



Y CABINET

YN SYTH AR ÔL CYFARFOD PWYLLGOR CRAFFU'R CABINET

1st MEDI 2021

O BELL DRWY MICROSOFT TEAMS

RHAID GOSOD POB FFÔN SYMUDOL AR Y MODD DISTAW AR GYFER PARHAD Y CYFARFOD

Rhan 1

1. Penodi Cadeirydd
2. Croeso a galw'r enwau
3. Cyhoeddiad(au) y Cadeirydd
4. Datganiadau o fuddiannau
5. Cofnodion y Cyfarfod Blaenorol ar 30 Mehefin 2021
(*Tudalennau 3 - 8*)
6. Cynigion prosiect a wnaed i Gronfa Gymunedol yr Aelodau.
(*Tudalennau 9 - 36*)
7. Rheoli Risgiau a Chyfrifoldebau mewn perthynas â Thomenni
Glofeydd a Chwareli Segur o fewn yr awdurdod a rheoli Diogelwch
Tomenni Glo yn y dyfodol. (*Tudalennau 37 - 94*)

8. Eitemau brys
Unrhyw eitemau brys (boed yn gyhoeddus neu wedi'u heithrio) yn ôl disgresiwn y Cadeirydd yn unol ag Adran 100b (4)(B) o Ddeddf Llywodraeth Leol 1972.
9. Mynediad i Gyfarfodydd
Penderfynu gwahardd y cyhoedd ar gyfer yr eitem ganlynol yn unol â Rheoliad 4 (3) a (5) o Offeryn Statudol 2001 Rhif 2290 a'r paragraffau 14 eithriedig perthnasol yn Rhan 4 Atodlen 12A o Ddeddf Llywodraeth Leol 1972.

Rhan 2

10. Atodiad 1 Rhestr o Domenni Glofeydd a Chwareli Segur (Wedi heithrio o dan baragraff 14)) (*Tudalennau 95 - 100*)

K.Jones
Prif Weithredwr

Canolfan Ddinesig
Port Talbot

Dydd Mercher, 25 Awst 2021

Aelodau'r Y Cabinet:

Y Cyngorwyr C.Clement-Williams, D.Jones, E.V.Latham,
A.R.Lockyer, P.A.Rees, P.D.Richards, A.Wingrave, L.Jones a/ac
M.Harvey

COFNOD A BENDERFYNIADAU GWEITHREDOL

Y CABINET

DYDD MERCHER, 30 MEHEFIN 2021

Cabinet Members:

Cynghorwyr:: C.Clement-Williams, D.Jones, E.V.Latham, A.R.Lockyer,
P.A.Rees, P.D.Richards, A.Wingrave, L.Jones a/ac
M.Harvey

Swyddogion yn bresennol:

K.Jones, A.Jarrett, A.Thomas, H.Jenkins, N.Pearce, D Griffiths, H.Jones,
M.Shaw, P. Hinder, C. Plowman and J.Woodman-Ralph

1. **APPOINTMENT OF CHAIRPERSON**

Cytunwyd y dylai'r Cynghorydd E.V. Latham gael ei benodi'n Gadeirydd ar gyfer y cyfarfod.

2. **DATGANIADAU O FUDDIANNAU**

Gwnaeth yr aelodau canlynol ddatganiad o fudd ar ddechrau'r cyfarfod.

Y Cynghorydd S. Rahaman Parthed: Eitem 5 ar yr Agenda, Rhaglen Sgiliau a Thalent Bargaen Ddinesig Bae Abertawe. Gan ei fod yn aelod o Gyd-bwyllgor Craffu Dinas-ranbarth Bae Abertawe.

Y Cynghorydd S. Freeguard Parthed: Eitem 5 ar yr Agenda, Rhaglen Sgiliau a Thalent Bargaen Ddinesig Bae Abertawe. Gan ei bod yn aelod o Gyd-bwyllgor Craffu Dinas-ranbarth Bae Abertawe.

3. **RHAGLEN SGILIAU A THALENT BARGEN DDINESIG BAE ABERTAWE**

Penderfyniadau:

Ar ôl rhoi sylw dyladwy i gam cyntaf yr Aseiad Effaith Integredig:

1. Cymeradwyr achos busnes Talent a Bargen Ddinesig Bae Abertawe a'i gyflwyno'n ffurfiol i'r Swyddfa Rheoli Portffolio yn unol â Chynllun Gweithredu'r Fargen Ddinesig i sicrhau cymeradwyaeth ariannol y Fargen Ddinesig.
2. Rhoddir awdurdod dirprwyedig i Gyfarwyddwr yr Amgylchedd ac Adfywio, mewn ymgynghoriad â'r Aelod Cabinet perthnasol, gymeradwyo unrhyw ddiwygiadau i'r achos busnes sy'n ofynnol er mwyn cael cymeradwyaeth ar lefel leol a chenedlaethol.

Rheswm dros y penderfyniadau:

Er mwyn galluogi cyflwyno'r achos busnes Sgiliau a Thalent yn ffurfiol i'r Swyddfa Rheoli Portffolio yn unol â phroses cymeradwyo prosiect y Fargen Ddinesig.

Rhoi Penderfyniadau ar Waith:

Caiff y penderfyniad ei roi ar waith ar ôl y cyfnod galw i mewn o dridiau.

4. **PROSIECT SINEMA CANOLFAN CELFYDDYDAU PONTARDAWE**

Penderfyniad:

Ar ôl rhoi sylw dyladwy i gam cyntaf yr Aseiad Effaith Integredig. Rhoddir cymeradwyaeth i neilltuo £600K ychwanegol ar gyfer datblygu'r sinema 70 sedd, llety ategol a chynigion adnewyddu llawr gwaelod mewnol Canolfan Celfyddydau Pontardawe fel y nodir yn yr adroddiad a ddosbarthwyd.

Rheswm dros y penderfyniad:

Galluogi'r cynnig presennol yng Nghanolfan Gelfyddydau Pontardawe i gynyddu incwm cynyddol gan arwain at lai o gymhorthdal.

Rhoi'r Penderfyniad ar Waith:

Caiff y penderfyniad ei roi ar waith ar ôl y cyfnod galw i mewn o dridiau.

5. **ADOLYGIAD ARCHWILIO CYMRU O'R SYSTEM RHEOLI PERFFORMIAD CORFFORAETHOL (SRHPC)**

Derbyniodd yr Aelodau ddiweddariad llafar a oedd yn tynnu sylw at y ffaith bod rhoi'r penderfyniad ar waith wedi'i hepgor o'r adroddiad. Dylai'r adroddiad fod wedi datgan bod y penderfyniad yn amodol ar y cyfnod galw i mewn o dridiau.

Penderfyniad:

Rhoddir cymeradwyaeth i ymgymryd â'r gwaith mewn perthynas â'r cyfleoedd i wella fel y nodir yn y cynllun gweithredu a geir yn Atodiad 1 i'r adroddiad a ddosbarthwyd.

Rheswm dros y penderfyniad:

I sicrhau bod gan y Cyngor drefniadau ar waith i gryfhau ei drefniadau cynllunio busnes, rheoli perfformiad a rheoli risg.

Rhoi'r Penderfyniad ar Waith:

Caiff y penderfyniad ei roi ar waith ar ôl y cyfnod galw i mewn o dridiau.

6. **BUDDSODDIADAU O GRONFEYDD WRTH GEFN 2021/2022**

Penderfyniad:

Ar ôl rhoi sylw dyladwy i gam cyntaf yr Asesiad Effaith Integredig, caiff y buddsoddiadau fel y'u nodir yn yr adroddiad a ddosbarthwyd eu cymeradwyo.

Rheswm dros y penderfyniad:

Darparu gallu a chymorth ychwanegol i fusnesau, defnyddwyr gwasanaethau a chymunedau wrth i ni adfer o effeithiau COVID-19.

Rhoi'r Penderfyniad ar Waith:

Caiff y penderfyniad ei roi ar waith ar ôl y cyfnod galw i mewn o dridiau.

7. ADFER, AILOSOD, ADNEWYDDU

Penderfyniadau:

1. Nodir ymateb y cyngor i COVID-19 hyd yma.
2. Nodir y gwaith sy'n mynd rhagddo ar hyn o bryd i gefnogi'r ymateb parhaus i COVID-19 a'r gwaith cynnar sy'n cael ei wneud i baratoi'r ffordd ar gyfer adferiad tymor hwy.
3. Cymeradwyir y fframwaith a amlinellir yn yr adroddiad a ddosbarthwyd i lywio gwaith i adfer, ailosod ac adnewyddu gwasanaethau a swyddogaethau'r cyngor a blaenoriaethau tymor hwy.
4. Cymeradwyir y cynllun ymgysylltu.
5. Mae'r ymgysylltu hwnnw'n digwydd gyda'r Gymdeithas Llywodraeth Leol, gan brofi'r ymagwedd at gynllunio adferiad gyda phanel cymheiriaid allanol, annibynnol.

Rheswm dros y penderfyniadau:

I sicrhau bod ymagwedd strwythuredig at yr ymateb parhaus i COVID-19 a'r gwaith cynnar i gynllunio llwybr at adferiad a bod yr ymagwedd yn darparu ar gyfer mewnbwn gan ystod eang o randdeiliaid.

Rhoi'r Penderfyniad ar Waith:

Caiff y penderfyniad ei roi ar waith ar ôl y cyfnod galw i mewn o dridiau.

8. TÎM GORFODI COVID-19

Yn nodi:

Y dylid nodi'r canlynol:

- Gwaith parhaus tîm Gorfodi COVID-19 ac
- Ymestyn contractau staff (yn unol â dirprwyaeth gytunedig y Pwyllgor Personél) tan 31 Mawrth 2022 ac i'r Awdurdod geisio

adennill costau ychwanegol o Gronfa Caledi Awdurdodau Lleol Llywodraeth Cymru.

9. **PAPUR GWAITH AR Y CYD BWRDD IECHYD PRIFYSGOL BAE ABERTAWA A CHYNGOR BWRDEISTREF SIROL CASTELL-NEDD PORT TALBOT AR GWM AFAN UCHAF**

Penderfyniadau:

1. Caiff ymagwedd gydlynol rhwng Bwrdd Iechyd Prifysgol Bae Abertawe a Chyngor Bwrdeistref Sirol Castell-nedd Port Talbot ei chymryd fel eu bod ar y cyd yn mynd ati o bosib i adleoli'r cyfleuster iechyd a gwneud gwelliannau i'r briffordd.
2. Caiff cyfarfod ar y cyd ei drefnu â swyddogion Llywodraeth Cymru i archwilio'r potensial ar gyfer yr ymagwedd hon a buddsoddi.
3. Caiff y gweithgareddau ymgysylltu ar gyfer iechyd a phrifyrdd eu datblygu a'u cydweddu.

