



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

Council - 25 July 2019

Amendments to the Council Constitution

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| 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 Paragraph 4-6 together with any further consequential changes be approved; 2) The Chair of the Equalities & Future Generations Committee shall be paid a Senior Salary. |
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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 Article 15 “Review and Revision of the Constitution” allows the Monitoring Officer to make changes / updates to the Council Constitution in relation to:

- a) Legislation;
- b) Changes to the Officer structure or changes of responsibility within the Officer Structure;
- c) The need to correct any administrative or typing errors.

- 2.2 Following discussions with the Chief Finance Officer, the Monitoring Officer has made a number of minor changes to the Financial Procedure rules under paragraphs b) and c) above. These changes may be viewed, showing all of the amendments as tracked changes in **Appendix A** of the report.

- 2.3 These changes are reported for information only.

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 2 “Articles of the Constitution” - “Article 4 “The Council Meeting”;
- b) Part 3 “Responsibility for Functions” - “Scheme of Delegation”;
- c) Part 3 “Responsibility for Functions” - “Policy Development Committees (PDCs)”.

4. Part 2 “Articles of the Constitution” - “Article 4 “The Council Meeting”

- 4.1 Article 4 “The Council Meeting” sets a list of Policies, Strategies and Plans which specifically require Council to determine. The Chief Legal Officer and the Head of Democratic Services are in the process of conducting a review of Article 4 of the Council Constitution in order to update the list based on legislative change and to remove Policies, Strategies and Plans that no longer exist.
- 4.2 There are some Policies, Strategies and Plans that have been identified as being able to be considered at this stage. These are listed below:

Part A - Required by the Local Authority Executive Arrangements (Functions and Responsibilities) (Wales) (Regulations) 2007 (as amended) to be adopted by the Council, namely:

| Name of Policy / Strategy / Plan | New Name of Policy Strategy / Plan | Action Required |
|-----------------------------------------|---------------------------------------------------------|------------------------|
| Corporate Improvement Plan | Corporate Plan 2018/22 (inc. Well-Being Objectives) | Name Change |
| Development Plan (UDP) | Local Development Plan (LDP) | Name Change |
| Rights of Way Improvement Plan | Countryside Action Plan | Name Change. |
| Welsh Language Scheme | Welsh Language Strategy (inc. Welsh Language Standards) | Name Change |

Part C - In addition the Council have adopted the following Strategies and Plans:

| Name of Policy / Strategy / Plan | New Name of Policy Strategy / Plan | Action Required |
|---------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|---------------------------------------|
| Countryside Access Plan | No change | Delete from Part C and Add to Part A. |
| Disability Equality Scheme | Strategic Equality Plan 2016-2020 | Name Change |
| Domestic Abuse Strategy | Violence Against Women, Domestic Abuse & Sexual Violence Strategy (VAWDASV) | Name Change |
| Housing Multiple Occupation Licensing Policy | Houses in Multiple Occupation (HMO) Licensing Policy | Name Change |
| Policy & Procedure for the Appointment of LA Governors and the Establishment of an LA Panel | LA Governor Appointments Procedure | Name Change |
| Protocol for the Election of the Lord Mayor | Lord Mayor & Deputy Lord Mayor Protocol | Name Change |
| Provision of ICT Support to Members | Councillors Information, Communication & Technology (ICT) Allowances | Name Change |

| | | |
|-------------------------------------------------------------|--------------------------------------------------------|-------------|
| Race Equality Scheme | Strategic Equality Plan 2016/20 | Name Change |
| Safer Swansea Partnership Strategy | Safer Swansea Community Safety Strategy | Name Change |
| Swansea 2020 - Swansea's Economic Regeneration Strategy | Swansea Bay City Region Economic Regeneration Strategy | Name Change |
| United Nations Convention on the Rights of the Child (1989) | Child & Young People's Rights Scheme | Name Change |

