



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

Annual Meeting of Council – 1 October 2020

### Constitutional Matters 2020-2021

|                           |   |
|---------------------------|---|
| <b>Purpose:</b>           | To inform Council of all necessary Constitutional matters in order to enable the efficient and lawful operation of Council.   |
| <b>Policy Framework:</b>  | Council Constitution.   |
| <b>Consultation:</b>      | Access to Services, Finance, Legal.   |
| <b>Recommendation(s):</b> | It is recommended that:   |
| 1)                        | The Independent Remuneration Panel for Wales' determinations in relation to Basic, Civic and Senior Salaries and the Fees for Co-opted Members as set out in <b>Appendix A</b> be noted;  |
| 2)                        | A <b>Senior Salary</b> be paid to the following: <ul style="list-style-type: none"> <li>➤ Leader of the Council;</li> <li>➤ Deputy Leader of the Council;</li> <li>➤ Cabinet Members <b>x 8</b>;</li> <li>➤ Chair of General Licensing Committee;</li> <li>➤ Chair of Planning Committee;</li> <li>➤ Chair of Economy &amp; Infrastructure Policy Development Committee;</li> <li>➤ Chair of Education &amp; Skills Policy Development Committee;</li> <li>➤ Chair of Equalities and Future Generations Policy Development Committee;</li> <li>➤ Chair of People Policy Development Committee;</li> <li>➤ Chair of Poverty Reduction Policy Development Committee;</li> <li>➤ Chair of Scrutiny Programme Committee.</li> </ul> |
| 3)                        | The Independent Remuneration Panel for Wales (IRPW) determination that the <b>Leader of the Largest Opposition Political Group</b> must be paid a <b>Band 4, Senior Salary</b> (subject to the 10% rule) be noted;  |
| 3)                        | A <b>Civic Salary</b> be paid to the following (subject to them not already being in receipt of a Senior Salary): <ul style="list-style-type: none"> <li>➤ Lord Mayor (Civic Head);</li> <li>➤ Deputy Lord Mayor (Deputy Civic Head).</li> </ul>  |

|                                    |   |
|------------------------------------|---|
| 4)                                 | The posts of <b>Presiding Member</b> and <b>Deputy Presiding Member</b> be re-established and that they Chair Meetings of Council. These posts will not receive a Senior Salary;  |
| 5)                                 | The Council Bodies and the Number of Allocated Seats as listed in <b>Appendix B</b> be appointed;   |
| 6)                                 | The Committees listed in <b>Appendix C</b> be exempted by Council from the Local Government (Committees and Political Groups) Regulations 1990 in order to allow greater representation on these Committees by the Opposition Political Groups; |
| 7)                                 | Councillors be allocated to serve on Council Bodies in line with the nominations received from the Political Groups;  |
| 8)                                 | The Leader of the Council' decision to allocate Councillors to sit on Outside Bodies be noted;  |
| 9)                                 | The Council Constitution ( <a href="http://www.swansea.gov.uk/constitution">www.swansea.gov.uk/constitution</a> ) be reaffirmed and adopted including any amendments made at this meeting;  |
| 10)                                | Councillor L James be elected as Chair of the Democratic Services Committee;  |
| 11)                                | Those Co-opted Members eligible for Co-opted Member payments be paid a maximum of 20 full days per Municipal Year;  |
| 12)                                | The Councillors Handbook ( <a href="http://www.swansea.gov.uk/CllrsHandbook">www.swansea.gov.uk/CllrsHandbook</a> ) be reaffirmed;  |
| 13)                                | The list of Member Champion Areas and Responsible Councillors as outlined in <b>Appendix D</b> be noted;  |
| 14)                                | The Council Bodies Diary 2020-2021 as listed in <b>Appendix E</b> be confirmed and adopted;   |
| 15)                                | Any consequential amendments to the Council Constitution and / or Councillors as a result of this report be carried out.  |
| <b>Report Author:</b>              | Huw Evans   |
| <b>Finance Officer:</b>            | Ben Smith   |
| <b>Legal Officer:</b>              | Tracey Meredith   |
| <b>Access to Services Officer:</b> | Rhian Millar  |

## 1. Introduction

- 1.1 The Council operates within a legal framework established by the Local Government Act 1972, the Local Government and Housing Act 1989, the Local Government Act 2000, the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007, the Local Government (Wales) Measure 2011 and other relevant legislation (“the legislation”). Additionally, the Independent Remuneration Panel for Wales (IRPW) determines the remuneration available to Councillors and Co-opted Members.
- 1.2 This report seeks to address the requirements of the legislation and the Council Constitution.

