



## **REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD**

***Immediately Following Scrutiny Committee on  
FRIDAY, 14 SEPTEMBER 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 1 Key Performance Indicators 2018 (*Pages 11 - 22*)  
  
*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. Rights of Way Improvement Plan Review (*Pages 23 - 28*)  
  
*Report of the Head of Planning and Public Protection*
6. Alleged Public Footpath - Community of Crynant (*Pages 29 - 46*)  
  
*Report of the Head of Legal Services*
7. Alleged Public Footpath - Communities of Briton Ferry and Neath  
(*Pages 47 - 50*)  
  
*Report of the Head of Legal Services*

8. Tai Tarian Local Lettings Policies (*Pages 51 - 66*)  
*Report of the Head of Commissioning and Support Services*
9. Forward Work Programme 2018/19 (*Pages 67 - 68*)
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. Former Brynsiriol Senior Citizens Centre, Cymmer, Port Talbot  
(Exempt under Paragraph 14) (*Pages 69 - 72*)  
*Private Report of the Head of Property and Regeneration*
13. Former Brynhyfred Primary School, Giants Grave Road, Briton Ferry  
(Exempt under Paragraph 14) (*Pages 73 - 80*)  
*Private Report of the Head of Property and Regeneration*
14. Lonlas Village Workshops, Skewen, Neath  
(Exempt under Paragraph 14) (*Pages 81 - 90*)  
*Private Report of the Head of Property and Regeneration*
15. Former School House at St Helier Drive, Sandfields, Port Talbot  
(Exempt under Paragraph 14) (*Pages 91 - 94*)  
*Private Report of the Head of Property and Regeneration*

16. Ty Arian, Silver Court, Sandfields, Port Talbot  
(Exempt under Paragraph 14) (Pages 95 - 100)

*Private Report of the Head of Property and Regeneration*

17. The Pavilion/Changing Rooms at Taibach Memorial Park, Port Talbot  
(Exempt under Paragraph 14) (Pages 101 - 106)

*Private Joint Report of the Head of Streetcare and the Head of Property and Regeneration*

**S.Phillips**  
**Chief Executive**

**Civic Centre**  
**Port Talbot**

**6 September, 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 - 23 JULY, 2018

### REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD

#### **Cabinet Board Members:**

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

#### **Officers in Attendance:**

N.Pearce, A.Collins, C.Davies and T.Davies

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#### 1. **APPOINTMENT OF CHAIRPERSON**

Agreed that Councillor A.Wingrave be appointed Chairperson for the meeting.

#### 2. **MINUTES OF PREVIOUS MEETING**

Agreed that the minutes of the meeting of 22 June, 2018 be noted by the Committee.

#### 3. **TAI TARIAN PROGRESS REPORT**

##### **Decision:**

That the monitoring report be noted.

#### 4. **AIR QUALITY PROGRESS REPORT 2018**

Members requested the addition of an extra decision as reflected at No: 3 below.

**Decisions:**

1. That the contents of the 2018 Air Quality Progress Report and Detailed Assessment of Air Quality during the previous calendar year, be noted;
2. That the report be made available to the public and other stakeholders via the Council website, and a copy sent to the Welsh Assembly Government for information;
3. That Natural Resources Wales (NRW) be invited to a future meeting of the Cabinet Board in order to discuss nuisance dust results.

**Reason for Decisions:**

To provide information about air quality in accordance with legislative requirements.

**Implementation of Decisions:**

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

5. **'BUY WITH CONFIDENCE' TRADER APPROVAL SCHEME ADMINISTERED BY TRADING STANDARDS**

**Decision:**

That the report be noted.

6. **WELSH GOVERNMENT CONSULTATION - NATIONAL DEVELOPMENT FRAMEWORK – ISSUES, OPTIONS AND PREFERRED OPTION**

Members felt that a more strongly worded response was necessary in order to fully emphasise concerns. The Head of Planning and Public Protection would amend before submitting the response.

**Decision:**

That the responses to the consultation on the National Development Framework – Issues, Options and Preferred Option, as set out at

Appendix 1 to the circulated report be agreed, and authorisation be given to the Head of Planning and Public Protection to amend the response in a more strongly worded manner in order to reflect concerns, and submit the response to the Welsh Government.

**Reason for Decision:**

To ensure that the interests of the Authority are represented and in line with its various statutory duties.

**Implementation of Decision:**

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

**Consultation:**

This item has been subject to external consultation.

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

**Decision:**

That the Forward Work Programme be noted.

8. **ACCESS TO MEETINGS**

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

9. **FORMER PLAZA CINEMA, TALBOT ROAD, PORT TALBOT**

**Decision:**

That the tender received by Port Talbot YMCA for the operation of the former Plaza Cinema be accepted.

**Reason for Decision:**

To enable the Council to satisfy Welsh Government's funding requirements, thus securing the capital investment needed to bring the building back into beneficial use. The letting of the premises for a sustainable alternative use will contribute to the Council's Regeneration Programme for Port Talbot, in line with the Port Talbot Integrated Territorial Strategy and the wider Swansea Bay City Region Economic Regeneration Strategy. It will also positively contribute to Welsh Government's Tackling Poverty agenda and the Well-Being of Future Generations Act.

**Implementation of Decision:**

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

10. **PROPOSED LEASE OF RECREATIONAL LAND ADJOINING THE MAERDY PLAYING FIELDS, TAIRGWAITH, PONTARDAWE**

**Decision:**

That the area of recreational/amenity land adjoining the Maerdy Playing Fields, Tairgwaith, Pontardawe, Swansea (as detailed at Appendix 1 to the private circulated report) be leased to the Trustees of Amman Valley Radio Control Club, and the objector informed accordingly.

**Reason for Decision:**

To comply with the Council's obligation under Section 123(2A) of the Local Government Act 1972 and to give full consideration to the objection received to the proposal.

**Implementation of Decision:**

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

11. **VIVIAN PARK PLAYING FIELD AND PAVILION PROCUREMENT PLAN**

**Decisions:**

1. That the Head of Streetcare and the Head of Property and



Regeneration be granted delegated authority to commence a procurement exercise for the granting of a lease for the sports pavilion and playing fields at Vivian Park Sandfields Port Talbot;

2. That the Head of Property and Regeneration be granted delegated authority to set and agree Heads of Terms on the part of the Council and the chosen provider for a leasehold arrangement for the sports pavilion and playing fields at Vivian Park Sandfields Port Talbot and such Heads of Terms to be included in the procurement documentation issued to the interested bidders;
3. That the Head of Streetcare be granted delegated authority to accept the highest scoring tenderer of the procurement exercise being carried out, on the basis of the criteria detailed in this report. In the event that the highest scoring tenderer declines the award, delegated authority be granted to the next highest scoring and so on;
4. That the Head of Property and Regeneration be granted delegated authority to enter into a lease with a provider for the sports pavilion and playing fields at Vivian Park Sandfields Port Talbot.

**Reason for Decisions:**

To allow for the facility to continue to be used for the playing of sports by local clubs and the community and to allow savings to be generated to contribute to the Forward Financial Plan.

**Implementation of Decisions:**

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

**CHAIRPERSON**

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

**14 September, 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

**Report Title**

- 1 Corporate Plan Key Performance Indicators 2018/2019 – Quarter 1 Performance (1<sup>st</sup> April 2018 – 30<sup>th</sup> June 2018)

**Purpose of the Report**

- 2 To report quarter 1 performance management data for Corporate Plan Key Performance Indicators (KPI's) for the period 1<sup>st</sup> April 2018 to 30<sup>th</sup> June 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 A list of quarter 1 Corporate Plan KPI's with progress comments on each indicator are attached as appendix 1, these do not include those KPI's collected on an annual basis, these will be reported in quarter 4. The full suite of Corporate Plan KPI's can be found in the [Corporate Plan 2018-2022](#).
- 4 KPI's that have improved on or achieved target are GREEN status, KPI's that have not achieved target but performance is within 5% are AMBER status and KPI's that are 5% or more below target are RED status.

- 5 Where available, performance indicators report quarter 1 target and 3 years of quarter 1 data for comparison.
- 6 Appendix 2 provides quarter 1 information for Compliments and Complaints data, collected in line with the [Council's Comments, Compliments & Complaints Policy](#) for Cabinet and relevant Cabinet Board purviews.
- 7 Appendices 1 and 2 are new reports from the new Corporate Performance Management System (CPMS), which went live in August 2018.

## **Background**

- 8 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 within its purview 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.

## **Financial Impact**

- 9 The performance described in the Report is being delivered against a challenging financial backdrop.

## **Equality Impact Assessment**

- 10 This report is not subject to an Equality Impact Assessment.

## **Workforce Impacts**

- 11 During 2017/18 the Environment Directorate saw a further downsizing of its workforce (by 17 employees) as it sought to deliver savings of £1,115 k in the year

## **Legal Impacts**

- 12 This 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) Well-being of Future Generations (Wales) Act 2015
  - 3) 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**

- 13 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**

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

## **Recommendation**

- 15 For Members to monitor performance contained within this report.

## **Reasons for Proposed Decision**

- 16 Matter for monitoring. No decision required.

## **Implementation of Decision**

- 17 Matter for monitoring. No decision required.

