

**POLICY & RESOURCES CABINET BOARD**

**27<sup>th</sup> MARCH 2008**

**DIRECTORATE OF FINANCE & CORPORATE SERVICES**

**REPORT OF THE HEAD OF FINANCIAL SERVICES  
HYWEL JENKINS**

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**PART 1**  
**SECTION A – MATTERS FOR DECISION**  
**ITEM 1**

**PROPOSED EXPANSION OF THE WELSH PURCHASING CONSORTIUM (WPC)**

**1. Purpose of Report**

The purpose of this report is to seek approval for the Council to continue its membership within an expanded Welsh Purchasing Consortium (WPC).

**2. Background**

2.1. The Welsh Purchasing Consortium (WPC) was created in 1974 and has been successful in delivering a range of benefits for its members, in the form of value for money and the sharing of best practice, across the portfolio of contracts its constitute members implement and manage. Neath Port Talbot CBC is one of 12 constituent Authorities that make up this organisation.

2.2. In 2006 the WPC developed a project brief for ‘Making the Connections’ funding via the Improvement Fund. The project scope was to review the potential benefits, for current and potential members, of an expansion of the current consortium. All 22 unitary authorities were to be consulted on the review.

2.3. This was one of five procurement themed projects that were successful in obtaining review funding, the others being:

North Wales Joint Procurement Partnership  
Ceredigion Procurement Initiative  
Higher / Further Education  
Post 16 / Further Education

2.4. NQ Consulting were appointed by the Welsh Assembly Government (WAG) to undertake all five projects. They have also since been commissioned by WAG to undertake a final piece of work that summarises the conclusions, implications, opportunities and potential actions arising from these five projects.

### 3. Current Situation

3.1 The key recommendations of the final version of the business case developed are:

- The adoption of a central management team but contracts continue to be negotiated by each individual authority.
- The costs be shared by each contributing authority though each Authority must commit to negotiating and managing at least one contract on behalf of the consortium
- A reciprocal payback to each Authority for each contract negotiated on behalf of the WPC, be implemented
- The recommended management team would include three posts. A Procurement Manager with two supporting Procurement Specialists whose immediate focus would be to deliver the savings identified in the Business Case.

3.2 Assuming that all 22 Authorities committed to an expanded WPC, the cost per Authority to fund the Central Management Team would amount to £11,636 per annum (if based on equal contributions). This figure would increase as follows if less than 22 Authorities participated in the new arrangement:

<b>No. of Authorities Participating</b>	<b>Maximum Cost Authority Excluding the Reciprocal Charge</b>
21	12,050
20	12,505
19	13,007
18	13,566
17	14,190
16	14,892
15	15,688
14	16,597
13	17,647
12	18,871

3.3 There would also be an additional reciprocal charge of £11,000 per annum to pay for contracts negotiated by other Authorities. However, this charge could be offset by the contract credits that Councils could receive for any WPC contracts they negotiated.

3.4 If the Council maintains its current level of leading and managing 6 Consortium arrangements, then no additional costs will be incurred through the reciprocal arrangements mentioned above.

#### 4. **Financial Implications**

4.1. The NQ consulting developed business case is focused on delivering efficiencies for all participating Authorities and at the same time encouraging those with little procurement expertise to develop in house capacity

4.2. The report shows a slight loss of £20,000 in year 1, a £1.12m saving year 2 and a £4.64m saving in year 3. These efficiencies are based on expanding the number of contracts undertaken by the WPC and undertaking new contracts in potentially more challenging areas. It will also tackle new contracts, which have traditionally been done by each individual authority. There is a consensus that greater efficiencies would be derived by this collaborative initiative.

4.3. Inevitably, these will take time to develop and negotiate in collaboration with so many parties and some existing contracts will be more difficult to organise than before. The investment efficiencies are based on other successful collaborative consortia arrangements throughout the United Kingdom.

4.4. The cost to Neath Port Talbot will range from £34,908 to £56,613 over 3 years (excluding reciprocal charge of £33,000 over 3 years) depending on the number of Authorities participating in the new WPC. The estimated savings for an individual Authority over the three-year period will be approximately £290,000. The additional cost of the service will be first call on the estimated savings.

