

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Council

17th March 2021

Report of the Chief Executive – Mrs Karen Jones

Matter for Decision

Wards Affected:

All wards

Annual General Meeting and Reconstitution of Council 2021/2022

Purpose of the Report:

To fulfil the legal requirements of the Local Government Act 1972 and the Constitution of Neath Port Talbot County Borough Council and hold an Annual General Meeting for the civic year 2021/2022

Background:

In accordance with the Council's Constitution, the Council is obliged at its annual meeting to undertake the following:

- (a) elect a person to preside if the Chair of Council is not present; but no member of the Executive can preside, or be Chair or Vice Chair of the Council;
- (b) elect the Chair of the Council (who will be entitled "Mayor");
- (c) appoint the Vice Chair of the Council (who will be entitled "Deputy Mayor");
- (d) receive any announcements from the Chair and/or Chief Executive;
- (e) elect the Leader and Deputy Leader of the Council;
- (f) agree the number of Members to be appointed to the

Executive;

- (g) appoint Scrutiny Committees, a Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3 of this Constitution)
- (h) agree such delegations as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution)
- (i) approve a programme of ordinary meetings of the Council and its Committees for the year, and
- (j) consider any business set out in the notice convening the meeting.

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

Section 1	Policy and Budget Framework;
Section 2:	Executive Arrangements;
Section 3:	Apportionment of seats to the political groups
Section 4:	Scrutiny Arrangements;
Section 5:	Member representation on Other Committees;
Section 6:	Staff Council and Other Member/Officer Groups;
Section 7:	Joint Committees, Outside and Other Public Bodies;
Section 8:	Cycle and Timetable of Meetings plus schedule of Seminar Dates for 2021/22
Section 9:	Distribution of Senior Salaries
Section 10:	Democratic Services Structure and Staffing Resources
Section 11:	Constitution

1. Policy and Budget Framework

- 1.1 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**.

Recommendation

- 1.2 Council is requested to approve the proposals set out in **Annex A** and authorise the Head of Legal and Democratic Services to amend the Constitution accordingly to reflect these changes.

2. Executive Arrangements

- 2.1 Currently, the Council has a Constitution based on a Leader and a Cabinet Executive of eight (8) other Members. Part 3 of the Constitution summarises the current discharge of functions of the Cabinet and the five Cabinet Boards.
- 2.2 Council is now required to make decisions for the Civic Year 2021/22, 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.
- 2.3 For Council's consideration, the proposed Executive Structure for the Civic Year 2021/22 is to confirm a Cabinet of nine (9) Members, including the Leader.
- 2.4 Council will note that a Sub Committee of the Cabinet to deal with decisions concerning grants and other routine Cabinet matters will be confirmed. Cabinet will proceed to officially constitute this Sub-Committee in due course.
- 2.5 Council is also required to receive and approve the Leader's recommendations in respect of the updated Cabinet portfolios proposed for the Municipal Year 2021/22, together with the appointment of Members thereto. These details are set out at **Annex B** and are subject to Council approving the recommendations in respect of the election of Leader for the civic year 2021-22 taken earlier in this meeting.

Recommendations

- 2.6 Council is requested to approve the proposals set out in **Annex B**.

3. Apportionment of Seats to the Political Groups

- 3.1 The proposed apportionment of seats to the political groups for each relevant Committee is enclosed at **Annex C**.

Recommendations

- 3.2 Council is asked to approve the apportionment of seats to the political groups for each relevant Committee as set out in **Annex C**.

4. Scrutiny Arrangements

- 4.1 Part 3 of the Constitution summarises the Authority's Scrutiny functions - which "mirror" Cabinet or their respective Cabinet Boards.

- 4.2 Council is now required to make decisions for the Civic Year 2021/22, 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.
- to designate the Community Safety and Public Protection Scrutiny Sub Committee in respect of Crime and Disorder matters and to be authorised to make a report or recommendation under Section 19 (1)(b) and (3)(a) of the Police and Justice Act 2006.
- to designate the Cabinet Scrutiny Committee to discharge the power under s35 of the Wellbeing of Future Generations (Wales) Act 2015.

- 4.3 For Council's consideration, the proposed Scrutiny Committee Structure for 2021/22 is set out in **Annex D** of this report – 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 number of Scrutiny Chairs apportioned to the

Executive (Majority) Group; and the number of Scrutiny Chairs apportioned amongst the remaining eligible Opposition Political Groups.

- The Executive Group (Labour Group) is to be apportioned 3 Chairs of Scrutiny Committees, whilst the number apportioned to the Plaid Cymru Group is to be 1 Scrutiny Chair and the Independent Democrats is to be 1 Scrutiny Chair.
- 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.
- 4.6 The co-optees to the Education, Skills and Culture Scrutiny Committee are also required to be re-appointed by Council.

Recommendation

- 4.7 Council is requested to approve the Recommendations in respect of the above, as set out in **Annex C and D** of this report.

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

Governance and Audit Committee

Democratic Services Committee

Standards Committee

Appeals Panel

- 5.2 Council is now required to make decisions for the Civic Year 2021/22, 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 7.4 below)

5.3 For Council's consideration, the recommendation in **Annex E** of this report 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

5.4 In order to comply with the Local Government (Wales) Measure 2011 and Local Government and Elections (Wales) Act 2021:

Governance and 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. Members should note that the Local Government and Elections (Wales) Act 2021 has re-designated the Audit Committee as the Governance and Audit Committee from April 2021 and the terms of reference of that Committee as derived from the 2021 Act are included in **Annex F**. It should be noted the changes to the membership of that Committee will not come into force until May 2022

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.

