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For all enquiries relating to this agenda please contact Rebecca Barrett
(Tel: 01443 864245 Email: barrerm@caerphilly.gov.uk)

Date: 25th October 2017

Dear Sir/Madam,

A meeting of the **Regeneration and Environment Scrutiny Committee** will be held in the **Sirhowy Room, Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 1st November, 2017** at **5.30 pm** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided if requested.

Yours faithfully,

A handwritten signature in blue ink that reads 'Chris Burns'.

Chris Burns
INTERIM CHIEF EXECUTIVE

AGENDA

	Pages
1 To receive apologies for absence.	
2 Declarations of Interest.	
Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers	
To approve and sign the following minutes: -	
3 Regeneration and Environment Scrutiny Committee held on 19th September 2017.	1 - 8

A greener place Man gwyrddach

Correspondence may be in any language or format | Gallwch ohebu mewn unrhyw iaith neu fformat



- 4 Consideration of any matter referred to this Committee in accordance with the call-in procedure.
- 5 To receive a verbal report by the Cabinet Member(s).
- 6 Regeneration and Environment Scrutiny Committee Forward Work Programme. 9 - 22
- 7 To receive and consider the following Cabinet reports*: -
1. Community Centre Management Committees - CCBC Representation - 20th September 2017;
 2. Proposals to Commence a Consultation Exercise to Close Pontllanfraith Leisure Centre - 20th September 2017;
 3. Phasing Out of Communities First, Proposals for Revised Welsh Government Priorities and Associated Staff Re-Structure - 4th October 2017;
 4. Active Travel Integrated Network Map - 4th October 2017;
 5. Children's Burial Fees - 18th October 2017.

** If a member of the Scrutiny Committee wishes for any of the above Cabinet reports to be brought forward for review at the meeting please contact Rebecca Barrett, 01443 864245, by 10.00 a.m. on Tuesday, 31st October 2017.*

To receive and consider the following Scrutiny reports:-

- 8 The Management of Trees. 23 - 58
- 9 Proposals to Commence a Consultation Exercise to Close Pontllanfraith Leisure Centre. 59 - 72
- 10 Budget Monitoring Report 2017/2018. 73 - 88

Circulation:

Councillors J. Bevan, D.T. Davies (Chair), C. Elsbury, Mrs C. Forehead (Vice Chair), R.W. Gough, A.G. Higgs, A. Hussey, S. Kent, Ms P. Leonard, J. Ridgewell, J. Scriven, G. Simmonds, A. Whitcombe, T.J. Williams, W. Williams and B. Zaplatynski

And Appropriate Officers



REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON
TUESDAY, 19TH SEPTEMBER 2017 AT 5.30 P.M.

PRESENT:

Councillor D.T. Davies - Chair

Councillors:

C. Elsbury, R.W. Gough, A. Hussey, S. Kent, J. Scriven, G. Simmonds, A. Whitcombe, W. Williams, T.J. Williams and B. Zaplatynski

Cabinet Members:

N. George (Neighbourhood Services), S. Morgan (Economy, Infrastructure, Sustainability and Wellbeing of Future Generations Champion)

Together with:

C. Harry (Corporate Director - Communities), C. Campbell (Transportation Engineering Manager), T. McMahon (Community Regeneration Manager), D. Smith (Principal Engineer – Traffic Management), J. Williams (Senior Engineer), J.B. Williams (Solicitor), E. Sullivan (Scrutiny Officer) and R. Barrett (Committee Services Officer)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J. Bevan, Mrs C. Forehead (Vice-Chair), A.G. Higgs, Mrs P. Leonard, J. Ridgewell, and Mrs E. Stenner (Cabinet Member for Environment and Public Protection).

2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

3. RETIREMENT – TERRY SHAW

The Chair advised the Scrutiny Committee that Terry Shaw (Head of Engineering Services) had recently retired from the Authority. Members extended their best wishes to Mr Shaw and requested that their appreciation for the support he had given to the Committee during his many years of service be placed on record.

4. MINUTES - 4TH JULY 2017

By way of matters arising, in relation to Minute No. 6 (Cabinet Members Statement) a Member referred to a query he had raised at that time (the rationale behind the calculation of 13,500 new homes in the LDP as being required) and sought clarification on the response provided to him following the meeting. The Officer clarified that the Member had been provided with a detailed response to the requested information, and offered to recirculate this information to the Member. The Scrutiny Committee were also reminded by the Chair that they are able to approach Officers with any queries prior to the committee meeting.

Following discussion on the above it was

RESOLVED that the minutes of the Regeneration and Environment Scrutiny Committee meeting held on 4th July 2017 (minute nos. 1 - 12) be approved as a correct record and signed by the Chair.

5. CALL-IN PROCEDURE

There had been no matters referred to the Scrutiny Committee in accordance with the call-in procedure.

6. REPORT OF THE CABINET MEMBERS

The Scrutiny Committee noted the contents of the reports received from Councillors S. Morgan and N. George, which had been circulated to Members in advance of the meeting. Questions and comments were invited on the report contents.

The report from Councillor S. Morgan (Cabinet Member for Economy, Infrastructure, Sustainability and Wellbeing of Future Generations Champion) provided an update on Section 106 funding proposals arising from the Tesco development in Risca (to be considered by Cabinet on 4th October 2018) and summarised regional WG proposals that will influence the strategic direction of the Council's future policies. At a local level, all Members have been invited to a workshop on Monday 2nd October to consider the regeneration priorities for the county borough, which will inform the new Council Regeneration Strategy.

The report provided an update on developments across tourism venues and referenced the need for capital investment to expand the Council's industrial estates portfolio. The Scrutiny Committee were also updated regarding Engineering and Transportation (including the commencement of improvement works at Pwll y Pant roundabout in Caerphilly) and the procurement exercise for the South Wales Metro. Members raised concerns regarding the potential for disruption and traffic congestion in neighbouring areas as a result of the improvement works to the roundabout. Officers gave assurances that there would be regular communication from the Council regarding the traffic situation and the progress made to date.

The report from Councillor N. George (Cabinet Member for Neighbourhood Services) explained that a report will be presented to Cabinet on 20th September 2017 seeking approval to commence a formal consultation process on the proposal to close Pontllanfraith Leisure Centre, and part of the consultation will involve the Scrutiny Committee.

The report also provided an update in respect of the Council's Kerbside Recycling Service, and new contractor arrangements for the treatment of recycling. Due to ongoing issues surrounding contamination of household recycling, the Council have implemented a series of measures to combat these issues and to raise residents' awareness of what can and cannot be recycled. These include a press release and Newsline article to remind residents of what items should be placed in which bin, households being notified in cases where their recycling

bin is found to contain incorrect materials, and meetings being held with recycling teams and contractors to ensure that the recycling process runs smoothly. The Scrutiny Committee will be kept updated on these arrangements at future meetings.

Members referenced the high number of complaints received by the Council following implementation of these measures and discussion took place regarding the range of the Council's recycling collection remit. Several Members also outlined instances where residents have not had their bin collected because a passer-by has placed an incorrect item in their bin. Officers reiterated that recycling placed out at the kerbside is a householder's responsibility and that bins should be put out at late as possible the night before collection, and brought back onto their property as soon as possible after the collection has taken place. Members were advised that it is a small minority of residents who are recycling incorrectly (often including items such as used nappies in their recycling bins) and that there is a need to take a more targeted approach as the current level of contamination cannot be allowed to continue. If there is no reduction in contamination levels, then the Council will have no option other than to change its recycling collection methods.

The Cabinet Members were thanked for their reports and for responding to the queries raised.

7. REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE FORWARD WORK PROGRAMME

Emma Sullivan (Scrutiny Officer) presented the report, which outlined details of the Regeneration and Environment Scrutiny Committee Forward Work Programme (FWP).

Members were advised that the FWP includes all reports identified at the Scrutiny Committee meeting held on 4th July 2017 and the workshop held on 20th July 2017 and outlines the reports planned for the period September 2017 to June 2018. The Scrutiny Committee were asked to consider the FWP alongside the Cabinet Work Programme as appended to the report to reappraise the contents (in view of low attendance at the workshop) and suggest any changes prior to it being finalised and published on the Council's website.

Discussion took place regarding the items listed on the report. It was confirmed that a Members workshop will be arranged prior to consideration of the Regeneration Strategy and site visits would be arranged prior to the Tourism Venues report scheduled for 13th February 2018. Members had also agreed that this committee meeting would be held at one of these venues. An initial report with regard to the establishment of a cross-part working group in relation to the Street Scene Review report was also scheduled for 13th February 2018. Further details will be confirmed closer to the meeting date.

The Scrutiny Committee were advised that there is only one report (Waste Review) scheduled for 27th March 2018, due to the breadth of the topic to be considered. Members were also referred to the items listed under "date to be confirmed" with it noted that a special Scrutiny Committee will be arranged to consider the Leisure Strategy report and that the title of the Vibrant Viable Places Proposal report has been updated to "Targeted Regeneration Investment Programme" (TRIP).

Members noted that the proposed agenda for 15th May 2018 contained some highly detailed reports which would require in-depth scrutiny and it was suggested that the Street Scene Review report could be moved on to the meeting of 26th June 2018. It was agreed that the Scrutiny Officer would email Members following the meeting to confirm the change.

Having noted the contents of the Forward Work Programme, Members agreed that it be published on the Council's website.

Members were updated on the list of information reports scheduled for September 2017 to

June 2018. It was explained that the Scrutiny Committee will be notified of any requests for an item to be included on the list, and the reports will be placed on the Members' Portal and on the Council's website in tandem with the main committee reports for each meeting.

Members were also referred to the three reports requested by a Member at the Scrutiny Committee meeting on 4th July 2017. A scoring matrix which evaluated each topic against a range of selection criteria was presented to Members for their consideration.

Christina HARRY (Corporate Director – Communities) explained that the first topic (the effects of Welsh Assembly policy on child poverty) was considered to be too broad in order to consider its relevance to the scrutiny committee, and would also appear to be a topic more relevant to the social care scrutiny committee. Following discussion on the topic, it was agreed by the majority present that the topic did not fall under the remit of the Regeneration and Environment Scrutiny and that the report request should be made to the Health, Social Care and Wellbeing Scrutiny Committee.

Officers explained that the second request (Welsh Assembly policy of improving GPA/GVA and the spending deficit currently being experienced in Wales (tax raised = WA spending)) was deemed to be too broad to consider and determine its appropriateness and relevance for the scrutiny committee. However, they explained that certain aspects of this topic could be considered as applicable to the county borough, and there was scope to incorporate these into the Regeneration Strategy report already listed on the Forward Work Programme. The Scrutiny Committee were in agreement with this suggestion.

The third report request focused on the disparity between Cardiff, Caerphilly and Blaenau Gwent in terms of economic performance and policy delivery. Officers explained that this would be too wide-ranging a topic to facilitate any appropriate consideration by the Scrutiny Committee. Reference was made to the series of reports being presented to Council in relation to the Cardiff Capital Region City Deal, and Members were advised that they have full opportunity to comment on Caerphilly's approach to this programme, as and when the reports are considered by Council.

Following consideration of the report requests, a Member referred to the Velothon cycling event and requested further information on the cost and benefits of this event to the Authority. It was confirmed that arrangements would be made to provide this information to Members.

8. CABINET REPORTS

None of the Cabinet reports listed on the agenda had been called forward for discussion at the meeting.

REPORTS OF OFFICERS

Consideration was given to the following reports.

9. PHASING OUT OF COMMUNITIES FIRST, PROPOSALS FOR REVISED WELSH GOVERNMENT PRIORITIES AND ASSOCIATED STAFF RESTRUCTURE

Tina McMahon (Community Regeneration Manager) presented the report, which outlined the phasing out of the Communities First programme and the proposed implementation of the Legacy and Employment Fund, together with the proposed departmental re-structure and recruitment period which will enable a seamless transition to the Welsh Government's (WG) revised priorities and associated funding. Members were asked to consider if the proposals detailed within the report are appropriate and effective against the funding and policy criteria

offered by WG, and their views were sought on the approach to the phasing out of Communities First and the proposed approach to the new programme, associated milestones and staff structure, prior to presentation of the report to Cabinet for consideration.

With the aid of a slideshow presentation, Officers outlined the background of the programme and the current staff structure, details of which were contained in the report and its appendices. It was explained that since 1st April 2012, Communities First has been a Community Focused Tackling Poverty Programme, concentrating on the most deprived communities in Wales. The programme is funded by WG and has an annual budget of £2.902m. On 14th February 2017, following a period of engagement with communities and stakeholders, it was confirmed that Communities First would be phased out between 31st March 2017 and 1st April 2018, and that funding will continue at 70% of 2016/17 levels until 31st March 2018.

Officers explained that 2017/18 is intended to be a transition period which secures the legacy of Communities First whilst moving to a fresh approach to building resilient communities. Central to this approach will be the "Three E's" (employability, empowerment and early years). A full restructure of the Community Regeneration Team will be required in order to continue delivering the Communities for Work and LIFT programmes, as well as implementing the new Welsh Government initiatives, which will be funded from 1st April 2018. Both the Employment Support Fund and Legacy Fund (which are successors to the existing Communities First programme) were explained in more detail throughout the report.

Members were also advised of the potential impact of these changes to third sector organisations. The Communities First programme has contributed to the funding of a number of posts across Gwent Association of Voluntary Organisations (GAVO), Groundwork Caerphilly and Senghenydd Youth Drop In Centre (SYDIC), and a reduction in the current funding is likely to have a major impact upon the Council's voluntary sector partners. Additionally, from 1st April 2018, it is only Local Authorities that will be awarded the new Legacy and Employment Support Funds.

In response to a Member's query regarding the focus of the new programme, Officers explained that it would promote access to employment and encourage users to gain sustainable employment. Discussion took place regarding the WG policies to promote economic and employment opportunities in Wales and it was explained that WG are due to publish their economic strategy in the near future which will set out their plans moving forward. Members were also reminded of the benefits that the Cardiff Capital Region City Deal will bring to the area, including the Metro transport network which will improve access to work opportunities. Members also referenced the strong economic prospects within Cardiff and expressed a need for these to be more evenly distributed across the county borough and wider region.

Discussion took place regarding the success of the Communities First programme within the county borough. Officers explained that Caerphilly is regarded as having one of the most successful programmes within Wales, having secured the highest number of people into employment, together with other positive outcomes.

Queries were received regarding the impact on staff in view of the funding reductions and proposed restructure. It was explained that some Communities First staff have secured alternative employment in recent months, and therefore a number of posts detailed within the proposed restructure would be subject to a recruitment process. It was confirmed that a number of the Communities First-funded positions within the voluntary sector have also been vacated.

Reference was made to the Communities First budget for 2016/17 and the amounts allocated to salaries and projects. Officers explained that the budget allocation is set by WG and that there has been a need to secure additional funding to cover salary payments and transport

costs associated with the programme.

Following consideration of the report, it was moved and seconded that the following recommendation be forwarded to Cabinet for approval. By a show of hands, this was unanimously agreed.

RECOMMENDED to Cabinet that the approach to the phasing out of Communities First, and the approach to the new programmes, associated milestones and staff structure be approved.

10. ACTIVE TRAVEL INTEGRATED NETWORK MAP

Clive Campbell (Transportation Engineering Manager) presented the report, which sought Members' views on the draft Active Travel Integrated Network Map and reported the responses from the public consultation, prior to its presentation to Cabinet for consideration.

Officers explained that the Active Travel (Wales) Act 2013 places new duties on local authorities (LAs) in Wales to produce and publish active travel maps, with the first stage requiring the production of an Existing Routes Map. Caerphilly County Borough Council's Existing Routes Map was approved by the Welsh Government in April 2016. The next stage requires all LAs in Wales to produce an Active Travel Integrated Network Map (INM) by November 2017. A 12-week public consultation on Caerphilly's draft INM has been undertaken and of the 121 questionnaire responses received, 98% stated they support the proposed routes included in the draft INM. Details of the response comments received were appended to the report. As a result of the consultation, there are a number of proposed changes to the INM that will be incorporated into the final version, prior to its submission to Welsh Government (listed at Appendix 3 of the report) by the deadline of 3rd November 2017.

Members highlighted several amendments required to the ward and community listings within the Integrated Network Map document. Officers confirmed that these would be reviewed and updated prior to the final version being submitted to Welsh Government.

In response to a query regarding the funding of the INM, it was explained that external funding sources (such as Welsh Government) will need to be secured to progress and deliver the proposals shown within the map. There is an expectation that funding will be made available to allow delivery of this statutory requirement but details have not been released to date. Members were advised that due to the diverse nature of the plan, there is potential for other funding avenues to be explored.

Members were pleased to note the work that had been carried out on the INM to date, and following consideration of the report (and subject to the aforementioned amendments) it was moved and seconded that the following recommendation be forwarded to Cabinet for approval. By a show of hands, this was unanimously agreed.

RECOMMENDED to Cabinet that subject to the foregoing, the draft Active Travel Integrated Network Map and proposed changes following consultation, as appended to the report, be approved.

11. SPEED LIMIT REVIEW OF A AND B CLASS ROADS WITHIN CAERPHILLY COUNTY BOROUGH

Clive Campbell (Transportation Engineering Manager) and Dean Smith (Principal Engineer – Traffic Management) presented the report, which sought the views and support from the Regeneration and Environment Scrutiny Committee on the methodology, outcomes and recommendations of a speed limit review of A and B class roads within Caerphilly County

Borough prior to Public Notice being given by the Council.

Details of the speed limit review, methodology, and data were contained in the report and its appendices. It was explained that the review has established that the majority of the existing speed limits within the borough are appropriate and conform to national guidance. The review across the classified highway network has identified a number of locations across A and B roads where changes should be considered in order to ensure that the speed limits posted on the highway comply with Welsh Government's guidance and are appropriate for the conditions. Consequently it is recommended that changes be made to the existing speed limits at these locations whilst others be treated with speed management measures. Details of the speed limit review, methodology, and data were contained in the report and its appendices.

Members views were sought on the review recommendations as set out in Appendix 5 of the report. Details of these have been forwarded to relevant officers and local ward members where changes have been proposed, and any comments and objections received following this consultation exercise were also provided in the table for information. For those links highlighted for further review, each link will be looked at individually where either a change in the road's speed limit or further safety measures will be included. Gwent Police's Traffic Management Advisor has been involved in the assessment process and supports the majority of the recommendations contained within this report. However concerns have been raised regarding the proposed changes for A469 Link 7 Puzzle House Junction.

It was explained that Members will be contacted individually in due course to discuss the recommendations outlined in Appendix 5 and the additional requests received for changes to be made to the speed limits in their respective wards. All proposed changes to the speed limits will be subject to the standard traffic regulation order process which involves a statutory consultation process with relevant parties including local ward members and the Chief Constable of Gwent Police. and Public Notice being given. The recommendations would need to consider the responses from the statutory consultation process and the amount of works would be reviewed to establish phasing based on available funding streams (e.g. Welsh Government grants).

Discussion took place regarding accident hotspots within the authority and the reasons for such incidents. Officers explained that this is reliant on the information made available (in that most damage only car accidents are not reported to the Authority so the circumstances of the incidents are unknown). In the event of reported collisions where there is personal injury, the police will prepare an incident report detailing the contributing factors. A Member queried the need for some of the proposed speed limit increases and it was explained that this is to raise consistency in speed limits across the county borough in accordance with the guidance and design standards. Members were encouraged to relay any safety concerns arising from these proposals back to Officers. The Scrutiny Committee also noted concerns relating to the effectiveness of a proposed speed limit decrease at Watford Road to Caerphilly Mountain. Discussion also took place regarding traffic calming measures and it was explained that these are only used in very built-up areas or in particular areas of concern where speed management is needed.

Following consideration of the report, Members endorsed the progression of the recommendations arising from the Speed Limit Review as set out in the report and its appendices.

12. APPORTIONMENT OF HIGHWAY MAINTENANCE BUDGET 2017/2018

Consideration was given to the report, which provided details of the proposed apportionment of the highway maintenance budget for 2017/2018, and asked Members to consider if the proposed allocations promote value for money and maximum impact.

Members were referred to Appendix 1 of the report which outlines the allocation of the 2017/2018 Highway Maintenance Budget (totalling £7,741,926). The revenue budget includes revenue contributions to Capital outlay (RCCO) for Carriageway and Footway resurfacing schemes of £170k and £230k respectively. The street lighting budget allocation (included in the above) is £1,704,000, which is inclusive of £1,228,000 energy costs. This has seen a saving of £350,000 from the 2016/17 budget to attain the Medium Term Financial Plan (MTFP) target. This reduction consists of £190,000 of energy savings and £160,000 from lighting maintenance. Recent notification from energy companies are that there will be sizeable energy price increase for 2017/18 amounting to 14.15%. A report on potential options to mitigate any future budget increases is scheduled to be presented to the Scrutiny Committee in the autumn.

