City and County of Swansea Governance Review: Draft Report

Background

The City and County of Swansea (the Council) invited the Welsh Local Government Association (WLGA) to undertake a Peer Review of the Council in the autumn of 2014 in advance of the Wales Audit Office (WAO) Corporate Assessment undertaken in November 2014. The peer Review report was published in December 2014 and the Corporate Assessment report was published in May 2015.

Both reports made reference to the governance arrangements of the Council including recommendations (Peer Review) and proposals for improvement (WAO). While both reports pointed to areas where the Council should look to improve its governance arrangements the overall conclusion in both was largely positive with no major concerns identified and those findings are echoed in this report. The Peer review stated that:

'The Review team observed a healthy relationship between members and officers; there was relatively good communication and a shared understanding of how they could collectively contribute to achieving the Council's goals. The member/officer dynamic was well-balanced, with an overall perception that the Council is member-led.'

While the WAO report stated that:

'The Council has generally robust governance arrangements and is improving access to information about its scrutiny activity.'

Current Overview

While the Peer Review refers to 'an overall perception that the Council is member-led' the Council is currently in a state of transition towards achieving this, with progress being affected by a lack of consistent understanding among senior politicians and senior officers of what this means in terms of practice and behaviours..

Essentially the Council has sound governance arrangements in place but needs to ensure that appropriate behaviours, based upon mutual trust and understanding, ensure the effective implementation of these arrangements.

Scope of the Review

As part of its response to the findings of the Peer Review and WAO the Council has engaged a WLGA Associate (Rod Alcott) to act as an external critical friend.

From the outset it was agreed that the focus would be on assessing progress in implementing recommendations and proposals for improvement emanating from the two reports. While the specific recommendations and proposals for improvement have provided the focus for the review it was also recognised that other observations within the body of both reports raised issues that the Council needed to address and as such came within the scope of this review. It was further recognised that there are aspects of the governance arrangements that did not figure in either

report that would fall within the scope of this review for example consideration of the form and status of the Annual Governance Statement (AGS), the role of the Audit Committee and proposed Democratic Services and Scrutiny options.

This brief report summarises the findings from that external review carried out between July and November 2015.

Approach

The Review comprised a limited number of interviews with members and officers, a meeting with the WAO, review of the two reports referred to in this report, review of documentation supplied by the Council and a wider document review.

The intended scope set against the constrained nature of the review means that opportunities to triangulate evidence have been limited and consequently some of the findings are based on the observations and perceptions of a limited number of interviewees.

Overall Conclusions

- The review did not uncover any significant flaws in the Council's governance arrangements
- The main issues to address going forward are around leadership behaviours and understanding of respective roles and responsibilities in a 'member-led' authority, rather than arrangements. If not addressed, these could further affect working relationships between officer and members which could undermine the effective implementation of the governance framework
- The Council has made significant progress in addressing the issues raised by the Peer Review and WAO
- The major issues that were raised have been largely addressed
- There are still some actions that are needed to ensure that issues, both from the reports and wider Council concerns, are fully addressed
- The form and status of the AGS mirrors that of many other councils in Wales in being a retrospective assurance of compliance; but is not currently the interactive document that the Council is seeking to develop.

Progress against Peer Review Recommendations

The Peer Review report of December 2014 made four recommendations regarding the Council's governance arrangements and this section of the report describes and evaluates the Council's progress in addressing them.

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

While this recommendation reflected the extent to which the Cabinet was new and inexperienced at the time of the Peer Review it remains an area of concern for the Council.

In considering progress against this recommendation it is probably best to consider its two constituent, but interrelated, parts i.e. formalised briefing based around regular meetings and the proactive engagement of members in decision making.

Convening regular formalised meetings with agendas, minutes and action points that clearly relate to Council priorities appears to have become standard practice. However, while their widespread adoption represents progress, more needs to be done in these meetings to agree forward work plans and agendas to facilitate effective implementation of the Council's priorities. Crucially these meetings are an obvious opportunity to develop good working relationships based upon a shared understanding of respective roles and responsibilities.

The second, but interrelated, part of the recommendation relates to early engagement of Cabinet Members in decision making. This is an area where cabinet members recognise that progress has been made but are equally clear that there is still some way to go before early engagement becomes the accepted norm. The apparent paradox between the establishment of the above regular meetings and a perception of early engagement not being the norm can only be explained by questioning both the content and spirit of those meetings. The content needs to be amended to ensure the issues referred to above are included and a spirit of openness and mutual trust must be maintained.

