



***BWRDD ADFYWIO A DATBLYGU CYNALIADWY'R
CABINET***

***Yn syth Yn dilyn y Pwyllgor Craffu ar
DYDD GWENER, 5 CHWEFROR 2021***

VIA TEAMS

Rhan 1

1. Penodi Cadeirydd
2. Croeso a galw'r rhestr
3. Cyhoeddiadau'r Cadeirydd
4. Datganiadau o fuddiannau
5. Cofnodion y Cyfarfod Blaenorol (*Tudalennau 3 - 14*)
6. Llwybr cyhoeddus honedig trwy ddefnyddio pont gerddwyr y rheilffordd o rif 20 i'r A4109 (*Tudalennau 15 - 44*)
7. Cynnig i ehangu'r gwasanaeth presennol a ddarperir gan y Tîm Cyswllt Camddefnyddio Sylweddau Sylfaenol (PSALT) (*Tudalennau 45 - 64*)
8. Eitemau brys
Unrhyw eitemau brys (boed yn gyhoeddus neu wedi'u heithrio) yn ôl disgrisiwn y Cadeirydd yn unol ag Offeryn Statudol 2001 rhif 2290 (fel y'i diwygiwyd).

K.Jones

Prif Weithredwr

Canolfan Ddinesig,
Port Talbot

29 January, 2021

Aelodau'r Cabinet:

Cynghowyr: L.Jones a/ac A.Wingrave

Nodiadau:

- (1) *Os nad yw unrhyw aelod o Fwrdd y Cabinet yn gallu bad yn bresennol, gall unrhyw aelod arall o'r Cabinet gyflenwi fel aelod etholiadol ar y pwyllgor. Gofynnir i'r aelodau wneud y trefniadau hyn yn uniongyrchol ac yna I hysbysu is adran y pwyllgor..*
- (2) *Ystyrir barn y Pwyllgor Craffu blaenorol wrth wneud penderfyniadau (proses craffu cyn penderfynu)*

EXECUTIVE DECISION RECORD**24 JANUARY 2020****REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD****Cabinet Members:**

Councillors: A.Wingrave and E.V.Latham

Officers in Attendance:

S.Brennan, C.Morris, L.Beynon, N.Headon, N. Jones and Ms.C.Plowman

Scrutiny Invitees:

Councillor: R.Taylor (Scrutiny Chairperson) and S.K.Hunt

1. APPOINTMENT OF CHAIRPERSON

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

2. NEATH PORT TALBOT LOCAL DEVELOPMENT PLAN (LDP) 2011-2026 –CONSIDERATION OF: THE DRAFT LDP REVIEW REPORT; AND THE PUBLICATION /CONSULTATION PROCEDURES TO BE IMPLEMENTED**Decisions:**

That the following be commended to Council for approval:

1. The draft LDP Review Report forming the basis for consultation, as detailed in Appendix 1 of the circulated report.
2. The publication and consultation procedures as detailed in the circulated report, be approved for implementation.

Reason for Decisions:

1. To ensure compliance with Section 69 of the Planning and Compulsory Purchase Act 2004; The Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015; and the Local Development Plan Manual Edition 2 (2015).
2. To authorise the consultation exercise to ensure that the final LDP Review Report is robust and the conclusions fully justified.

Implementation of Decisions:

The decision is for immediate implementation. The Chairperson of the scrutiny committee had agreed to this course of action. There would therefore be no call in of this decision.

3. **ASSET VALUATION**

Decisions:

1. That authority be granted for the Property and Valuation Manager, Strategic Property and Valuation Management to sign off the Council's Asset Valuation Reports;
2. That in the absence of the Property and Valuation Manager, the Principal Estates Manager, Strategic Property and Valuation Management be granted authority to sign off any Council's Asset Valuation Reports.

Reason for Decisions:

To give relevant officers of the Council the authority to sign off Asset Valuation Reports.

Implementation of Decisions:

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

4. **NEATH FOOD AND DRINK FESTIVAL 2019**

Decision:

That the report be noted.

5. **FORWARD WORK PROGRAMME 2019/2020**

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 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.

7. **HARBOURSIDE STRATEGIC EMPLOYMENT SITE PORT TALBOT - LAND AND RIGHTS IN THE OWNERSHIP OF ASSOCIATED BRITISH PORTS**

Decision:

That the terms and conditions agreed for the acquisition of the easement in perpetuity required for the Harbourside Strategic Employment Site, Port Talbot, as detailed in the private circulated report, be approved.

Reason for Decision:

To facilitate the proposed flood mitigation measures as part of the Harbourside Strategic Employment Site scheme.

Implementation of Decision:

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

8. **PORT TALBOT PERIPHERAL DISTRIBUTOR ROAD PHASE 2 - PAYMENT OF COMPENSATION UNDER THE PROVISIONS OF PART 1 OF THE LAND COMPENSATION ACT 1971**

Decision:

That the payment of the compensation sums to the affected parties in relation to Port Talbot Peripheral Distributor Road Phase 2 - Payment of Compensation under the Provisions of Part 1 of the Land Compensation Act 1971, as detailed in the private circulated report, be approved.

Reason for Decision:

To pay compensation as a result of the Port Talbot Peripheral Distributor Road Phase 2 Scheme.

Implementation of Decision:

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

9. **PORT TALBOT PERIPHERAL DISTRIBUTOR ROAD PHASE 2 - LAND AND RIGHTS IN THE OWNERSHIP OF ASSOCIATED BRITISH PORTS, PORT TALBOT**

Decisions:

1. That delegated authority be granted to the Head of Property and Regeneration to make an advance payment, as detailed in the private circulated report.
2. That approval be granted for the terms and conditions for acquisition set out in paragraphs (i)-(iii) of the private circulated report, be subject to any variations that might be required to be made by the Head of Property and Regeneration, in consultation with the Cabinet Member for Regeneration and Sustainable Development.
3. That delegated authority be granted to the Head of Property and Regeneration in consultation with the Cabinet Member for Regeneration and Sustainable Development, to agree the final sum to be paid, as detailed in the private circulated report.

4. That delegated authority be granted to the Head of Property and Regeneration and Head of Legal to enter into any documentation necessary to facilitate the agreed terms and conditions set out in paragraph (i)-(iii) of the private circulated report.

Reason for Decisions:

To pay compensation to the affected parties as a result of the acquisition of various land and rights largely as a result of the Port Talbot Peripheral Distributor Road Phase 2 Scheme.

Implementation of Decisions:

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

10. **LEASE RENEWAL OF THE PITCHES/STALLS WITHIN NEATH INDOOR MARKET, GREEN STREET, NEATH**

Decision:

That the Terms and Conditions for the renewal of the tenancies, as detailed in the private circulated report, be approved.

Reason for Decision:

The tenancies are required as the existing have expired.

Implementation of Decision:

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

11. **PROPOSED DISPOSAL OF THE LAURELS, LEWIS ROAD, NEATH**

This item was withdrawn from the Agenda before the start of the meeting.

12. **PROPOSED DISPOSAL OF LAND AT MAIN ROAD, BANWEN, NEATH**

Decision:

That the offer to purchase the land, as detailed in the private circulated report, be approved.

Reason for Decision:

To enable the sale of a surplus property and to attain a capital receipt.

Implementation of Decision:

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

13. **COMMUNITY FOCUSED - AREA WIDE AIR QUALITY MONITORING PILOT PROGRAMME**

Decisions:

That competition requirements set out in Paragraph 2 of the Contract Procedure Rules be excluded and delegated authority be granted to the Head of Property and Regeneration to:-

1. Purchase air quality monitoring sensors, as detailed in the private circulated report.
2. That the Maintenance agreement, as detailed in the private circulated report, be approved.

Reasons for Decisions:

1. To measure and understand air quality levels within the residential areas of Neath Port Talbot and consequential levels of pollution from industry, transport and energy generation.
2. To consolidate air quality monitoring and provide reliable data that can be cross referenced against other datasets, for example traffic flows, to determine correlation against other factors such as industry, localised health, respiratory occurrences etc.
3. To provide the capability of evaluating the effectiveness of air quality improvement mitigation and intervention measures.

