

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Policy and Resources Cabinet Board

29th June 2016

Report of the Head of Corporate Strategy and Democratic Services

K.Jones

Matter for Information

Wards Affected: All Wards

Public Services Board Terms of Reference

Purpose of Report

1. The report seeks to share with Members the terms of reference for the Public Services Board (PSB).

Executive Summary

2. The Well-being of Future Generations (Wales) Act 2015 came into effect on the 1st April 2016. The Act has made it a statutory duty to establish a PSB. The PSB has 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.

Background

3. The PSB met for the first time on the 23rd May 2016. At that meeting the terms of reference were agreed. It was agreed that the Leader of the Council would Chair the PSB with Mick Crennell (Mid and West Wales Fire and Rescue Service) to be the Vice Chair.

The Board agreed to meet on a quarterly basis commencing from September 2016. Under the Act the PSB is required to invite a number of people to participate in the activity of the Board and may invite other people who exercise functions of a public nature. It was agreed to invite the following list of people:

Claire Bennett – Welsh Government
Chief Constable Peter Vaughan – South Wales Police
Rt Hon Alun Michael – Police and Crime Commissioner
Eirian Evans – National Probation Service
Deanne Martin - Community Rehabilitation Company
Gaynor Richards – NPTCVS
Linda Whittaker – NPT Homes
Pam Sutton - DWP
Town and Community Councils – Representative to be confirmed
Sara Hayes – Public Health Wales
Clare Jenkins – Community Health Council
David Blaney - Higher Education Funding Council for Wales
Mark Dacey – Neath Port Talbot College
Professor Medwin Hughes - UWTSO
Raymond Ciborowski - Swansea University
Nick Capaldi - Arts Council of Wales
Sarah Powell - Sport Wales
Linda Tomos - The National Library of Wales
David Anderson - National Museum of Wales

Invitations have been issued and responses are awaited.

Financial Impact

4. The work of the PSB will need to be supported. Previous funding provided by Welsh Government to support the work of the Local Service Board ceased on 31st March 2016. The Act places a statutory duty on the Council to administer the board. This duty is not funded. In addition to supporting the administration of the Board, officer time is required to assist with work to discharge the Council's duties under the Act. £10,000 funding has been contributed to the work of the PSB by ABMU Health Board.

Equality Impact Assessment

5. 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

6. To be determined once the work programme of the PSB has been set out.

Legal Powers

7. There is a statutory duty to create a PSB as part of the new framework introduced by the Well-being of Future Generations (Wales) Act 2015.

Risk Management

8.
 - (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.

Recommendations

9. For information only that members note the terms of reference which have been agreed by the statutory members of the PSB.

Appendices

10. Terms of reference

Officer Contact

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

Neath Port Talbot Public Services Board Terms of Reference

Prepared with reference to the Welsh Government Statutory guidance:
Shared Purpose Shared Future
Agreed by Neath Port Talbot Public Services Board on 23rd May 2016

Status

1. Neath Port Talbot Public Services Board (the Board) is a statutory board established by the Well-being of Future Generations (Wales) Act 2015. References to the Board are references to the members of the Board acting jointly. ⁱ

Purpose

2. The purpose of the Board is to improve the economic, social, environmental and cultural well-being of Neath Port Talbot.
3. In pursuing this purpose the Board will contribute to the national well-being goals:
 - (a) A prosperous Wales
 - (b) A resilient Wales
 - (c) A healthier Wales
 - (d) A more equal Wales
 - (e) A Wales of cohesive communities
 - (f) A Wales of vibrant culture and thriving Welsh language
 - (g) A globally responsible Wales
4. In conducting its business the Board will act in accordance with the sustainable development principle, acting in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. ⁱⁱ
5. In exercising its functions, the Board must seek advice from its other partners and involve them in such manner and to such extent as it considers appropriate. ⁱⁱⁱ
6. In exercising its functions, the Board must take guidance issued by Welsh Ministers into account. ^{iv}

