



## **C O U N C I L   S U M M O N S**

***To all Members of Council***

***You are hereby summoned to attend a***

***SPECIAL MEETING OF THE COUNCIL***

***to be held at 2.00 pm on***

***WEDNESDAY 30 May 2018***

***in the***

***COUNCIL CHAMBER - PORT TALBOT***

***Prayers will be said by the Mayor's Chaplain prior to the commencement of the meeting.***

### **--- A G E N D A ---**

#### **PART A**

1. *Mayor's Announcements.*
2. *To receive any declarations of interest from Members.*
3. *The Leader of Council's Inaugural Speech*

#### **PART B**

4. *Report of the Chief Executive re the Local Government Reorganisation/Green Paper Response (Pages 3 - 16)*
5. *Report of the Assistant Chief Executive and Chief Digital Officer re Changes to the Committee Cycle (Pages 17 - 20)*

6. *Report of the Head of Legal Services re Membership of the Standards Committee (Pages 21 - 24)*

**PART D**

7. *To receive any questions from Members, with Notice, under Rule 9.2 of the Council's Procedure Rules.*
8. *Any urgent items (whether public or exempt) at the discretion of the Mayor pursuant to Section 100B (4) (b) of the Local Government Act 1972.*

*Sam P...*

**Chief Executive**

**Civic Centre  
Port Talbot**

**WEDNESDAY, 23 May 2018**

## NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

### CABINET

16 May 2018

#### Joint Report of the Chief Executive and Assistant Chief Executive

#### LOCAL GOVERNMENT REORGANISATION

#### Matter for Decision

#### Wards Affected: All

#### Purpose of Report

1. To provide Members with advice on the Welsh Government's Green Paper "*Strengthening Local Government, Delivering for People*" issued on 20 March 2018 (at Appendix 1) and the terms of a suggested response.

#### Background

2. This is the fifth Green or White Paper since the Williams Commission Report in 2014<sup>1</sup> (excluding others on the subject of electoral reform for example). It is also the third set of proposals for local government reorganisation/reform in as many years.
3. In all probability, it will result in a continuation of the stalemate that has characterised this debate for years i.e. the Welsh Government/ National Assembly will not impose a solution and local government is clearly not going to reorganise itself. This is despite the Green Paper stating that "*the need for radical change is urgent and pressing*"<sup>2</sup>. Thus the discussion has become almost completely circular - and the opprobrium heaped upon the proposals from local government and opposition parties in the Assembly has been entirely predictable.
4. However, the proposals are not completely without merit (see below) and some aspects might usefully be explored further on a basis to be determined by Members.

---

<sup>1</sup> Officially known as the Commission on Public Service Governance and Delivery.

<sup>2</sup> At Paragraph 2.15.

## Analysis

5. The basic problem is that the Green Paper is too high level in a number of key areas, particularly the financial aspects. Nor does it really develop the arguments which have been articulated several times before in previous White Papers and policy statements or set a vision for the future of local government in a devolved context.
6. The Williams Commission is referenced frequently in the Green Paper as a source of evidence; but Williams stated *that “it is a myth that there is some ideal structure or configuration of the public sector in Wales or anywhere else that will eliminate problems of governance and delivery by design”*<sup>3</sup>. The Commission also made clear that its recommendations were to be taken as an integrated package and not subject to cherry picking of individual components.
7. For its part, local government/the WLGA continues to champion the voluntary collaboration agenda; but some 12 years on from the publication of the Beecham Report<sup>4</sup>, it represents an agenda that has produced minimal benefits – most certainly as a response to austerity. The Green Paper describes the benefits as “*patchy and inconsistent*”; but we would go further. There have been some modest successes; but the budgetary dividend from collaboration has never featured in successive budget rounds here simply because there hasn’t been one. Moreover, the often quoted collaboration models such as the City Deal and the school improvement consortia – to name but two – do not represent a panacea either. At the time of writing, there is a particular issue with the school improvement consortia where Welsh Government appear to wish to exercise control through funding whilst local authority Members remain accountable through the Joint Committee. That represents sub-optimal governance arrangements in our view.
8. Moreover, in some cases, collaboration has actually increased costs to this authority or failed to deliver significant savings<sup>5</sup>. It also brings with it a significant overhead in terms of demands on Member and officer time and the current arrangements have created an industry of legal agreements and complex structures. They are not well understood by local Elected

