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## AGENDA

**Pwyllgor** PWYLLGOR CRAFFU'R ECONOMI A DIWYLLIANT

**Dyddiad ac amser y cyfarfod** DYDD MAWRTH, 12 RHAGFYR 2023, 4.30 PM

**Lleoliad** YB 4, NEUADD Y SIR, CYFARFOD AML-LEOLIAD

**Aelodaeth** Cynghorydd Wong (Cadeirydd)  
Y Cynghorwyr Berman, Brown-Reckless, Henshaw, Jenkins, Jones,  
Lloyd Jones, Shimmin, Thomson

Tua  
Amser.

### 1 Ymddiheuriadau am Absenoldeb

Derbyn ymddiheuriadau am absenoldeb.

### 2 Datgan Buddiannau

I'w wneud ar ddechrau'r eitem agenda dan sylw, yn unol â Chod Ymddygiad yr Aelodau.

### 3 Cofnodion (*Tudalennau 5 - 12*)

Cymeradwyo cofnodion y cyfarfod blaenorol fel rhai cywir.

### 4 Plannu Coed a Choed Caerdydd (*Tudalennau 13 - 18*)

4.30 pm

Craffu ar Adolygu Polisi – ymrwymiad yn y Cynllun Corfforaethol – diweddariad ar gynnydd.

### 5 Gwasanaethau Rheoliadol a Rennir (*Tudalennau 19 - 84*)

5.15 pm

Craffu ar Adolygu Polisi - ymrwymiad yn y Cynllun Corfforaethol a chamau gweithredu yng Nghynllun Busnes GRhR 2023/24, yn enwedig ynghylch cefnogi'r economi leol – diweddariad ar gynnydd.

- |    |   |         |
|----|---|---------|
| 6  | <b>Adroddiad Grŵp Gorchwyl CDLIN</b> ( <i>Tudalennau 85 - 138</i> ) | 6.00 pm |
|    | Adroddiad ymchwiliad i'w nodi.                                      |         |
| 7  | <b>Diweddariad ar Ohebiaeth</b> ( <i>Tudalennau 139 - 142</i> )     | 6.05 pm |
| 8  | <b>Eitemau brys (os oes rhai)</b>                                   |         |
| 9  | <b>Y Ffordd Ymlaen</b>  | 6.10 pm |
| 10 | <b>Dyddiad y cyfarfod nesaf</b>                                     |         |
|    | 16 Ionawr 2024, 4.30pm  |         |

**D Marles**

**Swyddog Monitro Dros Dro**

Dyddiad: Dydd Mercher, 6 Rhagfyr 2023

Cyswllt: Andrea Redmond, 02920 872434, [a.redmond@caerdydd.gov.uk](mailto:a.redmond@caerdydd.gov.uk)

## **GWE-DARLLEDU**

**Caiff y cyfarfod hwn ei ffilmio i'w ddarlledu'n fyw a/neu yn olynol trwy wefan y Cyngor. Caiff yr holl gyfarfod ei ffilmio, heblaw am eitemau eithriedig neu gyfrinachol, a bydd y ffilm ar gael ar y wefan am 12 mis. Cedwir copi o'r recordiad yn unol â pholisi cadw data'r Cyngor.**

**Gall aelodau'r wasg a'r cyhoedd hefyd ffilmio neu recordio'r cyfarfod hwn**

**Os ydych yn ymddangos gerbron y pwyllgor ystyrir eich bod wedi cydsynio i gael eich ffilmio. Trwy fynd i mewn i gorff y Siambr neu'r ystafell gyfarfod rydych hefyd yn cydsynio i gael eich ffilmio ac i ddefnydd posibl o'r delweddau a'r recordiadau sain hynny ar gyfer gwe-ddarlledu, gwybodaeth gyhoeddus, sylw i'r wasg a/neu ddibenion hyfforddi.**

**Os oes gennych gwestiynau ynghylch gwe-ddarlledu cyfarfodydd, cysylltwch â'r Gwasanaethau Democrataidd ar 02920 872020 neu e-bost [Gwasanethau Democrataidd](#)**

Mae'r dudalen hon yn wag yn fwriadol

ECONOMY & CULTURE SCRUTINY COMMITTEE

21 NOVEMBER 2023

Present: Councillor Wong(Chairperson)  
Councillors Berman, Brown-Reckless, Henshaw, Jenkins,  
Jones, Lloyd Jones and Thomson

44 : APOLOGIES FOR ABSENCE

Apologies had been received from Cllr Shimmin.

45 : DECLARATIONS OF INTEREST

None

46 : MINUTES

The minutes of the meeting held on 24 October 2023 were agreed as a correct record and signed by the Chairperson.

47 : CITY CENTRE MANAGEMENT

The Chairperson advised that this item enabled Members to receive an update on progress in implementing the Corporate Plan 2023-26 commitment to introduce new city centre management arrangements and, critically, to hear how these are assisting the economic well-being of Cardiff city centre.

For this item, the Chairperson welcomed Cllr Thomas – Leader; Jon Day – Operational Manager, Tourism and Investment; Richard Hyett – City Centre Manager and Carolyn Brownell – Interim Executive Director – FOR Cardiff.

The Leader was invited to make an opening statement after which Members were provided with a presentation from Officers.

The Chairperson invited questions and comments from Members.

Members noted that Wardens wear bodycams and asked questions around the use. Officers agreed that protocols governing their use will be shared with Members.

Officers advised that new wardens collaborate with police, other wardens, and security guards to prevent and respond to incidents, such as Anti-Social Behaviour and Shoplifting. Wardens also liaise with the Council's outreach team and work on bike seizures.

Members discussed Amplified Busking and Preaching. Officers explained that there is a voluntary agreement on busking and that further busking controls, including volume and a potential 9pm cut-off, are being explored.

A question was asked around Promoters being charged more for clean-up costs after events etc. Members were advised that Activation Sites funding may cover event

management and post-event cleanup and that the use of the proposed Tourism Levy for event costs may be considered in the future.

Members expressed concern about the absence of Equality Impact Assessments (EIAs) and emphasised the importance of completing and sharing EIAs with scrutiny committees, aligning with the agreed Motion to Full Council in March 2023.

Discussing the future of the city centre, Members were advised that Surveys and intelligence-gathering inform future work in the city centre and there was a recognition of the benefits of Shared Prosperity Funding, including a commitment to work with partners if funding ends post-2025.

Members asked about enforcement and were advised that exploration of issuing Fixed Penalty Notices is underway.

A Member noted that on a recent visit to Bath, Wardens were dressed as Christmas Elves and Christmas Angels, and considered this may be suggestion for Cardiff.

AGREED: that the Chairperson, on behalf of the Committee, writes to the Cabinet Member conveying the observations of the Committee when discussing the way forward.

#### 48 : CITY CENTRE RECOVERY

The Chairperson advised that this item enabled Members to receive an update on progress in implementing the City Centre Recovery Action Plan.

For this item, the Chairperson welcomed Cllr Thomas – Leader; Jon Day – Operational Manager, Tourism and Investment; Richard Hyett – City Centre Manager; Carolyn Brownell – Interim Executive Director – FOR Cardiff and Andrew Gregory – Director, Planning, Transport and Environment.

The Leader was invited to make an opening statement after which Members were provided with a presentation from Officers.

The Chairperson invited questions and comments from Members.

Members asked for an update on the progress of transport projects that are underway. Members acknowledged that Welsh Government and Transport for Wales are responsible for the new bus interchange, and the Council is in communication with them on this matter.

With reference to Sophia Gardens and National Coaches, Members were advised that there is no decision yet on where coaches will start/terminate, as stakeholders await decisions on projects like the bus interchange and Central Station facilities.

Officers advised that there has been good progress made on other transport projects outlined in the City Centre Recovery Action Plan.

Members considered there was a need for improvements to the current coach park in Sophia Gardens to enhance protection from the elements and improve linkage with buses. They appreciated the acknowledgment of this and welcomed the commitment to exploring the feasibility of short-term improvements.

Members discussed the public realm and were advised that work is ongoing to enhance pavements around St John's Church and Golate. Members were advised that due to limited resources, the Council is unable to address all city centre paving in a single scheme. However, efforts are underway to schedule improvements where resources allow.

Members were further advised that the responsibility for the public realm adjacent to the St David's II centre lies with them, and officers have engaged with them concerning the need for paving improvements.

Members expressed concern about the Council's approach to the increasing use of tarmac instead of paving and requested additional information on how the Council is addressing this issue.

Members appreciated the commitment to reinstating the paving slab with a plaque, commemorating the work of installation artist Mr. Jean-Bernard Metais and Mr. Peter Finch, in front of the Alliance public art sculpture in front of the Central Library.

Members acknowledged and appreciated FOR Cardiff's efforts in enhancing access to events and spaces for all residents of Cardiff. Members also noted the challenges posed by current high inflation and interest rates, impacting both existing capital projects and future developments related to city centre recovery work.

Members expressed concern about the absence of Equality Impact Assessments (EIAs) and emphasised the importance of completing and sharing EIAs with scrutiny committees, aligning with the agreed Motion to Full Council in March 2023.

Discussing empty units, Members acknowledged that residential use is acceptable in the city centre when it aligns with the primary role of the city centre, contributes to economic viability, and does not undermine existing employment use.

Members were advised that there is an emphasis on the potential use of spaces by charities, community groups, or to provide quiet spaces in the city centre, especially for individuals with neurodiverse conditions. Members were pleased to learn about ongoing efforts with partners to facilitate meanwhile use and more permanent creative partnerships and other uses. Additionally, Members noted the existence of quiet spaces in the St David's II Centre.

Members were pleased to hear that FOR Cardiff has taken the lead in implementing the 'Ask Angela' scheme in city centre premises. Members asked for more information about the scheme and how it will be publicised.

Members expressed their appreciation for the efforts to aid city centre recovery and sought assurance that other areas of the city will not be neglected. They welcomed the response indicating specific plans to support district centres across Cardiff.

AGREED: that the Chairperson, on behalf of the Committee, writes to the Cabinet Member conveying the observations of the Committee when discussing the way forward.

#### 49 : CITY DEAL/ WESTERN GATEWAY UPDATE

The Chairperson advised that this item enabled Members to receive an update on these important partnerships and discuss these with the Leader.

For this item, the Chairperson welcomed Cllr Thomas – Leader; Gareth Newell – Head of Partnerships and Performance and Jon Day – Operational Manager Tourism and Investment.

The Leader was invited to make an opening statement after which the Chairperson invited questions and comments from Members.

Discussing concerns over the Scrutiny of the Capital City Region City Deal, Members were pleased to hear the support for the need to establish appropriate scrutiny arrangements. This was seen as essential to ensure accountability of the City Deal and Corporate Joint Committee to Members. Members also acknowledged the response around the collective focus needed to ensure the right scrutiny arrangements are implemented.

Members acknowledged that trust and understanding among the ten local authorities in the Capital City Region City Deal have steadily grown over the 6 years of its operation and that there is an increasing recognition that investment in any part of the region benefits the whole region.

Discussing how the Western Gateway operates as a collective compared to the Corporate Joint Committee (CJC), Members noted that the Western Gateway is a voluntary partnership involving diverse bodies. This structure has facilitated greater challenge and thorough testing of ideas, resulting in successful leveraging of UK Government funding.

Members heard that the Western Gateway plans to establish an Expert Commission to further develop proposals for energy generation for consideration by the UK and Welsh Government for funding. Green Energy Wales has been engaged in the work on these proposals.

Members stressed the importance of stakeholder engagement, including youth consultation. Members were pleased to hear that this was recognised, and it is planned to take place as part of the Expert Commission's work at the appropriate time.

AGREED: that the Chairperson, on behalf of the Committee, writes to the Cabinet Member conveying the observations of the Committee when discussing the way forward.

## 50 : INDOOR ARENA FUNDING STRATEGY

The Chairperson advised that this item enabled Members to undertake pre-decision scrutiny of the report to Cabinet. Members had the opportunity to explore the proposed funding strategy, how it is composed, and how key risks are being mitigated. Members could also explore the reporting and monitoring systems that can be used to ensure the funding strategy is on track and that its impacts on the Council's wider financial strategies are being addressed.

Members were reminded that Appendices 1 and 2 are confidential and were asked not to refer to these until Committee goes into closed session.



For this item, the Chairperson welcomed Cllr Thomas – Leader; Cllr Weaver – Cabinet Member – Finance, Modernisation & Performance; Chris Lee – Corporate Director – Resources; Kyle Godfrey – Project Accountant and Chris Barnett – Operational Manager, Major Projects.

The Chairperson also welcomed Cllr Joel Williams, who was attending in his capacity as Chair of the Policy Review and Performance Scrutiny Committee, which has responsibility for scrutinising the Council's Capital Strategy and Treasury Management Strategy. As the proposed Funding Strategy may impact these, Cllr Williams had been invited to attend to ask questions on these aspects.

The Leader and Cabinet Member were invited to make opening statements after which Members were provided with a presentation from Officers.

The Chairperson invited questions and comments from Members.

Members discussed various aspects of the proposed Funding Strategy for the Indoor Arena, including borrowing arrangements, use of reserves, and risks.

Members were advised that the funding strategy provides flexibility for the Council to choose the most suitable time for a long-term borrowing arrangement. This could happen within the proposed temporary borrowing timeframe or afterwards, depending on favourable interest rates.

Members noted that the Central Enterprise Zone reserves and Treasury Management reserves are being utilised within the strategy. These reserves are considered substantial, with a significant portion set aside to mitigate interest rate volatility.

Members were advised that Capital receipts will cover approximately 50% of the proposed £27.3M Council capital contribution. Members requested information on which capital receipts are earmarked for this purpose.

Discussing Risks and in particular Interest Rates Forecasting, Members were advised that external experts provided interest rate forecasts, and the strategy has flexibility to cope with unexpected shocks.

Members discussed the potential impacts of the Autumn Budget Statement. Officers advised that they consider the strategy is flexible enough to withstand changes arising from the Autumn Budget Statement.

A discussion took place around the Multi-Storey Car Park (MSCP). Members questioned the need for an MSCP, considering the Council's commitment to reduce car use. Officers explained that the provision of a MSCP is a contractual commitment, and that income from the MSCP is included in the Outline Business Case, with mitigations for potential income risks.

Concerns were raised about Live Nation being a monopoly in the live music industry. Officers highlighted that any concerns in this area would fall under the Competitions and Market Authority, recognising Live Nation as a major player providing strong backing for the proposed arena.

A discussion took place around Equality Impact Assessment (EIA). Members noted the absence of an EIA in the report and requested that future reports to Cabinet should include an EIA, aligning with the Motion agreed at Council in March 2023.

Members expressed concerns about the number of confidential papers, limiting public engagement. A request was made for information on the process for determining which papers are confidential and how the decision to move scrutiny into confidential session is made.

### Minority Views

Cllr Berman and Cllr Brown-Reckless expressed serious concerns about the affordability of the Indoor Arena and the impact of the £27.3M Council Capital Contribution on future funding for other services. They wished to have it noted that they did not support the proposed funding strategy.

Cllr Berman and Cllr Brown-Reckless raised concerns about the number of confidential papers and the frequency and extent to which this scrutiny meeting was taken into private session, limiting public engagement. They requested a review of the process to minimise the number of confidential papers and scrutiny in confidential sessions.

Cllr Brown-Reckless questioned the rationale given and referred to the concerns she had raised about this happening with previous ECSC scrutiny of the Arena in March 2023, and her concern that this was happening again, and read out from her email of 21<sup>st</sup> March 2023 to the Committee recording some of these concerns including that she did not think this was open or transparent government, and noted the words from the Slough Borough Council Best Value Commissioners about a major project entered into by that council "The Cabinet report ... which approved the purchase, detailed prospective economic benefits in the public paper but the financial implications were only reported in the confidential part of the agenda. Examination of these papers provides no support for the information contained to be exempt and the project was not properly costed ... there was no detailed estimate of the total project costs in the confidential papers ... There was no assessment of risk ... In other words, SBC agreed to purchase a site and embark on a project which would have committed the Council to a further £250m expenditure without any proper report of how it would be paid for. Had SBC committed to this project borrowing would have risen to over £1bn and there would be no way back to financial stability. Five months later, the newly appointed s.151 officer issued a s.114 notice starting the process which resulted in intervention".

RESOLVED – That the public be excluded from the meeting at this point during consideration of this item as the Committee discussed exempt information of the description contained in paragraphs 14 and 16 of Part 4 and paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972. The public may be excluded from the meeting by resolution of the Committee pursuant to Section 100A(4) of the Local Government Act 1972 during discussion of this item.

Cllr Brown-Reckless wished to have it noted that she objected to the meeting not going back into open session with the witness panel after the closed session, to ask further questions. Cllr Brown-Reckless expressed the view that she should not be prohibited from asking questions in public session (when those questions themselves did not include confidential information) even if a decision was taken by others to answer those questions in private session, so that there could at least be a public record of the questions being asked. Cllr Brown-Reckless considered enabling scrutiny particularly important on the Arena project which involved such high value amounts. She also wanted it noted that she felt she had been denied enough time to

ask questions and that she had requested to speak (remotely) but had not been allowed back into the meeting.

AGREED: that the Chairperson, on behalf of the Committee, writes to the Cabinet Member conveying the observations of the Committee when discussing the way forward.

#### 51 : WORK PROGRAMME - UPDATE

The Principal Scrutiny Officer took Members through the work programme and outlined the changes made since it had been issued, Members asked questions and indicated that they would like to visit the Cardiff Riding School, , the Bute Park Nursery and the Roath Park Conservatory. Members advised it would be sensible to delay scrutiny of the National Park City, as they were aware work on this was currently paused. Members highlighted they wished to scrutinise the Roath Park Dam proposals when these were available for scrutiny. Members agreed with the suggestion to move the planned Short Scrutiny of Employment Services to later in the year, March/ April, to free up time for pre-decision scrutinies that had slipped from earlier in the year.

With these changes, Members were content to agree the work programme and agree for the Forward Work Programme January- April 2024 to be published on the Council's website.

#### 52 : CORRESPONDENCE

Noted.

#### 53 : URGENT ITEMS (IF ANY)

None.

#### 54 : DATE OF NEXT MEETING

12 December 2023 at 4.30pm.

The meeting terminated at 9.45 pm

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**CYNGOR CAERDYDD  
CARDIFF COUNCIL**

**ECONOMY & CULTURE SCRUTINY COMMITTEE**

**12 DECEMBER 2023**

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**TREE PLANTING, INCLUDING COED CAERDYDD: POLICY REVIEW  
SCRUTINY**

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**Purpose of the Report**

1. This report provides Members with background information on the Council's work to plant trees, including those funded through the Coed Caerdydd project funding.

**Background**

2. The Council has a small core annual budget, circa £10,000, for new and replacement tree planting on all Council land, excluding schools. Where trees are required on new developments, this forms part of the planning process and is included as a planning condition and in Section 106 agreements, where applicable. Depending on conditions, s106 monies can also be used for supply and/ or planting.
3. In 2019, Full Council declared a Climate Emergency. This, linked with the Cabinet's response to the Environmental Scrutiny Committee's Bio-Diversity Inquiry (2019), set the scene for a motion to Council in January 2021, '*Let's Make Cardiff Greener, Healthier and Wilder*' motion<sup>1</sup>, which was agreed by Full Council. The motion stressed its aim was to '*enhance the Council's One Planet Strategy in terms of combatting climate change and increasing biodiversity in Cardiff*' and noted '*the Council is developing an ambitious and major programme that seeks to increase tree canopy across the city from 18.9% to 25% by 2030.*'

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<sup>1</sup> Available [here](#)

4. The motion included the following regarding tree planting:  
*'To publish a plan for the mass planting of trees in the city. So that local groups, Cardiff schools and schoolchildren have opportunities to plant within the public realm.'*  
*'To establish a new Public Tree Nursery at Forest Farm. The Council benefits from a team of qualified and experienced Arboricultural Officers and Arborists who will provide advice and guidance to residents and community groups. The nursery will focus on propagating stock of local provenance.'*
5. In May 2021, Cabinet approved the following recommendation<sup>2</sup>:  
*'Confirm support for the development of an overarching plan for the mass planting of trees and the production of an enhanced annual programme for delivery.'*
6. The report to Cabinet set out that land in public ownership was being assessed to see if it was suitable for tree planting, that a project manager would be appointed to develop a mass planting plan, that all ward members would be consulted to inform the planting programme, and that a Local Tree Wardens scheme would be developed, providing new volunteering opportunities and extending opportunities for Cardiff schools and schoolchildren to be involved.
7. The report to Cabinet identified that funding was in place till June 2023 and that the project team would work to identify solutions that ensure the commitment to canopy expansion continues beyond that.
8. In addition, the report to Cabinet set out proposals to establish a small tree nursery at Forest Farm, to develop and increase the availability of local provenance trees. The report stated that additional land/ satellite sites may be required for the operation to scale up as demand increases over time.

### **Progress Update**

9. In 2021, Cardiff Council secured funding to support the Coed Caerdydd 10-year programme, which aims to increase canopy cover in Cardiff from 18.9% to 25% by 2030, equating to a 30-hectare increase:

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<sup>2</sup> 'Lets' Make Cardiff Greener, Healthier and Wilder' Report to Cabinet, available [here](#)

- a. £753,000 grant offer of funding through the Welsh Government Rural Communities - Rural Development Programme 2014-2020, which is funded by the European Agricultural Fund for Rural Development and the Welsh Government
  - b. £228,000 grant offer from the Emergency Tree Fund from Coed Cadw/ The Woodland Trust in Wales
  - c. £21,000 grant offer from Trees for Cities
10. The above funding is in addition to the Council's core annual budget, donations through its memorial tree scheme, use of s106 monies and other small grants.
11. Coed Caerdydd aims to create new woodland, orchards and hedgerows in addition to standard tree planting, using mostly native trees, helping to tackle climate change and enhance biodiversity. In September 2021, a comprehensive public consultation exercise began, which included seeking view on locality planting, resulting in over 1,700 responses. Since then, there have been numerous community meetings as well as meetings with local ward members. There has also been engagement with schools, with a specific consultation exercise undertaken in December 2021.
12. The first project planting season commenced in November 2021 through to March 2022, with 700 volunteers helping to plant 8-hectares of new trees. The second planting season commenced in November 2022 through to March 2023, with 11.5-hectares of new trees planted. The programme for 2023-24 is now underway, with 62 tree planting events scheduled and a target to plant circa 30,000 trees.
13. Coed Caerdydd is underpinned by volunteering, with opportunities to volunteer for tree planting, being a tree guardian, and assisting at the tree nursery.
14. Further information is available at: [Coed Caerdydd - Outdoor Cardiff](#)

### **Way Forward**

15. During their meeting, Members will have the opportunity to hear from Cllr Burke, Cabinet Member – Culture, Venues and Parks, Jon Maidment, Head

of Parks & Cardiff Harbour Authority, and Chris Engel, Project Manager - Coed Caerdydd. Officers will provide a presentation outlining the 2023/24 programme and the opportunities and challenges moving forward. The whole panel will be available to answer Members' questions.

### **Legal Implications**

16. The Scrutiny Committee is empowered to enquire, consider, review, and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

### **Financial Implications**

17. The Scrutiny Committee is empowered to enquire, consider, review, and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.



## **RECOMMENDATION**

The Committee is recommended to:

- i. Note the contents of the attached report, and
- ii. Consider whether they wish to pass on any comments to the Cabinet following scrutiny of the item.

**LEANNE WESTON**

**Interim Deputy Monitoring Officer**

**6 December 2023**

Mae'r dudalen hon yn wag yn fwriadol

**CYNGOR CAERDYDD  
CARDIFF COUNCIL****ECONOMY & CULTURE SCRUTINY COMMITTEE****12 DECEMBER 2023**

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**SHARED REGULATORY SERVICES: POLICY REVIEW SCRUTINY**

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**Purpose of the Report**

1. This report provides Members with background information on the Shared Regulatory Services (SRS), including setting out which areas fall within this Committee's terms of reference.

**Background – Shared Regulatory Services**

2. The Shared Regulatory Service (SRS) is a collaborative service that was formed by the partner local authorities of Bridgend, Cardiff, and the Vale of Glamorgan on 1st May 2015. The approach delivers a fully integrated service under a single management structure, with shared governance arrangements ensuring full Elected Member involvement.
3. The Shared Regulatory Service operates under a Joint Working Agreement with the Head of Service reporting on service provision to a Joint Committee of Elected Members drawn from the three partner local authorities. The detailed delegations of policy and functions from partners to the Joint Committee and Head of Service are set out in the Joint Working Agreement, and include:
  - a. The functions to be carried out by the joint service
  - b. The terms of reference and constitution of the Joint Committee, the Management Board, etc.
  - c. The term of the proposed Shared Regulatory Service such as staffing, the services to be provided by the host and other partners, financing, and other functional issues, and
  - d. The financial operating model.
4. The five priorities of the SRS are:
  - i. Improving health and wellbeing
  - ii. Safeguarding the vulnerable
  - iii. Protecting the environment

- iv. Supporting the local economy
- v. Maximising the use of resources.

### **Core Services Provided by the Shared Regulatory Service**

5. The SRS provides a diverse and comprehensive range of services that safeguard the health, safety and economic wellbeing of consumers, businesses and residents. The services are covered under the three main areas of Trading Standards, Environmental Health, and Licensing
6. This Committee has responsibility for scrutinising work related to supporting the local economy, including some areas of Regulatory Services, major events, the rise in new food businesses and on-line retailing, as well as commercial services offered to local businesses that assist them to achieve legal compliance.
7. The Shared Regulatory Service protects consumers and businesses by maintaining and promoting a fair and safe trading environment. This area of work ensures that businesses comply with a host of consumer protection statutes. The areas that fall within this Committee's terms of reference<sup>1</sup> include:
  - Product safety;
  - Age restricted sales;
  - Counterfeiting;
  - Weights and measures;
  - False claims about goods and services;
8. The Trading Standards Service investigates complaints, participates in criminal investigations and exercises, conducts inspections of businesses, undertakes a sampling programme, provides consumer advice to vulnerable residents and provides business advice to help businesses improve their trading practices. Furthermore, the Trading Standards Service has the only

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<sup>1</sup> The Environmental Scrutiny Committee scrutinises the Environmental Health aspects of SRS, whilst the Community & Adult Services Scrutiny Committee scrutinises Consumer Protection, Private Sector Housing and Noise Nuisance.

UKAS accredited Metrology Laboratory in Wales providing calibration of weights and measures of length and capacity.

### **Shared Regulatory Service Business Plan 2023-24**

9. The Shared Regulatory Services Business Plan 2023-24 is attached at **Appendix A**. It sets out the resources, targets, challenges and priorities for 2023-24, and is arranged in six main sections, as follows:

- **Overview of Services** – This section provides a background to the service; a summary of the key services provided; an area wide profile; the structure for management and governance of the service; and a breakdown of staff resources.
- **Service Aims & Strategic Priorities** – This section addresses the vision, strategic priorities and aims of the service; the corporate priorities and key outcomes for each of the partner local authorities; and how the vision, aims and priorities will be delivered.
- **Challenges** – This section touches on the main challenges facing the service. For 2023/24 the Business Plan identifies these are: delivering the Shared Regulatory Service in the future; managing complex financial processes; ICT; recruitment and retention; remaining relevant to the three Councils; new legislation; out of hours; and the cost-of-living crisis.
- **Budget** – This section explains the financial allocation for the service and the importance of maximising resources.
- **Workforce Development** – This section sets out what the Shared Regulatory Service is looking to do to develop organisational culture; leadership & management; core skills; recruitment, retention & progression; communication & employee engagement and employee performance management.
- **Turning Actions into Outcomes** – This forms the bulk of the report and explains what the Shared Regulatory Service is doing to improve health & wellbeing; safeguard the vulnerable; protect the environment; support the local economy; and maximise the use of resources.

10. Members attention is drawn to the following pages of **Appendix A**:
  - a. Page 18 – a safe trading environment is maintained
  - b. Page 22 – outdoor hospitality
  - c. Page 27 – children are protected from harmful substances and products
  - d. Pages 39 – 43 supporting the local economy
  - e. Pages 44 – 49 – maximising the use of resources
  - f. Pages 50 – 54 – risk register.
  
11. The SRS has its own website at: [Shared Regulatory Services \(srs.wales\)](https://srs.wales). The website contains useful background information on the role of SRS and the services it provides as well as news about any prosecutions it has undertaken.

### **Way Forward**

12. During their meeting, Members will have the opportunity to hear from Cllr Michael, Chair – Licensing Committee and member of the SRS Joint Committee, Helen Picton - Head of Shared Regulatory Services, Christina Hill - Operational Manager – Commercial Services, Will Lane - Operational Manager – Neighbourhood Services, and Jason Bale - Operational Manager – Enterprise and Specialist Services. Officers will provide a short presentation and the whole panel will be available to answer Members' questions.

### **Legal Implications**

13. The Scrutiny Committee is empowered to enquire, consider, review, and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be

within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

### **Financial Implications**

14. The Scrutiny Committee is empowered to enquire, consider, review, and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

### **RECOMMENDATION**

The Committee is recommended to:

- i. Note the contents of the attached report, and
- ii. Consider whether they wish to pass on any comments to the Cabinet following scrutiny of the item.

**LEANNE WESTON**

**Interim Deputy Monitoring Officer**

**6 December 2023**

Mae'r dudalen hon yn wag yn fwriadol





# Shared Regulatory Services

## Business Plan

2023/24

Tudalen 25



Gwasanaethau  
**Rheoliadol**  
a Rennir



# Foreword

This 2023-24 Business Plan sets out the ninth programme of work for the Shared Regulatory Service in delivering the Environmental Health, Trading Standards and Licensing functions across the Bridgend, Cardiff and Vale of Glamorgan Council areas.

My foreword to last year's Business Plan reflects the context in which we found ourselves at that time, in taking the first, post-pandemic steps, towards regaining a 'business as usual' rhythm. At the same time there was a need to retain the skillsets built up during the COVID era, in the event of the emergence of a new coronavirus variant of concern. Thankfully those concerns didn't materialise, and in recognition of the importance of this area of work, our role as part of the wider health protection system alongside health partners has been formalised by Welsh Government as we enter 2023-24.

We have of course faced a number of challenges over the course of the last year, chief among them the global and national threats caused by the war in Ukraine and the cost of living crisis. It is all credit to our staff that we have risen to these challenges and delivered for our three partner Councils, for example in respect of property inspections for the Homes for Ukraine initiative, and in protecting the most vulnerable in our communities. At the same time however, the unprecedented squeeze on public sector finances in 2022 means that we enter the new financial year having made a 3% budget saving. These funding pressures are unlikely to go away any time soon and we need to be at our most innovative in finding new ways of working while at the same time refocussing on income generation and cost recovery, both of which were impacted during the pandemic.

Looking to the year ahead, our five priorities remain as improving health and wellbeing, safeguarding the vulnerable, improving the environment, supporting the local economy and maximising the use of resources. How we deliver on the detail under each of these overarching priorities evolves over time and through this process we remain relevant to the needs of the partner authorities. In the coming year for example, our new work with landlords and letting agents to ensure minimum energy efficiency standards in the private rented sector will yield outcomes that are central to the climate change and cost of living agendas.

Recruitment and retention continue to be problematic for certain posts, as it is for all regulatory services in the current climate. This is due in no small part to the very limited pool of qualified staff from which to recruit and a generally ageing workforce. SRS has made a commitment to 'growing our own' practitioners and to this end has been forging excellent links with academic institutions and with the relevant professional bodies. In addition, significant steps have been taken towards the long-awaited regulatory apprenticeship being established for Wales, and I very much hope that this becomes a reality during the currency of this Plan.

I am incredibly proud to lead such an effective and responsive Service and a staff who day in and day out, safeguard the health, the safety and the economy of the region. In the coming year, I very much look forward to seeing the fruits of the actions set out in the chapters of this Business Plan.



**Helen Picton**  
Head of Shared Regulatory Services

# 1. Shared Regulatory Services

**Shared Regulatory Services (SRS) is a collaborative service formed between Bridgend, Cardiff and the Vale of Glamorgan Councils on 1<sup>st</sup> May 2015. SRS delivers a fully integrated service under a single management structure for trading standards, environmental health and licensing functions with shared governance arrangements ensuring full elected member involvement.**

SRS operates under a Joint Working Agreement (JWA) whereby the Head of SRS reports on service provision to a Joint Committee of elected members drawn from across the three parent Councils. An officer management board has oversight of the operation of the service and provides support to the Head of Shared Regulatory Services to ensure the development and delivery of a shared vision and strategy for Regulatory Services.

The detailed delegations of policy and functions from partners to the Joint Committee and Head of Service are set out in the Joint Working Agreement which includes:

- The functions to be carried out by the joint service.
- The terms of reference and constitution of the Joint Committee, the Management Board etc.
- The terms of the proposed joint service such as staffing, the services to be provided by the host and other partners, financing and other functional issues.
- Financial Operating Model.

Consequently, the SRS works across the three Councils supporting a range of Committees and where needed, the three Cabinets, to deliver the Regulatory function. The workflow involves quarterly meetings with the officer Management Board followed by meetings of the SRS Joint Committee, details of which are then communicated to all three Cabinets. Officers meet members of the Joint Committee on a regular basis to ensure both regional and local issues are considered and managed appropriately.

Details of all of the SRS Joint Committee meetings since April 2015 are held on the websites of each Council. The reports depict the genesis, development and future direction of the SRS.

## Key services offered

The service delivers a diverse and comprehensive range of functions that safeguard the health, safety and economic wellbeing of consumers, businesses and residents covering the main areas of environmental health, trading standards and licensing. These broad areas encompass a wide spectrum of services that deal with issues that can have a huge impact upon people when things go wrong or have not been enforced properly /or when there is poor compliance.



Food Hygiene and Standards

**Food Hygiene and Standards** protect public health by ensuring that the food we eat is without risk to the health and safety of consumers and is correctly described throughout the food chain. This is achieved through regular food and feed safety and standards inspections of food business and guest caterers, operating the Food Hygiene Rating Scheme, providing practical advice, investigating food safety and standards complaints, carrying out food and water sampling and undertaking checks on imported food.



Fair Trading

**Fair Trading** protects consumers and businesses by maintaining and promoting a fair and safe trading environment. This area of work ensures that businesses comply with a host of consumer protection statutes including those relating to:

- Product safety;
- Age restricted sales;
- Counterfeiting;
- Environmental safety;
- Weights and measures
- False claims about goods and services;

The service investigates complaints, participates in criminal investigations and enforcement exercises, conducts inspections of businesses, undertakes a sampling programme, and helping businesses improve their trading practices.



Safeguarding

**Our safeguarding** work ensures we investigate cases of malpractice including rogue traders, scams and doorstep crime. We provide consumer advice to vulnerable residents and help them obtain redress.



Metrology

SRS has the only UKAS accredited **Metrology** laboratory in Wales providing calibration of weights and measures of length and capacity.



Housing Safety

**Housing Safety** protects public health by working with private landlords and owners to provide warm, safe and healthy homes for tenants. Officers ensure that Houses in Multiple Occupation are licensed through Mandatory and Additional Licensing Schemes, inspect HMO's and improve physical and management standards of privately rented accommodation. Complaints from tenants about their rented accommodation are investigated. These can include complaints about damp, mould, heating disrepair, nuisance and student housing issues. Problems with empty homes that have fallen into disrepair are also addressed.





