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## 1 Article 1 - The Constitution

### 1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

### 2 The Constitution

This document is the Constitution of the City and County of Swansea. A guide to the Constitution which explains in ordinary language its contents is published on the Council's website.

### 3 Purpose of the Constitution

The purpose of the Constitution is to facilitate the effective operation and governance of the Council. This will, for example, assist the Council to:

- a) Provide clear Leadership to the community in partnership with citizens, businesses and other organisations;
- b) Support the active involvement of the citizens in the process of local authority decision-making;
- c) Help Councillors represent their constituents more effectively;
- d) Enable decisions to be taken efficiently and effectively;
- e) Create a powerful and effective means of holding decision makers to public account;
- f) Ensure that no one will review or scrutinise a decision in which they were directly involved;
- g) Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
- h) Provide a means of improving the delivery of services to the community;
- i) Assist the Council to adhere to its Mission, Values and Guiding Principles;

- and  
j) Assist the Council to deliver its Corporate Aims.

#### 4 **Interpretation and Review of the Constitution**

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option that it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15 (Review and Revision of the Constitution).

#### 5 **Policy Commitments**

The Council adopted its Policy Commitments Statement 2017-22 on 27 July 2017. The Policy Commitments are the key policy pledges that the Council has identified for delivery during this electoral cycle.

##### a) **The Council's Vision for Swansea**

- i) Swansea is a very special place with distinctive communities and rich in its culture, history, arts, and sporting achievements. We are very proud to live in such a beautiful place with its wonderful range of natural habitats, parks and open spaces. No other city can match Swansea with its miles of glorious beaches, the Gower Area of Outstanding Natural Beauty and local and national nature reserves.
- ii) Swansea Council will continue to work in partnership and develop the well-being of all our citizens and every community. We will work closely with other bodies/organisations and put the well-being of our citizens and communities and our seven well-being goals at the heart of everything we do, aiming to create;
  - a prosperous Swansea,
  - a globally responsible Swansea,
  - a resilient Swansea,
  - a Swansea of cohesive communities,
  - a more equal Swansea,
  - a healthier Swansea,
  - a Swansea of vibrant culture.
- iii) Swansea Council's draft well-being objectives will form the basis of our corporate plan in 2017-22 and are focused on;
  - Economy and Infrastructure
  - Education and Skills
  - Tackling Poverty
  - Safeguarding
  - Transformation and Future Council
- iv) We will establish a Strategic Delivery Unit to embed effective delivery and cross-departmental co-ordination.

##### b) **A Prosperous Swansea**

## **Standing up for Education Learning and Skills**

- i) Swansea Council will strive to make our city one of the best places for children and young people to be educated in Wales and the UK.
- ii) We will continue to work with our local universities and continue to innovate, learn from the best, share best practice with all schools and run an ambitious, supportive and effective performance framework for our teachers and schools.

## **Investing in Education**

- iii) Swansea Council will commit to spending nearly £1bn on schools, teaching and learning in the next 5 years and invest over £100 million in extensive improvements to school buildings across Swansea.
- iv) We will continue to invest in facilities for those who have additional learning needs or require additional wellbeing and mobility support in our schools and in our special schools, ensuring that all children and young people have the opportunity to realise their potential.
- v) Working in partnership with schools, colleges and employers, we will support pupils to choose the best career path. This will include alternatives to traditional exams and assist those who want to progress through to college and university education, ensuring that all young people have the opportunity to build a career and access well paid jobs.
- vi) Working with our regional partners, we will align our education system to ensure we create the right people with the right skills to supply the new economy, and to fill jobs offering routes to well-paid careers. As part of the Swansea Bay City Deal, and working closely with the Regional Skills & Learning Partnership, we will help all people to attain the skills they need to find a job.

## **High Performing Community Schools**

- vii) Swansea Council will continue to work in partnership with head teachers and governing bodies to help ensure that schools are accessible and available for community activities and that children, young people, their families and the wider community can all benefit from these new arrangements.
- viii) We will promote school buildings as a resource for the whole community, not just children and young people. We will assist schools to develop and promote Family Learning, Wellbeing, Healthy Eating and Exercise, Recreation and Sports.

## **The Best Start in Life for all our Children: Happy, Healthy and Safe**

- ix) Swansea Council will work with partners locally and

internationally to seek to continue to participate in the World Health Organisation's 'Healthy City' initiative and encourage schools to provide school breakfast clubs and provide a safe and supportive environment before and after the school day.

- x) Working with the Welsh Government, we will work in partnership with schools to encourage participation in the Welsh Government's plan to provide 30 hours a week for 48 weeks a year, free to 3 and 4 year old children, to ensure that all young children have the best start in life.
- xi) Swansea Council will aim to provide the right number of places, in both English and Welsh medium education to meet the wishes of children and families who want to be educated in the two languages of Wales.

### **A City of Life Long Learning**

- xii) Working with our regional partners, Swansea Council will lead in creating an intelligent knowledge regional network, based on a new dynamic relationship with schools, the further education colleges, our two universities and employers. We will aim to create a seamless education and skills 'pipeline' through all levels education collaborating closely with partners we will create the workforce for the new technology skills and knowledge economy we will need to compete and succeed in the 21<sup>st</sup> century.
- xiii) Building upon our membership of the UNESCO Global Network of Learning Cities, the Council will build on our international links through our membership to share ideas and best practice, learning from each other and building strong economic and cultural ties.

### **The Swansea Bay City Deal**

- xiv) Swansea Council will continue to work with our regional partners and the business community to deliver the City Deal, the 35,000 associated regional jobs, and promote the Swansea Bay City region.
- xv) We will establish a dedicated investment and growth team. By increasing wider economic and social prosperity and the well-being of all our communities in Swansea, we will create better jobs closer to home.
- xvi) Swansea Council will regenerate the Kingsway area and develop a digital employment district. We will improve the Highways and public realm in order to support the transformation of the area.
- xvii) Swansea Council will deliver the Swansea Central and Swansea Waterfront regeneration schemes on the old St David's and Civic Centre sites, creating new shopping, dining and leisure attractions. This will include a multipurpose digital arena, digital aquarium and gallery, new hotels, offices and public squares.

- xviii) We will make the city more attractive and accessible all year round for pedestrians and shoppers, by encouraging the development of more homes with a mix of tenures, exploring the provision of continuous covered walkways to guarantee weather proof shopping in the city centre's main streets, creating new outside dining areas and performance spaces in Wind Street and encouraging independent businesses to set up in Swansea.

**c) A Globally Responsible Swansea**

- i) Swansea Council will establish new bilateral trade and economic agreements with cities and regions around the world.
- ii) We will develop international links, our special links with China and our twinned Cities around the world. We will build strong economic and cultural ties thereby growing Swansea's wealth and reputation.

**d) A Greener More Resilient Swansea**

**Standing Up for a Greener Swansea**

- i) Swansea Council will continue to put sustainable development at the heart of all our policies and value and seek to protect Swansea's unique natural and built environment.

**Delivering Green Energy**

- ii) We will strive to make Swansea Bay one of the greenest regions in the UK and seek to create a low carbon economy which promotes renewable energy developments like the Tidal Bay Lagoon. We will promote renewable green energy and aim for all developments to have as low a carbon footprint as possible. We will not promote fracking and other contentious gas extraction methods.
- iii) Working with Swansea University and other local partners, Swansea Council will create a greener, smart and sustainable city by encouraging the development of 5th Generation network technologies to promote the development of 'low carbon' approaches and innovations in energy capture, storage, and distribution.
- iv) Swansea Council will explore establishing an energy company to manage the new energy generating facilities across the authority and to ensure the taxpayers of Swansea receive the benefits of income from energy generated in Swansea.

**Lighting Our Communities**

- v) Swansea Council will convert all remaining street lights to low energy LED in the next 5 years.

**Delivering Better & Smarter Transport**

- vi) Working with our regional partners, Swansea Council will work towards developing an efficient and integrated transport system which develops the built and natural environment and encourages higher levels of physical activity.

### **Smart, Sustainable Transport**

- vii) We will work with the Welsh Government, regional local authorities, the health service and other major employers and transport users, to develop a sustainable transport plan that works for everyone in whichever community they live.
- viii) Swansea Council will develop an integrated smart transport infrastructure that supports growth and makes commuting easier for all, whichever mode of transport local people choose to use.
- ix) We will develop new relationships with bus and rail operators to ensure connectivity and coverage exists for the entire city, county and the region.
- x) We will pursue ways to improve our City's public transport services with simplified services using modern clean efficient vehicles, improved bus service frequencies, especially to our poorer communities, plus a simplified fares system. We will explore the benefits of introducing a more demanding customer focused Quality Bus Partnership and/or Quality Bus Contract between the Council and bus operators.

### **Greener, More Sustainable Transport**

- xi) We will look to expand the transport network to ensure better coverage in the west of the city, in the east around the growing university campuses, and in the north as part of planning with the Swans and Ospreys for match day parking.
- xii) Working with the Welsh Government, we will explore the roll out of an 'Oyster card' style cashless card system as part of the integrated smarter transport system.
- xiii) We will continue to lobby the UK Government to confirm a date for completion of the electrification of the main line from London to Swansea so that the cleanest energy and most efficient trains run in and out of Swansea.
- xiv) Working in partnership with Sport Wales, our local universities and many other partners, we will make Swansea an 'Active City' by encouraging greater physical activity and improving people's health and wellbeing. We will seek to follow NICE (National Institute for Health and Clinical Excellence) Guidance on Physical Activity and the Environment.
- xv) Swansea Council will continue to invest in our road, walkway and cycle path network. We will continue to focus resources to deal with road and highway repairs in 48 hours.

