



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

Council – 27 November 2019

### Amendments to the Council Constitution

<b>Purpose:</b>	To make amendment, in order to simplify and improve, the Council's Constitution.
<b>Policy Framework:</b>	Council Constitution.
<b>Consultation:</b>	Access to Services, Finance, Legal.
<b>Recommendation(s):</b>	It is recommended that:  1) The amendments as outlined in Paragraphs 4.2 & 5.2 of this report be adopted.
<b>Report Author:</b>	Huw Evans
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Tracey Meredith
<b>Access to Services Officer:</b>	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 Constitution to ensure good governance arrangements.

#### 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 The amendments are within the following area of the Council Constitution:

- a) Part 3 “Responsibility for Functions” – Terms of Reference;
- b) Part 4 “Rules of Procedure” – Land Transaction Procedure Rules.

### **4. Part 3 “Responsibility for Functions” – Chief Executive’s Appraisal & Remuneration Committee Terms of Reference**

4.1 Council at its meeting on 21 August 2018 appointed the Deputy Chief Executive / Director of Resources. At that meeting, it was stated that the Chief Executive’s Appraisal & Remuneration Committee would be involved in the appraisal of that post. It should also be noted that the Chief Executive is not subject to salary banding increments or performance related pay and therefore the old paragraph b) has been removed. However the Deputy Chief Executive is subject to such increments and this has been added to the new paragraph b) as set out below.

4.2 It is therefore proposed to amend the Terms of Reference of the Chief Executive’s Appraisal & Remuneration Committee as follows:

*“This Committee is exempt from the Committee Balance Rules in order to allow the following membership:*

- *Leader & Deputy Leader of the Ruling Group;*
  - *Leader and Deputy Leader of Largest Opposition Group;*
  - *Leader only of other Political Groups;*
  - *3 other Councillors from the Ruling Group.*
- a) *Responsible for the Performance Appraisal and objective setting of the Chief Executive.*
  - b) *Assisting the Chief Executive in the annual appraisal of the Deputy Chief Executive and endorsing the objectives set for the Deputy Chief Executive and agreeing the Deputy Chief Executive’s salary banding for performance related pay.*

#### **Note:**

*Where the Authority proposes to appoint a Chief Officer or Deputy Chief Officer, and the remuneration which it proposes to pay to the chief officer is £100,000 or more per annum, it must:*

- i) *Draw up a statement specifying:*
  - *The duties of the officer concerned, and*
  - *Any qualifications or qualities to be sought in the person to be appointed.*
- ii) *Make arrangements for the post to be publicly advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and*
- iii) *Make arrangements for a copy of the statement mentioned in a) to be sent to any person on request.*

*The Authority is not required to publicly advertise, if it proposes to appoint the Chief Officer for a period of no longer than 12 months.”*

## **5. Part 4“Rules of Procedure” - Land Transaction Procedure Rules**

5.1 Appendix 1 "Concessionary Letting Policy" of the Land Transaction Procedure Rules sets out the financial levels which trigger certain actions in relation to Land Transaction.

5.2 A number of these financial limits are require clarity and it is therefore proposed to amend Paragraphs 3 and 4 of Appendix 1 “Concessionary Lettings Policy in order to provide such clarity. The suggested amendments are shown in bold:

“3 *The General Disposal Consent (Wales) 2003 Order came into force on 31 December 2003. This Order removed the former requirement for the Council to seek a specific consent for a disposal at an undervalue where the Council considers that the disposal is in the interests of the economic, social or environmental well-being of the whole or part of its area, or any or all persons resident or present in its area and the undervalue is **up to and including** £2,000,000 or less*

4 *Under the Council’s Constitution a Responsible Officer has delegated authority to exercise functions for which he or she has budgetary, managerial, operational or statutory authority provided that the Cabinet does not itself make a decision in a particular case. At present, the exercise of the executive functions by an Officer in relation to estate management on the disposal of a freehold or leasehold interest is limited up to **and including** £500,000.”*

## **6. Financial Implications**

6.1 There are no financial implications associated with this report.

**7. Legal Implications**

7.1 There are no legal implications associated with this report.

**8. Equality and Engagement Implications**

8.1 There are no equality and engagement implications associated with this report.

**Background Papers:** None.

**Appendices:** None.