

COUNCIL SUMMONS

You are hereby summoned to attend a Meeting of the COUNCIL OF THE CITY AND COUNTY OF SWANSEA to be held in the Council Chamber, Guildhall, Swansea on Thursday, 27 August 2015 at 5.00 pm

The following business is proposed to be transacted:

1. **Apologies for Absence.**
2. **Disclosures of Personal and Prejudicial Interests.** 1 - 2
3. **Minutes.** 3 - 9
To approve and sign as a correct record the Minutes of the Ordinary meeting of Council held on 23 July 2015.
4. **Announcements of the Presiding Member.**
5. **Announcements of the Leader of the Council.**
6. **Public Questions.**
Questions must relate to matters on the open part of the Agenda of the meeting and will be dealt within a 10 minute period.
7. **Public Presentation - Friends of Swansea Horses.**
8. **Report of the Cabinet Member for Transformation and Performance.**
- 8.a Membership of Committees. 10 - 11
9. **Joint Report of the Presiding Member, Monitoring Officer and Head of Democratic Services.**
- 9.a Amendments to the Council Constitution. 12 - 26
10. **Report of the Chair of the Audit Committee.**
- 10.a Audit Committee - Annual Report 2014/15. 27 - 32
11. **Councillors' Questions.** 33 - 37
12. **For Information Reports. (Not For Discussion)**
- 12.a Written Responses to Questions asked at the Last Ordinary Meeting of Council. 38 - 42
13. **Notice of Motion: Cllrs P M Black, A M Day, C A Holley, J W Jones, M H Jones, R D Lewis, P M Meara, J Newbury, C L Philpott, T H Rees, L G Thomas, R J Stanton.**
We call on Cabinet to investigate with a view to implementing a regulation to prohibit the use of sky lanterns on council land as these are known to be a danger to animals?



Patrick Arran
Head of Legal, Democratic Services & Procurement
Civic Centre
Swansea
Tuesday, 18 August 2015
To: All Members of the Council

Disclosures of Interest

To receive Disclosures of Interest from Councillors and Officers

Councillors

Councillors Interests are made in accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea. You must disclose orally to the meeting the existence and nature of that interest.

NOTE: You are requested to identify the Agenda Item / Minute No. / Planning Application No. and Subject Matter to which that interest relates and to enter all declared interests on the sheet provided for that purpose at the meeting.

1. If you have a **Personal Interest** as set out in **Paragraph 10** of the Code, you **MAY STAY, SPEAK AND VOTE** unless it is also a Prejudicial Interest.
2. If you have a Personal Interest which is also a **Prejudicial Interest** as set out in **Paragraph 12** of the Code, then subject to point 3 below, you **MUST WITHDRAW** from the meeting (unless you have obtained a dispensation from the Authority's Standards Committee)
3. Where you have a Prejudicial Interest you may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, **provided** that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, you **must withdraw from the meeting immediately after the period for making representations, answering questions, or giving evidence relating to the business has ended**, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration (**Paragraph 14** of the Code).
4. Where you have agreement from the Monitoring Officer that the information relating to your Personal Interest is **sensitive information**, as set out in **Paragraph 16** of the Code of Conduct, your obligation to disclose such information is replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
5. If you are relying on a **grant of a dispensation** by the Standards Committee, you must, before the matter is under consideration:
 - i) Disclose orally both the interest concerned and the existence of the dispensation; and
 - ii) Before or immediately after the close of the meeting give written notification to the Authority containing:

- a) Details of the prejudicial interest;
- b) Details of the business to which the prejudicial interest relates;
- c) Details of, and the date on which, the dispensation was granted; and
- d) Your signature

Officers

Financial Interests

1. If an Officer has a financial interest in any matter which arises for decision at any meeting to which the Officer is reporting or at which the Officer is in attendance involving any member of the Council and /or any third party the Officer shall declare an interest in that matter and take no part in the consideration or determination of the matter and shall withdraw from the meeting while that matter is considered. Any such declaration made in a meeting of a constitutional body shall be recorded in the minutes of that meeting. No Officer shall make a report to a meeting for a decision to be made on any matter in which s/he has a financial interest.
2. A "financial interest" is defined as any interest affecting the financial position of the Officer, either to his/her benefit or to his/her detriment. It also includes an interest on the same basis for any member of the Officers family or a close friend and any company firm or business from which an Officer or a member of his/her family receives any remuneration. There is no financial interest for an Officer where a decision on a report affects all of the Officers of the Council or all of the officers in a Department or Service.

CITY AND COUNTY OF SWANSEA

MINUTES OF THE COUNCIL

HELD AT COUNCIL CHAMBER, CIVIC CENTRE, SWANSEA ON
THURSDAY, 23 JULY 2015 AT 4.30 PM

PRESENT: Councillor D W W Thomas (Presiding Member) Presided

Councillor(s)	Councillor(s)	Councillor(s)
C A Anderson	J E C Harris	G Owens
P M Black	T J Hennegan	D Phillips
J E Burtonshaw	C A Holley	C L Philpott
M C Child	P R Hood-Williams	J A Raynor
R A Clay	B Hopkins	T H Rees
U C Clay	D H Hopkins	I M Richard
A C S Colburn	A J Jones	C Richards
D W Cole	J W Jones	R V Smith
A M Cook	M H Jones	R J Stanton
S E Crouch	S M Jones	R C Stewart
J P Curtice	E J King	D G Sullivan
N J Davies	E T Kirchner	G J Tanner
P Downing	A S Lewis	C Thomas
C R Doyle	D J Lewis	C M R W D Thomas
C R Evans	R D Lewis	M Thomas
V M Evans	P Lloyd	L G Thomas
W Evans	K E Marsh	L J Tyler-Lloyd
E W Fitzgerald	P M Matthews	G D Walker
R Francis-Davies	P N May	T M White
J A Hale	P M Meara	N M Woollard

29. **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors J C Bayliss, A M Day, F M Gordon, L James, Y Jardine, C E Lloyd, H M Morris, B G Owen, P B Smith, and L V Walton

30. **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.

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 C Anderson, Bob A Clay, Jeff W Jones, Geraint Owens, David Phillips, Robert V Smith, Des W W Thomas and T M White declared a Personal Interest in Minute No. 40 – Audit Committee Annual Report.
- (2) Councillors Bob A Clay, A M Cook, G Owens and R V Smith declared a Personal Interest in Minute No. 42 – Scrutiny Annual Report 2014/15.

31. **MINUTES.**

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

- 1) Extra-ordinary Meeting of Council held on 25 June 2015 subject to Councillor J E Burtonshaw's name being removed from those in attendance; and
- 2) Ordinary Meeting of Council held on 25 June, 2015.

32. **PUBLIC SERVICES OMBUDSMAN WALES (PSOW) - REVISED GUIDANCE - TRAINING SESSION FOR ALL COUNCILLORS.**

The Head of Legal, Democratic Services and Procurement provided a presentation on the Public Services Ombudsman for Wales Updated Guidance on the Code of Conduct.

33. **ANNOUNCEMENTS OF THE PRESIDING MEMBER.**

1) Councillor R D Lewis

The Presiding Member referred to Councillor R D Lewis recent ill health and welcomed him back to the Council.

2) Former Leader Lawrence Bailey

The Presiding Member referred to former Leader Lawrence's Bailey's recent quadruple heart surgery and wished him well on behalf of the Council for a speedy recovery. He also mentioned that Mr Bailey was very complimentary of the care he received.

3) Swansea becomes UK's first Disability Confident City

The Presiding Member advised that Swansea had been named as the UK's first Disability Confident City for its efforts to promote employment equality for disabled people. Swansea Council and more than 60 businesses have signed up to the Disability Confident campaign, which aims to debunk the myths around employing disabled people.

