

## Council

You are hereby summoned to attend the Annual Meeting of the **Council of the City and County of Swansea** to be held in the Remotely via Microsoft Teams on Thursday, 20 May 2021 at 4.00 pm.

### Watch Online:

The following business is proposed to be transacted:

1. **Election of Presiding Member for 2021-2022 Municipal Year.**
2. **Election of Deputy Presiding Member for 2021-2022 Municipal Year.**
3. **Apologies for Absence.**
4. **Disclosures of Personal and Prejudicial Interests.**  
[www.swansea.gov.uk/disclosuresofinterests](http://www.swansea.gov.uk/disclosuresofinterests)
5. **Minutes.** **1 - 15**  
To approve & sign the Minutes of the previous meeting(s) as a correct record.
6. **Announcements of the Presiding Member/Head of Paid Service.**
7. **Names of Councillors that the Leader of the Council has chosen to be Members of the Cabinet. (For Information)**
8. **Constitutional Matters 2021-2022.** **16 - 46**
9. **Amendments to the Council Constitution.** **47 - 90**
10. **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.

*Huw Evans*

**Huw Evans  
Head of Democratic Services  
Guildhall,  
Swansea.**

**Wednesday, 12 May 2021**

**To: All Members of the Council**

# Agenda Item 5.



City and County of Swansea

## Minutes of the Council

Remotely via Microsoft Teams

Thursday, 4 March 2021 at 5.00 pm

**Present:** Councillor D W W Thomas (Chair) Presided

### Councillor(s)

C Anderson  
P M Black  
J E Burtonshaw  
M C Child  
J P Curtice  
N J Davies  
A M Day  
P Downing  
C R Doyle  
M Durke  
C R Evans  
V M Evans  
W Evans  
E W Fitzgerald  
R Francis-Davies  
S J Gallagher  
L S Gibbard  
F M Gordon  
K M Griffiths  
J A Hale  
D W Helliwell  
C A Holley

### Councillor(s)

P R Hood-Williams  
B Hopkins  
D H Hopkins  
L James  
O G James  
Y V Jardine  
J W Jones  
L R Jones  
M H Jones  
P K Jones  
S M Jones  
E T Kirchner  
M A Langstone  
A S Lewis  
M B Lewis  
R D Lewis  
W G Lewis  
C E Lloyd  
P Lloyd  
I E Mann  
P M Matthews  
P N May

### Councillor(s)

H M Morris  
D Phillips  
C L Philpott  
S Pritchard  
A Pugh  
J A Raynor  
C Richards  
K M Roberts  
B J Rowlands  
M Sherwood  
R V Smith  
A H Stevens  
R C Stewart  
D G Sullivan  
M Sykes  
M Thomas  
L G Thomas  
L J Tyler-Lloyd  
G D Walker  
L V Walton  
T M White

### Officer(s)

Huw Evans	Head of Democratic Services
Adam Hill	Deputy Chief Executive / Director of Resources
Tracey Meredith	Chief Legal Officer / Monitoring Officer
Phil Roberts	Chief Executive
Ben Smith	Chief Finance Officer / Section 151 Officer

### Apologies for Absence

Councillor(s): T J Hennegan, E J King, G J Tanner and W G Thomas

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## 75. Disclosures of Personal and Prejudicial Interests.

The Chief Legal Officer 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 C Anderson, J P Curtice, P Downing, C A Holley, L R Jones, M B Lewis, R D Lewis, C E Lloyd, P Lloyd, R V Smith, D G Sullivan, D W W Thomas & T M White declared a Personal Interest in Minute 82 "Revenue Budget 2021/2022".

Note:

Councillor C A Holley had been granted dispensation to Stay, Speak, Vote and make oral and written representations in respect of issues involving Adult Social Services.

Councillor C E Lloyd had been granted dispensation to Stay, Speak, Vote and make oral and written representations in respect of issues involving social services matters including provision of care.

- 2) Councillor R C Stewart declared a Personal Interest in Minute 83 "Capital Budget and Programme 2020/21-2026/27".
- 3) Councillor Y V Jardine declared a Personal Interest in Minute 84 "Housing Revenue Account (HRA) - Revenue Budget 2021/22".
- 4) Councillor Y V Jardine declared a Personal Interest in Minute 85 "Housing Revenue Account – Capital Budget & Programme 2020/21–2024/25".

#### **76. Minutes.**

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

- 1) Ordinary Meeting of Council held on 28 January 2021.
- 2) Extraordinary Meeting of Council held on 1 February 2021.

#### **77. Written Responses to Questions asked at the Last Ordinary Meeting of Council.**

The Chief Legal Officer submitted an information report setting out the written responses to questions asked at the last Ordinary Meeting of Council.

#### **78. Announcements of the Presiding Member.**

There were no announcements.

**79. Announcements of the Leader of the Council.**

**1) Recovery Fund**

The Leader of the Council stated that a £20m, Recovery Fund to help businesses and the public to recover from the effects of Covid-19 had been created. The fund would specifically target:

- Community.
- Local Economy.
- People & Jobs.
- Wellbeing.

**80. Public Questions.**

There were no public questions.

**81. Medium Term Financial Planning 2022/23 – 2025/26.**

The Section 151 Officer submitted a report that set out the rationale and purpose of the Medium Term Financial Plan, detailed the major funding assumptions for the period, and proposed a strategy to maintain a balanced budget.

**Resolved** that:

- 1) The Medium Term Financial Plan 2022/23 to 2025/26 be approved as the basis for future service financial planning.

**82. Revenue Budget 2021/2022.**

The Presiding Member set out the process that he would be followed for this item.

The Section 151 Officer gave a technical presentation. Councillors asked technical questions of the Section 151 Officer. The Section 151 Officer responded accordingly.

The Presiding Member stated that two budget amendments had been received. One from the Labour Group and one from the Liberal Democrats / Independent Opposition Group. The budget amendments would be dealt with in the order received, therefore the Labour Group amendment would be considered first.

The Leader of the Council gave a presentation of the budget including the Labour Group amendment. The Labour Group amendment was proposed by Councillor R C Stewart and seconded by Councillor D H Hopkins.

**Labour Group Amendment**

*“We said we would continue to monitor changes in funding allocations and announcements by Welsh Government and U.K. Government budgets as we came to set the final Council Tax rate for Swansea.*

Minutes of the Council (04.03.2021)  
Cont'd

*Given recent announcements and to recognise the struggle many families and residents will face coming out of the pandemic we intend to act to support our communities. Therefore, we can announce we intend to reduce the stated rise in Council Tax by a further 1% over the previous 3.99%, which in itself was reduced from the 5% planning assumption.*

*This will be funded by reallocating monies available as part of a reduction in our capital charges costs of £1.166m and a consequential reduction in council tax reduction scheme costs of £0.154m. Therefore we can utilise £1.320m in total to reduce Council Tax for the coming year to 2.99%.”*

In accordance with Council Procedure Rule 30 “Voting” a recorded vote was requested. The voting on the amendment was recorded as follows:

<b>For (43 Councillors)</b>		
<b>Councillor(s)</b>	<b>Councillor(s)</b>	<b>Councillor(s)</b>
C Anderson	D H Hopkins	A Pugh
J E Burtonshaw	O G James	J A Raynor
M C Child	Y V Jardine	C Richards
J P Curtice	E T Kirchner	K M Roberts
N J Davies	A S Lewis	M Sherwood
P Downing	M B Lewis	R V Smith
C R Doyle	W G Lewis	A H Stevens
M Durke	C E Lloyd	R C Stewart
C R Evans	P Lloyd	M Sykes
V M Evans	P M Matthews	D W W Thomas
W Evans	P N May	M Thomas
R Francis-Davies	H M Morris	G D Walker
L S Gibbard	D Phillips	L V Walton
F M Gordon	S Pritchard	T M White
B Hopkins	-	-

<b>Against (0 Councillor(s))</b>		
<b>Councillor(s)</b>	<b>Councillor(s)</b>	<b>Councillor(s)</b>
-	-	-

<b>Abstain (18 Councillors)</b>		
<b>Councillor(s)</b>	<b>Councillor(s)</b>	<b>Councillor(s)</b>
P M Black	C A Holley	S M Jones
A M Day	P R Hood-Williams	C L Philpott
E W Fitzgerald	L James	B J Rowlands
S J Gallagher	J W Jones	D G Sullivan
K M Griffiths	L R Jones	L G Thomas
D W Helliwell	M H Jones	L J Tyler-Lloyd

<b>Withdrawn from meeting due to declarable interest (0 Councillors)</b>		
<b>Councillor</b>	<b>Councillor</b>	<b>Councillor</b>
-	-	-

The amendment was supported and becomes part of the substantive recommendation.

The Liberal Democrats / Independent Opposition Group amendment was proposed by Councillor C A Holley and seconded by Councillor M H Jones.

**Liberal Democrats / Independent Opposition Group Amendment**

*“It goes without saying that the global pandemic has had a huge financial impact on the lives of Swansea Council tax payers. We call on the Labour Council to reduce the proposed council tax rise of 3.99% to a more affordable 1.99%.*

*We propose funding the reduction with a one off drawdown from the capital equalisation reserve of £2.200m, to be shown as a contribution from earmarked reserves in the revenue budget of the same sum, and a consequential £0.440m reduction to the budgeted anticipated costs of Council Tax Reduction Scheme as a result of that proposed overall lower council tax increase.*

*We ask for the above amendments to the approved Cabinet report of 18<sup>th</sup> February 2021 be reflected in the final revenue budget to be agreed at Council.*

*Our proposed amendment would undoubtedly help the household budgets of All Swansea citizens on the road to recovery from the pandemic.”*

The Liberal Democrats / Independent Opposition Group amendment was put to the vote and lost. The Labour Group amendment therefore remained as the substantive motion.

In accordance with Council Procedure Rule 30 “Voting” a recorded vote was requested on the substantive motion. The voting on the amendment was recorded as follows:

<b>For (43 Councillors)</b>		
<b>Councillor(s)</b>	<b>Councillor(s)</b>	<b>Councillor(s)</b>
C Anderson	D H Hopkins	S Pritchard
J E Burtonshaw	O G James	A Pugh
M C Child	Y V Jardine	J A Raynor
J P Curtice	E T Kirchner	C Richards
N J Davies	A S Lewis	K M Roberts
P Downing	M B Lewis	M Sherwood
C R Doyle	W G Lewis	R V Smith
M Durke	C E Lloyd	A H Stevens
C R Evans	P Lloyd	R C Stewart
V M Evans	I E Mann	M Sykes
W Evans	P M Matthews	D W W Thomas
R Francis-Davies	P N May	M Thomas
L S Gibbard	H M Morris	L V Walton
F M Gordon	D Phillips	T M White

Minutes of the Council (04.03.2021)  
Cont'd

B Hopkins	-	-
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<b>Against (0 Councillor(s))</b>		
<b>Councillor(s)</b>	<b>Councillor(s)</b>	<b>Councillor(s)</b>
-	-	-

<b>Abstain (18 Councillors)</b>		
<b>Councillor(s)</b>	<b>Councillor(s)</b>	<b>Councillor(s)</b>
P M Black	C A Holley	S M Jones
A M Day	P R Hood-Williams	C L Philpott
E W Fitzgerald	L James	B J Rowlands
S J Gallagher	J W Jones	D G Sullivan
K M Griffiths	L R Jones	L G Thomas
D W Helliwell	M H Jones	L J Tyler-Lloyd

<b>Withdrawn from meeting due to declarable interest (0 Councillors)</b>		
<b>Councillor</b>	<b>Councillor</b>	<b>Councillor</b>
-	-	-

**Resolved** that:

- 1) The Revenue Budget for 2021/22 as detailed in Appendix A of the report as amended be approved.
- 2) A Budget Requirement and Council Tax Levy for 2021/22 as detailed in Section 9 of the report as amended be approved.

**83. Capital Budget & Programme 2020/21- 2026/27.**

The Section 151 Officer submitted a report that proposed a revised capital budget for 2020/21 and a capital budget for 2021/22 - 2026/27.

**Resolved** that:

- 1) The revised capital budget for 20120/21 and a capital budget for 2021/22 - 2026/27 as detailed in Appendices A, B C, D, E, F and G of the report be approved.

**84. Housing Revenue Account (HRA) – Revenue Budget 2021/22.**

The Section 151 Officer submitted a report that proposed a Revenue Budget for 2021/22 and a rent increase for properties within the Housing Revenue Account (HRA).

**Resolved** that:

- 1) Rents be increased in line with the Welsh Government policy as detailed in Section 3 of the report;



- 2) Fees, charges and allowances as outlined in Section 4 of the report be approved.
- 3) The Revenue Budget proposals as detailed in Section 4 of the report be approved.

**85. Housing Revenue Account – Capital Budget and Programme 2020/21 – 2024/25.**

The Section 151 Officer and Director of Place submitted a joint report that proposed a revised Capital Budget for 2020/21 and a Capital Budget for 2021/22 - 2024/25.

**Resolved** that:

- 1) The transfers between schemes and the revised budgets for schemes in 2020/21 be approved;
- 2) The budget proposals for 2021/22 - 2024/25 be approved;
- 3) Where individual schemes in Appendix B are programmed over the 4 year period described in this report, then these are committed and approved and that their financial implications for funding over 4 years be approved.
4. The Welsh Housing Quality Standard (WHQS) compliance levels and deadline extension be noted.

**86. Statutory Resolution – Resolutions to be Made in Accordance with the Regulations in the Setting of Council Tax 2021/22.**

The Section 151 Officer submitted a report which outlined a number of statutory resolutions to be made in accordance with the Regulations in the setting of the Council Tax 2020-2021.

As a result of the amendments made to the Revenue Budget 2021-2022, the figures within the Statutory Resolution were amended.

**Resolved** that:

- 1) The statutory resolutions as set out below be noted and adopted;
- 2) It be noted that at its meeting on 5 December 2020 the Council calculated the following amounts for the year 2021/2022 in accordance with Regulations made under Section 33(5) of the Local Government Finance Act 1992 (as amended):
  - a) 94,051 being the amount calculated by the Council, in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) (Wales) Regulations 1995, as amended, as its Council Tax base for the year;
  - b) Parts of the Council's Area:

Minutes of the Council (04.03.2021)  
Cont'd

Bishopston	2,064
Clydach	2,676
Gorseinon	3,319
Gowerton	1,992
Grovesend & Waungron	420
Ilston	364
Killay	2,151
Llangennith, Llanmadoc and Cheriton	536
Llangyfelach	971
Llanrhidian Higher	1,640
Llanrhidian Lower	338
Llwchwr	3,508
Mawr	768
Mumbles	10,349
Penllergaer	1,451
Pennard	1,518
Penrice	479
Pontarddulais	2,348
Pontlliw and Tircoed	1,039
Port Eynon	484
Reynoldston	335
Rhossili	208
Three Crosses	713
Upper Killay	583

being the amounts calculated by the Council, in accordance with Regulation 6 of the Regulations, as the amounts of its Council Tax base for dwellings in those parts of its area to which special items relate;

- 3) The following amounts be now calculated by the Council for the year 2021/2022 in accordance with Section 32 to 36 of the Local Government Finance Act 1992:
- (a) £782,726,713 being the aggregate of the amounts which the Council estimates for the items set out in Sections 32(2)(a) to (d) of the Act;
  - (b) £292,642,850 being the aggregate of the amounts which the Council estimates for the items set out in Sections 32(3)(a), 32(3)(c) and 32(3a) of the Act;
  - (c) £490,083,863 being the amount by which the aggregate at (3)(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year;
  - (d) £352,223,557 being the aggregate of the sums which the Council estimates will be payable for the year into its Council Fund in respect of

Minutes of the Council (04.03.2021)  
Cont'd

redistributed non-domestic rates, and revenue support grant less discretionary Non Domestic Rate relief;

- (e) £1,465.80 being the amount at (3)(c) above less the amount at (3)(d) above, all divided by the amount at (2)(a) above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year;
- (f) £1,641,440 being the aggregate amount of all special items referred to in Section 34(1) of the Act;
- (g) £1,448.35 being the amount at (3)(e) above less the result given by dividing the amount at (3)(f) above by the amount at (2)(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special items relate;
- (h) Parts of the Council's Area:

Bishopston	1,477.42
Clydach	1,493.93
Gorseinon	1,487.35
Gowerton	1,465.35
Grovesend & Waungron	1,468.59
Ilston	1,463.53
Killay	1,458.11
Llangennith, Llanmadoc and Cheriton	1,463.09
Llangyfelach	1,473.07
Llanrhidian Higher	1,533.97
Llanrhidian Lower	1,457.23
Llwchwr	1,474.22
Mawr	1,534.29
Mumbles	1,506.34
Penllergaer	1,456.62
Pennard	1,500.26
Penrice	1,472.83
Pontarddulais	1,498.06
Pontlliw and Tircoed	1,485.09
Port Eynon	1,460.75
Reynoldston	1,485.66
Rhossili	1,467.58
Three Crosses	1,490.59
Upper Killay	1,480.94

being the amounts given by adding to the amount at (3)(g) above the amounts of the special items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at (2)(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for

Minutes of the Council (04.03.2021)  
Cont'd

dwelling in those parts of its area to which one or more special items relate.

