

WLGA Executive Board



Minutes 26th May 2023

Present:

WLGA Presiding Officer, Cllr Huw David OBE (Bridgend)

Cllr Darren Price (Carmarthenshire)
Cllr Bryan Davies (Ceredigion)
Cllr Charlie McCoubrey (Conwy)
Cllr Jason McLellan (Denbighshire) via Zoom
Cllr Ian Roberts (Flintshire)
Cllr Geraint Thomas (Merthyr Tydfil)
Cllr Mary Anne Brocklesby (Monmouthshire)
Cllr Jane Mudd (Newport) via Zoom
Cllr David Simpson (Pembrokeshire)
Cllr Andrew Morgan OBE (Rhondda Cynon Taf)
Cllr Rob Stewart (Swansea)
Cllr Anthony Hunt (Torfaen)
Cllr Lis Burnett (Vale of Glamorgan)
Cllr Mark Pritchard (Wrexham) via Zoom

Substitutes

Cllr Nia Jeffreys (Gwynedd)
Cllr Jackie Charlton (Powys)
Cllr Robin Williams (Ynys Mon) via Zoom

Apologies

Cllr Stephen Thomas (Blaenau Gwent)
Cllr Sean Morgan (Caerphilly)
Cllr Huw Thomas (Cardiff)
Cllr Dyfrig Siencyn (Gwynedd)
Cllr Steve Hunt (Neath Port Talbot)
Cllr James Gibson-Watt (Powys)
Cllr Llinos Medi (Ynys Mon)

ALSO PRESENT: Chris Llewelyn, Naomi Alleyne, Tim Peppin, Karen Higgins, Sharon Davies, Dilwyn Jones, Lee Pitt.

Item 1. Welcome and apologies for absence

1. Apologies and substitutes were noted as above.

Item 2. WLGA Leader & Spokespersons Update

2. The Leader gave his update at the relevant point during the items that followed on the agenda.

3. Education Spokesperson, Cllr Ian Roberts:

- A letter has been received from NHT notifying of a 'Formal Trade Dispute' with councils in Wales. They detail 4 issues i) pay ii) funding iii) workload and iv) agreement triggering further action.
- Some headteachers may have already been taken 'action short of strike' including refusing engagement with local authority officers, regional consortia etc.
- Cllr Roberts reported that a number of councils have already met all the criteria asked of by NHT and was unclear why teachers in those areas were being balloted.
- The WLGA has written to the NHT to advise that negotiations should be undertaken at a local level on an individual authority basis.

4. Economy Spokesperson, Cllr Rob Stewart:

TAN 15

- Recent Ministerial announcement implementation now delayed to 2024.
- Reported technical officer meeting in March led to huge progress and the Welsh Government is more understanding of authorities issues and concerns.
- It was acknowledged that progress has been made by councils sticking together.
- The consultation finished in April and it is now about getting a clear and shared understanding, by all parties inc NRW, of the detail so there is consistency of interpretation and application.
- New definitions of 'new development' and 'redevelopment' have been produced and are helpful.
- Currently working on classification/definition of 'less vulnerable development' and Community Action Resilience Plans CARPs and 'essential infrastructure' to ensure terminology is right.
- Now getting to the point where we need to make sure the policy is well understood and the Minister is supportive of the work and approach being undertaken.

Nitrates and phosphates

- Issues are being progressed and work continues.

5. Finance Spokesperson, Cllr Anthony Hunt

- Workforce pay – the NJC pay negotiations are not progressing as hoped. The employers offered a £1,925 pay lift to each salary point, which would equate to a 20% pay increase over two years for lower paid staff, this has been rejected by the unions. Cllr Hunt noted it was difficult to see where there could be much negotiation, given affordability, without additional funding from the UK Gov. LAs have made assumptions about pay and it is difficult to move beyond those without negative impacts elsewhere.
- General climate of uncertainty – pay disputes in the wider public and private sectors, cost of living crisis etc.
- Inflation – fallen slightly but core inflation still stubbornly high at 6.8% - the highest since 1992. The cost of providing services continues to increase.
- Local Authority budgets – mounting financial pressures and it is helpful if members share information and intelligence as we move in the Autumn budget setting period for both LAs and the Welsh Government.

ACTION: Agreed there should be a Finance seminar (same as last year) in the Autumn for Leaders, Finance Cabinet members and Chief Executives. The Welsh Government should be invited to part of the day so that authorities can set out their situation and LAs to have a private session. RCT offered to host again.

6. Social Justice Spokesperson, Cllr Mary Anne Brockelsby:
Anti Racism Summit
 - organised by the Welsh Government to get high level commitment from Welsh public services. Well attended by LHB and police, less well attended by councils for various reasons including council AGMs.
 - Clear message of the need for real action, leadership and cultural (not just systemic) change.

ACTION: Agreed a report would be shared with members on the work the WLGA is currently undertaking in relation to equalities.

