

CITY AND COUNTY OF SWANSEA

MINUTES OF THE MEETING OF COUNCIL

**HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, SWANSEA ON
TUESDAY, 15 APRIL 2014 AT 5.00 PM**

PRESENT: Councillor D W W Thomas (Chair of Council) Presided

Councillor(s)	Councillor(s)	Councillor(s)
J C Bayliss	T J Hennegan	D Phillips
P M Black	C A Holley	C L Philpott
N S Bradley	P R Hood-Williams	J A Raynor
J E Burtonshaw	B Hopkins	T H Rees
M C Child	D H Hopkins (Vice Chair)	I M Richard
R A Clay	Y V Jardine	C Richards
U C Clay	M H Jones	N M Ronconi-Woollard
A C S Colburn	A J Jones	P Sangha
D W Cole	S M Jones	P B Smith
A M Cook	J W Jones	R C Stewart
J P Curtice	R D Lewis	D G Sullivan
N J Davies	D J Lewis	G J Tanner
A M Day	A S Lewis	M Theaker
P Downing	C E Lloyd	C Thomas
C R Doyle	P Lloyd	C M R W D Thomas
V A Evans	K E Marsh	L G Thomas
W Evans	P M Matthews	M Thomas
E W Fitzgerald	P M Meara	L J Tyler-Lloyd
R Francis-Davies	H M Morris	G D Walker
F M Gordon	J Newbury	T M White
J A Hale	B G Owen	
J E C Harris	G Owens	

215. **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors S E Crouch, W J F Davies, L James, E T Kirchner, R V Smith, R J Stanton and L V Walton.

216. **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS.**

The Head of Legal, Democratic Services and Procurement gave advice regarding the potential personal and prejudicial interests that Councillors and / Officers may have on the agenda.

The Head of Democratic Services reminded Councillors and Officers that the "Disclosures of Personal and Prejudicial Interests" sheet should only be completed if the Councillor / Officer actually had an interest to declare. Nil returns were not required. Councillors and Officers were also informed that any declarable interest must be made orally and in writing on the sheet.

In accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea the following interests were declared:

- (1) Councillors P M Black, A M Day, P Downing, E W Fitzgerald, A J Jones, J W Jones, M H Jones, S M Jones, H M Morris, G Owens, J A Raynor, D G Sullivan, M Theaker, L G Thomas and T M White declared a Personal Interest in Minute No. 223 - Welsh in Education Strategic Plan 2014-2017.
- (2) Councillors J C Bayliss, N S Bradley, N J Davies, V M Evans, C A Holley, A S Lewis, C Richards and M Theaker declared a Personal Interest in Minute No. 224 - Leisure Partnerships Annual Report.
- (3) Councillors J C Bayliss, P M Black, N S Bradley, J E Burtonshaw, M C Child, RA Clay, U C Clay, A C S Colburn, D W Cole, A M Cook, J P Curtice, N J Davies, A M Day, P Downing, C R Doyle, V M Evans, W Evans, E W Fitzgerald, R Francis-Davies, F M Gordon, J A Hale, J E C Harris, T J Hennegan, C A Holley, P R Hood-Williams, B Hopkins, D H Hopkins, Y V Jardine, A J Jones, J W Jones, M H Jones, S M Jones, A S Lewis, D J Lewis, R D Lewis, C E Lloyd, P Lloyd, K E Marsh, P M Matthews, P M Meara, H M Morris, J Newbury, B G Owen, G Owens, D Phillips, C L Philpott, J A Raynor, T H Rees, I M Richard, C Richards, N M Ronconi-Woollard, P Sangha, P B Smith, R C Stewart, D G Sullivan, G J Tanner, M Theaker, C Thomas, C M R W D Thomas, D W W Thomas, M Thomas, L G Thomas, L J Tyler-Lloyd, G D Walker and T M White declared a Personal Interest in Minute No. 225 - Members Indemnity for Code of Conduct Complaint Hearings.
- (4) Councillor J E Burtonshaw declared a Personal Interest in Minute No. 227 - Councillor Questions.
- (5) Councillor J Newbury declared a Personal Interest in Minute No. 228 - Scrutiny Dispatches.

217. **MINUTES.**

RESOLVED that the following Minutes be approved and signed as a correct record:

- 1) Ordinary Meeting of Council held on 18 March 2014.

218. **ANNOUNCEMENTS OF THE CHAIR OF THE COUNCIL.**

1) Swansea & West Wales Occupational Safety Group

The Chair of Council was pleased to announce that the City and County of Swansea had recently been presented two awards by the Swansea and West Wales Occupational Safety Group.

