

Council

You are hereby summoned to attend a Meeting of the **Council of the City and County of Swansea** to be held in the Council Chamber, Guildhall, Swansea on Thursday, 14 December 2017 at 5.00 pm.

The following business is proposed to be transacted:

1. **Apologies for Absence.**
2. **Disclosures of Personal and Prejudicial Interests.**
www.swansea.gov.uk/disclosuresofinterests
3. **Minutes.** 1 - 11
To approve & sign the Minutes of the previous meeting(s) as a correct record.
4. **Written Responses to Questions asked at the Last Ordinary Meeting of Council.** 12 - 14
5. **Announcements of the Presiding Member.**
6. **Announcements of the Leader of the Council.**
7. **Public Questions.**
Questions must relate to matters on the open part of the Agenda of the meeting and will be dealt within a 10 minute period.
8. **Public Presentation - None.**
9. **Mid & West Wales Fire & Rescue Service - presentation by Chief Fire Officer.**
10. **Audit Committee Annual Report 2016/17.** 15 - 35
11. **Gypsy and Traveller Policy 2017.** 36 - 52
12. **Review of Councillors Handbook.** 53 - 64
13. **Amendments to the Council Constitution.** 65 - 67
14. **Membership of Committees.** 68 - 69
15. **Councillors' Questions.** 70 - 72

Huw Evans

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

Tuesday, 5 December 2017

To: All Members of the Council



City and County of Swansea

Minutes of the Council

Council Chamber, Guildhall, Swansea

Thursday, 23 November 2017 at 5.00 pm

Present: Councillor D W W Thomas (Chair) Presided

Councillor(s)	Councillor(s)	Councillor(s)
C Anderson	P M Black	J E Burtonshaw
M C Child	J P Curtice	N J Davies
C R Doyle	M Durke	V M Evans
C R Evans	W Evans	E W Fitzgerald
R Francis-Davies	S J Gallagher	L S Gibbard
K M Griffiths	J A Hale	T J Hennegan
C A Holley	P R Hood-Williams	B Hopkins
O G James	L James	P Jones
L R Jones	J W Jones	E J King
E T Kirchner	M A Langstone	M B Lewis
R D Lewis	W G Lewis	A S Lewis
C E Lloyd	I E Mann	P N May
H M Morris	C L Philpott	S Pritchard
A Pugh	J A Raynor	C Richards
K M Roberts	B J Rowlands	M Sherwood
R V Smith	A H Stevens	R C Stewart
M Sykes	G J Tanner	L G Thomas
M Thomas	L J Tyler-Lloyd	G D Walker
L V Walton	T M White	

Apologies for Absence

Councillor(s): S E Crouch, A M Day, P Downing, F M Gordon, D W Helliwell, D H Hopkins, M H Jones, S M Jones, P Lloyd, P M Matthews, D Phillips, P B Smith, D G Sullivan and W G Thomas

103. Disclosures of Personal and Prejudicial Interests.

The Head of Legal, Democratic Services and Business Intelligence 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) Councillors M Durke, C A Holley & A Pugh declared a Personal Interest in Minute 112 "Annual Report 2016-2017 - Director of Social Services";
- 2) Councillors C Anderson, J E Burtonshaw, R Francis-Davies, K M Griffiths, J A Hale, T J Hennegan, P R Hood-Williams, E T Kirchner, R D Lewis, W G Lewis, P N May, R V Smith, M Sykes, M Thomas, L J Tyler-Lloyd & L V Walton, declared a Personal Interest in Minute 113 "Welsh in Education Strategic Plan 2017-2020";
- 3) Councillors J P Curtice, W Evans, E W Fitzgerald, K M Griffiths, P R Hood-Williams, L James, J W Jones, M A Langstone, C Richards, K M Roberts, B J Rowlands, R V Smith, A H Stevens, M Thomas, L J Tyler-Lloyd, G D Walker & T M White declared a Personal Interest in Minute 114 "Council Tax Base Calculation 2018/2019";
- 4) Councillors C Anderson, P M Black, J E Burtonshaw, M Child, J P Curtice, N J Davies, 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, K M Griffiths, J A Hale, T J Hennegan, C A Holley, P R Hood-Williams, B Hopkins, O G James, L James, J W Jones, L R Jones, E J King, E T Kirchner, M A Langstone, A S Lewis, M B Lewis, R D Lewis, W S Lewis, C E Lloyd, I E Mann, P N May, H M Morris, C L Philpott, S Pritchard, A Pugh, J A Raynor, C Richards, K M Roberts, B J Rowlands, M Sherwood, R V Smith, A H Stevens, R C Stewart, M Sykes, G J Tanner, D W W Thomas, L G Thomas, M Thomas, L J Tyler-Lloyd, G D Walker, L V Walton & T M White declared a Personal Interest in Minute 115 "Independent Remuneration Panel for Wales (IRPW) Draft Annual Report 2018-2019 - Consultation";
- 5) Councillors V M Evans & L S Gibbard declared a Personal Interest in Minute 118 "Councillors' Questions".

104. Minutes.

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

- 1) Ordinary Meeting of Council held on 26 October 2017.

105. Written Responses to Questions asked at the Last Ordinary Meeting of Council - None.

There were no written responses to questions asked at the last Ordinary Meeting of Council.

106. Announcements of the Presiding Member.

1) Condolences

a) Former Councillor Grenville Phillips

The Presiding Member referred with sadness to the recent death of former Councillor Grenville Phillips. He was an Honorary Alderman Honorary Burgermeister of Mannheim and the founder of the Portmead and Blaen y Maes Community Centre. He was also the Lord Mayor 1995-1996.

He served the Penderry Electoral Ward on the former Swansea City Council from 3 May 1979 to 31 March 1996 and the City and County of Swansea from 1 April 1996 to 3 May 2012.

A celebration of his life will be held at 10.30 on Monday, 27 November 2017 at Morryston Crematorium.

b) Carl Sargeant Assembly Member

The Presiding Member referred with sadness to the recent tragic death of Carl Sargeant, Assembly Member for Alyn and Deeside.

All present stood as a mark of sympathy and respect.

2) Department of Modern Languages, Translation & Interpreting

The Presiding Member welcomed students from the Department of Modern Languages, Translation & Interpreting in Swansea University who were attending the meeting as observers.

3) ACES 2017 Award for Excellence - Accommodation Strategy / Agile Programme

The Presiding Member announced that the Authority had been awarded the Association of Chief Estates Surveyors and Property Managers in the Public Sector (ACES) 2017 Award for Excellence for its Accommodation Strategy / Agile programme. Each year ACES present an award for excellence and this year, after they received 40 UK wide nominations, this Authority was successful. This is the successful achievement of a job well done, enabling the Authority to achieve one of its key objectives and to demonstrating some or all of the key criteria qualities.

He congratulated Becky Jones, the Facilities Team and everyone in Corporate Property for their contributions to this exemplary asset management initiative, involving not just accommodation but leasing and disposals.

Geoff Bacon, Becky Jones, Nerys Williams, Helen Davies, Paul Smith, Sian Davis, Tania Pugh, Chris Legg, Karen Samuel, Ben Thomas and Richard Rowlands were present to receive the award.

4) Swansea's first wheelchair swing Installed in a Public Park

The Presiding Member announced that Swansea's first wheelchair swing was installed in Victoria Park on 2 November 2017. The swing was formally opened by Quentin Hawkins, Chair of Swansea's Play Access Group. This is the culmination of many years of effort to ensure that every child's right to play is provided for. It was initiated by the 2016 Play Sufficiency Assessment and funded by Children's Play within the Poverty & Prevention Service.

Victoria Park was chosen by parent/carers, young wheelchair users and representative groups, to create an inclusive hub due to the accessibility of other local provision including the changing Places toilets at 360 Beach & Watersports. At the same time, one of the existing swings is being replaced by a high backed seat that has straps available for hire to support children with physical limitations.

The Authority has worked with the Guildhall, Victoria Park Kiosk and 360 Beach & Watersports to loan out these straps to families.

5) Fly The Red Ensign Merchant Navy Day 2017 - Certificate of Commemoration

The Presiding Member stated that the Authority had participated in the 'Fly the Red Ensign for Merchant Navy Day' campaign, helping to raise awareness of the UK's dependence as an 'island nation' on past, present and future Merchant Navy seafarers.

He was pleased to announce that the Authority have been awarded a Certificate of Commemoration in recognition of its participation. Further information relating to the campaign may be viewed at www.merchantnavyday.uk

6) Flying Start - Townhill Area

The Presiding Member referred to another fantastic inspection report from the Care and Social Services Inspectorate Wales (CSSIW) for Flying Start, but this time for the Townhill Area. Inspectors looked at four areas at the Townhill Area project and gave the following ratings:

- Excellent - "Children's Wellbeing";
- Excellent - "Leadership & Management";
- Good - "Environment" (deemed very, very good - this would have been excellent if the building allowed children to freely access outdoor play);
- Good - "Care & Development".

This is another excellent achievement with both Areas received unannounced CSSIW Inspections conducted very differently by two different Inspectors. He thanked Tracy Harrison, Flying Start Manager who has worked incredibly hard across both Seaview & Townhill over the last few months and also to the staff teams at both settings who continued their normal working practices which is always excellent.

7) LAC Participation Group - Presentation of the Diana award

The Presiding Member stated that the Diana Award is awarded to courageous, caring, compassionate young people, transforming the lives of others in the name of Diana, Princess of Wales.

Diana Award holders come from all walks of life and many have challenging and disadvantaged backgrounds, however they share a deep sense of social responsibility. They could be giving up their time to mentor other students, a young carer, taking part in anti-bullying initiatives, fundraising or campaigning for a cause close to their heart. Whatever they are doing, they have one thing in common, a desire to make a difference and improve the lives of others.

#lamme are an exceptional group of young people, who have made a significant contribution to ensuring that their Looked After Children's community is represented, heard and considered; unrelenting in their ambition to be the best Ambassadors for LAC representing with pride the looked after population in Swansea, Wales and Children & Young People everywhere.

The group established in 2008 is made up of looked after children and young people aged 7 to 18. The ethos behind the #iamme group is embedded in the principles of the UNCRC with emphasis on the articles pertinent to Looked after Children.

The Presiding Member was delighted to state that the Group were nominated for and went on to win the prestigious Diana award.

8) Amendments / Corrections to the Council Summons

a) Agenda Item 16 "Membership of Committees".

The Presiding Member stated that an amended report had been circulated.

107. Announcements of the Leader of the Council.

1) Liberty Stadium

The Leader of the Council provided an update regarding the leasing arrangements at the Liberty Stadium.

2) Swansea Bay Tidal Lagoon

The Leader of the Council stated that Team Swansea had visited London on 20 November 2017 in order to continue the lobbying for the approval of the Swansea Bay Tidal Lagoon.

3) UK City of Culture

The Leader of the Council stated that Team Swansea had visited London on 20 November 2017 in order to continue its bid work to be granted UK City of Culture 2021.

4) Economic Visit to Beijing & Wuhan, China

The Leader of the Council referred to his recent economic visit to Beijing and Wuhan, China

108. Public Questions.

A number of questions were asked by members of the public relating to the following agenda items:

- 1) Item 9 "Children & Young People's Rights Scheme Annual Progress Report 2017";
- 2) Item 12 "Welsh in Education Strategic Plan 2017-2020".

The relevant Cabinet Member responded accordingly.

Those questions requiring a written response are listed below:

- 1) David Davies asked the Children, Education & Lifelong Learning Cabinet Member a question in relation to Minute 113 "Welsh in Education Strategic Plan 2017-2020".

"Page 146. "Cenedl Heb Iaith, Cenedl Heb Galon" (A Nation without Language, A Nation without Heart).

Welsh is essentially a spoken language, a tongue of oratory and poetry but it is a great advance that WESP has such a challenge ahead for our schools from many who oppose such a concentration on Cymraeg.

Am I right in saying that examination results in English and Welsh Language Schools are better than in English only establishments? Do you have any statistics on this?"

The Children, Education & Lifelong Learning Cabinet Member Cabinet Member stated that a written response would be provided.

109. Public Presentation - None.

No Public Presentations were received.

110. Children & Young People's Rights Scheme Annual Progress Report 2017.

The Children, Education & Lifelong Learning Cabinet Member submitted a report, which outlined the progress of the implementation of the Children & Young People's Rights Scheme in Swansea.

Resolved that:

- 1) Annual Progress Report on the Children & Young People's Rights Scheme be noted.

111. Wales Audit Office Annual Improvement Report 2016-17.

Sara-Jane Byrne and Samantha Clements, Wales Audit Office, presented the report which detailing the City and County of Swansea's Annual Improvement Report 2016-2017 from the Auditor General for Wales. They verbally corrected two errors on their report and stated that the amended version had been published on their website.

The Leader of the Council thanked them for attending and answering questions.

Resolved that:

- 1) The Wales Audit Office Annual Improvement Report 2016-2017 be received and noted.

112. Annual Report 2016/17 - Director of Social Services.

The Chief Social Services Officer presented the Director of Social Services evaluation of the improvement journey to 2016-2017, and how well the Council is meeting statutory requirements under the Social Services and Wellbeing Act 2014. The report reviewed last year's areas for improvement, and set out new priorities for 2017-2018. The report set out the changes that have taken place within Social Services to achieve progress towards national wellbeing outcomes.

Resolved that:

- 1) The Director of Social Services Annual Report 2016-2017 be received.

113. Welsh in Education Strategic Plan 2017-2020.

The Children, Education & Lifelong Learning Cabinet Member presented a report which sought the adoption of the Welsh in Education Strategic Plan (WESP) 2017-2020 and for it to be submitted to the Welsh Government for its approval.

Resolved that:

- 1) The amended Welsh in Education Strategic Plan (WESP) 2017-2020 be adopted;
- 2) The amended Welsh in Education Strategic Plan (WESP) 2017-2020 be submitted to the Welsh Government for its approval.

Note: Councillor P M Black asked the following question:

“What evidence is there that ‘Outcome 1: More seven year old children being taught through the medium of Welsh’ is actually being met?”

The Children, Education & Lifelong Learning Cabinet Member stated that a written response would be provided.

114. Council Tax Base Calculation 2018/2019.

The Service Transformation & Business Operations Cabinet Member submitted a report detailing the calculation of the Council Tax Base for the City and County of Swansea, its Community / Town Councils and the Swansea Bay Port Health Authority for 2018-2019. The Council is required to determine the Council Tax Bases for 2018-2019 by 31 December 2017.

Resolved that:

- 1) The calculation of the Council Tax Bases for 2018-2019 be approved;
- 2) In accordance with the Local Authorities (Calculation of Tax Base) (Wales) Regulations 1995, as amended, the calculation by the City and County of Swansea Council for the Year 2018-2019 shall be:

For the whole area	89,962
For the area of Community / Town Councils:	
Bishopston	1,961
Clydach	2,622
Gorseinon	3,179
Gowerton	1,953
Grovesend	412
Ilston	323
Killay	2,113
Llangennith, Llanmadoc and Cheriton	494
Llangyfelach	947
Llanrhidian Higher	1,592
Llanrhidian Lower	328
Llwchwr	3,400
Mawr	745
Mumbles	9,694
Penllergaer	1,366

Pennard	1,459
Penrice	419
Pontarddulais	2,281
Pontlliw and Tircoed	1,031
Port Eynon	435
Reynoldston	292
Rhossili	188
Three Crosses	711
Upper Killay	572
For the area of the Swansea Bay Port Health Authority	62,577

115. Independent Remuneration Panel for Wales (IRPW) Draft Annual Report 2018-2019 - Consultation.

The Head of Democratic Services submitted a report informing Council of the Independent Remuneration Panel for Wales (IRPW) Draft Annual Report 2017-2018 and outlined the determinations proposed by the IRPW. The report also contained the recommended draft response of the Democratic Services Committee of 7 November 2017 to the consultation.