- 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.

Recommendations

- 5.7 Council is requested to approve the Recommendations in respect of the revised “Other Committees” arrangements for 2021/22 as set out in **Annex E** and **Annex F** of this report

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 2021/22:

Staff Council;
Corporate Parenting Panel
Schools Standards Partnership Group
Income Generation Panel
Coronavirus Recovery Panel

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

Recommendations

- 6.2 Council is requested to approve the Recommendations in respect of the above Member/Officer Groups for 2021/22 as set out in **Annex G**.

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 2021/22. It should be noted Non Executive Members are permitted 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.
- 7.2 The Outside Body Representation is contained in **Annex H**

Recommendations

- 7.3 Council is requested to approve the Recommendation in **Annex H** for the appointment of Member/Officer appointments to Joint Committees, Outside and Other Public Bodies.

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 2021/22. Consultation has been carried out in accordance with Section 6 of the Local Government Measure 2011 and related Statutory Guidance.
- 8.2 Full details are given in **Annex I** and are subject to the approval of the proposals in Sections 3 to 9 above.
- 8.3 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 included in the Cycle to aid Members in planning their own diary commitments and to promote maximum attendance at Seminars.
- 8.4 Consultation will continue to be undertaken as appropriate regarding the start time of meetings. Members should note that there is the ability to vary the start time up to an hour if there is a consensus in the committee to do that as previously agreed by the Democratic Services Committee. Further consultation will be carried out when appropriate to comply with the Local Government Measure 2011 and related Statutory Guidance.

Recommendations

- 8.5 Council is requested to consider and approve the new Committee Cycle and Timetable set out at **Annex I**.

9. Distribution of Senior Salaries

- 9.1 Members occupying specific posts shall be paid a Senior Salary. In accordance with the Regulations, the rates of Senior Salaries and Civic Salaries shall be reviewed annually as determined by the Annual or Supplementary Report of the Independent Remuneration Panel for Wales. A Member of the Authority cannot be paid a Senior Salary and a Civic Salary.

Recommendation

- 9.2 That Council approves the proposed distribution of the available Senior Salaries (18) as set out in **Annex J**.

10. Democratic Services Structure and Staffing Resource

- 10.1 Section 9(h) of the Local Government (Wales) Measure 2011 places a duty on the statutory Head of Democratic Services to make reports and recommendations in respect of the number and grades of staff required to discharge democratic services functions. The structure set out in **Annex K** has been considered and supported by the Democratic Services Committee.

Recommendation

- 10.2 That Council endorses the structure of the Democratic Services section as set out in **Annex K**.

11. Constitution

- 11.1 The Council has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. Members will note that the Democratic Services Committee are presently undertaking a review of the Constitution

pursuant to a decision of Council in December 2020 and a report will be brought back to Council in 2021.

Recommendation

11.2 It is recommended that the Council's Constitution set out at (<https://www.npt.gov.uk/1129>) be reaffirmed and adopted including any amendments made at this meeting and that the Head of Legal and Democratic Services be granted delegated authority to amend the Neath Port Talbot County Borough Council Constitution in light of the changes highlighted in this report.

Financial Impacts:

There are no financial impacts associated with this report

Integrated Impact Assessment:

There is no requirement for an Integrated Impact Assessment as this is a report in respect of governance arrangements only

Valleys Communities Impacts:

There are no valley community impacts

Workforce Impacts:

There are no workforce impacts associated with this report

Legal Impacts:

The report discharges duties placed on the Council pursuant to the Local Government Act 1972

Risk Management Impacts:

Failure to ensure that the appropriate appointments are made could render the Council in breach of its statutory duties.

Consultation:

There will be no requirement for any consultation.

Recommendations:

It is recommended that Council:

- (1) Approve the amended Policy and Budget Framework as set out in **Annex A**.
- (2) Approve the proposals for the Executive arrangements for the Civic Year 2021/22 as set out in **Annex B** .
- (3) Approve the proposed size of the Council Committees and apportionment of seats to the political groups as set out in **Annex C**.
- (4) Approve the proposals for the Scrutiny arrangements for the Civic Year 2021/22 as set out in **Annexes C and D**.
- (5) Approve the proposals in respect of the revised “Other Committees”, arrangements for the Civic Year 2021/22 as set out in **Annex E** and confirm the new terms of reference of the Governance and Audit Committee as set out in **Annex F**
- (6) Approve the proposals in respect of the Staff Council and other Member/Officer Groups as set out in **Annex G**
- (7) Approve the proposals in respect of the Joint Committees, Outside and Other Public Bodies as set out in **Annex H** subject to the membership appointment to Joint Committees being approved by Cabinet at its meeting following Council.
- (8) Approve the Cycle and Timetable of Meetings for 2021/22, as set out in **Annex I** be approved;
- (9) Approve the proposed distribution of the available Senior Salaries as set out in **Annex J**.
- (10) Endorse the Democratic Services Structure and Staffing Resources, as set out in **Annex K**.
- (11) It is recommended that the Council’s Constitution set out at (<https://www.npt.gov.uk/1129>) be reaffirmed and adopted including any amendments made at this meeting and that the Head of Legal and Democratic Services be granted delegated

authority to amend the Neath Port Talbot County Borough Council Constitution in light of the changes highlighted in this report..

Reasons for Proposed Decision:

To ensure the Council is appropriately constituted pursuant to the Local Government Act 1972 and Local Government Act 2000

Implementation of Decision:

The decision is proposed for implementation immediately

Appendices:

None

List of Background Papers:

Constitution of Neath Port Talbot County Borough Council

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