



Y CABINET

YN SYTH AR ÔL PWYLLGOR CRAFFU'R CABINET DYDD MERCHER, 6 MAWRTH 2019

SIAMBR Y CYNGOR – CANOLFAN DDINESIG PORT TALBOT

Rhan 1

1. Periodi cadeirydd
2. Datganiadau o gysylltiadau
3. Cofnodion y Cyfarfod Blaenorol (*Tudalennau 3 - 20*)
4. Blaenraglen Waith 2018/19 (*Tudalennau 21 - 22*)
5. Cronfa Gymunedol yr Aelodau - Dwyrain Castell-nedd
(*Tudalennau 23 - 28*)
Adroddiad gan y Pennaeth Trawsnewid
6. Cronfa Gymunedol yr Aelodau - De Castell-nedd
(*Tudalennau 29 - 34*)
Adroddiad gan y Pennaeth Trawsnewid
7. Cronfa Gymunedol yr Aelodau - Pontardawe (*Tudalennau 35 - 40*)
Adroddiad gan y Pennaeth Trawsnewid
8. Cronfa Gymunedol yr Aelodau - Tonna (*Tudalennau 41 - 46*)
Adroddiad gan y Pennaeth Trawsnewid
9. Cronfa Gymunedol yr Aelodau - Trebannws (*Tudalennau 47 - 52*)
Adroddiad gan y Pennaeth Trawsnewid
10. Gwasanaeth Troseddau Ieuencid ac Ymyrryd yn Gynnar Bae'r

Gorllewin (*Tudalennau 53 - 62*)
*Adroddiad gan Gyfarwyddwr y Gwasanaethau Cymdeithasol,
Iechyd a Thai*

11. Ymateb i'r Ymgynghoriad - Llywodraeth Cymru - Gwella Ymgynghoriad Cyhoeddus (*Tudalennau 63 - 84*)
12. Eitemau brys
Unrhyw eitemau brys (boed yn gyhoeddus neu wedi'u heithrio) yn ôl disgresiwn y Cadeirydd yn unol ag Adran 100b (4)(B) Deddf Llywodraeth Leol 1972
13. Mynediad i gyfarfodydd
Penderfynu gwahardd y cyhoedd ar gyfer yr eitemau canlynol yn unol â Rheoliad 4 (3) a (5) Offeryn Statudol 2001 rhif 2290 a'r paragraffau eithriedig perthnasol yn rhan 4 Atodlen 12A Deddf Llywodraeth Leol 1972.

Rhan 2

14. Canolfan Ynni ac Adennill Materol - Gwasanaethau Mewnol (*Tudalennau 85 - 102*)
Derbyn adroddiad y Cyfarwyddwr Cyllid a Gwasanaethau Corfforaethol

S.Phillips
Prif Weithredwr

Canolfan Ddinesig
Port Talbot

Dydd Iau, 28 Chwefror 2019

Aelodau'r Y Cabinet:

Y Cynghorwyr R.G.Jones, A.J.Taylor, C.Clement-Williams, D.Jones, E.V.Latham, A.R.Lockyer, P.A.Rees, P.D.Richards a/ac A.Wingrave

EXECUTIVE DECISION RECORD

CABINET

16 JANUARY, 2019

Cabinet Members:

Councillors: R.G.Jones (Chairman), A.J.Taylor, C.Clement-Williams, E.V.Latham, A.R.Lockyer, P.A.Rees and P.D.Richards

Officers in Attendance:

S.Phillips, A.Evans, H.Jenkins, A.Jarrett, K.Jones, C.Griffiths, H.Jones and A.Manchipp

Invitees: Councillor A.N. Woolcock (Chairperson of the Scrutiny Committee)

1. **APPOINTMENT OF CHAIRPERSON**

Agreed that Councillor R.G.Jones be appointed Chairperson, for the meeting.

2. **DECLARATIONS OF INTEREST**

The following Members made declarations of interest at the commencement of the Meeting:-

Councillor E.V.Latham

Re: Minute No. 9 below as it refers to his Community Fund and as his interest was prejudicial he withdrew from the room during discuss and decision thereon.

Councillor A.R.Lockyer

Re: Minute No. 8 below as it refers to his Community Fund and as his

interest was prejudicial he withdrew from the room during discuss and decision thereon.

3. **MINUTES OF PREVIOUS MEETING**

That the Minutes of the previous meetings of Cabinet held on the following dates, be noted:-

24 October, 2018, 31 October, 2018, 21 November, 2018 and 7 November, 2018.

4. **FORWARD WORK PROGRAMME 2018**

Noted by Committee.

5. **JOINT CORONER SERVICE**

Decisions:

1. That the decision by the City and County of Swansea to increase the annual salary of the Acting Senior Coroner from £91,420 to £127,000 (in line with JNC Guidance), be endorsed;
2. That the additional sum of £26,059 (which comprises the pay award, back pay and pension contributions and which represents our 34.5% split of the cost) in this financial year (2018/2019) to be paid to the City and County of Swansea in respect of backdating costs of the revised salary to November 2017, be approved;
3. That the additional financial increase that will be made to the amalgamated Coroner's Service in line with the current contribution rate of 34.5% contribution rate as a result of the change in salary from April 2019 onwards, be noted.

Reason for Decisions:

To seek approval from Members to increase the financial contributions made to the Joint Coroner Service between Neath Port Talbot County Borough Council and the City and County of Swansea as a result of the adoption of the JNC Framework for Coroners pay.

Implementation of Decisions:

The decisions will be implemented after the three day call in period.

Consultation:

There is no requirement for external consultation on this matter though ongoing dialogue has taken place between this Authority and the City and County of Swansea to discuss this matter and to agree a suitable figure.

6. **WAO COMPLIANCE CERTIFICATE**

Decision:

That the Wales Audit Office : Audit of Neath Port Talbot County Borough Council's assessment of 2017-18 performance, attached at Appendix 1 to the circulated report, be noted.

7. **PROJECT PROPOSAL - MEMBERS COMMUNITY FUND, DYFFRYN**

Decision:

That the project proposal for the Greening Initiative, as detailed in the circulated report, be approved, and £10,000 financial support, from Councillor Martyn Peter's allowance under the Members' Community Fund, be awarded.

Reason for Decision:

To approve the Application for funding that has been received under the Members' Community Fund. The Members' Community Fund will continue to receive bids until the due deadline date of 31 March, 2020.

Implementation of Decision:

The decision will be implemented after the three day call in period.

8. **PROJECT PROPOSAL - MEMBERS COMMUNITY FUND, NEATH NORTH**
(Councillor A.R.Lockyer confirmed his prejudicial interest in this item and withdrew from the room for the remainder of the meeting).

Decision:

That the project proposal for the Development of an accessible male washroom and changing facilities at the Neath YMCA, as detailed within the circulated report, be approved, and that £3,245 financial support from Councillor Alan Lockyer's allowance under the Members' Community Fund, and £3,245 financial support from Councillor Mark Protheroe's allowance under the Members' Community Fund, be awarded.

Reason for Decision:

To approve the Application for funding that has been received under the Members' Community Fund. The Members' Community Fund will continue to receive bids until the due deadline date of 31 March, 2020.

Implementation of Decision:

The decision will be implemented after the three day call in period.

9. **PROJECT PROPOSAL - MEMBERS COMMUNITY FUND, SANDFIELDS EAST**
(Councillor E.V.Latham confirmed his prejudicial interest in this item and withdrew from the room for the remainder of the meeting).

Decision:

That the project proposal for improvements to the provision of play equipment currently on offer at Vivian Park Play Area, Sandfields East, be approved and Councillor Sean Pursey's allocation of £10,000, Councillor Mathew Crowley's allocation of £3,195 and Councillor Edward Latham's allocation of £3,195, under the Members' Community Fund, be awarded.

Reason for Decision:

To approve the Application for funding that has been received under the Members' Community Fund. The Members' Community Fund will continue to receive bids until the due deadline date of 31 March, 2020.

Implementation of Decision:

The decision will be implemented after the three day call in period.

CHAIRPERSON

Mae'r dudalen hon yn fwriadol wag

EXECUTIVE DECISION RECORD

23 JANUARY, 2019

CABINET

Cabinet Members:

Councillors: R.G.Jones, A.J.Taylor, C.Clement-Williams, D.Jones, E.V.Latham, A.R.Lockyer, P.A.Rees, P.D.Richards and A.Wingrave (Chairperson)

Officers in Attendance:

S.Phillips, H.Jenkins, A.Evans, A.Jarrett, K.Jones, C.Griffiths and N.Headon

Invitees:

Councillor A.N. Woolcock (Chairperson of the Scrutiny Committee)
Councillor S.Rahaman (Vice Chairperson of the Scrutiny Committee)

1. **APPOINTMENT OF CHAIRPERSON**

Agreed that Councillor A.Wingrave be appointed Chairperson, for the meeting.

2. **MINUTES OF MEETING HELD ON 5 DECEMBER, 2018**

That the Minutes of the previous meeting of Cabinet, held on 5 December, 2018, be noted.

3. **FORWARD WORK PROGRAMME 2018/19**

Noted by Committee.

4. **ETHICAL EMPLOYMENT IN SUPPLY CHAIN POLICY**

Decision:

That the adoption of the Neath Port Talbot County Borough Council Ethical Employment in Supply Chains Policy, be approved.

Reason for Decision:

To support the requirements of the Welsh Government Ethical Employment Code of Practice and to demonstrate commitment to the principles therein.

Implementation of Decision:

The decision will be implemented after the three day call in period.

5. **PROVISION OF LOAN FUNDING TO BLAENGWRACH AND SEVEN SISTERS COMMUNITY COUNCILS**

Members considered and agreed with the recommendations of the Scrutiny Committee (held immediately before the meeting) concerning any possible rise in the Bank of England base rate, and these are reflected as the additional text, in bold and italic, in Decision numbers 1 and 2 below.

Decisions:

1. That a maximum loan of £37,000 to Blaengwrach Community Council Limited at an interest rate of 1% for a maximum period of 15 months, be approved, ***but should the Bank of England base rate increase before the loan is taken out, the interest rate be increased by the same percentage rise;***
2. That a maximum loan of £156,000 to Seven Sisters Community Council at an interest rate of 1% for a maximum period of 9 months, be approved, ***but should the Bank of England base rate increase before the loan is taken out, the interest rate be increased by the same percentage rise;***
3. That delegated authority be granted to the Director of Finance and Corporate Services (in consultation with the Head of Legal Services) to enter into a loan agreement detailing the

arrangements between the Council and each Community Council, referred to in Decisions 1 and 2 above.

Reason for Decisions:

To enable the Community Councils to deliver their community projects.

Implementation of Decisions:

The decisions will be implemented after the three day call in period.

