were made in 1999 and 2005.

The Evidence

As indicated, point E is not at a public highway, as the land is a former railway cutting which climbs gradually from point F to point E. In this instance five persons indicated in their user evidence forms that they had walked to Ynysmaerdy Road at point F directly via this "Incline". Another two after being interviewed confirmed they had walked directly from point E to point F, leaving a total of seven persons who would say they have walked the route either A-B-D-E-F or C-B-D-E-F that is one highway to another.

On the 2nd October 1992 this Council rejected an application to register a public byway between points A and C. As a result of that claim, a significant amount of evidence was forwarded for and against that application. The evidence focused on the existence or otherwise of locked gates at points A and B, whether there were notices prohibiting public access and the reputation of the former owner of the Eaglesbush Estate who died in 1978. This earlier landowner had allegedly turned people off the land, although precisely where, how often and over what period was the subject of some dispute.

Route A-B-C (Under statutory period of 20 years)

There are a total of sixteen people who claim to have walked this length of path for an average of twenty five years up until the 2009 when the current application was submitted. Whilst the application itself can count as a calling into question, as indicated above, this length of path is affected by the statement of non-intent made in 1993 and has been renewed until 2005. Therefore there is no 20 year period counting retrospectively from 2009. Whilst this would change the relevant period to 1973 -1993, the previous owner of the Eaglesbush Estate on receipt of the application for a public byway objected in 1991. This therefore means the relevant period will be 1971 – 1991.

There are eight individuals who would claim to have been walking this length of the route in excess of twenty years prior to 1991, four of whom have been interviewed including the applicant. The other four were asked to provide further information on up to six occasions but none responded. The issue being that whilst the evidence forms submitted provide a summary of their use, it is often the case that on being interviewed there can be a significant difference between the two accounts. One example was a person who had stated his use commenced in 1951 and continued until 2009, but at the interview said he had only used the route for a few years from 2000. Consequently

evidence by only four people upon whom this Council can rely is too low to justify making a modification order.

The reasons given for using this way were principally for enjoyment and that it formed part of a longer circular walk. One of these four persons indicated he first started owning dogs in 1965 and from then used this route about four times a year until the present day.

Reputation of the previous landowner until 1978

The application concerning a public byway revealed an issue over whether the earlier owner of the Eaglesbush Estate had made it clear to users, by whatever means that he did not consider such a public path existed. That Estate included the length of the paths A-B-C and B-E. He died in 1978 and whatever action that may have been taken would affect the period 1971-1991. The supporters of the earlier claim said they do not recall ever being approached by the former owner of the Estate prior to 1978.

As a result of the previous application, numerous individuals had given evidence in support of the objector regarding his actions. Of these, three said the owner would challenge people and another who was his employee said he would stop people walking this route A-B-C on behalf of the owner and continued to do so until 1980. However the applicant for the present claim stated that his father knew this earlier landowner and that if there had been an issue with the public using these paths he and his family would have known about it. This is contradicted by the present owners of Cefn Coed Farm whose father was a tenant of this earlier owner of the estate from 1943 and who said his father was under instruction to lock the gate at point D. In addition that he was informed that the Estate owner would lock the gates at points A and B on Sundays.

Gate at Gardners Lane (Point A)

The claimed path commences at Gardners Lane, also registered as Byway No. 11 where there is still a gate post. It is alleged that there was a gate across the entrance to the claimed public path which was kept locked at least throughout the ownership of this earlier landowner until 1978.

None of the six claimants who were interviewed recall ever seeing a locked gate at this location. Three recall a gate, one of whom said it was

ornamental and had to be kept open for other residents to access their properties; one said there was a kissing gate alongside.

From the earlier evidence concerning the 1991 application, there were various accounts from those who supported the earlier owner at the time:-

- (a) One said he knew the person responsible for locking the gate until 1975, another stated the gate was invariably locked.
- (b) Four stated the gate was locked but gave no dates.
- (c) Another said the gate was periodically locked between 1977 and 1991.
- (d) One person said the gate was last locked about 5 years before the owner died in 1978.

In contrast there were eleven people who either provided signed statements or letters in support of the claimed byway. Five made specific reference to questions about this particular gate, one stated the gate was never closed, one of the three who lived at Eaglesbush Cottages (shown at point A1 on the plan) from 1968-1971 and the subsequent owner from 1971-1991 both said there was never a locked gate at this location. Another who said he used these routes stated no gates existed throughout his use of the road from 1964-1991. Another stated the last time the gate was locked at this location was in 1946.

One person stated no gates had existed along this particular route, two considered no gate had been locked for 30 years and another said 35 years prior to 1991.

Gate close to Fernlea Cottage (formerly Pitt Cottage) point B

It was alleged that the former estate owner until his death in 1978 also kept a locked gate at this location:-

- (a) One resident of this cottage from 1977-1991 stated the gate outside her property was locked on Sundays until the owner died in 1978 after which time they remained open. According to the current owners of Cefn Coed Farm they were employed by the occupier of that cottage to remove one half of the missing double gate in 1990/91.

- (b) However one person who delivered milk in the area during the 1960s said he never saw them locked, although one would assume he never delivered on a Sunday. The applicant has suggested that there could have been deliveries on Sundays if the business was only operated by one person and given there were no refrigerators at that time.
- (c) Another person who occasionally used the path on a Sunday said he never saw them locked.
- (d) One who said he was employed by the Estate said they were never locked.
- (e) Another two who used the path until 1985 and 1991 respectively do not recall a locked gate.
- (f) Another said the earlier owner was not as vigilant in his later years but he nonetheless made attempts to lock these gates until 1978.
- (g) One of the previous owners of Cefn Coed Farm stated he had used part of this route to access his Farm and stated the gate was last closed in 1958.

There is evidently contradiction between the accounts given by various people, although some weight should be given to the former occupiers of the cottage at point B during the relevant period, who said the gates were locked on a Sunday until 1978. This being corroborated by others who said, that whilst the owner was less vigilant in his later years, he nonetheless made attempts to lock these gates until 1978. One of the reasons the claimed public byway was rejected was due to the periodic locking of this gate throughout this earlier period of use. There is less certainty over the accounts concerning the gate at point A.

Since the matter was considered by this Council a ruling was made at the Court of Appeal concerning R -v- Secretary of State for Wales, ex parte Emery 1996. This considered what obligation there is on a Council to make a modification order under the two tests and summarised in Appendix 4

Conclusion

The difficulty with accepting the claimed public path is that it is not known how many of these previous potential witnesses could be relied

on to support the claim in consideration of the gates at points A or B given that application was determined some twenty three years ago.

There are only four people who currently can be relied on to show use for the period 1971 – 1991 taking into account the statement of non-intent to dedicate the path from 1993 and the previous landowner's objection in 1991

Some weight should be given to the evidence from the person who moved into the cottage close to the gate at point B in 1977 who stated that it was last locked in 1978.

Consequently under the above test it is difficult to conclude it is reasonable to allege such a way exists on foot.

Recommendation

That no modification order be made for the length of path A-C.

Reasons for the Decision

There are insufficient numbers of witnesses who could be relied on to show evidence of use throughout the relevant period from 1971 – 1991. Secondly an unknown number of witnesses who could comment on the existence or otherwise of locked gates at points A and B, but good evidence there was a locked gate at point B until 1978.

Alleged Public footpath from C-B-D-E-F (under a statutory period of 20 years)

Given the gate at point B was unlocked by 1978 and removed by 1989, then there is a sufficient period of more than 20 years between this date and 2009 when the application was submitted. According to the applicant 2009 being the first occasion in the path to Cefn Coed Farm was blocked by the gate at point D.

This length of path is unaffected by the above mentioned statement of non-intent and so it is necessary to consider if a period of twenty years uninterrupted use can be found for the period 1989- 2009

As regards the existence of a locked gate or otherwise at point B, the previous occupier of the adjacent cottage has stated that the gate was not locked after 1978 which was when the former owner of the Estate Mr. Rice Evans died. One witness stated that he was employed to

remove the gate in 1989. Therefore the issue of whether this gate interrupted public use during the relevant period can be discounted.

There are sixteen people, who originally supported this current application, plus the additional person referred to above, although two persons after being interviewed said they had never walked as far as Cefn Coed Farm from point B. The average use is thirty six years for the 15 persons.

Of the sixteen people that completed user evidence forms five stipulated that they had walked via the "Incline" to Ynysmaerdy Road that is from point E to F, all of whom claim to have used this path for the full twenty year period. After interviews a further two people said they had used this section of path thus linking one highway to another (C-B-F) and who themselves had used the route for the full twenty years.

Four do not recall the gate at point D but another said they did, two, including the applicant said there was a gap alongside the gate and another said the gate was always open when he passed by. One of the witnesses who came forward in support of the objector noted such a gap was available although another supporter to the objector considered otherwise.

The applicant recalls an earlier wooden gate but said this was not as wide as the current one, but in any event was only tied in a closed position. If necessary it was convenient to walk around the gate rather than untie the gate. He stated this was then replaced by another metal gate, approximately 8 ft. wide which he states was never locked but it was only when the current even wider metal gate was installed, that it completely obstructed the way. None of those interviewed said they were ever challenged when walking this route.

This account which claims the gate was not locked (or indeed absent) is refuted by the owners of Cefn Coed Farm. One of the owners and occupiers of Cefn Coed Farm has provided a detailed account of the history of the three gates at this point. In summary that the earlier wooden gate was locked occasionally, mostly throughout the winter months as the track south of this point was not used so often by himself nor by his parents. In 1972/73 it was replaced by a metal 10ft wide gate which was locked or nailed to the post and that this gate remained in place until the wider gate was installed in 2009. In the 1970s he stated his brother and he used to walk from the farm via this gate to go to school via their access track to Pant Howell Ddu. He recalls having to climb over the gate at this position on numerous occasions.

Consequently it is his view there has been no uninterrupted use of this route throughout the past forty years.

The owners of Cefn Coed Farm have provided written evidence from twenty plus a detailed account from one of the owners of the Farm, all of whom were asked to comment on the existence or otherwise of a locked or secured gate at point D during the period 1989 to 2009. Four were interviewed in person and another interviewed on the telephone. Given the conflict of evidence and in most cases their detailed recollection of this gate their evidence has been summarised in Appendix 5.

The Route South of the Gate, D-E

The farm accommodation road or track that proceeds south east from this gate initially coincides with the claimed public path but that accommodation road turns in a westerly direction and appears on the attached plan as E1 to G. According to one of the owners of this farm, the road immediately south of this gate became overgrown from about 1979 /1980 after they had left school, and machinery had become larger and so the track was used less frequently. Part of the track was re-opened in 1991/1993 to access fields to the south and the access road to Pant Howell Ddu widened in 2004. The claimed public path continues south east from the gate at point D to join the incline at point E.

The applicant agrees the route became very overgrown during this period but questions why the gate would be locked if the route was so difficult to use and why would persons clamber up a steep bank if they knew the gate was going to be locked.

