

CITY AND COUNTY OF SWANSEA

MINUTES OF THE COUNCIL

HELD AT COUNCIL CHAMBER, GUILDHALL, SWANSEA ON
THURSDAY, 27 AUGUST 2015 AT 5.00 PM

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

Councillor(s)	Councillor(s)	Councillor(s)
C Anderson	F M Gordon	G Owens
P M Black	J A Hale	C L Philpott
J E Burtonshaw	T J Hennegan	J A Raynor
M C Child	C A Holley	T H Rees
R A Clay	P R Hood-Williams	I M Richard
U C Clay	L James	R V Smith
A C S Colburn	Y V Jardine	R J Stanton
D W Cole	J W Jones	R C Stewart
A M Cook	M H Jones	D G Sullivan
J P Curtice	E J King	C Thomas
N J Davies	A S Lewis	C M R W D Thomas
A M Day	R D Lewis	M Thomas
P Downing	C E Lloyd	L G Thomas
C R Doyle	P Lloyd	L J Tyler-Lloyd
C R Evans	K E Marsh	G D Walker
V M Evans	P M Matthews	L V Walton
R Francis-Davies	P M Meara	T M White

44. APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillors J C Bayliss, S E Crouch, W Evans, E W Fitzgerald, B Hopkins, D H Hopkins, A J Jones, S M Jones, E T Kirchner, D J Lewis, P N May, H M Morris, J Newbury, B G Owen, D Phillips, C Richards, P B Smith and G J Tanner.

45. DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS.

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

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

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

- 1) Councillor D W W Thomas declared a Personal Interest in Minute 52 "Urgent Report - Constitutional Matters 2015-2016- Changes";
- 2) Councillors C Anderson, R A Clay, P R Hood-Williams, L James, J W Jones, P M Meara, G Owens, R V Smith, D W W Thomas, L V Walton and T M White declared a Personal Interest in Minute 56 "Audit Committee - Annual Report 2014-2015";
- 3) Councillor P M Meara declared a Personal Interest in Minute 57 "Councillors' Questions - Question 5".

46. **MINUTES.**

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

- 1) Ordinary Meeting of Council held on 23 July 2015.

Note: Councillor P M Meara stated that the recording of Public Questions was not sufficient and requested that in future, the name of the questioner and subject matter of the question be added to the Minute.

The Leader of the Council agreed with the suggestion and asked that it be implemented as soon as possible.

47. **ANNOUNCEMENTS OF THE PRESIDING MEMBER.**

1) Condolences

a) Rebekah Bartolozzi

The Presiding Member referred with sadness to the recent death of Rebekah Bartolozzi, daughter of Councillor P B Smith and former Councillor R L Smith.

b) Steve Lewis

The Presiding Member referred to the recent death of Steve Lewis, former Police Community Support Officer (PCSO) for St. Thomas and Swansea's Eastside.

All present were asked to stand as a mark of respect and sympathy.

2) Councillor H M Morris - Illness

The Presiding Member stated that Councillor H M Morris had recently undergone surgery and that there was more surgery to follow. He wished her well on behalf of the Council.

3) Corrections / Amendments to the Council Summons

i) **Item 8a “Membership of Committee”** - An amended report had been circulated.

ii) **Item 9a “Amendments to the Council Constitution”**. Amend the report as follows:

a) Page 15. Paragraph 4.9. End of the first line. **Delete** the word “to”. **Replace** with “in”. Sentence will then read:

“Finally, a significant amount of work has already been done in producing a new Constitution based on the Welsh Modular Constitution”.

b) Page 24. Paragraph 5.2. Middle of the first line. *Delete* the word “to”. Sentence will then read:

“Responsible Officers can only exercise delegated authority for functions for which they have budgetary and management or operational or statutory responsibility”.

iii) **Item “Urgent Report - Constitutional Matters 2015-2016 - Changes”**

The Presiding Member stated that he had agreed that an Urgent Report be considered at the meeting. Paragraph 7.1. The list of Proposed Chairs is incorrect. Amend the list as follows:

Cabinet Advisory Committee	Proposed Chair
Corporate Services	Erika T Kirchner
Development	Phil Downing
Education & Young People	Des W W Thomas
Prevention & Social Care Reform	V Mandy Evans

48. **ANNOUNCEMENTS OF THE LEADER OF THE COUNCIL.**

1) **GCSE & A Level Results**

The Leader of the Council congratulated those students for their GCSE and A Level results over the summer. He stated that GCSE students in Swansea had outstripped their peers across Wales with more of them than ever celebrating the top A* and A results. The summer 2015 examinations are the best ever results for Swansea.