## **Appendices**

- 18 Appendix 1 – Corporate Plan Key Performance Indicators 2018/2019 – Quarter 1 Performance (1<sup>st</sup> April 2018 – 30<sup>th</sup> June 2018).
- 19 Appendix 2 - Compliments and Complaints information – Quarter 1 2018/2019

## **Officer Contact**

20 Joy Smith, Road Safety and Business Performance Manager.  
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# Performance Indicators




Neath Port Talbot Council




Regeneration and Sustainable Development Cabinet Board - Corporate Plan Key Performance Indicators







## How will we know we are making a difference (01/04/2018 to 30/06/2018)?



PI Title	Actual 16/17	Actual 17/18	Actual 18/19	Target 18/19	Perf. RAG
<b>2 Well-being Objective 2 - To improve the Well-being of all adults who live in the county borough</b>					
CP/021 - Number of new business start-up enquiries assisted	98.00	49.00	70.00	90.00	 Red
There continues to be a steady flow of requests for business start-up information, advice and support. It is anticipated that targets set for this financial year will be achieved.					
CP/022 - Number of enterprise events held			3.00	3.00	 Green
Three Enterprise Club events, providing local residents with free support and advice on setting up and running a small business, have been organised. This activity is on track to deliver targets set for the year.					
CP/023 - Workways + - Number of local people in training, volunteering or employment			30.00	11.00	 Green
The EU funded Workways+ Project which provides training, paid work experience opportunities and support to economically inactive and long-term unemployed people to help them take their first steps to re-engage or enter into the labour market, is exceeding its targets and outputs.					
CP/026 - Number of local people helped to get back to work through regeneration projects			28.00	18.00	 Green
By including Community Benefit clauses in our corporate infrastructure projects, including the 21st Century Schools programme, we are helping support local people to get back into work and are on track to deliver outputs for this activity.					
CP/027 - Number of completed training weeks for apprenticeship, traineeships and work experience			494.00	1000.00	 Red
As part of our corporate commitment to ensuring that infrastructure projects within Neath Port Talbot contribute to the social, economic and environmental well-being of the wider community through the use of Community Benefits, we work with contractors to encourage training weeks for apprenticeships, traineeships and work experience opportunities. This output is anticipated to increase next Quarter as further projects are completed.					



PI Title	Actual 16/17	Actual 17/18	Actual 18/19	Target 18/19	Perf. RAG
CP/032 - PAM/015 - Average calendar days taken to deliver a Disabled Facilities Grant	206.00	213.97	259.88	230.00	 Red
The average number of calendar days has increased during this period. This is attributed to a number of applications being placed on a waiting list from Quarter 3 of last financial year due to the limited budget. The increase is also due to the rising demand for more complex and expensive adaptations in the DFG process which puts more pressure on the budget, in order to try and mitigate this increasing demand smaller low cost adaptations are being dealt with through other budgets where possible. The increase in complex cases has resulted in the overall average end to end time and the average cost of the grant increasing.					
CP/042 - PAM 023 - Percentage of food establishments that meet food hygiene standards	92.73	94.98	95.09	95.00	 Green
1,059 of 1,115 in Quarter 1 2017-18 compared to 1,008 of 1,060 in Quarter 1 2018-19. 1,008 of 1,060 premises were broadly compliant with food hygiene requirements. Food hygiene inspections and interventions are a priority for the service, and we are currently on target.					
CP/043 - The percentage of detected breaches in animal health, feed and food standards that have been rectified	0.00	60.00	28.57	80.00	 Red
17 out of 7 detected breaches were rectified. The larger proportion of the investigations are ongoing. It is expected that this ratio will improve by the next Quarter.					
CP/044 - Number of breaches in consumer fraud investigations successfully concluded			20.00		
New Indicator - no comparable data or target. Early in the financial year the department detected a number of breaches that are still being investigated. Additionally, there have been a number of breaches detected that are not reportable in this return, and these have required resources to investigate.					
CP/045 - Average value of consumer fraud investigations concluded	0.00	0.00	15.00		
New Indicator - no comparable data or target. Few consumer fraud investigations have been concluded and, of those, the value has been low.					
<b>3 Well-being Objective 3 - To develop the local economy and environment so that the well-being of people can be improved</b>					
CP/057 - Number of visitors to our town centres			1163044.00		
New Indicator - no comparable data or target. This figure is recorded by footfall counters installed by Neath BID (Business Improvement District), and therefore only represents Neath Town Centre. Similar information is unfortunately not available for other towns.					
CP/058 - Number of established and new events e.g. the Neath Food and Drink Festival			1.00		
New Indicator - no comparable data or target. This was primarily a Neath BID project.					

PI Title	Actual 16/17	Actual 17/18	Actual 18/19	Target 18/19	Perf. RAG
CP/059 - Develop quality manufacturing, R&D and office space - a) Vacancy Rates			0.00		
New Indicator - no comparable data or target. There are a number of projects programmed for this year, but which have not transpired in this first Quarter. For example, Port Talbot Magistrates Court and Baglan Bay Innovation Building (CENG).					
CP/060 - Develop quality manufacturing, R&D and office space - b) Square footage			0.00		
New Indicator - no comparable data or target. There are a number of projects programmed for this year, but which have not transpired in this first Quarter. For example Port Talbot Magistrates Court and Baglan Bay Innovation Building (CENG).					
CP/061 - Develop quality manufacturing, R&D and office space - c) Back to use			0.00		
New Indicator - no comparable data or target. There are a number of projects programmed for this year, but which have not transpired in this first Quarter. For example Port Talbot Magistrates Court and Baglan Bay Innovation Building (CENG).					
CP/062 - Number of business enquires assisted resulting in advice, information or financial support being given to existing companies through Business Services	139.00	150.00	123.00	160.00	 Red
The team is dealing with a variety of enquiries from local businesses, such as requests about available property, funding, training support, etc. and we anticipate that this will continue throughout the year, thereby achieving targets set.					
CP/063 - The number of jobs created/safeguarded as a result of financial support by the local authority	28.00	6.00	57.00	72.00	 Red
Funding applications are progressing well and this activity is on track to deliver targets set for the year.					
CP/064 - Number of investment enquiries		0.00	20.00	9.00	 Green
The first Quarter of the year has been particularly busy in terms of dealing with enquiries from new inward investment and business expansions and if this level continues, it is anticipated that targets set for the year will be exceeded.					
CP/071 - Number of visitors to attractions (to be reported using visitor counters throughout the County Borough)			0.00		
New Indicator - no comparable data or target. The visitor figures sourced from visitor counters throughout the County are available on a six monthly basis, the half year figures will be reported in January 2019.					

PI Title	Actual 16/17	Actual 17/18	Actual 18/19	Target 18/19	Perf. RAG
CP/075 - Number of tourism operators supported by the Council		0.00	8.00	5.00	 Green
New indicator - no comparable data or target. The RDP (Rural Development Programme) funded Tourism Development in Neath Port Talbot project continued to operate in the rural wards. Assistance was provided for tourism operators from non-rural wards via the business development team. Targets to follow					
CP/076 - Number of Destination Management Plan actions delivered	0.00	0.00	7.00	0.00	 Green
A series of Task and Finish Groups co-ordinated by NPTCBC and attended by local tourism stakeholders continued to meet quarterly. Actions delivered include (for example) securing designs for two brown signage schemes, a marketing campaign focusing on Aberavon Seafront and coordinating a multi-agency response to tackling motor cross issues in Afan Forest Park. Targets to follow.					
CP/077 - Number of biodiversity rich areas protected and/or enhanced	37.00	46.00	43.00	48.00	 Red
This figure is based on the current list of nature conservation sites, which includes Local Nature Reserves, 'Working With Nature' sites and areas that have previously been managed as part of the conservation verge/area scheme. Following a review, a number of sites have been removed, hence a reduction from the 2017/18 figure.					
CP/078 - Number of PM10 breaches in the Air Quality Management Area (Port Talbot / Taibach)	8.00	17.00	0.00	9.00	 Green
Breaches are measured from Port Talbot Fire Station, which is the official monitoring station for reporting on the air quality objective.					
CP/079 - Percentage of Private Water Supplies operating in accordance with drinking water requirements	0.00	0.00	0.00	100.00	 Red
New indicator - no comparable data or target. Under Regulation 6, 4 risk assessments are required in 2018 at the beginning of April. However, the service is aware of one new supply that will also require an assessment since April. No risk assessments have been carried out to date. However, they are scheduled to take place later on in the year.					
CP/080 - Number of improvement projects carried out in the Public Rights of way network	4.00	6.00	0.00	0.00	 Green
Spring/Summer is generally the season where clearance/cutting back of overgrown vegetation occurs along the Public Rights of Way network, with project improvement works completed during Autumn and Winter					

PI Title	Actual 16/17	Actual 17/18	Actual 18/19	Target 18/19	Perf. RAG
CP/081 - Number of accessible routes increases (by KM) in accordance with the Existing Route Map and Integrated Network Map - Pedestrian routes	0.00	0.00	0.00	0.00	 Green
Target for 2018/19 to increase by 2 KM by March 2019. Accessible routes in KM as at 30 <sup>th</sup> June 2018 are 47.14 KM .In the main, the allocation of Welsh Government funding for the 2018/19 financial year is restricted to pre-works activities in relation to the development of routes identified on the Integrated Network Map, including: feasibility studies/option development; scheme design; land purchase; and consultation/engagement. Alternative funding opportunities to deliver improvements on the ground will, however, continue to be sought.					
CP/082 - Number of accessible routes increases (by KM) in accordance with the Existing Route Map and Integrated Network Map - Cycle routes	0.57	0.00	0.00	0.00	 Green
Target for 2018/19 to increase by 2 KM by March 2019. Accessible routes in KM as at 30 <sup>th</sup> June 2018 are 36.4 KM. In the main, the allocation of Welsh Government funding for the 2018/19 financial year is restricted to pre-works activities in relation to the development of routes identified on the Integrated Network Map, including: feasibility studies/option development; scheme design; land purchase; and consultation/engagement. Alternative funding opportunities to deliver improvements on the ground will, however, continue to be sought.					