Minister for disabled people, Justin Tomlinson, said: 'Swansea is leading the way by becoming the UK's first Disability Confident City, something the whole community can be proud of. With this statement, Swansea has laid down a challenge to other cities and towns to follow its lead.'

'Disability Confident is about letting disabled people know that their skills and enterprise are recognised by employers, at the same time as encouraging firms to reap the benefits of a diverse workforce and disabled talent.'

Figures shows that 3.2 million disabled people are now in work compared to 2.9 million last year. The employment rate gap between disabled and non-disabled people is 32.9 percentage points in the UK, compared to 34 percentage points last year.

4) Swansea Life Awards 26 June 2015

The Presiding Member congratulated Culture, Tourism, Marketing and Events for the following achievements in the Swansea Life Awards 2015:

Under the **Event Category** - Waterfront Winterland was the winner.

Under the **Leisure & Tourism Category** - Swansea Grand Theatre was highly commended.

5) Constructing Excellence in Wales - Client of the Year Award

The Presiding Member congratulated Corporate Building and Property Services, Education and Housing on their success in winning this year's Client of the Year Award. The Award was based on the leadership shown in procuring new schools as part of the 21st Century Schools programme. One project in particular, was the new comprehensive school in Morriston, which demonstrated the Council's commitment to positive practices such as early contractor involvement, stakeholder engagement and integrated team working. Swansea understood from the start that it was 'not just about buildings'; it was about educational achievement, raising standards, and creating a beacon facility for the surrounding community.

6) Bishop Gore School Estyn Inspection

The Presiding Member congratulated Bishop Gore School on its recent excellent Estyn Inspection. This is the school's second consecutive inspection when the judgements for Outcomes and Prospects for Improvement have both been Excellent.

The inspectors from Estyn were impressed by how the school has maintained an outstanding learning experience for all its pupils. This includes highly effective teaching, outstanding leadership from the Headteacher and his team, and effective challenge and support from the governing body. The partnerships developed by the school were praised, including how parents are involved in supporting pupils' learning and the close working with our Ethnic Minority Language & Achievement Service (EMLAS).

All pupils, regardless of their ability or particular needs, make exceptional progress. Almost all performance indicators are consistently in the top 25% or 50% when compared with similar schools and no pupil who left at 16 was

NEET. Those are great achievements, of which the school and the City and County of Swansea can be very proud.

The Presiding Member also referred to Ysgol Gyfun Gwyr's excellent Estyn Inspection in December 2014. He stated that 2 out of 14 Swansea secondary schools had achieved top scores in the 2014-2015 academic year.

7) Corrections / Amendments to the Council Summons.

The Presiding Member referred to a typographical error in the recommendation in respect of item 10 a – Sustainable Swansea: Fit for the Future: Delivery Programme Review - the report is for information only and for Council to note.

8) Welcome to Mr Steve Barry

The Presiding Member referred to the attendance of Mr Steve Barry, Wales Audit Office, who would be presenting the report of the Wales Audit Office.

34. ANNOUNCEMENTS OF THE LEADER OF THE COUNCIL.

1) Wales National Air Show

The Leader of Council congratulated everyone involved in the Wales National Air Show. Work was under way to hold the event on an annual basis.

2) Alberto Culver Site, Alberto Road, Enterprise Park

The Leader of Council stated that he hoped to announce the new owner and the creation of several hundred jobs at the Alberto Culver site shortly.

3) Former Leo's Site, Penplas, Swansea

The Leader of Council referred to developer interest in the former Leo's Site in Penplas which demonstrated a confidence in Swansea.

4) Creation of New Jobs by Admiral

The Leader of Council referred to the creation of new jobs by Admiral in the City.

5) Electrification of London to Swansea Main Line

The Leader of Council advised that he would be writing to the National Government regarding the importance of the electrification of the London to Swansea Main Line.

35. PUBLIC PRESENTATION: NONE.

No Public Presentations were received.

36. **PUBLIC QUESTIONS.**

A question was asked by a member of the public. The relevant Cabinet Member responded accordingly.

37. **WALES AUDIT OFFICE ANNUAL IMPROVEMENT REPORT: 2014-15
INCORPORATING THE CORPORATE ASSESSMENT REPORT 2014.**

Steve Barry, Wales Audit Office, presented the report which detailed the City and County of Swansea's Annual Improvement Report 2015 from the Auditor General Wales.

The Finance and Strategy Cabinet Member thanked Steve Barry for attending and answering questions.

RESOLVED that:

- 1) the Wales Audit Office Annual Improvement Report 2014-2015 be received and noted;
- 2) The action already taken and planned to address the areas of improvement as part of the Council's performance improvement process be noted.

38. **SUSTAINABLE SWANSEA - FIT FOR THE FUTURE: DELIVERY PROGRAMME REVIEW.**

The Leader of Council presented the 'for information' report entitled the Delivery Programme for the Sustainable Swansea – Fit for the Future Strategy.

RESOLVED that the revised Delivery Programme for Sustainable Swansea – Fit for the Future be noted.

[**Note:** The Leader of Council agreed that a glossary detailing the acronyms contained in the report would be provided and would provide a written reply regarding the circumstances which would require external advice to be procured].

39. **MEMBERSHIP OF COMMITTEES.**

The Leader of Council presented a report which sought approval of the amendments to Council Bodies.

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

- 1) **Challenge Panel**
Remove Councillor N M Woollard.
Add Councillor J E Burtonshaw.
- 2) **Chief Officers Disciplinary Appeals Committee**
Remove Councillor J C Bayliss.

Add Councillor N J Davies.

40. **AUDIT COMMITTEE - ANNUAL REPORT 2014/15.**

The Chair of the Audit Committee was not in attendance.

RESOLVED that the Audit Committee Annual Report 2014-2015 be deferred to the next meeting of Council.

41. **COUNCILLORS' QUESTIONS.**

1) **Part A 'Supplementary Questions'**

Six (6) Part A 'Supplementary Questions' were submitted. The relevant Cabinet Member(s) responded by way of written answers contained in the Council Summons.

Those supplementary questions requiring a written response are listed below:

(i) Question 3 - Councillor M H Jones asked:-

Do the 467 casual/relief employees on zero hour contracts receive the Living Wage?

The Leader of Council indicated that he believed that they did but would provide a written response.

(ii) Question 5 – Councillor M H Jones asked:-

- a) Out of a total of 303 people being directly supported in to work by Communities First how many were not and did the figures represent a higher number of people from target areas and if so what was the percentage?
- b) What kind of qualifications had the 376 people had?
- c) 601 children and young people have a better understanding of the importance of school how many of these children and young people have now gone on to attend school regularly?

Councillor W E Evans indicated that he would provide a written response.

(iii) Question 5 – Councillor P M Meara asked:

- a) What is the age distribution of people who were helped into jobs?
- b) What is the gender distribution?
- c) How many of the people who benefitted were long-term unemployed?
- d) Were any of them formerly Looked After Children?
- e) What kinds of jobs were people helped into?
- f) Were these jobs mostly minimum wage jobs?

Councillor W E Evans indicated that he would provide a written response.

42. **SCRUTINY ANNUAL REPORT 2014/15**

The Chair of the Scrutiny Programme Committee submitted the Scrutiny Annual Report for the 2014-2015 Municipal Year. The report outlined the work of scrutiny during that period.

The Chair of the Scrutiny Programme Committee thanked the former Chair for his hard work in driving Scrutiny forward.

RESOLVED that the Scrutiny Annual Report 2014-2015 be endorsed.

43. **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.

The meeting ended at 6.25 pm

CHAIR

Agenda Item 8.a

Report of the Cabinet Member for Transformation & Performance

Council – 27 August 2015

MEMBERSHIP OF COMMITTEES

Purpose:	Council approves the nominations/amendments to the Council Bodies.
Policy Framework:	None.
Reason for Decision:	To agree nominations for Committee Membership.
Consultation:	Political Groups.
Recommendation:	It is recommended that: 1) The amendments to the Council Bodies listed in paragraph 2 be approved.
Report Author:	S Woon
Legal Officer:	T Meredith
Finance Officer:	C Billingsley
Access to Services Officer:	N/A

1. Introduction

- 1.1 Meetings of Council regularly agree and amend the membership of the various Committees/Council Bodies as reflected in the lists submitted by the Political Groups.

