

T: 01495 355001

E: committee.services@blaenau-gwent.gov.uk



Blaenau Gwent

Our Ref./Ein Cyf.
Your Ref./Eich Cyf.
Contact:/Cysylltwch â: Democratic Services

THIS IS A MEETING WHICH THE PUBLIC ARE ENTITLED TO ATTEND

17th November 2022

Dear Sir/Madam

ORDINARY MEETING OF THE COUNCIL

A meeting of the Ordinary Meeting of the Council will be held in Remotely via Microsoft Teams on Thursday, 24th November, 2022 at 10.00 am.

Yours faithfully

Damien McCann
Interim Chief Executive

AGENDA

Pages

1. SIMULTANEOUS TRANSLATION

You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided if requested.

2. APOLOGIES

To receive.

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn cyfathrebu gyda chi yn eich dewis iaith, dim ond i chi rhoi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

The Council welcomes correspondence in Welsh and English and we will communicate with you in the language of your choice, as long as you let us know which you prefer. Corresponding in Welsh will not lead to any delay.

3. **DECLARATIONS OF INTEREST AND DISPENSATIONS**
To consider any declarations of interest and dispensations received.
4. **PRESIDING MEMBER'S ANNOUNCEMENTS**
To receive.
5. **ORDINARY MEETING OF THE COUNCIL** 7 - 18
To consider and if thought fit, approve the decisions of the meeting held on 29th September, 2022.
6. **SPECIAL MEETING OF THE COUNCIL** 19 - 24
To consider and if thought fit, approve the decisions of the meeting held on 26th October, 2022.
7. **GENERAL LICENSING COMMITTEE** 25 - 28
To confirm the decisions of the General Licensing Committee held on 22nd September, 2022.
8. **STATUTORY LICENSING COMMITTEE** 29 - 32
To confirm the decisions of the Statutory Licensing Committee held on 22nd September, 2022.
9. **PLANNING COMMITTEE** 33 - 36
To confirm the decisions of the Planning Committee held on 6th October, 2022.
10. **GENERAL LICENSING COMMITTEE** 37 - 38
To confirm the decisions of the General Licensing Committee held on 10th October, 2022.
11. **PLANNING COMMITTEE** 39 - 42
To confirm the decisions of the Planning Committee held on 10th November, 2022.
12. **EXECUTIVE COMMITTEE** 43 - 50
To confirm the decisions of the Executive held on 21st September, 2022.

13. **CABINET** 51 - 56
To confirm the decisions of the Cabinet held on 26th October, 2022.
14. **SPECIAL CABINET** 57 - 58
To consider the decisions of the Special Cabinet Meeting held on 15th November, 2022.
15. **PEOPLE SCRUTINY COMMITTEE** 59 - 64
To confirm the decisions of the People Scrutiny Committee held on 6th September, 2022.
16. **CORPORATE AND PERFORMANCE SCRUTINY COMMITTEE** 65 - 68
To confirm the decisions of the Corporate and Performance Scrutiny Committee held on 20th September, 2022.
17. **PLACES SCRUTINY COMMITTEE** 69 - 72
To confirm the decisions of the Places Scrutiny Committee held on 20th September, 2022.
18. **GOVERNANCE & AUDIT COMMITTEE** 73 - 76
To confirm the decisions of the Governance & Audit Committee held on 21st September, 2022.
19. **CORPORATE AND PERFORMANCE SCRUTINY COMMITTEE** 77 - 78
To confirm the decisions of the Corporate and Performance Scrutiny Committee held on 23rd September, 2022.
20. **PEOPLE SCRUTINY COMMITTEE** 79 - 82
To confirm the decisions of the People Scrutiny Committee held on 30th September, 2022.
21. **PARTNERSHIPS SCRUTINY COMMITTEE** 83 - 86
To confirm the decisions of the Partnership Scrutiny Committee held on 14th October, 2022.

22. **SPECIAL GOVERNANCE & AUDIT COMMITTEE** 87 - 88
 To confirm the decisions of the Special Governance & Audit Committee held on 20th October, 2022.
23. **ORDINARY MEETING OF THE COUNCIL - ACTION SHEET** 89 - 90
 To receive the Action Sheet.
24. **SPECIAL MEETING OF THE COUNCIL - ACTION SHEET** 91 - 92
 To receive the Action Sheet.
25. **MEMBERS QUESTIONS**
 To receive questions, if any, from Members.
26. **PUBLIC QUESTIONS**
 To receive questions, if any, from the public.
27. **CONSULTATION ON THE INDEPENDENT REMUNERATION PANEL FOR WALES DRAFT ANNUAL REPORT 2023** 93 - 122
 To consider the joint Officers' report.
28. **TREASURY MANAGEMENT ANNUAL REVIEW REPORT 1ST APRIL, 2021 TO 31ST MARCH, 2022** 123 - 142
 To consider the report of the Chief Officer Resources.
29. **DRIVING AT WORK POLICY** 143 - 160
 To consider the report of the Head of Organisational Development.
30. **PUBLIC PROTECTION & ENVIRONMENTAL ENFORCEMENT SERVICES - REVISED ENFORCEMENT POLICY** 161 - 186
 To consider the report of the Service Manager Public Protection.

31. **NATIONAL COLLABORATIVE ARRANGEMENTS FOR WELSH (LOCAL AUTHORITY) ADOPTION AND FOSTERING SERVICES** 187 - 250

To consider the report of the Interim Corporate Director of Social Services.

32. **MEMBERSHIPS REPORT** 251 - 252

To consider the attached report.

33. **EXEMPT ITEM**

To receive and consider the following report which in the opinion of the proper officer is an exempt item taking into account consideration of the public interest test and that the press and public should be excluded from the meeting (the reason for the decision for the exemption is available on a schedule maintained by the proper officer).

34. **APPOINTMENTS COMMITTEE** 253 - 254

To consider the report of the meeting held on 28th September, 2022.

To: Councillor C. Smith (Presiding Member)
Councillor C. Bainton
Councillor P. Baldwin
Councillor S. Behr
Councillor D. Bevan
Councillor K. Chaplin
Councillor M. Cross
Councillor H. Cunningham
Councillor D. Davies
Councillor G. A. Davies
Councillor M. Day
Councillor S. Edmunds
Councillor J. Gardner
Councillor J. Hill
Councillor W. Hodgins
Councillor J. Holt
Councillor G. Humphreys
Councillor R. Leadbeater
Councillor E. Jones
Councillor J. Morgan, J.P.
Councillor J. C. Morgan
Councillor J. P. Morgan

Councillor L. Parsons
Councillor D. Rowberry
Councillor T. Smith
Councillor G. Thomas
Councillor J. Thomas
Councillor S. Thomas
Councillor H. Trollope
Councillor J. Wilkins
Councillor L. Winnett
Councillor D. Woods

All other Members (for information)
Interim Chief Executive
Chief Officers

COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO:	<u>THE PRESIDING MEMBER AND MEMBERS OF THE COUNCIL</u>
SUBJECT:	<u>ORDINARY MEETING OF THE COUNCIL – 29TH SEPTEMBER, 2022</u>
REPORT OF:	<u>DEMOCRATIC OFFICER</u>

PRESENT: COUNCILLOR C. SMITH (PRESIDING MEMBER, CHAIRING)

Councillors C. Bainton
P. Baldwin
S. Behr
D. Bevan
K. Chaplin
M. Cross
H. Cunningham
D. Davies
M. Day
S. Edmunds
J. Gardner
J. Hill
W. Hodgins
G. Humphreys
R. Leadbeater
E. Jones
J. C. Morgan
J. P. Morgan
L. Parsons
D. Rowberry
T. Smith
G. Thomas
J. Thomas
S. Thomas
H. Trollope
J. Wilkins
D. Wilkshire
L. Winnett
D. Woods

AND:

- Interim Chief Executive
- Interim Corporate Director of Social Services
- Chief Officer Resources
- Chief Officer Commercial & Customer
- Head of Legal & Corporate Compliance
- Head of Democratic Services, Governance & Partnerships
- Head of Regeneration
- Service Manager – Customer Experience & Transformation
- Service Manager – Young People & Partnerships
- Press & Publicity Officer

<u>ITEM</u>	<u>SUBJECT</u>	<u>ACTION</u>
1.	<p><u>SIMULTANEOUS TRANSLATION</u></p> <p>It was noted that no requests had been received for the simultaneous translation service.</p>	
2.	<p><u>APOLOGIES</u></p> <p>Apologies for absence were received from:</p> <p>Councillors G. A. Davies and J. Holt.</p>	
3.	<p><u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u></p> <p>The following declaration of interests were reported:</p> <p>Item No. 18: Discretionary Cost of Living Scheme</p> <p>Councillors K. Chaplin, W. Hodgins, H. Trollope</p>	

Item No. 19: Annual Report of the Director of Social Services 2021/2022

Councillor W. Hodgins

4. PRESIDING MEMBER'S ANNOUNCEMENTS

Condolences

- Her Majesty Queen Elizabeth II who had sadly passed away on Thursday, 8th September. Her Majesty had ascended to the throne in 1952 and had served for over 70 years - the longest reign of any British Monarch and the longest recorded of any female head of state in history.

Condolences were expressed to the families of:

- Former County Borough Councillor and Mayor, Keith Barnes who passed away on 12th August just 25 days after his wife, Val. Keith had represented the Cwm Ward for over 30 years during his time as a Councillor.
- Former employee of the Council, Mr. Jeff Wheeler who had recently passed away.

Members and officers paid their respects with a minute's silence

It was noted that appropriate letters of condolence had been sent.

Congratulations

Congratulations were expressed to:

- Charlotte Carey on winning a bronze medal in the table tennis doubles with partner Anna Hursey at the Commonwealth Games in Birmingham.

	<p>This was Wales' first female Commonwealth Games table tennis medal.</p> <p>➤ Owain Dando and Jonathan Tomlinson on winning a bronze medal in the men's triple bowls event with team partner Ross Owen at the Commonwealth Games in Birmingham.</p> <p>Appropriate letters had been sent to all medallists.</p>	
5 11.	<p><u>MINUTE BOOK JULY – SEPTEMBER 2022</u></p> <p>The Minute Book for the period July - September 2022 - was submitted for consideration.</p> <p>It was noted that only the decisions of meetings would be reported going forward and not full minutes as in previous years.</p> <p>It was unanimously,</p> <p>RESOLVED, subject to the foregoing, that the decisions be approved and confirmed as a true record of proceedings.</p>	
12.	<p><u>MEMBERS QUESTIONS</u></p> <p>There were no questions submitted by Members.</p>	
13.	<p><u>PUBLIC QUESTIONS</u></p> <p>There were no questions submitted by members of the public.</p>	

14.	<p><u>MOTION – DECARBONISING WELSH PENSION FUNDS</u></p> <p>Consideration was given to the Motion regarding Decarbonising Welsh Pension Funds.</p> <p>It was unanimously,</p> <p>RESOLVED that Blaenau Gwent County Borough Council work with the Welsh Government, other local authorities and other parts of the public sector to develop a shared strategy for decarbonising the investments made by their pension funds and redirecting that investment into Wales based projects which decarbonise both energy consumption and production.</p>	
15.	<p><u>MOTION – REDRESS FOR EMPLOYEES WHO MISSED OUT ON WELSH GOVERNMENT’S FINANCIAL RECOGNITION SCHEME</u></p> <p>Consideration was given to the above-named Motion.</p> <p>Following a discussion it was,</p> <p>RESOLVED that to recognise the dedication and hard work of employees from Workforce Development, Early Years, Childcare and Play, Families First and Flying Start, a one-off payment of £735 be allocated from the Council's Corporate Budget to the workers who missed out on the scheme and right the injustice suffered by them.</p>	
16.	<p><u>PROPOSED COUNCIL FORWARD WORK PROGRAMME – 2022/2023</u></p> <p>Consideration was given to the report of the Democratic Officer.</p> <p>It was noted that the Forward Work Programme was a fluid document and would be added to over time. With regard to a concern raised that an item regarding the Highways Network had not been included it was noted that whilst</p>	

	<p>there was a revenue budget available for 2022/23 to undertake day to day repairs, there were no capital grant monies available at present which would allow for additional investment into the road network. However, if funding opportunities were generated or alternative funding identified it would be a decision of Council as to how funding was prioritised and spent. If no further funding opportunities were forthcoming, discussions would be held with Members regarding priorities once the outcome of the draft budget from Welsh Government was known in December.</p> <p>It was unanimously,</p> <p>RESOLVED, subject to the foregoing, that the report be accepted and Option 1 be endorsed, namely that the Council Forward Work Programme 2022/2023 be agreed.</p>	
<p>17.</p>	<p><u>MULTI LOCATION MEETING POLICY</u></p> <p>Councillor D. Rowberry left the meeting at this juncture.</p> <p>Members considered the report of the Service Manager Performance & Democratic.</p> <p>This was a fluid policy that would be adapted as the Council moved forward and would be monitored by Members periodically.</p> <p>Following a discussion, it was agreed that notification of meetings be published in the Community Hubs and General Office building to alert people without I.T. provision to the meetings that were pending. In addition, in terms of identity as the General Office building was now the Democratic Hub the matter of signage would be investigated but this would not form part of this policy.</p> <p>It was noted that whilst the hybrid system was not currently in use, Members were still able to attend meetings at the General Offices albeit via Microsoft teams at present until a solution had been identified.</p> <p>It was unanimously,</p>	

	<p>RESOLVED, subject to the foregoing, that the report be accepted and Option 1 be endorsed, namely that the Multi Location Meeting Policy be approved and used to support all future democratic meetings and member sessions.</p>	
<p>18.</p>	<p><u>COST OF LIVING DISCRETIONARY SCHEME</u></p> <p>Councillors K. Chaplin, W. Hodgins and H. Trollope declared an interest in this item but remained in the meeting whilst it was discussed.</p> <p>Consideration was given to the report of the Chief Officer Commercial & Customer.</p> <p>It was reported that the Corporate & Performance Scrutiny Committee at its meeting on 23rd September, 2022 had proposed a slight amendment to the recommendation, namely that £30,000 be provided to Blaenau Gwent Foodbank as the main recipient and a discretionary fund of £70,000 be established to allow other local food distribution groups/organisations to apply for funding from the Council to assist in delivering work within their respective communities. The proposal to provide £50,000 to Citizens Advice Bureau to enable additional resources to support individual across Blaenau Gwent with financial/debt advice was agreed by the Committee.</p> <p>The Leader of the Council, thereupon, proposed that the recommendation of the Scrutiny Committee be endorsed.</p> <p>Following a discussion, it was unanimously,</p> <p>RESOLVED, subject to the foregoing, that the report be accepted and the suggested amendment above to the Cost of Living Discretionary Scheme be agreed (Option 2).</p> <p>Heartfelt appreciation was expressed to all those people in the community, current and former Council Members that had assisted and helped the foodbanks particularly, during the course of the pandemic.</p>	

<p>19.</p>	<p><u>ANNUAL REPORT OF THE DIRECTOR OF SOCIAL SERVICES 2021/2022</u></p> <p>Councillor W. Hodgins declared an interest in this item but remained in the meeting whilst it was discussed.</p> <p>The report of the Interim Corporate Director of Social Services was submitted for consideration.</p> <p>The Executive Member – People & Social Services expressed his appreciation to staff for all their hard work, dedication and commitment during the past year.</p> <p>It was unanimously,</p> <p>RESOLVED that the report be accepted and Option 1 be endorsed, namely, the publication of the Annual Report of the Director of Social Services 2021/2022 be approved.</p> <p>The Executive Member – People & Social Services reported that the Youth Offending Service Team had undergone a recent Estyn Inspection and the service had been assessed as ‘good’. He requested that congratulations and appreciation be forwarded to all concerned for their hard work and efforts during the inspection process.</p>	
<p>39.</p>	<p><u>MEMBERSHIPS REPORT</u></p> <p>Consideration was given to:</p> <p><u>ADVISORY PANEL FOR LOCAL AUTHORITY GOVERNORS</u></p> <p>The following recommendations were made by the Panel on 22nd September, 2022 to appoint in principle:</p> <p>Coed-y-Garn Primary – Ken Jones All Saints Primary – Laura Newall Ysgol Gymraeg Bro Helyg – Councillor Peter Baldwin and Rebecca Legge</p>	

St. Mary's RC Primary – Angela Davies
Pen-y-Cwm Special Needs School – Councillor Jen Morgan, J.P.

It was, thereupon, unanimously,

RESOLVED that the above appointments be endorsed.

PEOPLE SCRUTINY COMMITTEE

The appointment of Rhianna Lewis, Youth Forum Representative on the above Committee.

RESOLVED that the appointment of Rhianna Lewis, Youth Forum Representative on the above Committee be ratified.

NATIONAL ADOPTION SERVICE GOVERNANCE BOARD

To note that the above Board had also assumed responsibilities for Foster Wales.

The appointment of the Executive Member People & Social Services on the above Board be reaffirmed.

RESOLVED accordingly.

STRAYING ANIMALS/ANIMAL TRESPASS WORKING GROUP

It was RESOLVED that the above Working Group be established, and the following Members be appointed:

Executive Member – Place & Environment (Chair)
Chair – Place Scrutiny Committee

It was noted that Councillor L. Winnett would now be appointed to the Working Group in place of the Vice-Chair – Place Scrutiny Committee.

FURTHER RESOLVED that a Member of the Independent Group be invited to attend meetings of the Working Group.

<p>21.</p>	<p><u>EXEMPT ITEMS</u></p> <p>To receive and consider the following reports which in the opinion of the proper officer were exempt items taking into account consideration of the public interest test and that the press and public should be excluded from the meeting (the reasons for the decisions for the exemptions was available on a schedule maintained by the proper officer).</p> <p>The Head of Regeneration left the meeting at this juncture.</p>	
<p>22.</p>	<p><u>LONGLISTING – JNC OFFICERS</u></p> <p>Having regard to the views expressed by the Proper Officer regarding the public interest test, that on balance, the public interest in maintaining the exemption outweighed the public interest in disclosing the information and that the report should be exempt.</p> <p>RESOLVED that the public be excluded whilst this item of business is transacted as it is likely there would be a disclosure of exempt information as defined in Paragraphs 12 & 13, Schedule 12A of the Local Government Act, 1972 (as amended).</p> <p>Consideration was given to the report of the meeting held on 6th September, 2022.</p> <p>It was unanimously,</p> <p>RESOLVED that the report which related to staffing matters be accepted and the decisions contained therein be noted.</p>	
<p>23.</p>	<p><u>SHORTLISTING – JNC OFFICERS</u></p> <p>Having regard to the views expressed by the Proper Officer regarding the public interest test, that on balance, the public interest in maintaining the exemption outweighed the public interest in disclosing the information and that the report should be exempt.</p>	

RESOLVED that the public be excluded whilst this item of business is transacted as it is likely there would be a disclosure of exempt information as defined in Paragraphs 12 & 13, Schedule 12A of the Local Government Act, 1972 (as amended).

Consideration was given to the report of the meeting held on 13th September, 2022.

It was unanimously,

RESOLVED that the report which related to staffing matters be accepted and the decisions contained therein be noted.

It was reported that following the Appointments Committee held on 28th September, 2022 Ms. Eleanor Fry had been appointed to the post of Corporate Director of Regeneration & Community Services.

Congratulations were expressed to Eleanor on her new appointment.

This page is intentionally left blank

COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO:	<u>THE PRESIDING MEMBER AND MEMBERS OF THE COUNCIL</u>
SUBJECT:	<u>SPECIAL MEETING OF THE COUNCIL – 26TH OCTOBER, 2022</u>
REPORT OF:	<u>DEMOCRATIC OFFICER</u>

PRESENT: COUNCILLOR C. SMITH (PRESIDING MEMBER, CHAIRING)

- Councillors
- C. Bainton
 - P. Baldwin
 - S. Behr
 - D. Bevan
 - K. Chaplin
 - M. Cross
 - H. Cunningham
 - D. Davies
 - G. A. Davies
 - M. Day
 - S. Edmunds
 - W. Hodgins
 - J. Holt
 - G. Humphreys
 - R. Leadbeater
 - E. Jones
 - J. Morgan, J.P.
 - J. C. Morgan
 - J. P. Morgan
 - L. Parsons
 - D. Rowberry
 - T. Smith
 - G. Thomas
 - J. Thomas
 - S. Thomas
 - J. Wilkins
 - D. Wilkshire
 - L. Winnett

AND:

- Interim Chief Executive
- Corporate Director of Education
- Corporate Director of Regeneration & Community Services
- Interim Corporate Director of Social Services
- Chief Officer Resources
- Chief Officer Commercial & Customer
- Head of Legal & Corporate Compliance
- Head of Democratic Services, Governance & Partnerships
- Service Manager – Public Protection
- Service Manager – Performance & Democratic
- Specialist Environmental Health Officer
- Press & Publicity Officer
- Communications & Marketing Officer

<u>ITEM</u>	<u>SUBJECT</u>	<u>ACTION</u>
1.	<p><u>SIMULTANEOUS TRANSLATION</u></p> <p>It was noted that no requests had been received for the simultaneous translation service.</p>	
2.	<p><u>APOLOGIES</u></p> <p>Apologies for absence were received from:</p> <p>Councillors J. Gardner, J. Hill, H. Trollope and D. Woods.</p>	
3.	<p><u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u></p> <p>The following declaration of interest was reported:</p> <p>Item No. 8: Regional Integration Fund Financial Plan</p> <p>Councillor W. Hodgins</p>	

4.

**BLAENAU GWENT COUNCIL SELF-ASSESSMENT
2021/2022**

Consideration was given to the report of the Interim Chief Executive.

Following a discussion, it was:

- Noted that the details of political make-up contained in the document would need to be amended prior to the publication on the Council's website.
- Clarified that the information contained in the document was retrospective and there was no capital funding available to undertake any further highway works at present. However, at the request of Members of the Scrutiny Committee this matter would be further investigated, and further reports would be presented via the democratic process relating to any potential future funding opportunities and options going forward. It was noted that if funding did become available it would be a matter for Council to prioritise any potential works.
- Agreed that as the Self-Assessment was a public document, the format of future documents be considered to improve public accessibility.

It was unanimously,

RESOLVED, subject to the foregoing, that the report be accepted, and the Council's Self-Assessment 2021/22 be approved for publication on the Council's website and shared with key partners as outlined in paragraph 2.42 of the statutory guidance.

<p>5.</p>	<p><u>COUNCIL'S CORPORATE PLAN 2022/2027</u></p> <p>Members considered the report of the Interim Chief Executive.</p> <p>It was unanimously,</p> <p>RESOLVED that the report be accepted, and Option 1 be endorsed, namely that the content of the Corporate Plan 2022/2027 be agreed for publication.</p>	
<p>6.</p>	<p><u>AMENDMENTS TO THE CONSTITUTION</u></p> <p>Consideration was given to the report of the Head of Legal and Corporate Compliance/Monitoring Officer.</p> <p>A lengthy debate ensued when it was agreed that:</p> <ul style="list-style-type: none"> - The activities of the Presiding Member be publicised in a timely manner to communicate to the public the duties, events and engagements being undertaken. In addition, the Presiding Member produce a bi-annual report to Council detailing the engagements and events that had been attended in his capacity representing and promoting the County Borough. - The Presiding Member's role description be added to going forward and the Constitution be updated to reflect any changes accordingly. - In addition to electronic copies of the Constitution being available, hard copies of the document also be made available upon receipt of a written request. - A legal briefing note be prepared by the Head of Legal & Corporate Compliance relating to the Democratic Services Committee and options going forward for Group Leaders to consider. 	

	<p>It was unanimously,</p> <p>RESOLVED, subject to the foregoing, that the report be accepted, and Option 1 be endorsed, namely that the suggested amendments be incorporated into the existing Constitution.</p>	
<p>7.</p>	<p><u>RENEWAL OF PUBLIC SPACE PROTECTION ORDERS FOR DOG CONTROL OFFENCES</u></p> <p>Consideration was given to the report of the Service Manager Public Protection.</p> <p>It was unanimously,</p> <p>RESOLVED that the report be accepted, and Option 1 be endorsed, namely that the new Public Spaces Protection Order outlined in Appendix 1 attached to the report be approved. The new Order to commence on 1st November, 2022.</p>	
<p>8.</p>	<p><u>REGIONAL INTEGRATION FUND FINANCIAL PLAN</u></p> <p>Councillor W. Hodgins declared an interest in this item but remained in the meeting whilst it was considered.</p> <p>Members considered the report of the Interim Corporate Director of Social Services.</p> <p>It was noted that the People Scrutiny Committee had endorsed Option 2.</p> <p>It was, therefore, unanimously,</p>	

RESOLVED that the report be accepted, and Option 2 be endorsed, namely that the financial liabilities and implications of the new Regional Integration Fund and its tapered funding model be not accepted.	
--	--

COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO: THE PRESIDING MEMBER AND MEMBERS OF THE COUNCIL

SUBJECT GENERAL LICENSING COMMITTEE – 22ND SEPTEMBER, 2022

REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER

PRESENT: COUNCILLOR LISA WINNETT (CHAIR)

Councillors D. Bevan (Vice-Chair)

- S. Behr
- M. Cross
- G. Humphreys
- L. Parsons
- D. Rowberry
- G. Thomas
- D. Woods

WITH: Team Manager – Trading Standards and Licensing
 Senior Licensing Officer
 Licensing Officer (x2)
 Solicitor

DECISIONS UNDER DELEGATED POWERS

<u>ITEM</u>	<u>SUBJECT</u>	<u>ACTION</u>
No. 1	<p><u>SIMULTANEOUS TRANSLATION</u></p> <p>It was noted that no requests had been received for the simultaneous translation service.</p>	
No. 2	<p><u>APOLOGIES</u></p> <p>An apology for absence was received from Councillor J. Gardner.</p>	
No. 3	<p><u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u></p>	

	<p>Councillor L. Parsons declared an interest in item 6 – Schedule of applications for Hackney Carriage and Private Hire Licences.</p> <p>It was reported that Councillor Parsons would not take part in any discussion or vote.</p>	
No. 4	<p><u>NON-STATUTORY LICENCE FEES 2022/23</u></p> <p>Consideration was given to the report of the Team Manager – Trading Standards and Licensing.</p> <p>RESOLVED that the report be accepted and that Members supported the content of the report going forward. (Option 1)</p>	
No. 6	<p><u>SCHEDULE OF APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES</u></p> <p>Having regard to the views expressed by the Proper Officer regarding the public interest test, that on balance the public interest in maintaining the exemption outweighed the public interest in disclosing the information and that the report should be exempt.</p> <p>RESOLVED that the public be excluded whilst this item of business is transacted as it is likely there would be a disclosure of exempt information as defined in Paragraph 12, Schedule 12A of the Local Government Act 1972 (as amended).</p> <p>Consideration was given to the report of the Team Manager Trading Standards and Licensing.</p> <p>1.1 (a) - Review of Hackney Carriage/Private Hire Vehicle driver's licence</p> <p>RESOLVED that the report which contained information relating to a particular individual be accepted and the application for a review of Hackney Carriage/Private Hire Vehicle drivers licence be <u>DEFERRED.</u></p> <p>1.1 (b) – Renewal of Hackney Carriage/Private Hire Vehicle driver's licence</p>	

Upon a vote being taken, it was unanimously

RESOLVED that the report which contained information relating to a particular individual be accepted and the application for a renewal of Hackney Carriage/Private Hire Vehicle drivers licence be **GRANTED**, with a warning in relation to future conduct.

Councillor Parsons did not take part in the discussion or vote.

This page is intentionally left blank

COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO: THE PRESIDING MEMBER AND MEMBERS OF THE COUNCIL

SUBJECT STATUTORY LICENSING COMMITTEE – 22ND SEPTEMBER, 2022

REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER

PRESENT: COUNCILLOR LISA WINNETT (CHAIR)

Councillors D. Bevan (Vice-Chair)

- S. Behr
- M. Cross
- G. Humphreys
- L. Parsons
- D. Rowberry
- D. Woods

**WITH: Team Manager – Trading Standards and Licensing
Senior Licensing Officer
Solicitor**

DECISIONS UNDER DELEGATED POWERS

<u>ITEM</u>	<u>SUBJECT</u>	<u>ACTION</u>
No. 1	<p><u>SIMULTANEOUS TRANSLATION</u></p> <p>It was noted that no requests had been received for the simultaneous translation service.</p>	
No. 2	<p><u>APOLOGIES</u></p> <p>Apologies for absence were received from Councillors J. Gardner and G. Thomas.</p>	
No. 3	<p><u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u></p> <p>No declarations of interest and dispensations were received.</p>	

<p>No. 4</p>	<p><u>TIME OF FUTURE MEETINGS</u></p> <p>It was proposed and seconded that future meetings be held at 12.00 noon.</p> <p>RESOLVED accordingly.</p>	
<p>No. 5</p>	<p><u>STATUTORY LICENSING SUB-COMMITTEE</u></p> <p>Consideration was given to the Minutes of the Sub-Committee held on 3rd February, 2022.</p> <p>RESOLVED that the Minutes be accepted as a true record of proceedings.</p>	
<p>No. 6</p>	<p><u>STATUTORY LICENSING SUB-COMMITTEE</u></p> <p>Consideration was given to the Minutes of the Sub-Committee held on 10th March, 2022.</p> <p>RESOLVED that the Minutes be accepted as a true record of proceedings.</p>	
<p>No. 7</p>	<p><u>STATUTORY LICENSING SUB-COMMITTEE</u></p> <p>Consideration was given to the Minutes of the Sub-Committee held on 22nd June, 2022.</p> <p>The Team Manager - Trading Standards & Licensing updated the Committee on this matter following the resolution. Members were informed that the decision of the Sub-Committee had been subject to an Appeal to the Magistrates Court which had not yet been heard. Members of the Sub-Committee had consequently met with the Council's Solicitor to prepare for the Appeal and, in line with legal advice, it had been agreed that a Consent Order be sought to allow the original Application to proceed.</p> <p>RESOLVED, subject to the foregoing, that the Minutes be accepted as a true record of proceedings.</p>	
<p>No. 8</p>	<p><u>STATUTORY LICENSING SUB-COMMITTEE</u></p> <p>Consideration was given to the Minutes of the Sub-Committee held on 6th July, 2022.</p>	

	RESOLVED that the Minutes be accepted as a true record of proceedings.	
No. 9	<p><u>STATUTORY LICENCE FEES 2022/23</u></p> <p>Consideration was given to the report of the Team Manager – Trading Standards and Licensing.</p> <p>RESOLVED that the report be accepted and the proposed fees for Gambling Licences, Hypnosis and Films be agreed as detailed in Appendix 1 of the report.</p>	

This page is intentionally left blank

COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO: THE PRESIDING MEMBER AND MEMBERS OF THE COUNCIL

SUBJECT PLANNING COMMITTEE – 6TH OCTOBER, 2022

REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER

PRESENT: COUNCILLOR LISA WINNETT (Chair)

Councillors D. Bevan (Vice-Chair)
 P. Baldwin
 J. Hill
 W. Hodgins
 G. Humphreys
 J. Thomas
 D. Wilkshire

WITH: Team Manager Development Management
 Team Leader Development Management (x2)
 Team Manager Built Environment
 Planning Officer
 Compliance Officer
 Solicitor
 Communications, Marketing and
 Customer Access Manager

AND: **Public Speakers**
 Councillor L. Winnett – Ward Member (Objector
 on behalf of residents) Application No. C/2022/0114

DECISIONS UNDER DELEGATED POWERS

<u>ITEM</u>	<u>SUBJECT</u>
No. 1	<u>SIMULTANEOUS TRANSLATION</u> It was noted that no requests had been received for the simultaneous translation service.

No. 2	<p><u>APOLOGIES</u></p> <p>No apologies for absence were reported.</p>
No. 3	<p><u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u></p> <p>The following declaration of interest was raised:-</p> <p><u>Councillor L. Winnett</u> Item No. 5 - Planning Applications Report - Application No. C/2022/0114 - Glyn Milwr Stones Houses Blaina Abertillery NP13 3AA</p> <p>It was reported that Councillor Winnett would not take part in any discussion or vote.</p>
No. 4	<p><u>AREAS FOR MEMBER BRIEFINGS AND TRAINING</u></p> <p>The Team Manager Development Management reminded Members of the Member Briefing and training sessions scheduled for October and November 2022.</p>
No. 5	<p><u>PLANNING APPLICATIONS REPORT</u></p> <p>The Chair declared an interest in the following item and took no part in the discussion, the Vice-Chair took the Chair for this item only.</p> <p>The Team Leader Development Management reported an error on page 33 of the report, the second sentence of point 7.3 should read:-</p> <p>“The principle of the development could have been made acceptable subject to the number of caravans being reduced and other conditions relative to drainage, restriction of commercial activities and commercial vehicles on site and ecology enhancements”.</p> <p>The Committee noted the amendment.</p> <p><u>Application No. C/2022/0114</u> <u>Glyn Milwr Stones Houses Blaina Abertillery NP13 3AA</u> <u>Retrospective application for extension to existing travellers' site to accommodate an additional 5 pitches including hardstanding, parking, toilet, fencing and extension to access drive.</u></p>

	<p>A Member made a proposal in favour of the officer's recommendation, the proposal was seconded, and it was therefore unanimously</p> <p>RESOLVED that planning permission be <u>REFUSED</u>.</p>
No. 6	<p><u>APPEALS, CONSULTATIONS AND DNS UPDATE: OCTOBER 2022</u></p> <p>Consideration was given to the report of the Service Manager – Development & Estates.</p> <p>RESOLVED that the report be accepted and the information contained therein be noted.</p>
No. 7	<p><u>LIST OF APPLICATIONS DECIDED UNDER DELEGATED POWERS BETWEEN 13TH AUGUST 2022 AND 17TH SEPTEMBER 2022</u></p> <p>Consideration was given to the report of the Senior Business Support Officer.</p> <p>RESOLVED that the report be accepted and the information contained therein be noted.</p>

This page is intentionally left blank

COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO: THE PRESIDING MEMBER AND MEMBERS OF THE COUNCIL

SUBJECT GENERAL LICENSING COMMITTEE – 10TH OCTOBER, 2022

REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER

PRESENT: COUNCILLOR LISA WINNETT (CHAIR)

Councillors D. Bevan (Vice-Chair)

S. Behr

M. Cross

G.A. Davies

G. Humphreys

D. Rowberry

G. Thomas

**WITH: Team Manager – Trading Standards and Licensing
Licensing Officer
Solicitor**

DECISIONS UNDER DELEGATED POWERS

<u>ITEM</u>	<u>SUBJECT</u>	<u>ACTION</u>
No. 1	<p><u>SIMULTANEOUS TRANSLATION</u></p> <p>It was noted that no requests had been received for the simultaneous translation service.</p>	
No. 2	<p><u>APOLOGIES</u></p> <p>Apologies for absence were received from Councillors D. Woods and L. Parsons.</p>	
No. 3	<p><u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u></p> <p>There were no declarations of interests and dispensations reported.</p>	

No. 4

**SCHEDULE OF APPLICATIONS FOR HACKNEY
CARRIAGE AND PRIVATE HIRE LICENCES**

Having regard to the views expressed by the Proper Officer regarding the public interest test, that on balance the public interest in maintaining the exemption outweighed the public interest in disclosing the information and that the report should be exempt.

RESOLVED that the public be excluded whilst this item of business is transacted as it is likely there would be a disclosure of exempt information as defined in Paragraph 12, Schedule 12A of the Local Government Act 1972 (as amended).

Consideration was given to the report of the Team Manager Trading Standards and Licensing.

1.1 (a) - Review of Hackney Carriage/Private Hire Vehicle driver's licence

RESOLVED that the report which contained information relating to a particular individual be accepted and the application for a review of Hackney Carriage/Private Hire Vehicle drivers licence be **RETAINED.**

COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO: THE PRESIDING MEMBER AND MEMBERS OF THE COUNCIL

SUBJECT PLANNING COMMITTEE – 10TH NOVEMBER, 2022

REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER

PRESENT: COUNCILLOR LISA WINNETT (Chair)

Councillors D. Bevan (Vice-Chair)

P. Baldwin

M. Day

J. Gardner

J. Hill

W. Hodgins

G. Humphreys

D. Wilkshire

WITH: Service Manager Development & Estates
 Team Leader Development Management (x2)
 Team Manager Built Environment
 Planning Officer (x3)
 Compliance Officer
 Solicitor

DECISIONS UNDER DELEGATED POWERS

<u>ITEM</u>	<u>SUBJECT</u>
No. 1	<u>SIMULTANEOUS TRANSLATION</u> It was noted that no requests had been received for the simultaneous translation service.
No. 2	<u>APOLOGIES</u> There were no apologies for absence reported.
No. 3	<u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u>

	<p>There were no declarations of interests and dispensations reported.</p>
<p>No. 4</p>	<p><u>AREAS FOR MEMBER BRIEFINGS AND TRAINING</u></p> <p>The Service Manager Development & Estates informed Members that the Member Briefing on Phosphates would be held on 30th November, 2022.</p> <p>The Service Manager advised Members that a number of Developments of National Significance (DNS) applications for wind turbines had been received and due to the timescales for submission of the Local Impact Report he requested that delegated powers be granted to Planning Officers, in conjunction with the Chair, to submit the Local Impact Report to the Welsh Government and report retrospectively to the Planning Committee.</p> <p>Upon a vote being taken, it was unanimously</p> <p>RESOLVED that delegated powers be <u>GRANTED</u> to Planning Officers, in conjunction with the Chair, for submission of the Local Impact Report to the Welsh Government in relation to DNS applications for wind turbines.</p>
<p>No. 5</p>	<p><u>PLANNING APPLICATIONS REPORT</u></p> <p><u>Application No. C/2022/0110</u> <u>55 Beaufort Street, Brynmawr, Ebbw Vale, NP23 4XD</u> <u>Change of use of the former ground floor bank (A2) to provide a retail unit (A1/ A2) and an additional residential flat with rear access. Including, alterations to the front elevation of the building to provide a new shop front, external wall insulation and new windows</u></p> <p>Upon a vote being taken, it was unanimously</p> <p>RESOLVED that planning permission be <u>GRANTED</u>.</p> <p><u>Application No. C/2022/0205</u> <u>Vacant Garage Plot Opposite 66 Attlee Avenue, Roseheyworth</u> <u>Abertillery, NP13 1SW</u> <u>Proposed domestic garage</u></p> <p>Upon a vote being taken, it was unanimously</p> <p>RESOLVED that planning permission be <u>GRANTED</u>.</p>

	<p><u>Application No. C/2022/0219</u> <u>Plot 2, Land adjoining Brentwood Place, Willoughton Ebbw Vale</u> <u>NP23 6JR</u> <u>1 pair of semi-detached houses (2 units) incorporating adjoining</u> <u>land to rear and 1 no. garage</u></p> <p>Upon a vote being taken, it was unanimously</p> <p>RESOLVED that planning permission be <u>GRANTED</u>.</p>
<p>No. 6</p>	<p><u>APPEALS, CONSULTATIONS AND DNS UPDATE:</u> <u>OCTOBER 2022</u></p> <p>Consideration was given to the report of the Service Manager – Development & Estates.</p> <p>The Service Manager advised Members that the Appeal had been withdrawn, however, the Enforcement notice had not been withdrawn and would remain in place.</p> <p>RESOLVED that the report be accepted and the information contained therein be noted.</p>
<p>No. 7</p>	<p><u>LIST OF APPLICATIONS DECIDED UNDER DELEGATED</u> <u>POWERS BETWEEN 18TH SEPTEMBER 2022 AND</u> <u>23RD OCTOBER, 2022</u></p> <p>Consideration was given to the report of the Senior Business Support Officer.</p> <p>RESOLVED that the report be accepted and the information contained therein be noted.</p>
<p>No. 8</p>	<p><u>ENFORCEMENT CLOSED CASES BETWEEN</u> <u>22ND AUGUST 2022 to 26TH OCTOBER 2022</u></p> <p>Having regard to the views expressed by the Proper Officer regarding the public interest test, that on balance the public interest in maintaining the exemption outweighed the public interest in disclosing the information and that the report should be exempt.</p> <p>RESOLVED that the public be excluded whilst this item of business is transacted as it is likely there would be a disclosure of exempt information as defined in Paragraph 12, Schedule 12A of the Local Government Act 1972 (as amended).</p>

<p>Consideration was given to the report of the Service Manager Development.</p>
--

<p>RESOLVED that the report which contained information relating to a particular individual be accepted and the information contained therein be noted.</p>

COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO: THE PRESIDING MEMBER AND MEMBERS OF THE COUNCIL

SUBJECT: EXECUTIVE COMMITTEE – 21ST SEPTEMBER, 2022

REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER

**PRESENT: Leader/
Executive Member - Corporate Overview & Performance
Councillor S. Thomas**

**Deputy Leader/
Executive Member – Place & Environment
Councillor H. Cunningham**

**Executive Member – Place & Regeneration
Councillor J.C. Morgan**

**Executive Member – People & Education
Councillor S. Edmunds**

WITH:
Interim Chief Executive
Corporate Director Education
Interim Corporate Director Social Services
Chief Officer Resources
Head of Regeneration
Head of Governance and Partnership
Head of Legal and Corporate Compliance
Service Manager Development and Estates
Team Leader Estates
Press Officer

DECISIONS UNDER DELEGATED POWERS

<u>ITEM</u>	<u>SUBJECT</u>
No. 1	<u>SIMULTANEOUS TRANSLATION</u> It was noted that no requests had been received for the simultaneous translation service.
No. 2	<u>APOLOGIES</u> The following apologies for absence were received:- Councillor H. Trollope, Executive Member – People & Social Services Chief Officer Commercial
No. 3	<u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u> There were no declarations of interest or dispensations raised.
	<u>MINUTES</u>
No. 4	<u>EXECUTIVE COMMITTEE</u> Consideration was given to the Minutes of the Executive Committee held on 13 th July, 2022. RESOLVED that the Minutes be accepted as a true record of proceedings.