Resolved that:

- 1) The comments outlined in Appendix A of the report be adopted as the Authority's response to the IRPW's consultation in relation to their Draft Annual Report 2017-2018.

116. Amendments to the Council Constitution.

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

- 1) Part 3 "Responsibility for Functions - Terms of Reference".

The Leader of the Council proposed that the report be amended so that Paragraph 3.6 and Appendix B, Membership & Frequency of Meetings, Sentence C) be both deleted and both re-written as follows:

"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."

Resolved that:

- 1) The changes to the Council Constitution as outlined in Appendix B of the report together with the Leader of the Council's amendment and any further consequential changes be adopted;
- 2) The membership size of each Policy Development & Delivery Committee be reduced to 12 Councillors and the membership be as outlined by the names submitted by the Political Groups.

Note: The Leader of the Council stated that he would host a meeting of the Political Group Leaders and Monitoring Officer in order to discuss the Policy Development and Delivery Committees.

117. Membership of Committees.

The Service Transformation & Business Operations Cabinet Member stated that an amended report had been circulated.

He stated that the Leader of the Council had not made changes to the Authority's Outside Bodies.

Resolved that:

- 1) The membership of the Council Bodies listed below be amended as follows:
 - i) **Economic & Infrastructure Policy Development and Delivery Committee**
Remove Councillor P Jones.
 - ii) **Education & Skills Policy Development and Delivery Committee**
Remove Councillors B Hopkins, M H Jones and S Pritchard.
Add Councillor M Durke and Liberal Democrat / Independent Political Group Vacancy.
 - iii) **Poverty Reduction Policy Development and Delivery Committee**
Remove Councillors R D Lewis, LG Thomas and T M White.
Add Councillor L R Jones and Liberal Democrat / Independent Political Group Vacancy.
 - iv) **Safeguarding Policy Development and Delivery Committee**
Remove Councillor M B Lewis.
 - v) **Transformation & Future Council Policy Development & Delivery Committee**
Remove Councillor M Durke.
 - vi) **Scrutiny Programme Committee**
Remove Councillor C Anderson.
Add Councillor M Durke.

118. Councillors' Questions.

1) Part A 'Supplementary Questions'

Eight (8) Part A 'Supplementary Questions' were submitted. The relevant Cabinet Member(s) responded by way of written answers contained in the Council Summons.

Those supplementary question(s) required a written response are shown below:

Question 2. Councillor P M Black asked:

"At a recent Adult Services Performance Panel it was revealed that the number of continuing care assessments were in decline. This seems counterproductive in the light of the increasing elderly population with complex needs. Would the Cabinet Member say what representations have been made to the LHB about this trend and whether he believes it is related to the financial implications of the Supreme Court judgement?"

The Health and Wellbeing Cabinet Member stated that a written response would be provided.

2) Part B 'Questions not requiring Supplementary Questions'

No (0) Part B 'Questions not requiring Supplementary Questions' were submitted.

The meeting ended at 7.45 pm

Chair

Agenda Item 4.



Report of the Head of Legal, Democratic Services & Business Intelligence

Council – 14 December 2017

Written Responses to Questions Asked At the Last Ordinary Meeting Of Council

The report provides an update on the responses to Questions asked during the last Ordinary Meeting of Council on 23 November 2017.

For Information

1. Introduction

- 1.1 It was agreed at Council on 8 April 2010 that a standing item be added to the Council Summons entitled “Written Responses to Questions Asked at the Last Ordinary Meeting of Council”.
- 1.2 A “For Information” report will be compiled by the Democratic Services Team collating all written responses from the last Ordinary Meeting of Council and placed in the Agenda Pack;
- 1.3 Any consequential amendments be made to the Council Constitution.

2. Responses

- 2.1 Responses to questions asked during the last ordinary meeting of Council are included as Appendix A.

Background Papers: None

Appendices: Appendix A (Questions & Responses)

**Providing Council with Written Responses to Questions at Council
14 December 2017**

1.	<p>Mr D Davies In relation to Minute 113 “Welsh in Education Strategic Plan 2017-2020”. “Page 146. “Cenedl Heb Iaith, Cenedl Heb Galon” (A Nation without Language, A Nation without Heart).</p> <p>Welsh is essentially a spoken language, a tongue of oratory and poetry but it is a great advance that WESP has such a challenge ahead for our schools from many who oppose such a concentration on Cymraeg.</p> <p>Am I right in saying that examination results in English and Welsh Language Schools are better than in English only establishments? Do you have any statistics on this?”</p> <p>Response of the Cabinet Member for Children, Education & Lifelong Learning</p> <p>A fair comparison between all English and Welsh medium schools at the local level is not possible due to widely differing contextual factors between schools. Those factors being:</p> <ul style="list-style-type: none"> • Size of cohorts (secondary) - 90% in EM, 10% in WM • Free school meals - 20.0% English medium, 7.9% Welsh medium. • Additional learning needs - 25.7% English medium, 21.5% Welsh medium. • English as an additional language - 12.6% English medium, 0.2% Welsh medium. • In-year pupil mobility - 5.7% English medium, 1.0% Welsh medium 																																						
2.	<p>Councillor P M Black In relation to Minute 113 “Welsh in Education Strategic Plan 2017-2020”. What evidence is there that ‘Outcome 1: More seven year old children being taught through the medium of Welsh’ is actually being met.</p> <p>Response of the Cabinet Member for Children, Education & Lifelong Learning</p> <p>The table in Appendix 1 (copy below) of the WESP shows the actual increase in numbers and percentage of seven-year-old children (Y2) being taught in Welsh-medium education. Each year when the WESP is updated, the table is also updated with the latest figures.</p> <p>The number and percentage of pupils in Welsh-medium primary schools since 2007:</p> <table border="1" data-bbox="395 1794 1401 2161"> <thead> <tr> <th rowspan="2">Year</th> <th rowspan="2">All pupils in Y2</th> <th colspan="2">Y2 pupils in Welsh-medium</th> </tr> <tr> <th>No.</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>2007</td> <td>2525</td> <td>247</td> <td>9.78</td> </tr> <tr> <td>2008</td> <td>2446</td> <td>267</td> <td>10.92</td> </tr> <tr> <td>2009</td> <td>2369</td> <td>275</td> <td>11.61</td> </tr> <tr> <td>2010</td> <td>2460</td> <td>320</td> <td>13.01</td> </tr> <tr> <td>2011</td> <td>2472</td> <td>297</td> <td>12.01</td> </tr> <tr> <td>2012</td> <td>2441</td> <td>332</td> <td>13.6</td> </tr> <tr> <td>2013</td> <td>2546</td> <td>366</td> <td>14.4</td> </tr> <tr> <td>2014</td> <td>2603</td> <td>369</td> <td>14.8</td> </tr> </tbody> </table>	Year	All pupils in Y2	Y2 pupils in Welsh-medium		No.	%	2007	2525	247	9.78	2008	2446	267	10.92	2009	2369	275	11.61	2010	2460	320	13.01	2011	2472	297	12.01	2012	2441	332	13.6	2013	2546	366	14.4	2014	2603	369	14.8
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		2015	2822	413	14.6
		2016	2650	404	15.2
		2017	2692	422	15.7
3.	<p>Councillor P M Black In relation to Minute 118 “Councillors Questions” – Question 2 - At a recent Adult Services Performance Panel it was revealed that the number of continuing care assessments were in decline. This seems counterproductive in the light of the increasing elderly population with complex needs. Would the Cabinet Member say what representations have been made to the LHB about this trend and whether he believes it is related to the financial implications of the Supreme Court judgement.</p> <p>Response of the Cabinet Member for Health and Wellbeing There is evidence that the number of older people and adults or children with complex needs being identified as having a primary health care need which should then be met by the health board is decreasing.</p> <p>Where there are concerns about individual cases these are raised with the health board through established case management processes.</p> <p>The Western Bay Leadership team have commissioned a review of the effectiveness of the current arrangements for agreeing joint funding of care packages between health and social care to ensure that they remain fit for purpose.</p>				



Report of the Chair of Audit Committee

Council – 14 December 2017

Audit Committee Annual Report 2016/17

Purpose:	This report provides the Audit Committee Annual Report 2016/17 municipal year.
Report Author:	Paul Beynon
Finance Officer:	Paul Beynon
Legal Officer:	Sandie Richards
Access to Services Officer:	Sherill Hopkins
For Information	

1. Introduction

- 1.1 The Council is required, under Local Government (Wales) Measure 2011 to have an Audit Committee
- 1.2 The CIPFA publication '*Audit Committee - Practical Guidance for Local Authorities and Police Bodies*' states that Audit Committees should be independent and accountable and suggests that one of the ways of being accountable is to produce an annual assessment of performance in the form of an annual report.

2. Audit Committee Annual Report 2016/17

- 2.1 The Audit Committee Annual Report 2016/17 is attached in Appendix 1

3. Equality and Engagement Implications

- 3.1 There are no equality and engagement implications associated with this report

4. Financial Implications

4.1 There are no financial implications associated with this report.

5. Legal Implications

5.1 Part of the role of the Audit Committee as set out by the Local Government (Wales) Measure 2011 is to make reports and recommendations in relation to the authority's financial affairs, including an assessment of the risk management and corporate government arrangements and the adequacy and effectiveness of those arrangements.

Background Papers: None

Appendices:

Appendix 1 Audit Committee Annual Report 2016/17

Appendix 2 Audit Committee Performance Review 2016/17 Focus Group Notes

AUDIT COMMITTEE ANNUAL REPORT 2016/17**1. Foreword by Mr Alan Thomas, Chair of the Audit Committee**

- 1.1 On behalf of the Audit Committee I can confirm that the support from both the Councillors and Council Officers, to enable the Committee to operate in a constructive, open and challenging manner has been made readily available.
- 1.2 Sufficient assurance has been obtained to confirm that while there are some areas that can be improved, there are currently no critical issues that need to be reported to the council.
- 1.3 There were no changes to the membership and the Committee met on 11 occasions with the average attendance of approximately 70%.
- 1.4 We continue to work closely with Scrutiny in order to minimise the risk of duplication.
- 1.5 The Committee continues to work closely with Internal Audit and the Financial and Performance Audit staff of the Wales Audit Office who now attend all Audit Committee meetings.
- 1.6 We continue the practice of a follow up meeting with the Head of Service and Chief Auditor when there is a moderate or limited level of assurance from a specific internal audit report.
- 1.7 An Action Tracker report was added to each agenda to allow the Committee to monitor the follow up actions taken in response to any decisions made by the Committee.
- 1.8 Two major training exercises were carried out during the year covering all the key areas of the Audit Committee remit.
- 1.9 This year, the Audit Committee performance review was externally facilitated by the Wales Audit Office.
- 1.10 The review concluded that while the Audit Committee is performing well against the Core Principles, there are a number of issues which could be addressed to enable the Committee to continue to improve its overall performance.
- 1.11 An action plan will be established during the first quarter of the 2017/18 programme to progress these issues. Particular emphasis will focus on:
 - i) Risk Management – an amended process with regular quarterly reviews.
 - ii) The need to establish a regular quarterly review by the recently established Annual Governance Statement Group to Audit

Committee to demonstrate corporate governance in action across the Council.

- 1.12 Progress against this action plan and any other recommendations put before the Committee will be monitored quarterly through the coming year.

2. Introduction

- 2.1 The Council is required, under the Local Government (Wales) Measure 2011 to have an Audit Committee which among other things must include at least 1 lay member.
- 2.2 The Measure requires the Audit Committee to review and scrutinise the Council's financial affairs, risk management, internal control and governance arrangements. It also requires the Committee to oversee the Council's internal and external audit arrangements and review its financial statements.
- 2.3 The work of the Audit Committee is structured so that the Committee can gain assurance over the areas identified above and to comply with its terms of reference.
- 2.4 This draft report describes the assurance that has been gained by the Audit Committee from various sources during 2016/17 and also outlines a number of other areas where briefings have been provided to the Committee.
- 2.5 The draft Audit Committee Annual Report 2016/17 is reported to the Committee to provide members with the opportunity to give their views on the assurances received and to identify the key messages arising from the work of the Committee during the year which should be reported to Council.
- 2.6 The draft report will be amended for any comments made at this meeting with the final report being presented to the Audit Committee in June for formal approval. The Chair will then present the Annual Report to Council later in the summer.

2. Committee Membership

- 3.1 The membership of the Audit Committee during 2016/17 is shown in the following table

Mr AM Thomas – Lay Member and Chair	Cllr PM Meara
Cllr C Anderson	Cllr TJ Hennegan
Cllr RA Clay	Cllr D Phillips
Cllr TM White	Cllr RV Smith
Cllr PR Hood-Williams	Cllr C Thomas
Cllr L James – Vice Chair	Cllr LV Walton

- 3.2 There were no changes to the membership of the Audit Committee during 2016/17.
- 3.3 The Committee moved to a schedule of 2-monthly meetings in 2015/16 however it was recognised that the agenda for the 2-monthly meetings were becoming excessively long so a number of special meetings were arranged to help smooth out the Committee's work programme.
- 3.4 The Committee met on 11 occasions during 2016/17, 6 scheduled meetings and 5 special meetings. Over the course of the year, attendance at the meetings was 68%

4. Internal Audit Assurance

- 4.1 The Audit Committee approved the Internal Audit Charter 2016/17 and 2017/18 as required by the Public Sector Internal Audit Standards.
- 4.2 The Audit Committee also approved the Internal Audit Annual Plan 2016/17 and 2017/18 during the year and has received quarterly monitoring reports from the Chief Auditor showing progress against the Plan.
- 4.3 The quarterly monitoring reports identified any audits that received a moderate or limited level of assurance along with an outline of the issues which led to the audit receiving the negative assurance level.
- 4.4 The Chair has written to a number of Heads of Service where audits in their area of responsibility received a moderate or limited level of assurance to raise the concerns of the Committee and to highlight the need for improvement in controls.
- 4.5 The Chair has also met with the Head of Service where the audit received a moderate or limited level of assurance at the previous audit. The Committee's view is that this indicates that the service has failed to improve since the previous audit which therefore requires a firmer response from the Committee to support the findings of the Internal Audit Section. Face to face meetings are more proactive and are likely to lead to a positive response from the service area.
- 4.6 The Internal Audit Annual Report 2015/16 was reported to the Audit Committee which included a review of actual work completed compared to the Annual Plan.
- 4.7 The Internal Audit Annual Report also included the Chief Auditor's opinion on the internal control environment for 2015/16 which stated that based on the audit testing carried out reasonable assurance can be given that the systems of internal control are operating effectively and that no significant weaknesses were identified which would have a material impact on the Council's financial affairs.

4.8 The Internal Audit Annual Report of School Audits 2015/16 was presented to the Audit Committee. This report summarised the school audits undertaken during the year and identified some common themes identified across school audits.

5. Annual Governance Statement 2015/16

5.1 The draft Annual Governance Statement 2015/16 was presented to the Audit Committee prior to being reported to Council for approval.

5.2 This gave the Committee the opportunity to review and comment upon the Statement and to ensure that it properly reflected the assurances provided to the Committee over the course of the year.

6. Annual Statement of Accounts 2015/16

6.1 The Corporate Director (Resources) presented the draft Statement of Accounts 2015/16 for the Council and the Pension Fund to the Committee and answered a number of queries raised by members of the Committee.

6.2 Following completion of the audit of the Statement of Accounts 2015/16, the Chair requested that a special meeting be arranged for the Wales Audit Office to present its ISA 260 reports on the audit of financial statements of the Council and Pension Fund to the Audit Committee prior to the reports going to Council. The reports presented the detailed findings of the audit and stated that the Wales Audit Office view was that the accounts gave a true and fair view of the financial position of the Council and Pension Fund.