# Performance Indicators

Neath Port Talbot Council

Regeneration and Sustainable Development - Compliments and Complaints

**How will we know we are making a difference (01/04/2018 to 30/06/2018)?**

PI Title	Actual 16/17	Actual 17/18	Actual 18/19	Target 18/19	Perf. RAG
<b>Organisation</b>					
PI/268 - Regeneration and Sustainable Development - % of complaints at Stage 1 that were upheld/partially upheld	0.00	0.00	0.00		
No Stage 1 complaints were received this quarter. This is compared to 1 complaint received for the same quarter last year which was not upheld					
PI/269 - Regeneration and Sustainable Development - % of complaints at Stage 2 that were upheld/partially upheld	0.00	0.00	0.00		
Out of the 2 Stage 2 complaints received this quarter, none were upheld. This is comparable with the same quarter last year					
PI/270 - Regeneration and Sustainable Development - % of complaints dealt with by the Public Services Ombudsman that were upheld/partially upheld	0.00	0.00	0.00		
No Ombudsman investigations have been undertaken in quarter 1. One was undertaken in the same quarter last year, but this was not upheld					
PI/271 - Regeneration and sustainable development - number of compliments received from the public	0.00	4.00	1.00		
The number of compliments received in this quarter is lower than for the same period last year					

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## NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

### Regeneration & Sustainable Development Cabinet Board

14 September 2018

### Report of the Head of Planning and Public Protection

Nicola Pearce

#### Matter for Decision

**Wards Affected:** All

**Rights of Way Improvement Plan – Consideration of the need to review the Rights of Way Improvement Plan, as required by the Countryside and Rights of Way (CROW) Act 2000.**

#### Purpose of the Report

- 1 To consider the need to review the current Rights of Way Improvement Plan (2008 – 2018), and the subsequent delivery schedule for implementation.

#### Executive Summary

- 2 Under Section 60 of the (CROW) Act 2000, the Council has a statutory duty to prepare a 'Rights of Way Improvement Plan' (RoWIP).
- 3 The RoWIP for Neath Port Talbot was initially produced and published for the period 2008-2018. Under section 60(3) and (4), the Council is required to undertake a new assessment to determine whether a review of the RoWIP is required.
- 4 This report therefore seeks endorsement of the recommendation to review the current Plan, along with the delivery schedule required to undertake this process and publish an updated Plan.

#### Background

- 5 The RoWIP (2008-2018) sets out how the Council intends to improve access to the countryside over the 10 year period – a

copy of the Plan can be found on the following link:  
[www.npt.gov.uk/countrysideaccess](http://www.npt.gov.uk/countrysideaccess)

- 6 Over the course of implementing the Plan, a wide range of physical improvements have been carried out to the Rights of Way network, including surface improvements, installation of new bridges, opening up of overgrown routes and waymarking. Notably, a policy of replacement of stiles for more accessible kissing gates has seen a steady increase of routes becoming more accessible for less able users.
- 7 Furthermore, promotion of opportunities to use the network, alongside wider access to the countryside has been undertaken through guided walks, production of leaflets, and more recently a move towards promotion through web-based maps.
- 8 To date, delivery of the RoWIP has been largely driven by the availability of Welsh Government funding, through the 'Rights of Way Improvement Programme'. Members should note however that this funding stream has now come to an end.

### **NPT RoWIP Consultation**

- 9 A consultation exercise was undertaken at the end of 2017, to seek the views of the public on the quality and condition of the Rights of Way Network and the wider countryside, their use of Rights of Way and measures that could be taken to encourage greater use of the countryside.
- 10 A total of 106 responses were received, including responses from frequent users, and also people who only visited the countryside on an infrequent basis. The responses highlighted the wide variety of locations that were of value to the public, from mountain and moorland, to riverside and canal routes, to urban and country parks.
- 11 Approximately 60% of respondents felt that it was easy to access the countryside, leaving a relatively high number reporting that this was not the case.
- 12 Amongst measures that could be taken to encourage greater use of the countryside, a significant number of respondents indicated that suggestions on places to go were needed, along with



improved site based signage, with web-based information featuring highly as a desired source of information.

- 13 Areas that were well used, well-managed and of value to the public were highlighted, as were areas that were in need of improvement work.

## **Review of the Rights of Way Improvement Plan**

- 14 The consultation highlighted that whilst there are people that are comfortable in accessing the countryside, there continue to be improvements that are required of the Rights of Way network. In addition, the responses outlined further measures that need to be put in place if the Council is to encourage a greater number of people to make use of the resource that the Rights of Way network and wider countryside offers to the public.
- 15 Since the publication of the first RoWIP, there have been a number of changes in Wales that would have a bearing on future management of the Rights of Way network and access to the countryside.
- 16 Of note, are the Well-being of Future Generations (Wales) Act 2015 and the Active Travel (Wales) Act 2013. The Well-being Act requires that public bodies take a more joined up approach to delivering improved well-being in Wales, whereas the Active Travel Act requires Councils to identify and take forward routes that enable the public to build walking and cycling into their daily lifestyles. Each piece of legislation present requirements and opportunities which should be considered when delivering the RoWIP.
- 17 Following any decision to review a RoWIP, the CROW Act requires that the new Plan is published within a 12 month period, having undergone a further public consultation exercise.

## **Consultation**

- 18 An assessment on the use of the Rights of Way network and wider countryside, has been the subject of a public consultation, the findings of which will be used to inform a review of the Plan.

## **Financial Implications**

- 19 The RoWIP review will be carried out within existing staff resources and within the existing budget of the Countryside and Wildlife Team.
- 20 Given that there is no additional funding being made available for delivery of the plan, the plan will need to reflect the current budget of the Countryside and Wildlife Team, whilst making best use of external funding to deliver additional improvement works.

## **Equality Impact Assessment**

- 21 In order to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010, an Equality Impact Assessment (EIA) Screening Exercise has been carried out. The Screening Exercise concluded that there is no requirement to carry out an additional separate exercise.

## **Workforce Impacts**

- 22 There are no workforce impacts associated with this report apart from the need to deliver this plan with a small team of staff who are already at capacity.

## **Legal Impacts**

- 23 The review will be carried out in accordance with statutory requirements as set out under Section 60 of the (CROW) Act 2000, and further reinforced by the Wellbeing of Future Generations Act.

## **Risk Management**

- 24 The Council has a statutory duty in the maintenance of its Public Rights of Way network. It is intended that the Plan will provide a framework within which to best manage this public resource, making best use of the resources that are available.

## **Recommendation**

- 25 That having considered the report, it is resolved to make the following recommendation for approval:

1. That a review be undertaken of the Rights of Way Improvement Plan (2008-2018).
2. That the RoWIP Review Delivery Schedule as set out in Appendix 1 be implemented.

### **Reasons for Proposed Decision**

- 26 The recommendations are made to ensure compliance with the CROW Act 2000, and to put a framework in place for the management and improvement of our Rights of Way network for the next 10 years.

### **Implementation of Decision**

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

### **Appendices**

- 28 RoWIP Review – Indicative Delivery Schedule

### **List of Background Papers**

- 29 Countryside and Rights of Way Act 2000.  
30 Neath Port Talbot Rights of Way Improvement Plan (2008-2018).

### **Officer Contact**

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- 32 Catrin Evans – Countryside and Wildlife Team Leader [Tel: 01639 686056 / E-mail: [c.a.evans@npt.gov.uk](mailto:c.a.evans@npt.gov.uk)]

## **Appendix 1 - Neath Port Talbot RoWIP Review – Indicative Delivery Schedule**

<i>Evaluation of assessment and decision on whether to review RoWIP</i>	<i>September, 2018</i>
Consultation Draft Plan Written and reported to Cabinet Board	April, 2019
Start Consultation on Draft Plan	May, 2019
End Consultation on Draft Plan	June, 2019
Final Plan reported to Cabinet Board	August, 2019
Publication	September, 2019

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

**14 September 2018**

**Report of the Head of Legal Services – C.Griffiths**

**Matter for Decision**

**Ward Affected: Crynant**

**Alleged Public Footpath from Main Road to Woodland Road,  
Community of Crynant**

**Purpose of Report**

- 1.1 To determine an application which alleges a public right of way on foot which passes alongside the Crynant Rugby Football Club and playground between Woodland Road and Main Road as shown on Plan No. 1.

**Background**

- 1.2 The claim was made in 2012 and supported by 34 people, who at that time were alleging an average of 29 years uninterrupted use.
- 1.3 The provisions of the Wildlife & Countryside Act 1981 places an obligation on this Council to keep its record of public rights of way up to date. The Council is also obliged to investigate any evidence that may show such a right exists. In such circumstances there are two tests which should be considered:-
- (a) Is it reasonable to allege such a public right exists and/or
  - (b) Whether on the balance of probabilities such a right exists.

The relevant extract from the provisions of the Wildlife & Countryside Act 1981 can be found at Appendix 1.

## **The Twenty Year Relevant Period**

- 2.1 Given the evidence in support of this application is based on long term use; the provisions of Section 31 of the Highways Act would also apply. These provisions can be found at Appendix 2. Consequently the applicant must show there has been a minimum period of 20 years uninterrupted use counting retrospectively from the date the possible existence of the right was first called into question or alternatively from the date of the application, whichever is the earlier. Such a dedication can only be presumed in the absence of any evidence that refutes the existence of this right.
- 2.2 The date of the application is 13<sup>th</sup> September 2012 and given there is no evidence that the use of the path was challenged, the relevant 20 year period is from 1992 – 2012.