	<u>GENERAL MATTERS</u>
No. 5	<p><u>CONFERENCES, COURSES, EVENTS AND INVITATIONS</u></p> <p>Consideration was given to the following:-</p> <p><u>Gwent Police Cadets Pass Out Parade and Awards Ceremony</u> <u>8th August, 2022</u></p> <p>RESOLVED that Councillor C. Smith, Presiding Member be approved to attend.</p> <p><u>Leadership Programme for Councillors in Wales 2022/2023</u> <u>14th – 15th January, 2023 - Module 1</u> <u>11th – 12th February, 2023 - Module 2</u> <u>4th – 5th March, 2023 - Module 3</u></p> <p>RESOLVED that the following Members be approved to attend:-</p> <p>Councillor T. Smith, Chair of the People Scrutiny Committee; and Councillor S. Edmunds, Executive Member People & Education</p>
	<u>CORPORATE AND PERFORMANCE PORTFOLIO</u>
No. 6	<p><u>PROPOSED EXECUTIVE COMMITTEE FORWARD WORK PROGRAMME 2022-23</u></p> <p>Consideration was given to report of the Democratic & Scrutiny Officer.</p> <p>RESOLVED that the report be accepted and the Forward Work Programme for Executive Committee for 2022/23 be approved.</p>

No. 7	<u>GRANTS TO ORGANISATIONS</u>																																																			
	<p>Consideration was given to report of the Chief Officer Resources. The following grants to organisation were received following the publication of the report:-</p>																																																			
	<u>ABERTILLERY</u>																																																			
	<u>Abertillery & Six Bells Ward – Councillor K. Chaplin</u>																																																			
	<table> <tr> <td>1.</td> <td>Abertillery Museum</td> <td>£100</td> </tr> <tr> <td>2.</td> <td>Ebenezer Baptist Church</td> <td>£100</td> </tr> <tr> <td>3.</td> <td>The Scout Association</td> <td>£100</td> </tr> <tr> <td>4.</td> <td>Falcon Martial Arts</td> <td>£100</td> </tr> <tr> <td>5.</td> <td>Pant y Pwdyn Allotments</td> <td>£100</td> </tr> </table>	1.	Abertillery Museum	£100	2.	Ebenezer Baptist Church	£100	3.	The Scout Association	£100	4.	Falcon Martial Arts	£100	5.	Pant y Pwdyn Allotments	£100																																				
1.	Abertillery Museum	£100																																																		
2.	Ebenezer Baptist Church	£100																																																		
3.	The Scout Association	£100																																																		
4.	Falcon Martial Arts	£100																																																		
5.	Pant y Pwdyn Allotments	£100																																																		
	<u>Abertillery & Six Bells Ward – Councillor J. Holt</u>																																																			
	<table> <tr> <td>1.</td> <td>Pant y Pwdyn Allotments</td> <td>£100</td> </tr> </table>	1.	Pant y Pwdyn Allotments	£100																																																
1.	Pant y Pwdyn Allotments	£100																																																		
	<u>Cwmtillery Ward – Councillors M. Day & J. Wilkins</u>																																																			
	<table> <tr> <td>1.</td> <td>Abertillery Excelsiors</td> <td>£250</td> </tr> <tr> <td>2.</td> <td>Abertillery BG RFC</td> <td>£250</td> </tr> <tr> <td>3.</td> <td>Abertillery Bowls</td> <td>£200</td> </tr> <tr> <td>4.</td> <td>Abertillery Netball</td> <td>£200</td> </tr> <tr> <td>5.</td> <td>Abertillery Belles FC</td> <td>£250</td> </tr> <tr> <td>6.</td> <td>Abertillery Museum</td> <td>£100</td> </tr> <tr> <td>7.</td> <td>Abertillery Piranhas</td> <td>£150</td> </tr> <tr> <td>8.</td> <td>Penref Tyleri</td> <td>£150</td> </tr> <tr> <td>9.</td> <td>Abertillery Cricket Club</td> <td>£100</td> </tr> <tr> <td>10.</td> <td>Six Bells Bowls</td> <td>£100</td> </tr> <tr> <td>11.</td> <td>Falcon Martial Arts</td> <td>£100</td> </tr> <tr> <td>12.</td> <td>Six Bells Tennis Club</td> <td>£100</td> </tr> <tr> <td>13.</td> <td>Old Tylerian RFC</td> <td>£150</td> </tr> <tr> <td>14.</td> <td>Blaentillery Allotments</td> <td>£100</td> </tr> <tr> <td>15.</td> <td>Abertillery Scouts</td> <td>£100</td> </tr> <tr> <td>16.</td> <td>Blaenau Gwent Food Bank</td> <td>£140</td> </tr> <tr> <td>17.</td> <td>Royal British Legion Abertillery Branch</td> <td>£100</td> </tr> </table>	1.	Abertillery Excelsiors	£250	2.	Abertillery BG RFC	£250	3.	Abertillery Bowls	£200	4.	Abertillery Netball	£200	5.	Abertillery Belles FC	£250	6.	Abertillery Museum	£100	7.	Abertillery Piranhas	£150	8.	Penref Tyleri	£150	9.	Abertillery Cricket Club	£100	10.	Six Bells Bowls	£100	11.	Falcon Martial Arts	£100	12.	Six Bells Tennis Club	£100	13.	Old Tylerian RFC	£150	14.	Blaentillery Allotments	£100	15.	Abertillery Scouts	£100	16.	Blaenau Gwent Food Bank	£140	17.	Royal British Legion Abertillery Branch	£100
1.	Abertillery Excelsiors	£250																																																		
2.	Abertillery BG RFC	£250																																																		
3.	Abertillery Bowls	£200																																																		
4.	Abertillery Netball	£200																																																		
5.	Abertillery Belles FC	£250																																																		
6.	Abertillery Museum	£100																																																		
7.	Abertillery Piranhas	£150																																																		
8.	Penref Tyleri	£150																																																		
9.	Abertillery Cricket Club	£100																																																		
10.	Six Bells Bowls	£100																																																		
11.	Falcon Martial Arts	£100																																																		
12.	Six Bells Tennis Club	£100																																																		
13.	Old Tylerian RFC	£150																																																		
14.	Blaentillery Allotments	£100																																																		
15.	Abertillery Scouts	£100																																																		
16.	Blaenau Gwent Food Bank	£140																																																		
17.	Royal British Legion Abertillery Branch	£100																																																		
	<u>Llanhilleth Ward - Councillor N. Parsons</u>																																																			
	<table> <tr> <td>1.</td> <td>Llanhilleth RFC</td> <td>£200</td> </tr> <tr> <td>2.</td> <td>Sofrydd Social Club</td> <td>£100</td> </tr> </table>	1.	Llanhilleth RFC	£200	2.	Sofrydd Social Club	£100																																													
1.	Llanhilleth RFC	£200																																																		
2.	Sofrydd Social Club	£100																																																		

	<p><u>Llanhilleth Ward - Councillor H. Cunningham</u></p> <ol style="list-style-type: none"> 1. Aberbeeg Tenants & Residents Association £250 2. Llanhilleth Miners Institute £250 3. Sofrydd Social Club £150 <p><u>BRYNMAWR</u></p> <p><u>Brynmawr Ward - Councillor J. Gardner</u></p> <ol style="list-style-type: none"> 1. Falcon Martial Arts £350 <p><u>Brynmawr Ward – Councillor J. Hill</u></p> <ol style="list-style-type: none"> 1. Abertillery Piranhas £150 <p><u>EBBW VALE</u></p> <p><u>Ebbw Vale South Ward - Councillor S. Edmunds</u></p> <ol style="list-style-type: none"> 1. Ebbw Valley Brass £200 <p><u>Cwm Ward - Councillors D. Bevan & G. Humphries</u></p> <ol style="list-style-type: none"> 1. New Cwm Institute £200 2. Cwm Carnival Committee £200 <p>RESOLVED accordingly.</p> <p>FURTHER RESOLVED, subject to the foregoing, that the report be accepted and the information contained therein be noted.</p>
	<p><u>PEOPLE AND EDUCATION PORTFOLIO</u></p>
<p>No. 8</p>	<p><u>HOME TO SCHOOL AND POST 16 TRANSPORT POLICY REVIEW 2023 – 2024</u></p> <p>Consideration was given to report of the Corporate Director of Education.</p> <p>RESOLVED that the report be accepted, and the Executive approved the Home to School and Post 16 Transport Policy 2023/24 as detailed in Appendix 1 (Option 1).</p>

	<p><u>PEOPLE AND SOCIAL SERVICES PORTFOLIO</u></p>
No. 9	<p><u>PROPOSAL TO EXPLORE AND DEVELOP A BUSINESS CASE FOR CHILDREN’S RESIDENTIAL PROVISION IN BLAENAU GWENT</u></p> <p>Consideration was given to report of the Interim Corporate Director of Social Services.</p> <p>RESOLVED that the report be accepted and that the Executive agreed to the development of a business case to deliver local authority residential placements for children looked after; and to enter into a collaborative arrangement with a neighbouring authority for them to provide the management, staffing and oversight required to provide quality residential care for our children looked after. This would reduce our reliance on private childcare providers, provide care closer to home for our children looked after and remove the profit element included within the current charges made by private providers. (Option 1)</p>
No. 10	<p><u>PLAY SUFFICIENCY ASSESSMENT 2022-2025</u></p> <p>Consideration was given to report of the Services Manager Children’s Services.</p> <p>RESOLVED that the report be accepted, and the Executive noted the Play Sufficiency Assessment report and associated documents and agree the key priorities/actions. (Option 1)</p>
No. 11	<p><u>CHILDCARE SUFFICIENCY ASSESSMENT 2022</u></p> <p>Consideration was given to report of the Services Manager Children’s Services.</p> <p>RESOLVED that the report be accepted, and the Executive approved the Childcare Sufficiency Assessment and Action Plan 2022 be submitted to Welsh Government. (Option 1)</p>

	<u>MONITORING ITEMS</u>
	<u>CORPORATE AND PERFORMANCE PORTFOLIO</u>
No. 12	<p><u>REVENUE BUDGET MONITORING - 2022/2023, FORECAST OUTTURN TO 31ST MARCH 2023 (AS AT 30TH JUNE 2022)</u></p> <p>Consideration was given to report of the Chief Officer Resources.</p> <p>RESOLVED that the report be accepted and the Executive:-</p> <ul style="list-style-type: none"> • approved the budget virements, detailed in paragraph 5.1.14 & Appendix 4, in excess of £250,000 in line with the constitution; and • note the application of reserves.
No. 13	<p><u>CAPITAL BUDGET MONITORING, FORECAST FOR 2022/2023 FINANCIAL YEAR (AS AT 30 JUNE 2022)</u></p> <p>Consideration was given to report of the Chief Officer Resources.</p> <p>RESOLVED that the report be accepted and the Executive agreed:-</p> <ul style="list-style-type: none"> • the continued support to the appropriate financial control procedures agreed by Council; and • noted the budgetary control and monitoring procedures in place within the Capital & Corporate Team, to safeguard Authority funding.
	<u>PEOPLE AND EDUCATION PORTFOLIO</u>
No. 14	<p><u>SUMMARY SELF-EVALUATION REPORT 2022</u></p> <p>Consideration was given to report of the Corporate Director of Education.</p> <p>RESOLVED that the report be accepted, and the Executive agreed the report as presented, whilst also acknowledging that effective self-evaluation was an on-going process. (Option 1)</p>

PLACE AND REGENERATION PORTFOLIO

No. 15 **LAND AT RASSAU**

Having regard to the views expressed by the Proper Officer regarding the public interest test, that on balance the public interest in maintaining the exemption outweighed the public interest in disclosing the information and that the report should be exempt.

RESOLVED that the public be excluded whilst this item of business is transacted as it is likely there would be a disclosure of exempt information as defined in Paragraph 14, Schedule 12A of the Local Government Act, 1972 (as amended).

Consideration was given to report of the Head of Regeneration.

RESOLVED that the report be accepted and the information which contained details relating to the business/financial affairs of persons other than the Authority be agreed. (Option 1)

COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO: THE PRESIDING MEMBER AND MEMBERS OF THE COUNCIL

SUBJECT: CABINET – 26TH OCTOBER, 2022

REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER

**PRESENT: Leader/
Cabinet Member - Corporate Overview & Performance
Councillor S. Thomas**

**Deputy Leader/
Cabinet Member – Place & Environment
Councillor H. Cunningham**

**Cabinet Member – Place & Regeneration
Councillor J.C. Morgan**

**Cabinet Member – People & Education
Councillor S. Edmunds**

WITH: Interim Chief Executive
Corporate Director Education
Interim Corporate Director Social Services
Corporate Director Regeneration & Community Services
Chief Officer Resources
Chief Officer Customer & Commercial
Head of Organisational Development
Head of Legal and Corporate Compliance
Service Manager Infrastructure
Communications, Marketing and Customer
Access Manager
Marketing & Communications Projects Officer

DECISIONS UNDER DELEGATED POWERS

<u>ITEM</u>	<u>SUBJECT</u>
No. 1	<p><u>SIMULTANEOUS TRANSLATION</u></p> <p>It was noted that no requests had been received for the simultaneous translation service.</p>
No. 2	<p><u>APOLOGIES</u></p> <p>Apologies for absence were received for Councillor H. Trollope, Cabinet Member People & Social Services.</p>
No. 3	<p><u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u></p> <p>No declarations of interest or dispensations were reported.</p>
	<p><u>GENERAL MATTERS</u></p>
No. 4	<p><u>CONFERENCES, COURSES, EVENTS AND INVITATIONS</u></p> <p>Consideration was given to the following:</p> <p><u>Wales and the Battle of Britain Historical Exhibition - Monday, 10th October, 2022</u></p> <p>RESOLVED that Councillor D. Bevan, Armed Forces Champion be approved to attend.</p> <p><u>Annual Briefing, HMS CAMBRIA – Thursday, 20th October, 2022.</u></p> <p>RESOLVED that Councillor D. Bevan, Armed Forces Champion be approved attend.</p> <p><u>GAVO Awards - 25th October, 2022</u></p>

	RESOLVED that Councillor C. Smith, Presiding Member be approved to attend.
	<u>MINUTES</u>
No. 5	<p><u>EXECUTIVE COMMITTEE</u></p> <p>Consideration was given to the Decisions of the Executive Committee held on 21st September, 2022.</p> <p>RESOLVED that the Decisions be accepted as a true record of proceedings.</p>
	<u>CORPORATE AND PERFORMANCE PORTFOLIO</u>
No. 6	<p><u>FORWARD WORK PROGRAMME – 7TH DECEMBER, 2022</u></p> <p>Consideration was given to report of the Democratic & Scrutiny Officer.</p> <p>RESOLVED that the report be accepted and the Forward Work Programme for the Meeting on 7th December 2022 be approved as presented.</p>
No. 7	<p><u>SICKNESS ABSENCE PERFORMANCE 2021/22</u></p> <p>Consideration was given to the report of the Head of Organisational Development.</p> <p>RESOLVED that the report be accepted and the Cabinet agree the ongoing actions to support improvement in attendance. (Option 2)</p>
No. 8	<p><u>THE ANNUAL LETTER OF THE PUBLIC SERVICES OMBUDSMAN FOR WALES 2021/2022</u></p> <p>Consideration was given to the report of the Head of Legal & Corporate Compliance.</p> <p>RESOVLED that the report be accepted and the Cabinet was informed of the Council's performance with regard to complaints made to the Public Services Ombudsman for Wales, and that the report has been</p>

	referred to the Governance and Audit Committee for assurance that the process for the monitoring of complaints is robust and the performance information provided reflects these practices. (Option 1)
	<u>PEOPLE AND EDUCATION PORTFOLIO</u>
No. 9	<u>STATUTORY MAINTAINED SCHOOLS PARTNERSHIP AGREEMENT</u> Consideration was given to the report of the Corporate Director of Education. RESOLVED that the report be accepted and the information in the report and appendices be noted. (Option 1)
No. 10	<u>REVIEW OF INCLUSION/ALN STRATEGIES, POLICIES AND PRACTICES</u> Consideration was given to the joint report of the Corporate Director of Education and the Head of School Improvement & Inclusion. RESOLVED that the report and attached strategies/policies be accepted as presented. (Option 1)
No. 11	<u>IMPROVING SCHOOLS PROGRAMME</u> Consideration was given to report of the Corporate Director of Education. RESOLVED that the report be accepted as provided. (Option 1)
	<u>PLACE AND ENVIRONMENT PORTFOLIO</u>
No. 12	<u>REVIEW OF HIGHWAY CAPITAL WORKS PROGRAMME 2017 – 2022</u> Consideration was given to report of the Head of Community Services. RESOLVED that the report be accepted and Option 2b be approved, namely that in the event that funding does become available the following options be proposed: -

Option 2a: Highest Priority Classified Roads (ranked in order of priority) Estimated Total Cost £500,000

1. A467 Warm Turn Carriageway Resurfacing £75k
2. Tafarnaubach Ind Est (Top Road) Resurfacing £175k
3. Blaenant Ind Est Roundabout Resurfacing £75k
4. Big Arch / Steelworks Road / GO Resurfacing £50k
5. A4046 - Waun-Y-Pound Road, Ebbw Vale £25k
6. College Road, Ebbw Vale £100k

Option 2b - as Option 2a plus 5 worst Residential Roads & Other Highway Related Works – Estimated Total Cost £1,000,000

Residential Roads: 5no priority residential roads £350k

Other Highway Related Works: -

- Crash Barriers £50k
- Road Markings, signs and bollards £35k
- Speed Humps £50k
- Traffic Order Reviews £15k

Options 2a & 2b may vary subject to the level of available funding that may be made available.

JOINT PORTFOLIO - PEOPLE & SOCIAL SERVICES/PEOPLE & EDUCATION

No. 13 CORPORATE SAFEGUARDING PERFORMANCE REPORT, INCLUDING INFORMATION FOR SOCIAL SERVICES 1ST APRIL TO 30TH JUNE 2022 AND EDUCATION SUMMER TERM-2022

Consideration was given to joint report of the Interim Corporate Director of Social Services and Corporate Director of Education.

RESOLVED that the approach and information detailed in the report be accepted. (Option 1)

This page is intentionally left blank

COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO: THE PRESIDING MEMBER AND MEMBERS OF THE COUNCIL

SUBJECT: SPECIAL CABINET – 15TH NOVEMBER, 2022

REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER

**PRESENT: Leader/
Cabinet Member - Corporate Overview & Performance
Councillor S. Thomas**

**Deputy Leader/
Cabinet Member – Place & Environment
Councillor H. Cunningham**

**Cabinet Member – Place & Regeneration
Councillor J.C. Morgan**

**Cabinet Member – People & Education
Councillor S. Edmunds**

**Cabinet Member – People & Social Services
Councillor H. Trollope**

**WITH: Interim Chief Executive
Corporate Director Education
Corporate Director Regeneration and Community Services
Chief Officer Resources
Chief Officer Customer & Commercial
Head of Legal and Corporate Compliance
Service Manager – Performance and Democratic**

DECISIONS UNDER DELEGATED POWERS

<u>ITEM</u>	<u>SUBJECT</u>
No. 1	<u>SIMULTANEOUS TRANSLATION</u> It was noted that no requests had been received for the simultaneous translation service.
No. 2	<u>APOLOGIES</u> No apologies for absence were reported.
No. 3	<u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u> No declarations of interest or dispensations were reported.
	<u>PEOPLE AND EDUCATION PORTFOLIO</u>
No. 4	<u>LOCAL GOVERNMENT EDUCATION SERVICES SAFEGUARDING POLICY</u> Consideration was given to the report of the Corporate Director Education. RESOLVED that the report be accepted and the Education Directorate Safeguarding Policy prior to its distribution to schools be approved.

COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO: THE CHAIR AND MEMBERS OF THE PEOPLE SCRUTINY COMMITTEE

**SUBJECT: PEOPLE SCRUTINY COMMITTEE
- 6TH SEPTEMBER, 2022**

REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER

PRESENT: Councillor T. Smith (Chair)

Councillors Jen Morgan, J.P. (Vice-Chair)

C. Bainton

D. Bevan

K. Chaplin

G.A. Davies

J. Holt

D. Wilkshire

Co-opted Members

Mr. T. Baxter

Ms. R. Lewis

WITH: Corporate Director of Education
Corporate Director of Social Services
Head of Adult Services
Head of Children's Services
Strategic Education Improvement Manager
Head of Governance & Partnerships
Service Manager Young People & Partnerships
Service Manager Education Transformation & Business
Change
Safeguarding in Education Manager
Policy Officer Engagement & Equality
Communications, Marketing and Customer Access Manager
Press & Publicity Officer
Communications & Policy Officer
Scrutiny & Democratic Officer

AND: **Executive Member People & Social Services**
Councillor H. Trollope

<u>ITEM</u>	<u>SUBJECT</u>	<u>ACTION</u>
No. 1	<p><u>SIMULTANEOUS TRANSLATION</u></p> <p>It was noted that no requests had been received for the simultaneous translation service.</p>	
No. 2	<p><u>APOLOGIES</u></p> <p>No apologies for absence were reported.</p>	
No. 3	<p><u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u></p> <p>No declarations of interest or dispensations were reported.</p>	
-----	<p><u>KEY STAGE 4 OUTCOMES FOR BLAENAU GWENT (PROVISIONAL)</u></p> <p>At the invitation of the Chair, the Corporate Director of Education provided an overview of the Key Stage 4 outcomes based on the provisional data, and maybe subject to change.</p>	
No. 4	<p><u>SOCIAL SERVICES SCRUTINY COMMITTEE</u></p> <p>The minutes of the Social Services Scrutiny Committee held on 20th January, 2022 were submitted.</p> <p>The Committee AGREED that the minutes be accepted as a true record of proceedings.</p>	
No. 5	<p><u>ACTION SHEET – SOCIAL SERVICES SCRUTINY COMMITTEE – 20TH JANUARY, 2022</u></p> <p>The Action sheet arising from the meeting held on 20th</p>	

	<p>January, 2022 was submitted.</p> <p>The Committee AGREED that the action sheet be noted.</p>	
No. 6	<p><u>JOINT EDUCATION & LEARNING AND SOCIAL SERVICES SCRUTINY COMMITTEE (SAFEGUARDING) – 21ST JANUARY, 2022</u></p> <p>The minutes of the Joint Scrutiny Committee (Safeguarding) held on 21st January, 2022 were submitted.</p> <p>The Committee AGREED that the minutes be accepted as a true record of proceedings.</p>	
No. 7	<p><u>ACTION SHEET - JOINT EDUCATION & LEARNING AND SOCIAL SERVICES SCRUTINY COMMITTEE (SAFEGUARDING) – 21ST JANUARY, 2022</u></p> <p>The Action sheet arising from the meeting held on 21st January, 2022 was submitted.</p> <p>The Committee AGREED that the action sheet be noted.</p>	
No. 8	<p><u>SPECIAL EDUCATION & LEARNING SCRUTINY COMMITTEE – 26TH JANUARY, 2022</u></p> <p>The minutes of the Special Education & Learning Scrutiny Committee held on 26th January, 2022 were submitted.</p> <p>The Committee AGREED that the minutes be accepted as a true record of proceedings.</p>	
No. 9	<p><u>EDUCATION & LEARNING SCRUTINY COMMITTEE – 1ST FEBRUARY, 2022</u></p> <p>The minutes of the Education & Learning Scrutiny Committee held on 1st February, 2022 were submitted.</p> <p>The Committee AGREED that the minutes be accepted as a true record of proceedings.</p>	
No. 10	<p><u>EDUCATION & LEARNING SCRUTINY COMMITTEE – 15TH</u></p>	

	<p><u>MARCH, 2022</u></p> <p>The minutes of the Education & Learning Scrutiny Committee held on 15th March, 2022 were submitted.</p> <p>The Committee AGREED that the minutes be accepted as a true record of proceedings.</p>	
No. 11	<p><u>ACTION SHEET - EDUCATION & LEARNING SCRUTINY COMMITTEE – 15TH MARCH, 2022</u></p> <p>The action sheet arising from the meeting held on 15th March, 2022 was submitted.</p> <p>The Committee AGREED that the action sheet be noted.</p>	
No. 12	<p><u>TIMING OF MEETINGS SURVEY RESULTS</u></p> <p>Consideration was given to report of the Scrutiny & Democratic Officer.</p> <p>The Committee AGREED to alternative meeting times, i.e. 9.30am for 10.00am and 4.00pm for 4.30pm. (Option 2)</p>	
No. 13	<p><u>PROPOSED SCRUTINY FORWARD WORK PROGRAMME 2022-23</u></p> <p>Consideration was given to report of the Scrutiny & Democratic Officer.</p> <p>The Committee AGREED the Forward Work Programme for the People Scrutiny Committee. (Option 1)</p>	
No. 14	<p><u>SUMMARY SELF EVALUATION REPORT 2022</u></p> <p>Consideration was given to report of the Corporate Director of Education.</p> <p>The Committee AGREED to recommend the information detailed within the report and contribute to the continuous assessment of effectiveness by making appropriate suggestions and/or recommendations to the Executive</p>	

	Committee. (Option 2)	
No. 15	<p><u>HOME TO SCHOOL AND POST 16 TRANSPORT POLICY REVIEW 2023–2024</u></p> <p>Consideration was given to report of the Corporate Director of Education and the Service Manager for Education Transformation and Business Change.</p> <p>The Committee AGREED to recommend the Home to School and Post 16 Transport Policy 2023/24 (Appendix 1) subject to comments/amendments prior recommending it to Executive Committee for approval. (Option 2)</p>	
No. 16	<p><u>PROPOSAL TO EXPLORE AND DEVELOP A BUSINESS CASE FOR CHILDREN’S RESIDENTIAL PROVISION IN BLAENAU GWENT</u></p> <p>Consideration was given to report of the Corporate Director of Social Services.</p> <p>The Committee AGREED to recommend that the Executive Committee agree to the development of a business case to deliver local authority residential placements for children looked after; and to enter into a collaborative arrangement with a neighbouring authority for them to provide the management, staffing and oversight required to provide quality residential care for our children looked after. This will reduce our reliance on private childcare providers, provide care closer to home for our children looked after and remove the profit element included within the current charges made by private providers. (Option 1)</p>	

This page is intentionally left blank

COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO: **THE PRESIDING MEMBER AND MEMBERS OF THE COUNCIL**

SUBJECT: **CORPORATE AND PERFORMANCE SCRUTINY COMMITTEE**
20TH SEPTEMBER, 2022

REPORT OF: **DEMOCRATIC OFFICER**

PRESENT: COUNCILLOR J. WILKINS (CHAIR)

Councillors C. Bainton
G. Humphreys
E. Jones
R. Leadbeater
C. Smith
J. Thomas

WITH: Interim Chief Executive
Corporate Director of Education
Chief Officer Resources
Head of Democratic Services, Governance & Partnerships
Service Manager – Customer Experience & Transformation
Communications & Marketing Manager
Scrutiny & Democratic Officer

ITEM	SUBJECT	ACTION
No. 1	<p><u>SIMULTANEOUS TRANSLATION</u></p> <p>It was noted that no requests had been received for the simultaneous translation service.</p>	
No. 2	<p><u>APOLOGIES</u></p> <p>There were no apologies for absence reported.</p>	
No. 3	<p><u>DECLARATIONS OF INTERESTS AND</u></p>	

	<p><u>DISPENSATIONS</u></p> <p>There were no declarations of interest or dispensations reported.</p>	
No. 4	<p><u>CORPORATE OVERVIEW SCRUTINY COMMITTEE</u></p> <p>Consideration was given to the Minutes of the Corporate Overview Scrutiny Committee held on 23rd February, 2022.</p> <p>The Committee unanimously AGREED that the Minutes be accepted as a true record of proceedings.</p>	
No. 5	<p><u>ACTION SHEET – CORPORATE OVERVIEW SCRUTINY COMMITTEE - 23rd FEBRUARY, 2022</u></p> <p>Consideration was given to the Action Sheet of the Corporate Overview Scrutiny Committee held on 23rd February, 2022.</p> <p>The Committee unanimously AGREED that the action sheet be noted.</p>	
No. 6	<p><u>ACTION SHEET – JOINT BUDGET SCRUTINY COMMITTEE – 7th MARCH 2022</u></p> <p>Consideration was given to the Action Sheet of the Joint Budget Scrutiny Committee held on 7th March, 2022.</p> <p>The Committee unanimously AGREED that the action sheet be noted.</p>	
No. 7	<p><u>TIMING OF MEETINGS SURVEY RESULTS</u></p> <p>Consideration was given to the report of the Scrutiny and Democratic Officer.</p> <p>The Committee unanimously AGREED that the report be accepted and Option 1 be endorsed, namely that Corporate and Performance Scrutiny Committees be held on a Thursday at the preferred time of 9.30am for the Agenda Management Discussion, the formal meeting commencing at 10.00am.</p>	

<p>No. 8</p>	<p><u>PROPOSED SCRUTINY COMMITTEE FORWARD WORK PROGRAMME 2022-23</u></p> <p>Consideration was given to the report of the Scrutiny and Democratic Officer.</p> <p>The Committee unanimously AGREED that the report be accepted, and Option 1 be endorsed, namely that the Forward Work Programme for the Corporate and Performance Scrutiny Committee be agreed.</p>	
<p>No. 9</p>	<p><u>REVENUE BUDGET MONITORING - 2022/2023, FORECAST OUTFURN TO 31ST MARCH, 2023 (AS AT 30TH JUNE 2022)</u></p> <p>Consideration was given to the report of the Chief Officer Resources.</p> <p>It was noted that Appendix 4 had been omitted from the agenda but had been circulated prior to the commencement of the Committee.</p> <p>The Committee unanimously AGREED to recommend that the report be accepted, and Option 1 be endorsed, namely:-</p> <p>a) the appropriate challenge to the financial outcomes in the report had been provided;</p> <p>b) recommended Approval of the budget virements as detailed in paragraph 5.1.14 & Appendix 4, in excess of £250,000 in line with the constitution be approved; and</p> <p>c) the application of reserves be noted.</p>	
<p>No. 10</p>	<p><u>CAPITAL BUDGET MONITORING, FORECAST FOR 2022/2023 FINANCIAL YEAR (AS AT 30 JUNE 2022)</u></p> <p>Consideration was given to the report of the Chief Officer Resources.</p> <p>The Committee unanimously AGREED to recommend that the report be accepted, and Option 1 be endorsed, namely:-</p>	

- | | |
|---|--|
| <p>a) the appropriate challenge to the financial outcomes in the report had been provided;</p> <p>b) appropriate financial control procedures agreed by Council continued to be supported; and</p> <p>c) the budgetary control and monitoring procedures in place within the Capital & Corporate Team, to safeguard Authority funding be noted.</p> | |
|---|--|

COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO: THE PRESIDING MEMBER AND MEMBERS OF THE COUNCIL

**SUBJECT: PLACE SCRUTINY COMMITTEE
- 20TH SEPTEMBER, 2022**

REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER

PRESENT: COUNCILLOR M. Cross (Chair)

Councillors R. Leadbeater (Vice-Chair)
S. Behr
J. Hill
J. Holt
D. Rowberry

WITH: Head of Community Services
Service Manager Public Protection
Service Manager Neighbourhood Services
Service Manager Business & Regeneration
Team Manager, Leisure & Street Scene
Team Manager, Regeneration Opportunities
Service Manager Infrastructure
Specialist Environmental Health Officer
Senior Engineer, Highways
Marketing & Communications Projects Officer
Scrutiny & Democratic Officer

<u>ITEM</u>	<u>SUBJECT</u>	<u>ACTION</u>
No. 1	<u>SIMULTANEOUS TRANSLATION</u> It was noted that no requests had been received for the simultaneous translation service.	

<p>No. 2</p>	<p><u>APOLOGIES</u></p> <p>No apologies for absence were reported.</p>	
<p>No. 3</p>	<p><u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u></p> <p>No declarations of interest or dispensations were reported.</p>	
<p>No. 4</p>	<p><u>REGENERATION SCRUTINY COMMITTEE</u></p> <p>The minutes of the Regeneration Scrutiny Committee held on 9th February, 2022 were submitted.</p> <p>The Committee AGREED that the minutes be accepted as a true record of proceedings.</p>	
<p>No. 5</p>	<p><u>ACTION SHEET – 9TH FEBRUARY, 2022</u></p> <p>Consideration was given to the actions arising from the meeting of the Regeneration Scrutiny Committee held on 9th February, 2022.</p> <p>The Committee AGREED that the action sheet be noted.</p>	
<p>No. 6</p>	<p><u>COMMUNITY SERVICES SCRUTINY COMMITTEE – 28TH FEBRUARY, 2022</u></p> <p>The minutes of the Community Services Scrutiny Committee held on 28th February, 2022 were submitted.</p> <p>The Committee AGREED that the minutes be accepted as a true record of proceedings.</p>	
<p>No. 7</p>	<p><u>ACTION SHEET – 28TH FEBRUARY, 2022</u></p> <p>Consideration was given to the actions arising from the meeting of the Community Services Scrutiny Committee held on 28th February, 2022.</p> <p>The Committee AGREED that the action sheet be noted.</p>	

<p>No. 8</p>	<p><u>TIMING OF MEETINGS SURVEY RESULTS</u></p> <p>Consideration was given to report of the Scrutiny & Democratic Officer.</p> <p>The Committee AGREED the preferred meeting time of 9.30am Agenda Management Discussion and the formal meeting to commence at 10.00am.</p>	
<p>No. 9</p>	<p><u>PROPOSED SCRUTINY FORWARD WORK PROGRAMME 2022-23</u></p> <p>Consideration was given to report of the Scrutiny & Democratic Officer.</p> <p>The Committee AGREED the Forward Work Programme for the People Scrutiny Committee. (Option 1)</p>	
<p>No. 10</p>	<p><u>REVIEW OF HIGHWAY CAPITAL WORKS PROGRAMME 2017 – 2022</u></p> <p>Consideration was given to report of the Head of Community Services.</p> <p>The Committee AGREED to recommend that in the event that funding becomes available the following options be proposed:</p> <p><i>Option 2b was the Members’ preferred option.</i></p> <p>Option 2a: Highest Priority Classified Roads (ranked in order of priority) Estimated Total Cost £500,000</p> <ol style="list-style-type: none"> 1. A467 Warm Turn Carriageway Resurfacing £75k 2. Tafarnaubach Ind Est (Top Road) Resurfacing £175k 3. Blaenant Ind Est Roundabout Resurfacing £75k 4. Big Arch / Steelworks Road / GO Resurfacing £50k 5. A4046 - Waun-Y-Pound Road, Ebbw Vale £25k 6. College Road, Ebbw Vale £100k <p>Option 2b As Option 2a plus 5 worst Residential Roads & Other Highway Related Works – Estimated Total Cost £1,000,000</p>	

	<p>Residential Roads: 5no priority residential roads £350k Other Highway Related Works: -</p> <ul style="list-style-type: none"> • Crash Barriers £50k • Road Markings, signs and bollards £35k • Speed Humps £50k • Traffic Order Reviews £15k <p>Options 2a & 2b may vary subject to the level of funding that may be made available.</p>	
<p>No. 11</p>	<p><u>RENEWAL OF PUBLIC SPACE PROTECTION ORDERS FOR DOG CONTROL OFFENCES – RESULTS OF STATUTORY CONSULTATION</u></p> <p>Consideration was given to report of the Service Manager Public Protection.</p> <p>The Committee AGREED to recommend the proposed amendments following the statutory consultation, as listed in paragraph 2.7, and that the proposed new PSPO be supported by the Committee prior to consideration to full Council. (Option 1).</p>	

COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO: THE PRESIDING MEMBER AND MEMBERS OF THE COUNCIL

**SUBJECT: GOVERNANCE & AUDIT COMMITTEE
- 21ST SEPTEMBER, 2022**

REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER

PRESENT: MS JOANNE ABSALOM (CHAIR)

Councillors S. Behr (Vice-Chair)
J. Gardner
W. Hodgins
C. Smith
T. Smith

Mr M. Veale

WITH: Chief Officer Resources
Audit & Risk Manager
Head of Democratic Services, Governance & Partnerships
Head of Legal & Corporate Compliance
Professional Lead – Internal Audit
Senior Auditor
Data Protection & Governance Officer

AND: Mike Jones) Audit Wales
Alice Rushby)

DECISIONS UNDER DELEGATED POWERS

<u>ITEM</u>	<u>SUBJECT</u>	<u>ACTION</u>
No. 1	<p><u>SIMULTANEOUS TRANSLATION</u></p> <p>It was noted that no requests had been received for the simultaneous translation service.</p>	

No. 2	<p><u>APOLOGIES</u></p> <p>Apologies for absence were received from Councillor J. Wilkins and Mr T. Edwards.</p>	
No. 3	<p><u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u></p> <p>There were no declarations of interest and dispensations reported.</p>	
No. 4	<p><u>GOVERNANCE & AUDIT COMMITTEE</u></p> <p>The minutes of the Governance & Audit Committee held on 11th July, 2022 were re-submitted.</p> <p>The Chair informed the Committee that the minutes had been accepted as a true record of proceedings at the last meeting and had been resubmitted as an Action Sheet from the meeting had now been completed.</p>	
No. 5	<p><u>ACTION SHEET – 11TH JULY, 2022</u></p> <p>Consideration was given to the Action Sheet of the Governance & Audit Committee held on 11th July, 2022.</p> <p>RESOLVED that the action sheet be noted.</p>	
No. 6	<p><u>GOVERNANCE & AUDIT COMMITTEE</u></p> <p>The minutes of the Governance & Audit Committee held on 27th July, 2022 were submitted.</p> <p>RESOLVED that the minutes be accepted as a true record of proceedings.</p>	
No. 7	<p><u>ACTION SHEET – 27TH JULY, 2022</u></p> <p>Consideration was given to the Action Sheet of the Governance & Audit Committee held on 17th July, 2022.</p> <p>RESOLVED that the action sheet be noted.</p>	

<p>No. 8</p>	<p><u>GOVERNANCE AND AUDIT COMMITTEE FORWARD WORK PROGRAMME 2022-23</u></p> <p>Consideration was given to the report of the Scrutiny and Democratic Officer.</p> <p>The Chair advised that the Forward Work Programme had been revised and resubmitted to the Committee.</p> <p>RESOLVED that the report be accepted and the revised Forward Work Programme for the Governance and Audit Committee be approved.</p>	
<p>No. 9</p>	<p><u>GOVERNANCE AND AUDIT COMMITTEE TERMS OF REFERENCE</u></p> <p>Consideration was given to the report of the Data Protection and Governance Officer.</p> <p>RESOLVED that the report be accepted and the Governance and Audit Committee approve the updated Terms of Reference for use. (Option 1)</p>	
<p>No. 10</p>	<p><u>ANNUAL GOVERNANCE STATEMENT</u></p> <p>Consideration was given to the report of the Chief Officer Resources.</p> <p>RESOLVED that the report be accepted and the Governance & Audit Committee approve and adopt the Draft AGS having considered and challenged the content, ensuring it was consistent with their knowledge and understanding of the wider issues affecting the Council. (Option 1)</p>	
<p>No. 11</p>	<p><u>QUALITY ASSURANCE IMPROVEMENT PROGRAMME</u></p> <p>Consideration was given to the report of the Senior Auditor.</p> <p>RESOLVED that the report be accepted and the Governance & Audit Committee approve the QAIP in line with good practice and the requirements of the Public Sector Internal Audit Standards (PSIAS). (Option 1)</p>	

No. 12	<p><u>THE ANNUAL LETTER OF THE PUBLIC SERVICES OMBUDSMAN FOR WALES 2021/2022</u></p> <p>Consideration was given to the report of the Head of Legal & Corporate Compliance.</p> <p>RESOLVED that the report be accepted and the Governance & Audit Committee was assured that the process for the monitoring of complaints was robust and the performance information provided reflects these practices. (Option 1)</p>	
---------------	---	--

COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO: THE PRESIDING MEMBER AND MEMBERS OF THE COUNCIL

**SUBJECT: CORPORATE AND PERFORMANCE SCRUTINY COMMITTEE
23rd SEPTEMBER, 2022**

REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER

PRESENT: COUNCILLOR J. WILKINS (CHAIR)

Councillors J. Thomas (Vice-Chair)

- C. Bainton
- M. Day
- G. Humpreys
- E. Jones
- R. Leadbeater
- T. Smith
- C. Smith

WITH: Interim Corporate Director Social Services
Head of Regeneration
Chief Officer Resources
Head of Community Services
Head of Organisational Development
Head of Governance and Partnerships
Service Manager – Customer Experience & Transformation
Scrutiny and Democratic Officer
Press Officer

ITEM	SUBJECT	ACTION
No. 1	<p><u>SIMULTANEOUS TRANSLATION</u></p> <p>It was noted that no requests had been received for the simultaneous translation service.</p>	
No. 2	<u>APOLOGIES</u>	

	<p>The following apologies for absence were received:-</p> <p>Corporate Director Education Head of School Improvement Strategic Education Improvement Manager Service Manager Inclusion</p>	
No. 3	<p><u>DECLARATIONS OF INTERESTS AND DISPENSATIONS</u></p> <p>No declarations of interest or dispensations were reported.</p>	
No. 4	<p><u>DISCRETIONARY COST OF LIVING SCHEME</u></p> <p>Consideration was given to the report of the Chief Officer Resources.</p> <p>A Member proposed an amendment to the recommendation that £30,000 be provided to Blaenau Gwent Foodbank as the main recipient and a discretionary fund of £70,000 be established to allow other food distribution groups/organisations to apply for funding from the Council to assist in delivering work within their respective communities.</p> <p>This proposal was seconded and agreed.</p> <p>The Committee AGREED to recommend, subject to the foregoing that the report be accepted and proposed the Discretionary Cost of Living Scheme and suggest amendments to Council prior to adoption of the scheme (Option 2).</p>	
No. 5	<p><u>SICKNESS ABSENCE PERFORMANCE 2021/22</u></p> <p>Consideration was given to the report of the Head of Organisational Development.</p> <p>The Committee AGREED to recommend, that the report be accepted and the Scrutiny Committee endorsed the report and the ongoing actions to support improvement in attendance.</p>	

COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO: **THE CHAIR AND MEMBERS OF THE PEOPLE SCRUTINY COMMITTEE**

SUBJECT: **PEOPLE SCRUTINY COMMITTEE**
- 30TH SEPTEMBER, 2022

REPORT OF: **DEMOCRATIC & COMMITTEE SUPPORT OFFICER**

PRESENT: Councillor T. Smith (Chair)

Councillors Jen Morgan, J.P. (Vice-Chair)
C. Bainton
D. Bevan
K. Chaplin

WITH: Corporate Director of Education
Interim Corporate Director of Social Services
Head of Adult Services
Head of School Improvement & Inclusion
Head of Governance & Partnerships
Press & Publicity Officer
Scrutiny & Democratic Officer

<u>ITEM</u>	<u>SUBJECT</u>	<u>ACTION</u>
No. 1	<u>SIMULTANEOUS TRANSLATION</u> It was noted that no requests had been received for the simultaneous translation service.	
No. 2	<u>APOLOGIES</u> Apologies for absence were reported for Councillors J. Holt, G. Davies, Rhianna Lewis (Co-opted Member) and Alison Ramshaw (Interim Head of Children’s Services).	
No. 3	<u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u>	

	No declarations of interest or dispensations were reported.	
No. 4	<p><u>PEOPLE SCRUTINY COMMITTEE</u></p> <p>The minutes of the Social Services Scrutiny Committee held on 6th September, 2022 were submitted.</p> <p>The Committee AGREED that the minutes be accepted as a true record of proceedings.</p>	
No. 5	<p><u>ACTION SHEET – PEOPLE SCRUTINY COMMITTEE – 6TH SEPTEMBER, 2022</u></p> <p>The Action sheet arising from the meeting held on 6th September, was submitted.</p> <p>The Committee AGREED that the action sheet be noted.</p>	
No. 6	<p><u>ANNUAL REPORT OF THE DIRECTOR OF SOCIAL SERVICES 2021/2022</u></p> <p>Consideration was given to report of the Interim Corporate Director of Social Services.</p> <p>The Committee AGREED to recommend that the report be accepted.</p>	
No. 7	<p><u>REVIEW OF INCLUSION/ALN STRATEGIES, POLICIES AND PRACTICES</u></p> <p>Consideration was given to report of the Corporate Director of Education and the Head of School Improvement and Inclusion.</p> <p>The Committee AGREED to recommend that the report be accepted as presented and the attached strategies/policies and guidance.</p>	
No. 13	<p><u>FORWARD WORK PROGRAMME 2022-23 – 18TH OCTOBER, 2022</u></p>	

	<p>Consideration was given to report of the Scrutiny & Democratic Officer.</p> <p>The Committee AGREED that the Forward Work Programme for the People Scrutiny Committee on 18th October, 2022 be accepted. (Option 2)</p>	
--	---	--

This page is intentionally left blank

COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO: THE PRESIDING MEMBER AND MEMBERS OF THE COUNCIL

**SUBJECT: PARTNERSHIPS SCRUTINY COMMITTEE
- 14TH OCTOBER, 2022**

REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER

PRESENT: Councillor W. Hodgins (CHAIR)
 Councillors P. Baldwin (Vice-Chair)
 K. Chaplin
 D. Davies
 E. Jones
 J. Holt (*substituting for L. Parsons*)
 C. Smith
 L. Winnett

WITH: Corporate Director of Education
 Interim Corporate Director of Social Services
 Corporate Director Regeneration & Community Services
 Head of School Improvement & Inclusion
 Service Manager - Customer Experience & Benefits
 Partnership Lead
 Professional Lead Community Safety
 Policy Officer
 Scrutiny Officer

<u>ITEM</u>	<u>SUBJECT</u>	<u>ACTION</u>
No. 1	<p><u>SIMULTANEOUS TRANSLATION</u></p> <p>It was noted that no requests had been received for the simultaneous translation service.</p>	

No. 2	<p><u>APOLOGIES</u></p> <p>Apologies for absence were reported for Councillors L. Parsons, D. Woods, the Head of Governance & Partnerships and the Chief Officer Commercial.</p>	
No. 3	<p><u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u></p> <p>No declarations of interest or dispensations were reported.</p>	
No. 4	<p><u>PUBLIC SERVICES BOARD SCRUTINY COMMITTEE</u></p> <p>The minutes of the Social Services Scrutiny Committee held on 28th January, 2022 were submitted.</p> <p>The Committee AGREED that the minutes be accepted as a true record of proceedings.</p>	
No. 5	<p><u>ACTION SHEET – PUBLIC SERVICES BOARD SCRUTINY COMMITTEE – 28TH JANUARY, 2022</u></p> <p>The Action sheet arising from the meeting held on 28th January, 2022 was submitted.</p> <p>The Committee AGREED that the action sheet be noted.</p>	
No. 6	<p><u>TIMING OF MEETINGS SURVEY RESULTS</u></p> <p>Consideration was given to report of the Scrutiny and Democratic Officer.</p> <p>The Committee AGREED that the Agenda Management Discussion be held at 9.00 am, with the formal meeting commencing at 9.30 am. (Option 2)</p>	
No. 7	<p><u>PROPOSED SCRUTINY COMMITTEE FORWARD WORK PROGRAMME 2022-23</u></p> <p>Consideration was given to report of the Scrutiny and Democratic Officer.</p> <p>The Committee AGREED the Forward Work Programme for</p>	

	the Partnerships Scrutiny Committee. (Option 1)	
No. 8	<p><u>STATUTORY MAINTAINED SCHOOLS PARTNERSHIP AGREEMENT</u></p> <p>Consideration was given to report of the Strategic Education Improvement Manager.</p> <p>The Committee AGREED to recommend that the report be accepted and provided comments to further the development of the Statutory Partnership Agreement and in doing so, influence the way in which the LA works with schools and Governing bodies, for approval by the Executive Committee. (Option 1)</p>	
No. 9	<p><u>NATIONAL COLLABORATIVE ARRANGEMENTS FOR WELSH (LOCAL AUTHORITY) ADOPTION AND FOSTERING SERVICES</u></p> <p>Consideration was given to report of the Interim Corporate Director of Social Services.</p> <p>The Committee AGREED to recommend that the report be accepted and approved (Option 1), namely:</p> <ul style="list-style-type: none"> • Recommend to Council to adopt the proposals for developing the governance arrangements for the National Adoption Service for Wales, as it assumes responsibility for Foster Wales; and • Confirm support for the Joint Committee Agreement for the National Adoption Service and Foster Wales and for the authority to sign the agreement. • Via their Membership Report, Council to formally nominate the representative from Blaenau Gwent to sit the Joint Committee. 	
No. 10	<u>CONSULTATION ON THE DRAFT WELL-BEING PLAN FOR</u>	

GWENT

Consideration was given to report of the Partnership Lead.

