

# **DRAFT Swansea Public Services Board Terms of Reference**

Agreed by Swansea Public Services Board on xx xx 2019

*Prepared with reference to the Welsh Government Statutory Guidance: Shared Purpose: Shared Future*

## **Status**

1. Swansea Public Services Board (the Board) is a statutory board established by the Well-being of Future Generations (Wales) Act 2015. References to the Board are references to the members of the Board acting jointly. <sup>i</sup>

## **Purpose**

2. The purpose of the Board is to improve the economic, social, environmental and cultural well-being of Swansea.
3. In pursuing this purpose the Board will contribute to the national well-being goals:
  - a) A prosperous Wales
  - b) A resilient Wales
  - c) A healthier Wales
  - d) A more equal Wales
  - e) A Wales of cohesive communities
  - f) A Wales of vibrant culture and thriving Welsh language
  - g) A globally responsible Wales
4. In conducting its business the Board will act in accordance with the sustainable development principle, acting in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. <sup>ii</sup>
5. In exercising its functions, the Board must seek advice from its other partners and involve them in such manner and to such extent as it considers appropriate. <sup>iii</sup>
6. In exercising its functions, the Board must take guidance issued by Welsh Ministers into account. <sup>iv</sup>

## Main Tasks

7. The Board has the following main tasks (to be achieved within timescales as specified in the Well-being of Future Generations Act):
  - a) To prepare and publish an assessment of economic, social, environmental and cultural well-being in Swansea. <sup>v</sup>
  - b) To prepare and publish a Local Well-being Plan for Swansea setting out local objectives and the steps it proposes to take to meet them. <sup>vi</sup>
  - c) To prepare and publish an annual report that sets out the Board's progress in meeting the local objectives<sup>vii</sup>
  - d) To invite participants to attend and participate in the business of the Board as appropriate<sup>viii</sup>.
  - e) To review and revise its local objectives and if it has revised its local objectives it must amend the Well-being Plan <sup>ix</sup>.
  - f) To review its local objectives if directed to do so by Welsh Ministers and then amend the Well-being Plan in consequence of such a review. <sup>x</sup>
  - g) To attend Swansea Council's Scrutiny Programme Committee to provide information and assistance that enables the committee to discharge its responsibilities to scrutinise the work of the Public Services Board as defined in s35 of the Well-being of Future Generations (Wales) Act 2015. <sup>xi</sup>

## Membership

### *Statutory Members*

8. The statutory members of the Board are: <sup>xii</sup>
  - a) **City and County of Swansea**
  - b) **Swansea Bay University Health Board**
  - c) **Mid and West Wales Fire and Rescue Service**
  - d) **Natural Resources Wales**
9. The Representatives of the statutory members of the Board are: <sup>xiii</sup>
  - a) **City and County of Swansea (Leader and Chief Executive)**
  - b) **Swansea Bay University Health Board (Either the Chairman, Chief Executive or both)**
  - c) **Mid and West Wales Fire and Rescue Service (Either the Chairman, Chief Officer or both)**
  - d) **Natural Resources Wales (Chief Executive)**
10. Individuals must designate a substitute in the event that they are unable to attend a meeting of the Board. The Council Leader may only designate his substitute from the Council's Executive. <sup>xiv</sup>
11. Any substitutes should have the authority to make decisions on behalf of the named persons.

### *Invited Participants*

12. The following persons must be invited to participate in the activity of the Board: <sup>xv</sup>

- a) The Welsh Ministers
- b) The Chief Constable of South Wales Police
- c) The South Wales Police and Crime Commissioner
- d) Probation services representative
- e) A representative of voluntary organisations
- f) Any other persons who the Board may be required to invite under regulations made by Welsh Ministers. <sup>xvi</sup>

13. Invited participants are not required to accept the invitation.

14. Invited participants are not members of the Board. They are entitled to;

- make representations to the Board about the content of assessments of local well-being, the local well-being plan and proposed amendments to the local well-being plan, to take part in Board meetings and provide other advice and assistance to the Board. <sup>xvii</sup>

15. In the event that an invited person is unable to attend a meeting of the Board they are required to designate a substitute but it is expected that substitutes will be authorised to make decisions and commitments on behalf of the invited person.

