

Public Document Pack



Neuadd y Sir
Y Rhadyr
Brynbuga
NP15 1GA

County Hall
Rhadyr
Usk
NP15 1GA

Tuesday, 5 January 2021

Dear Councillor

INDIVIDUAL CABINET MEMBER DECISIONS

Notice is hereby given that the following decisions made by a member of the cabinet will be made on Wednesday, 13 January 2021.

1. **MONLIFE - MUSEUM SERVICE COLLECTIONS RATIONALISATION** 1 - 24

Division/Wards Affected:

CABINET MEMBER: County Councillor P Jordan

AUTHOR: Rachael Rogers, Museums Manager

CONTACT DETAILS:

Tel: 01873 854282

E-mail: rachaelrogers@monmouthshire.gov.uk

2. **MINERALS REGIONAL TECHNICAL STATEMENT SECOND REVISION (RTS2)** 25 - 44

Division/Wards Affected: All Wards

CABINET MEMBER: County Councillor RJW Greenland

AUTHORS:

Mark Hand - Head of Placemaking, Housing, Highways and Flood

Craig O'Connor - Head of Planning

Rachel Lewis - Planning Policy Manager

CONTACT DETAILS:

Tel: 07773478579

markhand@monmouthshire.gov.uk

Tel: 07816175737

craigconnor@monmouthshire.gov.uk

Tel: 01633 644827

rachellewis@monmouthshire.gov.uk

3. **MINIMUM ENERGY EFFICIENCY STANDARDS - PRIVATE RENTED SECTOR (PRS).**

45 - 84

Division/Wards Affected: All Wards

CABINET MEMBER: County Councillor S Jones

AUTHOR: Gareth Walters – Trading Standards and Animal Health Manager

CONTACT DETAILS:

*Email: **garethwalters@monmouthshire.gov.uk***

*Tel: **07967671158***

Yours sincerely,

Paul Matthews
Chief Executive

CABINET PORTFOLIOS

County Councillor	Area of Responsibility	Partnership and External Working	Ward
P.A. Fox (Leader)	<p>Whole Authority Strategy & Direction Lead Officer – Chief Executive</p> <p>CCR Joint Cabinet & Regional Development; Organisation overview; Regional working; Government relations; Public Service Board lead; WLGA lead</p>	<p>WLGA Council WLGA Coordinating Board Public Service Board</p>	Portskewett
R.J.W. Greenland (Deputy Leader)	<p>Enterprise and Land Use Planning Lead Officer – Frances O’Brien Support Officers – Mark Hand, Cath Fallon</p> <p>Local Development Plan; Strategic Development Plan; Economic Resilience and Growth; Town Centre Investment and Stewardship; Development Management and Building Control; Housing Delivery</p>	<p>WLGA Council Capital Region Tourism</p>	Devauden
P. Jordan	<p>Governance and Law Lead Officers – Matthew Gatehouse, Matthew Phillips, Ian Saunders</p> <p>Council & Executive decision making; Constitution review and implementation of change; Law, Ethics & Standards; Audit and Regulatory WAO Relations Support for Elected Members Democracy promotion & citizen engagement Whole Authority Performance; Whole Authority Service Planning & Evaluation Community Hubs and Contact Centre Community Learning Tourist Information / Museums / Theatre / Attractions</p>		Cantref
R. John	<p>Children & Young People and MonLife Lead Officers – Will McLean, Ian Saunders Support Officers – Nikki Wellington, Sharon Randall-Smith, Richard Simpkins</p> <p>Early Years Education</p>	<p>Joint Education Group (EAS) WJEC</p>	Mitchel Troy

	<p>All Age Statutory Education Additional Learning Needs; School Inclusion Post 16 entitlement / offer</p> <p>School standards and Improvement; Education Achievement Service Commissioning Coleg Gwent and University liaison. Leisure / Sport Outdoor education / Duke of Edinburgh Active Travel Countryside / Biodiversity</p>		
P. Jones	<p>Social Care, Safeguarding & Health Lead Officer – Julie Boothroyd Support Officers – Eve Parkinson, Jane Rodgers</p> <p>Children’s Services Fostering & Adoption; Youth Offending Service; Adults Services Whole Authority Safeguarding (children & adults); Disabilities; Mental Health; Health liaison.</p>		Raglan
P. Murphy	<p>Whole Authority Resources Lead Officer – Peter Davies, Frances O’Brien Support Officers – Deb Hill-Howells, Sian Hayward, Tracey Harry, Mark Howcroft</p> <p>Finance; Information technology (SRS); Digital Programme Office Human Resources; Health & Safety; Emergency Planning; Procurement; Land & Buildings (inc. Estate, Cemeteries, Allotments, Farms); Vehicle Fleet / Passenger Transport Unit Property maintenance; Facilities Management (inc. Building Cleaning and Catering all ages)</p>	Prosiect Gwrydd	Caerwent
J. Pratt	<p>Infrastructure and Neighbourhood Services Lead Officer – Frances O’Brien Support Officers – Roger Hoggins, Carl Touhig, Nigel Leaworthy</p> <p>County Roads / Pavements South Wales Trunk Road Agency</p>	SEWTA Prosiect Gwrydd	Goytre Fawr

	<p>Highways Maintenance, Transport, Traffic & Network Management, Car Parks / Illegal Parking Enforcement Whole Authority De-carbonisation Plastic Free Monmouthshire Waste / Recycling / Cleansing Grounds Maintenance Parks & Open Spaces/ Public Conveniences Flood Prevention / Management / SUDs</p>		
S. Jones	<p>Social Justice & Community Development Lead Officer – Frances O’Brien Support Officers – Cath Fallon, David Jones, Ian Bakewell</p> <p>Rural Deprivation / Isolation; Digital Deprivation Poverty / Disadvantage Homelessness; Supporting People Community Safety / Equality / Protected Characteristics Public Relations; / Communications / Marketing Trading Standards / Environmental Health; Licensing; Registrars</p>		Llanover

Aims and Values of Monmouthshire County Council

Our purpose

Building Sustainable and Resilient Communities

Objectives we are working towards

- Giving people the best possible start in life
- A thriving and connected county
- Maximise the Potential of the natural and built environment
- Lifelong well-being
- A future focused council

Our Values

Openness. We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

Fairness. We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

Flexibility. We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

Teamwork. We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.

This page is intentionally left blank

SUBJECT: MonLife – Museum Service Collections Rationalisation

MEETING: Individual Cabinet Member Decision – Cllr Paul Jordan

DATE: 13th January 2021

DIVISION/WARDS AFFECTED: Not Applicable

1. PURPOSE:

To approve the deaccessing and disposal of selected items from the collections of Monmouthshire Museums to ensure:

- Everything we have in the collections relates to our Collections Development Policy.
- We know the broad themes of our collections
- We are more informed of our future storage needs
- We know where artefacts that need accessioning are and the size of the task

2. RECOMMENDATIONS:

1. To agree the deaccessioning of and disposal actions for the proposed items in line with Section 4 of the Museums Association Disposal Toolkit. (List can be seen in Appendix 2).
2. To note this forms the third of a series. Further lists for items will be identified for disposal as we are able to make recommendations.

3. KEY ISSUES:

- 3.1 Accredited museums act within an agreed legal and ethical framework and have approved policies for developing their collections. This ensures that the public continue to have access to public collections – and that they continue to trust museums as responsible long-term guardians. Collections review, rationalisation and disposal are part of responsible collections management.
- 3.2 Accessioning is the process of formally recording that the governing body has taken legal ownership of objects and has committed to care for them over the long term. Deaccessioning is the formal decision by a governing body to take objects out of its accessioned collection and managing the disposal of those objects through an agreed method.
- 3.3 Collections rationalisation is a procedure whereby a museum improves its understanding of a collection so that the collection can be used more effectively for the benefit of its users. The need to rationalise a collection is driven by many different factors, and may include

uncontrolled collecting in the past, increasing pressures on storage space or the need to meet organisational priorities.

- 3.4 Controlled rationalisation enables museums to develop a systematic and strategic approach to effective management and increased use of their collections, allowing them to maximise resources, refocus collecting activity and increase public access. Although one clear outcome of a programme of rationalisation can lead to deaccessioning and the disposal of objects, rationalisation can also provide ways of considering new and different uses for collections.
- 3.5 The Accreditation Scheme for museums and galleries in the UK encourages museums to consider rationalisation as a way to address collections management issues facing museums and make collections accessible to visitors and users. A museum's approach to rationalisation will be articulated in its Collections Development Policy which will include detail on the museum's themes and priorities for collections.
- 3.6 There are many benefits to collections rationalisation:
- Ensuring that collections are relevant to the museum's vision and strategic objectives which may have evolved over time with historic collections now not fit for the current purpose of the museum
 - Developing a clearer understanding of the collections the museum holds
 - Determining the significance of objects in a collection
 - Enabling effective collections development, including contemporary collecting
 - Maximising resources – storage space, staffing and running costs, to care effectively for collections
 - Developing priorities for collections care
 - Improving storage and management of reserve collections
 - Focusing collections, so that they are of high quality and relevant to users and stakeholders
 - Providing increased access to collections
 - Using collections within the museum and with partners in different ways
 - Enhancing knowledge and information about collections and improving documentation

Please note these principals are taken from guidance documents published by Collections Trust (the UK body for museum documentation standards) and Arts Council England (the body that oversees Accreditation - the Museum Standard across the UK)

- 3.7 Managing the disposal of objects needs to be done both ethically and in response to organisational strategy. Rationalising a collection is a lengthy process; items need to be assessed, and if they are no longer relevant to the museum, where they go next needs to be assessed.

Section 4 of the Museums Association Disposal Toolkit provides full detail of acceptable methods of disposal. In brief these are:

- Transfer to an Accredited Museum
- Exchange of items between museums
- Transfer to another institution/organisation within the public domain
- Return to donor

- Sale to an accredited museum
- Transfer outside the public domain
- Sale outside the public domain
- Recycling of an item
- Destruction of an item

(In most instances the procedures would be followed in the order set out above, ie Transfer to Accredited Museum being the first procedure and destruction of an item being the last)

The following should be of key consideration when selecting a method of disposal:

- there is a strong presumption for keeping items within the public domain
- there is a strong preference for free gift or transfer to other accredited museums and items should be offered to them in the first instance
- action should be taken that ensure continued public trust in museums.

3.8 There may be a negative impact of antipathy and distrust of the service by people who thought items would be looked after in perpetuity. We will carry out the following procedures to mitigate this risk:

- Follow Museum Ethical Guidelines at all times.
- We will provide updates on the process to ensure that members of the public are aware of what we are doing at all times.
- We will keep relevant organisations up to date including MALD the body responsible for museums in Wales.
- We will keep any bodies that have provided funding towards the purchase or conservation of objects updated and consult with them at relevant stages.

4. EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING):

4.1 The work of the Museum Service holds the wellbeing of our Future Generations at its very heart. It is well documented that participation in cultural life improves people's wellbeing and this is something considered throughout the service's work. Collections rationalisation ensures that resources are being targeted appropriately, we are caring for our collections appropriately and the artefacts we care for are telling the stories of our communities. If the method of disposal chosen is to transfer an item to another community then those communities also benefit by being able to tell their stories better.

5. OPTIONS APPRAISAL

5.1 Carrying out collections rationalisation will enable us to manage our collections better to the benefit of our communities.

5.2 This list represents the boxed items from the off site store that relate to Social History. All of these items have been assessed and a recommendation to keep or dispose has been

made for most. Boxed items relating to archaeology and natural history still require assessment.

- 5.3 This process involved assessing 585 collection items in total, from which 45 more have now been identified for disposal (in addition to those previously agreed on lists 1 and 2).

Further disposals from the 585 items have been proposed but the team are currently carrying out additional research on the objects to support their proposals or calling on expert advice to inform the process.

Further lists will be brought for decision when these processes have been carried out.

- 5.4 Items not from our off site store will form part of the bid submitted to the National Lottery Heritage Fund and will be dealt with under this process during 2020 and 2021.

6 EVALUATION CRITERIA

- 6.1 We have referred to industry standards and best practice throughout and have consulted the following documents to help inform the review:

- Spectrum 5.0 (The UK Museums' Collection Management Standard) 'Collections Review' and 'Deaccessioning and disposal' chapters
- Museums Association Disposal Toolkit
- University College London Collections Review Toolkit (https://www.ucl.ac.uk/culture/sites/culture/files/cr_toolkit_final.pdf)
- Collections Trust : A guide to selecting a review methodology for collections rationalisation
- CyMal (2013) why do we have it- A significance process and template (CyMAL is the predecessor to MALD: Museums Archives and Libraries Wales – Welsh Government)
- South East Museum Development Programme: A guide to Collections Review and Rationalisation.
- SHARE Museums East: Collections Rationalisation: Planning for action

7. REASONS:

Like many museums across the UK, the stores housing Monmouthshire Museum Collections are reaching full capacity. In 2017 we carried out a study during which the percentage fullness of each item of shelving/cupboard was visually estimated. The mean fullness of shelving/cupboard housing the collections is 86% demonstrating that the space available for future collecting is very limited and there is little space for the collections to grow and remain relevant. There is also the issue of overcrowding with many of the collections stored on the floor. In addition the volume of Non Accessioned objects across the whole of the Museums Service collections is 23%. This means 23% of collections are not catalogued or recorded making it difficult for the service to use the collections to tell their stories to members of our communities.

8. RESOURCE IMPLICATIONS:

This work can be considered in two parts:

- A pilot study was set up to consider items in our off site store. This list represents items from that work. Money to carry out that work was allocated from museum fundraising.

- Further work across all the collections is being carried out as part of a National Lottery Heritage Fund Award. Two project assistants have been appointed to carry out the work, alongside our Collections Management Officer who is leading on the project and whose hours have been increased and funded by the NLHF.

9. CONSULTEES:

Enterprise DMT
Cabinet member for Museums
Chief Operating Officer - MonLife
MonLife Management Team
Museum Staff

10. BACKGROUND PAPERS:

Appendix 1: Equality and Future Generations Evaluation

Appendix 2: Recommendation for Disposal

Appendix 3: Monmouthshire Museums Collections' review process: April 2019

Appendix 4: Collection's Review Scoring grid

<https://www.museumsassociation.org/collections/disposal-toolkit>

<https://326gtd123dbk1xdkdm489u1q-wpengine.netdna-ssl.com/wp-content/uploads/2017/11/Deaccessioning-and-disposal.pdf>

11. AUTHOR: Rachael Rogers, Museums Manager

12. CONTACT DETAILS: Tel: 01873 854282

E-mail: rachaelrogers@monmouthshire.gov.uk

This page is intentionally left blank



Equality and Future Generations Evaluation

<p>Name of the Officer Rachael Rogers</p> <p>Phone no: 01873 854282 E-mail: rachaelrogers@monmouthshire.gov.uk</p>	<p>Please give a brief description of the aims of the proposal</p> <p>To approve a recommendation from Museums Staff to dispose of selected museum artefacts via an approved Collections Rationalisation Procedure.</p>
<p>Name of Service area</p> <p>Museums</p>	<p>Date 3rd December 2020</p>

4 Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	Collections rationalisation will enable us to determine how we are better able to serve our audiences with protected characteristics.	There may be a negative impact on the older age group as they are the ones who may have been donors of these items. This impact may be one of antipathy and distrust of the service that they had thought was going to look after their donations in perpetuity.	<p>Museum Ethical Guidelines will be followed at all times to ensure we remain within Museum Industry Standards at all times. We will provide full information on the process to ensure that members of the public are aware of what we are doing at all times. We will keep relevant organisations up to date including MALD the body responsible for museums in Wales.</p> <p>We will also prepare written statements of explanation available at each museum for custodians to hand out; provide positive press stories e.g. publicising successful 'rehomings' in other museums etc.</p>
Disability	As above	As above	As above
Gender reassignment	As above	As above	As above
Marriage or civil partnership	As above	As above	As above
Pregnancy or maternity	As above	As above	As above
Race	As above	As above	As above
Religion or Belief	As above	As above	As above

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Sex	As above	As above	As above
Sexual Orientation	As above	As above	As above
Welsh Language	As above	As above	As above
Poverty	As above	As above	As above

Page 6

2. **Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal. There's no need to put something in every box if it is not relevant!


Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs	Our resources are stretched and it is a better use of them to focus on collections relevant to our communities.	Carrying out the review will enable us to work out how to most effectively use our resources to enable us to contribute to a prosperous Wales through Culture.




Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)		
A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood	The positive effects of cultural activities on people's wellbeing is well documented. Ensuring our collections are relevant to our particular communities and our visitors will contribute towards this.	Carrying out the rationalisation will enable us to work how to most effectively use our resources to enable us to contribute to a healthier Wales through Culture
A Wales of cohesive communities Communities are attractive, viable, safe and well connected	<p>Telling the stories of all our communities through our work is important in making our communities feel connected and attractive. Ensuring our collections relate directly to our stories will enable us to do this in a more focused way.</p> <p>There may be a negative impact on communities of antipathy and distrust of the service that they had thought was going to look after donations in perpetuity.</p>	<p>Carrying out the rationalisation will enable us to work how to most effectively use our resources to enable us to contribute to a Wales of cohesive communities.</p> <p>Museum Ethical Guidelines will be followed at all times to ensure we remain within Museum Industry Standards at all times. We will provide full information on the process to ensure that members of the public are aware of what we are doing at all times. We will keep relevant organisations up to date including MALD the body responsible for museums in Wales.</p> <p>We will also prepare written statements of explanation available at each museum for custodians to hand out; provide positive press stories e.g. publicising successful 'rehomings' in other museums etc.</p>
A globally responsible Wales		


Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
Taking account of impact on global well-being when considering local social, economic and environmental wellbeing		
A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	Collections Rationalisation means we can focus on the appropriate culture and heritage for our area.	Carrying out the rationalization will enable us to work out how to most effectively use our resources to enable us to contribute to a Wales of vibrant culture and thriving Welsh language.
A more equal Wales People can fulfil their potential no matter what their background or circumstances		

130911

How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Balancing short term need with long term and planning for the future</p> <p>Long Term</p>	The Museum Stores are extremely full. This work will enable us to look at the long term and to plan for the future.	

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Working together with other partners to deliver objectives</p> <p>Collaboration</p>	<p>This will involve working closely with our colleagues across museums to ensure we are following industry procedures and staying with in ethical guidelines.</p>	
 <p>Involving those with an interest and seeking their views</p> <p>Involvement</p>	<p>We have consulted with museum bodies and followed UK wide principals.</p>	<p>There may be a negative impact on communities of antipathy and distrust of the service that they had thought was going to look after donations in perpetuity.. Museum Ethical Guidelines will be followed at all times to ensure we remain within Museum Industry Standards at all times. We will provide full information on the process to ensure that members of the public are aware of what we are doing at all times. We will keep relevant organisations up to date including MALD the body responsible for museums in Wales.</p> <p>We will also prepare written statements of explanation available at each museum for custodians to hand out; provide positive press stories e.g. publicising successful 'rehomings' in other museums etc.</p>
 <p>Putting resources into preventing problems occurring or getting worse</p> <p>Prevention</p>	<p>The Museum Stores are almost at capacity and we need to address this in order to plan for the future.</p>	<p>Properly considered collections rationalization will help us to prioritise the needs of our service and ensure we can put in place the best resources to care for them.</p>

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Considering impact on all wellbeing goals together and on other bodies</p>	<p>It is well documented that participation in cultural life improves peoples well-being and this is something we consider throughout our work.</p>	

4. Council has agreed the need to consider the impact its decisions has on the following important responsibilities: Social Justice, Corporate Parenting and Safeguarding. Are your proposals going to affect any of these responsibilities?

Describe any positive impacts your proposal has	Describe any negative impacts your proposal has	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Social Justice	Our role as a museum service is to tell the stories of everyone in Monmouthshire. We would like to ensure we do this more effectively.	
Safeguarding	N/A	N/A
Corporate Parenting	N/A	N/A

5. What evidence and data has informed the development of your proposal?

- Discussion amongst Monmouthshire Museums Team
- Spectrum 5.0 'Collections Review' and 'Deaccessioning and disposal' chapters
- Museums Association Disposal Toolkit
- University College London collections review Toolkit (https://www.ucl.ac.uk/culture/sites/culture/files/cr_toolkit_final.pdf)
- Collections Trust : A guide to selecting a review methodology for collections rationalisation
- CyMal (2013) why do we have it- A significance process and Template (CYMAL = predecessor of MALD – Museums Archives and Libraries Division of Welsh Government)
- South East Museum Development Programme: A guide to Collections Review and Rationalisation.
- SHARE Museums East: Collections Rationalisation: Planning for action (SHARE = Museums Development Programme for the East of England)

6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

The work we do in the Museums Service holds the wellbeing of our Future Generations at its very heart. It is well documented that participation in cultural life improves peoples well being and this is something we consider throughout our work. Whilst the idea of disposal can be difficult within a museum context, the Accreditation Scheme for museums and galleries in the UK encourages museums to consider rationalization as a way to address collections management issues facing museums and make collections accessible to visitors and users. This means improvements to the service in the longer term.

7. ACTIONS: As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

What are you going to do	When are you going to do it?	Who is responsible
--------------------------	------------------------------	--------------------

8. VERSION CONTROL: The Equality and Future Generations Evaluation should be used at the earliest stage, such as informally within your service, and then further developed throughout the decision making process. It is important to keep a record of this process to demonstrate how you have considered and built in equality and future generations considerations wherever possible.

Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration
1.	Enterprise DMT (List 1)	14 th June 2019	No Change
	ICMD	10 th July 2019	No Change

	Enterprise DMT (List 2)	23 rd Sept 2019	
--	-------------------------	----------------------------	--

This page is intentionally left blank

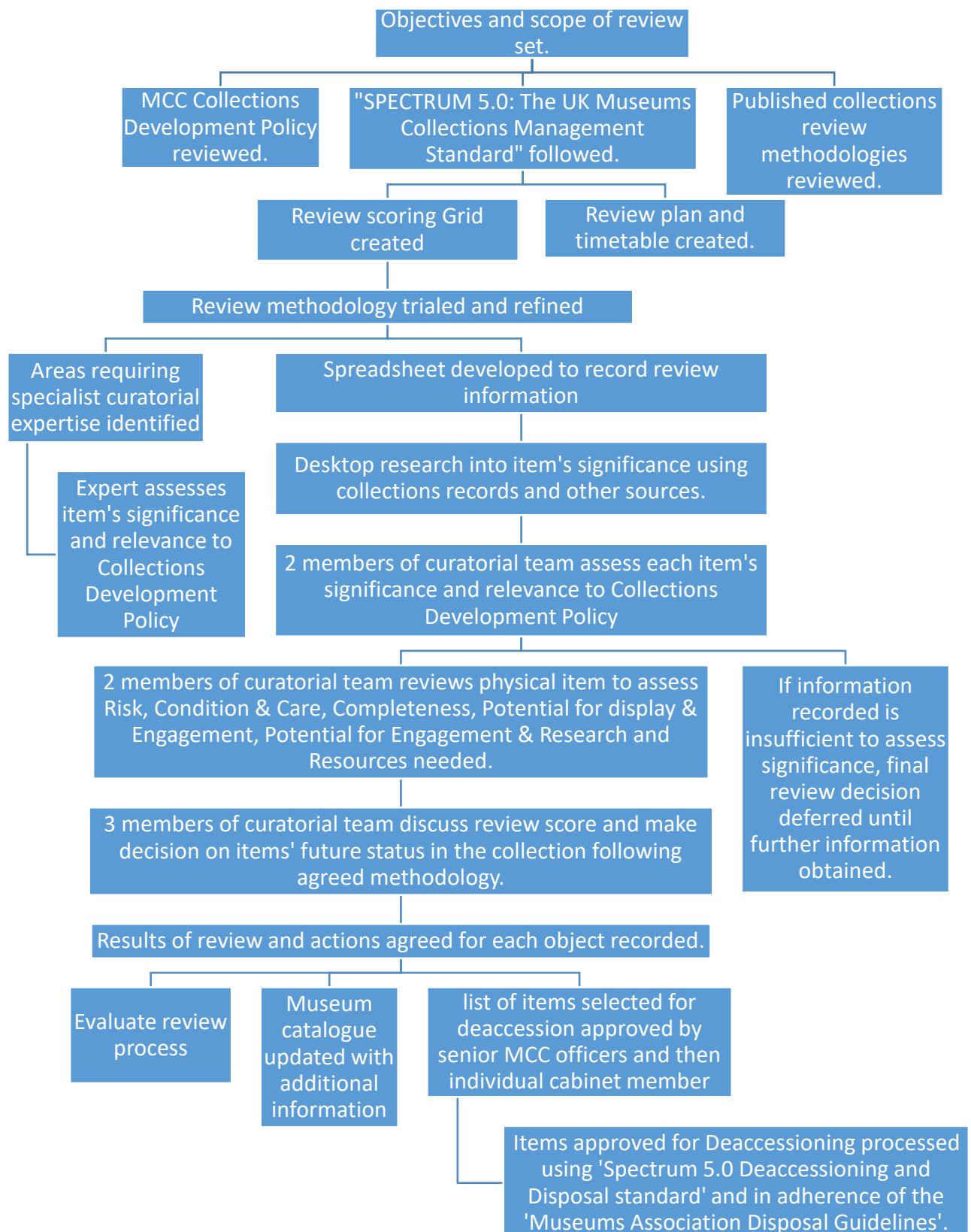
Number	Description	Information	Reason
1982.711	Iron Spear head	Iron spear head with broken tip	generic object does not specifically contribute to local story. Poor display and engagement potential
ABGMS : A1978.200	Moustache cup	Marked on the back "a present from Penarth"	generic object does not specifically contribute to local story. Poor display and engagement potential.
ABGMS : A1978.202.a	Cheese dish Lid	Cheese dish lid, flower patterned, blue yellow and white. Stamped: Made in England.	generic object does not specifically contribute to local story. Poor display and engagement potential.
ABGMS : A1978.202.b	Cheese dish Plate	Cheese dish plate, flower patterned, blue yellow and white. Stamped: Made in England.	generic object does not specifically contribute to local story. Poor display and engagement potential.
ABGMS : A1978.206	Glass Dish	Glass petri dish	generic object does not specifically contribute to local story. Poor display and engagement potential.
ABGMS : A1978.207	Cup	China cup, Willow pattern	generic object does not specifically contribute to local story. Poor display and engagement potential.
ABGMS : A1978.214	Egg cup	Egg cup chipped around base and cracked.	no local story
ABGMS : A1978.215	Jar	Marmalade jar marked 'James Keiller and Son', contents 1lb net. Chip on brim and cracked on outside.	generic object, poor display and engagement potential
ABGMS : A1978.302	Teapot with lid	Handle missing off lid. Wood and Sons (England) 'Yuan' teapot, handle missing off lid and loss and damage to top.	generic object does not specifically contribute to local story. Poor display and engagement potential.

ABGMS : A1978.303	Coffee Pot with lid	Lid chipped, gold leaves and stalk pattern on white pot. Mark on the bottom 'W & J A B FIREPROOF 2"	generic object does not specifically contribute to local story. Poor display and engagement potential.
ABGMS : A1978.305	Jar	Jar, cracked on bottom.	generic object, poor display and engagement potential
ABGMS : A1978.306	Jar	<i>Golden Shred</i> brand marked on the bottle, white and chipped on the bottom.	generic object, poor display and engagement potential
ABGMS : A1978.317	Jug, glazed	Large brown jug inscribed 'Mrs A Wishart, 3 Edith Road, Anfield, Liverpool"	no local significance
ABGMS : A1978.318	Egg cup	porcelain, red, blue and green design	no local story
ABGMS : A1978.319	Plate	Plate broken in 2 places around rim.	incomplete, poor display and engagement potential
ABGMS : A1978.320	Bottle with leather handle and cover	Bottle with leather handle and leather top.	generic object. No local connection beyond donor
ABGMS : A1978.327	Bottle, stoneware	Piece missing on side, chip, spotted with a black substance (?ink bottle)	generic object
ABGMS : A1978.328	Pot	Earthenware pot, chipped and spotted all over.	generic object, poor display and engagement potential
ABGMS : A1978.330	Brown Pot	Brown pot with handles, lid missing, cracked on bottom.	generic object, poor display and engagement potential
ABGMS : A1978.332	Patterned Container	? Mug. Crown Devonware, Stoke-on-Trent. Cracked down the side, piece missing from the bottom.	poor display and engagement potential
ABGMS : A1978.340	Basin, white china	Basin, white.	generic object. No local connection beyond donor
ABGMS : A1978.342	Vase, chipped	Pink narrow neck vase, with handle off one side and top broken off.	generic object does not specifically contribute to local story. Poor display and engagement potential.
ABGMS : A1978.343	Bottle	Chips on one side, cream colour.	generic object does not specifically contribute to local story. Poor display and engagement potential

ABGMS : A1978.344	Bottle, brown glaze	Bottle for holding ink, chipped.	generic object does not specifically contribute to local story. Poor display and engagement potential
ABGMS : A1978.345.a-b	Dish and lid, Tureen	Tureen, dish and lid, J M & D/S (?) mark. Handle is missing off one side of the dish.	generic object does not specifically contribute to local story. Poor display and engagement potential.
ABGMS : A1978.380	Round glass object	Possibly a scent bottle. Engraved rib decoration and chipped rim.	generic object. No local connection beyond donor
ABGMS : A1978.381	Vase	Decorated with 3 groups of 3 palm trees. Very cracked.	generic object. No local connection beyond donor
ABGMS : A1978.397	Bottom of Soup ladle	Bowl with handle, top part missing.	generic object does not specifically contribute to local story. Poor display and engagement potential.
ABGMS : A1978.399	Flower stand or Spittoon	Glazed earthenware base and hole in the top	no significance to telling the story of Llanover school
ABGMS : A1978.440	Pie crust funnel	Ceramic Pie crust funnel.	generic object does not specifically contribute to local story. Poor display and engagement potential.
ABGMS : A1978.456.a-e	5 part Glass Cruet set	4 glass containers and metal stand.	generic object. No local connection beyond donor
ABGMS : A1978.507a	Glass Egg cup	Glass egg cup	generic object. No local connection beyond donor
ABGMS : A1978.576	Orange lid	Chinese people on the top.	incomplete, poor display and engagement potential
ABGMS : A1979.133	Serving dish	Willow pattern serving dish, stamp mark (Staffordshire knot) on base.	generic object. No local connection beyond donor
ABGMS : A1979.220	Glass jar with spiked lid	Large glass jar with spiked lid used in chemist's shop	no local significance
ABGMS : A1982.457	Bottle, brown glass	Part of a group of bottles found in Abergavenny, embossed around bottom: "J. A. DEVENISH & CO LTD" on base "J A D CTC, Q1176."	no local significance

ABGMS : A1982.609	Curved Iron handle	? a pot handle	no local significance beyond local donor
ABGMS : A1982.705	Toilet lock and backplate	Makers' mark "Lockerbie & Wilkinson Ltd, Tipton"	no local connection, poor display and engagement potential
ABGMS : A1982.738	Fire brick with slag attached.	Unstamped fire brick with slag attached	Unprovenanced, no local connection found
ABGMS : A1982.765	Wine glasses	23 miscellaneous wine glasses	no local story
ABGMS : A1982.812X	Shoe brush, oval, with handle	Shoe brush with handle, marked "AB brush" and "pure bristle, British made".	no local connection found
ABGMS : A1983.18.a-f	Glasses	6 glasses with engraved design	no local significance
ABGMS : A1983.19a-e	Glasses	5 glasses with engraved design	no local significance
ABGMS : A1983.20 a-d	Glasses	4 glasses with foliage design	generic objects, do not specifically contribute to local story. Poor display and engagement potential.
ABGMS : A1985.108	Window glass	From 'Home & Colonial' warehouse- incomplete, broken in 4 parts	no local connection combined with H&S risk as the glass is broken and in many parts.