One source of member frustration centres round the current practice of reports typically going through the Executive Board process before they are formally engaged. From a governance perspective taking reports through the Executive Board is positive practice, because it ensures that officers develop and test member advice with colleagues to ensure a rounded, broader corporate perspective rather than a narrower silo perspective. Members are obliged to receive advice from officers but the speed of this process *may* affect the timeliness of seeking members' views or decisions (highlighted to some extent by the peer review) which may further add to the perception of late engagement; this however would be an issue of pace rather than a problem of the process itself. This issue is further exacerbated when the Executive Board decides it needs more time to consider an issue, leading to further delay in engaging with members and creating a situation on occasions where members feel they have very limited time to consider an issue and provide sufficient political input to the ensuing decision.

However, members have to recognise the difference between early engagement and micro-management if they are to gain the trust of senior officers. Essentially Cabinet Members have to recognise that their role relates to the formulation of policy and not the management of that policy. Similarly, officers have to ensure that their regular meetings with members are a vehicle for providing members with advance notice of issues that are going to Executive Board before developing more detailed advice based on Executive Board deliberations.

Although feedback suggests senior member-officer relations are generally constructive, individual and collective member-officer relations are still developing, as is the joint understanding around respective roles and responsibilities. The WLGA facilitated a 'top-team' development session between the cabinet and management team during the Summer 2015 to explore respective expectations, principles and working relationships and a draft 'Member-led: Key Principles' paper

was produced (Appendix 1). This 'Key Principles' paper provides some clarity and expectations for both members and officers, however, it appears (at the time of this review) that it remains a draft discussion document and has not been finalised or formally adopted.

The underlying factors affecting member-officer working relationships are both historical and cultural. There is a range of local government experience on the cabinet and some officers and members are viewed as being un-used to operating in a member-led environment and are perceived to be slow or unwilling to change historical ways of working. Without clear underpinning principles, roles and responsibilities, this perception can affect working relationships and trust which in turn would inhibit the effectiveness of decision making.

Given that the spirit of the recommendation in terms of Member engagement is the more important component of this recommendation then, overall, it must be considered to be **partly met**.

To ensure this recommendation is fully met the Council needs to:

- Build a culture of mutual trust through clarifying and respecting roles and responsibilities, and creating opportunities for Members and officers to meet to discuss issues of concern and share good practice. In particular there is a need to revisit and agree the draft 'Member-Led' Key Principles' paper (included as Appendix 1)
- Ensure that roles and responsibilities of senior officers and Cabinet Members are fully understood and adhered to not just in the letter but also in the spirit
- Reconsider the content and purpose of the regular meetings between officers and members
- Ensure that the current practice of reports going to the Executive Board in advance of member engagement does not create issues of timeliness

Joint response of the Leader and Chief Executive:

- **The recognition that it has now become standard practice for there to be regular, formalised meetings with agendas, minutes and action points that clearly relate to Council priorities is welcome.**
- **Officers and Cabinet Members recognise that developing this formalised process as a mechanism that develops policy and measures performance against agreed objectives is an ongoing process.**
- **It is everyone's interest that reports to members are produced on a timely basis but, equally, it is crucial that where such reports are presented they contain a rounded and corporate view of issues addressed rather than a silo view as highlighted in this draft report.**
- **The issue of the regular meetings highlighted in the report and the role of Executive Board are interlinked - any report submitted to Executive Board should have been subject to individual Cabinet member consultation as part of the drafting.**

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

The Joint Report of the Monitoring Officer and Head of Democratic Services that was taken to Council on 27 August 2015 set out the new arrangements for Cabinet Advisory Committees (CACs) and clarified their Terms

of Reference. The newly designated CACs are designed to be better aligned to the current Cabinet Portfolios with each of the five Committees aligned to two Portfolios.

Appendix 2 to this report defines the Terms of Reference for the Committees, which has now been included within the Constitution. The clarity of role has been complemented by the establishment of a Co-ordinating and Allocation Group comprising Scrutiny and Committee Chairs that is designed to ensure that there is no overlap or duplication of effort between the CACs and Scrutiny.

These arrangements ensure alignment between CACs and Cabinet Portfolios, clarify the role of CACs, and address the relationship between CACs and Scrutiny. Essentially there needs to be clarity that the role of CACs is forward looking policy development, the role of Scrutiny is to challenge emerging policies, and there needs to be better alignment between them in relation to Council priorities. The arrangements that are now in place provide evidence that this recommendation has been **largely met**. To be fully met, these new processes need to become embedded to ensure member and officer clarity and understanding of CACs' role within the council's governance arrangements and the issue of the effectiveness of CACs needs to be addressed.