- xvi) We will explore and bid for infrastructure funding to invest in better road and cycle links to the city, so that those travelling from the west, north or east of the county can commute more easily.
- xvii) Swansea Council is committed to increasing the numbers of electric and hydrogen vehicles in Swansea. We will seek to secure investment to create a network of charging stations and hydrogen filling stations to promote the use of electric vehicles and hydrogen vehicles for public transport.
- xviii) Working with global partners to develop the technologies to support the development of new green technologies we will aim to attract inward investment in R&D and production facilities for these technologies in the city and region.

### **A Bike and Cyclist Friendly Swansea**

- xix) Swansea Council will support the 'Wheelrights Manifesto', aiming to increase access to safe, quicker and more cost effective cycle and walking routes through many different parts of the city.
- xx) We will continue to encourage quality cycle training in schools for adults and will support the establishment of a bike hire scheme in Swansea and explore the introduction of electric bikes in Swansea.

### **Fairer Parking**

- xxi) Swansea Council will examine the feasibility of introducing a comprehensive city centre parking system, adopting more flexible and fairer car park charges in local authority controlled car parks. We will also expand parking provision across the city and commit to freezing car parking charges across Swansea for at least two years.

### **Valuing Our Parks, Open Spaces and Natural Environment**

- xxii) Swansea has an outstanding collection of beautiful parks and open spaces across the city, many recognised by the prestigious 'Green Flag' accreditation. We will enhance and sustain our parks and natural habitats for the present and future generations by re-greening our communities and investing in wildflower displays across Swansea.
- xxiii) Working with 'friends of parks' organisations Swansea Council will encourage greater community ownership of parks and public spaces to ensure long-term sustainability and control of these assets.
- xxiv) We will seek to protect Swansea's natural and built environment by ensuring that any development and major event within the city complies with sustainable development principles.
- xxv) Working in partnership with our public and private sector partners

Swansea Council will seek to develop 'Green Infrastructure' in our buildings and estates.

- xxvi) We will modernise the planning system and ensure the city is a place where appropriate sustainable development can take place efficiently and ensure Swansea is open for business and an attractive place for investment and development.
- xxvii) Swansea Council will encourage the greater use of public access land such as our commons and forests for informal recreation.

### **Growing Local**

- xxviii) We will seek to promote the greater use of allotment and garden sharing particularly where publicly owned land is available and appropriate for such use.
- xxix) Swansea Council will support and expand community enterprises that help people gain growing and cooking skills and to help people escape food poverty.

## **e) A City of Cohesive Communities**

### **Standing Up for Stronger and Safer Communities**

- i) Swansea Council will make imaginative use of digital technologies and put this at the heart of all its policies.

### **Community Action**

- ii) We will continue to follow the co-operative 'one council' model and ensure that the whole council - elected Members and Staff - work together to empower local communities to do more, to achieve more and to be involved in more of the decisions that affect them.

### **Cleaner Communities**

- iii) Swansea Council will create a task force to tackle fly tipping and ensure our streets are cleaned regularly. We will support recycling and ensure we will continue to be the leading urban authority in Wales for recycling. We will increase the recycling options, but not reduce the 3 black bag limit.

### **Community Resilience**

- iv) We will continue to support community budgets so that local people have the funds to address their local priorities.

### **Libraries and Community Buildings**

- v) Swansea Council will invest in Libraries and Community buildings to make them sustainable and ensure people have local access to services across Swansea.



## **Celebrating Diversity**

- vi) Swansea Council will continue to stand up for the rights of all people in Swansea to live their lives, freely without fear, hatred, discrimination, or repression regardless of race, colour, religion and beliefs, sexual orientation, gender or age.

## **Promoting Community Safety**

- vii) By developing and sustaining a strong partnership between the community, the police and other agencies, we will focus on cutting crime by promoting local ownership of community safety.
- viii) Swansea Council will support people to live independently by developing a network of local area coordinators to cover the whole of Swansea. This network will work with voluntary organisations and others to ensure people get the information, advice and support they need in their community.
- ix) Swansea Council will not tolerate anti-social behaviour and neighbour nuisance and working with Police and our partners we will adopt a zero tolerance approach towards those who seek to disrupt the lives of people in Swansea.
- x) We will continue to work with our partners and support a zero tolerance approach to tackling domestic abuse.
- xi) Swansea Council will implement 'public space protection orders' where required to prevent on street drinking and the sale and distribution of so called 'legal highs' in order to protect local communities from fear and intimidation.
- xii) We will continue to work with residents and community groups to consider further traffic calming measures or community safety measures to ensure our communities are as safe as they can be.
- xiii) We will establish and enforce 'no cold calling zones'.

## **Strong Council Finances**

- xiv) Swansea Council will continue to modernise Council services; protect jobs, improve performance and bring services back in-house.
- xv) We will robustly manage the Council's finances to ensure money is used wisely and Council finances remain on a sound long-term sustainable basis.
- xvi) We will explore innovative funding and investment strategies and borrow prudently to support the City Deal delivery and only when it is right to do so.
- xvii) Working with the Welsh Government, we will strike a new fairer deal to retain business rates in Swansea for the re-investment in

the local economy.

- xviii) Swansea Council will implement a joined up approach to all public expenditure and the use of buildings and resources to ensure we can continue to do more with less and can seek the wider and more imaginative community use of public assets, such as Council-owned buildings.
- xix) Working in partnership, we will continue to explore collaborative and innovative ways in which local services can be financed and delivered most efficiently, and how the value of council assets can be maximised.
- xx) Swansea Council will aim to maximise the value of the 'Swansea Pound' - the considerable expenditure the council and other local public bodies make on the procurement of goods and services - for the benefit of the local economy, jobs and training.

### **Standing Up for Council Democracy**

- xxi) Swansea Council will continue to modernise the scrutiny process within the Council and ensure the Council is subject to greater accountability, transparency and scrutiny. We will increase the engagement of the public in participation in the Council's decision making process.
- xxii) Swansea Council will establish Policy Development Committees to ensure all elected members and the public can influence how policies are written and services are delivered.
- xxiii) We will modernise how public engagement is embedded in council decision making and ensure that all meetings, unless legally constrained, will be conducted in public with time allocated for public participation guaranteed.
- xxiv) Swansea Council will introduce web broadcasting of key council meetings, and introduce electronic voting. It will publish a full list of elected member votes and decisions and make this freely accessible online. We will also change the constitution to allow consultations to recognise and accept e-petitions to encourage even wider engagement and consultation with the people of Swansea.
- xxv) Swansea Council is committed to the highest standards in public life and supports the Nolan Principles of: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

### **Standing Up for Council Employees**

- xxvi) Swansea Council will continue with its 'Sustainable Swansea Fit for the Future' service modernisation program and will continue to invest in services to ensure that we have best possible local services.
- xxvii) We will continue our co-operative relationship with Council staff

and Unions. We will actively engage with the workforce and Unions to identify ways in which Council services can be re-designed and delivered most efficiently for the people and communities of Swansea.

- xxviii) We will look at ways to prevent companies which exploit their workforce or fail to recognise Trade Unions from gaining contracts from the council and continue to convert roles from Agency to permanent status where there is strong evidence that the role is not temporary.
- xxix) Swansea Council will work towards eliminating the use of exclusivity in zero hour contracts within the Authority, to give certainty to employees about their hours of work. We will also sign up to Unison's care standard in order to protect and support workers.

### **More Jobs and Opportunities**

- xxx) We will deliver and build on the £1.3bn City Deal, creating up to 35,000 jobs in the region and providing people from all parts of Swansea with the opportunity to find well paid and secure jobs.
- xxxi) We will work towards reducing poverty and increasing prosperity.

## **f) A More Equal Swansea**

### **Food Banks**

- i) Swansea Council will encourage business to reduce food waste by supplying goods to local food banks. We will also explore tax relief and support for food banks locations.

### **Building Better, Affordable and Energy Efficient Homes**

- ii) We will continue to build the first pioneer homes and these will be available to people on the Swansea housing list or for sale in the future as affordable homes.
- iii) These will be a mix of affordable, social and commercial housing. They will be highly energy efficient and reduce energy bills and will help lift people out of fuel poverty. We will also support cost effective energy schemes for all existing homes across Swansea so that everyone can benefit.
- iv) Swansea Council will explore the setting up of a construction and development company, with a view to building 1000s of new homes in the next 5 years through a combination of delivery models.
- v) We will support independent living; provide improved options for older people; increase funding for housing co-operatives and mutual housing, and prioritise those in housing need, especially the homeless.

- vi) Working with the Welsh Government, housing associations and the private sector we will increase the supply of affordable housing so people can get on the housing ladder. We will make public land available from the considerable landholdings of Swansea council and, using the planning system and partnership with others, develop innovative ways of raising the funds to deliver an increased supply of high quality affordable housing.
- vii) Together with our City Deal partners, we will also develop the technology of 'homes as power stations' and where possible work with partners to commercialise this technology to enable it to be retro- fitted to existing homes. This will enable people from across Swansea to benefit from these technologies and generate an income for those properties and the taxpayer by selling any excess power to the National Grid.
- viii) Swansea Council will look at creating its own energy venture to provide free energy to homes.

### **Improving Housing Quality**

- ix) Swansea Council will invest a further £260m to ensure every council property in Swansea meets the Welsh Quality Housing Standard by 2022.
- x) We will work with the Welsh Government and tenants to explore innovative ways in which to improve the quality of social housing in our city and also target HMOs for improved standards of management and maintenance.