Monmouthshire Museums Collections' review process: April 2019



This page is intentionally left blank

Collection's Review Scoring grid. Draft 2. December 2018- Based UCL Collections Review Rubric, CyMAL (2013) "Why do we have it"- A significance Process and Template and Collections Trust (2014) A guide to selecting a review methodology for collections rationalisation, and adapted to our needs following discussion with MCC Museum staff

Method: Assign grade to object for each category based on statements below and enter score into spreadsheet. Grade is assigned based on lowest relevant statement in each section. Add supporting comments in "Reason" column of spreadsheet.

Decision: If object scores any **C** or **D** in **Significance, Condition, or Risk**- consider for disposal.

If object scores 2 **D**'s in **Completeness, Display, Engagement or Resource**- consider for disposal.

	Significance & Relevance to Collections Development policy	Risks associated with caring and using the object	Condition and care	Completeness	Potential for display and use	engagement and research	Resource to manage, care, use
A	<ul style="list-style-type: none"> • Of clear national, regional, local or community significance. • Relevant to the Collections Development Policy. • Object known to be unique or rare. 	<ul style="list-style-type: none"> • Low risks of hazards. 	<ul style="list-style-type: none"> • Stable material. • Good condition. • No conservation problems. • Minor cleaning needed. 	<ul style="list-style-type: none"> • Either fully complete or the missing elements are not integral to its importance and significance. • Appears to be in its original condition. 	Potential to be: <ul style="list-style-type: none"> • Permanently on display • Star object/"wow" factor. • Strongly identified in the public's mind with the organisation or location. 	<ul style="list-style-type: none"> • Regularly used or strong potential for public engagement • Regularly or strong potential for research use. 	Existing resources are appropriate.
B	<ul style="list-style-type: none"> • Of clear local or community value. • Relevant to the Collections Development Policy. 	<ul style="list-style-type: none"> • Low risk at present but hazards could be exposed without appropriate collections management. 	<ul style="list-style-type: none"> • Stable material but needs monitoring. • Fair condition • Some risk of decay and deterioration. • Some conservation treatment desirable. 	<ul style="list-style-type: none"> • Complete or missing only a small number of parts. • In near original condition, or any adaptations are consistent with its history and use. • Any missing parts do not make it unrecognisable. 	Potential to: <ul style="list-style-type: none"> • Engage visitor interest and stimulate discussion. • Contribute to a permanent or temporary exhibition. 	<ul style="list-style-type: none"> • Potential for use in public engagement, • Potential for research use. 	Small amount of additional resource required.
C	<ul style="list-style-type: none"> • Of assumed but unproven or of little specific local, community or organisational importance but possibly some historical, aesthetic artistic, scientific or social interest. • Outside the Collections' Development Policy. • Similar to other item within Monmouthshire Museums' collections. 	<ul style="list-style-type: none"> • Some hazards exist but these can be safely managed with appropriate PPE. • Size or weight of object requires additional resource to safely move. 	<ul style="list-style-type: none"> • Unstable material. • High risk of deterioration- immediate action required. • Poor condition. • Major areas of loss. • Significant conservation investment required to prepare for use or display, 	<ul style="list-style-type: none"> • Incomplete • Object has been significantly adapted and these changes do not relate to the significant periods of its history. 	<ul style="list-style-type: none"> • No current public focus but may have some potential for this in the future. • Not known to have been used in displays. 	<ul style="list-style-type: none"> • Little potential for public engagement use. • Little potential for research use. 	Significant additional resource required
D	<ul style="list-style-type: none"> • Not considered to have aesthetic, Artistic, historical, scientific or social interest. • Outside the Collections Development Policy. • Duplicate of existing item. 	<ul style="list-style-type: none"> • Caring for or using object presents immediate hazard. • Size or weight of objects presents risk and requires significant additional resource to safely move/provide access. 	<ul style="list-style-type: none"> • Very unstable material. • Beyond repair. • Very poor condition. • Unsustainable conservation investment required. • Poses a risk to other collections. 	<ul style="list-style-type: none"> • Incomplete and its original function or appearance is not clear. • Is unrecognisable. • May be a fake 	<ul style="list-style-type: none"> • Not suitable for display. • No potential for public focus 	<ul style="list-style-type: none"> • No potential for public engagement use. • No potential or research use 	Unsustainable resource required.

This page is intentionally left blank



SUBJECT: MINERALS REGIONAL TECHNICAL STATEMENT SECOND REVISION (RTS2)
MEETING: INDIVIDUAL CABINET MEMBER
DATE: 13 JANUARY 2021
DIVISION/WARDS AFFECTED: ALL

1. PURPOSE:

- 1.1 The purpose of this report is to provide the Cabinet Member for Enterprise and Land Use Planning with an overview of the Regional Technical Statement (Second Revision - RTS2) which has been prepared to meet the requirements of Planning Policy Wales 10 in relation to maintaining a supply of mineral resources at the national, sub-regional and local level. It invites the Cabinet Member to note the main findings of the RTS2 in relation to Monmouthshire's apportioned mineral requirement at a local planning authority level, and the requirement to work collaboratively at a sub-regional level to satisfy the sub-regional minerals requirement through the preparation of a Statement of Sub-Regional Collaboration for the Former Gwent Sub-Region, which Monmouthshire forms part of. The report requests the Cabinet Member for Enterprise and Land Use Planning to partially endorse the RTS2 in relation to the individual apportionment for Monmouthshire only and note it as basis to progress with the preparation of a Statement of Regional Collaboration to feed into the preparation of the Replacement Local Development Plan (RLDP).

2 RECOMMENDATIONS:

- 2.1 That the Cabinet Member for Enterprise and Land Use Planning partially endorses the Regional Technical Statement (2nd Review) in relation to the individual apportionment for aggregates for the Monmouthshire area only and not agree to the principle of meeting the wider sub-regional apportionment requirement at this time due to the lack of information regarding the implications for the RLDP.
- 2.2 It is also recommended that the Cabinet Member agrees to progress with the preparation of a Statement of Sub-Regional Collaboration (SSRC) to explore options of how the sub-regional apportionment can be met to enable the RLDP to progress through the plan process. A SSRC could be agreed at officer level under delegated powers provided that all constituent Local Planning Authorities within the sub-region accept their individual apportionments for aggregates for their areas and make appropriate allocations/designations in their RLDPs to address such requirements. If the need arises for Monmouthshire to meet another authority's apportionment, any related statement of sub-regional collaboration would need to be agreed and endorsed by Cabinet.

3 KEY ISSUES:

Background

- 3.1 Minerals Technical Advice Note 1: Aggregate (2004) (MTAN1) requires Local Planning Authorities to make provision for a minimum land bank of 10 years for crushed rock and 7 years for land-based sand and gravel throughout the full 15 years of a development plan period. This results in a requirement of 25 years for crushed rock (15 year plan

period + 10 years MTAN1 crushed rock requirement) and 22 years for sand and gravel (15 year plan period + 7 years MTAN1 sand & gravel requirement).

- 3.2 In order to establish these requirements MTAN1 requires the preparation of Regional Technical Statements (RTS) for the areas covered by both the South Wales and North Wales Regional Aggregates Working Parties (RAWPs). The original RTS was completed in 2008, the first review was undertaken in 2013/2014 and the second review commenced in 2018 and following a consultation exercise undertaken during October/November 2019, the final version has been published. The second review document is more generally referred to as RTS2.

RTS2 Methodology

- 3.3 The RTS2 has moved away from the old ‘demand-led’ system based primarily on historic sales figures to determine future requirements and now adopts a ‘Plan Monitor and Manage’ system. This approach establishes future aggregate requirements based on a combination of historical sales data and the planned requirements of housing construction in Adopted Local Development Plans. The methodology establishes a national aggregates requirement figure, which is then broken down by a regional split between north and south Wales regions, based on past sales ratios. This is then split down to seven sub-regions, which form the basis for the sub-regional apportionment figures. The requirement figures are compared against known supply sources, primarily through the monitoring of land banks. The difference between the requirement and supply forms the basis of what each Local Planning Authority is required to address in the preparation of its Replacement Development Plan (RLDP).

Monmouthshire’s Supply and Requirement

- 3.4 Supply and requirement figures are set out for both sand and gravel resources and crushed rock resources.
- 3.5 Sand and Gravel Resources – marine dredged sand is obtained from licences with the Bristol Channel and Severn Estuary and Bedwin Sands. The RTS2 notes that following discussions with the British Marine Aggregate Producers Association (BMAPA) in 2019 similar levels of marine aggregates production are likely to continue in future years. On this basis there is no requirement to make any provision for sand and gravel resources at the Monmouthshire or sub-regional level.
- 3.6 Crushed Rock Aggregates – Monmouthshire has significant unworked permitted reserves of Limestone at the inactive quarry at Ifton. When compared against the apportioned requirement as set out in the RTS2, Monmouthshire has a surplus of provision and therefore no further allocations for future working are specifically required to be identified within the RLDP when determined on a LPA basis. Sub-regional obligations may however, result in the need to explore the need for allocations. These are discussed in paragraph 3.7.

Former Gwent Sub-Regional Apportionment

- 3.7 At a sub-regional level Monmouthshire forms part of the ‘Former Gwent’ sub-region with Newport, Torfaen and Blaenau Gwent. A summary of the apportionment figures for crushed rock provision and supply are as follows:

LPA	New annualised apportionment for crushed rock (mt)	Total Apportionment required over 25 years	Existing permitted reserves at end of 2016 in mt	Minimum allocation needed to meet requirement provision (mt)

Blaenau Gwent	0.201	5.027	1.320	3.707
Monmouthshire	0.235	5.866	11.250	0.000
Newport	0.434	10.854	0.000	10.854
Torfaen	0.258	6.441	0.000	6.441
Total	1.128	28.188	12.57	21.002

Source: Table B7 – RTS2 - Appendix B – South Wales

Statements of Sub-Regional Collaboration (SSRC)

- 3.8 MTAN1 requires the apportionment and allocation requirements of the RTS2 to be incorporated within the RLDP. As it can be seen from the above table Newport and Torfaen do not have any reserves to meet their apportioned requirements and Blaenau Gwent has a shortfall of 3.7 million tonnes. In recognition that some authorities have limited resources and to ensure that the sub-regional totals are achieved, the RTS2 has introduced a requirement for all LPAs within each sub-region to produce Statements of Sub-Regional Collaboration (SSRCs). SSRCs are required to be prepared collaboratively, by all constituent LPAs within each RTS sub-region as part of the evidence base needed to support each RLDP or Strategic Development Plan (SDP). The timescale for preparing SSRCs is driven by the earliest RLDP (or SDP) submission within that sub-region. The timings within the Former Gwent sub-region are therefore established by Blaenau Gwent and Torfaen as they are due to place their RLDPs on deposit first. Once agreed, an SSRC will remain in place until it becomes superseded by the requirements of future reviews of the RTS, or new information comes forward which justifies a change.
- 3.9 The RTS2 notes that where Local Planning Authorities cannot meet its apportioned requirement, an alternative pattern of supply, which achieves the RTS requirements for that sub-region may be considered. In preparing an SSRC, an authority that cannot meet its apportionment must first show that it has no (or insufficient) workable aggregate resources and/or that there is no interest from the minerals industry in developing such resources within the area. Following this an alternative pattern of supply must be agreed within the sub-region through making corresponding increases in provision within another authority in the sub-region. Where there is clear evidence that the sub-region as a whole cannot meet its collective apportionment, SSRCs may be extended to include one or more other LPAs in directly adjoining parts of a neighbouring sub-region.

Meeting the Sub-Regional Apportionment

- 3.10 The recommendations of the SSRC will need to be incorporated within the relevant RLDPs. The RTS2 discusses the different types of allocations available to meet requirements, where necessary:
- *Specific sites* – defined in paragraph 5.14.19 of PPW10 – “where mineral resources of commercial significance exist, and where any planning applications which come forward for those sites are likely to be acceptable in planning terms.”
 - *Preferred Areas* – areas of known resources with some commercial potential, and where planning permission might reasonably be anticipated, within which operators should be encouraged to bring forward more specific proposals.
 - *Areas of Search* – broad areas that are believed to contain mineral resources of commercial significance but whose extent is uncertain. These will usually have only minimal information on the suitability and commercial viability of the resources for commercial development and, as noted in PPW10, it will not usually be appropriate to only rely on these for the purposes of making allocations. There will be some situations, however, where there is insufficient knowledge about potential resources to identify anything other than Areas of Search. Where this is the case, it is recommended that the Area(s) so identified should provide the potential for the release of new permitted reserves which are far greater than the

minimum allocation recommended, in order to allow for the uncertainties involved.

- 3.11 The RTS2 notes that in view of the fact that Torfaen and Newport may have difficulty in meeting their own new apportionments, given the limited resources in those areas, Monmouthshire will need to work in collaboration with those authorities, and with Blaenau Gwent, in order to meet the combined requirements for the Former Gwent sub-region as a whole. Monmouthshire has extensive unworked resources of Carboniferous Limestone, together with potential resources of sand & gravel along parts of the Usk Valley. The Statement also recognises, however, that those resources fall primarily within areas of relatively low environmental capacity to absorb mineral working and much of the limestone lies beneath the water table within a principal aquifer. The RTS2 recognises that both of these factors would need to be taken into consideration when agreeing how to address the Former Gwent sub-regional apportionment. The RTS2 does, however, indicate that it might fall to Monmouthshire to identify mineral designations in the RLDP to meet the sub-regional apportionment for the Former Gwent sub-region (as per the different types of designations noted in paragraph 3.10). However, it is for the individual LPAs to determine how the strategic requirements identified in the RTS2 should be met within their areas.
- 3.12 The means of achieving the sub-regional apportionment will require the preparation of a Statement of Sub-Regional Collaboration as discussed in paragraphs 3.8 and 3.9 in partnership with the mineral industry and the Regional Aggregates Working Partnership.
- 3.13 In addition to meeting apportionment requirements in accordance with PPW10 local planning authorities are required to safeguard primary aggregate resources of both crushed rock aggregates and land-based sand and gravel. This information is obtained from the British Geological Survey safeguarding maps and is also included in the Adopted LDP.

Endorsement

- 3.14 Each member Local Planning Authority of the South East Wales Regional Aggregates Working Party has been asked to formally endorse the completed RTS2. If endorsement does not occur from all LPAs, the Minister for Energy, Planning & Rural Affairs has the power to endorse it for the region.

Implications

- 3.15 The draft RTS2 was subject to consultation during November 2019 and a number of concerns were raised by Officers, primarily in relation to the sub-regional groupings and the lack of guidance on the preparation of the Statements of Sub-regional Collaboration. In summary, main points raised included:
- The sub-regional apportionments and suggested way of meeting the apportionments were considered to be too prescriptive and do not adequately reflect how the minerals industry currently operates.
 - Groupings should have been addressed on a regional basis – consistent with the geographical areas covered by the developing Strategic Development Plan and Cardiff Capital Region.
 - Limited guidance on how to prepare a Statement of Sub-regional Statement of Collaboration. Timings issues were also raised as their preparation has to match the most advanced RLDP in the sub-region, which also creates uncertainty in how the sub-region can respond to the apportionments when some authorities are at an earlier stage in the plan review process.
- 3.16 Limited changes have been made to the final RTS2 document in relation to these points and these concerns therefore remain. These concerns are also shared with the other three authorities in the Former Gwent sub-region (Torfaen, Blaenau Gwent and

Newport) and discussions are underway to add more certainty to how the sub-regional apportionment could be met within the sub-region.

