

Council

You are hereby summoned to attend a Meeting of the **Council of the City and County of Swansea** to be held in the Multi-Location Meeting - Council Chamber, Guildhall / MS Teams on Thursday, 18 May 2023 at 4.00 pm.

Watch Online: <https://bit.ly/3NDNaa3>

The following business is proposed to be transacted:

1. **Election of Presiding Member for 2023-2024 Municipal Year.**
2. **Election of Deputy Presiding Member for 2023-2024 Municipal Year.**
3. **Apologies for Absence.**
4. **Disclosures of Personal and Prejudicial Interests.**
www.swansea.gov.uk/disclosuresofinterests
5. **Announcements of the Presiding Member/Head of Paid Service.**
6. **Names of Councillors that the Leader of the Council has chosen to be Members of the Cabinet. (For Information)**
7. **Constitutional Matters 2023-2024.** 1 - 32
8. **Amendments to the Council Constitution – Part 5 Codes and Protocols. Officer/Councillor Relations Protocol.** 33 - 57
9. **Amendments to the Council Constitution – Part 4.8 Rules of Procedure (JNC Officer Appointment Procedure Rules).** 58 - 98
10. **Amendments to the Council Constitution - Councillor/Councillor Dispute Resolution Protocol.** 99 - 105
11. **Amendments to the Council Constitution - Council Procedure Rules.** 106 - 109
12. **Common Seal.**

Webcasting: This meeting may be filmed for live or subsequent broadcast via the Council's Internet Site. By participating you are consenting to be filmed and the possible use of those images and sound recordings for webcasting and / or training purposes.

You are welcome to speak Welsh in the meeting.

Please inform us by noon, two working days before the meeting.

Next Meeting: Friday, 19 May 2023 at 2.00 pm



Huw Evans
Head of Democratic Services
Guildhall,
Swansea.

Wednesday, 10 May 2023

To: All Members of the Council

Agenda Item 7.



Joint Report of the Head of Democratic Services & Monitoring Officer

Annual Meeting of Council - 18 May 2023

Constitutional Matters 2023-2024

Purpose:	To inform Council of all necessary Constitutional matters to enable the efficient and lawful operation of Council.
Policy Framework:	Council Constitution.
Consultation:	Access to Services, Finance, Legal.
Recommendation(s):	It is recommended that: 1) The Independent Remuneration Panel for Wales' determinations in relation to Basic, Civic and Senior Salaries, Fees for Co-opted Members and Contribution towards Costs of Care and Personal Assistance as set out in Appendix A be noted. 2) A Senior Salary be paid to the following: <ul style="list-style-type: none">➤ Leader of the Council.➤ Deputy Leader of the Council.➤ Cabinet Members x 8.➤ Chair of General Licensing Committee.➤ Chair of Planning Committee.➤ Chair of Scrutiny Programme Committee.➤ Chair of Climate Change & Nature Recovery Service Transformation Committee.➤ Chair of Economy & Infrastructure Service Transformation Committee.➤ Chair of Education & Skills Service Transformation Committee.➤ Chair of Social Care & Tackling Poverty Service Transformation Committee.➤ Chair of Corporate Services & Financial Resilience Service Transformation Committee. 3) The Independent Remuneration Panel for Wales (IRPW) determination that the Leader of the Largest Opposition Political Group must be paid a Band 4, Senior Salary (subject to the 10% rule) be noted.

- 4) A **Civic Salary** be paid to the following (subject to them not already being in receipt of a Senior Salary):
 - Lord Mayor (Civic Head).
 - Deputy Lord Mayor (Deputy Civic Head).
- 5) The posts of **Presiding Member** and **Deputy Presiding Member** be re-established and that they Chair Meetings of Council. These posts shall not receive a Senior Salary.
- 6) The Chair of the Pension Fund Committee be paid a salary equivalent to that of a Band 3 “Committee Chair” Senior Salary as defined by the IRPW; however, the additional payment over and above the Basic Salary be met by the Pension Fund.
- 7) The Council Bodies and the Number of Allocated Seats as listed in **Appendix C** be appointed.
- 8) The Service Transformation Committees Terms of Reference be adopted and added to the Council Constitution.
- 9) The Committees listed in **Appendix D** be exempted by Council from the Local Government (Committees and Political Groups) Regulations 1990 to allow greater representation on these Committees by the Opposition Political Groups.
- 10) Councillors be allocated to serve on Council Bodies in line with the nominations received from the Political Groups.
- 11) The list of Member Champion Areas and Responsible Councillors as outlined in **Appendix E** be noted.
- 12) The Council Constitution (www.swansea.gov.uk/constitution) be reaffirmed and adopted including any amendments made at this meeting.
- 13) Councillor Lynda James be re-elected as Chair of the Democratic Services Committee.
- 14) Those Statutory Co-opted Members eligible for Co-opted Member payments be paid up to a maximum of 20 full days per Municipal Year.
- 15) The Councillors Handbook (www.swansea.gov.uk/CllrsHandbook) be reaffirmed.
- 16) The Leader of the Council’s decision to allocate Councillors to sit on Outside Bodies be noted as outlined in **Appendix F** be noted.
- 17) The Council Bodies Diary as listed in **Appendix G** be confirmed and adopted.
- 18) Any consequential amendments to the Council Constitution and / or Councillors because of this report be carried out.

Report Author:	Huw Evans
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar

1. Introduction

1.1 The Council operates within a legal framework established by the Local Government Act 1972, the Local Government and Housing Act 1989, the Local Government Act 2000, the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007, the Local Government (Wales) Measure 2011, Local Government & Elections (Wales) Act 2021 and other relevant legislation (“the legislation”). Additionally, the Independent Remuneration Panel for Wales (IRPW) determines the remuneration available to Councillors and Co-opted Members.

1.2 This report seeks to address the legislative & Council Constitution requirements.

2. Independent Remuneration Panel for Wales (IRPW)

2.1 The IRPW Annual Report <https://gov.wales/independent-remuneration-panel-wales> sets out the framework for Councillor and Co-opted Member remuneration. Nineteen (19) of the 75 City and County of Swansea Councillors are eligible to receive a Senior Salary payment. The Civic Salary and Senior Salary includes the Basic Salary.

2.2 The IRPW prescribed payment levels for Basic Salary, Civic Salary, Senior Salary, Fees for Co-opted Member (with Voting Rights) of Local Authorities and the Contribution towards Costs of Care and Personal Assistance (CPA). (**Appendix A**).

2.3 Under Section 154 of the Local Government (Wales) Measure 2011, any Councillor or Co-opted Member may elect to forego any part of their entitlement to a salary, allowance, or fee by giving notice in writing to the Monitoring Officer.

3. Senior Salaries

3.1 The IRPW state that each Council should decide whether to pay Senior Salaries and to identify those positions that will attract the payment. It is proposed that the following positions be paid Senior Salaries:

- Leader of the Council.
- Deputy Leader of the Council.
- Cabinet Members **x 8**.
- Chair of General Licensing Committee.
- Chair of Planning Committee.
- Chair of Scrutiny Programme Committee.
- Chair of Climate Change & Nature Recovery Service Transformation Committee.

- Chair of Economy & Infrastructure Service Transformation Committee.
- Chair of Education & Skills Service Transformation Committee.
- Chair of Social Care & Tackling Poverty Service Transformation Committee.
- Chair of Corporate Services & Financial Resilience Service Transformation Committee.

3.2 A Council **must** pay a Senior Salary to the **Leader of the Largest Opposition Political Group** subject to them having 10% or more of the total number of Council seats in their Political Group.

3.3 A Council can consider whether to pay a Senior Salary to **Leaders of the Other Political Groups** if they have 10% or more of the total number of Council seats in their Political Group. However, if Council resolve to make such a payment, it would be taken from the nineteen Senior Salaries permitted within the Authority.

4. Civic Salary

4.1 The IRPW determined that Authorities are permitted to pay a Civic Salary to the Civic Head & Deputy Civic Head (Lord Mayor and Deputy Lord Mayor). These payments do not count towards the 19 permitted Senior Salaries. A Councillor may not be in receipt of both a Senior Salary and Civic Salary payment.

4.2 Council must decide whether to remunerate the Civic Head and the Deputy Civic Head. Prior to deciding whether and / or at what level the Civic Heads should be remunerated, the question 'Who should Chair Council?' needs to be addressed. This question is considered in the "Presiding Member" section of the report.

4.3 The IRPW state that each Council should decide whether to pay Civic Salaries. It is proposed that the following be paid Civic Salaries:

- Lord Mayor.
- Deputy Lord Mayor.

5. Presiding Member

5.1 The Local Government (Democracy) (Wales) Act 2013 allows Councils to appoint an additional post of Presiding Member whose role it will be to Chair meetings of the whole Council. Where appointed, there would be a consequential reduction in the responsibilities of the respective Civic Head.

5.2 As such the Authority must decide whether to appoint a Presiding Member to Chair Council or to allow the Civic Head to do so.

5.3 If a Presiding Member is appointed, and if Council resolves to remunerate the post, then the position would be paid in accordance with the amount outlined by the IRPW (**Appendix A**). If remunerated, this would count towards the maximum allowed of 19 Senior Salaries.

5.4 The Authority may also appoint a Deputy Presiding Member; however, this post shall not be remunerated.

5.5 Council is asked to determine whether to continue with a Presiding Member or not.

6. Chair of the Pension Fund Committee Remuneration

6.1 It is proposed that the Chair of the Pension Fund Committee be paid a salary equivalent to that of a Band 3 “Committee Chair” Senior Salary as defined by the IRPW; however, the additional payment over and above the Basic Salary be met by the Pension Fund.

6.2 This payment does fall under the remit of the IRPW and does not count towards the maximum of 19 Senior Salaries allowed.

6.3 This payment is subject to the Chair of the Pension Fund Committee Chair not receiving a Civic or Senior Salary.

7. Annual Meeting of Council

7.1 The Authority’s Council Constitution which is based on legislation outlines what needs to be considered at the Annual Meeting of Council (Council Procedure Rules). This report seeks to address those requirements.

8. Political Balance / Committee Proportionality

8.1 Council is required to decide the allocation of seats to Political Groups 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. An explanation of the Political Balance / Committee Proportionality Rules is set out in **Appendix B**.

8.2 The Standards Committee is exempt from the above legislation as outlined in Section 12 “Allocation of seats to Political Groups” of the Standards Committee (Wales) Regulations 2001.

8.3 The Ruling Group have liaised with the Head of Democratic Services to outline its view on the structure and size of Council Bodies. The relevant proportional calculations have been made and shared with all Political Groups. This process culminates with this report to Council seeking approval to the structure and size of Council Bodies.

9. Appointment of Committees and Other Council Bodies and their Sizes

9.1 The Council Bodies and the Number of Allocated Seats (in accordance with 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 are listed in **Appendix C**. It is proposed that these Council Bodies be established.

- 9.2 In the event of any changes made to the size of these Council Bodies then it will necessitate the recalculation of Political Balance. Where possible, Committee sizes are set at a number that includes every Political Group.
- 9.3 Several Committees are exempted from the Local Government (Committees and Political Groups) Regulations 1990 as they are covered by separate legislation. Council also has the right to exempt a Committee from the legislation providing that it has the unanimous backing of all Councillors voting at the meeting. A list outlining such bodies is shown at **Appendix D**.

10. Service Transformation Committees Terms of Reference

- 10.1 It is proposed that Service Transformation Committees be established in place of the former Corporate Delivery Committees to enable back bench Councillors to contribute to the ongoing development of the council's transformation activities. It is proposed that the Terms of Reference of the Service Transformation Committees as outlined be added to the Council Constitution:

“Service Transformation Committees

There are 5 Service Transformation Committees:

- *Climate Change & Nature Recovery Service Transformation Committee.*
- *Economy & Infrastructure Service Transformation Committee.*
- *Education & Skills Service Transformation Committee.*
- *Social Care & Tackling Poverty Service Transformation Committee.*
- *Corporate Services & Financial Resilience Service Transformation Committee.*

The purpose of Service Transformation Committees is to contribute to the ongoing development of the Council's agreed transformation activities (specifically in relation to the council's corporate plan, policy commitments, Corporate Transformation Plan, and Medium-Term Financial Plan) for consideration and adoption by Cabinet Members, Cabinet and / or Council as appropriate.

a) Membership & Frequency of Meetings

- i) Non-Executive Members and Assistants to Cabinet are eligible to be members of the Service Transformation Committees.*
- ii) Executive (Cabinet) Members are **not** eligible to be members of the Service Transformation Committees. However relevant Cabinet Members will be invited to attend committee sessions.*
- iii) Frequency of meetings is a matter for the Chair depending on workload; however, it is anticipated that formal Committee meetings shall be held no more than 6-weekly. In addition to formal Committee meetings, Informal Working Groups may be undertaken, if the work plan dictates and subject to the availability of officer resources.*
- iv) Chairs of the Service Transformation Committees will meet to co-ordinate agendas and work plans to ensure consistency and*

that there is no duplication in work. This meeting will be supported by the Leader and the Chief Executive and / or their nominated representatives.

b) Role and Framework

The role of a Service Transformation Committee is to:

- i) Contribute to future policy and/or service design.*
- ii) Consider mechanisms to encourage and enhance public participation in development of policy and service models.*
- iii) Work with Senior Officers and Cabinet Members in a Team Swansea approach.*
- iv) Consider and where appropriate to invite relevant organisations / individuals to contribute to policy development and service design discussions.*

a) Remit of Service Transformation Committees

The Service Transformation Committees will focus their work on relevant aspects of the Council's corporate plan, policy commitments, Corporate Transformation Plan, and Medium-Term Financial Plan. Specifically, the following areas of work will be within the remit of each Committee:

i) Climate Change & Nature Recovery Service Transformation Committee:

- Developing a new Sustainable Transport Strategy (2050).
- Developing a new Renewable Energy Strategy (2050).
- Developing a new Swansea Council Sustainable Food Strategy (2030).
- Waste Strategy Development to Contribute to Swansea Achieving Net Zero & Nature Recovery (2050).
- Swansea Local Nature Recovery Action Plan (LNRAP).
- Section 6 Action Plan.
- Swansea Council's contribution / commitment to Net Zero Swansea (2050).
- Public EV Charging Policy (2050).

ii) Economy & Infrastructure Service Transformation Committee:

- Local Economic Delivery Plan.
- Tawe Riverside Corridor Action Plan.
- Swansea Bay Strategy Projects.
- Maintenance of Road Infrastructure.
- More Homes Delivery Programme.
- Destination Management Plan.
- Review of the Council's Housing Allocation Policy.

iii) Education & Skills Service Transformation Committee:

- Transforming Additional Learning Needs.
- Right Schools in Right Places.

iv) Social Care & Tackling Poverty Service Transformation Committee:

- Safeguarding People from Harm Steps in the Corporate Plan 2023-2028.
- Tackling Poverty and Enabling Communities Steps in the Corporate Plan 2023-2028.
- Residential Service Development
- Enabling and promoting independence - prevention and early Help.
- Approach to enabling community resilience and self-reliance.
- Development of a corporate Volunteering Strategy and Policy.

v) Corporate Services & Financial Resilience Service Transformation Committee:

- Transformation and Financial Resilience Steps in the Corporate Plan 2023-2028.
- Digital Transformation Programme.
- Workforce and OD Transformation Programme.
- Corporate Services MTFP savings proposals.
- Policy Commitments relevant to Corporate Services & Financial Resilience.

b) Relationship with Cabinet

- The Service Transformation Committee Chair will agree a forward work programme with Cabinet / CMT.*
- The Committee will produce a Transformation report to the Cabinet Member / Cabinet / Council in connection with work undertaken.*
- Each Service Transformation Committee will produce an annual report to Council summarising the outcome and outputs of its work throughout the year.*

c) Relationship with Scrutiny

- The Service Transformation Committees are **not** Scrutiny Committees they are forward looking Committees assisting Council to transform services, modernise, and meet medium- and long-term financial challenges.*
- If a Service Transformation Committee identifies an issue of concern arising from their role, the Chair should refer it to the Scrutiny Programme Committee for further consideration / investigation.*
- The Service Transformation Committee Chair will be responsible for ensuring the Committee does not stray into the role of the Scrutiny Programme Committee.*
- Service Transformation Committees and the Scrutiny Programme Committee should ensure awareness of each other's work programmes. including the timing of work programme activities. This will be achieved by an early 'sense check' of the work programmes for Service Transformation and*

scrutiny. The Scrutiny Programme Committee should consider relevant advice but has autonomy on decisions about the scrutiny work programme.

d) Support

- i) The Democratic Services Team shall provide the relevant support to the Service Transformation Committees.*
- ii) Service Transformation Committee will have a nominated senior service lead for each item or work. The relevant Director, Head of Service, or nominated relevant Officer will provide work plan support and research and produce reports as appropriate.”*

11. Allocation of Councillors to the Council Bodies

- 11.1 Councillors be allocated to serve on Council Bodies in line with the nominations received from the Political Groups or in line with statutory requirements.
- 11.2 The list showing the allocation of Councillors will be included in the minutes of the Annual Meeting of Council.

12. Democratic Services Committee

- 12.1 The Local Government (Wales) Measure 2011 states that a Democratic Services Committee and Chair must be appointed by Council. The Committee Chair must be an Opposition Member. The Leader of the Council shall not sit on this Committee. No more than one Cabinet Member shall sit on this Committee. Co-opted Members are not permitted to sit on this Committee.
- 12.2 Council will need to determine who to elect as Chair of the Democratic Services Committee.

13. Statutory Co-opted Members

- 13.1 The IRPW has determined that in recognition of the important role that Statutory Co-opted Members discharge, payment must be made for travel and preparation time; Committee and other types of meetings as well as other activities, including training. Meetings eligible for the payment of the fee may include Working Groups, Task & Finish Groups, Pre-Meetings with Officers, Attendance at conferences or any other formal meeting to which Co-opted Members are requested to attend by the Head of Democratic Services.
- 13.2 The Head of Democratic Services is the appropriate Officer who will provide information required for Statutory Co-opted Member Claims.
- 13.3 A Statutory Co-optee should consult with the Head of Democratic Services in advance of any activity they attend, to ensure that the activity is eligible for claiming.
- 13.4 The Head of Democratic Services can determine in advance whether a meeting is programmed for a full day and the fee will be paid based on this determination even if the meeting finishes before four hours has elapsed.

13.5 It is proposed that a cap of a 20 full day payments per Municipal Year be placed on Statutory Co-opted Member payments.

14. Councillors Handbook

14.1 The Councillors Handbook www.swansea.gov.uk/CllrsHandbook provides guidance for Councillors and Co-opted Members. The handbook contains information about Remuneration, Support for Councillors and Co-opted Members, Protocols and Role Descriptions.

14.2 It is proposed that the Councillors Handbook be reaffirmed.

15. Appointment of Chairs & Vice Chairs of Committees

15.1 Following the close of the Annual Meeting of Council, several Committees shall meet to elect Chairs and Vice Chairs to those Committees.

16. Member Champions

16.1 Member Champions provide a voice for traditionally underrepresented groups, or issues which need to be kept at the forefront of Council business although they may not be the responsibility of any individual or Committee.

16.2 Member Champions, (sometimes called Lead Members or Councillor Champions) in addition to their other Council responsibilities make sure that the issue or group that they are championing are considered when Policy is being developed and decisions made. The 'Member Champions' report to Council on 17 January 2013 provides further information.

