



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

Council - 21 June 2018

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:	Council Constitution.
Consultation:	Access to Services, Finance, Legal, Constitution Working Group.
Recommendation(s):	It is recommended that: 1) The changes to the Council Constitution as outlined in Paragraphs 4 and 5 together with any further consequential changes be recommended to Council for approval.
Report Author:	Huw Evans
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	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. From time to time it is necessary to review the Council Constitution in line with legislative requirements and to ensure good governance arrangements.
- 1.2 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.

1.3 The terms of reference of the Constitution Working Group includes keeping under review the Council Constitution and to make appropriate recommendations for change.

2. 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 a number of suggested amendments to the Council Constitution. The amendments are within the following area of the Council Constitution:

- a) Part 3 - Cabinet Procedure Rules - Call In Procedure;
- b) Part 4 - Terms of Reference – Constitution Working Group.

4. Part 3 - Terms of Reference – Constitution Working Group

4.1 The Local Democracy and Boundary Commission for Wales is currently carrying out a review of the Electoral Arrangements for the City and County of Swansea.

4.2 The Commission has asked for this Authority's Initial Observations on the review prior to them formulating their Draft Proposals. The Commission ask that this Authority submits for consideration a scheme or schemes for electoral arrangements based on the existing Communities and Community Wards. Maps drawn to scale showing the boundaries of the suggested electoral wards is also required.

4.3 The deadline for submitting the Authority's Initial Observations to the Commission is 26 July 2018.

4.4 In order to assist the process and the Head of Democratic Services, it is proposed that the Terms of Reference of the Constitution Working Group be amended so that they can assist in the process and make recommendations to Council in due course throughout this process and for future boundary reviews.

4.5 As such it is proposed to add the following line to the Terms of Reference of the Constitution Working Group:

- “3. To consider all aspects of any Boundary Reviews and make recommendations to Council as appropriate”.*

5. Part 4 - Council Procedure Rules - Rules of Debate

5.1 The Council Procedure Rules relating to “Rules of Debate” requires Councillors to stand when addressing Council. The Presiding Member has asked that this issue be reviewed with the requirement being removed in order to make better use of the audio facilities within the Council Chamber and to aid those with hearing and accessibility difficulties.

5.2 Below is an extract of the relevant part of Council Procedure Rule 17 “Rules of Debate”. The following changes are required to assist with the changes outlined above:

1 **“Respect for Chair**

When the Presiding Member stands during a debate all ~~any~~ Councillors ~~then standing~~ must immediately stop speaking ~~and sit down~~ and the Council must be silent.

2 **Standing when Speaking**

A Councillor, when speaking at Council, must ~~stand and~~ address the Presiding Member; all others must remain ~~seated and~~ silent, unless raising ~~to~~ a point of order, a or in personal explanation or ~~on~~ a point of information.

This Procedure Rule does not apply to other Council Body meetings such as Cabinet, Committees etc.

When a Councillor raises ~~for~~ a “Point of Order”, or in a “Personal Explanation” or ~~on~~ a “Point of Information”, Paragraph 17(12) “Personal Explanation, Points of Order and Points of Information” applies. If this occurs, the Councillor ~~rising for that purpose~~ has the floor, ~~and the other Councillors will sit down~~.

3 **Order of Speaking**

If two or more Councillors indicate their wish to speak, the Presiding Member will call on one and the other(s) must be silent then sit. The Presiding Member may decide and announce that Councillors will be called in a given order at specified points during the debate. Alternatively, the Presiding Member may also decide to open a list of Councillors wishing to speak and to restrict the speakers to those that indicate an intention to speak prior to the closure of the list. The Presiding Member shall announce when this list is closed.”

5.3 The remainder of Council Procedure Rule 17 “Rules of Debate” remains unchanged.

5.4 A number of additional consequential minor changes may also be required within the Council Constitution which will be dealt with under the Monitoring Officers delegated powers.

6. Financial Implications

6.1 There are no financial implications associated with this report.

7. Legal Implications

7.1 There are no legal implications associated with this report.

8. Equality and Engagement Implications

8.1 There are none associated with this report.

Background Papers: None

Appendices: None