Five persons clarified how they accessed “the incline” at point E from point D. The accommodation road to Cefn Coed is at a higher level than “the incline”, there being a steep bank as one approaches point E from point D, but almost vertical if attempting to join the “ incline “ the further north east one proceeds from this point. There is also a more gradual and well-worn track from point E₁ which also provides a link to the accommodation road to Cefn Coed Farm. All five confirmed it is the route between points D and E which is used, even though it is almost too steep to walk today. This, according to the applicant, is due to the landowner having bulldozed soil on the top of the path in order to widen and level the farm access track. According to the applicant, this has made the path far steeper than it once was. Secondly this movement of soil occurred after the new gate was installed at point D. So according

to the applicant, the route claimed from point D to E was available until 2009.

The landowner as stated that construction of the road occurred in 2004 and so by implication the route used to access the "incline " would have been steeper from that date and not 2009.

The remainder of the route via the Incline to Ynysmaerdy Road E to F was used by all seven and claimed by all as part of the longer circular walk.

The Incline is under the ownership of this Council and the Estates Section have stated it is regarded as an open space. They have also stated the public have been permitted to use the path but no notices or any other indication given to the public that they were only there by permission. There is a distinction between using a way by consent as that use will be "by right" as opposed to the exercise of a right which is in effect trespass for a sufficiently long period so that its use is "as of right". This latter type of use satisfies the requirement of Section 31 of the Highways Act 1980 from which the way is presumed to have become dedicated as a public right of way. In other words use "as of right" will convert to a public right after a sufficient period of time whereas "by right", simply retains a permissive use that can be revoked by the landowner.

The Council has periodically cut back the vegetation from either side of this track, improved the side drains, and has installed a motorcycle barrier at the point "the incline" joins Ynysmaerdy Road at point F. Consequently this Council may be said to have acquiesced to the use made of this path by the public.

Conclusion

The gate at point B having been unlocked by 1978 means that there is a potential period of 20 years counting retrospectively from 2009. Given the evidence suggests the relevant period is from 1989-2009 then the route from point C-B-D-E-F can be considered According to one person this gate was removed by him in 1989.

There is nonetheless a conflict between what the claimants say regarding a locked gate at point D, or indeed the existence of a gate at all, and the landowners account and their witnesses.

The evidence from the objectors witnesses suggests they had at least as much reason to use the path as the claimants and in the case of the person who worked at the farm, (and another who made visits to the farm) had more reason to specifically access this route. The objectors case is that the gate was kept secure for most of the time by a lock, so that use could not have been uninterrupted as required by Section 31 of the Highway Act 1980. The owners permitted some people to use the path who needed to open the gate by providing the key or combination number to the lock.

The applicant and two others, suggest that it was possible to walk around the gate if it was too problematic to untie the binding on the gate. Whilst this is disputed by one of the objector's witnesses, although agreed to be the case by another, such a deviation would be acceptable if the route is already recognised as a public path. In those circumstances such a gate would then be considered to be an obstruction to the way and so the public would be entitled to take such measures as required to walk around the obstruction. However in this case the path is not registered as a public way and the owners do not recognise the path has such status. Having to walk around a gate would be a concession that the public's use was being interrupted by that gate whether locked, or according to the claimants case only secured in the closed position.

According to the landowners work on the new access road to Pant Howell Ddu from point E1 commenced in 2004 and so resulted in the route to the "incline" being made steeper. However at this point in time neither the applicant nor the landowners have suggested the alignment of the path was changed.

So the issue to address is whether it is reasonable to allege a path exists as outlined in Appendix 4. In this case it cannot be concluded it is reasonable to reject the evidence from the witnesses for the objectors. Their evidence is credible and detailed comprising twenty who, on the whole are able to corroborate the account of others.

Common law Dedication E to F

This Council has not taken any measure to dissuade the public from using the length of the "Incline" between points E and F and in fact have installed two barriers at the point it joins Ynysmaerdy Road which prevents motorcycles from accessing the "Incline." This would give the impression that pedestrian access is acknowledged. However the length

of the “Incline” which is the subject of this application does not connect to any other public highway at point E. The claimants have not said they walk from Ynysmaerdy Road as far as point E and then return the same way. Point E is not a specific place of interest, and so it would not be possible to consider registering this limited section of path.

As a result of the evidence provided it would not be possible to make a modification order and therefore the application should be refused.

Recommendation

That no modification order be made for the length of path C-B-D-E-F as a public footpath and the application be refused

Reasons for the Proposed Decision

Whilst the gate at point B does not interfere with the use throughout the relevant period, 1989-2009, there is credible evidence from the owners of Cefn Coed farm that a gate at point d was periodically locked during this period, therefore no uninterrupted use can be established to show a presumed dedication by the landowners. Therefore there can be no 20 year period of presumed dedication under the Highways Act 1980

Whilst this Council has not taken any measures to inform the public that no such right of way exists along the “Incline”, via E-F, point E does not connect to any other public highway, nor place of interest, nor view point and cannot qualify as a cul-de-sac public footpath. Therefore there can be no presumed dedication under common law.

Consultation

This item has been subject to external consultation.

Appendices

Plan
Appendices 1-5

List of Background Papers

M08/23

Officer Contact

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APPENDIX 1
HIGHWAYS ACT, 1980

Section 31. Dedication of way as a highway presumed after public use for 20 years.

Where a public way over land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has actually been enjoyed by the public as of right and without interruption of a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during this period to dedicate it.

For Section 31(1) Highways Act, 1981 to operate and give rise to a presumption of dedication the following criteria must be satisfied:

- the physical nature of the path must be such as is capable of being a public right of way
- the use must be 'brought into question', i.e. challenged or disputed in some way
- use must have taken place without interruption over the period of twenty years before the date on which the right is brought into question
- use must be *as of right* i.e. without force, without stealth or without permission and in the belief that the route was public
- there must be insufficient evidence that the landowner did not intend to dedicate a right of type being claimed
- use must be by the public at large

APPENDIX 2

DEDICATION UNDER COMMON LAW

No minimum period of use is required, but the claimants must show that it can be inferred by the landowners conduct, that he or she had actually dedicated the route. User of right is not of itself necessarily sufficient, nor mere acquiescence by the owner under statute, twenty years, if proved to have been uninterrupted will be sufficient to show presumed dedication.

Under common law it is still possible that use was due to the landowners tolerance rather than because that landowner had intended to dedicate. Consequently there needs to be evidence which established the landowner (or owners) for whatever period is being considered, not only acquiesced to that use but either directly or indirectly took measures to facilitate public use.

Obviously this means the landowners have to be identified and evidence that they wished to have the route dedicated to the public.

For the right of way to be established, it needs to be shown that it has been used openly as of right and for so long a time that it must have come to the knowledge of the owners that the public were so using it as of right.

As a matter of proof at common law, the greater the length of user that can be demonstrated the stronger the inference of dedication will usually be.

APPENDIX 3

WILDLIFE AND COUNTRYSIDE ACT, 1981

Section 53 Duty to keep the Definitive Map and Statement under continuous review.

- (2) As regards every definitive map and statement, the surveying authority shall:
 - (a) as soon as reasonably practical after the commencement date, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence, before that date, of any of the events specified in sub-section 3; and
 - (b) as from that date, keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence on or after that date, of any of those events, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence of that event.
- (3) The events referred to in sub section (2) are as follows:-
 - (b) the expiration, in relation to any way in the area to which the map relates of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path or restricted byway;
 - (c) the discovery by the Authority of evidence which (when considered with all other relevant evidence available to them) shows:
 - (i) that a right of way which is not shown on the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A a byway open to all traffic;
 - (ii) that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description.
 - (iii) that there is no public right of way over land shown in the map and statement as a highway of any description ,or any other particulars contained in the map and statement require modification.

APPENDIX 4

The second test being whether an allegation is reasonable or not. The Court of Appeal decision concerning R v Secretary of State for Wales ex part Emery 1996 held this will depend on the circumstances. So that if the evidence from witnesses as to user conflicts with the objector's evidence, but it would be reasonable to accept the evidence of uninterrupted use and also be able to reject the evidence against the allegation, then it would seem reasonable to allege such a right. In other words unless the objector can provide evidence that it was not possible to conclude the way had become dedicated, then an order should be made and the evidence tested at a subsequent public inquiry. In this example the evidence is conflicting given the alleged use by the claimants to have been uninterrupted is refuted by the evidence from the objectors at Cefn Coed farm.

APPENDIX 5

Seven persons were able to comment on the later part of the relevant period. Two of whom have ridden horses along the route B-D but thereafter via the track between point E₁ and point G shown as a vertical broken line. All stated the gate was sometimes locked and at other times unlocked. One of these persons was given the number to the combination lock from 2005 until the present day.

The other rider who started using the route in 2007 owns a livery to the south of this area. He would begin his ride from Pant Howell Ddu so that if the gate was locked he would only have to make a shorter detour than if he approached the gate at point D from point B. He mentioned that his daughter would often have to turn back at this gate while riding her horse.

Two persons started walking the path in 2002 (one of whom owned a dog) and again both stated this gate was locked on various occasions. One of these persons said it was locked most of the time in the winter but would have been left open more frequently in the summer. Two others said they started using the path in 1990 and found the gate locked on many occasions.

Thirteen of the twenty witnesses were able to make reference to their use of the path throughout the relevant period and before 1989.

One had worked for a neighbouring farm who helped at Cefn Coed Farm throughout the 1970's until the mid-1980's. He recalls having to jump off the tractor to unlock the gate when approaching Point D from Pant Howell Ddu. (Another person who also worked on another farm in the 1970's recalls his employer having a key to the lock on this gate).

However, from the late 1980's into the early 1990's he did some work at Cefn Coed Farm and confirmed the same gate remained locked. However, the track became overgrown and unused and was secured with a chain and stapled shut. That the farm access road to Pant Howell Ddu E₁ to G was opened in 2004-2005 (Four other persons have also stated this) and it was at this time a combination lock replaced the earlier padlock on the gate at point D. His recollection is very clear as he helped upgrade and widen the access road from Point B-D in 2006-2008. He further clarified that in 2009 the gate at Point D was replaced with the present wider gate.

Another who said he had cause to visit Cefn Coed on numerous occasions from 1972 until the present day said that this gate was locked most of the time.

Another resident who has lived close to the route A-B-C for 35 years and who stated she has ridden, walked and cycled the route B-D said there has always been a gate at Point D. If she was riding and the gate was locked she would have to turn back, but if on foot would climb over the gate. Similarly one other person stated she used the route for the same reasons and unless walking her dog which she could lift over the gate, she would also have to turn back.

