



## ***CABINET SCRUTINY COMMITTEE***

***2.00 PM THURSDAY, 28 JULY 2022***

***MULTI-LOCATION MEETING - COUNCIL CHAMBER, PORT TALBOT  
AND MICROSOFT TEAMS***

**All mobile telephones to be switched to silent for the duration of the meeting**

This meeting will be recorded for broadcast via the Council's Internet Site. By participating you are consenting to being filmed and the possible use of those images and sound recordings for training purposes.

### **Part 1**

1. Chairs Announcements
2. Declarations of Interests
3. Minutes of the Previous Meeting (*Pages 5 - 12*)
4. Pre-decision Scrutiny
  - To select appropriate items from the Cabinet agenda for pre-decision scrutiny (cabinet reports enclosed for Scrutiny Members)
5. Forward Work Programme 2022/23 (*Pages 13 - 14*)
6. Urgent Items  
Any urgent items (whether public or exempt) at the discretion of the Chairman pursuant to Section 100B (4) (b) of the Local Government Act 1972
7. Access to Meetings (*Pages 15 - 20*)

To resolve to exclude the public for the following items pursuant to Regulation 4 (3) and (5) of Statutory Instrument 2001 No.2290 and the relevant exempt paragraphs of Part 4 of Schedule 12A to the Local Government Act 1972

## **Part 2**

### **8. Pre-Decision Scrutiny of Private Item/s**

- To select appropriate items from the Cabinet agenda for pre-decision scrutiny (cabinet reports enclosed for Scrutiny Members)

**K.Jones  
Chief Executive**

**Civic Centre  
Port Talbot**

**Thursday, 21 July 2022**

### **Committee Membership:**

**Chairperson: Councillor P.Rogers**

**Vice Councillor C.James**

**Chairperson:**

**Councillors:** T.Bowen, C.Clement-Williams, C.Galsworthy, J.Henton, R.G.Jones, C.Lewis, S.Paddison, C.Phillips, R.Phillips, S.Pursey, S.H.Reynolds, A.J.Richards and M.Spooner

### **Notes:**

- (1) *If Committee Members or non-Committee Members wish to have relevant items put on the agenda for future meetings, then please notify the Chief Executive/Chair eight days before the meeting.*
- (2) *If non-Committee Members wish to attend for an item of interest, then prior notification needs to be given (by 12.00 noon on the day before*

*the meeting). Non-Committee Members may speak but not vote, or move or second any motion.*

- (3) *For pre scrutiny arrangements, the Chair will normally recommend forthcoming executive items for discussion/challenge. It is also open to Committee Members to request items to be raised - though Members are asked to be selective here in regard to important issues.*
- (4) *The relevant Cabinet Board Members will also be invited to be present at the meeting for Scrutiny/ Consultation purposes.*
- (5) *Would the Scrutiny Committee Members please bring the Cabinet Board papers with them to the meeting.*

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# Agenda Item 3

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## Cabinet Scrutiny Committee

**(Multi-Location Meeting - Council Chamber, Port Talbot & Microsoft Teams)**

**Members Present:** **29 June 2022**

**Chairperson:** **Councillor P.Rogers**

**Vice Chairperson:** **Councillor C.James**

**Councillors:** T.Bowen, C.Clement-Williams, C.Galsworthy, J.Henton, R.G.Jones, C.Lewis, S.Paddison, C.Phillips, R.Phillips, S.Pursey, S.H.Reynolds, A.J.Richards and M.Spooner

**Officers In Attendance** K.Jones, A.Jarrett, A.Thomas, N.Pearce, H.Jones, S.Brennan, F.Clay-Poole, R.Crowhurst, C.Furlow-Harris, R.Headon, A.Matthews, M.Shaw, R.Turner, Ms.L.Willis, K.Windsor-Brown, J.Woodman-Ralph and C.John

**Cabinet Invitees:** Councillors W.F.Griffiths, S.Harris, S.K.Hunt, J.Hurley, N.Jenkins, S.Jones, S.A.Knoyle, A.Llewelyn, D.M.Peters and J.Hale

**Warm Wales Representative** Katie Cook

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### **1. Chairs Announcements**

The Chair welcomed the Committee.