As the application is based on a presumed dedication of a minimum 20 year period, then the applicant has to establish that it is “reasonable to allege such a right”, this being a less onerous obligation than having to show one exists on the balance of probability.

This test was considered in detail in two cases which are explained in Appendix 3 by reference to a Planning Inspectorate decision letter. (reference appeal decision Row/3155940.)

## **Description of the Route**

- 3.1 There is a 1.5m wide footway running along the northern side of a 5 metre wide vehicular track, with a 0.5 metre wide grass verge running parallel to this track on its southern side. This extends from point A-C. At point C there is a steel barrier extending halfway across the width of the road. From this point and continuing eastwards the vehicular road no longer exists but is a 5.5m wide swathe of grass extending all the way to Main Road with the 1.5 metre footway continuing along the northern side of this “lane” also extending to Main Road with a bus shelter at point D. The entire length of this track is approximately 173 metres.
- 3.2 At point B, there is access for vehicles to the Community Centre and on the opposite side of the track close to point C is the Crynant Rugby Club Building with a children’s playground alongside. The rugby fields are situated in the areas marked as points A<sub>1</sub> and A<sub>2</sub>.

- 3.3 According to four people, the current layout replaced a rough vehicular road which is shown on earlier ordnance survey plans as 7 metres wide from A-D, with no structures impeding access. The work that was done to improve this earlier road was thought by two people to have been completed at least 10 years ago although another suggested it was in the 1990's. The applicant however estimates it was done around the time of the last Local Government Reorganisation in 1996. The Local Member has been told the work was initiated by a previous Councillor for Crynant. In any event this Council has no written record of the when this road was improved and so it is not possible to say precisely who organised nor carried out the work.
- 3.4 The issue to be determined is what length and width of path should be considered as having been subject to this presumed dedication throughout the relevant period 1992- 2012 as required by the Highways Act 1980.
- 3.5 Prior to 2006/2007; the wider track had been in existence. Nonetheless the current width of "footway" being 1.5 metres in width and which runs parallel to this former road between points C and D, was available for use from 1992. The width of road between points A and C has not changed since 2006/2007, even though a tarmacked pavement has been installed alongside the road (A-C).

As such the width of path that has existed since 1992 includes the whole of the width between points A-C and that 1.5 metre length of path between points C-D.

- 3.6 The application only includes the 1.5m wide path A-D but the actual user evidence in support of the application, includes the use of the greater width between points A-C.

### **The Evidence**

- 4.1 Seven people have responded to requests to provide additional information to that contained in their user evidence forms. The principle reason for seeking further information is to establish the reasons for using this path given initial enquiries suggested it was used primarily as a means of accessing the Rugby Club and the rear entrance to the Community Centre. If so, then this would reflect use to private premises as would anyone visiting other office buildings or commercial premises via a private lane.

- 4.2 Five stated they used the lane to gain access to the Rugby Club, two of whom also accessed the Community Centre via this lane. However, two stated they used this path to take their grandchildren for walks, one of whom said on some occasions to use the playground but also to gain access to the fields from point A as part of a circular walk. Two also said it was used to take their dogs for walks, two to visit either relatives or friends, one walking from Woodland Road to Heol Berllan and the other person walking from Heol Berllan to Woodland Road. Two including the applicant indicated many people living in Woodland Road, Llys Dulais, Heol Y Graig and Bron Allt walk their young children to the Primary School via this path, located at School Road and shown on Plan No. 2. The applicant wished to point out there is a pedestrian crossing located at point D with a better view of oncoming traffic than via the alternative route which would be via Woodland Road (running parallel and to the south of the path under consideration). However no evidence has been provided from any of those persons living in the streets mentioned above. In addition, due to the location of the bus stop at point D one person stated that many people will use the path to reach this stop and when returning home.
- 4.3 The Local Member has indicated that the path is used daily by many people and would herself use the path every Saturday during the rugby season. Additionally a representative of the Crynant Rugby Club in a telephone conversation stated that the club are in agreement with this report's recommendation.
- 4.4 The improvement work to the path has evidently made access more convenient and to the benefit of the public as well anyone visiting the rugby club or using the rear access to the Community Centre on foot.
- 4.5 There is also street lighting located along the length of this path. One lamp is alongside the path at the rear of the Crynant Rugby Clubhouse. The remaining three are located between points C and D. The lighting column located mid-way between points A and C is estimated to have been installed in 1970 with the current lanterns replacing earlier ones in 2012. The remaining three steel columns east of point C to point D were installed in September 2014. The initiative to install these newer lighting stands was funded by an environment project (No. C16600).
- 4.6 The Parish Councils Act 1957 authorises local Councils to install lighting on land containing public ways. This can provide supporting evidence of the existence of a public path if it is known that the lighting was placed



on or alongside a path under this Act. Whilst both sets of lights were only installed in more recent times, and therefore not under this Act, it is clear those and in particular the three installed in 2012 were intended to assist the public wishing to use the path, given the path's improvement works undertaken previously.

- 4.7 Ownership of the path is unknown, no one has come forward to claim any interest in the land and therefore no issue raised with any of the works undertaken.
- 4.8 Those who claim to have made use of this path live in a wide range of locations in Crynant and their approximate locations of their homes are shown in plan no.3. Consequently the use of the path can be said to reflect use by the public at large and not confined to a limited number who live in close proximity to the path. Appendix 4 explains the issue of Special User Groups.
- 4.9 The user evidence establishes there has been sufficient long term uninterrupted use of this path other than those using the path to access the adjacent Community Centre, Rugby Club and playground.

#### **Width of path to be considered**

- 5.1 **A-C as previously shown in the 1962 edition of the Ordnance Survey**
- 5.2 Prior to the improvement work the path was wide enough for vehicles and its width varied from a maximum of 5 metres at point A to 3.5 metres at point C. There was some variation in the alignment between the earlier path with that shown today, but with some overlap to include the current "footway" running alongside the vehicular road.

#### **C-D also shown in the 1962 edition of the Ordnance Survey**

- 5.3 This path varied from a width of 3.4 metres at point C to a maximum of 5.8 metres although reducing to a minimum of 1.6 metres. Whilst its alignment was slightly different to the current position of the "footway" it can be said to be de-minimus as there was some overlap with its current position.
- 5.4 In light of the above, the minimum width that can be said to have been available from 1992-2012 is that quoted above for the two sections. That is to vary between 3.5 metres and 5 metres for the length A to C

and to include the “footway” and only the “footway” between points C and D at a width of 1.5 metres.

### **Dedication under Common Law**

- 5.5 The only means by which a greater width could be considered is if the path could be said to have been dedicated under common law. This would not require a minimum period of 20 years, but there must be actual evidence of the landowner taking steps to dedicate the way. There can be no presumption that he or she did so. However, the landowner is unknown and therefore it is not possible to infer the actions taken previously by persons unknown.

### **Recommendation**

That a modification order be made to recognise a public footpath between points A and D at the widths specified in paragraphs 4.2 and 4.3.

### **Reasons for the Proposed Decision**

- (a) There is sufficient use of the path throughout the relevant period, in addition to using the way to access the Rugby Club and Community Centre.
- (b) Those who make use of the path can be said to represent the public at large.
- (c) The installation of street lighting and the relatively recent improvement works were evidently done to improve access for all members of the public.

### **Consultation**

The item has been subject to extensive consultation.

### **Appendices**

Plans 1 – 3

Appendices 1 – 4

## List of Background Papers

M08/34

### Officer Contact

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## APPENDIX 1

### WILDLIFE AND COUNTRYSIDE ACT, 1981

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

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

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

## APPENDIX 2

### 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

In *R v Secretary of State for England ex parte Bagshaw and Norton* (1994), it was set out that there were two tests, one of which should be satisfied before an Order is made.

**TEST A:** Does right of way subsist?

This requires clear evidence in favour of public rights and no credible evidence to the contrary.

**TEST B:** Is it reasonable to allege that a right of way subsists?

If there is a conflict of credible evidence but no incontrovertible evidence that a right of way cannot be reasonably alleged to subsist, then a public right of way has been reasonably alleged.

The standard of proof for the “subsists” test is the balance of probabilities. The meaning of “reasonably alleged to subsist” in cases based on user evidence was clarified in the case of *R -v- Secretary of State for Wales ex parte Emery* (1998). In this judgement, Lord Roch stated: “Where an application for a modification order produces credible evidence of actual enjoyment of a way as a public right of way over a full period of 20 years, and there is a conflict of apparently credible evidence in relation to one of the issues which arises under Section 31 of the Highways Act 1980 then the allegation that the right of way subsists is reasonable, and the Secretary of State should so fund, unless there is documentary evidence which must inevitably defeat the claim either for example by establishing incontrovertibly that the landowner had no intention to dedicate or that the way was of such a character that use of it by the public could not give rise at common law to any presumption of dedication.

## APPENDIX 4

### SPECIAL USER GROUPS

- (a) The Planning Inspectorate has produced advice on this matter in that they say there is no strict legal interpretation of the term 'public'. The dictionary definition being 'the people as a whole' or 'the community in general'. Arguably and sensibly that use should be by a number of people who together may be taken to represent the people as a whole/the community.

However, Coleridge L J in R -v- Residents of Southampton 1887 said that "use by the public' must not be taken in its widest sense - for it is a common knowledge that in many cases only the local residents ever use a particular road or bridge. Consequently, use wholly or largely by local people may be use by the public as depending on the circumstances of the case, that use could be by a number of people who may sensibly be taken to represent the local people as a whole/the local community".

