

Joint Report of the Monitoring Officer and Head of Democratic Services

Annual Meeting of Council – 19 May 2015

CONSTITUTIONAL MATTERS 2015-2016

Purpose:	To inform Council of all necessary Constitutional matters which need attending to.
Policy Framework:	Council Constitution.
Reason for Decision:	To enable the efficient and lawful operation of Council.
Consultation:	Access to Services, Legal, Finance.
Recommendation(s)	It is recommended that:
1)	The Council Bodies and the Number of Seats allocated to them as listed in Appendix F be appointed for the Municipal Year 2015-2016;
2)	The following positions be paid a Civic Salary : <ul style="list-style-type: none"> • Lord Mayor; • Deputy Lord Mayor.
3)	The Civic Salary for the Lord Mayor be set at Band a) which the Independent Remuneration Panel for Wales (IRPW) has set at £24,000;
4)	The Civic Salary for the Deputy Lord Mayor be set at Band a) which the IRPW has set at £18,000;
5)	A Presiding Member and Deputy Presiding Member be established and that they Chair Council Meetings. These posts will not receive a Senior Salary;
6)	The following positions be paid a Senior Salary : <ul style="list-style-type: none"> • Leader of the Council; • Deputy Leader of the Council; • Cabinet Members x 8; • Chair of Business & Admin Cabinet Advisory Committee; • Chair of Communities Cabinet Advisory Committee; • Chair of Economy & Investment Cabinet Advisory Committee; • Chair of Engagement & Inclusion Cabinet Advisory Committee; • Chair of General Licensing Committee; • Chair of Planning Committee; • Chair of Scrutiny Programme Committee • Chair of Services Cabinet Advisory Committee.
7)	The terms of reference of the Planning Committee be added to as outlined in Appendix E ;

8)	The Independent Remuneration Panel for Wales (IRPW) determination that the Leader of the Largest Opposition Political Group must be paid a Senior Salary (subject to the 10% rule) be noted;
9)	The Committees listed in Appendix C be exempted by Council from the Local Government (Committees and Political Groups) Regulations 1990 for the Municipal Year 2015-2016 in order to allow greater representation from the Opposition Political Groups;
10)	Councillors be allocated to serve on Council Bodies in line with the nominations received from the Political Groups;
11)	The adoption of the Council Constitution which may be viewed at www.swansea.gov.uk/constitution be reaffirmed including any amendments made at this meeting;
12)	The Council Bodies Diary 2015-2016 as listed in Appendix G be confirmed and adopted;
13)	Councillor Paul M Meara be re-elected as Chair of the Democratic Services Committee;
14)	Those Co-opted Members eligible for Co-opted Member payments be paid a maximum of 20 full days per Municipal Year;
15)	The Councillors Handbook which may be viewed at www.swansea.gov.uk/CllrsHandbook be reaffirmed subject to any necessary changes being made by the Head of Democratic Services following Council's decision to create a single Planning Committee;
16)	Any consequential amendments to the Council Constitution and / or Councillors as a result of this report be carried out.
<p>Report Author: Huw Evans Finance Officer: Carl Billingsley Legal Officer: Patrick Arran Access to Services Officer: Euros Owen</p>	

1. Introduction

- 1.1 In dealing with the discharge of its business 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 and other relevant legislation ("the legislation"). In addition the Independent Remuneration Panel for Wales (IRPW) determines the remuneration available to Councillors.

1.2 This report seeks to address the requirements of the legislation and the Council Constitution in one report.

2. Independent Remuneration Panel (IRPW) for Wales

2.1 The IRPW Annual Report of February 2015 sets out the new framework for Councillor and Co-opted Member remuneration for 2015-2016. The IRPW determinations have been subsumed into this report.

2.2 The IRPW determined that 19 of the 72 City and County of Swansea Councillors are eligible to receive a Senior Salary payment.

2.3 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 payments.

