

**Joint Report of the Chair of Council, Constitution Working Group and
Monitoring Officer**

Council – 26 July 2012

AMENDMENTS TO THE COUNCIL CONSTITUTION

Summary

Purpose:	To make amendments in order to simplify, improve and / or add to the Council Constitution.
Policy Framework:	None.
Reason for Decision:	1) To outline the appointment process for the Independent Lay Member of the Audit Committee; 2) To clarify exactly how petitions will be dealt with within the Authority.
Consultation:	Constitution Working Group, Legal and Finance.
Recommendation(s):	It is recommended that: 1) The Terms of Reference of the Appointments Committee be amended as follows: “3. Independent Lay Person(s) of the Audit Committee. a) To shortlist, interview and appoint, if appropriate, suitable Independent Lay Member(s) to the Audit Committee”. 2) The Petitions Procedure be adopted; 3) Responsibility for Functions, Licensing and Registration Functions be amended. 4) Any necessary amendments to the Council Constitution be carried out.
Report Author:	Huw G Evans
Finance Officer:	Paul Cridland
Legal Officer:	Rod Jones

1. Introduction

1.1 In compliance with the Local Government Act 2000, the City & County of Swansea has adopted a Council Constitution. A number of issues

have been arisen since adoption and in order to maintain the aims, principles and procedures set out in Articles 1 and 15 of the Council Constitution, it is proposed that the amendments set out below should be made to the Constitution.

- 1.2 The Constitution Working Group at its meeting on 9 July 2012 considered a report on the suggested Petitions Procedure and also a verbal report on the Appointments Committee becoming the body that should be responsible for short listing, interviewing and appointing Independent Lay Member(s) to the Audit Committee.

2. Delegated Minor Corrections to the Council Constitution

- 2.1 There are no minor corrections that have been made to the Council Constitution by the Head of Legal, Democratic Services and Procurement.

3. Part 3, Responsibility for Functions, Appointments Committee – Terms of Reference

- 3.1 Section 82 of the Local Government (Wales) Measure 2011 states that each Authority must appoint an Independent Lay Member(s) to sit on its Audit Committee.
- 3.2 An advert was placed in the South Wales Evening Post on 20 June 2012 asking for interested persons to complete and return their applications forms by 4 July 2012.
- 3.3 The method of appointing Independent Lay Member(s) has not yet been established. It is proposed that the Appointments Committee should carry out the role of short listing, interviewing and if appropriate appointing such persons.
- 3.4 It is therefore proposed that the Terms of Reference of the Appointments Committee be amended in order to include this function. The Terms of Reference would need to be added to as follows:

“3. Independent Lay Person(s) of the Audit Committee.

a) To shortlist, interview and appoint, if appropriate, suitable Independent Lay Member(s) to the Audit Committee”.

4. Petitions Procedure

- 4.1 The First Annual Meeting of Council held on 24 May 2012 resolved not to create a Petitions Committee. Following this decision petitions automatically defaulted back to Officers under

their delegated powers with Councillors no longer being involved in the process.

4.2 The Democratic Services and Complaints Manager was tasked with creating a Petitions Procedure that would enable Councillors to be involved in the process. This led to a number of meetings between key Officers and the Citizen, Community Engagement and Democracy Cabinet Member. From those meetings, the attached Petitions Procedure was developed.

4.3 The Petitions Procedure is attached as **Appendix A**.

5. Part 3, Responsibility for Functions, Licensing and Registration Functions

5.1 Items B3, B4, B5 and B32 be amended to add delegated authority status to the Head of Service to allow decisions to be made in respect of these matters for which the Head of Service has operational responsibility.

6. Financial Implications

6.1 There are no specific financial implications and everything proposed is within current budget.

7. Legal Implications

7.1 The Local Government (Wales) Measure 2011 requires that at least one Lay Member must be appointed to the Audit Committee.

7.2 The new Petitions Procedure will become part of the Council Constitution, under Part 5, Codes and Protocols.

Background Papers: None

Appendices: Appendix A – Petitions Procedure

Appendix A

Petitions Procedure

1. Petitions

- 1.1 From time to time members of the public will wish to make representations to the Council about a matter which is of general interest to a particular community.

2. Receipt of Petitions

- 2.1 Petitions received by the Authority shall be passed to the Democratic Services (DS) Team.
- 2.2 Should a Petitioner wish to formally present a Petition of normally over 30 signatures (see paragraph 3.2 below) to the Authority, s/he should give notice to the Democratic Services (DS) Team.

3. Determining the Validity of Petitions

- 3.1 Petitions shall only be considered if they are in relation to something which falls under the remit of the Authority. They will **not** be considered if they are in relation to:
- a) The conduct or rights of an individual or individuals;
 - b) Staff / Trade Unions matter of employment;
 - c) The same or substantially the same matter as an earlier petition received within the preceding six months;
 - d) Matters that must be decided by a separate Council body such as the Cabinet, Licensing Committee or Licensing Sub Committee in which case these petitions will be reported to the appropriate body and the petitioners invited to attend.
- 3.2 Petitions should normally have at least 30 signatures in order to validate them. However, the Portfolio Holder for Petitions shall have power to waive this requirement, should s/he determine that the subject of the petition affects a lesser number of people.
- 3.3 The DS Team would normally take the responsibility for determining whether a petition is valid. However, if there is uncertainty and the petition is lower than the required 30 signatures, the Portfolio Holder for Petitions shall determine the validity of the petition.
- 3.4 If the petition is deemed invalid, then the DS Team shall inform the Lead Petitioner of this and the relevant Department shall deal with it as general correspondence.

4. Petitions on related matters

- 4.1 The Authority often receives a number of petitions on related matters. Should 2 or more petitions be received on the same or substantially the same matters, then where possible, the Department will attempt to treat the matter as one issue.

5. Procedure for Dealing with Petitions

- 5.1 A flowchart showing the Petitions Procedure is shown below.

Petitions Procedure