---

<sup>3</sup> At Paragraph 1.57

<sup>4</sup> Delivering Beyond Boundaries: Transforming Public Services in Wales: Sir Jeremy Beecham 2006

<sup>5</sup> The Auditor General’s report on the National Procurement Service: November 2017

<https://www.wao.gov.uk/publication/national-procurement-service>

Members with a consequential negative impact on accountability and the recommendations presented by Williams to address complexity are not taken on board in the Green Paper even though the Commission was clear that this stifles innovation and creates a risk averse, short term compliance culture.

9. Perhaps the essential point here is that the Green Paper proposes to maintain regional working in its current form and implement structural change. This looks like a fudge (particularly as the geographical boundaries are not always coterminous between the two e.g. the City Deal<sup>6</sup>). To be clear, we are not opposed to the concept of regional working; but as currently configured it does not produce the benefits that have been claimed.
10. The Green Paper poses 15 questions to which responses are requested. This report does not address most of them because they are secondary issues and/or we have already addressed many (directly or indirectly) in responses to previous White Papers. Instead, the report addresses the core issues.

### **Where does Neath Port Talbot sit in the equation?**

11. As things stand today, we do not believe that there is a compelling case for this Council to immediately merge with the City and County of Swansea (or anyone else).
12. Without blowing our own trumpet or underestimating the challenges ahead, our budget is structurally sound - despite cutting some £77m since 2011 - and we continue to receive favourable reports from the Wales Audit Office, more recently Estyn and other regulators on the quality of the services we provide. However, there are no guarantees that this will remain the case as we must find another estimated £58m over the next four years from 1 April 2019. It would therefore be foolish to rule out mergers indefinitely - particularly as there are no credible alternatives on the table - and the imperative to merge may already exist elsewhere. Perhaps it would therefore be more achievable/realistic to instigate a reorganisation of 22 Councils to, say, 15 or 16 rather than down to 10 in one go?

---

<sup>6</sup> Ceredigion would be part of the proposed new West Wales Council; but is not part of the Swansea Bay City Deal.

13. The Green Paper's central thesis is that a significant reduction in the number of local authorities would improve financial resilience medium/long term; enhance the quality of services and the new authorities would benefit from more powers (notably a general power of competence which already exists in England and Scotland). That might be the case; but the Green Paper's "*Case for Change*" (Chapter 2) lacks an evidence base as other commentators have pointed out since its publication<sup>7</sup> - certainly one that is applicable to this authority. The Green Paper is particularly weak in terms of the evidence that larger Councils are necessarily better/stronger. Indeed in Northamptonshire, it has been proposed to split the all but bankrupt local authority into two smaller Councils and the largest Council in the UK, Birmingham, has a history of major problems on service delivery.

### **The Options for Reorganisation**

14. The Green Paper identifies three at Chapter 3 (described below) and paragraph 5.5 states that final proposals would be part of a Bill to be introduced into the National Assembly this autumn.

#### Voluntary mergers

15. This option would see the Welsh Government enable local authorities to come forward with merger proposals if they were within a specified future footprint (paragraph 3.5).

16. Basically, this won't work in our opinion – and the Green Paper itself (at paragraph 3.7) lists many of the disadvantages. Despite the claim that this wouldn't be a repeat of 2014/15 (where three sets of two Councils had voluntary merger proposals rejected), we suspect that there will few, if any, volunteers this time around. In any event, the chances of all 22 Councils participating in such a process are zero. Thus it inevitably represents a piecemeal approach - to a greater or lesser extent - where, even if two or more Councils had voluntary merger proposals accepted, the potential and unforeseen knock on effects next door (or even across Wales) could cause as many problems as they would solve.

