

Council

You are hereby summoned to attend the First Annual Meeting of the **Council of the City and County of Swansea** to be held in the Multi-Location Meeting - Council Chamber, Guildhall / MS Teams on Tuesday, 24 May 2022 at 4.00 pm.

Watch Online: <https://bit.ly/3PdWNLe>

The following business is proposed to be transacted:

1. **Election of Presiding Member for 2022-2023 Municipal Year.**
2. **Election of Deputy Presiding Member for 2022-2023 Municipal Year.**
3. **Apologies for Absence.**
4. **Disclosures of Personal and Prejudicial Interests.**
www.swansea.gov.uk/disclosuresofinterests
5. **Minutes.** 1 - 11
To approve & sign the Minutes of the previous meeting(s) as a correct record.
6. **Announcements of the Presiding Member/Head of Paid Service.**
7. **Election of the Leader of the Council.**
8. **Names of Councillors that the Leader of the Council has chosen to be Members of the Cabinet. (For Information)**
9. **Constitutional Matters 2022-2023.** 12 - 45
10. **Amendments to the Council Constitution - Multi Location Meeting Policy, Petition Procedure and Standards Committee Terms of Reference.** 46 - 78
11. **Amendments to the Council Constitution.** 79 - 263
12. **Councillors Local Dispute Resolution.** 264 - 267
13. **Personal Safety for Councillors.** 268 - 278
14. **Recruitment of a Community / Town Councillor to the Standards Committee.** 279 - 281

15. **Appointment of Independent Member(s) to the Standards Committee.**

282 - 284

16. **Common Seal.**

Webcasting: This meeting may be filmed for live or subsequent broadcast via the Council's Internet Site. By participating you are consenting to be filmed and the possible use of those images and sound recordings for webcasting and / or training purposes.

You are welcome to speak Welsh in the meeting.

Please inform us by noon, two working days before the meeting.



**Huw Evans
Head of Democratic Services
Guildhall,
Swansea.**

Monday, 16 May 2022

To: All Members of the Council

Agenda Item 5.



City and County of Swansea

Minutes of the Council

Remotely via Microsoft Teams

Thursday, 17 March 2022 at 4.00 pm

Present: Councillor D W W Thomas (Chair) Presided

Councillor(s)

C Anderson
P M Black
J E Burtonshaw
M C Child
J P Curtice
A M Day
P Downing
C R Doyle
M Durke
V M Evans
W Evans
E W Fitzgerald
S J Gallagher
L S Gibbard
K M Griffiths
D W Helliwell
C A Holley
P R Hood-Williams
L James

Councillor(s)

O G James
Y V Jardine
J W Jones
L R Jones
M H Jones
M Jones
P K Jones
S M Jones
E J King
E T Kirchner
A S Lewis
M B Lewis
R D Lewis
W G Lewis
C E Lloyd
P N May
D Phillips
C L Philpott
S Pritchard

Councillor(s)

A Pugh
C Richards
K M Roberts
B J Rowlands
P B Smith
R V Smith
A H Stevens
R C Stewart
D G Sullivan
G J Tanner
M Thomas
L G Thomas
W G Thomas
L J Tyler-Lloyd
G D Walker
L V Walton
T M White

Officer(s)

Huw Evans	Head of Democratic Services
Tracey Meredith	Chief Legal Officer / Monitoring Officer
Phil Roberts	Chief Executive
Ben Smith	Director of Finance / Section 151 Officer
Martin Nicholls	Director of Place

Apologies for Absence

Councillor(s): N J Davies, C R Evans, F M Gordon, J A Hale, B Hopkins, D H Hopkins, M A Langstone, H Lawson, P Lloyd, I E Mann, P M Matthews and J A Raynor

130. Disclosures of Personal and Prejudicial Interests.

The Chief Legal Officer 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 S J Gallagher declared a Personal & Prejudicial Interest in Minute 132 "Appointment of Interim Chief Executive" and withdrew from the meeting prior to its consideration.

131. Exclusion of the Public.

Council were requested to exclude the public from the meeting during consideration of the item(s) of business identified in the recommendations to the report(s) on the grounds that it / they involve the likely disclosure of exempt information as set out in the exclusion paragraph of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 relevant to the items of business set out in the report(s).

Council considered the Public Interest Test in deciding whether to exclude the public from the meeting for the item of business where the Public Interest Test was relevant as set out in the report.

Resolved that the public be excluded for the following item(s) of business.

(Closed Session)

132. Appointment of Interim Chief Executive.

The Presiding Member stated that only one candidate had been recommended to Council by the Appointments Committee for the post of Interim Chief Executive. He proposed that Council Procedure Rule 44 "Suspension of Procedure Rules" be enacted to dispense with the requirement:

- i) For the Candidate to be interviewed by Council.
- ii) To hold a written ballot.

The Chief Executive, Phil Roberts provided feedback from the Appointments Process relating to the appointment of the Interim Chief Executive.

Martin Nicholls gave a 10-minute presentation to Council.

Resolved that:

- 1) Council Procedure Rule 44 "Suspension of Procedure Rules" be enacted to dispense with the requirement:

Minutes of the Council (17.03.2022)
Cont'd

- i) For the Candidate to be interviewed by Council.
 - ii) To hold a written ballot.
- 2) The verbal update on the assessment process be noted.
- 3) Martin Nicholls be appointed as Interim Chief Executive for a period of up to 12 months on the same salary as the current Chief Executive.

Note: Following this decision, Martin Nicholls was invited back into the Meeting and offered the post. Martin Nicholls accepted the post.

The meeting ended at 4.32 pm

Chair



City and County of Swansea

Minutes of the Council

Remotely via Microsoft Teams

Thursday, 17 March 2022 at 5.00 pm

Present: Councillor D W W Thomas (Chair) Presided

Councillor(s)

C Anderson
P M Black
J E Burtonshaw
M C Child
J P Curtice
N J Davies
A M Day
P Downing
C R Doyle
M Durke
C R Evans
V M Evans
W Evans
E W Fitzgerald
R Francis-Davies
S J Gallagher
L S Gibbard
F M Gordon
K M Griffiths
J A Hale
D W Helliwell

Councillor(s)

T J Hennegan
C A Holley
P R Hood-Williams
L James
O G James
Y V Jardine
J W Jones
L R Jones
M H Jones
M Jones
E J King
E T Kirchner
M A Langstone
H Lawson
A S Lewis
M B Lewis
W G Lewis
C E Lloyd
I E Mann
P M Matthews
P N May

Councillor(s)

H M Morris
D Phillips
C L Philpott
S Pritchard
A Pugh
C Richards
K M Roberts
B J Rowlands
M Sherwood
P B Smith
R V Smith
A H Stevens
R C Stewart
D G Sullivan
G J Tanner
L G Thomas
W G Thomas
L J Tyler-Lloyd
G D Walker
L V Walton
T M White

Officer(s)

Huw Evans	Head of Democratic Services
Adam Hill	Deputy Chief Executive / Director of Corporate Services
Tracey Meredith	Chief Legal Officer / Monitoring Officer
Phil Roberts	Chief Executive
Ben Smith	Director of Finance / Section 151 Officer
Helen Morgan-Rees	Director of Education

Apologies for Absence

Councillor(s): B Hopkins, D H Hopkins, P K Jones, S M Jones, P Lloyd, J A Raynor and M Thomas

133. Disclosures of Personal and Prejudicial Interests.

The Chief Legal Officer 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 W G Lewis declared a Personal Interest in Minute 138 "Admission Arrangements 2023-2024".
- 2) Councillor C E Lloyd declared a Personal & Prejudicial Interest in Minute 141 "Pension Fund Committee Chair Remuneration" and withdrew from the meeting prior to its consideration.
- 3) Ben Smith declared a Personal & Prejudicial Interest in Minute 141 "Pension Fund Committee Chair Remuneration" and withdrew from the meeting prior to its consideration.

134. Written Responses to Questions asked at the Last Ordinary Meeting of Council.

The Chief Legal Officer submitted an information report setting out the written responses to questions asked at the last Ordinary Meeting of Council.

135. Announcements of the Presiding Member.

a) Community Councillor Phil Crayford - Standards Committee

The Presiding Member stated that Community Councillor Phil Crayford has been the Community / Town representative on the Standards Committee since 5 October 2012. His Term of Office ends at the Local Government Election on 5 May 2022.

On behalf of the Council, he thanked Community Councillor Crayford for his service.

b) World Scout Jamboree – Korea 2023

The Presiding Member congratulated the seven (7) Explorer Scouts from Swansea that had recently been selected to represent Wales at the 25th World Scout Jamboree in Korea during 2023. They participated in a rigorous selection process of 250 before finally being whittled down to 72 across Wales.

Our Head of Democratic Services, Huw Evans is especially proud as both of his children (Branwen & Gruff) are among the 7 from Swansea to have been selected. He wished them good luck with the fundraising.

136. Announcements of the Leader of the Council.

a) Skyline Swansea

The Leader of the Council referred to the recent statement by Skyline Swansea stating that they were aiming to be open early in 2025.

b) Events at the Arena

The Leader of the Council stated the excellent events that had recently been held at the Arena and also the brilliant forthcoming events.

c) Councillors Not Seeking Re-election on 5 May 2022

The Leader of the Council and the Political Group Leaders paid tribute to those Councillors that had chosen not to seek re-election at the Local Government Elections on 5 May 2022.

They thanked them for serving their communities and the residents of Swansea during their terms of Office as Councillors.

Councillor	Council	Term of Office		Lord Mayor, Cabinet Member, Presiding Member
		From	To	
June Burtonshaw	SCC	05/05/1983	31/3/1996	Lord Mayor 2002/03 Former Cabinet Member
	CCS	04/05/1995	Present	
Mark Child	CCS	06/05/1999	Present	Lord Mayor 2020/21 Cabinet Member
Nick Davies	CCS	03/05/2012	Present	
Will Evans	CCS	01/05/2008	Present	Former Cabinet Member
Peter Jones	CCS	05/05/2017	Present	
Myles Langstone	CCS	05/05/2017	Present	
Clive Lloyd	CCS	03/05/2012	Present	Former Cabinet Member & Former Deputy Leader of the Council
Irene Mann	CCS	05/05/2017	Present	
Jennifer Raynor	CCS	03/05/2012	Present	Former Cabinet Member
Christine Richards	CCS	01/05/2008	Present	Former Cabinet Member & Former Deputy Leader
Mary Sherwood	CCS	05/05/2017	Present	Former Cabinet Member
Paulette Smith	CCS	01/05/2008	Present	
Gareth Sullivan	LVBC	07/05/1987	31/03/1996	Lord Mayor 2008/09 Former Cabinet Member
	CCS	04/05/1995	Present	
Gloria Tanner	CCS	03/05/2012	Present	
Des Thomas	SBC	04/05/1972	31/03/1974	Lord Mayor 1996/97

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	SCC	01/04/1974	05/05/1976	Presiding Member
	WGCC	01/11/1979	31/03/1996	
	CCS	04/05/1995	Present	
Mark Thomas	CCS	03/05/2012	Present	Cabinet Member
Linda Tyler-Lloyd	CCS	03/05/2012	Present	

Key:

CCS	City and County of Swansea
LVBC	Lliw Valley Borough Council
SBC	Swansea Borough Council
SCC	Swansea City Council
WGCC	West Glamorgan County Council

137. Public Questions.

There were no public questions.

138. Admission Arrangements 2023-2024.

The Cabinet Member for Education Improvement, Learning & Skills submitted a report that sought determination of the Admission Arrangements for maintained Schools for the academic year 2023-2024.

Resolved that:

- 1) The proposed admission arrangements for 2023-2024 for Nursery as set out in Appendix A of the report be approved.
- 2) The proposed admission arrangements for 2023-2024 for Reception as set out in Appendix B of the report be approved.
- 3) The proposed admission arrangements for 2023-2024 for Year 7 as set out in Appendix C of the report be approved.
- 4) The proposed admission arrangements for 2023-2024 for in-year transfers as set out in Appendix D of the report be approved.
- 5) The proposed admission arrangements/criteria for entry for 2023-2024 for sixth forms set in Appendix E of the report be approved.
- 6) The Schedule of Events for primary and secondary at Appendix of the report be approved.
- 7) The admission numbers for primary and secondary schools be noted, as set out in Appendix G of the report be noted.

139. Appointment of Lay Members of the Governance & Audit Committee.

The Deputy Chief Executive submitted a report that sought to approve the recommendation of the Appointments Committee held on 1 March 2022 and appoint 2 further Lay Members to the Governance & Audit Committee.

Resolved that:

- 1) Gordon Anderson be appointed as Lay Member of the Governance & Audit Committee.
- 2) Phil Sharman be appointed as Lay Member of the Governance & Audit Committee.
- 3) The Term of Office for both being 24 May 2022 until the Local Government Elections in 2027.

140. Extension of Term of Office for Independent (Co-opted) Lay Member of the Governance & Audit Committee.

The Head of Democratic Services submitted a report that sought to re-appoint Paula O'Connor as Independent (Co-opted) Lay Member to the Governance & Audit Committee for a further 5-year term.

Resolved that:

- 1) Paula O'Connor be re-appointed as an Independent (Co-opted) Lay Member of the Governance & Audit Committee for one further consecutive Term of Office.
- 2) Her Term of Office ends at the Local Government Elections in 2027.

141. Pension Fund Committee Chair Remuneration.

The Section 151 Officer submitted a report that recognised the increased breadth and scope of the role of Chair of the Pension Fund Committee and recommended appropriate remuneration in line with that responsibility, to be consistent with its partner funds in The Wales Pension Partnership (WPP) and other Committee Chair roles within the Council.

Resolved that:

- 1) The increased scope and breadth of responsibility of the role of the Chair of the Pension Fund Committee be recognised.
- 2) The Chair of the Pension Fund Committee be paid the equivalent of an Independent Remuneration Panel for Wales (IRPW) Senior Salary for a Committee Chair with the additional sums (over and above Basic Salary) to be met by the Pension Fund as outlined in Paragraph 6.1 of the report.

142. Review of Councillors Handbook - Role Descriptions & Person Specifications.

The Head of Democratic Services submitted a report that sought approval of the reviewed Section D of the Councillors Handbook – Role Descriptions & Person Specifications as recommended by the Democratic Services Committee held on 14 February 2022.

Resolved that:

- 1) The Welsh Local Government Association's (WLGA) "Framework Member Role Descriptions and Person Specifications - June 2021" and the Swansea Council specific Role Descriptions as set out in Appendices A & B respectfully be adopted as Section D of the Councillors Handbook.
- 2) The Head of Democratic Services be delegated authority to update Section D of the Councillor Handbook to ensure its constant alignment with the WLGA's future publications.

143. Amendments to the Council Constitution.

The Monitoring Officer submitted an information report setting out the amendments made by the Monitoring Officer to the Council Constitution following the commencement of certain sections of the Local Government and Elections (Wales) Act 2021 and recent senior management structure changes.

144. Councillors' Questions - None.

There were no questions.

The meeting ended at 5.51 pm

Chair



City and County of Swansea

Minutes of the Council

Remotely via Microsoft Teams

Wednesday, 13 April 2022 at 5.00 pm

Present: Councillor D W W Thomas (Chair) Presided

Councillor(s)

C Anderson
J E Burtonshaw
M C Child
J P Curtice
N J Davies
A M Day
P Downing
C R Doyle
W Evans
E W Fitzgerald
S J Gallagher
L S Gibbard
F M Gordon
D W Helliwell
T J Hennegan
C A Holley

Councillor(s)

P R Hood-Williams
B Hopkins
L James
J W Jones
L R Jones
M H Jones
M Jones
S M Jones
E J King
E T Kirchner
H Lawson
A S Lewis
M B Lewis
W G Lewis
C E Lloyd
P Lloyd

Councillor(s)

I E Mann
P M Matthews
C L Philpott
A Pugh
J A Raynor
C Richards
B J Rowlands
R V Smith
A H Stevens
R C Stewart
D G Sullivan
L G Thomas
W G Thomas
L J Tyler-Lloyd
L V Walton

Officer(s)

Gareth Borsden
Jeffrey Dong

Adam Hill
Martin Nicholls
Jeremy Parkhouse
Debbie Smith
Mark Wade

Democratic Services Officer
Deputy Chief Finance Officer / Deputy Section 151
Officer.
Deputy Chief Executive / Director of Corporate Services
Director of Place
Democratic Services Officer
Deputy Chief Legal Officer
Head of Housing & Public Health

Apologies for Absence

Councillor(s): P M Black, R Francis-Davies, D H Hopkins, P K Jones, M Thomas and T M White

145. Disclosures of Personal and Prejudicial Interests.

In accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea no interests were declared.

146. Exclusion of the Public.

Council were requested to exclude the public from the meeting during consideration of the item(s) of business identified in the recommendations to the report(s) on the grounds that it / they involve the likely disclosure of exempt information as set out in the exclusion paragraph of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 relevant to the items of business set out in the report(s).

Council considered the Public Interest Test in deciding whether to exclude the public from the meeting for the item of business where the Public Interest Test was relevant as set out in the report.

Resolved that the public be excluded for the following item(s) of business.

(Closed Session)

147. Appointment of Interim Director of Place.

The Presiding Member stated that only one candidate had been recommended to Council by the Appointments Committee for the post of Interim Director of Place.

He stated that the Political Group Leaders and he proposed that Council Procedure Rule 44 "Suspension of Procedure Rules" be enacted to dispense with the requirement:

- 1) For the Candidate to give a presentation and be interviewed by Council.
- 2) To hold a written ballot.

Resolved that:

1) Council Procedure Rule 44 "Suspension of Procedure Rules" be enacted to dispense with the requirement: i) For the Candidate to give a presentation and be interviewed by Council. ii) To hold a written ballot.

The Interim Chief Executive, Martin Nicholls then provided feedback from the appointments process relating to the appointment of an Interim Director of Place.

Resolved that:

- 2) The verbal update on the assessment process be noted.
- 3) Mark Wade be appointed as Interim Director of Place.

Note: Following this decision, Mark Wade was invited into the Meeting and offered the post.

Mark Wade accepted the post.

The meeting ended at 5.10 pm

Chair

Agenda Item 9.



Joint Report of the Head of Democratic Services & Monitoring Officer

Annual Meeting of Council – 24 May 2022

Constitutional Matters 2022-2023

Purpose:	To inform Council of all necessary Constitutional matters in order to enable the efficient and lawful operation of Council.
Policy Framework:	Council Constitution.
Consultation:	Access to Services, Finance, Legal.
Recommendation(s):	It is recommended that: 1) The Independent Remuneration Panel for Wales' determinations in relation to Basic, Civic and Senior Salaries, Fees for Co-opted Members and Contribution towards Costs of Care and Personal Assistance CPA) as set out in Appendix A be noted. 2) A Senior Salary be paid to the following: <ul style="list-style-type: none">➤ Leader of the Council.➤ Deputy Leader of the Council.➤ Cabinet Members x 8.➤ Chair of General Licensing Committee.➤ Chair of Planning Committee.➤ Chair of Scrutiny Programme Committee.➤ Chair of Economy & Infrastructure Corporate Delivery Committee.➤ Chair of Education & Skills Corporate Delivery Committee.➤ Chair of Natural Resources and Biodiversity Corporate Delivery Committee.➤ Chair of Organisational Transformation Corporate Delivery Committee.➤ Chair of Safeguarding People & Tackling Poverty Corporate Delivery Committee. 3) The Independent Remuneration Panel for Wales (IRPW) determination that the Leader of the Largest Opposition Political Group must be paid a Band 4, Senior Salary (subject to the 10% rule) be noted.

- 4) A **Civic Salary** be paid to the following (subject to them not already being in receipt of a Senior Salary):
 - Lord Mayor (Civic Head).
 - Deputy Lord Mayor (Deputy Civic Head).
- 5) The posts of **Presiding Member** and **Deputy Presiding Member** be re-established and that they Chair Meetings of Council. These posts will not receive a Senior Salary.
- 6) The Chair of the Pension Fund Committee be paid a salary equivalent to that of a Band 3 “Committee Chair” Senior Salary as defined by the IRPW; however the additional payment over and above the Basic Salary be met by the Pension Fund.
- 7) The Council Bodies and the Number of Allocated Seats as listed in **Appendix C** be appointed.

The Corporate Delivery Committee’s Terms of Reference be adopted and added to the Council Constitution.
- 8) The Committees listed in **Appendix D** 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.
- 9) Councillors be allocated to serve on Council Bodies in line with the nominations received from the Political Groups.

The list of Member Champion Areas and Responsible Councillors as outlined in **Appendix E** be noted.
- 10) The Council Constitution (www.swansea.gov.uk/constitution) be reaffirmed and adopted including any amendments made at this meeting.
- 11) A Councillor be elected as Chair of the Democratic Services Committee.

The Councillors Handbook (www.swansea.gov.uk/CllrsHandbook) be reaffirmed.
- 12) The Leader of the Council’s decision to allocate Councillors to sit on Outside Bodies be noted as outlined in **Appendix F** be noted.
- 13) The Councillors Home to Guildhall Mileage distances be emailed to Councillors & Statutory Co-opted Members and be the agreed distances for claiming purposes.
- 14) The Council Bodies Diary as listed in **Appendix G** be confirmed and adopted.
- 15) Any consequential amendments to the Council Constitution and / or Councillors as a result of this report be carried out.

Report Author:	Huw Evans
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	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, Local Government & Elections (Wales) Act 2021 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 legislative & Council Constitution requirements.

2. Independent Remuneration Panel for Wales (IRPW)

- 2.1 The IRPW Annual Report <https://gov.wales/independent-remuneration-panel-wales> sets out the framework for Councillor and Co-opted Member remuneration. Nineteen (19) of the 75 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 prescribed payment levels for Basic Salary, Civic Salary, Senior Salary, Fees for Co-opted Member (with Voting Rights) of Local Authorities and the Contribution towards Costs of Care and Personal Assistance CPA. (**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 Scrutiny Programme Committee.
 - Chair of Economy & Infrastructure Corporate Delivery Committee.

- Chair of Education & Skills Corporate Delivery Committee.
- Chair of Natural Resources and Biodiversity Corporate Delivery Committee.
- Chair of Organisational Transformation Corporate Delivery Committee.
- Chair of Safeguarding People & Tackling Poverty Corporate Delivery 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. Chair of the Pension Fund Committee Remuneration

6.1 Council on 17 March 2022 resolved to pay the Chair of the Pension Fund Committee a salary equivalent to that of a Band 3 “Committee Chair” Senior Salary as defined by the IRPW.

6.2 The additional payment over and above the Basic Salary shall be met by the Pension Fund. This payment does fall under the remit of the IRPW and does not count towards the maximum of 19 Senior Salaries allowed.

6.3 This payment is subject to the Chair of the Pension Fund Committee Chair not receiving a Civic or Senior Salary.

7. Annual Meeting of Council

7.1 The Authority’s Council Constitution which is based on legislation outlines what needs to be considered at the Annual Meeting of Council (Council Procedure Rules). This report seeks to address those requirements.

8. Political Balance / Committee Proportionality

8.1 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. An explanation of the Political Balance / Committee Proportionality Rules is set out in **Appendix B**.

8.2 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.

8.3 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.

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

9.1 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 C**. It is proposed that these Council Bodies be established.

- 9.2 In the event of any changes made to the size of these Council Bodies then it will necessitate the recalculation of Political Balance.
- 9.3 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 D**.

10. Corporate Delivery Committee's Terms of Reference

- 10.1 It is proposed that the Terms of Reference of the Corporate Delivery Committee's (CDC's) as outlined be added to the Council Constitution:

"Corporate Delivery Committees (CDCs)

There are 5 CDC's:

- *Economy & Infrastructure Corporate Delivery Committee.*
- *Education & Skills Corporate Delivery Committee.*
- *Natural Resources and Biodiversity Corporate Delivery Committee.*
- *Organisational Transformation Corporate Delivery Committee.*
- *Safeguarding People & Tackling Poverty Corporate Delivery Committee.*

Purpose:

The CDCs are Committees of Council with the purpose of delivering the Council's Corporate Priorities for consideration and adoption by Cabinet and / or Council as appropriate.

a) Membership & Frequency of Meetings:

- i) Non-Executive Members and Assistants to Cabinet are eligible to be members of the CDCs.*
- ii) Executive (Cabinet) Members are **not** eligible to be members of the CDC's.*
- iii) Frequency of meetings is a matter for the Chair depending on workload; however, it is anticipated that formal Committee meetings shall be held monthly or as dictated by the work plan. In addition to formal Committee meetings, Informal Working Groups may be undertaken, if the work plan dictates.*
- iv) Chairs of the CDCs will meet to co-ordinate agendas and work plans to ensure consistency and that there is no duplication in work.*

b) Role and Framework:

The role of the CDC is to:

- i) Have a work plan shared with the relevant Cabinet Member.*

- ii) *Focus on Corporate Priority delivery by in depth analysis of issues and consider future policy development with reference to the Corporate Plan.*
 - iii) *Make a report and / or recommendation to the Cabinet Member / Cabinet / Council in connection with work undertaken;*
 - iv) *Consider mechanisms to encourage and enhance public participation in development of policy and policy options;*
 - v) *Work with Senior Officers in a Team Swansea approach to deliver key corporate priorities; and*
 - vi) *Consider and where appropriate to invite relevant organisations / individuals to contribute to policy development discussions.*
- c) **Relationship with Scrutiny:**
- i) *The role of the CDC is distinct from the Council's scrutiny function of holding to account, questioning and challenging proposed decisions, monitoring the performance of services, and tackling issues of concern through inquiries or one-off meetings (which may relate to a broad range of policy / service areas).*
 - ii) *CDCs may refer any issues arising out of their role to the Scrutiny Programme Committee for further consideration / investigation and vice-versa.*
 - iii) *The CDC Chair will also consider whether any matter under consideration should be referred to the Scrutiny Programme Committee.*
 - iv) *CDCs and the Scrutiny Programme Committee should ensure awareness of each other's work programmes and consider whether there is any issue of duplication. The Scrutiny Programme Committee should consider relevant advice but has autonomy on decisions about the scrutiny work programme.*
- d) **Support:**
- i) *The Democratic Services Team shall provide the relevant support to the Corporate Delivery Committees.*
 - ii) *The Director, Head of Service, or nominated relevant Officer will provide work plan support and research and produce reports as appropriate."*

11. Allocation of Councillors to the Council Bodies

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

12. Democratic Services Committee

- 12.1 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.

- 12.2 Council will need to determine who to elect as Chair of the Democratic Services Committee.

13. Statutory Co-opted Members

- 13.1 The IRPW has determined that in recognition of the important role that Statutory Co-opted Members discharge, payment must be made for travel and preparation time; Committee and other types of meetings as well as other activities, including training. Meetings eligible for the payment of the fee may include Working Groups, Task & Finish Groups, Pre-Meetings with Officers, Attendance at conferences or any other formal meeting to which Co-opted Members are requested to attend by the Head of Democratic Services.
- 13.2 The Head of Democratic Services is the appropriate Officer who will provide information required for Statutory Co-opted Member Claims.
- 13.3 A Statutory Co-optee should consult with the Head of Democratic Services in advance of any activity they attend, to ensure that the activity is eligible for claiming.
- 13.4 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.

14. Councillors Handbook

- 14.1 The Councillors Handbook 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.
- 14.2 It is proposed that the Councillors Handbook be reaffirmed.

15. Appointment of Chairs & Vice Chairs of Committees

- 15.1 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.

16. Member Champions

- 16.1 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.
- 16.2 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.

16.3 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 E**.

16.4 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.

17. Allocation of Councillors to Outside Bodies

17.1 The Leader of the Council has allocated Councillors to sit on Outside Bodies. This is detailed at **Appendix F**.

17.2 The list showing Councillors and their allocation to Outside Bodies will be included in the minutes of the Annual Meeting of Council.

18. Councillors Mileage Distances

18.1 The Democratic Services Team calculate the single and return journey distances from a Councillors home to the Guildhall. A Councillor need not follow the route; however, the mileage claim may not exceed that calculation. The RAC website (RAC Route Planner) is used for this purpose.

18.2 The Councillors Mileage Distances to be used for the Council Term 2022-2027 will be emailed to Councillors & Statutory Co-opted Members.

19. Council Bodies Diary

19.1 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.

19.2 It is proposed that the "Timing of Council Meeting Survey" be conducted late 2022 / early 2023 to allow all newly elected Councillors an opportunity to get a feel for life as a Councillor and for them to understand its associated time pressures prior to asking them to complete the survey. The Timing of Council Meetings survey will then be considered when preparing the Council Bodies Diary 2023-2024.

19.3 The Council Bodies Diary 2022-2023 is shown as **Appendix G**.

20. Integrated Assessment Implications

20.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage.
- Consider opportunities for people to use the Welsh language.
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

20.2 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the ‘well-being goals’.

20.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

20.4 An IIA screening has been undertaken and no adverse implications have been noted.

21. Financial Implications

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

22. Legal Implications

22.1 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.
Appendix B	Political Balance / Committee Proportionality.
Appendix C	Council Bodies & Number of Allocated Seats.
Appendix D	Proposed Exemption from Committee Balance Rules.
Appendix E	Member Champion Areas & Responsible Councillors.
Appendix F	Outside Bodies.
Appendix G	Council Bodies Diary.

Appendix A

Prescribed by the IRPW Annual Report 2022-2023

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

Basic Salary	£16,800
Senior Salaries (inclusive of Basic Salary)	
Band 1	
Leader of the Council	£63,000
Deputy Leader of the Council	£44,100
Band 2	
Executive Member (Cabinet Member)	£37,800
Band 3	
Committee Chairs	£25,593
Band 4	
Leader of the Largest Opposition Political Group *1	£25,593
Band 5	
Leader of Other Political Groups *2	£20,540
Civic Salaries (inclusive of Basic Salary)	
Civic Head (Mayor / Chair of Council)	£25,593
Deputy Civic Head (Deputy Mayor / Vice Chair of Council)	£20,540

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 Governance & Audit Committee	4 Hours and Over	£268
	Up to 4 Hours	£134
Ordinary Members of Standards Committee; Education Scrutiny Committee; Crime and Disorder Scrutiny Committee and Governance & Audit Committee	4 Hours and Over	£210
	Up to 4 Hours	£105
Community / Town Councillors sitting on Principal Council Standards Committee	4 Hours and Over	£210
	Up to 4 Hours	£105

Contribution towards Costs of Care & Personal Assistance (CPA)

All relevant authorities must provide a payment towards necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs as follows:

- **Formal (Registered with Care Inspectorate Wales).** Care costs to be paid as evidenced.
- **Informal (Unregistered).** Care costs to be paid up to a maximum rate equivalent to the Real UK Living Wage hourly rates as defined by the **Living Wage Foundation** at the time the costs are incurred.

This must be for the additional costs incurred by Members to enable them to carry out Official business or approved duties. Each Authority must ensure that any payments made are appropriately linked to Official business or approved duty. Payment shall only be made on production of receipts from the care provider.

Political Balance / Committee Proportionality

1. Legal Requirement

1.1 The legal requirement for every Council Committee to reflect the political make-up of the whole Council is set out in the Local Government and Housing Act 1989, (LG&HA), mainly in Section 15, and in Schedule 1, with additional provisions in the Local Government (Committees and Political Groups) Regulations 1990 (SI 1553/90).

2. The Broad Principle

2.1 Each decision making body of a Council must be proportional to the overall make-up of the Council. This includes any Sub Committee or Working Group etc., which has the power to carry out any delegated function of the Authority, regardless of its title. It also includes any 'Advisory Committees' or 'Advisory Sub-Committees'.

2.2 The only exceptions being:

2.2.1 Area based Committees, which, if they are not proportional, must consist of all the members representing that area.

2.2.2 Any alternative arrangement that is passed by the Council with no votes against (thus giving any individual councillor the right to veto any non-proportional scheme).

3. How the Rules Apply

3.1. If the Council has any of its members as a 'Political Group' under the LG&HA then proportionality has to be applied to that Group. Any two or more Councillors can register as a Group. They do not have to share a political programme, or be committed to working together. A registered Group must be allocated the same proportion of Committee places that they have seats on the Council (e.g. for a Group with 18 Councillors on a 72 seat Council, they will be entitled to 18 Committee places in every 72).

3.2 To do this the first step is to add up the total of all Committee places. If the total was, say 216, then the Group is entitled to 54 places ($216 \times 18/72$ nds). Each Committee has to be made up as near as practicable proportionally (so a small Political Group cannot be palmed off with two seats on the Challenge Panel and none on an Overview and Scrutiny Board).

3.3 Unless the arithmetic is very easy, Political Groups are likely to find they cannot always have the same number on every Committee. If all Committees are the same size there has to be some negotiating on where their 'extra' place (or 'no place') should be. This process is carried out in Swansea on a larger Political Group down basis. The larger Political Groups get first choice etc. Not all Committees have to be of equal size.

3.4 No Committee is allowed to be entirely of one Political Group (unless every member of the Council is in it), but a Group with a majority of seats on the Council (50%+1) is entitled to a majority on every Committee.

3.5 In Section 15 of the LG&HA the rules on proportionality apply sequentially (the Council has to satisfy the first and second rules and then if possible the third, and so on). This is because it may not be arithmetically possible to satisfy them all fully.

3.5.1 **Rule 1:** No single party Committees.

3.5.2 **Rule 2:** A majority Group should have a majority on all Committees.

3.5.3 **Rule 3:** The total number of places on all Committees should be distributed in proportion to the Groups' strength on the Council.

3.5.4 **Rule 4:** The proportion of seats on each Committee / Sub-Committee should be in proportion to the Groups' strengths on the Council.

4. What is a 'Committee' and a 'Sub Committee'?

4.1 A 'Committee' is any body established by the Council (LG Act 1972, S102 (1) (a)). A 'Sub Committee' is any other body established by a Committee (LGA S102 (1) (b)). The names by which they are commonly known on the Council is irrelevant. The test is whether the membership and duties are voted in by the whole Council, or by the members of a particular Committee. A 'Working Party' or 'Task Group' may therefore be either a 'Committee' or a 'Sub Committee' depending solely on which body set it up.

5. The Timetable for Implementation

5.1 Whenever there is a change in Political Group sizes, whether due to elections, casual vacancy, defections or recruitment, the Council should 'so soon as is practicable' make the necessary changes to Committee places. That must be by the next ordinary meeting of Council. An Extraordinary Meeting of Council can be called earlier.

5.2 There is a requirement to re-jig Committee places whenever there is a vacancy on the Council. Commonly there is an agreement not to do so until the vacancy is filled but (Brent LB in 1996) this is only a courtesy.

6. What If Some Councillors Are Not In A 'Group'?

6.1 If some, but not all, Councillors are in a registered Political Group or Groups, then the Council must give those Groups the places to which they are entitled (i.e. a proportional share on every Committee and Sub Committee). The Groups then nominate people to fill those places. The remaining places are filled by the Council, nominating from those Councillors who are not in any Group, but with all Councillors voting.

6.2 Political Groups are NOT entitled to have MORE than their share. Thus they cannot exclude, say, one Councillor who is not in a Group from having any Committee places. They must make e.g. 1/72nd of the places available.

Council Bodies & Number of Allocated Seats 2022-2023

Body	Seats	Comments	Status
Council	75	Automatically Proportional	
Cabinet	10	Not Part of PR Calculations	SS
Committees			
Appeals & Awards	7		
Appointments	13	Leader to appoint the relevant Cabinet Member to the appointment process.	
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 Corporate Delivery	12		SS
Education & Skills Corporate Delivery	12		SS
Natural Resources and Biodiversity Corporate Delivery	12		SS
Organisational Transformation Corporate Delivery	12		SS
Safeguarding People & Tackling Poverty Corporate Delivery	12		SS
JCC	7		
General Licensing	12		SS
<i>General Licensing Sub</i>	3	Drawn proportionally from General Licensing Cttee.	
Statutory Licensing	12		
Governance & Audit	15	Chaired by an Independent Person. 5 Ind Persons & 10 Cllrs.	
<i>Statutory Licensing Sub</i>	3	Drawn proportionally from Statutory Licensing Cttee.	
Pension Fund	6		
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	
Panels, Forums, Groups etc.			
Admissions Panel	6		
Armed Forces Community Covenant Signatories Panel	2	Armed Forces Member Champion Cabinet Member with responsibility for Veterans	XPR
Community / Town Councils Forum	6	Chaired by Delivery Cabinet 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)	5	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	13	1 Representative from each Political Group	XPR

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 Councillors (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.
 - 1.5 **Trustees Panel.** Council is asked to exempt this from the Committee Balance Rules in order to allow the following membership: 7 Ruling Group Cllrs (Labour), 3 Largest Opposition Group Councillors (Lib Dem & Ind Opposition), 1 Representative from each other Political Group (Conservative, Uplands & Non Aligned (Green)).

Member Champion Areas & Responsible Councillors

www.swansea.gov.uk/CllrChampions

To be tabled at the meeting.

Member Champion Area	Councillor(s)
Animal Rights	
Anti-Slavery & Ethical Employment	
Armed Forces	
Carers	
Children & Family Services	
Councillor Support & Development	
Disability & Access to Services	
Diversity	
Domestic Abuse	
Health & Wellbeing	
Healthy Cities & Sport	
Human Rights	
Language (Inc. Welsh)	
LGBT (Lesbian, Gay, Bisexual & Transgender)	
Looked After Children	
Natural Environment & Biodiversity	
Pensions	
Poverty in Communities / Homelessness	
Poverty Reduction	
Public Transport	
Rural Economy	
Safeguarding	
Sanctuary & Inclusion	
UNCRC (United Nations Convention on the Rights of the Child)	
Vulnerable & Older People	
Walking	
Women	
Young Carers	

The Leader of the Council has allocated Councillors to sit on Outside Bodies.

To be tabled at the meeting

Association of Public Service Excellence (APSE)	
Cambrian Educational Foundation for Deaf Children	
EOTAS (Education Other Than At School) Steering Group	
ERW Joint Committee	
Fostering Panel (Friends and Family)	
Fostering Panel (Foster Swansea)	
Gower College Swansea	
Heart of Wales Line Forum	
Inter Authority Agreement for Food Waste	
Joint Council of Wales (South Wales Provincial Council)	
Local Government Association (LGA) Executive	
Mid and West Wales Fire Authority	
National Association of British Market Authorities	
National Waterfront Museum (Swansea) Ltd	
Oystermouth Castle Management Board	
Partneriaeth	Leader of the Council

	Cabinet Member with responsibility for Education (Non-Voting) unless acting as Substitute
Partneriaeth – Joint Scrutiny Councillor Group	Chair of Education Scrutiny
	Vice-Chair of Education Scrutiny
	Note: Must not be a Cabinet Member or Assistant to Cabinet
PATROL (Parking and Traffic Regulations Outside London) Joint Cttee	
PRU (Pupil Referral Unit) Management Board	
Regeneration Swansea Partnership	
South Wales Police and Crime Panel	
South West Wales Corporate Joint Committee (CJC)	Leader of the Council
South West Wales Corporate Joint Committee (CJC) – Governance & Audit Sub-Committee	Chair of Governance & Audit Committee
	Non-Executive Councillor
	Non-Executive Councillor
South West Wales Corporate Joint Committee – Scrutiny Committee	Non-Executive Councillor
	Non-Executive Councillor
	Non-Executive Councillor
South West Wales Regional Waste Management Committee	
Standing Advisory Council on Religious Education	
Suresprung Board of Trustees	
Swansea Bay City Region Joint Committee	

Swansea Bay City Region Joint Scrutiny Cttee	
Swansea Bay Community Health Council	
Swansea Bay Port Health Authority	
Swansea Bay Regional Equality Council	
	Sanctuary & Inclusion Member Champion
Swansea Business Improvements Ltd (BID)	
Swansea Community Energy & Enterprise Scheme (SCEES)	
Swansea Council for Voluntary Service	
Swansea Cycling Forum (Cycle Action Progress Group)	
Swansea Environment Centre	
Swansea PSB (Public Services Board) Joint Committee	
Swansea PSB (Public Services Board) Partnership Forum	
Swansea St Mary's Choral Trust	
University of Swansea Court	

Vision in Wales (Wales Council for the Blind)	
Wales National Pool (Swansea) Ltd	
Wales Strategic Migration Partnership	Sanctuary & Inclusion Member Champion
Welsh Books Council	
WLGA (Welsh Local Government Association) Council	
WLGA (Welsh Local Government Association) Executive Board	
Welsh Centre for Action on Dependency and Addiction	
Western Glamorgan Adoption Panel	Cabinet Member with Responsibility for SS
Western Glamorgan Regional Partnership Board	

May 2022

May 2022							June 2022						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30			
30	31												

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
25 Apr	26	27	28	29	30	1 May
2 08:00 BANK HOLIDAY	3	4	5 Local Government Elections	6	7	8
9 Page 33	10	11	12	13	14	15
16	17	18	19	20 14:00 Ceremonial Council (Lord Mayor)	21	22
23	24 16:00 Annual Council 17:00 Meetings of Committees	25	26	27	28	29
30 Half Term	31 14:00 Gov & Audit	1 Jun	2	3	4	5

June 2022

June 2022							July 2022						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
		1	2	3	4	5					1	2	3
6	7	8	9	10	11	12	4	5	6	7	8	9	10
13	14	15	16	17	18	19	11	12	13	14	15	16	17
20	21	22	23	24	25	26	18	19	20	21	22	23	24
27	28	29	30				25	26	27	28	29	30	31

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
30 May	31	1 Jun 10:00 Corporate Briefing	2 08:00 BANK HOLIDAY	3 08:00 BANK HOLIDAY	4	5
Half Term						
6	7	8	9	10	11	12
13	14 14:00 Planning 16:00 Scrutiny Programme	15 14:00 Gov & Audit 16:00 Nat Resources CDC	16 10:00 Cabinet 15:00 PSB	17 10:00 Licensing 11:00 Archives	18	19
20	21	22 16:00 Educ & Skills CDC	23 10:30 SBCRJ 14:00 Econ & Infra CDC	24 10:00 Standards	25	26
27 15:30 Safe & Pov CDC	28 14:00 Org Trans CDC	29 17:00 Community Town Councils Forum	30	1 Jul	2	3

July 2022

July 2022							August 2022						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
4	5	6	7	8	9	10	1	2	3	4	5	6	7
11	12	13	14	15	16	17	8	9	10	11	12	13	14
18	19	20	21	22	23	24	15	16	17	18	19	20	21
25	26	27	28	29	30	31	22	23	24	25	26	27	28
							29	30	31				

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
27 Jun	28	29	30	1 Jul	2	3
4 14:00 Gower AONB	5 14:00 Planning	6	7 10:00 Corporate Briefing 11:00 Pension Fund Ctte 17:00 Council	8 10:00 Licensing	9	10
11 14:00 Armed Forces 16:00 Democratic Services	12	13 14:00 Gov & Audit	14	15	16	17
18 10:00 Corporate Parenting	19 10:30 JCC 16:00 Scrutiny Programme	20 10:00 Pension Board 16:00 Nat Resources CDC	21 10:00 Cabinet	22	23	24
25 10:00 SDF 15:30 Safe & Pov CDC	26 14:00 Org Trans CDC	27 16:00 Educ & Skills CDC	28 10:30 SBCRJC 14:00 Econ & Infra CDC	29	30	31

August 2022

August 2022							September 2022						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
1	2	3	4	5	6	7				1	2	3	4
8	9	10	11	12	13	14	5	6	7	8	9	10	11
15	16	17	18	19	20	21	12	13	14	15	16	17	18
22	23	24	25	26	27	28	19	20	21	22	23	24	25
29	30	31					26	27	28	29	30		

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
1 Aug	2 14:00 Planning	3	4	5	6	7
8	9	10 14:00 Gov & Audit	11 15:00 PSB	12 10:00 Licensing	13	14
15	16 16:00 Scrutiny Programme	17	18	19	20	21
22	23	24	25	26	27	28
29 08:00 BANK HOLIDAY	30	31	1 Sep	2	3	4

September 2022

September 2022							October 2022						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
			1	2	3	4						1	2
5	6	7	8	9	10	11	3	4	5	6	7	8	9
12	13	14	15	16	17	18	10	11	12	13	14	15	16
19	20	21	22	23	24	25	17	18	19	20	21	22	23
26	27	28	29	30			24	25	26	27	28	29	30
							31						

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
29 Aug	30	31	1 Sep 10:00 Corporate Briefing 17:00 Council	2	3	4
5	6 14:00 Planning	7 10:00 Pension Fund Ctte	8	9 10:00 Licensing 11:00 Archives	10	11
12 16:00 Democratic Services	13 16:00 Scrutiny Programme	14 14:00 Gov & Audit	15 10:00 Cabinet	16	17	18
19 10:00 SDF	20	21 10:00 Pension Board 16:00 Nat Resources CDC	22 14:00 Econ & Infra CDC	23	24	25
26 15:30 Safe & Pov CDC	27 14:00 Org Trans CDC	28 16:00 Educ & Skills CDC	29	30	1 Oct	2

October 2022

October 2022							November 2022						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
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10	11	12	13	14	15	16	14	15	16	17	18	19	20
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24	25	26	27	28	29	30	28	29	30				
31													

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
26 Sep	27	28	29	30	1 Oct	2
3 14:00 Gower AONB	4 14:00 Planning	5	6 10:00 Corporate Briefing 17:00 Council	7 10:00 Standards	8	9
10 14:00 Armed Forces	11	12 14:00 Gov & Audit	13	14 10:00 Licensing	15	16
17 10:00 Corporate Parenting	18 16:00 Scrutiny Programme	19 16:00 Nat Resources CDC	20 10:00 Cabinet 15:00 PSB	21	22	23
24 15:30 Safe & Pov CDC	25 14:00 Org Trans CDC	26 16:00 Educ & Skills CDC	27 14:00 Econ & Infra CDC	28	29	30
31 Half Term	1 Nov	2	3	4	5	6

November 2022

November 2022							December 2022						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
	1	2	3	4	5	6			1	2	3	4	
7	8	9	10	11	12	13	5	6	7	8	9	10	11
14	15	16	17	18	19	20	12	13	14	15	16	17	18
21	22	23	24	25	26	27	19	20	21	22	23	24	25
28	29	30					26	27	28	29	30	31	

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
31 Oct	1 Nov 14:00 Planning	2 Half Term	3 10:00 Corporate Briefing 17:00 Council	4	5	6
7 16:00 Democratic Services	8	9 14:00 Gov & Audit	10 10:30 SBCRJC	11 10:00 Licensing	12	13
14	15 16:00 Scrutiny Programme	16 10:00 Pension Fund Ctte 16:00 Nat Resources CDC	17 10:00 Cabinet	18	19	20
21	22 10:30 JCC 14:00 Org Trans CDC	23 16:00 Educ & Skills CDC	24 14:00 Econ & Infra CDC	25	26	27
28 10:00 SDF 15:30 Safe & Pov CDC	29	30 10:00 Pension Board	1 Dec	2	3	4

December 2022

December 2022							January 2023						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
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12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29
							30	31					

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
28 Nov	29	30	1 Dec 10:00 Corporate Briefing 15:00 PSB 17:00 Council	2	3	4
5	6 14:00 Planning	7 16:00 Nat Resources CDC	8	9 10:00 Licensing 11:00 Archives	10	11
12 14:00 Gower AONB	13 16:00 Scrutiny Programme	14 14:00 Gov & Audit 16:00 Educ & Skills CDC	15 10:00 Cabinet	16	17	18
19 15:30 Safe & Pov CDC	20 14:00 Org Trans CDC	21	22 14:00 Econ & Infra CDC	23	24	25 08:00 Christmas Day
26 08:00 Boxing Day	27 08:00 Bank Holiday	28 08:00 Extra Statutory Day	29	30	31	1 Jan 23

January 2023

January 2023							February 2023						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28					
30	31												

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
26 Dec	27	28	29	30	31	1 Jan 23 08:00 New Years Day
2 08:00 Bank Holiday	3	4	5 10:00 Corporate Briefing	6	7	8
Page 41	10 14:00 Planning	11 14:00 Gov & Audit	12	13 10:00 Licensing	14	15
	16 10:00 Corporate Parenting 14:00 Armed Forces	17 16:00 Scrutiny Programme	18 16:00 Nat Resources CDC	19 10:00 Cabinet	20 10:00 Standards	21
	23 15:30 Safe & Pov CDC	24 14:00 Org Trans CDC	25 16:00 Educ & Skills CDC	26 14:00 Econ & Infra CDC 17:00 Council	27	28
30	31	1 Feb	2	3	4	5

February 2023

February 2023							March 2023						
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20	21	15	16	17	18	19	20	21	15	16	17	18	19
27	28	22	23	24	25	26	27	28	22	23	24	25	26

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
30 Jan	31	1 Feb 10:00 Corporate Briefing	2 10:30 SBCRJC	3	4	5
6	7 14:00 Planning	8 14:00 Gov & Audit	9 15:00 PSB	10 10:00 Licensing	11	12
13	14 16:00 Scrutiny Programme	15 15:00 Nat Resources CDC 16:00 Educ & Skills CDC	16 10:00 Cabinet	17	18	19
20	21	22 Half Term	23 14:00 Econ & Infra CDC	24	25	26
27 10:00 SDF 15:30 Safe & Pov CDC	28 14:00 Org Trans CDC	1 Mar	2	3	4	5

March 2023

March 2023							April 2023						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
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20	21	15	16	17	18	19	17	18	19	20	21	15	16
27	28	22	23	24	25	26	24	25	26	27	28	22	23

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
27 Feb	28	1 Mar	2 10:00 Corporate Briefing 17:00 Council	3	4	5
6 16:00 Democratic Services	7 14:00 Planning	8 14:00 Gov & Audit	9	10 10:00 Licensing 11:00 Archives	11	12
13 14:00 Gower AONB	14 16:00 Scrutiny Programme	15 10:00 Pension Fund Cttee 16:00 Nat Resources CDC	16 10:00 Cabinet	17 10:00 Standards	18	19
20	21	22 16:00 Educ & Skills CDC	23 14:00 Econ & Infra CDC	24	25	26
27 15:30 Safe & Pov CDC	28 14:00 Org Trans CDC	29 10:00 Pension Board	30 17:00 Council	31	1 Apr	2

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April 2023

April 2023							May 2023						
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17	18	19	20	21	22	23	22	23	24	25	26	27	28
24	25	26	27	28	29	30	29	30	31				

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
27 Mar	28	29	30	31	1 Apr	2
3	4	5	6	7	8	9
Easter Holidays						
	14:00 Planning	10:00 Corporate Briefing	10:30 SBCRJC	08:00 Good Friday		
10	11	12	13	14	15	16
Easter Holidays						
08:00 Easter Monday		14:00 Gov & Audit		10:00 Licensing		
17	18	19	20	21	22	23
10:00 Corporate Parenting	16:00 Scrutiny Programme	16:00 Nat Resources CDC	10:00 Cabinet			
24	25	26	27	28	29	30
14:00 Armed Forces 15:30 Safe & Pov CDC	14:00 Org Trans CDC	16:00 Educ & Skills CDC	14:00 Econ & Infra CDC 15:00 PSB			

May 2023

May 2023

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June 2023

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26	27	28	29	30		

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
1 May 08:00 Bank Holiday	2	3	4 10:00 Corporate Briefing 17:00 Council	5	6	7
8	9	10	11 10:30 SBCRJC	12	13	14
15	16	17	18 10:00 Cabinet 16:00 Annual Council	19 14:00 Ceremonial Council (Lord Mayor)	20	21
22	23	24	25	26	27	28
29 08:00 Bank Holiday	30 Half Term		31	1 Jun	2	3
						4

Agenda Item 10.