16. The Board may invite any other persons who exercise functions of a public nature to participate in the Board's activity, even if that person exercises other functions. <sup>xviii</sup>

17. Invited participants who are to be asked to join the Board will be agreed at a meeting of the Board and the form of invitation will be via a letter from the Chair setting out the reasons for the invitation and the expectations upon the invitee. The letter will set out to whom a response is to be sent. <sup>xix</sup>

18. Invited participants may participate in the activity of the Board from the date on which the response accepting the invitation is received by the person to whom it is to be sent and ending on the date on which the next ordinary election is held under s26 of the Local Government Act 1972 (c.70).

### *Other partners*

19. The Board must seek advice from its other partners and otherwise involve them as it considers appropriate. Other partners are not members of the Board. <sup>xx</sup>

20. These partners will include, but are not limited to:

- a) A Community Council for a community in an area which (or any part of which) falls within the local authority area
- b) The Public Health Wales NHS Trust

- c) A Community Health Council for an area which (or any part of which) falls within the local authority area
- d) A National Park Authority for a National Park in Wales any part of which falls within the local authority area
- e) The Higher Education Funding Council for Wales
- f) An institution in the further education sector or the higher education sector situated in whole or in part within the local authority area
- g) The Arts Council of Wales
- h) The Sports Council for Wales
- i) The National Library of Wales
- j) The National Museum of Wales

### **Decision Making and Dispute Resolution**

21. Board decisions are only valid when made jointly and unanimously by all statutory members (or their substitutes) and with all statutory members in attendance.
22. In the event of a disagreement between statutory members it is the responsibility of the Chair to convene a meeting to resolve the disagreement. In the event that a consensus cannot be reached at the meeting the Chair will appoint an independent mediator who must not be in the employment of the statutory members. The statutory members must co-operate with the mediator. The costs of mediation will be borne in equal shares by the four statutory members.

### **Quorum**

23. The quorum of a PSB meeting is all of its statutory members. Each statutory member of the PSB must be represented at a meeting by the individual specified in section 9 or a substitute for that individual. <sup>xxi</sup>

### **Mandatory Meetings**

24. The PSB will hold a meeting of the statutory members of the Board, chaired by Swansea Council, no later than 60 days after the date on which the Board is established. <sup>xxii</sup>
25. At this meeting the Board will:
- a) Determine when and how often it meets.
  - b) Agree its terms of reference
26. Members will appoint the chair for subsequent meetings of the Board at the first meeting from the statutory members. In the event that there is no consensus as to the chair for subsequent meetings, the local authority will chair subsequent meetings.

27. Subsequent to each ordinary election of local government councillors, the Board will hold a “mandatory meeting” chaired by Swansea Council no later than 60 days after the date of each ordinary election of councillors. <sup>xxiii</sup>
28. At this “mandatory” meeting the Board must review its terms of reference, amend the terms of reference if so agreed and can choose to do so at any other meeting. Members will also appoint the chair for subsequent meetings of the Board from the statutory members. In the event that there is no consensus as to the chair for subsequent meetings, the local authority will chair subsequent meetings. <sup>xxiv</sup>

### **Ordinary Meetings**

29. Ordinary meetings of the Board will take place, as a minimum, every X calendar months in accordance with Schedule 1. The Board may amend the schedule of meetings. <sup>xxv</sup>

### **Sub-groups**

30. The Board is able to establish sub-groups to support it in undertaking its functions and the Board can authorise sub-groups to exercise its functions, excluding those set out in section 32 of this terms of reference. <sup>xxvi</sup>
31. Each sub-group of a PSB must include at least one statutory member of the Board, who will chair the sub-group, and may include any invited participant or other partner. <sup>xxvii</sup>
32. Sub-groups cannot: <sup>xxviii</sup>
- a) invite persons to participate in the Board’s activity under section 30 (of the Act);
  - b) set, review or revise the Board’s local objectives;
  - c) prepare or publish an assessment of well-being under section 37 (of the Act);
  - d) consult under section 38 (of the Act) or to prepare a draft of an assessment under section 37 (of the Act) for the purposes of consulting;
  - e) prepare or publish a local well-being plan;
  - f) consult under section 43 (of the Act) or to prepare a draft of a local well-being plan for the purposes of consulting;
  - g) review or amend a local well-being plan or to publish an amended local well-being plan;
  - h) consult under section 44 (of the Act);
  - i) agree that the Board –