- (b) In contrast to this view was the decision made by Lord Parke in Poole -v- Huskinson 1834 who concluded: "there may be dedication to the public for a limited purpose...but there can not be dedication to a limited part of the public". This case was quoted by an Inspector in 1997 appointed to consider an application to add a public bridleway to the Definitive Map for North Yorkshire County Council. Here the route had also been in use for 40 to 50 years. That Inspector concluded: "In the case before Lord Parke, residents of the same parish were held to constitute a limited part of the public and I therefore believe the inhabitants of the Parish of Cliffs should also be held to constitute a limited part". The Inspector refused to confirm the Order.



**Plan No.1**

Rugby Football Ground

Tennis Court

111.1m

Capel Saron

Bethel

**A2**

Club

110.6m

**A1**

Playground

**D**

**A**

**C**

Centre

Shelter

El Sub Sta

26 to 29

Llwynon

Page 41

WOODLAND ROAD

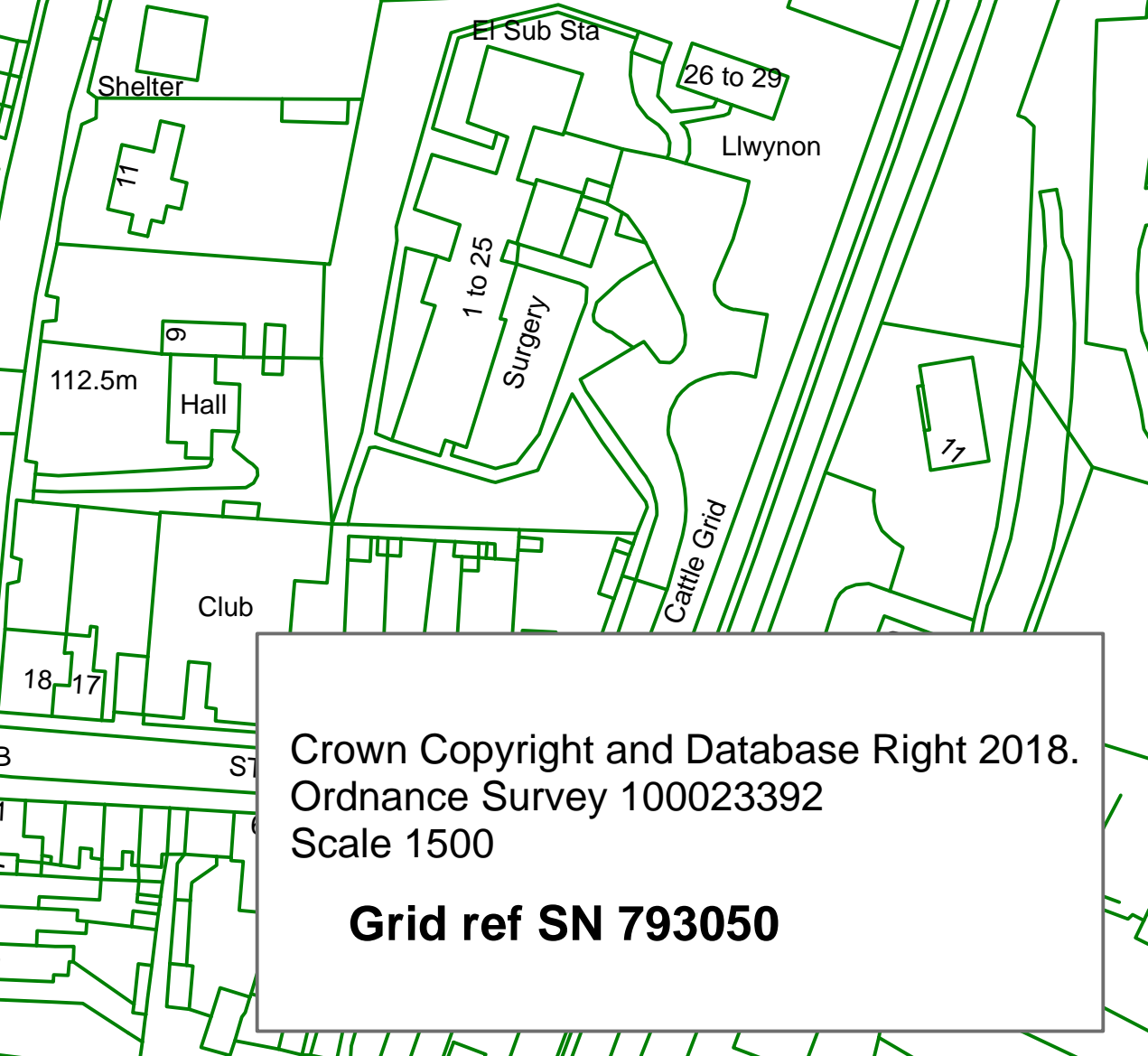
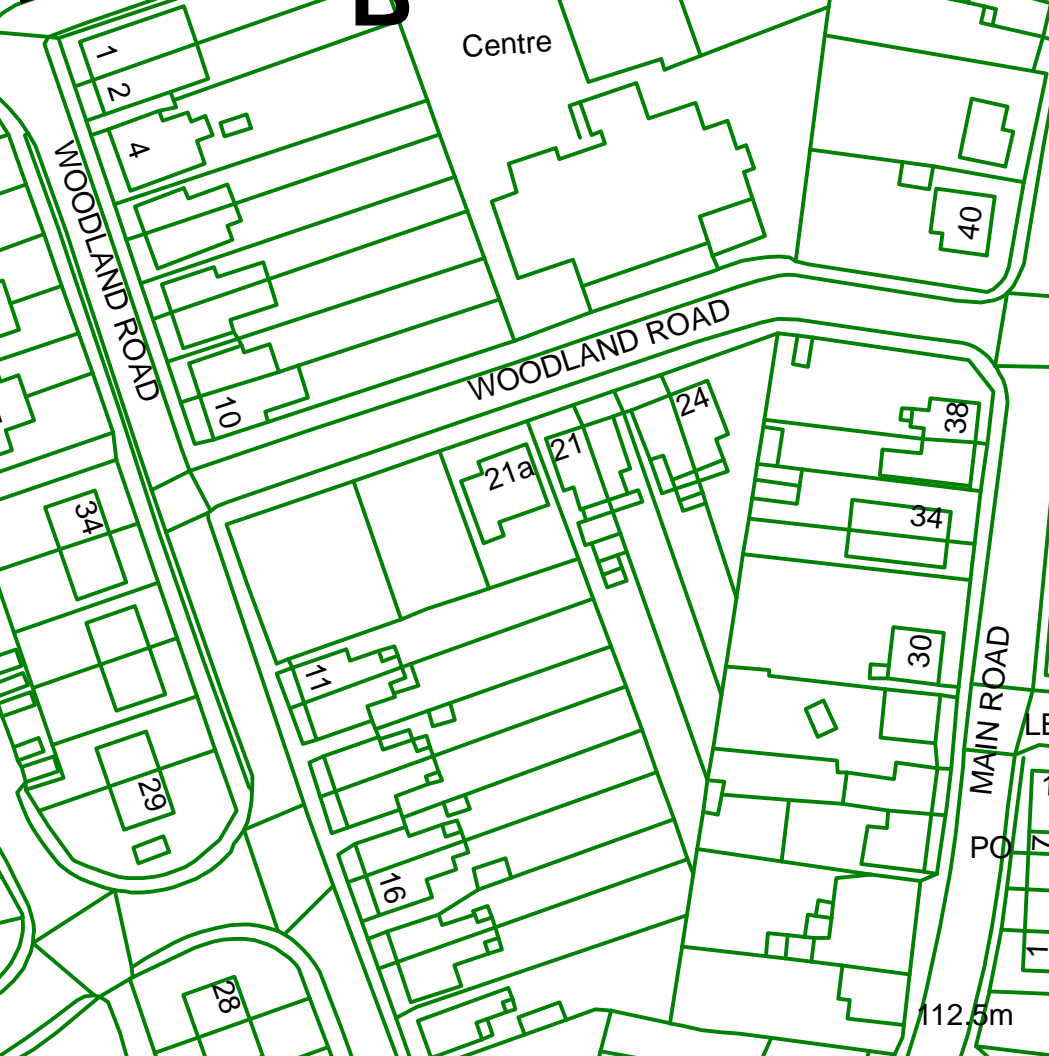
WOODLAND ROAD