## 2. Independent Remuneration Panel for Wales (IRPW)

- 2.1 The IRPW Annual Report 2020-2021 sets out the new framework for Councillor and Co-opted Member remuneration. Nineteen (19) of the 72 City and County of Swansea Councillors are eligible to receive a Senior Salary payment. The Civic Salary and Senior Salary includes the Basic Salary.
- 2.2 The IRPW have prescribed payment levels for Basic Salary, Civic Salary, Senior Salary and the Fees for Co-opted Member (with Voting Rights) of Local Authorities (**Appendix A**).
- 2.3 Under Section 154 of the Local Government (Wales) Measure 2011, any Councillor or Co-opted Member may elect to forego any part of their entitlement to a salary, allowance or fee by giving notice in writing to the Monitoring Officer.

## 3. Senior Salaries

- 3.1 The IRPW state that each Council should decide whether to pay Senior Salaries and to identify those positions that will attract the payment. It is proposed that the following positions be paid Senior Salaries:
- Leader of the Council;
  - Deputy Leader of the Council;
  - Cabinet Members **x 8**;
  - Chair of General Licensing Committee;
  - Chair of Planning Committee;
  - Chair of Economy & Infrastructure Policy Development Committee;
  - Chair of Education & Skills Policy Development Committee;
  - Chair of Equalities and Future Generations Policy Development Committee;
  - Chair of People Policy Development Committee;
  - Chair of Poverty Reduction Policy Development Committee;
  - Chair of Scrutiny Programme Committee.
- 3.2 A Council **must** pay a Senior Salary to the **Leader of the Largest Opposition Political Group** subject to them having 10% or more of the total number of Council seats in their Political Group.

3.3 A Council can consider whether to pay a Senior Salary to **Leaders of the Other Political Groups** if they have 10% or more of the total number of Council seats in their Political Group. However, if Council resolve to make such a payment, it would be taken from the nineteen Senior Salaries permitted within the Authority.

#### 4. Civic Salary

4.1 The IRPW determined that Authorities are permitted to pay a Civic Salary to the Civic Head & Deputy Civic Head (Lord Mayor and Deputy Lord Mayor). These payments do not count towards the 19 permitted Senior Salaries. A Councillor may not be in receipt of both a Senior Salary and Civic Salary payment.

4.2 Council must decide whether to remunerate the Civic Head and the Deputy Civic Head. Prior to deciding whether or not and / or at what level the Civic Heads should be remunerated, the question 'Who should Chair Council?' needs to be addressed. This question is considered in the "Presiding Member" section of the report.

4.3 The IRPW state that each Council should decide whether to pay Civic Salaries. It is proposed that the following be paid Civic Salaries:

- Lord Mayor;
- Deputy Lord Mayor.

#### 5. Presiding Member

5.1 The Local Government (Democracy) (Wales) Act 2013 allows Councils to appoint an additional post of Presiding Member whose role it will be to Chair meetings of the whole Council. Where appointed, there would be a consequential reduction in the responsibilities of the respective Civic Head.

5.2 As such the Authority must decide whether to appoint a Presiding Member to Chair Council or to allow the Civic Head to do so.

5.3 If a Presiding Member is appointed, and if Council resolves to remunerate the post then the position would be paid in accordance with the amount outlined by the IRPW (**Appendix A**). If remunerated, this would count towards the maximum allowed of 19 Senior Salaries.