2. Changes to Council Body Membership

- 2.1 The Political Groups have indicated that they have changes to Council Bodies as indicate below.

LA Governor Panel

Remove Councillor C A Holley
Add Councillor J W Jones

Swansea Student Liaison Forum

Remove Councillor M H Jones

3. Financial Implications

- 3.1 There are no financial implications associated with this report.

4. Legal Implications

4.1 There are no legal implications associated with this report.

Background Papers: Local Government & Housing Act 1989, the Local Government (Committees & Political Groups) Regulations 1990.

Appendices: None

Agenda Item 9.a

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

Council – 27 August 2015

AMENDMENTS TO THE COUNCIL CONSTITUTION

Purpose:	To make amendments in order to simplify, improve and / or add to the Council Constitution.
Policy Framework:	None.
Reason for Decision:	A decision of Council is required to change the Council Constitution.
Consultation:	Access to Services, Finance, Legal
Recommendation(s):	It is recommended that: 1) The changes to the Council Constitution as outlined in Paragraph 4 together with any further consequential changes be adopted.
Report Author:	Huw Evans
Finance Officer:	Carl Billingsley
Legal Officer:	Patrick Arran / Tracey Meredith
Access to Services Officer:	Sherill Hopkins

1. Introduction

1.1 In compliance with the Local Government Act 2000, the City and County of Swansea has adopted a Council Constitution. A number of 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 amendments set out below should be made to the Constitution.

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 number of suggested amendments to the Council Constitution. The amendments are within the following area of the Council Constitution:

a) Part 3 - Scheme of Delegation.

4 Scheme of Delegation

- 4.1 As a result of general governance issues and recommendations arising from the Peer Review the Head of Legal, Democratic Services & Procurement was instructed to carry out a review of governance arrangements within the Council. This is referred to in the Peer Review Action Plan which has been approved by Cabinet and provided to Council for information.
- 4.2 The most pressing piece of work which needed to be resolved at the earliest opportunity was that of deciding how the authority is going to operate in terms of decision making in the future. One of the issues identified is the speed of decision making and in order to resolve that we need to amend the Scheme of Delegation to delegate authority to the most appropriate level.
- 4.3 This is key in terms of what the authority is seeking to achieve in terms of roles of members and officers, perceived or actual risk aversion, delays in making and implementing decisions and general red tape around the decision making process.
- 4.4 The Council provides an annual governance statement but this is something that needs to have more assurance. In order to prepare a meaningful annual governance statement the Council will need to carry out a full review of its governance arrangements, audit them annually and provide evidence. Ideally, the Annual Governance Statement (AGS) should be succinct and set out in a concise document which contains hyperlinks to the relevant evidential documents. It is also important that we define roles and responsibilities as part of this review. The Welsh Local Government Association (WLGA) is providing assistance with this work.
- 4.5 The baseline for the governance assessment is set out in the Chartered Institute of Public Finance and Accountancy (CIPFA) publication - *Good Governance Standard for Public Services* and this has formed the basis of the work being carried out. The principles set out in this guidance are as follows:
 1. **Good governance means focusing on the organisation's purpose and on outcomes for citizens and service users**
 - 1.1 *Being clear about the organisation's purpose and its intended outcomes for citizens and service users*
 - 1.2 *Making sure that users receive a high quality service*
 - 1.3 *Making sure that taxpayers receive value for money*
 2. **Good governance means performing effectively in clearly defined functions and roles**
 - 2.1 *Being clear about the functions of the governing body*
 - 2.2 *Being clear about the responsibilities of non-executives and the executive, and making sure that those responsibilities are carried out*

2.3 *Being clear about relationships between governors and the public*

3. Good governance means promoting values for the whole organisation and demonstrating the values of good governance through behaviour

3.1 *Putting organisational values into practice*

3.2 *Individual governors behaving in ways that uphold and exemplify effective governance*

4. Good governance means taking informed, transparent decisions and managing risk

4.1 *Being rigorous and transparent about how decisions are taken*

4.2 *Having and using good quality information, advice and support*

4.3 *Making sure that an effective risk management system is in operation*

5. Good governance means developing the capacity and capability of the governing body to be effective

5.1 *Making sure that appointed and elected governors have the skills, knowledge and experience they need to perform well*

5.2 *Developing the capability of people with governance responsibilities and evaluating their performance, as individuals and as a group*

5.3 *Striking a balance, in the membership of the governing body, between continuity and renewal*

6. Good governance means engaging stakeholders and making accountability real

6.1 *Understanding formal and informal accountability relationships*

6.2 *Taking an active and planned approach to dialogue with and accountability to the public*

6.3 *Taking an active and planned approach to responsibility to staff*

6.4 *Engaging effectively with institutional stakeholders*

4.6 In terms of the peer review action plan the action for governance was as follows:

Undertake a “whole system” review of how we make decisions to include:

i) *Member decision making, including Cabinet Member Delegation, briefings, role of Cabinet Advisory Committee’s (CAC’s) and impact of scrutiny*

ii) *Officer decision making, including the requirement to consult*

iii) *Legal, Equality Impact Assessment (EIA), Audit, Human Resources (HR) etc considerations¹*

- 4.7 As stated above there are concerns about the speed of decision making generally. There are a number of reasons for this. Among the most quoted are, risk aversion, perceived blame culture, lack of clarity as to who can decide what / what Cabinet needs to be aware of opposed to what it needs to decide.
- 4.8 The only governance issues to come out of the Corporate Assessment is that we - like most other Welsh Councils - don't record officer delegated decisions adequately. Therefore, this is something that we have to address and officers are seeking clarification from the Wales Audit Office as to their specific requirements in this regard. This will then form part of the root and branch review of the decision making process which has been carried out and is being implemented by the Head of Democratic Services.
- 4.9 Finally, a significant amount of work has already been done to producing a new Constitution based on the Welsh Modular Constitution. The modular constitution is a far more user friendly and accessible document than we have had present. This is being developed in the background in consultation with the Leader and, in turn, the Constitution Working Group.

4.10 **The Amended Scheme of Delegation**

In order to comply with the recommendations from the Peer Review and to speed up the decision making process, a new Scheme of Delegation for Executive Functions has been drafted and agreed by the Leader and this is before Council for approval today.

¹ **Recommendation 1:** Develop more formalised briefing of Cabinet members, which would include regular meetings with senior managers who have responsibility within their portfolio, with notes of the meeting and action points to ensure members' priorities and decisions are followed through. The emphasis should be on proactively engaging members in decisions, rather than briefing them too late into the process.

Recommendation 2: If the Cabinet Advisory Committees are to be effective, their responsibilities and relationship to existing arrangements needs to be clarified and set out clearly in the Constitution so that all members and officers understand their respective roles.

Recommendation 3: The Council should consider how scrutiny could be closely oriented towards the Council's top priorities by, for example, establishing inquiries shaped around them. This would help develop scrutiny's improvement role as well as ensuring activity and resources have maximum impact.

Recommendation 4: The Council could consider reducing the time that Cabinet has to respond to scrutiny recommendations (currently 3 months).

4.11 The Head of Legal, Democratic Services and Procurement has re-drafted the current scheme of delegation based on the Modular Constitution. The main changes are:

- i) Delegation of authority to individual Cabinet members
- ii) Formal recognition of the roles of Executive Support Members
- ii) Clearer guidance in relation to limitations on delegation
- iii) Schedule of Local Choice functions with associated delegations
- iv) Portfolio and responsibility matrix in respect of Cabinet member, Executive Support member and Cabinet Advisory Committees

4.12 An extract of the current Scheme of Delegation which is affected by the proposed change is outlined as **Appendix A**. **Appendix B** outlines the proposed change.