(i) Parts of the Council's Area:

	Band	Band	Band	Band	Band	Band	Band	Band	Band
	A	B	C	D	E	F	G	H	I
	£	£	£	£	£	£	£	£	£
Bishopston	984.95	1,149.10	1,313.26	1,477.42	1,805.74	2,134.05	2,462.37	2,954.84	3,447.31
Clydach	995.96	1,161.94	1,327.94	1,493.93	1,825.92	2,157.90	2,489.89	2,987.86	3,485.83
Gorseinon	991.57	1,156.82	1,322.09	1,487.35	1,817.88	2,148.39	2,478.92	2,974.70	3,470.48
Gowerton	976.90	1,139.71	1,302.53	1,465.35	1,790.99	2,116.62	2,442.25	2,930.70	3,419.15
Grovesend & Waungron	979.06	1,142.23	1,305.41	1,468.59	1,794.95	2,121.30	2,447.65	2,937.18	3,426.71
Ilston	975.57	1,138.16	1,300.75	1,463.35	1,788.54	2,113.73	2,438.92	2,926.70	3,414.48
Killay	972.08	1,134.08	1,296.10	1,458.11	1,782.14	2,106.16	2,430.19	2,916.22	3,402.25
Llangennith, Llanmadoc & Cheriton	975.40	1,137.95	1,300.52	1,463.09	1,788.23	2,113.35	2,438.49	2,926.18	3,413.87
Llangyfelach	982.05	1,145.72	1,309.39	1,473.07	1,800.42	2,127.77	2,455.12	2,946.14	3,437.16
Llanrhidian Higher	1,022.65	1,193.08	1,363.53	1,533.97	1,874.86	2,215.73	2,556.62	3,067.94	3,579.26
Llanrhidian Lower	971.49	1,133.40	1,295.31	1,457.23	1,781.06	2,104.89	2,428.72	2,914.46	3,400.20
Llchwyr	982.82	1,146.61	1,310.42	1,474.22	1,801.83	2,129.43	2,457.04	2,948.44	3,439.84
Mawr	1,022.86	1,193.33	1,363.81	1,534.29	1,875.25	2,216.20	2,557.15	3,068.58	3,580.01
Mumbles	1,004.23	1,171.59	1,338.97	1,506.34	1,841.09	2,175.82	2,510.57	3,012.68	3,514.79
Penllergaer	971.08	1,132.92	1,294.77	1,456.62	1,780.32	2,104.01	2,427.70	2,913.24	3,398.78
Pennard	1,000.18	1,166.86	1,333.56	1,500.26	1,833.66	2,167.04	2,500.44	3,000.52	3,500.60
Penrice	981.89	1,145.53	1,309.18	1,472.83	1,800.13	2,127.42	2,454.72	2,945.66	3,436.60
Pontarddulais	998.71	1,165.15	1,331.61	1,498.06	1,830.97	2,163.86	2,496.77	2,996.12	3,495.47
Pontlliw and Tircoed	990.06	1,155.07	1,320.08	1,485.09	1,815.11	2,145.13	2,475.15	2,970.18	3,465.21
Port Eynon	973.84	1,136.13	1,298.44	1,460.75	1,785.37	2,109.97	2,434.59	2,921.50	3,408.41
Reynoldston	990.44	1,155.51	1,320.58	1,485.66	1,815.81	2,145.95	2,476.10	2,971.32	3,466.54
Rhossili	978.39	1,141.45	1,304.51	1,467.58	1,793.71	2,119.84	2,445.97	2,935.16	3,424.35
Three Crosses	993.73	1,159.34	1,324.97	1,490.59	1,821.84	2,153.07	2,484.32	2,981.18	3,478.04
Upper Killay	987.30	1,151.84	1,316.39	1,480.94	1,810.04	2,139.13	2,468.24	2,961.88	3,455.52
All other parts of the Council area	965.57	1,126.49	1,287.42	1,448.35	1,770.21	2,092.06	2,413.92	2,896.70	3,379.48

being the amounts given by multiplying the amounts at (3)(g) and (3)(h) above by the number which, in the population set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of the categories of dwellings listed in the different valuation bands;

Minutes of the Council (04.03.2021)  
Cont'd

- 4) It be noted that for the year 2021/2022 the Police and Crime Commissioner for South Wales have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwelling shown below:

	<b>Band</b>	<b>Band</b>	<b>Band</b>	<b>Band</b>	<b>Band</b>	<b>Band</b>	<b>Band</b>	<b>Band</b>	<b>Band</b>
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>	<b>I</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
The Police and Crime Commissioner for South Wales	191.81	223.78	255.75	287.72	351.66	415.60	479.53	575.44	671.35

- 5) Having calculated the aggregate in each case of the amounts at (3)(l) and (4) above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2021/22 for each of the categories of dwelling shown below:

	<b>Band</b>	<b>Band</b>	<b>Band</b>	<b>Band</b>	<b>Band</b>	<b>Band</b>	<b>Band</b>	<b>Band</b>	<b>Band</b>
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>	<b>I</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
Bishopston	1,176.76	1,372.88	1,569.01	1,765.14	2,157.40	2,549.65	2,941.90	3,530.28	4,118.66
Clydach	1,187.77	1,385.72	1,583.69	1,781.65	2,177.58	2,573.50	2,969.42	3,563.30	4,157.18
Gorseinon	1,183.38	1,380.60	1,577.84	1,775.07	2,169.54	2,563.99	2,958.45	3,550.14	4,141.83
Gowerton	1,168.71	1,363.49	1,558.28	1,753.07	2,142.65	2,532.22	2,921.78	3,506.14	4,090.50
Grovesend & Waungron	1,170.87	1,366.01	1,561.16	1,756.31	2,146.61	2,536.90	2,927.18	3,512.62	4,098.06
Ilston	1,167.38	1,361.94	1,556.50	1,751.07	2,140.20	2,529.33	2,918.45	3,502.14	4,085.83
Killay	1,163.89	1,357.86	1,551.85	1,745.83	2,133.80	2,521.76	2,909.72	3,491.66	4,073.60
Llangennith, Llanmadoc & Cheriton	1,167.21	1,361.73	1,556.27	1,750.81	2,139.89	2,528.95	2,918.02	3,501.62	4,085.22
Llangyfelach	1,173.86	1,369.50	1,565.14	1,760.79	2,152.08	2,543.37	2,934.65	3,521.58	4,108.51
Llanrhidian Higher	1,214.46	1,416.86	1,619.28	1,821.69	2,226.52	2,631.33	3,036.15	3,643.38	4,250.61
Llanrhidian Lower	1,163.30	1,357.18	1,551.06	1,744.95	2,132.72	2,520.49	2,908.25	3,489.90	4,071.55
Llwchwr	1,174.63	1,370.39	1,566.17	1,761.94	2,153.49	2,545.03	2,936.57	3,523.88	4,111.19
Mawr	1,214.67	1,417.11	1,619.56	1,822.01	2,226.91	2,631.80	3,036.68	3,644.02	4,251.36
Mumbles	1,196.04	1,395.37	1,594.72	1,794.06	2,192.75	2,591.42	2,990.10	3,588.12	4,186.14
Penllergaer	1,162.89	1,356.70	1,550.52	1,744.34	2,131.98	2,519.61	2,907.23	3,488.68	4,070.13
Pennard	1,191.99	1,390.64	1,589.31	1,787.98	2,185.32	2,582.64	2,979.97	3,575.96	4,171.95
Penrice	1,173.70	1,369.31	1,564.93	1,760.55	2,151.79	2,543.02	2,934.25	3,521.10	4,107.95
Pontarddulais	1,190.52	1,388.93	1,587.36	1,785.78	2,182.63	2,579.46	2,976.30	3,571.56	4,166.82
Pontlliw	1,181.87	1,378.85	1,575.83	1,772.81	2,166.77	2,560.73	2,954.68	3,545.62	4,136.56
Port Eynon	1,165.65	1,359.91	1,554.19	1,748.47	2,137.03	2,525.57	2,914.12	3,496.94	4,079.76
Reynoldston	1,182.25	1,379.29	1,576.33	1,773.38	2,167.47	2,561.55	2,955.63	3,546.76	4,137.89
Rhossili	1,170.20	1,365.23	1,560.26	1,755.30	2,145.37	2,535.44	2,925.50	3,510.60	4,095.70
Three Crosses	1,185.54	1,383.12	1,580.72	1,778.31	2,173.50	2,568.67	2,963.85	3,556.62	4,149.39
Upper Killay	1,179.11	1,375.62	1,572.14	1,768.66	2,161.70	2,554.73	2,947.77	3,537.32	4,126.87

Minutes of the Council (04.03.2021)  
Cont'd

All other parts of the Council area	1,157.38	1,350.27	1,543.17	1,736.07	2,121.87	2507.66	2,893.45	3,472.14	4,050.83
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**87. The Capital Strategy 2020/21- 2026/27.**

The Section 151 Officer submitted a report that sought approval of the Capital Strategy which informs the seven year capital programme.

**Resolved** that:

- 1) The Capital Strategy 2020/21-2026/27 be approved.

**88. Treasury Management Strategy Statement, Prudential/Treasury Indicators, Investment Strategy and Minimum Revenue Provision Policy Statement 2021/22.**

The Section 151 Officer submitted a report that recommended the Treasury Management Strategy Statement, Prudential Indicators, Investment Strategy and Minimum Revenue Provision Policy Statement for 2020/21 for approval.

**Resolved** that:

- 1) The Treasury Management Strategy and Prudential Indicators (Sections 2-7 of the report) be approved;
- 2) The Investment Strategy (Section 8 of the report) be approved;
- 3) The Minimum Revenue Provision (MRP) (Section 9 of the report) be approved.

**89. 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.

Those supplementary question(s) required a written response are listed:

**Question 3**

Councillor B J Rowlands asked:

*"The number of Fixed Penalty Notices relating to fly tipping seems very low. Please explain how fly tipping Fixed Penalty Notices are issued and applied?"*

The Cabinet Member for Environment Enhancement & Infrastructure Management stated that a written response would be provided.

**2) Part B 'Questions not requiring Supplementary Questions'**

Six (6) Part B 'Questions not requiring Supplementary Questions' were submitted.

The meeting ended at 9.25 pm

**Chair**



City and County of Swansea

## Minutes of the Council

Remotely via Microsoft Teams

Friday, 26 March 2021 at 12.30 pm

**Present:** Councillor D W W Thomas (Chair) Presided

### Councillor(s)

C Anderson  
P M Black  
J E Burtonshaw  
M C Child  
J P Curtice  
N J Davies  
P Downing  
C R Doyle  
M Durke  
V M Evans  
W Evans  
R Francis-Davies  
L S Gibbard  
D W Helliwell  
T J Hennegan  
C A Holley  
P R Hood-Williams  
B Hopkins

### Councillor(s)

D H Hopkins  
L James  
Y V Jardine  
J W Jones  
L R Jones  
M H Jones  
P K Jones  
S M Jones  
E T Kirchner  
A S Lewis  
M B Lewis  
R D Lewis  
W G Lewis  
C E Lloyd  
P Lloyd  
I E Mann  
P M Matthews  
P N May

### Councillor(s)

S Pritchard  
J A Raynor  
C Richards  
K M Roberts  
B J Rowlands  
M Sherwood  
R V Smith  
A H Stevens  
R C Stewart  
D G Sullivan  
G J Tanner  
M Thomas  
W G Thomas  
G D Walker  
L V Walton  
T M White

### Officer(s)

Jeffrey Dong	Deputy Chief Finance Officer / Deputy Section 151 Officer.
Huw Evans	Head of Democratic Services
Adam Hill	Deputy Chief Executive / Director of Resources
Tracey Meredith	Chief Legal Officer / Monitoring Officer
Phil Roberts	Chief Executive
Ben Smith	Chief Finance Officer / Section 151 Officer
Adrian Chard	Strategic Human Resources and Organisational Development Manager

### Apologies for Absence

Councillor(s): A M Day, E W Fitzgerald, K M Griffiths, M A Langstone, H M Morris, D Phillips, C L Philpott, A Pugh and L J Tyler-Lloyd

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## 90. Disclosures of Personal and Prejudicial Interests.

The Chief Legal Officer 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 C Anderson, J E Burtonshaw, J P Curtice, P Downing, M Durke, C A Holley, D Helliwell, B Hopkins, D H Hopkins, S M Jones, A S Lewis, R D Lewis, A H Stevens, G J Tanner and T M White declared a Personal Interest in Minute 94 "Pay Policy Statement 2021-22.

#### **Officers**

- 2) Jeff Dong, Adam Hill, Tracey Meredith, Phil Roberts and Ben Smith declared a Personal & Prejudicial Interest in Minute 94 "Pay Policy Statement 2021-22 and withdrew from the meeting prior to its discussion.
- 3) Adrian Chard, Huw Evans and Jeremy Parkhouse declared a Personal & Prejudicial Interest in Minute 94 "Pay Policy Statement 2021-22; however, they did not withdraw from the meeting as they remained to present the report, answer technical questions and to record the Council decision.

#### **91. Announcements of the Presiding Member.**

The Presiding Member made no announcements.

#### **92. Announcements of the Leader of the Council.**

The Leader of the Council made no announcements.

#### **93. Public Questions.**

There were no Public Questions asked.

#### **94. Pay Policy Statement 2021-22.**

The Delivery & Operations Cabinet Member submitted a report that sought approval of the Pay Policy Statement 2021-2022.