5.4 The Authority may also appoint a Deputy Presiding Member; however this post shall not be remunerated.

5.5 Council is asked to determine whether to continue with a Presiding Member or not.

## **6. Annual Meeting of Council**

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

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

- 7.1 Council is required to decide the allocation of seats to Political Groups in accordance with the Political Balance Rules contained in the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 (SI 1553/90) as amended. A simple explanation of these rules was presented to the Annual Meeting of Council on 24 May 2012.
- 7.2 The Standards Committee is exempt from the above legislation as outlined in Section 12 "Allocation of seats to Political Groups" of the Standards Committee (Wales) Regulations 2001.
- 7.3 The Ruling Group have liaised with the Head of Democratic Services in order to outline its view on the structure and size of Council Bodies. The relevant proportional calculations have been made and shared with all Political Groups. This process culminates with this report to Council seeking approval to the structure and size of Council Bodies.

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

- 8.1 The Council Bodies and the Number of Allocated Seats (in accordance with Political Balance Rules contained in the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 (SI 1553/90) as amended are listed in **Appendix B**. It is proposed that these Council Bodies be established.
- 8.2 In the event of any changes made to the size of these Council Bodies then it will necessitate the recalculation of Political Balance.
- 8.3 A number of Committees are exempted from the Local Government (Committees and Political Groups) Regulations 1990 as they are covered by separate legislation. Council also has the right to exempt a Committee from the legislation providing that it has the unanimous backing of all Councillors voting at the meeting. A list outlining such bodies is shown at **Appendix C**.

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

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

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

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

## **11. Democratic Services Committee**

- 11.1 The Local Government (Wales) Measure 2011 states that a Democratic Services Committee and Chair must be appointed by Council. The Committee Chair must be an Opposition Member. The Leader of the Council shall not sit on this Committee. No more than one Cabinet Member shall sit on this Committee. Co-opted Members are not permitted to sit on this Committee.
- 11.2 Councillor L James is the current Chair of the Democratic Services Committee.

## **12. Co-opted Members**

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

## **13. Councillors Handbook**

- 13.1 The Councillors Handbook [www.swansea.gov.uk/CllrsHandbook](http://www.swansea.gov.uk/CllrsHandbook) provides guidance for Councillors and Co-opted Members. The handbook contains information about Remuneration, Support for Councillors and Co-optee Members, Protocols and Role Descriptions.

13.2 It is proposed that the Councillors Handbook be reaffirmed.

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

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

#### **15. Member Champions**

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

15.2 Member Champions, (sometimes called Lead Members or Councillor Champions) in addition to their other Council responsibilities make sure that the issue or group that they are championing are taken into account when Policy is being developed and decisions made. The 'Member Champions' report to Council on 17 January 2013 provides further information.

15.3 Member Champions are appointed by the Leader of the Council. The Leader of the Council informs Council of whom he has appointed to these roles. The Leader of Council's appointments are set out in **Appendix D**.

15.4 The Leader of the Council is keen to ensure that Councillors acting as Member Champions and Members serving on Outside Bodies are able to provide feedback to Council or Councillors if required.

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

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

#### **17. Council Bodies Diary**

17.1 Section 6 "Timing of Council Meetings" of the Local Government (Wales) Measure 2011 places a duty on Authorities to conduct a survey of its Councillors in relation to the timing of its Meetings. The Measure states that such a survey should be undertaken at least once in each Council term.

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

17.3 The Timing of Council Meetings survey responses were considered in preparing the Council Bodies Diary. The Council Bodies Diary 2020-2021 is shown as **Appendix F**.