This latter point is significant because conversation with the WAO revealed that, from their perspective, the role of CACs is a significant governance issue facing the Council. The WAO view is that when looking at CACs the issues that need to be considered are the degree of clarity around their role and relationship to existing governance arrangements, and their effectiveness. As noted above, arrangements have been put in place which will address the first issue provided there is widespread understanding of them among members and officers and the necessary amendments are made to the Constitution. The issue of effectiveness is one that the Council needs to consider if it is to satisfy itself and its external auditors that CACs are making a positive contribution to improving governance.

To ensure this recommendation is fully met the Council needs to:

- **Ensure that members and officers are clear about the roles and responsibilities of CACs and their relationship to existing governance arrangements through the Co-ordinating and Allocation Group.**
- **Establish criteria for determining the effectiveness of CACs that are shared and owned by stakeholders; and determine an appropriate timescale for applying them to an evaluation of their work. For example, the number of policies or policy changes considered or adopted by Cabinet on the advice of CACs.**

Joint response of the Leader and Chief Executive

- **The fact that acknowledgement that this recommendation has largely been met is welcome.**
- **It is acknowledged that the implementation of the CAC arrangements remains relatively new and that criteria as set out above in terms of would be welcome and will be developed.**

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

The need to address this recommendation has been recognised by the Council and is reflected in the Scrutiny Annual report for 2014/15 which concludes with the identification of six improvement outcomes for 2015-16 one of which is:

'We need to align the work of scrutiny more closely to the five corporate priorities so that we can focus and impact on the things that matter.'

This has subsequently been put into effect in the drawing up of the forward work programme for Scrutiny for 2015-16 which demonstrates a closer orientation to the Council's top priorities. The Council has got well established criteria for demonstrating impact, for example, the percentage of Scrutiny recommendations partly or fully accepted by Cabinet. Application of these criteria to a programme that is more closely aligned to the Council's top priorities should enable the Council to evaluate whether scrutiny's activities and resources are now being prioritised in such a way as to have maximum impact. The composition of the forward work programme provides evidence that in terms of planned activity this recommendation has been **largely met.**

To ensure this recommendation is fully met the Council needs to:

- **Conduct an end of year analysis of completion of activity and evaluation of impact to inform future improvement**

Joint response of the Leader and Chief Executive

- **Again it is pleasing to note the view that this recommendation has been largely met and consideration of alignment to Corporate priorities is being included in developing the 2016/17 programme.**

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

This recommendation arose from concern that the time given to Cabinet to respond was one of the barriers to speeding up decision making.

It was agreed at Council on 25 June that the response time would be reduced to two months. This reduction in response time has had an impact on the scrutiny forward look with responses now being programmed in for two cycles ahead to ensure compliance with the two months deadline.

The reduction in time allowed for a response means that the letter of this recommendation has been **fully met**. However, the clear intention is for the response time to no longer be a barrier to the speed of decision making. This will only happen if there is compliance with the requirement.

To ensure that the intention of this recommendation is fully met the Council needs to:

- **Monitor and report on compliance with the newly agreed timescales on a regular basis and take action to deal with non-compliance**

Joint response of the Leader and Chief Executive

- **This recommendation has been fully met and compliance with new timescales will be monitored**

Progress against WAO Proposal for Improvement

The WAO Annual Improvement Report: 2014 – 15 incorporating the Corporate Assessment Report 2014, published in May 2015 made one Proposal for Improvement regarding the Council's governance arrangements and this section of the report describes and evaluates the Council's progress in addressing that proposal.

Proposal for Improvement P2: Ensure records of delegated decisions by officers are accurately recorded.

This Proposal for Improvement stems from the following observation within the report:

'The Council does not have a corporate record or publish records of executive decisions delegated to officers. There is a section on the Council's website that indicates it includes a list of such decisions taken by officers, however this has not been published, a search of the 'decisions taken' shows no results, and could lead to a conclusion that no decisions have been taken. This arrangement thus lacks the intended transparency and should the Council decide to increase levels of delegation the recording and publication of decisions will have greater importance'

It is important to note that that the only reason this was raised was because it appeared on the Council website with nothing published against it.

