



CABINET

**IMMEDIATELY FOLLOWING CABINET SCRUTINY COMMITTEE
WEDNESDAY, 8 MAY 2019**

COUNCIL CHAMBER - PORT TALBOT CIVIC CENTRE

Part 1

1. Appointment of Chairperson
2. Declarations of Interest
3. Minutes of Previous Meeting (*Pages 3 - 8*)
4. Forward Work Programme 2018/19 (*Pages 9 - 10*)
5. Centre of Rail Excellence in Wales (*Pages 11 - 52*)
Report of the Chief Executive
6. Annual Governance Statement 2018-2019 (*Pages 53 - 90*)
Report of the Assistant Chief Executive and Chief Digital Officer
7. Members Community Fund - Seven Sisters (*Pages 91 - 96*)
Report of the Head of Transformation
8. Urgent Items
Any urgent items (whether public or exempt) at the discretion of the Chairperson pursuant to Section 100b (4)(B) of the Local Government Act 1972
9. Access to Meetings

To resolve to exclude the public for the following item/s of business pursuant to Regulation 4 (3) and (5) of Statutory Instrument 2001 No.2290 and the undermentioned exempt Paragraphs of Part 4 of Schedule 12A to the Local Government Act 1972.

S.Phillips
Chief Executive

Civic Centre
Port Talbot

1 May 2019

Cabinet Members:

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

EXECUTIVE DECISION RECORD

CABINET

17 APRIL 2019

Cabinet Members:

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

Officers in Attendance:

S.Phillips, H.Jenkins, A.Evans, A.Jarrett, A.Thomas, S.Brennan, C.Griffiths,
C.Furlow, Miss.C.Sim, C.Davies, A.Fowler and T.Davies

Invitee:

Councillor: L.C.Jones

1. **APPOINTMENT OF CHAIRPERSON**

Agreed that Councillor A.J.Taylor be appointed Chairperson for the meeting.

2. **DECLARATION OF INTEREST**

The following Member made a declaration of interest at the commencement of the meeting:-

Councillor A.J.Taylor

Re: Min No. 5 – Report of the Chief Executive – Swansea Bay City Deal – as he is a Board Member of Port Talbot Waterfront Enterprise Zone Board.

3. MINUTES OF PREVIOUS MEETING

Decision:

That the Minutes of the previous meeting of Cabinet, held on 27 March, 2019, be approved.

4. FORWARD WORK PROGRAMME 2018/19

Noted by Committee.

5. SWANSEA BAY CITY DEAL

Decisions:

1. That the reports of the UK/ Welsh Government and the Joint Committee internal reviews plus the analysis of the issues set out in Section B to the circulated report, be accepted;
2. that officers pursue a revised/remodelled business case as set out in Section C to the circulated report, and that business case be submitted to Cabinet and the Joint Committee for approval as soon as possible;
3. that the Leader of Neath Port Talbot County Borough Council be granted delegated authority, in consultation with the Deputy Leader, Cabinet Members for Finance and Regeneration & Sustainable Development and the Leaders of the Opposition groups¹, to determine the Council's future participation in the City Deal and, if determined appropriate, to serve a notice of withdrawal from the Joint Working Agreement (as identified in paragraphs 35-39 of the circulated report);
4. that authority be delegated to the Chief Executive of Neath Port Talbot County Borough Council and Head of Legal Services, in consultation with the Leader of Council, to agree changes to the Joint Working Agreement as they relate to governance and ancillary matters only with the objective of making early progress on project delivery (**Note:** *for the avoidance of doubt, this proposal would not apply to any material change to the Council's legal and*

¹ This is accepted as unusual; but it is recommended on the basis of the significance of the City Deal for the County Borough and the Council as a whole.

financial obligations under the extant Joint Working Agreement, which is reserved for Member decision as required);

5. that the circulated report be referred to Council for further discussion as seen fit.

Reason for Decisions:

To invite Members to provide direction on the conduct of further discussions on the City Deal and determine whether the Council should continue to participate in the absence of short to medium term progress.

Implementation of Decisions:

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

6. **CORPORATE PLAN 2019-2022**

Decisions:

1. That the word 'safe' be added to well-being objective three:- *“The whole of Neath Port Talbot county borough will be a vibrant, healthy and **safe** place to live, work and enjoy recreational time”*;
2. That the updated Corporate Plan for the period 2019-2022 be approved;
3. That the Assistant Chief Executive and Chief Digital Officer be authorised to add the additional performance data to the report, when available;
4. That the Assistant Chief Executive and Chief Digital Officer be given delegated authority in consultation with the Leader, Deputy Leader and Chief Executive to make any further changes that are necessary prior to final publication, and which do not materially change the content of the Plan;
5. That the Corporate Plan 2019-2022 be commended to Council for formal adoption at its meeting on the 24 April 2019.

Reason for Decisions:

To ensure the revisions made to the Corporate Plan are approved, meeting legal duties set out in the Well-being of Future Generations (Wales) Act 2015 and the Local Government (Wales) Measure 2009 as they relate to council corporate planning activities.

Implementation of Decisions:

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

7. POVERTY PROJECT - LOW INCOME FAMILIES TRACKER

Decision:

That the Assistant Chief Executive and Chief Digital Officer be authorised to commission Policy in Practice to develop the Low Income Families Tracker (as detailed within the circulated report).

Reason for Decision:

To ensure the Council is able to better identify and understand the vulnerabilities of residents in low income households and to help focus services and support where they are needed.

Implementation of Decision:

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

8. REVIEW OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS

Members noted a verbal amendment to the circulated report. NC1 (Blaengwrach, Glynneath West Central Ward) should read 'Vale of Neath Leisure Centre' instead of 'Pensioners Hall, Glynneath'.

Decisions:

1. That the Returning Officer's conclusion that there be no changes to any of the Polling Districts and Polling Places within the County Borough, be agreed;

2. That the changes the Returning Officer intends to make to locations of Polling Stations, as detailed within the circulated report, be noted.

Reason for Decisions:

To provide for the effective management of the electoral process within the County Borough and to discharge the various legal duties referenced in the report which are placed on the Council and the Returning Officer.

Implementations of Decisions:

The decisions are for immediate implementation. The Chair of the Scrutiny Committee had agreed to this course of action, there would therefore be no call in of these decisions.

Consultation:

This item has been subject to external consultation.

9. **MEMBERS COMMUNITY FUND - ABERAVON**

Decision:

That the supply and installation of an Automated External Defibrillator (AED) at The Bulldogs Boxing and Community Activities, Fenbrook Close, Port Talbot, as detailed in the circulated report, be approved, and that Councillor Stephan ApDafydd's allocation of £1,490 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.

Implementation of Decision:

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

10. **MEMBERS COMMUNITY FUND - BRYNCOCH NORTH AND BRYNCOCH SOUTH**

Decision:

That the purchase of essential items of capital equipment for the 5th Neath Bryncoch Scout Group, Woodview Terrace, Bryncoch, be approved, and that £1,035.90 of Councillor Wyndham Fryer Griffith's allocation, £1,035.90 of Councillor Jo Hale's allocation and £1,035.90 of Councillor Chris William's allocation 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.

Implementation of Decision:

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

11. **MEMBERS COMMUNITY FUND - SANDFIELDS WEST**

Decision:

That the provision of a bespoke advocacy or 'Good Neighbour Scheme' at the Ysbryd y Mor Care Home, Sandfields West, be approved, and that Councillor Suzanne Paddison's allocation of £2,271.15 and Councillor Oliver Davies' allocation of £2,271.15, 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.

Implementation of Decision:

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

CHAIRPERSON

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
29 May 2019	Budget Outturn	Decision	Annual	H.Jenkins
	Modern Slavery		Topical	K.Jones
	Unreasonable/ Unacceptable Behaviour Policy	Decision	Topical	K.Jones (J.Banfield)
	Members Community Fund (if needed)			P.Hinder
	Port Talbot Waterfront Enterprise Zone	Decision	Topical	G.Nutt
	Valleys Action Plan	Info	Topical	K.Jones

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

CABINET

8 May 2019

REPORT OF THE CHIEF EXECUTIVE

(Appendices 2, 2A and 2B are not for publication pursuant to Regulation 5(2) & (5) of SI 2001 No. 2290 and Paragraph 14, Part 4 of Schedule 12A to the Local Government Act 1972. Pursuant also to Paragraph 21 of the Schedule, and in all the circumstances of the case, the public interest in maintaining the exemption, is considered to outweigh the public interest in disclosing the information and also pursuant to Paragraph 16 of the aforementioned Schedule)

MATTER FOR DECISION

WARDS AFFECTED – ONLLWYN/SEVEN SISTERS

CENTRE OF RAIL EXCELLENCE IN WALES

Purpose of Report

1. To seek authority from Members to enter into a formal Joint Venture Agreement (JVA) with the Welsh Government and Powys County Council at Appendix 1, subject to all three parties doing so.

Background

2. A status report on the project is at Appendix 2, with other supporting information at Appendices 2A and 2B.
3. These appendices contain commercially confidential information, provided as background for Members; but not for publication.

Legal Implications

4. Under the terms of the agreement, Neath Port Talbot, Powys and the Welsh Government will agree to enter into a Joint Venture Agreement (for this Council pursuant to section 2 of the Local Government Act 2000, which provides a power for a Council to do anything to achieve the promotion or improvement of the social, economic, and environmental wellbeing of the area) that seeks to provide structure,

direction and guidance to bring forward the development of the Global Centre of Rail Excellence in Wales.

5. Under the terms of the Joint Venture Agreement, the parties commit to the use of reasonable endeavours to:
 - Support delivery of the project in accordance with the terms of the Agreement;
 - Provide full and timely consultation on investment and planning decisions pertaining to elements of the delivery of the Project; and
 - Commit to the use of resources to ensure the timely and cost-effective delivery of the Project.
6. Each of the parties are allocated specific activities that need to be undertaken to ensure that the project is delivered. The activities currently allocated to Neath Port Talbot are:
 - Assess commoners affected by proposed redline and develop strategy for surrender/release of the affected interest in respect of land in our administrative area;
 - Agree a set of negotiating parameters to guide negotiations with land owners (together with the Welsh Government and Powys); and
 - Negotiation of Heads of Terms with land owners based on the agreed negotiating parameters. The Chief Executive will be embarking on this process in due course.
7. The governance arrangements provide for the establishment of a Steering Group to include one representative from each party to the Joint Venture Agreement. The representative proposed for Neath Port Talbot will be the Chief Executive (or his nominated deputy). The steering group shall meet on a monthly basis to, amongst other issues; make recommendations, agree outputs and timings and monitor funding.
8. It should be noted that parties can terminate this Joint Venture Agreement at any time if another party commits a breach of the Joint

Venture Agreement. However, in the event that Neath Port Talbot and Powys materially frustrates the delivery of the project to the extent that it cannot be fulfilled then Neath Port Talbot and Powys are liable to contribute towards the costs incurred by Welsh Government (up to a maximum of £100,000). Welsh Government are under a similar indemnity and given that the Council is actively pursuing the implementation of this proposal it is contended that the possibility of such material frustration is very limited.

Financial Implications

9. None save for the indemnity detailed above if the JVA is terminated by Welsh Government due to the actions of this Council.

Consultation

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

Integrated Impact Assessment

11. A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016. The first stage assessment has indicated that a more in depth assessment is not required. A summary is included at Appendix 3.

Workforce Impact

12. None.

Recommendations

Members agree that:

1. The Council enter into the Joint Venture Agreement with Powys County Council and the Welsh Government annexed at Appendix 1 (subject to those authorities entering into it).
2. Delegated authority be granted to the Chief Executive and Head of Legal Services to make any minor drafting amendments that are required necessary to the JVA in consultation with the Leader.