4.13 **Recording & Publishing Individual Cabinet Member Decisions**

4.14 In order for this system to be open and transparent it is essential that the decisions made by the individual Cabinet Member are recorded and publicised. As such, a decision tracker will be created. The decision tracker will be presented to each Cabinet as a standard item in order to give full view of each decision made. It is also proposed that the decision tracker will be published online in due course.

5. **Equality and Engagement Implications**

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

6. **Financial Implications**

5.1 There are no specific financial implications associated with this report.

6. **Legal Implications**

6.1 There are no specific legal implications associated with this report. The amended version of the Council Constitution will be available at www.swansea.gov.uk/constitution

Background Papers: None.

Appendices:

Appendix A Extract of the current Scheme of Delegation which is affected by the proposed change

Appendix B Proposed Changes to the Scheme of Delegation.

Appendix A

Extract of the current Scheme of Delegation which is affected by the proposed change

INTRODUCTION – SCHEME OF DELEGATION

- 1 The effect of S13 of the Local Government Act 2000 is to make the Executive responsible for all functions of the Authority with the exception of those functions which are specified in The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 (as amended from time to time) as not to be the responsibility of an Authority's Executive.
- 2 All functions which may be (but need not be) the responsibility of the Executive are to be Executive functions save for the determination of appeals which shall be carried out by the Appeals & Awards Committee, except for appeals relating to decisions in respect of approvals to drive school transport which will be heard by the General Licensing Committee, the calculation of the Council Tax base and licensing functions and matters of a licensing nature all of which shall be exercised by Council and delegated as set out in the Council Scheme of Delegation.
- 3 The exercise of all delegated authority for functions shall include doing anything which is necessarily incidental to the exercise of that function and all delegations and or authorisations shall be construed accordingly unless they are expressly limited otherwise.
- 4 References to any enactment regulation order or byelaw shall be construed as including any subsequent amendments or re-enactment or re-making whether or not with amendments.
- 5 This part sets out a scheme of delegation for Executive and Non-Executive functions.

1.2 Executive (Cabinet) Delegations

- 1.2.1 All Executive functions are vested in the Leader of the Council.
- 1.2.2 The Leader of the Council delegates all Executive functions to the Executive and/or Responsible Officers (i.e. those Officers identified within the Management structure at Part 7 of this Constitution and detailed within Article 12 of this Constitution).
- 1.2.3 The right to revoke the delegation of Executive functions to Responsible Officers, in whole, in part or on terms, is reserved to the Leader of the Council.

- 1.2.4 Responsible Officers are only to exercise their delegated authority for functions for which they have budgetary and management or operational or statutory responsibility (i.e. budgetary and management; budgetary and operational; statutory).
- 1.2.5 All Responsible Officers may authorise another Officer to exercise their delegated functions provided that the Responsible Officer has line management responsibility for that Officer. (Except where terms have been expressly imposed upon the delegation by the Leader of the Council in accordance with paragraph 4 which would preclude such authorisations).
- 1.2.6 The exercise of Executive functions by the Leader of the Council, the Executive or Responsible Officer (or other authorised Officers) shall be subject to any budgetary or policy framework approved by Council.
- 1.2.7 If there exists a policy or budgetary framework approved by Council then it will be the responsibility of the Leader of the Council, the Executive and Responsible Officers to implement that policy or budgetary framework and not to do anything in exercising Executive functions which contravenes that policy or budgetary framework. Further, if no policy framework has been approved by Council in circumstances where, in law, the Council is under a duty to have in place a policy framework then the Leader of the Council, the Executive and Responsible Officers (or other authorised Officers) cannot exercise the functions in the absence of Council approving a policy framework.
- 1.2.8 In the absence of a policy framework and in the absence of any duty, in law, to have a policy framework then the Leader of the Council, the Executive and Responsible Officer (or other authorised Officers) shall exercise all Executive functions as they think appropriate.
- 1.2.9 The exercise of all Executive functions shall be and shall deem to be exercised on behalf of and in the name of the Council of the City and County of Swansea.
- 1.2.10 The exercise of all Executive functions are to be exercised in accordance with any Procedure Rules within this Constitution or any guidance or Procedure rules issued subsequently.
- 1.2.11 The exercise of Executive functions by Responsible Officers in relation to the acquisition or disposal of property shall be limited as follows:
- a. Acquisition of freehold of leasehold property (where a premium only is payable) up to £250,000;

- b. Acquisition of freehold or leasehold property where a rent is payable – up to £50,000 per annum;
- c. Disposal of freehold property or leasehold property (where a premium only is payable) up to £500,000 or for anything other than best consideration;
- d. Disposal of leasehold property where a rent is payable – up to £50,000 per annum.

1.2.12 Provided that in such cases where the consideration is not straightforward or involves varying rents or is a combination of rental and premium the Chief Operations Officer shall assess the total capital value of the transaction to establish if such value exceeds the limits of this delegation.

1.2.13 AND PROVIDED FURTHER THAT for the avoidance of doubt the above shall apply to any transaction involving the Council's property even where the Council may be party to any form of Joint Venture or Partnership which may involve a disposal of a larger area of land or property.

1.3 Non Executive (Council) Delegations

1.3.1 The functions which are reserved to Council by virtue of Schedule 1 to The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007(as amended from time to time) are listed in the table below, together with the body/Officer to whom they are delegated in the right hand column of the table. Council retains responsibility for the function even though it may be delegated. If Council is listed in the right hand column then the function is solely exercisable by Council.

1.3.2 In addition to the table below there are statutory plans/schemes/strategies which are detailed at schedule 3 to the Regulations cited in the preceding paragraph which are not to be sole responsibility of the Executive and which will consequently require the approval of Council (those plans are listed within Article 4.01(i) of this Constitution).

Appendix B

Proposed Changes to the Scheme of Delegation

Scheme of Delegation

Form and Composition of the Executive Arrangements

- 1 The Council operates a Leader and Cabinet Executive Model. In this Council the Executive is referred to as the Cabinet. The following is a summary of the Executive arrangements. The proceedings for Cabinet which include appointment of the Leader and Cabinet are set out Article 7 and the Cabinet Procedure Rules.
 - 1.1 The Cabinet consists of the Leader of the Council (the “Leader”) and nine other Councillors appointed to the Cabinet by the Leader.
 - 1.2 The Leader will appoint a Deputy Leader who will act as Leader in the Leader’s absence and may also if s/he thinks fit remove the Deputy Leader from office at any time. In these circumstances the Leader shall inform the Monitoring Officer immediately. The Deputy Leader may exercise all of the functions of the Leader where the position is vacant or where the Leader is absent or otherwise unable to act.
 - 1.3 **Executive Support Members**

Other Councillors may, from time to time, be designated by the Leader as Executive Support Members these members will also be Chair of the relevant Cabinet Advisory Committee (CAC) (subject to the CAC itself electing them as Chair). Subject to the limitations set out below, these members may also be referred to as Deputy Cabinet Members.
 - 1.4 Executive Support Members will not be a member of the Cabinet and will not participate in Executive Decision making, but may work closely with a Cabinet Member and to a portfolio set for them by the Leader or Cabinet Member.
 - 1.5 S/he will not be a Member of the Overview and Scrutiny Committee relating to the specific responsibilities of the Cabinet Member he/she is assisting or any other areas to which they are assigned.
 - 1.6 An Executive Support Member may support the Cabinet Member through the delegation of tasks as agreed for his/her area of responsibility, including:
 - i) attending/chairing meetings
 - ii) speaking/opening events
 - iii) reading and commenting on papers
 - iv) meeting Officers
 - v) agreeing press releases./comments and carrying out interviews

- vi) representing the Council on appropriate groups
 - vii) Introducing reports as subject matter experts in Cabinet meetings
 - viii) Attendance at Scrutiny meetings to provide subject matter expertise relating to their area of responsibility
- 1.7 An Executive Support Member will not have delegated powers and ultimate responsibility will remain with the Cabinet Member.
- 1.8 Executive Support Members will not be entitled to speak to a report or take part in a debate at Cabinet meetings but may be invited by the Leader to provide subject matter expertise in relation to a policy or the specific responsibilities of the Cabinet Member s/he is assisting or any other areas to which they are assigned.
- 1.9 Executive Support Members will not be entitled to vote at Cabinet meetings or Cabinet Committee meetings nor deputise for the Cabinet Member when the Cabinet Member is called to appear at Scrutiny Committee though there is nothing preventing the Executive Support Member attending Scrutiny in their own right to provide evidence relating to the work they are undertaking subject to the principle that the Cabinet Member will always retain ultimate responsibility.

