

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

**Council – 22 October 2015**

**AMENDMENTS TO THE COUNCIL CONSTITUTION**

<b>Purpose:</b>	To make amendments in order to simplify, improve and / or add to the Council Constitution.
<b>Policy Framework:</b>	None.
<b>Reason for Decision:</b>	A decision of Council is required to change the Council Constitution.
<b>Consultation:</b>	Access to Services, Finance, Legal
<b>Recommendation(s):</b>	It is recommended that:  1) The changes to the Council Constitution as outlined in Paragraph 4 of the report together with any further consequential changes be adopted.
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**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 4 - Rules of Procedure - Council Procedure Rules.

#### 4. Council Procedure Rule 26 “Public Presentations and Question Time”

- 4.1 As part of the Council’s drive to be open and transparent, the Council Constitution was amended some years back in order to accommodate questions from members of the public. This is set out in Council Procedure Rule 26.1. Council Procedure Rule 26.1 states:

*“After giving notice of the text thereof in writing to the Proper Officer not later than noon on the previous day, any Member(s) of the Public may, at the appointed time of the open sessions of each Council meeting, ask question(s) of any Cabinet Member, Chair or Vice Chair of any Committee or Board of the City and County of Swansea on any matter on the open part of the agenda of the respective meeting excluding Apologies for Absence, Councillors Disclosures of Interest, Minutes of Previous Meeting(s), Announcements and Public Presentations”.*

- 4.2 Council Procedure Rule (CPR) 25 “Answers to Questions” sets out the form that an answer may take. Council Procedure Rule 25.1 c states:

*“When the reply to the question cannot conveniently be given forthwith, a written answer be sent to the Councillor asking the question. **Such written answers will be made available to all Councillors**”.*

- 4.3 The requirement of CPR 25 is addressed by Council Procedure Rule 9 “Ordinary Meeting of Council”. CPR 9 sets out the Order of Business to be transacted at an Ordinary Meeting of Council. CPR 9 states that any written responses to questions asked at the last Ordinary Meeting of Council shall be placed on the Council Summons of an Ordinary Meeting of Council.

- 4.4 It is proposed to:

- a) Re-categorise the “Written responses to questions asked at the last Ordinary Meeting of Council” report as one of the excluded items listed in CPR 26.1. This would mean that Public Questions shall not be permitted on these written responses;
- b) Re-order CPR 9 so that the item “Written responses to questions asked at the last Ordinary Meeting of Council” be listed following item 9 e. “Deal with any business having precedence by statute”.

## **5. Equality and Engagement Implications**

- 5.1 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.

## **6. Financial Implications**

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

## **7. Legal Implications**

- 7.1 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](http://www.swansea.gov.uk/constitution)

**Background Papers:** None.

### **Appendices:**

<b>Appendix A</b>	None.
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