

ENVIRONMENT AND HIGHWAYS CABINET BOARD

***Immediately Following Scrutiny Committee on
THURSDAY, 5 JANUARY, 2017***

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 24 November, 2016 *(Pages 3 - 10)*

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

4. Enforced Sale Policy *(Pages 11 - 24)*
5. Environmental Health and Trading Standards - Food and Feed *(Pages 25 - 78)*

To receive the Report of the Head of Engineering and Transport

6. Bus Services Support Grant Agreement *(Pages 79 - 100)*
7. Traffic Orders, Maes yr Haf, Neath *(Pages 101 - 106)*
8. Traffic Orders, Mary Street and Heol y Waun, Seven Sisters *(Pages 107 - 112)*
9. Traffic Orders, Junction of Francis Street with Ynysderw Road, Pontardawe *(Pages 113 - 122)*

10. Traffic Orders, Geoffrey Street, Neath (*Pages 123 - 126*)
11. Traffic Orders, Junction of Kenway Avenue with Cimla Road, Neath (*Pages 127 - 134*)
12. Traffic Orders, High Street, New Street and Lancaster Close, Glynneath (*Pages 135 - 140*)
13. Traffic Orders, Various Individual Disabled Parking Places (*Pages 141 - 146*)
14. List of Approved Contractors (*Pages 147 - 154*)
15. **To receive the Forward Work Programme 2016/17** (*Pages 155 - 156*)
16. 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

Tuesday, 20 December, 2017

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).*

EXECUTIVE DECISION RECORD

CABINET BOARD - 24 NOVEMBER, 2016

ENVIRONMENT AND HIGHWAYS CABINET BOARD

Cabinet Board Members:

Councillors: E.V.Latham (Chairperson) and A.J.Taylor

Officers in Attendance:

D.Griffiths, M.Roberts, A.Lewis 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 13 OCTOBER, 2016**

Noted by the Committee.

3. **QUARTER 2 PERFORMANCE MONITORING**

Scrutiny Committee and Cabinet Board Members agreed that there was no further need to monitor PI Number 27 (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).

Decision:

That the monitoring report be noted.

4. **ALLEGED PUBLIC FOOTPATH HERBERT STREET TO HIGH STREET - COMMUNITY OF PONTARDAWE**

Decision:

That the application to register the route A-B-C (from Herbert Street to High Street in the Community of Pontardawe) as a public footpath, be refused.

Reasons for Decision:

1. The precise line of the claimed path A-B according to the evidence been periodically obstructed by cars;
2. The length B-C cannot be considered as a separate public right of way, as it does not connect to another public highway at point B and no one has said they return to point C on having reached point B.

Implementation of Decision:

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

Consultation:

This item has been subject to external consultation.

5. **ALLEGED PUBLIC FOOTPATHS - COMMUNITY OF NEATH**

Members noted that Decision 7 should read 'Rookwood Close' instead of 'Rook Close'.

Decisions:

1. **B-C-G-H-J-K-N-O-S-B (The Circular Route)**
That a Modification Order be made to include the length of footpath B-C-G-H-J-K-N-O-S-B to the Definitive Map and Statement, and should no objections be received to confirm the same as an unopposed order.

2. A-B
That a Modification Order be made to include the length of footpath A-B to the Definitive Map and Statement, and should no objections be received to confirm the same as an unopposed order.
3. K-L-M (Link to The Meadows)
That a Modification Order be made to add the length of path between points K-L-M to the Definitive Map and Statement, and should no objections be received to confirm the same as an unopposed order.
4. O-P and N-P (Link to Woodview)
That a Modification Order be made to add the two paths O-P and N-P to the Definitive Map and statement and should no objections be received to confirm the same as an unopposed order.
5. C-D-F-T (Link to Gnoll Drive and Gnoll Avenue via Memorial Gates)
That a Modification Order be made to add the path C-D-F-T as a public footpath only, to the Definitive Map and Statement, and should no objections be received to confirm the same as an unopposed order.
6. C-U (Gnoll to Cimla Crescent)
That no Modification Order be made regarding the length C-U.
7. D-E (Link to Rookwood Close and Cimla Road)
That no Modification Order be made regarding the length D-E.
8. Q-R and Q-S (Link from Castle Road)
That no Modification Order be made for either of the paths Q-R nor Q-S.

Reason for Decisions:

The reasons for each decision are detailed within the circulated report.

Implementation of Decisions:

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

Consultation:

This item has been subject to external consultation.

6. **TRAFFIC ORDER - PORT TALBOT MULTI STOREY CAR PARK**

Decision:

That the Legal Order for a No Waiting, Loading or Unloading at Any Time Order at Multi-Storey Car Park Access Road, Port Talbot (Appendix A to the circulated report) be advertised, and for the Order to be implemented subject to there being no objections.

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.

7. **PROPOSED LOADING ACCESS - RIVERSIDE ACCESS ROAD, PORT TALBOT**

Decision:

That the Legal Order for a loading area for permitted vehicles at Riverside Access Road, Port Talbot (Appendix A to the circulated report) be advertised, and for the Order to be implemented, subject to there being no objections.

Reason for Decision:

To provide a loading area for permitted vehicles and 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.

8. **TRAFFIC ORDER - PONTNEATHVAUGHAN, GLYNNEATH**

Decision:

That the Legal Order for the implementation of Prohibition of Waiting at Any Time Traffic Regulation Orders at B4242 Pontneathvaughan Road, Pontneathvaughan, Glynneath, be advertised, and for the Orders to be implemented, subject to there being no objections.

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.

9. **CHRISTMAS CAR PARKING 2016**

Members noted a verbal amendment to the circulated report, which should read ‘...from Saturday 17 December, 2016 to Monday 2 January, 2017 inclusive...’.

Decision:

That free Christmas parking in Neath, Port Talbot and Pontardawe Pay and Display Car Parks, from Saturday 17 December, 2016 to Monday 2 January, 2017 inclusive, be approved.

Reason for Decision:

To attract increased numbers of Christmas shoppers over the festive period.

Implementation of Decision:

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

10. **WELSH GOVERNMENT GRANT APPROVAL RECEIVED FROM EUROPEAN REGIONAL DEVELOPMENT FUND**

Decision:

That the report be noted.

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

Decision:

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

12. **URGENT ITEM**

Because of the need to deal now with the matter contained in Minute No. 13 below, the Chairman agreed that this could be raised at today's meeting as an urgent item pursuant to Statutory Instrument 2001 No.2290 (as amended).

Reason: Due to the time element.

13. **PORT TALBOT TRANSPORT HUB**

Decision:

That the Legal Orders for the implementation of Traffic Orders for the new road layout at the Port Talbot Transport Hub, 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 and prohibit entry to the new bus station for buses only 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.

CHAIRPERSON

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

5 January 2017

Report of the Head of Planning & Public Protection

N. Pearce

Matter for Decision

Wards Affected: *All Wards*

Environmental Health And Trading Standards Enforced Sale Policy

Purpose of Report

1. To consider the Enforced Sale Policy for Environmental Health. The Policy is presented in full in Appendix 1.
2. The report seeks endorsement of the Enforced Sale Policy and approval for implementation.

Executive Summary

3. The policy sets out a framework to use the Enforced Sale Procedure under the Law of Property Act 1925 with a view of targeting long term problematic empty properties, and to bring these properties back into use.

Background

4. Long term empty properties have a negative impact on the visual amenity of a neighbourhood and cause nuisance to adjacent occupiers. They can lead to increased fly-tipping, vandalism, arson, squatting and other anti-social behaviour.
5. The Enforced Sale Procedure is a process by which the Council brings about the sale of a privately owned house. It is used as a means to 'sell on' a long-term vacant property to a new owner, in

circumstances where the present owner is either unwilling or unable to deal with the house and its problems; or the ownership is unknown.

6. By bringing about a change in ownership, it is hoped that a new owner will be more willing and able to invest in the property, and ensure it's likely reoccupation, upkeep and proper use.

Financial Impact

7. Where there are no historic debts, some upfront costs will be required, as an Enforced Sale cannot be completed on properties where no direct action has been taken and no charges against the property exist.
8. The process requires significant investment of staff time, so properties will be selected for enforced sale using a risk rated priority scoring method.
9. Payment of certain fees will be required, e.g. land registry, property valuation and auction fees and may include other legal fees and administration costs.
10. The Council can recover from the proceeds of the sale, the original costs involved with direct action and the costs involved with the Enforced Sale process.

Equality Impact Assessment

11. 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.

Workforce Impact

12. No impact on current workforce.

Legal Impact

13. There are legal implications associated with implementing this policy, as it allows the Council to force the sale of empty private properties.
14. The Enforced Sale Procedure is recognised nationally as an effective means to deal with long term empty properties.
15. The Council's Legal Section will be involved with every Enforced Sale undertaken by Environmental Health.

Risk Management

16. Due to the anticipated poor conditions of the empty properties subject to enforced sale, there is a risk that they will not achieve the full market value of a similar property in good condition. This could lead to a claim by the owner that the property has been sold at an undervalue.
17. Reasonable care will be taken to ensure the best sale price is achieved by the Council using either an Auction Sale or Sale by Private Treaty.

Any Other Impacts

18. The process of bringing long term empty properties back into use will have a positive impact on neighbours and the community.

Consultation

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

Recommendation(s)

20. That having considered the report and the purpose of the Enforced Sale Policy, it is resolved to make the following recommendations:
 - a. The endorsement of the Enforced Sale Policy as set out in Appendix 1.

- b. The approval of the Enforced Sale Procedure by Environmental Health for immediate implementation.

Reason for Proposed Decision(s)

21. The recommendations are needed to:

- a. Ensure there is a clear policy in place to set out the framework for Enforced Sale by Environmental Health across Neath Port Talbot.
- b. Ensure there is Members support for the implementation of the Enforced Sale Procedure to deal with long term problematic empty properties.

Implementation of Decision

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

Appendices

23. Appendix 1 – Enforced Sale Policy

List of Background Papers

- 24. Empty homes: Council action to tackle empty homes, Local Government Association.
- 25. Enforced Sales Procedure: Good Practice Guide, Manchester City Council.

Officer Contact

26. Nicola Pearce, Head of Planning and Public Protection.
Tel: 01639 686680 or email n.pearce@npt.gov.uk

Mark Thomas, Environmental Health and Trading Standards Manager. Tel 01639 685612 or email m.thomas2@npt.gov.uk

Celvin Davies, Senior Environmental Health Officer. Tel 01639 685613 or email c.davies13@npt.gov.uk



Neath Port Talbot County Borough Council

Planning and Public Protection

Environmental Health

Enforced Sale Policy

1. PURPOSE

1.1 The purpose of this policy is to set out a framework for Environmental Health to use the Enforced Sale Procedure under the Law of Property Act 1925 with a view of targeting long term problematic empty properties, and to bring these properties back into use where possible.

1.2 Neath Port Talbot Borough Council recognises the importance of bringing empty properties back into use, as they can be a source of many problems.

1.3 Long term empty properties can have a negative impact on the visual amenity in the immediate neighbourhood and cause nuisance to adjacent occupiers. They can also lead to increased fly-tipping, vandalism, arson, potential squatting and other anti-social behaviour.

2. POLICY BACKGROUND

2.1 The Enforced Sales Procedure is a process by which the Council brings about the sale of a privately owned house. It is used as a means to “sell on” a long-term vacant house to a new owner, in circumstances where the present owner is either unwilling or unable to deal with the house and its problems; or the ownership is unknown.

2.2 By bringing about a change in ownership, it is hoped that a new owner will be more willing and able to invest in the property, and ensure its likely reoccupation, upkeep, and proper use.

2.3 The process of Enforced Sales is a method for the recovery of debt owing to the Council, and could be used to recover debts where the owner of a property has made no attempt to make payment.

3. IDENTIFYING AND PRIORITISING POTENTIAL PROPERTIES FOR ENFORCED SALE

3.1 The Council uses a number of methods to identify empty private properties, including Council Tax information and referrals from members of the public, local Councillors, Police, Fire and Rescue Service, Planning Enforcement, Building Control and Waste Enforcement.

3.2 Environmental Health maintain a database of empty private properties, that is regularly reviewed using a risk based assessment, to identify priority properties that are suitable for proactive Statutory Action and the Enforced Sales process.

4. PRE-ACTION TO ENFORCED SALE

4.1 When an empty property has been identified as a priority for intervention, steps will be taken to trace and contact the owner.

4.2 If an owner is identified, they will be contacted and provided with advice and a number of solutions to bring the property back into use. For example:

- We will inform the owner about the problems being caused by the property being empty, together with its impact upon the wider community.
- We will offer potential financial solutions, including the availability of Empty Homes loans or negotiate the private sale of the property.
- We will highlight the consequences of allowing the property to fall into further disrepair, including its market value depreciation and risk of enforcement action.
- We are able to inspect the property to identify if it is suitable for rental/letting, and inform the owner of the works required to bring it up to current standards.
- We can guide existing and future owners through the legal requirements of Rent Smart Wales registration and licensing.

4.3 The market value of the property should be discussed and the owner notified about any charges registered against the property. The owner will be

encouraged towards selling the property without our formal intervention at this stage. The Council is able to provide a service to the owner to facilitate the Voluntary Sale either privately, or to an interested Registered Social Landlord.

4.4 Each individual case will be assessed individually and the use of the Enforced Sales Procedure should be seen as a means of last resort. Properties will only be selected for Enforced Sales when the Council has exhausted all other reasonable options to resolve the existence of the empty property, remedy any associated problems caused by the poor condition of the property and the recovery of debt owed to the Council.

4.5 Environmental Health will liaise with other departments and agencies, particularly those with an enforcement or financial role with a view to putting pressure on the owner to deal with the property. Examples of matters to be considered include:

- Involvement of other Enforcement Authorities such as Building Control, Pest Control and Waste Enforcement, and Planning Enforcement.
- Removal of exemptions or relaxations for Council Tax payments.
- Debt Recovery processes should be actively chased.
- Involvement of mortgage lenders if appropriate.

5. SERVICE OF NOTICES & REGISTRATION OF CHARGES

5.1 Environmental Health will ensure all of the Statutory Enforcement Notices have been correctly served, and will ensure the correct notices are served in accordance with the legal procedures.

5.2 Where works in default have been undertaken to comply with a notice, and a debt is owed to the Council, checks will be made to find out if the debt is registered against the property.

5.3 Where debts are not charges registered against the property, but are personal debts the Council may be able to pursue the debt at the County Court and secure an order against the property.

6. LEGISLATIVE BASIS FOR ENFORCED SALE

6.1 The legal process for Enforced Sale is complex, and this section is provided for general information only.

6.2 There are various Acts of Parliament which allow the Council to make appropriate debts a charge against a property. These Acts give the Local Authority the power to enforce that Charge, so that the Enforced Sale Procedure under the Law of Property Act 1925 can be used to enforce the sale.

6.3 Section 7 of the Local Land Charges Act 1975, provides that a financial Local Land Charge takes effect, as if it had been created by a Deed of Charge within the meaning of the Law of Property Act 1925.

6.4 Section 101(1) of the Law of Property Act 1925, confers on a mortgagee a power of sale. An Order of the Court is not necessary as the legislation itself provides that power.

6.5 Section 87(1) of the Law of Property Act 1925, confers a right of possession. In addition, many of the statutes used by the Council, which enable works to be carried out in default, also give the Council a power of sale and a right of priority over other Charges.

6.6 The first step in pursuing the legal process for Enforced Sales is to serve a notice under Section 103 of the Law of Property Act 1925. The Council may not exercise the power of sale unless and until this Notice (requiring payment of the debt), has been given, and a default of payment has been made for 3 months after the service of the Notice.

6.7 The Council should write to the Owner requesting the Land or Charge Certificate. The Council must also write to the Owner, and any other Chargee, stating that it intends to carry out an enforced sale. If another Chargee should pay the outstanding money, this prevents the Council taking priority over their charge.

6.8 Likewise, if, at any stage prior to the actual sale of the property, the Owner should pay the outstanding debt, then Enforced Sale is no longer an option.

6.9 Once default of payment is apparent, the Council can apply to the Land Registry for registration of the Charge, claiming priority over all other Charges.

6.10 When the Charge Certificate is returned from the Land Registry, the property can be marketed for sale. Another letter will be sent to the Owner and any Chargees to warn them again that the charge is to be recovered by Enforced Sale.

7. PROCEDURE WHERE THE PROPERTY IS NOT REGISTERED

7.1 In some instances, properties may be discovered which are not registered with the Land Registry. This will increasingly be the case for older properties, particularly where no recent sales have taken place, or the property has changed ownership without proper conveyancing. The Enforced Sale Procedure can be applied to unregistered property.

8. HUMAN RIGHTS ACT 1998

8.1 Consideration of the provisions of the Human Rights Act 1998, must be taken into account by the Council. In particular, the right to respect for private and family life, home and correspondence and peaceful enjoyment of possessions. These rights need to be balanced against the general benefits and rights of neighbours and the surrounding community. For example, the need to deal with any dangerous or health risk conditions, the desire to bring a long term empty property back into use; and to reduce crime, arson, fly tipping and the negative impact of the empty property on the locality.

8.2 A statement that the intended action of the Council in exercising its power of sale is considered to be proportionate in accordance with the Act, and this should be included in the decision making document seeking authorisation to pursue an Enforced Sale.

9. RECOVERY OF COSTS

9.1 If a debt can be registered as a local land charge then that should happen after the debtor has failed to pay the bill in relation to the works completed in default.

9.2 If the statute says a debt can be enforced as a charge then you can enforce that debt whether it is registered as a local land charge or not. In most cases, it is not important on whom the notice was originally served.

9.3 It does not matter, whether the property has subsequently changed ownership. Once the charge has been established, the land continues to be subject to the charge even if it has passed to subsequent owners.

9.4 Debts are affected by the Limitation Act, in that any debts over 12 years old (generally from the date when the expense was incurred) are no longer recoverable. Thus, any attempts to recover debts through Local Land Charges or by using the Enforced Sale Procedure, are not permissible after this time has passed.

9.5 All debts owed to the Council on the property are recovered on sale. In addition, reasonable costs incurred by the Council in pursuing the sale can also be deducted. This includes all legal, surveying, marketing and administrative costs.

10. MARKETING AND SALE

10.1 Some of the processes which might normally be associated with the sale of properties are not possible when using the Enforced Sale Procedure. For example, there is no right of entry for prospective purchasers to view the property or its condition and there is no power to put up a 'For Sale' sign.

10.2 The Council has a duty to secure the best possible price for an enforced sale. Reasonable care will be taken to ensure the best sale price is achieved by the Council using either an Auction Sale or Sale by Private Treaty.

10.3 One of the intentions of the Enforced Sale Procedure is to try and change ownership of the property in a positive way. If the conditions of the property do not improve following the sale, further enforcement action will be considered and the Enforced Sales process repeated.

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

5 January 2017

Report of the Head of Planning and Public Protection

N. Pearce

Matter for Information

Wards Affected: *All Wards*

Report Title

Environmental Health And Trading Standards

Food And Feed Service Delivery Plan 2016 / 17

The Food & Feed Law Enforcement Review 2015 - 2016

Purpose of Report

1. To inform Members of the work plan for 2016 / 17 of the Authority's Food and Feed enforcement service and the review of the Food and Feed enforcement service for 2015 -16.

Executive Summary

2. This report seeks to inform Members of the work plan for the Food and Feed enforcement service for 2016 / 17 and the work the service achieved in 2015/16.

Background

3. The Food & Feed Delivery Plan 2016 -2017 is required under the Food Safety Act. It sets the scene for the enforcement function locally, whilst recognising national priorities. It sets the hierarchy of priorities for which the service is responsible, and indicates the range of interventions which are designed to maximise the health gain and public protection from the resources available.

The aims and objectives of the food and feed law enforcement service are:

- To help to maintain a safe and healthy environment in the County Borough.
 - To ensure food and feed produced or consumed within the area does not present a risk to health and to take action to prevent it entering or limiting its introduction to the food chain.
 - To ensure the effective control of feed destined for consumption by animals entering the food chain and pet animals.
 - To encourage good practices in food safety, food & feed standards and fair-trading, and to take action to discourage practices which are unfair to other traders or threaten health.
 - To enforce the relevant environmental health and trading standards legislation by means of interventions at premises in the County Borough, e.g. sampling, investigation of complaints, intelligence led investigations and surveys, malpractices and cases of food poisoning.
 - To ensure that resources are targeted where they are most effective and address areas of highest public health risk.
 - To respond to requests for advice and to seek to raise awareness of food safety and food & feed standards issues.
 - To help business owners to comply with their obligations under food & feed legislation and to take appropriate action as per the enforcement policy against those who will not.
4. The authority must carry out an annual food and feed law enforcement performance review as part of the Framework Agreement (2010) between the local Authority and the Food Standards Agency.

The framework agreement sets out the planning and delivery requirements of feed and food official controls, based on the existing statutory Codes of Practice.

The performance review considers the various requirements of “The Standard”, which include planned inspections / interventions, sampling, service requests and complaints, promotional work, training of staff and monitoring arrangements.

Financial Impact

5. None

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 Impact

7. No impact on current workforce

Legal Impact

8. None

Risk Management

9. None

Consultation

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

Recommendation(s)

11. The Food & Feed Law Service Delivery Plan 2016 - 17 and the Review of Food & Feed Law Enforcement Performance 2015 – 16 are for information.

Reason for Proposed Decision(s)

12. To inform Members of the work plan for the food and feed enforcement service for 2016 to 2017 and the Review of Food & Feed Law Enforcement Performance 2015 – 16.

Implementation of Decision

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

Appendices :-

14. Appendix 1 - *Food and Feed Service Delivery Plan 2016 / 17*
Appendix 2 – Review of Food & Feed Law Enforcement Performance 2015 – 2016.

List of Background Papers

15. None

Officer Contact

16. Nicola Pearce, Head of Planning and Public Protection.
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Mark Thomas, Environmental Health and Trading Standards Manager. Tel 01639 685612 or email m.thomas2@npt.gov.uk



Neath Port Talbot
Castell-nedd Port Talbot
County Borough Council Cyngor Bwrdeistref Sirol

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL CASTELL-NEDD PORT TALBOT

FOOD & FEED LAW ENFORCEMENT
SERVICE DELIVERY PLAN
2016-2017



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1.0 SERVICE AIMS AND OBJECTIVES

1.1 Purpose of the Service

It is the policy of Neath Port Talbot County Borough Council to strive to ensure that food and drink intended for sale for human consumption, which is produced, stored, distributed, handled or consumed within the County Borough is without risk to the health or safety of the consumer; that it is described accurately and that it bears all required labeling and information. Additionally, the plan encompasses Food law enforcement to recognise the importance of ensuring food safety from the very beginning of the food chain (at producer/farm level), through to the consumer (the farm to the fork principle).

The Food Standards Agency (FSA), as part of its national Food Safety Framework Agreement, requires all local authorities to prepare a service delivery plan which reviews the implementation of the previous plan and details the delivery of their food safety enforcement responsibilities for the following year.

The plan seeks to ensure that national priorities and standards are delivered locally and provides a balanced approach to local food safety enforcement. This is achieved by not merely directing resources towards the programmed inspection process, but also by ensuring that adequate provision is made to address food & feed complaints, food poisoning notifications and other reactive work, advice to businesses, and also the ability to follow-up on intelligence driven areas of work such as sampling, food fraud and targeted inspections.

1.2 Aims and Objectives

The aims and objectives of the food and feed law enforcement service are:

- To help to maintain a safe and healthy environment in the County Borough
- To ensure food and feed produced or consumed within the area does not present a risk to health and to take action to prevent it entering or limiting its introduction to the food chain
- To ensure the effective control of feed destined for consumption by animals entering the food chain and pet animals
- To encourage good practices in food safety, food & feed standards and fair-trading, and to take action to discourage practices which are unfair to other traders or threaten health.
- To enforce the relevant environmental health and trading standards legislation by means of interventions at premises in the County Borough, e.g. sampling, investigation of complaints, intelligence led investigations and surveys, malpractices and cases of food poisoning

- To ensure that resources are targeted where they are most effective and address areas of highest public health risk
- To respond to requests for advice and to seek to raise awareness of food safety and food & feed standards issues
- To help business owners to comply with their obligations under food & feed legislation and to take appropriate action as per the enforcement policy against those who will not.

1.3 Link to corporate objectives and plans

In delivering the food and feed law enforcement service the Food and Pest Control section and Trading Standards section will continue to promote the corporate aims and objectives of the authority and sustain the reputation of the council. In particular the service will be delivered in a manner that is sensitive to service users and citizens individual expectations.

The 2016 -17 Business Plans of the Environmental Health section and the Trading Standards section will outline the specific ways the sections own Aims and Objectives contribute and link with the Corporate Aims and Objectives. Emphasis is geared towards protecting and improving health.

A corporate performance management framework monitors performance of all services within the Council. Local performance indicators are reported on a quarterly basis.