3. The Chief Executive be nominated as the Neath Port Talbot Representative to the Steering Group detailed in the Joint Venture Agreement and that the Chief Executive be granted delegated authority to appoint a nominee to act in his place in the event that he is unable to attend a Steering Group meeting.
4. The Chief Executive be granted delegated authority in consultation with the Leader of Council and the Cabinet Member for Regeneration and Sustainable Development, the terms and conditions of any subsequent ancillary matters including arrangements for the site that might be necessary.

Reason for Proposed Decision

To enable the Council to formalise arrangements for working in partnership with the Welsh Government and Powys County Council.

Implementation of Decision

Implementation is proposed after the three day call in period.

Appendices

Appendix 1: Draft Joint Venture Agreement

Appendix 2: Project Status Report (**NOT FOR PUBLICATION**)

Appendix 2A: Supporting Information (**NOT FOR PUBLICATION**)

Appendix 2B: Supporting Information (**NOT FOR PUBLICATION**)

Appendix 3: IIA First Stage Assessment

Officer Contacts

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2019

- (1) THE WELSH MINISTERS
- (2) POWYS COUNTY COUNCIL
- (3) NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

STRICTLY PRIVATE AND CONFIDENTIAL

**JOINT VENTURE AGREEMENT REGARDING THE GLOBAL CENTRE OF RAIL EXCELLENCE
IN WALES**

**1 Scott Place
2 Hardman Street
Manchester
M3 3AA**

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THIS AGREEMENT is dated

2019 and made between:

- (1) **THE WELSH MINISTERS** of Cathays Park, Cardiff CF10 3NQ (the "**Government**");
- (2) **POWYS COUNTY COUNCIL** of Powys County Hall, Spa Road East, Llandrindod Wells, Powys, LD1 5LG ("**PCC**"); and
- (3) **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL** of Civic Centre, Port Talbot, SA13 1PJ ("**NPTCBC**").

(together known as the "**Parties**" and individually as the "**Party**").

BACKGROUND:

- (A) The Parties wish to:
 - a. provide a co-ordinated and managed approach to bring forward the development of a Global Centre of Rail Excellence in Wales in an integrated way and in accordance with the Vision;
 - b. enable agreement to be reached on key aspects of the project including scope, funding, timing, consultation, consenting and delivery;
 - c. ensure that all project partners are engaged, coordinate their input and work together to deliver agreed objectives.
- (B) The Parties agree that the provisions contained in this Agreement are intended to provide a framework for the Parties to work together to deliver the aims set out in paragraph (A).
- (C) PCC and NPTCBC enter into this Agreement pursuant to section 2 of the Local Government Act 2000, which provides a power for a Council to do anything to achieve the promotion or improvement of the social, economic, and environmental wellbeing of the area and section 111 of the Local Government Act 1972, which provides a power for a Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of its functions.
- (D) The Government enters into this Agreement pursuant to section 60 of the Government of Wales Act 2006, which provides powers for the Government to do anything to achieve the promotion or improvement of the social, economic, and environmental wellbeing of Wales.

1. Interpretation

- 1.1 Clause, Schedule and paragraph headings shall not affect the interpretation of this Agreement.
- 1.2 The Schedules form part of this Agreement and shall have effect as if set out in full in the body of this Agreement. Any reference to this Agreement includes the Schedules.
- 1.3 References to clauses and Schedules are to the clauses and Schedules of this Agreement and references to paragraphs are to paragraphs of the Schedules.
- 1.4 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.

- 1.5 A reference to any Party shall include that Party's employees, representatives and permitted assigns.
- 1.6 A reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.
- 1.7 A reference to a statute or statutory provision shall include all subordinate legislation made from time to time under that statute or statutory provision.
- 1.8 A reference to writing or written includes fax and e-mail.
- 1.9 Any words following the terms including, include, in particular, for example or any similar expression shall be construed as illustrative and shall not limit the sense of the words, description, definition, phrase or term preceding those terms.
- 1.10 Any reference to this Agreement terminating shall, where the context requires, include a reference to this Agreement terminating by expiry.

1.11 **Definitions**

Activities	means the activities which the Parties have agreed are required to deliver elements of, or otherwise which fall within, promote or facilitate the Vision as set out in Schedule 4;
Agreement	means this agreement;
Data Protection Legislation	means the Data Protection Act 2018 and the General Data Protection Regulation (Regulation (EU) 2016/679);
Delivery Programme	means the programme of works and other activities and planning designed to deliver the Vision and the Objective;
Objective	means the objective set out at paragraph 3 of Schedule 1;
Steering Group	means the steering group established under this Agreement, the governance details for which are set out in Schedule 2;
Procurement Regulations	means the Public Contracts Regulations 2015, the Utilities Contracts Regulations 2016 and the Concession Contracts Regulations 2016;
Vision	means the overarching scope, area and principles for delivery/development set out in Schedule 1; and
Working Day	means any day other than a Saturday, Sunday or a public holiday.

IT IS AGREED

2. Commencement and Duration

2.1 This Agreement shall commence on the date when it is signed by all the Parties (the "**Commencement Date**") and shall continue until the earlier of any of the following events:

- (a) it is terminated earlier in accordance with this Agreement;
- (b) until the date five (5) years from the Commencement Date (or such later date as the Parties may agree in writing) when it shall terminate automatically without notice.

3. The Vision and the Objective

The Parties intend to collaborate to deliver the Vision and the Objective. The Parties recognise that not all Parties will, or will need to, collaborate on each and every element of the Delivery Programme.

4. The Delivery Programme

4.1 The Parties will as soon as reasonably practicable establish a Delivery Programme that provides structure to the delivery of the Vision and the Objective (recognising that certain elements of the Delivery Programme that fall within the Vision and Objective have already been delivered and in some instances identified but not yet delivered).

4.2 The Parties shall review and develop the Delivery Programme for approval in accordance with Schedule 2 (Governance) at least annually or at such other times as the Parties consider appropriate.

4.3 The Delivery Programme shall include (but not be limited to):

- (a) all of the Activities;
- (b) commentary on how each Activity contributes to the delivery of the Vision and the Objective and which Party shall be responsible for the completion of the Activity;
- (c) a timeline for completion of each Activity and the Delivery Programme.

5. Governance

The Parties shall comply with the governance arrangements as set out in Schedule 2 (Governance).

6. The Parties' Commitments

6.1 Each Party shall use reasonable endeavours to:

- (a) support delivery of the Vision and the Objective in accordance with this Agreement;
- (b) provide full and timely consultation on investment and planning decisions pertaining to elements of the Delivery Programme that are applicable to it; and
- (c) commit to the use of resources to ensure the timely and cost-effective delivery of the

Delivery Programme and the Vision.

6.2 Each Party may:

- (a) submit, either alone or jointly with other private and/or public sector organisations, applications for funding from third parties to support the realisation of the Vision (having regard to clause 6.3);
- (b) agree additional specific obligations (as required and evidenced by each element of the Delivery Programme and approved in accordance with the internal governance requirements of that Party); and
- (c) seek to support the delivery of the Delivery Programme and any element of the Delivery Programme in respect of which that Party has agreed to undertake obligations, in accordance with its powers and statutory functions, and available resources wherever possible.

6.3 The Parties shall work together to identify funding sources (whether third party or otherwise in each case) and promote the Delivery Programme.

7. Collaborative Working

7.1 The Parties agree that the activities under this Agreement shall be performed in:

- (a) good faith;
- (b) accordance with the law;
- (c) a good and workmanlike manner; and
- (d) accordance with good industry practice.

7.2 The Parties may decide to disclose (subject to procurement, data protection and confidentiality restrictions) to each other all relevant information, data, documents, reports and opinions with respect to the work carried out as part of the collaboration.

7.3 The Parties agree to:

- (a) take on, manage and account to each other for the performance of their respective roles and responsibilities;
- (b) each deploy appropriate resources to the collaboration (having regard to the principles in clause 18 (Cost of Supporting the Vision)) and no Party shall be expected to complete a disproportionate amount of the work involved.

8. Engagement with Third Parties

8.1 The Parties acknowledge that the delivery of the Vision and the Objective will involve negotiations and interactions with various third parties. The Parties shall, at the outset of the Delivery Programme, identify appropriate third parties and decide how best to engage with them (taking into account the commitment at clause 6.1(c)) in order to enter into appropriate contractual arrangements or other agreements to facilitate the delivery of the Delivery

Programme. The Parties shall at all times act in good faith towards one another when dealing with other third parties.

9. **Branding, Marketing and Publicity**

9.1 The Parties agree to:

- (a) brand and market the Vision; and
- (b) draft a communications strategy in order to support the branding and marketing of the Vision provided that the Government will take the lead in the preparation and circulation of the communications strategy.

9.2 Any branding or intellectual property rights developed in the Vision through the collaboration shall be owned exclusively by the Government. The Government licenses all such rights to the other Parties ("**Licensees**") free of charge and on a non-exclusive, worldwide basis (a) to such extent as is necessary to enable the Licensees to support the Vision during the life time of this Agreement and (b) without restriction thereafter.

9.3 The prior written consent of all Parties is necessary before any press announcements or publications are made relating to the collaboration or the Vision.

10. **Variation**

10.1 No variation of this Agreement shall be effective unless it is signed by all the Parties (or their authorised representatives).

11. **Procurement**

The Parties recognise that the Government, PCC and NPTCBC are contracting authorities for the purposes of the Procurement Regulations. The Government, PCC and NPTCBC shall ensure that any procurements are conducted in accordance with their constitutions and, as required, the Procurement Regulations.

12. **Dispute Resolution Procedure**

If any dispute arises out of, or in connection with this Agreement, the Parties shall follow the dispute resolution procedure set out at Schedule 3 (Dispute Resolution Procedure).

13. **Termination**

13.1 Any Party shall be entitled to terminate this Agreement in writing to the other Parties if another Party commits a material breach of this Agreement and, where the material breach is capable of remedy, has failed to remedy that material breach within 30 days of written notice requiring remediation.

13.2 Subject to the satisfaction of clause 13.1, termination will take immediate effect on giving written notice to the other Parties.

14. **Frustration**

- 14.1 In the event that PCC or NPTCBC (a) materially frustrates the delivery of the Objective to the extent that it cannot be fulfilled; or (b) its actions or inactions lead to the termination of the Agreement pursuant to clause 13.1 of this Agreement then that party shall be liable to pay the Government within 30 Working Days of written demand a sum equal to the fees the Government has reasonably incurred to deliver the Objective up to that date (up to a value of £100,000.00).
- 14.2 In the event that Government (a) materially frustrates the delivery of the Objective to the extent that it cannot be fulfilled; or (b) its actions or inactions lead to the termination of the Agreement pursuant to clause 13.1 of this Agreement then Government shall be liable to pay PCC and/or NPTCBC within 30 Working Days of written demand a sum equal to the fees reasonably incurred by either party to deliver the Objective up to that date (up to an aggregate total value of £100,000).

15. **Data Sharing**

The Parties shall comply with their obligations in the Data Protection Legislation.

