



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

Annual Meeting of Council – 18 May 2023

Amendments to the Council Constitution – Councillor / Councillor Dispute Resolution 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 Councillor / Councillor Dispute Resolution Protocol as attached at Appendix B are approved and added to the Council Constitution.
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. Proposed Changes to the Councillor / Councillor Dispute Resolution Protocol

2.1 The Protocol (attached at Appendix A) was approved and adopted by Council on 9 June 2011 following a recommendation from Wales Audit Office and the Public Service Ombudsman for Wales Office to reduce the number of low level complaints going to the Ombudsman.

2.2 Following its adoption by Swansea Council the Protocol has been adopted by all Authorities in Wales and many of the Community & Town Councils.

2.3 The Protocol has rarely been used by this Council and not surprisingly therefore has not been reviewed since its adoption.

2.4 The Ombudsman continues to be keen on local dispute resolution for low level complaints and therefore the Protocol has been reviewed by the Monitoring Officer and the Standards Committee.

2.5 The current Protocol consists only of a flowchart. It is felt that some guidance is needed to go with the flowchart and that is included at Appendix B. The guidance builds on the duty of Group Leaders to maintain the highest ethical standards within their group.

2.6 Consideration will need to be given to those councillors who are not members of a political group (non aligned) and also to the position of Group Leaders should a complaint be made against them. To that extent a role for the Presiding Member and / or a lay member of Standards Committee has been included within the guidance.

3. Integrated Assessment Implications

3.1 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.

3.2 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'.

3.3 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.

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

4. Financial Implications

4.1 There are no financial implications associated with this report.

5. Legal Implications

5.1 There are no legal implications associated with this report.

Background Papers: None.

Appendices:

Appendix A – Current Councillor/Councillor Relations Protocol

Appendix B – Proposed Councillor/Councillor Relations Protocol.