



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

Council – 23 November 2017

### Amendments to the Council Constitution

<b>Purpose:</b>	To make amendments in order to simplify, improve and / or add to the Council Constitution. A decision of Council is required to change the Council Constitution.
<b>Policy Framework:</b>	None.
<b>Consultation:</b>	Access to Service, Finance, Legal.
<b>Recommendation(s):</b>	It is recommended that:  1) The changes to the Council Constitution as outlined in <b>Appendix B</b> of the report together with any further consequential changes be adopted;  2) The membership size of each Policy Development & Delivery Committee be reduced to 12 Councillors and the membership be as outlined by the names submitted by the Political Groups.
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#### 1. Introduction

- 1.1 In compliance with the Local Government Act 2000, the City and County of Swansea has adopted a Council Constitution.
- 1.2 A number of issues have arisen since adoption and in order to maintain the aims, principles and procedures set out in Articles 1 and 15 of the Council Constitution, it is proposed that the amendments set out below should be made to the Constitution.

## **2. Delegated Minor Corrections to the Council Constitution**

2.1 There are no delegated minor corrections to the Council Constitution.

## **3. Amendments to the Council Constitution**

3.1 This report outlines suggested amendments to the Council Constitution. The amendments are within the following area of the Council Constitution:

a) Part 3 “Responsibility for Functions - Terms of Reference”. “Policy Development & Delivery Committee x 5. These are set out in **Appendix A** of the report.

3.2 The 5 Policy Development & Delivery Committees were originally created at the Annual Meeting of Council on 25 May 2017. The PD&DC’s were established as Council Committees and therefore all meetings must be subject to access to information legislation, open to public etc.

3.3 Following their six-month existence, a review has been carried out by the Corporate Directors, Monitoring Officer and Head of Democratic Services in order to ensure that they are operating effectively.

3.4 The current terms of reference of the 5 Policy Development & Delivery Committees are set out in **Appendix A** of this report. It is proposed that they be deleted and replaced with those outlined in **Appendix B** of this report.

3.5 CWG will recall that concerns were raised at Council as to the role of the PD&DC’s and Scrutiny. The amended Terms of Reference contain specific reference to the role of Scrutiny and the PD&DC’s.

3.6 Frequency of meetings is a matter for the Chair depending on workload but formal Committee meetings should be held quarterly.

3.7 Informal Working Groups comprising PD&DC Councillors and Officers are envisaged with a view to speeding up work and allowing work to be undertaken on an informal basis for feeding into the Committee work at a later stage.

## **4. Size of Committee Membership**

4.1 Currently, each PD&DC contains 13 Councillors. This is broken down under Proportionality Rules as 9 x Labour, 2 x Liberal Democrat / Independent Coalition and 2 x Conservatives.

4.2 A number of Councillors have stated that the membership size of the PD&DC’s is a little on the large size. It is therefore proposed to reduce the size from 13 Councillors to 12.

4.3 This would mean that the membership under the Proportionality Rules would be 8 x Labour, 2 x Liberal Democrat / Independent Coalition and 2 x Conservatives.

## **5. Equality and Engagement Implications**

- 5.1 An Equality Impact Assessment (EIA) screening process took place prior to the consultation period. The outcome indicated that it was low priority and a full report was not required.

## **6. Financial Implications**

- 6.1 There are no financial implication associated with this report.

## **7. Legal Implications**

- 7.1 There are no legal implication associated with this report.
- 7.2 The amended version of the Council Constitution will be available at [www.swansea.gov.uk/constitution](http://www.swansea.gov.uk/constitution)

**Background Papers:** None.

### **Appendices:**

- Appendix A Current Terms of Reference - Policy Development & Delivery Committee(s)
- Appendix B Proposed Terms of Reference - Policy Development & Delivery Committee(s)

### Current Terms of Reference - Policy Development & Delivery Committee(s)

#### Policy Development and Delivery Committee - Economy & Infrastructure

To drive the development of the Council's Economy and Infrastructure Corporate Policies for consideration and adoption by Cabinet and or Council as appropriate.