Local and National Performance Indicators exist for these services (see Paragraph 3.1.4 below).

2.0 BACKGROUND

2.1 Profile of Neath Port Talbot

Neath Port Talbot County Borough Council is situated in South Wales. The towns of Neath, Port Talbot and Pontardawe are the largest settlements in the Borough. A number of other villages and settlements are dispersed throughout the remaining rural valley areas of the County Borough. The County Borough serves a population of approximately 139,800 (Census, 2011) and covers an area of 44,217 hectares. It is the seventh largest authority in terms of population in Wales. There are approximately 1780 food/feed premises within the County Borough (being circa 1430 food premises and circa 350 feed premises) in which food or drink and feed or drink is produced, manufactured, processed, stored or sold. (See section 3.1 for further details on type of premises etc.).

2.2 Organisational Structure

The Charts attached as appendices A, B and C illustrate the organisational Structures of the Sections.

The functions of Environmental Health and Trading Standards sit within the responsibility of the Head of Planning & Public Protection service in the Directorate of Environment.

In February 2016, Environmental Health and Trading Standards services were transferred to the Environment Directorate, this followed an earlier restructure in September 2013.

The day to day service delivery of the Food & Feed Services are overseen by the Team Leader- Food & Health Protection, and the Team Leader- Trading Standards & Animal Health respectively.

External services are provided to the section by:

- Public Health Wales (formerly the Public Health Laboratory Service, PHLS) at West Wales General Hospital, Carmarthen– for food examination (Microbiological).
- Public Analysts (Minton, Treharne & Davies Ltd and Public Analyst Scientific Services Limited) – for food & feed analysis (Non-microbiological).
- Occasional use of contracted workers (contractors / locum officers) to cover maternity and other staffing shortfalls, or emergencies.
- Food Standards Agency - for guidance and partnership working opportunities.
- Citizens Advice Consumer Service - referrals of food and feed complaints.

2.3 Scope of the Food & Feed Law Enforcement Service

The Food Hygiene service is delivered by officers of the Food Safety Section. The Food Standards and Feed functions are delivered by officers of the Trading Standards section.

These sections provide the major link between the authority (as regulator of all food & feed businesses) and businesses within the County Borough.

In addition to providing the food safety and standards functions, the service also undertakes work in the arenas of fair trading enforcement; occupational health, safety and welfare; investigation and control of communicable diseases; health promotion; product safety; weights & measures; animal welfare; consumer frauds; petroleum licensing enforcement and underage sales.

The work of the service in relation to food/feed involves applying numerous Acts and Regulations to approximately 1780 food/feed businesses within NPT, including:

- Intervention at business premises to ensure compliance with the relevant legislation in accordance with the authority's annual intervention / inspection programme.
- Providing advice and assistance to businesses to ensure both the protection of the consumer and that trade, business and industry can compete on a fair and equitable basis.
- Sampling of a range of products sold on the open market with an emphasis on those produced within the County Borough in accordance with the annual sampling programme and policy (which includes food, animal feed and product safety).
- Health Promotion in relation to businesses and their employees
- Investigating complaints made by the public of items purchased and services received by them within the County Borough.
- Responding to food & feed alerts for food & feed produced or imported into the UK
- Inspecting weighing and measuring equipment at commercial premises within the County Borough and providing a verification / certification service
- Investigation of notifications of infectious diseases received by the Authority, including food poisoning to ascertain their cause, prevent their spread and if possible, prevent their recurrence.
- Assisting food businesses (particularly high risk premises) with the requirement for a documented Food Safety Management System (FSMS), based on HACCP principles (Hazard Analysis of Critical Control Points).
- Assisting feed businesses with the requirement for feed safety management systems, based on HACCP principles.

- Providing food hygiene and health and safety training for employers/employees within the County Borough.
- Animal Health and Welfare enforcement, including inspection of welfare of livestock and animal movement documents.
- Providing Food Hygiene Ratings for businesses covered by the legislation
- Investigating consumer fraud perpetrated by businesses within NPT and by businesses outside NPT, whose actions affect people and businesses within NPT.
- Business advice, explaining their rights and obligations both criminally and civilly

The sections primarily act in a proactive way, but also respond to complaints regarding businesses and issues affecting consumer purchases. This includes complaints of food hygiene, health and safety, fair trading etc., and also commercial complaints of pest infestation, drainage, waste accumulations, water sampling and inspections for licensing.

When necessary, Environmental Health Officer contractors and Trading Standards Officer contractors are used to cover long term sickness/maternity leave/vacant posts or project work funded by external sources.

The selection and use of external contractors will be a decision taken by the Environmental Health & Trading Standards Manager in consultation with the Head of Planning and Public Protection and will be subject to the following types of criteria:-

- That there is a direct need to ensure statutory duties are undertaken & relevant performance targets are met / outcomes realised.
- External contractors must meet the competency requirements of the Food Standards Agency Food Law Code of Practice (Wales) - General qualification and experience requirements, and
- The cost of the work can be met within existing authorised budgets and is in accordance with the Council procurement policies, or the cost of the work is being met externally (e.g. via the Food Standards Agency Wales).

2.4 Demands on the Food & Feed Service

The tables in 3.1 show the current breakdown of the numbers and types of premises within the County Borough. There are currently circa 1430 food and 350 feed premises which are subject to food & feed controls trading within the County Borough, which includes approximately 1349 registered food premises.

There are 3 specialist feed manufacturers operating within the County Borough which require a great deal of familiarity with the operation due to their technical nature. The inspection of these businesses require specific understanding, qualifications and competencies.

Food Hygiene and Food Standards advice leaflets in various languages are available to those outlets which require them, additionally multi-language on-line resources are available, such

as those in relation to good food hygiene practices, as part of the Food Standards Agency's initiative called "Safer Food, Better Business" (SFBB).

The Food Standards Agency has placed an emphasis on "interventions" at food & feed businesses rather than solely on full inspections. Full inspections / audits should be targeted on the businesses of highest risk, or for a specific reason (such as a complaint). Lower risk businesses will not necessarily be subject to a full programmed inspection, but will perhaps be dealt with by means of a survey or as part of the sampling programme.

We use the Local Authority Enforcement Monitoring System (LAEMS) to record and report Food premises and food law enforcement data.

The service is mainly provided between the normal council office hours of 8.30am to 5.00pm Monday to Thursday and 8.30am to 4.30 pm Friday. Outside of normal office hours, emergency food safety issues are currently directed initially to a 24 hour emergency call out service and the officer on-call has access to senior food officers in an emergency. Increasingly, additional work (including programmed inspections) is conducted at times outside of normal office hours in response to the need to deal effectively with businesses as we move more into a 24 hour economy, which primarily involves extra evening and weekend working.

The correspondence address for Environmental Health & Trading Standards is Civic Centre, The Quays, Brunel Way, Baglan. SA11 2GG. The services are more easily contacted via telephone on 01639-685678.

In addition, the Council's website (www.npt.gov.uk) is used to provide information about food safety services for consumers and business and also provides a direct email address for service requests i.e. ehd@npt.gov.uk & tsd@npt.gov.uk. The service also uses Facebook (NptEnvHealth/TradingStandards) and Twitter (NPTEHTS) and other Social Media.

Further demands will be made on the service in 2016/17 due to:

- The Freedom of Information Act.
- The continuing impact on food safety of the Pennington Report following the public inquiry (2009) into the South Wales E. coli outbreak (2005) and recommendations for enforcement.
- Sustaining collaboration on the implementation of the Mandatory Food Hygiene Rating Scheme and Food Hygiene Rating (Wales) Regulations 2013 and to provide open feedback on the compliance levels achieved by individual businesses.
- The further development of alternative enforcement activities, resulting in a reduction of low risk inspections, but with increased targeted educational and promotional work.
- Continued promotion of the requirement for relevant Businesses to be operating to a documented Food Safety Management System, which is commensurate with their activities.

- The repercussions of the new Consumer Rights Act and The Powers of Entry Code of Practice, reforming and redefining Trading Standards, how they operate and use their powers.
- The continued development of Trading Standards' intelligence led approach. Implementing the Intelligence Operating Model and deploying resources accordingly, identifying the areas of greatest need. Sharing intelligence related to food and feed with enforcement agency partners.
- The implications of the Simpson Review, and the subsequent Compact between Welsh Government and Local Authorities and the push for collaborative working and regionalisation of the services.
- Further development of cross boundary and regional work in the fields of food and feed, to ensure that resilience is built into service delivery.
- To continue to expand health promotion (e.g. food safety messages, nutrition, & smoking issues) into the daily delivery of the food service.
- Continued familiarisation, implementation and broadening of the Primary Authority System.
- Continuing to abide by the Framework Agreement and the Feed Law Code of Practice, and the soon to be revised Food Law Code of Practice for Wales and accompanying Practice Guidance.
- Continued implementation of Feed (Hygiene & Enforcement) Regulations 2005 and EU regulation 1831/2003, until such time as replacement regulations are introduced following the exit from EU.
- Considering the national food and feed priorities set by the Food Standards Agency.
- Continue to advise consumers and traders on the Food Information Regulations 2013, which set out new requirements for food labeling, description and declaration of allergens.
- Identifying food businesses supplying "co-products" (i.e. former foodstuffs reprocessed as animal feed) and advising them of their obligations and responsibilities.
- Trading standards will continue to target nutrition issues relating to vulnerable sections of society and the food sold to the public sector.
- Closer working with internal local authority sections delivering food to service users (schools etc.)
- The continued development of the new regional feed enforcement delivery model with Swansea Trading Standards as per the agreement with the Food Standards Agency.

- Widening the use of the UK Food Sampling Surveillance System to encompass microbiological sampling.
- Continue to risk assess the unrated feed & food businesses within the county borough.
- Accommodating service delivery in line with the Business Plan relevant to the service, in addition to NPT's Forward Financial Plan (FFP).
- To continue to monitor for the presence of illicit and /or counterfeit foodstuffs that have been detected in other authorities, utilising and analysing intelligence received from the Regional Intelligence Officer and Food Fraud Unit.

2.5 Regulation Policy

An enforcement policy for the Environmental Health and Trading Standards services has been formulated and approved by Members. Members have also adopted the provisions of the Enforcement Concordat and the Regulatory Enforcement and Sanctions Act 2008 which are reflected in the enforcement policy.

Officers employed in the section will seek to ensure owners of food & feed businesses comply with relevant food & feed legislation by means of:

- providing information and advice,
- raising awareness of the law and good practice associated with the legislation,
- providing education and training,
- taking enforcement action where necessary.

The type of enforcement action taken will depend on the circumstances and the merits of each case. Officers will follow the guidance contained in relevant Food Law Code of Practice, Practice Guidance, the Primary Authority scheme etc. and the relevant internal policies.

In performing its enforcement function the authority will continue to strive to ensure that the overall objective of protecting the health, safety and economic well-being of residents and visitors within the County Borough is met.

3.0 SERVICE DELIVERY

3.1 Interventions at Food and Feeding stuffs establishments

3.1.1 Intervention Policy

The Food Law Code of Practice (Wales) has introduced the concept of ‘a suite of interventions’ as a key to improving compliance with food law by food business operators. The range of possible interventions allows officers to use their professional judgment to apply a proportionate level of regulatory and enforcement activities to each food business. Interventions will be applied in a risk-based manner such that more intensive regulation is directed at those food businesses that present the greatest risk to public health.

Interventions are split into 2 categories- those that are recognised by the European Union as ‘official controls’, and those that are not. Interventions that are official controls include:- inspections; monitoring; surveillance; verification; audit; and sampling (where the analysis is to be carried out by an official laboratory). Other interventions which do not constitute official controls include:- education, advice & coaching provided at a food establishment; and information & intelligence gathering.

The authority will continue to implement a planned programme for food hygiene and food standards interventions and feed inspections at premises within the County Borough. A degree of flexibility will be factored in to allow important issues to be adequately addressed, especially where enforcement action becomes necessary to protect public health.

Food Hygiene

The intervention programme is based on the intervention rating scheme contained in Annex 5 of the Food Law Code of Practice, which means that, dependent on risk, premises should be inspected or subject to a suitable intervention within a range of 6 months to 3 years. In addition, approved product premises require increased intervention frequencies whilst certain low risk premises may at the discretion of the authority be subject to an alternative enforcement regime.

Food Hygiene Interventions will be undertaken in accordance with the guiding themes contained within the Food Hygiene Interventions Procedure, the relevant legislation, Food Law Code of Practice and Practice Guidance and the Industry Guides. Officers will carry out food hygiene interventions to ensure that food meets the requirements of food hygiene and safety law, including microbiological quality; absence of pathogenic micro-organisms; and safety for consumption.

During interventions, competent officers will carry out statutory duties under the relevant legislation, provide advice and information to personnel within food premises and undertake any necessary follow up visits and take formal action where necessary. Particular emphasis will be given to assessing and advising food businesses on the requirement of a documented food safety management system and food hygiene training.

Table 1 (a) below, illustrates the number of programmed interventions programmed going forward, based on their Risk Rated category (Highest Risk premises:- category A premises = 2 interventions per year; category B premises = 1 intervention per year; category C premises = 1 intervention at least 18 monthly. Lowest risk premises:- category D premises = 1 intervention every 2 years; category E premises should be inspected every 3 years or can be subject to an Alternative Enforcement intervention in lieu of inspection). New premises are classed as unrated initially until formally inspected (prior to opening / within 28 days of opening).

Table 1(a) Planned Food Hygiene Interventions due 2016/17 (as at 1st April 2016)

RISK CATEGORY	NUMBER OF PREMISES CARRIED FORWARD	(NUMBER OF PREMISES IN CATEGORY 2016/17)	NUMBER OF NEW INTERVENTIONS DUE / PLANNED 2016/17	TOTAL NUMBER DUE / PLANNED 2016/17	ESTIMATE NUMBER DUE / PLANNED 2017/18
High Risk:-					
A	0	(8)	16	16	<i>e.20</i>
B	0	(51)	51	51	<i>e.60</i>
C	0	(501)	350	350	<i>e.330</i>
Unrated	20	---	---	20	---
Approved Premises	0	(1)	3	3	---
Total	---	---	---	440	<i>e.390</i>
ESTIMATE: New Businesses	---	---	---	Circa e.120 – 150	<i>Circa e.120-150</i>
ESTIMATE: No of premises likely to Cease Trading				Circa e.120 – 150	<i>Circa e.120-150</i>
Low Risk:-					
D	29	(190)	82	[111]*	<i>e.75</i>
E	294	(578)	45	[339]**	<i>e.114</i>

- *In accordance with the Framework Agreement and frequencies set in the Food & Feed Law Code of Practice, Category D premises should receive an intervention every 2 years. Such interventions can alternate between an intervention that is an official control and an intervention that is not an official control. However, where resources are capped, the priority will remain with the Higher Risk categories.
- ** In accordance with the Framework Agreement and frequencies set in the Food & Feed Law Code of Practice, Category E premises should be subject to an intervention every 3 years, which could be part of an Alternative Enforcement Strategy. However, where resources are capped, the priority will remain with the Higher Risk categories.

In addition to the planned interventions above, any newly opened / change of ownership of food premises will be targeted for inspection / an intervention. In 2015/16, there were 190

requests for advice in relation to food premises registration and new food businesses, and a similar figure is estimated for 2016/17.

It is estimated that in addition to the planned primary inspections/interventions to be undertaken, a further 110 food hygiene “revisits” will also be carried out. This detailed involvement with Food Business Operators and their staff is an ideal opportunity to progress Best Practice standards and promote health and well-being in the wider context, as well as ensuring improvements are made.

As a result of the Mandatory Food Hygiene Rating Scheme, we now issue eligible premises with a Hygiene Rating score, and publicise this on the national website: www.food.gov/ratings. As part of the scheme, businesses who initially fail to meet the highest standard (Score of 5), but who subsequently implement improvements are entitled to apply for a re-assessment visit. This has caused an increase in demand for resources to undertake these re-inspections, but due to the importance of implementing the scheme and the need to support businesses going forward, we will prioritise this work area.

Food Standards & Feed Standards

The inspection / intervention programmes are based on the inspection rating scheme contained in Annex 5 of the Food Law Code of Practice and the Feed Law Code of Practice, which means that, dependent on risk, all premises will be scheduled for an inspection or intervention within a range of 12 months to 5 years. Certain low risk premises may, at the discretion of the authority, be inspected via an alternative enforcement regime.

An alternative enforcement strategy has been in place for Low risk rated (Category C) Food Standards premises since 2006.

Feed Standards premises are subject to primary or secondary inspections.

A primary inspection is an inspection of a feed business in which the appropriate elements set out in the relevant inspection form for the business concerned are considered. Authorised officers may, however, use their professional judgment and decide to cover only certain elements where they consider it appropriate to do so.

A secondary inspection is any other visit to a feed business that is not a primary inspection, for any purpose connected with the enforcement of feed law, including:

- Sampling visits
- Visits to check on the progress of measures required after a previous inspection
- Complaints visits
- Visits to discuss aspects of feed safety management procedures based on HACCP principles.

Officers undertaking food and feed standards inspections will ensure that the food or feed business is meeting the legal requirements relating to quality, description, composition, labelling, presentation and advertising of food and of materials or articles in contact with

food. Animal health officers have the responsibility of inspecting the feed hygiene systems on farms, this is carried out as part of their routine animal health inspection.

During inspections /interventions competent officers will carry out statutory duties under the relevant legislation, provide advice and information to personnel within food premises and take formal action where necessary.

Table 1(b) Planned Food Standards Interventions due 2016/17 and estimated for 2017/18:-

CATEGORY	NUMBER OF PREMISES CARRIED FORWARD	(NUMBER OF PREMISES IN CATEGORY 2016/17)	NUMBER OF INTERVENTIONS DUE / PLANNED 2016/17	TOTAL NUMBER DUE / PLANNED 2016/17	ESTIMATED NUMBER OF REVISITS 2016/17	ESTIMATED NUMBER DUE / PLANNED 2017/18
A	0	(10)	10	10	3	8
B	83	(217)	121	121 *	2	125
C	154	(700)	440	440**	5	450
UNRATED	120	(268)	268	268	10	200
TOTAL	357	(1195)	839	839	20	783

* In accordance with the Framework Agreement and frequencies set in the Food & Feed Law Code of Practice, Category B premises should receive an intervention. Such interventions can alternate between an intervention that is an official control and an intervention that is not an official control. However, where resources are capped, the priority will remain with category “A” businesses and unrated.

** In accordance with the Framework Agreement and frequencies set in the Food & Feed Law Code of Practice, Category C premises should be subject to an intervention every 5 years, which could be part of an Alternative Enforcement Strategy. However, where resources are capped, the priority will remain with the higher and unrated risk categories.

Table 1(c) Planned Feed Standards Interventions due 2016/17 and estimated for 2017/18: (Feed is now co-ordinated on a regional basis, inspections numbers are dictated by the level of funding from the Food Standards Agency) -

CATEGORY	NUMBER OF PREMISES CARRIED FORWARD	(NUMBER OF PREMISES IN CATEGORY 2016/17)	NUMBER OF INTERVENTIONS DUE / PLANNED 2016/17	TOTAL NUMBER DUE / PLANNED 2016/17	ESTIMATED NUMBER OF REVISITS 2016/17	ESTIMATED NUMBER DUE / PLANNED 2017/18
A	0	(5)	5	5	0	5
B		(8)	8	8	2	2
C	0	(6)	0	0	0	1
D	0	(8)	2	2	0	2
E	0	(220)	20	20	0	25
UNRATED	36	(4)	36	36	2	20
TOTAL	0	(251)	71	71	4	55

3.1.2 Premises Profile

The authority currently has circa 1433 food premises and approximately 354 feed businesses (mainly farms) trading in the borough (of which circa 1349 food businesses are registered by NPTCBC, the remainder are registered elsewhere, but can trade with NPT). There are many in-year changes to the number and type of premises which are active at any one time. The majority of the premises are situated in and around the main towns of Neath and Port Talbot. Additionally, there are several industrial estates containing food premises, which include a number of food storage/distribution units (see Appendix D for numbers of premises by Ward area).

The following tables illustrates the type and number of food & feed premises within the authority. There has been a significant increase in the number of feed premises as more have been detected, all premises that supply feed that is given to animals that go into the food chain are caught by the legislation.

Table 2a: Types of premises: 2013- onwards.

TYPE OF PREMISES (FOOD)	NO. OF PREMISES (2013/14)	NO. OF PREMISES (2014/15)	NO. OF PREMISES (2015/16)	NO. OF PREMISES (2016/17)
Primary Producer [F01]	7	4	2	1
Manufacturer / Packer [F02]	22	20	23	24
Importers / Exporters (EU) [F03]	0	0	0	0
Distributor / Transporter [F04]	18	17	19	15
Supermarket/Hypermarket [F05]	47	46	47	42
Small Retailer [F06]	255	250	247	243
Retailer / Other [F07]	49	48	52	53
Restaurant/Café/Canteen [F08]	183	182	186	192
Hotel/Guest House [F09]	18	17	19	18
Pub/Club [F10]	218	217	215	203
Takeaway [F11]	140	139	146	147
Caring Premises [F12]	212	210	217	211
School/College [F13]	101	101	101	95
Mobile Food Unit [F14]	49	45	52	55
Restaurants & Caterers – Other [F15]	113	113	118	132
Importers/Exporters (3 rd Countries) [F16]	0	0	2	2
TOTAL NO. OF PREMISES	1432	1409	1446	1433

TYPE OF PREMISES (FEED)	NO. OF PREMISES (2013/14)	NO. OF PREMISES (2014/15)	NO. OF PREMISES (2015/16)	NO. OF PREMISES (2016/17)
Primary Producer [A01]	30	31	31	See new chart below for breakdown in accordance
Livestock Farms [A02]	219	219	219	
Manufacturers & Packers [A03]	7	7	7	
Food businesses selling co products [A04]	11	13	13	

Importers (Non EU) [A05]	0	0	0	with latest classifications
Distributors / Transporters [A06]	2	2	2	
Stores [A07]	0	0	0	
Retailers [A08]	6	6	6	
TOTAL NO. OF PREMISES	275	278	278	

Ongoing feed work has led to a detection of more premises that require feed registration.

	Animal Feed Revised Coding 2016/17	No. of PREMISES
A	Manufacturer Using / containing additives	2
B	Manufacturer Not Using Additives	3
D	On Farm Mixer Using Additives	1
E	Store - In Region Distribution	3
I	Importer - Out Of Region Distribution	1
J	Surplus Food Supplier	12
P	Co Product Producer - In Region	2
S	Livestock Farm	275
T	Arable farm	17
U	Any Other Business	1
X	Not Known	1
	Total Number of Premises:	321

3.1.3 Resources For Inspections / Interventions

Food Hygiene

The Environmental Health & Trading Standard service was restructured in April 2016 resulting in a team based on 1.0 Team Leader; 0.8 Senior EHO; 5.03 EHO's; 1.85 Enforcement Officers; 1.0 Enforcement Officer (currently Training), and 0.33 Support Officer. This equates to approx 10.0 FTE (Full Time Equivalents)- see breakdown in table below for fuller details. It is estimated that the required resource to deliver all aspects of the Framework Agreement and Code of Practice is 12.0 FTE. It is anticipated that the current combined staffing level is sufficient to carry out most of the prioritised areas of work, including the foreseeable (planned) inspection programme at High Risk premises. However, temporary staff and locums/contractors have also been utilised in previous years to support the service, when additional resources have been needed. Some flexibility is maintained from the cross-utilisation of staff from and to other parts of the service (see Chapter 4 on Resources for fuller details on the current staffing structure). One member of the team is currently training towards their Higher Certificate in Food Safety and Legislation qualification.

Food Hygiene Resources- Required and Allocated.

	Estimate of Required Resources	Allocated	Relative priority assigned
Food hygiene inspections: Cat A-C	3.8	3.8	High / Medium-high
Food hygiene inspections: Cat D	0.6	0.0	Medium-low
Food hygiene inspections: Cat E	0.4	0.0	Low
Food hygiene Complaints	1.3	1.2	High / Medium-high
Food hygiene Sampling	0.2	0.2	Medium
FH New Businesses & Compulsory Registrations	1.9	1.5	Medium-high
FH Advice & Promotional work	0.3	0.3	Medium / Medium-low
FH Revisits	0.6	0.6	Medium-high
FH Rating Scheme Re-Rating visits	0.2	0.2	High
FH Rating Scheme enforcement	0.1	0.0	Resources diverted when required.
FH Prosecutions	0.1	0.0	Resources diverted when required.
Food Fraud investigations and surveillance	0.1	0.0	Resources diverted when required.
Food hygiene Unrated inspections & work carried forward.	0.2	0.1	Medium
Food Related Infectious Disease control, inc food poisoning cases & outbreaks	1.0	1.0	High
Food hygiene Approved Premises	0.1	0.1	High
FH Import & Export; & Novel foods	None at present	0.0	Resources diverted when required.
FH Service Improvement (Monitoring, Planning, Reviews, Policies, Consultations,	0.8	0.7	High / Medium-high
Food hygiene safety alerts	0.1	0.1	Medium
Other Food hygiene work	0.2	0.2	Resources diverted when required.
TOTALS (in FTE's):	12.0	10.0	

Food Standards and Feeding stuffs

The Retail and Industrial enforcement section of trading standards consists of 2.0 Trading Standards Officers , and 3.0 Enforcement Officers (one of which is currently studying to become a TSO) who conduct food inspections/ interventions as a core part of their work alongside other duties. The department has recently been restructured to include an Assistant Enforcement Officer whose duties include unofficial food controls. All feed enforcement officers are HACCP trained. The 2 trading standards officers and 1 of the enforcement officers have non primary producer/farm inspection duties. Inspection of feed on farms is the responsibility of another enforcement officer and the assistant enforcement officer. All officers are suitably qualified and deemed competent, and carry out the assessments on an annual basis. The proportion of time spent on each officer on the feed and food function can be found in part 4 (Resources) of this document.

