

CONSTITUTION COMMITTEE

18 SEPTEMBER 2013

Present: County Councillor Ralph Cook (Chairperson);
County Councillors Aubrey, Cowan, Gordon, Knight,
Marshall and Walker

Apologies: County Councillors Furlong, Hyde and Magill

6 : CHAIRPERSON

The Committee noted that Council at its Meeting on 25 July 2013 elected Councillor Ralph Cook as Chairperson of this Committee to replace Councillor Furlong for the remainder of the Municipal Year 2013/14.

7 : MEMBERSHIP

The Committee noted that Council at its meeting on 25 July 2013 appointed Councillor Ralph Cook to replace Councillor Goodway on this Committee.

8 : DECLARATIONS OF INTEREST

The Chairperson reminded Members of their responsibilities under Part III of the Members' Code of Conduct, to declare any interests in general terms and complete "personal interest" forms at the start of the meeting and then, prior to the commencement of the discussion of the item in question, specify whether it is a personal or prejudicial interest. If the interest is prejudicial, Members would be asked to leave the meeting, and if the interest is personal, but not prejudicial, Members would be invited to stay, speak and vote.

9 : MINUTES

The Minutes of the meeting of the Constitution Committee held on 10 July 2013 were approved as a correct and signed by the Chairperson.

10 : INTRODUCTION TO THE NEW MONITORING OFFICER

The Committee welcomed Marie Rosenthal the new County Clerk and Monitoring Officer to the meeting.

Marie Rosenthal acknowledged that there appeared to be a large number of meetings and suggested that as a Constitution Committee Members might like to examine the quality and quantity of meetings, she added that it was her intention to observe a full cycle of meetings and to bring a report back to a future Constitution Committee to review the frequency and operation of meetings of the Council including the style, content, Governance issues and recording of attendance.

RESOLVED – That the update be noted and a report of the County Clerk and Monitoring Officer be brought to a future meeting of the Constitution Committee.

11: COUNCIL PROCEDURE RULES – FEEDBACK AND NEXT STEPS

The Committee received Members' feedback on the revised procedure rules following the recent trial period to enable Committee to (i) consider amendments to the rules in response to that feedback and (ii) agree how to best proceed with the review of the Council Procedure Rules.

As a result of feedback received, minor amendments had been made to the draft new Rules a copy of the revised Council Procedure Rules was attached at Appendix C to the report.

The County Clerk and Monitoring Officer referred Members to Recommendation 3 of the report to keep the pilot running through the September and October 2013 Council meetings, should Members be minded to extend the trial period further it would enable her to view the operation of the new rules as they stand. Members were advised that the response to the consultation had been mixed.

Members made the following observations:

- Preambles announcements and declarations were very time consuming;
- The process for questions often meant the questions were regimented, concern was expressed that due to the volume of questions for some portfolios the time often lapsed with questions left unanswered;
- Council meetings were often long and unwieldy, the possibility of having a separate session to ask questions to Cabinet Members in public but outside the Normal business meeting was suggested;

- Reference was made to the process for Scrutiny, this was considered to be an appropriate place to hold Cabinet Members to account and also to give Members the opportunity to scrutinise policies, each Cabinet Member attends Scrutiny on a regular basis. Attention was drawn to the fact that not all Members sit on Scrutiny Committees;
- There was currently no provision for public questions at Scrutiny Committees;
- It was noted that there was a Task and Finish Group to consider public involvement in Scrutiny, it was suggested that the report of the Task and Finish Group should come to this Committee;
- Council meetings should be more focused on the core business of the meeting and to hold Cabinet Members to account;
- Introduction of Member Debate, it was suggested that this needed to be more structured and could possibly be an item for Scrutiny Committees to take further;
- The introduction of Green Papers was supported it was suggested that when developing the process for Green Papers this should be debated beforehand;

RESOLVED – That

- (1) The report be noted;
- (2) Authority be delegated to the County Clerk and Monitoring Officer in consultation with the Chair of the Committee to make any necessary amendments to the pilot Council Procedure Rules as agreed during discussions at the Committee;
- (3) Council be recommended to extend the pilot to the September and October 2013 meetings of Council;
- (4) The County Clerk and Monitoring Officer (in consultation with the Chair) bring to the November meeting of the Committee a report setting out options for the Committee to consider how best to proceed.