The Committee AGREED to recommend that the report be accepted and approved (Option 2), namely:

- i. Considered the draft Gwent Well-being Plan;
- ii. Provided additional comments as part of the consultation; and
- iii. Recommended comments to the Gwent PSB for consideration as their response as a statutory consultee.

COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO: **THE PRESIDING MEMBER AND MEMBERS OF THE COUNCIL**

SUBJECT: **SPECIAL GOVERNANCE & AUDIT COMMITTEE**
- 20TH OCTOBER, 2022

REPORT OF: **DEMOCRATIC & COMMITTEE SUPPORT OFFICER**

PRESENT: MS JOANNE ABSALOM (CHAIR)

Councillors S. Behr (Vice-Chair)
W. Hodgins
T. Smith
J. Wilkins

WITH: Audit & Risk Manager
Head of Democratic Services, Governance & Partnerships
Service Manager Performance & Democratic
Data Protection & Governance Officer

AND: Alice Rushby - Audit Wales

DECISIONS UNDER DELEGATED POWERS

<u>ITEM</u>	<u>SUBJECT</u>	<u>ACTION</u>
No. 1	<p><u>SIMULTANEOUS TRANSLATION</u></p> <p>It was noted that no requests had been received for the simultaneous translation service.</p>	
No. 2	<p><u>APOLOGIES</u></p> <p>Apologies for absence were received from:- Councillor C. Smith Mr T. Edwards Mr M. Veale</p>	

	Chief Officer Resources	
No. 3	<p><u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u></p> <p>There were no declarations of interest and dispensations reported.</p>	
No. 4	<p><u>BLAENAU GWENT COUNCIL SELF-ASSESSMENT 2021/2022</u></p> <p>Consideration was given to the report of the Interim Chief Executive.</p> <p>Option 1 was proposed and seconded, it was therefore</p> <p>RESOLVED that the report be accepted and Option 1 be endorsed, namely that the Committee was assured that the Council's Self-Assessment 2021/2022 was an accurate account of the effectiveness and performance management arrangements of the Council.</p>	

Blaenau Gwent County Borough Council

Action Sheet

Ordinary Meeting of the Council

Meeting Date	Action to be Taken	By Whom	Action Taken
29.09.22	Proposed Council Forward Work Programme 2022/23 Highways Network Report (Capital Works) - if funding opportunities were generated or alternative funding identified it would be a decision of Council as to how funding was prioritised and spent. If no further funding opportunities were forthcoming, discussions would be held with Members regarding priorities once the outcome of the draft budget from Welsh Government was known in December.	Chief Officer Resources/Head of Community Services	Not applicable at this stage. Budget reports will be considered by Full Council as part of the annual budget setting process. Action in progress
29.09.22	Multi Location Meeting Policy Notification of meetings be published in the Community Hubs and General Office building to alert people without I.T. provision to the meetings that were pending.	Head of Democratic Services, Governance & Partnerships	Notice of meetings will be published in the Community Hubs and General Offices as from 1 st November, 2022. Action complete: 01.11.2022
29.09.22	Multi Location Meeting Policy As the General Office building was now the Democratic Hub the matter of signage would be investigated but this would not form part of this policy.	Head of Community Services	Works instructions have been issued for the removal of all signage relating to the Civic Centre. Signage to The Works & General Offices is currently in place. Action complete: 07.11.2022

This page is intentionally left blank

Blaenau Gwent County Borough Council

Action Sheet

Special Meeting of the Council

Meeting Date	Action to be Taken	By Whom	Action Taken
26.10.22	Blaenau Gwent Council Self-Assessment 2021/22 The details of political make-up contained in the document will need to be amended prior to the publication on the Council's website.	Head of Democratic Services, Governance & Partnerships/Service Manager Performance & Democratic	Self-Assessment has been updated prior to publication on the Council's website. Action complete: 27.10.2022
26.10.22	Blaenau Gwent Council Self-Assessment 2021/22 The future format of the Self-Assessment be considered to improve public accessibility.	Head of Democratic Services, Governance & Partnerships/Service Manager Performance & Democratic	The three high level summary questions from the self-assessment will be used as an easy read version of the self- assessment and will sit alongside an infographic on the internet. Action complete: 27.10.2022
26.10.22	Blaenau Gwent Council Self-Assessment 2021/22 Future highway capital works to be further investigated, and further reports be presented via the democratic process relating to any potential future funding opportunities and options going forward.	Chief Officer Resources/Head of Community Services	Not applicable at this stage. Budget reports will be considered by Full Council as part of the annual budget setting process. Action in progress

Meeting Date	Action to be Taken	By Whom	Action Taken
26.10.22	<p>Amendments to the Constitution The activities of the Presiding Member be publicised to communicate to the public the duties, events and engagements being undertaken.</p> <p>The Presiding Member's role description be added to going forward and the Constitution be updated to reflect any changes accordingly.</p>	<p>Chief Officer Commercial & Customer/Head of Democratic Services, Governance & Partnerships</p> <p>Head of Legal & Corporate Compliance/Head of Democratic Services, Governance & Partnerships</p>	<p>A report outlining the activities of the Presiding Member will be developed. Work to be undertaken to promote and publicise the work of the Presiding Member to the public via the normal corporate communications channels.</p> <p>A role description for the Presiding Member has been drafted and will be included within the Constitution as part of its next iteration.</p> <p>Actions in progress</p>
26.10.22	<p>Amendments to the Constitution Hard copies of the Constitution be made available upon receipt of a written request.</p> <p>A legal briefing note be prepared relating to the Democratic Services Committee and options going forward for Group Leaders to consider.</p>	<p>Head of Legal & Corporate Compliance</p> <p>Head of Legal & Corporate Compliance</p>	<p>Noted and any written requests will be met.</p> <p>Note has been prepared and will be circulated 11 11 22.</p> <p>Actions complete: 10.11.2022</p>

Agenda Item 27

Executive Committee and Council only

Date signed off by the Monitoring Officer: 07.11.2022

Date signed off by the Section 151 Officer: 07.11.2022

Committee: **Council**

Date of Meeting: **24th November, 2022**

Report Subject: **Consultation on the Independent Remuneration Panel for Wales Draft Annual Report 2023**

Portfolio Holder: **Councillor S. Thomas - Leader of the Council/Cabinet Member Corporate and Performance**

Report Submitted by: **Gemma Wasley, Service Manager Performance and Democratic**
Andrea Prosser, Head of Organisational Development

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Governance & Audit Committee	Democratic Services Committee	Scrutiny Committee	Cabinet	Council	Other (please state)
Virtual	Virtual	15/11/22			21/11/22		24/11/22	

1. **Purpose of the Report**
 - 1.1 To present to Council the draft annual report (attached at appendix 1) of the Independent Remuneration Panel for Wales (IRPW) for approval.
 - 1.2 The Local Government (Wales) Measure 2011 requires the IRPW's Annual Report to take effect from 1 April each year.
2. **Scope and Background**
 - 2.1 The IRPW is responsible for setting the levels and arrangements for the remuneration of members of the following organisations.
 - Principal Councils – county and county borough councils
 - Community and Town Councils
 - National Park Authorities
 - Fire and Rescue Authorities
 - Corporate Joint Committees
 - 2.2 The IRPW is an independent body and is able to make decisions about:
 - The salary structure within which members are remunerated
 - The type and nature of allowances to be paid to members
 - Whether payments are mandatory or allow a level of local flexibility
 - Arrangements in respect of family absence
 - Arrangements for monitoring compliance with the Panel's decisions
 - 2.3 The Panel is an independent organisation and the organisations listed above are required, by law, to implement the decisions it makes.
 - 2.4 The draft Report of the IRPW, sets out the Decisions and Determinations on pay, expenses and benefits for elected members of principal councils,

community and town councils, National Park Authorities and Fire and Rescue Authorities for implementation from April 2023.

- 2.5 The IRPW has a duty to set payments that are fair and that encourage and enable democratic participation. It must also take account of affordability and acceptability.
- 2.6 In making its determinations for this Draft Report, the IRPW considered a range of benchmarks, including past, current, and projected indices and actual figures and the known and forecast extent and impact of multiple economic and social factors. These included post Brexit and COVID work environments and the cost of living, energy, and climate crises.
- 2.7 The IRPWs proposals are consulted on and, following consideration of the views received in response to its consultation, the IRPW makes its final determinations which are published each year in its Annual Report.

3. **Options for Recommendation**

To include Recommendation(s) / Endorsement by other groups, e.g. CMT/Committees/Other groups)

- 3.1 The draft report has been considered by the Corporate and Performance Scrutiny Committee on 21st November, where a draft consultation response has been developed following discussion.

3.1.1 **Option 1:**

Agree with the determinations as set out in the draft IRPW report in Appendix 1 for 2023/2024

3.1.2 **Option 2:**

Consider each of the determinations contained in the draft IRPW report for 2023/2024 highlighted in paragraphs 6.1.1 to 6.1.6 and give comments against each or all of the determinations for submission to the IRPW as part of the consultation process that ends on 1st December 2022.

4. **Evidence of how does this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

- 4.1 The Local Government (Wales) Measure 2011 requires the IRPW's Annual Report to take effect from 1 April each year.
- 4.2 The Panel is an independent organisation and the organisations listed in paragraph 2.1 are required, by law, to implement the decisions it makes.

5. **Implications Against Each Option**

5.1 ***Impact on Budget (short and long term impact)***

The basic salary of councillors of principal councils from May 2022 was set at £16,800. For 2023 the basic salary will increase by 4.76% to £17,600.

The proposals as set out in the draft report of the IRPW will be paid from the Members allowances. The proposals are within budget.

5.2 ***Risk including Mitigating Actions***

Failure to comply with the Panel's determinations will result in reputational damage for the Council. This is mitigated by Scrutiny Committee (usually Democratic Services Committee) and Council considering and agreeing the determinations.

5.3 ***Legal***

The report outlines the plans of the IRPW in terms of elected member remuneration which will become regulation.

It is also the responsibility of the Council to establish our position on how to respond to any Freedom of Information requests we receive in relation to reimbursement of costs of care. The IRPW states that it is not the intention to disclose details of individual's claims.

5.4 ***Human Resources***

There are no direct staffing implications from this report.

6. **Supporting Evidence**

6.1 ***Performance Information and Data***

The report considers the main proposals included within the 2023/24 draft report of the IRPW as they relate to Blaenau Gwent County Borough Council.

Summary of the Independent Remuneration Panel's Determinations for 2023 to 2024

6.1.1 **Determination 1 - Basic salary for elected members of principal councils:**

The basic level of salary for elected members of principal councils will set at £17,600.

The basic salary, paid to all elected members, is remuneration for the responsibility of community representation and participation in the scrutiny, regulatory and related functions of local governance. It is based on a full time equivalent of three days a week. The Panel regularly reviews this time commitment and no changes are proposed for 2023 to 2024.

Last year the Panel reset the basic salary to align with the 2020 Annual Survey of Hours and Earnings (ASHE) published by the Office of National Statistics. This reduced the imbalance that had arisen between the basic salary of members of principal councils and the average salaries of their constituents. The change took effect from the May 2022 local elections.

Building on this decision the Panel has determined that for the financial year 1 April 2023 to 31 March 2024 it is right to retain a link between the basic salary of councillors and the average salaries of their constituents. **The basic salary will be aligned with three fifths of the All Wales 2021 ASHE, the latest figure available at drafting. This will be £17,600. This will represent a 4.76% increase in the basic salary.**

6.1.2 Determination 2 – Salaries paid to Senior, Civic and Presiding members of principal councils:

The limit on the number of senior salaries payable (“the cap”) will remain in place (for Blaenau Gwent this is 16).

All senior salaries include the basic salary payment. The different levels of additional responsibility of and between each role is recognised in a banded framework. No changes to banding are proposed this year.

Early next year the Panel will gather evidence from principal councils to explore whether and how the workload of elected members has changed.

The ASHE 2021 increase (4.76%) applies to the role element of Band 1 and Band 2 salaries – leader, deputy leader and executive members.

Band 3 and Band 4 salary holders will receive a small increase to the role element of their pay and the role element of Band 5 pay will remain frozen. The increase in basic salary will apply.

Draft determinations for 2023 to 2024 include

- An increase of 4.76% in the basic allowance for all councillors of principal councils, taking the basic salary from £16,800 to £17,600.
- Senior salary payments as follows:

Band	Role	Group A	Group B	Group C*
Band 1	Leader	£66,000	£59,400	£56,100
	Deputy Leader	£46,200	£41,580	£39,270
Band 2	Executive	£39,600	£35,640	£33,660
Band 3	Committee Chair (if paid)	£26,400		
	Civic Head			
	Presiding Officer			
Band 4	Leader of largest opposition group	£26,400		
Band 5	Leader of Other Political Groups	£21,340		
	Deputy Civic Head			
	Deputy Presiding Officer – no role payment	£17,600		

**Group C: Blaenau Gwent, Ceredigion, Denbighshire, Merthyr Tydfil, Monmouthshire, Torfaen, Isle of Anglesey*

There are no further changes to the payments and benefits paid to elected members and therefore all other Determinations from 2022 to 2023 still stand and should be applied in 2023 to 2024, including those covering:

- Travel and subsistence;
- Care and Personal Assistance;
- Sickness Absence;
- Corporate Joint Committees,
- Assistants to the Executive,
- Additional salaries and Job sharing arrangements and
- Co-opted Members

6.1.3 Determination 3 - Salaries for Joint Overview and Scrutiny Committees:

The salary of a chair of a Joint Overview and Scrutiny Committee will be £8,800.

The salary of vice-chair will be £4,400.

6.1.4 Determination 4 - Payments towards costs and expenses of members of Community and Town Councils:

Members of Community and Town Councils will be paid £156 a year (equivalent to £3 a week) towards the extra household expenses (including heating, lighting, power and broadband) of working from home. And Councils must either pay their members £52 a year for the cost of office consumables required to carry out their role, or alternatively councils must enable members to claim full reimbursement for the cost of their office consumables.

There are no further changes to the payments and benefits paid to elected members and therefore all other Determinations from 2022 to 2023 still stand and should be applied in 2023 to 2024, including those covering:

- Payments for undertaking senior roles;
- Contributions towards costs of care and personal assistance;
- Reimbursement of Travel and subsistence costs;
- Compensation for financial loss:
- Attendance allowance and
- Co-opted Members

6.1.5 Determination 5 – Payments to National Parks Authorities and Fire and Rescue Authorities:

The basic pay of members of National Park Authorities and Fire and Rescue Authorities has been increased by 4.76%. Full details of the levels of remuneration for members of National Park Authorities and Fire and Rescue Authorities, is set out in the report.

All other Determinations for 2022 to 2023 will still stand and should be applied in 2023 to 2024, including those covering;

- Contributions towards costs of care and personal assistance;
- Reimbursement of Travel and subsistence costs;
- Compensation for financial loss;
- Co-opted Members and
- Restrictions on receiving double remuneration where a member holds more than one post.

6.1.6 **Determination 6:**

All other Determinations set out in the 2022 to 2023 Annual Report of the Panel remain valid and should be applied.

6.2 ***Expected outcome for the public***

Members of Council represent their ward and the borough in order to provide a voice to the constituents, support decision making and provide community leadership.

6.3 ***Involvement (consultation, engagement, participation)***

The IRPW is looking to involve members, officers and interested parties in the consultation on their draft report 2023.

6.4 ***Thinking for the Long term (forward planning)***

The IRPW considers evidence and research in order to establish the reasoning for its determinations and aims to support the role of elected member now and in the future.

6.5 ***Preventative focus***

The IRPW consider it important that payments to elected members of principal councils are fair and at a level that is not a disincentive to potential candidates for election. Therefore, the Panel has decided to reset the basic salaries of elected members to closer align with the average earnings in Wales.

6.6 ***Collaboration / partnership working***

The IRPW works collaboratively with key stakeholders engaged in promoting participation in local democracy.

6.7 ***Integration (across service areas)***

Elected Members work across all directorates of the Council in order to understand activity and to inform effective decision making.

6.8 ***Decarbonisation and Reducing Carbon Emissions***

There is no direct link to reducing carbon emissions from this report however, the Council and its members have moved to an online approach to working greatly reducing the negative impact on the environment through the stopping of printing committee papers.

6.9a ***Socio Economic Duty Impact Assessment*** (complete an impact assessment to consider how the decision might help to reduce the inequalities of outcome associated with socio-economic disadvantage).

The decision for remuneration is for the IRPW to make and the Council is a consultee in this, there is no direct decision from the Council.

6.9b. ***Equality Impact Assessment*** (screening and identifying if full impact assessment is needed)

The IRPW aims to support members with regards to:

- Travel and subsistence
- Care and Personal Assistance
- Sickness Absence

7. **Monitoring Arrangements**

7.1 *State how the work will be monitored e.g. through scrutiny or directorate performance management arrangements*

Arrangements are in place to consider the reports of the IRPW as required through the democratic process.

Background Documents /Electronic Links

- *Draft IRPW Report*
- *Consultation Questions*



Independent
Remuneration Panel



Independent
Remuneration Panel

This page is intentionally left blank



Independent Remuneration Panel for Wales

Annual Report

DRAFT

February 2023

Annual Report 2023 to 2024

Section	Page number
1. Introduction	2
2. Role and Responsibilities of the Panel	4
3. Deliberations and Determinations	5
4. Consultation and Summary of Determinations	13

Section 1: Introduction

Welcome to the draft Report of the Independent Remuneration Panel for Wales, setting the Decisions and Determinations on pay, expenses and benefits for elected members of principal councils, community and town councils, National Park Authorities and Fire and Rescue Authorities for implementation from April 2023.

This is my first Report as Chair of the Panel, having been appointed in June this year. I would like to take this opportunity to thank John Bader, the outgoing Chair, for his service over many years and who led the Panel through two significant pieces of work last year – the [Independent 10 Year Review of the Panel](#) and restoring the link between elected members salaries and average earnings in Wales. I also thank Joe Stockley for his service and I am pleased to announce the appointment of Bev Smith in June this year. Saz Willey, Vice Chair, and Ruth Glazzard have continued to lead the work of the Panel during this period of change and I thank them for the support they have given both Bev and I, as new members.

This year the Panel has continued to focus on and take forward the recommendations from the [Ten-Year Review](#). There are four key strands to this work – review the way we work, set out a three year strategy for the Panel, improve how we communicate and engage with stakeholders and build a robust evidence base to inform decisions.

We have embarked on the recommended Effectiveness Review of the way we work and have started developing our longer-term strategy with a Panel Development Day in August. We have agreed that our mission should be to deliver a fair and accountable reward framework for Wales' communities to have their voices heard within our democracy. We will use our expertise and professionalism to build trusting, sustainable partnerships to inform our work and deliver the changes Wales needs.

We aim to improve the way we communicate and engage both with our immediate stakeholders and the general public. As a first step we now publish a summary of our monthly meetings on our [website](#), but recognise there is much more to do. We aim to improve the accessibility and ease of use of our website and develop it into a more useful resource tool for people. We intend it to be an easy-to-use store of information on our Determinations, and, building on our current [Frequently Asked Questions](#) page, develop our Guidance on how all decisions should be applied.

Whilst we are an independent body, we will continue to work collaboratively with key stakeholders engaged in promoting participation in local democracy. We look forward to participating in the forthcoming events hosted by the Welsh Government and Minister for Finance and Local Government, to share knowledge, experience, and best practice across a range of subjects related to the role of a councillor to develop a shared understanding of how we can take collective action to increase diversity in local democracy.

The Welsh Government will soon be publishing research which explores the barriers to standing for elected office and the changing role of the councillor and is

developing a programme of work around the role of the community and town Councils.

The Panel has decided that this year will be a year of consolidation. Major changes were put in place last year, and a significant uplift in salary levels was agreed. We wish to allow time for last year's Determinations to bed in and to allow the Panel to continue its development of a research and evidence base to inform future decisions and move to a longer term planning cycle. This report reflects that decision.

During the past few years, we have been considering the structure of our reports and how we can make them more accessible to all. We have concluded that much of the information published replicates previous years, often without significant change. For this report we decided to focus on the changes made as a result of the proposals. We have therefore decided that the majority of the content set out in previous reports will be removed from the report and placed on the Panel's website. We will make arrangements for those who are unable to access the website.

This change has significantly reduced the size of the report and made it more manageable to navigate. This approach is also in line with our efforts to respect the challenges facing us in protecting our planet.

This is a work in progress, and we would be interested in your views about this approach and so have specifically asked for some feedback as part of our [Consultation questions](#) at the end of the Report.

Panel Membership

Frances Duffy, Chair
Saz Willey, Vice Chair
Ruth Glazzard
Bev Smith

Detailed information about the members can be found on the website: [Panel website](#)

Section 2: Role and responsibilities of the Panel

Role of the Panel

The Panel is responsible for setting the levels and arrangements for the remuneration of members of the following organisations.

- Principal Councils – county and county borough councils
- Community and Town Councils
- National Park Authorities
- Fire and Rescue Authorities
- Corporate Joint Committees

The Panel is an independent body and is able to make decisions about:

- The salary structure within which members are remunerated
- The type and nature of allowances to be paid to members
- Whether payments are mandatory or allow a level of local flexibility
- Arrangements in respect of family absence
- Arrangements for monitoring compliance with the Panel's decisions

The Panel is an independent organisation and the organisations listed above are required, by law, to implement the decisions it makes.

The Panel is also consultee for proposed changes to the pay of principal council Chief Executives.

Principles

The work of the Panel is underpinned by a set of principles which guides its approach, methodology and decision making. They are:

- **Upholding trust and confidence** – Citizens rightly expect that all those who choose to serve in local authorities uphold the public trust by embracing the values and ethics implicit in such public service.
- **Simplicity** – The Framework is clear and understandable.
- **Remuneration** – The Framework provides for payment to members of authorities who carry a responsibility for serving their communities. The level of payment should not act as a barrier to taking up or continuing in the post.
- **Diversity** – Democracy is strengthened when the membership of authorities adequately reflects the demographic and cultural make-up of the communities such authorities serve.
- **Accountability** - Taxpayers and citizens have the right to receive value for money from public funds committed to the remuneration of those who are elected, appointed or co-opted to serve in the public interest.
- **Fairness** - The Framework will be capable of being applied consistently to members of all authorities within the Panel's remit as a means of ensuring that levels of remuneration are fair, affordable and generally acceptable.

- **Quality** - The Panel recognises that the complex mix of governance, scrutiny and regulatory duties incumbent upon members requires them to engage with a process of continuous quality improvement.
- **Transparency** - Transparency of members' remuneration is in the public interest.

Section 3: Summary of Deliberations and Determinations

Methodology

Each year the Panel engages with members of the bodies for which it sets remuneration levels, officers within those organisations, clerks, Welsh Local Government Association, One Voice Wales and the Society for Local Council Clerks. It does this through a range of meetings which, at the moment, remain mostly online. The Panel will continue with these discussions. They provide an opportunity for the Panel to explore views about existing arrangements, the impact decisions are having on individuals, how the arrangements are operating in practice and any issues or concerns individuals wish to raise. It also provides an opportunity for discussion about emerging situations which the Panel may need to consider in respect of its decision making.

The draft report is published widely and members of the public are encouraged to and have provided valuable feedback and we welcome this.

The Panel also considers feedback from the publishing of the Annual Report in the previous year. The changes made in last year's Report, in particular the uplift in the basic salary, seem to have been well received by stakeholders. The issues raised with the Panel have all been centred around the detail of the Determinations, asking for guidance on how they should be applied or asking for points of clarification where the text of the Report was unclear.

The Panel has therefore agreed to review the format and structure of the main Report and make better use of the Panel website to provide information and guidance.

The Panel has a duty to set payments that are fair and that encourage and enable democratic participation. It must also take account of affordability and acceptability.

In making its determinations for this Draft Report, the Panel considered a range of benchmarks, including past, current and projected indices and actual figures and the known and forecast extent and impact of multiple economic and social factors. These included post Brexit and COVID work environments and the cost of living, energy and climate crises.

The Panels proposals are consulted on and following consideration of the views received in response to its consultation the Panel makes its final determinations which are published each year in its Annual Report.

Panel's Determinations for 2023 to 2024

Basic salary for elected members of principal councils - Determination 1

The basic salary, paid to all elected members, is remuneration for the responsibility of community representation and participation in the scrutiny, regulatory and related functions of local governance. It is based on a full time equivalent of three days a week. The Panel regularly reviews this time commitment and no changes are proposed for 2023 to 2024.

Last year the Panel reset the basic salary to align with the [2020 Annual Survey of Hours and Earnings \(ASHE\)](#) published by the Office of National Statistics. This reduced the imbalance that had arisen between the basic salary of members of principal councils and the average salaries of their constituents. The change took effect from the May 2022 local elections. The rationale for this significant step can be found in last year's Annual Report and a detailed explanatory paper setting out the historical context and analysis is available on the Panel's website.

Building on this decision the Panel has determined that for the financial year 1 April 2023 to 31 March 2024 it is right to retain a link between the basic salary of councillors and the average salaries of their constituents. **The basic salary will be aligned with three fifths of the all Wales [2021 ASHE](#), the latest figure available at drafting. This will be £17,600. This will represent a 4.76% increase in the basic salary.**

Salaries paid to Senior, Civic and Presiding members of principal councils: Determination 2

The limit on the number of senior salaries payable ("the cap") will remain in place. At the 2022 local elections boundary reviews changed the number of members for some councils. The Panel adjusted the senior salary cap for these councils in its 2022 to 2023 Annual Report. As there are no further changes for 2023 to 2024, the maximum number of senior salaries payable within each council remains as set out in the 2022 to 2023 [Report](#).

All senior salaries include the basic salary payment. The different levels of additional responsibility of and between each role is recognised in a banded framework. The framework was revised last year after a review of differentials and market comparators. No changes to banding are proposed this year. Early next year the Panel will gather evidence from principal councils to explore whether and how the workload of elected members has changed.

The [ASHE 2021](#) increase applies to the role element of Band 1 and Band 2 salaries – leader, deputy leader and executive members.

To complete the last year's realignment of the framework, Band 3 and Band 4 salary holders will receive a small increase to the role element of their pay and the role element of Band 5 pay will remain frozen. The increase in basic salary will apply. The salary of a leader of the largest (Group A) council will therefore be £66,000. All other payments have been decided in reference to this and are set out in Table 1.

Table 1 – Salaries payable to Basic, Senior, Civic and Presiding Members of Principal Councils

Description	Remuneration		
Elected Members of Principal Councils			
Basic salary (payable to all elected members)	£17,600		
Senior salaries (inclusive of basic salary)	Group A	Group B	Group C
Band 1:			
Leader	£66,000	£59,400	£56,100
Deputy Leader	£46,200	£41,580	£39,270
Band 2:			
Executive Members	£39,600	£35,640	£33,660
Band 3:			
Committee Chairs (if remunerated): Civic Head Presiding Officer	£26,400		
Band 4:			
Leader of Largest Opposition Group	£26,400		
Band 5:			
Leader of Other Political Groups Deputy Civic Head	£21,340		
Deputy Presiding Member – no role payment	£17,600		

Group A: Cardiff, Rhondda Cynon Taf, Swansea

Group B: Bridgend, Caerphilly, Carmarthenshire, Conwy, Flintshire, Gwynedd, Newport, Neath Port Talbot, Pembrokeshire, Powys, Vale of Glamorgan, Wrexham

Group C: Blaenau Gwent, Ceredigion, Denbighshire, Merthyr Tydfil, Monmouthshire, Torfaen, Isle of Anglesey

There are no further changes to the payments and benefits paid to elected members and therefore all other Determinations from 2022 to 2023 still stand and should be applied in 2023 to 2024, including those covering:

- Travel and subsistence;
- Care and Personal Assistance;
- Sickness Absence;
- Corporate Joint Committees,
- Assistants to the Executive,
- Additional salaries and Job sharing arrangements and
- Co-opted Members

Salaries for Joint Overview and Scrutiny Committees: Determination 3

The salary of a chair of a Joint Overview and Scrutiny Committee will be £8,800.

The salary of vice-chair will be £4,400.

There are no other changes.

Payments towards costs and expenses of members of Community and Town Councils; Determination 4

Last year the Panel carried out a major review of the remuneration framework for community and town councils and undertook a comprehensive consultation exercise with the sector. The Framework was updated then and this year the Panel has decided to make limited but important changes.

The Panel recognise that all members of community and town councils necessarily spend time working from home on council business. This was the case before and during COVID and is continuing. As a result, members have extra domestic costs and also need office consumables.

The Panel considers members should not be out of pocket for carrying out their duties. It therefore proposes the following.

Basic payment for extra costs of working from home

All councils must pay their members £156 a year (equivalent to £3 a week) towards the extra household expenses (including heating, lighting, power and broadband) of working from home.

Set payment for consumables

Councils must either pay their members £52 a year for the cost of office consumables required to carry out their role, or alternatively councils must enable members to claim full reimbursement for the cost of their office consumables. It is a matter for each council to make and record a policy decision in respect of when and how the payments are made and whether they are paid monthly, yearly or otherwise. The policy should also state whether and how to recover any payments made to a member who leaves or changes their role during the financial year.

The level of payments is set out in Table 2.

Table 2 – Payments to Community and Town Councils

Type of payment	Requirement
Group 1	Electorate over 14,000
Extra Costs Payment	Mandatory for all Members
Senior Role	Mandatory for 1 member; optional for up to 7
Mayor or Chair	Optional - Up to a maximum of £1,500
Deputy Mayor or Deputy Chair	Optional - Up to a maximum of £500
Attendance Allowance	Optional
Financial Loss	Optional
Travel and Subsistence	Optional
Costs of Care or Personal Assistance	Mandatory

Type of payment	Requirement
Group 2	Electorate 10,000 to 13,999
Extra Costs Payment	Mandatory for all members
Senior Role	Mandatory for 1 member; optional up to 5
Mayor or Chair	Optional - Up to a maximum of £1,500
Deputy Mayor or Deputy Chair	Optional - Up to a maximum of £500
Attendance Allowance	Optional
Financial Loss	Optional
Travel and Subsistence	Optional
Cost of Care or Personal Assistance	Mandatory
Group 3	Electorate 5,000 to 9,999
Extra Costs Payment	Mandatory for all members
Senior Role	Optional up to 3 members
Mayor or Chair	Optional - Up to a maximum of £1,500
Deputy Mayor or Deputy Chair	Optional - Up to a maximum of £500
Attendance Allowance	Optional
Financial Loss	Optional
Travel and Subsistence	Optional
Cost of Care or Personal Assistance	Mandatory
Group 4	Electorate 1,000 to 4,999
Extra Costs Payment	Mandatory for all members
Senior Role	Optional up to 3 members
Mayor or Chair	Optional - Up to a maximum of £1,500
Deputy Mayor or Deputy Chair	Optional - Up to a maximum of £500
Attendance Allowance	Optional
Financial Loss	Optional
Travel and Subsistence	Optional
Cost of Care or Personal Assistance	Mandatory
Group 5	Electorate less than 1,000
Extra Costs Payment	Mandatory for all members
Senior Role	Optional up to 3 members
Mayor or Chair	Optional - Up to a maximum of £1,500
Deputy Mayor or Deputy Chair	Optional - Up to a maximum of £500
Attendance Allowance	Optional
Financial Loss	Optional
Travel and Subsistence	Optional
Cost of Care or Personal Assistance	Mandatory

Group number	Size of Electorate
Group 1	Electorate over 14,000
Group 2	10,000 to 13,999
Group 3	5,000 to 9,999
Group 4	1,000 to 4,999
Group 5	Under 1,000

There are no further changes to the payments and benefits paid to elected members and therefore all other Determinations from 2022 to 2023 still stand and should be applied in 2023 to 2024, including those covering:

- Payments for undertaking senior roles;
- Contributions towards costs of care and personal assistance;
- Reimbursement of Travel and subsistence costs;
- Compensation for financial loss:
- Attendance allowance and
- Co-opted Members

Payments to National Parks Authorities and Fire and Rescue Authorities: Determination 5

The three national parks in Wales - Brecon Beacons, Pembrokeshire Coast and Snowdonia were formed to protect spectacular landscapes and provide recreation opportunities for the public. The Environment Act 1995 led to the creation of a National Park Authority (NPA) for each park.

National Park authorities comprise members who are either elected members nominated by the principal councils within the national park area or are members appointed by the Welsh Government through the Public Appointments process. Welsh Government appointed and council nominated members are treated equally in relation to remuneration.

The three fire and rescue services (FRAs) in Wales: Mid and West Wales, North Wales and South Wales were formed as part of Local Government re-organisation in 1996. FRAs comprise elected members who are nominated by the Principal Councils within each fire and rescue service area.

Payments will increase as a result of the uplift proposed for elected members of principal councils. Therefore, there will also be an uplift of 4.76% in the basic salary element.

The remuneration for Chairs will remain linked to a Band 3 senior salary of principal councils. Therefore there will be a small increase to the role element of their pay. Deputy Chairs, Committee Chairs and other senior roles will remain linked to Band 5. Therefore their role element of pay will remain frozen. The increase in basic salary will apply. Full details of the levels of remuneration for members of National Park Authorities and Fire and Rescue Authorities, is set out in Table 3.

Table 3 – Payments to National Parks Authorities and Fire and Rescue Authorities

National Parks Authorities	
Basic salary for ordinary member	£4,964
Chair	£13,764
Deputy Chair (where appointed)	£8,704
Committee Chair or other senior post	£8,704
Fire and Rescue Authorities	
Basic salary for ordinary member	£2,482
Chair	£11,282
Deputy Chair (where appointed)	£6,222
Committee Chair or other senior post	£6,222

All other Determinations for 2022 to 2023 will still stand and should be applied in 2023 to 2024, including those covering;

- Contributions towards costs of care and personal assistance;
- Reimbursement of Travel and subsistence costs;
- Compensation for financial loss;
- Co-opted Members and
- Restrictions on receiving double remuneration where a member holds more than one post.

Section 4: Consultation on Draft – Questions

We welcome feedback on this draft Report and have included some additional questions where we would appreciate your views. The consultation period will end on the 1 December 2022 and you can either email us your comments or complete the form on our website [HERE](#).

Question 1

The Panel has continued to use the Annual Survey of Hours and Earnings (ASHE) published by the Office for National Statistics as the benchmark for setting the basic salary of elected members of principal councils. There is a corresponding proportionate increase proposed for the members of National Park and Fire and Rescue Authorities. The Panel has continued to refer to the last published ASHE which was 2021. Do you agree that the basic salary element should be referenced to the [ASHE 2021](#) data.

Yes

No

No Opinion

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Any additional comments

Question 2

The Panel has made changes to the payment of costs and expenses of members of community and town councils. Do you agree with the addition of the “consumables” element?

Yes

No

No Opinion

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Any additional comments

Question 3

The Panel will gather evidence from principal councils to explore whether and how the workload of elected members has changed to inform future Determinations. Are you content that the Panel should build this review into its future work plan and build the evidence base to support decisions?

- Yes
- No
- No Opinion

Any additional comments

Question 4

We have significantly reduced the size of the report this year to concentrate on key decisions made and intend to make more use of the website to provide easy to use guidance to users. This approach is also in line with our efforts to respect the challenges facing us in protecting our planet.

How would you would like to access information and guidance from the Panel?
(choose all that apply)

- Summary report with links to detailed guidance
- Easy to use guidance notes
- Frequently asked questions
- Website
- Social media
- Information events
- Other

If other, please specify:

Have you experienced any challenges accessing or understanding our guidance and information through our website? Please let us know how we can make it easier for you?

Question 5

The Panel intend to undertake a series of engagements with all relevant stakeholders over the next year as part of the development of its forward planning and building of its evidence and research strategy.

Have you any comments that would help the Panel shape this engagement?

For example, a preference for online polls, the holding of engagement events, virtual or face to face, which groups should be involved, how do we engage with prospective candidates etc.

Would you like to be involved in any future engagement events?

Yes
No

<input type="checkbox"/>
<input type="checkbox"/>

Contact details

Summary of Determinations:

Determination 1:

The basic level of salary for elected members of principal councils will set at £17,600.

Determination 2:

The salary of a leader of the largest (Group A) council will be £66,000. All other payments have been decided in reference to this.

Determination 3:

The salary of a chair of a Joint Overview and Scrutiny Committee will be £8,800.

The salary of vice-chair will be £4,400.

Determination 4:

Members of Community and Town Councils will be paid £156 a year (equivalent to £3 a week) towards the extra household expenses (including heating, lighting, power and broadband) of working from home. And Councils must either pay their members £52 a year for the cost of office consumables required to carry out their role, or alternatively councils must enable members to claim full reimbursement for the cost of their office consumables.

Determination 5:

The basic pay of members of National Park Authorities and Fire and Rescue Authorities has been increased by 4.76%. All payments are set out in Table 3.

Determination 6:

All other Determinations set out in the 2022 to 2023 [Annual Report](#) of the Panel remain valid and should be applied.

Independent Remuneration Panel for Wales
Room N.03
First Floor
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Telephone: 0300 0253038
E-mail irpmailbox@gov.wales

The Report and other information about the Panel and its work are available on our website at:

[Independent Remuneration Panel for Wales](#)

Consultation on Draft – Questions

We welcome feedback on this draft Report and have included some additional questions where we would appreciate your views. The consultation period will end on the **1 December 2022** and you can either email us your comments or complete the form on our website [HERE](#).

Question 1

The Panel has continued to use the Annual Survey of Hours and Earnings (ASHE) published by the Office for National Statistics as the benchmark for setting the basic salary of elected members of principal councils. There is a corresponding proportionate increase proposed for the members of National Park and Fire and Rescue Authorities. The Panel has continued to refer to the last published ASHE which was 2021. Do you agree that the basic salary element should be referenced to the [ASHE 2021](#) data.