16. **Freedom of Information**

- 16.1 The Parties acknowledge that the Freedom of Information Act 2000 (“**FOIA**”) applies to the Government, PCC and NPTCBC (each an "**FOIA Party**" for the purposes of this clause 16 (Freedom of information) where that the FOIA Party has obligations and responsibilities under FOIA to disclose, on written request, recorded information held by it).
- 16.2 Although reasonable endeavours will be used to hold confidential any information provided as part of the collaboration, if required, the FOIA Party may have to disclose information in response to a request, unless the FOIA Party decides that one of the statutory exemptions under FOIA applies.
- 16.3 The decision as to which information will be disclosed by the FOIA Party is reserved to that FOIA Party, notwithstanding any consultation with the other Parties.
- 16.4 Each of the other Parties accepts that the release of certain information pursuant to this clause 16 (Freedom of Information) may be prejudicial to its commercial interests and as such, to assist the FOIA Party with any responses to requests made under FOIA, each of the other Parties shall mark as confidential any information which is commercially confidential in nature, though the FOIA Party shall still be the final arbiter as to whether any documents are disclosable.
- 16.5 The Parties accept that the obligations under FOIA may apply to activities on which the Government, PCC and NPTCBC work with each and all of the other Parties as part of the collaboration.
- 16.6 In certain circumstances, and in accordance with the Code of Practice issued under section 45 of FOIA, the FOIA Party may consider it appropriate to ask the other Parties for their views as to the release of any information before a decision on how to respond to a request is made. In dealing with requests for information under FOIA, the FOIA Party must comply with a strict timetable and the FOIA Party would, therefore, expect a timely response to any consultation within two Working Days.

17. Statutory Functions

17.1 Nothing in this Agreement shall be construed as a fetter, restriction or oblige the Government, PCC or NPTCBC to do or omit to do anything which in each case:

- (a) is incompatible with the lawful exercise of its powers; or
- (b) is incompatible with the lawful discharge of its functions; or
- (c) divests it of its statutory powers; or
- (d) obliges it not to exercise its powers,

and in every instance where there is an inconsistency or conflict between the Government, PCC and NPTCBC statutory functions (whether powers or duties) and the provisions of this Agreement, the Government, PCC and NPTCBC shall not be obliged to comply with the terms of this Agreement.

18. Cost of Supporting the Vision

18.1 The Parties will agree their respective contributions to the costs of support and/or receipts from the Delivery Programme on an as and when basis when determining and agreeing the detail of the Delivery Programme and the Parties' respective commitments thereunder.

18.2 The Government shall bear the cost of the activities of the Chair and the secretariat administration in respect of the Steering Group as set out at Schedule 2 (Governance).

19. Entire Agreement

19.1 This Agreement constitutes the entire agreement between the Parties and supersedes and extinguishes all previous drafts, agreements, arrangements and understandings between them, whether written or oral, relating to its subject matter.

19.2 The Parties may not rely on other documents, oral agreements or representations as to the operation of the collaboration unless such obligations are covered in the Agreement.

19.3 Each Party agrees that it shall have no remedies in respect of any representation or warranty (whether made innocently or negligently) that is not set out in this Agreement. No Party shall have any claim for innocent or negligent misrepresentation based on any statement in this Agreement.

20. No Partnership

Nothing in this Agreement is intended to, or shall be deemed to, establish any partnership between the Parties, or authorise any Party to make or enter into any commitments for or on behalf of the other Parties, except to the extent that such commitments are set out in the Agreement and relate exclusively to the collaborative work undertaken by the Parties under this Agreement.

21. Governing Law and Jurisdiction

21.1 This Agreement and any dispute or claim arising out of or in connection with it or its subject

matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the laws of England and Wales.

21.2 Each Party irrevocably agrees that, subject to clause 12 (Dispute Resolution Procedure), the courts of England and Wales shall have exclusive jurisdiction to settle any dispute or claim arising out of or in connection with this Agreement or its subject matter or formation (including non-contractual disputes or claims).

22. **Third Party Rights**

A person or entity which is not a Party to this Agreement shall not have any rights under the Contracts (Rights of Third Parties Act) 1999 to enforce any term of this Agreement.

23. **Counterparts**

This Agreement may be executed in any number of counterparts, each of which when executed shall constitute a duplicate original, but all the counterparts shall together constitute the one agreement.

SCHEDULE 1

The Vision

1. For the purposes of this Agreement, the scope of the area to which the Vision applies is the Nant Helen / Onllwyn area. An indicative layout of the development area within the scope of the Vision is contained in the redline plan as set out in the Appendix to this Schedule 1.
2. The key principle of the Vision is to create an integrated Global Centre of Rail Excellence in Wales. There are a number of strands in support of the vision:
 - 2.1 provide a rail testing and storage facility to alleviate the gap in capacity at existing testing facilities;
 - 2.2 support the rail industry and the wider supply chain in the UK and internationally;
 - 2.3 support research into new technologies for rail electrification, the use of new materials, hydrogen power and digital railways;
 - 2.4 create jobs to support the local economy.
3. The Parties agree that a key objective, which forms part of the Vision, is to deliver the required land to the Government or a third party for £1 consideration which is restored and remediated in order to facilitate the delivery of the Vision (the "**Objective**").

APPENDIX TO SCHEDULE 1

Indicative Layout



SCHEDULE 2

Governance

The Parties agree to collaborate through a steering group (the "**Steering Group**"), and shall adopt the following governance framework in respect of the Steering Group:

1. Steering Group Members

- a. Each Party shall nominate a minimum of 1 representative as their appointee member.
- b. Each appointee member may appoint an alternate to attend specific meetings of the Steering Group. Such alternate shall have appropriate experience, knowledge and authority pertaining to the matters to be discussed at such meetings.
- c. Other representatives of the Parties shall be entitled to attend meetings of the Steering Group as and when required taking into account the commitment by the Parties to deliver the Vision.

2. Chair and Secretariat

- a. One of the Government-nominated representatives shall be designated as the Chair for the Steering Group. On the date of this Agreement, the Chair for the Steering Group is Simon Jones, Director of Economic Infrastructure – Welsh Government.
- b. The Government may appoint an alternative Chair for the Steering Group at any time. Following a change to the Chair, the Government shall communicate such change to PCC and NPTCBC before the date of the next meeting.
- c. The Chair shall have no casting vote within the governance of the Steering Group.
- d. The Government Chair shall also provide the secretariat. The secretariat function shall include:
 - i. the setting up of meetings and hiring of venues;
 - ii. all notifications to Parties and Steering Group members;
 - iii. preparing the agenda and minutes for each meeting,

and such other secretarial functions as are appropriate to the proper functioning of the Steering Group.

3. Agenda and Minutes

- a. The secretariat shall circulate the agenda for each meeting before the date of the meeting, together with copies of all supporting documentation relating to the agenda items.

- b. The secretariat shall circulate a first draft of each set of meeting minutes within 5 Working Days following the date of the meeting. Each attending member (or attending alternate) shall notify any errata to the secretariat within 3 days of receipt and the secretariat will issue a final set of minutes within 10 Working Days of the meeting.

4. Meetings

The Steering Group will initially meet monthly and or as directed by the Government (the first such meeting to be on 15 April 2019).

5. Governance

- a. In accordance with the main provisions of this Agreement, the key activities of the Steering Group are:
 - i. to make recommendations about how to deliver the Vision and the Objective;
 - ii. to report progress and endorse decisions within the agreed governance structures of the members' respective organisations;
 - iii. agree outputs and timing in respect of the Delivery Programme in line with the Vision;
 - iv. ensure the integration of the Delivery Programme into the wider Vision;
 - v. receipt of regular updates on the progress of the Delivery Programme;
 - vi. monitoring of funding and funding contributions in connection with the Delivery Programme; and
 - vii. to provide monitoring and an evidence base to underpin reporting to the Government (as appropriate).
- b. The Steering Group may establish sub-groups where this is considered appropriate in connection with specific elements of the Delivery Programme and will facilitate the progress of the same.

SCHEDULE 3

Dispute Resolution Procedure

1. If any dispute arises out of, or in connection with this Agreement, the Parties shall follow the procedure set out below.
2. The initiating Party shall give to the other Parties written notice of the dispute, setting out its nature and full particulars, together with relevant supporting documents. On receipt of this written notice, the other Parties shall attempt in good faith to resolve the dispute.
3. If the Parties are unable to resolve the dispute within 30 days of receipt of the written notice as detailed in paragraph 1 above, the Parties shall attempt to settle the dispute by reference of the dispute to, in the case of the Government, the Chair of the Steering Group and in the case of PCC and NPTCBC to the Chief Executives.
4. If the Parties are unable to resolve the dispute within 30 days of reference of the dispute to, in the case of the Government, the Welsh Minister and in the case of PCC and NPTCBC to the Council Leaders, then the Parties may undertake such measures to resolve the dispute as are lawfully available to them.

SCHEDULE 4

List of Activities



SIGNATURE PAGE

SIGNED by
under the authority of
the Minister for Economy and Transport
one of
THE WELSH MINISTERS

)
)
)
)
)

.....
Authorised Signatory

SIGNED by
duly authorised to sign
for and on behalf of
POWYS COUNTY COUNCIL

)
)
)
)

.....
Authorised Signatory

The Common Seal of
NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
was hereunto affixed in the presence of:

)
)
)

.....
Proper Officer

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Project Hornby - Land Option Implementation Plan

Action	Responsible	Target Date	Status
Develop Negotiating Strategy			
Strategic Outline Case	WG/Arup	Done	Completed June 2018
Develop Outline Business Case	WG/Arup		
Indicative redline plan for delivery of track (Nant Helen mining site)	Arup	Done	Received 24.01.19
Indicative redline plan for delivery of warm storage etc. (Washery site)	Arup	04-Feb-19	
Title due diligence to establish significant legal "roadblocks"	DWF	15-Feb-19	Initially, high level and limited to land within ownership of Celtic Energy
Technical due diligence to establish utilities/other technical constraints	Arup	tbc	
Environmental due diligence to establish long term liability of owning site	Arup	tbc	
Obtain list of current rights for registered common BCL78 (Mynydd y Drum)	DWF	Done	List obtained from Powys CRO on 23.01.19
Assess commoners affected by proposed redline and develop strategy for surrender/release of the affected interests	Powys / Neath (in their respective areas)	tbc	Importantly, this exercise will need to establish whether commoners might be accommodated on other land held by Celtic
Provide financial costs information relevant to historic restoration scheme and comparison with varied scheme recently applied for by Celtic	Powys	18-Mar-19	
Provide details of escrow account held, estimated shortfall and any legal documents relating to the use of those monies	Powys	18-Mar-18	
Confirm specification of required schemes for restoration and earthworks to deliver proposed development	Arup	tbc	
Obtain benchmark costings for rail scheme earthworks	Arup	tbc	
Agree a set of negotiating parameters to guide negotiations with Celtic Energy	All parties	within one week of JVA signature	
Take Option over Site			
Negotiate Heads of Terms based on agreed negotiating parameters	Neath	tbc	
Prepare and negotiate draft option agreement	DWF	tbc	
Finalise redline plan for option land	Arup	tbc	
Complete title due diligence based on final redline plan	DWF	tbc	
Issue report on title	DWF	tbc	
Exchange option agreement	DWF	tbc	
Procure Clean Site			
Monitor progress of remediation and earthworks	Powys		
Confirm completion of remediation and earthworks to agreed specification	Powys		
Negotiate and conclude release of affected commoners	Powys		
Complete Purchase of Clean Site			
Serve option notice	DWF		
Complete purchase of site	DWF		

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By virtue of paragraph(s) 14, 16 of Part 4 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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By virtue of paragraph(s) 14, 16 of Part 4 of Schedule 12A
of the Local Government Act 1972.

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Impact Assessment - First Stage

It is essential that all initiatives undergo a first stage impact assessment to identify relevance to equalities and the Welsh language as well as an evaluation of how the proposal has taken into account the sustainable development principle (the five ways of working); an incorrect assessment could ultimately be open to legal challenge.

The first stage is to carry out a short assessment to help determine the need to undertake a more in-depth analysis (the second stage).

Relevance will depend not only on the number of people/service users affected, but also the significance of the effect on them.