- (i) merges or collaborates with another public services board.
- (ii) Collaborates with another board under section 48(1) (of the Act)

However statutory guidance, Shared Purpose: Shared Future 3: 37 states 'Whilst sub-groups cannot themselves be authorised to finalise and approve the assessment of local well-being, or the local well-being Plan, it is expected that they will play an important role in researching and developing those products in draft'.

## **Support**

33. Administrative support for the Board is provided by Swansea Council. <sup>xxix</sup>

Statutory guidance, Shared Purpose: Shared Future 3:42-34 states 'The local authority must make administrative support available to the public services board. The Welsh Ministers consider administrative support would include:

- ensuring the public service board is established and meets regularly;
- preparing the agenda and commissioning papers for meetings;
- inviting participants and managing attendance;
- work on the annual report and
- preparation of evidence for scrutiny.

However it is for the board to determine how it will resource the functions it has to undertake, which are a responsibility of all the statutory members equally. It is for the board to determine appropriate and proportionate resourcing of the board's collective functions. There is nothing to prevent invited participants or other partners providing advice, assistance, and resources to the board in the form of analytical or professional expertise. They are not obliged to provide financial assistance but may do so if they consider that it is within their powers.

## **Wider Engagement**

34. The Board will ensure the involvement of persons who are interested in the improvement of the areas of economic, social, environmental and cultural well-being and will consult such persons in the preparation of assessments and well-being plans. <sup>xxx</sup>

35. A copy of the well-being assessment, the well-being plan and each annual report will be sent to Swansea Bay University Health Board, Mid and West Wales Fire and Rescue Service, Natural Resources Wales, the Welsh Ministers, the Commissioner, the Auditor General for Wales and the council's relevant overview and scrutiny committee. <sup>xxxi</sup>

36. Meetings of the Board are open for the public to observe. The Agenda and Minutes of key subgroups will be published online

## Scrutiny

37. The work of the PSB will be scrutinised by Swansea Council's Scrutiny Programme Committee who have set up a special panel to undertake this role. The Public Services Board Scrutiny Panel includes councillors as well as people responsible for holding other public bodies to account. This Committee must have the power;
- a) To review or scrutinise decisions made, or other action taken, by the Public Services Board for the local authority in the exercise of its functions
  - b) To review or scrutinise the board's governance arrangements
  - c) To make reports or recommendations to the board with respect to the board's functions or governance arrangements
  - d) To consider such matters relating to the board as the Welsh Ministers may refer to it and to report to the Welsh Ministers accordingly
  - e) To carry out such other functions in relation to the board as are imposed on it by this Act.
38. The scrutiny committee can require any statutory member of the board to give evidence, but only in respect of the exercise of joint functions conferred on them as a member of the board (as set out under section 7).
39. The scrutiny committee must send a copy of any report or recommendation it makes to the Welsh Ministers, the Commissioner and the Auditor General for Wales. <sup>xxxii</sup>
40. The Scrutiny Panel will decide what aspects of the Board's work they want to investigate and gather evidence including from the public, about the work that is being done. The panel's conclusions and recommendations are published in letters to the Chair of the Board who must then reply, also by public letter.