**Resolved** that the Pay Policy Statement 2021-2022 be approved.

The meeting ended at 12.45 pm

**Chair**

# Agenda Item 8.



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

Annual Meeting of Council – 20 May 2021

### Constitutional Matters 2021-2022

**Purpose:** To inform Council of all necessary Constitutional matters in order 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 CPA) as set out in **Appendix A** be noted.
- 2) A **Senior Salary** be paid to the following:
  - Leader of the Council.
  - Deputy Leader of the Council.
  - Cabinet Members **x 8**.
  - Chair of General Licensing Committee.
  - Chair of Planning Committee.
  - Chair of Economy, Environment & Infrastructure Policy Development Committee.
  - Chair of Education & Skills Policy Development Committee.
  - Chair of People Policy Development Committee.
  - Chair of Poverty Reduction Policy Development Committee.
  - Chair of Recovery & Future Generations Policy Development Committee.
  - Chair of Scrutiny Programme 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 will not receive a Senior Salary.
- 6) The Council Bodies and the Number of Allocated Seats as listed in **Appendix C** be appointed.
- 7) The Committees listed in **Appendix D** be exempted by Council from the Local Government (Committees and Political Groups) Regulations 1990 in order to allow greater representation on these Committees by the Opposition Political Groups.
- 8) Councillors be allocated to serve on Council Bodies in line with the nominations received from the Political Groups.
- 9) The list of Member Champion Areas and Responsible Councillors as outlined in **Appendix E** be noted.
- 10) The Council Constitution ([www.swansea.gov.uk/constitution](http://www.swansea.gov.uk/constitution)) be reaffirmed and adopted including any amendments made at this meeting.
- 11) Councillor L James be elected as Chair of the Democratic Services Committee.
- 12) Those Co-opted Members eligible for Co-opted Member payments be paid a maximum of 20 full days per Municipal Year.
- 13) The Councillors Handbook ([www.swansea.gov.uk/CllrsHandbook](http://www.swansea.gov.uk/CllrsHandbook)) be reaffirmed.
- 14) The Leader of the Council's decision to allocate Councillors to sit on Outside Bodies be noted as outlined in **Appendix F** be noted.
- 15) The Council Bodies Diary 2021-2022 as listed in **Appendix G** be confirmed and adopted.
- 16) Any consequential amendments to the Council Constitution and / or Councillors as a result of this report be carried out.

<b>Report Author:</b>	Huw Evans
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Tracey Meredith
<b>Access to Services Officer:</b>	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 2021-2022 [www.gov.wales/independent-remuneration-panel-wales](http://www.gov.wales/independent-remuneration-panel-wales) sets out the framework for Councillor and Co-opted Member remuneration. Nineteen (19) of the 72 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 Economy, Environment & Infrastructure Policy Development Committee.
  - Chair of Education & Skills Policy Development Committee.
  - Chair of People Policy Development Committee.
  - Chair of Poverty Reduction Policy Development Committee.
  - Chair of Recovery & Future Generations Policy Development Committee.
  - Chair of Scrutiny Programme 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 or not 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. Annual Meeting of Council**

- 6.1 The Authority's Council Constitution which is based on legislation outlines what needs to be considered at the Annual Meeting of Council (Council Procedure Rule 8). This report seeks to address those requirements.

## **7. Political Balance / Committee Proportionality**

- 7.1 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**.
- 7.2 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.
- 7.3 The Ruling Group have liaised with the Head of Democratic Services in order 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.

## **8. Appointment of Committees and Other Council Bodies and their Sizes**

- 8.1 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.
- 8.2 In the event of any changes made to the size of these Council Bodies then it will necessitate the recalculation of Political Balance.
- 8.3 A number of 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**.

## **9. Allocation of Councillors to the Council Bodies**

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

## **10. Democratic Services Committee**

- 10.1 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.
- 10.2 Councillor L James is the current Chair of the Democratic Services Committee.

## **11. Co-opted Members**

- 11.1 The IRPW has confirmed that reasonable time for pre meeting preparation is eligible to be included in claims made by Co-opted Members the extent of which can be determined by the appropriate officer in advance of the meeting.
- 11.2 Travelling time to and from the place of the meeting can be included in the claims for payments to Co-opted Members (up to the maximum of the daily rate).
- 11.3 The Head of Democratic Services can determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.
- 11.4 Meetings eligible for the payment of the fee include other Committees and Working Groups (including task and finish groups), pre-meetings with Officers, training and attendance at conferences or any other formal meeting to which Co-opted Members are requested to attend by the Head of Democratic Services.
- 11.5 It is proposed to maintain payments to Co-opted Members at a maximum of 20 full days' payments per Municipal Year.

## **12. Councillors Handbook**

- 12.1 The Councillors Handbook [www.swansea.gov.uk/CllrsHandbook](http://www.swansea.gov.uk/CllrsHandbook) provides guidance for Councillors and Co-opted Members. The handbook contains information about Remuneration, Support for Councillors and Co-optee Members, Protocols and Role Descriptions.
- 12.2 It is proposed that the Councillors Handbook be reaffirmed.

## **13. Appointment of Chairs & Vice Chairs of Committees**

- 13.1 Following the close of the Annual Meeting of Council, a number of Committees shall meet in order to elect Chairs and Vice Chairs to those Committees.

## **14. Member Champions**

- 14.1 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.
- 14.2 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 taken into account when Policy is being developed and decisions made. The 'Member Champions' report to Council on 17 January 2013 provides further information.
- 14.3 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**.
- 14.4 The Leader of the Council is keen to ensure that Councillors acting as Member Champions and Members serving on Outside Bodies are able to provide feedback to Council or Councillors if required.

## **15. Allocation of Councillors to Outside Bodies**

- 15.1 The Leader of the Council has allocated Councillors to sit on Outside Bodies. This is detailed at **Appendix F**.
- 15.2 The list showing Councillors and their allocation to Outside Bodies will be included in the minutes of the Annual Meeting of Council.

## **16. Review of Councillors Mileage Distances**

- 16.1 Council, at its meeting on 3 December 2009 resolved to conduct a review of Councillors home to Guildhall / Civic Centre, single and return journeys using the RAC website (RAC Route Planner). The Councillors Mileage Distances to be used for the Council term 2017-2022 were presented to the Annual Meeting of Council on 25 May 2017. These were amended at Council on 24 May 2018 to correct a typographical error.

## **17. Council Bodies Diary**

- 17.1 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.
- 17.2 The Timing of Council Meetings survey was held between 21 December 2017 and 12 January 2018. Council at its meeting on 6 March 2018 considered the survey responses and resolved to note the responses and to maintain the status quo of timings.



17.3 The Timing of Council Meetings survey responses were considered in preparing the Council Bodies Diary. The Council Bodies Diary 2021-2022 is shown as **Appendix G**.

## **18. Equality and Engagement Implications**

18.1 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.

## **19. Financial Implications**

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

## **20. Legal Implications**

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

**Background Papers:** None

### **Appendices:**

<b>Appendix A</b>	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 2021-2022.
<b>Appendix B</b>	Political Balance / Committee Proportionality
<b>Appendix C</b>	Council Bodies & Number of Allocated Seats 2021-2022.
<b>Appendix D</b>	Proposed Exemption from Committee Balance Rules.
<b>Appendix E</b>	Member Champion Areas & Responsible Councillors.
<b>Appendix F</b>	Outside Bodies.
<b>Appendix G</b>	Council Bodies Diary 2021-2022.

## Appendix A

### Prescribed by the IRPW Annual Report 2021-2022

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

<b>Basic Salary</b>	£14,368
<b>Senior Salaries (inclusive of Basic Salary)</b>	
<b>Band 1</b>	
Leader of the Council	£55,027
Deputy Leader of the Council	£38,858
<b>Band 2</b>	
Executive Member (Cabinet Member)	£33,805
<b>Band 3</b>	
Committee Chairs	£23,161
<b>Band 4</b>	
Leader of the Largest Opposition Political Group *1	£23,161
<b>Band 5</b>	
Leader of Other Political Groups *2	£18,108
<b>Civic Salaries (inclusive of Basic Salary)</b>	
Civic Head (Mayor / Chair of Council)	£23,161
Deputy Civic Head (Deputy Mayor / Vice Chair of Council)	£18,108

#### 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 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 has to 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 72 seat Council, they will be entitled to 18 Committee places in every 72).

- 3.2 To do this the first step is to add up the total of all Committee places. If the total was, say 216, then the Group is entitled to 54 places ( $216 \times 18/72$ nds). Each Committee has to 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 has to 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 any 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. 1/72<sup>nd</sup> of the places available.

## Council Bodies &amp; Number of Allocated Seats 2021-2022

Body	Seats	Comments	Status
Council	72	Automatically Proportional	
Cabinet	10	Not Part of PR Calculations	SS
<b>Committees</b>			
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	13	Chair must be an Opposition Councillor and appointed by Council.	
Family Absence Complaints		As per Council of 12 August 2014	
Economy, Environment & Infrastructure Policy Development	12		SS
Education & Skills Policy Development	12		SS
People Policy Development	12		SS
Poverty Reduction Policy Development	12		SS
Recovery & Future Generations Policy Development	12		SS
JCC	7		
General Licensing	12		SS
<i>General Licensing Sub</i>	3	Drawn proportionally from General Licensing Cttee.	
Statutory Licensing	12		
Governance & Audit	13	Chaired by an Independent Person. 2 Ind Person & 13 Cllrs.	
<i>Statutory Licensing Sub</i>	3	Drawn proportionally from Statutory Licensing Cttee.	
Pension Fund	6	Chaired by the Cabinet Member with responsibility for Finance.	
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	13		SS
Standards	9	Standards Committee (Wales) Regulations 2001. 5 Ind, 3 CCS Cllrs & 1 C/T Cllr	XPR
West Glamorgan Archives	5	Independent Chair	
<b>Panels, Forums, Groups etc.</b>			
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 & Largest Opposition Group, Leader of other Political Groups & Cabinet Member with responsibility for Constitutional Matters.	XPR
Development Advisory Group (DAG)	3	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	17	1 Representative from each Political Group	

SS - Committees that attract Senior Salary

XPR - Bodies exempt from Proportionality.

### Proposed Exemption from Committee Balance Rules

1. A number of 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 and Remuneration Committee.** Council is asked to exempt this from the Committee Balance Rules in order 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 in order 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 in order 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, Leader of other Political Groups & Cabinet Member with responsibility for Constitutional Matters.

## Member Champion Areas &amp; Responsible Councillors

<b>Member Champion Area</b>	<b>Councillor(s)</b>
Animal Rights	Gloria J Tanner
Anti-Slavery & Ethical Employment	Clive E Lloyd
Armed Forces	Wendy G Lewis
Carers	Paulette B Smith
Children & Family Services	Mark C Child
Councillor Support & Development	Wendy G Lewis
Disability & Access to Services	Paul Lloyd
Diversity	Erika T Kirchner
Domestic Abuse	Lesley Walton
Health & Wellbeing	Alyson Pugh
Healthy Cities & Sport	Terry J Hennegan
<b>Human Rights</b>	-
Language (Inc. Welsh)	Robert V Smith
LGBT (Lesbian, Gay, Bisexual & Transgender)	Elliott J King
Looked After Children	Ceri Evans
Natural Environment & Biodiversity	Peter K Jones
Pensions	Louise S Gibbard
Poverty in Communities / Homelessness	Hazel M Morris
Poverty Reduction	Rob C Stewart
Public Transport	Nick J Davies
Rural Economy	Andrew H Stevens
Safeguarding	Mark C Child
Sanctuary & Inclusion	Yvonne V Jardine
UNCRC (United Nations Convention on the Rights of the Child)	Christine Richards & Sam Pritchard
Vulnerable & Older People	Jan P Curtice
Walking	C Ryland Doyle
Women	Louise S Gibbard
Young Carers	Sam Pritchard



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

<b>Association of Public Service Excellence (APSE)</b>	Clive Lloyd
<b>Cambrian Educational Foundation for Deaf Children</b>	Andrea Lewis
<b>EOTAS (Education Other Than At School) Steering Group</b>	Jennifer Raynor
<b>ERW Joint Committee</b>	Jennifer Raynor
	Rob Stewart
<b>Fostering Panel (Friends and Family)</b>	Elliott J King
<b>Fostering Panel (Foster Swansea)</b>	Mandy Evans
<b>Gower College Swansea</b>	Sam Pritchard
	Des Thomas
<b>Heart of Wales Line Forum</b>	Paul Lloyd
<b>Inter Authority Agreement for Food Waste</b>	Mandy Evans
	Mark Thomas
<b>Joint Council of Wales (South Wales Provincial Council)</b>	Rob Stewart
	David Hopkins
<b>Local Government Association (LGA) Executive</b>	Rob Stewart
	Clive Lloyd
	Andrea Lewis
	Mark Thomas
<b>Mid and West Wales Fire Authority</b>	Jan Curtice
	Terry Hennegan
	Mike Lewis
	Richard Lewis
	Paulette Smith
	Des Thomas
	Gordon Walker
<b>National Association of British Market Authorities</b>	Robert Francis-Davies
<b>National Waterfront Museum (Swansea) Ltd</b>	Erika Kirchner
	Joe Hale
	Robert Francis-Davies
<b>Oystermouth Castle Management Board</b>	Mark Child
<b>PATROL (Parking and Traffic Regulations Outside London) Joint Cttee</b>	Mark Thomas

<b>PRU (Pupil Referral Unit) Management Board</b>	Jennifer Raynor
<b>Regeneration Swansea Partnership</b>	Rob Stewart
	Robert Francis-Davies
	David Hopkins
<b>South Wales Police and Crime Panel</b>	Will Evans
	Christine Richards
<b>South West Wales Regional Waste Management Committee</b>	Mark Thomas
	Mandy Evans
	Mike White
<b>Standing Advisory Council on Religious Education</b>	Lynda James
	Yvonne Jardine
	Sam Pritchard
	Peter Jones
<b>Suresprung Board of Trustees</b>	Ryland Doyle
	Alyson Pugh
	Jan Curtice
	Gloria Tanner
<b>Swansea Bay City Region Joint Committee</b>	Rob Stewart
<b>Swansea Bay City Region Joint Scrutiny Cttee</b>	Jan Curtice
	Phil Downing
	Jeff Jones
<b>Swansea Bay Community Health Council</b>	Alyson Pugh
	Mandy Evans
	Paulette Smith
<b>Swansea Bay Port Health Authority</b>	Cyril Anderson
	Joe Hale
	Clive Lloyd
	Robert Smith
	Mike White
	Paul Lloyd
	Mike Lewis
	Chris Holley
	Gareth Sullivan
	Lyndon Jones
<b>Swansea Bay Regional Equality Council</b>	Erika Kirchner
	Sanctuary & Inclusion Member Champion (Yvonne Jardine)
<b>Swansea Business Improvements Ltd (BID)</b>	Robert Francis-Davies
	Rob Stewart

<b>Swansea Community Energy &amp; Enterprise Scheme (SCEES)</b>	Andrea Lewis
<b>Swansea Council for Voluntary Service</b>	Peter Jones
	Jan Curtice
	Ceri Evans
<b>Swansea Cycling Forum (Cycle Action Progress Group)</b>	Nick Davies
<b>Swansea Environment Centre</b>	Peter Jones
<b>Swansea PSB (Public Services Board) Joint Committee</b>	Rob Stewart
	Andrea Lewis
<b>Swansea PSB (Public Services Board) Partnership Forum</b>	Andrea Lewis
	Erika Kirchner
	Mark Child
	Rob Stewart
	Clive Lloyd
	Sam Pritchard
	Jen Raynor
	Andrew Stevens
<b>Swansea St Mary's Choral Trust</b>	Sam Pritchard
<b>University of Swansea Court</b>	Robert Francis-Davies
<b>Vision in Wales (Wales Council for the Blind)</b>	Christine Richards
<b>Wales National Pool (Swansea) Ltd</b>	Robert Francis-Davies
	Mark Child
	Robert Smith
<b>Wales Strategic Migration Partnership</b>	Sanctuary & Inclusion Member Champion (Yvonne Jardine)
<b>Welsh Books Council</b>	Robert Francis-Davies
<b>WLGA (Welsh Local Government Association) Council</b>	Mark Thomas
	Mary Sherwood
	Andrea Lewis
	Clive Lloyd
	Rob Stewart
<b>WLGA (Welsh Local Government Association) Executive Board</b>	Rob Stewart
<b>Welsh Centre for Action on Dependency and Addiction</b>	Terry Hennegan
	Erika Kirchner