### **Tough Controls On HMOs**

- xi) Swansea Council will support tough controls on the level of HMOs in communities and support a new 10% saturation limit on HMOs in communities not covered by any proposed HMO management areas.
- xii) We will take a tough approach to dealing with rogue landlords who run poor quality HMOs and who adversely impact communities.

### **Empty Properties**

- xiii) We will work with the Welsh Government and its proposed 'Empty Property Loan Fund' and will bring more empty properties back into use over the next 5 years.

## **g) A Healthier Swansea**

- i) Building on our work with the World Health Organisation 'Healthy City' initiative, Swansea Council will work with the local health service and others to make sure all our children have the best start in life, improving lives and helping to reduce health and educational inequalities.

## **Swansea - a Child-Friendly City**

- ii) We will ensure that children and young people are engaged and consulted on council policy and decision making to ensure their voices and opinions are heard. We will promote the United Nations Convention on the Rights of the Child (UNCRC) in order to give children a voice.

## **Independence Dignity and respect**

- iii) Swansea Council will promote independent living, providing people with the support to live in their own home with dignity and respect for as long as they want.

## **Prevention and Health Promotion**

- iv) Working together with our partners, we will deliver integrated services to ensure a continued focus on prevention and early intervention - investing in the conditions which maintain independence and support families, rather than dealing with the consequences of family breakdown and ill health.
- v) We will continue to review the effectiveness of social service provision and reinvesting and redesigning services to make them sustainable for the long term.
- vi) Swansea Council will work with other partners to identify investment opportunities for new facilities to create sheltered accommodation, and extra care facilities to deliver next generation elderly care services.
- vii) We will help people stay healthy and age well.

## **Better Services**

- viii) Swansea Council will adopt the new Welsh Community Care Information System and work with regional and health service partners and re-design services to ensure greater integration and collaboration between health and social care systems to improve patient services.

## **Helping people recover**

- ix) Swansea Council will invest in services to help people re-able and recover so that they are able to return to living an active and productive life.

## **Focusing on those most in need**

- x) We will focus resources for residential care on those with the most complex needs so that they are properly supported.

## **Older People**

- xi) Swansea Council will work with older people and the Older

People's Commissioner for Wales to establish a Charter for Older People to ensure that our commitment is delivered.

### **Swansea – a Dementia Friendly City**

- xii) Working with partner organisations, local employers and the third sector, Swansea Council will develop Swansea's status as the first Dementia Friendly City in Wales.

### **Public Interest above Private Profit**

- xiii) Swansea Council will intervene in the social care provider market and explore how it can expand the provision of council run services. Specifically we will work in social and residential care to ensure, where provision is of last resort, that there is a diverse range of suppliers, including not-for-profit, cooperative and social enterprise providers.

### **Investing in Our People**

- xiv) We will continue to invest in our staff at all levels in social services and build stronger links with Swansea's universities and others, so that providers of these vital services keep abreast of best practice and new innovations in research, treatment and delivery.

## **h) A Cultural Capital**

### **Standing Up for the Best in Arts, Culture and Sport**

- i) Our city can fairly lay claim to being the cultural and sporting capital of Wales and has always recognised that the arts, culture and sport are as important to our individual and community sense of worth and well-being as our policies on health and education.
- ii) We will bid for Swansea to be the UK City of culture in 2021.
- iii) We will work towards the Glynn Vivian forming part of the Tate network and will regularly bring world class exhibitions to Swansea.

### **A New Arena, Conference and Exhibition Centre**

- iv) Swansea Council intend to create a 3500-seater digital arena bringing world class entertainments and the best cultural offerings to Swansea on a regular basis.

### **A New Gallery and Aquarium**

- v) Swansea Council will work with the Oriel and other operators to create a facility which will contain an interactive Gallery and cutting edge technology digital aquarium on the civic site. This will complement a new promenade and public square and be the focus of a new cultural hub set against the backdrop of the world class Swansea Bay.

## **Regular National events in our City**

- vi) Swansea Council is committed to retaining the Wales National Air show in Swansea. We will explore options for hosting the Wales National Super Prix, stages of the Tour of Britain, and a full programme of national cultural and sporting events in the city.

## **Team Swansea in Sport**

- vii) Swansea Council will work towards making Swansea a premier, healthy, Sports City. We will support improving the Liberty Stadium and the Swans and Ospreys to be successful.

## **An International Sports Village and Academy**

- viii) Swansea Council will work with partners in the University and Sports clubs to look at the feasibility of creating an International Sports Academy and National Athletes' village in Swansea.

## **Community all-Weather pitches**

- ix) Swansea Council will invest in more 3G pitches for communities across Swansea, ensuring people can play sports and live a healthy lifestyle all year round.
- x) Swansea Council will promote informal recreation, ageing well and a healthy lifestyle. We will support public access to public land such as our commons, foreshore and waterways. This will help encourage more people to participate in walking, cycling, swimming and other activities.

## **Bringing our Heritage to Life**

- xi) Swansea Council has secured agreement from Penderyn Whisky to establish a working distillery and tourist centre as part of the project and will seek to deliver this in the coming years. We will also give consideration to compulsory purchase of landmark buildings across the authority, if owners do not properly maintain or restore these historic buildings.

## **A River Renaissance**

- xii) Swansea Council will reopen the Tawe River corridor walkway to the public and invest in a new walkway and additional safety barriers along the Tawe River. We will explore establishing a new hotel and leisure development near the Liberty Stadium to complement and support the cultural developments and encourage the establishment of River Taxis to take visitors from the Tidal Lagoon (when constructed) and the Marina to the Liberty Stadium and Copperopolis areas.

## **Recognising Local heroes**

- xiii) We will continue to support the Lord Mayor's Awards and will

make this an annual event to celebrate the best Swansea has to offer.

### **Discounts for all Swansea Residents**

- xiv) Swansea Council will introduce a citizen discount offer available to all residents of the City and County of Swansea to get discounts on a range of services in Swansea.

## **6 Corporate Plan**

The Corporate Plan discharges our duties under the Well-Being of Future Generations (Wales) Act 2015 and Local Government Measure (Wales) 2009 to set Well-being Objectives and Improvement Objectives. It describes the council's vision for Swansea, our 5 Well-being and Improvement Objectives and our organisation values and principles that will underpin the delivery of our priorities and overall strategy.

Our objectives help deliver key Policy Commitments and show the Council's contribution to Wales' 7 national goals described within the Well-Being of Future Generations Act (the 'Act'). They describe how we will maximise this contribution to the national goals and to the social, cultural, environmental and economic well-being of Swansea by working in line with the sustainability principles set out within the Act.

### **Well-being and Improvement Objectives (6 Key Council Priorities):**

- a) **Safeguarding** people from harm.
- b) Improving **Education and Skills**.
- c) Transforming our **Economy and Infrastructure**.
- d) **Tackling Poverty**.
- e) Maintaining and enhancing Swansea's **natural resources and biodiversity**.
- f) **Transformation and Future Council** development.

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## **2 Article 2 - Members of the Council**

### **1 Composition and Eligibility**

The Council will comprise 75 Members, otherwise called Councillors. These 75 Councillors will be elected by the voters of each electoral division in accordance with a scheme drawn up by the Local Democracy and Boundary Commission for Wales and approved by the Welsh Government.

Eligibility – to be elected as a Councillor of the City and County of Swansea a person must

- be at least 18 years old
- be a British citizen, an eligible Commonwealth citizen or a citizen of any member state of the European Union
- meet at least one of the following requirements:



- is and continues to be a local government elector for the area of the authority; or
- has during the whole of the preceding 12 months occupied as owner or tenant any land or other premises in the area of the authority; or
- is a person whose main or only place of work for the preceding 12 months has been in the area of the authority; or
- has resided in the area of the authority during the whole of the preceding 12 months.

## 2 Election and Terms of Councillors

The regular election of Councillors will be held as determined by legislation. Elections for all members of the council normally take place every five years. The terms of office of Councillors is normally for 5 years. The term starts and finishes as defined in legislation.

## 3 Roles, Rights and Duties of all Councillors

### a) Key Roles

All Councillors will:

- i) Collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- ii) Represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
- iii) Deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- iv) Balance different interests identified within the electoral division and represent the electoral division as a whole;
- v) Contribute to the continual improvement of Council services;
- vi) Be involved in decision-making through the Council meeting;
- vii) Be available to represent the Council on other bodies; and
- viii) Maintain the highest standards of conduct and ethics.

### b) Rights and Duties

- i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law;
- ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it;
- iii) For these purposes, "confidential" and "exempt" information are defined in the [Access to Information Rules in Part 4](#) of this Constitution.

## 4 Conduct

Councillors will at all times observe the Members' Code of Conduct and the Officer/Councillor Relations Protocol set out in [Part 5](#) of this Constitution.

## 5 Allowances

Councillors will be entitled to receive allowances in accordance with the Councillors' Remuneration Scheme set out in [Part 6](#) of this Constitution.



## 3 Article 3 - Citizens and the Council

Councils and their Constitutions should be outward looking and seek to engage with the public wherever possible. Setting out what citizens can expect from their Council and what rights they have is therefore an important part of the Constitution. However, with rights come responsibilities and it is also the role of the Constitution to show how the Council expects to be treated in return.

### 1 Citizens' Rights

Citizens have the following rights. Their rights to information and to participate are subject to the general law of Access to Information and/or meetings. There are set out and explained in more detail in the [Access to Information Rules in Part 4](#) of this Constitution:

### 2 Voting and Petitions

Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution. To be a valid petition for a referendum must contain the signatures of 10% of the Council's registered electors.

