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THIS IS A MEETING WHICH THE PUBLIC ARE ENTITLED TO ATTEND

24th February 2021

Dear Sir/Madam

COMMUNITY SERVICES SCRUTINY COMMITTEE

A meeting of the Community Services Scrutiny Committee will be held in Virtually via Microsoft Teams - if you would like to attend this meeting live via Microsoft Teams please contact committee.services@blaenau-gwent.gov.uk on Monday, 1st March, 2021 at 10.00 am.

Please note that a pre and post meeting will be held 30 minutes prior to the start and following the conclusion of the meeting for members of the committee.

Yours faithfully

Michelle Morris
Managing Director

AGENDA

Pages

1. SIMULTANEOUS TRANSLATION

You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required

We welcome correspondence in the medium of Welsh or English. / Croesawn ohebiaith trwy gyfrwng y Gymraeg neu'r Saesneg.

should you wish to do so. A simultaneous translation will be provided if requested.

2. **APOLOGIES**

To receive.

3. **DECLARATIONS OF INTEREST AND DISPENSATIONS**

To receive.

4. **COMMUNITY SERVICES SCRUTINY COMMITTEE** 5 - 16

To receive the minutes of the Community Services Scrutiny Committee held on 7th December, 2020.

(Please note the minutes are submitted for accuracy points only).

5. **ACTION SHEET - 7TH DECEMBER 2020** 17 - 18

To receive the Action Sheet.

6. **DISUSED SPOIL TIPS UPDATE** 19 - 24

To consider the report of the Head of Community Services.

7. **UPDATE CEMETERY INFRASTRUCTURE CAPITAL WORKS** 25 - 42

To consider the report of the Team Manager Street Scene.

8. **POSITION REPORT FLY GRAZING HORSES** 43 - 50

To consider the report of the Team Manager Environmental Protection.

9. **USE OF CONSULTANTS** 51 - 56

To consider the report of the Corporate Director Regeneration and Community Services.

10. **FORWARD WORK PROGRAMME: 12TH APRIL 2021** 57 - 60

To receive the report.

To: Councillor M. Moore (Chair)
Councillor C. Meredith (Vice-Chair)
Councillor P. Baldwin
Councillor M. Cook
Councillor M. Cross
Councillor M. Day
Councillor P. Edwards
Councillor S. Healy
Councillor W. Hodgins
Councillor J. Holt
Councillor J. C. Morgan
Councillor G. Paulsen
Councillor T. Sharrem
Councillor B. Summers
Councillor L. Winnett

All other Members (for information)
Manager Director
Chief Officers

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COUNTY BOROUGH OF BLAENAU GWENT

**REPORT TO: THE CHAIR AND MEMBERS OF THE
COMMUNITY SERVICES SCRUTINY COMMITTEE**

**SUBJECT: COMMUNITY SERVICES SCRUTINY COMMITTEE –
7th DECEMBER, 2020**

REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER

PRESENT: COUNCILLOR C. MEREDITH (VICE-CHAIR IN THE
CHAIR)

Councillors M. Cook
P. Baldwin
M. Day
P. Edwards
S. Healy
W. Hodgins
J. Holt
J.C. Morgan
G. Paulsen
T. Sharrem
B. Summers
L. Winnett

Councillor. L. Parsons – Blaenau Gwent Biodiversity
Champion – Item No. 9 South East Wales Resilient
Uplands

Mr. Nicholas Alvin, Project Officer – Item No. South
East Wales Resilient Uplands

WITH: Corporate Director Regeneration and Community Services
Head of Community Services
Team Leader Neighbourhood Services
Team Manager Street Scene
Team Manager Natural Environment
Team Manager Built Environment
Team Manager Environmental Protection
Team Leader Estates and Valuations
Senior Engineer Land Drainage
Marketing Projects Officer
Scrutiny & Democratic Officer/Advisor

<u>ITEM</u>	<u>SUBJECT</u>	<u>ACTION</u>
No. 1	<u>SIMULTANEOUS TRANSLATION</u> It was noted that no requests had been received for the simultaneous translation service.	
No. 2	<u>APOLOGIES</u> Apologies for absence were reported for Councillors M. Moore (Chair) and M. Cross.	
No. 3	<u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u> No declarations of interest or dispensations were reported.	
No. 4	<u>COMMUNITY SERVICES SCRUTINY COMMITTEE</u> The minutes of the Community Services Scrutiny Committee held on 21 st September, 2020 were submitted. The Committee AGREED that the minutes be accepted as a true record of proceedings.	
No. 5	<u>COMMUNITY SERVICES SCRUTINY COMMITTEE</u> The minutes of the special Community Services Scrutiny Committee held on 13 th October, 2020 were submitted. The Committee AGREED that the minutes be accepted as a true record of proceedings.	
No. 6	<u>COMMUNITY SERVICES SCRUTINY COMMITTEE</u> The minutes of the Community Services Scrutiny Committee held on 19 th October, 2020 were submitted. The Committee AGREED that the minutes be accepted as a true record of proceedings.	
No. 7	<u>ACTION SHEET – 19th OCTOBER, 2020</u>	

	<p>The Action Sheet arising from the meeting held on 19th October, 2020 was submitted.</p> <p><u><i>Item No 6. Forward Work Programme</i></u></p> <p>It was reported that the date should be amended to read 1st March, 2021.</p> <p>The Committee AGREED, subject to the foregoing, that the Action Sheet be noted.</p>	
No. 8	<p><u>CIVIL PARKING ENFORCEMENT – SERVICE UPDATE</u></p> <p>Consideration was given to report of the Head of Community Services.</p> <p>Team Manager Built Environment presented the report which provided an update on Civil Parking Enforcement (CPE) since its introduction in 2019.</p> <p>The Officer spoke to the report and highlighted points contained therein. He said the CPE service was suspended for 4 months from 20th March to 20th July, 2020 due to the Covid pandemic, and this had impacted against the forecasted number of penalty charge notices issued this year (estimated at 3,500 per year); with a potential reduction over the four-month period of approximately 1165 PCN's. However, an 88% PCN collection rate was higher than the financial modelling estimate. To offset the income lost as a result of the suspension of the service, £27k has been received from the Covid-19 Welsh Government Hardship Fund, and the latest budget monitoring was forecasting a £4k budget surplus for this financial year. This would be monitored and reviewed going forward.</p> <p>A Member asked whether the number of Enforcement Officers and the hours worked was sufficient to undertake the number of patrols required.</p> <p>In response the Officer confirmed that Enforcement Officers were visiting key schools and town centres once or twice a week. He referred to the issues raised at the Members' Briefing held in November, e.g. town centre market days</p>	

and confirmed that these have been taken on board and visits would be undertaken.

In response the Member said there were problems on most days, particularly people parking on pavements by ATM's, and he felt that patrols should be undertaken 3 or 4 times a week in town centres.

The Officer said town centres were a priority, however, additional patrols would impact on resources.

Another Member expressed concern regarding the low number of PCN's issued in Nantyglo and Blaina compared to the problems being experienced, and asked how many visits were being undertaken in those towns. She understood the difficulty in catching offenders, particularly with people posting on social media when the Enforcement Officers were in the area.

A Member agreed with his colleague's comments, and said the figures for Nantyglo and Blaina should be split per town. He also referred to the review of traffic orders being undertaken, and said whilst the removal of yellow lines would provide more parking, it could also cause problems for bus routes etc., and asked whether this was being monitored by the Enforcement Officers.

In response the Officer said it was difficult to police, particularly with the use of social media, but confirmed that visits were being undertaken in Nantyglo and Blaina, albeit not as much as the larger town centres. He was aware of the problems at High Street, Blaina and confirmed that more regular patrols could be undertaken. In relation to the traffic order review, this work was currently ongoing. The Officer also undertook to provide the Member with a breakdown of the PCNs issued for Nantyglo and Blaina separately.

In response to a question raised, the Officer explained that the larger town centres were visited a minimum of once per week, and the smaller towns a minimum of once a fortnight. However, the Enforcement Officers would also respond to any issues or complaints received if possible.

A Member referred to an initiative undertaken by Monmouthshire CC to offer a second residential parking permit for a one-off yearly charge, and whether this could be considered for Blaenau Gwent.

The Officer explained that the rationale for one parking permit per household was because many of the streets surrounding our town centres were terraced houses, and increasing this could be problematic. However, he undertook to look into the matter.

Another Member asked whether the Enforcement Officers undertook checks to ensure that 'blue badges' were being used by the eligible person.

The Officer explained that the Enforcement Officers did not have the authority to undertake checks, however, if they were aware of an issue they would pass the information on to the relevant Department.

A discussion ensued when a Member referred to the low number of PCNs issued outside schools, and another Member said a zero tolerance should be adopted.

In response the Officer confirmed that a zero tolerance approach was now in place. He said the number of PCNs was low considering the number of visits undertaken, but they were only able to issue PCNs in contravention of a traffic order. He also pointed out that patrols were not undertaken of all schools, only those deemed a particular problem as agreed with Members and colleagues within Education. The majority of schools within the Borough did not have any traffic orders in place, and as a result the Enforcement Officers were powerless to act.

A Member commended the work undertaken by the Senior Engineer Road Safety on the review of Traffic Regulation Orders and the ongoing consultation. However, he asked why some schemes had been completed prior to the Borough's town centres being considered.

The Officer explained that the two schemes which had been completed were commenced prior to CPE coming into force. He confirmed that following the initial review, all defective

	<p>signage had now been replaced, however, 'yellow lines' was an ongoing maintenance issue as part of the annual highway inspections undertaken.</p> <p>The Committee AGREED to recommend that the report be accepted the update on progress relating to Civil Parking Enforcement (CPE) since its introduction in 2019 be noted (Option 1).</p>	
No. 9	<p><u>SOUTH EAST WALES RESILIENT UPLANDS – WALES RURAL DEVELOPMENT PROGRAMME SUSTAINABLE MANAGEMENT SCHEME</u></p> <p>The Chair welcomed Mr. Nicholas Alvin, the Project Officer, to the meeting.</p> <p>Consideration was given to report of the Head of Community Services.</p> <p>The Team Leader Natural Environment presented the report which updated Members on the ongoing regional South East Wales Resilient Uplands (SEWRU) project and the Council's work in supporting delivery of the 3-year project (2018- 2021).</p> <p>The South East Wales Resilient Uplands (SEWRU) was a collaborative project, involving Caerphilly, Blaenau Gwent and Torfaen Councils, Natural Resources Wales, Police, Fire and Rescue Services, Gwent Wildlife Trust and the Brecon Beacons National Park. Torfaen CBC was the project Lead for the collaboration, and the focus of the SEWRU was to deliver priority actions from the Landscape Institute award winning Natural Resource Management Plan for South-east Wales Uplands (NRMP) produced in 2015. Detailed delivery plans were attached at Appendix 2.</p> <p>The Officer reported that to date the project had identified and completed several peatland restoration projects, produced common land management plans (including a detailed management plan for Mynydd Llanhilleth), restored many kilometres of commons boundary stock fencing, installed physical barriers to reduce landscape crime on commons, and managed important upland heathland to reduce fire risk and facilitate conservation grazing. SEWRU</p>	

was currently working with Gwent Police and other partners to update the NRMP and produce upland-focussed landscape crime management plans for each common within the project.

A Member welcomed the report, and asked whether Manmoel was included in the common land management plan. He expressed concern regarding the on-going problems of off-road vehicles using the common to access an illegal bike track, and the detrimental impact on the protected landscape.