4.5. Other significant benefits would arise via process efficiencies and the continued sharing of skills and best practice.

4.6. The 11 other authorities of the WPC are committed to joining an expanded Welsh Purchasing Consortium.

4.7. Of the current non Local Authority membership of the WPC, Carmarthenshire County Council have confirmed their intention to join an expanded Consortium.

- 4.8. Powys County Council's Chief Executive has advised their intention to recommend to elected Members their support on the condition that a 'critical mass', of approximately 15 Councils, is obtained. Their formal position will be advised in due course.
- 4.9. Pembrokeshire County Council have accepted to join the expanded consortium on the basis that all Local Authorities in Wales sign up to the project. They reserve the right to review in light of how many Councils have committed and the revised financial implications.
- 4.10. Ceredigion CC has yet to provide a formal position statement.
- 4.11. The remaining six north Wales authorities are actively engaged in setting up a 'North Wales Procurement Unit'. Whilst just Wrexham and Denbighshire Councils are the only authorities to have formally declined the invitation to join an expanded consortium, it is felt that the other four councils will decline the offer, in due course.

## **5. Recommendation**

- 5.1 It is recommended that the Council commit, for an initial 3 year period, to continue its membership with an expanded Welsh Purchasing Consortium (WPC) at a maximum financial contribution of £18,871 per annum and this will be funded as a first call from purchasing savings.

## **6. Reasons for Proposed Decision**

- 6.1 To ensure the Authority can further benefit from further cashable and non-cashable savings as identified in the NQ Consultancy report.
- 6.2 Ensure the Council has contractual arrangements in place that are in compliance with the EU Procurement Directives and the Council's own Contract Procedure Rules.

**List of Background Papers**

NQ Consultancy “Expansion of the Welsh Purchasing Consortium – Business Case (Version 5).

**Officer Contact**

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**Wards Affected**

All

## COMPLIANCE STATEMENT

### PROPOSED EXPANSION OF THE WELSH PURCHASING CONSORTIUM (WPC)

#### Implementation of Decision

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

#### Sustainability Appraisal

##### Community Plan Impacts

Economic Prosperity	-	Positive
Education & Lifelong Learning	-	Positive
Better Health & Well Being	-	No impact
Environment & Transport	-	Positive
Crime & Disorder	-	No impact

##### Other Impacts

Welsh Language	-	No impact
Sustainable Development	-	Positive
Equalities	-	Positive
Social Inclusion	-	Positive

#### Consultation

There is no requirement under the Constitution for external consultation on this item.

**PART 1**  
**SECTION A – MATTERS FOR DECISION**  
**ITEM 2**

**HIRE OF SMALL TOOLS AND NON-OPERATIVE PLANT**

**1. Purpose of Report**

The purpose of this report is to seek Member approval to appoint a framework of suppliers for the Hire of Small Tools and Non-Operated Plant for the period from the 1<sup>st</sup> May 2008 to 30<sup>th</sup> April 2010 with an option to extend for a further year to 30<sup>th</sup> April 2011.

**2. Background**

- 2.1 The Authority currently has a number of arrangements in place for the Hire of Small Tools and Non-Operative Plant.
- 2.2 The Corporate Procurement Unit, in accordance with the European Union Procurement Directives, publicised the Authority's requirements for a Framework for Small Tools and Non-Operative Plant in the Official Journal of the European Union (OJEU) via the Open procedure.
- 2.3 The proposed contract is to cover a wide range of Small Tools and Non-Operative Plant across several suppliers. There is no guaranteed contract value or estimates for this framework. Tenderers are required to provide Health and Safety compliant quality equipment, service and value for money.
- 2.4 The EU Directives permit Public Bodies to award a contract on the basis of Most Economically Advantageous Tender (MEAT), which takes in to account criteria such as quality, delivery, compliance, after sales service etc., as well as cost. For this process, the quality / price ratio was set at 60:40 prior to the tendering exercise.
- 2.5 Responses were received from eleven companies.



### **3. Financial Implications**

- 3.1 The current annual expenditure for the Hire of Small Tools and Operative plant is estimated at £215,000. The introduction of a framework is expected to reduce spend by approximately 5%. The Environment Directorate's Fleet Management Team are actively reducing spend in this area as part of the ongoing efficiency drive. Fleet Services are instigating an In-house Plant Hire Store to be located at The Quays, Baglan Energy Park. This will reduce the amount of external hire items such as trimmers, blowers, disc cutters etc and provide better control of Plant usage.