---

<sup>7</sup> For example Mike Hedges AM (Swansea East) has contributed a number of thoughtful articles on the subject. His two latest pieces are to be found at these links: <http://www.iwa.wales/click/2018/03/reorganisation-welsh-government-funded-welsh-public-sector/> and <http://www.iwa.wales/click/2018/04/reorganisation-welsh-government-funded-welsh-public-sector-part-2/>

A phased approach with early adopters merging first followed by other authorities

17. As paragraph 3.10 states, this would see the Welsh Government make provision for local authority mergers in 2026, in line with a specified future footprint for local government; but also enable local authorities to move more quickly in time for new authorities to be vested in 2022.
18. This proposal could bring a long period of uncertainty; but it has some merit and should not be entirely discounted for the reasons outlined above. The Green Paper sets out the advantages and disadvantages of this approach (at paragraph 3.11 and 3.12 respectively). The former may outweigh the latter and we can see ways in which the end point of 2026 might be brought forward; **but** the tests outlined at paragraph 19 below would need to be met first.
19. So, as things stand, we would not recommend that this Council aim for a merger by 2022. However, it may be that other, smaller Councils who face proportionally greater financial challenges and diseconomies of scale, would wish to pursue this option. They should not be denied that opportunity if they wish to pursue it.
20. If we were ever to go down this route, officers conclude that a minimum of three tests would need to be met:
  - First, the Welsh Government would need to be far clearer on the key financial issues. There has been a sterile debate on the cost of reorganisation in recent years with the Welsh Government and the WLGA trading and contesting each other's estimates. The Green Paper does not provide an updated Regulatory Impact Assessment (RIA) and paragraphs 3.19 and 6.31 outline a very wide range of potential costs and savings. There is an assumption that capacity would increase and savings would be achieved; but there is no evidence to support this assertion. The more likely reality is that at least for the medium term there would be a reduction in capacity and increased costs and no clarity as to how those additional costs could be funded (see immediately below).

This last point is perhaps equally as important: who is expected to meet the cost? The Green Paper is silent on this. 80/20 Welsh Government/local government? 50/50? 40/60? If there are real concerns about the financial resilience of some local authorities

then there should be a proposed mechanism to address it; but there isn't.

Similarly, on Council Tax harmonisation, the issue is identified; but not addressed in substance. It could result in significant increases in Council Tax for anyone merging with this authority as our relatively high Council base is very largely a legacy of the last local government reorganisation in 1996 and this has produced inequities across Wales in terms of the contribution of residents to funding public services. Chapter 5 suggests that this would be a matter for the Transition Committees and Shadow Authorities

In our view, there is also a strong case for revisiting the local government funding formula which has created imbalances in the funding levels between existing Councils. For example, the rural authorities habitually occupy the bottom end of the funding table year on year and funding floors have had to be deployed to mitigate the worst of these impacts; but if, say, Powys Council is to remain as it is, one might ask whether services there or in other rural authorities are sustainable under the status quo?

The Green Paper acknowledges (at paragraph 4.6) that there are "*many challenges*" to be addressed e.g. staffing issues, pay, ICT, etc. but again only lists them.

- Second, there needs to be greater clarity in terms of prioritising Welsh Government expectations in a number of policy areas. Put another way, is it realistic to expect local authorities and local health boards to be transforming Health and Social Care<sup>8</sup> at the same time as our local health board is undergoing structural change (with the Bridgend area likely to transfer to Cwm Taff) and reorganise local government simultaneously? The simple answer is "No" in our view. Realistically, there is a limit to the capacity available to this Council, other local authorities and other partners to accomplish complex transformation programmes (and that capacity is reducing); and
- Third, if we were to enter into any preliminary discussions about mergers, it would be reasonable to seek an unequivocal political commitment from the other party (and them from us) that we were

---

<sup>8</sup> The Green Paper identifies implementing the Parliamentary Review of Health and Social Care as a priority and we are working with Swansea Council and ABMU to address these issues in response to a recent dialogue with Welsh Ministers.



both fully committed to the process from the outset as was the Welsh Government.