Yes

No

No Opinion

Any additional comments

Question 2

The Panel has made changes to the payment of costs and expenses of members of community and town councils. Do you agree with the addition of the “consumables” element?

Yes

No

No Opinion

Any additional comments

Question 3

The Panel will gather evidence from principal councils to explore whether and how the workload of elected members has changed to inform future Determinations. Are you content that the Panel should build this review into its future work plan and build the evidence base to support decisions?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
No Opinion	<input type="checkbox"/>

Any additional comments

Question 4

We have significantly reduced the size of the report this year to concentrate on key decisions made and intend to make more use of the website to provide easy to use guidance to users. This approach is also in line with our efforts to respect the challenges facing us in protecting our planet.

How would you would like to access information and guidance from the Panel?
(choose all that apply)

Summary report with links to detailed guidance	<input type="checkbox"/>
Easy to use guidance notes	<input type="checkbox"/>
Frequently asked questions	<input type="checkbox"/>
Website	<input type="checkbox"/>
Social media	<input type="checkbox"/>
Information events	<input type="checkbox"/>
Other	<input type="checkbox"/>

If other, please specify:

Have you experienced any challenges accessing or understanding our guidance and information through our website? Please let us know how we can make it easier for you?

Question 5

The Panel intend to undertake a series of engagements with all relevant stakeholders over the next year as part of the development of its forward planning and building of its evidence and research strategy.

Have you any comments that would help the Panel shape this engagement?

For example, a preference for online polls, the holding of engagement events, virtual or face to face, which groups should be involved, how do we engage with prospective candidates etc.

Would you like to be involved in any future engagement events?

Yes

No

<input type="checkbox"/>
<input type="checkbox"/>

Contact details

This page is intentionally left blank

Agenda Item 28

Executive Committee and Council only

Date signed off by the Monitoring Officer: 09.11.2022

Date signed off by the Section 151 Officer: 08.11.2022

Committee: **Council**

Date of Meeting: **24th November, 2022**

Report Subject: **Treasury Management Annual Review Report 1st April 2021 to 31st March 2022**

Portfolio Holder: **Councillor Stephen Thomas, Leader/Cabinet Member - Corporate Overview & Performance**

Report Submitted by: **Rhian Hayden, Chief Officer Resources**

Report Written by: **Cerian Powell, Business Partner**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Governance & Audit Committee	Democratic Services Committee	Scrutiny Committee	Cabinet	Council	Other (please state)
	06/10/2022				19/10/2022		24/11/2022	

1. Purpose of the Report

- 1.1 The purpose of the report is to give Members the opportunity to consider the Treasury Management activities carried out by the Authority during the 2021/2022 financial year.

2. Scope and Background

- 2.1 The report provides a summary of the Treasury Management activities carried out under delegated powers by the Chief Officer Resources in the period 1st April 2021 to 31st March 2022 in accordance with the CIPFA Treasury Management Code of Practice.

- 2.2 Treasury Management can be defined as:

“The management of the local authority’s cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.”

- 2.3 The primary requirements of the CIPFA Code of Practice are currently as follows:

- a. Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council’s treasury management activities.

- b. Creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives.
- c. Receipt by the Council of an annual Treasury Management Strategy report (including the annual investment strategy report) for the year ahead, a mid-year review and an annual review report of the previous year.
- d. Delegation by the Council of responsibilities for implementing and monitoring Treasury Management policies and practices and for the execution and administration of treasury management decisions, which in this Council is the Chief Officer Resources.
- e. Delegation by the Council of the role of scrutiny of Treasury Management strategy and policies to a specific named body which in this Council is the Corporate Overview & Performance Scrutiny Committee.

2.4 This report is therefore presented to Council to provide an annual review report (attached as Appendix 1) of the Treasury Management activities for the 2021/2022 financial year.

3. **Options for Recommendation**

3.1 Option 1 (preferred option)

Members note the treasury management activity undertaken during the 2021/22 financial year and accept the record of performance and compliance achieved during the year

3.2 Option 2

Members note the treasury management activity undertaken during the 2021/22 financial year and do not accept the record of performance and compliance achieved during the year

4. **Evidence of how does this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

4.1 The report is written in compliance with legislation (the Local Government Act 2003), Welsh Government guidance and CIPFA codes of practice.

4.2 The topic in the report also supports the Corporate Plan Priority of being an ambitious and innovative council delivering the quality services we know matter to our communities

5. **Implications Against Each Option**

5.1 *Impact on Budget (short and long term impact)*

- 5.1.1 The Authority has complied with the CIPFA Treasury Management in the Public Services: Code of Practice 2017 and in doing so has strived for effective risk management and control, whilst at the same time pursuing best value as far as possible.
- 5.1.2 The Authority has effectively managed credit risk throughout the period, so ensuring that it has not been subjected to any financial loss as a result of the credit crisis.
- 5.1.3 The Authority has maximised investment returns as far as is possible whilst managing the associated risk and minimised borrowing costs throughout the period
- 5.1.4 Investment returns of £77,418 have been achieved with an average interest rate of 0.04%. This is lower than the benchmark rate (based on market forces) of 0.17% but reflects the fact that the bank base rate was at an all-time low and the Authority can no longer invest in counterparties that pay a higher rate, due to credit rating reductions. Of this return, £38,000 was due in relation to investments made from the receipt of the £70million Rail Infrastructure Loan. There is a condition of the funding approval that states any interest earned from holding the loan must be added to the works programme. Therefore, this income will be placed in a reserve until such time it is used to fund works or can be transferred to the Authority. The remaining return of £39,000 relates to interest due from the investment of the Authority's own funds. The estimate for investment interest was £6,000, which has been exceeded in part due to the increase in interest rates towards the end of the financial year.
- 5.1.5 An average interest rate of 0.32% has been paid on temporary borrowings against a benchmark rate (based on market forces) of 1.00%, amounting to £77,063. The estimate for interest on short term borrowing was £425,000.

5.1.6 A summary of the Treasury Management activities for the period are shown in the table below:

	Value	Interest	Average Interest Rate
	£m	£	%
Short Term Loans raised	143	77,063	0.32%
Short Term Investments made	1,011	77,418	0.04%
Long Term debt outstanding 31/3/22	165.462		3.70%
Short Term debt outstanding 31/3/22	62.365		0.32%

5.2 *Risk including Mitigating Actions*

5.2.1 The main risk in relation to Treasury Management is that of credit risk and protecting the Authority's cash. This is effectively managed through the Authority's risk averse Treasury Management policy that seeks to protect the capital sum rather than maximise investment returns

5.3 *Legal*

5.3.1 The Council carries out Treasury Management activities in compliance with the Local Government Act 2003, and in accordance with the CIPFA Treasury Management Code of Practice and Welsh Government guidance.

5.4 *Human Resources*

5.4.1 There are no direct staffing implications to report. Staff directly involved with Treasury Management activities will continue to monitor the credit situation on a daily basis, and will notify the Chief Officer Resources accordingly. Any consequential changes required to be made to the borrowings or investment strategy as a result will be reported to the Council.

6. **Supporting Evidence**

6.1 *Performance Information and Data*

6.1.1 Over the past few years the credit rating agencies have downgraded a number of financial institutions such that they no longer meet the Authority's required approved criteria.

6.1.2 Despite this financial climate, the Authority has performed well in terms of its Treasury Management activities during the year, as detailed in the report and summarised below:

- a. Investment returns of £77,418 have been achieved with an average interest rate of 0.04%. This is lower than the benchmark rate of 0.17% but reflects the fact that the Authority cannot invest in counterparties that pay higher rates, due to credit rating reductions. This is however in line with the Authority's risk averse policy whereby the security of the capital sum is the number one priority at the expense of more competitive investment returns.
- b. An average interest rate of 0.32% has been paid on temporary borrowings against a benchmark of 1.00%, minimising as far as possible the interest payable by the Authority. This is therefore evidence of good performance.
- c. All of the Treasury limits and Treasury Management prudential indicators set for the financial year have been complied with during the year.
- d. No institutions in which investments were made during the period had any difficulty in repaying investments and interest in full, so the Authority has not been exposed to any financial loss as a result of the difficult economic climate.

6.2 *Expected outcome for the public*

6.2.1 The Council's Treasury Management activities support delivery of services to the public.

6.3 *Involvement (consultation, engagement, participation)*

6.3.1 Members of the Corporate Overview & Performance Scrutiny Committee and full Council are involved in developing and monitoring compliance with the Council's Treasury Management Strategy.

6.4 *Thinking for the Long term (forward planning)*
n/a

6.5 *Preventative focus*

6.5.1 The Authority's Treasury Management policy prioritises protecting the capital sum rather than achieving higher interest returns.

6.6 *Collaboration / partnership working*

n/a

6.7 *Integration (across service areas)*
n/a

6.8 ***Decarbonisation and Reducing Carbon Emissions***

It should be noted, that local authority investing, incorporates Environmental, Social and Corporate Governance (ESG) metrics into credit rating agency assessments and a growing number of financial institutions and fund managers/money market funds promote ESG products. Therefore, where appropriate the Authority considers ESG factors when setting up any investment arrangements. For example, we would avoid investing in companies linked with fossil fuels.

6.9a **Socio Economic Duty Impact Assessment** (*complete an impact assessment to consider how the decision might help to reduce the inequalities of outcome associated with socio-economic disadvantage*).

See 6.8 above

6.9b **Equality Impact Assessment** (*screening and identifying if full impact assessment is needed*)

N/A

7. **Monitoring Arrangements**

State how the work will be monitored e.g. through scrutiny or directorate performance management arrangements

7.1 As the nominated Committee, Council will receive a minimum of three reports in every annual cycle:-

- A Treasury Management Policy report prior to the start of every financial year
- A mid-year progress report on Treasury Management activity
- An end of year out turn report on Treasury Management activity.

Background Documents /Electronic Links

- *Appendix 1*
- *Appendix A*
- *Appendix B*

APPENDIX 1

TREASURY MANAGEMENT ANNUAL REVIEW REPORT 2021/22

1. INTRODUCTION AND BACKGROUND

The Chartered Institute of Public Finance and Accountancy's Code of Practice on Treasury Management 2009 was adopted by this Council in February 2010 and this Council fully complies with its requirements. The Code was revised in 2011 and further revised in 2017.

The primary requirements of the Code are as follows:

1. Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management activities.
2. Creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives.
3. Receipt by the Council of an annual treasury management strategy report (including the annual investment strategy report) for the year ahead, a mid-year review and an annual review report of the previous year.
4. Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions, which in this Council is the Chief Officer Resources.
5. Delegation by the Council of the role of scrutiny of treasury management strategy and policies to a specified named body which in this Council is the Corporate & Performance Scrutiny Committee.

Treasury management in this context is defined as:

"The management of the local authority's cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."

The purpose of this report is to meet one of the above requirements of the CIPFA Code, namely the annual review report of treasury management activities, for the financial year 2021/22.

2. THIS TREASURY MANAGEMENT ANNUAL REVIEW REPORT COVERS

- ❖ economic Background during the period
- ❖ the Council's treasury position as at 31st March 2022;
- ❖ borrowing and investment rates for 2021/22;
- ❖ annual review of the borrowing strategy 2021/22;
- ❖ borrowing outturn for 2021/22;
- ❖ debt rescheduling for 2021/22;
- ❖ compliance with treasury limits and Prudential Indicators for 2021/22;
- ❖ annual review of the investment strategy for 2021/22;
- ❖ investment outturn for 2021/22;

TREASURY MANAGEMENT ANNUAL REVIEW REPORT 2021/22

3. ECONOMIC BACKGROUND DURING PERIOD

PWLB rates are based on gilt (UK Government bonds) yields through H.M.Treasury determining a specified margin to add to gilt yields. The main influences on gilt yields are Bank Rate, inflation expectations and movements in US treasury yields. Inflation targeting by the major central banks has been successful over the last 30 years in lowering inflation and the real equilibrium rate for central rates has fallen considerably due to the high level of borrowing by consumers: this means that central banks do not need to raise rates as much now to have a major impact on consumer spending, inflation, etc. This has pulled down the overall level of interest rates and bond yields in financial markets over the last 30 years. We have seen, over the last two years, many bond yields up to 10 years in the Eurozone turn negative on expectations that the EU would struggle to get growth rates and inflation up from low levels. In addition, there has, at times, been an inversion of bond yields in the US whereby 10 year yields have fallen below shorter term yields. In the past, this has been a precursor of a recession. Recently, yields have risen since the turn of the year on the back of global inflation concerns.

Gilt yields fell sharply from the spring of 2021 through to September and then spiked back up before falling again through December. However, by January sentiment had well and truly changed, as markets became focussed on the embedded nature of inflation, spurred on by a broader opening of economies post the pandemic, and rising commodity and food prices resulting from the Russian invasion of Ukraine.

At the close of the day on 31 March 2022, all gilt yields from 1 to 5 years were between 1.11% – 1.45% while the 10-year and 25-year yields were at 1.63% and 1.84%.

Regarding PWLB borrowing rates, the various margins attributed to their pricing are as follows: -

- **PWLB Standard Rate** is gilt plus 100 basis points (G+100bps)
- **PWLB Certainty Rate** is gilt plus 80 basis points (G+80bps)
- **PWLB HRA Standard Rate** is gilt plus 100 basis points (G+100bps)
- **PWLB HRA Certainty Rate** is gilt plus 80bps (G+80bps)
- **Local Infrastructure Rate** is gilt plus 60bps (G+60bps)

There is likely to be a further rise in short dated gilt yields and PWLB rates over the next three years as Bank Rate has risen from 0.75% in March 2022 to 2.25% as at the date of this report, with upside risk likely if the economy proves resilient in the light of the cost-of-living squeeze. Medium to long dated yields are driven primarily by inflation concerns but the Bank of England has also embarked on a process of Quantitative Tightening (following the Bank Rate reaching 1%), whereby the Bank's £895bn stock of gilt and corporate bonds will be sold back into the market over several years. The impact this policy will have on the market pricing of gilts, while issuance is markedly increasing, is an unknown at the time of writing.

APPENDIX 1

TREASURY MANAGEMENT ANNUAL REVIEW REPORT 2021/22

4. TREASURY POSITION AS AT 31st MARCH 2022

The Council's debt and investment position at the beginning and the end of the year was as follows:

This illustrates that the total debt outstanding as at 31st March 2022 was £227.827 million, comprising of long term debt of £165.462 million and short term debt of £62.365 million.

	31 March 2021 Principal	Average Rate/ Return	31 March 2022 Principal	Average Rate/ Return	Increase/ (Decrease) in Borrowing
	<u>£000</u>		<u>£000</u>		<u>£000</u>
Fixed Rate Funding:					
- PWLB	76,764	4.05%	74,067	4.06%	(2,697)
- Market Loans	17,000	1.38%	14,000	1.40%	(3,000)
Variable Rate Funding:					
- Market (LOBO *)	4,000	4.50%	4,000	4.50%	0
Rail & Town Centre Loans	72,570	0.00%	73,395	0.00%	825
Total Long Term Debt	170,334	3.63%	165,462	3.70%	(4,872)
Short Term Loans (<365 days)	65,315	0.52%	62,365	0.32%	(2,950)
Total Debt	235,649	2.56%	227,827	2.35%	(7,822)
Investments:					
- Short Term	83,000	0.04%	100,000	0.04%	17,000
Total Investments	83,000		100,000		17,000

* LOBO – Lenders Option Borrowers Option. This loan has a fixed rate for the first two years of 3.85%. The remaining period of the loan (which we are now in) has a rate of 4.5%, but the lender can increase this rate at six month intervals.

The Rail and Town Centre Loans have not been included in the average interest rate calculation as they are interest free loans from the Welsh Government.

APPENDIX 1

TREASURY MANAGEMENT ANNUAL REVIEW REPORT 2021/22

5. BORROWING AND INVESTMENT RATES IN 2021/22

The following table displays a selection of interest rates prevailing as at 1st April 2021 and 31st March 2022.

	01/04/2021	31/3/2022
Bank Base Rate	0.10%	0.75%
7 day LIBID*	-0.08%	-
1 Month SONIA	-	0.69%
PWLB 10 year Maturity	1.90%	2.63%
PWLB 15 year maturity	2.20%	2.81%
PWLB 25 year maturity	2.39%	2.84%

* The LIBID rate was phased out at the end of December 2021, being replaced with the SONIA rate as of January 2022. The 1 month SONIA rate has been chosen as the relevant benchmark due to the average length of our investments.

6. ANNUAL REVIEW OF THE BORROWING STRATEGY FOR 2021/22

The Treasury Management Strategy Statement for 2021/22 was approved by Council in March 2021. The Borrowing Strategy adopted as part of this was as follows:

To utilise the Authority's overdraft facility:

to fund unexpected daily cash deficits;
to fund temporary cash shortfalls where there are no other sources of funding available within the marketplace.

To borrow over the short term:

to fund temporary cash shortfalls;
to maintain a suitably balanced maturity profile;
to make short term savings required in order to meet budgetary constraints;
in anticipation of securing longer term loans at more attractive rates.

To borrow over the long term:

to reduce the Authority's average cost of borrowing;
to maintain a stable, longer term portfolio;
to maximise the potential for future debt rescheduling.

If appropriate to avoid all new external borrowing:

to maximise savings in the short term;
to run down temporary investment levels;
to minimise exposure to interest rate and credit risk.

Borrowings undertaken during the period (see section 7 below) have been done so in accordance with this strategy and has focused on short term borrowings in order to minimise borrowing costs. Current short term borrowing rates continued to be very low during 2021/22. Interest rate forecasts expected only gradual rises in medium and longer-term fixed borrowing rates during 2021/22 and the two subsequent financial

APPENDIX 1

TREASURY MANAGEMENT ANNUAL REVIEW REPORT 2021/22

years until the turn of the year, when inflation concerns increased significantly. Internal, variable, or short-term rates, were expected to be the cheaper form of borrowing until well in to the second half of 2021/22. The Authority is continuing to take advantage of short term borrowing rates, which are still cheaper than longer term rates, to fund the remainder of its capital expenditure and maturing debt until such time the market indicates that long term rates are more advantageous and the current market volatility subsides.

In the current economic climate, it is considered that the approved strategy is still fit for purpose and therefore no revisions are proposed.

7. BORROWING OUTTURN FOR 2021/22

Long Term Borrowing

Definition

Long term borrowing relates to debt taken out for a period of greater than one year. It is taken out for periods of 1 year up to 50 years. This borrowing is required to finance capital expenditure undertaken in the year that is funded through:

- Borrowing approvals from Welsh Government, known as un-hypothecated supported borrowing (USB), for which revenue support for the borrowing costs is provided through the revenue support grant;
- Prudential borrowing, for which borrowing costs are funded through revenue savings.

Total outstanding as at 31st March 2022

The total long term debt outstanding as at 31st March 2022 was £165.462 million. This is made up of debt taken from the Public Works Loan Board (PWLB), from other local authorities (through the market place), and from the market (LOBO). This debt is due to be repaid within the following years:

Maturing Within	£000s
1YR	10,920
1-2YRS	8,764
2-3YRS	15,451
3-4YRS	3,277
4-5YRS	12,609
5-6YRS	6,037
6-10YRS	19,980
10-15YRS	9,570
15+ YRS	78,854
Total	165,462

APPENDIX 1

TREASURY MANAGEMENT ANNUAL REVIEW REPORT 2021/22

New borrowings for 2021/22

During 2021/22, the Authority did take £0.825m long term debt, predominantly from Welsh Government, which related to a specific loan in relation to the Transforming Towns project.

Short Term Borrowing

Definition

Short term borrowing relates to debt taken out for a period of less than one year i.e. it will all be fully repaid within a year. These short term loans are taken out to manage the Authority's short term cash flow i.e. to fund deficits in cash flow on a daily basis pending receipt of income from grants or other sources, or pending the taking out of longer term debt to fund capital expenditure whilst we wait for advantageous longer term borrowing opportunities. Short term borrowing rates during the first 9 months of the year were very low, with interest rates beginning to increase from December 2021. The Authority therefore took advantage of such rates and borrowed short term to fund the remainder of its capital expenditure and maturing debt.

Total outstanding as at 31st March 2022

The total short term debt outstanding as at 31st March 2022 was £62.365 million. This is made up of debt taken from other local authorities through the market place.

New borrowings for 2021/22

Appendix A lists the short term loan activity during the year and shows that over the period a total of £65.315 million loans were brought forward from the previous year and £78 million of new short term loans were raised. A total of £81 million of these loans were repaid during the year (including the brought forward loans) leaving a balance outstanding as at 31st March 2022 of £62.365 million.

The following table gives a summary which shows that the average rate of interest paid was well within the benchmark.

	Total Value of Loans during the period	Average Loan	Interest paid during the period	Average Interest Rate	Benchmark Interest Rate *
Short Term borrowing	£143.365m	£3.5m	£77,063	0.32%	1.00%

* Benchmark = budgeted interest rate for new borrowings 1.00%

APPENDIX 1

TREASURY MANAGEMENT ANNUAL REVIEW REPORT 2021/22

7. DEBT RESCHEDULING

No debt rescheduling was undertaken during the period.

8. COMPLIANCE WITH TREASURY LIMITS

During the financial year the Council operated within the treasury limits and Prudential Indicators set out in the Treasury Strategy Statement 2021/22, approved by Council in March 2021.

Operational Boundary for external debt

The Council resolved that this limit be set at £238 million for 2021/22. The level of borrowings on the 31st March was £228 million which is within the required limit.

The operational boundary can be exceeded on an occasional basis, this is likely to be due to the volume of payments being made in relation to capital spend at the year end and the delay in receiving grant funding. This is therefore to be expected due to cash flow fluctuations. Sustained breaches however, would indicate that either the limit has been set too low, or that the Authority is breaching its prudential boundaries and that corrective action needs to be taken.

Monitoring of the operational boundary is undertaken on a daily basis and any such continual breaches would be investigated and a recommended course of action reported to Council.

Authorised Limit for external Debt

The Council resolved that this limit be set at £261 million for 2021/22. The Authorised Limit is set having regard to the operational boundary above.

The average level of borrowings for the year to the 31st March was £224 million, so well within the limit set.

The Authorised Limit must not be breached.

Maturity Structure of Fixed Rate Borrowing

The Council resolved the following limits for the maturity structure of fixed rate borrowings for 2021/22:

	Upper Limit	Lower Limit	Actual as at 31/3/2022
under 12 months	20%	0%	6.60%
12 months and within 24 months	20%	0%	5.30%
24 months and within 5 years	50%	0%	18.94%
5 years and within 10 years	75%	0%	15.72%
10 years and above	95%	25%	53.44%

The actual debt maturity profile at 31st March 2022 is well within the limits set.

APPENDIX 1

TREASURY MANAGEMENT ANNUAL REVIEW REPORT 2021/22

Upper Limit on Variable Interest Exposure

Council resolved the upper limit on variable rate exposures for 2021/22 should be set at 30% of outstanding long term debt. This strategy limits the proportion of interest which is subject to variable rate terms and hence protects the Council against increased costs in times of rising interest rates.

The actual level of variable borrowings is £4 million (LOBO) which equates to 2.4% of the outstanding long term debt as at 31st March 2022, so is well within the limit set.

9. ANNUAL REVIEW OF INVESTMENT STRATEGY FOR 2021/22

The Annual Investment Strategy for 2021/22 adopted by Council in March 2021, was to maintain only temporary, short term investments and to make those investments in accordance with anticipated cash flow requirements (including the investing of sums borrowed at prevailing low interest rates in anticipation of capital spending). The Council's investment priorities are:

- a. the security of capital;
- b. the liquidity of its investments.

The Council also aims to achieve the optimum return on its investments commensurate with proper levels of security and liquidity. The risk appetite of this Council is low in order to give priority to the security of its investments.

In order to ensure that the Authority's investments are secure and that risk is minimised an investment matrix is used to determine investment counterparties, which factors in Fitch and Moody's credit ratings, credit default swap (CDS) spread data, and credit rating agency comments.

This strategy has been adhered to in determining the investments for 2021/22 outlined in section 10 below.

10. INVESTMENT OUTTURN FOR 2021/22

Appendix B gives details of the investments made during the year, and the following table gives a summary, which shows the Authority's average rate of return was below the benchmark. This is in line with the Authority's risk averse policy whereby the security of the capital sum is the number one priority at the expense of competitive investment returns.

APPENDIX 1

TREASURY MANAGEMENT ANNUAL REVIEW REPORT 2021/22

	Total Value of Investments	Average Investment	Investment Returns	Average Rate of Return	Benchmark Return *
Internally Managed	£1,011M	£5.8	£77,418	0.04%	0.17%

* Benchmark = 1 month SONIA uncompounded 0.17%

No institutions in which investments were made had any difficulty in repaying investments and interest in full during the year.

This page is intentionally left blank

List of Temporary Lenders 2021/2022

APPENDIX A

DATE	LENDER	NEW LOAN VALUE	RATE	REPAY DATE	DURATION OF LOAN	INTEREST DUE TO 31/03/22	PRINCIPAL REPAID 2021/22	PRINCIPAL OUTSTANDING AS AT 31/03/2022
			%		DAYS IN 2021/22			
B/F	01/04/2020							
01/06/2012	BG & CAERPHILLYCARE AND REPAIR	365,000	-	CALL	365	682.90		365,000
21/05/2020	LINCOLNSHIRE COUNTY COUNCIL	5,000,000	0.95	20/05/21	49	6,376.71	5,000,000	
17/06/2020	BRIDGEND COUNTY BOROUGH COUNCIL	2,000,000	0.90	16/06/21	76	3,747.95	2,000,000	
29/05/2020	RYEDAILE DISTRICT COUNCIL	1,000,000	0.87	28/05/21	57	1,358.63	1,000,000	
21/07/2020	HERTSMERE BOROUGH COUNCIL	5,000,000	0.55	20/07/21	110	8,287.67	5,000,000	
31/07/2020	HINCKLEY & BOSWORTH DIST.COUNCIL	3,000,000	0.50	30/07/21	120	4,931.51	3,000,000	
03/12/2020	NEXUS - NORTH EAST COMBINED AUTHORITY	3,000,000	0.20	03/06/21	63	1,035.62	3,000,000	
27/11/2020	SOUTH KESTEVEN DISTRICT COUNCIL	3,000,000	0.20	17/05/21	46	1,269.86	3,000,000	
30/11/2020	TENDRING DISTRICT COUNCIL	2,000,000	0.15	28/05/21	57	468.49	2,000,000	
30/11/2020	EAST NORTHAMPTONSHIRE DC	3,000,000	0.15	14/06/21	74	912.33	3,000,000	
27/11/2020	CLEVELAND FIRE AUTHORITY	2,000,000	0.15	28/06/21	88	723.29	2,000,000	
28/10/2020	SOUTH LAKELAND DISTRICT COUNCIL	3,000,000	0.10	06/04/21	5	41.10	3,000,000	
21/12/2020	WEST YORKSHIRE COMBINED AUTHORITY	5,000,000	0.23	21/09/21	173	5,450.68	5,000,000	
15/01/2021	WARWICK DISTRICT COUNCIL	3,000,000	0.10	15/07/21	105	863.01	3,000,000	
25/01/2021	BRIDGEND COUNTY BOROUGH COUNCIL	5,000,000	0.10	26/07/21	116	1,589.04	5,000,000	
28/01/2021	CARMARTHENSHIRE COUNTY COUNCIL	3,000,000	0.02	28/04/21	27	44.38	3,000,000	
15/02/2021	HYNDBURN BOROUGH COUNCIL	2,000,000	0.14	14/02/22	319	2,447.12	2,000,000	
22/02/2021	OLDHAM MBC	5,000,000	0.08	23/08/21	144	1,578.08	5,000,000	
12/02/2021	SOUTH GLOUCESTERSHIRE COUNCIL	5,000,000	0.04	19/08/21	140	767.12	5,000,000	
22/03/2021	SOUTH DERBYSHIRE DISTRICT COUNCIL	3,000,000	0.10	21/03/22	354	2,909.59	3,000,000	
26/03/2021	SOUTH KESTEVEN DISTRICT COUNCIL	2,000,000	0.20	25/03/22	358	3,923.29	2,000,000	
	B/F Raised in previous years still outstanding	65,365,000				49,408.37	65,000,000	365,000
	NEW LOANS 2021/22							
20/05/2021	WEST MIDLANDS COMBINED AUTHORITY	5,000,000	0.07	20/01/2022	245	2,349.32	5,000,000	0
28/05/2021	WEST MIDLANDS COMBINED AUTHORITY	5,000,000	0.04	30/11/2021	186	1,019.18	5,000,000	0
06/04/2021	SOUTH LAKELAND DISTRICT COUNCIL	3,000,000	0.10	07/04/2021	1	8.22	3,000,000	0
27/08/2021	CARMARTHENSHIRE COUNTY COUNCIL	5,000,000	0.06	26/08/2022	217	1,783.56		5,000,000
27/08/2021	FYLDE BOROUGH COUNCIL	2,000,000	0.06	26/08/2022	217	713.42		2,000,000
28/06/2021	TAMESIDE METROPOLITAN BOROUGH COUNCIL	3,000,000	0.08	27/06/2022	277	1,821.37		3,000,000
28/06/2021	WEST YORKSHIRE COMB. AUTH.-WEST YORKSHIRE	3,000,000	0.07	27/06/2022	277	1,593.70		3,000,000
30/07/2021	TENDRING DISTRICT COUNCIL	3,000,000	0.03	31/01/2022	185	456.16	3,000,000	0
20/07/2021	LONDON BOROUGH OF NEWHAM	5,000,000	0.07	19/07/2022	255	2,445.21		5,000,000
26/07/2021	WEST YORKSHIRE COMB. AUTH.-WEST YORKSHIRE	5,000,000	0.06	26/04/2022	249	2,046.58		5,000,000
28/10/2021	WEST YORKSHIRE COMBINED AUTHORITY	5,000,000	0.06	19/07/2022	155	1,273.97		5,000,000
21/09/2021	WEALDON DISTRICT COUNCIL	5,000,000	0.04	08/04/2022	192	1,052.05		5,000,000
30/11/2021	WEST MIDLANDS COMBINED AUTHORITY	5,000,000	0.04	27/05/2022	122	668.49		5,000,000
30/11/2021	SOUTH LAKELAND DISTRICT COUNCIL	1,000,000	0.04	27/05/2022	122	133.70		1,000,000
26/11/2021	HAMPSHIRE COUNTY COUNCIL	4,000,000	0.12	25/11/2022	126	1,656.99		4,000,000
04/01/2022	SOUTH OXFORDSHIRE DISTRICT COUNCIL	4,000,000	0.20	03/01/2023	87	1,906.85		4,000,000
14/01/2022	WARWICKSHIRE COUNTY COUNCIL	6,000,000	0.20	16/11/2022	77	2,531.51		6,000,000
28/01/2022	WARWICKSHIRE COUNTY COUNCIL	4,000,000	0.20	28/11/2022	63	1,380.82		4,000,000
17/12/2021	SOUTH OXFORDSHIRE DISTRICT COUNCIL	3,000,000	0.18	16/12/2022	105	1,553.42		3,000,000
14/02/2022	HYNDBURN BOROUGH COUNCIL	2,000,000	0.50	13/02/2023	46	1,260.27		2,000,000
	Total Raised During the Period	78,000,000				27,654.79	16,000,000	62,000,000
	Total Value of Loans	143,365,000				77,063.16	81,000,000	62,365,000
	Average Loan	3,496,707						
	Interest Paid	77,063						
	Average Interest Rate	0.32%						

This page is intentionally left blank

23/08/21	DEBT MANAGEMENT OFFICE	24,000,000	0.01	31/08/2021	8	52.60	24,000,000		
26/08/21	DEBT MANAGEMENT OFFICE	6,000,000	0.01	06/09/2021	11	18.08	6,000,000		
27/08/21	LUTON BOROUGH COUNCIL	5,000,000	0.01	28/09/2021	32	43.84	5,000,000		
31/08/21	OADBY AND WIGSTON COUNCIL	5,000,000	0.03	28/02/2022	181	743.84	5,000,000		
31/08/21	SOUTH SOMERSET DISTRICT COUNCIL	1,500,000	0.02	30/09/2021	30	24.66	1,500,000		
31/08/21	DEBT MANAGEMENT OFFICE	10,000,000	0.01	07/09/2021	7	19.18	10,000,000		
03/09/21	DEBT MANAGEMENT OFFICE	10,000,000	0.01	10/09/2021	7	19.18	10,000,000		
07/09/21	DEBT MANAGEMENT OFFICE	12,000,000	0.01	13/09/2021	6	19.73	12,000,000		
06/09/21	CHESHIRE EAST COUNCIL	3,000,000	0.02	08/11/2021	63	103.56	3,000,000		
08/09/21	CHESHIRE EAST COUNCIL	5,000,000	0.01	08/10/2021	30	41.10	5,000,000		
13/09/21	DEBT MANAGEMENT OFFICE	14,000,000	0.01	20/09/2021	7	26.85	14,000,000		
20/09/21	DEBT MANAGEMENT OFFICE	13,000,000	0.01	27/09/2021	7	24.93	13,000,000		
27/09/21	DEBT MANAGEMENT OFFICE	8,000,000	0.01	04/10/2021	7	15.34	8,000,000		
27/09/21	CENTRAL BEDFORDSHIRE COUNCIL	3,000,000	0.01	27/10/2021	30	24.66	3,000,000		
04/10/21	DEBT MANAGEMENT OFFICE	12,000,000	0.01	11/10/2021	7	23.01	12,000,000		
08/10/21	DEBT MANAGEMENT OFFICE	5,000,000	0.01	15/10/2021	7	9.59	5,000,000		
11/10/21	DEBT MANAGEMENT OFFICE	12,000,000	0.01	18/10/2021	7	23.01	12,000,000		
15/10/21	SLOUGH BOROUGH COUNCIL	6,000,000	0.03	25/02/2022	133	655.89	6,000,000		
15/10/21	DEBT MANAGEMENT OFFICE	6,000,000	0.01	22/10/2021	7	11.51	6,000,000		
18/10/21	DEBT MANAGEMENT OFFICE	7,000,000	0.01	25/10/2021	7	13.42	7,000,000		
21/10/21	UTTLESFORD DISTRICT COUNCIL	4,000,000	0.02	01/11/2021	11	24.11	4,000,000		
21/10/21	UTTLESFORD DISTRICT COUNCIL	2,000,000	0.02	02/11/2021	12	13.15	2,000,000		
25/10/21	DEBT MANAGEMENT OFFICE	5,000,000	0.01	02/11/2021	8	10.96	5,000,000		
28/10/21	DEBT MANAGEMENT OFFICE	4,000,000	0.02	29/11/2021	32	70.14	4,000,000		
01/11/21	DEBT MANAGEMENT OFFICE	2,000,000	0.01	22/11/2021	21	11.51	2,000,000		
02/11/21	DEBT MANAGEMENT OFFICE	8,000,000	0.01	23/11/2021	21	46.03	8,000,000		
04/11/21	DEBT MANAGEMENT OFFICE	1,000,000	0.03	18/11/2021	14	11.51	1,000,000		
09/11/21	DEBT MANAGEMENT OFFICE	1,000,000	0.01	09/02/2022	92	25.21	1,000,000		
10/11/21	ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD	5,000,000	0.03	25/02/2022	107	439.73	5,000,000		
18/11/21	DEBT MANAGEMENT OFFICE	1,000,000	0.02	18/01/2022	61	33.42	1,000,000		
15/11/21	DEBT MANAGEMENT OFFICE	2,000,000	0.01	17/01/2022	63	34.52	2,000,000		
22/11/21	DEBT MANAGEMENT OFFICE	5,000,000	0.02	22/12/2021	30	82.19	5,000,000		
23/11/21	DEBT MANAGEMENT OFFICE	4,000,000	0.02	23/12/2021	30	65.75	4,000,000		
23/11/21	SOUTH SOMERSET DISTRICT COUNCIL	2,000,000	0.03	24/01/2022	62	101.92	2,000,000		
29/11/21	DEBT MANAGEMENT OFFICE	1,500,000	0.01	28/02/2022	91	37.40	1,500,000		
30/11/21	DEBT MANAGEMENT OFFICE	250,000	0.05	29/04/2022	122	37.60		250,000	
30/11/21	THURROCK COUNCIL	6,000,000	0.20	30/11/2022	122	4,010.96		6,000,000	
30/11/21	WIRRAL MBC	5,000,000	0.02	31/01/2022	62	169.86	5,000,000		
03/12/21	DEBT MANAGEMENT OFFICE	4,000,000	0.02	04/03/2022	91	199.45	4,000,000		
08/12/21	NATIONAL BANK OF CANADA	4,000,000	0.04	08/03/2022	90	394.52	4,000,000		
10/12/21	LINCOLNSHIRE COUNTY COUNCIL	5,000,000	0.05	31/03/2022	111	760.27	5,000,000		
17/12/21	ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD	1,000,000	0.25	16/12/2022	105	719.18		1,000,000	
21/12/21	MERTHYR TYDFIL COUNTY BOROUGH COUNCIL	5,000,000	0.11	21/04/2022	101	1,521.92		5,000,000	
23/12/21	SOUTH AYRSHIRE COUNCIL	3,000,000	0.05	24/01/2022	32	131.51	3,000,000		
31/12/21	THE POLICE AND CRIME COMMISSIONER FOR DORSET	2,000,000	0.05	04/01/2022	4	10.96	2,000,000		
04/01/22	DEBT MANAGEMENT OFFICE	3,000,000	0.03	25/01/2022	21	51.78	3,000,000		
06/01/22	DEBT MANAGEMENT OFFICE	3,000,000	0.02	21/01/2022	15	24.66	3,000,000		
06/01/22	DEBT MANAGEMENT OFFICE	1,000,000	0.06	07/02/2022	32	52.60	1,000,000		
10/01/22	LIVERPOOL CITY COUNCIL	5,000,000	0.05	10/02/2022	31	212.33	5,000,000		
17/01/22	DEBT MANAGEMENT OFFICE	2,000,000	0.05	31/01/2022	14	38.36	2,000,000		
24/01/22	ISLE OF WIGHT COUNCIL	5,000,000	0.10	25/04/2022	67	917.81		5,000,000	
27/01/22	DEBT MANAGEMENT OFFICE	3,000,000	0.16	24/02/2022	28	356.71	3,000,000		
31/01/22	SUFFOLK COUNTY COUNCIL	6,000,000	0.05	31/05/2022	60	493.15		6,000,000	
03/02/22	DEBT MANAGEMENT OFFICE	5,000,000	0.24	21/02/2022	18	579.45	5,000,000		
10/02/22	LIVERPOOL CITY COUNCIL	5,000,000	0.25	10/06/2022	50	1,712.33		5,000,000	
18/02/22	SOUTH SOMERSET DC	1,500,000	0.35	31/03/2022	41	589.73	1,500,000		
21/02/22	CHESHIRE EAST COUNCIL	5,000,000	0.16	23/05/2022	39	854.79		5,000,000	
24/02/22	DEBT MANAGEMENT OFFICE	6,500,000	0.37	25/03/2022	29	1,910.82	6,500,000		
25/02/22	SLOUGH BOROUGH COUNCIL	6,000,000	0.30	25/08/2022	35	1,726.03		6,000,000	
25/02/22	DEBT MANAGEMENT OFFICE	2,000,000	0.29	01/03/2022	4	63.56	2,000,000		
28/02/22	LONDON BOROUGH OF HARINGEY	2,500,000	0.75	30/05/2022	32	1,643.84		2,500,000	
01/03/22	PCC DEVON & CORNWALL	2,500,000	0.33	07/03/2022	6	135.62	2,500,000		
03/03/22	WARRINGTON BOROUGH COUNCIL	2,000,000	0.70	03/08/2022	29	1,112.33		2,000,000	
08/03/22	DEBT MANAGEMENT OFFICE	6,000,000	0.30	14/03/2022	6	295.89	6,000,000		
08/03/22	NATIONAL BANK OF CANADA	4,000,000	0.40	28/03/2022	20	876.71	4,000,000		
08/03/22	GLASGOW CITY COUNCIL	2,500,000	0.50	08/04/2022	24	821.92		2,500,000	
14/03/22	DEBT MANAGEMENT OFFICE	5,000,000	0.56	14/04/2022	18	1,380.82		5,000,000	
15/03/22	ASHFORD BOROUGH COUNCIL	6,000,000	0.45	15/06/2022	17	1,257.53		6,000,000	
22/03/22	STIRLING COUNCIL	2,000,000	0.55	05/04/2022	10	301.37		2,000,000	
23/03/22	DEBT MANAGEMENT OFFICE	4,000,000	0.60	27/05/2022	9	586.85		4,000,000	
28/03/22	NATIONAL BANK OF CANADA	4,000,000	0.65	28/04/2022	4	284.93		4,000,000	
31/03/22	DEBT MANAGEMENT OFFICE	2,750,000	0.62	31/05/2022	1	46.71		2,750,000	
	Total Raised During the Period	927,609,462				66,618.85	823,200,000	104,409,462	
	Total Value of Investments	1,010,609,462				77,417.92	904,200,000	106,409,462	
	Average Investments	5,774,911							
	Interest Received	77,418							
	Average Interest Rate %	0.04%							

Agenda Item 29

Executive Committee and Council only

Date signed off by the Monitoring Officer: 08.11.2022

Date signed off by the Section 151 Officer: 14.11.2022

Committee: **Council**

Date of Meeting: **24th November, 2022**

Report Subject: **Driving at Work Policy**

Portfolio Holder: **Councillor Steve Thomas, Leader / Cabinet Member
Corporate Overview and Performance**

Report Submitted by: **Andrea J Prosser, Head of Organisational
Development**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Governance & Audit Committee	Democratic Services Committee	Scrutiny Committee	Cabinet	Council	Other (please state)
X	X				21.11.22		24.11.22	

1. Purpose of the Report

The purpose of this report is to seek approval of the implementation of the proposed Driving at Work Policy (appendix 1).

2. Scope and Background

- 2.1 It is important that the Council can show that they are managing the risks to their employees and others while they are undertaking their duties. Road traffic legislation imposes specific requirements on employers in respect of vehicle use and maintenance. Health and Safety Law applies to on-the-road activities and the risks should be effectively managed within the health and safety system of the Council.
- 2.2 Health and Safety Executive state that there is a strong case for managing work-related road safety. The Council has many workers and others who drive as part of their work activity whether it is between locations, to visit services users or to provide services. Fewer road incidents mean:
- less days lost to injury
 - fewer repairs to vehicles
 - fewer missed orders
 - reduced running cost
- 2.3 This policy applies to all employees and others that drive vehicles owned, leased or hired by the Council and to employees and others that are driving their own vehicles while undertaking duties on behalf of the Council.
- 2.4 Employers owe the same duty of care under health and safety law to staff and others who drive their own vehicles for work (often called 'grey fleet') as they do to employees who drive company owned, leased or hired vehicles.
- 2.5 Various Road Traffic Acts and regulations also require employers to ensure that vehicles used for work purposes are safe and legal to be on the road,

and that drivers are properly licensed and insured. For example, it is an offence to cause or permit someone to:

- Use vehicle in dangerous condition
- Drive on the road without a valid driving licence or motor insurance
- Use a hand-held mobile phone while driving

2.6 The Driving at Work Policy will provide guidance for managers to ensure that the risks to employees and others can be managed and will also provide information to employees and others should they encounter any issues while driving at work.