Details of the 2017/2018 capital budget allocation in relation to highway operations were detailed in Appendix 2. The budget remains unchanged and includes £750,000 and £150,000, directly related to highway resurfacing and footways respectively. Locations of the specific schemes, where appropriate, were provided in Appendices 3, 4 and 6 of the report. Members noted that the Winter Maintenance/ Severe Weather budget has been held at the 2016-17 level of £1.14m, as part of measures to protect this fundamental service area from savings

It was explained that the ongoing strategy is to maximise the impact of existing funding, based on priorities, innovation and standards, whilst ensuring the safety of highway users. Although the projected MTFP savings have been deferred for 2017/18, highway management is likely to be directly challenged over the coming years (2018-22) and this will inevitably present challenges for Officers to consider future priorities and innovative approaches to these issues. The highway asset is the Authority's largest asset, valued at almost £2 billion. In order to try and maintain the highway to an acceptable standard, that does not compromise user safety, alternate strategies (such as preventative maintenance techniques) are being more widely utilised. There will be funding challenges as a result of the MTFP going forward and it is likely that the standard of service currently offered will have to reduce. As such it is imperative that a prioritised risk based approach to highway maintenance continues.

Members were advised that overall, for a wide ranging front line service delivery area, the performance of Highway Operations is judged to be good, producing variable results in view of key objectives set out. Services are benchmarked against other authorities in Wales and reported annually.

Discussion took place regarding street lighting measures in view of the anticipated increase in energy costs. Officers confirmed that the future report to be presented to the Scrutiny Committee will take into account the increase in energy costs and the overall financial situation of the Council, and will consider a full range of options to mitigate any future budget increases. Members were reminded of the need to make savings in future years and of the impact this could have across all service areas. In response to a Member's query as to whether solar power could be explored for use with street lighting, Officers explained that suitable technology is being developed but is not yet available.

Following consideration of the report, Members noted its contents and the proposed interventions detailed in order to maximise service standards from the allocated highway maintenance budget for 2017/18.

The meeting closed at 6.56 p.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 1st November 2017, they were signed by the Chair.

CHAIR



REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE – 1ST NOVEMBER 2017

**SUBJECT: REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE
FORWARD WORK PROGRAMME**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151
OFFICER**

1. PURPOSE OF REPORT

1.1 To report the Regeneration and Environment Scrutiny Committee Forward Work Programme.

2. SUMMARY

2.1 Forward Work Programmes are essential to ensure that Scrutiny Committee agendas reflect the strategic issues facing the Council and other priorities raised by Members, the public or stakeholders.

3. LINKS TO STRATEGY

3.1 The operation of scrutiny is required by the Local Government Act 2000 and subsequent Assembly legislation. The Forward Work Programmes contribute to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2016 by ensuring there is an effective scrutiny function and that council policies are scrutinised against the following goals:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

4. THE REPORT

4.1 The Regeneration and Environment Scrutiny Committee forward work programme includes all reports that were identified at the scrutiny committee meeting on 19th September 2017. The work programme outlines the reports planned for the period November 2017 to July 2018.

4.2 The forward work programme is made up of reports identified by officers and members and has been prioritised into three priority areas, priority 1, 2 or 3. Members are asked to consider the work programme alongside the cabinet work programme and suggest any changes before it is published on the council website. Scrutiny committee will review this work programme at every meeting going forward alongside any changes to the cabinet work programme or report requests.

4.3 The Regeneration and Environment Scrutiny Committee Forward Work Programme is attached at Appendix 1. The Cabinet Forward Work Programme is attached at Appendix 2.

5. WELL-BEING OF FUTURE GENERATIONS

5.1 This report contributes to the well-being goals as set out in links to strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in that by ensuring the scrutiny function is effective when reviewing services and policies and ensure it considers the wellbeing goals.

6. EQUALITIES IMPLICATIONS

6.1 There are no specific equalities implications arising as a result of this report.

7. FINANCIAL IMPLICATIONS

7.1 There are no specific financial implications arising as a result of this report.

8. PERSONNEL IMPLICATIONS

8.1 There are no specific personnel implications arising as a result of this report.

9. CONSULTATIONS

9.1 There are no consultation responses that have not been included in this report.

10. RECOMMENDATIONS

10.1 That Members consider any changes and agree the final forward work programme prior to publication.

11. REASONS FOR THE RECOMMENDATIONS

11.1 To improve the operation of scrutiny.

12. STATUTORY POWER

12.1 The Local Government Act 2000.

Author: Emma Sullivan, Scrutiny Officer
Consultees: Christina Harry, Corporate Director – Communities
Catherine Forbes-Thompson, Interim Head of Democratic Services

Appendices:
Appendix 1 Regeneration and Environment Scrutiny Committee Forward Work Programme
Appendix 2 Cabinet Work Programme

Regeneration & Environment Scrutiny Committee Forward Work Programme
APPENDIX 1

Regeneration & Environment Scrutiny Committee Forward Work Programme November 2017 to July 2018			
Meeting Date: 1st November 2017			
Subject	Purpose	Key Issues	Witnesses
Proposals to commence a consultation exercise to close Pontllanfraith Leisure Centre	To consider proposals to commence a consultation exercise to close Pontllanfraith Leisure Centre		Christina Harry
Management of Trees (P2)	To seek the views of the scrutiny committee on the current management arrangements in relation to trees and the formal adoption of a tree strategy	To consider the strategy proposed and the resources towards it and consider any associated risks identified.	Mark S. Williams Mike Headington
Budget Monitoring Report 2017/18 (P2)	To consider the budget monitoring report.	To consider any pressures and associated mitigation measures.	Mike Eedy

Meeting Date: December 2017 – MTFP Special Meeting			
Subject	Purpose	Key Issues	Witnesses
Draft Savings Proposals for 2018/19			
Draft Budget Proposals for 2018/19			

Meeting Date: 12th December 2017			
Subject	Purpose	Key Issues	Witnesses
Annual Performance Report – Planning (P2)	To consider the annual performance report for the planning service, prior to submission to WG.	To consider any variances to the previous year.	Tim Stephens
Decriminalization of Parking (P1)	To consider the options available to us following the announcement from Gwent Police that they wish to transfer on-street parking enforcement to the councils across the Gwent area.	To determine the approach that the Council wishes to take in exercising this power.	Marcus Lloyd
Planning Consultation Procedure for Applications that Involve Telecommunication Masts (P2)	To consult Scrutiny on the planning consultation procedure for applications that involve telecommunication masts	To consider whether the number of properties consulted and the impact that has on resources is justified, particularly in terms of the level of response.	Tim Stephens

Regeneration & Environment Scrutiny Committee Forward Work Programme
APPENDIX 1

Meeting Date: 13th February 2018			
Subject	Purpose	Key Issues	Witnesses
Budget Monitoring Report 2017/18 (P2)	To consider the budget monitoring report	To consider any variances and associated mitigation measures.	Mike Eedy
Tourism Venues (P1)	To consider the current operation of tourism venues and their ability to reduce council subsidy, through different operating models.	To consider the current financial position and to consider various options in order to ensure a sustainable financial model over the medium to long term.	Paul Hudson Site Visits
Street Scene Review (GM, Cleansing, Parks, Cemeteries) (P1)	To consider the establishment of a cross party working group and present the purpose and objectives of the street scene review.		Christina HARRY

Regeneration & Environment Scrutiny Committee Forward Work Programme
APPENDIX 1

Meeting Date: 27th March 2018			
Subject	Purpose	Key Issues	Witnesses
Waste Review (P1)	To consider various options of delivery following the detailed option appraisal carried out by WG consultants.	Consideration of each model in terms of budget and recycling performance and a view is sought from the committee on any preferences.	Mark S Williams

Meeting Date: 15th May 2018			
Subject	Purpose	Key Issues	Witnesses
Local Development Plan (LDP) Update (P2)	To consider the current position of the local development plan and consider a way forward.	To consider a way forward in the context of any regional development of a strategic development plan or equivalent.	Rhian Kyte
Regeneration Strategy (P2)	To consider the existing strategy and our performance against it and consider a draft strategy that reflects the changing landscape and priorities	To consider the performance made against the existing strategy and to consider a proposed new strategy.	Rhian Kyte
Decriminalisation of Parking (P1)	Having previously considered the approach to be taken by the council, this report provides the detail delivery of the enforcement of on street parking across the county borough	To consider the cost, income and resource requirements of delivering on-street parking enforcement as well as the reputation of the council.	Marcus Lloyd

Regeneration & Environment Scrutiny Committee Forward Work Programme
APPENDIX 1

Meeting Date: 26th June 2018			
Subject	Purpose	Key Issues	Witnesses
Community Centres (P1)	To consider how the community centres are currently operated and to set out a new delivery model in the context of the MTFP.	To consider the current method of delivery, the financial position and the risks and to consider a new delivery model.	Mark S Williams/Jeff Reynolds
Highway Maintenance Plan (P2)	To consider all the procedures that ensure we fulfil our statutory duty, prior to adoption by Cabinet.	To consider the procedures within the plan, check their robustness and ascertain if you are satisfied that they fulfil our statutory duty.	Marcus Lloyd
Street Scene Review (GM, Cleansing, Parks, Cemeteries) (P1)	To consider the Street Scene Review including the outcomes from the Cross Party Working Group.		Christina HARRY.

Regeneration & Environment Scrutiny Committee Forward Work Programme
APPENDIX 1

Date To Be Confirmed			
Subject	Purpose	Key Issues	Witnesses
Leisure Strategy (P1) (Special Meeting of Scrutiny)	To update the Committee on the outcome of the Sport & Leisure Review (s) agreed by the Committee at its June 2016 meeting.	<ul style="list-style-type: none"> To consider the recommendations of the WAO report. Next steps in terms of adoption of strategy by the Authority. 	Mark S Williams
Targeted Regeneration Investment Programme (TRIP) (P3)	To consult on the Targeted Regeneration Investment Programme (TRIP) (formally Viable Vibrant Places) grant bid proposals.	The report will outline the Welsh Government TRIP funding criteria and submission timetable which currently waits to be published. It will detail the bid being made by CCBC for funding to engage the local community in a range of social, environmental and economic projects.	Awaiting for confirmation from WG. Anticipated the following officers will attend: Tina McMahon Jane Roberts-Waite Dave Whetter

(Key P1,2,3,4 – Priority 1,2,3 or 4)

Cabinet Forward Work Programme

APPENDIX 2

1ST NOVEMBER 2017	Key Issues	Service Area
Wales Audit Office Review of the WHQS Programme	To advise members on the outcome of the WAO Review of the WHQS Programme. The report will highlight the key findings of the WAO Review, detail the key recommendations and actions to be taken by officers to address these.	Housing
Wales Audit Office Annual Improvement Report	The Annual Improvement Report is a summary of the review work carried out by Wales Audit Office in 2016-17. Individual pieces will have been reported on throughout the year at separate times, but this provides a collective summary The AIR also gives the Audit Offices judgement on whether they believe the Council has or is going to meet its statutory duty to 'make arrangements to secure continuous improvement'	Public Protection
Local risk based reviews: Asset Management and Information Management and Technology – Caerphilly County Borough Council	To present to Cabinet the WAO report detailing their findings following the review of Asset Management and Information Management and Technology.	Corporate Services
Social Services Assisted Transport Policy	To obtain members views on the proposed transport criteria which has been reviewed and updated in line with the Social Services and Well-Being Act	Social Services

15TH NOVEMBER 2017	Key Issues	Service Area
The Management of Trees	To seek the approval of Cabinet to formally adopt a Tree Strategy, following consideration at Scrutiny Committee.	Communities and Leisure
Draft Budget Proposals for 2018/19	This report will seek Cabinet endorsement of draft budget proposals for the 2018/19 financial year based on the Provisional Local Government Financial Settlement. This will then allow for a period of consultation prior to consideration of final 2018/19 budget proposals by Cabinet and Council in February 2018.	Corporate Finance
WESP 3 Year Plan	Required	Education
Mid-Year Budget Monitoring (Whole-Authority).	The report will provide details of projected Whole-Authority revenue expenditure for the 2017/18 financial year along with details of any significant issues arising. The report will also update Cabinet on progress in delivering the approved savings for 2017/18.	Corporate Finance

Cabinet Forward Work Programme

APPENDIX 2

29TH NOVEMBER 2017	Key Issues	Service Area

13TH DECEMBER 2017	Key Issues	Service Area
Council Tax Base	The report provides details of the Council Tax base for 2018/19 for tax setting purposes and the collection percentage to be applied.	Corporate Finance
Affordable Homes New Build Proposals	To confirm the new build Council Housing programme, including the preferred delivery option in order for the Council to utilise the Affordable Housing Grant funding that has been allocated to CCBC.	Housing
Proposed Closure of Pontllanfraith Leisure Centre - Outcome from the Consultation Exercise	To consider the outcome of the consultation for the proposed closure of Pontllanfraith Leisure Centre.	Communities
Update on Reserves	To present details of the usable reserves held by the Authority and to outline proposals for the use of reserves in some areas.	Corporate Finance
Air Quality Action Plan	This report will advise Cabinet on the outcome of a public consultation exercise on the draft Hafodyrynys Air Quality Action Plan and seek approval of the final Action Plan.	Public Protection
Write-off of Debt over £20,000 (EXEMPT)	The report will seek Cabinet approval to write-off a debt due to bankruptcy.	Corporate Finance

BMI

13TH DECEMBER 2017	Key Issues	Service Area
Cabinet As Trustee of BMI - BMI Annual Report and Statement of Accounts 2016/2017	To consider and approve the annual accounts	Economic Development

Cabinet Forward Work Programme

APPENDIX 2

17TH JANUARY 2018	Key Issues	Service Area

31ST JANUARY 2018	Key Issues	Service Area
Annual Equalities Report 2016-2017	Required	Public Protection

14TH FEBRUARY 2018	Key Issues	Service Area
Sheltered Housing Schemes – Eastern Valleys Area Remodelling	To provide members with proposals for remodelling a small number of sheltered housing schemes in the eastern valley, in order for members to consider a number of options which may include improvements, remodelling, alternative use and possibly demolition.	Housing

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REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE – 1ST NOVEMBER 2017

SUBJECT: THE MANAGEMENT OF TREES

REPORT BY: CORPORATE DIRECTOR - COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To seek the views of the Scrutiny Committee on the current 'tree management' arrangements, the formal adoption of a tree strategy and the current resources (staff and budget) linked to this function prior to a report being considered by Cabinet.

2. SUMMARY

- 2.1 In December 2016, Scrutiny Committee considered an initial report on the management of trees and draft strategy. The committee were supportive of the recommendations and agreed to consider resource requirements to ascertain if the draft strategy can be delivered before progressing further. Since this initial report was considered by the Scrutiny Committee, officers have further considered the strategy as well as looking at strategies in place in other Local Authorities and have made a slight amendment to the strategy. This amendment introduces an approach whereby land is risk rated using a red, amber, green (RAG) risk rating to underpin the inspection frequencies included in the original draft. This report now sets out the position following a review of resources (both staff and budget) and seeks the views of members prior to a further report being considered by Cabinet.
- 2.2 The draft strategy, set out in Appendix One, sets out a number of policies and actions to help safeguard and enhance the vital tree-scape.

3. LINKS TO STRATEGY

- 3.1 The Wellbeing of Future Generations (Wales) Act 2015 is about improving the social, economic, environmental and cultural wellbeing of Wales. It requires public bodies to think more about the long term, working with people and communities, looking to prevent problems and take a more joined up approach. This will create a Wales that we all want to live in, now and in the future. The Act puts in place seven wellbeing goals and the content of this report links into four i.e. "A Healthier Wales, a Globally Responsible Wales, a Resilient Wales and a Prosperous Wales".
- 3.2 In July 2015, Corporate Management Team approved the Local Climate Impacts Profile (LCLIP), which was undertaken by Welsh Government as part of the requirements of the Climate Change Act 2008. Recommendation eleven out of fourteen makes references to the increasing vulnerability of trees as a direct result of climate change and how more proactive and preventative work should be considered.

4. THE REPORT

- 4.1 There are currently circa 250,000 trees across the county borough in the care of this council. Their management is essentially 3 fold:-
1. Reactive – responding to service requests. In these cases a visit by a suitably qualified Arboricultural Officer is generally required (some on a more urgent basis and others with less urgency). The outcome of the officer's investigation may or may not result in works to the tree(s) being undertaken.
 2. Proactive – safety inspections of the tree stock (dependent upon their location), although current resources do not allow a scheduled inspection regime to operate effectively.
 3. The provision of arboricultural comments in relation to planning applications.
- 4.2 Currently there is one fully qualified Arboricultural Officer and one dedicated/trained tree maintenance team located within the Parks service. The number of service requests received can vary but these have generally increased since 2014. The service deals on average with 750 per annum (directly related to trees).
- 4.3 The increase in service requests can be largely attributed to our changing climate. Autumn and winter periods are becoming much milder and wetter, which can have an adverse effect on trees. The changes in our climate have not only resulted in limbs etc. falling from trees, but there have been situations whereby whole trees have been uprooted due to the pressure on the root system and the inability of sodden ground to anchor the roots. During Autumn/Winter 2015/16, South East Wales was affected by a number of storms that led to a “spike” in emergency call outs and inspections, which in turn delayed routine inspection works. Storms by their very nature are unpredictable and during the Autumn/Winter of 2016/17, the borough experienced a lot less than the previous year. In addition, recent observations confirm the presence of Charara (Ash Dieback), which will also have an adverse effect on the tree stock.
- 4.4 There is a host of legislation and guidance available in relation to the inspection of trees but there is no definitive guide to inspection frequencies for trees in various locations. However, the existing legislation and best practice guidelines provide a framework for interpreting that Local Authorities carry a significant legal duty of care in the various types of locations/ settings and that professional arboricultural guidance should be relied upon to determine frequencies of inspection. In addition the plethora of legislation and guidance (the main documents are outlined in Appendix 2 to this report), there is a substantial amount of case law in existence.
- 4.5 In accordance with both civil and criminal law, an owner of land on which a tree stands has responsibilities for the health and safety of those on or near the land and has potential liabilities arising from the falling of a tree or branch.
- 4.6 Caerphilly's draft tree strategy (Appendix 1), refers to the Council's legal duty of care and how the Council should meet that duty with regard to tree inspections. It states, “the council refers to the National Tree Safety Group's 2011 report, Common Sense Risk Management of Trees, as best practice with regard to managing its duty of care”.
- 4.7 In developing the draft strategy, officers have obviously considered the legislation, case law and guidance as well as considering strategies in place in some other Local Authorities.
- 4.8 In relation to frequency of inspections, officers have considered this and looked at various options, which vary across England and Wales.
- 4.9 In developing its draft tree strategy, the view of Caerphilly Officers has been that a “zoned approach” should be adopted with inspection frequencies being specified in the strategy according to the zone.

- 4.10 The draft strategy attached at Appendix One to this report therefore sets out recommended periods for proactive inspections, which is based on “zones” using a traffic light system.
- High Use (Red): A & B roads, schools, housing estates, street trees, town centres, libraries, car parks, municipal parks etc. – Aim to inspect every 2 years.
 - Medium Use (Amber): country parks, public open space with large mature trees, playgrounds, car parks, corporate offices etc. – Aim to inspect every 4 years.
 - Low Use (Green): All other sites, C class and unclassified roads, rights of way etc. These could be assessed on a reactive basis.

The “zone” system will reflect normal usage but will be kept under review. If the level of risk changes over time for example, if there is a plan to hold an event involving many people in a municipal park (a medium risk zone), the risk will change to high for the duration of the event.

The “zoning” policy will enable resources to be channelled to a more frequent inspection of some trees, with savings made in fewer inspections in zones where there is much lower risk.

- 4.11 Recent case law i.e. Cavanagh v Whitley Parish Council (14/02/2017) details where a giant lime tree came down onto a bus on a busy road. The driver escaped with his life due to the tree landing on a wall opposite. However, he was left with a brain injury, numerous fractures of his face and body and lost the use of his right hand. He subsequently brought proceedings against the Parish Council for £500,000. The Judge held that the Council’s 3 year inspection policy was inadequate (even though the 3 yearly frequency of inspections was in accordance with industry guidelines). He stated the tree was in an extremely high risk position and should have been inspected more frequently than 3 yearly. He stated on the application of negligence principles, the tree should have been inspected “at least every 2 years or indeed every 18 months”. He concluded that this frequency of inspection would have identified that the tree was diseased well in advance and prevented the accident. It could have been felled or made safe in advance and the accident would never have occurred.

This case illustrates that Local Authorities have a duty to act as reasonable and prudent land owners, this includes a duty to undertake regular inspections. In order to protect the public Local Authorities need to demonstrate that they implement a system of inspection where consideration has been given to identifying and prioritising the inspection of those trees which pose a greater risk to people and property.