7. External Audit Assurance

7.1 As well as the Audit of the Statement of Accounts reports mentioned above, the Wales Audit Office also provided an update report to each scheduled meeting. The report outlined the progress being made in financial and performance audit work to the Committee.

7.2 The Wales Audit Office also provided assurance to the Audit Committee by presenting the following reports

- Certification of Grants and Returns 2013/14 and 2014/15
- Financial Resilience Assessment Report 2015/16
- Annual Audit Letter 2015/16
- Wales Audit Office Audit Plan 2017 including performance and financial audit work

8. Implementation of Audit Recommendations

8.1 An important role undertaken by the Audit Committee is monitoring the implementation of agreed audit recommendations arising from both internal and external auditors.

- 8.2 The implementation of any Internal Audit recommendations arising from the fundamental audits is reported to the Audit Committee in the Recommendations Tracker report. For 2015/16, the results of the tracker exercise showed that 86% of agreed recommendations had been implemented by 30 November 2016.
- 8.3 The implementation of any high or medium risk recommendations arising from non-fundamental audits that received a moderate or limited level of assurance are subject to follow up visits by Internal Audit to confirm they have been implemented. The results of the follow ups are reported to the Audit Committee in the quarterly Internal Audit Monitoring Reports.
- 8.4 A number of follow up audits were reported to the Committee during 2016/17 and in most cases it was found that substantial progress had been made by management in implementing the agreed recommendations within the agreed timescale.
- 8.5 However, it was disappointing that a small number of audits were identified where substantial progress had not been made in implementing the agreed recommendations and a 2nd follow up visit had to be scheduled.
- 8.6 The Committee also received a presentation from the Planning Control Manager on the progress made in implementing the recommendations arising from the Section 106 Agreements audit in 2015/16 which had received a limited level of assurance. It was noted that good progress had been made in implementing the recommendations although members did raise concerns regarding the information available to all councillors on Section 106 agreements.
- 8.7 The Internal Controls Report presented to the Audit Committee by the external auditors includes any recommendations made as a result of their work and the action taken by management to implement the recommendations.

9. Risk Management

- 9.1 The Local Government (Wales) Measure 2011 makes the overview of risk management a function of the Audit Committee
- 9.2 A training presentation was made to the Committee on Risk Management during the year where it was indicated that an updated Risk Management Policy and Framework was being prepared and would be presented to the Committee in June 2017.
- 9.3 Apart from the training presentation, it was disappointing that no other reports or updates on Risk Management were provided to the Committee during the year.

9.4 The Committee also remains frustrated that access to the Risk Registers for members of the Committee has still not been arranged despite the request being made a number of years ago.

10. Performance Audit

10.1 The Audit Committee received regular briefings from the Wales Audit Office on the performance audit work being undertaken within the City and County of Swansea

10.2 The Wales Audit Office's Performance Audit Plan 2016 was reported to the Committee and regular updates on progress against the Plan were provided by the Wales Audit Office throughout the year.

11. Relationship with Scrutiny Function

11.1 The Audit Committee has continued to develop a relationship with the Scrutiny function. The relationship is intended to ensure the following

- Mutual awareness and understanding of the work of Scrutiny and the Audit Committee
- Respective workplans are coordinated to avoid duplication / gaps
- Clear mechanism for referral of issues if necessary

11.2 The Chair attended the Scrutiny Work Planning Conference to provide an Audit Committee input into the areas of proposed work for Scrutiny during 2016/17.

11.3 The Chair also attended the Scrutiny Programme Committee to provide an update on the work of the Audit Committee and also shared the Audit Committee Annual Report 2015/16 and Workplan 2016/17 with the Scrutiny Programme Committee.

11.4 The Chair of the Scrutiny Programme Committee has attended the Audit Committee to provide an update on the work of Scrutiny.

12. Anti-Fraud

12.1 A Corporate Fraud Team was established during 2015/16 within the Internal Audit Section and the Corporate Fraud Annual Plan 2016/17 and Corporate Fraud Team Annual Report 2015/16 were presented to the Audit Committee.

12.2 An update on the work of the Corporate Fraud Team in 2016/17 and the Corporate Fraud Annual Plan 2017/18 were presented to the Committee

12.3 The new team has been involved in a number of investigations and the final report on one of the investigations was reported to the Committee. Further reports will be presented on the conclusion of live investigations.

13 YGG Lon Las – New Build

- 13.1 Cabinet referred the project for the replacement of YGG Lon Las to the Audit Committee in September 2015 as a result of a significant increase in the cost of the project and the length of time taken to progress the project. The intention of the referral was so that any lessons learned from the YGG Lon Las project could be identified and applied to future schemes.
- 13.2 The Audit Committee held a number of meetings to discuss the project and received information from staff in Education and Corporate Building and Property Services.
- 13.3 The Audit Committee's final report identified a number of lessons learned from the YGG Lon Las project. The final report was presented to Cabinet by the Chair in January 2017.

14. Briefings

- 14.1 The Audit Committee received a number of briefings during 2016/17 as noted below
- Cabinet Advisory Committees
 - Corporate Governance Review
 - Debt Write Offs
 - Internal Audit Plan Methodology
 - Commercialism Strategy

15. Audit Committee Training

- 15.1 It was recognised that a number of new councillors had recently been appointed as members of the Audit Committee therefore a training programme was developed for 2016/17.
- 15.2 Training was provided in the follow areas which are included in the terms of reference of the Audit Committee
- Internal Audit
 - Governance
 - Standards in Public Life
 - External Audit
 - Financial Statements
 - Risk Management
 - Counter Fraud
- 15.3 The training in 2016/17 was delivered at 2 meetings however going forward it is felt that it would be more appropriate to deliver training in shorter sessions with, for example, one topic being covered at the start of each meeting and limited to 30 minutes where possible.

16. Action Tracker Report

- 16.1 An Action Tracker Report was added to the agenda of each meeting in 2016/17 to allow the Committee to monitor the action taken in response to any decisions made by the Committee. The report was well received as it provided a way for members to monitor progress in implementing the actions decided by the Committee.

17. Audit Committee – Performance Review

- 17.1 The Audit Committee's annual performance review for 2016/17 was facilitated by the Wales Audit Office. The format of the Performance Review was for the members of the Committee to review the Committee's performance against the 7 Core Functions of an Audit Committee which had been established by CIPFA.
- 17.2 The members of the Audit Committee were individually asked to score the Committee's performance against each of the Core Functions using a scoring range of 1 to 10. Committee members were also asked to individually identify what they thought the Committee was doing well in relation to each Core Function and what the Committee could do better.
- 17.3 The Wales Audit Office captured the views of the Audit Committee in relation to each Core Function and has produced the summary shown in Appendix 2.
- 17.4 The Wales Audit Office has also identified the key findings of the Performance Review based on the views of the Audit Committee members. The key findings are shown below
- Risk management – provide more detailed information e.g. Risk Registers to the Audit Committee
 - Risk management – develop 'what if' scenarios
 - Other regulators – Committee to see the work of other regulators at the Council e.g. CSSIW, Estyn, Public Service Ombudsman for Wales
 - Tracking of recommendations – develop a central control record of all recommendations
 - Tracking of recommendations – look at timescales, is 12 months too long before providing feedback on implementation
 - Meeting with Audit Committee – should all members of the Audit Committee meet with the WAO in private rather than just the Chair
 - Good practice – look at what other Audit Committees are doing e.g. in NHS, Police
 - Good practice – WAO to signpost good examples
 - Development of Audit Committee – look at other Audit Committees to benchmark and for good practice
 - Development of Audit Committee – train with members of other Audit Committees
 - Attendance – need to improve attendance by Members and Officers

- 17.5 The key findings of the Performance Review identified above will be turned into an Action Plan which will be reported to the Audit Committee at the June 2017 meeting and periodically throughout the year so that the Committee can monitor the progress made in addressing the issues arising from the Performance Review.
- 17.6 Overall, the outcome of the Performance Review is that the Audit Committee considers that it is performing well against the Core Principles apart from Risk Management. It was also felt that there are a number of issues which could be addressed during the coming year which would allow the Committee to provide a higher level of assurance to the Council.

18. Performance Review 2015/16 – Review of Actions

- 18.1 The following table shows the actions that were agreed as a result of the Performance Review 2015/16 and the action taken during 2016/17

Action	Outcome
The need for the Committee to review its approach to gaining assurance over corporate governance. The review will follow the publication of the ongoing Corporate Governance Review by the Head of Legal and Democratic Services	Not achieved – the Corporate Governance Review report was presented to the Committee on 28 June 2016. The intention is that assurance on Corporate Governance will be provided by quarterly reports by the Annual Governance Statement Group but the Group has only recently been established. This action will be addressed during 2017/18.
The provision of training to Committee members based on the CIPFA <i>Knowledge and Skills Framework</i> . A training meeting will be held on 14 June 2016.	Achieved – a training meeting was held on 14 June 2016 and a further training session was provided at the meeting on 13 December 2016.

19. Future Audit Committee Meetings

- 19.1 The Council Diary for the new municipal year continues to include Audit Committee meetings on a 2 monthly basis. .
- 19.2 However, based on the experience in previous years, it is clear that special meetings will need to be held at certain times of the year to ensure the smooth delivery of the Committee’s work programme. At this stage it is envisaged that special meetings will need to be arranged in July and September for the draft Annual Statement of Accounts and the Wales Audit Office audited Statement of Accounts report.
- 19.3 The Committee has the ability to call further additional meetings if necessary.

Audit Committee Performance Review 2016/17

Focus Group – Notes

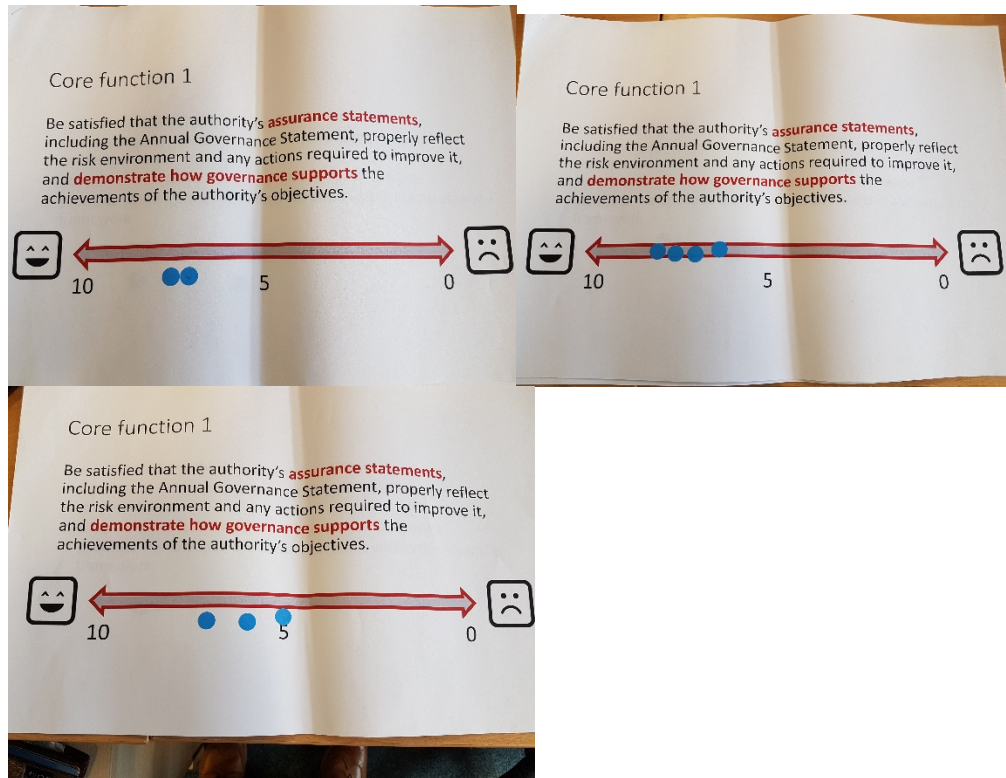
Focus Group	City and County of Swansea Audit Committee
Date	14 February 2017
Location	Swansea Guildhall
Facilitators	Gareth W Lewis and Geraint Norman
Attendees	

Key Findings

- Risk management – provide more detailed information (Risk Register) to AC
- Risk management – develop ‘what if’ scenarios
- Other regulators – see the work of other regulators at the Council (CSSIW, Estyn, PSoW)
- Tracking of recommendations – central place for all recommendations
- Tracking of recommendations – look at timescales – is 12 months too long?
- Meeting with AC in private – should all members of AC meet with WAO rather than just the Chair?
- Good practice – look at other bodies – eg. Police and NHS
- Good practice – WAO to signpost good examples
- Development of AC – look at other ACs to benchmark and for good practice
- Development of ACs – train with members of other ACs
- Attendance - improve attendance from Members and officers

Core Function 1

Be satisfied that the authority's **assurance statements**, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it, and **demonstrate how governance supports** the achievements of the authority's objectives.



What's going well?

- Good training and development for AC
- Better information from officers
- Independent Chair adds value
- System has been simplified
- Obtained detailed information from officers – e.g. delegated/pooled budgets and consortia working
- Improved sight of AGS; more feedback on AGS; confidence that governance taken on by functions
- Councillors development – AC has brought in many people for information training and development (Fraud Team, Chair Scrutiny)
- AGS appeared to be generally satisfactory
- Support of Audit department
- Audit team is now up to expected staffing levels
- Effectiveness of audit work with other agencies
- Fraud work
- Good cross party committee is essential to the process of AC
- Monitored issues from audit reports

What could be better?

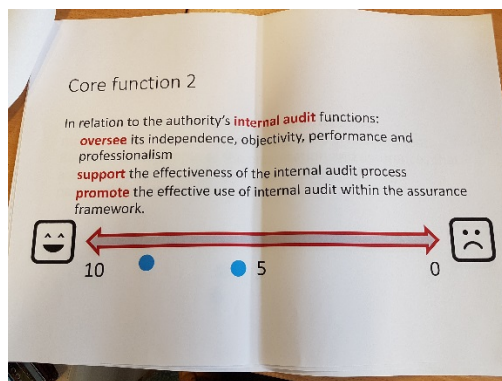
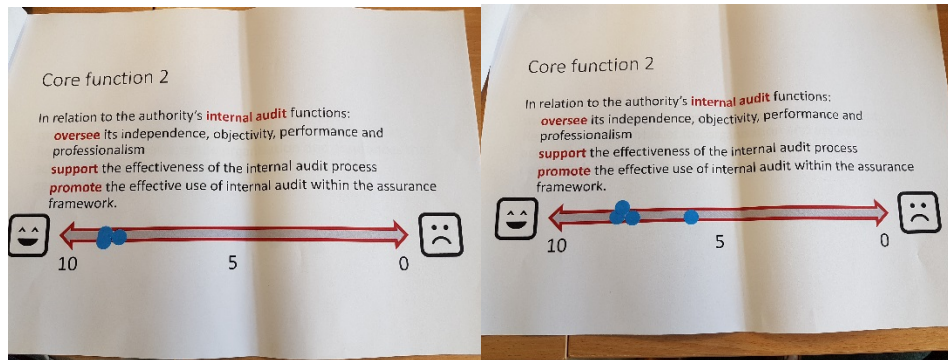
- Assurance statements need to be cascaded down through departments so that we can see sight of them
- Introduction of governance is never ending – it is up to audit to verify that governance is embedded – more confirmation that governance is embedded
- Procurement procedures knowledge – information to services (e.g. schools SLA's) – more joined up working
- Better understanding of the risk environment of the Council – regular access to eth Council Risk Register
- More scope for AC to request audits outside the normal cycle
- More information on impact – some evidence (e.g. schools audit school buildings but do not always have a full picture)

<ul style="list-style-type: none">• Taken action to address issues raised by audits• Schools audits went well	
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Core Function 2

In relation to the authority's **internal audit** functions:

- **oversee** its independence, objectivity, performance and professionalism;
- **support** the effectiveness of the internal audit process; and
- **promote** the effective use of internal audit within the assurance framework.



