

**Joint Report of the Presiding Member, Monitoring Officer and
Head of Democratic Services**

Council – 6 January 2015

AMENDMENTS TO THE COUNCIL CONSTITUTION

Purpose:	To make amendments in order to simplify, improve and / or add to the Council Constitution.
Policy Framework:	None.
Reason for Decision:	A decision of Council is required to change the Council Constitution.
Consultation:	Finance, Legal
Recommendation(s):	It is recommended that: 1) The changes to the Council Constitution as outlined below in relation to a) Part 2, Article 15 “Review and Revision of the Constitution”; b) Part 3, Scheme of Delegation “Local Choice Functions”; c) Part 4, “Land Transaction Rules”; be adopted. 2) The People Cabinet Advisory Committee be renamed as the Communities Cabinet Advisory Committee; 3) The Place Cabinet Advisory Committee be renamed as the Services Cabinet Advisory Committee.
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Legal Officer:	Patrick Arran / Tracey Meredith

1. Introduction

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

2. Delegated Minor Corrections to the Council Constitution

- 2.1 There are no delegated minor corrections to the Council Constitution.

3. Amendments to the Council Constitution

- 3.1 This report outlines a number of suggested amendments to the Council Constitution. The amendments are within the following area of the Council Constitution:

- a) Part 2 - Article 15 'Review and Revision of the Constitution';
- b) Part 3 - Scheme of Delegation;
- c) Part 3 - Terms of Reference.
- d) Part 4 - Land Transaction Procedure Rules.

4. Part 2 - Article 15 'Review and Revision of the Constitution

- 4.1 Paragraph 15.3.1 "Changes to the Constitution - Approval" states:

"Changes to the Council Constitution may only be made be Council after consideration of a report by the Presiding Member, Monitoring Officer, Head of Democratic Services and / or Head of Paid Service except where any changes are to make any updates required by:

- a) *New Legislation or Changes to the Existing Law;*
- b) *Changes to the Officer structure or changes of responsibility within the Officer Structure;*
- c) *The need to correct any administrative or typing errors.*

Changes to the Constitution which fall under sub paragraphs a), b) or c) may be made solely by the Monitoring Officer".

- 4.2 It is recommended that sub paragraph a) be deleted and it be replaced with "a) Legislation".

5. Part 3 - Scheme of Delegation - "Local Choice Functions"

- 5.1 Function "J9 - Powers related to Public Rights of Way, Commons Registration and Village Green".

- 5.1.1 Add "Section 53 Wildlife and Countryside Act 1981" to the column titled 'Provision of Act or Statutory Instrument'.

- 5.2 Function "J10 - Powers related to the Diversion, Extinguishment and Creation of public paths where no objections have been received".

- 5.1.1 Add "Section 53 Wildlife and Countryside Act 1981" to the column titled 'Provision of Act or Statutory Instrument'.

6. Part 3 – People Cabinet Advisory Committee

- 6.1 It is proposed to rename the People Advisory Committee as the Communities Cabinet Advisory Committee.
- 6.2 This change is proposed so as to avoid any confusion relating to the names of the Directorates within the Authority and the work of the Cabinet Advisory Committee.

7. Part 3 – Place Cabinet Advisory Committee

- 7.1 It is proposed to rename the Place Advisory Committee as the Services Cabinet Advisory Committee.
- 7.2 This change is proposed so as to avoid any confusion relating to the names of the Directorates within the Authority and the work of the Cabinet Advisory Committee.

8 Part 4 - Land Transaction Procedure Rules.

- 8.1 This report was initially submitted to Council on 4 November 2014 however it was withdrawn prior to consideration in order to allow discussion at the Constitution Working Group.
- 8.2 The Constitution Working Group met on 1 December 2014 and considered the item and recommended that one amendment be made prior to it being recommended to Council for adoption. The amended version is attached as **Appendix A**.
- 8.3 The Land Transaction Procedure Rules be amended as outlined using Tracked Changes in **Appendix A**.

9. Equality and Engagement Implications

- 9.1 An Equality Impact Assessment (EIA) screening process took place prior to the consultation period. The outcome indicated that it was low priority and a full report was not required.

10. Financial Implications

- 11.1 There are no specific financial implications associated with this report.

12. Legal Implications

- 12.1 There are no specific legal implications associated with this report. The amended version of the Council Constitution will be available at www.swansea.gov.uk/constitution

Background Papers: None.

Appendices:

Appendix A	Land Transaction Procedure Rules - Tracked Changes
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