

CONSTITUTION COMMITTEE

11 JUNE 2014

Present: County Councillor Sue Lent (Chairperson) Councillors
Aubrey, Cowan, Hyde, Gordon, Knight, Marshall, Walker
and Woodman

Apologies: Councillors Goodway and Magill

43: 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.

44: MINUTES

The minutes of the meeting of the Constitution Committee held on 19 March 2014 were approved as a correct record and signed by the Chairperson.

45: ROLE AND STATUS OF THE CORPORATE PARENTING PANEL

The Chairperson welcomed Marie Rosenthal County Clerk and Monitoring Officer, Kumi Ariyadasa Solicitor and Martyn Hutchings Principal Scrutiny Officer to the Committee.

Members were advised that there was an overlap in membership and topics covered by the Corporate Parenting Panel and the Children and Young People Scrutiny Committee.

The Children & Young People Scrutiny Committee and the Corporate Parenting Panel had undertaken a Joint Task and Finish Inquiry into the role and status of Corporate Parenting in Cardiff.

Members were advised that the Inquiry recommended that an Advisory Committee be established to advise the Cabinet and or Council, as appropriate, with regard to the discharge of its corporate parenting functions.

The establishment of an Advisory Committee, agreeing its terms of reference and membership are all matters which must be decided by full Council, but the Constitution Committee was responsible for making recommendations to Council on these matters.

Members were invited to comment upon the proposed establishment of an Advisory Committee, and its proposed terms of reference and membership.

The Principal Scrutiny Officer advised the Committee that the joint task group had benchmarked other local authorities, and determined that many of them did as Cardiff does. They noted a few examples of good practice which had also been picked up by the CSSIW.

The Chair invited discussion and the following comments and observations were made:

- Members asked how many co-opted members were envisaged to be appointed to the Advisory Committee. The Chairperson advised that co-opting young people had been discussed but concerns were raised about the membership becoming too large. Officers stated that they would suggest keeping this open at this stage and reviewing this in due course.
- Members enquired whether the Advisory Committee would continue to meet as the Corporate Parenting Panel currently does or whether more meetings would be required. Officers advised that this could be reviewed over the first year but that 6 meetings would be initially programmed in line with the Panel's pattern of meetings.
- Members noted the new Advisory Committee would have the opportunity to be more focussed in its work, and wished to formally thank those involved in the Task and Finish group.

RESOLVED – That

1. the recommendations of the Joint Report of the Children and Young People Scrutiny Committee and the Corporate Parenting Panel, ‘A Review of the Status and Roles of Corporate Parenting in Cardiff Council’, as set out in Appendix A of the report be noted;
2. to recommend to Council the establishment of an Advisory Committee for Corporate Parenting;
3. delegated authority be granted to the Monitoring Officer, in consultation with the Chairs of Constitution Committee, Corporate Parenting Panel and Children and Young People Scrutiny Committee, to finalise the proposed terms of reference and membership of the Advisory Committee for Corporate Parenting, and to seek approval of the same from full Council in July;
4. to recommend to Council the appointments to be made to the Advisory Committee, in accordance with the membership provisions recommended under recommendation (c);
5. to review this matter after 1 year.

46: CONSTITUTION UPDATES

Members were advised that various constitution updates were required in order to reflect legislative and organisational developments.

Remote Attendance

Members were advised that the statutory guidance on remote attendance at meetings had been issued in April 2014, which acknowledged that there would be staffing, technological and practical issues, as outlined in the report.

Democratic Services Committee had considered this issue and its view was that it wasn’t a priority for the Council, and was probably more appropriate for rural authorities. They had heard evidence of a pilot exercised conducted by Public Protection Committee via a Skype solution, which had worked well as a one off but was not considered a corporate solution.

Officers had looked at other Welsh Authorities and current practice was that most did not offer the option of remote attendance although some were considering it.

The Chair invited discussion and the following comments and observations were made:

- Members stated that Democratic Services Committee had decided to not actively pursue this option but that it be left open for extenuating circumstances.
- Members discussed the technology needed for such an option and the costs involved, and noted that technology is constantly developing.
- Members discussed the use of a Skype facility in extenuating circumstances. The Monitoring Officer advised Committee that this would not be classed as legal attendance unless the Standing Orders were amended.
- Members considered that remote attendance was more appropriate for rural authorities.
- Members discussed ‘extenuating’ circumstances and that under such circumstances it was unlikely that ten days notice could be given.

New Standing Orders Regulations on Senior Officer Appointments

Members were advised that the Welsh Government would be amending the law on which the Council’s Employment Procedure Rules are based, and that when the new Regulations are issued, the Council would need to adopt and amend its Standing Orders within two months.