The Officer said he was aware of the issues with off-road vehicles and the bike track which was on private land outside the common. Work was done to try and secure the common against the vehicles, but unfortunately they continue to find ways to get through. Also the road leading to Manmoel village was open for public use so it was difficult to try and reduce their activity, as they were able to use the road to get to the bike track facility, the legality of which was under question.

Mr. Alvin explained that the funding arrangements was based on commons above 200m, so rather than rural wards the funding was targeted at essential upland areas of Gwent that are registered common land and peripheral areas around those, including Manmoel.

Councillor Lee Parsons thanked the Chair for extending invitation to the meeting and said he welcomed the report. He asked whether Welsh Government had given any indication of proposals for a wind farm at Mynydd Llanhilleth.

In response Mr. Alvin said he had not been consulted on any proposals to date, however, it would not impact on what the SEWRU was seeking to do, e.g. developing landscape management plans for every common land, including Mynydd Llanhilleth.

The Team Leader Natural Environment confirmed that any proposals for a wind farm would be subject to a landscape visual impact assessment and environmental impact. Renewal energy was a pressing issue for Welsh

	<p>Government in its carbon neutral approach, however, he confirmed that he had not had sight of any application to date.</p> <p>A Member thanked the Officers for the work undertaken on the commons, and also the commoners for their involvement and work to improve the areas.</p> <p>A brief discussion ensued when the Officer explained that there was some rarity of species in Blaenau Gwent, particularly the Silurian Moth which was only found in the Brecon Beacons and one other site in Dorset. He said this was an indicator species, i.e. if the uplands were managed correctly the numbers should increase, however, failure to manage them properly could see the species lost altogether.</p> <p>The Committee AGREED to recommend that the report be accepted and noted the activity taking place within the South East Wales Resilient Uplands Project and continue to support the collaborative working approach as programmed (Option 1).</p>	
No. 10	<p><u>ACTIVITIES REPORT – LITTERING AND DOG CONTROL ORDER ENFORCEMENT FOR THE FINANCIAL YEAR 2019/20</u></p> <p>Consideration was given to report of the Team Manager Environmental Protection.</p> <p>The Team Manager Environmental Protection presented the report which updated Members on the progress of the Litter and Dog Control Order enforcement initiative in operation in the Borough since October 2011; and detailed outcomes for the 2019/20 financial year. During 2018/19, Blaenau Gwent CBC was one of the top performing LA's in Wales for the issuing of Litter and Dog Control fixed penalty notices, however, the national figures for 2019/20 are yet to be released.</p> <p>The Officer said during the third quarter of 2019/20 there was initial concern about the end of year net- cost of the service arising from on-going financial monitoring, and as a result, the service level agreement (SLA) for 2020/21 was</p>	

	<p>re-negotiated with LA Support Limited. The new SLA provided a guaranteed zero cost service for the Local Authority with LA Support Limited now retaining all income received from fines generated and not charging the Local Authority for any staff costs.</p> <p>The Officer confirmed that the service was suspended in March 2020 due to the Covid pandemic and the need to minimise human to human contact. The situation was under constant review, and it was anticipated that the service would be reinstated when the legal and public health restrictions are eased to allow the service to return in a viable form.</p> <p>A Member expressed concern that the amount of dog fouling had increased during the lockdown period, with more people walking their dogs, and said extra patrols would be needed when the service resumed.</p> <p>In response the Officer it was acknowledged that dog ownership had increased during the Covid pandemic. He pointed out that the number of complaints received about dog fouling had reduced significantly during 2019/20 and was the lowest recorded since enforcement began. Progress was being made in challenging the problem, but unfortunately patrols had not been undertaken since March so inevitably the problem had increased.</p> <p>The Member suggested a social medial campaign be undertaken to reinforce the risk to public health, and that it was an offence to not pick up after your dog. The Officer undertook to liaise with the Communications.</p> <p>A Member referred to the new SLA arrangements, and the Officer confirmed that the principles of the SLA would continue to be monitored. He had a very good working relationship with the company, and it provided stability in terms of experienced Officers working in the Borough.</p> <p>Another Member said the amount of FPNs issued for dog fouling was very low compared to FPNs issued for litter offences, and suggested that this was due to the timing of</p>	
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	<p>patrols. He felt that patrols early in the morning and around 6 p.m. would be more productive.</p> <p>The Officer confirmed that regular patrols were undertaken of 'hot spot' areas, and more targeted patrols based on intelligence received, but the offence was very difficult to police. He also pointed out that the vast majority of dog owners were responsible.</p> <p>A discussion ensued when a Member expressed concern regarding the Council's ranking on the street cleanliness indicator highlighted in Keep Wales Tidy annual report for 2018/19. He said dog fouling and litter was a major problem and said he wondered whether the reduction in complaints being received was due to 'reporting fatigue'.</p> <p>In response the Officer said the main factors in providing clean and pleasant streets to live in was enforcement; the ability to respond reactively and pro-actively; and also society attitude to their surrounding area. From an enforcement perspective the Council was one of the better performing LA's in Wales for issuing FPNs and undertaking patrols of areas where issues are identified.</p> <p>In terms of the Member's comment that the public have 'reporting fatigue' he said the social media campaign could be used to reiterate the fact that the Council would not tolerate dog fouling and litter offences and will issue FPNs.</p> <p>The Team Leader Streetscene confirmed that work was currently ongoing with consultants to develop a litter strategy for Blaenau Gwent. The strategy was in draft form and it would be included in the Committee's FWP February/March next year.</p> <p>The Committee AGREED to recommend that the report be accepted and the information contained therein be noted (Option 1).</p>	
No. 11	<p><u>FORWARD WORK PROGRAMME – 18TH JANUARY, 2021</u></p> <p>It was reported that the Community Services Scrutiny Committee scheduled to be held on the 18th January, 2021 had been <u>CANCELLED</u>.</p>	

	<p>A Member requested a report on the use of consultants across the Portfolio to include a breakdown of costs and outcomes over the last 2 years.</p> <p>He also requested a report on rear lane recycling collections, particularly use of the new vehicles, to include the reason for not progressing removal of communal collection points.</p> <p>The Team Manager Neighbourhood Services confirmed that both these issues formed part the route optimisation exercise currently ongoing, and undertook to provide an update on this work.</p> <p>A brief discussion ensued when the Head of Technical Services undertook to provide a review of operational arrangements over the last year.</p>	
No. 12	<p><u>UPDATE CEMETERY BURIAL CAPACITY</u></p> <p>Having regard to the views expressed by the Proper Officer regarding the public interest test, that on balance the public interest in maintaining the exemption outweighed the public interest in disclosing the information and that the report should be exempt.</p> <p>RESOLVED that the public be excluded whilst this item of business is transacted as it is likely there would be a disclosure of exempt information as defined in Paragraph 14, Part 1, Schedule 12A of the Local Government Act, 1972 (as amended).</p> <p>Consideration was given to report of the Team Manager Streetscene.</p> <p>The Team Manager Streetscene presented the report which updated Members on current burial capacity across all cemeteries in Blaenau Gwent, and provided information on progress made to redress the issues raised in consideration of the report considered at the February meeting of the Committee.</p>	

	<p>A Member referred to recent discussions at the Joint Scrutiny (Budget Monitoring) in relation to capital monies identified to undertake improvements to the Borough's cemeteries, and sought assurance that this money would not be used for the proposals set out in this report.</p> <p>The Team Leader Streetscene assured that the capital monies referred to by the Member would be utilised for infrastructure improvements in the Borough's cemeteries.</p> <p>A discussion ensued when the Officer clarified points raised by Members in relation to potential land acquisition.</p> <p>A Member referred to the funding requirements highlighted at section 5.2.1 of the report and asked why the figure for 2021/22 had increased from the previous report submitted in February.</p> <p>In response the Team Leader Estates and Valuations explained that this was in relation to potential CPO's. Appendix 1 provided a breakdown of costs.</p> <p>The Committee AGREED to recommend that the report which contained information relation to the financial/business affairs of persons other than the Authority be accepted and Members support the following:</p> <ul style="list-style-type: none"> • The appointment of external legal advice to provide the necessary legal information necessary to move forward with land acquisition. • To support the use of CPO powers to purchase land as required based on the legal advice provided. • An application be made to the Council's Capital programme for funding to support the land purchase costs and cemetery infrastructure works necessary over the next three years 2021/22, 2022/23 and 2023/24. 	
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Blaenau Gwent County Borough Council

Action Sheet

Community Services Scrutiny Committee – 7th December 2020

Item	Action to be Taken	By Whom	Action Taken
8	<u>Civil Parking Enforcement – Service Update</u> A Member enquired regarding the feasibility of offering secondary parking permits to householders (similar to another local authority). Regarding Blue badge holders, a Member enquired if there were any reports of these being used not by the allocated person.	Mark Hopkins Mark Hopkins	Mark Hopkins has provided a copy of the Council's Policy concerning resident parking permits to Cllr Wayne Hodgins – including an explanatory note concerning the provision of secondary permits. Mark Hopkins has checked with the civil parking officers and there were no instances of misuse of blue badges reported. It must be noted there is a separate mechanism to report such complaints via the badge issuing department - Social Services.
10	<u>Activities Report – Littering and Dog Control Order Enforcement for Financial Year 2019/20</u> A Member suggested undertaking a social media campaign reminding the public of the law and health and safety issues in relation to litter and dog control.	Andrew Long	Request for social media release forwarded to Comms on the 9/12/2020
11	<u>Forward Work Programme</u> Additional Items suggested for future meetings: <ul style="list-style-type: none">• Review of how front line services were managed and operated during COVID• Cost of Consultants (Community Services Portfolio) – benefits /outcomes over last three years.• Maintenance of Cemeteries	Clive Rogers Clive Rogers Dave Watkins	Scheduled for 12 th April 2021 meeting. Scheduled for 1 st March 2021 meeting Scheduled for 1 st March 2021 meeting

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Agenda Item 6

Executive Committee and Council only

Date signed off by the Monitoring Officer:

Date signed off by the Section 151 Officer:

Committee: **Community Services Scrutiny**

Date of meeting: **1st March 2021**

Report Subject: **Disused Spoil Tips Update**

Portfolio Holder: **Cllr J Wilkins, Executive Member Environment**

Report Submitted by: **Clive Rogers, Head of Community Services**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
04.02.21	11.02.21	16.02.21			01.03.21	14.04.21		

1. Purpose of the Report

- 1.1 The purpose of the report is to update Members on the current position in relation to disused spoil tips within Blaenau Gwent and to detail the implementation of key actions and tasks in line with Coal Tip Safety Policy Taskforce.

2. Scope and Background

Mines and Quarries [Tips] Act 1969

- 2.1 The report provides the background to the Mines Tips and Quarries Act and identifies the objectives and measures currently being undertaken by Welsh Government, Coal Authority and BGCBC.
- 2.2 The Mines and Quarries (Tips) Act 1969 was implemented as a result of the Aberfan Disaster, which occurred in October 1966. The Act is separated into two parts; Part I outlines the legislation with respect to active tips and the liabilities and powers landowners and local authorities have respectively, whilst Part II outlines the legislation with respect to disused tips and the liabilities and powers landowners and local authorities have respectively.
- 2.3 With the exception of Trefil Quarry, currently there are no other active tipping operations or active tips within Blaenau Gwent that come under the Part 1 of the Mines and Quarries (Tips) Act. Trefil Quarry is remote and not within close proximity of houses or schools.
- 2.4 There are many disused tips within Blaenau Gwent, and therefore Part II of the Act applies to Blaenau Gwent CBC as a disused tip owner (liability) and as a local authority in terms of public protection with powers to enter land and enforce landowners to undertake remedial work if there is cause to believe the tip poses a threat to public safety.
- 2.5 In the early 1970s a list of sites containing active tips, disused tips and naturally unstable land was drawn up by the former Gwent CC and contained approximately 100 sites these included both privately owned and Blaenau Gwent CBC's sites - 37 Number of these are currently situated on Council Land.