- 3.17 As noted in paragraph 3.14 each member authority is being asked to endorse the RTS2, however, some concerns exist in relation to the level of certainty relating to how the sub-regional apportionment will be met and any expectations that may be placed on Monmouthshire to meet its own apportionment as well as part or all of the shortfall for the sub-region. This uncertainty applies to each of the four authorities as there is limited information and agreement at present to provide a clearer picture of the implications for the Replacement Local Development Plan.
- 3.18 Discussions are ongoing between the four authorities and representatives of the Regional Aggregates Working Party and Welsh Government to establish how more certainty can be achieved with regards to addressing the sub-regional apportionment, as well as exploring options to prepare a Statement of Sub-regional Collaboration to enable each local authority to progress its RLDP to Deposit. In the meantime, Welsh Government officials have confirmed that a compromised approach to partially endorse the RTS2 in relation to the Monmouthshire apportionment only would be acceptable. As noted above, the total apportionments for Monmouthshire are zero for land-won sand & gravel and 5.866 million tonnes for crushed rock, over 25 years. These compare with existing landbanks of 11.25 million tonnes for crushed rock. In view of this the RTS2 notes that no further allocations for future working are specifically required to be identified within the RLDP at a local authority level.

4 EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING):

- 4.1 The Planning and Compulsory Purchase Act (2004) sets out the requirement for all LDPs to be subject to a Sustainability Appraisal (SA). All stages of the RLDP will be subject to an Integrated Sustainability Assessment (including Strategic Environmental Assessment (SEA), Well-being of Future Generations (WBFG), Health Impact Assessment (HIA), Equality Impact Assessment (EqIA), and Welsh Language Impact Assessment (WLIA)), whose findings will be used to inform the development of the Replacement LDP strategy, policies and site allocations in order to ensure that the Plan will be promoting sustainable development.
- 4.2 A Future Generations Evaluation (including equalities and sustainability impact assessment) is attached to this report at **Appendix 1**.

Safeguarding and Corporate Parenting

- 4.3 There are no safeguarding or corporate parenting implications arising directly from this report.

5 OPTIONS APPRAISAL

- 5.1 Based on the current situation and level of information available on mineral reserves in the sub-region the options considered to be available are set out below:

Option	Benefit	Risk	Comment
1. Do not endorse the Regional Technical Statement and preparation of a Statement of Sub-Regional Collaboration (SSRC) and the Welsh Government	There are not considered to be any benefits to not endorsing the RTS2 without any	If endorsement does not occur from all LPAs, the Minister has the power to endorse it for the region.	This option would be contrary to the requirement to work collaboratively on regional issues such as mineral reserves.

Option	Benefit	Risk	Comment
<p>would need to consider its default powers to intervene in the planning process.</p>	<p>exploration of its implications.</p>	<p>Lack of progress on the preparation of the SSRC may also delay the preparation of the RLDP.</p> <p>The Statement of Sub-Regional Collaboration will be prepared without the input of MCC and be a consideration at the Examination of the RLDP in relation to mineral related policies and allocations.</p>	<p>It is beneficial for Monmouthshire to be part of the preparation process for the SSRC as this will ensure locally specific issues are considered and will ensure that the timings do not cause delay to the preparation of the RLDP.</p>
<p>2. Endorse the Regional Technical Statement (2nd Revision) in its entirety including the potential need to accept a greater apportionment than the 5.866 million tonnes for crushed rock specifically identified for Monmouthshire in order to meet the wider sub-regional requirement of 15.62 million tonnes and progress with the preparation of a Statement of Sub-Regional Collaboration (SSRC) to feed into the preparation of the RLDP.</p>	<p>RTS work is undertaken in line with national planning policy guidance on minerals related issues. Endorsement of the RTS2 demonstrates conformity with national guidance in the preparation of the RLDP on minerals matters.</p> <p>Progressing and being party to the preparation of the SSRC reflects a willingness to work in partnership on meeting mineral requirements and ensure Monmouthshire has an input into its recommendations.</p>	<p>There is a risk that agreement may not be reached in the preparation of the SSRC on how best to meet the mineral requirements for the sub-region.</p> <p>Given the level of information available at present and uncertainty as to how the sub-regional apportionment will be met could leave Monmouthshire in position to meet its own apportionment as well as part or all of the sub-regional shortfall.</p>	<p>Conformity with national guidance forms a test of soundness in the preparation of the RLDP. Similarly, working collaboratively on a regional basis is also an important factor in the soundness of the Plan. Endorsement of the RTS2 and agreement to work collaboratively with the relevant authorities and parties to ensure mineral resources are addressed for the sub-regional will help satisfy these plan preparation requirements.</p> <p>It also provides an opportunity to be involved in the considerations and outcome of the collaboration which feed directly into the RLDP. However, there is limited information available at present to provide certainty on what Monmouthshire's role would be in achieving the sub-regional apportionment.</p>

Option	Benefit	Risk	Comment
<p>3.a) Partially endorse the Regional Technical Statement (2nd Review) in relation to the individual apportionment for aggregates for the Monmouthshire area only and not agree to the principle of meeting the wider sub-regional apportionment requirement at this time due to the lack of information regarding the implications for the RLDP.</p> <p>b) Agree to progress with the preparation of a Statement of Sub-Regional Collaboration (SSRC) to feed into the preparation of the RLDP. A SSRC could be agreed at officer level under delegated powers provided that all constituent LPAs within the sub-region accept their individual apportionments for aggregates for their areas and make appropriate allocations/designations in their RLDPs to address such requirements. If the need arises for Monmouthshire to meet another authority's apportionment, any related statement of sub-regional collaboration would need to be agreed and endorsed by the Cabinet.</p>	<p>Partial endorsement of the RTS2 in relation to Monmouthshire's apportionment demonstrates conformity with national guidance in the preparation of the RLDP on minerals matters at a level the Council has control of.</p> <p>Progressing and being party to the preparation of the SSRC reflects a willingness to work in partnership on meeting mineral requirements and ensure Monmouthshire has an input into its recommendations.</p>	<p>It should be noted that endorsement of the Regional Technical Statement (2nd Review) is ultimately a matter for the Minister for Energy, Planning & Rural Affairs, and the Welsh Government may still need to consider its default powers to intervene in the planning process and endorse the document in its entirety.</p>	<p>This approach is considered to offer a pragmatic approach to the endorsement of the Regional Technical Statement (2nd Revision). The Cabinet Member is agreeing to endorse the local authority apportionment to which it has control over and can incorporate within the preparation of the RLDP.</p> <p>It also provides an opportunity to be involved in the considerations and outcomes of the collaboration which feed directly into the RLDP and satisfy the requirement to work collaboratively on minerals matters.</p> <p>This is the preferred option.</p>

6 RESOURCE IMPLICATIONS

- 6.1 Officer and consultant time and costs associated with the preparation of Statement of Sub-Regional Collaboration (SSRC). Any costs will be met from the Planning Policy budget.

7 CONSULTEES

- Planning Policy team
- Individual Cabinet Member

8 BACKGROUND PAPERS

- Regional Technical Statement – Second Revision (September 2020) – Main Report
- Appendix B – South Wales – Regional Technical Statement (September 2020)

9 AUTHORS:

Mark Hand

Head of Placemaking, Housing, Highways and Flood

Craig O'Connor

Head of Planning

Rachel Lewis

Planning Policy Manager

10 CONTACT DETAILS:

Tel: 07773478579

markhand@monmouthshire.gov.uk

Tel: 07816175737

craigoconnor@monmouthshire.gov.uk

Tel: 01633 644827

rachellewis@monmouthshire.gov.uk

APPENDIX:

APPENDIX 1 – FUTURE GENERATIONS EVALUATION

Appendix 1



monmouthshire
sir fynwy

Equality and Future Generations Evaluation

Page 33

<p>Name of the Officer completing the evaluation Mark Hand</p> <p>Phone no: 01633 644803 E-mail: markhand@monmouthshire.gov.uk</p>	<p>Please give a brief description of the aims of the proposal</p> <p>To provide an overview of the Regional Technical Statement (Second Revision- RTS2) which has been prepared to meet the requirements of Planning Policy Wales 10 in relation to maintaining a supply of mineral resources at the national, sub-regional and local level.</p> <p>It sets out Monmouthshire's apportioned mineral requirement at a local planning authority level and the requirement to work collaboratively at a sub-regional level to satisfy the sub-regional minerals requirement through the preparation of a Statement of Sub-Regional Collaboration for the Former Gwent Sub-Region, which Monmouthshire forms part of. The report recommends that the Cabinet Member for Enterprise and Land Use Planning partially endorse the Regional Technical Statement (2nd Review) in relation to the individual apportionment for aggregates for the Monmouthshire area only and not agree to the principle of meeting the wider sub-regional apportionment requirement at this time due to the lack of information regarding the implications for the RLDP. It is also recommended that the Cabinet Member agrees to progress with the preparation of a Statement of Sub-Regional Collaboration (SSRC) to explore options of how the sub-regional apportionment can be met to enable the RLDP to progress through the plan process.</p>
<p>Name of Service area</p> <p>Planning (Planning Policy)</p>	<p>Date</p> <p>17/12/2020</p>

1. Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	The Regional Technical Statement (Second Revision) aims to ensure that there is sufficient mineral reserves to meet demand requirements for infrastructure and construction projects, whilst balancing such needs against sustainability principles such as environmental capacity and the proximity principle to reduce transportation. This should bring positive benefits to Monmouthshire's residents of all ages ensuring sufficient mineral resources are safeguarded for future generations.	None	The Regional Technical Statement was subject to consultation in order to put forward an approach that seeks to address the interests of all sectors and interested parties in the future planning of mineral resources. The Council will seek to progress a balanced approach to mineral safeguarding and allocations along with environmental considerations of the County. This will be done through working collaboratively with other authorities in south east Wales and through the preparation of the RLDP.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Disability	Through identifying the apportionment requirements and safeguarding of mineral reserves the Regional Technical Statement Second Revision (RTS2) seeks to ensure that sufficient mineral reserves are available to facilitate development in the County and region. Appropriate mineral reserves are required to ensure the provision of a wide-ranging choice of homes including meeting affordable and accessible housing needs and projects to enhance the economy, as far as possible. The RTS2 requirements will feed into the preparation of the RLDP which seeks to facilitate such schemes and recognises the importance of the health and well-being of people and aims to create attractive, safe and accessible places to live, work and visit.	None	The Council will continue to work cooperatively within the region to ensure sufficient mineral reserves are safeguarded to meet the needs of future generations through the preparation of the RDLP.
Gender reassignment	None	None	N/A
Marriage or civil partnership	None	None	N/A
Pregnancy or maternity	None	None	N/A
Race	None	None	N/A
Religion or Belief	None	None	N/A

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Sex	None	None	N/A
Sexual Orientation	None	None	N/A
Welsh Language	None.	None	N/A
Poverty	None	None	N/A

2. **Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal. There's no need to put something in every box if it is not relevant!

Page 36




Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs	Positive: Promoting effective management of mineral resources enhances opportunities to create a prosperous Wales through ensuring the necessary building materials are available to facilitate employment growth, infrastructure projects and the provision of homes. Negative: The working of minerals reserves will have to be balanced against the protection of environmental designations and considerations.	The Council will seek to work collaboratively with other authorities in the former Gwent sub-region to ensure sufficient mineral reserves are available to meet the needs of the sub-region. The identification of minerals allocations and safeguarded areas will need to be made through the RLDP, which will be subject to an Integrated Sustainability Assessment. This seeks to ensure a balanced assessment of environmental, economic and social considerations is undertaken.
A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and	Positive: The RTS2 includes an assessment of environmental capacity to absorb mineral working. It recognises that Monmouthshire in certain areas is	Planning Policy Wales 10 seeks the protection and enhancement of the countryside, landscape and environmental assets. Draft RLDP Objectives



Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
can adapt to change (e.g. climate change)	<p>classified as being of low environmental capacity to absorb mineral workings. It does also recognise, however, that mineral workings are limited to where the reserves are found.</p> <p>Negative: The requirements to safeguard/allocate mineral reserves may result in some negative impacts on biodiversity and ecosystems. National planning policy guidance and the RLDP and associated Integrated Sustainability Assessment will, however, include policies to mitigate against any negative impacts and take a balanced approach to mineral reserves.</p>	<p>relating to Green Infrastructure, Biodiversity and Landscape, Flood risk, Minerals and Waste, Land and Natural Resources have been set in order to address the identified issues relating to creating a resilient Wales. The findings of the RTS2 will feed into the preparation of the RLDP, which will be subject to an Integrated Sustainability Assessment.</p> <p>The RLDP will include a policy framework that seeks to ensure that biodiversity, landscape interests etc. are appropriately considered in assessing any mineral related planning applications.</p>
<p>A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood</p>	<p>Positive: The effective management of mineral reserves can have a significant positive impact on wellbeing and mental health through ensuring the infrastructure requirements of the County are provided for, whilst being balanced against its environmental qualities.</p> <p>Negative: The requirements to safeguard/allocate mineral reserves may result in some negative impacts on biodiversity and ecosystems. National planning policy guidance and the RLDP and associated Integrated Sustainability Assessment will, however, include policies to mitigate against any negative impacts and take a balanced approach to mineral reserves.</p>	<p>The draft Vision includes reference to people enjoying healthier, more sustainable lifestyles. A draft Objective relating to human health has been identified in order to address the identified issues relating to creating a healthier Wales.</p>

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p>A Wales of cohesive communities Communities are attractive, viable, safe and well connected</p>	<p>Positive: Ensuring a sustainable supply of aggregates to facilitate the infrastructure requirements of the County and Wales will play an important role in ensuring communities are attractive, viable, safe and well connected.</p> <p>Negative: None.</p>	<p>Ensure that the relevant national planning policy guidance, as set out in the PPW10, is accurately interpreted and implemented.</p>
<p>A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing</p>	<p>Positive: The effective management of mineral reserves can have a significant positive impact on a globally responsible Wales and ensuring reserves are available for future generations and any workings are balanced against social, economic and environmental considerations</p> <p>Negative: The requirements to safeguard/allocate mineral reserves may result in some negative impacts on biodiversity and ecosystems. National planning policy guidance and the RLDP and associated Integrated Sustainability Assessment will, however, include policies to mitigate against any negative impacts and take a balanced approach to mineral reserves.</p>	<p>Ensure that the relevant national planning policy guidance, as set out in PPW10, is accurately interpreted and implemented.</p> <p>The identification of minerals allocations and safeguarded areas will need to be made through the RLDP, which will be subject to an Integrated Sustainability Assessment. This seeks to ensure a balanced assessment of environmental, economic and social considerations is undertaken.</p> <p>The RLDP will include a policy framework that seeks to ensure that biodiversity, landscape interests etc. are appropriately considered in assessing any mineral related planning applications.</p>
<p>A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation</p>	<p>Positive: The RTS2 document seeks to safeguard mineral reserves and promote a system whereby worked minerals are utilised as close to the source as possible. This will have a positive impact on Welsh culture, heritage and language through the use of local aggregates connected to the local culture.</p> <p>Negative: None.</p>	<p>Ensure that the relevant national planning policy guidance, as set out in PPW10, is accurately interpreted and implemented.</p> <p>The identification of minerals allocations and safeguarded areas will need to be made through the RLDP, which will be subject to an Integrated Sustainability Assessment. This seeks to ensure a</p>

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
		<p>balanced assessment of environmental, economic and social considerations is undertaken.</p> <p>The RLDP will include a policy framework that seeks to ensure that biodiversity, landscape interests etc. are appropriately considered in assessing any mineral related planning applications.</p>
<p>A more equal Wales People can fulfil their potential no matter what their background or circumstances</p>	<p>Positive: Safeguarding mineral reserves and promoting a system that seeks to undertake mineral workings in a sustainable manner will ensure mineral resources are available to meet the needs of the current and future generations.</p> <p>Negative: None.</p>	<p>Ensure that the relevant national planning policy guidance, as set out in PPW10, is accurately interpreted and implemented.</p> <p>The identification of minerals allocations and safeguarded areas will need to be made through the RLDP, which will be subject to an Integrated Sustainability Assessment. This seeks to ensure a balanced assessment of environmental, economic and social considerations is undertaken.</p> <p>The RLDP will include a policy framework that seeks to ensure that biodiversity, landscape interests etc. are appropriately considered in assessing any mineral related planning applications.</p>

3. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Balancing short term need with long term and planning for the future</p> <p>Long Term</p>	<p>The RTS2 seeks to safeguard mineral reserves for the long term, while ensuring short term construction needs are met through the apportionment of mineral requirements to be met through the preparation of the RLDP.</p>	<p>The RTS2 will inform the preparation RLDP which will be subject to an Integrated Sustainability Assessment. This seeks to ensure a balanced assessment of environmental, economic and social considerations is undertaken.</p>
 <p>Working together with other partners to deliver objectives</p> <p>Collaboration</p>	<p>The RTS2 has been prepared by the South Wales Regional Aggregates Working Party in partnership with representatives of Welsh Government, the minerals industry, local authorities and other statutory consultees such as Natural Resources Wales. A draft version was also subject to consultation over October/November 2019 to allow interested parties an opportunities to feed into the process.</p>	<p>The RTS2 will inform the preparation of a Statement of Sub-Regional Collaboration and the RLDP. These will allow further opportunities to for interested parties to contribute to the process.</p>
 <p>Involving those with an interest and seeking their views</p> <p>Involvement</p>	<p>The RTS2 has been prepared by the South Wales Regional Aggregates Working Party in partnership with representatives of Welsh Government, the minerals industry, local authorities and other statutory consultees such as Natural Resources Wales. A draft version was also subject to consultation over October/November 2019 to allow interested parties an opportunities to feed into the process.</p>	<p>The RTS2 will inform the preparation of a Statement of Sub-Regional Collaboration and the RLDP. These will allow further opportunities to for interested parties to contribute to the process.</p>

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p data-bbox="344 352 506 651">Putting resources into preventing problems occurring or getting worse</p> <p data-bbox="152 595 293 619">Prevention</p>	<p data-bbox="544 256 1328 751">The RTS2 has been prepared in accordance with PPW10 which requires Local Planning Authorities to ensure a sufficient supply of mineral reserves is available through the development plan process. The process aims to ensure certainty is provided to the mineral industry and local communities on where mineral working may take place and to ensure sufficient reserves are available to meet estimated needs. The process incorporates the preparation of a Statement of Sub-Regional Collaboration which will provide further clarity to all stakeholders and maximise ongoing engagement on mineral matters at the earliest opportunity in the planning process to ensure that the resource can be effectively managed.</p>	<p data-bbox="1350 256 2096 384">The RTS2 and subsequent Statement of Sub-Regional Statement will inform the RLDP which will be subject to a program of statutory consultation throughout the plan preparation process.</p>
 <p data-bbox="344 873 517 1134">Considering impact on all wellbeing goals together and on other bodies</p> <p data-bbox="152 1121 293 1145">Integration</p>	<p data-bbox="544 791 1328 1222">The RTS2 informs the preparation of the RLDP which will be subject to a number of assessments to consider potential impacts on well-being goals. These LDP will include an Integrated Sustainability Appraisal (including Strategic Environmental Assessment (SEA), Well-being of Future Generations (WBFG), Health Impact Assessment (HIA), Equality Impact Assessment (EqIA), and Welsh Language Impact Assessment (WLIA)), whose findings will be used to inform the development of the RLDP strategy, policies and site allocations in order to ensure that the Plan will be promoting sustainable development.</p>	<p data-bbox="1350 791 2096 1158">The RTS2 will inform the RLDP which will be subject to statutory consultation throughout the preparation process. The RLDP will be subject to an Integrated Sustainability Appraisal (including Strategic Environmental Assessment (SEA), Well-being of Future Generations (WBFG), Health Impact Assessment (HIA), Equality Impact Assessment (EqIA), and Welsh Language Impact Assessment (WLIA)), whose findings will be used to inform the development of the RLDP strategy, policies and site allocations in order to ensure that the Plan will be promoting sustainable development.</p>

4. Council has agreed the need to consider the impact its decisions has on the following important responsibilities: Social Justice, Corporate Parenting and Safeguarding. Are your proposals going to affect any of these responsibilities?

	Describe any positive impacts your proposal has	Describe any negative impacts your proposal has	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Social Justice	None	None	N/A
Safeguarding	None	None	N/A
Corporate Parenting	None	None	N/A

5. What evidence and data has informed the development of your proposal?

Page 42

Background papers relevant to the consideration of this report include:

- The Regional Technical Statement Main Report and South Wales Appendix B - <http://www.swrawp-wales.org.uk/Html/publications.html>
- Planning Policy Wales 10 – December 2018 - <https://gov.wales/planning-policy-wales>
- Minerals Technical Advice Note – March 2004 - <https://gov.wales/minerals-technical-advice-note-mtan-wales-1-aggregates>

6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

Positive - The Regional Technical Statement (Second Revision) aims to ensure that there is sufficient mineral reserves to meet demand requirements for infrastructure and construction projects on a national, sub-regional and local level, whilst balancing such needs against sustainability principles such as environmental capacity and the proximity principle to reduce transportation. The recommendation to partially endorse the local authority apportionment only provides certainty in relation to the implications of the document on the County and the preparation of the RLDP until such time that further clarity is known in relation to meeting the the sub-regional apportionment. It promotes a system of collaboration through the introduction of Statements of Sub-Regional Collaboration to establish how sub-regional apportionments will be met. Both the RTS2 and Statements of Collaboration will inform the preparation of the RLDP, which will continue to refine, as appropriate, mineral safeguarding and allocation requirements. The RLDP will also be subject to ongoing consultation

and be subject to a series of assessments including an Integrated Sustainability Assessment to balance the social, economic and environment needs of the County.

Negative – There is potential for some negative impacts on biodiversity and ecosystems through the potential identification of areas suitable for mineral working. National planning policy guidance, however, includes policies to mitigate against any negative impacts and take a balanced approach to mineral reserves. The RLDP will also include a policy framework that seeks to ensure that biodiversity, ecology and landscape interests are appropriately considered in assessing any mineral related planning applications. The RLDP will be subject to an Integrated Sustainability Assessment. This seeks to ensure a balanced assessment of environmental, economic and social considerations is undertaken.

7. ACTIONS: As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

What are you going to do	When are you going to do it?	Who is responsible
Seek Cabinet's endorsement of the RTS2 and agree the progression of a Statement of Sub-Regional Collaboration for the Former Gwent Sub-Region to inform the preparation of the RLDP	January 2021	Head of Placemaking, Housing, Highways and Flood Planning Policy Team

8. VERSION CONTROL: The Equality and Future Generations Evaluation should be used at the earliest stage, such as informally within your service, and then further developed throughout the decision making process. It is important to keep a record of this process to demonstrate how you have considered and built in equality and future generations considerations wherever possible.

Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration

--	--	--	--



SUBJECT: Minimum Energy Efficiency Standards - Private Rented Sector (PRS).
MEETING: Individual Cabinet Member Decision – Cllr Sara Jones
DATE: 13th January 2021
DIVISION/WARDS AFFECTED: All

1. PURPOSE:

- 1.1 To inform the Cabinet Member of the statutory duty under the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 and consider the Council's approach to using the powers contained in the Regulations.
- 1.2 To seek approval to adopt the Enforcement Protocol and associated paperwork as laid out in the appendices to this report including Fixed Penalty Notices and Compliance Notices in relation to domestic and non-domestic property.

2. RECOMMENDATIONS:

- 2.1 That Officers within the Public Protection division who are authorised under the Energy Act 2011 be authorised under Regulation 35 of the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.
- 2.2 That the Scheme of Delegation to Officers in the Councils Constitution be amended by the Monitoring Officer to reflect this new authorisation.
- 2.3 To agree and adopt the attached Enforcement Protocol as the Council's approach to dealing with identified non-compliances including the use of Fixed Penalty and Compliance Notices where appropriate.

3. KEY ISSUES:

Background

- 3.1 Monmouthshire Trading Standards is the only Welsh local authority selected to participate in Year 2 of the Private Rented Sector - Minimum Energy Efficiency Standards Enforcement and Compliance Project. MCC have joined 9 other authorities across the UK to deliver the project which commenced in late July following an initial delay due to Covid-19. UK Government through the Department for Business Enterprise Industrial Strategy (BEIS) has provided £100,000 of funding to enable the delivery of the work, which will focus on the development and testing of an Enforcement Toolkit that was devised by other local authorities in Year 1 of the project.
- 3.2 Poverty - Data from Welsh Government indicates that 43% of households suffering from fuel poverty live in properties with an EPC rating of F or G; in comparison with 5% of households in properties living in properties with a rating of B or C. Additional modelling indicates that the average cost of heating a G rated property is £3105. For properties rated F its £2124, where as those in properties rated E will pay on average £1425. This represents an average saving of over £1600.00 per year for these households.
- 3.3 Health - Poor energy efficiency in a person's home can lead to lower indoor temperatures in the winter months. Exposure to cold has been associated with increased winter deaths, risk of respiratory and circulatory conditions, cardiovascular problems, and arthritic and rheumatic illnesses; and can exacerbate existing health

conditions, including common flu and cold, and allergies. An adequate indoor temperature can also reduce injury from accidents as higher temperatures improve general safety, hand strength and dexterity. Cold living conditions can also affect mental health as cold homes can cause stress and anxiety. Research from the Building Research Establishment highlights that cold related illness amongst people living in privately rented properties costs the NHS over £35 million. Increasing the energy efficiency of PRS properties is therefore key to tackling cold related illness and limiting impact on the NHS.

3.4 Climate - The energy used in our homes accounts for more than a quarter of energy use and carbon dioxide emissions in the UK. More energy is used in housing than in road transport or industry and therefore housing represents a major opportunity to cut energy use and CO2 emissions. The Private Rented Sector has doubled in size since 2002 in the UK and now accounts for around 20% of the UK's total housing stock. F and G rated properties waste energy. They impose unnecessary cost on tenants and they contribute to avoidable greenhouse gas emissions.

3.5 **Legislation**

The need for an EPC when renting out a property has been in place now for over 10 years, but in 2015 The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 established a Minimum Energy Efficiency Standard (MEES) for privately rented property in England and Wales. This meant that, from **April 2018**, landlords of privately rented domestic and non-domestic property in England and Wales must ensure that their properties reach at least an Energy Performance Certificate (EPC) rating of Band 'E' before granting a new tenancy to new or existing tenants. In **April 2020** this requirement was expanded to include domestic private rental properties with sitting tenants. In **April 2023** this will also cover the non-domestic properties with sitting tenants.

3.6 Long term the Government has an aspirational trajectory to raise the minimum EPC requirements for domestic properties to Band C. Legislation introducing this change is now under consultation, with a proposed implementation in 2025.

3.7 **Project**

The Toolkit is in the formative stage. Participating authorities working with the management firm CSE (Bristol) and BEIS will test the effectiveness of its contents. It will cover everything from building a business case, training staff, devising a communications strategy, and implementing an enforcement procedure. Working with partners like Rent Smart Wales, officers will look to act on properties with an F and G rating, encouraging landlords to make the necessary improvements, signposting to funding opportunities, but taking enforcement action against those who are unwilling to implement the changes to improve their properties.

3.8 Officers will also scrutinise the Register of Exemptions, where landlords can register properties that can avail themselves of an exemption from meeting the Minimum Energy Standard. Regular feedback to CSE and BEIS will enable the toolkit to be adjusted to ensure an effective enforcement tool can be distributed to authorities across the UK

3.9 **Fixed Penalty Notices**

Financial penalties for domestic properties (Regulation 40)

3.10 Where the Local Authority decides to impose a financial penalty, they have the discretion to decide on the amount of the penalty, up to maximum limits set by the Regulations. The maximum penalties are as follows:

- 3.11 (a) Where the landlord has let a sub-standard property in breach of the Regulations for a period of less than 3 months, the Local Authority may impose a financial penalty of up to £2,000 and may impose the publication penalty.
- (b) Where the landlord has let a sub-standard property in breach of the regulations for 3 months or more, the Local Authority may impose a financial penalty of up to £4,000 and may impose the publication penalty.
- (c) Where the landlord has registered false or misleading information on the PRS Exemptions Register, the Local Authority may impose a financial penalty of up to £1,000 and may impose the publication penalty.
- (d) Where the landlord has failed to comply with compliance notice, the Local Authority may impose a financial penalty of up to £2,000 and may impose the publication penalty.
- 3.12 Financial Penalties for Non – Domestic Properties Regulation 41
Where the Local Authority decides to impose a financial penalty, they have the discretion to decide on the amount of the penalty, up to maximum limits set by the Regulations. The maximum penalties are as follows:
- 3.13 (a) Where the landlord has let a sub-standard property in breach of the Regulations for a period of less than 3 months, the Local Authority may impose a financial penalty of up to £5,000 or 10% of the rateable value of the property (whichever is greater, but not exceeding £50,000) and may impose the publication penalty.
- (b) Where the landlord has let a sub-standard property in breach of the regulations for 3 months or more, the Local Authority may impose a financial penalty of up to £10,000 or 20% of the rateable value of the property (whichever is the greater, but not exceeding £150,000) and may impose the publication penalty.
- (c) Where the landlord has registered false or misleading information on the PRS Exemptions Register, the Local Authority may impose a financial penalty of up to £5,000 and may impose the publication penalty.
- (d) Where the landlord has failed to comply with compliance notice, the Local Authority may impose a financial penalty of up to £5,000 and may impose the publication penalty.
- 3.14 The Enforcement Protocol lays down how Monmouthshire will apply a staged approach to determining the level of fine that is appropriate and proportionate given the particular circumstances to each non-compliance. This includes the various factors relevant to each non-compliance, such as the level of harm, the level of culpability, the admission of guilt and the ‘Totality Principle’.

4. EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING):

- 4.1 In May 2019 Monmouthshire County Council unanimously declared a climate emergency and in October 2019 devised its strategy for become carbon neutral by 2030. Increasing the energy efficiency of our PRS can significantly contribute to local targets for the reduction of carbon emissions and the climate change agenda.
- 4.2 Minimum energy efficiency standards form part of the climate change agenda and links in with crucial environmental considerations as well as addressing the problems associated with poverty, many living in fuel poverty are the most vulnerable citizens.

4.3 The completed evaluation form is also attached as an appendix to this report.

5. OPTIONS APPRAISAL:

5.1 An options appraisal has been undertaken in Table One below.

Table One: Options Appraisal

Option	Benefits	Risks	Comments
Do nothing	None identified	Continuing lack of protection for any residents living in non-complying properties.	Continuing pressure on delivery leading to further missed opportunities.
Enforce Legislation without authorisation to issue notices.	Potential to rectify non-compliant properties through advice but if not would leave Officers without the tools to do their job.	Existing resource is already stretched and is likely to impact adversely on any chance of successful delivery.	As above.
Adopt Enforcement Protocol and Authorise appropriate Officers to issue Notices.	Ensure that all tenants and the environment are afforded the protection behind the legislation. Vulnerable residents are supported.	Reputational risk if not fully committed to delivering. Statutory duty to ensure compliance with the legislation,	As well as supporting vulnerable residents it also delivers to the Council's economic and environmental objectives.

6. REASONS:

6.1 In addition to that mentioned in section 4 above - It is already a duty of the local authority to enforce the legislation relating to minimum energy efficiency standards. Again no allocated resource came with the legislation and local authorities were expected to pick it up alongside other duties, combined with years of austerity measures makes it an almost impossible task when considering the wide variety of statutory functions performed by a small team. This project enables the tools to be put in place for future enforcement and to deal with the non-compliant properties. Any income generated will depend on levels of compliance gained from Landlords but would be unlikely to cover the cost of the additional burden to an already stretched team.

7. RESOURCE IMPLICATIONS:

7.1 None arising directly from the authorisation of Officers and the adoption of the attached Enforcement Protocol. There is the potential of some income being generated if any non-compliances are not rectified when identified and dealt with in accordance with the Protocol.