6. **MEMBERS' COMMUNITY FUND - SANDFIELDS WEST**

Decision:

That the provision of 120 linear metres of fixed guard rail at Purcell Avenue, Sandfields West be approved, and that Councillor Suzanne Paddison's allocation of £7,728.58 and Councillor Oliver Stewart Davies's allocation of £7,728.58, under the Members' Community Fund, be awarded.

Reason for Decision:

To approve the Application for funding received under the Members' Community Fund.

Implementation of Decision:

The decision will implemented after the three day call in period.

CHAIRPERSON

Mae'r dudalen hon yn fwriadol wag

EXECUTIVE DECISION RECORD

CABINET

13 FEBRUARY, 2019

Cabinet Members:

Councillors: R.G.Jones (Chairperson), A.J.Taylor, C.Clement-Williams, D.Jones, E.V.Latham, P.A.Rees, P.D.Richards and A.Wingrave

Officers in Attendance:

S.Phillips, H.Jenkins, G.Nutt, A.Jarrett, K.Jones, A.Thomas, C.Griffiths, N.Headon, C.Furlow and T.Davies

Invitees:

Councillors: S.E.Freeguard, M.Harvey, S.K.Hunt, S.A.Knoyle, A.Llewelyn, S.Miller, J.D.Morgan, S.Paddison, S.M.Penry and A.N.Woolcock (Scrutiny Chair)

1. **APPOINTMENT OF CHAIRPERSON**

Agreed that Councillor R.G.Jones be appointed Chairperson for the meeting.

2. **MINUTES OF PREVIOUS MEETING**

That the Minutes of the previous meetings of Cabinet, held on 17 December, 2018 and 16 January, 2019, be approved.

3. **FORWARD WORK PROGRAMME 2018/19**

Noted by Committee.

4. **CAPITAL PROGRAMME 2019/20 TO 2021/22**

Decision:

That the Capital Programme for 2019/20 to 2021/22 as detailed in Appendix 1 to the circulated report, be commended to Council for approval and that the Programme be kept under review and updated over the coming year.

Reason for Decision:

To approve the Authority's Capital Programme in line with the Constitution.

Implementation of Decision:

The decision will be implemented after consideration and approval by Council.

5. **REVENUE BUDGET 2019/20**

Cabinet considered the concerns of the Scrutiny Committee in relation to Rodent Pest Control Charges and School Catering Staff. Cabinet responded that should any savings be withdrawn from consideration then an alternative proposal would be required in order to achieve a balanced budget.

Decisions:

1. That the following matters be delegated to the appropriate Corporate Director following consultation with the Council Leader, relevant Cabinet Member and Chairperson of the relevant Overview and Scrutiny Committee:
 - a) Fees and charges applicable for the financial year 2019/20;
 - b) Fees and Charges which would be applicable in any subsequent financial year and which, in the opinion of the relevant Corporate Director, needed to be set in advance of the financial year for operational reasons.

2. That the following be commended to Council:
- a) Latest budget position 2018/19 – that the revised budget position and arrangements for 2018/19 be approved
 - b) The Council's Revenue Budget 2019/20
 - Taking into account of the Integrated Impact Assessment and Crime and Disorder impacts in setting the budget for 2019/20;
 - Approves the Net Revenue Budget requirement of £288.168m for 2019/20, and the service plans for the delivery of the budgets;
 - Approve the budget/forward financial plan savings (outlined in Appendix 4 to the circulated report);
 - Corporate Directors be instructed to progress the savings and improvement programme for the Authority
 - c) Fees and charges for non-executive functions – that the determination of the following matters be delegated to the appropriate Corporate Director following consultation with the Council Leader, Deputy Leader and Chair of the relevant Non Executive Committee;
 - Fees and charges applicable in 2019/20;
 - Fees and charges applicable in any subsequent financial year and which, in the opinion of the Corporate Director, need to be set in advance of that financial year for operational reasons.
 - d) Council Tax 2019/20 – That the 2019/20 Band D equivalent for Neath Port Talbot County Borough Council be £1,556.59.

Reasons for Decisions:

- 1. To fulfil the statutory requirement to determine the budget for 2019/20;
- 2. To seek support for the Council's Forward Financial Plan;
- 3. To agree arrangements for setting Fees and Charges.

Implementation of Decisions:

The decisions will be implemented after consideration and approval by Council.

6. **TREASURY MANAGEMENT 2019/20**

Decision:

That the following Strategies and Policies, as set out in the circulated report, be commended to Council:

- Treasury Management Strategy
- Annual Investment Strategy
- Minimum Revenue Provision Policy
- Prudential Indicators
- Capital Strategy

Reason for Decision:

To approve the Authority's Treasury Management Strategy, Annual Investment Strategy, Capital Strategy and MRP Policy as required by the Local Government Act 2003 and the CIPFA Prudential Code for Capital Finance in Local Authorities (2017).

Implementation of Decision:

The decisions will be implemented after consideration and approval by Council.

7. **REVENUE BUDGET QUARTERLY MONITORING 2018/19**

Decisions:

1. That management arrangements be put in place to minimise overspends and the adverse impact on reserves;
2. That the additional grant received be noted;
3. That the proposed reserve movements and budget virements, as contained in the circulated report, be approved.

Reasons for Decisions:

To update the Council's budget for additional grants received, budget virements and reserve movements in line with the Council's Constitution.

Implementation of Decisions:

The will be implemented after consideration and approval by Council.

8. **CAPITAL PROGRAMME QUARTERLY MONITORING 2018/19**

Decisions:

1. That the proposed 2018/19 budget totalling £44.821m be commended to Council for approval;
2. That the position in relation to expenditure as at 31 December 2018, be noted.

Reason for Decisions:

To update the Capital Programme for 2018/19 and inform Members of the current year spend to date.

Implementation of Decisions:

The decisions will be implemented after consideration and approval by Council.

9. **TREASURY MANAGEMENT 2018/19**

Decision:

That the report be noted.

10. **FURTHER RESPONSES TO THE WELSH GOVERNMENT WHITE PAPER - REFORM OF FIRE AND RESCUE AUTHORITIES IN WALES**

Decision:

That a response be forwarded to Welsh Government by the Assistant Chief Executive and Chief Digital Officer, highlighting the concerns raised by Members at the meetings of both Cabinet Scrutiny Committee and Cabinet, as below:

Elected Members considered the comments made in the consultation document regarding the competency of existing fire and rescue authority members to be insulting and disgraceful. The Members who serve on fire and rescue authorities bring considerable experience and skill to the roles they carry out.

Elected Members felt the existing fire and rescue authority membership provided robust challenge to the Chief Fire Officer and his team. Furthermore, they believed the diverse membership of the existing fire and rescue authorities ensured the community impact of the work of the fire and rescue service was fully considered in decision making processes.

Elected Members strongly disagreed with the proposal that the existing membership be replaced by members of council executives. This was not considered to be practical or in the best interests of democracy.

Members felt there was a case for reviewing the way the Fire Service was funded to ensure the funding model reflected the work of the modern day fire and rescue service – in particular the growing role the service plays in supporting the NHS in Wales.

Elected Members did not consider models such as those in place to support Local Health Boards to be a suitable basis for democratic oversight of an important public service like the fire and rescue service. There was no case made out to replace elected councillors with appointees.

Reason for Decision:

To ensure a response from Neath Port Talbot County Borough Council was submitted to the Welsh Government on the proposed reforms to Fire and Rescue Authorities in Wales.

Implementation of Decision:

The decision is for immediate implementation, the Chairperson of the Scrutiny Committee had agreed to this course of action and there would therefore be no call-in of this decision.

11. **URGENCY ACTION - 0036**

Decision:

That the following urgency action taken by the Assistant Chief Executive and Chief Digital Officer in consultation with the requisite Members, be noted:-

Officer Urgency Action No 0036 re: Welsh Government White Paper – Reform of Fire and Rescue Authorities (FRAs) in Wales – Consultation.

CHAIRPERSON

Mae'r dudalen hon yn fwriadol wag

2018/19 FORWARD WORK PLAN

CABINET

Meeting Date	Agenda Items	Type (Decision/ Monitoring Or Information)	Rotation (Topical, Annual, Bi-Annual, Quarterly, Monthly)	Contact Officer/ Head of Service
27 March 2019	Members Community Fund Application	Decision	Monthly	P.Hinder
	Leaving Care – Council Tax Exclusion	Decision	Topical	H.Jenkins

Meeting Date	Agenda Items	Type (Decision/ Monitoring Or Information)	Rotation (Topical, Annual, Bi-Annual, Quarterly, Monthly)	Contact Officer/ Head of Service
17 April 2019	Members Community Fund Application	Decision	Monthly	P.Hinder
	Corporate Plan	Decision		C.Furlow
	Port Talbot Waterfront Enterprise Zone	Decision	Topical	G.Nutt

Tudalen21

Eitem yr Agenda4

Cabinet – Forward Work Programme

Meeting Date	Agenda Items	Type (Decision/ Monitoring Or Information)	Rotation (Topical, Annual, Bi-Annual, Quarterly, Monthly)	Contact Officer/ Head of Service
8 May 2019	Corporate Governance Improvement Action Plan 2018/19 full year progress	Monitoring	Bi-annual	K.Jones/ C.Furlow
	Report/Corporate Governance Improvement Action Plan 2019/20			
	Members Community Fund Application	Decision	Monthly	P.Hinder
	Polling District Review	Decision	Topical	C.Sim

Tudalen22

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Cabinet

06 March 2019

Report of the Head of Transformation - A.Thomas

Matter for Decision

Wards Affected:

Neath East

Project Proposal made to the Members Community Fund

Purpose of the Report

1. To seek Cabinet approval to fund a project proposal that requests financial support under the Members Community Fund. The project has been submitted by the three Neath East Ward Members.

Executive Summary

2. The Members Community Fund was approved in its present form at Cabinet Board on the 16.05.18 and was launched at an All Members Seminar on the 14.06.18. The Fund is to be used to address local needs and to support projects and initiatives that will contribute towards creating vibrant and sustainable communities.

The Project Development & Funding Unit (PDFU) within ELLL is charged with the governance of the Fund and will act as the Grant Management Organisation.

Bids can be made for projects that enhance existing Council services, assist voluntary sector provision or form part of a larger initiative that is in need of additional financial support.

Eligible projects will include those that enrich the environment, promote non - statutory education and learning, assist Health & Well Being, and promote culture and / or recreation in all its forms.

Another project proposal now seeks funding and has been formally submitted to the PDFU. The bid has been checked for completeness, accuracy and deliverability and is 'fit for purpose' and ready for determination by Cabinet.

Project Proposal

3. To re- equip and refurbish Evans Road play area, Melin.

This bid has been developed as part of a more complex project which would require input from the PDFU to facilitate its delivery.