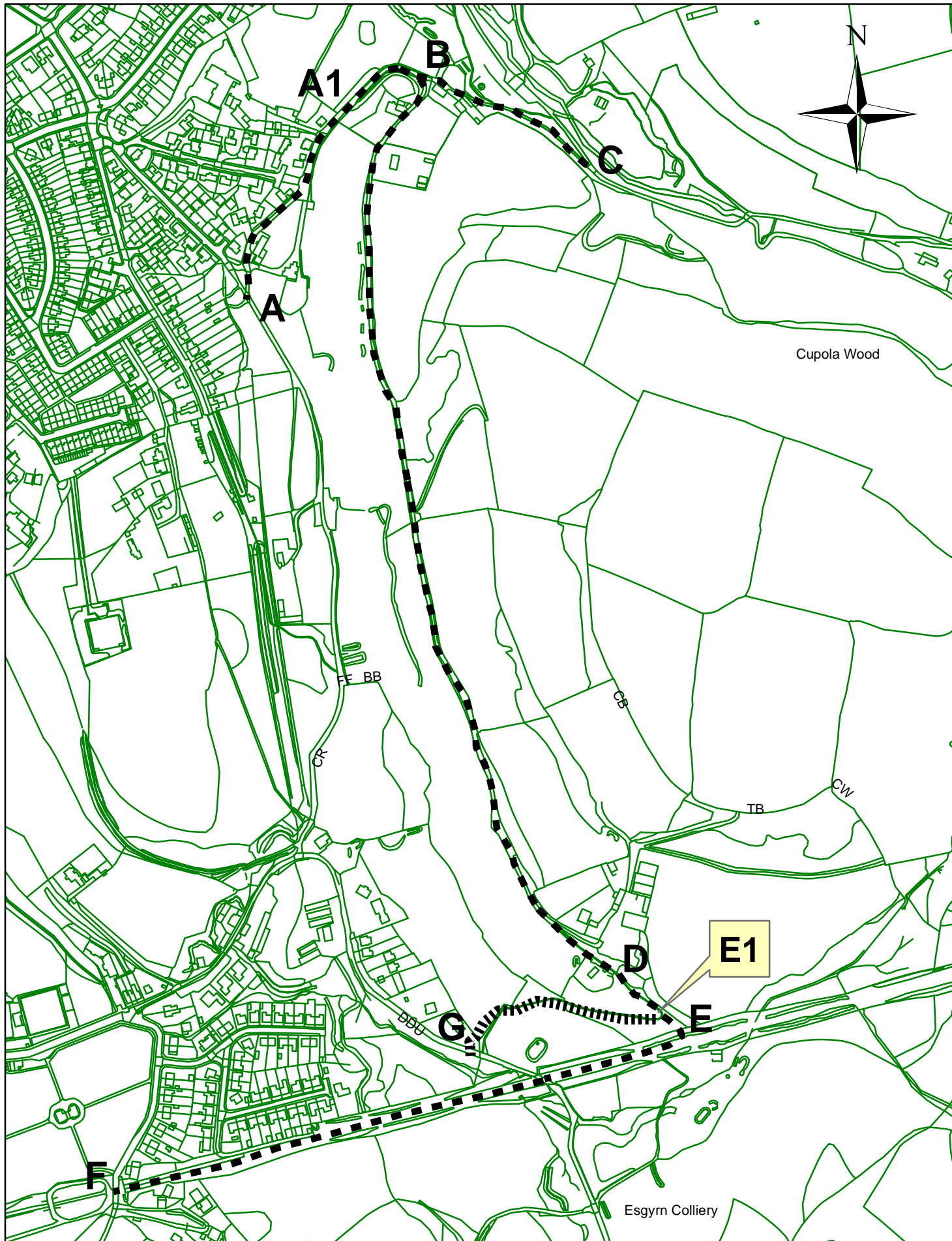
Another witness said she recalls the padlock being replaced with the combination lock. If her daughter wanted to ride her horse she would telephone the owners of Cefn Coed Farm to ask them if they would open the gate. If she was only walking her dog she would climb over the gate. On other occasions she has been told where the key to the padlock was hidden or subsequently been given the number for the combination lock.

Four other long term residents have provided detailed information. Two brothers who have kept dogs over the last 40 years say they have walked the whole area most days and stated they used the route B-D every few days. One was interviewed and stated the gate was locked 95% of the time when he and his brother passed the farm. The earlier gate was chained to the post with a nail and padlocked. In his view it would not have been possible to walk around the gate as it was too overgrown.

The remaining two witnesses used the route B-D for running, one from 1984-1995, and the other 1985-2014. They recall the earlier gate and the other noted the newer one. Both said they would find the gate locked on some occasions and on others it would be left open.

One said he kept an aviary close to point D and he along with a friend would tend to the birds every day from the late 1990's to the early 2000 and again confirmed the gate at point D was mostly locked.

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Claimed Public Footpath
Grid Ref SS 749958
Scale 1 5000

Title
 - - - - -

Crown Copyright and Database Right 2016
 Ordnance Survey 100023392

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

7 July 2016

Report of the Head of Streetcare

M. Roberts

Matter for Decision

Wards Affected: All Wards

Foot Golf within the Gnoll Country Park

Report Title

Purpose of Report

- 1 To consider including Foot Golf within the Gnoll Country Park.

Executive Summary

- 2 To explore additional income streams, as set out with the Forward Financial Plan, officers have met representatives from UK Footgolf with a view to introducing Foot Golf within the Gnoll Country Park. There would be an initial set up cost of circa £3K however this would be refunded if the Council did not recoup the money in the first 3 months of opening. There would be no alterations or additional works required to the existing fairways or greens and the course would become dual purpose with Golf and Foot Golf space being available to users at set times.

Background

- 3 Members may recall as part of the 2016/2017 Forward Financial Plan it was agreed that all possible additional income streams should be explored to further reduce the subsidy at the park to improve its sustainability going forward.
- 4 One suggestion is to give consideration to the introduction of Foot Golf

- 5 The UK Footgolf Association is the official governing body for Foot Golf which covers England, Scotland, Northern Ireland and Wales. Currently there are circa 200 courses.
- 6 The current 9 hole golf course would continue to operate, with the Foot Golf holes being close to the golf greens. This would allow visitors to continue to enjoy the use of the golf course, plus providing an additional facility, which will hopefully attract more visitors and create a greater visitor experience.
- 7 There would be no requirements to alter or construct any further fairways or greens, as UK Footgolf confirm that the current set up and terrain is suitable for Foot Golf provision.

Financial Impact

- 8 There would be a one-off set up fee to UK Footgolf of £2995.00 for the purchase of 50 various sized footballs, course furniture which includes tee-off markers, flags, Foot Golf holes and lids, 2000 score cards plus leaflets.
- 9 There would also be an annual subscription fee of £695. Benefits of this subscription include that the Groll Country Park would become part of the UK Footgolf association, to which a link is placed from their website directing people to the venue. In addition, UK Footgolf would organise competitions at affiliated venues, this would include the Welsh Open in August 2016.
- 10 UK Footgolf have provided a commitment that if the authority do not achieve a £3K return in the first 3 months of operating, they would reimburse these fees. The only stipulations set by UK Footgolf is that the park offers Foot Golf for a minimum of 6hrs a day, for 6 days a week in that period and the facility has to be in full operation by the start of August 2016.
- 11 It is expected that the introduction of Foot Golf would increase income. Additional visitors would also hopefully provide additional income through the car park and Café, which would assist the authority in meeting its commitments within the 2016/17 FFP.
- 12 Proposed charges for 9 holes is £5.00 for Adults and £3.75 for Children.

Equality Impact Assessment

- 13 A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this proposal does not require an Equalities Impact Assessment

Workforce Impact

- 14 Bookings and general associated duties would initially be accommodated by existing staff within their current working day. This would be reviewed, pending the participation and success of the attraction.

Legal Impact

- 15 There are not believed to be any legal impacts or reasons why the recommendation cannot be legally implemented.

Risk Management

- 16 If the Gnoll Country Park does not continue to move toward a cost neutral position then the sustainability of the park going forward may be called into question given the current climate of austerity.

Consultation

- 17 There is no requirement under the Constitution for external consultation on this item.

Recommendation(s)

- 18 It is recommended that the authority trial Foot Golf within the Gnoll Country Park, and officers purchase the necessary set-up and subscription as detailed in the report

Reason for Proposed Decision(s)

- 19 To increase income in line with FFP aspirations and to encourage more visitors to the Gnoll Country Park

Implementation of Decision

- 20 The decision is proposed for implementation after the three day call in period.

Appendices

- 21 None

List of Background Papers

- 22 Equalities Impact Screening Assessment

Officer Contact

- 23 Mr Wayne Curtis, Principal Officer Tel: 01639 686390 or e-mail: w.curtis@npt.gov.uk
- 24 Mr Mike Roberts, Head of Streetcare. Tel: 01639 686966 or e-mail:m.roberts@npt.gov.uk

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

7 July 2016

Report of the Head of Streetcare

M. Roberts

Matter for Decision

Wards Affected: All

Operational Business Plan for Waste Services 2016/17

Purpose of Report

- 1 To seek Member approval for the Operational Business Plan for Waste Services

Executive Summary

- 2 Operational Business Plans contribute to service improvement by setting out service specific issues and priorities for the next 12 months, along with how they will be addressed.

Background

- 3 Every Division/Business Unit within the Authority is required to complete an OBP for each financial year outlining, amongst other issues, the following:-
 - Performance against last year's Action Plan and Targets
 - The actions and targets for the 12 months from April 2016 to March 2017

Financial Impact

- 4 There are no financial impacts associated with this report

Equality Impact Assessment

- 5 No specific Equalities Impact Screening or Assessment has been undertaken in respect of this Business Plan as any related savings required under the forward Financial Plan or service changes needed to deliver the action plan have or will be subject to specific decision reports as required which will address equalities and other issues.

Workforce Impact

- 6 There are no workforce impacts associated with this report with the exception of the possible changes to workforce terms and conditions with respect to Bank Holiday working, which will be subject to full consultation in accordance with the Council's Management of Change Policy as set out in the Action Plan.

Legal Impact

- 7 There are no legal impacts associated with this report

Risk Management

- 8 In line with Corporate requirements, risks to the service are identified and addressed where relevant in the Action Plan

Consultation

- 9 Employees within the individual services and external customers where relevant have been consulted in the development of the Action Plan

Recommendation

- 10 It is recommended that the Cabinet Board endorses the Waste Services Operational Business Plan for 2016/17

Reason for Proposed Decision

- 11 To implement the Council's Performance Management Framework

Implementation of Decision

- 12 The decision is proposed for implementation after the three day call in period.

Appendices

- 13 Waste Services Operational Business Plan for 2016/17

List of Background Papers

- 14 None

Officer Contact

- 15 Andrew Lewis, Waste and Neighbourhood Services Manager, Tel: 01639 686021 or e-mail: a.lewis@npt.gov.uk

Neath Port Talbot County Borough Council

Environment Directorate

Business Plan 2016 / 2017

For

Waste Services

Prepared by the

**Waste & Neighbourhood Services Manager
and
Head of Service, Streetcare Division.**

Sponsor

Councillor Edward Latham
Cabinet Member for Environment

Draft Waste BP 16-17

Section 1 – Introduction

Waste Services forms part of the Waste and Neighbourhood Services Section within Streetcare Services and details of the staffing structure are shown as Appendix 1. In summary, there are currently 115 full time equivalent employees within the Waste section, working out of the Service Response Centre (SRC) at The Quays in Briton Ferry, supplemented by temporary or agency staff as required to meet demand.