<b>Western Glamorgan Adoption Panel</b>	Cabinet Member with Responsibility for SS (Elliott King)
<b>Western Glamorgan Regional Partnership Board</b>	Rob Stewart
	Clive Lloyd
	Elliott King

# June 2021

July 2021

June 2021

Mo	Tu	We	Th	Fr	Sa	Su
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	

Mo	Tu	We	Th	Fr	Sa	Su
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
31 May	1 Jun	2	3	4	5	6
			School Half Term 10:00 Corporate Briefing 17:00 Council			
7	8	9	10	11	12	13
	14:00 Planning	14:00 Gov. & Audit	10:30 Swansea Bay CRIC	10:00 General Licensing 11:00 Archives		
	15	16	17	18	19	20
	16:00 Scrutiny Programme	16:00 Education PDC	10:00 Cabinet 14:00 Econ & Dev PDC 15:00 PSB			
21	22	23	24	25	26	27
	10:30 JCC	16:00 People PDC				
28	29	30	1 Jul	2	3	4
15:30 Poverty PDC	14:00 Rec & Fut Gen PDC					

# July 2021

July 2021

August 2021

Mo	Tu	We	Th	Fr	Sa	Su
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	
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					

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
28 Jun	29	30	1 Jul 10:00 Corporate Briefing 17:00 Council	2	3	4
5 14:00 Gower AONB	6 14:00 Planning	7	8 10:30 Swansea Bay CRIC	9 10:00 General Licensing	10	11
12 10:00 Corporate Parenting 14:00 Armed Forces	13 10:00 Gov & Audit 16:00 Scrutiny Programme	14 10:00 Pension Fund	15 10:00 Cabinet 14:00 Econ & Dev PDC	16	17	18
19 10:00 SDF Panel 16:00 Democratic Services	20	21 16:00 Education PDC	22	23	24	25
26 15:30 Poverty PDC	27 14:00 Rec & Fut Gen PDC	28 10:00 Pension Board 16:00 People PDC	29 17:00 Council	30	31	1 Aug

# August 2021

August 2021							September 2021						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
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
26 Jul	27	28	29	30	31	1 Aug
2	3 14:00 Planning	4	5	6	7	8
9 Page 37	10 14:00 Gov & Audit	11	12	13 10:00 General Licensing	14	15
16	17 16:00 Scrutiny Programme	18	19	20	21	22
23	24	25	26	27	28	29
30 BANK HOLIDAY	31	1 Sep	2	3	4	5

# September 2021

September 2021							October 2021						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
6	7	8	9	10	11	12	4	5	6	7	8	9	10
13	14	15	16	17	18	19	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 Aug	31	1 Sep 10:00 Corporate Briefing	2 10:30 Swansea Bay CRJC 17:00 Council	3	4	5
6	7 14:00 Planning	8 10:00 Pension Fund	9	10 10:00 General Licensing 11:00 Archives	11	12
	14 10:00 Gov & Audit 16:00 Scrutiny Programme	15 16:00 Education PDC	16 10:00 Cabinet 14:00 Econ & Dev PDC	17	18	19
20 10:00 Corporate Parenting	21 10:30 JCC	22 10:00 Pension Board 16:00 People PDC	23	24	25	26
27 15:30 Poverty PDC	28 14:00 Rec & Fut Gen PDC	29	30	1 Oct	2	3



# October 2021

October 2021							November 2021						
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

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
27 Sep	28	29	30	1 Oct	2	3
4 14:00 Gower AONB	5 14:00 Planning	6	7 10:00 Corporate Briefing 17:00 Council	8 10:00 General Licensing	9	10
11 10:00 Corporate Parenting	12 14:00 Gov & Audit	13	14 10:30 Swansea Bay CRJC	15 10:00 Standards	16	17
18	19 16:00 Scrutiny Programme	20 16:00 Education PDC	21 10:00 Cabinet 14:00 Econ & Dev PDC 15:00 PSB	22	23	24
25 15:30 Poverty PDC	26 14:00 Rec & Fut Gen PDC	27 SCHOOL HALF TERM 16:00 People PDC	28	29	30	31

# November 2021

November 2021							December 2021						
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 Nov	2 14:00 Planning	3	4 10:00 Corporate Briefing 17:00 Council	5	6	7
8 14:00 Armed Forces 16:00 Democratic Services	9 14:00 Gov & Audit	10	11 10:30 Swansea Bay CRJC	12 10:00 General Licensing	13	14
22 15:30 Poverty PDC	23	24 16:00 People PDC	25	26	27	28
29	30 14:00 Rec & Fut Gen PDC	1 Dec	2	3	4	5
16 16:00 Scrutiny Programme	17 10:00 Pension Fund 16:00 Education PDC	18 10:00 Cabinet 14:00 Econ & Dev PDC	19	20	21	22

# December 2021

January 2022

December 2021

Mo	Tu	We	Th	Fr	Sa	Su
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		

Mo	Tu	We	Th	Fr	Sa	Su
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						

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
29 Nov	30	1 Dec 10:00 Pension Board	2 10:00 Corporate Briefing 17:00 Council	3	4	5
6 14:00 Gower AONB	7 10:30 JCC 14:00 Planning	8	9 10:30 Swansea Bay CR/C	10 10:00 General Licensing 11:00 Archives	11	12
	14 10:00 Gov & Audit 16:00 Scrutiny Programme	15 16:00 Education PDC	16 10:00 Cabinet 14:00 Econ & Dev PDC 15:00 PSB	17	18	19
20 10:00 SDF Panel 15:30 Poverty PDC	21 14:00 Rec & Fut Gen PDC	22 16:00 People PDC	23	24	25 CHRISTMAS DAY	26 BOXING DAY
27 BANK HOLIDAY	28 BANK HOLIDAY	29 EXTRA STATUTORY DAY	30	31	1 Jan 22	2

# January 2022

January 2022

February 2022

Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
3	4	5	6	7	1	2	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						
31													

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
27 Dec	28	29	30	31	1 Jan 22 NEW YEARS DAY	2
3 BANK HOLIDAY	4	5	6 10:00 Corporate Briefing	7	8	9
10 10:00 Corporate Parenting 14:00 Armed Forces	11 14:00 Planning	12 14:00 Gov & Audit	13 10:30 Swansea Bay CRIC	14 10:00 General Licensing	15	16
17 10:00 Corporate Parenting 14:00 Armed Forces	18 16:00 Scrutiny Programme	19 16:00 Education PDC	20 10:00 Cabinet 14:00 Econ & Dev PDC	21	22	23
24 15:30 Poverty PDC	25 14:00 Rec & Fut Gen PDC	26 16:00 People PDC	27 17:00 Council	28	29	30
31 16:00 Democratic Services	1 Feb	2	3	4	5	6

# February 2022

February 2022

March 2022

Mo	Tu	We	Th	Fr	Sa	Su
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			

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			

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
31 Jan	1 Feb 14:00 Planning	2	3 10:00 Corporate Briefing	4	5	6
7	8 14:00 Gov & Audit	9	10 10:30 Swansea Bay CRJC	11 10:00 General Licensing	12	13
14	15 16:00 Scrutiny Programme	16 16:00 Education PDC	17 10:00 Cabinet 14:00 Econ & Dev PDC	18	19	20
21	22 14:00 Rec & Fut Gen PDC	23 SCHOOL HALF TERM 16:00 People PDC	24	25	26	27
28	1 Mar 15:30 Poverty PDC	2	3	4	5	6

# March 2022

March 2022

April 2022

Mo	Tu	We	Th	Fr	Sa	Su
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	

Mo	Tu	We	Th	Fr	Sa	Su
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			

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
28 Feb	1 Mar 14:00 Planning	2	3 10:00 Corporate Briefing 17:00 Council	4	5	6
7 14:00 Armed Forces	8 14:00 Gov & Audit	9	10 10:30 Swansea Bay CRJC	11 10:00 General Licensing 11:00 Archives	12	13
14:00 Gower AONB	15 16:00 Scrutiny Programme	16 10:00 Pension Fund 16:00 Education PDC	17 10:00 Cabinet 14:00 Econ & Dev PDC 17:00 Council	18 10:00 Standards	19	20
21 10:00 Corporate Parenting 14:00 Democratic Services	22	23 16:00 People PDC	24	25	26	27
28 10:00 SDF Panel 15:30 Poverty PDC	29 14:00 Rec & Fut Gen PDC	30 10:00 Pension Board	31	1 Apr	2	3

# April 2022

April 2022

May 2022

Mo	Tu	We	Th	Fr	Sa	Su
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	

  

Mo	Tu	We	Th	Fr	Sa	Su
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					

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
28 Mar	29	30	31	1 Apr	2	3
4	5 14:00 Planning	6 10:00 Corporate Briefing	7 10:30 Swansea Bay CRJC	8 10:00 General Licensing	9	10
11	12 14:00 Gov & Audit	13 SCHOOL EASTER HOLIDAYS	14	15 GOOD FRIDAY	16	17
18	19 16:00 Scrutiny Programme	20 SCHOOL EASTER HOLIDAYS	21 10:00 Cabinet	22	23	24
25	26	27	28	29	30	1 May

# May 2022

May 2022

June 2022

Mo	Tu	We	Th	Fr	Sa	Su
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					

Mo	Tu	We	Th	Fr	Sa	Su
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			

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
25 Apr	26	27	28	29	30	1 May
2	3	4	5 Local Government Elections	6	7	8
9	10	11	12	13	14	15
16	17	18	19 16:00 1st Annual Council	20 14:00 Council (Lord Mayor)	21	22
23	24	25	26	27	28	29
30	31 SCHOOL HALF TERM	1 Jun	2	3	4	5



# Agenda Item 9.



## Report of the Monitoring Officer

Council – 20<sup>th</sup> May 2021

### Amendments to the Council Constitution

Purpose: The report presents the necessary changes made to the Constitution following the commencement of certain sections of the Local Government and Elections (Wales) Act 2021

Report Author: Tracey Meredith

Finance Officer: Ben Smith

Access to Services Officer: Rhian Millar

#### For Information

#### 1. Background

1.1 In compliance with the Local Government Act 2000, the City and County of Swansea has adopted a Council Constitution. It is necessary to review the Constitution occasionally to ensure good governance arrangements and to keep it in line with legislative requirements.

#### 2. Local Government and Elections (Wales) Act 2021

2.1 Article 15 “Review and Revision of the Constitution” allows the Monitoring Officer to make changes / updates to the Council Constitution in relation to:

- a) Legislation;
- b) Changes to the Officer structure or changes of responsibility within the Officer Structure;
- c) The need to correct any administrative or typing errors.

2.2 The Local Government and Elections (Wales) Act 2021 (the Act) has brought into effect several necessary legislative changes to the Constitution. The changes are:

- (a) Changes to the Terms of Reference of the Audit Committee to reflect the name change to Governance and Audit Committee and additional responsibilities under Part 5 s 115 of the Act as attached at Appendix 1.
- (b) To change the reference in the Constitution at Part 1 paragraph 3 to councillors being elected for 4 years to 5 years under Part 1 s 14 of the Act which provides for electoral cycles of principal councils to change from 4 years to 5 years.
- (c) To amend paragraph 50 of Section 4.1 Council Procedure Rules to reflect the amendment to the Local Government (Wales) Measure 2011 which provided that an authority may make standing orders about remote attendance with a quorate number of 30% of the total of members present. The Local Government and Elections (Wales) Act 2021 amends those provisions and provides that local authorities **must** make and publish arrangements which enables persons who are not in the same place to attend meetings. There is only one amendment to make to this section, which is attached at Appendix 2.
- (d) To amend Part 4.2 Rules of Procedure so that the rules comply with Schedule 4 of the Local Government and Elections (Wales) Act 2021 relating to notice of local authority meetings and accessing documentation for meetings. The amendments reflect the legislative requirements and are attached at Appendix 3.

### **3. Other changes to Constitution**

- 3.1 To add to Part 3.1 – Responsibility for Functions (Introduction – Scheme of Delegation) to reflect changes of responsibility within the officer structure relating to Section 9 – Licensing and Registration Functions B33 and B34 which relate to Power to register common land or town or village greens and Power to register variation of rights of common.

It has been agreed that as part of the restructuring of the legal department that the functions of the Council as Commons Registration Authority shall be exercised by the Head of Planning and City Regeneration and not the Chief Legal Officer. The decision to transfer these delegated functions is in recognition of the fact that the Head of Planning and City Regeneration currently has operational responsibility for the management of public rights of way and local land charges and the Head of Planning and City Regeneration is best placed to exercise the additional functions attaching to the role of the Commons Registration Authority. The changes are set out at Appendix 4 attached.

#### **4. Integrated Impact Assessment**

4.1 The Council is subject to the Public Sector Equality Duty (Wales) 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 Act.
- 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.

There is no requirement for an Integrated Impact Assessment for this report as this relates to changes that are required to the Constitution following legislative changes.

#### **5. Legal Implications**

5.1 The changes reflect those changes necessary under the Local Government and Elections (Wales) Act 2021 and reflect changes to officer structure.

#### **6. Financial Implications**

6.1 There are no financial implications.

**Background papers:** *None*

#### **Appendices:**

Appendix 1 – Changes to the terms of reference of the Governance and Audit Committee

Appendix 2 – Changes to Part 4.1 Council Procedure Rules

Appendix 3 – Changes to Part 4.2 Access to Information Procedure Rules

Appendix 4 – Responsibility for Functions

## 1 Governance and Audit Committee

### Statement of Purpose

The Governance and Audit Committee is a key component of the City and County of Swansea's corporate governance. It provides an independent and high level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of the Governance and Audit Committee is to provide independent assurance of the adequacy of the risk management framework, the internal control environment and the performance assessment of the Council. It provides an independent review of the governance, performance assessment, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

### Governance, Performance, Risk and Control

- a) \_\_\_\_\_ To review the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.
- a) \_\_\_\_\_ To review the Council's draft annual Self-Assessment Report, and make any appropriate recommendations for changes to the conclusions or actions the Council intends to make.
- b) \_\_\_\_\_ To review the Council's draft response to the Panel Performance Assessment Report, and make any appropriate recommendations for changes.
- c) \_\_\_\_\_ To review the Council's draft response to any Auditor General's recommendations arising from a special inspection in respect of the Council's performance requirements and to make any appropriate recommendations for changes.
- a)d) \_\_\_\_\_ To review and assess the authority's ability to handle complaints effectively and to make any associated reports and recommendations in relation to the authority's ability to handle complaints effectively.
- b)e) \_\_\_\_\_ To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances.
- e)f) \_\_\_\_\_ To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- e)g) \_\_\_\_\_ To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.
- e)h) \_\_\_\_\_ To monitor the effective development and operation of risk management in the Council.

f)j) \_\_\_\_\_ To monitor progress in addressing risk related issues reported to the Committee.

g)j) \_\_\_\_\_ To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

h)k) \_\_\_\_\_ To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.

h)l) \_\_\_\_\_ To monitor the counter fraud strategy, actions and resources.

### **Internal Audit and External Audit**

j)m) \_\_\_\_\_ To approve the internal audit charter and resources.

k)n) \_\_\_\_\_ To consider the head of internal audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.

h)o) \_\_\_\_\_ To consider summaries of specific internal audit reports as requested.

m)p) \_\_\_\_\_ To consider reports dealing with the management and performance of the providers of internal audit services.

n)q) \_\_\_\_\_ To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.

e)r) \_\_\_\_\_ To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.

p)s) \_\_\_\_\_ To consider specific reports as agreed with the external auditor.

e)t) \_\_\_\_\_ To comment on the scope and depth of external audit work and to ensure it gives value for money.

r)u) \_\_\_\_\_ To commission work from internal and external audit.

