



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

Annual Meeting of Council - 18 May 2023

### Constitutional Matters 2023-2024

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

- 4) A **Civic Salary** be paid to the following (subject to them not already being in receipt of a Senior Salary):
  - Lord Mayor (Civic Head).
  - Deputy Lord Mayor (Deputy Civic Head).
- 5) The posts of **Presiding Member** and **Deputy Presiding Member** be re-established and that they Chair Meetings of Council. These posts shall not receive a Senior Salary.
- 6) The Chair of the Pension Fund Committee be paid a salary equivalent to that of a Band 3 "Committee Chair" Senior Salary as defined by the IRPW; however, the additional payment over and above the Basic Salary be met by the Pension Fund.
- 7) The Council Bodies and the Number of Allocated Seats as listed in **Appendix C** be appointed.
- 8) The Service Transformation Committees Terms of Reference be adopted and added to the Council Constitution.
- 9) The Committees listed in **Appendix D** be exempted by Council from the Local Government (Committees and Political Groups) Regulations 1990 to allow greater representation on these Committees by the Opposition Political Groups.
- 10) Councillors be allocated to serve on Council Bodies in line with the nominations received from the Political Groups.
- 11) The list of Member Champion Areas and Responsible Councillors as outlined in **Appendix E** be noted.
- 12) The Council Constitution ([www.swansea.gov.uk/constitution](http://www.swansea.gov.uk/constitution)) be reaffirmed and adopted including any amendments made at this meeting.
- 13) Councillor Lynda James be re-elected as Chair of the Democratic Services Committee.
- 14) Those Statutory Co-opted Members eligible for Co-opted Member payments be paid up to a maximum of 20 full days per Municipal Year.
- 15) The Councillors Handbook ([www.swansea.gov.uk/CllrsHandbook](http://www.swansea.gov.uk/CllrsHandbook)) be reaffirmed.
- 16) The Leader of the Council's decision to allocate Councillors to sit on Outside Bodies be noted as outlined in **Appendix F** be noted.
- 17) The Council Bodies Diary as listed in **Appendix G** be confirmed and adopted.
- 18) Any consequential amendments to the Council Constitution and / or Councillors because of this report be carried out.

<b>Report Author:</b>	Huw Evans
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Tracey Meredith
<b>Access to Services Officer:</b>	Rhian Millar

## 1. Introduction

1.1 The Council operates within a legal framework established by the Local Government Act 1972, the Local Government and Housing Act 1989, the Local Government Act 2000, the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007, the Local Government (Wales) Measure 2011, Local Government & Elections (Wales) Act 2021 and other relevant legislation (“the legislation”). Additionally, the Independent Remuneration Panel for Wales (IRPW) determines the remuneration available to Councillors and Co-opted Members.

1.2 This report seeks to address the legislative & Council Constitution requirements.

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

2.1 The IRPW Annual Report <https://gov.wales/independent-remuneration-panel-wales> sets out the framework for Councillor and Co-opted Member remuneration. Nineteen (19) of the 75 City and County of Swansea Councillors are eligible to receive a Senior Salary payment. The Civic Salary and Senior Salary includes the Basic Salary.

2.2 The IRPW prescribed payment levels for Basic Salary, Civic Salary, Senior Salary, Fees for Co-opted Member (with Voting Rights) of Local Authorities and the Contribution towards Costs of Care and Personal Assistance (CPA). (**Appendix A**).

2.3 Under Section 154 of the Local Government (Wales) Measure 2011, any Councillor or Co-opted Member may elect to forego any part of their entitlement to a salary, allowance, or fee by giving notice in writing to the Monitoring Officer.

## 3. Senior Salaries

3.1 The IRPW state that each Council should decide whether to pay Senior Salaries and to identify those positions that will attract the payment. It is proposed that the following positions be paid Senior Salaries:

- Leader of the Council.
- Deputy Leader of the Council.
- Cabinet Members **x 8**.
- Chair of General Licensing Committee.
- Chair of Planning Committee.
- Chair of Scrutiny Programme Committee.
- Chair of Climate Change & Nature Recovery Service Transformation Committee.

- Chair of Economy & Infrastructure Service Transformation Committee.
- Chair of Education & Skills Service Transformation Committee.
- Chair of Social Care & Tackling Poverty Service Transformation Committee.
- Chair of Corporate Services & Financial Resilience Service Transformation Committee.