1 to 25  
Surgery

112.5m

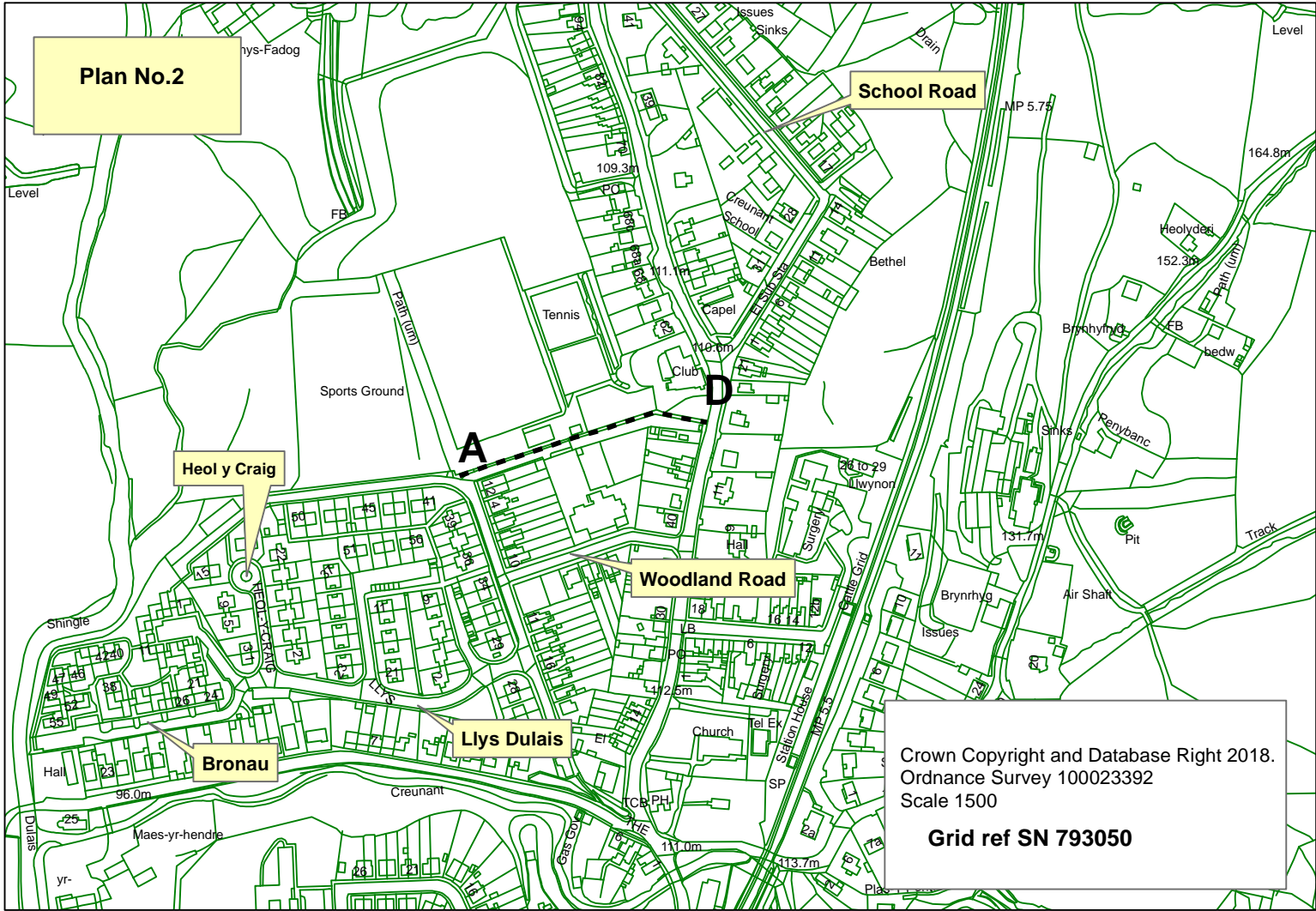
Hall

Cattle Grid



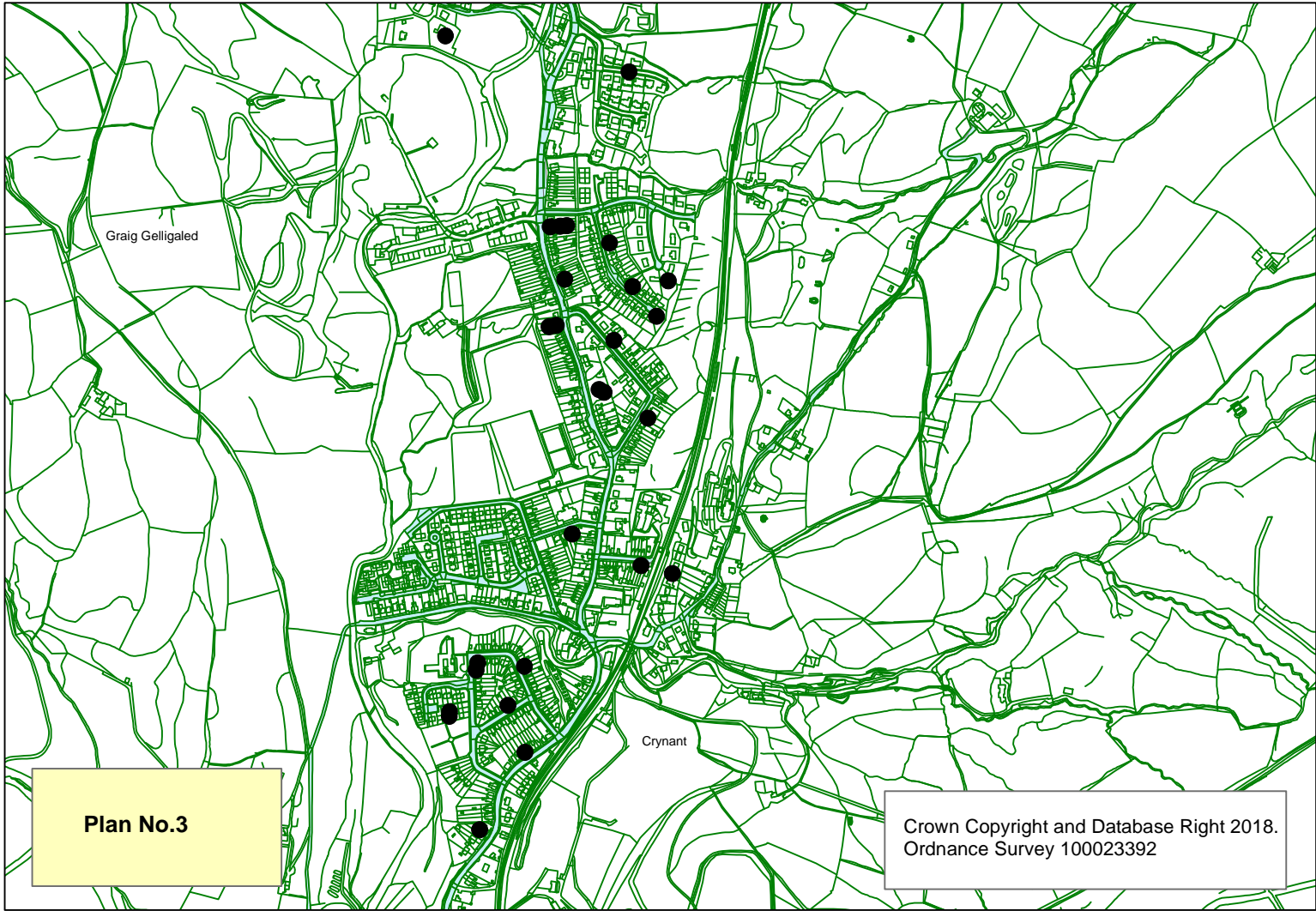
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Ordnance Survey 100023392  
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**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL  
REGENERATION AND SUSTAINABLE CABINET BOARD**

**14 September 2018**

**REPORT OF HEAD OF LEGAL SERVICES – C.GRIFFITHS**

**MATTER FOR INFORMATION**

**WARDS AFFECTED: BRITON FERRY EAST AND NEATH EAST**

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

**Purpose of report**

For information only.

**1. Background**

- 1.1 On the 7<sup>th</sup> July 2016, the report concerning the above application was refused. The applicant appealed to the Planning Inspector who directed this Council to make a Modification Order but only to add the length of path C-B-D-E-F (as shown on the attached plan). The Inspectorate refused the appeal to include the length A-A<sub>1</sub>-B.
- 1.2 The modification order was made as directed but this Council took a further decision on the 5<sup>th</sup> July 2017 under an officer executive urgent action to neither object nor to support the order. This decision was subsequently reported to this Board on 21<sup>st</sup> July 2017.
- 1.3 Due to the objection made to the Order by the owners of Cefn Coed Farm, the modification order was referred to the Planning Inspectorate, who held a public inquiry in Neath Town Hall on the 26<sup>th</sup> and 27<sup>th</sup> June 2018.

The appointed Inspector issued his decision on the 14<sup>th</sup> August 2018, which was not to confirm the Order thus agreeing with this Council's original decision of the 7<sup>th</sup> July 2016.

