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## AGENDA

<b>Pwyllgor</b>	PWYLLGOR Y CYFANSODDIAD
<b>Dyddiad ac amser y cyfarfod</b>	DYDD LLUN, 8 IONAWR 2018, 5.00 PM
<b>Lleoliad</b>	YSTAFELL BWYLLGORA 3 - NEUADD Y SIR
<b>Aelodaeth</b>	Cynghorydd Goodway (Cadeirydd) Cynghorwyr Berman, Burke-Davies, Carter, Keith Jones, Goddard, Jones-Pritchard, Kelloway, McEvoy, McKerlich a/ac Wong

### 1 Ymddiheuriadau

Derbyn ymddiheuriadau am absenoldeb.

### 2 Datgan Buddiannau

Dylid gwneud hyn ar ddechrau'r eitem agenda dan sylw, yn unol â'r Cod Ymddygiad Aelodau.

### 3 Cofnodion *(Tudalennau 1 - 4)*

Cymeradwyo cofnodion y cyfarfod blaenorol fel cofnod cywir.

### 4 Rheolau Gweithdrefn Cyfarfodydd Cyngor *(Tudalennau 5 - 36)*

### 5 Rheolau Galw i Mewn Craffu *(Tudalennau 37 - 50)*

### 6 Cynllun Gwaith Ymlaen 2017-18 *(Tudalennau 51 - 54)*

### 7 Dyddiad y cyfarfod nesaf

**Davina Fiore**

**Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol**

Dyddiad: Dydd Mawrth, 2 Ionawr 2018

Cyswllt: A.Redmond@caerdydd.gov.uk



## CONSTITUTION COMMITTEE

25 OCTOBER 2017

Present: Councillor Goodway (Chairperson)  
Councillors Berman, Burke-Davies, Carter, Goddard, Jones-Pritchard, Kelloway, McEvoy, McKerlich and Wong

## 9 : APOLOGIES

Apologies were received from Councillors Saeed Ebrahim and Keith Jones.

## 10 : DECLARATIONS OF INTEREST

There were no declarations of interests.

## 11 : MINUTES

The minutes of the meeting 31 August 2017 were approved as a correct record and signed by the Chairperson subject to the inclusion of Councillor Susan Goddard as an apology.

## 12 : REVIEW OF THE CONSTITUTION

The Committee received and considered potential areas of change to the procedure rules for meetings of Full Council and other areas of the Constitution, to ensure that the governance arrangements for the relevant activities were fit for purpose and appropriately covered all business of the Council.

The Chairperson advised that since the last meeting further discussions had been held with the Leader of the Council, Group Leaders and Group Whips. This had been followed by discussions within political groups.

Council Meeting Procedure Rules (CPR) - Feedback from Groups Whips on the consultation document formulated following the August meeting, along with benchmarking data from core cities, provided the background for the Committee to consider and make recommendations.

The Chairperson advised that the aim was to have more business and focussed Council meetings and that where there was general consensus that these changes would be implemented before the next Annual Meeting.

The following were areas of agreement: -

- There was no requirement for a guillotine / cut off time as it was felt that the Chair of Council would manage the business within the allocated time limits so that meetings did not go beyond 10.00pm. However it was agreed that the time limits on agenda items should be included in the CPRs, with discretion for the Lord Mayor to extend them.
- Include a rule to manage and limit tributes and eulogies;
- Ordinary Motions be limited to two per meeting;

- Cabinet Green Papers to be debated at Council should be counted as part of the leading group's allocation of Ordinary Motions;
- Reintroduce the rule that amendments to Ordinary Motions must not negate the original motion;
- The Cabinet Member to have the right of reply to a motion and (with the agreement of the mover and seconder) to move that the vote be adjourned to the next meeting, in order to give the Cabinet the chance to consider the matter first;
- Cabinet Statements to be circulated with the Council agenda and be related to Policy announcements, updates, budgetary issues or matters of significance;
- Remove Cabinet Members and Assistants to Cabinet members from the calculation of the leading group's proportional allocation of oral questions;
- Remove the provision for a second supplementary question on oral questions;
- Provide for composite answers to oral questions which are closely related or on the same subject matter, whenever appropriate;
- Allow political groups to identify their preferred speakers in advance for debates on particular matters if they wish to (but retaining the discretion of the Lord Mayor).

There was no clear conclusion to the following activities related to the CPR:-

- How to provide opportunity for further Opposition Time;
- Consider whether to re-introduce the Member Debate;
- How questions on Cabinet Statements and Oral questions can be better managed;
- Change deadlines for receipt of Notice of Motions or change meeting of Party Group Whips to allow for their involvement in the consideration of timing of Council meetings with the Chair of Council;
- Provide a rule for dealing with suspended votes following meetings – that is to deal with combined amendments to motions;
- Review rules on Recording / Filming of Council, Committee and Scrutiny Meetings;
- The need for a Council Petitions Scheme included in the Constitution.

Scrutiny Functions - The Committee was advised of a recommendation received from Scrutiny Chairs to consider amending the current Call-In rules in relation to matters which have been subject to Pre-Decision Scrutiny. The Chairs were recommending that in such cases the call-in of a decision should only be permitted if there is significant and relevant new or additional information which has not been previously considered by the relevant Scrutiny Committee, so as to avoid unnecessary duplication of work already undertaken. Under Cardiff's current rules, an Executive decision may be called-in by any non-Cabinet Member. A number of authorities require a call-in request to be supported by more than one Member and some authorities require the request to have cross-party support. Members may wish to consider reviewing Cardiff's rules in this regard.

The Committee was also advised that the Wales Audit Office (WAO) is undertaking a national themed review of Cardiff's scrutiny function, 'Scrutiny – Fit for the Future'. The purpose of the review is to consider how Councils are responding to current challenges, including the Well-being of Future Generations Act and scrutiny of public service boards. It will also examine how well placed the Council is to respond to future challenges including continued pressure on public finances and possible moves towards more regional working between local authorities; and review progress

made in addressing WAO's earlier recommendations. Any recommendations relating to constitutional issues which may arise from WAO's review will be reported to the Constitution Committee for consideration in due course.

Cross-Party Member Working Groups - The Committee noted that an All Women Cross Party Group was due to meet in December.

Ward Member Consultation – this is an important areas for Councillors and it had been suggested that an amendment be made to the Scheme of Delegations, Officer Delegations, Section 4A to ensure that officers fully consult Ward Councillors on matters that specifically impact on their ward or have a significant effect on more than one ward.

Questions to Cabinet Members - the Consultation Document on CPR rules had highlighted other forums where public questions could be more appropriate such as Cabinet or Scrutiny Committees.

RESOLVED – That

1. A report be prepared for Full Council to recommend the implementation of areas where there was cross party consensus and this be circulated to all Party Group Leaders and Whips for agreement prior to the November Council meeting;
2. The Director of Governance and Legal Services prepare further reports on any other potential changes for consideration by the Committee and these be incorporated into the Committee Work Plan 2017/18.

#### 13 : COMMITTEE FORWARD WORK PLAN

The Committee received a draft Forward Work Plan prepared following initial discussion at its meeting on 31 August 2017.

RESOLVED – That

1. the Constitution Committee Forward Work plan was approved; and
2. the Director of Governance and Legal Services in consultation with the Chairperson be given delegated powers to update the plan to include prioritisation of work plan items in line with the allocation of resources to each topic area.

#### 14 : DATE OF NEXT MEETING

RESOLVED – That the date of the next meeting be agreed with the Chairperson in consultation with the Director of Governance and Legal Services.

The meeting terminated at 18.35pm

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**CARDIFF COUNCIL  
CYNGOR CAERDYDD****CONSTITUTION COMMITTEE:****8 JANUARY 2018**

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**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL SERVICES**

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**COUNCIL MEETING PROCEDURE RULES****Reason for this Report**

1. To allow the Committee to consider proposed changes to the procedure rules for meetings of full Council and recommend any agreed changes to full Council for approval.

**Background**

2. The Constitution Committee has responsibility, in accordance with its approved terms of reference, for reviewing the Constitution and recommending any changes to full Council for approval.
3. At its previous meetings, on 31<sup>st</sup> August 2017 and 25<sup>th</sup> October 2017, the Committee has considered various aspects of the arrangements for meetings of full Council, which are governed by the Council Meeting Procedure Rules ('the Rules'). Members have indicated a general aim to have more focused Council meetings, with more time for opposition members and backbench members of the leading group to contribute.
4. The Committee consulted with party groups and considered various potential changes and the feedback received from party groups at its last meeting on 25<sup>th</sup> October 2017. Having expressed its views on the issues, the Committee asked the Monitoring Officer, in consultation with the Chairperson, to draft proposed changes to the Rules and to circulate these for consultation with group leaders and whips.
5. Group leaders and whips were consulted by email dated 15<sup>th</sup> December on draft proposed changes to the Rules.

**Issues**

6. On the basis of the Committee's previous discussions of the rules governing full Council meetings, and following consultation with group leaders and whips, there appears to be a general consensus on a number of changes to the rules.
7. The proposed changes to the Rules, in summary, cover the following:

- i. A rule to limit tributes and eulogies;
  - ii. A limit of 2 Ordinary Motions per meeting;
  - iii. To provide that Cabinet Green Papers debated at Council are to be counted as part of the leading group's allocation of Ordinary Motions;
  - iv. A rule that amendments to Ordinary Motions must not negate the original motion;
  - v. A right for the Cabinet member to reply to a motion and (with the agreement of the mover and seconder) to move that the vote be adjourned to the next meeting, in order to give the Cabinet the chance to consider the matter first;
  - vi. A requirement for Cabinet Statements to be circulated with the Council agenda;
  - vii. To remove Cabinet members and Assistants to Cabinet members from the calculation of the leading group's proportional allocation of oral questions;
  - viii. To remove provision for a second supplementary question on oral questions;
  - ix. To provide for composite answers to oral questions which are closely related or on the same subject matter, whenever appropriate;
  - x. To allow political groups to identify their preferred speakers in advance on particular matters if they wish to (but retaining the discretion of the Lord Mayor); and
  - xi. To include the current time limits on agenda items within the Rules, with discretion for the Lord Mayor to extend them.
8. A schedule providing details of the proposed changes is attached as **Appendix A**; and a marked up copy of the Rules showing the proposed amendments using tracking is attached as **Appendix B**. The Committee is invited to consider the proposed amendments to the Rules and to recommend the agreed changes to full Council in January for approval.
9. Members will note that other aspects of the Rules, such as the recording and filming of Council meetings, are due for consideration by the Committee in due course, under the Committee's Forward Plan (Agenda Item 6). Members may wish to consider whether there are any other aspects of the full Council meeting that they wish to consider further, and if so, to instruct the Monitoring Officer to report on those issues to a future meeting of the Committee.