### **4. Outcome of Tendering Exercise**

All eleven tenders were cost and quality evaluated and a weighting score was applied using a pre-agreed assessment matrix.

### **5. Recommendations**

It is recommended that the Authority award the Framework for Small Tools and Non- Operative Plant to five suppliers:

- Ashtead Plant Hire Company Limited, Swansea.
- Hire One, Swansea.
- Brandon Hire, Port Talbot & Swansea.
- Speedy Hire, Baglan & Swansea.
- Proplant, Swansea.

### **6. Reasons for Proposed Decision**

To ensure the Authority complies with European Procurement Directives and to further improve the efficiency of the Authority's Hire requirements.

Fleet Management & Corporate Procurement will facilitate the roll out of the framework contract.

## **List of Background Papers**

Tender 663 – Return documentation and associated Procurement file

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## **Wards Affected**

All

## COMPLIANCE STATEMENT

### HIRE OF SMALL TOOLS AND NON-OPERATIVE PLANT

#### Implementation of Decision

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

#### Sustainability Appraisal

##### Community Plan Impacts

Economic Prosperity	-	Positive
Education & Lifelong Learning	-	Positive
Better Health & Well Being	-	No impact
Environment & Transport	-	Positive
Crime & Disorder	-	No impact

##### Other Impacts

Welsh Language	-	No impact
Sustainable Development	-	Positive
Equalities	-	No impact
Social Inclusion	-	No impact

##### Consultation

There is no requirement under the Constitution for external consultation on this item.

**PART 1**  
**SECTION A – MATTERS FOR DECISION**  
**ITEM 3**

**REVISION OF CONTRACT PROCEDURE RULES**

**1. Purpose of Report**

The purpose of this report is to revise Contracts Procedure Rules.

**2. Background**

Legal Services and Corporate Procurement have been conducting a comprehensive review of the current Contracts Procedure Rules. On the 1<sup>st</sup> February 2007, the Head of Legal Services contacted all Heads of Service in the Authority to ask for suggestions for amendment with supporting reasons.

A working group consisting of representatives from Corporate Procurement, Legal Services, Audit and Environment was set up to consider the suggested amendments for approval.

The working group will continue to meet and recommendations for any further amendments will be reported at the appropriate time.

**3. Amendments**

The following revisions are recommended:-

Rule 1.1 **Definitions**

Revised 1.1(iii) **“The Council”** means the Neath Port Talbot County Borough Council, its Cabinet, Cabinet Committees, and other Committees/Sub-Committees of the Council and (except in the case of Procedure Rules 1.1(i), 1.2.1, 1.3, 1.5, 2.1, 2.1(3), 2.2, 3.1(xvi), 4.1, 4.2, 4.4, 4.5, 6.5 and 7 unless urgency provisions are invoked,) its Authorised Officers, in the context of the Constitution of Neath Port Talbot County Borough Council (“The Constitution”).

Rule 1.2 **Compliance with Contract Procedure Rules**

Revised 1.2.5 All terms of engagement entered into in relation to contracts shall contain a clause requiring compliance with the requirements set out in the Constitution. A copy of the

Constitution is available to view on the Council's intra/internet site.

New 1.8 In relation to any works and/or maintenance being carried out on land, ownership or a statutory right to enter such land must rest with the Council. Alternatively a right to enter such land to carry out the works and/or maintenance must be procured from the owner prior to the contracts being entered into in relation thereto. The aforesaid provisions shall also apply to works and/or maintenance to be carried out by the Council's Internal Provider.

New 1.9 **Partnership Arrangements**

Partnership arrangements are a means of parties working together i.e. to develop a working relationship. Such arrangements are subject to contractual terms and conditions and therefore need to be compliant with the Contract Procedure Rules and treated in all respects in the same way as a Contract.

New 1.10 Where the letting of any Contract is subject to a grant, such Conditions thereof must be complied with in relation to the Tendering procedure and/or contract conditions so specified.