16.3 Member Champions are appointed by the Leader of the Council. The Leader of the Council informs Council of whom he has appointed to these roles. The Leader of Council's appointments are set out in **Appendix E**.

16.4 The Leader of the Council is keen to ensure that Councillors acting as Member Champions and Members serving on Outside Bodies can provide feedback to Council or Councillors if required.

17. Allocation of Councillors to Outside Bodies

17.1 The Leader of the Council has allocated Councillors to sit on Outside Bodies. This is detailed at **Appendix F**.

17.2 The list showing Councillors and their allocation to Outside Bodies will be included in the minutes of the Annual Meeting of Council.

18. Councillors Mileage Distances

18.1 The Democratic Services Team calculate the single and return journey distances from a Councillors home to the Guildhall. A Councillor need not follow the route; however, the mileage claim may not exceed that calculation. The RAC website (RAC Route Planner) is used for this purpose.

18.2 The Councillors Mileage Distances to be used for the Council Term 2022-2027 has been shared with Councillors & Statutory Co-opted Members.

19. Council Bodies Diary

19.1 Section 6 “Timing of Council Meetings” of the Local Government (Wales) Measure 2011 places a duty on Authorities to conduct a survey of its Councillors in relation to the timing of its Meetings. The Measure states that such a survey should be undertaken at least once in each Council term.

19.2 The “Timing of Council Meeting Survey” was conducted between 12-29 January 2023. The Survey Response was presented to Council on 30 March 2023 and has been used to assist with preparing the Council Bodies Diary 2023-2024.

19.3 The Council Bodies Diary 2023-2024 is shown as **Appendix G**.

20. Integrated Assessment Implications

20.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, 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.

20.2 The Well-being of Future Generations (Wales) Act 2005 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’.

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

20.4 An IIA screening has been undertaken and no adverse implications have been noted.

21. Financial Implications

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

22. Legal Implications

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

Background Papers: None

Appendices:

Appendix A	Basic Salary, Civic Salary, and Senior Salary Payments. (Group A Councils) & Fees for Co-opted Members (with Voting Rights) of Local Authorities as Prescribed by IRPW Annual Report.
Appendix B	Political Balance / Committee Proportionality.
Appendix C	Council Bodies & Number of Allocated Seats.
Appendix D	Proposed Exemption from Committee Balance Rules.
Appendix E	Member Champion Areas & Responsible Councillors.
Appendix F	Outside Bodies.
Appendix G	Council Bodies Diary.

Appendix A

Prescribed by the IRPW Annual Report 2023-2024

Basic Salary, Civic Salary, and Senior Salary Payments (Group A Councils)

Basic Salary	£17,600
Senior Salaries (inclusive of Basic Salary)	
Band 1	
Leader of the Council	£66,000
Deputy Leader of the Council	£46,200
Band 2	
Executive Member (Cabinet Member)	£39,600
Band 3	
Committee Chairs	£26,400
Band 4	
Leader of the Largest Opposition Political Group *1	£26,400
Band 5	
Leader of Other Political Groups *2	£21,340
Civic Salaries (inclusive of Basic Salary)	
Civic Head (Mayor / Chair of Council)	£26,400
Deputy Civic Head (Deputy Mayor / Vice Chair of Council)	£21,340

Note:

- *1 **Leader of the Largest Opposition Political Groups.** They are only entitled to a Senior Salary if they have 10% or more of the total number of Council seats in their Political Group. If the 10% rule is achieved, then the payment is automatic.
- *2 **Leaders of the Other Political Groups.** They are only entitled to a Senior Salary if they have 10% or more of the total number of Council seats in their Political Group and Council resolve to remunerate them.

Fees for Co-opted Member (with Voting Rights) of Local Authorities

Chair of Standards Committee and Chair of Governance & Audit Committee	4 Hours and Over	£268
	Up to 4 Hours	£134
Ordinary Members of Standards Committee; Education Scrutiny Committee; Crime and Disorder Scrutiny Committee and Governance & Audit Committee	4 Hours and Over	£210
	Up to 4 Hours	£105
Community / Town Councillors sitting on Principal Council Standards Committee	4 Hours and Over	£210
	Up to 4 Hours	£105

Contribution towards Costs of Care & Personal Assistance (CPA)

All relevant authorities must provide a payment towards necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs as follows:

- **Formal (Registered with Care Inspectorate Wales).** Care costs to be paid as evidenced.
- **Informal (Unregistered).** Care costs to be paid up to a maximum rate equivalent to the Real UK Living Wage hourly rates as defined by the **Living Wage Foundation** at the time the costs are incurred.

This must be for the additional costs incurred by Members to enable them to carry out Official business or approved duties. Each Authority must ensure that any payments made are appropriately linked to Official business or approved duty. Payment shall only be made on production of receipts from the care provider.

Political Balance / Committee Proportionality

1. Legal Requirement

1.1 The legal requirement for every Council Committee to reflect the political make-up of the whole Council is set out in the Local Government and Housing Act 1989, (LG&HA), mainly in Section 15, and in Schedule 1, with additional provisions in the Local Government (Committees and Political Groups) Regulations 1990 (SI 1553/90).

2. The Broad Principle

2.1 Each decision-making body of a Council must be proportional to the overall make-up of the Council. This includes any Sub Committee or Working Group etc., which has the power to carry out any delegated function of the Authority, regardless of its title. It also includes any 'Advisory Committees' or 'Advisory Sub-Committees'.

2.2 The only exceptions being:

2.2.1 Area based Committees, which, if they are not proportional, must consist of all the members representing that area.

2.2.2 Any alternative arrangement that is passed by the Council with no votes against (thus giving any individual councillor the right to veto any non-proportional scheme).

3. How the Rules Apply

3.1. If the Council has any of its members as a 'Political Group' under the LG&HA, then proportionality must be applied to that Group. Any two or more Councillors can register as a Group. They do not have to share a political programme or be committed to working together. A registered Group must be allocated the same proportion of Committee places that they have seats on the Council (e.g., for a Group with 18 Councillors on a 75 seat Council, they will be entitled to 18 Committee places in every 75).

3.2 To do this the first step is to add up the total of all Committee places. If the total was, say 217, then the Group is entitled to 52 places ($217 \times 18/75$). Each Committee must be made up as near as practicable proportionally (so a small Political Group cannot be palmed off with two seats on the Challenge Panel and none on an Overview and Scrutiny Board).

3.3 Unless the arithmetic is very easy, Political Groups are likely to find they cannot always have the same number on every Committee. If all Committees are the same size, there must be some negotiating on where their 'extra' place (or 'no place') should be. This process is carried out in Swansea on a larger Political Group down basis. The larger Political Groups get first choice etc. Not all Committees have to be of equal size.

3.4 No Committee is allowed to be entirely of one Political Group (unless every member of the Council is in it), but a Group with a majority of seats on the Council (50%+1) is entitled to a majority on every Committee.

3.5 In Section 15 of the LG&HA the rules on proportionality apply sequentially (the Council has to satisfy the first and second rules and then, if possible, the third, and so on). This is because it may not be arithmetically possible to satisfy them all fully.

3.5.1 **Rule 1:** No single party Committees.

3.5.2 **Rule 2:** A majority Group should have a majority on all Committees.

3.5.3 **Rule 3:** The total number of places on all Committees should be distributed in proportion to the Groups' strength on the Council.

3.5.4 **Rule 4:** The proportion of seats on each Committee / Sub-Committee should be in proportion to the Groups' strengths on the Council.

4. What is a 'Committee' and a 'Sub Committee'?

4.1 A 'Committee' is a body established by the Council (LG Act 1972, S102 (1) (a)). A 'Sub Committee' is any other body established by a Committee (LGA S102 (1) (b)). The names by which they are commonly known on the Council is irrelevant. The test is whether the membership and duties are voted in by the whole Council, or by the members of a particular Committee. A 'Working Party' or 'Task Group' may therefore be either a 'Committee' or a 'Sub Committee' depending solely on which body set it up.

5. The Timetable for Implementation

5.1 Whenever there is a change in Political Group sizes, whether due to elections, casual vacancy, defections or recruitment, the Council should 'so soon as is practicable' make the necessary changes to Committee places. That must be by the next ordinary meeting of Council. An Extraordinary Meeting of Council can be called earlier.

5.2 There is a requirement to re-jig Committee places whenever there is a vacancy on the Council. Commonly there is an agreement not to do so until the vacancy is filled but (Brent LB in 1996) this is only a courtesy.

6. What If Some Councillors Are Not In A 'Group'?

6.1 If some, but not all, Councillors are in a registered Political Group or Groups, then the Council must give those Groups the places to which they are entitled (i.e., a proportional share on every Committee and Sub Committee). The Groups then nominate people to fill those places. The remaining places are filled by the Council, nominating from those Councillors who are not in any Group, but with all Councillors voting.

6.2 Political Groups are NOT entitled to have MORE than their share. Thus, they cannot exclude, say, one Councillor who is not in a Group from having any Committee places. They must make e.g., 1/75th of the places available.

Council Bodies & Number of Allocated Seats 2023-2024

Body	Seats	Comments	Status
Council	75	Automatically Proportional	
Cabinet	10	Not Part of PR Calculations	SS
Committees			
Appeals & Awards	7		
Appointments	13	Leader to appoint the relevant Cabinet Member to the appointment process.	
Chief Exec Appraisal & Remuneration	9	Leader & Deputy Leader of Ruling Group and Largest Opposition Group, Leader only of other Political Groups and 3 other Labour.	XPR
Chief Officers Disciplinary	13	At least 1 member of Cabinet must sit on this Cttee but no more than 50% of the Cttee are permitted to be Cabinet Members	
Chief Officers Disciplinary Appeals	13	At least 1 member of Cabinet must sit on this Cttee but no more than 50% of the Cttee are permitted to be Cabinet Members	
Democratic Services	10	Chair must be an Opposition Councillor and appointed by Council.	
Family Absence Complaints		As per Council of 12 August 2014	
Climate Change & Nature Recovery Service Transformation	10		SS
Economy & Infrastructure Service Transformation	10		SS
Education & Skills Service Transformation	10		SS
Social Care & Tackling Poverty Service Transformation	10		SS
Corporate Services & Financial Resilience Service Transformation	10		SS
JCC	7		
General Licensing	12		SS
<i>General Licensing Sub</i>	3	Drawn proportionally from General Licensing Cttee.	
Statutory Licensing	12		
Governance & Audit	15	Chaired by an Independent Person. 5 Ind Persons & 10 Cllrs.	
<i>Statutory Licensing Sub</i>	3	Drawn proportionally from Statutory Licensing Cttee.	
Pension Fund	6		
Planning	12	1. Membership between 11 & 21. 2. Quorum is 50%. 3. Only 1 Cllr from an Electoral Ward may sit on the Cttee. 4. Use of Substitute Members prohibited.	SS
Scrutiny Programme	10		SS
Standards	9	Standards Committee (Wales) Regulations 2001. 5 Ind, 3 CCS Cllrs & 1 C/T Cllr	XPR
West Glamorgan Archives	5	Independent Chair	
Panels, Forums, Groups etc.			
Admissions Panel	6		
Armed Forces Community Covenant Signatories Panel	2	Armed Forces Member Champion Cabinet Member with responsibility for Veterans	XPR
Community / Town Councils Forum	6	Chaired by Delivery Cabinet Member	
Corporate Parenting Board	9	5 Ruling Group Cllrs, 2 Largest Opposition Group Cllrs, 1 Representative from each other Political Group.	XPR
Constitution Working Group	9	Presiding Member, Deputy Presiding Member, Leader & Deputy Leader of Ruling Group (or other) & Largest Opposition Group, Leader of other Political Groups & Cabinet Member with responsibility for Constitutional Matters.	XPR
Development Advisory Group (DAG)	5	This is a Cabinet Body.	XPR
Gower AONB Partnership Group	6	Chaired by Chair of Planning Committee	
<i>Sustainable Development Fund Panel</i>	2	Chaired by Chair of Planning Committee	
<i>Sustainable Development Fund Appeal Panel</i>	1		
Local Pension Board	1		
Standards Cttee Vacancy Panel	3		
Trustees Panel	13	1 Representative from each Political Group	XPR
SS - Committees that attract Senior Salary		XPR - Bodies exempt from Proportionality.	

Proposed Exemption from Committee Balance Rules

1. Several Committees are exempt from the Local Government (Committees and Political Groups) Regulations 1990 as they are covered by other separate legislation. Council also has the right to exempt a Committee from the legislation providing that it has the unanimous backing of all Councillors voting at the meeting. The following is a list of the Committees covered by separate legislation together with a reference to that legislation and those proposed to be exempted by Council.
 - 1.1 **Chief Executive's Appraisal & Remuneration Committee.** Council is asked to exempt this from the Committee Balance Rules to allow the following membership: Leader & Deputy Leader of the Ruling Group and Largest Opposition Group, Leader only of other Political Groups and 3 other Labour Councillors.
 - 1.2 **Standards Committee.** This is made up of 5 Independent Members, 3 Councillors and 1 Community / Town Councillor. By virtue of Section 53 (10) of the Local Government Act 2000 a Standards Committee and the Standards Committees (Wales) Regulations 2001, the Standards Committee is not required to comply with Section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to Political Groups).
 - 1.3 **Corporate Parenting Board.** Council is asked to exempt this from the Committee Balance Rules to allow the following membership: 5 Ruling Group Cllrs (Labour), 2 Largest Opposition Group Councillors (Lib Dem & Ind Opposition), 1 Representative from each other Political Group (Conservative and Uplands).
 - 1.4 **Constitution Working Group.** Council is asked to exempt this from the Committee Balance Rules to allow the following membership and representation by each Political Group: Presiding Member, Deputy Presiding Member, Leader & Deputy Leader of Ruling Group & Largest Opposition Group (or other), Leader of other Political Groups & Cabinet Member with responsibility for Constitutional Matters.
 - 1.5 **Trustees Panel.** Council is asked to exempt this from the Committee Balance Rules to allow the following membership: 7 Ruling Group Cllrs (Labour), 3 Largest Opposition Group Councillors (Lib Dem & Ind Opposition), 1 Representative from each other Political Group (Conservative, Uplands & Non-Aligned (Green)).

Member Champion Areas & Responsible Councillors

www.swansea.gov.uk/CllrChampions

Member Champion Area	Councillor(s)
Animal Rights	Sara Keeton
Anti-Slavery & Ethical Employment	David Hopkins
Armed Forces	Wendy Lewis
Biodiversity	Sara Keeton
Carers	Jan Curtice
Children & Family Services	Louise Gibbard
Climate Change	Andrea Lewis
Councillor Support & Development	Wendy Lewis
Co Production	Hayley Gwilliam
Culture	Hannah Lawson
Dementia	Hayley Gwilliam
Disability & Access to Services	Paul Lloyd
Diversity	Lesley Walton
Domestic Abuse	Erika Kirchner
Health & Wellbeing	Alyson Pugh
Healthy Cities & Sport	Terry Hennegan
Heritage	Mike White
Human Rights	Louise Gibbard
Language (Inc. Welsh)	Robert Smith
LGBT (Lesbian, Gay, Bisexual & Transgender)	Elliott King
Life Long Learning	Mike Durke
Looked After Children	Ceri Evans
Natural Environment	Sara Keeton
Pensions	Louise Gibbard
Poverty in Communities / Homelessness	Hazel Morris
Poverty Reduction	Rob Stewart
Public Transport	Paul Lloyd
Religion, Faith & Beliefs	Sam Pritchard
Rural Economy	Andrew Stevens
Safeguarding	Louise Gibbard
Sanctuary & Inclusion	Yvonne Jardine
Tackling Racism in Schools	Yvonne Jardine
Transport	Rebecca Fogarty
UNCRC (United Nations Convention on the Rights of the Child)	Bev Hopkins
Vulnerable & Older People	Jan Curtice
Walking	Ryland Doyle
Women	Louise Gibbard
Young Carers	Sam Pritchard

The Leader of the Council has allocated Councillors to sit on Outside Bodies.

To be tabled at the meeting

June 2023

June 2023							July 2023						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
			1	2	3	4						1	2
5	6	7	8	9	10	11	3	4	5	6	7	8	9
12	13	14	15	16	17	18	10	11	12	13	14	15	16
19	20	21	22	23	24	25	17	18	19	20	21	22	23
26	27	28	29	30			24	25	26	27	28	29	30
							31						

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
29 May	30	31	1 Jun Half Term 09:00 Corporate Briefing 17:00 Council	2	3	4
5 16:00 Climate Change STC	6 14:00 Planning	7 14:00 Gov & Audit Ctte	8 14:00 Econ & Infra STC	9 10:00 Licensing	10	11
12 15:30 Social Care & Tack Pov STC	13 16:00 Scrutiny	14 16:00 Educ & Skills STC	15 10:00 Cabinet	16 10:00 Archives	17	18
19	20 14:00 Corp Ser & Fin Res STC	21 17:00 Community Town Councils Forum	22	23 10:00 Standards	24	25
26 18:30 Gower AONB	27	28	29	30 10:00 SDF Panel	1 Jul	2

July 2023

July 2023							August 2023						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
3	4	5	6	7	8	9	7	8	9	10	11	12	13
10	11	12	13	14	15	16	14	15	16	17	18	19	20
17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28	29	30	28	29	30	31			
31													

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
26 Jun	27	28	29	30	1 Jul	2
3	4 14:00 Planning	5	6 09:00 Corporate Briefing 17:00 Council	7 10:00 Licensing	8	9
10 14:00 Armed Forces	11 10:30 JCC	12	13 11:00 Pension Fund Cttee 15:00 Swansea PSB	14	15	16
17 16:00 Climate Change STC	18 16:00 Scrutiny	19 10:00 Corporate Parenting 14:00 Gov & Audit Cttee	20 10:00 Cabinet 14:00 Econ & Infra STC	21	22	23
24 15:30 Social Care & Tack Pov STC	25 10:00 Pension Board 14:00 Corp Ser & Fin Res STC	26 16:00 Educ & Skills STC	27 14:30 SBCRJC	28	29	30
31 16:00 Democratic Services	1 Aug	2	3	4	5	6

August 2023

August 2023							September 2023						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
	1	2	3	4	5	6					1	2	3
7	8	9	10	11	12	13	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28	29	30	

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
31 Jul	1 Aug 14:00 Planning	2	3	4 10:00 Licensing	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28 BANK HOLIDAY	29	30	31	1 Sep	2	3

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September 2023

September 2023							October 2023						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
4	5	6	7	8	9	10	2	3	4	5	6	7	8
11	12	13	14	15	16	17	9	10	11	12	13	14	15
18	19	20	21	22	23	24	16	17	18	19	20	21	22
25	26	27	28	29	30		23	24	25	26	27	28	29
							30	31					

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
28 Aug	29	30	31	1 Sep 10:00 Licensing	2	3
4 16:00 Climate Change STC	5 14:00 Planning	6 10:00 Pension Fund Ctte	7 09:00 Corporate Briefing 17:00 Council	8	9	10
11 15:30 Social Care & Tack Pov STC	12	13 14:00 Gov & Audit Ctte	14	15 10:00 Archives	16	17
18	19 16:00 Scrutiny	20	21 10:00 Cabinet 14:00 Econ & Infra STC	22 10:00 SDF Panel	23	24
25 18:30 Gower AONB	26 14:00 Corp Ser & Fin Res STC	27 10:00 Pension Board 16:00 Educ & Skills STC	28	29	30	1 Oct