When completing the first step you must have regard to the following:

- Does the initiative relate to an area where important equality issues have been, or are likely to be, raised? (For example, funding for services to assist people who are victims of rape/sexual violence or individuals with particular care need; disabled people's access to public transport; the gender pay gap; racist or homophobic bullying in schools)
- Is there a significant potential for reducing inequalities, or improving outcomes? (For example, increasing recruitment opportunities for disabled people).
- Does the initiative relate to instances where opportunities to use the Welsh language are likely to be affected or where the language is likely to be treated less favourably? (For example, increase the number of Welsh speakers moving from/to a certain area; closing specific Welsh language services or put those services at risk services;
- Does the initiative relate to the improvement of economic, social, environmental and cultural well-being? To what extent does the initiative prevent things getting worse? (For example, funding for services to assist in cultural well-being; changes in policies that promote independence and/or assist carers)

1. Provide a description and summary of the initiative.
Identify which service area and directorate has responsibility for the initiative.

2. Identify who will be affected by the initiative.
If you answer **Yes** to service users, staff or wider community continue with the first stage of the assessment
If you answer **No** to service users, staff or wider community or **Yes** to 'Internal administrative process only', go to **Question 5 – sustainable development principle**.

3. Using relevant and appropriate information and data that is available to you think about what impact there could be on people who share protected characteristics; whether they are service users, staff or the wider community.

Some things to consider include:

- transport issues
- accessibility
- customer service
- cultural sensitivity
- financial implications
- loss of jobs

Definitions of impacts (either positive or negative):

- High – likely to be highly affected by the initiative
- Medium - likely to be affected in some way
- Low - likely to be affected by the initiative in a small way
- Don't know - the potential impact is unknown

You **must** provide reasons, and indicate what evidence you used, in coming to your decision.

4. Using relevant and appropriate information and data that is available, think about what impact there could be on opportunities to use the Welsh language and in treating the language no less favourably than English.

Definitions of impacts are the same as in **Question 3**.

The classification 'Don't Know' should be categorised as 'High Impact' in both questions 3 & 4.

5. Consider how the initiative has embraced the sustainable development principle in accordance with the Section 7c of the Well-being of Future Generations Act 2015.

Give details of the initiative in relation to the 5 ways of working:

- **Long term** - how the initiative supports the long term well-being of people
- **Integration** - how the initiative impacts upon our wellbeing objectives
- **Involvement** - how people have been involved in developing the initiative

- **Collaboration** - how we have worked with other services/organisations to find shared sustainable solutions;
- **Prevention** - how the initiative will prevent problems occurring or getting worse

6. The most appropriate statement must be selected (and the relevant box ticked) based on the first stage of the assessment and an explanation of how you have arrived at this decision must be given.

In addition a summary of the how the initiative has embraced the sustainable development principle must also be included.

Where the first stage of the assessment indicates that a more in-depth analysis is required the second stage of the assessment will need to be completed and this will need to be started immediately.

A first stage assessment must be included as a background paper for all Cabinet/Cabinet Board/ Scrutiny Committee Reports.

Where the first stage assessment is completed by an accountable manager it must be signed off by a Head of Service/Director.

Impact Assessment - First Stage

1. Details of the initiative

Initiative description and summary: Centre of Rail Excellence in Wales
Service Area:
Directorate: Environment

2. Does the initiative affect:

	Yes	No
Service users		X
Staff		X
Wider community	X	
Internal administrative process only		X

3. Does the initiative impact on people because of their:

	Yes	No	None/ Negligible	Don't Know	Impact H/M/L	Reasons for your decision (including evidence)/How might it impact?
Age		X				
Disability		X				
Gender Reassignment		X				
Marriage/Civil Partnership		X				
Pregnancy/Maternity		X				
Race		X				
Religion/Belief		X				
Sex		X				
Sexual orientation		X				

4. Does the initiative impact on:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence used) / How might it impact?
People's opportunities to use the Welsh language		X				
Treating the Welsh language no less favourably than English		X				

5. Does the initiative impact on biodiversity:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence) / How might it impact?
To maintain and enhance biodiversity	X					The project is subject to a planning application(s) where these matters will be fully considered.
To promote the resilience of ecosystems, i.e. supporting protection of the wider environment, such as air quality, flood alleviation, etc.	X					

6. Does the initiative embrace the sustainable development principle (5 ways of working):

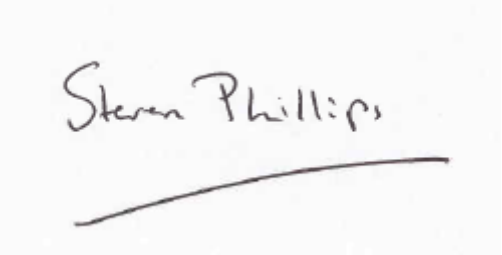
	Yes	No	Details
Long term - how the initiative supports the long term well-being of people	X		See main report and supporting information.
Integration - how the initiative impacts upon our wellbeing objectives	X		See main report.
Involvement - how people have been involved in developing the initiative		X	Public consultation follows at a later stage.
Collaboration - how we have worked with other services/organisations to find shared sustainable solutions	X		See main report.
Prevention - how the initiative will prevent problems occurring or getting worse		X	

7. Declaration - based on above assessment (tick as appropriate):

A full impact assessment (second stage) is not required	X
Reasons for this conclusion	
The report represents decisions to be taken a preliminary stage.	

A full impact assessment (second stage) is required	
Reasons for this conclusion	

	Name	Position	Signature	Date
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Completed by	Steven Phillips	Chief Executive		24 April 2019
Signed off by		Head of Service/Director		

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Cabinet

8 May 2019

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

Matter for Decision

Wards Affected: All Wards

Annual Governance Statement 2018-2019

Purpose of Report

1. To present to Cabinet the Council's Annual Governance Statement 2018-2019 for approval.

Executive Summary

2. The Annual Governance Statement (AGS) for 2018-2019 (attached at Appendix 1) has been prepared by the Corporate Governance Group and complies with the Delivering Good Governance in Local Government Framework: (CIPFA/SOLACE, 2016).
3. The AGS demonstrates the system of internal controls which have been in place within the Council for the year ending 31st March 2019 and provides examples of how the Council demonstrates compliance with good practice and meets the core and sub principles of effective governance. The AGS also provides details on the assurances taken during the year on the effectiveness of our governance arrangements.

Background

4. The Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively.
5. The AGS forms part of the Statement of Accounts and reports on the extent of the Council's compliance with its principles and practices of good governance, including how the Council has monitored the effectiveness of its governance arrangements in the year ending 31st March 2019.
6. The AGS is prepared under the remit of the Corporate Governance Group, which is made up of Heads of Service who are directly responsible for governance aspects.
7. The AGS contains:
 - An update on the progress made during 2018-2019 against the improvement areas that were identified during the development of the 2017-2018 AGS.
 - Improvement areas proposed for 2019-2020 following the development of 2018-2019 AGS.

Progress on Corporate Governance improvement work undertaken during 2018-2019

8. Overall, good progress has been made on the four improvement actions contained within the 2018-2019 Improvement Action Plan. Progress includes:
 - Equalities – an Integrated Impact Assessment (IIA) tool was developed and training delivered to relevant officers across the Council. The report template was revised to include considerations of the Integrated Impact Assessment and Well-being of Future Generations (Wales) Act 2015. The report template was rolled-out during April 2019.

- General Data Protection Regulation (GDPR) – the documentation in respect of GDPR is continually being rolled out to officers of the Council and work is ongoing ensure compliance with the same and to ensure the Council is meeting its legislative obligations. Training was developed and presented to elected Members. Officers are continuing to provide advice to departments on GDPR requirements.
- Information Management – the Information Strategy is currently under review in light of the change in the Council's obligations under General Data Protection Regulation legislation. Once this exercise is complete the updated strategy will be forwarded to the Corporate Governance Group for ratification before being presented to Members for approval.
- Code of Corporate Governance – a review of assurances in place to fully comply with Core Principle A on Behaviours and Values has been initiated and will be further progressed in 2019-2020.

Corporate Governance improvement work proposed to be undertaken during 2019-2020

- Integrated Impact Assessment – review and evaluate the revised Integrated Impact Assessment Tool
 - General Data Protection Regulation (GDPR) – monitoring of arrangements
 - Information Management – update the Information Strategy and bring forward for approval
 - Corporate Performance Management System – review system implementation
 - Undertake a review of the Council's collaborative / regional working arrangements
9. Cabinet will receive a six-month update on the progress made against the above proposed improvement work in the autumn.

Consultation

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

Financial Appraisal

11. The improvement work undertaken during 2018-2019 was delivered against a continuing challenging financial backdrop.

Integrated Impact Assessment

12. There are no equality impacts associated with this report.

Workforce Impact

13. The Council continues to contract as financial resources continue to reduce. In recognition of the scale of change affecting the workforce, a new Corporate Workforce Plan was developed last year to support the Council adapt to these changes and help deliver the Council's Corporate Plan objectives and priorities.

Legal Impact

14. The Council has a general duty under the local Government (Wales) Measure 2009 to "make arrangements to secure continuous improvement in the exercise of its functions". In discharging this overall responsibility, the Council is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions.
15. The Annual Governance Statement explains how the Council has met the requirements of Regulation 5(2) of the Accounts and Audit (Wales) Regulations 2014 in relation to an annual review of the effectiveness of the Council's systems of internal control and the preparation and approval of an Annual Governance Statement.

Risk Management

16. During 2018-2019, the Council continued to improve its Risk Management arrangements by implementing a new integrated corporate performance and risk management system (CPMS). CPMS enables a consistent approach to the recording and reporting of risks (both corporate and operational) across the Council. The revised arrangements will continue to promote an open, consistent and proactive risk management attitude and enable us to better monitor our risks over the short, medium and long term.

Recommendations

17. It is recommended that :
 - I. Members note the progress made on the Corporate Governance improvement work undertaken during 2018-2019
 - II. Approve the Annual Governance Statement 2018-2019 attached at Appendix 1.
 - III. Approve the proposed Corporate Governance improvement work to be undertaken during 2019-2020.

Appendices

18. Appendix 1 – Annual Governance Statement 2018-2019

List of Background Papers

19. None

Officer Contact

Karen Jones, Assistant Chief Executive & Chief Digital Officer Tel: 01639 763284 or e-mail: k.jones3@npt.gov.uk

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Section One – Scope and responsibility

Neath Port Talbot County Borough Council must ensure that its business is conducted in accordance with the law and proper standards, that public money is safeguarded, properly accounted for and used economically, efficiently and effectively.

The Council has a duty to implement the Well-being of Future Generations (Wales) Act 2015, (which commenced on 1 April 2016). The the Act need to be applied to our governance structures to secure the type of changes the Act expects. The Act is about improving the social, economic, environmental and cultural well-being of Wales. To make sure we are all working towards the same vision, the Act puts in place seven well-being goals (a prosperous Wales, a resilient Wales, a healthier Wales, a more equal Wales, a Wales of cohesive communities, a Wales of vibrant culture and thriving Welsh language and globally responsible Wales). Furthermore, the Council must set well-being objectives that maximise the Council's contribution to the national well-being goals and embrace the sustainable development principle.

The Council also has a general duty under the Local Government (Wales) Measure 2009 to “make arrangements to secure continuous improvement in the exercise of [its] functions” and in discharging this duty, the Council must have regard in particular to the need to improve the exercise of its functions in terms of the following seven aspects of improvement:

1. Making progress towards an authority's strategic objectives (as set out in the Corporate Improvement Plan).
2. Improving service quality
3. Improving service availability.
4. Fairness especially in reducing inequality in accessing or benefiting from services, or improving the wellbeing of disadvantaged groups.
5. Exercising functions in ways that contribute to the sustainable development of an area.
6. Improving the efficiency of services and functions.
7. Innovation and change which contributes to any of the above.

In discharging this overall responsibility, the Council is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions, including arrangements for the management of risk.

Section Two - The Purpose of the Governance Framework:

The governance framework comprises the systems and processes, and culture and values, by which the Council is directed and controlled and its activities through which it accounts to, engages with and leads the community. It enables the Council to monitor the achievement of its strategic objectives and to consider whether those objectives have resulted in the delivery of appropriate, cost effective and efficient services.