### 3 Information

Citizens have the right to:

- a) Make a petition in accordance with the Council's Petition Scheme;
- b) Attend meetings of the Council, it's Committees, the Cabinet and Overview & Scrutiny Boards except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private. Where meetings are physical meetings citizens will have the right to attend the meeting venue and where they are virtual they can observe the webcast (where provided) and if hybrid they will be entitled to attend the meeting venue or observe the webcast);
- c) Find out from the Forward Work Programme what decisions will be taken by the Cabinet or the Council meeting, which issues the Overview & Scrutiny Boards will be considering, and when these matters will be discussed;
- d) See reports and background papers, (subject to the Access to Information Rules) and any records of decisions made by the Council and/or the Cabinet; and
- e) Inspect the Council's accounts and make their views known to the external auditor.

### 5 Participation

Citizens have the right to participate in the Council and Cabinet question times

and attend meetings of Overview & Scrutiny Boards (subject to Access to Information Rules).

## 6 Complaints

Citizens have the right to complain:

- a) To the Council itself under its Complaints Scheme;
- b) To the Public Services Ombudsman for Wales about maladministration after using the Council's own Complaints Scheme;
- c) To the Public Services Ombudsman for Wales where they believe there has been a breach of the Councillor's Code of Conduct;
- d) To the Social Services Complaints Officer where appropriate.

[↑](#)

## 4 Article 4 - The Council

### 1 Policy Framework

The following policies, strategies and plans are:

- a) **Required** by the Local Authority Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 (as amended) to be adopted by the Council, namely:
  - i) Corporate Plan 2018/22 (inc. Well-Being Objectives)
  - ii) Development Plan (LDP)
  - iii) Local Housing Strategy
  - iv) Local/Regional Transport Plan
  - v) Countryside Action Plan
  - vi) Single Integrated Plan\*
  - vii) Welsh Language Strategy (inc. Welsh Language Standards)
  - viii) Youth Justice Plan

\*The Single Integrated Plan replaces four of the existing plans and strategies which formed part of the Policy Framework, namely the Community Strategy, the Children and Young Person's Plan, the Health, Social Care and Wellbeing Strategy and the Community Safety Partnership Plan.

- b) Recommended by **Guidance** to be adopted by Council.
- c) In addition the **Council** have adopted the following strategies and plans:
  - A Strategy for Engagement of Children and Young People in Swansea
  - Accessibility Strategy and Guidance to Schools on the production of Accessibility Plans
  - Admission Arrangements for Schools
  - Adoption Policy;
  - Air Quality Action Plan
  - Anti-Bullying Policy
  - Anti-Fraud and Corruption Policy and Strategy
  - Asset Management Plan

- Building Regulation Charges Policy Document
- Charging Framework for Home Care and other Non-Residential Social Services
- Child & Young People's Rights Scheme
- Children's Play Strategy
- Civic Visits and Hospitality Policy;
- Contaminated Land Strategy;
- Corporate Policy on Records Management
- Councillors Allowances Scheme
- Councillors Information, Communication & Technology (ICT) Allowances
- Data Protection Policy
- Environment Strategy for Swansea
- Felindre Strategy
- Framework For Community Regeneration
- Freedom of Information Policy
- Gambling Policy
- Gorseinon Regeneration Strategy;
- Gower AONB – Management Plan
- Gypsy Traveller Policy
- Home to School Transport/Special Education Needs Transport Policy
- Houses in Multiple Occupation (HMO) Licensing Policy
- Inclusion Policy
- Interim City Centre Retail Strategy
- LA Governor Appointments Procedure
- Library Plan
- Licensing Policy
- Lord Mayor & Deputy Lord Mayor Protocol
- Private Sector Housing Renewal and Disabled Adaptations Policy to Provide Assistance
- Procurement Strategy
- Protection of Vulnerable Adults
- Providing Better Access to Customer Services
- Publication Scheme
- Rehousing Policy
- Resilience Policy
- Safer Swansea Community Safety Strategy
- Shoreline Management Plans;
- Special Education Needs Policy
- Strategic Equality Plan 2016/20
- Sustainable Development Policy
- Swansea Bay City Region Economic Regeneration Strategy
- Swansea Bay Strategy
- Swansea City Centre Strategic Framework
- Swansea Climbing Higher Strategy
- Swansea Learning Policy and Strategy
- Swansea Strategy for People Aged 50+
- Swansea's Local Bio-Diversity Plan.
- Tourism Strategy
- Violence Against Women, Domestic Abuse & Sexual Violence Strategy (VAWDASV)

- Waste Strategy for Swansea
- Welsh Declaration on Climate Change

## 2 **Budget**

The Budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

- a) The Council will adopt the:
  - i) Capital Programme;
  - ii) Housing Revenue Account;
  - iii) Revenue Budget;
  - iv) Statutory Resolution;
  - v) Treasury Management, Prudential Indicators, Investment Strategy; and
  - vi) Minimum Revenue Position (MRP) Policy.
- b) The Council will receive a report on the Treasury Management Annual Report.

## 3 **Housing and Land Transfer**

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Welsh Ministers for approval of a programme of disposal of land used for residential purposes where approval is required under Sections 32 or 43 of the Housing Act 1985.

## 4 **Functions of the Council Meeting**

Only the Council will exercise the following functions:

- a) adopting and changing the Constitution;
- b) approving or adopting the Policy Framework, the Budget and any application to the Welsh Ministers in respect of any Housing Land Transfer;
- c) subject to the Urgency Procedure contained in the [Access to Information Procedure Rules in Part 4](#) of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the Policy Framework or the Budget where the decision maker is minded to make it in a manner which would be contrary to a policy or beyond the budget virement limits;
- d) appointing the Leader(s);
- e) agreeing and/or amending the Terms of Reference for Committees and other constitutional bodies, deciding on their composition and making appointments to them;
- f) performing the corporate joint committee functions set out in Article 11 of this Constitution, including the making of a corporate joint committee application and the giving of consent to corporate joint committee regulations being made
- g) adopting an Allowances Scheme under [Article 2, item 2.5](#);
- h) changing the name of the area, conferring the title of Honorary Alderman or Freedom of the City;

- i) making the appointment of the Chief Executive and Chief Officers;
- j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- k) approving, reviewing and amending the Council's Petition Scheme;
- l) consulting local people, other persons carrying on a business in the Council's area, the officers of the Council and every trade union which is recognised by the Council about the extent to which the Council is meeting its performance requirements;
- m) preparing an annual report on the extent to which the Council has met its performance requirements;
- n) making arrangements for a panel performance assessment and responding to the panel's report;
- o) considering Chief Executive reports prepared pursuant to section 54(2)(b) of the Local Government and Elections (Wales) Act 2021, within 3 months of them being made;
- p) considering annual reports of the Standards Committee, within 3 months of them being made and keeping under review the extent to which:
  - i) it is exercising its functions effectively;
  - ii) using its resources economically, efficiently and effectively; and
  - iii) its governance arrangements are effective for securing the matters set out in i) and ii) above
- q) all other matters which, by law, must be reserved to Council.

## 5 **Five Types of Council Meeting**

- a) The First Annual Meeting.
- b) The Annual Meeting.
- c) Ordinary Meetings.
- d) Extraordinary Meetings.
- e) Ceremonial Meeting of Council.

They will be conducted in accordance with the [Council Procedure Rules in Part 4](#) of this Constitution.

## 6 **Responsibility for Functions**

The Council will maintain [Part 3](#) of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Cabinet.

[↑](#)

# 5 **Article 5 - Chairing the Council**

## 1 **The Presiding Member**

The Chair of Council is to be known as the Presiding Member and the Vice Chair is to be known as the Deputy Presiding Member. The Presiding Member and, in his/her absence, the Deputy Presiding Member will have the following roles and functions:

- a) To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- b) To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the

- interests of the community;
- c) To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members are able to hold the Cabinet and other office holders to account;
- d) To promote public involvement in the Council's activities;
- e) To be responsible for deciding the validity of any call-in of Cabinet decisions;
- f) To be the conscience of the Council;
- g) To attend such civic and ceremonial functions as the Council and he/she determines appropriate;
- h) The Council shall elect the Presiding Member annually at the Annual Meeting of Council; and
- i) To undertake the requirements of the Local Government (Wales) Measure 2011 and the Family Absence for Members of Local Authorities (Wales) Regulations 2013.

## 2 The Ceremonial Role

The Presiding Member shall deputise for the Lord Mayor if the Deputy Lord Mayor is unavailable for that purpose.



## 6 Article 6 - Overview and Scrutiny

### 1 Scrutiny

The main aim of scrutiny is to act as a 'critical friend' to the Cabinet and other decision makers in order to promote better services, policies and decisions. Working in a similar way to parliamentary select committees, overview & scrutiny involves councillors who are not in the cabinet

The overview & scrutiny function was set up under Section 21 of the Local Government Act 2000. Every local council needs to have at least one overview & scrutiny committee.

In Swansea there is a Scrutiny Programme Committee that will be responsible for coordinating the work of scrutiny which will hold the Council's Executive to account and examine the work of all Council departments as well as other public services.

- a) It is expected that the work of scrutiny should represent a significant and constructive programme of activities that will:
  - i) Help improve services;
  - ii) Provide an effective challenge to the executive
  - iii) Engage Members in the development of policies, strategies and plans; and
  - iv) Engage the public.
- b) In practical terms the work of overview & scrutiny follows four stages:
  - i) Work planning to identify issues and decide how to address them;
  - ii) Gathering evidence through consultation and research;

- iii) Making recommendations to the Cabinet, to Council and to other decision making bodies;
- iv) Following up to check that agreed actions have been taken and an impact made.