Rheswm dros y penderfyniadau:

I gefnogi ymagwedd gydlynol rhwng Bwrdd Iechyd Prifysgol Bae Abertawe a Chyngor Bwrdeistref Sirol Castell-nedd Port Talbot.

Rhoi Penderfyniadau ar Waith:

Gyda chytundeb y Cadeirydd Craffu yn y cyfarfod. Caiff y penderfyniad ei roi ar waith ar unwaith ac felly nid yw'n destun y cyfnod galw i mewn o dridiau.

10. **'CYMRU WRTH-HILIOI: CYNLLUN GWEITHREDU CYDRADDOLDEB HILIOI CYMRU – YMATEB DRAFFT I'R YMGYNGHORIAD**

Penderfyniad:

Cymeradwyir yr ymateb i ymgynghoriad Llywodraeth Cymru ar 'Cymru Wrth-hiliol: Cynllun Gweithredu Cydraddoldeb Hiliol Cymru' a'i gyflwyno i Lywodraeth Cymru ar ran Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot.

Rheswm dros y penderfyniad:

I gefnogi gofynion statudol a nodir yn Rheoliadau Deddf Cydraddoldeb 2010 (Dyletswyddau Statudol) (Cymru) 2011.

Rhoi'r Penderfyniad ar Waith:

Caiff y penderfyniad ei roi ar waith ar ôl y cyfnod galw i mewn o dridiau.

11. **CRONFA GYMUNEDOL YR AELODAU**

Penderfyniadau:

1. Caiff yr adroddiad ei nodi.

2. Rhoddir cymeradwyaeth i ail-lansio Cronfa Gymunedol yr Aelodau o fewn cyfyngiadau amserlen gryno.

Rheswm dros y penderfyniadau:

Hwyluso llywodraethu a chyflwyno Cronfa'r Aelodau yn ei ail dymor

Rhoi Penderfyniadau ar Waith:

Gyda chytundeb y Cadeirydd Craffu yn y cyfarfod. Caiff y penderfyniad ei roi ar waith ar unwaith ac nid yw'n destun y cyfnod galw i mewn o dridiau.

CADEIRYDD

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Cabinet

1st September 2021

Report of the Head of Support Services and Transformation

Matter for Decision

Wards Affected: Dyffryn Clydach, Port Talbot, Coedffranc North, Aberdulais, Baglan and Neath South.

Project Proposals made to the Members Community Fund

Purpose of the Report

1. To seek approval to fund project proposals that request financial support under the Members Community Fund.

Executive Summary

2. The Members Community Fund is to be used to address local needs and to support projects and initiatives that will contribute towards creating vibrant and sustainable communities.
3. The Project Development & Funding Unit (PDFU) within ELLL is charged with the governance of the Fund and will act as the Grant Management Organisation.

4. Bids can be made for projects that enhance existing Council services, assist voluntary sector provision or form part of a larger initiative that is in need of additional financial support.
5. Eligible projects will include those that enrich the environment, promote non - statutory education and learning, assist health & well-being, and promote culture and / or recreation in all its forms.
6. Project proposals seeking funding are to be formally submitted to the PDFU. Bids are checked for completeness, accuracy and deliverability and will be deemed 'fit for purpose' and ready for determination by Cabinet. Officers have considered the project proposals submitted by Members and these are deemed to comply with the Policy as endorsed by Cabinet on the 25th June 2020 and 30th June 2021

Background

7. The 'Background' or 'Project Specifics' pertinent to each project are set out in the appendices to this report. The detail on the 'Project Specifics' will expand upon the Project Description, the Applicant, the need, the community benefit and how the project costs have been arrived at.
8. The Appendices included with this report, and subsequently the projects to be evaluated, are as follows:-
 - (a) Appendix A - An Application by Cllr Martyn Peters for a Greening Initiative in the Ward of Dyffryn. Project comprises the placement and planting of 16 raised planters positioned strategically and safely throughout Longford and the Highlands. Total request of the Members Community Fund is £9,828.47.
 - (b) Appendix B - An Application by Cllr Dennis Keogh for the Extension of existing double yellow line road markings at the junction of Pen-y-Cae Road and Gwar-y-Caeau Road, Port Talbot. Project involves the making of two 'no waiting at any time' Traffic Regulation Orders, advertising for their enforcement, design work and the marking of double

yellow lines. Total request of the Members Community Fund is £4,500.

- (c) Appendix C - An Application by Cllr Mike Harvey for supply and installation of an Automated External Defibrillator (AED) at Skewen RFC, Tennant Park, Coedffranc North. Total request of the Members Community Fund is £1,824.
- (d) Appendix D - An Application by Cllr Doreen Jones for supply and installation of new playground apparatus at Cefn Yr Allt play area, Aberdulais. The funding will be used to procure and install new dynamic and challenging play equipment including an Inclusive Dish Roundabout, a Springer, a see saw and a 'Play Zone' Multi play unit. Total request of the Members Community Fund is £10,000 towards a £25,448 project.
- (e) Appendix E - An Application by Councillors Peter Richards, Carol Clement-Williams and Susanne Renkes for supply and installation of new playground apparatus at Baglan Park, Lodge Drive, Baglan. New installations will include 118 square metres of Wet pour surfacing in front of an existing Play End Wall, a new 25m Cableway, a Pendulum Seat Combination Swing, a Springy see-saw and an Inclusive wheelchair accessible Seat & Scooter Roundabout. Total request of the Members Community Fund is £30,000 towards a £48,356 project.
- (f) Appendix F - An Application by Councillors Peter Rees and Jamie Evans for supply and installation of new playground apparatus at Mount Pleasant Play Area, Neath South. The existing play facilities will be improved by installing a 'Spiro-Whirl' roundabout and a 'Mini Swing' with inclusive basket seat. Total request of the Members Community Fund is £12,994.15.

Financial Impact

9. All projects must be sustainable. Projects must have a robust exit strategy that places no additional revenue or financial

burden on the Council. Maintenance responsibilities and the ongoing revenue commitment to keep a project functioning beyond the life of the Grant will have been rigorously investigated to determine as to whether there are any financial burdens on the Council.

Integrated Impact Assessment

10. 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 as the summary concludes there are positive outcomes for the sustainable development principle, collaboration and involvement, with no impact on equalities or the Welsh language.

Valleys Communities Impacts

11. No implications

Workforce Impacts

12. No implications

Legal Impacts

13. The delivery of the Members Community Fund will come within the purview of the Local Government Act 2000 which contains well-being powers which enable every Local Authority to have the ability to do anything which it considers likely to promote an improvement to economic, social or environmental well-being in the area. Eligible projects will include those that enrich the environment, promote non - statutory education and learning, assist health & well-being, and promote culture and / or recreation in all its forms

Risk Management

14. There are no risk management issues associated with the reporting.

Consultation

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

Recommendations

16. It is recommended that, having due regard to the Integrated Impact Screening Assessment that members approve the following applications:
 - (a) An Application by Cllr Martyn Peters for a Greening Initiative in the Ward of Dyffryn as set out in Appendix A
 - (b) An Application by Cllr Dennis Keogh for the Extension of existing double yellow line road markings at the junction of Pen-y-Cae Road and Gwar-y-Caeau Road, Port Talbot as set out in Appendix B
 - (c) An Application by Cllr Mike Harvey for supply and installation of an Automated External Defibrillator (AED) at Skewen RFC, Tennant Park, Coedffranc North as set out in Appendix C
 - (d) An Application by Cllr Doreen Jones for supply and installation of new playground apparatus at Cefn Yr Allt play area, Aberdulais as set out in Appendix D
 - (e) An Application by Councillors Peter Richards, Carol Clement-Williams and Susanne Renkes for supply and installation of new playground apparatus at Baglan Park, Lodge Drive, Baglan as set out in Appendix E
 - (f) An Application by Councillors Peter Rees and Jamie Evans for supply and installation of new playground apparatus at Mount Pleasant Play Area, Neath South as set out in Appendix F

Reasons for Proposed Decision

17. To approve the Applications for funding that have been received under the Members Community Fund.

Implementation of Decision

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

List of Background Papers

19. None

Officer Contact

20. Paul Hinder,
Project Development & Funding Manager, (ELLL).
Tel: 01639 763390, email: p.hinder@npt.gov.uk

Mae'r dudalen hon yn fwriadol wag

Appendix A.

Background or 'Project Specifics' – Application MF001/T2

A Greening initiative in the Ward of Dyffryn comprising the placement and planting of 16 raised planters (1 x 1 x 0.45m) positioned strategically and safely throughout Longford and the Highlands.

This project proposal builds upon the earlier success of the environmental improvements brought about by the Members Fund in Dyffryn Clydach two years ago.

Past experience reveals that residents are keen to expand and augment what has already been achieved as it has improved pride in place, increased community spirit, encouraged biodiversity and prevented indiscriminate car parking on grass verges.

Once installed local residents and the Community Council will adopt and maintain the planters.

Advice has been taken from NPTCBC 'Street Care' Services with regard to how best to locate the planters without creating obstacles for pedestrians and the grass cutting crews or interfering with motorists and visual splays.

The cost of the planters, compost, plants and labour to install has been arrived at with 'Street Care' Services.

Recommendations

The project is valued at £9,828.47. The Applicant, Councillor Martyn Peters, would wish to contribute the whole amount, using his Members Fund allocation in this tranche.

The lasting legacy of the investment would be to make the Ward more visually attractive in the hope that it will encourage people to take ownership and better care of their surroundings.

The project proposal is recommended for approval and financial support under the Members Community Fund.

Mae'r dudalen hon yn fwriadol wag

Appendix B.

Background or 'Project Specifics' – Application MF002/T2

Extension of existing double yellow line road markings at the junction of Pen-y-Cae Road and Gwar-y-Caeau Road, Port Talbot.

This bid has been developed by one of the Ward Members for Port Talbot, and will involve the making of two 'no waiting at any time' Traffic Regulation Orders, advertising for their enforcement, design work and the marking of double yellow lines.

The need for this initiative has come to the attention of the local Councillor and Officers within the Highways Department. The provision of double yellow lines at Gwar Y Caeau Road will prevent it from becoming blocked at a notorious choke point; its junction with Pen Y Cae Road. The extension of the existing Traffic Order to include the front of properties 30 and 32 Pen Y Cae Road will prevent the blocking of exits and improve the visibility of oncoming traffic.

The project has the support of the NPTCBC Engineering and Transport Division. It is seen as an enhancement to Council services and will be maintained into the future as part of the highway asset infrastructure.

The total cost of this scheme is £4,500.00. The request for Grant aid from the Members Community Fund is for 100% of the project cost from Councillor Dennis Keogh's allocation.

Recommendations

The total cost of this scheme is £4,500.00. The request for Grant aid from the Members Community Fund is for 100% of the project cost from Councillor Dennis Keogh's allocation for Port Talbot.

The project proposal is recommended for approval and financial support under the Members Community Fund.

Appendix C.