Food Standards Function	Estimate of Required Resources	Allocated
Food Standards Interventions	2.1	1.0
Food Standards Complaints	0.2	0.2
Food Standards Home Authority / Primary Authority	0.3	0.2
Food Standards Business Advice	0.3	0.2
Food Standards Sampling / Incidents	0.2	0.2
Food Hygiene Primary Production Inspections	0.1	0.1
Liaison & Promotion	0.1	0.1
Food & Feed safety alerts	0.2	0.2
Sub-Total	3.5	2.2
<i>Recovery of Backlog of Food Standards Work (short term: 2 years approx)</i>	2.1	0.0

Currently the department devotes 2.2 Full Time Equivalent officers to food standards enforcement work.

At current intervention rates, to achieve inspections targets as per the code of practice (that is, inspection of A, B, C rated and Unrated businesses) and taking into account complaints and sampling work, the department would need to increase the number of full time equivalent qualified and competent officers to approximately 5.6 to overcome the backlog, particularly unrated businesses, in a reasonable period of time (estimated as two years). Currently, unrated businesses are subject to a mailed or e-mailed self assessment questionnaire. Using the responses and the information gathered from the food registration

documentation, businesses are prioritised. For example an unrated food manufacturer will be visited before an unrated retailer selling prepacked, long life, food.

To then maintain the inspection rate the department would need to maintain 3.5 FTE food officers.

Feed work provisions are now arranged regionally and funded directly by the Food Standards Agency.

3.1.4 Targets and Priorities For 2016/17 (including any planned projects)

Food Hygiene:

1. To ensure a high level of Business compliance with Food Hygiene legislation.
This is illustrated by the percentage of food businesses which are classed as “Broadly Compliant” when assessed against the definition provided by the National PI / Public Accountability Measure (PAM): PPN/009 “The percentage of food establishments which are ‘broadly compliant’ with food hygiene standards”;
2. To undertake a suitable variety of Regulatory Interventions to promote good health and ensure legal compliance to avoid dangerous health risks. This will include the issuing and administration of the Mandatory Food Hygiene Rating Scheme which was introduced on 28th November 2013;
3. To undertake inspections / interventions at high risk premises for food hygiene. (See tables 1(a) and (b) for number of inspections due). [This was formerly a National PI: PPN/001 (ii); until deleted after 2010/11. It is currently monitored as a Background PI & remains a Council KPI]. This PI is based on doing 100% of Category A premises; and 100% of Category B premises. With respect of Category C premises, interventions will be part of a risk based strategy.
4. To inspect or otherwise assess new businesses for compliance with legal standards, whilst being aware of the likely needs of new businesses to require timely advice, tailored to their undertaking at the planning and “startup” stages. [This was formerly a National PI: PPN/008; until deleted after 2010-2011. It is currently monitored as a Background PI & remains a Council KPI].
5. To respond to infectious disease incidents, complaints and enquiries within the target response time laid down by the Authority.
6. To promote the improved understanding and implementation of food safety management systems for food businesses in the County Borough.

Food Standards and Feeding stuffs

1. To undertake a suitable level and variety of Regulatory interventions to promote food and feed safety from farm to fork and to ensure legal compliance and promote fair competition and trading.
2. To achieve 100% of inspections/interventions of “A” rated premises for food standards & feed purposes
3. To inspect or otherwise assess unrated businesses for compliance with legal standards.
4. To assess businesses for compliance with basic legal standards, to ensure that significant breaches are acted upon and proper controls are evenly applied to all businesses in a fair and equitable manner. [This was formerly a National PI: PPN/007, until deleted after 2010/11. It is currently monitored as a Background PI & remains a Council KPI].
5. To complete the annual food sampling plan, including the cross border regional projects it has embarked upon.
6. To complete the regional feed delivery plan
7. To continue to implement the Intelligence Operating model across the service.
8. To maintain competency and training for all relevant staff.

3.1.5 Possible Restrictions on Providing Service

Staffing levels remain tight, and are already prioritised on key areas of work. Extended periods of staff absence can cause acute staffing problems, however this issue is constantly monitored. Due to the wide variety of other work undertaken by these officers, they will need to maintain their competencies in a variety of disciplines to remain flexible and of optimum value when emergencies occur.

The section has had little turnover of food and feed qualified personnel in the last two years. When a member of staff does leave, it is often difficult to replace them due to the restricted availability of suitably qualified officers. The section has a wide remit and although food and feed standards work is of a high priority, occasionally, projects and targets need to be re-assessed to focus on the areas of greatest need. Restructures and conflicting demands on the department have meant new staff have been drafted in to work on areas that they are not familiar with. In the past the department has needed to utilise the services of locums/contractors to cover the short term deficits, however, this is an option that has become less available to the service, due to tightening budgetary constraints. To overcome this the department is focussing on the areas which require most attention and making use of the intelligence led approach advocated by National Trading Standards and have implemented the Intelligence Operating Model for Trading Standards

3.1.6 Experience of Officers and Access to Expert Information When Necessary

All relevant officers within the Section are appropriately qualified and experienced to deal with routine and many unusual matters associated with all current types of food & feed premises within the area.

Additional training will be given to staff as and when considered necessary, e.g. if a new business sets up and has a specialised process of which staff have not had previous experience.

Staff also have access to relevant environmental health and trading standards literature, the Internet, Technical Indexes, Knowledge Hub etc. They also have access to representatives of coordinating groups and panels specialising in food and feed enforcement and the authorities public analyst.

Staff can quickly liaise with other authorities via emails, using the EHC-net (Environmental Health Confidential Network), TSI Link (Trading Standards Interlink system) the Knowledge Hub and for Trading Standards via the Regional Intelligence Analyst and intelligence database. Where additional expertise is required the Head of Service will be briefed and a suitable response will be formulated. Where appropriate, assistance from the Food Standards Agency and other partners/colleagues may also be sought.

Trading Standards has representation on the Glamorgan regional coordinating groups for food standards. The section participates in surveys and exercises held under the auspices of the Glamorgan Group, the Welsh Heads of Trading Standards (WHOTS) and the Food Standards Agency. Swansea Trading Standards represent Neath Port Talbot's interests for regional feed coordination. Regular communication takes place between the two authorities on feed issues and delivery of feed enforcement across the Swansea / Neath Port Talbot region.

The sections work closely and liaise with the Public Health Laboratory, Public Health team of the NPHS, and the Public Analysts when expertise is required. The Authority's public analyst service is consulted during the drafting of the sampling programme for sampling subjects, costs and sampling techniques.

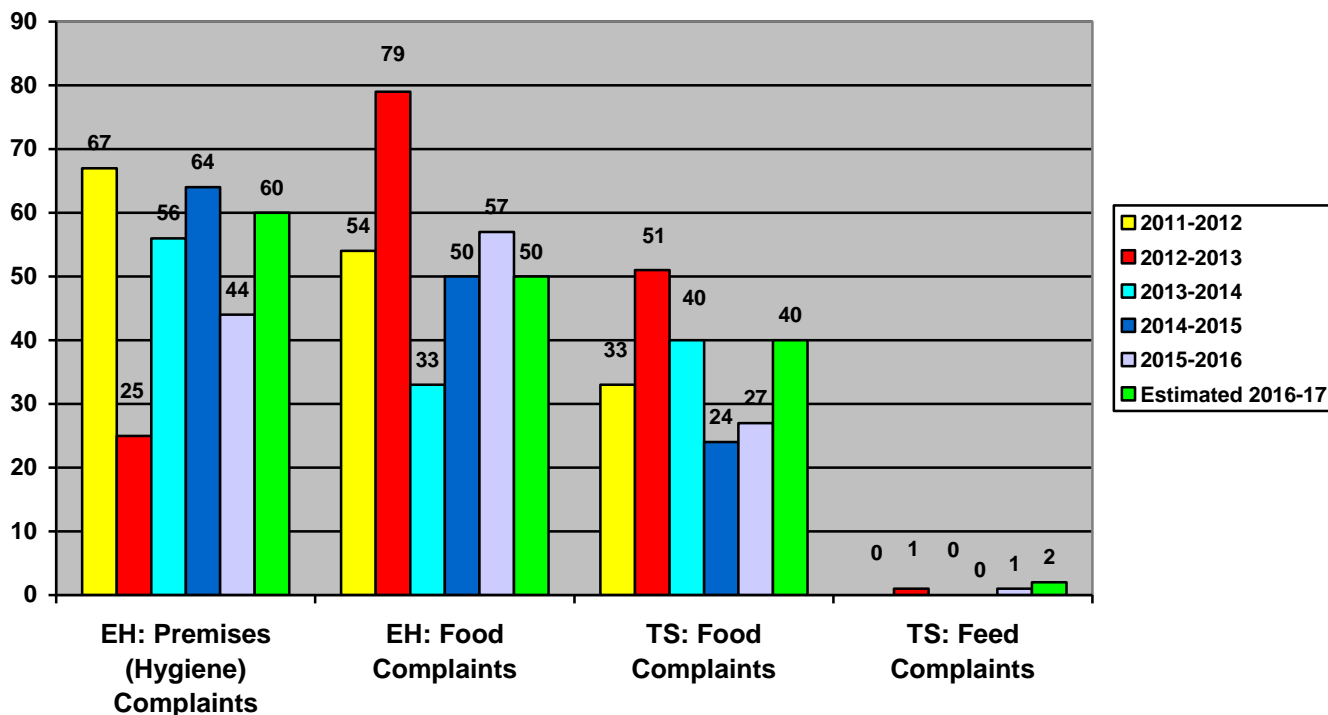
3.2 Food and Feeding stuff Complaints

The authority will continue to ensure that all notified complaints in relation to food and feeding stuffs are suitably investigated and dealt with promptly and consistently. Environmental Health & Trading Standards follow their internal procedures in relation to food and feed complaints, in addition to the food safety policy and internal performance targets.

The following graph shows the actual number of complaints received for 2011/2012 through to 2015/2016, with an estimate for 2016/2017.

Table 3: Food Complaints

Food & Feed Complaints



The reactive workload is equivalent to approximately 1.5 FTE- based on 1.2 FTE for food hygiene and 0.3 FTE for food standards and feeding stuffs.

The demands placed on this Reactive service are periodically reviewed, to ensure that resources for investigating food complaints are targeted on a risk basis. The available resources will need to be focused on significant food safety risks, to ensure the widest possible protection of public health. As a consequence, certain categories of service request may need to receive a much more streamlined response.

3.3 Primary Authority Scheme & Home Authority Principle

The authority will continue to provide advice and assistance to food businesses for which we are home authority and/or originating authority and to any that may set up their decision making centre within the authority, in line with our Primary Authority Policy (including any businesses which may wish to develop a relationship under the Primary Authority scheme). We will provide any relevant information to other food authorities that make enquiries about such businesses.

The Primary Authority scheme requires UK enforcement authorities to be mindful of national inspection plans organised with multi-site businesses, to ensure consistency of approach on a nationally coordinated basis (See also our Enforcement Policy and Primary Authority Policy). Any potential enforcement action would similarly need to be coordinated with the Primary Authority of the business involved. Details of the scheme and participating partners are maintained by the Governments' Regulatory Delivery department . A national / regional / multi-site business can establish a primary authority relationship with any appropriate local authority for a specific function (Food Hygiene, Food Standards etc.)

Additionally, the “Home Authority Principle” is followed by officers when investigating food & feed complaints, where the product in question has been produced or manufactured in another part of the UK- liaison is instigated with the relevant local authority / authorities. Increasingly, food is imported from Countries within the European Community and other parts of the world. Where problems are discovered, investigations are coordinated through the Food Standards Agency and any relevant border inspection points / ports.

3.4 Advice to Businesses

The authority will continue to provide relevant advice and assistance to existing and prospective businesses within the area. In 2015/2016, 21 food standards requests for advice and 196 food hygiene enquiries were received, requiring advice on various food matters. It is estimated a similar number of enquiries will be received in 2016/17.

Advice is provided to businesses in the following ways.

1. During inspections and as part of follow up documentation;
2. Via mail drops e.g. food alerts, information leaflets/letters,
3. Startup advice on request;
4. New business questionnaires
5. Via social media (i.e. Facebook / Twitter)
6. Through guidance information available on the Council's website
7. Distribution of relevant food safety material to food businesses;
8. Seminars for businesses and training/awareness events;
9. Press releases and media campaigns

The existing resources within the department should be able to meet the estimated number of enquiries.

3.5 Food and Feed Sampling

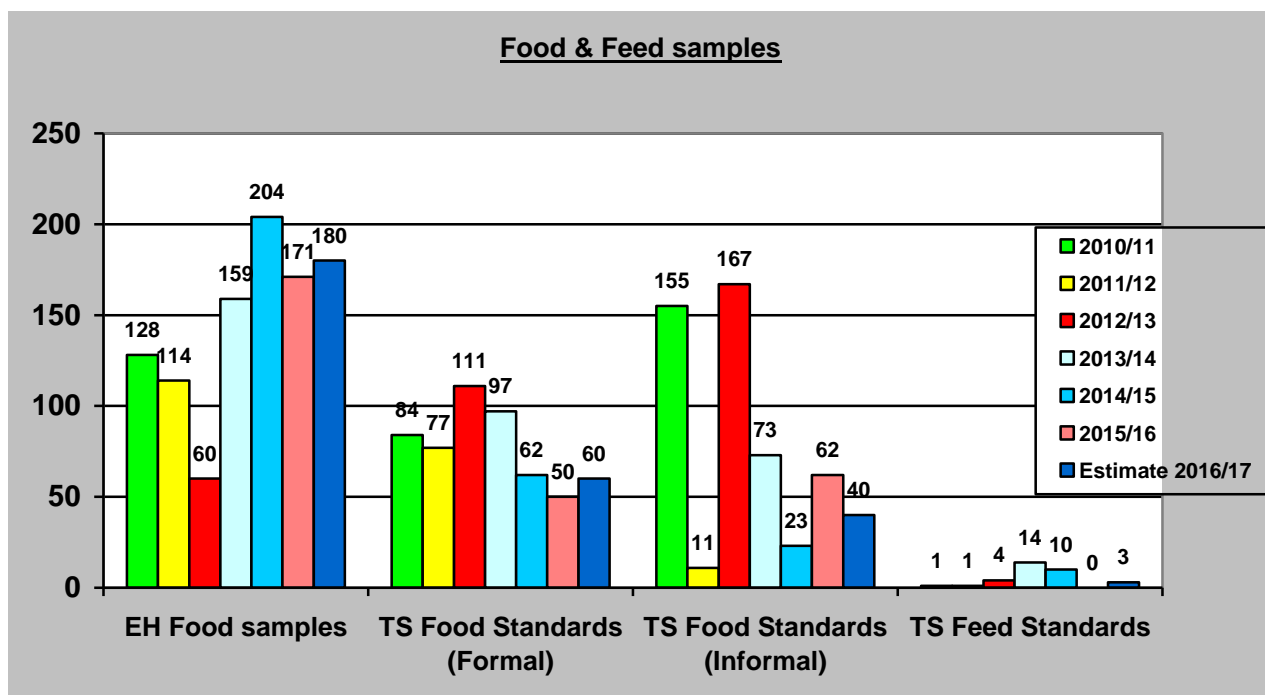
The Authority believes that sampling is integral to food and feed law enforcement. The sampling policy has been drafted for the following purposes:

- Protecting public health
- Detecting and deterring fraudulent activities
- Verifying that official control checks are effective
- Giving customer's sufficient information to make informed choices
- Ensuring that food standards are maintained
- Informing the enforcement approach
- Providing product quality advice to the producer
- Promoting fair trade and deterring bad practice

Food sampling trends and intelligence are examined and informs the authority's food sampling plan. Priority areas for sampling are identified on the basis of safety, consumer or trade detriment, type of food or feed business and risk. Additionally, food samples can be taken as part of a programmed intervention if deemed appropriate or in connection with enforcement investigations.

The Authority is encouraged to participate in various co-ordinated sampling programmes such as the Welsh Food Microbiological Forum targeted surveys; the All Wales 'Shopping Basket' Food Sampling Survey; Welsh Head of Trading Standards Surveys; Glamorgan Trading Standards Group Surveys; public analysts co-ordinated surveys; Food Standards Agency surveys and the FSA food & feed priorities.

Following the implementation of regional food standards and feed enforcement across Wales, there are now regionally led food and feed sampling programmes directly funded by the FSA which Neath Port Talbot will be participating in. Other internal sampling programmes can be carried out as and when necessary and are incorporated into the annual plan of food sampling devised respectively by Environmental Health and Trading Standards. Food sampling has dropped considerably, as most of our current food work has been proactively advising businesses on the provisions of the new Food Information Regulations.



Resource allocation:– approximately 3 days a month are spent by one officer (usually a Support Officer) sampling foods for microbiological analysis and undertaking the subsequent administration. Samples taken are submitted to either the local Microbiology testing laboratory (PHW- lab) or Public Analyst within 24 hours of sampling. A similar amount of time is spent by Trading Standards staff on sampling with samples submitted weekly to the Public Analyst.

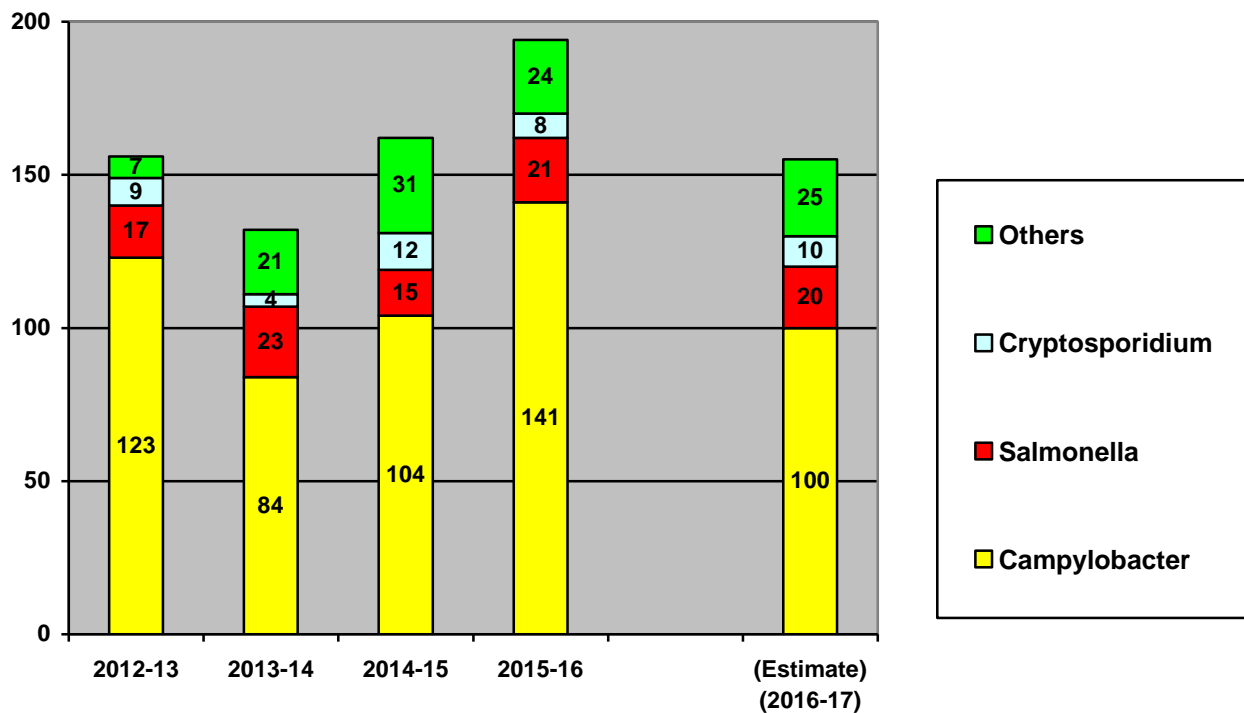
3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease

All formal notifications (of all types of Infectious Disease notifications) are recorded in the Infectious Disease Register. Subsequent investigations are based on the type of organism, the number of cases, and are in accordance with the over-arching Communicable Disease Outbreak Control Plan for Wales (re-issued September 2012 by Chief Medical Officer- Wales). Additionally, there are various supporting infectious disease investigation procedures utilised locally by Neath Port Talbot. During 2015/16, we received 194 infectious disease notifications (141 of these were *Campylobacter*; 21 were of *Salmonella*; 8 were of *Cryptosporidium*; and 24 “others”). Periodically, we receive complaints from members of the public as self-referrals. These are often reported as suspected cases of food poisoning. Initially, advice is given for the case to report to their GP, but invariably these are followed up as service requests and investigated accordingly. They are also reported to the NPT Consultant in Communicable Disease Control. Workloads are consistently high in this area of work, and where Emergencies / Major Outbreaks occur, they are dealt with as top priority, with other work being re-scheduled.

The existing resources within the department will be able to cope with the estimated number of food poisoning cases, as each inspecting officer also deals with reactive work. This work

forms part of the reactive workload which is estimated to be equivalent to approximately 1.5 FTE.

Graph to show Notifications of all Infectious Diseases, including Food-related



3.7 Food (& Feed) Safety Incidents

The service has a documented procedure which deals with action to be taken following the receipt or initiation of a food alert.

The current Code of Practice require specific recording of actions taken following the receipt of a food or feed alert.

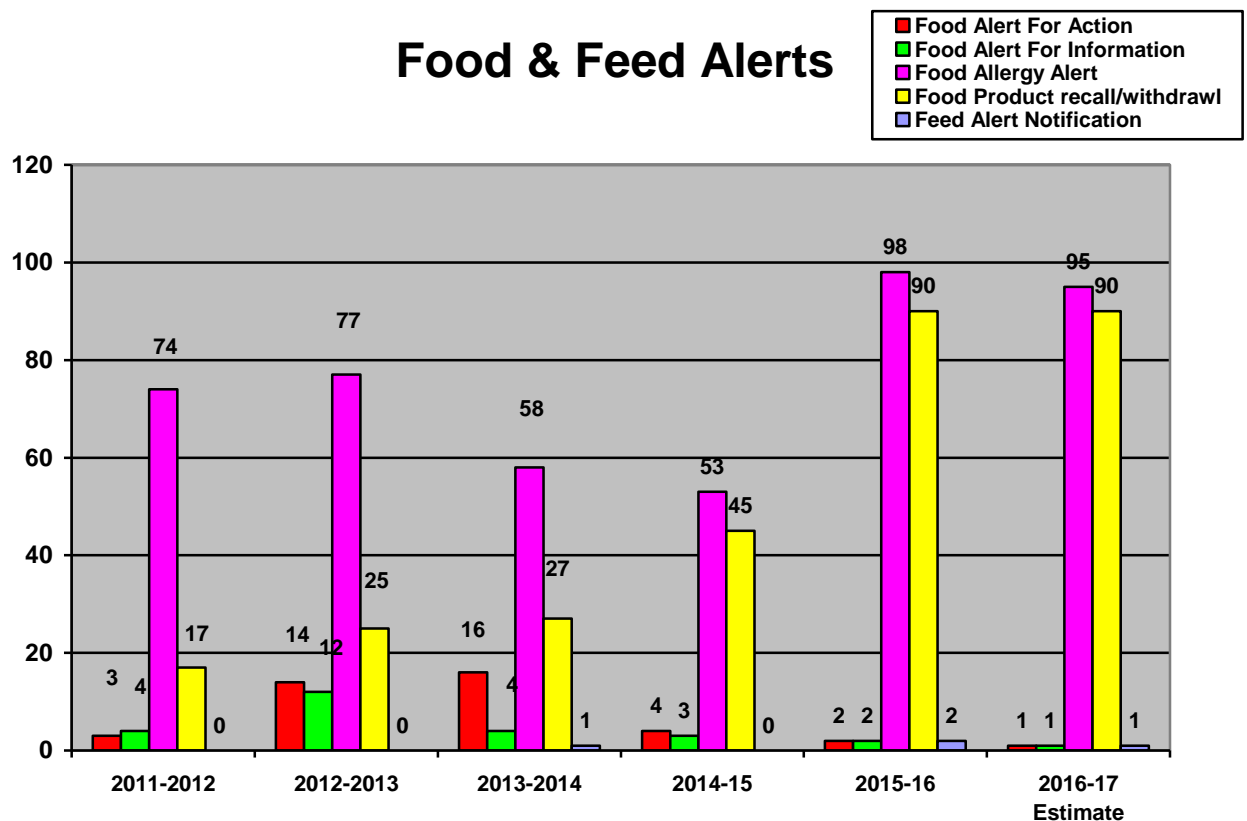
Alerts are received by a direct email from the Food Standards Agency Wales (FSA-W) to enforcement officers. The warning procedure for food incidents recognises that Alerts for Action (FAFA) are required to be dealt with quickly, and are treated as a very high priority- which often take priority over other work of the sections. More often, Food Alerts for Information are issued. Most food alert warnings received require only a small amount of officer resource. However on occasions it will be necessary to provide more resources to deal with onerous alerts.