2 Exercise of Council Functions

The Cabinet is appointed to carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by Law or under this Constitution.

- 2.1 The exercise of all Executive functions shall be and shall be deemed to be exercised on behalf of and in the name of the Council of the City and County of Swansea.
- 2.2 There are certain functions which may only be carried out by Council and which are stipulated in the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 (as amended). These, together with a record of who has delegated authority to deal with them are set out in the tables below.
- 2.3 There are also functions informally called Local Choice Functions which Cabinet may opt to discharge itself or may ask another part of the Council to carry out. The Local Choice Functions and any associated delegations are set out below.
- 2.4 There are also certain plans and strategies which are not to be the sole responsibility of Cabinet and these are contained in Article 4 of this Constitution.

3 **Responsibility for and Delegation of Cabinet Functions**

The Leader may exercise Executive Functions himself/herself or may otherwise make arrangements to delegate responsibility for their discharge. The Leader may delegate Executive Functions to:

- i) The Cabinet as a whole;
- ii) A Committee of the Cabinet (comprising executive Members only);
- iii) An individual Cabinet Member;
- iv) A joint committee;
- v) Another local authority or the executive of another local authority;
- vi) Delegated Officers identified in Article 12 and Part 7 of this Constitution

- 3.1 The exercise of all delegated authority for functions shall include doing anything which is necessarily incidental to the exercise of that function unless they are expressly limited.
- 3.2 The Leader will determine the portfolios of individual Members of the Cabinet. Individual Cabinet Members are authorised to exercise functions in relation to their portfolio subject to limitations. The current portfolios are set out in the Terms of Reference below.
- 3.3 The Leader has powers under s.15(4) of the Local Government Act 2000 to discharge personally or to arrange for discharge under others' delegated powers any Executive functions not covered by the Scheme of Delegations for the time being.
- 3.4 The Leader has authority to appoint representatives of the Council onto outside bodies where those outside bodies relate to Executive Functions of the Council. This is subject to the provisions of the Local Government and Housing Act 1989 (Duty to allocate seats to political groups).
- 3.5 The right to revoke the delegation of Executive functions in whole, in part or on terms is reserved to the Leader.

4. **Sub-Delegation of Executive Functions**

Where the Cabinet, a Committee of the Cabinet or an individual Member of the Cabinet is responsible for an Executive Function, they may delegate further to joint arrangements or an Officer.

- 4.1 Unless the Leader directs otherwise, a Committee of the Cabinet to whom functions have been delegated by the Leader or Cabinet may delegate further to an Officer.

4.2 Where Executive Functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

5. **Limit on Exercise of Executive Functions**

5.1 Individual Cabinet Members

Where any delegated power is allocated to an individual Cabinet Member and that Member is absent or otherwise unable to act the power is allocated to the Leader and in the Leader's absence to the Deputy Leader.

5.1.1 Any delegated power includes the authority to undertake any action incidental to the application of the delegated power.

5.1.2 Subject to the following prescriptive provisions, individual Cabinet Member may exercise their delegated powers to make decisions on any matters falling within the Cabinet Member's portfolio (other than decisions which are contrary to the Policy Framework or contrary to or not wholly in accordance with the approved Budget) which, if delayed, would seriously prejudice the Council's or the public's interests.

5.1.3 In respect of any contract having an estimated value exceeding £1,000,000 but not exceeding £5,000,000:

- a) To authorise the invitation of tenders; and
- b) To accept a tender other than the lowest tender received where payment is to be made by the Council, or other than the highest tender received where payment is to be received by the Council where there are special reasons approved by the Section 151 Officer for not accepting the lowest tender or the highest tender as the case may be.
- c) To authorise invitation of tenders, to accept a tender or enter into a contract in accordance with any exemption under the Council's Contract Procedure Rules.

5.1.4 In connection with services falling within the Cabinet Member's portfolio to authorise the submission of tenders for the supply of goods, works or services to another local authority or a public body in accordance with the powers conferred upon the Council by the Local Authorities (Goods and Services) Act 1970 where the estimated value of the proposed tender exceeds £1,000,000 but does not exceed £5,000,000.

5.1.5 To authorise the disposal of surplus goods acquired in connection with services falling within the Cabinet Member's portfolio having an estimated total value exceeding £100,000 but not exceeding £200,000.

5.1.6 To declare land or buildings utilised in connection with services falling within the Cabinet Member's portfolio surplus to requirements.

5.1.7 To approve, subject to the budget process:

- i) Fees and charges for new services in accordance with any relevant charging policy approved by the Cabinet; and
- ii) Increases in existing fees and charges which are in accordance with any relevant charging policy approved by the Cabinet and which are necessary to reflect either inflation or other increases in costs.

5.1.8 To authorise the appointment of consultants providing a professional service whose fees are estimated to exceed £100,000.

Officer Delegation

5.2 Responsible Officers can only to exercise delegated authority for functions for which they have budgetary and management or operational or statutory responsibility. Decisions taken under delegated authority will be recorded in the register maintained by the Head of Democratic Services.

5.2.1 The exercise of functions by Responsible Officers in relation to the acquisition or disposal of property shall be limited as follows:

- a) Acquisition of freehold or leasehold property (where a premium only is payable) up to £250,000;
- b) Acquisition of freehold or leasehold property where a rent is payable – up to £50,000 per annum;
- c) Disposal of freehold property or leasehold property (where a premium only is payable) up to £500,000 or for anything other than best consideration;
- d) Disposal of leasehold property where a rent is payable – up to £50,000 per annum.

5.2.2 In cases where the consideration is not straightforward such as involving varying rents or a combination of rental and premium the Chief Operations Officer shall assess the total capital value of the transaction to establish if such value exceeds the limits of this delegation.

5.3 Subject to any limitations imposed by the Leader, all Responsible Officers may authorise another Officer to exercise their delegated functions provided that the Responsible Officer has line management responsibility for that Officer. In those circumstances it is expected that a written "chain of authority" will be maintained.

5.4 General

The exercise of Executive functions by the Leader, Cabinet, individual Cabinet Members or responsible Officers and anyone authorised under this Scheme of Delegation shall be subject to any budgetary or policy framework which has been approved by Council.

5.5 If a policy or budgetary framework has been approved by Council then it will be the responsibility of the Leader, the Cabinet, individual Cabinet Members and Responsible Officers to implement that policy or budgetary framework and not to do anything in exercising Executive functions which contravenes that policy or budgetary framework.

5.6 If no policy framework has been approved by Council in circumstances where the Council has a legal duty to have in place a policy framework then those functions cannot be exercised until the Council approves the policy framework.

5.7 The exercise of all Executive functions are to be exercised in accordance with any Procedure Rules within this Constitution.

5.8 Amendments to the Scheme of Delegation

The Leader may amend the scheme of delegation relating to Executive Functions at any time. In doing so the Leader will give written notice to the Monitoring Officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body or committee.