2.6 A review of the current inspection list has previously been undertaken. However, the list needs to be reviewed and rationalised for reasons as detailed in the following points.

1. Clarification as to what is classified as a 'disused tip' under Part II of the Act as opposed to 'naturally unstable ground' and to understand the legal instruments Blaenau Gwent has as a local authority to enter and enforce remedial action if required.
2. To determine which of these sites are within Blaenau Gwent CBC's ownership and which are privately owned. This will then provide clarity on what are the Authority's duties and responsibilities under the Act, i.e. where Blaenau Gwent CBC is a landowner and therefore has a duty to ensure and carry out works to ensure it remains stable. Where a tip is located on private land, the Authority has powers under Part II of the Act to inspect the site and enforce remedial action should there be a concern on stability of a tip.
3. Updating of the current historical Inspection List where potentially many of the sites on the list have since been reclaimed and redeveloped.
4. Finally, reclassifying of sites on the List that are remote and inaccessible and hence unlikely to present a danger to the public.

Coal Tip Safety Policy Taskforce (CTSPT) - Tylorstown Slip February 2020

2.7 Following the unprecedented weather in February 2020 and the Tip failure at Tylorstown (Rhondda CT) the Welsh Government and the Coal Authority set up a Coal Tip Safety Policy Taskforce (CTSPT) to co-ordinate a national data collection and to assist local authorities in assessing their high risk spoil tips.

- Phase 1 Emergency Response (ongoing)
- Phase 2 Technical & Policy Development (current to April 2021)
- Phase 3 Long Term Policy (target date 2022)
- Phase 4 Continual risk management & remediation (2023 onwards)

Blaenau Gwent Keys Actions & Tasks

2.8 Phase 1 - Emergency Response [Ongoing]

Key Actions & Tasks

- 'Walk over' inspections of the highest risk sites have been undertaken and no signs of instability was identified.

- Liaising with the Coal Authority to develop information / data base of tips within the County Borough and identifying where a joint inspection of a selected number of our highest risk tips is required.
- Undertaking a review of all the tip locations and category within the County Borough with a view to updating the current database.
- Confirming ownership of each tip.
- Liaising with the Coal Authority to standardise the approach to assessment category and periodic future inspections regime.

2.9 Phase 2 - Technical & Policy Development

New legislation relating to Mines Tips and Quarries is to be available for comments later this year and will probably form the base line for future long term policies and risk management of these tips.

3. Options for Recommendation

3.1 Options Appraisal

- **Option 1:** That Members accept the report and Key Actions and Tasks set out in paragraphs 2.8 to 2.9
- **Option 2:** That Members do not accept the report and Key Actions and Tasks set out paragraphs 2.8 to 2.9 respectively and provide alternate proposals

Preferred Option – **Option 1**

4. Evidence of how this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan

- 4.1** The Authority has a statutory duty to maintain a database of tip sites and has permissive powers to inspect and take action at disused tip sites (privately owned) to prevent danger to the public but does not impose a specific statutory provision for regular inspections.
- 4.2** Following meetings with the Coal Authority and sharing of data the Coal Authority carried out a desk study of our sites and produced a series of plans for each tip site to enable the Borough's Engineers, who has the local knowledge, to compare data, assess and modify the assessment plans if necessary.

The spoil tips are ranked into the following categories (Coal Authority criteria)

- Category A minimal or no risk
- Category B Tip is unlikely to cause risk to life or property due to size or location and no known history of movement / signs of instability

- Category C There is potential to cause risk to life or property and no known history of movement / signs of instability
- Category D There is potential to cause risk to life or property and site has known history of movement / signs of instability
- Category R Fully Restored (not included within BGCBC risk assessment)

4.3 The figures below show the number of spoil tips within each category currently on the historic BGCBC register.

Category	Blaenau Gwent
D	4
C	12
B	49
A	33
R	Note included in BGCBC register

4.4 The Authority has currently undertaken inspections of the category D & C spoil tips and are in the process of amending the categories (if required) using the Coal Authority criteria to ensure a standard reporting mechanism.

4.5 Following a review / inspection of the higher risk sites the database has been preliminary revised as follows

4.6 Category D - 1 No. (this area is currently being reviewed to assess its classification and whether it should be included within the Coal Tip register)
 Category C - 16 No
 Category B - 30 No
 Category A - 37 No
 Category R - 14 No.

Inspection of the lower risk sites (A & B's) is scheduled to be undertaken over the forthcoming months – subject to staff availability

5 Implications Against Each Option

5.1 Option 1: That Members accept the ongoing tasks currently being undertaken by BGCBC staff to categorise / inspect the tips.

5.2 Staffing:

The post of spoil tip inspector was deleted from the Environment Structure and the task of inspections now tend to be ad hoc and dependent upon current workload – no specific Engineer tasked with work.

5.3 Assistance will be required from the Council's Estates section with regards to identifying the landowners where disused tips are present.

5.4 **Impact on Budget**

Current annual revenue funding for the Reservoirs, Tips and Quarries is

- £4320 – general repair and maintenance
- £5810 – professional fees (usually utilised for the appointment of Reservoir Engineer to undertake the statutory Section 10 surveys on Reservoirs)

5.5 **Risk including mitigating actions**

Without a designated officer to undertake the inspections / assessments there will be a risk that the task may be delayed due to other priorities within the section.

- 5.6 There is a risk that private landowners will ignore their responsibilities under the Act. In this case, Blaenau Gwent will continue to respond to any concerns made about the stability of land, whether the site be a disused tip or site of natural instability

5.7 **Legal**

No legal issues at present but it is anticipated that new legislation will be introduced to replace the current Mines Tips and Quarries Act that may require additional duties for the local Authority to undertake.

- 5.8 **Option 2.** That Members' do not accept the Report and recommend alternative actions going forward.

5.9 **Implications:**

Dependant on the alternative action and the ability to inspect and categorise the tip within the set timeframe.

6. **Supporting Evidence**

Performance Information and Data

- 6.1 Inspect and re-categorise the spoil tips will ensure limited staff resources are directed towards the higher risk rankings

6.2 ***Expected outcome for the public***

Inspection and remedial works will increase public safety

6.3 ***Involvement (consultation, engagement, participation)***

To work with the Coal Tip Safety Policy Taskforce (CTSPT) to establish a mechanism for inspection

6.4 ***Thinking for the Long term (forward planning)***

6.5 ***Preventative focus***

NA

6.6 ***Collaboration / partnership working***

Work with the Coal Tip Safety Policy Taskforce (CTSPT)

6.7 ***Integration (across service areas)***
NA

6.8 ***EqIA***
NA

7. **Monitoring Arrangements**

To work with the Coal Authority to achieve the timeframes

Background Documents /Electronic Links

Mines Tip & Quarries Act

Agenda Item 7

Executive Committee and Council only

Date signed off by the Monitoring Officer:

Date signed off by the Section 151 Officer:

Committee: **Community Services Scrutiny Committee**

Date of meeting: **1st March 2021**

Report Subject: **Update Cemetery Infrastructure Capital Works**

Portfolio Holder: **Cllr Joanne Wilkins – Executive Member
Environment**

Report Submitted by: **David Watkins – Team Manager Street Scene**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
02/02/21	04/02/21	16.02.21			01/03/21			

1. Purpose of the Report

- 1.1 The purpose of this report is to update members of Scrutiny Committee on priority works associated with cemetery infrastructure maintenance across all Blaenau Gwent Cemeteries.

2. Scope and Background

2.1 Scope of report

- 2.1.1 The scope of this report is to update Scrutiny Committee on current and future expenditure related to the capital funding (c£200,000) available to undertake some cemetery infrastructure works in financial years 2020/21 and 2021/22.

2.2 Background

- 2.2.1 Blaenau Gwent County Borough Council directly manages seven (7) cemeteries, these are:

- Cefn Golau Cemetery – Tredegar
- Dukestown Cemetery – Tredegar
- Ebbw Vale Cemetery – Ebbw Vale
- Cwm Cemetery – Ebbw Vale
- Brynmawr Cemetery – Brynmawr
- Blaina Cemetery – Bournville Blaina
- Brynithel Cemetery – Brynithel

- 2.2.2 In 2019/20 the Council made available approximately £66,000 per year for 3 years 2019/20, 2020/21 and 2021/22 (total £200,000) in its capital programme to undertake identified infrastructure maintenance works across all Council run cemeteries.

- 2.2.3 Maintenance surveys were undertaken at all cemeteries by the Council's Technical Services Section during the financial year 2019/20, these surveys identified a range of maintenance issues that would need to be redressed together with providing an estimated cost of approximately £347,000 to undertake the works, some of the works could be undertaken in-house at no financial cost, through the use of the existing workforce.
- 2.2.4 Unfortunately, progress on undertaking any maintenance works has been delayed, firstly, due to confirmation being needed on how issues around future burial capacity across all cemeteries was to be addressed (i.e. how site investigation works were to be funded) and then the Covid-19 pandemic outbreak that commenced in February 2020 and is still ongoing now in January 2021. These matters have now to some extent been resolved allowing the remaining capital funding of £200,000 to be released to undertake the infrastructure works as identified in the cemetery site surveys undertaken during the 2019/20 financial year. Appendix 1

2.3 Existing Position and Proposals

- 2.3.1 At Scrutiny Committee on the 7th December 2020 members requested a detailed breakdown of all cemetery infrastructure maintenance works that had been identified to be undertaken in line with the £200,000 funding currently available within the Council's capital programme.
- 2.3.2 As alluded to above it is confirmed that there is currently £200,000 identified in the Council's capital programme, ring-fenced to be spent on essential cemetery infrastructure works over this financial year 2020/21 and next financial year 2021/22.
- 2.3.3 A list of maintenance works for cemeteries has already been identified following detailed cemetery site surveys being undertaken in 2019/20 by the Council's Technical Services Section, these works have now been prioritised and are attached at appendix 1 to this report.

3. Recommendation

- 3.1 It is proposed that members of scrutiny committee consider the contents of appendix 1 (cemetery maintenance priorities) and offer comment on the work proposals.

4. Evidence of how does this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan

4.1 Corporate Priorities

The recommendation identified within this report will allow the council to continue to provide a bereavement service that supports and responds to the requirements and priorities of the community strategy; lively and accessible communities, thriving communities, fair and safe communities, healthy communities, green and sustainable communities and leading communities.

4.2 Well-being plan

4.2.1 A prosperous Wales / Blaenau Gwent

The recommendations within this report will support and assist communities by providing good access in and around cemeteries, together with providing opportunities for local businesses through contract work thus supporting the economic prosperity for local and regional communities.

4.2.2 A resilient Wales / Blaenau Gwent

No applicable

4.2.3 A healthier Wales / Blaenau Gwent

The recommendations in this report will reduce the burden of stress and anxiety on families who would expect the burial place of loved ones to be secure, have good access and be well maintained.

4.2.4 A more equal Wales / Blaenau Gwent

The recommendations in this report will give equal access to services for all residents irrespective of wealth.

4.2.5 A Wales / Blaenau Gwent of cohesive communities

The recommendations in this report will contribute through providing a customer focused sensitive services that remains viable, safe and well connected to local and regional communities.

4.2.6 A Wales / Blaenau Gwent of vibrant culture and thriving Welsh language

Not applicable

4.2.7 A globally responsible Wales / Blaenau Gwent

The recommendations in this report will provide for a customer focused sensitive service, supporting the well-being of the local community. Subsequently the recommendations would support a positive contribution to the global well-being of Wales as a whole.