Businesses in the area will be encouraged to withdraw affected products from sale or supply. Initially requests will seek compliance through voluntary co-operation, however formal enforcement procedures exist to ensure an appropriate response. If a food complaint or related matter being investigated by an officer of this authority has possible widespread

implications, the Food Standards Agency Wales and other relevant agencies will be contacted immediately via the applicable Food Incident report form/ mechanisms.

Any actions taken following receipt of a food alert are recorded on the 'Authority Public Protection' (APP) database system used by this authority.

During 2015/16, a total of 193 Food/Feed Alerts were received, of which 1 was classed as a FAFA (Food Alert- For Action); 2 alerts were classed as FAFI (Food Alert- For Information); 98 were classed as Food Allergy Alerts; and the department also received 90 Food Product Recall / Withdrawal Alerts. There were 2 Feed Alert Notifications. Recent numbers and trends are detailed in the graph below, and an estimate for 2016/17 is given.



There is always a significant number of allergy alerts, however few of these require action on the part of the food authority. The existing resources within the department will be able to cope with the estimated number of food alerts / food incidents, as each inspecting officer also deals with reactive work. This work forms part of the reactive workload which is estimated to be equivalent to approximately 1.5 FTE.

Neath Port Talbot issued its first feed alert in February 2015 following salmonella contamination in dog food. This only affected the local area and the product was successfully withdrawn and destroyed.

3.8 Liaison with other Organisations

The authority has a number of arrangements to ensure enforcement action is consistent with neighbouring local authorities. Officers participate in a variety of external liaison groups, which are summarised below:

Table: 4 Breakdown of resource allocation for liaison with other organisations.

GROUP	AVERAGE RESOURCE ALLOCATION	
TS Glamorgan Food Group	4 days per year	1 Officer
TS NPT/Swansea Feed Region	4 days per year	1 Officer
TS Glamorgan Group	4 days per year	1 Officer
WHoTS Animal Health and Welfare Panel	4 days per year	1 Officer
WHOTS Group	6 days per year	1 Officer
WHoEHG Food Safety (Task Group & Technical Panel)	4 days per year	1 Officer
WHoEHG Communicable Disease (Task Group & Technical Panel)	4 days per year	1 Officer
WHoEHG: Environmental Health Group	4 days per year	1 Officer
Welsh Food Microbiological Forum	3 days per year	1 Officer
Meetings with CCDC	Estimate 2 days per year	1 Officer
Consultee to Building Control & Planning Department & Licensing Department.	Estimate 2 consultations per week	1 Officer
Regulatory Delivery	Estimate 2 days per year	2 Officers (HJ & LEW)
Welsh Food Fraud Coordination Unit	Estimate 2 days per year	2 Officers (HJ & LEW)
National Food Crime Unit	Estimate 2 days per year	2 Officers (HJ & LEW)
Ad hoc meetings with NPTCBC Education and Social Services Departments	4 days per year	1 Officer
Key: WHoTS = Welsh Heads of Trading Standards. WHoEHG = Welsh Heads of Environmental Health Group CCDC = Consultant in Communicable Diseases APP = Authority Public Protection (computer database package) SHIP = Strategic Health Improvement Partnership		

3.9 Food and Feed Safety and Standards Promotion / Intelligence Gathering

Educational and promotional activities are considered to be important aspects in the delivery of a comprehensive food safety service.

Promotion of food safety issues is achieved in the following ways:

- Food information available directly from the Food Safety section & Trading Standards section of the Council and via their websites.
- Attending consumer education events, and disseminating information on the work of the department, including food and feed standards work.
- Liaison with NPTCBC Procurement and Care services in respect of food issues and specifications of food supplied to Neath Port Talbot.
- Targeted advice/information sent to relevant groups on issues of county or national significance.
- Active promotion of National Food Safety Week (e.g. through displays in the Local Shopping Centres, or through social media, or amongst local groups/communities).
- Arranging and conducting hand washing demonstrations in conjunction with local schools. Also, we facilitate presentations/talks to pupils of local educational establishments including schools, colleges, universities and voluntary groups, when requested.
- Targeted seminars and training sessions can be provided on subjects such as Food Safety Management System requirements- particularly aimed at high risk caterers, or high risk food sectors.
- Food hygiene courses can be offered by the service for external and internal candidates.
- Use of local intelligence liaison officer and regional intelligence analyst (RIA)
- Attendance and membership of regional feed and food liaison groups.

The authority will continue to promote food safety and standards in all areas of its work. Most inspections are carried out pro-actively and include an element of the promotion of “best practices” by officers to ensure premises achieve good practices over and above the basic compliance of relevant legislation. Prospective business owners will be positively encouraged to seek the advice of the department before the food business opens to prevent possible food hygiene and standards contraventions from occurring.

Wherever possible evaluation of the effectiveness of environmental health interventions is assessed- primarily by the use of feedback forms, including training course evaluation forms.

Part of the health promotion function, which deals with Businesses, is integrated within the food service delivery team. Although there is no specific staffing resource allocated to this function, the daily contacts which the Teams have with businesses are an important opportunity to positively influence the wider business community, their employed staff and customers.

Intelligence is served via the authorities APP/Flare database system. In addition, the Knowledge Hub (reference site), TSlint (reference site), FSSinet (food sampling system) and EHC net provide means of informal data and intelligence sharing, whilst more formal means are provided by the Memex system, and via the authorities intelligence officer – who sits in the Trading Standards Fraud team, the Regional Intelligence Analyst funded by money administered by the National Trading Standards Board based in Newport and the Food Fraud Unit based in Ceredigion.

4.0 RESOURCES

4.1 Financial Allocation

The table below provides a summary of actual expenditure and income for the Food Service.

Budget Figures

Revenue Budget	Budget 2016/17 £
Expenditure	
Staffing- Food Hygiene	391,117
Staffing- Infectious Disease	47,505
Staffing- Food Standards	68086.7
Staffing- Animal Feeding Stuffs	26657.3
Transport (TS)	5,016
Equipment	2,560
Legal Fees – Trading Standards	800
Sampling & Analysis – Food Hygiene	260
Sampling and Analysis – Trading Standards – Food & Feed only	9,000
Total Expenditure	551,616
Income	
Government Grant	0
Other Income	6,030
Total Income	6,030
Net Expenditure	563,676

4.2 Staffing Allocation (estimates)

Food Hygiene: All EHO's currently in post have either the B.Sc. (Hons) degree, M.Sc. or diploma in Environmental Health and are approved by EHORB (Environmental Health Officers Registration Board). Two Enforcement Officers hold the Higher Certificate in Food Premises Inspection, and another is currently training. Table 6a below illustrates the FTE number of staff working on food hygiene law enforcement (food hygiene and associated matters) including support staff and their relevant competencies as per the Code of Practice.

Table 6a - as at 1/4/2016

	EHORB (EHO)	EHORB (Higher Risk premises)	Non EHORB (Support Staff)
Team Leader (F&HP)	1.0		
Senior EHO (F&HP)	0.8		
EHO (F&HP)	5.03		
Enforcement Officer		1.85	
Enforcement Officer (Training)			1.0
Support Officer			0.33 approx.
Total as at 2016-04-01	6.83	1.85	1.33 approx.
<i>Total as at 2015-04-01</i>	<i>5.2</i>	<i>1.0</i>	<i>3.9</i>
<i>Total as at 2014-04-01</i>	<i>5.1</i>	<i>1.0</i>	<i>3.0</i>
<i>Total as at 2013-04-01</i>	<i>3.8</i>	<i>0.4</i>	<i>1.5</i>

Food Standards & Feed Standards: The 2.0 Trading Standards Officers undertaking food standards work hold the Diploma in Trading Standards or one of its antecedents necessary to allow officers to undertake food & feed standards inspections One enforcement officer holds the Diploma in Consumer Affairs (DCA) together with the Food and Agricultural Standards paper, and another Enforcement Officer holds the Diploma in Consumer and Trading Standards (DCATS) Food qualification (See Table 6b).

Table 6b - as at 1/4/2016

Food Standards	DTS	DCA	DCATS Qualified	(Unqualified)
TS Team Leader	0.2			
TSO	1.0			
Enforcement Officer		0.4	0.4	
Assistant Enforcement Officer				0.1

Admin				0.1
Total as at 2016-04-01	1.2	0.4	0.4	0.2
<i>Total as at 2015-04-01</i>	<i>1.5</i>	<i>0.3</i>	<i>0.3</i>	<i>0.8</i>
<i>Total as at 2014-04-01</i>	<i>1.5</i>	<i>0.3</i>	<i>0.3</i>	<i>0.8</i>
<i>Total as at 2013-04-01</i>	<i>1.2</i>	<i>0.3</i>	<i>0.3</i>	<i>0.8</i>
Feed	DTS	DCA	DCATS Qualified	(Unqualified but Competent)
TS Team Leader	0.1			
TSO	0.1			
Enforcement Officer		0.2		0.5
Assistant Enforcement Officer	0	0	0	0
Admin				0.1
Total as at 2016-04-01	0.3	0.4	0.0	0.5
<i>Total as at 2015-04-01</i>	<i>0.3</i>	<i>0.1</i>	<i>0.0</i>	<i>1.0</i>

For staffing structure see Appendix C

4.3 Staff Development Plan

The department is committed to providing appropriate training for staff. A training and development plan is in place for the Environmental Health and Trading Standards Service. All food & feed enforcement staff participate in one-to-one supervisory review with a manager approximately every 6-9 weeks and an annual appraisal. Regular Food Hygiene Team meetings are held to discuss ongoing food and communicable disease issues. Trading Standards hold fortnightly briefing sessions to update staff on new developments in the field, business plan progress and administration issues.

The training and development budget for 2016/17 for the whole of the EH & TS service is initially set at £ 9,800.

The Authority participates in the All-Wales Communicable Disease Lead Officer Training events funded by the Wales Centre for Health. All-Wales update training on food related topics is also provided by the Food Standards Agency on key issues, but is of necessity restricted to usually 2 officers per local authority, and is often free. Officers are expected to maintain their competencies, and undertake to ensure their continuing professional development (CPD) by undertaking suitable study or training equivalent to a minimum of 20

Hours per annum (from 1st January, annually). This is monitored by the respective service managers and discussed during the one to one reviews. There is considerable reliance placed upon the Food Standards Agency for external training in respect of food and feed standards matters.

4.4 Legal Expenditure

Legal fees for food standards and food hygiene cases have remained fairly constant over the past few years. Resources are provided as needed from both the commissioning directorate and Corporate legal services, and costs incurred by both are applied for at the conclusion of the legal action- where there is an overspend/shortfall in resource, this is reported to the Head Of Service for subsidising on an ah-hoc basis, or from central reserves. There has been a moderate rise within food standards of cases referred for prosecution as significant infringements have been detected. This is likely to continue to persist over the coming years with continued infringement of allergen, adulteration and misdescription legislation within Neath Port Talbot.

5.0 QUALITY ASSESSMENT

- 5.1 The quality of the food service will be regularly assessed to ensure the Service Delivery Plan and Food Standards Agency framework agreement on local authority enforcement ('The Framework Agreement Standard') is being achieved.

Management monitoring

Evaluation methods to be used will include:

- Monitoring of inspections by Senior EH officers and EH & TS Team Leaders.
- Monitoring of inspection reports and records.
- Officer reviews held every 6-9 weeks, plus an annual appraisal, which includes a competency assessment for food and feed enforcement as appropriate.
- Accompanied visits and Peer assessments- following internal protocols.

These evaluations are recorded.

The service has also participated in a benchmarking exercise with other Welsh authorities, which was undertaken by the Food Safety Technical Panel in conjunction with the local government benchmarking reference centre. It is anticipated that similar exercises will be repeated every 5 years in the future. Additionally, the Food Standards Agency has discretion to undertake audits (full or focussed) of food authorities, and their latest full assessment was undertaken in 2014.

6.0 REVIEW

6.1 Review Against Service Plan

6.1.1 Food Hygiene

Strategically, the Head of Service and the Environmental Health & Trading Standards Manager have overall responsibility for the direction and performance of the service. The Environmental Health & Trading Standards Manager is the Accountable Manager for the food hygiene function. The manager reviews the key performance measures and service improvements contained in the plan on a quarterly basis as part of the performance management process. Quarterly performance monitoring reports are reported internally, and a quarterly report is presented to Cabinet Board and the associated Scrutiny Committee.

In addition, regular meetings are held with the food hygiene team (food and health protection). This is to ensure that on-going projects, improvements and inspection targets outlined in this service plan and the business plan are effectively monitored and managed.

Achievements for 2015/6 included:-

- Inspecting 100% of all High Risk premises for food hygiene purposes.
- Issuing over 500 food hygiene ratings to businesses;
- Participating in National Food Safety Week
- Sampling food products in line with the all-Wales surveys of food quality
- Sampling from, and the assessment of, all private water supplies used in commercial food businesses and the temporary mains water supplies for Neath Fair;
- Serving 5 hygiene improvement (enforcement) notices to ensure certain businesses met minimum legal standards;

6.1.2 Food Standards and Feeding stuffs

Strategically, the Head of Service and the Environmental Health & Trading Standards Manager have overall responsibility for the direction and performance of the service. The Environmental Health & Trading Standards Manager is the Accountable Manager for the food & feed standards functions. The Manager reviews the key performance measures and service improvements contained in the plan on a quarterly basis as part of the performance management process, these are reported internally at quarterly intervals to Cabinet Board and the associated Scrutiny Committee.

Achievements for 2015/16 included:-

- Inspecting 100% of high risk premises for food standards purposes.
- Participating in the Glamorgan Group of Trading Standards Authorities coordinated sampling exercises and successfully bidding for food sampling grant money on behalf of the group.

- In conjunction with Swansea Trading Standards facilitating and arranging a caterers training event on the topic of food allergens.
- Continuing to exercise vigilance into the supply of illegal and counterfeit alcohol, both on inspection and as part of coordinated sampling exercises.
- Taking regular samples at schools to compare food supplied with that described in the local authority specifications.
- Identifying and successfully investigating a number of food fraud offences at takeaways and restaurants involving the substitution of beef for lamb in meals.
- Meeting the targets set by the new WHOTS/FSA regional feed delivery group.
- Implementing the new Feed Law Code of Practice.

6.2 Identification of Variation from the Plan

Variations from the Service Plan will be identified annually. Reasons for the variance and whether or not these are justified will also be given.

Trading Standards have incurred a large backlog of inspectable businesses. This is due to other work of a higher priority taking precedence. Accordingly, the department focussed on the areas of highest risk, i.e. “A” rated premises. However it has undergone a small restructure in food inspection delivery, which it hopes will help alleviate the pressure on inspections of higher risk premises; although the lower risk premises will not necessarily be subject to a proactive intervention. However it must be noted that proactive inspections will be subject to the same competition for resources as other work, and will be prioritised as felt necessary.

With regard to food hygiene interventions at lower risk rated premises, there remains a deficit, with priority remaining with resources being directed at inspection of higher risk and investigation of non-compliant premises.

6.3 Areas for Improvement

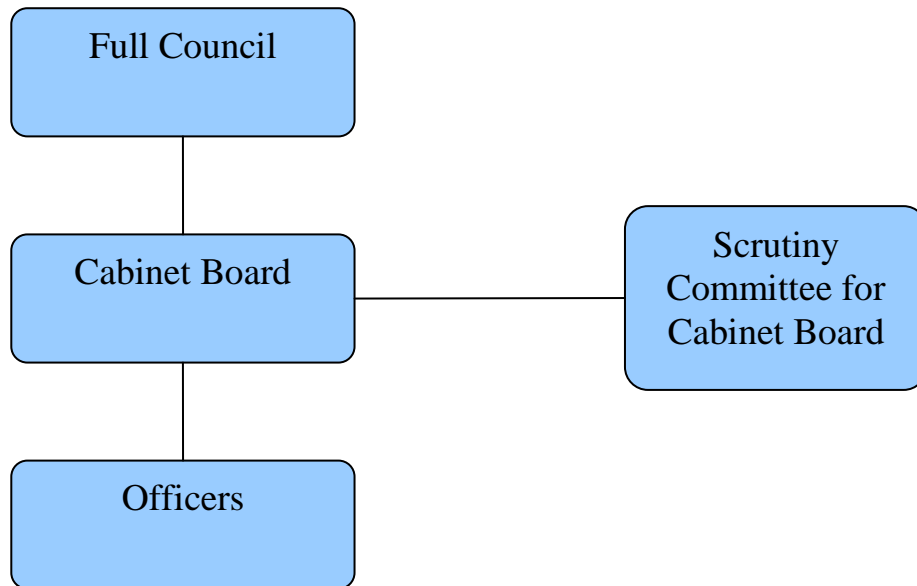
Over the past 5 years, the changes to food safety legislation and the challenges faced by food safety enforcement authorities have been significant. National priorities continue to be influenced by the Food Standards Agency, Regulatory Delivery and National Trading Standards (NTS), as well as the impact of the final report from the South Wales E.coli O157 public enquiry, and the ongoing visits from the EU Food & Veterinary Office to Welsh Authorities. Consequently, the food service will need to respond to these and improve the service further, particularly in light of funding challenges. However, some of the current planned improvements for 2016/17 and beyond include:-

1. Reviewing out of hours provision and cover arrangements in relation to outbreaks of communicable disease and service delivery- particularly emergencies;
2. Developing a training programme for officers involved in the investigation of outbreaks of communicable disease
3. Undertaking suitable promotional activities / campaigns.
4. Establishing measures to assess the quality of the service provided
5. Consulting more with stakeholders
6. Establishing stakeholder satisfaction questionnaires and encourage feedback

7. Continuing to review food standards, food hygiene (primary producers) and feed legislation in relation to qualification of officers and demands on the service
8. Continuing to develop the use of the Intelligence Operating Model for Trading Standards.
9. Continuing to improve the use of alternative enforcement procedures in relation to food inspections.

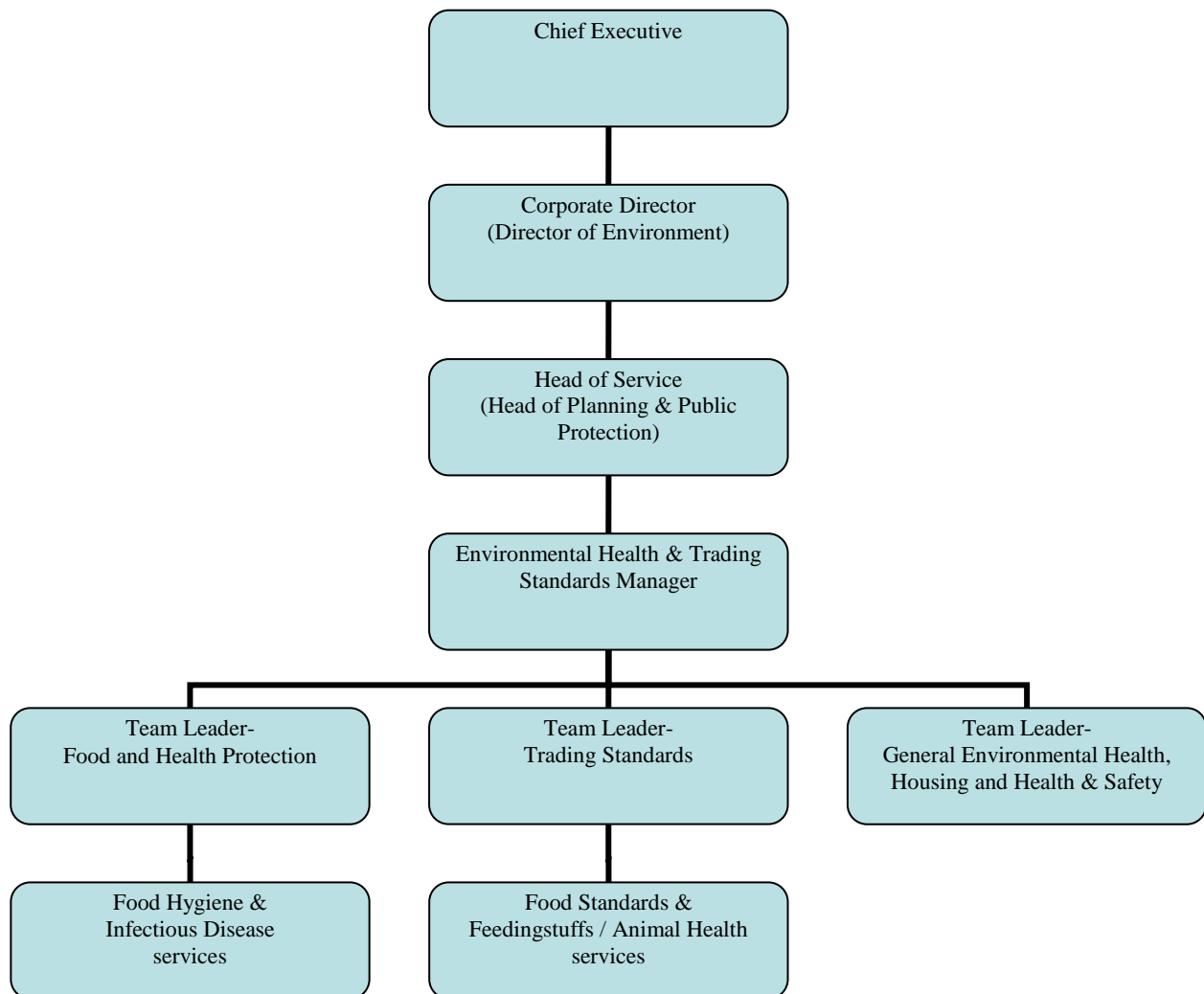
APPENDIX A

Decision Making Structure:



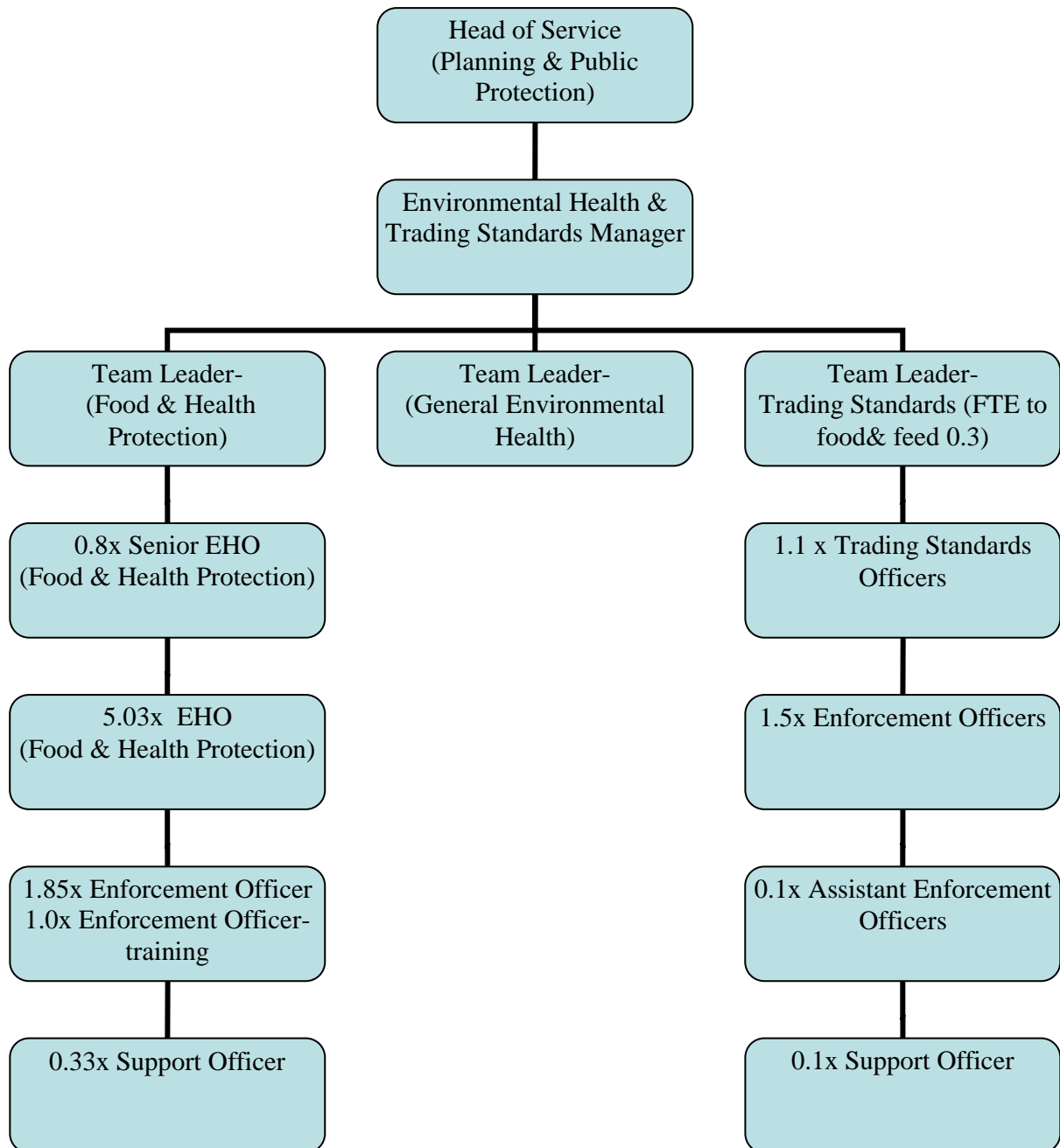
APPENDIX B

Department Structure:



APPENDIX C

Service Structure: (As at 1/4/2016)



APPENDIX D

Number of Registered Food Premises by Ward (2015 & 2016)

WARDS : NEATH	(WARD CODES)	2015	2016	WARDS: PORT TALBOT	(WARD CODES)	2015	2016
Aberdulais	ABD	13	13	Aberavon	ABV	79	83
Alltwen	ALL	11	12	Baglan	BAG	38	40
Blaengwrach	BLA	13	12	Briton Ferry East	BFE	51	54
Bryncoch N	BRN	22	21	Briton Ferry West	BFW	14	13
Bryncoch S	BRS	39	38	Bryn and Cwmavon	BRY	44	48
Cadoxton	CAD	12	13	Coedffranc C	COC	44	45
Cimla	CIM	20	17	Coedffranc N	CON	10	10
Crynant	CRY	14	18	Coedffranc W	COW	33	39
Cwmllynfell	CWM	12	12	Cymmer	CYM	32	31
Dyffryn	DYF	28	29	Glyncorrwg	GLC	9	10
Gwaun-cae-Gurwen	GCG	30	25	Gwynfi	GWY	14	12
Glynneath	GLN	44	42	Margam	MAR	50	51
Godrergrraig	GOD	5	4	Port Talbot	POR	78	83
Lr Brynamman	LBR	6	7	Sandfields E	SAE	44	46
Neath (East)	NEE	48	44	Sandfields W	SAW	40	43
Neath (North)	NEN	153	150	Taibach	TAI	44	42
Neath (South)	NES	21	21	Port Talbot area Total		624	650
Onllwyn	ONL	9	9				
Pelenna	PEL	13	12	Other / Out of area	xxx	0	0
Pontardawe	PON	90	88	NPT Combined Total		1345	1349
Resolven	RES	28	26				
Rhos	RHO	11	12				
Seven Sisters	SEV	22	20				
Tonna	TON	20	20				
Trebanos	TRE	8	7				
Ystalyfera	YST	29	27				
Neath area Total		721	699				

ENVIRONMENTAL HEALTH AND TRADING STANDARDS SERVICE

Review of Food and Feed Law Enforcement Performance

2015 / 2016

1.0 Introduction

In May 2014 the Food Standards Agency carried out an audit of the Food and Feed law enforcement services of Neath Port Talbot County Borough Council. The audit was undertaken to ensure compliance with the Framework Agreement (2010). An action plan was agreed to implement a number of recommendations to improve the service in areas identified by the audit report.

3.27(ii) of the Action Plan recommended that the authority:-

“ carry out an annual food and feed law enforcement performance review for approval by the relevant member forum or senior officer, as appropriate (The Standard – 3.2)”

This is the aforesaid review, submitted to the Head of Planning and Public Protection for approval.

2.0 Planned inspections/interventions 2015/16:

2.1.0 Food Hygiene:-

RISK CATEGORY	NUMBER OF PREMISES CARRIED FORWARD	NUMBER OF NEW INTERVENTIONS DUE / PLANNED 2015/16	TOTAL NUMBER DUE / PLANNED 2015/16	OUT-TURN / ACHIEVED
High Risk:-				
A	0	14	14	100%
B	0	45	45	100%
C	7	221	228	100%
Low Risk:-				
D	143	55	[198]*	29 carried forward (169/198 = 85% achieved)
E	275	42	[317]**	294 carried forward

				(23/317 = 7% achieved)
--	--	--	--	-------------------------------

Commentary:

Resources were prioritised on undertaking all High Risk food premises, together with an initiative to address the backlog of lower risk premises (focussing on Category D- rated premises).

2.1.1 Broadly Compliant PI: (PAM009)

The out-turn PI for 2015/16 was : 92.73% (based on 1033/1114 premises achieving a 3/4/5 FH Rating).

The out-turn PI for 2014/15 was : 92.83% (based on 1023/1102 premises achieving a 3/4/5 FH Rating).

2.1.2 Food Hygiene Ratings:

476 Food Hygiene ratings were issued ;

43 Food hygiene re-ratings were undertaken;

The FSA website had regular uploads of data (at least every 28 days), and additional ad-hoc uploads were undertaken to take account of important in-month changes.

2.2 Food Standards : Planned Interventions

CATEGORY	NUMBER OF PREMISES CARRIED FORWARD	NUMBER OF INTERVENTIONS DUE / PLANNED 2015/16	TOTAL NUMBER DUE / PLANNED 2015/16	ACTUAL 2015/16	OUT TURN / ACHIEVED
A	0	17	8	8	100%
B	38	101	76	42	55%
C	196	174	50	45	90%
UNRATED	174	174	174	23	13%
TOTAL	408	466	276	136	

The department has a significant backlog in respect of unrated business premises and what appears a disproportionate level of intervention at “C” rated premises. For the year 2016/17, resources have been restructured for food standards. Unrated businesses have now been allocated to specific officers, similarly B rated businesses have been allocated to the remaining section members. This has led to a slight improvement in inspection figures for the year to date.

The level of C rated business interventions can be explained by sampling and other lower level forms of intervention at those businesses. The sampling has led to formal investigations into certain food business operators and their re-risking as high rated businesses. Food businesses such as takeaways and restaurants make up a significant proportion of the C rated businesses category in NPT. However, intelligence has identified that there is a significant problem with adulteration,

substitution and control of allergens in this sector. Consequently, the department is directing resources to this area.

Progress and quality on interventions are monitored by the Trading Standards Team Leader via spot checks, accompanied visits, annual appraisals and quarterly staff review meetings

2.3 Feed Standards : Planned Inspections

The proposed inspection plan for feed standards 15/16 was abandoned after the implementation of the regionally coordinated feed framework and inspection programme.

Feed enforcement within Wales is now funded directly by the Food Standards Agency, and administered by the Welsh Heads of Trading Standards. Wales is divided into regions, Neath Port Talbot and Swansea form one of these regions. Co-ordination across the Swansea / Neath Port Talbot area is delivered by an officer from Swansea Trading Standards, the Trading Standards Team Leader in Neath Port Talbot acts as liaison with Swansea.

The feed inspection programme is drafted by WHOTS and the FSA based on the feed registers from each authority. The FSA categorises feed businesses by feed registration and approval type. These businesses are required to be inspected during the forthcoming year. Each region is expected to carry out inspections at those premises.

Neath Port Talbot and Swansea met their feed inspection targets last year. As to be expected, there were changes in the registration and approval from the register. With agreement from the FSA, replacement businesses were identified to be inspected.

Local Authority	Above the Line (non-farms)			Below the Line (farms)			LA Total
	Actual	Target	%	Actual	Current target (45% of CoP requirement adjusted)	%	%
Swansea	5	7	71	18	15	120	105
NPT	27	29	93	26	22	118	104
Swansea / NPT	32	36	89	44	37	113	-

The Food Standards Agency is satisfied with the delivery of the feed enforcement service across Wales. In this second year, WHOTS and the FSA are looking to strengthen the foundations of regional delivery.

3.0 Samples:

3.1 Food Hygiene:-

Samples were mainly taken in accordance with the National Sampling priorities, as agreed via the Welsh Food Microbiological Forum (WFMF). Additionally, local sampling initiatives were undertaken to increase the surveillance of locally available products, and to maximise the benefit of sampling allocations- in conjunction with Wales Public Health Laboratory, based at Glangwilli Hospital, Carmarthen. 200 samples were taken during 1/4/2015 to 31/3/2016, of which 32 were Unsatisfactory, 121 were Satisfactory; and 47 were classed as borderline (but not a fail).

Satisfactory samples do not attract any further action.

All borderline samples are followed up with an advisory letter to encourage reviews of pertinent controls, such as temperature controls; stock rotation; handling practices.

All unsatisfactory results are followed up with advice on suggested improvements to undertake, together with further sampling- to ensure that standards are addressed and improved, or products are no longer sold.

3.2 Food Standards

Until 2016/17 NPT acted as liaison for the bid from the Glamorgan Group as part of the Food Standards Agency's National Coordinated sampling programme. It also placed an independent bid for sampling for food supplements.

Furthermore, the Trading Standards Team Leader acts as chair for the Glamorgan Food Group. Coordinating and arranging the regions sampling programme.

Local sampling initiatives are intelligence led. Specific examples have included:

- Mis-description of food supplied to local schools
- Sampling from takeaways and catering establishments in relation to substitution of ingredients, mis-description of meals and illegal use of colours. The department successfully prosecuted 2 takeaways in relation to mis-description, issued 1 simple caution and a number of written warnings. A further successful prosecution has followed in the new financial year, and there are ongoing investigations and follow up visits in this area.
- Allergens. - The department has offered advice on a number of samples that have been found to contain allergenic ingredients when the sampling officer has declared an allergy. Follow up sampling exercises are planned, and formal action will be taken where appropriate.
- Investigation into food supplements imported by a local firm. The FBO makes a number of claims on its products. The products have been analysed, and the FBO advised accordingly. Follow up action is ongoing.

Sampling and any subsequent investigations are monitored by the Trading Standards Team Leader via spot checks, annual appraisals and quarterly staff review meetings.

3.3 Feed Standards

The new regional co-ordinated framework agreement has led to more support being available for taking samples. As part of the regional sampling programme and in line with the national priorities for sampling, the service took 3 samples, none of which failed on analysis.

4.0 Service requests (Complaints) / reactive work:

4.1 Food Hygiene:-

Food service requests- all types = 524

Of which:-

FNA (Food new business- advice for speculative start-up) = 33.

FNB (Food new business- advice & advisory interventions prior to trading) = 111.

FNC (Food new business- trading) = 48

Also, the Food & Health Protection service received the following:-

Infectious Diseases- service requests = 178 total;

Food alerts [FPI] (for social media) = 90 (mainly dealt with by Support staff).

Whilst target response times have been established for all service requests, a further analysis will be undertaken to ensure that they remain fit for purpose, and that prioritisation of resources (in accordance with lean systems principles) will ensure the best utilisation of resources, whilst managing expectations of service requestors.

4.2 Food & Feed Standards

The department received 25 requests for food advice last year that were not as the result of an intervention. These varied from business start-ups to specific issues. The most common single request was for allergen advice. The department had already made provisions for this via a training day held in conjunction with the FSA and Swansea Trading Standards.

1 request for feed advice was received.

Via the Citizens Advice Consumer Service and other means, the department received 27 food complaints during 2016/17. Most of the complaints related to the sale of out of date food (best before and use by). The businesses were advised accordingly.

There has been little information from the public in relation to description (including presence of allergens) of food within NPT, this is notable considering the levels of infringement found when the department carries out interventions.

No feed complaints were received.

The department received 104 food alerts. As with Food hygiene these are mainly dealt with by support staff. Where necessary they will be escalated by the Trading Standards Team Leader. No feed alerts were received.

Requests for advice and complaints are fed into the authorities intervention plan which in turn leads to the identification of priorities and work areas for the forthcoming year.

Response times and investigation / advice is monitored by the Trading Standards Team Leader via spot checks, annual appraisals and quarterly staff review meetings.

5.0 Promotional work:

5.1 Food hygiene promotional work:-

The service was able again to support National Food Safety week (in June 2015).

5.2 Food Standards Promotional work :-

The section has assisted other departments in promoting business support and advice sessions by contacting local FBOs to raise awareness of planned events.

In conjunction with Swansea Trading Standards and the Food Standards Agency, the department ran allergen training events aimed at caterers at the beginning of the year

The section identified specific issues to advise businesses on, and advice was sent out via mail and e-mail to the relevant FBOS. This included :

- Stock rotation (best before / use by)
- Food allergen advice to schools
- Takeaways - use of colours and substitution / description
- Colours in food colouring pens
- Promotion of the " Menus Count In Care" initiative disseminated to care homes.

5.3 Feed Standards Promotional Work

New feed businesses are regularly identified and contacted to ensure that they are properly registered.

6.0 Primary Authority:

6.1 Food hygiene, Food Standards and Feed Standards-

Although there are currently no formal Primary Authority partnerships established with this authority; there are a growing number across the UK. Where such partnerships exist, and cover businesses operating with NPTCBC, we liaise with the relevant LA's to give specific feedback following inspections which are subject to an agreed (UK wide) inspection plan, and general feedback where problems are discovered.

7.0 Safety Incidents:

7.1 Food hygiene:-

No food safety incident reports (e.g. withdrawals) necessitated initiation by EH of NPTCBC.

All notifications of withdrawals requiring specific action are prioritised.

7.2 Food Standards

No food safety incident reports (e.g. withdrawals) necessitated initiation by TS of NPTCBC.

All notifications of withdrawals requiring specific action are prioritised.

7.3 Feed Standards

1 feed safety incident was instigated by NPT TS in relation to a local pet food producer. This was notified to the FSA. The distribution of the pet feed concerned was restricted to West Wales. Buyers were identified, and the product was recalled and destroyed.

8.0 Staff Development / Training / Continuing professional development:

8.1 Food hygiene:-

All staff have achieved their expected CPD (which is set at a minimum of 10 hours per calendar year) ; additionally:

1 member of staff (REJ) has completed the Food Premise Inspection qualification, and been given a revised (restricted) Authorisation.

1 member of staff (JC) is currently training towards a qualification in Food Premise Inspection.

1 member of staff (REN) has completed 2 years post-qualification experience in food hygiene inspection work, and been given a revised Authorisation.

1 member of staff (NMH) is working towards achieving 2 years post-qualification experience.

8.2 Food Standards

All staff met their required 10 hours CPD in 2015/16. This was achieved by a combination of courses run by the Food Standards Agency, Welsh Heads of Trading Standards, online courses run by the FSA and workshops run within Neath Port Talbot.

8.3 Feed Standards

All but one member of staff met their required 10 hours CPD this year. This was achieved by a combination of courses run by the Food Standards Agency, Welsh Heads of Trading Standards, online courses run by the FSA and workshops run within Neath Port Talbot Standards

9.0 Monitoring:

9.1 Food hygiene monitoring:-

LAEMS data is provided annually to the Food Standards Agency- which gives detailed information on the key performance statistics for each Council across the UK, for submission to EU. The detail covers areas such as: intervention totals and by risk category; enforcement actions; number of premises by type and risk categorisation; samples taken; staffing levels; certain service requests etc.

On a quarterly basis key performance indicators are reported to Scrutiny Committee and the associated Cabinet Board, and are publically available.

Line managers keep track of inspection targets, and the reactive workloads on a monthly basis, or more frequently when required.

9.2 Food & Feed Standards monitoring:-

LAEMS data is provided annually to the Food Standards Agency- which gives detailed information on the key performance statistics for each Council across the UK, for submission to EU. The detail covers areas such as: intervention totals and by risk category; enforcement actions; number of premises by type and risk categorisation; samples taken; staffing levels; certain service requests etc.

Each officer's intervention programme is set at the beginning of the year. This is reviewed and updated during the relevant officer's quarterly review. Section progress is checked on a quarterly basis, key performance indicators are reported to Scrutiny Committee and the associated Cabinet board, and are publically available.

The TS Team Leader monitors officer inspection targets and reactive workloads formally during the quarterly review. If issues with performance are identified, this frequency is increased. Food / Feed Aide Memoires and post inspection reports are reviewed by the Trading Standards Team Leader.

Feed standards inspections progress is fed back to WHOTS and the FSA via the regional lead officer. The Trading Standards Team Leader and regional lead identify and address issues with performance against the inspection programme

10.0 Review of Policies/Procedures

10.1 Food hygiene / Food Standards / Feed Standards:-

All major food policies and procedures have been revised from year commencing 1/6/2015.

11. Conclusions

Food hygiene, Food and feed standards enforcement remains a priority for the service.

Food hygiene inspections were prioritised on undertaking all high risk food premises together with an initiative to address the backlog of lower risk premises (focussing on Category D- rated premises). The broadly compliant indicator remains consistently high. National and local food sampling initiatives were carried out throughout the year, and we will continue to take part and make use of sampling resources made available. The service supports the FSA Food safety week as an important initiative to raise awareness of current issues. The new business team within the Food and Health Protection team contribute to providing advice and coaching to businesses prior to the start of trading, in an attempt to give businesses relevant good practice and to inform them of their legal requirements.

The new feed arrangements appear to have been a success, and the section will exploit the regional connections that have been forged. There are clear issues with the number of interventions for food over the past year and resources have been allocated to address this. Regional working and intelligence gathering should continue to be developed and there are clear priorities for the service in relation to both food and feed and these need to be addressed, but without ignoring other issues that are appearing on the horizon.

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

5 January 2017

Report of the Head of Engineering & Transport

D. W. Griffiths

Matter for Decision

Wards Affected: All

Bus Services Support Grant Agreement

Purpose of Report

- 1 To seek Members' approval to enter into a joint legal agreement with the three South West Wales Authorities for the administration of the Bus Services Support Grant (BSSG).

Executive Summary

- 2 The Bus Services Support Grant (BSSG) aims to support the delivery of the Welsh Governments transport objectives as set out in the Wales Transport Strategy and the National Transport Finance Plan 2015.
- 3 At a local level, part of the grant is used by Local Authorities to directly fund socially necessary local bus services and community transport schemes.
- 4 The remainder of the grant is paid by Local Authorities to local bus operators and community transport providers to offset some of their operational costs through Live Kilometre Support Grant (LKSG), which in Wales is the successor to the Bus Service operators Grant (BSOG) scheme. However, in Wales the grant is paid per live kilometre operated rather than partly offsetting fuel costs.

Background

- 5 Since 2014/2015 the City and County of Swansea ("Swansea") has acted as the Lead Authority for BSSG, in terms of receiving the grant from the Welsh Government and distributing it to the other Local Authorities.
- 6 Neath Port Talbot, Swansea, Carmarthenshire County Council and Pembrokeshire County Council have worked collaboratively in delivering LKSG, with Carmarthenshire taking the lead on administering the scheme.

- 7 LKSG has also been the mechanism for distributing the Welsh Governments Welsh Young Persons Discount Travel Scheme (WYPDTS) since 2015/2016.
- 8 For 2016/2017, the Welsh Government is providing the four South West Wales Local Authorities funding of £5,223,940 for BSSG (including LKSG) and £2,031,217 for WYPDTS.
- 9 In spring 2017, the Welsh Government intends to audit Swansea for BSSG, the audit will be for the years 2014/2015 and 2015/2016.
- 10 Section 5(iii) of the BSSG 2016/2017 award letter requires the Local Authorities to have in place a collaboration agreement, to which all parties have signed up. Swansea has agreed to this in accepting the award of funding.
- 11 A draft agreement was drawn up by City and County of Swansea's legal team in 2014 and has been considered by the respective legal sections of the other three Local Authorities. However, it remains in draft format. Therefore, the Agreement needs to be agreed and in place prior to the audit. The Agreement is provided at appendix A for Members' information.

Financial Implications

- 12 There is no financial impact on the Council.

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 There is no impact of the workforce

Legal Impact

- 15 The Council will be required to enter into a Collaboration Agreement with the City and County of Swansea, Carmarthenshire County Council and Pembrokeshire County Council for the administration of the BSSG. The Collaboration Agreement sets out the Council's responsibilities in respect of the administration of the BSSG.

Risk Management

- 16 The Collaboration Agreement sets out the Council's responsibilities in respect of the administration of the BSSG and covers the defaulting obligations that the Council must be aware of and the necessary risks involved in the event of the Collaboration Agreement terminating.

Consultation Outcome

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

Recommendation

- 18 It is recommended that:-
- (a) The Director of Environment and the Head of Engineering and Transport be granted delegated authority to negotiate and agree the final terms of the Collaboration Agreement in respect of the Bus Services Support Grant.
 - (b) The Director of Environment and the Head of Engineering and Transport be granted delegated authority to carry out on behalf of the Neath Port Talbot County Borough Council for the purposes of the Collaboration Agreement in respect of the Bus Services Support Grant and be granted all the delegated powers of such a representative, and further delegates to the Head of Engineering and Transport be appointed the power to appoint an alternate or deputy for the purposes of the Collaboration Agreement.
 - (c) The Director Head of Engineering and Transport be granted delegated authority to sign the Collaboration Agreement for the Bus Services Support Grant on the part of Neath Port Talbot County Borough Council.

Reason for Proposed Decision

- 19 To ensure continued BSSG payments to local bus operators.

Implementation of Decision

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

Appendices

- 21 Appendix A - Agreement

List of Background Papers

- 22 N/A

Officer Contact

23 Peter Jackson, Integrated Transport Manager
Tel: 01639 686091 or e-mail: p.jackson@npt.gov.uk

Appendix A

DATED 201...

AGREEMENT

BUS SERVICES SUPPORT GRANT

LEAD OFFICER RESPONSIBLE FOR CITY AND COUNTY OF SWANSEA COUNCIL

NAME: Catherine Swain
ADDRESS: Directorate of Place, Civic Centre, Oystermouth Road, Swansea SA1 3SN
TEL. NO: 01792 636079
E-MAIL: cath.swain@swansea.gov.uk

LEAD OFFICER RESPONSIBLE FOR NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

NAME: Peter Jackson
ADDRESS: The Quays, Briton Ferry, Neath, Neath Port Talbot, SA11 2GG
TEL-NO: 01639 686091
E-MAIL: p.jackson@neath-porttalbot.gov.uk

LEAD OFFICER RESPONSIBLE FOR CARMARTHENSHIRE COUNTY COUNCIL

NAME: Stephen Pilliner
ADDRESS: Parc Myrddin, Richmond Terrace, Carmarthen, Carmarthenshire, SA31 1HQ
TEL-NO: 01267 228150
E-MAIL: sgpilliner@carmarthenshire.gov.uk

LEAD OFFICER RESPONSIBLE FOR PEMBROKESHIRE COUNTY COUNCIL

NAME: Hubert Mathias
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TEL-NO: 01437 7645561
E-MAIL: hubert.mathias@pembrokeshire.gov.uk

BETWEEN

- (1) **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL** of The Quays, Brunel Way, Baglan Energy Park, Neath, SA11 2GG ("Neath Port Talbot")
- (2) **CARMARTHENSHIRE COUNTY COUNCIL** of County Hall Carmarthen SA31 1JP ("Carmarthenshire") and
- (3) **PEMBROKESHIRE COUNTY COUNCIL** of County Hall Haverfordwest SA61 1TP ("Pembrokeshire")

(hereinafter referred to as "the Joint Authorities" and which includes any statutory successors)

and **CITY AND COUNTY OF SWANSEA COUNCIL** of Civic Centre, Oystermouth Road Swansea SA1 3SN ("Swansea Council") (hereinafter referred as "the Lead Authority" for Legal and Financial elements and includes any statutory successor)

WHEREAS

- (i) The Welsh Government (WG) has approved Funding in the form of a Bus Services Support Grant in respect of services to be undertaken in the whole or part of the Lead and Joint Authority areas.
- (ii) Welsh Government will provide the Funding.
- (iii) The application was made, by offer letters dated 28 March 2014, 24 April 2015 and 17 May 2016 (together hereinafter referred to as the Grant Offer Letter), included in Schedule 3, and the Lead Authority is required to accept the terms and Conditions of the Grant Offer Letter, on behalf of itself and the Joint Authorities and will be liable to WG if the terms and conditions are not complied with or breached.
- (iv) The grant aims to support the commitments in the One Wales Programme and the priorities in the National Transport Finance Plan 2015 that recognise the importance of local bus and community transport services in achieving Ministers' objectives for a better, more sustainable transport network.

