

# NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

## Council

2<sup>nd</sup> April 2025

### Report of the Head of Legal and Democratic Services – Mr Craig Griffiths

#### Matter for Decision

**Wards Affected:** All

#### Decision Making Structures within Neath Port Talbot County Borough Council

#### Purpose of the Report

#### Executive Summary

In recent years, the complexity and volume of decisions required by the Council have increased significantly. This has highlighted the need for a review of our current decision-making processes to identify areas for improvement and modernisation.

At its meeting of the 8<sup>th</sup> of January 2025, Council approved the establishment of a Modernisation Group, comprising of elected members to review the council's constitution, processes, and decision-making frameworks. The aim of the group being to identify areas for improvement and develop recommendations to modernise and streamline constitutional processes, ensuring it is effective, transparent, and fit for purpose in a changing local government environment.

The first programme of work of the Modernisation Group was to look at decision making structures within the Council and determine whether any amendments could be made to the decision-making structures, with the objectives of

- Assessing the effectiveness of the current decision-making structure in delivering timely and well-informed decisions
- Evaluating whether roles, responsibilities, and delegations are clear and well-balanced
- Identifying barriers to transparency, accountability, or inclusivity in decision-making
- Recommending changes to improve the structure, processes, and outcomes of decision-making.

Following discussions with the Modernisation Group, it would be proposed that the following changes be proposed:

- Creation of a single cabinet member decision making process
- Creation of a framework/protocol for officer delegated decisions
- Removal of Personnel Committee
- Create a new decision-making structure document (Appendix 1)

## **Background**

In recent years, the complexity and volume of decisions required by the Council have increased significantly. This has highlighted the need for a review of our current decision-making processes to identify areas for improvement and modernisation.

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As series of proposals have now been considered by Modernisation Group and are now brought to Full Council for approval. It would be proposed that these processes be implemented from the date of the Council's Annual General Meeting in May 2025.

## **Proposal 1 - Creation of a Single Cabinet Member Decision Making Process**

At present, cabinet decision making sits with the entirety of the Cabinet and no single Cabinet member has any decision-making powers, instead holding a portfolio of responsibilities.

What this has meant is that Cabinet agendas have now become extremely large, sometimes having 20-25 reports, on what could be considered routine matters such as small debt write offs, traffic orders, small value contractual renewals and it is proposed that these could be more efficiently dealt with by a single cabinet member, allowing the more strategic matters impacting the Council to be determined at full Cabinet level.

Accordingly, it would be proposed that to enable more streamlined and efficient decision, that promotes more accountability for both officers and members, a single cabinet member system be put in place to enable non-controversial decisions to be taken in a transparent manner.

This system is already adopted in many local authorities in Wales

There are some advantages and disadvantages to single cabinet member decision making that it is important that members are aware:

Advantages	Disadvantages
Each cabinet member is assigned a specific area of responsibility, such as education, transportation, or housing, and has the authority to make decisions within that domain	Decisions made by a single member may lack the broader perspective and input that collective decision-making provides
can speed up decision-making processes, as it reduces the need for lengthy discussions and approvals from the entire cabinet.	Different cabinet members may have different approaches and priorities, leading to potential inconsistencies in policy implementation.
Individual cabinet members are directly accountable for their decisions, making it easier to identify responsibility for specific outcomes.	Individual members may face significant pressure and scrutiny, as they are solely responsible for decisions in their areas.
Cabinet members can develop expertise in their assigned areas, potentially leading to more informed and effective decision-making	

However, it is recognised that moving to such a system will ensure a more streamlined and transparent approach to decision making.

In summary, the position will be that responsibility for decision making is delegated to each Cabinet member provided the matter is:

- Within policy framework or corporate policy
- Not in conflict with any existing or proposed policy
- No corporate impact

- Within budgets and within virement discretion
- not considered (by the Cabinet member or the Leader) to be in the public interest to be determined at Full Cabinet

Public interest shall mean the common well-being or general welfare that public policies and actions aim to achieve, serving the best interests of the community, promoting transparency, accountability, and inclusivity, and addressing community needs, aspirations, and values. For example, this could include but not be limited to matters affecting more than ward, where there is a significant expenditure on the part of the Council, or it will involve a major impact (whether positive or negative) on a local community.

Prior to taking a decision as to the forum for the decision, a Cabinet Member or Leader should seek the advice of the Chief Executive or any other Chief Officer and shall have due regard to any views of Overview and Scrutiny that have been provided.

The Leader, the relevant Cabinet member or the Chief Executive can determine whether something should be considered by Cabinet. Certain key decisions such as bylaws, compulsory purchase orders and such will also be considered at Cabinet.

## **Proposal 2 – Process for Single Cabinet Member Decisions**

It will be intended that single cabinet member decisions will be utilised for low level decision making, for example, traffic orders, receiving reports for information that the Council is required to formally publish, small value contractual arrangements, debt write offs and such.