3. **Options for Recommendation**

3.1 **Option 1**

Support Health and Safety compliance by approving the implementation of the Driving at Work Policy.

3.2 **Option 2**

Make suggestions to further improve the Driving at Work Policy for implementation.

4. **Evidence of how this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

4.1 The proposed Driving at Work Policy has direct links with the Councils Corporate Plan, Health and Safety Policy and Workforce Strategy.

4.2 The Corporate Plan's core values include Trust and Integrity and to support and develop a workforce that has the capacity and capability to be productive and responsive to future demands.

4.3 Priority outcomes for the Council's Workforce Strategy includes "A highly motivated and engaged workforce" and a "Modern Employer of Choice"; the introduction of a Driving at Work Policy directly contributes to both priorities. Clear information and understanding of requirements can have a significant impact on a person's health and well-being. It can reduce stress levels and improve motivation. Two of the aims of the strategy are

- Safe working situations/environments and promotion of workforce health and wellbeing.
- The workforce demonstrates expected behaviours, standards and culture in line with the Council's values.

The Driving at Work Policy directly supports both of those aims by helping managers consider the risks to workers and others and providing clear expectation of behaviours.

4.4 The Blaenau Gwent Statement of Safety Policy states that Blaenau Gwent County Borough Council, together with each employee is committed to ensuring that the highest standards of Health, Safety and Welfare are maintained throughout the organisation. The Driving at Work Policy will support that aim through clarifying requirements.

5. **Implications Against Each Option**

5.1 ***Impact on Budget (short- and long-term impact)***

There are no direct negative budgetary implications as a result of implementing the policy.

5.2 ***Risk including Mitigating Actions***

Risk Management should be improved following implementation of the Driving at Work Policy.

5.3 ***Legal***

The Driving at Work Policy will provide support and evidence of legal compliance with risk management legislation.

5.4 ***Human Resources***

The Driving at Work Policy will provide support and guidance to managers and employees.

6. **Supporting Evidence**

6.1 ***Performance Information and Data***

N/A

6.2 ***Expected outcome for the public***

N/A

6.3 ***Involvement (consultation, engagement, participation)***

The Trade Unions have received the policy for review and raised no objections.

6.4 ***Thinking for the Long term (forward planning)***

Directly links the Council's Plans and Strategies as detailed above.

6.5 ***Preventative focus***

N/A

6.6 ***Collaboration / partnership working***

N/A.

6.7 ***Integration (across service areas)***

Policy applies to all Council staff only.

6.8 ***Decarbonisation and Reducing Carbon Emissions***

N/A

6.9a ***Socio Economic Duty Impact Assessment***

N/A

6.9b. ***Equality Impact Assessment***

Integrated Impact Assessment completed – no adverse impact.

7. **Monitoring Arrangements**

- 7.1 The Policy will be reviewed and updated by Organisational Development on a regular basis.

Background Documents /Electronic Links

Appendix 1 –Driving at Work Policy



Driving at Work Policy

ORGANISATIONAL DEVELOPMENT DIVISION

Issued: September 2022 Review: September 2027

Contents

1. Introduction.....	3
2. Scope	3
3. Legislation	3
4. Definitions.....	4
5. Application	4
6. Roles and Responsibilities.....	5
6.1 Line Managers	5
6.2 Staff Responsibilities.....	5
7. Alcohol/Drugs	6
8. In-Vehicle Technology	7
9. Eyesight.....	8
10. Journey Planning.....	8
10.1 Road Conditions	8
10.2 Fatigue and Rest Periods	8
11. Occupant Safety.....	9
11.1 Seat Belts and Safety Restraints	9
11.2 Head Restraints	9
12. Safe Vehicles	9
13. Electric Vehicles	10
14. Traffic Collisions	10
15. Training	11
16. Aggressive Driving	11
17. Breakdowns.....	12
18. Smoking	13
19. Additional Considerations.....	13
20. References	13

Version Control

This document is intended for:

- Council staff only
 School-based staff only
 Council & School-based staff

Version	Key Changes	Approved By	Date
1.0	Original Document	CLT	September 2022

This document may be reviewed and amended at any time and without consultation in response to legal requirements, in line with best practice or in response to an organisational requirement and where the changes do not affect the spirit or intent of the document.

1. Introduction

The Authority is committed to reducing the risk of work-related road traffic crashes and collisions. The following policy sets out our commitment and provides guidance to enable the workforce to drive safely and enable compliance with the policy and related legislation.

Up to 1 in 3 road crashes involves a vehicle being driven for work. Every week around 200 road deaths or serious injuries involve someone driving for work. Many of these deaths and injuries could have been prevented.

The Authority recognises that there are many journeys undertaken by employees and others in vehicles owned, leased or hired by the Council and in private vehicles solely for the purposes of business and this includes transporting clients or members of the public.

2. Scope

This policy applies to all employees, elected members, volunteers and agency workers who are driving at work. This is to provide clear guidance to managers, employee and others on the requirements when fulfilling their duties whilst driving at work. This also include school based staff.

3. Legislation

There is a range of legislation that is applicable to driving for work which include:

- Health and Safety at Work Act 1974
- Management of Health and Safety at Work Regulations 1999
- The Workplace (Health, Safety and Welfare) Regulations 1992
- Road Traffic Acts supported by the Highway Code EC Drivers' Hours Rules UK Domestic Drivers' Hours Rules Tachograph Regulations
- The Road Transport (Working Times) Regulations 2005
- Road Safety Act 2006
- The Road Vehicles (Construction and Use) Regulations 1996
- Corporate Manslaughter and Corporate Homicide Act 2007

You must be aware of and be able to apply the rules in The Highway Code. The Highway Code is available at <https://www.gov.uk/guidance/the-highway-code>.

Each of these contains provisions which stipulate that non-compliance is a criminal offence and set out the penalties for such offences. The penalties on conviction include fines, imprisonment or both. Those with managerial responsibility within the CCG, as well as the corporate body, may be prosecuted.

4. Definitions

For the purposes of this policy the following definitions apply:

- **Driving at Work**
Refers to any work carried out on Authority business that involves the employee driving a vehicle and covers all journeys other than to and from their home to normal place of work.
- **Council Vehicle**
Any vehicle owned, leased or hired by the Authority
- **Private Vehicle**
Any vehicle used by a person driving on Authority business which is not owned, leased or hired by the Authority
- **Minibus**
A vehicle that can carry 9-16 passengers plus the driver

5. Application

The following policy and guidance apply to all staff who drive for any Authority business:

- Either regularly as an integral part of their work (e.g., waste collection staff), or occasionally to perform a specific function or duty (e.g., to attend a meeting), and;
- Whether they drive an Authority owned, leased, hired or privately owned vehicle.

This policy does not apply to driving for commuting purposes (i.e. to or from the employees' home to their normal place of work)

Typical Situations where the Policy Will Apply

Driving Activities that are undertaken by many of the sections of the Authority. Examples of activities could include:

- Transporting children and their families by Family Services
- Transporting young people by Youth Services
- Delivering meals and other items
- Travelling between Authority sites to undertake visits
- Travelling between School sites
- Driving refuse and road repair vehicles

6. Roles and Responsibilities

6.1 Line Managers

Managers are responsible for annually:

- ensuring staff receive appropriate help and advice in relation to vehicle safety.
- undertake annual checks of original vehicle and driver documents and record copies. Including:
 - Driver's licence
 - MOT certificated (where appropriate)
 - Driving for Business Insurance
- regularly reinforce the importance of safe driving and record this
- ensuring that employees involved in accidents in the course of their work receive the appropriate support and participate in any appropriate accident investigation and recommendations and notify the Health & Safety Advisor of any work related driving accidents for monitoring purposes.
- make it clear that the employee must maintain their vehicle in a roadworthy condition if they are to use their own vehicle for work
- remind employees of their responsibilities in respect of workplace car lease agreements if appropriate.
- remind employees that they are to be informed of any change in circumstances that may impact on the employee's ability to drive. Anything brought to the attention of the line manager must be acted upon.
- ensure that employees have suitable breaks when driving in order to prevent fatigue.

6.2 Staff Responsibilities

Staff are responsible for ensuring that they:

- have a valid driving licence appropriate to the type of vehicle(s) to be driven. More information on driving licence categories is available at <https://www.gov.uk/driving-licence-categories>
- are medically fit to drive. More information is available at [Check if a health condition affects your driving - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/urls/check-if-a-health-condition-affects-your-driving)
- confirm that their eyesight meets the requirements set out in the Highway Code <https://www.highwaycodeuk.co.uk/rules-for-drivers-and-motorcyclists-fitness-to-drive.html>
- inform their line manager immediately of any motoring convictions (including penalty points) or periods of disqualification;
- ensure their insurance policy includes business cover for the amount and type of business mileage they undertake; employees who do not have business insurance are able to drive to and from work, nothing in between.
- ensure that their vehicle is taxed and has a valid MOT if applicable.
- do not use a hand-held mobile phone whilst driving;

- comply with the legislation with regard to the wearing of seatbelts whilst driving and make every effort to enforce the wearing of seatbelts for adult passengers in their vehicles;
- are satisfied that prior to any journey that the vehicle they are driving is fit for its purpose and roadworthy;
- inform the person in charge of the vehicle if they become aware of any faults;
- are adequately insured to use their private vehicle for business;
- report any accidents or incidents whilst driving on Authority business;
- co-operate with any reporting and investigation procedures in the event of an accident or incident.
- never drive defective vehicles;
- adhere to all policies relating to the use of lease and/or pool cars.
- be aware of what action needs to be taken in an emergency situation
- ensure they are physically fit to drive

Any vehicle you drive on Council business must also have:

- insurance that is appropriate for business use
- appropriate and valid road tax
- a valid MOT certificate (if the vehicle is more than 3 years old)

It is also advisable that your vehicle has:

- been serviced according to the manufacturer's recommendations
- emergency breakdown cover that will provide roadside assistance or for the vehicle to be towed if a roadside repair is not possible

7. Alcohol/Drugs

The Authority has an Alcohol and Substance Misuse Policy which states that employees have a responsibility to ensure that they do not consume alcohol or use substances inappropriately at any time when they intend to work before the effects have worn off. This includes when driving a vehicle during working hours. It is also illegal to drive while under the influence of alcohol and/or drugs

You should not drive if you are under the influence of alcohol or drugs.

It can take several hours for the intoxicating effects of alcohol or drugs to subside.

You should seek advice from your GP when being prescribed drugs of any kind on how they may affect your ability to drive. You must report anything that could impair your driving abilities immediately to your line manager.

If you are found to have been under the influence of an intoxicating substance while driving at work (following intervention from the Police) it will be investigated and could result in disciplinary action being taken.

8. In-Vehicle Technology

The use of in-vehicle technology, like mobile phones, satnav or audio systems, can distract a driver and increase the risk of accident. Distracted drivers generally underestimate the effects that distraction has on them and do not perceive any reduction in awareness or ability to spot hazards. You must familiarise yourself with the safe use of in-vehicle systems before starting your journey and avoid making adjustments while driving.

It is an offence to use a handheld mobile telephone or similar device whilst driving whether speaking, sending or receiving texts messages, still or moving pictures or Internet access.

It is the Authority's policy that you should not use a mobile phone with or without a hands free device when you are driving or while your vehicle's engine is running due to the risk of distraction and/or prosecution for driving carelessly or dangerously which can include disqualification, a large fine and up to two (2) years imprisonment.

A conversation on a hands-free phone is no less a distraction than using a hand-held one.

The only time a driver may use a mobile phone is to call 999 or 112 in response to a genuine emergency when it is unsafe or impractical to stop to make the call.

If you are stopped by the Police and cautioned or charged you must report this to your line manager immediately. You can carry hand-held mobile phones in your vehicle but must be safely parked with the engine switched off before making or receiving a call. It is not reasonable for your supervisor or line manager to expect you to answer your phone whilst driving.

To help keep you and other road users safe you should:

- not make or receive calls, send or read texts or e-mails or otherwise use a mobile phone while driving.
- switch off mobile phones whenever possible while driving and use voicemail facilities
- only pick up and respond to messages when it is safe to do so
- satisfy normal business needs by checking mobile phones before or after driving or during a break in your journey

Just like mobile phones the use of other equipment like SatNav and entertainment systems can be a significant distraction while driving. You should avoid adjusting or operating any equipment while driving. The SatNav should be set before your journey commences and any adjustments should only be when safely stopped.

9. Eyesight

Having good eyesight is one of the most basic requirements of safe driving. It is the responsibility of the driver to ensure their eyesight is checked regularly as many people's eyesight deteriorates over time - sometimes without them noticing.

By law, all drivers must be able to read, in good daylight, a number plate at 20 metres. You must also have a field of vision of 120 degrees, be able to see clearly at night and not have double vision. If glasses or contact lenses are required to meet the legal minimum eyesight requirements, these must be worn while driving.

If you require glasses or contact lenses to meet these standards, then they **must be worn at all times during the driving of an Authority vehicle.**

If a driver on checking his or her eyesight fails to read the number plate at the correct distance that person would not be allowed to drive an Authority or hired vehicle until measures are taken to satisfy the requirement.

Driving without your glasses or contact lenses is an offence and if convicted carries 3 penalty points and possible disqualification

If a driver wears prescription safety spectacles (for non-driving safety reasons) and they also wear them whilst driving it is their responsibility to ensure their prescription is up to date.

10. Journey Planning

10.1 Road Conditions

Weather conditions can cause a range of problems for travel and transport systems. Drive at a speed appropriate to road and traffic conditions. Plan ahead and allow extra time for your journey where necessary. Avoid getting into situations where you are taking risks on the road just to gain a few minutes. You should discuss any concerns regarding driving conditions immediately with your line manager.

10.2 Fatigue and Rest Periods

Tiredness increases reaction time and reduces vigilance, alertness, and concentration, which impairs your ability to drive. It can also affect how fast you process information and the quality of your decision-making.

Drivers and riders are most likely to suffer from fatigue:

- on long journeys on monotonous roads, such as motorways
- between 2am and 6am or 2pm and 4pm

- after eating
- after long working hours or on journeys home after long shifts, especially night shifts

Driving when tired significantly increases the risk of being involved in a collision. You should organise your work to make sure that breaks from driving are taken at appropriate intervals.

[The Highway Code](#) recommends that drivers and riders should take 15-minute break every two hours.

11. Occupant Safety

11.1 Seat Belts and Safety Restraints

You must ensure that you wear seat belts at all times while driving. It is a legal requirement that passengers wear seat belts. Unless it is an emergency situation, children must be in appropriate child safety seats.

As the driver, you are personally responsible for ensuring that all children under the age of 14 years are wearing seat belts.

Persons over the age of 14 years old are responsible for their own seat belts.

11.2 Head Restraints

Head restraints for you and your passengers should be adjusted correctly to help protect against whiplash and prevent long term injuries. The top of the head restraint should be level with top of the head and be as close to the back of the head as possible.

12. Safe Vehicles

It is your responsibility to ensure that your vehicle is safe and legal whether it is your own vehicle or that owned by the Authority. You must check that:

- tyres are undamaged (no cuts or bulges), are at the correct tyre pressure for the number of passengers or equipment being carried and have enough tread depth. The legal minimum is 1.6mm but motoring and safety organisations recommend changing your tyres at 3mm
- there are no signs of vehicle damage;
- oil, coolant and windscreen wash levels are correct;
- brakes are working;
- lights and indicators are working;
- windscreen and windows are not damaged;
- washers and wipers are working;

- mirrors are correctly positioned;
- all occupants are using their seat belts and head restraints correctly; and
- loads are securely restrained.

13. Electric Vehicles

With the increased usage of electric vehicles staff should be made aware of the issues surrounding the use of electric vehicles which include the fact that the vehicle may not be heard by pedestrians and also the risk of fire from the battery.

14. Traffic Collisions

If you are involved in a traffic collision you must stop, switch off your engine and turn your hazard lights on to alert other road users to your presence.

Your first consideration should be whether the emergency services are needed.

If you are able you should provide assistance to anyone else involved so long as it doesn't put you in any danger.

Do not move anyone who is injured unless they are in immediate danger.

You should immediately report the incident to the Police if:

- it involves an injury to a member of the public or a Council employee
- it has caused a hazardous situation
- someone leaves the scene without exchanging details
- you suspect the collision was deliberate to make a fraudulent insurance claim

If the Police are involved, you must not move any of the vehicles without first getting their approval. When you're involved in a collision you're obliged to give your name and address to anyone else involved. You should stop and give your details if you crash into something on or near the road even if there aren't any other people involved.

Do Not:

- Admit liability, even if you believe you were at fault.
- Discuss the accident with anyone at the scene except the Police.
- Visit other parties involved in the accident.
- Talk to the media about the accident

If you hit a parked car, for example, you should leave your details on the windscreen. You should tell your insurer about the collision as soon as you can. If you do not report it within the time period set out in your policy, it may invalidate your cover.

You should always inform your car insurance company about a collision even if you don't want to make a claim.

You should try to collect the following information:

- Names, addresses and contact details from any drivers, passengers and witnesses.

- Insurance details for the other drivers. If they are not the registered keeper of their vehicle find out who is and make a note of their name and address.
- The registration numbers of all vehicles involved, plus a note of each vehicle's colour, make and model.
- The time and date of the collision.
- A sketch showing the positions of the vehicles involved
- A description of the weather conditions, plus anything unusual you notice about the road quality or lighting.
- A list of damage to vehicles and a description of any injuries sustained by pedestrians, drivers and passengers.

You may find it useful to take photos of the car accident for use as evidence. You shouldn't accept liability or discuss the question of blame with anyone at the time of the incident, regardless of the circumstances. It could count against you later. You must report any incidents to your line manager as soon as possible. Any accident that occurs during working hours, even in your own vehicle, should be reported through the Authority's Accident Reporting system.

15. Training

New starters should be informed of the requirements of the Driving for Work Policy. Individuals who drive for work should be given information on routine safety checks, what should be done if an accident occurs or if a breakdown occurs etc.

It should also be made clear to staff that if they are driving a vehicle, even one owned by the Authority, they are responsible for the roadworthiness of the vehicle and can be found guilty of road offences if the vehicle does not meet requirements.

16. Aggressive Driving

Aggressive driving behaviour can take many forms like speeding, driving too close to the car in front or improper lane changing or weaving; etc. Most people drive aggressively from time to time through impatience, annoyance or even in an attempt to save time. Many drivers are not even aware when they are doing it. Aggressive driving, regardless of its motivation, can increase the risk of collision.

You should:

- plan ahead and allow plenty of time for your journey. Avoid getting into a situation where you are racing to gain a few minutes and taking risks on the road
- try to avoid driving when you are feeling stressful, emotional or angry or if you feel unwell or distracted for any reason

- be courteous to other drivers and avoid actions likely to provoke. Make sure that your driving does not upset others. Set a good example by respecting other road users. Recognise your own aggressive driving behaviour and correct it.
- be polite and courteous even when other drivers behave unreasonably. Do not react to other drivers who are challenging you or may be looking for conflict. Pull over and let them pass. Do not engage in eye contact. Keep your hands on the steering wheel and do not make any gestures which may show your irritation or frustration with their behaviour.
- Relax behind the wheel. Breathe out slowly, release the tension in your hands, arms and shoulders. Hold the wheel hard again and once more let go and sigh. As you relax, you can begin to think clearly.
- If you are forced to stop stay in the vehicle with the doors locked and engine running ready to drive off. If you are followed drive on carefully to the nearest police station, Council depot or a busy place such as a garage forecourt.

17. Breakdowns

Breaking down can be dangerous particularly if you're on a motorway (See Appendix 1). In order to stay safe:

- Make sure that you are in a safe place. Move your vehicle off the road if possible (watch out for any soft verges), or pull up onto the hard shoulder if on a motorway and cannot turn off at the next exit. Make sure you stop as far to the left as you can, with the wheels turned to the left.
- Put your hazard warning lights on.
- If it is dark or foggy, keep your sidelights on too.
- Stay well away from moving traffic. It is usually safest to get out of your car (using the doors facing away from passing traffic) and wait behind a barrier.
- If you're on a motorway, move up the bank if you can.
- Wear a reflective jacket if you have one.
- If you're on a road and it is safe, you can put a warning triangle at least 45m behind your vehicle.
- If you are on a motorway do not put a warning triangle on the hard shoulder as it is not safe.
- Telephone the emergency services, or breakdown organisation. Give them accurate details of your location and whether children or passengers with mobility problems are being carried
- On a motorway walk to an emergency phone on your side of the carriageway. Follow the arrows on the posts at the back of the hard shoulder – the phone is free and connects directly to the Police. This will enable the Police to pinpoint your location.
- Inform your line manager and complete an Authority accident form and submit this to the Health and Safety Department

18. Smoking

You are not permitted to smoke in any vehicle being used on Council business. This includes your own.

19. Additional Considerations

Other issues to consider where an individual is driving for work and may need to be included in a risks assessment are:

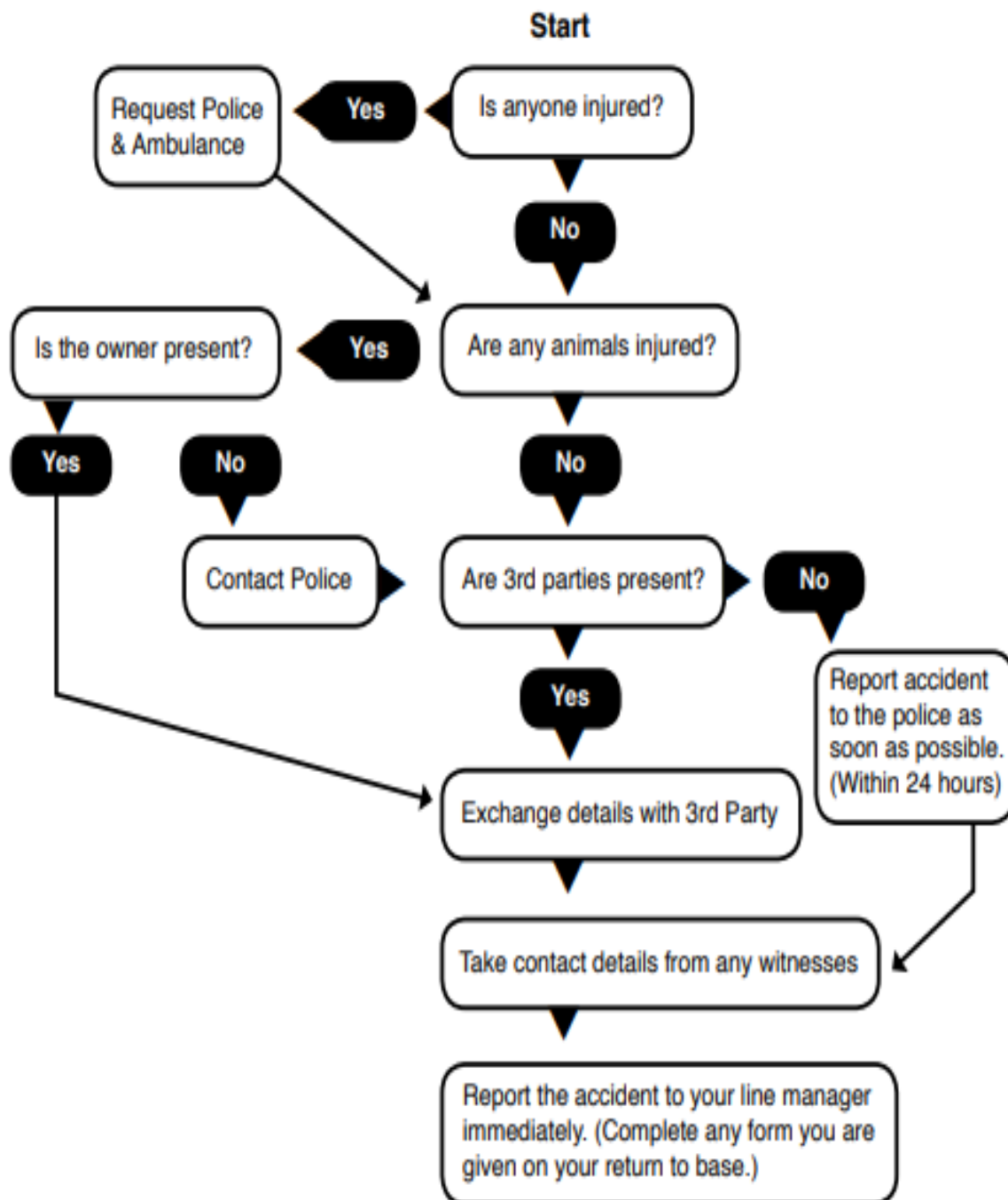
- safeguarding issues should passengers are being carried
- lone working issues

20. References

1. HSE Driving at Work Managing work-related road safety [Driving at work: Managing work-related road safety INDG382\(rev1\) \(hse.gov.uk\)](https://www.hse.gov.uk/indg382/)
2. [Check if a health condition affects your driving - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/check-if-a-health-condition-affects-your-driving)
3. The Highway Code <https://www.highwaycodeuk.co.uk/>
4. HSE Driving and riding safely for work <https://www.hse.gov.uk/roadsafety/index.htm>
5. Vehicle Fleet Management – Drivers' Duties and Obligations BGCBC 2018

Appendix 1 Accident/Incident Flow Chart

Employees must follow the steps below:



Agenda Item 30

Executive Committee and Council only

Date signed off by the Monitoring Officer: 08.11.2022

Date signed off by the Section 151 Officer: 14.11.2022

Committee: **Council**

Date of Meeting: **24th November, 2022**

Report Subject: **Public Protection & Environmental Enforcement Services – Revised Enforcement Policy**

Portfolio Holder: **Councillor Helen Cunningham – Deputy Leader/
Cabinet Member Place & Environment**

Report Submitted by: **David Thompson – Service Manager, Public Protection**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Governance & Audit Committee	Democratic Services Committee	Scrutiny Committee	Cabinet	Council	Other (please state)
11.10.22	13.10.22				8.11.22		24.11.22	

1. Purpose of the Report

- 1.1 To seek Council approval in relation to the revised Public Protection & Environmental Enforcement Policy.

2. Scope and Background

- 2.1 The Regulators Compliance Code requires local authorities to publish a policy setting out their approach to compliance and enforcement. This is an important document for regulators in meeting their responsibility under the statutory principles of good regulation to be accountable and transparent about their activities. Further to recent changes in departmental services, it is now necessary to update the current policy.
- 2.2 As previously, the revised draft Enforcement Policy (Appendix 1) adopts the principles of the Regulators Code and affirms the Authority's commitment to protecting the health, safety, environment and amenities of the people who live and work in the area, as well as those that visit, whilst ensuring that the enforcement action is fair, accountable, consistent, proportionate and transparent.
- 2.4 Public Protection and other enforcement officers enforce a wide range of public health and consumer protection laws with varying possible outcomes dependent on the sanctions available under the relevant pieces of legislation. The revised policy summarises the wide range of enforcement action options that are available to ensure compliance with the law, ranging from informal advice to prosecution (see Sections 5.2 to 5.13 of Appendix 1). It lays out the general principles of enforcement to which Officers will adhere and it will act as an umbrella document for other more detailed enforcement policies where they are required.

- 2.5 Appendix 2 to this report provides Members with summary information relating to the number and type of enforcement actions taken across the relevant services during the last few years.
- 2.6 The policy also outlines how the relevant services will deal with non-compliance in relevant local authority owned and run premises, where Public Protection has enforcement responsibility but does not have the same formal enforcement powers as it has with private sector premises. (e.g. corporate catering premises).
- 2.7 Environmental Enforcement. Since September 2021, the Front-Line Enforcement Service (part of the Neighbourhood Services Division) has been set up to deal with fly-tipping enforcement, household waste and recycling compliance, litter and dog control order enforcement, abandoned vehicles, dog warden and other services. After due consideration, it was considered best to continue to include these enforcement actions as part of this combined policy.
- 2.8 Consultation. Consultation took place between 25th July and 19th August 2022. This was advertised on the BGCBC website along with social media announcements on 28th July & 19th August (Facebook/Twitter). Contact was made with elected members, Businesses (Via Regeneration Service networks, relevant internal departments, and neighbouring local authority.
- 2.9 Place Scrutiny. The draft policy was considered by members of the Place Scrutiny Committee at a meeting on 8th November 2022. The revised policy was fully supported.
- 2.10 Consultation Response Analysis. The responses received were generally positive with several minor changes considered and included where appropriate.
- 2.10 The draft policy (post consultation) is outlined at Appendix 1.

3. **Options for Recommendation**

- 3.1 Option 1 (Preferred Option) - That Council approve the adoption the of the Public Protection & Environmental Enforcement Policy as outlined in Appendix 1.

The Policy will then be formally reviewed every five years for approval by Council, or earlier if deemed necessary.

- 3.2 Option 2 – That Council does not support the policy and recommends an alternative course of action.

4. **Evidence of how does this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**
- 4.1 The policy is in line a wide range of statutory responsibilities and with the corporate priorities relating to Regeneration & Economic Development and Strong & Environmentally Smart Communities. It also recognises the preventative work undertaken by the relevant services in relation public health and consumer protection by promoting social, physical and mental well-being and a fair-trading environment.
5. **Implications Against Each Option**
- 5.1 ***Impact on Budget (short and long term impact)***

There are no significant financial implications associated with the adoption of this policy. Costs incurred relate to staff time, training and consultation. There is a risk that significant costs could be awarded against the Authority if inappropriate enforcement action is taken against the backdrop of policies and procedures that are not compliant with the Regulators' code.
- 5.2 ***Risk including Mitigating Actions***

Reputational Risk. Without an up-to-date policy, the Authority risks reputational damage due to public and media criticism, or criticism by the courts, for taking inappropriate action against the backdrop of a policies and procedures that are not robust.
- 5.3 ***Legal***

As above.
- 5.4 ***Human Resources***

The policy will guide how Public Protection, Front Line and other relevant Enforcement Officers will investigate and decide upon relevant enforcement action and this will inform staff training and development requirements as necessary.
6. **Supporting Evidence**
- 6.1 ***Performance Information and Data***

Performance information & Data is reported routinely as part of the Authority's Business Planning and Monitoring processes, and by way of press releases in relation to successful prosecutions etc. Appendix 2 to this report provides Members with summary information relating to the number and type of enforcement actions during the last few years.
- 6.2 ***Expected outcome for the public***

The proposal promotes the preventative work undertaken by the relevant services in relation public health and consumer protection by promoting social, physical and mental well-being and a fair trading environment.
- 6.3 ***Involvement (consultation, engagement, participation)***

Relevant consultation has taken place as outlined in paragraphs 2.8 and 2.9 above.

- 6.4 ***Thinking for the Long term (forward planning)***
The recommendation ensures that enforcement action is undertaken in a manner that meets the short-term needs of the Authority whilst enabling enforcement action that promotes medium and longer-term public health gain and consumer protection
- 6.5 ***Preventative focus***
The proposal recognises the preventative work undertaken by Public Protection in relation public health and consumer protection by promoting social, physical and mental well-being and a fair trading environment.
- 6.6 ***Collaboration / partnership working***
This policy is consistent with those of partner agencies also involved in enforcement activities within the County (E.g. Powys CC).
- 6.7 ***Integration (across service areas)***
The proposal recognises the preventative work undertaken by the relevant services in relation public health and consumer protection by promoting social, physical and mental well-being and a fair trading environment. This positively impact on other public bodies such as the NHS, Police and other local authorities.
- 6.8 ***Decarbonisation and Reducing Carbon Emissions***
There are assessed to be no adverse effects in relation to the renewal of this policy.
- 6.9 ***Integrated Impact Assessment (the screening template should be completed for any decisions to identify if a full integrated impact assessment (IIA) is needed. A full IIA will need to be completed if the decision is part of the socio-economic duty to consider how the decision might help to reduce the inequalities of outcome associated with socio-economic disadvantage).***

There are assessed to be no adverse effects in relation to the renewal of this policy.

7. **Monitoring Arrangements**
- 7.1 Performance information & Data is reported routinely as part of the Authority's Business Planning and Monitoring processes, and by way of press releases in relation to successful prosecutions etc.

List of Appendices

- 1 - Draft Public Protection & Environmental Enforcement Policy - Sep 2022
- 2 – Summary of Enforcement Actions Taken by Services



Cyngor Bwrdeistref Sirol
Blaenau Gwent
County Borough Council

Public Protection & Environmental Enforcement & Compliance Policy

Nov 2022 – Draft

BLAENAU GWENT CBC

**Public Protection Service
Front Line Enforcement Service
Regeneration & Community Services
Directorate**

FOREWORD

As part of its statutory functions, Blaenau Gwent County Borough Council delivers Public Protection regulatory services (Environmental Health, Trading Standards, and Licensing) along with Front Line Enforcement Services (Fly-tipping, Waste Collection Compliance, Litter and Dog Controls) with a view to protecting the health, safety, environment and amenities of the people who live, work and visit the county.

We recognise that prevention is better than cure, but where it becomes necessary to take enforcement action against a business or a member of the public, we will do so, whilst ensuring that the enforcement we carry out is fair, accountable, consistent, proportionate and transparent.

This document sets out what businesses and others being regulated can expect from the Public Protection Service.

This is a service for which we are proud to be responsible.



**Councillor Helen Cunningham
Deputy Leader & Executive Member –
Place & Environment
Blaenau Gwent County Borough Council**

Amendments

Date	Page	Amendment

Appendix 1 - Draft

CONTENTS

		Page
	Foreword	2
	Amendments	3
	Contents	4
1	Introduction	5
2	Legal Status of this Enforcement Policy	6
3	Scope & Meaning of “Enforcement”	6
4	General Principles	7
5	Enforcement Action	10
	5.1 General Enforcement Considerations	10
	5.2 Range of Enforcement Approaches	12
	5.3 No Action	12
	5.4 Compliance Advice, Guidance & Support	12
	5.5 Fixed Penalty Notices (FPNs), Penalty Charge Notices (PCNs) & Penalty Notices for Disorder (PNDs)	13
	5.6 Voluntary Undertakings	13
	5.7 Statutory Notices, Orders & Works in default	13
	5.8 Detention, Seizure & Forfeiture Proceedings	14
	5.9 Injunctive Actions & other Civil Sanctions	14
	5.10 Licence Modification, Suspension or Revocation	14
	5.11 Simple Caution	15
	5.12 Prosecution	15
	5.13 Proceeds of Crime Applications	15
	5.14 Enforcement Responsibilities as a Food Authority	16
6	Liaison with other Agencies	16
7	Keeping People & Businesses Informed	16
8	Review & Publication of the Enforcement Policy	17
	End	

1 INTRODUCTION

- 1.1 Blaenau Gwent County Borough Council delivers Public Protection regulatory services (Environmental Health, Trading Standards, and Licensing) along with Front Line Enforcement Services (Fly-tipping, Waste Collection Compliance, Litter and Dog Controls) with a view to protecting the health, safety, environment and amenities of the people who live, work and visit the county.
- 1.2 This policy has been developed to ensure that Blaenau Gwent County Borough Council's Regulatory Services comply with the legislative framework within which we operate. It also explains our enforcement practices so that residents and businesses can understand what enforcement action we take and how we decide what enforcement action is appropriate in each case.
- 1.3 This policy has been prepared with regard to a range of principal legislation and statutory guidance, including the:
- [Regulatory Enforcement and Sanctions Act 2008](#) (the RES Act).
 - [Legislative and Regulatory Reform Act 2006](#) (LRRRA).
 - [Enterprise and Regulatory Reform Act 2013](#)
 - [RES Guidance to the Act](#)
 - [Food Law Code of Practice \(Wales\) \(issued under Section 40\(1\) of the Food Safety Act 1990 & Chapter 6 of the Food Law Practice Guidance \(Wales\)\)](#)

A full list of the legislation and guidance under the RES Act can be found [here](#).

- 1.4 As well as the above, our enforcement activities are conducted in compliance with both offence specific legislation and along with the:
- [Human Rights Act 1988](#);
 - [Protection of Freedoms Act 2012](#) and the [Code of Practice on Powers of Entry](#)
 - [Police and Criminal Evidence Act 1984](#) and [PACE Code B guidance](#)
 - [Regulation of Investigatory Powers Act 2000](#)
 - [Criminal Justice and Police Act 2001](#)
 - [The Co-ordination of Regulatory Enforcement \(Enforcement Action\) Order 2009](#) (CRE)
 - [Code for Crown Prosecutors](#)
 - [Regulators Code](#)

- [The Data Protection Act 1998](#)

1.5 Not all of the provisions covered within this policy are legally binding on all aspects of our enforcement. However, a commitment to good enforcement practice informs all of the enforcement decisions made our enforcement officers.

2 LEGAL STATUS OF THIS ENFORCEMENT POLICY

2.1 This Enforcement and Compliance Policy has been presented for Member approval as appropriate and details of the Member approval process is available on request.

2.2 This document does not replace or supersede legislation or statutory guidance.

2.3 All Enforcement Officers, when making enforcement decisions, will abide by this Policy. Departures from this Policy will be exceptional, capable of justification and be approved by an appropriate Team Manager, Head of Service, Director or Member Committee (as necessary), prior to implementation.

2.4 Blaenau Gwent County Borough Council is a public authority for the purposes of the Human Rights Act 1998. We will, therefore, apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms. In particular, due regard will be had to the right to a fair trial and the right to respect for private and family life, home and correspondence.

2.5 In exceptional instances we may conclude that the provisions in this Policy, and the legislation and guidance on which it is based, are not relevant or are outweighed by another provision. We will ensure that any decision to depart from this Policy will be properly reasoned, based on material evidence and documented.

3 SCOPE AND MEANING OF 'ENFORCEMENT'

3.1 This Policy applies to all legislation enforced by Environmental Health, Trading Standards, Licensing and Front Line Enforcement services as well as to any temporary and/or agency staff and to any person and/or organisation delivering enforcement on behalf of the services to which this Policy relates.

3.2 The service will have regard to the definition of 'enforcement action' as defined under the Regulatory Enforcement Sanctions Act 2008.

3.3 A full list of the actions covered by the RES Act is listed in the [CRE Order 2009](#). This legislation also applies to any other enforcement action taken, such as an informal letter, where it is stated that the listed actions may be taken.

4. GENERAL PRINCIPLES

- 4.1 Our enforcement aims will be as laid down in the [Regulators' Code](#), and will focus on changing the behaviour of the offender, changing attitudes in society to become less accepting of offences, eliminating any financial gain or benefit from non-compliance and deterring future non-compliance.
- 4.2 Our enforcement will seek to be responsive and to consider what is appropriate for the particular offender and regulatory issue, and to be proportionate to the nature of the offence and the harm caused.
- 4.3 We may not be able to deal with anonymous service requests/complaints/allegations but this depends on the nature of the concern and the source of the problem. In all cases, clients giving their name, address, or any other details, can be assured that this information will be held in the strictest confidence so far as legislation permits. Where appropriate, it will be necessary to treat information received as "intelligence" which will be processed in accordance with the Intelligence Operating Model and graded accordingly. This information will be treated confidentially and shared with other agencies as appropriate.
- 4.4 Where we consider that enforcement action is appropriate, each case will be considered on its own merits. However, there are general principles that apply to the way each case must be approached. These are set out in this Policy and in the Regulators' Code.
- 4.5 All enforcement decisions will be fair, independent and objective. They will not be influenced by issues such as ethnicity or national origin, gender, religious beliefs, political views or the sexual orientation of the suspect, victim, witness or offender. Such decisions will not be affected by improper or undue pressure from any source.
- 4.6 Our primary function is to protect the public, legitimate businesses, the environment and groups such as consumers and workers. We do this by ensuring compliance with enforcement legislation. However, we reserve the right to take enforcement action after compliance has been achieved if it is in the public interest to do so, and particularly where compliance was only achieved as a result of our intervention.
- 4.7 When considering enforcement action, we will take into account the views of any victims, injured parties or relevant persons or communities to establish the nature and extent of any harm or loss, and its significance, in making the decision to take formal action.
- 4.8 Where a business is in a registered Primary Authority Partnership under the RES Act we will, where required to do so by that Act, notify the Primary Authority of

any enforcement action we propose to take (unless action is being taken in an emergency in which case notification will be after the fact). We may also, under that Act, refer the matter to Regulatory Delivery (RD), which is part of the [Department for Business, Energy & Industrial Strategy](#), if appropriate. The Primary Authority has the right to object to proposed action, in which circumstances either they or we may refer the matter to RD.

- 4.9 Conflicts of Interest. A potential conflict of interest may occur where the Public Protection Service is the relevant enforcing authority in relation to premises in which either Blaenau Gwent County Borough Council or its Officers also have an ownership or management interest. The Council is committed to ensuring arrangements are in place to enable the Public Protection Service to undertake its role without fear or favour and without any conflict, actual or perceived. Any identified conflicts will be determined on a case by case basis having regard to the nature of the local authority involvement in the business, the duty-holders responsible for business and the person most likely to be primarily in breach should an offence occur.
- 4.10 Breaches of legislation found in respect of businesses or contractors operating at council owned premises will be dealt with in the same way as any other business proprietor, and the time-scales for carrying out such works will be the same as for any other business proprietor.
- 4.11 Advice given to or in respect of council owned premises will be the same as for any other business proprietor, and will not be permitted to conflict with the enforcement role of the authority.
- 4.12 Where the Public Protection or Front Line Services have a regulatory role but cannot take formal enforcement action in respect of council owned premises, non-compliances with the law will be reported to the appropriate Director/Chief Officer. In addition, the Chief Executive and Monitoring Officer will be informed of non-compliances that remain unresolved after an appropriate timescale, and of any matters that would have led to formal enforcement action and/or prosecution in a non-local authority owned premises.
- 4.13 In some instances, there is a required duty on a local authority to establish formal arrangements with another authority for the enforcement of legislation in their local authority owned or controlled premises e.g. Energy Performance of Buildings (England and Wales) Regulations 2012. Where required, formal arrangements will be implemented with a specific authority and any non-compliances identified in their area/premises will be dealt with in line with the principles of this enforcement policy.