Background or 'Project Specifics' – Application MF003/T2

To supply and install an Automated External Defibrillator (AED) at Skewen RFC, Tennant Park, Skewen.

This bid has been developed to 'Assist Voluntary Sector providers.'

The funding will be used to procure a 'Powerheart G5' AED, complete with secure stainless steel cabinet, 3D signage and a 'ready kit,' including everything a potential rescuer might need such as gloves, scissors, gauze, alcohol prep wipes, etc. The defibrillator will be mounted to the exterior of the Skewen RFC Clubhouse so it is available for wider community use. The stainless steel cabinet will be connected to a trickle feed of electricity, ensuring that the batteries and pads are kept at an ambient temperature and ready for immediate use.

The need for this initiative has come to the attention of the local Ward Member. Currently the only defibrillator at Tennant Park is located within the Social Club and only available when it is open. Similar equipment is available at Skewen Park, and at the Police Station, however both of these locations are some distance away and would be unsuitable when time is of the essence.

Tennant Park is not only a venue for sport, but also hosts a children's playground and is popular with dog walkers. In the unfortunate event of a cardiac arrest, the provision of an AED would allow persons in the vicinity to perform emergency medical treatment whilst waiting for the Emergency Services to respond.

The scheme has no financial implications for NPTCBC. The defibrillator will be the responsibility of Skewen RFC, who have made an ongoing commitment to ensuring that it is appropriately insured and maintained in perpetuity.

Recommendations

The project is valued at £1,824, which is the full cost of procuring and installing the defibrillator and stainless steel cabinet .The Applicant,

Councillor Mike Harvey, would wish to fund the entirety of the project using a portion of his £10,000 allocation for Coedffranc North.

The project proposal is recommended for approval and financial support under the Members Community Fund.

Appendix D.

Background or 'Project Specifics' – Application MF004/T2

To supply and install new playground apparatus to the Cefn Yr Allt play area in Aberdulais.

This bid has been developed to 'Enhance Existing Council Services.'

The funding will be used to procure and install new dynamic and challenging play equipment to replace items that have been deemed by a recent RoSPA inspection to be time expired. New apparatus will include an Inclusive Dish Roundabout for children with limiting mobility, a Springer, a new see saw and a new Play Zone replacing the 'Tropica' Multi play unit that is corroded. All new equipment to be protected by Impact Absorbing Safety Surfacing or wet pour to meet modern day BS EN1177 compliances. The new apparatus to receive a Post Installation Inspection by an independent Service Engineer to ensure all work is safe and fit for purpose before inviting public use.

The need for this initiative has come to the attention of the local Ward Member. Representation has been made by residents, parents and grandparents as the play area has not received investment for many years and is considered now to be 'tired'. The site is a difficult site to access but the Play Company quoting for the refurbishment work have factored that in

The Cefn Yr Allt play area could, with this investment, again become a meeting point for the growing number of young families in the village, a place to play but also to socialise. The play provision at Cefn Yr Allt has been historically poor with young mothers with children walking to Cilfrew, Cadoxton or Ynysygerwn Crescent to avail themselves of adequate play facilities. This could be corrected with this investment placing the amenities on their doorstep as a Locally Equipped Area for Play (a LAP).

The scheme has no further financial implications for NPTCBC as it comes within the existing maintenance and inspection regime of 'Street Scene' and Environmental Services. There will be less maintenance in the short term with new play equipment benefiting from 5 and 10 year warranties on structural failure,

Recommendations

The project is valued at £25,448, which is the full cost of procuring and installing all of the equipment .The Applicant, Councillor Doreen Jones, would wish to fund this project using the whole of her Members Fund allocation for the Ward of Aberdulais. £15,000 has been allocated to this project from the Environment Street Scene replacement playground equipment Capital programme. The £448 funding shortfall will be provided from the PDFU 'Enabling Fund'.

The project proposal is recommended for approval and financial support under the Members Community Fund.

Appendix E.

Background or 'Project Specifics' – Application MF005/T2

To supply and install new playground apparatus to Baglan Park, Lodge Drive, Baglan.

This bid has been developed to 'Enhance Existing Council Services' and will be part of a more complex project requiring an input from the PDFU.

The funding will be used to procure and install new dynamic, adventurous and challenging play equipment to augment current provision. A range of equipment has been chosen to be of maximum appeal to Toddlers, juniors, early teens and young people alike.

New installations will include 118 square metres of Wet pour surfacing in front of the existing Play End Wall to arrest further erosion, a new 25m Cableway, a Pendulum Seat Combination Swing, a Springy see-saw and an Inclusive wheelchair accessible Seat & Scooter Roundabout. All new equipment to be protected by Impact Absorbing Safety Surfacing to meet modern day BS EN1177 compliances. The new apparatus to receive a Post Installation Inspection by an independent Service Engineer to ensure all work is safe and fit for purpose before inviting public use.

The need for this initiative has come to the attention of the local Ward Members. A consultation exercise conducted digitally and through 'Facebook' generated over 100 positive responses to the proposal that is now being tabled for Members funding. Representation has been made by residents, parents and grandparents as the play area has not received investment for many years. The site is already segregated to allow young children and older teens to simultaneously enjoy exercise and play in a safe, secure environment without colliding with each other.

Baglan Park play area could, with this investment, grow to become a meeting point for young families in the village, attract older children to age appropriate play equipment like the Cableway and be a place where young people could hang out to socialise and play sport. This

would in turn help to regenerate Baglan making it more vibrant, attractive and a better place to live, promoting inward migration.

The scheme has no further financial implications for NPTCBC as it comes within the existing maintenance and inspection regime of 'Street Scene' and Environmental Services. There will be less maintenance in the short term with new play equipment benefiting from 5 and 10 year warranties on structural failure,

Recommendations

The project is valued at £48,356.00, which is the full cost of procuring and installing all of the equipment. The Applicants, Councillors Peter. D. Richards, Carol Clement – Williams and Susanne Renkes would wish to fund this project using the whole of their Members Fund allocation for the Ward of Baglan. A further £15,656.00 match funding has been secured from the Baglan Energy Park Solar Farm. The funding package is completed with a £2,700 contribution from the Section 106 community benefit Fund associated with a 'Coastal Housing' development at Baglan Stables

The project proposal is recommended for approval and financial support under the Members Community Fund.

Appendix F.

Background or 'Project Specifics' – Application MF006/T2

To supply and install new playground apparatus at the Mount Pleasant Play Area, Neath South.

This bid has been developed to 'Enhance Existing Council Services.'

The proposal is to improve the existing play facilities at Mount Pleasant by installing two additional pieces of play apparatus; a 'Spiro-Whirl' roundabout and a 'Mini Swing' with inclusive basket seat. The quotation received from a reputable play company also includes for the requisite impact-absorbing safety surfacing.

The play area is located in one of the more deprived areas of Neath South. Representation has been made to the local Ward Members that the play area is basic, lacks variety and does not cater to the high volume of activity it receives, particularly during the summer months. The two additional items of equipment will improve play value, make good use of the existing vacant space, and fill identified gaps in provision for apparatus that encourages spinning/rotating and swinging.

The new play equipment will be of robust construction. It conforms to the relevant British and European standards i.e. steel components to EN 10087:1998, polyester powder paint to EN 13438:2005. The fixings are anti-vandal and corrosion resistant. Due to this there should not be any issues in terms of repair/replacement for the length of the warranty period. The equipment will receive a Post Installation Inspection by an independent Service Engineer, to ensure it is safe and fit for purpose before inviting public use.

The scheme has no further financial implications for NPTCBC as it comes within the existing maintenance and inspection regime of 'Street Scene' and Environmental Services.

Recommendations

The project is valued at £12,994.15, which is the full cost of manufacturing and installing the new play equipment. Councillor

Peter Rees, and Councillor Jamie Evans, would wish to fund this project using all and part of their Members Fund allocations, with Cllr Rees committing £10,000, and Cllr Evans contributing the remaining £2,994.15.

The project proposal is recommended for approval and financial support under the Members Community Fund.

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

Improved environmental and play proposals that will augment biodiversity and equipped play provision.
Service Area: Project Development and Funding
Directorate: Education, Leisure and Lifelong Learning

2. Does the initiative affect:

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

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		✓				
Disability		✓				
Gender Reassignment		✓				
Marriage/Civil Partnership		✓				
Pregnancy/Maternity		✓				
Race		✓				
Religion/Belief		✓				
Sex		✓				
Sexual orientation		✓				

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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		✓				
Treating the Welsh language no less favourably than English		✓				

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	Positively support pollinating insects under the Council's Biodiversity Duty Plan
To promote the resilience of ecosystems, i.e. supporting protection of the wider environment, such as air quality, flood alleviation, etc.		✓				

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	✓		An investment that will positively impact on many future generations of children and young people.
Integration - how the initiative impacts upon our wellbeing objectives	✓		Opportunities for improved physical and mental health
Involvement - how people have been involved in developing the initiative	✓		Through Social media and face to face meetings held between Councillors and their constituents.
Collaboration - how we have worked with other services/organisations to find shared sustainable solutions	✓		Joint working ELLL with 'Environment & Street Scene'
Prevention - how the initiative will prevent problems occurring or getting worse	✓		Use of equipment with a 10 – 25 year warranty against structural failure

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

A full impact assessment (second stage) is not required	✓
Reasons for this conclusion	
The summary concludes there are positive outcomes for the sustainable development principle, collaboration and involvement, with no impact on Equalities or the Welsh language.	

A full impact assessment (second stage) is required	
Reasons for this conclusion	

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	Name	Position	Signature	Date
Completed by	Paul Hinder	Project Manager		24.08.21
Signed off by	Rhiannon Crowhurst	Head of Service		

Mae'r dudalen hon yn fwiadol wag

NEATH PORT-TALBOT COUNTY BOROUGH COUNCIL CABINET

1st September 2021

Appendix 1 – Exempt Under Paragraph 14 - Tip List with Categories

Not for publication pursuant to Regulation 5(2) & (5) of Statutory Instrument 2001 No. 2290 and Paragraph 14 of Part 4 of Schedule 12A to the Local Government Act 1972. Pursuant also to Paragraph 21 of the Schedule, and in all the circumstances of the case, the public interest in maintaining the exemption, is considered to outweigh the public interest in disclosing the information.

Report of Head of Engineering & Transport D. W. Griffiths

Matter for Decision

Wards affected: All

Management of Risk and Liabilities of disused Mine and Quarry Tips within the Authority and the future management of Coal Tip Safety.

Purpose of Report

- 1 To advise members of the risks and liabilities associated with historic coal and quarry waste tips within the Authority. The work of the Welsh Government Coal Tip Safety Task Force and the Law Commissions consultation exercise on the future management of Coal Tip Safety in Wales.