8. CONSULTEES:

SLT
Cabinet Members
Monitoring Officer and Head of Legal Services
Head of Public Protection

9. BACKGROUND PAPERS:

Information available

- 10. AUTHOR:**
Gareth Walters – Trading Standards and Animal Health Manager
- 11. CONTACT DETAILS:**
Email: garethwalters@monmouthshire.gov.uk
Tel: 07967671158

Appendices:

Appendix 1 – Enforcement Protocol – PRS MEES
Appendix 2 – Compliance and Fixed Penalty Notice's
Appendix 3 – Future Generations Evaluation (including Equalities and Sustainability Impact Assessment).

This page is intentionally left blank

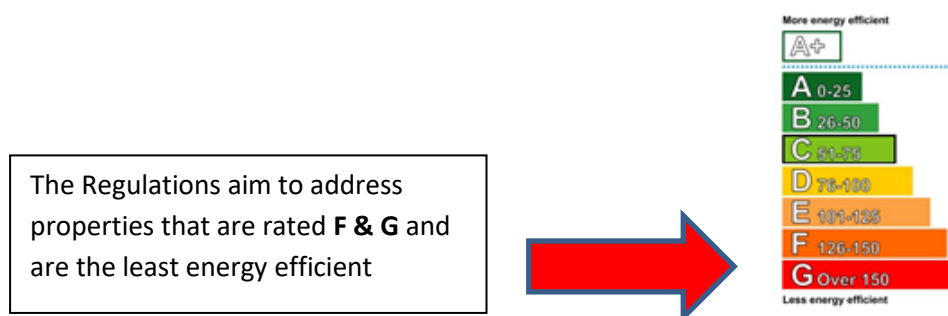
Monmouthshire County Council

Protocol for the Enforcement of the Domestic Minimum Level of Energy Efficiency

December 2020

Introduction

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (henceforth “the Regulations”) are designed to tackle the least energy-efficient properties in England and Wales – currently those rated F or G on their Energy Performance Certificate (EPC). The Regulations establish a minimum level of energy efficiency for both domestic and non-domestic privately rented property.



This protocol will reflect the approach and ideals of the MCC Corporate Enforcement Policy in order to enforce and promote the Regulations. Where authorised, Monmouthshire County Council (MCC) Public Protection officers will check for different forms of non-compliance within the Regulations including:

- From 1 April 2018 granting a new tenancy for a domestic/non-domestic private rental property that is below the minimum level of energy efficiency rating of E.¹
- From 1 April 2020 continuing to let a domestic private rental property that is below the minimum level of energy efficiency rating of E²
- From 1 April 2023 continuing to let a non-domestic private rental property that is below the minimum level of energy efficiency of E.³

¹ Regulation 23 for domestic properties and Regulation 27 for non-domestic properties

² Regulation 23

³ Regulation 27

- Where the landlord has registered any false or misleading information on the government's [National PRS Exemptions Register](#),⁴
- Failed to comply with a compliance notice⁵

MCC will identify landlords who have private rental properties that are not meeting the minimum levels of energy efficiency. Assistance will then be provided to try and bring them into compliance. If they remain non-compliant after receiving guidance, then the case will be reviewed to determine if it would be appropriate to issue a penalty notice.

As part of its proactive enforcement approach, the Council may also carry out visits under the Housing Act 2004 to undertake assessments under the Housing Health and Safety Rating System. This approach will enable the Council to advise landlords on what actions are necessary for them to take in order for them to be compliant.

Government Guidance

The Department for Business Energy and Industrial Strategy have produced guidance for domestic properties published in 2017 and updated in 2020;

[*Guidance for landlords and Local Authorities on the minimum level of energy efficiency required to let domestic property under the Energy Efficiency \(Private Rented Property\) \(England and Wales\) Regulations 2015*](#)

They also published guidance for non-domestic landlords in 2019

<https://www.gov.uk/government/publications/non-domestic-private-rented-property-minimum-energy-efficiency-standard-landlord-guidance>

MCC has had regard to this guidance when preparing this protocol on the enforcement of the Regulations.

⁴ Regulation 40(5) for domestic properties and Regulation 41(5) for non-domestic properties.

⁵ Regulation 38(1)(c)

Purpose of this protocol

In accordance with Regulation 34 Local Authorities are responsible for enforcing the requirements within their area. The purpose of this protocol is to describe how officers of MCC will enforce the Regulations.

Scope of the protocol

1. In the first instance MCC will advise Landlords who rent properties with an EPC rating of F or G (who are not subject to an appropriate exemption) they do not meet the minimum energy efficiency standard and are therefore contravening the Regulations.

Landlords will be given an appropriate time, normally 14 days, to respond to the notice, either showing evidence they now have a compliant EPC, or set out a plan to achieve the required energy efficiency level. The landlords will be warned if they continue to be in breach after the time given, an investigation will follow and formal enforcement action will be considered. The matter may also be referred to the Environmental Health Team under the Housing Act 2004.

MCC may in circumstances where a landlord has a history of not complying with housing related regulatory requirements, decide to take formal action without giving an informal opportunity for the landlord to comply.

2. MCC has the power to serve Compliance Notices⁶ to request information from the landlord that will help MCC determine whether a breach of the Regulations has occurred. MCC will consider serving Penalty Notices where a landlord fails to comply with a Compliance Notice⁷, or provides information under the Compliance Notice that shows that they don't comply with the Regulations.

3. MCC will check the [National PRS Exemptions Register](#) and if it believes a landlord has registered false or misleading information it will consider serving a financial and/or a publication penalty.⁸

4. If breaches under these Regulations are committed MCC will, where appropriate, serve a Penalty Notice. This protocol provides guidance for officers on how to determine the appropriate penalty. See Appendix 1 & 2.

5. Under the Regulations, the Local Authority may publish some details of the landlord's breach on a publicly accessible part of the PRS Exemptions Register.

⁶ Regulation 37(1)

⁷ Regulation 38(1) (c)

⁸ Regulation 40(4) for domestic properties, Regulation 41(4) for non-domestic properties.

MCC will place the information on the register at the appropriate time, for a minimum of 12 months.

6. The Landlord has the right to ask for a Penalty Notice to be reviewed.⁹ Any request for review must be submitted to MCC within 28 days of the Penalty Notice being served. Requests for review after the prescribed time will be considered at MCC's discretion if there is good reason for failing to comply with the time limit set in the Notice.

7. If the penalty notice is affirmed upon review, the landlord may then appeal to the First Tier Tribunal if they believe it was issued either on an error of law or fact. They may also appeal if the penalty notice does not comply with the requirements of the Regulations, or based on the circumstances of the case it was inappropriate for the penalty notice to be served.¹⁰

⁹ Regulation 42.

¹⁰ Regulation 43.

Appendix 1

[The Energy Efficiency \(Private Rented Property\) \(England and Wales\) Regulations 2015](#)

Domestic Properties - Guidance for determining the level of a financial penalty

This appendix ensures that the penalty will be proportionate and reflect the severity of the Offence, and should be set high enough to help ensure that it has a real economic impact on the offender and demonstrate the consequences of not complying with their responsibilities. The offender's income and track record will be taken into account in each case. Therefore, as the maximum level of penalty varies depending on the type of breach under the Regulations any penalty will commensurate to the particular circumstance of any individual case.

Financial penalties for domestic properties (Regulation 40)

Where the Local Authority decides to impose a financial penalty, they have the discretion to decide on the amount of the penalty, up to maximum limits set by the Regulations. The maximum penalties are as follows:

(a) Where the landlord has let a sub-standard property in breach of the Regulations for a period of less than 3 months, the Local Authority may impose a financial penalty of up to £2,000 and may impose the publication penalty.

(b) Where the landlord has let a sub-standard property in breach of the regulations for 3 months or more, the Local Authority may impose a financial penalty of up to £4,000 and may impose the publication penalty.

(c) Where the landlord has registered false or misleading information on the PRS Exemptions Register, the Local Authority may impose a financial penalty of up to £1,000 and may impose the publication penalty.

(d) Where the landlord has failed to comply with compliance notice, the Local Authority may impose a financial penalty of up to £2,000 and may impose the publication penalty.

Monmouthshire County Council will use the following as a guide to officers to determine the appropriate penalty for domestic properties.

When determining the financial penalty the MCC will take a staged approach, with Stage 1 and 2 combined in this instance:

Stage 1 – Three factors are considered, the culpability of the offender, the potential for tenant harm and the severity of risk. Collectively these factors identify the seriousness of the offence. The seriousness is then categorised, which will be used to determine the amount of penalty.

Stage 2 – This stage determines the offender’s history of legal compliance

Stage 3 – Penalty review. MCC will check the penalty is proportionate to the overall means of the offender and if there are multiple offences the Council will take the totality principle into account.

Officers will first consider factors affecting culpability and harm to choose a starting point from the tables below for the financial penalty under consideration.

Stages 1 and 2:

Factors affecting culpability:

High: Landlord has failed to comply with requests to observe the Regulations. Knowingly or recklessly providing incorrect information in relation to exemptions to these Regulations.

Low: First breach under these Regulations, no previous history of non-compliance of with Housing related regulatory requirements. Complex issues partially out of control of the landlord have led to non-compliance.

Factors affecting harm/risk:

High: Low EPC rating e.g. G or close to G rating, vulnerable tenants occupying property and/or, extended period of time since non-compliance.

Low: EPC score close to minimum acceptable EPC rating (E), No vulnerable tenants and/or short period of non-compliance.



	Low culpability	High culpability	Notes
Low harm	25%	50%	% = Proportion of maximum penalty
High harm	50%	100%	

Tables to show starting points for penalty for each type of breach:

- a) Not meeting minimum standard for less than 3 months¹¹: MAX £2,000

	Low Culpability	High Culpability

¹¹ Where the non compliance is less 3 months Reg 40(2)(a) sets the maximum financial penalty that can be applied.

Low Harm	£500	£1000
High Harm	£1000	£2000

b) Not meeting minimum standard for more than 3 months¹²: MAX £4,000

	Low Culpability	High Culpability
Low Harm	£1,000	£2,000
High Harm	£2,000	£4,000

c) Providing False and Misleading Information, Exemptions Register MAX £1,000

	Low Culpability	High Culpability
Low Harm	£250	£500
High Harm	£500	£1000

d) Failing to comply with a Compliance Notice; MAX £2,000

	Low Culpability	High Culpability
Low Harm	£500	£1000
High Harm	£1000	£2000

If two or more Penalty Notices apply, the statutory maximum per set of breaches at an individual property at a single point of time will be £5000¹³

(Stage 2) Further consideration of Aggravating and Mitigating Factors

Officers may consider it appropriate to adjust the penalty from that determined in the table either up or down depending on particular aggravating or mitigating factors. This may include a Landlords previous history of non-compliance or good compliance with housing related regulatory requirements.

If factors come to light as part of the investigation that require any adjustments to the financial penalty, these factors will be included in the Financial Penalty.

In addition, factors may be provided in representations from a landlord in his request to review after the Penalty Notice has been served.

Officers will have regard to these factors and either increase the penalty (up to the Maximum of £5000) or to reduce the penalty as they feel appropriate.

¹² Where the non compliance is more than 3 months Reg 40(3)(a) sets the maximum financial penalty that can be applied

¹³ Regulation 40(6)

Stage 3 – Review of the penalty

MCC must check whether the level of penalty is proportionate to the overall means of the defendant. If necessary the initial amount may be amended to ensure it fulfils the general principles outlined above.

Reductions

The Council must consider any factors which indicate a reduction in the penalty may be appropriate, and should have regard to the wider implications of the financial penalty on innocent third parties; for example the impact of the offender's ability to comply with the law or to make restitution to the victims/tenants

Reduction for admission of guilt

MCC will take into account a potential reduction in the penalty for an admission of guilt and/or with the cooperation with the investigation. The level of reduction will be decided upon the following factors

- When the offender admits guilt in the course of the investigation or thereafter
- The circumstances in which they admitted guilt
- The degree of cooperation with the investigation

Totality Principle

In addition to maximum penalties listed in Regulation 40, MCC will, when issuing a financial penalty for more than one offence (e.g penalties for more than one property), or where an offender has also been issued with another financial penalty, consider if the total penalties are just and appropriate to the offending behaviour and make adjustments accordingly.

The overriding principle is that the overall penalty must be just and proportionate.

Appendix 2

[The Energy Efficiency \(Private Rented Property\) \(England and Wales\) Regulations 2015](#)

Non-Domestic Properties -Guidance for determining the level of a financial penalty.

This Appendix ensures that the penalty will be proportionate and reflect the severity of the Offence, and should be set high enough to help ensure that it has a real economic impact on the offender and demonstrate the consequences of not complying with their responsibilities. The offender's income and track record will be taken into account in each case. Therefore, as the maximum level of penalty varies depending on the type of breach under the Regulations any penalty will commensurate to the particular circumstance of any individual case.

Financial Penalties for Non – Domestic Properties Regulation 41

Where the Local Authority decides to impose a financial penalty, they have the discretion to decide on the amount of the penalty, up to maximum limits set by the Regulations. The maximum penalties are as follows:

(a) Where the landlord has let a sub-standard property in breach of the Regulations for a period of less than 3 months, the Local Authority may impose a financial penalty of up to £5,000 or 10% of the rateable value of the property (whichever is greater, but not exceeding £50,000) and may impose the publication penalty.

(b) Where the landlord has let a sub-standard property in breach of the regulations for 3 months or more, the Local Authority may impose a financial penalty of up to £10,000 or 20% of the rateable value of the property (whichever is the greater, but not exceeding £150,000) and may impose the publication penalty.

(c) Where the landlord has registered false or misleading information on the PRS Exemptions Register, the Local Authority may impose a financial penalty of up to £5,000 and may impose the publication penalty.

(d) Where the landlord has failed to comply with compliance notice, the Local Authority may impose a financial penalty of up to £5,000 and may impose the publication penalty.

Monmouthshire County Council will use the following as a guide to officers to determine the appropriate penalty for non-domestic properties.

When determining the financial penalty the MCC will take a staged approach, with Stage 1 and 2 combined in this instance:

Stage 1 – Three factors are considered, the culpability of the offender, the potential for tenant harm and the severity of risk. Collectively these factors identify the seriousness of the offence. The seriousness is then categorised, which will be used to determine the amount of penalty.

Stage 2 – This stage determines the offender’s history of legal compliance

Stage 3 – Penalty review. MCC will check the penalty is proportionate to the overall means of the offender and if there are multiple offences the Council will take the totality principle into account.

Officers will first consider factors affecting culpability and harm to choose a starting point from the tables below for the financial penalty under consideration.

Stages 1 and 2:

Factors affecting culpability:

High: Landlord has failed to comply with requests to comply with these regulations. Knowingly or recklessly providing incorrect information in relation to exemptions to these regulation

Low: First breach under these regulations, no previous history of non-compliance of with Housing related regulatory requirements. Complex issues partially out of control of the landlord have led to non-compliance.

Factors affecting harm/risk:

High: Low EPC rating e.g. G or close to G rating, extended period of time since non-compliance.

Low: EPC score close to minimum acceptable EPC rating (E), short period of non-compliance.



	Low culpability	High culpability	Notes
Low harm	25%	50%	% = Proportion of maximum penalty
High harm	50%	100%	

Tables to show starting points for penalty for each type of breach:

- e) Not meeting minimum standard for less than 3 months¹⁴: MAX £5,000 or 10% of rateable value (rv) whichever is greater (subject to cap of £50,000)

	Low Culpability	High Culpability
Low Harm	£1250 or 2.5%rv	£2500 or 5%rv
High Harm	£2500 or 5%rv	£5000 or 10%rv

- f) Not meeting minimum standard for more than 3 months¹⁵: MAX £10,000 or 20% of rateable value, whichever is greater (subject to cap of £150,000)

	Low Culpability	High Culpability
Low Harm	£2500 or 2.5%rv	£5,000 or 5%rv
High Harm	£5,000 or 5%rv	£10,000 or 10%rv

- g) Providing False and Misleading information; MAX £5,000

	Low Culpability	High Culpability
Low Harm	£1250	£2500
High Harm	£2500	£5000

- h) Failing to comply with a Compliance Notice; MAX £5,000

	Low Culpability	High Culpability
Low Harm	£1250	£2500
High Harm	£2500	£5000

(Stage 2) Further consideration of Aggravating and Mitigating Factors

Officers may consider it appropriate to adjust the penalty from that determined in the table either up or down depending on particular aggravating or mitigating factors. This may include a Landlords previous history of non-compliance or good compliance with housing related regulatory requirements.