4. To act as a pathfinder project for the Smart Low Carbon Town, demonstrating the innovative smart (real time) large scale monitoring capability helping to deliver the concept of a smart low carbon town.

Implementation of Decisions:

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

14. **FORMER BRYNSIRIOL SENIOR CITIZENS CENTRE, CYMMER, PORT TALBOT**

Decisions:

1. That delegated authority be granted to the Head of Property and Regeneration to agree the disposal of Brynsiriol Senior Citizens Centre, Cymmer, Port Talbot, as detailed in the private circulated report.
2. That delegated authority be granted to the Head of Property and Regeneration to agree that in the event that, by the end of February 2020, the tenderer with the highest price offered was unable to satisfy the Council that funds were in place to legally complete, then the Head of Property and Regeneration be able to offer the sale of the premises to the tenderer with the next highest price offered.
3. That delegated authority be granted to the Head of Property and Regeneration to agree and enter into any documentation necessary, as detailed in the private circulated report.

Reason for Decisions:

To enable the disposal of a surplus property and attain a capital receipt.

Implementation of Decisions:

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

15. **THE DISPOSAL OF PART OF THE FORMER BURROWS YARD SITE TOGETHER WITH THE REMEDIATION OF THE COUNCIL'S RETAINED LAND**

Decisions:

1. That delegated authority be granted to the Head of Property and Regeneration to accept the offer in respect of the former Burrows Yard Site, as detailed in the private circulated report.
2. That delegated authority be granted to the Head of Property and Regeneration to negotiate heads of terms for the disposal of land, as detailed in the private circulated report.
3. That delegated authority be granted to the Head of Property and Regeneration, in consultation with the Head of Legal Services to negotiate, finalise and enter into the transaction documentation necessary to implement the disposal of land, as detailed in the private circulated report.
4. Rule 2 of the Contract Procedure Rules be excluded for the remediation of the land shown coloured hatched black on the plan attached at Appendix 1 of the private circulated report, and that delegated authority be granted to the Head of Property and Regeneration to enter into an agreement, as detailed therein.

Reason for Decisions:

To enable the sale of a surplus property and attain a capital receipt.

Implementation of Decisions:

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

CHAIRPERSON

EXECUTIVE DECISION RECORD

14 FEBRUARY 2020

**REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET
BOARD**

Cabinet Members:

Councillors: L.Jones and A.Wingrave

Officers in Attendance:

S.Brennan and N.Headon

1. **APPOINTMENT OF CHAIRPERSON**

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

2. **MINUTES OF PREVIOUS MEETING**

The minutes of the meeting held on 29 November 2019 were approved.

3. **AGREEMENT WITH COASTAL HOUSING GROUP ASSOCIATED WITH DEVELOPMENT AT THE REAR OF BOOTS' SERVICE YARD, NEATH**

Decisions:

1. That Neath Port Talbot County Borough Council enter into an agreement with Coastal Housing Group, giving the Council's consent (as freehold owner of the land) for Coastal to enter into a Section 185 Water Industry Act 1991 sewer diversion agreement with Dŵr Cymru Welsh Water and the Welsh Minsters.

2. That the agreement with Coastal required Coastal to indemnify the Council, in relation to the liabilities and obligations arising out of the Section 185 agreement.

Reason for Decisions:

The decisions are required in order to enable the development of the land as part of the overall redevelopment plans for Neath town centre, in accordance with the council's regeneration proposals.

Implementation of Decisions:

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

4. **WORKWAYS+ SHORT TERM UNEMPLOYED (STU) SUPPORTING PEOPLE MOST AT RISK OF POVERTY TO GAIN EMPLOYMENT.**

Decision:

That the offer of grant from the Welsh European Funding Office (WEFO) in relation to the Workways+ Short Term Unemployed project, be approved.

Reason for Decision:

To enable the Workways+ project to continue delivery in accordance with the business plan and WEFO grant offer letter.

Implementation of Decision:

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

5. **FORWARD WORK PROGRAMME 2019/2020**

Decision:

The forward work programme was 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 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.

7. **PORT TALBOT PERIPHERAL DISTRIBUTOR ROAD PHASE 2 - PART 1**

Decision:

That the payment of the compensation sums to the affected parties, as detailed in the private circulated report, be approved.

Reason for Decision:

To pay compensation as a result of the Port Talbot Peripheral Distributor Road Phase 2 Scheme.

Implementation of Decision:

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

8. **PROPOSE EXCHANGE OF LAND**

Decision:

That the terms and conditions (subject to there being no objections following statutory advertisement) for the exchange of land and for the amendment to the boundary plan for the Local Nature Reserve, as detailed in the private circulated report, be approved.

Reason for Decision:

To address an ongoing encroachment and provide suitable alternative and enhanced biodiversity land to be included in the Local Nature Reserve.

Implementation of Decision:

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

CHAIRPERSON



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Regeneration and Sustainable Development and Cabinet Board

5TH February 2021

Report of the Head of Legal and Democratic Services – Mr Craig Griffiths

Matter for Decision

Wards Affected: Seven Sisters

Report Title : Alleged public footpath via the railway footbridge from No. 20 to A4109

Purpose of the Report:

- 1.1 To determine an application for a footpath Modification Order to recognise the public's right to use a footbridge over the railway in the centre of Seven Sisters marked A – B on the attached plan No. 1.

Executive Summary:

- 2.1 The Board is under a duty to make a decision by the impartial analysis of the evidence before it.
The report considers the legal tests that have to be applied before looking at the evidence in support of the claim, as well as any other contrary evidence. Additional information is

provided as to why the public say they use the footbridge in the appendices and reasons given as to why it is recommended a modification order should be made.

Background:

- 3.1 The application has been supported by 23 people who allege an average of 48 years use of the bridge, 16 of whom claim to have used this bridge for a minimum of 30 years.
- 3.2 The footbridge is owned by Network Rail who have temporarily closed the bridge due to safety concerns for the public. Network Rail have stated they 'understand this to be a private crossing without rights to the public but with the obligation to the railway as its provision under the deed'. The deed referred to was made in 1986 between the Neath and Brecon Railway Company and Neath Rural District Council and Others.
- 3.3 Network Rail have indicated that they intend to refurbish the bridge rather than remove it, although there is no indication as to when this would occur.
- 3.4 The bridge has been included in the Schedule of Buildings of Local Importance dated April 2019, as part of the Local Development Plan 2011 – 2026. It is listed under the section on the Dulais Valley but this in itself does not afford the bridge any legal status or protection for the purposes of the application.

The Law:

- 4.1 An application is based on the provision of Section 31 of the Highways Act 1980, which presumes the owner of the land or in this case; the structure, has been dedicated to the public due for a minimum of 20 years uninterrupted use. In addition, it is alleged that there is no evidence of any contrary intention

during that period to dedicate the way as a public one. The relevant extract of Section 31 is shown in Appendix 1.

4.2 The twenty year period referred to above is calculated by either:

(a) Establishing the date when the path was first obstructed which has the effect of calling into question the existence of the alleged public right or:-

(b) The date of the application itself.

Of the two possible dates, it will be the earlier which is taken to represent the end of the twenty year period.

In this example, the application was made on the 19th July 2019, and the closure of the bridge occurred earlier the same year, consequently, the relevant twenty year period is 1999 – 2019.

4.3 Under common law, it is possible to infer a public path has been dedicated whether that use is more or less than a period of twenty years. However, there needs to be evidence of a positive expression by the owners that they have dedicated the way, rather than a lack of any contrary evidence.

4.4 Section 53 of the Wildlife and Countryside Act 1981, places an obligation on this Council to consider any evidence that shows a public path exists. Section 53 is shown in Appendix 2. The Council needs to be satisfied that the evidence is sufficient and if so, should make a modification order which has the effect of amending the Council's record of its public paths, namely the Definitive Map and Statement.

