



## City and County of Swansea

### Notice of Meeting

You are invited to attend a Meeting of the

## Scrutiny Performance Panel – Service Improvement & Finance

**At:** Committee Room 5 - Guildhall, Swansea

**On:** Monday, 12 February 2018

**Time:** 10.30 am

**Convenor:** Councillor Chris Holley OBE

**Membership:**

Councillors: P Downing, P R Hood-Williams, L James, M H Jones, P K Jones, J W Jones, I E Mann, B J Rowlands and D W W Thomas

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### Agenda

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|----------|--|----------------|
| <b>1</b> | <b>Apologies for Absence.</b>  |                |
| <b>2</b> | <b>Disclosure of Personal and Prejudicial Interests.</b><br><a href="http://www.swansea.gov.uk/disclosuresofinterests">www.swansea.gov.uk/disclosuresofinterests</a>   |                |
| <b>3</b> | <b>Public Questions</b> <ul style="list-style-type: none"><li>• Questions must relate to matters on the open part of the Agenda of the meeting, and will be dealt with in a 10 minute period</li></ul>   |                |
| <b>4</b> | <b>Highways and Transportation Commissioning Review</b> <ul style="list-style-type: none"><li>• Phil John - Project Manager, Highways &amp; Transportation</li><li>• Stuart Davies – Head of Highways and Transportation Service</li><li>• Mark Thomas – Cabinet Member for Environment Services</li></ul> | <b>1 - 7</b>   |
| <b>5</b> | <b>Exclusion of the Public</b>   | <b>8 - 11</b>  |
| <b>6</b> | <b>Highways and Transportation Commissioning Review</b>  | <b>12 - 65</b> |

**Next Meeting:** Wednesday, 14 February 2018 at 10.00 am

**Huw Evans**  
**Head of Democratic Services**  
**Thursday, 8 February 2018**  
**Contact: Scrutiny - 637732**

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## Report of the Convener

### Service Improvement and Finance Scrutiny Performance Panel – 12<sup>th</sup> February 2018

#### Pre-Decision Scrutiny of Cabinet Report – Highways and Transportation Commissioning Review

<b>Purpose</b>	This report provides guidance on pre-decision scrutiny ahead of consideration of the Cabinet report on the Highways and Transportation Commissioning Review.
<b>Content</b>	This covering report is focussed on the role of the Panel in undertaking pre-decision scrutiny.  The actual Cabinet report which is being considered by Cabinet on 15 <sup>th</sup> February 2018 is appended.
<b>Councillors are being asked to</b>	<ul style="list-style-type: none"> <li>• Note the pre-decision scrutiny process and role of the Panel</li> <li>• Consider the Cabinet report and proposals</li> <li>• Agree any views on the proposed decision that are to be raised with Cabinet</li> </ul>
<b>Lead Cabinet Member / Officer(s)</b>	Councillor Mark Thomas Cabinet Member for Environment Services
<b>Report Author</b>	Bethan Hopkins, Scrutiny Officer Telephone: 01792 636292 <a href="mailto:bethan.hopkins@swansea.gov.uk">bethan.hopkins@swansea.gov.uk</a>

## 1. Introduction

- 1.1 It has been agreed that all commissioning review final reports to Cabinet should undergo pre-decision scrutiny. The Scrutiny Programme Committee will carry out pre-decision scrutiny or delegate reports to be considered to relevant Scrutiny Panels.
- 1.2 The Cabinet Member for Environment Services is presenting a report on the Highways and Transportation – Commissioning Review to Cabinet on 15<sup>th</sup> February 2018.

## 2. Role of the Panel

## 2.1 The purpose of pre-decision scrutiny:

- It entitles scrutiny to discuss proposed Cabinet reports, where a clear recommendation(s) exists, before decisions are taken by the Executive.
- Acting as a 'critical friend', it enables scrutiny to ask questions about a report to develop understanding and inform and influence decision-making, for example asking about:
  - the rationale for the report
  - robustness of the proposed decision and decision-making process
  - potential impact and implications (including policy/budget issues) and risks
  - how different options have been considered
  - the extent of consultation undertaken etc.
- It enables scrutiny to report its views and any issues to Cabinet. The convener, on behalf of the Panel, can attend the Cabinet meeting to share the views of scrutiny on the report prior to Cabinet decision. This may include giving support, providing other suggestions on the way forward, or flagging up any concerns.
- The views of scrutiny are required to be formally considered by Cabinet before it makes the decision and feedback should be given including explanation for any rejection of views expressed.