The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Council's policies, aims and objectives and to evaluate the likelihood of those risks and the impact, and to manage them efficiently, effectively and economically.

Section Three - The Governance Framework:

The Annual Governance Statement complies with the new 2016, Delivering Good Governance in Local Government: Framework published by the Chartered Institute of Public Finance and Accountancy (CIPFA) and in association with the Society of Local Authority Chief Executives (SOLACE). The Framework demonstrates the system of internal controls, which have been in place within the Council for the year ending 31st March 2019. The Framework illustrates examples of how the Council demonstrates compliance with good practice and meets the core and sub principles of effective governance. The Framework also provides details on the assurances taken during the year on the effectiveness of governance arrangements and the improvement work that arises from taking such assurances. The Council's governance environment embraces the seven core principles of the new Delivering Good Governance in Local Government: Framework (CIPFA/SOLACE, 2016).

The improvement work identified following the development of the Annual Governance Statement is overseen by the Corporate Governance Group and progress is reported as follows:

- Corporate Directors Group receive a quarterly progress report on the improvement action plan;
- Cabinet receive a half year and end of year progress report on the improvement action plan, the Cabinet will discharge this responsibility from 2018-2019 civic year, and;
- Audit Committee receive the end of year progress via the Annual Governance Statement.

Section Three - The Governance Framework

Acting in the public interest requires a commitment to and effective arrangements for:

Core Principle A	
Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law	
Sub principle	Examples of our key systems, documents and processes
Behaving with integrity	<ul style="list-style-type: none"> ➤ The Council’s political leadership have provided clear and consistent direction in terms of what is expected from senior officers, i.e. a workplace culture based on trust, respect, early and meaningful consultation. ➤ Anti-fraud, corruption and malpractice policy/whistle blowing policy: conduct of Members is monitored by the Public Services Ombudsman for Wales and the Council’s Standards Committee. During 2018-2019, there were no referrals from the Public Services Ombudsman for Wales that required the Standards Committee to hear a matter. ➤ Whistle blowing Policy/Procedure: whistle blowing complaints are monitored by the Council’s Audit Section to ensure that complaints are responded to. All whistleblowing complaints received were dealt with in line with the Policy. ➤ Standards Committee: the Committee monitors the operation of the Council’s adopted Members Code of Conduct throughout the Authority. ➤ Annual monitoring of key employment policies, discipline, grievance, and whistle blowing takes place and is reported to Members in the annual equalities employment information report (published on the Council’s website). ➤ Standing declarations register: this is updated by Members as and when a declaration is made or amended when there has been a change in circumstances e.g. taking up new posts. ➤ Officers’ declarations are audited annually and Members on a cyclical basis. No material considerations were known during 2018-2019. The information for Members is provided on the Council’s website. ➤ Internal Audit Service: the service undertakes, when required, case-by-case checks on officer compliance with the Employee Code of Conduct. Last year a number of special investigations

Core Principle A

Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law

Sub principle

Examples of our key systems, documents and processes

Behaving with integrity

were undertaken in relation to non-compliance of the Employee Code of Conduct. Details of all such investigations and outcomes were fully reported to the Audit Committee.

- **Audit Committee:** the Committee meets on a quarterly basis throughout the year and is responsible for examining, approving and keeping under review the adequacy and effectiveness of risk assessment, risk management and internal controls/compliance. The Committee is also responsible for reviewing the work and performance of both internal and external audit and receives reports from both. The terms of reference of the Committee are consistent with those recommended in the Public Sector Internal Auditing Standards (PSIAS). During 2018-2019, training on a number of topics was undertaken with members of the Audit Committee to support their role.

The above arrangements ensure that Members and officers exercise leadership by behaving in ways that demonstrate high standards of conduct and effective governance.

- **Corporate Comments, Compliments and Complaints Policy:** the policy is published on the Council's website with service related reports provided on a quarterly basis as part of the Council's performance management arrangements. Outcomes of investigations undertaken by service managers under stage 1 and the designated complaints officer under stage 2 of the policy should explain if the complaint was upheld/not upheld or partially upheld and lessons learned from the investigation should be recorded. This information helps to identify any systemic failings in service delivery provision.
- The Public Services Ombudsman Wales (PSOW) overview report as it relates to Neath Port Talbot County Borough Council (NPTCBC) is provided by the Head of Legal Services on an annual basis. Complaints regarding the Welsh Language are separately reported within the Welsh Language annual report. That information must include the number of complaints received during the preceding year relating to the service delivery, operational and policy making standards with which the council is under a duty to comply.

Core Principle A

Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law

Sub principle	Examples of our key systems, documents and processes
Behaving with integrity	<ul style="list-style-type: none"> ➤ All Wales complaints meetings are held twice yearly (also attended by the Public Services Ombudsman) to share learning and good practice across the 22 Welsh Local Authorities. The Principal Officer for Policy and Democratic Services attends these meetings as the NPTCBC representative. This group meets staff from the Public Services Ombudsman Wales office in Bridgend annually to help strengthen working relationships. ➤ The Council's Unreasonable/Unacceptable Customer Behaviour Policy has been utilised on a few occasions over the last year to help manage persistent face-to-face, telephone and email contacts in keeping with actions identified within the policy. Limitations on contact arrangements are reviewed as needed by the relevant Head of Service in keeping with the policy.
Demonstrating strong commitment to ethical values	<ul style="list-style-type: none"> ➤ Across the Council, we have a number of professions that are obliged to comply with their relevant professional body's code of ethics. For example, all of our social workers must meet the standards set out in the code of conduct or code of practice from the Social Care Wales.
Respecting the rule of law	<ul style="list-style-type: none"> ➤ Council's Constitution: the Constitution sets out how the Council operates and the process for policy and decision-making. Within this framework all the decisions are taken by Council, Cabinet or Cabinet Boards. The decisions are presented in a comprehensive written format in a standard template. The Cabinet Scrutiny Committee considers any decisions directly before the Cabinet meets. This is referred to as contemporaneous scrutiny. ➤ The Council complies with a number of different legislation to ensure the proper running of the organisation, for example Employment statutory obligations, Health & Safety legislation and Financial Regulations, with an overall good track record (as confirmed by our regulators).

Core Principle B

Ensuring openness and comprehensive stakeholder engagement

Sub principle

Examples of our key systems, documents and processes

Openness

We aim to be a transparent Council that encourages those who use our services to tell us what is important to them and to suggest how services might improve. Examples of how we engage with individual citizens and service users effectively are listed under the sub principle included below.

- **Corporate Communications and Community Relations Strategy 2018-2020:** During 2018-2019, work continued to deliver on the requirements of the Corporate Communications and Community Relations Strategy. Good progress was made in adopting a different operating model, making a shift in emphasis from a largely reactive communications function to a more proactive service. The business partner model became more embedded and we improved our use of insight in delivering more effective communications. We adopted a more confident and positive style of communications and made more use of interactive and multi-media content for a range of different channels, including a more engaging approach to promoting the Council's Corporate plan. This resulted in substantial growth in the number of Facebook followers and a higher level of engagement, both of which contribute to increasing the reach of our communications.
- **Consultation:** A new Consultation and Engagement Strategy was developed and a Corporate Engagement Group (CEG) established to ensure a corporate and consistent approach to engagement and consultation activities across the Council and share learning and good practice. The Council's contract for Snap Survey Software, the corporate consultation software for internal and external stakeholder engagement, was renegotiated and renewed in line with the changing requirements of the CEG, making consultation exercises more accessible. The Council's Planning Policy Service continues to use the Objective consultation software as that software enables consultation at all stages of Local Development Plan preparation and improves management of their consultee database.
- **Council Website:** During the year, a dedicated 'Have your say' area was created on our website where all 'current' consultations can be accessed and responded to. This can be accessed from a 'button' on the homepage of the web and the friendly URLs

Core Principle B

Ensuring openness and comprehensive stakeholder engagement

Sub principle

Examples of our key systems, documents and processes

Openness

www.npt.gov.uk/haveyoursay / www.npt.gov.uk/dweudeichdweud. An online newsroom was also launched where content from the Council, in a variety of formats, is curated.

- A new area on the Council's website 'ShapingNPT' has been designed to improve communications and engagement. The aim is to improve awareness of what the Council does and encourage engagement by simplifying the narrative around the Council's Corporate Plan and Annual Reports. We are using citizens' and wider stakeholders' stories to bring the Council's work to life and celebrate successes, but we are also highlighting areas where more work needs to be done to achieve our objectives.
- **Scrutiny Committees:** All Scrutiny Members are continuing to undertake specific training to enhance their skills. Training will continue throughout this Council term on a Scrutiny by Scrutiny Committee basis and collectively, building on the Members' individual skills and interests and focussing their work as a team to best enable them to discharge their functions and responsibilities.
- **Performance reports:** we have a number of channels where performance is reported to and scrutinised, e.g. quarterly budget and performance monitoring reports are submitted to chief officers and Cabinet Board / Scrutiny Committees and an Annual Report is published in October which contains an assessment of our overall performance in the previous financial year. The above information is available for our citizens to view on our website.
- **NPT News:** Our online e-newsletter was launched. This is accessed via a free subscription and is available in English, Welsh or bilingually.
- **Integrated Impact Assessment (IA) Framework:** following the initial revision of the Equality Impact Assessment framework during 2017-2018 in order to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016), training for reporting officers took place during summer/autumn 2018. As a result of comments received during these sessions, the

Core Principle B

Ensuring openness and comprehensive stakeholder engagement

Sub principle	Examples of our key systems, documents and processes
Openness	<p>framework was further revised and is due to be rolled out, along with a revised reporting template, in April 2019.</p> <ul style="list-style-type: none"> ➤ Record of decision-making and supporting materials: all publicly accessible reports are published on the Council’s website via Modern.gov. ➤ Decision making protocols: the Council agrees its meeting cycle at its Annual Meeting and this is published on the Council’s website. Forward work programmes are required to be maintained for the next three meetings of the relevant committee. Report templates ensure the relevant information and advice is presented to substantiate recommendations.
Engaging comprehensively with institutional stakeholders	<ul style="list-style-type: none"> ➤ Stakeholders: we have a list of key stakeholders that we engage with on major policies and plans. These include: Youth Council; Older Persons’ Council and the Black Minority Ethnic Community Association. ➤ Working in partnership with trade unions and the Council’s formal employee relations framework is an important feature in how we engage with our employees. We have Staff Council at the highest level in the organisation, the LGS Green Book Negotiating Forum, LSPG (Schools trade union partnership forum), Service Joint Consultative Groups, and the Corporate Health & Safety Trade Union forum. All of these groups meet regularly and are an opportunity for two-way information sharing, consultation (formal and informal) and where necessary, negotiation. As part of our approach to partnership working, trade unions have representation in other forums; so for example, trade unions sit as an integral part of the Heads of Service Workforce Planning Group. ➤ Partnership Governance Arrangements (including Terms of Reference): the Council has in place governance arrangements for partnerships which: <ul style="list-style-type: none"> ○ Clarify the roles of members both individually and collectively in relation to the partnership and to the Council; ○ Clearly set out the legal status of the partnership; and

Core Principle B

Ensuring openness and comprehensive stakeholder engagement

Sub principle	Examples of our key systems, documents and processes
Engaging comprehensively with institutional stakeholders	<ul style="list-style-type: none"> ○ Make clear the extent to which representatives or organisations both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions. ➤ Partnership working arrangements: during 2018-2019 we continued to participate in a number of partnerships as follows: the Public Services Board, Think Family Partnership, Community Safety Partnership, Digital Inclusion Partnership, and Third Sector Partnership. Partnership working with our trade unions and teaching associations is a predominant feature of the Council’s culture in relation to workforce engagement. It involves elected Members, managers, employees and trade unions developing and implementing a way of working based on mutual respect and trust, shared objectives and joint ownership of problem solving. ➤ Regional collaborative arrangements: we continued with our regional working arrangements via Education through Regional Working, Western Bay, City Region, Area Planning Board and Waste Services. A number of reports have been brought forward to the Council to ensure that Governance arrangements remain robust and proportionate. These arrangements are reviewed regularly to ensure they meet required needs of the Council and where they do not reports are brought to members highlighting various risks and concerns for the decisions to be made on future actions. The Council plays an active role in such regional collaborative arrangements to ensure the best return for our citizens and other stakeholders.
Engaging with individual citizens and service users effectively	<ul style="list-style-type: none"> ➤ Corporate communications and engagement activities: It is important that our citizens and other stakeholders have a voice at an early stage to influence the development of policies and strategies that affect their lives and inform the way services are planned and delivered. However, due to the complexity of the differing needs of citizens it is not always possible to meet all needs, but a good understanding means we are better placed to divert valuable resource into the right places, at the right times and in the right ways.