The Scheme of Delegations are included in the council's Constitution (Appendix 3 to this report). Clarification was required from the WAO on which decisions should be recorded, as clearly not all decisions need to be a matter of public record. It was also important to establish agreement with the WAO on a mechanism for determining recording that would not do anything to slow down the pace of decision making.

The advice from the WAO was that the determination of which officer delegated decisions to record should be left to the Cabinet Member and relevant officer with agreement from the WAO that they are prepared to commit this advice to writing. This approach should be combined with the establishment of a financial threshold to provide consistency whilst still allowing Cabinet members the flexibility to ensure that a decision that may not be that significant in financial terms but is politically very sensitive is recorded. Arriving at this agreed mechanism for recording with the WAO means that this Proposal is **partly met**.

To ensure this Proposal is fully met the Council needs to:

- **Establish financial thresholds for recording of decisions**
- **Ensure that relevant officers and Cabinet members are aware of and understand the approach to be adopted**
- **Implement the approach through populating the appropriate section of the Council's website**.

An alternative approach for the Council to consider is to upload delegated Chief Officer decisions on to Modern.gov. These decision-reports should be uploaded within agreed timescales ie. within x days of the decision being made. A number of authorities for example, Cardiff and Torfaen report decisions in this way. To see Cardiff's approach follow this link:
http://cardiff.moderngov.co.uk/mgListOfficerDecisions.aspx?bcr=1&BAM=1

Joint response of the Leader and Chief Executive

- The requirement to record Officer delegated decisions is acknowledged and proposals as to how best to achieve this using either of the options set out above will be explored.

Progress against other Governance issues that have been raised:

In addition to the formal recommendations of the Peer review report and the WAO Corporate Assessment Proposal for Improvement, a number of other issues have been raised that the Council is keen to address.

Focus of Internal Audit

'The Council should ensure its internal audit activity is focused on 'higher risk' policies and practices so that resources are being used to best effect. ' (WLGA Peer Review)

There is acceptance that there has been a historical over concentration on core systems audits at the expense of a more risk based approach. To some extent the evolution of this approach has been external regulator driven and is now being addressed by moving from an annual schedule of core audits to a bi-annual approach.

The Audit Plan is now partly risk based but there is an acknowledged need to progress this further and to both raise the profile of internal audit and to move the emphasis towards 'added value' audits that focus more on efficiency and outcomes and therefore enable internal audit to demonstrate how it makes a corporate contribution.

The progress to date suggests that some progress has been made in addressing this issue but there is still some way to go. Going forward there is a clear role for the Audit Committee in agreeing the workplan for Internal Audit, monitoring its implementation and evaluating its contribution based on the approach set out below.

To fully address this issue the Council needs to:

- **Develop criteria to measure the 'added value' being provided by Internal Audit as a means of demonstrating its corporate contribution**
- **Use the criteria to evaluate this contribution and inform future plans**

Joint response of the Leader and Chief Executive

- **This is task that the audit committee may wish to undertake with advice from the Chief Internal Auditor with facilitation from external auditors as required.**

Programme Management:

The Peer review raised concerns over what it considered to be an over-engineered approach to programme management that was illustrative of a perceived risk-averse culture and contributing to slow decision making.

The Council is aware of this issue and is taking steps to address it. One response is an attempt to limit an over reliance on templates – a process described as 'death by template'. However, this is recognised as being part of a wider cultural issue that needs to be addressed. There is a tendency

for, and historical tradition of, staff retreating into the completion of templates rather than engaging with colleagues to try to arrive at a decision. This is symptomatic of the difficulty of encouraging speedy decision making through peer decision making in an entrenched risk-averse culture. Instead decisions are deferred and escalation becomes the default response, resulting in delayed decision making.

The Council is also responding to the Peer Review suggestion of establishing a 'Gateway Scheme' to assess the viability of major projects. Gateway reviews have been used in the past but they were not effectively implemented and this resulted in them getting a bad name. They are now being re-launched on a selective basis depending upon business assurance levels. This approach is being piloted for five to six months prior to an evaluative review to inform a wider launch in March 2016.

The above demonstrates that the Council is aware of this issue and is taking steps to address it while at the same time recognising that it is symptomatic of a wider cultural issue of risk aversion referred to later in this report.