### **Legal Implications**

10. By virtue of article 14 of the Constitution the making of amendments to the Constitution is reserved to Council unless otherwise delegated. The Committee's terms of reference set out the Committee's delegated authority:

*To review the Council's Constitution, and to recommend to Council and/or Executive any changes, except that the Committee will have authority (subject to the Monitoring Officer's advice) to make the following changes on behalf of the Council:-*



- (a) *Drafting improvements to enhance clarity and remove minor anomalies.*
- (b) *Updating to reflect legislative changes and matters of record.*
- (c) *Amendments to the Financial, Contracts and Land Procedure Rules (subject to the advice of the S.151 Officer being sought).*

11. The proposed changes to the Council Meeting Procedure Rules will require the approval of full Council.

### **Financial Implications**

12. There are no financial implications arising from the report.

### **RECOMMENDATIONS**

The Committee is recommended to:

1. consider and agree the proposed changes to the Council Meeting Procedure Rules as set out in **Appendices A and B**, subject to any agreed changes;
2. recommend the changes agreed (under recommendation 1 above) to Full Council in January for approval, with effect from Annual Council 24 May 2018;
3. consider whether there are any other aspects of the full Council meeting that the Committee wishes to review and, if so, instruct the Director of Governance and Legal Services to submit reports on those issues to a future Committee meeting.

**DAVINA FIORE**  
**DIRECTOR OF GOVERNANCE AND LEGAL SERVICES AND MONITORING OFFICER**

18 December 2017

### **APPENDICES**

APPENDIX A: Schedule of Proposed Changes to the Council Meeting Procedure Rules

APPENDIX B: Council Meeting Procedure Rules – draft proposed amendments

#### Background papers

Constitution Committee reports, 'Council 25th May 2017: Reference back to the Constitution Committee of Proposed Changes to the Council Procedure Rules' (31st August 2017) and 'Review of the Constitution' (25th October 2017)

Consultation with Group Leaders and Whips - email from the Monitoring Officer dated 15/12/17

**COUNCIL MEETING PROCEDURE RULES  
PROPOSED CHANGES (DECEMBER 2017)**

Issue	Current rules	Proposed change	Rule number	Agree? Y/N	Comments
Tributes / Recognitions	Allow the meeting to receive any announcements from the Chair or Leader (Rule 3(vii))	<p>Rule to provide that tributes / recognitions will be received as follows:</p> <ul style="list-style-type: none"> <li>• Death of sitting Councillors - LM discretion to invite group leaders or another nominated speaker from Party Groups and Independent Member/s to give tributes;</li> <li>• Death of a past Lord Mayor –LM to announce and pay tribute</li> <li>• Death of former Councillor – LM to report only.</li> </ul> <p>LM to have discretion to announce a one minute silence.</p>	Rule 26A (new rule)		
Notices of Motion - Number of motions	Maximum of 20 Motions per municipal year (Rule 22(e))	<p>To introduce a limit of 2* Ordinary Motions per meeting (at meetings where Ordinary Motions may be considered, ie. excluding the Budget Council and Annual Council meetings); with a consequential reduction to 14* Motions per municipal year (we currently have 7 Ordinary Council meetings per year, excluding Annual and Budget Council meetings).</p> <p>*Above limits to exclude urgent motions and motions at any Extraordinary</p>	Rule 22(e) (and 4(e)) amended		

		Council meetings (as applies to current limit)			
- Allocation	Proportional allocation agreed by group leaders, with a minimum of 2 Motions for any political group recognised by the Council (and annual limit may be increased to accommodate this)  Rule 22(f)	Cabinet Green Papers debated at Council to be deducted from the leading group's allocation of Motions	Rule 22(f) amended		NB. Proportional allocation of 14 NoMs would give: Lab – 7* (currently 10) Con – 4 (currently 5) Lib Dem – 2 (currently 3) Plaid – 2 (no change) TOTAL: 15  *Minus the number of Cabinet Green Papers
- Amendments	Must be relevant to the motion and will be to leave out and or add / insert words (Rule 22(p))	To rule out 'wrecking amendments' ie. those which negate the original motion	Rule 22(p) amended		
- Cabinet response	No express provision for Cabinet member to speak in debate on Motion	New rule to give the relevant Cabinet member a right to reply to a Motion (as amended if applicable) and, subject to the agreement of the Motion Proposer and Seconder to move that the vote on the Motion (as amended if applicable) be adjourned to the next meeting (to allow time for the Cabinet to consider/address the matter); with provision for withdrawal of the Motion from the subsequent meeting if the Motion Proposer and Seconder are in agreement	Rule 22(t)(iv) added		
Cabinet Statements	Rules provide for statements to be received from the Leader	New rule that Statements are to be circulated with the Agenda	Rule 6(c) amended		

	and Cabinet members at the meeting				
Oral Questions - Allocation	Each political group is allocated 3 questions plus a proportional allocation of a further 15 questions; and independent members are allocated 1 question (Rule 17(c))	Remove Cabinet members (10) and Assistants to Cabinet Members (4) from calculation of leading group's proportional allocation	Rule 17(c)(ii) amended		Effect would be to change allocations as follows: Lab - 9 (currently 11) Con – 8 (currently 7) Lib Dem – 6 (currently 5) Plaid - 4 (no change) and Ind – 1 (no change) TOTAL: 28 Questions (no change)
- Second Supplementary	Rules allow one further supplementary to be asked by another Member (who is not a member of the same political group as the Member who asked the question) who is allowed 1 minute to ask the further supplementary question (and receive a 1 minute response) – Rule 17(d)	Remove provision for second supplementary question	Rule 17(d) amended		
- Composite Answers	Provision exists for composite answers to written questions (Rule 17(f)) but not oral questions.	To extend the provision for composite answers to oral questions which are closely related or on same subject matter, whenever appropriate (but retaining opportunity for supplementary questions from each questioner)	Rule 19(c) added		

Speakers in debates	No general provision or requirement for groups to nominate speakers	General rule to allow groups to notify the Chair of their speaker priorities (if they wish to do so) and for the Chair to call speakers in the prioritised order, without prejudice to the Chair's discretion.	Rule 27(i) added		
Timings	<p>Rules currently provide:</p> <ul style="list-style-type: none"> <li>- agenda and timings to be agreed in advance by Chair with Leader (Rule 1(a))</li> <li>- Oral Questions maximum 90 minutes (Rule 17(d))</li> </ul>	<p>New Rule to provide that the time limits on agenda items can only be extended at the Chair's discretion; and</p> <p>To insert time limits applied currently as a matter of practice, as follows:</p> <ul style="list-style-type: none"> <li>- Cabinet statements – 45 minutes maximum for questions on statements; and</li> <li>-</li> <li>- Ordinary Motions – 30 minutes maximum if no amendments; 45 minutes maximum if there are one or more amendments.</li> </ul>	<p>Rule 1(a) amended and sub-para (aa) added</p> <p>New Rule 16(a)(iii)</p> <p>New Rule 22(dd)</p>		

## **PART 4 – RULES OF PROCEDURE**

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### **COUNCIL MEETING PROCEDURE RULES**

#### **Part 1 – Format and Content of Meetings**

#### **1 BUSINESS OF COUNCIL MEETINGS**

- (a) The agenda and timings for items of business for any Council Meeting shall be agreed in accordance with these Rules by the Chair in consultation with the Leader at least 6 Working Days prior to the date of the Council meeting.
- (aa) Any time limits on agenda items may only be extended at the discretion of the Chair.
- (b) The Chair may make any amendments to the draft agenda as they see fit.

#### **2 ANNUAL MEETING OF THE COUNCIL**

##### **Timing of the Annual Meeting**

- (a) The Annual Meeting will take place within the following periods:
  - (i) in a year when there is an ordinary election of Members, within 21 days following the retirement of the outgoing Members; or
  - (ii) in any other year, the Annual Meeting will take place in March, April or May or as may be required at law.

##### **Business to be transacted at the Annual Meeting**

- (b) The Annual Meeting will:
  - (i) elect a person to preside at the meeting if the existing Chair or the Deputy Chair is not present;
  - (ii) elect the new Chair;
  - (iii) appoint the new Deputy Chair;
  - (iv) approve the minutes of the last meeting;
  - (v) receive declarations of interests from Members;
  - (vi) receive from Members the Cardiff Undertaking in years where an ordinary election has taken place;
  - (vii) receive any announcements from the Chair (if any);
  - (viii) elect the Leader (where such election falls due);
  - (ix) appoint members of the Cabinet (where such election falls due);
  - (x) receive announcements from the Leader (if any) relating to the coming municipal year;
  - (xi) decide on any amendment to the standing committees of the Council, including amendments to their size and terms of reference;
  - (xii) decide on the allocation of seats on committees to political groups in accordance with the requirements of the Local Government and Housing Act 1989;

- (xiii) receive nominations of members to serve on each of the standing committees and make such appointments;
- (xiv) receive nominations and make appointments to serve on the outside bodies to which the Council may appoint members (except where doing so has been delegated by the Council or where only the Cabinet has authority to do so);
- (xv) elect a chair and a deputy chair for each of the committees;
- (xvi) approve a Scheme of Members Allowances;
- (xvii) approve a programme of ordinary meetings of the Council for the year;
- (xviii) approve a provisional programme of ordinary meetings of committees;
- (xix) agree any changes, amendments or revisions to the Council's scheme of delegation;
- (xx) for any year in which an ordinary election has taken place, receive a report from the Returning Officer of the Members elected; and
- (xxi) consider other matters which the Chair has certified urgent or appropriate.