Executive Summary

- 2 There are two distinct sub-groups of disused tips within NPT's boundary:-
 - a. Those where the Authority is the landowner (and thus the owner of the tip) and has particular responsibilities under the Mines and Quarries Act 1969-Part II.
 - b. Tips owned by others. All tips have the potential to endanger the public and the Authority has powers (but not duties) under the Mines and Quarries Act to require tip owners to carry out remedial works to make the tip safe, or to carry out such works itself and recover the costs.
- 3 Between 2017 & the summer of 2020 there have been 172 tips catalogued in the NPT area. Of these, at least 33 have been remediated to some degree (our inventory may be out of date regarding this aspect). There are 33 tips (at present) owned by the authority and of these, at least 9 have been remediated. During this period, we have been identifying the ownership & footprint of each tip, creating a database for each tip, monitoring and risk rating them.

Background

- 4 Members may recollect the national media coverage of the Tylorstown coal tip slide in February 2020 which brought down 60,000 tonnes of coal tip waste into the Rhondda Fach River in Rhondda Cynon Taf. The slide followed Storm Dennis, which saw unprecedented levels of rainfall across Wales. In response, the First Minister and the Secretary of State for Wales commissioned an urgent programme of work to ensure the safe and effective management of coal tips across Wales. This led to the creation of the Coal Tip Safety Task Force, headed by the Department for Environment and Rural Affairs. As part of this work, the Welsh Government commissioned the Coal Authority to carry out an immediate review of all coal tips in Wales.
- 5 Following the setting up of the Coal Tip Safety Taskforce in 2020 the Coal Authority in conjunction with NPT undertook an audit of all existing data, Lidar & aerial photography and have established that

there are now over 404 sites in NPT. The majority of these new sites are due to tip complexes being broken down and recorded as individual tips. Many of which require investigation and inspection to establish if they still exist and their status. Currently 38 of these tips are within NPT ownership.

- 6 The Coal Authority have also undertaken a comprehensive investigation with Land Registry and has identified 93% of coal tip owners and are in the process of attaching Land Ownership to each tip and feeding this back to each Local Authority. Initial results show 7% of tips remain unregistered and 38% are in public ownership i.e. LA, Coal Authority, WG and Natural Resources Wales.
- 7 Whilst there are no *statutory* requirements in the Mines and Quarries act for inspection of disused tips, it is considered good practice to inspect them on a regular basis and to keep records of such inspections. The Act specifically states that we have a duty to be in possession of all information pertaining to the extent and condition, to assess whether a disused tip in its area is stable and whether any instability of the tip is or is likely to constitute a danger to members of the public.
- 8 The Welsh Government have subsequently invited the Law Commission to undertake an independent review of coal tip safety legislation. The project began in November 2020. The agreed terms of reference are:
 - To review the law governing coal tips in Wales and consider options for a modern legislative framework, in line with Wales' existing legislation, including the Well-being of Future Generations (Wales) Act and Environment (Wales) Act, for regulating their safety.
 - To recommend a coherent, standardised and future-proofed system for identifying, recording, inspecting and maintaining coal tips throughout their lifecycle, identifying an overarching set of duties and adopting a uniform approach to risk assessment.

- 9 Any new legislation is likely to require improved monitoring of tips and spell out the responsibilities of the owner & the Local Authority, with more prescriptive duties.

The consultation process which invites all interested parties to express their opinions was opened up by The Law Commission on 9th June 2021 (<https://www.lawcom.gov.uk/project/regulating-coal-safety-tips-in-wales>) and is due to close on the 10th September 2021. The Law Commission's intention is to report to WG in early 2022 with recommendations.

As part of the consultation, the Coal Authority, on behalf of WG, has written to all landowners who have category C & D tips on their land to make them aware of the consultation process.

It is proposed due to the timescales that NPT's response to the consultation, be endorsed by the Cabinet Member for Streetscene and Engineering prior to submission.

Previous Management of Disused Tips within the County

- 10 Until April 2015 the Planning Section held the responsibility for Mineral Planning and the management of the disused tips was carried out by the Engineering Section.
- 11 With the retirement of NPT's Mineral Planning specialist, the Mineral Planning inspection function has transferred to Carmarthen County Council under a Service level Agreement. NPTCBC still retain the responsibility and the decision making power. The engineer who dealt with the tips management also retired around this time. A review was subsequently initiated in 2017 of disused tips monitoring and inspection to ensure that the Authority fulfils its obligations.
- 12 All tips have been risk-rated into four categories, 'A' being lowest risk, 'D' being highest. Most tips within NPT are currently rated as 'A' but there are 6 'B', 7 'C' and 3 'D'. Inspection frequency have been based on these categories, with the highest risk sites being inspected every 6 weeks.
- 13 The tips are inspected based on the following categorisation:

Group A - Remote from habitable property, unlikely to give risk to life or property and with no history of movement. (Inspected every 2 years).

Group B - Stable with no history of movement but any movement may interfere with watercourses etc. which, in turn, may adversely affect habitable properties. (Inspected every 12 months).

Group C - Site located in proximity of habitable property, watercourses etc. (Inspected every 6 months).

Group D - Site located in proximity to habitable property, watercourses etc., with known history of movement or obvious signs of instability. (Inspected every 6 to 8 weeks, supplemented by more frequent visits during periods of heavy rainfall).

Inspections will identify any deterioration in the tip since the previous inspection and will inform the potential reclassification of a tip to a higher or lower risk category.

- 14 The Coal Authority were engaged in 2017 to undertake a joint inspection with our engineers of the 33 tips in NPT's ownership and to produce a condition report for each tip. These inspection were carried out between 2017 & 2019.
- 15 These reports were developed into a programme of maintenance work on NPT owned tips. Capital funding of £250K was allocated to start dealing with engineering works identified to mitigate the risks and profiled over 2 financial years 2019/20 & 2020/21, This work is on going.
- 16 The catalogue of tips is stored on the authority's Asset Management System (AMX) with individual boundaries. These are currently being updated in line with the data supplied by the Coal Authority. At present, it is not known what system the Coal Tip Safety Taskforce will recommend for the standardisation of records for the South Wales Coalfield's tips.
- 17 The Engineering Section are utilising drones to capture 3-D models of some of our larger tips so that we can more easily identify areas of movement.

Proposals for Future Management

- 18 It will be important to continue working closely with the Coal Tip Safety Taskforce to ensure that our experiences help to shape the new legislation and best practice guidance. A review of our procedures will be required following the introduction of the new legislation in order to ensure future compliance.
- 19 To maintain and update the existing database of tips and inspect tips within our County Council ownership. Working with the Coal Authority, will help to compile a definitive list, including boundary and risk category by mid-August 2021, prior to a map layer being placed on the data Map Wales website. <https://datamap.gov.wales/>

In preparation for the publication of the Map of Coal Tips in South Wales there will be a joint communications plan developed by the Task Force Communications Team and stakeholders on the data to be made publically available.

It should be noted that we do not inspect any of the tips owned by Natural Resources Wales as they have employed the Coal Authority to inspect them on their behalf.

- 20 It is important that capital maintenance work to NPT owned tips continues, as one of the major factors in tip instability is the impact of water ingress.
- 21 Continue to further develop our survey and monitoring techniques with the assistance of the Coal Authority in accordance with best practice.

In this regard the recent grant funding from Welsh Government during 2020/21 in the sum of £25,115.83 for the purchase of a new drone and Lidar unit (Appendix 5 award letter) will enable remote coal tips to be inspected much more efficiently and accurately. The benefit of these surveys are that they are able to penetrate vegetation more effectively than the current 3 - Dimensional modelling techniques employed. Officers within the structures teams already hold drone pilot licences and they will be fully trained in the use of the new Lidar surveying techniques in order that the tasks can continue to be delivered by the in-house team.

Financial Impact

- 22 As part of the Coal Tip Safety Taskforce, Welsh Government agreed to make funds available to Local Authorities for the costs associated with tip management following Storm Dennis.

The grant funding from Welsh Government (Appendix 4 award letter) in the sum of £189,490.20 was provided to NPT for the work carried out during the financial year 2020/21.

- 23 WG have also agreed to allocate funds for works identified in the Coal Authority Tip Inspection Reports undertaken and the additional requirements of increased inspections and surveying/monitoring equipment during the 2021/2022 financial year.

It is noted that WG have also agreed that this funding will cover the inspection of privately owned tips in the C & D high risk categories.

A bid of £1,157,243 has been submitted to WG to fund this year's work (See Appendix 3). A bid of £216,401 was also submitted to fund flood recovery resulting from the storms in 2020 (See Appendix 6).

WG have given a strong indication that funding will be made available to meet these costs. It is therefore proposed that the projects be added to the Council's Capital Programme and that the works be progressed in advance of the grant.

- 24 The annual cost of routine inspection of the NPT owned tips is currently £30k. Subject to any potential new requirements in the draft legislation in 2022 being accepted, then the inspection regime and costs to deliver these functions in the future are likely to be doubled to in the region of £60K. It should therefore be noted by Members that this will be a new revenue pressure that will need to be considered in the autumn budget review in readiness for the budget setting process for 2022-2023 and beyond.
- 25 At present it is not known whether the cost of undertaking work to privately owned tips may have to be borne by NPT, WG and/or UK Government. This will become more apparent following the publication of the new draft legislation in 2022 which will be a further financial burden but in line with WG funding protocol they should

also provide additional funding and this should be part of the response.

Equality Impact Assessment

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

Workforce Impact

- 27 There will be an impact on the workforce resulting from an increased tips inspections regime. Additionally if the Council are required to inspect privately owned tips then additional resources will be required to either employ additional staff or to appoint external technical support from the private sector to discharge the functions. There could also be impacts on the Council's Legal team should it be necessary to take any court action in ensuring compliance with the new legislation.

Legal Impact

- 28 At present the Authority has defined responsibilities under the Mines and Quarries Act 1969-Part II as Landowner for a number of the tips and general duty of care to residents for the remainder. It is important that there be a formal, recorded process of monitoring all tips within the county boundary in order to minimize any risk of prosecution for negligence. These responsibilities may change with any new requirements in the new draft legislation in 2022.

Risk Management

- 29 The level of physical risk posed by old tips has reduced considerably over the years as many have been re-graded and reclaimed. However, there are always processes acting on the tips, which can increase the risks they pose – extreme weather, drainage issues, geological processes, ill-advised alterations by private owners etc. The only way to manage these risks is through a formal inspection regime by suitably qualified and experienced personnel. It is better in the longer term that the necessary expertise be

developed and kept in-house for the sake of continuity of records and background knowledge. However it is recognised that specialist expertise will be needed to deal with particular technical problems from time to time.

Consultation

- 30 There is no requirement under the Constitution for external consultation on this item.
- 31 Internal Directorate Service Management teams, who are also stakeholders in terms of their respective land portfolios have been made aware of the potential changes to the legislation.