October 2023

October 2023							November 2023						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30			
30	31												

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
25 Sep	26	27	28	29	30	1 Oct
2	3 14:00 Planning	4	5 09:00 Corporate Briefing 17:00 Council	6 10:00 Licensing	7	8
9 14:00 Armed Forces	10	11	12 15:00 Swansea PSB	13 10:00 Standards	14	15
16 16:00 Climate Change STC	17 16:00 Scrutiny	18 10:00 Corporate Parenting	19 10:00 Cabinet	20	21	22
23 15:30 Soc Care & Tack Pov STC	24	25 14:00 Gov & Audit Ctte	26	27	28	29
30 Half Term	31 14:00 Corp Ser & Fin Res STC	1 Nov	2	3	4	5

November 2023

November 2023							December 2023						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
6	7	1	2	3	4	5	4	5	6	7	1	2	3
13	14	8	9	10	11	12	11	12	13	14	15	16	17
20	21	22	23	24	25	26	18	19	20	21	22	23	24
27	28	29	30				25	26	27	28	29	30	31

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
30 Oct	31	1 Nov	2	3	4	5
		Half Term				
			09:00 Corporate Briefing 14:00 Econ & Infra STC	10:00 Licensing		
6	7	8	9	10	11	12
	14:00 Planning	16:00 Educ & Skills STC	17:00 Council			
13	14	15	16	17	18	19
16:00 Democratic Services	16:00 Scrutiny	10:00 Pension Fund	10:00 Cabinet 13:30 SBCRJC			
20	21	22	23	24	25	26
	10:30 JCC	17:00 Community/Town Councils Forum				
27	28	29	30	1 Dec	2	3
		10:00 Pension Board				

December 2023

December 2023							January 2024						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
4	5	6	7	8	9	10	1	2	3	4	5	6	7
11	12	13	14	15	16	17	8	9	10	11	12	13	14
18	19	20	21	22	23	24	15	16	17	18	19	20	21
25	26	27	28	29	30	31	22	23	24	25	26	27	28
							29	30	31				

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
27 Nov	28	29	30	1 Dec 10:00 Licensing	2	3
4 15:00 Soc Care & Tack Pov STC	5 14:00 Planning	6 14:00 Gov & Audit Ctte	7 09:00 Corporate Briefing 17:00 Council	8 10:00 SDF Panel	9	10
11 16:00 Climate Change STC	12 14:00 Corp Ser & Fin Res STC	13 16:00 Educ & Skills STC	14 14:00 Econ & Infra STC	15 10:00 Archives	16	17
18	19 16:00 Scrutiny	20	21 10:00 Cabinet	22	23	24
25 Christmas Day	26 Boxing Day	27 Extra Statutory Day	28	29	30	31

January 2024

January 2024						
Mo	Tu	We	Th	Fr	Sa	Su
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February 2024						
Mo	Tu	We	Th	Fr	Sa	Su
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29			

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
1 Jan 24 New Years Day	2	3	4 09:00 Corporate Briefing	5	6	7
8	9 14:00 Planning	10	11 15:00 Swansea PSB	12 10:00 Licensing	13	14
15 15:30 Social Care & Tack Pov STC	16 16:00 Scrutiny	17 10:00 Corporate Parenting 14:00 Gov & Audit Ctte	18 10:00 Cabinet 14:00 Econ & Infra STC	19 10:00 Standards	20	21
22 16:00 Climate Change STC	23 14:00 Corp Ser & Fin Res STC	24 16:00 Educ & Skills STC	25 17:00 Council	26	27	28
29 14:00 Armed Forces	30	31	1 Feb	2	3	4

February 2024

February 2024							March 2024						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
			1	2	3	4					1	2	3
5	6	7	8	9	10	11	4	5	6	7	8	9	10
12	13	14	15	16	17	18	11	12	13	14	15	16	17
19	20	21	22	23	24	25	18	19	20	21	22	23	24
26	27	28	29				25	26	27	28	29	30	31

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
29 Jan	30	31	1 Feb 09:00 Corporate Briefing	2	3	4
5	6 14:00 Planning	7	8 10:30 SBCRJC	9 10:00 Licensing	10	11
12	13	14	15	16	17	18
Half Term						
	16:00 Scrutiny		10:00 Cabinet			
19	20 10:30 JCC	21	22	23	24	25
26 15:30 Social Care & Tack Pov STC 18:30 Gower AONB	27 14:00 Corp Ser & Fin Res STC	28 14:00 Gov & Audit Ctte	29 14:00 Econ & Infra STC	1 Mar	2	3

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March 2024

March 2024							April 2024						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
4	5	6	7	8	9	10	1	2	3	4	5	6	7
11	12	13	14	15	16	17	8	9	10	11	12	13	14
18	19	20	21	22	23	24	15	16	17	18	19	20	21
25	26	27	28	29	30	31	22	23	24	25	26	27	28
							29	30					

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
26 Feb	27	28	29	1 Mar 10:00 Licensing	2	3
4 16:00 Climate Change STC	5 14:00 Planning	6 10:00 Pension Fund 16:00 Educ & Skills STC	7 09:00 Corporate Briefing 17:00 Council	8	9	10
11	12	13	14	15 10:00 Archives 10:00 SDF Panel	16	17
18 16:00 Democratic Services	19 16:00 Scrutiny	20 10:00 Pension Board	21 10:00 Cabinet 17:00 Council	22 10:00 Standards	23	24
25	26	27	28	29	30	31
Easter Holidays						
				Good Friday		To 5 Apr. →

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April 2024

April 2024							May 2024						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
1	2	3	4	5	6	7	6	7	8	9	10	11	12
8	9	10	11	12	13	14	13	14	15	16	17	18	19
15	16	17	18	19	20	21	20	21	22	23	24	25	26
22	23	24	25	26	27	28	27	28	29	30	31		
29	30												

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
1 Apr	2	3	4	5	6	7
← From 25 Mar						
Easter Monday		Easter Holidays		09:00 Corporate Briefing		
8	9	10	11	12	13	14
15:30 Social Care & Tack Pov STC	14:00 Planning	14:00 Gov & Audit Ctte	10:30 SBCRJC 14:00 Econ & Infra STC	10:00 Licensing		
15	16	17	18	19	20	21
14:00 Armed Forces Panel 16:00 Climate Change STC	16:00 Scrutiny	10:00 Pension Fund 16:00 Educ & Skills STC	10:00 Cabinet			
22	23	24	25	26	27	28
	14:00 Corp Ser & Fin Res STC	10:00 Corporate Parenting	15:00 Swansea PSB			
29	30	1 May	2	3	4	5

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May 2024

May 2024							June 2024						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
6	7	1	2	3	4	5	3	4	5	6	7	1	2
13	14	8	9	10	11	12	10	11	12	13	14	8	9
20	21	15	16	17	18	19	17	18	19	20	21	15	16
27	28	22	23	24	25	26	24	25	26	27	28	22	23

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
29 Apr	30	1 May 09:00 Corporate Briefing	2 PCC Election	3	4	5
6 Bank Holiday	7	8	9	10 10:00 Licensing	11	12
13	14 14:00 Planning 16:00 Scrutiny	15	16 10:00 Cabinet 16:00 Annual Council	17 14:00 Ceremonial Council (Lord Mayor)	18	19
20	21	22	23	24	25	26
27 Bank Holiday	28	29	30	31	1 Jun	2
Half Term						

Agenda Item 8.



Joint Report of the Presiding Member, Monitoring Officer & Head of Democratic Services

Annual Meeting of Council – 18 May 2023

Amendments to the Council Constitution – Part 5 Codes and Protocols. Officer/Councillor Relations Protocol

Purpose:	To make amendments to simplify, improve and / or add to the Council Constitution. A decision of Council is required to change the Council Constitution.
Policy Framework:	Council Constitution.
Consultation:	Access to Services, Finance, Legal
Recommendation(s):	It is recommended that: 1) The amendments to the Council Constitution as outlined in Paragraph 3 and attached at Appendix B are approved.
Report Author:	Tracey Meredith
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar

1. Introduction

- 1.1 In compliance with the Local Government Act 2000, the City and County of Swansea has adopted a Council Constitution. From time to time, it is necessary to review the Council Constitution in line with legislative requirements and to ensure good governance arrangements.
- 1.2 Several issues have arisen since adoption and in order to maintain the aims, principles and procedures set out in Articles 1 and 15 of the Council Constitution, it is proposed that the amendment set out below should be made to the Constitution.

1.3 The terms of reference of the Constitution Working Group includes keeping under review the Council Constitution and to make appropriate recommendations for change.

2. Delegated Minor Corrections to the Council Constitution

2.1 There are no delegated minor corrections to the Council Constitution.

3. Amendments to the Council Constitution

3.1 This report outlines a suggested amendment to the Council Constitution. The amendments are within the following areas of the Council Constitution:

- a) Part 5 – Codes and Protocols
Section 4 – Officer/Councillor Relations Protocol

3.2 The Officer/Councillor Relations Protocol attached at Appendix A has not been reviewed for some considerable time. The Monitoring Officer has therefore reviewed and amended the Protocol. Much of the Protocol remains the same particularly around Officer support but there are some changes highlighted as follows:

- An additional section entitled “Dealing with Disputes” which includes procedures for dealing with member/officer complaints including reference to the group leader in light of new group leader duty under the Local Government and Elections (Wales) Act and specific reference to mediation with a view to resolving any issues.
- A new section on respect and courtesy including undue pressure and familiarity between members and officers.
- Reference to the Code of Recommended Practice for Local Authority Publicity in the Publicity and Press Release section.
- Reference in paragraph 62 to publicity around ward visits may include ward members as well as Cabinet members.

3.3 Attached at Appendix B is a draft version of the Officer/Councillor Relations Protocol which members are asked to consider.

4. Integrated Assessment Implications

4.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, 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.

4.2 The Well-being of Future Generations (Wales) Act 2005 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'.

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

4.4 An IIA Screening Form has been completed and no adverse implications have been noted.

5. Financial Implications

5.1 Apart from the costs of any necessary mediation and appointment of an independent mediator, which will fall to the relevant client department, there are no financial implications associated with this report.

6. Legal Implications

6.1 There are no legal implications associated with this report.

Background Papers: None.

Appendices:

Appendix A – current Officer/Councillor Relations Protocol

Appendix B – proposed Officer/Councillor Relations Protocol.

4 Officer/Councillor Relations Protocol

Introduction and Principles

- 1 The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council.
- 2 Given the variety and complexity of such relations, this Protocol Does not seek to be either prescriptive or comprehensive. It simply offers guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances.
- 3 This Protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the Protocol is followed it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.
- 4 It also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and Officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.
- 5 This Protocol is a local extension of the Members' and Employees' Codes of Conduct. Consequently, a breach of the provisions of this Protocol may also constitute a breach of those Codes.
- 6 This Protocol should be read in conjunction with the Members' and Employees' Codes of Local Government Conduct, the Council's Constitution and any guidance issued by the Standards and Governance Committee and/or Monitoring Officer.

General Points

- 7 Both Councillors and Officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Councillors and the Council, and to carry out the Council's works under the direction and control of the Council, the Executive, their Committees and Sub Committees.
- 8 At the heart of the Code, and this Protocol, is the importance of mutual respect. Member/Officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and Officers should observe standards of courtesy and that neither party should seek to take

unfair advantage of their position or seek to exert undue influence on the other party.

- 9 Inappropriate relationships can be inferred from language/style. To protect both Members and Officers, Officers should address Members as 'Councillor XX/Mr or Madam Lord Mayor/Sheriff' save where circumstances clearly indicate that a level of informality is appropriate, e.g. a one to one between a Head of Service and their respective Cabinet Member.
- 10 A Member should not raise matters relating to the conduct or capability of an Officer in a manner that is incompatible with the objectives of this Protocol. This is a long-standing tradition in public service. An Officer has no means of responding to such criticisms in public. If a Member feels s/he has not been treated with proper respect, courtesy or has any concern about the conduct or capability of an Officer, and fails to resolve it through direct discussion with the Officer s/he should raise the matter with the respective Head of Service of the Division. The Head of Service will then look into the facts and report back to the Member. If the Member continues to feel concerned, the s/he should report the facts to the Corporate Director who heads the Directorate concerned, or if, after doing so, is still dissatisfied should raise the issue with the Chief Executive who will look into the matter afresh. Any action taken against an Officer in respect of a complaint, will be in accordance with provisions of the Council's Disciplinary Rules and Procedures.
- 11 An Officer should not raise with a Member matters relating to the conduct or capability of another Officer or to the internal management of a Section/Division/Directorate at or in a manner that is incompatible with the overall objectives of this Protocol.
- 12 Where an Officer feels that s/he has not been properly treated with respect and courtesy by a Member s/he should raise the matter with his/her Head of Service, Corporate Director or the Chief Executive as appropriate, especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances the Head of Service, Corporate Director or Chief Executive will take appropriate action either by approaching the individual Member and/or group leader or by referring the matter to the Monitoring Officer in the context of the Standards Committee considering the complaint.

Officer Support to Members - General Points

- 13 Officers are responsible for day-to-day managerial and operational decisions within the authority and will provide support to both the Executive and all Councillors in their several areas.
- 14 Certain statutory officers - the Chief Executive, the Monitoring Officer and the Chief Finance Officer - have specific roles. These are addressed in the Constitution. Their roles need to be understood and respected by all Members.
- 15 The following key principles reflect the way in which the officer core generally relates to Members:

- a) all officers are employed by, and accountable to the authority as a whole;
- b) support from officers is needed for all the authority's functions including Full Council, Overview and Scrutiny, the Executive, individual Members representing their communities etc.
- c) day-to-day managerial and operational decisions should remain the responsibility of the Chief Executive and other officers;
- d) the authority will seek to avoid potential conflicts of interest for officers arising from the separation of the Executive and Overview and Scrutiny role; and
- e) all Officers will be provided with training and development to help them support the various Member roles effectively and to understand the new structures.

16 On occasion, a decision may be reached which authorises named Officers to take action between meetings following consultation with a Member or Members. It must be recognised that it is the Officer, rather than the Member or Members, who takes the action and it is the Officer who is accountable for it.

17 Finally, It must be remembered that Officers within a Division or Directorate are accountable to their Head of Service and Corporate Director and that whilst Officers should always seek to assist a Member, they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Head of Service or Corporate Director.

Officer Support: Members and Party Groups

18 It must be recognised by all Officers and Members that in discharging their duties and responsibilities, Officers serve the Council as a whole and not any political group, combination of groups or any individual Member of the Council.

19 There is now statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matter of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.

20 The support provided by Officers can take many forms. Whilst in practice such Officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups.

21 Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:

- a) Officer support must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this

- distinction will be assisted if Officers are not present at meetings or parts of meetings, when matters of party business are to be discussed;
- b) party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and
 - c) similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee or Sub-Committee when the matter in question is considered.
- 22 Officers shall exercise special care when attending and/or giving advice to Party Group Meetings. Party Group Meetings are likely to include persons who are not Members of the Council. Such persons are not bound by the National Code of Local Government Conduct (in particular, the provisions concerning the declarations of interests and confidentiality).
- 23 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.
- 24 Whilst any Member may ask a relevant Head of Service, Programme Manager, Corporate Director or the Chief Executive for written factual information about a Directorate or service, such requests must be reasonable and not seek information relating, for instance, to case work of a similar nature, e.g. Social Services, employment etc. Requests will be met subject to any overriding legal considerations (which will be determined by the Chief Legal Officer), or if the recipient of any request considers the cost of providing the information requested or the nature of the request to be unreasonable. If a Member requesting such information is dissatisfied by such a response s/he should raise the matter in the first place with the relevant Corporate Director, and if still dissatisfied should raise the matter with the Chief Executive who will discuss the issue with the relevant Group Leader(s).
- 25 In relation to budget proposals:
- a) the Administration shall be entitled to confidential discussions with Officers regarding options and proposals. These will remain confidential until determined by the Administration or until published in advance of Committee/Council meetings, whichever is the earlier; and
 - b) the opposition groups shall also be entitled to confidential discussions with Officers to enable them to formulate alternative budget proposals. These will remain confidential until determined by the respective opposition groups or until published in advance of Committee/Council meetings, whichever is the earlier.

- 26 It must not be assumed by any party group or Member that any Officer is supportive of any policy or strategy developed because of that Officer's assistance in the formulation of that policy or strategy.
- 27 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

Officer Support - the Executive

- 28 It is clearly important that there should be a close working relationship between Executive Members and the Officers who support and/or interact with them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other party groups.
- 29 Whilst Executive Members will routinely be consulted as part of the process of drawing up proposals for consideration or the agenda for a forthcoming meeting, it must be recognised that in some situations an Officer will be under a professional duty to submit a report. Similarly, a Head of Service or other senior Officer will always be fully responsible for the contents of any report submitted in his/her name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. This is to be distinguished from a situation where there is a value judgement to be made. Any issues arising between an Executive Member and a Head of Service in this area should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.
- 30 The Executive and its members have wide ranging leadership roles. They will:
- a) lead the community planning process and the search for Best Value, with input and advice from Overview and Scrutiny Committees, area committees and any other persons as appropriate;
 - b) lead the preparation of the local authority's policies and budget;
 - c) take in-year decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver and implement the budget and policies decided by the Full Council; and
 - d) be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- 31 Where functions which are the responsibility of the Executive are delegated to Officers or other structures outside the Executive, the Executive will nevertheless remain accountable to the Council, through Overview and Scrutiny Committees, for the discharge of those functions. That is to say, the Executive will be held to account for both its decision to delegate a function and the way that the function is being carried out.

- 32 Under Executive Arrangements, individual Members of the Executive will, for the first time, be allowed to formally take decisions. The Executive and Cabinet members must satisfy themselves that they are clear what exactly they can and cannot do.
- 33 The Council has put in place mechanisms/protocols which ensure that (as with the Council, its Committees and Sub Committees, and the Executive and its Committees) an individual Executive Member seeks advice from relevant Officers before taking a decision within her or his delegated authority. This includes taking legal advice, financial advice and professional officer advice (particularly about contractual matters) as well as consulting the Monitoring Officer where there is doubt about vires.
- 34 Decisions taken by individual Members of the Executive give rise to legal and financial obligations in the same way as decisions taken collectively. Therefore, Members of the Executive should always be aware of legal and financial liabilities (consulting the Monitoring Officer and Chief Finance Officer as appropriate) which will arise from their decisions. To ensure effective leadership for the local authority and the communities it serves, there are arrangements to ensure co-ordination of and having responsibility for Executive decisions including those made by individuals.
- 35 Officers will continue to work for and serve the local authority as a whole. Nevertheless, as the majority of functions will be the responsibility of the Executive, it is likely that in practice many Officers will be working to the Executive for most of their time. The Executive must respect the political neutrality of the Officers. Officers must ensure that, even when they are predominantly supporting the Executive, that their political neutrality is not compromised.
- 36 In organising support for the Executive, there is a potential for tension between Chief Officers and Cabinet Members with portfolios. All Members and Officers need to be constantly aware of the possibility of such tensions arising and both Officers and Members need to work together to avoid such tensions and conflicts existing or being perceived.