### **3 ORDINARY MEETINGS**

- (a) Ordinary Meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting. Ordinary Meetings will:
- (i) elect a person to preside if the Chair and Deputy Chair are not present (such person not being a member of the Cabinet);
  - (ii) approve the minutes of the last meeting;
  - (iii) receive any declarations of interest (in accordance with the Members Code of Conduct);
  - (iv) if relevant, receive through the Chair from relevant Members the Cardiff Undertaking;
  - (v) receive any petitions;
  - (vi) receive questions from the public and answers in accordance with Rule 18;
  - (vii) receive any announcements from the Chair or Leader;
  - (viii) receive any reports from the Council's Committees introduced by the relevant Committee chairperson, and deal with questions and answers on any of those reports;
  - (ix) receive reports from any of the Council's statutory officers;
  - (x) receive any reports about and any questions and answers on the business of joint arrangements and external organisations;
  - (xi) consider Ordinary Motions;
  - (xii) receive any statements or reports from the Leader and/or Cabinet Members and questions and answers on them;
  - (xiii) receive Member questions and answers raised in accordance with Rules 16 and 17;
  - (xiv) consider any other business in the summons to the meeting; and
  - (xv) consider such other matters as the Chair certifies as urgent or appropriate.



#### **4 EXTRAORDINARY MEETINGS**

- (a) An Extraordinary Meeting of the Council may be called by:
- (i) the Council by resolution; or
  - (ii) the Chair.
- (b) The following persons may require the Chair to call an Extraordinary Meeting of the Council. If the Chair has not called a meeting (to be held within 10 Working Days of the request) within two Working Days of receipt of such a written request, then they may do so themselves:
- (i) the Leader;
  - (ii) the Head of Paid Service;
  - (iii) the Monitoring Officer or section 151 officer; or
  - (iv) any five Members of the Council.
- (c) Any request presented in accordance with this Rule must:
- (i) specify the business to be transacted at the meeting; and
  - (ii) be accompanied by a copy of any report for the meeting.
- (d) Any Extraordinary Meeting will:
- (i) elect a person to preside if the Chair and Deputy Chair are not present;
  - (ii) receive any declarations of interest from Members;
  - (iii) consider the business specified in the request; and
  - (iv) consider such other matters as the Chair considers to be urgent or appropriate.
- (e) For the avoidance of doubt, the business to be transacted at an Extraordinary Meeting may include one or two Ordinary Motions pursuant to Rule 22, subject to variation of the deadline specified in Rule 22(b) as follows:
- the words “by 5.00 pm at least 7 Working Days before the date of the meeting” shall be substituted with the words “at the same time as the request for the meeting is presented under Rule 4(b).”

#### **5 TIME AND PLACE OF MEETINGS**

- (a) The time and place of meetings will normally be determined by the Council or in the case of an Extraordinary Meeting by the Chair. In the case of meetings called under Rule 4(b) the time and place shall be set by the Proper Officer and notified in the summons.
- (b) The Proper Officer may in case of urgency or at the request of the Chair vary the date, time and place of meetings, subject to reasonable notice of the change having been given.

## 6 NOTICE OF AND SUMMONS TO MEETINGS

- (a) The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules.
- (b) At least 3 clear days (as required and defined by the relevant legislation and case law) before a meeting, the Proper Officer will send a summons (notice of meeting) by email to every Member. Any Member not wishing to receive the summons by email may request (in writing to the Proper Officer) such other reasonable method of delivery as they may wish.
- (c) The summons will give the date, time and place of each meeting, enclose the agenda and will be accompanied by connected reports and Cabinet statements.

### **Part 2 – Conduct of Meetings**

## 7 CHAIR OF MEETING

### **Power of person presiding at meeting**

- (a) The person presiding at the meeting may exercise any power or duty of the Chair.

### **Conduct of meeting by Chair**

- (b) The Chair shall have discretion to conduct the meeting to secure proper, full and effective debate of business items. The steps the Chair may take include:
  - (i) allowing more time to any speaker or item of business;
  - (ii) permitting a Member to speak more than once;
  - (iii) allowing officers of the Council to advise the meeting as appropriate; and
  - (iv) refusing any Member the opportunity to speak or restricting their rights to speak.
- (c) The Chair's discretion provided for by Rule 7(b) shall operate in precedence to any other Rule contained in the Council Procedure Rules.

## 8 QUORUM

- (a) The quorum of a meeting will be one quarter of the whole number of Members (rounded up to the nearest whole number).
- (b) If fewer than the quorum attend the meeting or if during any meeting the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at the next meeting or a time and date fixed by the Chair.

**Commented [AK1]:** We are required to provide access to (non-exempt) reports relating to agenda items (s.100B(1) LGA 1972 'Access to agenda and connected reports'). I've also added reference to Cabinet statements.

Updated

## **9 UNOPPOSED BUSINESS**

- (a) The Chair may specify in the Agenda any business that they consider to be unlikely to be opposed by any Member. For example this would include reports that deal with administrative matters and on which the various political groups have already reached agreement. All business specified in the Agenda as unopposed may be dealt with at the meeting as one agenda item and passed by one resolution.
- (b) If any Member wishes for any agenda item that is noted as being unopposed to be dealt with in the normal way, then that Member may request the Chair to remove that item from the list of unopposed business. In such circumstances the Chair will add that item of business to the agenda as a separate item.

## **10 POINT OF ORDER**

- (a) A Member may raise a point of order at any time by indicating to the Chair that they wish to speak. The Chair will hear them immediately.
- (b) A point of order may only relate to an alleged breach of these Rules or the law. The Member must first state the Rule or law to which he/she is referring and then indicate the way in which they consider it has been broken.
- (c) The ruling of the Chair on the matter will be final. Points of order will only be recorded in the minutes if the Democratic Services Manager considers that such an inclusion would provide greater clarity to the minutes.

## **11 PERSONAL EXPLANATION**

- (a) A Member may make a personal explanation at any time by indicating to the Chair that they wish to speak. A personal explanation may only relate to:
  - (i) some material part of an earlier speech by the Member in the present debate which may appear to have been misunderstood;
  - (ii) to reply to an allegation of misconduct made against the Member giving the explanation; or
  - (iii) to make an apology to the Council.
- (b) The ruling of the Chair on the admissibility of a personal explanation will be final.
- (c) Points of personal explanation will only be recorded in the minutes if the Democratic Services Manager considers that such an inclusion would provide greater clarity to the minutes.

## **12 DECLARATIONS OF INTEREST**

- (a) A Member may at any time declare a personal interest under the Members' Code of Conduct and when a Member stands to make a declaration he/she

shall be heard immediately and shall be allowed to make the declaration without interruption.

## **13 MEMBERS' CONDUCT**

### **Members Speaking at Council**

- (a) When a Member speaks at full Council they must address the meeting through the Chair and should stand (if able) when they are speaking. If more than one Member stands or otherwise indicates their desire to speak, the Chair will ask one to speak and the others must be quiet.
- (b) Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order, a point of personal explanation or to declare an interest.

### **Chair calling the meeting to order**

- (c) When the Chair calls the meeting to order or stands any Member speaking at the time must stop and sit down. The meeting must be silent.

### **Member's to maintain order**

- (d) The Chair is to maintain order in meetings and must call to order any Member who:
  - (i) is engaging in conduct which the opinion of the Chair constitutes criminal behaviour or contempt of court;
  - (ii) is obstructing the business of the meeting;
  - (iii) seeks to raise a matter outside the scope of the matter at hand;
  - (iv) acts in a discourteous way;
  - (v) is using disorderly, discriminatory or offensive language;
  - (vi) refuses to conform to any Rule or other requirement for the conduct of Members; or
  - (vii) disregards the authority of the Chair.

### **Member not to be heard further or to leave the meeting**

- (e) If a Member disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member be not heard further.
- (f) If the Member continues to behave improperly or offensively or deliberately obstructs business after such a motion is carried, the Chair may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period.

## **14 GENERAL DISTURBANCE**

- (a) If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he/she thinks necessary.

## **15 DISTURBANCE BY PUBLIC**

- (a) Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules or Rule (b) below.
- (b) If a member of the public interrupts or disrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt or causes disruption, the Chair may order their removal from the meeting room.

## **Part 3 – Procedures and Rules of Debate**

### **16 QUESTIONS AND DEBATE ON REPORTS AND CABINET STATEMENTS**

- (a) On Cabinet Member Statements presented to the Council:
  - (i) A Member may ask the person presenting the statement any question or otherwise comment on the subject matter of the statement without notice. Following the Cabinet Members response to such questions, the Member asking the original question shall be allowed to ask a supplementary question to clarify the response to the question.
  - (ii) One minute shall be allowed for each of the question, answer, supplementary question and supplementary answer.
  - (iii) A maximum of 45 minutes shall be allowed for questions and debate on Cabinet statements.
- (b) On Reports presented to the Council
  - (i) The person presenting the report shall have 6 minutes to introduce it. A maximum of 3 minutes will be allowed to each Member to speak in relation to the report. 3 minutes will be allowed for the presenter of the report to make their closing remarks in response to points raised by other Members.

### **17 ORAL AND WRITTEN QUESTIONS BY MEMBERS**

#### **General**

- (a) In accordance with this Rule 17, a Member may ask questions of:
  - (i) the Leader or any Cabinet Member;
  - (ii) the chair of any committee or sub-committee; or
  - (iii) nominated members of the Fire Authority.

## **Submission of Questions**

(b) A Member wishing to ask a Written Question should provide the question by email to the Council's mailbox for the submission of questions (as specified by the Democratic Services Manager). In doing so the Member must specify the person to whom the question is addressed.

(c) Oral Questions shall be submitted by (or on behalf of):

- (i) each of the spokespersons for each opposition political group recognised by the Council (or such other Member as the leader of that group may nominate); and
- (ii) a backbench Member of the ruling group(s) nominated to the Democratic Services Manager for such purpose;

by email to the Council's mailbox for the submission of questions (as specified by the Democratic Services Manager). In doing so the Member must specify:

- (i) the name of the Member asking each question; and
- (ii) the order in which the group wishes to ask its questions.

Each such person shall be entitled to submit a maximum of the number of questions that are allocated to their political group calculated in accordance with the following rules:

- (i) Each political group recognised by the Council shall automatically be entitled to 3 Oral Questions;
- (ii) A further 15 Oral Questions shall be allocated amongst the political groups in proportion to their representation on the Council, but Cabinet member and Assistants to Cabinet members shall be disregarded for the purposes of such calculation; and
- (iii) Any Members who are not members of any political group recognised by the Council shall be entitled to submit one Oral Question each.