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

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

## **19. Financial Implications**

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

## **20. Legal Implications**

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

**Background Papers:** None

### **Appendices:**

**Appendix A** Basic Salary, Civic Salary and Senior Salary Payments. (Group A Councils) & Fees for Co-opted Members (with Voting Rights) of Local Authorities as Prescribed by IRPW Annual Report 2020-2021

**Appendix B** Council Bodies & Number of Allocated Seats 2020-2021.

**Appendix C** Proposed Exemption from Committee Balance Rules.

**Appendix D** Member Champion Areas & Responsible Councillors

**Appendix E** Outside Bodies

**Appendix F** Council Bodies Diary 2020-2021.



## Appendix A

### Prescribed by the IRPW Annual Report 2020-2021

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

|  |         |
|--|---------|
| <b>Basic Salary</b>                                      | £14,218 |
| <b>Senior Salaries (inclusive of Basic Salary)</b>       |         |
| <b>Band 1</b>  |         |
| Leader of the Council                                    | £54,450 |
| Deputy Leader of the Council                             | £38,450 |
| <b>Band 2</b>  |         |
| Executive Member (Cabinet Member)                        | £33,450 |
| <b>Band 3</b>  |         |
| Committee Chairs   | £22,918 |
| <b>Band 4</b>  |         |
| Leader of the Largest Opposition Political Group *1      | £22,918 |
| <b>Band 5</b>  |         |
| Leader of Other Political Groups *2                      | £17,918 |
| <b>Civic Salaries (inclusive of Basic Salary)</b>        |         |
| Civic Head (Mayor / Chair of Council)                    | £22,918 |
| Deputy Civic Head (Deputy Mayor / Vice Chair of Council) | £17,918 |

#### Note:

- \*1 Leader of the Largest Opposition Political Groups** – They are only entitled to a Senior Salary if they have 10% or more of the total number of Council seats in their Political Group. If the 10% rule is achieved then the payment is automatic.
- \*2 Leaders of the Other Political Groups** – They are only entitled to a Senior Salary if they have 10% or more of the total number of Council seats in their Political Group and Council resolve to remunerate them.

#### Fees for Co-opted Member (with Voting Rights) of Local Authorities

|  |                  |      |
|--|------------------|------|
| Chair of Standards Committee and Chair of Audit Committee  | 4 Hours and Over | £256 |
|  | Up to 4 Hours    | £128 |
| 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  |
| Community / Town Councillors sitting on Principal Council Standards Committee  | 4 Hours and Over | £198 |
|  | Up to 4 Hours    | £99  |

