



REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD

***Immediately Following Scrutiny Committee on
FRIDAY, 22 JUNE 2018***

COMMITTEE ROOMS A/B - NEATH CIVIC CENTRE

PART 1

1. Appointment of Chairperson
2. Declarations of Interest
3. Minutes of Previous Meeting (*Pages 5 - 10*)
4. Quarter 4 Performance Monitoring (*Pages 11 - 28*)

*Joint Report of the Head of Planning and Public Protection; the
Head of Property and Regeneration and the Head of
Commissioning and Support Services*
5. Enforcement Policy (*Pages 29 - 54*)

Report of the Head of Planning and Public Protection
6. Alleged Public Footpath - Glynneath (*Pages 55 - 68*)

Report of the Head of Legal Services
7. Future Tourism Provision within Neath Port Talbot County Borough
Council (*Pages 69 - 90*)

Report of the Head of Property and Regeneration

8. Energy Performance Report 2017-18 (*Pages 91 - 116*)
Report of the Head of Property and Regeneration
9. Forward Work Programme 2018/19 (*Pages 117 - 118*)
10. Urgent Items
Any urgent items (whether public or exempt) at the discretion of the Chairman pursuant to Statutory Instrument 2001 No 2290 (as amended).
11. Access to Meetings
To resolve to exclude the public for the following items pursuant to Regulation 4(3) and (5) of Statutory Instrument 2001 No. 2290 and the relevant exempt paragraphs of Part 4 of Schedule 12A to the Local Government Act 1972.

PART 2

12. Social Housing Grant (SHG), Housing Finance Grant (HFG) and Recycled Capital Grant (RCG) Programme 2018-21
(Exempt under Paragraph 14) (*Pages 119 - 130*)
Private Report of the Head of Commissioning and Support Services
13. Port Talbot Peripheral Distributor Road Phase 2 - Extension of Time
(Exempt under Paragraph 14) (*Pages 131 - 134*)
Private Joint Report of the Head of Engineering and Transport and the Head of Property and Regeneration
14. Tata Sports & Social Club, Margam
(Exempt under Paragraph 14) (*Pages 135 - 142*)
Private Joint Report of the Head of Engineering and Transport and the Head of Property and Regeneration
15. Former Playing Field at Pen yr Heol, Skewen, Neath
(Exempt under Paragraph 14) (*Pages 143 - 150*)
Private Joint Report of the Head of Streetcare and the Head of Property and Regeneration

S.Phillips
Chief Executive

Civic Centre
Port Talbot

14 June 2018

Cabinet Board Members:

Councillors: D.W.Davies and A.Wingrave

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 Democratic Services staff.*
- (2) *The views of the earlier Scrutiny Committee are to be taken into account in arriving at decisions (pre decision scrutiny process).*

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EXECUTIVE DECISION RECORD

CABINET BOARD - 18 MAY 2018

REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD

Cabinet Board Members:

Councillors: D.W.Davies (Chairperson) and A.Wingrave

Officers in Attendance:

J.Davies, N.Jones and T.Davies

Chair of Scrutiny:

Councillor S.K.Hunt

1. **APPOINTMENT OF CHAIRPERSON**

Agreed that Councillor D.W.Davies be appointed Chairperson for the meeting.

2. **MINUTES OF THE PREVIOUS REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD HELD ON 20 APRIL, 2018**

Noted by the Committee.

3. **2 X SUPPLEMENTARY PLANNING GUIDANCE**

Decisions:

1. That the responses and recommendations to the representations received as set out in Appendix 1 to the circulated report, be agreed;

2. That the revised Supplementary Planning Guidance as set out in Appendices 2 and 3 to the circulated report, be agreed;
3. That the adoption and publication procedures as set out in the circulated report be implemented.

Reason for Decisions:

To ensure that clear supplementary guidance is issued by the Council in respect of 'Landscape and Seascape' and 'Biodiversity and Geodiversity'.

Implementation of Decisions:

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

Consultation:

This item has been subject to external consultation.

4. **THE WELSH GOVERNMENT TARGETED REGENERATION INVESTMENT PROGRAMME (TRIP) 2018-21**

Decisions:

1. That the South West Wales Regional Plan for Regeneration, to deliver the Welsh Government's Targeted Regeneration Investment Programme (TRIP) 2018-21, be approved;
2. That the Head of Property and Regeneration develop the TRIP Delivery Plan in line with the Council's priorities for regeneration;
3. That the Head of Property and Regeneration establish a Local Project Board to develop and manage projects identified in the TRIP Delivery Plan.

Reason for Decisions:

To ensure that maximum regeneration benefits are achieved for the County Borough through the Targeted Regeneration Investment Programme, as well as ensuring a well-managed and accountable process for the identification and delivery of projects.

Implementation of Decisions:

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

5. **FORWARD WORK PROGRAMME 2018/19**

Decision:

That the Forward Work Programme be noted.

6. **ACCESS TO MEETINGS**

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

7. **HOUSING RENEWAL AND ADAPTATION SERVICE (HRAS) -
FRAMEWORK FOR HOUSING RENEWAL WORKS**

Decisions:

1. That the Council award the New Framework for Renewal Area Works Lot 1 (as detailed in the private circulated report) to the organisations listed below from 1 July 2018 for a 3 year period:

1. CJ Construction (Wales) Ltd
2. Jistcourt (South Wales) Ltd
3. SERS Energy Solutions Ltd
4. SAM Drylining Ltd
5. T.A,D. Builders Ltd
6. R.T. (Contractors) Ltd

Reserve list:

7. Mi-space UK Ltd
8. Thomas CMS Holdings Ltd

2. That the Council award the New Framework for Renewal Area Works Lot 2 (as detailed in the private circulated report) to the organisations listed below from 1 July 2018 for a 3 year period:
 1. Clydach Construction Ltd
 2. Property Building Maintenance Wales Ltd
3. That in respect of the extension of the Current Framework, the requirements of competition be excluded and Rule 2.1 of the Council's Contracts Procedure Rules be suspended;
4. That the Current Framework and the six Framework Agreements be extended from 1 April to 30 June 2018 to allow the Council to award and implement the New Framework, which will be undertaken at the same time as the extension is to be put in place, and to maintain continuity during this financial year's awarded contracts.

Reason for Decisions:

To ensure the Council complies with the European Union Procurement Directive and the Council's Contract Procedure Rules, as well as ensuring continuity of Housing Renewal Works pending the award and the implementation of the New Framework and new framework agreements resulting therefrom.

Implementation of Decisions:

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

8. **PROPOSED LEASE OF THE UNUSED TENNIS COURTS AT DYFED ROAD, NEATH**

Decision:

That the grant of the lease to the Trustees of Neath Community Tennis Courts of the unused tennis courts at Dyfed Road, Neath, on the terms set out in the private circulated report, be approved.

Reason for Decision:

To allow the unused tennis courts to be used for tennis purposed by the club, for the benefit of the local community.

Implementation of Decision:

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

Consultation:

This item will be subject to external consultation.

CHAIRPERSON

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Regeneration and Sustainable Development Cabinet Board

22 June 2018

**JOINT REPORT OF
THE HEAD OF PLANNING AND PUBLIC PROTECTION – N. PEARCE
THE HEAD OF PROPERTY AND REGENERATION – S. BRENNAN
THE HEAD OF COMMISSIONING AND SUPPORT SERVICES -
A.THOMAS**

Matter for Monitoring

Wards Affected: ALL

REGENERATION AND SUSTAINABLE DEVELOPMENT PERFORMANCE INDICATORS FOR QUARTER 4 OF 2017/18

- 1 Quarterly Performance Management Data 2017-2018 – Quarter 4 Performance (1st April – 31st March 2018)

Purpose of the Report

- 2 To report quarter 4 performance management data for the period 1st April to 31st March 2018 for Environment. This will enable the Regeneration and Sustainable Development Cabinet Board and Scrutiny Members to discharge their functions in relation to performance management.

Executive Summary

- 3 Section 1 of the appendix includes key points of performance per service area. Section 2 includes the performance data and, where relevant, comments. Section 3 provides compliments and complaints data. The Board should scrutinise performance within Economic Development, Planning, Building Control and Asset Management. On the whole performance demonstrates improvement in line with what we planned to deliver, with statutory deadlines being met.

Background

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

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

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

Financial Impact

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

Equality Impact Assessment

6 None required.

Workforce Impacts

7 During 2016/17, the Environment Directorate saw a further downsizing of its workforce (by 7 employees) as it sought to deliver savings of 1.6 million in the year.

Legal Impacts

8 This progress report is prepared under:

1. The Local Government (Wales) Measure 2009 and discharges the Council's duties to "make arrangements to secure continuous improvement in the exercise of its functions".
2. The Neath Port Talbot County Borough Council Constitution requires each cabinet committee to monitor quarterly budgets

and performance in securing continuous improvement of all the functions within its purview.

Risk Management

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

Consultation

- 10 No requirement to consult

Recommendations

- 11 Members monitor performance contained within this report.

Reasons for Proposed Decision

- 12 Matter for monitoring. No decision required.

Implementation of Decision

- 13 Matter for monitoring. No decision required.

Appendices

- 14 Appendix 1 - Quarterly Performance Management Data 2017-2018– Quarter 4 Performance (1st April to 31st March 2018)

Officer Contact

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Quarterly Performance Management Data 2017-2018– Quarter 4 Performance (1st April to 31st March 2018)

Report Contents:

Section 1: Key Points

Section 2: Quarterly Performance Management Data and Performance Key

Section 3: Compliments & Complaints Data

Section 1: Key Points

Planning

With the exception of indicators PLA/M001 – ‘average time taken from receipt of application to validation of application - days’ and PLA/M002 – ‘average time taken from receipt of application to date decision is issued – days’ – the Quarter 4 figures show improvement in all performance indicators compared against the same period in 2016/17.

While it will remain essential to focus on PLA/M001 and PLA/M002, as indicated in previous quarterly reports these figures have been skewed by a number of applications where applications have been “re-registered” for procedural reasons (thus significantly increasing the receipt – valid time) along with a number of very old applications having been “cleared out”, having taken a number of years to determine. While necessary to include these in the overall average, omitting such applications significantly reduces the number of days, indicating that the service continues to register and determine applications expeditiously in the majority of cases, albeit there remains work to do to clear old cases from the system.

As indicated above, the overall picture of determination of applications is shown to be very positive compared with the same period last year. In

addition to the 95.3% of applications which were determined 'in time' (which includes an agreed extension of time between the council and applicant), the increased focus on improving performance on major applications (PLA/M004) has also started to pay dividends in incrementally improved performance with 38.5% of major applications in the year determined inside 8 weeks (compared with 14.8% in 2016/17).

Building Control

Whilst performance in relation to these KPIs has been high in previous quarters, the continued hard work of the service has demonstrated a further increase in performance with all applications being determined within statutory deadlines.

Housing – Private Sector Renewal

Performance Indicator PSR/004 has been replaced by PAM/013 and guidance has clarified that only direct action taken by Local Authorities that results in long term empty properties being brought back into use is recorded. We have therefore excluded methods of indirect action from this indicator. We are developing our techniques of direct action in order to improve for 2018/19.

The number of licenced Houses in Multiple Occupation (HMO) has reduced from 5 to 4. We have taken formal action and prosecuted the owner of 1 unlicensed HMO. The percentage has dropped slightly due to a decrease in the number of HMOs that require a licence.

Public Protection

The percentage of high risk businesses inspected for food hygiene is again 100% at year end. Additionally all lower risk food hygiene premises have received an intervention.

94.76% of food establishments met the "broadly compliant" definition (effectively matched to a Food Hygiene Rating of 3, or above) – being a slight decrease on last year's performance which was 94.92%. The percentage of new businesses inspected for food hygiene is 5% lower (at 92%) than the same period last year (was 97%) – this is mainly due to other work of the section involving investigation of offending businesses taking precedence.

The percentage of high risk businesses that have been inspected by Trading Standards is higher than the same time last year, 87.5% (compared to 69.6%). The team that largely deals with the inspection programme is currently working to achieve its proactive obligations whilst reactive demand is lower. Some investigations have begun as a result of these inspections, reflecting the risk of the business. This should not affect the section meeting the 100% target.

The majority of significant breaches associated with animal health have been rectified, but this has meant that there has been a drop in the number of high risk premises being inspected as resources have been allocated to complaints and investigations. It is anticipated that both figures will improve by the end of the financial year.

The percentage of identified new businesses which were subject to a food hygiene risk assessment visit is similar to that of last year. All businesses are coached and advised prior to the commencement of trading to help raise standards and attain legal compliance. The risk assessment inspection can only take place with the business is trading, therefore, there is always a lag period between food businesses becoming registered and actually having an unannounced inspection.

Economic Development

2017-18 was a busy year for the Economic Development Team with it having to deal with a high volume of enquiries ranging from existing businesses looking for support to enable them to expand and grow, individuals seeking advice and guidance on starting up a new business and new inward investors considering relocating to the County Borough.

The team has received many applications for funding to support investment into areas such as capital equipment, website development, accreditations, training and general marketing activities. This support is having a positive effect on the local economy and this is reflected in the Number of New Jobs Created Performance Indicator reported for 2017/18. In addition, the support helps generate new private sector investment which, importantly, assists in safeguarding existing employment.

Working closely with the Port Talbot Waterfront Enterprise Zone Board continues, with the aim of attracting new investment and jobs to the area and supporting local businesses to diversify and enter new markets to secure their future and further promote economic growth. This is particularly relevant to local businesses within the Tata supply chain.

The South West Workways+ project is delivering training and paid work experience opportunities to long-term unemployed across the region to help them get their lives and those of their families back on track. This is linking well with the Team's remit of delivering Community Benefits (employment, apprenticeship training weeks and work experience opportunities) on key regeneration such as the 21st Century Schools Programme, Vibrant & Viable Places Programme and Neath Town Centre Redevelopment.

Asset Management

There has been a slight reduction in the number of buildings that Neath Port Talbot County Borough Council manage.

Survey figures are adjusted using BCIS (Building Cost Information Service) maintenance indices, supplied by Flintshire County Council (via Data Unit Wales). The survey adjustment was 3.45% this year, meaning there has been a slight rise in the backlog maintenance figure from £111.8m to £115.4m. Reductions to the backlog maintenance are expected when vacant / surplus buildings are disposed of.

Section 2: Quarterly Performance Management Data and Performance Key








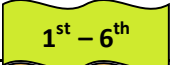
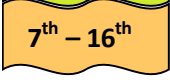
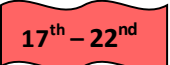
2017/2018 – Quarter 4 Performance (1st April 2017 – 31st March 2018)

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

(PAM) Public Accountability Measures – a revised set of national indicators for 2017/18. Following feedback from authorities the revised performance measurement framework was ratified at the WLGA (Welsh Local Government Association) Council on 31 March 2017. These measures provide an overview of local government performance and how it contributes to the national well-being goals. This information is required and reported nationally, validated, and published annually.

All Wales - The data shown in this column is the figure calculated using the base data supplied by all authorities for 2015/2016 i.e. an overall performance indicator value for Wales.

(Local) Local Performance Indicator set by the Council and also includes former national data sets (such as former National Strategic Indicators or Service Improvement Data – SID's) that continue to be collected and reported locally.

	Performance Key
	Maximum Performance
	Performance has improved
	Performance has been maintained
	Performance is within 5% of previous year's performance
	Performance has declined by 5% or more on previous year's performance - Where performance has declined by 5% or more for the period in comparison to the previous year, an explanation is provided directly below the relevant performance indicator.
	No comparable data (data not suitable for comparison /no data available for comparison)
	No All Wales data available for comparison.
	2016/17 NPT performance in upper quartile (top six of 22 local authorities) in comparison with All Wales national published measures (NSI & PAM's).
	2016/17 NPT performance in mid quartiles (7th – 16th) in comparison with All Wales national published measures (NSI & PAM's).
	2016/17 NPT performance in lower quartile (17th – 22nd) in comparison with All Wales national published measures (NSI & PAM's).