**Note:** PD&D Committees may co-opt others on to the Committee either for a topic or for a term if the Committee consider that will assist their role.

#### Policy Development and Delivery Committee - Education & Skills

To drive the development of the Council's Education and Skills Corporate Policies for consideration and adoption by Cabinet and or Council as appropriate.

**Note:** PD&D Committees may co-opt others on to the Committee either for a topic or for a term if the Committee consider that will assist their role.

#### Policy Development and Delivery Committee - Poverty Reduction

To drive the development of the Council's Poverty Reduction Corporate Policies for consideration and adoption by Cabinet and or Council as appropriate.

**Note:** PD&D Committees may co-opt others on to the Committee either for a topic or for a term if the Committee consider that will assist their role.

#### Policy Development and Delivery Committee - Safeguarding

To drive the development of the Council's Safeguarding Corporate Policies for consideration and adoption by Cabinet and or Council as appropriate.

**Note:** PD&D Committees may co-opt others on to the Committee either for a topic or for a term if the Committee consider that will assist their role.

#### Policy Development and Delivery Committee - Transformation & Future Council Policy

To drive the development of the Council's Transformation and Future Council Corporate Policies for consideration and adoption by Cabinet and or Council as appropriate.

**Note:** PD&D Committees either may co-opt others on to the Committee for a topic or for a term if the Committee consider that will assist their role.

### Policy Development and Delivery Committees (PDDCs) - Terms of Reference

#### Policy Development and Delivery Committees:

There are 5 Committees:

- 1) Economy & Infrastructure;
- 2) Education & Skills;
- 3) Poverty Reduction;
- 4) Safeguarding;
- 5) Transformation & Future Council Policy.

#### Purpose:

The PDDCs are committees of Council with the purpose of development of the Council's Corporate Policies for consideration and adoption by Cabinet and / or Council as appropriate.

#### Membership & Frequency of Meetings:

- 1) Non-Executive Members are eligible to be members of the PDDCs;
- 2) Executive (Cabinet) Members are **not** eligible to be members of the PD&DC's;
- 3) Meetings will be quarterly, or more frequently as determined by the Chair;
- 4) Chairs of the PDDCs will meet to co-ordinate agendas and work plans to ensure consistency and that there is no duplication in work.

#### Role and Framework:

The role of the PDDC is to:

- 1) Have a work plan shared with the relevant Cabinet Member;
- 2) Focus on policy development & delivery by in depth analysis of policy issues and consider future policy development with reference to the Corporate Plan;
- 3) Make a report and/or recommendation to the Cabinet Member / Cabinet / Council in connection with work undertaken;
- 4) Consider mechanisms to encourage and enhance public participation in development of policy and policy options;
- 5) Work with Senior Officers in a Team Swansea approach to deliver key corporate priorities; and
- 6) Consider and where appropriate to invite relevant organisations / individuals to contribute to policy development discussions.

**Relationship with Scrutiny:**

- 1) The role of the PDDC is distinct from the Council's scrutiny function of holding to account, questioning and challenging proposed decisions, monitoring the performance of services, and tackling issues of concern through inquiries or one-off meetings (which may relate to a broad range of policy / service areas).
- 2) PDDCs may refer any issues arising out of their role to the Scrutiny Programme Committee for further consideration / investigation and vice-versa.
- 3) The PDDC Chair will also consider whether any matter under consideration should be referred to the Scrutiny Programme Committee.
- 4) PDDCs and the Scrutiny Programme Committee should ensure awareness of each other's work programmes and consider whether there is any issue of duplication. The Scrutiny Programme Committee should consider relevant advice but has autonomy on decisions about the scrutiny work programme.

**Support:**

- 1) The Democratic Services Team shall provide the relevant support to the Policy Development & Delivery Committees.
- 2) The Director, Head of Service, or nominated relevant Officer will provide work plan support and research and produce reports as appropriate.