Report of the Monitoring Officer & Head of Democratic Services

Annual Meeting of Council – 24 May 2022

Amendments to the Council Constitution – Multi Location Meeting Policy, Petition Procedure and Standards Committee Terms of Reference

Purpose:	To make amendments in order to simplify, improve and / or add to the Council Constitution. A decision of Council is required to change the Council Constitution.
Policy Framework:	Council Constitution.
Consultation:	Access to Services, Finance, Legal.
Recommendation(s):	It is recommended that Council approves: 1) The Multi Location Meeting Policy attached at Appendix A 2) The Petitions Scheme attached at Appendix B 3) The Standards Committee Terms of Reference at Appendix C
Report Author:	Tracey Meredith
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar

1. Introduction

- 1.1 The Local Government and Elections (Wales) Act 2021 introduced new legislative requirements in respect of multi-location meeting arrangements and electronic broadcasting of meetings, petition procedures and new duties for the Standards Committee.

- 1.2 The Constitution Working Group considered reports on a multi-location meeting policy, a petitions scheme and amended terms of reference for the Standards Committee on the 25 April. The Constitution changes recommended by the Constitution Working Group are as follows:

2. Multi-Location Meeting Policy

- 2.1 There is a legal requirement for Local Authorities to make and publish arrangements to ensure that all Council, Cabinet, Committee, Sub-Committee and Joint Committee meetings may be attended as multi location meetings (a mix of both physical and remote attendance) and to broadcast meetings. Local Authorities cannot mandate physical attendance at meetings.
- 2.2 Attached at appendix A is the Multi-Location Meeting Policy which has been developed having regard to Welsh Government Interim Statutory Guidance on multi-location meetings.
- 2.3 The Policy provides that all Council, Cabinet, Committee, Sub-Committee and Joint Committee meetings will operate as multi-location meetings and participants will be able to attend remotely or physically (subject to any health and safety limitations). There may be occasions ie Ceremonial Councils when Councillors will be encouraged to attend in person but that does not preclude a Councillor attending remotely if they wish to do so.
- 2.4 In terms of the detail of the Policy specific reference is made to:
- Meetings being multi location meetings with councillors being able to join either remotely or in person
 - The arrangements for public participation at meetings
 - Use of cameras in meetings
 - Health and safety of councillors
 - Chairing meetings
 - Use of chat function

3. Petitions Scheme

- 3.1 The Local Government and Elections (Wales) Act 2021 places a duty on Councils to make and publish a Petitions Scheme and provides that a Petitions Scheme must, in particular, set out:
- a) How a Petition may be submitted to the Council;
 - b) How and by when the Council will acknowledge receipt of a Petition;
 - c) The steps the Council may take in response to a Petition received by it;
 - d) The circumstances (if any) in which the Council may take no further action in response to a Petition;
 - e) How and by when the Council will make available its response to a Petition to the person who submitted the Petition and to the public.

3.2 A Petitions Scheme must set out how the Council intends to handle and respond to Petitions (including electronic Petitions). Electronic Petitions are referred to in this Scheme as ePetitions. This Petitions Scheme is one element of the wider Public Participation Strategy.

3.3 Petitions are documents (whether electronic or physical) that contain details of issues that are important to communities and the City and County of Swansea as a whole, signed by local people who are in support of the proposed action. The Petitions Scheme is attached at appendix B.

4. Terms of Reference of the Standards Committee

4.1 The Local Government and Elections (Wales) Act 2021 provides additional duties on Standards Committees to:

- monitor compliance by Leaders of Political Groups with their new duties to uphold the ethical framework and
- produce an annual report to Council describing how the Committee has discharged their functions during the year.

4.2 As the Terms of Reference have not been updated for some time the Monitoring Officer has taken the opportunity to consider the Terms of Reference afresh and attached at appendix C are the proposed changes to be made. The current terms of reference are attached at appendix D for ease of reference.

4.3 Council will note that the functions have been split into two sections. The first section relates to those responsibilities associated with the Code of Conduct and ethical framework and includes an additional duty of determining requests for representation under the Council's Indemnity Scheme.

4.4 There are also some additional responsibilities which relate to oversight of the following:

- Officer/ Councillor Relations Protocol
- Whistleblowing Policy
- Member/Member Dispute Resolution Process.

4.5 The Standards Committee Hearing Procedure for Code of Conduct referrals was adopted on 18 February 2021. The Procedure is attached at appendix E for information only and will be added to the Council Constitution for visibility.

5. Financial Implications

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

6. Legal Implications

6.1 There are no further legal implications other than those set out in the report.

7. Integrated Assessment Implications

- 7.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
 - Deliver better outcomes for those people who experience socio-economic disadvantage
 - Consider opportunities for people to use the Welsh language
 - Treat the Welsh language no less favourably than English.
 - Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 7.2 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.
- 7.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.
- 7.4 An IIA screening form has been completed and has determined that a full IIA report will not be required primarily as this is an updating addition to the Constitution following the introduction of new legislation.

Background Papers: None

Appendices:

Appendix A – Multi Location Meeting Policy

Appendix B – Petitions Scheme

Appendix C – Changes to Terms of Reference for Standards Committee

Appendix D – Current Terms of Reference for Standards Committee

Appendix E – Standards Committee Hearing Procedure

Multi-Location Meetings Policy City and County of Swansea - 2022

Background

1. At the start of the coronavirus pandemic in 2020 the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 provided a framework for Councils to convene remote meetings for all attendees whilst face to face meetings were unable to take place.
2. The Local Government and Elections (Wales) Act 2021 has enabled Councils to continue to meet remotely with the introduction of multi-location meetings enabling greater public participation and Councillor involvement in decision making.
3. During Covid lockdowns and throughout 2020/21 Swansea Council has been convening its meetings by remote means resulting in a number of benefits:
 - Allowing decisions to be made in a transparent way.
 - Making it easy for the public to view and participate in decision making and the democratic process.
 - Enabling external participants to engage in meetings.
 - Compliance with the Wellbeing of Future Generations (Wales) Act 2015 in terms of making the authority more sustainable and resilient. Multi-location meetings reduce the carbon footprint of physical meetings. They also reduce both the reliance on paper and reduce the need for travel.
 - Significant time and cost savings for councillors and officers particularly in relation to regional arrangements.
 - It is easier for participants to take part if they have family and/or caring commitments.

Legal Provisions

4. The Local Government and Elections (Wales) Act 2021 provides that Councils are required to:
 - a) Electronically broadcast meetings (with effect from May 2022).
 - b) Make and publish arrangements to ensure that all Council, Cabinet, Committee, Sub-Committee and Joint Committee meetings may be attended remotely (i.e. enabling persons who are not in the same place to attend the meeting) – also referred to as ‘multi-location meetings’.

- Meetings must be capable of being held virtually, but each authority must decide whether their meetings will be held fully virtually, partially virtually (where some participants are in the same physical location, whilst others join the meeting virtually, also referred to as 'hybrid meetings') or as physical meetings (authorities may not mandate physical attendance at meetings).
 - Participants in the meetings must be able to speak to and hear each other; and for meetings which are required to be broadcast (full Council meetings), participants must also be able to see and be seen by each other.
- c) Publish all meeting documents on the Council's website, including notices, summonses, agendas, reports and background papers.
- A note of the meeting, including Members in attendance and decisions made, must be published within 7 working days of the meeting.
 - Notice of meetings is no longer required to be posted at the Council's offices. However, copies of agendas and reports must be made available for the public if meetings are held physically.
 - The Council is also required to make public access provision for members of the public who cannot access electronic documents, for example, by providing access to computers, copies of documents, or making documents available for inspection.
4. When considering arrangements for remote attendance or 'multi-location meetings', authorities must have regard to the statutory guidance issued by the Welsh Ministers: Interim statutory guidance on multi-location meetings <https://gov.wales/local-authority-multi-location-meetings-interim-guidance>
5. The statutory guidance sets out a number of general principles to guide authorities when developing their meeting arrangements, namely, transparency, accessibility, good conduct, Welsh language, local needs and future generations. The guidance confirms the meeting arrangements should be reflected in the procedure rules set out in the constitution.
6. The statutory guidance also stipulates that authorities should develop a policy setting out in how the multi-location meetings will operate and reflect the meeting arrangements in the constitution.

What is a Multi-Location Meeting?

7. A Multi-Location Meeting is a meeting whose participants are not all in the same physical place. Some of the participants may be physically located in the meeting venue whilst others join from their home or other remote location.

Multi-Location Meetings Determination

8. The Welsh Government Statutory Guidance stipulates that local democracy and the needs of the public in engaging with multi-location meetings are an important consideration in deciding where and when meetings will be convened.
9. It is also acknowledged that some participants may have a preference for physical meetings due to protected characteristics or circumstances which limits their ability to participate online. Some participants however may wish to join council meetings remotely and from another location as a matter of default because they have working or caring responsibilities, protected characteristics, which make attending meetings in person difficult.
10. In addition to Council and Cabinet meetings the Council has a variety of committees and sub-committees which support its statutory, regulatory and governance arrangements. There is also a joint committee which involve a number of other Local Authorities and which are administered by the Swansea Democratic Services Team.
11. Both the Council Chamber and the newly refurbished Gloucester Room have multi-location meeting capability which will enable participants to be able to attend both remotely and in person. Both the Chamber and the Gloucester Room have designated public galleries to allow the public to attend in person.
12. The Council has determined that all meetings must be able to operate as multi-location meetings to ensure that participants are able to attend remotely or physically should they wish to do so. All Committees may be viewed at: www.swansea.gov.uk/committees

Use of Cameras

13. Participants of meetings that are broadcast must be able to “speak to and be heard by each other” and “to see and be seen by each other”.
14. The ability to see and be seen predominantly applies when a participant is speaking, although for some meetings, participants attending remotely may also be required to ensure that their cameras remain on for the duration of the meeting, for example, quasi-judicial meetings such as Planning and Licensing Committee. For other meetings the Chair may use their discretion whether participants are to keep their cameras on when not speaking.
15. It is inevitable that there will be occasions when a remote participant may need to disable their camera due to poor connection/internet issues. If this occurs the participant should use the chat function to inform the meeting Chair and democratic services staff of the issue.

Health & Safety of Participants

16. Attendance at multi-location meetings may require participants and observers to use display screen equipment or to be seated for extended periods of time. To negate any adverse impacts from attending multi-location meetings remotely, participants will be requested to undertake a Display Screen Equipment (DSE) self-assessment to ensure that the configuration of their equipment meets health and safety requirements.
17. The Chair should consider the need for appropriate breaks as part of the agenda management arrangements of the meeting.

Calendar of Meetings

18. A programme of meetings will be developed annually which identifies when, where and how each of the Council's meetings will be held. This may be subject to change during the year for operational reasons.
19. The programme of meetings will avoid wherever possible scheduling meetings to be held simultaneously or immediately following another meeting. If this cannot be avoided the relevant Chairs will be consulted and one of the meetings will be undertaken as a fully remote meeting.

Attendance at Meetings

20. Invitations to meetings will be provided electronically and will provide details of the meeting, its location and timings. It will include links to enable the participants to join remotely should they wish to do so. On receipt of the invitation, participants will be requested to indicate their intentions to attend the meeting physically or remotely to enable any necessary administrative and support arrangements to be put in place by Democratic Services.
23. Those participants considering attending the meeting remotely should also ensure that they have appropriate internet connectivity to join and maintain their attendance throughout the meeting.
24. All committee members are encouraged to physically attend at least one meeting of each committee or decision-making body to which they are appointed during each municipal year. Although physical attendance of participants cannot be mandated, there is no restriction on participants should they wish to physically attend any or all meetings.

25. On occasions the number of physical attendees who may be present at each meeting may be limited. In this event the Chair of the meeting together with essential officers will be given priority for attendance. Priority will also be given to external participants who may also need to attend the physical meeting in order to participate. Any remaining spaces are allocated to the political groups in accordance with political balance rules. The political groups are expected to give priority to any members who have difficulties joining a meeting remotely.
26. Meetings are also attended by a range of participants other than committee members. Officers and committee members should notify Democratic Services of additional participants who will be attending with details and contact information of the participant. The external participants will be contacted by Democratic Services to confirm their attendance, explain how they can join the meeting either as a physical or remote participant and the meeting procedures. If the external participant is joining the meeting remotely an electronic meeting invitation similar to that of other participants will be sent. They will also be offered the opportunity of a test meeting to familiarise themselves with the technology and the arrangements that are in place.
27. Members of the public will also be able to attend physical meetings from the public gallery in both the Gloucester Room and the Council Chamber. In the event that the number of members of the public needs to be limited i.e. social distancing then seats will be allocated on a first come first served basis. Members of the public who wish to view a meeting which is to be fully remote should make a request to the Head of Democratic Services, submitted by noon the previous working day prior to the remote meeting, to enable arrangements to be made.

Recording of Meetings by Others

27. Members of the public are permitted to photograph, film or record Councillors and officers and use social media at any Council meetings that are open to the public and press, as long as they have given advance notice to the Head of Democratic Services. This is so that everyone attending the meeting is made aware that they may be recorded and that by attending the meeting they are deemed to consent to this. The Chair has discretion to prohibit recording and/or exclude from the meeting anyone reasonably considered to be in breach of the rules.
28. There is to be no recording or transmission of proceedings dealing with any exempt or confidential information.

Record of Attendance

29. The Democratic Services Officer will record attendance of each committee member and participant at the meeting and record attendance in the minutes of the meeting. Committee Members are to inform the relevant Democratic Services if they are unable to attend a meeting and their apologies will be recorded at the meeting, and published in the minutes of the meeting.

Broadcasting Meetings

30. Formal meetings of the Council will either be webcast by being streamed live or recorded for subsequent upload to the Council's webcasting website within 2 working days of the end of the meeting.
31. Where a meeting is being webcast notification will be given on the agenda pack and at the start of the meeting. Signs will be placed in the Chamber and the Gloucester Room to make clear that recording is taking place. The Chair of the meeting will have discretion to terminate or suspend the webcast in appropriate circumstances and will ensure no exempt or confidential agenda items will be webcast. The Monitoring Officer in consultation with the Chief Executive may request removal of the webcast, or certain parts of the webcast, where considered necessary.

Consideration of Exempt or Confidential Information at Meetings

32. On occasions the Committee will be asked to exclude the public when considering exempt or confidential information. The agenda will schedule exempt items at the end of the meeting, so as to minimise any inconvenience to observers who will be required to leave the meeting when the item is being discussed.
33. When an exempt item is being considered the Democratic Services officer will ensure that members of the public have left the meeting, either remotely or physically and will turn off the recording equipment and webcast.
34. When the committee has considered the exempt item and if there are further public items to be considered, all remote participants will be invited to re-join the public meeting and the recording and webcast will be resumed. The observers or participants attending the physical meeting will be invited to return into the committee room.

Voting

35. It is acknowledged that technical issues may dictate the method of voting but voting will comply with the voting rules set out in the Council Procedure Rules. Methods of voting include electronic voting, a roll call vote and show of hands (either physical or virtual). Committee members should ensure that they have

been present for the discussion and debate on agenda items so as to be able to exercise their vote.

36. The result of any vote will be announced immediately following the vote by either the Chair or the Democratic Services Officer.

Chairing Meetings

37. The Statutory Guidance understands that chairing a multi-location meeting is very different to chairing a face-to-face meeting. The job of the Chair is particularly challenging at a physical meeting with some participants joining remotely. Chairs and vice-chairs are encouraged to attend meetings in person in order to benefit from the direct support of the Democratic Services officer and legal officer.

38. In general Chairs of meetings should:

- Ensure they are prepared for the meeting.
- Ensure all participants are able to access the meeting and can see and hear each other.
- Introduce themselves and others to members of the public who may be present.
- Check occasionally to ensure no one has been lost due to technical difficulties and provide support to those participants experiencing challenges.
- Ensure all participants are given an opportunity to speak and appropriately use the chat facility.

Chat Function Use

39. The chat function provides a simple method of enabling the chair to manage the meeting and to enable the remote participants to communicate with the chair.

40. The chat function should be used to:

- Allow advice to be given.
- Allow the Chair to respond to queries from members and acknowledge requests to contribute to discussion.
- Allow the Chair to check with a participant as to whether they are still present.
- Enable participants to advise as to technical difficulties.

41. The chat function should not be used:

- For personal communications with other participants.

- As substantial conversation and thereby detracting from main discussion.
- For general chit-chat, jokes or political comments.



Petitions Scheme

1. Introduction

- 1.1 The Local Government & Elections (Wales) Act 2021 places a duty on a Principal Council to make and publish a Petitions Scheme setting out how the Council intends to handle and respond to Petitions (including Electronic Petitions). Electronic Petitions are referred to in this Scheme as ePetitions. This Petitions Scheme is one element of the wider Public Participation Strategy.
- 1.2 Petitions are documents (whether electronic or physical) that contain details of issues that are important to communities and the City & County of Swansea as a whole, signed by local electors who are in support of the proposed action.
- 1.3 This Petition Scheme was approved by Council on **24 May 2022** and will be reviewed by Council every two years.
- 1.5 A copy of the Privacy Statement relating to this Petition Scheme is available at www.swansea.gov.uk
- 1.6 Address any queries on this Petition Scheme to:
Democratic Services Team, Swansea Council, Guildhall, SA1 4PE
democracy@swansea.gov.uk 01792 63 6923

2. Before submitting a Petition to Council

- 2.1 Before submitting a Petition, residents are encouraged to:
 - a) Contact the Council to see whether an ordinary service request would resolve the issue. www.swansea.gov.uk
 - b) Contact a relevant ward Councillor(s) to see whether they can help. www.swansea.gov.uk/councillors

3. Lead Petitioner

- 3.1 The name and contact details of the person that started the Petition (Lead Petitioner) is required, to allow contact between the Council and the Lead

Petitioner. Only the Lead Petitioner will be contacted in relation to the Petition. The contact details of the Lead Petitioner will not be placed on the website.

3.2 If a Lead Petitioner is not identified, contact will be made with signatories to the Petition to agree who should act as the Lead Petitioner.

4. Who Can Raise a Petition?

4.1 Signatories to the Petition must live, work or study in the Swansea Council area.

4.2 Petitions may be signed by people of all ages.

5. Content of a Petition (Requirement for Names, Addresses & Signatures)

5.1 For the purposes of this Petitions Scheme, a Petition must include:

a) A clear and concise statement of the concern and what the Petitioners would like the Council to do in response. Petitions must relate to something for which the Council is responsible for or over which the Council has some direct influence.

b) If the Council receives a Petition that does not relate to something under the Council's control or direct influence, it will be returned to the Lead Petitioner with an explanation of the decision as to why the Council cannot progress the matter further.

c) **Paper Petitions:** They must include the Petitioners' Name, Address, Postcode & their Actual Signature.

d) **ePetitions:** They must include the Petitioners' Name, Address, Postcode & valid email address. Signatures are not required. The Council's online ePetitions platform must be used.

www.swansea.gov.uk/petitions

6. Submitting a Paper Petition

6.1 The Petition wording must be set out in full on each sheet (or side of a sheet) where signatures are asked for. The Petition will be returned if the wording is unclear.

6.2 **Appendix 1** sets out the "Petition Template Form". The Form provides the main information required when submitting a Petition.

7. Submitting an ePetition

- 7.1 The Council welcomes ePetitions being created and submitted via www.swansea.gov.uk/petitions & www.swansea.gov.uk/deisebau
- 7.2 ePetitions created through websites other than the Councils' can be submitted provided they meet the criteria as set out.
- 7.3 ePetitions must follow the same guidelines as for Paper Petitions and in addition:
- i) ePetitions must include the Petitioners' Name, Address, Postcode & valid email address. Signatures are not required.
 - ii) The period for which the Petition shall be open for signatories (subscription) must be determined at the outset. No Petition will be allowed to be open for 6 months or more.
- 7.4 When an ePetition has been submitted on the Council's website, the Petition will be acknowledged within 5 working days and this will include a link to the petition. Upon the ePetition reaching its end date, it will be closed to further subscription and will then be dealt with under the Petitions Scheme.
- 7.5 When you create an ePetition, it may take 5 working days before it is published online. This is because we have to check that the content is suitable before it is made available for signature. If it is suitable, the Council will ensure that the ePetition is displayed in Welsh & English on the website.
- 7.6 If it is considered that your ePetition cannot be published for any reason, the Council will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 5 working days, a summary of the ePetition and the reason why it has not been accepted will be published under the 'Rejected Petitions' section of the website.
- 7.7 When an ePetition has closed for signature, it will automatically be submitted to Democratic Services. In the same way as a paper petition, you will receive an acknowledgement within 5 working days.

8. What Petitions will not be accepted by the Council?

- 8.1 Petitions must be in relation to something which falls under the remit of the Council. The Monitoring Officer will have discretion as to whether a Petition meets the criteria set out in the Petitions Scheme. No further action will be taken in response to a Petition that fails to meet the criteria.
- 8.2 A Petition will not be accepted by the Council if:

- a) It duplicates another, concurrent Petition. In this case, signatures will be added to the first such Petition to be received by the Council.
- b) It repeats a Petition received within the previous six months, whether or not the Lead Petitioner is the same in each instance.
- c) In the opinion of the Council's Chief Executive Officer or Monitoring Officer, it is personal, rude, defamatory or vexatious in nature.
- d) It becomes apparent that any local elector's name, address or signature has been added to the Petition without their explicit consent.
- e) It is not in relation to a matter for which the Council has a responsibility or which does not affect the administrative area or citizens of the Council.
- f) It would require the disclosure of confidential or exempt information in response.
- g) It relates to the personal circumstances or conduct of any officer and Member or conditions of service of employees.
- h) It relates to an individual, particular group or business or the petitioner's own particular circumstances.
- i) It would be ultra vires or unlawful for the Council to consider.
- j) It relates to a matter which is the subject of legal or enforcement proceedings or an appeal to a court or tribunal or to a Government Minister or the National Assembly or an investigation by the Public Service Ombudsman for Wales.
- k) It relates to the activities and aims of a political party or organisation.
- l) It would require the expenditure of a disproportionate amount of time, money or effort to prepare the answer.
- m) A Petition seeks to overturn a lawfully made decision.
- n) It can be more appropriately dealt with as part of a consultation response in which case it will be referred to the appropriate Council body and included as part of the consultation documentation.

8.3 If the Council rejects your Petition or you feel that the Council has not dealt with your Petition properly, please contact the Council's Corporate Complaints Team who will review your complaint and will advise you of the action intended. Please provide a short explanation of your reasons in your communication with us:

Corporate Complaints, Swansea Council, Guildhall, Swansea, SA1 4PN
complaints@swansea.gov.uk

9. What will the Council do when it receives my Petition?

9.1 An acknowledgement will be sent to the Lead Petitioner within **10** clear working days of receiving the Petition. It will let you know what the Council plans to do with the Petition and when you can expect to hear from the Council again. A copy of your Petition will also be forwarded to the relevant Head of Service & relevant Cabinet Member www.swansea.gov.uk/cabinet

- 9.2 Where a Petition is in respect of a particular local issue affecting a specific ward(s) then the Democratic Services Team will notify the appropriate Councillor(s).
- 9.3 The Petition will be published on the Council's Petitions Register on the Council's website. www.swansea.gov.uk/petitions
- 9.4 If the Council considers it can meet what the Petition asks for, the acknowledgement may confirm what action has been taken on the request and the Petition will be closed.
- 9.5 If some other action is proposed or intended, the acknowledgement will explain this. If the Petition has enough signatories to trigger a debate at a meeting of Council, Cabinet or Committee, then the acknowledgment will confirm this and advise when and where the meeting will take place. If the Petition needs more investigation, you will be advised of the Council's next steps.
- 9.6 The Council reserves the right to verify signatories as required. Petitioners should ensure that a valid address and postcode is included for all Petitioners that relates to a home address (if living in Swansea Council area) or work address (if working or run a business in Swansea Council area). These details will be taken into account when identifying if there are enough signatories from people who live or work in Swansea Council area to trigger a debate.
- 9.7 Any Petition that is a duplicate or near duplicate of another petition that the Council has already received will not normally be considered within a 6-month period although Officers will exercise their discretion in individual cases. It is advised that details of previous Petitions are checked on the website at the start of your Petition. www.swansea.gov.uk/petitions
- 9.8 To ensure that people know what the Council are doing in response to the Petitions received, the details of all the Petitions submitted, including those pending action will be published on the Council's website.
- 9.9 In the period preceding an Election or a Referendum, the Council may need to treat any Petitions received differently subject to the Pre-Election Publicity (PEP) guidance. Under such circumstances, the reasons for this will be explained to the Lead Petitioner.

- 9.10 The Council's response may also depend on the number of people who have signed the Petition. The table sets out the thresholds:

Number of Signatures	Response
1-49	Response from the relevant Director / Head of Service
50-499	Response from the relevant Cabinet Member
500+	Referred for debate at a meeting of the Full Council

10. Full Meeting of the Council debates

- 10.1 If a Petition contains 500+ signatures, it will be debated by a full Meeting of the Council. The Council will endeavour to consider the Petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. Petitions will not be considered at the Annual Meeting of Council, Extraordinary Council, Ceremonial Council or at the Budget Setting Council meeting.
- 10.2 The Lead Petitioner will be given **3** minutes to address the Council on the subject matter of the Petition. The relevant Cabinet Portfolio Holder will then be given **3** minutes for a right of reply and the Petition will then be discussed by the Council for a maximum of **30** minutes. The relevant Cabinet Portfolio Holder has a further right of reply, for no more than **3** minutes, at the end of the debate on the matter.
- 10.3 The Council will decide how to respond to the Petition at this meeting. They may decide to take the action the Petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant Committee.
- 10.4 Where the issue is one on which the Council's Executive, namely the Cabinet, are required to make the final decision, the Council will decide whether to make recommendations to inform that decision.
- 10.5 The Lead Petitioner will receive written confirmation of the decision as soon as practicable following the decision having been made. This confirmation will also be published on the Council's website.

11. Potential Outcomes from a Petition

- 11.1 The response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:
- Raising publicity for, and an awareness of an issue.
 - Submission of Petition to a Cabinet meeting having regard to Executive functions.

- Taking the action requested in the Petition (either under Officer delegated powers or otherwise as appropriate in all the circumstance).
- Taking the matter to full Council so the Petition can be considered.
- Commissioning research.
- Writing to the Lead Petitioner setting out the Council's views on the request in the Petition.
- Referring the Petition to the Scrutiny Programme Committee.
- Holding a meeting with the Lead Petitioner.
- Forwarding your Petition / Lobbying another Body if it is something that the Council has no direct control.
- In matters that are dealt with by delegated authority, the responsible Officer will respond to the Petition.
- Some other appropriate response.

12. Data Protection and GDPR

- 12.1 Within 3 months of the Council's formal response to a Petition, the Paper Petition will be destroyed safely and securely and all eSignatures on an online Petition will be erased.

13. Freedom of Information (FOI) requests, Comments, Compliments and Complaints

- 13.1 Petitions that are essentially FOI requests, Comments, Compliments or Complaints will not be allowed. Please use the following links:

Freedom of Information Requests

<https://www.swansea.gov.uk/foireviewrequest>

Submitting Comments, Compliments and Complaints

<https://www.swansea.gov.uk/complaints>

Swansea Council - Petition Template Form

Guidance Notes:

1. Please use this suggested template.
2. Additional pages must also include the Petition subject at the top of each page.
3. The Lead Petitioner must live, work or own a business in the Swansea Council area.
4. If you wish to sign this Petition, please put down your Swansea Council address if you live, work or own a business in the Swansea Council area as this will count towards any threshold for debate at full Council meetings (where all Councillors attend).
5. Signatories from outside the Swansea Council area will be taken into consideration in respect of the issue being raised, but will not count towards the numbers required for formal debates under the Petition Scheme.
6. Please refer to the Petitions Scheme at www.swansea.gov.uk/petitions for further information.

Contact Details of the Lead Petitioner

Full Name	
Address	
Home Telephone	
Mobile Telephone	
email Address	
Do you Live / Work / Own a Business within the Swansea Council area? Indicate all that apply	
Signature	

Petition (Complete all areas)

Petition Title:	
Purpose of Petition: i) Clearly outline the purpose of the Petition. ii) What you are hoping to achieve. Note: The Purpose of the Petition must be shown on each page of the Petition.	
Summary of action already taken (if applicable):	

No.	Name	Address	Postcode	Signature	email Address (If possible)

Return to: Democratic Services, Swansea Council, Guildhall, Swansea, SA1 4PE

17 **Standards Committee – Current Terms of Reference**

- a) 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 to Political Groups).
- b) To promote and maintain high standards of conduct and probity in respect of Councillors & Co-opted Members of the Authority and Community / Town Councillors within the area of the City and County of Swansea.
- c) To assist Members of the Authority and Community / Town Councils to observe their Authority's Code of Conduct.
- d) To advise the Authority and Community / Town Councils on the adoption, monitoring and review of their Code of Conduct.
- e) To advise and train Members on matters relating to the Code of Conduct.
- f) To grant dispensations to Members in accordance with the Standards Committees (Grant of dispensations) (Wales) Regulations 2001 and Section 81 (5) of the Local Government Act 2000.
- g) To consider allegations of breaches of Code of Conduct made against Members.
- h) To oversee the Authority's protocol on Member and Officer working relationships.
- i) To oversee and monitor the Authority's Whistle Blowing Policy and general confidential reporting Procedures.
- j) To provide training to Members on conduct and ethical standards issues and any developments relevant to these areas.
- k) To specifically consider and deal with less serious allegations of impropriety concerning Members.
- l) To oversee the register of Members interests required under Section 81(1) of the Local Government Act 2000.
- m) To consider all appeals relating to the Dealing with Unreasonable or Unacceptable Behaviour by Members of the Public Policy.

- n) To consider any other matters placed before the Committee by the Monitoring Officer.
- o) No business shall be transacted at a meeting of a standards committee, unless:
 - i) at least three members are present, including the chairperson; and
 - ii) at least half the members present (including the chairperson) are independent members
- p) Quorum. A meeting of the Standards Committee shall only be quorate when:
 - i) At least 3 members are present, including the chairperson and
 - ii) At least half the members present (including the chairperson) are independent members.

(Standards Committee (Wales) (Amendment) Regulations 2006)

Note:

Members refers to Councillors and Co-Opted Members of the City and County of Swansea and Community / Town Councillors within the boundaries of the City and County of Swansea.)

Appendix C

17 The Standards Committee

17.1 Composition

- 17.1.1 The Standards Committee is composed of 9 Members. Its Membership includes:
- 17.1.2 5 “independent” Members, who are not either a Councillor or an Officer or the spouse of a Councillor or an Officer of this Council or any other relevant Authority as defined by the Local Government Act 2000, appointed in accordance with the procedure set out in the Standards Committees (Wales) Regulations 2001 (as amended);
- 17.1.3 3 Councillors other than the Leader and not more than 1 Member of the Executive; and
- 17.1.4 1 Community/Town Councillor.
- 17.1.5 The Standards Committee is not required to comply with Section 15 of the Local Government and Housing Act 1989 (duty to allocate to Political Groups).

17.2 Term of Office

- 17.2.1 Independent Members are appointed for a period of not less than four and not more than six years and may be reappointed for a consecutive term not exceeding four years.
- 17.2.2 Members of local authorities who are Members of the Standards Committee will have a term of office until the next ordinary local government election following their appointment. They may be reappointed for one further consecutive term.
- 17.2.3 The Community Council Member will have a term of office until the next election for the community council following their appointment. They may be reappointed for one further consecutive term.

17.3 Quorum

A meeting of the Standards Committee shall only be quorate when:

- 17.3.1 at least 3 Committee Members, including the Chair, are present;

and

17.3.2 at least half the Committee Members present (including the Chair) are independent Members.

17.4 Voting

17.4.1 Independent Members and Community Council Members will be entitled to vote at meetings.

17.5 Chairing the Committee

17.5.1 Only an independent Member of the Standards Committee may be the Chair.

17.5.2 The Chair and Vice Chair will be elected by the Members of the Standards Committee for whichever is the shortest period of:

- (i) Not less than four years or no more than six years; or
- (ii) Until the term of office of the independent Member comes to an end.

17.6 Role and Function

The Standards Committee will have the following roles and functions:

17.6.1 promoting and maintaining high standards of conduct by Councillors and co-opted Members of the Authority;

17.6.2 assisting the Councillors and co-opted Members to observe the Members' Code of Conduct;

17.6.3 advising the Council on the adoption or revision of the Members' Code of Conduct;

17.6.4 monitoring the operation of the Members' Code of Conduct;

17.6.5 advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct;

17.6.6 to produce an annual report to Council describing how the Committee's functions have been discharged during the financial year;

17.6.7 to monitor compliance by leaders of political groups with their duties under s 52A(1) Local Government Act 2000;

17.6.8 to undertake those functions in relation to Community Councils and members of Community Councils in the area of City and County of Swansea as are required by law;

17.6.9 to grant dispensations to Members in accordance with the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 and s 81(5) Local Government Act 2000;

17.6.10 to consider allegations of breaches of the Code of Conduct made against Members in accordance with the Standards Committee Hearing Procedure attached to these terms of reference;

17.6.11 determining requests for representation in proceedings under the Council's Indemnity Scheme for Members and Officers;

17.6.12 to consider any other matters placed before the Committee by the Monitoring Officer

17.6.13 to consider all appeals relating to the Unreasonable Customer Behaviour Policy

17.7 Additional Role of Standards Committee

The Standards Committee shall maintain an overview of the operation and maintenance of the following;

17.7.1 The Protocol of Officer/ Councillor Relations

17.7.2 The Council's Whistleblowing Policy and general confidential reporting procedures.

17.7.3 The Member/Member Dispute Resolution Process

17.7.4 The Register of Members Interests.

The Standards Committee must, in exercising any of its functions, have regard to any relevant guidance issued by the Welsh Ministers.

17.8 Work Programme

The Committee will prepare a work programme, which will be reviewed and approved at each meeting.

17.9 Rules of Procedure and Debate

17.9.1 The Council Procedure Rules will apply to the meetings of the Standards Committee.

17.9.2 When considering the conduct of individual Councillors, the procedures outlined at section *** will apply.

**City & County of Swansea
Standards Committee Hearing Procedure
For Code of Conduct Referrals**

There is a requirement to set out the procedure for the Standards Committee to follow where it is required to make a decision as to the conduct of a councillor, town/community councillor or co-opted member following a referral by the Public Service Ombudsman for Wales.

1. Background

1.1 The Standards Committee (the Committee) may be required to determine a complaint referred to the Committee by the Public Service Ombudsman for Wales (PSOW) under Part 3 Local Government Act 2000 (the Act). This may arise as the result of either:

- (a) The PSOW ceasing an investigation and referring the matter to the Monitoring Officer under section 70(4) of the Act. The Monitoring Officer must then investigate the matter and report the conclusion of his/her investigation to the Committee.
- (b) The PSOW undertaking an investigation and then referring the matters which are the subject of the investigation to the Monitoring Officer under section 71(2) of the Act for reporting to the Standards Committee.

1.2 The following procedure has been agreed by the Standards Committee to comply with the legislative requirements and laws of natural justice.

2. Initial Determination

2.1 Upon receipt of a report from either the Monitoring Officer or the PSOW, together with any recommendations of the Monitoring Officer, the Standards Committee must meet and make an initial determination that either:

- (a) There is no evidence of any failure to comply with the Code of Conduct;
or
- (b) Any person who is the subject of the investigation should be given the opportunity to make representations, either orally or in writing, in respect of the findings of the investigation to the Committee.

2.2 If the Committee makes a determination under paragraph 2.1(b) above, the Committee will request arrangements to be made for a Committee Hearing in accordance with the rules set out below.

3. Arrangements prior to Hearing

- 3.1 The Investigating Officer shall provide a written report as to the results of their investigation and include copies of all relevant evidence relied upon. A copy of the Investigation Report will be sent to the Committee and to the Councillor concerned.
- 3.2 Having made an initial determination the Committee will write to the Councillor to notify him/her of the Committee's decision. If the Committee determine that there is no evidence of a failure to comply with the Code that will be referred back to the Councillor and the Investigating Officer.
- 3.3 In the event that the Committee determine that a Hearing is required the Committee will proceed to the second stage which will either involve a hearing of the case at a further meeting or, by agreement with all parties, proceed by way of written representations to be considered by the Committee.
- 3.4 The Committee will write to the Councillor setting out further steps. This will include a summary of the possible sanctions open to the Committee and inviting a written response to the following:
 - (a) Clarification as to whether the Councillor wishes to make written representations or proceed by way of an oral Hearing;
 - (b) Clarification as to whether the Councillor will be represented and if so, by whom;
 - (c) Details as to which areas of the Investigation Report are disputed and not disputed and if possible with brief reasons;
 - (d) Details of any witnesses which the Councillor proposes to call at the Committee Hearing;
 - (e) Details of any written evidence upon which the Councillor proposes to rely including any documentation listed within the unused material schedule served by the PSOW;
 - (f) An indication as to whether the Councillor intends to make representations to the Committee as to whether members of the public should be excluded from the Committee Hearing and grounds for doing so;
 - (g) Any dates of unavailability to attend a Committee Hearing to include unavailability dates of witnesses and legal representation;
 - (h) Any other information that the Committee feels appropriate at this stage.
- 3.5 The Committee will also write to the Investigating Officer requesting:
 - (a) That the Investigating Officer attend the Committee Hearing to present the Investigation Report or to ask if the Investigating Officer wishes to attend the Committee Hearing for this purpose;

- (b) Clarification as to whether the Investigating Officer will be represented and if so, by who;
 - (c) Any dates of unavailability to attend a Hearing to include unavailability dates of any witnesses and legal representation;
 - (d) Any other information that the Committee feels appropriate at this stage.
- 3.6 Following the receipt of both the Councillor's and the Investigating Officer's response a date, time and location for the Hearing will be confirmed and all parties notified at least 21 days prior to the hearing.

4. The Monitoring Officer

- 4.1 The Committee Hearing will have the support of legal and democratic service assistance and advice. Legal advice will be provided by either the Monitoring Officer, the Deputy Monitoring Officer or another Legal officer.
- 4.2 In the event that the Monitoring Officer has investigated a complaint then he/she will attend the Committee Hearing in that capacity and will not be the legal advisor to the Committee hearing. In such cases, the Deputy Monitoring Officer or another legal officer will be present to advise the Committee Hearing.

5. Pre-Hearing review

- 5.1 Where the Committee considers that a pre-hearing review is necessary notice of at least 14 days will be given to the Councillor, who may attend with or without any representation. The pre-hearing review will be held in private session, unless the Committee directs otherwise.
- 5.2 The purpose of the pre-hearing review would be to consider any directions which may be required to facilitate a Hearing including evidence, location of Hearing, timings and narrowing of any issues.

6. Public Notice of Hearings

- 6.1 Notice of any Committee Hearing will be given in accordance with statutory requirements.

7. Public Access to Hearings

- 7.1 The Committee will consider whether the case should be considered in public or private in accordance with the relevant statutory rules and with legal advice from the legal officer.

- 7.2 The PSOW or the representative officer/s of the PSOW and the Monitoring Officer are entitled to attend the Hearing whether or not the Hearing is held in private.
- 7.3 The Committee may permit any other person to attend the Hearing which is held in private upon legal advice.
- 7.4 The Committee may exclude from a Hearing, or any part of it, any person whose conduct is disruptive or is likely to disrupt the Hearing in accordance with the Council Procedure Rules as set out in the Constitution of the City and County of Swansea.

