

# COUNCIL

(Civic Centre, Port Talbot)

**Members Present:**

**2<sup>nd</sup> July, 2014**

**The Mayor:** Councillor H.N.James

**The Deputy Mayor:** Councillor A.P.H.Davies

**Councillors:** H.M.Bebell, Mrs.P.Bebell, A.Carter, Mrs.A.Chaves, D.W.Davies, Mrs.R.Davies, Mrs.J.Dudley, S.K.Hunt, I.B.James, A.Jenkins, Mrs.D.Jones, E.E.Jones, R.G.Jones, E.V.Latham, R.Lewis, A.Llewelyn, A.R.Lockyer, J.Miller, Mrs.S.Miller, J.D.Morgan, Mrs.S.Paddison, Mrs.K.Pearson, Mrs.S.M.Penry, M.Protheroe, L.M.Purcell, S.Rahaman, P.A.Rees, C.E.Richards, P.D.Richards, J.Rogers, A.Taylor, A.J.Taylor, A.L.Thomas, R.Thomas, J.Warman, D.Whitelock, I.D.Williams, Mrs.L.G.Williams, Mrs.A.Wingrave and A.N.Woolcock

**Officers in Attendance:** S.Phillips, H.Jenkins, J.Flower, N.Jarman, A.Evans, Mrs.K.Jones, D.Michael, R.Gordon, R.George, Mrs.A.Manlipp and Mrs.T.Davies

**Representatives of the  
Translation Service:** Present

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## 1. **PRAYERS**

Prior to the commencement of the meeting, the Mayor's Chaplain, the Reverend Zoe King, Area Dean of Neath and Priest in Charge Llansawel, Briton Ferry, said prayers.

## 2. MAYOR'S ANNOUNCEMENTS

It was with deep regret that the Mayor advised Council of the death of the wife of Councillor Glyn Rawlings, Mrs Rita Rawlings. As a mark of respect, Council stood for a moment's silence.

Members were pleased to note that following a recent admission to hospital, the Leader of Council, Councillor A.H.Thomas, was now back at home and making progress in his recovery.

It was with great pleasure that the Mayor announced the following local recipients in the Queen's Birthday Honours:-

- Mrs Julie Dawn Harvey – Paediatric Physiotherapist, AMBU, for services to Healthcare and charitable services to children with Disabilities (Neath) – MBE.
- Mrs Susan Anne Jones, Lead Nurse School Health Nursing ABMU for services to Children and Young People in Neath Port Talbot (Port Talbot) – MBE.
- Mrs Marian Jarvis, Pupil Wellbeing and Deputy Headteacher at Maesteg Comprehensive School for services to Education in South Wales (Port Talbot) – BEM.

## 3. MINUTES OF COUNCIL MEETING 2013/14

**RESOLVED:** that the Minutes of the following meeting of Council be confirmed:-

Council	16.04.14
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## 4. MINUTES OF COUNCIL MEETINGS 2014/15

**RESOLVED:** that the Minutes of the following meetings of Council be confirmed:-

Council	16.05.14
Council	21.05.14
Council	06.06.14

## **Report of the Corporate Directors' Group**

### **5. REVENUE OUTTURN AND RESERVES POSITION STATEMENT 2013/14**

Members received an overview of the above report of the Director of Finance and Corporate Services, which had been commended to Council by Cabinet held on 25<sup>th</sup> June, 2014.

- RESOLVED:**
- (a) that the Revenue Outturn position for 2013/14, contained in the circulated report, be approved;
  - (b) that the Specific Reserves, as contained in Appendix 4 to the circulated report, be approved;
  - (c) that the General Reserve, as contained in Appendix 5 to the circulated report, be approved;
  - (d) that the draft Statement of Accounts incorporates the above decisions.

## **Joint Report of the Chief Executive and the Director of Education, Leisure and Lifelong Learning**

### **6. STRATEGIC SCHOOL IMPROVEMENT PROGRAMME – ARRANGEMENTS FOR DETERMINING SCHOOL ORGANISATION PROPOSALS**

Members received an overview of the circulated report which gave details of the Strategic School Improvement Programme, and the arrangements for determining school organisation proposals.

Members discussed the scrutiny arrangements under the proposed new scheme.

- RESOLVED:**
- (a) that Cabinet be authorised to approve and determine school organisation proposals [other than proposals made by the Welsh Ministers]

under Sections 51 and 53 of the School Standards and Organisation [Wales] Act 2013;

- (b) that the Head of Legal Services be authorised to amend page 3.36 of the Council's Constitution {version dated 28.01.14} by inserting the above Cabinet function as a new bullet point in Part 3. Responsibility for Functions – Annex G Executive Functions [Specific] – C. Children, Young People and Education – Paragraph (b) Education and Lifelong Learning which will read:-

“Approval and determination of school organisation proposals [other than proposals made by the Welsh Ministers] under Sections 51 and 53 of the School Standards and Organisation [Wales] Act 2013.”

## **Report of the Head of Corporate Strategy and Democratic Services**

### **7. STRENGTHENING AND MODERNISING ARRANGEMENTS IN NEATH PORT TALBOT**

Council received an overview of the circulated report, and welcomed the proposals. Members noted that it had been a very valuable experience to have been part of the process, which had included visiting other Authorities to assess their scrutiny arrangements. Members hoped that scrutiny would become more meaningful and relevant to their constituents.

Members discussed the importance of development within their role, and it was noted that some Members who were in full time employment found it difficult to attend seminars and training courses during the daytime. Officers explained that this had been taken into consideration going forward, and that for the budget seminar, scheduled for mid-July, two dates had been arranged, one of which would be held in the evening, to make it possible for more Members to attend. Officers welcomed any further suggestions from Members regarding strengthening and modernising arrangements within the Authority.

- RESOLVED:**
- (a) that the programme of improvements set out in the report entitled “Strengthening and Modernising Democratic Arrangements in Neath Port Talbot County Borough Council”, as put before the Modernisation Group on 25<sup>th</sup> April 2014, be approved;
  - (b) that the Head of Corporate Strategy and Democratic Services be authorised to establish a programme of improvement work enabling the improvements identified in (a) above to be delivered.

8. **OFFICER URGENCY ACTION**

**RESOLVED:** that the following urgency decision taken by the Head of Corporate Strategy and Democratic Services, in consultation with the requisite Members, be noted;

Officer Urgency Action No. 0010 dated the 17<sup>th</sup> April, 2014

At the meeting of Council on 16<sup>th</sup> April 2014, Councillors A.H.Thomas, P.A.Rees, Mrs K.Pearson and Mrs L.H.James were appointed to the Joint Appointments Panel for the appointment of the Head of Education Improvement.

Subsequently Councillor Mrs James advised that she was unable to attend the scheduled meetings. The Leader of the Plaid Cymru Group was consulted and Councillor J.D.Morgan was appointed in place of Councillor Mrs James.

## **Report of the Head of Legal Services**

### **9. LOCAL RESOLUTION PROCEDURE**

Members received an overview of the circulated report which gave details of the Local Resolution Procedure, and voiced their concerns regarding electronic communications, and the possibility of people being attacked via this medium. Officers pointed Members towards the WLGA guide on the use of electronic media, as a useful resource.

**RESOLVED:** that the Local Resolution Procedure, as contained within the circulated report, be approved.

## **Joint Report of the Head of Corporate Strategy and Democratic Services and the Head of Legal Services**

### **10. FAMILY ABSENCE FOR MEMBERS**

Members made note of the provisions available under The Family Absence for Members of Local Authorities (Wales) Regulations 2013, as detailed within the circulated report.

**RESOLVED:**

- (a) that the Standing Orders in respect of The Family Absence for Members of Local Authorities (Wales) Regulations 2013, as attached hereto as Appendix 1, be approved;
- (b) that the Head of Legal Services be authorised to alter the Council's Constitution by the insertion of the new Standing Orders.

### **11. EXECUTIVE DECISIONS OF CABINET AND CABINET BOARDS**

**RESOLVED:** that the following Executive Decisions of Cabinet and Cabinet Boards be noted:-

Cabinet 02.04.14

(Note: Members discussed the Williams' Report and noted that the position was still unclear, which in turn was having an effect on Local Authorities in moving forward.)

Cabinet	09.04.14
Cabinet	14.05.14
Cabinet (Special)	21.05.14
Policy and Resources	27.03.14
Policy and Resources	29.04.14
Policy and Resources	08.05.14
Economic and Community Regeneration	03.04.14
Economic and Community Regeneration	15.05.14
Children, Young People and Education	08.05.14
Environment and Highways	17.04.14
Social Care, Health and Housing	24.04.14
Social Care, Health and Housing	05.06.14

**CHAIRMAN**

**Amendments to Constitution consequential on the Family Absence for Members of Local Authorities (Wales) Regulations 2013**

**Functions of the Head of Democratic Services – revisions to Annex J  
Section 9 Local Government (Wales) Measure 2011**

To exercise the functions of Head of Democratic Services under Section 9 of the Local Government (Wales) Measure 2011 and in particular to make recommendations under Section 9 (1) (h) of the Measure regarding the number, grades, appointment and organisation (together with the proper management) of staff required for discharging Democratic Services functions.

**Family Absence for Members of Local Authorities (Wales) Regulations 2013 (“the Family Absence Regulations”)**

- (1) The Head of Democratic Services must inform relevant persons of any notifications of periods of family absence received and periods of family absence taken. The relevant persons are defined as the Mayor, the Chair of the Democratic Services Committee and the leader of each political group<sup>1</sup>.
- (2) The Head of Democratic Services must maintain a record of all notifications of periods of family absence and periods of family absence taken.<sup>2</sup>
- (3) Where the Head of Democratic Services has reasonable grounds to suspect that a Member who has provided notification of a period of family absence, is not entitled to that absence she/he must inform Council of that fact<sup>3</sup>.
- (4) Where Council decides to cancel a period of family absence before it begins or bring a period of family absence to an end the Head of Democratic Services must provide the Member concerned with written notification of that decision<sup>4</sup>.

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<sup>1</sup> Regulation 33 (1) and (2) Family Absence Regulations

<sup>2</sup> Regulation 32 (1) Family Absence Regulations

<sup>3</sup> Regulation 34 (1) Family Absence Regulations

<sup>4</sup> Regulation 34 (3) Family Absence Regulations



(5) The Head of Democratic Services must refer to the Mayor any complaint received from a Member regarding a decision by Council to cancel a Member's period of family absence before it begins or bring a period of family absence to an end<sup>5</sup>.

(6) The Head of Democratic Services must refer to the Mayor any complaint received from a Member regarding a decision by the Mayor to refuse an application by a Member on maternity absence or parental absence (under the Family Absence Regulations) for permission to attend particular meetings or descriptions of meetings, or to perform particular duties or duties of a particular description<sup>6</sup>.

#### **Amendment to functions of Full Council (Article 4.01)**

(21) Following receipt of information under Regulation 34 (1) of the Family Absence for Members of Local Authorities (Wales) Regulations 2013 from the Head of Democratic Services, to consider whether to cancel a Member's period of family absence before it begins or bring a period of family absence to an end<sup>7</sup>.

(22) Where a Member has failed to return from a period of family absence on the date specified under Regulation 34 (3), to consider whether to withhold the Member's remuneration<sup>8</sup>.

Existing paragraph 21 to be renumbered (23).

#### **Role and Functions of the Mayor (Article 5.01)**

7. To receive complaints (referred to her/him) by the Head of Democratic Services) regarding a decision made by the Council under Regulation 34 (2) of the Family Absence for Members of Local Authorities (Wales) Regulations 2013 and to refer such complaints to the Family Absence Appeal Panel<sup>9</sup>.

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<sup>5</sup> Regulation 35 (3) and 34 (2) Family Absence Regulations

<sup>6</sup> Regulation 38 (5) Family Absence Regulations

<sup>7</sup> Regulation 34 (2) Family Absence Regulations

<sup>8</sup> Regulation 34 (4) Family Absence Regulations

<sup>9</sup> Regulation 35 (3) Family Absence Regulations

8. To receive applications from a Member on maternity absence or parental absence under the Family Absence Regulations to attend particular meetings or descriptions of meetings, or to perform particular duties or duties of a particular description, and to determine those applications after informing the leaders of each political group of the Council<sup>10</sup>.
9. To receive complaints (referred by the Head of Democratic Services) in respect of a decision by the Mayor regarding a refusal of permission under paragraph 8 for a referral to the Family Absence Appeals Panel<sup>11</sup>.

### **Functions of the Family Absence Appeal Panel**

1. To exercise appeal functions under Regulation 36 (4) of the Family Absence for Members of Local Authorities (Wales) Regulations 2013 to either confirm a decision of Council to cancel a Member's period of family absence before it begins (or bring it to an end) or to substitute its own decision.
2. To exercise appeal functions under Regulation 38 (7) of the Family Absence for Members of Local Authorities (Wales) Regulations 2013 to either confirm a decision of the Mayor to refuse an application by a Member on maternity absence or parental absence to attend particular meetings to descriptions of meetings (or to perform particular duties or duties of a particular description) or to substitute its own decision.

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<sup>10</sup> Regulation 38 (1) – (3) Family Absence Regulations

<sup>11</sup> Regulation 38 (5) and 38 (6) Family Absence Regulations