4.5 The basis for making a modification order is established by the application of the following tests:

- (a) That this Council is satisfied that a public right of way exists on the balance of probabilities.
- (b) Or that this Council can be satisfied that it is reasonable to allege a public right of way exists

Under a) the test may be satisfied on the balance of probabilities where it can be shown that it is more likely or probable than not that the relevant test is made out from all the evidence before the Council.

Under b) however, the Council only needs to be satisfied that it is reasonable to conclude that a public way does exist. This decision can however only be made if Network Rail are unable to establish a contrary intention to dedicate a public path during the relevant twenty year period. The case law which has clarified the distinction between these two tests is included in paragraph (a) to Appendix 3.

- 4.6 The creation of a public right of way over an accommodation bridge running over a railway line could also be held incompatible for the purposes and objects of a railway company if it prevented the widening of the rails. However, in this case, nothing has been submitted by Network Rail that such a widening will take place at this location. Paragraph (b) in Appendix 3 cites the two relevant cases.

The Evidence

- 5.1 It is evident that the bridge has been in use for many decades, for example, 9 people claim to have been walking over the bridge for at least 60 years. 6 people have been interviewed, including the applicant who is also the Local Member to obtain further details of their use and knowledge of the bridge and surrounding area. One of the questions raised for example, is why the public would opt to use this bridge when there is a road bridge some 60 metres to the south west which passes over the

railway. The varying accounts by these people can be found in Appendix 4.

- 5.2 Footpath No. 29 leads directly to the base of the steps of the footbridge and so there is an implication that the public would continue to or from this footpath via the footbridge as the opposite end of the footbridge leads directly to the pavement alongside the A41069.
- 5.3 In May 1984, a letter was sent to the former West Glamorgan County Council from the then British Rail. It stated that there was an intention to undertake work to repair the bridge. In that letter, the area Civil Engineer stated, 'the former station footbridge at Seven Sisters carries a public right of way over the railway and has recently been proposed for heavy repairs'. This is an acknowledgement that at that time the public had been making use of this bridge, as alleged by 9 of the supporters to this application. These 9 claim to have used the bridge from at least 1959, which is for over 60 years.
- 5.4 The letter also went on to explore the possibility of demolishing the bridge but with the offer of providing an alternative via a level crossing. Consideration was then given to the alternative via the road bridge some 60 metres away via C – D. Consequently, this is a clear acknowledgement that to close the path over the bridge would require a separate alternative route and in this case, an additional one to the existing road bridge.
- 5.5 The other issue with such a route being claimed in villages and towns is to examine whether the path can be said to be in use by the public at large rather than a limited group of people who happen to live in close proximity to the path and for whom it provides a useful shortcut. Such users would be classed as a special user group who whilst they may not access the path directly from their houses, are the only ones who would use the path rather than those who live further away. Plan No. 2 plots

the distribution of where the supporters to the claim reside, which still excludes one person as he lives outside the area shown by this plan.

- 5.6 Appendix 5 provides a summary and includes two test cases which dealt with this concept. Given the wide distribution of the supporters to this application, it is clear that the path can be said to have been used by the public at large. In addition, the reasons given for using the path are varied as contained in the accounts shown in Appendix 4. In order to follow the routes as specified by some of these residents, a more detailed street plan has been appended at the end of Appendix 4 as plan number 3.
- 5.7 Network Rail indicated that they understand the deed of 1896 made the bridge a private crossing but a copy of that deed has not been provided and so it is not possible to comment on what impact this deed would have on the validity of this claim. However, Network Rail have been asked to provide any evidence they consider would affect this Council's decision and so it can only be assumed that there is nothing further they wish to submit at this stage.

Conclusion :

- 6.1 Whilst the accounts by the supporters to this application span a period well in excess of the relevant period of 1999 – 2019, none ever recall the bridge being closed or having any notices which indicated the bridge was not available for public use.
- 6.2 The user evidence alleges continuous use throughout the relevant period and no evidence has been forwarded to show there was any interruption during the period 1999 – 2019.

- 6.3 No evidence has been submitted to show any contrary intention to dedicate the way over the bridge during this period.
- 6.4 It is also evident from the accounts by the witnesses that the location of the bridge does provide a shortcut between various locations either side of the railway and that the road bridge in itself would not provide such a convenient alternative.
- 6.5 The user evidence also shows longer use than that required under section 31 of the Highways Act 1980. The implication of the use by 9 individuals for a minimum of sixty years, extending back into the late 1950's and early 1960's, is that British Rail would have been aware of its use after the passenger service ceased to operate in 1962. Their letter of March 1984 establishes this fact and suggests the route had already been expressly dedicated to the public. This could be taken as evidence of a dedication under common law and adds further weight to the application.

Financial Impacts :

- 7.1 There are no financial impacts associated with his report.

Integrated Impact Assessment :

- 8.1 A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No. 1) Regulations 2015, the Well Being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016. The first stage assessment has indicated that a more in-depth assessment is not required. A summary is included in appendix 6.

Valleys Communities Impact :

9.1 No implications

Workforce Impact :

10.1 No implications

Legal Impacts :

11.1 It is necessary to discharge the duties set out under the Highways Act 1980, the Wildlife and Countryside Act 1981 and the case law, the relevant sections of which are included in appendices 1, 2 and 3 respectively.

Risk Management Impacts :

12.1 There are no risks associated with implementing the statutory duties outlined above, provided the relevant legislation is applied correctly and this Council comes to its decision in an impartial way.

Consultation :

13.1 The standard list of those to be consulted included for example, the Ramblers Association and their local representative, the Byways and Bridleways Trust, Open Spaces Society and Natural Resources Wales as well as the Community Council and the owners of the foot bridge referred to above.

Recommendation :

14.1 That a Modification Order is made under Section 53 of the Wildlife and Countryside Act 1981 to register the path shown A – B on plan No. 1 and of no objections are received to confirm the same as an unopposed order.

Reasons for the Proposed Decision

15.1 There is sufficient evidence that the footbridge has been subject to a period of uninterrupted use for a minimum period of 20 years. This satisfies the provisions of section 31 of the Highways Act 1980 which presumes the way has been dedicated as a highway to the public.

Implementation of a Decision :

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

Appendices :

- 1 Explanation of the relevant provisions from the Highways Act 1980
- 2 Extract from the relevant provisions of Section 53 of the Wildlife and Countryside Act 1981
- 3 Case law referred to in paragraphs 4.5 and 4.6
- 4 Summary of the User Evidence from those interviewed
- 5 Explanation of a “Special User Group”
- 6 Impact Assessment – First Stage
Plans 1 – 3

List of Background papers

None

Officer Contact :

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Appendix 1

Highways Act, 1980

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

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

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

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

Appendix 2

Wildlife and Countryside Act, 1981

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

- (2) as regards every Definitive Map and Statement; the Surveying Authority shall:
 - (a) as soon as reasonably practical after 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 an 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 3

- (a) R v Secretary of State for Wales ex parte Emery 1996
- (b) Taff Vale Railway v Pontypridd LDC 190593LT.126 British
Transport Commission v Westmorland CC 1958 A.C126

Appendix 4

Witness No. 1

One resident of Bryndulais Ave, as shown on Plan No. 2, stated she has owned dogs since 1988 and uses the bridge as part of her circular walk. The route taken involves walking along most of the length of this road to join Church Road before walking via the footpath No. 29 before crossing over the footbridge. She then continues south west to Pen y Banc and thereafter joins Bridleway No. 9 and on to footpath No. 28 before passing alongside the football ground on Dulais Road. In addition she has used the footbridge to walk to the Post Office marked on plan No. 1 and 2.

Witness No. 2

He has used the footbridge since the early 1950's and when he was young, living with his family in the Brick Row. Subsequently, continued to visit his grandmother in Brick Row when he and his parents moved to Mary Street. He also used the bridge to catch the bus at age 15 when working at the Cefn Coed Colliery. He later undertook voluntary work for the community and so he could be anywhere in the village, if and when he received a call on his receiver. Therefore, he may have had cause to use the bridge as a short cut to reach his place of work. In fact, he wished to emphasise that if the bridge was not present then any additional time needed to reach his place of work would have compromised his ability to carry out his work.