1. Planning and Regulatory Services – Planning

No	PI Reference	PI Description	NPT Actual 2015/16	All Wales 2016/17	NPT Quarter 4 2016/17 (full year)	NPT Quarter 4 2017/18	Direction of Improvement
1	PLA/M002 (Local)	Average time taken from receipt of application to date decision is issued - days	96.1 days		85.8 days (69,442 total days – 809 determined applications)	95.7 days (76,981 total days over 804 applications)	↓
2	PLA/M001 (Local)	Average time taken from receipt of application to validation of application - days	31.5 days		14.2 days (11,509 total days – 809 determined applications)	18.9 days (15,210 total days over 804 applications)	↓
Page 20	As has been reported in previous quarters, although increasing from the previous year's figures, the receipt to validation figures (PLA/M001) together with the receipt to decision issued figures (PLA/M002) are both skewed by a number of very old applications, including a number where applications have been "re-registered" for procedural reasons (thus significantly increasing the receipt – valid time), which have distorted the overall figures and unfairly reflect the overall day to day performance. Consideration is to be given to the possibility of changing this to exclude re-registered applications going forward given that they distort overall performance.						
3	PLA/004d (Local)	The percentage of all other planning applications determined during the year within 8 weeks.	79%		77.5% (224 of 289 applications)	80.9% (221 of 273 applications)	↑
4	PLA/M004 (Local)	The percentage of major planning applications determined during the year within 8 weeks.	16%		14.8% (4 of 27 applications)	38.5% (5 of 13 applications)	↑
5	PLA/004c (Local)	The percentage of householder planning applications determined during the year within 8 weeks.	95.1%		95.3% (284 of 289 applications)	97.3% (289 of 297 applications)	↑
6	PLA/004b (Local)	The percentage of minor planning applications determined during the year within 8 weeks.	66.1%		63.1% (123 of 195 applications)	80.5% (178 of 221 applications)	↑
7	PLA/002 (Local)	The percentage of applications for development determined during the year that were approved	96.3%		97.3% (787 of 809 applications)	95.5% (768 of 804 applications)	v

1. Planning and Regulatory Services – Planning (Cont.)

No	PI Reference	PI Description	NPT Actual 2015/16	All Wales 2016/17	NPT Quarter 4 2016/17 (full year)	NPT Quarter 4 2017/18	Direction of Improvement
8	PAM/018	Percentage of all planning applications determined in time			New Indicator	95.3% (766 of 804 applications)	—
9	PAM/019	Percentage of planning appeals dismissed			New Indicator	62.5% (10 of 16 appeals)	—

2. Planning and Regulatory Services – Building Control

No	PI Reference	PI Description	NPT Actual 2015/16	All Wales 2016/17	NPT Quarter 4 2016/17 (full year)	NPT Quarter 4 2017/18	Direction of Improvement
10	BCT/007 (Local)	The percentage of 'full plan' applications approved first time.	99.02%		96.62% (143 of 148)	98.18% (162 of 165)	↑
11	BCT/004 (Local)	Percentage of Building Control 'full plan' applications checked within 15 working days during the year.	95.12%		95.95% (142 of 148)	96.36% (159 of 165)	↑

3. Planning and Regulatory Services – Private Sector Renewal

No	PI Reference	PI Description	NPT Actual 2015/16	All Wales 2016/17	NPT Quarter 4 2016/17 (full year)	NPT Quarter 4 2017/18	Direction of Improvement
12	PAM/013	The percentage of empty private properties brought back into use		8.79% 1st	New Indicator	4.3%	—
13	PAM/014	Number of new homes created as a result of bringing empty properties back into use			New Indicator	0	—
14	PSR/007a	Of the 448 houses in multiple occupation known to the Local Authority, the percentage that: Have a full licence	1.35%		1.36%	0.89% (4 of 448)	v
15	PSR/007b	Of the 448 houses in multiple occupation known to the Local Authority, the percentage that: Have been issued with a licence with conditions attached	0%		0%	0%	—
16	PSR/007c	Of the 448 houses in multiple occupation known to the Local Authority, the percentage that: Are subject to enforcement activity	0%		0%	0.22% (1 of 448)	v

4. Housing - Private Sector Renewal

No.	PI Reference	PI Description	NPT Actual 2015/16	All Wales 2016/17	NPT Quarter 4 2016/17 (full year)	NPT Quarter 4 2017/18	Direction of Improvement
17	PAM/015	The average number of calendar days taken to deliver a Disabled Facilities Grant.	228	224 11th	232	242	↓
18	PSR/009a (Local)	The average number of calendar days taken to deliver a Disabled Facilities Grant for: Children and young people.	354		451	425	↑
Page 23	The average number of calendar days taken to deliver Disabled Facilities Grants for Adults increased during this period. This is attributed to an increase in more complex adaptations completed during this period. The number of calendar days taken to deliver a Disabled Facilities Grant for Children has decreased. This is as a result of the nature of the work being less complex.						
19	PSR/009b (Local)	The average number of calendar days taken to deliver a Disabled Facilities Grant for: Adults.	220		219	233	↓

5. Planning and Regulatory Services – Public Protection

No	PI Reference	PI Description	NPT Actual 2015/16	All Wales 2016/17	NPT Quarter 4 2016/17 (full year)	NPT Quarter 4 2017/18	Direction of Improvement
20	PPN/001ii (Local)	The percentage of high risk businesses that were liable to a programmed inspection that were inspected for Food Hygiene	100%		100%	100% (322 of 322)	😊
21	PPN/001iii (Local)	The percentage of high risk businesses that were liable to a programmed inspection that were inspected for Animal Health	100%		100%	100% (6 of 6)	😊
22	PPN/007i (Local)	The percentage of significant breaches that were rectified by intervention during the year for Trading Standards	73.5%		79.2%	58% (29 of 50)	↓
23	PAM/023 (formerly PPN/009)	The percentage of food establishments that meet food hygiene standards	92.7%	95.16% 13th	94.92%	94.76% (995 of 1050)	v
24	PPN/008ii (Local)	The percentage of new businesses identified which were subject to a risk assessment visit or returned a self-assessment questionnaire during the year: Food Hygiene	92%		97%	92% (117 of 127)	v
<p>The percentage of new businesses subject to a risk assessment visit for food hygiene has declined by 5% compared to the same period last year – primarily due to other reactive work being distributed within the section due to a system review of the service and the temporary secondment of one member of staff to assist with pressures arising within the wider Environmental Health service dealing with landslide issues at Ystalyfera.</p>							
25	PPN/001i (Local)	The percentage of high risk businesses that were liable to a programmed inspection that were inspected for Trading Standards	100%		95.6%	100% (16 of 16)	😊
26	PPN/007ii (Local)	The percentage of significant breaches that were rectified by intervention during the year for Animal Health	100%		81.8%	81.8% (9 of 11)	↔

6. Economic Development

No	PI Reference	PI Description	NPT Actual 2015/16	All Wales 2016/17	NPT Quarter 4 2016/17 (full year)	NPT Quarter 4 2017/18	Direction of Improvement
27	L(ED) 2 (Local)	Number of new business start-up enquiries assisted through Business Services	271		341	273	↓
Page 25	<p>Despite outputs being lower than the last financial year (which were exceptionally high), the Economic Development team successfully delivered a programme of support throughout 2017/18 that has helped a significant number of local people consider self-employment. This has involved running monthly Enterprise Clubs, delivering advice and guidance on setting up a new business and administering the Council's Innov8 grant which provides essential start-up funding for new businesses. It is difficult to measure improvements in this activity because it is the quality of the service provided, not the quantity that is important to the end user.</p>						
	L(ED) 1 (Local)	Number of jobs created as a result of financial support by the Local Authority.	184		131	207	↑
	29	L(ED) 3 (Local)	Number of business enquiries resulting in advice, information or financial support being given to existing companies through Business Services.	584		628	630

7. Corporate Health – Asset Management

No	PI Reference	PI Description	NPT Actual 2015/16	All Wales 2016/17	NPT Quarter 4 2016/17 (full year)	NPT Quarter 4 2017/18	Direction of Improvement
30	CAM/001a(i) (Local)	The percentage of the gross internal area of the local authority's buildings in condition categories: A – Good	7.68%		15.02%	20.78%	↑
31	CAM/001a(iii) (Local)	The percentage of the gross internal area of the local authority's buildings in condition categories: C – Poor	38.22%		32.26%	30.13%	↑
32	CAM/001b(ii) (Local)	The percentage of the total value of required maintenance for the local authority's buildings assigned to works of priority level: 2 – Essential work	50.76%		50.03%	50.11%	v
Page 26	CAM/001b(iii) (Local)	The percentage of the total value of required maintenance for the local authority's buildings assigned to works of priority level: 3 – Desirable work	27.29%		30.53%	29.66%	↑
34	CAM/001a(ii) (local)	The percentage of the gross internal area of the local authority's buildings in condition categories: B – Satisfactory	42.83%		43.33%	40.09%	v
35	CAM/001a(iv) (Local)	The percentage of the gross internal area of the local authority's buildings in condition categories: D – Bad	11.27%		9.39%	9.01%	↑
36	CAM/037 (Local)	The percentage change in the average Display Energy Certificate (DEC) score within local authority public buildings over 1,000 square metres.	4.4%	1.9% 11th	2.8%	%	—
37	CAM//001b(i) (Local)	The percentage of the total value of required maintenance for the local authority's buildings assigned to works of priority level: 1 – Urgent work	21.95%		19.44%	20.23%	v

Section 3: Compliments and Complaints

2017/2018 – Quarter 4 (1st April 2017 – 31st March 2018) – Cumulative Data for Regeneration & Sustainable Development Board

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

Page	PI Description	Full Year 2015/16	Quarter 4 2016/17 (full year)	Quarter 4 2017/18	Direction of Improvement
27 1	<u>Total Complaints - Stage 1</u>	3	6	7	↓
	a - Complaints - Stage 1 upheld	0	0	0	
	b -Complaints - Stage 1 <u>not</u> upheld	3	5	7	
	c -Complaints - Stage 1 partially upheld	0	1	0	

No	PI Description	Full Year 2015/16	Quarter 4 2016/17 (full year)	Quarter 4 2017/18	Direction of Improvement
2	<u>Total Complaints - Stage 2</u>	15	7	6	↑
	a - Complaints - Stage 2 upheld	0	0	0	
	b - Complaints - Stage 2 <u>not</u> upheld	15	7	6	
	c- Complaints - Stage 2 partially upheld	0	0	0	
Page 28	<u>Total - Ombudsman investigations</u>	0	1	5	↓
	a - Complaints - Ombudsman investigations upheld	0	0	0	
	b - Complaints - Ombudsman investigations <u>not</u> upheld	0	1	5	
4	Number of Compliments	5	10	9	↓
<p>Complaints – There has been no significant change in the number of Stage 1 and Stage 2 complaints received compared to last year, however, the number of Ombudsman investigations has increased to 5</p> <p>Compliments – There has been no significant change in the number of compliments received compared to last year</p> <p>Welsh Language – There have been no Welsh Language complaints reported this year</p>					

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Regeneration and Sustainable Development Cabinet Board

22 June 2018

Head of Planning and Public Protection

N. Pearce

Matter for Decision

Wards Affected: *All Wards*

Report Title

ENVIRONMENTAL HEALTH AND TRADING STANDARDS – ENFORCEMENT POLICY

Purpose of Report

- 1 For Members to approve the updated Environmental Health and Trading Standards Enforcement Policy (the Policy) and thus ensure legislature compliance.

Executive Summary

- 2 The Policy will ensure that the Principles of Good Enforcement are met, namely:-
 - Setting clear standards
 - Openness
 - Helpfulness
 - Complaints handling
 - Proportionality
 - Consistency
- 3 Without an Enforcement Policy there may be inconsistency in enforcement action which may lead to the Council being non-compliant with the Regulators' Code and other applicable legislation and guidance.

In the past the enforcement policy has been endorsed on an annual basis despite there being little if any changes to it. Given

the need to improve the efficiency of service delivery it is now proposed to adopt this policy on a permanent rather than an annual basis, seeking further approval from Board only when there are substantive changes proposed to the policy.

- 4 Whilst not forming part of the policy document itself, Members should note that we have recently been working to develop the accessibility of the enforcement role of this service via digital means. Officers within the service spend a significant amount of their time away from the office investigating enforcement complaints. To ensure that enforcement complaints from the public reach officers as quickly as possible, our website has been developed and will continue to be developed to enable for the submission of complaints and all supporting information electronically. This information will be assessed having regard to its seriousness and prioritised as a consequence, thus ensuring that we are able to concentrate resources as quickly as possible to those complaints which need quicker intervention. This in turn should enable us to operate in a more agile and efficient way with a consequent improvement in service delivery but in compliance with our enforcement policy.

Background

- 5 The Enforcement Policy ensures our compliance with applicable legislation including the Regulators' Code and other published guidance.
- 6 The Policy ensures that there is consistency in the approach of officers in making decisions which concern enforcement action.
- 7 The Policy will apply to Environmental Health and Trading Standards Services only.

Financial Impact

- 8 None

Equality Impact Assessment

- 9 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

- 10 No impact on current workforce

Legal Impact

- 11 The policy has a positive legal impact, as it clarifies the principles of good enforcement, and therefore enforcement action will be considered in a consistent, proportional, transparent, accountable and targeted manner.

Risk Management

- 12 The policy has a positive risk management impact as enforcement action will be considered in a consistent, proportional, transparent, accountable and targeted manner.

Crime and Disorder

- 13 The policy has a positive impact on crime and disorder as it clarifies the principles of good enforcement to ensure there is compliance with the wide range of laws relating to Trading activity, public health, housing, health and safety and food safety.

Consultation

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

Recommendation(s)

- 15 To approve the Environmental Health and Trading Standards Enforcement Policy, as appended to this report.

Reason for Proposed Decision(s)

- 16 To ensure that consistent enforcement action is taken and the principles of the Regulators' Code and other published guidance are followed.

Implementation of Decision

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

Appendices

- 18 Appendix A - Environmental Health and Trading Standards Enforcement Policy

List of Background Papers

- 19 None

Officer Contact

- 20 Nicola Pearce, Head of Planning and Public Protection.
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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

ENVIRONMENT DIRECTORATE

ENVIRONMENTAL HEALTH AND TRADING STANDARDS

ENFORCEMENT POLICY

REVISED DATE: APRIL 2018

ENVIRONMENTAL HEALTH AND TRADING STANDARDS

ENFORCEMENT POLICY

Introduction

The purpose of this policy is to guide efficient compliance with legislation that is enforced by the Environmental Health and Trading Standards Service, whilst minimising the burden to the Council, individuals, businesses and other organisations.

In performing their enforcement functions, the Environmental Health and Trading Standards Service will pursue their objectives of protecting the health, safety and economic well being of residents, visitors and businesses within the County Borough.

To achieve these objectives the Service is committed to providing advice, information and education to both consumers and businesses and to ensuring that non-compliance is dealt with in a manner which is open, consistent, proportionate and fair. This Enforcement Policy sets out the principles and procedure adopted by the Service in cases of non-compliance and/or unlawful activity by businesses or individuals.

This Policy is intended to provide guidance for officers, businesses and consumers rather than to set down a prescriptive set of rules. Nothing in this Policy should be construed as restricting the discretion of the Council to take legal proceedings or other enforcement action in cases where it is considered to be in the public interest.

A specific Enforcement policy guidance note (appendix 1) relates to Local Authority Pollution Prevention and Control (LAPPC) and Local Authority Integrated Pollution Prevention and Control (LA-IPPC). This relates to the protection of the Environment and prevention of harm to human health, in particular by preventing or minimising the release of polluting substances to air (for LAPPC regulated installations) and to air, land, water (for LA-IPPC installations) from certain activities prescribed by Schedule 1 of the Environmental Permitting (England and Wales) Regulations 2016.

Reference material

The Service has had regard to the following reference material in implementing this Enforcement Policy:

- a) The Ministry of Justice guidance for Simple Cautions for Adult Offenders (November 2013).
- b) The Code for Crown Prosecutors 2013
- c) The former LACORS Home Authority Scheme and the Better Regulation Delivery Office's Primary Authority Scheme.
- d) The Regulators' Code 2014
- e) Regulatory Enforcement and Sanctions Act 2008, as amended
- f) Legislative and Regulatory Reform Act 2006
- g) Food and Feed Law Codes of Practice
- h) Health and Safety Executive's Enforcement Policy Statement
- i) Office of the Deputy Prime Minister's Housing, Health and Safety Rating System Enforcement Guidance
- J) Rent Smart Wales Enforcement Policy 2017

Basic Principles

The Service, as a law enforcement body, has a duty to ensure that there is compliance with the wide range of laws relating to trading activity, public health, housing, health & safety and food safety, with the protection of public health and the promotion of good business practice being fundamental to the implementation of their enforcement and regulatory roles.

Regulators' Code

We will follow the provisions of the Regulators' Code, in that we will:-

- Conduct our activities to support businesses to comply and grow
- Provide simple and straightforward ways to engage with businesses and we will listen to their views
- Base our regulatory activities on risk
- Share information about compliance and risk
- Provide clear information, guidance and advice to aid business compliance
- Ensure that our regulatory approach is transparent

Additionally our policy is underpinned by certain other basic principles as detailed below:

Consistency

In order to ensure the equitable implementation of enforcement action, the Service is committed to ensuring that the policy is operated consistently at all levels within the Service from investigating officers to senior management. Consistency is not to be equated with uniformity and this does not mean that all cases will be treated identically, as circumstances vary in each matter. The principle of consistency means that we will take a similar approach in similar circumstances to achieve similar ends.

Accountability

The Service is responsible to the public for their actions and will ensure that this Enforcement Policy is accessible. Further, it operates a fair and efficient complaints process within the overall Corporate Compliments, Complaints and Comments process. Details of the Corporate Compliments, Complaints and Comments procedure can be accessed via:- <http://www.npt.gov.uk/default.aspx?page=2777> ; by email – contactus@npt.gov.uk or by telephone on 01639 686868.

Proportionality

Proportionality means that any enforcement action is proportionate to the risk and will be related to the seriousness of any breach of the law. In considering

seriousness, various factors will be taken into account, which include, among other considerations, the following: the number of people affected by any breach and their vulnerability, the economic impact, the detriment to the safety of others and the degree of intent. Any statutory defences will also be considered.

Transparency

We are committed to the implementation of clear and open procedures. Ensuring that individuals and business proprietors are aware of, and understand, their obligations and rights under the law is an integral part of the activities of the Service. In the event that the Service takes any enforcement action in relation to an individual or business, detailed information will be given as to what action is being taken, what is required of the individual or business and what the next steps will be. Any questions in relation to what is happening will be answered fairly and accurately having regard to the need for confidentiality in some cases. The Enforcement Policy is published on our website.

Targeting

We aim to focus enforcement activity on those areas which: indicate the greatest risk to public health or safety; impact most significantly on the economic well-being of the community; disproportionately affect vulnerable groups; taking into account both local and national priorities. We also aim to adopt a lighter touch for compliant businesses or individuals, and in some cases may opt not to take enforcement action where the infringement is minor or where a suitable alternative course of action is available. In all cases, we aim to target those who are primarily responsible for the non-compliance.

Enforcement Action

In dealing with non-compliance with environmental health, consumer and trading legislation, various factors are considered when assessing the most appropriate course of action. Action should be both necessary and proportionate with the objective of protecting the public, employees, consumers and the environment and where relevant be in the interests of compliant businesses. A graduated enforcement approach will be considered where the circumstances in each case merit such an approach. Evidence gathering will be subject to the relevant laws and codes of practice which may cover topics such as PACE (Police and Criminal

Evidence); RIPA (Regulation of Investigatory Powers); Powers of arrest; and linking with other enforcement agencies.