- 4.12 In the judgment the Court advocated that the council's recently instituted zoning policy as a sensible and economic policy as it enabled resources to be channelled to a more frequent inspection regime of some trees with savings made in zones where there is little or no risk
- 4.13 The Council's proposed strategy has been drafted on a zoning basis as set out earlier in the Report, although it must be recognised that the new inspection regime is likely to increase the amount of remedial works required.
- 4.14 Officers have met with other service areas (Highways, Housing, Regeneration, Property Services etc.) to discuss the management of trees on land within their respective portfolios. In the event of any remedial works being identified, a budget estimate would be provided to the relevant department for their consideration and approval. Any immediate works which pose a health and safety risk would be addressed without delay. In terms of schools, advice would need to be provided to the Head Teacher in relation to the urgency of the works and the respective Health & Safety liability involved. The last survey of trees in Education ownership was funded centrally by education but in accordance with devolved management arrangements for schools, future surveys would be the responsibility of each school.
- 4.15 In addition to the routine highway tree surveying, resultant pro-active remedial works and reactive works, there are some “substantial” sections of highway where significant tree works are required due to the tree stock not receiving appropriate management at the time the highway was developed.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report contributes to the well-being goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that in the long term, the importance of balancing our short-term needs to safeguard the ability to also meet long-term needs. The regular inspection of trees and undertaking resultant remedial works will safeguard their viability for our future generations. In terms of prevention, proactive inspections will ensure the safety and stability of our tree stock, which will reduce any potential accidents in the future. In relation to collaboration, our Arboricultural Officer is a consultee on planning applications and the role is important in terms of the Local Development Plan (LDP) and urban regeneration.
- 5.2 In respect of the seven well-being goals, this report contributes to at least four:-
1. A Globally Responsible Wales – The Authority is taking responsibility for its tree stock and needs to actively undertake pro-active inspections and resultant works. This will have a positive effect on global well-being, in particular absorbing carbon dioxide, which is the key greenhouse gas, will reduce the causes of global warming and climate change.
 2. A Resilient Wales – The maintenance and management of our tree stock enhances our biodiverse natural environment with healthy functioning eco systems that will support social, economic and ecological resilience and the ability to adapt to climate change, for example trees take up water and therefore slow the movement of water through systems, thus reducing the likelihood of flooding.
 3. A Prosperous Wales – The pro-active management of our tree stock can improve local employment prospects. In addition, international studies have shown that semi-mature trees (or older) in at least reasonable condition can add between 5 – 15% to the value of a property. A green environment will be more attractive to businesses and will therefore increase the likelihood of inward investment.
 4. A Healthier Wales – Trees have a positive impact on both physical and mental health and are an important public resource for the wider community where they are situated.

6. EQUALITIES IMPLICATIONS

- 6.1 There are no potential equalities implications associated with this report for specific groups or individuals. Therefore, there is no requirement for an Equalities Impact Assessment to be undertaken.

7. FINANCIAL IMPLICATIONS

- 7.1 Within the report that was considered by the Scrutiny Committee in December 2016, it was suggested that in order for Parks Services to effectively manage the Council's tree stock, additional resources would be required. Further analysis of the resources required has been undertaken.
- 7.2 To enable the safe management of its tree stock in line with the proposed tree strategy and its resultant zones/inspection frequencies the following resources would be required:-
- (i) One-off allocation of £600,000 over a 3-5 year period to deal with highway tree maintenance on strategic routes.
 - (ii) An additional Arboricultural Officer to enable the level of surveying required by the draft strategy to be accommodated. This would cost circa £42,500.

- (iii) An additional tree maintenance team and associated vehicle. This would cost circa £85,500.

It should be noted that once the strategic highway route works are completed, on-going maintenance of the strategic routes can be absorbed by 2 in-house tree teams.

- 7.3 Given the Health & Safety responsibilities of the Council in this regard it is proposed that this funding is found through a combination of recharging land holding departments for pro-active survey work and any resultant works required, and a reprofiling of budgets in Community & Leisure Services to convert 2 current posts to those of tree operatives (with the team then recharging their time for works completed to the various land holding departments). As compliance with Health and Safety legislation is paramount, and the Authority cannot ignore its Statutory Health and Safety responsibilities it has adopted a recharging policy for various Health and Safety related surveys/works e.g. statutory electrical, legionella, gas safety and fire safety testing/works for its buildings with the department responsible for the building being recharged accordingly. This recharging process will also therefore be adopted for tree related inspections and works.
- 7.4 Tree surveying and associated tree works will consequently need to be funded from a mixture of the relevant departmental capital and revenue budgets on an annual basis (in the case of the highway related tree works, service reserves may also need to be used).
- 7.5 Obviously this may result in other aspects of service delivery reducing as land holding departments will be required to fund identified tree works (in the case of schools, this funding could fall to the authority if works are capital in nature although this is unlikely) in order to fulfil the Authority's statutory Health and Safety responsibilities.

8. PERSONNEL IMPLICATIONS

- 8.1 Currently there is one suitably qualified Arboricultural Officer for the whole of the county borough.
- 8.2 As an interim measure to deal with the escalating number of service requests, an additional resource has been deployed to assist with inspections, etc. This has been implemented on a temporary basis via amending existing Area Parks Officers duties. Four Area Parks Officers have recently undertaken a basic (Level 1) Tree Inspection Course, which is endorsed by the Arboricultural Association. This will allow these staff to assist in the event of an emergency or during periods of high workload.
- 8.3 Currently there is one dedicated tree team within the Parks Operations area (comprising of three trained operatives) to undertake maintenance work, which often means that private contractors are engaged to undertake additional works.
- 8.4 As outlined above the cost of employing another qualified Arboricultural Officer and a team of qualified frontline staff (including vehicle and equipment etc.) is estimated at circa £128K.
- 8.5 To enhance the service further, it would also be beneficial for a number of key staff across the organisation (i.e. Highways Inspectors, staff at Cwmcarn Scenic Drive, Rights of Way Officers, Countryside Rangers etc.) to work towards a basic Level One tree inspection qualification (one day) endorsed by the Arboricultural Association. The cost of this training is £125 (per candidate) excluding VAT (which would need to be funded by each individual service area).

9. CONSULTATIONS

- 9.1 This report reflects the views of the listed consultees.

10. RECOMMENDATIONS

10.1 Members views are sought on the recommendations set out below prior to a further report being considered by Cabinet:-

- (i) The current tree management arrangements set out within the body of this report.
- (ii) The proposed draft tree strategy (set out at Appendix One) and in particular the frequency of proposed proactive inspections.
- (iii) The funding proposals set out in the report to meet the associated costs in delivering the tree strategy and complying with the Authority's Health & Safety liabilities.

11. REASONS FOR THE RECOMMENDATIONS

11.1 To establish the views of the Scrutiny Committee on the existing 'tree management' arrangements including the formal adoption of the draft tree strategy prior to a further report being considered by Cabinet.

12. STATUTORY POWER

12.1 Local Government Acts 1972 and 2000
Highway Act 1980
Local Government (Miscellaneous Provisions) Act 1976
Health & Safety at Work Etc. Act 1974
Climate Change Act 2008

Author: Mike Headington, Acting Parks Manager – headim@caerphilly.gov.uk
Consultees: Christina Harry, Corporate Director Communities – harrhc@caerphilly.gov.uk
Mark S. Williams, Head of Community & Leisure Services – willims@caerphilly.gov.uk
Stephen R. Harris, Interim Head of Corporate Finance – harrisr@caerphilly.gov.uk
Marcus Lloyd, WHQS and Infrastructure Strategy Manager – lloyd1@caerphilly.gov.uk
Mark Williams, Interim Head of Property Services – willim17@caerphilly.gov.uk
Gail Williams, Interim Head of Legal Services & Monitoring Officer – willige@caerphilly.gov.uk
Shaun Couzens, Chief Housing Officer – couzes@caerphilly.gov.uk
Lynne Donovan, Acting Head of Human Resources & Organisational Development – donovl@caerphilly.gov.uk
Councillor Nigel George, Cabinet Member for Neighbourhood Services – georgn@caerphilly.gov.uk
Phil Griffiths, Acting Countryside Manager – griffpm@caerphilly.gov.uk
Kevin Kinsey, Acting Engineering Projects Group Manager – kinsek@caerphilly.gov.uk
Paul J. Harris, Senior Arboricultural Officer - harripj@caerphilly.gov.uk
Jonathan Davies, Senior Area Parks Officer - daviej27@caerphilly.gov.uk
Anwen Rees, Senior Policy Officer – Equalities & Welsh Language – reesma@caerphilly.gov.uk
Sue Ruddock, Insurance & Risk Manager – ruddosa@caerphilly.gov.uk
Paul Cooke, Senior Policy Officer - cookepa@caerphilly.gov.uk
Sue Richards, Interim Head of Service – Education, Planning and Strategy – richase@caerphilly.gov.uk

Appendices:

Appendix 1 Draft Tree Strategy

Appendix 2 Main Legislation & Guidance Outlining Land Owners Responsibilities in Relation to Trees & Duty of Care

CAERPHILLY COUNTY BOROUGH COUNCIL

TREE STRATEGY

OCTOBER 2017

“A GREENER PLACE”

A guide to how the Council manages trees through its function as landowner, highway authority, and local planning authority.

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DRAFT

1 - Introduction

Trees are good for us. They have many benefits, some of which are more obvious, and others less so. They are an important public resource for the wider communities where they are situated, and are valuable long-term assets to our environment where we live, work, study, and play. Trees can do all of the following:

- Produce oxygen and absorb carbon dioxide.
- Soak up excess rainwater runoff and help to control flooding.
- Absorb pollutants.
- Provide a home, shelter and food for wildlife.
- Retain soils and stabilise slopes.
- Aid sustainable drainage.
- Reduce wind speeds.
- Buffer noise pollution.
- Provide a visual screen or buffer.
- Have aesthetic value and bring 'nature' to urban or semi-urban areas.
- Have historical, educational and cultural importance.
- Relieve the stresses of modern life.
- Lower rates of crime and anti-social behaviour.
- Improve property values.
- Provide shade and shelter to mitigate the effects of climate change.

The list goes on. Being around trees, even for a short while, is known to reduce stress levels, which in turn benefits our health greatly. For example, hospital patients recover better when their windows overlook trees and vegetation. Trees have also been shown to help alleviate depression and reduce aggressive behaviour¹. Trees in our communities also attract other values which can be hard to quantify: They can influence utility bills through their correct positioning by decreasing wind-chill and heating costs. Carefully positioned trees can save up to 25% of the energy a typical household uses. Trees also provide shade, reducing air conditioning costs in summer². Aesthetically, it has long been accepted that trees on a development provide a better impression, an immediate sense of maturity, to the benefit of a site and its surroundings. Estimates vary, but international studies have now shown that trees can add between 5-18% to the value of a property³.

In the UK, the **Environment Act (1995)**, the **Pollution Prevention and Control Act (1999)** and the European emission standards control pollution emissions from transport and industry. There is substantial evidence that urban trees remove large amounts of air pollution and improve urban air quality⁴. Careful maintenance to ensure plant health will increase the leaf area and increase the pollution-scrubbing effect of trees⁵. An increasing number of reports highlight the important role that trees play in our landscape and the need to future proof that treescape with regard to

¹ Forestry Commission (2011) Greenspace design for health and well-being – Practice Guide.

² US Dept. of Energy (2014) Energy Efficiency & Renewable Energy.

³ Research by CABI Space in 'Does money grow on trees?', CABI 2005, reported that, in the 8 UK parks they studied, proximity to them added a premium to house prices of between 5-7%; While a US study of parks claimed house values were between 10-20% higher; The value of US properties in tree lined areas was estimated as being 6% higher by 'Urban Forest Values: Economic Benefits of Trees in Cities', Wolf K, University of Washington College of Forest Resources, Factsheet 29, 1998; 'Benefits of community trees', Nowak DJ, USDA Forest Service General Technical Report; 'The contribution of trees to residential property value', Morales DJ, Journal of Arboriculture 6, 1980.

⁴ Nowak, DJ. (1994) Air pollution removal by Chicago's urban forest.

⁵ Jim, C.Y. and Chen, W.Y. (2003) Assessing the ecosystem service of air pollution removal by urban trees in Guangzhou, China.

appropriate funding and resources, species diversity, and planting goals. [Caerphilly County Borough Council](#) (hereafter “the Council”) has committed itself to producing a Tree Strategy to provide action and policies to help safeguard and enhance this vital treescape.

2 – General Policies

This strategy exists as part of a hierarchy of other relevant tree-related or general strategies, standards and plans. The **Wellbeing of Future Generations (Wales) Act 2015** is an important law about improving the social, economic, environmental and cultural wellbeing of Wales. It is increasingly clear that the reasonable management of existing trees in the landscape, as well as the provision of new planting schemes and replacement planting plans, significantly contributes to all of those important aspects and the well-being goals that the Act is intended to enhance.

The **Climate Change Act (2008)** states that every local authority must produce an appropriate adaptation plan. The Council’s own **Local Climate Impacts Profile (2015)** has stressed the significant impact that the changing climate is having on trees in the landscape. It recommends a more joined up holistic approach to aligning plans and strategies that include the potential benefits of adaptation issues. Further recommendations focus on a number of service areas where appropriate tree management, and resources for increasingly proactive arboriculture, will help to mitigate the negative impact of climate change.

The Council’s Supplementary Planning Guidance (**SPG**) **LDP 4 – “Trees and Development”** – comprehensively explains the legislative and planning framework that relates directly to trees and woodlands. **British Standard 5837:2012** (“Trees in Relation to Design, Demolition and Construction - Recommendations”) is the key national document that forms the basis for the above SPG. **British Standard 3998:2010** (“Tree Work – Recommendations”) is the key national document that determines the recognisable standards of tree maintenance – be it pruning, felling, pollarding or coppicing – that all reputable tree surgery contractors and foresters are required to work to. It is also the Standard that the Planning Department require any approved tree works on protected trees be carried out to. The Council requires that the arboricultural contractors it employs and its own staff work to this standard.

The **Town and Country Planning Act (1990)**, and as amended) is the primary legislation for administering Tree Preservation Orders and Conservation Areas. Works to protected trees are administered according to the nationally recognised procedures of this important legislation.

British Standard 8545:2014 (“Trees: from nursery to independence in the landscape. Recommendations”) assists those involved in planning, designing, resourcing, producing, planting and managing new trees in the landscape. It describes a process for planting young trees that will result in them achieving genuine “independence in the landscape” which the Council requires to achieve desired planting objectives.

The National Joint Utilities Group (NJUG) published “Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees” (known as “**NJUG – Volume 4**”), which echoes and simplifies most of the principles of BS5837:2012; forms the basis for the principles by which the Council carries out works to utilities near trees, or the standard to which other statutory undertakers are expected to adhere to.

The **Highways Act (1980, as amended)** is the primary legislation which determines how the Council manages trees on land either adjacent to or within the public highway. **Occupiers Liability Acts (1957 & 1984)**, the **Health & Safety at Work Act (1974)**, and **Local Government (Miscellaneous Provisions) Act (1976)** all provide further legislation which requires tree owners take reasonable steps to manage trees on their property responsibly. There is a 'Legal Duty of Care'. [This strategy is intended to supplement the above legislation, national and Council guidance, and British Standards; providing advice and guidance relevant to the management of private and Council owned trees within Caerphilly County Borough.](#)

3 – Common Enquiries – ‘nuisance’ trees

The Council receives many complaints or enquiries about trees causing nuisance: A high percentage of calls received by the Council are in relation to trees. A consistent approach is adopted throughout the Council and work is carried out or approved in response to an assessment of the actual problem, and the environmental, amenity, or financial cost of felling trees and/or other arboriculturally appropriate maintenance works. Each tree is assessed on the basis of the merits or defects in its condition at the time of the inspection; and with regard to the tree owner's legal duty of care and whether there might be any legal or 'actionable' nuisance present which the tree owner will be minded to abate.

Many of the nuisance types detailed below have not been found to be 'actionable' in UK courts, and as such the tree owner is not obliged to abate many of those specific nuisances. Those nuisance types, which *have* over the years been found 'actionable' – such as letting a known danger remain in situ within range of a neighbouring property (e.g. a large dead limb overhanging a neighbour's greenhouse), or the nuisance of structural damage, will be addressed elsewhere within this document.

Frequently, the most-often complained about nuisances will be what are known as 'minor' or 'seasonal nuisances'. These are generally those that may cause inconvenience to people, but rarely cause significant discomfort or financial loss. It is *very* common to hear that trees are generally appreciated, but not wanted in a *particular* location because of this. **Action in response to all minor nuisances would lead to the unnecessary removal or disfigurement of many trees, to the detriment of both public amenity and wildlife.** As well as having a major environmental implication that would clearly be unsustainable and contradictory to Council policies, action by the Council in response to all the minor nuisance complaints it receives would be a waste of resources that would be better spent on *necessary* tree works elsewhere or other Council services.

3A – 'HONEYDEW' – Aphids and related insects feeding on tree sap excrete what they don't use as a sugary substance called 'honeydew'. It is tacky dried on vehicles and slippery when wetted by rain*. Some tree species, such as Lime, Maple, and Oak, are more associated with this issue than others. Contrary to popular perception, it does not damage car paintwork, and is removed by washing with warm soapy water⁶. A car cover will help if alternative parking is unavailable.

Primarily a seasonal problem, honeydew is usually worst in May or June. No amount of pruning will alleviate the problem, and 'biological control' using aphid predators is costly, not always

⁶ DETR Research for Amenity Trees Number 2(2000) – 'Diagnosis of Problems with Trees' by Strouts & Winter

successful, and usually only a temporary reprieve. [Trees are not inspected or maintained in response to honeydew complaints.](#)

**Specific instances of particularly bad patches of pedestrian footway should be reported to the Council as a street cleansing issue and responded to accordingly.*

3B - FALLING LEAVES, SMALL FRUITS, BERRIES, NUTS, SEEDS, FLOWERS, etc. ('SMALL BIOMASS') – The seasonal shedding of leaves, fruits and flowers is a natural function of a tree's biology. Activities such as clearing fallen leaves or berries are part of normal household maintenance and would not obligate a tree owner to be responsible for their clearance. While clearly for some they are a burden or tiresome to deal with, they are a part of normal life and the disadvantages should be weighed against the benefits of the trees to the area. Apart from raking or sweeping, use of textured surfacing may assist with slip hazards if they occur persistently. A range of brushes, guards, meshes or grids are widely available to help stop gutters or drains from blocking. [Trees are not inspected or maintained in response to complaints of falling leaves or other small biomass.](#)

3C – ROOSTING BIRDS – Occasionally large numbers of roosting or perching birds can cause problems due to their droppings causing a mess. Generally, felling a tree will not alleviate the problem as birds will relocate to another tree nearby. For this reason [the Council will not fell, or allow the felling of, trees purely because of roosting or perching birds.](#)

3D – TELEVISION & SATELLITE RECEPTION – Holding a TV license does not give a legal right to reception; it permits the holder to operate receiving equipment. Residents are advised to consult a TV or satellite engineer about moving the aerial or dish, attaching it to an extension pole, or fitting improved receiving equipment. Residents with a broadband internet connection can usually access broadcast TV programming via their computer (which may typically be connectable to a TV). BBC iPlayer, ITV Hub, and Sky Go (and other equivalents) offer such services for free to license holders or subscribers.

Normally, pruning to alleviate an obscured signal would only be approved or consented to if it was arboriculturally appropriate for the tree concerned. Pruning or felling a protected tree, or a tree in a Conservation Area, will need prior consent from the Planning Department, just as any other issue. Applications or notification of works to protected trees will be considered on their merits (as per works to all protected trees). It's recommended that independent professional arboricultural advice be sought prior to an application or to giving notice in a Conservation Area. [Trees are not inspected or maintained in response to complaints specifically of blocked television or satellite reception.](#)

3E – BLOCKED DAYLIGHT – It is inevitable that the positions of some trees in relation to properties within residential areas will at times result in the reduction or loss of natural light within the property. Unfortunately, if all trees were felled or pruned to maximise light levels, there would be very few trees left in the built environment. Even without any trees, many houses and gardens would be at least partially shaded by surrounding buildings. As there is no legal right to daylight as far as deciduous trees, or single evergreen trees, are concerned, [the Council will not normally carry out inspections or maintenance specifically related to a complaint of this nature.](#) However, the obstruction of street lighting by trees *does* warrant action, and branches would be pruned accordingly, or occasionally even whole trees removed if it were necessary in order to improve visibility and/or safety in a public location (see section 5B below).

3F – OBSTRUCTED VIEWS – As there is no legal right to a view (unless specifically cited in title deed easements; typically rare), the obstruction of views is considered a minor nuisance and [the Council will not remove or severely prune trees of amenity value purely for the creation or reinstatement of views](#), except in very exceptional circumstances. An example might be trees of significant size, but limited amenity value, blocking a public view of, say, Caerphilly Castle, that was felt to possess greater public amenity value.

3G – ‘HIGH HEDGES’ – The High Hedge Regulations, under Part 8 (High Hedges) of the **Anti-Social Behaviour Act (2003)** form the only UK legislation specifically giving a legal right to light where obscured by trees. The definition of a ‘High Hedge’ is “...*a barrier to light or access as is formed wholly or predominantly by a line of **two or more evergreen or semi-evergreen trees or shrubs and rises to a height of more than 2 metres** above ground level.*” The Act only offers control over hedges that affect domestic properties. [The role of the Council is to act as an independent and impartial 3rd party.](#) The official guidance document – “Over the Garden Hedge” (available at <http://www.communities.gov.uk/publications/planningandbuilding/overgardenhedge>) - details the process that **must** be exhausted before a complaint is officially made via the Council as a last resort. The complaint procedure is a fee-payable service.

Once the Council is in receipt of a complaint form and the fee has been paid, and the Council is satisfied that the complaint meets the legal tests and other possible remedies have been exhausted, the Council will invite the hedge owner to set out their case. Once the Council has heard both sides of the issue, an officer of the Council will visit the site to assess the hedge and surroundings for themselves. The Council will also obtain any other relevant facts about the site that might be needed to help determine the outcome of the complaint. A Council officer might, for example, need to measure the size of the garden, or the hedge distance from the house windows. Once all relevant information has been gathered, the Council will consider the complaint. It shall be determined whether or not the hedge adversely affects the reasonable enjoyment of the home and garden, and what, if anything, should be done about it.