5. Implications Against Each Option

5.2 *Impact on Budget (short and long term impact)*

5.2.1 There is currently £200,000 available within the council's capital programme to undertake essential cemetery infrastructure maintenance works.

5.2.2 This finding will now be used to undertake as much of the works possible as identified in appendix 1 of this report especially priority 1 works. These works are currently being tendered. Should tenders prove to be favourable then more works can be undertaken, however, should tendering prove more expensive then less works can be authorised.

5.4 *Legal*

5.4.1 There is no statutory requirement for a local authority to provide a cemetery service, however, as Blaenau Gwent CBC has become a "burial authority" then the council must adhere to the Local Authorities' Cemeteries Order 1977 (LACO

1977) with powers conferred upon them by section 214(3) and 266(2) of the Local Government Act 1972(a).

- 5.4.2 This lays a responsibility on the council to continue to fully maintain cemetery sites under its control in a safe and dignified manner.

5.5 ***Human Resources***

There are no staffing implications associated with this report at this time.

6. **Supporting Evidence**

6.1 ***Performance Information and Data***

- 6.1.1 Cemeteries across Blaenau Gwent cater for on average 420 burials each year including cremated remains.

6.2 ***Expected outcome for the public***

- 6.2.1 The expected outcome for the public would be for the council to continue to provide well maintained cemetery facilities across the County Borough.

6.3 ***Involvement (consultation, engagement, participation)***

- 6.3.1 A multi-disciplinary approach must be taken to ensure that Bereavement Services remains sensitive and customer focused whilst being effective and efficient during difficult financial times. Therefore, engagement and collaboration is essential both with internal directorates and external agencies such as Funeral Directors, ICCM, NRW, Neighbouring Authorities and members of the public.

- 6.3.2 Blaenau Gwent is an active member of the Continuous Improvement Forum for Bereavement Services, which is a forum of Welsh Local Authorities who network and benchmark issues relating to Cemeteries and Crematoria provided across Wales.

6.4 ***Thinking for the Long term (forward planning)***

- 6.4.1 Providing well maintained cemeteries is essential to providing a sustainable future for the bereavement service. Good maintenance regimes reduces costs in the long term.

6.5 ***Preventative focus***

- 6.5.1 A major factor of the recommendation made within this report will be the impact any decision will have on the local community along with the reputation of the council, should cemetery sites fall into disrepair.

6.6 ***Collaboration / partnership working***

- 6.6.1 Advice and information has been sought and provided in the provision of this report. This has included discussions with operational cemetery staff and technical support from the Council's Corporate Landlord section.

6.7 ***Integration (across service areas)***

As per 6.6.1

6.8 ***EqlA(screening and identifying if full impact assessment is needed)***

6.8.1 A full EqlA may be necessary dependant on the chosen option within this report.

7. **Monitoring Arrangements**

7.1 It is intended to monitor cemetery maintenance going forward by undertaking annual site inspections and reporting outcomes through Scrutiny and the Council.

7.2 **Background Documents /Electronic Links**

- *Appendix 1 – Cemetery survey identified priority infrastructure works*

Appendix 1

Key	
Priority 1	
Priority 2	
Priority 3	
Completed Works @ 28 th January 2021	

CEFN GOLAU CEMETERY CONDITION SURVEY 2019/20 - SCHEDULE OF WORKS IDENTIFIED

MAINTENANCE SURVEY 2019/20 IDENTIFIED WORK LOCATION	DESCRIPTION OF WORK	QUANTITY	ESTIMATED COST (£)	PRIORITY(1,2,3- HIGH,MED,LOW)	COMMENTS
P1/P2	Main gates:- Rub down and repaint	ITEM	£500.00	3	
P3	Side gate:- Rub down and repaint	ITEM	£500.00	3	
P4	Rebuild wall	ITEM	£500.00	1	DLO works
P5/P6 - Area '1'	Overlay existing tarmac including tack coat	24m2	£480.00	1	Tender works
P7/P8 - Area '2'	Overlay existing tarmac including tack coat	15m2	£300.00	1	Tender works
P9	Widen road(Full construction area)	10m2	£1,000.00	2	Tender works
P10	Cut back vegetation	ITEM		1	In house
P11	Cut back vegetation	ITEM		1	In house
P12 - 'a' (Area '3')	Overlay existing tarmac including tack coat	18m2	£360.00	1	Tender works
P12 - 'b' (Area '3')	Widen road(Full construction area)	5m2	£500.00	1	Tender works
P13	Cut back vegetation	ITEM		1	In house
P14	Cut down and remove plant	ITEM		1	In house
P15	Cut back hedge	114m		1	In house
P16	Clean up under tree	ITEM		1	In house
P17/P18 - Area '4'	Overlay existing tarmac including tack coat	192m2	£3,840.00	1	Tender works

P19 - Area '5'	Overlay existing tarmac including tack coat	12m2	£240.00	1	Tender works
P20 - Area '6'	Overlay existing tarmac including tack coat	32m2	£640.00	1	Tender works
P21/P22 - Area '7'	Overlay existing tarmac including tack coat	68m2	£1,360.00	1	Tender works
P23 - Area '8'	Overlay existing tarmac including tack coat	48m2	£960.00	1	Tender works
P24 - Area '9'	Overlay existing tarmac including tack coat	8m2	£160.00	1	Tender works
P25 - Area '10'	Overlay existing tarmac including tack coat	129m2	£2,580.00	1	Tender works
P26	Main gates:- Rub down and repaint	ITEM	£500.00	3 (DLO)	
P27 - Area '11'	Overlay existing tarmac including tack coat	16m2	£320.00	1	Tender works
P28 - Area '12'	Overlay existing tarmac including tack coat	45m2	£900.00	1	Tender works
P29 - Area '13'	Overlay existing tarmac including tack coat	126m2	£2,520.00	1	Tender works
P30 - Area '14'	Overlay existing tarmac including tack coat	77m2	£1,540.00	1	Tender works
P31 - Area '15'	Overlay existing tarmac including tack coat	25m2	£500.00	1	Tender works
P32/P33'a'	450mm wide 'Filter Drain'	24m	£1,200.00	2	
P32/P33'b'	Infill' area with sub soil after turf removal then relay	ITEM		1	In house
P32/P33'c'	Cut out kerb backing & kerb slots at two other locations	ITEM	£100.00	1	Tender works
P34	Weld fence together to fill gap	ITEM	£500.00	1	In house
P35	Dispose of slabs leaning against fence	ITEM		1	In house
P36	Dispose of toilet block unit	ITEM	£1,000.00	2	DLO works
Other Recommendations					
	Install notice boards at both entrances showing times and layout	2 No	£1,000.00	3	Design
	Provision of litter bins	6 No	£1,800.00	1	Place order
		TOTAL	£25,800.00		

BLAINA CEMETERY CONDITION SURVEY 2019/20 - SCHEDULE OF WORKS IDENTIFIED

MAINTENANCE SURVEY 2019/20 IDENTIFIED WORK LOCATION	DESCRIPTION OF WORK	QUANTITY	ESTIMATED COST (£)	PRIORITY(1,2,3- HIGH,MED,LOW)	COMMENTS
P1	Paint gates	ITEM	500.00	2	
P2	Dwarf stone wall rebuild	ITEM	1,000.00	1	DLO works
P3	Dispose of litter & vegetation from area of cattle grid	ITEM		1	In house
P4	Dispose of litter from this area	ITEM		1	In house
P5 - Area '1'	Overlay existing tarmac including tack coat	7m2	140.00	1	Tender works
P6/P7 - Area '2'	Overlay existing tarmac including tack coat	178m2	3,560.00	1	Tender works
P8/P9 - Area '3'	Overlay existing tarmac including tack coat	45m2	900.00	1	Tender works
P10 - Area '4'	Overlay existing tarmac including tack coat	44m2	880.00	1	Tender works
P11/P12 - Area '5'	Overlay existing tarmac including tack coat	71m2	1,420.00	1	Tender works
P13 - Area '6'	Overlay existing tarmac including tack coat	138m2	2,760.00	1	Tender works
P14/P15 - Area '7'	Overlay existing tarmac including tack coat	30m2	600.00	1	Tender works
P16/P17- Area '8'	Overlay existing tarmac including tack coat	29m2	580.00	1	Tender works
P18	Realign litter bin	ITEM		1	In house
P19/P20 - Area '9'	Overlay existing tarmac including tack coat	90m2	1,800.00	1	Tender works
P21	Dispose of litter from this area	ITEM		1	In house
P22/23 - Area '10'	Overlay existing tarmac including tack coat	92m2	1,840.00	1	Tender works
P24	Dispose of loose blocks	ITEM		1	In house
P25/P26 - Area '11'	Overlay existing tarmac including tack coat	151m2	3,020.00	1	Tender works
P27'a'	2m wide new standard footpath construction	57m	5,700.00	2	Tender works
P27'b'	Precast concrete edgings for new footpath	116m	3,480.00	2	Tender works
P27'c'	450mm wide 'French Drain' 750mm deep	57m	2,850.00	2	Tender works
Fencing Repairs					

F1	Renew fence to stile	1m	500.00	1	In house
F2	Fill gap/Realign post?	ITEM		1	In house
Other Recommendations					
	Install notice boards at entrance showing times and layout	1 No	500.00	3	Design
	Provision of litter bins	6 No	1,800.00	1	Place order
		TOTAL	£33,830.00		

CWM CEMETERY CONDITION SURVEY 2019/20 - SCHEDULE OF WORKS IDENTIFIED

MAINTENANCE SURVEY 2019/20 IDENTIFIED WORK LOCATION	DESCRIPTION OF WORK	QUANTITY	ESTIMATED COST (£)	PRIORITY(1,2,3- HIGH,MED,LOW)	COMMENTS
P1	Main and pedestrian gates:- Rub down and repaint	ITEM	£500.00	3	
P2 -Area '1'	Overlay existing tarmac including tack coat	10m2	£200.00	1	Tender works
P3/P4 - Area '2'	Overlay existing tarmac including tack coat	119m2	£2,380.00	1	Tender works
P5	Overlay existing tarmac including tack coat	9m2	£180.00	1	Tender works
P6	Tidy up verge	ITEM		1	In house
P7	Tidy up seating area	ITEM		1	In house
P8	Clean up area around skip	ITEM		1	In house
P9/P10/P11 - Area '4'	Overlay existing tarmac including tack coat	90m2	£1,800.00	1	Tender works
P12/P13 - Area '5'	Overlay existing tarmac including tack coat	21m2	£420.00	1	Tender works
P14	Tidy up bin store area	ITEM		1	In house
P15 - 'a'	Take down existing brickwork and replace 225mm thick	0.5m2	£100.00	1	DLO works
P15 - 'b'	Lay brick on edge coping 1 brick thick	1m	£50.00	1	DLO works

P16/P17/P18/P19 - Area '6'	Overlay existing tarmac including tack coat	257m2	£5,140.00	1	Tender works
P20'a'	Full Road Construction Area	15m2	£1,500.00	1	Tender works
P20'b' - Area '7'	Overlay existing tarmac including tack coat	36m2	£720.00	1	Tender works
P21/P22	Clean off moss etc. to expose road surface condition	522m2	£10,440.00	1	Moss Treated other works to be Tendered
P23/P24 - Area '8'	Overlay existing tarmac including tack coat	51m2	£1,020.00	1	Tender works
P25/P26 - Area '9'	Overlay existing tarmac including tack coat	150m2	£3,000.00	1	Tender works
P27/P28 - Area '10'	Overlay existing tarmac including tack coat	122m2	£2,440.00	1	Tender works
P29	Clean up 'outside' verge	ITEM		1	In house
P30	Filter Drain	72m	£3,600.00	2	Tender works
Other Recommendations					
	Install notice board at entrance showing times and layout	1 No	£2,000.00	3	Design
	Provision of additional litter bins	5 No	£1,500.00	1	Place order
		TOTAL	£36,990.00		

