

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

**Council – 24 November 2016**

**AMENDMENTS TO THE COUNCIL CONSTITUTION**

<b>Purpose:</b>	To make amendments in order to simplify, improve and / or add to the Council Constitution. A decision of Council is required to change the Council Constitution.
<b>Policy Framework:</b>	None.
<b>Consultation:</b>	Access to Services, Finance, Legal, Internal Audit
<b>Recommendation(s):</b>	It is recommended that:  1) The changes to the Council Constitution as outlined in Paragraph 4 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 – Financial Procedure Rules.

#### **4 Financial Procedure Rules**

4.1 Financial Procedure Rule (FPR) 11 “Accounting for Expenditure and Income” needs to be amended so as to remove reference to the Cabinet Member with responsibility for Finance”.

4.2 FPR 11.6 **currently** states:

“11.6 Debts which are not recoverable must be written off. The Chief Financial Officer must approve all write off of debts up to £10,000. Debts above £10,000 may be written-off with the approval of the Chief Financial Officer, the Cabinet Member with responsibility for Finance and the Cabinet Member responsible for the relevant service.”

4.3 On the grounds of efficiency and because the Head of Legal and Democratic Services has also been involved in writing off debts with a view to ensuring that all appropriate legal options for recovery have been considered, it is proposed that FPR 11.6 **be re-drafted** as follows:

“11.6 Debts which are not recoverable must be written off. The Chief Financial Officer must approve all write off of debts up to £10,000. Debts above £10,000 may be written-off with the approval of the Chief Financial Officer, the Head of Legal and Democratic Services and the Cabinet Member responsible for the relevant service.”

#### **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**

5.1 There are no specific financial implications associated with this report.

#### **6. Legal Implications**

6.1 Council has to approve the amendment to the Constitution. A report which outlined the proposed constitutional change went to Audit Committee on 25 October 2016. 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:** None.