## 2 **General Roles**

Within its terms of reference, scrutiny will:

- a) Review and/or scrutinise (a) decisions or actions taken, (b) policies or processes in connection with the discharge of any of the Council's functions;
- b) Make reports and/or recommendations to the Council meeting and /or the Cabinet on the discharge of any of the Council's functions;
- c) Consider any matter affecting the area of its inhabitants and make recommendations to any decision making body as appropriate.

## 3 **Specific Functions**

Scrutiny may:

- a) Assist the Council in reviewing service delivery and performance through in analysis;
- b) Review and scrutinise the decisions made by and the performance of the C and/or Committees and/or other Constitutional Bodies and the Council and/ Chief Officers both in relation to individual decisions and over time;
- c) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- d) Conduct research, community and other consultation in the analysis of serv policy issues and possible options;
- e) Consider and implement mechanisms to encourage and enhance communi participation in the development of policy or the improvement of services;
- f) Question Members of the Cabinet and/or Committees and/or other Constitu bodies and appropriate Officers about their proposed policies, decisions and performance;
- g) Make recommendations to the Cabinet and/or appropriate Committee and/c other constitutional bodies and/or Council arising from the outcome of the overview & scrutiny process;
- h) Review and scrutinise the performance of other public bodies in the area ar invite reports from them about their activities and performance;
- i) Question and gather evidence from any person outside of the Authority (with their consent).
- j) Assist the Council and the Cabinet in the review of its budget and policies by in-depth analysis of policy issues;
- k) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that collaborative working enhances the interests of local people.

## 4 **Annual Report**

An annual report will be provided to Council detailing the work undertaken by scrutiny during the preceding municipal year.

## 5 **Work Programme**



The Scrutiny Programme Committee will exercise overall responsibility for the work programme.

## **6 Proceedings of Scrutiny**

The Scrutiny Programme Committee will conduct proceedings in accordance with the [Scrutiny Procedure Rules set out in Part 4](#) of this Constitution.

## **7 Call In Procedure**

The Chair and/or Vice Chair of the Scrutiny Programme Committee or any 4 Councillors may Call In a decision in accordance with the Call In Procedure set out in the Cabinet Procedure Rules at Part 4.4 Section 18 of the Constitution.

The Scrutiny Programme Committee will consider the called in decision and the reasons for the Call In and:

- i) If satisfied with the explanation it will so indicate to enable the decision to be implemented;
- ii) If “no longer concerned” but not minded to indicate that it is “satisfied with the explanation” it is in order for the Committee to resolve that “the explanation be accepted but not endorsed by the Committee”;
- iii) If still concerned about the decision, then it may refer it back to Cabinet or the relevant decision maker/body for reconsideration, setting out in writing the nature of its concerns. The Cabinet, decision maker/body shall then reconsider its decision before making a final decision.

[↑](#)

# **7 Article 7 - The Cabinet (Executive)**

## **1 Role**

The executive (known as the Cabinet in the City and County of Swansea) will carry out all of the local authority’s functions, which are not the responsibility of any other part of the local authority, whether by law, or under this Constitution.

## **2 Form and Composition**

Subject to the Job Sharing arrangements set out below the Cabinet will consist of the Leader together with 9 Councillors appointed to the Cabinet by the Leader.

Any election or appointment to the Cabinet (including the Leader) may include the election of two or more Councillors to share office (provided that the number of Cabinet members does not exceed 13, where at least three of the members have been appointed to share office).

The members of the Cabinet who share the same office will have one vote between them in respect of any matter on which they have a right to vote because they are a member of the Cabinet.

Where any meeting is attended by more than one of the members who share the same office and those members are attending in their capacity as a member of the Cabinet, they together count only as one person for the purpose of

determining whether the meeting is quorate.

### **3 Leader of the Council**

The Leader will be a Councillor elected to the position of Leader by the Council Meeting. The Leader will hold Office until:

- a) He/she resigns from the Office; or
- b) He/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume Office at the end of the period of suspension); or
- c) He/she is no longer a Councillor; or
- d) He/she is removed from Office by resolution of more than half of all Council serving Members of the Council. The removal will take effect two working days after receipt of the notice by the Proper Officer.

### **4 Deputy Leader**

The Leader will appoint a Deputy Leader (up to a maximum of 2) to act as Leader in the Leader's absence and may also if he/she thinks fit remove the Deputy Leader from Office at any time.

The Deputy Leader may exercise all the functions of the Leader where the position is vacant or where the Leader is absent or otherwise unable to act.

### **5 Other Cabinet Members**

Only Councillors may be appointed to the Cabinet. Neither the Presiding Member nor Deputy Presiding Member may be appointed to the Cabinet and Members of the Cabinet (including the Leader) may not be Members of an Overview & Scrutiny Board.

Other Cabinet Members shall hold Office until:

- a) They resign from Office; or
- b) They are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume Office at the end of the period of suspension); or
- c) They are no longer Councillors; or
- d) They are removed from Office by the Leader who must give written notice of any removal to the Proper Officer. The removal will take effect two working days after receipt of the notice by the Proper Officer

### **6 Assistants to the Cabinet**

The Leader may appoint no more than 5 Councillors to act as Assistants to the Cabinet as he/she considers reasonably necessary and appropriate. Neither the Presiding Member or deputy Presiding Member may be an Assistant to the Cabinet. Assistants to the Cabinet are not members of Cabinet or a committee of the Cabinet but they may not vote on any matter before the Cabinet. They cannot substitute for a Cabinet Member or count towards quorum and must perform their roles in accordance with the provisions set out in the Cabinet Procedure Rules in Part 4 of the Constitution.

The Leader can remove a member from the role of Assistant to the Cabinet at any

time and can either appoint a new member to the role or leave the role vacant as he/she wishes.

The Leader must inform the Monitoring Officer and the Head of Democratic Services in writing of any appointments which he/she makes of an Assistant to the Cabinet and also if he/she has removed a Member from the role of Assistant to the Cabinet.

The role of the Assistant to the Cabinet will be:

- a) To assist the Cabinet and undertake any work requested by the Leader.
- b) To present reports to Cabinet in the absence of the Cabinet member or with the agreement of the Leader.

## **7 Proceedings of the Cabinet**

Proceedings of the Cabinet shall take place in accordance with the [Cabinet Procedure Rules set out in Part 4](#) of this Constitution.

## **8 Responsibility for Functions**

The Leader will maintain a list in [Part 3](#) of this Constitution, which will be reported to the Council meeting for information, setting out which individual members of the Cabinet, Committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular executive functions.

## **9 Member Champions**

The Leader may appoint Member Champions for specific areas of the Council's business in order to assist the Leader and appropriate portfolio holders by advising on service issues across all Directorates.



# **8 Article 8 - Regulatory and Other Committees**

The Council will appoint a Planning Committee and a Licensing Committee to discharge those non-Executive functions listed within the table found at [Part 3](#).

The Council will appoint those Committees/Panels/Forums whose terms of reference are set out at [Part 3](#).



# **9 Article 9 - The Standards Committee**

## **1 Standards Committee**

The Council will establish a Standards Committee in accordance with the Standards Committees (Wales) Regulations 2001 ('The Regulations').

## **2 Political Balance**

Standards Committees do not have to comply with the Political Balance Rules in Section 15 of the Local Government and Housing Act 1989.

### **3 Membership**

The Standards Committee will compose of nine (9) Members:

- a) Five (5) 'Independent' Members. Independent Members are not Councillors or Officers or the spouse of a Councillor or an Officer of this Council or any other relevant Authority as defined by the Regulations. They shall be appointed in accordance with the Regulations.
- b) Three (3) Councillors of the City and County of Swansea appointed by Council.
- c) One (1) Community / Town Councillor from within the boundaries of the City and County of Swansea appointed by Council.

### **4 Term of Office**

- a) Independent Members are appointed for a period of not less than four and not more than six years and may be re-appointed for one further consecutive term;
- b) Members of the Local Authority who are members of the Standards Committee will have a term of office the next ordinary local government election following their appointment. They may be re-appointed for one further consecutive term.
- c) Community / Town Councillors. The term of office shall be until the Ordinary Election for the Community Council of which the Community Councillor is a member. They may be re-appointed for one further consecutive term.

### **5 Voting**

All nine (9) members of the Standards Committee are entitled to vote.

### **6 Community / Town Council Members**

A Community / Town Council member shall not take part in the proceedings of the Standards Committee when any matters relating to their Community / Town Council is being considered.

### **7 Chairing the Committee**

Only an Independent Member of the Standards Committee may be the Chair.

The Members of the Standards Committee will elect the Chair.

The Chair can be removed by a resolution of two thirds of the members of the Committee.