He congratulated Debra Hobby (Social Services) for winning the Chairman's Award "Employee of the Year" for her work on fire safety and the Control of Substances Hazardous to Health (COSHH).

He also congratulated the Corporate Health, Safety & Wellbeing Service for received an award for Outstanding Safety Performance in 2013.

Debra Hobby and Craig Gimblett were present to receive the award.

2) West Wales under 16s Football Tournament – Cockett Colts

The Chair of Council was pleased to announce that the Cockett Colts won the West Wales under 16s Football Tournament held recently in Llanelli. He stated that this was the second year that the team has won the title. He also congratulated their Coach Christopher Stokes.

3) British Swimming Championships – Jazz Carlin

The Chair of Council congratulated Jazz Carlin for setting the fastest 800m freestyle time in the world this year at the British Swimming Championships. In the process she broke her own Welsh record finishing in 8 minutes 18.36 seconds.

219. ANNOUNCEMENTS OF THE LEADER OF THE COUNCIL.

1) Implementation of Single Status on 1 April 2014

The Deputy Leader of the Council stated that the City and County of Swansea had implemented its Single Status agreement on 1 April 2014. This ensured that the Authority complied with the Equal Pay Act.

220. PUBLIC QUESTIONS.

A number of questions were asked by members of the public. The relevant Cabinet Member responded accordingly. Those questions requiring a written response are listed below:

- 1) Lis Davies asked the Learning and Skills Cabinet Member questions in relation to Minute 223 “Welsh in Education Strategic Plan 2014-2017”.

Page 18, Paragraph 4 makes mention of a Welsh in Education Grant.

- a) Has the council received any such grant funding? [If yes];
- b) What was the total amount of grant funding awarded for 2013-2014?
- c) Which schools were the recipients of the grant funding?
- d) How will the introduction of the Welsh Education Strategic Plan benefit those children living in Swansea who are being denied the opportunity to take the full course Welsh GCSE through normal educational channels and are having to take twilight classes, after school?

The Learning and Skills Cabinet Member stated that a written response would be provided.

- 2) Lis Davies asked the Head of Legal, Democratic Services and Procurement questions in relation to Minute 225 “Members Indemnity for Code of Conduct Complaints Hearings”.

Page 109, Paragraph 4.2, Legal Implications states:

“It remains the case that where an indemnity is provided and the Member is not successful in the matter, the indemnity must be repaid as per the Form of Indemnity”.

- a) How many Councillors have applied for indemnities?
- b) What is the total amount paid out to each claim?
- c) How many indemnity claims have been repaid?

The Head of Legal, Democratic Services and Procurement stated that a written response would be provided.

221. **PUBLIC PRESENTATION - NONE.**

No Public Presentations were received.

222. **MEMBERSHIP OF COMMITTEES.**

The Citizen, Community Engagement and Democracy Cabinet Member stated that an amended report had been circulated.

She referred to the report stating that the Leader of the Council had not made any changes to the Authority's Outside Bodies.

RESOLVED that the membership of the Council Bodies listed below be amended as follows:

1) Appointments Committee

Remove Councillor E T Kirchner.
Add Councillor R Francis-Davies.

Remove Councillors J E Burtonshaw and M Theaker.
Add 2 x Relevant Cabinet Members as identified by the Leader of the Council.

Note: The Leader of the Council will identify the Relevant Cabinet Members based on their portfolio relevance to the post that is being appointed to.

2) Area 2 Development Control Committee

Remove Councillor N M Ronconi-Woollard.
Add Councillor A S Lewis.

3) Joint Consultative Committee (JCC)

Remove Councillor E T Kirchner.
Add Councillor R Francis-Davies.

4) Scrutiny Programme Committee

Remove Councillor R Francis-Davies.
Add Councillor T J Hennegan.

223. **WELSH IN EDUCATION STRATEGIC PLAN 2014-2017.**

The Learning and Skills Cabinet Member submitted a report which sought the adoption of the final Welsh In Education Strategic Plan (WESP) 2014-2017. It also sought permission to submit the final statutory Welsh in Education Strategic Plan (WESP) 2014-2017 to Welsh Government for its approval.

RESOLVED that:

- 1) The final Welsh in Education Strategic Plan 2014-2017 be adopted;

- 2) The final Welsh in Education Strategic Plan 2014-2017 be submitted to the Welsh Government for its approval.