OPERATIVE PROVISIONS

CONTRACT CONDITIONS

1. This Agreement comprises the entire agreement between the Parties and supersedes all other understandings or agreements in respect of the provision of services within the Grant. The initial headline purposes set by WG and agreed by the Parties are as contained in Schedule I of the Grant Offer Letter:
2. **INTERPRETATION**
 - 2.1 In this Agreement:
 - 2.1.1 "Agreement" means this Agreement including all Schedules and Appendices listed below;
 - 2.1.2 "Agreed Claim Date" means the date that the payment claims must be submitted to the Lead Authority as set by the Passenger Transport Working Group
 - 2.1.3 "Authorities" means the Lead Authority and Joint Authority or where the context requires the Lead Authority and the Joint Authorities and "Authority" shall be construed accordingly
 - 2.1.4 "Commencement Date" means 1 April 2014

- 2.1.5 "Completion Date" is 31 March 2017 (with an option to extend for a further 12 month period and PTWG and any or all of the Authorities can agree each year to extend for an additional year thereafter (up to a maximum of an additional 1 time) on the terms stated in clause 11.3)
- 2.1.6 "Conditions" means the terms, conditions and obligations contained in this Agreement
- 2.1.7 "Costs" means the reasonable administrative, professional and any other costs incurred by the Lead Authority in acting for all the Joint Authorities
- 2.1.8 "Default Notice" means a default notice served by the Lead Authority in accordance with Clause 7
- 2.1.9 "Defaulting Party" means a Joint Authority who has been served with a Default Notice by the Lead Authority under the terms of clause 7
- 2.1.10 "Direct Loss" means all damage, losses, liabilities, claims, actions, costs, expenses (including the cost of legal or professional services), proceedings, demands and charges whether arising under statute, contract or at common law but, to avoid doubt, excluding Indirect Losses
- 2.1.11 "Financial Conditions" means the Financial Conditions in respect of payment of the WG funding to all the Authorities set out in Schedule 2
- 2.1.12 "Funds" means monies paid out by the Lead Authority to the Joint Authorities and Transport Providers in respect of the Scheme
- 2.1.13 "General Conditions" mean the General Conditions set out in Schedule 1
- 2.1.14 "Grant" means the funding payable in respect of the Scheme in accordance with the Grant Offer Letter
- 2.1.15 "Grant Offer Letter" means the letters dated 28 March 2014, 24 April 2015 and 17 May 2016, a copy of both is included in Schedule 3, offering the Grant funding, and containing the terms and conditions of the Grant.
- 2.1.16 "Indirect Loss" means loss of profits, loss of use, loss of production, loss of business, loss of business opportunity, or any claim for consequential loss or for indirect loss of any nature
- 2.1.17 "Notification Event" means the events listed in Schedule 2 of the Grant Offer Letter dated 28 March 2014 and 24 April 2015 and Schedule 3 of the Grant Offer Letter dated 17 May 2016
- 2.1.18 "Parties" means the Lead Authority and Joint Authority or where the context requires the Joint Authorities and the Lead Authority and "Party" shall be construed accordingly
- 2.1.19 "Passenger Transport Working Group" or "PTWG" means the management team established by the Authorities to undertake the overall strategic management of the Scheme and to act as the link with WG.
- 2.1.20 "Scheme" means the Bus Services Support Scheme which will be the subject of the Grant.
- 2.1.21 "Regulations" means European Council Regulations:
1303/2013
1304/2013
1301/2013
and European Commission Regulations
480/2014
288/2014
184/2014
215/2014
1011/2014
821/2014

240/2014

520/2014

and any other such relevant Regulations that may be issued from time to time.

- 2.1.22 "Welsh Ministers" means the Welsh Ministers appointed under Section 48 and the First Minister appointed under Section 46 of the Government of Wales Act 2006
- 2.1.22 "WG" means the Welsh Government (including any of their committees or any Welsh Government other body)
- 2.2 Clause headings in this Agreement are for convenience only and shall have no contractual effect
- 2.3 Any reference to a clause is a reference to a clause of this Agreement
- 2.4 Words importing one gender shall include the other gender and words importing the singular include the plural and vice-versa
- 2.5 Reference to "individual" or "person" shall include bodies corporate unincorporated associations and partnerships
- 2.6 Any reference to any enactment or statutory instrument shall be deemed to include reference to such enactment or statutory instrument as re-enacted amended or extended
- 2.7 An obligation not to do or omit to do something shall be deemed to include an obligation not to permit or (so far as is reasonably practicable) suffer that thing to be done or omitted to be done
- 2.8 An obligation to do something shall include an obligation to seek to procure that it is done

3. CO-OPERATION AND DISCUSSION

This Agreement is entered into on the basis that the Lead Authority, and Joint Authorities will work on a basis of co-operation and good faith and will arrange to discuss with each other as soon as possible any problems or disputes which arise and will attempt to resolve any difficulties through negotiation at an early stage and will ensure appropriate officers are available upon reasonable notice to discuss the issues under dispute.

4 AGREEMENT

- 4.1 The Joint Authorities and Lead Authority shall agree the offer of Grant funding set out in the Grant Offer Letter and upon such agreement the Lead Authority shall accept the offer of Grant funding on behalf of all the Authorities
- 4.2 The Authorities undertake to and covenant with each other that they will adhere to the terms of this Agreement and will observe, perform and comply in all material respects with the Conditions. In particular the Joint Authorities agree to act in accordance with and be subject to declarations or decisions made under the Regulations (or any re-enactment or amendment thereof) and provisions in the Grant Offer Letter respect of eligibility, monitoring, audit, record retention, match funding and clawback
- 4.3 Each Authority warrants to each other that it will observe and perform the Conditions and upon receipt of reasonable notice, permit rights of access to the Lead Authority and the other bodies specified in this Agreement and the Grant Offer Letter for audit and compliance and any other purposes set out therein and undertake to provide in a timely manner information requested by the Lead Authority to enable claim deadlines to be met
- 4.4 During the term of this Agreement or following its termination the individual Authorities shall remain liable for any of the Conditions they have not complied with and in respect of any liability arising from the non-compliance and/or breach of the Conditions by any

individual Authority that Authority shall be liable for any Direct Loss suffered by any or all other Authorities

- 4.5 Without prejudice to the generality of Clause 4.1 to 4.4 if any of the Authorities receives notification of any financial clawback, financial imposition, or deduction of Grant imposed by the European Commission or the Welsh Ministers as a result of any non-compliant procurement process or the occurrence of any Notification Event then the non-compliant Authorities (which shall include the Lead Authority for the avoidance of doubt) will be solely responsible for reporting the notification to the other Authorities as soon as possible and such payment to the European Commission or Welsh Ministers, indemnifying the other parties in respect thereof.

OPERATIONAL MATTERS

- 5.1 The Lead Authority has appointed the individual named on the front page as the lead officer who shall accept operational responsibility for the implementation of the approved Bus Service Support Scheme, to act as a first point of contact with the Lead Authority, to offer advice and guidance as is appropriate and to ensure the satisfactory monitoring and evaluation of this Agreement on behalf of the Lead Authority.
- 5.2 The Lead Authority will identify to the Joint Authorities the names and roles of any individual officers employed by the Lead Authority who are recognised as having a role in the management of the Grant.
- 5.3 The Lead Authority will start and implement the Scheme according to the descriptions of individual components within the approved grant
- 5.4 The Passenger Transport Working Group will present progress reports to the Welsh Government in accordance with the requirements of the Grant.
- 5.5 The Joint Authorities have each appointed a Lead Officer (as named on the front page of this Agreement) for the parts of the Scheme for which it is responsible and give the Lead Officer the authority to represent the Joint Authority in the operation of the Scheme. These Officers (or their agreed substitutes) shall form the Passenger Transport Working Group.
- 5.6 The Passenger Transport Working Group will receive monitoring information and meet regularly to manage the Grant.
- 5.7 Joint Authorities will notify the Lead Sponsor and the PTWG immediately of any event that could lead to a temporary or final discontinuation or any other deviation of the Scheme

6 FINANCIAL REPORTING

- 6.1 Each of the Joint Authorities will be responsible for submitting regular claims to the Lead Authority. The Lead Authority will notify the joint Authorities when funding has been received from WG to enable claims to be submitted.
- 6.2 The Lead Authority will request and receive payments from WG and will transfer portions of it to the Joint Authorities promptly on receipt of correct invoices submitted to the Lead Authority.
- 6.3 PTWG will manage and verify appropriate spending of the Funds awarded for the Scheme and the Lead Authority will undertake the Scheme's overall accounting.
- 6.4 The Lead Authority will communicate with WG and other funding bodies and notify the Joint Authorities immediately of any event that could lead to a temporary or final discontinuation or any other deviation of the Scheme.

7 DEFAULT

Without prejudice to any other right or remedy if any of the Joint Authorities do not carry out the Scheme in accordance with the Purposes of the Grant Offer Letter or at the time specified in the Agreement the Lead Authority may: Serve a Default Notice on that Joint Authority setting out the nature of the default committed and requiring that Joint Authority to remedy the default within such time as the PTWG may specify by providing or providing again (as the case may be) without further charge to the PTWG those services/elements of the Scheme or such part of the services/elements of the Scheme in accordance with the Purposes in the Grant Offer Letter.

8 TERMINATION

- 8.1 Any Authority (which shall for the avoidance of doubt include the Lead Authority) may terminate this Agreement by giving six months' prior written notice to the other Authorities or at any time by mutual consent and the terminating Authority shall immediately make payment to the Lead Authority of all outstanding monies.
- 8.2 If any or all of the Joint Authorities are in breach of any obligation on it under the Agreement, and, in the case of a breach capable of remedy, the breach shall not have been remedied by the Defaulting Party within 30 days of a written notice specifying the breach and requiring it to be remedied, then the Lead Authority may forthwith terminate this Agreement by notice in writing to the Defaulting Party without prejudice on the accrued rights of either party.
- 8.3 If any or all of the Joint Authorities commits a default, which is a fundamental breach of the Agreement, the Lead Authority shall be entitled to terminate the Agreement, or its application to any particular service, with immediate effect, by giving notice in writing to the Defaulting Party.
- 8.4 The Lead Authority shall be entitled to terminate this Agreement forthwith by notice in writing to any of the Joint Authorities in the event that:
- 8.4.1 It has reasonable grounds for anticipating that any action taken by, taken against or imposed on the Joint Authority shall have a material effect on that Joint Authority's ability to perform its obligations under the Agreement.
- 8.4.2 Any Authority ceases to exist in its current form due to reorganisation or other restructure (unless the replacement local authority agrees to continue with the Agreement).
- 8.4.3 A Notification Event occurs and WG take any or all of the following actions:
- 8.4.3.1 Withdraw the award of funding; and/or
 - 8.4.3.2 Require repayment of all or part of the funding immediately; and/or
 - 8.4.3.3 Suspend or cease all further payments of funding; and/or
 - 8.4.3.4 Make all further payments of funding subject to such conditions as they may specify and these conditions are not met; and/or
 - 8.4.3.5 Deduct all amounts owed to them under these Conditions from any other funding that WG have awarded; and/or
 - 8.4.3.6 Exercise any other rights against the Lead Authority which WG may have in respect of the funding in accordance with 9(vi) of the Grant Offer Letter
- 8.4 Termination of the Agreement shall not prejudice or affect any right of action or remedy which shall have accrued or which may thereafter accrue to any of the Authorities.

9 CONSEQUENCES OF TERMINATION

- 9.1 Where the Lead Authority (working with the PTWG) terminates the Agreement under clauses 7 to 8 (inclusive) and then makes other arrangements for the provision of the services, the Lead Authority shall:
- 9.1.1 be entitled to recover from the Joint Authorities with whom the Agreement has been terminated the cost of making those other arrangements and any additional expenditure reasonably incurred by the Lead Authority throughout the remainder of the Term; and
- 9.1.2 not be obliged to make further payment to that Authority or those Authorities (referred to in 9.1.1) until the Lead Authority has established the final cost of making those other arrangements.

10 DISPUTE RESOLUTION

- 10.1 If there is a dispute between the Joint Authorities or Lead Authority or concerning the interpretation or operation of this Agreement then any party may notify the others in writing that it wishes the dispute to be referred to a meeting of the PTWG to resolve on the basis of good faith.
- 10.2 If after 28 days (or such longer period as the parties may agree) of the date of notice referred to above the dispute has not been resolved, any party may notify the others that it wishes the dispute to be referred to the Lead and Joint Authorities respective Heads of Paid Service for resolution.
- 10.3 If the Chief Officers are unable to resolve the dispute within the time period agreed by the parties it shall be referred to an independent arbitrator by any of the parties to this Agreement. The independent arbitrator shall be agreed by the parties but if not then shall be nominated by the Welsh Government.
- 10.4 If an independent arbitrator is appointed the parties shall pay the arbitrator's fees in equal shares, and agree that they will be bound by the decision of the arbitrator.
- 10.5 The dispute resolution procedure set out in this clause shall not delay or take precedence over the provisions for termination set out in clauses 7 (Default) and 8 (Termination) of this Agreement.

11 COMMENCEMENT AND DURATION

- 11.1 This Agreement shall come into force on the Commencement Date.
- 11.2 Subject to clause 11.3, the duration of this Agreement shall be from the Commencement Date until the Completion Date unless terminated earlier in accordance with clauses 7 and 8.
- 11.3 The PTWG and any or all of the Authorities can agree in writing prior to the Completion Date to extend the duration of this Agreement for a further 12 month period and can agree each year to extend for an additional year thereafter (up to a maximum of an additional 1 time). The total combined duration of the extensions shall not exceed 2 years in total.

12. WAIVER

Failure by the Lead Authority (working with the PTWG) at any time to enforce the provisions of this Agreement or to require performance by any of the Authorities of any of the provisions of this Agreement shall not be construed as a waiver of any provision and shall not affect the validity of the Agreement or any part thereof or any right of the Lead Authority to enforce any provision in accordance with its terms.

13. COMMUNICATION IN WRITING

Any communication required to be in writing under the terms of this Agreement shall be sent to each to the addresses indicated at the beginning of this Agreement and marked for the attention of the relevant person identified in relation to the each Authority. Each party shall use reasonable endeavours to communicate in accordance with the Agreement.

14. THIRD PARTY RIGHTS

To the extent that any provision of this Agreement is capable of being legally enforced the parties to this Agreement confirm and agree that they do not intend any provision of it to be enforceable by any other person pursuant to the Contract (Rights of Third Parties) Act 1999.

15. NO PARTNERSHIP

The Authorities are independent from each other and nothing contained in this Agreement shall be construed as implying that there is any relationship between the Authorities of partnership or of principal/agent or of employer/employee

16 WELSH LANGUAGE

The Authorities shall each comply with the requirements of the Welsh Language Act 1993 or any replacement protocol that the Authorities are required to implement as a result of the Welsh Language (Wales) Measure 2011 and Welsh Language Standards (Welsh Ministers, County and County Borough Council and National Park Authorities) Regulations 2015 and with their own Welsh Language Policy and any updates to them.

17 CONFIDENTIALITY AND DATA PROTECTION

- 17.1 Each Authority shall ensure that its Representatives comply in all respects with the provisions of the Data Protection Act 1998 (DPA) and all Parties shall duly observe their obligations under the DPA which arise under the Agreement
- 17.2 Each Authority shall allow authorised Officers of the Lead Authority to access files held by that Authority or any subcontractor relating to each user of services within the Scheme (excluding medical records) provided reasonable notice and a valid reason for the request is given and in accordance with the Data Protection Act 1998
- 17.3 Neither the Lead Authority nor the Joint Authorities shall disclose any Personal Data (as defined in the DPA) which they have received from each other to any third party without the prior written consent of the other or subject to statutory provision including the Data Protection Act 1998.

18 FREEDOM OF INFORMATION

- 18.1 The Authorities acknowledge that they are subject to the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 together referred to as (FOIA) and all information held by the Authorities is subject to this legislation
- 18.2 The Authorities shall provide all necessary assistance as reasonably requested by each other to respond to a request made under FOIA in accordance with the legislation
- 18.3 Each Authority shall be responsible for determining at its absolute discretion whether information held by it is exempt from disclosure in accordance with the provisions of FOIA and whether the information is to be disclosed in respect of any request made to it

19 INSURANCE

- 19.1 The Authorities will have in place and will maintain in force valid, adequate and appropriate insurance in respect of all its property assets and undertakings against all such insurable risks (including professional negligence, public and employers' liability cover) in such amounts as may be reasonably required, from time to time.
- 19.2 For the purpose of this clause a "Claim" means:
- 19.2.1 any claim brought by any Authority arising from negligence;
 - 19.2.2 a contractual claim brought by any Authority;
 - 19.2.3 any other claim brought by a Authority whatsoever arising from or in connection with this Agreement.
- 19.3 Each Authority ("Indemnifying Authority") shall indemnify and keep indemnified the other Authorities ("Indemnified Authorities") against all actions, proceedings, costs, claims, demands, liabilities, losses and expenses whatsoever, whether arising in tort (including negligence), default or breach of this Agreement, to the extent that any loss or claim is due to the breach of contract, negligence, wilful default or fraud, of the Indemnifying Authority's employees, or its representatives or subcontractors, except to the extent that the loss or claim is directly caused by or directly arises from negligence, breach of this Agreement or applicable law by the Indemnified Authority or its representatives.
- 19.4 Authorities shall not be liable to each other for any claims arising from any acts or omissions of the other Authorities in connection with the Scheme before the Commencement Date.
- 19.5 To the extent that there is any doubt, uncertainty or disagreement regarding the respective liabilities of each Authority in accordance with the provisions of this clause 19, the Authorities will cooperate to resolve the Claim in the most cost-effective and timely manner possible and shall seek to apportion liability with all reasonable consideration of the circumstances surrounding the Claim. Any disagreement regarding the appropriate apportionment of liability in accordance with this clause 19 shall be dealt with in accordance with the provisions of clause 10 of this Agreement. The liability of each Authority to indemnify the other is reduced to the extent that events which are the other Authority's responsibility contributed to the losses, claims, proceedings, compensation and costs
- 19.6 Each Authority shall at all times take all reasonable steps to minimise and mitigate any loss or damage for which the relevant Authority is entitled to bring a claim against the other Authority pursuant to the Agreement.
- 19.7 Notwithstanding any other provision of the Agreement neither Authority limits or excludes its liability for:
- (a) fraud or fraudulent misrepresentation;
 - (b) loss of or damage to property; or
 - (c) death or personal injury caused by its negligence.
- 19.8 Each Joint Authority shall produce to the Lead Authority such evidence as the Lead Authority may require that the insurance referred to above has been taken out, provides adequate cover, and is in force at all times.

20 PUBLICITY

- 20.1 Each Authority agrees to acknowledge the financial contribution made to its activities by the Welsh Government. This will include recognition in such documentation as

programmes, events flyers, letterheads and annual reports in a manner, which will be agreed in advance with the PTWG.

- 20.2 No Authority shall make any announcements or publicise the Agreement or its contents in any way without the prior written consent of the PTWG, which shall not be unreasonably withheld or delayed.

21 FINANCIAL MANAGEMENT AND FUNDING ARRANGEMENTS

- 21.1 The Authorities will each ensure their compliance with the financial management and governance arrangements of their Council, as follows:-

- 21.1.1 The Constitutional requirements of their Council relating to executive approvals and delegated authority, including pooled budget arrangements are effected.

- 21.1.2 Each Authority will comply with their standing orders relating to contracts, in relation to their procurement of any secondary contracts.

- 21.1.3 EU procurement directives etc. will be adhered to.

- 21.1.4 Each Authority will ensure compliance with statutory requirements:

- ♦ Accounting/financial reporting requirements

- ♦ Audit & Inspection of Accounts

- 21.1.5 Each Authority will follow the financial regulations of their Council including:

- ♦ Authorisation for spend

- ♦ Charging policy

- ♦ Budgetary control and reporting – commitments and corrective action

- ♦ Insurance & Indemnity

- ♦ Asset Management – custody, maintenance and disposal

- ♦ Preparation of Accounts & record retention

- 21.1.6 Each Authority will ensure all grant conditions pertaining to the scheme in question are followed, including:

- ♦ Procurement requirements

- ♦ Performance requirements

- ♦ Grant repayment

- ♦ Audit requirements

- ♦ Record retention

- ♦ Termination arrangements – assets & liabilities arrangements

- 21.2 The PTWG will administer the funding awarded by WG for the provision of the Scheme.

- 21.3 The Lead Authority (working with the PTWG) will not fund the provision of any Scheme element or service other than the provision required to be performed under this Agreement and on the assurance that the Scheme element or service is satisfactorily meeting the terms and conditions of the Agreement, the South West Wales Bus Services Support Grant Guidance and the Purposes in Schedule 1 of the Grant Offer Letter and the notes for Guidance.

- 21.4 The Lead Authority (working with the PTWG) will ensure that payments are made by instalments at times agreed with the PTWG upon receipt of an invoice.

- 21.5 Each Authority will properly manage the money provided by the Lead Authority.

- 21.6 Each Authority will avoid incurring any financial obligations that it is unable to meet whilst delivering the services.

- 21.7 Each Authority will notify the Lead Authority if for any reason the Scheme or any elements of it for which it is responsible cannot be provided, and will return such part of any funding as the Lead sponsor (working with the PTWG) may determine but having

regard to that Authorities' ongoing financial commitments during such a period of reduced delivery.

21.8 Each Authority will check whether the Scheme or elements of it is considered to be a taxable supply for Value Added Tax purposes and to notify the Lead Authority if necessary.

21.9 Each Authority will notify the Lead Authority immediately of any circumstance that may adversely affect the continued financial viability of or which places services and/or participants in jeopardy through the possible failure of the delivery of the Scheme.

21.10 In the event of termination of the Agreement, the Lead Authority (working with the PTWG) will reclaim monies from the Joint Authority or Joint Authorities who caused the breach and if there is more than one Joint Authority in breach, then this amount is to be split between them

22 MONITORING AND EVALUATION

The Parties shall together operate the monitoring and evaluation arrangements of this Agreement as set out in Schedule 1.

23 JOINT RESPONSIBILITIES OF JOINT AUTHORITIES AND LEAD AUTHORITY

23.1 All of the Authorities will notify each other of any changes to the named officers who make up the PTWG and who are managing this Agreement.

23.2 Both Parties will ensure that there is appropriate dialogue and exchange of information to meet the objectives of the provision of the services.

23.3 Both Parties will ensure that there is regular and appropriate communication and liaison to deal with matters relevant to the operation of this Agreement.

23.4 This Agreement shall not limit any Authority from pursuing any other lawful activity within their powers, provided it does not prejudice their respective obligations under this Agreement.

24 APPLICABLE LAWS

The Agreement shall be governed by and construed in accordance with the law of England and Wales.

25 CURRENT LEGISLATION

During the performance of this Agreement, all Parties will abide by all relevant current legislation and regulations.

26 VARIATION

The terms of this Agreement may be varied with the mutual agreement of all Parties. Such variation will be recorded in writing.

27 SEVERANCE

If any provision of the Agreement shall become or shall be declared by any court of competent jurisdiction to be invalid or unenforceable in any way, such unenforceability shall in no way impair or affect any other provision all of which shall remain in full force and effect.

28 COUNTERPART

This Agreement may be signed in any number of separate counterparts, each of which when signed and dated shall be an original, and such counterparts taken together shall constitute one and the same Agreement.

SURVIVAL OF TERMINATION

Clauses 2,4.2-4.5, 9,10,13,17-19,21.10,21.1.2,21.1.3,24,Schedule 1 Paragraphs 6,7,10-13, 15-19, 21 and Schedule 2 Paragraphs 8-9 shall continue in full force and effect after the termination of this Agreement

IN WITNESS WHEREOF the parties here have hereunder either signed or affixed their Common Seals the day and year first before written.