Item 3. WLGA Review of Senior Management Arrangements **EXEMPT**

7. All WLGA Officers', apart from the Chief Executive, left for this item.
8. This item informed members of the outcome of an Independent Review of the Senior Management Arrangements in the WLGA and proposed the way forward in addressing the findings and recommendations.
9. **Resolved:**
 - 9.1 **Members considered the findings of the Review and the proposed response to the recommendations and agreed that a dedicated members workshop be organised to discuss governance, business management and policy priorities.**

Item 4. WLGA Draft Corporate Strategy 2023-27

10. The purpose of the item was to provide members with an opportunity to shape and develop the WLGA's Corporate Strategy for 2023-27 and the remainder of the electoral term.
11. **Resolved:**
 - 11.1 **Members considered and approved the contents of the WLGA Corporate Strategy 2023-27.**

Item 5. Social Care Discussions & Issues **EXEMPT**

12. As a matter of urgency, this item was discussed earlier on the agenda than originally planned.
13. The item updated members on recent discussions between WLGA and local government officers and professional groups on how best councils can influence the direction of travel for change in relation to social care as set out by Welsh Government by working together and highlighting shared priorities and proposed solutions.
14. The item also highlighted concerns identified by councils in relation to Operating Without Registration (OWR) arrangements in relation to accommodation that is

currently not registered and used for children and young people in the care of Children's Services and the current approach being taken by Care Inspectorate Wales (CIW).

15.Resolved:

- 15.1 Members reviewed the draft 'Statement of Intent' and approved the WLGA's support for it as the basis for shared priorities across local government in relation to the future of social care;**
- 15.2 Members agreed to share intelligence and information to help inform discussions with the Welsh Government about Care Inspectorate Wales' response to OWR placements;**
- 15.3 WLGA to share the letter that has already been sent to the Welsh Government about Care Inspectorate Wales' response to OWR placements**
- 15.4 Members agreed the WLGA should instruct King's Counsel to provide appropriate advise in relation to Care Inspectorate Wales' response to OWR placements;**
- 15.5 Members agreed that the WLGA should write to Judiciary representative bodies to make them aware of the situation regarding Care Inspectorate Wales' response to OWR placements in Wales;**
- 15.6 Members agreed to do everything legally possible to support the individual staff affected by Care Inspectorate Wales' actions;**
- 15.7 Members agreed that a consistent position regarding communications on OWR be urgently developed; and**
- 15.8 Members agreed a message of support be sent to ADSS Cymru and their members.**

Item 6: Bus Funding

- 16. Tim Peppin, Director of Regeneration and Sustainable Development introduced the item and updated members on a meeting the previous evening with the Deputy Minister for Climate Change, Lee Waters.
- 17. Tim reported there is £24m available for the Bus Emergency Scheme (BES) to 24th July and because passenger numbers have increased in some areas not all of the £24m available will be claimed by the operators. The remaining funding could then be used over the rest of the year. From the end of July to the end of the year, £20m is being made available a result of an anticipated underspend on concessionary fares, as the number of concessionary fare users haven't gone back up to pre-pandemic numbers. Both underspends will help to sustain services, but cuts are still likely. The BES funding will go through a reconciliation process with operators so before the actual underspend amount is known that process will need to be carried out. The Deputy Minister has asked authorities to carry out that exercise ASAP so that the actual figure available to fund services for the rest of the year is clear.
- 18. Tim reported there is a lot of intensive work happening with officers, operators and TRW in each region looking at how services can be reshaped to come within the available funding. While these decisions have to through the local level discussions, which can be sensitive, the Deputy Minister has asked that decisions are made swiftly to ensure operators do not make more cuts than are necessary.

19. Tim reported that that the £20m available and any BES underspend will have to be allocated to the regions. It is unlikely the funding available will meet the demands in each region so the Welsh Government will have to make the decision on how the money is allocated to each region via a formula. Tim suggested that to ensure the process is not held up, that members agree delegated powers to the Leader to agree the formula to be used.
20. The Leader recommended that professional officers across the regions develop and proposed a suitable formula for the distribution of funding which he will then agree as the appropriate mechanism to allocate the money.
21. Members mentioned that the Welsh Government does need to subsidise services as operators will not fund non profitable services and only need to give four weeks' notice to withdraw an unviable route.
22. Members stressed the need for a long-term strategy and noted the First Minister has said the £200m saved on road building would go into public transport. Members highlighted rural areas, all over Wales, can be particularly negatively impacted in terms of community vitality and access to public services if bus services are reduced/withdrawn.
23. Members noted that the upcoming introduction of the default 20mph speed limit will affect the frequency and effectively the viability of bus services and there needs to be a plan should operators reduce and/or withdraw services.
24. Members were urged to work closely to identify where routes flow across LA borders to come up with solutions that have the least detriment for users and work with the Regional Transport Plan locally. Members also noted that public transport also supports school transport.

