

**COUNCIL SUMMONS – 27 AUGUST 2015**

**URGENT ITEM**

9.b Urgent Item - Constitutional Matters 2015-2016 - Changes.

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## URGENT REPORT

**Reason for Urgency:** There is a need to regularise the Cabinet Advisory Committees in line with the Cabinet Portfolios and the changes to the Scheme of Delegation report before Council today, which, if approved, would come into immediate effect.

### Joint Report of the Monitoring Officer and Head of Democratic Services

**Council – 27 August 2015**

### CONSTITUTIONAL MATTERS 2015-2016 - CHANGES

<b>Purpose:</b>	To outline changes to Cabinet Advisory Committees, Senior Salaries and the list of Council Bodies.
<b>Policy Framework:</b>	Council Constitution.
<b>Reason for Decision:</b>	To enable the proposed changes as outlined within the report.
<b>Consultation:</b>	Access to Services, Legal, Finance.
<b>Recommendation(s)</b>	It is recommended that:
1)	The following Cabinet Advisory Committee be deleted from the list of Council Bodies:  i) Business & Administration; ii) Economy & Investment; iii) Engagement & Inclusion; iv) Services.
2)	The following Cabinet Advisory Committee be created, each with a membership of 13:  i) Corporate Services; ii) Development; iii) Education & Young People; iv) Prevention & Social Care Reform.
3)	The Terms of Reference of the four new Cabinet Advisory Committees as outlined in <b>Appendix A</b> be adopted;
4)	The following positions be added to the list of those paid a <b>Senior Salary</b> commensurate with that of a Band 3 Committee Chair:  i) Chair of Corporate Services Cabinet Advisory Committee; ii) Chair of Development Cabinet Advisory Committee; iii) Chair of Education & Young People Cabinet Advisory Committee; iv) Chair of Prevention & Social Care Reform Cabinet Advisory Committee.

5)	Councillors be allocated to serve on the Council Bodies in line with the nominations received from the Political Groups;
6)	Councillor Erika T Kirchner be elected as Chair of the Corporate Services Cabinet Advisory Committee;
7)	Councillor Phil Downing be elected as Chair of the Development Cabinet Advisory Committee;
8)	Councillor Des W W Thomas be elected as Chair of the Education & Young People Cabinet Advisory Committee;
9)	Councillor V Mandy Evans be elected as Chair of the Prevention & Social Care Reform Cabinet Advisory Committee;
10)	The Council Bodies Diary 2015-2016 be amended as outlined in Paragraph 6.2 of the report;
11)	Any consequential amendments to the Council Constitution and / or Councillors as a result of this report be carried out.
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## 1. Introduction

- 1.1 At the Annual Meeting of Council held on 19 May 2015, the “Constitutional Matters 2015-2016” report was adopted. That report addressed the requirements of legislation and the Council Constitution.
- 1.2 There is a report before Council today which recommends changes to the Scheme of Delegation. The main effect of these changes is to delegate authority to individual cabinet members and to establish the role of executive support members. Executive support members will carry out a dual role in that they will also be the Chair of the Cabinet Advisory Committee pertinent to their portfolio.
- 1.3 The Leader of the Council has established a clear structure with reporting lines which is attached as an appendix to this report. This proposal meets a number of objectives in relation to speeding up of decision making, clear lines of accountability and establishes a clear remit for Cabinet Advisory Committees. All of these objectives were identified in either the Peer Review or the Corporate Assessment.

- 1.4 It is an imperative that the authority's approach to transparency in decision making is maintained, and to do this, clear lines of responsibility need to be established. This report therefore proposes regularisation of the Cabinet Advisory Committee denomination, remit and terms of reference to ensure that there is a clear line of accountability running from the Cabinet Advisory Committee to the Executive and vice versa.
- 1.5 The reason that this proposal was not published beforehand is due to the fact that the Leader of the Council has taken the opportunity to review Cabinet portfolios as a consequence of the very recent resignation of Councillor Mark Thomas. This report is therefore necessary to give immediate consequential effect of the proposed changes on the existing Cabinet Advisory Committee set up.
- 1.6 This report is in the main a housekeeping report to deal with any consequential amendments needed to the Constitution.
- 1.7 The **Communities Cabinet Advisory Committee** is not affected as its remit and name remain unchanged.
- 1.8 The work carried out by the Cabinet Advisory Committees remains valid as it will be incorporated into the new Cabinet Advisory Committees.