The service is responsible for the following:

- Fortnightly Refuse Collection and weekly Recycling service to circa 64,500 households, totalling circa. 96,750 collections each week. (Circa 36,000 properties are on the new kerbside recycle+ scheme).
- Fortnightly Refuse collection and weekly Recycling service to circa 1,200 commercial properties (commercial properties are also serviced by the new kerbside recycle+ scheme in line with service roll out).
- Free weekly Hygiene collection and disposal service to circa 386 properties
- Chargeable doorstep collection service by appointment, for bulky household items.
- Free Pull out Service circa 745 properties for frail elderly or infirm, unable to handle their wheelie bin or bags due to physical disabilities.
- Waste Disposal via: Materials Recovery and Energy Centre (MREC)
- Three Civic Amenity sites (CA sites): (Providing waste disposal and recycling facilities for householders).
- A Waste Transfer Station (WTS) for waste collected as part of Streetcare Services duties).

Services managed by external partners/stakeholders:-

Service	Service provider
Materials Recovery and Energy Centre.	Neath Port Talbot (Recycling) Ltd. (Currently subject to a procurement process)
Management of the Household Waste and Recycling Centre (HWRC) and Waste Transfer Station at Briton Ferry, Cymmer and Pwllfawatkyn.	FCC Environment

A working arrangement also exists with the Enfys Foundation Charity, which enables suitable household furniture and white goods to be reused for the benefit of the local community.

The budget for 2016/17 is broken down as follows:

Waste Management	246,172
Refuse Collection	2,443,261
Waste Disposal & Sustainable Waste Grant	11,780,767
Civic Amenity	1,289,600
One Off Improvement monies	350,000
Total Expenditure	<hr/> 16,109,800
Fees & Charges	
Trade Waste	777,026
Bulky Collection	127,935
Waste Disposal	4,409,162
Sustainable Waste Grant	2,562,000
Total Fees & Charges	<hr/> 7,876,123
Net Expenditure	<hr/> <hr/> 8,233,677

Section 2 – Priorities

Progress with achieving the priorities in 2015/16

Progress with achieving the priorities set last year was as follows:

- Delivered savings allocated within the Council’s Forward Financial Plan.
- Continued work to minimise sickness absence in line with Corporate Sickness Management Policy.
- Made progress implementing the revised waste strategy agreed in April 2015 and achieved the statutory target to reuse, recycle and compost 58% of waste in target year 2015/16.
- Undertook specific benchmarking reviews of waste collections in line with national process agreed between the WLGA, WAO and CSS.
- Completed trial of recycling containers to replace 180litre bags.
- Continued roll out of new kerbsort recycling vehicles from WG grant.
- Completed trial of smaller recycling vehicle to test restricted access to certain roads/lanes and outlying properties.
- Completed Waste Composition Analysis.
- Ceased provision of ‘bring’ recycling sites.

- The agreement for the provision and management of the HWRC site in Pwllfawatkin extended for two years from April 2015 with option for one additional year.
- Opening times of all HWRCs amended.
- Continued with communications and engagement plan.
- MREC procurement project and subsequent long term cost model – on going.
- Commenced ‘Route optimisation’ exercise - ongoing

Priorities to be delivered in 2016/17

The most important things for the service to achieve are to:

- Complete roll out new kerb sort vehicles from WG grant (Phase II)
- Complete roll out of Recycle+ across the county borough (Phase III).
- Introduce side waste policy.
- Complete MREC procurement project.
- Review results of Waste Composition Analysis to target specific awareness and education programmes.
- Investigate opportunities to provide more services on line.
- Complete route optimisation exercise.
- Review green garden waste collections.
- Maintain high standards of Health and Safety at Work.
- Deliver the savings allocated within the Council’s Forward Financial Plan and contain overall expenditure within the cash limits set for the service.
- Maximise attendance at work, minimise sickness absence, and improve business continuity
- Ensure performance management arrangements on the Service are effective and in line with the Council’s Corporate framework, including the completion of Appraisals/Development Reviews.

Why are these priorities?

Through focusing on these priorities as we aim to play a key role in ensuring Neath Port Talbot is a place where people want to live, work and visit. Specifically, they flow from the following corporate improvement priorities,

- Priority 4, Prosperity for All, so that waste management can play a role in providing local business opportunities.
- Priority 5, Reduce, Reuse, Recycle, to increase the percentage of waste recycled and composted to achieve Welsh Government targets
- Corporate improvement priority 6, Digital by Choice, to improve service access and efficiency

The set priorities are also needed to:

- Fulfil the requirements of the Council's adopted Forward Financial Plan
- Take forward the outcome of the corporate reviews of Performance Management and Sickness Management
- Ensure business continuity and resilience
- Continue maximising efficiency and value for money.
- Help deliver 'what matters' to our customers, as identified by survey results
- Ensure long term sustainability of the service.
- To meet legislative requirements such as the Well-Being of Future Generations Act and those in respect of waste minimisation

What is our approach to achieving these priorities?

Our approach to delivering these priorities is to undertake our work via a mixed economy of in-house and external service delivery as provides best value to the Council and our customers.

Actions and Measures

See Appendices

Section 3 – Risk Management

To assess what risks the service faces and identify how any risks will be managed an annual risk assessment is undertaken. The risk assessment for waste services is given in Appendix 2 below.

Section 4 - Workforce Planning

Graphs showing some details of the employee profile are shown in Appendix 3.

Shorter term observations

The waste service is currently going through an extensive change programme; this is putting pressure on resources to implement changes alongside ongoing service delivery. To assist in achieving the required transformation some existing officer roles are being amended. Service pressures have been identified within the waste enforcement and waste education areas.

Operationally, the service is managing at a minimum staffing level with sickness and holidays covered largely by Agency staff, although use of agency staff has been reduced over the last year or two. A service pressure has been identified with the development of Coed Darcy and other new housing, which is being met corporately as part of the Forward Financial Plan.

Continued development of the workforce is required to ensure that the service is not compromised, particularly with respect to technology or legislation changes. The workforce is actively encouraged to work flexibly and workforce turnover is minimal.

Longer term observations

There will be a need to ensure that continued expert leadership and technical skills are in place to meet the council's waste services requirements going forward in the face of progressive legislative demands.

The current training matrix needs to be maintained and complemented with an apprentice and graduate training programme to supplement operational and technical experts that have been, and will be, lost to retirement. These additional programmes would need to be resourced as part of succession planning.

Section5 – Property consequences of the adopted priorities

The waste service operates from The Quays and the Service Response Centre. In addition to the above, Tawe Terrace is utilised for the storage of bulky equipment such as wheelie bins, recycling bags and boxes. The Civic Amenity Sites at Briton Ferry and Cymmer are council owned and operated by FCC.

Property Table:

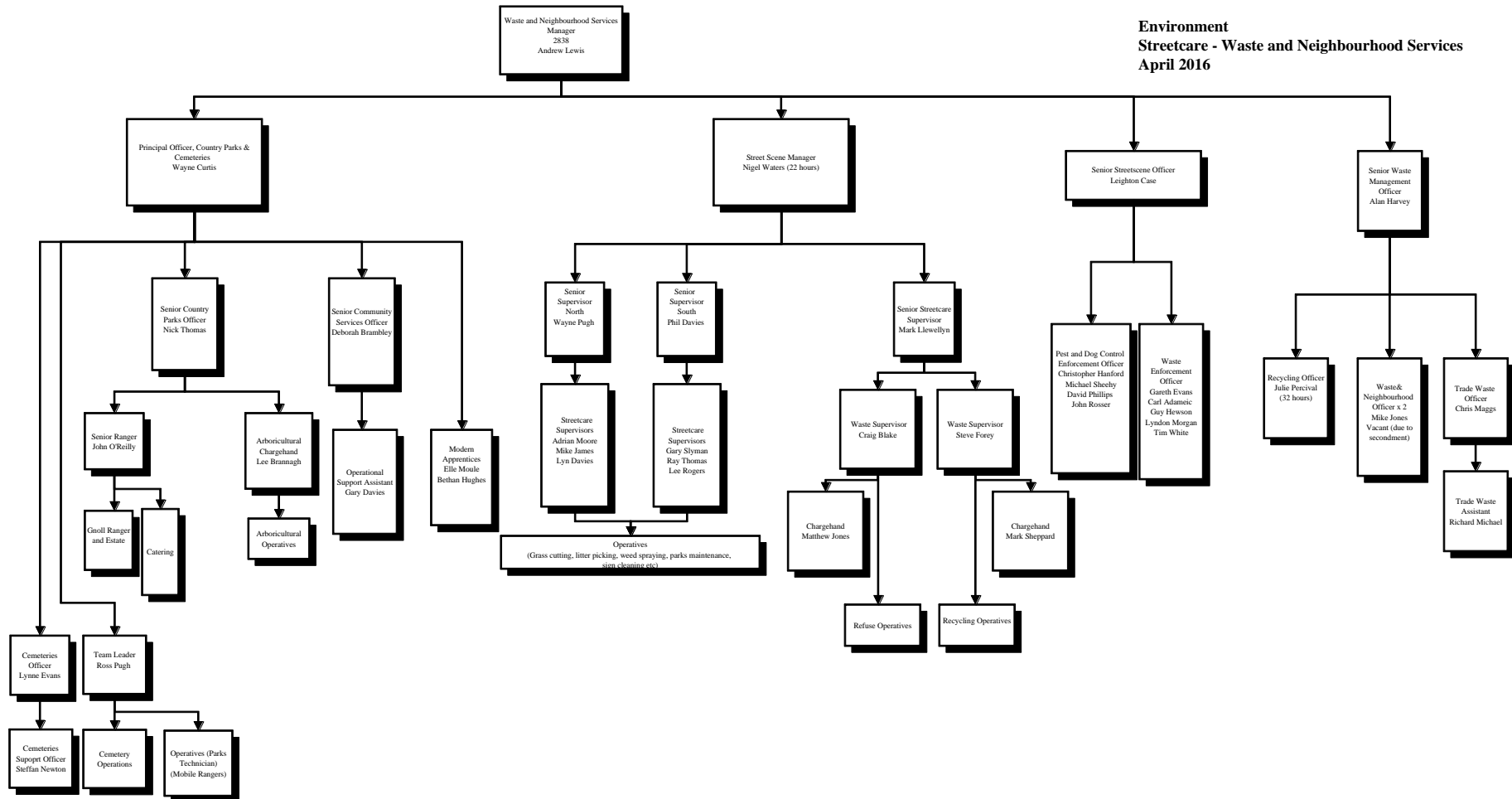
<u>Property Name</u>	<u>Required Change</u>	<u>Why</u>	<u>Impact</u>
The Quays	None	All service needs satisfied	No impact
Service Response Centre	None	All service needs satisfied	No impact
Tawe Terrace	None	All service needs satisfied	No impact
Briton Ferry Civic Amenity Site and WTS	Additional drainage required	To create additional capacity	Improved facility to cope with demand
Cymmer Civic Amenity Site	Repairs required to storage buildings	To make buildings safe and usable	Structures made safe

Ideally, the Fleet workshop should be located with the collection fleets and other services at The Quays for optimum efficiency.