5.9 The Monitoring Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

5.10 Where the Leader seeks to withdraw delegation from a committee of the Cabinet notice will be deemed to be served on that committee when he has served it on its chair.

6 Council Delegations

The functions reserved to Council by Schedule 1 to The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007(as amended) are listed in the table below, together with the body/Officer to whom they are delegated in the right hand column of the table. In the event that only Council is listed in that column then only Council can exercise that function.

6.1 Council retains responsibility for the function even though it may be delegated.

6.2 In addition to the table below there are statutory plans/schemes/strategies listed in Article 4 which will consequently require the approval of Council.

Report of the Chair of the Audit Committee

Council – 27 August 2015

AUDIT COMMITTEE – ANNUAL REPORT 2014/15

Purpose:	This report provides the Audit Committee's Annual Report 2014/15 municipal year
Report Author:	Paul Beynon
Finance Officer:	Paul Beynon
Legal Officer:	Tracey Meredith
Access to Services Officer:	Sherill Hopkins

FOR INFORMATION

1. Introduction

- 1.1 The Council is required, under the Local Government (Wales) Measure 2011 to have an Audit Committee which among other things must include at least 1 lay member.
- 1.2 The Measure requires the Audit Committee to review and scrutinise the Council's financial affairs, risk management, internal control and governance arrangements. It also requires the Committee to oversee the Council's internal and external audit arrangements and review its financial statements.
- 1.3 The work of the Audit Committee is structured so that the Committee can gain assurance over the areas identified above
- 1.4 This report describes the assurance that has been gained by the Audit Committee from various sources during 2014/15 and also outlines a number of other areas where briefings have been provided to the Committee.

2. Committee Membership

- 2.1 The membership of the Audit Committee during 2014/15 is shown in the following table

Mr AM Thomas – Lay Member & Chair	Cllr PM Meara
Cllr RA Clay	Cllr G Owens
Cllr P Downing replaced by Cllr	Cllr JA Raynor replaced by

JC Bayliss 31/03/15	Cllr D Phillips 30/09/14
Cllr R Francis-Davies replaced by Cllr AM Cook 30/09/14	Cllr RV Smith
Cllr PR Hood-Williams	Cllr DWW Thomas
Cllr L James	Cllr LV Walton
Cllr JW Jones – Vice Chair	

- 2.2 The Committee met on 10 occasions during 2014/15 with attendance over the course of the year being 68%

3. Internal Audit Assurance

- 3.1 The Audit Committee approved the Internal Audit Charter as required by the Public Sector Internal Audit Standards
- 3.2 The Audit Committee also approved the Internal Audit Annual Plan and has received quarterly monitoring reports from the Chief Auditor showing progress against the Plan.
- 3.3 The quarterly monitoring reports identified any audits that received a 'moderate' or 'limited' level of assurance along with an outline of the issues which led to the audit receiving the negative assurance level.
- 3.4 The Internal Audit Annual Report 2013/14 was reported to the Audit Committee which included a review of actual work completed compared to the Annual Plan.
- 3.5 The Internal Audit Annual Report also included the Chief Auditor's opinion on the internal control environment for 2013/14 which stated that based on the audit testing carried out reasonable assurance can be given that the systems of internal control are operating effectively and that no significant weaknesses were identified which would have a material impact on the Council's financial affairs.
- 3.6 The Internal Audit Annual Report of School Audits 2013/14 was presented to the Audit Committee. This report summarised the school audits undertaken during 2013/14 and identified some common themes found across school audits. The report identified that generally good controls were in place in schools but also highlighted procurement as the area which led to the most audit recommendations being made. As a result, a briefing was provided to the Committee by the Procurement Section. Following the briefing, the Chair discussed the procurement issues the Cabinet Member for Education and the Committee provided a written submission to the School Governance Scrutiny Working Group.

4. Annual Governance Statement 2013/14

- 4.1 The draft Annual Governance Statement 2013/14 was presented to the Audit Committee prior to being reported to Cabinet for approval.

This gave the Committee the opportunity to review and comment upon the Statement.

5. Annual Statement of Accounts 2013/14

- 5.1 The Head of Finance and Delivery presented the draft Statement of Accounts 2013/14 for the Council and the Pension Fund to the Committee and answered a number of queries raised by members of the Committee.
- 5.2 Following the audit of the Statement of Accounts 2013/14, PwC on behalf of the Wales Audit Office presented its Audit of Financial Statements reports to the Audit Committee. The reports presented the detailed findings of the audit and stated that an unqualified audit report on the financial statements had been issued

6. External Audit Assurance

- 6.1 As well as the Audit of the Statement of Accounts reports mentioned above, the external auditors also provided assurance to the Audit Committee by presenting the following reports
- Annual Financial Outline 2014/15 – City and County of Swansea
 - Annual Financial Outline 2014/15 – City & County of Swansea Pension Fund
 - Internal Controls Report 2013/14
 - Annual Audit Letter 2013/14
 - Certification of Grants and Returns 2012/13
 - Audit Completion Certificate 2013/14 - Update

7. Implementation of Audit Recommendations

- 7.1 An important role undertaken by the Audit Committee is monitoring the implementation of agreed audit recommendations arising from both internal and external audits.
- 7.2 The implementation of any Internal Audit recommendations arising from the fundamental audits is reported to the Audit Committee in the Recommendations Tracker report. For 2013/14, the results of the tracker exercise were extremely positive with 95% of agreed recommendations due for implementation by 31st January 2015 being implemented
- 7.3 The implementation of any high or medium risk recommendations arising from non-fundamental audits is subject to follow up procedures by Internal Audit to confirm they have been implemented. The results of the follow ups are reported in the quarterly Internal Audit Monitoring Reports.

7.4 A number of follow up audits were reported to the Committee in the quarterly monitoring reports and in most cases it was found that substantial progress had been made by management in implementing the agreed recommendations. However there were a small number of audits where the non-implementation of recommendations at the time of the follow up visit was identified and this was escalated to the relevant Head of Service or Chair of the Governing Body in the case of schools.

7.5 The Internal Controls Report presented to the Audit Committee by the external auditors shows any recommendations made as a result of their work and the action taken by management to implement the recommendations.

8. Risk Management

8.1 The Local Government (Wales) Measure 2011 makes the overview of risk management a function of the Audit Committee

8.2 The Head of Finance and Delivery provided both a mid-year and an annual review of Risk Management to the Committee.

9. Performance Audit

9.1 For the first time this year, the Audit Committee received regular briefings from the Wales Audit Office on the performance audit work being undertaken within the City and County of Swansea

9.2 The Wales Audit Office's Performance Audit Plan 2014/15 was reported to the Committee and regular updates on progress against the Plan were provided by the Wales Audit Office throughout the year.

10. Relationship with Scrutiny Function

10.1 The Chair met with the Chair and Vice Chair of the Scrutiny Programme Committee to discuss developing the relationship between the Audit Committee and Scrutiny. The objectives of the meeting were

- Mutual awareness and understanding of the work of Scrutiny and the Audit Committee
- Respective workplans are coordinated to avoid duplication / gaps
- Clear mechanism for referral of issues if necessary

10.2 A series of actions were agreed at the meeting including the sharing of agendas and workplans, Chairs to attend each other's meetings periodically and relevant matters to be referred by letter where necessary.

11. Briefings

11.1 The Audit Committee also received a number of briefings during 2014/15 as noted below

- Housing Benefits Investigation Team - Annual Report 2013/14
- Coastal Project
- School Budget Delegation
- Council Tax Single Person Discount
- Waste Management
- Procurement by Schools
- Internal Audit Plan Methodology
- All Wales Audit Committee Chairs Group
- Peer Review
- Corporate Governance Review

12. Audit Committee – Performance Review

12.1 The Audit Committee undertook a review of its performance during 2014/15 using a Self-Assessment of Good Practice Questionnaire published by CIPFA in its *Audit Committees – Practical Guidance for Local Authorities and Police Bodies* publication.