8. Failure of a Party to attend a hearing

- 8.1 If a Councillor fails to attend or be represented at a Hearing of which he/she has been notified, the Committee may:
- (a) Determine the matter in the Councillor's absence unless it is satisfied that there is good reason for the absence; or
 - (b) Adjourn the hearing.
- 8.2 Before deciding to determine a matter in the absence of the Councillor, the Committee will take legal advice and consider any written representations submitted by the Councillor or his/her representative in response to the notice of Hearing.

9. Procedure at the Hearing

- 9.1 Where requested the Hearing will be conducted in Welsh in order to comply with statutory requirements and Welsh Language Standards. A translation service will be provided for any person attending the Hearing that requires it.
- 9.2 Witnesses will not be allowed to sit in the public gallery prior to being called to give evidence by the Committee. A designated waiting area will be available to witnesses until they are called.
- 9.3 The Committee may limit the number of witnesses to be called by the Councillor, where considered this would not detract from a fair hearing. Examples may be where the Committee considers that there are too many character witnesses being called or where witnesses are simply repeating previous evidence given to the Hearing.
- 9.4 Where evidence is being given by way of written statement and the witness is not being called to give oral evidence, the Committee may at any stage during the proceedings require the attendance of any person making a written statement.

10. Stage 1 – Finding of Fact

- 10.1 The usual procedure to be followed is as set out below but the Committee is free to depart from the procedure where it considers it appropriate to do so.
- 10.2 At the commencement of the Hearing the Chair will introduce each of the Members of the Committee present and everyone else involved in the Hearing. The Chair will also explain the order of proceedings that the Committee proposes to adopt and obtain confirmation from everybody taking part in the Hearing that they understand the procedure. The procedure to be followed is at the discretion of the Committee which will aim to conduct the Hearing in such manner as it considers most appropriate and suitable to be able to clarify all issues before it and to ensure a fair and just Hearing to take place. The Committee will, as far as possible, try to avoid formality in its proceedings.
- 10.3 After the Chair has explained the order of proceedings, the Committee will first seek to resolve any procedural issues or disputes arising from any direction which has been given.
- 10.4 The Committee should then move on to consider whether or not there are any significant disagreements as to the facts contained in the Investigating Officer's report.
- 10.5 If there are no disagreement as to the facts the Committee can move to the next stage of the Hearing.
- 10.6 If however there is disagreement as to the facts, the Investigating Officer, if present, will be invited to make any necessary representations to support the relevant findings of fact in the Report. Alternatively the Investigating Officer may simply chose to invite the Committee to consider all the evidence contained within the Investigation Report and not make any further comment. With the Committee's permission the Investigating Officer may call witness evidence in support. The Committee will allow the Councillor an opportunity to challenge or comment upon any evidence put forward by any witness called by the Investigating Officer.
- 10.7 The Councillor will then have the opportunity to make representations to support his/her version of the facts and with the Committee's permission may call witness evidence in support. At the conclusion of the Councillor's evidence the Councillor will be afforded an opportunity to sum up his or her case.

- 10.8 At any time, the Committee may question any of the people who are involved or who are giving evidence. The Committee will also allow the Investigating Officer an opportunity to challenge or comment upon any evidence put forward by witnesses or the Councillor.
- 10.9 The Committee will then retire to consider their decision. Depending on the number of persons attending the hearing, the Committee will either retire to a separate room or ask the public to leave the room during deliberations.
- 10.10 Once a decision is reached the meeting will be re-convened and the Chair will announce the Committee's findings.

11. Stage 2 – Did the Councillor fail to follow the Code

- 11.1 Based on the facts as found the Committee will then consider whether the Councillor has breached the Code of Conduct. This stage does not provide the Councillor or the Investigating Officer an opportunity to re-examine the facts of the case.
- 11.2 The Councillor will be invited to make representations as to whether there has been a breach of the Code.
- 11.3 The Committee will then consider any verbal or written representations from the Investigating Officer.
- 11.4 The Councillor will be invited to make any final relevant representations.
- 11.5 The Committee will then retire to consider their decision as to whether the Councillor is in breach of the Code of Conduct.
- 11.6 Once a decision is reached the meeting will be re-convened and the Chair will announce the Committee's findings.

12. Stage 3 – Breach of the Code/Consideration of Sanctions

- 12.1 In the event that the Committee determines that there has been a breach of the Code by the Councillor, the Committee will then consider any written or verbal representations from the Investigating Officer and the Councillor as to whether or not the Committee should impose a sanction and if so, what form any sanction should take. The Councillor will be afforded an opportunity at this stage to rely on either written or oral evidence as to character/mitigating factors that the Committee should take into account before making a decision on sanction.

- 12.2 The Committee may question the Investigating Officer and/or the Councillor and, if appropriate, take legal advice in order to make an informed decision as to any sanction.
- 12.3 The Committee will then retire to consider their decision as to whether to impose a sanction and if so, the nature of the sanction.
- 12.4 Once a decision is reached the meeting will be re-convened and the Chair will announce the Committee's decision.

13. Written Decision

- 13.1 The Committee will announce its decision on the day and provide a short written decision on the day. A full written decision, with reasons supporting the decision, will be issued within 10 working days of the end of the hearing and notified to the PSOW, the Councillor and the person who made the original allegation (if known).

14. Appeals

- 14.1 Where the Committee decides that a person has failed to comply with the Code of Conduct that person may appeal to the Adjudication Panel for Wales as per the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 (as amended).

Agenda Item 11.



Report of the Monitoring Officer

Annual Meeting of Council – 24 May 2022

Amendments to the Council Constitution

Purpose: The report presents the necessary changes made to the Constitution following the commencement of certain sections of the Local Government and Elections (Wales) Act 2021

Report Author: Tracey Meredith

Finance Officer: Ben Smith

Access to Services Officer: Rhian Millar

For Information

1. Background

1.1 In compliance with the Local Government Act 2000, the City and County of Swansea has adopted a Council Constitution. It is necessary to review the Constitution occasionally to ensure good governance arrangements and to keep it in line with legislative requirements.

2. Local Government and Elections (Wales) Act 2021

2.1 Article 15 “Review and Revision of the Constitution” allows the Monitoring Officer to make changes / updates to the Council Constitution in relation to:

- a) Legislation;
- b) Changes to the Officer structure or changes of responsibility within the Officer Structure;
- c) The need to correct any administrative or typing errors.

2.2 The Local Government and Elections (Wales) Act 2021 (the Act) has brought into effect several necessary legislative changes to the Constitution. The changes are as summarised below and set out in more detail in paragraphs 3 – 11 below:

- (i) Changes to terms of office of councillors;

- (ii) Multi location meeting arrangements and electronic broadcasting (webcasting) of council meetings and access to information;
- (iii) Assistants to the Cabinet;
- (iv) Job Sharing for Cabinet Members/Leader;
- (v) Petition Procedure;
- (vi) Access to Information;
- (vii) Creation of Corporate Joint Committees;
- (viii) Constitution Guide

3. Changes to terms office of Councillors

- 3.1 The Act provides that Councillors are normally now elected for 5 years and has changed the eligibility criteria for election. Recent boundary changes also provide for additional Councillors being elected to Council in Swansea. These legislative changes have been reflected in Part 1.3 and Article 2 of the Constitution (Appendix A and B).

4. Multi Location Meeting arrangements/broadcasting

- 4.1 The Local Government and Elections (Wales) Act 2021 (the Act), requires local authorities to make and publish arrangements to ensure that all Council, Committee and Cabinet meetings may be attended remotely (multi-location meetings). There is also a requirement to broadcast full Council meetings. Therefore it has been necessary to reflect these changes in the Rules of Procedure, Access to Information Procedure Rules and other sections of the Constitution. This will enable the public to observe and participate in multi-location meetings and meet the requirement that meeting documents have to be made available electronically on the Council's website. The changes can be found in Appendix A, B D, E and F.

5. Assistants to the Cabinet

- 5.1 The Act amends the Local Government Act 2000 to provide for the appointment of Assistants to the Cabinet. The aim being to support diversity by enabling those members who may not be in a position to take up a full time executive role to have the opportunity to learn and develop.
- 5.2 The Constitution has previously referred to Assistants to the Cabinet as Deputy Cabinet Members or executive support members. The changes now regularise the statutory position. The changes can be seen in the Cabinet Procedure Rules at Part 4.4 (Appendix F).

6. Job Sharing for Cabinet Members/ Leader

- 6.1 As the number of Cabinet members including Leader could not be more than 10 at any given time the previous arrangement for job share Cabinet members was on a rotation basis.

6.2 The Act now enables job sharing up to a maximum of 13, including the Leader, being appointed on a job share basis. The relevant changes are made to reflect this in the Constitution and in particular in the Cabinet Procedure Rules at Part 4.4 (Appendix F).

6.3 Where Cabinet Members share office under job sharing arrangements, for voting and quorum purposes at Cabinet meetings, they are treated as one member with one vote.

7. Petition Procedure

7.1 The Act provides that Councils must make and publish a Petition Scheme setting out how the Council intends to handle and respond to petitions (including electronic petitions).

7.2 The Petition Scheme must set out:

- (i) how a petition may be submitted to the Council;
- (ii) how, and by when, the Council will acknowledge receipt of a petition;
- (iii) the steps the Council may take in response to a petition;
- (iv) the circumstances (if any) in which the Council may take no further action in response to a petition;
- (v) how, and by when, the Council will make available its response to a petition to the person who submitted the petition and to the public.

7.3 The Council also has a duty to review its Petition Scheme from time to time and, if the Council considers it appropriate, to revise the Scheme. If the Council revises or replaces a Petition Scheme, it must publish the revised or new scheme.

7.4 To reflect the Petition Scheme legislative requirements changes have been made to The Citizens Rights in Part 1 and Articles 3 and 4 (Appendix A and B) of the Constitution. It is a Council responsibility to approve, review and amend the Petition Scheme.

8. Access to Information

8.1 The Rules of Procedure to Access to Information (Appendix E) have been amended to reflect the move to hybrid meetings and the notice requirements under the Act. Background papers will also be published on the website unless it is not reasonably practicable to do so. Copies of minutes, agenda, reports and background papers will remain accessible for 6 years after the date of the meeting.

9. Corporate Joint Committees

9.1 The Act and subsequent legislation created the South West Wales Corporate Joint Committee. The Committee is a statutory body in its own right and is governed by its own constitutional arrangements.

However it has been included within the Constitution under Article 11 – Joint Arrangements and Article 4 – Functions of the Council meeting (Appendix B) for clarity.

10. Constitution Guide

10.1 There is now a legislative requirement for the Constitution to have a Constitutional Guide. The Guide is attached at Appendix G and summarises those matters set out within the Constitution.

11. Integrated Impact Assessment

11.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

There is no requirement for a full Integrated Impact Assessment for this report as this relates to changes that are required to the Constitution following legislative changes and would have been assessed by Welsh Ministers when drafting and consulting on the legislation.

12. Legal Implications

12.1 The changes reflect those changes necessary under the Local Government and Elections (Wales) Act 2021 to the Council Constitution.

13. Financial Implications

13.1 There are no financial implications.

Background papers: None

Appendices:

Appendix A – Part 1 – Summary and Explanation

Appendix B – Part 2 – Articles of the Constitution

Appendix C – Part 3.1 – Scheme of Delegation

Appendix D – Part 4.1 – Council Procedure Rules

Appendix E – Part 4.2 – Access to Information Rules

Appendix F – Part 4.4 – Cabinet Procedure Rules

Appendix G – Guide to the Constitution

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1. [The Council Constitution](#)
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5. [Scrutiny Arrangements](#)
6. [Call In Procedure](#)
7. [What's in the Constitution?](#)
8. [The Council Staff](#)
9. [Citizens' Rights](#)

1 The Council Constitution

- 1 The City and County of Swansea Council resolved to adopt the Leader and Cabinet Model, as its executive arrangements at its Annual Meeting on 20 May 2002.
- 2 This Constitutional framework commits the Council to providing a strong base for community partnership, including the active involvement of all Swansea's stakeholders. The Council is committed to ensuring that there is clear, accountable decision-making, strong community leadership and excellence in service delivery in Swansea.
- 3 The framework sets out how the Council operates and how decisions are made together with the Procedures which are followed to ensure that decisions and functions are efficient, transparent and accountable to local people. The law requires some of these processes, while others are a matter for the Council to choose.



2 The Constitutional Framework

- 1 The Constitution is divided into 16 Articles that set out the basic rules governing the Council's business. More detailed Procedures and Codes of Practice are provided in the separate rules and Protocols at the end of the Constitution.
- 2 This constitutional arrangement is backed by a system of Members' Allowances informed by the deliberations of the Independent Remuneration Panel for Wales.
- 3 A protocol governs the relationships between Officers and Members of the Council.



3 How the Council Operates

- 1 The Council is composed of ~~72~~ 75 Councillors normally elected ~~for a set term (normally every four years)~~ every five years. Councillors are democratically accountable to residents of their electoral division. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.
- 2 Councillors have agreed to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee advises Councillors on the Code of Conduct.
- 3 All Councillors meet together as the Council. Changes in legislation allow the Council to meet in person, remotely or a hybrid mixture of both. Meetings of the Council are normally open to the public and the Council meeting is electronically broadcast on the website. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints the Leader of the whole Council, who Chairs an Executive Cabinet of 10 (including the Leader). The Council as a whole sets the Council's budget, receives reports from the relevant Scrutiny Body, and provides a forum for public question time. Council also receives reports from Cabinet Members and Officers.

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4 Role of the Cabinet (Executive)

- 1 The Executive Cabinet is the part of the Council that is responsible for most day-to-day decisions. The executive Cabinet will be made up of a Leader, appointed by all Council Members, and a Cabinet of nine additional Members appointed by the Leader, collectively known as the Cabinet. The business to be considered by the Cabinet, Overview & Scrutiny Boards and the Council as a whole, will be published in a forward work programme.
- 2 The Leader may appoint job share Cabinet Members and the Leader also has power to appoint a job share Leader provided that the maximum number on the Cabinet does not exceed thirteen.
- 3 The Leader may appoint Assistants to the Cabinet who are entitled to attend and speak at any meeting of Cabinet but they are not members of the Cabinet or entitled to vote or count toward the quorum.
- 44 Meetings of the Cabinet, Overview & Scrutiny Boards, the Council and other Committees will be open for the public to attend except where personal or confidential matters are being discussed.
- 25 All the powers, functions and duties of the Council, except for those powers conferred on the statutory officers (Chief Financial Officer (also known as S151 Officer (Local Government Act 1972)), Monitoring Officer and ~~Head of Paid Service~~ Chief Executive) by Statute, and those powers, functions and duties which are designated by regulation as 'non-executive', including all functions where the Council has a choice as to whether a function is or is not a non-executive one, and some matters referred to the Appeals & Awards Committee, are vested in the Leader of the Council, who has devised a scheme of delegation. This scheme allows the Cabinet and Responsible Officers to make decisions and manage the day-to-day delivery of Council services.
- 36 The Leader and Cabinet have to make decisions that are in line with the Council's overall policies and budget, within a virement limit of 5% of the Council's net revenue budget. If a decision that is outside the budget or an approved policy is required, this must be referred to the Council Meeting.

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5 Scrutiny Arrangements

- 1 Scrutiny will act as a 'critical friend' to the Cabinet and other decision makers in order to promote better services, policies and decisions. Working in a similar way to parliamentary select committees, overview & scrutiny involves councillors who are not in the cabinet. They work together to ensure that the City & County of Swansea is an accountable, open and transparent organisation.
- 2 Scrutiny will allow citizens to have a greater say in Council matters by holding public sessions to inquire into matters of local concern. In compliance with S21 Local Government Act 2000 and Paragraphs 8 and 9 of Schedule 1 to the Act, these will lead to reports and recommendations that inform and advise the Cabinet and the Council as a whole on the revision of policies, budget and service delivery issues. Scrutiny can also scrutinise the decisions of the Cabinet.
- 3 [Article 5](#) of the Council Constitution contains details about the Council's relevant Scrutiny body arrangements.



6 Call In Procedure

For information relating to the Call In Procedure please refer to Cabinet Procedural Rules in Part 4 of the Council Constitution.



7 What's in the Constitution?

[Article 1](#) of the Constitution commits the Council to providing a strong base for community partnership, including the active involvement of all Swansea's stakeholders. This Council is committed to ensuring that there is clear accountable decision-making, strong community Leadership and excellence in service delivery in Swansea. [Articles 2 - 16](#) explain the rights of citizens and how the key parts of the Council operate. These are:

- a) Members of the Council (Article 2);
- b) Citizens and the Council (Article 3);
- c) The Council Meeting (Article 4);
- d) Chairing the Council (Article 5);
- e) Scrutiny (Article 6);
- f) The Executive (Cabinet) (Article 7);
- g) Regulatory and Other Committees (Article 8);
- h) The Standards Committee (Article 9);
- i) Area Committees and Forums (Article 10);
- j) Joint Arrangements (Article 11);
- k) Officers (Article 12);
- l) Decision Making (Article 13);
- m) Finance, Contracts and Legal matters (Article 14);
- n) Review and Revision of the Constitution (Article 15);
- o) Suspension, Interpretation and Publication of the Constitution (Article 16).



8 The Council Staff

The Council has people working for it (called 'Officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some Officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely.



9 Citizens' Rights

- 1 Citizens have a number of rights in their dealings with the Council. These are set out in more detail in [Article 3](#). Some of these are legal rights, whilst others depend on the Council's own processes.
- 2 Where members of the public use specific Council Services, for example as a parent of a school pupil or as a Council Tenant, they have additional rights. These are not covered in this Constitution.
- 3 Citizens have the right to:
 - a) Vote at local elections if they are registered;
 - b) Contact their Local Councillor about any matters of concern to them;
 - c) The Council Constitution will be available on the Authority's web site for Citizen's to view. A printed copy of the Council Constitution will be provided at a reasonable charge;
 - d) Attend meetings of the Cabinet, the Council and its Committees except where personal or confidential matters are being discussed;
 - e) Petition to request a referendum on a mayoral form of executive;
 - e)f) Petition the Authority on any matter on which the Authority has power and which fulfils the criteria set out in the Council's Petitions Scheme. The Council's Petitions Scheme is set out in the Constitution and can be found on the Council's website.
 - f)g) Participate in the decision making of the Council and participate in the Council's public question time and attend meetings of the Overview & Scrutiny Body;
 - g)h) Find out, from the Forward Work Programme, what business is to be considered by the Cabinet, Regulatory Committees and Overview & Scrutiny Body;
 - h)i) See reports and background papers considered by the Cabinet, the Council and any of its Committees and the record of any decisions made by the Council, its Committees and the Cabinet, except where they contain personal or confidential information; see also the Council's Access to Information Protocol;
 - i)j) Comment or complain to the Council about any of its services or functions;

- j)k) _____ Complain to the Public Services Ombudsman for Wales if they think the Council has not followed its Procedures properly. However, they should only do this after using the Council's own complaints process;
- k)l) _____ Complain to the Public Services Ombudsman for Wales if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct ; and
- l)m) _____ Inspect the Council's accounts and make their views known to the External Auditor.

4 The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Chief Executive's [Office](#).

[↑](#)

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17. [Schedule 1 - Description of Executive Arrangements](#)

1 Article 1 - The Constitution

1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

2 The Constitution

This document is the Constitution of the City and County of Swansea. [A guide to the Constitution which explains in ordinary language its contents is published on the Council's website.](#)

3 Purpose of the Constitution

The purpose of the Constitution is to facilitate the effective operation and governance of the Council. This will, for example, assist the Council to:

- a) Provide clear Leadership to the community in partnership with citizens, businesses and other organisations;
- b) Support the active involvement of the citizens in the process of local authority decision-making;
- c) Help Councillors represent their constituents more effectively;
- d) Enable decisions to be taken efficiently and effectively;
- e) Create a powerful and effective means of holding decision makers to public account;
- f) Ensure that no one will review or scrutinise a decision in which they were directly involved;
- g) Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
- h) Provide a means of improving the delivery of services to the community;

- i) Assist the Council to adhere to its Mission, Values and Guiding Principles;
and
- j) Assist the Council to deliver its Corporate Aims.

4 **Interpretation and Review of the Constitution**

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option that it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15 (Review and Revision of the Constitution).

5 **Policy Commitments**

The Council adopted its Policy Commitments Statement 2017-22 on 27 July 2017. The Policy Commitments are the key policy pledges that the Council has identified for delivery during this electoral cycle.

a) **The Council's Vision for Swansea**

- i) Swansea is a very special place with distinctive communities and rich in its culture, history, arts, and sporting achievements. We are very proud to live in such a beautiful place with its wonderful range of natural habitats, parks and open spaces. No other city can match Swansea with its miles of glorious beaches, the Gower Area of Outstanding Natural Beauty and local and national nature reserves.
- ii) Swansea Council will continue to work in partnership and develop the well-being of all our citizens and every community. We will work closely with other bodies/organisations and put the well-being of our citizens and communities and our seven well-being goals at the heart of everything we do, aiming to create;
 - a prosperous Swansea,
 - a globally responsible Swansea,
 - a resilient Swansea,
 - a Swansea of cohesive communities,
 - a more equal Swansea,
 - a healthier Swansea,
 - a Swansea of vibrant culture.
- iii) Swansea Council's draft well-being objectives will form the basis of our corporate plan in 2017-22 and are focused on;
 - Economy and Infrastructure
 - Education and Skills
 - Tackling Poverty
 - Safeguarding
 - Transformation and Future Council
- iv) We will establish a Strategic Delivery Unit to embed effective delivery and cross-departmental co-ordination.

b) **A Prosperous Swansea**

Standing up for Education Learning and Skills

- i) Swansea Council will strive to make our city one of the best places for children and young people to be educated in Wales and the UK.
- ii) We will continue to work with our local universities and continue to innovate, learn from the best, share best practice with all schools and run an ambitious, supportive and effective performance framework for our teachers and schools.

Investing in Education

- iii) Swansea Council will commit to spending nearly £1bn on schools, teaching and learning in the next 5 years and invest over £100 million in extensive improvements to school buildings across Swansea.
- iv) We will continue to invest in facilities for those who have additional learning needs or require additional wellbeing and mobility support in our schools and in our special schools, ensuring that all children and young people have the opportunity to realise their potential.
- v) Working in partnership with schools, colleges and employers, we will support pupils to choose the best career path. This will include alternatives to traditional exams and assist those who want to progress through to college and university education, ensuring that all young people have the opportunity to build a career and access well paid jobs.
- vi) Working with our regional partners, we will align our education system to ensure we create the right people with the right skills to supply the new economy, and to fill jobs offering routes to well-paid careers. As part of the Swansea Bay City Deal, and working closely with the Regional Skills & Learning Partnership, we will help all people to attain the skills they need to find a job.

High Performing Community Schools

- vii) Swansea Council will continue to work in partnership with head teachers and governing bodies to help ensure that schools are accessible and available for community activities and that children, young people, their families and the wider community can all benefit from these new arrangements.
- viii) We will promote school buildings as a resource for the whole community, not just children and young people. We will assist schools to develop and promote Family Learning, Wellbeing, Healthy Eating and Exercise, Recreation and Sports.

The Best Start in Life for all our Children: Happy, Healthy and Safe

- ix) Swansea Council will work with partners locally and internationally to seek to continue to participate in the World Health Organisation's 'Healthy City' initiative and encourage schools to provide school breakfast clubs and provide a safe and supportive environment before and after the school day.
- x) Working with the Welsh Government, we will work in partnership with schools to encourage participation in the Welsh Government's plan to provide 30 hours a week for 48 weeks a year, free to 3 and 4 year old children, to ensure that all young children have the best start in life.
- xi) Swansea Council will aim to provide the right number of places, in both English and Welsh medium education to meet the wishes of children and families who want to be educated in the two languages of Wales.

A City of Life Long Learning

- xii) Working with our regional partners, Swansea Council will lead in creating an intelligent knowledge regional network, based on a new dynamic relationship with schools, the further education colleges, our two universities and employers. We will aim to create a seamless education and skills 'pipeline' through all levels education collaborating closely with partners we will create the workforce for the new technology skills and knowledge economy we will need to compete and succeed in the 21st century.
- xiii) Building upon our membership of the UNESCO Global Network of Learning Cities, the Council will build on our international links through our membership to share ideas and best practice, learning from each other and building strong economic and cultural ties.

The Swansea Bay City Deal

- xiv) Swansea Council will continue to work with our regional partners and the business community to deliver the City Deal, the 35,000 associated regional jobs, and promote the Swansea Bay City region.
- xv) We will establish a dedicated investment and growth team. By increasing wider economic and social prosperity and the well-being of all our communities in Swansea, we will create better jobs closer to home.
- xvi) Swansea Council will regenerate the Kingsway area and develop a digital employment district. We will improve the Highways and public realm in order to support the transformation of the area.

- xvii) Swansea Council will deliver the Swansea Central and Swansea Waterfront regeneration schemes on the old St David's and Civic Centre sites, creating new shopping, dining and leisure attractions. This will include a multipurpose digital arena, digital aquarium and gallery, new hotels, offices and public squares.
- xviii) We will make the city more attractive and accessible all year round for pedestrians and shoppers, by encouraging the development of more homes with a mix of tenures, exploring the provision of continuous covered walkways to guarantee weather proof shopping in the city centre's main streets, creating new outside dining areas and performance spaces in Wind Street and encouraging independent businesses to set up in Swansea.

c) **A Globally Responsible Swansea**

- i) Swansea Council will establish new bilateral trade and economic agreements with cities and regions around the world.
- ii) We will develop international links, our special links with China and our twinned Cities around the world. We will build strong economic and cultural ties thereby growing Swansea's wealth and reputation.

d) **A Greener More Resilient Swansea**

Standing Up for a Greener Swansea

- i) Swansea Council will continue to put sustainable development at the heart of all our policies and value and seek to protect Swansea's unique natural and built environment.

Delivering Green Energy

- ii) We will strive to make Swansea Bay one of the greenest regions in the UK and seek to create a low carbon economy which promotes renewable energy developments like the Tidal Bay Lagoon. We will promote renewable green energy and aim for all developments to have as low a carbon footprint as possible. We will not promote fracking and other contentious gas extraction methods.
- iii) Working with Swansea University and other local partners, Swansea Council will create a greener, smart and sustainable city by encouraging the development of 5th Generation network technologies to promote the development of 'low carbon' approaches and innovations in energy capture, storage, and distribution.
- iv) Swansea Council will explore establishing an energy company to manage the new energy generating facilities across the authority

and to ensure the taxpayers of Swansea receive the benefits of income from energy generated in Swansea.

Lighting Our Communities

- v) Swansea Council will convert all remaining street lights to low energy LED in the next 5 years.

Delivering Better & Smarter Transport

- vi) Working with our regional partners, Swansea Council will work towards developing an efficient and integrated transport system which develops the built and natural environment and encourages higher levels of physical activity.

Smart, Sustainable Transport

- vii) We will work with the Welsh Government, regional local authorities, the health service and other major employers and transport users, to develop a sustainable transport plan that works for everyone in whichever community they live.
- viii) Swansea Council will develop an integrated smart transport infrastructure that supports growth and makes commuting easier for all, whichever mode of transport local people choose to use.
- ix) We will develop new relationships with bus and rail operators to ensure connectivity and coverage exists for the entire city, county and the region.
- x) We will pursue ways to improve our City's public transport services with simplified services using modern clean efficient vehicles, improved bus service frequencies, especially to our poorer communities, plus a simplified fares system. We will explore the benefits of introducing a more demanding customer focused Quality Bus Partnership and/or Quality Bus Contract between the Council and bus operators.

Greener, More Sustainable Transport

- xi) We will look to expand the transport network to ensure better coverage in the west of the city, in the east around the growing university campuses, and in the north as part of planning with the Swans and Ospreys for match day parking.
- xii) Working with the Welsh Government, we will explore the roll out of an 'Oyster card' style cashless card system as part of the integrated smarter transport system.
- xiii) We will continue to lobby the UK Government to confirm a date for completion of the electrification of the main line from London to Swansea so that the cleanest energy and most efficient trains run in and out of Swansea.

- xiv) Working in partnership with Sport Wales, our local universities and many other partners, we will make Swansea an 'Active City' by encouraging greater physical activity and improving people's health and wellbeing. We will seek to follow NICE (National Institute for Health and Clinical Excellence) Guidance on Physical Activity and the Environment.
- xv) Swansea Council will continue to invest in our road, walkway and cycle path network. We will continue to focus resources to deal with road and highway repairs in 48 hours.
- xvi) We will explore and bid for infrastructure funding to invest in better road and cycle links to the city, so that those travelling from the west, north or east of the county can commute more easily.
- xvii) Swansea Council is committed to increasing the numbers of electric and hydrogen vehicles in Swansea. We will seek to secure investment to create a network of charging stations and hydrogen filling stations to promote the use of electric vehicles and hydrogen vehicles for public transport.
- xviii) Working with global partners to develop the technologies to support the development of new green technologies we will aim to attract inward investment in R&D and production facilities for these technologies in the city and region.

A Bike and Cyclist Friendly Swansea

- xix) Swansea Council will support the 'Wheelrights Manifesto', aiming to increase access to safe, quicker and more cost effective cycle and walking routes through many different parts of the city.
- xx) We will continue to encourage quality cycle training in schools for adults and will support the establishment of a bike hire scheme in Swansea and explore the introduction of electric bikes in Swansea.

Fairer Parking

- xxi) Swansea Council will examine the feasibility of introducing a comprehensive city centre parking system, adopting more flexible and fairer car park charges in local authority controlled car parks. We will also expand parking provision across the city and commit to freezing car parking charges across Swansea for at least two years.

Valuing Our Parks, Open Spaces and Natural Environment

- xxii) Swansea has an outstanding collection of beautiful parks and open spaces across the city, many recognised by the prestigious 'Green Flag' accreditation. We will enhance and sustain our parks and natural habitats for the present and future generations by re-greening our communities and investing in wildflower displays across Swansea.

- xxiii) Working with 'friends of parks' organisations Swansea Council will encourage greater community ownership of parks and public spaces to ensure long-term sustainability and control of these assets.
- xxiv) We will seek to protect Swansea's natural and built environment by ensuring that any development and major event within the city complies with sustainable development principles.
- xxv) Working in partnership with our public and private sector partners Swansea Council will seek to develop 'Green Infrastructure' in our buildings and estates.
- xxvi) We will modernise the planning system and ensure the city is a place where appropriate sustainable development can take place efficiently and ensure Swansea is open for business and an attractive place for investment and development.
- xxvii) Swansea Council will encourage the greater use of public access land such as our commons and forests for informal recreation.

Growing Local

- xxviii) We will seek to promote the greater use of allotment and garden sharing particularly where publicly owned land is available and appropriate for such use.
- xxix) Swansea Council will support and expand community enterprises that help people gain growing and cooking skills and to help people escape food poverty.

e) A City of Cohesive Communities

Standing Up for Stronger and Safer Communities

- i) Swansea Council will make imaginative use of digital technologies and put this at the heart of all its policies.

Community Action

- ii) We will continue to follow the co-operative 'one council' model and ensure that the whole council - elected Members and Staff - work together to empower local communities to do more, to achieve more and to be involved in more of the decisions that affect them.

Cleaner Communities

- iii) Swansea Council will create a task force to tackle fly tipping and ensure our streets are cleaned regularly. We will support recycling and ensure we will continue to be the leading urban authority in Wales for recycling. We will increase the recycling options, but not reduce the 3 black bag limit.

Community Resilience

- iv) We will continue to support community budgets so that local people have the funds to address their local priorities.

Libraries and Community Buildings

- v) Swansea Council will invest in Libraries and Community buildings to make them sustainable and ensure people have local access to services across Swansea.

Celebrating Diversity

- vi) Swansea Council will continue to stand up for the rights of all people in Swansea to live their lives, freely without fear, hatred, discrimination, or repression regardless of race, colour, religion and beliefs, sexual orientation, gender or age.

Promoting Community Safety

- vii) By developing and sustaining a strong partnership between the community, the police and other agencies, we will focus on cutting crime by promoting local ownership of community safety.
- viii) Swansea Council will support people to live independently by developing a network of local area coordinators to cover the whole of Swansea. This network will work with voluntary organisations and others to ensure people get the information, advice and support they need in their community.
- ix) Swansea Council will not tolerate anti-social behaviour and neighbour nuisance and working with Police and our partners we will adopt a zero tolerance approach towards those who seek to disrupt the lives of people in Swansea.
- x) We will continue to work with our partners and support a zero tolerance approach to tackling domestic abuse.
- xi) Swansea Council will implement 'public space protection orders' where required to prevent on street drinking and the sale and distribution of so called 'legal highs' in order to protect local communities from fear and intimidation.
- xii) We will continue to work with residents and community groups to consider further traffic calming measures or community safety measures to ensure our communities are as safe as they can be.
- xiii) We will establish and enforce 'no cold calling zones'.

Strong Council Finances

- xiv) Swansea Council will continue to modernise Council services; protect jobs, improve performance and bring services back in-house.

- xv) We will robustly manage the Council's finances to ensure money is used wisely and Council finances remain on a sound long-term sustainable basis.
- xvi) We will explore innovative funding and investment strategies and borrow prudently to support the City Deal delivery and only when it is right to do so.
- xvii) Working with the Welsh Government, we will strike a new fairer deal to retain business rates in Swansea for the re-investment in the local economy.
- xviii) Swansea Council will implement a joined up approach to all public expenditure and the use of buildings and resources to ensure we can continue to do more with less and can seek the wider and more imaginative community use of public assets, such as Council-owned buildings.
- xix) Working in partnership, we will continue to explore collaborative and innovative ways in which local services can be financed and delivered most efficiently, and how the value of council assets can be maximised.
- xx) Swansea Council will aim to maximise the value of the 'Swansea Pound' - the considerable expenditure the council and other local public bodies make on the procurement of goods and services - for the benefit of the local economy, jobs and training.

Standing Up for Council Democracy

- xxi) Swansea Council will continue to modernise the scrutiny process within the Council and ensure the Council is subject to greater accountability, transparency and scrutiny. We will increase the engagement of the public in participation in the Council's decision making process.
- xxii) Swansea Council will establish Policy Development Committees to ensure all elected members and the public can influence how policies are written and services are delivered.
- xxiii) We will modernise how public engagement is embedded in council decision making and ensure that all meetings, unless legally constrained, will be conducted in public with time allocated for public participation guaranteed.
- xxiv) Swansea Council will introduce web broadcasting of key council meetings, and introduce electronic voting. It will publish a full list of elected member votes and decisions and make this freely accessible online. We will also change the constitution to allow consultations to recognise and accept e-petitions to encourage even wider engagement and consultation with the people of Swansea.

- xxv) Swansea Council is committed to the highest standards in public life and supports the Nolan Principles of: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Standing Up for Council Employees

- xxvi) Swansea Council will continue with its 'Sustainable Swansea Fit for the Future' service modernisation program and will continue to invest in services to ensure that we have best possible local services.
- xxvii) We will continue our co-operative relationship with Council staff and Unions. We will actively engage with the workforce and Unions to identify ways in which Council services can be re-designed and delivered most efficiently for the people and communities of Swansea.
- xxviii) We will look at ways to prevent companies which exploit their workforce or fail to recognise Trade Unions from gaining contracts from the council and continue to convert roles from Agency to permanent status where there is strong evidence that the role is not temporary.
- xxix) Swansea Council will work towards eliminating the use of exclusivity in zero hour contracts within the Authority, to give certainty to employees about their hours of work. We will also sign up to Unison's care standard in order to protect and support workers.

More Jobs and Opportunities

- xxx) We will deliver and build on the £1.3bn City Deal, creating up to 35,000 jobs in the region and providing people from all parts of Swansea with the opportunity to find well paid and secure jobs.
- xxxi) We will work towards reducing poverty and increasing prosperity.

f) A More Equal Swansea

Food Banks

- i) Swansea Council will encourage business to reduce food waste by supplying goods to local food banks. We will also explore tax relief and support for food banks locations.

Building Better, Affordable and Energy Efficient Homes

- ii) We will continue to build the first pioneer homes and these will be available to people on the Swansea housing list or for sale in the future as affordable homes.
- iii) These will be a mix of affordable, social and commercial housing. They will be highly energy efficient and reduce energy bills and will help lift people out of fuel poverty. We will also support cost

effective energy schemes for all existing homes across Swansea so that everyone can benefit.

- iv) Swansea Council will explore the setting up of a construction and development company, with a view to building 1000s of new homes in the next 5 years through a combination of delivery models.
- v) We will support independent living; provide improved options for older people; increase funding for housing co-operatives and mutual housing, and prioritise those in housing need, especially the homeless.
- vi) Working with the Welsh Government, housing associations and the private sector we will increase the supply of affordable housing so people can get on the housing ladder. We will make public land available from the considerable landholdings of Swansea council and, using the planning system and partnership with others, develop innovative ways of raising the funds to deliver an increased supply of high quality affordable housing.
- vii) Together with our City Deal partners, we will also develop the technology of 'homes as power stations' and where possible work with partners to commercialise this technology to enable it to be retro-fitted to existing homes. This will enable people from across Swansea to benefit from these technologies and generate an income for those properties and the taxpayer by selling any excess power to the National Grid.
- viii) Swansea Council will look at creating its own energy venture to provide free energy to homes.

Improving Housing Quality

- ix) Swansea Council will invest a further £260m to ensure every council property in Swansea meets the Welsh Quality Housing Standard by 2022.
- x) We will work with the Welsh Government and tenants to explore innovative ways in which to improve the quality of social housing in our city and also target HMOs for improved standards of management and maintenance.

Tough Controls On HMOs

- xi) Swansea Council will support tough controls on the level of HMOs in communities and support a new 10% saturation limit on HMOs in communities not covered by any proposed HMO management areas.
- xii) We will take a tough approach to dealing with rogue landlords who run poor quality HMOs and who adversely impact communities.

Empty Properties

- xiii) We will work with the Welsh Government and its proposed 'Empty Property Loan Fund' and will bring more empty properties back into use over the next 5 years.

g) **A Healthier Swansea**

- i) Building on our work with the World Health Organisation 'Healthy City' initiative, Swansea Council will work with the local health service and others to make sure all our children have the best start in life, improving lives and helping to reduce health and educational inequalities.

Swansea - a Child-Friendly City

- ii) We will ensure that children and young people are engaged and consulted on council policy and decision making to ensure their voices and opinions are heard. We will promote the United Nations Convention on the Rights of the Child (UNCRC) in order to give children a voice.

Independence Dignity and respect

- iii) Swansea Council will promote independent living, providing people with the support to live in their own home with dignity and respect for as long as they want.

Prevention and Health Promotion

- iv) Working together with our partners, we will deliver integrated services to ensure a continued focus on prevention and early intervention - investing in the conditions which maintain independence and support families, rather than dealing with the consequences of family breakdown and ill health.
- v) We will continue to review the effectiveness of social service provision and reinvesting and redesigning services to make them sustainable for the long term.
- vi) Swansea Council will work with other partners to identify investment opportunities for new facilities to create sheltered accommodation, and extra care facilities to deliver next generation elderly care services.
- vii) We will help people stay healthy and age well.

Better Services

- viii) Swansea Council will adopt the new Welsh Community Care Information System and work with regional and health service partners and re-design services to ensure greater integration and collaboration between health and social care systems to improve patient services.

Helping people recover

- ix) Swansea Council will invest in services to help people re-able and recover so that they are able to return to living an active and productive life.

Focusing on those most in need

- x) We will focus resources for residential care on those with the most complex needs so that they are properly supported.

Older People

- xi) Swansea Council will work with older people and the Older People's Commissioner for Wales to establish a Charter for Older People to ensure that our commitment is delivered.

Swansea – a Dementia Friendly City

- xii) Working with partner organisations, local employers and the third sector, Swansea Council will develop Swansea's status as the first Dementia Friendly City in Wales.

Public Interest above Private Profit

- xiii) Swansea Council will intervene in the social care provider market and explore how it can expand the provision of council run services. Specifically we will work in social and residential care to ensure, where provision is of last resort, that there is a diverse range of suppliers, including not-for-profit, cooperative and social enterprise providers.

Investing in Our People

- xiv) We will continue to invest in our staff at all levels in social services and build stronger links with Swansea's universities and others, so that providers of these vital services keep abreast of best practice and new innovations in research, treatment and delivery.

h) A Cultural Capital

Standing Up for the Best in Arts, Culture and Sport

- i) Our city can fairly lay claim to being the cultural and sporting capital of Wales and has always recognised that the arts, culture and sport are as important to our individual and community sense of worth and well-being as our policies on health and education.
- ii) We will bid for Swansea to be the UK City of culture in 2021.
- iii) We will work towards the Glynn Vivian forming part of the Tate network and will regularly bring world class exhibitions to Swansea.

A New Arena, Conference and Exhibition Centre

- iv) Swansea Council intend to create a 3500-seater digital arena bringing world class entertainments and the best cultural offerings to Swansea on a regular basis.

A New Gallery and Aquarium

- v) Swansea Council will work with the Oriel and other operators to create a facility which will contain an interactive Gallery and cutting edge technology digital aquarium on the civic site. This will complement a new promenade and public square and be the focus of a new cultural hub set against the backdrop of the world class Swansea Bay.

Regular National events in our City

- vi) Swansea Council is committed to retaining the Wales National Air show in Swansea. We will explore options for hosting the Wales National Super Prix, stages of the Tour of Britain, and a full programme of national cultural and sporting events in the city.

Team Swansea in Sport

- vii) Swansea Council will work towards making Swansea a premier, healthy, Sports City. We will support improving the Liberty Stadium and the Swans and Ospreys to be successful.

An International Sports Village and Academy

- viii) Swansea Council will work with partners in the University and Sports clubs to look at the feasibility of creating an International Sports Academy and National Athletes' village in Swansea.

Community all-Weather pitches

- ix) Swansea Council will invest in more 3G pitches for communities across Swansea, ensuring people can play sports and live a healthy lifestyle all year round.
- x) Swansea Council will promote informal recreation, ageing well and a healthy lifestyle. We will support public access to public land such as our commons, foreshore and waterways. This will help encourage more people to participate in walking, cycling, swimming and other activities.

Bringing our Heritage to Life

- xi) Swansea Council has secured agreement from Penderyn Whisky to establish a working distillery and tourist centre as part of the project and will seek to deliver this in the coming years. We will also give consideration to compulsory purchase of landmark buildings across the authority, if owners do not properly maintain or restore these historic buildings.

A River Renaissance

- xii) Swansea Council will reopen the Tawe River corridor walkway to the public and invest in a new walkway and additional safety barriers along the Tawe River. We will explore establishing a new hotel and leisure development near the Liberty Stadium to complement and support the cultural developments and encourage the establishment of River Taxis to take visitors from the Tidal Lagoon (when constructed) and the Marina to the Liberty Stadium and Copperopolis areas.

Recognising Local heroes

- xiii) We will continue to support the Lord Mayor's Awards and will make this an annual event to celebrate the best Swansea has to offer.

Discounts for all Swansea Residents

- xiv) Swansea Council will introduce a citizen discount offer available to all residents of the City and County of Swansea to get discounts on a range of services in Swansea.

6 Corporate Plan

The Corporate Plan discharges our duties under the Well-Being of Future Generations (Wales) Act 2015 and Local Government Measure (Wales) 2009 to set Well-being Objectives and Improvement Objectives. It describes the council's vision for Swansea, our 5 Well-being and Improvement Objectives and our organisation values and principles that will underpin the delivery of our priorities and overall strategy.

Our objectives help deliver key Policy Commitments and show the Council's contribution to Wales' 7 national goals described within the Well-Being of Future Generations Act (the 'Act'). They describe how we will maximise this contribution to the national goals and to the social, cultural, environmental and economic well-being of Swansea by working in line with the sustainability principles set out within the Act.

Well-being and Improvement Objectives (6 Key Council Priorities):

- a) **Safeguarding** people from harm.
- b) Improving **Education and Skills**.
- c) Transforming our **Economy and Infrastructure**.
- d) **Tackling Poverty**.
- e) Maintaining and enhancing Swansea's **natural resources and biodiversity**.
- f) **Transformation and Future Council** development.



2 Article 2 - Members of the Council

1 **Composition and Eligibility**

(a) The Council will comprise ~~72~~ 75 Members, otherwise called Councillors. These ~~72~~ 75 Councillors will be elected by the voters of each electoral division in accordance with a scheme drawn up by the Local Democracy and Boundary Commission for ~~in~~ Wales and approved by the ~~National~~ Assembly Welsh Government.

~~(b) Only registered voters of the City and County of Swansea or those living or working in the area will be eligible to hold the Office of Councillor.~~

Eligibility – to be elected as a Councillor of the City and County of Swansea a person must

- be at least 18 years old
- be a British citizen, an eligible Commonwealth citizen or a citizen of any member state of the European Union
- meet at least one of the following requirements:
 - is and continues to be a local government elector for the area of the authority; or
 - has during the whole of the preceding 12 months occupied as owner or tenant any land or other premises in the area of the authority; or
 - is a person whose main or only place of work for the preceding 12 months has been in the area of the authority; or
 - has resided in the area of the authority during the whole of the preceding 12 months.

2 **Election and Terms of Councillors**

The regular election of Councillors will be held as determined by legislation. Elections for all members of the council normally take place every five years. The ~~t~~Terms of ~~o~~Office of Councillors is normally for ~~4~~ 5 years. The term starts and finishes as defined in legislation.