## Council Bodies & Number of Allocated Seats 2020-2021

## Appendix B

| Body   | Seats | Comments  | Status |
|--|-------|---|--------|
| Council  | 72    | Automatically Proportional  |        |
| Cabinet  | 10    | Not Part of PR Calculations   | SS     |
| <b>Committees</b>                                    |       |   |        |
| Appeals & Awards                                     | 7     |   |        |
| Appointments   | 13    |   |        |
| Audit  | 13    | Chaired by an Independent Person. 1 Ind Person & 13 Cllrs.  |        |
| Chief Exec Appraisal & Remuneration                  | 9     | Leader & Deputy Leader of Ruling Group and Largest Opposition Group, Leader only of other Political Groups and 3 other Labour.  | XPR    |
| Chief Officers Disciplinary                          | 13    | At least 1 member of Cabinet must sit on this Cttee but no more than 50% of the Cttee are permitted to be Cabinet Members   |        |
| Chief Officers Disciplinary Appeals                  | 13    | At least 1 member of Cabinet must sit on this Cttee but no more than 50% of the Cttee are permitted to be Cabinet Members   |        |
| Democratic Services                                  | 13    | Chair must be an Opposition Councillor and appointed by Council.  |        |
| Family Absence Complaints                            |       | As per Council of 12 August 2014  |        |
| Economy & Infrastructure Policy Development          | 12    |   | SS     |
| Education & Skills Policy Development                | 12    |   | SS     |
| Equalities and Future Generations Policy Development | 12    |   | SS     |
| People Policy Development                            | 12    |   | SS     |
| Poverty Reduction Policy Development                 | 12    |   | SS     |
| JCC  | 7     |   |        |
| General Licensing                                    | 12    |   | SS     |
| <i>General Licensing Sub</i>                         | 3     | Drawn proportionally from General Licensing Cttee.  |        |
| Statutory Licensing                                  | 12    |   |        |
| <i>Statutory Licensing Sub</i>                       | 3     | Drawn proportionally from Statutory Licensing Cttee.  |        |
| Pension Fund   | 6     | Chaired by the Cabinet Member with responsibility for Finance.  |        |
| Planning   | 12    | 1. Membership between 11 & 21. 2. Quorum is 50%. 3. Only 1 Cllr from an Electoral Ward may sit on the Cttee. 4. Use of Substitute Members prohibited.   | SS     |
| Scrutiny Programme                                   | 13    |   | SS     |
| Standards  | 9     | Standards Committee (Wales) Regulations 2001. 5 Ind, 3 CCS Cllrs & 1 C/T Cllr   | XPR    |
| West Glamorgan Archives                              | 5     | Independent Chair   |        |
| <b>Panels, Forums, Groups etc.</b>                   |       |   |        |
| Admissions Panel                                     | 6     |   |        |
| Armed Forces Community Covenant Signatories Panel    | 1     | Armed Forces Member Champion  | XPR    |
| Community / Town Councils Forum                      | 6     | Chaired by Delivery Cabinet Member. Better Communities Cabinet Member to also be a Member.  |        |
| Corporate Parenting Board                            | 9     | 5 Ruling Group Cllrs , 2 Largest Opposition Group Cllrs, 1 Representative from each other Political Group.  | XPR    |
| Constitution Working Group                           | 9     | Presiding Member, Deputy Presiding Member, Leader & Deputy Leader of Ruling Group & Largest Opposition Group, Leader of other Political Groups & Cabinet Member with responsibility for Constitutional Matters. | XPR    |
| Development Advisory Group (DAG)                     | 3     | This is a Cabinet Body.   | XPR    |
| Gower AONB Partnership Group                         | 6     | Chaired by Chair of Planning Committee  |        |
| <i>Sustainable Development Fund Panel</i>            | 2     | Chaired by Chair of Planning Committee  |        |
| <i>Sustainable Development Fund Appeal Panel</i>     | 1     |   |        |
| Local Pension Board                                  | 1     |   |        |
| Standards Cttee Vacancy Panel                        | 3     |   |        |
| Trustees Panel                                       | 17    |   |        |

SS - Committees that attract Senior Salary

XPR - Bodies exempt from Proportionality.

### Proposed Exemption from Committee Balance Rules

1. A number of Committees are exempt from the Local Government (Committees and Political Groups) Regulations 1990 as they are covered by other separate legislation. Council also has the right to exempt a Committee from the legislation providing that it has the unanimous backing of all Councillors voting at the meeting. The following is a list of the Committees covered by separate legislation together with a reference to that legislation and those proposed to be exempted by Council.
  - 1.1 **Chief Executive's Appraisal and Remuneration Committee.** Council is asked to exempt this from the Committee Balance Rules in order to allow the following membership: Leader & Deputy Leader of the Ruling Group and Largest Opposition Group, Leader only of other Political Groups and 3 other Labour Councillors.
  - 1.2 **Standards Committee.** This is made up of 5 Independent Members, 3 Councillors and 1 Community / Town Councillor. By virtue of Section 53 (10) of the Local Government Act 2000 a Standards Committee and the Standards Committees (Wales) Regulations 2001, the Standards Committee is not required to comply with Section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to Political Groups).
  - 1.3 **Corporate Parenting Board.** Council is asked to exempt this from the Committee Balance Rules in order to allow the following membership: 5 Ruling Group Cllrs (Labour), 2 Largest Opposition Group Cllrs (Lib Dem & Ind Opposition), 1 Representative from each other Political Group (Conservative and Uplands).
  - 1.4 **Constitution Working Group.** Council is asked to exempt this from the Committee Balance Rules in order to allow the following membership and representation by each Political Group: Presiding Member, Deputy Presiding Member, Leader & Deputy Leader of Ruling Group & Largest Opposition Group, Leader of other Political Groups & Cabinet Member with responsibility for Constitutional Matters.

## Member Champion Areas &amp; Responsible Councillors

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