Noise Pollution

**Pollution** also protects public health by controlling noise and air emissions into the environment. The service investigates noise complaints about issues such as amplified music, DIY activities, house and car alarms, barking dogs, and construction sites. It investigates air pollution complaints involving smoke, dust and odour and illegal burning, undertakes environmental monitoring, local Air Quality Management and regulates emissions from industrial processes.



Air Pollution



Port Health

**Port Health** prevents the import of infectious and animal disease into the UK, ensuring ships comply with international agreed public health sanitation standards and improves the safety and quality of the food chain.



Contaminated Land

**Contaminated Land** protects public health by reviewing and implementing the Contaminated Land Strategy which ensures the identification, inspection and remediation of historically contaminated sites. Private water supplies used for both domestic and commercial purposes (such as drinking, cooking, and washing) are regulated and Environmental Information Requests and Planning application consultations are responded to.



Health and Safety at Work

**Health and Safety** protects the health, safety and welfare of staff, contractors and any member of the public affected by workplace activities by working with others to ensure risks in the workplace are managed properly. This is achieved by undertaking planned inspections and targeted initiatives, investigating reported accidents, diseases, dangerous occurrences and complaints, providing advice and guidance to employers and employees and securing safety standards at outdoor events.



Communicable Disease

**Communicable Disease** protects public health by controlling and preventing cases and outbreaks of infectious disease by investigating confirmed sporadic and outbreak cases of communicable disease. The service provides and reviews advice and guidance on infection control, cleaning and disinfection, case and contact exclusions, provides training on food hygiene, nutritional and infection control, enforces health protection legislation to minimise the spread of communicable disease and contamination from radiation and chemicals that threaten health and leads on local and national communicable disease surveillance programmes.



Animal Health and Welfare

**Animal Health and Warden Services** ensure the wellbeing of animals generally. This includes ensuring feeding stuffs provided to animals are safe and that animals are transferred humanely and animal movements are monitored to prevent the spread of diseases such as Rabies, Anthrax and Foot and Mouth. Our Wardens respond to complaints about straying animals such as dogs and horses.



Licensing

**Licensing** determines applications for the grant, renewal, variation and transfer of many different authorisations which are the responsibility of the Councils. Applications for licences, certificates, registrations and permits are processed and enforcement undertaken in respect of statutory requirements such as alcohol, public entertainment, gambling, street trading, taxi licences, charitable collections and animal related licensing.



Wales Illegal Money Lending Unit

The **Wales Illegal Money Lending Unit** is one of only 4 units operating across the UK. The Unit covers all 22 Local Authority areas in Wales with the key aim of tackling the problem of illegal money lending. The Unit is both proactive and reactive in its work providing education and promotion across Wales to various social groups and highlighting the dangers of illegal lending. The Team also carries out detailed investigations with a view to prosecuting offenders and has the capabilities to act swiftly where necessary to deal with victims of loan sharks.



Working with Business

Shared Regulatory Services has adopted a more commercial approach by developing paid for services and marketing them to businesses. These commercial activities enhance and complement existing statutory services and provide income generation for the service. They include:-

- Bespoke and accredited training solutions to businesses to assist in achieving legal compliance;
- Paid for business advice visits and 'health' checks from our highly skilled and experienced officers to help and support businesses to comply with legislation;
- Developing Primary Authority partnerships for businesses that trade across council boundaries where they can enter into a legally recognised partnership with the Service, receiving an agreed package of advice and support;
- Marketing the only UKAS Metrology Laboratory in Wales providing calibration of weights and measures of length and capacity;
- Extending and reviewing training offerings to meet business needs;
- Identifying new funding sources;
- Exploring potential income generating services and developing paid for services.

**Pest Control** offers services to the Vale area for the treatment of pests and infestations. This could include, rats, wasps, mice, fleas, cockroaches etc.

**Health Protection** - The unprecedented challenges of the Covid-19 outbreak has seen SRS adapt and work in partnership to reduce the transmission of the virus across the region. This continues to be achieved through our Health Protection Team who work with the Health Boards and partner agencies to continue to provide support to care homes and other high risk settings in respect of Covid-19 and the wider health protection agenda.

The SRS delivers a range of statutory duties for the partner Councils and also functions where the Council has been given powers in legislation to safeguard and protect local communities. Determining the relative importance and value of council services when deciding on where to make savings or service reductions is not easy. Often the debate starts with a focus on determining whether a service is 'statutory' or 'discretionary'. Defining services as 'statutory' or 'discretionary' is perhaps unhelpful. Services that keep people healthy, well and safe; support businesses to flourish and thrive; protect and enhance our environment are essential. In this plan we have sought to clarify the legal basis for a service or how it contributes to wider council responsibilities, but many SRS functions cannot be easily defined in this way; some are extensions of 'statutory' activity whilst other services have developed over time to become longstanding, highly valued and central to the work of each council.

# Area Profile

**Shared Regulatory Services covers the Council areas of Bridgend, Cardiff and the Vale of Glamorgan and serves over 650,000 residents.** Extending from St Mellons in the east to Maesteg in the west, the area encompasses Cardiff, the capital City of Wales with its array of cultural, financial and commercial organisations and the rural areas of Bridgend and the Vale of Glamorgan with their vibrant tourist and agricultural economies.



**Bridgend is situated on the south coast straddling the M4 corridor.** It comprises an area of 28,500 hectares and a population of over 140,000 residents. To the north of the M4, the area consists of mainly ex-coal mining valley communities with Maesteg as the main centre of population. To the south of the M4, the ex-market town of Bridgend is the largest town, the hub of the economy and its employment base. To the south west on the coast lies Porthcawl, a traditional seaside resort, with a high proportion of elderly residents, which is subject to a major influx of tourists during the summer period.

**Cardiff is the capital city of Wales.** In population terms, it is the largest city in Wales with a population of nearly 370,000. Population alone however, does not fully represent Cardiff's significance as a regional trading and business centre as the population swells by approximately 70,000 daily with commuters and visitors. Cardiff is the seat of government and the commercial, financial and administrative centre of Wales. Cardiff boasts one of the most vibrant city centres in the UK and on a typical weekend, Cardiff's night time economy can attract over 40,000 people and sometimes more than 100,000 when the City's Principality Stadium hosts international events.



**The Vale of Glamorgan is bounded to the north by the M4 motorway and to the south by the Severn Estuary.** It covers 33,097 hectares with 53 kilometres of coastline, and a population of over 130,000 residents. The area is predominantly rural in character, but contains several urban areas of note such as Barry, Penarth, Dinas Powys and the historic towns of Cowbridge and Llantwit Major. Barry is the largest town, a key employment area and popular seaside resort. The rural parts of the Vale provide a strong agricultural base together with a quality environment, which is a key part of the area's attraction. The area includes Barry Docks and Cardiff International Airport.





## Staff resources

Our organisational structure focuses upon generic working and the development of multi-disciplinary officers, while retaining the capacity to develop specialist professionals. The structure allows the deployment of people in different ways enabling the service to offer income-generating services that complement the more traditional services. The Service operates across 3 distinct sectors:-

**Commercial Services** ensure that businesses comply with a host of consumer and public protection requirements in areas such as food safety, health and safety at work, trading standards in retail premises, communicable disease, port health and health protection. This function is populated in the main by professionally qualified Commercial Services Officers and Technical Officers. Commercial Services Officers are professionally qualified officers in environmental health and trading standards who focus on more complex issues while Technical Officers, with appropriate levels of qualification and competence, fulfil a monitoring and 'triage' role supporting the Service undertaking inspections, compliance checks and providing information and issuing alerts to more qualified officers if they identify major non-compliance issues.

**Neighbourhood Services** deals mainly with activities relating to residential premises or those that have an impact on the local community such as housing in the private rented sector, noise and air nuisance and licensing. This function consists of multi-disciplined and professionally qualified officers known as Neighbourhood Services Officers and Technical Officers who deal with both Pollution and Housing issues. This move towards more generic working provides greater resilience to service provision across the three areas. The Licensing function retains local distinctiveness and governance arrangements within the three authorities.

**Enterprise and Specialist Services (ESS)** is the most diverse of the services and incorporates discrete specialisms such as air quality, contaminated land, pest control, animal welfare, major investigations, safeguarding, the Wales Illegal Money Lending Unit, our Industry team and the Business Support function. There is an intentional overlap of service provision between other sectors of the SRS; this creates flexibility and resilience across all teams so that resources can be shared should the need arise, for example, the Major Investigations Team supports the whole of SRS in investigating and enforcing significant breaches of legislative requirements. ESS has a role in generating income, managing the UKAS Metrology Laboratory, delivering training and assessing the potential for higher accreditation levels to attract additional business, engaging in Primary Authority partnerships and developing paid for advice services. The Business Support function provides centralised administrative support to the whole service and has a presence in all three areas at local contact points providing the main customer interface for the Service.



## 2. Service aims and strategic priorities

Shared Regulatory Services plays a key role in delivering the aspirations and priorities of Bridgend, Cardiff and the Vale of Glamorgan Councils through the delivery of a wide range of services. We have developed a vision, supported by a suite of strategic priorities, that sets out our ambition of being a progressive and innovative organisation. This allows us to deliver high quality, customer focussed services that safeguard the environmental, social and economic wellbeing of our citizens.

Our vision:-

***To be the leading provider of regulatory services that safeguard the health, safety and economic wellbeing of the region***

As a regional organisation providing regulatory services across three local authority areas, we place the corporate priorities and outcomes of the three councils at the heart of all that we do. In developing our own strategic priorities for Shared Regulatory Services, we have considered the priorities and desired outcomes of all the three authorities, together with the needs and aspirations of our partners and customers so they translate into priorities that meet local needs.



Supporting these strategic priorities, are a number of outcomes that the Service aims to deliver and which are evidenced throughout this Business Plan. Our vision and outcomes will be achieved through the following primary aims:

- Understanding the needs of our customers and placing their needs at the heart of the services we deliver;
- Developing a flexible and agile workforce that is responsive to change and that have the right skills to deliver quality services that meet the needs of our customers and local communities;
- Maximising internal efficiencies to enhance service quality;
- Exploring opportunities to innovate and develop, and
- Working together to future proof the service to meet financial challenges and future demands

### Corporate priorities and outcomes of partner Councils

Council	Priorities	Outcomes/Aims
<b>Bridgend County Borough Council</b> 	<ul style="list-style-type: none"> <li>• A County Borough where we protect our most vulnerable</li> <li>• A County Borough with fair work, skilled, high-quality jobs and thriving towns</li> <li>• A County Borough with thriving valleys communities</li> <li>• A County Borough where we help people meet their potential</li> <li>• A County Borough where people feel valued, heard and part of their community</li> <li>• A County Borough where people feel valued, heard and part of their community</li> <li>• A County Borough where we support people to live healthy and happy lives.</li> </ul>	<ul style="list-style-type: none"> <li>• Protect our most vulnerable</li> <li>• Fair work, skilled, jobs and thriving towns</li> <li>• Creating thriving valleys communities</li> <li>• Helping people meet their potential</li> <li>• Responding to the climate and nature emergency</li> <li>• Making people feel valued, heard and part of their community</li> <li>• Supporting people to be healthy and happy.</li> </ul>
<b>City of Cardiff Council</b> 	<ul style="list-style-type: none"> <li>• Cardiff is a great place to grow up</li> <li>• Cardiff is a great place to grow older</li> <li>• Supporting people out of poverty</li> <li>• Safe, confident and empowered communities</li> <li>• A Capital City that works for Wales</li> <li>• One Planet Cardiff</li> <li>• Modernising and integrating our public services</li> </ul>	<ul style="list-style-type: none"> <li>• Cardiff is a great place to grow up</li> <li>• Cardiff is a great place to grow older</li> <li>• Supporting people out of poverty</li> <li>• Safe, confident and empowered communities</li> <li>• A Capital City that works for Wales</li> <li>• One Planet Cardiff</li> <li>• Modernising and integrating our public services</li> </ul>
<b>Vale of Glamorgan Council</b> 	<ul style="list-style-type: none"> <li>• To work with and for our communities</li> <li>• To support learning, employment and sustainable economic growth</li> <li>• To support people at home and in their community</li> <li>• To respect, enhance and enjoy our environment</li> </ul>	<p>A Vale that is:</p> <ul style="list-style-type: none"> <li>• Inclusive and Safe</li> <li>• Environmentally Responsible and Prosperous</li> <li>• Aspirational and Culturally Vibrant</li> <li>• Active and Healthy</li> </ul>

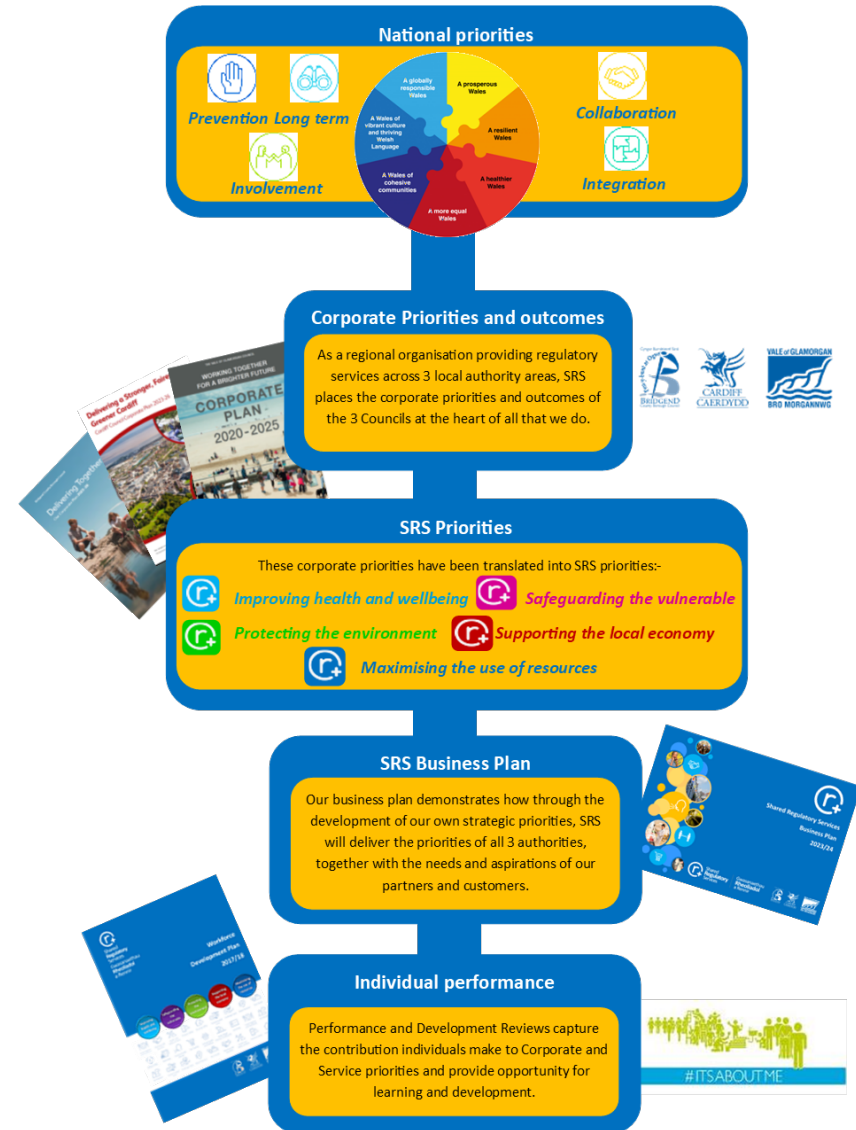
Nationally the service also contributes to the National Enforcement Priorities for Wales for local regulatory delivery which highlight the positive contribution that regulatory services, together with local and national partners, can make in delivering better outcomes, i.e.

- Protecting individuals from harm and promoting health improvement;
- Ensuring the safety and quality of the food chain to minimise risk to human and animal health;
- Promoting a fair and just environment for citizens and business;
- Improving the local environment to positively influence quality of life and promote sustainability.

Furthermore, the **Wellbeing of Future Generations Act 2015** sets out seven wellbeing goals to which public bodies, including local authorities, are expected to maximise their contributions. The goals provide a framework for focussing work on outcomes and delivery for the long term wellbeing of Wales. Shared Regulatory Services' core business activities, outcomes and strategic priorities are inter-related and make a significant contribution to these wellbeing goals. How Shared Regulatory Services contribute to these goals through its priorities is demonstrated below.



## Delivering our vision, aims and priorities





### 3. Challenges

Delivering a service across three local authority areas is an exciting but challenging role. In this context, we define challenges as new or demanding events that will require additional effort and determination to manage successfully; something that goes beyond our existing norms. Understanding the challenges ahead is therefore crucial to delivering the vision set out in section 2. Even after eight years, the Service continues to balance the development of a new and innovative operating model along with the expectation of delivering “business as usual”. There are many factors crucial to our success and the following information demonstrates the actions for the Service in 2023/24, and our risk management approach (Appendix 1).

**Delivering the SRS in the future** – The creation of SRS reflected the Welsh Government collaboration agenda, with one of the main drivers being to realise significant cost savings. These, and subsequent savings have been made by SRS over the years and we continue to deliver the SRS with a reducing resource. The 2022-23 SRS budget stood at £8.331 million with a full time equivalent staffing in the region of 180 working across 3 local authority areas. Some 9 years on from the baseline assessment, and despite inflation, annual pay awards and similar pressures, the essential statutory services we provide are being delivered for nearly £2 million (20%) less budget and by 79 (31%) less staff. Furthermore over that time SRS has taken on additional responsibilities under new legislation and areas of regulation. Our move toward the Intelligence Operating Model facilitates the delivering of some services using a risk based approach to our activities, where appropriate. However, any further reductions will require the need to further examine and introduce new ways of prioritising our services, or the charging for some services and difficult decisions about the level of service provision. Simply put, SRS has no assets, with the service being made up of staff, so any budget cuts inevitably mean cuts to staffing which the service cannot sustain without significantly impacting on service delivery. (RR1)

**Managing complex financial processes** – Managing resource in the Service is complex, but critical. Understanding the cost of providing a service funded through three local authorities is fundamental. Crucial to this is reflecting the provision of ‘core’ services that are consistently applied across all three areas and ‘authority specific’ services that are those that are specific to one or two authorities so that finances are understood. (RR3)

**ICT** – The success of Shared Regulatory Services is in part due to embracing the opportunities presented by technical and mobile working solutions. Agile working has become the norm for the service yet, through staff consultation sessions, our officers tell us that the technology currently deployed is becoming outdated. Research indicates that better facilities now exist and the SRS will

work with officers and ICT to understand the benefits of exploiting these newer technologies to ensure that our officers can continue to operate as efficiently as possible within financial constraints. (RR4)

**Recruitment and retention** – We have always committed to the resourcing of training to develop people within the organisation to ensure competency within their roles. Our focus however has been more toward the immediate needs of officers to enable delivery of our five strategic priorities. It is clear that a longer term strategy for recruitment and retention is needed as SRS, in common with regulatory services across Wales, experiences difficulty in recruiting and retaining staff. The cause of the problem appears to be multi-faceted, with factors such as a limited pool of qualified staff, accessibility of the professional qualifications and an ageing workforce all contributing to something of a perfect storm. SRS has been at the forefront of taking forward the Directors of Public Protection Wales ‘*Building for the Future*’ strategy, and in making the case to Welsh Government for a regulatory apprenticeship in Wales to create a route into regulatory services for young people. The creation of a recruitment strategy and the development of retention “initiatives” will be a key target for the SRS management team during 2023/24. Our goal must be to retain our officers and ensure they achieve the job satisfaction that underpins service excellence. (RR2 and RR5).

**Remaining relevant to the three Councils** – The creation of SRS delivering services across three local authority areas resulted in the transfer of the administration of services and staff to the Vale of Glamorgan Council who act as the host authority for the Service. The Service, although jointly funded by the participant authorities, also has a single consistent identity and branding which is not associated with any one Council. The Covid-19 pandemic and the key involvement of SRS in Test Trace Protect and the enforcement of Coronavirus Regulations put the service in the spotlight during the last few years, and more recently our work on the minimum energy efficiency standards (MEES) demonstrates how we contribute to the climate change agenda of the partner authorities. Notwithstanding this, we recognise there is still a need to actively promote the Shared Regulatory Service and the important services we provide across the three Councils to ensure their continuing support for the venture. (RR8)

**New legislation** – The implementation of new legislation and any requirements imposed by such legislation can place additional burdens on the Service. It requires new processes to be developed, awareness raising to be undertaken with stakeholders, staff training and additional inspections etc. Generally new requirements can be planned for and effectively resourced, for example the Public Health (Wales) Act and the Public Health (Minimum Price for Alcohol) (Minimum Unit Price) (Wales) Regulations, however, it is not always easy to predict the impact that new legislation may have on resources, as the last few years has shown. We are prepared to adapt the Service accordingly to

ensure businesses can continue to function and consumers are not disadvantaged. The great uncertainty is the quantum of change and the unknown time scales within which that change must take place. (RR6)

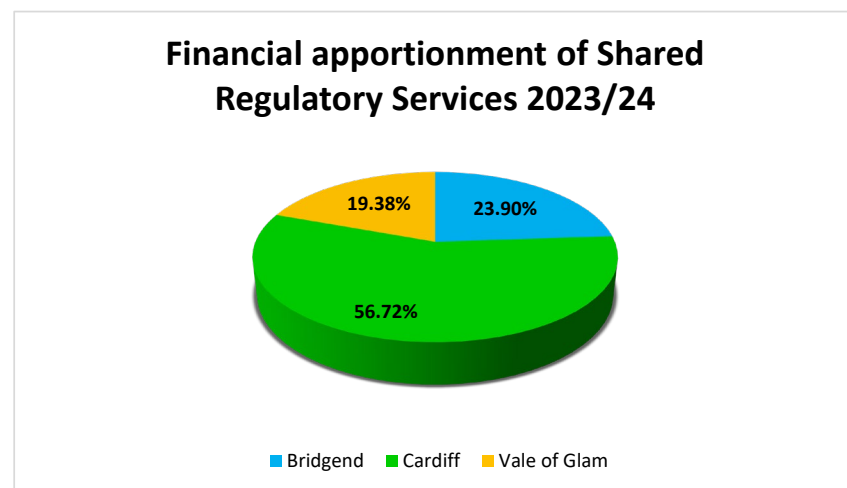
**Out of Hours** - SRS operates an “out of hours” duty rota to enable the service to respond to incidents that arise outside normal office hours. These responses include responding to nuisance calls relating to burglar alarms, food incidents, etc. To date, officers have operated the rota on a voluntary basis across the service. However, the number of officers willing to participate in the rota is reducing to the extent that the service delivery is becoming uncertain. The SRS management team needs to understand the consequences of that success and review this position and put forward options for these aspects of the service. (RR7)

**The cost of living crisis** – The full extent of the cost of living crisis has yet to be seen, and without doubt will continue to impact SRS in two broad respects. Firstly, in our role as regulator, at a time when residents are struggling to make ends meet and rogue traders will waste no time in exploiting the situation. When times are hard financially, even normally legitimate traders may feel under pressure to cut corners, for example through the passing-off of inferior products or ingredients for the genuine article. Likewise, this is a time when already struggling residents are at risk of falling into the hands of loan sharks and all the misery that illegal money lending can bring. The other respect in which the cost of living crisis could have a devastating effect is on the wellbeing of our staff, and there is a real continued need for managers and colleagues to spot warning signs among team mates so that all available support can be provided. (RR1).

## 4. Budget

### Financial allocation

Bridgend, Cardiff and the Vale of Glamorgan Councils fund Shared Regulatory Services jointly through an agreed formula. 2023-24 represents Year 9 of the SRS. The Joint Committee approved the proposed Shared Regulatory Services budget for 2023-24 at its February 2023 meeting. The aggregate budget for the service has increased to £8.645 which is a net increase of £314k. This is as a result of £178k of savings made through the deletion of vacant posts and the identification of a new income stream, which is offset by £492k salary costs to fund the shortfall in the 2022/23 pay award plus the anticipated 2023/24 national pay award. Budget discussions will now begin with the partner Councils for the next three year period. The methods of apportionment for operating the core service and the cost contribution percentages are set out in the Joint Working Agreement and based upon the population of each Council. This will not revise the bottom line position of the budget. There are also arrangements in place to deliver "authority specific" services to individual partner Councils.



### Resource Implications (Financial and Employment)

The following table summarises the gross expenditure budget for the Service.

SRS Gross expenditure budget 2023/24			
Area	Core £'000	AS £'000	Total £'000
Bridgend	1,453	461	1,914
Cardiff	3,447	1,562	5,009
Vale of Glam	1,178	544	1,722
<b>Total</b>	<b>6,078</b>	<b>2,567</b>	<b>8,645</b>

The budgets detailed above summarise the overall budget contribution agreed by each of the partner authorities. Each contribution consists of two elements – core and authority specific services.

Core services are those functions common to the partner authorities as they share statutory responsibility for the activity, such as trading standards. Core service costs are then pooled and recharged to the partner authorities based on the relative population split within the three authorities.

Authority specific budgets such as Licensing are unique to each partner authority and it is the sole responsibility of each authority to fund its own provision.

The approved authority specific services are as follows:-

Bridgend	Licensing Kennelling & Vets Costs Empty Homes Public health burials
Cardiff	Licensing Additional HMO Licensing at Cathays & Plasnewydd Empty Homes Night time Noise Port Health Student Liaison
Vale	Licensing Kennelling & Vets Pest Control Public health burials Port Health Empty Homes

Both core and authority specific services are recharged to partner authorities inclusive of a management charge, which incorporates management, admin and hosting costs. These include the provision of a multifunctional admin team, professional support in the form of finance, IT and HR, together with the senior management within the Shared Regulatory Service.

The budget is monitored quarterly via the Management Board and Joint Committee and the details of such monitoring form part of the quarterly update reports, available at the websites of each partner Council.

## Maximising resources

The creation of SRS reflected the Welsh Government collaboration agenda, with one of the main drivers being to realise significant cost savings. The reshaped SRS continue to eliminate unnecessary bureaucracy and simplify processes.

Our goals of supporting the local economy and maximising resources now challenge us to operate in a more commercial and entrepreneurial way. For our business customers, we aim to deliver high quality technical services. We have created an environment that allows us to focus upon supporting local enterprises enabling them to operate successfully in an increasingly competitive business environment.

Our agile working practices allow our specialist officers to use technology to deliver improved productivity, efficiency savings and better customer service. Furthermore, these practices provide opportunities to reduce the accommodation footprint of the Service across the region, reducing operational costs.

As we generate additional income through our paid for services, such as advice visits, training and primary authority partnerships, we are able to enhance service delivery and support to business by ensuring resilience in the SRS moving forward.

Understanding the costs involved in providing services is crucial. We review regularly SRS fees and charges across the three authorities to ensure we know what it costs to provide services and ensure that we recover those costs wherever possible.

We listen to our customers and stakeholders to identify their needs and expectations. We seek to develop our services so they are easier for customers to access and are more effective and cheaper. We believe that better engagement will help us make better decisions and consequently deliver better outcomes.

We recognise the need to understand, measure and manage our performance across the Service. We continue to refine our measures to ensure performance

is managed effectively and in a meaningful way, and that we are having a positive impact on those customers that interact with us.

## 4. Workforce Development

Operating a Shared Regulatory Service across three distinct areas presents many challenges for the Service and its workforce. We aim to use our Workforce Development Plan to ensure our officers have the right mix of experience, knowledge and skills required to fulfil our goals. Our plan illustrates how we want to encourage and support our officers to develop new skills and work in different ways. Investing in people is a fundamental element of our maximising resources priority.

The Workforce Development Plan provides a framework to blend:-

- Organisational culture
- Leadership and management
- Core skills
- Recruitment, retention and progression
- Communication and employee engagement
- Employee performance management

Continued Professional Development (CPD) is actively encouraged and officers are offered opportunities to attend a wide range of training courses, seminars, meetings and briefings to help maintain competency and improve technical, legal and administrative knowledge. A number of employees have been supported to undertake post graduate training gaining Masters degrees in areas such as environmental health and leadership and management. In addition, 'in house' technical training days support cross discipline training and increase awareness of related enforcement activities. The service has continued to provide legal competence training for officers along with a number of professional development courses. While this is a cost effective way of increasing the skills base of our workforce, perhaps the greater consequence is the potential to forge a stronger team

The SRS Staff Survey undertaken in 2022 sought the views of employees on the themes of wellbeing and recruitment and retention. Results were generally positive with 56% of the results falling into the very good to excellent range. Positive themes emerging from the survey were around flexibility and working from home, management and colleagues and work/roles, while improvement themes included workload and resources, pay and benefits and communication and engagement. It will be important during the forthcoming year, to ensure that

improvement themes are explored and an action plan developed as part of the wider review of the SRS Workforce Plan.

In terms of recruitment and retention, SRS has led on the introduction of a Regulatory Compliance Officer type apprenticeship within Wales and promoted the DPPW 'Building for the future' report seeking increased investment in terms of funded public protection workforce development programmes to address capacity and resilience issues in the environmental health and trading standards professions. SRS looks forward to benefitting from these approaches in the future.

We intend our workforce plan to drive our organisational development, both through preparing us for the future by being able to forecast likely challenges and by a more effective process of talent identification, identifying skill gaps, and retaining our officers within the organisation.



## 5. Turning actions into outcomes

We continue to work to integrate our vision, priorities, outcomes and our performance to provide a comprehensive picture of the work the service undertakes and the positive impact it makes.

The following section of this Business Plan brings all these different elements together in order to highlight our achievements and performance during the last year together with the actions we aim to take forward in 2023/24 to deliver on the strategic priorities. This framework will be continually reviewed to ensure it remains relevant and meaningful to stakeholders.



## Priority

# Improving health and wellbeing

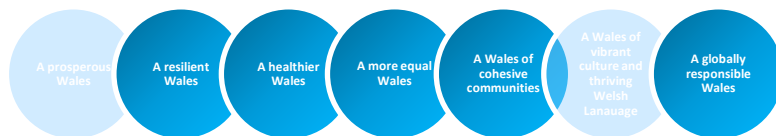
## Outcomes



## Outputs



In addition, our outcomes also contribute to the following wellbeing goals:-



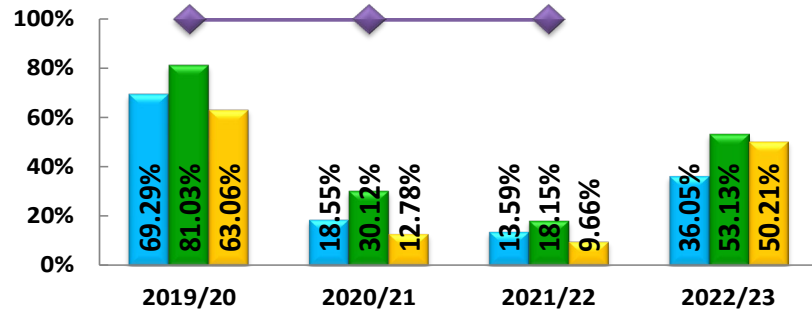
**Improving health and wellbeing** is a key priority for SRS. The Service delivers a diverse range of services to businesses, consumers and residents many of which are “taken for granted”. Their contribution toward our stated outcomes, and their impact upon communities, should not be overlooked. Work undertaken to ensure that food, from farm to fork, is safe, that infectious disease, noise and air emissions are controlled, that risks in the workplace are managed properly, allows people to live in healthy environments. Add to this our activities to ensure the quality of private rented property, the promotion of a safe trading environment and our regulation of licensed premises to ensure they operate responsibly and it is evident that the work undertaken by the SRS is hugely important to the health and wellbeing of the region.

# How we performed

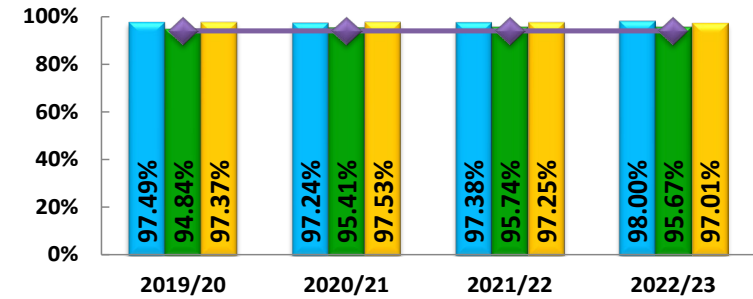


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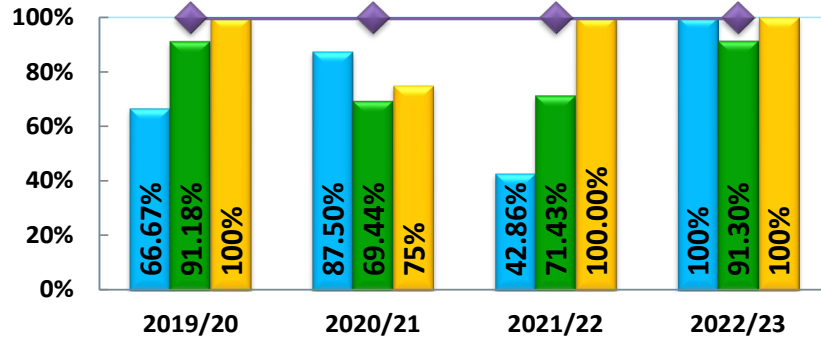
**% of high risk inspections  
Food Hygiene (A, B & C rated premises)**



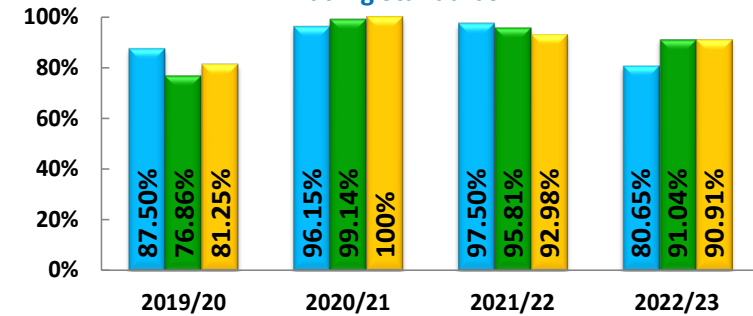
**PAM 023 - % of food establishments that meet food hygiene standards**



**% of high risk inspections  
Trading Standards**



**% of significant breaches that were rectified for  
Trading Standards**



% of private rented properties and HMOs improved through the removal of category 1 hazards 2021/22			
	Bridgend	Cardiff	Vale of Glam
Total no. of assessments which contain category 1 hazards	45	171	13
No. of HMOs and non HMOs where all category 1 hazards have been resolved as a result of local authority action.	10	29	2
% Total resolved	22.22%	16.96%	15.38%



# What we have achieved

## The Food chain is safe and free from risks

**Businesses that are broadly compliant** - The number of food businesses with a food hygiene rating of more than 3 continues to remain at a high level with 98% in Bridgend, 95.67% in Cardiff and 97.01% in the Vale of food businesses being broadly compliant. The results have shown a positive upward trend, year on year, consistently exceeding targets and highlighting the growing number of businesses that are improving their standards, which can be attributed to the success of the intervention programme for food businesses. That programme ensures that any food safety issues identified are followed up by either enforcement, advice or training and subsequently revisits to ensure compliance with food safety law.

**Display of FHRs stickers** – To further support the aims of the Food Hygiene Rating Scheme, officers undertook a survey of food businesses in Bridgend, Cardiff and the Vale. The survey specially targeted food businesses with lower ratings of 1-2 to check if ratings stickers were being conspicuously displayed. 16 premises were selected for a visit, 8 Cardiff and 4 in Bridgend and the Vale, resulting in 4 warnings letters being sent to those food business operators who whilst displaying their stickers, were not displaying them in the most conspicuous positions.