Core Principle B

Ensuring openness and comprehensive stakeholder engagement

Sub principle

Examples of our key systems, documents and processes

Engaging with individual citizens and service users effectively

➤ **Corporate Communications and Community Relations Strategy** (see above)

➤ **Consultation** (see above)

We have a number of channels of communication in place with all sections of the community, stakeholders and staff. Our corporate communications and engagement system comprises of internal and external networks.

➤ **Internal networks** include:

- Staff monthly e-newsletter 'In the Loop' - features important information relevant to staff.
- Staff Intranet which acts as an internal information portal (including staff news and a link to the Council's online Newsroom).
- Employee Portal – during the year ICT colleagues made developments to this web-based tool to enable employees to access it via their personal devices from home (it was previously only accessible internally). The Portal enables employees to access relevant information about the Council and their own HR and payroll information. Approximately 4,400 employees have now registered to the Portal.
- Staff consultations – during the year we undertook a number of staff consultations e.g. 2019-2020 budget proposals; Smart & Connected – A Revised Digital Strategy 2018-2022; Social Services, Health and Housing staff survey (extended to adult services for the first time this year).
- Chief Executive Roadshows – a series of Chief Executive's Staff Engagement Sessions were held with staff to explain the Forward Financial Plan and its implications. These were attended by almost 200 staff.
- Staff notice boards.

Core Principle B

Ensuring openness and comprehensive stakeholder engagement

Sub principle

Examples of our key systems, documents and processes

Engaging with individual citizens and service users effectively

- **External networks** including:
 - Key stakeholders that we engage with on major policies and plans. These include: Youth Council; Older Persons' Council; and the Black Minority Ethnic Community Association.
 - Community Engagement events.
 - Public meetings - last year senior officers from the Council continued with public meetings to brief the public on developments with the Pantteg Landslip area.
 - Social media – we have corporate Facebook, Twitter, YouTube and LinkedIn accounts which are used to broadcast information and have two-way dialogue with stakeholders via facilities such as direct messaging and polls. In addition, there are more than 90 service specific accounts across the Council.
 - E-newsletter – the council has a monthly e-newsletter, NPT News. This is available in a choice of languages (English, Welsh or bi-lingual). It is issued on a monthly basis, but can be issued more frequently in the case of breaking news or a major announcement. The e-newsletter is available to stakeholders via a free subscription
- **Budget 2019-2020:** an extensive public consultation exercise took place between 31st October 2018 and 11th January 2019, generating more than 1000 responses from a wide range of stakeholders, which shaped the final budget proposals.
- The Communications and Community Relations Strategy sets out a range of measures designed to improve the effectiveness of the Council's mechanisms for involving people in its work.

Core Principle C

Defining outcomes in terms of sustainable economic, social, and environmental benefits

Examples of our key systems, documents and processes

Sub principle

Defining outcomes

The key plans listed below, describe the Council's short term and long term priorities to ensure citizens receive high quality services whether directly, or in partnership.

Corporate Plan: The Council's strategic vision and priorities (well-being objectives) for the county borough are set out in the Corporate Plan. The delivery of our vision and well-being objectives is organised at three levels:

- **Level 1- Improvement Priorities:** these are the areas prioritised for service change by the Council to respond to the challenges and opportunities that have been identified and to deliver on manifesto promises.
- **Level 2 - Corporate Change Programme:** the Council's corporate change programme was agreed by Council in 2017, focus continues to extending the use of digital technologies; exploiting new income sources and working differently with its communities.
- **Level 3 - Business Plans / Service Delivery:** the Council delivers or commissions an enormous range of services and functions that affect the day to day life of everyone who lives in the county borough. During 2018-2019, a new Corporate Performance Management System (CPMS) was implemented which enables the integration of the Council's strategic planning, performance management and risk management arrangements.

Since the Corporate Plan was last updated, the Neath Port Talbot Public Services Board, published its Well-being Plan. There are a number of links between the priorities set out in the Corporate Plan and the objectives in the Well-being Plan. The Council is also continuously reviewing the effectiveness of collaborative working arrangements. As the model of collaborative working further matures the Council is better able to discern what works and what is ineffective.

Core Principle C

Defining outcomes in terms of sustainable economic, social, and environmental benefits

Examples of our key systems, documents and processes

Sub principle

Defining outcomes

- **Strategic Equality Plan:** The Council has a Strategic Equality Plan to make sure we work towards treating all people fairly, promoting equality of opportunity, combating discrimination and harassment and promoting good community relations. During 2018-2019, the focus and membership of the Equality and Community Cohesion Group have been revised. Local equality groups are now represented on the Group and its focus is more outward looking with promoting cohesiveness, addressing issues and concerns of the various communities, monitoring progress of corporate equality policies and action plans and sharing expertise and experience amongst its aims. The Group has identified a number of 'business as usual' work area audits, the outcome of which will help inform the revision of the SEP which will be undertaken during 2019-2020.
- **Biodiversity Duty Plan:** The Environment (Wales) Act 2016 introduces a duty (the S6 Duty) on public authorities to maintain and enhance biodiversity, thereby promoting the resilience of ecosystems, in the exercise of its functions. The Council's Biodiversity Duty Plan was adopted on 8th December 2017. The Plan focuses on evaluating our existing work practices and assimilating the new statutory duty into wider Council functions. This will result in a more joined-up approach between services, fulfilling both the Environment (Wales) Act 2016 requirements and the sustainable development principle embedded in the Well-Being of Future Generations (Wales) Act 2015. The six objectives incorporated into the Plan, include requirements such as embedding biodiversity into decision making at all levels; managing and enhancing our habitats; improving our understanding and monitoring of biodiversity; and putting in place a framework for delivery. The Act further requires that before the end of 2019, and every third year thereafter, all public authorities must publish a report on what they have done to comply with the S6 Duty.
- **Property Asset Management Plan:** Progress on the Property Asset Management Plan (2016-2021) is reported via annual Property Performance Reviews. The Plan and annual progress statements continue to link, feed off, and react to a range of other corporate plans, programmes and strategies, including the Forward Financial Plan, the ICT Strategy and the Council's

Core Principle C

Defining outcomes in terms of sustainable economic, social, and environmental benefits

Examples of our key systems, documents and processes

Sub principle

Defining outcomes

workforce planning arrangements.

- **ICT Asset Management:** An audit of the council's ICT equipment has been undertaken and the data is now held within the new Asset Management system. This information is being used to inform the ICT replacement programme.
- **Other Asset Management Plans/Registers:** we have well-established mechanisms in place to manage our other assets. Our other asset management plans and registers provide information on the number and condition of different classes of assets, these include the Highways Asset Management Plan (which also includes bridges and structures) and a Fleet Asset Register (includes vehicles, small plant and machinery).
- The asset management plans and registers inform our risk register and are an important consideration when determining revenue and capital budget priorities and our wider strategies.
- **The Corporate Asset Management Group** has continued to meet through 2018-2019. The emphasis has been to develop work streams from the reported accommodation strategy and the emerging agile working agenda. These priorities are being led by Property and ICT with support from HR and the remaining corporate members of the group.

Sustainable economic, social and environmental benefits

- **Revenue and Capital Budgets:** the Council's Annual Budget and Capital Programme were set in the context of the revised Forward Financial Plan and Corporate Plan. Monthly reports are produced for senior officers and quarterly reports for elected Members, to support the monitoring expenditure forecasts against the agreed cash limits for the revenue budget. A Capital Programme Steering Group meets regularly to review expenditure against budget on the capital programme and to update the capital programme as funding decisions are made on relevant specific grants with reports to senior officers and elected Members as appropriate. Capital expenditure is also monitored and reported to Members quarterly.

Core Principle C

Defining outcomes in terms of sustainable economic, social, and environmental benefits

Examples of our key systems, documents and processes

Sub principle

Sustainable economic, social and environmental benefits

- **Well-being of Future Generations (Wales) Act 2015:** The Corporate Plan 2018-2022 sets out the steps we will take to achieve the Council's well-being objectives and related improvement priorities through which we will maximise our contribution to the seven well-being goals and improve citizen's social, economic, environmental and cultural well-being. The Plan also demonstrates how the sustainable development principle has been applied in developing those steps.
- The Neath Port Talbot Public Services Board published its Well-being Plan in May 2018. There are a number of links between the priorities set out in the Corporate Plan and the objectives in the Well-being Plan. The Council is also continuously reviewing the effectiveness of collaborative working arrangements. As the model of collaborative working further matures the Council is better able to discern what works and what is ineffective.
- **Budget 2018-2019:** whilst the Council has made efforts to embrace the sustainable development principle in developing its budget proposals, it is inevitable, given the scale of changes that there will be some negative impacts arising from proposals.

Core Principle D

Determining the interventions necessary to optimise the achievement of the intended outcomes

Sub principle	Examples of our key systems, documents and processes
Determining interventions	<ul style="list-style-type: none"> ➤ Record of decision making and supporting materials (see above) ➤ Decision making protocols (see above)
Planning interventions	<ul style="list-style-type: none"> ➤ Corporate Planning Arrangements: the Council has a number of robust corporate planning and control arrangements in place in the following areas: Strategic Plans, Forward Financial Plan, Workforce Plan, Asset Plans, Risk Management and Performance Management. ➤ Committee Cycle dates: committee dates are confirmed at the annual Council meeting and have clear terms of reference and membership. Amendments to committee arrangements are taken back to full Council for consideration and agreement during the civic year. The dates of committee meetings are circulated in the form of work programmes to ensure officers produce reports in a timely manner. Forward work programmes have also been developed for Cabinet Board and Scrutiny Committees. ➤ Key stakeholders: we have a list of key stakeholders (internally and externally) that we engage with on major policies and plans throughout the year. ➤ Corporate Risk Policy: The Council's Corporate Risk Management Policy has been updated to reflect improvements made to the way in which both strategic risks and operational risks are recorded, managed and reported. The revised Policy will continue to promote an open, consistent and proactive risk management attitude. ➤ Corporate Performance Management Framework: we have a range of performance indicators that enable the Council to measure performance of services. To support the delivery of the framework, there is a corporate performance management team as well as directorate performance management teams. <p>During 2018-2019, a new Corporate Performance Management System (CPMS) was implemented which enables the integration of the Council's strategic planning, performance management and</p>

Core Principle D

Determining the interventions necessary to optimise the achievement of the intended outcomes

Sub principle

Examples of our key systems, documents and processes

Planning interventions

risk management arrangements. In implementing the new CPMS, the Council has taken the opportunity to ensure that there is a golden thread running from the three corporate well-being objectives, through to key corporate strategies and to service business plans. This enables the Council to clearly demonstrate how its services and functions contribute to the Council's well-being objectives, which in turn support the seven national well-being goals.