2.4 The IRPW also determined that each Council must decide whether or not to remunerate the Civic Head and the Deputy Civic Head and if it agrees to remunerate them at what level they should be remunerated at from the Civic Salary Band set out below:

Remuneration of Civic Heads and Deputy Civic Heads (Inclusive of Basic Salaries)		
	Civic Heads	Deputy Civic Heads
a)	£24,000	£18,000
b)	£21,500	£16,000
c)	£19,000	£14,000

2.5 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.

2.6 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.

2.7 As such the Authority must decide whether to appoint a Presiding Member to Chair Council or to allow the Civic Head to do so. This decision will impact on the level that the remuneration of the Civic Head / Deputy Civic Head is set at.

2.8 If a Presiding Member is appointed, and if Council resolves to remunerate the post then the position would be paid at a Band 3 Senior Salary Level in line with the Committee Chairs. If remunerated, this would count towards the maximum allowed of 19 Senior Salaries.

- 2.9 The Authority may also appoint a Deputy Presiding Member; however this post would not be remunerated.
- 2.10 The Annual Meeting of Council held on 9 May 2014 resolved to appoint a Presiding Member and a Deputy Presiding Member. Council is asked to review that decision and to determine whether to continue with a Presiding Member or not.
- 2.11 The IRPW have prescribed actual payment levels for Basic Salary, Civic Salary and Senior Salary. The prescribed levels for the salaries are outlined in **Appendix A** to this report.
- 2.12 The IRPW state that each Council should decide whether to pay Civic / Senior Salaries. It is proposed that the following be paid Civic / Senior Salaries:

a) **Civic Salaries**

i)	Lord Mayor;
ii)	Deputy Lord Mayor.

b) **Senior Salaries**

i)	Leader of the Council;
ii)	Deputy Leader of the Council;
iii)	Cabinet Members x 8 ;
iv)	Chair of Business & Admin Cabinet Advisory Committee;
v)	Chair of Communities Cabinet Advisory Committee;
vi)	Chair of Economy & Investment Cabinet Advisory Committee;
vii)	Chair of Engagement & Inclusion Cabinet Advisory Committee;
viii)	Chair of General Licensing Committee;
ix)	Chair of Planning Committee;
x)	Chair of Scrutiny Programme Committee;
xi)	Chair of Services Cabinet Advisory Committee.

- 2.13 The IRPW Annual Report – February 2014 determined that 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.
- 2.14 The IRPW have prescribed the Fees for Co-opted Member (with Voting Rights) of Local Authorities. These are outlined in **Appendix B** to this report.

3. Annual Meeting of Council

- 3.1 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.

4. Political Balance / Committee Proportionality

- 4.1 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. A simple explanation of these rules was presented to the Annual Meeting of Council on 24 May 2012.
- 4.2 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.
- 4.3 The Ruling Group of the Authority have liaised with the Head of Democratic Services in order to outline its view on the structure and size of the Council Bodies. Based on this guidance, relevant proportional calculations have been made by the Democratic Services Team and those calculations have been shared with all other Political Groups. This process culminates with this report to Council seeking approval to the structure and size of Council Bodies.

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

- 5.1 The Council Bodies and the Number of Seats allocated to them (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 F**. It is proposed that these Council Bodies be established.
- 5.2 Should any changes be made to the size of these Council Bodies then it will necessitate the recalculation of Political Balance.
- 5.3 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 C**.

6. Allocation of Councillors to the Council Bodies

- 6.1 Councillors be allocated to serve on Council Bodies in line with the nominations received from the Political Groups.

7. Democratic Services Committee

- 7.1 The Local Government (Wales) Measure 2011 (The Measure) states that a Democratic Services Committee and Chair must be appointed by Council. It also states that the Council shall appoint an Opposition Member to Chair the Committee.
- 7.2 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 allowed to sit on this Committee.
- 7.3 Councillor Paul M Meara is the current Chair of the Democratic Services Committee and it is proposed that he be re-appointed in that role.