What's going well?

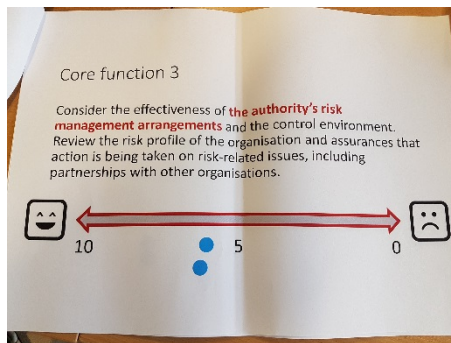
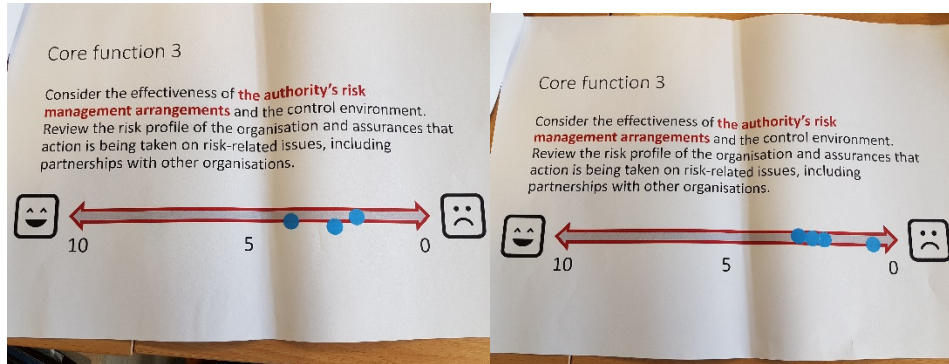
- Input of AC (Chair) in assisting internal audits
- Pick up issues on audit reports
- Generally, the AC has followed up on department weaknesses very well
- Improvement in achieving IA programme
- Schools audit system improved by initial school audit self-assessment
- Transparency of officers towards AC
- Clear examples of officers brought to committee being highlighted and referred on
- Close working relationship of Chief Auditor and Chair of Audit Committee
- The AC has supported IA as necessary
- Ensure correct staffing levels
- Monitor IA capacity and its impact

What could be better?

- Concern about maintaining independence (politics)
- I am not a supporter of internal audit or self-assessment – is it truly independent?
- Faster replacement of staff who leave, go sick, etc.
- IA programme achievement has been hampered by sickness and vacancies in previous years and slippage has been a concern
- I would prefer to see audit placed outside of Finance
- More special audits and fewer routine audits – better understanding of IA risk assessment process

Core Function 3

Consider the effectiveness of **the authority's risk management arrangements** and the control environment. Review the risk profile of the organisation and assurances that action is being taken on risk-related issues, including partnerships with other organisations.



What's going well?

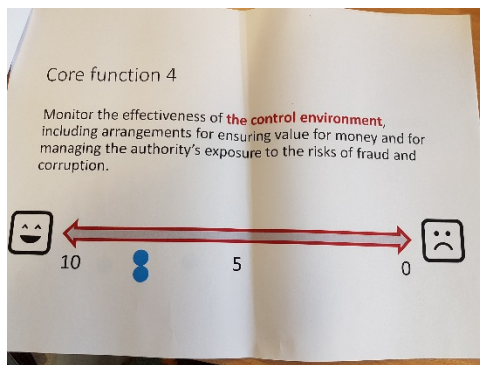
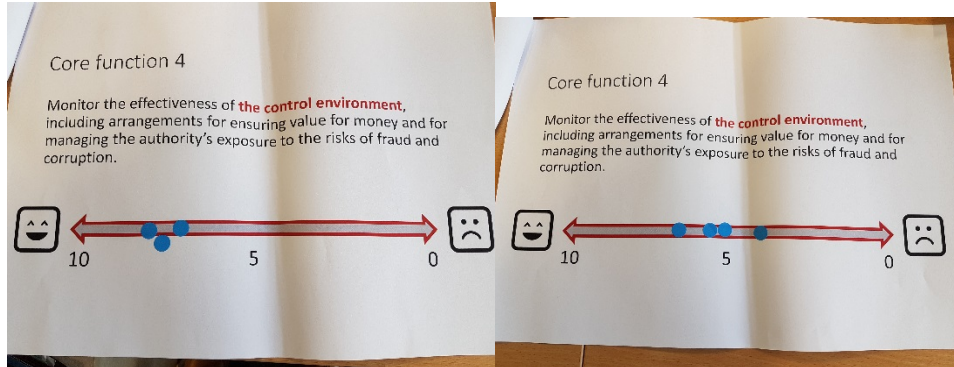
- Good assessment of known risks
- Given IA a higher profile
- Cascaded IT down to functions
- Trying to get a better understanding of the developing risk management process
- Tracking systems/keeping abreast of work programme achievements

What could be better?

- Risk management – sometimes risk becomes a barrier – common sense should prevail
- Not a lot of thinking about less obvious future risks
- Data and information not being shared and acted upon
- Actually have access to the Risk Register and be able to question officers about it
- We are still waiting for completion of the new risk management process
- Risk management not yet embedded

Core Function 4

Monitor the effectiveness of **the control environment**, including arrangements for ensuring value for money and for managing the authority's exposure to the risks of fraud and corruption.



What's going well?

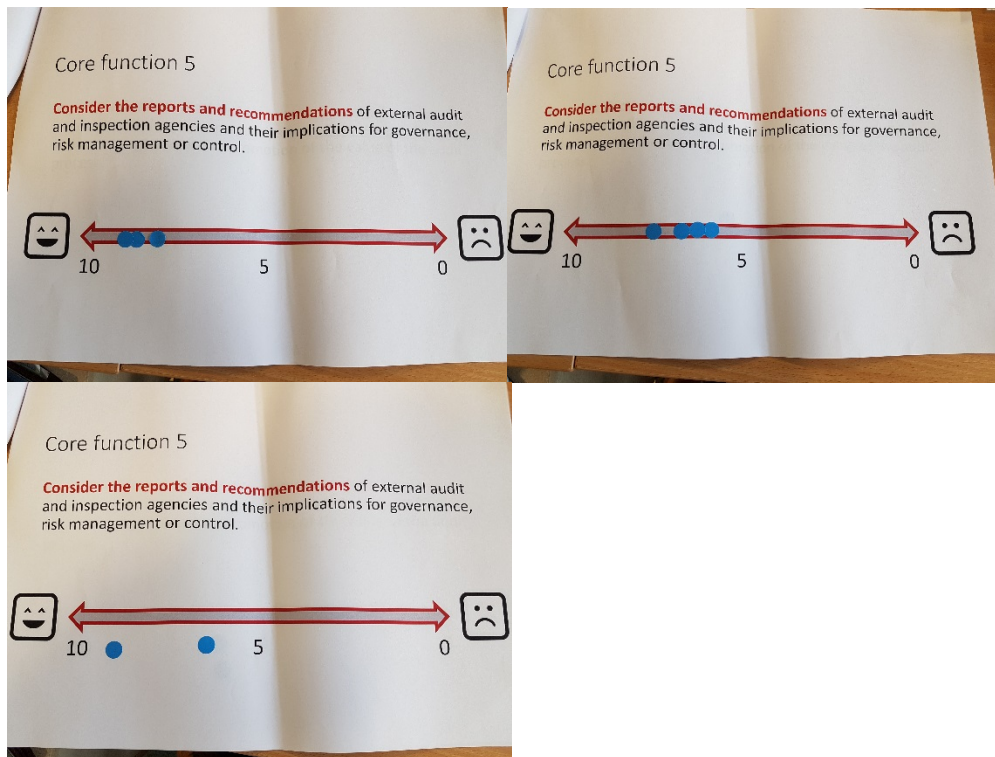
- We monitor it and are assured it is effective
- Monitoring of purchase cards
- Purchasing arrangements improved (paperless)
- Better controls of cash in place – better controls of accounting in place (access to accounts by leavers are no longer a problem)
- The new Fraud Team are well switched on and their track record shows that
- Satisfied that the new benefit fraud investigation process is practical and identifying such fraud
- Introduction of common IT system

What could be better?

- Still need greater detail to monitor progress of Section 106 agreements – limited information on database
- Delegation to officers (particularly in planning) raises the risk of corruption - Scrutiny has done work on this but not AC
- Awareness posters placed at locations of service areas.

Core Function 5

Consider the reports and recommendations of external audit and inspection agencies and their implications for governance, risk management or control.



What's going well?

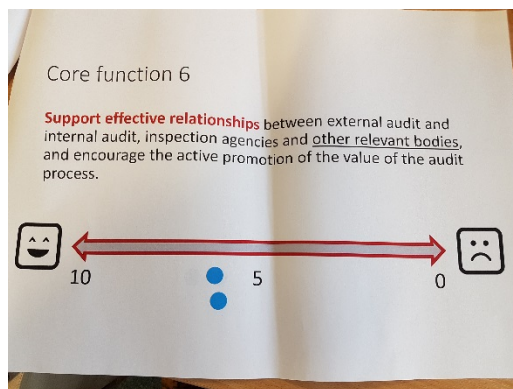
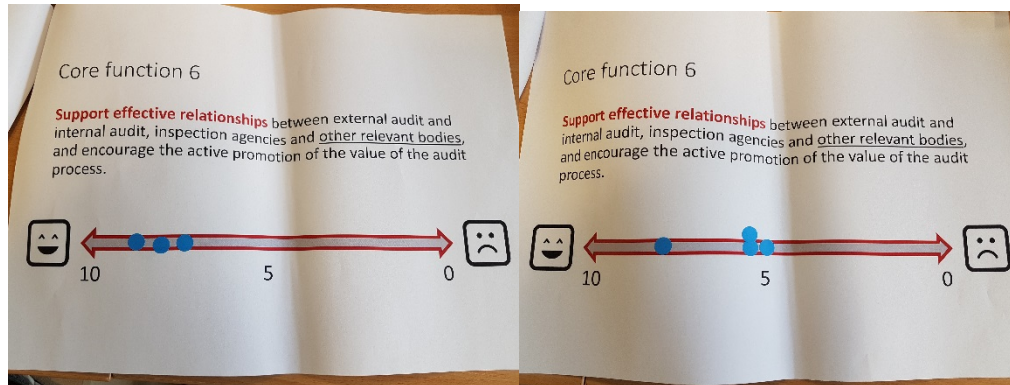
- Recommendations are discussed
- All external reports come to AC (except the ones we don't know about)
- WLGA interviewed most councillors on involvement/development – it was good

What could be better?

- Use members to follow up recommendations – take personal responsibility
- Tracking could be better – follow up of recommendations – 'we have to wait a whole year (interim reports)'
- Don't see all reports – Estyn, CSSIW
- Have to wait a year to see if recommendations were implemented
- Make a named councillor responsible for making sure any particular external recommendation is implemented
- No central tracker of recommendations

Core Function 6

Support effective relationships between external audit and internal audit, inspection agencies and other relevant bodies, and encourage the active promotion of the value of the audit process.



What's going well?

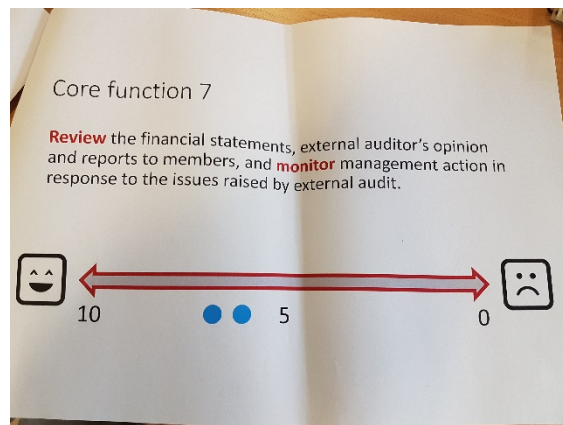
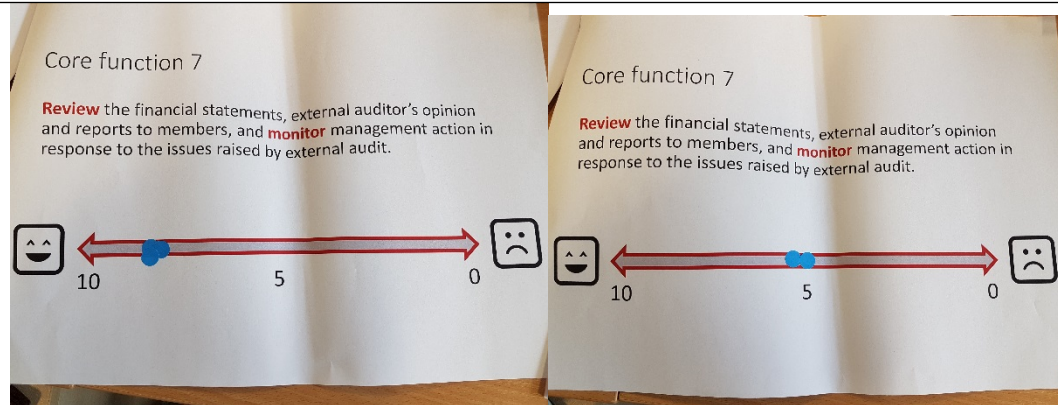
- Chair meets with internal and external audit
- Chair talks with external bodies
- Good link between AC and Scrutiny
- Relevant officers from external audit attend meetings
- Satisfied ourselves that currently effective relationships exist (evidence by the attendance and WAO reporting directly to the AC)
- Realisation that the effective relationships are left to IA and the Chair – presumably the committee would step in if there was an issue
- I always meet anyone or anything halfway with an open mind 0 if I think there is a bit of waffling I will speak up
- Ensuring the sharing of information is sued to promote the need f if good practice is being put in place

What could be better?

- Common practice throughout Wales
- Look at other sectors for good practice – avoid duplication
- Training with other organisations for ACs
- Assign a AC member to specialise in the work of a specific external body (this build expertise and reduces the load on the Chair)

Core Function 7

Review the financial statements, external auditor's opinion and reports to members, and **monitor** management action in response to the issues raised by external audit.



What's going well?

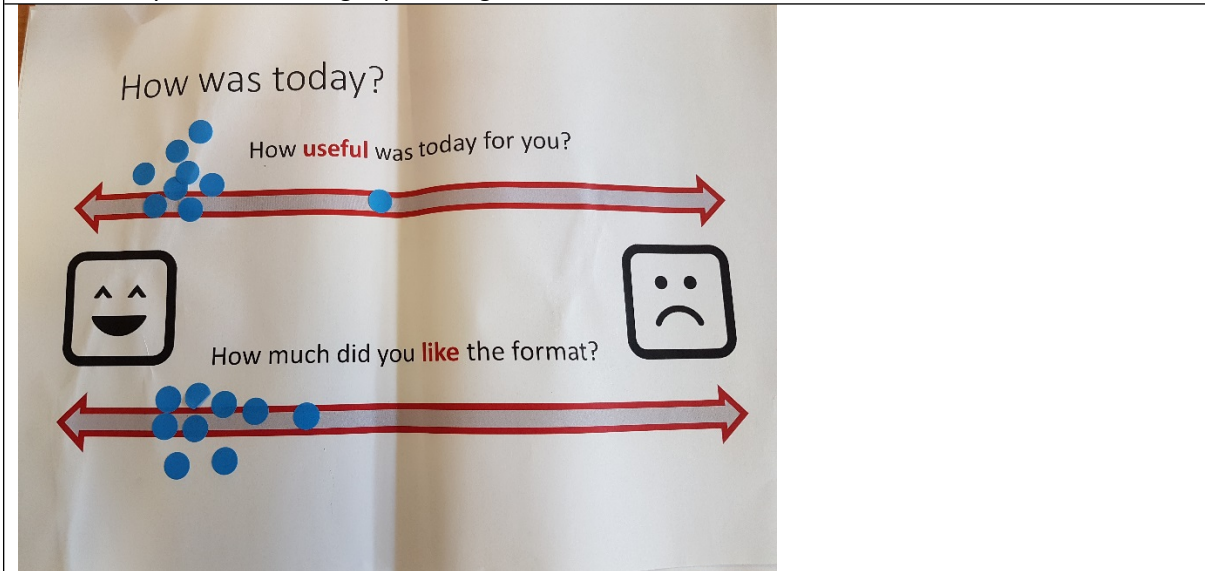
- Schools performance monitoring is good
- Auditor General provides and attends full Council and states good, bad and indifferent
- Recent record report say 20 recommendations with 15 complete and 4 in progress and 1 not complete
- Timescales for reports/information to be delivered on the follow up request

What could be better?