The proposal is to completely modernise and adapt the play area to include for new pieces of play apparatus, attend to existing ground erosion , replace worn park benches and litter bins, renew play panels and worn components whilst addressing all of the defects highlighted in a RoSPA Independent Inspection dated 18.02.18.

The project will add a new 'Twin Turret' multi play unit, basket swing, Spring Mobile, See - saw and a roundabout dish. Best use will be made of existing play equipment that is still serviceable and this will be relocated to make the park more inviting and vibrant. Swing seats, cargo nets and play panels will be renewed. All metal components on existing equipment to be rubbed down to be free of corrosion and repainted. The area will be made dog proof by inclusion of a self-closing gate. Repairs will be made to existing rubber crumb Safety Surfacing to avoid trip hazards.

The design of the project has been arrived at with the consents of the three Neath East Councillors and the Parks & Cemeteries Principal Officer. The preferred Contractor is 'Sutcliffe SW'.

The need for the project has arisen from there being little Council investment in the site over recent years and as a consequence the play area now looks tired. A continued lack of investment in non - statutory play at Evans Road could lead to the loss of the play provision. The proposal offers the most generous opportunities for public enjoyment and upon completion will be of maximum appeal to the widest of audiences. Beneficiaries will include children and young people drawn from the nearby Infant School and the Melin Junior School, also their parents and grandparents. The RoSPA Report has identified a requirement for timely investment as bearings and moving parts are in need of attention. It is important that the Council continues to provide a safe and secure quality play environment at Evans Road.

The long term sustainable benefits associated with the proposal include making Neath East a more vibrant and sustainable community whilst providing a doorstep amenity for many hundreds of children and young people. The investment will arrest further deterioration of the play area. Items of new play equipment are of inclusive design and will help those that are less able to fully participate. Beneficiaries will be engaged and this new play provision will offer diversionary activity with a consequential positive impact on local anti - social behaviour.

The total cost of this scheme is £43,937 (exclusive of VAT which is recoverable). The project has already secured £13,937 in Section 106 monies attributed to 'Coastal' and 'Tai Tairian' developments at Old Furnace House and Evans Road. The three Neath East Councillors wish to invest the whole of their £10,000 allocation to make up the £30,000 shortfall on the project.

Financial Impact

4. In order to win favour in Cabinet all projects must be sustainable. Projects must have a robust exit strategy that places no additional revenue or financial burden on the Council.

The project will be sustained in the long term as the Parks & Cemeteries Department will, as is the case now, be responsible for ongoing maintenance, inspection and insurance for the foreseeable future.

The fixed play equipment will be of robust construction. All apparatus is tested and certified under the European DIN Standard EN1176 & EN1177 and carries extended five and ten year warranties. As a consequence the Council will not be exposed to costly repairs of any new and refurbished play equipment for many years, potentially saving money that would otherwise have been spent on keeping worn, dilapidated equipment safe.

Equality Impact Assessment

5. There is no requirement under the Constitution for an Equality Impact Assessment on this item.

Workforce Impacts

6. There are no workforce impacts associated with this report.

Legal Impacts

7. The delivery of the Members Community Fund will come within the purview of the Local Government Act 2000 which introduced well-being powers which enable every Local Authority to have capacity to do anything which it considers likely to promote an improvement to economic, social or environmental well-being in the area. Under section 56 of the Local Government (Wales) Measure 2011 sanction is given for both Executive and Non - Executive Members to invest within their own Ward.

The Council's Constitution should be referred to for explicit guidance on governance.

Risk Management

8. There are no risk management issues associated with this report.

Consultation

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

Recommendations

10. That the project proposal for the complete redevelopment of Evans Road play area in the Melin be approved and that Councillor Sheila Penry's allocation of £10,000, Councillor Sandra Miller's allocation of £10,000 and Councillor John Miller's allocation of £10,000 under the Members Community Fund be awarded.

Reasons for Proposed Decision

11. To approve the Application for funding that has been received under the Members Community Fund. The Members Community Fund will continue to receive bids until the due deadline date of 31.03.2020.

Implementation of Decision

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

List of Background Papers

13. This Neath East initiative has been developed from the Members Community Fund Application Form submitted jointly by Councillors Penry, Miller and Miller. The Section 106 Agreements, the Quotation and Design from 'Sutcliffe SW' and the RoSPA Inspection Report dated 14.02.18 have been retained for future reference.

14. Officer Contact

Paul Hinder, Project Development & Funding Manager, (ELLL).

Tel: 01639 763390, email: p.hinder@npt.gov.uk

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Cabinet

06 March 2019

Report of the Head of Transformation A.Thomas

Matter for Decision

Wards Affected:

Neath South

Project Proposal made to the Members Community Fund

Purpose of the Report

1. To seek Cabinet approval to fund a project proposal that requests financial support under the Members Community Fund. The project has been submitted by one of the Ward Members for Neath South.

Executive Summary

2. The Members Community Fund was approved in its present form at Cabinet Board on the 16.05.18 and was launched at an All Members Seminar on the 14.06.18. The Fund is to be used to address local needs and to support projects and initiatives that will contribute towards creating vibrant and sustainable communities.

The Project Development & Funding Unit (PDFU) within ELLL is charged with the governance of the Fund and will act as the Grant Management Organisation.

Bids can be made for projects that enhance existing Council services, assist voluntary sector provision or form part of a larger initiative that is in need of additional financial support.

Eligible projects will include those that enrich the environment, promote non - statutory education and learning, assist Health & Well Being, and promote culture and / or recreation in all its forms.

Another project proposal now seeks funding and has been formally submitted to the PDFU. The bid has been checked for completeness, accuracy and deliverability and is 'fit for purpose' and ready for determination by Cabinet.

Project Proposal

3. To provide essential changing facilities to the Mount Pleasant bowling green pavilion.

This bid has been developed by Melin United Bowls Club Charity Incorporated Organisation (CIO) as a means of assisting Voluntary Sector provision.

The proposal is to equip the pavilion changing rooms with free standing and wall mounted benches, hangar units and non - slip flooring. This has become necessary as the Club has, following a robust recruitment campaign, needed to convert one side of the pavilion for Ladies Bowls and the current furnishings and fittings prove to be too cramped when the six bowls rinks are fully operable (attracting 48 male and 24 female team members).

The project will add slatted benches, floor fixings, single and double sided cloakroom units and vinyl non - slip flooring. This proposal will assist the Club in making better use of the building and further developing its Junior Academy with Crynallt and St. Joseph Primary Schools.

The need for the project has arisen as a result of the Club growing its membership since 2011. The 'Come & Try' sessions have allowed the Club to recruit an additional 18 lady bowlers and 7 junior members. In

2017 the Club secured a fully insuring and maintaining Lease from NPTCBC and it is now responsible for self - management of the entire facility which includes the Green, the pavilion and associated grounds. The growth in the Club warrants this investment. The investment will help the Club to further increase its capacity and its appeal, to involve the surrounding community.

The long term sustainable benefits associated with the proposal include making the Mount Pleasant Bowls pavilion a more community friendly venue to use. This new investment will help secure the future of the Club and improve the ambiance for visiting teams which include those bowlers drawn from Port Talbot, the Rhondda Valley, the Taff Valley and the neighbouring Neath Clubs.

The total cost of this scheme is £2,393.35 (inclusive of VAT which is non - recoverable). Councillor Peter Rees would wish to invest £2,393.35 in order to make this project a reality.

Financial Impact

4. In order to win favour in Cabinet all projects must be sustainable. Projects must have a robust exit strategy that places no additional revenue or financial burden on the Council.

The project will be sustained by making best use of the existing self-management arrangements and the volunteer maintenance work programme that has been embedded since taking on the NPTCBC Lease. The Club will continue to develop grant bids and organise fund raising events to keep pace with the day to day operational costs that have been adopted under the Terms of the Lease.

Equality Impact Assessment

5. There is no requirement under the Constitution for an Equality Impact Assessment on this item.

Workforce Impacts

6. There are no workforce impacts associated with this report.

Legal Impacts

7. The delivery of the Members Community Fund will come within the purview of the Local Government Act 2000 which introduced well-being powers which enable every Local Authority to have capacity to do anything which it considers likely to promote an improvement to economic, social or environmental well-being in the area. Under section 56 of the Local Government (Wales) Measure 2011 sanction is given for both Executive and Non - Executive Members to invest within their own Ward.

The Council's Constitution should be referred to for explicit guidance on governance.

Risk Management

8. There are no risk management issues associated with this report.

Consultation

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

Recommendations

10. That the project proposal for the provision of improved amenities within the Mount Pleasant Bowling Green pavilion is approved and that Councillor Peter Rees' allocation of £2,393.35, under the Members Community Fund is awarded.

Reasons for Proposed Decision

11. To approve the Application for funding that has been received under the Members Community Fund. The Members Community Fund will continue to receive bids until the due deadline date of 31.03.2020.

Implementation of Decision

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

List of Background Papers

13. This Neath South initiative has been developed from the Members Community Fund Application Form submitted by Councillor Rees. The Application has been made in association with a Third Sector Organisation and as a consequence the Constitution, Accounts, Bank Account details, Insurance Policy and the Quotations that have been generated for the proposed work, by Melin United Bowls Club, have been retained for future reference.

14. Officer Contact

Paul Hinder, Project Development & Funding Manager, (ELLL).

Tel: 01639 763390, email: p.hinder@npt.gov.uk

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Cabinet

6 March 2019

Report of the Head of Transformation A.Thomas

Matter for Decision

Wards Affected:

Pontardawe

Project Proposal made to the Members Community Fund

Purpose of the Report

1. To seek Cabinet approval to fund a project proposal that requests financial support under the Members Community Fund. The project has been submitted by one of the Pontardawe Ward Members.

Executive Summary

2. The Members Community Fund was approved in its present form at Cabinet Board on the 16.05.18 and was launched at an All Members Seminar on the 14.06.18. The Fund is to be used to address local needs and to support projects and initiatives that will contribute towards creating vibrant and sustainable communities.

The Project Development & Funding Unit (PDFU) within ELLL is charged with the governance of the Fund and will act as the Grant Management Organisation.

Bids can be made for projects that enhance existing Council services, assist voluntary sector provision or form part of a larger initiative that is in need of additional financial support.

Eligible projects will include those that enrich the environment, promote non - statutory education and learning, assist Health & Well Being, and promote culture and / or recreation in all its forms.

Another project proposal now seeks funding and has been formally submitted to the PDFU. The bid has been checked for completeness, accuracy and deliverability and is 'fit for purpose' and ready for determination by Cabinet.

Project Proposal

3. Purchase of an A3 flatbed scanner for Swansea Valley History Society.

This bid has been developed to 'Assist Voluntary Sector providers.'