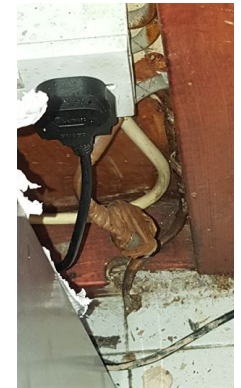
**Prosecutions** – SRS is committed to enforcing the laws we regulate, instigating legal proceedings against those businesses or individuals that flout the law. During 2022/23, despite the COVID-related backlogs in the court process, the service concluded a number of successful prosecutions against individuals/businesses in relation to food offences. The following examples showcase the impact and value of this work.

6  
Successful  
prosecutions of food  
businesses  
concluded

**Bridgend restaurant owner fined for failing to display food hygiene rating** – In this case, a visit made by SRS officers to a Bridgend restaurant with a food hygiene rating of 1 (major improvement necessary) revealed a failure to display the rating sticker in the location and manner prescribed by legislation. In addition, the company director misled officers by claiming that the business had changed hands when it had not. The company was found guilty of 2 offences under the Food Hygiene Rating (Wales) Act 2013, for failing to display and for obstructing officers in their enquiries and the company director was also found guilty of obstruction. The company was fined £1500 and ordered to pay costs of £1277, and a court surcharge of £150. The company director was fined £750, ordered to pay costs of £796 and a court surcharge of £75.



**Company/owner of Cardiff restaurant ordered to pay a total of £28,500 in fines and costs for a string of food hygiene and health and safety offences** – In this case, SRS officers found the worst case of neglect at a restaurant they had come across in 15 years. The case came to light through a number of food hygiene safety inspections between August 2019 and January 2020 where the case officer found that the restaurant had a widespread and uncontrolled rat infestation with open drains allowing rats to enter from the sewers. There were rat droppings throughout the premises; holes in the walls and ceilings; rat urine running down the walls in the dry store; rats under the cooking equipment and behind grills and evidence that rats were dragging away raw meat left out to defrost, leaving streaks of blood on surfaces, as well as eating grease from blocked drains and fat dripping from the extractor fan. The rodents had caused significant damage to the property including eating through 2 cavity walls and behind the chest freezer, damage to the ceiling in the dry store and gnawing through the shelving, doors, door frames and electric cabling. When the officer investigated the smell in the restaurant, it became clear that the rats were living under the floor where customers were eating their food. Rats weren't however the only problems at the restaurant as staff were also found to have very poor hygiene practices and were not trained or supervised correctly and several other faults were identified with widespread cross contamination problems between handling raw meat and ready to eat foods. The 3 defendants in this case were the legal food business operator (a limited company), the sole director of the limited company and her father who fulfils the role of the natural food business operator, managing the restaurant day to day. Each pleaded not guilty to 9 charges but found guilty following a Crown Court trial in February 2023. The company was fined £12,000 and ordered to pay costs of £6500, the company director was fined £1500 and ordered to pay £1000 in costs and the natural food business operator was fined £5000 and ordered to pay £2500 in costs. This case was widely publicised in the national press and it is now understood that the convictions are being appealed.



**Vale convenience store fined for a number of food hygiene breaches including an active rodent infestation** – In this case 3 inspections were made of the business. The first highlighted a number of food hygiene breaches including an active rodent infestation. The operator was advised that if the rodent activity returned, they must contact the local authority and close the store immediately. However on 2 further occasions, rodent activity did return and the store continued to trade with an active infestation, ignoring the risks to the public and preparing high risk food with not only a rodent infestation but no hot water to clean or

sanitise the premises, equipment or effectively wash hands. In sentencing the Judge accepted that the defendant's culpability was in the high category and the risk of harm was Category 1. He imposed a £1000 fine for the HACCP offence, and a £50 fine for each of the 7 other offences, resulting in a total fine of £2350 and costs of £2000 together with a victim surcharge of £135.

**Port Health and infectious disease** - 2022/23 permitted a gradual return to normal port health duties due to the removal of travel restrictions and monitoring requirements that had been previously imposed to address the Covid pandemic.

The core capacities of Cardiff International Airport to meet the requirements of the International Health Regulations 2005 as a "designated point of entry" were reviewed and actions taken to meet and improve them. This included:

- The Port Health procedure for Cardiff International Airport being updated
- The high-risk concessions sited at the airport being inspected for food hygiene.
- Recommencement of mosquito surveillance .
- Completion of water sampling at points within the terminal to ensure that they were satisfactory.
- Sampling of water bowzers used to fill aircraft for sanitary purposes and review of the disinfection procedure.
- An audit of the cleaning procedures.
- A practical session on dealing with a passenger suspected of having a serious communicable disease with representatives of relevant organisations to test the process and identify any additional considerations, facilities or equipment required.

On September 1st, 2022, Welsh Government introduced Special Measures under the Trade in Animals and Related Products (Wales) Regulations 2011 to minimise the risk of African Swine Fever that was prevalent in Eastern European countries being introduced through the ports. It was made illegal to bring most pork and wild boar products from the EU into Wales unless it was commercially packaged, or health/ID marked. Whilst Cardiff Airport is not authorised to receive commercial imports of meat, the legislation became relevant when flights from Eastern Europe were commenced in the Winter months and passengers were noted to be carrying such products in their personal luggage. Joint working with Border Force ensured the successful voluntary surrender of several quantities of pork.

Vessel movement at the ports of Cardiff and Barry were slow to recover but during this year the Service restarted physical visits to complete Ship Sanitation inspections and water testing which had been halted during the pandemic. Since January the proactive inspection of vessels has also recommenced.

## Risks in the workplace are managed properly

**Legionella management and infectious diseases associated with the use of spa pools and hot tubs** - Legionnaires' disease is a potentially fatal type of pneumonia, contracted by inhaling airborne water droplets containing viable Legionella bacteria. Following a number of cases and outbreaks of legionella across the UK associated with the display or demonstration spa pools and hot tubs, SRS undertook a project to assess how the risk of legionella associated with hot tubs and spa pool use was being managed. The scope of the project was also extended to consider the management of other infectious diseases including Cryptosporidium and Giardiasis. The project focused on premises in leisure and hospitality settings; premises where spa pools and hot tubs were on display for retail sale or could be used for demonstration purposes; private holiday home rentals offering such facilities for financial gain and rental arrangements exceeded 20 weeks per year. A total of 28 premises were inspected across Bridgend, Cardiff and the Vale. The project identified a number of issues in relation to the adequacy of operator training and procedures, water quality management, hygiene measures for users and management of other hazards of significance. Of those premises visited 27 out of the 28, received formal warning letters detailing the contraventions and recommendations on how to improve.

**Indoor Soft Play and Inflatable amusement devices** – There have been a number of serious incidents where inflatable amusement devices have collapsed or blown away in windy conditions. A 2022 study found at least 479 people were injured and 28 died worldwide in more than 130 bounce house accidents due to windy weather events since 2000. In 2016, a 7 year old child died when she became trapped in a bouncy castle that blew 100s of yards across a fair; in 2021 a 4 year old died from injuries after a strong gust of wind lifted an inflatable throwing the child 30ft into the air. These incidents and others prompted the Health and Safety Executive to include inflatable amusement devices as a national priority for local authorities. As a consequence SRS undertook a project across the region combining site visits and the preparation of educational material for members of the public and operators/controllers of inflatable devices. 28 premises were inspected, with varying degrees of compliance resulting in 25 duty holders receiving formal warning letters detailing contraventions and recommendations on compliance. One Improvement Notice was served following an unsatisfactory level of progress being made after revisiting the business.

## Infectious Disease is controlled and prevented

**Infection Control Training for Special Procedures** – Under the Public Health (Wales) Act 2017, a licensing regime will be introduced that requires special procedures such as acupuncture, body piercing, electrolysis and tattooing (including semi permanent make-up) to be licensed and practitioners to obtain qualifications in Infection Control and Prevention. In readiness for this, SRS has become one of only five accredited training centres in Wales for the delivery of the qualification. Officers have now run the day long course a number of

times and sessions have been well-attended with positive feedback received. Work is now in hand to broaden the delivery models available for the course so that as many practitioners as possible can be trained ahead of the new licensing regime going live in spring 2024.

**Communicable Disease** – The Communicable Disease Team is responsible for protecting public health by controlling and preventing cases and outbreaks of infectious disease. The team were at the heart of the Covid-19 pandemic, acting as the Regional Response team, which saw the focus of the team almost entirely shift to tackling Covid 19 during that time. This last year however, has seen the team return to 'business as usual' and deal with 1782 confirmed and suspected communicable disease cases reported to them. These included instances of campylobacter which made up just under 50% of the cases, together with salmonella, E.coli 0157, legionella and hepatitis. Furthermore the team dealt with 96 outbreaks in care homes, schools, nurseries, domiciliary care establishments and hotels across the 3 areas that had to be effectively managed to avoid further transmission. One such outbreak concerned a hotel used to home refugees where a total of 12 cases of illness were reported with symptoms ranging from sickness and fever, to bloody diarrhoea. A total of 6 confirmed cases were identified following microbiological testing with a range of pathogens being isolated. SRS managed this outbreak liaising closely with hotel management, the families and the appointed resettlement officers to ensure robust hygiene measures were being employed to mitigate the risk of transmission.

1782  
Communicable  
disease cases  
notified to SRS.

## Noise and Air Emissions are controlled

**Noise Pollution** - Noise nuisance can have a negative effect on people's quality of life, affecting their health and wellbeing, and our officers deal with thousands of complaints each year. In 2022/23 over 3800 complaints were received in relation to noise and air across Bridgend, Cardiff and the Vale of Glamorgan. Where serious nuisance is identified SRS will take enforcement action. An example of such action is a case brought against 2 individuals in Cardiff who repeatedly played loud amplified music causing significant issues for neighbours. In this case the tenants of a private rented property had a history of complaints made against them by neighbours which resulted in them being subject to a noise abatement notice. Despite this, officers from SRS witnessed further incidences of loud music in breach of the order and both tenants were charged with offences under the Environmental Protection Act for failing, without reasonable excuse to comply with the requirements of the noise abatement notice. Neither defendant attended court, but Magistrates heard the Victim Impact Statement of one of the neighbours, explaining the significant issues he and his partner had encountered with the defendants. As a result Magistrates found the case against them proved in their absence and fined them £880 each, and ordered them to pay costs of £550 each together with a victim surcharge of £88 each.

3800+  
Noise and air  
complaints received

## A safe trading environment is maintained

**Disposable e-cigarettes** –E-cigarettes are a regulated product that should comply with the Tobacco and Related Products Regulations 2016. These restrictions include a limit on the capacity of the refillable tank of the cigarette device which must not be more than 2 ml; that there is a nicotine limit of 20 mg per ml in nicotine-containing liquids or containers; that products should contain prominent health warnings; and that all e-cigarettes and e-liquids are required to be notified to the Medicines and Healthcare Products Regulatory Agency before they can be sold. In response to continued high levels of intelligence and complaints received concerning such products, SRS officers undertook several exercises to identify the sale of such products. As a result, 37 test purchases were attempted and 14 premises found to be selling them. In addition, 56 inspections were conducted, 37 of which resulted in seizures of 5444 illegal e-cigarettes equating to an estimated retail value of £50,889. Retailers identified as selling these products received a written warning and advice and were subject to further inspection to check for non-compliance. Four investigations are currently ongoing as a result of repeated offences. E-cigarettes continue to be of interest to the media with SRS contributing to ITV Wales programmes on the issue which were featured on the ITV news and Wales this Week.

**Part Worn Tyres** – In October, SRS officers in conjunction with the DVSA carried out a mystery shopping exercise following major concerns with the tyre industry that garages were supplying part worn tyres that were not roadworthy, not been properly tested by the retailer, and being sold without the relevant markings. Given the financial pressures caused by the cost of living crisis, there was also the possibility that more customers may look towards purchasing second hand tyres as a means of saving money. Officers visited 13 premises in total to check if products were labelled correctly (so as to inform consumers) and assess any unsafe products that might be supplied. Results from the exercise were generally positive. 3 businesses were no longer selling part worn tyres, 10 that did sell all tyres were reported as safe, and 9 failed to mark the tyre as required with "part worn", and these received written warnings and advice.

## Licensed premises operate responsibly

**The Public Health (Minimum Price for Alcohol) (Minimum Unit Price) (Wales) Regulations** came into force on 2 March 2020. The purpose of the legislation is to protect the health of harmful and hazardous drinkers by using price as the means to minimise their access to very low cost / high alcohol products (for example some strong ciders). Under this law, it is an offence to supply alcohol below the applicable minimum price which is calculated according to the alcoholic strength of a product and the volume in which it is sold. The minimum unit price (MUP) for the purposes of calculating the cost of alcoholic drinks is £0.50. A programme of initial visits to these premises was conducted to determine compliance however the last year has seen officers re-visit those businesses that were initially non-compliant. Officers also participated and featured in a report broadcast by the BBC X Ray programme which sought to raise awareness of the requirements and the work



conducted by our teams. It was pleasing to note that no additional non-compliances were identified during these re-visits and this project has now concluded.



**Firework storage Inspections** - Retailers of fireworks are required to register with the local authority in order to ensure safe storage. All premises registered for the storage of fireworks are inspected by officers of the service to ensure that the conditions imposed by the registration are complied with, that the storage is safe and the business operates in a safe manner. In the run up to 'bonfire night' in 2022, 41 registered premises were inspected by SRS officers to ensure the safety of

firework sale and storage. Only minor non-compliances were identified as a result of these visits, all of which were rectified by the business concerned at the time of inspection.

## The quality of private rented property is improved

Tudalen 44

**HMO Licensing** - HMOs often present the worst physical and management standards, as well as having a detrimental impact on the neighbourhoods in which they are situated particularly in relation to street scene. During 2022/23 SRS took 6 successful prosecutions for a variety of offences in Cardiff including poor management practices, HMO licensing offences and failure to comply with enforcement notices. As a result, fines totalling £55,225 with costs of £6,066 were secured.

In addition, the team dealt with 1,977 service requests of which 520 related to hazards in private rented housing and approximately 600 in relation to housing related advice and guidance. In addition, there were 104 complaints about potential nuisance or filthy and verminous properties which resulted in a number of particularly challenging works in default cases. Furthermore there were 75 complaints about the condition of problem empty homes and a further 86 requests for information on such properties.

224 Housing Act 2004 notices were served, up from 142 the previous year. 11 Prohibition orders were served, increasing from 7 during 2021-22. HMO licensing activity continued to recover following the pandemic with 544 HMO licences issued during the year, increasing from 358 during 2021-22.

**Cathays Additional Licensing Scheme** – Following the statutory consultation in relation to the re-declaration of the Cathays Additional Licensing Scheme, a report was approved



by Cabinet in October. As a consequence the designation of the Cathays Additional Licensing Scheme become effective from 1 February 2023 for a further 5 years.

**Cardiff landlord ordered to pay over £25,000 for a catalogue of failings** – This case came to light when the council received complaints from tenants of a four-storey Victorian terraced property, which is made up of four maisonettes. As a result, an inspection of the property took place where a significant number of breaches were found. These included, defective fire alarm system, unsafe electrical installations, lack of handrails for stairs, defective floor coverings, damaged kitchen work surfaces, and an insecure front door among others. The landlord was given 8 days to fix or replace the boiler which he failed to do, resulting in the council installing a new boiler and invoicing the cost to the landlord and legal action commenced. The landlord did not attend Court but was convicted in his absence for 18 offences resulting in a fine of £23,750, and they were ordered to pay £450 in costs and a victim surcharge of £1,200.

**Bridgend property owner fined** - In Bridgend, an improvement notice was served on the owner of a property requiring repairs to be undertaken to the front and rear elevations of a neighbouring property or take steps to demolish them. A further visit to the property revealed no change to the condition of the property. Subsequently written and verbal reminders were given in the months that followed but the necessary work was not carried out. The defendant did not attend court and he was fined £440 for each of the 2 offences, ordered to pay costs of £443 and a victim surcharge of £88.

**Illegal Evictions and pre-occupancy checks** - In Bridgend and the Vale of Glamorgan SRS investigated and gave advice regarding 9 cases of illegal eviction which allowed us to prevent the households from becoming homeless in the majority of cases. We also provided a valuable service to the Housing Solutions Departments by conducting pre-occupancy inspections of 6 properties.

**Homes for Ukraine** - As part of the response to the humanitarian crisis caused by the war in Ukraine, the UK and Welsh Governments developed a number of schemes to assist refugees displaced by the conflict. The Homes for Ukraine scheme relies on individuals in the UK, with at least six months leave to remain, acting as a sponsor and matching with Ukrainian individuals and groups. Local authorities have played a critical role in the support for people from the Ukraine arriving in Wales. They are seen as best placed to provide a 'wrap around service' to ensure refugees are provided with access to a full range of public services.

The SRS have played a central role in assisting the three host Authorities to discharge their responsibilities by working with the teams set up to manage the crisis across Bridgend, Cardiff and the Vale. This has predominantly been through providing property checks to ensure that accommodation that has been offered meets basic standards of safety and suitability. To date, over 500 such checks have been undertaken.

Where required by the host Authority, Officers have also assisted with the required DBS checks on sponsors to ensure that anyone volunteering is of good character. The terms of

the scheme mean that sponsors originally signed up for six months to provide accommodation. As refugees move on to more permanent accommodation this is inevitably placing increasing demand on our Housing Options teams and the private rented sector. SRS Housing teams are being called upon to review suitability of long term lets and we will continue to assist as the situation evolves. Requests for inspections of host properties have started to decline but we continue to provide this service and to date this year have completed a total of 18 inspections.

## Emerging issues

**Recruitment and retention**— Recruiting to vacancies, particularly to those roles that require professionally qualified officers continues to be challenging, particularly as we are seeing a number of our officers leaving the service to secure positions elsewhere. The shortage of applicants with the right skills, abilities and experience in the different professions has created a more competitive market. These shortages, attributable to an aging professional demographic, increasing turnover and a reduced investment in sponsorship of students by Councils, have to be addressed if we are to deliver effective regulatory services. Across Wales, the Directors of Public Protection Wales (DPPW) has sought to co-ordinate a consistent approach to identify immediate issues of capacity and resilience along with other challenges for the future as demands and expectations on regulatory services continue to grow and has produced a report detailing the key issues facing local government regulatory services. The report highlights the challenges faced in terms of workforce pressures, the need for better coordination and oversight and how to achieve greater resilience in the medium term through a number of recommendations.

**Meeting the required frequency of food inspections** – The Food Standards Agency stipulate the required frequency of food business inspections according to risk, with those of a higher risk requiring more frequent inspections. For example those rated as Category A, require inspections every 6 months, Category B annually and Category C every 18 months etc. While SRS successfully inspected those businesses with the highest ratings (A and B) within the required frequency, the completion of Category C inspections and new business inspections remain a significant concern given the resources available. There are certain unique challenges facing SRS in delivering the full food hygiene and standards programmes which result from the sheer number of food businesses within our footprint (around 20% of all those in Wales), the diverse and vibrant nature of the food scene locally, and the very frequent churn of new business start ups. A number of other factors have also emerged post pandemic which add to the challenges faced, including the significant increase in enforcement action necessary at food premises and the increase in pests, which impact Officers' ability to carry out inspections and programmed work; many cases where standards have deteriorated; and an increase in new and different cuisines being offered at food businesses requiring officers to research and understand these new approaches so that appropriate advice can be given and action taken if required. To address this the service has prioritised Category C inspections and new business according to risk to ensure those that pose the highest risk do receive an inspection, however a significant backlog remains.

**Food Hygiene Rating Scheme Appeals and Re-ratings** – The Food Hygiene Rating Scheme (FHRS) for Wales was introduced in 2013 with the purpose of allowing consumers to make informed decisions about the places they eat or shop for food, and through these decisions encourage businesses to improve their hygiene standards. SRS officers inspect the hygiene standards found in food businesses providing a Food Hygiene Rating from 0-5 together with a sticker that must be displayed in a conspicuous place where it can be easily read by consumers before they enter the establishment. Under the Scheme, food businesses have the right to appeal against their food hygiene rating if they consider it unjust, and also request a re-rating inspection if improvements have been made following the inspection. Appeal inspections and re-rating inspections represent a significant amount of work for SRS as they sit outside the food hygiene programme of inspections and officers are required to undertake these inspections within defined timescales. A recent report by the Food Standards Agency indicated that during the period 28 November 21 to 27 November 2022, 75 appeal applications were received across Wales. Within the SRS region 17 appeal applications were received representing 23% of the 75 appeal applications received across Wales. Furthermore in terms of re-rating applications, SRS received 103 applications during the same period representing over 25% of the 406 applications received across Wales demonstrating the significant responsibility for our food teams in meeting these demands.

**Cost of living crisis** – The cost of living crisis in the UK continues to dominate the headlines. With inflation at its highest level in 30 years, the UK is seeing petrol and grocery prices increasing, together with tax increases and rises in energy costs. Financial pressures on the commercial sector could create an increase in illicit activities (e.g. food fraud; supply and sale of illicit tobacco; substitution of ingredients that are cheaper) that could negatively impact the health and safety of our communities. Food businesses, for example, already struggling following the pandemic, faced with rising prices may be tempted to substitute food items for cheaper alternatives and cut corners in their food hygiene processes to save money, placing even greater demands on SRS at a time when the service itself is attempting to recover from the effects of the pandemic and staff shortages. We are finding that many businesses are having to reconsider their trading patterns and operations with a view to cutting and attracting more trade. Fewer staff employed at the businesses means less ability to keep on top of cleaning and compliance procedures to meet food safety standards. The crisis could inevitably impact the health of our nation and exacerbate inequalities in health. As finances become squeezed, the opportunity to maintain a healthy diet and lifestyle will become more challenging for a larger number of households across the SRS region, potentially impacting life opportunities for future generations.

**Changes to the Food Regulation Landscape** - Through the Achieving Business Compliance (ABC) programme the Food Standards Agency are looking to modernise the way food businesses are regulated in England, Wales and Northern Ireland. Within the programme there are three key workstreams;

1. Modernising the delivery of food regulation-through which the risk rating and interventions completed by local authorities are looking to be changed to enable resources to be targeted at areas posing the highest risk to food safety.

2. Testing new approaches to Regulation-Projects within this workstream include Enterprise Level Regulatory Approaches which will test new regulatory models for some large businesses that are compliant with regulation by the business being regulated as a whole, rather than as multiple small premises.
3. Designing the blueprint for the future regulatory assurance system-to identify where different approaches could be tested or opportunities for future legislative changes made.

It is important that the Service continues to engage with the Food Standards Agency on any proposals to ensure the views and experience of the service are reflected.

**Imported Food** - The government has produced a draft Target Operating Model, a long-term border plan aiming to balance the need for a secure border with the needs of business for a simple border system which is hoped to be introduced in October 2023. Central to the plan is the UK Single Trade Window, providing a single digital point for both importers and exporters to provide the necessary data to trade, apply for licences and achieve authorisation for trusted trader schemes. Goods will be categorised by a new approach focusing on the inherent risk that the commodity poses alongside any risk posed by the country of origin. Whilst Industry will benefit from less checks on medium to low risk goods, there is concern that this may result in a greater need for enforcement inland.

**Brexit Developments** – There are significant implications for SRS as a result of the Retained EU Law (Revocation and Reform) Bill which provides ministers with powers to amend, retain or revoke any pieces of retained EU law (REUL), of which there are thousands. Originally, a sunset clause meant that any piece of REUL would be revoked at the end of December 2023 if ministers hadn't actively saved it by that point, however a recent announcement from UK Government has overturned this position. There will now be no fixed 'sunset clause' deadline and instead it would appear that officials will continue to work through each piece of legislation in turn until this task is complete. While this announcement is welcome, the issue continues to be a cause for concern for regulatory services, particularly in legislative areas such as food safety, health and safety and product safety which rely heavily on EU law. The service will continue to lobby alongside environmental health and trading standards professional bodies to raise awareness of the associated risks stemming from the Bill, in terms of business certainty, compliance and enforcement.

**Healthy Weight Healthy Wales** – Early in 2023 Welsh Government released its long term strategy to prevent and reduce obesity in Wales. The strategy aims to help people live longer, better and happier lives and support making the healthier choice the easy choice and for people to feel enabled to make positive lifestyle choices to sustain or maintain a healthy weight. This would be achieved by making a number of changes by 2030 across 4 key themes, namely healthy environments, healthy settings, leadership and enabling change and healthy people. In terms of healthy environments, Welsh Government want to achieve a level playing field using legislation combined with community action to support changes in the food environment and build upon interventions already in place such as the

lowering of salt content in foods and reducing sugar content in drinks through the Soft Drinks Industry Levy. This will entail consumers being able to access healthier food and drink more readily; healthier food and drink being marketed and promoted to give it a competitive advantage over less healthy options; and consumers being better informed and have clear information to enable them to make healthier choices. While it is unclear on how this may impact the work of SRS, there are expectations that the strategy will lead to improvements in healthier retail and better consumer information such as changes in the use of price promotion and discounting practices and working with UK Government to further improve and enhance front of pack nutrition labelling on pre-packed products.

**Public Health (Wales) Act – Special procedures** - It is now predicted that implementation of the all-Wales licensing regime for special procedures (tattooing, cosmetic piercing, acupuncture and electrolysis) in accordance with the Public Health (Wales) Act 2017 will be delayed until mid-2024. This licensing regime will replace the existing registration scheme with a more robust regulatory system that will require a personal licence and premises approval to be renewed at 3 yearly intervals (or 7 days for temporary events), and the completion of a level 2 infection control training course before a licence can be issued.

At the time of writing this service plan Welsh Government is still in the process of collating and analysing the feedback from its first consultation to inform the finalised personal licence and premises approval conditions, and will not commence the second consultation, which will consider the supporting Regulations, until late Autumn 2023.

The full impact of this new regulatory regime on resources has yet to be determined, and whilst the costs associated with administering the scheme will be recoverable through agreed, all-Wales Licensing fees, no additional funding will be made available for Local Authorities to fully deliver this piece of work alongside existing statutory functions. Since SRS has the largest number of registered skin piercing practitioners and premises throughout all of the Welsh Authorities, it will likely experience the greatest impact from this new legislative regime.

**Refugees and re-settlers** - Whilst recent international humanitarian emergencies have enabled SRS to welcome, and support, refugees and re-settlers into the region, it has necessitated the introduction of measures to ensure that diseases endemic in other countries are not introduced in the UK. This is particularly poignant for the importation of pets by refugees from countries where Rabies, tick and tapeworm infections, and conditions such as Brucella canis are prevalent.

Many re-settlers and refugees are also re-locating from conditions with limited sanitation; poor access to clean food and water; and over-crowded conditions. This could result in an increase of reported cases of Giardiasis; Tuberculosis and Shigella across the region that will require the service to formally exclude cases from school or work until medical clearance has been achieved; support the funding of cases to remain off work if they are required to undergo prolonged and complex medical treatment; and potentially ensure risks to public health are mitigated through the 'request to co-operate' and Part 2A Order mechanisms.

**Outdoor hospitality** – The covid pandemic saw many hospitality venues investing in outdoor seating areas to enable them to operate in a safe way and to recoup losses following closure and lockdown restrictions. This has inevitably resulted in an increase in outdoor hospitality that is likely to continue, but is an area that has several implications for SRS as a regulatory body. Large numbers of people seated in outside areas does have the potential to create noise nuisance to neighbouring residents, resulting in complaints to our noise service. Furthermore the safety of structures, in terms of electrical installations for lighting and heating will be a key concern in terms of health and safety. SRS recognises the significant impact that the pandemic had on the hospitality industry, but will be mindful of the need to balance the needs of the business with those of the residents and patrons.

**Deterioration of private rental properties** – The landscape of private sector rental housing in terms of property condition appears to be deteriorating and the service is seeing an increase in complaints. While this is believed to be, in part as a result of the covid pandemic and the decline in routine maintenance due to the lack of availability of contractors, the cost of living crisis is also contributing to the issues being experienced. Tenants struggling to pay for heating, may use it less, which in turn can cause damp and mould in a property about which they complain to SRS. This becomes difficult for officers in telling landlords to improve the heating in properties when tenants can't actually afford to put the heating on and there is a need to be mindful of both the needs of tenants and landlords.

**Building Safety** – Welsh Government have repeated their commitment to addressing building safety in Wales. The vision is to take forward the Welsh Building Safety Programme alongside a significant programme of reform to establish a fit for purpose building safety regime. SRS represents the Directors of Public Protection Wales group on the Building Safety Stakeholder Group which acts as a strategic, independent advisory group for Welsh Government on matters relating to the Welsh Building Safety Programme. The first meeting of the group took place in January. A number of different themes are being taken forward and this includes working with developers of buildings requiring remediation through the Welsh Government Developers Pact. Welsh Government have made it clear that they do not expect leaseholders to bear the cost of repairing fire safety issues that are not of their making and eleven of the major developers have made a public commitment to address fire safety issues in buildings of 11 metres and over which they have developed over the last 30 years.

Welsh Government is continuing to develop the Leaseholder support fund for those leaseholders who face financial hardship as a result of fire safety issues in their homes and are also planning further resident engagement on the various measures being developed. SRS will continue to engage with Welsh Government and other stakeholders and report back to the Joint Committee on any implications for the three local authorities we serve.

**Smoke free compliance in hospital grounds** – The Smoke-free Premises etc. (Wales) Regulations 2007 were introduced to protect employees and the public from the harmful effects of second-hand smoke. This legislation prevented smoking in 'enclosed' or 'substantially enclosed' public places, including workplaces and vehicles. In March 2021 further changes were made to the legislation which extended the smoke-free requirements

to more places such as hospital grounds, schools grounds and public playgrounds, as well as outdoor day care and child-minding settings to be smoke-free. SRS is responsible for enforcing these regulations and in doing so recognises that the requirement for all hospital sites to be smoke-free promotes healthier care environments and supports smokers using hospital services, or visiting or working in hospitals, to quit. The service will therefore undertake a programme of engagement with smokers at these sites to reduce the incidence of smoking and promote improved health and wellbeing.

**Health Protection** - Welsh Government has recently completed a **review of the health protection system in Wales**. The purpose of the system review was to assess its strengths against an established benchmark of a high-performing health protection system, and make recommendations as to the ways in which the system in Wales could be further strengthened.

Building upon the success of the co-production approach of partner agencies throughout the COVID-19 pandemic, the report recognises the huge importance of local authorities continuing to play a central role in the health protection system moving forward. It is in this context that Welsh Government has announced funding to sustain this approach and enable partners to make a full and lasting contribution to more equitable health benefits being achieved across Wales.

SRS is working with the Health Boards and partner agencies to ensure the necessary funding is in place for it to continue to support care homes and other high-risk settings in respect of COVID-19 infections. However, in the context of the wider health protection agenda and its funding, the work of the service in this regard will be broader than simply dealing with COVID. It is understood that Welsh Government is making the newly announced funding available on the understanding that 2023-24 will be a year of transition, after which there will be an expectation that this work will be mainstreamed into 'business as usual'.

**Guidance on air source heat pumps** – Currently installation of one air source heat pump used solely for heating purposes is normally permitted, under permitted development rights. This is subject to it complying with the Microgeneration Certification Scheme (MSC) planning standards (or equivalent) which stipulate the noise levels of a pump and is subject to a number of conditions. They must be sited to have a minimal effect on the external appearance of a property and the wider amenity of the area. As more properties move over to this type of heating, SRS is beginning to receive complaints about noise levels of the air pumps from neighbouring properties. Heat pumps are known to be greener than traditional boilers as they don't release carbon emissions into the atmosphere running entirely on electricity and grants are available to encourage property owners to move over to this type of heating. It is therefore likely that the number of properties with air source heat pumps will increase together with the possibility of increased noise complaints. This does suggest that there may be a need to review permitted development rights, however due to the planning consultation responses required of SRS, this would significantly increase the work of the service in responding to planning applications and would require adequate resourcing.



# What we plan to do next

\*\* - Cardiff Corporate Plan \*\*\* Vale Service Plan

## Improving health and wellbeing

Lead  
Responsibility

### The food chain is safe and free from risks

Develop and adopt the Food and Feed Law Enforcement Plan 2023/24 and undertake interventions in accordance with the plan and the arrangements in place to discharge food safety duties. \*\*\*

C Hill

Engage with the Food Standards Agency's Achieving Business Compliance Programme to modernise the way food businesses are regulated.

C Hill

Develop and adopt the Port Health Plan 2023/24.

C Hill

### Risks in the workplace are managed properly

Develop and adopt the Section 18 Health and Safety Service Plan 2023/24 and undertake interventions in accordance with the plan and the arrangements in place to discharge health and safety duties. \*\*\*

C Hill

Engage with smokers using, visiting or working at hospital sites to promote smoke free compliance in hospital grounds.

C Hill

### Noise and air emissions are controlled

Develop a Noise policy including service standards.

W Lane

Review and explore options for future proofing the Duty Officer Rota.

W Lane

Extend the enforcement tools available to the night time noise service in Cardiff through the issue of Fixed Penalty Notices for certain noise offences occurring after 11pm.

W Lane

Strengthen relationships with Housing and Anti Social Behaviour Unit and develop a Memorandum of Understanding (MOU) in Cardiff and Vale.

W Lane

## A safe trading environment is maintained

Undertake seasonal product safety projects encompassing products such as contact lenses and fancy dress costumes.

C Hill

Conduct firework inspections of licensed premises to ensure those holding a licence sell fireworks that meet the relevant safety standards, have adequate policies in relation to age restricted sales and stored safety in retail premises.

C Hill

### Licensed premises operate responsibly

Undertake a weights and measures project in pubs and bars to ensure customers are receiving accurate measures.

C Hill

Undertake a pre-summer season exercise in Bridgend advising pubs on how to minimise noise disturbance.

W Lane

### The quality of private rented property is improved

Drive up standards in the private rented housing sector by undertaking robust enforcement action to deal with rogue agents and landlords letting and managing properties. \*\*

W Lane

Improve fire safety in our council homes and the private sector by continuing to work with Welsh Government and stakeholder organisations in the development of their Building Safety Programme for medium and high rise buildings in the private sector. \*\*

W Lane

Review and harmonise the annex to the SRS Compliance and Enforcement Policy in relation to Housing Enforcement.

W Lane

Develop Works in Default (WID) process in Cardiff.

W Lane

### Infectious disease is controlled and prevented

Secure approval and deliver the Communicable Disease Service Plan 2023/24 and undertake interventions in accordance with the plan and the arrangements in place to discharge these duties. \*\*\*

C Hill

Prepare businesses and internal procedures in readiness for the implementation of the new special procedures licensing regime and through the delivery of RSPH Level 2 Infection Control Training course for Special Procedures.