- 4.14 Enforcement will be undertaken by appropriately authorised officers, and authorisation will be based on qualifications, knowledge and experience. The authorisation for each officer will go through the relevant Authorisation procedure and be recorded.
- 4.15 In most instances, the decision to take enforcement action will rest with the authorised officer. Decisions other than informal advice and Fixed Penalty Notices may be subject to additional scrutiny as appropriate. In particular, any decision to prosecute will be taken by the Head of Service or others with authority to do so, in accordance with the Local Authority Scheme of Delegations, in discussion with Legal Services.
- 4.16 Training will be used to ensure that authorised officers achieve and maintain the appropriate level of competency and professionalism, and this training will be recorded as necessary.
- 4.17 Where we use contractors or outside agencies, their qualifications and experience will be examined to ensure that they meet the required competency standards for any work carried out on behalf of the authority.
- 4.18 All enforcement decisions by authorised officers are subject to overview by line managers, as appropriate, and monitoring procedures are in place where required in law.
- 4.19 Any procedures in place to ensure consistency and uniformity of enforcement by officers employed by the authority will also be applied to temporary and contract staff. Any such staff will be monitored to ensure that their work complies with the requirements of this policy and any other procedures in place.
- 4.20 We will have regard to the confidentiality of any information obtained as part of an enforcement action, and to the need for confidentiality in respect of any action taken. Equally, the Services recognise the provisions and principals of the Data Protection Act and Freedom of Information Act in respect of the rights of individuals to access certain data.
- 4.21 We recognise that giving advice is an important part of our work, but we must also ensure that the giving of advice to businesses and local residents does not conflict with any statutory enforcement function.
- 4.22 We will not generally offer consultancy services, other than via a Primary Authority relationship that we may enter into. In this context, consultancy work will be taken to mean the giving of detailed assistance and advice or acting on behalf of a client, whether or not for financial gain, but would not include the giving of general advice as part of an inspection, application etc.

- 4.23 Should we decide to offer consultancy services (subject to funding being available), these will not be marketed or advertised as part of an inspection or other enforcement action without reference to the fact that other service providers exist.
- 4.24 Where permitted in law, we may choose to make a charge for enforcement actions. In the case of prosecutions, we will submit an application for costs on a full recovery basis unless there are extenuating circumstances that make this inappropriate.
- 4.25 Where a person or business has an issue with or wishes to complain about enforcement taken against them under this Policy, they should have regard to any appeal or other judicial process in place and follow this where appropriate. Where there is no appeal or other judicial process in place, the person against whom the action has been taken may;
- a) Speak to the Enforcement Officer dealing with their case, where appropriate, so that the enforcement action being taken can be discussed and any issues resolved by agreement wherever possible.
 - b) Speak to the line manager of the officer concerned where agreement cannot be reached or
 - c) Make a complaint to the service manager as follows:

Service Manager - Public Protection

The General Offices, Steelworks Road, Ebbw Vale, Gwent, NP23 6DN
 - d) Use the formal complaints procedure, which can be accessed through
 - www.blaenau-gwent.gov.uk

All queries and complaints will be dealt with in accordance with the Authority's Corporate Guidelines.

5. ENFORCEMENT ACTION

5.1 General enforcement considerations

- 5.1.1 The general presumption will be that we take a graduated approach to enforcement to ensure compliance with the law. However, this does not preclude taking action such as prosecution or services of a fixed penalty notice/penalty charge notice as a first enforcement step where it is in the public interest to do so.

5.1.2 In assessing what enforcement action is necessary and proportionate, consideration will be given to, amongst other things:

- a) The seriousness of the compliance failure.
- b) The past and current performance of any business and/or individual concerned.
- c) Any obstruction on the part of the offender.
- d) The risks being controlled.
- e) Statutory guidance.
- f) Codes of Practice.
- g) Any legal advice.
- h) Any priorities laid down by Government or adopted by each local authority
- i) Whether the defendant is aged under 18 (termed 'juveniles'). We will not enforce against juveniles unless there are specific powers within the appropriate legislation and/or we have adopted such powers.
- j) The existence of any Primary Authority agreement via which compliance can be achieved.

5.1.3 Officers will also ensure that any proposed enforcement action is reasonable, proportionate, risk-based and consistent with good practice and guidance. In selecting the most appropriate action, the lead officer will utilise an appropriate enforcement decision making approach relating to the regulatory activity (e.g. Health & Safety Enforcement Management Model or referrals to Licensing Committees). Where such specific models do not exist, then, prior to taking any action, we will have regard to the Code for Crown Prosecutors and such internal procedures deemed appropriate in each case.

5.1.4 Where we require action to be taken by the recipient to remedy or prevent an offence, we will

- a) Clearly differentiate between offences and any recommendations and advice being given
- b) Explain how any offence should be remedied, where appropriate (this may be simply to cease an activity)
- c) Give reasonable timescales for remedying any offence (this may be immediate in certain circumstances)
- d) Provide contact details in case information or advice on the enforcement action is required.

e) Provide written information on any appeal processes where relevant

5.1.5 Any action we take in respect of any offence will be recorded, and may be used to inform later enforcement decisions.

5.2 Range of Enforcement Approaches.

When determining the most appropriate course of action/s officers will have regard to the full range of enforcement options available to them. This may include, for example:

- i. No Action
- ii. Compliance Advice, Guidance & Support
- iii. Fixed Penalty Notices (FPNs), Penalty Charge Notices (PCNs) and Penalty Notices for Disorder (PNDs)
- iv. Voluntary Undertakings
- v. Statutory Notices, Orders, Other Prohibition Procedures & Works in default
- vi. Detention, Seizure and Forfeiture Proceedings
- vii. Injunctive Actions and other Civil Sanctions
- viii. Licence Modification, Suspension or Revocation, Penalty Points system and other warnings
- ix. Simple Caution
- x. Prosecution
- xi. Proceeds of Crime Applications

5.3 No Action.

5.3.1 In certain circumstances, contraventions of the law may not warrant any action, for example where

- Enforcement is inappropriate in the circumstances, for example where the defendant would not be able to understand and/or it would seriously affect their health or well-being.
- The offence is very minor, and the cost of compliance or enforcement significantly outweighs the detrimental impact of the contravention.

Such circumstances would be considered very unusual and, in most cases where a contravention of the law has been found, some form of enforcement action will be deemed appropriate.

5.4 Compliance Advice, Guidance & Support

5.4.1 Informal advice and support will be the Service's first response in the case of many breaches of legislation that are identified. Advice can be provided verbally or in the form of a warning letter to assist individuals and businesses in rectifying

breaches as quickly and efficiently as possible and avoiding the need for further enforcement action. A warning letter will set out what should be done to rectify the breach and to prevent re-occurrence. If a similar breach is identified in the future, this letter will be persuasive in considering the most appropriate enforcement action to take on that occasion. Such a letter cannot be cited in court as a previous conviction but it may be presented in evidence. Where advice is given, we will clearly identify any contraventions of the law and give advice on how to put them right.

5.4.2 Where there is a primary authority relationship, we will have regard to the requirements of the Primary Authority regarding our advisory role, and advise the lead authority where any advice has relevance beyond a local level.

5.5 Fixed Penalty Notices (FPNs), Penalty Charge Notices (PCNs) and Penalty Notices for Disorder (PNDs)

5.5.1 Where legislation permits an offence to be dealt with by way of a [Fixed Penalty Notice](#), [Penalty Charge Notice](#) or a [Penalty Notice for Disorder](#), we may choose to issue a FPN/PCN/PND for a first and/or minor offence. There is no requirement to issue a warning prior to taking this action, as these remedies were introduced by Government as a warning mechanism that allow prosecution to be avoided.

5.5.1 FPNs and PNDs are an offer to discharge liability for an offence instead of facing prosecution, and non-payment will therefore generally lead to prosecution unless there is evidence to show extenuating circumstances. PCNs are served for civil offences with non-payment pursued by way of debt recovery.

5.6 Voluntary Undertakings

5.6.1 The Authority may accept voluntary undertakings that breaches will be rectified and/or recurrences prevented. Any failure to honour voluntary undertakings is taken very seriously and will result in appropriate enforcement action.

5.7 Statutory Notices, Orders, Other Prohibition Procedures & Works in default

5.7.1 Certain legislation allows or requires statutory notices to be served or Orders to be made at court requiring offenders to take specific actions or cease certain activities. This type of enforcement action may require activities to cease immediately where the circumstances relating to health, safety, environmental damage or nuisance demand. In other circumstances, the time allowed will be reasonable, taking into account the seriousness of the contravention, the implications of the non-compliance and the appeal period for that notice. Under certain legislation, we may charge for the service of a statutory notice.

5.7.2 Certain types of notice allow works to be carried out at default, and if a notice is not complied with [a breach of the notice] we may carry out any necessary works to satisfy the requirements of the notice ourselves. Where the law allows, we may then charge the person/business served with the notice for any cost we incur in carrying out the work. Where possible, costs may also be laid as local land charges

5.8 Detention, Seizure and Forfeiture Proceedings

5.8.1 Certain legislation enables authorised Enforcement Officers to detain goods pending further investigations and/or seize goods, equipment or documents - for example where goods are unsafe or where they may be required as evidence for possible future court proceedings. When we seize goods, we will give the person from whom the goods are taken an appropriate receipt.

5.8.2 Forfeiture may be used in conjunction with seizure and/or prosecution where there is a need to dispose of goods in order to prevent them re-entering the market place or being used to cause a further problem.

5.9 Injunctive Actions and other Civil Sanctions

5.9.1 In certain circumstances injunctive actions may be used to deal with repeat offenders; dangerous circumstances; or consumer / environmental / public health detriment, for example. Also, the Community Safety Team may choose this route to deal with Anti-Social Behaviour.

5.9.2 Under the Enterprise Act 2002, action will be considered where there have been persistent breaches or there is significant collective consumer detriment, and these can include Informal undertakings through to Court Orders and Contempt Proceedings.

5.10 Licence Modification, Suspension or Revocation

5.10.1 A range of actions are available in respect of licenses, depending on the legislation under which the licence was issued and any specific policies providing differing approaches and laying down licensing conditions to which the licence holder is obliged to have regard. For example, the "Policy Relating to Hackney Carriage and Private Hire Licences" provides for a penalty point system in respect of certain infringements

5.10.2 The actions that may be taken include suspension or revocation of a licence, modification of the conditions of the Licence, exclusion of a licensable activity from the scope of the licence, removal of a Designated Premises Supervisor or the issue of a statutory notice where this is permitted under the specific licensing legislation.

5.10.3 Where required in law or under the Licensing Policy of the authority, the above actions go through the appropriate Licensing Committee or the Courts.

5.11 Simple Caution

5.11.1 Where appropriate, and where a prosecution would otherwise be justified, a Simple Caution may be administered with the consent of the offender.

5.11.2 In determining whether a Simple Caution is appropriate, we will have regard to the [Ministry of Justice guidance 2013](#). Guidance on applying the public interest test in determining if a simple caution is appropriate is set out in the Code for Crown Prosecutors, which can be seen on the [CPS website](#)

5.11.3 The refusal of an offender to be cautioned will be a material consideration when deciding whether the offender should then be prosecuted for that offence.

5.12 Prosecution

5.12.1 When deciding whether prosecution is appropriate, we will have regard to the [Code for Crown Prosecutors](#), and in particular

- (i) When deciding whether the case meets the evidential test, and
- (ii) When deciding whether prosecution is in the public interest

5.12.2 Where appropriate, and particularly in the case of prosecutions following the non-payment of a Fixed Penalty Notice, we will consider the use of a Single Justice Procedure Notice where this option is available.

5.12.3 We may choose to raise awareness by publicising any prosecution that we have taken, unless there is an over-riding issue why this would be inappropriate. This is because prosecution is seen as an important deterrent for other non-compliant businesses.

5.13 Proceeds of Crime Applications

5.13.1 We may, either through our own Officers or in cooperation with independent investigators, other regional or national teams such as the Regional Investigations Team or Food Fraud teams, or the Police, make application under the [Proceeds of Crime Act 2002](#) to restrain and/or confiscate the assets of an offender.

5.13.2 The purpose of any such proceedings is to recover the financial benefit that the offender has obtained from his criminal conduct. Proceedings are conducted according to the civil standard of proof.

5.14 Enforcement Responsibilities as a Food Authority

5.14.1 Blaenau Gwent CBC as a Food Authority will ensure that any enforcement action undertaken by its Authorised Officers will be in accordance with the requirements set out within the Food Law Code of Practice (Wales) and also specifically with Chapter 6 of the Food Law Practice Guidance (Wales).

5.15 In order to ensure the above is achieved, having regard to the principles of this enforcement policy, specific documented procedures will be available for the use of each of the identified enforcement options available to Authorised Officers. These will also cover when it is necessary and appropriate to undertake revisits for the purposes of determining compliance where issues of non-compliance have been identified.

6. LIAISON WITH OTHER AGENCIES

6.1 In addition to the duties imposed by the RES Act, we will, where appropriate, cooperate and coordinate with any relevant regulatory body and/or enforcement agency to maximise the effectiveness of any enforcement.

6.2 Where an enforcement matter affects a wide geographical area or involves enforcement by one or more other local authorities or organisations, all relevant authorities and organisations will be informed of the matter as soon as possible and enforcement activity coordinated with them as appropriate.

6.3 We will share intelligence relating to individual and wider regulatory matters with other regulatory bodies and enforcement agencies, where the information concerned has a direct bearing on their enforcement functions and responsibilities, and in accordance with any data protection legislation.

7. KEEPING PEOPLE AND BUSINESSES INFORMED

7.1 We endeavour to keep alleged offenders and witnesses informed of progress of investigations, as appropriate. It is accepted that this may not be possible in every case, for example if it would impede an investigation or pose a safety risk to investigating officers, witnesses or the general public.

8. REVIEW AND PUBLICATION OF THE ENFORCEMENT POLICY

8.1 This Policy will be reviewed at least every five years, or whenever legislative changes to the way in which we enforce are introduced.

8.2 This Policy is available in a number of ways, including

- a. On the Council website at www.blaenau-gwent.gov.uk
- b. By e-mailing us at environmental.health@blaenau-gwent.gov.uk

This Policy can be made available on tape, in Braille or large type on request.
This document is available in Welsh.

8.3 Comments on this Enforcement Policy are welcome, and can be made by e-mailing us at environmental.health@blaenau-gwent.gov.uk

END

Appendix 1 - Draft

This page is intentionally left blank

Appendix 2 – Summary of Enforcement Action 2019/20, 2020-22, 2022-23 (Q2)

Commercial Team (Food Hygiene/Health & Safety/Infectious Disease)

Food Safety & Hygiene	2019/20	20-22 (2 Years – Covid Impacted)	2022-23 (Q2)
Voluntary closure	0	1	1
Seizure, detention & surrender of food	0	0	0
Suspension/revocation of approval	0	0	0
Emergency prohibition notice	0	0	0
Prohibition order	0	0	0
Simple caution	0	0	0
Improvement notices	25	24	8
Remedial action & detention notices	0	0	0
Written warnings	302	237	107
Prosecutions concluded	0	0	0
Commercial Health & Safety	2019/20	20-22 (2 Years – Covid Impacted)	2022-23 (Q2)
Improvement Notices	4	0	0
Prohibition Notices	0	0	0
Simple Caution	0	0	0
Prosecutions concluded	0	0	0
Follow-up/Warning Letters	16	0	0

Environmental Protection Team (Incl Private Sector Housing Enforcement)

Environmental Protection (incl Housing Enforcement, Pollution & Public Health Complaints, Private Water Supplies,	2019/20	20-22 (2 Years – Covid Impacted)	2022-23 (Q2)
Prosecutions	0	0	0
Simple Cautions	0	0	0
Enforcement Notices (various categories of legislation)	173	230	51
Works in default	Not available	Not available	Not available
Informal Action/Advice Letters	251(+195 perp initial letters)	255 (+342 perp initial letters)	29 (+111 perp initial letters)

Trading Standards

Trading Standards	2019/20	20-22 (2 Years – Covid Impacted)	2022-23 (Q2)
Prosecutions	3	1	0
Simple Cautions	1	0	1
Enterprise Act (Civil Injunctive Powers)	1	0	0
Consumer Complaints (Via CACS)	1050	1036 (21/22) 1045 (20/21)	436
Service Requests	20	12 (21/22) 24 (20/21)	6
Enforcement Visits	374	267 (21/22) 164 (20/21)	242
Non-premise visits (eg Web based Inspections)	136	71 (21/22) 138 (20/21)	30
Significant Breaches found (includes written warnings)	68	70 (21-22) 14 (20-21)	54

Licensing*

Licensing	2019/20	20-22 (2 Years – Covid Impacted)	2022-23 (Q2)
Prosecutions	0	0	0
Simple Cautions	1	0	0
Appeals (Licensing Act, Gambling Act and Driver/Vehicles)	0	1	1
Enforcement/Other Notices (Licensing Act fee non-payment suspension and prior actions)	41	96	25
Licensing sanctions:-			
Driver Licences:-			
- Revoked	1	3	0
- Suspended	0	0	0
- Warning letters	4	1	0

Vehicle Licences:-			
- Revoked	0	0	0
- Suspended	0	4	0
- Applications refused	0	0	0
- Warning letters	1	0	0
- Suspended	0	0	0
Other:-			
- Taxi complaints	10	6	2
- Licensing Act 2003 complaints	13	11	12
- Street Trading Complaints	2	0	1
- Taxi spot checks	35	0	0
- Taxi rank inspections (vehicles and drivers)	117	11	0
- Licensing Act 2003 compliance visits (including follow up visits)	128	20	15
- Gambling Act 2005 compliance visits	6	0	0
- Street trading consent compliance visits	5	0	1
- Scrap Metal compliance visits	2	0	0
- Multi agency enforcement operations/visits (Licensing Act, Gambling Act, Taxi)	6	8	15

* Licensing report to General & Statutory Licensing Committees

** some recording mechanisms were not in place during this period

Summary of Covid related Enforcement Action 25.03.2020 – 31.03.2022*

Covid Enforcement	2020 -2022
Visits made	12471
<i>Of which non compliance identified</i>	<i>273</i>
Written Warning	174
Fixed Penalty Notice	3
Business Improvement Notice	36
Business Closure Notice	3
Prosecutions	0
Self Isolation Compliance Checks	373
<i>Of which non compliance identified</i>	<i>157</i>
Returning Traveller Compliance Checks	39
<i>Of which non compliance identified</i>	<i>14</i>

* Data reported to Data Cymru

Environmental Enforcement – (since Sep 2021 – Under Front Line Enforcement, Neighbourhood Services.)

Env Protection/Front Line Enforcement.	2019/20	20-22 (2 Years – Covid Impacted)	2022-23 (Q2)
Fixed Penalty Notices – Litter	805	40	154
Fixed Penalty Notices – Dog Control	40	6	19
Prosecutions – Litter & Dog Control	220	36	1
Fixed Penalty Notices- Fly Tipping, Household and Commercial Duty of Care	7	25	37
Prosecutions – Fly Tipping	4	0	0
Simple Cautions – Fly Tipping	0	0	0
Written Warnings – Fly Tipping	5	11	4

Agenda Item 31

Executive Committee and Council only

Date signed off by the Monitoring Officer: 25.10.2022

Date signed off by the Section 151 Officer: 14.11.2022

Committee: **Council**

Date of Meeting: **24th November, 2022**

Report Subject: **National Collaborative Arrangements for Welsh (local authority) Adoption and Fostering services**

Portfolio Holder: **Councillor H. Trollope, Cabinet Member – People & Social Services**

Report Submitted by: **Tanya Evans, Interim Corporate Director of Social Services**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Governance & Audit Committee	Democratic Services Committee	Scrutiny Committee	Cabinet	Council	Other (please state)
	25.8.22				14.10.22		24.11.22	Membership report to Council – 29.9.22

1. Purpose of the Report

- 1.1 To update on the proposals for developing the governance and enabling arrangements for the National Adoption Service for Wales as it assumes responsibility for Foster Wales
- 1.2 To achieve agreement to signing the Joint Committee Agreement for the proposed Joint Committee.

2. Scope and Background

- 2.1 The National Adoption Service (NAS) has been in existence since 2014 and has enabled significant change and improvement in adoption services across Wales. Its structure and governance through national, regional and local arrangements were agreed by all councils at that time. A review in 2018 led to proposals to streamline governance arrangements which included creating a combined Governance Board (bringing together the Advisory Group and Governance Board required by the legislation).
- 2.2 Legal advice obtained by the Welsh Local Government Association (WLGA) determined that in order for NAS to operate effectively on behalf of all 22 Welsh authorities, and for there to be a robust hosting arrangement with the host authority for the national and enabling functions (Cardiff), co-operation between Welsh local authorities needed to be put on a formal footing. The preference of the WLGA and the Association of Directors of Social Services Cymru (ADDSC) was that this should be through a Joint Committee. Work on a National Joint Committee, to give proper effect to the co-operation and oversight from all 22 local authorities, has continued and is ready for implementation.

- 2.3 Since 2015, the National Adoption Service Director and NAS central team has been supporting the work of the National Fostering Framework (NFF) to create a similar national, regional and local collaborative arrangement to improve Welsh fostering services. Foster Wales has now emerged from the NFF and will support a defined range of fostering functions linked to recruitment and retention of local authority foster carers. Throughout this time, the WLGA and ADSS-C as lead bodies wanted the national functions for fostering to be linked to the National Adoption Service national functions to reduce duplication and costs as well as to maximise resilience, flexibility and longevity across both functions.
- 2.4 The proposed NAS Joint Committee and the agreement underpinning it have been extended to include Foster Wales as has the capacity and functions for national co-ordination and enabling through a combined Central Team. The linking of Foster Wales to the Joint Committee is critical given the lack of a legislative basis for such co-operation for fostering services.
- 2.5 **Governance - Establishment of a Joint Committee**
The proposed governance structure is presented diagrammatically and with a narrative in **Appendix one**. The national Joint Committee will, on behalf of the 22 Welsh Local Authorities, exercise their powers for the provision of the collaborative arrangements for the National Adoption Service for Wales (NAS) and for Foster Wales (FW). It will be comprised of Council Members meeting twice yearly.
- 2.6 WLGA lawyers have drafted a Joint Committee Legal Agreement to be signed by all 22 local authorities attached under **Appendix 2**. This contains a formal Scheme of Delegation and provision for the formal agreement with the host local authority for national functions.
- 2.7 The Joint Committee will provide the mechanism for all Welsh local authorities to discharge an executive and oversight role for NAS and FW. It will approve / receive:
- The Annual Report of NAS and of Foster Wales;
 - The annual programme of work for the NAS and for Foster Wales;
 - The budget for the office of the Director and national work for NAS and for FW; and
 - The agreement, and any changes to the agreement, for the host authority support of the office of the Director and national work for NAS and FW.
 - For the National Adoption Service only it will also oversee how the authorities work together to exercise their powers and comply with the National Assembly Directions.
- 2.8 **Enabling - National infrastructure**
A functional structure is proposed which, below the Director, has separate lead functions for adoption and fostering but a combined business and enabling function supporting both NAS and FW. The range of functions that

will be carried out is described in **Appendix 3** with a staffing structure of 9.5 fte. staff (incl. Director.)

2.9 The proposals outlined are being progressed in order to formalise and consolidate the existing position of the Central Team in respect of the work it is currently doing for the National Adoption Service and for Foster Wales. This will allow both collaborative arrangements to continue to function and meet agreed plans and commitments in the short to medium term.

2.10 **Engagement of stakeholders**

Local authority members have been kept informed throughout via the WLGA, most recently, during September 2021 via the Cabinet Members (social care and health) Network and the WLGA Council.

2.11 The National Adoption Service Governance Board, the Foster Wales Lead Heads of Children's Services and Social Services Directors via ADSSC have agreed these proposals in principle.

2.12 The proposals have been informed by and developed with the full engagement of these key stakeholder groups.

3. **Options for Recommendation**

3.1 At the meeting of Council on 29th September 2022, it was agreed that the Executive Member for People and Social Services would be appointed as the representative from Blaenau Gwent to sit on the Joint Committee.

The Partnership Scrutiny Committee at its meeting on 14th October 2022, recommended that Option 1 be approved by Council.

3.2 **Option 1**

Council to adopt the proposals for developing the governance arrangements for the National Adoption Service for Wales, as it assumes responsibility for Foster Wales; and

Confirm support for the Joint Committee Agreement for the National Adoption Service and Foster Wales and for the authority to sign the agreement.

3.3 **Option 2**

That Council do not agree to sign the Joint Committee Agreement for the National Adoption Service and Foster Wales

4. **Evidence of how does this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

4.1 If option 1 is agreed, it will contribute to the following corporate priorities

- To intervene early to prevent problems from becoming greater;
- To promote and facilitate new ways of delivering health and social care involving key partners and our communities;

5. ***Impact on Budget (short and long term impact)***

5.1 The core funding for the national functions for the National Adoption Service and Foster Wales is provided from a top slice of the Revenue Support Grant made available through the WLGA. This allocation is currently £473k per annum for adoption and £400k per annum for fostering. In addition, Foster Wales has been awarded Welsh Government grant funding up to the end of March 2023 to fund specific purposes,

5.2 The structure is affordable up to the end of the Welsh Government Grant period (31.03.23) but there are pressures on staffing and operating budgets for both NAS and Foster Wales beyond that. The financial pressures have been flagged with Welsh Government, but work has commenced to consider how to resolve this beyond the current grant aid period.

5.3 As outlined above, funding for the governance arrangements and central / national leadership and enabling, is provided from the WLGA via a top slice of the Rate Support Grant plus grant funding from the Welsh Government. There is no expectation that individual councils will incur additional costs in relation to these functions.

5.4 ***Legal Implications***

Individual local authorities remain legally responsible and accountable for the provision of adoption and fostering services. In respect of adoption services, the legal provisions outlined below require adoption responsibilities to be delivered in accordance with the arrangements for the National Adoption Service.

6.

6.1 The legal basis underpinning the National Adoption Service is contained in section 3A of the Adoption and Children Act 2002 [which was inserted by the Social Services and Well Being (Wales) Act 2014] and the Adoption and Children Act 2002 (Joint Adoption Arrangements) (Wales) Directions 2015.

6.2 These set out in detail expectations on local authorities to co-operate at regional and national level to deliver and improve adoption services. They do not, however, contain provisions that explicitly create a mechanism that gives proper legal effect to the co-operation at national level or for the agreement with one local authority to host the national functions. The Joint Committee, and the Agreement that will accompany it, will put this on a formal legal footing as well as providing greater clarity and certainty for all

authorities, the WLGA as well as the National Adoption Service and Foster Wales.

- 6.3 There are no regulations underpinning Foster Wales so the Joint Committee will provide the basis for the co-operation that is needed so it can operate as proposed.

7. ***Expected outcome for the public***

- 7.1 The establishment of a Joint Committee to oversee the National Adoption Service and Foster Wales will serve to enhance the governance and enabling arrangements for both. This will in turn provide a greater level of scrutiny of performance which will serve to drive service improvements forward which will have a direct impact on the public.

8. ***Involvement (consultation, engagement, participation)***

- 8.1 Local authority members have been kept informed throughout via the WLGA, most recently, during September 2021 via the Cabinet Members (social care and health) Network and the WLGA Council.

- 8.2 The National Adoption Service Governance Board, the Foster Wales Lead Heads of Children's Services and Social Services Directors via ADSSC have agreed these proposals in principle.

- 8.3 The proposals have been informed by and developed with the full engagement of these key stakeholder groups.

9. ***Thinking for the Long term (forward planning)***

- 9.1 The establishment of this Joint committee will support the growth and development of the National Adoption Service and Foster Wales well into the future giving it the sound governance structure required.

10. ***Preventative focus***

- 10.1 The work of the National Adoption Service and Foster Wales looks to improve outcomes for children. Whether that is providing adoptive placements for children preventing them remaining in the looked after system on a long term basis or providing enough local authority foster carers to prevent the use of private providers and children being placed outside of Blaenau Gwent.

11. ***Collaboration / partnership working***

- 11.1 This arrangement brings together a strong collaboration of the 22 local authorities across Wales.

12. ***EqIA (screening and identifying if full impact assessment is needed)***

- 12.1 Children looked after benefit from the work of NAS and FW. These children have many of the protected characteristics outlined in the Equality Act 2010. The proposal in this report will not have a negative impact on any of these groups but will certainly impact positively on them.

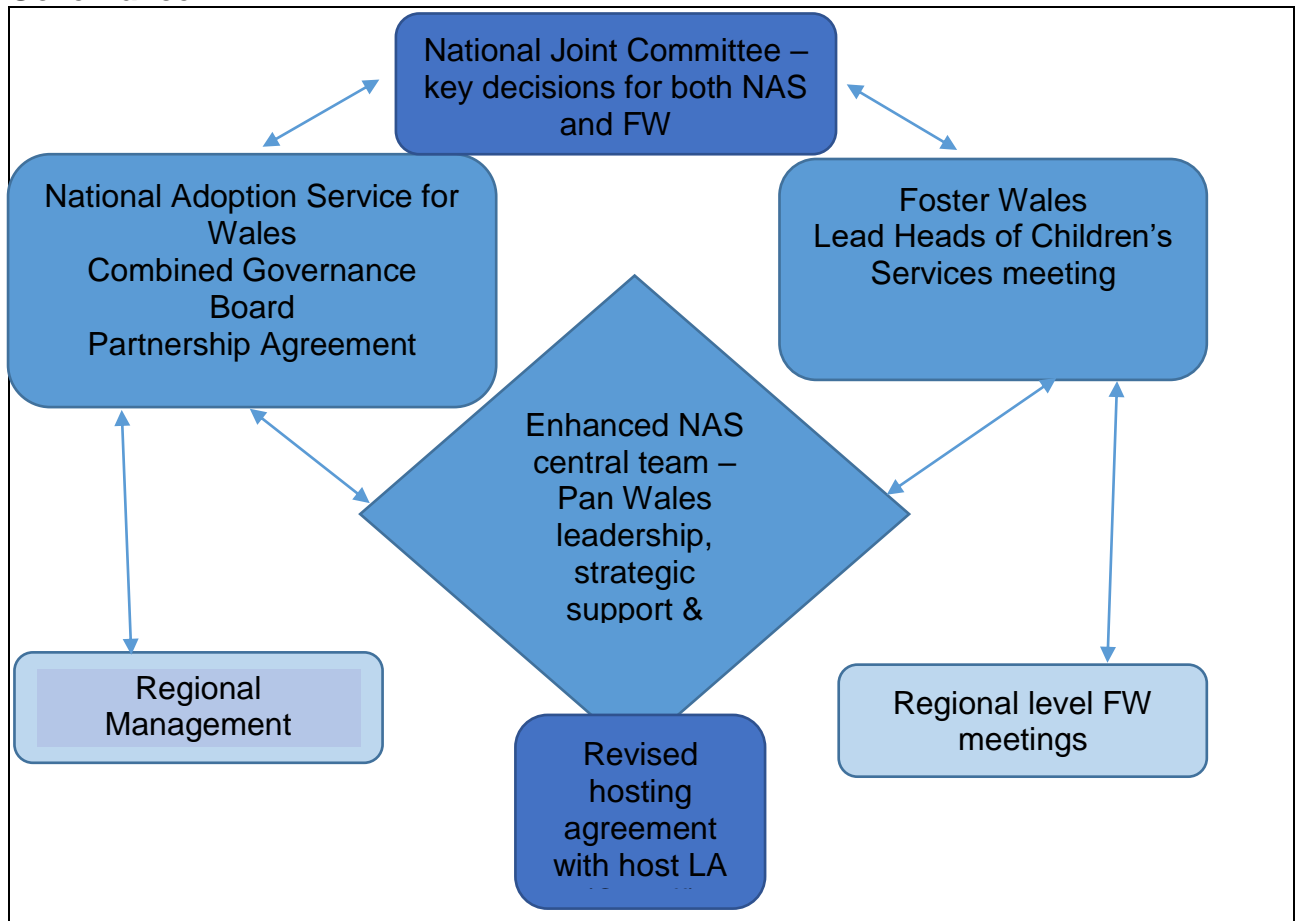
13. **Monitoring Arrangements**

- 13.1 On a local level the monitoring of these arrangements will occur via the Head of Children's Services attendance on the governance boards outline in Appendix 1. In addition, executive members will be invited to attend the newly established joint committee.

Background Documents / Electronic Links

- Appendix 1
- Appendix 2
- Appendix 3

Governance



WLGA Joint Committee (all 22 LA’s) over-sees NAS & Foster Wales:

The Joint Committee will, on behalf of the 22 Welsh Local Authorities, exercise their powers with reference to the provision of the collaborative arrangements for the National Adoption Service for Wales (NAS) and for Foster Wales (FW). It will be underpinned by a legal agreement (Joint Committee Agreement) and be comprised of Council Members. Its role will be to oversee the work of NAS and Foster Wales and specifically approve / receive the below:

- The Annual Reports of NAS and of Foster Wales;
- The annual programmes of work for the NAS and for Foster Wales;
- The budget/s for the office of the Director and the national work of NAS and for Foster Wales; and
- The agreement, and any changes required, for the host LA support of the office of the Director to enable it to facilitate the work of NAS and FW.

For NAS only it will also oversee how the authorities work together to exercise their powers and comply with the National Assembly Directions.

NAS - National level - Combined Governance Board (CGB)

Foster Wales - National level - Lead Heads of Children’s Services meeting

<p>Provides strategic direction and decision making to facilitate the delivery and improvement of adoption services in Wales through the National Adoption Service arrangements in line the Senedd Directions and its Terms of Reference.</p>	<p>Provides strategic direction and decision making in relation to the agreed national and regional functions of Foster Wales on behalf of Welsh local authorities in line with its Terms of Reference.</p>
<p><u>NAS – regional / LA level - Regional Management Boards & VAA’s Boards</u></p> <p>Each region is made up of specified local authority areas, set out in the Directions and overseen by Regional Management Boards (RMB’s). Primary role is to coordinate adoption activities at the regional level and to implement decisions and strategies from the national Governance Board; may also have roles determined by their legal agreement. Plus VAA equivalent.</p>	<p><u>Foster Wales - regional / LA level - Regional HoS meeting</u></p> <p>These are now in place and may be a specific FW meeting or included in the agenda of pre-existing HoS or HoS & DSS regional meetings.</p>

DATED

2022

- (1) BLAENAU GWENT COUNTY BOROUGH COUNCIL
 - (2) BRIDGEND COUNTY BOROUGH COUNCIL
 - (3) CAERPHILLY COUNTY BOROUGH COUNCIL
 - (4) THE COUNTY COUNCIL OF THE CITY AND COUNTY OF CARDIFF
 - (5) CARMARTHENSHIRE COUNTY COUNCIL
 - (6) CEREDIGION COUNTY COUNCIL
 - (7) CONWY COUNTY BOROUGH COUNCIL
 - (8) DENBIGHSHIRE COUNTY COUNCIL
 - (9) FLINTSHIRE COUNTY COUNCIL
 - (10) GWYNEDD COUNTY COUNCIL
 - (11) ISLE OF ANGLESEY COUNTY COUNCIL
 - (12) MERTHYR TYDFIL COUNTY BOROUGH COUNCIL
 - (13) MONMOUTHSHIRE COUNTY COUNCIL
 - (14) NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
 - (15) NEWPORT CITY COUNCIL
 - (16) PEMBROKESHIRE COUNTY COUNCIL
 - (17) POWYS COUNTY COUNCIL
 - (18) RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
 - (19) THE COUNCIL OF THE CITY AND COUNTY OF SWANSEA
 - (20) TORFAEN COUNTY BOROUGH COUNCIL
 - (21) VALE OF GLAMORGAN COUNCIL
 - (22) WREXHAM COUNTY BOROUGH COUNCIL
- and
- (23) THE WELSH LOCAL GOVERNMENT ASSOCIATION

AGREEMENT FOR THE ESTABLISHMENT OF A JOINT COMMITTEE FOR THE
NATIONAL ADOPTION SERVICE

Geldards
law firm

CONTENTS

1.	Interpretation	3
2.	Aims of Joint Discharge of Functions	8
3.	Establishment of a Joint Committee	10
4.	Establishment of Combined Governance Board and other Advisory Groups	11
5.	Arrangements for the Discharge of Functions	12
6.	Governance	13
7.	Appointment of Host Council	13
8.	Responsibilities of the Host Council	13
9.	Expenses of Joint Committee Members	14
10.	Monitoring Officer	14
11.	Reviews	15
12.	Audit	15
13.	Costs of Discharge of Functions	15
14.	Costs of the Joint Committee	167
15.	Liabilities Under This Agreement	17
16.	Duration of This Agreement	17
17.	Variation of this Agreement	18
18.	Withdrawal from the Joint Committee on Notice	18
19.	Termination of this Agreement for Cause	189
20.	Termination of the Agreement by Agreement	19
21.	Termination – Consequential Matters	1920
22.	Dispute Resolution	20
23.	Notices	201
24.	Information and Confidentiality	21
25.	Data Protection	21
26.	Freedom of Information	22
27.	Intellectual Property	24

28.	Language	256
29.	Severability	266
30.	Relationship of Parties	26
31.	Third Party Rights	26
32.	Entire Agreement	26
33.	Law of Agreement or Jurisdiction	26
34.	Discretion of the Councils	267
	Schedule 1 Constitution of the Joint Committee	28
	Schedule 2 Terms of Reference of the Corporate Governance Board	31
	Schedule 3 Notice Provisions	314
	Schedule 4 Financial Memorandum	34
	Schedule 5 Specified Functions and Services	37
	Schedule 6 Terms of Reference for the Lead Head of Childrens Services Group	43
	Schedule 7 Functions Delegated to the Director of Operations	45

BETWEEN:

- (1) Blaenau Gwent County Borough Council of Municipal Offices, Civic Centre Ebbw Vale NP23 6XB ("Council")
- (2) Bridgend County Borough Council of Civic Offices, Angel Street, Bridgend CF31 4WB ("Council")
- (3) Caerphilly County Borough Council of Ty Penallta, Tredomen Park, Ystrad Mynach Hengoed CF82 7PG ("Council")
- (4) The County Council of the City and County of Cardiff of County Hall, Atlantic Wharf, Cardiff CF10 4UW ("Council")
- (5) Carmarthenshire County Council of County Hall, Carmarthen, Carmarthenshire SA31 1JP ("Council")
- (6) Ceredigion County Council of Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron, Ceredigion SA46 OPA ("Council")
- (7) Conwy County Borough Council of Bodlondeb, Bangor Road, Conwy LL32 8DU ("Council")
- (8) Denbighshire County Council of County Hall, Wynnstay Road, Ruthin LL15 1YN ("Council")
- (9) Flintshire County Council of County Hall, Mold CH7 6NB ("Council")
- (10) Gwynedd Council of Council Offices, Shirehall Street, Caernarfon LL55 1SH ("Council")
- (11) Isle of Anglesey County Council of Council Offices, Llangefni, LL77 7TW ("Council")
- (12) Merthyr Tydfil County Borough Council of Civic Centre, Merthyr Tydfil CF47 8AN ("Council")
- (13) Monmouthshire County Council of PO Box 106, Caldicot NP26 9AN ("Council")
- (14) Neath Port Talbot County Borough Council of Port Talbot Civic Centre, Port Talbot SA13 1PJ ("Council")
- (15) Newport City Council of Civic Centre, Godfrey Road, Newport NP20 4UR ("Council")
- (16) Pembrokeshire County Council of County Hall, Haverfordwest, Pembrokeshire SA61 1TP ("Council")
- (17) Powys County Council of Powys County Hall, Spa Road East, Llandrindod Wells, Powys LD1 5LG ("Council")
- (18) Rhondda Cynon Taf County Borough Council of The Pavilions, Cambrian Park, Clydach Vale, Tonypany CF40 2XX ("Council")

- (19) The Council of the City and County of Swansea of Civic Centre, Oystermouth Road, Swansea SA1 3SN ("Council")
- (20) Torfaen County Borough Council of the Civic Centre, Pontypool, Torfaen NP4 6YB ("Council")
- (21) Vale of Glamorgan Council of Civic Offices, Holton Road, Barry, Vale of Glamorgan CF63 4RU ("Council")
- (22) Wrexham County Borough Council of The Guildhall, Wrexham LL11 1AY ("Council")

(collectively referred to as "the Councils" for the purposes of this Agreement) and

- (23) Welsh Local Government Association of One Canal Parade, Dumballs Road, Cardiff CF10 5BF("WLGA"); and

WHEREAS:

- A The parties to this Agreement have agreed to enter into this Agreement in order to provide a framework for the Councils to give effect to the obligations and arrangements for the Specified Functions set out by the Adoption and Children Act 2002 (Joint Adoption Arrangements) (Wales) Directions 2015 ("the Directions") made by the Welsh Ministers in exercise of their powers under section 3A of the Adoption and Children Act 2002 and to document and regulate their respective rights and obligations to each other in that regard. The Agreement also provides a framework for the parties to give effect to the co-ordination of identified foster service functions across Wales.
- B The Councils have agreed to establish and to participate in a joint committee to facilitate the delivery of the Specified and Agreed Functions with a view to their economical, efficient and effective discharge.
- C This Agreement sets out the arrangements in relation to the manner in which the Councils will work together and use the Joint Committee to deliver the Specified and Agreed Functions.
- D The Councils have agreed that the Director of Operations shall be responsible for the day to day management of the delivery of the Specified and Agreed Functions.
- E The Councils have entered into this Agreement in reliance on the powers of Welsh local authorities under:
 - (i) sections 101, 102, 112 and 113 of the Local Government Act 1972 and sections 19 and 20 of the Local Government Act 2000 and the regulations made under these Acts to make arrangements to discharge functions jointly and to employ staff and place them at the disposal of other local authorities;
 - (ii) the powers in section 9 of the Local Government (Wales) Measure 2009 to collaborate;
 - (iii) the incidental powers in section 111 of the Local Government Act 1972, and

(iv) all other powers them so enabling.

F The Councils have each taken decisions compliant with the requirements of their respective constitutions to participate in the Joint Committee and enter into this Agreement.

G The Parties to the Agreement have agreed to comply with the requirements of this Agreement to enable the Director of Operations to fulfil their legal obligations.