The scope for wasted effort and resource is virtually unlimited otherwise – it has already cost a great deal of time and money - and the Green Paper perhaps betrays a sense that the Welsh Government prefer to take a hands off approach with the stated desire to keep “*to a minimum the period the Welsh Government has to provide support to the process*”<sup>9</sup>.

### A single comprehensive merger programme

21. This option would see the Welsh Government make provision for local authority mergers in 2022, in line with a specified future footprint. We don't think this is a practical proposition. It would require a more or less immediate consensus on a way ahead (unless the Welsh Government impose it); but that is very unlikely for the reasons explained above. Moreover, it is possibly too late already in the current Assembly term to start such a process and complete it before the next Elections in 2021.
22. The advantages and disadvantages of this approach are set out in paragraphs 3.14 and 3.15 of the Green Paper respectively.
23. The other practical obstacle is that this process would require the Local Democracy and Boundary Commission for Wales (LDBCW) to completely redraw the ward boundaries across the whole of Wales in little more than two years (paragraph 5.18). Based on previous experience and the convoluted nature of the process, we seriously doubt whether the Commission has the capacity to do the job. Fairly recently, it took eighteen months to determine whether half a street should be in the Taibach or Margam ward.

### **Other issues**

24. We have no particular problem with the remainder of the issues identified in Chapters 6-8. They are largely framed in aspirational language. There are warm words about the role of Elected Members; but no discussion about what “*strengthened*”, “*empowered*” or “*reinvigorated*” actually means in terms of the role and function of

---

<sup>9</sup> Paragraph 3.14

local government. Moreover, the Councillor to elector ratio varies enormously for the proposed ten new authorities.

25. The additional powers would be welcome (but paragraph 6.14 suggests that these would only be available to Councils who merge); but conversely the call for service transformation does not really reflect what is already going on by way of change and reform here and elsewhere in local government – e.g. social care, the digital services agenda, income generation and so on – and they do not depend on structural change anyway.
26. Chapter 7 on Community Councils adds nothing to what has gone before. We have already given evidence to the Review Panel; but the future role and functions of Community Councils needs to be an integral part of any process, not some sort of subsequent add-on.

### **Financial Implications**

27. None at this stage (they are impossible to assess on the basis of the information available). However, as noted above, the financial implications of the whole exercise are a key consideration if the proposals are taken forward.

### **Sustainable Development**

28. Not required at this stage; but the Green Paper is silent on how citizens and other stakeholders will be engaged in this process of debate (required under Future Generations Act 2015).

### **Workforce Implications/Equality Impact Assessment**

29. None/not required at this stage; but again, these would be another key factor going forward.

## **RECOMMENDATIONS**

That Members agree:

1. That the Leader of Council write to the Cabinet Secretary for Local Government and Public Services in terms of the draft letter at Appendix 2 conveying the Council's response to the Green Paper. This majors on the points in paragraphs 11-23 above including the "tests" outlined; and

2. That Cabinet refer this report to full Council on 30 May for further discussion prior to the proposed response being sent.

### **Reasons for proposed decision**

To invite Members to endorse the Council's response to the Green Paper. The deadline for responses is 12 June.

### **Implementation of the decision**

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

### **Appendices**

Appendix 1 – Welsh Government Green Paper: *“Strengthening Local Government, Delivering for People”* 20 March 2018 (available via the link below):

<https://beta.gov.wales/sites/default/files/consultations/2018-03/180320-strengthening-local-government-consultation-v1.pdf>

Appendix 2 – Draft reply from the Leader of Council to the Cabinet Secretary for Local Government and Public Services

### **Officer Contacts:**

Steven Phillips - Chief Executive

Tel No: 01639 763305 E-mail: [s.phillips@npt.gov.uk](mailto:s.phillips@npt.gov.uk)

Karen Jones – Assistant Chief Executive

Tel No: 01639 763284 Email: [k.jones3@npt.gov.uk](mailto:k.jones3@npt.gov.uk)

This page is intentionally left blank

## DRAFT

Alun Davies AM  
Cabinet Secretary for Local Government and Public Services  
Welsh Government  
5th Floor  
Tŷ Hywel  
Cardiff Bay  
CF99 1NA

Dear Cabinet Secretary,

I write formally on behalf of Neath Port Talbot County Borough Council in response to the Welsh Government's Green Paper on Local Government Reorganisation, published on 20 March 2018. This letter reflects a discussion in both the Council's Cabinet and Full Council during May. What follows also has the support of the two Opposition Groups on the Council – Plaid Cymru and the Independents.