The figures show 22.8% of city pupils gained A* and A grades in their exams, which compares very well to 19.2% of those in Wales as a whole. Initial indications show that the Level 2 Threshold with Language/Maths has improved from 59.1% in 2014 to around 62.3% in 2015. This is the largest annual increase seen for this measure in Swansea. This indicator is the most important performance measure for key stage 4. To achieve this indicator,

students need to achieve at least five C grades or higher at GCSE (or equivalent), including mathematics and English and/or Welsh First Language.

More than 90% of students achieved the higher grades of A* to C in 24 different subjects - up from 19 in 2014. Meanwhile, the top grades of A* and A were awarded to over a third of all entrants in 26 subjects – up from 21 subjects last year.

A total of 99.2% of GCSE examination entries in Swansea were passed (grades A* to G). This is the same as 2014, and tops the Welsh pass rate for 2015 of 98.7%.

Swansea GCSE students also surpassed their counterparts in terms of the number of them gaining the higher grades in full course subjects. The figures show 76.8% of entrants here scored A* to C grades, a rise on last year's figure of 73.4% and well above the comparable figure for all-Wales for 2015 of 66.6%.

In Swansea, a total of 17,181 full course GCSE entries in summer 2015 were made in 58 different subject/syllabuses. In addition, there were 2,225 entries in 15 different subjects for GCSE short courses.

2) **Cabinet Member Changes**

The Leader of the Council thanked Councillor Mark Thomas, Cabinet Member for Environment and Transport for his dedication as a Cabinet Member following his decision to stand down from the Cabinet on 31 August 2015 due to work commitments.

He stated that Councillor D H Hopkins would be appointed as the Environment and Transport Cabinet Member from 1 September 2015. Councillor Hopkins current Cabinet Portfolio responsibilities for Communities and Housing will be included in existing Portfolios on 31 August 2015 and a new Portfolio of Next Generation Services will be created.

The Leader of the Council stated that he had appointed Councillor A S Lewis as the Next Generation Services Cabinet Member with effect from 1 September 2015.

The Leader of the Council also set out his vision of the interlinking between Cabinet Advisory Committees, Deputy Cabinet Members and Cabinet Portfolios.

49. **PUBLIC QUESTIONS.**

A number of questions were asked by members of the public. The relevant Cabinet Member responded. Those questions **not requiring** a written response are listed below:

- 1) Dennis Green (Swansea Credit Union) asked the Transformation and Performance Cabinet Member a question in relation to Minute 57 "Councillors'

Questions - Question 3". The question related to whether the Authority would continue to financially assist the Swansea Credit Union in some way in future years.

The Transformation and Performance Cabinet Member stated that he recognised the excellent work of the Swansea Credit Union; however the Authority had a reduced budget and therefore had to reduce its spending. The allocation of future budgets would have to be aligned to the Council Priorities. As such resources would be targeted to assist the Authority in meeting those Priorities.

- 2) Peter East asked the Leader of the Council questions in relation to Minute 54 "Amendments to the Council Constitution". The questions related the possibility of extending the length of public question time; holding Cabinet Members to account and the scrutiny of them; value for money in relation to the Elba estate and the Liberty Stadium and the Authority's use of external advice.

The Leader of the Council stated that:

- i) The Presiding Member had the power to extend the length of public question time and had done so on occasion; however in reality the questions often ceased before the end of the allocated timescale.
- ii) Cabinet Members were regularly held to account and scrutinised by the Scrutiny Programme Committee and associated Scrutiny Panels. Additionally, Cabinet Members and indeed all Councillors published their contact details and can be approached directly by the public.
- iii) The Authority achieved value for money in relation to the Elba estate and settled the issue following advice given. The issue of value for money at the Liberty Stadium was ongoing and the issue of rent was being investigated.
- iv) The Authority seeks external advice as required.

