



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

Council - 14 December 2017

Amendments to the Council Constitution

Purpose:	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.
Policy Framework:	None.
Consultation:	Access to Service, Finance, Legal.
Recommendation(s):	It is recommended that: 1) The changes to the Council Constitution as outlined in paragraphs 4.2 and 5.3 of the report together with any further consequential changes be adopted.
Report Authors:	Huw Evans
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services:	Sherill Hopkins

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 Function”. “Scheme of Delegation”;
 - b) Part 4 “Rules of Procedure”. “Scrutiny Procedure Rules”.

4. Scheme of Delegation “Miscellaneous Functions”

- 4.1 Delegated Power I14 “Power to hear appeals from Officers in respect of approvals to drive school transport” is duplicated within the Council Constitution. This delegated power is covered in the Local Choice Functions of J2 “The determination of an appeal against any decision made by or on behalf of the Authority.”
- 4.2 It is therefore proposed that Delegated Power I14 be deleted and the other delegated powers renamed accordingly.

5. Scrutiny Procedure Rules

- 5.1 The membership rules relating to the Scrutiny Programme Committee are set out in the Scrutiny Procedure Rules. Paragraph 2.3 of those rules relate to co-opted members; however, the paragraph needs re-drafting so as to ensure total clarity regarding the difference in statutory co-opted members who have voting rights and co-opted members who do not have voting rights.
- 5.2 Paragraph 2.3 of the Rules currently state:

“2.3 The Committee which has included its Terms of Reference responsibility for education matters shall include in its membership voting co-optees appointed in accordance with the Parent Governors Representatives and Church Representatives (Wales) Regulations 2001 and National Assembly for Wales Circular 2/00. If that Committee deals with matters which do not relate wholly or in part to any education functions then the co-opted Members shall not vote on those other matters though they may stay in the meeting and speak.”

- 5.3 It is proposed to redraft paragraph 2.3 as follows and add additional paragraphs:

“2.3 As required by law and guidance from the Welsh Government, Scrutiny Committee’s dealing with education matters must include in their membership voting representatives of religious faiths and of parent governors. Membership of the Scrutiny Programme Committee will therefore include:

- 1 x Parent Governor Representative from a Primary School;
- 1 x Parent Governor Representative from a Secondary School;
- 1 x Catholic Church Representative (LA Maintained Faith Schools);
- 1 x Church in Wales Representative (LA Maintained Faith Schools).

2.4 These Statutory Co-optees shall only have a vote at the Committee, and relevant Scrutiny Panels and Working Groups, on items relating to the overview and scrutiny of education functions. However, they may remain and speak on any other matter.

2.5 In accordance with the Police & Justice Act 2006, the Authority's designated crime and disorder committee may also co-opt additional members to serve on the committee to add value and expertise to the committee's work. Co-optees can be appointed with or without voting rights, at the discretion of the Committee.

6. Equality and Engagement Implications

6.1 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.

7. Financial Implications

7.1 There are no financial implication associated with this report.

8. Legal Implications

8.1 There are no legal implication associated with this report.

8.2 The amended version of the Council Constitution will be available at www.swansea.gov.uk/constitution

Background Papers: None.

Appendices: None