C Hill/J Bale



# What we will measure

Performance Measures 2023/24	Target
% of food businesses meeting food hygiene standards (broadly compliant).	94%
% of high risk businesses (category A & B) that were liable to a programmed inspection that were inspected for food hygiene.	100%
% of high risk businesses (category C) that were liable to a programmed inspection that were inspected for food hygiene.	90%
% of high risk businesses that were liable to a programmed inspection that were inspected for trading standards.	100%
% of significant breaches rectified by intervention during the year for trading standards.	N/A
The number of private rented sector properties where significant hazards (Category 1 and 2) have been removed following intervention by SRS.	Varies depending on authority

## Priority

# Safeguarding the vulnerable

## Outcomes



## Outputs



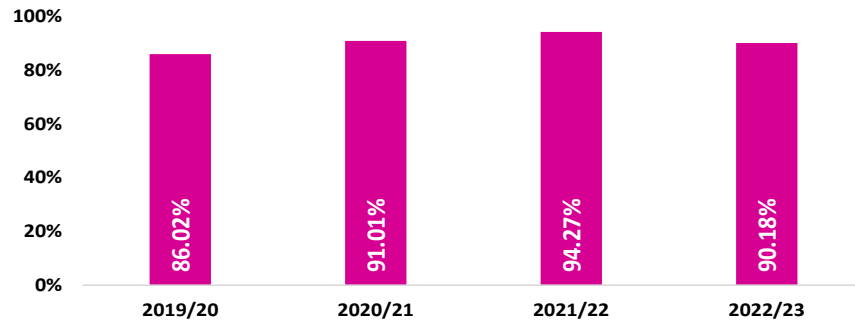
In addition, our outcomes also contribute to the following wellbeing goals:-



Our safeguarding work seeks to ensure that children are protected from harmful substances and products, that older and vulnerable people are protected from unscrupulous individual and traders, that illegal money lending activities across Wales, are challenged robustly and that the public feel safe when using taxis as public transport. We will do this in partnership with our Council colleagues and other agencies to help people who need our support. Safeguarding the vulnerable is a central theme to many of the activities undertaken by SRS.

## How we performed

% of reported scams and doorstep crime incidents prevented or resolved through intervention



Tudalen 51



480

Cases, enquiries and referrals received or dealt with by SRS Safeguarding Team.



20

Victims of doorstep crime and scams identified. This work included 28 visits to consumers and 1 rapid response made.



£40,000+

Achieved in redress for consumers.

## What we achieved

### Older and vulnerable people are protected from unscrupulous traders and scams

**Fraudster brothers sentenced to prison** – In this doorstep crime case, 2 brothers travelled from England at the height of the Covid-19 pandemic where they cold called elderly residents in the Vale of Glamorgan and persuaded them to having roofing works carried out. When the work had been completed the price had risen to 3 times the amount they had originally quoted. On querying the escalation in price the residents were met with threats and intimidation in order to get them to pay the higher price. The men pleaded guilty to the offences with the Judge telling them their offending had been planned and had a detrimental impact on the finances of the victims as well as their psychological wellbeing. He added that ‘the victims in this case were both in their eighties who were cold called for work which was claimed by the defendants as necessary. The approach taken by you has reflected a worrying trend during the period of lockdown in a rural area in the Vale of Glamorgan where you travelled from your home addresses and set up camp somewhere in Newport and further travelled to dupe the victims in this case. You raised the price in a deliberate and false 3 stage tier process. When challenged by the victims you bullied them and made them feel intimidated, there was genuine fear felt by the victims’. Both defendants were sentenced to 12 months in prison for each offence to run concurrently. Due to the custodial sentences being received no costs or compensation was awarded.

**Convicted fraudster ordered to pay just under £133,500 to his victims or face a further three years in prison** – A fraudster was sent to prison in December 2021 for six years and ten months for scamming elderly and vulnerable victims out of over £500,000 for shoddy building work which often left buildings unsafe to live in. He conned elderly people out of their money by inventing problems they had with their properties, before carrying out unneeded building work, at hugely inflated prices and making threats against those who questioned him. The crime spree took place between September 2018 and December 2020 - targeting properties in Roath, Barry, Ely, Thornhill, Newport and Llanishen.

At Cardiff Crown Court a Proceeds of Crime Hearing heard that the fraudster from Cardiff had just under £133,500 in assets, of which, he agreed that £100,000 had been hidden. A full confiscation order was granted which will give each of the fraudster’s 24 victims a 35.74% share for every £1 that they lost. The full payment must be made within three months or a further three years of imprisonment will be added to his existing sentence.

**Safeguarding Week** - The 2022 National Safeguarding Week for Wales took place in November with the purpose of raising awareness around the importance of safeguarding children and vulnerable adults and ensuring that they are protected from neglect, harm and other forms of abuse. To coincide with Safeguarding Week, SRS produced a podcast on safeguarding for Bro Radio; gave a presentation to approximately 50 volunteers/staff at the Age Cymru Hope Advocacy Project and carried out a Rogue Trader Operation where advice was given to approximately 8 traders. In addition, fraud and scam awareness training and packs were distributed to Cowbridge hairdressers with South Wales Police, a scams presentation was made in Princess of Wales Hospital Bridgend and undertook visits to historic safeguarding victims with South Wales Police. The latter consisting of vulnerability and safeguarding checks in light of recent cases of potential financial abuse through grooming/coercion coming to light and provision of advice on call blockers.

**Safeguarding/Scams** – A series of proactive operations and initiatives were carried out through the year to highlight scams and improve awareness. These included training of 50 members of the Advocacy Service; the Cowbridge and Penarth Hairdresser Project delivering scam advice packs to salons to enable hairdressers to raise awareness amongst their customers and a number of rogue trading operations across the region.

**Doorstep crime and Scams** – SRS respond to instances of doorstep crime and scams, supporting the victims and families where possible. Often individuals are elderly and vulnerable and these crimes can have a devastating effect on the emotional as well as the financial wellbeing of residents. The following examples given an indication of the types of interventions undertaken over the course of the year.

During 2022-23 the service dealt with over 260 doorstep crime cases, 72 scams and 33 vulnerable civil cases. A total of 20 residents were identified through the year as having suffered a doorstep crime incident or as having been on the receiving end of a scam. Some £40,379 in redress was achieved for residents.

A number of significant cases against rogue traders and doorstep criminals concluded in court. Sitting behind each of these cases is a story of residents being defrauded of large sums of money, often life savings, for little or no work; or where work has been carried out it will have been to a very poor standard. The legacy of COVID related delays in the court process meant that fewer cases of this type than normal finally concluded in court. Nevertheless, the impact of the concluded cases is significant.

**Call blockers** can put an end to nuisance or malicious calls. They can be installed at the homes of residents being repeatedly targeted by scams and once fitted, prevent all calls coming through other than those from recognised friends and family numbers. SRS installed further call blockers during the last year in residents' homes helping to reduce nuisance and scam calls. Since 2014 SRS has installed a total of 67 call blockers to

protect older and vulnerable people and each of these is estimated to block up to 5 nuisance or scam calls a day. So far 47,580 calls have been blocked and an estimated 77 scams prevented. Comments received include *"This made a huge difference and enables my mother to live in her own home for longer"*, *"My mother no longer gets anxious and agitated. I cannot impress on you the positive impact this has made"*, and *"Thanks for making my phone my friend again"*.

## Vulnerable people are not subject to exploitation, slavery and trafficking

**Raising awareness** - Safeguarding is a key issue for all three Councils. SRS will continue to play a key role in raising awareness across the partner Councils of the SRS role and how it can integrate with the wider Council agendas. The WAO report for the safeguarding of children recognised the excellent work undertaken by the SRS highlighting that the Council could consider ways in which it could extend its safeguarding training offer, for example building on the Child Sexual Exploitation awareness training given to taxi drivers and the safeguarding training for those working in the night time economy. Each Council is now developing safeguarding plans and SRS will support those initiatives as they progress.

## Children are protected from harmful substances and products

**Underage sales operations** – During 2022-23, SRS received 196 complaints/intelligence logs regarding the underage sale of alcohol, e-cigarettes, tobacco and knives across the 3 areas. In response to these, with the assistance of a young volunteers, 60 attempts were made to purchase a range of age restricted products during the year. 13 of these attempts to purchase resulted in a sale (22%) of either alcohol or e-cigarettes/vapes (4 Bridgend, 8 Cardiff and 1 in the Vale) and the circumstances of each was fully investigated and appropriate enforcement action taken.



During 2022/23 SRS successfully prosecuted 4 businesses for the sale of age restricted products, such as alcohol and e-cigarettes. One such case was that of the operator of a **Barry Off Licence fined more than £2500 for selling alcohol to an underage volunteer**. In this case a Trading Standards Officer visited the shop accompanied by a 15 and 16 year old volunteers. On approaching the counter, they attempted to buy a box of fruit cider priced at £12.99. The operator asked how old one of the volunteers was and on being told 15, explained that a person needed to be at least 18 to purchase alcohol. He then proceeded to charge an additional £1.01 for the cans, which he removed from their box, placed in black bags and handed over to the volunteer outside the shop where the operator had told the volunteer to wait. This came 3 months after concerns were first raised and the operator given verbal and written guidance on the sale of alcohol. The operator also claimed to be a Designated Premises Supervisor for the store, which turned out to be false, and during interview and further investigation it also emerged that the operator had provided false information to the Vale of Glamorgan Licensing department. The operator was subsequently fined £640 for selling alcohol to a person under the age of 18, £640 for not having a Designated Premises Supervisor Licence and £640 for supplying false information. He was also ordered to pay £500 and a victim surcharge of £190 making the total amount payable of £2,610.



## Taxi provision is safe and fair

**Public and trade consultation on card payment facilities in Cardiff taxis and moratorium on new licences** – In February/March, Cardiff Licensing undertook a public consultation with the taxi trade and members of the public. This well received survey sought comments on the introduction of mandatory card payment facilities in all taxis, following a number of complaints being received about taxis only being able to accept cash payments. In addition it sought views on the lifting of the moratorium on issuing new hackney carriage licences. Cardiff is one of the few remaining local authorities in the UK with a moratorium which requires those wishing to enter the taxi trade to either rent or purchase an existing licensed vehicle. The survey generated nearly 1000 responses and the results will be reported to Public Protection Committee in July making appropriate recommendations.

**Driver of unlicensed and uninsured vehicle disqualified from driving and fined** – In this case the defendant was found to be driving an unlicensed and uninsured vehicle for a third party in order to fulfil a school transport contract. In mitigation he claimed to have

driven the vehicle for a company previously when it was a public service vehicle and assumed he was still able to drive it. He said that he was simply doing a favour to help the holder of the school transport contract. The defendant was fined £100 and disqualified from driving for 4 months for the offence of no insurance, with no separate penalty for the private hire offence. He was also ordered to pay £150 costs and £34 victim surcharge.

## Illegal money lending activities are prevented

**Wales Illegal Money Lending Unit** – The increasing cost of living fills most people with fear, and we know from bitter experience that illegal lenders, more commonly known as loan sharks, will be looking to exploit people in their moments of crisis. Dealing with the personal and 'social' fallout linked to the criminality of illegal money lending is difficult to quantify. Reporting rates are often low, and victims are sometimes unwilling to name the lender for fear of repercussion. In 2022/23, 16 pieces of intelligence were received, resulting in 6 operations being carried out, and 9 illegal lenders being identified. The total value of all loans given out by these illegal lenders was £54,000. A total of 9 victims have been identified and supported as part of the team's investigations; and approximately £11,000 of debt has been 'written off' via intervention. In one case a man from Llanelli pleaded guilty to illegal money lending and trademark offences regarding counterfeit clothing. At a later sentencing hearing he admitted that he had multiple clients with loans commencing at £100 for which 40% interest was charged. It was estimated that the loans totalled £100,000. He was sentenced to 10 months imprisonment suspended for 12 months with a forfeiture of £5,052 cash which was seized upon his arrest.

**Illegal Money Lending Education and Training** - The Wales Illegal Money Lending Unit (WIMLU) is small team covering the whole of Wales. As a result, it is reliant on other public agencies, housing providers and third sector organisations to be its eyes and ears. These are the 'front line' people who will encounter the victims of loan sharks through their daily activities and provide the richest vein of intelligence available. To exploit this and encourage reporting, WIMLU proactively seeks opportunities to present to these organisations on our work and the team receives frequent requests for information and training of frontline staff and community-based public facing support services. In 2022/23 training was delivered to 46 different organisations from all over Wales, reaching 895 participants (a 36% increase on the previous year). These training sessions were attended by colleagues from within local government and credit unions as well as from the housing, advice, and charitable sectors.

**Stop Loan Sharks Wales Launch** - In October 2022 the Wales Illegal Money Lending Unit rebranded the public face of WIMLU to the more user friendly 'Stop Loan Shark Wales'. The rebranding was promoted with a 4 week media campaign and the creation of a social media digital toolkit for stakeholders. The media campaign included targeted

campaigns on major social media platforms Facebook, Instagram and Tik-Tok. In addition the unit undertook local targeted action in Wrexham and Neath-Port Talbot based on recent intelligence of illegal lending activity, with additional awareness raising in the form of digivans which used advertising screens on the sides of the vehicle, driving on a specific route with scheduled stops including supermarkets and town centre locations. In addition, Stop Loan Sharks Wales advertised on the in game LED boards at the Wales v Italy 6 Nations game and Cardiff City/Swansea City football matches, getting national exposure on ITV and S4C tv channels.



As part of the rebranding a new dedicated website was also launched at <https://stoploansharkswales.co.uk/>. This new website provides a range of information and resources/ training around illegal money lending. The aim is to ensure that these key messages are at the forefront of our partners' minds, and this will help the unit expand its reach and share messages with victims, support groups and members of the public throughout Wales so that more people know about illegal money lending, its dangers and how to report it.

**Research into Money Lending activities across Wales** – In partnership with Welsh Government, the first Wales specific research on illegal money lending was commissioned by the Unit. This led to Stop Loan Sharks Wales receiving coverage across local, national and UK wide media via Wales Online, Wales consumer affairs show X-Ray, S4C's Prynhawn Da, ITN News and The Sun newspaper. The main finding of the research confirmed fears that the cost of living crisis which is undoubtedly causing financial hardships may drive more people in Wales to borrow from illegal money lenders.

The key findings of the research indicated that:-

- Over 50% of people had considered borrowing money in 2022 just to cover the costs of everyday essentials, such as food or basic toiletries;
- Of those respondents who said they had borrowed money in the last 12 months, 50% stated they needed the funds to cover everyday living expenses;
- 66% reported needing the money for food; and
- 53% needed additional funds to cover the cost of their energy bills.

The information highlighted in the research will allow Stop Loan Sharks Wales to reach out into the heart of these vulnerable communities to raise awareness of the support available, and to pinpoint the tell-tale signs of illegal money lending activity. Illegal lenders identified in this way are investigated by the team leading to the appropriate enforcement action being taken against them.

**POCA Community Based initiatives** - Monies obtained from loan sharks under the Proceeds of Crime Act is used by WIMLU to develop initiatives that raise awareness of the problems caused by illegal lending in our communities, and how those affected, and the wider public, can report concerns. Following on from the successful pilot with Cambrian Credit Union in North Wales, SRS have worked with Credit Union Wales during the last year to develop a new underwritten loan scheme for small (£500) emergency loans with 12 month repayment terms aimed at working people. These express loans are fast tracked; easy to apply for; agreed within 24 hours and include a save as you borrow element to start building financial resilience. A monthly prize draw for new members joining the Money works scheme for savings or a loan was also launched. Another POCA funded project undertaken by the WIMLU team was aimed at promoting affordable credit to users of Facebook, Instagram and Tik Tok. This project continued during 2022/23 funding the sponsoring of adverts for the Credit Unions of Wales which boosted the social media profile and visibility of the Credit Unions so that the adverts were targeted at those searching for small loans utilising the algorithms of these platforms and appearing in searches. The targeted advertising also highlighted the dangers of loan sharks.

## Emerging issues

**Economic impact on lending** - The harsh economic consequences of the Covid pandemic and the current cost of living crisis have underlined concerns about the type of borrowing undertaken by individuals. People who are struggling to pay the bills can easily fall prey to loan sharks and scammers. Recent research commissioned by The Wales Illegal Money Lending Unit (WIMLU) revealed a number of key findings that indicate how the crisis is driving people to borrow money. Of particular concern is that nearly half of the respondents who borrowed money did so informally through friends, family or co-workers, increasing the risk of these financially vulnerable people falling victim to illegal money lenders. In addition the research showed that people aged between 18-34 are most susceptible to being targeted by illegal money lenders. The results suggest that this age group are most likely to consider borrowing money to pay for essentials and are also most likely to have engaged in borrowing in the last 12 months. Research also shows that 18–24-year-olds are most likely to have already used an unlicensed money lender but are less likely to know that this type of lending is illegal, so may unknowingly borrow from a loan shark. Furthermore the research revealed that illegal lending hotspots, including Merthyr Tydfil, Caerphilly, and Swansea, saw the highest proportions of respondents aware of potentially illegal lending in their area.

**Cost of living crisis** - The cost of living crisis in the UK has the potential to impact a number of services within SRS. With rising prices on energy, fuel and other products coupled with national insurance increases and interest rises, people will have less

disposable income. This plan has already highlighted some of the possible issues in terms of improving health and wellbeing, but this theme also runs through our safeguarding work. As people have less disposable income, they may be tempted to take on cheaper rogue traders to undertake work in their homes, which could lead to an increase in complaints and enforcement action. Similarly, people could be tempted by unregulated forms of credit and fall prey to loan sharks and scammers.

**Buy now pay later** deals have increased dramatically during recent years. This unregulated form of credit allows consumers to delay payment for goods, without interest and has gained a foothold among the under 30s and those with tight finances. Companies such as Clearpay, Laybuy and industry leader Klarna give online shoppers options to pay for products via instalments at the checkout and there are concerns that people are signing up for credit without fully understanding that this is the case and that it is being made easier for consumers to buy more than they can afford. While the UK Government has consulted on the future of the buy now, pay later sector, it will be some time before any regulation will take-effect.

**Ageing population** - On a national level, we are living in an ageing population with increasing levels of loneliness and cognitive impairments such as dementia. Nearly half of all people over 75 live alone. In addition, the Social Services and Well-Being Act 2015 creates a duty of care to protect persons at risk from financial abuse; with partnership working and cooperation at the heart of this approach.

Preventing crime, and supporting safe, confident, resilient communities, is a key aspiration that SRS shares with the South Wales Police and Crime Commissioner. Shared areas of work might include scams and cyber crime, night time economy and licensing, victim support and safeguarding, general intelligence sharing and substance misuse together with underage sales, including knife crime. This is putting further strain on already stretched resources as the potential number of victims to scams and doorstep crime increases and expectations of successful interventions rise.

The pandemic and government restrictions resulting from COVID-19 highlighted the opportunities that fraudsters will seize upon to take advantage of a situation. Within days, new scams and frauds relating to Covid-19 were being highlighted including text messages designed to obtain bank details or monies. The cost of living crisis will see a reduction in disposable income for many consumers which could result in these fraudsters exploiting similar opportunities to take advantage of those seeking more affordable options. There is now a greater need to try and protect more vulnerable residents in the face of the likely increase in reporting during the coming year.

Awareness raising activities are crucial to crime prevention, but they invariably increase the demand for the service. We will support South Wales Police as it delivers the Police

and Crime Plan and will endeavour to enhance the protection available to the most vulnerable in our communities.

## What we plan to do next

\*\* - Cardiff Corporate Plan \*\*\* Vale Service Plan

### Safeguarding the vulnerable

Lead  
Responsibility

#### Older and vulnerable people are protected from unscrupulous traders and scams

Support the 3 partner Councils in fulfilling their safeguarding responsibilities. \*\* & \*\*\*

All OMs

Consider how SRS could engage more with Elected Members regarding areas of concern and safeguarding for the public, such as rogue traders, scams, illegal money lending and doorstep crime.

H Picton

#### Children are protected from harmful substances and products

Work in partnership to safeguard the vulnerable to ensure that children are protected from harmful substances and products, older people are protected from rogue traders and scams and vulnerable people are not subject to exploitation. \*\*\*

All OMs

Conduct intelligence led underage sales exercises in relation to the sale of tobacco, alcohol, nicotine inhaling products, knives and other age restricted products.

C Hill

#### Illegal money lending activities are prevented

Raise awareness of illegal money lending and support individuals to access responsible lenders and debt advice, rebuild their finances and make a sustainable transition to legal credit. \*\* & \*\*\*

J Bale

Sponsor school savings awards to promote saving by the young in illegal money lending hotspot areas.

J Bale

Learn from illegal money lending research findings and target promotions accordingly.	J Bale
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### Taxi provision is safe and fair

Engage and respond to Welsh Government white paper on modernising taxi and private hire services in Wales.	W Lane
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Undertake enforcement exercises with the taxi trade including mystery shopper exercises to ensure compliance with the Equalities Act, vehicle and licensing standards and fare refusals for short journeys .	W Lane
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Review taxi vehicle testing regime in Bridgend.	W Lane
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## What we will measure

Performance Measures 2023/24	Target
<ul style="list-style-type: none"> <li>% of reported scams/doorstep crime incidents prevented /resolved through intervention.</li> </ul>	80%
<ul style="list-style-type: none"> <li>% of licence holders receiving disciplinary action following receipt of notifications of safeguarding concerns.</li> </ul>	Not applicable
<ul style="list-style-type: none"> <li>No. of people reached through education or training on scams and doorstep crime.</li> </ul>	500



## Priority

# Protecting the environment

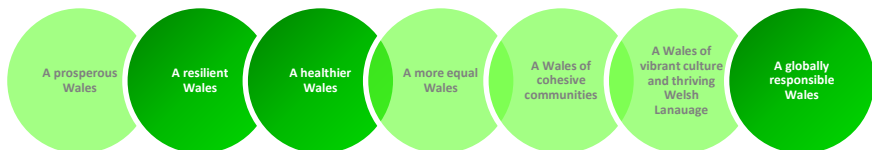
## Outcomes

 <p>The environment is protected from harmful emissions to land, air &amp; water</p>	 <p>People will use energy efficient buildings and products</p>	 <p>Communities are protected from nuisance and are safer</p>	 <p>Animals are treated humanely</p>
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## Outputs

Remediate contaminated land and undertake water sampling	Monitor air quality	Regulate industrial processes through environmental permitting	Operate market surveillance programmes on energy efficiency
Bring empty homes back into use	Respond to noise and air complaints	Work with partners to improve student safety & their impact on the community	Enforce taxi licence conditions
Control stray dogs and horses	Inspect overloaded vehicles	Contribute to the planning process	Respond to environmental information requests

In addition, our outcomes also contribute to the following wellbeing goals:-



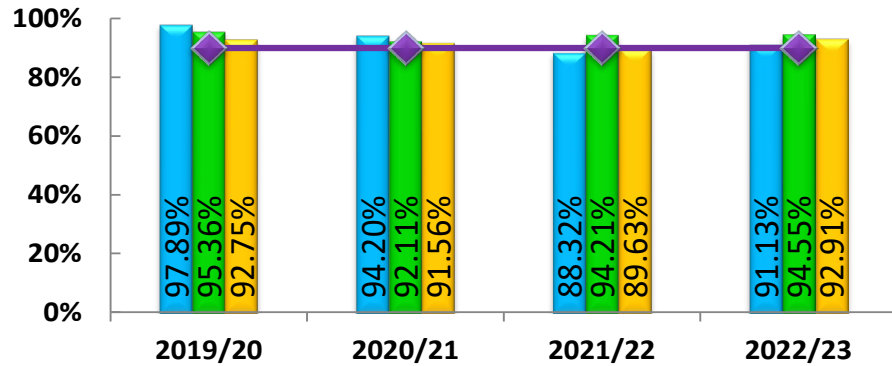
**Protecting the environment** is a core strategic priority of SRS. Many of the activities listed here such as water sampling, monitoring air quality, and remediating contaminated land contribute toward promoting a better environment which in turn means better long term prospects for the health and wellbeing of our communities. However, the work in protecting the environment goes further, we ensure communities are protected from nuisance and are safer by investigating noise complaints, dealing with stray dogs and horses. We have a key role to play in the wider climate change and future generations agendas through our enforcement role on energy efficiency controls on properties and products. The impact of these activities is less apparent in the short term for communities, but has an important role for future generations.

# How we performed

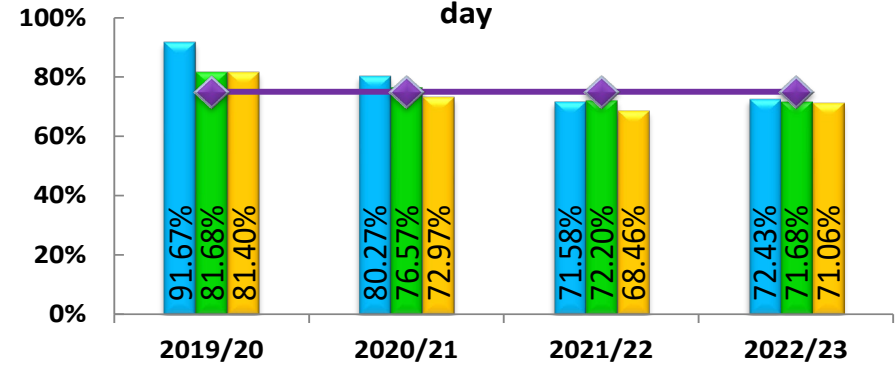
■ Bridgend   
 ■ Cardiff   
 ■ Vale of Glamorgan

Tudalen 58

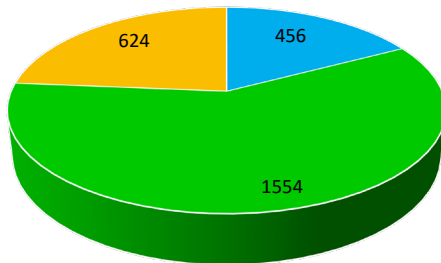
**% domestic noise and air complaints responded to within 3 working days**



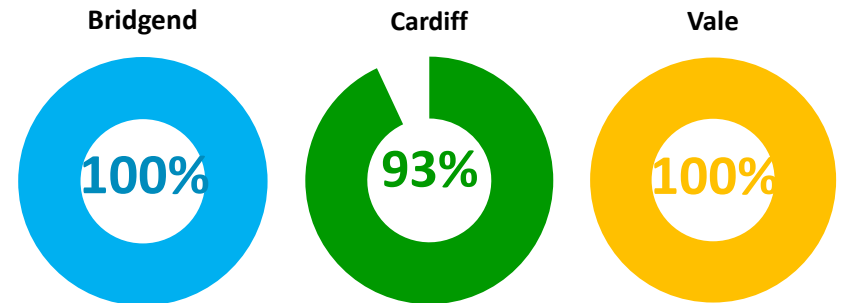
**% commercial and industrial noise and air complaints responded to within one working day**



**No. of Air Quality Samples taken during 2022/23**



**% of alarm complaints responded to within one day 2022/23**



## What we have achieved

### The environment is protected from harmful emissions to land, air and water

**Air Quality** - The issue of Air Quality is never far from the headlines and the impact of poor air quality on health is well documented. Indeed air pollution continues to be the largest environmental risk linked to deaths in the population with long term exposure (over several years) contributing to a reduction in life-expectancy primarily due to an increased risk of mortality from cardiovascular and respiratory causes. In March 2023, Welsh Government laid before the Senedd the Environment (Air Quality and Soundscapes) (Wales) Bill. This Bill is a key step in bringing forward measures that will contribute to improvements in the quality of the air environment in Wales and reduce the impacts of air pollution on human health, biodiversity, the natural environment and our economy and will amongst other aspects amend the Local Air Quality Management regime.

In **Bridgend**, the 2022 Annual Progress Report (APR) highlighted continued non-compliance of the annual average air quality objective in 2021 for Nitrogen Dioxide (NO<sub>2</sub>) with concentrations of 46 µg/m<sup>3</sup> being recorded at two locations within the Park Street Air Quality Management Area (AQMA). The APR demonstrated that all other monitoring locations within Bridgend County Borough continued to meet the relevant air quality objectives.

SRS in conjunction with colleagues from BCBC Communications Team undertook a 12-week consultation on the updated Park Street AQMA Action Plan. This ran from the 29th of August until the 21st of November 2022. The purpose of the consultation was to seek the views of the residents, businesses and other interested parties on the proposed measures set out to reduce NO<sub>2</sub> concentrations on Park Street. The results of the public consultation were positive and in general supportive of the key priority areas of intervention and air quality actions developed in the AQAP.

The draft AQAP has been updated following the consultation and from technical feedback from Welsh Government. A final assessment will be undertaken to identify when compliance would 'naturally' be predicted to finalise the AQAP and this will then be taken to Bridgend CBC Cabinet for approval prior to being submitted to Welsh Government. Measures within plan may then be implemented through 23/24.

In **Cardiff**, the 2022 APR highlighted that in 2021 no monitoring sites recorded concentrations in exceedance of the annual average objective set for NO<sub>2</sub> of 40 µg/m<sup>3</sup>. The results were indicative of the continued impacts of the COVID lockdowns and restrictions at the start of 2021 on pollution levels in Cardiff. Overall it appears that traffic volumes have decreased by approximately 20% to pre-covid levels, which continues to have a positive impact on overall air quality in Cardiff. SRS continues to support the delivery of the Cardiff Council Clean Air Plan in line with the additional Legal Direction from Welsh Government. Further detailed transportation and air quality modelling work was progressed. These results were reported to Cabinet in April 2023, whereby a decision, subject to Welsh Government funding, is to allow all traffic to remain on Castle Street.

An expanded real-time monitoring network was installed in quarter 3 which has resulted in a further 47 monitors installed across the City. The monitors identify levels of NO<sub>2</sub> and Particulate Matter (PM<sub>10</sub> and PM<sub>2.5</sub>) on a 24/7 basis and will further improve how Cardiff Council measures air pollution and identify measures to reduce pollution.

In the **Vale of Glamorgan**, the 2022 APR demonstrated that no monitoring sites recorded concentrations in exceedance of the annual average objective set for NO<sub>2</sub> of 40 µg/m<sup>3</sup>. Monitoring within the previously declared Windsor Road Air Quality Management Area (AQMA) showed continued compliance concerning the applicable air quality objectives for NO<sub>2</sub>.

**Environmental Sampling** – SRS completed the assessment and sampling of all statutory private water supplies across the region and ensured statutory returns were supplied to the Drinking Water Inspectorate as required. This involved 64 visits across the region to take water samples at private water supplies. 7 Compliance Notices were served for private water supplies improvements; 48 environmental samples were taken at beaches and lakes across the region and 11 water samples were taken at events across the region.

### Animals are treated humanely



**Bonvilston man sentenced to another 6 months for animal welfare offences** – This case involved the mistreatment of horses and dogs and breaching a lifetime ban on keeping animals following a prosecution by SRS. The defendant in the case was found to be mistreating horses, which were forced to stand in deep mud with no water or forage. They were kept in areas strewn with hazards such as sharp metal and barbed wire, and in some cases in

overcrowded filthy conditions with nowhere to lie down. A number were significantly underweight and others had long-standing wounds caused by ill-fitting rugs. The hearing resulted in the defendant returning to prison for 6 months, having previously been given a 6 month sentence and permanently disqualified for keeping animals for 32 counts of animal cruelty relating to sheep and horses in April last year. His 17 year old son also admitted 25 charges and disqualified from keeping animals, apart from in very strict circumstances for a period of 5 years, after it emerged that the defendant had transferred ownership of horses and other animals to his son who was just 16 at the time. A total of 71 improvement notices for animal health and welfare offences were served, relating to concerns around the suitability of the environment, overcrowding, restricting normal behaviours, failing to supply water and failing to supply food. The notices related to horses, dogs and birds and were consistently ignored.

### BBC Panorama and UK Defenders -illegal dog breeding

– During the year, SRS officers contributed to TV programmes highlighting the shocking issues associated with illegal dog breeding and the links to organised crime, often at the expense of animal welfare. The BBC Panorama programme gave a compelling insight into the world of illegal dog breeding and highlighted the limitations of the current legislation which requires licensing of breeding bitches and litters but not the keeping and provision of stud dogs, supply of semen, fertility testing and other linked services. One of the cases featured was an SRS prosecution against Karl and Victoria Shellard who committed animal welfare offences through overbreeding of bulldogs while running their highly profitable (but unlicensed) dog breeding business. This case resulted in the couple being fined £19,000 each together with costs of £44,000, and the requirement to pay over £300,000 in Proceeds of Crime. The BBC UK Defenders programme featured the case investigated by SRS that resulted in Christopher Mae being convicted of illegal breeding, animal mutilation, causing unnecessary suffering to an animal and illegal importation of dogs. In that case, American Bully puppies were sold through Facebook under the name 'Bulletproof Bullies' and the offender was sentenced to 16 weeks custody, fined £1200 and ordered to pay costs of £9775. He was also banned from keeping animals for 8 years and an order made to deprive him of the 8 puppies that were seized.

**Illegal dog breeding** – The service continued to receive complaints about illegal dog breeding and a number of investigations are ongoing. In one case, a concerned neighbour reported concerns about the welfare of bulldogs apparently abandoned at a domestic property. When officers arrived at the property the same day, they found 20 dogs unattended and in a very poor state. The dogs were removed to safety and given



the necessary veterinary attention before being placed into care. Once the owner was identified, the dogs were signed over and a criminal investigation commenced.

**RSPCA PawPrints Award** – 2022 saw our Animal Health and Welfare Team recognised via the RSPCA PawPrint Awards Scheme for their work in animal related licensing, stray dog provision and kennelling. It was particularly pleasing to see that the service, for the first time achieved the gold standard for animal related licensing, not only improving on previous performance but becoming the only service in Wales to achieve gold standard in animal licensing. A further gold award was received for stray dog provision and a bronze award for kennelling.

**Welsh Government Consultation on Animal related Licensing** – In January, SRS responded to a consultation from Welsh Government on the legislative framework for the licensing of animal related activities. This consultation provided the opportunity to provide feedback on the many shortcomings of the current legislation on behalf of Bridgend, Cardiff and Vale of Glamorgan Councils. SRS is responsible for a range of animal related licensing and submitted feedback in respect of riding establishments, dog breeding, animal boarding and performing animals, identifying issues and gaps associated with the various outdated pieces of legislation and activities. Many of which have been highlighted within this section of the plan, particularly in relation to dog breeding. It is hoped that the feedback received from SRS, other LAs and professional bodies such as the Directors of Public Protection Wales will be taken on board to provide effective solutions to this hugely important area of animal welfare.

## People will use energy efficient buildings and products

**Empty Homes** – In **Bridgend**, SRS is currently working on 121 active residential cases and 6 commercial cases of empty homes. Resources are targeted on the top 20 worst cases. Of the top 20 properties 3 are now occupied, 2 are sold and undergoing renovation, 1 property is up for sale, and another 2 are progressing through probate to be sold at the earliest opportunity. There are 6 properties subject to ongoing enforcement action, all of these being subject to enforcement notices (of these there have been 2 successful prosecutions, one work in default completed and further work pending, one pending Compulsory Purchase Order (CPO) and one pending prosecution). Work also continues on properties outside the top 20 utilising the 5 stage escalation letter process. We have also established links with a registered social landlord to explore opportunities to work closer together in bringing properties back into use.

In **Cardiff**, through a combination of dialogue, incentives and enforcement action, 91 empty properties were returned to use in 2022/23. Welsh Government approved Cardiff

Council's Empty Homes action plan, which identifies 13 long term derelict problem empty properties as top targets and progress is being made on several of these key targets. In addition to the day to day work to support and advise owners of empty properties an Empty Homes Working group, chaired by the Cabinet member for Housing & Communities has been established which has helped to secure effective working across all empty home disciplines. SRS also held a workshop with Council Housing officers to ensure the best package of measures are offered to empty property owners, in the most attractive and timely way possible which will include property loans, leasing scheme and buy back/purchase where appropriate.