12.2 The outcome of the performance review was that the Committee felt that it was generally performing well measured against the Questionnaire although some issues were identified where improvements could be made to ensure the Committee was following best practice. The issues, which will be addressed during 2015/16, are shown below

- The Committee should consider ways of ensuring that its role and purpose is understood by relevant persons / groups across the Authority
- The Committee should formally consider the wider areas of responsibility put forward by CIPFA.
- The Committee's membership should be assessed against the core knowledge and skills framework put forward by CIPFA.
- A series of training updates for the Committee should be arranged for early in the new municipal year.
- The Committee should consider ways of obtaining formal feedback on its performance from those who interact with the Committee and rely on its work.
- The Committee should consider ways of evaluating how it is adding value to the Council and how this can be captured and recorded.

13. Future Audit Committee Meetings

13.1 The Council Diary for the new municipal year includes Audit Committee meetings on a 2 monthly basis. The change is based on experience over the last 2 years.

13.2 Meetings will now be held on the 3rd Tuesday of every 2nd month and will start at 2pm.

13.3 The Committee will have the ability to call additional meetings if necessary.

14. Equality and Engagement Implications

14.1 There are no equality and engagement implications associated with this report

15. Financial Implications

15.1 There are no financial implications associated with this report.

16. Legal Implications

16.1 There are no legal implications associated with this report.

Background Papers: None

Appendices: None

Council – 27 August 2015

COUNCILLORS' QUESTIONS

PART A – SUPPLEMENTARIES

1.	<p>Councillors E W Fitzgerald, D G Sullivan, L James, S M Jones, K E Marsh, I M Richard & G D Walker</p> <p>Swansea Air show was a welcome success. However, the only means of obtaining a programme of events was to download it from the Council website for which payment had to be made to Dylan's Bookstore. Could the Cabinet Member inform Council why the decision was taken to use a private firm's bank and Paypal accounts? What controls were in place to ensure all monies owing were paid to Swansea Council?</p> <p>Response of the Cabinet Member for Enterprise, Development & Regeneration</p> <p>This is the Council's Paypal account and this was originally set up for the Dylan Thomas online shop as part of the Council's Dylan Thomas and Literature Service. The Council has full control over this account.</p>
2.	<p>Cllrs Chris Holley, Jeff Jones, Cheryl Philpott</p> <p>Will the Cabinet Member please tell Council, what the total amount of money raised by Parking Enforcement officers through fines was for the year 2014/2015?</p> <p>Can he also tell us the cost of the Enforcement service in that year?</p> <p>Response of the Cabinet Member for Environment & Transport</p> <p>The total income for the year was £1,240,230.</p> <p>(Can he also tell us the cost of the Enforcement service in that year?)</p> <p>The total cost of the service which includes our central establishment costs was £1,172,213.</p> <p>This means we recorded a surplus of £68,017 which will, in accordance with regulation, be put back into local transport schemes.</p>
3.	<p>Councillors E W Fitzgerald, D G Sullivan, L James, S M Jones, K E Marsh, I M Richard & G D Walker</p> <p>Could the Leader comment on the increased level of sick absence of staff during 2014-2015 and the consequent cost to the tax payer? Why does he think that in Swansea the main cause of sick absence is stress, at a high 23%, when nationally it is the third cause?</p>

Response of the Cabinet Member for Transformation & Performance

Whilst I recognise that sick absence has risen against target, the current 9.56 days average is still significantly less than was the case prior to 2012.

The Council has also introduced a number of pro-active and preventative measures to address this area such as the excellent "Helping Hands" initiative which has been well received within the Council. In addition, investment has been made to provide additional management support and training which should impact in reducing sickness due to stress. The Council is currently undertaking a review of its sick absence policy, and prevention and wellbeing will form a large part of this review.

With regards, to the reasons why stress is the highest cause of sickness compared with National figures, there is inconsistency in the way stress related illness is reported at a national level with various sources claiming different outcomes.

The Office for National Statistics (ONS) report of 2014 lists Musculoskeletal Disorders (MSD) as the highest cause of sickness with stress being in third place. However, MSD conditions are actually a common mis-diagnosis of stress which can account for the inconsistency in reporting.

For the same time period as the ONS report, the Chartered Institute of Personnel & Development (CIPD), The CBI and other Government Departments have all reported stress as the main reason for sick absence.

Having said that, there are many factors which account for stress being the main reason for sickness absence within the Council and these can include:

1. Stress is a commonly stigmatised condition and is under reported in many less forward thinking organisations. This Council has continued to raise the profile and remove the stigma of stress so we can start tackling the root causes rather than reacting to the symptoms of stress. In the short term, this proactive and preventative approach can lead to an increase in the cases of stress related sickness reported.
2. The uncertainty caused by significant budget reductions from Central Government and the impact this potentially has on Council employees.
3. Analysis highlights general socio-economic factors such as debt and general poverty as contributory factors to stress.

4. Cllrs Chris Holley, Peter Black, Mary Jones

Will the Cabinet Member tell us how much money was raised for the Council through fees that were charged for stall holders during the excellent Air Show this year?

Given that we also charged more for parking around the Guildhall, Civic Centre and the Recreation ground could he please give us the total taken from these car parks and what costs if any did we incur?

	<p>Response of the Cabinet Member for Enterprise, Development & Regeneration</p> <p>The income from Traders at the 2015 Wales National Airshow 2015 was £12,408.</p> <p>Gross income from car parking at the 2015 Wales National Airshow 2015 = £27,385 Less car park staffing costs = £5,740 Net car parking income = £21,645 Existing Special Events signage was utilised.</p>
5.	<p>Cllrs Mary Jones, Chris Holley, Mike Day</p> <p>Will the Cabinet Member inform Council what checks have been done in regard to the decision to remove the escorts from school transport especially in respect of Safeguarding?</p> <p>Response of the Cabinet Member for Education</p> <p>Risk assessments have been undertaken on all school routes with passenger assistants as agreed in the Home to School Transport Policy. Officers are currently considering feedback from parents and schools before determining the next steps with the budget proposal. All safeguarding concerns have been taken into consideration as part of the risk assessments.</p>
6.	<p>Councillors E W Fitzgerald, D G Sullivan, L James, S M Jones, K E Marsh, I M Richard & G D Walker</p> <p>Councillors are elected to represent the residents in their wards. Does the Leader therefore consider it appropriate that a councillor should be required to seek special dispensation to speak out on issues of concern to his/her electors?</p> <p>Response of the Leader</p> <p>It is important that public statements by members do not call into question their preformed views when sitting on the planning committee. In addition it is also important that members involvement in outside bodies is consistent with the rules governing council decision making. The rules around dispensation in the constitution are clear.</p>
7.	<p>Cllrs Chris Holley, Jeff Jones, Graham Thomas</p> <p>In a recent written response to a Council question the reason for the highest proportion of staff taking sick leave is due to stress. Can the Cabinet Member confirm what percentage of absence is in relation to work related stress?</p>

Response of the Cabinet Member for Transformation & Performance

Prior to 2013/14, I would not have been able to answer this question as the systems were not in place to allow quality analysis as to the reasons why Council employees are taking sick leave. Fortunately this was rectified in 2013/14 and I can advise that in 2014/15, stress is recorded as the highest % of sick absence at 23.68%. Of that %, 24.48% was work related stress and 75.52% non-work related stress.

PART B

1. Cllrs Mike Day Chris Holley, Cheryl Philpott

In Swansea tourism plays a major part in our economy. Can the Cabinet Member tell Council who was responsible for the branding, what consultation took place and how much did it cost?

Response of the Cabinet Member for Enterprise, Development & Regeneration

In 2010 the Council's Tourism Section was responsible for creating the design criteria and specification for the development of a fresh and innovative brand to take the Visit Swansea Bay destination concept to the next level; in response to market trends and the development of online platforms. The former destination brand had existed for many years and was now finding itself in an extremely competitive market place.