8. Council Bodies Diary 2015-2016

- 8.1 Section 6 "Timing of Council Meetings" of the Local Government (Wales) Measure 2011 places a duty on Authority's 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.
- 8.2 The Authority carried out an online Councillors Survey between May and June 2012. The results of this survey were presented to Council on 14 June 2012.
- 8.3 The Leader of the Council made a commitment in 2012 that Council Meetings should be more accessible to members of the public.
- 8.4 The Councillors Survey and the Leader of the Council's commitment were considered in preparing the Council Bodies Diary. The Council Bodies Diary 2015-2016 is shown as **Appendix G**.
- 8.5 A table showing the Approximate Frequency Cycle of Council Bodies is shown at **Appendix D**.

9. Additions to the Planning Committee Terms of Reference

- 9.1 It is proposed not to re-establish the Local Development Plan (LDP) advisory Group and to add the relevant parts of its terms of reference to that of the Planning Committee. The relevant parts are outlined in **Appendix E**.

10. Member Champions

- 10.1 Member Champions exist to 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.
- 10.2 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.
- 10.3 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.
- 10.4 The current list of Member Champions and their associated topic areas as appointed by the Leader of the Council is as follows:

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	Clive E Lloyd
Disabled People	Paul Lloyd
Diversity	Erika T Kirchner
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
United Nations Convention on the Rights of the Child (UNCRC)	

11. Co-opted Members

- 11.1 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 provides a one stop guidance document for Councillors. The Handbook contains sections on Financial Information, Support Services, Protocols and Role Descriptions.
- 12.2 The Councillors Handbook needs to be reaffirmed annually by Council. It may be viewed at www.swansea.gov.uk/CllrsHandbook
- 12.3 It is proposed that the Councillors Handbook be reaffirmed subject to any necessary changes being made by the Head of Democratic Services following the decision to create a single Planning Committee.

13. Appointment of Chairs & Vice Chairs

- 13.1 Following the close of the Annual Meeting of Council, a number of Committees shall meet in order to conduct the business of electing Chairs and Vice Chairs to these Committees.

14. Equality and Engagement Implications

- 14.1 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.

15. Financial Implications

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

16. Legal Implications

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

Background Papers: None

Appendices:

Appendix A	Actual Payment Levels for Basic Salary, Civic Salary and Senior Salary (Group A Council's) as Prescribed by the IRPW – February 2015.
Appendix B	Fees for Co-opted Member (with Voting Rights) of Local Authorities as Prescribed by the IRPW – February 2015.
Appendix C	Proposed Exemption from Committee Balance Rules.
Appendix D	Approximate Frequency of Meetings.
Appendix E	Additions to the Planning Committee Terms of Reference.
Appendix F	Council Bodies & Number of Seats Allocated to them 2015-2016.
Appendix G	Council Bodies Diary 2015-2016.

Appendix A

Actual Payment Levels for Basic Salary, Civic Salary and Senior Salary (Group A Councils) as Prescribed by the IRPW – February 2015

Basic Salary	£13,300
Senior Salaries (inclusive of Basic Salary)	
Band 1	
Leader of the Council	£53,000
Deputy Leader of the Council	£37,000
Band 2	
Executive Member (Cabinet Member)	£32,000
Band 3	
Committee Chairs	£22,000
Band 4	
Leader of the Largest Opposition Political Group *1	£22,000
Band 5	
Leader of Other Political Groups *2	£17,000
Civic Salaries (inclusive of Basic Salary) *3	
Civic Head (Mayor / Chair of Council) – Band a	£24,000
Deputy Civic Head (Deputy Mayor / Vice Chair of Council) – Band a	£18,000

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.