Since its inception in 1978, Swansea Valley History Society has amassed a large quantity of documents and ephemera of historical value to the Ward of Pontardawe and the surrounding areas. They now wish to purchase an A3 flatbed scanner in order to facilitate the creation of a digital archive which will be held in trust by the Society for future use by the general public.

The need for this equipment relates directly to the core aim of the History Society which is to protect and promote the heritage of the Swansea Valley. Many of the documents and photographs in the Society's care are fragile and susceptible to damage. The provision of a scanner would allow them to produce digital versions of these items thus negating the damage caused by repeated handling. It will also allow the Society to copy items that are loaned to them for future reference. Following completion of the digital archive the History Society will transfer the original documents to the West Glamorgan Archive Service repository in Swansea for safekeeping.

Of chief importance and the long term community benefit associated with the project is the protection and preservation of the rich heritage of the Swansea Valley. The creation of the digital archive will make the collection more readily available and easier to access by the public.

The request for Grant aid from the Members Community Fund is for £1,365.00 from Councillor Linet Purcell's allocation which is the full cost of the flatbed scanner (no match funding).

Financial Impact

4. In order to win favour in Cabinet all projects must be sustainable. Projects must have a robust exit strategy that places no additional revenue or financial burden on the Council.

The scanner will be the responsibility of the Swansea Valley History Society, who have made an ongoing commitment to ensuring that it is appropriately cared for and maintained for the foreseeable future.

This scheme has no financial implications for NPTCBC.

Equality Impact Assessment

5. There is no requirement under the Constitution for an Equality Impact Assessment on this item.

Workforce Impacts

6. There are no workforce impacts associated with this report.

Legal Impacts

7. The delivery of the Members Community Fund will come within the purview of the Local Government Act 2000 which introduced well-being powers which enable every Local Authority to have capacity to do anything which it considers likely to promote an improvement to economic, social or environmental well-being in the area. Under section 56 of the Local Government (Wales) Measure 2011 sanction is given for both Executive and Non - Executive Members to invest within their own Ward.

The Council's Constitution should be referred to for explicit guidance on governance.

Risk Management

8. There are no risk management issues associated with this report.

Consultation

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

Recommendations

10. That the project proposal for the procurement of an A3 flatbed scanner for the Swansea Valley History Society be approved and that Cllr Purcell's allocation of £1,365.00 under the Members Community Fund be awarded.

Reasons for Proposed Decision

11. To approve the Application for funding that has been received under the Members Community Fund. The Members Community Fund will continue to receive bids until the due deadline date of 31.03.2020.

Implementation of Decision

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

List of Background Papers

13. This Pontardawe initiative has been developed from the Members Community Fund Application Form submitted by Councillor Purcell. The Constitution, Audited Accounts, Quote, Bank Account details and Insurance documentation for 'Swansea Valley History Society' have been retained for future reference.

14. Officer Contact

Paul Hinder, Project Development & Funding Manager, (ELLL).

Tel: 01639 763390, email: p.hinder@npt.gov.uk

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Cabinet

6 March 2019

Report of the Head of Transformation A.Thomas

Matter for Decision

Wards Affected:

Tonna

Project Proposal made to the Members Community Fund

Purpose of the Report

1. To seek Cabinet approval to fund a project proposal that requests financial support under the Members Community Fund. The project has been submitted by the Ward Member for Tonna.

Executive Summary

2. The Members Community Fund was approved in its present form at Cabinet Board on the 16.05.18 and was launched at an All Members Seminar on the 14.06.18. The Fund is to be used to address local needs and to support projects and initiatives that will contribute towards creating vibrant and sustainable communities.

The Project Development & Funding Unit (PDFU) within ELLL is charged with the governance of the Fund and will act as the Grant Management Organisation.

Bids can be made for projects that enhance existing Council services, assist voluntary sector provision or form part of a larger initiative that is in need of additional financial support.

Eligible projects will include those that enrich the environment, promote non - statutory education and learning, assist Health & Well Being, and promote culture and / or recreation in all its forms.

Another project proposal now seeks funding and has been formally submitted to the PDFU. The bid has been checked for completeness, accuracy and deliverability and is 'fit for purpose' and ready for determination by Cabinet.

Project Proposal

3. Purchase of a piano for Tonna Male Voice Choir.

This bid has been developed to 'Assist Voluntary Sector providers.'

The funding will be used to purchase a Kawai E200 upright acoustic piano, dust cover and adjustable stool. The piano will be permanently situated in the Choir's rehearsal venue, Tonna Primary School Community Hall. When not in use by the Choir, the piano will be made available to other community organisations who hire the Hall such as the Rainbows and Brownies, and to staff and pupils at Tonna Primary School for non-curricular activities.

The need for the piano has been brought to the attention of the local Ward Member via representatives from Tonna Male Voice Choir, Tonna Community Council and Tonna Primary School. The provision of a piano will have a profound impact on the diversity of current community activities and will greatly enrich the musical environment at the School.

The long term community benefits associated with the project include expanding the Choir's repertoire, better quality performances, sustaining music and cultural activities in the community, and providing a more attractive and better equipped venue for those interested in hiring the Primary School's Community Hall.

The request for Grant aid from the Members Community Fund is for £3,900.00 from Councillor Leanne Jones' allocation which is the full cost of the piano, dust cover and adjustable stool (no match funding).

Financial Impact

4. In order to win favour in Cabinet all projects must be sustainable. Projects must have a robust exit strategy that places no additional revenue or financial burden on the Council.

The piano will be the responsibility of the Tonna Male Voice Choir, who have made an ongoing commitment to ensuring that it is appropriately cared for, insured and maintained for the foreseeable future. The piano comes with a 10 year warranty and an after-service following delivery.

This scheme has no financial implications for NPTCBC.

Equality Impact Assessment

5. There is no requirement under the Constitution for an Equality Impact Assessment on this item.

Workforce Impacts

6. There are no workforce impacts associated with this report.

Legal Impacts

7. The delivery of the Members Community Fund will come within the purview of the Local Government Act 2000 which introduced well-being powers which enable every Local Authority to have capacity to do anything which it considers likely to promote an improvement to economic, social or environmental well-being in the area. Under section 56 of the Local Government (Wales) Measure 2011 sanction is given for both Executive and Non - Executive Members to invest within their own Ward.

The Council's Constitution should be referred to for explicit guidance on governance.

Risk Management

8. There are no risk management issues associated with this report.

Consultation

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

Recommendations

10. That the project proposal for the procurement of a piano for the Tonna Male Voice Choir be approved and that Cllr Jones' allocation of £3,900.00 under the Members Community Fund be awarded.

Reasons for Proposed Decision

11. To approve the Application for funding that has been received under the Members Community Fund. The Members Community Fund will continue to receive bids until the due deadline date of 31.03.2020.

Implementation of Decision

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

List of Background Papers

13. This Tonna initiative has been developed from the Members Community Fund Application Form submitted by Councillor Jones. The Constitution, Audited Accounts, Quote, Bank Account details and Insurance documentation for 'Tonna Male Voice Choir' have been retained for future reference.

14. Officer Contact

Paul Hinder, Project Development & Funding Manager, (ELLL).

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Mae'r dudalen hon yn fwriadol wag

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Cabinet

06 March 2019

Report of the Head of Transformation A.Thomas

Matter for Decision

Wards Affected:

Trebanos

Project Proposal made to the Members Community Fund

Purpose of the Report

1. To seek Cabinet approval to fund a project proposal that requests financial support under the Members Community Fund. The project has been submitted by the Ward Member for Trebanos.

Executive Summary

2. The Members Community Fund was approved in its present form at Cabinet Board on the 16.05.18 and was launched at an All Members Seminar on the 14.06.18. The Fund is to be used to address local needs and to support projects and initiatives that will contribute towards creating vibrant and sustainable communities.

The Project Development & Funding Unit (PDFU) within ELLL is charged with the governance of the Fund and will act as the Grant Management Organisation.

Bids can be made for projects that enhance existing Council services, assist voluntary sector provision or form part of a larger initiative that is in need of additional financial support.

Eligible projects will include those that enrich the environment, promote non - statutory education and learning, assist Health & Well Being, and promote culture and / or recreation in all its forms.

Another project proposal now seeks funding and has been formally submitted to the PDFU. The bid has been checked for completeness, accuracy and deliverability and is 'fit for purpose' and ready for determination by Cabinet.

Project Proposal

3. To provide essential toileting facilities in the Trebanos RFC Community Changing Room pavilion.

This bid has been developed by Trebanos RFC as a means of assisting Voluntary Sector providers.

The proposal is to equip the upstairs community room within the pavilion with toileting, wash hand basin and baby change facilities

The project will add new sanitary ware, electrics, partition walls, plumbing and refurbishment of the kitchen area. The facility will help in the functionality of the building as the current toileting facilities are either external to the pavilion or within the Home & Away Changing Rooms which are kept locked during fixtures for security reasons. This proposal will assist the Club in making better use of the building by creating a self-contained secure room which will facilitate fund raising events for the Junior Section.

The need for the project has arisen from there being no dedicated toileting or baby change provision on the first floor. There is a need to give the Juniors their own place which is safe and easily supervised.

The long term sustainable benefits associated with the proposal include making the Changing Room pavilion a more community friendly venue to use. This new investment will assist family events, the Play schemes and the success of the Club on and off the field. The new provision will help with player retention and participation (the Club has some 200 registered players and bucks the trend in terms of local rugby development).

The total cost of this scheme is £3,150 net (VAT is recoverable as Trebanos RFC are a Community Amateur Sports Club or CASC). The Councillor for Trebanos would wish to invest £2,850 in order to make this project a reality. The £300 shortfall on the project will be donated from budgets held by the Club.

Financial Impact

4. In order to win favour in Cabinet all projects must be sustainable. Projects must have a robust exit strategy that places no additional revenue or financial burden on the Council.

The project will be sustained in the long term by a core of twelve willing volunteers who are already instrumental in safeguarding the Club and its future growth. Cleaning duties and the replenishment of consumables will come under the auspices of personnel who maintain and clean the Trebanos RFC Clubhouse.

Equality Impact Assessment

5. There is no requirement under the Constitution for an Equality Impact Assessment on this item.

Workforce Impacts

6. There are no workforce impacts associated with this report.

Legal Impacts

7. The delivery of the Members Community Fund will come within the purview of the Local Government Act 2000 which introduced well-being powers which enable every Local Authority to have capacity to do anything which it considers likely to promote an improvement to economic, social or environmental well-being in the area. Under

section 56 of the Local Government (Wales) Measure 2011 sanction is given for both Executive and Non - Executive Members to invest within their own Ward.

The Council's Constitution should be referred to for explicit guidance on governance.