The following provides an overview on the process of a decision being taken:

- A specific date will be included in the Council's Forward Work Programme for Decisions to provide transparency as to when decisions are being made.
- A report will be published five working days before decision to be taken.
- Democratic Services colleagues will issue a Decision Proforma to Cabinet Members on the intended day of the decision-making asking Cabinet Members to approve/reject or amend the recommendation – a copy of this proforma will be published.
- A decision notice will be published with the usual three-working day call-in period (unless the Chair of the relevant Overview and Scrutiny Committee agrees for immediate implementation)

If members have representations to make in respect of the report they can be put to the Cabinet Member in writing and will be formally issued and recorded on the Decision Notice as a query being raised.

It should be noted that the overall purpose of this new method is to ensure that decision making is transparent, streamlined and clear to all concerned. It should be noted this is the process that is followed in the majority of local authorities where single cabinet member decision takes place.

In the absence of this process being adopted, it will necessitate a public meeting be held to enable the decisions to be taken in that forum.

### **Proposal 3 – Creation of a Framework/Protocol for Officer Delegations**

Officer delegations are also important for maintaining accountability and transparency in local government. Having a valid scheme of delegation in place is essential to avoid legal challenges and ensure that decisions are made in accordance with the law. The Centre for Governance and Scrutiny notes that an authority's officer delegation scheme confers extensive powers on chief officers and other designated officers to carry out functions, ensuring that the council operates efficiently and effectively.

Officer delegations are vital for ensuring that local government functions smoothly, decisions are made efficiently, and legal and governance requirements are met. This ultimately leads to better service delivery and improved public trust in local government operations.

It is recognised however that a framework of when officers can use the delegation would be important for members to be confident that delegations are being used appropriately.

Accordingly, it would be proposed that as part of implementing a delegated power:

- Officers be obligated to keep their cabinet member informed and if appropriate the Chair of the relevant scrutiny committee
- If a matter impacts a local community, then the local member should be notified
- An officer should consult their line manager where appropriate
- Prior to exercising a delegation an officer should ask:
  - Does it involve a significant expenditure to service budget?
  - Does it affect the reputation of a service or the Council?
  - Does it impact on more than one ward?
  - Does it carry a risk to the Council or service?
  - Does it impact reputationally or financially on the Council?
  - In the event the answer to any question is yes then it would be more appropriate for a Cabinet Member to determine.

It should be noted that officers will not be entitled to take a decision which:

- Makes or amends the policy and budget and framework
- Reviews council performance
- Set or change policy agreed by Cabinet or Council
- Respond to consultation in respect of strategic policy
- Make bylaws
- Make compulsory purchase orders
- Act contrary to statutory requirements or the provision of the Constitution.

A template for recording officer decision making will be prepared.

It is also proposed that mechanism of recording officer delegated decisions be developed and provided to members and this will be subject to a future report once further work has been concluded to facilitate this.

#### **Proposal 4 – Removal of Personnel Committee**

At present, of the 22 local authorities in Wales, only Neath Port Talbot operates a personnel committee.

Consideration has been given to removing the Council's Personnel Committee and adopting a more holistic approach to staffing matters in line with its scrutiny functions. By integrating staffing considerations into broader scrutiny processes, the Council can ensure that decisions are made with a comprehensive understanding of their impact on overall governance and service delivery. This approach allows for a more thorough examination of staffing issues, aligning them with strategic objectives and performance metrics. It also promotes transparency and accountability, as scrutiny committees are designed to provide oversight and challenge to executive decisions.

Removing the Personnel Committee and incorporating staffing matters into the scrutiny framework can streamline decision-making, reduce duplication of efforts, and foster a culture of continuous improvement and responsiveness to the needs of the community. This holistic perspective ensures that staffing decisions are not made in isolation but are part of a broader strategy to enhance the effectiveness and efficiency of local government operations.

In addition, it is recognised practice that elected members should not be involved in personnel and HR matters to maintain the integrity and impartiality of the Council's operations. Councillors are elected to represent the interests of their constituents and to set strategic policies, not to manage the day-to-day operations of the council. Involvement in personnel and HR matters can lead to conflicts of interest, undermine the professional management of the council, and blur the lines of accountability. Pursuant to the Local Government and Elections (Wales) Act 2021, the Chief Executive of the Council has overall accountability in these areas. This separation of roles allows elected members to focus on their strategic and oversight functions, while officers manage staffing matters in a fair and consistent manner.

Accordingly, it would be proposed that the Personnel Committee be disbanded, with its monitoring and information reports being considered via overview and scrutiny. Any decision making on policies that would usually be considered at Personnel Committee will then be considered at Full Council.

One impact on this is that in the absence of a personnel committee, a corresponding power will need to be provided to Chief Officers to manage the human resources within their area of responsibility, including the appointment, establishment, salary/grade, training, terms and conditions of employment, health and safety, discipline, suspension and dismissal of staff, in accordance with the Council's HR and financial procedures. This would be a move away from the current establishment forms which are usually prepared when officers wish to make a change to their structures and the Head of People and Organisation Development will prepare

appropriate forms and training to facilitate this. Officers will however ensure that their Cabinet Members are briefed on proposed changes.

