



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

Annual Meeting of Council – 18 May 2023

### Amendments to the Council Constitution – Council Procedure Rules

<b>Purpose:</b>	To make amendments 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>	Council Constitution.
<b>Consultation:</b>	Access to Services, Finance, Legal
<b>Recommendation(s):</b>	It is recommended that:  1) The amendments to the Council Constitution – Council Procedure Rules Public Questions - as outlined in Paragraph 3.2 be approved.
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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. 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 Several 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 amendment 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 suggested amendment to the Council Constitution. The amendments relate to Council Procedure Rules which provide at Section 26 - Presentations and Public Question Time:

*1 After giving notice of the text thereof in writing to the Proper Officer not later than noon on the previous working day, any Member(s) of the public present may, at the appointed time of the open session of each Council meeting, ask question(s) of any Cabinet Member, Chair or Vice Chair of any Committee or Board of the City and County of Swansea on any matter included on the open part of the agenda of the respective meeting excluding Apologies for Absence, Councillors Disclosures of Interest, Minutes of Previous Meetings, Written responses to questions asked at the last ordinary meeting of Council, Announcements and Presentations.*

*2 If a member of the public wishes to ask a question of which s/he has not given notice, then, if there is time remaining after those questions dealt with under Council Procedure Rule 26 "Presentations and Public Question Time" s/he may ask a question on any item on the agenda of the meeting. All contributions shall be in the form of questions. Statements and speeches shall not be allowed.*

- 3.2 It is proposed that an additional paragraph is inserted as new paragraph 26.3 as follows:

*3. The Presiding Member may reject a question if:*

*(i) it is substantially the same as a question which has been put at a meeting of the Council in the last 6 months*

*(ii) it relates to a matter which is subject to legal challenge or enforcement proceedings*

*(iii) it would require the expenditure of a disproportionate amount of time to prepare an answer*

*(iv) it does not relate to a matter for which the Council has a responsibility*

*(v) it does not relate to a matter in which the residents of the City and County of Swansea would have an interest*

*(vi) it is defamatory, vexatious or offensive*

*(vii) it requires the disclosure of confidential information*

*(viii) it relates to the personal circumstances or conduct of an officer or member*

*(ix) it relates to an individual/ group or business or the questioners own personal circumstances*

*The Decision of the Presiding Member is final.*

- 3.3 The above addition reflects to a large extent when petitions may be disallowed. It is clearly not appropriate during public questions to be putting information which is confidential into the public domain, accepting questions which may be defamatory, subject to legal proceedings etc. There have been instances where the Monitoring Officer has had to disallow public questions on the basis of use of offensive language in the question and this amendment simply sets out what questions may be disallowed.
- 3.4 The proposal does not prohibit public questions and therefore the democratic right of the public is protected. However it does give the Presiding Member an opportunity to rule out questions, on advice of the Monitoring Officer, which are inappropriate. It also provides some guidelines to members of the public who wish to submit public questions.

#### **4. Integrated Assessment Implications**

- 4.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, 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 Acts.
  - 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.
  - Deliver better outcomes for those people who experience socio-economic disadvantage.
  - Consider opportunities for people to use the Welsh language.
  - Treat the Welsh language no less favourably than English.
  - Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 4.2 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

4.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also considers other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

4.4 An IIA Screening Form has been completed and no adverse implications have been noted.

## **5. Financial Implications**

5.1 There are no financial implications associated with this report.

## **6. Legal Implications**

6.1 There are no legal implications associated with this report.

**Background Papers:** None.

**Appendices:** None.