Unless those Members agree otherwise, the order in which they shall be entitled to submit questions shall be determined by rotation.

(d) Questions will be dealt with in accordance with the following procedures.

### **Oral Questions**

Oral Questions will be dealt with in accordance with the following procedure:

<b>Day</b>	<b>Action</b>
12.00 noon, 2 Working Days prior to Council Meeting	Deadline for the Submission of Oral Questions
At Council Meeting questions shall be made available in writing and online at least 30 minutes prior to the start of the meeting and dealt with as set out opposite.	<p>A maximum of 90 minutes shall be allowed for Oral Questions, any questions that are not dealt with in this time limit shall fall.</p> <p>Each Oral Question will be made available in writing and online at the start of the meeting and dealt with in the following order:</p> <ul style="list-style-type: none"> <li>- Oral Questions shall not be read orally, but will be dealt with in rounds. In the first three rounds each political group shall each be entitled to ask one question. In subsequent rounds, only political groups with remaining Oral Questions shall be entitled to ask questions.</li> <li>- In each round the ordering of the questions shall be determined by the size of each of the political groups (with the largest going first) except that the ruling group(s) shall go last.</li> <li>- Questions from Members who are not members of a political group recognised by the council shall be asked at the start of the fourth round.</li> </ul> <p>Each question shall be answered orally by the Cabinet Member that the Cabinet deem most suitable to respond (or by the relevant chair of a committee or nominated member of the fire authority if the question was so addressed). A maximum of one minute shall be allowed for the answering of the question.</p> <p>The Member who submitted the question shall then be allowed one minute to ask a supplementary question.</p> <p>The person to whom the question is addressed shall have one minute to answer the supplementary question.</p>

### Urgent Oral Questions

- (e) At the end of the period allocated for Oral Questions the Chair may allow Members to ask further Oral Question for which notice under Rule (b) above has not been given if:
- (a) the Chair and the person to whom the question is addressed has been given at least two hours written notice of the question prior to the start of the meeting; and
  - (b) the Chair has confirmed to the Member asking the Question and the person to whom it is addressed that they are satisfied that the question is of urgent public importance and could not be better dealt with under any other Rule or other procedure of the Council.

### Written Questions

- (f) Written Questions may be asked at any time and will be dealt with as set out below:

Day	Action/Comment
9.00am 9 Working Days prior to Council Meetings	Deadline for the submission of Written Questions for an answer to be received at the Council Meeting. If a question is submitted following this deadline it will be answered at the following Council Meeting.  If a Member submits more than 5 Written Questions, only 5 of these Questions (which the Member will be invited to prioritise) will be answered at the Council Meeting; and the remaining Questions will be answered at the following Council Meeting.
12.00 noon on the day of the Council Meeting	Deadline for answers to Written Questions which are to be answered at the Council Meeting (as referred to above) to be circulated by email to all Members.

**Commented [AK2]:** Moved to Rule 19(c), to apply to all questions.

A full copy of each Written Question (together with the answers to them) will be attached to the minutes of the meeting.

Updated



## **Rejection of Questions**

- (g) The Chair may reject an Oral Question, Urgent Oral Question or a Written Question if in their opinion it:-
- (i) is not in relation to Relevant Business (as defined in Rule 35);
  - (ii) is in relation to Inappropriate Business (as defined in Rule 35);
  - (iii) is substantially the same as a question which has been put at a meeting of the Council in the past six months and there has been no material change in the answer which would be given; or
  - (iv) is a statement or otherwise is not a genuine enquiry.

## **Withdrawal of questions**

- (h) A question may not be withdrawn except with the consent of the person it is addressed to.
- (i) If the Chair or the Monitoring Officer considers that a response to a question could be provided by a senior officer prior to the relevant Council meeting, then the Monitoring Officer may contact the Member concerned to ascertain whether the Member agrees that the question could be withdrawn.

## **Written record of Oral Questions and Responses**

- (j) A written record of Oral Questions and related supplementary questions that are put at the meeting together with the responses provided, will be circulated by or on behalf of the Democratic Services Manager to all Members and the media noted as having attended the meeting by no later than 5.00pm five Working Days following the day of the Council meeting.
- (k) Prior to issue the written note of a response to a supplementary question must be checked for accuracy by the responding person.
- (l) No written note of a response to a supplementary question will be provided to the media before being provided to Members.

## **18 PUBLIC QUESTIONS**

- (a) A period of up to 15 minutes in each meeting shall be allowed for public questions.
- (b) Any person (other than Members) who resides or works in the area of the City and County of Cardiff may ask questions of Cabinet Members or of the chairpersons of committees of the Council at Ordinary Meetings of the Council.
- (c) A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the mailbox set up by the Democratic Services Manager for such purpose no later than 5pm, 6 Working Days before the day of the meeting. Each question must give the name and address of the

questioner and must specify the person to whom it is to be put (by name or title).

- (d) At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.
- (e) The number of questions that an individual can ask in a municipal year shall be limited to two, with any further questions being accepted only at the discretion of the Chair.
- (f) The Chair may reject a question if it:
  - (i) is not related to Relevant Business (as defined in Rule 35);
  - (ii) is in relation to Inappropriate Business (as defined in Rule 35);
  - (iii) is substantially the same as a question which has been put at a meeting of the Council in the past six months;
  - (iv) relates to a matter which is the subject of legal or enforcement proceedings or an appeal to a court or tribunal or to a Government Minister or the National Assembly or an investigation by the Local Government Ombudsman;
  - (v) relates to the activities and aims of a political party or organisation;
  - (vi) relates to a Regulatory Decision or a matter which may result in a Regulatory Decision;
  - (vii) is a statement or otherwise is not a genuine enquiry; or
  - (viii) would require the expenditure of a disproportionate amount of time, money or effort to prepare the answer.

The ruling of the Chair in the above matters shall be final.

- (g) The Proper Officer will make a record of each question received and a copy of the questions to be asked at a meeting will be open to public inspection and circulated to Members prior to the meeting.
- (h) Questions will be asked in the order in which notice of them was received, except that the Chair may group together similar questions.
- (i) If the questioner is absent or fails to identify themselves then the question will be deemed to be withdrawn.
- (j) A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must relate to the original question or the answer given and be limited to one minute. The Chair may reject a supplementary question on any of the grounds set out in (f) above.

### **Answers**

- (k) No more than five minutes will be allowed for a response to any one question.

- (l) Any question which cannot be dealt with during public question time, either because of lack of time or because of the nonattendance of the Member, to whom it was to be put, will be dealt with by a written answer and a copy of the answer will be recorded in the minutes of the meeting.

## **19 GENERAL PROVISIONS RELATING TO ANSWERS TO MEMBER AND PUBLIC QUESTIONS**

(a) An answer may take the form of:

- (i) an oral answer given by the person to whom the question is addressed or another person nominated by them;
- (ii) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (iii) where the reply cannot conveniently be given orally, a written answer circulated later to Members of the Council.

(b) A person to whom a question is addressed may decline to answer provided that they state the reason for declining to answer.

(c) The Monitoring Officer shall have discretion to instruct that a composite answer may be given to any questions which are closely related or on the same subject matter, wherever she considers this appropriate. This shall not prejudice any right to ask a supplementary question which may be available under the Council Meeting Procedure Rules.

## **20 PETITIONS**

(a) Where a Member delivers a petition to the Council the Member may outline the request by the petitioners, the reason for the request and the number of the signatories provided that in any event the Member may not speak under this rule for more than one minute.

(b) Petitions shall be divided into three classes and shall be addressed as follows:

- (i) A petition bearing less than 20 signatures shall be dealt with by normal correspondence.
- (ii) A petition bearing 21-50 signatures shall be noted at the meeting and passed to a relevant officer of the Council for a written response.
- (iii) A petition bearing 51 or more signatures shall be noted and passed to the relevant Cabinet Member for consideration and a written response.<sup>2</sup>

## **21 GREEN PAPERS<sup>3</sup>**

### **General**

(a) An opportunity for one Cabinet Member to bring forward a Green Paper will be given at each Ordinary Meeting of the Council (but not the Annual Meeting or the budget meeting of Council).

### **Procedure for the Debate of Green Papers**

<sup>2</sup> Subject to further review following referral back to Constitution Committee.

<sup>3</sup> Subject to further review following feedback from Cabinet Members.

- (b) Any Cabinet Member bringing forward a Green Paper must provide the Chair and the Democratic Services Manager with a copy of the Green Paper at least 5 Working Days prior to the Ordinary Meeting. A copy of the Green Paper shall be attached to the Agenda for the meeting.
- (c) Members shall be given a chance to respond to the Green Paper at the meeting (as set out below) and the Green Paper must also provide an opportunity for Members to give written comments following the meeting at which the Green Paper is presented.
- (d) In the debate:
  - (i) The Cabinet Member proposing the Green Paper shall be given 15 minutes to speak, but may choose to allocate a proportion of that time to other Members provided that they:
    - (a) indicate to whom they will allocate time and how much time will be allocated to them at the start of the debate; and
    - (b) in doing so a maximum of 5 Members may speak (including the Cabinet Member proposing the Green Paper).
  - (ii) The debate shall then be opened to the floor for Members to give their initial response to and comments on the Green Paper. A maximum of 10 minutes shall be allowed for such debate and no one Member shall be permitted to speak for more than 3 minutes.

## **22 ORDINARY MOTIONS**

### **General**

- (a) No Ordinary Motion moved by notice pursuant to this Rule 22 will be debated at the Annual Meeting of the Council.
- (b) In order to move an Ordinary Motion it must be emailed by the proposer, and seconded by email to the mailbox allocated for that purpose by the Democratic Services Manager by 5.00pm at least 7 Working Days before the date of the meeting.
- (c) Every Ordinary Motion properly delivered will be dated and registered by the Democratic Services Manager in the order in which they were received and open to Members' inspection after the deadline for receipt.
- (d) Ordinary Motions will be listed on the agenda in the order in which the notices were received.
- (dd) A maximum of 30 minutes shall be allowed for the debate on each Ordinary Motion, unless one or more amendments are moved, in which case the time allowed shall be extended to 45 minutes.