Home Authority Principle and Primary Authority Principle

In respect of Home Authority and Primary Authority businesses the Service will, prior to undertaking any work that may affect a business that may be assisted by a Home Authority or Primary Authority:-

- Consult the Home Authority or Primary Authority Registers prior to undertaking the proposed work.
- Liaise with those authorities that have entered into Home Authority or Primary Authority relationships with businesses.
- Follow and adhere to any inspection plans produced by Primary Authorities.
- Feed back to Home Authorities or Primary Authorities on the work that has been subsequently undertaken.
- Publish the inspection plans for any business for whom we act as a Primary Authority on the Primary Authority Register.
- Contribute to the Primary Authority Register by adding information or responding to Statutory Notifications when necessary or required.

Graduated Enforcement Approach

The graduated approach that we employ often starts at informal advice and verbal warnings and may escalate through to serving of notices, issuing of written warnings and simple cautions and potentially lead to prosecutions. Some matters may involve less significant breaches of the legislation that we enforce and proportionality and fairness may dictate that advice and lesser scale enforcement action is taken. Some matters however, will be so serious, perhaps involving negligence, dishonesty, deception, deliberate actions or vulnerable persons and these by their nature should be considered as appropriate for prosecution, without the graduated approach being followed.

The main options available to us are outlined below.

Informal action and advice

This can take the form of a verbal warning, with guidance and advice on how to avoid future breaches, or a written warning setting out the infringement and giving advice as appropriate. A written warning is likely to be accompanied by verbal guidance and advice. In both instances the advice given will be clear and simple and, if appropriate, legal requirements will be clearly distinguished from best practice advice.

Statutory Notices

Certain provisions of the legislation administered by the service relate to the issuing of a Statutory Notice for breaches of law. The notice requires the recipient to take steps in order to return to legal compliance. Such steps may include; refraining from doing something such as making excessive noise or undertaking works such as restoring a commercial kitchen to compliance with food hygiene laws. The decision to serve a statutory notice will depend upon all the circumstances of the case. In some instances, the service may be under a legal duty to issue a notice once a contravention has been identified.

The person receiving the notice may not agree with it and has the right to appeal.

Failure to comply with a valid notice is an offence and the Council may take one of the following actions in response.

- Offer the offender a simple caution;
- Take legal proceedings, usually in the Magistrate's Court;
- Seize and detain materials or equipment
- Undertake any work required by the notice and recover costs

The service makes a charge when statutory notices are issued under housing legislation. The charge, which is made at the end of the notice appeal period, includes: the cost of inspection; the cost of deciding the most satisfactory course of action and the cost associated with the service of the notice. An administrative charge is also made. The amount of charge is agreed annually by the Director of Environment and our Cabinet Member in consultation with the Head of Planning and Public Protection and the Environmental Health and Trading Standards Manager.

Emergency or Immediate Actions/Prohibitions

Emergency or immediate action is sometimes needed to deal with the most serious risks and they will be subject to specific procedures, some of which may involve the Magistrates Court. Details of the appeals procedures are routinely included with the relevant Notices and information provided at the time of action.

Hygiene Emergency Prohibition Notices.

Where an authorised Officer has evidence of an imminent risk of injury to health relating to a Food Business, a Hygiene Emergency Prohibition Notice (HEPN) may be served to prohibit a premise, equipment or a process.

The notice must state the reasons why the premises pose an imminent risk to health and the works which are required to remove the imminent risk, such as “ Rid the premise of rodents / cockroaches. Pest proof the premise. Thoroughly disinfect all surfaces and equipment.”

An application must be made to the Magistrates Court for a Hygiene Emergency Prohibition Order (HEPO) to replace the HEPN within three working days of the notice being served. Where an HEPO is granted by the Court, the HEPN should be removed and replaced by the HEPO that day. The food business operator must apply in writing to the Food Authority for a certificate lifting the Emergency Hygiene Prohibition Order / Notice, which on request, an Authorised Officer should re-inspect as soon as possible (within 14 days) to determine whether the notice or Order can be lifted.

Simple Caution

We have the discretion to offer a simple caution in circumstances where there is sufficient evidence to support a realistic prospect of a conviction and the offender admits the offence and gives informed consent to being cautioned.

A caution is a serious matter and it is kept on record for a period of 3 years after it has been given. The issuing of a Simple Caution will be considered by the Service when deciding on enforcement action, as an alternative to prosecution. Such decisions will be made on consideration of the facts of each case and the level of seriousness of the offence or offences being investigated. In the event of future breaches it can be cited in any subsequent court proceedings.

The Ministry of Justice guidance on Simple Cautions for Adult Offenders provides detailed information on the intended use and administration of the Simple Caution.

Fixed Penalty Notices

Fixed Penalty Notices can be issued as an alternative to legal proceedings for breaches of certain legislation, for example, smoke free laws, unlicensed or non-registered landlords and letting agents, or non-display of a food hygiene rating. If the person responsible does not accept the Fixed Penalty Notice or fails to pay the penalty within the required time period they may be liable to prosecution.

We may seek accreditation to issue a Fixed Penalty Notice to those responsible for non-compliance with other legislation for example, relating to the prohibition on the sale of alcohol to under-age children etc or we may work in conjunction with partners such as the Police who may serve Fixed Penalty Notices for such matters.

Revocation, Review or Refusal of Licences

Where there is non-compliance with any conditions of a licence that a business or individual may hold, for example, to sell alcohol, we may take steps with the appropriate licensing body to undertake a review to determine if the Licensee, Designated Premises Supervisor, Premises or Personal Licence Holder or any person or persons having responsibility for or under the licence is/are still fit and proper to hold the licence and/or to impose further specific conditions.

The service also operates a Mandatory Licensing Scheme to regulate high risk houses in multiple occupation (HMOs), of 3 or more storeys occupied by 5 or more people not of the same family. Further powers are available should the authority decide to utilise them for the control of 2 storey HMOs.

The Enterprise Act 2002

Under the Enterprise Act 2002 the Service can take action against businesses or individuals where there has been a breach of community or domestic law with the effect of harming the collective interests of consumers. This action is civil rather than criminal and sanctions are injunctive.

The purpose of action under the Enterprise Act is to prevent future breaches of the law rather than to punish previous breaches. The penalties for a future breach can be severe including a fine or potentially imprisonment.

This type of enforcement action is most appropriate in situations where there have been persistent breaches of the law, although in some circumstances action may be considered for a small number of breaches, or even a sole breach, where there is significant detriment or potential detriment to the consumer.

There is a range of actions available under the Act including:

- Informal undertakings
- Formal undertakings
- Interim Court Enforcement Orders
- Court Enforcement Orders
- Proceedings for Contempt of Court

Community Protection Notices

The Anti-social Behaviour, Crime and Policing Act 2014 introduces powers to tackle anti-social behaviour such as Community Protection notices where the conduct of an individual or body has detrimental effect of a persistent or continuing nature, on the quality of those in the locality and the conduct is unreasonable.

A community protection notice imposes any of the following requirements on the individual or body issued with it:

- a) A requirement to stop doing specified things
- b) A requirement to do specified things
- c) A requirement to take reasonable steps to achieve specified results.

They can only be issued if the offender has been given a written warning that the notice will be issued if their conduct doesn't change and that they have been given enough time to have reasonably made those changes, and yet have chosen not to do so.

A person issued with a community protection notice who fails to comply with it commits an offence.

Prosecution

Prosecution may have serious consequences for a business or individual: financial penalties, a criminal record, adverse publicity, an adverse effect upon a business' trading position and in some cases even loss of liberty. For these reasons the decision to prosecute is not taken lightly and is usually reserved for the more serious offences.

In deciding whether or not to instigate proceedings we have particular regard to the Crown Prosecution Service's (Code for Crown Prosecutors) which requires the assessment of two elements known as the evidential test and the public interest test.

The evidential test requires that the evidence to support a prosecution is deemed to be admissible in court, reliable and of sufficient quality and depth to give a realistic prospect of conviction. Integral to this process is consideration of any statutory defence which may be available and the likely success of such defence.

The public interest test is, broadly, a consideration of a number of factors which support the view that it is in the public interest to proceed. These relevant factors are outlined in the paragraph below. An additional factor which is particularly relevant to prosecution is whether the conviction will result in a significant sentence or penalty, including forfeiture of non-compliant goods, confiscation of the proceeds of the crime, disqualification of company directors and/or compensation for the victim. Consideration is also given to any impact a prosecution may have on a victim's physical or mental health, subject to the seriousness of the offence.

In applying the public interest test, it is not simply a case of adding up the factors on either side. We will decide in each individual case on the weight to be given to the relevant factors and assess the position overall, which is inline with the approach outlined in the Code for Crown Prosecutors.

In cases where legal proceedings are to be instigated, we have regard for the defendant's right to have the matter brought before the Courts without undue

delay. What constitutes undue delay is determined by the date the offence came to light, the contribution by the defendant to the delay, the complexity of the offence and/or investigation and the seriousness of the offence.

Relevant Factors in considering Enforcement Action

The following factors are relevant in considering which of the above enforcement options is the most appropriate to take. In the decision making process, we will consider whether or not and /or the extent to which:

- The organisation or individual appears willing to speedily remedy the situation
- The offence was the result of a genuine mistake or misunderstanding
- There is a history of similar previous alleged breaches by the same organization or individual
- Previous advice has been heeded and acted upon
- There is a threat to public health, safety or the environment
- There is a threat of a significant economic disadvantage to consumers or other businesses
- The victim is part of a vulnerable group, for example, children, the disabled or the elderly
- The offence was motivated by some form of discrimination
- The offence is widespread with the potential to affect a number of individuals
- The organisation or individual has acted deliberately, negligently or with premeditation
- The organisation or individual has breached a position of authority or trust
- There are grounds for believing the offence is likely to be repeated
- As a matter of public policy it is desirable to proceed with enforcement action

Action under the Proceeds of Crime Act 2002

In the event of a criminal conviction, it is open to the authority in certain circumstances to apply for an order under the Proceeds of Crime Act 2002. This legislation provides for confiscation of property and assets if it can be demonstrated that a defendant has profited from crime. In appropriate cases we will consider if an investigation into the defendant's financial affairs is required with a view to pursuing a confiscation order. We **will not** consider the fact that Proceeds of Crime actions may or may not be available in determining whether to prosecute.

Enforcement of Our Functions at Neath Port Talbot County Borough Council Premises

As a Service we are also required to inspect premises managed by or owned by this Authority.

We will treat such inspections as we would inspections of any other business in the County Borough area, taking steps to ensure that where we find non-compliance that this is raised immediately post inspection, with the relevant Head of Service via our own Head of Service. We will work with those Sections to rectify non-compliance in an open and transparent manner, ensuring that the same level of compliance is met as we would expect from any other business within our area.

Freedom of Information

The Freedom of Information Act 2000 deals with access to official information. In addition there are also regulations which provide access to environmental information i.e. the Environmental Information Regulations 2004.

This legislation gives the public a general right of access to information held by public authorities. When responding to requests, there are procedural requirements set out in the legislation which an authority must follow including the time frame within which the information must be supplied. There are also valid exemptions from supplying information that the authority can apply in certain, legally defined, circumstances.

Equal Opportunities

Implementation of this Policy will be carried out in accordance with Neath Port Talbot County Borough Council's policy on diversity. All decisions will be impartial and will not be influenced by race, politics, gender, sexual orientation or religious beliefs of the alleged offender.

APPENDIX A

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL **ENVIRONMENT DIRECTORATE** **LOCAL AUTHORITY POLLUTION PREVENTION AND CONTROL** **LAPPC AND LA-IPPC ENFORCEMENT POLICY GUIDANCE**

1.0 INTRODUCTION

1.01 The purpose of enforcement for Local Authority Pollution Prevention & Control (LAPPC) and Local Authority Integrated Pollution Prevention & Control (LA-IPPC) is to protect the environment and prevent harm to human health. In particular, by preventing or minimising the release of polluting substances to air (for LAPPC regulated installations) and to air, land and water (for LA-IPPC installations) from certain activities prescribed by Schedule 1 of the Environmental Permitting (England & Wales) Regulations 2016 (EP Regulations). These regulations replace the Pollution Prevention & Control (England and Wales) Regulations 2000.

1.02 This is achieved by:

- (i) Carrying out pro-active inspections at a frequency in line with the government's risk assessment procedure to ensure compliance with the legislative requirements and permit conditions.
- (ii) Taking transparent and proportionate enforcement action (including prosecution where appropriate) for offences and/or breaches.

1.03 This LAPPC and LA-IPPC Enforcement Policy Guidance has been written taking into account the statutory Regulators' Code issued under Section 23 of the Legislative and Regulatory Reform Act 2006.

2.0 **ENFORCEMENT POWERS**

The available enforcement powers for LAPPC and LA-IPPC fall into the following main categories:

2.01 For prevention:

- Suspension Notices
 - Enforcement Notices
 - Notices requiring information
 - Power to prevent/remedy pollution
 - Revocation of permits

2.02 For Criminal offences:

- Warning letter
- Formal caution
- Prosecution

2.03 Supplementary Powers

Supporting powers include:

- powers to enter and inspect premises
- take samples
- take copies of information
- require answers to questions etc.

3.0 **LEVEL OF ENFORCEMENT ACTION**

3.01 The seriousness of offences can vary greatly. At one end of the scale, an action could lead to severe pollution of air, threatening human health. At the other end, there can be breaches of administrative permit conditions e.g. failure to submit records in the correct format, where there are no direct consequences for the environment.

3.02 In reaching a decision on the most appropriate enforcement action, account will be taken of the following:

(i) **ENVIRONMENTAL EFFECT**

The magnitude of the environmental effect is an indicator of the degree to which the offender has failed to put in place, maintain, adhere to and/or foresee the consequences of not having suitable procedures or systems to prevent the incident. In general, the greater the effect or potential effect, the greater the probability of prosecution.

(ii) **NATURE OF OFFENCE**

The type of offence may be so serious in its nature or impact on the Council's ability to regulate effectively that it will normally be dealt with by prosecution.

(iii) **INTENT**

Offences that are committed deliberately, recklessly, negligently or carelessly or for financial gain will normally be dealt with by prosecution. Lesser enforcement action may be appropriate where the Council is satisfied that the offence was committed unintentionally, or was the result of a genuine mistake or arose out of an emergency.

(iv) **PREVIOUS HISTORY**

Although the action to be taken will depend upon the circumstances of each case, consideration shall also be given to the type, seriousness, number and frequency of previous enforcement actions. Where the operator is responsible for a number of installations or activities, then the previous history of one site will be relevant to the decision-making process for the others if the circumstances are such that the operator should have learnt from previous enforcement action. For operators who have previously received a formal caution, subsequent offences will normally be dealt with by prosecution.

(v) **BEHAVIOUR OF THE OFFENDER**

Prosecution will normally be pursued, if the offender:

- refused to accept alternative enforcement action.
- made no attempt to minimise or rectify the effects or potential effects of the offence.
- Obstructed investigations
- Disregarded Council advice or formal guidance in the commission of the offence.
- Acted dishonestly in seeking to deter or delay enforcement action.

(vi) **DETERRENT EFFECT**

Prosecution will normally be pursued if it is likely to be a necessary or effective way of preventing repetition of the offence by the offender.

(vii) **FORSEEABILITY**

The importance of prevention is recognised by the legislation which places a duty on an operator to foresee the possible consequences of actions (or inaction), or the failure or deficiencies of an operator's systems and procedures. Where the offence and/or its environmental consequences were predictable, and no avoiding and/or preventive measure were taken and there was a failure to have regard to the conditions of the permit, prosecution will normally be pursued. Other enforcement action may be considered if the offence:

- Occurred in spite of preventive measures.
- Could not reasonably have been foreseen.
- Was the result of defective equipment which could not reasonably have been known or predicted.
- Was caused by third party intervention which could not be guarded against.

Co-operation with the Council, prompt reporting of the incident, prompt and effective works of mitigation and assistance in any investigation are all factors that will be taken into account when considering what level of enforcement action is appropriate for any particular incident.

The factors which apply and the weight to be attached to each of the above points will depend upon the particular circumstances of each case.

4.0 **RECORD KEEPING**

Records will be kept of all prosecutions, formal cautions, warnings and statutory notices.

5.1 **ENFORCEMENT NOTICE (EP REGULATION 36)**

A notice requiring steps to be taken to ensure compliance with the conditions of an enforcement notice will normally be served in the following situations:

- (i) Where one or more conditions of the permit have been, are being, or are likely to be breached, and the breach would be likely to lead to an incident of low environmental impact and/or there has been a history of relevant warnings.
- (ii) Where the conditions being breached, or likely to be breached, are preventing effective regulation and previous relevant warnings have been given e.g. failure to provide monitoring data, maintain equipment, maintain financial provision.

5.2 **SUSPENSION NOTICE (REGULATION 37)**

A Suspension Notice, suspending the Environmental Permit will be served where there is a risk of serious pollution. This applies whether or not the operator has breached a permit condition. The notice will be withdrawn once the Council is satisfied that the steps required by the notice to remove the imminent risk of serious pollution have been taken. A Suspension Notice may also be served where the operator has failed to pay the Annual Subsistence Fee for the Environmental Permit.

5.3 **POWER OF THE REGULATOR TO PREVENT OR REMEDY POLLUTION (EP REGULATION 57)**

- 5.3.1 If the Council is of the opinion that the operation of the installation or mobile plant, or the operation of it in a particular manner, involves risk of serious pollution, the council may arrange for steps to be taken to remove that risk e.g. removing or making safe chemicals or ensuring safety works are carried out.

5.3.2 Where the Council suspects or is satisfied that an offence has been committed under regulation 38(1) , (2) or (3) causing or potentially causing pollution, the council may arrange for steps to be taken towards remedying the effects of the pollution and recover the cost of taking those steps from the operator. The operator will be informed of the steps to be taken to remedy the effects of the pollution.

5.3.3 Where council suspects that an offence as mentioned above is being or has been committed and pollution is being or has been caused as a result, the provisions of paragraph 5.3.2 will apply.