Staffing Structure

Appendix 1

**Environment
Streetcare - Waste and Neighbourhood Services
April 2016**



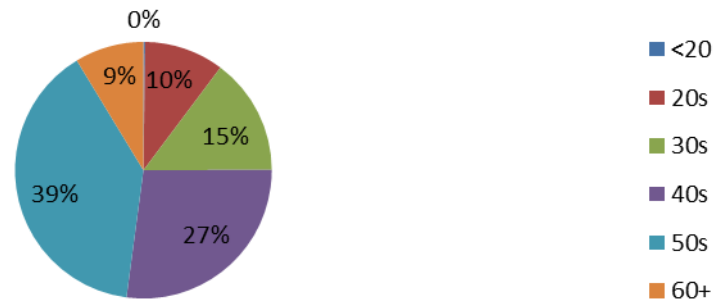
Risk Management Table:

Appendix 2

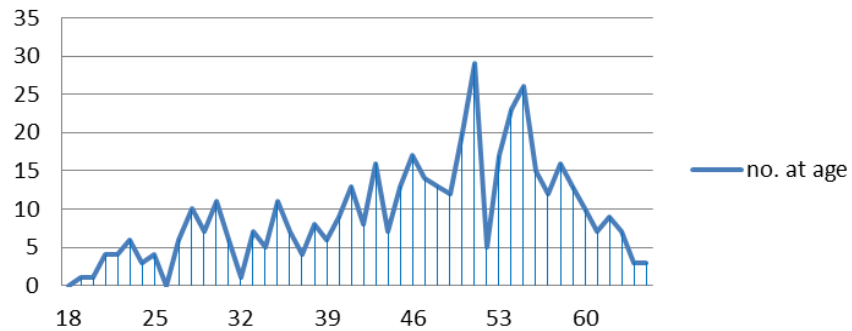
Ref	Risk Description	Likelihood Score	Impact Score	Total Score	Proximity	Mitigating Action	Target Date	Risk Owner
R1	<p>Inability to run the service within cash limit due to:</p> <ul style="list-style-type: none"> • Reduction of Sustainable Waste Management Grant. • Increasing service demands and costs. • FFP savings. • WG fines due to failure to meet targets. 	3	4	12H	2	<ul style="list-style-type: none"> • Strategic waste reserve to assist implementation of waste strategy. • MREC procurement process to provide waste treatment /disposal savings. • Pursue further funding under collaborative change programme. • Review of service delivery and production of long term cost model on completion of MREC procurement exercise • Develop route optimisation system 	Annually	AL
R2	Failure to meet biodegradable municipal waste diversion targets	2	3	6M	1	<ul style="list-style-type: none"> • The Council’s kerbside Recycle+ collection and implementation of side waste restrictions, together with the MREC/future service provider sourcing relevant outlets. • Measures to minimise residual trade waste. 	Ongoing	AL

Ref	Risk Description	Likelihood Score	Impact Score	Total Score	Proximity	Mitigating Action	Target Date	Risk Owner
R3	Materials Recovery & Energy Centre/waste disposal, (cost risk – FFP).	3	4	12 H	1	<ul style="list-style-type: none"> • The provision of a new service contract which will include a lower gate fee that will reduce waste treatment costs. • Regional working with respect to long term waste treatment arrangements. 	2016	MR /AL
R4	Failure to provide business continuity due to workforce resistance to change.	2	4	8M	1	<ul style="list-style-type: none"> • Continue to work closely with Trade Unions to implement changes • Continue Management of Change process with respect to bank holidays 	Ongoing	AL

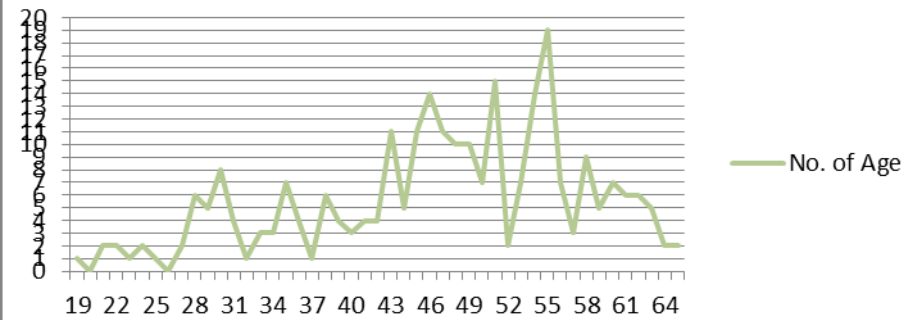
**Percentage of Staff per Age Group
Streetcare Overall**

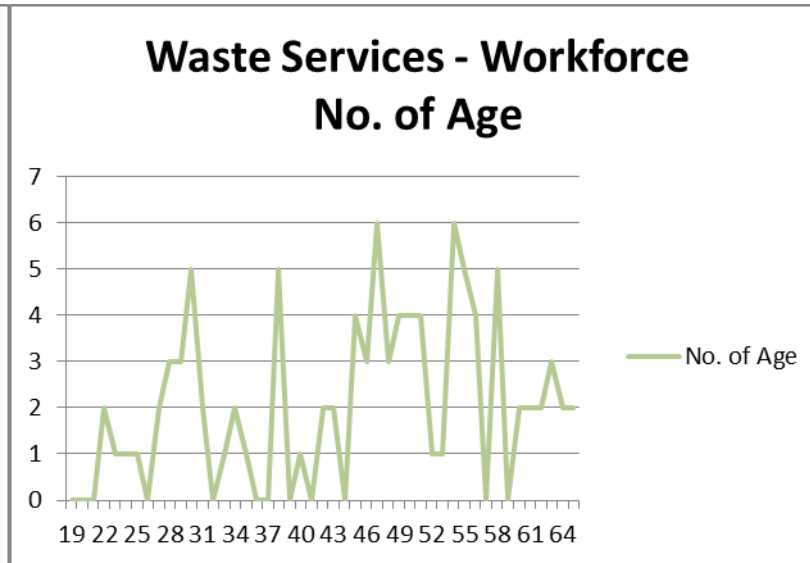
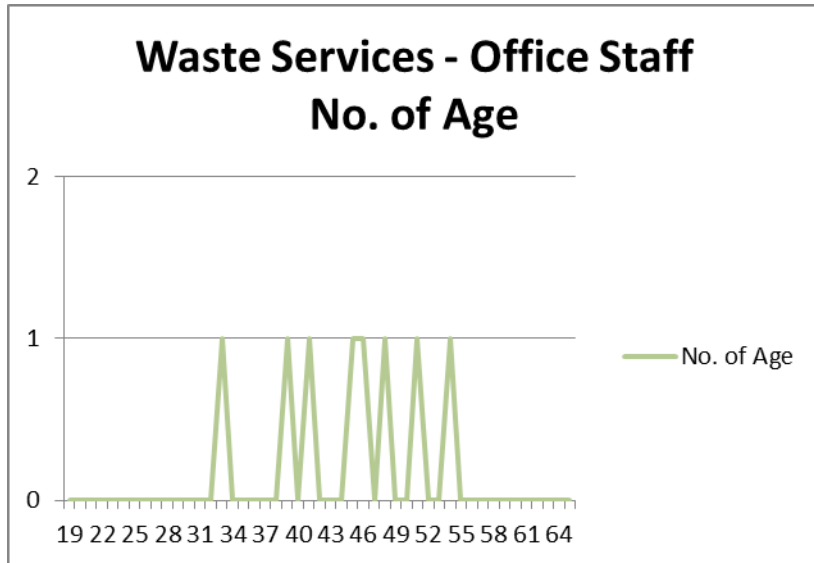
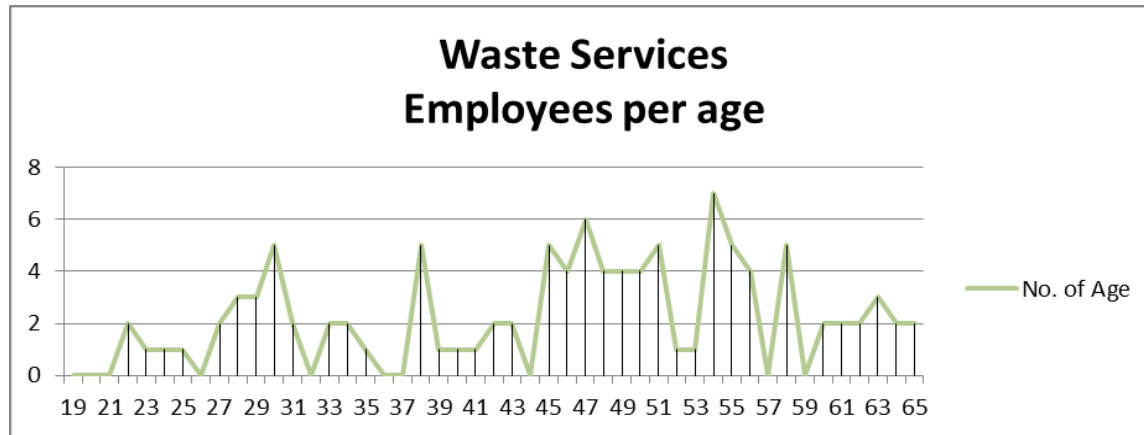


**Streetcare
no. at age**



**Waste and Neighbourhood Services
Employees per age**





Priority 1 – Complete roll out new kerb sort vehicles from WG grant (Phase II)			
Action	Responsible Officer	Timescale	Evidence
Complete roll out of vehicles and associated equipment to an additional 20,000 properties	NW	April 2016	20,000 additional properties on the Recycle+ scheme.
Priority 2 – Complete Phase III roll out of Recycle+ across the County Borough			
Action	Responsible Officer	Timescale	Evidence
Bid for CCP grant funding for Recycle+ equipment and 2 small vehicles	AL	April 2016	Feedback from WG on how successful the application has been
Order 6 new Romaquip vehicles to complete the main roll out of Recycle+ as part of vehicle renewal	AL	June 2016	Delivery of new vehicles by December 2016
Complete roll out of Recycle+	NW	January 2017	All households in county borough on Recycle+
Priority 3 – Introduce side waste policy			
Action	Responsible Officer	Timescale	Evidence
Identify enforcement and associated resource requirements.	LC	June 2016	Number of notices issued
Develop a communication plan	AH	May 2016	Communication plan produced
Advertise second stage restrictions.	AH	June 2017	Communication plan produced
Implement plan and manage expectations of employees	NW	June onwards	Systems coping with demand
Implement plan and manage expectations of the public	AH	June onwards	Number of exemption applications received : number of applications approved
Review implementation and progress mid year.	AH	November 2016	

Priority 4 – Complete MREC Procurement			
Action	Responsible Officer	Timescale	Evidence
Continue to work with legal, procurement and Bridgend CBC to appoint new contractor.	AL / MJ	2016	New contractor appointed
Priority 5 – Review results of Waste Composition Analysis to target specific awareness and education programmes.			
Action	Responsible Officer	Timescale	Evidence
Identify key recycle within residual waste streams	AH	June 2016	Compositional analysis report
Develop educational / marketing programme targeting key recycle	AH	October 2016	Education / marketing programme produced, linked to side waste restriction awareness raising
Priority 6 – Investigate opportunities to provide more services on-line			
Action	Responsible Officer	Timescale	Evidence
Develop a programme of which services may be provided online and feed into Programme Board for prioritisation	AL / AH	June 2016	Programme produced
Priority 7 – Complete route optimisation exercise			
Action	Responsible Officer	Timescale	Evidence
Work with Network Management to further develop the work carried out during 2015/16. Complete with final roll-out of Recycle+	NW / MJ	February 2017	System available to optimise routes Documented changes in routes