Delegation arrangements:

To speed up decision making the Peer Review encouraged the Council to *'review its delegation arrangements to ensure that decision-making responsibility rests at the most appropriate level and ensure the powers are being used to the full.'*

This has been addressed and a revised scheme of delegation was approved by Council on 27 August 2015. The revised Scheme of Delegation is included as Appendix 3 to this report and the main changes can be summarised as:

- The delegation of authority to individual Cabinet members
- Formal delegation to the Deputy Leader
- Regularisation of the role of Cabinet Advisory Committees
- Establishment of the role and remit of Executive Support Members (Deputy Cabinet Members)
- More clarification around limits on delegation to both members and officers

Risk-averse culture:

The Peer Review identified an embedded risk-averse culture as a major factor in slowing down decision making.

This has been touched upon in the section on programme management with recognition that it is an organisation wide phenomenon that is the most intractable issue facing the Council when it comes to the speed of decision making. It is relatively straightforward to identify changes to procedural arrangements that will help to speed up decision making, and recognise that a blame free culture needs to be created to reduce risk-aversion. . The key building blocks to creating that culture would appear to be that there is individual and collective leadership by example, good professional working relationships between officers and members based on mutual trust and early engagement of members in decision making.

It is a statement of the obvious that the key to the creation of a less risk aware culture lies in the behaviours of managers in encouraging managed risk taking in a no blame environment. To some

extent an environment that supports quicker decision making through discouraging the tendency to push decisions 'up' to more senior colleagues will be created by default through a process of delayering that leads to greater empowerment at lower levels. However it must be recognised that empowerment at lower levels will only speed up decision making and reduce risk aversion if it is accompanied by a clear understanding and respect for respective roles and responsibilities. In the absence of this understanding and respect risk aversion could become further embedded.

Another avenue to promote managed risk taking is through the personal appraisal process both formal and informal where escalation can be challenged and decision making supported.

The Council's Innovation Programme can also help to create the conditions to encourage decision making and risk taking, by providing opportunities for people to try different approaches in an environment without fear of failure. The approach to innovation needs to address the challenge of how a Council that is perceived as risk-averse and compliance focused can better respond to a changing external environment and become more responsive to citizen needs.

It is essential that the approach to innovation is fully understood by all members and staff and is not allowed to be regarded as a 'trendy fad' or an easy option for those not fully committed to the concept. The external environment demands change based on a focus on improved outcomes for local citizens and a willingness to learn from elsewhere.

Audit Committee:

This is an issue that has been raised in the course of this review

The work of the Committee is currently narrowly financially focused and consequently imbalanced over the course of the year. The Committee currently operates on a fixed cycle of meetings throughout the year that results in the Committee being overstretched for the first six months of the financial year, with agendas that are too big to allow members to give individual items sufficient attention, and the second six months seeing the Committee with a much reduced workload reflected in sparse agendas. In addition to these concerns there is recognition that the Committee needs to be considering more 'meaty items' that contribute more to the corporate agenda rather than become bogged down in comparatively low level issues such as school audit recommendations.

The Audit Committee may wish to review its approach in light of proposals in the recently published Draft Local Government (Wales) Bill which, although unlikely to be legislated for some time, provides an indication of Welsh Government's expectations for the Committee's role in terms of broader governance in the future.

To address the issues of scope, balance and contribution the Council should consider:

- **Producing an annual forward work programme for the Audit Committee that incorporates a flexible approach to meeting cycles with more programmed in the first six months and fewer in the second six months**
- **Expanding the remit of the Committee to include, for example, oversight of the Council's response to external regulator/peer review recommendations as a significant agenda item for the second six months**

Joint response of the Leader and Chief Executive

- **Again this is largely a matter for the Audit Committee to consider with input from te Chief Internal Auditor.**

Annual Governance Statement:

This is another issue that has been raised in the course of this review

The Annual Governance Statement (AGS) is currently put together by one individual as an end of year one-off event. This approach leads to a repetitive format that is onerous for the individual concerned, does little to promote wider understanding and ownership of the document and ensures that it is retrospective rather than live.

To address these concerns the Council needs to consider:

- **Broadening contribution to the AGS by convening a representative group from across the organisation to meet quarterly to keep the AGS under review**
- **Producing a more succinct document that contains hyperlinks to the relevant evidential documents.**

Joint response of the Leader and Chief Executive

- **The Council's Chief Internal Auditor will be asked to coo-ordinate action as outlined above in order to make the document more inclusive and to ensure it reflects the most up-to-date position across the Council.**

Scrutiny/Democratic Services Review:

At the same time as this review was being undertaken the Head of Democratic Services and the Scrutiny Manager were compiling an options report for future delivery of the Democratic Services and Scrutiny functions. This report was taken to Executive Board seeking views on 9 September 2015.