5.4 **REVOCATION NOTICE (EP REGULATION 22 & 23)**

A Revocation Notice will normally be considered in cases where other enforcement measures have been used exhaustively to the point where the Council is satisfied as to one of the following:

- (i) the operator is unable to operate the installation in accordance with the conditions of the permit.
- (ii) the holder of the permit has ceased to be the operator of the installation covered by the permit.
- (iii) The permitted activity has ceased to operate, or the legislation no longer applies to that type, size or nature of activity.
- (iv) The operator has failed to pay annual subsistence fees.

6.0 **NOTIFICATION OF STATUTORY RIGHTS OF APPEAL**

The statutory rights of appeal are set out in the notice.

7.0 **ENFORCEMENT ACTION - RELATING TO INVESTIGATIONS (S108-110 Environment Act 1995 and EP Regulation 38)**

7.1 In carrying out investigations into criminal offences, officers will comply with the relevant provisions of the Police and Criminal Evidence Act 1984, the Criminal Procedures and Investigations Act 1996, the Regulation of Investigatory Powers Act 2000 and the Code of Practice made under them. Prosecution will normally be pursued in the following circumstances:

- (i) Obstructing an Authorised Person
- (ii) Impersonation of an authorised officer.
- (iii) Failing to answer questions.
- (iv) Failing to provide samples.
- (v) Failing to provide relevant information.
- (vi) Preventing another person from appearing before an authorised officer or answering any questions.
- (vii) Intentionally or recklessly making a false or misleading statement or record.

8.0 **ENFORCEMENT ACTION - SPECIFIC OFFENCES (EP REGULATION 38)**

8.1 **Operating Without A Permit (EP Regulation 38(1))**

8.1.1 Prosecution will normally be pursued for the offence of operating a process without a permit. However, for first offences involving no or low impact or potential impact, and where an application is submitted within a short time-scale, a formal warning or caution will normally be offered unless there are special reasons for prosecution e.g. poor co-operation.

8.2 **Non-Compliance with Permit Conditions (EP Regulation 38(2))**

8.2.1 Where a breach has caused or has potential to cause a serious environmental impact or the operator had wilful or reckless disregard for the conditions in a permit, including those implied by residual Best Available Techniques (e.g. operating in a reckless manner), then prosecution will normally be pursued.

8.2.2 Where the breach has caused or has potential to cause a significant impact, then the normal response will be prosecution or formal caution, the choice depending on the weight of other factors, e.g. co-operation of the offender, post-remedial works, or history of offending. Prosecution will normally be pursued where a relevant previous warning or formal caution has been given.

8.2.3 Where the breach has resulted in no impact or has caused or has potential to cause relatively low environmental impact, then a warning letter or enforcement notice will be the normal response unless other circumstances make a firmer course of action necessary e.g. previous history, intent, attitude of offender etc.

8.3 **Non-Compliance with a Statutory Notice (EP Regulation 38(3))**

Prosecution will normally be pursued where an operator fails to comply with an Enforcement Notice, a Suspension Notice, Variation Notice, or Notices requiring information. In exceptional circumstances, an operator may be allowed an extension of time for compliance with an Enforcement Notice where there are circumstances outside their control.

9.0 **General**

9.1 This Policy Guidance should be read in conjunction with the Environmental Health and Trading Standards Enforcement Policy.

9.2.1 Where required, this Policy Guidance shall be interpreted in accordance with the legislation in Paragraph 1.01 and any other relevant legislation in existence at the time.

10.0 **Future Revisions**

This Council will revise this policy guidance as required and in line with changes in legislation or Council policy.

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET
BOARD**

Date: 22 June 2018

REPORT OF THE HEAD OF LEGAL SERVICES – C.GRIFFITHS

MATTER FOR DECISION

WARD AFFECTED: GLYNNEATH

**ALLEGED PUBLIC FOOTPATH ALONG THE PATH TO THE REAR
OF HOUSE NO'S 11 TO 22 PARK AVENUE AND NO. 8 EARLSFIELD
CLOSE - COMMUNITY OF GLYNNEATH**

Purpose of the Report

- 1.1 To determine an application which alleges a public footpath to the rear of Park Avenue as shown on the plan between points A-B-C.

Background

- 2.1 On the 15th February 2016 an application was made under the provisions of the Wildlife & Countryside Act 1981 (Appendix 1) to recognise the path shown A-B-C as referred to above.
- 2.2 The application was supported by 11 people. Subsequently of these one of these people withdrew their support. Interviews were conducted with the other supporters but only 6 were able to give their periods of use.
- 2.3 Subsequently, a further 4 people came forward and were interviewed, but only 2 of these were able to specify their periods of use.
- 2.4 The other 3 people were asked to provide further information but did not respond. In total therefore, of the 10 people interviewed, 8 allege an average of 27 years use of the path.
- 2.4 The path is situated to the rear of house numbers 11-21 Park Avenue, shown at points C-B and the remaining section A-B lies between the two houses of 8 Earlsfield Close and 22 Park Avenue and the perimeter

fence of the tennis court. The path is obstructed by a shed and fence at point B and a double gate at point A, the length A-B having been incorporated as a garden into No. 8 Earlsfield Close. Point A joins the adopted Earlsfield Close and point C connects to a public footpath which was the subject of modification order 1/15 and confirmed in 2015.

The Twenty Year Relevant Period

- 3.1 The burden of proof is on the applicant to establish such a right exists and in this particular claim, that there has been a minimum period of 20 years uninterrupted use enjoyed by the public at large. This is calculated by counting retrospectively from the point in time the path's alleged public status was brought into question. There is evidence the path was closed by the installation of gates and fences. Section 31 of the Highways Act 1980 (Appendix 2) deals with this aspect of the law.
- 3.2 Accounts as to when the path was first obstructed vary between those asserting the right of way as well as the date given by the objector and a different date given by another independent witness.
- 3.3 The applicant initially said the path first became blocked in the late 1990's by a fence at point B, but subsequently revised that estimate to 1992 after having spoken to other residents.
- 3.4 One supporter considered the path first became blocked in the early 1980's. Another stated 2007, but said prior to that date it had become increasingly difficult to use. The local Member stated the path has been inaccessible for around 30 years.
- 3.5 Another supporter first became aware the path was blocked in 1984 when he returned to the U.K. from living abroad, but his last regular use appears to have been closer to 1974.

All of the people referred to above were part of the 8 people interviewed

The Objector

- 4.1 The sole objector who lives at 8 Earlsfield Close has been granted possessory title of the path A-B, although she purchased No.8 Earlsfield in 1976 before moving into that house in 1977. It is not known who owned the land A-B prior to this date as no proof of title has been produced. (Paragraph 8.2 refers to a document produced by the

applicant, which asserts the land has been under the ownership of the Welfare Trust since 1927).

- 4.2 The objector has stated there was a locked gate at point B on her arrival in 1976 and the path overgrown. There is an undated photograph of the lane purported to be of 1979 showing the clearance work and what appears to be a timber boarded fence at point B.
- 4.3 A set of gates is shown on a photograph at the western end of the path at point A taken in 1984 which it is said were in situ by 1980. In the photograph the path is shown as tarmacked and fenced.
- 4.4 By 1996 the tarmac is said to have been removed and replaced with red bricks set into the ground with a new set of gates at point A.
- 4.5 A photograph which is said to be taken in 2001 shows a private social gathering taking place in what has become a small area of garden. Further extensive planting of shrubs, flowers with hanging baskets and a brushwood fence attached to the tennis court fence is shown in a photograph presumed to have been taken after 2001.
- 4.6 In summary the objector contends this path was already obstructed in 1976 and has maintained and developed a private garden area ever since.

Evidence from an Independent Witness

- 5.1 A resident of Earlsfield Close has provided an account of her use of the path when it was first closed in 1972. According to this witness a chain and lock had been placed across a kissing gate which was in position at point A. This was done by the previous owners and occupiers of 8 Earlsfield Close, as this witness attempted to confront one of the owners. The date is considered accurate by this person as that summer she was no longer able to take her children to school on account of a job offer. Her relatives continued to take the children via a different route until 1978, thus corroborating the account of the present owner's contention that the path was already closed by 1976.
- 5.2 The applicant contends the kissing gate was at point B, as the then occupier of 8 Earlsfield Close had consent from the Welfare Trustees to drive their car along the claimed path to access the garage, which according to the applicant was positioned at point B. (A site visit has revealed the remains of an old metal railings at this point.) When this

lock and chain was placed on the kissing gate, the occupier of No. 8 at that time, was told by a member of the Committee of the Welfare Trust to remove the padlock. This contradicts the account in paragraph 5.1 above that there was no access via the path after 1972. It also does not explain why, if the Welfare Trust were the owners at that time, no claim to record their title has been made to the Land Registry.

- 5.3 Even if use of the path had resumed by the early 1980's as suggested by two supporters, it is the first occasion the public use of the path is brought into question is what determines the relevant period for the purposes of calculating whether there has been a statutory dedication. Therefore the relevant period is 1952-1972 and it is within this span, that continuous uninterrupted use would have to be established in order to justify recognising the path as a public one. The periods of use given by those who were interviewed is set out in Appendix 3. There are only two people who claim to have started walking this path by 1952. (Person B and E).

The Earlsfield Housing Development (Western End of the Path point A).

- 6.1 Accounts provided by 3 people would suggest the land containing houses 1-8 Earlsfield Close was cleared in or around 1962, with house numbers 5-8 first being built in 1963 (according to two people) and the last to be built being number 2 which was allegedly completed and occupied by May 1964. This account given by the independent witness has also said that when the houses were under construction for a period of 18 months, it would not have been possible to walk from point A to Park Avenue. Two claimants however disagree when asked if this would have been the case.
- 6.2 A public path must reflect a single and clearly identifiable route. It should therefore not vary and should remain the same throughout the 20 year period, given there is no right to wander over land.
- 6.3 The claimed public path did not link to another public highway at point A until Earlsfield Close was not only built, but adopted. However it is clear that the basis of claiming the path A-B-C is based on continuing to Park Avenue. Until Earlsfield Close was built by the mid 1960's, access would have been via a different route. Three people have stated access from point A to Park Avenue before Earlsfield Close was built was, different, one said via a more diagonal line.

- 6.4 On the 1962 edition of the Ordnance Survey Map the current houses at Earlsfield Close are absent. The Map shows a path following the southern boundary of the tennis court and bowling green before joining Park Avenue at point F. This path is shown on the attached plan F-A by a bold line.
- 6.5 According to two people the area immediately adjacent and to the south of this path F-A was grass and bounded by a hedge where it was adjacent to Addoldy Road and Park Avenue. However another person considers the hedge may have been a wall although all agree there was a gate at point F. The applicant stated there was a grass tennis court on this area of ground bounded by a 1'6" wall on the park side and the wall topped by a Hawthorne hedge alongside Park Avenue.
- 6.6 So the path in use within the relevant period 1952 – 1972 did alter and possibly was even inaccessible for some of the 18 month period the houses were being built. The path available to the public was from point D-F from 1952 until approximately 1963 and thereafter via Earlsfield Close to point A and then on to Park Avenue. Therefore there was no uninterrupted access of one single route.

Access east of the path from point C- G, C- H, C- I, C- J

- 7.1 In 1962 the path leading from Park Avenue north to Gelliceibryn (G-H) was not registered as a public right of way. The evidence that was considered which lead to its recognition, resulted in the confirmation of a modification order in 2015.
- 7.2 The relevant date for the determination of this modification order in 2015 was 1984-2004. So under the statutory presumption that there was a dedication of the path G-H to the public, the evidence did not show such a public path existed prior to 1984. There was evidence of some 43-44 years average use of the path counting retrospectively from 2004, which would take their commencement date back to 1964. Also a few people did indicate they had used the path as earlier. Nonetheless it is not clear whether that evidence would have been sufficient to show the path was dedicated under common law nor how many of those earlier users could now be relied upon. Common law dedication is the alternative means by which it is possible to presume a landowner could dedicate such a right to the public. Appendix 4 summarises the criteria which would have to be satisfied in order to draw such a conclusion.

- 7.3 It is also clear that those who are still in support of the present application in the period 1952-1972 were using the path A-B-C as a means of accessing the former Welfare Hall and the football ground neither of which are on public highways. In addition use was also claimed as continuing from point C to reach the schools either via Robert Street C-J or via a path C- I, also shown on the attached plan.
- 7.4 It is therefore not known whether point C was joining a public highway during 1952-1972. Whilst the applicant contents the track/road G-C-H has been a road wide enough for two vehicles, it was not adopted as a carriageway during the relevant period nor is it adopted at the present time. So this track or road was not recorded as a public highway by 1952. Given there is no evidence it was a public highway at this earlier time the route/s taken by the claimants would have to specify points other of termination. This would be necessary to consider if one single route east of point C would satisfy one of the conditions that the claimed public path should terminate on another public highway. In the case that would be to either of the points G, H, (that is Gelliceibryn), I or J.
- 7.5 It is possible for a public path to terminate at a point at a place of public resort but there is no clear evidence as to where that place was by 1972. Accounts vary as to whether people were making their way to the former Welfare Hall, the football ground, the park or to the schools further east. Secondly none of these places were specified in the application.
- 7.6 Appendix 3 shows that there are only 6 people who can show some use within this relevant period 1952-1972, although one of these used the path to visit his grandfather in Park Avenue and also to access the football ground. One of the 5 did not start using the path until 1970. Also there is only one person who can show use throughout the full period of 20 years. As such this is a very low number of people to reflect use by the public at large.

Other Evidence Submitted by the Applicant

- 8.1 The applicant has suggested that the notation F.P. written alongside the claimed public path on the 1962 edition of the ordnance survey implies the way is public. The ordnance survey were tasked with recording all topographic features including buildings, but were not authorised nor did they attempt to establish the status of the tracks. The only plan that is authorised to identify the known position of public highways is the Definitive Map and a Council's adoption records known as the list of streets. Consequently this ordnance survey from 1962 is simply

recording the position of a footpath and should only be interpreted as confirming a path was in existence by that date.

- 8.2 It is also contended by the applicant that the objector and owner of No. 8 Earlsfield has no title to the land containing the length of path A-B as it is under the ownership of the Aberpergwm Estate and therefore cannot obstruct or prevent the use of the path. However the objector has possessory title to this strip of land and the Aberpergwm Estate have stated in their letter dated the 4th April 2018 that they are unaffected by this application. In addition, case law has established it is not necessary for the owner to call into question the existence of an alleged public path.

Consequently the current and previous occupiers of 8 Earlsfield Close were entitled to close the path and challenge those wishing to assert their rights of passage.

- 8.3 The applicant contends the installation of gates and fences is a breach of a covenant set out in a conveyance of the 28th February 1927 to the Glyneath and District Miner's Welfare Association. A headed sheet produced by the applicant suggest the land was subsequently conveyed to the Neath Higher Parish Council in 1952 although there are no plans or copies of the deed. Also submitted is a schedule listing the history of the exchange of some of the land in this vicinity, showing the conveyance to that Council was for the purpose of building the swimming baths, which was situated to the east of the path near point I on the plan, (but no longer in existence).

According to the plan attached to the restrictive covenant the land includes the path A-B-C and provides "no building or erection of any kind shall without the previous consent of the vendor or his successors in title be set up upon the land hereby conveyed." The Aberpergwm Estate have confirmed that the land in question does form part of a restrictive covenant.

- 8.4 It is unclear whether the burden of this restrictive covenant falls to the current owner nor who has the benefit of this restrictive covenant. Nonetheless there is no obligation on this Council to enforce this covenant. There is case law which has established adverse possession of land cannot succeed by enclosing a public highway. However the path A-B-C is not registered as a public highway and its status is evidently in dispute.

Recommendation

That no modification order be made for this claimed public path.

Reasons for the Proposed Decision

That the current application be refused given:-

- (a) The path between point A and point F (Park Avenue) during the relevant period varied and so the same route was not in use to satisfy the minimum period of 20 years uninterrupted use.
- (b) There is no evidence that point C joined a public highway throughout the relevant period and so the claimed public path did not terminate on a public highway during the relevant period.
- (c) Also the application does not specify any other point east of point C as a place of public resort nor is there any consensus as to whether that point may have been during the relevant period.
- (d) The amount of people supporting this application within the relevant period is too low to be able to conclude that this can represent the public at large.

Consultation

The item has been subject to extensive consultation.