Optimising achievement of intended outcomes

- **Financial management arrangements:** the Council has sound financial management arrangements in place (including a range of policies and procedures such as financial regulations, financial procedures, contract standing orders, accounting instructions and officer delegations). These arrangements conform to the governance requirements of the CIPFA Statement of the Role of the Chief Financial Officer in Local Government (2010), all relevant legislation and within the terms of its Constitution.
- The Director of Finance and Corporate Services is responsible for ensuring there are proper arrangements in place for the administration of the financial affairs of the Council. Corporate Directors are responsible for the financial management of their respective services and are supported by regular financial management information, which includes monthly financial monitoring reports.
- In addition, quarterly budget and Forward Financial Plan monitoring reports are submitted to the Council, Chief Officers and Scrutiny Committees, culminating in the production of the statutory Annual Statement of Accounts.
- The budget setting process for last year continued to be challenging and difficult decisions on cuts were unavoidable as a consequence, however the final settlement from Welsh Government was better than expected. The savings identified came from a prolonged and intense professional and Cabinet Member input and where appropriate subject to consultation with service users, staff and trade unions, and scrutinised by the relevant committee.

Core Principle E

Developing the entity's capacity including the capability of its leadership and the individuals within it

Sub principle	Examples of our key systems, documents and processes
Developing the entity's capacity	<ul style="list-style-type: none"> ➤ In April 2018 the Council adopted a Corporate Workforce Plan with the ambition of ensuring the Council has the right number of people with the right skills and attitudes in place at the right time to deliver its services and functions. The Plan's action plan sets out how this will be achieved. A progress report will be presented to Members at Personnel Committee early in 2019.
Developing the capability of the entity's leadership and other individuals	<ul style="list-style-type: none"> ➤ The Council's Constitution clearly sets out the different, but complementary, responsibilities of Members and Officers to ensure there is effective leadership throughout the authority and there are clear job descriptions for all staff, which highlight their roles and responsibilities. ➤ Cross party panel: the panel which is made up elected Members (chaired by the Leader) undertakes the Chief Executive's appraisal and agrees the objectives for year ahead and personal learning aims. ➤ The Chief Executive (as Paid Head of Service) leads the Council Officers and chairs the Corporate Directors and Corporate Management Groups (includes all Heads of Service). The Director of Finance and Corporate Services is the Section 151 officer under the Local Government Act 1972 and the Designated Monitoring Officer (Head of Legal Services) carries overall responsibility for legal compliance. The Head of Democratic Services created by the Local Government Measure 2011 is the Assistant Chief Executive and Chief Digital Officer (previously the Head of Corporate Strategy and Democratic Services) and reports formally to the Democratic Services Committee on the adequacy of resources available to deliver the support related to the democratic functions of the Council. ➤ Members' induction programme: all new Members and those returning Members following an election, receive an induction programme to familiarise themselves with protocols, procedures, values and aims of the Council. Following Local Government Elections in May 2017, the Council saw the introduction of 64 Members who were offered a focussed and tailored Induction programme providing them with the skills and knowledge to perform their roles effectively. This included 27

Core Principle E

Developing the entity's capacity including the capability of its leadership and the individuals within it

Sub principle

Examples of our key systems, documents and processes

Developing the capability of the entity's leadership and other individuals

- Elected Members taking public office for the first time and those Members elected following by-elections held during the year.
- **Member Support and Development:** A schedule of Member Seminars was delivered over the Civic Year covering a wide range of topics such as: substance misuse, asset based community development and Brexit as well as matters such as the 2018-2019 Budget Consultation.
 - **Officer Development (Performance Appraisal System and Employment Development Review):** the Council's corporate training and development capacity has been reduced significantly over several years. Learning, training and development opportunities are primarily service-initiated, with staff within adult and children's services being best supported as a result of the Welsh Government Social Care Workforce Development Programme and Council match funding. Social workers receive a full induction programme in their first year of practice and ongoing support throughout their career.
 - Resources have been made available support the digital development of the workforce, and this will commence early in 2019-2020 focusing the leadership development necessary to initiate the workforce changes necessary to deliver the Council's ambitious Digital Strategy.
 - During 2018-2019, despite constraints on corporate training capacity, we continued to support and deliver a considerable amount of training and qualifications, supporting staff development and progression at all levels in the organisation.
 - In 2018-2019, priority was given to workforce development across the social care sector through the Social Care Wales Workforce Development Programme (SCWWDP) Grant. The SCWWDP Grant has continued to be used to support the continued implementation of the Social Services and Well-being (Wales) Act 2014 as well as identified regional and local priorities.
 - Other priority training areas for the wider workforce included; Awareness of Child Sexual Exploitation; Digital Literacy Skills; Welsh Language; Data Protection; Violence against Women Domestic Abuse and Sexual Violence and Workshops to Raise Awareness of PREVENT.
 - In 2018-2019, we have supported a number of apprenticeships in various designations throughout

Core Principle E

Developing the entity's capacity including the capability of its leadership and the individuals within it

Sub principle

Examples of our key systems, documents and processes

Developing the capability of the entity's leadership and other individuals

the organisation with the aim of supporting people into work and career development. Apprenticeships in building, construction and engineering as well as social care have proved to have been successful.

- **Health and wellbeing of the workforce:** we have a number of arrangements in place to maintain the health and wellbeing of the workforce, these include:
 - Maximising Attendance at Work Policy, which has a number of options to support people to return to work and remain in work, for example, early occupational health referrals, rehabilitation and phased return
 - Stress risk assessments are available for everyone signed off work with stress even if its non-work related stress
- In 2019-2020, we will be working with Time to Change Wales to raise awareness in relation to Mental Health and developing an action plan to support the mental health of employees in the workplace.

Core Principle F

Managing risks and performance through robust internal control and strong public financial management

Sub principle	Examples of our key systems, documents and processes
Managing risk	<ul style="list-style-type: none"> ➤ Corporate Risk Policy, Corporate Risk Register and procedures for Risk management: The Director of Finance is responsible for overseeing the implementation and continuous development of corporate risk. During 2018-2019, a new Corporate Risk Management Policy was approved by Cabinet. The risk module of the CPMS performance management system is being utilised to strengthen and underpin risk management arrangements. ➤ Senior Information Risk Owner (SIRO): during 2018-2019 the Head of Information and Communications Technology was the Authority's designated Senior Information Risk Owner (SIRO), a role recommended in the Local Government Data Handling guidance and which is reinforced by the Public Services Network (PSN) Information Assurance requirements. Following retirement, a new SIRO must be designated. <p>It has been agreed that the SIRO will report directly to the Corporate Directors Group on information security matters. The SIRO is accountable for information risk throughout the Authority.</p>
Managing performance	<ul style="list-style-type: none"> ➤ Performance Management: during 2018-2019, a new Corporate Performance Management System (CPMS) was implemented which enables the integration of the Council's strategic planning, performance management and risk management arrangements. In implementing the new CPMS, the Council has taken the opportunity to ensure that there is a golden thread running from the three corporate well-being objectives, through to key corporate strategies and to service business plans. This enables the Council to clearly demonstrate how its services and functions contribute to the Council's well-being objectives, which in turn support the seven national well-being goals.
Robust internal control	<ul style="list-style-type: none"> ➤ Internal Audit Section: Internal audit is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve

Core Principle F

Managing risks and performance through robust internal control and strong public financial management

Sub principle

Examples of our key systems, documents and processes

Robust internal control

the effectiveness of risk management, control, and governance processes.

- In March 2018, the Internal Audit Service was externally assessed in accordance with the Public Sector Internal Audit Standards and the service was assigned the highest rating.
- During 2018-2019, 56 formal reports were issued with recommendations made where appropriate and all audit work undertaken complied with the Public Sector Internal Audit Standards. Details of achievement against the 2018-2019 audit plan will be presented in June to the Audit Committee, in addition an opinion will be given via the Annual Internal Audit Report that “**Reasonable assurance can be given that there have been no major weaknesses noted in relation to the various internal control systems operating within the Authority**”.
- Each year, the section has a risk based **Internal Audit Plan** approved by Audit Committee, which involves carrying out a series of audits in order to provide an opinion on the internal controls, risk management and governance arrangements of the Council. In addition, the section also carries out a number of special investigations, which will include investigations into suspected incidents of fraud, irregularity and malpractice. No significant governance issues were identified during 2018-2019. The **Audit Manager** provides quarterly reports to Audit Committee highlighting any concerns and to give assurance to elected Members regarding the Council’s internal controls.
- The **Audit Committee** monitors the work plan of the Internal Audit Section, and the work of external audit, throughout the year. Enhancements have been made throughout the year to the reports provided to Members by Internal Audit. Work is ongoing to strengthen the role of Audit Committee.
- **IT Health Checks**: the Council continues to undertake annual IT Health Checks, which incorporate internal and external penetration testing as part of yearly PSN (Public Services Network) accreditation. The accreditation takes the form of an annual submission detailing how the Authority performs against a host of controls based upon ISO27001 and will give the Council confidence that effective arrangements are in place regarding the collection, storage and use of data (including

Core Principle F

Managing risks and performance through robust internal control and strong public financial management

Sub principle	Examples of our key systems, documents and processes
Robust internal control	<p>personal data). The last reaccreditation, which was successful, took place in January 2019.</p> <p>As well as this, as part of an all-Wales exercise, the ICT Service is working towards achieving Cyber Essentials Plus (CE+). The first stage has been successfully completed and forthcoming work will include on-site audits and health checks.</p> <ul style="list-style-type: none"> ➤ IT audits: we will work with both the Wales Audit Office and the Internal Audit Section to put in place a series of IT audits which will be undertaken during 2019-2020 ➤ Annual Governance Statement: annually, officers undertake a review of the effectiveness of the Council's governance framework when compiling the annual governance statement. This is a shared effort with wide input from a range of services outside the finance and audit functions (e.g. Legal, ICT, H&S and HR). The Annual Governance Statement is presented by senior officers of the Corporate Governance Group to the Corporate Directors Group and Cabinet for agreement.
Managing data	<ul style="list-style-type: none"> ➤ Senior Information Risk Owner (SIRO) – see above - sub principle Managing Risk. ➤ General Data Protection Regulation (GDPR) - As a result of the implication of the General Data Protection Regulations, the Council has updated its data protection policies and information sharing protocols to ensure compliance with the same during the financial year 2018-2019 and will continue to develop this into 2019-2020. Ongoing review will take place to ensure the effectiveness of the policies and protocols. ➤ Strengthening and Modernising Democratic Arrangements - In 2018-2019, we continued to embed the 'Modern.Gov' Committee Administration Management software system. 100% of the elected Members now receive papers electronically via iPad or the 'Modern Gov' system.
Strong public financial management	<ul style="list-style-type: none"> ➤ The Director of Finance and Corporate Services is the responsible officer for the proper administration of the financial affairs of the Authority. This finance function provides support to directorates and determines the budget preparation and financial monitoring processes. This

Core Principle F

Managing risks and performance through robust internal control and strong public financial management

Sub principle

Examples of our key systems, documents and processes

Strong public financial management

function also provides the annual statement of accounts for the Authority.

- The budget setting process for last year continued to be challenging and difficult decisions on cuts were unavoidable as a consequence, however the final settlement from Welsh Government was better than expected. The savings identified came from a prolonged and intense professional and Cabinet Member input and subject to an extensive programme of consultation with service users, staff and trade unions, and scrutinised by the relevant committee. The Council also took steps to ensure the equality impact of budget proposals was explicitly considered when developing and agreeing the proposals within the revised Forward Financial Plan.
- In addition, quarterly budget and Forward Financial Plan monitoring reports are submitted to the Council, Chief Officers and Scrutiny Committees, culminating in the production of the statutory Annual Statement of Accounts, all available for the public to view on the Council's website.
- The Annual Statement of Accounts is a statutory summary of the Council's financial affairs for the financial year and is prepared in accordance with the local government Accounting Code of Practice (ACOP). The purpose of the Statement of Accounts is to give electors, local taxpayers, council members and any other interested parties clear information on the overall finances of the Council and to demonstrate the good stewardship of public money for the year.
- Capital and revenue expenditure and related activities are subject to annual audit by the Wales Audit Office and an unqualified opinion (our information in the financial statements was sound) was provided on the Annual Statement of Accounts by WAO for 2017-2018.