**12: PROCUREMENT AND PROPERTY DECISION MAKING
REVIEW**

The Council is required to keep its Constitution under review and has delegated this function to the Constitution Committee.

At its meeting on 20 September 2012 the Constitution Committee agreed a timetable to review the Constitution and in line with that timetable the current area for review was delegations/decision making arrangements.

At its meeting on 14 May 2013 the Constitution Committee received a scoping report on the Review of Decision Making Arrangements ("the Delegations Scoping Report") and agreed the first area for review would be procurement and property related decision making and tasked the Monitoring Officer to provide a scoping report to the next meeting of the Committee.

The County Clerk and Monitoring Officer outlined the issues and invited Members to indicate which aspects of the decision making arrangements in relation to procurement and property they wished to review. Potential areas for review were set out in paragraphs 11 to 38 of the report for consideration by Members, these included Members' Involvement; Decision Making by Officers; Financial Thresholds; Specific Types of Transactions; Transparency and Scrutiny of Decision Making.

The County Clerk and Monitoring Officer noted that currently all decisions were taken collectively at Cabinet, however there were some decisions that didn't need to be taken by Members, such as routine decisions that could be taken by individual Members, there was also the need to consider the role of back bench Members in the procurement decision making process. In order to ensure there was transparency there was a need for a robust framework to be put in place for the recording of all decisions.

With regard to the establishment of a Task and Finish Group the County Clerk and Monitoring was asked to bring back an options paper for consideration by the Task and Finish Group.

Following discussion the Committee RESOLVED

- (1) That the report be noted;
- (2) That a Task and Finish Group be established, with appropriate terms of reference to undertake the Procurement and Property Decision Making Review. Councillors Ralph Cook (Chairperson), Jayne Cowan and Gretta Marshall agreed to sit on the Task and Finish Group it was agreed that an invitation would be extended to all Members of the Committee to sit on the Task and Finish Group;

- (3) That the Task and Finish Group be requested to report back to a future meeting of this Committee with recommendations on changes to the current decision making arrangements within the scope of its review;
- (4) The County Clerk and Monitoring Officer be requested to co-ordinate the work of the Task and Finish Group with the ongoing work on procurement and property procedures, as noted in paragraphs 37 and 38 of the report and to incorporate all relevant recommended changes in the reports back to this Committee;
- (5) To note that any recommended changes made pursuant to recommendations (4) and (5) above would be subject to
 - (a) consultation with the Cabinet and (b) the approval of Council.

13 : INTRODUCTION OF THE ROLE OF PRESIDING MEMBER

Council had previously made a decision to pursue the separation of the functions traditionally associated with the Lord Mayor. The intent of that decision had been to enable a structure by which:

- (a) the recognised governance and administrative functions of the position would be retained by a “Chair of the Council”; and
- (b) the ceremonial and civic functions would become a stand alone role to be undertaken by the Lord Mayor.

The County Clerk and Monitoring Officer referred to the legal hurdles relating to the Letters Patent that created the title “The Right Honourable the Lord Mayor of Cardiff” that prevented this structure from being adopted immediately and advised that Officers had been investigating the possibility of obtaining new Letters Patent in relation to the use of the title to enable the separation.

Members were advised a provision enabling the separation of the roles had been included in the Local Government (Democracy) (Wales) Act 2013. The provision takes effect by amending the provisions of the Local Government Act 1972 as it relates to the position of Chair of Council.

Members were advised that the new Act received Royal Assent on

30 July 2013 and the relevant provision would come into force on 30 September 2013.

RESOLVED – That the amendments made to the Local Government Act 1972 by the Local Government (Democracy) (Wales) Act 2013 be noted.

Chair _____

Date: _____