## Communities are protected from nuisance and are safer

**Straying horses and dogs** - Our Animal Health and Welfare team has continued to work proactively across the area to reduce the instances of straying horses and associated welfare issues. Regular patrols have been carried out and stray dogs and other animals picked up, while at the same time, officers have taken every opportunity to work with residents across the region to improve responsible ownership.

**Student Liaison** – The Student Liaison Officer (SLO) is a role that sits in the Cardiff Student Community Partnership (CSCP) and is jointly funded by the universities in Cardiff and Cardiff Council. The role focuses on facilitating work between Higher Education Institutions, the Local Authority, Police and Health Board including initiatives to address student-community issues and to collaborate with elected Members on strategic ambitions for the city.

Work continues to strengthen the new governance structure of the partnership, which was established in 2021, and embed a work programme that reflects the partnership's four priority areas: 1) Community Life, 2) Student Health and Wellbeing, 3) Economic Development and 4) Net Zero. One of the key focuses this year has been student housing and how the wider housing and cost of living crises are impacting students. The SLO has been tasked with developing a report on student housing in Cardiff to understand the current environment and to help inform future approaches by partners.

The SLO has also focused on improving communications and increasing engagement with students and local communities. In the past year, this has included officers engaging with over 6700 students through in-person events and initiatives. A further 8000 student households received information and advice during the student arrival and move-out periods regarding noise awareness, waste management, community safety, parking and transport. Over 2000 landlords and 150 property management companies were supported with information to help manage student properties, and the Cardiff Digs social

media channels received over 14,000 impressions on the student arrival and housing information campaigns. The SLO is working with university partners to increase the reach of the partnership's campaigns further.

The SLO continues to contribute strategic input into a range of groups, meetings, plans and consultations including the Cathays and Plasnewydd Operations Board, the U.K. Town and Gown Association, WRAP Cymru, Keep Wales Tidy/Caru Cymru and help to facilitate links between the University/Students' Unions and Local Authority Teams on specific case work.

## Emerging issues

The **Domestic Minimum Energy Efficiency Standard (MEES) Regulations** set a minimum energy efficiency level for domestic private rented properties requiring properties that need an energy performance certificate (EPC) to have a minimum 'E' rating on their EPC assessment, or have a valid exemption registered. If a property has an F or G rating, owners are required to improve the property's rating to E or better, or register an exemption. The cost of making improvements is capped at £3500 (including VAT), so if owners cannot improve their property to an EPC E for this amount or less, they are required to make all the improvements they can make up to that amount, then register an 'all improvements made' exemption. Although these regulations have been in place for some time, they now apply to all private rental contracts, not just those that are new. Delivering on this area of work now has even greater urgency, given the need to improve energy efficiency and reduce carbon emissions, and also as a result of the recent energy price rises, which are already impacting tenants of such properties.

**Avian Influenza** is an infectious disease of birds caused by the influenza A virus. Birds are the hosts for most avian influenza viruses and domestic poultry are especially vulnerable and the virus can rapidly cause epidemics in flocks. Human infections with avian influenza are rare, however, some viruses, have been associated with human disease. Following a number of detections of avian influenza (bird flu) in wild birds across Great Britain, the Chief Veterinary Officers from Wales, England and Scotland declared an Avian Influenza Prevention Zone (AIPZ) across the whole of Great Britain to mitigate the risk of the disease spreading amongst poultry and captive birds. When such a zone is declared, owners must put in place a range of disease control measures to prevent the disease spreading to poultry and other domestic birds. While these controls are effective in domestic and commercial settings, it can become particularly challenging when the influenza is present in the wild bird population where traditional controls used in these situations are ineffective and difficult to manage. An example of this is when a member of the public buried 3 dead swans, and arrangements had to be made to dig up the swans and provide the member of the public with the appropriate vaccination.



**Dog ownership** –During the covid pandemic the UK saw a significant rise in dog ownership as individuals and families who found themselves spending more time at home, sought the companionship of a dog. There were concerns during this time, that as people returned to work, this could lead to issues with separation anxiety, and that the economic fallout from the pandemic would result in a spike of straying and abandoned dogs which owners are no longer able to look after. Currently, the cost of living crisis is giving further cause for concern and we are seeing a rise in the number of dogs being housed in rescue centres, some finding their way there as ‘fake strays’.

**Increase in Illegal dog breeding** – As demonstrated by the successful prosecutions carried out by SRS, the high value of certain dog breeds together with the increase in consumer demand for puppies has led to an increase in complaints to the Service. Ongoing investigations show that a number of these cases are complex, with multi agency involvement and links to organised crime. The largest illegal dog breeding case uncovered evidence of unlicensed breeding, the over-breeding of dogs, illegal importation and mutilation. We are also now seeing incidences of cuckoo breeding where breeding bitches are left with other people, then if puppies are not up to standard, the breeders refuse to take the puppies leaving them with the person looking after them. Investigations into illegal dog breeding have highlighted a hidden industry with a particular area of concern being that of ‘backyard’ breeding. As a result, there appears to be an increasing incidence of unlicensed breeding and sick puppies. Officers will continue to work with partner agencies to investigate such reports and take appropriate enforcement action.

**Seeking effective controls on activities linked to dog breeding** – Current Welsh Government legislation requires that a person holds a dog breeding licence if they breed 3 or more litters of puppies on their premises in any 12 month period, and those puppies are supplied to customers. During the course of our investigations into illegal dog breeding, it has become apparent that a number of practices allied to breeding can legitimately take place without the need for a dog breeding licence. For example, no licence is needed for the supply of stud services or the sale of semen, nor for the advertisement of puppies produced as a result of those stud services. Similarly, no licence is needed where bitches are acquired when already pregnant. It is clear that these ‘linked’ practices can be hugely lucrative, serve to fuel the illegal dog breeding market and associated animal welfare concerns, and yet they are completely unregulated.

**Environmental Protection (Single-use plastic products) (Wales) Bill** is legislation that will make it a criminal offence to supply or offer to supply (including for free) specific single-use plastic products to consumers in Wales. The law will be introduced in phases to allow businesses time to use up existing stock and to buy or make alternatives. The law will stop the sale or supply of plates, including paper plates with laminated plastic surface, cutlery, drink stirrers, cups and takeaway food containers made of expanded or foamed extruded polystyrene, sticks for balloons, plastic stemmed cotton buds, drinking

straws (with exemptions so people who need them to eat and drink safely and independently can continue to have them) in the first phase. Plastic single-use carrier bags, polystyrene lids for cups and takeaway food containers and oxo-degradable plastic products will be banned in the second phase as these products are often found littered in parks, streets, seas and on beach and have reusable or non-plastic alternatives. Welsh government released a consultation document in April 2023 on enforcing bans and restrictions on certain single-use plastic products with the emphasis being on local authority regulation.

**South Wales Metro Construction** – During 2023-24 SRS will be working closely with Transport for Wales on controlling noise from works associated with the South Wales Metro Construction. The work includes the installing of cabling for the electrification, removal/replacement of footbridges, platform alterations and the construction of the new stations. As most of the work needs to be undertaken when there are no trains running, works tend to occur at night and on weekends/public holidays which are outside usual construction hours Mon-Fri 08:00-18:00, Sat 08:00-13:00, no noisy works on Sundays/Public Holidays. As a result this requires Transport for Wales to apply for permission to conduct the work outside these hours and SRS needs to ensure that they are using the best practicable means to reduce disturbance to residents as much as possible and to ensure they are effectively communicating with residents. Transport for Wales are providing 12 months funding of an officer to support this work.

**Review of Technical Advice Note 11 (TAN 11)** – In October Welsh Government commenced a consultation on the review of TAN 11 seeking views on draft revised planning guidance in respect of air quality, noise and soundscape. The proposed guidance provides a more joined up approach between planning and air and noise pollution issues recognising the need to take an integrated approach and give early consideration to air quality, noise and soundscape issues in the planning process. The proposals include updating and replacing existing advice on noise currently contained in TAN 11:Noise 1997, adding advice relating to air quality and soundscape and providing a supporting document on the subject of soundscape design.

**The Environment (Air Quality and Soundscapes) (Wales) Bill** was introduced in the Senedd on 20 March 2023. The new bill will give Welsh Government greater ability to tackle air and noise pollution and is part of a package of measures to improve the quality of the air environment in Wales. It proposes to provide a framework for setting national air quality targets; amend existing legislation relating to the national air quality strategy; local air quality management; smoke control; clean air zones/low emission zones and vehicle idling; place a duty on Welsh Ministers to promote awareness of air pollution, and publish a national soundscape strategy. While the bill has yet to be passed, any new legislation could impact the SRS in terms of resource and workloads.



# What we plan to do next

## Protecting the environment

Lead Responsibility

### The environment is protected from harmful emissions to land, air and water

Undertake local air quality assessments and review the data to ensure that national air quality objectives continue to be achieved.\*\*\*

J Bale

Use feedback from the public consultation to report back to Bridgend Cabinet to agree a finalised Air Quality Action Plan for Park Street and start work on the measure to improve air quality.

J Bale

Contribute to good air quality in Cardiff by:  
 • Reviewing real-time air quality data to assess and identify trends in pollution to assess further interventions that will further reduce air pollution. \*\*

J Bale

Review planning consultation process in respect of Noise and Air complaint practices and procedures.

W Lane

### People will use energy efficient buildings and products

Work with landlords to return empty properties back into use helping to increase the availability of affordable housing for sale or rent.

W Lane

Working closely with other partners identify empty properties suitable for leasing and buy back scheme, continuing to target enforcement at the worst longer term problem empty homes, using existing funding for works in default , or by drawing down funding available for Welsh Government.

W Lane

Engage with landlords and lettings agents to improve the energy performance ratings of private rented properties under the Minimum Energy Efficiency Standard (MEES) Regulations. \*\* &\*\*\*

W Lane

Support the 3 partner Councils in fulfilling their climate change responsibilities through the delivery of regulatory activities that contribute to the reduction of carbon emissions. \*\*\*

All OMs

## Animals are treated humanely

Review information on SRS website in relation to animal licensing.

J Bale

Co-ordinate dog and equine clinics in the region to include microchipping and castration.

J Bale

Modify animal welfare vans to facilitate seizure of rabies dogs.

J Bale

Engage with Welsh Government regarding the welfare of stud and imported dogs and wider animal welfare issues related to dog breeding and sales.

J Bale

## Communities are protected from nuisance and are safer

Engage with students and residents during Freshers Week in Cardiff providing community advice on housing, environmental and social issues.

W Lane

# What we will measure

## Performance Measures 2023/24

## Target

• % of domestic noise and air complaints responded to within 3 working days

90%

• % of commercial and industrial noise and air complaints responded to within one working day

75%

• % of alarm complaints responded to within one day.

90%

• % of empty private sector properties brought back into use during the year through direct action by the local authority .

TBC

• Number of additional dwellings created as a result of bringing empty properties back into use.

TBC

• The number of private rented properties where energy efficiency has been improved through direct action from SRS.

Baseline being set.

## Priority

# Supporting the local economy

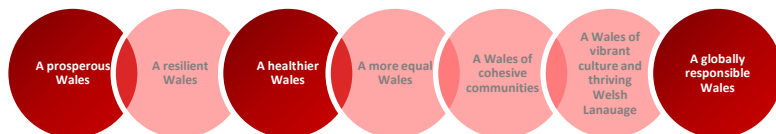
## Outcomes



## Outputs



In addition, our outcomes also contribute to the following wellbeing goals:

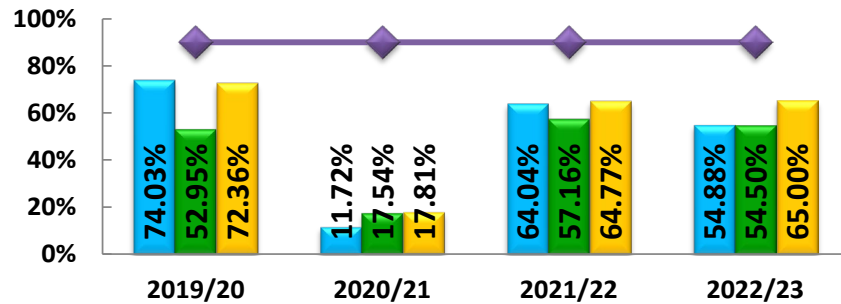


A strong local economy is a key component in the quality of life experienced by local people. The work of SRS has a significant, but often unseen, impact upon the local economy. The provision of timely advice and guidance on regulation can benefit the economic viability of businesses resulting in improved business practices; our growing role in the field of Primary Authority is testament to this assertion. Much of our market surveillance activity focuses upon maintaining balance in the “marketplace”; the equitable enforcement of regulations helps businesses to compete on equal terms ensuring a fairer trading environment. Our role as regulator also extends to information and education to support consumers to enable them to become better informed and confident. In an age where people can purchase goods and services without leaving home, the importance of the principle of “*caveat emptor*” has never been more relevant.

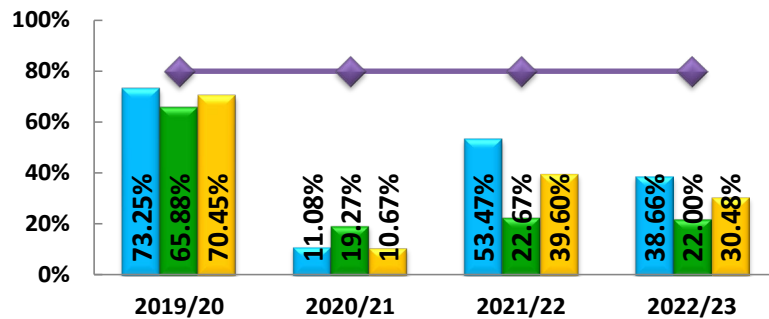
## How we performed



% of new Food Hygiene businesses identified and visited



% of new Trading Standards businesses identified and visited



Tudalen 65

## What we have achieved

### A fair trading environment is maintained

**Trading Standards Impacts and Outputs** - Since the launch of the Association of Chief Trading Standards Officers (ACTSO) Impacts and Outcomes framework back in 2018, the impacts and outputs of Trading Standards work is reported annually as a means of demonstrating the vital contribution of trading standards services in England and Wales in tackling detriment and preventing harm, supporting the local economy and promoting health and wellbeing. The latest report detailing the work of local authorities in Wales during 2021-22 demonstrates the significant contribution made by SRS. The report contains a number of case studies, based on the work of SRS, and its influence is apparent in the statistics presented throughout the report. Across Wales, 468 months (39 years) worth of prison (or suspended) sentences were handed down as a result of Trading Standards Prosecutions. Of these 128 months (11 years), equating to 27% of the Wales total were cases arising from SRS. Similarly SRS cases led to the convictions of 18% of defendants convicted across Wales, 33% of the fines imposed and 74% of all costs imposed by the Courts.

**Vale of Glamorgan cowboy builder jailed** - In this case a repeat offender who had been prosecuted previously for similar offences, was sentenced to 12 months imprisonment for theft and fraud offences. The defendant in the case attended a property in Rhoose quoting residents a figure of £1100 for rendering a rear garden wall. He requested that half of the cost be paid in advance to cover materials and said he would return the following weekend to complete the work, signing a handwritten receipt. He subsequently failed to return to carry out the works, return the deposit or provide any materials and at one point claimed he had repaid the money. In sentencing the Judge stated that while the defendant might be described as a rogue trader, he was in fact a criminal and thief who exploited the trust of reasonable people. In addition to the 12 month imprisonment sentence, the Judge ordered that the defendant pay the required statutory surcharge and he made a Compensation Order for the victims in the case in the sum of £550.

**Vale car trader masquerading as private seller fined** - In this case, a car trader posed as a private seller when he sold a Mini Cooper to an unsuspecting purchaser. The car soon developed problems which led to the true status of the seller becoming known, in that he was a trader attempting to avoid his legal responsibilities to the purchaser. The trader engage in a number of misleading and unfair commercial practices which included, stating that the vehicle had a full service history and that it was used as a second personal vehicle, which were both false. He failed to give his trading name, status and geographical address and falsely represented himself as a consumer by advertising the

vehicle in such a way. Magistrates imposed a fine of £958 and ordered the payment of costs of £1568 and a victim surcharge of £96. A £500 compensation order was also made for the victim.

32

### Seizures of illegal tobacco

**Illicit tobacco** – Illegal tobacco continues to present a problem in our communities, and the most recent market research available indicates that at least 15% of all tobacco and tobacco products supplied are illegal (either counterfeit or non-duty paid). Many smokers appear to be comfortable in purchasing illegal tobacco, presumably under the misapprehension that the only impact of its widespread use is the loss of revenue to HM Treasury. This thinking ignores the most serious harms caused by illegal tobacco. At around half the cost of legitimate product,

illegal tobacco removes the price incentive for smokers to quit the otherwise expensive habit. In addition, the way in which illegal tobacco is supplied means that mainstream tobacco control measures such as minimum age of purchase and the tobacco display ban are undermined. Finally, supply chains for illegal tobacco are sufficiently profitable to appeal to organised crime groups (OCGs). Part of this attraction has been the much lower penalty associated with the selling of illegal tobacco when compared to other supply chains such as those for drugs, weapons, etc. SRS officers regularly carry out exercises often involving partner agencies including South Wales Police and Wagtail who provide tobacco detection dogs to assist with the location of the product whilst on site. This allows officers to locate 'hides' that are used by retailers to conceal the products that often require specialist skills to detect and open. During the year 32 seizures of illegal tobacco were made from vehicles, residential and retail premises. 13,834 packets of cigarettes and 957 packets of hand rolling tobacco was seized during these operations with a total retail value estimated to be £184,501.

**Counterfeiting** - Counterfeit products are fake replicas of the real product and are often produced with the intent to take advantage of the superior value of the imitated product. The word counterfeit frequently describes the imitations of goods such as clothing, handbags, shoes, pharmaceutical, watches, electronics, software, toys and films. Counterfeit products tend to have fake company logos and brands, and have a reputation for being low quality, unsafe and may even include toxic chemicals. Counterfeit goods are sometimes considered 'victimless' crimes, but this is far from the truth as fake products can endanger the local economy and can potentially cause injury. Furthermore the huge profits can be used to fund other serious organised crimes such as people smuggling, drugs, guns, child pornography and even terrorism. During 2022/23 there were several investigations and seizures surrounding counterfeit goods, including Wonka bars being sold from a confectionery retailer in Cardiff, Apple Ipad Pros being sold by a retailer in Maesteg, counterfeit dog clothes and leads with counterfeit trademarks such as Chanel and Dior, being sold from a shop in Barry and another retailer selling

counterfeit vapes. All but one of these cases resulted in the goods being signed over for destruction and a warning letter issued. One case is being considered for formal action.

## Improved business practices and operation

**Training provision** - The Service has continued to consolidate its excellent reputation as a training provider, training 206 delegates on accredited courses during the year. Courses covered a wide range of themes including Levels 1-4 Food Safety/Management in Catering and food safety refresher training, Level 3 Health and Safety in the Workplace and the newly introduced Level 2 Award in Infection Prevention and Control in Special Procedures. Level 2 Underage Sales Prevention training was also provided to a Primary Authority partner. The feedback from the delegates on the training received has been extremely positive, with 100% indicating they feel the training they receive will help them improve standards of compliance in their business, and benefit their business. Similarly 100% indicated that would recommend the training to a colleague, employee or friend. 99.5% rated the training as good to excellent.

100%

Of delegates felt training will benefit their business

## Accessible services responsive to business needs

**Primary Authority** - The Primary Authority scheme enables a business to enter into a statutory partnership with a local authority through which it can receive assured advice. Provided this advice is followed, the Primary Authority (PA) is able to challenge intended enforcement action by other local authorities. SRS now has some 34 Primary Authority partnerships in place with both local and national businesses and is able to charge for the work done as part of these arrangements on the basis of full cost recovery. Furthermore during the last quarter, SRS reconfigured its long standing partnership with a national chain meaning the service is now responsible for food hygiene and all referrals from other local authorities in England and Wales.

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Primary Authority partnerships

**'Ask the regulator' podcasts** – In order to make information and advice on regulatory matters as easy as possible to access, SRS launched a new podcast service in August 2021. The aim of these podcasts is to hold dialogues and discussions between regulators, businesses and members of the public on matters concerning environmental

health, trading standards and licensing with a view to providing useful advice and guidance on things that matter to businesses across the SRS region. Produced by Bro Radio, the local community radio station focussed on the Vale of Glamorgan, SRS have so far produced 12 podcasts (6 during 2022/23) on a range of topics relating to food and allergens, safeguarding, Buy with Confidence scheme, illegal money lending, trading standards and health and nutrition. Such has been the success of the podcasts, they were nominated at the National Community Radio Awards for best podcast. These podcasts can be accessed via the SRS website and are also available on Spotify.

## Informed and confident consumers

As part of its Safeguarding role, the Service provides assistance to residents identified as being vulnerable in resolving difficulties encountered as a result of marketing scams and also more straightforward 'shopping' problems. In providing this service, the aim is not only to resolve the immediate difficulty facing a resident but to equip them as well as their families and carers with the knowledge and awareness to avoid similar issues arising in the future. This Plan has highlighted several prosecutions undertaken by SRS against rogue traders that have scammed individuals of money for work not completed and these examples demonstrate where SRS has been able to make a real difference to the lives of residents needing assistance to resolve problems of this type. With the investment of officer time to provide tips on avoiding similar problems in the future, the legacy of these interventions is one where even our more vulnerable residents and their families are far better equipped to make informed decisions.

## Emerging issues

**New Food Businesses** –Food businesses are required to register with the service if a new business is planned, the nature of an existing business changes or if there is a change of ownership following the creation of new legal entities such as a new limited company, sole trader and partnership. All new businesses are required to be inspected and the Food Law Code of Practice requires that where possible, they be inspected within 28 days of opening. This requirement places a significant impact on the resources of the Food Safety and Trading Standards functions due to the large number of applications received. During 2022/23 885 food business registration applications were received, 504 in Cardiff, 181 in Bridgend and a further 200 in the Vale of Glamorgan all of which are required to be inspected alongside the planned programme of inspections. This is further exacerbated if businesses have poor compliance on initial inspection, requiring the need for further intervention.

**Major events** - SRS plays an important role in the successful staging of major events across the three local authority areas. In addition to dealing with any licensing matters

associated with a particular event, SRS plays an essential role in ensuring that food sold at these events is safely prepared and stored, and that it is labelled correctly. In the case of stadium concerts and sporting events, input may be required to assist brand holders to protect trademarked goods and safeguard against the supply of counterfeits. Major events staged through the participant Councils go through a detailed planning process via the respective Events Safety Advisory Group in Bridgend and the Vale of Glamorgan, and in Cardiff via the Events Liaison Panel. SRS plays a role throughout the planning stages with respect to food safety, health and safety and brand protection. While summer is traditionally the busiest time for events, the summer of 2022 was exceptionally busy. This is due in part to the success of the City of Cardiff Council in promoting itself on the world stage as the home of successful events and also to a degree of event organisers and promoters making up for the time lost during the various spells of lock down. All of this has an impact on the service in terms of meeting demand from other areas of responsibility, at a time of diminishing staff resource, and in covering weekend and evening work.

**On-line retailing** - The internet is undeniably driving change, and large retailers have responded by embracing multi-channel sales strategies. While the high street has not, as yet, been put out of business, there is a danger that traditional, physical stores will increasingly become secondary outlets to this strong online presence. It would seem inevitable that, in the longer term, the size and composition of the high street will be significantly impacted, as on-line shopping becomes a far more mainstream activity. Information technology and the fast developing digital environment are also causing a change in the way people interact, including in the way they interact commercially. Modern consumers increasingly access goods and services across the world through the tap of a phone screen or the click of a mouse. The internet presents an enormous opportunity for consumers and this became even more evident during the covid pandemic, as shops were required to close, and customers relied heavily upon the ability to shop online, whether it be to order groceries, or other consumer products. The Office of National Statistics reported that the proportion spent online soared to 35.2% in January 2021 from 19.5% in January 2020, though this has decreased since to 26.6% in January 2023. The internet expands the size of the market and therefore gives access to more providers and more choice. It also makes it possible to compare products, suppliers and prices on an unprecedented scale. The internet is the most empowering tool consumers have ever had. A consequence of this for the law enforcement agencies like the SRS is that the "visible" high street has moved to an activity undertaken behind closed doors. Monitoring the market place through traditional market surveillance methods thus needs to change else the SRS will only be able react to incidents and not prevent them.



## What we plan to do next

\*\* - Cardiff Corporate Plan \*\*\* Vale Service Plan

### Supporting the local economy

Lead Responsibility

#### A fair trading environment is maintained

Conduct intelligence led operations to investigate and disrupt businesses selling illegal tobacco products and raise public awareness of how to report it.

C Hill

Strengthen illegal tobacco enforcement by exploring the feasibility of introducing Closure Orders as a more effective means of enforcing illegal tobacco premises.

C Hill

Incorporate regular surveillance and review of online sales platforms into trading standards work due to the volume of goods being sold on line.

C Hill

#### Informed and confident consumers

Continue to promote the 'Buy with Confidence' (responsible trader) scheme across the region including working to ensure inhouse trades people are registered with the scheme.

J Bale

#### Improved business practices and operation

Extend training provision through the delivery of RSPH Level 2 Infection Control Training course for Special Procedures and explore options for underage sales training provision to support people who commit offences for underage sales.

J Bale/C Hill

Re-commence the issue of the SRS Food and Safety newsletter.

J Bale

## Accessible services responsive to business needs

Review the primary authority framework to ensure the advice and support requirements for our current Primary Authority partners are appropriate.

J Bale

Extend the scope of the 'Ask the regulator' podcasts to encompass other regulatory activities undertaken by SRS.

J Bale

## What we will measure

### Performance Measures 2023/24

### Target

- % of new businesses identified which were subject to risk assessment visit or returned a self-assessment questionnaire during the year for food hygiene.
- % of new businesses identified which were subject to risk assessment visit or returned a self-assessment questionnaire during the year for Trading Standards
- % of businesses who felt that interaction with SRS has helped them improve standards of compliance in their business.
- % of individuals who feel that the training they received through SRS will benefit their business.

90%

80%

85%

95%



## Priority

# Maximising the use of resources

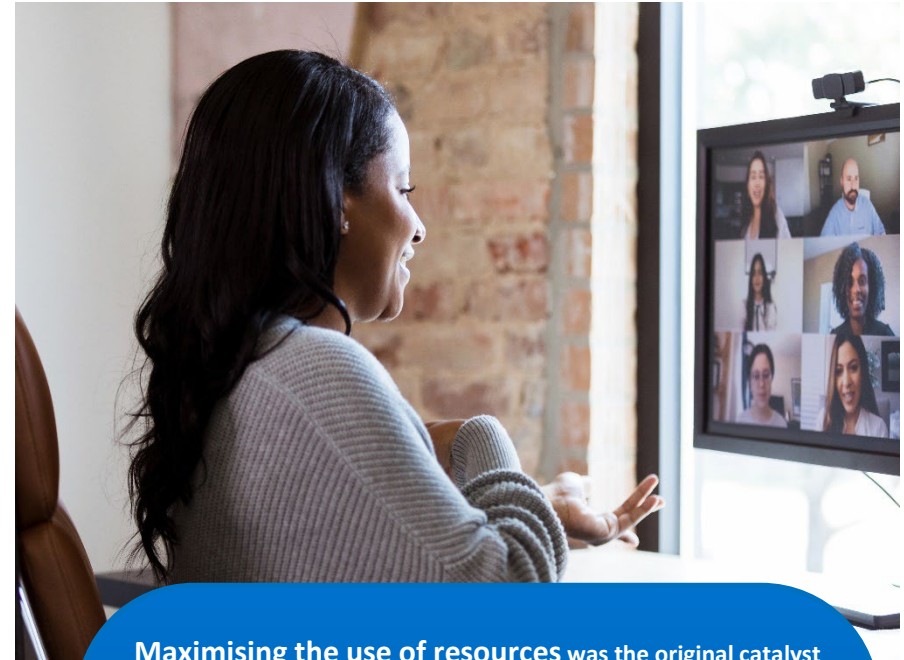
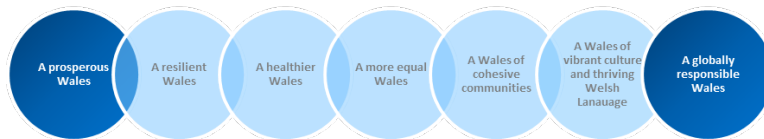
## Outcomes



## Outputs



In addition, our outcomes also contribute to the following wellbeing goals:-



Maximising the use of resources was the original catalyst for creating SRS, and our work in this area continues. Reducing “triplication” of effort, introducing better processes, making our systems work without constant intervention, improving access into the service will all benefit our business and increase customer satisfaction.

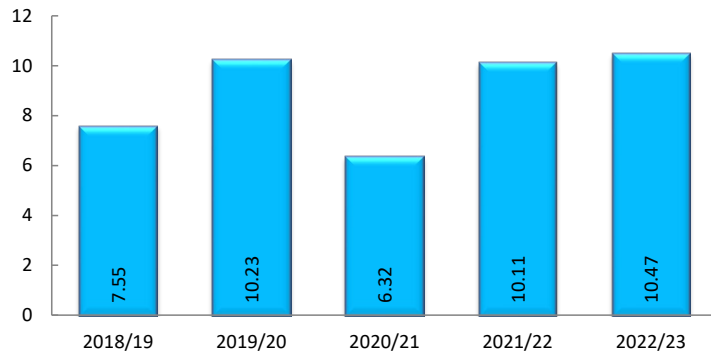
We are generating income, where possible, to underpin service delivery; activities like marketing our metrology laboratory, offering paid for advice services, building Primary Authority partnerships and extending our training provision to business are examples of our more “commercial” culture.

Above all, we recognise that crucial to the success of SRS are the people who work within the service. We will ensure that our officers are effective in their roles by investing in learning and development opportunities, by engaging them fully in the development of the service, and by fostering an environment where people are encouraged to think, lead and innovate.

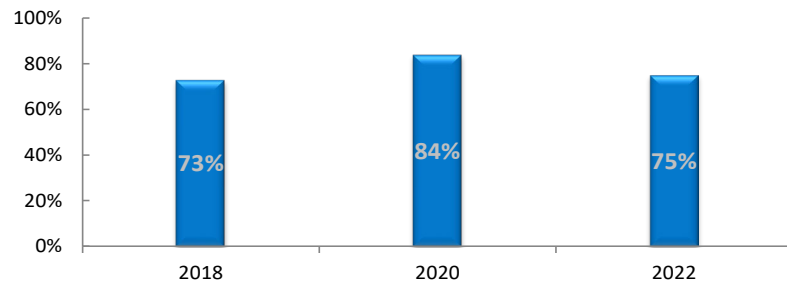
## How we performed

Tudalen 70

No. of days sickness absence per FTE



% SRS employees who strongly agree/agree that they are able to achieve the right balance between work and home life



## What we have achieved

### SRS operates effectively and efficiently across all 3 areas

**Customer Satisfaction** – SRS delivers a diverse range of regulatory services on behalf of Bridgend, Cardiff and the Vale of Glamorgan Councils and we place great importance on receiving customer feedback which enables us to understand what we are doing well and what can be improved. As well as monitoring customer satisfaction through surveys, the results of which can be found throughout this plan, we also receive specific feedback from individuals or groups that we have helped expressing their gratitude for our intervention. During the last year, we received a number of such compliments, a selection of which can be found below-

*“Firstly I’d like to say that I haven’t always been satisfied with local authority services... However my dealings with your officers has been extremely positive. I can’t imagine how difficult their jobs must be, trying to achieve results and deliver a service, under what I’d imagine are very difficult circumstances and seem to be so restricted by laws that do not seem fit for purpose... Your officers are extremely professional and seem very passionate about fulfilling their roles, whilst acting within the restrictions of the law and policies. It would be great to see more of this competence in other local authority departments”.* Animal Health and Welfare complainant.

*“I wanted to highlight to you the joint work undertaken by Shared Regulatory Services with this Team in the last year which I believe is an excellent example of inter-departmental work which helped to safeguard and improve the life choices and home conditions of an extremely vulnerable gentleman”.* Cardiff Social Worker highlighting the partnership working to assist in a serious hoarding case where the property had no heating or running water, a rat infestation, rooms crammed with belongings and in a filthy condition with overgrown front and back gardens.

### Public and stakeholders are able to access our services

**Access to SRS services** – The ease with which the public and stakeholders are able to access SRS services is extremely important for SRS and the use of technology to highlight and promote our services is utilised wherever possible.

The following examples show how SRS ensures access to services.

- **SRS website** – The improvement of the SRS website is an ongoing process which sees web pages being added or updated to provide valuable up to date information for SRS customers. During the last year, the website had 52,665 users, many of which were repeat visitors and 141,142 page views. Our Noise and Air Pollution web pages consistently receive the most page views.
- **Twitter account** – Since launching our own Twitter account @SRS\_Wales in 2017, the SRS continues to increase the number of followers which stood at 719 in March 2023. This means of communicating with our customers enables the service to share with the legacy authorities (to retweet to their followers) promoting the service and conveying key messages to residents and businesses alike.
- **Noise app** – This app can be downloaded by customers making a complaint about noise enabling them to record short bursts of the disturbance and submit to the service to determine if a nuisance has occurred. This app enables complaints to be triaged, reducing the need for officers to visit homes to monitor disturbances.

**Taxi trade meetings**– During the year, the Vale Licensing Team, in line with similar meetings held in Cardiff, introduced taxi trade meetings to enable the trade and the Council to discuss issues affecting them and act as a liaison between other Council departments on taxi related issues. So far, representatives from Transport have attended to explain the vehicle testing process and school contracts; a representative from Engineering attended to hear representations on adopting new taxi ranks and adding the trade to general consultations; and the Enforcement Manager attended to explain camera car rules, appealing parking fines and parking enforcement generally. More recently discussions have been held on the Welsh Government Consultation on the Taxi White Paper.

## Income generation underpins sustainable service delivery

**UKAS Accredited Metrology Laboratory** - The Metrology laboratory based in Cardiff undergoes an annual audit by the United Kingdom Accreditation Service (UKAS) to maintain its accreditation. The metrology laboratory was first established in 1995, but since the creation of SRS there has been a drive to enhance the income generating capacity of the laboratory. Calibration work has been undertaken for a significant number of businesses, the majority of whom are regular and returning customers. These businesses represent a broad range of sectors including avionics, food, pharmaceutical and medical where accuracy and confidence in their weighing equipment is fundamental to their operations. In August, UKAS undertook an audit of the Lab and found the

management system to be well established, clearly defined and working effectively, expressing their confidence in the results being reported.

**Income generation** – Income generation – A key priority for SRS, is the further development of our commercial approach by increasing our 'paid for' services and marketing them to business. These commercial activities are aimed at complementing existing services whilst also providing income generation. We do this by developing Primary Authority partnerships with businesses of which we currently have 34 in place. Furthermore, the Service provides accredited training in areas such as food safety, health and safety and allergens and officers within the Industry Team have recommenced delivery of these courses through a mixture of online and face to face opportunities. SRS has been the first training centre in Wales to deliver the RSPH Level Two Award in Infection Prevention and Control for Special Procedures Practitioners. Income is also generated via our UKAS accredited Metrology Lab services and we are expanding our environmental services with an increase in Air Quality Monitoring Services/Local Site Operator Licences successfully bid for in 22/23. As a result during 2022/23 the income generated by SRS was £88,030

£88,000+

Income generated

## Staff are effective in their roles

**Investing in Staff Learning and Development** – SRS is committed to developing staff to ensure they are effective in their roles. Learning and development can take many forms from traditional study to the taking up of secondments. During the last year, the service has invested in a number of learning and development activities to support the business including the following examples:-

- SRS continues to encourage SRS officers to engage in further study leading to recognised, higher level qualifications. For the past few years, support has been offered to a small number of staff by way of match funding, who have successfully demonstrated the benefits their desired qualification would bring to the service and to them personally. This has resulted in a number of employees pursuing academic qualifications such as M.Sc. qualifications in Environmental Health, Health and Safety and Public Service Management,

several of whom have now successfully completed their studies and are able to apply their learning in the workplace.