IT IS AGREED AS FOLLOWS:

1. Interpretation

1.1 The following definitions and rules of interpretation apply in this Agreement:

Term here	Definition here
“Agreed Functions	the functions relating to fostering to be discharged by the Joint Committee pursuant to this Agreement being set out at Schedule 5 and any other functions which from time to time the Councils arrange for the Joint Committee or one or other of the Councils to discharge pursuant to the Powers
“Assets”	any tangible assets or property acquired, leased, licensed, loaned or purchased as required by the Host Council or another Council for the administration of this Agreement;
“Business Day”	any day other than a Saturday or Sunday or a public or bank holiday in Wales;
Combined Governance Board	the group established in accordance with clause 4 to comply with the requirements of the Directions;
“Commencement Date”	the date of this Agreement or such later date as the Councils, by resolution of each them, agree;
“Conflict of Interest Protocol”	The protocol agreed by the Combined Governance Board as required by the Adoption and Children Act 2002 (Joint Adoption Arrangements) (Wales) Directions

	2015 for identifying and avoiding conflicts of interests;
“Constitution of the Joint Committee”	the constitution set out at Schedule 1 to this Agreement;
“Council”	each of Blaenau Gwent County Borough Council, Bridgend County Borough Council, Caerphilly County Borough Council, the County Council of the City and County of Cardiff, Carmarthenshire County Council, Ceredigion County Council, Conwy County Borough Council, Denbighshire County Council, Flintshire County Council, Gwynedd Council, Isle of Anglesey County Council, Merthyr Tydfil County Borough Council, Monmouthshire County Council, Neath Port Talbot County Borough Council, Newport City Council, Pembrokeshire County Council, Powys County Council, Rhondda Cynon Taf County Borough Council, City and County of Swansea Council, Torfaen County Borough Council, Vale of Glamorgan Council, Wrexham County Borough Council and “Councils” shall be construed accordingly;
Data Protection Legislation	all applicable data protection and privacy legislation in force from time to time in the UK including the UK GDPR; the Data Protection Act 2018 (DPA 2018) (and regulations made thereunder) and the Privacy and Electronic Communications Regulations 2003 (SI 2003/2426) as amended;
“Director of Operations”	the person employed by the Host Council in compliance with the Directions with day to day responsibility for leadership, co-ordination of the service as a whole as well as delivery of national functions
“Directions”	The Adoption and Children Act 2002 (Joint Adoption Arrangements) (Wales) Directions 2015;

“Exempt Information”	any information or class of information relating to this Agreement which may fall within an exemption to disclosure under FOI Legislation;
“Financial Memorandum”	the approach to financial and accounting matters agreed by the Councils as set out at Schedule 4 to this Agreement;
“FOI Legislation”	the Freedom of Information Act 2000 and subordinate legislation made under this and the Environmental Information Regulations 2004;
Foster Wales	The collaborative endeavour agreed by local government to deliver and improve certain fostering functions through national and regional leadership and enabling.
“Governance Board”	the board which the Councils are required by the Adoption and Children Act 2002 (Joint Adoption Arrangements) (Wales) Directions 2015 to establish to provide national oversight of regional collaboration on adoption services;. Since 2019 this function is managed through the Combined Governance Board
“Host” and “Host Council”	the Council appointed as Host Council in accordance with clause 7 of this Agreement;
“IP Material”	the Intellectual Property in the Material;
“Information Request	a request for information under FOI Legislation;
“Intellectual Property Rights”	patents, rights to inventions, copyright and related rights, trade-marks, trade names and domain names, rights in get-up, rights in goodwill or to sue for passing off, rights in designs, rights in computer software, database rights, rights in confidential information (including know-how and trade secrets) and any other intellectual property rights, in each case whether registered or unregistered and including all

applications (or rights to apply) for, and renewals or extensions of, such rights and all similar or equivalent rights or forms of protection which may now or in the future subsist in any part of the world;

“Joint Committee”

a committee of elected members from the Councils which will be responsible for ensuring and overseeing the delivery of the Specified and Agreed Functions in Accordance with the Directions and with a view to securing their more economical, efficient and effective discharge;

“Material”

all data, text, graphics, images and other materials or documents created, used or supplied by a Council in connection with this Agreement unless before the first use or supply the Council notifies the other Councils that the data or text supplied is not to be covered by this definition;

“National Adoption Service”

The adoption services and functions delivered collectively by the Joint Committee, the Regional Collaboratives, the Councils and partners;

“Personal Data”

Personal data as defined in the Data Protection Legislation;

“Powers”

The powers of Welsh local authorities under:

sections 101, 102, 112 and 113 of the Local Government Act 1972 and sections 19 and 20 of the Local Government Act 2000 and the regulations made under these Acts to make arrangements to discharge functions jointly and to employ staff and place them at the disposal of other local authorities;

the powers in section 9 of the Local Government (Wales) Measure 2009 to collaborate;

	<p>the incidental powers in section 111 of the Local Government Act 1972,</p> <p>the powers in section 1 of the Local Authorities (Goods and Services) Act 1970 and section 25 of the Local Government (Wales) Act 1994 to provide services;</p> <p>all other powers them so enabling;</p>
“Proportionate Basis”	<p>in accordance with the relevant proportion for each Council by reference to their respective percentage contribution as set out in the Financial Memorandum</p>
“Regional Collaboratives”	<p>the groupings of the Councils as set out in Schedule to the Directions for the purpose of collaboration on adoption services;</p>
“Secondment Agreement”	<p>an agreement made between the Councils for the secondment of staff from one Council to the Host Council or another Council relating to arrangements for the discharge of the Specified and Agreed Functions pursuant to this Agreement;</p>
“Section 151 Officer”	<p>the officer designated by a local authority as the person responsible for the proper administration of its financial affairs as required by section 151 of the Local Government Act 1972;</p>
“Hosting Agreement”	<p>an agreement made between the Councils pursuant to this Agreement relating to arrangements for the provision of specified support by the Host Council to assist the Joint Committee to discharge the Specified and Agreed Functions delegated to it pursuant to this Agreement;</p>
“Services”	<p>the Services to be provided on behalf of the Councils pursuant to the discharge of the Specified and Agreed Functions being set out at Schedule 5</p>
“Specified Functions”	<p>the functions relating to adoption to be discharged by the Joint</p>

Committee pursuant to this Agreement being set out at Schedule 5 and any other functions which from time to time the Councils arrange for the Joint Committee or one or other of the Councils to discharge pursuant to the Powers;

“Staff Transfer Agreement”

an agreement made between the Councils for the transfer of staff from one Council to the Host Council or another Council relating to arrangements for the discharge of the Specified and Agreed Functions pursuant to this Agreement;

- 1.2 References to any statute or statutory provision shall, unless the context otherwise requires, be construed in accordance with the Interpretation Act 1978.
- 1.3 The headings are inserted for convenience only and shall not affect the construction of this Agreement.
- 1.4 Words importing one gender include all other genders and words importing the singular include the plural and vice versa.
- 1.5 A reference in this Agreement to any clause, paragraph or schedule is, except where it is expressly stated to the contrary, a reference to a clause or paragraph of or schedule to this Agreement.
- 1.6 Any reference to this Agreement or to any other document unless otherwise specified shall include any variation, amendment or supplements to such document expressly permitted by this Agreement or otherwise agreed in writing between the relevant parties.
- 1.7 Words preceding “include”, “includes”, “including” and “included” shall be construed without limitation by the words which follow those words unless inconsistent with the context, and the rule of interpretation known as “*eiusdem generis*” shall not apply.
- 1.8 The schedules form part of this Agreement and will have the same force and effect as if expressly set out in the body of this Agreement and references to this Agreement includes the Schedules.
- 1.9 References to “the parties” shall be to the parties to this Agreement.

2. Aims of Joint Discharge of Functions

- 2.1 The aims of the joint discharge of the Specified Functions relating to adoption services under the provisions of this Agreement are:

- (a) The consistent delivery of high quality adoption services throughout Wales.

- (b) Keeping delay to a minimum in the placement of children for adoption.
- (c) Ensuring the widest choice possible of placements for adoption of children.
- (d) Ensuring that high quality and timely training and assessment for prospective adopters is consistently available.
- (e) Improving the process of matching children with prospective adopters.
- (f) The streamlining of adoption processes and improved liaison between social workers involved in adoption cases.
- (g) Keeping adoption breakdown to a minimum by the provision of adoption support services according to assessed need.
- (h) Collaborative working between local authorities, registered adoption societies, NHS local health boards and NHS Trusts and education services.

2.2 The aims of the joint discharge of the Agreed Functions relating to fostering are:

- (a) To support the strategic oversight of Foster Wales.
- (b) To consider the implications at local and regional level arising from the transition to Foster Wales.
- (c) To consider the development needs of services at local, regional, and national level.
- (d) To seek and support solutions to overcome barriers and challenges.
- (e) To continue to develop and maintain collaboration across local authority fostering.
- (f) To consider reports presented, agree actions, make decisions, and monitor progress.
- (g) To consider performance reports and monitor KPIs as identified and agreed.
- (h) To make recommendations for future areas of work programme development.

2.3 The Director of Operations and a central team of staff to support the Director of Operations are employed by the Host Council to fulfil a range of functions related to leadership, management and oversight of the National Adoption Service. The functions of the Director of Operations and central team include:

- (a) Providing leadership to set the direction for the National Adoption Service including strategic planning by agreeing priorities, targets and resourcing following engagement with partners and stakeholders as well as support to operational planning.

- (b) Reviewing progress including analysis of performance data and service information from the regions and Registered Adoption Agencies (otherwise known as Voluntary Adoption Agencies (VAA's's).
- (c) Providing annual and mid-year reports each year for agreement by the Combined Governance Board, endorsed by the Joint Committee and submission to Welsh Ministers as well as to WLGA and the Association of Directors of Social Services Cymru where required.
- (d) Providing specific functions nationally to support and enable National Adoption Service operations (currently as below).
- (e) Establishing and maintaining a website for the National Adoption Service for Wales.
- (f) Management of the Adoption Register for Wales (under contract from Welsh Government).
- (g) Commissioning and contracting national contracts to support service delivery functions and support.
- (h) Maintaining arrangements for service user engagement across Wales.
- (i) Leadership, matrix management oversight, advice and support to regions and VAA's.
- (j) Promotion of best practice and a culture of continuous improvement throughout the National Adoption Service.
- (j) Securing appropriate resourcing through new / additional finance or re-profiling of existing as well as managing the central team allocation, grants and investment.
- (k) Strategic commissioning as necessary for the discharge of functions.
- (l) Maintaining arrangements for national governance and allied sub / task & finish groups to engage stakeholders in carrying out the actions / work agreed by the Combined Governance Board.
- (m) Promotion of adoption, including national PR and marketing and the provision of the 'face and voice' of adoption in Wales.
- (n) Stakeholder and relationship management including with allied services and organisations in Wales and UK, Ministers and Welsh Government.
- (o) Strategic support and enabling functions, as agreed, for the National Fostering Framework / Foster Wales.

2.4 In addition Schedule 7 sets out a Scheme of Functions delegated to the Director of Operations to facilitate the achievement of the objectives of this Agreement.

3. Establishment of a Joint Committee

3.1 In exercise of their powers under sections 101(5) and 102 of the Local Government Act 1972, sections 19 and 20 of the Local Government Act

2000 and all other enabling powers the Councils hereby create a joint committee to be known as the National Adoption Joint Committee with effect from the Commencement Date.

- 3.2 The Joint Committee shall take decisions relating to the use of the National Adoption Service budget which shall be provided as a topslice from the Revenue Support Grant via the Welsh Local Government Association for the discharge of the Specified Functions, a similar topslice from the Revenue Support Grant via the Welsh Local Government Association for the discharge of the Agreed Functions, to meet the costs of the Host Council and the Joint Committee relating to this Agreement and shall have regard to reports and advice from the Combined Governance Board, Lead Heads of Children's Service's Meeting and Director of Operations.
- 3.3 The Joint Committee shall ensure the Scheme of Delegation set out in Schedule 7 is kept under review in accordance with paragraphs 5.2 and 5.3 of Schedule 7.
- 3.4 The Joint Committee shall operate and conduct its business in accordance with the terms of this Agreement including the Constitution set out at Schedule 1.
- 3.5 The Joint Committee shall review the terms of reference of the Joint Committee towards the end of each council term and shall make recommendations to the Councils and the WLGA for their consideration as to any amendments that the Joint Committee are required to discharge the Specified and Agreed Functions in accordance with the Directions.
- 3.6 This Agreement is without prejudice to each Council's other powers and responsibilities for its area.

4. Establishment of Combined Governance Board and other advisory groups

- 4.1 The Councils have established the Combined Governance Board. The Combined Governance Board shall act as an advisory group to the Joint Committee and shall discharge the role of the Governance Board and Advisory Group which the Councils are required by the Directions to establish for the purpose of providing national oversight of regional collaboration arrangements over adoption services.
- 4.2 The terms of reference of the Combined Governance Board shall be as set out in Schedule 2.
- 4.3 In respect of fostering services, the Councils have established the Lead Head of Children's Services Group as an advisory group to the Joint Committee. The Lead Head of Children's Services Group shall advise the Joint Committee on issues relating to Foster Wales. The terms of reference for the Lead Head of Children's Services Group shall be as set out in Schedule 6.
- 4.4 The Joint Committee may establish other advisory groups to advise the Joint Committee.

5. Arrangements for the Discharge of Functions

- 5.1 The Councils agree to use their Powers to enter into these arrangements under which the Joint Committee shall discharge on their behalf the Specified and Agreed Functions.
- 5.2 The Joint Committee shall discharge the Specified and Agreed Functions through the Host Council which shall, subject to and within the limitations and constraints of the resources allocated and paid to it pursuant to this Agreement, deliver the Services to support the delivery of the Specified and Agreed Functions. The Councils agree and acknowledge that the responsibility for discharging the Specified and Agreed Functions will none the less remain with the Joint Committee and notes the limitation of the Host Council's liability in that regard.
- 5.3 The Joint Committee may agree to bring additional functions and services within the scope of this Agreement but the Joint Committee may not agree to do so unless it has first received approval from all the Councils to discharge the additional functions and deliver the additional services. The provisions of this Agreement shall apply to any such additional functions and services.
- 5.4 The Councils here by agree the Financial Memorandum. The Councils shall have the discretion to agree variations to the Financial Memorandum at any time without varying the rest of this Agreement. For the avoidance of any doubt variation of the Financial Memorandum is subject to unanimous agreement of the Councils and is not a matter for decision by the Joint Committee.
- Each of the Councils shall contribute to the costs of the discharge of the Specified and Agreed Functions pursuant to this Agreement in accordance with the terms of the body of this Agreement and the Financial Memorandum. Subject to the overarching terms set out in this Agreement, particulars of the arrangement may be further detailed, (including for example the mechanics of payment), in any Hosting Agreement, Secondment Agreement or Staff Transfer Agreement that may be entered into by the Councils.
- 5.5 The Councils intend to enter into a Hosting Agreement with the County Council of the City and County of Cardiff for the delivery of services (subject to all Councils being satisfied as to the terms and conditions proposed) pursuant to the discharge of the Specified and Agreed Functions. The Councils may enter into further Hosting Agreements to record the detailed requirements of further individual arrangements made in connection with the discharge of the Specified and Agreed Functions pursuant to this Agreement.
- 5.6 The Councils may also enter into a Secondment Agreement to record the arrangements for the secondment of staff for further individual arrangements made in connection with the discharge of the Specified and Agreed Functions pursuant to this Agreement.
- 5.7 The Councils may also agree to enter into a Staff Transfer Agreement to record the arrangements for the transfer of staff for further individual

arrangements made in connection with the discharge of the Specified and Agreed Functions pursuant to this Agreement.

6. Governance

- 6.1 The Councils each undertake to ensure that they make any changes to their own constitutions as are necessary to facilitate the operation of this Agreement. Each Council shall notify the other Councils and WLGA in writing within twenty-eight days of the date of this agreement either that it has made (or is in the process of making) the necessary changes to its constitution or that no changes are considered necessary.

7. Appointment of Host Council

- 7.1 Subject to the provisions of clauses 7.2 and 7.3 the Councils agree that the Council of the City and County of Cardiff should be the Host Council for the purposes of this Agreement.

- 7.2 The Council of the City and County of Cardiff and any other Council which is appointed as Host Council may terminate its appointment as Host Council by giving not less than twelve months' written notice or such other period of notice as is agreed by all the Councils to the other Councils of its intention to terminate its appointment. Such twelve months' written notice shall end at the end of a financial year.

- 7.3 The Joint Committee may terminate the appointment of City and County of Cardiff Council or any other Council as the Host Council by giving at not less than twelve months' written notice or such other period of notice as is agreed by all the Councils to the Host Council of the Joint Committee's intention to terminate the appointment of the Host Council. Such twelve months' written notice shall end at the end of a financial year.

- 7.4 If the appointment of a Council as the Host Council is terminated in accordance with clause 7.2 or clause 7.3 the Joint Committee may appoint one of the Councils as Host Council such appointment to be effective from the commencement of the financial year following the expiry of notice of termination under clause 7.2 or 7.3.

- 7.5 If the appointment of a Council as the Host Council is terminated in accordance with clause 7.2 or clause 7.3 any outstanding payment due to that Council from the Joint Committee for costs incurred in the role of the Host Council and any costs it incurs upon or as a consequence of Termination shall be paid in accordance with the terms of this Agreement, including the Financial Memorandum.

- 7.6 Any dispute over the appointment or the termination of the appointment of a Council as the Host Council shall be dealt with in accordance with the dispute resolution procedure in clause 23 of this Agreement.

8. Responsibilities of the Host Council

- 8.1 (i) Subject to and within the limitations of the funding allocated and received by the Host Council, the Host Council shall provide Assets, staff and other resources as are necessary to discharge the Specified and Agreed Functions pursuant to this Agreement.

(ii) Subject to the overarching terms and principles set out in in this Agreement, in particular clause 13, the detailed provisions as to the payment of the costs of the Host Council in providing such Assets, staff and other resources shall be in accordance with a Hosting Agreement between the Councils, and the Host Council and shall be facilitated by the Welsh Local Government Association. Any such Hosting Agreement must be in a form to the satisfaction of the Host Council.

8.2 The Host Council shall employ the Director of Operations and the staff required for undertaking the national functions.

8.3 The Host Council has agreed and arranged for the Director of Operations to have the day-to-day responsibility for the management and delivery of the Services.

8.4 In carrying out its role the Host Council shall have regard to :

- (a) all applicable Laws and Regulations.
- (b) best practice.
- (c) the aims, principles and objectives of this Agreement and any applicable policies agreed by the Councils.
- (d) any relevant guidance issued or specified by the Care and Social Services Inspectorate Wales and any other relevant regulator.
- (e) the Councils duties under the Welsh Language (Wales) Measure 2011.

And shall facilitate the proper discharge of the Specified and Agreed Functions of the Councils and discretionary provision of in-scope elements of the Services.

8.4.2 The Host Council shall ensure that its health and safety policy statements together with related policies and procedures are made available to the Joint Committee on request.

8.4.3 The Host Council shall comply with any investigation by any statutory ombudsman or tribunal relating to the discharge of the Specified or Agreed Functions.

9. Expenses of Joint Committee Members

9.1 Each Council shall be responsible for meeting any expenses to which any Joint Committee Member or officer appointed by it as its representative is entitled as a result of their attendance at duly authorised meetings.

10. Monitoring Officer

10.1 The Councils agree that at the date of the Agreement the Monitoring Officer of Cardiff Council shall act as Monitoring Officer for the Joint Committee. The appointment of Cardiff Council's Monitoring Officer as Monitoring Officer to the Joint Committee shall cease at the earlier of (i) such date as Cardiff Council ceases to act as Host Council or (ii) the Councils unanimously decide to appoint the Monitoring Officer of a different Council as Monitoring Officer to the Joint Committee pursuant to clause 10.2.

- 10.2 The Councils may decide that the Monitoring Officer of a different Council shall be designated as Monitoring Officer for the Joint Committee. This shall require a unanimous decision from the Councils. Following such a decision the Host Council shall notify the officer who is currently acting as Monitoring Officer and the officer who has been designated as Monitoring Officer for the future.
- 10.3 The Councils acknowledge and agree that the Monitoring Officer will need to be provided with such resources as the Monitoring Officer considers sufficient to allow her to perform her duties and that this will be a cost of the Joint Committee.
- 10.4 For such time as the Host Council and the Monitoring Officer to the Joint Committee is being performed by the same Council then the Monitoring Officer's cost will be added to the Host Council's costs and the provisions of clause 13 of this Agreement shall apply.

11. Reviews

- 11.1 The Joint Committee shall review the discharge of the Specified and Agreed Functions at least annually alongside the Combined Governance Board reviewing service progress and performance quarterly and reporting to the Joint Committee on the results of its review.
- 11.2 The Director of Operations shall submit a quarterly report to the Combined Governance Board and an annual report to the Joint Committee, setting out details of:
- (a) The performance of the Specified and Agreed Functions.
 - (b) Income and expenditure and compliance with the Financial Memorandum.
- 11.3 The Councils and the Regional Collaboratives shall carry out a review of their discharge of the regional Specified Functions for adoption and provide the following to the Director of Operations
- (a) An annual work programme by 31 March each year
 - (b) Quarterly performance reporting
 - (c) An annual report by 31 May each containing the items detailed in the Directions.
- 11.4 The Director of Operations will use this information as the basis for reporting to the Joint Committee for adoption services.

12. Audit

- 12.1 The discharge of the Specified and Agreed Functions on behalf of the Councils and the finances relating to the discharge of the Specified or Agreed Functions shall be subject to an annual external audit by the central team of the National Adoption Service which shall be commissioned by the Host Council in accordance with the Host Council's audit processes.

13. Costs of Discharge of Functions

- 13.1 The Host Council agrees that any of the Services it provides for the discharge of the Specified and Agreed Functions shall be on a cost recovery basis. For the avoidance of any doubt such costs shall be deemed to include all costs incurred howsoever arising, including , without limitation to the generality of the foregoing;
- (i) costs of any additional employees required in order to carry out the Host Council role/provide capacity to carry out such role and all associated recruitment costs,
 - (ii) all employee related costs including on costs,pension strain, termination costs and any employee related claims,
 - (iii) fees and charges incurred (including external fees or charges for any third party services, goods or works procured) and
 - (iv) expenses, legal costs, claims, damages, insurance premiums and the like that the Host Council reasonably incurs in carrying out its role.
- 13.2 The Councils shall each year apply the central National Adoption Services budget to fund the payment of the costs of the Host Council. Any shortfall in such funding shall be paid by the Councils within 30 days of demand by the Host Council and as follows. Each Council's contribution shall be calculated by reference to their respective percentage contribution as set out in the Financial Memorandum.
- 13.3 To aid transparency and accountability the Host Council shall:
- (i) Provide the Joint committee, at its first meeting, with a report outlining its estimated costs for acting as Host Council for the financial year 2022/2023. For the avoidance of any doubt the estimated costs submitted will be for noting purposes only and the Council's will be obliged to meet the Hosts Council's actual costs as set out in this Agreement.
 - (iii) For each subsequent financial year ('Subsequent Financial Year') the Host Council shall, prior to the Subsequent Financial Year in question, present to the Joint committee a report as to its estimate costs for acting as Host Council for the Subsequent Financial Year.
 - (iii) If, in any year, the Joint Committee does not find acceptable the estimated costs for the Subsequent Financial year then the Joint Committee may terminate the appointment of the then Host Council and the provision of clause 7.3 shall be deemed to apply save that the termination date of the appointment of the then Host Council shall be the 31st March, in the financial year proceeding the Subsequent Financial Year or such latter date as all the Councils may agree.
 - (iv) As part of its financial reporting to the Joint Committee the Host Council shall from time to time present to the Joint Committee reports of the actual costs incurred in carrying out the Host Council role.
- 13.4 The Host Council in determining the level of resources it requires to carry out its role under the Agreement shall (i) act responsibly and prudently (ii) use its reasonable endeavours to put in place and maintain in place sufficient assets staff and other resource to undertake its role and (iii) wherever reasonably practicable report to the Joint Committee and/or Director of Operations for information if in any financial year its costs are likely to materially exceed the estimated costs that have previously been submitted to the Joint Committee.

14. Costs of the Joint Committee

14. The Councils shall apply the central National Adoption Services budget to fund any costs of the Joint Committee, including the Host Councils costs. Any shortfall in such funding shall be paid by the Councils. Each Council's contribution shall be calculated by reference to their respective percentage contribution as set out in the Financial Memorandum. The Welsh Local Government Association shall be responsible for the administration of the payment of costs involved in the administration of the Joint Committee.

15. Liabilities Under This Agreement

15.1 The Host Council shall indemnify and keep indemnified each of the other Councils to this Agreement against any losses, claims, expenses, actions, demands, costs and liability suffered by that Council to the extent arising from any wilful default or wilful breach by the Host Council of its obligations under this Agreement or its statutory duties (and "wilful" in this context shall, for the avoidance of doubt, not include matters which are outside the reasonable control of the Host Council or matters arising from any negligent act or omission in relation to such obligations).

15.2 No claim shall be made against the Host Council by the other Councils or any of them to recover any loss or damage which may be incurred by reason of or arising out of the carrying out by the Host Council of its obligations under this Agreement unless and to the extent such loss or damage arises from a wilful default or wilful breach by the Host Council under clause 15.1.

15.3 Each of the other Councils (acting severally) shall indemnify and keep indemnified the Host Council against all losses, claims, expenses, actions, demands, costs and liabilities which the Host Council may incur by reason of or arising out of the carrying out by the Host Council of its obligations under this Agreement for that Council or arising from any wilful default or wilful breach by a Council of its obligations under this Agreement (and wilful in this context shall, for the avoidance of doubt, not include matters which are outside the reasonable control of that Council or matters arising from any negligent act or omission in relation to such obligations) unless and to the extent that the same result from any wilful breach by the Host Council of any such obligations.

15.4 The amount to be paid to the Host Council by any of the other Councils under clause 15.3 shall be borne by each of the Councils to the extent of its responsibility, however in the event that the responsibility is a shared one between the Councils (so that it is not reasonably practicable to ascertain the exact responsibility between the Councils) then the amount to be paid shall be divided between the Councils on a Proportionate Basis.

15.5 In the event of a claim under this clause 15 in which it is not reasonably practicable to determine the extent of responsibility as between the Councils then the amount shall be divided amongst the Councils on a Proportionate Basis.

15.6 A Council which receives a claim for losses, expenses, actions, demands, costs and liabilities related to the discharge of the Specified and Agreed

Functions shall notify and provide details of such claim as soon as is reasonably practicable to the other Councils.

- 15.7 Failure to give notice in accordance with clause 15.6 shall not relieve a party of its obligations to indemnify another under this clause 15.
- 15.8 Each Council shall not be obliged to indemnify the other Councils to the extent that the insurances maintained by the other Councils at the relevant time provide an indemnity against the loss giving rise to a claim and to the extent that another Council recovers under a policy of insurance save that the Council responsible for liabilities suffered by another Council shall be responsible for (i) the deductible under any such policy of insurance (ii) any amount over the maximum amount insured under such policy of insurance and (iii) any resultant increase in future year premiums (for a maximum of 10 years) incurred by the Council who claims on its insurance.
- 15.9 The indemnities given under this Agreement are in addition to any Hosting Agreement between the Host Council and any of the other Councils.

16. Duration of this Agreement

- 16.1 This Agreement shall come into force on the Commencement Date and shall continue from year to year or until terminated in accordance with the provisions of this Agreement.

17. Variation of This Agreement

- 17.1 Any of the Councils may request a variation to this Agreement by making such a written request to the officer acting as Monitoring Officer to the Joint Committee.
- 17.2 The officer acting as Monitoring Officer to the Joint Committee shall circulate the request to each of the Councils within ten Business Days of receipt of the request for consideration and approval by the Councils.
- 17.3 If each of the Councils approve such variation, then the officer acting as Monitoring Officer to the Joint Committee shall arrange for the preparation of an appropriate Deed of Variation to this Agreement to be prepared for execution by the Councils and such change shall only take effect upon completion of that Deed and the costs associated with the preparation of such Deed of Variation shall be shared equally between the Councils. Such Deed of Variation may be executed in parts by each Council that is then a party to this Agreement.
- 17.4 If one of the Councils does not approve such variation, then the variation to this Agreement shall not occur.

18. Withdrawal from the Joint Committee on Notice

- 18.1 Any Council may withdraw from the Joint Committee in accordance with the following procedure:
- 18.2 Any Council which wishes to withdraw from the Joint Committee shall give not less than twelve months' written notice terminating at the end of a financial year to the other Councils and the officer acting as Monitoring

Officer to the Joint Committee shall consult the other Councils giving due consideration to:

- (a) Any loss of funding arising from such withdrawal and including any non-payment, clawback or repayment of such funding;
- (b) Any other loss, liability, damage, claim or expense,

which would be incurred by the Councils upon which notice has been served by reason of such withdrawal from the Joint Committee.

18.3 Any Council wishing to withdraw from the Joint Committee undertakes as a condition of such withdrawal to make, prior to withdrawal such reasonable payment or payments which fairly reflect the actual losses caused by or anticipated as a result of the withdrawal as shall be determined by the other Councils pursuant to clauses above and no notice under this clause 18 shall take effect unless and until such payment has been agreed or referred to the Dispute Resolution procedure under Clause 22.

18.4 Subject to the provisions of clause 15 or unless agreed otherwise by the parties, each Council reserves the right to recover from any party to this Agreement the costs of any claims, costs, expenses, losses or liabilities of any nature or which have been caused by any act or omission of that party and which are discovered after the party's withdrawal from this Agreement.

18.5 Any Council that withdraws from the Joint Committee shall be responsible for ensuring that it is able to comply with its legal obligations in respect of the discharge of the Specified and Agreed Functions. Any Council that withdraws from the Joint Committee shall include in its notice to the other Councils confirmation that it shall comply with its legal obligations in respect of the discharge of the Specified and Agreed Functions

19. Termination of this Agreement for Cause

19.1 Without prejudice to any other rights or remedies, this Agreement may be terminated in relation to any other Council ("Defaulter") by the other Councils ("Non-Defaulting Councils") acting unanimously in giving sixty-five Business Days written notice to the Defaulter where the Defaulter materially breaches any of the provisions of this Agreement or in the case of a breach capable of remedy fails to remedy the same within thirty Business Days (or such other period as agreed by the Non-Defaulting Councils) of being notified of each breach in writing by the Non-Defaulting Councils and being required to remedy the same.

19.2 If this Agreement is terminated each Council shall be responsible for ensuring that it is able to comply with its legal obligations in respect of the discharge of the Specified and Agreed Functions.

20. Termination of the Agreement by Agreement

20.1 The Councils agree that this Agreement may be determined upon terms agreed by all the Councils.

20.2 Upon termination of this Agreement the parties agree that the Joint Committee shall cease to exist and any arrangement for the discharge of

Specified and Agreed Functions which has been made pursuant to this Agreement shall cease on the expiry of the notice period specified in the relevant Hosting Agreement and the Specified and Agreed Functions shall be returned to the Councils which were responsible for them prior to this Agreement.

- 20.3 If this Agreement is terminated each Council shall be responsible for ensuring that it is able to comply with its legal obligations in respect of the discharge of the Specified and Agreed Functions.

21. Termination – Consequential Matters

- 21.1 In the event of termination of this Agreement under Clause 20 as the case may be, any party shall supply to any other party when requested any information which the other party requires for the continuing discharge of the Specified and Agreed Functions; and
- 21.2 Any Intellectual Property Rights created under this Agreement shall be owned by the then parties in equal proportions; and
- 21.3 Each of the parties shall undertake to make such reasonable payment or payments which fairly reflect the obligations of that Council pursuant to this Agreement.
- 21.4 In the event of termination of this Agreement all Assets held by any of the Councils for the purposes of this Agreement shall be dealt with in accordance with the Financial Memorandum.
- 21.5 The Host Council shall: -
21.5.1 be reimbursed by the Councils for all costs it incurs upon or as a consequence of Termination with each Council's contribution to such costs being calculated by reference to their respective percentage contribution as set out in the Financial Memorandum and
21.5.2. transfer any relevant information it holds to the Council to which the relevant information relates.
- 21.6 It shall be the duty of the Councils to try to minimise any losses arising from the termination of this Agreement.
- 21.7 Each Council is responsible for its own compliance with the Directions and any other relevant law that applies to the Specified and Agreed Functions and shall take any action necessary to ensure that it is able to comply with its legal obligations following termination of this Agreement.

22. Dispute Resolution

- 22.1 The Councils undertake and agree to pursue a positive approach towards dispute resolution which seeks in the context of this joint working arrangement to identify a solution at the lowest operational level that is appropriate to the subject of the dispute, and which avoids legal proceedings and maintains a strong working relationship between the parties.
- 22.2 Any dispute arising in relation to any aspect of this Agreement shall be resolved in accordance with this clause 22.

- 22.3 All disputes, claims or differences between the Councils arising out of or in connection with this Agreement or its subject matter or formation, including any question regarding its existence, validity or termination, (a "Dispute") shall be referred to the Director of Operations who shall produce and implement a plan for resolving the dispute.
- 22.4 If the plan of the Director of Operations does not resolve the dispute it may at the written request of any Council involved in the dispute, be referred by each Council to its chief executive.
- 22.4 If the Councils' chief executives do not agree a resolution of the Dispute within one month of the date of service of any such request, the Councils may agree a process to attempt to settle the Dispute by mediation or arbitration.

23. Notices

Form of Notice

- 23.1 Any demand, notice or other communication given in connection with or required by this Agreement shall be made in writing and shall be delivered to or sent by pre-paid first class post to the recipient at the address stated in Schedule 3 (or such other address as may be notified in writing from time to time) or sent by facsimile transmission to the recipient to the facsimile number stated in Schedule 3 or sent electronically to the e-mail address stated in Schedule 3.

Service

- 23.2 Any such demand, notice or communication shall be deemed to have been duly served:
- (a) If delivered by hand, when left at the proper address for service.
 - (b) If given or made by pre-paid first-class post two Business Days after being posted;
 - (c) If sent by facsimile at the time of transmission provided that a confirmatory copy is on the same day that the facsimile is transmitted sent by pre-paid first class post in the manner provided for in clause 23.1 Provided That in each case that if the time of such deemed service is either after 4.00pm on a Business Day or on a day other than a Business Day service shall be deemed to occur at 10.00am on the next following Business Day; or
 - (d) If sent by e-mail, when it has been sent to the e-mail address stated in Schedule 4 and receipt of such e-mail has been acknowledged.

24. Information and Confidentiality

- 24.1 Without prejudice to clauses 25 and 26 the parties shall keep confidential all matters relating to this Agreement or the Intellectual Property Rights of the parties and shall use all reasonable endeavours to prevent their employees and agents from making any disclosure to any person of any matter relating to the Agreement or Intellectual Property Rights of the parties.

24.2 Clause 24.1 shall not apply to:

- (a) Any disclosure of information that is reasonably required by persons engaged in the performance of their obligations under this Agreement.
- (b) Any matter which a party can demonstrate is already generally available and in the public domain otherwise than as a result of a breach of this clause.
- (c) Any disclosure which is required by any law (including any order or a court of competent jurisdiction) any Parliamentary obligation or the rules of any stock exchange or governmental or regulatory authority having the force of law.
- (d) Any disclosure of information which is already lawfully in the possession of the disclosing party prior to its disclosure by the disclosing party.
- (e) Any disclosure which is required or recommended by the rules of any governmental or regulatory authority including any guidance from time to time as to openness and disclosure of information by public bodies.
- (f) Any disclosure which is necessary to be disclosed to provide relevant information to any insurance broker in connection with obtaining any insurance required by this Agreement.
- (g) Any disclosure by a party to a department, office or agency of the Government.
- (h) Any disclosure for the purpose of the examination and certification of a party's accounts.

Where disclosure is permitted under clauses 24.2(a), 24.2(f), 24.2(g), or 24.2(h) the recipient of the information shall be placed under the same obligation of confidentiality as that contained in this Agreement by the disclosing Council.

25. Data Protection

25.1 In relation to the subject matter of this agreement each party undertakes at all times to comply with the Data Protection Legislation. This clause 25 is in addition to and does not relieve remove or replace a party's obligations under the Data Protection Legislation.

25.2 Each Council:

- (a) Shall process Personal Data belonging to any other Council only on the instructions of that Council (subject to compliance with applicable law);
- (b) Shall only undertake processing of Personal Data reasonably required in connection with this Agreement.
- (c) Shall ensure that it has in place appropriate technical and organisational measures to protect against unauthorised or unlawful processing of Personal Data and against accidental loss or destruction

of or damage to Personal Data appropriate to the harm that might result from the unauthorised or unlawful processing or accidental loss destruction or damage and the nature of the data to be protected having regard to the state of technological development and the cost of implementing any measures (those measures may include where appropriate pseudonymising and encrypting Personal Data ensuring confidentiality integrity availability and resilience of its systems and services ensuring (subject to the terms of any third party arrangements that may be in place) that availability of and access to Personal Data can be restored in a timely manner after an incident and regularly assessing and evaluating the effectiveness of the technical and organisational measures adopted by it);

- (d) Shall ensure that all personnel who have access to and/or process Personal Data are obliged to keep the Personal Data confidential.
- (e) Shall not transfer any Personal Data outside of the European Economic Area unless the prior written consent of the other Councils has been obtained and the following conditions are fulfilled.
 - (i) The Council transferring the Personal Data has provided appropriate safeguards in relation to the transfer.
 - (ii) The data subject has enforceable rights and effective legal remedies.
 - (iii) The Council transferring the Personal Data complies with its obligations under the Data Protection Legislation by providing an adequate level of protection to any Personal Data that is transferred
- (f) Shall assist the other Councils in responding to any request from a data subject and in ensuring compliance with their obligations under the Data Protection Legislation with respect to security breach notifications impact assessments and consultations with supervisory bodies.
- (g) Shall use its reasonable endeavours to procure that all relevant sub-contractors and third parties comply with this clause 25.

25.3 The Councils shall not disclose Personal Data to any third parties other than:

- (a) To employees and sub-contractors and third parties to whom such disclosure is reasonably necessary in order for the Councils to discharge the Councils' obligations in relation to this Agreement; or
- (b) To the extent required under a court order or to comply with any applicable laws

provided that any disclosure to any sub-contractor or any third parties under clause 25.3 shall be made subject to written terms substantially the same as, and no less stringent than, the terms contained in this clause 25 and that the Councils shall give notice in writing to all other Councils of any disclosure of Personal Data belonging to them which they or a sub-contractor or third parties are required to make under clause 25 immediately they are aware of such a requirement.

- 25.4 Any Council may, at reasonable intervals, request a written description of the technical and organisational methods employed by any other Council and the relevant sub-contractors. Within five Business Days of such a request, the Council requested to do so shall supply written particulars of all such measures as it is maintaining detailed to a reasonable level such that the requesting Council can determine whether or not, in connection with the Personal Data, it is compliant with the Data Protection Legislation. Each Council shall use its reasonable endeavours to ensure that the sub-contractors and any third parties also comply with such request from any other Council.
- 25.5 All Councils shall ensure that any Personal Data they obtain and provide to any other Council has been lawfully obtained and complies with the Data Protection Legislation and that the use thereof in accordance with this Agreement shall not breach any of the provisions of the Data Protection Legislation.
- 25.6 Each Council shall provide the other Councils as soon as reasonably practicable, with such information in relation to Personal Data and their processing as the other Councils may reasonably request in writing and the party asked to provide the relevant data may reasonably be able to provide in order for the other Council to comply with its obligations under this clause and the Data Protection Legislation.
- 25.7 Each Council shall take reasonable precautions (having regard to the nature of their respective obligations under this Agreement) to preserve the integrity of any Personal Data.
- 25.8 The Councils shall continually review any existing information sharing protocols being used in relation to this Agreement to ensure they remain relevant and to identify which Personal Data needs to be processed and on what basis to ensure compliance with this clause 25.
- 25.9 Each Council shall maintain complete and accurate records to demonstrate its compliance with this clause 25.

26. Freedom of Information

- 26.1 The parties recognise that the Councils are public authorities as defined by FOI Legislation and therefore recognise that information relating to this Agreement may be the subject of an Information Request.
- 26.2 The Councils shall assist each other in complying with their obligations under FOI Legislation, including but not limited to assistance without charge in gathering information to respond to an Information Request.
- 26.3 Any Council shall be entitled to disclose any information relating to this Agreement and the Specified and Agreed Functions in response to an Information Request save that in respect of any Information Request which is in whole or part a request for Exempt Information.
- 26.4 The Council which receives the Information Request shall circulate the Information Request and shall discuss it with the other Councils and the Director of Operations.

- 26.5 The Council which receives the Information Request shall in good faith consider any representations raised by other Councils when deciding whether to disclose Exempt Information and
- 26.6 The Council which receives the Information Request shall not disclose any Exempt Information beyond the disclosure required by FOI Legislation without the consent of the Council or Councils to which it relates.
- 26.7 The parties to this Agreement acknowledge and agree that any decision made by a Council which receives an Information Request as to whether to disclose information relating to this Agreement pursuant to FOI Legislation is solely the decision of that Council. A Council will not be liable to any party to this Agreement for any loss, damage, harm or detrimental effect arising from or in connection with the disclosure of information in response to an Information Request.

27. Intellectual Property

- 27.1 Each Council will retain all Intellectual Property in its Material.
- 27.2 Each Council will grant all of the other Councils a non-exclusive, perpetual, non-transferable and royalty free licence to use, modify, amend and develop its IP Material for the discharge of the Councils' obligations in relation to this Agreement whether or not the Council granting the licence remains a party to this Agreement.
- 27.3 Without prejudice to clause 27.1, if more than one Council owns or has a legal or beneficial right or interest in any aspect of the IP Material for any reason (including without limitation that no one Council can demonstrate that it independently supplied or created the relevant IP Material without the help of one or more of the other Councils), each of the Councils who contributed to the relevant IP Material will grant to all other Councils to this Agreement a non-exclusive, perpetual, non-transferable and royalty free licence to use and exploit such IP Material as if all the other Councils were the sole owner under the Copyright Design and Patents Act 1988 or any other relevant statute or rule of law.
- 27.4 Any entity or person who is at the date of this Agreement a party to this Agreement and who has licensed any Intellectual Property under this Agreement shall have a non-exclusive, perpetual right to continue to use the licensed Intellectual Property.
- 27.5 Each Council warrants that it has or will have the necessary rights to grant the licences set out in clause 27.2 and 27.3 in respect of the IP Material to be licensed.
- 27.6 Each Council agrees to execute such further documents and take such actions or do such things as may be reasonably requested by any other Councils (and at the expense of the Council or Councils making the request) to give full effect to the terms of this Agreement.

28. Language

28.1 The Joint Committee shall arrange for the Specified and Agreed Functions to be discharged in such a way that each of the Councils comply with their duties under the Welsh Language (Wales) Measure 2011

29. Severability

29.1 If at any time any clause or part of a clause or schedule or appendix or part of a schedule or appendix to this Agreement is found by any court, tribunal or administrative body of competent jurisdiction to be wholly or partly illegal, invalid or unenforceable in any respect:

- (a) That shall not affect or impair the legality, validity or enforceability of any other provision of this Agreement.
- (b) The parties shall in good faith amend this Agreement to reflect as nearly as possible the spirit and intention behind that illegal, invalid or unenforceable provision to the extent that such spirit and intention is consistent with the laws of that jurisdiction and so that the amended Agreement complies with the laws of that jurisdiction.

30. Relationship of Parties

30.1 Each of the parties is an independent organisation and nothing contained in this Agreement shall be construed to imply that there is any relationship between the parties of partnership or principal/agent or of employer/employee. No party shall have any right or authority to act on behalf of another party nor to bind another party by contract or otherwise except to the extent expressly permitted by the terms of this Agreement.

31. Third Party Rights

31.1 The parties to this Agreement do not intend that any of its terms will be enforceable by virtue of the Contracts (Rights of Third Parties) Act 1999 by any person not a party to it.