If it is decided that action is necessary, the Council shall issue a formal notice to the hedge owner which sets out what they must do to the hedge, and by when. This is known as a “remedial notice”. It may also require the hedge owner to keep the hedge maintained at its new size. High Hedge complaints are administered by the Council’s Environmental Health department.

3H – OVERHANGING VEGETATION & ENCROACHING ROOTS – There is no legal obligation to prune or reduce foliage from vegetation on your property if it overhangs a neighbouring property. However, if overhanging vegetation is causing damage to a neighbouring property it can be deemed a ‘legal’ or ‘actionable nuisance’. The same principle may apply to roots beneath the ground. (Contrary to popular belief the vast majority of tree roots growing beneath adjoining properties do not cause a legal nuisance or structural damage. **Please see sections 4C & 4D for further details concerning ‘direct’ and ‘indirect’ damage by roots.**)

In the case of legal nuisance the vegetation/root owner would be obliged to abate the nuisance. The same principle applies to any Council-managed tree. In most cases [the Council is unlikely to undertake pruning works solely as a result of overhang – unless there is direct physical contact causing a legal nuisance, or a reasonably foreseeable danger.](#) The Council does not reduce or remove overhanging branches as a result of falling leaves, seeds, fruits, blossom, etc., nor as a result of blocked light or blocked TV reception, as discussed in the sections above.

3J - POLICIES FOR ALL TREES:

P1	Transparency of Action	<i>The Council will aim to achieve a transparency in its action and all its decision-making on trees.</i>
P2	Public Safety	<i>Public safety is of foremost importance when making decisions about trees in the county borough.</i>
P3	Arboricultural Standards	<i>The Council will take a similar approach in assessing their own and private trees, and will require inspection to the highest standards of the arboricultural profession.</i>
P4		<i>The Council will require continued professional development for staff operating at both a professional, supervisory and practical level so as to help ensure that trees are managed appropriately and in accordance with current best practice in modern arboriculture.</i>
P5		<i>The Council will require that all the work for which it has responsibility is carried out according to BS3998:2010 British Standard "Tree Work - Recommendations" and/or in the European Tree Pruning Guide published in 2001 by the Arboricultural Association as a minimum standard. Any subsequent revisions or replacements of these recognised standards will be similarly adhered to.</i>
P6	Tree-related Nuisance	<i>The Council will not carry out or authorise any tree work to alleviate a nuisance which is contrary to any other adopted tree policy.</i>
P7	Minor and Seasonal Nuisances	<i>The Council will resist felling or severe pruning of its own or protected trees purely because of minor or seasonal nuisances such as honeydew, bird droppings, leaf-fall and the shedding of seeds, fruits, nuts or flowers.</i>
P8	TV or Satellite Reception Obstruction	<i>The Council will resist the removal or pruning of trees in order to improve television or satellite reception. There is no legal right to TV or satellite reception, and service providers are normally able to reposition or provide improved receiving equipment.</i>
P9	Daylight or View Obstruction	<i>The Council will resist the removal or pruning of trees in order to increase daylight admittance to a property or for the creation (or reinstatement) of a view.</i>
P10	Evergreen 'High Hedges'	<i>Complaints may be submitted about a privately held 'High Hedge' where it is shown that all reasonable attempts to resolve the situation have been made and the hedge affects reasonable enjoyment of a home because of its height. The Council will consider the complaint and sustainable height reductions may be enforced as necessary.</i>
P11	Tree Size and Amenity	<i>Trees should be placed for mainly uninterrupted growth, except where there are over-riding historical or design needs to do otherwise.</i>
		<i>Wherever there is space to allow a tree to grow to full size without the need for disfiguring pruning, or it causing a serious nuisance, the Council would seek the largest tree possible, notwithstanding the need to select trees for reasons of character or design.</i>
P12	Arboricultural By-products	<i>The Council will dispose of all timber and tree-work arisings in an environmentally sustainable manner, and encourage others to do so.</i>
P13	Trees and Wildlife	<i>In all its dealings with trees the Council will aim to carry out, approve or encourage management of trees that protects and enhances wildlife. Work will not take place to trees found to contain nesting birds during the nesting season where the work would destroy or disturb nesting. When works are proposed to trees, or near to trees, suspected as bat roosts or being near to badger setts, prior guidance will be sought from the Council's Ecologists, and the recommended actions followed. Works will be postponed as necessary in all but the most severe of emergency situations.</i>

4 – Council-held Trees

The Council is directly responsible for all the trees growing on land that it owns or holds in the county borough. This ‘estate’ is very diverse and includes urban parks, country parks, housing areas, highway land, cemeteries and care homes etc. Each site has its own requirements, opportunities and constraints in relation to trees. As of 2016 the current *estimated* number of trees is 260,000 though this number is expected to rise as wider-reaching surveys are undertaken in the future.

4A - DUTY OF CARE

Under UK law the occupier of land has a duty of care to take reasonable steps to prevent or minimise the risk of personal injury or damage to property arising from the presence of any tree on the land, or from its breakage or uprooting.

In England and Wales, liability is governed by the **Occupiers' Liability Acts (1957) and (1984)**. The earlier Act deals with the liability relating to visitors; i.e. persons who enter the land or premises either by invitation or permission. The later Act deals with the liability to other persons, including trespassers. Occupiers can be held negligent in their duty of care even if injury or damage occurs on land where people do not have access by right or invitation. In the event of a claim arising from personal injury or other damage involving a tree, the occupier of the land will in most cases be liable if found negligent in meeting their duty of care. For proof of negligence, it will usually have to be shown that it was reasonably foreseeable that the tree might do damage. Where negligence is not proven, the failure of a tree would be an accident, or “Act of God”.

If a tree is located where it could either fail in whole, or part, and cause injury or damage, the occupier is expected to ensure that it is subject to periodic expert inspection and that the inspection is recorded and any recommendations acted upon. The purpose of the inspection is to determine whether it is foreseeable that the tree could cause harm by virtue of its location, size and physical condition. The occupier must take action to remedy any defects found in the inspection. The courts have recognised that the occupier of land may not have the necessary expertise to make such a determination. It is therefore accepted that employing a suitably qualified expert to do this work can fulfill the occupiers’ duty of care.

The National Tree Safety Group (NTSG) is a broad partnership of organisations that have come together to develop nationally recognised guidance on tree safety management that is proportionate to the actual risk from trees. [The Council refers to the National Tree Safety Group’s 2011 report Common Sense Risk Management of Trees as best practice with regard to managing its duty of care.](#)

Meeting the Council’s duty of care in respect of trees: Inspections

The Council employs professional staff suitably qualified and experienced in arboriculture (the care and management of trees). To assist with the management of the tree stock, and to meet the Council’s duty of care, a computerised tree management database has been introduced. The recorded information includes details of a tree’s location, species, age & useful life expectancy, condition, recommendations for any necessary works, and the value of an individual tree as an amenity & environmental asset (see “CAVAT” system at section 4D below). It is an auditable archive of previous inspections and resulting works undertaken.

Tree inspections are undertaken in those areas where trees pose the greatest risk to people or property, but other management issues are also identified and addressed as far as possible. Based on the condition of the tree, and the severity of any defects present, a priority for action and timetable for maintenance is allocated (see below).

Pro-active or 'planned' inspections are based on a 'zoned' approach and use a traffic light system:

SITE USEAGE TYPE	<u>INSPECTION FREQUENCY</u>
<p>HIGHER USE: (RED)</p> <ul style="list-style-type: none"> - transport routes – A-roads & B-roads - schools* (see Section 9, pages 23-24) - housing estates (communal areas) and OAPs/sheltered housing provision - municipal parks - cemeteries 	<p>AIM TO INSPECT EVERY TWO YEARS</p>
<p>MEDIUM USE: (AMBER)</p> <ul style="list-style-type: none"> - country parks - libraries - public open space with large mature trees - playgrounds - social services establishments - car parks - Council-held corporate sites - Monmouthshire & Brecon Canal 	<p>AIM TO INSPECT EVERY FOUR YEARS</p>
<p>LOWER USE: (GREEN)</p> <ul style="list-style-type: none"> - All other sites - Transport routes - C-class and unclassified roads - Public Rights of Way 	<p>RE-ACTIVE – based on expediency</p>

Meeting the duty of care in respect of trees: Maintenance

In addition to the rolling programme of planned inspections, and ongoing cyclical works (e.g. street tree re-pollarding), some works will also arise from unplanned events such as severe weather conditions or insurance claims. Trees which threaten public safety will always be given higher priority, which may at times correspondingly cause plans for non-urgent works having to be delayed.

TREE CONDITION	<u>WORKS PRIORITY</u>	TIME SCALES
<p><u>Dangerous Trees</u> in public areas or along 'higher use' (RED) transport routes.</p> <p>For example:</p> <ul style="list-style-type: none"> • Root Movement (loose tree in ground; excludes saplings & small trees). • Unattached or split large branch. 	<p>EMERGENCY</p> <p>Immediate / Dangerous</p>	<p>Within 24 hours;</p> <p>ASAP during extreme weather conditions.</p>
<ul style="list-style-type: none"> • Dead Trees. • Trees causing imminent structural damage. • Trees causing highway obstructions 'higher use' (RED) transport routes. • Major obstruction caused by trees at 'medium use' (AMBER) transport routes. • Trees affecting Community Safety e.g. CCTV. 	<p>HIGHER PRIORITY</p>	<p>0-3 months</p>
<ul style="list-style-type: none"> • Trees implicated in insurance claims. • Other Trees causing highway obstructions. • Routine maintenance at 'higher use' sites 	<p>MEDIUM PRIORITY</p>	<p>3-18 months</p>
<p>Other work requests not of a safety related nature such as:</p> <ul style="list-style-type: none"> • General pruning to improve tree structure for nuisance; or routine maintenance at 'lower use' (GREEN) sites. • Removal of unsuitable trees • Tree planting requests 	<p>LOWER PRIORITY</p>	<p>18 months to 5 years</p>

4B - INSURANCE CLAIMS

Where a Council owned tree is implicated in personal injury or damage to property and a claim against the Council is made, all details must be sent in writing to the Council's Insurance and Risk Manager. A recommendation for the pruning or removal of trees implicated in insurance claims will only be considered where sufficient technical evidence is submitted so that a suitably informed decision can be made. The Council will Investigate all tree related insurance claims when instructed by the Council's Insurance and Risk Manager.

DAMAGE BY TREE ROOTS

Roots may occasionally cause damage to properties either 'directly' or 'indirectly'. The roots of trees exploit soil and ground conditions in various ways dependent on the tree species and local conditions.

4C – DIRECT DAMAGE BY ROOTS

In cases of 'direct' damage (where roots of Council-held trees are actually *physically* damaging a structure) the affected property owner is advised to consult with their building insurer before making a claim against the Council for any damage suffered as outlined above in section 4B. In cases where drains or pipes are blocked or damaged: Old pipes with weak joints or cracks cause leaks, and roots may follow the water gradient into the pipe. Condensation on a pipe surface may increase root growth, giving the impression that they're 'attacking it'. Damage can sometimes occur when roots sheath around pipes, pulling on them in winds. Replacing or re-lining pipes with modern materials is the best solution since root pruning, root barriers, and mechanical/chemical clearance is usually only a temporary solution. Public drains are the responsibility of Water & Sewerage Undertakers, even if they are blocked by roots from a privately-owned tree.

4D – INDIRECT DAMAGE BY ROOTS

In cases of 'indirect' damage, tree roots may have contributed to a drying-out of soil so as to lead to ground movement or settlement known as '*subsidence*'. It is important to note that subsidence may be caused by a variety of non-tree related factors (e.g. leaking or collapsed drains; underground tunnelling or mining; ground vibrations; nearby construction or demolition activity; natural settlement; sub-standard building specifications, etc.), and may also be caused by other vegetation nearby such as other trees or shrubs, and creeping or climbing perennial plants.

In 2008 the London Tree Officers Association approved a 3rd edition of its **Risk Limitation Strategy** ("RLS"). The RLS was produced as a response tool for local authorities across the country to follow agreed procedures and principles with regard to tree-related subsidence damage to properties, and the management of those implicated trees. Along with an increasing number of UK local authorities, the Council will follow the core recommendations and principles of the RLS. They will allow the Council to save considerable sums of public money that might otherwise have been paid out in management and settlement of claims. A copy of the RLS may be downloaded from the LTOA website at <http://www.ltoa.org.uk/resources/risk-limitation-strategy> .

One key element of the RLS is that local authorities should adopt methods of assigning a monetary valuation of its trees so that the Council can specify the levels of evidence required in substantiating a claim dependent on the value of the implicated tree. The Council has incorporated the internationally recognised method of Capital Asset Valuation for Trees ("**CAVAT**") into its tree management database and applies a valuation to individual Council-held trees during inspection, or when implicated in an insurance claim.

The **Joint Mitigation Protocol (2008)** (also produced by the LTOA, together with representatives of the national insurance sector) gives further detail in the procedure and necessary levels of evidence and works in conjunction to the RLS. A copy of the JMP may be downloaded from the LTOA website at <http://www.ltoa.org.uk/resources/joint-mitigation-protocol> .

The Council endorses and will act upon the procedures and criteria recommended within the Risk Limitation Strategy (2008) and Joint Mitigation Protocol (2008) with regard to the management of trees under its management which are implicated in cases of subsidence damage.

4E – FOOTWAY, FOOTPATH, OR HIGHWAY DAMAGE

In some instances roots can deform the surfaces of footpaths or roads. To constitute a ‘trip hazard’ the deformation will be assessed against Highway Authority guidelines for the given location type. Where a hazard exists *and* is attributable to tree roots, engineering options will be explored before viable root pruning (often associated with simultaneous crown reduction pruning) or tree removal options are considered.

4F – ‘FOREIGN OBJECTS’ IN TREES

Unlawful placement of signs or advertisements on Council-held trees is not tolerated, and they will be removed. This is because the damaged bark which arises from the nailing or fixing of signs to the tree can often allow for ready access for pests and diseases. Similarly, ropes, strings, cables or other ties around stems or branches will usually be removed as these can girdle the stem or branch and cause premature decline and ultimately failure of the stem or branch in question.

4G – DAMAGE TO COUNCIL TREES

Malicious damage or vandalism to Council owned trees and woodlands, or unlawful works to Council owned trees is a criminal offence. The Council takes acts of malicious damage to trees very seriously and seeks prosecution whenever appropriate.

4H – STUMP GRINDING

This is the practice of removing a tree stump to below ground level by mechanical means. Where replacement planting is desirable, such as in highway verges or in existing pavement ‘tree pits’, stumps will be ground out. Where stump removal is not necessary, tree stumps will be removed close to ground level so as not to leave any trip hazard. Where necessary (often dependent on tree species and potential for re-generative sprouting) stumps shall be treated so as to prevent regrowth.

5 – Highways

The county borough’s highway trees are mostly found in linear woodlands where the highway adjoins the countryside. Relatively few conventional street tree plantings exist within the county borough at present. Many of the street trees that have been planted are those trees on what is known as a ‘pollarding’ regime. Highway trees are very visible and their presence gives them an amenity value that surpasses many other trees in the county borough. In some streets, they are the only significant living thing (beside humans!) and their shape can provide a contrast to an otherwise harsh street-scene.

All the Council’s general policies for its own trees will apply to the dealing of highway trees (see section 3J above).

5A – HIGHWAY OBSTRUCTION AND HAZARD

Through its responsibilities as highway authority the Council is responsible to ensure the safe unobstructed passage of vehicles, pedestrians and all lawful users of the highway. Where they grow in or near the adopted highway, trees often require management to allow visibility of signs, signals and street lamps. The Council manages its own trees to ensure sufficient highway visibility. Where visibility or physical passage is obstructed by privately-held roadside trees, the Council will continue to enforce the pruning, or occasional felling, of trees and hedges under the **Highways Act (1980)**. In an emergency situation the Council will carry out any immediately necessary works, and recharge the tree owner accordingly. The Council is not responsible for trees in an adopted

highway that might be causing an actionable nuisance to a neighbouring property unless the tree is on Council-held land. The responsibility for the tree remains that of the owner of the land where it stands.

In exceptional cases, where trees on privately-owned land represent a danger to users of the Highway, the Council has discretionary powers under the **Local Government (Miscellaneous Provisions) Act (1976)** to require trees be made safe. These *discretionary* powers will be used when necessary to ensure that the primary objective of public safety is upheld.

5B – CCTV SURVEILLANCE, STREET LIGHTING & ROAD SIGNAGE

Closed circuit television (CCTV) cameras are installed in a number of locations to increase public safety. In new developments tree planting and CCTV systems can be designed together to ensure conflicts are minimised. However, conflicts can occur where cameras are installed in an area with pre-existing trees. In these areas, total surveillance coverage cannot be achieved without some tree work. Arboricultural Officers within the council will be consulted to ensure that any felling and severe pruning is minimised. The Council aims to avoid felling or severe pruning of existing mature trees but recognises that greater public benefit in terms of safety will accrue from camera placement, subject to it being mitigated with appropriate replacement planting nearby.

The Council will allocate resources to ensure that where vegetation obscures street lighting or road signage, pruning maintenance works shall be carried out accordingly to abate any obstruction.

5C – TRENCH WORKS, EXCAVATIONS, AND ROADWORKS NEAR TREES

In contrast to the common misconception of a tree with a deep tap root, most trees actually possess a relatively shallow root system with most of the roots in the upper seam of soil. Such roots in the top 1-1.5 metres of soil are easily damaged by trench works that are required to repair existing services and lay new facilities. Significant damage to the roots will have an obvious and severe effect on the health of a tree. The damage may be worse than expected particularly for highway trees as they are often already stressed and severance of the roots on the non-road side (such as where the services run along the pavement and the tree lies between this and the roadway) will destroy a disproportionate number of roots.

Guidance is available on service maintenance and installation near trees. The **National Joint Utilities Group 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees' (NJUG, Issue 2, 2007)**, (the tree-related section is known as "NJUG Volume 4"), provides guidance to minimise damage and advises when careful hand-digging, or the use of tunnel boring technology is appropriate.

The Council requires the guidance of NJUG Volume 4 to be followed by all underground service maintainers and utility providers. The Council requires utilities to enforce their contractors take a responsible attitude when working adjacent to trees. Unfortunately, under the terms of the New Roads and Street Works Act, the Council are not given notice of all utility works. Where major works are planned, the Council will take appropriate action to ensure that contractors are taking precautions to protect highway trees. In all cases the Council requires appropriate supervision of staff and sub-contractors involved in trench works near trees and that action be taken to prevent, correct, and educate those ignoring the guidelines of NJUG Volume 4.

The Council undertakes its own trench works through its maintenance of sewers. The council will protect trees to at least the standard of NJUG Volume 4. Consultation will continue to take place between the appropriate council engineering team and a council Arboricultural Officer when trenching works are proposed near trees. An Arboricultural Officer will be consulted whenever it is proposed to cut roots greater than 25mm in diameter. Sometimes it may prove necessary to

undertake remedial crown reduction pruning in conjunction with viable root pruning in order to maintain a tree's functionality and stability. On rare occasions, when sustainable root pruning is not viable, or a tree's condition does not warrant extensive remedial works, a tree may be removed subject to its loss being mitigated with appropriate replacement planting nearby where feasible.

5D – THE GROWTH ENVIRONMENT

Road de-icing salt potentially poses a serious, albeit unquantifiable, threat to some street trees or trees near the highway. The Council will continue to minimise its salt use, as it already does for cost reasons.

Another significant stress on highway trees is the laying of tarmac or resin-bonded gravel surfacing up to the very base of a tree. To exploit rainwater runoff, trees often concentrate fine roots around the base. Unfortunately, where the laying of impermeable hard surfaces extends up to the base, the water runs into the street drain and is not available to a tree possibly stressed by drought conditions. Repeated relaying of tarmac near tree buttresses will also cause damage. Creating even a very narrow ring, or 'tree pit', of a permeable bed around highway tree stems has a significantly beneficial effect on a tree's health and long term retention value. This will not always be appropriate where trees take a disproportionate amount of pavement space, or if a trip hazard is created, but it will be considered and carried out wherever appropriate.

In new or planned developments in the built environment the Council's Arboricultural Officers will advise designers and landscape architects on the appropriate design specifications for new tree planting within existing or proposed hard standing. [Minimum soil volume requirements for tree planting within hard surfaced areas shall be recommended, and no smaller than 4m³, so as to ensure that long term success rates of new planting are significantly improved.](#)

5E – PUBLIC RIGHTS OF WAY & CYCLEWAYS

Trees in or adjacent to a Public Right of Way ("PRoW") or cycleway are managed in the same way as would be privately-owned trees in or adjacent to the highway. Many PRoWs pass across privately-held land. Typically though, the priority levels for inspecting or maintaining a tree in a PRoW will be less than those of trees in the highway as there will normally be a lower 'target risk factor' (related to the quantity and frequency of pedestrian use, or other traffic). Where Council officers become aware of a tree-related obstruction or hazard to the PRoW they will enforce any necessary action to abate the obstruction or hazard. In an emergency situation the Council will carry out any necessary works, and seek to recharge the tree owner accordingly. The Council is not responsible for trees in a PRoW that might be causing an actionable nuisance to a neighbouring property unless the tree is on Council-held land. The responsibility for the tree remains that of the owner of the land where it stands.

