

Cabinet Scrutiny Committee

(Remotely via Microsoft Teams)

Members Present:

17 September 2020

Chairperson: Councillor M.Harvey

Vice Chairperson: Councillor S.Rahaman

Councillors: S.E.Freeguard, N.T.Hunt, S.K.Hunt, A.Llewelyn, S.Miller, R.Mizen, J.D.Morgan, S.Paddison, L.M.Purcell, S.M.Penry, S.H.Reynolds and A.N.Woolcock

Officers In Attendance A.Evans, A.Jarrett, H.Jenkins, S.Phillips, C.Davies, C.Griffiths, K.Jones, C.Furrow-Harris, T.Davies, R.Headon, S.Blewett, C.Plowman, N.Pearce and J.Woodman-Ralph

Cabinet Invitees: Councillors C.Clement-Williams, D.Jones, L.Jones, R.G.Jones, E.V.Latham, P.A.Rees, P.D.Richards and A.Wingrave

1. Declarations of Interests

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

Councillor P.Richards Re the Council Representation on Outside Bodies as he is the Councils representative for Neath Port Talbot Care and Repair.

Councillor S.Rahaman Re the Council Representation on Outside Bodies as he is one of the Councils representatives for Neath Port Talbot Black Minority Ethnic (BME) Community Association and is currently the secretary of the Association.

Councillor S.Reynolds	Re the Tai Tarian Representation Changes as she is the Councils representative on the Tai Tarian voluntary board.
Councillor D.Jones	Re the Council Representation on Outside Bodies as she is one of the Councils representatives for Neath Port Talbot Black Minority Ethnic (BME) Community Association and sits on the board for Neath Port Talbot Council for Voluntary Service (NPTCVS) in an independent capacity.
Councillor S.Penry	Re the Council Representation on Outside Bodies as she is one of the Councils representatives for Neath Port Talbot Council for Voluntary Service (NPTCVS).
Councillor L.Jones	Re the Council Representation on Outside Bodies as she is one of the Councils representatives for Neath Port Talbot Black Minority Ethnic (BME) Community Association.
Councillor N.Hunt	Re the Council Representation on Outside Bodies as he sits on the board of Port Talbot Business Improvement District (BID) in an independent capacity.

2. **Pre-decision Scrutiny**

The committee scrutinised the following cabinet items:

Strategic Equality Plan 2020-2024

It was clarified that the Strategic Equality Plan 2020-2024 was being delivered to Members in two parts:

- Part one – the strategic equality objectives and all the other relevant information that was required to be included within the plan to ensure the Council met all of the equality regulations. It

was mentioned that the commission was asking that all strategic equality plans be in place by October.

It was noted that work needed to be completed on the actions that will underpin the delivery of the objectives contained within the circulated report; this work had already started, with discussions taking place within the BME Association and amongst staff, and would form an action plan.

- Part two – the action plan for achieving the objectives which will be presented to Cabinet Scrutiny Committee towards the end of the year.

Members suggested that going forward when individuals applied for a position within the Council, a number be applied to their application instead of their name to remove any links to gender, ethnicity etc. It was noted that this could be discussed in the second part of the delivery of the strategic equality plan, when the actions would be presented.

Detailed within the circulated report, it quoted 'as a non-Welsh person living and working in Wales, I already feel discriminated against by Welsh Government policy and practice'. Members asked if the individual had given any more specific details in relation to their concerns. It was noted that no further detail was provided, however Officers would try and determine what else the Council could be doing and further information that could be collected in future consultation exercises.

Following scrutiny, the committee was supportive of the proposals to be considered by cabinet.

Council Representation on Outside Bodies

(Cllr S.Rahaman re-affirmed his interest at this point and withdrew from the meeting)

(Cllr P.Richards re-affirmed his interest at this point and withdrew from the meeting)

(Cllr D.Jones re-affirmed her interest at this point and withdrew from the meeting)

(Cllr N.Hunt re-affirmed his interest at this point and withdrew from the meeting)

The Committee received a report on the Council Representation on Outside Bodies to consider the benefits and drawbacks of Members being formally part of the voluntary boards of a selection of Organisations. Officers had proposed alternatives to the arrangement to protect Members against the conflicts of interest that would arise in relation to continuing with the current arrangements.

It was highlighted that there was no specific guidance from the WLGA on this matter, and instead it was for individual Councils to make a determination as to what arrangements should be put in place and what role they anticipated their Members to have in the community.

In relation to what other Councils had done, it was noted that there was a number of Councils where Members did not sit on any boards and other Councils where they did, which was managed via the conflict of interest route. Officers stated that Neath Port Talbot Council wanted to ensure that Members had the ability to be able to speak, vote and make representation on any matter within their role as a County Borough Councillor and would not be prejudiced in any way from sitting on some of the boards, where they would have to act in their interest as well. It was noted that managing the interest going forward was important and as well as identifying how it could be controlled with different mechanisms; these mechanisms could allow Members to have a level of control and access to information so that their role as a Country Borough Councillor was not diluted and they could make decisions in relation to what is happening within the community, without having a Member sit on the board.

Some Members felt that they had more advantages being able to be part of the organisations than not, due to the powers and influence they would be relinquishing. It was mentioned that the Council was able to function even if a Member had to withdraw from a meeting. Officers noted that as an alternative, Members could discuss their specific issue with an Officer within the Council to exercise the measures that would be available under the contractual and grant arrangements, to be able to acquire the information and resolve the particular queries as and when they develop.

It was clarified that when Members were appointed by Council to sit on outside bodies they no longer represent the Council, instead their interest must solely lie with the outside bodies in which they were

appointed. It was added that Members did not sit on the boards to try and influence that organisation, they were there to represent them.