## Merging and collaboration

41. The PSB may merge with other PSBs if it would assist it in contributing to the achievement of the well-being goals. <sup>xxxiii</sup>
42. The PSB may collaborate with another Board. <sup>xxxiv</sup>

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<sup>i</sup> The PSB is created by s29 of the Well-being of Future Generations (Wales) Act 2015

<sup>ii</sup> S 36(3) of the 2015 Act

<sup>iii</sup> S32(2) of the 2015 Act

<sup>iv</sup> S38 of the 2015 Act

<sup>v</sup> S 37 of the 2015 Act

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- vi S 39 of the 2015 Act
  - vii S45 of the 2015 Act
  - viii S 30 of the 2015 Act
  - ix S44(1) of the 2015 Act
  - x S 44(2) of the 2015 Act
  - xi S 35(3) of the 2015 Act
  - xii Para 7(1) of Schedule 3 to the 2015 Act
  - xiii Para 7(1) of Schedule 3 to the 2015 Act
  - xiv Paragraph 7(1) (b) of Schedule 3 to the 2015 Act
  - xv S30(1) of the 2015 Act
  - xvi S33(1) of the 2015 Act
  - xvii S30 (4) of the 2015 Act
  - xviii S30(2) of the 2015 Act
  - xix S31(3) of the 2015 Act
  - xx S32(2) of the 2015 Act
  - xxi Paragraph 1 Schedule 3 of the 2015 Act
  - xxii Paragraph 2 Schedule 3 of the 2015 Act
  - xxiii Paragraph 3 Schedule 3 to the 2015 Act
  - xxiv Paragraph 4(3) (4) Schedule 3 of the 2015 Act
  - xxv Paragraph 4 Schedule 3 of the 2015 Act
  - xxvi Paragraph 4(2)(f) of the 2015 Act
  - xxvii Paragraph 6(1) Schedule 3 of the 2015 Act
  - xxviii Paragraph 6 (3) Schedule 3 of the 2015 Act
  - xxix Paragraph 5 Schedule 3 of the 2015 Act
  - xxx Paragraph 4 (e) Schedule 3 of the 2015 Act
  - xxxi S37 (7) S39(8) and s 45(5) of the 2015 Act
  - xxxii S35(2) of the 2015 Act
  - xxxiii S47 of the 2015 Act
  - xxxiv S48 of the 2015 Act



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## **Schedule 1 :Procedure for Meetings**

1. Ordinary meetings of the Board will take place as a minimum, every X calendar months. The meetings will take place as follows;  
Date  
  
Date  
  
Date  
  
Date
2. The Council will give at least fourteen clear day\*s notice of any meeting by contacting all statutory members of the Public Services Board by email. Papers will be sent out a minimum of seven days before any meeting of the Board.
3. Any statutory member of the Board shall be entitled to give written notice to the Chair at least 10 clear days before the date of the next meeting that he/she wishes an item relevant to the functions of the Public Services Board to be included on the agenda for, and be discussed at, a meeting of the board.
4. Meeting procedures should include
  - Welcome and apologies
  - Declaration of Interests• Minutes of the last meeting
  - Progress on well-being objectives
  - Forward Plan

## **Schedule 2: Structure**

The Public Services Board consists of four statutory members. However invited participants and other partners participate in the activities of the board. The structure by which they do so is set out below.

### **The PSB Joint Committee**

- This includes the legal entity that is the **Public Services Board** in statute. This consists of four statutory members
  - Swansea Council
  - Swansea Bay University Health Board
  - Mid and West Wales Fire and Rescue
  - Natural Resources Wales

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- The PSB Joint Committee also includes invited participants as defined in statute and appropriate organisations identified by the statutory members.
  - It's role is one of ratification and advocacy of the PSB's priorities

### **Coordination of the Local Well-being Objectives**

- Responsibility for the co-ordination of each of the Local Well-being Plan's four outcome based Local Well-being Objectives lies with one of the four statutory members. This will include all the administrative and support arrangements.
  - Early Years – ABMU
  - Live Well, Age Well – Swansea Council
  - Working with Nature – Natural Resources Wales
  - Stronger Communities – Fire and Rescue

### **Administrative Support**

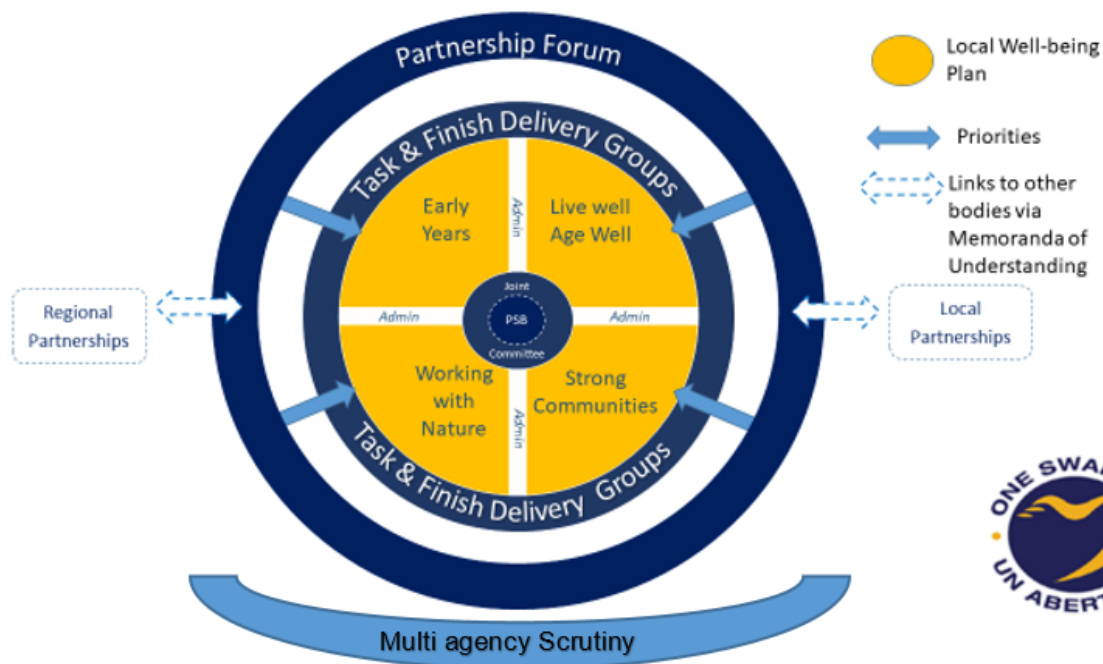
- Swansea Council will provide an administrative role supporting statutory members of the Public Services Board to discharge their legal responsibilities. This is in line with the Local Authority's statutory duty to support the PSB.
- Statutory members co-ordinating the delivery of the Local Well-being Objectives will service their area in the spirit of co-operation but will be supported by Council Administration to ensure that their work is fully integrated across the PSB

### **Task and Finish Delivery Groups**

- Task and finish delivery groups will deliver the Local Well-being objectives, and steps. Each group will sign up to common terms of engagement and be led by Objective/Step Leads (with a common role description).
- Task and finish Groups to work on other tasks such as planning and research can be established and stood down from a pool of contacts via the **Partnership Forum** as required.

### **The Partnership Forum**

- This group provides a mechanism for all partners to engage, raise issues and report progress etc.



### Schedule 3: Responsibilities

Statutory members and invited participants must:

- a) Ensure that any designated representatives attending meetings of the Board should have the authority to make decisions on behalf of their organisation
- b) Provide information that the Board requests about any action they take that may contribute to achieving the well-being goals. However they are not required to provide information if;
  - they consider it would be incompatible with their duties
  - it had an adverse effect on the exercise of their functions
  - they were prohibited from providing it by law
- c) Provide the board with written reasons for the decision if it is decided not to provide information that the board has requested
- d) Provide any evidence requested by the Council's designated scrutiny committee but only in respect of the exercise of joint functions conferred as a member of the Board

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Each Statutory member who commits to coordinating the integrated delivery of a Local Well-being Objective ensuring the group meets, delivers and reports on progress.

#### **Schedule 4: Best practice**

Committed and consistent attendance by the right people has been identified as a key success factor by partners. Statutory members and invited participants should do all that they can to fulfil this ideal.

As a statutory member or invited participant you should demonstrate leadership by:

- a) Ensuring that you understand the sustainable development principle and by adopting the five sustainable development behaviours into your day to day work
- b) Ensuring that you are aware of the commitments that underpin the work of the Board and are able to take positive steps to promote them within your organisation
- c) Reflecting on and adopting the public service leadership behaviours developed by Academi Wales
- d) Contributing to shared planning and resourcing to deliver the wellbeing objectives and other priorities agreed by the Board