Note: Councillor P M Meara asked the Learning and Skills Cabinet Member the following questions:

- a) Page 17, Paragraph 3 refers to Partneriaeth Addysg Cymraeg Abertawe (PACA).
- i) Is PACA a decision making body?
 - ii) Are there any Elected representatives on PACA?
 - iii) What are the Authority's Scrutiny arrangements for PACA?
- b) The data used in this report is based on that provided by the Fisher Family Trust.
- i) How effective and reliable is that data?

The Learning and Skills Cabinet Member stated that a written response would be provided.

224. LEISURE PARTNERSHIPS ANNUAL REPORT.

The Regeneration Cabinet Member submitted a report which advised Council of the partnership operations of key facilities within the Culture, Tourism, Sport and Leisure portfolio.

RESOLVED that:

- 1) The report be noted.

Note: The Regeneration Cabinet Member was asked the following questions:

- a) Councillor P R Hood-Williams referred to Page 102, Paragraph 4.8 "Liberty Stadium" which states "*Before any distribution of profit could be considered the Company would have to be in a position of net profitability taking account of past accumulated losses. There is therefore considerable progress to be made in terms of profitability before any distribution could be made.*"
- i) How much has the loss been and what is the current amount of the loss i.e. how much is left?
 - ii) The actual income 2012-2013 from the Swans is £1,306,544 and from the Ospreys is £207,450. The turnover of the Swans and Ospreys is far higher. How is the income amount therefore calculated?
- b) Councillor M H Jones asked what the Board of the Wales National Pool Swansea had done and were doing in order to offset the difficult challenges it faced following the removal of its International Training Camps (ITC) status?

The Regeneration Cabinet Member stated that a written response would be provided.

225. **MEMBERS INDEMNITY FOR CODE OF CONDUCT COMPLAINT HEARINGS.**

The Head of Legal, Democratic Services and Procurement submitted a report which sought consideration of the recommendations of the Standards Committee that the indemnity for professional representation available to Members involved in defending breach of Code of Conduct matters be capped at a maximum figure of £20,000 per Member per case.

RESOLVED that:

- 1) A cap of £20,000 per Member per case for Members involved in breach of Code of Conduct matters be imposed;
- 2) The Form of Indemnity attached at Appendix A of the report and previously approved by Council be amended as highlighted to reflect the maximum indemnity.

226. **AMENDMENTS TO THE CONSTITUTION.**

The Chair of Council, Monitoring Officer and Head of Democratic Services jointly submitted a report which sought to make amendments in order to simplify, improve and / or add to the Council Constitution in relation to the following areas:

- 1) Part 4 – Council Procedure Rules;
- 2) Part 4 – Access to Information Procedure Rules;
- 3) Part 4 – Cabinet Procedure Rules;
4. Part 4 - Contract Procedure Rules;
- 5) Part 4 – Joint Negotiating Committee (JNC) Officer Appointment Procedure Rules.

RESOLVED that the changes to the Council Constitution as outlined in Paragraph 3 of the report be adopted subject to the amendments proposed to the JNC Officer Appointment Procedure Rules” being amended so as to maintain the changes but to be redrafted.

227. **COUNCILLORS' QUESTIONS.**

1) **Part A ‘Supplementary Questions’**

Five (5) Part A ‘Supplementary Questions’ were submitted. The relevant Cabinet Member(s) responded by way of written answers contained in the Council Summons.

No supplementary questions required a written response.

2) **Part B ‘Questions not requiring Supplementary Questions’**

Three (3) Part B ‘Questions not requiring Supplementary Questions’ were submitted.

228. **SCRUTINY DISPATCHES.**

The Chair of the Scrutiny Programme Committee submitted an information report which provided Council with a progress report on various scrutiny activities.

229. **WRITTEN RESPONSES TO QUESTIONS ASKED AT THE LAST ORDINARY MEETING OF COUNCIL.**

The Head of Legal, Democratic Services and Procurement submitted an information report setting out the written responses to questions asked at the last Ordinary Meeting of Council.

230. **COUNCIL DIARY 2014/2015. (TO BE CONFIRMED AT THE ANNUAL MEETING OF COUNCIL ON 8 MAY 2014)**

The Head of Democratic Services submitted an information report setting out the draft Council Diary 2014-2015.

231. **COMMON SEAL.**

RESOLVED that the Common Seal be affixed to any document necessary to bring into effect any decisions passed or confirmed at the meeting.

The meeting ended at 6.23 pm

CHAIR