Members asked whether the Council could have a discussion with the organisations, to propose that in place of having full board representation nominated by Council, that they have observer status. It was highlighted that this could be a way of ensuring that the involvement and experience of local Members could still be contributed without the organisation or Members being compromised by having conflicts of interests.

Concern was expressed in relation to disenfranchising the Council from the outside bodies that it funds and a suggestion was made of having non-voting observers on the boards to ensure that internal scrutiny could take place on the utilisation of the funding.

Officers highlighted that there were a numbers of ways in which the Council could ensure Members continued to have oversight of discussions and procedures in the outside bodies board meetings; as it was mentioned earlier, the Council had grant agreements and contract arrangements in place which enabled Officers and Members to have sight of documents such as business plans, statements of accounts and monitoring reports. It was noted that arrangements could be made for Members to receive regular reports on the Councils investment and if there were other opportunities for Members to be involved in the outside bodies, this could be explored further. It was added that the Council had a compact arrangement with the voluntary sector more generally and there was scope within those partnerships, to look at how the Council works with those bodies.

It was mentioned that Members could still choose to sit on a board in a personal capacity instead of being allocated to do so by the Council, however they would need to be mindful of the conflicts of interest.

A discussion took place in relation to the wording of the recommendations contained within the circulated report, in particular the list of outside bodies detailed in the recommendation. It was confirmed that Officers went through the list of outside bodies where Council currently made nominations and the outside bodies the Council currently funded but where nominations were made on a voluntary basis, and included them in the report. It was added that the

new policy highlighted that the Council wouldn't be seeking to make these nominations going forward for these particular organisations.

A formal amendment to the recommendation contained within the circulated report was proposed and seconded:-

'It is recommended that Officers investigate the possibility of observers being appointed to the boards of organisations where Neath Port Talbot Council have withdrawn representatives from the boards referenced within the recommendation'

A roll call was undertaken for the purposes of determining the vote; the amendment fell as a result of the roll call.

The Cabinet Scrutiny Committee then proposed and seconded the initial proposals contained within the report:-

- It is recommended that Neath Port Talbot County Borough Council no longer nominates representatives to the boards of organisations funded by the Council and where participation in the boards of those organisations is voluntary.
- That Neath Port Talbot Council for Voluntary Services, Neath Port Talbot Care and Repair, Neath Business Improvement District, Port Talbot Business Improvement District and The Neath Port Talbot Black and Ethnic Minority Community Association are notified that, subject to recommendation 1 being agreed, that the current Council appointees wish to resign from these Organisations and from the date of such resignation, Neath Port Talbot County Borough Council no longer propose to appoint elected member representatives to these Organisations.

Following scrutiny, the Committee was supportive of the proposals to be considered by the Cabinet Board.

(Cllr S.Rahaman, Cllr P.Richards, Cllr D.Jones and Cllr N.Hunt were welcomed back into the meeting)

Tai Tarian Representation Changes

A report in relation to the removal of Elected Members from the voluntary board of Tai Tarian Limited was presented to the Committee.

Members asked for assurance that Tai Tarian would still be held to account without local Member representation on the board, to ensure that the needs of the community were being met and asked for a comparison with accountability arrangements for stock transfer mutual associations in other local authority areas.

Officers informed the Committee of the very detailed transfer agreement that Neath Port Talbot Council had with Tai Tarian which was put together at the time of the housing stock transfer in 2011; this transfer agreement was still valid and contained a number of legal obligations which Tai Tarian had to comply with, and there were also some contractual obligations that the Council had to comply with. It was noted that there were frameworks and mechanisms in place to ensure Tai Tarian and the Council worked together to meet common goals, and if either party didn't comply there were both informal and formal processes in place under the contract to hold people to account, including the referral to dispute resolution and court action. It was added that Members also had the opportunity to invite Tai Tarian to scrutiny.

A discussion took place in relation to obtaining observer status on the voluntary board of Tai Tarian. Officers clarified that the provision within the transfer agreement is that the Council may nominate Members if they wish to do so and that there is no compulsion at this stage under the agreement.

It was detailed within the circulated report that the transfer agreement no longer stipulated that Tai Tarian must attend scrutiny committees, but instead an invite could be extended; Members asked if this had always been the case, to which Officers stated that under the terms of the transfer agreement there was an obligation on Tai Tarian to attend any scrutiny committees that the Council would hold for six years from the date of transfer, however the six years expired in 2017, so there was no longer any compulsion on them to attend any scrutiny committees.

Members expressed their concerns in relation to accountability and the Councils relationship with Tai Tarian moving forward. Officers highlighted that if a Member had a specific issue they were dealing with on behalf of a constituent, they would be entitled to raise it with Tai Tarian; alternatively if Members had difficulty with getting in contact and/or progressing issues with Tai Tarian, they could raise it with an Officer of the Council who could identify if the issue could be dealt with via any mechanisms under the transfer agreement.

A formal amendment to the recommendation contained within the circulated report was proposed and seconded:-

'It is recommended that Neath Port Talbot Council request Tai Tarian to accept Council observers in place of formal board members'

A roll call was undertaken for the purposes of determining the vote; the amendment fell as a result of the roll call.

The Cabinet Scrutiny Committee then proposed and seconded the initial proposals contained within the report, with the change of the word 'allocated' replacing the word 'two':-

- It is recommended that Neath Port Talbot County Borough Council notify Tai Tarian Limited that its two allocated member appointments wish to resign from the voluntary board and from the date of such resignation, Neath Port Talbot County Borough Council no longer propose to appoint elected member representatives to the voluntary board of Tai Tarian Limited

Following scrutiny, the Committee was supportive of the proposals to be considered by the Cabinet Board

CHAIRPERSON