The Chair highlighted that there was an error in the Annual Governance Report that was detailed within the Cabinet Papers. It was noted that the implementation period was missing and should be amended to read 'The decision is proposed for implementation after the three day call in period'.

## 2. Declarations of Interests

The following members and officers made declarations of interest at the start of the meeting:

Councillors: A.Llewelyn, P.Rogers, M.Spooner, S.Reynolds, R.Jones, C.Galsworthy, C.Williams.	Re: Agenda Item 9 on the Cabinet Papers, Welsh Government Discretionary Cost of Living Scheme as they either live in or have interests in Band E or F properties. They all felt their interests were prejudicial and withdrew from the meeting for that item only.
Officers: K.Jones, H. Jones,	Re: Agenda Item 9 on the Cabinet Papers, Welsh Government Discretionary Cost of Living Scheme as they either live in or have interests in Band E or F properties. They all felt their interests were prejudicial and withdrew from the meeting for that item only
Councillor A.Llewelyn	Re: Agenda Item 7, Welsh Medium Starter School – Neath Abbey as he is school governor at Ysgol Gymraeg Ystalyfera – Bro Dur but has dispensation to speak and vote.
Councillors: J.Henton, M.Peters.	Re: Agenda Item 7, Welsh Medium Starter School – as they previously discussed the item in detail at a Community Council meeting and felt the interest was prejudicial and withdrew from the meeting for that item only.

## 3. Pre-decision Scrutiny

### Welsh Medium Starter School - Neath Abbey

Councillors James Henton and Martyn Peters re-affirmed their interest and left for this item.

Members received an update in relation to the proposal to establish a new Welsh-Medium Primary School in Neath Abbey. Officers highlighted that concern had been raised around the traffic and parking element of the school. It was noted that officers were doing their utmost to relieve potential pressure of traffic or parking and were considering measures which might be put in place in place to mitigate this. It was also discussed that there were concerns around the age of the School. It was noted that the school had been well maintained and was in very good condition.

Members referred to the officer's response on Coed Darcy detailed within the Circulated report. It was highlighted that dependant on future pupil numbers there is potential for the pupils to transfer to Coed Darcy when the new school is built or alternatively, if the demand for Welsh medium education should grow as expected, there is a possibility that the Welsh-medium seedling school will remain in Skewen and an additional Welsh-medium school could be built in Coed Darcy. It was highlighted that in the interim it was not possible to wait for the school at Coed Darcy to be built and this was an opportunity to allow the Council to establish a Welsh Medium School in a short space of time.

Members were pleased to see the report and highlighted that having the school would go towards a Welsh Government target of having a Million Welsh Speakers by 2050.

Following Scrutiny, the Committee was supportive of the proposals to be considered by the Cabinet.

#### Welsh Language Standards Annual Report 2021-2022

Members were presented with the Welsh Language Standards Annual Report for 2021-2022, as detailed within the circulated report.

Members highlighted their desire in learning the Welsh Language but noted that this was absent from the report and requested that information be cascaded to members and for it to be recognised in future reports. Officers highlighted that there was training available to members and this information would be circulated outside the meeting.

Members informed officers of the importance of the list of Welsh Speakers that was previously available as part of the Employee

Directory on the intranet and requested whether this information could be updated. Officers confirmed that the list of Welsh Speakers had been updated and reinstated. It was noted that this information would be circulated to members.

Following Scrutiny, it was agreed that the report be noted.

Delivery of the Welsh Government's Discretionary Cost of Living Support Scheme

At this point of the meeting the Chair re-affirmed his prejudicial interest and left the meeting along with the other Members and Officers that had declared prejudicial Interests.

Cllr. Chris James undertook the role as Chair for this item.

Members were provided with information relating to the criteria for the delivery of the discretionary element of the Welsh Government's cost of livings support scheme.

Discussions took place around Households within Council Tax Bands E-F potentially not requiring an additional payment of £150 and queried whether an option would be to have the Households within Council Tax Bands E-F apply for the funding rather than them automatically receiving it. Officers highlighted that the practicalities around the suggestion would not be fit for purpose and explained that a letter would be circulated providing information on the additional money and suggested that additional information could be included in the letter to inform Households on how to return the money if they so wished.