### **Financial Reporting**

s)v) \_\_\_\_\_ To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

t)w) \_\_\_\_\_ To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

### **Accountability Arrangements**

u)x) \_\_\_\_\_ To report to full Council on a regular basis on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.

**Contents**

1. [Meetings](#)
2. [Timing of the First Annual Meeting of Council](#)
3. [Timing of the Annual Meeting of Council](#)
4. [Smoking/Refreshments/Mobile Phones/Comfort Break](#)
5. [Timing of Ordinary, Extraordinary and Ceremonial Meetings of Council](#)
6. [Order of Business](#)
7. [The First Annual Meeting of Council](#)
8. [Annual Meeting of Council](#)
9. [Ordinary Meeting of Council](#)
10. [Extraordinary Meeting of Council](#)
11. [Ceremonial Meeting of Council](#)
12. [Chair of Meetings](#)
13. [Quorum](#)
14. [Record of Attendance and/or Interest](#)
15. [Minutes](#)
16. [Interests, Gifts and Hospitality of Members](#)
17. [Rules of Debate](#)
18. [Notice of Motion](#)
19. [Other Motions](#)
20. [Debates on the Budget and the Accounts](#)
21. [Motions Involving Exempt or Confidential Information](#)
22. [Councillors Questions](#)
23. [Supplementary Questions \(Part A Questions\)](#)
24. [Questions Not Requiring Supplementary Questions \(Part B Questions\)](#)
25. [Answers to Questions](#)
26. [Presentations and Public Question Time](#)
27. [Disorderly Conduct](#)
28. [Disturbance by Members of the Public](#)
29. [Rescission of Preceding Resolution](#)
30. [Voting](#)
31. [Common Seal](#)
32. [Sealing of Documents](#)
33. [Signature of Documents](#)
34. [Inspection of Documents](#)
35. [Inspection of Land, Premises and Projects](#)
36. [Politically Restricted Posts](#)
37. [Canvassing of Members, Recommendations and Testimonials](#)
38. [Membership and Meetings of Constitutional Bodies](#)
39. [Appointment of Constitutional Bodies](#)
40. [Terms of Reference and Delegation to Constitutional Bodies](#)
41. [Family Absence for Councillors](#)
42. [Speaking Rights at Planning Committee](#)
43. [Variation and Revocation of Procedure Rules](#)
44. [Suspension of Procedure Rules](#)
45. [Procedure Rules to be given to Members](#)
46. [Interpretation / Amendment of Procedure Rules](#)
47. [Co-opted Members](#)
48. [Members Attending Meetings](#)

- 49. [Welsh Language](#)
- 50. [Remote Attendance at Meeting](#)
- 51. —
- 52. [50.](#)

## 1 Meetings

The Head of Democratic Services, shall summon all meetings of the Council or Chief Legal Officer, in her/his absence. A notice period of 5 clear working days shall be given to Council meetings and to Cabinet Meetings. However in exceptional circumstances the 5 clear working day notice period may be waived providing prior written agreement (via e-mail) is received from the Presiding Member, Monitoring Officer and / or Head of Democratic Services or their respective Deputies. A notice period of **3** Clear working days will apply to all other Committee meetings.

### Note:

This provision does not allow the Authority to waive its legislative duty to meet the 3 clear working day requirement'.



## 2 Timing of the First Annual Meeting of Council

In a year when there is an ordinary election of Councillors, the Annual Meeting will take place on a date that the Council may fix between the eighth day of the retirement of the outgoing Councillors but within 21 days of the retirement of the outgoing Councillors.



## 3 Timing of the Annual Meeting of Council

The Council shall hold an Annual Meeting in such place and at such time of day during the months of March, April or May as the Council shall fix.



## 4 Smoking/Refreshments/Mobile Phones/Comfort Break

- 1 Smoking is prohibited by Law in all Council premises.
- 2 Members shall refrain from refreshments other than water unless under the direction of the Presiding Member.
- 3 Councillors shall refrain from using mobile phones or similar devices for verbal communication during meetings. However, Councillors may use mobile phones, mobile internet devices or similar devices for internet access during meetings provided they comply with any rules in place by legislation or by the Council. These devices must be set to silent.
- 4 Should a Councillor require the use of a noise emitting device based on medical grounds during a meeting, then the Presiding Member must be informed of the necessity.
- 5 Councillors and Officers are reminded that a 'voluntary' contribution to the Lord Mayor's Fund is expected where a noise emitting device disrupts the meeting without a prior dispensation from the Presiding Member.
- 6 The Presiding Member shall have the discretion to call an adjournment at an appropriate time after approximately 2 hours of a meeting in order to facilitate a 10 minute comfort break. The Presiding Member may repeat such a break as necessary.



## **5 Timing of Ordinary, Extraordinary and Ceremonial Meetings of Council**

- 1 Meetings of the Council other than the Annual Meeting shall be held on such other days and at such other times as the Council may determine.
- 2 At the Annual Meeting a programme of ordinary meetings of the Council for the year will be agreed. There will be no variation to the programme except at the request of the Presiding Member in consultation with political Group Leaders. The cancellation shall be notified to all Councillors at least 7 clear working days before the original date of the meeting.



## **6 Order of Business**

This Council Procedure Rule outlines the Order of Business for the 5 types of Council Meeting, namely:

- a) First Annual Meeting of Council;
- b) Annual Meeting of Council;
- c) Ordinary Meeting of Council;
- d) Extraordinary Meeting of Council;
- e) Ceremonial Meeting of Council.



## **7 The First Annual Meeting of Council**



The First Annual Meeting in the year of ordinary election of Councillors to the Council shall transact the following business:

- a) Election of Chair Pro Tem (if the Presiding Member or Deputy Presiding Member is not present);
- b) Election of Presiding Member for the ensuing Municipal Year;
- c) Election of Deputy Presiding Member for the ensuing Municipal Year;
- d) Apologies for Absence;
- e) Disclosures of Personal and Prejudicial Interests;
- f) Minutes of Council;
- g) Announcement from the Presiding Member and/or Head of the Paid Service;
- h) Election of the Leader of the Council;
- i) Names of Councillors that the Leader of the Council has chosen to be members of the Cabinet;
- j) Constitutional Matters; (appoint Council bodies, decide the size of these Council bodies, decide the allocation of seats to these Council bodies, receive nominations and appoint Councillors to serve on these Council bodies)
- k) Councillors' Handbook; (Review of Councillors Mileage Distances)
- l) Reaffirmation of the adoption of the Council Constitution;
- m) Approval of a programme of Ordinary Meetings of the Council for the ensuing Municipal Year;
- n) Consider any business set out in the notice convening the meeting;
- o) Authorise the sealing of documents not otherwise authorised;



## 8 Annual Meeting of Council

The Annual Meeting of Council shall transact the following business:

- a) Election of a Chair Pro Tem (if the Presiding Member or Deputy Presiding Member is not present);
- b) Election of the Presiding Member for the ensuing Municipal Year;
- c) Election the Deputy Presiding Member for the ensuing Municipal Year;
- d) Apologies for Absence;
- e) Disclosures of Personal and Prejudicial Interests;
- f) Minutes of Council;
- g) Presiding Member and/or Head of the Paid Service Announcements;
- h) Receive the names of Councillors that the Leader of the Council has chosen to be members of the Cabinet;
- i) Councillors' Handbook;
- j) Constitutional Matters (Appoint Council bodies; Decide the size of these Council bodies; Decide the allocation of Seats to these Council Bodies; Receive nominations and appoint Councillors to serve on these Council bodies)
- k) Councillors Handbook;
- l) Reaffirmation of the adoption of the Council Constitution;
- m) Approve a programme of Ordinary Meetings of the Council for the ensuing Municipal Year;
- n) Consider any business set out in the notice convening the meeting;
- o) Authorise the sealing of documents not otherwise authorised.



## 9 Ordinary Meeting of Council

Except as otherwise provided by this Council Procedure Rule, the Order of Business at any meeting of the Council shall transact the following business

- a) Election of a Chair Pro Tem (if the Presiding Member or Deputy Presiding Member is not present);
- b) Apologies for Absence;
- c) Disclosures of Personal and Prejudicial Interests;
- d) Minutes of Council;
- e) Deal with any business having precedence by statute;
- f) Written responses to questions asked at the last Ordinary Meeting of Council;
- g) Announcements/Communications from the Presiding Member;
- h) Dispose of business (if any) remaining from the previous meeting;
- i) Announcements/Communications from the Leader of the Council;
- j) Public Questions;
- k) Presentations by Third Sector Organisations;
- l) Receive and consider recommendations, reports or minutes from Cabinet, Standards Committee, Overview & Scrutiny Boards any matters referred from regulatory committees, any matters from the Presiding Member or from any statutory Officer;
- m) Fill vacancies and appoint Members on other bodies on a recommendation from Cabinet;
- n) Reports from Officers;
- o) Councillor Questions;
- p) Consider Notices of Motion in the order in which they have been received;
- q) Other business, if any, specified in the summons;

### Note:

With the consent of the Presiding Member, the Council may, by Resolution at any meeting, vary the order of business set out in the foregoing paragraph with the exceptions of items a, b, c, d and e and may deal with any items of urgent business brought forward pursuant to Section 100B(4) of the Local Government Act 1972. This shall also apply to other Bodies of the Council.



## 10 Extraordinary Meeting of Council

An Extraordinary Meeting of the Council may be called at any time at the request of the Presiding Member or any 5 Members, addressed in writing to the Proper Officer and setting out the business to be considered thereat. The Extraordinary Meeting of Council shall transact the following business:

- a) Election of a Chair Pro Tem (if the Presiding Member or Deputy Presiding Member is not present);
- b) Apologies for Absence;
- c) Disclosures of Personal and Prejudicial Interests;
- d) Announcements / Communications from the Presiding Member;
- e) Announcements / Communications from the Leader of the Council;
- f) Public Questions;
- g) Consider any business set out in the notice convening the meeting;
- h) The signing of the minutes of Extraordinary meetings of the Authority (called under paragraph 3 (Extraordinary Meetings) of Schedule 12 to the Local

Government Act 1972), shall be undertaken at the next Ordinary meeting of the Authority which shall be treated as a suitable meeting for the purposes of paragraph 15(1) and (2), (signing of Minutes) of that Schedule.

†

## 11 Ceremonial Meeting of Council

- 1 Ceremonial Meeting of Council shall be presided over by the Lord Mayor (or Deputy Lord Mayor in his/her absence).
- 2 The Ceremonial Meeting of Council shall deal with the Inauguration of the Lord Mayor, granting Honorary Freedom of the City and County of Swansea status and/or any ceremonial duty as deemed appropriate by the Lord Mayor in conjunction with the Presiding Member and Chief Executive.
- 3 The Ceremonial Meeting of Council shall transact the following business:
  - a) Election of a Chair Pro Tem Elect (if the Lord Mayor/Deputy Lord Mayor is not present);
  - b) Apologies for Absence. (These apologies will not be orally read out but shall be reflected in the minutes);
  - c) Disclosure of Personal and Prejudicial Interests;
  - d) Consider any business set out in the notice convening the meeting.

e) —  
†

## 12 Chair of Meetings

- 1 The Chair of Council shall be the Presiding Member and the Vice Chair of Council shall be the Deputy Presiding Member. References in these Procedure Rules to Chair and Vice Chair shall be interpreted accordingly where necessary.
- 2 In the absence from a meeting of the Presiding Member, the Deputy Presiding Member shall take the Chair but in the absence of the Presiding Member and Deputy Presiding Member, a Chair for that meeting shall be appointed.

### **Provided that:**

Where a person is chosen to preside in the absence of the Presiding Member or Deputy Presiding Member and the Presiding Member or Deputy Presiding Member arrives at the meeting after such a choice has been made, then the person chosen shall complete the item in hand and thereupon relinquish the Chair to the Presiding Member or Deputy Presiding Member as the case may be.

- 3 Any power or duty assigned to the Presiding Member in relation to the conduct of any meeting shall be exercised by the person presiding at that meeting.
- 4 Other than where specified, the period of office of an Officeholder of a Body of the Council shall be deemed to terminate at the Council's Annual Meeting in a non-election year, the last day before the day of a Local Government Election in an election year or the day a Member ceases to be a Member, in which case the period of office shall terminate on dissolution, alteration or termination of office.

—↑

## 13 Quorum

- 1 The quorum of the Council shall be one quarter of all Members and if during any meeting of the Council the Presiding Member after counting the number of Members present declares that there is not a quorum present the meeting shall stand adjourned immediately after the count.
- 2 Except where specifically authorised by statute or ordered by the Council, business shall not be transacted at a meeting of any Committee unless at least one quarter of the whole number of the voting Members of the Committee is present.

### **Provided that:**

In no case shall the quorum of any Body of the Council be less than three voting Members.

- 3— The consideration of business not transacted shall be adjourned to a time fixed by the Presiding Member at the time the meeting is adjourned, or, if s/he does not fix such a time, to the next ordinary meeting of the Council or Committee.

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## 14 Record of Attendance and/or Interest

- 1 An attendance sheet or register shall be provided by the Proper Officer at every meeting on which each Member present at the meeting shall enter her/his name.
- 2 A Member's Interests sheet or register shall be provided by the Monitoring Officer at every meeting on which each Member present at the meeting shall enter all declarable interests relevant to the business to be conducted at that meeting.

↑

## 15 Minutes

- 1 The Presiding Member shall put the question: "That the minutes of the previous meeting held on (the day in question) be approved as a correct record".
- 2 No discussion shall take place upon the minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Presiding Member/Deputy Presiding Member shall duly sign the minutes.

↑

## 16 Interests, Gifts and Hospitality of Members

### 1 Personal Interests

- a) If any Member of the Council has a personal interest within the Code of Conduct as adopted by the City and County of Swansea, in any business of the Authority, and attends a meeting at which that business is considered, such Member must disclose orally to the meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent. Such disclosure is notwithstanding the fact that s/he may previously have disclosed the said personal interest by entering it into the Register kept by the Monitoring Officer under the Code of Conduct and/or section 81 of the Local Government Act 2000.
- b) A Member who has declared a personal interest may remain to speak and vote unless it is also a Prejudicial Interest.

### 2 Sensitive Information

Where a Member has agreement from the Monitoring Officer that the information relating to the Member's personal interest is sensitive information, as defined in the Code of Conduct, the Member's obligations to disclose such information, whether orally or in writing, are 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.

### 3 Prejudicial Interests

- a) Subject to paragraph b where any Member has a personal interest in any business of the Authority which is also a prejudicial interest as defined in the Code of Conduct, such Member must, unless s/he has obtained a dispensation from the Authority's Standards Committee, withdraw from the room, chamber or place where the meeting considering the business is being held.
- b) Where a Member has a prejudicial interest in any business of the Authority, s/he 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, the Member must, unless s/he has obtained a dispensation from the Authority's Standards Committee, withdraw from the room, chamber or place where the meeting considering the business is being held, 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.
- c) If the Member is relying on a grant of a dispensation by the Standards Committee, the Member shall, before the matter shall be 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:

- i) details of the prejudicial interest;
- ii) details of the business to which the prejudicial interest relates;
- iii) details of, and the date on which, the dispensation was granted; and
- iv) the Member's signature.

**Note:**

Members must declare all interests verbally at the relevant meeting. Members shall enter all declared interests on a sheet provided for that purpose in accordance with Procedure Rule 14(2).

