

# **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

**COUNCIL  
17<sup>TH</sup> FEBRUARY 2016**

## **JOINT REPORT OF THE HEAD OF CORPORATE STRATEGY & DEMOCRATIC SERVICES - K.JONES & THE HEAD OF LEGAL SERVICES – D.MICHAEL**

### **MATTER FOR DECISION**

**Wards Affected: ALL**

### **WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015 - CREATION OF PUBLIC SERVICES BOARD**

#### **Purpose of the Report**

1. The report seeks to:
  - (a) inform members of the need to establish a Public Services Board for the Neath Port Talbot area;
  - (b) to make arrangements for the Council to scrutinise the work of the Public Services Board;
  - (c) to deal with transition matters that will arise from the above, in so far as the existing work programme of the Local Service Board is concerned.
2. Executive Summary
3. The Well-being of Future Generations (Wales) Act 2015 places a number of new duties on the Council. These duties will change the way that the Council undertakes corporate planning, community planning and partnership work. This report deals with the changes to community planning and associated partnership arrangements. Separate reports will be prepared to deal with the consequences of the Act on corporate planning activities.

Briefly, the Act requires public bodies to take action in pursuit of the economic, social, environmental and cultural well-being of Wales. Public bodies must work in a way that accords with the sustainable development principle in so doing and report on the way these duties have been discharged. Amongst other things, the Act establishes a new mechanism for discharging these duties which will be known as a Public Services Board to take. This will replace the Local Service Board which was a voluntary partnership. The Public Services Board will have responsibility, amongst other things, for preparing and publishing an assessment of well-being in its area, a local well-being plan and reporting on progress made in implementing the plan. The approval of the local well-being plan prepared by the Board is a matter for each statutory member and, in the case of the Council, approval must be given by full Council.

The Act specifies statutory members of the Board as follows:

- Neath Port Talbot County Borough Council (Leader and Chief Executive)
- Abertawe Bro Morgannwg University Health Board (Either the Chairman, Chief Executive or both)
- Mid and West Wales Fire and Rescue Service (Either the Chairman, Chief Officer or both)
- Natural Resources Wales (Chief Executive)

The quorum of the Board is all of its Members. Statutory members must designate a substitute if they are unable to attend meetings and in the case of the Leader, he must designate another member of the Cabinet.

The following persons must be invited to participate in the activity of the Board (note that these persons will not be members of the Board and the Act specifies the basis of their participation):

- The Welsh Ministers
- The Chief Constable of South Wales Police
- The South Wales Police and Crime Commissioner
- Probation services representative

- A representative of voluntary organisations
- Any other persons who the Board may be required to invite under regulations made by Welsh Ministers

The Public Services Board is to be in place from the beginning of the financial year 2015/16.

## **Background**

4. Public Services Boards must be established from 1st April 2016. Local Service Boards will no longer need to exist at this point.
5. Public Services Boards have the following main tasks;
  - To improve the economic, social, environmental and cultural well-being in Neath Port Talbot.
  - To prepare and publish an assessment of economic, social, environmental and cultural well-being in Neath Port Talbot.
  - To prepare and publish a Local Well-being Plan for Neath Port Talbot setting out local objectives and the steps it proposes to take to meet them in accordance with the sustainable development principle.
  - To prepare and publish an annual report that sets out the Board's progress in meeting the local objectives
6. The Council is required to put in place scrutiny arrangements to overview the work of the Public Services Board. It must ensure that its overview and scrutiny committee has power to:
  - (a) review or scrutinise decisions made, or other action taken, by the Public Services Board for the local authority area in the exercise of its functions;
  - (b) review or scrutinise the Board's governance arrangements;
  - (c) make reports or recommendations to the Board with respect to the Board's functions or governance arrangements;

- (d) consider such matters relating to the Board as the Welsh Ministers may refer to it and to report to the Welsh Ministers accordingly;
- (e) carry out such other functions in relation to the Board as are imposed on it by this Act.

### **Financial Impact**

- 7. The work of the Public Services Board will need to be supported. Previous funding provided by Welsh Government to support the work of the Local Service Board will cease on 31st March 2016. The Act places a statutory duty on the Council to administer the Board. This duty is not funded. However, to ensure that appropriate analytical expertise is in place locally to undertake the local well-being assessment, funding will be made available regionally, specifically to support analytical capacity.

### **Equality Impact Assessment**

- 8. The assessment of local well-being must include analyses of particular categories of persons including those who possess a common protected characteristic as defined under the Equality Act 2010.

### **Workforce Impacts**

- 9. To be determined once the work programme of the Public Services Board has been set out.

### **Legal Impacts**

- 10. S29 places a duty on the Council, the Fire and Rescue Authority, National Resources Wales and the ABMU Health Board to establish a Public Services Board for the Neath Port Talbot area. S35 of the Act places a duty on the Council to establish scrutiny arrangements with powers as set out at paragraph 6 of this report.
- 11. Risk Management
  - (i) Reputational damage if the statutory duties are not met.
  - (ii) Ministerial intervention if duties are not discharged in a manner deemed acceptable by Welsh Ministers.



## **Consultation**

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

## **Recommendations**

It is recommended that Council;

- (a) Note the duty placed on the Council, the Fire and Rescue Authority, Natural Resources Wales and the AMBU Health Board to establish a Public Services Board from the 1<sup>st</sup> April 2016 and that the Council's representation on the Board, as defined in the Act, is to be the Leader and Chief Executive or their nominated substitutes.
- (b) Agree that the scrutiny of the Public Services Board is vested in the Policy and Resources Scrutiny Committee with powers as set out in paragraph 5.
- (c) Support the dissolution of the Local Service Board on creation of the Public Services Board, subject to suitable arrangements being agreed with the Public Services Board to ensure progress is sustained on matters arising from the existing Single Integrated Plan until such time as the Wellbeing Plan supercedes the existing Single Integrated Plan.
- (d) Delegate the Head of Legal Services with authority to amend the Council's Constitution to take account of the of the proposed role of the Policy and Resources Scrutiny Committee and the function of full Council in approving the plan

## **Reasons for Proposed Decision**

13. To meet the requirements of the Well-being of Future Generations (Wales) Act 2015 to:
  - (a) Establish a Public Service Board which will have the duty;
    - (i) to improve the economic, social, environmental and cultural well-being in Neath Port Talbot;

- (ii) to prepare and publish an assessment of economic, social, environmental and
  - (iii) To prepare and publish a Local Well-being Plan for Neath Port Talbot setting out local objectives and the steps it proposes to take to meet them in accordance with the sustainable development principle.
  - (iv) To prepare and publish an annual report that sets out the board's progress in meeting the local objectives
- (b) Put in place scrutiny arrangements for the Public Services Board
14. To deal with the consequential impacts on the Local Service Board and its work programme from the establishment of the Public Services Board.

### **Implementation of Decision**

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

### **Appendices**

16. None

### **List of Background Papers**

17. Well-being of Future Generations (Wales) Act 2015 - <http://www.legislation.gov.uk/anaw/2015/2/contents>

### **Officer Contact**

Mrs Karen Jones, Head of Corporate Strategy and Democratic Services.  
Tel: 01639 763284 or e-mail: [k.jones3@npt.gov.uk](mailto:k.jones3@npt.gov.uk)

Mr David Michael, Head of Legal Services  
Tel: 01639 763368 or e-mail: [d.michael@npt.gov.uk](mailto:d.michael@npt.gov.uk)