Witness No. 3

She has been a 'Brownies' and 'Guides' leader for the past 40 years, and is currently using the community centre which means she uses the bridge when walking to and from her home on Martyn Avenue. She also stated that some young people use the footbridge who live

on the south eastern side of the railway to walk to the playing fields via footpath No 29.

Witness No. 4

This person has lived at Heol Hen for the past 40 years and has used the footbridge over this period when walking between the Post Office and 'Cost Cutters' (formerly the Cooperative). When younger, she also used the footbridge to walk to the area at Bryn-Cae and Ystitau-gwynor via footpath No. 29. She also noted some younger people use the footpath to access the playing fields.

Witness No. 5

Has lived at her present address in Bryndulais Row since 1986 and has used the footbridge since living there and even before this when living in Brick Row.

Her reasons for using the footbridge include walking to the community centre, hairdressers, the post office and also to visit friends who live a short distance past the community centre. Since the footbridge has been closed, she now has to walk from the rear of her house via the footbridge which she says is steeper. In addition, she has used the footbridge when collecting her grandchildren from school at the end of Bryn Bedd.

Witness No. 6

In the course of his duties as the current Local Member for Seven Sisters since 2008, has had cause to use the footbridge a few times per week to visit his constituents. In addition, has made frequent and regular use of the bridge for 30 years until 1989 when living in a different part of the village.

Appendix 5

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 '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 LJ in *R –v- Residents of Southampton* 1887 said that 'use by the public' must not be taken in its widest sense – for it is 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 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.

Appendix 6
Impact Assessment – First Stage

APPENDIX 6

Impact Assessment - First Stage

1. Details of the initiative

Initiative description and summary: To assess and evaluate an application to register a public footpath over the railway footbridge between Footpath No.20 and the A4109 in Seven Sisters
Service Area: Legal Services
Directorate: Finance and Corporate Services

2. Does the initiative affect:

	Yes	No
Service users	x	
Staff		x
Wider community	x	
Internal administrative process only	x	

3. Does the initiative impact on people because of their:

	Yes	No	None/ Negligible	Don't Know	Impact H/M/L	Reasons for your decision (including evidence)/How might it impact?

Age		x				The effect of the proposed registration of the footbridge as a public footpath would be to ensure the public have the right to use a convenient short cut.
Disability		x				The proposed registration of the footbridge would be to give long term assurance to the general public that the bridge will continue to provide a useful amenity and short cut. However it has no impact on this protected characteristic.
Gender Reassignment		x				The proposed registration of the footbridge would be to give long term assurance to the general public that the bridge will continue to provide a useful amenity and short cut. However it has no impact on this protected characteristic.
Marriage/Civil Partnership		x				The proposed registration of the footbridge would be to give long term assurance to the general public that the bridge will continue to provide a useful amenity and short cut. However it has no impact on this protected characteristic.
Pregnancy/Maternity		x				The proposed registration of the footbridge would be to give long term assurance to the general public that the bridge will continue to provide a useful amenity and short cut. However it has no impact on this protected characteristic.

Race		x				The proposed registration of the footbridge would be to give long term assurance to the general public that the bridge will continue to provide a useful amenity and short cut. However it has no impact on this protected characteristic.
Religion/Belief		x				The proposed registration of the footbridge would be to give long term assurance to the general public that the bridge will continue to provide a useful amenity and short cut. However it has no impact on this protected characteristic.
Sex		x				The proposed registration of the footbridge would be to give long term assurance to the general public that the bridge will continue to provide a useful amenity and short cut. However it has no impact on this protected characteristic.
Sexual orientation		x				The proposed registration of the footbridge would be to give long term assurance to the general public that the bridge will continue to provide a useful amenity and short cut. However it has no impact on this protected characteristic.

4. Does the initiative impact on:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence used) / How might it impact?
People's opportunities to use the Welsh language		x				The proposal does not affect the ability for using the Welsh Language as it relates to access rights
Treating the Welsh language no less favourably than English		x				The proposal does not affect the ability for using the Welsh Language as it relates to access rights

5. Does the initiative impact on biodiversity:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence) / How might it impact?
To maintain and enhance biodiversity		x				The proposal has no affect on biodiversity given it is concerned with recognising existing access rights
To promote the resilience of ecosystems, i.e. supporting protection of the wider environment, such as air quality, flood alleviation, etc.		x				The proposal has no affect on biodiversity given it is concerned with recognising existing access rights

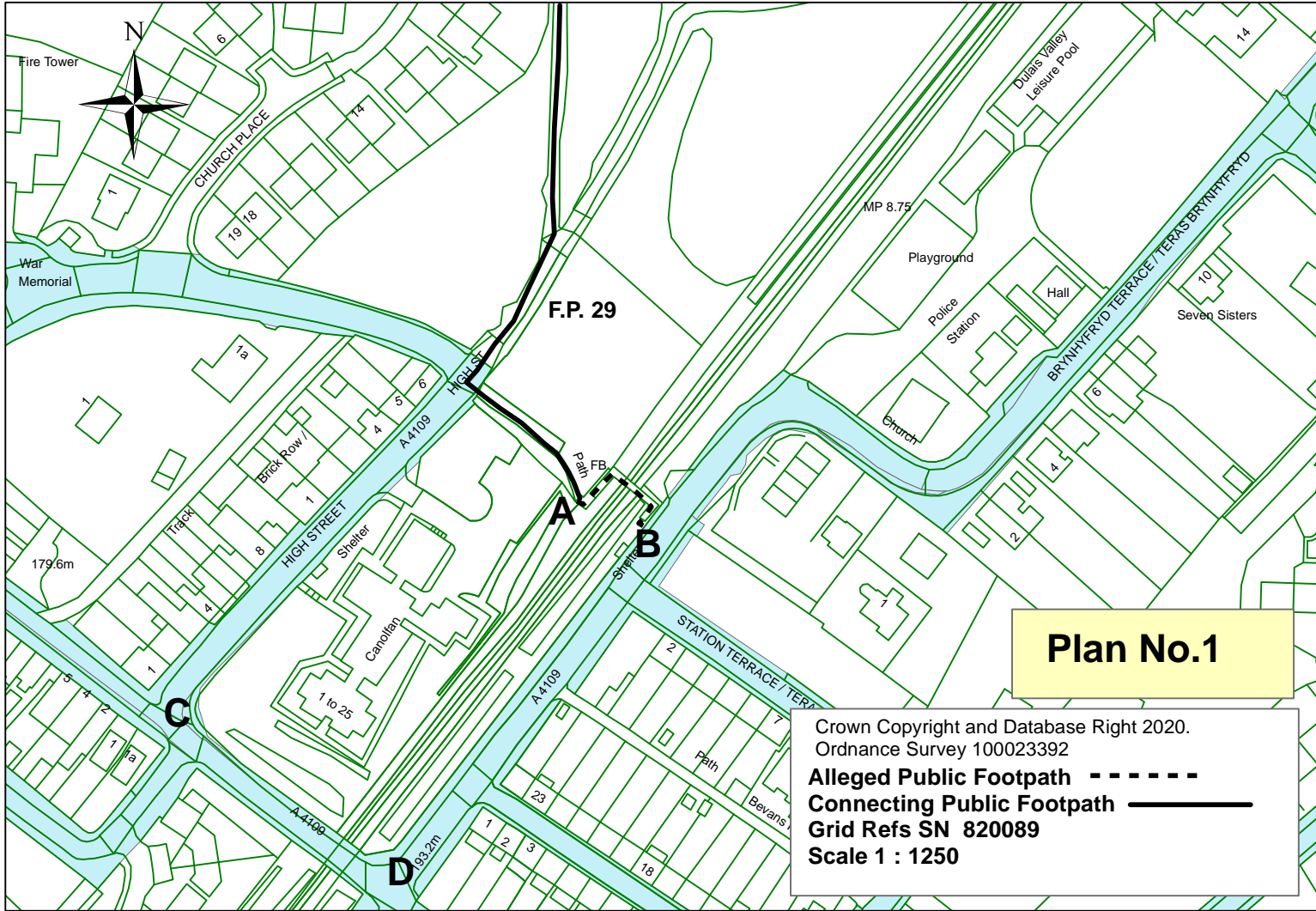
6. Does the initiative embrace the sustainable development principle (5 ways of working):