			Improvement in average number of properties per day per round and/or reduction in overtime
Priority 8 – Review green garden waste collections			
Action	Responsible Officer	Timescale	Evidence
Review the method of green waste collection along with the advantages/disadvantages of charging for collection as suggested in Welsh Government ‘Collection Blueprint’	AH	July 2016	A report has been considered by Members
Priority 9 – Maintain high standards of health and safety at work			
Action	Responsible Officer	Timescale	Evidence
Review existing supervision and monitoring arrangements	AL	June 2016	Improved supervision and monitoring arrangements in place to address recent HSE intervention
Ensure that all Risk Assessments are appropriate to the tasks	NW	October 2016	All risk assessments reviewed
Ensure that all Health and Safety associated training is reviewed and updated where necessary	NW	January 2017	Health and Safety training updated
Priority 10 – To deliver the savings allocated within the Council’s Forward Financial Plan and contain overall expenditure within the cash limits set for the service			
Action	Responsible Officer	Timescale	Evidence
Review and implement relevant FFP savings	AL	Ongoing through year	FFP savings achieved

Priority 11 – To maximise attendance at work, minimise sickness absence and improve business continuity			
Action	Responsible Officer	Timescale	Evidence
Continue to work with HR officers and Trade Unions to maximise attendance in work	ML	Ongoing through year	Lower days lost to sickness
Continue to use relevant policies to deal with employees who fail to manage their sickness	AL	Ongoing through year	Number of employees on various warning stages or dismissed
Consult with the Trade Unions and consider changes to workforce terms and condition concerning bank holiday working under the Council's Management of Change Policy	AL	Summer 2018	Business case for change. Records of consultations If appropriate, records of changes to terms and conditions
Priority 12 – To ensure performance management arrangements on the Service are effective and in line with the Council's Corporate framework, including the completion of Appraisals/Development Reviews			
Action	Responsible Officer	Timescale	Evidence
Implement the new corporate Performance Appraisal process	NW	November 2016	All employees within the section having a recorded PDR, which may be on a team basis for front line service crews

Priority Measures Table:

Appendix 5

Priority Measures (2016-2017)	2014-2015 Performance (if available)	2015-2016 Performance (if available)	2016-2017 Performance Outlook
<p>PM1 – Achieve statutory targets set by the Welsh Government as follows:</p> <p>The percentage of municipal waste collected by local authorities and prepared for reuse and/or recycled, including source segregated bio wastes that are composted or treated biologically in another way. (Combination of PM2, PM3 and PM4)</p>	58.10%	58.01%	Improve: The continued implementation of the waste strategy throughout the year is expected to deliver an increase in recycling collected. A review of progress towards the 64% target in 2019/20 will be programmed for Autumn 2017.
<p>PM2 – The percentage of local authority collected municipal waste recycled, broken down as follows:</p> <p>a) Incinerator Bottom Ash recycling rate</p> <p>b) Kerbside dry recycling rate</p> <p>c) Household Waste Recycling Centres dry recycling rate</p>	38.47%	37.68%	Improve: Further work with MREC contractors should improve bottom ash percentages which has varied with the outlets being used for refuse derived fuel.
	3.47%	1.97%	
	16.45%	16.40%	The completion of Recycle + and side waste restriction are expected to increase recycling rates.
	18.60%	19.31%	
<p>PM3 – The percentage of local authority collected municipal waste, collected as source segregated bio-wastes and composted or treated biologically in another way</p>	19.34%	19.88%	Improve: Targeted campaigns on food waste should increase this percentage.
<p>PM4 – The percentage of local authority collected municipal waste prepared for reuse</p>	0.29%	0.45%	Maintain: It is expected that this level will soon stabilise with little increase.
<p>PM5 – The percentage of municipal waste sent to landfill</p>	11.10%	14.10%	Maintain: Similar percentage expected.
<p>PM6 – The percentage of municipal waste used to</p>	32.40%	29.20%	Maintain: Similar percentage expected

Priority Measures (2016-2017)	2014-2015 Performance (if available)	2015-2016 Performance (if available)	2016-2017 Performance Outlook
recover heat and power			
PM7 – Number of complaints concerning missed collections per 100,000 collections	103.92	82.31	Improve: Continued reduction expected on completion of change programme and route optimisation
PM8 – Average number of days waiting time for bulky item collection	12.20	14.22	Improve: Reduce to previous level
PM9 – Total number of bulk collections	6,660	5,703	Monitor
PM10 – Total number of hygiene collections	378	386	Monitor
PM11 – Cost of entire service per household [NB: Only 24% of stated cost is met from Council Tax]	£119.03	£123.00	Maintain

Mandatory Corporate Measures Table

Mandatory Measures (2016-2017)	2014-2015 Performance (if available)	2015-2016 Performance (if available)	2016-2017 Performance Outlook
CM01 Number of transactional services: a) Fully web enabled b) Partially Web enabled	N/A N/A	4 0	Improve: 5 1
CM02 % of revenue expenditure within budget	100%	100%	Monitor – Increasing statutory requirement and cuts to the ESD Grant are putting pressures on the service budget.
CM03 % (amount) of FFP savings at risk	N/A	HWRC related savings were delayed	Monitor: Dependent on Waste Services procurement outcome and impact of side waste restriction. Up to circa 1/3 rd of some £350k in savings is considered at risk.
CM04 Average FTE (full time equivalent) days lost due to sickness	N/A	15	Improve:
CM05 % (no.) of staff performance appraisals to be completed during 2016-2017	N/A	90% (where team briefings were acceptable as part of the review process)	Improve: 100% using the new corporate process.
CM06 No. of employees who left due to unplanned departures	N/A	6	Monitor

Mandatory Measures (2016-2017)	2014-2015 Performance (if available)	2015-2016 Performance (if available)	2016-2017 Performance Outlook
CM07 Total number of complaints: <ul style="list-style-type: none"> • Internal • External 	N/A	16	Maintain: Some complaints likely given major change programme
CM08 Total number of compliments <ul style="list-style-type: none"> • Internal • External 	N/A	4	Monitor
CM09 % (no.) of services measuring customer satisfaction	20%	20%	Increase: Generic Streetcare survey being developed to encompass a variety of services
CM10 % (no.) of service report cards to be produced by 31.03.17	N/A	100%	Maintain

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

7 July 2016

Report of the Head of Streetcare

M. Roberts

Matter for Decision

Wards Affected: All

Operational Business Plan for Neighbourhood Services 2016/17

Purpose of Report

- 1 To seek Member approval for the Operational Business Plan for Neighbourhood Services

Executive Summary

- 2 Operational Business Plans contribute to service improvement by setting out service specific issues and priorities for the next 12 months, along with how they will be addressed.

Background

- 3 Every Division/Business Unit within the Authority is required to complete an OBP for each financial year outlining, amongst other issues, the following:-
 - Performance against last year's Action Plan and Targets
 - The actions and targets for the 12 months from April 2016 to March 2017

Financial Impact

- 4 There are no financial impacts associated with this report

Equality Impact Assessment

- 5 No specific Equalities Impact Screening or Assessment has been undertaken in respect of this Business Plan as any related savings required under the forward Financial Plan or service changes needed to deliver the action plan have or will be subject to specific decision reports as required which will address equalities and other issues.

Workforce Impact

- 6 There are no workforce impacts associated with this report

Legal Impact

- 7 There are no legal impacts associated with this report

Risk Management

- 8 In line with Corporate requirements, risks to the service are identified and addressed where relevant in the Action Plan

Consultation

- 9 Employees within the individual services and external customers where relevant have been consulted in the development of the Action Plan

Recommendation

- 10 It is recommended that the Cabinet Board endorses the Neighbourhood Services Operational Business Plan for 2016/17

Reason for Proposed Decision

- 11 To implement the Council's Performance Management Framework

Implementation of Decision

- 12 The decision is proposed for implementation after the three day call in period.

Appendices

13 Neighbourhood Services Operational Business Plan for 2016/17

List of Background Papers

14 None

Officer Contact

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Neath Port Talbot County Borough Council

Environment Directorate

Business Plan 2016 / 2017

For

Neighbourhood Services

Prepared by the

**Waste & Neighbourhood Services Manager
and
Head of Service, Streetcare Division.**

Sponsors

Councillor Edward Latham
Cabinet Member for Environment

Councillor Mrs. Sandra Miller
Cabinet Member for Streetcare and Highways

Section 1 – Introduction

Neighbourhood Services forms part of the Waste and Neighbourhood Services Section within Streetcare Services and details of the staffing structure are shown as Appendix 1. In summary there are currently 131.5 employees within the Neighbourhood Service, supplemented with seasonal employees during busy periods, working from the Service Response Centre at the Quays in Briton Ferry, Tawe Terrace Depot in Pontardawe, and various satellite parks and cemeteries throughout the county borough.

The service is responsible for the following:

- Dog Warden and Pest Control Service.
- Waste Enforcement.
- Maintenance of Cycle-ways.
- Maintenance of School Grounds (*where contracted*).
- Maintenance of sports fields and bowling greens (*where contracted*).
- Tree maintenance service.
- Supporting community/volunteer groups.
- Grass cutting and verge maintenance.
- Maintenance of bus shelters and street furniture
- Cleaning of streets including the removal of fly tipping, graffiti removal etc.
- Weed spraying and weed removal.
- Pot hole repairs (in conjunction with the Highways and Drainage Service).
- Maintenance and strategy of Council owned Country Parks, Cemeteries, Ornamental Parks, Playgrounds, Allotments, Canals, Skateboard ramps.

The budget for 2016/17 is broken down as follows:

Parks & Playing Fields	1,658,534
Gnoll Country Park	63,206
Cemeteries	343,658
Education	88,213
Neath Canal	68,079
Other Country Parks	0
Margam Crematorium	44,855
Community Councils	29,487
Highways	1,520,151
Misc	145,985
Refuse	227,468
Street Cleansing	1,838,037
Other Environment Income	284,396

Dog & Litter Wardens	257,079
Street Furniture	28,886
Bus Shelters	37,314
Pest Control	70,039
Environmental Improvements	429,000
Total	<u><u>7,134,387</u></u>

Efficiency Savings	2006 2007	361,000
	2007 2008	418,000
	2008 2009	207,000
	2009 2010	297,000
	2010 2011	272,250
	2011 2012	191,857
	2012 2013	183,277
	2013 2014	109,500
	2014 2015	774,000
	2015 2016	532,000
	2016 2017	368,599

Total 11 year base budget savings 3,714,483

Section 2 – Priorities

Progress with achieving the priorities in 2015/16

Progress with achieving the priorities set last year was as follows:

- Delivered savings allocated within the Council’s Forward Financial Plan.
- Continued work to minimise sickness absence in line with Corporate Sickness Management Policy.
- Changed vehicle design for many crews using heavy plant to eliminate the need for trailers and the associated employee training
- Whilst losing the grounds maintenance of some schools to the private sector, many schools have returned to ourselves to provide the service
- Cemetery memorial inspections have only been carried out on those affecting service delivery
- Continued to work with friends groups at the Gnoll to improve tree planting schemes
- Maintained environmental standards as measured by the LEAMS index within the context of the budget reductions

Priorities to be delivered in 2016/17

The most important things for the service to achieve are to:

- Strive to maintain environmental standards within the context of budget reductions.
- To deliver the savings allocated within the Council's Forward Financial Plan and contain overall expenditure within the cash limits set for the service.
- To maximise attendance at work and minimise sickness absence.
- To ensure performance management arrangements on the service are effective and in line with the Council's Corporate framework, including the completion of Appraisals/Development Reviews.
- Review the Cemeteries Service and look at efficiencies of working with other sections
- Maintain high standards of Health and Safety at Work.
- Deliver the additional funding allocated to the service to achieve maximum impact
- Improve sustainability at the Gnoll Park.
- Identify and prioritise services which may be web enabled.