3 **Roles, Rights and Duties of all Councillors**

a) Key Roles

All Councillors will:

- i) Collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- ii) Represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
- iii) Deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- iv) Balance different interests identified within the electoral division and represent the electoral division as a whole;
- v) Contribute to the continual improvement of Council services;
- vi) Be involved in decision-making through the Council meeting;

- vii) Be available to represent the Council on other bodies; and
 - viii) Maintain the highest standards of conduct and ethics.
- b) Rights and Duties
- i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law;
 - ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it;
 - iii) For these purposes, “confidential” and “exempt” information are defined in the [Access to Information Rules in Part 4](#) of this Constitution.

4 **Conduct**

Councillors will at all times observe the Members’ Code of Conduct and the Officer/Councillor Relations Protocol set out in [Part 5](#) of this Constitution.

5 **Allowances**

Councillors will be entitled to receive allowances in accordance with the Councillors’ ~~Allowances~~ Remuneration Scheme set out in [Part 6](#) of this Constitution.

[↑](#)

3 **Article 3 - Citizens and the Council**

Councils and their Constitutions should be outward looking and seek to engage with the public wherever possible. Setting out what citizens can expect from their Council and what rights they have is therefore an important part of the Constitution. However, with rights come responsibilities and it is also the role of the Constitution to show how the Council expects to be treated in return.

1 **Citizens' Rights**

Citizens have the following rights. Their rights to information and to participate are subject to the general law of Access to Information and/or meetings. There are set out and explained in more detail in the [Access to Information Rules in Part 4](#) of this Constitution:

2 **Voting and Petitions**

Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution. To be a valid petition for a referendum must contain the signatures of 10% of the Council's registered electors.

3 **Information**

Citizens have the right to:

- a) Make a petition in accordance with the Council's Petition Scheme;
- a)b) Attend meetings of the Council, it's Committees, the Cabinet and Overview & Scrutiny Boards except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private. Where meetings are physical meetings citizens will have the right to attend the meeting venue and where they are virtual they can observe the webcast (where provided) and if hybrid they will be entitled to attend the meeting venue or observe the webcast);
- b)c) Find out from the Forward Work Programme what decisions will be taken by the Cabinet or the Council meeting, which issues the Overview & Scrutiny Boards will be considering, and when these matters will be discussed;
- e)d) See reports and background papers, (subject to the Access to Information Rules) and any records of decisions made by the Council and/or the Cabinet; and
- d)e) Inspect the Council's accounts and make their views known to the external auditor.

5 **Participation**

Citizens have the right to participate in the Council and Cabinet question times and attend meetings of Overview & Scrutiny Boards (subject to Access to Information Rules).

6 **Complaints**

Citizens have the right to complain:

- a) To the Council itself under its Complaints Scheme;
- b) To the Public Services Ombudsman for Wales about maladministration after using the Council's own Complaints Scheme;
- c) To the Public Services Ombudsman for Wales where they believe there has been a breach of the Councillor's Code of Conduct;
- d) To the Social Services Complaints Officer where appropriate.

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4 Article 4 - The Council Meeting

1 Policy Framework

The following policies, strategies and plans are:

- a) **Required** by the Local Authority Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 (as amended) to be adopted by the Council, namely:
- i) Corporate Plan 2018/22 (inc. Well-Being Objectives)
 - ii) Development Plan (LDP)
 - iii) Local Housing Strategy
 - iv) Local/Regional Transport Plan
 - v) Countryside Action Plan
 - vi) Single Integrated Plan*
 - vii) Welsh Language Strategy (inc. Welsh Language Standards)
 - viii) Youth Justice Plan

*The Single Integrated Plan replaces four of the existing plans and strategies which formed part of the Policy Framework, namely the Community Strategy, the Children and Young Person's Plan, the Health, Social Care and Wellbeing Strategy and the Community Safety Partnership Plan.

- b) Recommended by **Guidance** to be adopted by Council.
- c) In addition the **Council** have adopted the following strategies and plans:
- A Strategy for Engagement of Children and Young People in Swansea
 - Accessibility Strategy and Guidance to Schools on the production of Accessibility Plans
 - Admission Arrangements for Schools
 - Adoption Policy;
 - Air Quality Action Plan
 - Anti-Bullying Policy
 - Anti-Fraud and Corruption Policy and Strategy
 - Asset Management Plan
 - Building Regulation Charges Policy Document
 - Charging Framework for Home Care and other Non-Residential Social Services
 - Child & Young People's Rights Scheme
 - Children's Play Strategy
 - Civic Visits and Hospitality Policy;
 - Contaminated Land Strategy;
 - Corporate Policy on Records Management
 - Councillors Allowances Scheme
 - Councillors Information, Communication & Technology (ICT) Allowances

- Data Protection Policy
- Environment Strategy for Swansea
- Felindre Strategy
- Framework For Community Regeneration
- Freedom of Information Policy
- Gambling Policy
- Gorseinon Regeneration Strategy;
- Gower AONB – Management Plan
- Gypsy Traveller Policy
- Home to School Transport/Special Education Needs Transport Policy
- Houses in Multiple Occupation (HMO) Licensing Policy
- Inclusion Policy
- Interim City Centre Retail Strategy
- LA Governor Appointments Procedure
- Library Plan
- Licensing Policy
- Lord Mayor & Deputy Lord Mayor Protocol
- Private Sector Housing Renewal and Disabled Adaptations Policy to Provide Assistance
- Procurement Strategy
- Protection of Vulnerable Adults
- Providing Better Access to Customer Services
- Publication Scheme
- Rehousing Policy
- Resilience Policy
- Safer Swansea Community Safety Strategy
- Shoreline Management Plans;
- Special Education Needs Policy
- Strategic Equality Plan 2016/20
- Sustainable Development Policy
- Swansea Bay City Region Economic Regeneration Strategy
- Swansea Bay Strategy
- Swansea City Centre Strategic Framework
- Swansea Climbing Higher Strategy
- Swansea Learning Policy and Strategy
- Swansea Strategy for People Aged 50+
- Swansea’s Local Bio-Diversity Plan.
- Tourism Strategy
- Violence Against Women, Domestic Abuse & Sexual Violence Strategy (VAWDASV)
- Waste Strategy for Swansea
- Welsh Declaration on Climate Change

2 **Budget**

The **B**udget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council’s borrowing requirement, the control of its capital expenditure and the setting of virement limits.

- a) The Council will adopt the:
 - i) Capital Programme;
 - ii) Housing Revenue Account;
 - iii) Revenue Budget;
 - iv) Statutory Resolution;
 - v) Treasury Management, Prudential Indicators, Investment Strategy; and
 - vi) Minimum Revenue Position (MRP) Policy.
- b) The Council will receive a report on the Treasury Management Annual Report.

3 Housing and Land Transfer

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the ~~National Assembly for Wales~~ Welsh Ministers for approval of a programme of disposal of ~~500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993~~ or to dispose of land used for residential purposes where approval is required under Sections 32 or 43 of the Housing Act 1985.

4 Functions of the Council Meeting

Only the Council will exercise the following functions:

- a) adopting and changing the Constitution;
- b) approving or adopting the Policy Framework, the ~~B~~udget and any application to the ~~National Assembly for Wales~~ Welsh Ministers in respect of any Housing Land Transfer;
- c) subject to the Urgency Procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the Policy Framework or the ~~B~~udget where the decision maker is minded to make it in a manner which would be contrary to a policy or beyond the budget virement limits;
- d) appointing the Leader ~~(s)~~;
- ~~e)~~ agreeing and/or amending the Terms of Reference for Committees and other constitutional bodies, deciding on their composition and making appointments to them;
- ~~e)f)~~ performing the corporate joint committee functions set out in Section Article 11 of this Constitution, including the making of a corporate joint committee application and the giving of consent to corporate joint committee regulations being made;
- ~~f)g)~~ adopting an Allowances Scheme under Article 2, item 2.5;
- ~~g)h)~~ changing the name of the area, conferring the title of Honorary Alderman or Freedom of the City;
- ~~h)i)~~ making the appointment of the ~~Head of Paid Service~~ Chief Executive and Chief Officers;
- ~~i)~~ making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- ~~k)~~ approving, reviewing and amending the Council's Petition Scheme;
- ~~l)~~ consulting local people, other persons carrying on a business in the Council's area, the officers of the Council and every trade union which is

- recognised by the Council about the extent to which the Council is meetings its performance requirements;
- m) preparing an annual report on the extent to which the Council has met its performance requirements;
 - n) making arrangements for a panel performance assessment and responding to the panel's report;
 - o) considering Chief Executive reports prepared pursuant to section 54(2)(b) of the Local Government and Elections (Wales) Act 2021, within 3 months of them being made;
 - p) considering annual reports of the Standards Committee, within 3 months of them being made and keeping under review the extent to which:
 - (i) it is exercising its functions effectively;
 - (ii) using its resources economically, efficiently and effectively; and
 - (iii) its governance arrangements are effective for securing the matters set out in i) and ii) above;
- h) j)g) all other matters which, by law, must be reserved to Council.

5 **Five Types of Council Meeting**

- a) The First Annual Meeting.
- b) The Annual Meeting.
- c) Ordinary Meetings.
- d) Extraordinary Meetings.
- e) Ceremonial Meeting of Council.

They will be conducted in accordance with the [Council Procedure Rules in Part 4](#) of this Constitution.

6 **Responsibility for Functions**

The Council will maintain [Part 3](#) of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Cabinet.

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5 Article 5 - Chairing the Council

1 The Presiding Member

The Chair of Council is to be known as the Presiding Member and the Vice Chair is to be known as the Deputy Presiding Member. The Presiding Member and, in his/her absence, the Deputy Presiding Member will have the following roles and functions:

- a) To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- b) To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- c) To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members are able to hold the Cabinet and other office holders to account;
- d) To promote public involvement in the Council's activities;
- e) To be responsible for deciding the validity of any call-in of Cabinet decisions;
- f) To be the conscience of the Council;
- g) To attend such civic and ceremonial functions as the Council and he/she determines appropriate;
- h) The Council shall elect the Presiding Member annually at the Annual Meeting of Council; and
- i) To undertake the requirements of the Local Government (Wales) Measure 2011 and the Family Absence for Members of Local Authorities (Wales) Regulations 2013.

2 The Ceremonial Role

The Presiding Member shall deputise for the Lord Mayor if the Deputy Lord Mayor is unavailable for that purpose.

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6 **Article 6 - Overview and Scrutiny**

1 **Scrutiny**

The main aim of scrutiny is to act as a 'critical friend' to the Cabinet and other decision makers in order to promote better services, policies and decisions. Working in a similar way to parliamentary select committees, overview & scrutiny involves councillors who are not in the cabinet

The overview & scrutiny function was set up under Section 21 of the Local Government Act 2000. Every local council needs to have at least one overview & scrutiny committee.

In Swansea there is a Scrutiny Programme Committee that will be responsible for coordinating the work of scrutiny which will hold the Council's Executive to account and examine the work of all Council departments as well as other public services.

- a) It is expected that the work of scrutiny should represent a significant and constructive programme of activities that will:
 - i) Help improve services;
 - ii) Provide an effective challenge to the executive
 - iii) Engage Members in the development of policies, strategies and plans; and
 - iv) Engage the public.
- b) In practical terms the work of overview & scrutiny follows four stages:
 - i) Work planning to identify issues and decide how to address them;
 - ii) Gathering evidence through consultation and research;
 - iii) Making recommendations to the Cabinet, to Council and to other decision making bodies;
 - iv) Following up to check that agreed actions have been taken and an impact made.

2 **General Roles**

Within its terms of reference, scrutiny will:

- a) Review and/or scrutinise (a) decisions or actions taken, (b) policies or processes in connection with the discharge of any of the Council's functions;
- b) Make reports and/or recommendations to the Council meeting and /or the Cabinet on the discharge of any of the Council's functions;
- c) Consider any matter affecting the area of its inhabitants and make recommendations to any decision making body as appropriate.

3 **Specific Functions**

Scrutiny may:

- a) Assist the Council in reviewing service delivery and performance through in analysis;

- b) Review and scrutinise the decisions made by and the performance of the C and/or Committees and/or other Constitutional Bodies and the Council and/ Chief Officers both in relation to individual decisions and over time;
- c) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- d) Conduct research, community and other consultation in the analysis of serv policy issues and possible options;
- e) Consider and implement mechanisms to encourage and enhance communi participation in the development of policy or the improvement of services;
- f) Question Members of the Cabinet and/or Committees and/or other Constitu bodies and appropriate Officers about their proposed policies, decisions an performance;
- g) Make recommendations to the Cabinet and/or appropriate Committee and/c other constitutional bodies and/or Council arising from the outcome of the overview & scrutiny process;
- h) Review and scrutinise the performance of other public bodies in the area ar invite reports from them about their activities and performance;
- i) Question and gather evidence from any person outside of the Authority (with their consent).
- j) Assist the Council and the Cabinet in the review of its budget and policies by in-depth analysis of policy issues;
- k) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that collaborative working enhances the interests of local people.

4 **Annual Report**

An annual report will be provided to Council detailing the work undertaken by scrutiny during the preceding municipal year.

5 **Work Programme**

The Scrutiny Programme Committee will exercise overall responsibility for the work programme.

6 **Proceedings of Scrutiny**

The Scrutiny Programme Committee will conduct proceedings in accordance with the ~~Overview~~ and [Scrutiny Procedure Rules set out in Part 4](#) of this Constitution.

7. Call In Procedure

The Chair and/or Vice Chair of the Scrutiny Programme Committee or any 4 Councillors may Call In a decision in accordance with the Call In Procedure set out in the Cabinet Procedure Rules at Part 4.4 Section 18 of the Constitution.

The Scrutiny Programme Committee will consider the called in decision and the reasons for the Call In and:

- i) If satisfied with the explanation it will so indicate to enable the decision to be implemented;
- ii) If “no longer concerned” but not minded to indicate that it is “satisfied with the explanation” it is in order for the Committee to resolve that “the explanation be accepted but not endorsed by the Committee”;

iii) If still concerned about the decision, then it may refer it back to Cabinet or the relevant decision maker/body for reconsideration, setting out in writing the nature of its concerns. The Cabinet, decision maker/body shall then reconsider its decision before making a final decision. †

7 Article 7 - The Cabinet (Executive)

1 **Role**

The executive (known as the Cabinet in the City and County of Swansea) will carry out all of the local authority's functions, which are not the responsibility of any other part of the local authority, whether by law, or under this Constitution.

2 **Form and Composition**

Subject to the Job Sharing arrangements set out below the Cabinet ~~The Executive~~ will consist of the Leader together with 9 Councillors appointed to the ~~Cabinet Executive~~ by the Leader. ~~It will be called the Cabinet.~~

Any election or appointment to the Cabinet (including the Leader) may include the election of two or more Councillors to share office (provided that the number of Cabinet members does not exceed 13, where at least three of the members have been appointed to share office).

The members of the Cabinet who share the same office will have one vote between them in respect of any matter on which they have a right to vote because they are a member of the Cabinet.

Where any meeting is attended by more than one of the members who share the same office and those members are attending in their capacity as a member of the Cabinet, they together count only as one person for the purpose of determining whether the meeting is quorate.

3 **Leader of the Council**

The Leader will be a Councillor elected to the position of Leader by the Council Meeting. The Leader will hold Office until:

- a) He/she resigns from the Office; or
- b) He/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume Office at the end of the period of suspension); or
- c) He/she is no longer a Councillor; or
- d) He/she is removed from Office by resolution of more than half of all Council serving Members of the Council. The removal will take effect two working days after receipt of the notice by the Proper Officer.

d)

4. Deputy Leader

The Leader will appoint a Deputy Leader (up to a maximum of 2) to act as Leader in the Leader's absence and may also if he/she thinks fit remove the Deputy Leader from Office at any time.

The Deputy Leader may exercise all the functions of the Leader where the position is vacant or where the Leader is absent or otherwise unable to act.

5. Other Cabinet Members

4 ~~Other Cabinet Members~~

Only Councillors may be appointed to the Cabinet. Neither the Presiding Member nor Deputy Presiding Member may be appointed to the Cabinet and Members of the Cabinet (including the Leader) may not be Members of an Overview & Scrutiny Board.

Other Cabinet Members shall hold Office until:

- a) They resign from Office; or
- b) They are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume Office at the end of the period of suspension); or
- c) They are no longer Councillors; or
- d) They are removed from Office by the Leader who must give written notice of any removal to the Proper Officer. The removal will take effect two working days after receipt of the notice by the Proper Officer

56 ~~Assistants to the Deputy Cabinet Members~~

- a) The Leader may appoint no more than 5 Councillors to act as Assistants to members who are not existing members of the Cabinet as he/she considers reasonably necessary and appropriate. Neither the Presiding Member or deputy Presiding Member may be an Assistant to the Cabinet. Assistants to the Cabinet Deputy Cabinet Members to advise and assist Cabinet Members on any matters which the Leader shall determine. There shall be no more than 4 such Deputy Cabinet Members at any one time. Deputy Cabinet Members are not members of Cabinet or a committee of the Cabinet but they may not vote on any matter before the Cabinet. They cannot substitute for a Cabinet Member or count towards quorum. They can attend meetings of Cabinet and must perform their roles in accordance with the provisions set out in the Cabinet Procedure Rules in Part 4 of the Constitution.
- b) The Leader can remove a member from the role of Assistant to the Deputy Cabinet Members at any time and can either appoint a new member to the role or leave the role vacant as he/she wishes.
- e) The Leader must inform the Monitoring Officer and the Head of Democratic Services in writing of any appointments which he/she makes of an Assistant to the Deputy Cabinet Members and also if he/she has removed a Member from the role of Deputy Assistant to the Cabinet Members."

The role of the Assistant to the Cabinet will be:

- a) To assist the Cabinet and undertaken any work requested by the Leader
- b) To present reports to Cabinet in the absence of the Cabinet member or with the agreement of the Leader.

67 ~~Proceedings of the Cabinet~~

Proceedings of the Cabinet shall take place in accordance with the [Cabinet Procedure Rules set out in Part 4](#) of this Constitution.

78 ~~Responsibility for Functions~~

The Leader will maintain a list in [Part 3](#) of this Constitution, which will be reported to the Council meeting for information, setting out which individual members of the Cabinet, Committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular executive functions.

89 **Member Champions**

The Leader may appoint Member Champions for specific areas of the Council's business in order to assist the Leader and appropriate portfolio holders by advising on service issues across all Directorates.

[↑](#)

8 **Article 8 - Regulatory and Other Committees**

The Council will appoint a Planning Committee and a Licensing Committee to discharge those non-Executive functions listed within the table found at [Part 3](#).

The Council will appoint those Committees/Panels/Forums whose terms of reference are set out at [Part 3](#).

↑

9 Article 9 - The Standards Committee

1 **Standards Committee**

The Council will establish a Standards Committee in accordance with the Standards Committees (Wales) Regulations 2001 ('The Regulations').

2 **Political Balance**

Standards Committees do not have to comply with the Political Balance Rules in Section 15 of the Local Government and Housing Act 1989.

3 **Membership**

The Standards Committee will compose of nine (9) Members:

- a) Five (5) 'Independent' Members. Independent Members are not Councillors or Officers or the spouse of a Councillor or an Officer of this Council or any other relevant Authority as defined by the Regulations. They shall be appointed in accordance with the Regulations.
- b) Three (3) Councillors of the City and County of Swansea appointed by Council.
- c) One (1) Community / Town Councillor from within the boundaries of the City and County of Swansea appointed by Council.

4 **Term of Office**

- a) Independent Members are appointed for a period of not less than four and not more than six years and may be re-appointed for one further consecutive term ~~not exceeding four years~~;
- b) Members of the Local Authority who are members of the Standards Committee will have a term of office ~~of no more than four years or ending until~~ at the next ordinary local government election following their appointment, ~~whichever is the shorter~~. They may be re-appointed ~~once~~ for one further consecutive term;
- c) Community / Town Councillors. The term of office shall be ~~no more than 4 years or~~ until the Ordinary Election for the Community Council of which the Community Councillor is a member, ~~whichever is the shorter~~. They may be re-appointed ~~once~~ for one further consecutive term.

5 **Voting**

All nine (9) members of the Standards Committee are entitled to vote.

6 **Community / Town Council Members**

A Community / Town Council member shall not take part in the proceedings of the Standards Committee when any matters relating to their Community / Town Council is being considered.

7 **Chairing the Committee**

Only an Independent Member of the Standards Committee may be the Chair.

The Members of the Standards Committee will elect the Chair.

The Chair can be removed by a resolution of two thirds of the members of the Committee.

8 Role and Function

- a) The Standards Committee will have the following roles and functions:
- i) Promoting and maintaining high standards of conduct by Councillors, Community / Town Councillors and Statutory Co-optees;
 - ii) Assisting the Councillors, Community / Town Councillors and Statutory Co-optees to observe the Members' Code of Conduct;
 - iii) Advising the Council on the adoption or revision of the Members' Code of Conduct;
 - iv) Monitoring the operation of the Members' Code of Conduct;
 - ~~v)~~ Advising, training or arranging to train Councillors, Community / Town Councillors and Statutory Co-optees on matters relating to the Members' Code of Conduct;
 - ~~vi)~~ Producing an annual report to Council describing how the Committee's functions have been discharged during the financial year;
 - ~~vii)~~ Monitoring compliance by political group leaders with their duties under s 52A(1) Local Government Act 2000;
 - ~~viii)~~ Undertaking those functions in relation to Community Councils and members of Community Councils in the area of City and County of Swansea as are required by law;
 - ~~ix)~~ Granting dispensations to Councillors, Community / Town Councillors and Statutory Co-optees from requirements relating to interests set out in the Members' Code of Conduct;
 - ~~x)~~ Considering allegations of breaches of the Code of Conduct made against Members in accordance with the Standards Committee Hearing Procedure set out in the Constitution.
 - ~~vi)~~~~xi)~~ Determining requests for representation in proceedings under the Council's Indemnity Scheme for Members and Officers;
 - ~~xii)~~ Dealing with any reports from the Monitoring Officer on any matter;
 - ~~vii)~~~~xiii)~~ To consider all appeals relating to the Unreasonable Customer Behaviour Policy.
- b) The Standards Committees will also undertake roles, for ethical audit purposes, including:
- i) Overview of the Whistleblowing Policy;
 - ~~ii)~~ Overview of Complaints Handling and Public Services Ombudsman for Wales Investigations. The Protocol of Officer/Councillor Relations
 - ~~iii)~~ The Member/Member Dispute Resolution Process
 - ~~ii)~~~~iv)~~ The Register of Members' Interests
- c) The Procedure for investigating complaints is determined by the Standards Committee, and may be amended by the Committee at any time.

9. JOINT STANDARDS COMMITTEE

The Council may establish a joint standards committee with one or more local authorities for the purpose of discharging the statutory functions of the Standards Committee. [↑](#)

10 **Article 10** - Area Committees and Forums

Area Committees

The Council may appoint, as it sees fit, Area Committees for the purposes of developing its policy and service delivery framework, particularly in relation to its community planning functions, if it is satisfied that to do so will ensure improved service delivery in the context of best value and provide more efficient, transparent and accountable decision making.

In areas with Community or Town Councils and Community Meetings, the Council will consult with relevant Community and Town Councils and the Chairmen of relevant community meetings when considering whether and how to establish Area Committees.



11 Article 11 - Joint Arrangements

1 **Joint Arrangements**

- a) The Council may establish joint arrangements with one or more Local Authorities and/or their executives to exercise functions that are not executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a Joint Committee with these other Local Authorities;
- b) The Cabinet may establish joint arrangements with one or more Local Authorities to exercise functions that are executive functions. Such arrangements may involve the appointment of Joint Committees with these other Local Authorities;
- c) The Cabinet may appoint ~~Executive Cabinet~~ or non-~~Executive Cabinet~~ members to a ~~J~~oint Committee and those members need not reflect the political composition of the Council;
- d) Details of any joint arrangements including any delegations to Joint Committees will be found in the Council's Scheme of Delegation in [Part 3](#) of this Constitution.

2 **Arrangements to Promote Well Being**

The Cabinet, in order to promote the economic, social or environmental well being of its area, may:

- a) Enter into arrangements or agreements with any person or body;
- b) Co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- c) Exercise on behalf of that person or body any functions of that person or body.

3. Corporate Joint Committees

a) Any two or more principal councils may jointly make an application to the Welsh Ministers for arrangements to be made to establish a Corporate Joint Committee to exercise a function of those councils or the economic well-being function of those councils in relation to the principal areas of those councils.

b) The Welsh Ministers may be regulations establish a body corporate (known as a Corporate Joint Committee) to exercise in relation to the principal areas specified in the regulations a function specified in the regulations.

On the 17 March 2021 Welsh Ministers made the South West Wales Corporate Joint Committee Regulations 2021 which established the South West Wales Corporate Joint Committee which included the City and County of Swansea Council.

e)

3 **Access to Information**

The [Access to Information Rules in Part 4](#) of this Constitution apply;

4 **Delegation To and From Other Local Authorities**

- a) The Council may delegate non-executive functions to another Local Authority or, in certain circumstances, the executive of another Local Authority;
- b) The Cabinet may delegate executive functions to another Local Authority or the executive of another Local Authority in certain circumstances;
- c) The decision whether or not to accept such a delegation from another Local Authority shall be reserved to a Meeting of the Council.

5 **Contracting Out**

The Council and the Cabinet ~~for executive functions~~ may contract out to another body or organisation functions which may be exercised by an Officer and which are subject to an Order under Section 70 of the De-regulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

[↑](#)

12 Article 12 - Officers

1 **Management Structure**

The full Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions. (See also [Part 7 Management Structure](#)).

2 **Chief Officers**

The Full Council will engage persons for the following posts, who will be designated Chief Officers, which designation includes persons acting temporarily in such capacity.

Post	Functions & Areas of Responsibility
Chief Executive	<p>Overall corporate management and operational responsibility including overall management responsibility of all Officers.</p> <p>The provision of professional and impartial advice to all parties in the decision making process including the Cabinet, Scrutiny Committees, the Full Council and other Committees.</p> <p>Together with the Monitoring Officer, responsibility for a system of record keeping for all the Authority's decisions.</p> <p>Representing the Authority on partnership and external bodies (as required by statute or the Council).</p> <p>Service to the whole Council, on a politically neutral basis.</p> <p>Acting as the Returning Officer / Electoral Registration Officer.</p> <p>Variation of functions and areas of responsibility of the Deputy Chief Executive and Directors and any other directly managed staff.</p>
Deputy Chief Executive / Director of Corporate Services	<p>To support the Chief Executive and overall Corporate, Operational and Strategic Management responsibility for Communications & Marketing, Human Resources & the Service Centre, Legal, Democratic Services & Business Intelligence and Transformation Service Units together with Emergency Planning and civil contingencies.</p> <p>To deputise for the Chief Executive in his absence in respect of all directorate / service activities.</p> <p>Responsibility for the Service Units which deal with the following broad work areas:</p> <p>Communications & Marketing. Led by the Head of Communications & Marketing. Areas of work include Access to Services, Communications and Marketing, Health & Safety, the Lord Mayoralty, Corporate Planning and Performance and Policy and Transformation.</p>

	<p>Human Resources & the Service Centre. Led by the Head of Human Resources and Service Centre. Areas of work include employee services, employee and pensioner payroll, accounts receivable, accounts payable and cashiers. Human resources, cultural change, Organisational Development and workforce strategy.</p> <p>Legal, Democratic Services and Business Intelligence. Led by the Chief Legal Officer. Areas of work include Legal Services, Democratic Services, Electoral Services, Coroner, Scrutiny, Member Support, Information Governance and the Welsh Translation Service. The Service Unit also has responsibility for liaising with Commissioners.</p> <p>Digital and Customer Services. Led by the Head of Digital and Customer Services who also acts as the Senior Information Risk Owner (SIRO). Areas of work include, Customer Services, & Complaints, customer contact strategy development and implementation, Digital Strategy development, Digital Transformation and Technology Security.</p>
<p>Director of Finance</p>	<p>This is a statutory post. This Officer has responsibility for the Council's Chief Finance/Section 151 Officer function. The Director of Finance acts as the Chief Finance/Section 151 Officer.</p> <p>The Service Units deal with the following broad work areas:</p> <p>Finance. Broad work areas include Financial Services, Pensions Management, Administration and Investment, Provision of the Authority's Council Tax, Financial Planning & Management, Housing Benefits, Internal Tax and Accountancy services.</p> <p>Deputy Chief Finance Officer. Directly assists and deputises as S151 Officer for the Director of Finance. Acts as professional lead on pension administration and pension fund, treasury management and capital planning and funding.</p> <p>Head of Revenues & Benefits. Directly assists the Director of Finance and acts as professional lead on council tax, nondomestic rates, benefits and social care financial assessments.</p> <p>Head of Commercial Services. Directly assists the Director of Finance and acts as professional lead on procurement, commercial advice and activity, and compliance and implementation of the General Power of Competence for Welsh councils.</p> <p>Chief Internal Auditor. Independent operational management of the Internal Audit function and independent right of reporting and issuance of audit opinions but with professional oversight by the Director of Finance.</p>

	<p>Head of HR and Service Centre. Reports to the Deputy Chief Executive/Director of Corporate services but professional oversight on all financial matters is reserved to the Director of Finance as S151 Officer. Acts as professional lead on employee services, employee and pensioner payroll, accounts receivable, accounts payable and cashiers.</p>
<p>Director of Education</p>	<p>This is a statutory post. This Officer acts as the Chief Education Officer and has Corporate Management responsibility and must provide the Council's education services (including schools, school students, services to schools and strategic management of education across the City and County), subject to any variations determined by the Chief Executive.</p> <p>Responsibility for the Service Units which deal with the following broad work areas:</p> <p>Achievement & Partnership Service. Led by the Head of Achievement Partnership Service. Areas of work include education partnerships across the system, school performance and links to the regional education partnership service. School and governor support, Welsh in Education, school monitoring, specialist curriculum support, stakeholder engagement, performance, data and systems. Swansea Music team and oversight of minority ethnic learners.</p> <p>Education Planning & Resources Service. Led by the Head of Education Planning & Resources. Areas of work include responsibility for Catering and Cleaning, stakeholder engagement, performance, data and systems, financial strategy, schools funding and information and capital planning and delivery.</p> <p>Vulnerable Learner Service. Led by the Head of the Vulnerable Learner Service. Areas of work include safeguarding and child protection in education, school admissions, additional learning needs, behaviour support, pupil referral unit, the co-ordination of Looked After Children in education and support and promotion of attendance and inclusion for all including those educated other than at school.</p>
<p>Director of Social Services</p>	<p>This is a statutory post. This Officer has Corporate Management responsibility and is the Lead Director for children and young people's services under the Childrens Act 2004 and must provide the Council's social services (including services for children, and families, people with mental health problems, people with disabilities and the elderly) subject to any variations determined by the Chief Executive.</p> <p>Responsibility for the Service Units which deal with the following broad work areas:</p>

	<p>Adult Services and Tackling Poverty. Led by the Head of Adult Services. Areas of work include responsibility for the provision of the Council's Adult Social Services in the areas of learning disability, mental health, service provision, commissioning, safeguarding and tackling poverty.</p> <p>Integrated Services. Led by the Head of Integrated Services. This is a joint post between the Authority and Swansea Bay University Health Board. It is accountable to both Organisations. Broad areas of work include responsibility for all functions delivered through or linked with the existing integrated hubs for Older People and Adults with a physical disability.</p> <p>Child & Family. Led by the Head of Child & Family. Areas of work include responsibility for the provision of the Council's Child & Family Social Services.</p>
<p>Director of Place</p>	<p>Overall Corporate, Operational and Strategic Management responsibility for Building Services, Cultural Services, Highways & Transformation, Housing & Public Health, Planning & City Regeneration, Property Services and Waste, Cleansing & Parks Service Units.</p> <p>This Officer is responsible for the delivery of front line operational services. In addition the Officer has the Section 123 Best Value responsibility, corporate management responsibility and must provide the Council's Building & Property Services, Facilities Management, Asset Management Service subject to any variations determined by the Chief Executive.</p> <p>The Service Units deal with the following broad work areas:</p> <p>Building Services. Led by the Head of Building Services. Areas of work include responsibility for the provision of the Council's front line operational services.</p> <p>Cultural Services. Led by the Head of Cultural Services. Areas of work include responsibility for the provision of cultural, sporting, arts and leisure facilities in the City and County. This includes tourism & destination management and the provision of Library and joint West Glamorgan Archive Service services.</p> <p>Highways & Transportation. Led by the Head of Highways & Transportation. Areas of work include responsibility for the provision of the Council's Highway, Transportation, Streetscene, Drainage, Coastal Protection, Fleet and Marina Services.</p> <p>Housing & Public Protection. Led by the Head of Housing & Public Protection. Areas of work include responsibility for the provision of the Council's Housing and Environment services (Building Control, Pollution, Housing & Public Health, Registrars, Burials, Cremations, Trading Standards, Licensing,</p>

	<p>Food & Safety, the Council's Housing Stock, Homelessness Services, Housing Advice, Disabled Facility Grants and improving the condition of Private Sector Housing subject to any variations determined by the Chief Executive.</p> <p>Planning & City Regeneration. Led by the Head of Planning & City Regeneration. Areas of work include responsibility for the provision of the Council's services for the regeneration of the City and County, including economic & business development, physical regeneration, city centre management, development control design & conservation, planning policy & environment, This is subject to any variations determined by the Chief Executive.</p> <p>Property Services. Led by the Head of Property Services. Areas of work include responsibility for the provision of the Council's Corporate Property and Facilities Management functions.</p> <p>Waste, Cleansing & Parks. Led by the Head of Waste, Cleansing & Parks. Areas of work include responsibility and provision of the Council's waste, cleansing, recycling and parks services.</p>
Monitoring Officer	<p>Responsibility for the provision of the Council's Monitoring Officer function.</p> <p>The Chief Legal Officer acts as the Monitoring Officer.</p>
Chief Finance / Section 151 Officer	<p>Responsibility for the provision of the Council's Chief Finance /Section 151 Office function.</p> <p>The Director of Finance acts as the Chief Finance Officer/ Section 151 Officer.</p>

3 Council Designated Posts

The Council will designate the following statutory posts as shown:

Post	Designation
Chief Executive	Chief Executive
Director of Education	Chief Education Officer
Director of Social Services	Director of Social Services.
Director of Finance	Chief Financial Officer (Section 151 Officer)
Chief Legal Officer	Monitoring Officer
Head of Democratic Services	Head of Democratic Services

The Chief Executive, Chief Finance Officer, Monitoring Officer and Head of Democratic services will have the statutory functions described below.

4 Functions of the Chief Executive

- a) **Discharge of Functions by the Council**
Section 4 of the Local Government and Housing Act 1989 imposes a duty on authorities to designate one of their officers as Chief Executive. The Chief Executive will report to Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of Staff required for the discharge of functions, the organisation of the authority's staff and the appointment and proper management of the authority's staff.
- b) The Chief Executive will keep the following under review:
- (i) the manner in which the exercise by the council of its different functions is co-ordinated;
 - (ii) the council's arrangements in relation to:-
 - financial planning;
 - asset management, and
 - risk management;
 - (iii) the number and grades of staff required by the council for the exercise of its functions;
 - (iv) the organisation of the council's staff;
 - (v) the appointment of the council's staff;
 - (vi) the arrangements for the management of the council's staff (including arrangements for training and development).
- c) Where appropriate, to make a report to the council setting out the Chief Executive's proposals in respect of any of the matters set out above. As soon as possible after preparing a report, the Chief Executive must arrange for a report to be sent to each Member of the Council
- d) **Consultation**
The Chief Executive is authorised to respond on the Council's behalf to any consultation received by the Council and also to authorise any other officer of the Council to respond to any consultation received by the Council.
- e) **Restrictions on Post**
The Chief Executive may not be the Monitoring Officer or the Head of Democratic Services but may hold the post of Chief Finance Officer/Section 151 Officer if a qualified accountant.

5 Proper Officer

- a) To act as the Proper Officer for the receipt of notices under [Articles 12.7c](#) and [12.7d](#).
- b) To be the Proper Officer for the purpose of the following sections of the Local Government Act 1972:
- i) Witness and receipt of declarations of office (Section 83);
 - ii) Receipt of declaration of resignation of office (Section 84);
 - iii) Convening of meeting of council to fill casual vacancy in the office of Chairman (Section 88);
- c) Receipt of notice of casual vacancy from 2 local government electors (Section 89).
- d) For the purposes of [Articles 12.5b](#) and [12.5c](#) the Proper Officer is assigned to the Chief Executive **and to the** Head of Democratic Services.

6 Urgency or Absence of Responsible Officer

All the powers delegated to other officers shall, unless prevented by statute, also be delegated to the Chief Executive, for exercise in cases of urgency or in the absence of the responsible officer.

7 **Functions of the Monitoring Officer**

These are set out in section 5 of the Local Government and Housing Act 1989 as amended. The functions of the Monitoring Officer are:

- a) **Maintaining the Constitution**
The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public
- b) **Ensuring Lawfulness and Fairness of Decision-Making**
After consulting with the Chief Executive and Chief Financial Officer, the Monitoring Officer may report to the Council Meeting or to the Cabinet in relation to any function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- c) **Supporting the Standards Committee**
The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through the provision of support to the Standards Committee.
- d) **Receiving Reports**
The Monitoring Officer will receive and act on reports made by the Public Services Ombudsman for Wales and decisions of the case tribunals and the Public Services Ombudsman for Wales.
- e) **Conducting Investigations**
The Monitoring Officer will conduct investigations into matters in relation to vires, ethical matters, constitutional arrangements and maladministration, and matters referred by the Public Services Ombudsman for Wales and will have unqualified access to any information held by the Council and can require the co-operation or assistance of any employee who shall also assist the Monitoring Officer in order to make reports or recommendations in respect of them to the Council, the Cabinet, the Scrutiny Programme Committee or the Standards Committee, as appropriate.
- f) **Proper Officer for Access to Information**
The Monitoring Officer will be the Proper Officer for Access to Information and will ensure that Council, Cabinet and Committee decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- g) **Proper Officer for receipt of Notices**
The Monitoring Officer will be the Proper Officer for receipt of all Notices save for those notices listed under the Chief Executive where the Monitoring Officer shall deputise for the Chief Executive.
- h) **Advising whether decisions of the Council's Constitutional Bodies are within the Budget and Policy Framework**
The Monitoring Officer will advise whether proposed decisions are in accordance with the budget and Policy Framework.
- i) **Providing Advice**
The Monitoring Officer will provide advice on: the scope of powers and authority to take decisions; maladministration; probity and Policies issues to all Councillors and Officers.

j) **Restrictions on Posts**

The Monitoring Officer cannot be the Chief Financial Officer or the Chief Executive.

8 **Functions of the Chief Financial Officer**

These are set out in section 6 of the Local Government and Housing Act 1989. The functions of the Chief Finance Officer are:

- (a) **Ensuring Lawfulness and Financial Prudence of Decision making**
After consulting with the Chief Executive and the Monitoring Officer, the Chief Finance Officer will report to the Full Council or to the Cabinet in relation to a Cabinet function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item or account unlawfully.
- (b) **Administration of Financial Affairs**
The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management**
The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice
- (d) **Providing Advice**
The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors and Officers in their respective roles
- (e) **Give Financial Information**
The Chief Finance Officer will provide financial information to the media, members of the public and the community.
- (f) **Advising whether Decisions of the Cabinet are within the Budget and Policy Framework**
The Chief Finance Officer will, in conjunction with the Monitoring Officer, advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework
- (g) **Restriction on Post**
- (i) The Chief Finance Officer cannot be the Monitoring Officer or the Head of Democratic Services.
 - (ii) The Chief Finance Officer must be a member of one or more of the following professional bodies:
 - The Institute of Chartered Accountants in England and Wales;
 - The Chartered Association of Certified Accountants;
 - The Chartered Institute of Public Finance and Accountancy;
 - The Chartered Institute of Management Accountants; or
 - Any other body of accountants established in the UK and for the time being approved by the Welsh Ministers for this purpose.

9 **Functions of Head of the Democratic Services**

These are set out in section 9 of the Local Government Measure 2011. The functions of the Head of Democratic Services are:

- (a) To provide support and advice to the authority in relation to its meetings;
- (b) To provide support and advice to committees of the authority and the members of those committees;

- (c) To provide support and advice to any joint committee which a local authority is responsible for organising and the members of that committee;
- (d) To provide support and advice to the authority's Democratic service Committee and the members of that Committee;
- (e) To provide support and advice to the authority's Scrutiny Committee and the members of that Committee;
- (f) To provide support and advice to each member of the authority in carrying out the role of member of the authority;
- (g) To make reports and recommendations in respect of any of the following:
 - The number and grades of staff required to discharge democratic services functions;
 - The appointment of staff to discharge democratic services functions;
 - The organisation and proper management of staff discharging democratic services functions;
- (h) Such other functions as may be prescribed by law
- (i) Restrictions on Post

The Head of Democratic Services cannot be the Chief Executive or the Chief Finance Officer.

10 **Duty to Provide Sufficient Resources to the Chief Executive, Monitoring Officer, Chief Finance Officer and Head of Democratic Services**

The Council will provide the Chief Executive, the Monitoring Officer, the Chief Finance Officer and the Head of Democratic Services with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

11 **Conduct**

Officers will comply with the Officers' Code of Conduct and Protocol on Officer/Member Relations set out in [Part 5](#) of this Constitution.

12 **Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in [Part 4](#) of this Constitution.

313 **Political Advisors**

A Political Assistant shall not be appointed for any political group until such posts have been allocated to all groups qualifying for one. Political groups shall not appoint more than one such Officer and no group, which does not meet the statutory criteria, shall be allocated such a post

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13 Article 13 - Decision Making

1 Responsibility for Decision-Making

The Council will issue and keep up to date a record of which Constitutional Body or individual of the Council has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in [Part 3](#) of this Constitution.

2 Principles of Decision-Making

All decisions of the Council will be made in accordance with the following principles:

- a) proportionality – any action taken must be proportionate to the aim(s) being pursued;
- b) due consultation and the taking of professional advice from appropriate officers;
- c) respect for human rights;
- d) presumption in favour of openness;
- e) clarity of aims and desired outcomes; and
- f) proper recording of reasons for the decision, any personal interest declared and any dispensation to speak granted by the Authority's Standards Committee together with details of any consultation.

3 Decision Making Rules and Procedures

All Constitutional bodies have their own Procedure rules, set out in [Part 4](#).

If a Constitutional Body has not adopted its own rules, or if they are silent on a point, then the Council Procedure Rules shall be applicable to that Constitutional Body (Note: References to the Presiding Member in these circumstances shall be taken to mean the Chair).

4 Decision Making by the Council Meeting

Decisions reserved to the Council Meeting. These are listed in [Article 4.4](#), and will be made by the Council Meeting and not delegated.

Subject to [Article 13.7](#), the Council Meeting will follow the Council Procedure Rules and other relevant Procedures set out in Part 4 of this Constitution when considering any matter.

5 Decision Making by the Cabinet

The Cabinet will follow the Cabinet Procedure Rules set out in Part 4 of this Constitution when considering any matter.

6 Decision Making by Overview & Scrutiny Boards

Overview & Scrutiny Boards will follow [Overview & Scrutiny Board Procedure Rules set out in Part 4](#) of this Constitution when considering any matter.

7 Decision Making by Other Constitutional Bodies

Council, Committees and Sub-Committees will follow those parts of the Council Procedure Rules and/or appropriate Procedures adopted and set out for the Committee as are set out in [Part 4](#) of this Constitution as apply to them. Should there be any conflict the Council Procedure Rule shall take precedence.

8 **Decision Making by Council Bodies Acting as Tribunals**

The Council, a Councillor or an Officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow the appropriate Procedure set out for the decision maker, and all such proper Procedures which accord with the requirements of natural justice and the right to fair trial contained in Article 6 of the ~~European Convention of Human Rights~~ [Act 1998](#).

9 **Implementation of Decisions Taken by Council, Cabinet and Council Bodies**

All decisions made and to be implemented by Council, Cabinet or a Council Body shall be implemented within 6 months of the date of the meeting where the decision was made;

If any of the decisions mentioned in paragraph a) above are not implemented within this 6 month period then, the matter will be subject to a formal review by Council or Cabinet as appropriate.

10 **Tracking of Decisions Taken by Council, Cabinet and Council Bodies**

Council/Cabinet will be made aware of progress on each of the decisions it has made based on a decision tracking system.

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14 **Article 14 - Finance, Contracts and Legal Matters**

(This Article refers to the [Financial and Contract Procedure Rules in Part 4](#))

1 **Financial Management**

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in [Part 4](#) of this Constitution.

2 **Contracts**

Every contract made by the Council will comply with the Contracts Procedure Rules set out in [Part 4](#) of this Constitution.

3 **Legal Proceedings**

The Chief Legal Officer is authorised, in respect of any proceedings in any court, tribunal or forum, or any legal proceedings generally, to take all necessary steps to protect the Council's interests or the interests of any, some or all of the inhabitants of the City and County of Swansea, including the initiation and defence of, or intervention in or settling of, legal proceedings or potential legal proceedings and to authorise officers to appear in such proceedings. To sign and serve all notices, to engross and execute legal and other documentation, to enter contracts and generally to authorise officers to carry out, as appropriate, the functions of the Chief Legal Officer.

4 **Authentication of Documents**

- a) Where any document is necessary to any legal Procedure or proceedings on behalf of the Council, it will be signed by the Chief Legal Officer or the Solicitor to the Council if appropriate or any other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.
- b) All contracts shall be in accordance with the Contract Procedure Rules.

5 **Common Seal of the Council**

Provision of the affixing of the Common Seal of the Council shall be in accordance with the Council Procedure Rules.