Risk Management

8. There are no risk management issues associated with this report.

Consultation

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

Recommendations

10. That the project proposal for the provision of first floor toileting /baby change facilities to the Trebanos RFC Community Changing Room pavilion is approved and that Councillor Rebeca Phillips' allocation of £2,850, under the Members Community Fund is awarded.

Reasons for Proposed Decision

11. To approve the Application for funding that has been received under the Members Community Fund. The Members Community Fund will continue to receive bids until the due deadline date of 31.03.2020.

Implementation of Decision

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

List of Background Papers

13. This Trebanos initiative has been developed from the Members Community Fund Application Form submitted by Councillor Phillips. The Application has been made in association with a Third Sector Organisation and as a consequence the Constitution, Audited

Accounts, Bank Account details, Legal Title, Insurance Policy and the Quotations that have been generated for the proposed work, by Trebanos RFC, have been retained for future reference.

14. Officer Contact

Paul Hinder, Project Development & Funding Manager, (ELLL).

Tel: 01639 763390, email: p.hinder@npt.gov.uk

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

CABINET

6 March 2019

REPORT OF THE DIRECTOR OF SOCIAL SERVICES, HEALTH AND HOUSING – A. JARRETT

MATTER FOR DECISION

WARD(S) AFFECTED: ALL

WESTERN BAY YOUTH OFFENDING AND EARLY INTERVENTION SERVICE

1 Purpose of Report

- 1.1 To ask Cabinet to agree to the plan to move from a regional service and set up a Neath Port Talbot Youth Justice and Early Intervention Team by the end March 2019 following the outcome of the recent Joint Inspection of the Western Bay Youth Justice & Early Intervention Service.

2 Background

- 2.1 In May 2014 Neath Port Talbot, Bridgend and Swansea Youth Offending Teams merged to form the Western Bay Youth Justice and Early Intervention Service (WBYJEIS). It was one of the first and remains one of a minority of Youth Offending Services set up on a regional basis. Bridgend County Council agreed to 'host' the service and they recruited and line managed the regional Service Manager Post. In line with legislation a Management Board was established chaired by the Neath Port Talbot Director of Social Services Health and Housing. It has membership in line with the requirements of the Crime and Disorder Act 1998 including police, probation as well as Cabinet Members from all three local authorities and the Police and Crime Commissioner.

3 Full Joint Inspection of WBYJEIS by HM Inspectorate of Probation.

- 3.1 On 2nd November 2018 the WBYJEIS were given notice by HM Inspectorate of Probation that they intended to carry out a joint inspection of Youth Offending Services (YOS) delivered across Western Bay in conjunction with the Care Inspectorate Wales (CIW), Estyn, Healthcare Inspectorate Wales (HIW) and Her Majesty's Inspectorate of Constabulary and Fire and Rescue Service (HMICFRS). The inspection was completed during the weeks commencing 26th November 2018 and 10th December 2018.

- 3.2 On 26th November 2018 the fieldwork element of the inspection commenced and inspectors looked at cases and interviewed case managers. Following concerns identified from reading case files an Organisational Alert in relation to assessing risk was raised on 30th November 2018 and the chair of the management board was asked to provide a plan of how the service and its partners intended to satisfy the inspectors and themselves that:
- All children open to the YOS (Youth Offending Service) have an accurate assessment of their safety and wellbeing and are being safeguarded.
 - That the risk of harm posed to others by children under YOS supervision are fully understood and that plans are in place to manage these risks.
 - In all cases where there are concerns that children are vulnerable to, or are victims of child sexual exploitation, there are plans in place to ensure the safety of these children.
- 3.3 During the second week of the inspection governance and leadership were the main focus. Although the final written inspection report will not be received until the end March 2019 officers did receive some verbal feedback and have had sight of a confidential draft. Verbally inspectors expressed concern that at a strategic level partnership arrangements were inadequate and that none of the three Local Authorities involved in the service had taken appropriate responsibility for the work of the Service. They are likely to criticise the governance arrangements set up when the regional Service was launched and to conclude that the three Local Authorities had not considered the difficulties in working with three different social care systems. They said that they felt that the Local Authorities in Western Bay operated as three separate entities in relation to the YOS and that evidence of some positive cross authority work was largely dependent on individual initiatives rather than being supported by appropriate management structures and consistent policies and procedures.
- 3.4 A ratings decision panel subsequently took place on 18th December 2018 and the indication is that the service overall will be rated as inadequate.
- 3.5 In the immediate aftermath of the inspection a note was provided by the inspectors which covered some of their concerns. Alongside the organisational alert this note was used to create a list of priority actions to be completed immediately. A confidential draft report has now been received and a more comprehensive action plan is being developed to address all of the areas of concern. The final report is due to be published late in March 2019 and given its likely findings it is not appropriate to wait to take remedial action.
- 3.6 It is clear that the inspectors had little confidence in the structural set up of the regional team and believe that this has led to staff not being appropriately supported and, in turn, young people being at risk. A large part of this inappropriate risk assessment is likely to stem from the divide between the work of the YOS and the appropriate Local Authority Children's Service. It is imperative that we act to ensure that this does not continue in Neath Port Talbot.

- 3.7 Bridgend Council will be moving to form part of a wider Cwm Taf region in the new financial year. It was anticipated that they would withdraw from the WBYJEIS at some point during 2019-20 and preliminary planning had begun. The plan was for Swansea and Neath Port Talbot to continue with a joint service but given the poor judgement by the inspectorate all three Local Authorities have agreed that a process of disaggregation to three individual Youth Offending Services now needs to happen by the end of March 2019.
- 3.8 The likely findings around poor governance, ineffective strategy and particularly issues around safeguarding risks has led to an agreed position that it would be best for Neath Port Talbot and Swansea Councils not to proceed to set up a new regional service as planned. Instead the two Councils would want to return to Local Youth Offending Services which work closely with their Children and Young People Services on jointly assessing and managing risk and putting in place early intervention and prevention strategies for young people. This is important as more and more young people open to the YOS are also open cases to Children and Young People Services and so joint working between the two is critical.
- 3.9 If this approach is supported by Cabinet then this will return control of the Neath Port Talbot youth offending function to the Council and the intention would be to manage this as a part of the Children and Young People Service within the Directorate of Social Services, Health and Housing. There are already a good cohort of Neath Port Talbot workers from WBYJEIS that can form the basis of an effective team including a Team Manager. It will be necessary to recruit to two support worker posts to complete the team and a Principal Officer post will need to be created to drive forward the improvements needed prior to any re-inspection in 18 months' time. Staff and the main Union represented (UNISON) have been involved in this process and will be involved as any plan moves forward.
- 3.10 The statutory accountability for the YOS lies with the Chief Executive of each Local Authority Council. The Chief Executive in Neath Port Talbot recognises that moving from a regional position to a local one is not in line with Welsh Government's policy of regional working. At this time, however, he concurs with the view of The Director of Social Services Health and Housing that the immediate needs and safety of this cohort of young people from Neath Port Talbot have to be prioritised above all other considerations and the quickest and safest way to do this is to move to a Neath Port Talbot Youth Justice and Early Intervention Team by the end of March 2019.

4 Recommendation

- 4.1 It is recommended that Cabinet agree to the setting up of a Neath Port Talbot Youth Justice and Early Intervention Team by the end March 2019 and delegate powers to the Director of Social Services Health and Housing to take the necessary steps to enable this to happen.

5 Reason for Proposed Decision

- 5.1 To ensure we have a responsive and fit for purpose Youth Offending Service.

6. Implementation of Proposed Decision

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

7. Equality Impact Assessment (EIA)

7.1 An EIA is not required for this report, however an EIA screening tool and a full EIA (if required) will be undertaken as part of any decisions to change Youth Offending Service Model.

8. Financial Impact

8.1 A financial appraisal for the creation of the new Principal Officer post is attached in Appendix 1. The total cost of creating the new post is £81,900. This includes a £10,000 market supplement in line with the existing Principal Officers in Childrens Services. This additional cost will be met from within the existing Social Services budget provision.

9. Workforce Impact

9.1 There are no workforce impacts associated with this report.

10. Legal Impacts

10.1 There are no legal impacts associated with this report.

11. Risk Management

11.1 There is no risk management associated with this report.

12. Consultation

12.1 Members of staff have been consulted and also agencies who are members of the Management Board.

13. Appendices

App 1 - Financial appraisal for the new PO post.

14. Background papers

N/A

15. Contact Officers

Andrew Jarrett, Director of Social Services, Health and Housing

Email: a.jarrett@npt.gov.uk

Tel: 01639 763279

FINANCIAL APPRAISAL**APPENDIX 1****SETUP COSTS**

	Current Year £
Costs	
Recruitment Costs	
Accommodation Costs	
Office Costs	
I.T.	
Other (Specify)	
Total Set Up Costs	0
Funding of Set Up Costs	
Revenue Budget	
Reserves	
Special Grant:	
Other (Specify)	
Total Funding of Set Up Costs	0

RECURRING COSTS:

	Current Year £ 2018-19	Full Year £ 2019-20	Maximum £
Costs			
Salary (See next page)	0	77,500	81,900
Employee Training & Seminars			
Accommodation Running Costs			
Travel & Subsistence (Standby Allowance)			
Other Running Costs - Office Supplies			
Other Running Costs - IT.			
Total Recurring Costs	0	77,500	81,900
Funding of Recurring Costs			
<u>External Sources</u>			
Specific Grant			
Funding from External Agencies			
Service Level Agreement			
Other (Specify)			
<u>Internal Sources</u>			
Existing Budget Allocation		77,500	81,900
Other (specify)			
Total Funding	0	77,500	81,900

Please refer to this table in the Financial Appraisal section of the report.

Equality Impact Assessment Screening Form

Please ensure that you refer to the Draft Screening Form Guidance while completing this form. If you would like further guidance please contact Corporate Strategy or your directorate Heads of Service Equality Group Champion.

Section 1

What service area and directorate are you from?

Service Area:

Directorate: **Social Services, Health and Housing**

Q1(a) What are you screening for relevance?

Service/ Function	Policy/ Procedure	Project	Strategy	Plan	Proposal
<input type="checkbox"/> ✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓ <input type="checkbox"/>

(b) Please name and describe below

Proposed to create a Neath Port Talbot Youth Offending Service instead of the regional Service that currently exists.

Q2(a) What does Q1a relate to?

Direct front line
service delivery

Indirect front line
service delivery

Indirect back room
service delivery

✓ (H)

(M)

✓ (L)

(b) Do your customers/clients access this service...?

Because they
need to

Because they
want to

Because it is
automatically provided to
everyone in NPT

On an internal
basis
i.e. Staff

(H)

(M)

(M)

✓ (L)

Q3 What is the potential impact on the following protected characteristics?

	High Impact (H)	Medium Impact (M)	Low Impact (L)	Don't know (H)
Age	→ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	→ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	→ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	→ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	→ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	→ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	→ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	→ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	→ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Welsh language	→ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Q4(a) How visible is this service/function/policy/procedure/ project/strategy to the general public?