Officer Support - Scrutiny

- 37 It is not scrutiny's role to act as a disciplinary tribunal in relation to the actions of Members or Officers. Neither is it the role of Officers to become involved in what would amount to disciplinary investigations on a Panel's behalf. This is the Chief Executive's function alone in relation to staff, the Monitoring Officer's and the Standards and Governance Committee as regards the conduct of Members. This means:
- a) Scrutiny's questioning should not be directed to the conduct of individuals, not in the sense of establishing the facts about what occurred in the making of decisions or implementing of Council policies, but with the implication of allocating criticism or blame;

- b) In these circumstances, it is for the Chief Executive to institute a formal enquiry, and scrutiny may ask (but not require) him to do so.

38 Scrutiny should not act as a 'court of appeal' against decisions or to pursue complaints by individuals (Councillors, Officers or members of the public) as other Procedures exist for this. These are internal, e.g. the Corporate Complaints Procedure and external/statutory, e.g. Public Services Ombudsman for Wales or appeal to the Courts. That said:

- a) Scrutiny may investigate the manner in which decisions are made but should not pass judgements on the merits of a decision in individual cases;
- b) they can comment, however, on the merits of a particular policy affecting individuals.

39 It would be unfair to invite someone to appear before scrutiny without telling them in general terms what they will be asked, or not giving them adequate time to prepare. Scrutiny ought to provide written questions ('Indicative Topics'). In addition, speakers ought to be told the general line that further questioning is likely to take. Questioning should not stray outside the subject area that the committee/panel had previously indicated.

40 The Scrutiny Handbook contains guidelines as to the Procedure at Evidence Meetings, and guidance for Members and Officers.

Protocol for Councillors and Officers Attending and Participating in Scrutiny

41 The purpose of scrutiny is to review Council policy and service delivery while taking into account the performance of the authority. In doing so, it is expected that scrutiny members will make constructive recommendations to Council that are based on factual findings.

42 Scrutiny is not about fostering a blame culture or assigning unfair criticism. To be effective, it must have the ability to work in an environment that supports the principles of service improvement. To assist this approach, it is considered necessary that scrutiny members should:

- a) undertake their roles with due diligence and satisfy themselves that all pertinent issues are covered;
- b) be able to consider themselves unfettered by party political discipline;
- c) use the powers of scrutiny properly and behave in a manner that reflects the trust placed in them by electors;
- d) not permit personal agendas or differences in political complexion to obscure an effective scrutiny process;
- e) refrain from public and personal criticism of other members or officers.
- f) Cabinet Members and Officers should:
- g) ensure their availability to attend scrutiny meetings as requested;
- h) co-operate with scrutiny in arriving at conclusions to their investigations;

- i) provide all necessary information that will assist in the effectiveness of the overview & scrutiny process.

Support Services to Members and Party Groups

- 43 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photo-copying, transport etc) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

Members' Access to Information and to Council Documents

- 44 Members are free to approach any Directorate of the Council to ask for information in accordance with paragraph 24 above. This right extends to such information, explanation or advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent. Such approaches should normally be made to the Director or another Senior Officer of the Directorate concerned.
- 45 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.
- 46 Further and more detailed information regarding Members rights to inspect Council documents is contained in the Access to Information Rules in Part 4 of this Constitution and Members may obtain advice on their rights from the Council's Monitoring Officer.
- 47 Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided i.e. in connection with the proper performance of the Member's duties as a Member of the Council".

Correspondence

- 48 Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of 'silent copies' should not be employed.
- 49 Official letters on behalf on the Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain limited circumstances (e.g. representations to a Government Minister) for a letter to appear in the name of a Cabinet Member or the Leader but this should be the exception rather than the norm. Letters which, for example, create legal obligations or give instructions on behalf of the Council should never be sent out in the name of a Member, Executive of otherwise.

Publicity and Press Releases

- 50 Local authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the Authority, explaining its objectives and policies to the electors and rate-payers. In recent years, all local authorities have increasingly used publicity to keep the public informed and to encourage public participation. Every Council needs to tell the public about the services it provides. Increasingly, local authorities see this task as an essential part of providing services. Good, effective publicity aimed to improve public awareness of a Council's activities is, in the words of the Government, to be welcomed.
- 51 Publicity is, however, a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential, therefore, to ensure that local authority decisions on publicity are properly made in accordance with clear principles of good practice. The Government has issued a Code of Recommended Practice on Local Authority Publicity. The purpose of the Code is to set out such principles. The Code affects the conventions that should apply to all publicity at public expense and which traditionally have applied in both central and local government. The Code issued under the provisions of the Local Government Act, 1986 as amended by the Local Government Act, 1988 which provides for the Secretary of State to issue Codes of Recommended Practice as regards the content, style, distribution and cost of local authority publicity, and such other matters as s/he thinks appropriate. That section requires that all local authorities shall have regard to the provisions of any such Code in coming to any decision on publicity.
- 52 Officers and Members of the Council will, therefore, in making decisions on publicity, take account of the provisions of this Code. If in doubt, Officers and/or Members should seek advice from the Head of Communications and Marketing who will deal with the matter in accordance with agreed protocols. Particular care should be paid to any publicity used by the Council around the time of an election. Particular advice will be given on this by the Monitoring Officer as appropriate.

Involvement of Ward Councillors

- 53 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected should as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members should be notified at the outset of the exercise. More generally, Officers should consider whether other policy of briefing papers, or other topics being discussed with an Executive Member, should be discussed with relevant Ward Members. Officers should seek the views of the appropriate Executive Member(s) as to with whom and when this might be done.

Conclusion

- 54 Mutual understanding, openness on these sort of sensitive issues and basic respect are the greatest safeguard of the integrity of the Council, its Members and Officers.

Officer/Member Protocol

- 55 This Protocol was adopted by the Council as part of the Constitution on May 20th 2002.
- 56 Copies of the Protocol will be issued to all Members as part of the Constitution upon election.
- 57 Questions of interpretation of this Protocol will be determined by the Chief Legal Officer.



4 Officer/Councillor Relations Protocol

General Principles

- 1 The general principles of good Member/Officer relations is based on mutual trust and respect and consideration for others. Good working relationships between Members and Officers leads to good decision making, enhanced performance, confidence and community leadership.
- 2 This Protocol provides guidance for Members, co-opted Members and Officers in their working relationship with each other.
- 3 Members are bound by the Code of Conduct and Nolan Principles and are expected to maintain the highest standard of ethical behaviour when acting in their capacity as a Member and, in certain circumstances, at all times.
- 4 Officers are bound by the Code of Conduct (Qualifying Local Government Employees)(Wales) Order 2001 which provides that the public is entitled to expect the highest standards of conduct from Officers. When performing their duties Officers must act with integrity, honesty, impartiality and objectivity.
- 5 Mutual respect between Officers and Members is essential to good local government and working relationships should be kept on a professional basis and conducted in a positive and constructive way. It is important that any dealings between Members and Officers should observe standards of courtesy.
- 6 To support high performance within the Authority it is essential that both Members and Officers know and respect their different roles and perspectives.

Roles of Members

Members undertake many different roles. Broadly these are:

- 7 Members are responsible to the electorate. Members undertake important community work within their ward and act as community advocates. They also deal with individual casework within their wards.
- 8 Members also have responsibility as members of full council to make important decisions on behalf of residents of Swansea which will include approving the budget and policy framework.
- 9 Some Members are also involved in quasi-judicial decisions when sitting on regulatory committees such as planning and licensing. Other Members will have responsibility for holding the Cabinet to account and scrutinising the

performance of the council. Those Members who form part of the Cabinet will undertake the majority of the Council's functions and will decide policy and make policy decisions.

- 10 Some Members will also sit on partnerships and outside bodies ie charities, Fire Authority and will need to be familiar with their own rules of conduct and procedure.
- 11 Members help develop and review policy and strategy and review policy implementation.

Roles of Officers

Officers have the following main roles:

- 12 Officers are responsible to the Council. Their role is to give impartial advice to all Members and to implement decisions, agreed policy and corporate priorities. Officers have operational responsibilities as set out in the scheme of delegation and Constitution and are responsible for day to day management and being accountable for the efficiency and effectiveness of their services.
- 13 The Member Code of Conduct provides that Members must reach decisions having regard to any relevant advice from Officers. In providing advice Officers are free to give their professional advice wherever appropriate. Such advice should be clear, impartial and timely.
- 14 Responsibility for drafting reports to committees, providing advice and, where appropriate, setting out options for decision making.
- 15 Ensuring that the Council always acts in a lawful manner.

Dealing with Disputes

- 16 Members should not raise matters relating to the conduct or capability of an Officer in a public forum. This will include all meetings at which the public are present whether in person or via remote means. An Officer has no means of responding to such criticism in public.
- 17 If a Member feels that he/she has not been treated with respect, courtesy or has a concern about the conduct or capability of an Officer then the Member should raise it with the relevant Head of Service. There will be an expectation that the Member will also raise with their Group Leader any concerns about Officer conduct. The Head of Service will look into the matter and report back to the Member. If the Member remains dissatisfied with the response he/she should raise the issue with the relevant Director who will look into the matter afresh. Where it is felt that there is a breakdown in the relationship between both the Officer and the Member then with the consent

of all parties the Chief Executive and Group Leader may resolve to consider mediation as a way forward. Any action taken against an Officer will be in accordance with the Council's relevant HR policies and upon advice of HR Officers.

- 18 An Officer should not raise with a Member matters relating to the conduct or capability of another Officer or the internal management of their section in a manner which is incompatible with the overall objectives of this Protocol.
- 19 If an Officer feels that he/she has not been properly treated with respect and courtesy by a Member he/she should raise the matter with his/her Head of Service who will notify the relevant Director. Depending on the nature of the complaint, the relevant Head of Service or Director will speak to the Member with a view to facilitating resolution of any issues that have arisen between the Member and Officer. If the Member has a Group Leader the Head of Service/Director will also notify the Group Leader that a complaint has been made.
- 20 There will be an expectation that both parties will, in the spirit of this Protocol, engage in meaningful discussions to resolve any issues amicably. If the matter cannot be resolved at the initial stage by the Head of Service or Director then the relevant Political Group Leaders and the Chief Executive will seek to resolve by mediation and conciliation any unresolved problem or breakdown in working relationships between Members and Officers. Both parties will be expected to agree to and engage with mediation with a view to resolving the matter. Mediation will be arranged and facilitated by HR officers.
- 21 If the alleged misconduct is of a serious nature the matter should be reported to the Monitoring Officer who will discuss initially with the Chief Executive and then, if appropriate, with the Corporate Management Team as to whether it is appropriate for referral to the Public Service Ombudsman for Wales.

Respect and Courtesy

- 22 For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and Officers. This plays a very important part in the Council's reputation and how it is seen in public. It is very important that both Members and Officers remember their respective obligations to enhance the Council's reputation and do what they can to avoid criticism of other Members, or other Officers in public places.
- 23 Undue Pressure
(a) It is important in any dealings between Members and Officers that neither should seek to take unfair advantage of their position.

- (b) A Member should not apply undue pressure on an Officer either to do anything which he is not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services.
- (c) Similarly, an Officer must neither seek to use undue influence on an individual Member to make a decision in his favour nor raise personal matters to do with their job nor make claims or allegations about other Officers. (The Council has formal procedures for consultation, grievance and discipline, and Officers have the right to report possible wrongdoing under the Council's confidential reporting procedures).

24 Familiarity

- (a) Close personal familiarity between individual Members and Officers can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details. Members and Officers will not therefore allow their working relationship to become so close or appear to be so close as to bring into question the Officers ability to deal impartially with Members, Political Groups and other Officers.
- (b) Such familiarity could also cause embarrassment to other Members and / or other Officers and even give rise to suspicions of favouritism.
- (c) For these reasons close personal familiarity must be avoided.

Officer Support: Members and Party Groups

- 25 In discharging their duties and responsibilities, Officers serve the Council as a whole and not any political group, combination of groups or any individual Member of the Council. Members should respect the political neutrality and integrity of Officers.
- 26 There is now statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and evenhanded manner.
- 27 The support provided by Officers can take many forms. Whilst in practice such Officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups.

- 28 Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:
- a) Officer support must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not present at meetings or parts of meetings, when matters of party business are to be discussed;
 - b) party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and
 - c) similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee or Sub-Committee when the matter in question is considered.
- 29 Officers shall exercise special care when attending and/or giving advice to Party Group Meetings. Party Group Meetings may include persons who are not Members of the Council. Such persons are unlikely to be bound by the Code of Conduct (in particular the rules around declarations of interests and confidentiality).
- 30 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.
- 31 Whilst any Member may ask a relevant Head of Service, Corporate Director or the Chief Executive for written factual information about a Directorate or service, such requests must be reasonable and not seek information relating, for instance, to case work of a similar nature, e.g. Social Services, employment etc. Requests will be met subject to any overriding legal considerations (which will be determined by the Chief Legal Officer), or if the recipient of any request considers the cost of providing the information requested or the nature of the request to be unreasonable. If a Member requesting such information is dissatisfied by such a response s/he should raise the matter in the first place with the relevant Corporate Director, and if still dissatisfied should raise the matter with the Chief Executive who will discuss the issue with the relevant Group Leader(s).

- 32 In relation to budget proposals:
- a) the Administration shall be entitled to confidential discussions with Officers regarding options and proposals. These will remain confidential until determined by the Administration or until published in advance of Committee/Council meetings, whichever is the earlier; and
 - b) the opposition groups shall also be entitled to confidential discussions with Officers to enable them to formulate alternative budget proposals. These will remain confidential until determined by the respective opposition groups or until published in advance of Committee/Council meetings, whichever is the earlier.
- 33 It must not be assumed by any party group or Member that any Officer is supportive of any policy or strategy developed because of that Officer's assistance in the formulation of that policy or strategy.
- 34 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

Officer Support - the Cabinet

- 35 It is clearly important that there should be a close working relationship between Cabinet members and the Officers who support and/or interact with them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other party groups.
- 36 Whilst Cabinet Members will routinely be consulted as part of the process of drawing up proposals for consideration or the agenda for a forthcoming meeting, it must be recognised that in some situations an Officer will be under a professional duty to submit a report. Similarly, a Head of Service or other senior Officer will always be fully responsible for the contents of any report submitted in his/her name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. This is to be distinguished from a situation where there is a value judgement to be made. Any issues arising between a Cabinet Member and a Head of Service in this area should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.
- 37 The Cabinet and its members have wide ranging leadership roles. They will:
- a) lead on the preparation of the Policies and Strategies including the budget;
 - b) take in-year decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver

- and implement the budget and policies decided by the Full Council;
and
- c) be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- 38 Where functions which are the responsibility of the Cabinet are delegated to Officers or other structures outside the Cabinet, the Cabinet will nevertheless remain accountable to the Council, through the Scrutiny Programme Committee and Scrutiny Panels, for the discharge of those functions. That is to say, the Cabinet will be held to account for both its decision to delegate a function and the way that the function is being carried out.
- 39 Under the Constitution individual Cabinet Members take decisions. The Cabinet and Cabinet members must satisfy themselves that they are clear as to what exactly they can and cannot do under the Constitution.
- 40 The Council has in place mechanisms/protocols which ensure that (as with the Council, its Committees and Sub Committees, and the Cabinet and its Committees) an individual Cabinet Member seeks advice from relevant Officers before taking a decision within her or his delegated authority. This includes taking legal advice, financial advice and professional officer advice (particularly about contractual matters) as well as consulting the Monitoring Officer where there is doubt about vires.
- 41 Decisions taken by individual Cabinet Members give rise to legal and financial obligations in the same way as decisions taken collectively. Therefore, Cabinet Members should always be aware of legal and financial liabilities (consulting the Monitoring Officer and Chief Finance Officer as appropriate) which will arise from their decisions.

Officer Support - Scrutiny

- 42 The Council Constitution Part 4 contains Rules of Procedure for Scrutiny. The Scrutiny Handbook contains guidelines as to the Procedure at Evidence Meetings, and guidance for Members and Officers.

Protocol for Councillors and Officers Attending and Participating in Scrutiny

- 43 The purpose of scrutiny is to review Council policy and service delivery while taking into account the performance of the authority. In doing so, it is expected that scrutiny members will make constructive recommendations to Council that are based on factual findings and to act as a critical friend.
- 44 Scrutiny is not about fostering a blame culture or assigning unfair criticism. To be effective, it must have the ability to work in an environment that

supports the principles of service improvement. To assist this approach, it is considered necessary that scrutiny members should:

- a) undertake their roles with due diligence and satisfy themselves that all pertinent issues are covered;
- b) be able to consider themselves unfettered by party political discipline;
- c) use the powers of scrutiny properly and behave in a manner that reflects the trust placed in them by electors;
- d) not permit personal agendas or differences in political complexion to obscure an effective scrutiny process;
- e) refrain from public and personal criticism of other members or officers.

Cabinet Members and Officers should:

- a) ensure their availability to attend scrutiny meetings as requested;
- b) co-operate with scrutiny in arriving at conclusions to their investigations;
- c) provide all necessary information that will assist in the effectiveness of the scrutiny process.

Support Services to Members and Party Groups

- 45 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photo-copying, transport etc) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

Correspondence

- 46 Official letters on behalf of the Council should be sent in the name of the appropriate Officer rather than in the name of a Member. There are circumstances where a letter sent in the name of a Member is perfectly appropriate, for example, in response to a letter of enquiry or complaint sent direct to the Member. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.
- 47 Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. A system of 'silent copies' should not be employed.

Media

- 48 Communications with the media can be an important part of a Member's workload. In general, Members provide comment and views while Officers provide the factual information. If a Member is unsure about the circumstances of a particular issue he/she should contact the appropriate Director or Head of Service concerned or ask the Press Office to do so.

Members' Access to Information and to Council Documents

- 49 Members are free to approach any Directorate of the Council to ask for information in accordance with paragraph 24 above. This right extends to such information, explanation or advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent. Such approaches should normally be made to the Director or another Senior Officer of the Directorate concerned.
- 50 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.
- 51 Further and more detailed information regarding Members rights to inspect Council documents is contained in the Access to Information Rules in Part 4 of this Constitution and Members may obtain advice on their rights from the Council's Monitoring Officer.
- 52 Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided i.e. in connection with the proper performance of the Member's duties as a Member of the Council.

Confidentiality

- 53 In accordance with the Code of Conduct for Members, a Member must not disclose information given to him/her in confidence by anyone, or information acquired which he/she believes, or ought reasonably to be aware, is of a confidential nature, except where:
- (a) He/she has the consent of a person authorised to give it;
 - (b) He/she is required by law to do so;
 - (c) The disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (d) The disclosure is;
 - (i) Reasonable and in the public interest; and

- (ii) Made in good faith and in compliance with the reasonable requirements of the authority;

- 54 Confidential Committee papers (yellow papers) are to be treated as confidential information unless the relevant Committee resolves not to exclude press and public. Members are reminded that the author of the report makes the initial decision as to whether or not the papers are to be treated as confidential. The decision as to whether the report remains confidential is for the Committee. The confidentiality of the information may decline over time and it will be a matter for the Monitoring Officer and report authors as to whether information can be disclosed if no longer considered confidential. Any decision to release information previously determined as confidential should be recorded formally under delegated provisions. Other information may be confidential because to disclose it would be against the Council's or public interest.
- 55 Information and correspondence about an individual's private or business affairs will normally be confidential.
- 56 Officers should make it clear to Members if they are giving them confidential information. If a Member is not sure whether information is confidential, he or she should ask the relevant Officer, but treat the information as confidential in the meantime.
- 57 Any Council information provided to a Member must only be used by the Member in connection with the proper performance of the Member's duties as a Member of the Council.
- 58 If a Member receives confidential information and considers it should be disclosed to another person because it is reasonable and in the public interest to do so then he or she must first consult with the Monitoring Officer and shall not disclose the information without having regard to any advice given by that Officer.