It was clarified that second home owners would not be eligible under the main scheme and would not receive payment.

Following Scrutiny, the Committee was supportive of the proposals to be considered by the Cabinet.

Members and Officers that declared at the start of the meeting returned to the meeting.

Cllr. Phil Rogers returned to the meeting as Chair.

Neath Port Talbot Hardship Relief Scheme

Officers reminded members that in February 2022, Cabinet had set aside £2m into a hardship relief reserve and tasked the Chief Finance Officer with developing a hardship relief scheme. It was noted that the scheme was to target those who are most in need

Officers highlighted to members that within the report there were two options to choose from, the first option being a one off additional 'cash' payment of £100 to households in receipt of Council tax support. The second option being a delivery of a hardship relief scheme utilising 'Warm Wales' a partner agency. Officers confirmed that the option they would recommend to members would be option two. It was noted that Katie Cook from Warm Wales was in attendance to provide a presentation of the service that they would offer.

Members queried whether the scheme would provide cover for those in need specifically around issues such as poor quality or single glazed windows. Warm Wales highlighted that the funding was available for those most in need and if issues were relating to broken windows or re-glazing concerns then this would require further discussions to ensure value for money. However, if the issue in relation to making sure the house be more efficient and warmer then it would be something that warmer wales would consider doing.

Clarity was sought around the responsibility of this scheme and where it would lie within the departments of the Council. Officers explained that in the first instance approval was sought to agree the scheme. Officers would then be required to work out the logistics of the scheme and where it would sit within the authority and will notify members during the autumn period.

Discussions took place around the initial reasoning for this scheme, it was noted that when the suggestion of a Hardship Relief Scheme was brought to members in February it was to provide assistance to all those in need due to cost of living. It was highlighted that this scheme was providing an emphasis on fuel poverty rather than a cost of living issue. Officers confirmed that there were other avenues to ensure those who require support in other areas such as with the cost of living was available. Members were also reassured that communication was being provided to those around this support. It was noted that officers would share the information to councillors in relation to the support that is available around cost of living.

Members queried whether there would be a requirement to go out to tender. It was noted that Legal Services had provided advice on this subject and that a tendering exercise was not required.

The issue of residents in rented accommodation was discussed and members queried whether those residents would be eligible to receive support if the landlords did not provide it. Warm Wales clarified that residents in rented accommodation would be more than welcome to have further information and support from Warm Wales without taking the main responsibility from the landlord.

Following Scrutiny, the Committee was supportive of option 2 proposal within the circulated report to be considered by the Cabinet.

#### **4. Urgent Items**

There were no urgent items.

#### **5. Access to Meetings**

**RESOLVED:** that pursuant to Section 100A(4) and (5) of the Local Government Act 1972, the public be excluded for the following items of business which involved the likely disclosure of exempt information as defined in Paragraph 14 of Part 4 of Schedule 12A to the above Act.

#### **6. Pre-Decision Scrutiny of Private Item/s**

##### Levelling Up Fund Bids

Members were updated and provided with a presentation on the proposed package of bids for Aberavon constituency, Neath constituency and a Transport-only bid to submit to UK government in application for funding from the UK Levelling Up Fund, as detailed within the private report.

Following Scrutiny, the Committee was supportive of the proposals to be considered by the Cabinet.

### Potential Neath Port Talbot Freeport Opportunity

Officers highlighted to members that they were seeking approval for the Council to engage in further exploration, research and discussions with potential partners to explore the potential of the Council submitting a Freeport bid, either in isolation or in partnership with other organisations, as detailed within the private circulated report.

Following Scrutiny, the Committee was supportive of the proposals to be considered by the Cabinet.

