

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

Council - 17 December 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:	Access to Services, Finance, Legal
Recommendation(s):	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 3 - Terms of Reference;
- b) Part 4 - Rules of Procedure - Council Procedure Rules.

4. Part 3 - Terms of Reference - Swansea Student Liaison Forum and the Residents Partnership Meeting

4.1 There are no longer University provided student accommodation in the Mayals and Oystermouth Electoral Wards.

4.1.1 It is therefore proposed to amend the terms of reference of both bodies listed above so as to remove the Councillor representation of Mayals and Oystermouth. The Membership of Committees list will also need to be amended.

4.2 Council Procedure Rules

4.2.1 The following has been discussed at and agreed at the Constitution Working Group on 25 February 2015. Following the recent refurbishment and modernisation of the Council Chamber, Guildhall there is a need to review elements of the Council Procedure Rules in order to ensure that they allow for Electronic Voting.

4.3 Council Procedure Rule (CPR) 17.2 “Rules of Debate - Standing When Speaking”

4.3.1 This Council Procedure Rule states:

“A Councillor, when speaking, must stand and address the Presiding Member; all others must remain seated and silent, unless rising to a point of order or in personal explanation or on a point of information.”

4.3.2. In order to ensure that the cameras within the Council Chamber within the Guildhall capture the image of the person speaking, it is important to decide whether Councillors should stand or sit when at meetings.

4.3.3 The historic practice within the Authority is for Councillors to stand when speaking at Council meetings and for them to remain seated when speaking at Cabinet, Committee and other meetings.

4.3.4 It is therefore proposed to amend CPR 17.2 to reflect the current practice as outlined below:

Proposed New Council Procedure Rule 17.2

“A Councillor, when speaking at Council, must stand and address the Presiding Member; all others must remain seated and silent, unless rising to a point of order or in personal explanation or on a point of information.

This Procedure Rule does not apply to other Council Body meetings such as Cabinet, Committees etc.”

4.4 Council Procedure Rule (CPR) 30.1 “Voting”

4.4.1 This Procedure Rule states that:

“1 Every question shall be determined by a show of hands.

4.4.2 In order to accommodate e-Voting, it is proposed to amend the Procedure Rule as follows:

“1 Every question shall be determined by a show of hands unless there is an Electronic Voting system available, in which case that system shall be used”.

4.5 Council Procedure Rule 30.2 outlines the procedure for a Named (Recorded) Vote. Whilst there is no requirement to amend the Procedure Rule, it is proposed that all e-votes taken in Council be published online. Only, those votes subject to a named / recorded vote will be displayed in the minutes.

4.5.1 It is therefore proposed to add a Council Procedure Rule 30.5 as follows:

“All results of e-votes taken at Council and any other Council Bodies will be published online but not as part of the minutes”.

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

Background Papers: None.

Appendices: None