2.2 Councillor Mark Thomas, Cabinet Member for Environment Services will attend the meeting to respond to questions and issues raised. Relevant officer(s) involved in the development of the report will also be present to assist the Panel and provide appropriate advice.

2.3 The Panel (through the convener) will write to the relevant Cabinet Member with its views following pre-decision scrutiny. The convener will have the opportunity to attend the cabinet meeting on 15<sup>th</sup> February to verbally feedback the Panel's views, conclusions and recommendations about the report.

## 3. **Cabinet Response**

3.1 Cabinet must formally consider scrutiny views at its meeting. It may decide that any issues raised by scrutiny can be dealt with at the meeting and decision taken. It may decide that more time is needed to consider the views of scrutiny and defer decision to the next (or a special) meeting of Cabinet.

3.2 The relevant Cabinet Member is expected to write back to the Panel with feedback from Cabinet, and should include explanation of any rejection of scrutiny views.

**4. Legal Implications**

4.1 In accordance with the Council's Constitution "pre-decision scrutiny gives scrutiny the opportunity to influence Cabinet decision making as a critical friend". "The views of the scrutiny panel are formally presented (either in a written report or verbally by the scrutiny convener) to the Cabinet meeting for the Cabinet to consider and inform its decision making".

**5. Financial Implications**

5.1 There are no specific financial implications raised by this report. Financial implications of the actual cabinet report(s) are contained within that report which is appended.

Background Papers: None



## Report of the Cabinet Member for Environment Services

Cabinet - 15 February 2018

# Highways and Transportation Commissioning Review

<b>Purpose:</b>	To report the findings of the H&T Commissioning Review and update members on progress
<b>Policy Framework:</b>	Sustainable Swansea – Fit For The Future
<b>Consultation:</b>	Legal, Finance, Access to Services.
<b>Recommendation(s):</b>	It is recommended that:  1) The recommended operating model be approved;  2) Progress on developing the strategic approach to transport is endorsed;  3) Progress on achieving financial savings is noted.
<b>Report Author:</b>	Stuart Davies
<b>Finance Officer:</b>	Paul Roach
<b>Legal Officer:</b>	Debbie Smith
<b>Access to Services Officer:</b>	Catherine Window

### 1. Background

- 1.1 The Highways and Transportation Commissioning Review was undertaken between June 2016 and January 2017. Further work was then requested on the strategic models and the need to consider the cross cutting review of transport which has impacts beyond the Highways and Transportation Service.
- 1.2 Considerable progress has been achieved since June 2016 with significant budget savings identified in the commissioning review having been accepted in the 2017/18 and currently being considered in the 2018/19 budget process.

1.3 The commissioning report has remained largely unchanged since January 2017 and this note provides a summary of progress relating to the commissioning report outcomes and cross cutting review.

## **2. Progress And Further Works**

2.1 Since January 2017, the following matters have progressed:

- A Transport Steering Group has been established to ensure a robust corporate approach to all transportation matters for the Council;
- The Integrated Transport Unit has been created, with a manager having been appointed and staff transferred into the structure;
- Transport policy and strategy has been added to the Policy Development and Delivery Committee (PDDC) programme with an initial presentation given to the committee to provide an insight into the policy approaches and tensions;
- The budget process has agreed savings targets and budgetary proposals identified in this commissioning report for 2017-18 and 18-19 (subject to consultation). Members also considered the adverse measures within the report and opted not to implement these.
- A review of transport policy and delivery has been agreed and this is currently being scoped (see below) This also includes a cross cutting savings target of £2m linked to the wider discretionary transport costs incurred by the authority.
- An approach to electric vehicles (EV) for the Council and a strategy for the City and wider region is being developed. This will link strongly with the development of an energy strategy for the Council.
- Funding has been secured through the Local Transport Fund in 2017/18 to develop the concept of a Metro system to serve the City and the wider region. This work is being carried out in partnership with the three other authorities in the region.
- The Welsh Government has expressed a clear desire to see transport policy being developed on a regional footprint. This will be considered by the Regional Transport Directors Group and Regional Transport Forum and may lead to the need to formally constitute a regional transport structure.