Those questions **requiring** a written response are listed below:

- 1) Lis Davies asked the Leader of the Council questions in relation to Minute 54 "Amendments to the Council Constitution":

"Agenda Item 9 (a) "Amendments to the Council Constitution". Page 16. Delegation of authority to individual Cabinet Members. Paragraphs 4.13 and & 4.14 refer to the Recording & Publishing of Individual Cabinet Member Decisions and that it is proposed a decision tracker of said decisions will be published online in due course.

- 1) *Will Cabinet Members have carte blanche to make decisions without the authority of Cabinet, Council or Officers?*

2) *What time scale is attached to 'in due course'?*

The Leader of the Council stated that a written response would be provided.

2) *"Agenda Item 11 "Councillors Questions - Question 2". Page 33. The report states that during 2014/2015 the total income for Parking Enforcement was £1,240,230; associated costs of running the service were £1,172,213 which left a surplus of £68,017. Further to the above, I would appreciate answers to the following questions:*

- 1) *How many Parking Enforcement Wardens are employed by the CCS?*
- 2) *What are their contracted hours of work and hourly rate of pay?*
- 3) *What is the overtime rate of pay?*
- 4) *Actual hours of overtime claimed during 2014/2015?*
- 5) *Total costs relating to salaries & expenses paid to Parking Enforcement officers during 2014/2015?*
- 6) *Breakdown of costs associated with running the parking enforcement van?*
- 7) *How much of the £1.24 million income was attributed to the enforcement van?*
- 8) *Administration costs associated with running the Parking Enforcement service?"*

The Leader of the Council stated that a written response would be provided.

50. **PUBLIC PRESENTATION - FRIENDS OF SWANSEA HORSES.**

David Grimsell gave a presentation on the work of 'Friends of Swansea Horses'. He outlined the issues associated with tethering horses and its impact on the horses within Swansea. He asked that the Authority create a cross party working group to address the issue.

Councillor M Thomas, Environment & Transportation Cabinet Member gave thanks for the presentation.

Councillor M H Jones, Chair of the Scrutiny Programme Committee stated that Scrutiny would be looking into the issue during this Municipal Year.

51. **URGENT ITEM**

The Presiding Member stated that pursuant to paragraph 100B (4)(b) of the Local Government Act 1972, he considered that the "Constitutional Matters 2-015-2016 - Changes" report should be considered at the meeting as a matter of urgency.

52. **CONSTITUTIONAL MATTERS 2015-2016 - CHANGES**

Reason for Urgency: There is a need to regularise the Cabinet Advisory Committees in line with the Cabinet Portfolios and the changes to the Scheme of Delegation report before Council today, which, if approved, would come into immediate effect.

The Presiding Member, Monitoring Officer and Head of Democratic Services jointly submitted a report which sought to outline changes to the Cabinet Advisory Committees, Senior Salaries and the list of Council Bodies.

RESOLVED that:

- 1) The following Cabinet Advisory Committee be deleted from the list of Council Bodies:
 - i) Business & Administration;
 - ii) Economy & Investment;
 - iii) Engagement & Inclusion;
 - iv) Services.
- 2) The following Cabinet Advisory Committee be created, each with a membership of 13:
 - i) Corporate Services;
 - ii) Development;
 - iii) Education & Young People;
 - iv) Prevention & Social Care Reform.
- 3) The Terms of Reference of the four new Cabinet Advisory Committees as outlined in Appendix A be adopted;
- 4) The following positions be added to the list of those paid a Senior Salary commensurate with that of a Band 3 Committee Chair:
 - i) Chair of Corporate Services Cabinet Advisory Committee;
 - ii) Chair of Development Cabinet Advisory Committee;
 - iii) Chair of Education & Young People Cabinet Advisory Committee;
 - iv) Chair of Prevention & Social Care Reform Cabinet Advisory Committee.
- 5) Councillors be allocated to serve on the Council Bodies in line with the nominations received from the Political Groups;
- 6) Councillor Erika T Kirchner be elected as Chair of the Corporate Services Cabinet Advisory Committee;

- 7) Councillor Phil Downing be elected as Chair of the Development Cabinet Advisory Committee;
- 8) Councillor Des W W Thomas be elected as Chair of the Education & Young People Cabinet Advisory Committee;
- 9) Councillor V Mandy Evans be elected as Chair of the Prevention & Social Care Reform Cabinet Advisory Committee;
- 10) The Council Bodies Diary 2015-2016 be amended as outlined in Paragraph 6.2 of the report;
- 11) Any consequential amendments to the Council Constitution and / or Councillors as a result of this report be carried out.