¹⁴ Where the non compliance is less 3 months Reg 41(2)(a) sets the maximum financial penalty that can be applied.

¹⁵ Where the non compliance is more than 3 months Reg 41(3)(a) sets the maximum financial penalty that can be applied

If factors come to light as part of the investigation that require any adjustments to the financial penalty, these factors will be included in the Financial Penalty.

In addition, factors may be provided in representations from a landlord in his request to review after the Penalty Notice has been served.

Officers in conjunction with their respective Team Leader will have regard to these factors and either increase the penalty, or to reduce the penalty as they feel appropriate.

Stage 3 – Review of the penalty

MCC must check whether the level of penalty is proportionate to the overall means of the defendant. If necessary the initial amount may be amended to ensure it fulfils the general principles outlined above.

Reductions

The Council must consider any factors which indicate a reduction in the penalty may be appropriate, and should have regard to the wider implications of the financial penalty on innocent third parties; for example the impact of the offender's ability to comply with the law or to make restitution to the victims/tenants

Reduction for admission of guilt

MCC will take into account a potential reduction in the penalty for an admission of guilt and/or with the cooperation with the investigation. The level of reduction will be decided upon the following factors

- When the offender admits guilt in the course of the investigation or thereafter
- The circumstances in which they admitted guilt
- The degree of cooperation with the investigation

Totality Principle

MCC will, when issuing a financial penalty for more than one offence, or where an offender has also been issued with another financial penalty, consider if the total penalties are just and appropriate to the offending behaviour and make adjustments accordingly.

The overriding principle is that the overall penalty must be just and proportionate.

Monmouthshire County Council

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015

COMPLIANCE NOTICE

Reference:

To XX

Of XX

Address of premises: XXXXX

Monmouthshire County Council ("the Authority") in exercise of their powers under;

Regulation 37; Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015

Require you to produce documents specified herewith (Delete all those that do not apply);

- (a) the energy performance certificate for the above property which was valid at the time the property was let,**
- (b) any other energy performance certificate for the property in your possession,**
- (c) any current tenancy agreement under which the property is let,**
- (d) any qualifying assessment in relation to the property,**
- (e) any other document** (list all that are included)(which the enforcement authority considers necessary to enable it to carry out its functions under this Part),

AND/OR register copies of the requested information on the PRS Exemptions Register (Private Rented Sector)

The Documents should be sent to: XXXXXXXXXXXXXXX (Officer)

At, Monmouthshire Trading Standards County Hall, The Rhadyr, Usk, Monmouthshire NP15 1GA.

The documents must be produced by **xxx xxx xxx** (this must be at least one calendar month from the date of the Notice)

A person will be in breach of the Regulations if [he] [she] fails to do anything required of [him] [her] by a notice and under Regulation 37(4)(a) is liable to a financial penalty of up to £2000.00/£5000.00

Signed..... Date.....

XX Position.

duly authorised for and on behalf of Monmouthshire County Council.

Further information in respect of this notice can be obtained from: Monmouthshire Trading Standards County Hall, The Rhadyr, Usk, Monmouthshire NP15 1GA. Tel 01873 735420, email: tradingstandards@monmouthshire.gov.uk

Notes

Compliance notices

37.—(1) An enforcement authority may, on or after 1st April 2018, serve a notice (a “compliance notice”) on a person (“L”) who appears to it to be, or to have been at any time within the 12 months preceding the date of service of the compliance notice, in breach of one or more of the following—

- (a) regulation 23,
 - (b) regulation 27,
- requesting such information as it considers necessary to enable it to monitor compliance with this Part.
- (2) A compliance notice may in particular request L to produce for inspection originals, or copies, of the following—
- (a) the energy performance certificate for the property which was valid at the time the property was let,
 - (b) any other energy performance certificate for the property in L’s possession,
 - (c) any current tenancy agreement under which the property is let,
 - (d) any qualifying assessment in relation to the property,
 - (e) any other document which the enforcement authority considers necessary to enable it to carry out its functions under this Part,

and may request L to register copies of any of them on the PRS Exemptions Register

- (3) A compliance notice must specify—
- (a) the name and address of the person to whom the documents or other information required must be provided, and
 - (b) the date by which they must be provided which must be no less than one month from the date on which the compliance notice is served.
- (4) L must—
- (a) comply with the compliance notice, and

(b) allow the enforcement authority to take copies of any original document produced.

(5) A compliance notice may be varied or revoked in writing at any time by the enforcement authority that issued it.

(6) An enforcement authority may take into account any information held by it, whether or not provided to it in accordance with this regulation, in determining whether L has complied with this Part.

Penalty notices

38.—(1) An enforcement authority may, on or after 1st April 2018, serve a notice on L (a “penalty notice”) in any case where it is satisfied that L is, or has been at any time in the 18 months preceding the date of service of the penalty notice, in breach of one or more of the following—

- (a) regulation 23,
- (b) regulation 27,
- (c) regulation 37(4)(a),

imposing a financial penalty, a publication penalty, or both a financial penalty and a publication penalty, in accordance with this Chapter

Advice:

If you do not understand this notice or wish to know more about it, you should contact the Local Authority. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Housing Aid Centre, Law Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee. If you want to know more about the works the Local Authority require you to do, you may wish to consult a surveyor.



Monmouthshire County Council

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015
Regulations 38 & 40.

Notice to Impose a Financial Penalty

To: [Insert full name which identifies an individual or company at address below]

Of: [Address of person on whom the notice is to be served]

The Local Authority, Monmouthshire County Council ('the Council'), **GIVE NOTICE** that the Council, is satisfied, beyond reasonable doubt that on XXXXXX you were in breach of

Regulation 23(1) - Prohibition on letting of sub-standard domestic property

And/OR

Regulation 37(4) - Failing to comply with a Compliance notice

in respect of:

[Address of property].

The amount of a financial penalty imposed is determined by the Council, but must not be more than £5,000.

The Council hereby impose a financial penalty for the above offence of **[£ In words also please]**.

The penalty has been calculated by; (to be inserted where applicable, reference the relevant paragraph of the Regulations)

An invoice will be sent to you after one month of this Notice being Served. You will need the reference number on this to make a payment. The invoice will include details of the ways to pay. The payment must be made within 28 days of the date of the invoice.

In addition the Council propose to impose a Publication Penalty under Regulation 40, to publish on the PRS Exemptions Register the following information;

(a) the name of the organisation receiving the Financial Penalty,

(b) details of the breach of these Regulations in respect of which the penalty notice has been issued,

(c) the address of the property in relation to which the breach has occurred, and



(d) the amount of any financial penalty imposed.

The information will be held on the register for a period of XX months

(must be a min of 12 months)

Reasons for the Notice

The reasons for proposing to impose a Financial Penalty are detailed in the 'Statement of Reasons' below which form part of this Notice.

Actions/ works required

The action the Authority requires you to take to remedy the breach are listed in the attached Schedule of works which also forms part of this Notice.

The works requested in the schedule of works must be complete by XXXX xxxx XXX

(not less than one month beginning on the day that this Notice is served)

Request for Review

Regulation 42 You may make a written request for Monmouthshire County Council to review the Penalty. Any representations must be made within a period of 30 days from the date of this Notice; therefore by the **XX** of **XX** 202X

After the end of the period for representations the Council may—

- (a) waive a penalty,
- (b) allow the landlord additional time to pay any financial penalty,
- (c) substitute a lower financial penalty where one has already been imposed, or
- (d) modify the application of a publication penalty..

Monmouthshire County Council will serve a Notice informing you of the outcome of the review.

Appeals

Regulation 43. If, **after** a review, a penalty notice is confirmed by the enforcement authority, you may appeal to the First-tier Tribunal on the grounds that—

- (a) the issue of the penalty notice was based on an error of fact,
- (b) the issue of the penalty notice was based on an error of law,
- (c) the penalty notice does not comply with a requirement imposed by these Regulations, or
- (d) in the circumstances of the case it was inappropriate for the penalty notice to be served on the landlord.

Regulation 44. The bringing of an appeal suspends the penalty notice being appealed taking effect, pending determination or withdrawal of the appeal. The First-tier Tribunal may quash the penalty notice, or affirm the penalty notice, whether in its original form or with such modification as it sees fit. If the penalty notice is quashed, the enforcement authority must repay any amount paid as a financial penalty in pursuance of the notice.

Regulation 45. The amount of an unpaid financial penalty is recoverable from you as a debt owed to the Council unless the Penalty Notice imposing the financial penalty has been withdrawn by the Council or quashed by the First-Tier Tribunal. Proceedings for recovery may not be commenced until



- before the expiry of the period specified for requesting a review under regulation 38(2)(h)(ii),
- where a review has been requested under regulation 42(1), before the enforcement authority has served notice of its decision under regulation 42(2)(c), and
- where the enforcement authority has served a notice of its decision under regulation 42(2)(c) confirming the penalty notice, before the expiry of the period within which L may appeal to the First-tier Tribunal.

In proceedings for the recovery of a financial penalty, a certificate which—
purports to be signed by or on behalf of the person having responsibility for the financial affairs of the enforcement authority, and states that payment of the financial penalty was or was not received by a date specified in the certificate, is evidence of the facts stated.

**Address of the First Tier Tribunal;
General Regulatory Chamber, HM Courts and Tribunal Service, PO BOX 9300,
Leicester, LE18DJ
Tel 0300 123 4504
grc@justice.gov.uk**

Signature of authorised officer:.....

[Name]

[Date]

Further information in respect of this notice can be obtained from Monmouthshire County Trading Standards, County Hall, The Rhadyr, Usk, Monmouthshire NP15 1GA tel 01873 735420.

Note: Written representations will also be accepted by email to tradingstandards@monmouthshire.gov.uk . Please note to be considered you must ensure you receive an acknowledgement of your email.

Notes

Recovery of financial penalty

45.—(1) The amount of an unpaid financial penalty is recoverable from L as a debt owed to the enforcement authority unless the notice has been withdrawn or quashed.

(2) Proceedings for the recovery of the financial penalty may not be commenced—

- (a)before the expiry of the period specified for requesting a review under regulation 38(2)(h)(ii),
- (b)where a review has been requested under regulation 42(1), before the enforcement authority has served notice of its decision under regulation 42(2)(c), and
- (c)where the enforcement authority has served a notice of its decision under regulation 42(2)(c) confirming the penalty notice, before the expiry of the period within which L may appeal to the First-tier Tribunal.

(3) In proceedings for the recovery of a financial penalty, a certificate which—

- (a)purports to be signed by or on behalf of the person having responsibility for the financial affairs of the enforcement authority, and
- (b)states that payment of the financial penalty was or was not received by a date specified in the certificate, is evidence of the facts stated.



Monmouthshire County Council

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 Regulation 41

Notice to Impose a Financial Penalty

To: **[Insert full name which identifies an individual or company at address below]**

Of: **[Address of person on whom the notice is to be served]**

The Local Authority, Monmouthshire County Council ('the Council'), **GIVE NOTICE** that the Council, is satisfied, beyond reasonable doubt that on XXXXXX you were in breach of

Regulation 41(4) Registering False or Misleading information on the PRS Exemptions Register

in respect of:

[Address of property].

PRS reference number: (where applicable)

The amount of a financial penalty imposed is determined by the Council, but must not be more than £5000.00

The Council hereby impose a financial penalty for the above offence of **[£ In words also please]**.

The penalty has been calculated by; (to be inserted where applicable, reference the relevant paragraph of the Regulations)

An invoice will be sent to you after one month of this Notice being Served. You will need the reference number on this to make a payment. The invoice will include details of the ways to pay. The payment must be made within 28 days of the date of the invoice.

In addition the Council propose to impose a Publication Penalty under Regulation 41, to publish on the PRS Exemptions Register the following information;

(a) the name of the organisation receiving the Financial Penalty,

(b) details of the breach of these Regulations in respect of which the penalty notice has been issued,

(c) the address of the property in relation to which the breach has occurred, and



(d) the amount of any financial penalty imposed.

The information will be held on the register for a period of XX months

(must be a min of 12 months)

Reasons for the Notice

The reasons for proposing to impose a Financial Penalty are detailed in the 'Statement of Reasons' below which form part of this Notice.

Actions/ works required

The action the Authority requires you to take to remedy the breach are listed in the attached Schedule of works which also forms part of this Notice.

The works requested in the schedule of works must be complete by XXXX xxxx XXX
(not less than one month beginning on the day that this Notice is served)

Request for Review

Regulation 42 You may make a written request for Monmouthshire County Council to review the Penalty. Any representations must be made within a period of 30 days from the date of this Notice; therefore by the **XX of XX 202X**

After the end of the period for representations the Council may—

- (a) waive a penalty,
- (b) allow the landlord additional time to pay any financial penalty,
- (c) substitute a lower financial penalty where one has already been imposed, or
- (d) modify the application of a publication penalty..

Monmouthshire County Council will serve a Notice informing you of the outcome of the review.

Appeals

Regulation 43. If, **after** a review, a penalty notice is confirmed by the enforcement authority, you may appeal to the First-tier Tribunal on the grounds that—

- (a) the issue of the penalty notice was based on an error of fact,
- (b) the issue of the penalty notice was based on an error of law,
- (c) the penalty notice does not comply with a requirement imposed by these Regulations, or
- (d) in the circumstances of the case it was inappropriate for the penalty notice to be served on the landlord.

Regulation 44. The bringing of an appeal suspends the penalty notice being appealed taking effect, pending determination or withdrawal of the appeal. The First-tier Tribunal may quash the penalty notice, or affirm the penalty notice, whether in its original form or with such modification as it sees fit. If the penalty notice is quashed, the enforcement authority must repay any amount paid as a financial penalty in pursuance of the notice.

Regulation 45. The amount of an unpaid financial penalty is recoverable from you as a debt owed to the Council unless the Penalty Notice imposing the financial penalty has been withdrawn by the Council or quashed by the First-Tier Tribunal. Proceedings for recovery may not be commenced until



- before the expiry of the period specified for requesting a review under regulation 38(2)(h)(ii),
- where a review has been requested under regulation 42(1), before the enforcement authority has served notice of its decision under regulation 42(2)(c), and
- where the enforcement authority has served a notice of its decision under regulation 42(2)(c) confirming the penalty notice, before the expiry of the period within which L may appeal to the First-tier Tribunal.

In proceedings for the recovery of a financial penalty, a certificate which—
purports to be signed by or on behalf of the person having responsibility for the financial affairs of the enforcement authority, and states that payment of the financial penalty was or was not received by a date specified in the certificate, is evidence of the facts stated.

**Address of the First Tier Tribunal;
General Regulatory Chamber, HM Courts and Tribunal Service, PO BOX 9300,
Leicester, LE18DJ
Tel 0300 123 4504
grc@justice.gov.uk**

Signature of authorised officer:.....
[Name]

[Date]

Further information in respect of this notice can be obtained from Monmouthshire County Trading Standards, County Hall, The Rhadyr, Usk, Monmouthshire NP15 1GA tel 01873 735420.

Note: Written representations will also be accepted by email to tradingstandards@monmouthshire.gov.uk . Please note to be considered you must ensure you receive an acknowledgement of your email.

Notes

Recovery of financial penalty

- 45.—(1) The amount of an unpaid financial penalty is recoverable from L as a debt owed to the enforcement authority unless the notice has been withdrawn or quashed.
- (2) Proceedings for the recovery of the financial penalty may not be commenced—
- (a) before the expiry of the period specified for requesting a review under regulation 38(2)(h)(ii),
 - (b) where a review has been requested under regulation 42(1), before the enforcement authority has served notice of its decision under regulation 42(2)(c), and
 - (c) where the enforcement authority has served a notice of its decision under regulation 42(2)(c) confirming the penalty notice, before the expiry of the period within which L may appeal to the First-tier Tribunal.
- (3) In proceedings for the recovery of a financial penalty, a certificate which—
- (a) purports to be signed by or on behalf of the person having responsibility for the financial affairs of the enforcement authority, and
 - (b) states that payment of the financial penalty was or was not received by a date specified in the certificate, is evidence of the facts stated.