2.2 It is proposed that the Transportation Cross Cutting Review will be delivered via the Transport Steering Group as many of these policies (and responsibility for associated finances) will sit within distinct directorates. This review will include all policies which impact upon transportation and will consider how we deliver both discretionary and statutory transport services in the future.

2.3 Whilst the programme scope and resource requirements are yet to be determined, it is anticipated that the programme will require some resources (e.g. specialist external consultancy) for specific work streams.

Consideration is currently being given corporately as to how these cross cutting reviews build in member engagement as part of the member led approach so all policies are “co-produced”.

- 2.4 The need for an additional policy support officer has also been identified in the commissioning review and this has been considered and agreed as part of the service improvement options in the budget process. This is critical to ensure there is adequate capacity to be able to respond to the increasing demands at a local and regional level.

### **3. Findings Of The Commissioning Review**

- 3.1 Highways and Transportation already deliver services under a ‘hybrid’ operating model. That is, some services are delivered by our own staff, some are outsourced to ensure best value and some of our own services are sold to the private sector.
- 3.2 The Transformed Hybrid model clearly came out on top for all services in this review and is recommended as the adopted model.
- 3.3 A savings target of £1.1m was agreed for the 2017/18 budget year via the Budget Challenge process. The proposals underpinning that target were all established as part of this review.
- 3.4 Further savings proposals of £790k for the 2018/19 budget have been proposed as part of the current budget process (subject to consultation).
- 3.5 Further opportunities for savings do exist but some will only be deliverable if;  
a) they align to the desired strategic direction; and  
b) they are addressed as part of a wider ‘cross cutting review’.

As previously stated, to address this, the strategic work has been submitted to the PDDC programme and a Transportation Cross Cutting Review is being scoped.

- 3.5 The need to increase capital investment in the Highways infrastructure to prevent asset deterioration has been identified in the commissioning report and this has been highlighted in the proposals for the capital expenditure.

### **4. Equality And Engagement Implications**

Any proposals developed and delivered as part of future works (via budget challenge, PDDC or cross cutting reviews) will be appropriately screened and/or consulted upon.

### **5. HR Implications**

There are no specific additional legal implications as a result of this report. Any changes to workforce levels or terms and conditions will be dealt with in accordance with normal Council policies and procedures.

## **6. Financial Implications**

All financial decisions have, or are now being pursued via alternative channels. This report does not therefore ask members to commit to any further financial commitments.

## **7. Legal Implications**

There are no specific additional legal implications as a result of this report. Any changes to service delivery will be carried out in compliance with current legal requirements.

### **Background Papers:**

Commissioning report for H&T

Appendices 1 -13

Table of Savings agreed from Commissioning report which have been taken from 2017/18 budgets

### **Appendices:**

None





## Report of the Head of Legal, Democratic Services & Business intelligence

Service Improvement and Finance Panel – 12<sup>th</sup> February 2018

### Exclusion of the Public

<b>Purpose:</b>	To consider whether the Public should be excluded from the following item of business.	
<b>Policy Framework:</b>	None.	
<b>Consultation:</b>	Legal.	
<b>Recommendation(s):</b>	It is recommended that:	
<b>1)</b>	The public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as set out in the Paragraphs listed below of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 subject to the Public Interest Test (where appropriate) being applied.	
	<b>Item No.</b>	<b>Relevant Paragraphs in Schedule 12A</b>
	6	14
<b>Report Author:</b>	Democratic Services	
<b>Finance Officer:</b>	Not Applicable	
<b>Legal Officer:</b>	Tracey Meredith –Head of Legal, Democratic Services & Business Intelligence (Monitoring Officer)	

#### 1. Introduction

- 1.1 Section 100A (4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, allows a Principal Council to pass a resolution excluding the public from a meeting during an item of business.
- 1.2 Such a resolution is dependant on whether 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 there would be disclosure to them of exempt information, as defined in section 100I of the Local Government Act 1972.