6 – Parks and Public Open Spaces

All of the general policies and actions for Council-held trees apply (see section 3J above).

6A – PARKS AND CEMETERIES

Trees are an integral and important part of all of the county borough's parks and cemeteries, and their management by the Council should be aided by the production of individual management plans. Trees at the Council's cemeteries have already been placed on a cyclical inspection and maintenance regime. [Planned surveys at higher use sites \(including municipal parks and all cemeteries\) are to be conducted on a two-yearly basis. Planned surveys at medium use sites](#)

(including public open spaces with large mature trees, country parks, and playgrounds) are to be conducted on a four-yearly basis.

6B – OTHER OPEN SPACES

In contrast to formal parks and cemeteries often dominated by exotic species, public open space is predominately characterised by native species, whether original rural hedges and trees that have been incorporated, or newer ‘urban forestry’ plantations characterised by dense stands of native planting. The management of trees in these areas will reflect the urban forestry vision, with lower input management characterised by coppicing, group felling, and mass planting of small stock.

6C – ALLOTMENTS

There is considerable scope on council allotments for the development of small-scale ‘allotment forestry’ as a partnership between council and tenants as part of the Allotment Forum Initiative. Ideally this would involve the planting of useful trees in positions which would not affect the site’s primary function as a place to grow vegetables. The planting of fruit trees and other perennial crops on allotments by the tenant has previously been opposed by the Council because of the potential claim for compensation that could be made by a tenant on leaving. In the future, the Council will encourage tenants to plant appropriate fruit trees where they will not significantly interfere with vegetable production, although tenants will have to formally “give” their trees to the council, so removing the possibility of a compensation claim.

Besides fruit trees, there is also the potential for the planting of small coppice areas if it was supported by tenants. These could be planted on plots that, because of shading, or say waterlogged conditions, are less suitable for vegetable growing. Coppicing of species such as hazel, willow, or sweet chestnut would produce valuable products such as bean poles, pea sticks, or fencing materials, which could be harvested communally and would represent a sustainable use of these plots while maintaining wildlife value. As the trees would be cut on a short rotation (approximately every 3-5 years), any nuisance to adjacent plot holders would be minimal.

6D – BRECON & MONMOUTHSHIRE CANAL

The Crumlin Navigation arm of the “Mon. & Brec.” canal passes through a substantial swathe of the county borough’s eastern Ebbw valley. The Council holds responsibility for the upkeep of the canal and this includes the management of its trees. It is a substantial amenity resource for the wider community and attracts walkers, joggers, cyclists (NCN Route 47), anglers, bird-watchers and nature lovers alike. Parts of it are navigable and most of the many mature trees lining its banks are protected by Tree Preservation Orders. The Council’s Arboricultural Officers provide ongoing professional advice and instruction to the canal’s management, in much the same way as they do for other Council-held trees. [The canal is a medium use site and the Council will undertake planned inspections on a four year cycle.](#)

7 – Council Housing

All of the general policies for Council trees will apply to the Council’s treatment of trees associated with council housing (see section 3J above).

7A – COUNCIL HOUSE GARDENS

The Council has responsibility for many houses that have important trees in their gardens. Responsibility for trees in the gardens of Council-owned houses rests with the Area Housing office - though tenants' responsibilities for their normal garden maintenance is clarified in tenancy agreements. Any uncertainty regarding the responsibilities of tenants or the Council should be clarified with Area Housing officers. If tenants have any concerns about the safety of trees in their gardens, in the first instance they should contact their Area Housing office to request an inspection by the Council's qualified staff.

Trees are surveyed and an inspection database is being developed as per trees in other areas of the county borough held by other departments. Following inspection, the Council will carry out tree works where there is an imminent danger of personal injury or damage to property. Routine maintenance works are carried out to other trees where it is arboriculturally appropriate and/or to prevent a reasonably foreseeable hazard or obstruction.

If, under the terms of the tenancy agreement, an unreasonable tree-related nuisance arises as a result of any action or inaction by a tenant, the tenant may be recharged for the works.

The Council may also carry out ad hoc non-safety works considered essential to enable reasonable enjoyment of the garden by tenants. Any arboriculturally appropriate works will be recommended by the Council's Arboricultural Officers to the Area Housing office, and carried out at the discretion of the Area Housing Manager. In empty properties, Area Housing officers may request tree maintenance works.

7B – HOUSING ESTATES (COMMUNAL AREAS)

The Council's Housing Department manages several large housing estates in which there are often trees found in the landscape. Many will have been planted near to housing, schools, and shops; so as to contribute to the appearance of those locations, and to enhance amenity value for the wider community. [Trees in the communal areas of housing estates are to be subject to a regime of regular planned two yearly inspections from which a programme of scheduled works is drawn up for each estate.](#) Any surveyed trees found warranting urgent or higher priority maintenance will usually be highlighted and the details forwarded to the Council team which carries out grounds maintenance on housing estates.

7C - COUNCIL HOUSING SALES AND TREE PROTECTION

Government policy has led to many previously council owned houses being sold. The council may place a TPO on some of the important trees prior to sale. In order to protect trees at the point when they are sold, the planning department will be notified of all council houses being sold where trees are present so that the trees can be assessed for their public amenity value.

8 – Privately-owned Trees & The Planning System

8A – PRIVATELY-OWNED TREES

As explained in section 2 above - "General Policies" – A tree owner's legal duty of care means that there is legislation which expressly requires tree owners take reasonable steps to prevent or minimise the risk of personal injury or damage to property arising from the presence of any tree on the land, or from its breakage and uprooting.

The Council strongly recommends that owners of trees, especially if they are large trees or are trees which are adjacent to or near to a neighbouring property, or a public highway or PRoW, have those trees professionally surveyed on a regular basis by a suitably qualified tree inspector. A reasonable period for regular inspections of trees in reasonable condition might be once every three to five years. Trees with known defects or diseases may warrant more frequent inspections, and owners should follow professional arboricultural advice within any given timeframes provided

as far as is possible, in order to fully meet their duty of care. In exceptional cases, where trees on privately-owned land represent a danger to public spaces the Council has discretionary powers under the **Local Government (Miscellaneous Provisions) Act (1976)** to require trees be made safe. These *discretionary* powers will be used when necessary to ensure that the primary objective of public safety is upheld.

The Council keeps a list of local reputable consultants (and tree surgery contractors) which is available on request. It is not a definitive list and residents are able to engage whichever professional service meets their needs, but they are advised that inspectors must be suitably qualified and hold professional indemnity insurance to provide written reports or management recommendations for tree maintenance. Contractors must also be fully insured for public liability and should also be suitably qualified to use a chainsaw and carry out tree surgery or felling operations to British Standard 3998:2010. (See also section 12F below – “REPUTABLE” CONTRACTORS OR CONSULTANTS.)

8B – TREES AND THE PLANNING SYSTEM

Local planning authorities have legal powers to protect trees and woodlands in the interests of amenity by making **Tree Preservation Orders** (“TPOs”). The **Town and Country Planning Act (1990**, and as amended), is the principle legislation concerning TPOs and it is the same planning legislation that allows the local planning authority to designate **Conservation Areas** in respect of the built environment. There are currently sixteen Conservation Areas within Caerphilly County Borough and the trees within them are protected. Prior consent from the planning authority must be obtained before maintenance or removal of protected trees. (See paragraphs 8C to 8F below for further details.)

The retention of individual trees, tree groups, or areas of woodland can provide many benefits to both the proposed development and the adjacent area. Trees are a ‘material consideration’ in any development. The Council’s Local Development Plan incorporates **Supplementary Planning Guidance (SPG) (LDP4 - “Trees and Development”)**. The following policies of the Council’s Local Development Plan will be implemented:

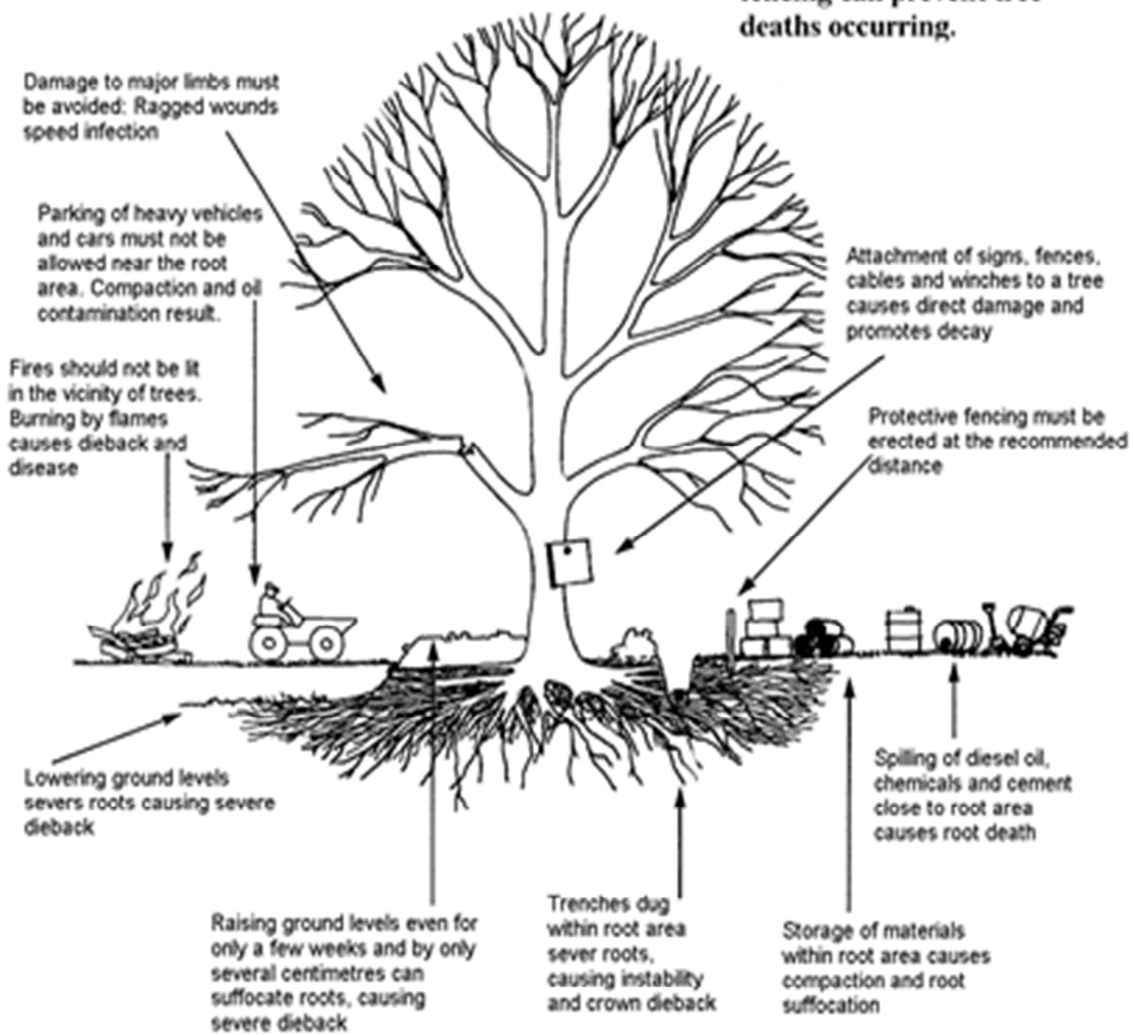
- **SP10 Conservation of Natural Heritage**
- **CW6 Trees, Woodland and Hedgerow Protection**

In addition, SPG LDP4 provides guidance in terms of **Criterion G of Policy SP6** insofar as it relates to the incorporation of natural features within new development. Policies SP10 & CW6 facilitate the provision and protection of trees within development sites within the county borough. LDP4 seeks to ensure that trees are adequately addressed throughout the development process by seeking the protection and integration of trees into the design of new development from an early stage in the development process.

The key component document in the Council’s approach to the retention and protection of trees at or near to development sites is **British Standard 5837:2012 “Trees in Relation to Design, Demolition, and Construction – Recommendations”**. The SPG LDP4 specifically cites this document (and any later revision or updated edition of it) as the Standard to which all development applications, or proposed developments, shall be fully compliant with whenever possible. Its recommendations and procedures shall be the default tree-related condition to the approval of any planning application where on-site trees, or nearby off-site trees, may potentially be impacted upon by the development.

Common causes of Tree Death

The use of properly positioned protective fencing can prevent tree deaths occurring.



Please use copies of this as an on-site poster for personnel



8C – TREE PRESERVATION ORDERS (TPOs) & CONSERVATION AREAS

A TPO is an order made by the Council, giving legal protection to trees or woodland. The TPO prevents the cutting down, uprooting, “topping”, “lopping”, wilful damage or destruction of trees (including cutting roots) without prior planning authority permission.

It does not mean that a tree may never be pruned or removed – if those actions are applied for in the prescribed way, and they are found to be reasonable and appropriate they will be approved. If the works applied for are found to be unreasonable or inappropriate then they will be refused, or may be approved with a modified specification.

All of the general policies (see sections 2 & 3 above) apply to the Council’s treatment of TPOs, particularly those that apply to tree-related nuisance, and arboricultural standards. The Council is able to offer informal verbal advice to owners on the management of their trees, particularly if they are protected trees, but it is always recommended that tree owners seek formal written advice from a suitably qualified independent arboriculturist (“tree consultant” or “consulting arborist”). The list referred to at section 12F below includes some reputable local consultants.

When considering the suitability of serving a new TPO, the Council’s Arboricultural Officers will use the nationally recognised TEMPO method for assessing each tree’s, or group/woodland of trees’ suitability for protection. TEMPO is the widely used “**Tree Evaluation Method for Preservation Orders**” and was developed as a method to assist tree assessors to systematically consider all of the various factors of a tree’s character that collectively combine to give a points ‘score’ of the overall amenity value offered by the tree(s) to the wider community. The factors that determine the amenity value include the tree’s size; general condition and form; public prominence; useful life expectancy; threats to the tree; and any other unusual or notable characteristics such as species rarity or historic or cultural significance.

The party responsible for proposed works to an already-protected tree (either the tree owner, a tenant, or an affected neighbour) must apply in writing using an application form which is available from the planning authority’s offices or via the Council website at the ‘Protected Trees’ page - <http://www.caerphilly.gov.uk/Services/Trees-and-conservation/Protected-trees> . Guidance notes may also be found there.

Where trees are located within the boundary of a **Conservation Area** the land owner (or tenant, or affected neighbour) is required to notify the local planning authority before undertaking any felling or pruning works. The same application form as works to trees protected by TPO is used (see the link above). **The Council may either consent to the notified works, or may serve a new TPO if it considers it expedient to do so in the interests of visual amenity.**

8D – POLICIES FOR PRIVATLY-OWNED TREES & THE PLANNING SYSTEM:

P14	Dangerous Privately-owned Trees	<i>The Council will use its discretionary powers, as a last resort, to make safe dangerous trees where public safety is threatened on land with public access. The Council will not use these discretionary powers where danger is presented on private land without public access, except in exceptional circumstance.</i>
P15	TPOs:- Works Application Quality	<i>The Council will not consider unspecified pruning and would require the submission of arboricultural reports where appropriate.</i>
P16	TPOs:- Unnecessary Works	<i>The Council will resist applications for any pruning where this is considered to be unnecessary</i>
P17	TPOs:- Replacements	<i>Where permission is given to fell a protected tree, the Council will always seek replacement except in exceptional circumstances</i>
P18		<i>Where permission is given to fell a protected tree, and replacement on site is not possible, the Council will seek funds for tree planting elsewhere.</i>
P19		<i>The Council will encourage advance planting of replacement trees where space permits and it will accept such trees as replacements when felling is necessary.</i>
P20	TPOs:- Groups and Woodlands	<i>Where trees are protected as a group or woodland, the Council recognises that it is generally beneficial to encourage irregularity of age and species, and will accept planned felling and regeneration to achieve this where appropriate to do so.</i>
P21	TPOs:- Unauthorised Works	<i>On encountering unauthorised works to trees, the Council will invite tree-owners or contractors to submit proof of exemption or technical justification of the work. Where this is not forth-coming or the Council's Planning Committee would not have been minded to approve the unauthorised work, the Council will always seek prosecution.</i>
P22	TPOs:- Tree Root Damage	<i>Permission will not be considered for the felling or major pruning of protected private trees to avoid or correct subsidence unless the application is accompanied by professional and appropriate technical reports that satisfactorily substantiate the claim of tree-related subsidence against the relevant tree(s).</i>
P23		<i>The Council will adhere to the recommendations and principles of the Risk Limitation Strategy(2008) and Joint Mitigation Protocol (2008) – as detailed in section 4D of the Council's Tree Strategy document - with regard to its response to any applications made citing tree-related subsidence as the reasoning behind the applied for works.</i>
P24	TPOs:- Permitted Development	<i>The Council will not approve the felling or disfiguring pruning of protected trees to accommodate permitted development other than in exceptional circumstances.</i>
P25	TPOs:- Rationalisation - Assessment	<i>TPOs not to be made or retained on trees that are not visible from public space (or sufficient usage to confer public amenity benefit) except in exceptional circumstances where the trees possess very high ecological or historical value. The Council's Arboricultural Officers will use the recognised TEMPO method for assessing a tree's suitability, or group/woodland suitability for protection.</i>
P26	Conservation Areas	<i>The Council will continue to place TPOs on trees in conservation areas where it receives notification of tree work that it judges to be detrimental to public amenity. As in Policy P25, trees will be assessed for suitability using TEMPO.</i>

8E – PENALTIES AND EXEMPTIONS

The **Town & Country Planning Act (1990)**, as amended) provides the legislation for protected trees and Conservation Areas. Within the legislation there are some exemptions that apply to trees in particular circumstances, where the normal need to apply for written permission may not be necessary. Residents or tree-owners are advised to obtain independent professional arboricultural advice before taking action under any of those exemptions, as technical expertise may be required to ascertain whether an exemption applies or not. The Council's Arboricultural Officers will also give advice where it is appropriate to do so. A Welsh Government pamphlet titled "Protected Trees" is available on request. This pamphlet fully details all of the exemptions as well as the penalties that may be applied if a party is found to be responsible for unlawful actions to protected trees and subsequently prosecuted. It is also a good overall summary of everything one might wish to know about TPOs in an easily comprehensible document.

Anyone who cuts down, uproots, "tops", "lops", wilfully destroys, or wilfully damages a protected tree – by TPO or in a Conservation Area – without having the necessary consent from the Council's Planning Department is guilty of an offence. The same penalties apply to Conservation Area tree works without consent as those for contravening a TPO:

Anyone who cuts down a protected tree without having given notice in a Conservation Area, or without written Planning Permission if the tree has a TPO, is liable, if convicted in a Magistrates' Court to a fine of up to **£20,000**. Anyone who carries out unlawful work in a way that is not likely to destroy the tree is liable to a fine in the Magistrates' Court of up to **£2500**.

8F – INTERACTIVE MAP OF TPOS

The Council now has an online searchable database of TPOs and Conservation Areas. It is a publicly-accessible and interactive map which gives the user the locations of trees currently protected by TPOs, and their TPO file or reference numbers. The interactive map also shows if a Conservation Area is in effect at a given location. The searchable database is available at a link found at the foot of the 'Protected Trees' page at the Council's website (see section 12E below).

9 – Schools

Trees on school-held land are the responsibility of each school's own management. The Council maintains a database of historic tree inspections and maintenance records so as to *assist* schools in managing their tree stock appropriately. The Council has a health & safety responsibility towards schools and so provides appropriate professional arboricultural advice as may be sought or considered necessary by the school's management.

A framework of approved independent tree consultants has been created and is available to schools' management to instruct as and when needed. Schools are encouraged to liaise with the Council's Arboricultural Officers so that any new survey details at their site are either entered directly into the Council's tree management database, or are forwarded to the Council's Arboricultural Officers at a later date for the benefit of reference and record-keeping (which assist and inform future inspections).

Neighbours affected by trees at school sites are advised to approach the school's management in the first instance if they wish to make an enquiry or request an ad-hoc inspection. The school's management may then choose to consult with the Council's Arboricultural Officers on how best to proceed, and will then be advised accordingly.

All of the general policies (see sections 2 & 3 above) apply to the Council's recommendations for treatment of trees at schools, particularly those that apply to tree-related nuisance, and arboricultural standards.

10 – Woodlands or 'Country Parks'

Around 60 Sites of Importance for Nature Conservation ('SINCs') have been declared by the Council with respect to their woodland habitat. These include the priority habitats of 'Upland Oak Woodland', 'Upland Mixed Ash Woodland', 'Lowland Beech & Yew Woodland', 'Wet Woodland', and 'Lowland Wood Pasture & Parkland'. Where woodland or other trees at SINCs are situated on Council-held land, then the trees will be managed according to the same general policies outlined in sections 2 & 3 above, as well as in accordance with current better woodland management practices. The advice and expertise of Natural Resources Wales ('NRW' – formerly Forestry Commission Wales, Environment Agency (in Wales), & Countryside Council for Wales) shall be sought whenever appropriate to do so. The Council has its own ecologists and landscape architects available to assist with the appropriate management of these sites, as well as providing professional services to Council departments.