- *3 **Civic Head / Deputy Civic Head** – The IRPW have clearly stated that the Lord Mayor / Deputy Lord Mayor of the City and County of Swansea must be the Civic Head / Deputy Civic Head. This means that the Chair of Council / Vice Chair of Council shall not be allowed a Civic Salary or a Senior Salary.

Appendix B

Fees for Co-opted Member (with Voting Rights) of Local Authorities As Prescribed by the IRPW – February 2015

Chair of Standards Committee and Chair of Audit Committee	4 Hours and Over	£256
	Up to 4 Hours	£128
Ordinary Members of Standards Committee who also Chair Standards Committee for Community and Town Councils	4 Hours and Over	£226
	Up to 4 Hours	£113
Ordinary Members of Standards Committee; Education Scrutiny Committee; Crime and Disorder Scrutiny Committee and Audit Committee	4 Hours and Over	£198
	Up to 4 Hours	£99

Appendix C

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 ensure that each Political Group Leader is represented on it.
 - 1.2 **Standards Committee.** This is made up of 5 Independent Members and 4 Councillors. 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 **Community / Town Councils Forum.** Council is asked to exempt this from the Committee Balance Rules in order to ensure that only the Cabinet Members and Chairs of Planning Committee and General Licensing Committee are represented on it.
 - 1.4 **Corporate Parenting Forum.** Council is asked to exempt this from the Committee Balance Rules in order to ensure that a representative of each Political Group is represented on it.
 - 1.5 **Gypsy Traveller Liaison Forum.** Council is asked to exempt this from the Committee Balance Rules in order to ensure that a representative of each Political Group is represented on it.
 - 1.6 **Student Liaison Forum.** Council is asked to exempt this from the Committee Balance Rules in order to ensure that the Relevant Cabinet Member and the Councillors from the following Electoral Divisions Castle, Gorseinon, Killay North, Kingsbridge, Loughor Lower, Loughor Upper, Oystermouth, Sketty, St. Thomas, Townhill and Uplands are represented on it.
 - 1.7 **Constitution Working Group.** Council is asked to exempt this from the Committee Balance Rules in order to ensure that the Presiding Member and each Political Group Leader and Deputy is represented on it.

Appendix D

Approximate Frequency of Meetings

a) 6 Monthly

- Community / Town Councils Forum;
- Local Pensions Board.

b) 3 Monthly Cycle

- Armed Forces Community Covenant Signatories Panel;
- Democratic Services Committee;
- Gower AONB Partnership Group;
- Pension Fund Committee;
- Standards Committee;
- West Glamorgan Archives Committee.

c) 2 Monthly Cycle

- Audit Committee;
- Corporate Parenting Forum;
- External Funding Panel;
- Joint Consultative Committee.

d) Monthly Cycle

- Council;
- Cabinet;

- Business & Admin CAC;
- Communities CAC;
- Economy & Investment CAC;
- Engagement & Inclusion CAC;
- General Licensing Committee;
- Planning Committee;
- Local Authority (LA) Governor Panel;
- Services CAC;
- Scrutiny Programme Committee.

e) Other Cycle

Not all Council Bodies are listed in the cycles above. This is often due to the fact that these bodies are simply called on an ad hoc basis.

Appendix E

Additions to the Planning Committee Terms of Reference

The following are to be added to the Terms of Reference of the Planning Committee:

5. Monitor the progress of Local Development Plan (LDP) delivery and performance;
6. Examine the process of LDP preparation and advise upon improving reporting mechanisms;
7. Consider ways to promote / encourage sustainable development;
8. Consider in detail proposals for inclusion in the LDP and be able to report upon their findings;
9. Consider the preparation of Supplementary Planning Guidance (SPG) in support of the LDP;
10. Advise on methods of helping facilitate improved community involvement;
11. Improve linkages with other Council plans and strategies;
12. Ensure equality and diversity issues pertaining to these matters are addressed;
13. Provide a link to the political party groups to enable the views of all Councillors to inform the development of the LDP.