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15 **Article 15 - Review and Revision of the Constitution**

1 **Duty to Monitor and Review the Constitution**

The Presiding Member, Monitoring Officer and Head of Democratic Services will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

2 **Protocol for Monitoring and Review of the Constitution by the Presiding Member, Monitoring Officer and the Head of Democratic Services**

- a) A key role for the Presiding Member, Monitoring Officer and Head of Democratic Services is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1.
- b) In undertaking this task they may:
 - i) observe meetings of different parts of the Member and Officer structure;
 - ii) undertake an audit trail of a sample of decisions;
 - iii) record and analyse issues raised with either of them by Members, Officers, the public and other relevant stakeholders; and
 - iv) compare practices in this authority with those in other comparable authorities, or national examples of good practice;
 - v) Form Ad Hoc Working Group(s) to consider specific issues affecting the Council.

3 **Changes to the Constitution**

Approval

Changes to the Council Constitution may only be made by Council after consideration of a report by the Presiding Member, Monitoring Officer, Head of Democratic Services and/or Head of Paid Service except where any changes are to make any updates required by:

- a) Legislation;
- b) Changes to the Officer structure or changes of responsibility within the Officer Structure;
- c) The need to correct any administrative or typing errors.

Changes to the Constitution which fall under sub paragraphs a., b., or c., maybe made solely by the Monitoring Officer.

4 **Maintaining the Constitution**

The ~~Head of Paid Service~~ **Chief Executive** or the Proper Officer will give a printed copy of this Constitution to each Member of the Authority upon delivery to him/her of that individual's Declaration of Acceptance of Office on the Member first being elected to the Council. Following the provision of the initial printed version and unless a Councillor requests in writing/email to the contrary, an electronic link will be provided for the remainder of the duration of their term of office. Hard copies will be placed in Political Group Rooms.

The Monitoring Officer will ensure that a copy of the Constitution will be available for inspection at Council offices and on the Council's website. ↑

16 **Article 16 - Suspension, Interpretation and Publication of the Constitution**

1 **Suspension of the Constitution**

a) **Limit to Suspension**

The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the Council Meeting to the extent permitted within those Rules and the law.

b) **Procedure to Suspend**

A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in [Article 1](#).

c) **Rules capable of suspension**

The Procedure Rules set out in part 4 specify which of these are not capable of suspension.

2 **Interpretation**

The ruling of the Presiding Member as to the construction of this Constitution or its application to any proceedings of the Council shall not be challenged. Such interpretation will have regard to the purposes of this Constitution contained in [Article 1](#) and any guidance or advice of the Monitoring Officer.

3 **Publication**

- a) The ~~Head of Paid Service~~ **Chief Executive** or the Proper Officer will give a printed copy of this Constitution to each Member of the Authority upon delivery to him/her of that individual's Declaration of Acceptance of Office on the Member first being elected to the Council. Following the provision of the initial printed version and unless a Councillor requests in writing/email to the contrary, an electronic link will be provided for the remainder of the duration of their term of office. Hard copies will be placed in political group rooms;
- b) The Proper Officer will ensure that copies are available for inspection at Council Offices, Libraries and other appropriate locations, and can be purchased by members of the Local Press and the public on payment of a reasonable fee.
- c) The Proper Officer will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

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17 Schedule 1 - Description of Executive Arrangements

1 Executive Arrangements

The following Parts of this Constitution constitute the Executive Arrangements:

- a) Overview & Scrutiny Boards and the ~~Overview & Scrutiny Board~~ Procedure Rules ([Article 6](#));
- b) The Cabinet and the Cabinet Procedure Rules ([Article 7](#));
- c) Area Committees and Forums – none ([Article 10](#));
- d) Joint Arrangements —~~The West Glamorgan Archives Committee~~ ([Article 11](#));
- e) Decision Making and the Access to Information Procedure Rules ([Article 13](#));
- f) Responsibility for Functions ([Part 3](#)).

[↑](#)

Council Constitution, Part 3.1 - Responsibility for Functions (Introduction - Scheme of Delegation)

Contents

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2. ~~[Executive Support Members](#)~~ [Assistants to Cabinet](#)
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9. [Licensing & Registration Functions \(in so far as not covered by any other paragraph of this Schedule\)](#)
10. [Functions Relating to Health & Safety at Work](#)
11. [Functions Relating to Elections](#)
12. [Functions Relating to Name & Status of Area & Individuals](#)
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17. [Local Choice Functions](#)
18. [Other Delegations by Council](#)
19. [Clarification of Planning Delegations](#)
20. [Enforcement Matters](#)
21. [Public Rights of Way Matters](#)

1 Form and Composition of the Executive Arrangements

- 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 in in [Article 7](#) and the [Cabinet Procedure Rules](#).
- 2 ~~The~~ [Subject to a job sharing arrangement as outlined in Part 4.4 of the Constitution](#) The Cabinet consists of the Leader of the Council (the “Leader”) and nine other Councillors appointed to the Cabinet by the Leader.
- 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.

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2 Executive Support Members

- 1 ~~As Executive Support Members these members will also be Chair of the relevant Policy Development Committee (PDC's) (subject to the PDC itself electing them as Chair). Subject to the limitations set out below, these members may also be referred to as Deputy Cabinet Members.~~
- 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.~~
- 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.~~
- 4 ~~An Executive Support Member may support the Cabinet Member through the delegation of tasks as agreed for his/her area of responsibility, including:~~
 - a) ~~attending/chairing meetings~~
 - b) ~~speaking/opening events~~
 - c) ~~reading and commenting on papers~~
 - d) ~~meeting Officers~~
 - e) ~~agreeing press releases./comments and carrying out interviews~~
 - f) ~~representing the Council on appropriate groups~~
 - g) ~~introducing reports as subject matter experts in Cabinet meetings~~
 - h) ~~attendance at Scrutiny meetings to provide subject matter expertise relating to their area of responsibility~~
- 5 ~~An Executive Support Member will not have delegated powers and ultimate responsibility will remain with the Cabinet Member.~~
- 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.~~
- 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.~~

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3 Exercise of Council Functions

- 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.
- 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.
- 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.
- 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.
- 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.



4 Responsibility for and Delegation of Cabinet Functions

- 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:
 - a) The Cabinet as a whole;
 - b) A Committee of the Cabinet (comprising executive Members only);
 - c) An individual Cabinet Member;
 - d) A joint committee;
 - e) Another local authority or the executive of another local authority;
 - f) Delegated Officers identified in [Article 12](#) and [Part 7](#) of this Constitution
- 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.
- 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.
- 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.
- 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).
- 6 The right to revoke the delegation of Executive functions in whole, in part or on terms is reserved to the Leader.

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5 Sub-delegation of Executive Functions

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

[↑](#)

6 Limit on Exercise of Executive Functions

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.

- a) Any delegated power includes the authority to undertake any action incidental to the application of the delegated power.
- b) 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.
- c) In respect of any contract having an estimated value exceeding £1,000,000 but not exceeding £5,000,000:
 - i) To authorise the invitation of tenders; and
 - ii) 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.
 - iii) 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.
- d) 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 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.
- e) 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.
- f) To declare land or buildings utilised in connection with services falling within the Cabinet Member's portfolio surplus to requirements.
- g) 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.
- h) To authorise the appointment of consultants providing a professional service whose fees are estimated to exceed £100,000.

2 **Officer Delegation**

Responsible Officers can only 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.

- a) The exercise of functions by Responsible Officers in relation to the acquisition or disposal of property shall be limited as follows:
 - i) Acquisition of freehold or leasehold property (where a premium only is payable) up to £250,000;
 - ii) Acquisition of freehold or leasehold property where a rent is payable – up to £50,000 per annum;
 - iii) Disposal of freehold property or leasehold property (where a premium only is payable) up to £500,000 or for anything other than best consideration;
 - iv) Disposal of leasehold property where a rent is payable – up to £50,000 per annum.
- b) In cases where the consideration is not straightforward such as involving varying rents or a combination of rental and premium the Director of Place or his nominee shall assess the total capital value of the transaction to establish if such value exceeds the limits of this delegation.
- c) 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.

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.

- a) 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.
- b) 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.

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

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.

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

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7 Council Delegations

The functions reserved to Council by Schedule 1 to The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007(as amended) are listed in the table below, together with the body/Officer to whom they are delegated in the right hand column of the table. In the event that only Council is listed in that column then only Council can exercise that function.

- 1 Council retains responsibility for the function even though it may be delegated.
- 2 In addition to the table below there are statutory plans/schemes/strategies listed in [Article 4](#) which will consequently require the approval of Council.

Key:

PC	Planning Committee
DCE / DoR	Deputy Chief Executive / Director of Resources
DoE	Director of Education
DoPI	Director of Place
DoSS	Director of Social Services
CFO	Chief Finance Officer
CLO	Chief Legal Officer
HoC&M	Head of Communications & Marketing
HoDS	Head of Democratic Services
HoH&PH	Head of Housing & Public Health
HoH&T	Head of Highways & Transportation
HoP&CR	Head of Planning & City Regeneration
LF&S Mgr	Licensing, Food & Safety Manager
SHR&ODM	Strategic Human Resources & Organisational Development Manager

Note: In relation to Planning, further clarification is provided onwards:

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8 Functions Relating to Town & Council Planning & Development Control

No	Function	Provision of Act or Statutory Instrument	Delegated To
A1	Power to determine applications for planning permission.	Sections 70 (1) (a) and (b) and 72 of the Town and Country Planning Act 1990.	PC / HoP&CR
A2	Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.	PC / HoP&CR
A3	Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.	PC / HoP&CR
A4	Power to decline to determine applications for planning permissions	Sections 70A and 70C of the Town and Country Planning Act 1990.	PC / HoP&CR
A5	Duties relating to the making of determinations of planning applications.	Sections 69, 76, 91 and 92 of the Town and Country Planning Act 1990 and Articles 3 to 17, 19 to 24, 29 and 30 of the Town and Country (General Development Management Procedure) Order (Wales) 2012 (S.I. 2012/808 (W.110)) and directions made there under.	PC / HoP&CR
A6	Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).	PC / HoP&CR
A7	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) (as amended).	HoP&CR
A8	Power to enter into planning obligations regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.	PC / HoP&CR
A9	Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.	HoP&CR

A10	Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.	PC / HoP&CR
A11	Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.	PC / HoP&CR
A12	Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.	PC / HoP&CR
A13	Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.	PC / HoP&CR
A14	Power to serve a planning contravention notice, breach of condition notice, stop notice or temporary stop notice.	Sections 171C, 171E, 187A and 183(1) of the Town and Country Planning Act 1990.	PC / HoP&CR
A15	Power to issue an enforcement notice or an enforcement warning notice.	Sections 172 and 173ZA of the Town and Country Planning Act 1990.	PC / HoP&CR
A16	Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.	PC / HoP&CR
A17	Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.	PC / HoP&CR
A18	Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 and paragraph 6(5) of Schedule 14 to that Act.	PC / HoP&CR
A19	Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.	PC / HoP&CR
A20a	Power to determine applications for listed building consent, and related powers.	Section 16(1), (2) & 17 of the Planning (Listed Building and Conservation Areas) Act 1990	PC / HoP&CR

A20b	Power to serve a notice replying to a Listed Building Purchase Notice	Section 33(1) of the Planning (Listed Building and Conservation Areas) Act 1990	PC
A21	Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act.	PC / HoP&CR
A22	Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 17 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 and paragraph 127 Welsh Office Circular 61/96 Planning and the Historic Environment; Historic Buildings and Conservation Areas'.	PC / HoP&CR
A23	Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.	PC / HoP&CR
A24	Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.	Section 38 of the Planning (Listed buildings and Conservations Areas) Act 1990.	PC / HoP&CR
A25	Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	PC / HoP&CR
A26	Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.	PC / HoP&CR
A27	Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	PC / HoP&CR
A28	Power related to mineral working.	Schedule 9 of the Town and Country Planning Act 1990.	PC / HoP&CR
A29	Power related to footpaths and bridleways.	Section 257 of the Town and Country Planning Act 1990.	PC / HoP&CR
A30	Power as to certification of appropriate alternative development.	Section 17 of the Land Compensation Act 1961.	PC / HoP&CR

A31	Duties in relation to purchase orders.	Sections 137 – 144 of the Town & Country Planning Act 1990.	PC / HoP&CR
A32	Powers related to blight notices.	Sections 149 – 171 of the Town and Country Planning Act 1990.	PC / HoP&CR
A33	Powers relating to the requirement for the replacement of a tree or trees removed, uprooted, or destroyed in contravention of a TPO's	Sections 206 to 209 of the Town & Country Planning Act 1990	PC / HoP&CR
A34	Powers relating to the granting of consent for requests to undertake works or to fell a tree or trees within a Conservation Area.	Section 211 of the Town & Country Planning Act 1990, & Section 9A of the Town & Country Planning (Trees) Regulations 1999	PC / HoP&CR
A35	Powers relating to the requirement for the replacement of trees removed, uprooted, or destroyed in within a Conservation Area without prior approval having been obtained.	Section 213 of the Town & Country Planning Act 1990	PC / HoP&CR
A36	Powers relating to the determination of applications in respect of works etc. to trees subject to a TPO's	Town & Country Planning (Trees) Regulations 1994	PC / HoP&CR
A37	Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I. 1999/1892)	PC / HoP&CR
A38	Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160)	PC / HoP&CR
A39	Powers relating to the giving of a screening opinion as to the need for an Environmental Impact Assessment (EIA) to accompany an application for planning permission.	Sections 5, 7 and 9 of the Town & Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016.	PC / HoP&CR
A40	Powers relating to the requirement for the submission of an EIA to accompany an application for planning permission.	Section 10 of the Town & Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016.	PC / HoP&CR

A41	Powers relating to the giving of a scoping opinion as to the contents of an Environmental Impact Assessment (EIA) to accompany an application for planning permission.	Sections 13 & 15 of the Town & Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016	PC / HoP&CR
A42	Power to determine applications for a non-material amendment following a grant of planning permission.	Sections 96 A of the Town and Country Planning Act 1990.	HoP&CR
A43	Power to respond to consultation from other Local Planning Authorities on development proposals	Regulation 14 of the Town and Country (General Development Management Procedure) Order (Wales) 2012 (S. I. 2012/808 (W.110))	HoP&CR
A44	Power to respond to Nationally Significant Infrastructure Projects within the City & County of Swansea at pre-application stage and agree a Statement of Community Consultation	Sections 42 and 47 of the Planning Act 2008	HoP&CR
A45	Power to submit Local Impact Reports, Written Representation and agree a Statement of Common Ground on Nationally Significant Infrastructure Projects within the City & County of Swansea	Sections 60 and 90 of the Planning Act 2008	PC
A46	Power to represent the City and County of Swansea in any topic specific hearing and open floor hearing, provide further comments and respond to Examining Authority questions on Nationally Significant Infrastructure Projects within the City & County of Swansea	Section 94 of the Planning Act 2008	HoP&CR

A47	Power to agree/ comment on draft Development Consent Orders and enter into a S106 Obligation on Nationally Significant Infrastructure Projects within the City & County of Swansea	Section 106 of the Town and Country Planning Act 1990 and Section 104 of the Planning Act 2008	HoP&CR
A48	Power to discharge requirements and obligations of Nationally Significant Infrastructure Projects	Section 120 of the Planning Act 2008	HoP&CR
A49	Power to respond to consultation to the applicant on Nationally Significant Infrastructure Projects located wholly outside of the Authority boundary	Section 42 of the Planning Act 2008	HoP&CR
A50	Power to register as a relevant Local Authority / Interested Party and make relevant representations (similar to those outlined above in relation to applications within the County boundary) to the Planning Inspectorate on Nationally Significant Infrastructure Projects located wholly outside of the Authority boundary	Section 102 of the Planning Act 2008	HoP&CR
A51	Power to make minor amendments to conditions post resolution	Sections 70 and 72 of Town and Country Planning Act 1990 and The Use of Planning Conditions for Development Management (Circular 16/2014)	HoP&CR
A52	Power to modify or discharge planning obligations regulating development or use of land	Sections 106A and 106B of the Town and Country Planning Act 1990.	PC/HoP&CR
A53	Power to determine discharge of condition applications and issue revised decision notices.	Section 71ZA and 72 of the Town and Country Planning Act 1990 and Part 23 of the Town and Country (General Development Management Procedure) Order (Wales) 2012 (S. I. 2012/808 (W.110))	HoP&CR

A54	Power to respond to provide pre-application advice	Section 61Z1 of the Town and Country Planning Act 1990	HoP&CR
A55	Power to issue validation notices when an application is invalid	Section 62ZA of the Town and Country Planning Act 1990	HoP&CR
A56	Power to respond to pre-application consultation on Developments of National Significance	Section 62D and Article 7 of The Developments of National Significance (Wales) Regulations 2016	HoP&CR
A57	Power to submit Local Impact Reports, Written Representation and agree a Statement of Common Ground on Developments of National Significance within the County of Swansea	Section 62H of the Town and Country Planning Act 1990	HoP&CR
A58	Power to represent the City and County of Swansea in any topic specific hearing and open floor hearing, provide further comments and respond to Examining Authority questions on Developments of National Significance within the County of Swansea	Section 62D and The Developments of National Significance (Wales) Regulations 2016	HoP&CR
A59	Power to agree/ comment on draft decision and enter into a S106 Obligation on Developments of National Significance within the County of Swansea	Section 62D and The Developments of National Significance (Wales) Regulations 2016	HoP&CR
A60	Power to discharge requirements, obligations and conditions of Developments of National Significance	Section 62D and The Developments of National Significance (Wales) Regulations 2016	HoP&CR
A61	Power to require the Revocation of a Use of Land	Section 97 of the Town and Country Planning Act 1990	HoP&CR

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9 Licensing & Registration Functions (in so far as not covered by any other paragraph of this Schedule)

(in so far as not covered by any other paragraph of this Schedule)

No	Function	Provision of Act or Statutory Instrument	Delegated To
B1	Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960.	General Licensing Committee / HoH&PH / DoPI
B2	Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936.	General Licensing Committee / HoH&PH / DoPI
B3	Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 as extended by section 171 of the Public Health Act 1875, & section 15 of the Transport Act 1985 ; & sections 47, 57, 58, 60, 70 & 79 of the Local Government (Miscellaneous Provisions) Act 1976; (b) as to private hire vehicles, sections 48, 57, 58, 60, 70 & 79 of the Local Government (Miscellaneous Provisions) Act 1976.	General Licensing Committee / HoH&PH / LF&S Mgr / DoPI
B4	Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61, 70 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	General Licensing Committee / HoH&PH / LF&S Mgr / DoPI
B5	Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62, 70 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	General Licensing Committee / HoH&PH / LF&S Mgr / DoPI
B6	Power to register pools promoters.	Schedule 2 to the Betting, Gambling and Lotteries Act 1963. *	Statutory Licensing Committee / HoH&PH / DoPI
B7	Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963. *	Statutory Licensing Committee / HoH&PH / DoPI
B8	Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963. *	Statutory Licensing Committee / HoH&PH / DoPI
B9	Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968. *	Statutory Licensing Committee / HoH&PH / DoPI
B10	Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976. *	Statutory Licensing Committee / HoH&PH / DoPI

B11	Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976. *	Statutory Licensing Committee / HoH&PH / DoPI
B12	Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933.	General Licensing Committee / HoH&PH / CD(E) / DoPI
B13	Power to license Sex Establishments	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	General Licensing Committee / HoH&PH / DoPI
B14	Power to license performances of hypnotism.	The Hypnotism Act 1952.	Statutory Licensing Committee / HoH&PH / DoPI
B15	Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.	General Licensing Committee / HoH&PH / DoPI
B16	Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907.	General Licensing Committee / HoH&PH / DoPI
B17	Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous provisions) Act 1982.	General Licensing Committee / HoH&PH / DoPI
B18	Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c.66)[32].	General Licensing Committee / HoH&PH / DoPI
B19	Power to license dealers in game and killing and selling of game	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831, Sections 2 to 16 of the Game Licensing Act 1860, section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874, and section 213 of the Local Government Act 1972.	General Licensing Committee / HoH&PH / DoPI
B20	Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990.	General Licensing Committee / HoH&PH / DoPI
B21	Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964.	General Licensing Committee / HoH&PH / DoPI
B22	Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975.	General Licensing Committee / HoH&PH / DoPI

B23	Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987.	General Licensing Committee / HoH&PH / DoPI
B24	Power to issue fire certificates.	Section 5 of the Fire Precautions Act 1971.	General Licensing Committee / HoH&PH / DoPI
B25	Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 .	General Licensing Committee / HoH&PH / DoPI
B26	Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951, section 1 of the Animal Boarding Establishments Act 1963 , the Riding Establishments Acts 1964 and 1970 , section 1 of the Breeding of Dogs Act 1973, and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.	General Licensing Committee / HoH&PH / DoPI
B27	Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925.	General Licensing Committee / HoH&PH / DoPI
B28	Power to license zoos.	Section 1 of the Zoo Licensing Act 1981.	General Licensing Committee / HoH&PH / DoPI
B29	Power to licence dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976.	General Licensing Committee / HoH&PH / DoPI
B30	Power to license knackers' yards.	Regulation 49 of the Animal By-products (Wales) Regulations 2006.	General Licensing Committee / HoH&PH / DoPI
B31	Power to license the employment of children.	Part II of the Children and Young Persons Act 1933, byelaws made under that Part, and Part II of the Children and Young Persons Act 1963.	CLO
B32	Power to approve premises for the solemnisation of marriages and the registration of civil partnerships	Section 46A of the Marriage Act 1949, Section 6A of the Civil Partnership Act 2004, the Marriages and Civil Partnerships (approved Premises) Regulations 2005.	HoH&PH / DoPI

B33	Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to: - a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 or; - b) an order under section 147 of the Inclosure Act 1845.	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).	CLO
B34	Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).	CLO
B35	Power to issue a permit to conduct charitable collections.	Section 68 of the Charities Act 1992.	HoH&PH / DoPI
B36	Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993.	HoH&PH / DoPI
B37	Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991.	HoH&PH / DoPI
B38	Duty to register the movement of pigs.	Regulations 21(3) and (4) of the Pigs (Records Identification and Movement) (Wales) Order 2004 (SI 2004/996)	General Licensing Committee / HoH&PH / DoPI
B39	Power to enforce regulations in relation to the movement of pigs.	Regulations 27(1) of the Pigs (Records, Identification and Movement) (Wales) Order 2004 (SI 2004/996)	General Licensing Committee / HoH&PH / DoPI
B40	Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998\871).	General Licensing Committee / HoH&PH / DoPI
B41	Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922.	General Licensing Committee / HoH&PH / DoPI
B42	Duty to enforce and execute Regulations (EC) No.852/2004 and 853/2004 in relation to food business operators as further specified in Regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.	Regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.	General Licensing Committee / HoH&PH / DoPI

B43	Functions in respect of establishing a Licensing Committee.	Section 6 of the Licensing Act 2003.	Council
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Note: * (B6-B11) Acts shown repealed by Gambling Act 2005.

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10 Functions Relating to Health & Safety at Work

No	Function	Provision of Act or Statutory Instrument	Delegated To
C1	Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Authority’s capacity as an employer	Part I of the Health and Safety at Work etc. Act 1974.	HoC&M

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11 Functions Relating to Elections

No	Function	Provision of Act or Statutory Instrument	Delegated To
D1	Duty to appoint an electoral registration officer.	Section 8 (2) (A) Representation of the People Act 1983.	Chief Executive & HoDS
D2	Power to assign officers in relation to requisitions of the registration officer.	Section 52 (4) of the Representation of the People Act 1983.	Chief Executive & HoDS
D3	Power to dissolve community councils.	Section 28 of the Local Government Act 1972	Council
D4	Power to make orders for grouping communities	Section 29 of the Local Government Act 1972	Council
D5	Power to make orders for dissolving groups and separating community councils from groups.	Section 29A of the Local Government Act 1972	Council
D6	Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.	Council
D7	Duty to provide assistance at European Parliamentary elections.	Section 6 (7) and (8) of the European Parliamentary Elections Act 2002	Council
D8	Duty to divide constituency into polling districts.	Section 18 of the Representation of the People Act 1983.	Council
D9	Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.	Council
D10	Powers in respect of holding of elections.	Section 39 (4) of the Representation of the People Act 1983.	Council
D11	Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.	CFO
D12	Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985	Chief Executive
D13	Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.	Returning Officer & HoDS
D14	Duty to give public notice of casual vacancy.	Section 87 of the Local Government Act 1972	Returning Officer & HoDS
D15	Power to make temporary appointments to community councils.	Section 91 of the Local Government Act 1972	Returning Officer & HoDS

D16	Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48 (3) of the Local Elections (Principal Areas) Rules 1986 (S.I 1986/2214) and rule 48 (3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I 1986/2215).	Returning Officer & HoDS
D17	Power to submit proposals to the Secretary of State for an order under Section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000.	Returning Officer & HoDS

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12 Functions Relating to Name & Status of Area & Individuals

No	Function	Provision of Act or Statutory Instrument	Delegated To
E1	Power to change the name of a county, or county borough.	Section 74 of the Local Government Act 1972.	Council
E2	Power to change the name of a community.	Section 76 of the Local Government Act 1972.	Council
E3	Power to confer title of a honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.	Council
E4	Power to petition for a charter to confer county borough status.	Section 245A of the Local Government Act 1972.	Council



13 Power to Make, Amend, Revoke or Re-enact Byelaws

No	Function	Provision of Act or Statutory Instrument	Delegated To
F1		Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978.	Council



14 Power to Promote or Oppose Local or Personal Bills

No	Function	Provision of Act or Statutory Instrument	Delegated To
G1		Section 239 of the Local Government Act 1972.	Council



15 Functions Relating to Pensions etc

No	Function	Provision of Act or Statutory Instrument	Delegated To
H1	Functions relating to local government pensions etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972.	Pension Fund Committee for matters relating to the Administering Authority; and the SHR&ODM in conjunction with the CFO for matters relating to the Employing Authority
H2	Functions relating to pensions allowances and gratuities.	Regulations under section 18 (3A) of the Local Government and Housing Act 1909.	Council
H3	Functions under existing pension schemes as respects people employed by the fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004.	Sections 34 and 36 of the Fire and Rescue Services Act 2004.	Council

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16 Miscellaneous Functions

No	Function	Provision of Act or Statutory Instrument	Delegated To
11	Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).	The Accounts and Audit Regulations 2005.	Council
12	Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.	Council
13	Appointment and Dismissal of staff and the Designation of the Head of Democratic Services.	Section 112 of the Local Government Act 1972 and Sections 7 and 8 of the Local Government and Housing Act 1989. Section 11 (1) (a) of the Local Government (Wales) Measure 2011 also applies. The Appointment of Head of Democratic Services is subject to the Democratic Services Committee subsequently Designating the selected person in that role.	Appointments Committee / Chief Officers Disciplinary Committee for Officers employed on JNC terms and conditions (Chief Officers including Head of Democratic Services). Head of Paid Service for all other staff.
14	Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.	Council
15	Power to consider adverse reports from the Public Services Ombudsman for Wales	Section 19 of the Public Service Ombudsman (Wales) Act 2005	Council
16	Power to make an order identifying a place as a designated public place for the purposes of the police powers in relation to alcohol consumption.	Section 13 (2) of the Criminal Justice and Police Act 2001.	HoH&PH / DoPI
17	Powers in respect of registration of motor salvage operators.	Part 1 of the Vehicles (Crime) Act 2001	General Licensing Committee / HoH&PH / DoPI
18	Power to appoint Officers for particular purposes (appointment of 'proper Officers').	Section 270(3) of the Local Government Act 1972	Council

I9	Duty to designate an Officer as the head of the authority's paid service, and to provide staff etc.	Section 4(1) of the Local Government and Housing Act 1989	Council
I10	Duty to designate an officer as the monitoring officer, and to provide staff etc.	Section 5(1) of the Local Government and Housing Act 1989	Council
I11	Duty to determine affordable borrowing limit.	Section 3 of the Local Government Act 2003	Council
I12	Approval of annual investment strategy in accordance with guidance.	Section 15 of the Local Government Act 2003	Council
I13	Duty to make arrangements for proper administration of financial affairs.	Section 151 of the Local Government Act 1972	CFO
I15	Designating a locality as an alcohol disorder zone	Section 16 of the Violent Crime Reduction Act 2006	HoH&PH / DoPI
I16	Determination of level and any change in level of remuneration to be paid to a Chief Officer (excluding the Head of Democratic Services)	Regulation 7 of the Local Authorities (Standing Orders) (Wales) Regulations 2006 as Amended by the 2014 Regulations.	Council

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17 Local Choice Functions

No.	Function	Delegation of Function
J1	Any function under a local Act other than a function specified or referred to in Schedule 1.	All Cabinet Members
J2	The determination of an appeal against any decision made by or on behalf of the authority.	Appeals and Awards Committee save: In respect of approvals to drive school transport and licensing functions and matters of a licensing nature which will be heard by the General Licensing Committee.
J3	Functions in relation to the revision of decisions made in connection with claims for housing benefit or council tax benefit and for appeals against such decisions under section 68 of and Schedule 7 to the Child Support, Pensions and Social Security Act 2000.	CFO
J4	The making of arrangements in relation to appeals against the exclusion of pupils in maintained schools under section 52 of the Education Act 2002.	Independent Exclusion Appeals Panel
J5	The making of arrangements pursuant to section 94(1), (1A) and (4) of, and Schedule 24 to, the School Standards and Framework Act 1998 (admission appeals).	Independent Admission Appeals Panel
J6	The making of arrangements pursuant to section 95(2) of the School Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies).	Independent Admission Appeals Panel
J7	The making of arrangements under section 20 (questions on police matters at council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority.	Cabinet
J8	The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996 .	Cabinet
J9	The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999 .	Cabinet
J10	Any function relating to contaminated land.	DoPI
J11	The discharge of any function relating to the control of pollution or the management of air quality.	DoPI
J12	The service of an abatement notice in respect of a statutory nuisance.	DoPI
J13	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Council

J14	The inspection of the authority's area to detect any statutory nuisance.	DoPI
J15	The investigation of any complaint as to the existence of a statutory nuisance.	DoPI
J16	The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	DoPI
J17	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	DoPI
J18	Any of the following functions in respect of highways—	HoP&CR & HoH&T: Save as to those matters to be referred to Planning Committee as set out in the paragraph entitled Public Rights of Way Matters in Part 3 of the Council Constitution.
	(a) the making of agreements for the execution of highways works;	
	(b) the functions contained in the following provisions of Part III of the Highways Act 1980 (creation of highways)— (i) section 25—creation of footpath, bridleway or restricted byway by agreement; (ii) section 26—compulsory powers for creation of footpaths, bridleways or restricted byways;	
	(c) the functions contained in the following provisions of Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc)— (i) section 116—power of magistrates' court to authorise stopping up or diversion of highway; (ii) section 117—application for order under section 116 on behalf of another person; (iii) section 118—stopping up of footpaths, bridleways and restricted byways; (iv) section 118ZA—application for a public path extinguishment order; (v) section 118A—stopping up of footpaths, bridleways and restricted byways crossing railways; (vi) section 118B—stopping up of certain highways for purposes of crime prevention etc; (vii) section 118C—application by proprietor of school for special extinguishment order; (viii) section 119—diversion of footpaths, bridleways and restricted byways;	

	<ul style="list-style-type: none"> (ix) section 119ZA—application for a public path diversion order; (x) section 119A—diversion of footpaths, bridleways and restricted byways crossing railways; (xi) section 119B—diversion of certain highways for purposes of crime prevention etc; (xii) section 119C—application by proprietor of school for special diversion order; (xiii) section 119D—diversion of certain highways for protection of sites of special scientific interest; (xiv) section 120—exercise of powers of making public path extinguishment and diversion orders; (xv) section 121B—register of applications; 	
	<p>(d) the functions contained in the following provisions of Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets)—</p> <ul style="list-style-type: none"> (i) section 130—protection of public rights; (ii) sections 139—control of builders' skips; (iii) section 140—removal of builders' skips; (iv) section 140A—builders' skips: charges for occupation of the highway; (v) section 142—licence to plant trees, shrubs etc in a highway; (vi) section 147—power to authorise erection of stiles etc on footpath or bridleway; (vii) section 147ZA—agreements relating to improvements for benefit of persons with mobility problems; (viii) section 149—removal of things so deposited on highways as to be a nuisance etc; (ix) section 169—control of scaffolding on highways; (x) section 171—control of deposit of building materials and making of excavations in streets; (xi) section 171A and regulations made under that section—works under s169 or s171: charge for occupation of the highway; (xii) section 172—hoardings to be set up during building etc; (xiii) section 173—hoardings to be securely erected; (xiv) section 178—restriction on placing of rails, beams etc over highways; (xv) section 179—control of construction of cellars etc under street; (xvi) section 180—control of openings into cellars etc under streets, and pavement lights and ventilators; 	

	(e)	exercising functions under section 34 of the Wildlife and Countryside Act 1981 (limestone pavement orders); and	
	(f)	exercising functions under section 53 of the Wildlife and Countryside Act 1981 (duty to keep definitive map and statement under continuous review).]	
J19	The appointment of any individual—		Cabinet – Leader subject to the Local Government and Housing Act 1989
	(a)	to any office other than an office in which he is employed by the authority;	
	(b)	to any body other than— (i) the authority; (ii) a joint committee of two or more authorities; or	
	(c)	to any committee or sub-committee of such a body,	
	and the revocation of any such appointment.		
J20	Power to make payments or provide other benefits in cases of Maladministration etc.		DCE / DoR, DoE, DoPI & DoSS
J21	The discharge of any function by an authority acting as a harbour authority.		Cabinet
J22	Functions in respect of the calculation of council tax base in accordance with any of the following—		Council
	(a)	the determination of an item for T in section 33(1) and 44(1) of the Local Government Finance Act 1992;	
	(b)	the determination of an amount for item TP in sections 34(3), 45(3) 48(3) and 48(4) of the Local Government Finance Act 1992 ;	
	(c)	the determination of an amount required for determining an amount for the item mentioned in paragraph (a) or (b) above.	
J23	Licensing functions in accordance with Part 2 of the Licensing Act 2003 except section 6 and 7 (2).		Statutory Licensing Committee/ HoH&PH /DoPI
J24	Functions in respect of gambling under the following provisions of the Gambling Act 2005 —		
	(a)	section 29—licensing authority information;	HoH&PH & DoPI
	(b)	section 30—other exchange of information;	HoH&PH & DoPI
	(c)	section 166—resolution not to issue casino licences;	Council
	(d)	section 212 and regulations made under that section—fees;	Cabinet
	(e)	section 284—removal of exemption;	Council
	(f)	section 304—authorised persons;	DoPI
	(g)	section 346—prosecutions by licensing authority;	DoPI
	(h)	section 349—three-year licensing policy	Council
	(i)	section 350—exchange of information;	HoH&PH & DoPI
	(j)	Part 5 of Schedule 11—registration with local authority.]	HoH&PH & DoPI

J25	Functions in respect of approval by a local authority under section 51 or a determination by a local authority under section 53 of the School Standards and Organisation (Wales) Act 2013.]		Cabinet
J26	Family Absence. Local Government (Wales) Measure 2011 and The Family Absence for Members of Local Authorities (Wales) Regulations 2013.		Council
J27	Powers related to Public Rights of Way, Commons Registration and Village Greens.	Commons Registration Act 1965; Commons Act 2006; Section 53 Wildlife and Countryside Act 1981; Section 26, 118, 119 of the Highways Act 1980.	PC/ HoP&CR
J28	Powers related to the Diversion, Extinguishment and Creation of public rights of way where no objections have been received, and all other functions relating to public rights of way not delegated to the Planning Committee.	Highways Act 1980; Countryside Act 1968; National Parks and Access to the Countryside Act 1949; Wildlife and Countryside Act 1981; Countryside and Rights of Way Act 2000; Road Traffic Regulation Act 1984.	HoP&CR

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18 Other Delegations by Council

No	Function	Provision of Act or Statutory Instrument	Delegated To
K1	Proper Office for the Administration of Births, Deaths and Marriages	Section 13 of the Registration Service Act 1953; and Section 270 of the Local Government Act 1972.	HoH&PH

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19 Clarification of Planning Delegations

Where functions are delegated to both the Area Development Control Committees and the Head of Planning & City Regeneration the functions will be exercised by the Officers in the following circumstances:

- 1 **Planning Applications, Other Applications, Related Matters and Planning Call In by Councillors**
- 2 Councillors shall be notified in advance, by e-mail, of all valid planning applications received.
- 3 Subject to 6 and 8 below, the determination of all applications for Planning (Permission, Approval, Prior Approval or Consent) submitted under the following legislation/circumstance shall be delegated to the Director of Place (DoPI) or Head of Planning & City Regeneration (HoP&CR):
 - a) Town and Country Planning Acts 1990 - 2008;
 - b) The Planning (Listed Building and Conservation Areas) Act 1990;
 - c) The Planning (Hazardous Substances) Act 1990;
 - d) The Caravan Sites and Control of Development Acts 1960 and 1968;
 - e) Making of representations following formal consultation in respect of development by the National Assembly of Wales, Government Departments, Statutory and other bodies; or
 - f) Development on land in the area of another local authority.
- 4 The determination of applications identified in 3 above will be referred to the Planning Committee where:
- 5 **Departure Applications.** The application is contrary to the provisions of the Development Plan, and is being recommended for approval by the Head of Planning & City Regeneration;
- 6 **Councillors / Officer Applications.** The application has been submitted by any Officer involved in the planning process or a Councillor. An Officer is involved in the planning process if they are a member of staff in the planning section, or involved in enforcing planning matters, or giving advice or support to Officers or Councillors involved in the planning process or could be perceived to be involved in the planning process;
- 7 **EIA Development.** The application involves an Environmental Impact Assessment (EIA).
- 8 **Alternate Development Threshold.** The application relates to the following forms of development:
 - a) The winning and working of minerals or the use of land for mineral-working deposits;
 - b) Waste development;
 - c) The provision of dwellinghouses where:
 - i) The number of dwellinghouses to be provided is 20 or more; or
 - ii) The development is to be carried out on a site having an area of 1 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);

- d) The provision of a building or buildings where the floor space to be created by the development is 2,000 square metres or more; or
 - e) Development to be carried out on a site having an area of 2 hectare or more.
- 9 **Councillor Call In.** A Councillor has requested by letter, email or fax within 21 days of being notified that a valid application has been received (or within the specified re-consultation period), – i.e the “Call in Period”, that it be reported to the Planning Committee and the objection threshold is reached within the “Call in Period”, namely:
- a) The application is subject to 20 letters of objection from different people at different addresses; or
 - b) A petition of 30 or more signatures from different people at different addresses.
- 10 **Chair of Planning Committee Referral.** Where a “Councillor Call In” has been made within the “Call in Period” but the objection threshold has not been reached the Chair of the Planning Committee can direct that the application be determined by Planning Committee where the development has a quantifiable community wide impact or there is a quantifiable community wide interest in a development which goes beyond protecting the private interests of one person, or group of persons against the activities of others.
- 11 **Head of Service Referral.** The application is, in the opinion of the Head of Planning & City Regeneration, of strategic importance or the application should, in the opinion of the Head of Planning & City Regeneration be determined by Planning Committee.
- 12 Councillors may withdraw a Councillor Call In at any time prior to the relevant Committee agenda being finalised. Such withdrawal may follow contact between the Councillor(s) and Planning Officer(s).
- 13 If a Councillor wishes to use the Councillor Call In to call in an application which is within the area of another Councillor(s) they must inform the Councillor(s) in whose area the application falls giving their reason prior to making the Planning Call In.
- 14 In the case of 13 above, the Councillor making the Councillor Call In must also give written notice (letter, e-mail or fax) to the Head of Planning & City Regeneration stating that the Councillor(s) in whose area the application falls has been informed of the intended Councillor Call In. Any application called in by a Councillor in another Councillor(s) area shall not be valid unless it contains the required written statement.
- 15 The Council has a duty to ensure that it maintains an efficient planning service and to progress planning applications in a timely fashion. Whilst the Call-in procedure is a fundamental and important part of the democratic process, unnecessary ‘call-ins’ can lead to unreasonable delay.
- a) Therefore, where it is considered that a member or members is/are unreasonably calling in planning applications or otherwise potentially abusing the ‘call-in’ process, the Chair of the Planning Committee will, in the first instance, discuss the situation with the member/members concerned.

- b) In the event that the issue is not resolved then the Chair of Planning Committee and a member from the Planning Committee will review all applications for 'call-in' to Committee with the member/members concerned and have the authority to withdraw any "Councillor Call In" requests. The decision of this panel is final.



20 Enforcement Matters

The implementation of all enforcement powers shall be delegated to the Director of Place or Head of Planning & City Regeneration, except where the proposed action would lead to the loss of a residentially occupied unit.



21 Public Rights of Way Matters

The determination of all rights of way matters, other than decisions relating to the following **(which will be reported to the Planning Committee)**:

- 1 Public Rights of Way creation, diversion and extinguishment orders (under all Acts) that, after public consultation, are likely to be challenged or be contentious;
- 2 Application to the Magistrates Court to stop up or divert a public right of way;
- 3 Determination of applications for new rights of way and corrections to the records of existing rights of way (keeping the Definitive Map under continuous review);
- 4 Traffic Regulation Orders, (other than for temporary closures or restrictions which are needed for safety reasons; to allow works to be carried out; or for the holding of a special event)."



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1 Meetings

1 The Head of Democratic Services, shall summon all meetings of the Council or Chief Legal Officer, in her/his absence. A notice period of 5 clear working days shall be given to Council meetings and to Cabinet Meetings. However in exceptional circumstances the 5 clear working day notice period may be waived providing prior written agreement (via e-mail) is received from the Presiding Member, Monitoring Officer and / or Head of Democratic Services or their respective Deputies. A notice period of 3 Clear working days will apply to all other Committee meetings.

Note:

This provision does not allow the Authority to waive its legislative duty to meet the 3 clear working day requirement'.

2 ~~The summons will set out the date, time and place of each meeting and, where meetings are conducted in accordance with the Council's arrangements for multi-location meetings, details of how to access the meetings by remote means.~~

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2 Timing of the First Annual Meeting of Council

In a year when there is an ordinary election of Councillors, the Annual Meeting will take place on a date that the Council may fix between the eighth day of the retirement of the outgoing Councillors but within 21 days of the retirement of the outgoing Councillors.

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3 Timing of the Annual Meeting of Council

The Council shall hold an Annual Meeting in such place and at such time of day during the months of March, April or May as the Council shall fix.

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4 Smoking/Refreshments/Mobile Phones/Comfort Break

- 1 Smoking is prohibited by Law in all Council premises.
- 2 Members shall refrain from refreshments other than water unless under the direction of the Presiding Member.
- 3 Councillors shall refrain from using mobile phones or similar devices for verbal communication during meetings. However, Councillors may use mobile phones, mobile internet devices or similar devices for internet access during meetings provided they comply with any rules in place by legislation or by the Council. These devices must be set to silent.
- 4 Should a Councillor require the use of a noise emitting device based on medical grounds during a meeting, then the Presiding Member must be informed of the necessity.
- 5 Councillors and Officers are reminded that a 'voluntary' contribution to the Lord Mayor's Fund is expected where a noise emitting device disrupts the meeting without a prior dispensation from the Presiding Member.
- 6 The Presiding Member shall have the discretion to call an adjournment at an appropriate time after approximately 2 hours of a meeting in order to facilitate a 10 minute comfort break. The Presiding Member may repeat such a break as necessary.



5 Timing of Ordinary, Extraordinary and Ceremonial Meetings of Council

- 1 Meetings of the Council other than the Annual Meeting shall be held on such other days and at such other times as the Council may determine.
- 2 At the Annual Meeting a programme of ordinary meetings of the Council for the year will be agreed. There will be no variation to the programme except at the request of the Presiding Member in consultation with political Group Leaders. The cancellation shall be notified to all Councillors at least 7 clear working days before the original date of the meeting.



6 Order of Business

This Council Procedure Rule outlines the Order of Business for the 5 types of Council Meeting, namely:

- a) First Annual Meeting of Council;
- b) Annual Meeting of Council;
- c) Ordinary Meeting of Council;
- d) Extraordinary Meeting of Council;
- e) Ceremonial Meeting of Council.



7 The First Annual Meeting of Council

The First Annual Meeting in the year of ordinary election of Councillors to the Council shall transact the following business:

- a) Election of Chair Pro Tem (if the Presiding Member or Deputy Presiding Member is not present);
- b) Election of Presiding Member for the ensuing Municipal Year;
- c) Election of Deputy Presiding Member for the ensuing Municipal Year;
- d) Apologies for Absence;
- e) Disclosures of Personal and Prejudicial Interests;
- f) Minutes of Council;
- g) Announcement from the Presiding Member and/or ~~Head of the Paid Service~~Chief Executive;
- h) Election of the Leader of the Council;
- i) Names of Councillors that the Leader of the Council has chosen to be members of the Cabinet and where applicable those Cabinet positions that will operate on a job share basis;
- j) Constitutional Matters; (appoint Council bodies, decide the size of these Council bodies, decide the allocation of seats to these Council bodies, receive nominations and appoint Councillors to serve on these Council bodies)
- k) Councillors' Handbook; (Review of Councillors Mileage Distances)
- l) Reaffirmation of the adoption of the Council Constitution;
- m) Approval of a programme of Ordinary Meetings of the Council for the ensuing Municipal Year;
- n) Consider any business set out in the notice convening the meeting;
- o) Authorise the sealing of documents not otherwise authorised;



8 Annual Meeting of Council

The Annual Meeting of Council shall transact the following business:

- a) Election of a Chair Pro Tem (if the Presiding Member or Deputy Presiding Member is not present);
- b) Election of the Presiding Member for the ensuing Municipal Year;
- c) Election the Deputy Presiding Member for the ensuing Municipal Year;
- d) Apologies for Absence;
- e) Disclosures of Personal and Prejudicial Interests;
- f) Minutes of Council;
- g) Presiding Member and/or ~~Head of the Paid Service~~Chief Executive Announcements;
- h) Receive the names of Councillors that the Leader of the Council has chosen to be members of the Cabinet;
- i) Councillors' Handbook;

- j) Constitutional Matters (Appoint Council bodies; Decide the size of these Council bodies; Decide the allocation of Seats to these Council Bodies; Receive nominations and appoint Councillors to serve on these Council bodies)
- k) Councillors Handbook;
- l) Reaffirmation of the adoption of the Council Constitution;
- m) Approve a programme of Ordinary Meetings of the Council for the ensuing Municipal Year;
- n) Consider any business set out in the notice convening the meeting;
- o) Authorise the sealing of documents not otherwise authorised.