10A – FELLING LICENSES

NRW is responsible for administering Woodland Grant Schemes and Felling License applications, though the Council is occasionally a consultee in such applications (where protected trees are concerned, or areas of planting greater than 10 ha are proposed). Felling Licenses are required by law if more than 5 metres³ of timber is to be felled in any continuous 3 month period. A Felling License would also be needed if more than 2 metres³ of timber are to be sold in a 3 month period.

It is not easy to estimate timber quantities accurately, so for this reason tree owners are strongly advised to consult with NRW before commencing any felling works. There are some exemptions to the need to apply for a Felling License, and a NRW/Forestry Commission Wales produced leaflet is available to assist with the details and provide contact details should further assistance be required.

10B – COUNTRY PARKS & CWMCARN FOREST

The Council currently manages Country Parks at Parc Coetir Bargod; Parc Cwm Darran; Parc Penallta; Pen-y-Fan Pond; and Sirhowy Valley; as well as the Forest Drive attraction at Cwmcarn. Each has its own management plan, and trees on site are managed and maintained by the Country Parks' own teams of rangers on a week to week basis. Specialist or detailed arboricultural advice is sought when necessary from the Council's own Arboricultural Officers. There are also management plans for the notable sites of Aberbargoed National Nature Reserve and Bedwas Riverside Park. In addition, some 300 other sites across the county borough are managed by the Council.

Cwmcarn Forest is a haven for people and wildlife. The hills of this previously mined area have been transformed into peaceful forests with impressive views where nature has reclaimed the majority of the former industrial past. As with Country Parks, the Forest team carry out their own routine tree maintenance on a regular basis as and when needed. Specialist or detailed arboricultural advice is sought when necessary from the Council's own Arboricultural Officers.

All of the general policies (see sections 2 & 3 above) apply to the Council's recommendations for treatment of trees at woodlands or Country Park sites, or Cwmcarn Forest, particularly those that apply to tree-related nuisance, and arboricultural standards.

11 – Hedgerow Management and ‘Veteran’ Trees

Hedgerows, and parkland trees, are all important habitats and, like woodlands, often possess considerable historical and ecological value. Environmental legislation such as the **Wildlife & Countryside Act (1981)** and the **Hedgerow Regulations (1997)** confer protection to birds and their nests, as well as other animals; and to important hedgerows.

11A - HEDGEROWS

UK Government legislation offers protection namely by the **Hedgerow Regulations (1997)**. Anyone intending to remove a hedgerow must (except in limited circumstances) inform the Council first. The Council can protect the hedgerow if it meets certain “importance” criteria. These criteria provide an indication of the ecological or historical value of the hedgerow. The Council will aim to protect all hedgerows meeting these criteria and resists all unwarranted removals.

Along the network of adopted highways, where privately-owned hedgerow vegetation encroaches into the carriageway, or obstructs drivers' sightlines or street signs or street lighting, or obstructs a footway; the Council's Highways Inspectors will enforce hedge trimming or vegetation removal works as necessary, as per the Highways Act (1980).

Where the Council owns hedgerows it will wish to see them managed according to current best practice in order to maintain their ecological, historical and amenity importance while possibly managing their size. [The Council carries out hedgerow maintenance on established routes twice per year.](#)

11B – ‘VETERAN’ OR ‘ANCIENT’ TREES

A veteran tree is more than a single organism. It is home to a wealth of interdependent plants, animals and micro-organisms that interact with and can contribute to the longevity of the tree. The county borough is fortunate in containing a number of old and characterful former hedgerow and field trees. As with hedgerows, these trees have a considerable historical value as they may typically be hundreds of years old, and reveal a former agricultural land-use that has now practically disappeared from Britain. The Council will seek to promote the value of these old or ‘veteran’ trees. Veteran trees (also known as ‘ancient’ trees) are being incorporated into the Council's tree management database, and being flagged for their special status.

When veteran trees require maintenance (for example if they are causing an obstruction in the highway), and tree surgery is required, the Council will encourage the tree owner to, or will itself (in cases of trees on Council-held land, or trees in the highway) identify the minimum work necessary to reduce risk to an acceptable level. Effort will be made to retain the maximum habitat value while addressing the requirements to maintain adequate safety. When older or veteran trees are removed for safety or other legal nuisance reasons, the Council will recommend the retention of ‘hulks’ or remnant standing stems – provided it is appropriate to the setting, and to a safe size - in situ for the very significant habitat value that such stems have to the local ecology.

12 – Tree Management Information and Assistance

12A – BIOSECURITY

Biosecurity includes a set of precautions to prevent the introduction and spread of harmful organisms – pests, pathogens, or invasive species. The threat to our forests and woodlands has never been greater. The changing climate, increased global trade, and the movement of goods between countries means an increased risk of spreading pests and diseases, which may travel hidden in plant products, packaging, and shipping crates. Trees and plants in Britain are now vulnerable to a range of new pests and diseases, and outbreaks can seriously threaten sustainable forest management. In addition to economic losses for forestry and related industries, outbreaks can disrupt other sectors such as tourism. [The Council will adhere closely to the principles of the Forestry Commission's Tree Health Strategy, and will promote good biosecurity practices within its own departments and in the wider local commercial and private sectors.](#)

12B – CUSTOMER SERVICE

Subject to seasonal variations, adverse weather conditions, unforeseen emergencies, and ongoing schedules, the Council's Arboricultural Officers will aim to answer any reasonable tree-related enquiry within the given timeframes for responding to Service Requests. Customer Services staff and departmental administration teams will be minded to assist the Arboricultural Officers in the processing of new enquiries by referring to the policies listed above at sections **3J (POLICIES FOR ALL TREES)** and **8D (POLICIES FOR PRIVATELY-OWNED TREES & THE PLANNING SYSTEM)** as answers to many of the most commonly asked questions, or enquiry-types may be found there. If a new Service Request warrants either an inspection or immediate action, then it will be forwarded to the correct officer to deal with accordingly, and the Service Request updated in due course post-action. Correspondingly, if the Service Request does not warrant an inspection or immediate action, (for example – if a resident calls up requesting a tree be cut back because it is dropping leaves on their property) then the enquirer will be informed (with reference to the relevant Council policy) and the Service Request be closed off.

12C – EMERGENCY CALL-OUTS

The Council operates an out-of-hours service that deals with emergencies involving trees. The out-of-hours desk will contact the appointed duty-officer from the Parks department and forward details of any tree-related emergency. The officer will attend to site and assess the situation. If necessary, they will call on the Council's tree team operatives on standby, or an appointed contractor, to attend to site if immediate and urgent tree works are required. If trees or branches have fallen and are blocking the road, or obstructing it, or otherwise causing an immediately foreseeable hazard, then the works necessary to abate the obstruction or hazard shall be undertaken. Tree works arisings, or remnant parts, may be left at the roadside temporarily until such a time as they can be cleared away by their owner.

The Council will seek to recover costs of emergency operations to privately-held trees, or may place a charge against the property concerned if costs cannot be recovered.

The Council's emergency call-out service is strictly for emergency works only, where trees in public locations are concerned, or an adopted highway or PRoW is affected. The Council's

emergency call-out service does not attend to private property owners wishing to have their trees maintained. If there is a known emergency or immediately foreseeable hazard to a privately-held tree that is not affecting a public location, then the Council may forward to the enquirer the details of those local reputable contractors referred to in section 12E below.

12D - “EMERGENCY” ENQUIRIES

Most tree-related Service Requests received by the Council have a target response time of 4 weeks. There is provision for an emergency-level response, to which the Council will respond within 24 hours. What determines an “emergency” enquiry is dependent on different factors. Unfortunately, and especially during times of inclement weather, the Council has in the past received an extraordinarily large number of “emergency” enquiries, the vast number of which were not genuine emergencies that warranted an immediate response. Most would typically be genuine issues that needed attention in due course, but that were not immediate emergencies where people’s lives or property may be at immediate risk of harm. For this reason, criteria have been established that seek to clarify, at the point of contact with the Council, exactly whether the nature of the enquiry is genuinely an emergency or a routine Service Request.

“Emergency” criteria essentially relate to the size of the tree, and whether the tree is either *visibly cracked or splitting in its trunk or main scaffold limbs, or visibly rocking or moving at the ground.* This latter scenario would imply that the trees’ roots were either loose or damaged, and that the tree may therefore imminently fail. This is not the same thing as a tree swaying at the trunk, or its canopy moving in the wind – trees are supposed to move in the wind as they need to absorb, or dampen, the effects of the wind upon them. If a small tree were cracked or rocking at the ground, then it might warrant attention in the near future, but not as an “emergency” as the tree’s size would be unlikely to cause more than minor damage.

At times of severe and extreme weather conditions, the 24-hour response time for emergency enquiries may not always be met due to the sheer volume of calls, emails, enquiries, and incidentally-spotted emergencies (previously unreported to the Council) received or observed during such periods of high demand. The Council’s Arboricultural Officers in practice carry out a ‘triage’ system of evaluating the level of urgency suspected, based on the given or known information concerning the tree’s location, size, and condition; the nature of the hazard or obstruction; any Police or other emergency service information; combined with any local knowledge or inspection/maintenance history associated with a certain tree or group of trees.

12E – THE COUNCIL’S WEBSITE

<http://www.caerphilly.gov.uk/Services/Trees-and-conservation> is in effect the Council’s ‘home page’ for trees. There are links there to Frequently Asked Questions (many of which echo those issues addressed by the policies listed above at sections 3J and 8D), and there are also dedicated pages addressing the following subjects:

- Report a tree issue
- Street and park trees
- Protected trees
- High hedges
- Overhanging vegetation

It is hoped that these pages, as well as the FAQs, will assist residents and other parties in learning what services the Council may provide, and what issues it may or may not respond to. Within those pages are contained further links that will assist the user in gaining further information, or downloading any necessary forms or other information that might be needed. For example – the application form (and guidance notes on how to fill them out) for consent to works on protected trees are available to download from the ‘Protected trees’ page. The interactive county borough map of TPOs may also be found there. Details of who to contact and how, may also be found at those pages.

12F – REPUTABLE CONTRACTORS OR CONSULTANTS

As previously mentioned, the Council has a list of local reputable contractors and consultants. It is not an “approved contractor” scheme as such, as the Council does not wish to specifically endorse one firm above others, and there is a nationally recognised “Approved Contractor” scheme run by the lead UK body on tree care and tree management – the **Arboricultural Association** (“the AA”). The AA scheme ensures a minimum level of professional competence and also regularly checks that the contractor’s equipment is appropriately cared for and managed, fit for purpose, and within all safety longevity limits. It also ensures that contractors have all the necessary insurances in place for professional tree surgery, and that their business record keeping is in good order. (See <http://www.trees.org.uk/> for further details.) There are other good contractors though who may not have achieved the AA “Approved Contractor” rating for a variety of reasons.

The Council’s tree pages at the website refer users to consult with the AA Approved Contractor scheme, as there are local firms with that accreditation, but we also have a list of local reputable contractors who we have direct experience with in the area, and whom we can vouch for as having the necessary insurances and competencies in place, and suitably qualified staff as well. The Council’s list is not a closed one, and new contractors in the area are welcome to contact the Arboricultural Officers with a view to future inclusion. A copy of the list is available to any resident or local business owner upon request. The list also includes local reputable *consultants* who are similarly known to have all the necessary training, competency, and professional insurances in place to practice as a consulting arborist or tree consultant (“arboriculturist”). A tree consultant must be suitably qualified in order for their written report to meet the requirements of the courts should their professional opinion ever be questioned.

12G – GENERAL ADVICE

When requested, and if available, the Council’s Arboricultural Officers provide advice over the telephone concerning other general tree-related issues of concern. For matters relating to trees on privately-held land, enquirers are recommended to seek professional advice from an independent tree consultant, or woodland agent, concerning the management of trees in their care.

12H – TREE STRATEGY

It is envisaged that the Tree Strategy shall be reviewed and revised accordingly at least once every five years. New or amended legislation shall be incorporated where necessary, and advances in arboricultural understanding shall be included where relevant. It is intended that this document shall be a continually evolving statement of Caerphilly County Borough’s policies with regard to the management of trees in its care for the benefit of the whole community, and the generations in the future who will live, work, study, and play in these beautiful valleys.

APPENDIX 2

MAIN LEGISLATION & GUIDANCE OUTLINING LAND OWNERS RESPONSIBILITIES IN RELATION TO TREES AND DUTY OF CARE

- Health & Safety at Work etc. Act 1974 & Management of Health & Safety at Work Regulation 1999 (and associated advise notes).
- Management of Risk from falling trees or branches, - Health & Safety Executive 2013 (reviewed 2014).
- Well maintained Highways – Code of Practice, Dept, of Transport – 2005.
- Well Managed Highway Infrastructure – A Code of Practice
- Inspection of Highways Trees – Circular 52/75, Dept, of Environment.
- Common Sense Risk Management for Trees (2011) – Landowners' Guide – National Tree Safety Group (NTSG) inspection standards, and frequencies.
- Common Sense Risk Management for Trees (2011) – NTSG (sample local Authority rural and city Council management scenarios).
- Occupiers' Liability Acts 1957 & 1984.
- Highways Act 1980.
- Local Government (Miscellaneous Provisions) Act 1976.

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REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE – 1ST NOVEMBER 2017

**SUBJECT: PROPOSALS TO COMMENCE A CONSULTATION EXERCISE TO
CLOSE PONTLLANFRAITH LEISURE CENTRE**

REPORT BY: CORPORATE DIRECTOR - COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To advise the Scrutiny Committee of the decision taken by Cabinet on 20th September 2017 in respect of the above consultation and to seek the views of the Scrutiny Committee as part of the consultation process.

2. THE REPORT

- 2.1 The attached report (and appendices) was considered by Cabinet on 20th September 2017.
- 2.2 Cabinet resolved that for the reasons contained in the report and as outlined at the meeting:-
- (i) In accordance with the business case set out in the report, consultation be undertaken on the proposed closure of Pontllanfraith Leisure Centre.
 - (ii) A further report on the outcome of the consultation be presented in late Autumn of 2017.
- 2.3 Members of the Scrutiny Committee are therefore asked to provide their views on the future of Pontllanfraith Leisure Centre having regard to the content of the attached report.
- 2.4 The Scrutiny Committee views will then be considered by Cabinet when it receives a further report on the outcome of the full consultation process.

Author: Christina Harray, Corporate Director – Communities Harrhc@caerphilly.gov.uk

Appendices:

Appendix 1 Report to Cabinet 20th September 2017 (and associated appendices) on “Proposals to Commence a Consultation Exercise to Close Pontllanfraith Leisure Centre”

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CABINET – 20TH SEPTEMBER 2017

SUBJECT: PROPOSALS TO COMMENCE A CONSULTATION EXERCISE TO CLOSE PONTLLANFRAITH LEISURE CENTRE

REPORT BY: CORPORATE DIRECTOR - COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To seek Cabinet approval to commence the closure of Pontllanfraith Leisure Centre in conjunction with the opening of Islwyn High School and support the sale and development of the Pontllanfraith High School / Leisure Centre campus.

2. SUMMARY

- 2.1 The new Islwyn High School opened in June 2017 to replace the existing Pontllanfraith and Oakdale High Schools. The new facility is supported by Sport & Leisure facilities that include a four court sports hall, 4 tennis courts, dual use 3G football & rugby pitch and multi-purpose dance studio.
- 2.2 The current Pontllanfraith Leisure Centre which comprises of a five court sports hall, two squash courts, small fitness suite, multi-purpose dance studio and a 3G football pitch supports the delivery of curriculum P.E. and a vibrant community programme.
- 2.3 At present the Pontllanfraith Campus is also the primary base for the Caerphilly Adventures, Caerphilly County Borough's outdoor education service.
- 2.4 Following the closure of the Pontllanfraith High School, a demolition programme has been developed to prepare the site for future use.
- 2.5 In order to continue delivery of the community use and Caerphilly Adventures programme, significant resources will be required in areas such as I.T, telephones and health & safety to maintain service provision in a safe and appropriate manner.
- 2.6 The emerging Sport & Leisure Services strategy, whilst not yet fully adopted, does not recognise Pontllanfraith as a potential strategic Leisure Centre and as such the opening of Islwyn High School provides an opportunity to transition existing user groups without any loss of service.
- 2.7 The transfer of the Caerphilly Adventures to Cwmcarn Fforest drive is subject to a separate business case. The cost of the transfer is estimated at circa £75,000 - £85,000.
- 2.8 To continue to meet community demand and provide a facility that is endorsed by the Football Association of Wales and as such supports the provision of competitive fixtures at the highest end of the competition pyramids, it is an aspiration that the 3G football pitch at Pontllanfraith Leisure Centre is "relocated" to Blackwood Comprehensive School, although no funding has been set aside for this purpose. In the event of funding not being available, officers will seek to offer some or all of this facility at the Council's Centre of Sporting Excellence in Ystrad Mynach.

3. LINKS TO STRATEGY

3.1 The Wellbeing of Future Generation (Wales) Act 2015 is about improving the social, economic, environmental and cultural wellbeing of Wales. It requires public bodies to think more about the long-term, working with people and communities, looking to prevent problems and take a more joined up approach. This will create a Wales that we all want to live in, now and in the future. The Act puts in place seven well-being goals:

- A prosperous Wales.
- A resilient Wales.
- A healthier Wales.
- A more equal Wales.
- A Wales of cohesive communities.
- A Wales of vibrant culture and thriving Welsh Language.
- A globally responsible Wales.

The content of this report links into: A healthier Wales, A Wales of cohesive communities and a globally responsive Wales.

3.2 The Community & Leisure Services Divisional Service Plan contains specific objectives to meet a range of statutory and non-statutory targets. The plan also outlines the division's contribution to the Authority's Medium Term Financial Strategy.

4. THE REPORT

4.1 Pontllanfraith Leisure Centre is a joint use facility that supports curriculum provision along with a range of community use clubs and organisations delivering a range of activities to diverse user groups. The operating cost of Pontllanfraith Leisure Centre in 2016/17 was £56,000, with usage for the financial year 2016/17 of 91,074 (split between 59,149 users of the facilities within the building and 31,925 users of the 3G pitch). At present it is estimated that there is circa £150,000 of maintenance liabilities, made up primarily by items identified as either priority 2 or priority 3 categorisation, although the last property condition survey was completed in 2012 and is now some 5 years old.

4.2 The new Islwyn High School opened in June 2017 to replace the existing Pontllanfraith and Oakdale Comprehensive Schools. The new facility is supported by Sport & Leisure facilities that include a four court sports hall, dual use 3G football & rugby pitch and multi-purpose dance studio.

4.3 Following the closure of the Pontllanfraith Comprehensive School, a demolition programme has been developed to prepare the site for future use. This programme will commence in November 2017 with an estimated timeframe of circa 30 weeks.

4.4 Over the past few months, discussions have taken place with Islwyn High School to support and prepare the school for the delivery of community leisure facilities.

4.5 Discussions initially focused upon ensuring that allocation of the 3G dual use pitch is in accordance with the booking criteria approved by Cabinet in 2012.

4.6 Further discussions have now commenced in respect of the delivery model associated with community use of the Sports Hall and Dance Studio provision, which will require a formal staff resource to ensure that facilities are provided and maintained in a safe manner.

4.7 There are currently a number of well established, long standing clubs and organisations based at Pontllanfraith Leisure Centre that can now be easily transitioned to the new Islwyn High School, benefitting from an improved facility (the level of sports hall use at the existing Pontllanfraith LC that can be transferred to Islwyn High is included at Appendix 1).

- 4.8 The existing 3G football pitch at Pontllanfraith Leisure Centre is currently one of two such facilities based within the county borough that is endorsed by the Football Association of Wales and as such is able to play host to competitive matches across a range of levels.
- 4.9 The Pontllanfraith Leisure Centre 3G is extensively used by local clubs not only as a training base but also to host competitive fixtures at Welsh League, Gwent County and Football Association of Wales Academy level. (The level of booking use for the existing 3G pitch is included at Appendix 2).
- 4.10 Cabinet will also be aware of the ongoing flooding issues in respect of the football pitch at the Centre of Sporting Excellence, Ystrad Mynach. Should the Centre of Excellence require a period of closure to resolve this issue, this would provide a particular issue in respect of there being no appropriate facility within Caerphilly County Borough with the ability to host competitive fixtures at the higher end of the Football Association of Wales competitions pyramids.
- 4.11 The new dual use 3G facility at Islwyn High School whilst appropriate as a training base and the delivery of junior competitive matches are unable to host the level of football listed above. The same position exists at the recently opened Y-Gwindy facility in the Caerphilly Basin. This does not allow for competitive fixtures above the introductory level within the Football Association of Wales (FAW) competition pyramid to be played at this facility.
- 4.12 Sport & Leisure Services in partnership with Blackwood Comprehensive School and Engineering Consultancy have commenced initial discussions to explore the possibility of developing / relocating a 3G facility at the same level within the Blackwood Comprehensive school campus.
- 4.13 The aspiration of developing of a 3G facility at Blackwood Comprehensive is estimated at circa £500,000. One option would be to “re-locate” the current Pontllanfraith 3G block booking programme to the new Islwyn facility however, this facility is currently unable to host the same level of competitive matches as the Pontllanfraith facility, although it could host the evening training bookings and junior level competitive matches (as outlined above in 4.9 and 4.10).
- 4.14 An additional complication is the fact that the expression of interest programme for new bookings at the Islwyn High 3G has commenced and to date 23 Clubs (football and rugby mix) have expressed an interest in booking (these are generally clubs that have not been accommodated on any other 3G facilities). A draft usage timetable has been drawn up as a result of these expressions of interest which results in full usage of the 3G pitch from 6pm Monday to Thursday, partial Friday evening use and use from 10am – 2pm on a Saturday. As a result, relocation of the Pontllanfraith bookings to Islwyn High would result in this draft timetable being scrapped as the facility could not accommodate both timetables. This would need to be undertaken jointly with Islwyn High, as the responsibility for community usage lies with the school.
- 4.15 Given the current level of demand that exists within the county borough and the associated level of competitive requirements, the aspiration of developing a facility within the Blackwood Comprehensive School campus will ensure that the county borough is well placed to continue to support and develop clubs, organisations and academies.
- 4.16 The development/relocation of the 3G provision within the Blackwood Comprehensive School campus will also enhance the delivery of curriculum provision at that school, providing additional opportunities for young people to engage in physically active lifestyles. However, it must be noted that no funding has been identified at this time to develop this proposal further.
- 4.17 The Caerphilly Adventures Outdoor Education Service is also currently based within an annex structure located adjacent to Pontllanfraith Leisure Centre following the sale of Ynys Hywel a number of years ago.