3.2 A Council **must** pay a Senior Salary to the **Leader of the Largest Opposition Political Group** subject to them having 10% or more of the total number of Council seats in their Political Group.

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

#### 4. **Civic Salary**

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

4.2 Council must decide whether to remunerate the Civic Head and the Deputy Civic Head. Prior to deciding whether and / or at what level the Civic Heads should be remunerated, the question 'Who should Chair Council?' needs to be addressed. This question is considered in the "Presiding Member" section of the report.

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

- Lord Mayor.
- Deputy Lord Mayor.

#### 5. **Presiding Member**

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

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

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

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

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

## **6. Chair of the Pension Fund Committee Remuneration**

6.1 It is proposed that the Chair of the Pension Fund Committee be paid a salary equivalent to that of a Band 3 “Committee Chair” Senior Salary as defined by the IRPW; however, the additional payment over and above the Basic Salary be met by the Pension Fund.

6.2 This payment does fall under the remit of the IRPW and does not count towards the maximum of 19 Senior Salaries allowed.

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

## **7. Annual Meeting of Council**

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

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

8.1 Council is required to decide the allocation of seats to Political Groups in accordance with the Political Balance Rules contained in the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 (SI 1553/90) as amended. An explanation of the Political Balance / Committee Proportionality Rules is set out in **Appendix B**.

8.2 The Standards Committee is exempt from the above legislation as outlined in Section 12 “Allocation of seats to Political Groups” of the Standards Committee (Wales) Regulations 2001.

8.3 The Ruling Group have liaised with the Head of Democratic Services to outline its view on the structure and size of Council Bodies. The relevant proportional calculations have been made and shared with all Political Groups. This process culminates with this report to Council seeking approval to the structure and size of Council Bodies.

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

9.1 The Council Bodies and the Number of Allocated Seats (in accordance with Political Balance Rules contained in the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 (SI 1553/90) as amended are listed in **Appendix C**. It is proposed that these Council Bodies be established.

- 9.2 In the event of any changes made to the size of these Council Bodies then it will necessitate the recalculation of Political Balance. Where possible, Committee sizes are set at a number that includes every Political Group.
- 9.3 Several Committees are exempted from the Local Government (Committees and Political Groups) Regulations 1990 as they are covered by separate legislation. Council also has the right to exempt a Committee from the legislation providing that it has the unanimous backing of all Councillors voting at the meeting. A list outlining such bodies is shown at **Appendix D**.

## **10. Service Transformation Committees Terms of Reference**

- 10.1 It is proposed that Service Transformation Committees be established in place of the former Corporate Delivery Committees to enable back bench Councillors to contribute to the ongoing development of the council's transformation activities. It is proposed that the Terms of Reference of the Service Transformation Committees as outlined be added to the Council Constitution:

### ***“Service Transformation Committees***

*There are 5 Service Transformation Committees:*

- *Climate Change & Nature Recovery Service Transformation Committee.*
- *Economy & Infrastructure Service Transformation Committee.*
- *Education & Skills Service Transformation Committee.*
- *Social Care & Tackling Poverty Service Transformation Committee.*
- *Corporate Services & Financial Resilience Service Transformation Committee.*

*The purpose of Service Transformation Committees is to contribute to the ongoing development of the Council's agreed transformation activities (specifically in relation to the council's corporate plan, policy commitments, Corporate Transformation Plan, and Medium-Term Financial Plan) for consideration and adoption by Cabinet Members, Cabinet and / or Council as appropriate.*

#### **a) Membership & Frequency of Meetings**

- i) Non-Executive Members and Assistants to Cabinet are eligible to be members of the Service Transformation Committees.*
- ii) Executive (Cabinet) Members are **not** eligible to be members of the Service Transformation Committees. However relevant Cabinet Members will be invited to attend committee sessions.*
- iii) Frequency of meetings is a matter for the Chair depending on workload; however, it is anticipated that formal Committee meetings shall be held no more than 6-weekly. In addition to formal Committee meetings, Informal Working Groups may be undertaken, if the work plan dictates and subject to the availability of officer resources.*
- iv) Chairs of the Service Transformation Committees will meet to co-ordinate agendas and work plans to ensure consistency and*