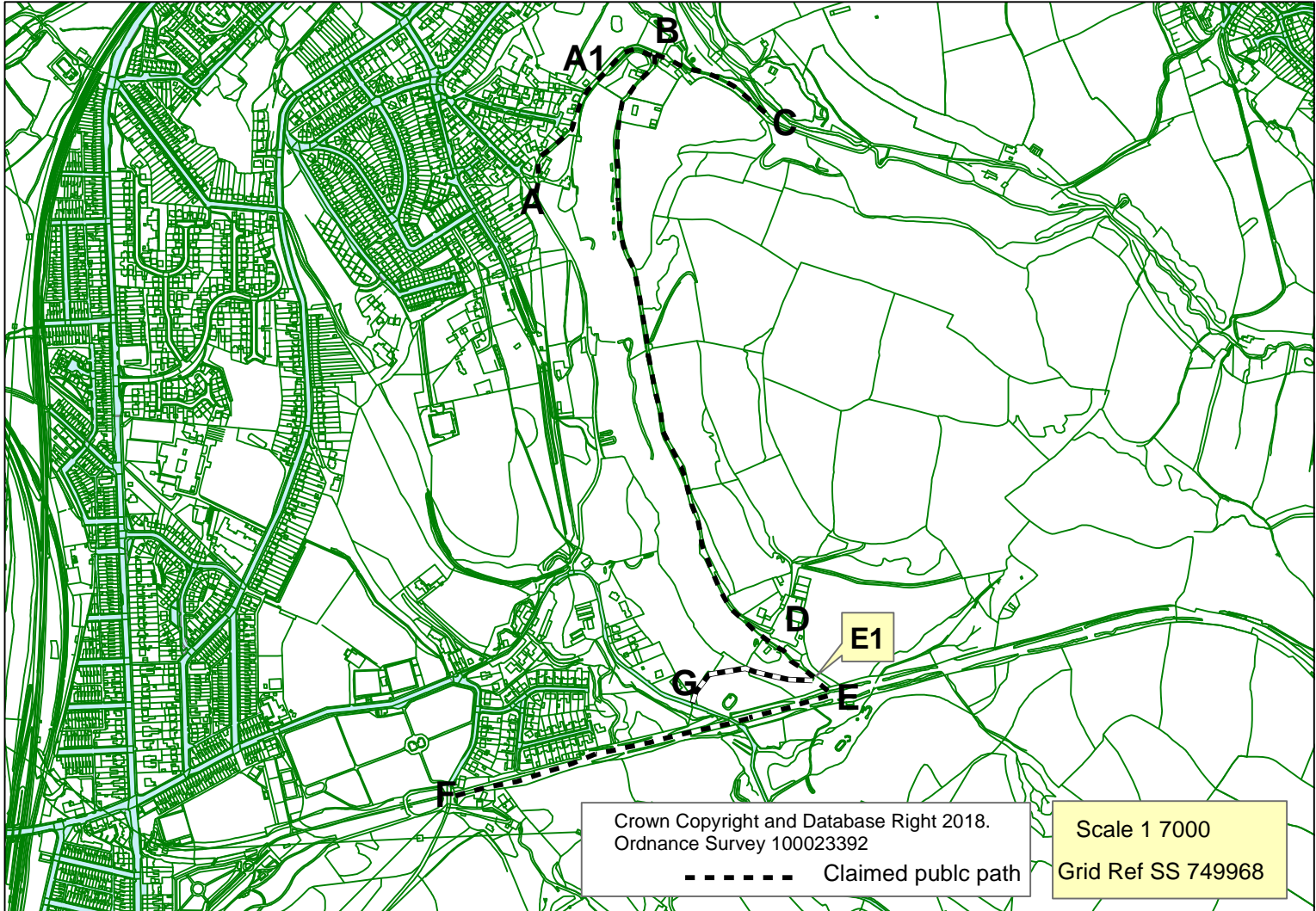
### **List of Background Papers**

**M08/23**

### **Officer Contact**

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

**14 September 2018**

**Report of the Head of Commissioning, Support & Direct Services –  
A.Thomas**

**SECTION A – MATTER FOR DECISION**

**WARDS AFFECTED: ALL**

**TAI TARIAN LOCAL LETTINGS POLICIES**

**Purpose of the Report**

1. To seek approval of two local letting policies proposed by Tai Tarian (Appendices 1 and 2) and to obtain ongoing delegated authority for the Head of Commissioning, Support & Direct Services to approve any further such proposed local lettings policies.

**Executive Summary**

2. Tai Tarian have put forward two proposed local letting policies which requires member approval before implementation. Due to the likelihood of Tia Tarian wishing to put forward future proposals for local letting policies, it is suggested that the Head of Commissioning, Support & Direct Services is granted delegated authority to approve any further such proposed local lettings policies.

**Background**

3. The Council and Tai Tarian's Joint Lettings Policy, 2015 states that:

“Nothing contained in this policy shall prevent Neath Port Talbot County Borough Council and Tai Tarian from developing and agreeing local lettings policies to meet specific local issues and where relevant these

local lettings policies shall apply in addition or instead of the provisions in this policy.”

4. No such policies have up to this point been proposed.
5. Council legal advice is therefore that, in the absence of any alternative governance arrangements being explicitly agreed, such policies currently require political approval, prior to implementation.

#### **Approval of currently proposed local lettings schemes**

6. The justification given in both instances for the two currently proposed local lettings policies is the need to create balanced and sustainable communities in instances where this may not otherwise occur.
7. Officers in the Council’s retained Housing Service are satisfied that this reason is, on balance and in both instances, valid and the measures proposed to facilitate same are justified proportionate.
8. Officers do not therefore object to their implementation from a wider strategic perspective.
9. Furthermore, both policies provide that anyone not offered a particular allocation because of the implementation of either policy will still be considered for an allocation elsewhere, in accordance with the overarching Joint Lettings Policy.
10. Officers are therefore also satisfied that successful joint working between operational Council teams and Tai Tarian in fulfilling their statutory duties to meet accommodation need will not be unduly affected.

#### **Ongoing delegated authority to approve local lettings policies**

11. If these local lettings policies prove to be successful in creating balanced and sustainable communities in instances where this may not otherwise occur, then it is likely that Tai Tarian will want to make more frequent future use of similar policies.
12. The Head of Commissioning, Support & Direct Services is satisfied that Officers in the Council’s retained Housing Service would be able to advise

her on the validity of the reasons given for any further such local lettings policy proposed by Tai Tarian, going forward.

### **Financial Impact**

13. There are no anticipated financial impacts arising from this report.

### **Equality Impact Assessment**

14. In order to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010, an EIA Screening Exercise has been undertaken in respect of both of Tai Tarian's currently proposed local lettings policies.
15. It is not believed that either unduly affect applicants with any particular protected characteristic(s) because anyone not offered a particular allocation because of the implementation of either policy will still be considered for an allocation elsewhere, in accordance with the overarching Joint Lettings Policy.
16. Officers in the Council's retained Housing Service will undertake an EIA Screening Exercise in respect of any future proposed local lettings policy and the outcome will inform their advice given to the Head of Commissioning, Support & Direct Services as to whether or not such should be authorised.

### **Workforce Impacts**

17. There are no anticipated workforce impacts arising from this report.

### **Legal Impacts**

18. There are no legal impacts associated with this report.

### **Risk Management**

19. There are no risk management issues associated with this report.

### **Consultation**

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

## **Recommendations**

21. It is recommended that Members approve the following two local lettings policies currently proposed by Tai Tarian, copies of which are appended to this report:
  - a) Tai Tarian Local Lettings Policy - Initial Letting of Properties in New Developments (Appendix 1); and
  - b) Tai Tarian Local Lettings Policy - Bush Row (Appendix 2).
22. It is further recommended that on-going delegated authority be granted to the Head of Commissioning, Support & Direct Services to approve any further such proposed policies.

## **Reasons for Proposed Decision**

23. To enable Tai Tarian to implement local lettings policies required to create balanced and sustainable communities in instances where this may not otherwise occur.

## **Implementation of Decision**

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

## **Appendices**

25. Appendix 1 - Tai Tarian Local Lettings Policy - Initial Letting of Properties in New Developments
26. Appendix 2 - Tai Tarian Local Lettings Policy - Bush Row

## **List of Background Papers**

27. None

## **Officer Contact**

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## **Tai Tarian Local Lettings Policy**

### **Initial Letting of Properties in New Developments**

#### **Purpose**

Creating balanced and sustainable communities in new developments (first lettings).

#### **Background**

Extract from NPTCBC's Lettings Policy 2015:

“Nothing contained in this policy shall prevent Neath Port Talbot County Borough Council and Tai Tarian from developing and agreeing local lettings policies to meet specific local issues and where relevant these local lettings policies shall apply in addition or instead of the provisions in this policy.”

This agreement therefore sets out the criteria for the first lettings of properties in new developments built by Tai Tarian using Social Housing Grant/other Welsh Government Housing capital grant or acquired as the affordable housing contribution in a private development.

For each new development the split will be as follows:

#### **NPTCBC Housing Options Team (HOT):**

HOT will nominate eligible individuals to be considered for up to 50% of vacancies in all new development. Nominees who are not eligible for an allocation in line with the Shared Lettings Policy will not be considered.

Where a nomination rate of 50% could be considered to impact on the sustainability of the scheme then Tai Tarian and HOT will work together to identify suitable alternative accommodation through existing housing stock (current/future vacancies) up to the 50% nomination threshold.

## **Adult Social Services**

Where a nomination rate of 50% homeless households could be considered to impact on the sustainability of the scheme, nominations for the remainder of the 50% will be sought from the Housing Options Co-ordinator (Adult Social Services) of suitable applicants they are at the time supporting to secure accommodation under a statutory duty to do so other than those under homelessness legislation. The number of units thus allocated will then be netted off the balance for which alternative properties are sourced for use by HOT.

### **Tai Tarian:**

Tai Tarian will determine the remaining 50% of allocations to be made to the new development.

Applicants who have been identified by HOT as having a homeless duty owed to them will not be considered.

Applicants who have been assessed as having no housing need (i.e. bronze band) will not be considered unless an allocation to them would be considered to contribute to the overall sustainability of the scheme, they have been nominated by the Housing Options Co-ordinator (Adult Social Services) or the property they are vacating could be used to meet the needs of an applicant with housing need.

### **The Process**

Tai Tarian and HOT to agree in advance the mix of properties to which nomination rights will apply (see appendix 1)

Tai Tarian will invite expressions of interest for their 50% through an advert that utilises the Homes by Choice process as well as other proactive marketing.

HOT will be requested to provide a list of nominees at the same time Tai Tarian invites expressions of interest as set out above.

Anyone expressing an interest in the scheme or being nominated by HOT must have a 'live' application with Tai Tarian. This means that the



applicant has to be considered eligible for allocation in line with the Shared Lettings Policy.