Publicity and Press Releases

- 59 Local authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the Authority, explaining its objectives and policies to the electors and rate-payers. In recent years, all local authorities have increasingly used publicity to keep the public informed and to encourage public participation. Every Council needs to tell the public about the services it provides. Increasingly, local authorities see this task as an essential part of providing services. Good, effective publicity aimed to improve public awareness of a Council's activities is, in the words of the Government, to be welcomed.

60 Publicity is, however, a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential, therefore, to ensure that local authority decisions on publicity are properly made in accordance with clear principles of good practice.

61 The Local Authority is prohibited by s 2 Local Government Act 1986 from publishing or assisting to publish material which appears to be designed to affect public support for a political party. Welsh Government have published a Code of Recommended Practice for Local Authority Publicity which Officers and Members should have regard to in making decisions around publicity. If in any doubt the Head of Communications should be consulted. Particular care should be taken during the pre-election period around publicity.

Involvement of Ward Councillors

62 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected should as a matter of course, be invited to attend the meeting. Any publicity afforded to Cabinet members on visits to wards may include Ward members as well as Cabinet members as long as the provisions of the Code of Recommended Practice for Local Authority Publicity is taken into account.

63 Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members should be notified at the outset of the exercise. More generally, Officers should consider whether other policy of briefing papers, or other topics being discussed with a Cabinet Member should be discussed with relevant Ward Members. Officers should seek the views of the appropriate Cabinet Member(s) as to with whom and when this might be done.

Conclusion

64 It is hoped that, by following good practice and securing sensible and practical working relationships between Members and Officers, that we can provide one of the cornerstones of a successful local authority and thereby enhance the delivery of high value quality services to the people of the area. Mutual understanding, openness and respect are the greatest safeguard to the integrity of the Council, its Members and Officers.

Officer/Member Protocol

65 This Protocol was adopted by the Council as part of the Constitution on ***

66 Copies of the Protocol will be issued to all Members as part of the Constitution upon election.

67 Questions of interpretation of this Protocol will be determined by the Chief Legal Officer.

[↑](#)

Agenda Item 9.



Joint Report of the Presiding Member, Monitoring Officer & Head of Democratic Services

Annual Meeting of Council – 18 May 2023

Amendments to the Council Constitution – Part 4.8 Rules of Procedure (JNC Officer Appointment Procedure Rules)

Purpose:	To make amendments to simplify, improve and / or add to the Council Constitution. A decision of Council is required to change the Council Constitution.
Policy Framework:	Council Constitution.
Consultation:	Access to Services, Finance, Legal
Recommendation(s):	It is recommended that: 1) The amendments to the Council Constitution as outlined in Paragraph 3 and attached at Appendix B are approved.
Report Author:	Rachael Davies
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar

1. Introduction

- 1.1 In compliance with the Local Government Act 2000, the City and County of Swansea has adopted a Council Constitution. From time to time, it is necessary to review the Council Constitution in line with legislative requirements and to ensure good governance arrangements.
- 1.2 Several issues have arisen since adoption and in order to maintain the aims, principles and procedures set out in Articles 1 and 15 of the Council Constitution, it is proposed that the amendment set out below should be made to the Constitution.

1.3 The terms of reference of the Constitution Working Group includes keeping under review the Council Constitution and to make appropriate recommendations for change.

2. Delegated Minor Corrections to the Council Constitution

2.1 There are no delegated minor corrections to the Council Constitution.

3. Amendments to the Council Constitution

3.1 This report outlines a suggested amendment to the Council Constitution. The amendments are within the following areas of the Council Constitution:

- a) Part 4 – Rules of Procedure
Section 4.8 – JNC officer appointment procedure rules

3.1 The JNC officer appointment procedure rules are attached at Appendix A. The Head of HR and Service Centre has reviewed and amended the procedure rules to update legislative changes and streamline the appointment process. Much of the content remains the same particularly around Chief Executive appointment procedures but there are some key changes highlighted as follows:

- The Appointments Committee to use their delegated authority to appoint Chief Officers, with the exception of the Chief Executive post which remains a Council appointment,
- A merger of the Appointments Committee interview with the wider assessment centre procedure in order to streamline the length of time to complete an appointment process,
- The flexibility for long listing to take place prior to short listing in order to provide greater depth of candidate experience and aptitude to inform the Appointments Committee,
- All reference to informal social meetings between the Appointments Committee and candidates to be deleted,
- Written ballot votes at Council removed and replaced with current voting arrangements.

3.2 Attached at Appendix B is a draft version of the JNC officer appointment procedure rules which members are asked to consider and to assist with the proposed changes, Appendix C is also included as a tracked changes version.

4. Integrated Assessment Implications

4.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, 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.

4.2 The Well-being of Future Generations (Wales) Act 2005 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’.

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

4.4 An IIA Screening Form has been completed and no adverse implications have been noted.

5. Financial Implications

5.1 There are no financial implications associated with this report.

8. Legal Implications

8.1 There are no legal implications associated with this report.

Background Papers: None.

Appendices:

Appendix A – current JNC officer appointment procedure rules

Appendix B – proposed JNC officer appointment procedure rules

Appendix C – tracked changes JNC officer appointment procedure rules

Appendix D – IIA screening form

Council Constitution, Part 4.8 - Rules of Procedure (JNC Officer Appointment Procedure Rules)

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- 4 [Seeking support for appointment](#)
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1 Explanatory

- 1 These Procedure Rules are intended to comply with Regulation 3, Schedule 1 Part 1 and Regulation 5 (1) (b), Schedule 3, part 2 of the Local Authorities (Standing Orders) (Wales) Regulations 2006 as amended by the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 (“the Regulations”).
- 2 They are applicable in respect of Chief Officers, the Monitoring Officer, Heads of Service, Head of Democratic Services and any other officer to be employed on JNC terms and conditions only.
- 3 If there is a conflict between these Procedure Rules and the Regulations, the Regulations take precedence.
- 4 The Regulations are designed to be a statutory minimum and only dictate that the appointment of the Chief Executive is to be approved by Council itself (Regulation 7), but it has been customary within the City & County of Swansea for all Chief Officers to be appointed by Council and this will continue to be the case.
 - a) The Regulations also require that Council itself must determine the level, and any change in the level, of remuneration to be paid to a chief officer (Regulation 7) as defined in paragraph 2.2 below.
- 5 The Appointments Committee is delegated authority to exercise the functions set out in Paragraph 2 (1) (a) & (b) of Schedule 1 Part 1 of the Regulations – interview and short-listing of candidates for the post of Chief Officer. It is also delegated authority to shortlist, interview and appoint Heads of Service who are Deputy Chief Officers within the meaning of Section 2 (8) of the Local Government and Housing Act 1989.
- 6 The Joint Appointment Sub Committee has the power to make joint JNC / Chief Officer appointments to the Authority. Where such appointments are being considered the substantive rules of the JNC Officer Appointment provisions will apply.
 - a) Any joint appointment shall be made through the Joint Appointments Sub Committee. This Sub Committee shall be politically balanced and shall in respect of its membership comply with the Appointments Procedure set

out in [Paragraph 5 of the JNC Officer Appointment Procedure Rules](#), together with the application of these rules generally.

- b) Further the Committee shall comprise of proportionate representation of all the joint partners to the appointment.
 - c) It is not envisaged that the Joint Appointments Sub Committee shall make any appointment under these rules that should require the sanction of the Council.
 - d) * For clarity should any disciplinary matters be progressed in respect of a joint appointment they shall be progressed via a Joint Disciplinary Sub Committee and any consequential amendment to the Constitution shall be made accordingly.
- 7 In respect of all other staff, the function of appointment of staff must be discharged by the Chief Executive, or by an Officer nominated by the Chief Executive and Members will not be involved in any of these processes except where such involvement is necessary for any investigation or inquiry into alleged misconduct. (Regulation 5 (1) (b), Schedule 3 Part 2 “Authority with Leader and Cabinet Executive”).
- 8 In accordance with Section 7 of the Local Government and Housing Act 1989, all appointments to paid office within the Authority shall be on merit. However, there may be situations where a person is at risk of redundancy and the Authority will be required to attempt to re-deploy that person. Whilst no officer is entitled to be re-deployed so as to gain a promotion, it will be normal for that person to be given prior consideration or “ring fenced” to that post.
- 9 In such circumstances, the officer shall be required to undertake such assessment as may be considered necessary to ascertain their suitability for the post and will be interviewed by the Appointments Committee, who will then decide whether it is in a position to make an appointment. If it is not in a position to appoint then the post will be advertised, but the “at risk officer” will be entitled to re-apply for the post and compete with any other candidates.

[↑](#)

2 Definitions

1 In these rules the following terms have the meaning prescribed by the Local Authority (Standing Orders) (Wales) Regulations 2006 as amended by the Amendment Regulations 2014, and “**the 1989 Act**” means the Local Government and Housing Act 1989

2 “**chief officer**”, means:

- a) The Chief Executive, designated under section 4(1) of the 1989 Act;
- b) The Monitoring Officer;
- c) A statutory chief officer mentioned in paragraph (a), (c) or (d) of section 2(6) of the 1989 Act, or
- d) A non-statutory chief officer (within the meaning of section 2(7) of the 1989 Act).

(For the avoidance of doubt, this definition so far as Swansea is concerned includes all members of the Corporate Management Team in its current format but excludes Heads of Service. Any reference to an appointment or purported appointment of a Chief Officer includes a reference to the engagement or purported engagement of such an officer under a contract of employment);

3 “**chief finance officer**” means the officer having responsibility, for the purposes of section 151 of the Local Government Act 1972 (financial administration) for the administration of the local authority’s financial affairs;

4 “**deputy chief officer**” has the meaning referred to in section 2(8) of the 1989 Act. These are currently referred to as Heads of Service in Swansea.

5 “**head of the authority’s paid service**” means the officer designated under section 4(1) of the 1989 Act (designation and reports of Chief Executive);

6 “**member of staff**” means a person appointed to or holding a paid office or employment, under a relevant authority;

7 “**monitoring officer**” means the officer designated under section 5(1) of the 1989 Act (designation and reports of monitoring officer);

8 “**head of democratic services**” means the officer designated under section 8 of the Local Government (Wales) Measure 2011;

9 “**remuneration**” has the same meaning as in section 43(3) of the Localism Act 2011 i.e. it means:

- a) The chief officer’s salary or, in the case of a chief officer engaged by the authority under a contract for services, payments made by the authority to the chief officer for those services,
- b) Any bonuses payable by the authority to the chief officer,
- c) Any charges, fees or allowances payable by the authority to the chief officer,
- d) Any benefits in kind to which the chief officer is entitled as a result of the chief officer’s office or employment,

- e) Any increase in or enhancement of the chief officer's pension entitlement where the increase or enhancement is as a result of a resolution of the authority,
- f) Any amounts payable by the authority to the chief officer on the chief officer ceasing to hold office under or be employed by the authority, other than amounts that may be payable by virtue of any enactment.



3 Declarations

- 1 The Council will draw up a statement requiring any candidate for appointment as an Officer to state in writing whether they have a personal connection with an existing Councillor or Officer of the Council; or of the partner of such persons. Although not an exhaustive list, examples of these are; parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece.
- 2 No candidate so related or connected to a Councillor or an Officer will be appointed without the certification of the relevant Responsible Officer or an Officer nominated by him/her that the Council's recruitment Procedures have been followed and no conflict of interest has arisen during the recruitment process.



4 Seeking support for appointment

- 1 Subject to paragraph (4.3), the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- 2 Subject to paragraph (4.3), no Councillor will seek support for any person for any appointment with the Council.
- 3 Nothing in paragraphs (4.1) and (4.2) above will preclude a Councillor or the Lord Mayor from giving a written reference for a candidate for submission with an application for appointment.



5 Appointments procedure

- 1 Part One to Schedule Three, paragraph 4(2) of the Regulations, provides that:

“Where a committee...is discharging on behalf of the...authority the function of the appointment of... [a Chief Officer or Deputy Chief Officer]

a) At least one member of the executive must be a member of that Committee; and
b) Not more than half of the members of that committee are to members of the executive of the authority”

- 2 This must be given a literal interpretation and must be taken to mean any meeting of the Appointments Committee to deal with the appointment of a Chief Officer or Head of Service. It must also be taken to relate directly to the composition of the Committee on the day that it meets and not as a whole.



6 General

- 1 All Members must have undertaken an appropriate training course.
- 2 All Members must declare any knowledge of or relationship with any of the applicants or applicant's families.

3 Short Listing

- a) Members of the Appointments Committee **MUST** be present throughout all of the meetings that take place to shortlist, any candidates.

Interviewing and Appointing Candidate(s)

- b) Members of the Appointments Committee must be present throughout all of the meetings that take place to interview and appoint (excluding short listing) any candidates, in order to vote on the appointment. This does not apply to any selection centres or assessment processes that the candidate may be required to undertake. Neither does it apply to any informal meetings organised with the candidates which take place outside of the formal process. Members shall consider at the commencement of the process whether they are able to commit to attending all the relevant formal meetings and if they are unable to do so, should absent themselves at the start of the process'.

Interviewing and Appointing Candidate(s)

- c) Members of the Appointments Committee must be present throughout all of the meetings that take place to interview and appoint any candidates, in order to vote on the appointment.
 - d) Please note this does **NOT** apply to:
 - i) Any selection centres or assessment processes that the candidate may be required to undertake;
 - ii) Any informal meetings organised with the candidates which take place outside of the formal process.
 - e) Members shall consider at the commencement of the process whether they are able to commit to attending all the relevant formal meetings and if they are unable to do so, should absent themselves at the start of the process.
- 4 All stages of the appointments process will be advised by the Chief Executive or a nominated deputy, Human Resources officer and Legal Officer. In the case of an appointment of the Chief Executive, an independent consultant will be retained to carry out this function.
 - 5 A Legal Officer must be present throughout all of the appointment process involving elected Members with the exception of informal meetings organised with the candidates which take place in an informal setting.
 - 6 Where the Authority proposes to appoint a Chief Officer or Deputy Chief Officer, and the remuneration which it proposes to pay to the chief officer is £100,000 or more per annum, it must:
 - a) Draw up a statement specifying:

- i) The duties of the officer concerned, and
 - ii) Any qualifications or qualities to be sought in the person to be appointed;
- b) Make arrangements for the post to be publicly advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- c) Make arrangements for a copy of the statement mentioned in (a) to be sent to any person on request.

The Authority is not required to take the step set out in 6(b) i.e. to publicly advertise, if it proposes to appoint the chief officer for a period of no longer than 12 months.

- 7 Where a post has been advertised as provided in these Standing Orders, the Authority must:
 - a) Interview all qualified applicants for the post, or
 - b) Select a short list of such qualified applicants and interview those included on the short list.
- 8 Where no qualified person has applied or if the authority intends to re-advertise any appointment, it must make further arrangements for advertisement in accordance with paragraph 6(b).
- 9 The steps referred to under paragraphs 6 and 7 may be taken by a Chief Officer of the Authority or a person nominated for that purpose. In relation to an appointment of a Chief Executive, the Authority will instruct a professional consultant to carry out the steps in Paragraph 6.
- 10 The steps referred to under paragraph 7 shall be taken by the Appointments Committee.
- 11 Where the Local Authority proposes to appoint a Director of Social Services, regard be given to the recommended Competences for Appointment as Director of Social Services as laid out in the Statutory Guidance issued under Section 7 of the Local Authority Social Services Act 1970.



7 Procedure at the Appointments Committee

1 Short listing

- a) All applications are to be technically assessed by appropriate officers or any professional consultants engaged for that purpose. They will then be ranked for short listing. The relevant Chief Officer or the nominated representative and/or professional consultant will prepare short listing report outlining the technical assessments of candidates applications, their scores and any irregularities in any application.
- b) This will be presented to the Appointments Committee by an officer or professional consultant, who will speak to the report and answer any questions that Members may have regarding the process.
- c) The report itself will be accompanied by the application forms of those candidates recommended for short listing, but the application forms of all applicants will be available one hour prior to the meeting should any Member of the Appointments Committee wish to see them. Any Member of the Appointments Committee will be able to inspect application forms after the initial sift has been carried out by the Responsible Officer and Human Resources. This should be by appointment with the Head of Human Resources.
- d) The Appointments Committee may then either accept the report of the Officer or professional consultant without further debate or inspect those applications not included on the shortlist.
- e) In the event that the Appointments Committee accepts the report, then a vote will be taken as to which candidates are to proceed to the assessment stage. This vote will be on a show of hands.
- f) Should the report not be accepted, then applications considered by the Officer or professional consultant to be technically competent, will be compared against the person specification and job description and with the assistance of the Officer or professional consultant, will be marked accordingly.
- g) Those candidates that receive the highest score shall be short listed for assessment - where the score indicates the appropriate qualification and experience. Ordinarily it would be unusual to shortlist more than 6 candidates for one post.
- h) If Members of the Appointment Committee wish to do so, they may meet, as a group, with candidates after short listing and prior to the assessment centre.

2 The Assessment Procedure

- a) Candidates will initially be interviewed by the Chief Executive and/or by other Chief Officers and/or professional consultants. If a professional consultant is retained, then they will be expected to declare any knowledge of the candidate at the outset in order that the relationship can

be considered and whether it is appropriate to continue to use the services of the consultant.

- b) Candidates will be subject to such testing as is considered appropriate. The Officers and/or professional consultants who conduct the initial interviews and testing will evaluate the performance of the candidates and present a report to the Appointments Committee with their assessment and view as to which candidates should continue through the remaining stages of the procedure.
- c) The Appointments Committee will then be advised by the professional consultant as to whether there should be a further short listing as a result of the assessment process. The Appointments Committee can then either agree to reduce the shortlist or whether the Committee wishes to interview all of the remaining candidates. This is essentially a matter for the Committee to decide on a case by case basis.
- d) Prior to interview, all short listed candidates may then be invited to attend an informal social meeting with the Members of the Appointments Committee, and in the case of Chief Officer Appointments, all other Members. In the latter situation, only members of the Appointments Committee will meet the candidate for the first 30 minutes and then other members thereafter.

3 Interview by the Appointments Committee

- a) Candidates will make a presentation to and be interviewed by the Appointments Committee. Candidate's application forms will be available to Members throughout the interview process.
- b) Presentation topics and questions designed to test the areas of knowledge/weakness of the candidates shall be prepared by the Officer/professional consultant, together with model answers. The questions may be provided to the candidates in written format. The Chairperson of the Committee will put the questions to the candidate.
- c) Supplementary questions to elicit further information relating to the set questions or to address specific issues pertinent to that candidate as a result of the assessment centre may be put. These will be drafted by the appropriate person prior to the interview if possible.
- d) The Chief Executive, their nominated representative and/or any professional advisor will outline their opinion on the performance of each candidate after each candidate has made their presentation and been interviewed. Members of the Committee are required to evidence their provisional scoring of the candidates in writing during the interview process. For clarity the allocation of scores shall not be undertaken until after the advice of the professional advisor/Chief Executive has been given.
- e) Members of the Appointments Committee will then allocate a final score for each candidate on their performance on a score of one to ten, one being poor and ten being excellent. This however is one of two considerations that Members must take into account when deciding whether they have a candidate that they can appoint or recommend to

Council for appointment. The Members must also take into account the report of the Officer and/or the professional consultant and weigh up all of the information when coming to a decision. For the avoidance of doubt this will occur prior to members finalising their scores for each candidate.