In line with procurement procedures, the Tourism Section invited creative design companies to make a bid, with a creative response to the brief and a formal quotation. The responses were scored according to a set criteria and the successful company was owned and based locally.

Following the development of a bilingual brand and associated graphic elements and messages; the Tourism Section consulted with Tourism Swansea Bay, the local tourism trade association (representing Swansea, Mumbles, Gower, Afan & the Vale of Neath) to ascertain feedback from the industry's key stakeholders and partners involved in promoting and delivering the visitor experience. There were no significant changes and therefore a comprehensive set of brand guidelines was developed to ensure consistent delivery of our brand message across all platforms both on and offline.

The cost of this contract was £5,500 in total.

As the marketplace has evolved and the demands and expectations of customers changed, the Tourism Section, has in turn progressed the Visit Swansea Bay brand (utilising expertise within the Section) to meet the challenges presented by migrating much of our marketing activity online.

	<p>Very recently, Cultural Services reviewed the various brands in existence and has launched the 'Enjoy Swansea Bay' brand to replace a number of former brands (Breathe, Discover etc.). Enjoy has become part of the Swansea Bay brand family, taking the customer on a multi-platformed journey (on and offline) from their initial encounter with the brand (outside of the destination), research of their holiday/short-break, booking their accommodation/attraction/activity with local operators, to seeing the 'Enjoy' brand in-destination and at major events.</p> <p>Enjoy also serves as fun overarching events and activities brand for residents and the day visitor market.</p>
2.	<p>Cllrs Jeff Jones, Mary Jones, Chris Holley</p> <p>When public consultation takes place are all submissions included and taken into account?</p> <p>Response of the Cabinet Member for Transformation & Performance</p> <p>All submissions are collected and considered as part of the overall consultation process.</p>

Agenda Item 12.a

Report of the Head of Legal, Democratic Services & Procurement

Council – 27 August 2015

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

The report provides an update on the responses to Questions asked during the last Ordinary Meeting of Council on 23 July 2015.

FOR INFORMATION

1. INTRODUCTION

- 1.1 It was agreed at Council on 8 April 2010 that a standing item be added to the Council Summons entitled “Written Responses to Questions Asked at the Last Ordinary Meeting of Council”.
- 1.2 A “For Information” report will be compiled by the Democratic Services Team collating all written responses from the last Ordinary Meeting of Council and placed in the Agenda Pack;
- 1.3 Any consequential amendments be made to the Council Constitution.

2. RESPONSES

- 2.1 Responses to questions asked during the last ordinary meeting of Council are included as Appendix A.

Background Papers: None

Appendices: Appendix A (Questions & Responses)

**Providing Council with Written Responses to Questions at Council –
23 July 2015**

1.	<p>Councillor M H Jones</p> <p>Question:</p> <p>Do the 467 casual/relief employees on zero hour contracts receive the Living Wage?</p> <p>Response of the Leader:</p> <p>The answer is yes. All casual/relief employees are paid at the agreed rate for the role they undertake. They could, therefore, be paid, as a minimum, at the Authority's living wage, which is £7.61 per hour, or it could be a higher rate, according to the grade of the post.</p>
2.	<p>Councillor M H Jones</p> <p>Question:</p> <p>a) Out of a total of 303 people being directly supported in to work by Communities First how many were not and did the figures represent a higher number of people from target areas and if so what was the percentage?</p> <p>b) What kind of qualifications had the 376 people had?</p> <p>c) 601 children and young people have a better understanding of the importance of school how many of these children and young people have now gone on to attend school regularly?</p> <p>Response of the Cabinet Member for Anti-Poverty:</p> <p>With reference to your supplementary questions raised at Council on the 23 July 2015 in relation to Question 5 (Community First), I append the following relevant information.</p> <p>Question 1</p> <p>Out of a total of 303 people being directly supported in to work by Communities First how many were not and did the figures represent a higher number of people from target areas and if so what was the percentage?</p> <p>Response:</p> <ul style="list-style-type: none"> • The figure of 303 represented numbers of people entering employment, gaining an employment related qualification, or completing a work experience placement. The final end of year figure for these combined performance measures for all ages totalled 427 people. Of this 206 people entered employment. • In relation to target areas 107 people entering employment were recorded as being from Target Areas. This represented 52% of the total number of people entering employment across all 5 Clusters.

Question 2

What kind of qualifications had the 376 people had?

Response:

The main target group for learning projects within the Communities First Programme are adults with no or low (less than level 2) qualifications and so most accredited training is at Level One. There is some provision at Level Two where it supports skills for employment. Examples of qualifications offered are:

- ECDL (European Computer Driving Licence)
- ESOL (English for Speakers of Other Languages)
- A range of vocational, accredited certificates supporting people into work e.g. Health and Safety in the Workplace Level 1 and 2, COSHH (Control of Substances Harmful to Health), manual handling and customer service (level 1), Level 3 award in Teaching in Learning
- OCN (Open College Network) credits awarded by Agored Cymru including level one in aromatherapy massage, plastering, plumbing, wall and floor tiling, woodcraft and conservation building skills, digital photography, level 2 in emergency first aid in the workplace, food safety in catering, and paediatric first aid
- BSL level 1 for British Sign Language
- EDCC IT for beginners (eDigital Competence Certificate)
- CSCS CITB Construction Skills Certification Scheme
- City and Guilds in essential skills : Maths and English

Question 3

601 children and young people have a better understanding of the importance of school how many of these children and young people have now gone on to attend school regularly?

Response:

- This information is held by the schools and is not currently available until the start of the new school term. This information will be requested and forwarded to you as soon as possible.

3.

Councillor P M Meara**Question:**

- a) What is the age distribution of people who were helped into jobs?
- b) What is the gender distribution?
- c) How many of the people who benefitted were long-term unemployed?
- d) Were any of them formerly Looked After Children?
- e) What kinds of jobs were people helped into?
- f) Were these jobs mostly minimum wage jobs?

Response of the Cabinet Member for Anti-Poverty:

With reference to your supplementary questions raised at Council on the 23 July 2015 in relation to Community First Areas, I append the following relevant information.

Question 1

What is the age distribution of people who were helped into jobs?

Response

- 26.5% of people were aged 16-24
- 73% were aged 25 or over
- 1 person's age was not known as they did not wish to declare it (0.5%)

Question 2

What is the gender distribution?

Response

- 62.5% were male
- 37.5% were female

Question 3

How many of the people who benefitted were long-term unemployed?

Response

- This is not systematically recorded by all Communities First Clusters. However of those that do record this information around 51% of people had been long-term unemployed for 6 months or more.

Question 4

Were any of them formerly Looked After Children?

Response

- This information is not recorded or collected for the Communities First Programme

Question 5

What kinds of jobs were people helped into?

Response

The jobs cover a wide range of employment by various employers and some examples of these are given below:-

- Care – carers with various providers and nursing homes such as Village Home Care and Carewatch Home
- Retail – Debenhams, Marks and Spencer, Amazon, Dunelm, Matalan, Aldi
- Cleaning – cleaners employed by private cleaning services and by other employers such as Premier Inn, Morriston Hospital and Tesco

- Catering and Hospitality – Catering at Murrison Hospital, kitchen assistants, bar staff and waiting staff at various local establishments such as Varsity and Oxwich Bay Hotel, Bouchon de Rossi, housekeeping at Mercure Hotel.
- Construction – labourers, carpenters
- Local authority – gardeners, litter pickers
- Financial Services – trainee accountant, life insurance agent, teaching assistant
- Other - Travel agent, property agent, recruitment agent, security services, call centre staff, Royal Mail sorting office, administrator at St Stephens Church.

Question 6

Were these jobs mostly minimum wage jobs?

Response

- This is not systematically recorded or collected for Communities First Programme at present.