- 4.18 The closure and demolition of the school, along with the proposed closure and demolition of the Leisure Centre will require the Caerphilly Outdoor Adventures Service to be re-housed within a facility that is fit for purpose and provides an opportunity for the service to maximise its income potential through enhanced partnership and collaborative working.
- 4.19 A separate business case has been prepared in respect of the above and the option to relocate the Caerphilly Adventures Service to Cwmcarn Fforest Drive.
- 4.20 The cost of relocation is estimated at circa £75,000 - £85,000 which will provide the service with a fit for purpose facility that will allow for significant service developments and collaborative approaches to working. There is also the option to realise efficiency savings through shared working practices. The Business Improvement project relating to the tourism offer at Cwmcarn will include the synergy with the relocation of Caerphilly Adventures as part of its review work.
- 4.21 Should the Leisure Centre/Caerphilly Adventure's annex remain open and not be moved as part of the demolition, there is an initial cost requirement of circa £112,000 to transfer shared services, namely;

Pontllanfraith L.C.:	£
Estimated cost of proposed new supplies	
Gas	53,642
Electric	22,758
Water	17,213
BT [Data only]	18,000
BT Voice assume N / a	0
Total: £ [excl. VAT]	111,613

- 4.22 The transfer of these services also requires at least 8 weeks' notice to be provided to the relevant service providers prior to completion of the works.
- 4.23 There will be a further requirement for ongoing maintenance liabilities, circa £150,000 to be supported. It is also unlikely that the authority will realise the full capital receipt potential of the site should the whole of the existing facility structure not be demolished.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 The report contributes to the well-being goals as set out in the Links to Strategy above.
- 5.2 In respect of the seven well-being goals this report contributes to at least three, namely;
1. **A healthier Wales:** There is significant evidence to support the view that undertaking a physically active lifestyle has significant benefits in terms of reducing the risk of cardiovascular disease along with positive impacts upon mental health and body weight control. The role of schools is significant in terms of supporting the integration of physical activity into everyday lifestyles.
 2. **A Wales of cohesive communities:** Islwyn High School have communicated a vision to place the school and its facilities at the heart of the community, ensuring its effectively placed to deliver a well-connected, socially inclusive hub.
 3. **A globally responsive Wales:** There is significant evidence to support the positive impact that leading a healthy, physically active lifestyle has upon the economic, social and cultural well-being of Welsh residents.

6. EQUALITIES IMPLICATIONS

- 6.1 An Equalities Impact Assessment (EIA) will be required to ensure that the requirements of specific groups and individuals are fully and appropriately considered.

7. FINANCIAL IMPLICATIONS

- 7.1 At present the net cost of Pontllanfraith Leisure Centre is £81,502 which can be realised as a Medium Term Financial Plan saving from 2018/19 and beyond.
- 7.2 The sale of the land within the Pontllanfraith High School / Leisure campus could see the authority realise the full capital receipt potential for the site.
- 7.3 Should the Leisure Centre remain open, there is an initial cost requirement of circa £112,000 to transfer shared services such as utilities, telephone and I.T. lines. There will be a further requirement for ongoing maintenance liabilities to be supported and the maintenance backlog for the Leisure Centre is estimated at £150,000.
- 7.4 The indicative cost of relocating the Caerphilly Adventures Service to Cwmcarn Fforest Drive is circa £75,000 - £85,000. In 2015/16 the service generated an income of circa £300,000 with an overall operating cost of £158,000
- 7.5 The indicative cost of relocating the current 3G football pitch to Blackwood Comprehensive School is still to be determined; however it is estimated to be in the region of £500,000. However, no funding has been identified at this time to fund this proposal. If the 3G facility remains at Pontllanfraith then it is possible that the "Carpet" would need replacing in the period 2020 – 2022.
- 7.6 There is a one-off cost of demolition of the Leisure Centre complex which is estimated at £325,000. (In terms of demolition, the contract for demolishing the school is due to commence in November 2017 and the Leisure Centre demolition could be added as a contract variation).
- 7.7 There may also be some voluntary severance costs associated with the closure. These are covered in the Personnel Implications section below and total circa £9,000.
- 7.8 A summary of the costs of closure/demolition and resultant savings/avoided costs is included in the table below:-

One-Off Cost of Closure/Demolition (£)		Savings/Avoided Costs (£)	
325,000	Demolition	56,000	Annual Running Cost Saving
75,000 – 85,000	Relocation of Caerphilly Adventures Service to Cwmcarn.	112,000	Services Diversion Costs Avoidance
		150,000	Maintenance Backlog Cost Avoidance
11,250	Potential HR Costs (Voluntary Severance, etc.).	200,000	Replacement of existing 3G "Carpet" in 2020 – 2022
Total: £411,250 - £421,250		Total: £518,000	

- 7.9 In addition to the costs/savings outlined above, there would be a cost of circa £500,000 should the aspiration to relocate the 3G at Blackwood Comprehensive School be realised.

8. PERSONNEL IMPLICATIONS

8.1 There are a number of personnel implications that will require consideration and implementation.

8.2 The Pontllanfraith Leisure Centre current staff structure is as follows;

Role	Full Time Equivalents	Grade
Centre Shift Supervisor	0.4	9
Leisure Centre Attendants	1.31	4
Fitness Suite Instructors	0.6	5
Receptionists	1.02	4

8.3 The structure is further supported by a pool of casual staff that supports absences and additional work along with a team of class tutors who support the delivery of a fitness class provision.

8.4 Discussions are currently being undertaken with Islwyn High School in respect of an appropriate delivery model to support community use of the school facilities. It is expected that this will include the option to transfer the Leisure Attendant role to the school.

8.5 Sport & Leisure Services are reviewing existing structures and associated vacancies to support the relocation of the Fitness Suite and an element of the Reception staff.

8.6 There may be an element of voluntary severance required for 2 staff that cannot be accommodated by Sport & Leisure Services or Islwyn High. These staff would be over the age of 60 and one of them is not in the Local Government Pension fund. It is not anticipated that there would be any pension costs associated with the other member of staff although confirmation has been sought from Torfaen Pensions. It is anticipated that the cost of voluntary severance would be circa £10,000 for both staff plus one payment of the Rhymney Valley District Council loyalty bonus (£1,285).

9. CONSULTATIONS

9.1 Consultation has taken place with the Authority's communications unit and it is envisaged that consultation on the closure could be completed in a 6 – 8 week period and would comprise:-

- Targeted consultation with sports hall users about their relocation to Islwyn High. This will be via face-to-face contact followed by a letter and supported by notices within the centre.
- Targeted consultation with other regular users (eg: fitness suite) via the Sport & Leisure smartcard database. This will also be a combination of face-to-face contact and letter supported by notices within the centre.
- Targeted consultation with users of the 3G pitch. This will be a combination of face-to-face and written contact.
- More general consultation via the Authority's website and social media platforms.
- Local ward members – initial e-mail contact supported by the offer of meetings if desired.
- E-mail or letters to Community/Town Councils & Community Partnerships
- Regeneration and Environment Scrutiny Committee will also formally consider the proposals.

9.2 The consultees listed below have been consulted on the report and their views have been incorporated accordingly.

10. RECOMMENDATIONS

10.1 It is recommended that Cabinet:

- (i) Agrees that consultation on the closure of Pontllanfraith Leisure Centre commences in accordance with the business case set out in this report as detailed in the table at paragraph 7.8.
- (ii) Considers a further report on the outcome of the consultation in late Autumn of 2017.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To allow the authority to realise the full capital receipt potential in respect of the land sale of Pontllanfraith Comprehensive School/Leisure Centre campus.
- 11.2 To allow for the smooth transition of current users of Pontllanfraith leisure Centre to Islwyn High School without a loss of service.
- 11.3 To support the opportunity to develop the Caerphilly Adventures Outdoor Education Service in a fit for purpose site/facility.

12. STATUTORY POWER

- 12.1 Local Government Act 1972.

Author: Christina Harray, Corporate Director, Communities
HARRHC@caerphilly.gov.uk

Consultees: Nicole Scammell, Acting Director of Corporate Services & S151 Officer
Gail Williams, Interim Head of Legal Services & Monitoring Officer
Jeff Reynolds, Sport & Leisure Services Facilities Manger
Lynne Donovan, Acting Head of Human Resources and Organisational Development
Mark Williams, Interim Head of Property Services
Jared Lougher, Sport & Leisure Services, Development Manager
Sian Jones, Area Team Leader, Sport & Leisure Services
Bob Keep, Caerphilly Adventurers, Team Leader
Tim Williams, Head Teacher, Islwyn High school
Emma Jayne Paskell, Business Manager, Islwyn High School
Stephen Harris, Interim Head of Corporate Finance
Keri Cole, Chief Education Officer
Ravi Pawar, Head Teacher, Blackwood Comprehensive School
Liz Sharma, Research Officer

Appendices:

Appendix 1 – Pontllanfraith Leisure Centre Sports Hall Users

Appendix 2 – Pontllanfraith Leisure Centre 3G Pitch User Programme

APPENDIX 1 - PONTLLANFRAITH LEISURE CENTRE – SPORTS HALL USERS

<u>DAY</u>	<u>CLUB</u>	<u>TIME</u>	<u>Area</u>	<u>Date</u>
Monday	Andrew Goodenough - Police football	5.00 to 6.00	Full Hall	52 weeks
	Oakdale Junior Badminton	7.00 to 8.00	2 courts	Sept to May
	Oakdale Senior Badminton	8.00 to 10.00	3 courts	52 weeks
	Michelle O'Hanlon Church Badminton Club	8.00 to 9.00	1 court	52 weeks
	Pont Badminton Club	8.00 to 10.00	1 court	52 weeks
	Craig Andrews Badminton Club	8.00 9.00	1 court	52 weeks
Tuesday	Blackwood Netball Club	6.00 to 8.00	Full Hall	Aug 15 to Mar 27
	Ystrad Fawr Badminton Blub	8.00 to 9.00	1 court	52 weeks
Wednesday	Crusaders Junior football	5.00 to 6.00	Full Hall	52 weeks
	Suzanne Pritchard Badminton Club	6.00 to 7.00	1 court	52 weeks
	Jack Mullen walkin football (20 weeks from July 26)	7.00 to 8.00	Full Hall	July 26 to Dec 6
Thursday	Luke Brown (from Oct 19th)	5.00 to 6.00	Full time	Oct 19 to Mar 29
	Pontllanfraith Karate Club	6.00 to 8.00	2 courts	52 weeks

Friday	Oakdale Badminton Club	8.00 to 10.00	3 courts	52 weeks
	Colin Harrison-oap badminton	8.00 to 10.00	1 court	52 weeks
Saturday	Pontllanfraith Karate Club	10.00 to 12.00	2 courts	52 weeks
Sunday	Wayne Jones soccer skills	5.00 to 6.00	Full Hall	Sep 3 to Mar 25

APPENDIX 2 - PONTLLANFRAITH LEISURE CENTRE - 3G USAGE PROGRAMME

<u>DAY</u>	<u>CLUB</u>	<u>TIME</u>	<u>AREA</u>	<u>DATE</u>
Monday	Pengam Junior afc	5.00 to 6.00	half 3G	52 weeks
	Pengam Junior afc	6.00 to 7.00	half 3G	52 weeks
	Pengam Junior afc	7.00 to 8.00	half 3G	52 weeks
	Cascade Juniors	6.00 to 7.00	half 3G	Oct 2 to Mar 26
	Treowen Stars Juniors	7.00 to 8.00	half 3G	52 weeks
	Stuart Verrier	8.00 to 9.00	half 3G	52 weeks
	Ynysddu Youth afc	8.00 to 9.00	half 3G	Sep 9 to Mar 26
	Ynysddu Senior afc	9.00 to 10.00	half 3G	Sep 9 to Mar 26
Tuesday	Treowen Stars Junior girls	5.00 to 6.00	half 3G	52 weeks
	Blackwood Juniors rfc Bruce Penfold	6.00 to 7.00	half 3G	Sep 5 to Mar 27
	Blackwood Juniors rfc Chris Stebbins	6.00 to 7.00	half 3G	Sep 5 to Mar 27
	Treowen Stars-Jo Greene	7.00 to 8.00	half 3G	Sep 5 to Mar 27
	Newbridge Mini rugby	7.00 to 8.00	half 3G	Sep 5 to Mar 27
	Wattsville afc	8.00 to 9.00	half 3G	Oct 10 to Mar 27
	Cwmfelinfach Crusaders youth	8.00 to 9.00	half 3G	Sep 5 to Mar 27
	Wednesday	Fleur De Lys Junior	5.00 to 6.00	half 3G
Treowen Stars Juniors		6.00 to 7.00	half 3G	Sep 6 to May 30
Treowen Stars Youth		6.00 to 7.00	half 3G	Sep 6 to May 30
Treowen Stars Seniors		7.00 to 8.00	half 3G	Sep 6 to Mar 28
Blackwood Senior rfc		7.00 to 8.00	half 3G	Sep 6 to Mar 28
David Franklin		8.00 to 9.00	half 3G	Sep 6 to Mar 28

Thursday	Blackwood Boys and Girls	5.00 to 6.00	half 3G	Sep 7 to Mar 29
	Pengam mini	5.00 to 6.00	half 3G	Sep 7 to Mar 29
	Ynysddu junior rfc	6.00 to 7.00	half 3G	Sep 7 to Mar 29
	Blackwood rfc juniors	6.00 to 7.00	half 3G	Sep 7 to Mar 29
	Pengam Boys and Girls	7.00 to 8.00	half 3G	Oct 5 to Mar 29
	Coed Duon Dragons ladies	8.00 to 9.00	half 3G	Sep 28 to Dec 14
	Steve Jenkins	8.00 to 9.00	half 3G	Sep 7 to Mar 29
	Soccer Sixes	9.00 to 10.00	Full 3G	52 weeks
Friday	Disability Sports- Sian Theobald	5.00 to 6.00	half 3G	52 weeks
	Newbridge mini rugby	6.00 to 7.00	half 3G	Sep 1 to Mar 30
	Friday night boys	7.00 to 8.00	half 3G	52 weeks
	Jon Gadd	7.00 to 8.00	half 3G	52 weeks
Saturday	Treowen Stars Junior girls	10.00 to 11.00	half 3G	52 weeks
	Ynysddu/Wattsville afc	3.00 to 5.00 2.00 to 4.00 3.00 to 5.00	Full 3G	Aug 19 to Oct 28 Nov 4 to Feb 24 Mar 3 to Mar 10
Sunday	Islwyn Junior league	10.00 to 12.00	Full 3G	Sep 10 to April 29

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REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE – 1ST NOVEMBER 2017

SUBJECT: BUDGET MONITORING REPORT 2017/2018

REPORT BY: CORPORATE DIRECTOR - COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To inform Members of the most recent budget monitoring position for 2017/2018 for Environment Directorate service Divisions, including Regeneration & Planning Division, Engineering Services Division, Public Protection Division and Community & Leisure Services Division.

2. SUMMARY

- 2.1 The report summarises the most recent budget monitoring projections for 2017/2018 based on the latest available financial information.
- 2.2 It attaches, as appendices the more detailed budget monitoring figures for each of the Council Fund Services outlined in paragraph 1.1 above.

3. LINKS TO STRATEGY

- 3.1 The content of the report is in accordance with the budget strategy considered by the Council at its meeting of 22nd February 2017.
- 3.2 The budget figures outlined in this report assist in meeting the ambition of the Authority to build better communities by building better public services, building better lifestyles, building a vibrant economy and building Futures Changing Lives.
- 3.3 Budget monitoring and management information itself is in accordance with the corporate theme of delivering the Strategies.
- 3.4 Effective financial planning and financial control contribute to the following Well-being Goals within the Well-being of Future Generations (Wales) Act 2015:-
- A prosperous Wales
 - A resilient Wales
 - A healthier Wales
 - A more equal Wales
 - A Wales of cohesive communities
 - A Wales of vibrant culture and thriving Welsh Language
 - A globally responsible Wales

4. THE REPORT

4.1 INTRODUCTION

- 4.1.1 The report outlines the revenue budget position for each of the service Divisions that form part of the Environment Directorate based on the most current financial information available. Projected outturn figures for the financial year are compared with the budget to show the anticipated under/overspends. More detailed budget monitoring figures are shown in the appendices' 1a to 1d.
- 4.1.2 It should be noted that the budget report to Council on 22nd February 2017 detailed the need to apply further budget efficiency savings in 2017/2018 to meet medium term financial plan (MTFP) targets and achieve budget strategy aims. Environment Directorate services were targeted to achieve new budget efficiency savings of £0.904million.
- 4.1.3 The table 1 below summarises the present budget monitoring position, with an overall Directorate under spend of £539k, but **exclusive** of ring fenced budgets this under spend is reduced to £330k. The report will highlight that part of the overspend in relation to Community & Leisure Division can if necessary, be funded from a corporate earmarked reserve created to temporarily finance overspends in relation to dry recycling treatment until the benefits of new contract arrangements are fully secured (paragraph 4.5.2 below). Appendices 1a to 1d provide more detail on the budget variation projections for each Service Division.

TABLE 1	ORIGINAL ESTIMATE 2017/2018	REVISED ESTIMATE 2017/2018	ANTICIPATED OUTTURN 2017/2018	ANTICIPATED VARIANCE 2017/2018 Under (Over)
	£000	£000	£000	£000
Regeneration & Planning Division	4,018	4,018	3,881	137
Engineering Services Division	19,984	19,984	19,917	67
Public Protection Division	7,224	7,224	6,887	337
Community & Leisure Services Division	18,490	18,490	18,492	(2)
Directorate General	164	164	164	0
NET DIRECTORATE	49,880	49,880	49,341	539
Home to School Transport - ring fenced over spend				0
Social Services Transport – ring fenced under spend				28
Cemeteries Task & Finish – ring fenced under spend				181
NET DIRECTORATE under spend (excluding ring fenced budgets)				330

4.2 REGENERATION & PLANNING DIVISION

- 4.2.1 Overall, the service division presently has a projected under spend of £137k. Planning services are reporting over spend of £163k and Regeneration under spend of £300k.
- 4.2.2 Countryside Services are reporting underspend of £59k, with a shortfall in income generation from car park charging of £30k being more than offset by under spends from staff vacant posts and other operational costs.

- 4.2.3 Schemes under the Rural Development Plan (R.D.P) are continuing in 2017/2018 as a result of a new approved RDP programme 2014-2020 and European grant funding of £2.643million for the period up to 2020. The total cost of these schemes will be 80% funded by European (W.E.F.O) grant. Approval of the new schemes has helped secure continuity of employment of Planning and Countryside staff. However this position is likely to change in future years due to the UK's exit from the European Union and the impact this will have on existing European grant funding.
- 4.2.4 Development Control is reporting an over spend of £80k as a result of Planning application fee income presently being projected to be £70k short of the £564k budget target and also additional legal fees and advice linked to a number of large planning applications (£64k). These overspends are partly offset by staffing underspend due to a vacant post. There is also an over spend of £86k in Building Control, where income is presently projected to be £102k below the £295k budget. Planning application fee and building control fee income is dependent on the number of applications received and applications and fee levels can vary significantly. The addition of one or two large planning applications can make a significant difference to income levels and this will be monitored closely over the next few months.
- 4.2.5 Strategic Planning budgets are presently projected to be £51k over spent due a shortfall in rechargeable fee income, partly offset by staffing under spend due to staff on reduced working hour contracts.
- 4.2.6 Overall Regeneration is presently projecting an under spend of £300k. Business Support has underspend of £120k which is due to a combination of under spend of £100k in Community Regeneration Fund due to an anticipated reduction in the number of applicants for grant match funding support and reductions in other operational costs such as marketing & promotion, subscriptions etc.
- 4.2.7 Business Urban Renewal is reporting an over spend of £46k, this includes a projected over spend of £55k in relation to the Bargued retail shop units due to anticipated under occupancy of the units and reduced rental income in 2017/2018 partly offset by underspend in other operational costs within the Urban Renewal and Town Centre management teams.
- 4.2.8 There is a projected £40k under spend in relation to industrial properties due to rental income in excess of budget and underspend in some operational costs. There will be further review of this service and initiatives identified to sustain and increase Industrial Property rent income in order to ensure budget targets are achieved in the future.
- 4.2.9 Tourism Events and marketing have a net under spend of £22k, due to additional income from pitch fees and concessions at various events including the Big Cheese and town centre markets and reduction in some operational costs in the marketing, promotion and events team. At present the Tourism Venues (including the BMI) are reporting an overall combined under spend of £124k primarily due to delayed filling of staff vacant posts and some vacant posts which are MTFP savings in advance. Income targets at some venues are being exceeded particularly the Caerphilly Visitor Centre. Income at Cwmcarn Visitor Centre is still being influenced by the adverse effect of the closure of the Scenic Drive due to the ongoing tree felling works, but despite this the venue is doing well to be close to income targets. Income generation at the tourism venues will be closely monitored as it can be susceptible to variation due to changes in consumer demand and visitor numbers. Marketing & promotion and identifying new customer offer options are important to the ongoing financial sustainability of the tourism venues.
- 4.2.10 Community Regeneration has an under spend of £7k, mainly due to additional staff recharge income from support provided to the grant funded Community First programme.
- 4.2.11 There is underspend of £33k in senior management support due to the vacant Head of Service post partly offset by interim acting up payments for Head of Service cover.