As I have pointed out previously, this Council does not believe that a compelling case has been made for a single comprehensive merger programme (Option 3). Members here were not convinced that the evidence base provided in the Green Paper was sufficiently robust or coherent and, in particular, there remain too many unanswered questions in relation to the financial implications of what is proposed (under any of the options) and other matters. I return to these issues below.

We are particularly unconvinced by the assertion that fewer/larger Councils would necessarily be better/stronger either in terms of financial resilience or the quality of service delivery. It is largely unsupported by the evidence in Wales and elsewhere. In fact the reverse is true in some places – notably Northamptonshire at present.

However, Members here are equally sceptical by the continuing emphasis on regional working – mandatory or otherwise. I shall not rehearse all the arguments here; but suffice to say that twelve years on from the Beecham Report, this agenda has produced very minimal benefits (as the Green Paper itself implies) and has certainly been inadequate as any sort of response to austerity.

Turning to the other options in the Green Paper, we are not convinced by the concept of voluntary mergers either (Option 1). As you know, it has been tried before and simply didn't work. We see every likelihood of a repeat performance or a real shortage of volunteers. However, whilst not in favour of pursuing a merger with the City and County of Swansea at this stage (and by 2022), we see some merit in the proposals contained within Option 2. Our major issue is timing. We are doubtful whether mergers are practicably achievable by 2022. For example, this would require the Local Democracy and Boundary Commission for Wales to completely redraw ward boundaries. On past experience small scale exercises of this nature have taken 18 months to two years to complete and we doubt whether the Commission has the capacity to complete a far more extensive exercise in the timescale required. However, we accept that other authorities may be in a different position and if they wish to pursue merger options, we do not believe that they should not be denied that opportunity.

I should also emphasise that if this Council was ever to pursue a merger we would require far greater clarity on a number of key issues and we believe that a minimum of three tests need to be applied:

- First, far greater clarity on the key financial issues. The Green Paper does not contain an updated Regulatory Impact Assessment and the estimates of the cost and savings involved are very wide indeed and dated. Equally, it is unclear who is to meet these costs? Moreover, there are a range of other issues including Council Tax harmonisation, the local government funding formula and other issues identified in the Green Paper (e.g. staffing, pay, etc.) which are only listed rather than addressed in substance;
- Second, there needs to be greater realism in terms of the capacity of local government and other partners to undertake complex transformation programmes more or less simultaneously. In our case, this could involve a restructuring of a local health board, local government reorganisation and delivery of Health and Social Care integration following the Parliamentary Review, all at the same time or in quick succession. This won't work in our view; and
- Third, we believe that there would need to be an absolutely unequivocal political commitment from all parties to any merger proposals (including the Welsh Government) before such a journey could commence or the scope for wasted effort and resource

would be almost unlimited. Those conditions do not currently exist.

We are more than willing to continue with the dialogue – directly and/or through the WLGA; but after many years of rather circular debate, I think there needs to be a very clear political direction set or the tone of the debate is unlikely to change.

Yours sincerely,

**Councillor Rob Jones**  
**Leader of the Council**

This page is intentionally left blank



## NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

### Council

30 May 2018

**Report of the Assistant Chief Executive and Chief Digital Officer  
K. Jones**

#### **Matter for Decision**

**Wards Affected:** All Wards

#### **Schedule of Meetings – Licensing and Gambling Acts Committee/Licensing and Gambling Acts Sub Committee and Registration and Licensing Committee**

#### **Purpose of Report**

To amend the cycle of meeting to 4 weekly for the – Licensing and Gambling Acts Committee/Licensing and Gambling Acts Sub Committee and Registration and Licensing Committee.