9 Ordinary Meeting of Council

Except as otherwise provided by this Council Procedure Rule, the Order of Business at any meeting of the Council shall transact the following business

- a) Election of a Chair Pro Tem (if the Presiding Member or Deputy Presiding Member is not present);
- b) Apologies for Absence;
- c) Disclosures of Personal and Prejudicial Interests;
- d) Minutes of Council;
- e) Deal with any business having precedence by statute;
- f) Written responses to questions asked at the last Ordinary Meeting of Council;
- g) Announcements/Communications from the Presiding Member;
- h) Dispose of business (if any) remaining from the previous meeting;
- i) Announcements/Communications from the Leader of the Council;
- j) Public Questions;
- k) Presentations by Third Sector Organisations;
- l) Receive and consider recommendations, reports or minutes from Cabinet, Standards Committee, Overview & Scrutiny Boards any matters referred from regulatory committees, any matters from the Presiding Member or from any statutory Officer;
- m) Fill vacancies and appoint Members on other bodies on a recommendation from Cabinet;
- n) Reports from Officers;
- o) Councillor Questions;
- p) Consider Notices of Motion in the order in which they have been received;
- q) Other business, if any, specified in the summons;

Note:

With the consent of the Presiding Member, the Council may, by Resolution at any meeting, vary the order of business set out in the foregoing paragraph with the exceptions of items a, b, c, d and e and may deal with any items of urgent business brought forward pursuant to Section 100B(4) of the Local Government Act 1972. This shall also apply to other Bodies of the Council.



10 Extraordinary Meeting of Council

An Extraordinary Meeting of the Council may be called at any time at the request of the Presiding Member or any 5 Members, addressed in writing to the Proper Officer and setting out the business to be considered thereat. The Extraordinary Meeting of Council shall transact the following business:

- a) Election of a Chair Pro Tem (if the Presiding Member or Deputy Presiding Member is not present);
- b) Apologies for Absence;
- c) Disclosures of Personal and Prejudicial Interests;
- d) Announcements / Communications from the Presiding Member;
- e) Announcements / Communications from the Leader of the Council;
- f) Public Questions;
- g) Consider any business set out in the notice convening the meeting;
- h) The signing of the minutes of Extraordinary meetings of the Authority (called under paragraph 3 (Extraordinary Meetings) of Schedule 12 to the Local Government Act 1972), shall be undertaken at the next Ordinary meeting of the Authority which shall be treated as a suitable meeting for the purposes of paragraph 15(1) and (2), (signing of Minutes) of that Schedule.



11 Ceremonial Meeting of Council

- 1 Ceremonial Meeting of Council shall be presided over by the Lord Mayor (or Deputy Lord Mayor in his/her absence).
- 2 The Ceremonial Meeting of Council shall deal with the Inauguration of the Lord Mayor, granting Honorary Freedom of the City and County of Swansea status and/or any ceremonial duty as deemed appropriate by the Lord Mayor in conjunction with the Presiding Member and Chief Executive.
- 3 The Ceremonial Meeting of Council shall transact the following business:
 - a) Election of a Chair Pro Tem Elect (if the Lord Mayor/Deputy Lord Mayor is not present);
 - b) Apologies for Absence. (These apologies will not be orally read out but shall be reflected in the minutes);
 - c) Disclosure of Personal and Prejudicial Interests;
 - d) Consider any business set out in the notice convening the meeting.



12 Chair of Meetings

- 1 The Chair of Council shall be the Presiding Member and the Vice Chair of Council shall be the Deputy Presiding Member. References in these Procedure Rules to Chair and Vice Chair shall be interpreted accordingly where necessary.
- 2 In the absence from a meeting of the Presiding Member, the Deputy Presiding Member shall take the Chair but in the absence of the Presiding Member and Deputy Presiding Member, a Chair for that meeting shall be appointed.

Provided that:

Where a person is chosen to preside in the absence of the Presiding Member or Deputy Presiding Member and the Presiding Member or Deputy Presiding Member arrives at the meeting after such a choice has been made, then the person chosen shall complete the item in hand and thereupon relinquish the Chair to the Presiding Member or Deputy Presiding Member as the case may be.

- 3 Any power or duty assigned to the Presiding Member in relation to the conduct of any meeting shall be exercised by the person presiding at that meeting.
- 4 Other than where specified, the period of office of an Officeholder of a Body of the Council shall be deemed to terminate at the Council's Annual Meeting in a non-election year, the last day before the day of a Local Government Election in an election year or the day a Member ceases to be a Member, in which case the period of office shall terminate on dissolution, alteration or termination of office.



13 Quorum

- 1 The quorum of the Council shall be one quarter of all Members and if during any meeting of the Council the Presiding Member after counting the number of Members present declares that there is not a quorum present the meeting shall stand adjourned immediately after the count.
- 2 Except where specifically authorised by statute or ordered by the Council, business shall not be transacted at a meeting of any Committee unless at least one quarter of the whole number of the voting Members of the Committee is

present.

Provided that:

In no case shall the quorum of any Body of the Council be less than three voting Members.

- 3 The consideration of business not transacted shall be adjourned to a time fixed by the Presiding Member at the time the meeting is adjourned, or, if s/he does not fix such a time, to the next ordinary meeting of the Council or Committee.
- 4 Members will be regarded as present at a meeting where they attend that meeting either physically at the place specified on the summons or by remote means in accordance with the Council's arrangements for multi-location meetings provided that they can speak to, hear and be heard by, other attendees at the meeting.
- 5 For the purposes of section 4 above, attendance by "remote means" means attendance in a different physical location to that of other participants and participating through an online meeting platform.
- 6 All Members present during the whole or part of a physical meeting must accurately record their attendance on the record of attendance provided for that purpose.

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14 Record of Attendance and/or Interest

- 1 ~~An attendance sheet or register shall be provided by the Proper Officer at every meeting on which each Member present at the meeting shall enter her/his name.~~ Members will be regarded as present at a meeting where they attend that meeting either physically at the place specified in the summons or by remote means in accordance with the Council's arrangements for multi-location meetings provided that they can speak to, hear and be heard by, other attendees at the meeting.
- 2 For the purposes of section 1 above, attendance by "remote means" means attendance in a different physical location to that of other participants and participating through an online meeting platform.
- 3 All Members present during the whole or part of a physical meeting must accurately record their attendance on the record of attendance provided for that purpose.
- 14 A Member's Interests sheet or register shall be provided by the Monitoring Officer at every meeting on which each Member present at the meeting shall enter all declarable interests relevant to the business to be conducted at that meeting.

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15 Minutes

- 1 The Presiding Member shall put the question: "That the minutes of the previous meeting held on (the day in question) be approved as a correct record".
- 2 No discussion shall take place upon the minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Presiding Member/Deputy Presiding Member shall duly sign the minutes.

16 Interests, Gifts and Hospitality of Members

1 Personal Interests

- a) If any Member of the Council has a personal interest within the Code of Conduct as adopted by the City and County of Swansea, in any business of the Authority, and attends a meeting at which that business is considered, such Member must disclose orally to the meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent. Such disclosure is not withstanding the fact that s/he may previously have disclosed the said personal interest by entering it into the Register kept by the Monitoring Officer under the Code of Conduct and/or section 81 of the Local Government Act 2000.
- b) A Member who has declared a personal interest may remain to speak and vote unless it is also a Prejudicial Interest.

2 Sensitive Information

Where a Member has agreement from the Monitoring Officer that the information relating to the Member's personal interest is sensitive information, as defined in the Code of Conduct, the Member's obligations to disclose such information, whether orally or in writing, are replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.

3 Prejudicial Interests

- a) Subject to paragraph b where any Member has a personal interest in any business of the Authority which is also a prejudicial interest as defined in the Code of Conduct, such Member must, unless s/he has obtained a dispensation from the Authority's Standards Committee, withdraw from the room, chamber or place where the meeting considering the business is being held.
- b) Where a Member has a prejudicial interest in any business of the Authority, s/he may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, the Member must, unless s/he has obtained a dispensation from the Authority's Standards Committee, withdraw from the room, chamber or place where the meeting considering the business is being held, immediately after the period for making representations, answering

questions, or giving evidence relating to the business has ended, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration.

- c) If the Member is relying on a grant of a dispensation by the Standards Committee, the Member shall, before the matter shall be under consideration, (i) disclose orally both the interest concerned and the existence of the dispensation; and (ii) before or immediately after the close of the meeting give written notification to the Authority containing:
- i) details of the prejudicial interest;
 - ii) details of the business to which the prejudicial interest relates;
 - iii) details of, and the date on which, the dispensation was granted; and
 - iv) the Member's signature.

Note:

Members must declare all interests verbally at the relevant meeting. Members shall enter all declared interests on a sheet provided for that purpose in accordance with Procedure Rule 14(2).

- d) Members must register their financial interests and other interests, where they fall within a category mentioned in Paragraph 10(2)(a) of the Code in the Register maintained by the Monitoring Officer under section 81(1) of the Local Government Act 2000 by providing written notification to the Monitoring Officer. Members must also, within 28 days of becoming aware of any new Personal Interest or change to any Personal Interest registered in the said Register, register that new Personal Interest or change by providing written notification to the Monitoring Officer.
- e) Registration does not apply to sensitive information as defined in the Code.
- f) The said Register shall be open to inspection by any member of the public without charge during office hours.
- g) All disclosures, declarations, withdrawals and dispensations shall be recorded in the minutes of the meeting in which they are made.
- h) Immediately on making her/his Declaration of Acceptance of Office any Member shall in accordance with the City and County of Swansea's Code of Conduct, sign an undertaking to be bound by that Code, (or any amendment or re-enactment) and enter on the form provided for that purpose, a list of her/his personal interests, such form shall be open to public inspection, and shall be kept up to date by the Member concerned by notifications of any revisions or updates. The form shall be placed on deposit with the Monitoring Officer.

4 **Gifts and Hospitality**

The Monitoring Officer shall maintain a Register for the declaration of any gifts or hospitality of more than £25 in value in accordance with Paragraph 17 of the Code of Conduct and the said register shall be open to inspection by any member of the public without charge during office hours.

Any gift accepted by a Member on behalf of that Member's relevant Authority need not be notified to the Monitoring Officer, but must be notified to the Lord Mayor's Office. The gift shall then be recorded in the Lord Mayor's gift register and the said register shall be open to inspection by any member of the public without charge during office hours. The member shall deliver the gift to the appropriate officer.

5 **Interests, Gifts and Hospitality of Officers**

- a) It shall be the duty of all Officers to declare all or any offer in writing or acceptance of any gift or hospitality of more than £25 in value. Chief Officers shall make such declarations to the Chief Executive, all other Officers to their Chief Officer. A Register shall be maintained by the relevant Officer, for the purpose of recording all gifts and hospitality offered, in writing or received.
- b) The Monitoring Officer shall record in a register to be kept for the purpose particulars of any notice given by an officer of the Council under Section 117 "Disclosures by Officers of Interests in Contracts" of the Local Government Act, 1972, for the personal inspection of any Member of the Council and particulars of any interests which Officers of the Council are required to register under any rules set out in the Staff Handbook;
- c) It shall be the duty of any member of staff to declare interests in accordance with any rules set out in the Staff Handbook;
- d) The register mentioned in Procedure Rule 16.5(a) shall be open during office hours only to the personal inspection of Members and not otherwise.

Note:

There is no provision for dispensations (i.e. removal or exclusion of disability to participate in a meeting, including the giving of advice) in the case of an officer.

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17 Rules of Debate

1 Respect for Chair

When the Presiding Member ~~stands~~ speaks during a debate all Councillors must immediately stop speaking and the Council must be silent.

2 Standing Showing respect when Speaking

A Councillor, when speaking at Council, must ~~stand and~~ address the Presiding Member; all others must remain ~~seated and~~ silent, unless rising to indicating to the Presiding Member that he/she wishes to raise a point of order or in a personal explanation or on a point of information.

This Procedure Rule does not apply to other Council Body meetings such as Cabinet, Committees etc.

When a Councillor ~~raises for~~ raises a "Point of Order" or ~~in~~ "Personal Explanation" or ~~on~~ a "Point of Information", Paragraph 17(12) "Personal Explanation, Points of Order and Points of Information" applies. If this occurs, the Councillor ~~rising for that purpose has the floor and the other Councillors will sit down.~~ shall be heard immediately and shall be allowed to speak without interruption.

3 Order of Speaking

If two or more Councillors indicate their wish to speak, the Presiding Member will call on one and the other(s) must ~~then sit~~ remain silent. The Presiding Member may decide and announce that Councillors will be called in a given order at specified points during the debate. Alternatively, the Presiding Member may also decide to open a list of Councillors wishing to speak and to restrict the speakers to those that indicate an intention to speak prior to the closure of the list. The Presiding Member shall announce when this list is closed.

Once a Motion has been proposed and seconded the Presiding Member shall invite Councillors to speak in the following order:

- a) The Leader of the Largest Opposition Political Group;
- b) The Leader of the next Largest Opposition Political Group;
- c) The Leader of the Other Political Group(s). If there is more than one, the Leader of the largest of the Opposition Political Groups will be invited to speak first. If two or more Political Groups have the same number of members it is a matter for the Presiding Member which Political Group Leader will be invited to speak first;
- d) The Leader of the Council;
- e) Other Councillors.

When invited to speak by the Presiding Member a Leader of a Political Group may nominate another member of his/her Group to speak in his/her place. The Group Members will then be invited to speak. S/he will have 3 minutes in which to make a speech.

4 **Content and Length of Speeches**

A Councillor's speech must relate solely to the matter under discussion and no speech shall exceed 5 minutes in the case of:

- a) The mover of a motion;
- b) The Political Group Leaders or Deputy Political Group Leader in the absence of the Political Group Leader;
- c) A Cabinet Portfolio Holder who is presenting a report to Council or moving the adoption of the recommendation of the Executive (Cabinet);
- d) In all other cases, except with the consent of the Presiding Member of Council no speech will exceed 3 minutes.

5 **When a Councillor may Speak Again**

A Councillor who has spoken on any motion may not speak again whilst it is still the subject of debate except:

- a) To speak once on an amendment moved by another Councillor;
- b) If the motion has been amended since s/he has last spoke, to move a further amendment;
- c) If the Councillor's first speech was on an amendment moved by another Councillor, to speak on the main issue (whether or not the amendment on which s/he spoke was carried);
- d) In exercise of a right of reply given by this Council Procedure Rule;
- e) In the case of the Political Group Leaders, a Chair of a Committee or Cabinet Portfolio Holder, to respond to a question directed to him/her or on any other matter that may not have arisen during the debate at the Chair's discretion;
- f) On a Point of Order or Point of Information or by way of Personal Explanation;
- g) With the consent of the Presiding Member;
- h) Leader of the Council prior to the proposer of the Motion.

6 **Procedure for Motions or Amendment**

Before a motion or amendment can be discussed at a Council meeting:

- a) It must be proposed and seconded; and
- b) It must be put in writing by the proposer and ~~handed~~ presented to the Presiding Member (unless the Presiding Member agrees that the motion or amendment is so brief as to make this unnecessary).

An amendment must be relevant to the Motion and will be either:

- a) To refer a subject of debate to the Executive (Cabinet) or to a Committee;
- b) To leave out words;
- c) To leave out words and insert or add others;
- d) To insert or add words.

No amendment may be moved which would have the same effect as voting against the motion.

Only one amendment may be moved and discussed at a time.

No further amendment may be moved until the amendment under discussion has been disposed of.

If an amendment is lost, then other amendments may be moved upon the original motion.

If there are no further amendments, the original motion will be put to the vote;

If an amendment is carried, the amended motion takes the place of the original motion. This then becomes the substantive motion to which further amendments may be moved.

After an amendment has been carried, the Presiding Member will read out the amended motion before accepting any further amendments.

If there are no further amendments, the final amended motion will be put to the vote.

7 Secunder's Speech

A Councillor when seconding a motion or amendment may reserve his or her speech until later in the debate.

8 Alteration to Motion

With the consent of the Council, a Councillor may alter a motion of which notice has been given or (with the consent of the seconder) alter a motion which s/he has moved, subject to such alterations being those which could be made as amendments.

9 Withdrawal of Motion

A motion or amendment may be withdrawn by the proposer with the consent of the seconder and of the Council signified without discussion.

No Councillor may speak on a motion or amendment after the proposer has asked to withdraw it, unless permission to withdraw it has been refused.

10 Right of Reply

The proposer of a motion has a right of reply prior to the close of the debate on a motion immediately before it is put to the vote. Normally, the reply should not exceed 1 minute in length.

At the close of a debate on an amendment the proposer of the original motion and the proposer of the amendment each have a right of reply (in that order). Normally neither should exceed one minute in length.

11 Closure Motions

a) At the end of a speech by another Councillor, provided another Councillor has not been called to speak by the Presiding Member, a Councillor who has not taken any part in the debate may move without comment that:

i) The question be put immediately to the vote;

- ii) The debate be adjourned;
 - iii) The meeting be adjourned;
 - iv) The Council move on to the next business.
- b) This motion will need to be seconded, and if it is seconded, the Presiding Member will proceed as follows if, in his/her opinion, the question before the meeting has been sufficiently discussed:
- i) In the case of a motion under 17.9 above, invite the mover of the original motion to reply, and then put the closure motion to the vote.
- c) If a motion under 17.11 a) above is carried the motion under debate when the closure motion was moved shall be put immediately to the vote after the proposer has exercised his/her right of reply.

12 **Personal Explanation, Points of Order and Points of Information**

- a) A Personal Explanation must relate to an important part of an earlier speech by the Councillor in relation to which a misunderstanding has occurred.
- b) A Point of Order is a request by a Councillor to the Presiding Member to rule upon an alleged breach of the Council Rules of Procedure or the law at the meeting.
- c) A Point of Information may be made where a Councillor is aware that the Council has incorrect information before it on a material point.
- d) A Councillor may ~~stand to~~ make a personal explanation, a point of order or point of information at any time and is entitled immediately to address the Presiding Member on the matter; but:
 - i) The Councillor who raises a Point of Order must refer immediately to a Council Procedure Rule or statutory provision and say with reasons how it has been broken or infringed;
 - ii) The Councillor who raises the Point of Information must be able to immediately cite evidence to support their statement;
 - iii) In each case the Councillor's speech must be limited solely to the Personal Explanation or Point of Order or Point of Information;
 - iv) The ruling of the Presiding Member on a Point of Personal Explanation, Point of Order or Point of Information is final and not open to discussion.

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18 Notice of Motion

- 1 Every Notice of Motion (except as provided in Council Procedure Rule 18.6) for inclusion with the Council Summons shall be submitted to the Proper Officer (Monitoring Officer and/or Head of Democratic Services) by NOON at least 12 clear working days prior to the meeting in order for it to be considered. On receipt of the Motion, the Head of Democratic Services shall date the Motion, number it to show the order in which it was received and enter it in a register which shall be open to inspection by Councillors. The Motion may be submitted either:
 - a) By e-mail listing the Councillor(s) submitting the Motion. The e-mailer MUST ensure that permission has been obtained from those named as submitting the Motion; or;
 - b) In writing signed by the Councillor(s) submitting the Motion.
- 2 The Proper Officer shall insert in the summons for every meeting of the Council all notices of motion duly given in the order in which they were received unless the Member giving the notice at the time it is submitted stated in writing that s/he proposes to move it at a specific later meeting or, subsequently, given written notice that s/he withdraws it.
- 3 A notice of motion published in the summons shall require a seconder and shall specify the name(s) of the Member(s) giving it and if there be more than one, then any one of them may move it but a Motion not so moved shall be treated as withdrawn.
- 4 The mover and seconder of such a motion shall be allowed to formally move and second the motion.
- 5 On the moving and seconding of a motion, the Presiding Member shall have absolute discretion either to allow the motion to be dealt with immediately or to direct that it shall be referred without debate to any other Body of the Council.
- 6 If the Presiding Member so directs, all referrals to have an agreed timescale as to the date the report should return to Council. The referral should also contain the reason for the deferral in order to assist the Council Body which will have to consider the deferred matter.
- 7 Every notice of motion shall be relevant to matters over which the Council has power or which affects the City and County of Swansea. If, in the opinion of the Presiding Member, a notice of motion does not come within the terms of this Council Procedure Rule s/he may reject the motion.



19 Other Motions

Motions relating to the following may be moved and seconded orally and without notice:

- a) Appointment of a Chair at the meeting at which the motion is made;
- b) Motions relating to the accuracy of the minutes, including their approval under Council Procedure Rule 15;
- c) Reference of a matter to a Body of the Council;
- d) The appointment of Members to Bodies of the Council, the filling of casual vacancies thereon, so far as such matters arise from an item mentioned in the summons to the meeting;
- e) Adoption, amendment or rejection of reports and recommendations of a Body of the Council or Officers and any consequent resolutions;
- f) That leave be given to withdraw a motion;
- g) Amendments to motions;
- h) Deferral of a report or motion to a later part of the meeting;
- i) A request to bring a report or motion forward in the agenda;
- j) Authorising the sealing of documents;
- k) Extending the time limit of speeches;
- l) That the question be now put;
- m) The debate be now adjourned;
- n) The Council do now adjourn;
- o) An item of business specified in the summons has precedence;
- p) Suspending Procedure Rules;
- q) Motions under Section 100A of the Local Government Act 1972 to exclude the public.

[↑](#)

20 Debates on the Budget and the Accounts

- 1 This rule applies only to Council meetings where the Council Budget and/or its Accounts are to be discussed. In these circumstances, in addition to the relevant Council Procedure Rules, the following rules will apply:
- 2 The relevant Council Officer will be invited to give a presentation to Council of the information in the report. The presentation to Council shall last for no more than 15 minutes.
- 3 Following the conclusion of the presentation the Presiding Member will then allow questions to the Officers on the information presented and any technical matter.
- 4 The relevant member of the Executive (Cabinet) will then be asked to present the report for no more than 5 minutes.
- 5 Following the presentation the Presiding Member will allow questions to be put to the Executive (Cabinet) Member.
- 6 The Presiding Member will then allow the report to be debated.
- 7 The Presiding Member can vary any of the time limits set out in this paragraph.
- 8 Any amendments which any Councillor/Political Group wishes to propose to the Council's budget must be given in writing (e-mail) to the Chief Executive, Monitoring Officer, Section 151 Officer and relevant Cabinet Member no later than 10.00 a.m. on the working day before the day on which the Council meeting to consider the budget is held.



21 Motions Involving Exempt or Confidential Information

If any matter arises which would be likely to result in the disclosure to members of the public of exempt information (relating to particular employees etc.) of the categories described in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended, such matters shall not be the subject of any discussion until a motion to exclude the public has been proposed and voted upon.



22 Councillors Questions

- 1 A Councillor who wishes to ask a question must give notice of the text thereof in writing to the Proper Officer by Noon at least 17 clear working days before the date of the meeting of the Council at which the question is to be considered.
- 2 Following the close of receipt of Councillors Questions, the Presiding Member shall meet with the Proper Officer or his/her representative and draw lots for the order in which Supplementary Questions (Part A Questions) will be considered at Council.
- 3 The Presiding Member shall set a date in consultation with the Proper Officer.
- 4 Subject to Council Procedure Rules 22 (1) and 22 (2) above the questioner may ask the Leader or any Cabinet Member within their portfolio or the Chair of any Body one or more questions on matters within the purview of that Body
- 5 Questions submitted by Councillors and the written response to those Questions will appear with the relevant Council Summons.
- 6 Councillor Question Time will be dealt with in 2 parts, the first (Part A Questions) dealing with those questions on which Supplementary Questions may be asked and the second dealing with those Questions where Supplementary Questions shall not be asked (Part B Questions). These questions will henceforth be referred to as Part A and Part B Questions.
- 7 When submitting Questions, Councillors shall be required to make it clear whether their questions will be the subject of Supplementary Questions or not. If no such indication is given (or subsequently obtained 12.00 noon, 2 clear working days prior to the Council Summons being published) then they will be considered as Part B Questions;
 - a) All questions will be answered;
 - b) The Executive (Cabinet)/Presiding Member and Deputy Presiding Member shall not be allowed to ask questions/Supplementary Questions.



23 Supplementary Questions (Part A Questions)

- 1 The first Supplementary Question on each question will be invited from one of those Councillors listed as asking that question. All contributions shall be in the form of questions. Statements and speeches shall not be allowed. A maximum of 1 minute will be allowed for such Supplementary Questions;
- 2 Answers to Supplementary Questions shall take no more than 3 minutes per question. The Presiding Member shall have the discretion to extend the time.
- 3 Thereafter with the consent of the Presiding Member that Councillor or any other may ask further supplementary questions on the same matter. A maximum of 1 minute will be allowed for such supplementary questions. There shall be no debate on any answer given.
- 4 Supplementary Questions shall be put and answered without discussion, but the person to whom a question has been put may decline to answer in public session. They may also and in addition provide a written answer. **Such written answers will be made available to all Councillors.**
- 5 Supplementary Questions will be considered within a 30 minute period. The Presiding Member shall have the discretion to extend this time period.



24 Questions Not Requiring Supplementary Questions (Part B Questions)

No Supplementary Questions shall be allowed to questions asked under Part B Questions.



25 Answers to Questions

- 1 An answer may take the form of:
 - a) A direct oral answer, when the information is available at the meeting;
 - b) A reference to a publication of the Council when the answer is contained in that publication;
 - c) When the reply to the question cannot conveniently be given forthwith, a written answer sent to the Councillor asking the question. **Such written answers will be made available to all Councillors.**
- 2 Notwithstanding the above, questions may only be asked under this Procedure Rule in respect of those matters that are not already provided for discussion within the documentation before that meeting of the Council.

- 3 The provisions of Council Procedure Rule 22 “Councillor Questions” shall not apply to the First Annual Meeting Council of Council, the Annual Meeting of Council, Ceremonial Meetings of Council or to Extraordinary Meetings of Council.



26 Presentations and Public Question Time

- 1 After giving notice of the text thereof in writing to the Proper Officer not later than noon on the previous working day, any Member(s) of the public present may, at the appointed time of the open session of each Council meeting, ask question(s) of any Cabinet Member, Chair or Vice Chair of any Committee or Board of the City and County of Swansea on any matter included on the open part of the agenda of the respective meeting excluding Apologies for Absence, Councillors Disclosures of Interest, Minutes of Previous Meetings, Written responses to questions asked at the last ordinary meeting of Council, Announcements and Presentations.
- 2 If a member of the public wishes to ask a question of which s/he has not given notice, then, if there is time remaining after those questions dealt with under Council Procedure Rule 26 “Presentations and Public Question Time” s/he may ask a question on any item on the agenda of the meeting. All contributions shall be in the form of questions. Statements and speeches shall not be allowed.
- 3 Any questions asked shall receive an answer either within a 10 minute time allocation at the meeting, or subsequently in writing. No debate shall be allowed as a result of the question asked.
- 4 Thereafter, subject to the consent of the Presiding Member, the questioner may ask further supplementary questions on the same matter provided that no general debate shall take place upon any answer given.
- 5 At the discretion of the Presiding Member any Third Sector Organisation or other Organisation may make a presentation to Council on a matter for which the Council has responsibility. Presentations will be allocated on a first come, first served basis.
- 6 One, 10 minute presentation will be permitted per meeting providing that a full summary and the final copy of the presentation is received by the Proper Officer at least 11 clear working days prior to the meeting.
- 7 The relevant Cabinet Member will subsequently be asked to provide a brief response.
- 8 The provisions of Council Procedure Rule 26 “Presentations and Public Question Time” shall not apply to the First Annual Meeting of Council, the Annual Meeting of Council, Ceremonial Meetings of Council or to Extraordinary Meetings of Council.



27 Disorderly Conduct

If the person presiding at any meeting of Council or Committee or other Constitutional Body is of the opinion that a member has mis-conducted, or is mis-conducting, himself/herself by persistently disregarding the ruling of the Presiding Member, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of Council, he/she may notify the meeting of that opinion, warn the Member about his/her behaviour and, if the misconduct continues following that warning, may take any of the following courses, either separately or in sequence:

- a) he/she may direct the member to refrain from speaking during all, or part, of the remainder of the meeting:
- b) he/she may direct the member to withdraw from all, or part, of the remainder of the meeting:
- c) he/she may order the member to be removed from the meeting;
- d) he/she may adjourn the meeting for fifteen minutes or such period as shall seem expedient to him/her.

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28 Disturbance by Members of the Public

If any Member of the public interrupts the proceedings of any meeting the Presiding Member shall warn her/him. If she/he continues the interruption the Presiding Member shall order her/his removal from ~~the place of~~ the meeting. In the case of general disturbance in any part of the meeting place open to the public who are physically in attendance the Presiding Member of Council shall order that that part shall be cleared.

If during an interruption of proceedings or during a general disturbance the Presiding Member of Council is of the opinion that the orderly dispatch of business is impossible he/she may without question suspend/adjourn the sitting of the Meeting for such period as he/she shall consider expedient.

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29 Rescission of Preceding Resolution

- 1 No motion shall be moved:
 - a) To rescind any resolution passed within the preceding six months; or
 - b) To the same effect as a motion which has been rejected within the preceding six months.
- 2 This Council Procedure Rule shall not apply to motions that are in pursuance of a report from the Monitoring Officer or Chief Financial Officer.

- 3 This Council Procedure Rule shall not apply to Committees exercising quasi-judicial powers, where the relevant legal rules shall be followed, particularly those that ensure that all such Committees act in accordance with the rules of Natural Justice, and which shall be set out at the relevant meetings.



30 Voting

- 1 Every question shall be determined by a show of hands unless there is an Electronic Voting system available, in which case that system shall be used. At the conclusion of an electronic vote the Democratic Services officer shall declare whether the motion or recommendation was carried or not.
- 2 On the requisition of any Member supported by ten other Members who promptly and together signify their support by either rising in their places where physically present or by a show of hands if attending remotely, the voting on any question shall be recorded in the minutes to show how each Member present and voting gave their vote or abstained as the case may be.
- 3 For the avoidance of doubt it is declared that in the case of an equality of votes on any question in Council, including voting on appointments, the Presiding Member of Council shall have a casting or second vote whether or not s/he shall have voted when the question was put.
- 4 Immediately after a vote is taken at a meeting any Member may, ~~by standing in her/his place, and orally so requesting~~ that the Minutes of the proceedings of the meeting reflect whether that person cast a vote for the question or against the question or whether that person abstained from voting.
- 5 All results of e-votes taken at Council and any other Council Bodies will be published online but not as part of the minutes.



31 Common Seal

The Common Seal of the Council shall be kept in a safe place in the custody of the Chief Legal Officer.



32 Sealing of Documents

- 1 The Common Seal of the Council shall not be affixed to any document unless the sealing has been authorised by a decision of the Council, a Body of the Council, or an Officer to whom the Council have delegated their powers in that behalf, but a resolution of the Council authorising acceptance of any tender, the purchase, sale, letting or taking of any property, the issue of any stock, the presentation of any petition, memorial or address, the making of any rate, order or contract, or any other transaction, matter or thing shall be a sufficient authority for sealing any document necessary to give effect to the resolution.

- 2 The Seal shall be attested (including by electronic means) by ~~one of the following persons present at the sealing either the Chief Legal Officer or the Solicitor to the Council and~~ by persons authorised to do so by the Chief Legal Officer and an entry of every sealing of a document shall be made ~~by the Chief Legal Officer or the Solicitor to the Council or persons authorised to do so by the Chief Legal Officer~~ in a register to be provided for the purpose.

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33 Signature of Documents

Where it is proper that any document be signed on behalf of the Council (including by electronic means), it shall, unless any enactment otherwise requires or authorises or the Council shall have given the necessary authority to some other person for the purpose of such proceedings be signed by the Chief Legal Officer (also the ~~Statutory~~ Monitoring Officer) and any persons authorised by the Chief Legal Officer, or Chief Executive where relevant.

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34 Inspection of Documents

- 1 Subject to the provisions of Council Procedure Rule 29 a Member of the Council may for the purposes of her/his duty as such Member, but not otherwise, inspect any document in the possession or control of the Council if it contains material relating to any business to be transacted at a meeting of the Council, (subject to the provisions of ~~the Local Government (Access to Information) Act 1985~~); Schedule 12A Local Government Act 1972 and if copies are available shall on request be supplied for the like purposes with a copy of such document.

Provided: That a Member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which s/he is professionally interested or in which s/he has directly or indirectly any pecuniary interest within the meaning of Section 95 of the Local Government Act, 1972, or in which s/he has an interest declarable under the Members Code of Conduct as adopted by this Council which is of such a nature as would prevent him/her from taking part in a debate and voting on the matter, and that this Procedure Rule shall not preclude the Chief Legal Officer from declining to allow inspection of any document which is or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client.

All such requests for documents shall be recorded in a register which the relevant member shall sign. All documents which are disclosed under this provision shall be treated with the utmost confidence.

- 2 All public minutes shall be open for the personal inspection of any Member of the Council or the public during office hours.

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35 Inspection of Lands, Premises and Projects

A Member of the Council, unless authorised to do so by the Council or a Committee, shall not inspect any lands or premises which the Council have the right or duty to inspect, or issue any order respecting any work which are being carried out by or on behalf of the Council.



36 Politically Restricted Posts

The Chief Executive shall establish and maintain a Register of all Officers holding Politically Restricted Posts. Information held therein shall be released only at the absolute discretion of the Chief Executive.



37 Canvassing of Members, Recommendations and Testimonials

- 1 Canvassing of Members of the Council or any Committee of the Council directly or indirectly for any appointment under the Council shall disqualify the candidate concerned for that appointment. The purport of the Procedure Rule shall appear in every form of application for that appointment to the Council's service;
- 2 A Member of the Council shall not solicit for any person any appointment under the Council;
- 3 A Member of the Council shall be precluded from giving a written or oral testimonial of the candidate's ability experience or character for submission to the Council with an application for appointments.



38 Membership and Meetings of Constitutional Bodies

- 1 Membership of all established constitutional bodies shall be available on request from the Proper Officer;
- 2 Meetings of each Body set out there in shall take place at such principal place or building as shall be resolved by the Council at an hour to be determined by its Chair save that if circumstances so justify, a Chairman of such a Body may direct that a particular Body shall be held at such other place as s/he thinks fit.



39 Appointment of Constitutional Bodies

- 1 The Council shall:
 - a) At the Annual Meeting appoint such Bodies as they are required to appoint by or under any statute or under Procedure Rule 40 and may at any time appoint such other Bodies, as are necessary to carry out the work of the Council but, subject to any statutory provision in that behalf;
 - b) Not appoint any Member of a Body whether elected or co-opted to hold office later than the last day before a Local Government Election, subject to Procedure Rule 12 4 above.
- 2 Receive a report from the Leader on the names of the Councillors chosen to be members of the Cabinet.
- 3 The Council may at any time dissolve a Committee, or alter its Membership.
- 4 The Council may remove any officeholder by way of a vote following a Notice of Motion carried by a majority of all Serving Member of Council.



40 Terms of Reference and Delegation to Constitutional Bodies

Subject as otherwise provided by Statute or a Scheme made under statutory authority, the Terms of Reference and Delegation to Bodies of the Council shall be such as may be determined from time to time by the Council, after considering where appropriate a recommendation from the Cabinet.



41 Family Absence for Councillors

The Local Government (Wales) Measure 2011 (as amended) provides Councillors with legal entitlement to periods of Family Absence. The Local Authorities (Wales) Regulations 2013 require Local Authorities to have standing orders securing requirements contained within Regulations 38 and 39.

- a) A Councillor on maternity absence or parental absence may, subject to paragraphs 41b) to 41f) below:
 - i) Attend particular meetings;
 - ii) Attend particular descriptions of meetings;
 - iii) Perform particular duties; or
 - iv) Perform duties of a particular description.
- b) The Councillor must obtain the permission of the Chair of Council (Presiding Member) before attending any meeting or performing any duty.
- c) The Chair of Council (Presiding Member), must inform the Leaders of each Political Group of the Council before granting permission under paragraph 41b) above.
- d) A Councillor may complain in writing to the Head of Democratic Services regarding a refusal of permission under paragraph 41b) above.
- e) The Head of Democratic Services must refer a complaint under paragraph 41d) above to the Chair of Council (Presiding Member).
- f) The Family Absence Complaints Committee must determine a complaint made under paragraph 41d) above.
- g) The Family Absence Complaints Committee may:
 - i) Confirm the decision of the Chair of Council (Presiding Member) made under paragraph 41b) above; or
 - ii) Substitute its own decision as to the Councillor attending any meeting or performing any duty.
- h) For Maternity Absence or Parental Absence the duties applicable shall be those determined by the Chair of Council (Presiding Member) or the Family Absence Complaints Committee (in the event of an appeal). For all other types of family absence it shall be such duties as the individual Councillor concerned chooses to undertake in consultation with the Chair of Council (Presiding Member).

[↑](#)

42 Speaking Rights at Planning Committee

- 1 Members of the public, Community Councils, residents groups and amenity groups and applicants and their agents have the right to address the Planning Committees in relation to planning applications. These speaking rights can only be exercised in accordance with the terms of this CPR. Speaking rights may only be exercised if prior notification of the intention to speak has been received by the Democratic Services team by 12 noon on the working day prior to the committee meeting.
- 2 At any meeting of the Planning Committee where applications are being considered, when indications have been received that a person wishes to exercise their speaking rights, the applications where there are speakers should be dealt with in the following order:
 - a) The Chair of the Committee will introduce the item;
 - b) The Planning Officer will provide information on the nature of the application and the material considerations, together with the presentation of images of plans and elevations submitted with the application and photos where relevant describing the proposed development. In respect of this, it is to be the practice that photos will be taken on Committee Site Visits at the request of Committee Members for display at the subsequent Committee meeting;
 - c) Objectors/Interested Parties to the application (including individuals, petitioners, Community Councils and amenity groups) can address the meeting for a maximum of 5 minutes in total between them, however many objectors there are.
 - d) Applicants and/or their agents and any supporters of an application can address the meeting for a maximum of 5 minutes in total between them, however many supporters there are. This rule also applies to any application made by the Council;
 - e) The Members of the Committee shall debate the application with questions to officers. If any member of the Committee wishes to clarify a point of fact with any speaker who has addressed the Committee they may at the end of the speaker's presentation ask the Chair to put a question to the speaker;
 - f) The Planning Officer will comment/answer questions on any relevant issues raised by any speakers and Members, provide any updates on the information contained in the report to Committee and advise Committee as to the material considerations and relevant issues to be taken into account with regard to the application;
 - g) If necessary, amendments to the recommendation are put to the meeting, and voted on where appropriate;
 - h) Committee will vote on the officer recommendation;
 - i) Recommendation accepted or rejected. When the latter occurs, then the provisions of the two stage voting protocol are to be followed.
- 3 No speaker will be able to ask questions of any other speaker, or to any officer or to any member of the Committee.
- 4 All speakers must refer only to planning matters relevant to the application under discussion and if any speaker starts to raise any irrelevant matters the Chair of

the Committee can ask them to stop speaking and/or to speak only on relevant matters.

- 5 The Chair of the Committee can (with the consent of the Committee) vary the time allowed for speakers to address Committee so long as a consistent time is allowed for all speakers to address Committee.
- 6 The Chair of the Committee can (with the consent of the Committee) vary the order in which speakers will address Committee as set out in CPR 41 2 c and d above.
- 7 If a matter is deferred/withdrawn/deferred for a site visit, speakers will not be able to speak until the matter comes back to Committee.

[↑](#)

43 Variation and Revocation of Procedure Rules

Any motion to vary or revoke these Procedure Rules shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Council except when such motion is contained in a recommendation from Cabinet when it may be dealt with by the Council forthwith or at their discretion provided that at least one half of the whole number of the Council shall be present at the meeting of the Council where such motion is discussed.



44 Suspension of Procedure Rules

- 1 Subject to Procedure Rule 43.2, any Procedure Rule may be suspended so far as regards any business at the meeting where its suspension is moved, unless specifically forbidden by action of Statute;
- 2 A motion to suspend Procedure Rules shall not be moved without notice (ie under Procedure Rule 17 6) unless there shall be present at least one half of the whole number of the Members of the Council Body.



45 Procedure Rules to be given to Members

A printed copy of these Procedure Rules and of such parts of the Local Government Act, 1972, as govern the Procedure at meetings of the Council shall be given to each Member of the Council upon delivery to her/him of the Members' declaration of acceptance of office on the Member being first elected to the Council.



46 Interpretation / Amendment of Procedure Rules

- 1 The Interpretation Act, 1978 or any statutory re-enactment thereof shall apply to these Orders and the supplementary orders concerning Contracts, Terms of Reference and Financial Procedure Rules as though these were an Act of Parliament.
- 2 The Monitoring Officer may cause to be issued or amended such written amendments, interpretations and Codes of Practice as are necessary to secure the effective operation of these Procedure Rules. Such interpretations and Codes of Practice shall be complied with as if they form part of these Procedure Rules.



47 Co-opted Members

Other than provided to the contrary by statute or in the resolution authorising their appointment or in respect of appointees to the Standards Committee, persons co-opted to the Council or to a Committee thereof shall while attending meetings be treated in all respects as though they were elected Members of the Committee save that they shall not:

- a) Count towards a quorum;
- b) Vote on any motion authorising the expenditure of money or the incurring of expense by the Council;
- c) Be eligible to serve as a Chair or Vice-Chair of any Committee of the Council;
- d) Vote on any motion as to the appointment, promotion, dismissal, salary, superannuation or conditions of service of any person employed by the Council.



48 Members Attending Meetings

Where a Member who is not a Member appointed to that Body is invited by or is otherwise given the opportunity by the Chairman to attend a meeting of a Body then that Member shall:

- a) Attend only if it is lawful to do so as directed by the Chair;
- b) Have the right to speak to any item if called by the Chair but not to vote.
- c) Councillors are entitled to remain during the consideration of exempt reports and not be excluded from the meeting.

Note:

For the avoidance of doubt such a Member shall not have the right to move or second a motion, nor shall they count towards establishing a quorum.

If Members attend in accordance with this Procedure Rule they have no right to speak or vote, but must nevertheless declare any interest in accordance with Procedure Rule 16.



49 Welsh Language

In all proceedings of the Council, the Welsh Language and English Language shall have the same status and validity.



~~50 Remote Attendance at Meetings~~

~~The Local Government (Wales) Measure 2011 provided for Remote Attendance at meetings.~~

Council at its meeting on 12 August, 2014, resolved that the provision of Remote Attendance not be implemented at this time. [↑](#)

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1 Scope

These rules apply to all meetings of the Council, the Cabinet, Overview/Scrutiny Boards, Planning Committee, the Standards Committee, Regulatory Committees, and any other constitutional bodies established by the Council. All meetings are held in accordance with the Multi-Location Meetings Policy which allows meetings to be attended remotely by persons who are not all in the same physical place.



2 Additional Rights to Information

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.



3 Freedom of Information Act

- 1 ~~Since 1 January 2005,~~ Ithe public have a ~~new~~ right of access to recorded information held by the Authority, subject to a number of exemptions. The Act is completely retrospective so that all recorded information held by the City and County of Swansea falls within the scope of the Act.
- 2 Although the Freedom of Information Act presumes openness it recognises the need to protect sensitive information in certain circumstances and provides for exemptions. Some exemptions are absolute, where there is no right to the information; some exemptions are qualified, where even though information falls within the exemptions it may still have to be disclosed if it is in the public interest to do so.
- 3 Examples of exemptions include information that is commercially sensitive, confidential information, certain personal information, protection of national security, information where disclosure is prevented by other legislation, information intended for future publication, law enforcement matters and information that is accessible by other means, such as via the Publication Scheme (which is available on the Authority's internet site at www.swansea.gov.uk).
- 4 In addition to the Freedom of Information Act, there are two other access to information regimes:
 - a) The Data Protection Act ~~1998~~2018, which enables individuals to access certain information on themselves; and
 - b) The Environmental Information Regulations 2004, which enables people to access environmental information.
- 5 The Data Protection Act and the Environmental Information Regulations are also subject to exemptions and exceptions.



4 Rights to Attend Meetings

Members of the public may attend all meetings subject only to the exceptions in these rules.



5 Notices of Meeting

1. The Council will give at least 3 clear working days' notice of any meeting by posting details of the meeting on the Council's website (Swansea.gov.uk) and at the Guildhall, Swansea. ~~at the Civic Centre, Oystermouth Road, Swansea and by utilising the Council website.~~ With regard to meeting of Council and Cabinet, where possible at least 5 clear working days' notice shall be given.

2. Where the meeting or part of the meeting is open to the public and is held wholly through remote means, the notice must include details of the time of the meeting, and how to access it.

3. Where the meeting or part of the meeting is open to the public and is held partly through remote means, the notice must include details of the time and place of the meeting and how to access it.

4. Where the meeting is not open to the public and is held partly through remote means or not held through remote means, the notice must include details of the time and place of the meeting and the fact that it is not open to the public.