Rule 2 **INVITATIONS TO TENDER**

**Contracts over £50,000**

Revised 2.1(1) At least ten days public notice has been given in such advertising medium as the appropriate officer has considered desirable stating the nature and purpose of the Contract, inviting Tenders for its execution and stating the last date and time when Tenders will be accepted; or

Rule 2.2 **Contracts up to £50,000**

Revised 2.2 **Contracts between £5,000 and £50,000**

Where the estimated value of the proposed Contract is between £5,000 and £50,000 (or between £10,000 and £50,000 where the proposed Contract is in relation to building or engineering works), Tenders may be invited by the Authorised Officer concerned using whichever of the foregoing procedures he deems appropriate and dealt with in

accordance with the arrangements prescribed in Procedure Rule 5.

Alternatively, if the foregoing procedures are not deemed appropriate for a particular Contract which is estimated to be between £5,000 and £50,000 (or between £10,000 and £50,000 where the proposed Contract is in relation to building or engineering works), the Authorised Officer concerned should invite at least three written Quotations from competitive sources and accept the most economically advantageous Quotation for the Council, unless the Authorised Officer considers this is inappropriate in the interests of efficient management.

In considering whether it is inappropriate to obtain three written Quotations, the Authorised Officer shall conform to any guidance issued by the Director of Finance and Corporate Services, and to ensure that Best Value is obtained for the Council. Any decision by the Authorised Officer that the obtaining of three Quotations is inappropriate and a record of the reason for the appointment must be kept on file.

- |         |                |  |
|---------|----------------|--|
| Rule    | 3              | <b>EXCLUSION FROM THE REQUIREMENTS OF COMPETITION</b>  |
| Revised | 3.1(xi)        | where the estimated expenditure is less than £5000 (or less than £10,000 where the proposed Contract is in relation to building or engineering works)  |
| Rule    | 4              | <b>APPOINTMENT OF PRIVATE CONSULTANTS</b>  |
| Revised | 4.1(iv)<br>(h) | copies of current insurance certificates, for example Professional Indemnity, Public Liability and Employers Liability insurance.  |
| New     | 4.1(iv)<br>(i) | Consultants included on the lists should be asked to notify the Council of any subsequent amendments to the information supplied in accordance with sub-paragraphs (a)-(h) above.  |
| Revised | 4.4            | Where the Council considers that because of the unique skills and expertise of a Consultant, no competition can be obtained for the particular services required, then the Council may award the Contract to that Consultant and a |

record of the reason for the appointment must be kept on file.

Rule 9 **FORM OF CONTRACT**

Revised 9.1 Each Contract, the value of which does not exceed £50,000, shall be in writing and signed by an Authorised Officer, unless such Authorised Officer deems it appropriate that the Contract be signed by a Proper Officer.

Revised 9.2 Each Contract, the value of exceeds £50,000 shall be in writing and signed by a Proper Officer.

Revised 9.3 Each Contract, the value of which exceeds £100,000 shall be in Writing and executed under seal. Notwithstanding the financial value of the Contract, the Authorised Officer may request that particularly complex or high risk Contracts shall be in writing and executed under seal. The formal advice of the Head of Legal and Democratic Services should be sought in such cases.

Rule 26 **EQUAL OPPORTUNITIES IN EMPLOYMENT AND EQUAL OPPORTUNITIES IN SERVICE DELIVERY**

Revised 26 **EQUALITIES**

Every written contract must contain a clause requiring the Contractor to comply with the following Council policies:

- Equality of Opportunity in Employment Policy
- Equality of Opportunity in Service Delivery Policy
- Race Equality Scheme
- Disability Equality Scheme
- Gender Equality Scheme

in so far as they relate to the services, or any part of the services, which the Contractor is supplying.

Contractors are also required to follow the recommendations of the Statutory Code of Practice on Racial Equality in Employment.

The following clause must be used except where the Director of Finance and Corporate Services has agreed to the use of an alternative clause:-

“1. The Council has produced and has approved the following:

- Equality of Opportunity in Employment Policy
- Equality of Opportunity in Service Delivery Policy
- Race Equality Scheme
- Disability Equality Scheme
- Gender Equality Scheme

Copies of the above are available upon request from the Corporate Strategy Unit and the Human Resources Division respectively.