- Reduce the time management needs to implement a recommendation (and make it harder for management to refuse a recommendation – they should have to get AC agreement if they decide not to accept a recommendation with reasons why)
- We may fall down on monitoring management actions – how well are the actions implemented?

What would you.....	
Drop	Add
<ul style="list-style-type: none"> • Nothing • Noting • Duplication • Nothing • Nothing 	<ul style="list-style-type: none"> • More feedback and follow-up where appropriate • Follow-up information from Cabinet/officers • More systematic delegation by Chair • Greater involvement by all members of AC • Training with members of other ACs
Keep	Improve
<ul style="list-style-type: none"> • Trust • Regular internal team reporting • Everything • Independent Chair • Independence of Chair • Fraud reports • everything 	<ul style="list-style-type: none"> • Follow-up • Follow-up on recommendations • Attendance • Greater insistence that information should be provided as when required and officers turn up when requested to • Overlapping – presentations from departments

- One Final Word**
- Very useful and thought-provoking
 - A very good session – very active, insightful, clever
 - Thought-provoking
 - Useful – made us think of the work we do in audit
 - Informative
 - Curate’s egg
 - Found it difficult to get into not knowing the format before today
 - Very useful and thought-provoking



Agenda Item 11.



Report of the Cabinet Members for Environment Services and Housing Energy & Building Services

Council – 14 December 2017

Gypsy and Traveller Policy 2017

Purpose:	To Seek approval for the new Gypsy and Traveller Policy
Policy Framework:	Local Housing Strategy 2015-2020
Consultation:	Access to Services, Finance, Legal.
Recommendation(s):	It is recommended that: 1) Council approves and publishes the Gypsy and Traveller Policy
Report Author:	Jane Harries
Finance Officer:	Paul Cridland
Legal Officer:	Sandie Richards
Access to Services Officer:	Sherill Hopkins

1. Introduction

- 1.1 In 2009 the Council adopted a Gypsy and Traveller Policy which set out how the Council would ensure that Gypsies and Travellers in Swansea had equal opportunity to access the full range of Council services
- 1.2 Since that time there have been legislative changes which have necessitated a review of the Policy.

2. Policy Revision

- 2.1 Three significant pieces of legislation have influenced the Policy revision.
- 2.2 The Equality Act 2010 now embraces the Race Relations Act 1976 (as amended by the Race Relations Amendment Act 2000). The Act continues to prohibit any discrimination on the grounds of race alongside other protected characteristics, including age, disability and religion or (non-belief).

- 2.3 The Housing (Wales) Act 2014 places a duty on local authorities to have undertaken a Gypsy and Traveller Needs Assessment by February 2016, which should be updated every five years as a minimum. The Act also places a duty on local authorities to provide a site for Gypsies and Travellers where a need is identified.
- 2.4 Section 108 of the Act provides a new definition of Gypsies and Travellers as being:
“Persons of a nomadic habit of life, whatever their race or origin, including:
• Persons who, on grounds only of their own or their family’s or dependent’s educational or health needs or old age, have ceased to travel temporarily or permanently, and
• Members of an organised group of travelling show people or circus people (whether or not travelling together as such); and
• All other persons with a cultural tradition of nomadism or of living in a mobile home.”
- 2.5 The Mobile Homes (Wales) Act 2013 provides additional safeguards for those living on and running local authority Gypsy and Traveller sites. Residents on these sites can expect to occupy their pitches so long as they abide by the terms of their pitch agreements.
- 2.6 In addition, the Well-being of Future Generations (Wales) Act 2015 requires public bodies in Wales to consider the long term impact of their decisions, to work better with people, communities and each other, and to prevent persistent problems such as poverty, health, inequalities and climate change. The Act focuses on several key areas including gypsies and travellers.

3. The Proposed Policy

- 3.1 The revised Policy is set in the context of other Council policies and schemes relating to equality, diversity and community cohesion. Its purpose is to ensure that the Gypsy and Traveller community in Swansea receives services that meet its needs.
- 3.2 This Policy sets out the range of Council services and external agencies that work together to provide services to Gypsies and Travellers in Swansea.
- 3.3 The Policy also outlines the Council’s role in terms of land use and planning, and how unauthorised encampments and developments will be dealt with. In drafting the Policy reference has been made to Welsh Government guidance.
- 3.4 As explained in 2.1 three new pieces of legislation necessitated a revised Policy. This afforded an opportunity to streamline the existing Policy and make it more succinct; whilst ensuring its intention remained the same in that the needs of the Gypsy and Traveller community are protected.

4. Consultation

- 4.1 A public consultation exercise was conducted on the draft Policy. An online survey was produced and placed on our website for 4 weeks alongside the draft strategy for people to submit their views. The consultation was publicised through the local media.
- 4.2 No significant issues were identified during the consultation (results attached Appendix B).
- 4.3 Along with this Swansea Bay Regional Equality Council (SBREC), and Travelling Ahead (a Welsh project working with young people and families from Gypsy, Roma and Traveller communities) commented on the draft Policy. Members of the Gypsy and Traveller community were also made aware of the consultation and given the opportunity to comment.

5. Equality and Engagement Implications

- 5.1 A full Equality Impact Assessment report has been completed regarding the Policy and forms part of the background papers to this report.
- 5.2 The EIA found that the Gypsy and Traveller Policy will impact positively on the protected characteristics identified, as it will ensure that the Gypsy and Traveller community in Swansea receives services that meet its needs. The Policy also recognises the positive role a range of Council services has in relation to the United Nations Convention on the Rights of the Child (UNCRC)

6. Financial Implications

- 6.1 There are no financial implications directly associated with this report.

7. Legal Implications

- 7.1 Under the Housing Act 2004 and Circular 30/2007, all local authorities in Wales are required to identify the housing needs of gypsies and travellers in its area and make provision for any needs identified. The Housing (Wales) Act 2014 includes a duty on local authorities to provide sites where a need has been identified.
- 7.2 The legal implications of other relevant legislation is set out in paragraph 2 of the report.

Background Papers: Gypsy Traveller Policy 2009.
Equality Impact Assessment (EIA) Report

Appendices: Appendix A – Gypsy and Traveller Policy 2017
Appendix B - Consultation Responses

CITY AND COUNTY OF SWANSEA

**GYPSY AND TRAVELLER POLICY
2017**

DRAFT

1. Introduction

The City & County of Swansea (CCS) is committed to improving the lives of its residents, promoting the rights of all those who live and work within its district and those who visit irrespective of their background or circumstances.

The Council fully recognises that everyone has the right to protection from nuisance, harassment and discrimination and to access the full range of services offered by the Council to meet their needs.

The Well-being of Future Generations (Wales) Act 2015 requires public bodies in Wales to consider the long term impact of their decisions, to work better with people, communities and each other, and to prevent persistent problems such as poverty, health, inequalities and climate change.

This Gypsy and Traveller Policy is set in the context of the overarching Welsh Government strategy for Gypsies and Travellers entitled; 'Travelling to a Better Future',¹ as well as Council policies and schemes relating to equality, diversity and community cohesion.

The purpose of this policy is to ensure that all members of current and future Gypsy and Traveller communities within the CCS receive services that meet their needs. In order to achieve this, the Council is committed to promoting good practice with all agencies and raising awareness of the culture.

2. Who are Gypsies and Travellers?

'Gypsies and Travellers' is a generic term used to define a number of people who subscribe to the Gypsy or Traveller way of life, as well as to certain cultural and moral beliefs. This policy uses the following definition of Gypsies and Travellers, which is also the definition used by the Housing (Wales) Act 2014.:

Persons of a nomadic habit of life, whatever their race or origin including:

- (i) Persons who, on grounds only of their own or of their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently, and
 - (ii) Members of an organised group of travelling show people or circus people (whether or not travelling together as such); and
- b) All other persons with a cultural tradition of nomadism or of living in a mobile home."

¹ Welsh Government - Travelling to a Better Future ; 2013

All of these groups are associated with the travelling way of life and can share some common beliefs and practices, but each group may have distinctive languages, traditions and ethnicity.

3. Legal Context

3.1 Equality

Romany Gypsies and Irish Travellers are recognised as racial groups and are thus protected characteristics as defined by the Equality Act 2010. The Public Sector Equality Duty requires that we, as a public authority must work to eliminate unlawful discrimination; promote equality of opportunity between different groups; and foster good relations between different groups of people.

3.2 Housing and Planning

The Housing Act 2004 requires local housing authorities to carry out an assessment of the accommodation needs of Gypsies and Travellers. The Housing (Wales) Act 2014 places a duty on local authorities to undertake a Gypsy and Traveller Needs Assessment by February 2016, which should then be updated every five years as a minimum.

The Act also places a duty on local authorities to provide a site for Gypsies and Travellers where a need has been identified. Where a local authority fails in its duty to provide suitable and sufficient sites, the Welsh Ministers can compel them to do so.

Where a need is identified then proper consideration must be given by the Council to identify site(s) as part of their Local Development Plan (LDP). Sites would be subject to planning permission in the normal way.

Welsh Government Circular 30/2007: Planning for Gypsy and Traveller Caravan Sites requires that local authorities allocate sufficient sites in their LDP to ensure that identified pitch requirements for both permanent and transit Gypsy and Travellers are met. A temporary permission may be justified where it is expected that the planning circumstances will change at the end of the period of the temporary permission. In cases where there is:

- unmet need;
- no available alternative Gypsy and Traveller site provision in an area; and
- a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need;

the Council may consider granting a temporary planning permission.

4. Policy Statement

The Council recognises the importance of celebrating the diversity of all those who live in the CCS and recognises that this can only be achieved if all

communities feel safe and valued. The Council will adhere to the principles of community cohesion and support a culture where there is mutual respect for others and a tolerance of racial and cultural identity. The Council is committed to:

- Eliminating unlawful discrimination and harassment and promoting equality of opportunity and fairness;
- Considering the needs and expectations of all communities;
- Applying consistent enforcement powers in a fair and proportionate way when dealing with unauthorised encampments and developments;
- Working in partnership and consulting with the Gypsy and Traveller and local communities to promote understanding and mutual respect;
- Meeting all its statutory obligations whilst having regard to relevant guidance;

5. Corporate and Partnership Working

A number of Council departments and external agencies work together to provide services for Gypsies and Travellers in the CCS area. Most services and agencies attend the Western Bay Gypsy and Traveller Forum which helps to ensure services to the community are coordinated.

5.1 Community Cohesion

Community Cohesion is clearly important to the lives of everyone in our community. The Welsh Government supports the UK Government's formal definition of community cohesion:

Community Cohesion is what must happen in all communities to enable different groups of people to get on well together. A key contributor to community cohesion is integration which is what must happen to enable new residents and existing residents to adjust to one another.²

The Council's vision of an integrated and cohesive community is based on three principles:

- People from different backgrounds having similar life opportunities;
- People knowing their rights and responsibilities; and
- People trusting one another and trusting local institutions to act fairly,

and three key ways of living together:

- A shared future vision and sense of belonging;
- A focus on what new and existing communities have in common, alongside recognition of the value of diversity; and

² Getting on Together: a Community Cohesion Strategy for Wales, 2009

- Strong and positive relationships between people from different backgrounds.

Achieving the goals of Community Cohesion is all about working together in partnership with service providers and community groups working towards a common vision via the delivery of the Community Cohesion Delivery Plan. The Plan makes specific references to Gypsies and Travellers and identifies how the needs of this community can be identified and promoted.

The Council is currently developing a Hate Crime Action Plan aiming to increase the awareness and reporting of hate crime in Swansea. Reference will be made to Gypsies and Travellers within the Action Plan.

5.2 Education Services

The Traveller Education Service (TES) co-ordinates, monitors, advises on and supports educational provision for the Gypsy and Traveller community throughout Swansea. TES has a long and successful record of visiting and working with Gypsies and Travellers including families on the official site and with families unofficially encamped in the area.

TES is pro-active in making contact with families known to be in the area but is also contacted by families requesting support in accessing education for their children. They aim to support access to education for Gypsies and Travellers throughout their school life, promote their inclusion and raise awareness and understanding of their history and cultural identity. They aim to identify and remove barriers to learning, provide support to Gypsy and Traveller pupils, parents and the schools they attend and raise attendance and attainment wherever possible.

Gypsy and Traveller children and young people are encouraged to attend their local catchment school where arrangements can be made to ensure specific support is put in place to enable individual learners to engage in a full curriculum which may require a gradual integration process.

5.3 Health and Social Services

The Abertawe Bro Morgannwg University Health Board is the Primary Health Care Trust within the area and offers the same level of service to Gypsies and Travellers as for all other members of the settled community.

Gypsies and Travellers have some of the poorest health outcomes of any ethnic group and often have problems when accessing health and welfare services including registering with local doctors' surgeries. This is particularly a problem with those Gypsies and Travellers who have no permanent site and rely solely on unauthorised encampments. The Welsh Government have recognised this fact and in 2015 they produced a strategy entitled 'Travelling to Better Health'³ to try and address these issues. The NHS Trust also works closely with the Gypsy and Traveller community to try and address these issues.

³ Welsh Government – Travelling to Better Health, 2015

The Council's Social Services Department provides essential services for vulnerable people in the community who need support, care or protection and believe a person's independence should be maintained in their chosen home environment wherever possible. Efforts are made to ensure that services are culturally sensitive and equally accessible to Gypsies and Travellers.

Social Services' Adult Welfare team provide support to adults who qualify for help and whose needs are most urgent.

Child and Family Services are responsible for safeguarding and promoting the welfare of children from all communities in the City and County of Swansea, including gypsies and travellers. They will do this in accordance with the Social Services and (Wellbeing) Wales Act 2014, Children Act 1989, 2004 and other relevant legislation.

They aim to support families to stay together whenever this is best and safe for the child. Making sure the child is safe is a key priority

The service works with and supports those families with children under the age of 18 who are in greatest need. For example;

- Disabled children
- Parents who need extra support to help them look after their children safely
- Children and young people who have been or are at risk of being neglected, harmed or sexually exploited
- Children and young people in trouble with the law

Sometimes information, advice and assistance may be all that's needed; this could be from our service or services in the community and/or with the support of friends, family or other support networks. In some circumstances there is a legal duty to take action; for example where the service is concerned that a child has been or may be at risk of abuse or neglect. If it seems that there is a need or a requirement for child and family services to become involved a social worker will usually visit the family. They will talk about concerns, what is working well and what needs to happen next including what help and support may be needed. If there is a concern that a child is being, has been, or is at risk of being abused or neglected a child protection enquiry will also be needed. Where a child is being supported by Child and Family Services they will have a Care and Support Plan.

