



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

Annual Meeting of Council – 18 May 2023

Amendments to the Council Constitution – Part 5 Codes and Protocols. Officer/Councillor Relations Protocol

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 3 and attached at Appendix B are approved.
Report Author:	Tracey Meredith
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar

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 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 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.

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 5 – Codes and Protocols
Section 4 – Officer/Councillor Relations Protocol

3.2 The Officer/Councillor Relations Protocol attached at Appendix A has not been reviewed for some considerable time. The Monitoring Officer has therefore reviewed and amended the Protocol. Much of the Protocol remains the same particularly around Officer support but there are some changes highlighted as follows:

- An additional section entitled “Dealing with Disputes” which includes procedures for dealing with member/officer complaints including reference to the group leader in light of new group leader duty under the Local Government and Elections (Wales) Act and specific reference to mediation with a view to resolving any issues.
- A new section on respect and courtesy including undue pressure and familiarity between members and officers.
- Reference to the Code of Recommended Practice for Local Authority Publicity in the Publicity and Press Release section.
- Reference in paragraph 62 to publicity around ward visits may include ward members as well as Cabinet members.

3.3 Attached at Appendix B is a draft version of the Officer/Councillor Relations Protocol which members are asked to consider.

4. Integrated Assessment Implications

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 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'.

4.3 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.

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

5. Financial Implications

5.1 Apart from the costs of any necessary mediation and appointment of an independent mediator, which will fall to the relevant client department, there are no financial implications associated with this report.

6. Legal Implications

6.1 There are no legal implications associated with this report.

Background Papers: None.

Appendices:

Appendix A – current Officer/Councillor Relations Protocol

Appendix B – proposed Officer/Councillor Relations Protocol.