- d) Members must register their financial interests and other interests, where they fall within a category mentioned in Paragraph 10(2)(a) of the Code in the Register maintained by the Monitoring Officer under section 81(1) of the Local Government Act 2000 by providing written notification to the Monitoring Officer. Members must also, within 28 days of becoming aware of any new Personal Interest or change to any Personal Interest registered in the said Register, register that new Personal Interest or change by providing written notification to the Monitoring Officer.
- e) Registration does not apply to sensitive information as defined in the Code.
- f) The said Register shall be open to inspection by any member of the public without charge during office hours.
- g) All disclosures, declarations, withdrawals and dispensations shall be recorded in the minutes of the meeting in which they are made.
- h) Immediately on making her/his Declaration of Acceptance of Office any Member shall in accordance with the City and County of Swansea's Code of Conduct, sign an undertaking to be bound by that Code, (or any amendment or re-enactment) and enter on the form provided for that purpose, a list of her/his personal interests, such form shall be open to public inspection, and shall be kept up to date by the Member concerned by notifications of any revisions or updates. The form shall be placed on deposit with the Monitoring Officer.

#### **4 Gifts and Hospitality**

The Monitoring Officer shall maintain a Register for the declaration of any gifts or hospitality of more than £25 in value in accordance with Paragraph 17 of the Code of Conduct and the said register shall be open to inspection by any member of the public without charge during office hours.

Any gift accepted by a Member on behalf of that Member's relevant Authority need not be notified to the Monitoring Officer, but must be notified to the Lord Mayor's Office. The gift shall then be recorded in the Lord Mayor's gift register and the said register shall be open to inspection by any member of the public without charge during office hours. The member shall deliver the gift to the appropriate officer.

#### **5 Interests, Gifts and Hospitality of Officers**

- a) It shall be the duty of all Officers to declare all or any offer in writing or acceptance of any gift or hospitality of more than £25 in value. Chief Officers shall make such declarations to the Chief Executive, all other Officers to their Chief Officer. A Register shall be maintained by the relevant Officer, for the purpose of recording all gifts and hospitality offered, in writing or received.
- b) The Monitoring Officer shall record in a register to be kept for the purpose particulars of any notice given by an officer of the Council under Section 117 “Disclosures by Officers of Interests in Contracts” of the Local Government Act, 1972, for the personal inspection of any Member of the Council and particulars of any interests which Officers of the Council are required to register under any rules set out in the Staff Handbook;
- c) It shall be the duty of any member of staff to declare interests in accordance with any rules set out in the Staff Handbook;
- d) The register mentioned in Procedure Rule 16.5(a) shall be open during office hours only to the personal inspection of Members and not otherwise.

**Note:**

There is no provision for dispensations (i.e. removal or exclusion of disability to participate in a meeting, including the giving of advice) in the case of an officer.



## **17 Rules of Debate**

### **1 Respect for Chair**

When the Presiding Member stands during a debate all Councillors must immediately stop speaking and the Council must be silent.

### **2 Standing when Speaking**

A Councillor, when speaking at Council, must stand and address the Presiding Member; all others must remain seated and silent, unless rising to a point of order or in personal explanation or on a point of information.

This Procedure Rule does not apply to other Council Body meetings such as Cabinet, Committees etc.

When a Councillor rises for a “Point of Order” or in “Personal Explanation” or on a “Point of Information”, Paragraph 17(12) “Personal Explanation, Points of Order and Points of Information” applies. If this occurs, the Councillor rising for that purpose has the floor and the other Councillors will sit down.

### **3 Order of Speaking**

If two or more Councillors indicate their wish to speak, the Presiding Member will call on one and the other(s) must then sit. The Presiding Member may decide

and announce that Councillors will be called in a given order at specified points during the debate. Alternatively, the Presiding Member may also decide to open a list of Councillors wishing to speak and to restrict the speakers to those that indicate an intention to speak prior to the closure of the list. The Presiding Member shall announce when this list is closed.

Once a Motion has been proposed and seconded the Presiding Member shall invite Councillors to speak in the following order:

- a) The Leader of the Largest Opposition Political Group;
- b) The Leader of the next Largest Opposition Political Group;
- c) The Leader of the Other Political Group(s). If there is more than one, the Leader of the largest of the Opposition Political Groups will be invited to speak first. If two or more Political Groups have the same number of members it is a matter for the Presiding Member which Political Group Leader will be invited to speak first;
- d) The Leader of the Council;
- e) Other Councillors.

When invited to speak by the Presiding Member a Leader of a Political Group may nominate another member of his/her Group to speak in his/her place. The Group Members will then be invited to speak. S/he will have 3 minutes in which to make a speech.

#### **4 Content and Length of Speeches**

A Councillor's speech must relate solely to the matter under discussion and no speech shall exceed 5 minutes in the case of:

- a) The mover of a motion;
- b) The Political Group Leaders or Deputy Political Group Leader in the absence of the Political Group Leader;
- c) A Cabinet Portfolio Holder who is presenting a report to Council or moving the adoption of the recommendation of the Executive (Cabinet);
- d) In all other cases, except with the consent of the Presiding Member of Council no speech will exceed 3 minutes.

#### **5 When a Councillor may Speak Again**

A Councillor who has spoken on any motion may not speak again whilst it is still the subject of debate except:

- a) To speak once on an amendment moved by another Councillor;
- b) If the motion has been amended since s/he has last spoke, to move a further amendment;
- c) If the Councillor's first speech was on an amendment moved by another Councillor, to speak on the main issue (whether or not the amendment on which s/he spoke was carried);
- d) In exercise of a right of reply given by this Council Procedure Rule;
- e) In the case of the Political Group Leaders, a Chair of a Committee or Cabinet Portfolio Holder, to respond to a question directed to him/her or on any other matter that may not have arisen during the debate at the Chair's discretion;
- f) On a Point of Order or Point of Information or by way of Personal Explanation;



- g) With the consent of the Presiding Member;
- h) Leader of the Council prior to the proposer of the Motion.

## 6 **Procedure for Motions or Amendment**

Before a motion or amendment can be discussed at a Council meeting:

- a) It must be proposed and seconded; and
- b) It must be put in writing by the proposer and handed to the Presiding Member (unless the Presiding Member agrees that the motion or amendment is so brief as to make this unnecessary).

An amendment must be relevant to the Motion and will be either:

- a) To refer a subject of debate to the Executive (Cabinet) or to a Committee;
- b) To leave out words;
- c) To leave out words and insert or add others;
- d) To insert or add words.

No amendment may be moved which would have the same effect as voting against the motion.

Only one amendment may be moved and discussed at a time.

No further amendment may be moved until the amendment under discussion has been disposed of.

If an amendment is lost, then other amendments may be moved upon the original motion.

If there are no further amendments, the original motion will be put to the vote;

If an amendment is carried, the amended motion takes the place of the original motion. This then becomes the substantive motion to which further amendments may be moved.

After an amendment has been carried, the Presiding Member will read out the amended motion before accepting any further amendments.

If there are no further amendments, the final amended motion will be put to the vote.

## 7 **Secunder's Speech**

A Councillor when seconding a motion or amendment may reserve his or her speech until later in the debate.

## 8 **Alteration to Motion**

With the consent of the Council, a Councillor may alter a motion of which notice has been given or (with the consent of the secunder) alter a motion which s/he

has moved, subject to such alterations being those which could be made as amendments.

## 9 **Withdrawal of Motion**

A motion or amendment may be withdrawn by the proposer with the consent of the seconder and of the Council signified without discussion.

No Councillor may speak on a motion or amendment after the proposer has asked to withdraw it, unless permission to withdraw it has been refused.

## 10 **Right of Reply**

The proposer of a motion has a right of reply prior to the close of the debate on a motion immediately before it is put to the vote. Normally, the reply should not exceed 1 minute in length.

At the close of a debate on an amendment the proposer of the original motion and the proposer of the amendment each have a right of reply (in that order). Normally neither should exceed one minute in length.

## 11 **Closure Motions**

- a) At the end of a speech by another Councillor, provided another Councillor has not been called to speak by the Presiding Member, a Councillor who has not taken any part in the debate may move without comment that:
  - i) The question be put immediately to the vote;
  - ii) The debate be adjourned;
  - iii) The meeting be adjourned;
  - iv) The Council move on to the next business.
- b) This motion will need to be seconded, and if it is seconded, the Presiding Member will proceed as follows if, in his/her opinion, the question before the meeting has been sufficiently discussed:
  - i) In the case of a motion under 17.9 above, invite the mover of the original motion to reply, and then put the closure motion to the vote.
- c) If a motion under 17.11 a) above is carried the motion under debate when the closure motion was moved shall be put immediately to the vote after the proposer has exercised his/her right of reply.

## 12 **Personal Explanation, Points of Order and Points of Information**

- a) A Personal Explanation must relate to an important part of an earlier speech by the Councillor in relation to which a misunderstanding has occurred.
- b) A Point of Order is a request by a Councillor to the Presiding Member to rule upon an alleged breach of the Council Rules of Procedure or the law at the meeting.
- c) A Point of Information may be made where a Councillor is aware that the Council has incorrect information before it on a material point.

- d) A Councillor may stand to make a personal explanation, a point of order or point of information at any time and is entitled immediately to address the Presiding Member on the matter; but:
  - i) The Councillor who raises a Point of Order must refer immediately to a Council Procedure Rule or statutory provision and say with reasons how it has been broken or infringed;
  - ii) The Councillor who raises the Point of Information must be able to immediately cite evidence to support their statement;
  - iii) In each case the Councillor's speech must be limited solely to the Personal Explanation or Point of Order or Point of Information;
  - iv) The ruling of the Presiding Member on a Point of Personal Explanation, Point of Order or Point of Information is final and not open to discussion.

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## 18 Notice of Motion

- 1 Every Notice of Motion (except as provided in Council Procedure Rule 18.6) for inclusion with the Council Summons shall be submitted to the Proper Officer (Monitoring Officer and/or Head of Democratic Services) by NOON at least 12 clear working days prior to the meeting in order for it to be considered. On receipt of the Motion, the Head of Democratic Services shall date the Motion, number it to show the order in which it was received and enter it in a register which shall be open to inspection by Councillors. The Motion may be submitted either:
  - a) By e-mail listing the Councillor(s) submitting the Motion. The e-mailer MUST ensure that permission has been obtained from those named as submitting the Motion; or;
  - b) In writing signed by the Councillor(s) submitting the Motion.
- 2 The Proper Officer shall insert in the summons for every meeting of the Council all notices of motion duly given in the order in which they were received unless the Member giving the notice at the time it is submitted stated in writing that s/he proposes to move it at a specific later meeting or, subsequently, given written notice that s/he withdraws it.
- 3 A notice of motion published in the summons shall require a seconder and shall specify the name(s) of the Member(s) giving it and if there be more than one, then any one of them may move it but a Motion not so moved shall be treated as withdrawn.
- 4 The mover and seconder of such a motion shall be allowed to formally move and second the motion.
- 5 On the moving and seconding of a motion, the Presiding Member shall have absolute discretion either to allow the motion to be dealt with immediately or to direct that it shall be referred without debate to any other Body of the Council.
- 6 If the Presiding Member so directs, all referrals to have an agreed timescale as to the date the report should return to Council. The referral should also contain the

reason for the deferral in order to assist the Council Body which will have to consider the deferred matter.

- 7 Every notice of motion shall be relevant to matters over which the Council has power or which affects the City and County of Swansea. If, in the opinion of the Presiding Member, a notice of motion does not come within the terms of this Council Procedure Rule s/he may reject the motion.



## 19 Other Motions

Motions relating to the following may be moved and seconded orally and without notice:

- a) Appointment of a Chair at the meeting at which the motion is made;
- b) Motions relating to the accuracy of the minutes, including their approval under Council Procedure Rule 15;
- c) Reference of a matter to a Body of the Council;
- d) The appointment of Members to Bodies of the Council, the filling of casual vacancies thereon, so far as such matters arise from an item mentioned in the summons to the meeting;
- e) Adoption, amendment or rejection of reports and recommendations of a Body of the Council or Officers and any consequent resolutions;
- f) That leave be given to withdraw a motion;
- g) Amendments to motions;
- h) Deferral of a report or motion to a later part of the meeting;
- i) A request to bring a report or motion forward in the agenda;
- j) Authorising the sealing of documents;
- k) Extending the time limit of speeches;
- l) That the question be now put;
- m) The debate be now adjourned;
- n) The Council do now adjourn;
- o) An item of business specified in the summons has precedence;
- p) Suspending Procedure Rules;
- q) Motions under Section 100A of the Local Government Act 1972 to exclude the public.



## 20 Debates on the Budget and the Accounts

- 1 This rule applies only to Council meetings where the Council Budget and/or its Accounts are to be discussed. In these circumstances, in addition to the relevant Council Procedure Rules, the following rules will apply:
- 2 The relevant Council Officer will be invited to give a presentation to Council of the information in the report. The presentation to Council shall last for no more than 15 minutes.
- 3 Following the conclusion of the presentation the Presiding Member will then allow questions to the Officers on the information presented and any technical matter.
- 4 The relevant member of the Executive (Cabinet) will then be asked to present the report for no more than 5 minutes.

- 5 Following the presentation the Presiding Member will allow questions to be put to the Executive (Cabinet) Member.
- 6 The Presiding Member will then allow the report to be debated.
- 7 The Presiding Member can vary any of the time limits set out in this paragraph.
- 8 Any amendments which any Councillor/Political Group wishes to propose to the Council's budget must be given in writing (e-mail) to the Chief Executive, Monitoring Officer, Section 151 Officer and relevant Cabinet Member no later than 10.00 a.m. on the working day before the day on which the Council meeting to consider the budget is held.



## **21 Motions Involving Exempt or Confidential Information**

If any matter arises which would be likely to result in the disclosure to members of the public of exempt information (relating to particular employees etc.) of the categories described in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended, such matters shall not be the subject of any discussion until a motion to exclude the public has been proposed and voted upon.



## **22 Councillors Questions**

- 1 A Councillor who wishes to ask a question must give notice of the text thereof in writing to the Proper Officer by Noon at least 17 clear working days before the date of the meeting of the Council at which the question is to be considered.
- 2 Following the close of receipt of Councillors Questions, the Presiding Member shall meet with the Proper Officer or his/her representative and draw lots for the order in which Supplementary Questions (Part A Questions) will be considered at Council.
- 3 The Presiding Member shall set a date in consultation with the Proper Officer.
- 4 Subject to Council Procedure Rules 22 (1) and 22 (2) above the questioner may ask the Leader or any Cabinet Member within their portfolio or the Chair of any Body one or more questions on matters within the purview of that Body
- 5 Questions submitted by Councillors and the written response to those Questions will appear with the relevant Council Summons.
- 6 Councillor Question Time will be dealt with in 2 parts, the first (Part A Questions) dealing with those questions on which Supplementary Questions may be asked and the second dealing with those Questions where Supplementary Questions shall not be asked (Part B Questions). These questions will henceforth be referred to as Part A and Part B Questions.
- 7 When submitting Questions, Councillors shall be required to make it clear whether their questions will be the subject of Supplementary Questions or not. If

no such indication is given (or subsequently obtained 12.00 noon, 2 clear working days prior to the Council Summons being published) then they will be considered as Part B Questions;

- a) All questions will be answered;
- b) The Executive (Cabinet)/Presiding Member and Deputy Presiding Member shall not be allowed to ask questions/Supplementary Questions.

