



Report of the Monitoring Officer

Council – 17 March 2022

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 and recent senior management structure changes

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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) That a principal council must appoint a Chief Executive and therefore reference to Head of Paid Service is removed.
- (b) The Chief Executive has specific functions under the Act which are set out in paragraph 12.4.
- (c) The Head of Democratic Services and functions of the Head of Democratic Services have been added at paragraph 12.10.
- (d) Changes to the Functions of Statutory Officers including restrictions on post.

3. Other changes to Constitution

- 3.1 Council approved changes to the Senior Management Structure in November 2021. As a result, and following a recruitment process, changes need to be made to reflect the following:
 - (a) The appointment of a Director of Finance who undertakes the statutory Chief Finance (s 151) role and areas of responsibility;
 - (b) The redesignation of the Deputy Chief Executive/Director of Resources to Deputy Chief Executive/Director of Corporate Services and areas of responsibility;
 - (c) The addition of the Head of Vulnerable Learner Service in the Education Directorate and role description;

4. Integrated Impact Assessment

- 4.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, 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 Acts.
 - 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.
 - Deliver better outcomes for those people who experience socio-economic disadvantage
 - Consider opportunities for people to use the Welsh language
 - Treat the Welsh language no less favourably than English.
 - Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 4.2 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

4.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

4.4 There is no requirement for a full 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 Article 12 - Officers