### **CHAIRPERSON**

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## Cabinet Scrutiny Committee

**(All starting 2pm unless otherwise stated)**

Meeting Date	Agenda Item	Contact Officer
<b>2022</b>		
29 <sup>th</sup> Jun		
28 <sup>th</sup> Jul		
21 <sup>st</sup> Sept		
19 <sup>th</sup> Oct		
30 <sup>th</sup> Nov		
<b>2023</b>		
11 <sup>th</sup> Jan		
22 <sup>nd</sup> Feb		
5 <sup>th</sup> April		
17 <sup>th</sup> May		





## Report of the Head of Corporate and Legal Services

**Cabinet Scrutiny, 28 July 2022**

### **ACCESS TO MEETINGS/EXCLUSION OF THE PUBLIC**

<b>Purpose:</b>	To consider whether the Public should be excluded from the following items of business.
<b>Item (s):</b>	Item 21 – Panteg/Cynfig Road, Landslip Item 22 - Provision of a Welcome Centre
<b>Recommendation(s):</b>	That the public be excluded from the meeting during consideration of the following item(s) of business on the grounds that it/they involve(s) the likely disclosure of exempt information as set out in the Paragraphs listed below of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 subject to the Public Interest Test (where appropriate) being applied.
<b>Relevant Paragraph(s):</b>	Item 21 – Panteg/Cynfig Road, Landslip – Exempt under Paras 13 and 14  Item 22 - Provision of a Welcome Centre – Exempt under Para 14

## **1. Purpose of Report**

To enable Members to consider whether the public should be excluded from the meeting in relation to the item(s) listed above.

Section 100A (4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, allows a Principal Council to pass a resolution excluding the public from a meeting during an item of business.

Such a resolution is dependent on whether it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present during that item there would be disclosure to them of exempt information, as defined in section 100I of the Local Government Act 1972.

## **2. Exclusion of the Public/Public Interest Test**

In order to comply with the above mentioned legislation, Members will be requested to exclude the public from the meeting during consideration of the item(s) of business identified in the recommendation(s) to the report on the grounds that it/they involve(s) the likely disclosure of exempt information as set out in the Exclusion Paragraphs of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

Information which falls within paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The specific Exclusion Paragraphs and the Public Interest Tests to be applied are listed in Appendix A.

Where paragraph 16 of the Schedule 12A applies there is no public interest test. Members are able to consider whether they wish to waive their legal privilege in the information, however, given that this may place the Council in a position of risk, it is not something that should be done as a matter of routine.

### **3. Financial Implications**

Not applicable

### **4. Integrated Impact Assessment**

Not applicable

### **5. Valleys Communities Impact**

Not applicable

### **6. Workforce Impact**

Not applicable.

### **7. Legal Implications**

The legislative provisions are set out in the report.

Members must consider with regard to each item of business the following matters.

- (a) Whether in relation to that item of business the information is capable of being exempt information, because it falls into one of the paragraphs set out in Schedule 12A of the Local Government Act 1972 as amended and reproduced in Appendix A to this report.

and either

- (b) If the information does fall within one or more of paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended, the public interest test in maintaining the exemption outweighs the public interest in disclosing the information; or
- (c) if the information falls within the paragraph 16 of Schedule 12A of the Local Government Act 1972 in considering whether to exclude the public members are not required to apply the public interest test by must consider whether they wish to waive their privilege in relation to that item for any reason.

## **8. Risk Management**

To allow Members to consider risk associated with exempt information.

## **9. Recommendation(s)**

As detailed at the start of the report.

## **10. Reason for Proposed Decision(s):**

To ensure that all items are considered in the appropriate manner.

## **11. Implementation of Decision(s):**

The decision(s) of this report will be implemented immediately.

**12. List of Background Papers:**

Schedule 12A of the Local Government Act 1972

**13. Appendices:**

Appendix A – List of Exemptions

## **Appendix A**

<b>NO</b>	<b>Relevant Paragraphs in Schedule 12A</b>
<b>12</b>	Information relating to a particular individual
<b>13</b>	Information which is likely to reveal the identity of an individual
<b>14</b>	Information relating to the financial or business affairs of any particular person (including the authority holding that information).
<b>15</b>	Information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority
<b>16</b>	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
<b>17</b>	Information which reveals that the authority proposes: <ul style="list-style-type: none"><li>• To give under any enactment a notice under or by virtue of which requirements are imposed on a person, or</li><li>• To make an order or direction under any enactment.</li></ul>
<b>18</b>	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.