The rationale for the exercise was to identify possible ways to meet savings targets and address a perceived imbalance in workloads, while maintaining effective and efficient Democratic Services and Scrutiny functions. The report outlines four options ranging from status quo to full merger of the functions, although both of these are effectively discounted as a way forward. The preferred option covers both the short term and the long term (although no timespan is attached to these descriptors). The favoured approach for the short term would go some way towards addressing the issue of imbalance and as such would potentially offer greater efficiency in terms of delivering a better overall level of support from existing resources, but it is unclear how it would deliver savings per se.

The current arrangements, while not unique in Wales, are only found in two other councils and it is questionable whether they reflect the spirit of the Local Government (Wales) Measure 2011 (the Measure). That said, the Draft Local Government (Wales) Bill proposes amending the statutory responsibilities for Heads of Democratic Services which would be in keeping with the Council's current approach. The Options Paper of 15 September produced for Executive Board intimates that whether or not there is a wholesale restructuring, further communication and joint working between the Democratic Services and Scrutiny Teams is necessary to support increasing committee workload and to support members' needs.

Depending on the Executive Board's determinations, the options paper should be considered by the Democratic Services Committee to ensure member views are taken on board and (if necessary) for any decision (as per the statutory duties and functions of the Committee and its relationship with the Head of Democratic Services, as per the Measure) on the preferred way forward with this decision then being taken to full Council for any budget approval if appropriate.

Rod Alcott

14th December 2015

CITY AND COUNTY OF SWANSEA

MEMBER LED – KEY PRINCIPLES

The City and County of Swansea is committed to improving outcomes for residents, providing leadership for the City and supporting employees to achieve this

Being a Member Led Council is central to this aim

Member Led in Swansea means:

1. Being the voice of the community in the Council and the voice of the Council in the community

2. Setting the overall Strategy and Policies for the Council

3. Ensuring clarity of roles and accountability of Cabinet and Cabinet Members, but taking collective responsibility for our decisions

4. Providing a full and valuable role for all Members of the Council in policy development and decision making

5. Working in partnership with Officers, so we are clear about expectations and can provide support to achieve our shared aims

6. Setting a clear policy and performance framework within which Officers are empowered to deliver

7. Having the right advice from the right Officers before we make decisions

8. Ensuring we have a culture of openness, trust and understanding

9. Promoting and exhibiting the highest standards of probity and good governance

To do this Members and Officers will work together to ensure that:

- There is clarity about political aspirations and outcomes

- There is Political input at the earliest opportunity

- There is good two way communication and "no surprises"

- Policies are updated to reflect the current political & financial position

- Respective roles and responsibilities for decisions are clear

- Officer advice is complete, clear, timely – and heard

- Officers are politically aware and work innovatively to achieve outcomes

- We are able to respond to residents' issues in a timely way

- We have regular, structured dialogue about policy, performance and key issues

- We understand and respect each other's roles, duties and pressures

- We adopt an inclusive approach, consulting and involving the right people at an early stage

Appendix 2: Cabinet Advisory Committee - 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 3: Scheme of Delegation

Form and Composition of the Executive Arrangements

1.1.1   The Council operates a Leader and Cabinet Executive Model. In this Council the Executive is referred to as the Cabinet. The following is a summary of the Executive arrangements. The proceedings for Cabinet which include appointment of the Leader and Cabinet are set out Article 7 and the Cabinet Procedure Rules.

1.1.2   The Cabinet consists of the Leader of the Council (the "Leader") and nine other Councillors appointed to the Cabinet by the Leader.

1.1.3   The Leader will appoint a Deputy Leader who will act as Leader in the Leader's absence and may also if s/he thinks fit remove the Deputy Leader from office at any time. In these circumstances the Leader shall inform the Monitoring Officer immediately. The Deputy Leader may exercise all of the functions of the Leader where the position is vacant or where the Leader is absent or otherwise unable to act.

1.2   Executive Support Members

1.2.1   As Executive Support Members these members will also be Chair of the relevant Cabinet Advisory Committee (CAC) (subject to the CAC itself electing them as Chair). Subject to the limitations set out below, these members may also be referred to as Deputy Cabinet Members.

1.2.2   Executive Support Members will not be a member of the Cabinet and will not participate in Executive Decision making, but may work closely with a Cabinet Member and to a portfolio set for them by the Leader or Cabinet Member.

1.2.3   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.