	Yes	No	Details
Long term - how the initiative supports the long term well-being of people	x		The initiative supports the long term wellbeing of people by ensuring that modification orders are correctly introduced and implemented only when they can be justified and that resources are appropriately used in the provision of legal services to the Council and therefore the wider community.
Integration - how the initiative impacts upon our wellbeing objectives	x		The initiative will further allow the focusing of existing human and financial resources upon the 3 wellbeing objectives by ensuring that modification orders are correctly introduced and implemented only when they can be justified and that resources are appropriately used in assessing and evaluating them.
Involvement - how people have been involved in developing the initiative	x		The initiative builds upon the consultation and evidence gathering with all the stakeholders concerned, before coming to a recommendation.
Collaboration - how we have worked with other services/organisations to find shared sustainable solutions	x		This Authority has ensured all those who have an interest in this initiative have been given an opportunity to provide their views and any evidence they considered relevant.
Prevention - how the initiative will prevent problems occurring or getting worse	x		This initiative will reconcile the question over whether such access rights exist for the public.

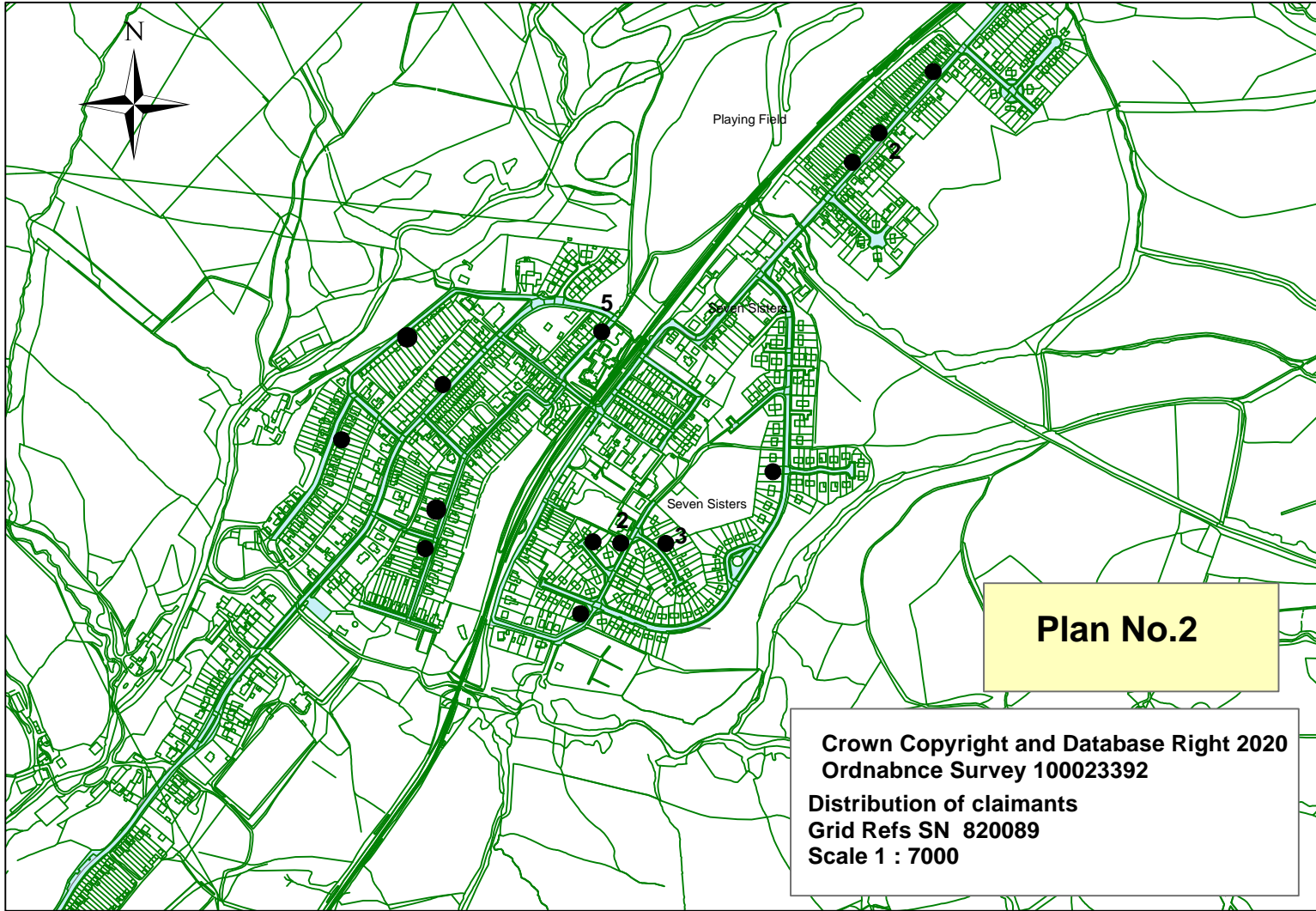
7. Declaration - based on above assessment (tick as appropriate):

A full impact assessment (second stage) is not required	
Reasons for this conclusion	
<p>Based upon the above assessment a second stage impact assessment is not required as the initiative does not negatively impact on any of the protected characteristics, or the Welsh Language , or biodiversity and embraces the sustainable development principle. The report is giving effect to the consequences of such long use of this footbridge so that the public may continue to enjoy their right to use the bridge.</p>	

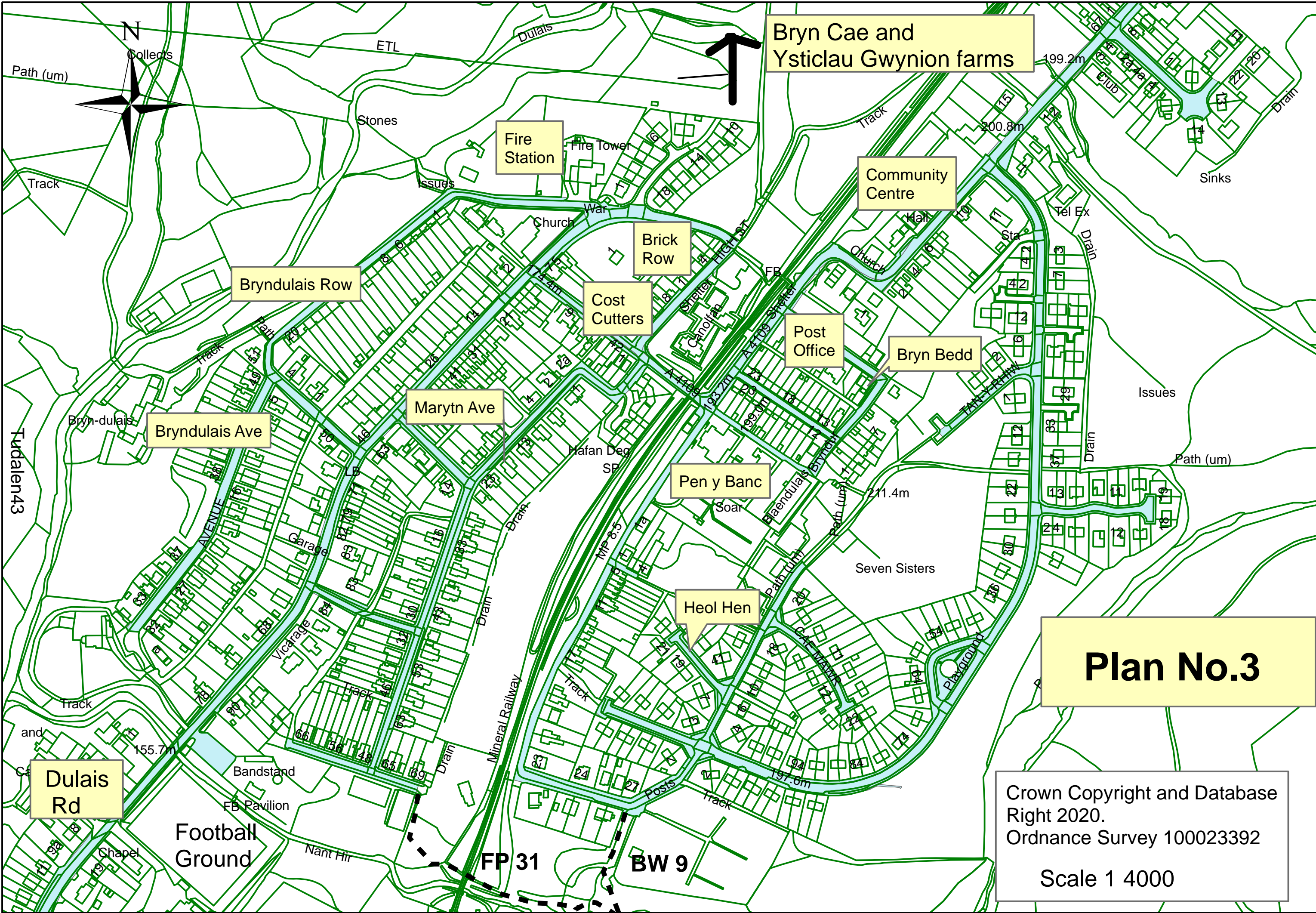
	Name	Position	Date
Completed by	Michael Shaw	Principal Solicitor-Litigation	18/11/2020
Signed off by	Craig Griffiths	Head of Legal Services	18/11/2020