High visibility
to general public

(H)

Medium visibility
to general public

(M)

Low visibility
to general public

(L)

(b) What is the potential risk to the council's reputation? (Consider the following impacts – legal, financial, political, media, public perception etc...)

High risk
to reputation

(H)

Medium risk
to reputation

(M)

Low risk
to reputation

(L)

Q5 How did you score?

Please tick the relevant box

**MOSTLY H and/or M → HIGH PRIORITY → EIA to be completed
Please go to Section 2**

**MOSTLY L → LOW PRIORITY / NOT RELEVANT → Do not complete EIA
Please go to Q6 followed by Section 2**

Q6 If after completing the EIA screening process you determine that this service/function/policy/project is not relevant for an EIA you must provide adequate explanation below (Please use additional pages if necessary).

Section 2

Screener- This to be completed by the person responsible for completing this screening	
Name:	Andrew Jarrett
Location:	Neath Civic Centre
Telephone Number:	01639 763279
Date:	26 February 2019
Approval by Head of Service	
Name:	
Position:	
Date:	

Please ensure this completed form is filed appropriately within your directorate because it may be required as evidence should a legal challenge be made regarding compliance with the Equality Act 2010.

Tudalen61

Mae'r dudalen hon yn fwiadol wag

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

CABINET MEMBERS' BRIEFING

6 MARCH 2018

JOINT REPORT OF THE HEAD OF ENGINEERING & TRANSPORT – D.GRIFFITHS

AND

HEAD OF LEGAL SERVICES – C.GRIFFITHS

MATTER FOR DECISION

WARDS AFFECTED: ALL

IMPROVING PUBLIC TRANSPORT – WELSH GOVERNMENT CONSULTATION

Purpose of Report

To advise Members of the Welsh Government's (WG) White Paper consultation on improving public transport and to endorse the Council's response.

Background

This paper sets out a summary of the Welsh Government's (WG) proposals for improving the legislative framework in Wales for how local bus services are planned and delivered, together with reform of the licensing regime for taxis and private hire vehicles (PHVs).

The full consultation document is available at:-

https://beta.gov.wales/sites/default/files/consultations/2018-12/improving-public-transport_0.pdf

Legislative Proposals

Provide the flexibility to better respond to local public transport needs; and

Ensure consistency and coordination of bus services delivery and a more modern approach to taxi/PHV licencing.

Bus Services

Need for better integration and collaboration detailed; achieved through organisational and structural change, as well as providing some central support.

Need for improved passenger experience; clear, high quality and up-to-date information including ticketing information and ticketing systems.

Concessionary Pass Holder changes proposed, whilst retaining the following fundamental principles; universal entitlement (pass holders can catch any bus any time in Wales), no current pass holder to have their eligibility removed and all people of state pensionable age will be eligible for free bus travel.

Proposal – Joint Transport Authorities

The WG is proposing establishing a Joint Transport Authority (JTA) which would be able to develop a distinctive regional approach in a broader national context towards transport planning and implementation.

This JTA could have responsibility for the full range of public transport functions, as well as certain traffic management functions (for example, the ability to make Traffic Regulation Orders for bus priority measures).

The purpose of the JTA is to pool the existing transport functions and powers of two or more local authorities. Would be established by secondary legislation which requires a dedicated formal consultation which, depending on the outcome of this consultation would be issues in autumn 2019.

Proposed structure of JTA's will be exercised on either a national/strategic basis or on a regional/implementation basis, based on the nature of the function being discharged.

Two potential options exist;

- A single JTA for the whole of Wales with regional delivery boards (i.e. committees of the national JTA), this JTA would be responsible for discharging functions specified in the establishing Order making arrangements for the discharge of certain functions, such as regional or locally specific functions, by committees of the authority (i.e. regional delivery boards); or
- A national JTA that would be required to discharge specified national/strategic functions, and three separate regional JTAs that would be required to discharge specified regional/implementation functions (i.e. 4 JTAs in total).

Proposed Legislative Change; it is proposed that a Bill would be required to make minor amendments to those enabling powers. Amendments include Welsh Ministers being represented on the JTAs and any committees of the JTAs and enabling any established Orders to require the JTAs to set up committees for the discharge of functions. It is also

proposed that Welsh Ministers be given new powers to issue guidance and directions to JTAs.

Enhanced Quality Partnerships

The WG is proposing to introduce new powers to enable LA's to make Enhanced Quality Partnerships, working between LA's and bus operators to develop agreed plans and schemes for the delivery of improved bus services in an area.

This will be an agreement between a LA and bus operators to work together to improve local bus services. Operators will be required to comply with the service standards set out in an EQP.

Franchising

The WG is proposing to revise current legislation to make franchising a useable tool for Welsh LA's to enable them to award the exclusive right to run a bus route to the most competitive bidder.

Proposed decision-making process for franchising. New franchising process will require LA to undertake an assessment of any proposal to franchise local services in its area.

With franchising in place, the deregulated market will be replaced in the franchised area and all 'local services' will either have to be operated as part of the franchise contract or operated under a permit issued by the authority.

Local Authority Bus Services

The WG is proposing to revise current legislation so that LA's can run their own bus services.

LA's to be given the power to run local services with options being considered for LA's running buses directly and also via an arms' length company established for this purpose.

Eligibility Age for the Mandatory Concessionary Fares

The WG is proposing to increase the eligibility age of the mandatory concessionary fare scheme to bring it in line with woman's pensionable age.

In making these amendments the following fundamental principles will be protected; universal entitlement (pass holders can catch any bus any time in Wales), no current

pass holder to have their eligibility removed and all people of state pensionable age will be eligible for free bus travel.

Public Transport Information and Monitoring

The WG is proposing to put in place new information monitoring and sharing arrangements.

Establishing a comprehensive open data set for the bus industry by requiring bus operators, LA's and the Traffic Commissioner to provide information on routes (to include proposals for changes to routes), timetables, fares and tickets for public access.

Taxis and Private Hire Vehicles (PHV)

Improvements to be made to standards, enforcement and safeguarding.

The proposals will tackle the following areas by centralising the licensing regime:

- The variation in taxi and PHV standards between the twenty two LA's in Wales;
- The inability to take enforcement action against vehicles which are operating 'out-of-area';
- The difficulty in sharing relevant safeguarding information.

The existing taxi and PHV licensing functions of the twenty two Welsh LA's should be redirected to a single national licensing authority which would be the JTA. A secondary option exists which does not include this proposal.

Taxi and PHV – Proposals – National Standards

The WG is proposing to set national standards for taxi and PHV licensing ensuring these standards would have to be met in order to obtain a licence.

Proposal to confer a power on Welsh Minister to create a national standard which the JTA or LA will have to have regard to when issuing licences.

Taxi and PHV – Proposals – Enforcement

The WG is proposing to allow a licensing authority to take enforcement action against any vehicle operating in its area.

Proposed legislative change to allow a LA or JTA to suspend or revoke a licence relating to any vehicle operating in its area and to issue a lesser sanction to any vehicle operating in its area.

Taxi and PHV – Proposals – Information Sharing

The WG is proposing to allow the creation of a mechanism by which relevant information can be shared, for the purposes of safeguarding.

Proposals to create a duty on the Welsh Minister to create a database, or make other information-sharing arrangements, to ensure that relevant information can be shared for the purposes of safeguarding.

Taxi and PHV – Joint Transport Authority

The WG is proposing to redirect all of the existing taxi and PHV licensing functions away from LA's and into a national licensing authority, a JTA.

This would include licencing, fee and fare setting, enforcement, hearing appeals arising from licensing decisions, prosecutions and deciding matters such as whether to apply quantity controls to taxis.

Another option has been put forward which would allow LA's to continue to have responsibility for taxi and PHV licensing. This would be done by amending the existing legislation.

Consultation Response

Members are advised that there are 38 questions that require response. Questions 1-21 on Bus Reform and questions 22-38 which relate to 'Reforming the Law of Taxi and Private Hire Services'. The latter has been scrutinised and endorsed by the Licensing Committee set out at Appendix 1 for Members' information (licensing matters being a non-executive function). Members are therefore requested to scrutinise only questions 1-21 at today's meeting but to note the response proposed to the Welsh Government in respect of the proposals in respect of licensing changes.

Q1. Do you agree that it is important for local authorities to work together with regard to local bus services? Please explain your answer.

Yes, South West Wales LA's previously worked on a regional basis as part of the former consortium and continues to work collaboratively with regional partners.

NPT's Task & Finish Group on the Valleys identified transport as a key strategic issue that needs to be addressed. The Bevan Foundation has pointed out that detailed mapping of public transport provision against employment opportunities undertaken by the Joseph Rowntree Foundation shows that Neath Port Talbot has one of the highest proportion in Wales of deprived Lower Super Output Areas classed as 'disconnected'. The Foundation has recommended that ideally there needs to be a region-wide approach. This would seem possible in the short to medium term as Welsh Government, through Transport for Wales (TfW) develop policies and guidance on the delivery of bus services for the future and as long term proposals for a "Swansea Bay Metro" are also developed. Simultaneously, the City Deal is seeking to extend its role in the area of transport and connectivity. A joint approach is sensible in our view, particularly in light of downward revenue pressure and reducing staff numbers.

Welsh Government funding streams for Concessionary Fares, Bus Service Support Grant, etc, have witnessed sharp reductions since 2012. This has resulted in a significant loss/reduction in services particularly in semi-rural areas and in the evenings and on weekends:

- Funding to support local bus services in NPT has reduced from £717K in 2011-2012 to £312K in 2016-2017.
- Concessionary travel in NPT has reduced from 2.2M journeys in 2011-2012 to 1.9M in 2016-2017. An average of 6,000 less journeys made each week; and
- On routes subsidised by the Council reduction in concessionary card use is even more significant. From 409,553 in 2011-2012 to 151,568 in 2016-2017. A reduction of 37%.

Taken in the round, the current arrangements are not fit for purpose in terms of providing comprehensive services and the difference between cost and subsidy represents a growing budget pressure for our Council. Reform of the current arrangements including the introduction of regional Joint Passenger Authorities is generally supported.

In this regard, strong governance will be essential to ensure services are delivered in line with WG's expectations that also allows for democratic input at a local and regional level, as without sufficient funds, there is a highway risk that LA's will be in conflict over priorities over bus service coverage and infrastructure investments.

Q2. Please provide comments on the proposed organisational structures. Which is your preferred option and why?

To ensure consistency of approach a single JTA for the whole of Wales with regional JTA's with flexible democratic representation will be the best approach. This would ensure there is consistency across Wales in the JTA's approach to bus services (cross border) and on infrastructure investments. Regional JTA's would have a greater understanding of local service requirements and what infrastructure schemes would benefit their regions most.