5.4 Housing

Gypsies and Travellers have the same rights for their housing needs to be assessed and subsequently addressed as any other resident. Aside from the requirement to carry out a general accommodation needs assessment for Gypsies and Travellers, those who reside on unauthorised encampments and have nowhere legal to go are likely to be, by definition, statutorily homeless under the Housing (Wales) Act 2014.

The Authority endeavors to visit all unauthorised encampments to determine housing needs and to check what further assistance may be needed. Housing needs may not be traditional bricks and mortar accommodation.

Any Gypsy or Traveller wishing to reside on the Council's authorised site would be required to complete an application form and undergo a relevant assessment.

5.5 Land Use and Planning

5.5.1 Site Provision

The Council currently provides one authorised site for Gypsies and Travellers located at Ty Gwyn Road, Llansamlet. The site is managed by the Housing Service and has seven permanent pitches on hard-standings each of which is provided with essential facilities such as water, sewage disposal, electricity and waste collection. Residents on this site hold licences in accordance with a standard set of conditions and sign agreements to occupy a pitch in accordance with these conditions, for which they are liable to pay rent and Council Tax. This is in compliance with the Mobile Homes (Wales) Act 2013 which provides additional safeguards for those living on and running local authority Gypsy and Traveller sites.

The Council also has a single tolerated encampment on Council run land, occupied by one extended family with established links to the area. This site is also provided with essential facilities and occupiers have signed up to a Code of Conduct.

The Council acknowledges that there are more Gypsy and Traveller caravans within the local area than there are authorised places for them to stop. In addition to particular Gypsy and Traveller families that have had long established links with the area, there are also other Gypsies and Travellers that periodically pass through the area. Currently there is no provision for transit sites or stopping places within CCS.

Having due regard to the limited number of places available, the Council recognises that there will be unauthorised encampments from time to time. Furthermore there is an increasing expectation from the Courts and other agencies that alternative site provision should be available when eviction from unauthorised sites is considered.

The most recent Gypsy & Traveller Accommodation Needs Assessment undertaken by the Council has identified the need for additional permanent pitches within the City and County. The Deposit Local Development Plan (LDP) has identified a site for the provision of further pitches and the Council is committed to developing future provision for Gypsies and Travellers to comply with its statutory obligations.

At the time of writing, the Council has submitted the LDP to the Ministers of the Welsh Government for independent examination. The formal Hearing Sessions

of the Examination will consider the content of the Plan and deal with the representations on the Deposit LDP that have been duly made during the public consultation process, including those representations made by the Gypsy and Traveller community on the proposed site provision. On completion of the Examination, the Inspector will issue a Report for the Council giving recommendations for action which will be binding on the Council.

Any future planning application(s), whether on private or Council land, will be assessed fully in line with criteria set within the Development Plan.

5.5.2 Unauthorised Encampments

Unauthorised encampments from both established and transient Gypsies and Travellers may occur for a number of reasons with the primary reason being a lack of authorised sites and stopping places.

The Council does not condone unauthorised encampments by Gypsies and Travellers. However, where they do occur from time to time, the Welsh Government's Guidance will be followed.⁴

Each encampment will be dealt with on a case by case basis, but the following are options for action:

- Option 1 – 'Tolerate' the Gypsy or Traveller occupiers, if only for a short time, until an alternative site can be found or they move from the site of their own accord;
- Option 2 – Find an alternative site, if only on a temporary basis, and offer the Gypsy or Traveller occupiers the chance to move onto it.
- Option 3 – As a last resort, the Council can seek and obtain possession of the occupied site by eviction proceedings
The Council acknowledges Welsh Government guidance that, without sufficient and appropriate site provision, effective and justifiable enforcement against unauthorised encampments cannot be achieved.

The Gypsy and Traveller Liaison Officer, acting as a single point of contact for the Council, will gather as much information as possible about any unauthorised encampments and visit the site within 24 hours, if reasonably practicable and will liaise with colleagues across the Council and with partners to ensure that the relevant welfare assessments are carried out depending on the particular circumstances.

Once the relevant visits and assessments have been made, a decision as to whether an unauthorised encampment should be tolerated or whether the eviction process should commence will be made.

⁴ Guidance on Managing Unauthorised Camping 2013, Welsh Government

Any decision as to action must consider the Human Rights Act 1998 and duties under the Housing Act 2004 and Equality Act 2010, together with full consideration of the needs of any children and young people under 18 years of age as well as considering the Authority's obligations under the United Nations Convention on the Rights of a Child (UNCRC) Any decisions made to evict Gypsies and Travellers must be reasonable and proportionate having regard to the circumstances. All local authorities must determine if the interference with a Gypsy or Traveller's home and private and family life is justified and proportionate.

5.5.3 Unauthorised Developments

An unauthorised development occurs where a residential use of a site commences without planning permission being granted. Gypsies and Travellers may privately own the land and have planning permission to reside on their own land or have the owner's permission to be there or reside there permanently. Unauthorised developments will be dealt with by the Council in accordance with planning law.

The Council can grant planning permission pursuant to any retrospective application that may be submitted to continue the use of an unauthorised development on a temporary or permanent basis; or if there is no reasonable prospect of planning permission being granted, it can issue an enforcement and/or stop notice to remedy the harm caused. A failure to comply with an enforcement notice after the compliance period has ended is an offence and the Council has the power to prosecute and/or take direct action as required to secure compliance.

Gypsies and Travellers living on unauthorised developments are entitled to health and educational services in the same manner as any other member of the settled community residing within the CCS.

6. Monitoring and Evaluating the Policy

The Council will periodically monitor this policy to evaluate its continued relevance and effectiveness. This will involve monitoring against current and proposed statutory legislation and guidance and in light of other Council policies that have a potential impact on the lives of Gypsies and Travellers.

As with other corporate policies, the Council's Equality Impact Assessment (EIA) process highlights any potential discriminatory or other unfair practices.

This policy will enable Council employees to understand their obligations and responsibilities to promote and provide services equitably to all members of the community.

Key staff who work with the Gypsies and Travellers are required to undertake training regarding working effectively with the community.

7. Due regards to UNCRC articles/rights

In 2014, the Council determined that all initiatives undertaken in its name must be developed with due regard to the rights enshrined in the United Nations Convention on the Rights of the Child (UNCRC). The UNCRC has been embedded within the Council's existing Equality Impact Assessment process. This process is also embedded into the corporate reporting protocol. CCS will assess the best interests of child occupants when considering unauthorised encampments, and adhering to UNCRC should be a key factor in deciding how to proceed.

The undertaking of welfare assessments, in collaboration with Gypsies and Travellers including children, is a crucial part of the process under which public authorities can demonstrate that their actions are compliant with human rights and equality legislation. This can also be used to show that children's rights are being considered.

8. References

City & County of Swansea – Children and Young People Plan
City & County of Swansea – Community Cohesion Delivery Plan
City & County of Swansea – Strategic Equality Plan 2016 - 2020
City & County of Swansea – Health, Social Care and Wellbeing Strategy
City & County of Swansea – Local Development Plan
City and County of Swansea – Unitary Development Plan
Equality Act 2010
Housing Act 1996
Housing Act 2004
Housing (Wales) Act 2014
Human Rights Act 1998
Mobile Homes (Wales) Act 2013
United Nations Convention on the Rights of the Child
Welsh Government (2012) - A Gypsy Traveller Framework for Action and Delivery Plan
Welsh Assembly Government (2007) - Circular 30/2007: Planning for Gypsy and Traveller Caravan Sites
Welsh Assembly Government (2009) - Getting on Together: a Community Cohesion Strategy for Wales
Welsh Government (2013) - Guidance on Managing Unauthorised Camping
Welsh Government (2013) – Travelling to a Better Future, a Framework for Action and Delivery Plan
Welsh Government (2015) – Travelling to Better Health

If you would like to receive this survey in an additional format e.g. large print please contact consultation@swansea.gov.uk

Revised Gypsy and Traveller Policy: Have your Say

The City & County of Swansea (CCS) is committed to improving the lives of its residents, promoting the rights of all those who live and work within its district and those who visit irrespective of their background or circumstances. The Council fully recognises that everyone has the right to protection from nuisance, harassment and discrimination and to access the full range of services offered by the Council to meet their needs.

This Gypsy and Traveller Policy is set in the context of the overarching Welsh Government strategy for Gypsies and Travellers entitled; 'Travelling to a Better Future', as well as Council policies and schemes relating to equality, diversity and community cohesion.

The purpose of this policy is to ensure that all members of current and future Gypsy and Traveller communities within the CCS receive services that meet their needs. In order to achieve this, the Council is committed to promoting good practice with all agencies and raising awareness of the culture. We are keen to know what you think about it and whether you feel the revised policy improve relationships within our County. We would like to invite you to submit your comments on this document during this period of public consultation. Your views are very important so please spare a few minutes to complete this questionnaire.

1. Are you a... (Please cross one box only)

4 (80.0%)

1 (20.0%)

0 (0.0%)

0 (0.0%)

0 (0.0%)

0 (0.0%)

Member of the public
CCOS member of staff
CCOS councillor
Working with gypsy and travellers
Other professional (please write in)

2. Have you read the City and County of Swansea draft revised Gypsy Traveller Policy? Please cross one box only

5 (100.0%) Yes

0 (0.0%) No (Please read the policy before completing this questionnaire)

3. Thinking about the policy as a whole do you agree or disagree with the following...?

	Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	Don't know
The policy is easy to read	1 (20.0%)	3 (60.0%)	1 (20.0%)	0 (0.0%)	0 (0.0%)
The policy is easy to understand	0 (0.0%)	4 (100.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
The policy is well laid out	0 (0.0%)	4 (100.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
The policy is an appropriate length	0 (0.0%)	3 (75.0%)	1 (25.0%)	0 (0.0%)	0 (0.0%)
The policy is informative	0 (0.0%)	4 (100.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
The policy is appropriate	0 (0.0%)	3 (75.0%)	1 (25.0%)	0 (0.0%)	0 (0.0%)
The policy is achievable	0 (0.0%)	2 (50.0%)	1 (25.0%)	0 (0.0%)	1 (25.0%)
The policy is fit for purpose	0 (0.0%)	3 (75.0%)	0 (0.0%)	0 (0.0%)	1 (25.0%)

4. If you disagree with any of the above please explain below

1 (100.0%)

5. Do you think the policy covers all the issues required? Please cross one box only

4 (80.0%) Yes

1 (20.0%) No

6. If No, please explain below

1 (100.0%)

Additional Comments

7. If you have any additional Comments about the policy please write in below

1 (100.0%)

About You

To improve our services and service delivery to you and consider all your needs we hope you will complete the following questions.

In accordance with the Data Protection Act, any information requested on the following questions is held in the strictest confidence for data analysis purposes only. The information will enable us to determine whether or not our services are equally accessible by everyone.

8. Are you...?

2 (50.0%) Male

2 (50.0%) Female

9. Is your gender the same as that which you were assigned at birth?

4 (100.0%) Yes

0 (0.0%) No

10. How old are you ...

0 (0.0%) Under 16	0 (0.0%) 56 - 65
0 (0.0%) 16 - 25	3 (75.0%) 66 - 75
1 (25.0%) 26 - 35	0 (0.0%) 76 - 85
0 (0.0%) 36 - 45	0 (0.0%) Over 85
0 (0.0%) 46 - 55	0 (0.0%) Prefer not to say

11. Would you describe yourself as...

Please mark all that apply

0 (0.0%) British	0 (0.0%) Other British (please write in at end)
3 (75.0%) Welsh	0 (0.0%) Non British (please write in at end)
0 (0.0%) English	0 (0.0%) Gypsy/traveller
1 (25.0%) Irish	0 (0.0%) Refugee/Asylum Seeker (please write in current/last nationality at end)
0 (0.0%) Scottish	

Write in here
0 (0.0%)

12. To what 'ethnic' group do you consider

3 (75.0%) White - British	0 (0.0%) Asian or Asian British - Bangladeshi
1 (25.0%) Any other White background (please write in at end)	0 (0.0%) Any other Asian background (please write in at end)
0 (0.0%) Mixed - White & Black Caribbean	0 (0.0%) Black or Black British - Caribbean
0 (0.0%) Mixed - White & Black African	0 (0.0%) Black or Black British - African
0 (0.0%) Mixed - White & Asian	0 (0.0%) Any other Black background (please write in at end)
0 (0.0%) Any other Mixed background (please write in at end)	0 (0.0%) Chinese
0 (0.0%) Asian or Asian British - Indian	0 (0.0%) Other ethnic group (please write in at end)
0 (0.0%) Asian or Asian British - Pakistani	

Write in here
1 (100.0%)

13. What is your religion, even if you are not currently practicing?

Please mark one box or write in

0 (0.0%) No religion	0 (0.0%) Jewish
4 (100.0%) Christian (including Church of England, Catholic, Protestant, and all other Christian denominations)	0 (0.0%) Muslim
0 (0.0%) Buddhist	0 (0.0%) Sikh
0 (0.0%) Hindu	0 (0.0%) Other

Any other religion or philosophical belief (please write in)
0 (0.0%)

14. Do you consider that you are actively practising your religion?

2 (50.0%) Yes

2 (50.0%) No

15. What is your sexual orientation

0 (0.0%)	Bisexual	0 (0.0%)	Prefer not to say
0 (0.0%)	Gay/ Lesbian	0 (0.0%)	Other
4 (100.0%)	Heterosexual		

Please write in

0 (0.0%)

16. Can you understand, speak, read or write Welsh?

Please mark all that apply

0 (0.0%)	Understand spoken Welsh	0 (0.0%)	Write Welsh
0 (0.0%)	Speak Welsh	0 (0.0%)	Learning Welsh
0 (0.0%)	Read Welsh	4 (100.0%)	None of these

17. Which languages do you use from day to day?

Please mark all that apply

4 English
(100.0%)

0 (0.0%) Welsh

0 (0.0%) Other (write in)

Please write in

0 (0.0%)

18. Do you have any long-standing illness, disability or infirmity?

By long-standing we mean anything that has troubled you over a period of time or that is likely to affect you over time.

This could also be defined Under the Disability Discrimination Act 1995 as: "Having a physical or mental impairment which has a substantial and long term adverse effect on your ability to carry out normal day to day activities."

1 (25.0%) Yes

3 (75.0%) No

19. Does this illness or disability limit your activities in any way?

1 (25.0%) Yes

3 (75.0%) No

Thank you for your participation



Report of the Head of Democratic Services

Council – 14 December 2017

Review of Councillors Handbook

Purpose:	To review the Councillors Handbook in order to streamline its content and to move towards a digital only version.
Policy Framework:	None.
Consultation:	Access to Services, Finance, Legal.
Recommendation(s):	It is recommended that: 1) The amended Councillors Handbook be adopted.
Report Author:	Huw Evans
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Sherill Hopkins

1. Introduction

- 1.1 The Councillors Handbook aims to provide relevant information to Councillors / Co-opted Members. A review of the Handbook has been undertaken by the Democratic Services Committee at its meeting on 7 November 2017.
- 1.2 The Committee recommended that the amended Councillors Handbook be recommended to Council for adoption.
- 1.3 The review has seen the deletion of repetitive elements within the Handbook, a simplification of its content aiming at making it more user friendly for Councillor and Co-opted Members alike. It is also intended to turn it into a web based document.

2. Current Councillors Handbook

- 2.1 The current Councillors Handbook consists of approximately 110 pages and is broken into four sections.
- 2.2 This report reviews Section A “Financial Information” and Section D “Role Descriptions and Person Specifications.” Sections B “Support Services” and C “Protocols” will be reviewed at a later stage.

