

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

Annual Meeting of Council – 25 May 2017

AMENDMENTS TO THE COUNCIL CONSTITUTION

Purpose:	To make amendments in order to simplify, improve and / or add to the Council Constitution.
Policy Framework:	None.
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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Legal Officer:	Tracey Meredith
Access to Services Officer:	Sherill Hopkins

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 suggested amendment to the Council Constitution. The amendments are within the following area of the Council Constitution:

a) Part 3 - Responsibility for Functions – Terms of Reference.

4. Part 3 - Responsibility for Functions – Terms of Reference – Planning Committee

4.1 Council at its meeting on 28 January 2016 reaffirmed that Councillors had to receive planning training prior to attending the Planning Committee as a member. It is proposed that a line as outlined in paragraph 4.3 be added to the Planning Committee' Terms of Reference.

4.2 The following legislation has recently come into force:

- i) Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017. (Section 39 of the Planning (Wales) Act 2015);
- ii) Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2017.

4.3 The Authority is already compliant with this legislation. However the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2017 also provides that Authorities **must** include in their standing orders the requirements of the legislation. Therefore as the standing orders have to be amended it is proposed that the following is added to the Planning Committee' Terms of Reference:

“Note:

- 1) Pursuant to the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2017**
 - i) Each meeting of the Planning Committee must have a quorum of 50% to make decisions; and
 - ii) The use of Substitute Members is prohibited.
- 2) Pursuant to the Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017. (Section 39 of the Planning (Wales) Act 2015)**
 - i) The Planning Committee must contain no fewer than 11 members and no more than 21 members, but no more than 50% of the Authority Members (rounded up to the nearest whole number);
 - ii) Where wards have more than one elected member, only one member may sit on the Planning Committee, in order to allow other ward members to perform the representative role for local community interests.”
- 3) Councillors must receive planning training prior to attending the Planning Committee as a member.**

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 financial impacts associated with this report.

7. Legal Implications

- 7.1 There are no legal implications associated with this report other than those identified within it.
- 7.2 The amended version of the Council Constitution will be available at www.swansea.gov.uk/constitution

Background Papers: None

Appendices: None.