2. The Contractor will be responsible for complying with the approved policies and schemes in so far as they relate to the services or any part of them.

3. The cost of meeting the obligations in Clause 2 above is deemed to be included in the Tender sum except where such cost is specified as an approved disbursement.”

General  
revision

All references to “Head of Legal Services” in the Contracts Procedure Rules will be deleted and replaced with “Head of Legal and Democratic Services”.

#### **4. Recommendation**

It is recommended that the Contracts Procedure Rules be revised in accordance with the revisions set out in this Report.

#### **List of Background Papers**

Contracts Procedure Rules

#### **Officer Contacts**

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#### **Wards Affected**

All



## COMPLIANCE STATEMENT

### REVISION OF CONTRACT PROCEDURE RULES

#### **Implementation of Decision**

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

#### **Sustainability Appraisal**

##### Community Plan Impacts

Economic Prosperity	-	Positive
Education & Lifelong Learning	-	No impact
Better Health & Well Being	-	No impact
Environment & Transport	-	No impact
Crime & Disorder	-	No impact

##### Other Impacts

Welsh Language	-	No impact
Sustainable Development	-	Positive
Equalities	-	Positive
Social Inclusion	-	No impact

#### **Consultation**

There is no requirement under the Constitution for external consultation on this item.

**PART 1**  
**SECTION A – MATTERS FOR DECISION**  
**ITEM 4**

**TENDER FOR THE PROVISION OF PHOTOCOPIERS**

**1. Purpose of Report**

To seek Members approval to award the contract for the Authority's Provision of Photocopiers from 1<sup>st</sup> May 2008 to 30<sup>th</sup> April 2011 (with an option to extend for up to 12 months)

**2. Background**

The current contracts are due to expire from 30<sup>th</sup> April 2008 onwards. The contracts cover the Leased rental of appropriate machines and copy costs based on usage.

A project team was established consisting of Officers from Environment, Finance & Corporate Services, Social Services Health & Housing, Chief Executives and Education.

In accordance with European Union Procurement Directives, the Authority publicised the Framework Arrangement for the Provision of Photocopiers in the Official Journal of the European Union (OJEU) via the 'Restricted' procedure.

Responses were received from eighteen companies, from which six were invited to tender.

The EU Directives permit Public Bodies to award a contract on the basis of the Lowest Price or Most Economically Advantageous Tender, which takes into account criteria such as quality, technical merit, delivery, after sales service etc. as well as cost. For this process, the Price / Quality ratio was set at 50/50, prior to the tendering exercise.

**3. Financial Implications**

- 3.1. The annual expenditure for the Supply and Installation of Photocopiers included within the tender exercise is estimated at £330,000 per annum.

#### 4. **Outcome of Tendering Exercise**

- 4.1. Five tenders were returned and were cost evaluated using a model based on current Council photocopier placements and estimated usages. These were:

Canon (UK) Limited  
OCE (UK) Limited  
Ikon Office Solutions  
Infotec (UK) Limited  
Toshiba Tec (UK) Limited

- 4.2. The non-commercial aspects were evaluated by a project team sub-group consisting of Officers from Finance & Corporate Services, Environment and Education (Primary Schools representative).
- 4.3. EU Procurement Directives allow framework contracts to be awarded to either one or three or more suppliers. The Project team felt that the Authority's needs were best met by having a framework of three suppliers.
- 4.4. The Council's current photocopier placements are mainly with Canon (UK) Limited and Toshiba Tec (UK) Limited. User departments will benefit from savings in the order of £25,000 per annum by changing their machine upon its current lease expiry.
- 4.5. Further efficiencies may result from sites reviewing their needs and rationalising photocopier placements. These new arrangements allow for machines not required to be returned without any cost penalty.
- 4.6. Corporate Procurement, with support from various project team members, will implement the new arrangements and monitor key performance indicator date during the course of the contract.

#### 5. **Recommendation**

It is recommended that the Authority award the Framework for the Provision of Photocopiers to three suppliers:

1 – Canon (UK) Limited  
2 – Toshiba Tec (UK) Limited  
3 – Infotec (UK) Limited

## **6. Reasons for Proposed Decision**

To ensure the Authority complies with the European Union Procurement Directive and the Council's Contract Procedure Rules.