Appendices

Plan and Appendix 1-4

List of Background Papers

M08/64

Officer Contact

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APPENDIX 1
WILDLIFE AND COUNTRYSIDE ACT, 1981

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

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

APPENDIX 2 HIGHWAYS ACT, 1980

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

Where a public way over land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has actually been enjoyed by the public as of right and without interruption of a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during this period to dedicate it. For Section 31(1) Highways Act, 1981 to operate and give rise to a presumption of dedication the following criteria must be satisfied:

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

APPENDIX 3

Person	Period	Length of Use
A	1956 – 1974	18
B	Late 1940's – 1958	10
C	1953 – 1968	15 (D-E-A)
D	1970 – 1975	5
E	1945 – 1992	47
F	Early 1960's – 1974	3
G	1974 – 1983	9
H	1983 – 2007	34

APPENDIX 4
DEDICATION UNDER COMMON LAW

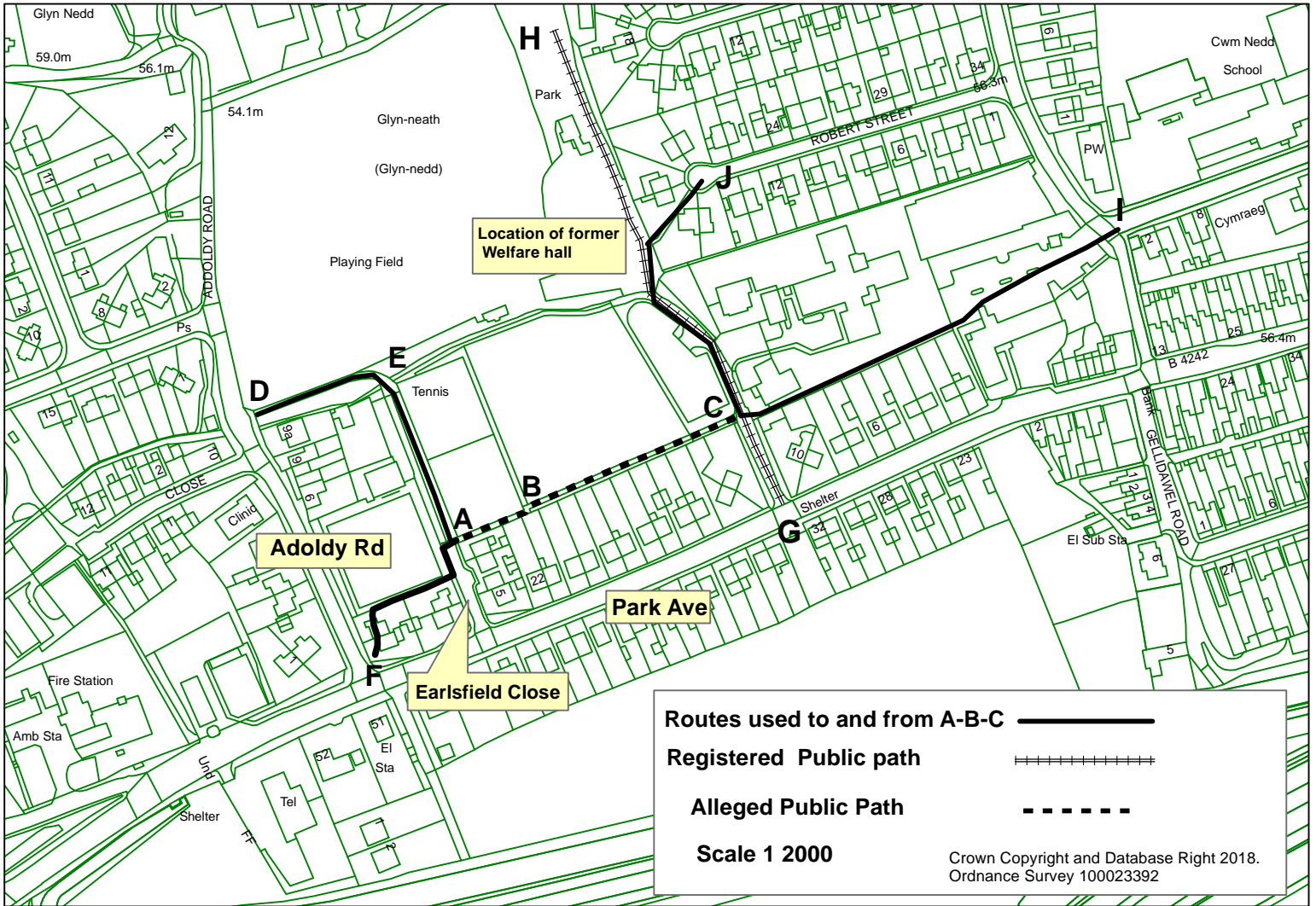
No minimum period of use is required, but the claimants must show that it can be inferred by the landowners conduct, that he or she had dedicated the route. User of right is not of itself necessarily sufficient, nor mere acquiescence by the owner. Under statute, twenty years, if proved to have been uninterrupted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

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

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

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

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



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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Regeneration and Sustainable Development Cabinet Board

22 June 2018

Report of the Head of Property and Regeneration

- S Brennan

Matter for Decision

Wards Affected: ALL

Proposals for Future Tourism Provision within Neath Port Talbot County Borough Council

1. Purpose of Report

The purpose of this report is to approve the remit of, and the resources required, to establish a new tourism unit within Neath Port Talbot County Borough Council.

A separate report will be submitted to Personnel Committee on 25th June 2018 seeking approval for the staffing structure required to deliver the proposals set out in this report.

2. Executive Summary

This report provides insight into the current tourism industry trends within Neath Port Talbot and, in response to these trends, sets out how the authority can work in partnership with the tourism industry to encourage the growth of tourism as an important sector of the local economy.

3. Background

In December 2017 an update report on the former Economic and Community Regeneration Scrutiny Committee's review of support for the tourism sector was scrutinised by the new Regeneration and Sustainable Development Scrutiny Committee.

At their December 2017 meeting the new committee subsequently endorsed the recommendations within the review, in particular the recommendation to reinstate a tourism provision in order to encourage

the growth of the sector within the local economy and, importantly, to be able to access tourism-related grant funding.

On 16th May 2018 a workshop was held with members of the tourism industry in Neath Port Talbot to seek their views on future tourism provision and the remit of the proposed Tourism Unit. The feedback received has been factored into this report and will be used to update the Neath Port Talbot Destination Management Plan. A summary of the feedback from this event can be found in **Appendix 1**.

Current Position

The Volume and Value of Tourism

In 2016 tourism contributed £110.28* million to the Neath Port Talbot (NPT) economy, however this represents a 1.2% decrease on 2015, which equates to a decrease of £1.31million in revenue. Only two other local authorities in Wales (Cardiff and Swansea) saw a decrease in the economic value of tourism in 2016, all other local authorities experienced some growth.

In 2016, 1.47* million visitors came to NPT, this represents a decrease of 3.9% (61,000 visitors) on 2015. In 2016 NPT saw the largest decrease in visitor numbers of all local authorities in Wales.

Afan Forest Park, a key driver for mountain biking visits to Neath Port Talbot and a destination which bolsters overnight stays in accommodation across the county, is seeing a significant decline in visits. In 2017 82,056 mountain bikers rode the trails in Afan Forest Park compared to 101,262 in 2015, this represents a decrease of 19% in just two years.

Recent visitor research shows that the vast majority of visitors to NPT (89%) are day visitors, however 2016 saw a significant decrease in the number of day visits taken in the area with 5.3% fewer day visits which represents 63,000* fewer day visits.

(*Source: Neath Port Talbot STEAM Report 2016)

Visitor research was undertaken across the County in the summer of 2017, this research evidenced that;

- 11% of visitors currently stay in NPT overnight and spend an average of £275 per trip. Key drivers for overnight stays are Waterfall Country in the Vale of Neath and Afan Forest Park. This

11% of visitors are currently sustaining our accommodation sector and offer the highest potential economic impact for the area.

- 26% of visitors are day visitors who are on holiday and staying in neighbouring areas. Average spend per day visitor per trip stands at £23.46. There is significant potential to convert these to staying visitors as they will already be familiar with the area. This is an important market for our attractions and activity providers in particular.
- 63% are day visitors travelling from home (outside of NPT). This type of visitor represents a high volume but low economic impact for NPT.

How can we act on these findings to increase tourism?

Tourism Development

In order to encourage economic growth, our tourism development activities need to be focused on the priorities that the industry has identified within the NPT Destination Management Plan (DMP). The current NPT DMP can be accessed at www.npt-business.co.uk/tourism. (Note: The NPT DMP will be updated in line with the industry feedback received on 16th May 2018 which is summarised in Appendix 1).

DMP's are a requirement put in place by Welsh Government (WG) to ensure that destinations are being developed and managed effectively and that resources are not being duplicated unnecessarily. DMP's also ensure that tourism stakeholders from the public, private and third sector work collaboratively to enhance the visitor experience and encourage the growth of the tourism sector.

The NPT DMP was launched in 2015 after consultation with the tourism industry and came as a result of the acknowledgement that without this plan the Council would be ineligible to apply for funding such as Coastal Communities Fund, Rural Development Plan Funds, Arts Council funds and Visit Wales funds in order to deliver wider regeneration schemes.

The current NPT DMP runs until 2020, however in the absence of a dedicated tourism function to lead on the delivery of the DMP the plan is currently under resourced.

The evidence submitted to Scrutiny Committee by Visit Wales showed a significant disparity between the funds which had been awarded to Neath Port Talbot (in both the public and private sectors) since the

tourism team was disbanded and the higher sums awarded to other local authorities in South West Wales.

During the NPTCBC scrutiny process Visit Wales made it clear that the funding they have available for tourism development and marketing activities will be directed towards those local authorities that demonstrate a clear commitment to developing tourism.

To demonstrate this commitment we need to ensure that we are getting things right in key visitor locations such as Afan Forest Park, Waterfall Country, Aberavon Seafront and Margam Park etc. by managing the visitor experience and continuing to invest in tourism development.

We need to play to our destination's strengths by investing in our highest profile locations/ attractions, such as Waterfall Country in the Vale of Neath and Afan Forest Park, which currently drive demand for overnight stays in our area. This strategy is essential in helping us to increase the number of these higher spending visitors who are looking for new and varied experiences.

In addition to this we need to ensure that we also attract and invest in new high profile product development in particular in our valleys areas in order to future proof our tourism economy and attract new visitor markets. This can be achieved by prioritising strategic locations for development and identifying specific opportunities on Council owned land and buildings which can be put out to tender with the private sector.

Smaller scale developments also have the potential to widen our product offering. For example; attracting new and quirky accommodation providers, activity providers, attractions and places to eat, in addition to offering new experiences at our existing attractions, will assist in securing additional overnight stays. This can be achieved by attracting external funding and delivering specialist business support to the tourism sector in order to bring proposals from new and existing businesses to fruition.

Events also play a role in generating overnight stays and raising the profile of an area for both tourism and inward investment purposes. In order to secure economic benefits from events we need to achieve a balance in the types of events which are held in the county.

Attracting large scale 'one off' events such as high profile sporting events or national cycle races would raise our profile, but would only

deliver a one-off benefit as the events are usually only held in an area once. However, attracting and nurturing events which occur annually and have a clear fit with our product offering such as mountain biking, triathlons, Neath Food Festival etc. we can deliver economic benefit over a number of years.

Organising events can take a significant amount of staff time and financial outlay but the most successful events are often organised by enthusiasts who have a passion for their specific event and want more people to get involved.

As the resources required to successfully manage a programme of events are no longer available within the council it is proposed that we instead take an enabling approach to attracting events to the county.

For example, in the past neighbouring local authorities have supported event organisers by offering modest financial incentives, such as sponsorship or grant funding where the event organisers can demonstrate a clear economic benefit to the local area. This approach would deliver support to nurture new events and potentially attract large scale events to the area. We would also need to strengthen relationships with the Welsh Government Major Events Unit to encourage more event organisers to come to Neath Port Talbot.

Nationally important events such as the Champions League Final held in Cardiff in 2017 had the potential to generate additional overnight stays for accommodation providers in Neath Port Talbot, however a lot of those who were most likely to benefit were already fully booked with bookings taken twelve months in advance for the annual Wiggle Dragon Ride at Margam Park. This is an example of how annual events can potentially provide a steady stream of income and a more long term financial benefit than higher profile, but one-off, events.

In order to achieve the tourism development proposals set out in this section of the paper, the status of tourism development within the Council needs to be elevated and all departments need to become enablers which help us to attract additional visitors.

This can be achieved by engaging all departments in the destination management process and setting up a 'Destination Managers Group' within Neath Port Talbot CBC to report on key issues which impact on visitors. The Destination Managers Group would directly report to the Destination Management Steering Group which is chaired by the

Director of Environment and consists of representatives from NPTCBC, Natural Resources Wales, Tourism Swansea Bay, National Trust, Visit Wales and private sector tourism operators.

In addition to this we need to support our partners (including the tourism industry themselves) to be fully involved in working with us to develop new visitor product. This can be achieved by building upon the capabilities of the Destination Management Task and Finish Groups set up for specific rural areas (via the Tourism Development in Neath Port Talbot Project) and Aberavon Seafront.

The Task and Finish groups are attended by private sector tourism operators who work in partnership with the council to identify priorities and deliver projects which meet the aims of the Neath Port Talbot Destination Management Plan. Currently these groups are under-resourced and need additional support to deliver more impactful projects.

In summary tourism development is about getting things right on the ground and is the precursor to undertaking successful marketing activities, if we can't deliver on what we promise in our marketing then visitors will not return.

Destination Marketing

When we present our area to potential visitors we need to use our best quality and highest profile tourism assets as a hook to raising familiarisation of our area. There are a lot of misconceptions about Neath Port Talbot, especially among those who aren't familiar with the area, and many find it difficult see past the steelworks. However, we need to challenge this perception as part of our destination marketing efforts.

The concept of the area of 'Neath Port Talbot' can be hard for visitors to understand, as the name of our area isn't an accurate reflection of a particular pin point on a map in the way that destinations such as Gower, Brecon Beacons, Swansea or Pembrokeshire are easier for visitors to visualise. For this reason targeted marketing activities which identify specific product or higher profile locations within Neath Port Talbot will be much more effective at attracting visitor's attention than a generic campaign based on the tagline 'Visit Neath Port Talbot'.

In the past we have put the majority of our destination marketing efforts into a partnership with the City and County of Swansea (The Swansea

Bay Tourism Marketing Area), we shouldn't discount working with Swansea in some way again in the future but we also need to cast our net wider to reach potential visitors. In future we need to be more strategic in how we target the specific visitor markets identified in the NPT visitor research and make best use of digital marketing methods and social media.

We need to position Neath Port Talbot as a place to base a stay to the whole of South West Wales, this will encourage longer overnight stays than if we were to promote ourselves as a stand-alone destination. In order to achieve this we need to invest in partnerships with other organisations which best suit the nature of our visitor products and offer the greatest potential marketing reach. In addition to this we should be more explicit in our marketing activities about our convenient location as the gateway to South West Wales.

Specific destination marketing activities which can help us to achieve the above could include, for example;

- Producing additional high quality videos and photography to present a different perspective of our area through digital marketing channels and social media
- Complete redesign of the Visit Neath Port Talbot websites to make them fit for purpose and more functional for use alongside digital marketing activities and social media
- Delivering integrated social media activities and writing blogs and features to highlight new and interesting product in our area
- Undertaking public relations activities such as targeting specific media outlets, magazines and travel bloggers to highlight our 'undiscovered' product and challenge negative perceptions. Subject to available funds this would include working with a specialist PR agency to reach key media influencers and may also include facilitating media visits to the area.
- Having a presence at key exhibitions (either as a delegate or with a marketing stand) such as the Outdoor Show, Best of Britain and Ireland or the South West Group Travel Show. This may be more effective as a regional effort as it would widen the appeal of the area to major operators.
- Developing packages or partnerships with private sector operators which make it clear what the area offers to specific markets, for example (this is not an exhaustive list);
 - Mountain biking tuition breaks, cross country running breaks or Strava Busting breaks in Afan Forest Park

- Waterfall wonders breaks in the Vale of Neath including suggestions of high quality places to eat and drink
- Richard Burton Tours including the Richard Burton Trail
- Swansea Valley fishing Breaks, cycling Breaks or walking breaks
- Creative weekends which highlight the growing arts and culture scene in the area
- Coach operator itineraries targeting coach tours to visit Neath Town Centre, Aberavon Seafront or Margam Park.
- Accessible holidays including accessible accommodation and attractions such as Aberavon Seafront, Aberdulais Falls, Margam Park and Gnoll Country Park.

There is much debate within the tourism industry throughout Wales about whether it is realistic for all destination marketing activities to be moved completely towards online methods. There are some markets, such as day visitors staying in neighbouring areas, which might benefit from having a leaflet of some description in their hand in order to inspire them to look for more information online.

At the tourism industry workshop held on 16th May 2018, there was a lot of discussion on paper based promotional materials and many felt that this is an essential element of a destination marketing strategy for NPT in particular in attracting day visitors who are staying in neighbouring areas. However others also highlighted that digital methods are more in tune with the ways that people now seek information about a destination.

Subject to the views of Members, it may be possible to adopt similar model to that used by Pembrokeshire which has outsourced the production of the area's holiday guide. All costs could be covered by generating revenue through advertising and the time commitment in producing the guide would be met externally, as a result the council would have input into the content of the publication but there would be no cost to the public sector in producing it.

When evaluating the reach of print based marketing materials versus online/ digital marketing the potential reach and costs of these methods should be clearly understood. For example a recent video was released online via Visit Neath Port Talbot social media channels to test the market response to the NPT Valleys areas. The film entitled 'Our Valleys' had significant impact and generated over 111,000 views on social media (both Visit NPT and Wales Online). The cost of this video was circa £600 (a standard video would normally cost circa £2,500) but

to reach a similar audience (111,000) using print based methods such as leaflets or guides would be significantly more expensive and could cost in the region of £20,000 (if production was kept in-house), depending on the nature of the publication and how widely it is distributed.

The significant response to the 'Our Valleys' video and further videos released through the Tourism Development in Neath Port Talbot project highlights how visitors are thirsty for new and undiscovered experiences. In addition to this the overwhelming positive response from local people towards these videos shows how destination marketing activities can also inspire positive local attitudes.

Neath Port Talbot has significant potential to satisfy visitor demand but as we are no longer actively delivering co-ordinated destination marketing activities our area is becoming invisible to potential visitors.

The Proposed Remit of a Tourism Unit

In light of the findings of the recent visitor research and lessons learned from past and current tourism provision within the Council, the remit for the new NPTCBC Tourism Unit can be summarised as follows;

1. Co-ordinate the ongoing production and delivery of the revised Neath Port Talbot Destination Management Plan in order to encourage collaboration with the sector and remain eligible to apply for funding via Visit Wales for tourism development and marketing schemes.
2. Strengthen relationships with key partners such as Visit Wales, Welsh Government Major Events Unit, Tourism Swansea Bay, Brecon Beacons National Park, Natural Resources Wales and neighbouring local authorities to secure investment and raise the profile of NPT as a visitor destination.
3. Attract investment in new tourism product development (including new developments linked to Regeneration schemes) and existing infrastructure (i.e. mountain bike trails, country parks) in order to remain competitive and enhance the visitor experience. This can be achieved by building relationships with key funders.