DUKESTOWN CEMETERY CONDITION SURVEY 2019/20 - SCHEDULE OF WORKS IDENTIFIED

MAINTENANCE SURVEY 2019/20 IDENTIFIED WORK LOCATION	DESCRIPTION OF WORK	QUANTITY	ESTIMATED COST (£)	PRIORITY(1,2,3-HIGH,MED,LOW)	COMMENTS
P1/P2/P3	Main gates:- Rub down and repaint	ITEM	£500.00	3	
P4	Side gate:- Rub down and repaint	ITEM	£500.00	3	
P5	Tidy up bin store area	ITEM		1	In house
P6 - Area '1'	Overlay existing tarmac including tack coat	23m2	£460.00	1	Tender works
P7/P8 - Area '2'	Overlay existing tarmac including tack coat	23m2	£460.00	1	Tender works
P9/P10 - Area '3'	Overlay existing tarmac including tack coat	50m2	£1,000.00	1	Tender works

P11/P12 - Area '4'	Overlay existing tarmac including tack coat	32m2	£640.00	1	Tender works
P13 - Area '5'	Full Road Construction Area	7m2	£700.00	1	Tender works
P14 - Area '6'	Overlay existing tarmac including tack coat	21m2	£420.00	1	Tender works
P15/P16 - Area '7'	Overlay existing tarmac including tack coat	52m2	£1,040.00	1	Tender works
P17/P18 - Area '8'	Overlay existing tarmac including tack coat	30m2	£600.00	1	Tender works
P19/P20 - Area '9'	Overlay existing tarmac including tack coat	65m2	£1,300.00	1	Tender works
P21/P22 - Area '10'	Overlay existing tarmac including tack coat	47m2	£940.00	1	Tender works
P23/P24 - Area '11'	Overlay existing tarmac including tack coat	23m2	£560.00	1	Tender works
P25 - Area '12'	Full Road Construction Area	6m2	£120.00	1	Tender works
P26 - Area '13'	Full Road Construction Area	5m2	£100.00	1	Tender works
P27 - Area '14'	Overlay existing tarmac including tack coat	51m2	£1,020.00	1	Tender works
P28'a'	Full Road Construction	62m2	£6,200.00	1	Tender works
P28'b'	Precast concrete kerbs laid flat(Straights)	23m	£920.00	1	Tender works
P28'c'	Precast concrete kerbs laid flat(Radius)	10m	£400.00	1	Tender works
P29	Flooded' Cattle Grid	ITEM		1	In house
Other Recommendations					
	Install notice boards at entrance showing times and layout	1 No	£250.00	3	Design
	Provision of litter bins	No	£300.00	1	Place order
	Install Bay for debris/rubble		£2,000.00	2	DLO works
		TOTAL	£20,430.00		

EBBW VALE CEMETERY CONDITION SURVEY 2019/20 - SCHEDULE OF WORKS IDENTIFIED

MAINTENANCE SURVEY 2019/20 IDENTIFIED WORK LOCATION	DESCRIPTION OF WORK	QUANTITY	ESTIMATED COST (£)	PRIORITY(1,2,3- HIGH,MED,LOW)	COMMENTS
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P1	Rebuild corner of wall	ITEM	£100.00	1	DLO works
P2	Push coping stone back in place	ITEM	£50.00	1	DLO works
P3/P4- Area '1'	Overlay existing tarmac including tack coat	66m2	£1,320.00	1	Tender works
P5/P6/P7	Remove loose vegetation around containers and general tidy up	ITEM		1	In house
P8/P9/P10/P11/P12 - Area '2'	Overlay existing tarmac including tack coat	464m2	£9,280.00	1	Tender works
P13	Remove stones and dispose	2 No		1	In house
P14	Root damage; cut out and re-tarmac road(future repair?)	22m2	£440.00	3	
P15	Remove old waste bin(?) and dispose	ITEM		1	In house
P16/P17 - Area '3'	Overlay existing tarmac including tack coat	213m2	£4,260.00	1	Tender works
P18/19	Remove stones and dispose	3 No		1	In house
P20/P21 - Area '4'	Overlay existing tarmac including tack coat	34m2	£680.00	1	Tender works
P22/P23 - Area '5'	Overlay existing tarmac including tack coat	218m2	£4,360.00	2	
P24-'a'	Excavate and install French drain	15m	£300.00	1	Tender works
P24-'b'	Install 'soakaway' - (1m x 1m x 1m)	1m3	£500.00	1	Tender works
P25/P26 - Area '6'	Overlay existing tarmac including tack coat	142m2	£2,840.00	2	
P27-'a'	Take down existing brickwork wall & dispose	0.15m3	£100.00	1	DLO works
P27-'b'	Cast 75mm thick concrete slab on top of existing with 1 layer of mesh	0.6m3	£1,000.00	1	DLO works
P27-'c'	Install 1.2m high close boarded fence on 3 sides(Option 1)	8m	£2,400.00	1	DLO works
P27-'d'	Construct 225mm thick 1m high brickwork wall on 3 sides(Option 2)	1.7m2	£1,000.00	1	DLO works
P28	Convert to a planted area	45m2	£280.00	3	
P29/P30 - Area '7'	Overlay existing tarmac including tack coat	177m2	£3,540.00	2	
P31/P32 - Area '8'	Overlay existing tarmac including tack coat	58m2	£1,160.00	1	Tender works
P33/P34 - Area '9'	Overlay existing tarmac including tack coat	102m2	£2,040.00	1	Tender works
P35 - Area '10'	Root damage; cut out and re-tarmac road	22m2	£440.00	1	Tender works
P36/P37 - Area '11'	Overlay existing tarmac including tack coat	152m2	£3,040.00	1	Tender works
Other Recommendations					

P38/P39	Strip grass/Provision of gravel walkway 1.5m wide,200mm deep	90m	£3,000.00	2	
R1	Excavate for/Form dished insitu concrete channel 1m wide 150mm thick	160m	£7,200.00	2	
R2	Additional land drains 450mm wide;25m long; 450mm deep	5 No	£7,000.00	2	To Cremation Area
	Install notice boards at both entrances showing times and layout	2 No	£2,000.00	3	Design
	Provision of additional litter bins	8 No	£2,400.00	1	Place order
	Provision of cattle grids	2 No	£12,000.00	2	Tender works
		TOTAL	£72,730.00		

BRYNMAWR CEMETERY CONDITION SURVEY 2019/20 - SCHEDULE OF WORKS IDENTIFIED

MAINTENANCE SURVEY 2019/20 IDENTIFIED WORK LOCATION	DESCRIPTION OF WORK	QUANTITY	ESTIMATED COST (£)	PRIORITY(1,2,3- HIGH,MED,LOW)	COMMENTS
P1	Paint gates	ITEM	£500.00	3	
P2	Clean away vegetation from gate surface	ITEM		1	In house
P3 - Area '1'	Overlay existing tarmac including tack coat	20m2	£400.00	1	Tender works
P4	Remove slabs and debris	ITEM		1	In house
P5	Paint gates	ITEM	£500.00	3	
P6	Remove heras panels and replace chain link on posts	40m	£4,000.00	1	
P7/P8/P9 - Area '2'	Overlay existing tarmac including tack coat	54m2	£1,080.00	2	
P10 - Area '3'	Overlay existing tarmac including tack coat	12m2	£240.00	2	
P11/P12 - Area '4'	Overlay existing tarmac including tack coat	133m2	£2,660.00	2	

P13	Paint gates	ITEM	£500.00	3	
P14 - Area '5'	Overlay existing tarmac including tack coat	18m2	£360.00	2	
P15	Remove plant pot	ITEM		1	In house
P16	Paint gates	ITEM	£500.00	3	
P17/P18 - Area '6'	Overlay existing tarmac including tack coat	76m2	£1,520.00	1	Tender works
P19 - Area '7'	Overlay existing tarmac including tack coat	26m2	£520.00	1	Tender works
P20 - Area '9'	Overlay existing tarmac including tack coat	52m2	£1,040.00	1	Tender works
P21/P22 - Area '10'	Overlay existing tarmac including tack coat(footpath ramp)	12m2	£240.00	1	Tender works
P23 - Area '10'	Overlay existing tarmac including tack coat	7m2	£140.00	1	Tender works
P24	Potholes repairs	1m2		1	Tender works
P25 - Area '11'	Overlay existing tarmac including tack coat	6m2	£120.00	1	Tender works
P26 - Area '12'	Overlay existing tarmac including tack coat	18m2	£360.00	1	Tender works
P27 - Area '13'	Overlay existing tarmac including tack coat	60m2	£1,200.00	1	Tender works
P28 - Area '14'	Overlay existing tarmac including tack coat	56m2	£1,120.00	1	Tender works
P29 - Area '15'	Overlay existing tarmac including tack coat	44m2	£800.00	1	Tender works
P30 - Area '16'	Overlay existing tarmac including tack coat	15m2	£300.00	1	Tender works
P31/P32/P33 - Area '17'	Overlay existing tarmac including tack coat	61m2	£1,220.00	1	Tender works
P34/P35 - Area '18'	Overlay existing tarmac including tack coat	211m2	£4,220.00	2	
P36/P37 - Area '19'	Overlay existing tarmac including tack coat	60m2	£1,200.00	2	
P38	Install kerb on edge	33m	£1,320.00	1	Tender works
P39 - Area '20'	Overlay existing tarmac including tack coat	83m2	£1,660.00	1	Tender works
P40 - Area '21'	Overlay existing tarmac including tack coat	72m2	£1,440.00	2	
P41/P42/P43/P44 - Area '22'	Overlay existing tarmac including tack coat	494m2	£9,880.00	1	Tender works
P45 - Area '23'	Overlay existing tarmac including tack coat	82m2	£1,640.00	1	Tender works
P46 - Area '24'	Overlay existing tarmac including tack coat	38m2	£760.00	2	
Other Recommendations					
P47 - Area '25' West Entrance	Overlay existing tarmac including tack coat	80m2	£1,600.00	1	Tender works

P48 - Area '26' East Entrance	Overlay existing tarmac including tack coat	84m2	£1,680.00	1	Tender works
	Install notice boards at both entrances showing times and layout	3 No	£1,500.00	3	Design
	Provision of additional litter bins	8 No	£2,400.00	1	Place order
	Provision of cattle grids	3 No	£18,000.00	2	
P49/P50'a'	Full Road Construction Area	278m2	£2,780.00	2	This area needs to be designed
P49/P50'b'	Precast concrete kerbs laid flat(Straights)	163m	£6,520.00	2	
P49/P50'c'	Precast concrete kerbs laid flat(Radius)	10m	£400.00	2	
Fencing Repairs(In Addition To P6 Above)					
F1	Renew gate/ Renew chain link fence	5m	£500.00	1	Tender works
F2	Renew broken chain link fence	7m	£700.00	1	Tender works
F3	Renew broken chain link fence	9m	£900.00	1	Tender works
F4	Renew damaged agricultural wire fence	10m	£1,000.00	1	Tender works
F5	Renew damaged agricultural wire fence	5m	£500.00	1	Tender works
F6	Renew broken chain link fence	13m	£1,300.00	1	Tender works
F7	Renew damaged agricultural wire fence	4m	£400.00	1	Tender works
F8	Renew broken chain link fence	12m	£1,200.00	1	Tender works
F9	Renew broken chain link fence	10m	£1,000.00	1	Tender works
F10	Renew steel mesh fence	5m	£500.00	1	Tender works
F11	Realign fence at access point	ITEM	£100.00	1	Tender works
		TOTAL	£83,520.00		