Core Principle G

Implementing good practices in transparency, reporting, and audit to deliver effective accountability

Sub principle	Examples of our key systems, documents and processes
Implementing good practice in transparency	<ul style="list-style-type: none"> ➤ Members' Allowance scheme and Staff Pay Structure: the Council has a clear scheme setting out the terms and conditions for remunerating members and officers and an effective structure for managing the process. No new non-compliance issues were identified by the Independent Remuneration Panel for Wales in relation to the NPT Scheme during 2017-2018.
Implementing good practices in reporting	<ul style="list-style-type: none"> ➤ Annual Governance Statement: annually, officers undertake a review of the effectiveness of the Council's governance framework when compiling the annual governance statement. This is a shared effort with wide input from a range of services outside the finance and audit functions (e.g. Legal, ICT, H&S and HR). The Annual Governance Statement is presented by senior officers of the Corporate Governance Group to the Corporate Directors Group and Cabinet for agreement.
Assurance and effective accountability	<ul style="list-style-type: none"> ➤ Procurement: the Procurement Team aim to ensure that best use is made of resources and that tax payers and service users receive value for money. The team continue to make improvements to the way goods and services are procured and the roll out of the electronic ordering and receipting system is ongoing. The electronic systems replace the old fashioned, labour intensive paper based process and has resulted in better management information regarding the goods and services the Authority buys as well as better adherence to corporate, regional and national procurement frameworks. ➤ Internal Audit undertakes a review of all of the Authority's major financial systems on an annual basis. ➤ The Auditor General for Wales reports annually on his audit and assessment work in relation to whether the Council has discharged its duties and met the requirements under the Local Government (Wales) Measure 2009. At the time of preparing this Statement, the Council is yet to receive the WAO's Annual Improvement Report for 2018–2019.

Section Four - Review of effectiveness

The Council has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal control. The review of effectiveness is informed by the work of the Chief Officers and the Internal Audit Service who have responsibility for the development and maintenance of the governance environment and also by comments made by the external auditors and other review agencies and inspectorates. A Corporate Governance Group, reporting to the Corporate Directors Group ensures that improvement work is scheduled, resourced and monitored.

The review mechanism includes:

- **Constitution review and monitoring** - the Chief Executive and the Head of Legal Services are required to monitor and review the operation of the Constitution, and to report to Council at least annually on any proposed changes. During 2018-2019, the Head of Legal Services reported to Council on a number of occasions with amendments to the Constitution relating to changes to scrutiny rules, designation of duties to officers and changes to rules of procedure to encourage and facilitate better scrutiny and decision making.
- **Standards Committee** – During the year, the committee met to consider reports relating to decisions of the Adjudication Panel for Wales and the Ombudsman grant of dispensations to Councillors. Last year there were no referrals from the Public Services Ombudsman for Wales that required the Standards Committee to hear a matter.
- **Audit Committee** - work has been ongoing to strengthen the role of the Audit Committee. In July 2018, members of the Audit Committee undertook training on risk management and they received a presentation from the Wales Audit Office on the role of Audit Committees.
- **Internal Audit Service** – the service prepares an annual plan of work, which is then monitored throughout the year by the Audit Committee. A series of audit reviews are carried out throughout the year, in order to provide an opinion on the internal control, risk management and governance arrangements of the Council. During 2018-2019, 56 formal reports were issued.
- **Wales Audit Office audit report** (Annual Improvement Report) – The Council did not receive any statutory recommendations within the report during the course of the year 2017-2018.

- **Annual Reports** – the Council produces a number of annual reports throughout the year to give assurances on our governance arrangements. These include the following: Asset Management, Audit Service Annual Report, Complaints, Compliments and Comments Annual Report, Occupational Health and Safety and Joint Resilience Annual Report, Information Management & Information Governance Annual report, Ombudsman Annual Report, Performance Annual Report, Social Services Director’s Annual Report, Strategic Equality Plan Annual Report, Welsh Language Scheme - Annual Monitoring Report. The Corporate Governance Group will oversee any risks identified to governance arrangements, arising from these annual reports and none were received during 2018-2019.

Governance Issues – progress to date

The table below describes the governance issues identified during 2017-2018 and the progress made against these during 2018-2019.

Key Improvement Area	Lead Officer	Progress
1. Equalities – roll-out of training, implementation, review and evaluation of the revised Impact Assessment Tool	Caryn Furlow	<ul style="list-style-type: none"> • Integrated Impact Assessment (IIA) tool has been developed and training delivered to relevant officers across the Council. • Training sessions for those officers originally identified but unable to attend earlier sessions were held in early February 2019. • A number of additional officers have been identified to undertake training and sessions are to be held at the end of April 2019. • Report template has been revised to include IIA and WBFG Act and will be introduced by April 2019. • IIA and Report Template to be rolled out during April 2019.
2. General Data Protection Regulation (GDPR) – monitoring	Craig Griffiths	<ul style="list-style-type: none"> • The documentation in respect of GDPR is continually being rolled out to officers of the Council and work is presently ongoing to

Key Improvement Area	Lead Officer	Progress
of arrangements		<p>ensure compliance with the same and to ensure the Council is meeting its legislative obligations. As new methods of working are being operated, the consideration of GDPR issues and the need for updated Privacy Statements are being implemented. Further work is presently ongoing to ensure that directorates are uploading their Service Specific Privacy Statements to the Internet.</p> <ul style="list-style-type: none"> • Training for elected Members has been developed and presented to Members in the first week of February 2019 to demonstrate what Members must consider in line with GDPR and they are to be provided with practical and easy to use documents to aid in compliance. Members have now been registered as individual data controllers with the Information Commissioner's Office in their own right. • Officers are continuing to regularly provide advice to client departments on GDPR requirements and the need to consider data protection in all their areas of work to the extent that data protection is now factoring into all processes undertaken by the Council. Further work is required to continue with this rollout. • A report was taken to Corporate Directors Group on the 8th January 2019 regarding additional steps that the Head of Legal Services and Head of ICT feel should be implemented to ensure further safeguarding against GDPR non-compliance, including: <ul style="list-style-type: none"> a. Each Directorate nominates a member of staff to be a Data Protection Champion to undertake detail training and guidance in Data Protection matters and to assist directorates in compliance related issues. It is envisaged that this could be the current

Key Improvement Area	Lead Officer	Progress
		<p>Information Officers.</p> <p>b. Information Security awareness to become a mandatory item for Employee Induction.</p> <p>c. Information Security training to be mandated for all staff who collect and/or handle data relating to individuals or families. Refresher training to also become mandatory and delivered as required.</p> <p>d. The Directorate based Champion(s) to be responsible for ensuring staff undertake both training and awareness sessions and to maintain a register of attendance. The Champion(s) also to be responsible for scheduling refresher training as required.</p>
3. Information Management – update the Information Strategy and bring forward for approval	Karen Jones	The Information Strategy is currently under review in light of the change to the Council’s obligations introduced under the recent GDPR legislation. Once this exercise is complete the updated strategy will be forwarded to the Corporate Governance Group for ratification before being presented to Members for approval
4. Code of Corporate Governance – review of assurances in place to fully comply with Core Principle A on Behaviours and Values	Caryn Furlow	A desktop exercise has been undertaken to review what assurances the Council has in place (e.g. systems, documentation and evidence) to ensure we fully comply with Core Principle A on Behaviours and Values and good practice.

Section Five - Governance Issues for 2019-2020 (including those carried forward from last year and new ones identified)

Key Improvement Area		Carried Over from 2018-2019	New 2019-2020
1.	Integrated Impact Assessment – review and evaluate the revised Integrated Impact Assessment Tool	✓	
2.	General Data Protection Regulation (GDPR) – monitoring of arrangements	✓	
3.	Information Management – update the Information Strategy and bring forward for approval	✓	
4.	Corporate Performance Management System – review system implementation		✓
5.	Review of the Council’s collaborative / regional working arrangements		✓

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We propose over the coming year to take steps to address the above matters to further enhance our governance arrangements and we will monitor their implementation and operation as part of our next annual review.

Signed:

Signed:

Chief Executive: Steven Phillips

Leader of the Council: Councillor Rob Jones

Date:

Date:

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Cabinet

8 May 2019

Report - Head of Transformation - A.Thomas

Matter for Decision

Wards Affected:

Seven Sisters

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 respective Ward Member.

Executive Summary

2. The Members Community 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. Installation of an Ability Swing and improvements to the play provision at Ynysdawley Playing Fields, Nant y Cafn, Seven Sisters.

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

The Ynysdawley Playing Fields Association (YPFA) wish to install an 'Ability Swing' within the existing enclosed fixed play area at Nant y Cafn. The swing will be for the exclusive use of children and young people who are wheelchair bound, and will be housed within its own dedicated enclosure, accessible via a RADAR key. The contractor, 'GL Jones Playgrounds' of Gwynedd, will also undertake the necessary adaptations to the Park to make it accessible to wheelchair users, including a tarmac link path from the park entrance to the swing, removing a lipped transition, and installing new wet pour safety surfacing. The quotation also provides for a new See-Saw.

The Park is increasingly visited by groups and individuals with various disabilities, including pupils with complex needs from Ysgol Maes y Coed Special School. The YPFA wish to install this inclusive item of equipment in order to give disabled and special needs children the opportunities for play that their able bodied peers and siblings enjoy.

The long term sustainable benefits associated with the proposal include providing a safe and secure environment for play irrespective of disabilities and improved physical and social wellbeing amongst all children. There is currently no equipment for wheelchair users in the local vicinity and very little throughout the County Borough. The provision of this equipment in Seven Sisters will help to promote

inclusive social attitudes within the community, whilst giving children and young people the opportunity to build friendships and have fun.

The total cost of this scheme is £24,990. The project has already secured £8,000 from the National Lottery's 'Awards for All Wales' programme, £5,000 from the Millennium Stadium Charitable Trust and the YPFA have committed £1,990 from their own reserves. The request for Grant aid from the Members Community Fund is for the whole of Councillor Stephen Hunt's allocation of £10,000. This award would complete the funding package and make the proposal 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 YPFA have been the land owners of Ynysdawley Playing Fields since it was bequeathed to them in 1945. They will be responsible for ensuring that the play area and Ability Swing is fully maintained, insured, and inspected for the foreseeable future. The YPFA employs their own groundskeeper, who is responsible for carrying out routine maintenance, litter picking and site supervision, thus ensuring that the play area is kept clean and safe day to day.

The Ability Swing will be of robust construction comprising hot dipped galvanised steel. 'GL Jones Playgrounds' have been designing, manufacturing and installing traditional and inclusive play equipment for over 35 years. The equipment and safety surfacing comes with extended warranties and is compliant with the British Standard BS EN1176.

This project places no financial burden on 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 installation of an Ability Swing and improvements to the play provision at Ynysdawley Playing Fields, Nant y Cafn, Seven Sisters, is approved and that Councillor Stephen Hunt's allocation of £10,000 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 Seven Sisters initiative has been developed from the Members Community Fund Application Form submitted by Stephen Hunt. The Constitution, Audited Accounts, Quote, Bank Account details and Insurance documentation for 'The Ynysdawley Playing Fields Association' have been retained for future reference.

14. Officer Contact

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