Q3. Is there another organisational structure for JTAs that we should consider? Please describe.

Due to the diverse nature and requirements for bus services in various parts of the country a further option could involve combining rural L.A's into one JTA. Urban L.A's into another and those which have a mix of both rural and urban into a third. This structure would require a National JTA and the JTA's with similar issues that affect semi-rural areas

Q4. Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

In principle, we would have no objection to this proposal, however this would depend on the final governance structure to be implemented. It is to be recognised that Ministerial involvement will help to drive forward W.G.'s vision for bus services at a national level with a close working relationship with proposed chairs democratically elected on to the new JTA's.

Q5. Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and directions, and to intervene where a JTA is failing to exercise its functions effectively?

Ministers should be able to provide guidance to JTA's, however, they should not interfere with the day to day working of the JTA's, nor should they interfere on prioritising where transport requirements should be focused. Ministers should have powers to address JTA's that are underperforming. Ministers should through a National JTA develop guidance, as set out in the consultation paper, ensuring support and training is part of the new JTA's arrangements, we would not advocate oversight of day to day operations but recognise routine auditing would be undertaken.

Q6. Is the proposed division of national and regional functions appropriate?

The proposed functions of the National and Regional functions appears to be sensible. However, there is some overlap in roles and responsibilities. Greater clarification and more definition is needed to make an informed assessment. Regional JTA's would offer the local knowledge that a National JTA may lack.

Q7. Should any other transport functions be transferred to a JTA? Please describe.

The JTA's need to be established before considering other functions. However, non-emergency patient transport would benefit review to realise any benefits to the bus network and to Health Boards, perhaps lead by the National JTA if established.

Q8. Do you think that legislation is required to secure the benefits of enhanced partnership working? Yes/No? Please explain your answer to this question.

Yes, without legislation it would be difficult to ensure operators would commit to agreements. A barrier has been lack of funding and competing commercial interest. Maintenance of infrastructure is also key. Frequency and timing of services is reliant on infrastructure improvements.

Q9. Do you agree with our proposals for EQPs, in particular the proposed process for developing and making EQPs? Yes/No? Please explain your answer to this question.

Yes, although it could cost significantly more to implement and difficult to manage without additional resources. Any Enhanced Quality Partnership (EQP) that is going to cost the operators will inevitably mean that there will be reduction in services to compensate for the extra cost/expectations in the EQP area. In this regard, franchising may be the easier option as this would afford some control by the JTA/LA.

Q10. Do you think that the proposed scheme provides a more workable option for the franchising of local bus services? Yes/No? Please explain your answer?

Yes, but only if there is sufficient funding in place. Franchising of urban routes would work as "patronage" in urban areas which is higher than in rural or semirural areas. Rural and semirural L.A's would require a larger proportion of the funding available to make franchising work in our view.

Investment to grow established Community Transport Organisations would be an alternative and welcomed option.

Q11. Do you think there should be a requirement for the assessment to be subject to an independent audit? Yes/No? Please explain your answer.

Yes, an independent Audit would ensure all L.A's are in compliance with the new legislation. In rural/semirural areas there needs to be the realisation that a regular bus service is not the best or most cost effective option. When patronage falls below a specified level, JTA's may need to look at alternative transport modes.

Q12. Do you have any other comments on the proposed process for franchising?

Engagement with the operators to establish if there is an appetite for franchising would need to be undertaken before any changes to legislation is made. Otherwise TfW could end up with a system in place but no way to deliver it. There is also a lack of competition in some areas which would mean that operators may or may not decide to bid on a franchised area.

Q13. Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

The onus is on the franchising authority and clarification is required as to whether or not this is the JTA or LA's who will issue permits to commercial services to operate in a franchised area. This could be difficult to manage and may impact on the franchised service if a commercial service was to alter their timetable or reduce their fares/charges eg: free travel on weekends.

Q14. Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process? Yes/No? Please explain your answer.

Yes, particularly as there are a limited SME's in our particular area. Larger operators could manipulate the process to cherry pick numbers of areas that have the potential of increasing patronage.

Q15. What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

Short term interim contracts may offer a way to retain bus services while franchising is being developed. Caution needs to be shown as operators may withdraw commercial services if the route is to be franchised.

Q16. Do you think that local authorities should be able to run bus services directly (i.e. in-house services)?

In principle yes, however the number of L.A's that would have the resources to introduce bus services would very limited. As with commercial bus companies L.A's would have to operate on a commercial basis and would be in direct competition with the commercial operators.

This is not an affordable proposition in the current financial climate and would need careful analysis - one-off pilots could be considered should finances permit.

In what circumstances do you think this would be appropriate?

If there is a lack of bus operators in an area and the L.A has to heavily subsidy services it may be an option to introduce a bus service. However, it is worthy to note that L.A's already have the option to run socially necessary buses under section 22 permits which would be the easier option.

What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no local authority has an unfair advantage in a deregulated market, and why?

It is important to note that there is no capacity within our Council to deliver in-house services within current resources on a commercial basis.

In a deregulated market LA's would be competing against the larger commercial bus operators and may be privy to data and financial details which would mean that they would need to be tendered independently of the L.A.'s.

Q17. Do you think that local authorities should be able to set up arms' length companies to operate local bus services?

This is an option but is likely to be cost prohibitive without funding initial start-up costs.

In what circumstances do you think this would be appropriate?

No comment

What, if any, safeguards to you think should be put in place with arms' length bus companies to ensure that no local authority has an unfair advantage in a deregulated market, and why?

See response to Question 16.

Q18. Do you agree with the Welsh Minister's proposal to align entitlement to a mandatory concessionary fares pass with a woman's pensionable age? Please give reasons for your answer.

With the state pension age increasing and people having to work on until later in life, raising the entitlement age for a concessionary bus pass to the woman's state pension age would not be unreasonable and help the concessionary fare reimbursement budget which could be reinvested into bus services.

Q19. Do you agree that an incremental change is the most appropriate method?

Yes, as this would impact in the same way that the incremental rise in state pension age did. Going forward there could also be a charge for the concessionary card. This would reduce the number of applicants unless they genuinely required a card. A nominal charge to cover the administration cost could also be considered.

Q20. Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets? Yes/No? Please explain your answer.

Yes, this is available now, however conditions should make it a requirement that the data is provided, rather than on request.

Q21. Do you agree with our proposal to enable local authorities to have the power to obtain information on services which are to be cancelled or varied, and where appropriate, disclose this information as part of tendering process? Yes/No? Please explain your answer.

Yes. As the Welsh Government are funding the introduction of new technology this will allow for comprehensive info boarding and alighting stages etc. to inform the tendering process.

Financial Impact

There are no financial impacts as part of the consultation process.

Integrated Impact Assessment

An Integrated Impact Assessment is not required as part of this consultation. In the event that legislation is passed implementing any of the proposals, should the Council look to implement the same, then all integrated impacts will be considered at the appropriate time.

Workforce Impacts

There are no workforce impacts in respect of the response to this consultation.

Legal Impacts

There are no immediate legal impacts stemming from the decision to make a response to this consultation. Should any of the proposals suggested by the Welsh Government ultimately be implemented then it will require legislative changes which this Council will be under an obligation to comply with

Risk Management

There are no risk management issues related to the consultation at this stage.

Consultation

This is an All Wales Welsh Government-lead consultation process and as such, does not fall within the Council's consultation remit.

Recommendation

It is recommended that:-

- Members endorse the response to questions 1-21 for submission to the Welsh Government.
- Members note the responses which will also be submitted as part of the Council's response set out at Appendix 1 questions 22-38 previously endorsed by the Registration and Licensing Committee.

Reasons for Proposed Decision

The response to the consultation will inform Welsh Government Policy Development, with a view to improving public transport across Wales and within NPTCBC.

Implementation of Decision

The decision is proposed for immediate implementation due to requirement to submit responses by 27th March 2019.

Appendices

Appendix 1 – Consultation Responses 22-38

List of Background Papers

Written Statement: White Paper: Improving Public Transport – Ken Skates, Cabinet Secretary for Economy & Transport

NPT Cabinet (Special) response to the Council's Task & Finish Group on the Valleys (17th December 2018)

Report of the 11th February 2018 to the Registration and Licensing Committee – Welsh Government White Paper

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Appendix 1

Q22. Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales? Yes/No? Please explain your answer.

Yes, this is consistent with the previous consultation work undertaken between the Licensing Expert Panel and Welsh Government lead on taxi reform in Wales. It is also consistent with recommendation 2 made by the “Ministerial Working Party into Hackney Carriage and Private Hire Licensing in England [2018]” and the Law Commission review “Reforming the Law of Taxi and Private Hire Services” [2012]”.

National standards would ensure that taxi services are delivered consistently across Wales and deal with any perceptions of any unnecessary inconsistency across Councils.

Q23. Are there any matters which you would like to see contained in any national standards?

Separate national standards should be defined for vehicles, drivers and operators. The following matters should be included, although this is not an exhaustive list:

- Enhanced DBS and Barring List checks (certificate of good conduct for overseas applicants) for drivers, operators, proprietors and dispatchers. We believe that anyone taking or holding an individual’s personal information should have to be vetted to ensure that that person is safe and suitable (“fit and proper”).
- Medical fitness and specifically the requirement of Group 2 Medical Standards and the need for the applicant’s full medical history to be noted by the completing GP. Standards should also consider consistency of the issue of exemption certificates in terms of Equality Act duties.
- Immigration checks specifically the Right to Work in the UK
- Suitability of applicants and licence holders. The Institute of Licensing has published guidance on determining the suitability of applicants and licence holders in the hackney carriage and private hire trades. The criteria used in this guidance should be incorporated into any national standards
[https://www.instituteoflicensing.org/documents/Guidance on Suitability Web Version \(16 May 2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf)
- Nationally-recognised vocational qualifications to include disability quality and awareness training, safeguarding awareness training (Child Sexual abuse / Exploitation, County Lines), practical driving standards test, communication skills and literacy, customer care, handling of emergencies, managing conflict etc.