Recommendation(s)

- 32 Having due regard to the Integrated Impact Screening Assessment it is recommended that:
- 33 NPT inspect privately owned C & D high risk tips in conjunction with the Coal Authority until the new legislation comes into force.
- 34 The Bridges section continue to use their current Asset Management database to store records of the tips and monitoring regime, until a unified system is agreed and implemented.
- 35 That due to the timescales involved in preparing NPT's response to the Law Commissions consultation, that delegated power be granted to the Director of Environment and Regeneration to prepare and submit a response to the Law Commissions consultation exercise in consultation with the Cabinet Member for Streetscene and Engineering.
- 36 The coal tips and flood recovery projects be added to the Council's Capital Programme and the works be progressed in advance of the grant.

Reasons for Proposed Decision

- 37 To manage the risks and liabilities associated with historic coal and quarry waste tips within NPTCBC.

The response to the Welsh Government Coal Tip Safety Task Force and the Law Commissions consultation response will assist and inform the future management of Coal Tip Safety in Wales.

The planned programmes of work for the coal tips and flood recovery projects undertaken in advance of the grant award will help mitigate the associated risks early.

Implementation of Decision

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

Appendices

- 39 Appendix 1 - Tip List with Categories – July 2021
Not for publication pursuant to Regulation 5(2) & (5) of Statutory Instrument 2001 No. 2290 and Paragraph 14 of Part 4 of Schedule 12A to the Local Government Act 1972. Pursuant also to Paragraph 21 of the Schedule, and in all the circumstances of the case, the public interest in maintaining the exemption, is considered to outweigh the public interest in disclosing the information.

Appendix 2 - NPT Coal Spoil Tip Costs 2020/21

Appendix 3 - NPT Coal Spoil Tips Expenditure 2021/22 - Bid Work

Appendix 4 – NPT Grant Award Letter 2020/21

Appendix 5 – NPT Technology Trials Grant Award letter 2020/21

Appendix 6 – NPT Flood Recovery Expenditure 2021/22 – Bid Work

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Mae'r dudalen hon yn fwriadol wag

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

Management of Risk and Liabilities of disused Mine and Quarry Tips within the Authority and the future management of Coal Tip Safety.
Service Area: All wards
Directorate: Environment & Regeneration

2. Does the initiative affect:

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

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		✓				
Disability		✓				
Gender Reassignment		✓				
Marriage/Civil Partnership		✓				
Pregnancy/Maternity		✓				
Race		✓				
Religion/Belief		✓				
Sex		✓				
Sexual orientation		✓				

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		✓				
Treating the Welsh language no less favourably than English		✓				

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		✓				
To promote the resilience of ecosystems, i.e. supporting protection of the wider environment, such as air quality, flood alleviation, etc.		✓				

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

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	Yes	No	Details
Long term - how the initiative supports the long term well-being of people	✓		The management of the legacy of the coal mining in NPT will have a long term positive effect on the communities by removing/managing potential hazards
Integration - how the initiative impacts upon our wellbeing objectives	✓		
Involvement - how people have been involved in developing the initiative	✓		The management of the tips will be in conjunction with the Coal Tip Safety Taskforce, made up of WG, The Coal Authority & LA's across South Wales.
Collaboration - how we have worked with other services/organisations to find shared sustainable solutions	✓		The management of the tips will be in conjunction with the Coal Tip Safety Taskforce, made up of WG, The Coal Authority & LA's across South Wales.
Prevention - how the initiative will prevent problems occurring or getting worse	✓		The management of the legacy of the coal mining in NPT will have a long term positive effect on the communities by removing/managing potential hazards

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

A full impact assessment (second stage) is not required	✓
Reasons for this conclusion	
A full impact assessment is not required as the proposals will provide a benefit for the local communities.	

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A full impact assessment (second stage) is required	
Reasons for this conclusion	

	Name	Position	Signature	Date
Completed by	Hasan Hasan	Engineering Manager		
Signed off by	David Griffiths	Head of Service/Director		

Mae'r dudalen hon yn fwiadol wag

Local Authority	Spoil Tips/Tip Grouping Name	Spoil Tips/Tip Grouping Ref	Risk Rating	Ownership	Description of works	How works were identified	Local Authority Spend 2020/21
NPTCBC	Complex at Centre of Cwmafan	A01	C	Local Authority	Vegetation clearance & drainage	Coal Authority inspection	£14,205.11
NPTCBC	Dyffryn Rhondda Colliery Riverside	A02	B	Local Authority	Reconstruction of gabion wall	Coal Authority inspection	£8,357.00
NPTCBC	Old Dyffryn Rhondda Aerial Tips	A08	B	Local Authority	Reprofile minor slip areas & clear drainage. Fencing to prevent animal access.	Coal Authority inspection	£26,208.53
NPTCBC	Bryn (Navigation), Port Talbot	A27	B	Local Authority	Vegetation clearance & drainage	Coal Authority inspection	£12,000.00
NPTCBC	Pontwallby, Glynneath	N22	B	Local Authority	Vegetation clearance & drainage	Coal Authority inspection	£17,595.59
NPTCBC	Cilmaengwyn	L44	D	Local Authority	Consultants Hazard Assessment Design & Site Supervision costs Tip remapping		£62,100.53 £18,188.17 £30,835.27
						TOTAL	£189,490.20

Mae'r dudalen hon yn fwiadol wag

Mae'r dudalen hon yn fwiadol wag



Llywodraeth Cymru
Welsh Government

Nicola Pearce
Director of Environment & Regeneration
Neath Port Talbot CBC
The Quays
Brunel Way
Baglan Energy Park
Neath
SA11 2GG

26 March 2021

Dear Nicola Pearce

Award of Funding in relation to Coal Tip Safety Grant

1. Award of Funding

- (a) We are pleased to inform you that your Application has been successful and funding of up to £189,490.20 (*one hundred and eighty nine thousand four hundred and ninety pounds, and twenty pence*) (“the Funding”) is awarded to you for the Purposes (as defined in Condition 4(a)).
- (b) The Funding relates to the period 01/04/2020 to 31/03/2021 and must be claimed in full by 31/03/2021 otherwise any unclaimed part of the Funding will cease to be available to you.
- (c) If you have any queries in relation to this award of Funding or the Conditions please contact the Welsh Government Official who will be happy to assist you.

2. Statutory authority

- (a) This award of Funding is made on and subject to the Conditions and under the authority of the Minister for Environment, Energy and Rural Affairs, of the Welsh Ministers, acting pursuant to functions transferred under section 58A of the Government of Wales Act 2006.

3. Interpreting the Conditions

Any reference in the Conditions to:

‘you’, ‘your’ is to Neath Port Talbot County Borough Council, The Quays, Brunel Way, Baglan Energy Park, Neath SA11 2GG

'we', 'us', 'our' is to the Welsh Ministers;

'Welsh Government Official' is to

Samantha Thomas
Coal Tip Safety Team

Email: Samantha.Thomas@gov.wales

Tel: 0300 0253674

or such other Welsh Government official as we may notify you.

'Project Manager' is to

Paul Ransome
Environment and Regeneration
Neath Port Talbot County Borough Council
The Quays
Brunel way
Baglan Energy Park

Tel: 07866 594263

Email: p.ransome@npt.gov.uk

'Application' is to your application received on 21/03/2021

'Conditions' is to the terms and conditions set out in this letter and the Schedules;

'Costs Incurred' is to the cost of goods and services you have received regardless of whether you have paid for them by the date of your claim;

'Notification Event' is to any of the events listed in Schedule 2;

'Personnel' is to your management/employees and suppliers or any other person appointed or engaged by you in relation to the Purposes;

'Schedule' is to the schedules attached to this letter;
and

any reference to any legislation whether domestic or international law will include all amendments to and substitutions and re-enactments of that legislation in force from time to time.

4. Use of the Funding

- (a) You must use the Funding solely for the purposes set out in Schedule 1 (the “**Purposes**”).
- (b) Any change to the Purposes will require our written consent which must be obtained from us in advance of implementing any change. Please note that we are not obliged to give our consent but we will consider all reasonable written requests.
- (c) You must not use any part of the Funding for: (1) party political purposes; (2) the promotion of particular secular, religious or political views; (3) gambling; (4) pornography; (5) offering sexual services; (6) purchasing capital equipment (other than as specified in the Purposes); (7) your legal fees in relation to this letter; (8) Costs Incurred or costs incurred and defrayed by you in the delivery of the Purposes prior to the period referred to in Condition 1 (b); (9) any kind of illegal activities; or (10) any other kind of activity which in our opinion could bring us into disrepute.

5. Funding pre-conditions

- (a) We will not pay any of the Funding to you until you have provided us with the following information and documentation:
 - (i) this letter signed by you;
- (b) Where you are required to provide information and documentation to us as evidence that you have satisfied a particular pre-condition, Condition or in support of a claim, the information and documentation must be in all respects acceptable to us. We reserve the right to reject any information and documentation which is for any reason not acceptable to us.

6. How to claim the Funding

- (a) You may claim the Funding in arrears based on Costs Incurred by you in the delivery of the Purposes
- (b) You must claim the Funding promptly. We reserve the right to withdraw any part of the Funding that you do not claim promptly.
- (c) You must submit your claims for payment of Funding to the Welsh Government Official.
- (d) You must use our claim pro-forma (which is available from the Welsh Government Official) and attach the following information and documentation to each claim:

- i) confirmation that you are operating in all respects in accordance with your constitution; and
 - ii) confirmation that you have appropriate financial, risk and control systems in place before utilising any part of the Funding to provide a grant to or procure any goods or services from third parties;
- (e) We will aim to pay all valid claims as soon as possible and typically within 28 days.

7. Your general obligations to us

You must:

- (a) safeguard the Funding against fraud generally and, in particular, fraud on the part of your Personnel and notify us immediately if you have reason to suspect that any fraud within your organisation has occurred or is occurring or is likely to occur whether or not it relates to the Funding. You must also participate in such fraud prevention initiatives as we may require from time to time;
- (b) maintain appropriate procedures for dealing with any conflicts of interest whether actual, potential or perceived;
- (c) comply with all applicable domestic or international laws or regulations or official directives;
- (d) maintain adequate insurances to cover against the risks which may arise in connection with any property or any activity undertaken in delivery of the Purposes. We reserve the right to require you to provide proof of your insurance;
- (e) maintain appropriate financial, risk and control systems before utilising any part of the Funding to provide a grant to or procure any goods or services from third parties;
- (f) co-operate fully with the Welsh Government Official and with any other employee of the Welsh Government or consultant appointed by us to monitor your use of the Funding and your compliance with the Conditions;
- (g) inform us immediately if any of the declarations made in Condition 8 is incorrect in any respect or, if repeated at any time with reference to the facts and circumstances then existing, would be incorrect;
- (h) notify us of any funding received by you from any source in relation to the effects of the spread of the Coronavirus (COVID-19) including but not limited to your insurance provider (cancellation/business

disruption insurance), the UK Government's Coronavirus Job Retention Scheme and/or any Welsh Government fund/scheme.