Mae'r dudalen hon yn fwriadol wag



Mae'r dudalen hon yn fwriadol wag



Bryn Cae and Ysticlau Gwynion farms

Fire Station

Community Centre

Bryndulais Row

Brick Row

Cost Cutters

Post Office

Bryn Bedd

Bryndulais Ave

Marytn Ave

Pen y Banc

Heol Hen

Dulais Rd

Plan No.3

Crown Copyright and Database Right 2020.
Ordnance Survey 100023392
Scale 1 4000

FP 31

BW 9

Football Ground

Mae'r dudalen hon yn fwiadol wag

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

**REGENERATION AND SUSTAINABLE DEVELOPMENT
CABINET BOARD - 5th FEBRUARY 2021**

Report of the Head of Participation - Mr Christopher Millis

Matter for Decision

Wards Affected:

All wards.

**Proposal to extend the current service provided by the
Primary Substance Abuse Liaison team (PSALT) -
Western Bay Area Planning Board**

Purpose of the Report

1. For information, regarding the establishment of a grant agreement in respect of an extension to the scale of Primary Substance Abuse Liaison Team (PSALT) service in the Western Bay region, having regard to rule 7.1.21 of the Contract procedure Rules whereby a grant agreement is excluded from the requirement for competitive tendering
2. To seek authority for the Head of Participation (Education, Leisure and Lifelong Learning) to enter into a grant agreement with the Amman Tawe Valley Medical Practice to extend the current service provided by the Primary Substance Abuse Liaison Team (PSALT) Primary Care Services.

Executive Summary

Neath Port Talbot County Borough Council ("the Council") acts as the banker for the Western Bay Area Planning Board, in respect of Welsh Government Substance Misuse Action Fund money (SMAF) and partner contributions from Swansea and NPT Councils.

The Area Planning Board was set up in 2010, but is not a legal entity in its own right, so is not able to enter into contractual arrangements with Service Providers. Therefore this report seeks authority to the Head of Participation (Education, Leisure and Lifelong Learning) to enter into a grant agreement with the Amman Tawe Valley Medical Practice to extend the current service provided by the Primary Substance Abuse Liaison Team (PSALT) Primary Care Services.

Primary Substance Abuse Liaison Team (PSALT) is a substance misuse support project providing Primary Care Services on behalf of GPs and access to support workers, nurses and doctors. PSALT are proposing to deliver an additional 100 spaces of low threshold prescribing, based on the current delivery model in Swansea, to people who are who are stable, but continue to require long term opiate substitute treatment, across the whole of the Western Bay region.

For information, regarding the establishment of a grant agreement in respect of an extension to the scale of Primary Substance Abuse Liaison Team (PSALT) service in the Western Bay region, having regard to rule 7.1.21 of the Contract procedure Rules whereby a grant agreement is excluded from the requirement for competitive tendering

Background

Neath Port Talbot County Borough Council ("the Council") acts as the banker for the Western Bay Area Planning Board, in respect of Welsh Government Substance Misuse Action Fund money (SMAF) and partner contributions from Swansea and NPT Councils.

The Western Bay APB invited substance misuse providers to submit proposals in respect of SMAF in accordance with its strategic priorities. PSALT responded with the proposal outlined below.

The Primary Substance Abuse Liaison Team (PSALT) is a substance misuse support project providing Primary Care Services on behalf of GPs and access to support workers, nurses and doctors. PSALT are

proposing to deliver an additional 100 spaces of low threshold prescribing, based on the current delivery model in Swansea, to people who are who are stable, but continue to require long term opiate substitute treatment, across the whole of the Western Bay region, at a cost of £55,000 per annum, plus one off set up costs of £2,500.

It is well documented that the current supply of Opiate Substitute Treatment (OST) services are not meeting the level of need among residents of Western Bay.

Increasing the capacity of OST services will help the ABP meet its objectives of:

- Reducing the risk of drug related overdoses.
- Providing parity of low threshold prescribing across the Western Bay region.

If the proposal is agreed, then PSALT can begin delivery of these additional spaces immediately, by increasing the hours of a part time worker.

This proposal was accepted by the Area Planning Board, and as such work has been underway to enact this decision.

However it is noted that the Area Planning Board is not a legal entity in its own right, so is not able to enter into contractual arrangements with Service Providers. As NPT CBC is the banker and lead, it would fall to NPTCBC to enter into such an agreement on behalf of the partnership. However in the absence of an appropriate agreement, NPTCBC is exposed to all the responsibilities and liabilities, if it enters into new or amends any contracts in respect of substance misuse services.

Work is currently on going with our legal advisors and partners to develop a Partnership Agreement that will enable risk to be shared amongst partners, and once this is in place NPT CBC can take the lead on any new contracts or changes to existing contracts without bearing all of the risk.

It had been hoped that the partnership agreement would be in place to enable the decision of the APB in respect of the contract to be enacted. But this has not been possible. An option appraisal was undertaken to

consider the options available in respect of enabling the extension of the PSALT contact whilst minimising the risk to NPTCBC.

An added complexity is that the current PSALT service is not currently commissioned directly by the APB; it forms part of the Health Board's Low Threshold Service. The existing funding allocated to PSALT (reoccurring annually) forms part of the overall Low Threshold Prescribing budget provided to SBUHB, which includes various other interventions provided by the HB. This is a legacy arrangement with SBUHB. Extending this arrangement was considered but would have placed an unacceptable degree of risk on NPTCBC in terms of procurement legislation, given the value of the contract.

Having reviewed the options, it is considered that entering into a grant agreement direct with Amman Tawe Valley medical practice enables the decision of the APB to be enacted, with the least risk to NPT

For information regarding the establishment of a grant agreement in respect of an extension to the scale of Primary Substance Abuse Liaison Team (PSALT) service in the Western Bay region, having regard to rule 7.1.21 of the Contract procedure Rules whereby a grant agreement is excluded from the requirement for competitive tendering, in that "a Council Grant to another organisation that contains no Services being performed back to the Council".

This type of arrangement is in place currently for another APB commissioned service, namely the Rapid Access Prescribing Service being delivered by G4S, and is working well. As such this course of action is considered appropriate.