## **Number and Allocation of Ordinary Motions**

- (e) Subject to Rule (f) below, the number of Ordinary Motions shall be limited to a maximum of 2 motions at each Council meeting where Ordinary Motions may be considered (a maximum of 14 motions in each municipal year). Urgent Ordinary Motions (under this Rule 22, paragraph (j)) and Ordinary Motions at any Extraordinary Meeting held (under Rule 4) shall be disregarded in counting the maximum number of Motions set under this paragraph.
- (f) Ordinary Motions will be allocated amongst the political groups in proportion to their representation on the Council and agreed between the political groups, subject to:
  - (i) . No political group recognised by the Council shall be allocated less than two Ordinary Motions in a municipal year. If necessary, the maximum number of Ordinary Motions in a year may be increased to accommodate this.
  - (ii) Cabinet Green Papers (debated at full Council under Rule 21) shall be deducted from the number of Ordinary Motions allocated to the leading group.

The allocation will be reviewed annually by the leaders of the political groups in consultation with the Chair

## **Scope of Ordinary Motions**

- (g) Ordinary Motions must be in relation to Relevant Business and must not be Inappropriate Business (as defined in Rule 35).
- (h) Any Ordinary Motion which requires a change in the budgetary framework may only call for a report on the matter to be prepared for consideration by the Executive and or Council as appropriate.
- (i) If any Ordinary Motion appears to the Chair to be not presently contained within the approved Council Budget for the year in question, it will still be included on the agenda for the meeting. However a statement from the Chair to this effect and stating that the Ordinary Motion shall be deferred to the next ordinary meeting of Council so that written legal and financial advice may be given to Members before the motion is debated.

## **Urgent Ordinary Motions**

- (j) The Chair has the authority to agree to take an urgent Ordinary Motion which is not on the agenda (or to place an urgent Ordinary Motion on the agenda if sufficient notice is received).
- (k) The discretion is entirely that of the Chair who alone needs to be satisfied as to the need for urgency but an urgent Ordinary Motion should not be taken unless the Chair is satisfied that:
  - (i) the proposer of the motion has taken all reasonable steps to notify the Chair and the Monitoring Officer of their desire to raise an Urgent Motion at the earliest opportunity;

- (ii) and the motion requires an urgent decision in relation to an important public interest matter and it cannot reasonably be dealt with by other means; and
  - (iii) the motion is seconded.
- (l) In all cases, the reason for the urgency shall be clearly stated, and the Chair will explain to the Council the reason why they have accepted an Urgent Ordinary Motion.

### **Withdrawal or alteration of Ordinary Motions**

- (m) No Ordinary Motion can be withdrawn or deferred once it has been delivered except:-
- (i) if prior to the commencement of the meeting notice of withdrawal in writing signed by the proposer, and seconder has been delivered to the Democratic Services Manager; or
  - (ii) a Member may withdraw an Ordinary Motion of which they have given notice at any time after the meeting has commenced provided that they have not moved the motion or spoken on it and they have the consent of the meeting.
- (n) A Member may alter their own motion only with the consent of the meeting. Only alterations which could be made as an amendment may be made.

### **Amendments to Ordinary Motions by other Members**

- (o) An amendment to an Ordinary Motion may not be moved unless notice of the amendment has been given to the Democratic Services Manager by email, and seconded by 5.00pm 2 Working Days before the meeting.
- (p) An amendment to an Ordinary Motion must be relevant to the motion and will be:-
- (i) to leave out words;
  - (ii) to leave out words and insert or add others; or
  - (iii) to insert or add words,
- as long as the effect of (i) to (iii) is not to negate the motion.
- (q) Any amendments to Ordinary Motions will be called by the Chair in an order determined by the Chair, in consultation with the Monitoring Officer. The ordering shall be selected to facilitate coherent debate and to, wherever reasonably possible, allow each amendment to have the opportunity to be voted upon.
- (r) Each amendment will be proposed and seconded and then put to the vote in the order determined by the Chair.

### **Right of reply and Voting on the Ordinary Motion**

- (s) Once amendments have been put to the vote, the principal motion, as amended if any amendments have been carried, will then be put to the vote.

- (t) The rights of reply before the vote on an Ordinary Motion takes place are as follows:
- (i) Before any amendment is put to the vote, the Member who proposed the Ordinary Motion shall be given an opportunity to respond to the amendment.
  - (ii) If no amendments are proposed or carried to an Ordinary Motion, then the Member who proposed the motion shall be given the right of reply before the Ordinary Motion is put to the vote.
  - (iii) If any amendment(s) is carried then the proposer of the amendment shall have the right of reply before the Ordinary Motion (as amended) is voted on. In the event that more than one amendment has been carried, then the Chair shall use their discretion to determine which of the proposers of the amendments shall have the final right of reply.
  - (iv) Before the proposer of an Ordinary Motion or the proposer of an amendment exercises a right of reply given under sub-paragraph (ii) or (iii) above, a relevant Cabinet member (or an Assistant to Cabinet member) shall have the opportunity to respond to the Motion on behalf of the Cabinet. If the proposer and seconder of the motion are in agreement, the Cabinet member (or Assistant to Cabinet member) may move that the vote on the Motion be adjourned until the next meeting of Council. If such an adjournment motion is passed, a vote on the adjourned Ordinary Motion will be taken at the next suitable full Council meeting, unless prior to the commencement of the meeting notice of withdrawal in writing signed by the proposer and seconder has been delivered to the Democratic Services Manager.
  - (u) A Member exercising a right of reply will not introduce any new matter and after the reply, a vote shall be taken without further discussion.

### **23 AMENDMENT TO MINUTES OF COMMITTEE REFERRED FOR DECISION**

- (a) An amendment to a minute of a Committee or a Sub-committee before the Council for decision can only be moved in the same way as an Ordinary Motion.

### **24 AMENDMENTS TO REGULATORY DECISION**

- (a) No amendment may be moved to a Regulatory Decision.
- (b) No amendment may be moved which would have the effect of disproving the recommendation of a Committee or a Sub-Committee in relation to a Regulatory Decision.
- (c) For the purposes of this Rule a Regulatory Decision is the determination of an application for planning permission or any decision, determination, action, direction, order, approval, refusal or enforcement action in exercise of the powers of the Council as the local planning authority or those powers specified in section B of Schedule 1 of the Local Authorities (Executive Arrangements)

(Functions and Responsibilities) (Wales) Regulations 2007.

## **24A AMENDMENTS TO REPORTS BEFORE COUNCIL**

- (a) An amendment to a report before Council may not be moved unless notice of the amendment has been emailed by the proposer, and seconded by email, to the Democratic Services Manager by 9:00am on the Working Day before the meeting.

## **25 MOTIONS DURING MEETINGS**

- (a) In addition to any other provision of these Rules the following motions may be moved without notice by any Member during a meeting:-
- (i) to appoint a Member to Chair the meeting if the Chair of Council or the Deputy Chair of Council is not present;
  - (ii) in relation to the accuracy of minutes of the Council;
  - (iii) to change the order of business in the agenda;
  - (iv) to refer something to an appropriate Committee, body or individual for consideration or reconsideration;
  - (v) to appoint a Committee or Member arising from an item on the Agenda;
  - (vi) to receive reports and/or to adopt recommendations of the Cabinet, committees or officers;
  - (vii) to amend a motion except one to which Rule 22 applies;
  - (viii) to proceed to the next business;
  - (ix) that the question be put to the vote;
  - (x) to adjourn a debate or a meeting;
  - (xi) to extend the time limit for a speech or item of business;
  - (xii) to consider Ordinary Motions submitted under rule 22 in excess of the number specified in Rule 22(e); and
  - (xiii) to exclude the public and media in accordance with the Access to Information Procedure Rules, as set out in Part 4 of the Constitution.

## **26 CLOSURE MOTIONS**

- (a) Subject to rule (d) below, a Member may move, without comment, the following motions at the end of a speech of another Member;
- (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will give the mover of the original motion a right of reply and then put the closure motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will put the closure motion to the vote. If it is passed he will give the mover of the original motion a right of reply before putting any amendments which have been seconded and debated and then the substantive motion to the vote.



- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the Chair will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

## **26A TRIBUTES AND RECOGNITIONS**

Tributes and recognitions may be received as follows:

- (i) Death of sitting Councillors – The Chair shall have discretion to invite group leaders or another nominated speaker from each group and Independent Member/s to pay tribute;
- (ii) Death of a past Lord Mayor –The Chair will make an announcement and pay tribute; and
- (iii) Death of a former Councillor – The Chair will make an announcement only.

The Chair shall have discretion to announce a one minute silence.

## **27 GENERAL RULES OF DEBATE**

- (a) Unless matters are otherwise provided for by other procedures contained in these Rules, the following rules of debate shall apply to the conduct of all business of the Council.
- (b) Members may speak in English or Welsh.
- (c) No speeches may be made after the mover has moved a motion until the motion has been seconded. The Chair may allow the mover to explain the purpose of the motion if he/she thinks fit. The proposer of the motion shall have the right to make the first speech in relation to the motion which he/she has moved.
- (d) When seconding a motion or amendment, a Member may reserve their speech until later in the debate.
- (e) Unless notice of the motion has already been given, the Chair may require it to be written down and handed to the Chair before it is discussed.
- (f) Speeches must be directed to the question under discussion or to a personal explanation or point of order and avoid Irrelevant Business (as defined in Rule 35).
- (g) Proposers of motions or movers of reports may speak for up to six minutes. Unless otherwise stated in these Rules, no other speech may exceed three minutes without the consent of the Chair.
- (h) Unless the Chair is of the view that exceptional circumstances exist, a Member who has spoken on a matter may not speak again whilst it is the subject of debate.

- (i) At any time before the start of the Council meeting, each of the political groups may, through their nominated spokesperson, provide the Chair with a list of their priority speakers in respect of any one or more agenda items. Without prejudice to the Chair's discretion (under Rule 7(b)), and subject to compliance with these Council Meeting Procedure Rules, the Chair will endeavour to allow the named Members to speak in the relevant debate in the prioritised order.

## **28 PREVIOUS DECISIONS AND MOTIONS**

### **Motion to rescind a previous decision**

- (a) A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least twenty one Members.

### **Motion similar to one previously rejected**

- (b) A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least twenty one Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

## **Part 4 – General Provisions**

## **29 VOTING**

### **Majority**

- (a) Unless this Constitution or the law provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

### **Chair's casting vote**

- (b) Except in the case of a vote under Rules (e) and (f) below, if there are equal numbers of votes for and against, the Chair will have a second or casting vote.