## **2. The Proposals**

- 2.1 With the exception of the Communities CAC, the Cabinet Advisory Committees have a new remit and is not simply a matter of "re-badging". Therefore, the first proposal is to delete the following four Cabinet Advisory Committees from the Council Bodies list:
- i) Business & Administration;
  - ii) Economy & Investment;
  - iii) Engagement & Inclusion;
  - iv) Services.
- 2.2 It is a legal requirement for Council to determine which posts – not people – are to receive a Senior Salary. Therefore, the Chairs of the four deleted Cabinet Advisory Committees listed above need to be removed from the list of those positions paid a Senior Salary.
- 2.3 It is then necessary to constitute four new Cabinet Advisory Committees, each with a membership of 13 as follows:
- i) Corporate Services;
  - ii) Development;
  - iii) Education & Young People;
  - iv) Prevention & Social Care Reform.

2.4 The four Chairs of the newly constituted Cabinet Advisory Committee should be added to the list of those eligible to receive a Senior Salary.

2.5 In line with the previous position, the Chairs shall be paid a Senior Salary commensurate with that of a Band 3 Committee Chair. This amount is set by the Independent Remuneration Panel for Wales (IRPW).

### **3. Senior Salaries**

3.1 The Independent Remuneration Panel for Wales (IRPW) has set a level within each Authority relating to the maximum number of Councillors entitled to receive a Senior Salary. A Senior Salary is inclusive of the Basic Salary. The maximum level within the City and County of Swansea is 19.

3.2 This proposal will mean that all 19 Senior Salaries will be utilised.

### **4. Political Balance**

4.1 The allocation of seats to Political Groups on the Cabinet Advisory Committees shall be in accordance with the Political Balance Rules contained in the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 (SI 1553/90) as amended. It is proposed that they be Committees of 13 Councillors, divided into Political Groups as follows:

- Labour x 9;
- Liberal Democrats x 2;
- Independents x 1;
- Conservative x 1.

4.2 Councillors be allocated to serve on the Council Bodies in line with the nominations received from the Political Groups.

### **5. Terms of Reference**

5.1 The Terms of Reference of the Cabinet Advisory Committees is set out in **Appendix A** of the report.

### **6. Frequency of Meetings**

6.1 The Cabinet Advisory Committees shall meet on a monthly cycle; however additional meetings may be called as required.

6.2 In order to minimise the effect on the Council Bodies Diary it is proposed that the four new Cabinet Advisory Committee take the current meeting slot allocated to those Cabinet Advisory Committees being deleted as follows:

<b>Proposed CAC</b>	<b>To Take Diary Slot Allocated To:</b>
Corporate Services	Engagement & Inclusion CAC
Development	Economy & Investment CAC
Education & Young People	Business & Administration CAC
Prevention & Social Care Reform	Services CAC

**7. Appointment of Chairs of the Four New Cabinet Advisory Committees**

7.1 The following Councillors be elected as Chair of the respective Cabinet Advisory Committee:

<b>Cabinet Advisory Committee</b>	<b>Proposed Chair</b>
Corporate Services	Des W W Thomas
Development	Erika T Kirchner
Education & Young People	Phil Downing
Prevention & Social Care Reform	V Mandy Evans

**8. Equality and Engagement Implications**

8.1 An Equality Impact Assessment (EIA) screening process took place prior to the consultation period. The outcome indicated that it was low priority and a full report was not required.

**9. Financial Implications**

9.1 All financial impacts of this report are contained within existing budgets.

**10. Legal Implications**

10.1 There are no legal implications associated with this report other than those identified within it.

**Background Papers:** None

**Appendices:**

<b>Appendix A</b>	Terms of Reference of Cabinet Advisory Committees
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### Cabinet Advisory Committee - Terms of Reference

1. To advise the relevant Cabinet Member as appropriate on matters relating to the Policy Commitments adopted by Council within any portfolio.
- 2 To advise and support the work of the Cabinet and the Council as a whole advising the relevant Cabinet Member on potential changes to Policy and the delivery of major service change and alignment with the direction in Sustainable Swansea - Fit for the Future.

#### Notes:

- i) Cabinet Advisory Committees are NOT decision making bodies.
- ii) Cabinet Advisory Committees shall NOT be chaired by a Cabinet Member.
- iii) Cabinet Advisory Committees may co-opt others on to the Committee either for a topic or for a term if the Committee consider that will assist their advisory role.
- iv) Cabinet Advisory Committees may convene joint meetings between them as is, in the view of each Committee, necessary so as to best coordinate their work and inform their deliberations.
- v) Cabinet Advisory Committees shall adopt methods of working which, in the discretion of the Chair, will best inform their advisory role. Those methods of working shall include, but are not limited to, holding enquiries, going on site visits, conducting public surveys, holding public meetings, commissioning research, hearing from witnesses and appointing advisors and assessors.
- vi) Cabinet Advisory Committees will be attended by relevant Officers in their role of supporting the Cabinet Member in their presentation of papers to Committee in order to emphasise the Cabinet Member's lead role.