It is proposed that the above Committees will meet on the following dates at 10am, unless otherwise indicated, for the 2018/19 Civic Year:-

11 June 2018,  
9 July 2018 (2pm),  
6 August 2018,  
3 September 2018,  
1 October 2018 (2pm),  
29 October 2018,  
26 November 2018,  
17 December 2018,  
14 January 2019.  
11 February 2019,  
11 March 2019,  
8 April 2019 and  
13 May 2019

#### **Financial Impact**

There are no financial impacts.

## **Equality Impact Assessment**

There are no Equality Impacts.

## **Workforce Impacts**

There are no Workforce Impacts.

## **Legal Powers**

Section 15 of the Local Government and Housing Act 1989

<http://www.legislation.gov.uk/ukpga/1989/42/contents>

## **Risk Management**

There are none.

## **Consultation**

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

## **Recommendation:**

That Council approves the above proposal.

## **Reason for Proposed Decision:**

To amend the cycle of meeting to 4 weekly for the – Licensing and Gambling Acts Committee/Licensing and Gambling Acts Sub Committee and Registration and Licensing Committee.

## **Implementation of Decision**

The decision is for immediate implementation.

## **List of Background Papers**

The Constitution.

## **Officer Contact**

Karen Jones, Assistant Chief Executive and Chief Digital Officer  
Contact: [k.jones3@npt.gov.uk](mailto:k.jones3@npt.gov.uk) or telephone 01639 763284

This page is intentionally left blank

## NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

### COUNCIL

30<sup>th</sup> May 2018

### Report of the Head of the Head of Legal Services – Mr C Griffiths

#### Matter for Decision

**Wards Affected:** All Wards

#### NPTCBC STANDARDS COMMITTEE – APPOINTMENT OF INDEPENDENT MEMBERS

#### Purpose of the Report

1. To obtain approval for the appointment of Independent Members of the Standards Committee following a selection panel that met on the 8<sup>th</sup> May 2018 and 29<sup>th</sup> May 2018 .

#### Background

2. An advisory panel to interview candidates for appointment as Independent Members to the Standards Committee met on the 8<sup>th</sup> May 2018 and 29<sup>th</sup> May 2018:
  - County Borough Council Members – The Mayor and Councillor Alun Llewellyn
  - Lay Member – Ms Gaynor Richards
  - Standards Committee – Ms Julie Howells Vice Chair of Standards Committee and Mr Cliff Jones.

4. Neath Port Talbot County Borough Council (“the Council”) received 7 applications in total and following the shortlisting of candidates, 4 candidates were interviewed. The Council requires of appointment of two independent members.
5. The panel felt concluded that the following candidates should be recommended for appointment to the Standards Committees, for the reasons identified thereafter:

**Names and reasons to be provided on the 30<sup>th</sup> May 2018**

### **Integrated Impact Assessment**

6. There are no impacts associated with this report.

### **Workforce Impacts**

7. There are no impacts associated with this report.

### **Legal Powers**

8. Applications for independent members of the Local Government Act 2000 Part III and the Standards Committees (Wales) Regulations 2001 (as amended)

### **Risk Management**

9. The Council will be unable to have a sufficient number of Independent Members to ensure the smooth operation of the Standards Committee.

### **Consultation**

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

### **Recommendations**

11. That the individuals referred to at paragraph 5 of this report be appointed as independent members of the Standards Committee in accordance with the provisions of the Standards Committees (Wales) Regulations 2001 (as amended)

### **Reasons for Proposed Decision**

12. To ensure that an advisory panel is appropriately constituted in line with Standards Committees (Wales) Regulations 2001 (as amended)

## **List of Background Papers**

13. None

### **Officer Contact**

Mr Craig Griffiths

Head of Legal Services

01639 763767

c.griffiths2@npt.gov.uk

This page is intentionally left blank