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## 23 Supplementary Questions (Part A Questions)

- 1 The first Supplementary Question on each question will be invited from one of those Councillors listed as asking that question. All contributions shall be in the form of questions. Statements and speeches shall not be allowed. A maximum of 1 minute will be allowed for such Supplementary Questions;
- 2 Answers to Supplementary Questions shall take no more than 3 minutes per question. The Presiding Member shall have the discretion to extend the time.
- 3 Thereafter with the consent of the Presiding Member that Councillor or any other may ask further supplementary questions on the same matter. A maximum of 1 minute will be allowed for such supplementary questions. There shall be no debate on any answer given.
- 4 Supplementary Questions shall be put and answered without discussion, but the person to whom a question has been put may decline to answer in public session. They may also and in addition provide a written answer. **Such written answers will be made available to all Councillors.**
- 5 Supplementary Questions will be considered within a 30 minute period. The Presiding Member shall have the discretion to extend this time period.

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## 24 Questions Not Requiring Supplementary Questions (Part B Questions)

No Supplementary Questions shall be allowed to questions asked under Part B Questions.

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## 25 Answers to Questions

- 1 An answer may take the form of:
  - a) A direct oral answer, when the information is available at the meeting;
  - b) A reference to a publication of the Council when the answer is contained in that publication;
  - c) When the reply to the question cannot conveniently be given forthwith, a written answer sent to the Councillor asking the question. **Such written answers will be made available to all Councillors.**

- 2 Notwithstanding the above, questions may only be asked under this Procedure Rule in respect of those matters that are not already provided for discussion within the documentation before that meeting of the Council.
- 3 The provisions of Council Procedure Rule 22 “Councillor Questions” shall not apply to the First Annual Meeting Council of Council, the Annual Meeting of Council, Ceremonial Meetings of Council or to Extraordinary Meetings of Council.

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## 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 Any questions asked shall receive an answer either within a 10 minute time allocation at the meeting, or subsequently in writing. No debate shall be allowed as a result of the question asked.
- 4 Thereafter, subject to the consent of the Presiding Member, the questioner may ask further supplementary questions on the same matter provided that no general debate shall take place upon any answer given.
- 5 At the discretion of the Presiding Member any Third Sector Organisation or other Organisation may make a presentation to Council on a matter for which the Council has responsibility. Presentations will be allocated on a first come, first served basis.
- 6 One, 10 minute presentation will be permitted per meeting providing that a full summary and the final copy of the presentation is received by the Proper Officer at least 11 clear working days prior to the meeting.
- 7 The relevant Cabinet Member will subsequently be asked to provide a brief response.
- 8 The provisions of Council Procedure Rule 26 “Presentations and Public Question Time” shall not apply to the First Annual Meeting of Council, the Annual Meeting of Council, Ceremonial Meetings of Council or to Extraordinary Meetings of Council.

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## 27 Disorderly Conduct

If the person presiding at any meeting of Council or Committee or other Constitutional Body is of the opinion that a member has mis-conducted, or is mis-conducting, himself/herself by persistently disregarding the ruling of the Presiding Member, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of Council, he/she may notify the meeting of that opinion, warn the Member about his/her behaviour and, if the misconduct continues following that warning, may take any of the following courses, either separately or in sequence:

- a) he/she may direct the member to refrain from speaking during all, or part, of the remainder of the meeting:
- b) he/she may direct the member to withdraw from all, or part, of the remainder of the meeting:
- c) he/she may order the member to be removed from the meeting;
- d) he/she may adjourn the meeting for fifteen minutes or such period as shall seem expedient to him/her.



## 28 Disturbance by Members of the Public

If any Member of the public interrupts the proceedings of any meeting the Presiding Member shall warn her/him. If s/he continues the interruption the Presiding Member shall order her/his removal from the place of the meeting. In the case of general disturbance in any part of the meeting place open to the public the Presiding Member of Council shall order that that part shall be cleared.

If during an interruption of proceedings or during a general disturbance the Presiding Member of Council is of the opinion that the orderly dispatch of business is impossible he/she may without question suspend/adjourn the sitting of the Meeting for such period as he/she shall consider expedient.



## 29 Rescission of Preceding Resolution

- 1 No motion shall be moved:
  - a) To rescind any resolution passed within the preceding six months; or
  - b) To the same effect as a motion which has been rejected within the preceding six months.
- 2 This Council Procedure Rule shall not apply to motions that are in pursuance of a report from the Monitoring Officer or Chief Financial Officer.
- 3 This Council Procedure Rule shall not apply to Committees exercising quasi-judicial powers, where the relevant legal rules shall be followed, particularly those that ensure that all such Committees act in accordance with the rules of Natural Justice, and which shall be set out at the relevant meetings.





## 30 Voting

- 1 Every question shall be determined by a show of hands unless there is an Electronic Voting system available, in which case that system shall be used.
- 2 On the requisition of any Member supported by ten other Members who promptly and together signify their support by rising in their places, the voting on any question shall be recorded in the minutes to show how each Member present and voting gave their vote or abstained as the case may be.
- 3 For the avoidance of doubt it is declared that in the case of an equality of votes on any question in Council, including voting on appointments, the Presiding Member of Council shall have a casting or second vote whether or not s/he shall have voted when the question was put.
- 4 Immediately after a vote is taken at a meeting any Member may, by standing in her/his place, and orally so requesting that the Minutes of the proceedings of the meeting reflect whether that person cast a vote for the question or against the question or whether that person abstained from voting.
- 5 All results of e-votes taken at Council and any other Council Bodies will be published online but not as part of the minutes.



## 31 Common Seal

The Common Seal of the Council shall be kept in a safe place in the custody of the Chief Legal Officer.



## 32 Sealing of Documents

- 1 The Common Seal of the Council shall not be affixed to any document unless the sealing has been authorised by a decision of the Council, a Body of the Council, or an Officer to whom the Council have delegated their powers in that behalf, but a resolution of the Council authorising acceptance of any tender, the purchase, sale, letting or taking of any property, the issue of any stock, the presentation of any petition, memorial or address, the making of any rate, order or contract, or any other transaction, matter or thing shall be a sufficient authority for sealing any document necessary to give effect to the resolution.
- 2 The Seal shall be attested by one of the following persons present at the sealing either the Chief Legal Officer or the Solicitor to the Council and an entry of every sealing of a document shall be made by the Chief Legal Officer or the Solicitor to the Council or persons authorised to do so by the Chief Legal Officer in a register to be provided for the purpose.



### 33 Signature of Documents

Where it is proper that any document be signed on behalf of the Council, it shall, unless any enactment otherwise requires or authorises or the Council shall have given the necessary authority to some other person for the purpose of such proceedings be signed by the Chief Legal Officer (also the Statutory Monitoring Officer), or Chief Executive where relevant.



### 34 Inspection of Documents

- 1 Subject to the provisions of Council Procedure Rule 29 a Member of the Council may for the purposes of her/his duty as such Member, but not otherwise, inspect any document in the possession or control of the Council if it contains material relating to any business to be transacted at a meeting of the Council, (subject to the provisions of the Local Government (Access to Information) Act 1985), and if copies are available shall on request be supplied for the like purposes with a copy of such document.

**Provided:** That a Member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which s/he is professionally interested or in which s/he has directly or indirectly any pecuniary interest within the meaning of Section 95 of the Local Government Act, 1972, or in which s/he has an interest declarable under the Members Code of Conduct as adopted by this Council which is of such a nature as would prevent him/her from taking part in a debate and voting on the matter, and that this Procedure Rule shall not preclude the Chief Legal Officer from declining to allow inspection of any document which is or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client.

All such requests for documents shall be recorded in a register which the relevant member shall sign. All documents which are disclosed under this provision shall be treated with the utmost confidence.

- 2 All public minutes shall be open for the personal inspection of any Member of the Council or the public during office hours.



### 35 Inspection of Lands, Premises and Projects

A Member of the Council, unless authorised to do so by the Council or a Committee, shall not inspect any lands or premises which the Council have the right or duty to inspect, or issue any order respecting any work which are being carried out by or on behalf of the Council.



## **36 Politically Restricted Posts**

The Chief Executive shall establish and maintain a Register of all Officers holding Politically Restricted Posts. Information held therein shall be released only at the absolute discretion of the Chief Executive.



## **37 Canvassing of Members, Recommendations and Testimonials**

- 1 Canvassing of Members of the Council or any Committee of the Council directly or indirectly for any appointment under the Council shall disqualify the candidate concerned for that appointment. The purport of the Procedure Rule shall appear in every form of application for that appointment to the Council's service;
- 2 A Member of the Council shall not solicit for any person any appointment under the Council;
- 3 A Member of the Council shall be precluded from giving a written or oral testimonial of the candidate's ability experience or character for submission to the Council with an application for appointments.



## **38 Membership and Meetings of Constitutional Bodies**

- 1 Membership of all established constitutional bodies shall be available on request from the Proper Officer;
- 2 Meetings of each Body set out there in shall take place at such principal place or building as shall be resolved by the Council at an hour to be determined by its Chair save that if circumstances so justify, a Chairman of such a Body may direct that a particular Body shall be held at such other place as s/he thinks fit.



## **39 Appointment of Constitutional Bodies**

- 1 The Council shall:
  - a) At the Annual Meeting appoint such Bodies as they are required to appoint by or under any statute or under Procedure Rule 40 and may at any time appoint such other Bodies, as are necessary to carry out the work of the Council but, subject to any statutory provision in that behalf;
  - b) Not appoint any Member of a Body whether elected or co-opted to hold office later than the last day before a Local Government Election, subject to Procedure Rule 12 4 above.
- 2 Receive a report from the Leader on the names of the Councillors chosen to be members of the Cabinet.
- 3 The Council may at any time dissolve a Committee, or alter its Membership.

- 4 The Council may remove any officeholder by way of a vote following a Notice of Motion carried by a majority of all Serving Member of Council.



## **40 Terms of Reference and Delegation to Constitutional Bodies**

Subject as otherwise provided by Statute or a Scheme made under statutory authority, the Terms of Reference and Delegation to Bodies of the Council shall be such as may be determined from time to time by the Council, after considering where appropriate a recommendation from the Cabinet.



## **41 Family Absence for Councillors**

The Local Government (Wales) Measure 2011 provides Councillors with legal entitlement to periods of Family Absence. The Local Authorities (Wales) Regulations 2013 require Local Authorities to have standing orders securing requirements contained within Regulations 38 and 39.

- a) A Councillor on maternity absence or parental absence may, subject to paragraphs 41b) to 41f) below:
  - i) Attend particular meetings;
  - ii) Attend particular descriptions of meetings;
  - iii) Perform particular duties; or
  - iv) Perform duties of a particular description.
- b) The Councillor must obtain the permission of the Chair of Council (Presiding Member) before attending any meeting or performing any duty.
- c) The Chair of Council (Presiding Member), must inform the Leaders of each Political Group of the Council before granting permission under paragraph 41b) above.
- d) A Councillor may complain in writing to the Head of Democratic Services regarding a refusal of permission under paragraph 41b) above.
- e) The Head of Democratic Services must refer a complaint under paragraph 41d) above to the Chair of Council (Presiding Member).
- f) The Family Absence Complaints Committee must determine a complaint made under paragraph 41d) above.
- g) The Family Absence Complaints Committee may:
  - i) Confirm the decision of the Chair of Council (Presiding Member) made under paragraph 41b) above; or
  - ii) Substitute its own decision as to the Councillor attending any meeting or performing any duty.
- h) For Maternity Absence or Parental Absence the duties applicable shall be those determined by the Chair of Council (Presiding Member) or the Family Absence

Complaints Committee (in the event of an appeal). For all other types of family absence it shall be such duties as the individual Councillor concerned chooses to undertake in consultation with the Chair of Council (Presiding Member).



## 42 Speaking Rights at Planning Committee

- 1 Members of the public, Community Councils, residents groups and amenity groups and applicants and their agents have the right to address the Planning Committees in relation to planning applications. These speaking rights can only be exercised in accordance with the terms of this CPR. Speaking rights may only be exercised if prior notification of the intention to speak has been received by the Democratic Services team by 12 noon on the working day prior to the committee meeting.
- 2 At any meeting of the Planning Committee where applications are being considered, when indications have been received that a person wishes to exercise their speaking rights, the applications where there are speakers should be dealt with in the following order:
  - a) The Chair of the Committee will introduce the item;
  - b) The Planning Officer will provide information on the nature of the application and the material considerations, together with the presentation of images of plans and elevations submitted with the application and photos where relevant describing the proposed development. In respect of this, it is to be the practice that photos will be taken on Committee Site Visits at the request of Committee Members for display at the subsequent Committee meeting;
  - c) Objectors/Interested Parties to the application (including individuals, petitioners, Community Councils and amenity groups) can address the meeting for a maximum of 5 minutes in total between them, however many objectors there are.
  - d) Applicants and/or their agents and any supporters of an application can address the meeting for a maximum of 5 minutes in total between them, however many supporters there are. This rule also applies to any application made by the Council;
  - e) The Members of the Committee shall debate the application with questions to officers. If any member of the Committee wishes to clarify a point of fact with any speaker who has addressed the Committee they may at the end of the speaker's presentation ask the Chair to put a question to the speaker;
  - f) The Planning Officer will comment/answer questions on any relevant issues raised by any speakers and Members, provide any updates on the information contained in the report to Committee and advise Committee as to the material considerations and relevant issues to be taken into account with regard to the application;
  - g) If necessary, amendments to the recommendation are put to the meeting, and voted on where appropriate;
  - h) Committee will vote on the officer recommendation;
  - i) Recommendation accepted or rejected. When the latter occurs, then the provisions of the two stage voting protocol are to be followed.

- 3 No speaker will be able to ask questions of any other speaker, or to any officer or to any member of the Committee.
- 4 All speakers must refer only to planning matters relevant to the application under discussion and if any speaker starts to raise any irrelevant matters the Chair of the Committee can ask them to stop speaking and/or to speak only on relevant matters.
- 5 The Chair of the Committee can (with the consent of the Committee) vary the time allowed for speakers to address Committee so long as a consistent time is allowed for all speakers to address Committee.
- 6 The Chair of the Committee can (with the consent of the Committee) vary the order in which speakers will address Committee as set out in CPR 41 2 c and d above.
- 7 If a matter is deferred/withdrawn/deferred for a site visit, speakers will not be able to speak until the matter comes back to Committee.



### **43 Variation and Revocation of Procedure Rules**

Any motion to vary or revoke these Procedure Rules shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Council except when such motion is contained in a recommendation from Cabinet when it may be dealt with by the Council forthwith or at their discretion provided that at least one half of the whole number of the Council shall be present at the meeting of the Council where such motion is discussed.



### **44 Suspension of Procedure Rules**

- 1 Subject to Procedure Rule 43.2, any Procedure Rule may be suspended so far as regards any business at the meeting where its suspension is moved, unless specifically forbidden by action of Statute;
- 2 A motion to suspend Procedure Rules shall not be moved without notice (i.e. under Procedure Rule 17 6) unless there shall be present at least one half of the whole number of the Members of the Council Body.



### **45 Procedure Rules to be given to Members**

A printed copy of these Procedure Rules and of such parts of the Local Government Act, 1972, as govern the Procedure at meetings of the Council shall be given to each Member of the Council upon delivery to her/him of the Members' declaration of acceptance of office on the Member being first elected to the Council.



## 46 Interpretation / Amendment of Procedure Rules

- 1 The Interpretation Act, 1978 or any statutory re-enactment thereof shall apply to these Orders and the supplementary orders concerning Contracts, Terms of Reference and Financial Procedure Rules as though these were an Act of Parliament.
- 2 The Monitoring Officer may cause to be issued or amended such written amendments, interpretations and Codes of Practice as are necessary to secure the effective operation of these Procedure Rules. Such interpretations and Codes of Practice shall be complied with as if they form part of these Procedure Rules.