It is acknowledged that there is less control over the provider through a grant agreement but appropriate service monitoring arrangements against agreed outcomes will be put into place on a quarterly basis and any issues will be reported to the APB. Officers are satisfied that PSALT can deliver the additional units.

An award letter would have to be issued to Amman Tawe Medical Practice for the remainder of this financial year (from 1st March 2021), and for next financial year, but with a review in August 2021 which will enable clawback at the review period in August if the service has been unable to deliver the units, and a decision as to whether continuation of the project is appropriate for the remainder of the 21-22 financial year.

Therefore this report seeks authority to the Head of Participation (Education, Leisure and Lifelong Learning) to enter into a grant agreement with the Amman Tawe Valley Medical Practice to extend the current service provided by the Primary Substance Abuse Liaison Team (PSALT) Primary Care Services.

The Area Planning Board is currently embarking on a Transformation Project, which will deliver a new fully integrated public health model for substance misuse services across the region. This extension will fall outside the timeline of this project.

Financial Impact

The proposal contained in this report will utilise currently unallocated SMAF funding and will ensure that available resources in the area are used to meet the APB's strategic priorities. The operational lead for the APB will continue to liaise closely with colleagues in finance to ensure that the contract is affordable within budgetary constraints of the SMAF grant.

Integrated Impact Assessment

A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016.

The first stage assessment, attached at Appendix 1, has indicated that a more in-depth assessment is not required. A summary is included below.

If the proposal is agreed, it will increase the number of Individuals who will be able to access a service that they need to assist them on their road towards recovery from addiction to illegal substances. This proposal will therefore not have any negative impacts. The impacts will have a positive effect both for the Individuals who receive the service and for the wider community. The proposal will have a positive impact on reducing engagement in criminal activity and increasing engagement in education, training and employment.

Valleys Communities Impacts:

If the proposal is agreed, it will increase the number of Individuals who will be able to access a service that they need to assist them on their road towards recovery from addiction to illegal substances across NPT

Workforce Impacts

The proposal contained in this report have no Council workforce implications.

Legal Impacts

The proposal contained in this report to extend the PSALT service and for the Council to enter into a grant agreement with Amman Tawe Valley Medical Practice is permitted by Rule 7.1.21 of the Council's Contract Procedure Rules without the need to carry out a competitive tender. The rule allows the Council an exclusion from the requirement to carry out a competitive tender where the grant is to another organisation and where the grant does not involve a service being performed back to the Council.

The proposal would not involve a service being performed back to the Council but a primary care service provided by PSALT on behalf of Amman Tawe Valley Medical Practice to people in the community and so it sits within Rule 7.1.21.

Considerations

A grant agreement is not a legally binding contract and so cannot oblige Amman Tawe Valley Practice to deliver the service that it is proposed it will do via PSALT. The grant agreement can include terms on the use of the grant monies and these can be clawed back if not used or if misused according to the terms but the Council will not be afforded as much control as it would if the arrangement was set out in a contract, and this is a legal risk in so far as ensuring the proposed service is carried out.

Whether an arrangement constitutes a contract or grant agreement can also be determined by the court, even where the document intends to be and is titled 'Grant Agreement'. As the arrangement proposed does not intend to bind Amman Tawe Valley Practice to provide anything in return to the Council, on its face it will not amount to a contract but care should be taken on the drafting of any grant agreement. If the grant agreement is found to be a legally binding public contract, the Council could be in

breach of the Public Contract Regulations 2015 (the Regulations) as well as being in breach of its Contract Procedure Rules. A breach of the Regulations could result in the proposed arrangement being declared as ineffective and result in a claim via the courts for monetary loss or a claim for judicial review by an interested tenderer/ tenderers.

The PSALT service currently being provided on behalf of Amman Tawe Valley Medical Practice currently forms part of SBUHB's Health Board's Low Threshold Service and is a legacy arrangement with existing funding forming part of the Low Threshold Prescribing budget as further detailed in this report. The current arrangement with SBUHB can legally run alongside the proposed extension to the service, which is proposed as being an entirely separate arrangement.

In the shorter term, the proposal in this report can achieve provision of the extension to the service without the requirement to enter into a lengthy competitive tender but with some legal risk associated with the form of the arrangement and the absence of a partnership agreement.

Risk Management

The Council could potentially be exposed to challenge from aggrieved providers where they allege any grant agreement is in fact a contract and they have not had an opportunity to bid for a contract such as this. They may wish to challenge this by Judicial Review of the Council's decision or by alleging a breach of the Regulations.

Any challenge could involve both the cancellation of current contractual arrangements and/or the threat of a financial penalty determined by the Courts.

It would be contended that the risk of this is considered to be low due to the absence of other possible providers on the market and the intention to carry out a wider tender exercise in the next 2 years. In any case any risk is deemed to be outweighed by the need to continue to provide support to the service users, as they have specific needs that have to be met.

The Council's defence of any such challenge would be strong as the constitution allows for the action proposed.

Crime and Disorder Impacts:

Section 17 of the Crime and Disorder Act 1998 places a duty on the Council in the exercise of its functions to have “due regard to the likely effect of the exercise of those functions on and the need to do all that it reasonably can to prevent:

Crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and

The misuse of drugs, alcohol and other substances in its area; and

Re-offending the area”

The impact of the proposal is expected to be positive, with some impact.

Consultation

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

Recommendation

1. To seek authority for the Head of Participation (Education, Leisure and Lifelong Learning) to enter into a grant agreement with the Amman Tawe Valley Medical Practice to extend the current service provided by the Primary Substance Abuse Liaison Team (PSALT) Primary Care Services, having regard to rule 7.1.21 of the Contract procedure Rules whereby a grant agreement is excluded from the requirement for competitive tendering.

Reasons for Proposed Decision

To ensure the necessary arrangements can be put in place to enact a decision of the Area Planning Board, to meet identified needs in respect of Opiate Substitution Therapy.

Implementation of Decision

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

Appendices

IIA

List of Background Papers

None

Officer Contact

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Mae'r dudalen hon yn fwriadol wag

Appendix One: Impact Assessment - First Stage

It is essential that all initiatives undergo a first stage impact assessment to identify relevance to equalities and the Welsh language as well as an evaluation of how the proposal has taken into account the sustainable development principle (the five ways of working); an incorrect assessment could ultimately be open to legal challenge.

The first stage is to carry out a short assessment to help determine the need to undertake a more in-depth analysis (the second stage).

Relevance will depend not only on the number of people/service users affected, but also the significance of the effect on them.

When completing the first step you must have regard to the following:

- Does the initiative relate to an area where important equality issues have been, or are likely to be, raised? (For example, funding for services to assist people who are victims of rape/sexual violence or individuals with particular care need; disabled people's access to public transport; the gender pay gap; racist or homophobic bullying in schools)
- Is there a significant potential for reducing inequalities, or improving outcomes? (For example, increasing recruitment opportunities for disabled people).
- Does the initiative relate to instances where opportunities to use the Welsh language are likely to be affected or where the language is likely to be treated less favourably? (For example, increase the number of Welsh speakers moving from/to a certain area; closing specific Welsh language services or put those services at risk services;
- Does the initiative relate to the improvement of economic, social, environmental and cultural well-being? To what extent does the initiative prevent things getting worse? (For example, funding for services to assist in cultural well-being; changes in policies that promote independence and/or assist carers)

1. Provide a description and summary of the initiative.

Identify which service area and directorate has responsibility for the initiative.

2. Identify who will be affected by the initiative.

If you answer **Yes** to service users, staff or wider community continue with the first stage of the assessment

If you answer **No** to service users, staff or wider community or **Yes** to 'Internal administrative process only', go to **Question 5 – sustainable development principle**.

3. Using relevant and appropriate information and data that is available to you think about what impact there could be on people who share protected characteristics; whether they are service users, staff or the wider community.

