



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Council

17th July 2019

Joint Report of the Chief Executive, Assistant Chief Executive and Chief Digital Officer and Head of Legal Services

Matter for Decision

Wards Affected:

All wards

Creation of a Joint Appointments Committee in respect of Swansea Bay City Deal Appointment

Purpose of the Report:

1. As a result of the Independent Reviews of the City Deal, the Swansea Bay City Region Joint Committee has agreed to appoint a Programme Director to ensure continuity of Swansea Bay City Deal leadership and independent, authoritative advice to the Boards. This report sets out the background to the creation and appointment to the post and the necessary delegations that are required from this Council to achieve implementation of the same.

Executive Summary:

2. As a result of the Independent Reviews of the City Deal, the Swansea Bay City Region Joint Committee has agreed to appoint a Programme Director to ensure continuity of Swansea Bay City Deal leadership and independent, authoritative advice to the Boards. This report sets out the background to the creation and appointment to the post and the necessary delegations that are required from this Council to achieve implementation of the same.

3. In order to ensure that Neath Port Talbot Council can contribute to the appointment process and ultimately agree the appointment of the most suitable candidate a Joint Special Appointments Committee will have to be established with the participating authorities in the City Deal programme and the purpose of the report is to nominate the Leader of Council and a Non-Executive Member to sit on that Joint Committee.

Background:

4. At its meeting of the 28th March 2019 the Swansea Bay City Region Joint Committee, which comprises the Leaders of the 4 City Deal Authorities and their equivalents in the 2 Health Boards and Universities, agreed to accept the recommendations of (i) the UK Government / Welsh Government Actica review of the governance of the City Deal Joint Committee, and (ii) the internally commissioned Joint Committee review, and asked that a report be prepared on how the recommendations could be implemented. One of the recommendations of both Reviews was that an independent Programme Director be appointed to lead the City Deal and its Portfolio Management Office. This new post will supersede the need for a Lead Chief Executive for to the City Deal.
5. At its meeting of the 28th May 2019 the Swansea Bay City Region Joint Committee considered a Job Profile for the post of Programme Director and agreed to proceed to recruit as soon as possible, with the said Director to be an employee of Carmarthenshire County Council, but to be accountable to the Joint Committee. Carmarthenshire's Appointments Committee would normally be responsible for the appointment. However, the Joint Committee asked that the appointment be delegated to the Leaders of the 4 City Deal Authorities.
6. In order to achieve this it is necessary to establish a Joint Special Appointments Committee to ensure that each of the 4 Leaders are able to participate and ultimately agree the candidate that is appointed as the Programme Director.
7. From this Council's perspective, it would be prudent to ensure that the amendments to the Joint Working Agreement that have previously been referred to in Council and the budgetary position for the Programme Director are resolved prior to any appointment being made. However, it would be pragmatic to not hold up any processes for the advertising of this role, to ensure

the swift appointment of a suitable candidate once the amendments and budgetary positions are confirmed.

8. Some progress (initiated by this Council) has been made on these issues; but a revised JWA has yet to be signed off by the Joint Committee. Following sign off by the Joint Committee, the Welsh Government and UK Government will require oversight of the proposed amendments and require a copy of the revised version indicating the changes proposed, the reasons for them and how they reflect the recommendations from the reviews.
9. The Local Authorities (Standing Orders)(Wales) Regulations 2006 as amended apply to the appointments of, amongst other prescribed officers, non-statutory chief officers, which the post of Programme Director is. As such, the Regulations provide that no more than 50% of the membership of an Appointments Committee shall comprise of executive members.
10. In order to allow all 4 Leaders to sit on the Joint Appointments Committee the Committee must therefore comprise of at least 8 members. To achieve this it has been determined that the panel will comprise of the 4 Leaders and 4 Non Executive Members (1 member from each participating authority).
11. It should be noted that in accordance with the provisions of the Local Government Acts 1972 and 2000, the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 there is no requirement for the number of members that sit on the Joint Special Appointments Committee to be politically balanced.
12. The proposal from the other authorities is that the four leaders (via the Swansea Bay Joint Committee) will undertake the shortlisting exercise to determine suitable candidates to put forward to the Joint Special Appointments Committee, however for the sake of clarity the actual appointment will be determined by the Joint Special Appointments Committee in accordance with usual committee processes (i.e. majority vote).

Financial Impacts:

13. The funding for the new Programme Director and Portfolio Management is yet to be finalised. It is envisaged that the Programme Director and Portfolio Management Office shall be funded from the contributions currently made to the Joint Committee by the partner Authorities. It is possible that the funding envelope could be extended through a top slice of project funding; but, at the time of writing, no funding has been released by the Welsh Government so that cannot be relied upon.

Integrated Impact Assessment:

14. There is no requirement for an Integrated Impact Assessment as a result of this report. Though any appointment process will comply with all obligations under employment law and equality law.

Valleys Communities Impacts:

15. No Impact

Workforce Impacts:

16. No Impact. The post holder will be a Carmarthenshire County Council employee, but will be directly accountable to the Swansea Bay City Region Joint Committee.

Legal Impacts:

17. Local Authorities have powers under the Local Government Acts 1972 and 2000 to establish Joint Committees. The process for appointing, amongst other officers, non-statutory chief

officers is subject to the provisions in The Local Authorities (Standing Orders) (Wales) Regulations

Risk Management Impacts:

18. As a result of the Independent Reviews of the City Deal, the Swansea Bay City Region Joint Committee has agreed to appoint a Programme Director to ensure continuity of Swansea Bay City Deal leadership and independent, authoritative advice to the various Committees. Failure to undertake this could expose the participating authorities in the Swansea Bay City Deal to challenge by the Welsh Government and UK Government.

Consultation:

19. There is no requirement for external consultation on this report.

Recommendations:

20. It is recommended that:
 - (a) Members agree to form a Joint Special Appointment Committee for the appointment of a Programme Director for the Swansea Bay City Deal Programme with the City and County of Swansea, Carmarthenshire County Council and Pembrokeshire County Council.
 - (b) The Council appoints the Leader of Neath Port Talbot County Borough Council (or his nominated Executive Member) to Joint Special Appointments Committee that is to be established by Carmarthenshire County Council for the purposes of appointing a Programme Director for the Swansea Bay City Deal programme.

(c) Councillor Mike Harvey be appointed as the non-executive member to the Joint Special Appointments Committee that is to be established by Carmarthenshire County Council for the purposes of appointing a Programme Director for the Swansea Bay City Deal programme.

Reasons for Proposed Decision:

17. To fulfil the requirements of the Independent Reviews of the City Deal, the Swansea Bay City Region Joint Committee and to appoint a Programme Director to ensure continuity of Swansea Bay City Deal leadership and independent, authoritative advice to the Boards.

Implementation of Decision:

18. The decision is for immediate implementation.

Appendices:

19. None

List of Background Papers:

20. None

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