5. Where the meeting is not open to the public and is held through remote means only, the notice must include details of the time of the meeting, the fact that it is being held through remote means only and the fact that it is not open to the public.



6 Access to Agenda and Reports before the Meeting

1 The Council will make copies of the Council Summons and Cabinet Agenda open to the public and available for inspection on the internet Council's website (Swansea.gov.uk) and at the designated office at least 5 clear working days before the meeting. However in exceptional circumstances the 5 clear working day notice period may be waived providing prior written agreement (via e-mail) is received from the Presiding Member / Leader of the Council, Monitoring Officer and / or Head of Democratic Services or their respective Deputies.

Note: This provision does not allow the Authority to waive its legislative duty to meet the 3 clear working day requirement'. If an item is added to the Council Summons or Cabinet Agenda later, the revised Council Summons / Cabinet Agenda will be open to inspection for the time the item was added to the Council Summons / Cabinet Agenda. Where reports are prepared after the Council Summons / Cabinet Agenda has been sent out, the designated Officer shall make each such report available to the public as soon as the report is completed and sent to Councillors.

2 ~~2~~—The Council will make copies of the all other Committee Agendas open to the public and available for inspection on the internet Council's website (Swansea.gov.uk) and at the designated office at least **3** clear working days before the meeting. If an item is added to the Agenda later, the revised Agenda will be open to inspection for the time the item was added to the Agenda. Where reports are prepared after the Agenda has been sent out, the designated Officer shall make each such report available to the public as soon as the report is completed and sent to Councillors.

3. Where a meeting is open to the public and is not held through remote means only, the Council will make available for use by members of the public present a reasonable number of copies of the agenda and reports for the meeting.



7 Supply of Copies

The Council will supply copies of:

- a) Any agenda and reports which are open to public inspection;
- b) Any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- c) If the proper Office thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage and any other costs.



8 Access to Minutes etc after the Meeting

1. The Council will **publish on the Council's website and** make available **electronic and hard** copies of the following for six years after a meeting:

- a) The minutes of the meeting ~~or record of decisions taken by the Cabinet~~, excluding any part of the minutes of proceedings when the meeting was not open to the public because exempt or confidential information was being considered;
- b) A summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- c) The agenda for the meeting; and
- d) Reports relating to items when the meeting was open to the public.

2. The Council will within 7 working days (beginning on the day the meeting is held) publish on the Council's website a note setting out:

a) The names of the members who attended the meeting and any apologies for absence;

b) Any declarations of interest;

c) Any decision taken at the meeting, including the outcomes of any votes, but excluding anything relating to a decision taken when the meeting was not open to the public as discloses exempt information.

d)

9 Background Papers

List of Background Papers

The Proper Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- a) Disclose any facts or matters on which the report or an important part of the report is based; and
- b) Which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).



10 Public Inspection of Background Papers

The Council will publish background papers on the Council website, unless it is not reasonably practicable to do so. Background papers shall remain accessible for members of the public for ~~make available for public inspection for four~~ six years after the date of the meeting. ~~one copy of each of the documents on the list of background papers.~~



11 ~~Summary of Public's Rights~~

~~Bookmark 11
A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at Civic Centre, Oystermouth Road, Swansea. The Guildhall, Swansea.~~



12 Exclusion of Access by the Public to Meetings

1 Public and Private Meetings of the Cabinet

The Cabinet may only make decisions in relation to its functions and conduct formal business in a properly constituted meeting that complies with Article 13 and these Procedure rules. This does not prevent the Cabinet from holding informal deliberations in private, with or without officers present, but these meetings shall not take decisions.

2 Confidential Information - Requirement to Exclude Public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

3 Exempt Information – Discretion to Exclude Public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

4 Meaning of Confidential Information

Confidential Information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

5 Meaning of Exempt Information

Exempt information means information falling within the following categories (subject to any condition):

	Category of Exempt Information	Condition (Qualification)
12	Information relating to a particular individual.	Public interest test applies (below)
13	Information which is likely to reveal the identity of an individual.	Public interest test applies (below)
14	Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information falling within paragraph 14 is not exempt information by virtue of that paragraph if it is required to be registered under – The Companies Act 1985; The Friendly Societies Act 1974; The Friendly Societies Act 1992; The Industrial and Provident Societies Acts 1965 to 1978;

		The Building Societies Act 1986; or The Charities Act 1993. Public interest test applies (below)
15	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a <u>Welsh</u> Minister of the Crown and employees of, or office holders under, the authority.	Public interest test applies (below)
16	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
17	Information which reveals that the authority proposes:	Public interest test applies (below)
17a	To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or	Public Interest test applies (below)
17b	To make an order or direction under any enactment.	Public Interest test applies (below)
18	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	Public Interest test applies (below)
	(In relation to Where -a meeting of a Standards Committee, or a Sub-Committee of a Standards Committee, which is convened to consider a matter referred under the provisions of section 70(4) or (5) or 71(2) of the Local Government Act 2000) <u>the following descriptions of exempt information are inserted:</u>	
18a	Information which is subject to any obligations of confidentiality.	Public Interest test applies (below)
18b	Information which relates in any way to matters concerning national security.	Public Interest test applies (below)
18c	The deliberations of a Standards Committee or of a Sub-Committee of a Standards Committee established under the provisions of Part of the	Public Interest test applies (below)

	Local Government Act 2000 in reaching any finding on a matter referred to it.	
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Note:

Information falling within paragraphs 12 to 18 is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

Public Interest Test:

Information which:

falls within any of paragraphs 12 to 15, 17 and 18 above; and
is not prevented from being exempt by virtue of the 'qualifications' above,
is exempt information if and so long, as in all the circumstances of the
case, the public interest in maintaining the exemption outweighs the
public interest in disclosing the information.



13 Exclusion of Access by the Public to Reports

If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion related to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked “Not for Publication” together with the category of information likely to be disclosed.



14 The Forward Work Programme

- 1 The Forward Work Programme will be prepared by the Proper Officer to cover a period of four months. It will be updated quarterly.
- 2 The Forward Work Programme will contain matters which the Cabinet, Overview/Scrutiny Boards and the Council Meeting are likely to consider. It will contain information on:
 - a) The timetable for considering the budget and any plans forming part of the Policies and requiring Council approval, and which body is to consider them;
 - b) The timetable for considering any plans which are the responsibility of the Cabinet;
 - c) Any individual matters on which the Cabinet intends to consult in advance of taking a decision, and the timetable for consultation and decision;
 - d) The work programme of the Overview/Scrutiny Boards to the extent that it is known (it may not be possible to provide full details since Overview/Scrutiny Boards will be determining their own work programme);
 - e) The Forward Work Programme will be published at least 14 days before the start of the period covered. The Proper Officer will publish once a year a notice in the Swansea Leader, stating that a forward work programme will be published and giving the publication dates for that year.



15 Record of Decisions of the Cabinet

A record will be made of all Cabinet decisions, whether taken at a meeting of the Cabinet or its Committees (whether in public or private) or by an individual Member of the Cabinet. The Proper Officer will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement, for each decision of:

- a) The reason for that decision;
- b) Any dispensation to speak granted by the authority’s Standards Committee;
- c) The consultation undertaken prior to the decision and, if such consultation has not taken place, the reason why.



16 Overview / Scrutiny Boards Access to Documents

1 Rights to Copies

Subject to Rule 2.152 below, an Overview & Scrutiny Board will be entitled to copies of any document which is in the possession or control of the Cabinet or its Committees and which contains material relating to:

- a) Any business transacted at a meeting of the Cabinet [or its Committees] or;
- b) Any decision taken by an individual member of the Cabinet.

2 Limit on rights

An Overview & Scrutiny Board will not be entitled to:

- a) Any document that is in draft form;
- b) Any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise.



17 Additional Rights of Access for Members

1 Rights of Access

- a) All members will be entitled to inspect any document which is in the possession or under the control of the Cabinet or its Committees and contains material relating to any business transacted at a decision making meeting of that authority.
- b) All members shall be entitled to submit written questions to any cabinet member about a matter within their portfolio. These questions will receive responses in writing within 10 working days, which will be posted to the Member's intranet site, subject to paragraph 10 above.

2 Limitation on Rights

A member will not be entitled to any part of a document where:

- ~~a)~~ a) It would disclose exempt information falling within paragraphs 12 to 18 of Part 4 of Schedule 12A of the Local Government Act 1972, or
- ~~b)~~ b) It would disclose exempt information relating to the business of the Standards Committee and falling within sections 18A-18C of paragraph 4 Local Authority (Executive Arrangements)(Decisions, Documents and Meetings) and the Standards Committees (Wales)(Amendment) Regulations 2007.
- ~~cb)~~ It would disclose the advice of a political advisor or assistant.

3 Nature of Rights

These rights of a Member are additional to any other right he/she may have.

[↑](#)

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1 Notice

The Proper Officer or, in her/his absence the Head of Democratic Services, shall summon all meetings of the Cabinet. A notice period of 5 clear working days shall be given to Council meetings and to Cabinet Meetings. However in exceptional circumstances the 5 clear working day notice period may be waived providing written agreement (via e-mail) is received from the Leader of the Council, Monitoring Officer and / or Head of Democratic Services or their respective Deputies in advance.

Note:

This provision does not allow the Authority to waive its legislative duty to meet the 3 clear working day requirement'. A notice period of 3 Clear working days will apply to all other Committee meetings.



2 Cabinet Functions

Cabinet functions as set out in The Terms of Reference - ['Portfolios' in Part 3](#) of this Constitution will be discharged by:

- a) The Cabinet as a whole;
- b) A Committee of the Cabinet;
- c) An Officer;
- d) An Area Committee;
- e) Joint Arrangements.

[↑](#) **3 Delegation By The Leader**

The Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at [Part 3](#) to this Constitution. The document presented by the Leader will contain the following information about Cabinet functions in relation to the coming year:

- a) The names, addresses and electoral divisions of the people appointed to the Cabinet by the Leader;
- b) The Terms of Reference and constitution of such Cabinet Committees as the Leader appoints and the names of Cabinet Members appointed to them;
- c) The nature and extent of any delegation of Cabinet functions to Area Committees, any other authority or any joint arrangements and the names of those Cabinet Members appointed to any joint Committee for the coming year; and
- d) The nature and extent of any delegation to Officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.



4 Sub-Delegation of Cabinet Functions

- 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 an Area Committee, joint arrangements or an Officer.
- 2 Unless the Council directs otherwise, if the Leader delegates functions to the Cabinet, then the Cabinet may delegate further to a Committee of the Cabinet or to an Officer.
- 3 Unless the Leader directs otherwise, an individual Cabinet member or a Committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an Officer.
- 4 Even where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.



5 The Council's Scheme of Delegation and Cabinet Functions

- 1 Subject to 1.4.2 below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in [Part 3](#) of this Constitution.
- 2 The Leader may amend the scheme of delegation relating to Cabinet functions at any time during the year. To do so, the Leader must 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, Committee or the Cabinet as a whole. The Proper Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- 3 Where the Leader seeks to withdraw delegation from a Committee, notice will be deemed to be served on that Committee when he/she has served it on its Chair.



6 — Role of Deputy Cabinet Members

- 1 — ~~A Deputy Cabinet Member can attend at Cabinet meetings and take part in the debate on any item if allowed to take part by the Leader. In the absence of a Cabinet Member a Deputy Cabinet Members can present a report to Cabinet which that Cabinet Member would have presented, and can answer questions from members of the public and other members on that report, but only when the Leader agrees that a Deputy Cabinet Members can do so.~~
- 2 — ~~If a Deputy Cabinet Members does attend a meeting of Cabinet he/she does so on the following basis:~~
 - a) — ~~That he/she is not a member of Cabinet~~
 - b) — ~~That he /she cannot vote on any item in a Cabinet Agenda~~
 - c) — ~~That he/she does not count towards quorum in any meeting of Cabinet.~~
 - d) — That he/she cannot move or second any recommendation on any report before Cabinet.”

6. — JOB SHARING BY CABINET LEADERS AND CABINET MEMBERS

- 1 Any election or appointment to the Cabinet (including the Leader) may include the election of two or more Councillors to share office.
- 2 Where two or more Members have been elected or appointed to share the same office of the Cabinet the maximum number of members of the Cabinet including the Leader will be:
 - a) 12, where at least two of the Members have been elected or appointed to share office; or
 - b) 13, where at least three of the Members have been elected or appointed to share office.
- 3 The Members of the Cabinet who share the same office will have one vote between them in respect of any matter on which they have a right to vote because they are a member of the Cabinet. When casting the vote at the meeting, the Cabinet Job Sharing Councillors will agree which of them is to cast their vote at the meeting. If they cannot agree on the vote then they must make the chair of the meeting aware that they have not agreed a position and their vote will not be counted.

d)



7. — ASSISTANTS TO THE CABINET

- 1 Other Councillors may, from time to time, be designated by the Leader as Assistants to the Cabinet. Such Councillors will
Other Councillors may, from time to time, be designated by the Leader as Assistant to the Cabinet. No more than 5 Assistants to Cabinet will be appointed at any given time. Such Councillors will not be:
 - (a) a Member of the Cabinet

(b) The Presiding Member and Deputy Presiding Member of the Council

2 Assistants to the Cabinet will not participate in Executive decision making, but may work closely with a Cabinet Member. He/she will not be a Member of the Scrutiny Committee.

3 An Assistant to the Cabinet may support the Cabinet Member through the delegation of tasks as agreed for his/her area of responsibility. An Assistant to the Cabinet will not, however, have delegated powers and 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 a Scrutiny Committee.

4 Assistants to the Cabinet are entitled to attend and speak at any meeting of the Cabinet or a Committee of the Cabinet but cannot vote or count towards the quorum. Assistants to the Cabinet cannot move or second any report/recommendation to the Cabinet.

7 Conflicts of Interest

8

- 1 Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in [Part 5](#) of this Constitution.
- 2 If every Member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for members in [Part 5](#) of this Constitution.
- 3 If the exercise of a Cabinet function has been delegated to a Committee of the Cabinet, an individual member or an Officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in [Part 5](#) of this Constitution.

↑

8 Timetable of Cabinet Meetings

9

The Cabinet will meet at times to be agreed by the Council. ~~The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader.~~ The Cabinet meetings shall include provision for attendance remotely and in accordance with the Council's Multi-Location Meetings Policy.

↑

9 Public Access to Meetings of the Executive

10

The Access to Information Rules in [Part 4](#) of this Constitution set out the legal requirements covering public and private meetings.

↑

10 **Quorum** **11**

The quorum for a meeting of the Cabinet, or a Committee of it, shall be one quarter of the total number of members of the Cabinet.

Where any meeting is attended by more than one of the Members who share the same office and those members are attending in their capacity as a member of the Cabinet, they together count only as one person for the purpose of determining whether the meeting is quorate.

↑

11 **Decision-Making** **12**

- 1 Cabinet decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in [Part 4](#) of the Constitution.
- 2 Where Cabinet decisions are delegated to a Committee of the Cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.
- 3 No decision of Cabinet will be implemented until the 3 clear working days allowed for the Call IN Procedure has passed.

↑

12 **Conduct of Cabinet Meetings** **13**

If the Leader is present he /she will preside. In his /her absence, then the Deputy Leader shall preside. In the absence of both the Leader and the Deputy Leader, a person appointed to do so by those present shall preside.

↑

13 **Attendance** **14**

Details of entitlement to attend Cabinet Meetings are set out in the Access to Information Rules in [Part 4](#) of this Constitution.

↑

14 **Order of Business** **15**

Except as otherwise provided by the Cabinet Procedure Rules, the order of business at any Cabinet meeting shall be:

- a) To receive any apologies for absence;
- b) To receive disclosures of interest under [Council Procedure Rule 8](#);
- c) To confirm and sign the Minutes of the last meeting of the Cabinet;
- d) Announcements / Communications from the Leader of the Council;
- e) Public Question Time;
- f) Councillors Question Time;
- g) Matters referred to the Cabinet, whether by the Challenge Panel, by Overview & Scrutiny Board or by the Council, for reconsideration by the Cabinet in accordance with the provisions contained in the [Scrutiny Procedure Rules](#) or the [Budget and Policy Framework Procedure Rules](#) set out in Part 4 of this Constitution;
- h) Consideration of reports from Overview & Scrutiny Boards;
- i) Matters set out in the agenda for the meeting.↑

15 Consultation **16**

All reports to the Cabinet from any member of the Cabinet or an Officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

↑

16 Compilation of Agendas **17**

- 1 The Leader will decide upon the schedule for the meetings of the Cabinet. He/she may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a Committee of it or any Member or Officer in respect of that matter. The Proper Officer will comply with the Leader's requests in this respect.
- 2 Any Member of the Cabinet may ask the Leader to put an item on the agenda of a Cabinet Meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Cabinet.
- 3 The Proper Officer will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where a relevant Overview & Scrutiny Board or the Council Meeting have resolved that an item be considered by the Cabinet.
- 4 The Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet Meeting and may require the Proper Officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the ~~Head of Paid Service~~ [Chief Executive](#), Chief Financial Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no such

meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

†

17 **18**

Councillor Question Time

- 1 Councillors shall be allowed to ask questions of the Leader of the Council relating to any item on the Cabinet agenda being considered at the meeting. A period of 15 minutes is allocated for this purpose.
- 2 Should a Councillor wish to ask a question relating to a 'Not for Publication' report, then s/he must inform the Chair of the meeting of their intention to ask.
- 3 The Chair of the meeting will then allocate an element of the 15 minutes for such questions. Actual questions relating to 'Not for Publication' reports shall be asked after the Cabinet has formally moved into private session.

†

18 **19**

Call In Procedure

1 Executive Decisions

- a) Where a decision is made by Cabinet, the minutes of the decision shall be published electronically and made available at the Guildhall within 2 clear working days of the decision being made by the Head of Democratic Services.
- b) The Chair and Vice Chair of the Scrutiny Programme Committee shall also be sent electronic copies of the minutes of all such decisions.
- c) The minutes shall:
 - i) Bear the date on which they are published; and
 - ii) Specify that the decision will come into force and may then be implemented on the expiry of 3 clear working days (the Call In period) after the publication of the decision, unless called in pursuant to these Procedure Rules.

2 How to Call In an Executive Decision?

The Chair and / or Vice Chair of the Scrutiny Programme Committee or any 4 Councillors may Call In a decision by giving notice and stating the reason(s) for a Call In, in writing (preferably via e-mail) to the Head of Democratic Services within the Call In period. The Head of Democratic Services will then notify the decision taker of the Call In via e-mail.

3 Validity of Call In

The Head of Democratic Services upon consultation with the Monitoring Officer and Presiding Member may rule that a Call In is not valid if:

- a) It is not made by 23.59 on the 3rd clear working day of the publication of the decision;
- b) The decision is exempt from Call In on account of urgency provisions as set out below and also where:
 - i) The decision being called in is the same, or broadly the same, as a previous Call In within the last six months;
 - ii) The decision has been subject to pre-decision scrutiny and there is no material change in relevant information/evidence;
 - iii) The Call In does not specify precisely which aspects of the decision is to be challenged or provides too little information.

4 **Role of the Scrutiny Programme Committee**

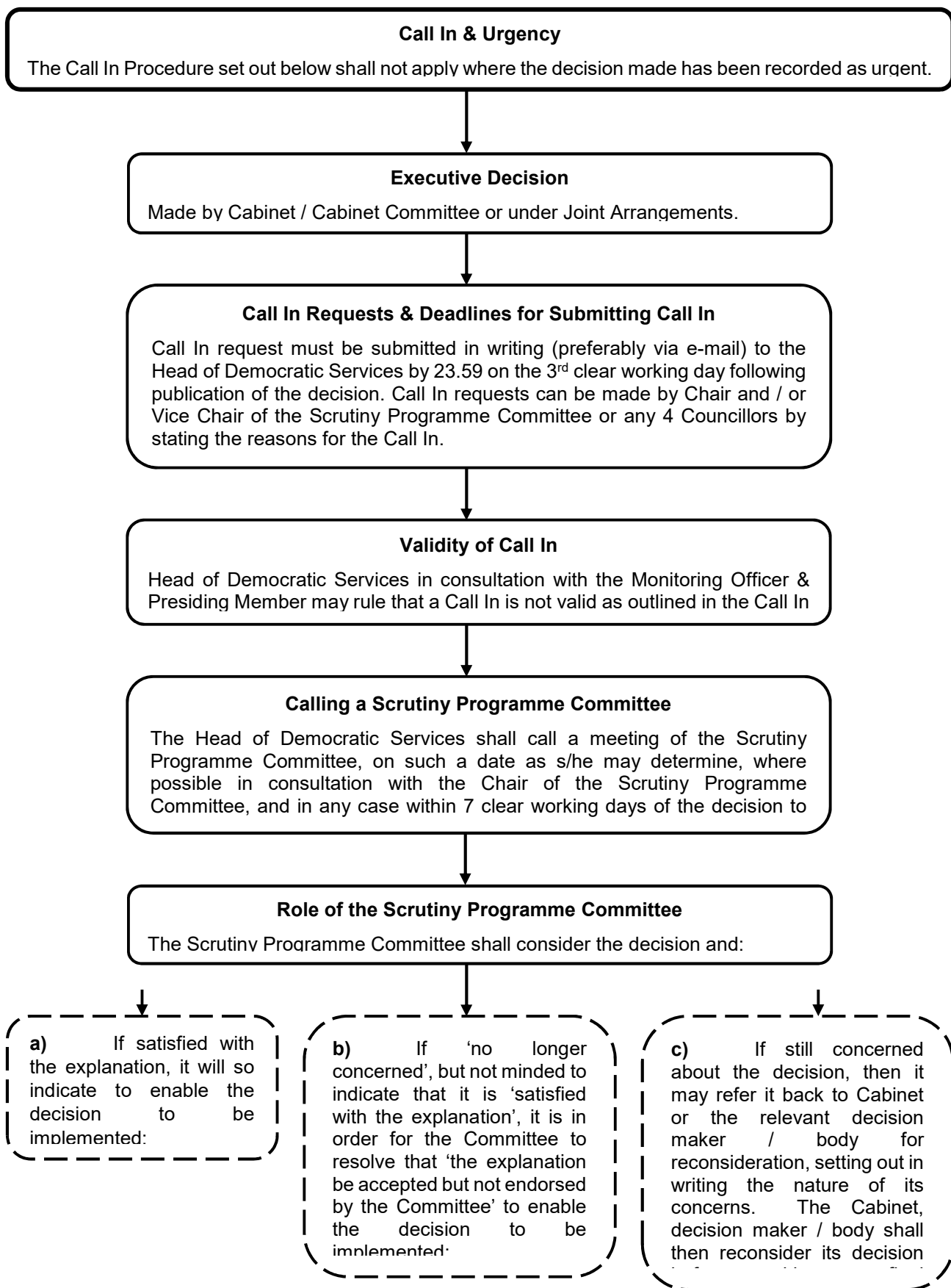
- a) The Head of Democratic Services shall call a meeting of the Scrutiny Programme Committee on such date as s/he may determine, where possible after consultation with the Chair of the Scrutiny Programme Committee, and in any case within 7 clear working days of the decision to Call In.
Note: For the purpose of this paragraph, the last working day before Christmas and the working days between Christmas and the New Year shall not be counted as working days.
- b) At its meeting, the Scrutiny Programme Committee will consider the called in decision.
- c) The Scrutiny Programme Committee shall consider the reasons for the Call In and the decision and:
 - i) If satisfied with the explanation it will so indicate to enable the decision to be implemented;
 - ii) If 'no longer concerned', but not minded to indicate that it is 'satisfied with the explanation', it is in order for the Committee to resolve that 'the explanation be accepted but not endorsed by the Committee';
 - iii) If still concerned about the decision, then it may refer it back to Cabinet or the relevant decision maker / body for reconsideration, setting out in writing the nature of its concerns. The Cabinet, decision maker / body shall then reconsider its decision before making a final decision.

5 **Call In and Urgency**

- a) The Call In procedure set out above shall not apply where the decision being taken is urgent. A decision will be urgent if either the Head of Paid Service, the Section 151 Officer or the Monitoring Officer certifies that any delay likely to be caused by the Call In procedure could seriously prejudice the Council or the public interest including failure to comply with statutory requirements;

- b) The record of the decision, and notice by which it is made public, shall state whether the decision is an urgent one, and therefore not subject to Call In.
- c) The operation of the provisions relating to Call In and urgency shall be monitored annually and a report submitted to Council with proposals for review if necessary.

[↑](#)



Guide to the Constitution of City and County of Swansea Council

Produced pursuant to section 30 of the Local Government Act 2000

5 May 2022

Introduction

The constitution

The Council is made up of different individuals and bodies, who work together to deliver the Council's functions. The Council's constitution describes the different people and bodies that make up the Council, their functions, and the procedure rules that govern how those bodies work together to deliver services.

It is intended to: -

- enable the Council to make decisions efficiently and effectively;
- support you to participate in decisions that affect you;
- help Councillors to represent their constituents more effectively; and
- enable you to hold the Council to account.

One of the main aims of the constitution is to set out clearly what you can expect from the Council, and what you can do if your expectations are not met.

This guide

This guide is designed to help you to understand how the Council makes decisions and works to deliver services in your area and how you can get involved. It provides an overview of the Council's constitution and explains key sections of the constitution in clear and simple language.

It may also be of use to those organisations that work with the Council to deliver services in the Council's area.

The first part of this guide explains why the constitution is important and how it is reviewed and updated.

The second part of this guide explains how the Council is structured. It describes the Council's democratic bodies as well as how decisions are made and by whom.

It explains the functions of the Council, its Cabinet and its committees, and which body of the Council is responsible for particular policies and decisions.

The third part of this guide explains the roles and responsibilities of elected members and paid officers of the Council. It describes the jobs they do, and how they work together to deliver the Council's functions and priorities. It also explains

the codes of conduct that govern councillors' and officers' conduct and the standards of behaviour that you can expect from them.

The fourth part of this guide provides a summary of the key policies and procedures that govern how the Council carries out certain functions.

The final part of this guide explains how you can engage with, and get involved in, your Council and local democracy. It explains how your councillors are elected, how you can contact your councillor, raise questions and speak at meetings, and how you can use petitions to raise issues that are important to you with the Council.

Signposts to the most relevant sections of the constitution and to additional resources available on the Council's website are provided throughout this guide to enable you to read more on a particular topic if you wish.

If there is anything in this guide which is unclear, or anything is missing, please let us know so we can improve it.

You can contact us by emailing democratic.services@swansea.gov.uk

Part 1 The constitution

The constitution governs the way in which the Council, Councillors and officers working at the Council work together to deliver the Council's functions. It ensures that everyone at the Council acts lawfully, fairly and appropriately and that the Council's functions are performed properly and effectively.



Article 1 of the constitution explains the purpose of the constitution.

You can obtain a copy of the constitution from the Council's offices and view it on the Council's website. A copy of the constitution must also be provided to each Councillor when they are elected to the Council.



You can access the Council's constitution on the Council's website www.swansea.gov.uk/constitution

The Monitoring Officer, the Presiding Member and the Head of Democratic Services are responsible for maintaining and reviewing the constitution. The Monitoring Officer is also responsible for deciding how the constitution should be understood and applied. The Presiding Member will also determine how to interpret the application of the procedure rules contained in the Constitution, having regard to any advice of the Monitoring Officer.

The Full Council is responsible for agreeing the constitution. Once the constitution has been agreed, it can only be changed by the Full Council. Usually, changes to the constitution are recommended to the Full Council by the Monitoring Officer.

In some circumstances, the Monitoring Officer may make changes to the constitution. For example, where there is a change in the law that affects the constitution, or where a minor change is needed to clarify a provision in the constitution that is unclear or a change is needed to the management structure.



Article 15 of the constitution explain how the constitution is agreed and how it can be changed.

The constitution also governs how meetings of the Council and its committees should be conducted. The person chairing a meeting will be responsible for ensuring that the constitution is followed during that meeting.

Part 2 The Council's democratic structures

The Council is made up of 75 Councillors who are elected every five years to represent people living in different parts of the Council's area (referred to in the constitution as 'electoral wards').

Councillors are responsible for everyone living in the Council's area, but they have a special duty to people living in their ward.



Article 2 of the constitution provides an overview of how individual Councillors work together as the Council.

All Councillors meet together regularly as the Full Council. The Full Council is responsible for setting the Council's budget, policy priorities and overall policy framework.

At the start of every year, the Full Council will elect one Councillor as its Presiding Member. The Presiding Member is responsible for chairing meetings of the Full Council and ensuring that decisions are taken properly and in accordance with the rules.

You can read more about these roles in Part 3 of this guide.

The Council appoints or elects a Leader (who may be the leader of the largest political group or coalition of political groups). Individual councillors may also be appointed to the Cabinet by the Leader. The Leader will generally appoint councillors from their own political group to the Cabinet, although they may appoint councillors from any political group to the Cabinet. Members of the Cabinet are responsible for specific policy areas, commonly referred to as portfolios. Where responsibility for a particular work area or function is given to a member of the Cabinet, it is described in the constitution as being delegated to that person.

The Cabinet meets regularly to take collective decisions on those aspects of the Council's work which the Cabinet is responsible for.

Some of the Council's functions are carried out by committees. Committees are small groups of Councillors that meet together to carry out certain of the Council's regulatory and scrutiny functions. Subject to some exceptions, committees comprise councillors from each political group in the same proportion as they are represented on the Full Council.

Until recently all council meetings (whether of the Full Council, the Cabinet or a committee or sub-committee) had to take place in person and only those councillors who were physically present at the meeting could participate in discussions and vote. Councils are now able to meet using video conferencing software. Meetings

may either be “remote” (where all councillors are in different places) or “hybrid” (where some people are present in one place, and others are in different places). Even if all the people who are participating in a meeting choose to be physically present, the Council must ensure that there is the option to join the meeting remotely.

The Full Council may engage such paid staff (referred to as officers) as it considers necessary. The Cabinet, Full Council and committees may delegate functions to officers. Further information on delegations can be found in the scheme of delegations at [Part 3.1 of the Constitution](#).

Councillors

Councillors are elected by the people living in a particular ward to represent them on the Council. However, Councillors are also accountable to the wider community and must act in the best interests of everyone living in the Council’s area.

If you want to raise an issue with the Council and are not sure who to contact, you may wish to contact your Councillor to ask for help.



You can find out who your local Councillor is and their contact details on the Council’s website www.swansea.gov.uk/yourcouncillors

All Councillors are members of the Full Council, and they may also be members of one or more of the Council’s members bodies (such as the Cabinet or a committee). Where Councillors act as a member of a particular Council body, they are referred to in the constitution as ‘Members’.

Councillors have certain rights that are set out in the constitution, which enable them to raise issues and make representations on your behalf.

For example, Councillors may: -

- see any information which they need in order to fulfil their role as a member of the Council;
- attend any meeting of the Council, its committees or the Cabinet;
- speak at any meeting of any Council body which they are a member of;
- with the permission of the chair, speak at any meeting of any Council body (even if they are not a member of that body);
- talk to the Leader, or members of the Cabinet or Council officers about any aspect of Council business; and

- raise complaints.

Councillors may also raise questions at meetings of the Full Council and the Council's committees and sub-committees, submit motions to the Full Council and call-in decisions.

Full Council



Article 4 of the constitution governs the Full Council and the Council Procedure Rules are found at Part 4.1 of the Constitution.

What does the Full Council do?

The law requires that certain important decisions are taken by all Councillors meeting together as the Full Council. These are referred to in the constitution as functions of the Full Council. The Council may decide that other non-executive functions should be carried out by the Full Council too. These are referred to in the constitution as local choice functions because the Council has a choice about which person or body should carry them out.



Article 4 and the Scheme of Delegation set out in the constitution explains the different types of functions that are carried out by the Council and which part of the Council is responsible for carrying them out.

The Full Council is responsible for, amongst other things: -

- agreeing the constitution, and any changes to the constitution;
- setting the Council's budget;
- developing the Council's single integrated plan (which explains how the Council will deliver its legal duties in areas such as health and social care, children and young people and community safety);
- agreeing key plans and strategies (referred to in the constitution as the 'policy framework');
- reviewing and reporting on the Council's performance;
- electing the Leader and the Presiding Member; and
- appointing the Chief Executive and other Chief Officers.

Meetings of the Full Council are chaired by the Presiding Member. They are responsible for ensuring that meetings are conducted in accordance with the constitution and that decisions are made properly, fairly and lawfully.

You can read more about the role of the Presiding Member in Part 3 of this guide.

What happens at meetings of the Full Council?

The Full Council will meet early in each financial year to elect Councillors to particular positions on the Council, to appoint Councillors to outside bodies and to establish committees and working groups to carry out the Council's business during the year. This is known as the annual meeting.



The timing of the annual meeting and the issues to be decided at that meeting are described in the council procedure rules in section 4.1 of the constitution.

At the annual meeting, the Council will also decide how often all Councillors should meet together as the Full Council. These regular meetings of the Full Meetings are known as ordinary meetings.



Ordinary meetings are carried out in accordance with the council procedure rules in section 4.1.9 of the constitution.

In some circumstances, it may be necessary for the Full Council to meet before its next scheduled meeting to discuss an issue that is particularly urgent or important. This is known as an extraordinary meeting of the Council.



The process by which an extraordinary meeting may be called and the issues that may be discussed there are set out in section 4.1.10 of the constitution.

The Full Council is responsible for deciding when and where meetings of the Full Council will be held. The Head of Democratic Services must notify Councillors of this by issuing them with a summons.

The Head of Democratic Services is also responsible for ensuring that the public are told about meetings of the Full Council, by publishing a notice in advance of each meeting. The notice must include certain information such as the date and time of the meeting, where it will be held and how you can access the meeting remotely using video conferencing.

You can read more about participating in meetings of the Council in part 4 of this guide.



Part 4.2 of the constitution govern meeting arrangements and notice requirements.

How does the Full Council make decisions?

Meetings of the Full Council are carried out in accordance with an agreed set of rules that are designed to ensure that debates are conducted fairly and efficiently, and that every Councillor has the ability to raise questions and to make comments on the public's behalf.



The rules of debate are set out in Part 4.1 of the constitution.

Decisions are made by Councillors casting votes for or against a particular decision (referred to in the constitution as a motion). Councillors may also propose amendments (changes) to a particular motion, which must then be voted on.

Historically, votes were conducted by a show of hands, with Councillors asked to raise their hand to indicate whether they were voting for or against a particular motion, or whether they wished to abstain (i.e. to vote neither for nor against the motion). Councils now use a range of methods including electronic voting for meetings where Councillors are physically present and in-built electronic voting functions on video conferencing platforms where meetings are conducted remotely or in a hybrid format.

Decisions will usually require a simple majority of those present voting for a particular motion. In other words, more Councillors must vote for a motion than against it. Where a vote is tied once all Councillors have voted, the Presiding Member will have a second, casting vote.

Councillors may request a recorded vote on a particular issue. In a recorded vote, the Councillors voting for and against a particular motion, and those abstaining, will be written down and recorded in the minutes of the meeting. Councillors may also request that their individual vote on a particular motion is recorded in the minutes.



The Council's voting arrangements are set out in Part 4.1.30 of the constitution.

Does every Councillor need to be present before a decision can be taken?

Not every Councillor needs to vote on every decision. In fact, in some circumstances it may not be appropriate for a Councillor to vote on a particular issue (for example, where they have a personal interest in a decision). You can read more about this in part three of this guide.

However, in order for the Council to make a lawful decision a minimum number of Councillors must be present at a meeting. The minimum number of Councillors that must be present at a meeting is referred to in the constitution as the quorum for that meeting.



Part 4.1.13 of the constitution sets out the minimum number of Councillors that must be present so the Full Council can make a decision.

Are meetings recorded?

Meetings of the Full Council are broadcast live on the Council's website.

A record of each meeting will be kept in the form of minutes. The minutes will contain a record of the motions that were put to the meeting, and the decisions that were taken. They will also record who was present at the meeting.

The minutes of a meeting of the Full Council will be agreed by the next meeting of the Council and published on the Council's website in accordance with the Council's access to information procedure rules.

The Council also publishes a record of the decisions taken at every meeting of the Full Council, the Cabinet and at committee and sub-committee meetings within seven days of the meeting taking place.

If you want to find out what the Council decided about an issue that affects you, you can read the minutes or the record of decisions for the meeting where that issue was discussed.

Information on the Council's broadcasting arrangements can be found in section 4.1 of the constitution and in the Council's Multi-location Meetings Policy and on the Council's website [<insert hyperlink>](#).



Information on minutes can be found in Part 4.2.8 of the constitution.




The access to information procedure rules can be found in Part 4.2 of the constitution.




Minutes of meetings and records of decisions are available on the [Council's website](#).

The Cabinet

The Cabinet is made up of the Leader and individual Councillors appointed to the Cabinet by the Leader.

 Article 7 and Part 4.4 of the constitution explain the composition of the Cabinet and how Councillors are appointed to the Cabinet.


The role of Leader and any role on the Cabinet may be carried out by two or more Councillors on a job-share basis.


 Article 7 and Part 4.4 of the constitution explains the job-sharing arrangements for members of the Cabinet.

What does the Cabinet do?

The Leader is responsible for carrying out the Council's executive functions. However, in practice the Leader cannot personally carry out every one of these functions, so the Leader delegates responsibility for certain functions to the Cabinet, to members of the Cabinet, to officers of the Council or to other bodies.

Each year, the Leader decides which functions to delegate to whom. This is known as the Council's scheme of delegation.

 Parts 3.1 and 4.4 of the constitution explain how functions are delegated by the Leader.

 The Council's scheme of delegation can be found in Part 3.1 of the constitution.

Meetings of the Cabinet

The Leader will decide when the Cabinet will meet, and for how long. They will also chair meetings of the Cabinet.

The constitution prescribes certain matters that must be considered at every meeting of the Cabinet. Additionally, the Leader, members of the Cabinet and certain Chief Officers may require that an item of business is added to the meeting agenda.

Meetings of the Cabinet are carried out in accordance with the rules of procedure and debate set down in the constitution.



Part 4.4 of the constitution governs how meetings of the Cabinet are conducted.

How does the Cabinet make decisions?

The Cabinet is obliged to consult with individual Councillors and with certain committees before it makes certain decision on matters that are not urgent.

The Cabinet is also required by law to consult with the public in advance of taking certain decisions. Even where legislation does not require public consultation, as a matter of good practice the Cabinet may also consult the public in advance of taking other significant decisions. Where the Cabinet undertakes public consultation, the Cabinet must have regard to the consultation responses received when taking their decision.

The Cabinet must keep a record of every decision it makes, including decisions made by an individual member of the Cabinet and the Cabinet committees.



You can read the minutes of meetings of the Cabinet on the [Council's website](#).

Why does the Council have committees and what do they do?

The law requires the Council to establish committees for the purpose of carrying out certain legal functions of the Council.

The Council may also decide to establish other committees and working groups for the purpose of assisting the Council to conduct its business efficiently and effectively.


What do the Council's scrutiny committees do?

The Scrutiny Committee

The Scrutiny Committee is responsible for holding the Cabinet and other bodies of the Council to account. Scrutiny in Swansea includes a Scrutiny Programme Committee who coordinate the scrutiny work, scrutiny panels and working groups.

The Scrutiny Committee can: -

- review and scrutinise decisions made by the Cabinet and other parts of the Council;
- make reports and recommendations to the Council or to the Cabinet; and
- make proposals regarding changes to the Council's policies and procedures.

 The functions of the Scrutiny Committee are set out in Article 6 and Part 4.10 of the constitution.

Members of the Scrutiny Committee must be told about meetings of other Council bodies. They have special rights to see Council documents.


The Scrutiny Committee may also require any member of the Cabinet or any senior paid officer of the Council to attend a meeting of the committee to explain a decision that they have taken or their performance.

Standards Committee


The Standards Committee is responsible for promoting high standards of conduct by Councillors, including by advising and training Councillors on the councillor code of conduct and advising the Council on changes to that code.

 The functions of the Standards Committee are set out in Article 9 and Part 3.2 of the constitution.

The Standards Committee is also responsible for investigating alleged breaches of the councillor code of conduct and censuring members who are found to have failed to comply with that code.

 The procedure for dealing with allegations made against Councillors is set out in **INSERT HYPERLINK** of the constitution.

The Standards Committee comprises a mixture of Councillors and independent members (who cannot be members or paid officers of the Council or related to members or paid officers of the Council).

 You can read more about the Standards Committee in Part 3.2 of the constitution.


What do the Council’s regulatory and other committees do?

Planning Committee

The Council is responsible for operating the planning system in its area. This involves preparing local development plans and local planning policies (which govern development in the Council’s area) and managing development (by granting or refusing permission for new development).

The Council will appoint individual Councillors to the Planning Committee and agree terms of reference for, and the delegation of powers to, the Planning Committee to enable it to discharge those functions.


 You can read more about the Council’s Planning Committee in Part 3.2 of the constitution.


 You can also read more about the Council’s planning functions on the Council’s website <**insert hyperlink**>.

Licensing Committee

The Council is responsible for deciding whether to grant licences for a wide range of different businesses, services and activities in its area. The Council’s licensing functions are delegated to the Council’s Licensing Committee.

The Council will appoint individual Councillors to the Licensing Committee and agree terms of reference for, and the delegation of powers to, the Licensing Committee to enable it to discharge those functions.

 You can read more about the Council’s Licensing Committee in Part 3.2 of the constitution.


 You can also read more about the Council’s licensing functions on the Council’s website [<insert hyperlink>](#).

Governance and Audit Committee

The Governance and Audit Committee advises the Full Council, the Cabinet and their respective committees and members on matters relating to good governance, financial oversight, risk management and complaints.

The Governance and Audit Committee monitors the effectiveness of the Council’s rules and procedures for ensuring that the Council acts lawfully, responsibly and that it is accountable to the public. The committee is also responsible for ensuring that the Council’s decisions and finances are audited in accordance with agreed procedures. Lastly, the Governance and Audit Committee must review and comment upon the Council’s own corporate self-assessment reports.

The Governance and Audit Committee comprises a mixture of Councillors and lay members (who are not members of the Council). Councillors are appointed to the Committee in accordance with the political balance rules (which ensure that the political make-up of the committee reflects the political make-up of the Council).

 Part 3.2 of the constitution explains the Council’s arrangements and functions for the Governance and Audit Committee.

Democratic Services Committee

The Council has a statutory responsibility for designating one of its officers as Head of Democratic Services, keeping under review the provision of resources to the Head of Democratic Services and supporting non-executive members of the Council.

The Democratic Services Committee is made up of Councillors appointed to the Committee in accordance with political balance rules and may include no more than one Cabinet member or Assistant to the Cabinet and cannot be the Leader of the Council.

 Section 3.2 of the constitution explains the Council’s arrangements and functions for the Democratic Services Committee.

What are joint committees?

The Council may carry out some of its functions jointly with one or more other local authorities in Wales, and with other public bodies. The Council may decide to do this where, for example, the Council considers that it could better promote the economic, social or environmental wellbeing of people living in its area by coordinating its activities with other local authorities, bodies or people.

The Council can establish a joint committee with other local authorities, bodies or people and delegate decisions and functions to that joint committee. By allowing decisions to be taken by a joint committee, the Council can ensure that decisions can be coordinated between all authorities and bodies represented on the committee.

The Cabinet may also establish joint arrangements with one or more local authorities in Wales for the purpose of jointly exercising executive functions together with those authorities.



Article 11 of the constitution governs the circumstances in which the Council or Cabinet may enter into joint arrangements with other authorities and bodies.

The Council and the Cabinet may also delegate or contract out particular functions to another local authority or to another body or organisation.

The South West Wales Corporate Joint Committee

The South West Wales Corporate Joint Committee is made up of the Leaders of the constituent Councils, who may decide to co-opt other executive members or partner representatives as appropriate.

The South West Wales Corporate Joint Committee was established under regulations made by the Welsh Ministers. Consequently, many of the rules and standards that apply to the South West Wales Corporate Joint Committee are set down in regulations, rather than in the constitution.

Part 3 Roles and responsibilities

What roles do Councillors perform?

The key roles of all Councillors is to:

- (i) collectively be the ultimate policy makers and carry out a number of strategic and corporate management functions;
- (ii) represent their communities and bring their views into the Council's decision making process
- (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (iv) balance different interests identified within the electoral division and represent the electoral division as a whole;
- (v) contribute to the improvement of council services;
- (vi) be involved in decision making through council meetings;
- (vii) be available to represent the authority on other bodies
- (viii) maintain the highest standards of conduct and ethics.

Councillors may also be elected or appointed to specific roles including:

- Leader and Deputy Leader;
- Presiding Member and Deputy Presiding Member;
- Member of the Cabinet;
- Assistant to the Cabinet;
- Elected Member (Councillor);
- Chair and / or member of the Democratic Services Committee;
- Member of the Governance and Audit Committee;
- Chair and / or member of the Scrutiny Programme Committee;
- Member of the Standards Committee;
- Chair and / or member of a regulatory committee;

- Leader of the Opposition and Deputy Leader of the Opposition;
- Member Champion;
- Outside Bodies.

In Article 12 of the constitution you will find information about the roles played by senior paid officials of the Council, including the Chief Executive, the Monitoring Officer, the Chief Finance Officer and the Head of Democratic Services.

This part of the guide provides more information about these important roles.

Presiding Member and Deputy Presiding Member

The Presiding Member and Deputy Presiding Member are elected by the Full Council every year.

The Presiding Member is responsible for: -

- promoting and upholding the constitution;
- presiding over meetings of the Full Council;
- ensuring that meetings of the Full Council are quorate and conducted in accordance with the Council's procedure rules; and
- ensuring that decisions are taken in accordance with the constitution.

