

CONSTITUTION COMMITTEE

19 MARCH 2015

Present: County Councillor De'Ath(Chairperson)
County Councillors Cowan, Goodway, Gordon, Hinchey, Hyde,
Knight, Magill, Walker and Woodman

66 : APOLOGIES

An apology was received from Councillor Aubrey

67 : DECLARATION OF INTERESTS

The Chairperson reminded Members of their responsibility under Article 16 of the Members' Code of Conduct to declare any interest, and to complete a Personal Interest form at the commencement of the item of business.

The following declarations were received:

<u>Councillor</u>	<u>Item</u>	<u>Interest</u>
Councillor Cowan	Item 5: - Proposed Local Authority Governor Panel	Personal Interest as Chairman of LA School Governors at Greenhill Special School.
Councillor Goodway	Item 5: - Proposed Local Authority Governor Panel	Personal Interest as Vice – Chair of the Cardiff Capital Region Advisory Board.
Councillor Gordon	Item 5: - Proposed Local Authority Governor Panel	Personal Interest as LA School Governor of Severn Road Primary School
Councillor Hinchey	Item 5: - Proposed Local Authority Governor Panel	Personal Interest as a LA School Governor
Councillor Hyde	Item 5: - Proposed Local Authority Governor Panel	Personal Interest as LA School Governor and Chair of Bryn Celyn Primary School
Councillor Knight	Item 5: - Proposed Local Authority Governor Panel	Personal Interest as LA School Governor at Cathays High School
Councillor Walker	Item 5: - Proposed Local Authority Governor Panel	Personal Interest as LA School Governor at Llysfaen Primary School
Councillor White	Item 5: - Proposed Local Authority Governor Panel	Personal Interest as LA School Governor at Ysgol Glan Ceubal

Councillor Woodman	Item 5: - Proposed Local Authority Governor Panel	Personal Interest as a LA School Governor
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68 : MEMBERSHIP

The Committee noted and welcomed Councillor Susan White to her first meeting of the Committee following her appointment at Full Council on 29 January 2015

69 : MINUTES

The minutes of the meeting held on 15 January 2015 were agreed as a correct record and signed by the Chairperson.

70 : PROPOSED LOCAL AUTHORITY GOVERNOR PANEL - REPORT OF THE COUNTY CLERK & MONITORING OFFICER

The Committee received an update on the proposal to improve the arrangements for the appointment of Local Authority (LA) Governors to Cardiff Schools by establishing a Local Authority Governors Panel.

RESOLVED – That the Committee recommend to Full Council

1. the establishment of Local Authority Governors Panel as part of the Constitution with the following Terms of Reference:

Terms of reference

- (i) For School Governing Bodies constituted under The Government of Maintained Schools (Wales) Regulations 2005 to appoint and remove governors to those places allocated to the Local Authority;
- (ii) To consider and make decisions relating to the recruitment of governors; the training of governors; and any other matters that may be referred to the Panel by the Cabinet or the Constitution Committee.

2. the Membership of the Panel be established as follows:

Membership

Seven members to include the Cabinet Member responsible for the Education portfolio, and a representative from each of the Party Groups

3. to amend the Scheme of Delegation in Part 3 of the Constitution to amend Section 3, Local Choice Functions:

‘The appointment of any individual:

- (a) To any office other than an office in which he / she is employed by the authority;
- (b) To any body other than:
 - (i) The authority;
 - (ii) A joint committee of two or more authorities; or

(c) To any committee or sub-committee of such a body,

And the revocation of any such appointment. ’

Decision Making Body – Council

Delegation –/ Governors Panel /Director of Education for appointment of Local Authority School Governors pursuant to Section 19 of the Education Act 2002 and the Government of Maintained Schools (Wales) Regulations 2005 .

4. any consequential amendments to other Constitution provisions.

71 : INTERVENTIONS IN SCHOOLS - SCHEME OF DELEGATIONS - REPORT OF THE COUNTY CLERK & MONITORING OFFICER

The Committee considered recommended amendments to the Scheme of Delegations in relation to the Council’s powers of intervention in schools causing concern.

RESOLVED – That the Committee recommends to Full Council the following amendments to the Scheme of Delegations:

1. Section 4F, Insert a new delegation:

*‘Director of Education, Delegation Reference ‘DEd1’
To exercise the Council’s powers of intervention under Part 2 of the School Standards and Organisation (Wales) Act 2013, including for the avoidance of doubt, the powers to serve a Warning Notice; appoint additional governors or an Interim Executive Board’*

2. Section 3, Amend allocation of the following local choice function:

‘The appointment of any individual:

- (d) To any office other than an office in which he / she is employed by the authority;
- (e) To any body other than:
 - (iii) The authority;
 - (iv) A joint committee of two or more authorities; or
- (f) To any committee or sub-committee of such a body,

And the revocation of any such appointment’

Decision Making Body – Council / Cabinet, for appointments pursuant to powers of intervention under section 6 or section 7 of the School Standards and Organisation (Wales) Act 2013

Delegation – [For appointments pursuant to powers of intervention] - Director of Education under delegation reference DEd1 (Scheme Section 4F)

3. Any consequential amendments to other Constitution provisions.

72 : COUNCIL MEETING PROCEDURE RULES REVIEW - REPORT OF THE COUNTY CLERK & MONITORING OFFICER

The Committee was requested to review and consider the effectiveness of the current Council Procedure Rules in particular rules relating to extraordinary meetings, and amendments to motions; Ordinary Motions; Inappropriate Business; Order of Business.

RESOLVED – That

The following changes be recommended to full Council: -

Motions at Extraordinary meetings

1. The current Council Meeting Procedure Rules relating to items of business at Extraordinary Meetings be revised to make it clear that Notices of Motion can be considered at Extraordinary Meetings, and that the rules of debate for Ordinary Motions as set out in Rule 22 will apply as modified in relation to notice.

Inappropriate Business

2. Inappropriate business is defined in Rule 35 of the Council Meeting Procedure Rules. The definition does not include any matter which is unlawful or ultra vires the Council. The Constitution Committee are recommending that matters that are ultra vires the Council or unlawful be added to the definition.

Order Of Business at Council Meetings

Rule 3 sets out an Order which puts the Leader and Cabinet Member Statements and the 90 minute Member Oral Questions and Answers ahead of Reports and Motions. It is recommended that the Full Council meetings should deal with all items of business requiring a vote including Motions ahead of these items and Rule 3 be amended accordingly.

73 : POWER TO LOCAL PEOPLE WHITE PAPER - REPORT OF THE COUNTY CLERK & MONITORING OFFICER

The Committee was requested to give its comments and observations on the City of Cardiff Council's response to the 'Power to Local People' White Paper issued by the Welsh Government in relation to Local Authority Constitutions. Chapter 2 of the White Paper sets out the legal responsibility on the Council to adopt a Constitution setting out its rules relating to procedures; conduct; remuneration and role specifications relating to governance, administration, finances, commercial and collaborative activities the purpose of which is to enable Councillors, officers, the public and stakeholders to understand how the Council makes decisions and who is responsible for those decisions.

The Committee had a discussion on the size and content of the Constitution which they considered to be unwieldy and not user friendly and did not encourage participation in the decision making process.

RESOLVED – That

1. the development of a more streamlined Constitution be encouraged allowing for operational variations between Local Authorities;
2. the Committee continue to review the aspects of public engagement and participation in the decision making; petitions.

74 : DATE OF NEXT MEETING

The date of the next meeting was to be confirmed.