Members were advised of the key changes being introduced, those being: that Chief Officer posts with a remuneration over £100k per annum would be subject to external advertisement; the Head of Democratic Services would be given the same statutory protection as the Section 151 Officer, Monitoring Officer and Head of Paid Service; and any decision on remuneration of Chief Officers would have to be taken by Full Council rather than Employment Conditions Committee.

The Chair invited discussion and the following comments and observations were made:

- Members considered that the amendments to Standing Orders would provide greater transparency
- Members noted that the Council would have no discretion over implementation of the new legislation once it is issued and the short timescale for implementation, and so considered that authority could be delegated to the Monitoring Officer, in consultation with the Chair, to report the necessary changes straight to full Council rather than it coming back to Committee.

Deputy / Assistant Cabinet Members

Members were advised that the Constitution, Article 7.5, makes provision for Assistants to Cabinet Members, as follows:

‘The Cabinet may appoint Councillors to act as assistants to the Cabinet as the Cabinet considers necessary and appropriate. Their role will be:

- (a) To assist the Cabinet collectively;
- (b) To liaise with the Chairs and members of relevant Scrutiny Committees; and
- (c) To act as observers at meetings of the Cabinet or a committee of Cabinet.

Assistants to the Cabinet may not vote on any matters before the Cabinet, neither may they substitute for a Cabinet Member at a meeting of the Cabinet nor in any decision making role.’

Members were advised that the Cabinet had, in May 2014, appointed 3 ‘Deputy Cabinet Members’ to provide additional support to Cabinet Members and the recommendation of the report was to change the references in the Constitution from ‘Assistants to Cabinet Members’ to ‘Deputy Cabinet Members’.

The Chair invited discussion and the following comments and observations were made:

- Members discussed whether Assistants to Cabinet Members could be members of Scrutiny Committees. The Monitoring Officer advised that the Members’ Code states that Members couldn’t scrutinise any cabinet decision that they have been involved in, and they would have to declare a prejudicial interest and leave the meeting. Members agreed that Assistant / Deputy Cabinet

Members should not be members of a relevant Scrutiny Committee.

- A Member noted that the areas that the Deputy Cabinet members had been given did not align with specific Cabinet Members portfolios, therefore she could not see there would be a compromise. The Monitoring Officer reiterated that the Code was very clear in that there couldn't be any involvement in any Policy issues that they had been working on.
- Members discussed whether the term 'Deputy' was appropriate given that they would not be able to fully deputise for the Cabinet Members and considered that this may be misleading for the public.

RESOLVED – That:

1. to permit remote attendance in exceptional circumstances only, on a case by case basis, at the discretion of the Chair, and to recommend the adoption of a new Standing Order to this effect, as set out in Appendix B to the report, subject to amendment to give the Chair discretion to waive the required notice periods if appropriate;
2. to note the proposed amendment of the Standing Orders Regulations in respect of senior officer posts, and delegate authority to the Monitoring Officer, in consultation with the Chair, to recommend any necessary changes to Full Council;
3. recommend that the current designation of 'Assistant Cabinet Member' should remain with no changes to the Constitution Article 7.5 heading 'Assistants to Cabinet Members'; and to recommend that assistants to Cabinet Members should not serve on a relevant Scrutiny Committee.

47: FORWARD PLAN 2014/2015

Members were advised that a work plan is emerging for the Committee based on its work to date this year and Members' commitment for the Council and its committees to be valued as key democratic institutions for Cardiff making accountable, robust and inclusive decisions.

In addition to the objectives/outcomes that have emerged from previous discussions, it was noted that the Council's Organisational Development Programme addresses key enablers through which the Council will reposition its approach to understanding and meeting citizen needs and, through that focus, meeting the challenges facing the organisation.

Members' attention was drawn to the Cabinet's 'Major Change' programme, and it was suggested that the Constitution Committee should lead a governance activity on this and incorporate this into the work of the Committee. Officers would consider examples of best practice before recommending any constitutional changes in these regards.

The Chair invited discussion and the following comments and observations were made:

- Members enquired as to how they feed items into the forward plan, and were advised that this could be done either through committee meetings or approaching the Chair or Monitoring Officer.
- Members discussed the possibility of holding an informal meeting to discuss work programming.
- Members enquired about the process for formulating the forward plan and who would be doing the work. The Monitoring Officer explained that officers from her directorate would undertake the formulation of the forward plan and that there would be informal meetings held in between committee meetings.
- Members discussed various issues that they would like included on the forward plan, including; The Call-In of decisions and how Call-In operates; Annual Reports to Council from Regulatory Services and Outside Bodies; and an informal meeting to discuss the Governance Programme.
- Members discussed changing the start time of Constitution Committee meetings to a 10.00am start.

RESOLVED – That:

1. to add consideration of Call-In and Annual Reports to Council to the Forward Plan 2014/15, set out in Appendix A;

2. to meet informally as a Task and Finish Group to further discuss the Forward Plan 2014/15 and report back to a future Committee meeting.

Chairperson: _____

Date: _____