4.3 Tawe Riverside Corridor Strategy, Master Plan & Action Plan

- 4.3.1 New investment interest in the Tawe Riverside area, particularly along the Morfa Road corridor and at the Hafod Morfa Copperworks site has raised the profile of this area and generated a significant momentum for further regeneration. A new Strategy is currently required to supplement the Swansea Local Development Policy that relates to the Tawe Riverside area (Policy SD L).
- 4.3.2 A previous Tawe Riverside Corridor Strategy, Masterplan and Action Plan prepared by consultants Hyder, was adopted by the Council in 2006 as supplementary planning guidance to the Swansea Unitary Development Plan. Many of the development and infrastructure schemes identified through that Strategy have been successfully delivered, and a new updated Strategy is now required which takes full account of new national policies, new planning and technical guidance and supplements statutory planning policy.
- 4.3.3 The Swansea Local Development Plan (2019) adopted earlier this year, currently sets out the most up to date statutory planning policies, site specific place making principles and development requirements for the Tawe Riverside, along with a concept plan for the area. The LDP highlights that supplementary planning guidance will be prepared separately to support the plan. Such supplementary planning guidance will not represent new policy, but effectively provides an additional level of detailed information to guide and inform development and enhancements proposals based on the principles already set out in the LDP.
- 4.3.4 With an adopted LDP in place, the Council's Planning Committee is delegated to approve draft supplementary planning guidance for public consultation, and also following consultation, Planning Committee is delegated to adopt the final versions post amendments. However, Part 2 Article 4 of the Council Constitution sets out a broad list of documents which for various historic reasons are required to be presented to Council for approval, and Tawe Riverside Corridor Strategy is one of the documents included on that list.

4.3.5 In line with current legal advice, and in the interest of providing a consistent format for the adoption of supplementary planning guidance to the Swansea Local Development Plan (2019), it is recommended that:

- i) The Tawe Riverside Corridor Strategy, Masterplan and Action Plan be removed from Part 2 of Article 4 of the Council Constitution;
- ii) The Planning Committee be delegated to approve draft supplementary planning guidance for public consultation, and also following consultation, Planning Committee is delegated to adopt the final versions post amendments.

5. Part 3 “Responsibility for Functions” - “Scheme of Delegation”

5.1 The Functions Relating to Town & Council Planning and Development Control as set out in the Scheme of Delegation need to be amended so as to include the “Power to Revoke Planning Permission”. This power is permitted under Section 97 of the Town and Country Planning Act 1990. This power needs to be added:

| No | Function | Provision of Act or Statutory Instrument | Delegated To |
|-----------|--------------------------------------------------|------------------------------------------------------|---------------------|
| A61 | Power to require the Revocation of a Use of Land | Section 97 of the Town and Country Planning Act 1990 | HoP&CR |

6. Part 3 “Responsibility for Functions” - “Policy Development Committees (PDCs)”

- 6.1 This Council has to renew its’ Strategic Equality Plan by 2020 and ensure that the Well Being of Future Generations is at the heart of all decision / policy making. The Council at its meeting on 27 June 2019 resolved to adopt a Notice of Motion in relation to Climate Emergency.
- 6.2 Following on from this resolution and aiming to commence the work of seeking to assist with the Climate Emergency, Equality Planning and Wellbeing of Future Generations, it is proposed to rename and amend the terms of reference of the Transformation & Future Council Policy Development Committee (PDC) as the Equalities and Future Generations Committee.
- 6.3 This proposal stems from the fact that the work plan of the Transformation & Future Council PDC contains many agenda items relating to equality and future generation issues.

- 6.4 The newly created Equalities & Future Generations Committee will still comprise of 12 Councillors and be politically balanced. This is currently 8 Labour Councillors, 2 Liberal Democrats / Independent Councillors and 2 Conservative Councillors. It is proposed that the membership remains the same, unless indicated otherwise by the Political Group Leaders.
- 6.5 The Chair of the Equalities & Future Generations Committee shall be paid a Senior Salary.
- 6.6 The proposed terms of reference for the Committee are:
- i) To support the Council in complying with Equality and Welsh Language legislation and regulations in relation to staff, elected members, members of the public, visitors and others closely associated with the City & County of Swansea.
 - ii) To promote an inclusive, supportive, healthy and equitable working environment that is consistent with the Corporate Objectives, Strategic Equality Plan, Welsh Language Scheme and Social Inclusion Strategy.
 - iii) To ensure that the Council implements all actions and plans emanating from policy including undertaking Equality Impact Assessments (EIAs) in relation to all services and budgets.
 - iv) To ensure appropriate equality and diversity training and developments is provided and accessible to all staff, elected members and others associated with the Council.
 - v) Monitor data, trends and the assessment of impact of policies, procedures, criteria and practices in relation to compliance with Equality and Welsh Language legislation and regulations.
 - vi) To develop Council Corporate Priorities in relation to Equalities & Future Generations.

7. Financial Implications

- 7.1 There are no financial implications associated with this report as the Chair already gets paid a Senior Salary. The proposal is a Committee name change and amended terms of reference. The number of Senior Salary holders remains at 19.

8. Legal Implications

- 8.1 There are no legal implications associated with this report other than those referred to within the report.

9. Equality and Engagement Implications

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

Background Papers: None

Appendices: Appendix A – Amended Financial Procedural Rules