

Joint Report of the Monitoring Officer and Head of Democratic Services

Council – 30 September 2014

CONSTITUTIONAL MATTERS 2014-2015 - CHANGES

Purpose:	To outline a number of proposed Constitutional changes which affect those positions that receive Senior Salaries and the list of Council Bodies.
Policy Framework:	Council Constitution.
Reason for Decision:	To enable the proposed changes.
Consultation:	Equality & Engagement, Finance, Legal.
Recommendation(s)	It is recommended that: <ol style="list-style-type: none">1) The 4 Executive Support Committees be deleted from the list of Council Bodies;2) The following positions be removed from the list of those paid a Senior Salary:<ul style="list-style-type: none">• Chair of Executive Support Committee x 4;3) The following 5 Cabinet Advisory Committees (CAC's) be established:<ul style="list-style-type: none">• Business and Administration;• Economy & Investment;• Engagement & Inclusion;• People;• Place.4) The following positions be added to the list of those paid a Senior Salary commensurate with that of a Band 3 Committee Chair:<ul style="list-style-type: none">• Chair of Business and Administration Cabinet Advisory Committee;• Chair of Economy & Investment Cabinet Advisory Committee;• Chair of Engagement & Inclusion Cabinet Advisory Committee;• Chair of People Cabinet Advisory Committee;• Chair of Place Cabinet Advisory Committee.5) The Terms of Reference of the Cabinet Advisory Committees as listed in Appendix A be adopted;6) The Role Description for the Chair of the Cabinet Advisory Committees as listed in Appendix B be adopted;

- 7) Councillors be allocated to serve on the 5 Cabinet Advisory Committees in line with the nominations received from the Political Groups;
- 8) The Council Constitution be amended as shown in the Appendix to this report and the Monitoring Officer be authorised to make any consequential amendments to the Constitution required as a result of this report at the close of this meeting of Council.

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1. Introduction

- 1.1 At the Annual Meeting of Council held on 8 May 2014, the “Constitutional Matters 2014-2015” report was adopted. That report addressed the requirements of legislation and the Council Constitution.
- 1.2 Since that time, a new Leader of the Council has been appointed (Council - 9 September 2014). The Leader of the Council has proposed amendments to the list of Council Bodies and to the posts eligible for Senior Salaries.

2. Leader, Cabinet Member and Portfolios

- 2.1 The Leader of the Council, Councillor R C Stewart has appointed Councillors to his Cabinet and also designated their associated Cabinet Portfolios:

Rob C Stewart	Leader Finance & Strategy
Christine Richards	Deputy Leader Services for Children & Young People
Mark C Child	Wellbeing & Healthy City
Will Evans	Anti-Poverty
Robert Francis-Davies	Enterprise, Development & Regeneration
Jane E C Harris	Services for Adults and Vulnerable People
David H Hopkins	Communities & Housing
Clive E Lloyd	Transformation & Performance
Jennifer A Raynor	Education
Mark Thomas	Environment & Transportation

3. The Proposals

3.1 Delete the four (4) Executive Support Committees from the Council Bodies list. The Chairs of the Executive Support Committees be removed from the list of those positions paid a Senior Salary.

3.2 Create five (5) Cabinet Advisory Committees as follows:

- Business and Administration;
- Economy & Investment;
- Engagement & Inclusion;
- People;
- Place.

3.3 The five (5) Chairs of the Cabinet Advisory Committee be added to the list of those that shall receive a Senior Salary. The Chairs shall be paid a Senior Salary commensurate with that of a Band 3 Committee Chair. This amount is set by the Independent Remuneration Panel for Wales (IRPW).

4. Senior Salaries

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

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

5. Cabinet Advisory Committees (CAC's)

5.1 The Cabinet Advisory Committees shall help form the future shape and function of the Council. In a period of major change in the future role of the Council and the requirement for significant savings, these Committees shall seek to inform policy development and its alignment with the direction in Sustainable Swansea - Fit for the Future programme.

5.2 The Cabinet Advisory Committees shall not carry out the role of Scrutiny.

5.3 It is intended that they will be collaborative Committees where all sides of the Council Chamber play an active role in the future of the Council.

5.4 The Cabinet Advisory Committees will assist the Cabinet to develop policies aimed at helping the Authority to achieve better outcomes for the citizens of Swansea.

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

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

5.6 The Terms of Reference of the Cabinet Advisory Committees shall include Policy Development and advice on major service change. The Terms of Reference are listed in **Appendix A**.

5.7 The Cabinet Advisory Committees shall meet on a 4 weekly cycle or as required.

6. Member Champions

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

6.2 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 Council policy is being developed and decisions are made. Further information relating to Member Champions may be found within the 'Member Champions' report that was presented to Council on 17 January 2013.