### **8 Role and Function**

- a) The Standards Committee will have the following roles and functions:
  - i) Promoting and maintaining high standards of conduct by Councillors, Community / Town Councillors and Statutory Co-

- optees;
  - ii) Assisting the Councillors, Community / Town Councillors and Statutory Co-optees to observe the Members' Code of Conduct;
  - iii) Advising the Council on the adoption or revision of the Members' Code of Conduct;
  - iv) Monitoring the operation of the Members' Code of Conduct;
  - v) Advising, training or arranging to train Councillors, Community / Town Councillors and Statutory Co-optees on matters relating to the Members' Code of Conduct;
  - vi) Producing an annual report to Council describing how the Committee's functions have been discharged during the financial year;
  - vii) Monitoring compliance by political group leaders with their duties under s 52A(1) Local Government Act 2000;
  - viii) Undertaking those functions in relation to Community Councils and members of Community Councils in the area of City and County of Swansea as are required by law;
  - ix) Granting dispensations to Councillors, Community / Town Councillors and Statutory Co-optees from requirements relating to interests set out in the Members' Code of Conduct;
  - x) Considering allegations of breaches of the Code of Conduct made against Members in accordance with the Standards Committee Hearing Procedure set out in the Constitution;
  - xi) Determining requests for representation in proceedings under the Council's Indemnity Scheme for Members and Officers;
  - xii) Dealing with any reports from the Monitoring Officer on any matter;
  - xiii) To consider all appeals relating to the Unreasonable Customer Behaviour Policy.
- b) The Standards Committees will also undertake roles, for ethical audit purposes, including:
- i) Overview of the Whistleblowing Policy;
  - ii) The Protocol of Officer/Councillor Relations;
  - iii) The Member/Member Dispute Resolution Process;
  - iv) The Register of Members' Interests.
- c) The Procedure for investigating complaints is determined by the Standards Committee, and may be amended by the Committee at any time.

## 9 **Joint Standards Committee**

The Council may establish a joint standards committee with one or more local authorities for the purpose of discharging the statutory functions of the Standards Committee.



## 10 **Article 10 - Area Committees and Forums**

### **Area Committees**

The Council may appoint, as it sees fit, Area Committees for the purposes of developing its policy and service delivery framework, particularly in relation to its community planning functions, if it is satisfied that to do so will ensure improved service delivery in the context of best value and provide more efficient, transparent and accountable decision making.

In areas with Community or Town Councils and Community Meetings, the Council will consult with relevant Community and Town Councils and the Chairmen of relevant community meetings when considering whether and how to establish Area Committees.

[↑](#)

## **11 Article 11 - Joint Arrangements**

### **1 Joint Arrangements**

- a) The Council may establish joint arrangements with one or more Local Authorities and/or their executives to exercise functions that are not executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a Joint Committee with these other Local Authorities;
- b) The Cabinet may establish joint arrangements with one or more Local Authorities to exercise functions that are executive functions. Such arrangements may involve the appointment of Joint Committees with these other Local Authorities;
- c) The Cabinet may appoint Cabinet or non-Cabinet members to a Joint Committee and those members need not reflect the political composition of the Council;
- d) Details of any joint arrangements including any delegations to Joint Committees will be found in the Council's Scheme of Delegation in [Part 3](#) of this Constitution.

### **2 Arrangements to Promote Well Being**

The Cabinet, in order to promote the economic, social or environmental well being of its area, may:

- a) Enter into arrangements or agreements with any person or body;
- b) Co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- c) Exercise on behalf of that person or body any functions of that person or body.

### **3 Corporate Joint Committees**

- a) Any two or more principal councils may jointly make an application to the Welsh Ministers for arrangements to be made to establish a Corporate Joint Committee to exercise a function of those councils or the economic well-being function of those councils in relation to the principal areas of those councils.
- b) The Welsh Ministers may by regulations establish a body corporate (known as a Corporate Joint Committee) to exercise in relation to the principal areas specified in the regulations a function specified in the regulations.

On the 17 March 2021 Welsh Ministers made the South West Wales Corporate Joint Committee Regulations 2021 which established the South West Wales Corporate Joint Committee which included the City and County of Swansea Council.

#### 4 **Access to Information**

The [Access to Information Rules in Part 4](#) of this Constitution apply;

#### 5 **Delegation To and From Other Local Authorities**

- a) The Council may delegate non-executive functions to another Local Authority or, in certain circumstances, the executive of another Local Authority;
- b) The Cabinet may delegate executive functions to another Local Authority or the executive of another Local Authority in certain circumstances;
- c) The decision whether or not to accept such a delegation from another Local Authority shall be reserved to a Meeting of the Council.

#### 6 **Contracting Out**

The Council and the Cabinet for executive functions may contract out to another body or organisation functions which may be exercised by an Officer and which are subject to an Order under Section 70 of the De-regulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.



## 12 **Article 12 - Officers**

#### 1 **Management Structure**

The full Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions. (See also [Part 7 Management Structure](#)).

#### 2 **Chief Officers**

The Full Council will engage persons for the following posts, who will be designated Chief Officers, which designation includes persons acting temporarily in such capacity.

Post	Functions & Areas of Responsibility
<b>Chief Executive</b>	<p>Overall corporate management and operational responsibility including overall management responsibility of all Officers.</p> <p>The provision of professional and impartial advice to all parties in the decision making process including the Cabinet, Scrutiny Committees, the Full Council and other Committees.</p> <p>Together with the Monitoring Officer, responsibility for a system of</p>

	<p>record keeping for all the Authority's decisions.</p> <p>Representing the Authority on partnership and external bodies (as required by statute or the Council).</p> <p>Service to the whole Council, on a politically neutral basis.</p> <p>Acting as the Returning Officer / Electoral Registration Officer.</p> <p>Variation of functions and areas of responsibility of the Deputy Chief Executive and Directors and any other directly managed staff.</p>
<b>Director of Corporate Services</b>	<p>To support the Chief Executive and overall Corporate, Operational and Strategic Management responsibility for Communications &amp; Marketing, Human Resources &amp; the Service Centre, Legal, Democratic Services &amp; Business Intelligence and Transformation Service Units together with Emergency Planning and civil contingencies.</p> <p>Responsibility for the Service Units which deal with the following broad work areas:</p> <p><b>Communications &amp; Marketing.</b> Led by the Head of Communications &amp; Marketing. Areas of work include Access to Services, Communications and Marketing, Health &amp; Safety, the Lord Mayoralty, Corporate Planning and Performance and Policy and Transformation.</p> <p><b>Human Resources &amp; the Service Centre.</b> Led by the Head of Human Resources and Service Centre. Areas of work include employee services, employee and pensioner payroll, accounts receivable, accounts payable and cashiers. Human resources, cultural change, Organisational Development and workforce strategy.</p> <p><b>Legal, Democratic Services and Business Intelligence.</b> Led by the Chief Legal Officer. Areas of work include Legal Services, Democratic Services, Electoral Services, Coroner, Scrutiny, Member Support, Information Governance and the Welsh Translation Service. The Service Unit also has responsibility for liaising with Commissioners.</p> <p><b>Digital and Customer Services.</b> Led by the Head of Digital and Customer Services who also acts as the Senior Information Risk Owner (SIRO). Areas of work include, Customer Services, &amp; Complaints, customer contact strategy development and implementation, Digital Strategy development, Digital Transformation and Technology Security.</p>
<b>Director of Finance</b>	<p>This is a statutory post. This Officer has responsibility for the Council's Chief Finance/Section 151 Officer function. The Director of Finance acts as the Chief Finance/Section 151 Officer.</p> <p>The Service Units deal with the following broad work areas:</p>



	<p><b>Finance.</b> Broad work areas include Financial Services, Pensions Management, Administration and Investment, Provision of the Authority's Council Tax, Financial Planning &amp; Management, Housing Benefits, Internal Tax and Accountancy services.</p> <p><b>Deputy Chief Finance Officer.</b> Directly assists and deputises as S151 Officer for the Director of Finance. Acts as professional lead on pension administration and pension fund, treasury management and capital planning and funding.</p> <p><b>Head of Revenues &amp; Benefits.</b> Directly assists the Director of Finance and acts as professional lead on council tax, nondomestic rates, benefits and social care financial assessments.</p> <p><b>Head of Commercial Services.</b> Directly assists the Director of Finance and acts as professional lead on procurement, commercial advice and activity, and compliance and implementation of the General Power of Competence for Welsh councils.</p> <p><b>Chief Internal Auditor.</b> Independent operational management of the Internal Audit function and independent right of reporting and issuance of audit opinions but with professional oversight by the Director of Finance.</p> <p><b>Head of HR and Service Centre.</b> Reports to the Deputy Chief Executive/Director of Corporate services but professional oversight on all financial matters is reserved to the Director of Finance as S151 Officer. Acts as professional lead on employee services, employee and pensioner payroll, accounts receivable, accounts payable and cashiers.</p>
<b>Director of Education</b>	<p>This is a statutory post. This Officer acts as the Chief Education Officer and has Corporate Management responsibility and must provide the Council's education services (including schools, school students, services to schools and strategic management of education across the City and County), subject to any variations determined by the Chief Executive.</p> <p>Responsibility for the Service Units which deal with the following broad work areas:</p> <p><b>Achievement &amp; Partnership Service.</b> Led by the Head of Achievement Partnership Service. Areas of work include education partnerships across the system, school performance and links to the regional education partnership service. School and governor support, Welsh in Education, school monitoring, specialist curriculum support, stakeholder engagement, performance, data and systems. Swansea Music team and oversight of minority ethnic learners.</p> <p><b>Education Planning &amp; Resources Service.</b> Led by the Head of Education Planning &amp; Resources. Areas of work include responsibility for Catering and Cleaning, stakeholder engagement,</p>