Why are these priorities?

Through focusing on these priorities we aim to play a key role in ensuring Neath Port Talbot is a place where people want to live, work and visit. Specifically, they flow from the following corporate improvement priorities:

- Priority 4, Prosperity for All, so that Neighbourhood Services is providing a role where the county borough is presented as a clean, safe and tidy place to live, visit or invest in.
- Priority 6, Digital by Choice, to improve service access and efficiency

The set priorities are also needed to:

- Fulfil the requirements of the Council's adopted Forward Financial Plan
- Take forward the outcome of the corporate reviews of Performance Management and Sickness Management
- Ensure business continuity and resilience

- Continue maximising efficiency and value for money.
- Help deliver ‘what matters’ to our customers, as identified by survey results
- Ensure long term sustainability of the service.
- To meet legislative requirements such as the Well-Being of Future Generations Act

What is our approach to achieving these priorities?

Our approach to delivering these priorities is to undertake our work via a mixed economy of in-house and external service delivery as provides best value to the Council and our customers.

Actions and Measures

See Appendices

Section 3 – Risk Management

To assess what risks the service faces and identify how any risks will be managed an annual risk assessment is undertaken. The risk assessment for the Neighbourhood Service is given in Appendix 2 below.

Section 4 - Workforce Planning

Graphs showing some details of the employee profile are shown in Appendix 3.

Shorter term observations

Neighbourhood Services has faced substantial budget reductions over recent years. These reductions have resulted in the service now managing at reduced staffing levels which is beginning to reflect on the ability to maintain high standards of service provision, particularly in respect of street cleanliness and weeds.

Continued development of the workforce is required to ensure that the service is not compromised which includes any technology or legislation changes. To assist service delivery the workforce is actively encouraged to work flexibly.

Workforce turnover is minimal with little opportunity of employing young persons with new skills.

Longer term observations

There will be a need to continue to ensure expert leadership and technical skills are in place to ensure the council's neighbourhood services requirements are met going forward in the face of continuous legislative demands.

The current training matrix needs to be maintained and complemented with an apprentice and graduate training programme to supplement operational and technical experts that have been, and will be, lost to retirement. These additional programmes would need to be resourced as part of succession planning.

Section 5 – Property consequences of the adopted priorities

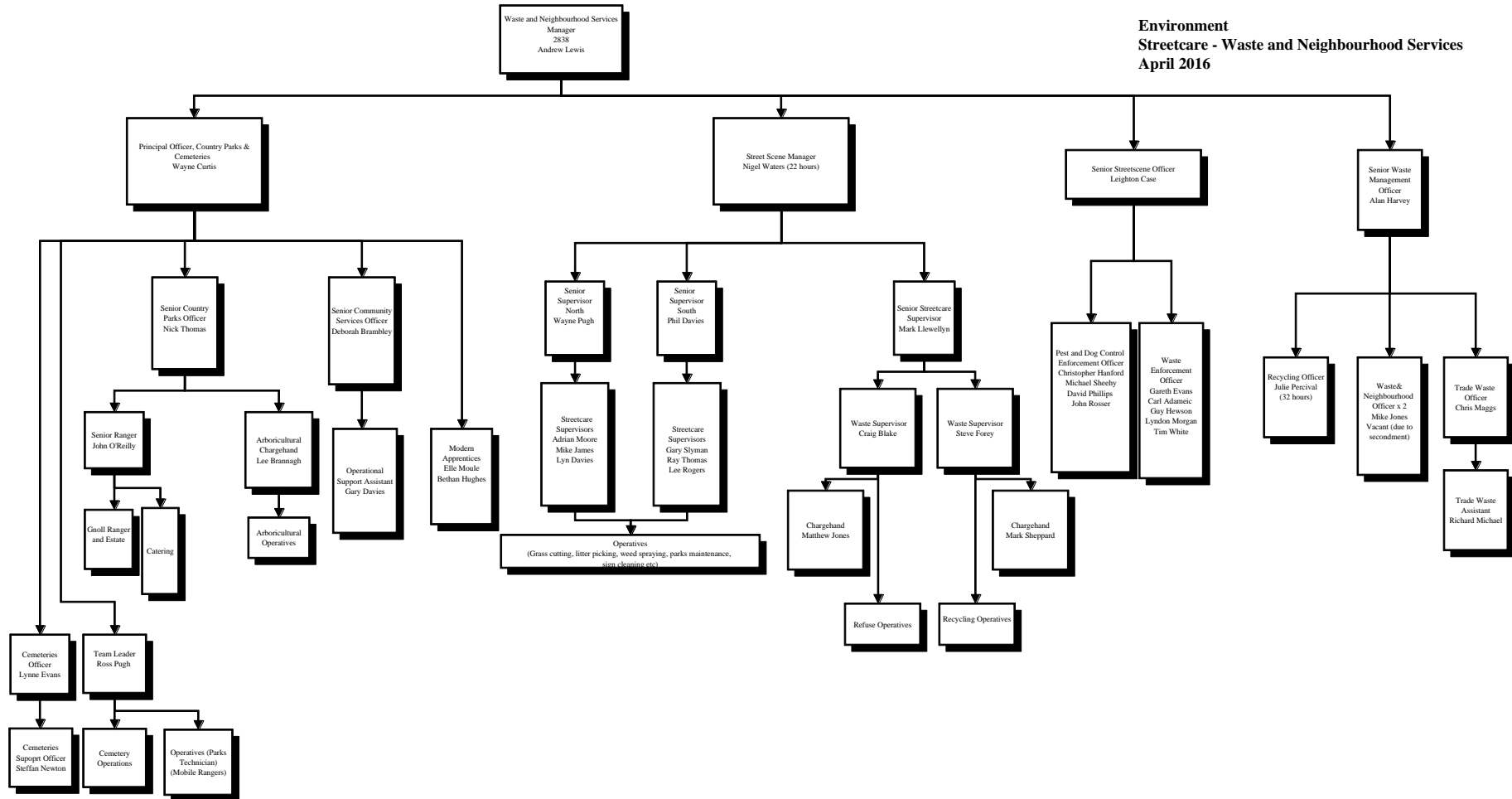
The waste service operates from The Quays and the Service Response Centre. In addition to the above, Tawe Terrace is utilised as a base for the Lliw Valley.

Property Table:

<u>Property Name</u>	<u>Required Change</u>	<u>Why</u>	<u>Impact</u>
The Quays	None	All service needs satisfied	No impact
Service Response Centre	None	All service needs satisfied	No impact
Tawe Terrace	None	All service needs satisfied	No impact
Cemetery Mess and Storage Facilities	None	All service needs satisfied	No impact
Park Mess and Storage Facilities	None	All service needs satisfied	No impact
Gnoll Country Park Visitor Centre	<ul style="list-style-type: none">•Ability to access Wi-Fi and TV signal in conference and café areas•Investigate sustainable micro generation opportunities	<p>To encourage more use of conference and cafe facilities.</p> <p>To provide sustainable power sources.</p>	<p>Income generation</p> <p>Lower utility costs and increased sustainability.</p>

Staffing Structure

Appendix 1

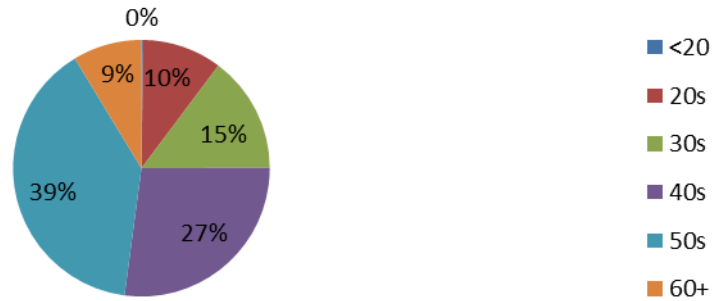


Risk Management Table:

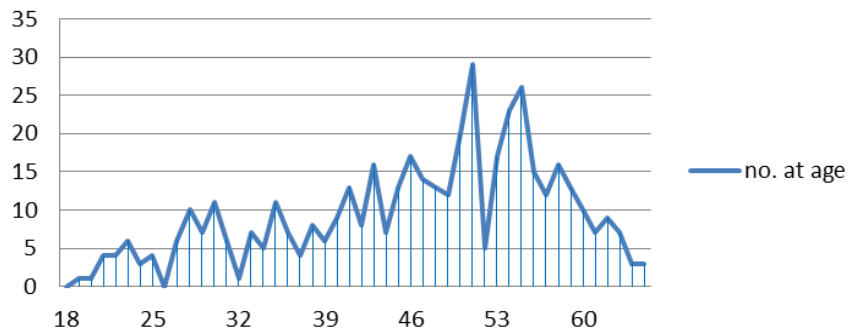
Appendix 2

Ref	Risk Description	Likelihood Score	Impact Score	Total Score	Proximity	Mitigating Action	Target Date	Risk Owner
R1	Inability to provide high quality services within cash limit <ul style="list-style-type: none"> • Reduction of employees. • Increasing service demands and costs. • FFP savings. 	2	4	8 M	2	<ul style="list-style-type: none"> • Be innovative in how the services are provided. • Identify key service budget pressures. • Increase income levels from non NPT sources. 	Annually	AL
R2	High levels of sickness	2	3	6 M	1	Continue to work with Personnel, Occupational Health and the Trade Unions to implement sickness policies	Ongoing	AL
R3	Failure to maintain high level of enforcement activity.	3	4	12 H	1	<ul style="list-style-type: none"> • Continue to identify external funding opportunities. • Identify work area as a future service pressure • Seek resource to enforce new side waste policy 	2016	AL
R4	Failure to improve public perception of dog fouling.	2	3	6 M	1	Trial enforcement powers with Beach Co-ordinator	June 2016	AL

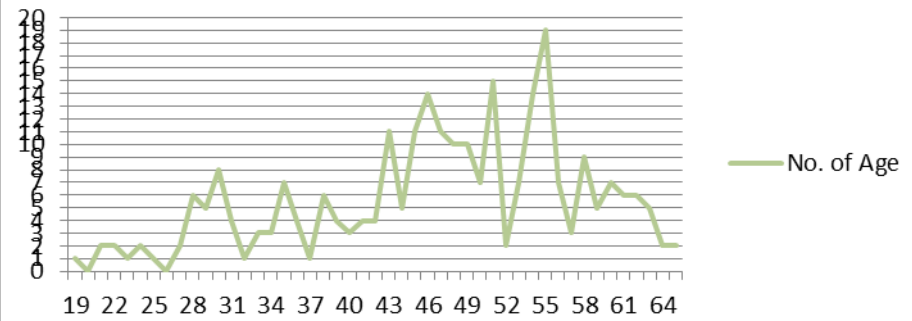
**Percentage of Staff per Age Group
Streetcare Overall**