### **Method of Voting**

- (c) In normal circumstances voting will be carried out electronically and the names of those voting for, against or abstaining from voting will be recorded electronically and entered into the minutes.
- (d) If a matter seems to be uncontroversial (and no objection is received from any Member) the Chair may determine that a vote by a show of hands is sufficient. Where any Member requests it immediately before or after a vote on a show of hands is taken, their vote will be so recorded in the minutes to show whether they voted for or against or abstained from voting.

### **Voting on appointments excluding employee appointments**

- (e) If there is one position (in a body or organisation) to be filled by a nominee of the Council and more than one person is nominated for that position then the position will be filled by the person with the greatest number of votes.
- (f) If there are two or more positions (in a body or organisation) to be filled by nominees of the Council and the number of nominations exceeds the number of such positions each Member of the Council will be able to exercise one vote for each such position (but may vote only once for each nominee) and the persons to whom more votes have been given than other persons up to the number of positions to be filled, shall be appointed.

### **Voting on employee appointments**

- (g) In the event of there being more than two candidates for an appointment and no candidate receives the required majority on the first vote, the candidate with the least number of votes will be eliminated and a further vote will be taken. This procedure will be repeated until a candidate receives the required majority. If more than one candidate has the same number of votes and that is the lowest number of votes cast, a vote will be taken to decide the candidate to be eliminated from future votes. In the event of an equal number of votes being cast at this stage, the Chair will have a casting vote.
- (h) The Chair will have a casting vote only in the circumstances mentioned in the preceding paragraph.

## **30 MINUTES**

### **Signing the minutes**

- (a) The Chair will sign the minutes of the proceedings at the next meeting (unless it is an Extra-Ordinary Meeting). The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

### **Form of minutes**

- (b) The form of the minutes will be a matter for the Proper Officer but will include:-
  - (i) all motions and amendments in the exact form and order the Chair put them;
  - (ii) replies given to Oral Questions; and
  - (iii) written questions and answers (as referred to at Rule 17).

## **31 RECORD OF ATTENDANCE**

- (a) All Members present during the whole or part of a meeting must accurately record their attendance on the record of attendance provided for that purpose.

## **32 RECORDINGS OF MEETINGS OF THE COUNCIL**

- (a) Council meetings shall be webcast ('the official recording'). Other than the official recording, no recording shall be made of the proceedings of meetings of the Council whether audio or visual and by whatever method except with the express authorisation of the meeting.
- (b) If a person records the proceedings of any meeting (or causes such recording to be effected) without authorisation then the Chair will order their removal from the meeting room and shall not permit them to be admitted to a further meeting except on a written undertaking to desist from such recording and on the destruction of such recordings as may have been made and anything derived from them.

### **33 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

#### **Suspension**

- (a) All or any of these Council Rules of Procedure except Rule 29 may be suspended by motion on notice or without notice if at least one half of the whole number of Members is present.

#### **Amendment**

- (b) Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

### **34 OFFICER ADVICE**

- (a) Any report placed for decision before Council should contain all necessary advice to enable Members to take a decision. Reports will be circulated in advance of the meeting and if a Member requires clarification on an issue related to the report, this should be sought prior to the meeting.
- (b) Further officer advice will only be available at the meeting of Council with the consent of the Chair, in consultation with the Head of Paid Service. If there is a need for further detailed legal or financial advice to be provided, the meeting should be adjourned.

### **35 INTERPRETATION**

- (a) In these Rules the following words shall have the following meanings.

*"Relevant Business"* means matters for which the Council has a responsibility and which substantially affect the well-being of the administrative area of the Council and/or the citizens (or a significant group of them) of the Council.

*"Inappropriate Business"* means matters that:

- (i) are not in relation to a matter for which the Council has a responsibility and which affects the administrative area or citizens of the Council;
- (ii) are defamatory, frivolous or offensive;
- (iii) require the disclosure of confidential or exempt information; or

- (iv) relate to the personal circumstances or conduct of any officer and Member or conditions of service of employees; or
- (v) relate to an individual, particular group or business or the questioner's own particular circumstances; or
- (vi) are ultra vires the Council or unlawful.

*“Working Day”* means a normal working day in Wales when banks are open for normal business (for the avoidance of doubt, excluding weekends and public holidays).

(b) Any reference to “in writing” or “written” shall include email.

(c) The Chair's ruling on the interpretation of these terms in relation to the application of these Rules shall be final.

DRAFT

## Council Meeting Timetable Summary (assuming no public holidays)

	Day	General Actions	Oral Question Procedure	Written Questions		Ordinary Motions
	Thu	-10				
	Fri	-9		9am Deadline for asking questions to ensure answer given by meeting.		
WEEKEND						
	Mon	-8				
	Tue	-7				5pm - Deadline for Submission of Ordinary Motions
	Wed	-6	- 5pm - Deadline for Submission of Public Questions			
	Thu	-5	Deadline for submission of Green Papers			
	Fri	-4	Summons and Agenda Circulated			
WEEKEND						
	Mon	-3				
	Tue	-2	12.00 noon – Deadline for submission of Oral Questions			5pm - Deadline for submission of amendments to Ordinary Motions
	Wed	-1	9am - Deadline for submission of amendments to reports			
	<b>Thu</b>	<b>0</b>	<b>Council Meeting</b>	12.00 noon - Written copies of questions and answers circulated by email		
	Fri	1				
WEEKEND						
	Mon	2				
	Tue	3				
	Wed	4				
	Thu	5	Circulation of written copy of Oral Question/Answers			

**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL SERVICES**

**SCRUTINY CALL-IN RULES**

**Reason for this Report**

1. To allow the Committee to consider a change to the rules governing scrutiny call-ins, which has been suggested by the Scrutiny Chairpersons.

**Background**

2. Scrutiny Committees have statutory power to make reports or recommendations to the authority or the Cabinet with regard to the discharge of any functions which are the responsibility of the executive ('Executive Functions'); and to review and scrutinise decisions made, or other action taken, in connection with the discharge of such functions. This means they may review or scrutinise executive decisions before or after they are made. If a decision has been made but not yet "implemented", the Scrutiny Committee may recommend that the decision maker should reconsider it, or ensure that full Council reviews the decision (Section 21 of the Local Government Act 2000).
3. Cardiff's Scrutiny Procedure Rules (in Part 4 of the Constitution) reflect the statutory provisions and set out the relevant procedures.
4. Rule 12 of the Scrutiny Procedure Rules deals with 'Call-In' (scrutiny of Executive decisions after they have been taken). Under the Rules, any non-Cabinet member of the Council (or a co-opted member of the Children and Young People Scrutiny Committee in the case of a decision relating to an education matter), may call-in any Executive decisions made, but not yet implemented, by the Cabinet and designated senior officers, for scrutiny by the relevant Scrutiny Committee. The call-in request must be made in writing to the Operational Manager of Scrutiny Services within the call-in period (seven clear working days after publication of the decision).
5. 'Call-in' is a mechanism to hold to account the Cabinet and officers taking Executive decisions. It enables a Scrutiny Committee to consider whether a decision is appropriate, having regard to the relevant policy, financial and legal framework. The Scrutiny committee may question the decision-taker on the decision and actions taken, and may decide to refer the

decision back to the decision maker for reconsideration. A called-in decision cannot be implemented until it has been considered by the relevant Scrutiny Committee.

6. For Members' information, outline information about scrutiny call-ins considered during recent years is appended as **Appendix A**.
7. At the last meeting of the Constitution Committee (on 25th October 2017), in the Constitution Review report, the Committee noted that a recommendation had been made by the Scrutiny Chairpersons to amend the current Call-In rules in relation to matters which have been subject to pre-decision scrutiny. The Committee agreed to receive a further report to consider this matter. This is that further report.

## Issues

8. Within their terms of reference, Scrutiny Committees set their own work programmes and may make proposals to the Cabinet regarding policy and service development. This is referred to as 'pre-decision' scrutiny (in contrast with the scrutiny and review of decisions made, or actions already taken, which are scrutinised under 'call-in' procedures). In Cardiff, all Cabinet decisions are rated as Red, Amber or Green; and a Red rating requires the decision to be considered by Scrutiny before the Cabinet decision is made ('pre-decision scrutiny'). Pre-decision scrutiny is the main tool for Scrutiny Committees to improve service delivery and policy development, informed by detailed, evidence based reviews.
9. The Chairpersons of the 5 Cardiff Scrutiny Committees meet regularly at a Scrutiny Chairs Liaison meeting. At the Scrutiny Chairs Liaison meeting in August, the Chairs discussed the current Call In rules. The Chairs agreed that, where a matter had been subject to pre-decision scrutiny, Call-In of a decision should only be permitted if there is significant new or additional information, which had not been previously considered by the Scrutiny Committee, so as to avoid unnecessary duplication of work already undertaken. It was agreed that the Constitution Committee should be asked to consider amending the call-in rules to this effect.
10. The Scrutiny Procedure Rules, marked to show the proposed amendments to the Call-In Rules (Rule 12), are appended at **Appendix B**.
11. Members may recall (as reported previously in the Constitution Review report considered at the last meeting), that the Wales Audit Office (WAO) is undertaking a national, themed review of the scrutiny function, 'Scrutiny – Fit for the Future'. The purpose of the review is to consider how Councils are responding to current challenges, including the Well-being of Future Generations Act and scrutiny of public service boards. Any recommendations relating to constitutional issues which may arise from WAO's review of the scrutiny function will be reported to the Constitution Committee for consideration in due course.



## **Legal Implications**

12. Under the Constitution Committee's terms of reference, the Committee is responsible for reviewing the Constitution and making recommendations on any appropriate changes to full Council (except for certain specified changes which the Committee may approve itself). The proposed amendments to the Scrutiny Procedure Rules require the approval of full Council.
13. Other relevant legal provisions are referred to in the body of the report.

## **Financial Implications**

14. There are no financial implications arising from the report

## **RECOMMENDATIONS**

The Committee is recommended to agree the proposed amendments to the Scrutiny Procedure Rules, as shown in **Appendix B**; and recommend these amendments to full Council for approval.