Main Tasks

7. The Board has the following main tasks (to be achieved within timescales as specified in the Well-being of Future Generations Act):
 - a) To prepare and publish an assessment of economic, social, environmental and cultural well-being in Neath Port Talbot.^v
 - b) 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.^{vi}
 - c) To prepare and publish an annual report that sets out the Board's progress in meeting the local objectives^{vii}
 - d) To invite participants to attend and participate in the business of the Board as appropriate^{viii}.
 - e) To review and revise its local objectives and if it has revised its local objectives it must amend the Well-being Plan^{ix}.
 - f) To review its local objectives if directed to do so by Welsh Ministers and then amend the Well-being Plan in consequence of such a review.^x
 - g) To attend Neath Port Talbot Council's relevant scrutiny committee to provide information and assistance that enables the committee to discharge its responsibilities to scrutinise the work of the Public Services Board as defined in s35 of the Wellbeing of Future Generations (Wales) Act 2015.^{xi}
 - h) Until such time as the Local Wellbeing Plan has been prepared, approved and published, the Board will oversee progress made by partners in delivering the existing Single Integrated Plan for the Neath Port Talbot area, including the preparation of annual reports on the progress being made.

Membership

Statutory Members

8. The statutory members of the Board are: ^{xii}
 - a) **Neath Port Talbot County Borough Council**
 - b) **Abertawe Bro Morgannwg University Health Board**
 - c) **Mid and West Wales Fire and Rescue Service**
 - d) **Natural Resources Wales**

9. The Representatives of the statutory members of the Board are: ^{xiii}
 - a) **Neath Port Talbot County Borough Council (Leader and Chief Executive)**

 - b) **Abertawe Bro Morgannwg University Health Board (Either the Chairman, Chief Executive or both)**

 - c) **Mid and West Wales Fire and Rescue Service (Either the Chairman, Chief Officer or both)**

 - d) **Natural Resources Wales (Chief Executive)**

10. Individuals must designate a substitute in the event that they are unable to attend a meeting of the Board. The Council Leader may only designate his substitute from the Council's Executive. ^{xiv}

11. Any substitutes should have the authority to make decisions on behalf of the named persons.

Invited Participants

12. The following persons must be invited to participate in the activity of the Board: ^{xv}
 - a) The Welsh Ministers
 - b) The Chief Constable of South Wales Police
 - c) The South Wales Police and Crime Commissioner
 - d) Probation services representative
 - e) A representative of voluntary organisations
 - f) Any other persons who the Board may be required to invite under regulations made by Welsh Ministers. ^{xvi}

13. Invited participants are not required to accept the invitation.
14. Invited participants are not members of the Board. They are entitled to
 - make representations to the Board about the content of assessments of local well-being, the local well-being plan and proposed amendments to the local well-being plan, to take part in Board meetings and provide other advice and assistance to the Board. ^{xvii}
15. In the event that an invited person is unable to attend a meeting of the Board they are required to designate a substitute but it is expected that substitutes will be authorised to make decisions and commitments on behalf of the invited person.
16. The Board may invite any other persons who exercise functions of a public nature to participate in the Board's activity, even if that person exercises other functions. ^{xviii}
17. Invited participants who are to be asked to join the Board will be agreed at a meeting of the Board and the form of invitation will be via a letter from the Chair setting out the reasons for the invitation and the expectations upon the invitee. The letter will set out to whom a response is to be sent. ^{xix}
18. Invited participants may participate in the activity of the Board from the date on which the response accepting the invitation is received by the person to whom it is to be sent and ending on the date on which the next ordinary election is held under s26 of the Local Government Act 1972 (c.70).

