



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

Council - 30 March 2023

Amendments to the Council Constitution - Constitution Working Group Terms of Reference & Membership & Financial Procedure Rules

Purpose:	To make amendments 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
Recommendation(s):	It is recommended that: 1) The amendments to the Council Constitution as outlined in Paragraph 4.2 be approved. 2) Councillor E W Fitzgerald be removed, and Councillor M H Jones be added to the Constitution Working Group. 3) The amendments to the Council Constitution as outlined in Paragraph 5.3 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 Several issues have arisen since adoption and to maintain the aims, principles and procedures set out in Articles 1 and 15 of the Council Constitution, it is proposed that the amendment 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.
- 1.4 The Constitution Working Group considered both issues on 14 March 2023 and recommend both to Council for adoption.

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 areas of the Council Constitution:
 - a) Part 3.2 “Responsibility for Functions” Constitution Working Group Terms of Reference.
 - b) Part 4.6 “Rules of Procedure” Financial Procedure Rules.

4. Part 3.2 “Responsibility for Functions” Constitution Working Group Terms of Reference

- 4.1 Paragraph 6.1a) currently reads:

“This Group is exempt from the Committee Balance Rules in order to allow the following membership and representation by each Political Group: Presiding Member, Deputy Presiding Member, Leader & Deputy Leader of Ruling Group and Largest Opposition Group, Leader of other Political Groups and Cabinet Member with responsibility for Constitutional matters.”

- 4.2 It is proposed that this paragraph be amended to read:

“This Group is exempt from the Committee Balance Rules to allow the following membership and representation by each Political Group: Presiding Member, Deputy Presiding Member, Leader & Deputy Leader

*of Ruling Group and Largest Opposition Group, Leader of other Political Groups and Cabinet Member with responsibility for Constitutional matters. **Note:** Each Political Group Leader may substitute their Deputy Political Group Leader with another of their Group Members if required but the membership must be approved by Council.”*

5. Part 4.6 “Rules of Procedure” Financial Procedure Rules

5.1 Financial Procedure Rule (FPR) 11 refers to Accounting for Income & Expenditure.

5.2 FPR 11.6 currently reads:

“11.6 Debts which are not recoverable must be written off. The Chief Finance Officer must approve all write off of debts up to £10,000. Debts above £10,000 must be written-off with the approval of the Chief Finance Officer, the Chief Legal Officer, and the Cabinet Member responsible for the relevant service.”

5.3 It is proposed that this paragraph be amended to read:

“11.6 Debts which are not recoverable must be written off. The Chief Finance Officer must approve all write off of debts up to £10,000. Debts above £10,000 must be written-off with the approval of the Chief Finance Officer and the Chief Legal Officer”.

5.4 Debts are written off for a variety of reasons but largely following legal advice owing to businesses going into receivership, unable to trace debtors or limitation issues meaning that legal proceedings cannot be initiated. There is no legal requirement for Cabinet members to sign off debts save under the Finance Procedure Rules. It is therefore felt that it is more appropriate and a better use of resources for the Chief Legal Officer and Chief Finance Officer to continue to sign off debts over £10,000 based on advice provided to them.

6. Integrated Assessment Implications

6.1 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.

6.2 The Well-being of Future Generations (Wales) Act 2005 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'.

6.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also considers 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.

6.4 An IIA Screening Form has been completed and no adverse implications have been noted.

7. Financial Implications

7.1 There are no financial implications associated with this report.

8. Legal Implications

8.1 There are no legal implications associated with this report.

Background Papers: None.

Appendices: None.