## 47 Co-opted Members

Other than provided to the contrary by statute or in the resolution authorising their appointment or in respect of appointees to the Standards Committee, persons co-opted to the Council or to a Committee thereof shall while attending meetings be treated in all respects as though they were elected Members of the Committee save that they shall not:

- a) Count towards a quorum;
- b) Vote on any motion authorising the expenditure of money or the incurring of expense by the Council;
- c) Be eligible to serve as a Chair or Vice-Chair of any Committee of the Council;
- d) Vote on any motion as to the appointment, promotion, dismissal, salary, superannuation or conditions of service of any person employed by the Council.



## 48 Members Attending Meetings

Where a Member who is not a Member appointed to that Body is invited by or is otherwise given the opportunity by the Chairman to attend a meeting of a Body then that Member shall:

- a) Attend only if it is lawful to do so as directed by the Chair;
- b) Have the right to speak to any item if called by the Chair but not to vote.
- c) Councillors are entitled to remain during the consideration of exempt reports and not be excluded from the meeting.

### **Note:**

For the avoidance of doubt such a Member shall not have the right to move or second a motion, nor shall they count towards establishing a quorum.

If Members attend in accordance with this Procedure Rule they have no right to speak or vote, but must nevertheless declare any interest in accordance with Procedure Rule 16.



## 49 Welsh Language

In all proceedings of the Council, the Welsh Language and English Language shall have the same status and validity.

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## 50 Remote Attendance at Meetings

The Local Government and Elections (Wales) Act 2021 Measure 2011 provides~~ed~~ for ~~r~~Remote ~~a~~Attendance at meetings.

The Council is under a duty to make and publish arrangements for the purposes of ensuring that local authority meetings are able to be held by means of any equipment or other facility which enables persons who are not in the same place to attend the meetings and to speak to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other).———

~~Council at its meeting on 12 August, 2014, resolved that the provision of Remote Attendance not be implemented at this time.~~†



## Contents

- 1 [Scope](#)
- 2 [Additional Rights to Information](#)
- 3 [Freedom of Information Request](#)
- 4 [Rights to Attend Meeting](#)
- 5 [Notices of Meeting](#)
- 6 [Access to Agenda and Reports before the Meeting](#)
- 7 [Supply of Copies](#)
- 8 [Access to Minutes etc. after the Meeting](#)
- 9 [Background Papers](#)
- 10 [Public Inspection of Background Papers](#)
- 11 [Summary of Public's Rights](#)
- 12 [Exclusion of Access by the Public to Meetings](#)
- 13 [Exclusion of Access by the Public to Reports](#)
- 14 [The Forward Work Programme](#)
- 15 [Record of Decisions of the Cabinet](#)
- 16 [Overview / Scrutiny Boards Access to Documents](#)
- 17 [Additional Rights of Access for Members](#)

## 1 Scope

These rules apply to all meetings of the Council, the Cabinet, Overview/Scrutiny Boards, Planning Committee, the Standards Committee, Regulatory Committees, and any other constitutional bodies established by the Council.



## 2 Additional Rights to Information

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.



### 3 Freedom of Information Act

- 1 Since 1 January 2005, the public have a new right of access to recorded information held by the Authority, subject to a number of exemptions. The Act is completely retrospective so that all recorded information held by the City and County of Swansea falls within the scope of the Act.
- 2 Although the Freedom of Information Act presumes openness it recognises the need to protect sensitive information in certain circumstances and provides for exemptions. Some exemptions are absolute, where there is no right to the information; some exemptions are qualified, where even though information falls within the exemptions it may still have to be disclosed if it is in the public interest to do so.
- 3 Examples of exemptions include information that is commercially sensitive, confidential information, certain personal information, protection of national security, information where disclosure is prevented by other legislation, information intended for future publication, law enforcement matters and information that is accessible by other means, such as via the Publication Scheme (which is available on the Authority's internet site at [www.swansea.gov.uk](http://www.swansea.gov.uk)).
- 4 In addition to the Freedom of Information Act, there are two other access to information regimes:
  - a) The Data Protection Act 1998, which enables individuals to access certain information on themselves; and
  - b) The Environmental Information Regulations 2004, which enables people to access environmental information.
- 5 The Data Protection Act and the Environmental Information Regulations are also subject to exemptions.



### 4 Rights to Attend Meetings

Members of the public may attend all meetings subject only to the exceptions in these rules.



### 5 Notices of Meeting

The Council will give at least 3 clear working days' notice of any meeting ~~by posting details of the meeting at the Civic Centre, Oystermouth Road, Swansea and by utilising by publishing a Notice on~~ the Council website [www.swansea.gov.uk/democracy](http://www.swansea.gov.uk/democracy) ~~specifying the time and place of the meeting~~. With regard to meetings of Council and Cabinet, where possible at least 5 clear working days' notice shall be given.

[Meetings Open to the Public – Held Remotely](#)

Where the meeting or part of the meeting is open to the public and is held through remote means only, the Notice will give details of the time of the meeting and how to access it.

### **Meetings Partly Open to the Public / Partly Remote/Not Held Remotely**

Where the meeting or part of the meeting is open to the public and is held partly through remote means or is not held through remote means, the Notice will give details of the time and place of the meeting and how to access it.

### **Meetings Not Open to the Public / Partly Remote / Not Held Remotely**

Where the meeting is not open to the public and is held partly through remote means or is not held through remote means, give details as to the time and place of the meeting and the fact that it is not open to the public.

### **Meetings Not open to Public – Held Remotely**

Where the meeting is not open to the public and is held through remote means only, give details of the time of the meeting, and the fact that it is being held through remote means only and is not open to the public.

†

## **6 Access to Agenda and Reports before the Meeting**

### **1 Cabinet & Council**

Copies of the Council Summons and Cabinet Agenda, together with associated reports, which are open to the public, will be published on the Council website [www.swansea.gov.uk/democracy](http://www.swansea.gov.uk/democracy) ~~and at the designated office~~ at least 5 clear working days before the meeting. However in exceptional circumstances the 5 clear working day notice period may be waived providing prior written agreement (via e-mail) is received from the Presiding Member / Leader of the Council, Monitoring Officer and / or Head of Democratic Services or their respective Deputies.

**Note:** This provision does not allow the Authority to waive its legislative duty to meet the 3 clear working day requirement'. If an item is added to the Council Summons or Cabinet Agenda later, the revised Council Summons / Cabinet Agenda will be published on the Council website open to inspection from the time the item was added to the Council Summons / Cabinet Agenda. ~~Where reports are prepared after the Council Summons / Cabinet Agenda has been sent out, the designated Officer shall make each such report available to the public as soon as the report is completed and sent to Councillors.~~

- 2 ~~The Council will make copies of the a~~**All other Committee Agendas** open to the public will be published on the Council website [www.swansea.gov.uk/democracy](http://www.swansea.gov.uk/democracy) and available for inspection on the internet and at the designated office at least **3** clear working days before the meeting. If an item is added to the Agenda later, the revised Agenda will be open to inspection published on the Council website from the time the item was added to the Agenda. ~~Where reports are prepared after the Agenda has been sent out, the designated Officer shall make each such report available to the public as soon as the report is completed and sent to Councillors.~~

3. In addition to publishing Notices, Summons and Agendas (together with associated reports) open to the public on the Council website the Council will continue to publish such documents on a notice board in the Guildhall.

↑

## 7 Supply of Copies

The Council will ~~supply copies~~ publish on the Council website [www.swansea.gov.uk/democracy](http://www.swansea.gov.uk/democracy) ~~of~~:

- a) Any agenda and reports which are open to public inspection;
- b) ~~Any further statements or particulars necessary to indicate the nature of the items in the agenda; and~~
- b) If the proper Office thinks fit, copies of any other documents supplied to Councillors in connection with an item;
- c) ~~to any person on payment of a charge for postage and any other costs. Where a member of the public is not able to access documents published on the website, those documents will be available for inspection or copies provided upon payment of a charge for postage/photocopying and admin costs;~~
- e) Where a meeting of the council is open to the public and is not held through remote means only, a reasonable number of copies of the Agenda and reports will be made available for the members of the public present at the meeting.
- d) \_\_\_\_\_
- e)d) \_\_\_\_\_↑

## 8 ~~Access to~~ Inspection of Minutes etc and other documents after the Meeting

As soon as reasonably practicable after a meeting of the council the following documents must be published electronically and remain accessible electronically to members of the public for 6 years beginning with the date of the meeting:

~~The Council will make available copies of the following for six years after a meeting:~~

- a) The minutes of the meeting ~~or record of decisions taken by the Cabinet~~, excluding any part of the minutes of proceedings when the meeting was not open to the public because exempt or confidential information was being considered;
- b) A summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- c) The agenda for the meeting; and
- d) Reports relating to items when the meeting was open to the public.↑

As soon as reasonably practicable after a meeting of the council, and in any event before the end of 7 working days beginning with the day on which the meeting is held, the council must publish electronically a note setting out:

- a) the names of the members who attended the meeting;
- b) any apologies for absence
- c) any declarations of interest

a)d) any decision taken at the meeting, including the outcome of any votes but excluding anything relating to any decision taken when the meeting was not open to the public as discloses exempt information.

## **9. Background Papers**

### **List of Background Papers**

The Proper Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- a) Disclose any facts or matters on which the report or an important part of the report is based; and
- b) — Which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

c) —

d)b) — †

## **10 Public Inspection of Background Papers**

Background papers will be published electronically but if in the opinion of the Monitoring Officer or Head of Democratic Services it is not reasonably practicable to publish a document included in the list electronically then at least 1 copy of the document will be open to inspection at the offices of the council.

Any background papers published on the council website will remain electronically available to members of the public for a period of 6 years.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers. Where it is not reasonably practicable to publish a background paper electronically on the council website, those papers will be retained and made available for inspection by members of the public for a period of 6 years beginning with the date on which the decision, to which the background papers relate, was made.

†

## **11**

### **Summary of Public's Rights**

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at Civic Centre, Oystermouth Road, Swansea.

†

## **12 Exclusion of Access by the Public to Meetings**

### **1 Public and Private Meetings of the Cabinet**

The Cabinet may only make decisions in relation to its functions and conduct formal business in a properly constituted meeting that complies with Article 13 and these Procedure rules. This does not prevent the Cabinet from holding informal deliberations in private, with or without officers present, but these meetings shall not take decisions.

### **2 Confidential Information - Requirement to Exclude Public**

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

### **3 Exempt Information – Discretion to Exclude Public**

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

### **4 Meaning of Confidential Information**

Confidential Information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

### **5 Meaning of Exempt Information**

Exempt information means information falling within the following categories (subject to any condition):

	<b>Category of Exempt Information</b>	<b>Condition (Qualification)</b>
12	Information relating to a particular individual.	Public interest test applies (below)
13	Information which is likely to reveal the identity of an individual.	Public interest test applies (below)
14	Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information falling within paragraph 14 is not exempt information by virtue of that paragraph if it is required to be registered under – The Companies Act 1985; The Friendly Societies Act 1974; The Friendly Societies Act 1992; The Industrial and Provident Societies Acts 1965 to 1978; The Building Societies Act 1986; or The Charities Act 1993.  Public interest test applies (below)
15	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	Public interest test applies (below)
16	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
17	Information which reveals that the authority proposes:	Public interest test applies (below)
17a	To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or	Public Interest test applies (below)
17b	To make an order or direction under any enactment.	Public Interest test applies (below)
18	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.  (In relation to a meeting of a Standards Committee, or a Sub-Committee of a Standards Committee, which is convened to consider a matter referred under the provisions of section	Public Interest test applies (below)

	70(4) or (5) or 71(2) of the Local Government Act 2000):	
18a	Information which is subject to any obligations of confidentiality.	Public Interest test applies (below)
18b	Information which relates in any way to matters concerning national security.	Public Interest test applies (below)
18c	The deliberations of a Standards Committee or of a Sub-Committee of a Standards Committee established under the provisions of Part of the Local Government Act 2000 in reaching any finding on a matter referred to it.	Public Interest test applies (below)

**Note:**

*Information falling within paragraphs 12 to 18 is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.*

**Public Interest Test:**

Information which:

falls within any of paragraphs 12 to 15, 17 and 18 above; and is not prevented from being exempt by virtue of the 'qualifications' above, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

†



### 13 Exclusion of Access by the Public to Reports

If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion related to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked “Not for Publication” together with the category of information likely to be disclosed.

†

### 14 The Forward Work Programme

- 1 The Forward Work Programme will be prepared by the Proper Officer to cover a period of four months. It will be updated quarterly.
- 2 The Forward Work Programme will contain matters which the Cabinet, Overview/Scrutiny Boards and the Council Meeting are likely to consider. It will contain information on:
  - a) The timetable for considering the budget and any plans forming part of the Policies and requiring Council approval, and which body is to consider them;
  - b) The timetable for considering any plans which are the responsibility of the Cabinet;
  - c) Any individual matters on which the Cabinet intends to consult in advance of taking a decision, and the timetable for consultation and decision;
  - d) The work programme of the Overview/Scrutiny Boards to the extent that it is known (it may not be possible to provide full details since Overview/Scrutiny Boards will be determining their own work programme);
  - e) The Forward Work Programme will be published at least 14 days before the start of the period covered. The Proper Officer will publish once a year a notice in the Swansea Leader, stating that a forward work programme will be published and giving the publication dates for that year.

f) \_\_\_\_\_

g)e) \_\_\_\_\_ †

### 15 Record of Decisions of the Cabinet

A record will be made of all Cabinet decisions, whether taken at a meeting of the Cabinet or its Committees (whether in public or private) or by an individual Member of the Cabinet. The Proper Officer will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement, for each decision of:

- a) The reason for that decision;
- b) Any dispensation to speak granted by the authority's Standards Committee;
- c) The consultation undertaken prior to the decision and, if such consultation has not taken place, the reason why.

†

## **16 Overview / Scrutiny Boards Access to Documents**

### **1 Rights to Copies**

Subject to Rule 2.15 below, an Overview & Scrutiny Board will be entitled to copies of any document which is in the possession or control of the Cabinet or its Committees and which contains material relating to:

- a) Any business transacted at a meeting of the Cabinet [or its Committees] or;
- b) Any decision taken by an individual member of the Cabinet.

### **2 Limit on rights**

An Overview & Scrutiny Board will not be entitled to:

- a) Any document that is in draft form;
- b) Any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise.

†

## **17 Additional Rights of Access for Members**

### **1 Rights of Access**

- a) All members will be entitled to inspect any document which is in the possession or under the control of the Cabinet or its Committees and contains material relating to any business transacted at a decision making meeting of that authority.
- b) All members shall be entitled to submit written questions to any cabinet member about a matter within their portfolio. These questions will receive responses in writing within 10 working days, which will be posted to the Member's intranet site, subject to paragraph 10 above.

## 2 **Limitation on Rights**

A member will not be entitled to any part of a document where:

- a) It would disclose exempt information falling within paragraphs 12 to 18 of Part 4 of Schedule 12A of the Local Government Act 1972, or
- b) It would disclose the advice of a political advisor or assistant.

## 3 **Nature of Rights**

These rights of a Member are additional to any other right he/she may have.

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## Scheme of Delegation

## Licensing &amp; Registration Functions (in so far as not covered by any other paragraph of this Schedule)

HoP&CR	Head of Planning & City Regeneration
--------	--------------------------------------

No	Function	Provision of Act or Statutory Instrument	Delegated To
B33	Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to: - a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 or; - b) an order under section 147 of the Inclosure Act 1845.	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).	CL0 HoP&CR
B34	Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).	CL0 HoP&CR