Other partners

19. The Board must seek advice from its other partners and otherwise involve them as it considers appropriate. Other partners are not members of the Board. ^{xx}
20. These partners will include, but are not limited to:

- a) A Community Council for a community in an area which (or any part of which) falls within the local authority area
- b) The Public Health Wales NHS Trust
- c) A Community Health Council for an area which (or any part of which) falls within the local authority area
- d) A National Park Authority for a National Park in Wales any part of which falls within the local authority area
- e) The Higher Education Funding Council for Wales
- f) An institution in the further education sector or the higher education sector situated in whole or in part within the local authority area
- g) The Arts Council of Wales
- h) The Sports Council for Wales
- i) The National Library of Wales
- j)
- k) The National Museum of Wales

Decision Making and Dispute Resolution

- 21. Board decisions are only valid when made jointly and unanimously by all statutory members (or their substitutes) and with all statutory members in attendance.
- 22. In the event of a disagreement between statutory members it is the responsibility of the Chair to convene a meeting to resolve the disagreement. In the event that a consensus cannot be reached at the meeting the Chair will appoint an independent mediator who must not be in the employment of the statutory members. The statutory members must co-operate with the mediator. The costs of mediation will be borne in equal shares by the four statutory members.

Quorum

23. The quorum of a PSB meeting is all of its statutory members. Each statutory member of the PSB must be represented at a meeting by the individual specified in section 9 or a substitute for that individual.^{xxi}

Mandatory Meetings

24. The PSB will hold a meeting of the statutory members of the Board, chaired by Neath Port Talbot Council, no later than 60 days after the date on which the Board is established.^{xxii}
25. At this meeting the Board will:
 - a) Determine when and how often it meets.
 - b) Agree its terms of reference
26. Members will appoint the chair for subsequent meetings of the Board at the first meeting from the statutory members. In the event that there is no consensus as to the chair for subsequent meetings, the local authority will chair subsequent meetings.
27. Subsequent to each ordinary election of local government councillors, the Board will hold a “mandatory meeting” chaired by Neath Port Talbot Council no later than 60 days after the date of each ordinary election of councillors.^{xxiii}
28. At this “mandatory” meeting the Board must review its terms of reference, amend the terms of reference if so agreed and can choose to do so at any other meeting. Members will also appoint the chair for subsequent meetings of the Board from the statutory members. In the event that there is no consensus as to the chair for subsequent meetings, the local authority will chair subsequent meetings.^{xxiv}

Ordinary Meetings

29. Ordinary meetings of the Board will take place, as a minimum, every three calendar months in accordance with Schedule 1. The Board may amend the schedule of meetings.^{xxv}

Sub-groups

30. The Board is able to establish sub-groups to support it in undertaking its functions and the Board can authorise sub-groups to exercise its functions, excluding those set out in section 32 of this terms of reference.^{xxvi}
31. Each sub-group of a PSB must include at least one statutory member of the Board, who will chair the sub-group, and may include any invited participant or other partner.^{xxvii}
32. Sub-groups cannot:^{xxviii}
 - a) invite persons to participate in the Board's activity under section 30 (of the Act);
 - b) set, review or revise the Board's local objectives;
 - c) prepare or publish an assessment of well-being under section 37 (of the Act);
 - d) consult under section 38 (of the Act) or to prepare a draft of an assessment under section 37 (of the Act) for the purposes of consulting;
 - e) prepare or publish a local well-being plan;
 - f) consult under section 43 (of the Act) or to prepare a draft of a local well-being plan for the purposes of consulting;
 - g) review or amend a local well-being plan or to publish an amended local wellbeing plan;
 - h) consult under section 44 (of the Act);
 - i) agree that the Board –
 - (i) merges or collaborates with another public services board.
 - (ii) Collaborates with another board under section 48(1) (of the Act)

Support

33. Administrative support for the Board is provided by Neath Port Talbot County Borough Council. ^{xxix}

Wider Engagement

34. The Board will operate a scheme to ensure the involvement of persons who are interested in the improvement of the areas of economic, social, environmental and cultural wellbeing and will also operate a scheme to consult such persons in the preparation of assessments and wellbeing plans. ^{xxx}
35. A copy of the well-being assessment, the well-being plan and each annual report will be sent to Abertawe Bro Morgannwg University Health Board, Mid and West Wales Fire and Rescue Service, Natural Resources Wales, the Welsh Ministers, the Commissioner, the Auditor General for Wales and the council's relevant overview and scrutiny committee. ^{xxxi}