6.3 Member Champions are appointed by the Leader of the Council. It is deemed best practice that the Leader of the Council informs Council of whom he has appointed to the Member Champion roles.

6.4 The current list of Member Champions and their associated topic areas as appointed by the Leader of the Council is listed as **Appendix C**.

7. Appointment of Chairs & Vice Chairs

7.1 Following the close of this Meeting of Council, the relevant Committees shall meet in order to conduct the business of electing Chairs and Vice Chairs to these Committees.

8. Equality and Engagement Implications

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

9. Financial Implications

- 9.1 The creation of 5 Cabinet Advisory Committees together with the payments of Senior Salaries to each of the 5 Chairs will be met from within existing budget.

10. Legal Implications

- 10.1 There are no legal implications associated with this report.

Background Papers: None

Appendices:

Appendix A	Terms of Reference of Cabinet Advisory Committees
Appendix B	Role Description - Chairs of Cabinet Advisory Committee
Appendix C	Member Champions

Appendix A

Cabinet Advisory Committees - Terms of Reference

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

Notes:

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

Appendix B

Role Description - Chairs of Cabinet Advisory Committee

1. Accountabilities

- a) To the Leader of the Council;
- b) To Cabinet;
- c) To Council.

2. Role Purpose and Activity

2.1 Providing Portfolio Guidance and Assistance to the Cabinet Member

- a) To assist the Cabinet Member in giving political leadership in relation to Cabinet portfolios;
- b) To provide support to Cabinet Members in the implementation and delivery of portfolio policies and change and alignment with the direction in Sustainable Swansea - Fit for the Future;
- c) To liaise and work closely with the Chair of the Scrutiny Programme Committee and the Scrutiny Inquiry Panel Conveners and to comment on reports as necessary.

2.2 Contributing to the setting of the Strategic Agenda and Work Programme for the portfolio

- a) To work with the Cabinet to formulate policy development both strategic and statutory. Subject to the Cabinet Member having the final say, ensuring that the political will of the majority is carried to and through Cabinet;
- b) To provide assistance in working up and carrying through a strategic work programme both political and statutory. Make sure that the portfolio's forward work programme is kept up to date and accurate.

2.3 Providing representation for the Portfolio

- a) To fully support the Cabinet Member when they have to provide a strong, competent and persuasive figure to represent the portfolio. Be a figurehead in meetings with stakeholders.

2.4 Reporting and Accounting

- a) To report as appropriate to the Leader of the Council, Council, Cabinet, Chair of the Scrutiny Programme Committee, regulatory bodies and the media;
- b) To appear with the Cabinet Member if necessary before the Scrutiny Programme Committee in respect of matters within the portfolio.

Role Description - Chairs of Cabinet Advisory Committee Cont'd

2.5 Taking an active part in Cabinet meetings and Decision Making

- a) To show an interest in and support for the portfolio of others;
- b) To recognise and contribute to issues which cut across portfolios or are issues of collective responsibility.

2.6 Leading Partnerships and Community Leadership

- a) To assist the Cabinet Member in giving leadership to local strategic partnerships and local partners in the pursuit of common aims and priorities;
- b) To negotiate and broker in cases of differing priorities and disagreement;
- c) To provide community leadership and active citizenship by showing vision and foresight.

2.7 Internal Governance, Ethical Standards and Relationships

- a) To promote and support good governance of the Council and its affairs;
- b) To promote and support open and transparent government;
- c) To support, and adhere to respectful, appropriate and effective relationships with employees of the Council;
- d) To adhere to the Member's Code of Conduct, Member / Officer Protocol and the highest standards of behaviour in public office.

2.8 Providing leadership and direction

- a) To provide confident and effective management of meetings to facilitate inclusively, participation and clear decision making;
- b) To demonstrate integrity and impartiality in decision making which accord with legal, constitutional and policy requirements;
- c) To communicate on behalf of the Leader of the Council and Cabinet on Council Strategies, Policies, Services and Procedures.

3. Values

3.1 To be committed to the values of the Council and the following values in public office:

- a) Working Together;
- b) Innovation;
- c) People Focussed.

Appendix C

Member Champions

Member Champion Area	Responsible Councillor
Armed Forces	June E Burtonshaw
Biodiversity	Mark C Child
Carers	Paulette B Smith
Children and Young People (Lead Member for Children and Young People's Services – As defined by the Children Act 2004)	Christine Richards
Councillor Support and Development	Erika T Kirchner
Disabled People	Paul Lloyd
Domestic Abuse	Erika T Kirchner
Gender, Gender Reassignment and Sexual Orientation	John C Bayliss
Health and Wellbeing	Jane E C Harris
Healthy Cities	Mark C Child
Language (including Welsh)	Paul M Meara
Older People	Jan P Curtice
Race, Religion, Belief and Heritage	Yvonne V Jardine