1.2.4   An Executive Support Member may support the Cabinet Member through the delegation of tasks as agreed for his/her area of responsibility, including:

    i)   attending/chairing meetings
    ii)   speaking/opening events
    iii)   reading and commenting on papers
    iv)   meeting Officers
    v)   agreeing press releases./comments and carrying out interviews
    vi)   representing the Council on appropriate groups
    vii)   Introducing reports as subject matter experts in Cabinet meetings
    viii)   Attendance at Scrutiny meetings to provide subject matter expertise relating to their area of responsibility

1.2.5   An Executive Support Member will not have delegated powers and ultimate responsibility will remain with the Cabinet Member.

1.2.6 Executive Support Members will not be entitled to speak to a report or take part in a debate at Cabinet meetings but may be invited by the Leader to provide subject matter expertise in relation to a policy or the specific responsibilities of the Cabinet Member s/he is assisting or any other areas to which they are assigned.

1.2.7 Executive Support Members will not be entitled to vote at Cabinet meetings or Cabinet Committee meetings nor deputise for the Cabinet Member when the Cabinet Member is called to appear at Scrutiny Committee though there is nothing preventing the Executive Support Member attending Scrutiny in their own right to provide evidence relating to the work they are undertaking subject to the principle that the Cabinet Member will always retain ultimate responsibility.

1.3   Exercise of Council Functions

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

1.3.2 The exercise of all Executive functions shall be and shall be deemed to be exercised on behalf of and in the name of the Council   of the City and County of Swansea.

1.3.3 There are certain functions which may only be carried out by Council and which are stipulated in the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 (as amended). These, together with a record of who has delegated authority to deal with them are set out in the tables below.

1.3.4 There are also functions informally called Local Choice Functions which Cabinet may opt to discharge itself or may ask another part of the Council to carry out. The Local Choice Functions and any associated delegations are set out below.

1.3.5 There are also certain plans and strategies which are not to be the sole responsibility of Cabinet and these are contained in Article 4 of this Constitution.

1.4   Responsibility for and Delegation of Cabinet Functions

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

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

1.4.2 The exercise of all delegated authority for functions shall include doing anything which is necessarily incidental to the exercise of that function unless they are expressly limited.

1.4.3   The Leader will determine the portfolios of individual Members of the Cabinet. Individual Cabinet Members are authorised to exercise functions in relation to their portfolio subject to limitations. The current portfolios are set out in the Terms of Reference below.

1.4.4   The Leader has powers under s.15(4) of the Local Government Act 2000 to discharge personally or to arrange for discharge under others' delegated powers any Executive functions not covered by the Scheme of Delegations for the time being.

1.4.5   The Leader has authority to appoint representatives of the Council onto outside bodies where those outside bodies relate to Executive Functions of the Council. This is subject to the provisions of the Local Government and Housing Act 1989 (Duty to allocate seats to political groups).

1.4.6   The right to revoke the delegation of Executive functions in whole, in part or on terms is reserved to the Leader.

1.5.   Sub-Delegation of Executive Functions

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

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

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

1.6.   Limit on Exercise of Executive Functions

1.6.1   Individual Cabinet Members

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

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

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

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

    a)   To authorise the invitation of tenders; and

    b)   To accept a tender other than the lowest tender received where payment is to be made by the Council, or other than the highest tender received where payment is to be received by the Council where there are special reasons approved by the Section 151 Officer for not accepting the lowest tender or the highest tender as the case may be.

    c)   To authorise invitation of tenders, to accept a tender or enter into a contract in accordance with any exemption under the Council's Contract Procedure Rules.

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

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

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

1.6.1.7 To approve, subject to the budget process:

i) Fees and charges for new services in accordance with any relevant charging policy approved by the Cabinet; and

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

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

<u>Officer Delegation</u>

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

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

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

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

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

1.6.3   General

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

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

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

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

1.6.4   Amendments to the Scheme of Delegation

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

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

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

Cabinet Portfolios

Adults & Vulnerable People

1) Elderly Care;
2) Activities to Promote Independence & Health;
3) Mental Health;
4) Supporting People;
5) Learning Disability;
6) Joint Equipment;
7) Assessment / Care Management;
8) Domestic Abuse;
9) Integration of Health & Social Care;
10) Western Bay;
11) Older People's Champion;
12) Transforming Adult Social Services (TASS) Programme;
13) Drugs / Alcohol;
14) Sheltered Housing (Link with Next Generation Services)
15) Lead elements of Sustainable Swansea.

