



Report of the Monitoring Officer

Annual Meeting of Council – 24 May 2022

Amendments to the Council Constitution

Purpose: The report presents the necessary changes made to the Constitution following the commencement of certain sections of the Local Government and Elections (Wales) Act 2021

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For Information

1. Background

1.1 In compliance with the Local Government Act 2000, the City and County of Swansea has adopted a Council Constitution. It is necessary to review the Constitution occasionally to ensure good governance arrangements and to keep it in line with legislative requirements.

2. Local Government and Elections (Wales) Act 2021

2.1 Article 15 “Review and Revision of the Constitution” allows the Monitoring Officer to make changes / updates to the Council Constitution in relation to:

- 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.

2.2 The Local Government and Elections (Wales) Act 2021 (the Act) has brought into effect several necessary legislative changes to the Constitution. The changes are as summarised below and set out in more detail in paragraphs 3 – 11 below:

- (i) Changes to terms of office of councillors;

- (ii) Multi location meeting arrangements and electronic broadcasting (webcasting) of council meetings and access to information;
- (iii) Assistants to the Cabinet;
- (iv) Job Sharing for Cabinet Members/Leader;
- (v) Petition Procedure;
- (vi) Access to Information;
- (vii) Creation of Corporate Joint Committees;
- (viii) Constitution Guide

3. Changes to terms office of Councillors

- 3.1 The Act provides that Councillors are normally now elected for 5 years and has changed the eligibility criteria for election. Recent boundary changes also provide for additional Councillors being elected to Council in Swansea. These legislative changes have been reflected in Part 1.3 and Article 2 of the Constitution (Appendix A and B).

4. Multi Location Meeting arrangements/broadcasting

- 4.1 The Local Government and Elections (Wales) Act 2021 (the Act), requires local authorities to make and publish arrangements to ensure that all Council, Committee and Cabinet meetings may be attended remotely (multi-location meetings). There is also a requirement to broadcast full Council meetings. Therefore it has been necessary to reflect these changes in the Rules of Procedure, Access to Information Procedure Rules and other sections of the Constitution. This will enable the public to observe and participate in multi-location meetings and meet the requirement that meeting documents have to be made available electronically on the Council's website. The changes can be found in Appendix A, B D, E and F.

5. Assistants to the Cabinet

- 5.1 The Act amends the Local Government Act 2000 to provide for the appointment of Assistants to the Cabinet. The aim being to support diversity by enabling those members who may not be in a position to take up a full time executive role to have the opportunity to learn and develop.
- 5.2 The Constitution has previously referred to Assistants to the Cabinet as Deputy Cabinet Members or executive support members. The changes now regularise the statutory position. The changes can be seen in the Cabinet Procedure Rules at Part 4.4 (Appendix F).

6. Job Sharing for Cabinet Members/ Leader

- 6.1 As the number of Cabinet members including Leader could not be more than 10 at any given time the previous arrangement for job share Cabinet members was on a rotation basis.

6.2 The Act now enables job sharing up to a maximum of 13, including the Leader, being appointed on a job share basis. The relevant changes are made to reflect this in the Constitution and in particular in the Cabinet Procedure Rules at Part 4.4 (Appendix F).

6.3 Where Cabinet Members share office under job sharing arrangements, for voting and quorum purposes at Cabinet meetings, they are treated as one member with one vote.

7. Petition Procedure

7.1 The Act provides that Councils must make and publish a Petition Scheme setting out how the Council intends to handle and respond to petitions (including electronic petitions).

7.2 The Petition Scheme must set out:

- (i) how a petition may be submitted to the Council;
- (ii) how, and by when, the Council will acknowledge receipt of a petition;
- (iii) the steps the Council may take in response to a petition;
- (iv) the circumstances (if any) in which the Council may take no further action in response to a petition;
- (v) how, and by when, the Council will make available its response to a petition to the person who submitted the petition and to the public.

7.3 The Council also has a duty to review its Petition Scheme from time to time and, if the Council considers it appropriate, to revise the Scheme. If the Council revises or replaces a Petition Scheme, it must publish the revised or new scheme.

7.4 To reflect the Petition Scheme legislative requirements changes have been made to The Citizens Rights in Part 1 and Articles 3 and 4 (Appendix A and B) of the Constitution. It is a Council responsibility to approve, review and amend the Petition Scheme.

8. Access to Information

8.1 The Rules of Procedure to Access to Information (Appendix E) have been amended to reflect the move to hybrid meetings and the notice requirements under the Act. Background papers will also be published on the website unless it is not reasonably practicable to do so. Copies of minutes, agenda, reports and background papers will remain accessible for 6 years after the date of the meeting.

9. Corporate Joint Committees

9.1 The Act and subsequent legislation created the South West Wales Corporate Joint Committee. The Committee is a statutory body in its own right and is governed by its own constitutional arrangements.

However it has been included within the Constitution under Article 11 – Joint Arrangements and Article 4 – Functions of the Council meeting (Appendix B) for clarity.

10. Constitution Guide

10.1 There is now a legislative requirement for the Constitution to have a Constitutional Guide. The Guide is attached at Appendix G and summarises those matters set out within the Constitution.

11. Integrated Impact Assessment

11.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

There is no requirement for a full Integrated Impact Assessment for this report as this relates to changes that are required to the Constitution following legislative changes and would have been assessed by Welsh Ministers when drafting and consulting on the legislation.

12. Legal Implications

12.1 The changes reflect those changes necessary under the Local Government and Elections (Wales) Act 2021 to the Council Constitution.

13. Financial Implications

13.1 There are no financial implications.

Background papers: None

Appendices:

Appendix A – Part 1 – Summary and Explanation

Appendix B – Part 2 – Articles of the Constitution

Appendix C – Part 3.1 – Scheme of Delegation

Appendix D – Part 4.1 – Council Procedure Rules

Appendix E – Part 4.2 – Access to Information Rules

Appendix F – Part 4.4 – Cabinet Procedure Rules

Appendix G – Guide to the Constitution