4. Deliver specialist advice and assistance to businesses (SME's) in the Tourism sector in order to maximise job creation opportunities and encourage good quality developments.
5. Act as a facilitator (or single point of contact) for key tourism developments to maximise opportunities to secure private sector investment and major tourism developments in the area.
6. Identify opportunities for Council buildings/ land to be tendered for use as tourism assets, for example, the former Waterfalls Centre in Pontneddfechan which now operates as holiday accommodation/ bistro (known as Sgwd Gwladys). Developments such as this support the tourism economy and raise revenue for the council through its lease with the proprietors.
7. Secure benefits from major events by delivering a modest support package to attract and nurture annual and/ or high profile events where there is a demonstrable economic benefit.
8. Undertake specific and targeted destination marketing and PR activities which act on the visitor research findings to achieve the following;
 - Increasing the number and length of overnight stays
 - Present our tourism product as a more packaged offering making it obvious that you can stay in NPT for longer than two days.
 - Redesign the www.visitnpt.co.uk and www.afanforestpark.co.uk websites and concentrate our marketing efforts on mainly digital methods.
 - Undertake targeted marketing activities for our key markets (outdoor activities/ peace and quiet seekers/ landscape lovers).
 - Establish NPT as a place to base a stay ('a gateway') to South West Wales

Resources Required

The evidence presented to the scrutiny review and the testimony of officers both from within NPTCBC and partner organisations made it clear that a permanent solution was the only sustainable way forward to deal with the issues that have resulted in a reduction in tourism-related income and to ensure the future development of tourism in the County Borough.

In 2016 the Business Development Team secured funding through the Rural Development Plan (RDP) funded LEADER programme to deliver a project tailored towards supporting the tourism sector. This included employing a Business Development Officer who works with the tourism sector in the rural wards only.

However the activities of this role are severely constrained by the activities deemed eligible under the LEADER programme. The existing Business Development Officer (Tourism) role which will end in May 2019 and is permitted to deliver the following activities only;

- Mapping the business development needs of the tourism sector (providing business advice is not an eligible activity)
- Undertake visitor research to ensure the tourism sector is better informed on the needs and wants of visitors (this research is complete and referenced in this report)
- Deliver networking events for the tourism sector which encourage sense of place and raise the familiarisation of tourism operators on what the area has to offer.
- Deliver videography and photography of the rural wards
- Establish 3 networks which encourage the involvement of stakeholders in the delivering specific and prioritised destination management plan projects
- Undertake a feasibility study which tests the viability of a tourism proposal (this is yet to be identified).

Whilst the Tourism Development in Neath Port Talbot Project offers some capacity towards meeting the proposed remit set out in this report it is impossible to deliver what is needed using this resource alone.

It should also be noted that there is no other funding available which will cover staff costs to deliver the activities which would be required of a Tourism Unit. This was examined extensively when the tourism team was disbanded as a means of retaining some of the staff within the team, however obtaining external revenue funding to cover staff costs is neither viable nor sustainable in the longer term.

In line with the feedback received on the proposed remit of a Neath Port Talbot Tourism Unit with the tourism industry in Neath Port Talbot and in the interest of finding a permanent solution, the following Council funded staffing structure will be submitted to Personnel Committee for approval on 25th June 2018. The staffing levels and operational budget identified

are based on the minimum required to deliver on the proposals set out above.

- Destination Management and Marketing Manager: To lead on the development and promotion of Neath Port Talbot as a visitor destination and maximise the contribution that the tourism sector makes towards the economic prosperity of the County Borough. Responsible for supervision of the Destination Management Officer post and securing additional external project funding. This post is likely to sit at Grade 9 (subject to Job Evaluation).
- Destination Management Officer: To assist with the delivery of the destination management process and the delivery of key tourism development and marketing projects. This post would be subject to Job Evaluation but the calculations below are based on grade 6/7.

It is proposed that the Destination Management and Marketing Manager post commences as soon as possible and that the Destination Management Officer post commences in May 2019 after the Business Development Officer (Tourism) post funded via the RDP LEADER programme ceases.

In line with the recommendations made within the Scrutiny Review the proposed Tourism Unit will sit within the Regeneration and Economic Development Team within the Environment Directorate.

The table below outlines the estimated minimum costs associated with the proposed remit and staffing structure.

Proposed Annual Staff Costs	
1 x Destination Management and Marketing Manager post and 1 x Destination Management Officer (subject to Job Evaluation)	
Total estimated staff costs Year 1 (2018/2019) (without Destination Management Officer post)	£46,750
Total estimated staff costs Year 2 onwards (1 x grade 9 post and 1 x grade 6/7 post)	£89,500
Proposed Destination Marketing and Development Operational Budget	

<ul style="list-style-type: none"> • Capital allocation to deliver and match fund prioritised tourism developments/ destination management activities. 	£20,000 min
<ul style="list-style-type: none"> • Strategic Events Fund to attract events which generate economic impact. 	£10,000 min
<ul style="list-style-type: none"> • Delivery of targeted destination marketing activities including online and PR. 	£20,000 min
TOTAL YEAR 1	£96,750
TOTAL YEAR 2	£139,500
<p>Please note that the above figures include employers NI and Pension costs together with a provision for additional budgetary costs such as travel, IT, telephones, legal, training, etc.</p> <p>Please also refer to Appendix 2 for a breakdown of financial implications for the above posts.</p>	

4. Financial Impact

Please refer to the Financial Implications set out in Appendix 2. Funding for this investment will come from General Reserves in 2018-19 with future year funding requirements to be built into the Council's base budget from 2019-20. Whilst the analysis shows the cost of the first full year will total £96,000 it is projected that the requirement for 2018-19 will £82,000 with recruitment into post with effect from 1st August 2018.

5. Equality Impact Assessment

There are no equality impacts associated with this report.

6. Workforce Impact

Please see above

7. Legal Impact

There are no legal impacts associated with this report.

8. Risk Management

There are no risk management issues associated with this report.

9. Consultation

This item has been subject to external consultation with the Neath Port Talbot Tourism Industry.

10. Recommendation

It is recommended that members approve the remit of, and resources required, to establish a new Tourism Unit, as set out in this report, in order to encourage the future growth of the tourism sector within the local economy.

11. Reason for Proposed Decision

To deliver the resources required to ensure the growth of tourism as an important sector of the local economy.

12. Implementation of Decision

The decision is proposed for immediate implementation.

13. Officer Contact

Mr Simon Brennan – Head of Property and Regeneration
Tel No: 01639 766370
E-mail: s.brennan@npt.gov.uk

14. List of Appendices

Appendix 1: Neath Port Talbot Tourism Industry Event Feedback
Appendix 2: Financial Implications for reinstatement of Tourism Unit

**Neath Port Talbot Tourism Industry Event
Wednesday 16th May 2018**

Workshops Feedback

DESTINATION MANAGEMENT

BRIEF: What are our strengths as a visitor destination and what are the opportunities to attract more overnight stays?

1. What attracts people to visit Neath Port Talbot at the moment?
2. What opportunities are we missing?
3. What investment is needed on the ground to take full advantage of these opportunities?
4. Which specific tourism products/ areas should we concentrate our efforts on in order to generate more overnight stays?
5. How can we work in partnership to pool our resources in order to make these opportunities happen?

Summary of responses

Lack of quality retail outlets in certain areas, for example buckets and spades on Aberavon Seafront. In summary we need more opportunities for visitors to part with their cash while they are in NPT, this ranges from pubs, pop up restaurants and cafes of suitable quality and opportunities to buy quality products which originate from the local area.

It was felt that the key to future development of the destination is to start from the bottom (looking at basic facilities such as toilets, car parking, infrastructure etc.) and getting this right before developing further.

Brown signage is seen by all of the groups as key to establishing a better quality experience for visitors. It was felt that signage not only makes the opportunities to stop in the county more obvious (and could retain visitor spend) but also signage on pathways, canals and walking trails to make taking a walk and a cycle ride so much easier for people who aren't familiar with the area.

We need to make our visitors more aware of the history and heritage of the area and integrate this with outdoor activities such as walking and cycling – creating a sense of place.

A Blue Plaque scheme was also supported to enhance awareness of the heritage of our area in addition to suggestions to create iconic sculptures to promote heritage.

Promote the health and wellbeing benefits to visiting Neath Port Talbot. Walking, road cycling and cross country running water sports and triathlon training are hugely untapped markets with significant potential for the future development of NPT as a destination.

TATA Steel should have a Visitor Centre, there is demand for this and it could help us to change perceptions.

We need to find a solution to the future management and development of the Neath Canal if we are to develop as a destination.

Families and disabled visitors were seen as key markets that we could be doing more to tap into.

There was mention across all groups of re-establishing tourist information services, in particular in town centres in order to make visitors more aware of what's on offer. This went hand in hand with arguments for and against the production of leaflets to promote the area, there was a balance between those who feel leaflets are essential and those who felt they are outdated and that there should be a focus on digital methods.

There were a few Valleys Tourism Ambassadors present at the meeting, Valleys Tourism Ambassadors are community volunteers trained through Valleys Regional Park to converse with visitors and give informal advice on their local area. There was a consensus that this should be developed further and that a meet and greet scheme is possibly developed linking these volunteers directly with visitors. There was a call to work closely with the Valleys Taskforce.

There is a clear call to invest in our existing attractions to ensure that they continue to attract new visitors. Neath Abbey (CADW) was mentioned, more could be done at this location.

Investment in festivals and events were also widely discussed, in particular nurturing home grown events so that they grow and become sustainable, i.e. Neath Food and Drink Festival. Large scale events were seen as beneficial however more accommodation stock is needed to retain all of these visitors in the Neath Port Talbot area.

In terms of how we could work together to pool our resources, the key suggestions centred on establishing a tourism trade forum, continuing with the Destination Management Stakeholder groups in each area and holding an annual meeting with tourism operators.

There was very limited discussion on how financial resources could be pooled, however a lot of suggestions on working in partnership mainly on promotional activities.

There was discussion that we should ensure that actions within the Destination Management Plan are realistic and achievable and focused on fewer issues to ensure resources aren't too diluted.

More indoor provision would be welcomed to assist accommodation providers with enhancing occupancy during winter/ off peak periods. It was stated that it is crucial that Natural Resources Wales and NPTCBC need to work more closely to deal with the management of Afan Forest Park as a destination.

Feedback received via email stated that some investment is needed in the Vale of Neath as there is a drop in the overall quality of the local area. It was reported that the valley has lost the Waterfalls Information Centre, Aberdulais TIC, The Thomas Dadford Trip Boat, the canal is lacking maintenance and there are fly tipping issues on the A465. In addition to this broken signage on local rights of way had not been repaired.

There is a need to create a role for an Aberavon Beach Manager in order to safely manage the destination, co-ordinating events and bring people together.

There was mention of the negative perception of Hollywood Park on signage leading to and upon the seafront. This is seen as a dated concept and would give a better perception if a new name could be given and signage amended.

Transport, in particular public transport, was seen as key for encouraging visitors to explore the wider county. Could there be a transport scheme to cross the valleys and take visitors between attractions? Feedback from Brecon Beacons National Park via email indicates a willingness to build upon the partnership working to date in order to further develop and enhance Waterfall Country in particular.

DESTINATION MARKETING

Brief: What destination marketing activities should we allocate our resources to in order to attract visitors to Neath Port Talbot?

What are your opinions on the following activities?

1. Packaging of existing products into 'experiences'
2. Public relations activities such as journalist visits, public relations campaigns on specific product, attending exhibitions and events.
3. Online/ Digital – destination website, social media, video, photography etc.
4. Traditional marketing methods – leaflets, brochures and guides.
5. Marketing Partnerships – Swansea Bay, The Valleys, alignment with relevant brands etc.
6. How can we work together to make best use of our joint resources?

Summary of Responses

Packaging of existing products into 'experiences'

This was welcomed widely as long as there is a good geographical spread. Packages such as mountain biking tuition breaks, waterfall wonders breaks, Strava busting breaks, accessible holidays and creative weekends which were suggested by KD appear to be supported. Some additional ideas included establishing packages for Waterways/Canals/Fishing, Walking/Photography/ bird watching breaks, Beach/Coastline/Sea activities breaks, County of Fame utilising a blue plaque scheme, Valleys to Coast tours, filming location trails and packaging of events etc.

There was also mention of tapping into the thousands of students attending Swansea University.

Better promotion of key attractions such as Margam Park is needed.

Public relations activities such as journalist visits, public relations campaigns on specific product, attending exhibitions and events.

This varied across the groups, however the private sector showed a clear interest in this and feedback suggested that this is a key way to challenge perceptions of our area. There were offers from accommodation providers to work in partnership in hosting these visits. The key here is working with a well-placed PR agency and speaking one to one with businesses to identify the right bloggers and journalists. A local rather than regional approach was preferred for public relations activities as it was felt that a regional approach could result in Neath Port

Talbot being becoming lost amongst more high profile areas such as Gower or Pembrokeshire.

We could also make more of the famous faces from Neath Port Talbot. Better promotion of events, a more joined up approach to promoting events is needed.

Online/ Digital – destination website, social media, video, photography etc.

There was a consensus that a central destination website for Neath Port Talbot was of use. That this should be made more interactive and up to date/ modern. The vast majority of participants were very active on social media.

We should develop more marketing activities linked to experiences. As mentioned previously there was some debate in each group about the benefits of online/ digital marketing versus traditional paper based marketing.

It was stated that there would be an advantage to expanding the social media channels that we use to promote the destination as the demographic that use Facebook is maturing and the platform doesn't necessarily appeal to a younger audience.

We need a social media plan and a strong hashtag to carry our message wider and encourage joint campaigns with tourism operators in the area.

Traditional marketing methods – leaflets, brochures and guides.

There were some comments that not all visitors will be online or able to obtain a phone signal and we should also invest in other traditional marketing methods such as radio where relevant.

It was stated that a single image driven brochure is all that is needed so that the area can be promoted by individual businesses more effectively, rather than lots of individual brochures for specific areas of the county.

Leaflets/ guides were also supported by some groups in order to tap into the pool of visitors who are staying in neighbouring areas and looking for inspiration on where to visit.

There was also suggestions that NPT attractions should be promoted better at train stations.

Merchandise specific to the area could generate revenue.

Marketing Partnerships – Swansea Bay, The Valleys, alignment with relevant brands etc.

It was agreed that in the past marketing partnerships with the City and County of Swansea as part of the 'Swansea Bay' Marketing area were not as beneficial as they could have been as NPT was not given

proportionate representation in the campaign. However the benefits of partnership working to attract people to NPT was recognised.

One group suggested that an NPT Marketing Partnership could be developed between the local authority and tourism operators.

There is a need for Tourism Swansea Bay's membership in the NPT area to be increased.

Tap into existing campaigns such as 'Dragons of Wales'.

How can we work together to make best use of our joint resources?

There was much consensus that a brand needs to be developed which better represents the area as a tourism destination as 'Neath Port Talbot' isn't a destination, or an easy to understand geographical area. It was felt that a brand can also help us to challenge negative perceptions. Create a business directory of NPT tourism operators so that businesses can create packages more easily.

Working together on joint social media campaigns

Tourism Unit Financial Implications

SET UP COSTS:

<u>Costs</u>	<u>First Year</u> £	<u>Maximum</u> £
Recruitment Costs	250	
Accommodation Costs		
Office Costs	250	
IT	250	
Other (Training)		
Total Set Up Costs	750	0
<u>Funding of Set Up Costs</u>		
Revenue Budget		
Reserves	750	
Special Grant		
Other		
Total Funding of Set Up Costs	750	0

RECURRING COSTS

<u>Costs</u>	<u>First Year</u> £	<u>Maximum</u> £
Employee Costs		
- Starting salary (Grade 9 post)	43,000	43,000
- Additional cost at maximum salary (Grade 9 post)		5,500
- Starting salary (Grade 6/7 post) from year 2 onwards		30,500
- Additional cost at maximum salary (Grade 6/7) post		7,500
Employee Training and Seminars	500	500
Accommodation Running Costs		
Travel and Subsistence	1,000	1,000
Other running costs – office supplies	500	500
Other running costs – printing and literature	500	500
Other running costs - IT	500	500
Marketing & Development Operational Budget	50,000	50,000
Total Recurring Costs	96,000	139,500
<u>Funding of Recurring Costs</u>		
<u>External Sources</u>		
Specific Grant		
Funding from External Agencies		
Service Level Agreement		
Other		
<u>Internal Sources</u>		
HRA		
Existing Budget Allocation		
Additional Guideline Allocation for 2019-20		139,500
Other (specify) Reserves	96,000	
Total Funds Available	96,000	139,500

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Regeneration and Sustainable Development Cabinet Board

22 June 2018

Report of the Head of Property & Regeneration

S.Brennan

Matter for Information

Wards Affected: *All Wards*

ENERGY/CARBON & WATER MANAGEMENT PERFORMANCE REPORT 2017/18

Purpose of Report

- 1 For Members to note the Council's Energy/Carbon & Water Management Performance Report for 2017/18.
- 2 To inform Members of the impact of energy, carbon and water consumption and consequential costs within the Authority's operational building portfolio. It identifies the Council's core drivers for their effective management and provides details on achievements, activities, areas of opportunity, and long term projects to ensure reduction in current and future energy/water consumption costs.

Executive Summary

- 3 Members will be aware of the impact of energy, carbon and water consumption and their consequential costs within the Authority's operational building portfolio and the management systems and consequential activities that have been implemented to improve the energy/carbon and water performance of the Authority's operational building portfolio.

Background

- 4 The energy/carbon and water performance report sets out the resource provision in-place to manage the Authority's energy/carbon

and water performance. Negating the impact and associated risk of energy, carbon and water consumption and their consequential costs within the Authority's operational building portfolio.

The report is structured into the following main elements:

- Background - Core Principles & Objectives
- Energy/Carbon & Water Consumption & Costs
- Progress – 2017/18
- Current priorities – 2018/19
- Long Term Aims/Priorities (Projects/Activities)
- Structured Approach: Energy/Carbon & Water Management Delivery Areas

Financial Impact

- 5 The delivery of effective energy/carbon and water management within the property portfolio is essential for ensuring statutory compliance and negating the financial impact and risks of the Council's energy/carbon and water expenditure, contributing to the Council's Forward Financial Plan. These actions will assist with the aim of making the portfolio financially sustainable.

Equality Impact Assessment

- 6 There are no equality impacts associated with this report.