BRYNITHEL CEMETERY CONDITION SURVEY 2019/20 - SCHEDULE OF WORKS IDENTIFIED

MAINTENANCE SURVEY 2019/20 IDENTIFIED WORK LOCATION	DESCRIPTION OF WORK	QUANTITY	ESTIMATED COST (£)	PRIORITY(1,2,3- HIGH,MED,LOW)	COMMENTS
P1	Remove old shelter and dispose	ITEM	£400.00	1	In house

P2	Paint railings and gates	28m	£2,000.00	3	
P3	Paint railings	13m	£1,000.00	3	
P4	Paint gates	ITEM	£500.00	3	
P5 - Area '1'	Overlay existing tarmac including tack coat	75m2	£1,500.00	2	
P6	Rebuild top 400mm of stone wall	20m	£1,800.00	1	DLO works
P7 - Area '2'	Overlay existing tarmac including tack coat	23m2	£460.00	1	Tender works
P8/P9 - Area '3'	Overlay existing tarmac including tack coat	78m2	£1,560.00	2	
P10 - Area '4'	Overlay existing tarmac including tack coat	31m2	£620.00	2	
P11 - Area '5'	Edge strip 500mm wide(Full Construction)	5m2	£500.00	1	Tender works
P12 - Area '6'	Edge strip 500mm wide(Full Construction)	2.5m2	£250.00	1	Tender works
P13/P14- Area '7'	Overlay existing tarmac including tack coat	24m2	£480.00	1	Tender works
P15 - Area '8'	Full Road Construction Area	22m2	£2,200.00	2	Use as passing lay by
P16/P17 - Area '9'	Overlay existing tarmac including tack coat	86m2	£1,720.00	1	Tender works
P18	Dispose of debris from this area	ITEM		1	In house
P19	Rub down/Paint shelter	ITEM	£500.00	3	
P20 - Area '10'	Overlay existing tarmac including tack coat	18m2	£360.00	1	Tender works
P21 - Area '11'	Overlay existing tarmac including tack coat	45m2	£900.00	1	Tender works
P22	Clean out/Inspect cover	ITEM		1	In house
P23/P24 - Area '12'	Overlay existing tarmac including tack coat	80m2	£1,600.00	1	Tender works
P25/P26 - Area '13'	Overlay existing tarmac including tack coat	148m2	£2,960.00	1	Tender works
P27/P28/P29 - Area '14'	Overlay existing tarmac including tack coat	155m2	£3,100.00	1	Tender works
P30/P31/P32/P33/P34 - Area '15'	Overlay existing tarmac including tack coat	219m2	£4,380.00	1	Tender works
P35'a'	Remove loose brick on edge coping and replace(both sides)	5m	£60.00	1	DLO works
P35'b'	Clean off vegetation from steps	ITEM		1	In house
P35'c'	Install safety handrail on both sides	5m	£500.00	1	DLO works
P36	Erect 1.2m high chain-link fence in front of rubble wall	24m	£2,400.00	3	Needs further investigation
P37	Erect 1.2m high chain-link fence in front of rubble wall	20m	£2,000.00	3	Needs further investigation
P38'a'	Clean off vegetation from steps	ITEM		1	In house

P38'b'	Install safety handrail on both sides	5m	£500.00	1	DLO works					
P39'a'	Clean off vegetation from steps & walls	ITEM		1	In house					
P39'b'	Install safety handrail on both sides	5m	£500.00	1	DLO works					
P40	Rebuild stone wall (Height = 0.85m)	15m	£2,250.00	1	DLO works					
P41/P42	Strip grass/Stone gravel walkway 1.2m wide,0.2m thick	105m	£2,100.00	2	Connect to existing steps					
P43/P44'a' - Area '16'	Widen road(Full Construction Area)	93m2	£9,300.00	2	Extra width varies from 2.5m to 1.7m					
P43/P44'b' - Area '16'	Precast concrete kerbs laid flat(Straights)	45m	£1,800.00	1	Tender works					
P43/P44'c' - Area '16'	Overlay existing tarmac including tack coat	110m2	£2,200.00	1	Tender works					
P45'a' - Area '17'	Full Road Construction Area	50m2	£5,000.00	1	Tender works					
P45'b' - Area '17'	Precast concrete kerbs laid flat(Straights)	27m	£1,080.00	1	Tender works					
P45'c' - Area '17'	Precast concrete kerbs laid flat(Radius)	10m	£400.00	1	Tender works					
P46/P47'a' - Area '18'	Footpath Construction Area 1.2m wide	39m2	£3,900.00	1	Tender works					
P46/P47'b' - Area '18'	Precast concrete edgings	66m	£1,980.00	2	Tender works					
P48/P49	Clean away stone debris & loose vegetation	ITEM		1	In house					
P50	Clean away stone debris & loose vegetation	ITEM		1	In house					
Other Recommendations										
	Install Cattle Grid	1 No	£6,000.00	2	Tender works					
	Install notice boards at entrance showing times and layout	1 No	£1,000.00	3	Design					
	Install Litter Bins	5 No	£1,500.00	1	Place order					
		TOTAL	£73,260.00							
		Cefn Golau	Blaina	Cwm	Dukestown	Ebbw Vale	Brynmawr	Brynithel	TOTAL Estimated costs	Combined Priority 1 Works Costs
Estimated costs		£25,800	£33,830	£36,990	£20,430	£72,730	£83,520	£73,260	£346,560	£199,000

It should be noted that should tenders prove to be favourable then more works can be undertaken, however, should tendering prove more expensive then less works can be authorised.

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Agenda Item 8

Executive Committee and Council only

Date signed off by the Monitoring Officer:

Date signed off by the Section 151 Officer:

Committee: **Community Services Scrutiny**
Date of meeting: **1st March 2021**
Report Subject: **Position Report Fly Grazing Horses**
Portfolio Holder: **Cllr Joanna Wilkins / Executive Member
Environment**
Report Submitted by: **Andrew Long – Team Manager, Environmental
Protection**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
2/2/21	4/2/21	16.02.21			1/3/21	14.04.21		

1. Purpose of the Report

- 1.1 To provide Members with an overview on the issue of fly grazing horses within the County Borough. The report will outline the scale of the issue, including identifying geographical locations where the problem is often reported and set out the legislative and policy framework from which officers operate to resolve incidents.

2. Scope and Background

- 2.1 The illegal fly grazing of horses has been a recurring issue within the County Borough for many years. It appears that some horse owners lack short or long term grazing land for their animals and therefore often utilise primarily Local Authority land on which to keep them.
- 2.2 Historically the Local Authority could utilise its animal impounding team to remove horses, which were often the source of complaints either because of their persistent or recurring nature or because of the welfare concerns around the animals themselves. However, since the termination of this service, Officers ultimately have to rely on informal action and legislative powers to ensure horses are removed.
- 2.3 There are a number of legal avenues available to the Authority to deal with the issue of fly grazing by horses which will be covered in the body of the report, however in 2014 Welsh Government introduced the Control of Horses (Wales) Act 2014 (the 2014 Act), which was specifically created to deal with fly grazing horses in what was seen as a National problem. The Authority has adopted a common policy, which is appended to this report, with Powys County Council on how it implements and enforces the powers within the 2014 Act.
- 2.4 Exercising the powers contained in the 2014 Act is discretionary and while the powers can be used to remove horses from both public and private land, the Authority is not under a duty to discharge these powers if a request from a private land owner is made. When Local Authorities exercise these powers, costs incurred by land owners in the removal and storage of seized horses

must be paid by the horse's legal owners before any retained horses are released.

2.5 The responsibility for the removal of horses from Local Authority land rests with the relevant portfolio land holder, with Environmental Health providing support where it is needed to ensure the legal provisions of the Act are discharged appropriately where that is necessary. In many instances of fly grazing in the County Borough, it is the Estates Section, supporting the portfolio holder that leads in securing the removal of fly grazing horses. This is often achieved through informal means such as speaking directly to horse owners if known or by placing notices on the land stipulating that removal of the horses by the Authority will take place within a specified timescale if they remain. To date, the Authority has not had to utilise the provisions of the 2014 Act to remove horses from its own land.

2.6 Historically Environmental Health have carried out 2 major operations to remove fly grazing horses in the County Borough, both of these occurred on common land at Manmoel and Cefn Golau. These areas of land have for many years supported feral herds of horses and in the Winter of 2012/13, which was particularly harsh, the Authority received numerous complaints about dead and dying horses on the Commons. As a result, in its first operation the Authority, along with colleagues in Powys C.C., Caerphilly C.B.C and various horse welfare charities, implemented its powers under the Animal Welfare Act 2006 to remove 37 horses from both Commons throughout the spring and summer of 2013. The vast majority of these animals were successfully rehomed with only a small number needing euthanasia on welfare grounds. This culminated in a second operation in the Summer of 2014 to remove 30 horses from the larger herd at Manmoel common under the then new powers contained the Control of Horses (Wales) Act 2014. Again the vast majority of the horses removed were rehomed by horse charities, with a small number needing to be euthanized on welfare grounds. Specific funding was secured from Welsh Government for this operation to cover Local Authority costs. Since these operations very few complaints about the condition of horses on either common have been received.

2.7 Environmental Health do not have a specific budget for action taken under the 2014 Act. The Policy adopted by the Authority places the financial cost of any removal, storage and disposal of horses on the relevant land owner while Environmental Health ensure the legal process is followed correctly and all relevant documentation completed, served and saved appropriately. This is also the case should the Authority seek to utilise the powers to remove horses from its own land, with the relevant land portfolio holder within the Authority bearing the costs of removal, storage and disposal of any horses seized.

2.8 As the Authority does not retain the man power, plant and storage facilities to remove horses it would have to use a private contractor to conduct this work. A quotation has been received from a bailiff company for the type of costs involved with this work and while it is difficult to put a specific cost on an operation because of the number of variables involved, it is estimated that the removal of 2-3 horses could potentially cost £3-4000.

3. **Options for Recommendation**
 - 3.1 Option 1- That Members support the existing process for the removal of horses set out in the report with the use of contractors and the costs associated with this.
 - 3.2 Option 2- That Members make recommendations for changes to the current process.
- 4 **Recommendation(s)/Endorsements by other Groups**
 - 4.1 Corporate Leadership Team and Regeneration & Community Services Leadership Team have considered this report.
- 5 **Evidence of how does this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**
 - 5.1 Well-being Plan, Objective 2 – Blaenau Gwent wants safe and friendly communities. The removal of illegal fly grazing horses from Local Authority and private land prevents damage being caused by this act of trespass and ensures members of the public feel safe by the removal of large, often untethered animals from land which can be open to public access.
 - 5.2 Corporate Plan – Strong and Environmentally Smart Communities Priority objective – While there is significant cost associated with individual operations in the removal of horses, it is felt that by dealing proactively with problematic locations where recurrent offending behaviour often occurs that the message will be sent out to irresponsible horse owners that the Authority will not tolerate the act of fly grazing with the result that fewer incidents will occur.
6. **Implications Against Each Option**
 - 6.1 **Impact on Budget (short and long term impact)**
 - 6.2 Environmental Health do not hold a specific budget for implementing its powers under the 2014 Act. Requests to utilise these powers formally are rare, but if it was necessary then, as previously, a request would be made for the work to be undertaken by colleagues from Powys C.C (who deal with other Animal Health, Welfare & Licensing issues for the Authority) at extra cost to the current Service Level Agreement. If the extra costs could not be managed within existing budgets, then this would be reported to CLT accordingly.
 - 6.3 Where the removal of horses is carried out on Local Authority land then the relevant land portfolio holder would have to fund the contractor costs associated with the removal, storage and disposal of any seized animals. Obviously regular use of the seizure powers could put considerable strain on existing budgets, but discussion with the relevant portfolio holders has shown that limited use of these powers would need to be managed within existing budgets. It is anticipated that once the Authority starts exercising the powers contained in the 2014 Act to remove horses from its own land that along with relevant media releases, the number of incidents will start to decline and the use of these powers will become less necessary.

