



## Report of the Cabinet Member for Wellbeing

Cabinet - 21 July 2022

### Western Bay Area Planning Board Governance Framework

<b>Purpose:</b>	To endorse the Western Bay Area Planning Board's Governance framework and seek approval to enter into a Financial Governance and Risk Sharing agreement with the responsible authorities to the Area Planning Board.
<b>Policy Framework:</b>	Social Services and Wellbeing (Wales) Act 2014 The Well-being of Future Generations Act 2015 Crime and Disorder Act 1998 Working Together to Reduce Harm Revised Guidance for Substance Misuse Area Planning Boards 2017 Substance Misuse Delivery Plan 2019—2022 Revised in January 2021 in response to COVID-19
<b>Consultation:</b>	Western Bay Area Planning Board Partners Finance and Legal.
<b>Recommendation(s):</b>	It is recommended that:  <ol style="list-style-type: none"><li>1. The Western Bay Area Planning Board's Governance Framework is endorsed.</li><li>2. Approval is sought to enter into a Financial Governance and Risk Sharing agreement with the responsible authorities to the Area Planning Board.</li></ol>
<b>Report Author:</b>	Jane Whitmore
<b>Finance Officer:</b>	Chris Davies
<b>Legal Officer:</b>	Caritas Adere
<b>Access to Services Officer:</b>	Rhian Millar

## **1. Introduction**

- 1.1 Responsible authorities in Wales and England have a statutory duty to formulate and implement a strategy for combatting the misuse of drugs, alcohol and other substances in the area.
- 1.2 In 2010 the Welsh Government established Area Planning Boards (APBs) to discharge the Crime and Disorder duties at a regional level.
- 1.3 The aim of the Western Bay Area Planning Board is to bring together representatives of the Responsible Authorities, to fulfil these responsibilities across Neath Port Talbot and Swansea. The Western Bay APB is required to have robust governance arrangements in place.
- 1.4 A governance framework for the Western Bay APB has been developed and approved by the APB. Each constituent responsible authority is asked to endorse and approve the Governance Framework.
- 1.5 The APB is not a legal entity in its own right and so Neath Port Talbot County Borough Council acts as the banker for the Western Bay Area Planning Board. However NPTCBC is exposed to all the responsibilities and liabilities, if it enters into new or amends any contracts in respect of substance misuse services on behalf of the APB.
- 1.6 A financial governance and risk sharing agreement has been developed which will enable risk to be shared amongst partners. Once this is in place NPTCBC can take the lead on any new contracts or changes to existing contracts without bearing all the risk.
- 1.7 As such it is necessary for each Responsible Authority to seek approval to the Financial Governance and Risk Sharing Agreement through their respective governance frameworks.

## **2 Context**

- 2.1 The Crime and Disorder Act 1998 places a duty on responsible authorities in Wales and England to formulate and implement a strategy for combatting the misuse of drugs, alcohol and other substances in the area.
- 2.2 In 2010 the Welsh Government established area planning boards (APBs) to deliver the Welsh Government's Strategy, to plan treatment services and pool resources. The composition of APBs allowed the Responsible Authorities to discharge the Crime and Disorder duties at a regional level.
- 2.3 The Responsible Authorities on the APB are:
  - Swansea Bay University Health Board
  - The Council of the City and County of Swansea
  - Neath Port Talbot County Borough Council
  - South Wales Police