3. Section A “Financial Information”

- 3.1 With the introduction of Councillors Self-Serve, much of the content in this area is no longer relevant and has been deleted. **Appendix A** below sets out the newly titled “Councillor and Co-opted Member Remuneration (Salaries, Allowances & Expenses).
- 3.2 It has proven too complicated to produce a tracked changes version of the document due to the large number of deletions and amendments. However, the current Section A may be viewed at www.swansea.gov.uk/cllrshandbook

4. Section D “Role Descriptions and Person Specifications”

- 4.1 This section sets out Role Descriptions and Person Specifications for Councillors. It is proposed that this section be amended so as to ensure all titles and Committee names etc. remain accurate. This section is not included in the report.
- 4.2 The amended document will be placed on the Councillor Handbook web page www.swansea.gov.uk/cllrshandbook

5. Equality and Engagement Implications

- 5.1 There are no equality or engagement implications associated with this report.

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 Councillor and Co-opted Member Remuneration (Salaries, Allowances & Expenses).

Councillor and Co-opted Member Remuneration (Salaries, Allowances & Expenses)

1. Introduction

- 1.1 The Independent Remuneration Panel for Wales (IRPW) determines the remuneration of Councillors on an annual basis. Whilst Councillors & Co-opted Members are not employees, the treatment of their remuneration for most purposes is the same as if they were employees.
- 1.2 This document provides Councillors and Co-opted Members with practical information relating to Salaries, Allowances and Expenses. For further information, please contact the Head of Democratic Services, Cabinet Office, Democratic Services or Payroll.
- 1.3 Additional information and guidance may be found at www.swansea.gov.uk/travelandexpenses

2. Councillors Salaries, Allowances and Expenses

- 2.1 The **Council Constitution (Part 6 “Members Allowances Scheme”)**, sets out the Salaries, and Expenses set by the IRPW and the Allowances set by the Council.
- 2.2 Councillor Salary payments are paid automatically on a monthly basis.
- 2.3 Councillor / Co-opted Member Allowance claims must be made by completing the appropriate forms:
 - ICT Allowance;
 - Reimbursement of Costs of Care.
- 2.4 Claims for the following allowances must be made by providing the Cabinet Office / Democratic Services Team with evidence of the bill including your address and telephone number on an annual basis:
 - Broadband & Telephone Allowance;
 - Mobile Phone Allowance.
- 2.5 Councillor Expenses claims must be made via the Authority’s Oracle system. Co-opted Members should submit their claims in writing via Democratic Services. www.swansea.gov.uk/staffnet/mileageandexpenses
- 2.6 Councillors / Co-opted Members may claim for travel expenses incurred when undertaking an Approved Duty / Official Business (Defined below).

2.7 Further information relating to Councillors / Co-opted Members' Salaries, Allowances and Expenses are set out in:

- Published Schedule of Remuneration;
- Constitutional Matters Report;
- IRPW Annual Report.

3 Reimbursement of Costs of Care

3.1 The Independent Remuneration Panel for Wales (IRPW) have determined that all Authorities must provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs to a set maximum per month.

3.2 Further information relating to the Reimbursement of Costs of Care may be viewed at [Web Link to IRPW Annual Report Publication Page](#).

3.3 For Councillor / Co-opted Member reimbursement they must complete the Reimbursement of Costs of Care Claim form which must be accompanied by a receipt from the carer. These documents are available at [Web Link](#).

4. Foregoing of Salary and / or Allowance

4.1 The prescribed salary and expenses must be paid in full to each member unless an individual has independently and voluntarily opted in writing to the Authority's Proper Officer to forego all or any element of the payment. It is fundamental that there is transparency in this process so that any possible suggestion that Members are put under pressure to forego some of the salaries is avoided.

5. Approved Duties / Official Business

5.1 Official Business is defined in Section 142 (10) of the Local Government (Wales) Measure 2011.

5.2 The list of approved duties is laid out in each Independent Remuneration Panel for Wales Annual Report. [Web link](#)

5.3 **Attendance at Meetings.** Councillors must sign the Attendance Book and should check the published minutes to ensure that their presence was recorded; otherwise, they will be deemed not to have attended the meeting. For ease of reference, Councillors are required to print their name along with their signature.

5.4 **Representation on Outside Bodies.** Councillors may not claim for meetings of 'Outside Bodies' unless they are the named representative or the named substitute. When claiming for attendance at Outside Bodies the onus is on the Councillor to be able to provide adequate evidence of attendance at the meetings claimed. [Web link to Outside Bodies](#)

5.5 Examples where meetings would **NOT** constitute an approved duty:

- Political, Political Group, Private Matters / Personal Meetings;
- Electoral Division Meetings where Officers are not present;
- An Invitation to a function;
- School Governors meetings (Unless you are the Local Authority (LA) Representative. You may be able to claim from the school.

6. Travel

6.1 Councillors and Co-opted Members must always be mindful of choosing the most cost effective method of travel. This means that Economy Class Travel will be the norm for Rail, Road, Air or any other method of travel. The Chief Executive in consultation with the Section 151 Officer may allow an alternative class of travel in exceptional circumstances only.

6.2 Should a Councillor or Co-opted Member wish to pay to upgrade to a higher class of travel, they may do so, providing them pay for the total difference from Economy Class.

7. Travel by Rail

7.1 Councillors may not use First Class Rail Travel unless they have outlined a genuine business case in writing (preferably e-mail) to the Head of Democratic Services. The Head of Democratic Services shall review the request in consultation with the Section 151 Officer and decide accordingly.

7.2 Authorisation from the Budget Holder / Head of Service who will be paying for Rail Travel will be required in writing (preferably e-mail) prior to any bookings being made by the relevant Officers.

7.3 The Cabinet Office or Democratic Services Team should make all rail bookings for journeys beyond Cardiff on behalf of Councillors / Co-opted Members. Where possible, costs shall be paid by the use of the Authority's Corporate Purchasing Card. If the purchase card method is not possible, the council standard ordering and payment processes should be applied.

7.4 Should the event which led to the need for Rail Travel be cancelled or the Councillor can no longer attend then the cost incurred by the Authority will still be attributed to that Councillor and reported to Council via the annual "Councillors Allowances and Expenses" report.

7.5 **Rail Cards** may be purchased for Councillors who travel on Council business, if it reduces the cost to the Council. The Councillor must provide all necessary documentation for the railcard to the DS Team / Cabinet Office who will obtain the railcard on the Councillors behalf. Privately purchased rail cards may be reimbursed providing it is deemed to be of benefit to the Authority. Should a Councillor lose their Authority purchased Railcard, the Councillor will have to pay the charge for a replacement.

7.6 An Oyster Card has been purchased for Councillors to use for tube travel in London instead of having to purchase daily Travel Cards for this purpose. The Oyster Card can be “topped up” as and when necessary by the DS Team / Cabinet Office. Should a Councillor lose the Authority purchased Oyster Card they will have to pay the remaining balance currently on the card in order for a new card to be purchased.

7.7 Should a Councillor wish to repay any monies owed to the Authority in relation to travel, i.e. cancelled tickets, upgrading to first class travel or paying for a lost Railcard or Oyster Card then the payment MUST be by cheque or cash made payable to the City & County of Swansea (Salary deduction is not permitted).

8. Travel by Private Car

8.1 Councillors must consider what is the most cost effective and efficient form of travel prior to using their own car. They should seek the optimum match between the efficient use of time, a fair reimbursement of costs and the economical use of public resources. Distances will be calculated using the RAC Route Planner website. <http://route.rac.co.uk/>

8.2 Councillors shall personally cover the cost of their travel:

- For direct journeys between their home and private place of work;
- When attending any venue in a private capacity;
- When undertaking their Electoral Ward duties.

8.3 The Authority will hold a list of the distances relating to the most frequent or routine journeys undertaken by each Councillor (usually home to Civic Centre and return). This list will be reviewed and updated at the First Annual Meeting of Council following an election. For all mileage claims checked using the RAC Route Planner, distances will be rounded up or down to the nearest mile.

8.4 Mileage Claims from a Councillors Private Place of Work (excluding qualifying address)

8.5 The maximum allowance for journeys from a Councillor’s workplace to the location of approved duty will be for the amount the Councillor would have claimed if they were travelling from their home.

8.6 **Site Visits** - Councillors are expected to use the transport provided to attend Site Visits. Where the distance to the Guildhall would be in excess of the mileage to the Site Visit itself a car can be used and mileage claimed for that shorter journey. This must be made clear on the claim form. Councillors should travel together wherever possible. **Note: Mileage cannot be claimed if transport is provided, unless agreed in advance and in writing by the Head of Democratic Services.**

8.7 Authorised **journeys** are reimbursed at the approved mileage rates as set by the IRPW.

- 8.8 **For journeys over 150 miles in total** (from a starting point of the Guildhall, Swansea, SA1 4PE) then the Councillor should **consider the most financially viable and economic form of transport available**. If that Councillor chooses to use their own vehicle they would only receive the cost of the most financially viable and economic form of transport for that journey. If travelling outside of the Swansea & Neath Port Talbot areas, please check travelling arrangements with the DS Team / Cabinet Office in advance of the journey as train travel may be cheaper.
- 8.9 **Incidental costs** (e.g. fuel, tolls, ferries and parking fees) will be reimbursed subject to production of receipts and the completion of Oracle / claim form. Relevant VAT receipts for fuel are required to be kept by Councillors / Co-opted Members for a period of 7 years for all mileage claims for potential inspection by HMRC. Dates on receipts must reflect the period of the claim.
- 8.10 If using a private vehicle whilst on Council business, Councillors should ensure that they have comprehensive vehicle insurance specifically including business and commuting use. The Authority will be unable to financially support Councillors in the event of an accident without comprehensive cover.

9. Travel by Hired / Pool Car

- 9.1 Councillors and Officers may hire a B Class vehicle (currently Ford Focus style of car). A larger style car may be booked depending on distance travelled and number of passengers in the car. Authorisation to hire a larger car must be obtained in advance in writing (e-mail) from the Head of Democratic Services. [Web link to pool car page](#)

10. Travel by Taxi

- 10.1 Travel by Taxi claims for journeys taken **within** the City and County of Swansea shall only be allowed with the production of a relevant receipt and with prior authorisation in writing (e-mail) from the Head of Democratic Services in consultation with the Section 151 Officer.
- 10.2 Travel by Taxi claims for journeys taken **outside** of the City and County of Swansea shall only be allowed with the production of a relevant receipt and if it is a reasonable journey to have made i.e. from event to Train Station.

11. Travel by Air

- 11.1 Flights will be arranged via the DS Team / Cabinet Office. Councillors and Officers will travel Standard Class. Permission to fly must be obtained in advance and in writing (e-mail) from the relevant Head of Service. The relevant Service Unit shall fund the Airfare costs. **Note:** Foreign travel must be approved by the Chief Executive in advance and in writing (e-mail).

12. Travel by Bicycle

- 12.1 A cycling allowance is available as outlined by the Independent Remuneration Panel for Wales.

13. Travel by Bus

- 13.1 Bus fares will be reimbursed subject to the production of the appropriate tickets.

14. Subsistence

- 14.1 Councillors are able to claim for subsistence expenses incurred when undertaking an Approved Duty. Subsistence is paid in addition to the Basic, Civic and Senior Salaries **and are subject to the following rules:**

- 14.2 Subsistence within the Authority's area will not be paid.

- 14.3 Subsistence for approved duties outside the Authority's area are payable up to a maximum and in line with the IRPW determinations. **Claims without a valid receipt will not be authorised.**

14.4. Overnight Costs

- 14.5 Where an approved duty involves an overnight stay the accommodation should be organised via the Cabinet Office / Democratic Services.

- 14.6 The Head of Democratic Services has discretion in this area but the decision is mainly based on:

- Where the round trip is more than 250 miles and the relevant meeting / duty starts before 12.00 noon (for the night before) and / or where the relevant meeting / duty finishes after 4.00 pm (for the night after);
- Where the round trip is more than 500 miles and the relevant meeting / duty starts before 1.00pm and / or finishes after 3.00pm.

- 14.7 Councillors should obtain prior written authorisation (e-mail) from the relevant Head of Service in relation to overnight expenditure.

14.8 Accommodation

- 14.9 Accommodation should be booked in advance by the Cabinet Office / Democratic Services Team.

15. Overseas (Foreign) Travel, Foreign Currency and Council Related Business Communication

- 15.1 Councillors MUST gain written (e-mail) authority from the Chief Executive prior to travelling abroad. A detailed itinerary of the trip giving the names of all people travelling, modes of transport between venues and specifying items of expenditure which have been paid in advance by the Authority or likely to be paid by the Authority or provided by an outside body must also be provided to the Chief Executive. In any cases of urgency, approval must be obtained under the Chief Executive's delegated powers, exercised after consultation with the Leader of the Council.
- 15.2 **Foreign Currency.** To obtain foreign currency a Councillor can obtain a cash advance from Cashiers and arrange to have the money converted into the appropriate currency themselves. The expenditure receipt(s) should be retained for submission with the Oracle expense claim. Any surplus money left over from an overseas visit need not be returned to the Authority as the cash advance amount has already been deducted from the Councillors salary and reimbursed to Cashiers.
- 15.3 **Council related business communication.** The Head of Democratic Services will consider all reasonable requests for other valid business costs relating to the trip providing relevant receipts are attached.

16. Claiming

- 16.1 Councillor Expenses claims must be made via the Authority's Oracle system. Co-opted Members should submit their claims in writing via Democratic Services. www.swansea.gov.uk/staffnet/mileageandexpenses
- 16.2 The responsibility lies with the Councillor / Co-opted Member for the accuracy of the claim. Councillors need to keep an accurate record of expenses claimed to avoid duplication of claims. They should ensure that they actually attended the events that they are claiming for otherwise it could be deemed as a fraudulent claim.
- 16.3 When attending more than one meeting a day and claiming more than one journey, the times and place of 'commencement' and 'completion' of duties must be inserted for every journey.
- 16.4 If the period between meetings spent is less than 1 hour then Councillors will only be entitled to claim one return journey.
- 16.5 Councillors must therefore judge whether it would be constructive whenever possible to remain within the area if meetings are within a reasonable period of one another. This also applies to rota visits. Councillors are requested where possible to visit establishments in the same vicinity at the same time.
- 16.6 No payment shall be made without a valid receipt.

16.7 Co-opted Member claims should be submitted no later than **5th of the month for payment on the 25th of the month** (or the previous working day if falling on a Saturday, Sunday or Bank Holiday). Councillor claims should be made via Oracle.

16.8 Claims must be submitted within 3 months of the meeting claimed for. Ideally Councillors should submit their claim forms on a monthly basis.

16.9 If a Councillor attempts to claim more mileage than set by Council, the mileage will be amended to the maximum level approved by Council.

16.10 Checking of Travelling and Subsistence Allowances

16.11 The Cabinet Office / Democratic Services Team will carry out a random 10% audit check of submitted claims. They will check:

- Attendance Records at Outside Bodies and Officer meetings;
- Checks on other unclear entries.

16.12 Cash Advances

16.13 Cash advances of Travelling and Subsistence Allowances can only be obtained if the amount is £56 or over and must be authorised by the Section 151 Officer. The cash advance can then be made via the Cashiers Office.

16.14 Any unused monies from a cash advance must **not** be returned to the Authority (Cashiers) but kept by the Councillor as the original advance amount has already been deducted from their salary and reimbursed to Cashiers.

17. Car Parking Permits

17.1 As a result of a scheme introduced by Cabinet in January 2011, Councillors will have to apply for a permit to enable them to park in Council car parks, whilst on Council duties.