8. Declarations

You declare that:

- (a) you have the power to enter into and to perform the obligations set out in the Conditions and you have taken all necessary action to authorise the entry into and performance of the obligations under the Conditions;
- (b) no litigation or arbitration is current or pending or, so far as you are aware, threatened, which has or could have an adverse effect on your ability to perform and comply with any of the Conditions;
- (c) the information contained in your Application is complete, true and accurate;
- (d) you have disclosed to us all material facts or circumstances which need to be disclosed to enable us to obtain a true and correct view of your business and affairs (both current and prospective) or which ought to be provided to any person who is considering providing funding to you;
- (e) there are no conflicts of interest whether actual, potential or perceived;
- (f) acceptance of this award of Funding will not result in duplicate funding in respect of any part of the Purposes. This includes but is not limited to any payments received by you in relation to the effects of the spread of the Coronavirus (COVID-19) from your insurance provider (cancellation/business disruption insurance), the UK Government's Coronavirus Job Retention Scheme and/or any Welsh Government fund/scheme.

9. Notification Events and their consequences

- (a) You must notify us immediately if a Notification Event has occurred or is likely to occur but we also reserve the right to notify you where we believe a Notification Event has occurred or is likely to occur.
- (b) We will either (i) notify you that we consider the Notification Event is not capable of remedy or (ii) if we consider the Notification Event is capable of being remedied seek to discuss the Notification Event with you with a view to agreeing a course of action to be taken to address the Notification Event.

- (c) We will be entitled to take any of the actions listed in Condition 9(d) if:
 - (i) despite our reasonable efforts we have been unable to discuss the Notification Event with you; or
 - (ii) we notify you that the Notification Event is not capable of remedy; or
 - (iii) a course of action to address the Notification Event is not agreed with you; or
 - (iv) a course of action to address the Notification Event is agreed with you but you fail to follow it, or any conditions attached to it are not met (including without limitation the timescale for such course of action); or
 - (v) the course of action fails to remedy the Notification Event to our satisfaction.

- (d) If any of the circumstances set out in Condition 9(c) occurs we may by notice to you:
 - (i) withdraw the award of Funding; and/or
 - (ii) require you to repay all or part of the Funding; and/or
 - (iii) suspend or cease all further payment of Funding; and/or
 - (iv) make all further payments of Funding subject to such conditions as we may specify; and/or
 - (v) deduct all amounts owed to us under the Conditions from any other funding that we have awarded or may award to you; and/or
 - (vi) exercise any other rights against you which we may have in respect of the Funding.

- (e) All repayments of Funding must be made to us within 28 days of the date of our demand.

10. Monitoring requirements

You must:

- (a) provide us with such documents, information and reports which we may reasonably require from time to time in order for us to monitor your compliance with the Conditions

- (b) meet with the Welsh Government Official and such other of our representatives as we may from time to time reasonably require;

- (c) ensure that the Project Manager (or such other person as we may agree) together with any other person we may require attends all meetings with the Welsh Government Official.

11. Audit Requirements

- (a) You must:
- (i) maintain complete, accurate and valid accounting records identifying all income and expenditure in relation to the Purposes;
 - (ii) without charge, permit any officer or officers of the Welsh Government, Wales Audit Office or any UK subsidy enforcement body at any reasonable time and on reasonable notice (in exceptional circumstances, such as the prevention or detection of fraud, it may not be practicable to provide you with reasonable notice) being given to you to visit your premises and/or to inspect any of your activities and/or to examine and take copies of your books of account and such other documents or records howsoever stored as in such officer's reasonable view may relate in any way to your use of the Funding. This undertaking is without prejudice and subject to any other statutory rights and powers exercisable by the Welsh Government, Wales Audit Office or any UK subsidy enforcement body or any officer, servant or agent of any of the above;
 - (iii) retain this letter and all original documents relating to the Funding until we inform you in writing that it is safe to destroy them;
- (b) Under paragraph 17 of Schedule 8 to the Government of Wales Act 2006 the Auditor General for Wales has extensive rights of access to documents and information relating to monies provided by the Welsh Government. They and their officials have the power to require relevant persons who control or hold documents to give any assistance, information and explanation that they may require; and to require those persons to attend before them for such a purpose. The Auditor General and their staff may exercise this right at all reasonable times.

12. Third party obligations

- (a) Nothing in the Conditions imposes any liability on us in respect of any liability incurred by you to any third party (including, without limit, employees and contractors).
- (b) You must indemnify us against any liabilities, claims, proceedings, demands, losses, costs and expenses suffered or incurred by us directly or indirectly arising as a result of or in connection with any failure by you to perform fully or in part any obligation you may have to a third party.

13. Intellectual property rights and publicity

- (a) Nothing in the Conditions transfers to us any rights in any intellectual property created by you as a result of the Purposes.
- (b) You must acknowledge our support in relation to the Purposes. Such acknowledgement(s) must be in a form approved by us and must comply with the Welsh Government's branding guidelines.
- (c) You agree that from the date of this letter until 5 years from the date of the final payment of Funding we may include details about your organisation and business, the Funding and the Purposes in Welsh Government promotional materials and you further agree to cooperate with our reasonable requests to achieve the production of such materials.

14. Information

- (a) You acknowledge that we are subject to the requirements of the Freedom of Information Act 2000 (the "FOIA"), the Environmental Information Regulations 2004 (the "EIR"), the Data Protection Act 2018 (the "DPA") and the retained EU law version of the General Data Protection Regulation ((EU) 2016/679) (the "UK GDPR").
- (b) You acknowledge that we are responsible for determining in our absolute discretion whether:
 - (i) to disclose any information which we have obtained under or in connection with the Funding to the extent that we are required to disclose such information to a person making a disclosure request under the FOIA or the EIR; and/or
 - (ii) any information is exempt from disclosure under the FOIA or the EIR.
- (c) You acknowledge that we may share any data you provide to us with fraud prevention agencies and third parties for the purposes of preventing and detecting fraud. Any personal data we collect will be managed in accordance with our Privacy Notice which is available to view here <http://beta.gov.wales/privacy-notice-welsh-government-grants>

15. Buying goods and services

If you decide to buy any goods and/or services to deliver the Purposes, they must be purchased in a competitive and sustainable way so as to demonstrate that you have achieved best value in the use of public funds.

16. Giving notice

- (a) Where notice is required to be given under the Conditions it must be in writing (this does not include email but may include a letter attached to an email) and must prominently display the following heading:

“Notice in relation to the Coal Tip Safety Grant”

- (b) The address and contact details for the purposes of serving notice under the Conditions are as follows

You: the Project Manager at the address stated in Condition 3.

Us: the Welsh Government Official at the address stated in Condition 3.

- (c) A notice will be deemed to have been properly given as follows:-

Prepaid first class post: on the second working day after the date of posting.

By hand: upon delivery to the address or the next working day if after 4pm or on a weekend or public holiday.

By email attachment: upon transmission or the next working day if after 4pm or on a weekend or public holiday.

17. Equal opportunities

You must apply a policy of equal opportunities as employers, as users of volunteers, and as providers of services, regardless of race, gender/gender identification, sexual orientation, religion and belief, age or any disability.

18. Welsh language

- (a) Where the Purposes include or relate to the provision of services in Wales they must be provided in Welsh and English unless it would be unreasonable or disproportionate to do so. Where they are provided in both Welsh and English they must be provided in such a way as to not treat the Welsh language less favourably than English, in accordance with the Welsh Language (Wales) Measure 2011.

- (b) For advice on providing services bilingually and in accordance with the Conditions please contact the Welsh Language Commissioner's Hybu team:
<http://www.comisiynyddygydraeg.cymru/hybu/en/home/Pages/home.aspx>

19. Sustainable development

Your use of the Funding must contribute to the achievement of the Welsh Government's well-being objectives contained in the Welsh Government's Programme for Government. You must work in a sustainable way (sustainable development principle) in delivering the Purposes so as to ensure you are working in a preventative, integrated, long-term and collaborative way that involves people that reflect the diversity of Wales.

20. Welsh Ministers' functions

You acknowledge that the Welsh Ministers have a range of functions which will continue to accrue and be amended and that decisions in relation to each such function are obliged to be taken in the light of all relevant and to the exclusion of all irrelevant considerations. You agree that nothing contained or implied in, or arising under or in connection with, the Conditions will in any way prejudice, fetter or affect the functions of the Welsh Ministers or any of them nor oblige the Welsh Ministers or any of them to exercise, or refrain from exercising, any of their functions in any particular way.

21. General

- (a) If at any time any of the Conditions are deemed to be or become invalid, illegal or unenforceable in any respect under any law, the validity, legality and enforceability of the remaining provisions will not in any way be affected or impaired.
- (b) No failure or delay on our part to exercise any power, right or remedy under the Conditions will operate as a waiver of any such power, right or remedy or preclude its further exercise or the exercise of any other power, right or remedy. The powers, rights or remedies hereby provided are cumulative and not exclusive of any powers, rights or remedies provided by law.
- (c) Any amendment or variation to the Conditions must be in writing and signed by us and you in the same manner as this letter.

- (d) You may not assign or otherwise dispose of in any way your rights, benefits, obligations or duties under the Conditions.
- (e) Conditions 7, 9, 11, 13, 14, and 21(e) and such other Conditions which by implication need to continue in force beyond the final payment of Funding will so continue in full force and effect.
- (f) The award of the Funding is to you alone and no one else is entitled to make any claim in respect of the Funding or seek to rely on or enforce any of the Conditions.
- (g) In circumstances where you comprise two or more persons or bodies, the liabilities of such persons or bodies shall be joint and several and the default of one of such persons or bodies shall be deemed to be the default of all.
- (h) The Conditions are to be governed by and construed in accordance with the laws of Wales and England as applied in Wales and the parties hereto submit to the exclusive jurisdiction of the courts of Wales and England.

22. How to accept this award of Funding

- (a) To accept this award of Funding you must sign and return a copy of this letter to the Welsh Government Official. None of the Funding will be paid to you until we have received your signed letter.
- (b) We must receive your signed letter by letter, or this award of Funding will automatically be withdrawn.