Anti-Poverty

1) Poverty Strategy;
2) Communities First;
3) Welfare Rights;
4) 3rd Sector;
5) Social Inclusion;
6) Localised Services;
7) Welfare Reform;
8) Financial Information;
9) Digital Inclusion;
10) Food Access/Growing;
11) Community Cohesion;
12) Community Development;
13) Homelessness;
14) Neighbourhood Working;
15) Lead elements of Sustainable Swansea.

Education

1) Inclusion & Learner Support;
2) School Improvement;
3) Planning & Resources;
4) Schools;

5) City of Learning;
6) Not in Education, Employment or Training (NEETS);
7) Education Regional Working (ERW);
8) Schools' Organisation & Performance;
9) Quality in Education (QEd) Programme;
10) Education Charter;
11) Lead elements of Sustainable Swansea.

Enterprise, Development & Regeneration

1) City Region;
2) Economic Development & Investment;
3) Tourism & Destination Marketing;
4) Planning Policy / Local Development Plan (LDP);
5) Adult Learning / Workways;
6) City Centre;
7) City of Culture;
8) Heritage;
9) Science City;
10) Universities;
11) Creative City;
12) Suburban Centres;
13) Licensing;
14) City Deal (Link with Next Generation Services)
15) Lead elements in Sustainable Swansea.

Environment & Transport

1) Transport Policy;
2) Highways & Engineering;
3) Waste Management;
4) Marina;
5) Streetscene;
6) Repairs and Capital;
7) Sustainable Transport;
8) Lead elements of Sustainable Swansea.

Finance & Strategy (Leader)

1) Finance Strategy;
2) Delivery & Performance;
3) Information & Business Change (inc. ICT);
4) Strategic Estates & Property;
5) Poverty;
6) Local Service Board (LSB) / Community Leadership;
7) Regional Working / Collaboration;
8) Lead elements of Sustainable Swansea.

Next Generation Services

1) Council House Management;
2) Council House Repairs;
3) Housing Policy, Affordable Housing & Housing Options;
4) Housing Renewal Schemes;
5) Housing Renewals and Adaptations;
6) Welsh Housing Quality Standard (WHQS);
7) Community Building & Asset Transfer;
8) Identify & implement new Commercial Models;
9) Deliver income from new Commercial Models;
10) Councillors Delegated Budget Schemes;
11) Improve Procurement Frameworks;
12) Energy Schemes;
13) City Deal (Link with Enterprise, Development & Regeneration);
14) District Heating Schemes;
15) Sheltered Housing (Link with Adults & Vulnerable People)
16) School Building Programme - Quality in Education (QEd) 2020;
17) Lead elements of Sustainable Swansea.

Services for Children & Young People (Deputy Leader)

1) Child & Family Services;
2) Play;
3) Youth Services & Promoting Youth Inclusion;
4) Early Intervention/Prevention;
5) Youth Offending Service (Y.O.S.);
6) Youth Citizenship;
7) Opportunities for Young People;
8) United Nations Convention on the Rights of the Child (UNCRC) Champion;
9) Not in Education, Employment or Training (NEETS) (Link with Education);
10) Regional Adoption Service;
11) Children & Young People (CYP) Board;
12) Continuum of Care;
13) Safe Looking After Children (LAC) Reduction Strategy;
14) Flying Start;
15) Lead Elements of Sustainable Swansea.

Transformation & Performance

1) Communications & Engagement;
2) Legal & Democratic;
3) Commercial Services;
4) Financial Services;
5) Human Resources / Organisational Development (HR/OD);
6) Customer Contact;
7) Scrutiny;
8) Risk & Resilience;
9) Member Development;
10) Sustainable Swansea – Fit for the Future;
11) Future Generations;
12) Sustainable Development;
13) Health & Safety Policy;

14)   Commissioning Organisation;
15)   Demand Management Strategy;
16)   Finance Performance and Budget Cycle.
17)   Lead elements of Sustainable Swansea.

Wellbeing & Healthy City

1)   Early Intervention & Prevention;
2)   Equalities (Access to Services);
3)   Diversity;
4)   Public Protection;
5)   Culture: Sports & Arts;
6)   Parks;
7)   Healthy Cities / Greener Cities;
8)   Community Safety/Safer Swansea Partnership;
9)   Anti Social Behaviour (ASB);
10)   Wellbeing;
11)   Healthy Night Life / Purple Flag
12)   Healthy City Partnership;
13)   Houses in Multiple Occupation (HMO);
14)   Lead elements of Sustainable Swansea.