Monmouthshire County Council

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015
Regulations 38 & 41

Notice to Impose a Financial Penalty

To: [Insert full name which identifies an individual or company at address below]

Of: [Address of person on whom the notice is to be served]

The Local Authority, Monmouthshire County Council ('the Council'), **GIVE NOTICE** that the Council, is satisfied, beyond reasonable doubt that on XXXXXX you were in breach of

Regulation 27(1) - Prohibition on letting of sub-standard non-domestic property

And/OR

Regulation 37(4) - Failing to comply with a Compliance notice

in respect of:

[Address of property].

The Council hereby impose a financial penalty for the above offence of **[£ In words also please]**.

The penalty has been calculated by (to be inserted where applicable, reference the relevant paragraph of the Regulations and the enforcement protocol, citing hazard and culpability principles)

An invoice will be sent to you after one month of this Notice being Served. You will need the reference number on this to make a payment. The invoice will include details of the ways to pay. The payment must be made within 28 days of the date of the invoice.

In addition, the Council intend to impose a Publication Penalty under Regulation 41, to publish on the PRS Exemptions Register the following information;

- (a) the name of the organisation receiving the Financial Penalty,**
- (b) details of the breach of these Regulations in respect of which the penalty notice has been issued,**
- (c) the address of the property in relation to which the breach has occurred, and**
- (d) the amount of any financial penalty imposed.**



The information will be held on the register for a period of XX months

(must be a min of 12 months)

Reasons for the Notice

The reasons for proposing to impose a Financial Penalty are detailed in the 'Statement of Reasons' enclosed, which form part of this Notice.

Actions/ works required

The action the Authority requires you to take to remedy the breach are listed in the attached Schedule of works enclosed, which also forms part of this Notice.

The works requested in the schedule of works must be complete by XXXX xxxx XXX
(not less than one month beginning on the day that this Notice is served)

Request for Review

Regulation 42 You may make a written request for Monmouthshire County Council to review the Penalty. Any representations must be made within a period of 30 days from the date of this Notice; therefore by the **XX of XX 202X**

After the end of the period for representations the Council may—

- (a) waive a penalty,
- (b) allow the landlord additional time to pay any financial penalty,
- (c) substitute a lower financial penalty where one has already been imposed, or
- (d) modify the application of a publication penalty..

Monmouthshire County Council will serve a Notice informing you of the outcome of the review.

Appeals

Regulation 43. If, **after** a review, a penalty notice is confirmed by the enforcement authority, you may appeal to the First-tier Tribunal on the grounds that—

- (a) the issue of the penalty notice was based on an error of fact,
- (b) the issue of the penalty notice was based on an error of law,
- (c) the penalty notice does not comply with a requirement imposed by these Regulations, or
- (d) in the circumstances of the case it was inappropriate for the penalty notice to be served on the landlord

Regulation 44. The bringing of an appeal suspends the penalty notice being appealed taking effect, pending determination or withdrawal of the appeal. The First-tier Tribunal may quash the penalty notice, or affirm the penalty notice, whether in its original form or with such modification as it sees fit. If the penalty notice is quashed, the enforcement authority must repay any amount paid as a financial penalty in pursuance of the notice.

Regulation 45. The amount of an unpaid financial penalty is recoverable from you as a debt owed to the Council unless the Penalty Notice imposing the financial penalty has been withdrawn by the Council or quashed by the First-Tier Tribunal. Proceedings for recovery may not be commenced until

-before the expiry of the period specified for requesting a review under regulation 38(2)(h)(ii),



- where a review has been requested under regulation 42(1), before the enforcement authority has served notice of its decision under regulation 42(2)(c), and
- where the enforcement authority has served a notice of its decision under regulation 42(2)(c) confirming the penalty notice, before the expiry of the period within which L may appeal to the First-tier Tribunal.

In proceedings for the recovery of a financial penalty, a certificate which—

purports to be signed by or on behalf of the person having responsibility for the financial affairs of the enforcement authority, and states that payment of the financial penalty was or was not received by a date specified in the certificate, is evidence of the facts stated.

**Address of the First Tier Tribunal;
General Regulatory Chamber, HM Courts and Tribunal Service, PO BOX 9300,
Leicester, LE18DJ
Tel 0300 123 4504
grc@justice.gov.uk**

Signature of authorised officer:.....

[Name]

[Date]

Further information in respect of this notice can be obtained from Monmouthshire County Trading Standards, County Hall, The Rhadyr, Usk, Monmouthshire NP15 1GA tel 01873 735420.

You should also use this address if you wish to submit a request for a review via post.

Note: Written representations will also be accepted by email to tradingstandards@monmouthshire.gov.uk . Please note to be considered you must ensure you receive an acknowledgement of your email.

Notes

Recovery of financial penalty

- 45.—(1) The amount of an unpaid financial penalty is recoverable from L as a debt owed to the enforcement authority unless the notice has been withdrawn or quashed.
- (2) Proceedings for the recovery of the financial penalty may not be commenced—
- (a) before the expiry of the period specified for requesting a review under regulation 38(2)(h)(ii),
 - (b) where a review has been requested under regulation 42(1), before the enforcement authority has served notice of its decision under regulation 42(2)(c), and
 - (c) where the enforcement authority has served a notice of its decision under regulation 42(2)(c) confirming the penalty notice, before the expiry of the period within which L may appeal to the First-tier Tribunal.
- (3) In proceedings for the recovery of a financial penalty, a certificate which—
- (a) purports to be signed by or on behalf of the person having responsibility for the financial affairs of the enforcement authority, and
 - (b) states that payment of the financial penalty was or was not received by a date specified in the certificate, is evidence of the facts stated.



Monmouthshire County Council

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015
Regulation 40

Notice to Impose a Financial Penalty

To: **[Insert full name which identifies an individual or company at address below]**

Of: **[Address of person on whom the notice is to be served]**

The Local Authority, Monmouthshire County Council ('the Council'), **GIVE NOTICE** that the Council, is satisfied, beyond reasonable doubt that on XXXXXX you were in breach of

Regulation 40(4) Registering False or Misleading information on the PRS Exemptions Register

in respect of:

[Address of property].

PRS reference number: (where applicable)

The amount of a financial penalty imposed is determined by the Council, but must not be more than £1000.00

The Council hereby impose a financial penalty for the above offence of **[£ In words also please]**.

The penalty has been calculated by; (to be inserted where applicable, reference the relevant paragraph of the Regulations)

An invoice will be sent to you after one month of this Notice being Served. You will need the reference number on this to make a payment. The invoice will include details of the ways to pay. The payment must be made within 28 days of the date of the invoice.

In addition the Council propose to impose a Publication Penalty under Regulation 40, to publish on the PRS Exemptions Register the following information;

- (a) the name of the organisation receiving the Financial Penalty,**
- (b) details of the breach of these Regulations in respect of which the penalty notice has been issued,**
- (c) the address of the property in relation to which the breach has occurred, and**
- (d) the amount of any financial penalty imposed.**



The information will be held on the register for a period of XX months

(must be a min of 12 months)

Reasons for the Notice

The reasons for proposing to impose a Financial Penalty are detailed in the 'Statement of Reasons' below which form part of this Notice.

Actions/ works required

The action the Authority requires you to take to remedy the breach are listed in the attached Schedule of works which also forms part of this Notice.

The works requested in the schedule of works must be complete by XXXX xxxx XXX
(not less than one month beginning on the day that this Notice is served)

Request for Review

Regulation 42 You may make a written request for Monmouthshire County Council to review the Penalty. Any representations must be made within a period of 30 days from the date of this Notice; therefore by the XX of XX 202X

After the end of the period for representations the Council may—

- (a) waive a penalty,
- (b) allow the landlord additional time to pay any financial penalty,
- (c) substitute a lower financial penalty where one has already been imposed, or
- (d) modify the application of a publication penalty..

Monmouthshire County Council will serve a Notice informing you of the outcome of the review.

Appeals

Regulation 43. If, **after** a review, a penalty notice is confirmed by the enforcement authority, you may appeal to the First-tier Tribunal on the grounds that—

- (a) the issue of the penalty notice was based on an error of fact,
- (b) the issue of the penalty notice was based on an error of law,
- (c) the penalty notice does not comply with a requirement imposed by these Regulations, or
- (d) in the circumstances of the case it was inappropriate for the penalty notice to be served on the landlord

Regulation 44. The bringing of an appeal suspends the penalty notice being appealed taking effect, pending determination or withdrawal of the appeal. The First-tier Tribunal may quash the penalty notice, or affirm the penalty notice, whether in its original form or with such modification as it sees fit. If the penalty notice is quashed, the enforcement authority must repay any amount paid as a financial penalty in pursuance of the notice.

Regulation 45. The amount of an unpaid financial penalty is recoverable from you as a debt owed to the Council unless the Penalty Notice imposing the financial penalty has been withdrawn by the Council or quashed by the First-Tier Tribunal. Proceedings for recovery may not be commenced until



- before the expiry of the period specified for requesting a review under regulation 38(2)(h)(ii),
- where a review has been requested under regulation 42(1), before the enforcement authority has served notice of its decision under regulation 42(2)(c), and
- where the enforcement authority has served a notice of its decision under regulation 42(2)(c) confirming the penalty notice, before the expiry of the period within which L may appeal to the First-tier Tribunal.

In proceedings for the recovery of a financial penalty, a certificate which—
purports to be signed by or on behalf of the person having responsibility for the financial affairs of the enforcement authority, and states that payment of the financial penalty was or was not received by a date specified in the certificate, is evidence of the facts stated.

**Address of the First Tier Tribunal;
General Regulatory Chamber, HM Courts and Tribunal Service, PO BOX 9300,
Leicester, LE18DJ
Tel 0300 123 4504
grc@justice.gov.uk**

Signature of authorised officer:.....
[Name]

[Date]

Further information in respect of this notice can be obtained from Monmouthshire County Trading Standards, County Hall, The Rhadyr, Usk, Monmouthshire NP15 1GA tel 01873 735420.

Note: Written representations will also be accepted by email to tradingstandards@monmouthshire.gov.uk . Please note to be considered you must ensure you receive an acknowledgement of your email.



<p>Name of the Officer completing the evaluation Gareth Walters</p> <p>Phone no: 07967671158 E-mail: garethwalters@monmouthshire.gov.uk</p>	<p>Please give a brief description of the aims of the proposal</p> <p>To inform the Member of a statutory duty and to adopt a new protocol that lays down the approach to dealing with non-compliances under the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015</p>
<p>Name of Service area Trading Standards</p>	<p>Date 18th December 2020</p>

Page 77

Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	Delegation of powers under the legislation will have a positive impact on those living in accommodation that does not currently meet the minimum standards required.	None	N/A
Disability	None	None	N/A
Gender reassignment	Delegation of powers under the legislation will have a positive impact on those living in accommodation that does not currently meet the minimum standards required.	None	N/A



Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Marriage or civil partnership	None	None	N/A
Pregnancy or maternity	Delegation of powers under the legislation will have a positive impact on those living in accommodation that does not currently meet the minimum standards required.	None	N/A
Race	Delegation of powers under the legislation will have a positive impact on those living in accommodation that does not currently meet the minimum standards required.	None	N/A
Religion or Belief	None	None	N/A
Sex	Delegation of powers under the legislation will have a positive impact on those living in accommodation that does not currently meet the minimum standards required.	None	N/A
Sexual Orientation	None	None	N/A
Welsh Language	All documentation will be available in Welsh and notices will be issued in Welsh where necessary or requested.	None	N/A
Poverty	Delegation of powers under the legislation will have a positive impact on those living in accommodation that does not currently meet the minimum standards required. This is often those most vulnerable and can least afford to maintain reasonable living conditions, ensuring minimum standards are reached should ensure cheaper living costs for those most in need.	None	N/A




2. **Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal. There's no need to put something in every box if it is not relevant!

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs	Positive: Ensures the appropriate officers in the Council have the powers available to enforce the requirements of the legislation.	
A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)	Positive: Purpose of the legislation is partly linked to the reduction of this country's carbon footprint and other climate change related measures.	
A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood	Positive: Will ensure those that are most vulnerable are afforded the protection of the legislation, often those who are in fuel poverty or can least afford to look after themselves or dependants.	
A Wales of cohesive communities Communities are attractive, viable, safe and well connected	N/A	
A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing	As above for first three.	
A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People	Positive: Reducing peoples cost of living could provide additional resource to enable other activities to be undertaken. Also reducing fuel poverty could	

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
are encouraged to do sport, art and recreation	improve illhealth levels which also could lead to greater uptake of sport or other activities.	
A more equal Wales People can fulfil their potential no matter what their background or circumstances	Positive: Protecting the vulnerable and those most in need or in poverty, these measures will support all and provide the opportunity for all affected to improve their own circumstances.	

3. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Long Term</p> <p>Balancing short term need with long term and planning for the future</p>	The proposal has assessed the current position and considered what needs to be done going forward. Whilst this proposal delivers short term it will provide an opportunity to develop future service needs and will underpin a longer term approach in the most sustainable way.	
 <p>Collaboration</p> <p>Working together with other partners to deliver objectives</p>	The project is supporting the underlying legislation by developing a toolkit that all enforcement bodies will be able to utilize. Funded by Central Government it is being delivered in partnership with local authorities and external third party stakeholders. In Wales working loosely with Rent Smart Wales.	

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Involving those with an interest and seeking their views</p> <p>Involvement</p>	<p>Statutory duty but has been brought in gradually and with consultaion with interested parties including local landlord forums.</p>	
 <p>Putting resources into preventing problems occurring or getting worse</p> <p>Prevention</p>	<p>Provides the tools for dealing with non-compliant premises and Landlords, with Fixed Penalty Notices being able to support enforcement which ultimately is about ensuring that there is a level playing field for business and tenants are afforded the protection intended by the legislation.</p>	
 <p>Considering impact on all wellbeing goals together and on other bodies</p> <p>Integration</p>	<p>The proposal will ensure tenants are supported and protected which in turn will help them thrive and grow the local economy. It will also protect complying businesses and consumers through ensuring non-complying premises are brought up to minimum standards and help those often struggling or even in fuel poverty.</p>	

4. Council has agreed the need to consider the impact its decisions has on the following important responsibilities: Social Justice, Corporate Parenting and Safeguarding. Are your proposals going to affect any of these responsibilities?

	Describe any positive impacts your proposal has	Describe any negative impacts your proposal has	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?

Social Justice	The protocol will enable the powers and tools afforded by the legislation to be utilised and deliver a fair and proportionate response to non-compliant property. Ultimately this will ensure that all tenants are living in accommodation that meets the minimum standards laid down in law, reducing fuel poverty levels, leading to improved health and other opportunities to improve their lives.	N/A	
Safeguarding	As above this will be particularly important to those tenants who have dependants such as young children or those who suffer from health and wellbeing concerns.	N/A	
Corporate Parenting	This will only be affected if any of the tenants in affected properties are part of this provision.	N/A	

5. What evidence and data has informed the development of your proposal?

This is a statutory requirement that has been brought in through the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.
Wider Central Government policy development.

6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

Nothing extra as the proposal was developed on service need and in conjunction with a governing body, the process as a whole considers all aspects of this form from the start and it is envisaged that all implications identified are positive.

7. ACTIONS: As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

What are you going to do	When are you going to do it?	Who is responsible

8. VERSION CONTROL: The Equality and Future Generations Evaluation should be used at the earliest stage, such as informally within your service, and then further developed throughout the decision making process. It is important to keep a record of this process to demonstrate how you have considered and built in equality and future generations considerations wherever possible.

Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration
1	ICMD	13/01/2021	

This page is intentionally left blank