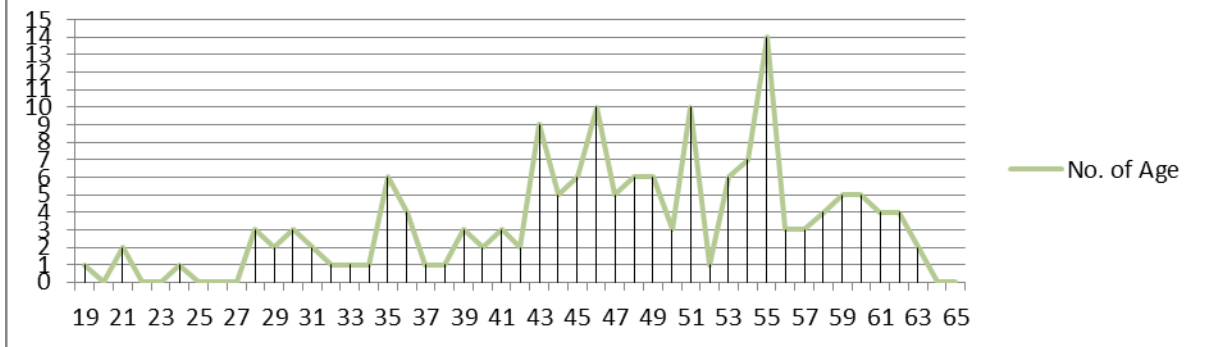
**Streetcare
no. at age**



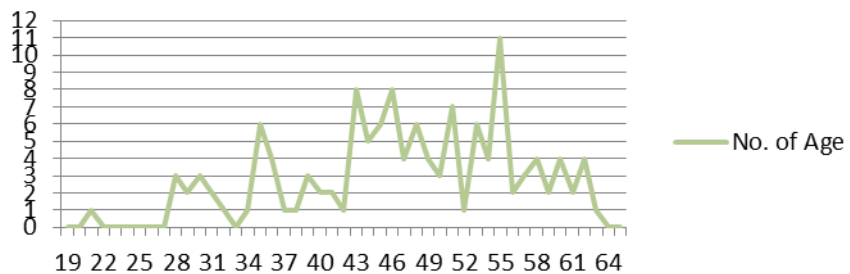
**Waste and Neighbourhood Services
Employees per age**



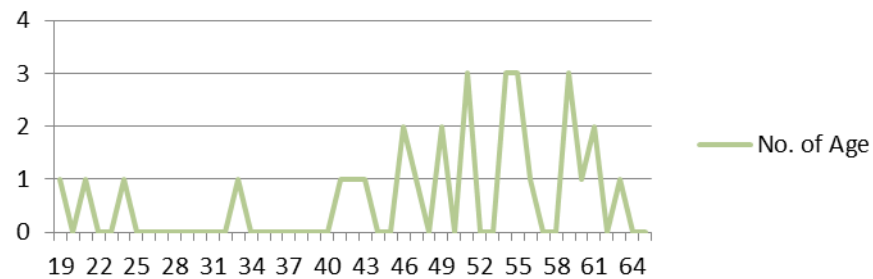
Neighbourhood Services Employees per age



Neighbourhood Services - Workforce No. of Age



Neighbourhood Services - Office Staff No. of Age



Priorities / Actions / Outcomes Table:

Appendix 4

<p>• Priority 1 – Strive to maintain environmental standards within the context of budget reductions.</p>			
Action	Responsible Officer	Timescale	Evidence
Monitor feedback received via call centre and mail	AL	Ongoing	Repeat service requests
Carry out site visits to monitor service standards	AL	Ongoing	Visual
Identify new demand for regeneration schemes	AL	December 2016	Report produced
Review operational rounds – on periodic basis (sweeping rounds for 2016)	NW	March 2017	New rounds introduced
<p>• Priority 2 – To deliver the savings allocated within the Council’s Forward Financial Plan and contain overall expenditure within the cash limits set for the service.</p>			
Action	Responsible Officer	Timescale	Evidence
Work with communities/organisations to manage facilities. <ul style="list-style-type: none"> • Bowls pavilions • Country Parks 	NW WC	2016	Facilities transferred to community groups or declared surplus with Estates.
Procure skip and welding services.	AL	April 2016	Contracts in place.
<p>• Priority 3 – To maximise attendance at work and minimise sickness absence.</p>			
Action	Responsible Officer	Timescale	Evidence
Monitor sickness levels and conduct interventions where necessary in line with Corporate Policy and Procedures	Line managers	Ongoing	Number of employees on various warning stages or dismissed.

<ul style="list-style-type: none"> • Priority 4 – To ensure performance management arrangements on the Service are effective and in line with the Council’s Corporate framework, including the completion of Personal Development Reviews. 			
Action	Responsible Officer	Timescale	Evidence
Implement the new corporate Performance Appraisal process	AL & Line Manager	November 2016	All employees within the section having a recorded PDR
<ul style="list-style-type: none"> • Priority 5 – Review the Cemeteries service and look at efficiencies of working with other sections 			
Action	Responsible Officer	Timescale	Evidence
Investigate the feasibility and options of combining the cemetery and crematorium services into one Bereavement Service.	WC	2016	Report produced identifying options.
<ul style="list-style-type: none"> • Priority 6 – Maintain high standards of Health and Safety at Work. 			
Action	Responsible Officer	Timescale	Evidence
Ensure that all Risk Assessments are appropriate to the tasks	NW	December 2016	All risk assessments reviewed
Ensure that there is adequate supervision	NW	July 2016	Training needs reviewed
Ensure that all Health and Safety associated training is reviewed and updated where necessary	NW	January 2017	Health and Safety training updated
<ul style="list-style-type: none"> • Priority 7 – Deliver the additional funding allocated to the service to achieve maximum impact 			
Action	Responsible Officer	Timescale	Evidence
Develop action plan to deliver the associated works <ul style="list-style-type: none"> • Two additional winter ‘Hit Squads’ • Earlier engagement of seasonal staff • Staffing of the ‘Grimebuster’ over the autumn/winter • Improve flower beds • Replacement tree planting at the Gnoll 	AL	April 2016	Action plan produced

<ul style="list-style-type: none"> • Painting of railings etc • Knotweed and weed hotspot team • Chewing gum removal in town centres • Recycling equipment for phase 3 			
Priority 7 – Improve sustainability at the Gnoll Park			
Identify alternative micro generation options	WC	November 2016	Costed report produced
Investigate letting the office space within the Visitor Centre	WC	October 2016	Report produced
Investigate feasibility of kick football alongside the golf course	WC	October 2016	Report produced
• Priority 9 – Identify and prioritise services which may be web enabled			
Action	Responsible Officer	Timescale	Evidence
Work with Corporate Services to identify and prioritise which services are made web enabled.	WC	Ongoing	Additional services becoming web enabled

Priority Measures Table:

Appendix 5

Priority Measures (2016-2017)	2014-2015 Performance (if available)	2015-2016 Performance (if available)	2016-2017 Performance Outlook
PM1 – Environmental standards (LEAMS index)	67.7	67.1	Maintain similar levels within the context of budget reductions
PM2 – Welsh Government Indicators			Cleanliness indicators are a snapshot in time, however it is anticipated that standards will not decline this year.
The cleanliness Indicator	70.6	70.5	
The percentage of highways and relevant land inspected of a high or acceptable standard of cleanliness.	98.80%	93.57%	The fly-tipping indicator is under review by the Welsh Government and is likely to be deleted as it does not represent a true reflection of how fly-tipping is dealt with.
Percentage of fly tips removed within 5 working days	72.06%	67.67%	
PM3 – Total number of fly-tipping incidents reported	1,242	1,225	Similar numbers expected
PM4 – Total number of fly tipping incidents removed by Neighbourhood Services	N/A	923	Linked to above
PM5 – Number of fixed penalty notices issued for littering	315	276	Similar numbers expected
PM6 – Number of fixed penalty notices issued for dog fouling	50	34	Looking for an increase if trial on seafront is successful (Coordinator given enforcement powers)
PM7 – Cost of Neighbourhood Services per household	£124.61	£108.45	Maintain

Mandatory Corporate Measures Table

Mandatory Measures (2016-2017)	2014-2015 Performance (if available)	2015-2016 Performance (if available)	2016-2017 Performance Outlook
CM01 Number of transactional services: a) Fully web enabled b) Partially Web enabled	N/A N/A	4 0	Improve to 10
CM02 % of revenue expenditure within budget	100%	100%	Maintain
CM03 % (amount) of FFP savings at risk	NIL	NIL	Maintain: Although savings in relation to the canal to be reviewed
CM04 Average FTE (full time equivalent) days lost due to sickness	N/A	14.4	Reduce
CM05 % (no.) of staff performance appraisals to be completed during 2016-2017	N/A	90% (where team briefings were acceptable as part of the review process)	Maintain: 90% completion using the new corporate process
CM06 No. of employees who left due to unplanned departures	N/A	1	Monitor
CM07 Total number of complaints: <ul style="list-style-type: none"> • Internal • External 		2	Improve
CM08 Total number of compliments <ul style="list-style-type: none"> • Internal • External 		3	Monitor

Mandatory Measures (2016-2017)	2014-2015 Performance (if available)	2015-2016 Performance (if available)	2016-2017 Performance Outlook
CM09 % (no.) of services measuring customer satisfaction	-	-	Generic Streetcare survey being developed to encompass a variety of services
CM10 % (no.) of service report cards to be produced by 31.03.17	N/A	100%	Maintain

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2016/2017 FORWARD WORK PLAN (DRAFT)

ENVIRONMENT AND HIGHWAYS CABINET BOARD

Meeting Date and Time	Agenda Items	Type (Decision, Monitoring or Information)	Rotation (Topical, ,Annual, Biannual, Quarterly, Monthly)	Contact
1st Sept 2016	Quarterly Performance Monitoring (Q1)	Monitor	Quarterly	All
	Highway & Drainage Services Business Plan	Decision	Annual	MR
	Lighting Services Business Plan	Decision	Annual	MR
	Building Services Business Plan	Decision	Annual	MR

Meeting Date and Time	Agenda Items	Type (Decision, Monitoring or Information)	Rotation (Topical, ,Annual, Biannual, Quarterly, Monthly)	Contact
24th Nov 2016	Quarterly Performance Monitoring (Q2)	Monitor	Quarterly	All

Environment and Highways Cabinet Board – Forward Work Programme (DRAFT)

Meeting Date and Time	Agenda Items	Type (Decision, Monitoring or Information)	Rotation (Topical, Annual, Biannual, Quarterly, Monthly)	Contact
16 th Feb 2017	Quarterly Performance Monitoring (Q3)	Monitor	Quarterly	All