8 Appointments

When all of the above process has been completed:

1 Appointments of Heads of Service

- a) In the case of Heads of Service, the Appointments Committee may then take a vote as to whether they are in a position to make an appointment or whether the post ought to be re-advertised.
- b) If the post is to be re-advertised, then the provisions of paragraph 6.6 apply.
- c) If the vote to make an appointment is carried, then the Committee will proceed to appoint if there is one suitable candidate. If there are two suitable candidates, the Committee Members will vote for their chosen candidates and the candidate with the most votes will be appointed.
- d) If there are more than two candidates, the following process is to be followed:
 - i) A vote will be taken;
 - ii) If there is a clear majority in favour of one candidate, that person shall be appointed;
 - iii) If there is not a clear majority, the name of the person having the least number of votes will be struck off the list and a fresh vote shall be taken until an overall majority of votes is given in favour of one person.
- e) The Appointments Committee will then make an appointment.

2 Appointments of Chief Executive and Chief Officers

- a) In the case of Chief Executive and other Chief Officers, the Appointments Committee may then take a vote as to whether they are in a position to recommend candidates for interview by Council, or whether the post ought to be re-advertised.
- b) If the post is to be re-advertised, then the provisions of paragraph 6.6 apply and the Chair of the Appointments Committee will make a report to Council as to why the Committee were not in a position to make a recommendation.
- c) If the vote to make a recommendation is carried, then the Committee will proceed to recommend those candidates to Council.
- d) The Appointments Committee is delegated the responsibility to carry out this process and no recommendation shall be invalidated purely by reason of the fact that there is only one suitable candidate. (The Regulations only stipulate that the appointment is confirmed by Council and therefore, there is not a statutory requirement for the Chief Executive and other Chief Officers to be interviewed and assessed by Council).

- e) The Chief Executive or nominated deputy and/or the professional consultant will report to Council on their assessment of the candidates to be interviewed by Council. Candidate's application forms will be available in the Chamber for perusal by Members.
- f) Candidates will then make a presentation to and be interviewed by Council. Questions will be put to the candidate by the Presiding Member and a list of themes that are expected to feature in the answers will be provided to Members.
- g) Council will then carry out a ballot to determine whether it is in a position to make an appointment having heard the interview and considered the report from the Officers. This ballot will be in writing and will consist of one vote only which is either yes or no. Members can obviously abstain if they wish.
- h) If the result of the ballot is that Council cannot make an appointment, then the provisions of paragraph 6.6 apply.
- i) If Council is in a position to make an appointment, Members will vote for their preferred candidate. Again this will be in writing and by ballot and will consist of one vote for the candidate of the Members choice. Members can abstain from this vote if they wish.
- j) If there are two suitable candidates, Members will vote for their chosen candidates and the candidate with the most votes will be appointed.
- k) If there are more than two candidates, the following process is to be followed:
 - i) A vote will be taken;
 - ii) If there is a clear majority in favour of one candidate, that person shall be appointed;
 - iii) If there is not a clear majority, the name of the person having the least number of votes will be struck off the list and a fresh vote shall be taken until an overall majority of votes is given in favour of one person and that person may then be appointed.

Note:

An overall majority exists when the person with most votes has more votes than the sum of the votes cast for the remaining persons.



Council Constitution, Part 4.8 - Rules of Procedure (JNC Officer Appointment Procedure Rules)

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- 3 If there is a conflict between these Procedure Rules and the Regulations, the Regulations take precedence.
- 4 The Regulations are designed to be a statutory minimum and only dictate that the appointment of the Chief Executive is to be approved by Council itself (Regulation 7).
 - a) The Regulations also require that Council itself must determine the level, and any change in the level, of remuneration to be paid to a chief officer (Regulation 7) as defined in paragraph 2.2 below.
- 5 The Appointments Committee is delegated authority to exercise the functions set out in Paragraph 2 (1) (a) & (b) of Schedule 1 Part 1 of the Regulations – shortlist, interview and appoint candidates for the posts of Chief Officer. It is also delegated authority to shortlist, interview and appoint Heads of Service who are Deputy Chief Officers within the meaning of Section 2 (8) of the Local Government and Housing Act 1989.
- 6 The Joint Appointment Sub Committee has the power to make joint JNC / Chief Officer appointments to the Authority. Where such appointments are being considered the substantive rules of the JNC Officer Appointment provisions will apply.
 - a) Any joint appointment shall be made through the Joint Appointments Sub Committee. This Sub Committee shall be politically balanced and shall in respect of its membership comply with the Appointments Procedure set

out in [Paragraph 5 of the JNC Officer Appointment Procedure Rules](#), together with the application of these rules generally.

- b) Further the Committee shall comprise of proportionate representation of all the joint partners to the appointment.
 - c) It is not envisaged that the Joint Appointments Sub Committee shall make any appointment under these rules that should require the sanction of the Council.
 - d) * For clarity should any disciplinary matters be progressed in respect of a joint appointment they shall be progressed via a Joint Disciplinary Sub Committee and any consequential amendment to the Constitution shall be made accordingly.
- 7 In respect of all other staff, the function of appointment of staff must be discharged by the Chief Executive, or by an Officer nominated by the Chief Executive and Members will not be involved in any of these processes except where such involvement is necessary for any investigation or inquiry into alleged misconduct. (Regulation 5 (1) (b), Schedule 3 Part 2 “Authority with Leader and Cabinet Executive”).
- 8 In accordance with Section 7 of the Local Government and Housing Act 1989, all appointments to paid office within the Authority shall be on merit. However, there may be situations where a person is at risk of redundancy and the Authority will be required to attempt to re-deploy that person. Whilst no officer is entitled to be re-deployed so as to gain a promotion, it will be normal for that person to be given prior consideration or “ring fenced” to that post.
- 9 In such circumstances, the officer shall be required to undertake such assessment as may be considered necessary to ascertain their suitability for the post and will be interviewed by the Appointments Committee, who will then decide whether it is in a position to make an appointment. If it is not in a position to appoint then the post will be advertised, but the “at risk officer” will be entitled to re-apply for the post and compete with any other candidates.



2 Definitions

- 1 In these rules the following terms have the meaning prescribed by the Local Authority (Standing Orders) (Wales) Regulations 2006 as amended by the Amendment Regulations 2014, and “**the 1989 Act**” means the Local Government and Housing Act 1989
- 2 “**chief officer**”, means:
- a) The Chief Executive, designated under section 4(1) of the 1989 Act;
 - b) The Monitoring Officer;
 - c) A statutory chief officer mentioned in paragraph (a), (c) or (d) of section 2(6) of the 1989 Act, or
 - d) A non-statutory chief officer (within the meaning of section 2(7) of the 1989 Act).

(For the avoidance of doubt, this definition so far as Swansea is concerned includes all members of the Corporate Management Team in its current format but excludes Heads of Service. Any reference to an appointment or purported

appointment of a Chief Officer includes a reference to the engagement or purported engagement of such an officer under a contract of employment);

- 3 “**chief finance officer**” means the officer having responsibility, for the purposes of section 151 of the Local Government Act 1972 (financial administration) for the administration of the local authority’s financial affairs;
- 4 “**deputy chief officer**” has the meaning referred to in section 2(8) of the 1989 Act, defined as a person who, as respects all or most of the duties of their post, is required to report directly or is directly accountable to one or more of the statutory or non-statutory chief officers.
- 5 “**chief executive**” means the officer appointed under section 54 of the Local Government and Elections (Wales) Act 2021;
- 6 “**member of staff**” means a person appointed to or holding a paid office or employment, under a relevant authority;
- 7 “**monitoring officer**” means the officer designated under section 5(1) of the 1989 Act (designation and reports of monitoring officer);
- 8 “**head of democratic services**” means the officer designated under section 8 of the Local Government (Wales) Measure 2011;
- 9 “**remuneration**” has the same meaning as in section 43(3) of the Localism Act 2011 i.e. it means:
 - a) The chief officer’s salary or, in the case of a chief officer engaged by the authority under a contract for services, payments made by the authority to the chief officer for those services,
 - b) Any bonuses payable by the authority to the chief officer,
 - c) Any charges, fees or allowances payable by the authority to the chief officer,
 - d) Any benefits in kind to which the chief officer is entitled as a result of the chief officer’s office or employment,
 - e) Any increase in or enhancement of the chief officer’s pension entitlement where the increase or enhancement is as a result of a resolution of the authority,
 - f) Any amounts payable by the authority to the chief officer on the chief officer ceasing to hold office under or be employed by the authority, other than amounts that may be payable by virtue of any enactment.



3 Declarations

- 1 The Council will draw up a statement requiring any candidate for appointment as an Officer to state in writing whether they have a personal connection with an existing Councillor or Officer of the Council; or of the partner of such persons. Although not an exhaustive list, examples of these are; parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece.

- 2 No candidate so related or connected to a Councillor or an Officer will be appointed without the certification of the relevant HR Officer or an Officer nominated by him/her that the Council's recruitment Procedures have been followed and no conflict of interest has arisen during the recruitment process.



4 Seeking support for appointment

- 1 The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council.
- 2 No Councillor will seek support for any person for any appointment with the Council.



5 Appointments procedure

- 1 Part One to Schedule Three, paragraph 4(2) of the Regulations, provides that:

"Where a committee...is discharging on behalf of the...authority the function of the appointment of... [a Chief Officer or Deputy Chief Officer]
 - a) At least one member of the executive must be a member of that Committee; and
 - b) Not more than half of the members of that committee are to members of the executive of the authority"
- 2 This must be given a literal interpretation and must be taken to mean any meeting of the Appointments Committee to deal with the appointment of a Chief Officer or Head of Service. It must also be taken to relate directly to the composition of the Committee on the day that it meets and not as a whole.



6 General

- 1 All Members must have undertaken an appropriate training course.
- 2 All Members must declare any knowledge of or relationship with any of the applicants or applicant's families in accordance with the Code of Conduct
- 3 **Short Listing**
 - a) Members of the Appointments Committee must be present throughout all of the meetings that take place to shortlist and appoint any candidates.

Interviewing and Appointing Candidate(s)

- b) Members of the Appointments Committee must be present throughout all of the meetings that take place to interview and appoint any candidates, in order to vote on the appointment. Members shall consider at the

commencement of the process whether they are able to commit to attending all the relevant formal meetings and if they are unable to do so, should absent themselves at the start of the process.

- 4 All stages of the appointments process will be advised by the Chief Executive or a nominated deputy, Human Resources officer and Legal Officer. In the case of an appointment of the Chief Executive, an independent consultant will be retained to carry out this function.
- 5 A Legal Officer must be present throughout all of the appointment process involving elected Members.
- 6 Where the Authority proposes to appoint a Chief Officer or Deputy Chief Officer, and the remuneration which it proposes to pay to the chief officer is £100,000 or more per annum, it must:
 - a) Draw up a statement specifying:
 - i) The duties of the officer concerned, and
 - ii) Any qualifications or qualities to be sought in the person to be appointed;
 - b) Make arrangements for the post to be publicly advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - c) Make arrangements for a copy of the statement mentioned in (a) to be sent to any person on request.

The Authority is not required to take the step set out in 6(b) i.e. to publicly advertise, if it proposes to appoint the chief officer for a period of no longer than 12 months.

- 7 Where a post has been advertised as provided in these Standing Orders, the Authority must:
 - a) Interview all qualified applicants for the post, or
 - b) Select a short list of such qualified applicants and interview those included on the short list.
- 8 Where no qualified person has applied or if the authority intends to re-advertise any appointment, it must make further arrangements for advertisement in accordance with paragraph 6(b).
- 9 The steps referred to under paragraphs 6 and 7 may be taken by a Chief Officer of the Authority or a person nominated for that purpose. In relation to an appointment of a Chief Executive, the Authority will instruct a professional consultant to carry out the steps in Paragraph 6.
- 10 The steps referred to under paragraph 7 shall be taken by the Appointments Committee.
- 11 Where the Local Authority proposes to appoint a Director of Social Services, regard be given to the recommended Competences for Appointment as Director of Social Services as laid out in the Statutory Guidance issued under Section 7 of the Local Authority Social Services Act 1970.

7 Procedure at the Appointments Committee

1 Short listing

- a) All applications are to be technically assessed by appropriate officers or any professional consultants engaged for that purpose. This assessment could include a preliminary long-listing exercise to highlight further evidence on whether applicants meet the required criteria of the post. They will then be ranked for short listing. The relevant Chief Officer or the nominated representative and/or professional consultant will prepare a short-listing report outlining the technical assessments of candidates applications, their scores and any irregularities in any application.
- b) This will be presented to the Appointments Committee by an officer or professional consultant, who will speak to the report and answer any questions that Members may have regarding the process.
- c) The report itself will be accompanied by the application forms of those candidates recommended for short listing, but the application forms of all applicants will be available prior to the meeting should any Member of the Appointments Committee wish to see them. Any Member of the Appointments Committee will be able to inspect application forms after the initial sift has been carried out by the Responsible Officer (person to whom the vacant post reports) and Human Resources. This should be by appointment with the Head of Human Resources.
- d) The Appointments Committee may then either accept the report of the Officer or professional consultant without further debate or inspect those applications not included on the shortlist.
- e) In the event that the Appointments Committee accepts the report, then a vote will be taken as to which candidates are to proceed to the assessment stage. This vote will be on a show of hands.
- f) Should the report not be accepted, then applications considered by the Officer or professional consultant to be technically competent, will be compared against the person specification and job description and with the assistance of the Officer or professional consultant, will be marked accordingly.
- g) Those candidates that receive the highest scores shall be short listed for assessment - where the score indicates the appropriate qualification and experience.

2 The Assessment Procedure and Interview by the Appointments Committee

- a) Candidates will make a presentation and be interviewed by the Appointments Committee as part of a full assessment centre procedure which may include the contribution of stakeholder panels. Any stakeholder panels involved in the assessment centre will present their findings to the Appointments Committee. Candidates application forms will be available to Members throughout the interview process. The Chief

Executive and/or other Chief Officers and/or professional consultants will attend and support the Appointments Committee in an advisory capacity. If a professional consultant is retained, then they will be expected to declare any knowledge of the candidate at the outset in order that the relationship can be considered and whether it is appropriate to continue to use the services of the consultant.

- b) Presentation topics and questions designed to test the areas of knowledge/weakness of the candidates shall be prepared by the Officer/professional consultant, together with model answers. The questions may be provided to the candidates in written format. The Appointments Committee will put the questions to the candidate.
- c) Supplementary questions to elicit further information relating to the set questions or to address specific issues pertinent to that candidate's application may be put. These will be drafted by the appropriate person prior to the interview if possible.
- d) The findings of any stakeholder panel exercises will be reported back to the Appointments Committee once all candidates have been assessed and interviewed. The Chief Executive, their nominated representative and/or any professional advisor will outline their opinion on the performance of each candidate after all feedback has been received. Members of the Committee are required to evidence their provisional scoring of the candidates in writing during the interview process. For clarity the allocation of scores shall not be undertaken until after the advice of the professional advisor/Chief Executive has been given.
- e) Members of the Appointments Committee will then allocate a final score for each candidate on their performance on a score of one to ten, one being poor and ten being excellent. This however is one of two considerations that Members must take into account when deciding whether they have a candidate that they can appoint. The Members must also take into account the advice and findings from the Officer and/or the professional consultant and weigh up all of the information when coming to a decision. For the avoidance of doubt this will occur prior to members finalising their scores for each candidate.



8 Appointments

When all of the above process has been completed:

1 Appointments of Chief Officers (save Chief Executive) and Heads of Service

- a) In the case of Chief Officers and Heads of Service, the Appointments Committee may then take a vote as to whether they are in a position to make an appointment or whether the post ought to be re-advertised.
- b) If the post is to be re-advertised, then the provisions of paragraph 6.6 apply.

- c) If the vote to make an appointment is carried, then the Committee will proceed to appoint if there is one suitable candidate. If there are two suitable candidates, the Committee Members will vote for their chosen candidates and the candidate with the most votes will be appointed.
- d) If there are more than two candidates, the following process is to be followed:
 - i) A vote will be taken;
 - ii) If there is a clear majority in favour of one candidate, that person shall be appointed;
 - iii) If there is not a clear majority, the name of the person having the least number of votes will be struck off the list and a fresh vote shall be taken until an overall majority of votes is given in favour of one person.
- e) The Appointments Committee will then make an appointment.

2 **Appointment of Chief Executive**

- a) In the case of the Chief Executive, the Appointments Committee may then take a vote as to whether they are in a position to recommend candidates for interview by Council, or whether the post ought to be re-advertised.
- b) If the post is to be re-advertised, then the provisions of paragraph 6.6 apply.
- c) If the vote to make a recommendation is carried, then the Committee will proceed to recommend those candidates to Council.
- d) The Appointments Committee is delegated the responsibility to carry out this process and no recommendation shall be invalidated purely by reason of the fact that there is only one suitable candidate. (The Regulations only stipulate that the appointment is confirmed by Council and therefore, there is not a statutory requirement for the Chief Executive and other Chief Officers to be interviewed and assessed by Council).
- e) The professional consultant will report to Council on their assessment of the candidates to be interviewed by Council. Candidate's application forms will be available in the Chamber for perusal by Members.
- f) Candidates will then make a presentation to and be interviewed by Council. Questions will be put to the candidate by the Presiding Member and a list of themes that are expected to feature in the answers will be provided to Members.
- g) Council will then determine whether it is in a position to make an appointment having heard the interview and considered the report from the Officers.
- h) If the result of the vote is that Council cannot make an appointment, then the provisions of paragraph 6.6 apply.

- i) If Council is in a position to make an appointment, Members will vote for their preferred candidate. This will consist of one vote for the candidate of the Members choice.
- j) If there are two suitable candidates, Members will vote for their chosen candidates and the candidate with the most votes will be appointed.
- k) If there are more than two candidates, the following process is to be followed:
 - i) A vote will be taken;
 - ii) If there is a clear majority in favour of one candidate, that person shall be appointed;
 - iii) If there is not a clear majority, the name of the person having the least number of votes will be struck off the list and a fresh vote shall be taken until an overall majority of votes is given in favour of one person and that person may then be appointed.

Note:

An overall majority exists when the person with most votes has more votes than the sum of the votes cast for the remaining persons.



