



Report of the Monitoring Officer

Council – 20th May 2021

Amendments to the Council Constitution

Purpose: The report presents the necessary changes made to the Constitution following the commencement of certain sections of the Local Government and Elections (Wales) Act 2021

Report Author: Tracey Meredith

Finance Officer: Ben Smith

Access to Services Officer: Rhian Millar

For Information

1. Background

1.1 In compliance with the Local Government Act 2000, the City and County of Swansea has adopted a Council Constitution. It is necessary to review the Constitution occasionally to ensure good governance arrangements and to keep it in line with legislative requirements.

2. Local Government and Elections (Wales) Act 2021

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 The Local Government and Elections (Wales) Act 2021 (the Act) has brought into effect several necessary legislative changes to the Constitution. The changes are:

- (a) Changes to the Terms of Reference of the Audit Committee to reflect the name change to Governance and Audit Committee and additional responsibilities under Part 5 s 115 of the Act as attached at Appendix 1.
- (b) To change the reference in the Constitution at Part 1 paragraph 3 to councillors being elected for 4 years to 5 years under Part 1 s 14 of the Act which provides for electoral cycles of principal councils to change from 4 years to 5 years.
- (c) To amend paragraph 50 of Section 4.1 Council Procedure Rules to reflect the amendment to the Local Government (Wales) Measure 2011 which provided that an authority may make standing orders about remote attendance with a quorate number of 30% of the total of members present. The Local Government and Elections (Wales) Act 2021 amends those provisions and provides that local authorities **must** make and publish arrangements which enables persons who are not in the same place to attend meetings. There is only one amendment to make to this section, which is attached at Appendix 2.
- (d) To amend Part 4.2 Rules of Procedure so that the rules comply with Schedule 4 of the Local Government and Elections (Wales) Act 2021 relating to notice of local authority meetings and accessing documentation for meetings. The amendments reflect the legislative requirements and are attached at Appendix 3.

3. Other changes to Constitution

- 3.1 To add to Part 3.1 – Responsibility for Functions (Introduction – Scheme of Delegation) to reflect changes of responsibility within the officer structure relating to Section 9 – Licensing and Registration Functions B33 and B34 which relate to Power to register common land or town or village greens and Power to register variation of rights of common.

It has been agreed that as part of the restructuring of the legal department that the functions of the Council as Commons Registration Authority shall be exercised by the Head of Planning and City Regeneration and not the Chief Legal Officer. The decision to transfer these delegated functions is in recognition of the fact that the Head of Planning and City Regeneration currently has operational responsibility for the management of public rights of way and local land charges and the Head of Planning and City Regeneration is best placed to exercise the additional functions attaching to the role of the Commons Registration Authority. The changes are set out at Appendix 4 attached.

4. Integrated Impact Assessment

4.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

There is no requirement for an Integrated Impact Assessment for this report as this relates to changes that are required to the Constitution following legislative changes.

5. Legal Implications

5.1 The changes reflect those changes necessary under the Local Government and Elections (Wales) Act 2021 and reflect changes to officer structure.

6. Financial Implications

6.1 There are no financial implications.

Background papers: *None*

Appendices:

Appendix 1 – Changes to the terms of reference of the Governance and Audit Committee

Appendix 2 – Changes to Part 4.1 Council Procedure Rules

Appendix 3 – Changes to Part 4.2 Access to Information Procedure Rules

Appendix 4 – Responsibility for Functions