- Secondments provide development opportunities for both the employee who is seconded and the employee who fills the empty position. Within SRS we now have one team manager seconded to a different stakeholder which has enabled their role to be filled on a temporary basis by an existing employee. Furthermore we have two officers seconded to the Health Protection Partnership performing a co-ordinating role across the wider public health network. The ability to 'act up' provides valuable development opportunities and experience for officers, whilst also contributing to the effective management and resilience of the service.
- Training in food standards work continued amongst our food safety officers to enable them to undertake low risk food standards interventions at the same time as a food hygiene inspection. This training and the concept of generic working not only provides team members with learning and career development opportunities but benefits the service by building a more cohesive and resilient approach to inspections.

**Staff Survey** – During the year, SRS undertook a staff survey, the first since 2020. The purpose of the survey was to carry out a wellbeing 'temperature check' on staff as they adjust to a more normal way of life after Covid-19. The other main area of interest was to seek views around recruitment and retention, and what would make SRS an attractive employer. The survey received a good response rate with 62% of staff responding. Staff were asked to agree/disagree with a range of statements and given the opportunity to contribute and make comments under various headings. Results were generally positive with 56% of the results falling into the very good to excellent range. Positive themes emerging from the survey were around flexibility and working from home, management and colleagues and work/roles, while improvement themes included workload and resources, pay and benefits and communication and engagement. A survey action plan is currently being prepared as part of the wider review of the SRS Workforce Plan.

**Recruitment initiatives** – The recruitment and retention pressures experienced by SRS, and the environmental health and trading standards professions in general is well documented and as a consequence the service endeavours to provide opportunities for students and encourage recruitment. During the last year, SRS was approached to scope out opportunities for environmental health officers completing their portfolio of professional development in line with Chartered Institute of Environmental Health (CIEH) qualifications. The CIEH were exploring ways to make it easier for graduates to gain the experience they need to become registered practitioners by establishing a Directory of Student Training Opportunities. This is a compendium of one-off training visits to employers where the student/graduate can accompany an EHO on a visit to gain experience to satisfy their professional practice portfolio. When approached, SRS

agreed to support this initiative and offered to provide opportunities for students. As a result SRS is the only employer that offers a 'clean sweep' of opportunities, offering visits in every intervention. SRS subsequently received appreciation from the CIEH who said *"I want to thank your team in SRS for their support, and to thank SRS and it's constituent authorities for being so willing to work with us to address the issue of graduate practical training and through the current recruitment crisis"*.

In addition, representatives from SRS attended a career fair run by Cardiff Metropolitan University to support recruitment of students when they become graduates. Furthermore a number of environmental health students recruited during the Covid pandemic to assist with additional work demands that presented, notably around support for Test, Trace and Protect and the enforcement of Covid restrictions have joined SRS on a permanent basis in areas of food safety, housing and licensing enforcement.



## Emerging issues

**Recruitment and retention** – Recruiting to vacancies continues to be challenging and SRS has struggled to recruit suitable individuals into certain areas of the service. The shortage of applicants with the right skills, abilities and experience in the different professions has created a more competitive market. These shortages, attributable to an aging professional demographic, increasing turnover as people secure positions elsewhere, and lack of a recognised regulatory apprenticeship, have to be addressed if we are to deliver effective regulatory services. Across Wales, the Directors of Public Protection Wales has identified immediate issues of capacity and resilience along with challenges for the future as the demands and expectations on regulatory services continue to grow. The *Building for the Future* report details the key issues confronting local government regulatory services; the challenges faced in terms of workforce pressures, the need for better coordination and oversight. It presents a case to Welsh Government for increased investment over the medium term, in terms of budget, funded public protection workforce development programmes and the introduction of a Regulatory Compliance Officer type apprenticeship in Wales. SRS fully supports these recommendations, however we also recognise that it will take some time for the effects of such proposals to come into fruition. Given the pressures the service currently faces, it will be essential for SRS to consider other short to long terms solutions that make working for SRS an attractive proposition.



**ICT Interface with Legacy Authorities** – Since the inception of SRS, officers have been provided with access to the systems of the 3 legacy authorities of Bridgend, Cardiff and the Vale of Glamorgan. This enables officers to access the essential IT systems they need to fulfil their duties for the relevant authorities. While this has worked well, more recent updates to systems and software have impacted on the continuity of current arrangements affecting connectivity and access. SRS maintains good relationships with the ICT departments of the legacy authorities to deal with issues as they arise in the short term, however it has become evident that there is a need to consolidate the long term access requirements of SRS to ensure continued access and smooth running of systems in order to provide seamless delivery of essential services.

**Review of ICT and mobile working solutions** – An essential component of the operating model for SRS was the introduction of technical and mobile working solutions that enable employees to work remotely. This has contributed to the success of the service, but as agile working becomes the norm for many within the service, we are finding that the technology deployed is becoming outdated. The Covid-19 outbreak reinforced this as many more staff transitioned to working from home. It is clear that as technology improves, better facilities now exist which could further enhance the work of SRS and its remote working capabilities as we move forward. SRS will continue working with staff and ICT to explore options for improving equipment and systems to ensure that we deliver services both efficiently and effectively

**Customer engagement** – Customer engagement is key to understanding the needs and expectations of our customers. It helps us know what we are doing well and what we could do better and informs policy development and procedural changes within the service. Within SRS we engage with customers in a number of ways via public consultations, customer satisfaction surveys, citizens panels and the monitoring of complaints and compliments. While response levels via these various mechanisms has traditionally been low, the last year has seen a huge reduction, particularly via customer satisfaction surveys which is of concern. It is likely that this reduction is as a result of moving surveys online, as opposed to the sending out of hard copy questionnaires which whilst more cost effective for the service, requires a level of effort by customers to navigate their way to the relevant questionnaire. SRS recognises the need to improve customer engagement in this area during the coming year to maximise the important feedback we receive and will take steps to address this.

**Office footprint** – The changes to working practices brought about as a result of the covid pandemic saw organisations adapt to facilitating employees working from home. Whilst the majority of SRS staff were already accustomed to these arrangements due to our agile/remote working culture, others quickly adjusted. As restrictions have relaxed, there is now a greater call for employees to return to the office and organisations are considering how best to facilitate this so they meet the needs of employees in relation to greater work/life balance while reducing their accommodation footprints. Hybrid working

is a relatively new concept that is being seen by many as a way of preserving pre-pandemic office work cultures and office space investments while meeting employee expectations for greater flexibility, striking a balance between employee and employer preferences. Local government is no different and SRS are already seeing the office space provided by the partner authorities reducing as the authorities move over to hybrid working. SRS occupies office space in Bridgend, Cardiff and the Vale of Glamorgan and it will be necessary to continue to work with these authorities to adjust to new arrangements while ensuring adequate office space is maintained and fit for purpose.

**Public health and adapting to world events** – SRS played a vital role in ensuring public health and public safety through the way in which we responded to the Covid-19 crisis and demonstrated how SRS is central to the public health agenda. It highlighted how, as a service our ability to adapt quickly and respond to emerging world events is key to delivering public health and safety, and how important it is to be able to respond in the same way going forward as issues emerge. We are already playing our part in supporting Ukrainian refugees through the undertaking of checks on Homes for Ukraine, and continuing to work with health boards and partner agencies providing support to care homes and other high risk settings in respect of Covid-19 and the wider health protection agenda through our Health Protection team. These rising demand pressures, together with ongoing pandemic management support will require effective prioritisation to ensure that the capability of the service is effectively deployed and managed.

# What we plan to do next

\*\* - Cardiff Corporate Plan \*\*\* Vale Service Plan

## Maximising the use of resources

Lead Responsibility

### SRS operates effectively and efficiently across all 3 areas

Work with officers and ICT to explore options for exploiting newer technologies that ensure officers can continue to operate as efficiently as possible, for example, consolidating the ICT interface between the partner authorities, agile working, mobile devices for inspections and improved communication mechanisms \*\*\*

J Bale

Explore options to implement online payment facilities for fixed penalty notices.

J Bale

Extend the scope of the Intelligence Operating Model across further SRS services, for example private sector housing complaints.

J Bale

Further develop a recruitment strategy together with a range of initiatives that address recruitment and retention pressures within the service such as apprenticeships and other HR related approaches.\*\*\*

H Picton

Consider the feasibility of obtaining accreditation for forensics capability.

J Bale

Engage with partner authorities on accommodation requirements as a result of hybrid working arrangements.

C Hill

Identify a clear process through which any significant reprioritisation of SRS services would be decided by partner Councils including how such an exercise would be communicated and consulted upon, as part of the process through which a final decision is made.

H Picton

### Public and stakeholders are able to access our services

Improve engagement and consultation with stakeholders including service users and residents and review the effectiveness of current mechanisms used to access Shared Regulatory Services. \*\*\*

All OMs

## Staff are effective in their roles

Complete the PDR process with all SRS employees.

All OMs /TMs

Review Workforce Development Plan.

H Picton

Develop a Staff Survey Action plan.

H Picton

Promote and encourage involvement in staff engagement and wellbeing initiatives and proactively support staff development. \*\*\*

All OMs

## Income generation underpins sustainable service delivery

Review all available options for cost recovery and income generation to ensure this approach underpins sustainable service delivery.\*\*\*

J Bale

Consider increasing weight range capability of Metrology Lab to provide higher accuracy levels.

J Bale

## What we will measure

### Performance Measures 2023/24

### Target

Average days sickness per FTE.

8.00

% of Staff Performance Development Reviews completed.

100%

% of staff who feel they are able to achieve the right balance between work and home life.

100%

% of staff working in SRS who are satisfied with their job in SRS.

100%

% of customers satisfied with their ability to access the facilities and services they need from SRS.

90%

% of SRS investigations resulting in prosecution that were successfully concluded.

90%



# Appendix 1 – Risk Register

<b>Possible Impact or Magnitude of Risk</b>	<b>Catastrophic</b>	<b>MEDIUM</b> 4	<b>MEDIUM/HIGH</b> 8	<b>HIGH</b> 12	<b>VERY HIGH</b> 16
	<b>High</b>	<b>MEDIUM/LOW</b> 3	<b>MEDIUM</b> 6	<b>MEDIUM/HIGH</b> 9	<b>HIGH</b> 12
	<b>Medium</b>	<b>LOW</b> 2	<b>MEDIUM</b> 4	<b>MEDIUM</b> 6	<b>MEDIUM/HIGH</b> 8
	<b>Low</b>	<b>VERY LOW</b> 1	<b>LOW</b> 2	<b>MEDIUM/LOW</b> 3	<b>MEDIUM</b> 4
Low 1-2 Low/Medium 3 Medium 4-6 Medium/High 8-10 High 12-16		<b>Very Unlikely</b>	<b>Possible</b>	<b>Probable</b>	<b>Almost Certain</b>
<b>Likelihood/Probability of Risk Occurring</b>					

Tudalen 75

<b>Risk Description</b>	<b>Inherent Risk Score (April 2022)</b>		<b>Risk</b>	<b>Comments What SRS are doing to mitigate risks</b>	<b>Residual Risk Score</b>		<b>Risk</b>
	<b>Likelihood</b>	<b>Impact</b>			<b>Likelihood</b>	<b>Impact</b>	
RR1: Insufficient resources, and capacity to deliver planned services will result in loss of service provision and reduction in performance.	4	3	High 12	The creation of SRS generated significant cost savings at its inception and the service continues to deliver services with a reducing budget. The Covid-19 pandemic placed substantial demands on the service. This coupled with the latest budget savings and other factors, are all severely impacting our performance and ability to deliver planned services. These other factors include new	4	3	High

Risk Description	Inherent Risk Score (April 2022)		Risk	Comments What SRS are doing to mitigate risks	Residual Risk Score		Risk
	Likelihood	Impact			Likelihood	Impact	
				and emerging legislation, the impact of the cost of living crisis on our activities, the rise in infringements and the recruitment and retention pressures. To mitigate this, the Service is examining new ways of prioritising services and using risk based approaches to activities in line with reduced resources, and through the recruitment of temporary staff and graduates but significant backlogs remain which is affecting performance.			
RR2: Inability to recruit professional officers to vacant posts.	4	3	High 12	Recruiting to vacancies, particularly to those roles that require professionally qualified officers continues to be challenging, particularly as we are seeing a number of our officers leaving the service to secure positions elsewhere. The shortage of applicants with the right skills, abilities and experience in the different professions has created a more competitive market. The traditional supply of professional officers from universities has greatly reduced, and it now takes longer to qualify which has resulted in a shortage of applicants for vacancies within the service. SRS has made a commitment to 'grow our own' practitioners and to this end has been forging excellent links with academic institutions and with the relevant professional bodies. In addition the service continues to take the lead on development of the much needed regulatory apprenticeship for Wales. Clearly this approach will take time and in the meantime SRS are therefore considering other	3	3	Medium/ High 9

Risk Description	Inherent Risk Score (April 2022)		Risk	Comments What SRS are doing to mitigate risks	Residual Risk Score		Risk
	Likelihood	Impact			Likelihood	Impact	
				short to medium term solutions to alleviate some of those pressures.			
RR3: The complexities of resource allocation may result in a lack of understanding and misalignment of resources.	3	3	Medium/ High 9	Dedicated accountant appointed for the Service. Governance arrangements in place to address lack of understanding. Review and standardisation of financial processes ongoing.	2	2	Medium 4
RR4: The lack of functioning ICT systems could hinder the ability to work as a single service unit and affect the Service's ability to work smarter and more efficiently.	3	3	Medium/ High 9	The service utilises a web based database that facilitates remote working and all staff have been issued with laptops and mobile devices which enables more agile working. The technology used, however, has become outdated and there is a need to improve our remote working capabilities and the IT interface between the SRS and the legacy authorities to deliver services efficiently and effectively across all 3 areas. We are liaising with ICT on access requirements and on the sourcing of suitable devices, however current demands placed on ICT have resulted in delays in progressing some issues.	2	2	Medium 4
RR5: Failure to identify and resource staff learning and development needs to address changes in roles and immediate needs and long term goals of the service could result capability issues amongst staff which would affect the	3	3	Medium/ High 9	SRS is committed to the resourcing of training to develop people to ensure competency and the corporate appraisal process <i>#it'saboutme</i> ensures performance reviews are undertaken annually and learning and development opportunities identified. A match funding offer to staff for personal development has resulted in a number of officers being supported in further development studies.	1	3	Medium/ Low 3

Risk Description	Inherent Risk Score (April 2022)		Risk	Comments What SRS are doing to mitigate risks	Residual Risk Score		Risk
	Likelihood	Impact			Likelihood	Impact	
Service's ability to deliver services.							
RR6: Implementation of new legislation may create additional demands on service delivery.	4	3	High 12	Whilst workloads are reviewed and monitored and processes are in place to regularly report to partner authorities, it is not always easy to predict the impact that new legislation may have on resources. This was particularly evident during the Covid-19 pandemic. SRS became responsible for enforcing the Coronavirus Regulations across the 3 areas which has required a change of focus and placed additional demands on the service. As restrictions have been relaxed, we have seen our commitment reduce, however the impact of the legislation has impacted our planned "business as usual" activities, and the service now has a significant backlog of work. The pressure continues with the new special procedures legislation and proposals for single use plastics which are examples of increased demand in an area where SRS is struggling to recruit competent professionals.	4	3	High 12
RR7: An inability to recruit officers to the Duty Officer regime may result in inadequate cover and failure to deal with emergencies out of hours.	3	2	Medium 6	The Duty Officer regime operates on a 24/7 basis over 365 days a year providing a single point of contact out of office hours dealing with SRS emergencies. Cover is provided by officers on a voluntary basis however there have been periods where it has become difficult to recruit officers resulting in shortage of cover which has required managers to step in a short notice. Steps have recently been taken to address this lack of resilience following the recruitment of new officers	2	2	Medium 4

Risk Description	Inherent Risk Score (April 2022)		Risk	Comments What SRS are doing to mitigate risks	Residual Risk Score		Risk
	Likelihood	Impact			Likelihood	Impact	
				to the service who have subsequently volunteered to work the rota. While this alleviates the problem short term, a longer term solution is still required.			
RR8: The positioning of Shared Regulatory Services under a host authority, together with unique branding may result in the Service becoming divorced from its constituent Councils or marginalised.	2	2	Medium 4	The Service remains relevant to all 3 authorities through links into Corporate Plans of 3 authorities, attendance at the various Council/Executive meetings and maintaining strong links with members and senior officers within each legacy authority with opportunities to promote successes taken where possible. The Covid-19 pandemic has seen the critical involvement of SRS in the Test, Trace and Protect system and enforcement of Coronavirus regulations which has brought greater attention and recognition from the 3 authorities we serve. We continue this approach with our work on minimum energy efficiency standards which contributes to the climate change agendas of the partner authorities.	1	2	Low 2

# Appendix 2 – Action Plan

## Improving health and wellbeing

Lead  
Responsibility

### The food chain is safe and free from risks

Develop and adopt the Food and Feed Law Enforcement Plan 2023/24 and undertake interventions in accordance with the plan and the arrangements in place to discharge food safety duties. \*\*\*

C Hill

Engage with the Food Standards Agency's Achieving Business Compliance Programme to modernise the way food businesses are regulated.

C Hill

Develop and adopt the Port Health Plan 2023/24.

C Hill

### Risks in the workplace are managed properly

Develop and adopt the Section 18 Health and Safety Service Plan 2023/24 and undertake interventions in accordance with the plan and the arrangements in place to discharge health and safety duties. \*\*\*

C Hill

Engage with smokers using, visiting or working at hospital sites to promote smoke free compliance in hospital grounds.

C Hill

### Noise and air emissions are controlled

Develop a Noise policy including service standards.

W Lane

Review and explore options for future proofing the Duty Officer Rota.

W Lane

Extend the enforcement tools available to the night time noise service in Cardiff through the issue of Fixed Penalty Notices for certain noise offences occurring after 11pm.

W Lane

Strengthen relationships with Housing and Anti Social Behaviour Unit and develop a Memorandum of Understanding (MOU) in Cardiff and Vale.

W Lane

### A safe trading environment is maintained

Undertake seasonal product safety projects encompassing products such as contact lenses and fancy dress costumes.

C Hill

Conduct firework inspections of licensed premises to ensure those holding a licence sell fireworks that meet the relevant safety standards, have adequate policies in relation to age restricted sales and stored safety in retail premises.

C Hill

### Licensed premises operate responsibly

Undertake a weights and measures project in pubs and bars to ensure customers are receiving accurate measures.

C Hill

Undertake a pre-summer season exercise in Bridgend advising pubs on how to minimise noise disturbance.

W Lane

### The quality of private rented property is improved



Drive up standards in the private rented housing sector by undertaking robust enforcement action to deal with rogue agents and landlords letting and managing properties. **	W Lane
Improve fire safety in our council homes and the private sector by continuing to work with Welsh Government and stakeholder organisations in the development of their Building Safety Programme for medium and high rise buildings in the private sector. **	W Lane
Review and harmonise the annex to the SRS Compliance and Enforcement Policy in relation to Housing Enforcement.	W Lane
Develop Works in Default (WID) process in Cardiff.	W Lane
<b>Infectious disease is controlled and prevented</b>	
Secure approval and deliver the Communicable Disease Service Plan 2023/24 and undertake interventions in accordance with the plan and the arrangements in place to discharge these duties.***	C Hill
Prepare businesses and internal procedures in readiness for the implementation of the new special procedures licensing regime and through the delivery of RSPH Level 2 Infection Control Training course for Special Procedures.	C Hill/J Bale
<b>Safeguarding the vulnerable</b>	
<b>Older and vulnerable people are protected from unscrupulous traders and scams</b>	
Support the 3 partner Councils in fulfilling their safeguarding responsibilities. ** & ***	All OMs
Consider how SRS could engage more with Elected Members regarding areas of concern and safeguarding for the public, such as rogue traders, scams, illegal money lending and doorstep crime.	H Picton
<b>Children are protected from harmful substances and products</b>	
Work in partnership to safeguard the vulnerable to ensure that children are protected from harmful substances and products, older people are protected from rogue traders and scams and vulnerable people are not subject to exploitation. ***	All OMs
Conduct intelligence led underage sales exercises in relation to the sale of tobacco, alcohol, nicotine inhaling products, knives and other age restricted products.	C Hill
<b>Illegal money lending activities are prevented</b>	
Raise awareness of illegal money lending and support individuals to access responsible lenders and debt advice, rebuild their finances and make a sustainable transition to legal credit. ** & ***	J Bale
Sponsor school savings awards to promote saving by the young in illegal money lending hotspot areas.	J Bale
Learn from illegal money lending research findings and target promotions accordingly.	J Bale
<b>Taxi provision is safe and fair</b>	
Engage and respond to Welsh Government white paper on modernising taxi and private hire services in Wales.	W Lane

Undertake enforcement exercises with the taxi trade including mystery shopper exercises to ensure compliance with the Equalities Act, vehicle and licensing standards and fare refusals for short journeys .

W Lane

Review taxi vehicle testing regime in Bridgend.

W Lane

## Protecting the environment

Lead  
Responsibility

### The environment is protected from harmful emissions to land, air and water

Undertake local air quality assessments and review the data to ensure that national air quality objectives continue to be achieved.\*\*\*

J Bale

Use feedback from the public consultation to report back to Bridgend Cabinet to agree a finalised Air Quality Action Plan for Park Street and start work on the measure to improve air quality.

J Bale

Contribute to good air quality in Cardiff by:

- Reviewing real-time air quality data to assess and identify trends in pollution to assess further interventions that will further reduce air pollution. \*\*

J Bale

Review planning consultation process in respect of Noise and Air complaint practices and procedures.

W Lane

### People will use energy efficient buildings and products

Work with landlords to return empty properties back into use helping to increase the availability of affordable housing for sale or rent.

W Lane

Working closely with other partners identify empty properties suitable for leasing and buy back scheme, continuing to target enforcement at the worst longer term problem empty homes, using existing funding for works in default , or by drawing down funding available for Welsh Government.

W Lane

Engage with landlords and lettings agents to improve the energy performance ratings of private rented properties under the Minimum Energy Efficiency Standard (MEES) Regulations. \*\* &\*\*\*

W Lane

Support the 3 partner Councils in fulfilling their climate change responsibilities through the delivery of regulatory activities that contribute to the reduction of carbon emissions. \*\*\*

All OMs

### Animals are treated humanely

Review information on SRS website in relation to animal licensing.

J Bale

Co-ordinate dog and equine clinics in the region to include microchipping and castration.

J Bale

Modify animal welfare vans to facilitate seizure of rabies dogs.

J Bale

Engage with Welsh Government regarding the welfare of stud and imported dogs and wider animal welfare issues related to dog breeding and sales.

J Bale

### Communities are protected from nuisance and are safer

Engage with students and residents during Freshers Week in Cardiff providing community advice on housing, environmental and social issues.

W Lane

## Supporting the local economy

Lead  
Responsibility

## A fair trading environment is maintained

Conduct intelligence led operations to investigate and disrupt businesses selling illegal tobacco products and raise public awareness of how to report it.	C Hill
Strengthen illegal tobacco enforcement by exploring the feasibility of introducing Closure Orders as a more effective means of enforcing illegal tobacco premises.	C Hill
Incorporate regular surveillance and review of online sales platforms into trading standards work due to the volume of goods being sold on line.	C Hill

## Informed and confident consumers

Continue to promote the 'Buy with Confidence' (responsible trader) scheme across the region including working to ensure inhouse trades people are registered with the scheme.	J Bale
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## Improved business practices and operation

Extend training provision through the delivery of RSPH Level 2 Infection Control Training course for Special Procedures and explore options for underage sales training provision to support people who commit offences for underage sales.	J Bale/C Hill
Re-commence the issue of the SRS Food and Safety newsletter.	J Bale

## Accessible services responsive to business needs

Review the primary authority framework to ensure the advice and support requirements for our current Primary Authority partners are appropriate.	H Picton
Extend the scope of the 'Ask the regulator' podcasts to encompass other regulatory activities undertaken by SRS.	J Bale

## Maximising the use of resources

Lead  
Responsibility

### SRS operates effectively and efficiently across all 3 areas

Work with officers and ICT to explore options for exploiting newer technologies that ensure officers can continue to operate as efficiently as possible, for example, consolidating the ICT interface between the partner authorities, agile working, mobile devices for inspections and improved communication mechanisms ***	J Bale
Explore options to implement online payment facilities for fixed penalty notices.	J Bale
Extend the scope of the Intelligence Operating Model across further SRS services, for example private sector housing complaints.	J Bale
Further develop a recruitment strategy together with a range of initiatives that address recruitment and retention pressures within the service such as apprenticeships and other HR related approaches.***	H Picton
Consider the feasibility of obtaining accreditation for forensics capability.	J Bale
Engage with partner authorities on accommodation requirements as a result of hybrid working arrangements.	C Hill
Identify a clear process through which any significant reprioritisation of SRS services would be decided by partner Councils including how such an exercise would be communicated and consulted upon, as part of the process through which a final decision is made.	H Picton

## Public and stakeholders are able to access our services

Improve engagement and consultation with stakeholders including service users and residents and review the effectiveness of current mechanisms used to access Shared Regulatory Services. \*\*\*

All OMs

## Staff are effective in their roles

Complete the PDR process with all SRS employees.

All OMs /TMs

Review Workforce Development Plan.

H Picton

Develop a Staff Survey Action plan.

H Picton

Promote and encourage involvement in staff engagement and wellbeing initiatives and proactively support staff development. \*\*\*

All OMs

## Income generation underpins sustainable service delivery

Review all available options for cost recovery and income generation to ensure this approach underpins sustainable service delivery. \*\*\*

J Bale

Consider increasing weight range capability of Metrology Lab to provide higher accuracy levels.

J Bale

**CYNGOR CAERDYDD  
CARDIFF COUNCIL**

**ECONOMY & CULTURE SCRUTINY COMMITTEE**

**12 December 2023**

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**RLDP SCRUTINY INQUIRY – Final Report**

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**Reasons for this Report**

1. For the Committee to note the final draft of the Joint Scrutiny Inquiry on Cardiff's Replacement Local Development Plan (RLDP).

**Background - Replacement Local Development Plan (RLDP)**

2. The RLDP is a crucial strategic document which governs the future development and economic growth of Cardiff up to 2036. It will be a key driver of investment, competitiveness, growth and environmental protection in Cardiff and will have implications for the wider city region.
3. The next stage of the RLDP is the *Preferred Strategy*, which will set out the preferred level of housing and jobs growth for the plan and the spatial strategy to deliver this growth. It will also contain a number of draft strategic key policies – such as sustainable transport, protecting the environment and delivering quality new development – which will inform the preparation of a Deposit Plan.
4. Welsh Government guidance requires the Preferred Strategy to be founded on a robust and up to date evidence base; this is tested during the independent examination of the Deposit Plan.

**The Scrutiny Inquiry Process**

5. It is essential that the Preferred Strategy is subject to robust scrutiny prior to being finalised by Cabinet.
6. The Scrutiny Chairs agreed that a joint task and finish group be established, consisting of the Chairs of the five Scrutiny Committees and volunteers from each committee.

7. Following approval of the Preferred Strategy, it is anticipated that the task and finish group will continue to meet periodically, to undertake scrutiny of future stages of the RLDP.
8. At its meeting on the 11<sup>th</sup> May 2023, Members considered the Scrutiny Chairs' request for expressions of interest to take part in a cross-scrutiny Inquiry as part of the next stage of the RLDP in relation to a consultation on the preferred strategic options.
9. Cllrs Brown-Reckless, Henshaw, Jenkins, Lloyd Jones and Thomson expressed an interest in joining the Chair, Cllr Wong, in representing this committee.
10. The RDLP cross-committee group met on the 7<sup>th</sup> July 2023 to discuss how it could most effectively scrutinise this issue, given its breadth. The group agreed that prioritising three topics of focus would be most effective; and that smaller sub-groups be established to undertake this work.
11. The three priority topics agreed were:
  - Securing Planning Obligations/s106
  - Transport
  - Local and District Centres.
12. The timescales to which all three sub-groups worked to were:
  - Evidence Gathering – October 2023
  - Drafting of key findings, recommendations and report – November 2023

### **Way Forward**

13. Members are requested to note the final Joint Report attached at **Appendix A**, before it is signed off by PRAP, as the lead committee, prior to its submission to Cabinet on 14<sup>th</sup> December 2023.

### **Legal Implications**

14. The Scrutiny Committee is empowered to enquire, consider, review, and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct legal implications. However, legal implications may arise when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising



from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

### **Financial Implications**

15. The Scrutiny Committee is empowered to enquire, consider, review, and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

### **RECOMMENDATIONS**

Members are recommended to:

- i. Note the proposed Final Joint RLDP Inquiry report attached at **Appendix A.**

**LEANNE WESTON**

**Interim Deputy Monitoring Officer**

**6 December 2023**

Mae'r dudalen hon yn wag yn fwriadol



*Craffu - Ymgysylltu heddiw, Llunio yfory - Scrutiny - Engaging today, Shaping tomorrow*

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An Inquiry Report of the:  
**Joint Scrutiny Committee**

DRAFT

# **REPLACEMENT LOCAL DEVELOPMENT PLAN**

**December 2023**



**Cardiff Council**

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## FOREWORD

*To be completed*



**Councillor Joel Williams**  
Chair, Policy Performance &  
Review Scrutiny Committee.



**Councillor Owen Jones**  
Chair, Environmental  
Scrutiny Committee.



**Councillor Peter Wong**  
Chair, Economy & Culture  
Scrutiny Committee.

December 2023

## TERMS OF REFERENCE

1. To harness the power of Scrutiny Member voices and experience to add value and encourage ambition in the RLDP Preferred Strategy, focusing on district and local centres, securing planning obligations, and managing transport impacts, by:
  - a. Understanding national and local policy priorities.
  - b. Engaging expert and stakeholder voices.
  - c. Researching good practice examples, which are capable of being replicated in Cardiff.
  - d. Identifying policy 'hooks' needed in the Replacement Local Development Plan to deliver:
    - i. **Securing Planning Obligations**
      - A strengthened SP6 by:
        - Exploring how current policy and process in respect of planning obligations and section 106 agreements could be strengthened.
        - Exploring how communication and narrative on planning obligations could be simplified, more accessible and transparent.
        - Addressing issues in relation to carbon neutral and biodiversity requirements.
        - Making recommendations on how future/associated SPG could be framed.
    - ii. **Transport & Active Travel**
      - A strengthened T5 that ensures adequate travel infrastructure is proposed in new developments, which fully addresses the needs of communities and transport providers without negatively impacting on biodiversity and nature.
    - iii. **District and Local Centres**
      - Planning Retail Policies that promote and protect vibrant, viable, busy and relevant district and local centres.
      - Planning Retail Policies that enable and support strong SPG that promote and protect district and local centres.



2. To make evidence-based recommendations to shape the RLDP Preferred Strategy.

Output/ Outcomes:

- Gathering additional expert and stakeholder views and good practice evidence.
- Ensure the RLDP Preferred Strategy delivers in accordance with the Well Being of Future Generations Act requirements.
- Recommendations to the Cabinet that shape the RLDP Preferred Strategy.
- Deliver a unified voice across all Scrutiny Committees.

**Members of the Task Groups:**

**Securing Planning Obligations**

Councillor Joel Williams (Chair)

Councillor Saleh Ahmed

Councillor Jane Henshaw

Councillor Peter Jenkins

Councillor Margaret Lewis

Councillor Helen Lloyd-Jones

Councillor Peter Wong

**Transport & Active Travel**

Councillor Owen Jones (Chair)

Councillor Andrea Gibson

Councillor Peter Jenkins

Councillor John Lancaster

Councillor Margaret Lewis

Councillor Helen Lloyd Jones

Councillor Rhys Taylor

Councillor Peter Wong

**District & Local Centres**

Councillor Peter Wong (Chair)

Councillor Mike Ash-Edwards

Councillor Garry Hunt

Councillor Helen Lloyd Jones

## CONTEXT FOR INQUIRY

The Cardiff Local Development Plan (LDP) is the Council's key land use planning document. It will set out policies and proposals for the future development and use of land in Cardiff up to 2036, in line with legislative requirements. When adopted it will replace the existing structure and local plans for the city and form the basis for decisions on individual planning applications.

The LDP Preferred Strategy Report was open for public consultation for a 10-week period from 27 July to 5 October 2023. This consultation is an important stage in the preparation of the plan and offers everyone with an interest in the future development of Cardiff an opportunity to influence the plan before the Council finalises its proposals. As well as an online 'Virtual Consultation Room', the Council arranged a series of public events throughout August and September both community based and drop-in sessions.

A cross-committee Task and Finish group was created under the auspices of PRAP to give a single response from Scrutiny on the LDP preferred strategy as part of the consultation process. Membership of the task group was invited from across the scrutiny committees, with the report going back to the Policy Review and Performance Scrutiny Committee for consideration.

The Preferred Strategy Report is not the full draft plan but sets out the key issues and options within the LDP and the Council's broad proposals for addressing these.

## HEADLINE FINDINGS

- HF.1.** The findings and recommendations of the previous Supplementary Planning Guidance Inquiry (October 2022) are relevant to the RLDP Preferred Strategy, particularly:
- a. LDP policies need to be evidence-based, precisely written, detail the Council’s specific requirements, the rationale for these, and the criteria where the Council will make an exception and not apply the policy. They have to contain detailed definitions, thresholds, numbers, percentages, targets and measures as relevant, set out the impact seeking to avoid (harms) and consequences if not avoided.
  - b. SPGs cannot be used to make or amend policy – therefore the LDP policies have to contain wording necessary to ensure requirements met. SPG provide technical guidance to support LDP policy. They must be strongly worded and strongly linked to the LDP, stating which LDP policy and paragraph it is supplementing and that it is a material consideration. They should use positive, precise language, evidence and explain how thresholds, numbers, percentages, targets and measures are calculated, evidence and explain how the impact seeking to avoid is measured and how consequences of not avoiding harm, the harms arising, are measured, and provide details on exceptional circumstances and how these are worked out and applied.
- HF.2.** Local authorities need to conform to the Welsh Government framework and direction as otherwise their LDP will not pass Examination. Therefore, Cardiff Council needs to ensure the RLDP policies and associated SPG incorporate and reflect Welsh Government’s framework and direction.
- HF.3.** Crafting RLDP policies must focus on resisting harmful development and encouraging development that is in the best interests of the people who live and visit the area. Planning policies must ensure appropriate information is provided to planners and planning committee members to enable them to exercise judgement effectively.