The Deputy Presiding Member performs the Presiding Members functions in their absence.

Leader and Deputy Leader

The Leader is elected by the Full Council.

The Deputy Leader is appointed by the Leader to exercise the Leader's functions in their absence.



The arrangements governing the election of the Leader and the appointment of the Deputy Leader are set out in sections 6.1 to 6.4 of the constitution.

The Leader is responsible for appointing Councillors to the Cabinet and for allocating specific policy areas and responsibilities (portfolios) to members of the Cabinet.

The Leader is also responsible for preparing a scheme describing which functions are to be carried out by which members of the Cabinet.

The Leader also chairs meetings of the Cabinet.

The Leader will act as the Council member of the South West Wales Corporate Joint Committee and the Council's representative on the South West Wales Public Services Board.

The Leader may appoint other members of the Council to sit on other outside bodies.

Members of the Cabinet

Members of the Cabinet are responsible for: -

- taking decisions regarding issues that fall within their area of responsibility;
- playing an active role in Cabinet meetings and decision making;
- contributing to the development of the Council's forward work programme and to policies and procedures in their area of responsibility;
- providing political leadership to the Council's paid officers on matters they are responsible for;
- reporting to the Full Council, the Leader, the Cabinet and others on the performance of services which they are responsible for; and
- participating in the Council's scrutiny processes and procedures, including by explaining decisions they have made and the performance of functions within their area to the Scrutiny Committee.



You can read more about Cabinet portfolios and delegation in Part 3.2 and 4.4 of the constitution.

Assistants to the Cabinet

Assistants to the Cabinet support members of the Cabinet by taking on certain tasks and responsibilities on their behalf. They may attend meetings, prepare reports, review papers and draft comments for the member they support.

Assistants to the Cabinet are not members of the Cabinet and cannot vote at Cabinet Meetings or Cabinet Committee Meetings. However, they are entitled to attend and to speak at meetings of the Cabinet and its committees.




You can read more about Assistants to the Cabinet in Article 7 and Part 4.4 of the constitution.


What roles do paid officers of the Council perform?

The elected members of the Council are supported by paid officers of the Council, who are accountable to the Council and responsible for delivering services to the public in accordance with the policies and procedures agreed by the Full Council, the Cabinet and their committees and bodies.


The **Chief Executive** has overall corporate and operational responsibility for the work of the Council and for all paid officers of the Council.

 The Chief Executive's role and responsibilities are described in Article 12 of the constitution.


The **Monitoring Officer** is responsible for ensuring lawfulness and fairness in the Council's decision making, maintaining and upholding the constitution, receiving reports of alleged breaches of the Council's duties and obligations and conducting investigations into such allegations.

 The Monitoring Officer's role and responsibilities are described in Article 12 of the constitution.


The **Head of Democratic Services** is responsible for advising the Council, its committees and individual Councillors, on the proper discharge of the Council's democratic functions and responsibilities.

 The Head of Democratic Services' role and responsibilities are described in Article 12 of the constitution.

The **Chief Finance Officer** is responsible for ensuring that the Council makes lawful and financially prudent decisions. They are also responsible for the administration of the Council's financial affairs and providing advice to Councillors on the Council's budgetary and other financial procedures.

 The Chief Finance Officer's role and responsibilities are described in Article 12 of the constitution.

The Council also employs a number of Directors including the Directors of Social Services, Education, Place and Corporate Services. The Council also has a Deputy Chief Executive who is also the Director of Corporate Services. Their roles are set out at Article 12 of the Constitution.

 The processes by which Chief officers are recruited, appointed, disciplined and dismissed are set out in Part 4.8 and 4.9 of the constitution.

How should Councillors and Officers behave?

Councillors should comply with the Members' Code of Conduct

Councillors are expected to uphold the highest standards of personal and professional conduct. Those standards are described in the Code of Conduct for Members.

The Code of Conduct for Members is intended to help and guide Councillors in maintaining appropriate standards of conduct when serving their community. In turn, it provides reassurance to the public and helps build their trust in, and respect for, their local representatives.

The Code of Conduct for Members is based upon the 7 Principles of Public Life, which were first set out in the 1995 Nolan Report on Standards in Public Life. Three additional principles were added in the local government principles in Wales.

The Code of Conduct for Members is consistent with, and provides for the practical application of, these principles.

➤ **Selflessness**

Members must act solely in the public interest. They must never use their position as members to improperly confer an advantage on themselves or to improperly confer an advantage or disadvantage on others.

➤ **Honesty**

Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

➤ **Integrity and propriety**

Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

➤ **Duty to uphold the law**

Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

➤ **Stewardship**

In discharging their duties and responsibilities members must ensure that their authority's resources are used both lawfully and prudently.

➤ **Objectivity in decision-making**

In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, members must make decisions on merit. Whilst members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

➤ **Equality and respect**

Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sex, sexual orientation, marital status, age or religion, and show respect and consideration for others.

➤ **Openness**

Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

➤ **Accountability**

Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

➤ **Leadership**

Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.



You can read the [Code of Conduct for Members](#) in full.

Councillors are expected to ensure that they understand their obligations under the Code and act in a way which shows that they are committed to meeting the high standards of conduct that are expected of them. However, Councillors are provided

with training when they are first appointed, and on a regular basis, to support them to comply with the Code of Conduct for Members.

Officers should comply with the Officers' Code of Conduct

Paid officers of the Council are responsible for serving the council by providing advice to Councillors, implementing the Council's policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

The public is entitled to expect the highest standards of conduct from all those who work for the Council. The Code of Conduct for Officers outlines the rules and conditions of service which apply to the Council's employees. It is designed to provide clear guidance to assist them in their day to day work and to allow the public to understand what they can expect when they interact with a Council employee.



You can read the Code of Conduct for Officers in full in Part 5 of the constitution.

How should Councillors and Officers work together?

Councillors and Officers have different roles, responsibilities and accountabilities, but it is imperative that they work effectively together to perform the Council's functions and to deliver services to residents living in the Council's area.

The Protocol on Member and Officer Relations is designed to clarify the respective roles and responsibilities of Councillors and Officers and to guide them in their dealings with one another. It explains what Councillors and Officers can reasonably expect from one another and how they should work together to achieve their common purpose.

Councillors are entitled to express political views and to support the policies of the party or group to which they belong. Conversely, officers are expected to carry out the Council's business in a politically impartial way and many are restricted from engaging in political activity. The protocol therefore explains how officers can support the policy deliberations by political groupings, while remaining politically neutral.




You can read the Protocol on Member and Officer Relations in full in Part 5 of the constitution.


Part 4 Policies and procedures

The Council's key plans and strategies (the policy framework)


Where can I find the Council's key plans and strategies?

The Full Council is responsible for setting the Council's key plans and strategies, which together form the Council's policy framework.

 The plans and strategies which form the Council's policy framework are listed in Article 4 of the constitution.

 Individual plans and strategies are published on the Council's website. [Hyperlink](#)


Additionally, the Council's single integrated plan brings together the Council's plans and strategies for: communities; children and young people; health social care and wellbeing; and community safety.

 The Council's single integrated plan is published on the Council's website [<insert hyperlink>](#).

How is the Council's policy framework decided?

The Council will be responsible for the adoption of a policy framework and Budget as set out in Article 4. The policy framework and Budget adopted by the Council will be based on that proposed by the Cabinet. Once a policy or Budget has been adopted it will be the responsibility of the Cabinet to implement it.

Once adopted, the Cabinet, their committees, individual Councillors and the Council's paid officers are bound to act in accordance with the policy framework.

 The process by which the Full Council adopts a policy framework is described in Part 4.3 of the constitution.

Budget setting and financial management

How does the Council set its budget?

The Full Council is responsible for agreeing the Council's Budget, and for agreeing changes to the Council's Budget once it has been formally adopted.

The Council's budget is in two parts: -

- the revenue budget provides for day to day operating costs and expenditure like staff salaries, rent, and the ongoing costs of providing services.
- the capital budget provides for one-off costs like a major road improvement scheme, or the purchase or construction of a new car park.

The Cabinet is responsible for developing initial proposals for the Council’s budget and consulting over these.

Once this consultation has been completed, the Cabinet is responsible for preparing a final budget proposal for consideration by the Full Council.

The Full Council may adopt the Budget without making any changes, amend the Budget, or ask the Cabinet to reconsider it before adopting it.


 The process by which the Full Council adopts its budget is described in Part 4.1 and 4.3 of the constitution.

Decisions outside the budget or policy framework

Can decisions be taken that do not comply with the budget or policy framework?


The Full Council may decide to make changes to the policy framework.

Other bodies and individuals may only take decisions that do not comply with the policy framework in a limited number of exceptional circumstances, which are set out in the constitution. For example, where an urgent decision must be taken to safeguard the Council’s interests and it is not possible to arrange a meeting of the Full Council in time.

 The Council’s arrangements for urgent decisions which do not comply with the policy framework are set out in Part 4.3 of the constitution.

Can money be moved from one budget head to another once the budget has been adopted?

During the year the Cabinet and Chief Officers may need to transfer budgets from one service area to another to reflect changed service needs or priorities in order to deliver the Council’s policy framework within the financial limits set by the Council.

 The mechanism by which the Cabinet and Chief Officers may move money between budget heads is set out in Part 4.6 of the constitution.

What other policies and procedures govern how the Council manages its budget?

The Council is bound by a number of different financial rules and procedures that govern how the Council's spending is planned, committed, reviewed and audited.



The Council's detailed financial procedure rules are set out in Part 4.6 of the constitution.

Are there any restrictions on how the Council buys in goods and services?

The Council can enter into contracts to purchase goods and services in much the same way as any other person or organisation. However, the Council must comply with the contract procedure rules in the constitution when it does so.

The purpose of the contract procedure rules is to ensure that the Council complies with relevant legal requirements and secures the most economically advantageous (best value) goods and services for taxpayers.

If you regularly sell goods or services to the Council then you may wish to familiarise with these rules and procedures.



The Council's contract procedure rules are set out in Part 4.5 of the constitution.

How does the Council enter into contracts and agreements?

The rules and procedures that govern how agreements, contracts and deeds are authorised and executed on behalf of the Council are set out in Part 4.5 of the constitution.

Part 5 How can I get involved?

How is the Council engaging with local people to encourage them to participate in local democracy?

The Council will publish a public participation strategy which explains how it will encourage local people to participate in the Council's decision-making processes. The Council's public participation strategy describes how the Council will:

- promote awareness of the Council's functions;
- highlight how the public can be involved in Council decisions through consultation and co-production;
- promote awareness of how people can become a Councillor and what the role entails;
- facilitate access to information about decisions made, or to be made, by the Council;
- promoting arrangements by which people may make representations to the Council about decisions it has made or will make in the future;
- ensure that the public's views are brought to the attention of its Scrutiny Committee[s]; and
- promote awareness amongst Councillors of the benefits of using social media to communicate with local people.

The Council also engages with local people through citizen panels and surveys and consultations around specific policies and services. These may be initiated by the Council, service departments within the Council or through the work of the Council's committees or sub-committees.




The Council's public participation strategy is published on the Council's website <insert hyperlink>.


Can I send a petition to the Council?

Yes, you can submit petitions to the Council using the Council's petition scheme. The Council is obliged by law to operate a petition scheme, which sets out: -

- how a petition can be submitted to the Council;
- how and when the Council will acknowledge receipt of a petition;


- the steps the Council will take in response to a petition; and
- how any by when the Council will make available its response to a petition to the person who submitted the petition and to the public.


 You can read more about submitting a petition to the Council in section [hyperlink](#) of the constitution.

 The Council publishes details of its petition scheme on its website <insert [hyperlink](#)>.

How can I find out when meetings of the Council and its committees and bodies are taking place?

The Council publishes notices of meetings of the Full Council and its committees.


 You can find out more about notice requirements in Part 4.2 of the constitution.


 The Council publishes [notices of meetings, and a programme of upcoming meetings](#), on its website.

How can I find out what will be discussed at a particular meeting?

The Council will publish agendas for meetings, together with any background papers and reports in advance of the meeting taking place.

Hard copies of agendas and background papers and reports will also be available at the meeting for those members of the public who wish to attend in person.

 You can find out more the information that is made publicly available in advance of a Council meeting in Part 4.2 of the constitution.

 The Council publishes [meetings agendas and supporting documents and reports](#) on its website.

How can I find out when an issue I am interested in will be decided?

The Council publishes a forward work programme, which sets out what decisions will be taken by the Full Council, the Cabinet and what issues the Scrutiny Committee will be considering, and when these matters will be discussed.

 The Council publishes its [forward work programme](#) on its website.

Can I ask a committee or body of the Council to look into a particular issue?

Yes, you can contact your councillor about matters of interest, and you can also ask the chair of a particular body to add an item to the agenda for a future meeting, or attend a meeting and ask that body to look at an issue when it is considering items of future business.

Can I observe meetings of the Full Council?

Yes, members of the public can come to observe meetings of the Full Council so long as they are being held in public.

Meetings of the Full Council are also broadcast live on the Council's website so you can watch them in real time remotely if you wish to do so.

The public will only be excluded from meetings whenever it is likely that confidential information would be disclosed to them if they were able to attend. The Council may also exclude the public from a meeting, or part of a meeting, where exempt information would be disclosed. Exempt information includes information that relates to a particular individual or their financial or business affairs, information that is legally privileged or information relating to the prevention, investigation or prosecution of a crime, or other information specified in the constitution.

If you interrupt a meeting of the Council, then you are likely to be warned by the Presiding Member about causing a disturbance. If you continue to disturb the meeting, then you may be removed.

Can I observe other meetings?

Yes, members of the public can come to observe any meeting which the Council has resolved should be held in public.

Can I speak at a meeting?

Members of the public can speak at any meeting which the Council has resolved should include participation by members of the public.

Can I ask a question at a meeting?

You can ask formal questions of members of the Cabinet at meetings of Cabinet and meetings of the Full Council.

However, you may only ask a question if you have given the Head of Democratic Services notice in writing (including by email) that you wish to raise a question in advance of the meeting taking place.

Time for questions is limited, and questions are permitted in the order in which they were notified to the Head of Democratic Services. If time for questions runs out before you are able to ask your question, then you may be provided with a written answer to your question instead.



Contact information for the [Head of Democratic Services](#) are published on the Council's website.

How can I find out what the Council decided?

The Council publishes the agenda, reports and the minutes of meetings once they have been agreed. These papers are available for inspection by the public for a minimum of six years from the date of the meeting. The background papers are available to the public for at least six years. You may also be able to view webcast recordings of many meetings.

The Council also has arrangements in place for publishing written records of decisions taken by the Cabinet and the Council's committees and other bodies.



You can read [meeting minutes, reports and agendas](#) on the Council's website

Can I view the Council's accounts to understand how my council tax is spent?

Yes. The Council is required to publish its accounts and to make them available for inspection by the public. You may raise questions of concerns about the Council's accounts with the Council or with the Council's external auditor.



You can find out more about how to view and comment on the Council's website at [<Insert hyperlink>](#)

Agenda Item 12.



Report of the Head of Democratic Services

Annual Meeting of Council – 24 May 2022

Councillors Local Dispute Resolution

Purpose:	To re-adopt the Councillors Local Dispute Resolution.
Policy Framework:	Council Constitution.
Consultation:	Access to Services, Finance, Legal.
Recommendation(s):	It is recommended that: 1) The Councillors Local Dispute Resolution as outlined in Appendix A of the report be re-adopted. 2) Councillors agree to attempt to resolve any grievances they may have with other Councillors through the internal mediation process whenever possible, before referring an issue to the Public Services Ombudsman for Wales.
Report Author:	Huw Evans
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar

1. Introduction

1.1 Council at its meeting on 22 June 2017 re-adopted the Councillors Local Dispute Resolution.

2. Councillors Local Dispute Resolution

2.1 The concept for the Councillors Local Dispute Resolution stemmed from the Standards Committee in 2011 when they sought ways to improve standards for Councillors in the Council. As part of that process the Political Group Leaders, Presiding Member, Chief Executive, Monitoring Officer, Democratic Services & Complaints Manager and the Public Services Ombudsman for Wales (PSOW) met with the Standards Committee. Following detailed consideration and strong

support from the PSOW the Local Dispute Resolution was drafted and approved by Council.

- 2.2 The Councillors Local Dispute Resolution puts in place an Informal Mediation Process with the aim of seeking to address an issue by way of an apology in the first instance, and then through a meeting of the Political Group Leaders.
- 2.3 In order for the process to work, Councillors must sign up to the system and agree to seek to resolve any grievances (Councillor vs Councillor) they may have through the informal procedure prior to escalating to the Public Services Ombudsman for Wales.
- 2.4 The Local Government and Elections (Wales) Act 2021 introduced a new duty upon Political Group Leaders to take reasonable steps to promote and maintain high standards of conduct by the members of the group. This new duty fits in with the Councillors Local Dispute Resolution process.

3. Councillors Local Dispute Resolution

- 3.1 In the first instance a member who has a complaint should approach the Group Leader of the member who the complaint is about. If this approach is not effective the complaint is forwarded to the Monitoring Officer and / or Head of Democratic Services and a meeting of the Councillor Mediation Panel (CMP) will be arranged. The CMP will aim to reach an agreed way forward to resolve the complaint.
- 3.2 The process aims to resolve complaints informally and there is an expectation by the Public Service Ombudsman for Wales that an internal process would be followed prior to any complaint to their office. However, it cannot be used to deal with complaints alleging that a Councillor has not declared a personal and / or prejudicial interest.

3. Integrated Assessment Implications

- 3.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
 - Deliver better outcomes for those people who experience socio-economic disadvantage.
 - Consider opportunities for people to use the Welsh language.
 - Treat the Welsh language no less favourably than English.
 - Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

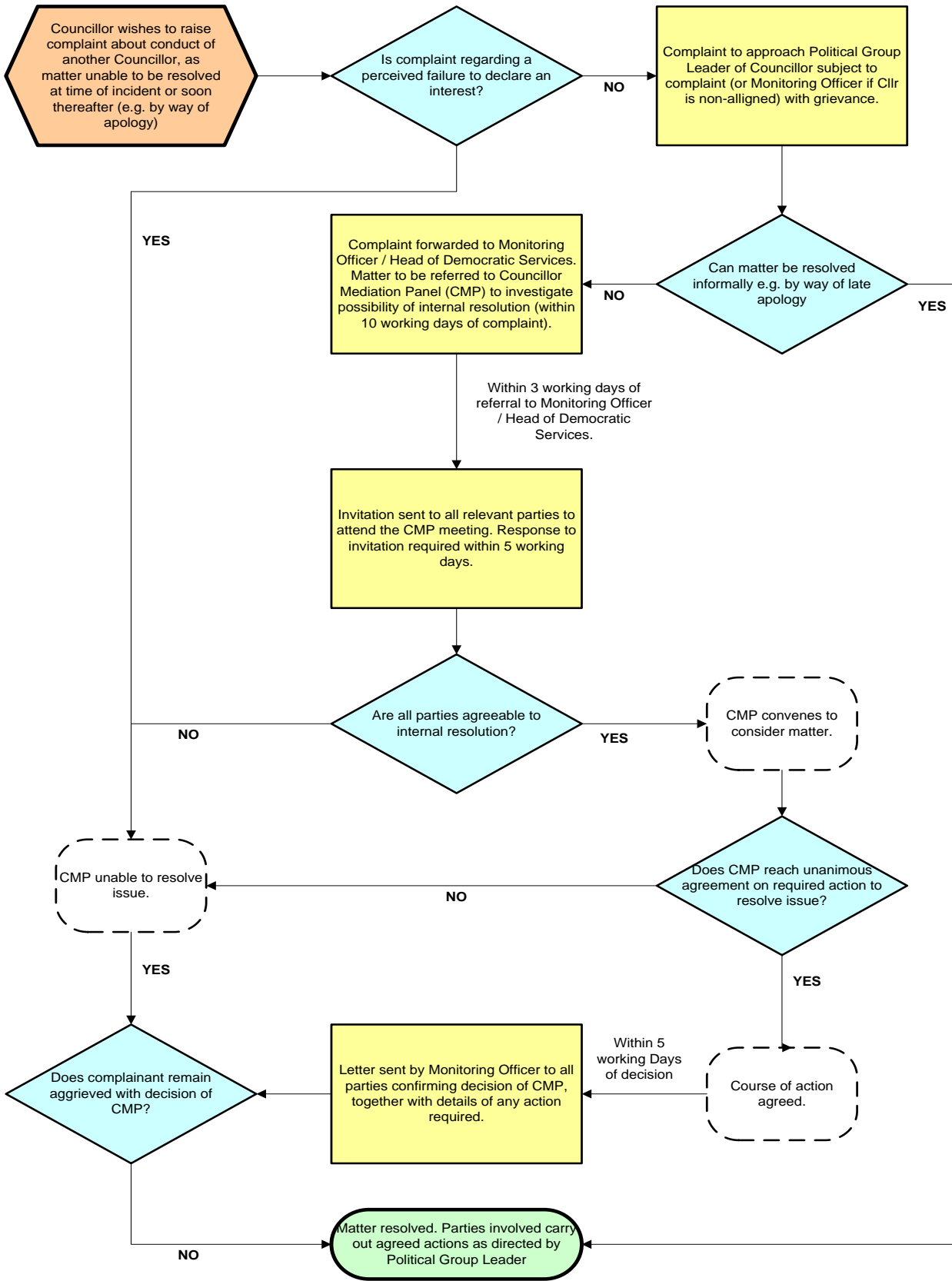
- 3.2 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.
- 3.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.
- 3.4 An IIA screening has been undertaken and no adverse implications have been noted.
- 4. Financial Implications**
- 4.1 There are no specific financial implications associated with this report.
- 5. Legal Implications**
- 5.1 There are no specific legal implications associated with this report.

Background Papers: None

Appendices:

Appendix A Councillors Local Dispute Resolution "Councillor vs Councillor Complaints"

Councillors Local Dispute Resolution “Councillor vs Councillor Complaints”



Agenda Item 13.



Report of the Head of Democratic Services

Annual Meeting of Council – 24 May 2022

Personal Safety for Councillors

Purpose:	To provide guidance to Councillors on issues of Personal Safety and Lone Working.
Policy Framework:	None.
Consultation:	Access to Services, Finance, Legal.
Recommendation(s):	It is recommended that: 1) The Guidance be noted and emailed to all Councillors.
Report Author:	Huw Evans
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar

1. Introduction

- 1.1 Incidents of violence towards public figures is rare, however, Councillors have high profile public roles, are constantly interacting with members of the community and can be the victims of verbal or written abuse. They may experience harassment and stalking and online abuse.
- 1.2 This report sets out some useful guidance so that Councillors understand the steps they should take to keep themselves safe. Additional guidance is available from the Corporate Health, Safety and Wellbeing Manager and the Head of Democratic Services.

2. Lone Working Policy

- 2.1 The Authority's Lone Working Policy applies to employees and Councillors. It is set out in **Appendix A** of this report. Councillors are urged to familiarise themselves with the Policy in order to ensure their own personal safety.

- 2.2 The Health and Safety Executive (HSE) have provided the following definition of Lone Working:

“Lone workers are those who work by themselves without close or direct supervision, either employees who work separately from others in an establishment, or mobile workers who work away from a fixed base.”

- 2.3 The purpose of the Lone Working Policy is to ensure that there are adequate systems in place to ensure the Health, Safety and Wellbeing of Lone Workers. It is designed to be read in conjunction with the Guidance note in order to support efforts to reduce the risks of lone working as far as is reasonably practicable.

3. Personal Safety for Councillors

- 3.1 Councillors should be mindful of the risks involved when carrying out their role for example: Visiting people in their homes; Receiving callers to your home; Holding surgeries; Travelling, whether on public or private transport & when alone; and Communicating online.

- 3.2 Attached as **Appendix B** to this report is a useful guide relating to the Personal Safety of Councillors. This guide aims to help Councillors carry out their role safely and effectively.

- 3.3 The purpose of Personal Safety of Councillors guide is to set out what personal safety measures can be taken to prevent and to deal with those rare circumstances when they might find themselves in situations where they become anxious for their safety. In general terms the guidance follows advice given to others who, by virtue of public duties or employment, meet many people whom they do not know.

- 3.4 Councillors home addresses are not published on the Authority’s Website. However, the Councillors email address and telephone number should remain on the Authority’s website and promoted as necessary save in exceptional circumstances.

- 3.5 Councillors are urged to familiarise themselves with this Guidance in order to ensure their own personal safety.

- 3.6 Additional resources may be viewed at:

- i) [Councillors' guide to handling intimidation | Local Government Association \(Welsh version\).](#)
- ii) [Personal safety | Local Government Association \(Welsh version\).](#)
- iii) ‘Rules of engagement’ [infographic](#) for Councillors to use on social media to give all users a clear ‘code’ by which they should operate (also in [Welsh](#)).
- iv) ‘Rules of engagement’ [infographic](#) for Candidates to use on social media to give all users a clear ‘code’ by which they should operate (also in [Welsh](#)).

- v) 'Handling online abuse' [infographic](#) - a quick reference guide for Councillors with steps they can take to protect themselves online and seek support where needed. (also in [Welsh](#)).
- vi) [Improving digital citizenship: A practical guide for councillors | Local Government Association](#) (Welsh [version](#)).
- vii) Research and Good Practice [Improving digital citizenship: Research and good practice | Local Government Association](#) (Welsh [version](#)).

4. Independent Remuneration Panel for Wales' Determinations

- 4.1 The Independent Remuneration Panel for Wales' Annual Report states that the Authority must support the work of its Councillors and Statutory Co-opted Members to enable them to carry out their duties. This must also include providing support for the safety of Councillors.
- 4.2 The following in *italics* is an extract from the IRPW Annual Report:
"As a result of their legitimate actions as a Councillor and elected Members personal security may become significantly, adversely affected. In keeping with their existing responsibilities, it is the duty of the Democratic Services Committee to fund or provide support necessary to enable a Councillor to discharge their role reasonably and safely. This may require the funding of appropriate security measures to protect Councillors from personal risk or significant threat. Risk assessment and liaison with relevant bodies such as the Police and Security Services would normally inform the selection of required provision".
- 4.3 Council of 2 December 2021 resolved that Head of Democratic Services and Director of Finance be delegated authority to consider any requests to provide funding for appropriate security measures by Councillors.
- 4.4 Any such request would be considered on its merits but there will be an expectation that security measures have been advised by the police or security services. The relevant bodies would normally inform the required provision of support and any funding would be reasonable and proportionate.

5. Integrated Assessment Implications

- 5.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
 - Deliver better outcomes for those people who experience socio-economic disadvantage.
 - Consider opportunities for people to use the Welsh language.

- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

5.2 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

5.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

5.4 An IIA screening has been undertaken and no adverse implications have been noted.

6. Financial Implications

6.1 There are no financial implications associated with this report.

7. Legal Implications

7.1 There are no specific legal implications associated with this report.

Background Papers: None.

Appendices:

Appendix A	Lone Working Policy
Appendix B	Personal Safety - Councillors Guide

Lone Working Policy

The purpose of this policy is to ensure that there are adequate systems in place to ensure the health, safety and wellbeing of lone workers. It is designed to be read in conjunction with the Guidance note in order to support efforts to reduce the risks of lone working as far as is reasonably practicable.

1. Introduction

- 1.1 The purpose of this policy is to ensure that there are adequate systems in place to ensure the health, safety and wellbeing of lone workers. It is designed to be read in conjunction with the Guidance note in order to support efforts to reduce the risks of lone working as far as is reasonably practicable.
- 1.2 The City and County of Swansea is committed to providing a safe and secure work environment for its employees, whilst carrying out their duties irrelevant of the workplace location.

2. Policy Statement

- 2.1 In line with the Corporate Health and Safety Policy, the City and County of Swansea (Authority) recognises and accepts its duties and responsibilities to ensure, so far as is reasonably practicable, the health, safety and wellbeing of its employees and others who may be at risk from its activities.
- 2.2 This document is intended to be a framework, with Service Units supplementing it by having in place their own procedures and guidelines, which reflect the principles of this policy and the individual needs of their Service Units.
- 2.3 All Directorates and Services within the Authority must be able to demonstrate compliance with this policy via audit.
- 2.4 Serious and deliberate violation of the Authority's Corporate Health & Safety Policy, health and safety rules and standards will be viewed as gross misconduct under the Disciplinary Policy of the City & County of Swansea.
- 2.5 Managers may choose to delegate their duties but cannot delegate their responsibilities.

3. Scope

- 3.1 This policy applies to all employees, volunteers, agency staff and **elected members** who are all required to comply.
- 3.2 When considering the terms on which work, services or supplies should be provided to the Authority, the procuring officer will ensure specific provision in the contract concerning the health, safety and wellbeing of the contractor, its staff, City & County of Swansea employees and the public.

4. Definition of Lone Working

4.1 For the purposes of this policy the definition of Lone Working is: "Lone workers are those who work by themselves without close or direct supervision, either employees who work separately from others in an establishment, or mobile workers who work away from a fixed base." (HSE)

4.2 Lone worker roles may include:

- People working separately from others in a building (for example, basement or attic areas) or alone in an office
- Those working in a remote locations, including outdoors
- People who work outside "normal" hours, for example "skeleton" staff
- People who work away from their fixed base without colleagues i.e. social workers, trades people on call
- Travelling alone in the course of their work
- Pool car returns - out of hours working: if a car is to be returned to site after 7pm staff must follow the Pool Car Usage protocol and individual service area guidance.

5. Responsibilities

5.1 Council

5.1.1 Council will nominate one of its members as the portfolio holder for health, safety and wellbeing issues. Council will promote this policy and comply with its provisions.

5.2 Chief Executive

5.2.1 With reference to the Corporate Health and Safety Policy, the Chief Executive is directly responsible for the health, safety and wellbeing of all employees and others who may be affected by the Authority's undertakings.

5.3 Executive Board

5.3.1 The Executive Board will be collectively responsible for strategic health, safety and wellbeing planning and for periodic review of health and safety performance.

5.4 Directors / Chief Officers

5.4.1 Ensure Heads of Service deliver their responsibilities under this policy and report any failings or barriers that may affect compliance to Executive Board.

5.4.2 Ensure that the Heads of Service and all managers comply with procurement procedures for equipment or specialist services in relation to lone working.

5.5 Heads of Service

5.5.1 Ensure that suitable and sufficient arrangements, funds and resources are in place to manage lone working within their Service Unit.

5.5.2 Ensure that risk assessments are undertaken and risks are minimised in those areas of work, or circumstance where a predictable risk from lone working exists.

- 5.5.3 Ensure that adequate monitoring systems are in place to evaluate the effectiveness of local arrangements to minimise the risks related to lone working.
- 5.5.4 Review lone working data, identify trends and take action as appropriate e.g. improve processes.
- 5.5.5 Identify key health and safety risks and specify in the Service business plan, and ensure control measures are implemented to reduce the risk.
- 5.5.6 Ensure that there is effective consultation, and communication between management, trade unions and staff to address risks, and raise awareness of risks e.g. SMT, Team Briefs.

5.6 Managers (as defined by the Corporate Health & Safety Policy)

- 5.6.1 Managers are responsible for ensuring that suitable and sufficient arrangements are in place to implement this policy within their sphere of responsibility.
- 5.6.2 Identify all lone working activities and job roles within area of responsibility, and undertake an appropriate risk assessment in line with the Corporate Guidance for Risk Assessment. Include control measures to minimise the risks.
- 5.6.3 Ensure the provision of appropriate training in relation to lone working to all employees identified as being at risk. Include appropriate violence and aggression training, if identified through risk assessment as control measure.
- 5.6.4 Implement appropriate control systems for monitoring of employees who are lone working. Ensure employees comply with lone working arrangements.
- 5.6.5 Communicate to all employees the systems and the procedures for lone working, and ensure regular updates are provided through the appropriate team briefings. Ensure all new employees are made aware of lone working procedures and arrangements.
- 5.6.6 Support employees who are victims of violence and aggression through the Stress Counselling Team in line with the Stress Management and Counselling Policy.
- 5.6.7 Report all incidents arising from lone working to the Corporate Health, Safety & Wellbeing Service in line with the corporate reporting system.

5.7 Employee

- 5.7.1 Accept and understand their responsibility for reducing the risks from lone working, and to cooperate and comply with any instruction given by management which is provided for reasons of health and safety.
- 5.7.2 Employees will comply with the provisions of all City & County of Swansea health, safety and wellbeing policies.
- 5.7.3 Employees will conduct work in a manner which is safe for themselves, their colleagues and members of the public who may be affected by the employee's acts or omissions.
- 5.7.4 Where identified through risk assessment as a control measure, employees will attend any health and safety training provided and adopt the working practices.

- 5.7.5 Bring to their managers attention and/or trade union representative if they become aware of a work situation where there is a risk to themselves or others which has not been adequately addressed.
- 5.7.6 Not engage in unsafe practices and take unnecessary risks which have the potential to harm themselves, colleagues or members of the public.
- 5.7.7 Report incidents and potential incidents as a result of lone working to the manager and complete relevant documentation for the corporate reporting system.

5.8 Corporate Health, Safety & Wellbeing Manager

- 5.8.1 Will ensure the provision of advice and guidance via the Corporate Health, Safety and Wellbeing Service to those identified as having responsibilities under this policy.
- 5.8.2 To deliver any mandatory health and safety training required by this policy.
- 5.8.3 Collate all data submitted by managers as a requirement of this policy, and ensure its analysis and interpretation.
- 5.8.4 To ensure that all accidents/incidents/near misses reported that are notifiable under RIDDOR are referred to the Health and Safety Executive.
- 5.8.5 To bring to the attention of the Corporate Health, Safety and Wellbeing Champion or Executive Board any known serious or uncontrolled risks.

6. Review and Monitoring

- 6.1 The requirements of this policy will be monitored by way of a risk-prioritised process of auditing. All Service Units within the Authority must be able to demonstrate compliance with this policy.
- 6.2 The training and responsibilities of individuals will be monitored by the Authority through its management and appraisal processes.
- 6.3 Where necessary the Authority will take appropriate action to ensure that this policy is upheld.
- 6.4 This policy will be reviewed by the Corporate Health, Safety & Wellbeing Manager every 3 years or if:
 - New legislation is published or existing legislation is updated.
 - New guidance is published or existing guidance is updated.
 - Research, monitoring or auditing suggests that a review may be required.
 - Incident investigation suggests that a review may be required.

7. Reference

- Lone Working Policy Guidance;
- Health and Safety at Work Act 1974;
- Management of Health and Safety at Work Regulations 1999.

Personal Safety - Councillors Guide

The relationship between Councillors and their communities is at the heart of what being a Councillor is all about. The face-to-face contact when constituents can share problems and concerns is vital to enhancing that relationship. This guide aims to help Councillors carry out their role safely and effectively.

An important role of Councillors is to keep in touch with their communities. This includes helping individuals with any problems they might have. Often this extends beyond just the delivery of Council services. These contacts are usually rewarding and non-adversarial. Councillors become experienced in calming down and treating with respect and sympathy angry and frustrated residents who often resort to their elected representative when they feel that they are getting nowhere in resolving their problems through other channels.

The purpose of this guide is not to make Councillors nervous, but to set out what personal safety measures can be taken to prevent and to deal with those rare circumstances when they might find themselves in situations where they become anxious for their safety. In general terms the guidance follows advice given to others who, by virtue of public duties or employment, meet many people whom they do not know.

Car Safety and Parking

You need to take the same precautions as most car owners do:

- Have your keys in your hand or easily accessible;
- Consider whether an area will be dark and isolated when you return to your car;
- Park where possible, under street lighting;
- Lock the car doors when you get into the car;
- Take boxes/bags to the car when other people are around;
- Try to park on the left hand side of the road facing the way you want to drive off;
- In a cul de sac do not park facing the dead end;
- Try to park in a space where you will not be blocked in;
- At service stations always lock the car when you go to pay.

Dealing with Emotional Constituents

It is inevitable that some of the people you will meet will be angry or upset. You need to be prepared to handle all types of emotion. For example, it is worth having some tissues on hand.

Councillors have to develop the quiet skill of being concerned about constituents' problems without being so involved that they become too emotional to be of help. Calmness in the face of whatever comes up will help you and your constituents.

You may find that racist or offensive remarks are made. If they are directed at you - do not respond - this will only make the situation worse. Instead, bring the interview to an end as quickly as possible. If they are more general remarks, you should state that this is not acceptable and that you cannot continue the interview. Often this will elicit an apology. Otherwise ask the person to leave. However, you must use your own judgement and if you are alone and in a vulnerable situation do not put yourself at risk no matter how angry the remarks make you.

Ward Surgeries

Where ward surgeries are held, the arrangements each Councillor makes will vary according to local circumstances and it will be a fortunate Councillor who can find premises for their surgery which meet every aspect of good practice and are also accessible to their constituents. What follows are suggestions about how to make a surgery safe and effective. Most Councillors will go through their entire service on the Council without experiencing any problems but a little time given to preparation and planning can reduce the already small risk further.

The Basics

1	Do not hold surgeries alone in an otherwise empty building. Try to get someone to act as receptionist. This not only makes you safer, but also makes it much easier to manage a busy surgery. If you are currently doing surgeries alone, discuss how this can be changed with fellow Councillors or Council Officers.
2	If you cannot avoid doing surgeries on your own, make sure you remember a few simple guidelines. The layout of the room should suit you, i.e. you should sit nearest to the door with the constituents seated on the other side of the table. Seating is best set out at an angle of 45 degrees (seating directly opposite can be confrontational).
3	If there is no separate waiting room, try to ensure that the waiting constituents are as far as possible away from those whom you are talking to.
4	Make sure there are no heavy items in the room that could be used as weapons.
5	Inform the Police when and where your surgeries are held.
6	<p>If you are at the stage of looking for suitable premises in which to hold a surgery, try to get a space with as many as possible of the following features:</p> <ul style="list-style-type: none">• Council premises (e.g. community centres) during opening hours or other premises where there are many other people about.• Premises where the names of any visitors for Councillors are recorded.• Premises where there is a comfortable waiting area.• Try to ensure the surgery (interviewing) room:<ul style="list-style-type: none">○ Is in view of the reception or public area;○ Is connected to the reception by an alarm and there is a procedure for dealing with call for assistance;○ Has a vision panel in the door;○ Has a swift means of escape and any visitors are not able to lock the door from the inside.

Personal Callers

Most Councillors seek to maintain a balance between their personal and public lives and do not want to encourage any callers at their private homes. Good publicity as to how to contact Councillors and details of ward surgeries reduces the chances of unwanted callers.

Mail

As with telephone calls, Councillors on rare occasions can become the target of malicious anonymous letters. Any such letters should be given immediately to the Police.

Home Visits

Councillors do sometimes visit residents in their homes, especially those who are elderly, disabled or where they simply want to see for themselves the conditions that are the subject of complaints.

It is for each Councillor to decide whether a particular visit should be made, especially if the person to be visited is unknown to the Councillor. Most Councillors trust their own instincts as to whether to meet someone alone. Sometimes the Councillor might prefer to be accompanied by a ward colleague or invite the person to a more public place. It is always advisable for you to keep a record of your whereabouts. If necessary, you can let the person whom you are visiting know there is such a record or that you are expected at another place by a certain time etc. or make a call on your mobile phone during the visit.

Malicious and Nuisance Telephone Calls

Councillors occasionally get the odd nuisance or abusive call. Although such calls are likely to be rare, you might become the target of a persistent, anonymous caller with a grudge against the Council. These calls need to be dealt with in accordance with Police advice:

- Keep the caller talking;
- Note any clues the caller may provide as to sex, age, accent, etc.;
- Listen for any clues as to the caller's motive and intention;
- Write down the details immediately to assist police at a later stage;
- Listen for background noise that may provide valuable information (e.g. railway sounds, industrial noises, machinery, music, animals);
- Inform the Police;
- Inform the Council.

Reporting Incidents

Any incidents of concern, even if fairly minor or 'near-misses', should be reported to the Police and Head of Democratic Services. This enables the authority to undertake proper monitoring and decide if any action is needed to prevent a recurrence. You may also consider it advisable to warn ward colleagues.

Emergency Contact Details

It is advisable to provide this information to the Head of Democratic Services should it be necessary to contact your family / next of kin in the event of an emergency.

Additional Useful Guidance

[Personal Safety for Members](#): Welsh Local Government Association (WLGA) guidance.

[Personal Safety Guidance for Councillors](#): Local Government Information Unit (LGIU) guidance.

[Personal Safety Advice](#): Susie Lamplugh Trust guidance covers canvassing and campaigning, dealing with aggression, stalking, lone working, personal alarms, hate crime and internet safety.

[Online Abuse Guidance for Councillors](#): WLGA guidance.

[Get Safe Online guidance](#): Government supported website, Get Safe Online. This covers everything from protecting your devices to social networking to information security.

[Recognising the Terrorist Threat Guidance](#): The national counter terrorism security office guidance - dealing with suspect packages and what to do in the event of terrorist threats.

[City and County of Swansea - Corporate Health & Safety Policy](#). Authority's StaffNet Page.

Agenda Item 14.



Report of the Head of Democratic Services

Annual Meeting of Council – 24 May 2022

Recruitment of a Community / Town Councillor to the Standards Committee

Purpose:	To inform Council of all necessary Constitutional matters in order to enable the efficient and lawful operation of Council.
Policy Framework:	Council Constitution.
Consultation:	Access to Services, Finance, Legal.
Recommendation(s):	It is recommended that: 1) The Head of Democratic Services contact each of the 24 Community / Town Councils within Swansea seeking expressions of interest and applications. 2) The Standards Committee be authorised to shortlist and interview Community / Town Councillors that have applied to be members of the Standards Committee and to make a recommendation to Council as to an appointment.
Report Author:	Huw Evans
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar

1. Introduction

- 1.1 The Standards Committee must include a Community / Town Councillor representative. Community Councillor Phil Crayford of Llangyfelach Community Council was the representative for the past 10 years; however, his term of Office ended at the Local Government Election in May 2022
- 1.2 Community Councillor Phil Crayford was formally thanked for his work on the Standards Committee at Council on 13 April 2022.

2. Recruitment of a Community / Town Councillor

- 2.1 It is proposed that the Head of Democratic Services contact each of the 24 Community / Town Councils within Swansea seeking applications.
- 2.2 It is proposed that Standards Committee be authorised to shortlist and interview Community / Town Councillors that have applied to sit on the merged Standards Committee and to make a recommendation to Council as to an appointment.
- 2.3 Council itself will make the appointment based on the recommendation of the interviewing body (Standards Committee).

3. Integrated Assessment Implications

- 3.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
 - Deliver better outcomes for those people who experience socio-economic disadvantage.
 - Consider opportunities for people to use the Welsh language.
 - Treat the Welsh language no less favourably than English.
 - Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 3.2 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.
- 3.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.
- 3.4 An IIA screening has been undertaken and no adverse implications have been noted.

4. Financial Implications

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

5. Legal Implications

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

Background Papers: None

Appendices: None

Agenda Item 15.



Report of the Head of Democratic Services

Annual Meeting of Council – 24 May 2022

Appointment of Independent (Statutory Co-opted) (Lay) Members to the Standards Committee

Purpose:	To consider the recommendation of the Standards Committee Vacancy Panel of 14 April 2022 and to appoint two Independent (Statutory Co-opted) (Lay) Members to the Standards Committee.
Policy Framework:	None.
Reason for Decision:	To comply with the Standards Committee (Wales) Regulations 2001 as amended.
Consultation:	Access to Services, Finance and Legal.
Recommendation(s):	It is recommended that: 1) Janet Pardue-Wood be appointed as an Independent (Statutory Co-opted) (Lay) Member of the Standards Committee for a term of 6 years commencing on 24 May 2022. Her Term of Office shall end on 23 May 2028. 2) Mark Rees be appointed as an Independent (Statutory Co-opted) (Lay) Member of the Standards Committee for a term of 6 years commencing on 19 October 2022. His Term of Office shall end on 18 October 2028.
Report Author:	Huw Evans
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar

1. Introduction

- 1.1 There is currently a vacancy on the Standards Committee and another will also become available on 18 October 2022 when Jill Burgess' term of office ends.

- 1.2 The Standards Committee (Wales) Regulations 2001 as amended, provides that “where a vacancy arises for a post as an Independent member of a Standards Committee, the relevant authority concerned shall publish an advertisement in not less than two newspapers (which are not published by that relevant authority) circulating in its area.
- 1.3 The Authority placed adverts in the Evening Post and Western Mail, online and also via networking.

2. Standards Committee Vacancy Panel

- 2.1 A number of applications were received. The Standards Committee Vacancy Panel of 25 March 2022 recommended 4 of the applicants for interview.
- 2.2 The Standards Committee Vacancy Panel of 14 April 2022 interviewed 4 applicants. The Panel recommend that Janet Pardue-Wood and Mark Rees be recommended to Council as Independent (Statutory Co-opted) (Lay) Member of the Standards Committee.

3. Integrated Assessment Implications

- 3.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
 - Deliver better outcomes for those people who experience socio-economic disadvantage.
 - Consider opportunities for people to use the Welsh language.
 - Treat the Welsh language no less favourably than English.
 - Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 3.2 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the ‘well-being goals’.
- 3.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion,

carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

- 3.4 An IIA screening has been undertaken and no adverse implications have been noted.

4. Financial Implications

- 4.1 The payment of Independent Members on the Standards Committee is set by the Independent Remuneration Panel for Wales and the payment is within existing budget.

5. Legal Implications

- 5.1 There are no legal implications other than those already mentioned in the report.

Background Papers: None.

Appendices: None.