7. Risk including Mitigating Actions

- 7.1 Reputational risk- Illegal fly grazing does generate a number of complaints from Members and the public (figures are set out in Section 10). Fly grazing itself often results in damage to Local Authority land, concerns about the welfare of the animals themselves and public safety concerns about large untethered animals roaming freely. Failing to tackle the problem proactively could lead to significant reputational damage to the Authority.

8. Legal

- 8.1 There are a number of legal provisions available to deal with the issue of fly grazing horses or straying livestock which are outlined below. Discussion with the Legal Section has identified the 2014 Act to be the most appropriate legal sanction to deal with fly grazing horses, including the use of civil trespass action, as it provides a reasonably quick and defined process by which to remove the animals. The policy appended to this report sets out how this is done. The Authority's Constitution determines that policy on this matter is set by the Executive, while operational matters are delegated to the Corporate Director of Regeneration and Community Services.

- 8.2 Other legal provisions include:

- Animals Act 1971- Under the Animal Act 1971, where livestock strays onto land in the ownership of another person (including the Local Authority), the landowner can detain the livestock whilst ownership of the straying animals is being established and reclaim any reasonable costs in doing so. The land owner can claim the costs of any damage, and sell the animal at a market or public auction after 14 days, unless steps are being taken by the owner of the livestock to pay any money owed.
- Town Police Clauses Act 1847- If any cattle (including horses, asses, mules, sheep, goats, and swine) are straying in any street within the limits of the Act then a constable or officer of police, or any person residing within the limits of the Act, may seize and impound the cattle until the reasonable expenses incurred in impounding the cattle are paid.
- Highways Act 1980- Section 155 of the Highways Act 1980 states if any horses, cattle, sheep, goats or swine are at any time found straying or lying on or at the side of a highway their keeper is guilty of an offence; but this subsection does not apply in relation to a part of a highway passing over any common, waste or unenclosed ground.

9. Human Resources

- 9.1 While there are no implications in relation to the need for additional resources for Blaenau Gwent staff associated with this report, dealing with fly grazing horses takes up a significant amount of Officer time. Each complaint requires numerous site visits to try to identify ownership of animals, attempt to contact owners, erect signage and monitor the progress of removal.

10. **Supporting Evidence**

10.1 **Performance Information and Data**

10.2 **Complaints History.** The Estates Section have been consulted during the drafting of this report and they have provided data on the locations, dates (where recorded) and frequency of incidents of fly grazing on Local Authority land over the last 7 years within the County Borough. Table 1, below, sets this data out.

Table 1.

Area / Location	Dates (not all recorded)	Number of Occurrences / Complaints
Former Nantyglo Comprehensive Site	24th March , 12 th September and 8 th November 2017	6 or more per year
Pantyfforest		recurring - 4/5 times per year
Station Road, Tredegar	Regular throughout 2020, 16th November 2018- gate has subsequently been locked December 2020	recurring 4/5 times per year
Crown Cottages, Tredegar		once and no return
Nantyglo OAP Hall	10th November 2020	min 4/5 - from Cwmcrachen per year
Land at Coalbrookevale, Nantyglo	13th April 2015	3/4 times per year, last one Jan 2021
Farm Road, Nantyglo	21st August 2014	2/3 times per year
Former Garn fach School Site	3rd November 2016	recurring
Stones Houses Blaina		recurring - 4/5 times per year
Fan Tips Blaina		recurring 4/5 times per year
Crown Avenue, Tredegar		2/3 times over a adhoc period
Sirhowy Estate - coming off Chartist Way Plots		5/6 times minimum per year
Above Tredegar Rec		once
Pennant Street, Ebbw Vale	December 2020	approx 7-8 horses report
Darrenfelin Road, Brynmawr		twice

10.3 All of these incidents have been dealt with by informal means with no matters dealt with by the use of the powers contained in the 2014 Act. The horses are usually removed by their owners and as a result they can often end up returning to a location. In addition, it is felt by Officers that by dealing with this matter informally, irresponsible horse owners in our community feel that they

can utilise Authority land without the risk of losing their animals by seizure with the financial cost that comes with this should they wish to recover the animals.

10.3.1 **Environmental Health Actions.** Other than the operations outlined in Section 2.5 above, Environmental Health have not utilised their powers in the 2014 Act for other incidents of fly grazing in the County Borough. Enquiries are sometimes received from private land owners about alleged incidents of fly grazing on private land, but other than requests received from the commoners of Cefn Golau and Manmoel Common's, no formal requests have been to Environmental Health to instigate its powers under the 2014 Act have been received since its introduction.

11 **Expected outcome for the public**

11.1 Improved proactive response to service requests in relation to fly grazing incidents.

12 **Involvement (consultation, engagement, participation)**

12.1 Relevant internal colleagues in Cleansing Legal and Estates have been consulted on the content of this report.

13 **Thinking for the Long term (forward planning)**

13.1 The process outlined in this report is necessary to ensure long-term improvements in response to misuse of the Authority's land for fly grazing and to create safer public open spaces.

14 **Preventative focus**

14.1 The process will help to change cultural attitudes to fly grazing by ensuring offending behaviour is actioned by the removal of horses with horses retained and disposed of unless costs are paid.

15 **Collaboration / partnership working**

15.1 The process will utilise private contractors to provide removal, storage and disposal of relevant animals.

16 **Integration (across service areas)**

16.1 The scheme contributes to relevant well-being and environment Agendas.

17 **EqIA (screening and identifying if full impact assessment is needed)**

17.1 The proposals will no adverse effects against the protected characteristics.

18 **Monitoring Arrangements**

18.1 The scheme will be monitored by Public Protection Managers and by way of relevant reports to the Corporate Director Regeneration & Community Services, CLT and Scrutiny Committee, as necessary.

Background Documents /Electronic Links

Appendix 1 – Policy Control of Horses (Wales) Act 2014



ENFORCEMENT POLICY – CONTROL OF HORSES (WALES) Act 2014

Introduction

On 27th January 2014 the National Assembly for Wales introduced the Control of Horses (Wales) Act 2014.

The aim of the Act was to provide a further tool for Local Authorities to use to combat fly grazing, straying and abandonment of horses and ponies. The Act provides Local Authorities in Wales with consistent legal powers to seize, impound, sell, re-home, return, dispose of and destroy horses by humane means after certain notifications and time limits, when the horses are found causing nuisance by fly grazing, straying or have been abandoned in a local authority area.

The powers within the Act will enable the Local Authority to act when notified of horses on land in its area without lawful authority. The Authority will be able to dispose of the horses, if after 7 days, beginning on the relevant day, the owner of the horse(s) or a person acting on behalf of the owner has not contacted the local authority. The Authority may also dispose of those horses where the owner has contacted the Authority but has not paid or disputed the reasonable costs incurred in connection with seizure and impounding.

The relevant day will either be when the Notice was given to the owner or when the notice was displayed (whichever is applicable).

Requests for LA to use Powers under the Act

This Policy has been agreed by Powys County Council and Blaenau Gwent County Borough Council.

Where an individual or organisation requests that the Authority use its powers under the Act: we will consider using ours powers under the Control of Horses (Wales) Act 2014 if a formal written request is received from the Land owner/occupier or commoners associated and on the basis that it would be cost neutral to the Local Authorities other than officer time and travel. The applicant will need to supply the Local Authority with an Operational Plan detailing how s/he will address each of the following points along with the costs for the same: -

- i. The gather of all equines from the common/private land to a suitable handling facility, which must include a race handling system.
- ii. Details of the provision of veterinary support to be provided to deal with any horses that have welfare issues.
- iii. Details of the facility where the equines will be held for a minimum of 7 days, although the preferred period would be at least 10 days.
- iv. Details of who will be responsible for the welfare of the horses during the period that they are held, to include details of feeding/watering and bedding to be provided etc.
- v. Details of how and when the applicant is going to allow public viewing of horses for potential owners to claim them.
- vi. How the applicant proposes to dispose of the horses:
 - a. Details of the veterinary surgeon who will be in attendance to determine fitness to travel or monitor humane destruction.
 - b. Sale.
 - c. Re-homing (details of National Equine Welfare Council affiliated members being used and numbers of horses being re-homed by each).
 - d. Destruction (details of numbers and who will humanely destroy, when destruction will take place, where destruction will take place and where carcasses will be disposed of). Note; where the proposal is for the destruction of horses this would require agreement by the Authority's Executive Committee prior to any involvement by Animal Health Officers.

Applicants will need to be able to satisfy the Authority that all the necessary arrangements can be put in place prior to any assistance being agreed.

Once a written plan has been submitted and been approved, local authority Animal Health Officers would be present when the animals are gathered. Animal Health Officers would seize and scan each horse for a micro-chip and where chipped make the necessary enquiries to determine the registered owner etc. Animal Health Officers would photograph and catalogue the horses and arrange for the required Notices to be displayed (and monitored on a daily basis) in the locality where the horses were seized and for the required notification to be made to the police. Animal Health Officers would then be present on the public viewing to determine if the claimed owner had a legal right to the return of any claimed horse(s), and present again at the dispersal of any unclaimed horses. Finally, Animal Health Officers would ensure that the required public register is maintained.

In addition to the above Animal Health Officers may also submit a funding bid to Welsh Government to offset the costs to the applicants and Local Authority. However no guarantees can be given that such a bid would be successful.

Agenda Item 9

Executive Committee and Council only

Date signed off by the Monitoring Officer:

Date signed off by the Section 151 Officer:

Committee: **Community Services Scrutiny Committee**

Date of meeting: **1st March 2021**

Report Subject: **Use of Consultants**

Portfolio Holder: **Cllr J Wilkins, Executive Member Environment**

Report Submitted by: **Richard Crook, Corporate Director of
Regeneration and Community Services
Clive Rogers, Head of Community Services**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
x	x	17.02.21			1/3/21			

1. Purpose of the Report

- 1.1 To provide Members with the information requested, relating to expenditure incurred during 2018/2019 and 2019/2020 on the use of consultants to support, supplement and complement the work of Officers across the Council.

2. Scope and Background

- 2.1 Consultants are widely used across the whole public sector including Welsh Government for a number of different purposes. At Blaenau Gwent (BG) we use consultants in a number of ways:
- To provide assistance in specialist areas where there is no or limited expertise or experience within the Council e.g. treasury management, VAT, Legal
 - To provide independent advice and a different perspective (challenge)
 - To supplement resources where there is insufficient capacity to undertake a specific, identified task e.g. because the work has come into the Council unexpectedly, or where the work needs to be progressed within a specific / limited time period.
 - To provide training to BG staff to enhance their own expertise e.g. changes to legislation
 - A substantial amount of the consultant costs are associated with project delivery and funded through external grants
- 2.2 The advantage of engaging Consultants is also that they are only needed for a shorter period of time enabling an organisation to pay for that skill on demand only when they need it. This is often an effective use of the Council's resource and avoids / replaces the need to employ additional staff, with specialist knowledge & skills, on a permanent basis.
- 2.3 During 2018/19 and 2019/20 the Council spent a total of £0.7m & £1.1m Consultants across all services, the attached appendix identifies those Consultants, the costs and the reason for engagement relating to the Environment portfolio.