17.2 Councillors are entitled to reclaim the cost incurred for their car parking permit by using the reclaim form ([Web link](#)). If Councillors re-claim this charge it will be included on the Councillors Annual Allowances & Expenses spreadsheet which is presented to Council and published on the City & County of Swansea website. [Web link to Oracle to change permit details.](#)

17.3 There is a charge to be paid by Councillors to replace a lost car parking permit.

18. Interests, Gifts and Hospitality of Councillors

18.1 Information on Interests, Gifts and Hospitality of Councillors is laid out within the Council Constitution under Council Procedure Rules and within the Councillors Code of Conduct ([Web link](#))

19. Income Tax

- 19.1 Basic Salaries, Civic Salaries, Senior Salaries, Broadband and Telephone Allowance, Mobile Phone Allowance, ICT Allowance and the Reimbursement of Costs of Care are all taxable. Councillors will be automatically taxed under the normal Pay as you Earn (PAYE) system. The tax code applied will depend on the statement ticked on the Councillor Personal Information Sheet at the time of starting. Any changes to the initial code operated would be on instruction from HMRC.
- 19.2 Additionally, Councillors should contact the Payroll section of the Service Centre if they are aware they should be taxed at a rate higher than the basic rate.
- 19.3 Currently there is no “profit” element on Mileage due to the fact that the Council pays the rate determined by the IRPW. As it is deemed there is no profit, no end of year report (P11D) is submitted.

20. National Insurance Contributions

- 20.1 Since the current levels of Councillors Allowances exceeds the current lower earnings limit for all Councillors under 65 years of age (Sliding scale from Age 60 for women depending on Date of Birth), there is a liability for Class 1 National Insurance contributions at the standard rate. Any Councillor over 65 years of age (Sliding scale from Age 60 for women depending on Date of Birth) will need to provide a copy of their passport or birth certificate for exemption from National Insurance.
- 20.2 Married women and certain widows who have exercised their right not to pay the full rate will need to produce their reduced liability certificate.
- 20.3 Each employment is considered separately for contribution purposes and no account is taken of the fact that a Councillor may have another job or be self-employed.
- 20.4 However, there is an annual maximum for contribution liability and in certain instances a Councillor may be entitled to a refund. Information regarding this can be obtained from the DWP.

21. Social Security Benefits

- 21.1 Social Security benefits is an area of growing complexity and detailed specialist advice must be obtained from the local office of the relevant Benefits Agency.
- 21.2 Councillors must notify the Department of Social Security Office from which they receive the benefits that they are an elected Councillor.

- 21.3 If a Councillor is minded to renounce his / her Basic Salary, Civic Salary or Senior Salary, because of the potential impact on benefit entitlement, s/he should consult the Benefits Agency before doing so. In most cases it is the amount to which a Councillor is entitled, not the amount actually claimed, which will be taken into account in calculating benefit.
- 21.4 The treatment of Councillor's Allowances varies from benefit to benefit. For some benefits, the very fact that they are undertaking Council duties (whether or not they get paid for them) can affect their rights to claim. In other cases, it is the level of income from the Allowance that affects entitlement.

22. Insurance

- 22.1 Brief details of the 'Personal Accident & Travel Policy' are as follows:

Under the Personal Accident section, this insurance provides cover to the Insured for accidental bodily injury to an insured person, which results in death, a permanent disability or temporary disability within 24 months of an accident. Under the Travel section, this insurance provides cover to the Insured for medical and emergency travel expenses, medical repatriation, political and natural disaster evacuation expenses, personal liability, loss of or damage to personal property, business equipment or money, cancellation, curtailment, alteration expenses and hijack, kidnap and ransom costs for an insured person. There are also sections providing cover for legal expenses, crisis containment expenses and vehicle rental expenses.

- 22.2 For full details of the policy and a copy of the Lifeline Plus Travel Pack to use on business trips away from the office and abroad contact:

Principal Insurance Officer

Insurance Team, Financial Services & The Service Centre, Civic Centre,
Swansea, SA1 3SN

01792 63 6741

Huw Evans
Head of Democratic Services



Report of the Presiding Member, Monitoring Officer & Head of Democratic Services

Council - 14 December 2017

Amendments to the Council Constitution

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:	None.
Consultation:	Access to Service, Finance, Legal.
Recommendation(s):	It is recommended that: 1) The changes to the Council Constitution as outlined in paragraphs 4.2 and 5.3 of the report together with any further consequential changes be adopted.
Report Authors:	Huw Evans
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services:	Sherill Hopkins

1. Introduction

- 1.1 In compliance with the Local Government Act 2000, the City and County of Swansea has adopted a Council Constitution.
- 1.2 A number of issues have arisen since adoption and in order to maintain the aims, principles and procedures set out in Articles 1 and 15 of the Council Constitution, it is proposed that the amendments set out below should be made to the Constitution.

2. Delegated Minor Corrections to the Council Constitution

- 2.1 There are no delegated minor corrections to the Council Constitution.

3. Amendments to the Council Constitution

- 3.1 This report outlines suggested amendments to the Council Constitution. The amendments are within the following area of the Council Constitution:
- a) Part 3 “Responsibility for Function”. “Scheme of Delegation”;
 - b) Part 4 “Rules of Procedure”. “Scrutiny Procedure Rules”.

4. Scheme of Delegation “Miscellaneous Functions”

- 4.1 Delegated Power I14 “Power to hear appeals from Officers in respect of approvals to drive school transport” is duplicated within the Council Constitution. This delegated power is covered in the Local Choice Functions of J2 “The determination of an appeal against any decision made by or on behalf of the Authority.”
- 4.2 It is therefore proposed that Delegated Power I14 be deleted and the other delegated powers renamed accordingly.

5. Scrutiny Procedure Rules

- 5.1 The membership rules relating to the Scrutiny Programme Committee are set out in the Scrutiny Procedure Rules. Paragraph 2.3 of those rules relate to co-opted members; however, the paragraph needs re-drafting so as to ensure total clarity regarding the difference in statutory co-opted members who have voting rights and co-opted members who do not have voting rights.
- 5.2 Paragraph 2.3 of the Rules currently state:

“2.3 The Committee which has included its Terms of Reference responsibility for education matters shall include in its membership voting co-optees appointed in accordance with the Parent Governors Representatives and Church Representatives (Wales) Regulations 2001 and National Assembly for Wales Circular 2/00. If that Committee deals with matters which do not relate wholly or in part to any education functions then the co-opted Members shall not vote on those other matters though they may stay in the meeting and speak.”

- 5.3 It is proposed to redraft paragraph 2.3 as follows and add additional paragraphs:

“2.3 As required by law and guidance from the Welsh Government, Scrutiny Committee’s dealing with education matters must include in their membership voting representatives of religious faiths and of parent governors. Membership of the Scrutiny Programme Committee will therefore include:

- 1 x Parent Governor Representative from a Primary School;
- 1 x Parent Governor Representative from a Secondary School;
- 1 x Catholic Church Representative (LA Maintained Faith Schools);
- 1 x Church in Wales Representative (LA Maintained Faith Schools).

2.4 These Statutory Co-optees shall only have a vote at the Committee, and relevant Scrutiny Panels and Working Groups, on items relating to the overview and scrutiny of education functions. However, they may remain and speak on any other matter.

2.5 In accordance with the Police & Justice Act 2006, the Authority's designated crime and disorder committee may also co-opt additional members to serve on the committee to add value and expertise to the committee's work. Co-optees can be appointed with or without voting rights, at the discretion of the Committee.

6. Equality and Engagement Implications

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

7. Financial Implications

7.1 There are no financial implication associated with this report.

8. Legal Implications

8.1 There are no legal implication associated with this report.

8.2 The amended version of the Council Constitution will be available at www.swansea.gov.uk/constitution

Background Papers: None.

Appendices: None

Agenda Item 14.



Report of the Cabinet Member for Service Transformation and Business Operations

Council – 14 December 2017

Membership of Committees

Purpose:	Council approves the nominations/amendments to the Council Bodies.
Policy Framework:	None.
Consultation:	Political Groups.
Recommendation:	It is recommended that: 1) The amendments to the Council Bodies listed in paragraph 2 be approved
Report Author:	Gareth Borsden
Legal Officer:	Tracey Meredith
Finance Officer:	Paul Cridland
Access to Services Officer:	N/A

1. Introduction

- 1.1 Meetings of Council regularly agree and amend the membership of the various Committees/Council Bodies as reflected in the lists submitted by the Political Groups.

2. Changes to Council Body Membership

- 2.1 The political groups have indicated that they have changes to the following Council Bodies:

Education & Skills Policy Development & Delivery Committee

Remove Councillor M B Lewis
Add S Pritchard

Poverty Reduction Policy Development & Delivery Committee

Remove Councillor G J Tanner
Add Councillor B Hopkins

Transformation & Future Council Policy Development & Delivery Committee

Remove Councillor C Anderson
Add Councillor P Jones

3. Financial Implications

3.1 There are no financial implications associated with this report.

4. Legal Implications

4.1 There are no legal implications associated with this report.

Background Papers: Local Government & Housing Act 1989, the Local Government (Committees & Political Groups) Regulations 1990.

Appendices: None

Agenda Item 15.

Council – 14 December 2017

Councillors' Questions

Part A – Supplementaries

1	<p>Cllrs Wendy Fitzgerald, Gareth Sullivan & Mary Jones</p> <p>Recent figures from the Office for National Statistics highlight the fact that 16% of all working people in Wales are employed in industries that are in decline. In terms of Swansea this means that 16,770 jobs are under threat. Additionally, specific occupations in almost every sector are also in decline and in Swansea the number affected is over 32,000 or 30% of the working population. Does the Cabinet Member believe the City Deal and the LDP will produce new net jobs for Swansea or merely replace those lost through advances in technology and changes to our industrial base.</p> <p>Response of the Leader/ Cabinet Member for Culture, Tourism & Major Projects:</p> <p>To support the preparation of the Local Development Plan, a “Review of the Swansea Local Development Plan Growth Strategy and Evidence Base” was produced by Turley, Amion Consulting & Edge Analytics in July 2017. Experian economic forecasting data for Swansea was commissioned to inform the Review, which predicts that total employment in Swansea will grow by 4,100 between 2015 and 2025.</p> <p>In addition, the Review analysed the impact of the City Deal and the City Centre Regeneration Programme on future employment levels in Swansea (informed by the City Deal Economic Impact Study undertaken by Swansea University and the City Centre Economic Impact Assessment prepared by Amion Consulting). It concluded that the City Deal and City Centre Regeneration Programme will lead to the creation of 4,600 net additional jobs in Swansea between 2015 – 2025.</p>
2	<p>Cllrs Will Thomas, Myles Langstone & Lyndon Jones</p> <p>Does the Cabinet Member think that potentially granting planning permission for an LDP deposit housing site, in a Green Wedge outside the City boundary before the LDP review, is democratic.</p> <p>If successful the application would then be removed from the LDP review. The only reason the Summerland Lane, Newton site is being considered is as a rural exception site as part of the LDP, surely it should go through full and fair scrutiny.</p> <p>We ask that this application is not rushed through, but refused permission as a departure from the current plan to allow the LDP to follow the fair and correct procedure.</p> <p>Response of the Cabinet Member for Commercial Opportunities & Innovation:</p> <p>The City and County of Swansea UDP (adopted 2008) was ‘time expired’ on the 31st December 2016. Whilst the UDP remains the extant development</p>

plan for the Council, under the provisions of the Planning and Compulsory Purchase Act 2004 (as amended), planning decisions must have regard to any other significant material considerations, including where such considerations indicate a departure to an expired Plan is appropriate. Material considerations include circumstances where new robust evidence is available, and/or significant changes in circumstance have arisen, to undermine the basis upon which UDP policy was originally formulated. Therefore, in the case of the planning application for Summerland Lane, whilst the UDP is still the starting point for decision making the Council has a duty to consider the unique circumstances that apply in the case of the proposal. In this case it is significant that Members have previously approved a Developer Guidance document relating to Planning Applications For Non-householder Residential Development in 2015, which confirms the Council's strategy for determining departure applications now that the UDP is time expired. The approved document confirms that the Council will prioritise certain 'departure sites' above others in the interests of addressing the current shortfall in housing land and to assist the Council to meet its aspirations for delivering affordable housing. At Para 3.5, the guidance supports in principle departure applications on sites allocated in the emerging Swansea Local Development Plan (LDP) as H5 'Exception Sites' sites, where such schemes would deliver a majority proportion of affordable housing. The rationale for this approach is to meet the pressing need to deliver affordable housing to address the identified shortfalls in provision, in parts of the County. The application site at Summerland Lane is allocated as a rural exception site under Policy H5 of the Deposit LDP (H5.6). The allocation was made following a detailed assessment process undertaken for the LDP, which determined that the site was in principle acceptable for development, and that on balance an appropriate development would not compromise the fundamental objectives and functions of the countryside/green wedge designation at this location. It is clear therefore that the Council has democratically agreed the mechanism for allowing potential approvals for certain departure applications, in accordance with a fair and correct procedure.

3 Cllrs Mike Day, Chris Holley & Graham Thomas

Can the Cabinet Member confirm that we have enough gritting materials to take us through the winter period. Is there also a programme of replenishing the grit bins and if so has this been carried out.

Response of the Cabinet Member for Environment Services

Swansea Council has a robust winter maintenance plan in place which includes maintaining a minimum resilience level for salt.

The Welsh Government has set a resilience level of 1.5* the average use over the previous 6 years. This equates to a required reserve of 4,200 tonnes.

Swansea Council has a storage capacity of 1200 tonnes at its Clydach Highways Depot. In addition a strategic stockpile of up to 4,800 tonnes is maintained at Alamein Road, Landore. This exceeds the minimum levels recommended.

	<p>All 840 grit bins are reviewed and refilled once each year before the start of the gritting season (which has been carried out this year).</p>
4	<p>Cllrs Mary Jones, Jeff Jones & Chris Holley</p> <p>Can the Cabinet Member tell Council how many empty shops and commercial premises there are in the City Centre (this figure is to include the Kingsway).</p> <p>Response of the Cabinet Member for Culture, Tourism & Major Projects:</p> <p>The Council undertakes the quarterly Swansea City Centre Occupancy Survey in January, April, July and October each year. Over 700 properties are surveyed with data collected on occupier, occupancy status, business type and use classification.</p> <p>In the latest survey (undertaken during 24-25 October 2017), 11.7% of ground floor units in the primary and secondary retail areas of the city centre were vacant (43 out of a total of 366 ground floor units).</p> <p>The full survey also includes properties outside the primary and secondary sectors, including the Kingsway and other nearby streets and areas (e.g. Mansel Street, Orchard Street, High Street and Parc Tawe). In the wider survey (October 2017), 127 properties were vacant out of a total of 707 properties surveyed (therefore 18.0% vacant).</p>
5	<p>Cllrs Will Thomas, Myles Langstone & Lyndon Jones</p> <p>The addition of an arena is fantastic news for Swansea. We are really looking forward to seeing the economic impact the venue will bring to the city, creating many jobs and bringing people into the city centre.</p> <p>However, we wonder if the location could have been better. Fabian Way and Oystermouth Road are very busy at rush hour and we fear thousands of extra people visiting the city regularly will grind Oystermouth Road to a halt.</p> <p>Can the Cabinet Member please give us, and thousands of other people in Gower and Swansea West, the promise that this is the best location for the arena and will not cause regular congestion.</p> <p>Response of the Cabinet Member for Culture, Tourism & Major Projects:</p> <p>The siting of the Arena on the existing Leisure Centre car park is aimed to bring additional activity into the City Centre and increase dwell time following the principles set out in Swansea Central Area Regeneration Framework. As part of the planning phase, including the Outline Planning Application, the Council have employed specialist consultants to advise on Highways and Transportation issues who have been working alongside Council officers to ensure that the scheme does not cause any foreseen congestion. A Transport Assessment was submitted as part of the Outline Planning Application which assessed the traffic and pedestrian movements.</p>
	<p>Part B – No Supplementaries</p>