## **2. Exclusion of the Public / Public Interest Test**

- 2.1 In order to comply with the above mentioned legislation, the Panel will be requested to exclude the public from the meeting during consideration of the item of business identified in the recommendation to the report on the grounds that it involves the likely disclosure of exempt information as set out in the Exclusion Paragraphs of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.
- 2.2 Information which falls within paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 2.3 The specific Exclusion Paragraphs and the Public Interest Tests to be applied are listed in **Appendix A**.
- 2.4 Where paragraph 16 of the Schedule 12A applies there is no public interest test. Councillors are able to consider whether they wish to waive their legal privilege in the information, however, given that this may place the Council in a position of risk, it is not something that should be done as a matter of routine.

## **3. Financial Implications**

- 3.1 There are no financial implications associated with this report.

## **4. Legal Implications**

- 4.1 The legislative provisions are set out in the report.
- 4.2 Councillors must consider with regard to each item of business set out in paragraph 2 of this report the following matters:
  - 4.2.1 Whether in relation to that item of business the information is capable of being exempt information, because it falls into one of the paragraphs set out in Schedule 12A of the Local Government Act 1972 as amended and reproduced in Appendix A to this report.
  - 4.2.2 If the information does fall within one or more of paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended, the public interest test as set out in paragraph 2.2 of this report.
  - 4.2.3 If the information falls within paragraph 16 of Schedule 12A of the Local Government Act 1972 in considering whether to exclude the public members are not required to apply the public interest test but must consider whether they wish to waive their privilege in relation to that item for any reason.

**Background Papers:** None.

**Appendices:** Appendix A – Public Interest Test.

## Public Interest Test

No.	Relevant Paragraphs in Schedule 12A
<b>12</b>	<b>Information relating to a particular individual.</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 12 should apply. His view on the public interest test was that to make this information public would disclose personal data relating to an individual in contravention of the principles of the Data Protection Act. Because of this and since there did not appear to be an overwhelming public interest in requiring the disclosure of personal data he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
<b>13</b>	<b>Information which is likely to reveal the identity of an individual.</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 13 should apply. His view on the public interest test was that the individual involved was entitled to privacy and that there was no overriding public interest which required the disclosure of the individual's identity. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
<b>14</b>	<b>Information relating to the financial or business affairs of any particular person (including the authority holding that information).</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 14 should apply. His view on the public interest test was that:</p> <p><b>a)</b> Whilst he was mindful of the need to ensure the transparency and accountability of public authority for decisions taken by them in relation to the spending of public money, the right of a third party to the privacy of their financial / business affairs outweighed the need for that information to be made public; or</p> <p><b>b)</b> Disclosure of the information would give an unfair advantage to tenderers for commercial contracts.</p> <p>This information is not affected by any other statutory provision which requires the information to be publicly registered.</p> <p>On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>

No.	Relevant Paragraphs in Schedule 12A
15	<p><b>Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</b></p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 15 should apply. His view on the public interest test was that whilst he is mindful of the need to ensure that transparency and accountability of public authority for decisions taken by them he was satisfied that in this case disclosure of the information would prejudice the discussion in relation to labour relations to the disadvantage of the authority and inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
16	<p><b>Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</b></p>
	<p>No public interest test.</p>
17	<p><b>Information which reveals that the authority proposes:</b>  <b>(a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</b>  <b>(b) To make an order or direction under any enactment.</b></p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 17 should apply. His view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by the public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
18	<p><b>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</b></p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 18 should apply. His view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>

# Agenda Item 6

By virtue of paragraph(s) 14 of Schedule 12A  
of the Local Government Act 1972  
as amended by the Local Government (Access to  
Information) (Variation) (Wales) Order 2007.

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