25. Resolved:

- 25.1 Members endorsed the work currently underway to protect as many bus services as possible with the funding currently available, whilst also continuing to press the case with Welsh Government for additional funding to be identified later in the financial year; and**
- 25.2 Members agreed to delegate authority to the Leader to endorse the distribution of funding between regions, if a consensus is achieved by the regional bus groups.**

Item 7: Revised Memorandum of Understanding (MoU) with NRW – incorporating provisions for Leader/Member engagement

26. The revised MoU with NRW incorporating the changes discussed at WLGA Council on 31st March and agreed with NRW at the WLGA Executive Board on 28th April was presented to members.
27. The Leader stressed that the MoU needs to work in practice and that engagement is meaningful and should be revisited regularly and revised if necessary.

28. Resolved:

- 28.1 Members approved the revised Memorandum of Understanding (MoU) with NRW that incorporates provisions for Leader / member engagement.**

Item 8: Illegal Migration Bill: Implications for Councils

29. Naomi updated members on the Illegal Migration Bill currently making its way through the UK Parliament and highlighted potential implications for councils in Wales.
30. The current pressure on the asylum system and numbers of small boats coming across the channel was highlighted. It was reported that asylum seekers are accommodated across the UK and there is a dispersal plan to increase the number of councils in Wales accommodating asylum seekers. The plan is being followed but is not at the scale and pace needed if the small boats continue to arrive in the same numbers as last year. Forty thousand people arrived last year and the back log in processing asylum claims which means the Home Office is looking for additional accommodation.
31. Naomi noted two issues in particular will impact on councils if the Bill is passed. One is the potential for large sites and the other is the expanded powers of detention. There are currently no large sites in Wales. The issue councils already have regarding the Home Office's current lack of engagement, communication and joint planning was also noted.
32. The UK Government has said it will create new safe and legal routes for migration and the bill proposes an annual number of people coming through on safe and legal routes will be set by Parliament. Naomi noted the huge pressures on the housing system with increasing numbers who are homeless and the reality is there is not enough available accommodation to meet the current demand.
33. The impact of the Bill on unaccompanied asylum-seeking children on children's services and budgets was highlighted and it is still unclear if or how the safeguarding role of social workers will be affected. Naomi reported that currently Wales takes 30 unaccompanied asylum-seeking children on very run of the National Transfer Scheme rota but that is being increased to 59 (nearly double) and will create pressures on councils to find suitable placements.
34. It was reported the Welsh Government has laid a Legislative Consent Motion in the Senedd relating specifically to Clause 19 which extends the powers in clauses 15-18 which will have an effect on the function of Welsh local authorities and any other devolved authority involved in providing care and support to children under the Social Services and Well-Being (Wales) Act 2014, and Clause 20 relating to the transfer of children between local authorities.
35. Naomi suggested members may wish to work with the other LGAs across the UK to raise issues of shared concern to strengthen the voice of local government.
36. Members were in agreement that they want to appropriately support asylum seekers who are being placed locally but reported the Home Office continues to refuse to constructively engage and communicate with local authorities when placing asylum seekers, learn lessons, or answer the genuine question communities have. All of which is ultimately to the detriment of the individuals being placed.
37. Chris reported the lack of communication and engagement with councils is regularly raised with Home Office officials who are always apologetic and assure it won't happen again – but it does.

38. Resolved:

- 38.1 Members noted and discussed the issues raised in the report and the potential implications of the Bill for councils and local areas;**
- 38.2 Members agreed the WLGA should write to the UK Gov, again, stressing the importance of the need to work with councils to ensure individuals are supported effectively;**
- 38.3 Members confirmed their support for working with the other LGAs across the UK on shared issues of concern; and**
- 38.4 Members agreed to invite the UK Gov Minister for immigration, Robert Jenrick, to a meeting with leaders to discuss their concerns.**

Item 9: Single Unified Safeguarding Review (SUSR) Hub: Memorandum of Understanding (MoU) with the Welsh Government

39. Naomi introduced the item seeking members approval of a Memorandum of Understanding between the WLGA, Welsh Government and the Wales Safer Communities Network (hosted by the WLGA). It was noted that the MoU sets out the expectations and responsibilities in relation to the Network hosting a Coordination Hub as part of the Single Unified Safeguarding Review arrangements.

40. Naomi suggested that subject to satisfactory legal advice and provided the intended spirit was maintained in the MoU, that the relevant WLGA spokesperson be authorised to give approval to the MoU being signed on behalf of the WLGA.

41. Resolved

- 41.1 Members noted the report and the draft Memorandum of Understanding and agreed that subject to final satisfactory legal advice and the intended spirit of the MoU being maintained, the WLGA Social Justice Spokesperson should approve the final MoU; and**
- 42.2 Members agreed that once finalised the Chief Executive should sign the MoU on behalf of the WLGA.**