*that there is no duplication in work. This meeting will be supported by the Leader and the Chief Executive and / or their nominated representatives.*

**b) Role and Framework**

*The role of a Service Transformation Committee is to:*

- i) Contribute to future policy and/or service design.*
- ii) Consider mechanisms to encourage and enhance public participation in development of policy and service models.*
- iii) Work with Senior Officers and Cabinet Members in a Team Swansea approach.*
- iv) Consider and where appropriate to invite relevant organisations / individuals to contribute to policy development and service design discussions.*

**a) Remit of Service Transformation Committees**

*The Service Transformation Committees will focus their work on relevant aspects of the Council's corporate plan, policy commitments, Corporate Transformation Plan, and Medium-Term Financial Plan. Specifically, the following areas of work will be within the remit of each Committee:*

**i) Climate Change & Nature Recovery Service Transformation Committee:**

- Developing a new Sustainable Transport Strategy (2050).
- Developing a new Renewable Energy Strategy (2050).
- Developing a new Swansea Council Sustainable Food Strategy (2030).
- Waste Strategy Development to Contribute to Swansea Achieving Net Zero & Nature Recovery (2050).
- Swansea Local Nature Recovery Action Plan (LNRAP).
- Section 6 Action Plan.
- Swansea Council's contribution / commitment to Net Zero Swansea (2050).
- Public EV Charging Policy (2050).

**ii) Economy & Infrastructure Service Transformation Committee:**

- Local Economic Delivery Plan.
- Tawe Riverside Corridor Action Plan.
- Swansea Bay Strategy Projects.
- Maintenance of Road Infrastructure.
- More Homes Delivery Programme.
- Destination Management Plan.
- Review of the Council's Housing Allocation Policy.

**iii) Education & Skills Service Transformation Committee:**

- Transforming Additional Learning Needs.
- Right Schools in Right Places.

**iv) Social Care & Tackling Poverty Service Transformation Committee:**

- Safeguarding People from Harm Steps in the Corporate Plan 2023-2028.
- Tackling Poverty and Enabling Communities Steps in the Corporate Plan 2023-2028.
- Residential Service Development
- Enabling and promoting independence - prevention and early Help.
- Approach to enabling community resilience and self-reliance.
- Development of a corporate Volunteering Strategy and Policy.

**v) Corporate Services & Financial Resilience Service Transformation Committee:**

- Transformation and Financial Resilience Steps in the Corporate Plan 2023-2028.
- Digital Transformation Programme.
- Workforce and OD Transformation Programme.
- Corporate Services MTFP savings proposals.
- Policy Commitments relevant to Corporate Services & Financial Resilience.

**b) Relationship with Cabinet**

- The Service Transformation Committee Chair will agree a forward work programme with Cabinet / CMT.*
- The Committee will produce a Transformation report to the Cabinet Member / Cabinet / Council in connection with work undertaken.*
- Each Service Transformation Committee will produce an annual report to Council summarising the outcome and outputs of its work throughout the year.*

**c) Relationship with Scrutiny**

- The Service Transformation Committees are **not** Scrutiny Committees they are forward looking Committees assisting Council to transform services, modernise, and meet medium- and long-term financial challenges.*
- If a Service Transformation Committee identifies an issue of concern arising from their role, the Chair should refer it to the Scrutiny Programme Committee for further consideration / investigation.*
- The Service Transformation Committee Chair will be responsible for ensuring the Committee does not stray into the role of the Scrutiny Programme Committee.*
- Service Transformation Committees and the Scrutiny Programme Committee should ensure awareness of each other's work programmes. including the timing of work programme activities. This will be achieved by an early 'sense check' of the work programmes for Service Transformation and*



*scrutiny. The Scrutiny Programme Committee should consider relevant advice but has autonomy on decisions about the scrutiny work programme.*

**d) Support**

- i) The Democratic Services Team shall provide the relevant support to the Service Transformation Committees.*
- ii) Service Transformation Committee will have a nominated senior service lead for each item or work. The relevant Director, Head of Service, or nominated relevant Officer will provide work plan support and research and produce reports as appropriate.”*

**11. Allocation of Councillors to the Council Bodies**

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

**12. Democratic Services Committee**

- 12.1 The Local Government (Wales) Measure 2011 states that a Democratic Services Committee and Chair must be appointed by Council. The Committee Chair must be an Opposition Member. The Leader of the Council shall not sit on this Committee. No more than one Cabinet Member shall sit on this Committee. Co-opted Members are not permitted to sit on this Committee.
- 12.2 Council will need to determine who to elect as Chair of the Democratic Services Committee.