### **List of Background Papers**

NPT Tender Reference 701 - Tender Documents and associated Procurement file.

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### **Wards Affected**

All

## COMPLIANCE STATEMENT

### TENDER FOR THE PROVISION OF PHOTOCOPIERS

#### Implementation of Decision

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

#### Sustainability Appraisal

##### Community Plan Impacts

Economic Prosperity	-	No Impact
Education & Lifelong Learning	-	Positive
Better Health & Well Being	-	Positive
Environment & Transport	-	No impact
Crime & Disorder	-	No impact

##### Other Impacts

Welsh Language	-	No impact
Sustainable Development	-	Positive
Equalities	-	Positive
Social Inclusion	-	No impact

**PART 2**  
**SECTION B – MATTERS FOR INFORMATION**  
**ITEM 5**

**TREASURY MANAGEMENT**

**1. Purpose of Report**

This report sets out treasury management action and information since the previous report.

**2. Long Term Borrowing**

No long term borrowing has been arranged since the previous report.

**3. Rates of Interest**

**3.1. The Bank Rate:**

11 January 2007 to 9 May 2007	5.25%
10 May 2007 to 4 July 2007	5.50%
5 July 2007 to 5 December 2007	5.75%
6 December 2007 to 6 February 2008	5.50%
<b>07 February 2008 to date</b>	<b>5.25%</b>

**3.2 Public Works Loans Board.**

Examples of Public Works Loan Board new loan fixed interest rates in effect on 17<sup>th</sup> March 2008:

	<u>Equal</u>		<u>Annuity</u>		<u>Maturity</u>	
	<u>Instalments of</u>					
	<u>Principal</u>					
	%	%	%	%	%	%
	Current	Previous	Current	Previous	Current	Previous
5 to 5.5 years	4.02	4.39	4.02	4.39	4.21	4.48
10 to 10.5 years	4.21	4.48	4.24	4.50	4.53	4.64
15 to 15.5 years	4.39	4.58	4.45	4.60	4.63	4.65
20 to 20.5 years	4.53	4.64	4.58	4.65	4.62	4.60
25 to 25.5 years	4.60	4.66	4.63	4.65	4.56	4.53
35 to 35.5 years	4.63	4.62	4.59	4.57	4.51	4.49
49.5 to 50 years	4.56	4.53	4.49	4.47	4.44	4.44

#### **4. Draft CIPFA Capital Expenditure and Treasury Management Statistics 2006-07.**

- 4.1 The draft statistics for 2006-07 have been received. These statistics provide comparative figures for all UK authorities.
- 4.2 Neath Port Talbot County Borough Councils performance compared to other Welsh Unitary Authorities (16 of whom had responded) in key Treasury Management performance indicator areas are as follows:

<b>Long Term Borrowing</b>	<b>Rate</b>	<b>Ranked in Wales</b>
Gross Average Rate of Interest on all External Debt	5.70%	Equal 4 <sup>th</sup> /16
Average Interest Rate of New Borrowing	4.10%	Equal 1 <sup>st</sup> /16
<b>External Investments</b>		
Average Rate of Interest on All External Investments	5.10%	1 <sup>st</sup> /16

#### **List of Background Papers**

PWLB Interest Rate Notice 055/08

CIPFA Draft Capital Expenditure and Treasury Management Statistics 2006-07

#### **Wards Affected**

All

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**PART 2**  
**SECTION B – MATTERS FOR INFORMATION**  
**ITEM 6**

**STAFF ATTAINMENTS**

**1. Purpose of report**

This item provides an update for Members of examination successes within the Division.

**2. Background**

The Finance Division supports continued professional development of its staff and this has resulted in the following recent successes:

Aarron Norman	CIPFA Full Qualification
Melanie Davies	ACCA Full Qualification
Ros Morgan	MIIA Full Qualification
Nerys Jones	MIIA Full Qualification

There have also been a number of other members of staff who have passed interim examinations as part of their ongoing studies.

**3. Summary**

This information is provided to members to note our continued investment in our staff through various training opportunities and individual staff achievements.

**Background papers**

Personnel files

**Wards affected**

Not applicable

**Officer Contact**

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