	<p>performance, data and systems, financial strategy, schools funding and information and capital planning and delivery.</p> <p><b>Vulnerable Learner Service.</b> Led by the Head of the Vulnerable Learner Service. Areas of work include safeguarding and child protection in education, school admissions, additional learning needs, behaviour support, pupil referral unit, the co-ordination of Looked After Children in education and support and promotion of attendance and inclusion for all including those educated other than at school.</p>
<b>Director of Social Services</b>	<p>This is a statutory post. This Officer has Corporate Management responsibility and is the Lead Director for children and young people's services under the Childrens Act 2004 and must provide the Council's social services (including services for children, and families, people with mental health problems, people with disabilities and the elderly) subject to any variations determined by the Chief Executive.</p> <p>Responsibility for the Service Units which deal with the following broad work areas:</p> <p><b>Adult Services and Tackling Poverty.</b> Led by the Head of Adult Services. Areas of work include responsibility for the provision of the Council's Adult Social Services in the areas of learning disability, mental health, service provision, commissioning, safeguarding and tackling poverty.</p> <p><b>Integrated Services.</b> Led by the Head of Integrated Services. This is a joint post between the Authority and Swansea Bay University Health Board. It is accountable to both Organisations. Broad areas of work include responsibility for all functions delivered through or linked with the existing integrated hubs for Older People and Adults with a physical disability.</p> <p><b>Child &amp; Family.</b> Led by the Head of Child &amp; Family. Areas of work include responsibility for the provision of the Council's Child &amp; Family Social Services.</p>
<b>Director of Place</b>	<p>Overall Corporate, Operational and Strategic Management responsibility for Building Services, Cultural Services, Highways &amp; Transformation, Housing &amp; Public Health, Planning &amp; City Regeneration, Property Services and Waste, Cleansing &amp; Parks Service Units.</p> <p>This Officer is responsible for the delivery of front line operational services. In addition the Officer has the Section 123 Best Value responsibility, corporate management responsibility and must provide the Council's Building &amp; Property Services, Facilities Management, Asset Management Service subject to any variations determined by the Chief Executive.</p> <p>The Service Units deal with the following broad work areas:</p> <p><b>Building Services.</b> Led by the Head of Building Services. Areas</p>

	<p>of work include responsibility for the provision of the Council's front line operational services.</p> <p><b>Cultural Services.</b> Led by the Head of Cultural Services. Areas of work include responsibility for the provision of cultural, sporting, arts and leisure facilities in the City and County. This includes tourism &amp; destination management and the provision of Library and joint West Glamorgan Archive Service services.</p> <p><b>Highways &amp; Transportation.</b> Led by the Head of Highways &amp; Transportation. Areas of work include responsibility for the provision of the Council's Highway, Transportation, Streetscene, Drainage, Coastal Protection, Fleet and Marina Services.</p> <p><b>Housing &amp; Public Protection.</b> Led by the Head of Housing &amp; Public Protection. Areas of work include responsibility for the provision of the Council's Housing and Environment services (Building Control, Pollution, Housing &amp; Public Health, Registrars, Burials, Cremations, Trading Standards, Licensing, Food &amp; Safety, the Council's Housing Stock, Homelessness Services, Housing Advice, Disabled Facility Grants and improving the condition of Private Sector Housing subject to any variations determined by the Chief Executive.</p> <p><b>Planning &amp; City Regeneration.</b> Led by the Head of Planning &amp; City Regeneration. Areas of work include responsibility for the provision of the Council's services for the regeneration of the City and County, including economic &amp; business development, physical regeneration, city centre management, development control design &amp; conservation, planning policy &amp; environment, This is subject to any variations determined by the Chief Executive.</p> <p><b>Property Services.</b> Led by the Head of Property Services. Areas of work include responsibility for the provision of the Council's Corporate Property and Facilities Management functions.</p> <p><b>Waste, Cleansing &amp; Parks.</b> Led by the Head of Waste, Cleansing &amp; Parks. Areas of work include responsibility and provision of the Council's waste, cleansing, recycling and parks services.</p>
<b>Monitoring Officer</b>	<p>Responsibility for the provision of the Council's Monitoring Officer function.</p> <p>The Chief Legal Officer acts as the Monitoring Officer.</p>
<b>Chief Finance / Section 151 Officer</b>	<p>Responsibility for the provision of the Council's Chief Finance /Section 151 Office function.</p> <p>The Director of Finance acts as the Chief Finance Officer/ Section 151 Officer.</p>

The Council will designate the following statutory posts as shown:

Post	Designation
Chief Executive	Chief Executive
Director of Education	Chief Education Officer
Director of Social Services	Director of Social Services.
Director of Finance	Chief Financial Officer (Section 151 Officer)
Chief Legal Officer	Monitoring Officer
Head of Democratic Services	Head of Democratic Services

The Chief Executive, Chief Finance Officer, Monitoring Officer and Head of Democratic services will have the statutory functions described below.

#### 4 Functions of the Chief Executive

- a) **Discharge of Functions by the Council**  
Section 4 of the Local Government and Housing Act 1989 imposes a duty on authorities to designate one of their officers as Chief Executive. The Chief Executive will report to Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of Staff required for the discharge of functions, the organisation of the authority's staff and the appointment and proper management of the authority's staff.
- b) The Chief Executive will keep the following under review:
  - (i) the manner in which the exercise by the council of its different functions is co-ordinated;
  - (ii) the council's arrangements in relation to:-
    - financial planning;
    - asset management, and
    - risk management;
  - (iii) the number and grades of staff required by the council for the exercise of its functions;
  - (iv) the organisation of the council's staff;
  - (v) the appointment of the council's staff;
  - (vi) the arrangements for the management of the council's staff (including arrangements for training and development).
- c) Where appropriate, to make a report to the council setting out the Chief Executive's proposals in respect of any of the matters set out above. As soon as possible after preparing a report, the Chief Executive must arrange for a report to be sent to each Member of the Council
- d) **Consultation**  
The Chief Executive is authorised to respond on the Council's behalf to any consultation received by the Council and also to authorise any other officer of the Council to respond to any consultation received by the Council.
- e) **Restrictions on Post**  
The Chief Executive may not be the Monitoring Officer or the Head of Democratic Services but may hold the post of Chief Finance Officer/Section 151 Officer if a qualified accountant.

#### 5 Proper Officer

- a) To act as the Proper Officer for the receipt of notices under [Articles 12.7c](#)

- and [12.7d](#).
- b) To be the Proper Officer for the purpose of the following sections of the Local Government Act 1972:
    - i) Witness and receipt of declarations of office (Section 83);
    - ii) Receipt of declaration of resignation of office (Section 84);
    - iii) Convening of meeting of council to fill casual vacancy in the office of Chairman (Section 88);
  - c) Receipt of notice of casual vacancy from 2 local government electors (Section 89).
  - d) For the purposes of [Articles 12.5b](#) and [12.5c](#) the Proper Officer is assigned to the Chief Executive **and to the** Head of Democratic Services.

## 6 **Urgency or Absence of Responsible Officer**

All the powers delegated to other officers shall, unless prevented by statute, also be delegated to the Chief Executive, for exercise in cases of urgency or in the absence of the responsible officer.

## 7 **Functions of the Monitoring Officer**

These are set out in section 5 of the Local Government and Housing Act 1989 as amended. The functions of the Monitoring Officer are:

- a) **Maintaining the Constitution**  
The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public
- b) **Ensuring Lawfulness and Fairness of Decision-Making**  
After consulting with the Chief Executive and Chief Financial Officer, the Monitoring Officer may report to the Council Meeting or to the Cabinet in relation to any function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- c) **Supporting the Standards Committee**  
The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through the provision of support to the Standards Committee.
- d) **Receiving Reports**  
The Monitoring Officer will receive and act on reports made by the Public Services Ombudsman for Wales and decisions of the case tribunals and the Public Services Ombudsman for Wales.
- e) **Conducting Investigations**  
The Monitoring Officer will conduct investigations into matters in relation to vires, ethical matters, constitutional arrangements and maladministration, and matters referred by the Public Services Ombudsman for Wales and will have unqualified access to any information held by the Council and can require the co-operation or assistance of any employee who shall also assist the Monitoring Officer in order to make reports or recommendations in respect of them to the Council, the Cabinet, the Scrutiny Programme Committee or the Standards Committee, as appropriate.
- f) **Proper Officer for Access to Information**

The Monitoring Officer will be the Proper Officer for Access to Information and will ensure that Council, Cabinet and Committee decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

g) **Proper Officer for receipt of Notices**

The Monitoring Officer will be the Proper Officer for receipt of all Notices save for those notices listed under the Chief Executive where the Monitoring Officer shall deputise for the Chief Executive.

h) **Advising whether decisions of the Council's Constitutional Bodies are within the Budget and Policy Framework**

The Monitoring Officer will advise whether proposed decisions are in accordance with the budget and Policy Framework.

i) **Providing Advice**

The Monitoring Officer will provide advice on: the scope of powers and authority to take decisions; maladministration; probity and Policies issues to all Councillors and Officers.

j) **Restrictions on Posts**

The Monitoring Officer cannot be the Chief Financial Officer or the Chief Executive.

## 8 **Functions of the Chief Financial Officer**

These are set out in section 6 of the Local Government and Housing Act 1989. The functions of the Chief Finance Officer are:

(a) **Ensuring Lawfulness and Financial Prudence of Decision making**

After consulting with the Chief Executive and the Monitoring Officer, the Chief Finance Officer will report to the Full Council or to the Cabinet in relation to a Cabinet function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item or account unlawfully.

(b) **Administration of Financial Affairs**

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to corporate management**

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice

(d) **Providing Advice**

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors and Officers in their respective roles

(e) **Give Financial Information**

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

(f) **Advising whether Decisions of the Cabinet are within the Budget and Policy Framework**

The Chief Finance Officer will, in conjunction with the Monitoring Officer, advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework

(g) **Restriction on Post**

(i) The Chief Finance Officer cannot be the Monitoring Officer or the Head of Democratic Services.