Yours sincerely

Signed by Samantha Thomas
under authority of the Minister for Environment, Energy and Rural Affairs, one
of the Welsh Ministers

cc Lori Frater, Head of Coal Tip Safety Taskforce

SCHEDULE 1 The Purposes

The Purpose of the Funding is to enable you to undertake the appropriate inspections and any necessary maintenance/remediation works on coal tips within your local authority area

Description	Value (£)
Works carried out at coal tip sites as listed in the application form, together with design and supervision costs for above work; and tip re-mapping.	189,490.20

SCHEDULE 2

Notification Events

The Notification Events referred to in Condition 9 are listed below:

1. repayment of any part of the Funding is required in accordance with any relevant legislation;
2. you fail to comply with any of the Conditions;
3. the Funding, in full or in part, is not being used for the Purposes;
4. there is unsatisfactory progress towards completing the Purposes;
5. you fail to provide information about the Purposes requested by us or any UK subsidy enforcement body or any of its auditors, agents or representatives;
6. we have reason to believe that you and/or any of your Personnel are involved in fraudulent activity or have been involved in fraudulent activity [whilst the Purposes are/were being carried out];
7. we have made an overpayment of Funding to you;
8. there is a duplication of funding in respect of any part of the Purposes. This includes but is not limited to any payments received by you in relation to the effects of the spread of the Coronavirus (COVID-19) from your insurance provider (cancellation/business disruption insurance), the UK Government's Coronavirus Job Retention Scheme and/or any Welsh Government fund/scheme
9. any declaration made in Condition 8 is incorrect in any respect or, if repeated at any time with reference to the facts and circumstances then existing, would be incorrect;
10. there has been a modification (qualification, adverse or disclaimer) to the auditor's opinion on your financial statements;
11. any petition is presented or resolution passed or other action taken for your bankruptcy or winding-up or a petition is presented for an administration order against you;
12. a receiver or an administrative receiver is appointed in respect of you or in respect of all or any part of your assets;

13. a moratorium in respect of all or any of your debts or a composition or an agreement with your creditors is agreed, applied for, ordered or declared;
14. you are unable, or admit in writing your inability, to pay your debts as they fall due;
15. any distress, execution, attachment or other process affects any of your assets;
16. a statutory demand is issued against you;
17. you cease, or threaten to cease, to carry on all or a substantial part of your business;
18. there is a change in your constitution, status, control or ownership and/or your external auditors resign;
19. there is any change, whether permanent or temporary, in your shareholders, directors, trustees or partners and/or Personnel which may affect your ability to deliver the Purposes;
20. any event occurs or circumstances arise which in our opinion gives reasonable grounds for believing that you may not, or may be unable, to perform or comply with any of your obligations under the Conditions.

TWO SIGNATORIES ARE REQUIRED

We declare we are duly authorised to accept the award of Funding for Coal Tip Safety and the Conditions relating to the Funding.

_____ Signature
An authorised signatory of **Neath Port Talbot Council**

_____ Name

_____ Job Title

_____ Date

_____ Signature
An authorised signatory of **Neath Port Talbot Council**

_____ Name

_____ Job Title

_____ Date

Mae'r dudalen hon yn fwriadol wag



Llywodraeth Cymru
Welsh Government

Nicola Pearce
Director of Environment & Regeneration
Neath Port Talbot CBC
The Quays
Brunel Way
Baglan Energy Park
Neath
SA11 2GG

29 March 2021

Dear Nicola Pearce

Award of Funding in relation to the purchase of technology to assist with the monitoring of spoil tips and/or biodiversity – Coal Tip Safety Technology Trials Scheme

1. Award of Funding

- (a) We are pleased to inform you that your Application has been successful and funding of up to £25,115.83 (*twenty five thousand one hundred and fifteen pounds eighty three pence*) (“the Funding”) is awarded to you for the Purposes (as defined in Condition 4(a)).
- (b) The Funding relates to the period 01 April 2020 to 31 March 2021 and must be claimed in full by 31 March 2021 otherwise any unclaimed part of the Funding will cease to be available to you.
- (c) If you have any queries in relation to this award of Funding or the Conditions please contact the Welsh Government Official who will be happy to assist you.

2. Statutory authority

- (a) This award of Funding is made on and subject to the Conditions and under the authority of the Minister for Environment, Energy and Rural Affairs, one of the Welsh Ministers, acting pursuant to functions transferred under section 58A of the Government of Wales Act 2006.

3. Interpreting the Conditions

Any reference in the Conditions to:

Tudalen77

'you', 'your' is to Neath Port Talbot County Borough Council, The Quays, Brunel Way, Baglan Energy Park, Neath SA11 2GG

'we', 'us', 'our' is to the Welsh Ministers;

'Welsh Government Official' is to

Samantha Thomas
Coal Tip Safety Team

Email: Samantha.Thomas@gov.wales

Tel: 0300 0253674

or such other Welsh Government official as we may notify you.

'Project Manager' is to

Paul Ransome
Environment & Regeneration
The Quays
Brunel Way
Baglan Energy Park
Neath
SA11 2GG
Tel: 07866 594263
Email: p.ransome@npt.gov.uk

'Application' is to your application/claim form dated 25/03/21

'Conditions' is to the terms and conditions set out in this letter and the Schedules;

'Costs Incurred' is to the cost of goods and services you have received regardless of whether you have paid for them by the date of your claim;

'Notification Event' is to any of the events listed in Schedule 2;

'Personnel' is to your management/employees and suppliers or any other person appointed or engaged by you in relation to the Purposes;

'Schedule' is to the schedules attached to this letter;
and

any reference to any legislation whether domestic or international law will include all amendments to and substitutions and re-enactments of that legislation in force from time to time.

4. Use of the Funding

- (a) You must use the Funding solely for the purposes set out in Schedule 1 (the “**Purposes**”).
- (b) Any change to the Purposes will require our written consent which must be obtained from us in advance of implementing any change. Please note that we are not obliged to give our consent but we will consider all reasonable written requests.
- (c) You must not use any part of the Funding for: (1) party political purposes; (2) the promotion of particular secular, religious or political views; (3) gambling; (4) pornography; (5) offering sexual services; (6) purchasing capital equipment (other than as specified in the Purposes); (7) your legal fees in relation to this letter; (8) Costs Incurred or costs incurred and defrayed by you in the delivery of the Purposes prior to the period referred to in Condition 1 (b); (9) any kind of illegal activities; or (10) any other kind of activity which in our opinion could bring us into disrepute.

5. Funding pre-conditions

- (a) We will not pay any of the Funding to you until you have provided us with the following information and documentation:
 - (i) this letter signed by you;
- (b) Where you are required to provide information and documentation to us as evidence that you have satisfied a particular pre-condition, Condition or in support of a claim, the information and documentation must be in all respects acceptable to us. We reserve the right to reject any information and documentation which is for any reason not acceptable to us.

6. How to claim the Funding

- (a) You may claim the Funding in arrears based on Costs Incurred by you in the delivery of the Purposes
- (b) You must claim the Funding promptly. We reserve the right to withdraw any part of the Funding that you do not claim promptly.

- (c) You must submit your claims for payment of Funding to the Welsh Government Official.
- (d) You must use our claim pro-forma (which is available from the Welsh Government Official) and attach
 - i) confirmation that you are operating in all respects in accordance with your constitution; and
 - ii) confirmation that you have appropriate financial, risk and control systems in place before utilising any part of the Funding to provide a grant to or procure any goods or services from third parties;
- (e) We will aim to pay all valid claims as soon as possible and typically within 28 days.

7. Your general obligations to us

You must:

- (a) safeguard the Funding against fraud generally and, in particular, fraud on the part of your Personnel and notify us immediately if you have reason to suspect that any fraud within your organisation has occurred or is occurring or is likely to occur whether or not it relates to the Funding. You must also participate in such fraud prevention initiatives as we may require from time to time;
- (b) maintain appropriate procedures for dealing with any conflicts of interest whether actual, potential or perceived;
- (c) comply with all applicable domestic or international laws or regulations or official directives;
- (d) maintain adequate insurances to cover against the risks which may arise in connection with any property or any activity undertaken in delivery of the Purposes. We reserve the right to require you to provide proof of your insurance;
- (e) maintain appropriate financial, risk and control systems before utilising any part of the Funding to provide a grant to or procure any goods or services from third parties;
- (f) co-operate fully with the Welsh Government Official and with any other employee of the Welsh Government or consultant appointed by us to monitor your use of the Funding and your compliance with the Conditions;

- (g) inform us immediately if any of the declarations made in Condition 8 is incorrect in any respect or, if repeated at any time with reference to the facts and circumstances then existing, would be incorrect;
- (h) notify us of any funding received by you from any source in relation to the effects of the spread of the Coronavirus (COVID-19) including but not limited to your insurance provider (cancellation/business disruption insurance), the UK Government's Coronavirus Job Retention Scheme and/or any Welsh Government fund/scheme.

8. Declarations

You declare that:

- (a) you have the power to enter into and to perform the obligations set out in the Conditions and you have taken all necessary action to authorise the entry into and performance of the obligations under the Conditions;
- (b) no litigation or arbitration is current or pending or, so far as you are aware, threatened, which has or could have an adverse effect on your ability to perform and comply with any of the Conditions;
- (c) the information contained in your Application is complete, true and accurate;
- (d) you have disclosed to us all material facts or circumstances which need to be disclosed to enable us to obtain a true and correct view of your business and affairs (both current and prospective) or which ought to be provided to any person who is considering providing funding to you;
- (e) there are no conflicts of interest whether actual, potential or perceived;
- (f) acceptance of this award of Funding will not result in duplicate funding in respect of any part of the Purposes. This includes but is not limited to any payments received by you in relation to the effects of the spread of the Coronavirus (COVID-19) from your insurance provider (cancellation/business disruption insurance), the UK Government's Coronavirus Job Retention Scheme and/or any Welsh Government fund/scheme.

9. Notification Events and their consequences

- (a) You must notify us immediately if a Notification Event has occurred or is likely to occur but we also reserve the right to notify you where we believe a Notification Event has occurred or is likely to occur.
- (b) We will either (i) notify you that we consider the Notification Event is not capable of remedy or (ii) if we consider the Notification Event is capable of being remedied seek to discuss the Notification Event with you with a view to agreeing a course of action to be taken to address the Notification Event.
- (c) We will be entitled to take any of the actions listed in Condition 9(d) if:
 - (i) despite our reasonable efforts we have been unable to discuss the Notification Event with you; or
 - (ii) we notify you that the Notification Event is not capable of remedy; or
 - (iii) a course of action to address the Notification Event is not agreed with you; or
 - (iv) a course of action to address the Notification Event is agreed with you but you fail to follow it, or any conditions attached to it are not met (including without limitation the timescale for such course of action); or
 - (v) the course of action fails to remedy the Notification Event to our satisfaction.
- (d) If any of the circumstances set out in Condition 9(c) occurs we may by notice to you:
 - (i) withdraw the award of Funding; and/or
 - (ii) require you to repay all or part of the Funding; and/or
 - (iii) suspend or cease all further payment of Funding; and/or
 - (iv) make all further payments of Funding subject to such conditions as we may specify; and/or
 - (v) deduct all amounts owed to us under the Conditions from any other funding that we have awarded or may award to you; and/or
 - (vi) exercise any other rights against you which we may have in respect of the Funding.
- (e) All repayments of Funding must be made to us within 28 days of the date of our demand.