Workforce Impact

- 7 There are no significant impacts on the Property & Regeneration Team resources.

Legal Impact

- 8 There are no legal impacts associated with this report.

Risk Management

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

Consultation

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

Recommendation(s)

- 11 The report be noted.

Implementation of Decision

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

List of Background Papers

- 13 Energy/Carbon & Water Management – Performance Report 2017/18.

Officer Contact

- 14 David Phillips, Strategic Property and Valuation Manager
01639-686980 d.phillips@neath-porttalbot.gov.uk

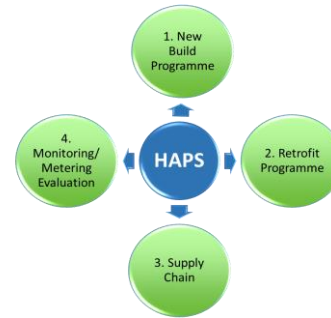
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Neath Port Talbot County Borough Council Energy/Carbon & Water Management Performance Report 2017/18

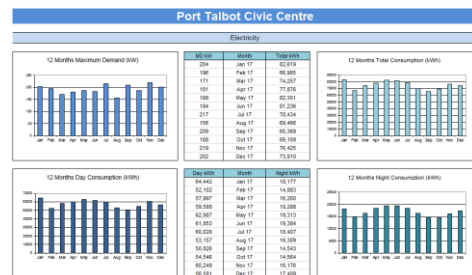
Gnoll Primary – Lighting Scheme



Homes As Power Stations



Site Specific Energy Analysis



Ysgol Bae Baglan 250kW PV



NPTCBC Energy / Carbon & Water Efficiency

CONTENT

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2.0 Energy Background - Core Principles & Objectives	4
3.0 Energy/Carbon & Water Consumption & Costs	6
4.0 Progress – 2017/18	8
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7.0 Appendix: Energy Management - Structured Approach	19



1.0 Report Overview

This report outlines and quantifies the impact of energy, carbon and water consumption and the consequential costs within the Authority's operational building portfolio. It lists the core principles and objectives for their effective management and provides detail on progress over the last 12 to 18 months, current work activities and long term projects/work activities to ensure reduction/stabilisation in current and future energy/water consumption and costs.

The report is structured into the following core elements:

- Report Overview
- Energy Background - Core Principles & Objectives
- Energy/Carbon & Water Consumption & Costs
- Progress – 2017/18
- Current priorities – 2018/19
 - Main Project/Activities
 - Day To Day Activities
- Long Term Aims/Priorities (Projects/Activities)
- Appendix: Structured Approach
 - Energy/Carbon & Water Management – Delivery Areas

2.0 Energy Background - Core Objectives/Principles

The main core energy/carbon and water management delivery objectives/principles are:

- 1. Reduce energy and water consumption and costs within the operational building portfolio**



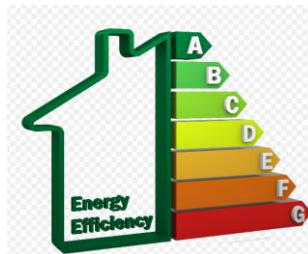
- 2. Alleviate Fuel Poverty within the Authority**



- 3. Increase the number renewable technologies installed throughout the operational building portfolio**



- 4. Ensure regulative and legislative energy/carbon compliance**



The Energy Team's core activities and programmes of work assist to deliver key priorities and objectives of the Council's Corporate Improvement plan (2018-22) and Well-being of Future Generations (Wales) Act 2016.

The Energy Team

The Energy Team undertakes a significant role, with responsibility for corporate management and delivery of energy/carbon and water efficiency for the Authority's 250 sites within its' operational building portfolio. This includes implementation of energy and water management protocols and procedures to enhance and improve energy efficiency and performance throughout the portfolio.

The Energy Team consists of 2 officers (Energy Manager and Energy Officer) located within the Strategic Property and Valuation Team of the Property and Regeneration Department of the Authority.

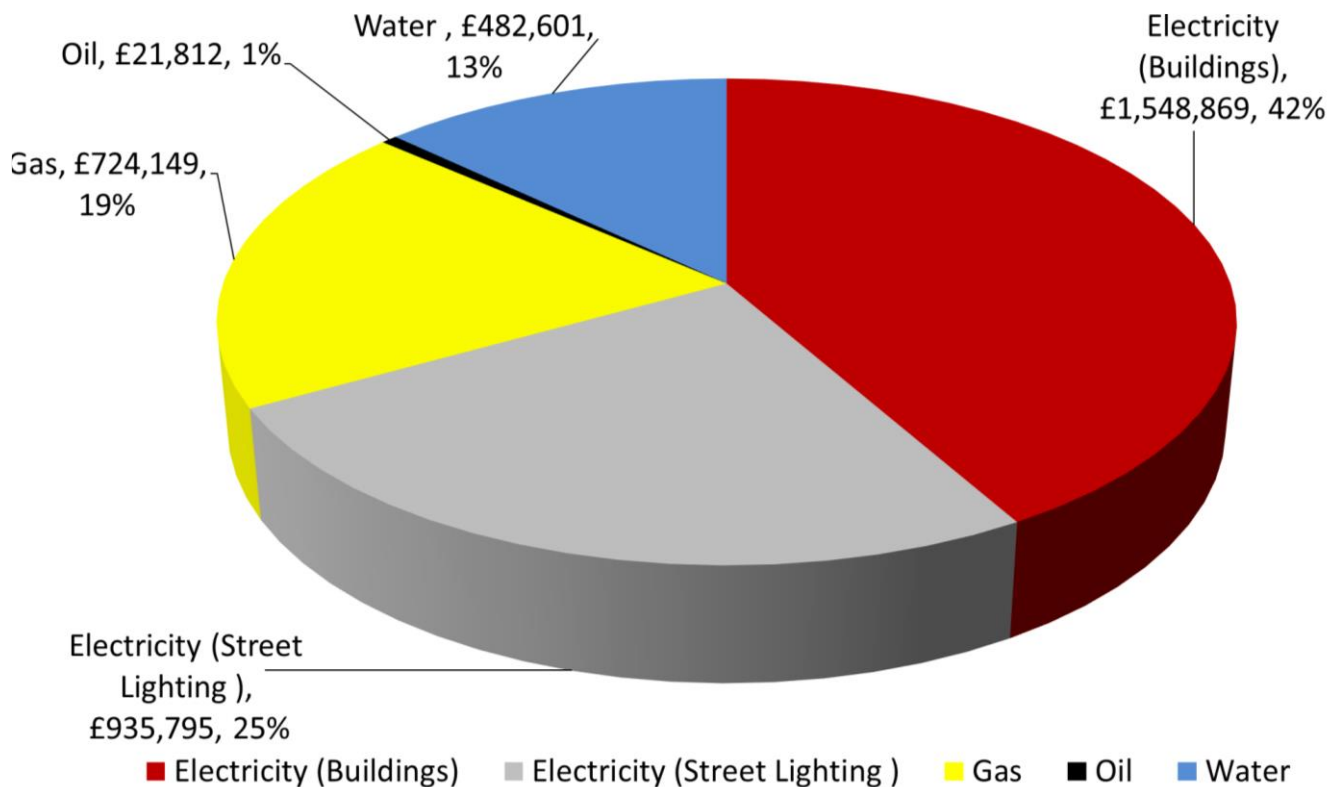
3.0 Energy/Carbon & Water Consumption & Costs

Energy/Carbon & Water Costs

The Authority has 250 sites within its operational building portfolio located throughout the County Borough served by 308 electricity, 222 gas and 8 oil supplies.

In 2016/17 the Authority spent £2.3m on energy supplies over the portfolio together with just under £0.5m on water and sewerage. A further £0.94m was spent on public street lighting throughout the County Borough.

The following pie chart provides a breakdown of these costs per utility supply:



The table and pie chart listed below:

Utility	2015 / 2016	2016 / 2017
Electricity	£1.60m	£1.55m
Gas	£0.90m	£0.72m
Oil	£0.03m	£0.02m
Water & Sewerage	£0.50m	£0.48m
TOTAL:	£3.03m	£2.77m

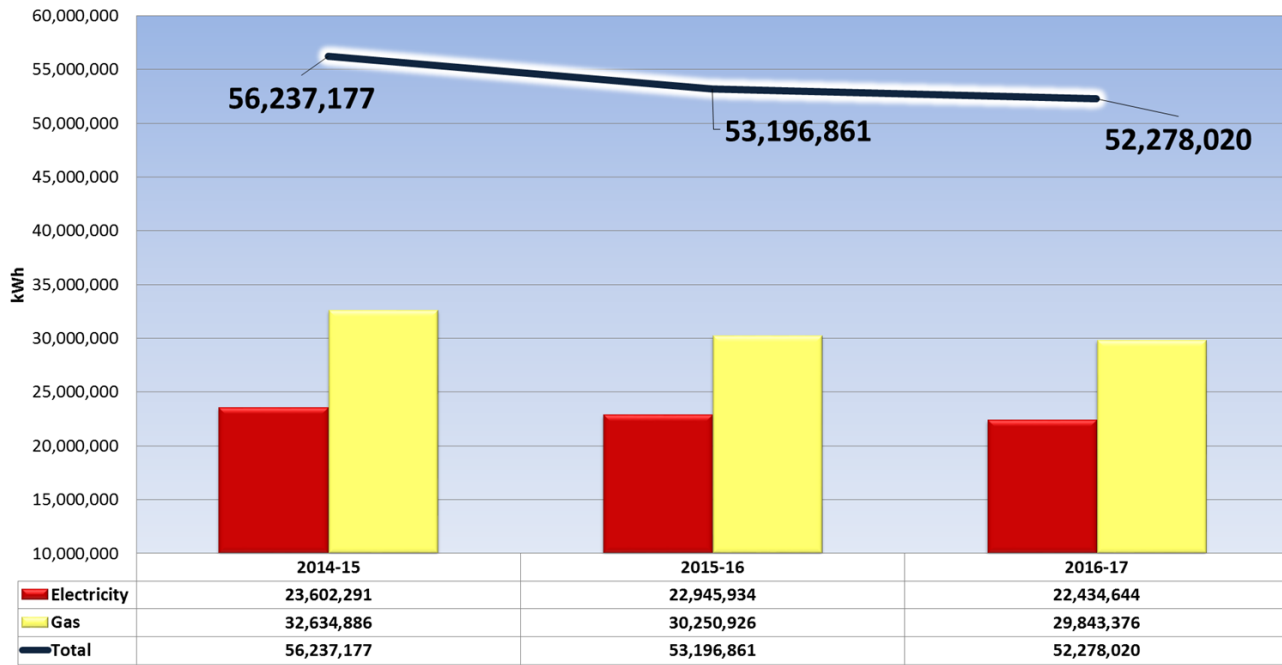
Figures generated from the Authority's financial accounting system.

This equates to a reduction of £260,000 over the financial years 15/16 to 16/17.

Annual Energy Performance

The table and chart below shows the trends in energy consumption for the portfolio over the last 3 years. There has been improvement in performance throughout this period as a result of improvements flowing from energy management initiatives and audits and the overall reduction in the number of buildings within the operational portfolio.

NPT Annual Energy Consumption (kWh)



- Energy consumption has reduced by 7% from 2014/15 to 2016/17 a total reduction of 3,959,157kWh.
- Percentage reduction of 1.73% between 2015/16 to 2016/17 a reduction of 918,841kWh.

Display Energy Certificates (DECS)

The Authority has a statutory obligation to provide and Display Energy Certificates (DEC) for qualifying Authority buildings regularly visited by members of the public. The average DEC rating across the Authority’s qualifying buildings over 1,000m2 for 2017/18 recorded a rating of 78.3 and Grade D. Although the average rating performance has reduced from 75.1 in 2016/17 to 78.3 in 2017/18. The Authority’s average rating is still performing well, recording a value 21% under the national typical rating value of 100. The specific buildings with increased DEC ratings will be investigated to determine the cause of the reduced efficiency with the formulation and implementation of improvement action plans to enhance performance.

4.0 Progress – 2017/18

The following table provides the level of progression that the Energy Team has achieved in 2017/18 with regard to projects and activity reported in the previous 2016/17 energy performance report.

Work Programme - Progress

Key activities programmed for completion reported in 2016/17 – Status Position:

1.	<p>Undertake LED lighting projects to the value of £38k using Welsh Government funding.</p> <p>Update: Completed LED lighting projects at the following sites:</p> <ul style="list-style-type: none"> • Tregelles Court (Workshops) • Blaenhonddan Primary School (Hall)
2.	<p>Develop and formulate an annual energy/carbon and water report for the Authority's operational building portfolio.</p> <p>Update: A Draft 2016/17 annual energy/carbon and water report has been produced for the Authority's operational building portfolio, to be consulted upon prior to formal publication.</p>
3.	<p>Datacentre cooling systems investigation into low energy cooling solution for the computer data centre at The Quays.</p> <p>Update: Completed investigation on low energy cooling solutions for the computer data centre implemented low cost measures.</p>
4.	<p>Management and production of Display Energy Certificates (DECS) for qualifying buildings within the Authority ensuring statutory compliance avoiding financial penalties.</p> <p>Update: Completed the provision of Display Energy Certificates (DECS) for 2017/18.</p>
5.	<p>Submitted annual Welsh Government Energy Performance indicators (percentage change in the average Display Energy Certificate (DEC) score within local authority public buildings over 1,000m²).</p> <p>Update: Completed the submission of the Welsh Government Display Energy Certificate Performance indicator for 2017/18.</p>
6.	<p>Completed the renewal of Electricity and Gas Automated Meter Reading Contract for 2016/17.</p> <p>Update: Successfully completed contract renewal for 2016/17.</p>
7.	<p>Develop the next step action plan based on the findings of the District Heating Network feasibility report - A project summary (overview) report will be written outlining key actions and identifying the next steps required to further evaluate and determine the</p>

practicality and viability of district heating within the specific areas of the Authority.

Update: Completed District Heating feasibility report for the Authority. Due to a lack of buildings with significant heat demand the progression of this project has been deferred until an inward invest opportunity occurs.

8. Undertake a building energy assessment of Margam Crematorium.

Update: Completed building energy assessment of Margam Crematorium supported by the Carbon Trust, due to work load pressures mainly the City Deal work there has a been a delay in the issue of the report. Therefore the assessment will have to renewed and the report updated.

9. Provide assistance on a number of City Deal project proposals under the Internet of Energy stream.

Update: Supported the development process of the project list for the Swansea Bay City Deal’s Internet of Energy theme in conjunction with the programme’s appointed specialist advisor. Assisted the development of project proposals under the Internet of Energy (IOE) stream under the Swansea Bay City Region City Deal application process. Currently working on the following project proposals which have been approved by central and regional Governments pending the submission of five case business model applications:

- i. Homes as Power Stations (NPTCBC Lead Authority)
- ii. Swansea Bay Technology Centre

Part of the NPT project team who formulated and submitted the project proposal application documents to Central and Welsh Government.



10. Write draft Energy/Carbon and Water Management Policy, Strategy & Programme.

Update: Due to workload the provision of a draft Energy/Carbon and Water Management Policy, Strategy & Programme will be progressed in the longer term.

11.	<p>Compliance to Carbon Reduction Commitment/ Energy Efficiency Scheme (CRC/EES). Update: Successfully ensured compliance to Carbon Reduction Commitment/ Energy Efficiency Scheme (CRC/EES). By undertaking a number of key actions the Authority did not qualify for phase two of the CRC/EES Scheme. As a result the Authority has not incurred the following financial penalties:</p> <ul style="list-style-type: none"> o 2014/15 - £319,000 o 2015/16 - £319,000 o 2016/17 - £319,000 o 2017/18 - £319,000 <p>Total savings to date of £1,276,000</p> <p><i>(Figures do not account for RPI which will commence from 2015/16 onwards).</i></p>
12.	<p>Develop methodology for analysing electricity and gas data generated from the Automatic Meter Reading (AMR) devices, develop, and implement a procedure for assisting building managers to eradicate electricity and gas wastage thereby reducing costs and improving the energy performance throughout the portfolio.</p> <p>Update: Due to the cancellation of their British Gas utility contract due to lack of service delivery this subsequently resulted in the Council's AMR contract being terminated. The Energy Team will look at suitable replacement solution.</p>
13.	<p>To liaise and engage with Welsh Government to maximise resource and funding under their energy efficiency and renewable energy support programmes which consist of :</p> <ul style="list-style-type: none"> a) Green Growth Wales - Local Partnerships / Refit b) Carbon Trust/ Resource Efficient Wales c) Welsh Government funding <p>Update: Ongoing engagement and liaison with Welsh Government and relevant Government support organisations.</p>
14.	<p>Develop Energy, Carbon and Water Management Strategy specifically for schools, commencing with a pilot cluster of 2/3 schools.</p> <p>Update: Due to workload priority and resource limitations the development of the Energy, Carbon and Water Management Strategy specifically for schools has been reallocated to 2018/19 work programme.</p>
15.	<p>Implement a heating control system audit programme of all buildings within the portfolio, ascertaining set points etc., then re-commissioning systems and identifying a list of remedial works where required.</p> <p>Update: Commenced the implementation of a heating control system audit programme of all buildings but due to workload this has been deferred until 2018/19 work programme.</p>

16. Investigate the potential for computer energy management software within the main Civic Buildings (i.e. optimise energy performance of PCs)
Update: Commenced the investigation of the potential for computer energy management software within the main Civic Buildings (i.e. optimise energy performance of PCs) but as a consequence of other work load prioritises this has been programmed into 2018/19.

17. Develop and deliver the Energy, Carbon and Water “Invest to Save” Programme for the Authority’s operational building portfolio.
Update: Due to workload the develop and deliver the Energy, Carbon and Water “Invest to Save” Programme for the Authority’s operational building portfolio has been deferred to long term priorities.