The Common Seal of

City and County of Swansea Council

was hereunto affixed

in the presence of :

AUTHORISED OFFICER

The Common Seal of

Neath Port Talbot County Borough Council

was hereunto affixed

in the presence of :

AUTHORISED OFFICER

The Common Seal of

Carmarthenshire County Council

was hereunto affixed

in the presence of :

AUTHORISED OFFICER

The Common Seal of

Pembrokeshire County Council

was hereunto affixed

in the presence of :

AUTHORISED OFFICER

SCHEDULE 1

(General Conditions)

APPRAISAL AND MONITORING

- 1 The Authorities acknowledge that it is fundamentally important to them all, and the Welsh Ministers that the Scheme shall be properly monitored to ensure value for money and a satisfactory standard of delivery and will assist the each other and Welsh Ministers to demonstrate these objectives have been achieved.
- 2 Delivery of the Scheme must be consistent with the details specified in the Purposes set out in Schedule 1 of the Grant Offer Letter. The PTWG will monitor progress and performance of the Scheme against those outputs and any Grant funding conditions and regular review meetings will be held to assess progress against physical and financial targets.
3. The WG Grant Conditions require the Lead Authority to:
 - 3.1 Provide the WG with such documents, information and reports which they may reasonably require from time to time in order to monitor compliance with the Conditions
 - 3.2 Meet with WG Officials and such other representatives as they may from time to time reasonably require
 - 3.3 Ensure that the Lead Officer (or such other person as they may agree) attends all meetings with the WG OfficialThe PTWG will work collectively to support the Lead Authority in meeting these Grant Conditions
- 4 All Authorities will use their reasonable endeavours to work to a management system, which enables the Scheme delivery and finances to be effectively monitored and controlled. The PTWG will work to ensure systems are adequate and capable of providing relevant information and best practice policies are implemented to ensure standard systems across all Authorities.
- 5 The Authorities' will provide the PTWG as frequently as reasonably required such monitoring reports, in a format agreed by the PTWG showing progress against targets together with the related financial expenditure.
- 6 The Authorities shall maintain full and proper accounts, invoices and records concerning all aspects of its involvement in the Scheme until such time as it is no longer required by the Welsh Government that enable them to demonstrate:
 - 6.1 Amounts received from the Scheme funding.
 - 6.2 Whether the original targets have been met and reasons for any variances.
 - 6.3 That amounts spent and received by all Authorities have been used wholly and exclusively for the purpose of the Scheme.
- 7 All accounts and records shall be maintained in a manner that clearly identifies it as accounts for the Scheme and no other purpose and all accounts and records kept by the Authorities shall be retained for the period specified by the Grant Offer Letter.
- 8 An Authority must contact the PTWG as soon as reasonably practicable if it becomes aware that, for whatever reason, the approved targets are not going to be materially met.

- 9 If in its reasonable opinion the PTWG considers the standards of any one or more of the periodic monitoring reports is inadequate the PTWG may require the Authority:
- 9.1 To supply reports to the PTWG more frequently until such time as the standard of reports improves:
- 9.2 To take such reasonable remedial action at the Authority's cost as the PTWG may reasonably require to improve the standard of the reports.

RIGHT OF ACCESS (see also Schedule 2 Paragraphs 5-9)

- 10 The Joint Authorities will allow authorised employees of the Lead Authority, upon receipt of reasonable written notice, access to all financial and monitoring records relating to the Scheme.
- 11 Such access shall include the right to audit, review and take copies of all such documentation and where necessary in the reasonable Opinion of the Lead Authority, take custody of the original accounts and records, but in the case of the Lead Authority taking custody of any original accounts or records, the Lead Authority will immediately provide to the Joint Authorities certified copies and fully indemnify the Joint Authorities if such accounts or records are lost or destroyed.
- 12 The Lead Authority will reclaim any Grant funding from Authorities, in the event of a clawback of Grant by WG here, after receipt of reasonable written notice, the Authority is unable to provide original supporting documentation .
- 13 The persons having by virtue of this Agreement a right of access to such accounts and records are
 - 13.1 Lead Authority
 - 13.2 WG or their agents
 - 13.3 European Commission
 - 13.4 Wales Audit Office
 - 13.5 Any Government Agency who has a right to review expenditure by the Council or the Welsh ministers
 - 13.6 Any other auditor whose functions include the audit of expenditure by the Authorities

ASSISTANCE TO THE LEAD SPONSOR

- 14 If at any time the Lead Authority is required by its own auditors, WG or any other Government Body, to provide any information to such bodies concerning the Scheme the PTWG shall use all best endeavours to assist the Lead Authority to comply with any such requirement and such assistance shall include, but is not limited to, the provision of copies of all documentation held by the Joint Authorities that is relevant to the Scheme.

RIGHT TO WITHHOLD PAYMENT

- 15 The WG Grant Conditions (Sections 5 & 9) set out the terms under which payment may be withheld. This includes the requirement for the Lead Authority to confirm that a Collaboration Agreement is in place between all parties in the area. It also includes the failure to notify WG of a Notification Event which cannot be remedied, or where appropriate action is not taken. Where such a situation arises and WG withholds part of whole of the

funding, the Lead Authority (working with the PTWG) shall be entitled to withhold, suspend or recover payment of all or part of the Grant funding if:

- 15.1 A Joint Authority fails to materially comply with any requirement which any of the Conditions states must be met before the Lead Authority is obliged to make a payment or
- 15.2 In the Lead Authority's reasonable opinion, which must be based on evidence, it considers that because of any act or omission on the part of any Joint Authority part of the Grant funding has been applied other than wholly and exclusively for the purpose of the Scheme
- 15.3 In the Lead Authority's reasonable opinion there is unsatisfactory progress towards meeting agreed targets of the project as established by the PTWG.
- 15.4 The Lead Authority or Joint Authorities become entitled to terminate this Agreement.
- 15.5 The Lead Authority has lawfully served upon a Joint Authority either a notice of default or termination under clauses 7 and 8 of this Agreement and the Joint Authority has not materially complied with such notice.

RIGHT TO RECOVER PAYMENT

- 16 The Lead Authority shall be entitled to require that a Joint Authority repays to the Lead Authority in full or part the Grant funding paid by the Lead Authority (as the Lead Authority working with the PTWG deems fit and as so required by the WG) in an event that: -
 - 16.1 All or part of Grant funding is applied otherwise than wholly and exclusively for the purposes of the Scheme
 - 16.2 There has been an overpayment of the Grant funding by reason of an error made by either party or
 - 16.3 Any part of the Grant funding is held by WG or any other relevant Government body to constitute unlawful State Aid
- 17 If any Joint Authority becomes aware of any circumstances, which may cause the Lead Authority to exercise any of its rights under paragraph 16 of this Schedule 1 it shall inform the Lead Authority immediately in writing
- 18 A Joint Authority on demand shall repay any sum that becomes repayable by reason of paragraph 16 of this Schedule 1 to the Lead Authority within 28 days of the date of any demand made by the WG in order to allow the Lead Authority to comply with the Grant Conditions.
- 19 Wherever under this Agreement any sum of money is recoverable from or payable by a Joint Authority, that sum may be deducted from any such sum due to the Joint Authority under this Agreement

INSUFFICIENT TAKE UP OF GRANT FUNDING

- 21 Should there be insufficient take up of Grant funding by any Joint Sponsor, the Joint Sponsor shall indemnify the Lead Sponsor against any reasonable fees, costs or expenses not recoverable from WG as a consequence of insufficient take up.

SCHEDULE 2

(Financial Conditions)

Payment of funding to Joint Authorities

1. The parties assume no VAT is payable in respect of the Grant funding. If that assumption is incorrect the amounts of the reimbursement of WG funding shall be deemed to be inclusive of VAT.
2. The Authorities are responsible for their own VAT accounting and all claims should be exclusive of VAT (unless otherwise agreed beforehand in writing by the PTWG).
3. Payments shall become due and be payable upon each and every one of the following conditions being met:
 - 3.1 Authorities have complied in all material respects with their obligations under this Agreement.
 - 3.2 The Joint Authorities have submitted a claim to the Lead Authority by no later than 28 working days after the Agreed Claim Date in respect of the payment claims and all claims comply in all material respects with the requirements of this Schedule.
 - 3.3 Each claim shall be in the format agreed by PTWG and clearly identify amounts claimed in relation to the project. Each claim shall be accompanied by such supporting evidence that in the reasonable opinion of the PTWG indicates that the amount claimed has actually and properly been defrayed by the Authority in respect of delivering the Scheme.
 - 3.4 The PTWG has reviewed the claim and agreed that expenditure is eligible for the purpose of the Scheme.
4. The Lead Authority will reimburse the Joint Authorities within 14 working days of receipt by the Lead Authority of the claim form from the Joint Authorities.

Audit

5. The Grant Offer Letter outlines the rights of Auditors and Government bodies in regards to audit requirements
6. All Authorities must maintain an accounting system, which will uniquely identify project expenditure from all other activities of the Authorities eg unique cost centres. The system should be capable of identifying eligible and ineligible costs.
7. The Lead Authority will submit a Statement of Expenditure as required by Schedule 3 of the Grant Conditions, an annual and final audit certificate for the Scheme to WG.
8. All expenditure must be defrayed by the end of the audited period and supported by appropriate documentation as set out in any WG Project Monitoring, Management & Control Systems Guidance documents. Joint Authorities' annual claims must be submitted to the Lead Authority within 28 days of the end of the audited period.
9. Failure to submit annual claims in time will result in suspension of WG funding payments.

Appendix B

Grant Offer Letter

See attached letter from Welsh Government dated 28 March 2014, 24 April 2015, and 17 May 2016

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

5 January 2017

Report of the Head of Engineering & Transport

D. W. Griffiths

Matter for Decision

Ward Affected: Neath South

Proposed Revocation and Goods Vehicle Loading Only Order: Maes-yr-Haf, Neath

Purpose of Report

- 1 For Members to consider the response received following the advertisement of the proposed Order for the revocation of an existing Order and the introduction of a Goods Vehicle Loading Only, 30 Minutes, 7 Days a Week Order in Maes-yr-Haf, Neath, as indicated in Appendix A.

Executive Summary

- 2 The report outlines the proposed Order and the reason why the Order is required.

Background

- 3 The scheme is necessary to facilitate a dedicated loading bay to service adjacent businesses in 'The Parade' and especially Windsor road, where adequate loading bays are in short supply.
- 4 In November 2016, the proposal was advertised and at the same time, a consultation exercise was undertaken to all neighbouring properties potentially affected by the scheme; see Appendix B.

Financial Implications

- 5 The scheme will be funded from the 2016/17 Capital Works Programme.

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 function does not require an Equality Impact Assessment.

Workforce Impact

- 7 Not applicable.

Legal Impact

- 8 The scheme will be advertised for a 21 day period.

Risk Management

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

Consultation Outcome

- 10 Following the consultation exercise, there was one letter of objection written in Welsh. A summary of the content is listed below:-
- That elderly users of the premises, especially on Sundays, need to walk a short distance.
 - Difficult for vehicles to pass a large lorry when parked in the bay.
 - Their specialist vehicles would not be able to use the loading bay.
 - A lorry parked in the bay would obstruct the premises entrance.
 - The proposed Order is for seven days a week.
 - Two adjacent premises both have spaces specifically for deliveries.
 - Should provide an alternative loading bay in front of the entrance to Specsavers.

Observation of Objections

- There is a disabled bay within 50 metres of the Church outside Pizza Hut.
- The proposed loading bay is 6 metres in length and not suitable for HGV's.
- The specialist vehicles would be able to unload but not wait.
- The order is for seven days because nearby premises operate for seven days.
- The loading bay can be used by all the adjacent premises which do not have spaces for deliveries.
- A loading bay outside Specsavers would necessitate the premises carrying stock across 'The Parade' and present Health & Safety issues.

Recommendation

11 It is recommended that:-

Having due regard to the Equality Impact Assessment screening, the objection be overruled and the objector be informed accordingly, and the Traffic Order for the revocation of an existing Order and the introduction of a Goods Vehicle Loading Only, 30 Minutes, 7 Days a Week Order in Maes-yr-Haf, Neath, as indicated at Appendix A to the circulated report, be approved.

Reasons for Proposed Decision

- 12 The proposed loading bay is on the same side of the street as the premises requiring the facility preventing staff crossing the highway with stock.
- 13 Only one space is being lost to provide the loading bay adjacent to the objector's premises. There will still be three spaces in the existing limited waiting bay.
- 14 There is a disabled parking bay for four vehicles on The Parade within 50 metres of the objector's premises.

Implementation of Decision

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

Appendices

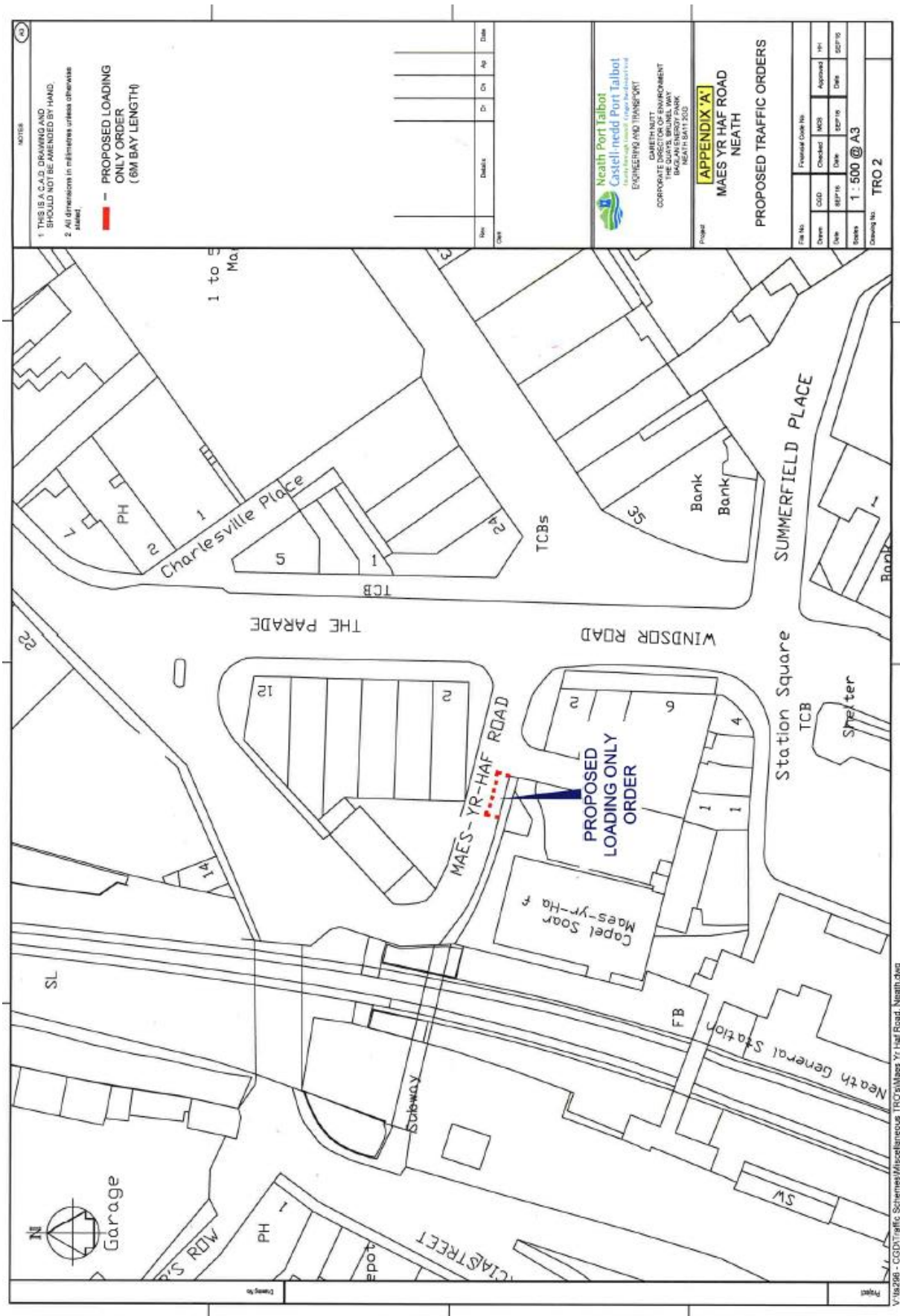
- 16 Appendix A - Plan
Appendix B - Letter

List of Background Papers

- 17 File TR25

Officer Contact

- 18 Mr M Brumby – Project Manager Highways
Tel No. 01639 686013
email: m.brumby@npt.gov.uk



APPENDIX B

18 November 2016

01639 686013

m.brumby@npt.gov.uk

**Mr M C Brumby
TR25/MCB/**

The Occupier

Dear Sir/Madam

**Revocation of Waiting Limited to 1 Hour and Replace with
Goods Vehicles Loading Bay, Waiting Limited to 30
Minutes, 7 Days a Week – Maes-yr-haf, Neath**

It is the intention of Neath Port Talbot County Borough Council to revoke a Waiting Limited to 1 Hour Order and to replace it with a Goods Vehicles Loading Bay, Waiting Limited to 30 Minutes, 7 Days a Week as indicated on the attached plan.

A copy of the proposed Order, Statement of Reasons and an appropriate plan may be inspected during normal office hours at the main reception desks in the Civic Centres at Neath and Port Talbot, The Quays, Baglan and Pontardawe Library.

Any comments should be submitted in writing to reach the Head of Engineering and Transport, Neath Port Talbot County Borough Council, The Quays, Brunel Way, Baglan Energy Park, Neath SA11 2GG by 9th December 2016.

Should you require any further information please contact my officer on the above telephone number.

Yours faithfully

Head of Engineering & Transport

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

5 January 2017

Report of the Head of Engineering & Transport

D. W. Griffiths

Matter for Decision

Wards Affected: Seven Sisters

Proposed Traffic Orders:

A4109 Mary Street and Heol y Waun, Seven Sisters

Purpose of Report

- 1 To obtain Members' approval to advertise the Legal Order for the revocation of existing Orders and implementation of a No Waiting at Any Time Order in Mary Street and Heol y Waun, Seven Sisters (as Appendix A).

Executive Summary

- 2 The report outlines the proposed Order and the reason why the Order is required.

Background

- 3 Following a Planning Application, it has been conditioned that a No Waiting at Any Time Order will be implemented in the interest of road safety.

Financial Impact

- 4 The work will be funded by the developer.

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 function does not require an Equality Impact Assessment.

Workforce Impact

- 6 Not applicable.

Legal Impact

- 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(s)

It is recommended that:-

- 10 Approval be given for the proposed measures to be advertised as indicated on the attached plan (Appendix A) and for the Order to be implemented, subject to there being no objections.

Reason for proposed Decision

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

Implementation of Decision

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

Appendices

- 13 Appendix A - Plan

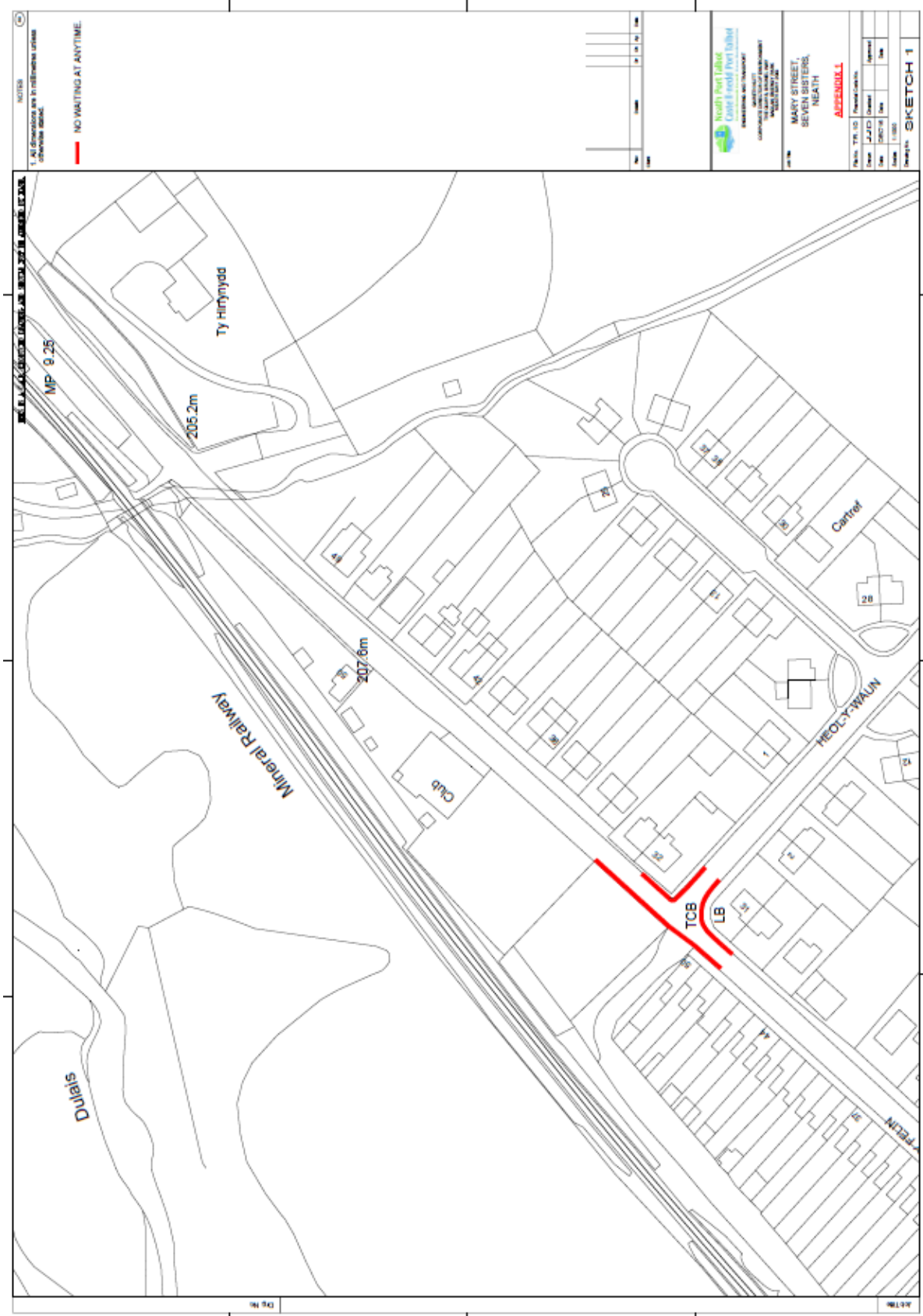
List of Background Papers

- 14 File No. TR25

Officer Contact

15 Martin Brumby, Highways Manager
Tel. No: 01639 686013
email: m.brumby@npt.gov.uk

Appendix A



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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

5 January 2017

Report of the Head of Engineering & Transport

D. W. Griffiths

Matter for Decision

Wards Affected: Pontardawe

Proposed Prohibition of Waiting, Loading or Unloading at Any Time

Order:

Junction of Francis Street with Ynysderw Road, Pontardawe

Purpose of Report

- 1 Members' are requested to consider the response received following the advertisement of the proposed order for Prohibition of Waiting, Loading or Unloading at Any Time at the junction of Francis Street with Ynysderw Road, Pontardawe, as indicated in Appendix A.

Executive Summary

- 2 The report outlines the proposed Order and the reason why the Order is required.

Background

- 3 The scheme is necessary to prevent indiscriminate parking to alleviate traffic movement in and out of the junction of Francis Street.
- 4 In November 2016, the proposal was advertised and at the same time, a consultation exercise was undertaken to all neighbouring properties potentially affected by the Scheme (Appendix B).

Financial Impact

- 5 The scheme will be funded by the 2016/17 Capital Works Programme.

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 function does not require an Equality Impact Assessment.

Workforce Impact

- 7 Not applicable.

Legal Impact

- 8 Not applicable.

Risk Management

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

Consultation Outcome

- 10 Following the consultation exercise, there was one letter of objection. A summary of the content is listed below:-

Letter 1 stated that they “*have no objection to the Order or ‘No Waiting’*”, but object to the “*Uploading & Unloading*” element, as they have deliveries three times a week and need to conform to the premises Health & Safety Plan.

11 Observation of Objection

The observation from the objector seems genuine and was not originally considered. A resolution is to amend the proposed order to a ‘No Waiting at Any Time’ Order, thus allowing continued delivery access to the premises (Appendix C).

Recommendation(s)

It is recommended that:-

- 12 The objection is upheld and the objector is informed accordingly.

- 13 Approval is given to advertise the 'No Waiting at Any Time' Order as Appendix C and that the Order be implemented after the three-day call-in period, subject to there being no objections.

Reason for proposed Decision

- 14 That the objector has provided reasonable evidence to warrant amending the proposed Traffic Order.

Implementation of Decision

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

Appendices

- 16 Appendix A - Plan
Appendix B – Consultation Letter
Appendix C - Plan

List of Background Papers

- 17 File No. TR25

Officer Contact

- 18 Martin Brumby, Highways Manager
Tel. No: 01639 686013
email: m.brumby@npt.gov.uk

Appendix A

Appendix B

APPENDIX B

16 November 2016
01639 686013
m.brumby@npt.gov.uk

Mr M C Brumby
TR25/MCB/

The Occupier

Dear Sir/Madam

**Prohibition of Waiting, Loading or Unloading at any time
Order – Francis Street and Ynisderw Road, Pontardawe**

It is the intention of Neath Port Talbot County Borough Council to implement a Prohibition of Waiting, Loading or Unloading at Any Time Order, as indicated on the attached plan.

A copy of the proposed Order, Statement of Reasons and an appropriate plan may be inspected during normal office hours at the main reception desks in the Civic Centres at Neath and Port Talbot, The Quays, Baglan and Pontardawe Library.