4.3 ENGINEERING SERVICES

- 4.3.1 Engineering is reporting a net under spend of £67k on a £19.98million budget, but after excluding budget variations in relation to Home to School Transport (break even at present) and Social Services Transport (£28k under spend) which will be ring fenced and appropriated back to the Service Directorates, there is an under spend of £39k.
- 4.3.2 Highway Operations is reporting over spend £48k. This includes a £23k overspend in highway maintenance works primarily due to additional pot hole repairs (£100k) partly offset by reduced call outs for other reactive maintenance work. In addition there is a projected £62k overspend in street lighting energy due to increased energy prices but partly offset by savings from energy efficient light investments. There is also projected £20k reduced income in relation to New Roads Street Acts Works (NRSWA) fixed penalties and additional £23k income from dropped kerb installation requests. The expected levels of reactive highway maintenance work in 2017/18 are difficult to predict but every attempt will be made to manage the overall maintenance programme to stay within budget. The current assumption is the winter maintenance element of the highway maintenance budget (£1.1m) will be fully spent but this will depend on the severity of the winter. There is funding in the winter maintenance reserve of £500k which can be accessed if necessary. The Engineering Division is reviewing the highway maintenance programme to identify measures to balance the budget by the end of the financial year.
- 4.3.3 EPG (Engineering Projects Group) is reporting underspend of £29k including underspend in staffing from delayed filling of posts (£74k) partly offset by reduced fee income and additional costs associated with acquisition of surveying equipment and I.T. systems.
- 4.3.4 Transport Engineering overall is projecting a balanced budget, with a shortfall in car park income of £66k (on £736k budget) and overspend on car park running costs due to phase 2 of the car park asset review (£75k), being offset by underspend in staffing of £122k including Transport manager secondment, vacant car park attendant posts and vacant posts in school crossing patrols.
- 4.3.5 Public Transport is reporting an under spend of £27k, mainly due to the Connect 2 lead driver being recovered via grant.
- 4.3.6 Home to School Transport is projected to budget at present. However over 200 special transport contracts are being renegotiated for September and the mainstream Primary/Secondary contracts are to be retendered in January 2018, both of which could have an impact on the financial position. The projection assumes full spend of the additional £148k funding for Islwyn High School.
- 4.3.7 Social Services Transport is projecting under spend of £28k due to vacant posts partly offset by increased operator costs. It is also assumed that the planned RCCO on the new lease/replacement strategy takes place in 17/18.
- 4.3.8 At this stage Network Contracting Services (NCS) is anticipating surplus of £70k primarily in relation to the SEW contract. The financial position of NCS is heavily dependent on the volume and value of work secured during the year and this is monitored closely along with productivity levels within the workforce.
- 4.3.9 Engineering general has projected overspend £36k primarily additional costs of Head of Service cover.

4.4 PUBLIC PROTECTION

- 4.4.1 Public Protection is presently projecting an under spend of £337k on an overall revenue budget of £7.224million.

- 4.4.2 Environmental Health is currently projecting a net underspend of £144k this is primarily due to underspend of £158k in salaries from a combination of vacant posts some being held to support the Medium-Term Financial Plan savings requirement for 2018/19, maternity, reduced hour contracts and reduced overtime. There are a number of ongoing issues in respect of pollution and contaminated land sites that are unpredictable and difficult to assess in terms of financial cost, but it is assumed the existing provisions and budget will cover this at present. Pollution and contaminated land sites are being closely monitored as any increases in this area would impact on the overall financial position.
- 4.4.3 Trading Standards, Licensing, Community Safety and CCTV has a projected net underspend of £155k. This is primarily due to a combination of staff vacant posts, staff secondment and reduced hour working and additional income from Registrar's and also one-off sampling recharge income in relation to Trading Standards. Licensing fee income can be subject to variation so this will be monitored closely.
- 4.4.4 There is a projected overall net underspend of £37k for Catering Services, this includes underspend in relation to Comprehensive schools (£104k) due to a combination of overachievement of income targets and reduced staffing & food costs, Meals Direct & staff restaurants (£27k) due to reduction in staffing and vehicle running costs and breakfast clubs (£31k) in relation to staffing costs. These underspends are partly offset by a projected overspend in Primary schools of £95k due to additional expenditure in relation to kitchen equipment repairs & maintenance and purchases and also an anticipated need to finance capital related expenditure (£57.9k) in relation to school kitchen refurbishments via a RCCO (Revenue Contribution to Capital Outlay) due to unforeseen costs associated with asbestos removal and additional building works. There is also overspend in relation to HQ staffing (£30k) linked to sickness cover and early commencement of new staff.

4.5 COMMUNITY & LEISURE SERVICES

- 4.5.1 The Community & Leisure Division is presently projecting overall net over spend of £2k on a budget of £18.490 million.
- 4.5.2 Waste Management & Cleaning Services is reporting over spend of £382k. There is anticipated overspend in dry recycling treatment (£326k), albeit this is reduced significantly on previous years due to the commencement of the new dry recycling contract in July, which will reduce costs associated with treating rejected/contaminated waste. There are some ongoing recycling contamination problems which the Council is looking to address in conjunction with the new contractor and via an education, advice and enforcement programme with householders. There is a contingency reserve available to finance overspend in dry recycling during 2017/2018 if the cost reductions from the new contract are not as great as originally anticipated due to the recycling contamination issues. There is also overspend in relation to CA sites (£126k) primarily due to increased tonnage of waste and running costs. Vehicle running costs for all the collection rounds are showing a £265k overspend in relation to repairs, cover vehicles and fuel. These overspends will be partly offset by an anticipated reduction in vehicle acquisitions this financial year and therefore reduced RCCO (£40k) and also a net staffing under spend of £362k primarily due to vacant posts in street cleansing services some of which are being held to support the Medium-Term Financial Plan savings requirement for 2018/19. Volumes of waste tonnage from the various waste streams and the treatment costs per tonne are monitored closely as any fluctuations during the year can have a significant impact on the overall financial position.
- 4.5.3 An underspend of £221k is projected for Parks, Outdoor Facilities and Cemeteries. Cemeteries is reporting a £181k under spend due to income in excess of budget and reductions in maintenance expenditure. Any underspend in relation to cemeteries is ring fenced for future investment in cemetery infrastructure. Parks and Outdoor facilities are reporting combined underspend of £40k primarily due to staff vacant posts some of which are MTFP savings in advance, partly offset by an overspend in relation to tree maintenance. The tree maintenance budget is under significant pressure due to a requirement to undertake essential tree works on a number of road by-passes.

- 4.5.4 Leisure Services is projecting an overall underspend of £143k, this is due to a combination of vacant posts (which are MTFP savings in advance) and reduced operating costs including reduced Invest to Save loan repayments. At present Leisure centre income is projected to be close to budget, however income generation can vary depending on consumer demand and operational closures due to maintenance and refurbishments, so this will be monitored closely.
- 4.5.5 Community Centres are at present projecting a balanced budget on a budget of £386k.
- 4.5.6 Vehicle Maintenance & Fleet Management is currently projecting a surplus of £19k. The outturn position will be dependent on the value of work through the workshop over the next few months and the ability to finance fixed overheads.
- 4.5.7 Building Cleaning is at present reporting a small overspend of £12k, primarily due to staff additional hours to cover sickness and holidays, although it is hoped that the financial position will improve to at least financial break- even. The service is continually seeking to secure additional cleaning contract work to sustain employments levels and finance fixed overheads.

4.6 MEDIUM TERM FINANCIAL PLANS (MTFP) SAVINGS 2017/2018

- 4.6.1 The 2017/18 revenue budget for Environment Directorate included targeted MTFP savings of £0.904million as summarised in table 2 below. The projected overspends and under spends discussed in the above paragraphs take account of these savings targets.

TABLE 2

Service Division	Approved Savings 2017/2018 £000
Regeneration & Planning Division	275
Engineering Services Division	153
Public Protection Division	168
Community & Leisure Services Division	308
TOTAL	904

- 4.6.2 As reflected in the budget monitoring figures reported above, the approved MTFP savings introduced for 2017/2018 have or will be achieved by the end of the financial year.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 Effective financial management is a key element in ensuring that the Well-being Goals within the Well-Being and Future Generations (Wales) Act 2015 are met.

6. EQUALITIES IMPLICATIONS

- 6.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the categories identified in Section 6 of the Council's Strategic Equality Plan. There is no requirement for an Equalities Impact Assessment Questionnaire to be completed for this report.

7. FINANCIAL IMPLICATIONS

- 7.1 As noted in the table in paragraph 4.1.3 above some service under spends will be appropriated to ring fenced reserves for specific requirements including Home to School Transport, Social Services Transport and Cemeteries. General revenue underspends not subject to specific ring fencing are appropriated to Directorate strategic reserves and Council working balances on a 50/50 basis. Any Directorate over spends will require funding in full from future years revenue budgets.

- 7.2 Based on current projections, general revenue underspend of £337k in relation to Public Protection Division (table 1 paragraph 4.1.4) will be appropriated to Social Service strategic reserve (£168.5k) and Council working balances (£168.5k).
- 7.3 Based on current projections, combined general revenue overspend of £7k in relation to Regeneration & Planning, Engineering and Community & Leisure services would be appropriated to Communities Strategic reserve. If as noted in paragraph 4.5.2 overspend of £326k in relation to dry recycling treatment is funded from Council Corporate contingency reserves, the net general underspend for these Divisions will be £319k of which £159.5k would be appropriated to the Communities Strategic reserve and £159.5k to Council working balances. Consideration will be given to possible use of the contingency reserve in future budget monitoring and at outturn when further updates of the financial position are reported.

8. PERSONNEL IMPLICATIONS

- 8.1 Members will be aware that when setting the budget, MTFP savings were identified for the Environment Directorate in relation to vacancy management savings, these are reflected in the financial figures reported.

9. CONSULTATIONS

- 9.1 There are no consultation responses, which have not been included in this report.

10. RECOMMENDATIONS

- 10.1 Members are requested to note the contents of this report.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 The Council Budget is based on the achievement of both expenditure and income targets. In order to ensure that these are met and the Council's financial integrity is maintained Directors are required to review income and expenditure trends.

12. STATUTORY POWER

- 12.1 Local Government Act 1972 and 2000.

Author: Mike Eedy, Finance Manager (Environment Directorate) Tel 01495235413
E – Mail eedyp@caerphilly.gov.uk

Consultees: Councillor D.T Davies Chair Regeneration & Environment Scrutiny Committee
Christina Harrhy Corporate Director, Communities
Mark S Williams Head of Community & Leisure Services
Robert Hartshorn, Head of Public Protection
Steve Harris, Interim Head of Corporate Finance
Tim Stephens, Interim Chief Planning Officer
Dave Whetter, Interim Head of Regeneration
Marcus Lloyd, WHQS and Infrastructure Strategy Manager
Rose Shears, Finance Officer
Jane Southcombe, Education Financial Services Manager
Dave Roberts, Group Accountant
Paul Adams, Senior Assistant Accountant
Mike Jones, Interim Financial Services Manager Social Services

Background Papers:

Divisional budget monitoring working papers 2017/2018

Appendices:

Appendix 1A Budget Monitoring Report - Regeneration and Planning

Appendix 1B Budget Monitoring Report - Engineering Services Division

Appendix 1C Budget Monitoring Report - Public Protection Division

Appendix 1D Budget Monitoring Report - Community and Leisure Services

Links to other Documents:

Special Council Meeting 22/2/2017: "Budget Proposals 2017/18 and Medium Term Financial Strategy 2017/2022" Agenda Item No. 4

Cabinet Meeting 15/02/2017: "Budget Proposals 2017/2018 and Medium Term Financial Strategy 2017/2022 Agenda Item No 4

DIRECTORATE OF THE ENVIRONMENT	Page No	Estimate 2017/18	Revised Estimate 2017/2018	Projected Outturn 2017/2018	Variance 2017/2018
<u>REGENERATION & PLANNING</u>					
REGENERATION					
Senior Management Support		132,544	132,544	99,485	33,059
Business Support -					
Business Support & Funding		623,644	623,644	504,054	119,590
Commercial Properties		(1,063,988)	(1,063,988)	(1,104,301)	40,313
		(440,344)	(440,344)	(600,247)	159,903
Business Urban Renewal		310,177	310,177	356,597	(46,420)
Destination & Events					
Management, Marketing & Events		390,921	390,921	369,043	21,878
Tourism Venues		960,773	960,773	870,657	90,116
Blackwood Miners Institute		313,415	313,415	279,155	34,260
Arts Development		149,752	149,752	149,752	0
		1,814,861	1,814,861	1,668,607	146,254
Community Regeneration		214,889	214,889	207,439	7,450
Communities First					
Expenditure		2,772,917	2,772,917	3,524,400	(751,483)
Grant Funding		(2,772,917)	(2,772,917)	(3,524,400)	751,483
		0	0	0	0
		2,032,127	2,032,127	1,731,881	300,246
PLANNING					
Countryside and Landscape		1,144,010	1,144,010	1,085,087	58,923
Strategic Planning		411,284	411,284	462,836	(51,552)
Development		333,183	333,183	412,806	(79,623)
Building Control		(32,227)	(32,227)	53,911	(86,138)
Land Charges		(12,211)	(12,211)	(7,805)	(4,406)
Corporate and Democratic Core		142,356	142,356	142,356	0
		1,986,395	1,986,395	2,149,191	(162,796)
TOTAL NET BUDGET		4,018,522	4,018,522	3,881,072	137,450
CENTRAL SUPPORT SERVICE APPORTIONMENTS		1,031,161	1,031,161	1,031,161	0
CORPORATE BUILDINGS APPORTIONMENTS		118,211	118,211	118,211	0
		5,167,894	5,167,894	5,030,444	137,450

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<i>ENVIRONMENT DIRECTORATE</i>	Page No	Estimate 2017/18	Revised Estimate 2017/18	Projected Outturn 2017/2018	Variance 2017/2018
<u>ENGINEERING SERVICES DIVISION</u>					
<i>HIGHWAY OPERATIONS</i>		9,768,672	9,768,672	9,817,225	(48,553)
<i>ENGINEERING PROJECTS GROUP</i>		(107,486)	(107,486)	(136,576)	29,090
<i>TRANSPORTATION ENGINEERING</i>		627,941	627,941	629,235	(1,294)
<i>PASSENGER TRANSPORT</i>		1,720,933	1,720,933	1,694,097	26,836
<i>HOME TO SCHOOL TRANSPORT</i>		6,594,788	6,594,788	6,594,788	0
<i>SOCIAL SERVICES TRANSPORT</i>		1,435,771	1,435,771	1,407,722	28,049
<i>NETWORK CONTRACTING SERVICES</i>		(154,305)	(154,305)	(225,000)	70,695
<i>ENGINEERING - GENERAL</i>		97,777	97,777	135,637	(37,860)
TOTAL NET EXPENDITURE		19,984,091	19,984,091	19,917,128	66,963
<i>CENTRAL SUPPORT SERVICE APPORTIONMENT</i>		520,988	520,988	520,988	0
<i>CORPORATE BUILDING APPORTIONMENT</i>		290,460	290,460	290,460	0
NET EXPENDITURE : ENGINEERING SERVICES		20,795,539	20,795,539	20,728,576	66,963

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<i>DIRECTORATE OF THE ENVIRONMENT</i>	<i>Page No</i>	<i>Estimate 2017/2018</i>	<i>Revised Estimate 2017/2018</i>	<i>Projected Outturn 2017/2018</i>	<i>Variance 2017/2018</i>
<i>PUBLIC PROTECTION DIVISION</i>					
<i>TRADING STANDARDS</i>		813,354	813,354	718,763	94,591
<i>LICENSING</i>		41,554	41,554	33,706	7,848
<i>REGISTRARS</i>		71,057	71,057	63,505	7,552
<i>CCTV</i>		465,694	465,694	420,665	45,029
<i>COMMUNITY WARDENS</i>		357,683	357,683	340,972	16,711
<i>COMMUNITY SAFETY</i>		0	0	0	0
<i>CORPORATE AND DEMOCRATIC COSTS (CDC)</i>		62,182	62,182	62,182	0
<i>HEALTH DIVISIONAL BUDGET</i>		252,174	252,174	249,148	3,026
<i>ENFORCEMENT</i>		631,251	631,251	558,078	73,173
<i>POLLUTION</i>		421,221	421,221	405,026	16,195
<i>FOOD TEAM</i>		565,730	565,730	534,983	30,747
<i>EMERGENCY PLANNING</i>		97,454	97,454	92,993	4,461
<i>CATERING</i>		3,444,337	3,444,337	3,406,893	37,444
<i>TOTAL NET EXPENDITURE</i>		7,223,691	7,223,691	6,886,914	336,777
<i>CENTRAL SUPPORT SERVICE APPORTIONMENTS</i>		929,220	929,220	929,220	0
<i>CORPORATE BUILDINGS APPORTIONMENTS</i>		162,915	162,915	162,915	0
		8,315,826	8,315,826	7,979,049	336,777

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<i>DIRECTORATE OF THE ENVIRONMENT</i>	Page No	Estimate 2017/2018	Revised Estimate 2017/2018	Projected Outturn 2017/2018	Variance 2017/2018
<u>COMMUNITY & LEISURE SERVICES</u>					
WASTE MANAGEMENT					
<i>Residual Waste</i>		2,318,325	2,318,325	2,737,945	(419,620)
<i>Organics recycling</i>		1,186,173	1,186,173	1,249,369	(63,196)
<i>Civic Amenity Sites</i>		2,787,576	2,787,576	2,914,008	(126,432)
<i>Waste Transfer Station</i>		127,872	127,872	119,733	8,139
<i>Dry Recycling</i>		2,544,615	2,544,615	3,000,490	(455,875)
<i>RCCO</i>		391,000	391,000	351,000	40,000
<i>Bulky Waste</i>		136,559	136,559	134,214	2,345
<i>Commercial Waste</i>		(551,439)	(551,439)	(457,566)	(93,873)
<i>Other Waste</i>		69,663	69,663	66,820	2,843
<i>Trehir</i>		123,749	123,749	97,187	26,562
<i>Sustainable Waste Management Grant</i>		(3,034,136)	(3,034,136)	(3,034,136)	0
<i>HQ Staff</i>		1,362,230	1,362,230	1,374,974	(12,744)
CLEANSING					
<i>Public Conveniences</i>		91,280	91,280	86,428	4,852
<i>Street Cleansing</i>		4,379,929	4,379,929	3,666,882	713,047
GROUND MAINTENANCE AND PARKS					
<i>Cemeteries</i>		(94,162)	(94,162)	(274,840)	180,678
<i>Allotments</i>		38,462	38,462	33,374	5,088
<i>Parks and Playing Fields</i>		1,719,070	1,719,070	1,759,344	(40,274)
<i>Playgrounds</i>		278,478	278,478	277,983	495
<i>Outdoor facilities</i>		286,018	286,018	231,121	54,897
<i>Housing Ground Maintenance</i>		0	0	0	0
<i>Community Assets Funding</i>		58,000	58,000	58,000	0
<i>HQ Staffing</i>		966,881	966,881	946,437	20,444
LEISURE SERVICES					
<i>Leisure Centres</i>		2,488,810	2,488,810	2,338,485	150,325
<i>Sports & Health Development</i>		19,123	19,123	19,893	(770)
<i>Outdoor Education</i>		157,997	157,997	164,136	(6,139)
<i>Community Centres</i>		386,602	386,602	386,602	0
		18,238,675	18,238,675	18,247,883	(9,208)
<i>Building Cleaning</i>		495,925	495,925	508,393	(12,468)
<i>Vehicle Maintenance & Fleet Management</i>		(244,964)	(244,964)	(264,086)	19,122
Total net expenditure Community & Leisure Services		18,489,636	18,489,636	18,492,190	(2,554)
CENTRAL SUPPORT SERVICE APPORTIONMENTS		1,266,145	1,266,145	1,266,145	0
CORPORATE BUILDINGS APPORTIONMENTS		266,469	266,469	266,469	0
		20,022,250	20,022,250	20,024,804	(2,554)

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