53. **MEMBERSHIP OF COMMITTEES.**

The Transformation and Performance Cabinet Member stated that an amended report had been circulated. The Head of Democratic Services added that there was a further amendment to the amended report.

He referred to the report stating that the Leader of the Council had made the following changes to the Authority's membership on Outside Bodies:

- 1) **Swansea St. Mary's Choral Trust**
Add Lord Mayor.

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

- 1) **Corporate Services Cabinet Advisory Committee**
Add Councillors J E Burtonshaw, J A Hale, T J Hennegan, Y V Jardine, E J King, E T Kirchner, G Owens, M Thomas and LV Walton.
- 2) **Development Cabinet Advisory Committee**
Add Councillors J C Bayliss, D W Cole, P Downing, P Lloyd, P M Matthews, P B Smith, R V Smith, M Thomas and T M White.
- 3) **Education and Young People Cabinet Advisory Committee**
Add Councillors J P Curtice, C R Doyle, C R Evans, A J Jones, H M Morris, R V Smith, C Thomas, D W W Thomas and L V Walton.
- 4) **Joint Consultative Committee (JCC)**
Remove Councillor A S Lewis.
Add Councillor G J Tanner.
- 5) **Local Authority (LA) Governor Panel**
Remove Councillor C A Holley.
Add Councillor J W Jones.

- 6) **Lesbian, Gay, Bisexual and Transgender (LGBT) Councillor Champion**
Remove Councillor J C Bayliss.
Add Councillor E J King.
- 7) **Planning Committee**
Remove Councillor A S Lewis.
Add Councillor M Thomas.
- 8) **Prevention and Social Care Reform Cabinet Advisory Committee**
Add Councillors C Anderson, U C Clay, A M Cook, N J Davies, C R Doyle, V M Evans, P Lloyd, R V Smith and T M White.
- 9) **Swansea Student Liaison Forum**
Remove Councillor M H Jones.

54. **AMENDMENTS TO THE COUNCIL CONSTITUTION.**

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

- 1) Part 3 – Scheme of Delegation;

RESOLVED that the changes to the Council Constitution as outlined in Paragraph 4 of the report together with any further consequential changes be adopted subject to the amendments outlined under the Announcements of the Presiding Member and those amendments listed below:

a) **Appendix B “Scheme of Delegation”.**

- i) Paragraph 1.5. **Delete** the entire paragraph. **Replace** with:

“S/he will not take part in any Scrutiny activity in relation to the specific responsibilities of the Cabinet Member s/he is assisting or any other areas to which they are assigned.”
- ii) Paragraph 5.10. **Delete** reference to “he”. **Replace** with “S/he”;

55. **ADJOURNMENT OF MEETING**

The meeting stood adjourned for a 10 minute comfort break.

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

The Chair of the Audit Committee submitted an information report which outlined the Audit Committee Annual Report 2014-2015.

57. **COUNCILLORS' QUESTIONS.**

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

Seven (7) Part A 'Supplementary Questions' were submitted. The relevant Cabinet Member(s) responded by way of written answers contained in the Council Summons.

The following question(s) required a written response:

- a) Question 2. Councillor C A Holley asked the following supplementary question(s):

"Please provide Councillors with a breakdown of the Parking Enforcement central establishment cost of £1,172,213 which is referred to within the response."

The Environment and Transport Cabinet Member stated that a written response would be provided.

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

Two (2) Part B 'Questions not requiring Supplementary Questions' were submitted.

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

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

59. **NOTICE OF MOTION: CLLRS P M BLACK, A M DAY, C A HOLLEY, J W JONES, M H JONES, R D LEWIS, P M MEARA, J NEWBURY, C L PHILPOTT, T H REES, L G THOMAS, R J STANTON.**

The following motion was proposed by Councillor P M Black and seconded by Councillor A M Day.

'We call on Cabinet to investigate with a view to implementing a regulation to prohibit the use of sky lanterns on Council land as these are known to be a danger to animals.'

RESOLVED that Cabinet the motion as outlined above be approved.

The meeting ended at 8.11 pm

CHAIR