32. Entire Agreement

32.1 This Agreement and all documents referred to in this Agreement set forth the entire agreement between the parties with respect to the subject matter covered by them and supersede and replace all prior communications, representations (other than fraudulent representations), warranties, stipulations, undertakings and agreements whether oral or written between the parties. Each party acknowledges that it does not enter into this Agreement in reliance on any warranty, representation or undertaking other than those contained in this Agreement and that its only remedies are for breach of this Agreement, provided that this shall not exclude any liability which either party would otherwise have to the other in respect of any statements made fraudulently by or on behalf of it prior to the date of this Agreement.

33. Law of Agreement or Jurisdiction

33.1 This Agreement shall be governed by the laws of England and Wales and the parties submit to the exclusive jurisdiction of the courts of England and Wales.

34. Discretion of the Councils

- 34.1 The discretion of any Council shall not be fettered or otherwise affected by the terms of this Agreement.

THE COMMON SEAL OF

[] Council

was affixed in the presence of

SIGNED BY

Duly authorised for and

on behalf of Welsh Local Government Association

in the presence of

Schedule 1 Constitution of the Joint Committee

- 1 All 22 Councils shall appoint one representative as voting members of the Joint Committee.
- 2 The Joint Committee shall appoint one of its voting members as chair and one of its voting members as vice chair.
- 3 Unless they have already been appointed by their Council as its representative the Councils shall appoint the following persons (subject to the agreement of such persons) as non-voting members of the Joint Committee:
 - 3.1 A WLGA spokesperson for health and social services.
 - 3.2 A WLGA deputy spokesperson for health and social services.
 - 3.3 The executive leader or a deputy in respect of one of those roles of the Host Council.
 - 3.4 The Co-chairs of the Combined Governance Board.
- 4 The relevant Councils may nominate one or more substitute members from, subject to notification being given to the officer acting as Monitoring Officer to the Joint Committee before the start of the meeting. The member appointed as a substitute shall have full voting rights where the member for whom they are substituting does not attend.
- 5 Each voting member of the Joint Committee shall comply with the Code of Conduct of their Council when acting as a Member of the Joint Committee.
- 6 The Host Council or, as the case may be the relevant councils may remove any voting member or substitute voting members of the Joint Committee and appoint a different representative of the Host Council or, as the case may be, the same council as the member or substitute being replaced by giving written notice to the officer who is acting as Monitoring Officer to the Joint Committee.
- 7 Each voting member of the Joint Committee shall have one vote.
- 8 Each member of the Joint Committee shall serve upon the Joint Committee for as long as he or she is appointed to the Joint Committee by the relevant Councils, but a member shall cease to be a member of the Joint Committee if he or she ceases to be a member of the Council of which he or she was a member when he or she was appointed to the Joint Committee or if the Councils remove him or her as a member of the Joint Committee.
- 9 Any casual vacancies howsoever arising shall be filled by the Councils by notice in writing sent to the officer who is acting as Monitoring Officer to the Joint Committee.
- 10 Unless otherwise agreed by the Councils, meetings of the Joint Committee shall be held at the offices of the WLGA, Host Council or virtually.
- 11 The Joint Committee shall meet at least once annually.

- 12 The officer who is acting as Monitoring Officer to the Joint Committee shall call additional meetings at the direction of the chair by providing at least three clear days' notice to members of the Joint Committee, unless the meeting is called at shorter notice. The officer who is acting as Monitoring Officer to the Joint Committee must call a meeting of the Joint Committee if all the voting members of the Joint Committee request it or the Head of Paid Service of each Council requests it.
- 13 Meetings shall be notified to members of the Joint Committee by the officer who is acting as Monitoring Officer to the Joint Committee.
- 14 The officer who is acting as Monitoring Officer to the Joint Committee shall send electronically to all members and relevant officers of each Council the agenda for each meeting of the Joint Committee no later than three clear days before the date of the relevant meeting unless the meeting is convened at shorter notice
- 15 The officer who is acting as Monitoring Officer to the Joint Committee shall arrange for written minutes to be taken of each meeting of the Joint Committee and shall present them to the Joint Committee at its next meeting for approval as a correct record. The Officer who is acting as Monitoring Officer to the Joint Committee shall circulate the minutes to the Councils prior to the next meeting of the Joint Committee. If the Joint Committee confirms that the minutes contain an accurate record of the previous meeting, those minutes shall be signed by the chair or vice-Chair.
- 16 A meeting of the Joint Committee shall require a quorum of 60% of the voting members. If there is a quorum of members present but neither the chair nor the vice-chair is present, the members present shall designate one member to preside as chair for that meeting.
- 17 Subject to the provisions of any enactment all questions coming or arising before the Joint Committee shall be decided by a majority of the members of the Joint Committee immediately present and voting thereon. In the case of an equality of votes the chair shall have a casting vote. Subject to paragraph 18 below all voting shall be by a show of hands.
- 18 Any member of the Joint Committee may request the Joint Committee to record the votes of individual members of the Joint Committee on a matter for decision.
- 19 The order of business shall be indicated in the agenda for the meeting.
- 20 Any member of the Councils who is not a member of the Joint Committee is entitled to attend the Joint Committee but he or she shall not be entitled to vote, shall not take part in the consideration or discussion of any business, save by leave of the chair and comments will be recorded only on the direction of the chair.
- 21 A meeting of a principal council shall be open to the public except to the extent that they are excluded (whether during the whole or part of the proceedings).The public may be excluded from a meeting of the Joint Committee during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present during that item, confidential information as defined in section 100A(3) of the Local Government Act 1972 or exempt

information as defined in section 100I of the Local Government Act 1972 would be disclosed to them. In view of the sensitivity of the matters for which the Joint Committee is responsible it is to be expected that most business to be transacted at meetings of the Joint Committee will include confidential or exempt information but the Joint Committee will consider this in respect of every item of business to be considered at a meeting of the Joint Committee.

- 22 Unless members of the public are excluded from a meeting of the Joint Committee in accordance with paragraph 21 above meetings of the Joint Committee will be open to the public.
- 23 Members of the public wishing to address the Joint Committee (or a sub-committee of the Joint Committee) on reports contained within the agenda for the meeting may at the discretion of the Chair be given the opportunity to do so.
- 24 Each Council may call in any decision of the Joint Committee in accordance with the overview and scrutiny provisions of that Council's constitution. If any decision of the Joint Committee is subject to call in by a Council, the Joint Committee shall take no action to implement that decision unless the call in process upholds the decision.
25. The Joint Committee may delegate a function to an officer. At the commencement of this agreement, the Joint Committee has delegated functions to the Director of Operations as outlined in Schedule 5

Schedule 2 Terms of Reference of the NAS Combined Governance Board

Functions and responsibilities of the Combined Governance Board

- 1 The Combined Governance Board shall have the following responsibilities:
 - 1.1 To provide political and professional leadership and advice to inform the overall strategic direction of the National Adoption Service in Wales.
 - 1.2 To hold the Regional Collaboratives (and their staff), the Director of Operations and central team, the VAA's and other services accountable for the delivery and performance of their services within the National Adoption Service arrangements.
 - 1.3 To approve for submission to the Joint Committee as prepared by the Director of Operations / central team.
 - An annual programme of work for the National Adoption Service.
 - A half year and full year progress report for the Welsh Local Government Association (WLGA – Full Council), the Minister for Health and Social Service and the Welsh Government.
 - The budget and financial management arrangements of services and the office of the Director of Operations.
 - 1.4 To monitor and have oversight of:
 - The performance of the National Adoption Service to ensure its successful delivery and improvements in the adoption process to lead to positive outcomes for children and adults affected by adoption.
 - The quality of engagement with the Voluntary Adoption Agencies (VAAs) and service user representatives at central and regional levels.
 - Compliance with The Directions
 - Compliance with the Conflict-of-Interest Protocol
 - 1.5 To consider and make recommendations for the future direction of the National Adoption Service using:
 - Information and data, including from the National Performance System in relation to the services as a whole, each Regional Collaborative, the VAA's and other services.
 - Professional and best practice advice from the sector.
 - The views of children, young people and adults who use services.
 - Other evidence including reports from the Director of Operations.

- 1.6 To ensure arrangements are in place for the flow of information, including receipt of minutes and papers, between the Combined Governance Board and:
- The Joint Committee.
 - Regional Management Committees.
 - Local government members and officers across Wales.
 - Equivalent bodies in VAA's and other services.
- 1.7 To encourage and enable the statutory and voluntary sectors to work in partnership to deliver the best outcomes for children and adults affected by adoption.
- 1.8 To ensure that the views of all stakeholders, including those who use adoption services, are represented effectively both at national and regional levels.
- 1.9 To ensure the National Adoption Service is working within Welsh Government guidance and strategies for children particularly looked after and adopted children.
- 1.10 To ensure that due consideration is given to the need for Welsh Language services in planning and delivery of adoption services throughout Wales.
- 1.11 To support the delivery of adoption services through the National Adoption Service arrangements to ensure it reflects the best possible practice and is based on a culture of continuous improvement.
- 1.12 To notify Joint Committee and Welsh Ministers of any issues regarding the National Adoption Service which it considers need to be drawn to their attention.
- 2 Membership of the Combined Governance Board will comprise of:
- WLGA Spokesperson for Health and Social Services or their representative.
 - WLGA Deputy Spokesperson for Health and Social Services
 - Independent Chair of the National Adoption Service Advisory Group (Chair of the Advisory Group and Co-Chair of the Combined Governance Board Meeting).
 - Leader (or nominated executive representative) of Host Council.
 - Elected member representative for each of the 5 Regional Adoption Collaboratives (from which the Vice Chair will be drawn).
 - Director / Head of Service from each of the Regional Collaboratives.
 - Senior officer representative of the Host Council.
 - Representative of the 5 VAAs in Wales.
 - Officer representative from the WLGA.

- Representative from the Association of Directors for Social Services Cymru (ADSSC).
 - Representative of Association of Directors of Education in Wales (ADEW).
 - A Designated doctor for Safeguarding/Looked After Children.
 - A current RAC Adoption Panel Medical Advisor.
 - Child and Adolescent Mental Health Services (CAMHS) representative.
 - Representative of a Social Research Centre (currently Cardiff University, CASCADE).
 - Representative of Children's Commissioner for Wales.
 - Representative of CAF/CASS Cymru
 - Citizen or service user.
 - Legal services representative from the Host Council.
 - Director of Operations, National Adoption Service and secretariat.
- 3 The Joint Committee may invite other persons to attend meetings of the Combined Governance Board as observers.
- 4 The terms of reference of the Combined Governance Board shall be reviewed by the Joint Committee at least once a year which may make amendments to the terms of reference.

Schedule 3 Notice Provisions

Welsh Local Government Association
One Canal Parade,
Dumballs Road
CARDIFF
CF10 5BF

Blaenau Gwent County Borough Council
Municipal Offices
Civic Centre
Ebbw Vale
NP23 6XB

Bridgend County Borough Council
Civic Offices
Angel Street
Bridgend
CF31 4WB

Caerphilly County Borough Council
Ty Penalta
Tredomen Park
Ystrad Mynach Hengoed
CF82 7PG

The County Council of the City and County of Cardiff
County Hall
Cardiff
CF10 4UW

Carmarthenshire County Council
County Hall
Carmarthen
Carmarthenshire
SA31 1JP

Ceredigion County Council
Neuadd Cyngor
Ceredigion
Penmorfa
Aberaeron
Ceredigion
SA46 OPA

Conwy County Borough Council
Bodlondeb
Bangor Road
Conwy
LL32 8DU

Denbighshire County Council
County Hall
Wynnstay Road
Ruthin
LL15 1YN

Flintshire County Council
County Hall
Mold
CH7 6NB

Gwynedd Council
Council Offices
Shirehall Street
Caernarfon
LL55 1SH

Isle of Anglesey County Council
Council Offices
Llangefni
LL77 7TW

Merthyr Tydfil County Borough Council
Civic Centre
Merthyr Tydfil
CF47 8AN

Monmouthshire County Council
PO Box 106
Caldicot
NP26 9AN

Neath Port Talbot County Borough Council
Port Talbot Civic Centre
Port Talbot
SA13 1PJ

Newport City Council
Civic Centre
Godfrey Road
Newport
NP20 4UR

Pembrokeshire County Council
County Hall
Haverfordwest
Pembrokeshire
SA61 1TP

Powys County Council
Powys County Hall
Spa Road East
Llandrindod Wells
Powys
LD1 5LG

Rhondda Cynon Taf County Borough Council
The Pavilions
Cambrian Park
Clydach Vale
Tonypany
CF40 2XX

The Council of the City and County of Swansea
Civic Centre
Oystermouth Road
Swansea
SA1 3SN

Torfaen County Borough Council
Civic Centre
Pontypool
Torfaen
NP4 6YB

Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
Vale of Glamorgan
CF63 4RU

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

[The Councils to provide details of fax numbers and e-mail addresses.]

Schedule 4 Financial Memorandum

- 1 The core budget for the office of the Director of Operations and national functions of the National Adoption Service is provided by a 'top slice' of the Revenue Support Grant and made available to the NAS via the Welsh Local Government Association. This arrangement was agreed by the Co-ordinating Committee of the WLGA in March 2014 as part of its agreement to the proposals to establish NAS.
- 2 The Councils shall ensure that:
 - 2.1 The Joint Committee, the Combined Governance Board and the Director of Operations make appropriate use of the National Adoption Services budget to perform their functions and to facilitate achievement of the aims in clause 2 of this Agreement.
 - 2.2 There are adequate financial and accounting procedures for the purposes of this Agreement.
- 3 The Host Council will provide the financial administrative accounting system and appropriate associated support for the discharge of the Specified and Agreed Functions on behalf of the Councils. Subject to the statutory role of each Council's Section 151 Officer in relation to their Council, the Host Council shall provide for the purposes of this Agreement the services of its Section 151 Officer to the Joint Committee.
- 4 The Director of Operations shall submit annual monitoring and accounting reports to the Joint Committee which shall include explanations for any variances against the profiled budget.
- 5 The Joint Committee shall review the expenditure and forecast to ensure that the allocated budget is being correctly adhered to.
- 6 The Joint Committee shall be presented with a report on the proposed use of the budget for the discharge of the Specified and Agreed Functions for approval on behalf of the Councils for the following financial year.
- 7 The Host Council shall apply its Financial Regulations and Contract Procedure Rules to the discharge of the Specified and Agreed Functions on behalf of the Councils pursuant to this Agreement.
- 8 Proportionate Basis for costs and liabilities of the Councils arising under the Agreement:

The Proportionate Basis for which each Council shall be liable for costs arising under the Agreement (to the extent that the same exceed the 'top slice' of the Revenue Support Grant made available to the Joint Committee) shall be calculated by reference to the proportion that the population of each Council's area makes of the total population of Wales. Any indemnity to be funded by all Councils shall be calculated on the same basis.

Schedule 5 Specified and Agreed Functions and Services

1 Service Vision

- 1.1 The Councils wish to use the joint discharge of the Specified Functions to improve the performance of the Councils and partners in meeting the needs of those children who require permanence through adoption by bringing together the best practice from each authority and partner into an integrated adoption service and similarly for an agreed range of fostering functions.
- 1.2 The Councils agree that the joint discharge of the Specified and Agreed Functions should be underpinned by the guiding principles that looked after children and prospective adopters alike are advantaged by the joint discharge of functions and that the joint discharge of functions is demonstrably more efficient and flexible in delivering the Services.

2 Aims, Principles and Objectives of the joint discharge of the Specified Functions for adoption services

- 2.1 Enabling the Councils to comply with their obligations under the Directions.
- 2.2 Delivering a comprehensive adoption service at a national level.
- 2.3 Exercising oversight of Councils' compliance with legislation, regulations, minimum standards, local procedures and the performance management framework set by the Welsh Government and accountable to the Senedd / Welsh Parliament in line with the Directions.
- 2.4 Ensuring that services are carried out in a timely and efficient way and based upon the assessed needs of those persons requiring the service.
- 2.5 Ensuring that persons seeking approval as adoptive parents are welcomed without prejudice and delay and that their applications are considered on their individual merit.
- 2.6 Developing a recruitment strategy which ensures a range of adoptive placements are available nationally or through external agencies to ensure timely placements for all children where the placement plan is adoption.
- 2.7 Providing a child focused placement service to ensure that children are appropriately matched with adopters who can meet their needs throughout their childhood.
- 2.8 Providing a range of pre and post adoption support and intermediary services in conjunction with statutory and voluntary sector providers.
- 2.9 Establishing effective working links with key stakeholders.

- 2.10 Maintaining effective working links with local authority children's services departments to ensure that agency functions in relation to children requiring adoptive placements are maintained.
- 2.11 Utilising and building upon examples of good practice and promote consistency, excellence and continuous improvement.
- 2.12 Complying with the requirements of external audit and inspection.
- 2.13 Ensuring that customer feedback and the views of service users are obtained and considered in the development of services.

3 Aims, Principles and Objectives of the joint discharge of the Agreed Functions for fostering services through Foster Wales

- 3.1 National leadership to ensure consistency of approach on a regional and local authority basis
- 3.2 Commission / monitoring of the programme management contract with Association for fostering and adoption Cymru (AFA Cymru) / creation of a post for this function plus oversight / support of programme manager's work
- 3.3 Maintaining a performance framework and supporting performance reporting at national and regional level to inform improvement
- 3.4 Production of annual report and any other reporting required
- 3.5 Administration of agreed Foster Wales national Governance arrangements and support to Regional Development Manager meetings, practice forums and task & finish groups
- 3.6 Promotion of best practice and culture of continuous improvement currently as below:
 - Oversight and ongoing development of the Foster Wales brand
 - Production of national Policy and Procedures handbook incl. for recruitment
 - Core Offer of support
 - Fees and Allowances
 - Learning and Development framework
- 3.7 Commissioning and contract monitoring of contracts required for FW work – incl. website, brand repository, national marketing manager, launch & campaigns.
- 3.8 Administration of FW finance and grants and accountancy support. Securing resourcing through new / additional finance where possible.

4 The Specified and Agreed Functions

- 4.1 The Specified and Agreed Functions are:

The functions of the Director of Operations and central team including the following:

- Providing leadership to set the direction for NAS and Foster Wales including strategic planning by agreeing priorities, targets and resourcing following engagement with partners and stakeholders as well as support to operational planning.
- Reviewing progress including analysis of performance data and service information from the regions and VAA's.
- Providing annual and mid-year reports each year for agreement by the Combined Governance Board, Joint Committee and submission to Welsh Ministers as well as to WLGA and ADSS-C where required.
- Providing specific functions nationally to support and enable NAS operations (currently as below)
 - Establishing and maintaining a website for the National Adoption Service for Wales
 - Management of the Adoption Register for Wales (under contract from Welsh Government)
 - Commissioning and contracting national contracts to support service delivery functions and support
 - Maintaining arrangements for service user engagement across Wales
 - Leadership, matrix management oversight, advice and support to regions and VAA's.
 - Promotion of best practice and a culture of continuous improvement throughout the NAS.
 - Securing appropriate resourcing through new / additional finance or re-profiling of existing as well as managing the central team allocation, grants and investment.
 - Strategic commissioning as necessary for the discharge of functions
 - Maintaining arrangements for national governance and allied sub / task & finish groups to engage stakeholders in carrying out the actions / work agreed by the Combined Governance Board
 - Promotion of adoption, including national PR and marketing and the provision of the 'face and voice' of adoption in Wales.
 - Stakeholder and relationship management including with allied services and organisations in Wales and UK, Ministers and Welsh Government.
- Providing specific functions nationally to support and enable Foster Wales operations (currently as below)
 - Establishing and maintaining a national website for Foster Wales

- Commissioning and contracting national contracts to support service delivery functions and support
- Leadership, matrix management oversight, advice and support to regions and LA's
- Promotion of best practice and a culture of continuous improvement
- Managing the central team allocation, grants and investment, enabling negotiations with funding bodies to secure ongoing resourcing.
- Maintaining arrangements for national governance and allied sub / task & finish groups to engage stakeholders in carrying out the actions / work agreed by the Lead Heads of Children's Services Group
- Promotion of Foster Wales, including national PR and marketing.
- Stakeholder and relationship management including with allied services and organisations in Wales and UK, Ministers and Welsh Government.

5 The Services

5.1 The services to be provided by the host local authority to facilitate the discharge of the Joint Committee's function shall be detailed in a separate agreement but will be provided subject to and on the overarching terms and conditions set out in this Agreement . Such Host services may include:

(i) Office accommodation and allied facilities services

(ii) Employment of staff, associated human resource functions and advising on workforce planning / issues

(iii) Use of its IT systems and databases, including provision of a separate email domain/s and stand-alone websites as needed

(iv) Finance / accounting services, supporting management of core budget and grant aid including facilitating the transfer of funds to relevant local government or partners agencies of NAS and Foster Wales.

(v) Information security advice and support, ensuring compliance with changing legislation

(vi) Facilitation of procurement and contracting requirements to deliver functions

(vii) Legal advice as required incl. for contracts.

(viii) Engagement of Officers and Members in governance arrangements as required by the Directions

5.2 The Host Authority may make arrangements with third parties for the discharge of the Services and recharge such costs to the Joint

Committee. The Host Authority shall first discuss such matters with the Director of Operations.

Schedule 6 Terms of Reference for the Lead Head of Children's Services Group

1 Objectives and Scope

- 1.1 The main objectives of this group are:
- (a) To support the strategic oversight of Foster Wales
 - (b) To consider the implications at local and regional level arising from the transition to Foster Wales
 - (c) To consider the development needs of services at local, regional, and national level
 - (d) To seek and support solutions to overcome barriers and challenges
 - (e) To continue to develop and maintain collaboration across local authority fostering
 - (f) To consider reports presented, agree actions, make decisions, and monitor progress
 - (g) To consider performance reports and monitor KPIs as identified and agreed
 - (h) To make recommendations for future areas of work programme development

2 Membership

- 2.1 Core membership will include:
- (a) 6 x Regional designated Lead Head of Children's Services
 - (b) Director of the National Adoption Service
 - (c) 6 x Regional Development Managers
 - (d) A Director of Social Services
 - (e) Programme Manager
 - (f) An officer of the Welsh Local Government Association
- 2.2 Arrangements will be put in place to ensure good links between this meeting and members including briefing the WLGA spokesperson for health and Social Care or their nominated Deputy with responsibility for children's services.

3 Frequency of meetings

- 3.1 Meetings will be held at an agreed frequency no less than quarterly (currently monthly), dates and times will be scheduled and provided with advanced notice.

4 Accountability and communication

- 4.1 The group is accountable to the Joint Committee, which holds responsibility for overall oversight of the National Adoption Service and Foster Wales.
- 4.2 Regional representatives are responsible for ensuring that effective communication channels are in place. This should include mechanisms for the sharing of information, decisions, and outcomes from this group to relevant forums and individuals within their own region.

Schedule 7 Scheme of Functions Delegated to the Director of Operations

Part One

SCHEME OVERVIEW

1. Purpose

- 1.1. The National Adoption Service for Wales (NAS) operates in a multi-agency partnership context. This is a complex arrangement best described as a local government led collaborative with a range of different interfaces including the voluntary sector. In order that the NAS national / central team staff can carry out its functions effectively under the Adoption and Children Act 2002 (Joint Adoption Arrangements) (Wales) Directions 2015, it is essential that employees at all levels of the organisation are clear that they have the delegated authority to make decisions. It is also important that employees are clear where they do not have the authority to make decisions.
- 1.2. The Scheme of Delegation is the framework creating the authority to make a decision or discharge a function. Delegation also means that those to whom responsibility has been given are prepared to be accountable for the decisions they have been asked to make and the functions they discharge. Effective and transparent decision making also requires that those making a decision must be confident about the scope of their authority.
- 1.3. The aim of the Scheme of Delegation is to set out who has the authority to make decisions within the national / central team of the National Adoption Service for Wales. It is a companion document to the National Adoption Service in Wales Partnership Agreement and the Agreement for the Establishment of a Joint Committee for the National Adoption Service.
- 1.4. This Scheme of Delegation sets out who can carry out the functions. It does not explain how they are to be carried out. The NAS has adopted the procedures of the Host Council (Cardiff Council) which set out the rules for this. The Host Council is also the employer of NAS staff. As a result, NAS Officers must be familiar with the Host Council's:
 - Financial Procedure Rules (Part 4.6 of the Constitution)
 - Contract Standing Orders and any Procurement guidelines issued by the Host Council
 - Human Resources guidance and procedures
- 1.5. All powers within the Scheme of Delegation are to be exercised within approved budgets and all staffing and recruitment delegations take effect subject to approved HR guidelines.
- 1.6. At the commencement of this Agreement the full arrangements for Foster Wales are being developed but it is anticipated that its relationship to the Joint Committee will be the same as for NAS albeit that governance is managed through the Lead Heads of Children's Services (LHOCS) meeting and that delegated authority will operate in the same way. The Terms of Reference of the Lead Heads of Children's Services meeting are in Schedule 6 of this Joint Committee Agreement.

2. Arrangement of the Scheme of Delegation

- 2.1. . The Scheme of Delegation is arranged in three parts.
 - a) Scheme Overview
 - b) The Joint Committee and Combined Governance Board
 - c) The Director of Operations

3. The Joint Committee, Combined Governance Board and Regional Collaboratives

- 3.1. The complex nature of the arrangements has a number of key bodies either delivering the Adoption Services or setting overall strategy. They interact in a way that influences the approach to delegation.
- 3.2. The Joint Committee will, on behalf of the 22 Welsh Local Authorities, exercise their powers with reference to the provision of the collaborative arrangements for the National Adoption Service for Wales (NAS) and for Foster Wales (FW). It will be underpinned by a legal agreement (Joint Committee Agreement) and be comprised of Council Members. Its role will be to oversee the work of NAS and Foster Wales and specifically approve / receive the below:
 - The Annual Reports of NAS and of Foster Wales;
 - The annual programmes of work for the NAS and for Foster Wales;
 - The budget/s for the office of the Director and the national work of NAS and for Foster Wales; and
 - The agreement, and any changes required, for the Host Council support of the office of the Director to enable it to facilitate the work of NAS and FW.
- 3.3. For NAS (only) it will also oversee how the authorities work together to exercise their powers and comply with the National Assembly Directions (now Senedd Wales).
- 3.4. The Joint Committee has primary responsibility for the delegation framework as it may delegate a function to an officer.
- 3.5. The terms of reference for the Combined Governance Board are contained in schedule 2 of the Agreement for the Establishment of a Joint Committee for the National Adoption Services. The schedule indicates the Board must approve as prepared by the Director of Operations / central team the following:
 - An annual programme of work for the National Adoption Service.
 - A half year and full year progress report for the Welsh Local Government Association (WLGA – Full Council), the Minister for Health and Social Service and the Welsh Government.
 - The budget and financial management arrangements of services and the office of the Director of Operations.
- 3.6. The terms of reference also hold the following accountable for the delivery and performance of their services within the NAS arrangements:
 - Regional Collaboratives (and their staff),
 - the Director of Operations and central team,
 - the Voluntary Adoption Agencies and other services
- 3.7. In order to support the work of the Combined Governance Board the Director of Operations will prepare the items listed in section 3.3 using the support of the Host Council where appropriate.
- 3.8. As the lead executive of the NAS, the Director of Operations has delegated authority from the Joint Committee to manage the organisation. The Director of Operations is also responsible for delegating other decision-making responsibilities to officers within NAS.
- 3.9. The Joint Committee delegates to the Combined Governance Board or Director of Operations all matters which it does not reserve to itself for decision.

- 3.10. The Director of Operations shall provide regular reports to the Combined Governance Board and Joint Committee on the discharge of the Specified Functions.
- 3.11. The delegation of functions and responsibilities both from the Joint Committee and the Director of Operations requires those using delegated authority to carry out those functions in a way that will not prevent the effective discharge of any functions or bring the NAS into disrepute or in any other way have an adverse effect on the NAS.
- 3.12. The scheme of delegation can be removed by the Joint Committee if it takes a formal decision to do so. In these circumstances the Joint Committee would assume those responsibilities that it had previously delegated or delegate these responsibilities to the Combined Governance Board. The Director of Operations can also remove delegations they have granted to their team and in doing so would assume the previously delegated responsibilities or transfer these to another member of their team.
- 3.13. Each region is made up of a number of specified local authorities. These are regional collaboratives overseen by Regional Management Boards. For the NAS to work effectively Partnership Agreement states there should be robust links between RMBs, the Combined Governance Board and the central team (led by the Director of Operations). The RMBs are required to produce an annual report submitted to the Director of Operations by 31st May each year. Other aspects of regional working include the Regional Joint Committees, Regional Operation Groups and a lead authority for each region.
- 3.14 There is no legislation underpinning Foster Wales. Existing regional meetings link to the national Lead Heads of Children's Services meeting which in turn reports to the Joint Committee.

4. Principles of Delegation

- 4.1. The scheme of delegation has a number of principles that underpin the approach adopted so that the transfer of responsibility for a task or function from the Joint Committee, Board Meeting or Director of Operations does not change the overall accountability.
- The Joint Committee, Combined Governance Board LHOC's meeting and the Director of Operations remain accountable for all their functions, even those they have delegated. In order to be assured that the responsibilities that they have delegated are being discharged properly they require information about the exercise of those functions. Appropriate management oversight must be exercised to ensure there is sharing of delegated decisions.
 - In order to make sound decisions, the authority to take decisions must be supported by appropriate skills and knowledge. Those exercising delegated decision-making powers must be made aware of the decisions that have been delegated to them, the limits of their authority and have access to relevant advice if appropriate.
 - A record of delegated decisions will be kept and shared with the Joint Committee and the Combined Governance Board. The frequency of the information to be received will be determined by the Joint Committee and Board but should not be less than quarterly. Where a decision has been formally delegated to the Director of Operations by the Joint Committee or the Combined Governance Board, the decision to delegate will be recorded in the Committee or Board minutes. The decision and its outcome will then be contained in a separate section within the Director of Operations' Quarterly Report to the following

Combined Governance Board. An equivalent process will be developed for Foster Wales

- If the post holder for a delegated decision is absent the line manager will be expected to make the decision. Should the decision be urgent, and a matter delegated to the Director of Operations the Chair of the Combined Governance Board will be able to make the decision in consultation with the Board and, in the case of the absence of the Director of Operations, the relevant staff reporting to the Director of Operations.
- Where a delegated decision is viewed by the postholder as requiring further discussion due to the sensitivity of the issue they should consider approaching the Director of Operations for advice. In the case of the Director of Operations this would involve the Chair of the Joint Committee or the Combined Governance Board as appropriate.

5. Variation, ownership and review of the scheme

- 5.1. The constitution of the Joint Committee includes authority to delegate a function to an officer (Schedule 1, paragraph 25). Variations to the Scheme of delegation will be approved by the Joint Committee and any deviation from it must be approved by the Joint Committee, with such deviations being reported to the next meeting.
- 5.2. For administrative purposes, the Director of Operations, on behalf of the Joint Committee, is the manager of the Scheme of Delegation and will keep the scheme under review in consultation with the Joint Committee Monitoring Officer who will be required to comment on the proposals. Any suggested amendments will be subject to consultation with the Combined Governance Board. Any proposed changes will be submitted to the Joint Committee unless authority to amend the scheme is delegated to the Combined Governance Board. If delegation occurs any changes to the Scheme of Delegation will be reported to the next Joint Committee.
- 5.3. However, the Scheme will be updated as often as is necessary to ensure it remains current, following review and consultation in accordance with paragraph 5.2.

Part Two

The Joint Committee, the Combined Governance Board, Regional Collaboratives, Lead Heads of Children's Services meeting and Director of Operations

a. The Joint Committee

1. The Agreement for the Establishment of a Joint Committee for the National Adoption Service indicates Welsh Councils have agreed to establish and participate in a joint committee to facilitate the delivery of the Specified and Agreed Functions with a view to their economical, efficient and effective discharge.
2. The Joint Committee is specifically responsible for:
 - a. The overall scheme of delegation.
 - b. establishing and delivering the NAS and Foster Wales strategic aims and objectives consistent with its overall strategic direction and within the agreed Welsh Government policy.
 - c. strategic direction and decisions as submitted by the Combined Governance Board and LHOC's meeting.
 - d. ensuring that the responsible minister is kept informed of any changes which are likely to impact on NAS strategic direction or the delivery of the

obligations set out in the Adoption and Children Act 2002 (Joint Adoption Arrangements) (Wales) Directions 2015.

b. The Combined Governance Board

3. The terms of reference of the Combined Governance Board (the Board) indicates the overall role is to provide strategic direction and decisions for submission to the Joint Committee to facilitate the delivery and improvement of adoption services on Wales through the National Adoption Service (NAS) arrangements.
4. The Board also holds the Regional Collaboratives and the Director of Operations and central team accountable for delivery and performance of their services within the NAS arrangements.
5. The Board is responsible for ensuring the Director of Operations has adequate resources to discharge the Specified Functions and deliver an effective NAS. In coming to a decision whether to recommend this to the Joint committee the Board will rely on the advice of the Director of Operations.

c. Regional Collaboratives

6. The Regional Collaboratives must provide an annual report to the Director of Operations by 31st May covering
 - a. The performance of the regional collaborative against the performance measures in the National Performance Management Framework
 - b. An analysis of the implementation of the annual work programme and plans to address any under-performance
 - c. Plans to develop the adoption service within the region in accordance with the national business priorities
 - d. Information regarding the resolution of complaints and determination of disputes at local and regional level and any impact on the provision of adoption services
7. The Scheme of Delegation recognises that the Director of Operations will need to act on behalf of the Combined Governance Board and the Joint Committee when working with the Regional Collaboratives.
8. The Scheme of Delegation recognises that the Director of Operations is not only a member of the Combined Governance Board but is also the principal professional advisor on delivery and improvement of adoption services in Wales through the National Adoption Service arrangements. This will include providing advice to the Joint Committee and Combined Governance Board on the Regional Collaborative arrangements including reporting on the position to the Board based on the reports that Regional Collaboratives must provide to the Director of Operations by 31st May of each year

d. The Director of Operations

7. The scheme of delegation will operate to enable the Director of Operations to carry out the following Specified and Agreed Functions:
 - a. Providing leadership to set the direction for NAS including strategic planning by agreeing priorities, targets and resourcing following engagement with partners and stakeholders as well as support to operational planning.
 - b. Reviewing progress including analysis of performance data and service information from the regions and VAA's.
 - c. Providing annual and mid-year reports each year for agreement by the Combined Governance Board, Joint Committee, and submission to

Welsh Ministers as well as to WLGA and ADSS-C where required;
and

- d. Providing specific functions nationally to support and enable NAS operations including those outlined in the table below.

MATTERS DELEGATED BY THE JOINT COMMITTEE TO THE DIRECTOR OF OPERATIONS. (The delivery of these delegated functions will be overseen on a day-to-day basis by the Combined Governance Board for NAS and the Lead Heads of Services meeting for Foster Wales)

Strategic Direction and Business Planning

The Director of Operations is responsible for:

- Overseeing the development of the annual programme of work and budget for the National Adoption Service (incl. Foster Wales). This will include a medium term (3 year) financial plan accompanied by the assumptions on which longer term planning is based
- A half year and full year progress report for the Welsh Ministers and the Welsh Government with required oversight of the Combined Governance Board and the Joint Committee.

Financial Management, Commissioning, Propriety and Value for Money

The Director of Operations is responsible for:

- Ensuring the NAS stays within its overall budget
- Ensuring the NAS operates within the financial regulations of the Host Council
- Signing agreements or other documents on behalf of the Joint Committee and/or the Combined Governance Board
- Securing appropriate resourcing through new/additional finance or reprofiling of existing as well as managing the central team allocation, grants and investment
- Ensuring the NAS complies with any requirements to publish information as required by legislation and the Welsh Government
- Approving the level of delegation for non-pay expenditure within the overall delegation scheme as approved by the Joint Committee and/or the Combined Governance Board
- Approving those posts as having the responsibility of Budget Holder
- Authorising contracts up to £1m, and in excess of £1m in conjunction with the Combined Governance Board
- Taking overall responsibility for the control of the NAS's fixed assets
- Ensures the Host Council's agreed systems of control are applied within the NAS to protect against fraud and losses including data losses
- Strategic Commissioning as necessary for the discharge of functions
- Ensuring all staff are aware that the NAS operates within the Host Council's:
 - Financial Regulations and procedures.
 - Contract Standing Orders and any Procurement guidelines issued by the Host; and
 - Human Resources guidance and procedures

Risk Management and Assurance

The Director of Operations is responsible for:

- Ensuring the risks to the Annual Plan are identified, assessed, managed and escalated where necessary in accordance with the Host Council's risk management policy
- Monitoring, controlling and assuring the Joint Committee and Combined Governance Board of the business and regulatory risks for which they are responsible

Information and Information Governance

The Director of Operations is responsible for:

- Understanding and addressing the risks to the information assets under their control or delegated to them by the Joint Committee and/or Combined Governance Board
- Providing assurance to the Host Council's SIRO on the security and use of information assets
- Ensuring data is managed in accordance with the requirements of the Data Protection Act 1998
- Approving the release of information about the provision of National Adoption Services
- Establishing and maintaining a website for the National Adoption Service for Wales
- Promotion of adoption, including PR and marketing and the provision of the 'face and voice' of adoption in Wales
- Management of the Adoption Register for Wales (under contract from the Welsh Government)
- Maintaining arrangements for service user engagement across Wales

Dispute Resolution

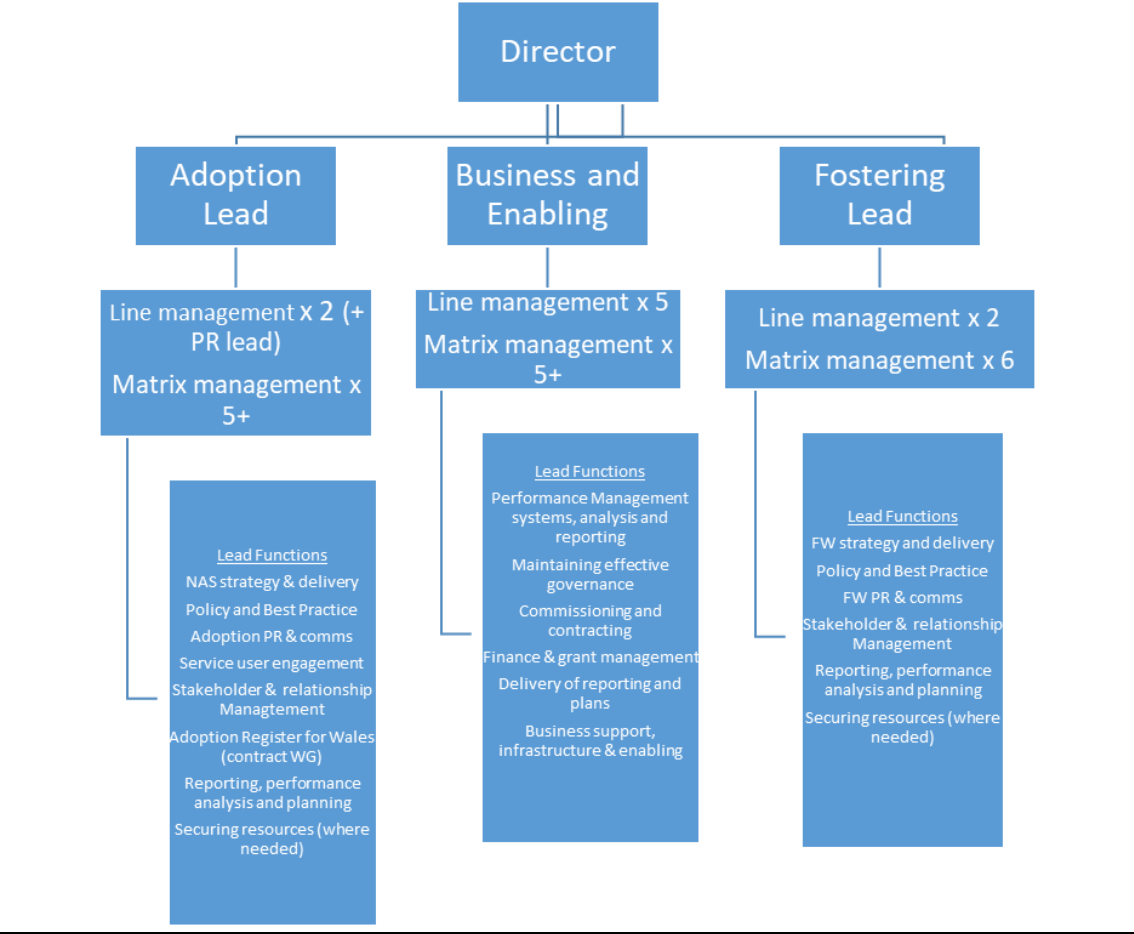
The Director of Operations is responsible for:

- Producing and implementing a plan to resolve any dispute that arises in relation to any aspect of the Agreement for the Establishment of a Joint Committee for the National Adoption Service

Regional Arrangements and Regional Collaboratives

- Advising the Joint Committee and/or the Combined Governance Board on the working arrangements for the Regional Collaboratives
- Leadership, matrix management oversight, advice and support to regions and VAA's
- Maintaining arrangements for national governance and allied sub/task & finish groups to engage stakeholders in carrying out the actions/work agreed by the Combined Governance Board

Central team – leadership and enabling



This page is intentionally left blank

Agenda Item 32

Council only

Date signed off by the Monitoring Officer: N/A

Date signed off by the Section 151 Officer: N/A

Committee: **Council**

Date of Meeting: **24th November, 2022**

Report Subject: **Memberships Report**

Portfolio Holder: **Councillor S. Thomas – Leader/
Cabinet Member – Corporate Overview
& Performance**

Report Submitted by: **Democratic Services**

Report Written by: **Democratic Services**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Governance & Audit Committee	Democratic Services Committee	Scrutiny Committee	Cabinet	Council	Other (please state)
							24/11/22	

1. **Purpose of the Report**
 - 1.1 To present a list of Memberships for consideration and determination by Members of the Council.

2. **Scope**
 - 2.1 **ADVISORY PANEL FOR LOCAL AUTHORITY GOVERNORS**

To ratify the appointments made at the panel meeting held on 22nd November, 2022. A verbal update will be provided at Council.
 - 2.2 **GWENT PUBLIC SERVICE BOARD SCRUTINY COMMITTEE**

To appoint Councillors Tommy Smith and Ellen Jones to the Gwent Public Services Board Scrutiny Committee.
 - 2.3 **SAFER SCHOOLS PARTNERSHIP BOARD**

To appoint Councillor Tommy Smith to the Safer Schools Partnership Board.

3. **Options for Recommendation**
 - 3.1 To consider the above.

This page is intentionally left blank

By virtue of paragraph(s) 12, 13 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank