

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL CASTELL NEDD PORT TALBOT

SPECIAL MEETING OF COUNCIL – 20TH MAY, 2015

REPORT OF THE CHIEF EXECUTIVE

1. **Introduction**

- 1.1 The main purpose of the Annual Meeting of Council, held on 15th May 2015, was to elect the Mayor and Deputy Mayor for the Civic Year 2015/16, together with the Leader and Deputy Leader of the Council.
- 1.2 There were also a number of other administrative issues on the above Agenda, which are now referred to this adjourned meeting of Council for determination. These matters are summarised in Paragraph 2 below.

2. **Administrative Decisions Required for the Civic Year 2015/16**

- 2.1 Various decisions are required to be taken by Council today, in respect of the following matters:

Section 3: Policy and Budget Framework;
Section 4: Cabinet, Cabinet Portfolios and Cabinet Boards;
Section 5: Proportionality
Section 6: Scrutiny Committees;
Section 7: Other Committees of the Council;
Section 8: Staff Council and Other Member/Officer Groups;
Section 9: Joint Committees, Outside and Other Public Bodies;
Section 10: Cycle and Timetable of Meetings.

3. **Policy and Budget Framework**

In order to reflect changes in Welsh Government Policy and Legislation, an updated version of the Authority's Constitution in relation to the Policy and Budget Framework is attached for approval at Annex A (To Follow).

3.1 **Recommendation**

Council is requested to approve the proposals set out in Annex A (To Follow).

4. **Cabinet, Cabinet Portfolios and Cabinet Boards**

4.1 Currently, the Council has a Constitution based on a Leader and a Cabinet Executive of eight other Members. Part 3 of the Constitution summarises the current discharge of functions of the Cabinet and the five Cabinet Boards.

4.2 Council is now required to make decisions for the Civic Year 2015/16, in respect of:

- the size of the Cabinet (number of Executive Posts);
- the relevant Portfolios for each of the Executive Posts; and
- the number and size of Cabinet Boards and their respective Functions.

3.3 **For Council's consideration, the proposed Executive Structure for the Civic Year 2015/16 is to maintain the Cabinet at nine Members including the Leader.**

3.4 Council is also required to receive and approve the Leader's recommendations in respect of the updated Cabinet portfolios proposed for the Municipal Year 2015/16, together with the appointment of Members thereto. These details are set out at Annex B. (To Follow) .

3.5 **Recommendations**

Council is requested to approve the proposals set out in Annex B (To Follow).

4. **Scrutiny Committees**

4.1 Part 3 of the Constitution summarises the Authority's Scrutiny functions - which "mirror" Cabinet or their respective Cabinet Boards. For Members' information, details of these functions are contained in **Appendix1(i)**.

4.2 Council is now required to make decisions for the Civic Year 2015/16, in respect of:

- the proposed appointment of the five Scrutiny Committees and their functions; and
- the number of Members on each Scrutiny Committee and the apportionment of seats-amongst the constituted Political Groups.

4.3 **For Council's consideration, the proposed Scrutiny Committee Structure for 2015/16 is set out in Annex D of this report (To Follow) – the functions to "mirror" the Cabinet Boards as set out in Annex B.**

4.4 Following approval of the above, Council then needs to consider the allocation of the Chairs to the Scrutiny Committees, taking into account the Political Constitution of the Council and the requirements of Section 21(1) of the Local Government (Wales) Measure 2011, as given below:

- Chairs of the Scrutiny Committees are allocated on a proportional basis i.e. the proportion of Scrutiny Chairs allocated to the Executive (Majority) Group; and the proportion of Scrutiny Chairs allocated amongst the remaining eligible Opposition Political Groups.
- The Executive Group (Labour Group) is to be allocated 4 Chairs of Scrutiny Committees, whilst the proportion allocated to the remaining eligible Opposition Group (Plaid Cymru Group) is to be 1 Scrutiny Chair.

The proposed proportional allocation to each relevant Committee is enclosed at Annex C (To Follow)

4.5 The Member appointments to the Scrutiny Committees, including Chairs and Vice Chairs, are then received by Council, in accordance with the wishes of the respective Political Groups. The co-optees to the Children, Young People and Education Scrutiny Committee are also required to be re-appointed by Council.

4.6 **Recommendation**

Council is requested to consider the Recommendations in respect of the above, as set out in Annex C and D of this report (To Follow).

5. **Other Committees of the Council**

5.1 Part 3 of the Constitution summarises the current discharge of functions of the Other Committees of the Council:

- **Planning Committee**
- **Registration and Licensing Committee**
- **Licensing and Gambling Acts Committee**
- **Personnel Committee**
- **Special Appointments Committee**
- **Audit Committee**
- **Democratic Services**
- **Standards Committee**
- **Appeals Panel**

5.2 Council is now required to make decisions for the Civic Year 2015/16, in respect of:

- the continuation of, or any changes to, the existing Constitutional arrangements for each Committee;
- the number of Members on each Committee and the apportionment of seats amongst the constituted Political Groups; and
- the Chairs and Vice Chairs of each Committee (subject to 5.4 below)

5.3 For Council's consideration, the recommendation in **Annex E** of this report (To Follow) proposes the following "Other Committees" be re-constituted under the existing arrangements:

- **Planning Committee**
- **Registration and Licensing Committee**
- **Licensing and Gambling Acts Committee**
- **Personnel Committee**
- **Special Appointments Committee**
- **Appeals Panel**
- **Standards Committee**

For the remaining Committees, the following changes were approved with effect from 2012/13.

5.4 In order to comply with the Local Government (Wales) Measure 2011:

Audit Committee: To comprise at least two-thirds of the Membership as elected Members, with no more than one Executive (Cabinet) Member (who is not the Leader), and with at least one of the members to be a voting lay member. The Committee may recommend to Council the appointment of a number of voting co-optees. **Annex E** identifies a Committee of 12 Members. The Chair and Vice Chair, who must be Opposition Members, are to be appointed by the Committee. For Members' information, a summary of the discharge of functions is set out in **Appendix 1(ii)**

5.5 In order to comply with the Local Government (Wales) Measure 2011:

Democratic Services Committee: to comprise elected Members only, with no more than one Executive (Cabinet) Member (who is not the Leader) and with the Committee Membership reflecting the political balance of the Council, including an Opposition Chair (appointed by Council). The recommendations in **Annex D** identifies a Committee of 12 Members with the Chair to be the same Opposition Chair as the Audit Committee. For Members' information, a summary of the discharge of functions is set out in **Appendix 1(iii)**

5.6 Finally, the Member appointments to the above Committees, including Chairs and Vice Chairs, are received by Council, in accordance with the wishes of the respective Political Groups - taking into account the requirements of the Local Government (Wales) Measure 2011 where applicable.

5.7 **Recommendations**

Council is requested to consider the Recommendations in respect of the revised “Other Committees” arrangements for 2015/16 as set out in Annex E of this report (To Follow).

6. **Staff Council and Other Member/Officer Groups**

6.1 Council is required to consider the re-appointment of the following Groups, the number of Members thereon and the respective Chairs for the Civic Year 2015/16:

- Staff Council;
- Communities First Member Briefing Group;
- Modernisation Group;
- Corporate Parenting Panel.

and to receive the Member appointments to the same, according to the wishes of the Political Groups.

Council determined to establish a Schools Standards Monitoring Group on a trial basis. The Group has met and it is proposed that it continue beyond the trial phase but to adjust it to 6 Members and to change the name to the Schools Standards Partnership Group;

- Schools Standards Partnership Group

Members’ attention is drawn to the fact that the Local Government Services Sub Group and the Schools Sub Group are not being reconstituted as their purpose is now redundant. The Childrens’ Services Scrutiny Sub Committee has also been removed as other structures have been put in place to secure improvement on the performance of Childrens’ Services.

6.2 **Recommendations**

Council is requested to consider the Recommendations in respect of the above Member/Officer Groups for 2014/15 as set out in **Annex F** (To Follow).

7. **Joint Committees, Outside and Other Public Bodies**

- 7.1 Council is required to appoint the Member/Officer representation on the above bodies for the Civic Year 2015/16.
- 7.2 It should be noted that, for Joint Committees, the Assembly now permits Non Executive Members to serve on such Committees where they deal with Executive functions. The Members will however represent the Executive, be accountable to the Executive and thus the Cabinet is responsible for making such appointments.

In addition Members are requested to note that good progress had been made in carrying out the Review of the Outside Body arrangements identified in last year's report.

The attached documentation reflects the outcome of work completed to date. Those bodies not yet reviewed will be subject to examination during the next Civic Year.

7.3 **Recommendations**

Council is requested to consider the Recommendation in **Annex G** for the approval of the above Member/Officer appointments (To Follow).

8. **Cycle and Timetable of Meetings**

- 8.1 Council is required to approve the provisional Committee Cycle and Timetable of Meetings for the Civic Year 2015/16. Full details are given in **Annex G** (To Follow) and are subject to the approval of the proposals in Sections 3 to 6 above.
- 8.2 It should be noted that the Cycle includes the usual four-weekly recess during August for all meetings, other than the "Regulatory" meetings – Planning and Licensing Committees and Appeals Panel. Members are also asked to note that dates for Members' Seminars have also been included in the Cycle for the first time to aid Members in planning their own diary commitments and to promote maximum attendance at Seminars.
- 8.3 Consultation will continue to be undertaken as appropriate regarding the start time of meetings. Further consultation will be carried out when appropriate to comply with the Local Government Measure 2011 and related Statutory Guidance.

8.4 **Recommendations**

Council is requested to consider and approve the new Committee Cycle and Timetable set out at Annex H (To Follow)

9. Recommendations

- (1) Council is requested to approve the amended Policy and Budget Framework as set out in **Annex A** (To Follow)
- (2) Council is requested to approve the proposals for the Executive arrangements for the civic year 2015/16 as set out in **Annex B** (To Follow).
- (3) Council is requested to approve the proposed political proportionality together with proposals for the Scrutiny arrangements for the civic year 2015/16 as set out in **Annex C and D** (To Follow).
- (4) Council is requested to approve the proposals in respect of the revised “Other Committees”, arrangements for the civic year 2015/16 as set out in **Annex E** (To Follow)
- (5) Council is requested to approve the proposals in respect of the Staff Council and other Member/Officer Groups as set out in **Annex F** (To Follow)
- (6) Council is requested to approve the proposals in respect of the Joint Committees, Outside and Other Public Bodies as set out in **Annex G** (To Follow) subject to the membership appointment to Joint Committees being approved by Cabinet at its meeting following Council.
- (7) That the Cycle and Timetable of Meetings for 2015/16, as set out in **Annex H** (To Follow) be approved;

10. List of Background Papers

Local Government (Wales) Measure 2011 and Guidance Notes.

The Council’s Constitution Document.

11. Wards Affected

All

12. Officer Contacts

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FOR INFORMATION: Extract from Council's Constitution –

“6. FUNCTIONS OF OVERVIEW AND SCRUTINY COMMITTEES

- 6.1. The functions of Overview and Scrutiny Committees are:-
- 6.1.1. To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,
- 6.1.2. To make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,
- 6.1.3. To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,
- 6.1.4. To make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive,
- 6.1.5. To make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area (insofar as the committee is not, or committees are not, under a duty to do those things by virtue of section 22A of the Local Government Act 2000,

- 6.1.6. In the case of the overview and scrutiny committee or committees of an authority to which section 224 of the National Health Service Act 2006 or section 184 of the National Health Service (Wales) Act 2006 applies, to review and scrutinise, in accordance with regulations under whether of those sections , matters relating to the health service (within the meaning given by the Act concerned, and as extended by the section concerned) in the authority’s area, and to make reports and recommendations on such matters in accordance with the regulations.
- 6.1.7. To make reports or recommendations on matters which relate to Designated Persons and affect the Council’s area or the inhabitants of that area.¹
- 6.1.7.1. A Designated Person is a person:-
- 6.1.7.2. Who is designated by the Welsh Ministers in accordance with Section 21G of the Local Government Act 2000 or
- 6.1.7.3. Who falls within a category of person so designated.²
- 6.2. In exercising its functions an Overview and Scrutiny Committee must take into account any views brought to its attention under paragraph 14.1.4.³
- 6.3. An Overview and Scrutiny Committee must take account of guidance issued by the Welsh Ministers.⁴”
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¹ Section 21 (2ZA) LGA 2000

² Section 21 (18) LGA 2000

³ Section 62(3) Local Government Act 2000 (“LGA 2000”)

⁴ Section 62(5) Local Government (Wales) Measure 2011

FOR INFORMATION: Extract from Council's Constitution –

“6. FUNCTIONS OF THE AUDIT COMMITTEE

The functions of the Audit Committee are to:-

- 6.1. review and scrutinise the authority's financial affairs, including approval of the Annual Statement of Accounts,
- 6.2. make reports and recommendations in relation to the authority's financial affairs,
- 6.3. review and assess the risk management, internal control and corporate governance arrangements of the authority,
- 6.4. make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements,
- 6.5. oversee the authority's internal and external audit arrangements, including internal and external audit work plans, receive, review and make reports on audit work and performance,
- 6.6. review the financial statements prepared by the authority.⁵”

⁵ Section 81 (1) Local Government (Wales) Measure 2011
COUN-200515-CE

FOR INFORMATION: Extract from Council's Constitution –

“6. FUNCTIONS OF THE DEMOCRATIC SERVICES COMMITTEE

The functions of the Democratic Services Committee are:-

- 6.1.1. To exercise the functions of the Council under Section 8 (1) (a) Local Government (Wales) Measure 2011 (designation of Head of Democratic Services)
- 6.1.2. To review the adequacy of provision by the Council of staff, accommodation and other resources to discharge democratic services functions.
- 6.1.3. To make reports and recommendations to the Council in relation to such provision.⁶
- 6.2. The Democratic Services Committee may not exercise any functions other than the functions set out in paragraph 6.1.⁷”

⁶ Section 11 (1) Local Government (Wales) Measure 2011
⁷ Section 16 (1) Local Government (Wales) Measure 2011
COUN-200515-CE

TERMS OF REFERENCE/MEMBERSHIP

CORPORATE PARENTING PANEL

1. A Corporate Parenting Panel is formally established as part of the Annual Meeting arrangements with clear terms of reference, membership and reporting lines.
2. The Panel to meet six weekly.
3. The terms of reference are:
 - To ensure looked after children and young people are seen as a priority by the whole of the Council and its partners.
 - Scrutinise the policies, opportunities and procedures in place across the Council to support looked after children and young people in achieving their potential and make recommendations, where appropriate to the Cabinet, for improvement.
 - Gather the views of, and act as advocate for looked after children and young people and care leavers.
 - To monitor and evaluate the responsiveness of partners in supporting children and young people looked after to achieve their potential.
 - To hold officers and partners to account.
4. Membership
 - Chairman: Cllr A H Thomas (Leader of the Council)
 - Cllr P A Rees
 - Cllr P D Richards
 - Cllr Mrs K Pearson
 - Cllr M Harvey
 - Cllr A R Lockyer
 - Cllr Ms C Morgans
 - Cllr S Paddison
 - Cllr S Rahaman
 - Cllr I B James
 - Cllr D Keogh
 - Cllr M Ellis
 - Cllr J D Morgan

Attendees to include:

- Foster Parent
- Care Leaver
- Director of Social Services, Health and Housing
- Head of Children and Young People
- Principal Officer with responsibility for looked after children
- Education Co-ordinator
- Others subject to the business of the Committee (to include wider partners)

TERMS OF REFERENCE/MEMBERSHIP

SCHOOLS STANDARDS PARTNERSHIP GROUP

TERMS OF REFERENCE

Neath Port Talbot School Standards Monitoring Group was set up in as a working party to support the improvement of school standards. The Group gives Head-teachers and Chairs of Governors the opportunity to discuss the performance and standards of a school with Councillors and Senior Officers in a non-public forum in an informal and flexible manner.

Membership of the Group

- Lead Member for Education and Lifelong Learning (to be substituted by the Lead Member for Children and Young People in the case of schools under the Lead Member for Education and Lifelong Learning governance remit being considered.)
- Chair of Children Young People and Education Scrutiny Committee (to be substituted by the Vice Chair of Children Young People and Education Scrutiny Committee in the case of schools under the Chair of Children Young People and Education Scrutiny governance remit being considered.)
- Cross Party Representatives to include 1 Labour, 1 Independent and 1 Plaid Cymru Member (with named substitutes in the case of schools under their governance remit being considered.)
- Head of Performance
- Appropriate School Challenge Advisor
- Representative from Data Team Support
- Administrator (Democratic Services)

The Group will:-

1. Monitor the performance of every school on a 3 yearly basis or more frequently as the Group deems appropriate and will monitor 3 schools per half term.
2. Consider the following information:-
 - Key Stage results
 - Other attainment information
 - Attendance
 - Exclusions rate

- School context
 - Safeguarding
 - Regional School Improvement Data
 - Complaints to schools
3. Receive a presentation from the Head teacher on the context of the school and school standards.
 4. Question the Head teacher, Chair of Governors and one other representative from the Governing Body in relation to school performance and achievements.
 5. Identify areas of good practice and support its dissemination.
 6. Identify areas and actions for improvement.
 7. Provide Head teachers and Chairs of Governors with the opportunity to comment on the support received from the Council.

Each school who is invited to attend SSMG will be asked to complete a proforma containing information on their school.

Following the meeting, notes and action points from the meeting will be circulated to all members of the Group, the Head teacher, chair of Governors and the Governing Body. The appropriate School Challenge Advisor will visit the school to go through the action points. The School Challenge Advisor will then attend the next SSMG to update the Group on how the actions have/will progress.

Issues raised through SSMG will be dealt with through the appropriate processes and protocols.

The SSMG will report back termly to the Children, Young People and Education Scrutiny Committee on:

- Schools monitored in the period
- Key emerging themes
- Escalations of concerns

If the school due to be subject to the SSMG has received an inspection notice there will be an option to defer the visit by agreement of the Chair of the Group.

These Terms of Reference will be reviewed initially in April 2015