## KEY FINDINGS

### SECURING PLANNING OBLIGATIONS

#### *Existing Policy & Practice*

- KF.1** The system of planning obligations is a sound one, delivering benefits for councils and communities. S106 agreements are legally binding, enforceable, fair and relevant to the planning proposal. Clarity of what the Council will seek through planning obligations from developments is set out in Supplementary Planning Guidance (SPG). The SPG also provides detail of thresholds that will be sought for particular requirements, such as affordable housing or education contributions.
- KF.2** S106 agreements must address the impact of a development and not seek to enhance an area. There is a risk of s106 planning obligations becoming a wish list as the list of possibilities keeps growing. The more costs there are to delivering a scheme, the less money is available for affordable housing.
- KF.3** It is unclear which high level Council plans and strategies provide the context and priorities for determining planning obligations. The Cardiff Infrastructure Plan should be a clear, concise and focussed strategic document setting out the whole picture. However, it is difficult to locate, and experienced technical staff employed by developers have difficulty understanding the Councils' aspirations and priorities. The Planning Advisory Service has produced a self-evaluation tool that may prove useful to planners in reflecting on how Cardiff is performing in this area.
- KF.4** S106 contributions agreed with developers are not always index linked currently. It takes up to a year to secure a s106 agreement and therefore the Council should include a clause in all agreements that contribution values are index linked.
- KF.5** There is no interest paid on s106 monies held and no investment gain added to s106 projects. Any interest accrued on invested s106 monies improves the Council's capital financing position.
- KF.6** S106 monies can remain unspent for many years. It is difficult to justify why this is the case and the Council was recently exposed in the press as holding £23.2 million of unspent s106 funds. All s106 agreements have a clause for the developer to request monies back should the Council not use it. Some authorities charge a 5% monitoring fee to facilitate s106 spend.

- KF.7** An alternative to s106 agreements is use of the Community Infrastructure Level (CIL). Some Welsh councils use CIL, as does Bristol City Council. CIL is applied per square metre of development; however, the point of collection does not determine how the money is spent. The Council does not currently apply CIL however Bristol considers it an important source of funding, allocating monies (per £) to strategic infrastructure (80p) local area committees (15p) and administration costs (5p).
- KF.8** There is a clear requirement for a dedicated staffing resource to lead on s106 agreements. S106 lead officers should be clearly identifiable and visible to all stakeholders. Cardiff has such a resource in place however there is an opportunity to raise the profile and co-ordination responsibilities of s106 lead officer(s) both internally and externally.
- KF.9** There is a role for a community engagement officer on large development sites, to ensure effective integration of new and existing communities. Funding for this role should be considered a legitimate s106 request.

### ***Improving Policy & Processes***

- KF.10** It appears that currently, Directorates work in silos. The RLDP presents an opportunity to improve round table representation in a joint effort to understand the priorities, particularly for larger developments. Currently no internal cross-cutting meetings take place. Where planning obligations are concerned, issues could be identified early for tackling planning obligation contributions. For example, are roads wide enough for waste removal collections? This also provides a chance for Directorates to develop internal agreements between departments on where the budget line sits.
- KF.11** Whilst individual developers and external witnesses stated that they had a good working relationship with Planning, they suggested that further work on building closer working relationships across developers and commercial agencies could be developed too.
- KF.12** The need for s106 discussions to start earlier in the planning process was highlighted across all witnesses. In trying to make a scheme work, it is important that all services are involved and there is complete transparency early on. There is a need for everyone being in a room together early. Early and positive engagement with officers is key to agreeing off-site alternatives/contributions in lieu.

- KF.13** The Council appears to have a lack of legal resources to draft s106 agreements in a timely manner. Developers would pay their own legal teams to draft the agreement if the Council agreed and thereby speed up the process.
- KF.14** In light of this, it was suggested that there is an opportunity for Cardiff to lead the way on developing a standard S106 template for S106 agreements. The s106 agreement could set out the timescales / phasing of the planning obligations in relation to the development itself. It would also present a clearer picture of what is required from the development, by both the Council and the developers. The section 106 template would also enable improved monitoring of the planned phasing and triggers to ensure the delivery is on track. If it fails to be delivered, planning enforcement can be used to enable delivery.
- KF.15** To improve the current process, there is a need for enhanced monitoring. A review of the annual monitoring report could have a much better monitoring framework within it – how much is being secured? Look at timeliness of spend - how much is the Council spending? Is the Council being negotiated down in certain areas? Where and what is the Council doing about that? Do our policies need reviewing in light of this?
- KF.16** In relation to “green issues” including biodiversity and carbon neutral initiatives, other local authorities stated that many councils were in the same position on this, and not much progress had been made. Further guidance and direction was awaited from Welsh Government on this issue. Stakeholders were generally supportive of the principle of green issues being part of any SPG, but with the caveat that, should the Council wish to adopt this as a priority, it should not simply be added to the list, but be part of any review into priorities – with the council being clear as to why this is now a priority, and what effect this would have on other priorities.

### ***Supplementary Planning Guidance***

- KF.17** Much work in this area has been addressed by the SPG Task & Finish Group report of 2022, which can be found in the link here - [Ref: RDB/SW/DB/10 \(modern.gov.co.uk\)](#).
- KF.18** There was clear support for the SPG in this area, with many witnesses stating the policy is robust. However, they suggested that the SPG could be enhanced further – particularly around viability.



- KF.19** Other local authorities' SPGs are a lot more concise, and stakeholders suggested that Cardiff could take the opportunity to revisit the size and length of the document. Stakeholders highlighted that the current SPG document includes a great deal of detail of national and local policy which is arguably beyond what would be expected to be in SPG on S106.
- KF.20** Bristol stated that a SPG document takes a year to secure agreement and therefore it is important to draft a policy as foolproof to change as possible. E.g., ensure it includes clauses to ensure contribution values are index linked.
- KF.21** The SPG should set out clear expectations of what is expected from developments and can deal with specific requirements where off-site mitigation would be more appropriate / feasible for particular sites.
- KF.22** It is critical that the SPG is clear, accurate and there is openness between the developer and the council. Developers will always push barriers and it is only 75% into a project that the developer is in profit.
- KF.23** The SPG can also provide detail of thresholds which will be sought for particular requirements such as affordable housing, or education contributions.
- KF.24** Formulae in the adopted SPG linked to number of dwellings (for things like on-site provision of public open space) can break down when dealing with high-density urban sites.

### **Viability**

- KF.25** Planning obligations policy is robust, however should be enhanced further, particularly around viability. The viability report is a useful tool that provides more information with which the Council can negotiate with developers. Viability assessments allow planners to take a balanced view on s106 contributions, which is particularly important on brownfield sites.
- KF.26** There is a Welsh Government pre-application pack, that now requires greater viability assessment up front, and therefore there should be less challenge expected by developers. Housing officers are of the view the Council is not allowed to publish details of viability assessments.
- KF.27** There is currently no financial involvement of the Council's finance experts at the viability stage. Should there be?
- KF.28** Viability assessments take a very long time to be reviewed, adding more cost to the project and delaying the start of a development. Delays are one of the biggest

issues faced by developers because there are cost implications that need to be addressed.

- KF.29** The viability assessment may need to address a restricted time for the development to be delivered, with clear processes for dealing with the timescales for implementation.
- KF.30** The length of time taken to complete the viability assessment process needs to be reviewed. The Council may need to be more robust about who it appoints to undertake reviews on its behalf. Currently, viability assessments take a very long time to be reviewed as the District Valuer Service used by the Council is over subscribed. There can be conflict between who is writing the viability report on behalf of the developer and who the Council uses to verify the viability report.
- KF.31** There is an opportunity for greater scrutiny of viability assessment reports. Bristol City Council has adopted a full council resolution that viability appraisals be made public and available for scrutiny, and now schemes are always considered by committee.
- KF.32** Bristol City Council also publish its agreed viability assessments on the Council's website (within planning obligations dedicated pages).
- KF.33** The cost of viability assessments is a factor in the affordability of projects. Developers' agents report that care should be given to front-loading obligations that put an additional strain on viability, and a balance may need to be struck between timeliness and the overall cost of the obligations. Where s106 calculations are unrealistic smaller developers must pay for a viability assessment in order to demonstrate that the scheme cannot afford the calculation proposed by the Council. Note that Bristol City Council has its viability appraisals assessed by a third party, with costs charged to the applicant.
- KF.34** The process of viability reporting and assessment would benefit from streamlining. A good way forward would be the production of a standard viability model and template for use across Wales.

### ***Affordable Housing***

- KF.35** There is an overwhelming demand for affordable/social housing in Cardiff. This is not an unusual picture in Wales or across the UK and other local authorities are facing the same challenges in this area. There is a need to explore ways in which the Council could “unlock” other available options.

- KF.36** It is important that the Council has a separate, stand-alone affordable housing policy, as the rules change frequently. A stand-alone policy (or a review of this policy if already in place) needs to be regularly reviewed and redrafted as rules change.
- KF.37** Stakeholders highlighted that current policy is less robust on affordable housing and questioned whether S106 is the right vehicle to deliver - could the Council increase affordable housing levels rather than expect a range of S106?
- KF.38** Viability assessments result in affordable housing being challenged, particularly on brownfield sites. Witnesses stated that some small developers may design out affordable housing from their schemes, stating in the viability report that the scheme would pose a management issue. Affordable housing is watered down due to the viability argument put forward by the developer.
- KF.39** Cardiff's 2017 SPG sets out that the Council will pay £60,000 per affordable housing unit, and that this sum will be reviewed annually. However, it has only been reviewed once since 2017. Witnesses stated that this should be reviewed as a matter of priority, and that this be reviewed regularly in line with Council policy.
- KF.40** The use of discounted market rents as a form of affordable housing has been used in areas such as Manchester, Leeds and Birmingham, with a 20% discount to market rent, which is owned and managed by the private sector.
- KF.41** The RLDP provides the potential to revisit/review shared ownership schemes and other measures that allow people to afford to buy/rent properties. One witness suggested that if the affordable housing builds could be levelled up, it may encourage the development of more affordable housing on the same quality standards as a private home. It is acknowledged that WHQS applies to social housing.

### ***Communications, Accessibility & Transparency***

- KF.42** Key stakeholders have difficulty accessing information on s106 agreements. There is great public interest in s106 obligations and clarity of communication about what the Council will be seeking through planning obligations is important. Stakeholders must be able to find information easily. Such information needs to be available, publicly communicated and obvious. It is not clear where the public can have sight of Cardiff's s106 planning obligation register.

- KF.43** Members are currently seen as the route to communication with residents on s106 agreements, and it is assumed that members both drive and monitor s106 spend in their wards.
- KF.44** The Council’s website would benefit from a dedicated planning obligations/ s106 page. Evidence gathered suggests the following information is made accessible on these pages: overarching vision (high level Council plans; SPG etc); outcomes of viability assessments; an annual statement of new s106 contributions secured; what these contributions are; what has been spent so far; what the contributions have been spent on; in-year regular updates to include details of how and where s106 (and any other) monies are being spent on a development; details of what these are; what has been requested; a “flow of funds” showing outcomes of what the money has been spent on.
- KF.45** Public opinion would benefit from a better understanding of developer contributions. Developers consider there is little public visibility of which services have been paid for with s106 monies. Therefore, a clearer narrative is required explaining that development generates s106 monies from developers, which in turn pays for improved community services.
- KF.46** To improve community integration, and public understanding of developers funding of s106 agreements, the Council should ensure site boards are erected at an early stage following the granting of planning permission. These boards should state clearly that planning approval has been granted on the basis that the developer will provide X, Y & Z facilities/services (with sums allocated alongside), as set out in the s106 agreement.
- KF.47** Developers consider an online toolkit would be useful, as found in several other authorities. This could be used as an early reference point, to calculate what a developers s106 contributions per square foot might be. The toolkit could also set out the Council’s priorities.
- KF.48** It is acknowledged that in order to deliver improvements in this area, funding would need to be found. Therefore, exploring “other” funding to develop this work is key.

## TRANSPORT & ACTIVE TRAVEL

### *Strategic Direction*

- KF.49** Local and national policy has been strengthened to support the development of sustainable transport and active travel. However, the application of these policies in relation to new developments is variable and the local authority's enforcement of policies/legislation or any planning conditions needs to be strengthened.
- KF.50** Early consultation on design and master planning of new developments, must involve stakeholders and transport providers to ensure that provision/infrastructure meet the needs of the local community.

### *Location of New Developments*

- KF.51** To increase active and sustainable travel uptake, there needs to be a careful planning when developing transport interchanges.
- KF.52** The Council's Active Travel Network map sets out the Council's long-term aspiration for a connected network and it must be taken into consideration when determining the location of new developments (with adequate contributions from the developers to construct those networks as appropriate).
- KF.53** There have been lost opportunities to restore historic travel corridors, with previous sites allowing developers to build houses over them e.g., Ferry Road.

### *Design Requirements*

- KF.54** New developments must have local amenities provided as soon as possible; this will help reduce the need to travel.
- KF.55** Prioritisation of sustainable transport in new developments would be welcomed. This could be achieved through re-allocation of road space for active travel and public transport and bus gates.
- KF.56** Separate pavement and cycle ways are required to avoid conflict between different users and support public safety and confidence.
- KF.57** Secure by Design policy can hinder the opportunity for providing more active travel infrastructure.
- KF.58** New developments must have dedicated parking provisions for those with disabilities and include EV infrastructure.
- KF.59** The separation of walking and cycling means they are of significant width (at least rural road width) impacting on habitat connectivity and general loss of natural areas currently devoid of significant visible urban infrastructure.

**KF.60** There is limited active travel information on new developments regarding active travel routes and distances times to key amenities.

### ***Connectivity***

**KF.61** In line with local and national policy, the Replacement Local Development Plan needs to ensure connectivity between sustainable transport and active travel.

**KF.62** Travel infrastructure in new developments must link to existing network infrastructure and community services.

### ***Access to Parking***

**KF.63** Secure cycle storage is needed in the city centre and other key locations to address the fear of bike crime and encourage active travel from new developments.

### ***Challenges in providing sustainable transport services***

**KF.64** There are inconsistencies in when transport infrastructure is considered within development planning. Providers highlight need for the Council to better engage with transport providers to identify and determine the types of transport infrastructure and services that will need to be provided or made available at new developments.

**KF.65** There is a need to ensure planning conditions that meet the active travel and sustainable transport infrastructure needs of users and providers, are effectively negotiated, and enforced by the local authority.

**KF.66** Section 106 monies from city centre developments are often used to support open spaces, which are very limited. These monies should be used to improve sustainable transport initiatives in the city centre instead.

**KF.67** When designing transport infrastructure, ecological requirements, and any potential ecological implications, need to be included from the outset.

### ***Improving take up of sustainable and active travel***

**KF.68** New developments present an opportunity for the local authority to stimulate behaviour change by improving the accessibility of sustainable and active travel, including the provision of discount / incentives to use public transport.

**KF.69** Early provision, and communication, of sustainable transport/active travel and promised local amenities in new developments would potentially reduce private car use.

**KF.70** Provision of uninterrupted bus lanes and buses having priority at junctions may improve travel time and therefore make bus services more reliable.

**KF.71** The local authority must recognise that any changes to policies, which support a modal shift e.g., introduction of road user charging and increased car parking chargers, will likely result in public resistance.

***Exploring biodiversity issues versus transport need***

**KF.72** There must be strong policy that reinforces the protection of green space and reduces the possibility of selling land to developers.

**KF.73** Multiple schemes for active travel and transport can fall under “permitted development”, resulting in concern that relevant environmental considerations are not being made as they would in general planning applications.

**KF.74** Continuous footpaths and cycleways could encourage active travel, they should also be supplemented with wide green verges that support biodiversity.

**KF.75** Provision of lighting on active travel routes has a detrimental impact on ecology and dark corridors for wildlife. If possible active travel routes should not impact negatively on the environment.

**KF.76** New developments when determining transport infrastructure, must fully consider the constraints imposed on existing vegetation and soil and must seek to minimise their loss and detrimental impacts on their functionality.

**KF.77** Inclusion of generous and continuous soft landscape verges in new developments that help mitigate environmental losses and create a more user-friendly environment are preferred but this needs careful forward planning. Often in developments, verges are very narrow (2.0m or less) and not continuous (fragmented by access points and car-parking). Where the width and continuity of verges cannot be optimised due to overriding design considerations, specialised landscaping features can be used to help establish trees.

## **DISTRICT & LOCAL CENTRES**

### ***Retail Planning Policy Framework***

**KF.78** Welsh Government sets a clear framework and direction for retail planning policy, based on a Town Centres First policy, with the aim of ensuring centres are viable, vibrant, attractive and accessible by all modes of transport, including public and active travel. Post covid, Welsh Government has stressed the need for planning policy to enable centres to be social and economic hubs, with a range of retail and non-retail uses that serve local communities, including residential and co-working



spaces. Welsh Government has also worked with the Welsh Retail Consortium on a plan to support retail in centres, *Together for Retail*, which encourages the use of vacant units for worthwhile purposes to ensure centres are attractive and have footfall.

- KF.79** The *RLDP Vision, Issues and Objectives* acknowledges the need for greater flexibility in centres, post-covid. The *RLDP Preferred Strategy* reflects the Welsh Government framework, including Building Better Places, with district and local centres referenced in several objectives and strategic policies. It sets out objectives to protect and enhance centres and encourage flexibility. Importantly, it also sets out it is seeking to encourage investment and renewal of the physical fabric of centres.
- KF.80** Members heard from Tom Evans, Vice-Chair Planning Officers Society of Wales, that it is important Councils fully assess and identify within their RLDP those centres considered most appropriate to designate as social and economic hubs. This will assist the Council to focus investment into these chosen locations and will provide a framework to manage applications. Retail Planning Policies and associated SPG should be crafted to encourage vibrant, vital, attractive and accessible centres, enabling an appropriate retail/ non-retail balance and improving the quality of the centre environment.
- KF.81** Members heard that it is important the RLDP provides ‘teeth’ for policy needs across Council Directorates; planning alone cannot achieve everything but the RLDP is at the policy pinnacle and so sets the direction and tone for policies across the Council. Members note the Corporate Plan 2023-24 and Recovery & Renewal Strategy 2021 explicitly set out the Council’s support for district and local centres, with a District and Local Centres Strategy being developed.

### ***Retail Landscape***

- KF.82** Members note that there has been transformative change in the retail sector and landscape, with structural change arising due to changes in human behaviour over the last few years. Members heard from Cardiff Council officers that there has been less appetite from retailers for major stores, with a move towards medium-scale provision. Members welcome this, as enabling plurality of provision for local communities is both important and in line with the 15-minute city approach.

## Retail Planning Policies

- KF.83** Members note the Council is intending to carry forward existing retail planning policies R1, R6 and R7, with existing retail planning policies R4, R5 and R8 carried forward with minor amendments to reflect updated evidence and revised policy wording. Members note the findings and recommendations of the Nexus Planning Retail and Leisure Study (January 2023), hereafter referred to as the Nexus Study, and that the Council agrees with the recommendations and will be amending retail planning policies accordingly.
- KF.84** Members heard from Tom Evans, Vice-Chair Planning Officers Society of Wales, that it is important Councils think about the proactive steps they can take to achieve vibrant, vital, attractive and accessible centres and craft planning policies that will encourage this – not just retail development but other development such as health facilities, community facilities, leisure uses and also residential, for example.

## Retail Strategy

- KF.85** Members note the Nexus Study (January 2023) highlights the need to ensure the RLDP Retail Strategy wording reflects the greater flexibility required post-covid. Having reviewed other local authority LDP wording, Members offer the following examples for consideration for adaption for use in Cardiff:
- Bristol Council<sup>1</sup> - *'aims to support Bristol's network of centres and **secure the sustainable distribution of the diversity of town centre uses**'*

### **Policy text**

*Retail development, offices, leisure (including food and drink), entertainment and night-time uses, arts, culture and tourism uses will be primarily located within or, where appropriate, adjoining the centres in the identified network and hierarchy serving Bristol.*

*Centres will also be **suitable locations for community uses** including surgeries and public service facilities.*

*Light industrial or small-scale distribution uses may also be appropriate in centres where they would contribute to their function and diversity.*

*Development will be expected to be of a **scale and intensity appropriate** to the position in the hierarchy and to the character of the centre.*

<sup>1</sup> [Bristol Local Plan Review: November 2022](#) Draft Policy SSE1 – Supporting Bristol's Centres – network and hierarchy

- b. Kingston Council<sup>2</sup> - *There is a need to ensure that the borough's town centres remain **resilient and adaptable** to challenges facing the high street. Whilst protecting both the retail and commercial function of the borough's town centres is crucial, we will seek to ensure that centres are able to **evolve and adapt** over time so that they continue to support the communities in which they are situated.*
- c. Vale of Glamorgan<sup>3</sup> - *'the Council will adopt a **more flexible** approach to the application of Policies MG14 and 15 to give consideration to the **individual impacts** of the proposals and give weight to **the benefits** that can be secured from other non-A1 uses that can benefit the overall vitality and viability of our retail centres.... due to the current national context and the ongoing impacts of Covid-19 on the retail sector it is considered reasonable and appropriate for Development Management decisions to take a flexible approach to change of use proposals where it is considered the proposal would **benefit the centre** and contribute to the vitality, viability and attractiveness of the centre.'*

**KF.86** Members highlighted that Swansea Council's LDP Review Report July 2023<sup>4</sup> points out the need for local planning authorities to determine what constitutes a development of a '**significant scale**', given that Welsh Government's Future Wales strategy sets out that **significant** new retail facilities must be located within town centres. Members note the response from Cardiff Council officers that '*Significant new retail facilities are large scale retail developments and shopping centres and any new retail developments that because of their popularity/appeal are likely to attract large numbers of customers and have the potential to result in increased travel by unsustainable modes of transport. The first location for 'significant' new retail facilities is the central shopping area, which is at the head of the retail hierarchy, followed by lower order centres, and edge of centre, in line with the 'town centre first' approach.*'

#### R1- Retail Hierarchy

**KF.87** Members reviewed the Nexus Study (January 2023) and agree with the majority of its findings, bar the statement, at point 10.9, that Cardiff is an urban authority. Members believe that Cardiff is a *predominantly* urban authority, which also has

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<sup>2</sup> [Kingston's Local Plan 2023-2041 \(amazonaws.com\)](https://www.amazonaws.com) Point 8.30

<sup>3</sup> [Retail Development SPG English - March 2023 \(valeofglamorgan.gov.uk\)](https://www.valeofglamorgan.gov.uk)

<sup>4</sup> [Swansea LDP Review Report July 2023.pdf](#) point 4.4.33

important communities in its rural areas, and that this should be acknowledged, with the planning approach taking this into account.

**KF.88** In addition to the Nexus Study (January 2023) recommendations, Members heard there is a need for a vision statement for each centre that suits its geography, is realistic and sets out a compelling and fit for purpose approach. These should reflect the views of local stakeholders, as well as be intelligence-led. Members note this is the approach being adopted by Bristol Council<sup>5</sup>:

*A vision statement about each of the identified centres will be included in the next version of the local plan. Your comments about the role of these centres will be taken into account in shaping those statements, along with the outputs of recent community engagement. Local communities, business organisations or neighbourhood plans may have already prepared visions for these locations which can form part of these statements.*

**KF.89** Members are clear that these vision statements need to be included in the RLDP to enable them to be borne in mind when considering planning applications; therefore, these would be in addition to the District and Local Centres Strategy, which Members were informed would sit below the RLDP, and so would not have the same weight as the RLDP when considering planning applications.

#### *Sequential Approach/ Test*

**KF.90** This Inquiry's review of other local authorities has identified that it is possible to tighten Cardiff Council's existing sequential approach by strengthening wording, setting thresholds and clarifying that preference will be given to locations that are accessible and well connected to existing centres:

- a. Swansea Council<sup>6</sup> – existing LDP states that developers must **review all potentially suitable sites, including conversion/ re-modelling, demonstrating flexibility** and that the **onus of proof** that sites within centres have been thoroughly assessed **rests with developer**
- b. Avison Young<sup>7</sup> - their report reviews existing retail planning policies and recommends making sure planning policies are written to ensure the sequential test **applies to leisure** as well as retail, given interconnectedness of these nowadays, and that they clarify that

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<sup>5</sup> [Bristol Local Plan Review: November 2022](#) Draft Policy SSE1 – Point 9.5

<sup>6</sup> [Swansea Local Development Plan 2010-2025.pdf](#) points 2.8.7 and 2.8.8

<sup>7</sup> [eb34-retail-and-town-centre-planning-policy-advice\\_april-2021.pdf](#) (stroud.gov.uk)

assessment of edge-of-centre and/ or out-of-centre locations should **give preference to those which are accessible and well connected to town centres**

c. Bristol Council<sup>8</sup> –

**Policy text**

*The vitality and viability of the defined centres will be supported and enhanced. The network and hierarchy of centres as set out in this local plan will form the focal point for uses, services, and facilities serving the surrounding population.*

*In order to safeguard and enhance the network and hierarchy of centres any proposals for additional main town centre uses outside the defined city, town, district and local centres will be **subject to the requirements of the sequential test and where applicable an impact assessment.***

*Planning applications for 'main town centre uses' which are not in a defined centre or not in accordance with the policies of this plan will be subject to the following sequential approach to establish that there are no available or suitable sites or premises in sequentially preferable locations. The order of preference for such uses are as follows:*

- i. Within designated centres ('in centre')*
- ii. In locations on the edge of designated centres ('edge of centre')*
- iii. **Accessible sites which are well connected to a designated centre***
- iv. **Other locations that are accessible by walking, cycling and public transport***
- v. Out of centre development of main town centre uses will only be acceptable where:*
  - a. It can be demonstrated that there are no available suitable sites or premises in sequentially preferable locations.*
  - b. The proposal is of a small scale (**floorspace no greater than 200m<sup>2</sup>**) and aimed at providing for local needs.*

*The sequential approach applies to new floorspace, extensions to existing floorspace, changes of use and applications seeking to vary previously approved details.*

*The primary shopping areas as shown on the Policies Map, will continue to be the focus for new retail development.*

*Proposals for main town centre uses outside the defined city, town, district or local centres will be subject to an **impact assessment** where the floorspace of the proposed development exceeds the following **thresholds**:*

- i. Outside Bristol city centre: greater than 500m<sup>2</sup> gross floorspace.*
- ii. Outside a town or district centre: greater than 300m<sup>2</sup> gross floorspace.*
- iii. Outside a local centre: greater than 200m<sup>2</sup> gross floorspace.*

*The impact assessment thresholds above related to town, district and local centres will be applicable for proposals within 800 metres of the boundary of the relevant centres. Elsewhere the threshold of 500 metres applies.*

<sup>8</sup> [Bristol Local Plan Review: November 2022](#) Draft Policy SSE1 – Point 9.20

**KF.91** In addition, Swansea Council's existing LDP makes it clear that '*A departure to the defined hierarchy will only be considered if convincing evidence is submitted in support of a proposal to demonstrate that such development is **justified as an exception**, and that there would be no material adverse impact caused by the development to the attractiveness, vitality or viability of any Centre defined in the Retail Hierarchy. The policy identifies a **number of specific exceptional circumstances** where, subject to a specific need being identified, an out of centre retail or leisure proposal may be appropriate.*'<sup>9</sup>

**KF.92** Members are aware from the previous SPG Inquiry (October 2022) that specifying exceptional circumstances strengthens planning policy. However, Members are alert to the need to very carefully craft policies to ensure only development that is of benefit is supported, in particular by ensuring that unacceptable harms are detailed, and that appropriate evidence is required; these factors are considered below.

**KF.93** Members sought the views of Cardiff Council planning officers on Swansea Council's existing LDP wording and note their view that it could be possible to adapt and use parts of this policy, with additional criteria.

#### R4 – District Centres and R5 – Local Centres

**KF.94** In addition to the Nexus Study (January 2023) recommendations, Members explored how best to frame policies to promote flexibility, encourage beneficial development and resist harmful development to ensure viable, vibrant, attractive and accessible centres. Drawing on the work of the SPG Inquiry (October 2022), Members looked at the following key mechanisms, which enable a multi-pronged approach to appropriately managing development: use of thresholds; delineating unacceptable harms; and enhancing evidence levels required.

#### *Thresholds*

**KF.95** Members heard the current LDP R4 and R5 policies do not specify thresholds but the Food, Drink and Leisure Uses SPG (November 2017) specifies that '*within existing District and Local Centres, where the proportion of non-shopping uses exceeds 60%, an application for a change of use of an active A1 retail unit for food, drink and leisure uses will be less favourably considered*' and that the LDP monitoring indicators include less than 40% A1 as a trigger.

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<sup>9</sup> [Swansea Local Development Plan 2010-2025.pdf](#) point 2.8.16

- KF.96** This Inquiry's review of other local authorities' retail planning policies has identified that some of these specify more detailed thresholds, for example delineating between use classes, primary and secondary frontages and/ or between ground floor and upper floors e.g.
- Swansea<sup>10</sup> – A1 minimum 50% primary frontage, 35% secondary frontage.
  - Vale<sup>11</sup> – non-A1 ground floor – no more than 35% primary frontage, no more than 50% secondary frontage.
  - Pembrokeshire<sup>12</sup> – non-A1 – no more than a third Primary Frontage.
  - Bristol<sup>13</sup> – promotes active ground floor uses.

**KF.97** These examples are provided to illustrate the ways other local planning authorities have approached thresholds. Members believe this is an area that warrants consideration: the inclusion of appropriate thresholds in the RLDP, as opposed to solely in SPG, will strengthen the Council's ability to manage development, as a threshold in an SPG that is not also in an LDP does not carry weight. However considerable thought and evidence is required to ensure thresholds are set an appropriate level and in an appropriate way, to ensure the Council has a flexible approach, whilst managing adverse impacts. In addition, Members are clear that thresholds on their own will not achieve beneficial development and that it is important they are not seen as a target to aim for; there is a need to marry them with clear approaches to unacceptable harm and evidence requirements. However, Members believe that they are an essential component in a multi-pronged approach to managing development.

#### *Unacceptable Harm*

**KF.98** Members are aware from the previous SPG Inquiry (October 2022) that it is essential that LDP policies set out the impact the policy is seeking to avoid (harms) *and* the consequences if these harms are not avoided, in order for the LDP policy to be as strong as possible. Members note relevant SPG should provide evidence and explain how the impact seeking to avoid is measured and how consequences of not avoiding harm, the harms arising, are measured.

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<sup>10</sup> [District Centres Local Centres and Community Facilities.pdf](#)

<sup>11</sup> [Retail Development SPG English - March 2023 \(valeofglamorgan.gov.uk\)](http://RetailDevelopmentSPGEnglish-March2023(valeofglamorgan.gov.uk))

<sup>12</sup> [Interim Advisory Note on Development in Town Centres - Pembrokeshire County Council](#) September 2022

<sup>13</sup> [Bristol Local Plan Review: November 2022](#)



- KF.99** The current LDP and Food, Drink and Leisure Uses SPG (November 2017) set out amenity grounds, including noise, disturbance, anti-social behaviour, litter, fumes and smells, as well as unacceptable harms such as dead frontages, crime and fear of crime, overconcentration of similar uses, traffic, parking and access, opening hours and health and wellbeing.
- KF.100** Having considered the findings from the review of other local authorities' retail planning policies, Members believe there is scope to reflect on and tighten the wording on amenity considerations and unacceptable impacts in the RLDP policies and related SPG. Members note Swansea Council recognises that its criteria need to be reviewed considering the approaches to revitalise town centres set out in Welsh Government guidance, such as Building Better Places, and Members recognise this is also the case in Cardiff.
- KF.101** There is a need for clear and robust development management criteria to deal with important local implications of non-retail use. However, there is a need to ensure these criteria are nuanced to take into account the differing impact of proposals e.g., Members heard from Tom Evans, Vice Chair – Planning Officers Society Wales, that there is a need to think about the size of units and the impact of the proposed use on the centre – a smaller unit would have less impact from 'dead' frontage than a larger unit. This is particularly true for residential proposals, as set out later in these key findings.
- KF.102** Members also note that it is possible to have LDP policies that provide the overarching framework for the retail/ non-retail balance, with further detail provided in a related SPG that can set out in more detail how specific use classes will be viewed, as is currently the case in Swansea<sup>14</sup> and proposed in Bristol<sup>15</sup> and Kingston<sup>16</sup>.
- KF.103** Members reviewed the Vale of Glamorgan Council's recent Retail Development SPG and include their wording on unacceptable impact, in the hope this is of use when phrasing the RDLP policies and related SPG:

**unacceptable impact**<sup>17</sup> - *In this regard considerations would include:*

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<sup>14</sup> [Swansea Local Development Plan 2010-2025.pdf](#) RC9 and [District Centres Local Centres and Community Facilities.pdf](#)

<sup>15</sup> [Bristol Local Plan Review: November 2022](#) 9.23

<sup>16</sup> [Kingston's Local Plan 2023-2041 \(amazonaws.com\)](#) Draft Policy KE5

<sup>17</sup> [Retail Development SPG English - March 2023 \(valeofglamorgan.gov.uk\)](#)

- *Customer profile / use of the premises and whether it would increase footfall in the centre*
- *Hours of operation / use reflecting the wider function of the centre throughout the day / evening and weekend*
- *Shop frontage and advertising – proposals should have ‘active’ frontages that enhance the public realm of the centre*
- *External impacts – traffic, congestion, servicing vehicles, noise, pollution, anti-social behaviour*
- *Providing local employment or services*
- *Enabling the beneficial use of upper floors to the benefit of the wider retail centre*
- *Meeting an evidenced social need not currently met in the locality (e.g., childcare services, health care, leisure activities etc).*

**Impacts** - developments will need to satisfy other policy considerations such as design, impact on neighbouring amenity, environmental impacts, traffic, congestion and parking. Furthermore, consideration will need to be given to the context and current state of the retail centre to ensure that a proliferation of a particular use (such as A3 take-away food outlet) does not undermine the overall role and function of the retail centre.

### Evidence Levels

**KF.104** Members are aware from the previous SPG Inquiry (October 2022) that it is important relevant SPG set out the methodology used to ascertain thresholds, numbers, percentages, targets and measures and the evidence required for these, including for unacceptable harms and harms arising, and for exceptional circumstances. Swansea Council’s relevant SPG provides a useful example of this.<sup>18</sup>

**KF.105** The other main area where evidence is required, in relation to District and Local Centres, is marketing information required when a change of use from A1 is proposed. Members believe there is scope to tighten the marketing wording in the RLDP policies and related SPG, with the Vale of Glamorgan wording providing a useful example of how this could be achieved:

**Marketing<sup>19</sup>** - Applicants should submit a marketing report with such applications outlining the following:

- *Details the existing use or the previous use of the site / premises if vacant;*
- *The length of time the unit has been vacant for (if applicable);*
- *Details of the marketing strategy employed and its duration, including the type of use the unit was marketed for, the price / contract terms, any incentives offered, details of the site / premises particulars including its condition / state of repair, copies of advertisements placed;*
- *Details of the amount of interest in the unit during the marketing period – this should detail the number of queries, the type of uses sought by potential purchasers, and if known, the reason for not pursuing an initial enquiry.*

<sup>18</sup> [District Centres Local Centres and Community Facilities.pdf](#)

<sup>19</sup> [Retail Development SPG English - March 2023 \(valeofglamorgan.gov.uk\)](#)

*To demonstrate the marketing strategy was meaningful and realistic as a minimum the marketing strategy followed should:*

- *Have been undertaken for a 12-month continuous marketing period;*
- *Have a sale / rental price that reflects the market conditions for the current use and condition of the site / premises. If the building or site requires extensive conversion/repairs, the price should be based on the unconverted state unless the works are to be undertaken prior to completion. The price should not include any potential residential or other non-A1 use values.*
- *Have 'active' marketing on site, be listed on appropriate marketing websites, use a local / regional property agent to market the site, including direct mailing to targeted businesses, and advertised in appropriate marketing literature.*
- *Applicants should be prepared to offer the property or site on both a leasehold and freehold basis in order to widen appeal and help ascertain the level of interest.*

**KF.106** Members sought Cardiff Council planning officers' views on the above marketing wording and note their view that this approach is useful in the Cardiff context.