**DAVINA FIORE**  
**DIRECTOR OF GOVERNANCE AND LEGAL SERVICES**  
20 December 2017

## **APPENDICES**

- APPENDIX A: Call-Ins 2015/16 to date – Summary Information
- APPENDIX B: Scrutiny Procedure Rules – proposed draft amendments

## **Background papers**

Constitution Committee report, 'Constitution Review', 25<sup>th</sup> October 2017

Mae'r dudalen hon yn wag yn fwriadol

**SCRUTINY CALL-INS 2015/16 TO DATE (December 2017)**  
**SUMMARY**

**2015- 16 Municipal Year (5)**

- Re-declaration of additional licensing scheme in the Cathays ward of Cardiff - Cabinet Decision CAB/15/34 – (7 October 2015) - Members voted to not refer the item to Full Council or Cabinet for reconsideration but made a series of comments, observations and recommendations to the relevant Cabinet Member
- Welsh Medium Schools Catchment Areas - Cabinet Decision CAB/15/84 (17 May 2016) - - Members voted to not refer the item to Full Council or Cabinet for reconsideration but made a series of comments, observations and recommendations to the relevant Cabinet Member
- Infrastructure Services – Alternative Delivery Models - Cabinet Decision CAB/15/24 - Members voted to not refer the item to Full Council or Cabinet for reconsideration but made a series of comments, observations and recommendations to the relevant Cabinet Member
- New Household Waste Recycling Centre & Re Use Facility - Cabinet Decision CAB/15/25 (26th August 2015) – Members decided to refer back to Cabinet.
- Glamorgan County Cricket Club Loan Write-off and Restructuring. Cabinet Decision – CAB/14/105, (14 May 2015)- Members voted to not refer the item to Full Council or Cabinet for reconsideration but made a series of comments, observations and recommendations to the relevant Cabinet Member

**2016-17 Municipal Year (1)**

- Cardiff West Transport Interchange –Cabinet Decision – CAB/16/38 (8 February 2017) – Members decided to refer back to Cabinet

**2017 -18 Municipal Year (1)**

- Funding The New Bus Transport Interchange – Cabinet Decision CAB/17/11 – (13 September 2017) - Members voted to not refer the item to Full Council or Cabinet for reconsideration but made a series of comments, observations and recommendations to the relevant Cabinet Member

Two of the Call in meetings resulted in a decision being referred back for Cabinet reconsideration. At the other 5 call in meetings the scrutiny committee decided to allow the decision to stand, but subsequently wrote to the Cabinet Member with comments, observations and recommendations.

Mae'r dudalen hon yn wag yn fwriadol

## **PART 4 – RULES OF PROCEDURE**

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### **SCRUTINY PROCEDURE RULES**

#### **1 Scrutiny Committees**

The Council will have the five Scrutiny Committees set out in Article 6 and will appoint to them as it considers appropriate from time to time. Scrutiny Committees will have a membership determined by the Council.

Scrutiny Committees may appoint "Task and Finish" Sub Committees to be established for a fixed period, on the expiry of which they shall cease to exist. These will not exercise the formal powers associated with scrutiny (which are the preserve of the Committees), but can contribute to, or inform, the scrutiny process.

#### **2 Members of Scrutiny Committees**

All councillors, except members of the Cabinet, may be members of a Scrutiny Committee. However, no member may be involved in scrutinising a decision which he/she has been directly involved in taking.

#### **3 Co-opted Members**

The Children & Young People Scrutiny Committee shall include in its membership the following voting representatives:

- (a) 1 Church in Wales diocese representative;
- (b) 1 Roman Catholic diocese representative; and
- (c) 2 parent governor representatives.

When matters unrelated to education functions, which are the responsibility of the executive, fall to be considered by the Children & Young People Scrutiny Committee, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

#### **4 Meetings of the Scrutiny Committees**

Scrutiny Committees shall generally meet on a monthly basis. In addition, extraordinary meetings may be called from time to time as and when appropriate. A Scrutiny committee meeting may be called by the Chairperson of the relevant Scrutiny Committee if he/she considers it necessary or appropriate.

Scrutiny Committee meetings will generally be held in public in accordance with the provisions of the Access to Information Procedure Rules.

## 5 **Quorum**

The quorum of a meeting will be one quarter of the whole number of members of that Scrutiny Committee/Sub Committee. During any meeting, if the Chairperson declares that there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairperson. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting of the Scrutiny Committee/Sub Committee.

## 6 **Chairperson**

Scrutiny Chairpersons will be appointed on a politically proportionate basis in accordance with the provisions of sections 66 – 75 of the Local Government (Wales) Measure 2011.

## 7 **Scrutiny Role and Conduct of Business**

Within their terms of reference, Scrutiny Committees:-

- (a) Will set their own work programmes and submit Annual Reports for consideration by the Council. Such reports will outline previous, and ongoing, investigations, and set out any known future work programme.
- (b) May make proposals to the Cabinet regarding policy and service development and scrutinise and review decisions made, or actions, taken in connection with the discharge of any Council functions.
- (c) May use the budgets allocated to them, relevant Council employees, advisers and assessors to assist them in fulfilling their role. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and/or expenses for doing so. They must comply with the Council's procedures and keep within the budgets allocated to them in so doing.
- (d) As far as possible, will ensure that the objectives of any proposed business are set out in its programme.

## 8 **Agenda items**

- (a) Any member of a Scrutiny Committee may give notice to the Operational Manager of Scrutiny Services that he/she wishes an item relevant to the functions of that committee to be included on the agenda for a future meeting. On receipt of such a request, the Chairperson will ensure that it is included as an item on the next suitable agenda.

- (b) Scrutiny Committees shall respond, as soon as their work programme permits, to requests from the Council or the Cabinet, to review particular areas of Council activity. Where they do so, the Scrutiny Committee shall report their findings, and any recommendations, back to the Cabinet and/or Council, as appropriate.

## **9 Reports from Scrutiny Committees**

- (a) Once it has formed recommendations following the conclusion, or part conclusion, of its deliberations on a particular topic, a Scrutiny Committee will prepare a formal report and submit it for consideration by the Cabinet (if the report relates to a Executive Decision or proposal) or to the Council (if the recommendation would require a departure from, or a change, to the agreed budget and policy framework).
- (b) If a Scrutiny Committee cannot reach unanimous agreement on the content of a report to the Council or Cabinet as appropriate, then any member of the committee may request that the points of difference between their view and that of the majority and the reasons for the difference in view be recorded in the Scrutiny Committee report and submitted for consideration by the Council or Cabinet as appropriate. Where a minority report is requested, it must be requested before the Committee's report on the topic under scrutiny is determined.
- (c) The Council or Cabinet shall give consideration to a formal report of a Scrutiny Committee and any minority report at an appropriate meeting. Where appropriate, the Scrutiny Committee shall receive a written response from the Cabinet to its formal report and any minority report, as soon as is practicable following the consideration of the report by the Cabinet. The appropriate Cabinet Member will also attend a future meeting of the scrutiny committee to present any response.
- (d) Where a scrutiny committee prepares a report for consideration by the Cabinet in relation to a matter where the decision making power has been delegated to an individual member of the Cabinet, then the Scrutiny Committee will submit a copy of their report to him/her for consideration. The member with delegated decision-making power must consider the report and respond in writing to the Scrutiny Committee. The member will also attend a future meeting of the Scrutiny Committee to present their response.

## **10 Rights of Scrutiny Committee members to documents**

Members of Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

## **11 Hearing evidence and receiving information**

- (a) Scrutiny Committees may receive written submissions or call witnesses to assist them in their examination of topics.
- (b) They may require any Cabinet Member and/or Council officer to attend to explain, in relation to matters within their remit:-
  - (i) any decision or series of decisions;
  - (ii) the extent to which actions taken implement Council policy; and/or
  - (iii) the performance of any Council service within their portfolio or management responsibility
  - (iv) and it is the duty of those persons to attend if so required.
- (c) Where any member or officer is required to attend a Scrutiny Committee under this provision, the Chairperson of that Committee, or an officer acting at their behest, will inform the member or officer in writing, giving at least ten calendar days notice of the meeting at which he/she is required to attend, except in cases of urgent necessity, when at least 48 hours notice will be given. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (d) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the scrutiny committee shall, in consultation with the member or officer, arrange an alternative date for attendance, or may seek a written submission.
- (e) A Scrutiny Committee may invite anyone whom it believes can make a useful contribution to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders and members and officers in other parts of the public sector and can invite such people to attend.
- (f) Scrutiny Committees will programme their agendas as effectively as possible and will in particular give any witness called to appear before them a time by which they can expect their contribution to be completed. At the expiry of that time period, the witness can leave unless he/she agrees to remain longer.

## 12 **Call-in Procedure**

- (a) When an Executive Decision is made by the Cabinet, a Committee of the Cabinet, the Leader, a Cabinet Member, the Chief Executive, a Corporate Director or a Director exercising a Corporate Director or a Director delegation, the decision shall be published on the Council's Intranet Site,



and shall be available at the main offices of the Council, normally within two working days of being made. Members of those Committees who request it (in respect of decisions falling within their Committee's terms of reference) and Chairpersons of all Scrutiny Committees will also be sent copies of the records of all such decisions within the same timescale by the proper officer.

- (b) The notice will bear the date on which it is published and will specify that the decision will be implemented on the expiry of seven clear working days after the publication of the decision ("the call-in period"), unless the decision is called in as set out below.
- (c) Any non Cabinet member of the Council (or a co-opted member of the Children and Young People Scrutiny Committee, in the case of a decision relating to an education matter) may call-in a decision of which notice has been given as set out above, by giving notice in writing to the Operational Manager of Scrutiny Services within the call-in period. The Operational Manager of Scrutiny Services shall then notify the Cabinet Office of the call-in. He/she shall call a meeting of the relevant committee on such date as he/she may determine, where possible after consultation with the Chairperson of the Committee, and in any case within five clear working days of the decision to call-in ("the scrutiny period"). At its meeting, the Scrutiny Committee may consider the called-in decision itself or decide to refer the issue to the Council for scrutiny, if the matter is of general significance and importance to the Council as a whole. A Council meeting to consider this issue must take place within ten clear working days of this referral ("the Council scrutiny period") unless otherwise agreed between the Leader and the Chairperson of the relevant Scrutiny Committee.
- (d) Having considered the decision, the Scrutiny Committee or the Council (if the decision has been referred to Council) may refer it back to the Cabinet or the decision maker for reconsideration, setting out in writing the nature of its concerns. The Cabinet or decision maker shall then reconsider the matter before adopting a final decision, arranging for the decision to be changed to reflect points made by the Scrutiny Committee, or formally deferring the matter for further consideration. The relevant Scrutiny Committee or Council as appropriate will be advised of the outcome at its next meeting.
- (e) If following a call-in, the matter is not referred back to the Cabinet or decision maker, the decision shall take effect on the date of the relevant Scrutiny Committee or Council meeting which considers the issue, or the expiry of the scrutiny period or the Council scrutiny period as appropriate, whichever is the later.
- (f) The role of Scrutiny Committees calling in a decision is:
  - (i) To test the merits of the decision
  - (ii) To consider the process by which the decision has been formulated.