- National Probation Service
  - Mid and West Wales Fire and Rescue Service
  - Representative from Police & Crime Commissioner's office
- 2.4 The aim of the Western Bay Area Planning Board is to bring together representatives of the Responsible Authorities, and other organisations (invited members and advisors) to improve and strengthen the arrangements for the planning, commissioning and performance management of substance misuse services across Neath Port Talbot and Swansea.
- 2.5 The Western Bay Area Planning Board (APB) is required to have robust governance arrangements in place, in order to meet its obligations under the National Core Standards for Substance Misuse.
- 2.6 A governance framework for the Western Bay APB has been developed and approved by the APB. This document provides clarity on the role of APB Board Members and sets out a Code of Conduct and a Memorandum of Understanding that will ensure that decisions are clear, transparent and that there is clear accountability for the Board's work.
- 2.7 The APB is an unincorporated body it has no legal powers and will operate as a collaboration of organisations and does not have executive or statutory powers to make decisions in its own right.
- 2.8 This memorandum of understanding does not change, replace, substitute or amend in any way the statutory duties or other responsibilities of the Responsible Authorities. The memorandum of understanding is not legally binding between the parties.
- 2.9 It is a mechanism which allows the Responsible Authorities to come together at a regional level to enable their statutory responsibilities as described above to be discharged.
- 2.10 As mentioned above the APB is not a legal entity in its own right and as such the APB itself is not able to commission work, procure goods/services, and incur costs or to enter into contracts etc. as it does not have the legal status to do so.
- 2.11 Where such activities are proposed to be undertaken, it will be necessary for either the nominated grant recipient body and / or other named statutory partners to carry forward the proposals approved by the Responsible Authorities.
- 2.12 Neath Port Talbot County Borough Council (NPT) acts as the banker for the Western Bay Area Planning Board, in respect of Welsh Government Substance Misuse Action Fund money (SMAF) and partner contributions from Swansea and NPT Councils.

- 2.13 However in the absence of an appropriate agreement, NPTCBC is exposed to all the responsibilities and liabilities as regards the receipt of the SMAF monies and in entering into contracts in respect of substance misuse services.
- 2.14 A financial governance and risk sharing agreement has been developed by NPTCBC legal services in consultation with partner organisations (Responsible Authorities). This agreement will enable risk to be shared amongst partners and once this is in place NPT CBC can take the lead on any new contracts or changes to existing contracts without bearing all of the risk.

### **3. Integrated Assessment Implications**

3.1 The Council is subject to the Equality Act 2010 (Public Sector Equality Duty and the Socio-Economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure 2011 and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

3.1.1 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

3.1.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

3.2 In order to comply with the relevant regulations, an IIA screening has been completed, which highlights that a full report is not needed.

3.3 The IIA reporting process will also provide evidence that the initiative complies with the Welsh Language Standards: specifically, that we have

considered how to maximise any benefits and minimise any adverse effects on:

- opportunities for people to use the Welsh language
- treating the Welsh language no less favourably than English.

#### **4. Financial Implications**

- 4.1 The substance misuse action fund is administered on behalf of the region through the Area Planning Board.
- 4.2 The Area Planning Board revenue allocations for 2022-23 and indicative 2023-24, 2024-25 funding allocations are outlined within the Second Schedule, Annex A of the Western Bay Area Planning Board's Governance Framework.
- 4.3 Partner financial contributions are outlined in the Third Schedule of the Western Bay Area Planning Board's Governance Framework. These amounts are for 2022-23 only pending a review of the formula calculation for partner contributions which will be undertaken in this financial year.
- 4.4 The Western Bay Area Planning Board's Governance Framework does not commit Swansea Council to any ongoing revenue contributions past what is already in the budget for 2022 – 23.
- 4.5 The Western Bay Area Planning Board's Governance Framework is committed to best value principles and losses and liabilities are covered within the agreement.

#### **5. Legal Implications**

- 5.1 Endorsing the Western Bay Area Planning Board's Governance Framework will enable Swansea Council to enter into the Financial Governance and Risk Sharing Agreement with the Responsible Authorities to the Area Planning Board.
- 5.2 As the APB is not a legal entity, it has appointed NPT as the banker and lead authority to procure and enter into contracts on behalf of the Responsible Authorities, in order to deliver the services throughout the region.
- 5.3 NPT requires the Responsible Authorities to enter into the Financial Governance and Risk Sharing Agreement, in order to provide clarity of financial governance and risk sharing in the delivery of the services.
- 5.4 Endorsing the Western Bay Area Planning Board's Governance Framework and entering into Financial Governance and Risk Sharing Agreement, will support Swansea Council in discharging its duties under the Social Services and Wellbeing (Wales) Act 2014, the Well-being of Future Generations Act 2015 and the Crime and Disorder Act 1998. It will

also enable Swansea Council to meet its obligations under the Substance Misuse Delivery Plan 2019—2022 and the National Core Standards for Substance Misuse.

- 5.5 Any procurement activities and contracts entered into to deliver the services within the region, would need to comply with the Public Contracts Regulations 2015.

**Background Papers:**

None.

**Appendices:**

Appendix 1 - Western Bay Area Planning Board's Governance Framework.

Appendix 2 - IIA Screening Form