Council Constitution, Part 4.8 - Rules of Procedure (JNC Officer Appointment Procedure Rules)

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1 Explanatory

- 1 These Procedure Rules are intended to comply with Regulation 3, Schedule 1 Part 1 and Regulation 5 (1) (b), Schedule 3, part 2 of the Local Authorities (Standing Orders) (Wales) Regulations 2006 as amended by the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 (“the Regulations”).
- 2 They are applicable in respect of Chief Officers, the Monitoring Officer, Heads of Service, Head of Democratic Services and any other officer to be employed on JNC terms and conditions only.
- 3 If there is a conflict between these Procedure Rules and the Regulations, the Regulations take precedence.
- 4 The Regulations are designed to be a statutory minimum and only dictate that the appointment of the Chief Executive is to be approved by Council itself (Regulation 7), ~~but it has been customary within the City & County of Swansea for all Chief Officers to be appointed by Council and this will continue to be the case.~~
 - a) The Regulations also require that Council itself must determine the level, and any change in the level, of remuneration to be paid to a chief officer (Regulation 7) as defined in paragraph 2.2 below.
- 5 The Appointments Committee is delegated authority to exercise the functions set out in Paragraph 2 (1) (a) & (b) of Schedule 1 Part 1 of the Regulations – ~~short-list, interview and appoint interview and short-listing of~~ candidates for the post of Chief Officer. It is also delegated authority to shortlist, interview and appoint Heads of Service who are Deputy Chief Officers within the meaning of Section 2 (8) of the Local Government and Housing Act 1989.
- 6 The Joint Appointment Sub Committee has the power to make joint JNC / Chief Officer appointments to the Authority. Where such appointments are being considered the substantive rules of the JNC Officer Appointment provisions will apply.
 - a) Any joint appointment shall be made through the Joint Appointments Sub Committee. This Sub Committee shall be politically balanced and shall in respect of its membership comply with the Appointments Procedure set

out in [Paragraph 5 of the JNC Officer Appointment Procedure Rules](#), together with the application of these rules generally.

- b) Further the Committee shall comprise of proportionate representation of all the joint partners to the appointment.
 - c) It is not envisaged that the Joint Appointments Sub Committee shall make any appointment under these rules that should require the sanction of the Council.
 - d) * For clarity should any disciplinary matters be progressed in respect of a joint appointment they shall be progressed via a Joint Disciplinary Sub Committee and any consequential amendment to the Constitution shall be made accordingly.
- 7 In respect of all other staff, the function of appointment of staff must be discharged by the Chief Executive, or by an Officer nominated by the Chief Executive and Members will not be involved in any of these processes except where such involvement is necessary for any investigation or inquiry into alleged misconduct. (Regulation 5 (1) (b), Schedule 3 Part 2 “Authority with Leader and Cabinet Executive”).
- 8 In accordance with Section 7 of the Local Government and Housing Act 1989, all appointments to paid office within the Authority shall be on merit. However, there may be situations where a person is at risk of redundancy and the Authority will be required to attempt to re-deploy that person. Whilst no officer is entitled to be re-deployed so as to gain a promotion, it will be normal for that person to be given prior consideration or “ring fenced” to that post.
- 9 In such circumstances, the officer shall be required to undertake such assessment as may be considered necessary to ascertain their suitability for the post and will be interviewed by the Appointments Committee, who will then decide whether it is in a position to make an appointment. If it is not in a position to appoint then the post will be advertised, but the “at risk officer” will be entitled to re-apply for the post and compete with any other candidates.

[↑](#)

2 Definitions

1 In these rules the following terms have the meaning prescribed by the Local Authority (Standing Orders) (Wales) Regulations 2006 as amended by the Amendment Regulations 2014, and “**the 1989 Act**” means the Local Government and Housing Act 1989

2 “**chief officer**”, means:

- a) The Chief Executive, designated under section 4(1) of the 1989 Act;
- b) The Monitoring Officer;
- c) A statutory chief officer mentioned in paragraph (a), (c) or (d) of section 2(6) of the 1989 Act, or
- d) A non-statutory chief officer (within the meaning of section 2(7) of the 1989 Act).

(For the avoidance of doubt, this definition so far as Swansea is concerned includes all members of the Corporate Management Team in its current format but excludes Heads of Service. Any reference to an appointment or purported appointment of a Chief Officer includes a reference to the engagement or purported engagement of such an officer under a contract of employment);

3 “**chief finance officer**” means the officer having responsibility, for the purposes of section 151 of the Local Government Act 1972 (financial administration) for the administration of the local authority’s financial affairs;

4 “**deputy chief officer**” has the meaning referred to in section 2(8) of the 1989 Act. These are currently referred to as Heads of Service in Swansea.

~~5~~ “**chief executive**” means the officer appointed under section 54 of the [Local Government and Elections \(Wales\) Act 2021](#);

~~56~~ “**head of the authority’s paid service**” means the officer designated under section 4(1) of the 1989 Act (designation and reports of Chief Executive);

~~67~~ “**member of staff**” means a person appointed to or holding a paid office or employment, under a relevant authority;

~~78~~ “**monitoring officer**” means the officer designated under section 5(1) of the 1989 Act (designation and reports of monitoring officer);

~~89~~ “**head of democratic services**” means the officer designated under section 8 of the Local Government (Wales) Measure 2011;

~~910~~ “**remuneration**” has the same meaning as in section 43(3) of the Localism Act 2011 i.e. it means:

- a) The chief officer’s salary or, in the case of a chief officer engaged by the authority under a contract for services, payments made by the authority to the chief officer for those services,
- b) Any bonuses payable by the authority to the chief officer,
- c) Any charges, fees or allowances payable by the authority to the chief officer,
- d) Any benefits in kind to which the chief officer is entitled as a result of the chief officer’s office or employment,

- e) Any increase in or enhancement of the chief officer's pension entitlement where the increase or enhancement is as a result of a resolution of the authority,
- f) Any amounts payable by the authority to the chief officer on the chief officer ceasing to hold office under or be employed by the authority, other than amounts that may be payable by virtue of any enactment.



3 Declarations

- 1 The Council will draw up a statement requiring any candidate for appointment as an Officer to state in writing whether they have a personal connection with an existing Councillor or Officer of the Council; or of the partner of such persons. Although not an exhaustive list, examples of these are; parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece.
- 2 No candidate so related or connected to a Councillor or an Officer will be appointed without the certification of the relevant [Responsible HR](#) Officer or an Officer nominated by him/her that the Council's recruitment Procedures have been followed and no conflict of interest has arisen during the recruitment process.



4 Seeking support for appointment

- 1 Subject to paragraph (4.3), the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. ~~The content of this paragraph will be included in any recruitment information.~~
- 2 ~~Subject to paragraph (4.3), n~~No Councillor will seek support for any person for any appointment with the Council.
- 3 ~~Nothing in paragraphs (4.1) and (4.2) above will preclude a Councillor or the Lord Mayor from giving a written reference for a candidate for submission with an application for appointment.~~



5 Appointments procedure

- 1 Part One to Schedule Three, paragraph 4(2) of the Regulations, provides that:

“Where a committee...is discharging on behalf of the...authority the function of the appointment of... [a Chief Officer or Deputy Chief Officer]
 - a) At least one member of the executive must be a member of that Committee; and
 - b) Not more than half of the members of that committee are to members of the executive of the authority”

- 2 This must be given a literal interpretation and must be taken to mean any meeting of the Appointments Committee to deal with the appointment of a Chief Officer or Head of Service. It must also be taken to relate directly to the composition of the Committee on the day that it meets and not as a whole.



6 General

- 1 All Members must have undertaken an appropriate training course.
- 2 All Members must declare any knowledge of or relationship with any of the applicants or applicant's families.

3 Short Listing

- a) Members of the Appointments Committee ~~must~~**MUST** be present throughout all of the meetings that take place to shortlist any candidates.

Interviewing and Appointing Candidate(s)

- b) Members of the Appointments Committee must be present throughout all of the meetings that take place to interview and appoint ~~(excluding short listing)~~ any candidates, in order to vote on the appointment. ~~This does not apply to any selection centres or assessment processes that the candidate may be required to undertake. Neither does it apply to any informal meetings organised with the candidates which take place outside of the formal process.~~ Members shall consider at the commencement of the process whether they are able to commit to attending all the relevant formal meetings and if they are unable to do so, should absent themselves at the start of the process'.

Interviewing and Appointing Candidate(s)

- ~~c) — Members of the Appointments Committee must be present throughout all of the meetings that take place to interview and appoint any candidates, in order to vote on the appointment.~~
- ~~d) — Please note this does NOT apply to:
 - i) — Any selection centres or assessment processes that the candidate may be required to undertake;
 - i) — Any informal meetings organised with the candidates which take place outside of the formal process.~~
- ~~e) — Members shall consider at the commencement of the process whether they are able to commit to attending all the relevant formal meetings and if they are unable to do so, should absent themselves at the start of the process.~~
- 4 All stages of the appointments process will be advised by the Chief Executive or a nominated deputy, Human Resources officer and Legal Officer. In the case of an appointment of the Chief Executive, an independent consultant will be retained to carry out this function.
- 5 A Legal Officer must be present throughout all of the appointment process involving elected Members, ~~with the exception of informal meetings organised with the candidates which take place in an informal setting.~~
- 6 Where the Authority proposes to appoint a Chief Officer or Deputy Chief Officer, and the remuneration which it proposes to pay to the chief officer is £100,000 or more per annum, it must:
 - a) Draw up a statement specifying:

- i) The duties of the officer concerned, and
 - ii) Any qualifications or qualities to be sought in the person to be appointed;
- b) Make arrangements for the post to be publicly advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- c) Make arrangements for a copy of the statement mentioned in (a) to be sent to any person on request.

The Authority is not required to take the step set out in 6(b) i.e. to publicly advertise, if it proposes to appoint the chief officer for a period of no longer than 12 months.

- 7 Where a post has been advertised as provided in these Standing Orders, the Authority must:
 - a) Interview all qualified applicants for the post, or
 - b) Select a short list of such qualified applicants and interview those included on the short list.
- 8 Where no qualified person has applied or if the authority intends to re-advertise any appointment, it must make further arrangements for advertisement in accordance with paragraph 6(b).
- 9 The steps referred to under paragraphs 6 and 7 may be taken by a Chief Officer of the Authority or a person nominated for that purpose. In relation to an appointment of a Chief Executive, the Authority will instruct a professional consultant to carry out the steps in Paragraph 6.
- 10 The steps referred to under paragraph 7 shall be taken by the Appointments Committee.
- 11 Where the Local Authority proposes to appoint a Director of Social Services, regard be given to the recommended Competences for Appointment as Director of Social Services as laid out in the Statutory Guidance issued under Section 7 of the Local Authority Social Services Act 1970.

[↑](#)

7 Procedure at the Appointments Committee

1 Short listing

- a) All applications are to be technically assessed by appropriate officers or any professional consultants engaged for that purpose. This assessment could include a preliminary long-listing exercise to highlight further evidence on whether applicants meet the required criteria of the post. They will then be ranked for short listing. The relevant Chief Officer or the nominated representative and/or professional consultant will prepare short listing report outlining the technical assessments of candidates applications, their scores and any irregularities in any application.
- b) This will be presented to the Appointments Committee by an officer or professional consultant, who will speak to the report and answer any questions that Members may have regarding the process.
- c) The report itself will be accompanied by the application forms of those candidates recommended for short listing, but the application forms of all applicants will be available ~~one hour~~ prior to the meeting should any Member of the Appointments Committee wish to see them. Any Member of the Appointments Committee will be able to inspect application forms after the initial sift has been carried out by the Responsible Officer (person to whom the vacant post reports) and Human Resources. This should be by appointment with the Head of Human Resources.
- d) The Appointments Committee may then either accept the report of the Officer or professional consultant without further debate or inspect those applications not included on the shortlist.
- e) In the event that the Appointments Committee accepts the report, then a vote will be taken as to which candidates are to proceed to the assessment stage. This vote will be on a show of hands.
- f) Should the report not be accepted, then applications considered by the Officer or professional consultant to be technically competent, will be compared against the person specification and job description and with the assistance of the Officer or professional consultant, will be marked accordingly.
- g) Those candidates that receive the highest score shall be short listed for assessment - where the score indicates the appropriate qualification and experience. Ordinarily it would be unusual to shortlist more than 6 candidates for one post.
- ~~h) If Members of the Appointment Committee wish to do so, they may meet, as a group, with candidates after short listing and prior to the assessment centre.~~

2 The Assessment Procedure and interview by the Appointments Committee

- a) Candidates will make a presentation and be interviewed by the Appointments Committee as part of a full assessment centre procedure which may include the contribution of stakeholder panels. Any

stakeholder panels involved in the assessment centre will present their findings to the Appointments Committee. initially be interviewed by the Chief Executive and/or by other Chief Officers and/or professional consultants. Candidates application forms will be available to Members throughout the interview process. The Chief Executive and/or other Chief Officers and/or professional consultants will attend and support the Appointments Committee in an advisory capacity. -If a professional consultant is retained, then they will be expected to declare any knowledge of the candidate at the outset in order that the relationship can be considered and whether it is appropriate to continue to use the services of the consultant.

- ~~b) — Candidates will be subject to such testing as is considered appropriate. The Officers and/or professional consultants who conduct the initial interviews and testing will evaluate the performance of the candidates and present a report to the Appointments Committee with their assessment and view as to which candidates should continue through the remaining stages of the procedure.~~
- ~~c) — The Appointments Committee will then be advised by the professional consultant as to whether there should be a further short listing as a result of the assessment process. The Appointments Committee can then either agree to reduce the shortlist or whether the Committee wishes to interview all of the remaining candidates. This is essentially a matter for the Committee to decide on a case by case basis.~~
- ~~e) — Prior to interview, all short listed candidates may then be invited to attend an informal social meeting with the Members of the Appointments Committee, and in the case of Chief Officer Appointments, all other Members. In the latter situation, only members of the Appointments Committee will meet the candidate for the first 30 minutes and then other members thereafter.~~

~~2 — Interview by the Appointments Committee~~

- ~~) — Candidates will make a presentation to and be interviewed by the Appointments Committee. Candidate's application forms will be available to Members throughout the interview process.~~
- a) Presentation topics and questions designed to test the areas of knowledge/weakness of the candidates shall be prepared by the Officer/professional consultant, together with model answers. The questions may be provided to the candidates in written format. The Chairperson of the Appointments Committee will put the questions to the candidate.
- b) Supplementary questions to elicit further information relating to the set questions or to address specific issues pertinent to that candidate's application as a result of the assessment centre may be put. These will be drafted by the appropriate person prior to the interview if possible.
- c) The findings of any stakeholder panel exercises will be reported back to the Appointments Committee once all candidates have been assessed and interviewed. The Chief Executive, their nominated representative and/or any professional advisor will outline their opinion on the

performance of each candidate after all feedback has been received.
~~each candidate has made their presentation and been interviewed.~~

Members of the Committee are required to evidence their provisional scoring of the candidates in writing during the interview process. For clarity the allocation of scores shall not be undertaken until after the advice of the professional advisor/Chief Executive has been given.

- d) Members of the Appointments Committee will then allocate a final score for each candidate on their performance on a score of one to ten, one being poor and ten being excellent. This however is one of two considerations that Members must take into account when deciding whether they have a candidate that they can appoint or recommend to Council for appointment. The Members must also take into account the report of the Officer and/or the professional consultant and weigh up all of the information when coming to a decision. For the avoidance of doubt this will occur prior to members finalising their scores for each candidate.

↑

8 Appointments

When all of the above process has been completed:

1 Appointments of Chief Officers (except Chief Executive) and Heads of Service

- a) In the case of Chief Officers and Heads of Service, the Appointments Committee may then take a vote as to whether they are in a position to make an appointment or whether the post ought to be re-advertised.
- b) If the post is to be re-advertised, then the provisions of paragraph 6.6 apply.
- c) If the vote to make an appointment is carried, then the Committee will proceed to appoint if there is one suitable candidate. If there are two suitable candidates, the Committee Members will vote for their chosen candidates and the candidate with the most votes will be appointed.
- d) If there are more than two candidates, the following process is to be followed:
 - i) A vote will be taken;
 - ii) If there is a clear majority in favour of one candidate, that person shall be appointed;
 - iii) If there is not a clear majority, the name of the person having the least number of votes will be struck off the list and a fresh vote shall be taken until an overall majority of votes is given in favour of one person.
- e) The Appointments Committee will then make an appointment.

2 Appointments of Chief Executive and Chief Officers

- a) In the case of the Chief Executive and other Chief Officers, the Appointments Committee may then take a vote as to whether they are in a position to recommend candidates for interview by Council, or whether the post ought to be re-advertised.
- b) If the post is to be re-advertised, then the provisions of paragraph 6.6 apply and the Chair of the Appointments Committee will make a report to

~~Council as to why the Committee were not in a position to make a recommendation.~~

- c) If the vote to make a recommendation is carried, then the Committee will proceed to recommend those candidates to Council.
- d) The Appointments Committee is delegated the responsibility to carry out this process and no recommendation shall be invalidated purely by reason of the fact that there is only one suitable candidate. (The Regulations only stipulate that the appointment is confirmed by Council and therefore, there is not a statutory requirement for the Chief Executive and other Chief Officers to be interviewed and assessed by Council).
- e) The ~~Chief Executive or nominated deputy and/or the~~ professional consultant will report to Council on their assessment of the candidates to be interviewed by Council. Candidate's application forms will be available in the Chamber for perusal by Members.
- f) Candidates will then make a presentation to and be interviewed by Council. Questions will be put to the candidate by the Presiding Member and a list of themes that are expected to feature in the answers will be provided to Members.
- g) Council will then determine whether it is in a position to make an appointment having heard the interview and considered the report from the Officers. ~~then carry out a ballot to determine whether it is in a position to make an appointment having heard the interview and considered the report from the Officers. This ballot will be in writing and will consist of one vote only which is either yes or no. Members can obviously abstain if they wish.~~
- h) If the result of the ballot is that Council cannot make an appointment, then the provisions of paragraph 6.6 apply.
- i) If Council is in a position to make an appointment, Members will vote for their preferred candidate. ~~Again this will be in writing and by ballot and~~ This will consist of one vote for the candidate of the Members choice.
- j) If there are two suitable candidates, Members will vote for their chosen candidates and the candidate with the most votes will be appointed.
- k) If there are more than two candidates, the following process is to be followed:
 - i) A vote will be taken;
 - ii) If there is a clear majority in favour of one candidate, that person shall be appointed;
 - iii) If there is not a clear majority, the name of the person having the least number of votes will be struck off the list and a fresh vote shall be taken until an overall majority of votes is given in favour of one person and that person may then be appointed.

Note:

An overall majority exists when the person with most votes has more votes than the sum of the votes cast for the remaining persons.

Please ensure that you refer to the Screening Form Guidance while completing this form.

Which service area and directorate are you from?

Service Area: HR and Service Centre

Directorate: Corporate Services

Q1 (a) What are you screening for relevance?

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services
- Other

(b) Please name and fully describe initiative here:

This proposal seeks to review the JNC officer appointment procedure rules by streamlining the process and reviewing the delegated authority to make JNC officer appointments.

Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)

	High Impact		Medium Impact		Low Impact		Needs further Investigation	No Impact
	+	-	+	-	+	-		
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Future Generations (yet to be born)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Human Rights

Q3 What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches? Please provide details below – either of your activities or your reasons for not undertaking involvement

The Constitution Working Group considering the report will enable a cross section of engagement responses to the proposals.

Q4 Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:

- a) Overall does the initiative support our Corporate Plan’s Well-being Objectives when considered together?
 Yes No
- b) Does the initiative consider maximising contribution to each of the seven national well-being goals?
 Yes No
- c) Does the initiative apply each of the five ways of working?
 Yes No
- d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?
 Yes No

Q5 What is the potential risk of the initiative? (Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...)

High risk

Medium risk

Low risk

Q6 Will this initiative have an impact (however minor) on any other Council service?