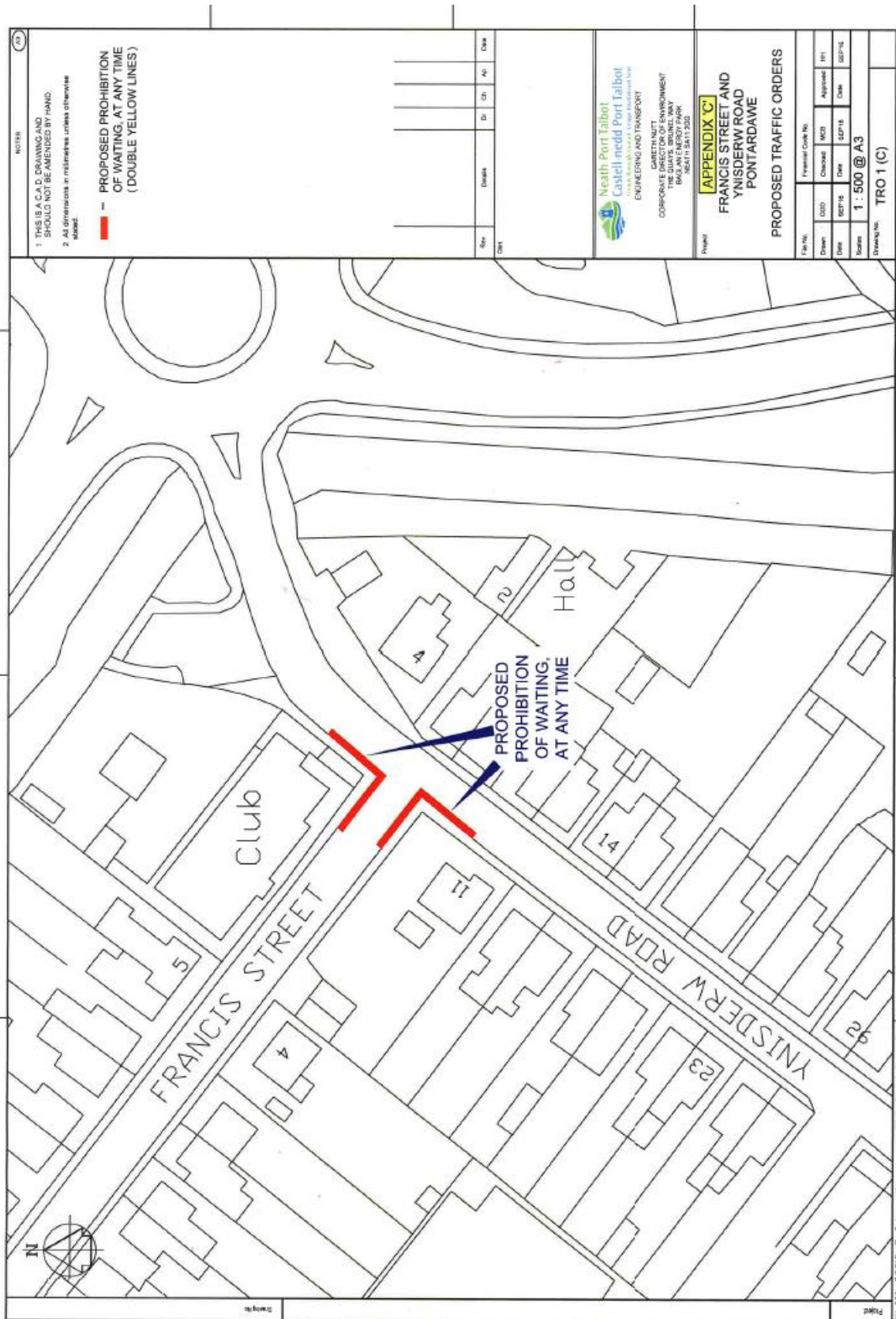
Any comments should be submitted in writing to reach the Head of Engineering and Transport, Neath Port Talbot County Borough Council, The Quays, Brunel Way, Baglan Energy Park, Neath SA11 2GG by 7th December 2016.

Should you require any further information please contact my officer on the above telephone number.

Yours faithfully

Head of Engineering & Transport

Appendix C



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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

5 January 2017

Report of the Head of Engineering & Transport

D. W. Griffiths

Matter for Decision

Ward Affected: Neath East

Proposed Traffic Order:

Individual Disabled Parking Place within a Residents Parking Bay, Geoffrey Street, Neath

Purpose of Report

- 1 To obtain Members' approval to advertise the Legal Orders for the revocation of an existing individual parking place at No. 11 Geoffrey Street and the revocation of the residents parking bay between No.'s 1 & 17. Then replace the Orders with the implementation of an individual parking place at No. 5 Geoffrey Street and a residents parking bay between No.'s 2 & 3 and No.'s 7 & 17.

Executive Summary

- 2 The report outlines the proposed Order and the reason why the Order is required.

Background

- 3 The applicant has satisfied the Council's criteria for an individual disabled parking bay.

Financial Implications

- 4 The works will be funded from the 2016/17 Capital Works Programme.

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 function does not require an Equality Impact Assessment.
- 6 It is envisaged that the proposals will provide a benefit to the applicant and help to improve their quality of life.

Workforce Impact

- 7 Not applicable.

Legal Impact

- 8 The scheme will be advertised for a 21-day period.

Risk Management

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

Consultation Outcome

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

Recommendation

- 11 It is recommended that:-

Approval is given for the proposed measures to be advertised, as indicated on the attached plan (Appendix A) and for the Order to be implemented, subject to there being no objections.

Reason for Proposed Decision(s)

- 12 To provide an individual disabled parking place in order to assist the application and help improve their quality of life.

Implementation of Decision

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

Appendices

- 14 Appendix A – Plan

List of Background Papers

- 15 File TR29/02

Officer Contact

- 16 Mr M Brumby – Project Manager Highways
Tel No. 01639 686013
email: m.brumby@npt.gov.uk



NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

5 January 2017

Report of the Head of Engineering & Transport

D. W. Griffiths

Matter for Decision

Wards Affected: Neath South

Proposed Prohibition of Waiting, Loading or Unloading at Any Time Order:

Purpose of Report

- 1 Members' are requested to consider the response received following the advertisement of the proposed order for Prohibition of Waiting, Loading or Unloading at Any Time at the junction of Kenway Avenue with Cimla Road, Neath, as indicated in Appendix A.

Executive Summary

- 2 The report outlines the proposed Order and the reason why the Order is required.

Background

- 3 The scheme is necessary to prevent indiscriminate parking to alleviate traffic movement in and out of the junction of Kenway Avenue.
- 4 In November 2016, the proposal was advertised and at the same time, a consultation exercise was undertaken to all neighbouring properties potentially affected by the Scheme (Appendix B).

Financial Impact

- 5 The scheme will be funded by the 2016/17 Capital Works Programme.

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 function does not require an Equality Impact Assessment.

Workforce Impact

- 7 Not applicable.

Legal Impact

- 8 Not applicable.

Risk Management

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

Consultation Outcome

- 10 Following the consultation exercise, there was one letter of objection. A summary of the content is listed below:-

Letter 1 stated that they *“already face rigorous parking restrictions which the proposals can only exacerbate”*. It continues by requesting for the provision of a disabled parking bay instead.

11 Observation of Objection

The objector is entitled to apply for an individual parking place as part of the Council’s current policy.

Recommendation(s)

It is recommended that:-

- 12 Having due regard to the Equality Impact Assessment screening, the objection be overruled, the objector be informed accordingly, and the Traffic Order for Prohibition of Waiting, Loading or Unloading at Any Time at the junction of Kenway Avenue with Cimla Road, Neath, as indicated at Appendix A, be approved.

Reason for proposed Decision

- 13 The objector has not provided reasonable evidence to warrant amending the proposed Traffic Order and has the opportunity to apply for an individual disabled parking place, as per the current Council policy, which may or may not be successful.

Implementation of Decision

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

Appendices

- 15 Appendix A - Plan
Appendix B – Consultation Letter

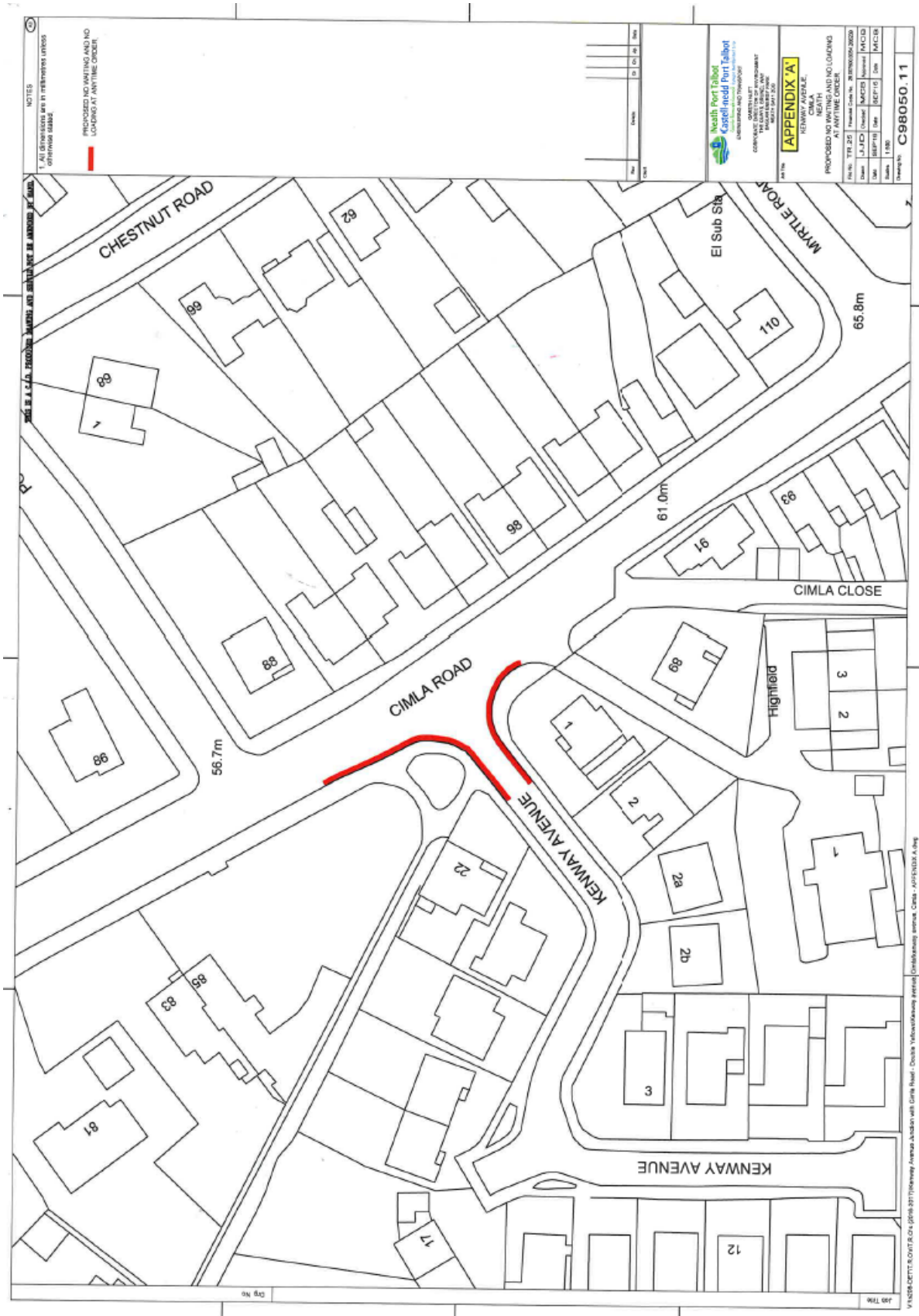
List of Background Papers

- 16 File No. TR25

Officer Contact

- 17 Martin Brumby, Highways Manager
Tel. No: 01639 686013
email: m.brumby@npt.gov.uk

Appendix A



Appendix B

APPENDIX B

1 November 2016

01639 686013

m.brumby@npt.gov.uk

**Mr M C Brumby
TR25/MCB/**

The Occupier

Dear Sir/Madam

**Prohibition of Waiting, Loading or Unloading at Any Time
Order – Kenway Avenue, Cimla, Neath**

It is the intention of Neath Port Talbot County Borough Council to implement the Prohibition of Waiting, Loading or Unloading at Any Time Order as indicated on the attached plan.

A copy of the proposed Order, Statement of Reasons and an appropriate plan may be inspected during normal office hours at the main reception desks in the Civic Centres at Neath and Port Talbot, The Quays, Baglan and Pontardawe Library.

Any comments should be submitted in writing to reach the Head of Engineering and Transport, Neath Port Talbot County Borough Council, The Quays, Brunel Way, Baglan Energy Park, Neath SA11 2GG by 25th November 2016.

Should you require any further information please contact my officer on the above telephone number.

Yours faithfully

Head of Engineering & Transport

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

5 January 2017

Report of the Head of Engineering & Transport

D. W. Griffiths

Matter for Decision

Wards Affected: Glynneath

Proposed Traffic Orders:

B4242 High Street, New Street and Lancaster Close, Glynneath

Purpose of Report

- 1 To obtain Members' approval to advertise the Legal Order for the revocation of existing Orders and implementation of a No Waiting at Any Time Order in High Street and No Loading Order in Lancaster Close and New Street (as Appendix A).

Executive Summary

- 2 The report outlines the proposed Order and the reason why the Order is required.

Background

- 3 Following a Planning Application, it has been conditioned that a No Waiting at Any Time Order and No Loading Order will be implemented in the interest of road safety.

Financial Impact

- 4 The work will be funded by the developer.

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 function does not require an Equality Impact Assessment.

Workforce Impact

6 Not applicable.

Legal Impact

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(s)

It is recommended that:-

10 Approval be given for the proposed measures to be advertised as indicated on the attached plan (Appendix A) and for the Order to be implemented, subject to there being no objections.

Reason for proposed Decision

11 The scheme is necessary to prevent indiscriminate street parking in the interest of road safety.

Implementation of Decision

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

Appendices

13 Appendix A - Plan

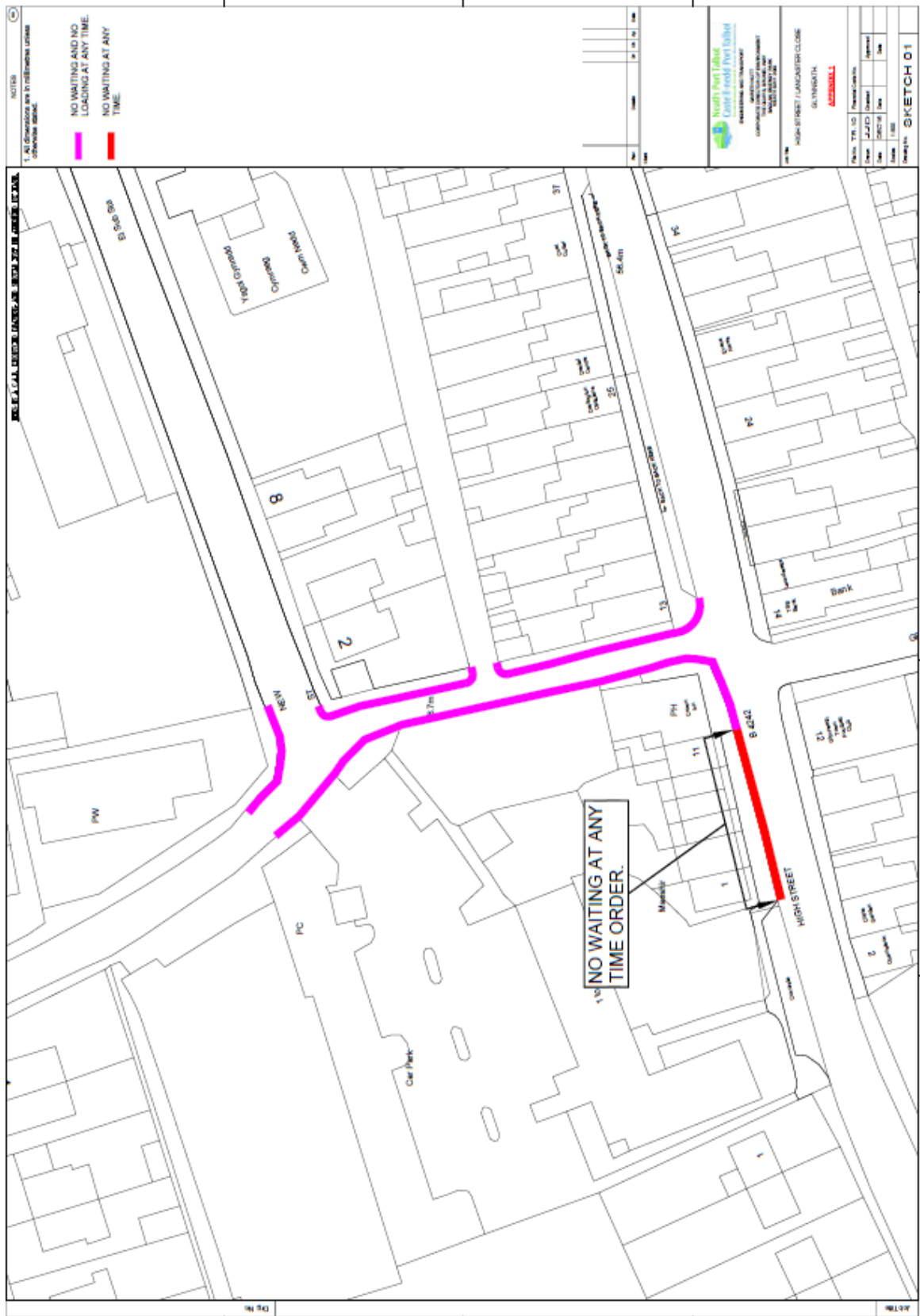
List of Background Papers

14 File No. TR25

Officer Contact

15 Martin Brumby, Highways Manager
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Appendix A



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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

5 January 2017

Report of the Head of Engineering & Transport

D. W. Griffiths

Matter for Decision

Ward Affected: Bryncoch South, Bryn and Cwmavon

Proposed Traffic Orders: Individual Disabled Parking Places

Purpose of Report

- 1 To obtain Members' approval to advertise the Legal Orders for the implementation of Traffic Orders for the following individual disabled parking places:-
 - No. 96 Heol Illtyd, Neath, SA10 7SF
 - No. 98 Heol Illtyd, Neath, SA10 7SF
 - No. 36 Depot Road, Cwmavon, Port Talbot, SA12 9BA

Executive Summary

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

Background

- 3 The applicants have satisfied the Council's criteria for an individual disabled parking bay.

Financial Implications

- 4 The works will be funded from the 2016/17 Capital Works Programme.

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 function does not require an Equality Impact Assessment.
- 6 It is envisaged that the proposals will provide a benefit to the applicant and help to improve their quality of life.

Workforce Impact

- 7 Not applicable.

Legal Impact

- 8 The scheme will be advertised for a 21-day period.

Risk Management

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

Consultation Outcome

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

Recommendation

- 11 It is recommended that:-

No. 96 Heol Illtyd, Neath, SA10 7SF: approval is given for the proposed measures to be advertised, as indicated on the attached plan (Appendix A) and for the Order to be implemented, subject to there being no objections.

No. 98 Heol Illtyd, Neath, SA10 7SF: approval is given for the proposed measures to be advertised, as indicated on the attached plan (Appendix A) and for the Order to be implemented, subject to there being no objections.

No. 36 Depot Road, Cwmavon, Port Talbot, SA12 9BA:
approval is given for the proposed measures to be
advertised, as indicated on the attached plan (Appendix B)
and for the Order to be implemented, subject to there being
no objections.

Reasons for Proposed Decision

- 12 To provide an individual disabled parking place in order to
assist the application and help improve their quality of life.

Implementation of Decision

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

Appendices

- 14 Appendix A – No.'s 96 & 98 Heol Illtyd, Neath, SA10 7SF
Appendix B – No. 36 Depot Road, Cwmavon, Port Talbot,
SA12 9BA

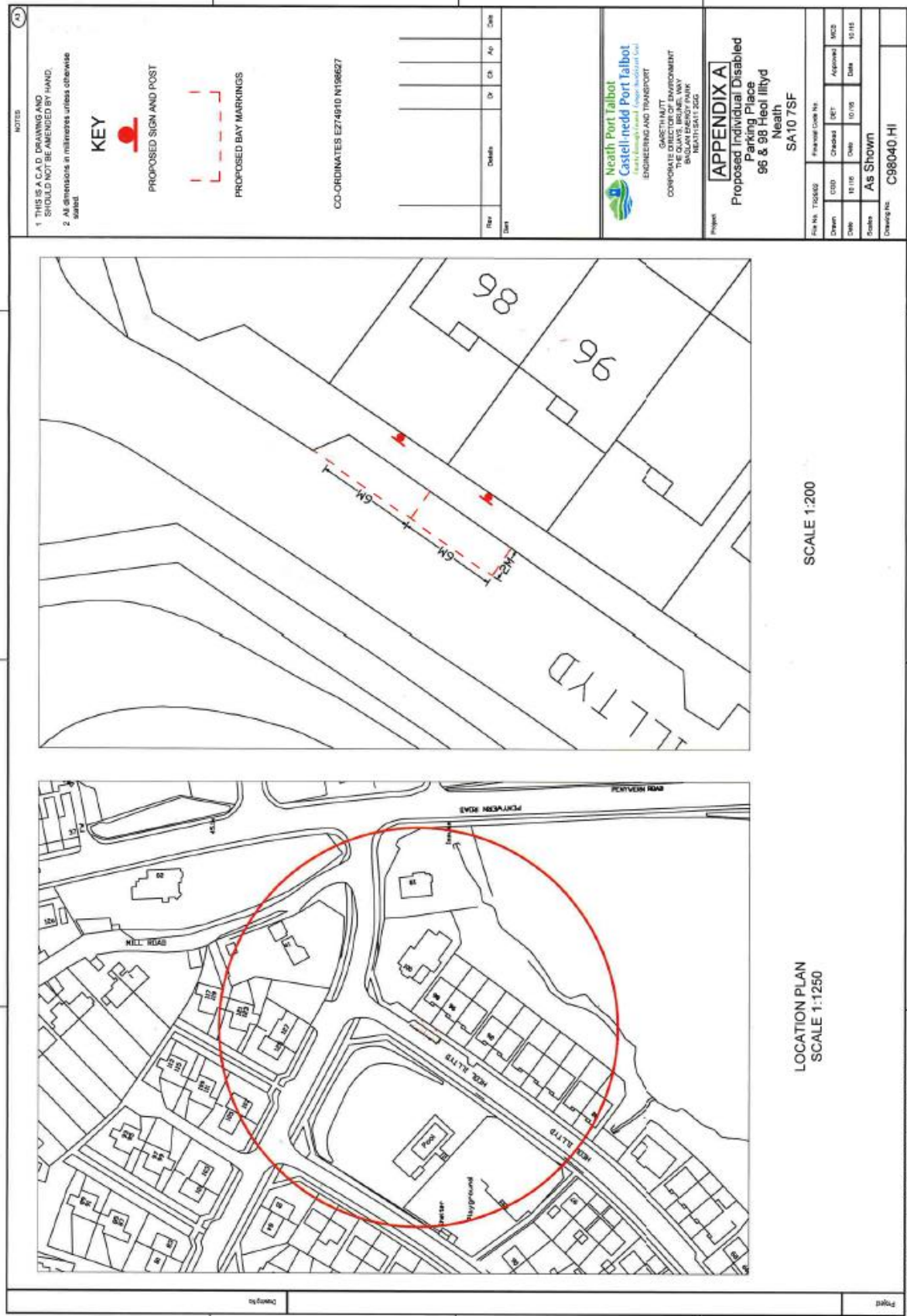
List of Background Papers

- 15 File TR29/02

Officer Contact

- 16 Mr M Brumby – Project Manager Highways
Tel No. 01639 686013
email: m.brumby@npt.gov.uk

Appendix A





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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

5 January 2017

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>
Environtec Ltd	31
David A. Siggery Ltd	36

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	

5. Equality Impact Assessment

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 published on NPT web pages.

Sustainability Appraisal

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

Recommendation

9. It is recommended that:-

The contractors in section 4 of this report are included on the Approved List for the relevant categories.

Reasons for Proposed Decision

10. To keep the Approved List up to date and as far as possible ensure a competitive procurement process.
11. This recommendation 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
Tel. No: 01639 686463
email: h.hasan@npt.gov.uk

Appendix A

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. Aboriculturalist
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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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
16th Feb 2017	Quarterly Performance Monitoring (Q3)	Monitor	Quarterly	A.Headon
	Vehicle Fleet Procurement Programme 2017/18		Annual	D.Griffiths
	Resolven Toilets	Info	Topical	M.Roberts
	Green Waste	Dec	Topical	M.Roberts
	Service Coordination Report (SWTRA)	Info		R.Jones/ G.Nutt
	Knotweed		Topical	M.Roberts

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
30th March 2016	Business Plans	Decision	Annual	ALL