(ii) The Chief Finance Officer must be a member of one or more of the

following professional bodies:

- The Institute of Chartered Accountants in England and Wales;
- The Chartered Association of Certified Accountants;
- The Chartered Institute of Public Finance and Accountancy;
- The Chartered Institute of Management Accountants; or
- Any other body of accountants established in the UK and for the time being approved by the Welsh Ministers for this purpose.

## **9 Functions of Head of the Democratic Services**

These are set out in section 9 of the Local Government Measure 2011. The functions of the Head of Democratic Services are:

- (a) To provide support and advice to the authority in relation to its meetings;
- (b) To provide support and advice to committees of the authority and the members of those committees;
- (c) To provide support and advice to any joint committee which a local authority is responsible for organising and the members of that committee;
- (d) To provide support and advice to the authority's Democratic service Committee and the members of that Committee;
- (e) To provide support and advice to the authority's Scrutiny Committee and the members of that Committee;
- (f) To provide support and advice to each member of the authority in carrying out the role of member of the authority;
- (g) To make reports and recommendations in respect of any of the following:
  - The number and grades of staff required to discharge democratic services functions;
  - The appointment of staff to discharge democratic services functions;
  - The organisation and proper management of staff discharging democratic services functions;
- (h) Such other functions as may be prescribed by law
- (i) Restrictions on Post

The Head of Democratic Services cannot be the Chief Executive or the Chief Finance Officer.

## **10 Duty to Provide Sufficient Resources to the Chief Executive, Monitoring Officer, Chief Finance Officer and Head of Democratic Services**

The Council will provide the Chief Executive, the Monitoring Officer, the Chief Finance Officer and the Head of Democratic Services with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

## **11 Conduct**

Officers will comply with the Officers' Code of Conduct and Protocol on Officer/Member Relations set out in [Part 5](#) of this Constitution.

## **12 Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in [Part 4](#) of this Constitution.

[↑](#)

## **13 Article 13 - Decision Making**

### **1 Responsibility for Decision-Making**

The Council will issue and keep up to date a record of which Constitutional Body or individual of the Council has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in [Part 3](#) of this Constitution.

### **2 Principles of Decision-Making**

All decisions of the Council will be made in accordance with the following principles:

- a) proportionality – any action taken must be proportionate to the aim(s) being pursued;
- b) due consultation and the taking of professional advice from appropriate officers;
- c) respect for human rights;
- d) presumption in favour of openness;
- e) clarity of aims and desired outcomes; and
- f) proper recording of reasons for the decision, any personal interest declared and any dispensation to speak granted by the Authority's Standards Committee together with details of any consultation.

### **3 Decision Making Rules and Procedures**

All Constitutional bodies have their own Procedure rules, set out in [Part 4](#).

If a Constitutional Body has not adopted its own rules, or if they are silent on a point, then the Council Procedure Rules shall be applicable to that Constitutional Body (Note: References to the Presiding Member in these circumstances shall be taken to mean the Chair).

### **4 Decision Making by the Council Meeting**

Decisions reserved to the Council Meeting. These are listed in [Article 4.4](#), and will be made by the Council Meeting and not delegated.

Subject to [Article 13.7](#), the Council Meeting will follow the Council Procedure Rules and other relevant Procedures set out in Part 4 of this Constitution when considering any matter.

### **5 Decision Making by the Cabinet**

The Cabinet will follow the Cabinet Procedure Rules set out in Part 4 of this Constitution when considering any matter.



## **6 Decision Making by Overview & Scrutiny Boards**

Overview & Scrutiny Boards will follow [Overview & Scrutiny Board Procedure Rules set out in Part 4](#) of this Constitution when considering any matter.

## **7 Decision Making by Other Constitutional Bodies**

Council, Committees and Sub-Committees will follow those parts of the Council Procedure Rules and/or appropriate Procedures adopted and set out for the Committee as are set out in [Part 4](#) of this Constitution as apply to them. Should there be any conflict the Council Procedure Rule shall take precedence.

## **8 Decision Making by Council Bodies Acting as Tribunals**

The Council, a Councillor or an Officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow the appropriate Procedure set out for the decision maker, and all such proper Procedures which accord with the requirements of natural justice and the right to fair trial contained in Article 6 of the European Convention of Human Rights.

## **9 Implementation of Decisions Taken by Council, Cabinet and Council Bodies**

All decisions made and to be implemented by Council, Cabinet or a Council Body shall be implemented within 6 months of the date of the meeting where the decision was made;

If any of the decisions mentioned in paragraph a) above are not implemented within this 6 month period then, the matter will be subject to a formal review by Council or Cabinet as appropriate.

## **10 Tracking of Decisions Taken by Council, Cabinet and Council Bodies**

Council/Cabinet will be made aware of progress on each of the decisions it has made based on a decision tracking system.

[↑](#)

# **14 Article 14 - Finance, Contracts and Legal Matters**

(This Article refers to the [Financial and Contract Procedure Rules in Part 4](#))

## **1 Financial Management**

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in [Part 4](#) of this Constitution.

## **2 Contracts**

Every contract made by the Council will comply with the Contracts Procedure Rules set out in [Part 4](#) of this Constitution.

## **3 Legal Proceedings**

The Chief Legal Officer is authorised, in respect of any proceedings in any court, tribunal or forum, or any legal proceedings generally, to take all necessary steps to protect the Council's interests or the interests of any, some or all of the inhabitants of the City and County of Swansea, including the initiation and defence of, or intervention in or settling of, legal proceedings or potential legal proceedings and to authorise officers to appear in such proceedings. To sign and serve all notices, to engross and execute legal and other documentation, to enter contracts and generally to authorise officers to carry out, as appropriate, the functions of the Chief Legal Officer.

#### **4 Authentication of Documents**

- a) Where any document is necessary to any legal Procedure or proceedings on behalf of the Council, it will be signed by the Chief Legal Officer or the Solicitor to the Council if appropriate or any other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.
- b) All contracts shall be in accordance with the Contract Procedure Rules.

#### **5 Common Seal of the Council**

Provision of the affixing of the Common Seal of the Council shall be in accordance with the Council Procedure Rules.



## **15 Article 15 - Review and Revision of the Constitution**

#### **1 Duty to Monitor and Review the Constitution**

The Presiding Member, Monitoring Officer and Head of Democratic Services will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

#### **2 Protocol for Monitoring and Review of the Constitution by the Presiding Member, Monitoring Officer and the Head of Democratic Services**

- a) A key role for the Presiding Member, Monitoring Officer and Head of Democratic Services is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1.
- b) In undertaking this task they may:
  - i) observe meetings of different parts of the Member and Officer structure;
  - ii) undertake an audit trail of a sample of decisions;
  - iii) record and analyse issues raised with either of them by Members, Officers, the public and other relevant stakeholders; and
  - iv) compare practices in this authority with those in other comparable authorities, or national examples of good practice;
  - v) Form Ad Hoc Working Group(s) to consider specific issues affecting the Council.

### 3 **Changes to the Constitution**

#### **Approval**

Changes to the Council Constitution may only be made by Council after consideration of a report by the Presiding Member, Monitoring Officer, Head of Democratic Services and/or Chief Executive except where any changes are to make any updates required by:

- 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.

Changes to the Constitution which fall under sub paragraphs a., b., or c., maybe made solely by the Monitoring Officer.

### 4 **Maintaining the Constitution**

The Chief Executive or the Proper Officer will give a printed copy of this Constitution to each Member of the Authority upon delivery to him/her of that individual's Declaration of Acceptance of Office on the Member first being elected to the Council. Following the provision of the initial printed version and unless a Councillor requests in writing/email to the contrary, an electronic link will be provided for the remainder of the duration of their term of office. Hard copies will be placed in Political Group Rooms.

The Monitoring Officer will ensure that a copy of the Constitution will be available for inspection at Council offices and on the Council's website.



## **16 Article 16 - Suspension, Interpretation and Publication of the Constitution**

### 1 **Suspension of the Constitution**

- a) **Limit to Suspension**  
The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the Council Meeting to the extent permitted within those Rules and the law.
- b) **Procedure to Suspend**  
A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in [Article 1](#).
- c) **Rules capable of suspension**  
The Procedure Rules set out in part 4 specify which of these are not capable of suspension.

### 2 **Interpretation**

The ruling of the Presiding Member as to the construction of this Constitution or its application to any proceedings of the Council shall not be challenged. Such interpretation will have regard to the purposes of this Constitution contained in [Article 1](#) and any guidance or advice of the Monitoring Officer.

### 3 **Publication**

- a) The Chief Executive or the Proper Officer will give a printed copy of this Constitution to each Member of the Authority upon delivery to him/her of that individual's Declaration of Acceptance of Office on the Member first being elected to the Council. Following the provision of the initial printed version and unless a Councillor requests in writing/email to the contrary, an electronic link will be provided for the remainder of the duration of their term of office. Hard copies will be placed in political group rooms;
- b) The Proper Officer will ensure that copies are available for inspection at Council Offices, Libraries and other appropriate locations, and can be purchased by members of the Local Press and the public on payment of a reasonable fee.
- c) The Proper Officer will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.



## 17 **Schedule 1 - Description of Executive Arrangements**

### 1 **Executive Arrangements**

The following Parts of this Constitution constitute the Executive Arrangements:

- a) Overview & Scrutiny Boards and the Overview & Scrutiny Board Procedure Rules ([Article 6](#));
- b) The Cabinet and the Cabinet Procedure Rules ([Article 7](#));
- c) Area Committees and Forums – none ([Article 10](#));
- d) Joint Arrangements ([Article 11](#));
- e) Decision Making and the Access to Information Procedure Rules ([Article 13](#));
- f) Responsibility for Functions ([Part 3](#)).