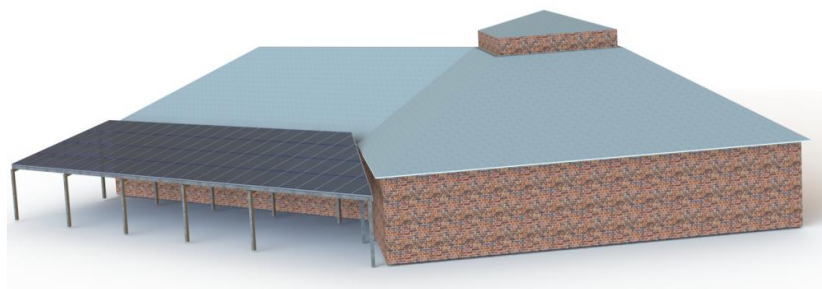
18. Develop site-specific Energy, Carbon and Water action plans for all Civic buildings under the aforementioned “Invest to Save” Programme.
Update: As a consequence of other work load priorities the develop of site-specific Energy, Carbon and Water action plans for all Civic buildings will be programmed in 2019/20.

Renewable Themed Projects

The following renewable activities/projects will be developed/progressed:

19 To review and carryout new assessment on the previous building integrated solar PV 2015 study proposal.
Update: As a consequence of the reduction of the Feed In Tariff rates the viability and payback period of solar PV systems have diminished, Energy Team intend to review the sites identified within the feasibility study previously undertaken by the Council supported by The BRE. Due to resource limitations and involvement within corporate schemes this project has been deferred into the 2018/19 work programme.

20. Assist Parks & Cemeteries develop and implement solar PV system on the Visitor Centre at Gnoll Estate Country Park.
Update: Supported Parks & Cemeteries carryout feasibility, write project proposal and board report for the installation of 21kW solar PV system and canopy system at the Visitor Centre at Gnoll Estate Country Park, installation programme for 2018/19. Illustration of the Solar PV canopy installation shown on the next page.



21.	<p>Develop (PV) 'solar farm' proposal at Giants Grave landfill site.</p> <p>Update: Supported Waste and Financial Sections to produce a solar PV farm feasibility report for Giants Grave Landfill site in conjunction with Local Partnerships, Welsh Government's approved support service for large scale infrastructure projects.</p>
22.	<p>Carryout feasibility study on a potential hydro/tidal scheme at Brunel Dock.</p> <p>Update: Due to other workload priorities this feasibility will be programmed for 2018/19.</p>
23.	<p>Provide technical support on the Hydroelectric power element of the Margam Park Turbine House refurbishment project.</p> <p>Update: Currently providing technical support on the hydroelectric power element of the Margam Park Turbine House refurbishment project. Support consists of developing the project proposal and the implementation plan, installation programmed for 2018/19.</p>
24.	<p>Carryout feasibility studies on the potential solar PV system Carport systems at the following sites:</p> <ul style="list-style-type: none"> • Neath MSCP • Port Talbot MSCP • Quays/SRC <p>Update: Due to other workload priorities this feasibility will be programmed for 2018/19.</p>

	Denotes that the project/work has been completed
	Denotes that the project/work is in progress or has been deferred.

Additional Projects Completed - 2017/18

The following projects were completed in addition to the original project/priority list reported in the 2016/17 report: and lists work/projects completed in addition to 2017/18 targets:

1. Installation solar control film at the Quays/SRC in conjunction with Facility Management.
2. Authority achieved a utility cost reduction of £260,000 between 15/16 and 16/17 across the operational building portfolio.
3. Upgraded LED lights within the main circulation/communal areas at the Quays and Tregelles Court Offices.

4. Provided assistance to the Flexis University research programme to define their demonstration zone within NPTCBC, centre around Port Talbot and TATA Steel.



The Energy Team in conjunction with Senior Management will undertake further engagement with the research programme to maximise the benefits to the Authority. Next steps consist of formulating a scoping paper to define Flexis activity aligned to core energy related aims and objectives of the Council.

5. Boiler and hot water upgrade scheme at PT Civic Centre, project managed by the Mechanical & Electrical Section.
6. Upgrade of the Building Management System (BMS) at Neath Civic Centre, project managed by the Mechanical & Electrical Section.
7. Resolved erroneous billing issue on the electricity supply to Cae Garw Gypsy site, a £71k electricity bill was generated as a consequence of a meter failure and significant billing error. Investigation subsequently carried out by the Energy Team with the costs reduced down to £28k per annum.

5.0 Current Priorities – 2018/19

Current work activities have been categorised into main and day to day:

Main Project/Activities:

1. City Deal: Currently finalising the five case business model for the homes as power stations project with the following project elements to programmed for completion in 2018/19:
 - Submission of the five case business model
 - Write development and implementation plan
 - Develop flexible design approach
 - Define health and wellbeing benefits of the HAPS programme
 - Progress the evaluation and monitoring element of the programme
2. To undertake £71k LED lighting system upgrade project at Gnoll Primary school

Old lighting system



New lighting system



3. Programmed £60k LED lighting upgrade to external car park and depot public lighting system at The Quays and SRC, incorporating intelligent control. Project managed by Public Lighting and Facilities Management.
4. Develop Energy, Carbon and Water Management Strategy specifically for schools, commencing with a pilot cluster of 2/3 schools.
5. Currently formulating an annual energy/carbon and water report for the Authority's operational building portfolio – 2017/18.
6. Carryout renewal of Electricity and Gas Automated Meter Reading Contract.
7. Upgrade Building management System (BMS) at PT Civic – Project Managed by M&E Section.
8. Smart low carbon report - Phase one of the feasibility study has been completed which investigated how the Authority will be able to move towards a low carbon smart region, analysing potential smart technological developments and their application to low carbon renewable installations. Secured £36k of funding from the Welsh Government to carry out the report. Additional funding of £30k has been successfully secured from Welsh Government to carry out phase two of the smart low carbon study.

The key aim of the study at the end of the phase 2 will be to understand what smart technology actually means to the Authority from an energy/low carbon perspective via the delivery of the finalised projects.

9. The Energy Team will formulate an implementation strategy for low emission vehicles/electric vehicle charging within the Authority supported by the relevant internal departments.
10. Commissioned FRESH (Foundation data for Robust Energy Strategies for Housing) study within NPTCBC. The main purpose of FRESH is to identify areas in most need of action within Local Authority neighbourhoods from a fuel poverty perspective. The mapped data analysis will inform the deployment of resources and will act as an enabling tool to co-ordinate existing resource and programmes.



NPTCBC - FRESH EPC Data Report

11. Carried an investigation into electrical baseload at the four main Civic buildings:

- PT Civic Centre
- The Quays
- Neath Civic Centre
- Tregelles Court

The Energy Team will formulate an improvement plan from the findings of the study.

12. Carryout energy survey review of the Innovation Centre identifying opportunities to improve the energy/water performance of the site.

13. Carryout feasibility studies on the potential solar PV system Carport systems at the following sites:

- Neath MSCP
- Port Talbot MSCP
- Quays/SRC

Day to Day Activities:

14. Carryout monthly monitoring of electricity and gas of operational buildings for the whole operational building portfolio.

15. Conduct investigations into billing anomalies/disputes.

16. Identify poor performing sites and carryout investigations into increases in energy and water consumption, compiling, writing and issuing reports where necessary. Identifying reasons for poor performance and negotiating rebates where required.

17. Respond to queries from the general public on domestic energy related issues.

18. Development and enhancement of the energy & water management database.

19. Provide responses to energy/carbon and water related Freedom of Information Act requests.

20. Respond to various Authority departments on energy/carbon and water related information request for example:

- a) Planning: Information and guidance on energy/carbon and renewable related matters
- b) Education: School energy and carbon figures for 21st Century schools
- c) Corporate: Provide assistance on the Well-being of Future Generations Act etc.

6.0 Long Term Aims/Priorities (Projects/Activities)

1. Over the next 12 to 18 months a Strategic Energy, Carbon and Water Policy will be developed for formal adoption by the Authority.

The intention is to develop and implement the Policy in two stages as follows:

- i. Publish Policy Statement & Policy Document
(Completion target December 2018)
- ii. Develop and Implement Energy, Carbon & Water Management Strategy Programme report 2018 to 2023

The following output documents will be generated:

- Energy, Carbon and Water Policy Statement
 - Energy, Carbon and Water Policy Document
 - Energy, Carbon and Water Management Strategy Programme 2018 to 2023
2. In conjunction with the Estates Section assess the impact of the Minimum Energy Efficiency Scheme on the leasing of buildings, formulating an effective implementation plan.
 3. Develop Energy, Carbon and Water “Invest to Save” Programme for the Authority’s operational building portfolio.
 4. Develop a website page, focused on the dissemination of energy good housekeeping practices in non-domestic buildings, aimed at staff.
 5. Develop and implement utility bill validation procedure for use by all financial/certifying officers responsible for signing off utility invoices.
 6. Develop site-specific Energy, Carbon and Water action plans for all Civic buildings under the aforementioned “Invest to Save” Programme.
 7. Implement a heating control system audit programme of all buildings within the portfolio, ascertaining set points etc, then re-commissioning systems and identifying a list of remedial works where required.
 8. To carry out feasibility studies on the following:
 - Battery storage aligned to solar PV systems within key buildings
 - Undertake Authority wide hydro resource study

9. Assist undertake feasibility on the Metal Box site to carryout high level options appraisal to identify renewable and energy generation opportunities to develop into business case proposals.
10. Submit business case for additional staff to implement energy/carbon invest to save programme.
11. Implement Corporate protocols to ensure capture of all water billing data, to include a review of how best to capture the data.

7.0 Appendix: Structured Approach

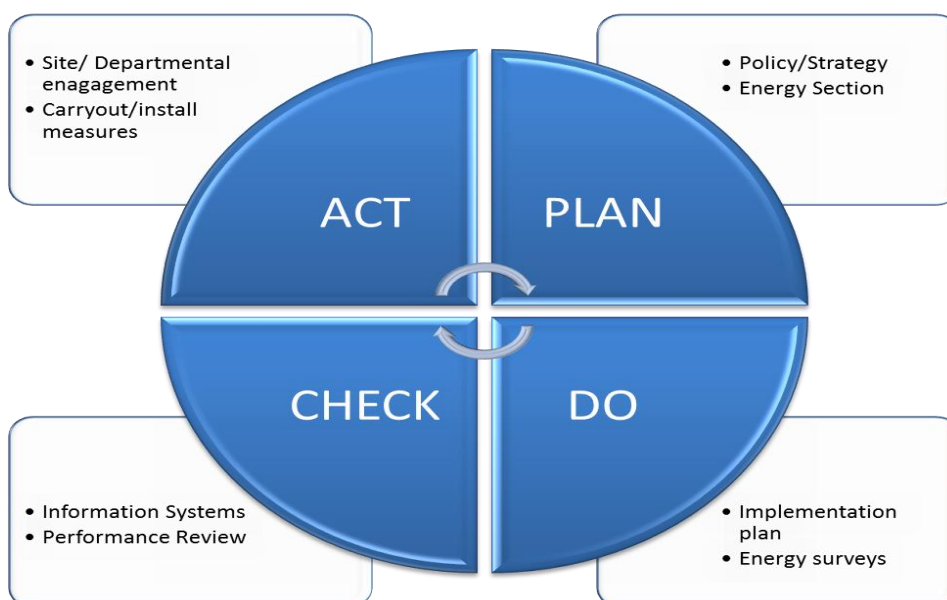
Energy Management - Structured Approach

The continued drive to reduce both the consumption of energy and water resources, and the Council’s carbon emissions will be achieved by the following core aims:

- Implementation of effective energy management practices throughout the Authority’s operational building portfolio.
- Building rationalisation programme, consolidation and reduction of operational buildings, and overall floor space, from which the Council operates by improving space utilisation and building efficiency.
- Making the remaining building stock as energy efficient as possible, also installing renewable low carbon technology where practicable and viable.
- Ensuring that ‘Energy efficient, environmental and sustainable design’ is a key consideration in all new build projects.

The Energy Team adopted the structure and core elements of the approved ISO 50,001 Energy Management System (recognised as industry standard system) to assess and achieve effective levels of energy management.

The chart below sets out the key elements of the system:



Energy Team's - Main Responsibilities

The principle drivers for effective corporate energy/carbon management within the Authority are:

1. To reduce the Authority's energy and water costs within the operational building portfolio (circa £3.0M Buildings and £0.9M Street Lighting).
2. To protect the Authority against volatile energy price increases that could potentially affect service delivery.
3. Minimise the financial impacts of the Carbon Reduction Commitment/Energy Efficiency Scheme.
4. To reduce energy and water consumption to minimise CO₂ emissions.
5. The Welsh Government has set a non-mandatory target of 3% annual reduction in CO₂ emissions for devolved public sector bodies under the nationally adopted Climate Change Strategy.
6. The management and operation of the Energy/carbon & Water Management Database.
7. Monitoring & targeting of energy performance.
8. To ensure compliance of energy (Building) related legislation.
9. The management of and provision of Display Energy Certificates for the Authority.
10. The provision of water management services, guidance and advice.
11. Engagement with University energy/carbon and smart research programmes.

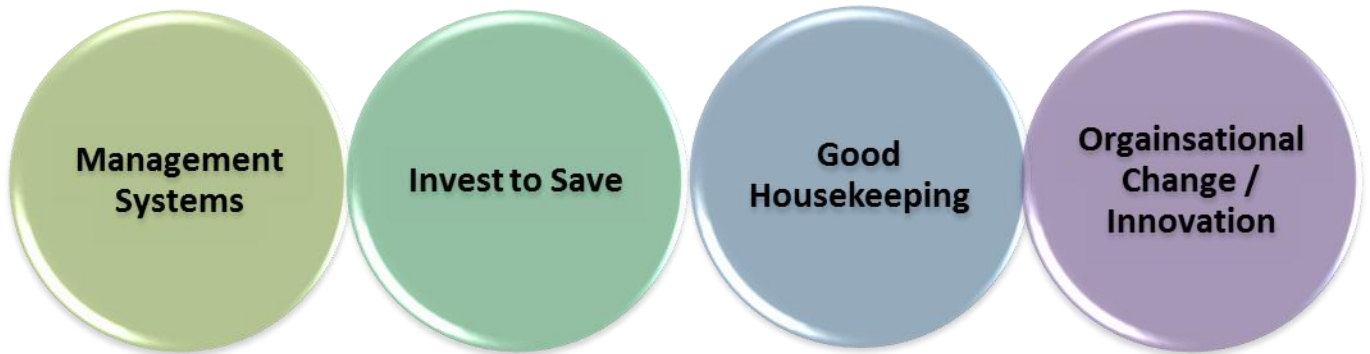
Delivery Areas

The following four distinct energy/carbon and water management delivery areas have been identified where there is potential for improved efficiency and cost savings across the portfolio. These areas of opportunity and consequential energy and carbon saving percentages are taken and derived from guidance issued from the Carbon Trust, which were calculated and formulated from their carbon management programme.

The four main energy / carbon management delivery areas are as follows:

- Management systems/practices (10%)
- Invest to save (20%)
- Good housekeeping (10%)
- Organisational Change & Innovation (Unknown at this stage)

The diagram below explains the process and actions/measures required to achieve improved efficiency and costs savings within each delivery area:



Management Systems (10%)	Improvement programmes (20%)	Good housekeeping (10%)	Organisational Change / Innovation (?%)*
<ul style="list-style-type: none"> • Energy database • Monitoring & targeting • Periodic reporting • Property rationalisation • Procurement – Energy • Energy surveys & audits • Energy policy & strategy plan • DECs 	<ul style="list-style-type: none"> • Invest to save • Lighting & controls • Heating systems • Heating controls • Insulation • BMS Upgrades • Draught proofing • ICT energy applications 	<ul style="list-style-type: none"> • Building Performance reporting • Implement an awareness campaign • Good housekeeping guidance 	<ul style="list-style-type: none"> • Policy change • Process review • Renewables • Assess unproven technology • Set departmental energy reduction targets within service plans • Implement maximum temperature policy

* Further Study needs to be carried out to determine the level of potential savings within this delivery area.

Whilst clearly there is potential for significant improvements and savings across the portfolio this will take time to fully implement and realise the maximum benefits/savings and to achieve this will require Corporate/Authority wide support, input and cooperation.

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REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD

2018/2019 FORWARD WORK PLAN

REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD

DATE	Agenda Items	Type (Decision, Monitoring or Information)	Rotation (Topical, Annual, Biannual, Quarterly, Monthly)	Contact Officer/He ad of Service
23 July 2018 <i>(moved from 27 July)</i>	National Development Framework (NDF)	Decision	Topical	Nicola Pearce
	Tai Tarian Progress Report	Monitoring	Bi Annual	Caroline Davies (Tai Tarian)

DATE	Agenda Items	Type (Decision, Monitoring or Information)	Rotation (Topical, Annual, Biannual, Quarterly, Monthly)	Contact Officer/He ad of Service
14 Sept 2018	Air Quality Progress Report 2018	Decision	2 out of 3 years	Nicola Pearce
	Annual Planning Performance Report 2018	Decision	Annual	Nicola Pearce
	Supplementary Planning Guidance (SPG) Pre-Consultation Report – ‘The Historic Environment’	Decision	Topical	Nicola Pearce
	Rights of Way Improvement Plan	Decision	Topical	Nicola Pearce

REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD

DATE	Agenda Items	Type (Decision, Monitoring or Information)	Rotation (Topical, Annual, Biannual, Quarterly, Monthly)	Contact Officer/Head of Service
26 Oct 2018	Neath Food and Drink Festival 2018	Info	Annual	Simon Brennan/ Andrew Collins
	Food And Feed Service Delivery Plan 2018-2019 and Food And Feed Law Enforcement Review 2017-2018	Info	Annual	Nicola Pearce/ Mark Thomas
	Delegated Power - Property & Regeneration	Info	Annual	Simon Brennan
	Tai Tarian Progress Report	Monitor	Bi Annual	Caroline Davies (Tai Tarian)
	Local Development Plan Annual Monitoring Report 2018	Decision	Annual	Nicola Pearce

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of the Local Government Act 1972.

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