Applicants who express an interest in the scheme will be considered in accordance with the banding scheme and within that in date of application order. Consideration overall however will be to the sustainability of the scheme and take into consideration the nominees put forward by HOT.

Applicants who respond to the expression of interest campaign and who have been identified by HOT as having a homeless duty owed to them will not be considered.

Applicants who respond to the expression of interest campaign and who have been assessed as having no housing need (i.e. bronze band) will not be considered. That is unless an allocation to them would be considered to contribute to the overall sustainability of the scheme, or the property they are vacating could be used to meet the needs of an applicant with housing need.

The Housing Options Coordinator (Adult Social Care) may submit an expression of interest for applicants who have low housing need where the location and the size of unit would meet their housing requirements and in so doing discharge the Council's duty, as part of their Care & Support Plan, to help the applicant secure suitable accommodation.

Expressions of interest will be open to all live housing applicants – waiting list and transfer however Tai Tarian will decide on a scheme by scheme basis whether there will be a cap on transfer cases for each scheme, this is to ensure there is a mix of applicants in each scheme, for sustainability and meeting housing need.

For any nomination HOT and Adult Social Care are to provide full background information on the nominated applicant, including details of support requirements (this to include any support plan in place/proposed for the applicant) which must be accepted by the applicant

## **Adapted Accommodation:**

Under the terms of the Shared Lettings Policy a property that has been adapted to benefit disabled applicants can be allocated outside the Homes by Choice scheme. The process for this involves matching an identified applicant from the Waiting List for the area who needs the type of property that is available.

This is ratified by an Occupational Therapist who confirms the property is suitable for the applicant.

For the purpose of New developments where an Adapted property is available it is proposed that the following applies:

Tai Tarian will identify potential applicants from the Waiting List and make a shortlist of applicants that may be considered based on matching the applicants needs to the property type, location and disabled facilities (including potential aids/minor alterations)

A request to be sent to the Housing Options Coordinator (Adult Social Services) for NPTCBC to put forward any case for consideration based on matching the persons needs to the property type, location and disabled facilities (including potential aids/minor alterations) as confirmed by Social Services Occupational Health Service.

Any person to be considered must be eligible for the waiting list

A joint assessment is to be completed with NPTCBC to determine the applicants to be considered (number of applicants shortlisted to be based on the number of properties available eg – 1 property = 3 applicants)

Once a shortlist of applicants is completed then an assessment of each applicant is undertaken which may require an OT assessment to determine whether the property meets the needs of the shortlisted applicants.

A decision is made by Tai Tarian based on the assessment process above

## Review of agreement:

It is proposed that Tai Tarian and HOT review the process both during and after the allocation of properties in Wembley Avenue and Cartref to ensure it is workable for both parties.

## Proposed developments 2018:

Scheme	Number of Units	Nomination rights
Wembley Neath	4	HOT will be asked to nominate as follows:  2 x 1 bedroom flats
Cartref Skewen	17	HOT will be asked to nominate as follows:  2 x (2 bed) houses  4 x (1 bed) flats  2 x (1 bed) Social Services nominations / substituted flats already in the ownership of Tai Tarian for HOT.  Tai Tarian will discuss and agree with NPTCBC the allocation of the one bed bungalow. It is expected that anyone that NPTCBC would like to be considered for this allocation be registered as an applicant for housing with Tai Tarian.
Llys Wern	8	HOT will be asked to nominate as follows:

Up to 4 x 2 bedroom houses

Evelyn Terrace

Number of units to be confirmed

Royal British Legion

Number of units to be confirmed

Ynys Y Gwas

Number of units to be confirmed

Llansawel Crecent

Number of units to be confirmed

## **Tai Tarian Local Lettings Policy**

### **Bush Row**

#### **Purpose**

To produce a local lettings agreement with the aim of creating a balanced and sustainable community at Bush Row, Melyn

#### **Background**

Extract from NPTCBC's Lettings Policy 2015:

“Nothing contained in this policy shall prevent Neath Port Talbot County Borough Council and Tai Tarian from developing and agreeing local lettings policies to meet specific local issues and where relevant these local lettings policies shall apply in addition or instead of the provisions in this policy.”

This agreement therefore sets out the criteria for the letting of properties at Bush Row, Melyn.

Reason for the Local Lettings Agreement:

Bush Row contains 32 number apartments contained within two buildings. It consists of 16 x 1 bed apartments and 16 x 2 bed apartments over three storeys. It is located in the Melyn area of Neath approximately half a mile from the centre of Neath town. The buildings have recently undergone an external works programme with the intention of commencing an internal works programme shortly.

#### **Current Issues:**

There is evidence of drug dealing and heavy drug use in the blocks with numerous visitors frequenting the blocks particularly in the evenings. There is suspected drug dealing taking place in 5 properties resulting in recent raids at two properties by the police. Other residents are fearful of

their safety and some have requested transfers out of Bush Row due to the drugs problems. It is also an area that the police have identified that potential 'cuckooing' is taking place from a Birmingham drugs gang. The residents affected by this have been identified as having a vulnerability or high support needs.

There are also potentially two businesses being run without permission which will need investigation and the appropriate action taken.

The block has a reputation which is affecting its lettability and we are working on changing perceptions and ensuring residents are safe and secure in their homes.

This will involve the following proposals for managing the block, working with current tenants and allocating any vacancies.

**Block management proposals:**

Regular visits and presence in the blocks to ensure all residents are meeting their tenancy obligations.

Number 16 is going to be utilised as an office in the short term and will be used by officers of Tai Tarian, local PCSOs and contractors.

CCTV will be installed shortly in the external areas with additional cameras being installed when the internal works programme is completed.

Close working with the police to ensure information is exchanged and the appropriate actions are taken by both the police and Tai Tarian.

Upgrades to the security of the blocks with new doors, door entry system and removal of the trade button facility together with additional lighting and fencing to secure the rear garden areas.

Advice and support is being offered to those tenants who require additional help to manage their tenancies.

## **Application requirements:**

For future vacancies it is proposed that we will only consider applicants who meet the following criteria, subject to reviewing the Local lettings agreement:

Applicants with no current drug addictions or substance misuse;  
Applicants with no criminal convictions in the last 5 years that would affect a tenancy (eg, violent offences, drug related offences, theft or other serious offences) or being investigated for an offence of this nature;  
Applicants with no drug convictions (possession/supply);  
Applicants with no or low level support needs;  
Applicants who can evidence that they have conducted a tenancy satisfactorily or if they had not held a previous tenancy applicants who can supply satisfactory references;  
Applicants who have not been involved in anti-social behaviour in the last 2 years;  
Applicant households who are not offered an allocation of a flat in Bush Row will be considered for an allocation elsewhere in accordance with the Shared Lettings Policy.

By reducing applicants with a history of such behaviour from automatically being offered housing in the area, it is anticipated that this will support the settlement of existing tenants and residents as well as encouraging prospective tenants to Bush Row and neighbouring communities, thereby facilitating the development of sustainable communities in which households will want to remain.

## **The Process for letting:**

Tai Tarian will invite expressions of interest for available properties through the Homes by Choice scheme in the first instance.

If any applicant who expresses an interest for a property has involvement with the Council's Housing Options Team (HOT) then discussions will take place between Tai Tarian and HOT on the suitability of the applicant

Anyone expressing an interest in the scheme or being nominated by HOT directly outside the Homes by Choice scheme must have a 'live' application with Tai Tarian. This means that the applicant has to be considered eligible for allocation in line with the Shared Lettings Policy

Applicants who express an interest in the scheme will be considered in accordance with the banding scheme and within that in date of application order. Consideration overall however will be to the sustainability of the scheme so that some vacancies may be advertised as suitable only for persons currently employed on a part-time or full time basis.

Expressions of interest will be open to all live housing applicants – waiting list and transfer however Tai Tarian will decide whether there will be a cap on transfer cases, this is to ensure there is a mix of applicants in each scheme, for sustainability and meeting housing need.

For any applicant who has an open case with HOT, a full background information on the prospective applicant is required from HOT.

The decision on any allocation will be made by Tai Tarian based on the facts of the application and how the allocation would assist with the sustainability of the community at Bush Row.



**Review of agreement:**

It is proposed that Tai Tarian and HOT review the arrangements for any future vacancies after a period of 12 months. This will involve an analysis of allocations made during the period and how the tenancy has been conducted.

If there are insufficient allocations made to demonstrate the successful outcome of the local lettings agreement in relation to Bush Row then it is proposed that, subject to agreement, the period is extended to 24 months.

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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)	Going to Sub Committee Before? Yes/No	Contact Officer/Head of Service
<b>26 Oct 2018</b>	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
	Annual Planning Performance Report 2018	Decision	Annual		Nicola Pearce

DATE	Agenda Items	Type (Decision, Monitoring or Information)	Rotation (Topical, Annual, Biannual, Quarterly, Monthly)	Going to Sub Committee Before? Yes/No	Contact Officer/Head of Service
<b>7 Dec 2018</b>	Quarter 2 Performance Monitoring	Monitor	Quarterly		Allison Headon
	Supplementary Planning Guidance (SPG) Pre-Consultation Report – ‘The Historic Environment’	Decision	Topical		Nicola Pearce

## REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD

DATE	Agenda Items	Type (Decision, Monitoring or Information)	Rotation (Topical, Annual, Biannual, Quarterly, Monthly)	Going to Sub Committee Before? Yes/No	Contact Officer/Head of Service
<b>18 Jan 2019</b>	Property Performance Report 2018	Info	Annual		Simon Brennan
	Energy Performance Report 2018	Info	Annual		Simon Brennan/Chris Jones

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