Scrutiny

36. The work of the PSB will be scrutinised by Neath Port Talbot Council's Policy and Resources Committee which must have the power;
- a) To review or scrutinise decisions made, or other action taken, by the Public Services Board for the local authority in the exercise of its functions
 - b) To review or scrutinise the board's governance arrangements
 - c) To make reports or recommendations to the board with respect to the board's functions or governance arrangements
 - d) To consider such matters relating to the board as the Welsh Ministers may refer to it and to report to the Welsh Ministers accordingly
 - e) To carry out such other functions in relation to the board as are imposed on it by this Act.

37. The scrutiny committee can require any statutory member of the board to give evidence, but only in respect of the exercise of joint functions conferred on them as a member of the board (as set out under section 7).
38. The scrutiny committee must send a copy of any report or recommendation it makes to the Welsh Ministers, the Commissioner and the Auditor General for Wales.^{xxxii}

Merging and collaboration

39. The PSB may merge with other PSBs if it would assist it in contributing to the achievement of the well-being goals.^{xxxiii}
40. The PSB may collaborate with another Board.^{xxxiv}

ⁱ The PSB is created by s29 of the Wellbeing of Future Generations (Wales) Act 2015

ⁱⁱ S 36(3) of the 2015 Act

ⁱⁱⁱ S32(2) of the 2015 Act

^{iv} S38 of the 2015 Act

^v S 37 of the 2015 Act

^{vi} S 39 of the 2015 Act

^{vii} S45 of the 2015 Act

^{viii} S 30 of the 2015 Act

^{ix} S44(1) of the 2015 Act

^x S 44(2) of the 2015 Act

^{xi} S 35(3) of the 2015 Act

^{xii} Para 7(1) of Schedule 3 to the 2015 Act

^{xiii} Para 7(1) of Schedule 3 to the 2015 Act

^{xiv} Paragraph 7(1) (b) of Schedule 3 to the 2015 Act

^{xv} S30(1) of the 2015 Act

^{xvi} S33(1) of the 2015 Act

^{xvii} S30 (4) of the 2015 Act

^{xviii} S30(2) of the 2015 Act

^{xix} S31(3) of the 2015 Act

^{xx} S32(2) of the 2015 Act

^{xxi} Paragraph 1 Schedule 3 of the 2015 Act

^{xxii} Paragraph 2 Schedule 3 of the 2015 Act

^{xxiii} Paragraph 3 Schedule 3 to the 2015 Act

^{xxiv} Paragraph 4(3) (4) Schedule 3 of the 2015 Act

^{xxv} Paragraph 4 Schedule 3 of the 2015 Act

^{xxvi} Paragraph 4(2)(f) of the 2015 Act

^{xxvii} Paragraph 6(1) Schedule 3 of the 2015 Act

^{xxviii} Paragraph 6 (3) Schedule 3 of the 2015 Act

^{xxix} Paragraph 5 Schedule 3 of the 2015 Act

^{xxx} Paragraph 4 (e) Schedule 3 of the 2015 Act

^{xxxi} S37 (7) S39(8) and s 45(5) of the 2015 Act

^{xxxii} S35(2) of the 2015 Act

^{xxxiii} S47 of the 2015 Act

^{xxxiv} S48 of the 2015 Act

Schedule 1

Procedure for Meetings

1. Ordinary meetings of the Board will take place as a minimum, every three calendar months. The meetings will take place as follows;
2. 6th September 2016
Future dates to be confirmed
3. The Council will give at least seven clear days notice of any meeting by contacting all statutory members of the Public Services Board by email. Papers will be sent out a minimum of seven days before any meeting of the Board.
4. Any statutory member of the Board shall be entitled to give written notice to the Chair at least 10 clear days before the date of the next meeting that he/she wishes an item relevant to the functions of the Public Services Board to be included on the agenda for, and be discussed at, a meeting of the board.