Some things to consider include:

- transport issues
- accessibility
- customer service
- cultural sensitivity
- financial implications
- loss of jobs

Definitions of impacts (either positive or negative):

- High – likely to be highly affected by the initiative
- Medium - likely to be affected in some way
- Low - likely to be affected by the initiative in a small way
- Don't know - the potential impact is unknown

You **must** provide reasons, and indicate what evidence you used, in coming to your decision.

4. Using relevant and appropriate information and data that is available, think about what impact there could be on opportunities to use the Welsh language and in treating the language no less favourably than English.

Definitions of impacts are the same as in **Question 3**.

The classification 'Don't Know' should be categorised as 'High Impact' in both questions 3 & 4.

5. Consider how the initiative has embraced the sustainable development principle in accordance with the Section 7c of the Well-being of Future Generations Act 2015.

Give details of the initiative in relation to the 5 ways of working:

- **Long term** - how the initiative supports the long term well-being of people
- **Integration** - how the initiative impacts upon our wellbeing objectives
- **Involvement** - how people have been involved in developing the initiative
- **Collaboration** - how we have worked with other services/organisations to find shared sustainable solutions;
- **Prevention** - how the initiative will prevent problems occurring or getting worse

6. The most appropriate statement must be selected (and the relevant box ticked) based on the first stage of the assessment and an explanation of how you have arrived at this decision must be given.

In addition a summary of the how the initiative has embraced the sustainable development principle must also be included.

Where the first stage of the assessment indicates that a more in-depth analysis is required the second stage of the assessment will need to be completed and this will need to be started immediately.

A first stage assessment must be included as a background paper for all Cabinet/Cabinet Board/ Scrutiny Committee Reports.

Where the first stage assessment is completed by an accountable manager it must be signed off by a Head of Service/Director.

Impact Assessment - First Stage

1. Details of the initiative

Initiative description and summary: Provision of funding to the Amman Tawe Partnership of GP Practices, to extend their provision of low threshold, maintenance, prescribing for opiate substitute therapy, for people who are working towards overcoming an addiction to opiates (heroin). The service will be provided to residents across the Western Bay Area, which covers both Neath Port Talbot and Swansea. It will be funded through the Welsh Government's Substance Misuse Action Fund (SMAF). The investment of this fund into this service has already been agreed by the Area Planning Board, which includes health, social care a criminal justice strategic partners operating across Swansea and Neath Port Talbot. This Board is responsible for planning treatment services and coordinating funding from the Welsh Government to ensure that people living with in the region have access to services that meets their needs and improves their wellbeing.

Service Area: Partnerships and Community Cohension (Western Bay Area Planning Board)

Directorate: Education & Lifelong Learning

2. Does the initiative affect:

	Yes	No
Service users	X	
Staff		X
Wider community	X	
Internal administrative process only		X

3. Does the initiative impact on people because of their:

	Yes	No	None/ Negligible	Don't Know	Impact H/M/L	Reasons for your decision (including evidence)/How might it impact?
Age	X				L	This is a generic service, for anyone who needs maintenance prescribing of opiate substitute therapy. It is not targeted at any specific group, or by age, albeit the age of clients is recorded. Individuals who have protected characteristics can access this service as

						easily as anyone who does not. The proposal is to increase the level of provision of this service, which will not have a negative impact on any group, and will have appositive impact, but this is not determined by age.
Disability	X				L	Access to this service/support is determined by the need and suitability for OST; disability is not a determining factor in accessing this service, but successful engagement with this service will have a positive impact for someone with this protected characteristic, as it would for someone without.
Gender Reassignment		X				At this time it is considered there would be no impact on in relation to this characteristic.
Marriage/Civil Partnership		X				It is not envisaged that this will have any impact in respect of this protected characteristic.
Pregnancy/Maternity		X				This is a generic service, for anyone who needs maintenance prescribing of opiate substitute therapy, irrespective of their status.
Race		X				At this time it is considered there would be no impact on in relation to this characteristic.
Religion/Belief		X				At this time it is considered there would be no impact on in relation to this characteristic.
Sex		X				See above
Sexual orientation		X				See above

4. Does the initiative impact on:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence used) / How might it impact?
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People's opportunities to use the Welsh language		X				The GP who provides clinical input in a fluent Welsh speaker. There are also fluent Welsh speakers within the GP Practice who can ensure that letters can be produced bilingually. The Key Workers who provide the 1:1 support for Individuals in receipt of the service do not speak Welsh, but, to do, there have not been any requests to provide the service in Welsh.
Treating the Welsh language no less favourably than English		X				The Key Workers who deliver the support to the Individuals do not speak Welsh, so it is not currently possible to provide this service in Welsh. However, there have been no requests to provide this service in Welsh to date.

5. Does the initiative impact on biodiversity:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence) / How might it impact?
To maintain and enhance biodiversity		X			L	This proposal relates to increasing investment in a low threshold prescribing service, which will have no impact on biodiversity.
To promote the resilience of ecosystems, i.e. supporting protection of the wider environment, such as air quality, flood alleviation, etc.		X			L	

6. Does the initiative embrace the sustainable development principle (5 ways of working):

	Yes	No	Details
Long term - how the initiative supports the long term well-being of people	X		<p>Increasing the level of investment in the low threshold prescribing service will enable Individuals to maintain their recovery from addiction.</p> <p>Increasing the level of provision in low threshold prescribing will also free up spaces in services that are able to offer opiate substitute therapy for Individuals who have more complex health, social care and criminal justice issues.</p> <p>This will have a long term positive impact for the well-being of the individual their families and friends and for the wider community.</p>
Integration - how the initiative impacts upon our wellbeing objectives	X		<p>In addition to the above, by being able to maintain Individuals on opiate substitute therapy, we are enabling them to live a life free from the use of illegal substances, thereby reducing their potential to be perpetrators or victims of crime.</p> <p>Helping Individuals to overcome their addiction to illegal substances also increase their ability to become economically active and enter into, or remain in, employment, education or training, thereby enabling Individuals to work towards achieving their potential.</p> <p>Individuals who are addicted to illegal substances are often socially excluded. By helping them to overcome this addiction, we will be enabling them to work towards becoming more active and valued members of their communities.</p> <p>The delivery and commissioning of substance misuse services is through a multiagency partnership board, and this proposal stems from a recommendation/decision of the Area Planning Board.</p>
Involvement - how people have been involved in developing the	X		<p>In developing the business case for the need for additional investment in low threshold prescribing, consideration has been given to the needs of Individuals who are on the waiting list to access this type of service, as well</p>

initiative			as Individuals who are waiting to access more intense opiate substitute treatment services.
Collaboration - how we have worked with other services/organisations to find shared sustainable solutions	X		This initiative has been approved by the Western Bay Area Planning Board. This Board includes representation from the Swansea Bay Health Board, NPT and Swansea Council Social Services, as well as Criminal Justice Agencies. These services identified the need to extend the provision of low threshold prescribing.
Prevention - how the initiative will prevent problems occurring or getting worse	X		By providing additional units of low threshold prescribing, we will be helping and enabling Individuals to overcome their addiction to illegal substances. During the time that Individuals receive opiate substitute treatment, they are also able to work through and overcome/resolve the underlying issues that led to their addiction, as well as the consequences of their addiction, in areas such as housing, relationships, engagement with the criminal justice system, as well as social and financial exclusion.

7. Declaration - based on above assessment (tick as appropriate):

A full impact assessment (second stage) is not required	X
Reasons for this conclusion	
This proposal, if agreed, will increase the number of Individuals who will be able to access a service that they need to assist them on their road towards recovery from addiction to illegal substances. This proposal will therefore not have any negative impacts. The impacts will have a positive effect both for the Individuals who receive the service and for the wider community. The proposal will have a positive impact on reducing engagement in criminal activity and increasing engagement in education, training and employment.	
A full impact assessment (second stage) is required	

Reasons for this conclusion

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	Name	Position	Signature	Date
Completed by	Erica Barrett	Contract Monitoring Officer		
Signed off by		Head of Service/Director		

Tudalen63

Mae'r dudalen hon yn fwiadol wag