- Knowledge and suitability test (literacy, numeracy, highway-code, conditions, local area knowledge).
- Foreign driving licences

In addition, we would recommend the following matters be included in relation to vehicles:

- National Inspection Standards and frequency of inspections and testing including the criteria for testing. Consideration should also be given to suitability, independency and availability of testing stations and how they are approved e.g. consider if use of Trade owned testing stations are appropriate.
- Design and appearance and internal spatial requirements of vehicles including the approach to identify taxis and private hire vehicles.
- The information which should be contained on any vehicle identification source (plates, door signs).
- Standards for specialist and novelty vehicles, such as stretched limousines, wedding and funeral cars, omnibuses and pedicabs.
- Taxi Meter standards including the criteria for Pulse and GPS meters.
- The use and standards for CCTV within vehicles, both audible and video as outlined in recommendation 17 & 18 “Ministerial Working Party into Hackney Carriage and Private Hire Licensing in England [2018]”. The Information Commissioner’s Office has produced advice for councils and other organisations in using surveillance and CCTV systems in licensed taxis. A national standard should take account of this advice.
<https://ico.org.uk/about-the-ico/news-and-events/blog-continuous-cctv-in-taxis-where-do-councils-stand> The LGA Guidance has also now been published.
<https://www.local.gov.uk/developing-approach-mandatory-cctv-taxis-and-phvs> The cost of fitting CCTV within licensed vehicles particularly for small businesses may require subsidy from Welsh Government.
- Record Keeping including the retention period required. We believe that ideally records should be kept for every journey undertaken, however, there are obvious practical difficulties with taking this approach. A better option would be to use technology to better the safeguarding processes. The use of CCTV, trackers and GPS systems would not only provide a more robust system for record keeping, but would also not place an administrative burden on taxi drivers.
- Environmental considerations such as vehicle emission standards.

The standards for some of the points recommended above are included in guidance already and should be taken into account when developing any national standards, such as the Department of Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010), although this is in need of updating.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf

In addition we would recommend mandating training for all individuals involved in the licensing decision-making process. Consistent and appropriate training of officers, councillors and Magistrates' legal clerks (for appeals) is essential to ensure those applying standards are competent to do so. The content of the training should form part of national standards.

Finally, any national standards developed should be consistent with criteria implemented in England to reduce variations in driver, vehicle and operator requirements especially around the border areas.

Q24. Are there any matters which you think should be excluded from any national standards?

There are no matters that should be excluded, although national standards should not duplicate other legislation.

Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

The main obstacle will be incorporating the national standards into the 10,000 vehicles and 12,000 drivers currently licensed in Wales and the provisions that will need to be in place for transitional arrangements and grandfather rights. Consideration will also need to be given to finding suitable consistent standards which work for both urban and rural areas.

Q26. What would be the best approach for determining the content of national standards?

There are already a number of national policies in place which have been adopted by a number of Welsh Local Authorities in order to provide a level of consistency between areas, such examples include:

- National Inspection Standards for hackney carriage and private hire vehicles, and
- Institute of Licensing Guidance on determining the suitability of applicants and licences in the hackney carriage private hire trade.

There are also some excellent examples of local taxi licensing policies and standards in place which have been developed and applied at a local level.

Welsh Government will first need to establish what policies and standards are already in place in Wales and then draw on the knowledge of licensing practitioners who have expert practical experience of undertaking taxi licensing work on a daily basis.

It would be remiss of Welsh Government to disregard any policies, standards or procedures which have been developed by licensing professionals and which actually serve to provide a robust service against a backdrop of legislation which is woefully inadequate and outdated.

The All Wales Licensing Expert Panel consists of managers and team leaders who have extensive knowledge and experience in the taxi licensing field and would without question need to be heavily involved in the development of national standards.

It is suggested that Welsh Government would also need to engage with passenger safety groups and operator representatives by way of meetings, seminars and workshops.

Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

The previous Welsh Government consultation on Taxi and Private Hire Vehicle Licensing in Wales [WG31865] referred to “national standards for all taxis and private hire vehicles, set by Welsh Ministers, with the power for local licensing authorities to set additional conditions where it is appropriate to do so”

Although the White Paper makes no reference to minimum national standards, it is worth noting that we would not recommend that local licensing authorities be permitted to set additional local conditions above the national standard.

Enforcement

- Q28. Should a Local Authority be able to revoke or suspend a licence relating to any vehicle operating in its area, even if it did not issue the original licence? Yes/No? Please explain your answer.**

We believe that the revocation of a vehicle licence should be the responsibility of the home Licensing Authority. Where it is proposed that action is taken to revoke a licence, it is imperative that the licence holder is afforded the opportunity to be heard i.e. the opportunity of a fair hearing; this is a requirement of Article 6 Human Rights Act which protects your right to a fair trial. The Licensing Authority that has issued the licence will also have invaluable local knowledge about the licence holder, have immediate access to the history of the vehicle and any complaints received and should be responsible for recovering any fees associated with taking the enforcement action. It is noted that proposals in relation to fee setting are not included in the White Paper.

We believe however that it is appropriate for any authorised officer from any Licensing Authority area to have the power to suspend immediately (Section 68 Local Government (Miscellaneous Provisions) Act 1976) a licence of any vehicle operating in their area (irrespective of where it was licensed) where there is an immediate public safety risk e.g. defective tyre, or potentially where the vehicle fails to meet the national standards e.g. missing door signs / back plates. The authority that issues the suspension, would then report the matter to the home Licensing Authority for them to consider whether to lift the suspension or take further action.

- Q29. Should a Local Authority be able to issue a lesser sanction in relation to any vehicle operating in its area, even if it did not issue the original licence? Yes/No? Please explain your answer.**

We consider this of benefit to aid the home Licensing Authority in order to determine whether any further action is required e.g. improvement notice / advisory / warning. For example introducing a system of issuing a Fixed Penalty Notices would bring taxi and private hire enforcement in line with other areas of local government. Some method of referral scheme would need to be developed to notify the issuing Licensing Authority, however the practical implications of this would need further consideration.

- Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions.**

The All Wales Licensing Expert Panel has previously been in discussion with Welsh Government about introducing the power to stop and direct taxi and PHVs. This would be a useful and beneficial addition to the enforcement options currently available to local authorities.

Currently Licensing Authorities are unable to attach conditions to hackney carriage driver licences, some local authorities have Byelaws in place and we would recommend incorporating any relevant component of these into national standards

We would recommend other enforcement provisions be introduced by Welsh Government such as where a driver refuses a fare due to the short distance involved or for cases of overcharging.

In addition we would recommend mandating training for all individuals involved in the licensing decision-making process (as mentioned above). Consistent and appropriate training of officers and councillors (this should also include Magistrates' legal clerks) is essential to ensure those applying standards are competent to do so. The content of the training should form part of national standards.

Information Sharing

Q31. Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared? Yes/No? Please explain your answer.

The establishment of a mandatory national database of all licensed drivers is critical, however this database should be expanded to include vehicle and operators, proprietors and dispatchers to support stronger enforcement. This must be established quickly.

In the interim, the National Anti-Fraud Network (NAFN) currently provides an online register of taxi and private hire drivers who have been refused or had their licence revoked. The database includes the reasons for any refusal or revocation, along with the relevant Licensing Authority details. Welsh Government must introduce legislation to mandate its use as a priority. The Licensing Expert Panel has agreed in principle to use this database and at the time of this consultation response all local authorities in Wales were progressing this.

In addition any national database must be able to accommodate or link in with an equivalent database in England to avoid duplication of data entry and ensure public safety particularly around the border areas.

Q32. Please provide any other comments or proposals around information-sharing that were not covered in the above questions.

The Common Law Police Disclosure provisions have been highlighted as a significant concern by the Licensing Expert Panel previously. These proposals do not cover this issue. We would suggest the current disclosure provisions be reviewed to ensure that all relevant information of crimes and conduct by taxi and private hire drivers, including arrest, charge and conviction information, is shared with the Licensing Authority immediately.

We appreciate that Welsh Government may be limited in influencing this suggestion but it is essential to ensure all drivers, operators, proprietors and dispatchers are safe and suitable. Any influence Welsh Government could have on this to improve information-sharing on public safety grounds would be welcomed.

Joint Transport Authority (JTA)

Q33. Do you agree with our proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national Licensing Authority (Option A)? Yes/No? Please explain your answer.

We would **not** support the proposal on the information provided, as there is no evidence to support the need to redirect the existing taxi and PHV licensing function away from Local Authorities. At this stage there is no detail contained within this white paper as to how the JTA would undertake the licensing function and therefore it is very difficult to be able to answer this question. We feel that insufficient research has been undertaken in respect of this proposal and that Welsh Government must produce a far more detailed explanation on how the JTA would work. We feel that they would then be in a better position to comment on the proposal. Our overriding concern is the protection of the public, and there is nothing contained within this proposal which suggests that public safety is at the forefront of this proposal.

In addition, Local Authorities have a duty to consider the WG's Framework for Managing the Night Time Economy in Wales. Authorities need to consider the transport need of their local evening and night time economy as part of an integrated approach, which includes the importance of taxis and PHVs. Partnership working between key local agencies such as the Police (including transport Police), licensing and the taxi trade offer the best opportunities for achieving sustainable late-night transport environments that also promote safety. Removal of the duty from Local

Authorities would not be beneficial to implementing plans for improving the night time economy as a whole.

We would be happy to consider the evidence for Welsh Government's proposals and to work with them further to ensure any reform of taxi and private hire vehicle legislation is robust, enforceable and improves public safety.

Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)? Yes/No? Please explain your answer.

Yes, we believe that local authorities should continue to have responsibility for taxi and PHV licensing. Whilst we appreciate that the Licensing function requires strengthening as mentioned in option B, it is recognised that licensing at the local level works well. Additional evidence is requested from Welsh Government to justify the contrary to continuing with Local Authority responsibility.

Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

We believe that the current proposals contained within the White Paper fall far short of the reform that taxi and private hire licensing so desperately requires. The previous set of proposals contained within the Taxi and Private Hire Vehicle Licensing in Wales [WG31865] would have introduced a robust taxi licensing regime which was fit for the 21st century and afforded local authorities the necessary tools to protect the public, tackle cross border working and introduce more powers for better enforcement. Instead, what is now being proposed is a quick fix and offers nothing more than a sticking plaster solution. The existing legislation is archaic, not fit for purpose and requires fundamental reform with new primary legislation.

We are unfortunately resigned to the fact that the radical, ambitious and exciting plans previously proposed by Welsh Government have effectively been "kicked into the long grass" and are unlikely to be revisited. A viable alternative however is readily available by considering in more detail adopting the recommendations of the "Ministerial Working Party into Hackney carriage and Private Hire Licensing in England [2018]" which builds on the work undertaken by the Law Commission "Reforming the Law of Taxi and Private Hire Services [2012]".

These recommendations offer far more than a sticking plaster solution and would modernise the legislative framework, introducing appropriate regulation and giving licensing authorities the necessary enforcement tools to better protect the public. The recommendations, if implemented, would also ensure that inconsistencies between Welsh and English authorities, particularly along the border, are negated.

Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased? or negative effects be mitigated?

Welsh Government must have regard to the Welsh Standards as set out by the Welsh Language Commissioner. It is important that applicants are able to apply in their language of choice. Positive effects could be increased by ensuring that signage, etc. is provided in bilingual format on all taxis and taxi ranks.

Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

See above

Q38. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them: Please enter here:

We have no further comments to make.

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