Yes No If yes, please provide details below

Q7 Will this initiative result in any changes needed to the external or internal website?

Yes No If yes, please provide details below

Q8 What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?

There is no impact of this proposal on people/communities as it is a proposed constitutional change which will alter the way in which procedures are outlined. The Council's Recruitment and Selection Policy would be the appropriate route through which to assess impact.

Outcome of Screening

Q9 Please describe the outcome of your screening using the headings below:

- **Summary of impacts identified and mitigation needed (Q2)**
- **Summary of involvement (Q3)**
- **WFG considerations (Q4)**
- **Any risks identified (Q5)**
- **Cumulative impact (Q7)**

There is no impact or mitigation required because of the proposal and no risks have been identified.

(NB: This summary paragraph should be used in the 'Integrated Assessment Implications' section of corporate report)

Full IIA to be completed

Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email.

Screening completed by:
Name: Rachael Davies
Job title: Head of HR and Service Centre
Date: 13/04/2023
Approval by Head of Service:
Name: Rachael Davies
Position: Head of HR and Service Centre
Date: 13/04/2023

Please return the completed form to accesstoservices@swansea.gov.uk

Agenda Item 10.



Joint Report of the Presiding Member, Monitoring Officer & Head of Democratic Services

Annual Meeting of Council – 18 May 2023

Amendments to the Council Constitution – Councillor / Councillor Dispute Resolution Protocol

Purpose:	To make amendments to simplify, improve and / or add to the Council Constitution. A decision of Council is required to change the Council Constitution.
Policy Framework:	Council Constitution.
Consultation:	Access to Services, Finance, Legal
Recommendation(s):	It is recommended that: 1) The amendments to the Councillor / Councillor Dispute Resolution Protocol as attached at Appendix B are approved and added to the Council Constitution.
Report Author:	Tracey Meredith
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar

1. Introduction

- 1.1 In compliance with the Local Government Act 2000, the City and County of Swansea has adopted a Council Constitution. From time to time, it is necessary to review the Council Constitution in line with legislative requirements and to ensure good governance arrangements.
- 1.2 Several issues have arisen since adoption and in order to maintain the aims, principles and procedures set out in Articles 1 and 15 of the Council Constitution, it is proposed that the amendment set out below should be made to the Constitution.

1.3 The terms of reference of the Constitution Working Group includes keeping under review the Council Constitution and to make appropriate recommendations for change.

2. Proposed Changes to the Councillor / Councillor Dispute Resolution Protocol

2.1 The Protocol (attached at Appendix A) was approved and adopted by Council on 9 June 2011 following a recommendation from Wales Audit Office and the Public Service Ombudsman for Wales Office to reduce the number of low level complaints going to the Ombudsman.

2.2 Following its adoption by Swansea Council the Protocol has been adopted by all Authorities in Wales and many of the Community & Town Councils.

2.3 The Protocol has rarely been used by this Council and not surprisingly therefore has not been reviewed since its adoption.

2.4 The Ombudsman continues to be keen on local dispute resolution for low level complaints and therefore the Protocol has been reviewed by the Monitoring Officer and the Standards Committee.

2.5 The current Protocol consists only of a flowchart. It is felt that some guidance is needed to go with the flowchart and that is included at Appendix B. The guidance builds on the duty of Group Leaders to maintain the highest ethical standards within their group.

2.6 Consideration will need to be given to those councillors who are not members of a political group (non aligned) and also to the position of Group Leaders should a complaint be made against them. To that extent a role for the Presiding Member and / or a lay member of Standards Committee has been included within the guidance.

3. Integrated Assessment Implications

3.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, 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.

3.2 The Well-being of Future Generations (Wales) Act 2005 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'.

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

3.4 An IIA Screening Form has been completed and no adverse implications have been noted.

4. Financial Implications

4.1 There are no financial implications associated with this report.

5. Legal Implications

5.1 There are no legal implications associated with this report.

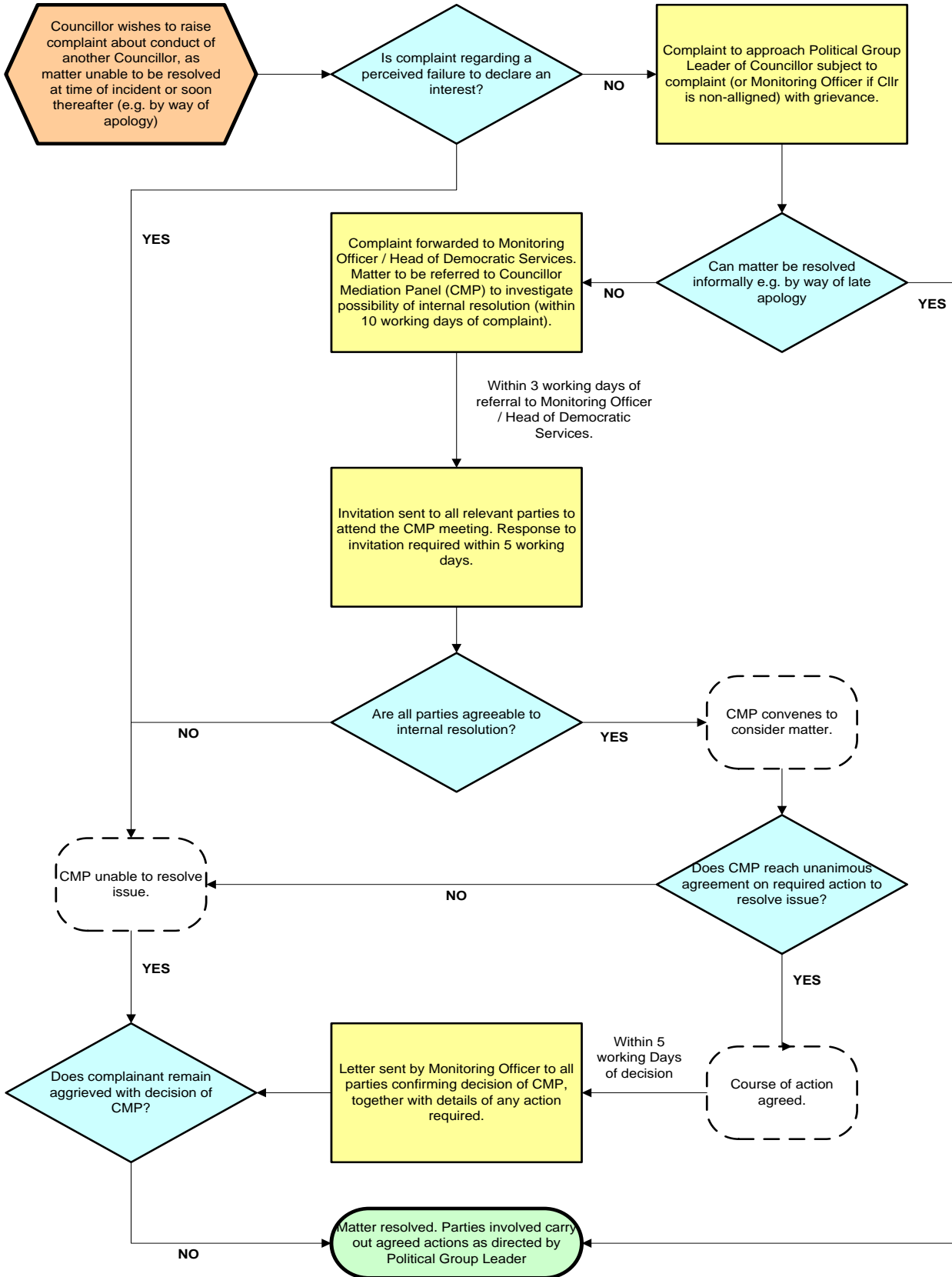
Background Papers: None.

Appendices:

Appendix A – Current Councillor/Councillor Relations Protocol

Appendix B – Proposed Councillor/Councillor Relations Protocol.

Councillors Local Dispute Resolution “Councillor vs Councillor Complaints”



City & County of Swansea

Councillor / Councillor Local Dispute Resolution Protocol**1. Purpose**

- 1.1 The purpose of this Protocol is to promote high standards of conduct and encourage a positive working relationship between Councillors across the Council. When signing their declaration of office Councillors are agreeing to sign up to the Code of Conduct. That Code is intended to help and guide Councillors in maintaining appropriate standards of conduct when serving their community and when making decisions.
- 1.2 Local Authorities across Wales have all implemented local resolution procedures to deal with low level complaints which are made by a Councillor against a fellow Councillor. Complaints which are made relating to failure to show respect and consideration for others or the duty not to make vexatious, frivolous or malicious complaints are ideally dealt with under the Dispute Resolution Protocol.
- 1.3 This does not prevent a Councillor making a direct complaint to the Public Service Ombudsman for Wales but the aim of the Protocol is to resolve matters at an early stage and avoid any unnecessary escalation of the situation which may damage personal relationships within the authority and the authority's reputation.
- 1.4 Group Leaders have a duty under legislation to maintain the highest standards of ethical behaviour within their group. The Protocol therefore puts Group Leaders at the heart of ensuring that Councillors utilise the local dispute resolution process. The Protocol is not intended to interfere with or take the place of internal group/party discipline.

2. Application

- 2.1 Issues which will be considered under the Protocol include:
 - Low level complaints between Councillors
 - Complaints as to failure to show respect and consideration either verbally or in writing
 - Behaviour which is vexatious, frivolous and malicious
- 2.2 Issues which will not be considered under the Protocol include:
 - Serious complaints or allegations of misconduct
 - Allegations of failure to declare interests
 - Complaints from members of the public
 - Complaints against officers

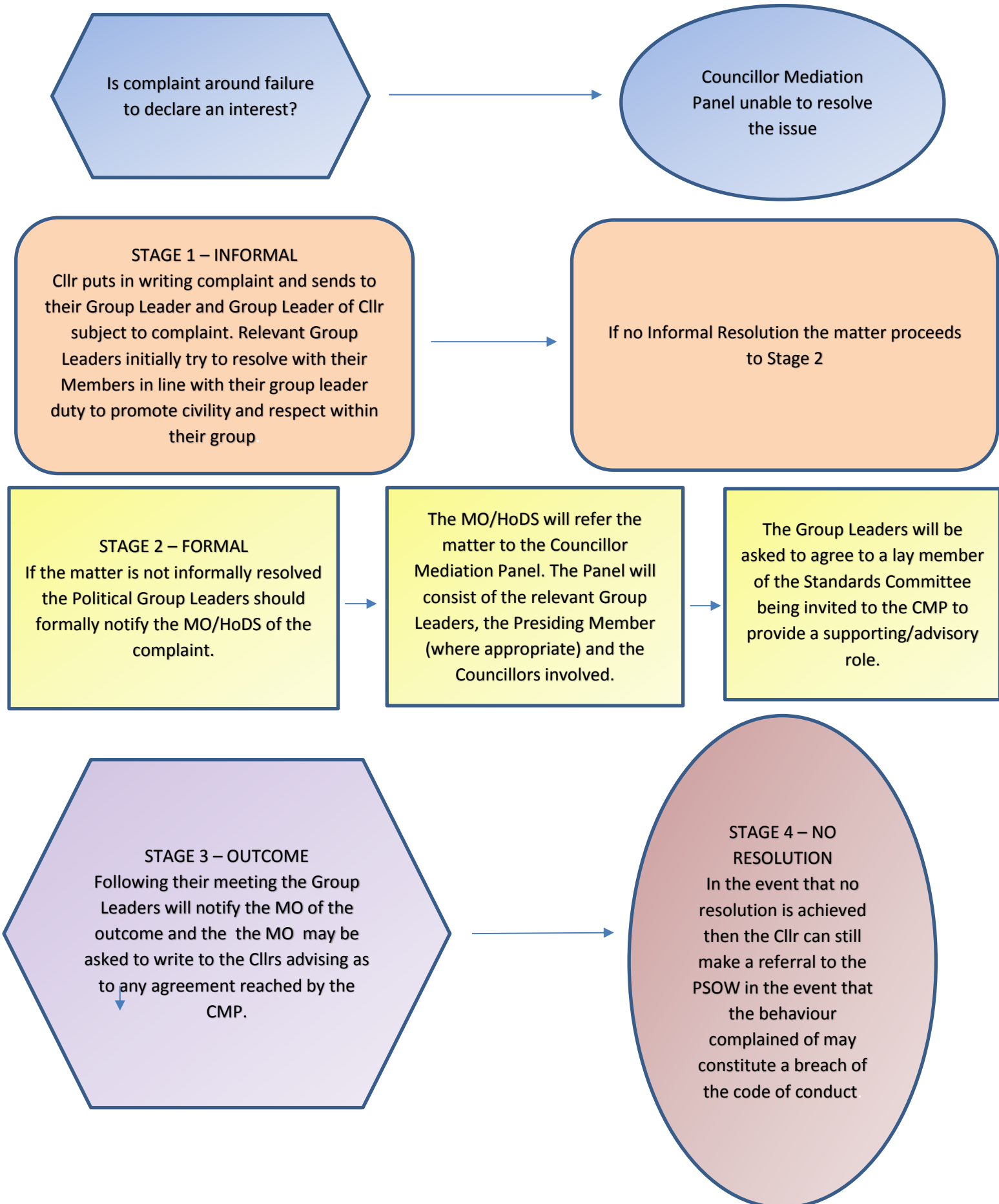
3. Procedure

- 3.1 First stage – the Councillor who wishes to use the Protocol should put their complaint in writing and send to their Group Leader, the Group Leader of the Councillor subject of complaint and the Monitoring Officer. An attempt should be made at this stage to address the complaint informally eg by way of an apology. In the event that the complaint is against a Group Leader then the Presiding Member will be consulted and fulfil the role of Group Leader. If the complaint involves an unaligned Councillor then the Presiding Member will be consulted and fulfil the role of Group Leader.
- 3.2 Second Stage – In the event that the matter cannot be resolved informally then the matter should be referred formally to the Monitoring Officer/Head of Democratic Services and the matter referred to the Councillor Mediation Panel (CMP). The Councillor Mediation Panel will consist of the relevant Group Leaders (or Presiding Member) and Councillors involved (and will be arranged by the Monitoring Officer).
- 3.3 Any discussions of the CMP will be confidential and held in private session. Any paperwork, minutes of decision etc will remain confidential to the parties subject to any duty to disclose to the Public Service Ombudsman for Wales.
- 3.4 Third Stage – Following the CMP the Panel will liaise with the Monitoring Officer as to the agreement reached and any actions to be undertaken. Where appropriate the Monitoring Officer will formally write to the Councillors advising them of the agreement. Examples of actions could include – attendance on training course, removal from committee, formal apology, withdrawal of comments made/posted.

4. Standards Committee

- 4.1 An Independent Member of the Standards Committee may play a supporting/advisory role to the Group Leaders. The inclusion of a Standards Committee lay member will be initiated at the request of the Group Leaders in a particular case. Participation by lay members should be on a rotational basis to prevent any conflict of interest.
- 4.2 Any discussions with the Standards Committee lay member and involvement with the CMP will be confidential. Save that the number of times the Protocol is invoked in any given year will be reported to the Standards Committee and with an indication as to whether the dispute was resolved within the Protocol process.
- 4.3 The terms of reference of the Standards Committee include oversight of the Protocol.

**Councillors Local Dispute Resolution
“Councillor vs Councillor Complaints”**



Agenda Item 11.



Joint Report of the Presiding Member, Monitoring Officer & Head of Democratic Services

Annual Meeting of Council – 18 May 2023

Amendments to the Council Constitution – Council Procedure Rules

Purpose:	To make amendments to simplify, improve and / or add to the Council Constitution. A decision of Council is required to change the Council Constitution.
Policy Framework:	Council Constitution.
Consultation:	Access to Services, Finance, Legal
Recommendation(s):	It is recommended that: 1) The amendments to the Council Constitution – Council Procedure Rules Public Questions - as outlined in Paragraph 3.2 be approved.
Report Author:	Tracey Meredith
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar

1. Introduction

- 1.1 In compliance with the Local Government Act 2000, the City and County of Swansea has adopted a Council Constitution. From time to time, it is necessary to review the Council Constitution in line with legislative requirements and to ensure good governance arrangements.
- 1.2 Several issues have arisen since adoption and in order to maintain the aims, principles and procedures set out in Articles 1 and 15 of the Council Constitution, it is proposed that the amendment set out below should be made to the Constitution.

- 1.3 The terms of reference of the Constitution Working Group includes keeping under review the Council Constitution and to make appropriate recommendations for change.

2. Delegated Minor Corrections to the Council Constitution

- 2.1 There are no delegated minor corrections to the Council Constitution.

3. Amendments to the Council Constitution

- 3.1 This report outlines a suggested amendment to the Council Constitution. The amendments relate to Council Procedure Rules which provide at Section 26 - Presentations and Public Question Time:

1 After giving notice of the text thereof in writing to the Proper Officer not later than noon on the previous working day, any Member(s) of the public present may, at the appointed time of the open session of each Council meeting, ask question(s) of any Cabinet Member, Chair or Vice Chair of any Committee or Board of the City and County of Swansea on any matter included on the open part of the agenda of the respective meeting excluding Apologies for Absence, Councillors Disclosures of Interest, Minutes of Previous Meetings, Written responses to questions asked at the last ordinary meeting of Council, Announcements and Presentations.

2 If a member of the public wishes to ask a question of which s/he has not given notice, then, if there is time remaining after those questions dealt with under Council Procedure Rule 26 "Presentations and Public Question Time" s/he may ask a question on any item on the agenda of the meeting. All contributions shall be in the form of questions. Statements and speeches shall not be allowed.

- 3.2 It is proposed that an additional paragraph is inserted as new paragraph 26.3 as follows:

3. The Presiding Member may reject a question if:

(i) it is substantially the same as a question which has been put at a meeting of the Council in the last 6 months

(ii) it relates to a matter which is subject to legal challenge or enforcement proceedings

(iii) it would require the expenditure of a disproportionate amount of time to prepare an answer

(iv) it does not relate to a matter for which the Council has a responsibility

(v) it does not relate to a matter in which the residents of the City and County of Swansea would have an interest

(vi) it is defamatory, vexatious or offensive

(vii) it requires the disclosure of confidential information

(viii) it relates to the personal circumstances or conduct of an officer or member

(ix) it relates to an individual/ group or business or the questioners own personal circumstances

The Decision of the Presiding Member is final.

- 3.3 The above addition reflects to a large extent when petitions may be disallowed. It is clearly not appropriate during public questions to be putting information which is confidential into the public domain, accepting questions which may be defamatory, subject to legal proceedings etc. There have been instances where the Monitoring Officer has had to disallow public questions on the basis of use of offensive language in the question and this amendment simply sets out what questions may be disallowed.
- 3.4 The proposal does not prohibit public questions and therefore the democratic right of the public is protected. However it does give the Presiding Member an opportunity to rule out questions, on advice of the Monitoring Officer, which are inappropriate. It also provides some guidelines to members of the public who wish to submit public questions.

4. Integrated Assessment Implications

- 4.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, 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.
- 4.2 The Well-being of Future Generations (Wales) Act 2005 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'.

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

4.4 An IIA Screening Form has been completed and no adverse implications have been noted.

5. Financial Implications

5.1 There are no financial implications associated with this report.

6. Legal Implications

6.1 There are no legal implications associated with this report.

Background Papers: None.

Appendices: None.