#### **Proposal 4 – Updated Scheme of Delegations**

To impact Proposals 1 to 3, a revised Scheme of Delegations will be required and a copy of this is attached at Appendix 1.

This implements the aforementioned proposals and at the same time replicates the current delegations that are in place in the Council's Constitution.

The document outlines the functions and decision-making responsibilities within the Council. It begins with an introduction to the purpose and responsibility for functions, explaining who can be decision makers under the constitution. The decision makers include the Full Council, Committees or Sub-Committees of the Council, the Leader, the Executive (Cabinet), individual Cabinet Members, Joint Committees, Corporate Joint Committees, and officers. The document also covers the removal of delegation, explaining that the body that delegated the function may withdraw the delegation and exercise the function itself

The Council operates under a Cabinet Model, where the Leader is elected by the Council. The Cabinet is responsible for most decisions and functions, but there are exceptions where certain functions must not sit with the Cabinet or are left to individual Local Authorities to decide

Other bodies mentioned include Advisory Bodies, Scrutiny Committees, Officer Delegations, and Joint Committees

The section on Full Council details functions that only the Full Council will exercise, such as adopting and changing the Constitution, approving the policy framework and budget, appointing the Leader and Deputy Leader, determining the size of the Cabinet, and appointing Scrutiny Committees

Committees of Council are listed with their responsibilities, including the Planning Committee, Registration and Licensing Committee, Appeals Panel, Special Appointments Committee, Governance and Audit Committee, Democratic Services Committee, Standards Committee, Licensing and Gambling Act Committee, Licensing and Gambling Act Sub Committee, and Family Absence Appeal Panel

The document also outlines Local Choice Functions, which are functions that the Council can decide where they sit, either with the Cabinet or non-Cabinet

The Cabinet Functions section lists functions to be carried out by the Cabinet, subject to restrictions and obligations

Finally, the document covers Officer Delegations, explaining the general and specific delegations of functions to Officers, including the Chief Executive and Chief Officers

It provides definitions and obligations for Officers when making decisions under the Scheme of Delegation

## **Financial Implications**

There are no financial implications at this stage, but any actions considered by the group will be assessed as part of an ongoing review of financial implications

## **Integrated Impact Assessment**

As this report relates to governance arrangements there would be no requirement for an integrated impact assessment.

## **Workforce Impacts**

There are no impacts at this stage.

## **Legal Powers**

A local authority is under a duty to prepare and keep up to date its constitution under s.9P Local Government Act 2000 as amended. The constitution must contain:

- the standing orders/procedure rules;
- the members' code of conduct;
- such information as the Welsh Ministers may direct;
- such other information (if any) as the authority considers appropriate.

Constitutions must be available for inspection at all reasonable hours by members of the public and supplied to anyone who asks for a copy on payment of a reasonable fee.

## **Risk Management**

Implementing a single cabinet member decision-making process in local government can streamline decision-making and enhance accountability. However, it also introduces several risks that must be managed effectively to ensure the success and integrity of the governance framework.

To mitigate these risks, the following strategies should be employed:

- **Enhanced Consultation and Collaboration:** Encourage regular consultations with other cabinet members and the Modernisation Group to monitoring implementation and to gather diverse perspectives and ensure well-rounded decision-making
- **Clear Policy Frameworks:** Establish clear policy frameworks and guidelines to ensure consistency in decision-making and policy implementation across different areas via the updated decision-making structure



- Support Systems: Provide robust support systems for cabinet members to help them manage the pressure and scrutiny associated with their roles
- Continuous Risk Assessment: Implement continuous risk assessment processes to identify and address potential risks proactively.

## **Consultation**

There is no requirement for external consultation for this proposal.

## **Recommendation**

It is recommended that members

- (a) approve the move to a single cabinet member decision making process from the date of the Council's Annual General Meeting in May 2025 (Proposal 1);
- (b) adopt the process set out in Proposal 2 in respect of Single Cabinet Member Decision Making;
- (c) approve the disbanding of the Personnel Committee to take effect from the date of the Council's Annual General Meeting in May 2025 (Proposal 3);
- (d) approve the revised Decision-Making Structure at Appendix 1 to take effect from the date of the Council's Annual General Meeting in May 2025 (Proposal 4);
- (e) the Head of Legal and Democratic Services be authorised to update the Constitution of Neath Port Talbot County Borough Council to reflect the same.

## **Reason for Decision**

To implement areas of improvement with the aim of modernising and streamlining constitutional processes, ensuring it is effective, transparent, and fit for purpose in a changing local government environment.

## **Appendices**

None

## **List of Background Papers**

None

## **Officer Contact**

Mr Craig Griffiths

Head of Legal and Democratic Services