**13. Statutory Co-opted Members**

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

- 13.5 It is proposed that a cap of a 20 full day payments per Municipal Year be placed on Statutory Co-opted Member payments.

#### **14. Councillors Handbook**

- 14.1 The Councillors Handbook [www.swansea.gov.uk/CllrsHandbook](http://www.swansea.gov.uk/CllrsHandbook) provides guidance for Councillors and Co-opted Members. The handbook contains information about Remuneration, Support for Councillors and Co-optee Members, Protocols and Role Descriptions.
- 14.2 It is proposed that the Councillors Handbook be reaffirmed.

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

- 15.1 Following the close of the Annual Meeting of Council, several Committees shall meet to elect Chairs and Vice Chairs to those Committees.

#### **16. Member Champions**

- 16.1 Member Champions provide a voice for traditionally underrepresented groups, or issues which need to be kept at the forefront of Council business although they may not be the responsibility of any individual or Committee.
- 16.2 Member Champions, (sometimes called Lead Members or Councillor Champions) in addition to their other Council responsibilities make sure that the issue or group that they are championing are considered when Policy is being developed and decisions made. The 'Member Champions' report to Council on 17 January 2013 provides further information.
- 16.3 Member Champions are appointed by the Leader of the Council. The Leader of the Council informs Council of whom he has appointed to these roles. The Leader of Council's appointments are set out in **Appendix E**.
- 16.4 The Leader of the Council is keen to ensure that Councillors acting as Member Champions and Members serving on Outside Bodies can provide feedback to Council or Councillors if required.

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

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

#### **18. Councillors Mileage Distances**

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

18.2 The Councillors Mileage Distances to be used for the Council Term 2022-2027 has been shared with Councillors & Statutory Co-opted Members.

## **19. Council Bodies Diary**

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

19.2 The “Timing of Council Meeting Survey” was conducted between 12-29 January 2023. The Survey Response was presented to Council on 30 March 2023 and has been used to assist with preparing the Council Bodies Diary 2023-2024.

19.3 The Council Bodies Diary 2023-2024 is shown as **Appendix G**.

## **20. Integrated Assessment Implications**

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

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

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

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

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

## **21. Financial Implications**

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

## **22. Legal Implications**

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

**Background Papers:** None

### **Appendices:**

Appendix A	Basic Salary, Civic Salary, and Senior Salary Payments. (Group A Councils) & Fees for Co-opted Members (with Voting Rights) of Local Authorities as Prescribed by IRPW Annual Report.
Appendix B	Political Balance / Committee Proportionality.
Appendix C	Council Bodies & Number of Allocated Seats.
Appendix D	Proposed Exemption from Committee Balance Rules.
Appendix E	Member Champion Areas & Responsible Councillors.
Appendix F	Outside Bodies.
Appendix G	Council Bodies Diary.

## Appendix A

### Prescribed by the IRPW Annual Report 2023-2024

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

<b>Basic Salary</b>	£17,600
<b>Senior Salaries (inclusive of Basic Salary)</b>	
<b>Band 1</b>	
Leader of the Council	£66,000
Deputy Leader of the Council	£46,200
<b>Band 2</b>	
Executive Member (Cabinet Member)	£39,600
<b>Band 3</b>	
Committee Chairs	£26,400
<b>Band 4</b>	
Leader of the Largest Opposition Political Group *1	£26,400
<b>Band 5</b>	
Leader of Other Political Groups *2	£21,340
<b>Civic Salaries (inclusive of Basic Salary)</b>	
Civic Head (Mayor / Chair of Council)	£26,400
Deputy Civic Head (Deputy Mayor / Vice Chair of Council)	£21,340

#### Note:

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

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

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

### **Contribution towards Costs of Care & Personal Assistance (CPA)**

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

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

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

## Political Balance / Committee Proportionality

### 1. Legal Requirement

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

### 2. The Broad Principle

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

2.2 The only exceptions being:

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

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

### 3. How the Rules Apply

3.1. If the Council has any of its members as a 'Political Group' under the LG&HA, then proportionality must be applied to that Group. Any two or more Councillors can register as a Group. They do not have to share a political programme or be committed to working together. A registered Group must be allocated the same proportion of Committee places that they have seats on the Council (e.g., for a Group with 18 Councillors on a 75 seat Council, they will be entitled to 18 Committee places in every 75).

3.2 To do this the first step is to add up the total of all Committee places. If the total was, say 217, then the Group is entitled to 52 places ( $217 \times 18/75$ ). Each Committee must be made up as near as practicable proportionally (so a small Political Group cannot be palmed off with two seats on the Challenge Panel and none on an Overview and Scrutiny Board).

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

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

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

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

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

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

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

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

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

#### **5. The Timetable for Implementation**

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

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

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

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

6.2 Political Groups are NOT entitled to have MORE than their share. Thus, they cannot exclude, say, one Councillor who is not in a Group from having any Committee places. They must make e.g., 1/75<sup>th</sup> of the places available.



## Council Bodies &amp; Number of Allocated Seats 2023-2024

Body	Seats	Comments	Status
Council	75	Automatically Proportional	
Cabinet	10	Not Part of PR Calculations	SS
<b>Committees</b>			
Appeals & Awards	7		
Appointments	13	Leader to appoint the relevant Cabinet Member to the appointment process.	
Chief Exec Appraisal & Remuneration	9	Leader & Deputy Leader of Ruling Group and Largest Opposition Group, Leader only of other Political Groups and 3 other Labour.	XPR
Chief Officers Disciplinary	13	At least 1 member of Cabinet must sit on this Cttee but no more than 50% of the Cttee are permitted to be Cabinet Members	
Chief Officers Disciplinary Appeals	13	At least 1 member of Cabinet must sit on this Cttee but no more than 50% of the Cttee are permitted to be Cabinet Members	
Democratic Services	10	Chair must be an Opposition Councillor and appointed by Council.	
Family Absence Complaints		As per Council of 12 August 2014	
Climate Change & Nature Recovery Service Transformation	10		SS
Economy & Infrastructure Service Transformation	10		SS
Education & Skills Service Transformation	10		SS
Social Care & Tackling Poverty Service Transformation	10		SS
Corporate Services & Financial Resilience Service Transformation	10		SS
JCC	7		
General Licensing	12		SS
<i>General Licensing Sub</i>	3	Drawn proportionally from General Licensing Cttee.	
Statutory Licensing	12		
Governance & Audit	15	Chaired by an Independent Person. 5 Ind Persons & 10 Cllrs.	
<i>Statutory Licensing Sub</i>	3	Drawn proportionally from Statutory Licensing Cttee.	
Pension Fund	6		
Planning	12	1. Membership between 11 & 21. 2. Quorum is 50%. 3. Only 1 Cllr from an Electoral Ward may sit on the Cttee. 4. Use of Substitute Members prohibited.	SS
Scrutiny Programme	10		SS
Standards	9	Standards Committee (Wales) Regulations 2001. 5 Ind, 3 CCS Cllrs & 1 C/T Cllr	XPR
West Glamorgan Archives	5	Independent Chair	
<b>Panels, Forums, Groups etc.</b>			
Admissions Panel	6		
Armed Forces Community Covenant Signatories Panel	2	Armed Forces Member Champion Cabinet Member with responsibility for Veterans	XPR
Community / Town Councils Forum	6	Chaired by Delivery Cabinet Member	
Corporate Parenting Board	9	5 Ruling Group Cllrs, 2 Largest Opposition Group Cllrs, 1 Representative from each other Political Group.	XPR
Constitution Working Group	9	Presiding Member, Deputy Presiding Member, Leader & Deputy Leader of Ruling Group (or other) & Largest Opposition Group, Leader of other Political Groups & Cabinet Member with responsibility for Constitutional Matters.	XPR
Development Advisory Group (DAG)	5	This is a Cabinet Body.	XPR
Gower AONB Partnership Group	6	Chaired by Chair of Planning Committee	
<i>Sustainable Development Fund Panel</i>	2	Chaired by Chair of Planning Committee	
<i>Sustainable Development Fund Appeal Panel</i>	1		
Local Pension Board	1		
Standards Cttee Vacancy Panel	3		
Trustees Panel	13	1 Representative from each Political Group	XPR
<b>SS - Committees that attract Senior Salary</b>		<b>XPR - Bodies exempt from Proportionality.</b>	

### Proposed Exemption from Committee Balance Rules

1. Several Committees are exempt from the Local Government (Committees and Political Groups) Regulations 1990 as they are covered by other separate legislation. Council also has the right to exempt a Committee from the legislation providing that it has the unanimous backing of all Councillors voting at the meeting. The following is a list of the Committees covered by separate legislation together with a reference to that legislation and those proposed to be exempted by Council.
  - 1.1 **Chief Executive's Appraisal & Remuneration Committee.** Council is asked to exempt this from the Committee Balance Rules to allow the following membership: Leader & Deputy Leader of the Ruling Group and Largest Opposition Group, Leader only of other Political Groups and 3 other Labour Councillors.
  - 1.2 **Standards Committee.** This is made up of 5 Independent Members, 3 Councillors and 1 Community / Town Councillor. By virtue of Section 53 (10) of the Local Government Act 2000 a Standards Committee and the Standards Committees (Wales) Regulations 2001, the Standards Committee is not required to comply with Section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to Political Groups).
  - 1.3 **Corporate Parenting Board.** Council is asked to exempt this from the Committee Balance Rules to allow the following membership: 5 Ruling Group Cllrs (Labour), 2 Largest Opposition Group Councillors (Lib Dem & Ind Opposition), 1 Representative from each other Political Group (Conservative and Uplands).
  - 1.4 **Constitution Working Group.** Council is asked to exempt this from the Committee Balance Rules to allow the following membership and representation by each Political Group: Presiding Member, Deputy Presiding Member, Leader & Deputy Leader of Ruling Group & Largest Opposition Group (or other), Leader of other Political Groups & Cabinet Member with responsibility for Constitutional Matters.
  - 1.5 **Trustees Panel.** Council is asked to exempt this from the Committee Balance Rules to allow the following membership: 7 Ruling Group Cllrs (Labour), 3 Largest Opposition Group Councillors (Lib Dem & Ind Opposition), 1 Representative from each other Political Group (Conservative, Uplands & Non-Aligned (Green)).

## Member Champion Areas &amp; Responsible Councillors

[www.swansea.gov.uk/CllrChampions](http://www.swansea.gov.uk/CllrChampions)

<b>Member Champion Area</b>	<b>Councillor(s)</b>
Animal Rights	Sara Keeton
Anti-Slavery & Ethical Employment	David Hopkins
Armed Forces	Wendy Lewis
Biodiversity	Sara Keeton
Carers	Jan Curtice
Children & Family Services	Louise Gibbard
Climate Change	Andrea Lewis
Councillor Support & Development	Wendy Lewis
Co Production	Hayley Gwilliam
Culture	Hannah Lawson
Dementia	Hayley Gwilliam
Disability & Access to Services	Paul Lloyd
Diversity	Lesley Walton
Domestic Abuse	Erika Kirchner
Health & Wellbeing	Alyson Pugh
Healthy Cities & Sport	Terry Hennegan
Heritage	Mike White
Human Rights	Louise Gibbard
Language (Inc. Welsh)	Robert Smith
LGBT (Lesbian, Gay, Bisexual & Transgender)	Elliott King
Life Long Learning	Mike Durke
Looked After Children	Ceri Evans
Natural Environment	Sara Keeton
Pensions	Louise Gibbard
Poverty in Communities / Homelessness	Hazel Morris
Poverty Reduction	Rob Stewart
Public Transport	Paul Lloyd
Religion, Faith & Beliefs	Sam Pritchard
Rural Economy	Andrew Stevens
Safeguarding	Louise Gibbard
Sanctuary & Inclusion	Yvonne Jardine
Tackling Racism in Schools	Yvonne Jardine
Transport	Rebecca Fogarty
UNCRC (United Nations Convention on the Rights of the Child)	Bev Hopkins
Vulnerable & Older People	Jan Curtice
Walking	Ryland Doyle
Women	Louise Gibbard
Young Carers	Sam Pritchard

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

To be tabled at the meeting