10. Monitoring requirements

You must:

- (a) provide us with such documents, information and reports which we may reasonably require from time to time in order for us to monitor your compliance with the Conditions
- (b) meet with the Welsh Government Official and such other of our representatives as we may from time to time reasonably require;
- (c) ensure that the Project Manager (or such other person as we may agree) together with any other person we may require attends all meetings with the Welsh Government Official.

11. Audit Requirements

- (a) You must:
 - (i) maintain complete, accurate and valid accounting records identifying all income and expenditure in relation to the Purposes;
 - (ii) without charge, permit any officer or officers of the Welsh Government, Wales Audit Office or any UK subsidy enforcement body at any reasonable time and on reasonable notice (in exceptional circumstances, such as the prevention or detection of fraud, it may not be practicable to provide you with reasonable notice) being given to you to visit your premises and/or to inspect any of your activities and/or to examine and take copies of your books of account and such other documents or records howsoever stored as in such officer's reasonable view may relate in any way to your use of the Funding. This undertaking is without prejudice and subject to any other statutory rights and powers exercisable by the Welsh Government, Wales Audit Office or any UK subsidy enforcement body or any officer, servant or agent of any of the above;
 - (iii) retain this letter and all original documents relating to the Funding until we inform you in writing that it is safe to destroy them;
- (b) Under paragraph 17 of Schedule 8 to the Government of Wales Act 2006 the Auditor General for Wales has extensive rights of access to documents and information relating to monies provided by the Welsh Government. They and their officials have the power to require relevant persons who control or hold documents to give any assistance, information and explanation that they may require; and to require those persons to attend before them for such a purpose. The Auditor General and their staff may exercise this right at all reasonable times.

12. Third party obligations

- (a) Nothing in the Conditions imposes any liability on us in respect of any liability incurred by you to any third party (including, without limit, employees and contractors).
- (b) You must indemnify us against any liabilities, claims, proceedings, demands, losses, costs and expenses suffered or incurred by us directly or indirectly arising as a result of or in connection with any failure by you to perform fully or in part any obligation you may have to a third party.

13. Intellectual property rights and publicity

- (a) Nothing in the Conditions transfers to us any rights in any intellectual property created by you as a result of the Purposes.
- (b) You must acknowledge our support in relation to the Purposes. Such acknowledgement(s) must be in a form approved by us and must comply with the Welsh Government's branding guidelines.
- (c) You agree that from the date of this letter until 5 years from the date of the final payment of Funding we may include details about your organisation and business, the Funding and the Purposes in Welsh Government promotional materials and you further agree to cooperate with our reasonable requests to achieve the production of such materials.

14. Information

- (a) You acknowledge that we are subject to the requirements of the Freedom of Information Act 2000 (the "FOIA"), the Environmental Information Regulations 2004 (the "EIR"), the Data Protection Act 2018 (the "DPA") and the retained EU law version of the General Data Protection Regulation ((EU) 2016/679) (the "UK GDPR").
- (b) You acknowledge that we are responsible for determining in our absolute discretion whether:
 - (i) to disclose any information which we have obtained under or in connection with the Funding to the extent that we are required to disclose such information to a person making a disclosure request under the FOIA or the EIR; and/or
 - (ii) any information is exempt from disclosure under the FOIA or the EIR.
- (c) You acknowledge that we may share any data you provide to us with fraud prevention agencies and third parties for the purposes of preventing and detecting fraud. Any personal data we collect will be

managed in accordance with our Privacy Notice which is available to view here <http://beta.gov.wales/privacy-notice-welsh-government-grants>

15. Buying goods and services

If you decide to buy any goods and/or services to deliver the Purposes, they must be purchased in a competitive and sustainable way so as to demonstrate that you have achieved best value in the use of public funds.

16. Giving notice

- (a) Where notice is required to be given under the Conditions it must be in writing (this does not include email but may include a letter attached to an email) and must prominently display the following heading:

“Notice in relation to the funding for purchase of technology to assist with the monitoring of spoil tips and/or biodiversity – Coal Tip Safety Technology Trials Scheme”.

- (b) The address and contact details for the purposes of serving notice under the Conditions are as follows

You: the Project Manager at the address stated in Condition 3.

Us: the Welsh Government Official at the address stated in Condition 3.

- (c) A notice will be deemed to have been properly given as follows:-

Prepaid first class post: on the second working day after the date of posting.

By hand: upon delivery to the address or the next working day if after 4pm or on a weekend or public holiday.

By email attachment: upon transmission or the next working day if after 4pm or on a weekend or public holiday.

17. Equal opportunities

You must apply a policy of equal opportunities as employers, as users of volunteers, and as providers of services, regardless of race,

gender/gender identification, sexual orientation, religion and belief, age or any disability.

18. Welsh language

- (a) Where the Purposes include or relate to the provision of services in Wales they must be provided in Welsh and English unless it would be unreasonable or disproportionate to do so. Where they are provided in both Welsh and English they must be provided in such a way as to not treat the Welsh language less favourably than English, in accordance with the Welsh Language (Wales) Measure 2011.
- (b) For advice on providing services bilingually and in accordance with the Conditions please contact the Welsh Language Commissioner's Hybu team:
<http://www.comisiynyddygybraeg.cymru/hybu/en/home/Pages/home.aspx>

19. Sustainable development

Your use of the Funding must contribute to the achievement of the Welsh Government's well-being objectives contained in the Welsh Government's Programme for Government. You must work in a sustainable way (sustainable development principle) in delivering the Purposes so as to ensure you are working in a preventative, integrated, long-term and collaborative way that involves people that reflect the diversity of Wales. Please refer to Schedule 1 for further information.

20. Welsh Ministers' functions

You acknowledge that the Welsh Ministers have a range of functions which will continue to accrue and be amended and that decisions in relation to each such function are obliged to be taken in the light of all relevant and to the exclusion of all irrelevant considerations. You agree that nothing contained or implied in, or arising under or in connection with, the Conditions will in any way prejudice, fetter or affect the functions of the Welsh Ministers or any of them nor oblige the Welsh Ministers or any of them to exercise, or refrain from exercising, any of their functions in any particular way.

21. General

- (a) If at any time any of the Conditions are deemed to be or become invalid, illegal or unenforceable in any respect under any law, the

validity, legality and enforceability of the remaining provisions will not in any way be affected or impaired.

- (b) No failure or delay on our part to exercise any power, right or remedy under the Conditions will operate as a waiver of any such power, right or remedy or preclude its further exercise or the exercise of any other power, right or remedy. The powers, rights or remedies hereby provided are cumulative and not exclusive of any powers, rights or remedies provided by law.
- (c) Any amendment or variation to the Conditions must be in writing and signed by us and you in the same manner as this letter.
- (d) You may not assign or otherwise dispose of in any way your rights, benefits, obligations or duties under the Conditions.
- (e) Conditions 7, 9, 11, 13, 14, and 21(e) and such other Conditions which by implication need to continue in force beyond the final payment of Funding will so continue in full force and effect.
- (f) The award of the Funding is to you alone and no one else is entitled to make any claim in respect of the Funding or seek to rely on or enforce any of the Conditions.
- (g) In circumstances where you comprise two or more persons or bodies, the liabilities of such persons or bodies shall be joint and several and the default of one of such persons or bodies shall be deemed to be the default of all.
- (h) The Conditions are to be governed by and construed in accordance with the laws of Wales and England as applied in Wales and the parties hereto submit to the exclusive jurisdiction of the courts of Wales and England.

22. How to accept this award of Funding

- (a) To accept this award of Funding you must sign and return a copy of this letter to the Welsh Government Official. None of the Funding will be paid to you until we have received your signed letter
- (b) We must receive your signed letter before 30 March 2021, or this award of Funding will automatically be withdrawn.

Yours sincerely

Signed by Samantha Thomas
under authority of the Minister for Environment, Energy and Rural Affairs, one
of the Welsh Ministers

cc Lori Frater, Head of Coal Tip Safety Taskforce

SCHEDULE 1
The Purposes



Llywodraeth Cymru
Welsh Government

The Purpose of the Funding is to enable you to purchase technology to assist with the monitoring of spoil heaps and/or biodiversity

SCHEDULE 2 Notification Events

The Notification Events referred to in Condition 9 are listed below:

1. repayment of any part of the Funding is required in accordance with any relevant legislation;
2. you fail to comply with any of the Conditions;
3. the Funding, in full or in part, is not being used for the Purposes;
4. you fail to achieve any or all of the Targets;
5. there is unsatisfactory progress towards completing the Purposes;
6. you fail to provide information about the Purposes requested by us or any UK subsidy enforcement body or any of its auditors, agents or representatives;
7. we have reason to believe that you and/or any of your Personnel are involved in fraudulent activity or have been involved in fraudulent activity [whilst the Purposes are/were being carried out];
8. we have made an overpayment of Funding to you;
9. there is a duplication of funding in respect of any part of the Purposes. This includes but is not limited to any payments received by you in relation to the effects of the spread of the Coronavirus (COVID-19) from your insurance provider (cancellation/business disruption insurance), the UK Government's Coronavirus Job Retention Scheme and/or any Welsh Government fund/scheme
10. any declaration made in Condition 8 is incorrect in any respect or, if repeated at any time with reference to the facts and circumstances then existing, would be incorrect;
11. there has been a modification (qualification, adverse or disclaimer) to the auditor's opinion on your financial statements;
12. any petition is presented or resolution passed or other action taken for your bankruptcy or winding-up or a petition is presented for an administration order against you;
13. a receiver or an administrative receiver is appointed in respect of you or in respect of all or any part of your assets;

14. a moratorium in respect of all or any of your debts or a composition or an agreement with your creditors is agreed, applied for, ordered or declared;
15. you are unable, or admit in writing your inability, to pay your debts as they fall due;
16. any distress, execution, attachment or other process affects any of your assets;
17. a statutory demand is issued against you;
18. you cease, or threaten to cease, to carry on all or a substantial part of your business;
19. there is a change in your constitution, status, control or ownership and/or your external auditors resign;
20. there is any change, whether permanent or temporary, in your shareholders, directors, trustees or partners and/or Personnel which may affect your ability to deliver the Purposes;
21. any event occurs or circumstances arise which in our opinion gives reasonable grounds for believing that you may not, or may be unable, to perform or comply with any of your obligations under the Conditions.

TWO SIGNATORIES ARE REQUIRED

We declare we are duly authorised to accept the award of Funding in relation to the purchase of technology to assist with the monitoring of spoil tips and/or biodiversity – Coal Tip Safety Technology Trials Scheme

Signature
An authorised signatory of **Neath Port Talbot County Borough Council**

Name

Job Title

Date

Signature
An authorised signatory of **Neath Port Talbot County Borough Council**

Name

Job Title

Date

Local Authority	Location	Action	Capital/Revenue	Predicted Spend 2021/22
NPTCBC	Bryn to Goytre Cycleway slips	Reconstruction of Cycleway following partial collapse of embankment due to river bank erosion	Capital	£ 216,401.00

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