3. Options for Recommendation

Option 1:

- 3.1 To note the use of consultants and accept the report.

Option 2:

- 3.2 To note and challenge the use of consultants.

4. Evidence of how does this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan

Corporate Plan 2018-22, Blaenau Gwent County Borough Council

This proposal supports the amendments made to the Outcome Statements within the Corporate Plan in its review in July 2020.

Corporate Plan 2020/22 Outcome Statements:

- Protect and enhance our environment and infrastructure to benefit our communities
- To enable people to maximise their independence, develop solutions and take an active role in their communities
- An ambitious and innovative council delivering the quality services we know matter to our communities

5. Implications Against Each Option

5.1 *Impact on Budget (short and long term impact)*

- 5.1.1 The attachment at Appendix 1 details the cost of consultants commissioned by the Council for the period 2018/2019 and 2019/2020 for the Environment Portfolio.

- 5.1.2 The costs incurred are summarised below:

Funding Stream	2018/2019 £	2019/2020 £
Capital:		
Internal	23,598	3,457
External (Grant)	33,065	35,206
Total Capital	56,663	38,663
Revenue:		
Internal	6,537	141,514
External (Grant)	138,012	31,892
Total Revenue	144,549	173,406
Total Expenditure	201,212	212,069

- 5.1.3 The table above highlights that for the Environment portfolio 58% of the expenditure incurred on consultants over the 2 years, have been funded externally either by grant or contributions from partner organisations

5.2 ***Risk including Mitigating Actions***

The risks associated with not engaging specialist consultants when needed could result in negligence, poor project outcomes, insufficient resources, unable to draw down external funding, existing staff under excessive pressure and the Council being taken to court.

5.3 ***Legal***

No legal issues associated with this report.

5.4 ***Human Resources***

The HR impacts are included in the risks but will include excessive pressure on staff if consultants were not available. Specialist expertise missing in certain areas of the service which could also lead to legal liabilities for the Council or opportunities missed for progressing projects to support the local communities or economy.

6. ***Supporting Evidence***

6.1 ***Performance Information and Data***

Performance data is attached at Appendix 1.

6.2 ***Expected outcome for the public***

- 6.2.1 The use of Consultants is key in supporting the Council to deliver both capital and revenue projects, the outcome of which is new, improved, quality services and facilities for the residents of Blaenau Gwent.

6.3 ***Involvement (consultation, engagement, participation)***

- 6.3.1 The procurement of consultants will comply with the Councils approved Standing Orders for Contracts.

6.4 ***Thinking for the Long term (forward planning)***

- 6.4.1 When considering future projects/schemes, professional fees/Consultancy costs are built into the outline project costs / Grant application.

6.5 ***Preventative focus***

- 6.5.1 The use of Consultants supports the Council to deliver on specific projects and initiatives. In some instances, this may result in the Council missing out on where otherwise the Council may miss out on opportunities, funding or project delivery.

6.6 ***Collaboration / partnership working***

N/A

6.7 ***Integration (across service areas)***

N/A

6.8 ***EqIA***

Screening has been undertaken and no full assessment is required.

N/A

7. **Monitoring Arrangements**

7.1 Monitoring will form part of the Project Management arrangements.

Background Documents /Electronic Links

- *Appendix 1 – Analysis of expenditure incurred on Consultancy Costs*

ENVIRONMENT PORTFOLIO CONSULTANCY COSTS - 2018/19 & 2019/20
Appendix 1

Portfolio	Cost centre	CC Name	Consultant	Narrative	2018/2019	2019/2020	Funded By
CAPITAL EXPENDITURE							
Capital	328221	Remediation of Contaminated Land/Derelict Building	ACOUSTIC CONSULTANTS LTD	Noise survey & Assessment @ Cwmcrachen Caravan Site Nantyglo	950		INTERNAL
Capital	328221	Remediation of Contaminated Land/Derelict Building	ASBRI PLANNING LTD	Town & Country Planning input - Cwmcrachen	16,061	3,457	INTERNAL
Capital	326225	Heat Networks Project	ATKINS LTD	District Heat Network Feasibility Study	33,065		EXTERNAL
Capital	327043	Household Waste Recycling Centre	CAPITA P & I LTD	Professional Fees		1,317	EXTERNAL
Capital	328270	Highways Improvement Works	CAPITA P & I LTD	Professional Fees		3,035	EXTERNAL
Capital	350510	Improvement grants - new scheme	CIVICA UK LTD	ICT Consultancy Fees		470	EXTERNAL
Capital	328221	Remediation of Contaminated Land/Derelict Building	DUSK TO DAWN ECOLOGY LTD	Bat Scoping Survey @ Cwmcrachen Caravan Site - January 2019	6,200		INTERNAL
Capital	327065	Re:Fit	GEP ENVIRONMENTAL LTD	Project Management support REFIT		25,275	EXTERNAL
Capital	328310	Local Transport Fund	THE BUSMAN TRANSPORT CONSULTANCY LTD	Professional Fees		2,267	EXTERNAL
Capital	328310	Local Transport Fund	THE BUSMAN TRANSPORT CONSULTANCY LTD	Professional Fees		2,842	EXTERNAL
Capital	328222	Land at Blaenant Rd,Nantyglo (LewisWaste	WILDWOOD ECOLOGY LTD	Ecological Surveys	387		INTERNAL
TOTAL CAPITAL EXPENDITURE					56,663	38,663	
REVENUE EXPENDITURE							
Environment	166520	Misc. Health - Control of Pollution	ACOUSTICS & NOISE LIMITED	Professional Fees		250	INTERNAL
Environment	141570	CAT	ALAN LEWIS LTD			423	INTERNAL
Environment	165601	Waste Project	BEVAN BRITTAN	Heads of the Valleys Food Waste Services Legal Advisers for the outline business case development for the Regional Wood Facility Project.	73,917	-	EXTERNAL
Environment	165610	Waste Project	BEVAN BRITTAN		-	6,500	EXTERNAL
Environment	101500	Environmental Health - General	CIVICA UK LTD	ICT Consultancy Fees	-	1,000	INTERNAL
Environment	101520	Environmental Health - Trading Standards	CIVICA UK LTD	ICT Consultancy Fees	-	800	INTERNAL
Environment	166510	Misc. Health- Food Safety	CIVICA UK LTD	ICT Consultancy Fees	4,110		INTERNAL
Environment	166645	KINGDOM PAYMENTS	CIVICA UK LTD	ICT Consultancy Fees		470	INTERNAL
Environment	276790	Homelessness Transitional Funding	CIVICA UK LTD	ICT Consultancy Fees	150		EXTERNAL
Environment	165601	Waste Project	GRANT THORNTON UK LLP	Financial advisory fees in relation to Organics Projects	13,848	-	EXTERNAL
Environment	165610	Waste Project	GRANT THORNTON UK LLP	Financial advisory fees in relation to Organics Projects	-	25,000	EXTERNAL
Environment	165601	Waste Project	JACOBS UK LIMITED	Heads of the Valleys Waste Procurement	13,016		EXTERNAL
Environment	166560	Misc Health - Health & Safety at Work	LEE REYNOLDS		6,188		EXTERNAL

Environment	166400	Cwmcrachen Caravan Site	PHG CONSULTING ENGINEERS LTD	Fees for drainage strategy for Planning application support as agreed with Asbri Planning on behalf of BGCBC regarding Cwmcrachen Caravan Site.	1,824		INTERNAL
Environment	142054	Bridges - General	CELTIC ECOLOGY	PROVIDE BAT SCOPING SURVEY	603		INTERNAL
Environment	101380	Property Management	MOTORSPORT RESEARCH ASSOCIATES	VISUAL INSPECTION FIELD WORK & VISUAL INSPECTION REPORTING AND RECOMMENDATIONS	-	138,571	Earmarked Reserve
Environment	101380	Property Management	THE COAL AUTHORITY	High Level Proof of Concept Report	291	-	EXTERNAL
Environment	101300 / 1013	Engineering Management	WILDWOOD ECOLOGY LTD	Coal Mining Reports		392	EXTERNAL
Environment	101380	Property Management	WSP UK LTD /PARSONS BRINCKERHOFF	Ecological Surveys	30,603	-	EXTERNAL
<u>TOTAL REVENUE EXPENDITURE</u>					144,549	173,406	
<u>TOTAL EXPENDITURE</u>					201,212	212,069	

Agenda Item 10

Executive Committee and Council only

Date signed off by the Monitoring Officer: N/A

Date signed off by the Section 151 Officer: N/A

Committee: **Community Services Scrutiny Committee**

Date of meeting: **1st March 2021**

Report Subject: **Forward Work Programme: 12th April 2021**

Portfolio Holder: **Cllr Joanna Williams, Executive Member Environment**

Report Submitted by: **Cllr Mandy Moore, Chair of the Community Services Scrutiny Committee**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
x	x	16.02.21			01.03.21			

1. **Purpose of the Report**
 - 1.1 To present to Members the Community Services Scrutiny Committee Forward Work Programme for the Meeting on 12th April 2021 for discussion and agreement.
2. **Scope and Background**
 - 2.1 The Scrutiny Work Programmes are key aspects of the Council's planning and governance arrangements and support the requirements of the Constitution.
 - 2.2 The topics set out in the Forward Work Programme link to the strategic work of the Council as identified by the Council's revised Corporate Plan, corporate documents and supporting business plans.
 - 2.3 Effective work programmes are essential to ensure that the work of scrutiny makes a positive impact upon the Council's delivery of services.
 - 2.4 The Committee's Forward Work Programme was agreed in September 2020, recognising the fluidity of the document to enable the Committee to respond to urgent and emerging issues, and included timescales when reports will be considered by the Committee. The work programme is managed and implemented by the Scrutiny and Democratic Officer under the direction of the Chair and Committee.
 - 2.5 The forward work programme for the forthcoming meeting will be presented to Committee on a 6 weekly cycle in order that Members can consider the programme of work; request information is included within the reports, as appropriate and / or make amendments to the work programme.

3. **Options for Recommendation**

3.1 **Option 1:** The Scrutiny Committee consider the Forward Work Programme for the meeting 12th April 2021, and

- Make any amendments to the topics scheduled for the meetings;
- Suggest any additional invitees that the committee requires to fully consider the reports; and
- Request any additional information to be included with regards to the topics to be discussed.

3.2 **Option 2:** The Scrutiny Committee agree the Forward Programme for the meeting 12th April 2021, as presented.

Background Documents /Electronic Links

- Appendix 1 – Forward Work Programme – Meeting on 12th April 2021

Community Services Scrutiny Committee Forward Work Programme

Dates / Deadlines	Scrutiny Topic	Purpose	Lead Officer	Executive / Council
Monday 12th April 2021 Deadline: 26 th March 2021	1. Central Depot new Build / Relocation / Business Plan	Pre Decision To consider the business plan and options for the relocation of the Central Depot.	Dave Watkins	Executive and /or Council Approval
	2. Litter Strategy	Pre Decision To consider and recommend for approval.	Dave Watkins	Executive
	3. Update on how front line services were managed and operated during COVID-19 pandemic	Performance Monitoring Members to receive an update on the operation of services during the COVID-19 pandemic	Clive Rogers	Executive
	Annual Air Quality 2019/20	Information To receive the annual report for Members' information.	Dave Thompson	Executive Information
	Pest Control – Annual Performance Report	Information To receive the annual report for Members' information.	Dave Thompson	Executive Information

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