#### *Residential*

**KF.107** Members recognise the desire to increase densification and footfall in centres and the need to meet housing demand, and that providing homes at or near centres constitutes the most sustainable forms of development, providing access and good connectivity to facilities and services for recreation and meeting day to day needs.

**KF.108** There is a need to think about what sort of residential the Council wishes to encourage in centres, as some residential can be appropriate but the juxtaposition of residential and centres' uses needs to be carefully balanced, with amenity considerations.

**KF.109** Members heard from Tom Evans, Vice-Chair, Planning Officers Society Wales, that it is very important Councils undertake analysis to reach a position where there is clarity in regard to where residential use can be tolerated within centres. This would include understanding the form and number of units needed to maintain the vibrancy and vitality of a centre. There can be significant variation in this regard, and it is therefore important to look at the characteristics of each centre and to have an analysis of each centre to understand appropriate scale for residential and of conversion of retail to residential.

**KF.110** Members heard that, whilst residential is typically on upper floors, there may be opportunities for ground floor uses to co-exist in a retail centre, but this will require a clear policy framework and understanding of the specific character and form of the relevant retail and commercial centre, as there is potential for ground floor

residential to cause harm in some locations whilst in other locations, it may be beneficial.

**KF.111** Members heard that key issues to consider with regard to residential use are loss and dilution of active frontage, contribution to vitality, viability and attractiveness of centres, compatibility with other uses in the same building as well as neighbouring properties, as well as unacceptable harms and amenity considerations, as detailed in the section above.

**KF.112** Members considered the approach to residential use in the following local authorities: Swansea Council, Pembrokeshire Council, Flintshire Council, Wrexham Council, and Bristol Council, and note Cardiff Council planning officers' view that the Bristol Council approach to residential uses in centres is the most appropriate to Cardiff and a practice that has policy support in the current LDP.

**Residential Uses** <sup>20</sup>

*New residential development which makes positive use of upper floors of properties and on underused and vacant space away from commercial frontages will be encouraged within centres.*

**Residential development**

*Within the primary shopping areas, changes of use of ground floor frontages to residential development (that require planning permission) will not be appropriate.*

*In wider centre boundaries, changes of use to ground floor residential development in centre boundaries may be acceptable where:*

- *It has been demonstrated after a suitable period of appropriate marketing that there is no realistic prospect of securing an active use in the unit; and*
- *where this would not, individually or cumulatively, detrimentally impact the vitality and viability of existing commercial and retail uses through fragmentation of the commercial function.*

*Major development proposals will be expected to contribute to environmental enhancement and public realm improvements within the city centre, and town, district and local centres and parades.*

**Other Non-Retail Uses**

**KF.113** Members were particularly struck by the work underway by Bristol Council to include the following in their retail planning policies:

- a. Support for the Evening and Night Time Economy<sup>21</sup>.
- b. Support for temporary, meanwhile uses<sup>22</sup>.
- c. Inclusion of Agent of Change principle<sup>23</sup>.

<sup>20</sup> [Bristol Local Plan Review: November 2022](#)

<sup>21</sup> [Bristol Local Plan Review: November 2022](#) Draft Policy SSE3

<sup>22</sup> [Bristol Local Plan Review: November 2022](#) Draft Policy SSE5

<sup>23</sup> [file \(bristol.gov.uk\)](http://file.bristol.gov.uk) [Bristol Local Plan Review: November 2022](#)

**KF.114** Members were interested to understand Cardiff Council planning officers' views on the above and note their response that Cardiff's centres could benefit from the approach set out by Bristol Council, ensuring the vitality of centres extends through the daytime into the evening and night time and increasing viability and diversity of centres.

**KF.115** Members were also interested in Wrexham Council's policy on loss of local services, which has recently been through Examination:

**Policy R7: Loss of Local Services**<sup>24</sup> *Outside of Wrexham Town Centre, District, Local, Village and Neighbourhood Centres proposals that entail the loss of a community facility, including shops, commercial facilities and public houses and/or non-commercial facilities, including libraries and village halls/community centres ~~shopping, commercial facility or public house~~ will only be supported where:*

○ *The use is no longer viable and all reasonable attempts to sell or let the business have proved unsuccessful; or*

○ *A similar service is available within reasonable walking distance; or*

*It can be demonstrated that the existing provision is surplus to the needs of the community. 6.156 It is important that the daily needs of communities both commercial (e.g., shopping and public house) and non-commercial (e.g., library and village hall/community centre) are reasonably met in their locality. Provision of these services locally will reduce the need to travel and help sustain local communities.*

**KF.116** Members sought the views from internal witnesses and note their response that existing LDP policies (C2 and R5) protect existing community facilities and local shopping facilities, but that Wrexham Council extends this definition to include shops, commercial facilities and public houses and provides criteria that need to be addressed which must be met to support the loss. Members note officers continue that *'It can prove extremely difficult to compel such uses to be retained in some cases e.g., business in single ownership difficult where the local shopkeeper/owner or publican chooses to retire and repurposes the use for their own living accommodation'*. However, Members believe this example would not form the majority of instances and so there is merit in exploring how to make the RLDP wording on loss of local services as robust as possible.

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<sup>24</sup> [Wrexham County Borough Council - Latest News \(objective.co.uk\)](https://www.objective.co.uk/news/wrexham-county-borough-council-latest-news) underline is Inspector's addition; strikethrough is their deletions.

- KF.117** Members note that Public Health Wales has developed a template<sup>25</sup> for local authority planners to use to develop effective development management approaches to hot food takeaways.
- KF.118** Members note that Kingston Council has a policy<sup>26</sup> restricting the oversaturation of betting shops.
- KF.119** Members asked Adrian Powis and Shelly Lynch, Co-Operative Funeral Services, for their views on how the changing nature of centres affects their services, for example the increase in cafes and restaurants and note their view that these changes have a positive impact with the increasing footfall helping to increase awareness that the Co-Operative Funeral Services is located in the centre and that people remember this when these services are needed.

### R6 Out of Centre

- KF.120** In addition to the Nexus Study (January 2023) recommendations, and this Inquiry's findings on the Sequential Test, set out above, Members explored how best to manage out of centre developments and avoid the loss of needed industrial land and businesses areas. Members heard from Tom Evans, Vice-Chair, Planning Officers Society Wales, that:
- a. it is important to understand that out-of-centre has a role and a function.
  - b. LDPs need to address this and set out the role and function so there is a framework for development.
  - c. It is very important to have an up-to-date evidence base on existing landbanks of industrial and business areas and future demand for this, to understand whether there is a surplus.
  - d. If there is a surplus, it is important that the planning system ensures the effective utilisation of land that could otherwise remain vacant.
  - e. If evidence shows there is a need for specific alternative uses such as residential or certain commercial uses, it is important that policies are clear that the surplus land is being protected for these alternative uses.
  - f. If evidence demonstrates that certain existing business and industrial land provides an important role for economic growth (for investment by

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<sup>25</sup> [Microsoft Word - Wales HWHW SPG Template\\_v4.docx \(nhs.wales\)](#)

<sup>26</sup> [Kingston's Local Plan 2023-2041 \(amazonaws.com\)](#) Draft Policy KE9

new business as well as allowing extension of existing enterprises)  
policies must be clear to protect these areas for existing uses

- g. Where there is no clear evidence available, policies will need to be sufficiently flexible in their approach to the re-use of surplus land, to avoid under-utilisation of land.

**KF.121** Members note Cardiff Council officers recognise the need for planning policies to be slightly firmer and more proactive, with plans for existing business and industrial land, setting out acceptable uses, to ensure these sites are protected and are developed in line with the Council's overall aims.

**KF.122** Members note that Swansea Council's existing LDP<sup>27</sup> contains a section on managing development proposals for established out of centre retail developments, which may be of use to Cardiff Council planners when drafting the RDLP policies.

**KF.123** Members note that it is possible to estimate the impact different types of retail stores will have on existing stores. Members found this interesting, that it is possible to differentiate the impact by clientele and distance from existing provision, and pondered whether the methodology would be of assistance to the Council in estimating the impact of proposed out-of-centre provision.

**KF.124** Members highlighted that some existing out-of-centre developments have become integral hubs for their local communities, such as the Pugh's Garden Centre complex in Morganstown. As such, Members wondered whether there is scope for a review of categorisation, to check whether these centres should now be categorised as a local or district centre.

### R7 Strategic Sites

**KF.125** In addition to the Nexus Study (January 2023) recommendations, Members note that, going forward, the Council can continue to use its placemaking role to assist in ensuring that new centres are appropriate, e.g., not enabling a large car park, working to promote local character and distinctiveness. Members note that the existing LDP has ensured retail provision is master planned for the strategic sites, with planning agreements capturing the Council's requirements e.g., NE Cardiff planning agreements specify retail floor space of 1,500 sq. metres, which is smaller than large supermarkets, and non-food retail floor space of 1,000 sq. metres.

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<sup>27</sup> [Swansea Local Development Plan 2010-2025.pdf](#)



**KF.126** Members heard the Council is not receiving applications for big box retail parks; instead, it is receiving applications for medium-sized sites. However, Members are mindful that the RLDP runs to 2036 and that the market may shift again; Members therefore believe that it is prudent to phrase retail planning policy to ensure it can deal appropriately with a range of site sizes.

#### Relevant Supplementary Planning Guidance

**KF.127** Having reviewed the existing Food, Drink and Leisure Uses SPG (November 2017) and taking into consideration the other findings of this Inquiry, it is clear to Members that the existing SPG will need to be significantly amended, in light of

- a. Welsh Government's more recent relevant publications
- b. the findings of the SPG Inquiry (October 2022) and
- c. any changes made to retail planning policies.

**KF.128** In particular, Members note the following are required:

- a. Citation of all relevant LDP policies and paragraphs
- b. More precise and positive language and phraseology, as detailed in the SPG Inquiry (October 2022)
- c. Setting out thresholds and the methodology for calculating these
- d. Consistency in terminology for unacceptable harms and clarity about how these are assessed and/ or measured.
- e. Setting out exceptional circumstances and how these are worked out and applied.

#### Use of Planning Conditions

**KF.129** Members note that planning conditions can be used to prevent future, unwanted, changes of use, including sub-division, unification, and restricting types of use to protect existing provision. Members note the current LDP and related SPG highlights planning conditions may be used and Cardiff Council planning officers' response that they have been used to control the types of uses, goods sold, size of unit, operating hours and to prevent sub-division.

#### Use of Local Development Orders

**KF.130** Members are aware that the Welsh Government’s Technical Advice Note 4<sup>28</sup> sets out that ‘*local authorities are encouraged to consider how Local Development Orders (LDOs) can assist in the regeneration of retail and commercial centres*’.

Members sought witnesses’ views on this and note:

- a. Swansea Council does not currently use these but will look at their potential as part of preparing its RLDP; Tom Evans stated that his initial thoughts are that there are concerns with them as they remove the ability of planners and Members to reach a judgement on proposals, as proposals no longer need to go through the Planning Committee route.
- b. Cardiff Council planning officers’ view that, whilst LDO’s are useful in particular circumstances, there is a reluctance to adopt LDOs due to concerns about loss of control, loss of planning fees, delay, and complication.

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<sup>28</sup> [Technical advice note \(TAN\) 4: retail and commercial development | GOV.WALES](#)

## RECOMMENDATIONS

Having considered the evidence presented to this Inquiry, the Joint Scrutiny Committee makes the following recommendations to Cabinet:

**R1. Utilise the recommendations of the Environmental Scrutiny Committee's Supplementary Planning Guidance (SPG) Inquiry (October 2022) when drafting RLDP policies and related SPG.**

(HFs 1 – 3)

## SECURING PLANNING OBLIGATIONS

**R2. Develop/invigorate internal processes to co-ordinate s106 activities across the authority.**

This should include:

- A review of the Council's aspirations and priorities in relation to planning obligations and s106 to ensure that priorities are focussed, clear and understood by all. It is important that affordable housing is included as part of this review, and that "wish lists" are minimised – what does the Council NEED in terms of developments? **(KFs2 & 34)**.
- Review and streamline the viability process to speed up this process, which was highlighted as a particular challenge for all **(KF25 - 34)**.
- An appraisal of s106 contributions held by the authority to ensure that they are index linked **(KFs 4 & 5)**; and are spent in a timely manner **(KF6)**.
- Develop and embed a process where s106 discussions can start earlier in the planning process. This was highlighted across all witnesses and across other sub-groups **(KF12)**
- Establish an internal cross-cutting working group to improve round table representation. **(KF10)**
- Ensure that Finance are included in discussions with the internal group and that they are included as experts at the viability stage **(KF27)**.
- Establish a working group with developers and commercial agents to further improve working relationships and dialogue. **(KF11)**
- Consider the development and use of standardised s106 agreements with a view to simplifying the viability process, enable improved monitoring, enforcement etc. **(KF14)**

- Review current monitoring of planning obligations/s106. This includes tightening up of the annual monitoring report framework **(KF15)**

**R3.** The Council ensures dedicated and identifiable s106 officers are visible and accessible to stakeholders and ensure there is timely periodical monitoring to ensure s106 legal agreements are adhered to. This role should include:

- These officers being clearly identifiable and visible to all stakeholders **(KF8)**.
- Explore whether this officer could act as a community engagement officer on large development sites, to ensure effective integration of new and existing communities. **(KF9)**.
- Be responsible for developing, implementing and monitoring the work highlighted in this report.

**R4.** The Council revisit Supplementary Planning Guidance to ensure it is concise, robust and evidence based to ensure a seamless planning process. This should include:

- Further enhancements to the SPG, particularly around viability **(KFs 17, 18, 30 – 34)**.
- Revisit the size and length of the current document, with a view to making it more concise; clear, accurate and transparent **(KFs 19 & 22)**.
- Review the document to ensure that it includes clauses to ensure contribution values are index linked **(KF 20)**.
- Set out clear expectations of what is expected from developments **(KFs 21 & 30)**
- Provide detail of thresholds which will be sought for developments **(KFs 23 & 24)**.

**R5.** The Council continues to explore the delivery of affordable housing but commits to exploring additional avenues for meeting housing needs. This may include:

- Exploring ways in which the council could unlock other options available to it in relation to affordable housing **(KFs 35, 36, 38 - 41)**.
- Ensure that any affordable housing policy is regularly reviewed **(KF 36)**.
- Review whether s106 is the right vehicle for delivering affordable housing **(KF 37)**.
- Review the current status of affordable housing priority (with a view to giving it a higher status) and adjust the policy accordingly. Review the viability process

in relation to affordable housing, with the aim to minimise the “designing out” of affordable housing by developers at this stage **(KF 38)**.

- Undertake a review of the value of affordable housing unit, and adjust the policy accordingly, with regular reviews set out clearly in the monitoring framework **(KF 39)**. This review should take place as a matter of priority, and assurances given that this is reviewed regularly and line with Council policy.

**R6.** The Council reviews and improves accessibility and transparency of s106 agreements in Cardiff. This should include:

- Easy to find key documents, plans, information on developments and details of s106 commitments and spend **(KFs 3 & 42)**.
- Better access to information for Members and the public, to include a Protocol for communicating with Members, developers etc. **(KFs 43 & 45)**.
- Build on current mechanisms in place to develop further active community involvement and integration **(KF 46)**.
- The Cardiff LDP Website have dedicated planning obligations/ s106 pages **(KF 44)**. Additional funding for this may need to be explored **(KF48)**.

Contents could include.

- Overarching vision (High level plans; SPGs etc).
- Annual statement of new contributions secured; what these contributions are; what has been spent so far; what the contributions have been spent on.
- In-year regular updates to include details of how and where s106 (and any other) moneys are being spent on a development; details of what these are - what has been requested; what has been contributed; what has been spent.
- A “flow of funds” – showing outcomes of what the money has been spent on.
- A “ward search” function be included to enable Members, public and stakeholders to look for what is happening at this level. This should include the data/information available within the “in-year” updates highlighted above. Bristol City Council has an example of this for reference.
- Viability assessments be published on this part of the website **(KF32)**.

- Tools for assisting developers – set out planned phasing and triggers; what the priorities are; greater clarity on/ability to calculate these amounts **(KF 47)**.

## TRANSPORT & ACTIVE TRAVEL

**R7.** The Replacement Local Development Plan's SP5 (Securing New Infrastructure) has specific provisions to ensure that new developments, irrespective of their size, location, or land use, make appropriate provision for infrastructure. In line with recommendations made on the Shaping Cardiff Post Pandemic Recovery Inquiry, SP5 must include clear, concrete conditions negotiated with developers that adequate transport infrastructure i.e., bus stops, turning circle etc, must be in place on developments as soon as they are publicly occupied, to encourage uptake of sustainable transport and active travel routes.

**(KFs 49,50, 52, 54, 62, 65, 68 & 69)**

**R8.** The Replacement Local Development Plan's SP3 (Ensuring a Master Planning Approach) must clearly specify that when new developments are agreed, developers must engage and consult with transport providers, and relevant community groups (as directed by the Council) during the master planning stage. This early and consistent consultation will ensure proposals for development sites meets both provider and user needs' and assist the council in delivering the transport modal shift, and ensure any new development is linked to, and contributes to the improvement of, existing developments and infrastructure.

**(KFs 49, 50, 52, 54, 61, 62 & 64)**

**R9.** In line with transport legislation and policy in Wales, more emphasis must be put on s106 monies allocated to city centre developments being utilised for improvements to sustainable and active travel corridors, when possible.

**(KFs 49, 52, 61, 62, 65, 66, 68 & 69)**

**R10.** The Replacement Local Development Plan's SP19 (Protecting, Compensating and Enhancing Green and Blue Infrastructure and Biodiversity), must ensure that any roads, cycleways and pavements will take into account any existing areas of biodiversity, including how maintenance and management of the areas that remain will be undertaken.

However, the Strategic Policy must remain flexible to local issues and must stipulate that when this work is managed, close working partnership is required with local.

**(KFs 57, 67, 72, 73, 74, 75, 76 & 77)**

**R11.** In line with local and national strategic direction, the Replacement Local Development Plan's SP4 (Securing Good Quality & Sustainable Design) must specify that developments must include the following features which any relevant SPG<sup>29</sup> will provide further details of :

- Provision of sufficient community EV charging points.
- Active travel signs/way markers, which provide route and distance information to nearest amenities.
- Quality, secure cycle storage at home (particularly for new flats & HMOs) and at local amenities.
- Sufficient road space to accommodate buses passing on main/arterial routes through new developments.
- Protection of historic travel corridors; whether in use or not, to allow their reinstatement at a later date if necessary.

**(KFs 50, 58, 60, 62, 63 & 64)**

**R12.** The Replacement Local Development Plan must ensure that cycle solutions on new developments:

- include secure cycle storage that incorporates usability standards, e.g. excluding the use of upright cycling or in hall storage in new flats and HMOs, and is compliant with Shared Regulatory Service guidance.
- have minimum standards on secure cycle storage which need to be absolute in the LDP and not just the SPG and should not be impacted by the proximity of other sustainable or active travel modes but should support connectivity.

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<sup>29</sup> In line with the Welsh Government's LDP Development Manual and Cabinet accepted recommendations from the SPG Task and Finish Inquiry in 2022, the finalised transport policies in the RLDP should provide a clear and strong substantive policy hook to a relevant SPG that will provide specific details on the application of the policy. It is expected that the SPG will specify or cite the specific LDP policy or paragraph that it links (hooks) to and will be expanding on. A strong SPG should specify minimum standards, thresholds, numbers, percentages targets and measures, how these are worked out, and evidence why these are chosen or required. Furthermore, the relevant SPG should provide evidence on the impact that the policy is seeking to avoid and details of harms it will bring if what is required is not followed. A detailed outline checklist on what is required to ensure a relevant SPG that is strongly linked to the RLDP policies is currently being finalised as part of the accepted T&F recommendation.



- follow Sustrans policy on active travel gates, when possible and not ‘secure by design’ which can exclude some users e.g. wheelchair users and those with pushchairs.

**(KFs 49, 57, 61, 65 & 68)**

## **DISTRICT & LOCAL CENTRES**

**R13.** Accept and implement the recommendations of the Nexus Planning Retail and Commercial Leisure Study (January 2023), as set out in Section 10 of their report, when drafting the RLDP retail planning policies, in particular, but not limited to:

- Nexus’s suggestions to amend the clause in R4 and R5 to resist continuous stretches of 3 or more units to ‘non-retail, leisure or community centre uses’ and, in centres where this is a particular concern, to add a specific clause resisting runs of 3 or more residential units,
- Nexus’s recommendation to reference in R6 the 2,500 sq m (gross) threshold for requiring retail impact assessment (Paragraph 4.3.26 of PPW11, 2021).

**(KFs 83, 85, 87, 88, 94, 111, 120 & 125)**

**R14.** Review existing out-of-centre developments to see whether it would be more appropriate for some of these to be categorised as district or local centres, as set out in the Retail Hierarchy, given how some of these have developed over time.

**(KF 124)**

**R15.** Use the examples cited in this report’s Key Findings of retail planning policies in other local authorities to robustly word RLDP retail planning policies, including:

- Enabling non-retail uses that achieve similar things for centres that A1 usage does e.g., footfall, active frontage/ window display, vibrancy.
- strengthening the wording of the retail strategy and sequential test.
- setting an appropriate threshold for retail/ non-retail use in centres, as part of a multi-pronged approach to managing development.
- drawing on the Vale of Glamorgan Council’s ‘unacceptable harms’ wording and its’ ‘marketing’ wording.
- framing residential use policy in terms of ‘tolerating’ residential use at appropriate locations if proposal is of an appropriate size and scale and not detrimental to the vitality, viability, attractiveness or accessibility of a centre

- *exploring use of the Public Health Wales template for developing effective development management approaches to hot food takeaways.*

**(KFs 78, 81, 85, 86, 90 – 103, 105, - 112, 117 & 119)**

**R16.** Consider whether to include reference to the following areas in the RLDP retail planning policies and, if so, consider the examples of retail planning policies in other local authorities highlighted in this report's Key Findings:

- Evening & Night Time Economy Uses.
- Temporary Uses.
- Agent of Change, and
- Loss of Local Services.

**(KFs 113 – 116)**

**R17.** Use the examples cited in this report's Key Findings of retail planning evidence requirements in other local authorities to strengthen the evidence base required, including:

- developing a Vision Statement for each centre, which will be included in the RLDP, that is intelligence-led and includes stakeholder engagement.
- in the RLDP, delineating and evidencing the impact on centres and local communities if unacceptable harms are not avoided, with further technical details and methodology to be contained in relevant SPG.
- undertaking analysis to determine what level and type of residential use is tolerable in centres, to ensure evidence is available to support development control.
- as a minimum, in the RLDP, adopt the Vale of Glamorgan Council's evidence requirements regarding the marketing required when a change of use from A1 is proposed.
- undertaking an analysis of demand for industrial land and business areas and, where this evidence shows there is a surplus, develop plans setting out specific alternative uses to ensure the identified surplus land is protected for these alternative uses and not available for speculative development.

**(KFs 88, 89, 98 – 106, 109 & 120)**

## BACKGROUND CONTEXT

1. The Welsh Government (WG)<sup>30</sup> requires all councils to have a Local Development Plan (LDP). The document is the Council's key land use planning document, which sets out policies and proposals for future development and use of land in Cardiff between 2006 - 2026, in line with legislative requirements. Once adopted the LDP will replace the existing structure and local plans for the city and will form the basis for decisions on individual planning applications.
2. The LDP is a statutory requirement which identifies opportunities for investment and regeneration including the provision of new homes, jobs, community facilities and transport infrastructure. The Plan also identifies land that requires protection for its conservation importance and measures necessary for safeguarding our environment. It needs to balance sustainable development and conservation, whilst delivering the community's vision for the future of Cardiff.
3. In preparing the LDP, the Council must take account of a wide range of legislation, policies and other initiatives at European, national and local levels of government, including:
  - The Wales Spatial Plan
  - South East Wales Transport Alliance (SEWTA) Regional Transport Plan
  - South East Wales Regional Waste Plan
  - South East Wales Regional Technical Statement for Aggregates.
4. The LDP is tasked with:
  - Delivering sustainable development
  - Reflecting local aspirations for the city, based on a vision agreed by the local community and other stakeholders.
  - Providing a basis for rational and consistent development control decisions
  - Guiding growth and change, while protecting local diversity, character and sensitive environments
  - Showing how and where change will occur over the plan period.

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<sup>30</sup> The Planning & Compulsory Order Act 2004

5. The Preferred Strategy therefore aims to give a broad outline of the intended level of growth in Cardiff and how it can be sustainably delivered. The strategy is a result of carefully considering a number of different factors including:
- The national and regional policy framework;
  - A sound understanding of the local context- identifying key data and issues which the plan must take account of from the evidence base;
  - The Council’s Community Strategy and LDP vision and objectives;
  - Considering the merits of different growth options; and
  - Considering the merits of different spatial options- where the best places are to accommodate new development needs.
6. The Scrutiny inquiry final report will be considered by the Policy Review and Performance Scrutiny Committee at its meeting on 13 December 2023 and offered for Cabinet consideration on 14 December 2023. Subject to Council approval, work will continue on developing the Deposit Local Development Plan. The revised timetable is as follows:
- a. Consultation on Deposit Plan – July to September 2024
  - b. Examination – May 2025 to October 2025
  - c. Adoption – November 2025
7. The Local Development Plan regulations require the Council to publish its pre-deposit proposals for public inspection and comment.

## APPROACH TAKEN

In March 2023 the Chairs of the five Scrutiny Committees agreed that a cross committee Joint Task & Finish group should be established to scrutinise the Preferred Strategy. Nominations were sought from all committees. In April a session was held between the nominated members and Planners, to ensure everyone's understanding was the same of the process to date and the proposed timeframe going forward. The group next met again in early July after the Preferred Strategy had been agreed by Cabinet in June Council in June 2023, to agree the focus of the work of the Task and Finish Group. At the workshop in July round table discussions were held and the top three issues to consider on more detail being statutory obligations, transport and district and local centers. Councillors were also asked which task group/s they wished to participate in. Following the summer break in September the three subgroups consulted with members regarding the terms of reference for each of the groups and stake holder workshops, evidence gathering, and desktop reviews took place during October. Some of this work was frustrated by the calling of continuous strike action throughout September, October, and November, which impacted on the meetings that were able to be held in a face-to-face context initially. The report was written in November to be agreed by the overarching Task & Finish Group and then by each Scrutiny Committee in December before being presented to Cabinet in December, to allow time for recommendations to be considered for inclusion in the Deposit Plan. Therefore, there was limited time to consider the issues in detail and the work of the task groups needed to be focused.

The **Planning Obligations** task group examined how current policy and process could be strengthened; how communication and narrative on planning obligations could be simplified, more accessible and transparent; and how carbon neutral and biodiversity requirements might need to be addressed. The broad range of external and internal witnesses highlighted many positives about the Council's planning service and how it currently approaches s106 agreements. The evidence has been informed by witnesses' experience of working with many local authorities, both in Wales and England. There were also many observations as to how Cardiff Council could improve policy and process as it moves into the detailed phase of developing the replacement Local Development Plan for deposit.

The **Transport** task group reviewed how transport and active travel infrastructure on new developments (LDP policy T5 Managing Transport Impacts) could be improved without negatively impacting on nature and biodiversity. Witnesses from both transport providers and

community groups were invited to attend focus groups and commented on the lack of engagement and communication from an early, master planning stage to ensure the needs of both groups were considered at the earliest opportunity and to encourage take up of sustainable and active travel opportunities. A desktop review of the policy gaps was also undertaken to support the development of recommendations.

To inform the Inquiry, Members of the **District & Local Centre's** task group were provided with information on the policy framework for retail planning policies in Cardiff, including the policy context from Welsh Government, the existing LDP policies and relevant SPG, the review of the existing LDP and Annual Monitoring Reports, the RLDP Vision, Objectives and Issues, the RLDP Preferred Strategy (consultation draft), the Nexus Retail and Commercial Leisure Study (January 2023), the Corporate Plan 2023-24 and the Cardiff Recovery and Renewal Strategy (2021). Members also considered pertinent findings from the previous Planning Inspectorate Examination of Cardiff's proposed Deposit Plan, 2015. Also, Members were provided with a summary of relevant findings from the recent *Shaping Cardiff's Post Pandemic Economic Recovery Inquiry* (January 2023), which included findings on high streets and district and local centres post-covid, and the previous *Supplementary Planning Guidance Inquiry* (October 2022), which included findings on how to ensure tight LDP policies and strong SPG. In addition, desk-based research was undertaken to identify examples of retail planning policies post-covid from other cities in the UK that meet the Welsh Government's policy direction. A gap analysis was undertaken comparing these examples with the existing LDP retail planning policies, to identify where existing policies could be strengthened and amended in the new RLDP, to meet Welsh Government and Cardiff Council's RLDP policy direction. Members also considered publications from the Welsh Retail Consortium, the Association of Convenience Stores, and the Local Government Association, regarding the role of local authorities in assisting high streets and ensuring access to local services.

The key findings from task group activities have been used to inform the development of the recommendations that have been submitted in this report.

Further details and the evidence gathered during October by the three task groups is available on request.

## WITNESSES TO THE INQUIRY

### Statutory Obligations Subgroup

#### External:

- Jim Cliffe, Planning Obligations Manager, Bristol City Council
- Mark Harris, Policy Advisor, House Builders Federation
- Jo Curson, Director of Development, Wales & West Housing Association
- Prof Neil Harris, School of Geography and Planning, Cardiff University
- Andrew Woods, Director, Expedite and Urban Centric
- Tom Evans, Head of Planning, Swansea City Council and Chair of Planning Officers Society Wales

#### Internal:

- Simon Gilbert, Head of Planning
- Alison Draper, Development & Regeneration Team Leader, Housing
- Brett Andrewartha, School Organisation Planning Manager, E&LL
- Anil Hirani, Operational Manager - Capital, Corporate & Treasury, Financial Services
- Vesna Cole, Solicitor, Governance & Legal Services

#### Written Responses:

- Caroline Jones and Andrew Weeks, Savills
- Chris Spiteri, Director, Property Index
- Dr Roisin Willmott, Director, Royal Town Planning Institute

### Transport Subgroup

#### External:

- Gareth Stevens – Cardiff Bus
- Alex Corsi – Adventure Travel
- Christian Reed – Stagecoach Bus
- Ryland Jones – Sustrans
- Chris Roberts - Cardiff Cycle City
- Kirsty James – RNIB
- Dan Thomas – RNIB
- Ceri Cryer – Age Cymru
- Mike Jones Pritchard – Tongwynlais Community Council

#### Internal:

- Jenn Griffiths – Access Forum

#### Written Responses:

- Kelsey Barcenilla – Transport for Wales
- Justin Groves – County Ecologist
- Ed Baker – County Tree Officer



## District & Local Centre's Subgroup

### External:

- Carrie McCambridge – Operations Manager, South Wales, Co-Operative Food
- Adrian Powis – Operations Manager, Cardiff, Co-Operative Funeral Services
- Shelly Lewis – Regional Manager, South Wales, Co-Operative Funeral Services
- Tom Evans – Vice-Chair, Planning Officers Society Wales

### Internal:

- Cllr De'Ath – Cabinet Member, Transport and Strategic Planning
- Simon Gilbert – Head of Planning
- Stuart Williams - Group Leader – Strategic Policy
- Caren Richards – Team Leader – Strategic Policy
- Jon Day – OM Tourism and Investment

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## FINANCIAL IMPLICATIONS

The Scrutiny Committee is empowered to enquire, consider, review, and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications.

## LEGAL IMPLICATIONS

The Scrutiny Committee is empowered to enquire, consider, review, and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without modification. Any report with recommendations for decision that goes to Cabinet / Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal power of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. standing orders and financial regulations; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

## COMMITTEE TERMS OF REFERENCE

The role of the Policy Review & Performance Committee is to scrutinise, monitor and review the overall operation of the Cardiff Programme for Improvement and the effectiveness of the general implementation of the Council's policies, aims and objectives, including:

- Council Business Management and Constitutional Issues
- Cardiff Council Corporate Plan
- Strategic Policy Development
- Strategic Programmes
- Community Planning & Vision Forum
- Voluntary Sector Relations
- Citizen Engagement & Consultation
- Corporate Communications
- International Policy
- Cardiff Local Development Plan
- Equalities
- Finance and Corporate Grants
- Organisational Development
- Cardiff Efficiencies Programme
- E-Government
- Information and Communication Technology
- Council Property
- Commissioning and Procurement
- Carbon Management
- Contact Centre Services and Service Access
- Legal Services
- Public Services Board

To scrutinise, monitor and review the effectiveness of the Council's systems of financial control and administration and use of human resources.

To assess the impact of partnerships with and resources and services provided by external organisations including the Welsh Government, joint local government services, Welsh

Government Sponsored Public Bodies and quasi-departmental non-government bodies on the effectiveness of Council service delivery.

To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures which may enhance Council performance and service delivery in this area.

### Policy Review & Performance Scrutiny Committee Membership



Councillor Joel Williams  
(Chairperson)



Councillor Mike Ash-Edwards



Councillor Bernie Bowen-Thomson



Councillor Joe Carter



Councillor Jasmin Chowdhury



Councillor Jane Henshaw



Councillor Graham Hinchey



Councillor Garry Hunt



Councillor Leonora Thomson

DRAFT

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**CYNGOR CAERDYDD  
CARDIFF COUNCIL****ECONOMY & CULTURE SCRUTINY COMMITTEE****12 DECEMBER 2023**

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**CORRESPONDENCE UPDATE**

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**Background**

1. Following most Committee meetings, the Chair writes a letter to the relevant Cabinet Member or officer, summing up the Committee's comments and recommendations regarding the issues considered. At the Committee meeting on 21 November 2023, Members received a report detailing the correspondence sent and received up to that meeting.
  
2. Correspondence has been sent since that meeting and the current position is set out below:
  - i. **Response Received** – from Councillor Thomas, Leader, to the Chair, Councillor Wong's public letter, following pre-decision scrutiny of the report to Cabinet – Indoor Arena Funding Strategy, considered at Committee on 21 November 2023.
  - ii. **Response Received** – from Councillor Thomas, Leader, to the Chair, Councillor Wong's confidential letter, following pre-decision scrutiny of the report to Cabinet – Indoor Arena Funding Strategy, considered at Committee on 21 November 2023.
  - iii. **Response Awaited** – from Councillor Thomas, Leader, to the Chair, Councillor Wong's public letter, following policy review scrutiny of city centre management arrangements, city centre recovery, and City Deal and Western Gateway partnership working, considered at Committee on 19 September 2023.
  
3. There is one response awaited. Copies of the Chair's letters and any public responses received can be found on the Council's website page for the relevant Committee meeting, with a hyperlink provided at the top of the page,

entitled '*correspondence following the committee meeting*'. Confidential letters have been circulated to Committee Members.

### **Way Forward**

4. During the meeting, Members are able to discuss the correspondence update

### **Legal Implications**

5. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

### **Financial Implications**

6. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.



**RECOMMENDATION**

The Committee is recommended to reflect on the update on correspondence.

**Leanne Weston**  
**Interim Deputy Monitoring Officer**  
**6 December 2023**

Mae'r dudalen hon yn wag yn fwriadol