- (iii) To make recommendations (to support the decision, change aspects of the decision, or to invite the decision making body to reconsider).
  - (iv) To suggest further steps before a decision is made (but not to try to carry out those steps in place of the decision making body).
  - (v) To come to a view in a relatively short time scale, so as not to compromise the speed and efficiency of the decision-making process.
- (g) In calling in a decision it is not sufficient for the Member requesting the call in to state that they wish to test the merits of the decision. A member requesting a call in shall specify precisely which aspects of the decision they wish to question or challenge.
- (h) The Operational Manager of Scrutiny Services may, in consultation with the Monitoring Officer, rule that a call in is not valid if:
- (i) The call in request has not been made within the seven working days allowed for call in;
  - (ii) It is not clear which Executive Decision is being called in;
  - (iii) The decision is exempt from call in on account of urgency provisions;
  - (iv) The call in request provides too little information to enable Committee members or the decision taker to adequately prepare for the call in meeting;
  - (v) The decision being called in, or broadly the same decision, has been called in during the last six months; or
  - (vi) The matter has already been scrutinised by the relevant Scrutiny Committee and there is no significant new or additional information which has not been previously considered by that Committee.

### **13 Exceptions: Call-in and Urgency**

- (a) The call-in procedure set out above shall not apply where the decision being taken is urgent. A decision will be urgent if either the Head of Paid Service, the Monitoring Officer or the S151 Officer certifies that any delay likely to be caused by the call-in process could seriously prejudice the Council, or the public interest, and the Chair of the relevant scrutiny committee or, in his/her absence, the Chair of the Council, or in both their absences, the Vice-Chair of the Council, agrees that the matter is urgent. The record of the decision and notice by which it is made public shall state whether the decision is an urgent one, and therefore not be subject to call-in. Decisions taken as a matter of urgency must be reported for information to the next available meeting of the Council, together with the reasons for urgency.

- (b) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

#### **14 Procedure at Scrutiny Committee meetings**

- (a) Scrutiny Committees shall consider the following business:
  - (i) minutes of the last meeting;
  - (ii) declarations of interest (to be made at the commencement of the agenda item in question);
  - (iii) consideration of any matter referred to the Committee for a decision in relation to call in of a decision;
  - (iv) responses of the Cabinet to reports of the Scrutiny Committee; and
  - (v) the business otherwise set out on the agenda for the meeting.
- (b) Where the Scrutiny Committee conducts investigations, the Committee may also invite people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:
  - (i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of those invited to give evidence, and to contribute and speak;
  - (ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
  - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
  - (iv) that members of the council acting in their constituency representative role be permitted to attend and give evidence in connection with ward specific matters provided they have first given notice to the Chair of the Scrutiny Committee.
- (c) Following any investigation or review, the Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate, and shall make its report and findings public, except that reports containing confidential or exempt information need not be made public to the extent that such information would be disclosed.

#### **15 Matters within the remit of more than one Scrutiny Committee**

Where a Scrutiny Committee proposes to conduct a review, or scrutinise a matter, which also falls (whether in whole or in part) within the remit of another

Scrutiny Committee, then the arrangements for the future scrutiny of this matter will be agreed by the relevant Scrutiny Chairpersons. This agreement will be reported to the next meeting of the appropriate Scrutiny Committees.

**CONSTITUTION COMMITTEE:****8 JANUARY 2018**

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**REPORT OF THE DIRECTOR GOVERNANCE & LEGAL SERVICES**

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**FORWARD WORK PLAN****Reason for this Report**

1. The Constitution Committee at its last meeting considered the areas within its terms of reference it would wish to review as part of its Forward Work Plan for 2017/18. Appendix A to the report captures the changes requested by the Committee on 25 October 2017.

**Background**

2. The Constitution Committee is responsible for reviewing the Council's Constitution, recommending any changes to Council and/or Cabinet. It has authority (subject to the Monitoring Officer's advice) to make the following changes on behalf of the Council:-
  - a) Drafting improvements to enhance clarity and remove minor anomalies.
  - b) Updating to reflect legislative changes and matters of record.
  - c) Amendments to the Financial, Contracts and Land Procedure Rules (subject to the advice of the S.151 Officer being sought).
3. The Forward Work Plan gives notice of, and transparency to, matters under review and for decision during the municipal year and reflects the Committees objective to improve and enhance governance of the Council; to have effective outcomes; and to ensure that it complies with legal obligations and identifies potential risks.
4. The Forward Work Plan needs to reflect the time commitment required for Committee Members and the resources available within the Council to meet the Committee's ambitions.

**Issues**

5. The main work stream for the Committee in 2017/18 is to develop improvements to aspects of the Constitution, in particular in relation to making Council meetings more effective, giving greater transparency to how decisions are made and the way the Council and its Officers function.

6. Attached, as **Appendix A** is the updated Forward Work Plan 2017 – 2018 for the Committee for the Committee to approve.

### **Legal Implications**

7. There are no direct legal implications arising from the content of this report.

### **Financial Implications**

8. There are no direct financial implications arising from this report, provided the work can be met from within existing resources.

### **RECOMMENDATION**

The Committee is recommended to approve the Forward Work Plan 2017/18, and the areas considered as priorities as set out in **Appendix A**.

**Davina Fiore**

**Director of Governance & Legal Services and Monitoring Officer**

29 December 2017

CC/DF/V1.0

Appendices

**Appendix A** – Constitution Committee Forward Work Plan 2017-2018

Background Papers



**CONSTITUTION COMMITTEE – FORWARD PLAN 2017/18**

**APPENDIX A**

<b>TOPIC</b>	<b>OBJECTIVE/OUTCOME</b>	<b>WHO IS RESPONSIBLE?</b>	<b>PRIORITY</b>	<b>REPORT TO COMMITTEE</b>
(1) Council Meeting Procedure Rules	To review and consider suggested changes to the arrangements for meetings of full Council.	Director of Governance & Legal Services	High	October 2017 initial report  Substantial changes to be formulated and submitted to full Council for approval prior to implementation in May 2018
(2) Council Petition Scheme	To consider the adoption of a Petition Scheme setting out how the Council shall respond to petitions.	Director of Governance & Legal Services	Medium	TBA
(3) All-Party Working Group/s	To consider the establishment of all-party working group/s to promote specific issues within the Councils corporate and service priorities	Director of Governance & Legal Services	Medium	Dealt with in report on this meeting agenda
(4) Contract Procedure Rules	To review and update the Contract Procedure Rules to reflect new legislation and to align with WLGA Model Rules and best practice	Section 151 Officer, Finance, Procurement and Legal Officers	Medium	Autumn 2017
(5) Recording/ Filming in Council meetings	To review the rules on recording of meetings to ensure they meet legal requirements and best practice	Director of Governance & Legal Services	Medium	TBA
(6) Ward Member Consultation Requirements	To enshrine ward Member consultation requirements within decision making procedures	Director of Governance and Legal Services	Medium	TBA



<b>TOPIC</b>	<b>OBJECTIVE/OUTCOME</b>	<b>WHO IS RESPONSIBLE?</b>	<b>PRIORITY</b>	<b>REPORT TO COMMITTEE</b>
(7) Responsibility for Air Quality Management Functions	To review the appropriate allocation of responsibility for this local choice function	Director Governance and Legal Services / Head of Shared Regulatory Service	Medium	First scheduled meeting after November 2017
(8) Code of Corporate Governance	To consider a draft Code of Corporate Governance (on recommendation of the Audit Committee)	Director of Governance and Legal Services / Corporate Director Resources	Medium	Early 2018  Aiming for approval by Council in March 2018

Mae'r dudalen hon yn wag yn fwriadol

**CONSTITUTION COMMITTEE – FORWARD PLAN 2017/18****APPENDIX A**

<b>TOPIC</b>	<b>OBJECTIVE/OUTCOME</b>	<b>WHO IS RESPONSIBLE?</b>	<b>PRIORITY</b>	<b>REPORT TO COMMITTEE</b>
(1) Council Meeting Procedure Rules	To review and consider suggested changes to the arrangements for meetings of full Council.	Director of Governance & Legal Services	High	On Agenda (January 2018)
(2) Council Petition Scheme	To consider the adoption of a Petition Scheme setting out how the Council shall respond to petitions.	Director of Governance & Legal Services	Medium	March 2018
(3) All-Party Working Group/s	To consider the establishment of all-party working group/s to promote specific issues within the Councils corporate and service priorities	Director of Governance & Legal Services	Medium	tbc
(4) Contract Procedure Rules	To review and update the Contract Procedure Rules to reflect new legislation and to align with WLGA Model Rules and best practice	Section 151 Officer, Finance, Procurement and Legal Officers	Medium	tbc
(5) Recording/ Filming in Council meetings	To review the rules on recording of meetings to ensure they meet legal requirements and best practice	Director of Governance & Legal Services	Medium	March 2018
(6) Ward Member Consultation Requirements	To enshrine ward Member consultation requirements within decision making procedures	Director of Governance and Legal Services	Medium	March 2018

TOPIC	OBJECTIVE/OUTCOME	WHO IS RESPONSIBLE?	PRIORITY	REPORT TO COMMITTEE
(7) Responsibility for Air Quality Management Functions	To review the appropriate allocation of responsibility for this local choice function	Director Governance and Legal Services / Head of Shared Regulatory Service	Medium	March 2018
(8) Code of Corporate Governance	To consider a draft Code of Corporate Governance (on recommendation of the Audit Committee)	Director of Governance and Legal Services / Corporate Director Resources	Medium	March 2018