



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

Council - 22 November 2018

Amendments to the Council Constitution

Purpose:	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.
Policy Framework:	Council Constitution.
Consultation:	Access to Services, Finance, Legal & Constitution Working Group.
Recommendation(s):	It is recommended that: 1) The amendments to the Council Constitution as outlined in Paragraphs 4-11 together with any further consequential changes be approved.
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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. From time to time it is necessary to review the Council Constitution in line with legislative requirements and to ensure good governance arrangements.
- 1.2 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.

1.3 The terms of reference of the Constitution Working Group includes keeping under review the Council Constitution and to make appropriate recommendations for change.

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 “Responsibility for Functions” - Corporate Parenting Board & Pension Fund Committee Terms of Reference;
- b) Part 4 “Rules of Procedure” - Council Procedure Rules - “Extraordinary Meeting of Council” and “Public Presentation & Question Time”;
- c) Part 4 “Rules of Procedure” - Cabinet Procedure Rules - “Call In Procedure”;
- d) Part 4 “Rules of Procedure” - Contract Procedure Rules - Dispensations, Single Tender Procedures and Waivers;
- e) Part 6 “Councillors’ Allowances Scheme”.

4. Part 3 “Responsibility for Functions” – Corporate Parenting Board Terms of Reference

4.1 The Corporate Parenting Board at its meeting on 15 October 2018 asked that its Terms of Reference be amended in order to allow the Board to meet quarterly instead of every 2 months.

4.2 It is proposed to amend Paragraph 7. a) of the Terms of Reference to read:

“7 a) The Board would normally meet on a quarterly basis but may meet as required”.

5. Part 3 “Responsibility for Functions” - Pension Fund Committee Terms of Reference

5.1 Currently Council has a duty to approve the Authority’s Statement of Accounts, including the Pension Accounts. Following a recent change to Regulations, as a simplification measure, the Pension Accounts no longer have to form part of the main accounts, and thus do not necessarily require Council approval as part of the accounts process.

- 5.2 The Chief Finance Officer believes that the Pension Fund Committee is the best placed body with the relevant expertise to approve these accounts, given all other Pension matters are already delegated to it by Council. It is therefore proposed be amend the Terms of Reference of the Pension Fund Committee by adding the following paragraph:

“12. To approve the Authority’s Pension Statement of Accounts”.

6. Part 4 “Rules of Procedure” - Council Procedure Rules - Extraordinary Meeting of Council

- 6.1 The Council Procedure Rules relating to “Extraordinary Meeting of Council” excludes “Announcements / Communications from the Presiding Member”, “Announcements / Communications from the Leader of the Council” and “Public Questions” being made at the meeting. In order to ensure there is a platform for such announcements to be made and to maintain the Council’s approach to being open and transparent, it is suggested that the three areas be added to the list outlined in Council Procedure Rule 10 “Extraordinary Meeting of Council”.

7. Part 4 “Rules of Procedure” - Council Procedure Rules - Public Presentations and Question Time

- 7.1 Council Procedure Rule 26 relates to “Public Presentations and Question Time”. This Procedure Rule has evolved over time and during the past 3 years, the working practice has been to limit Public Presentations to third sector organisations such as disability groups and other organisations such as the Fire Brigade, Police etc. It is proposed to amend this Procedure Rule in order to clarify this.

- 7.2 It currently reads:

“26.5 At the discretion of the Presiding Member any Swansea resident may make a presentation to Council on a matter for which the Council has responsibility. Presentations will be allocated on a first come, first served basis.”

- 7.3 It is proposed that it be amended to read:

“26.5 At the discretion of the Presiding Member any Third Sector Organisation or other Organisation may make a presentation to Council on a matter for which the Council has responsibility. Presentations will be allocated on a first come, first served basis.”

- 7.4 The title of Council Procedure Rule 26 will also need to be amended to read “Presentations & Public Question Time”.

8. Part 4 “Rules of Procedure” - Cabinet Procedure Rules - Order of Business

- 8.1 The working practice for Cabinet Meetings allows the Leader of the Council to make announcements at the meeting. It is proposed to formalise this working practise by amending Cabinet Procedure Rule 14 “Order of Business”. The following line is to be added as 14 d) and to renumber as necessary:

“Announcements / Communications from the Leader of the Council”.

9. Part 4 “Rules of Procedure” - Cabinet Procedure Rules - Call In Procedure

- 9.1 Council at its meeting on 26 July 2018 adopted a new Call In Procedure which is set out within the Cabinet Procedure Rules. Cabinet Procedure Rule 18.3 outlines the “Validity of Call In”. Within that section it states:

“18.3.1 It is not made by midnight on the 3rd clear working day of the publication of the decision;”

- 9.2 This paragraph has led to some confusion and in order to provide absolute clarity it is proposed to amend the reference “midnight” to read “23.59”. This shortens the period to allow a valid Call In by one minute, however, the deadline date and time become clearer.

10. Part 4 “Rules of Procedure” - Contract Procedure Rules - Dispensations, Single Tender Procedures and Waivers

- 10.1 Contract Procedure Rule 20 relates to “Dispensations, Single Tender Procedures and Waivers”. The Procedure Rule currently places a duty on the Monitoring Officer to consider approving or waiving all Dispensations, Single Tender Procedures and Waivers and that a register be kept.
- 10.2 The Monitoring Officer is not the best placed Officer to carry out this work and it is therefore proposed that the duty should be transferred to the Head of Commercial Services.

11. Part 6 “Councillors’ Allowances Scheme”.

- 11.1 The Councillors’ Allowance Scheme sets out the Allowances Scheme for Councillors and Co-opted Members together with the rates paid.
- 11.2 The Independent Remuneration Panel for Wales (IRPW) determines the remuneration of Councillors and Co-opted Members in its Annual Reports. The Authority is under a duty to annually publish the [“Member’ Schedule of Remuneration”](#) on its website.

- 11.3 This requirement effectively makes this section of the Council Constitution redundant. It is therefore proposed to delete the content of Part 6 “Councillors’ Allowance Scheme” in its entirety and to replace it with the following line:

“Information relating to Councillor and Co-opted Members’ Remuneration may be viewed at [Member’ Schedule of Remuneration](#).”

12. Financial Implications

- 12.1 There are no financial implications associated with this report.

13. Legal Implications

- 13.1 There are no legal implications associated with this report.

14. Equality and Engagement Implications

- 14.1 There are no equality and engagement implications associated with this report.

Background Papers: None

Appendices: None