

CONSTITUTION COMMITTEE

15 JANUARY 2015

Present: Councillor De'Ath (Chairperson)
Councillors Aubrey, Cowan, Goodway, Gordon, Hinchey, Hyde, Knight,
Magill, Walker and Woodman (1 vacancy)

Also: Councillors Hunt and Robson

55 : DECLARATIONS OF INTEREST

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

56 : MINUTES

The minutes of the meeting of the Constitution Committee held on 17 September 2014 were approved as a correct record and signed by the Chairperson.

57 : PROPOSED LOCAL AUTHORITY GOVERNOR APPOINTMENTS PANEL

The County Clerk and Monitoring Officer's report had been prepared in response to the recommendations of the Children & Young People Scrutiny Committee Task and Finish Group on the need of improving the effectiveness of Cardiff School Governing Bodies and discussion with Group Whips on widening the pool of candidates to business and community leaders; representatives from Higher and Further Education; staff; and interested citizens; and improved governance arrangements around the Local Authority (LA) Governor Appointments process.

It was proposed that a cross party Member Panel of seven be established supported by Director of Education, Monitoring Officer and a representative of the Cardiff Governors Association; administered by Governor Services that would meet termly with the following terms of reference:

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

The Chairperson invited discussion on the principles of establishing a Member Panel and a number of matters were raised around:

- Ward Member appointments process, in particular aspects around an all Member Panel appointing other Members;
- Ward Member appointments in 'multi-party' Wards;

- More detail on the criteria and assessment principles and process for new LA Governors;
- What the process would be used to appoint other non LA Governors - i.e. Parent and Community Governors;
- the Committee recognised the value of having representatives with varied expertise, skills and knowledge on Governing Bodies and were interested to learn how these skills would be matched with need;
- the importance of DBS (formally CRB) checks and safeguarding issues;
- the ability for the Panel to remove Governors as well as appoint.

RESOLVED – That the Committee agreed in principle to a Local Authority Governor Appointments Panel, and the County Clerk & Monitoring Officer be requested to undertake further work on the processes and criteria and report back to Committee at its next meeting.

58 : CABINET MEMBER DECISION MAKING UPDATE

This Committee on 17 September 2014 (Min No 53) having reviewed the volume and category of decisions being taken at Cabinet meetings resolved that the County Clerk and Monitoring Officer consult with the Leader and Cabinet on individual Cabinet Member decision making and bring a report forward on the options.

The County Clerk and Monitoring Officer advised that following discussion with the Leader and Cabinet there was clear support for the introduction of individual Cabinet Member decision making to provide better effective and transparent governance.

The current Cabinet business is analysed in the Cabinet Forward Plan with a traffic light system (Red, Amber, Green (RAG)) it was proposed that individual decision making would use the same rating system. Another option was the concept of 'key decisions' used in English Local Authorities

The Chairperson invited discussion and comments and the following matters were raised: -

- the need for effective governance arrangements and transparency;
- the need for an effective published Forward Plan and list of key decisions to be taken; ;
- the importance of publication of decision notices;
- the strengths and weakness of Call - In of decisions.

RESOLVED – That the principles rehearsed in the report were noted, however the Committee requested that further work be undertaken on strengths and weaknesses of the RAG status and the concept of publication of 'Key Decision'.

59 : SCRUTINY CALL- IN

Consideration of the Scrutiny Call-In procedure was deferred from the last meeting. The County Clerk and Monitoring Officer set out the process for Scrutiny Call-In; the numbers of call-ins received during the last two Municipal years and outcomes; current requirements for Call-In.

The following suggested amendments to the procedure were discussed:

- involving the Chair of the relevant Scrutiny Committee in considering the validity of a Call-In request;
- recognising the exceptional nature of a Call In by only allowing Call-In relation to Cabinet decisions rated Red;
- avoiding any party political misuse of the rule by requiring a minimum of three Members from more than one party to require a Call-In.

Members commented as follows:

- the number of Call-Ins in relation to the volume of decisions was low;
- the introduction of the requirement for a three Members to Call-In a decision would be inhibiting for backbenchers; Members of smaller Groups; or Individual Members representatives;
- concerns on Chairs involvement in considering the validity of a request and that this should remain with the Lead Officers;
- concerns that Call-Ins would be limited to exceptional or Red rated Cabinet Decisions/ Individual Cabinet Decisions which would inhibit Call-Ins on other issues of significance by individual Members.

RESOLVED – That there be no change made to the current Scrutiny-Call-In procedure.

60 : CONSTITUTION UPDATE – MINOR AMENDMENTS

The Committee received a report detailing various minor amendments to the Constitution taken under the Monitoring Officer delegation required to ensure that it remained fit for purpose.

Details of the minor changes to amend typographical and minor drafting errors; updates to reflect legislative changes; and minor improvements to enhance clarity and remove minor anomalies were set out in the report.

RESOLVED – that the minor Constitution amendments made under the Monitoring Officer's delegated authority be noted and the Cardiff Constitution be updated accordingly

61 : PETITIONS REVIEW

The Committee received a paving report on the Council Procedure Rule 20 relating to Petitions and was asked to give the consideration to adopting a Petitions Scheme, and also to approve a minor typographical correction to Rule 20 (b).

The Council on 27 March 2014, following a review undertaken by the Constitution Committee and a pilot period, adopted new Council Procedure Rules.

The Constitution Committee previously identified the need for greater transparency on Petitions and their outcomes. Petitions can be submitted to Full Council meetings by Elected Members or ad hoc petitions from the public are received directly by Cabinet Members. There is no provision for Full Council debate on a major petition or referral to Scrutiny Committees; and currently there is no public involvement in presenting petitions to Full Council. The Council's Regulatory Committees – Planning Committee and Licensing Committee have specific procedure rules which work well for the statutory requirements for consultation on planning and licensing matters.

The Chairperson invited discussion on the development of a Petition Scheme. The Chairperson was keen to encourage greater public engagement in the democratic process and petitions are one avenue that can be used by the public to raise awareness of specific concerns. In addition the introduction of Modern.Gov, a Committee Management System would provide the facilities for e-petitions in the future.

Members were keen to develop a transparent traceable process for petitions; discussed the validation of petitions and number of signatories required; and raised matters relating to e.Petitions. It was noted that the process of Council Petitions to Cabinet had been streamlined with a report to Cabinet on a regular basis on Petitions and outcomes.

Members were supportive of the development of a Petitions Scheme that was more transparent encouraged engagement with the democratic process and identifying the triggers for a Debate at Council.

RESOLVED – That

1. the minor amendment to rule 20 (b) on Petitions actioned under the Monitoring Officer's delegation be noted as follows:

Deletion of the word '*four*' to be corrected to '**three**'.

2. a Petition Scheme be developed for consideration and approval by this Committee.

62 : WRITTEN QUESTIONS AT COUNCIL MEETINGHS

The County Clerk and Monitoring Officer sought the Committees views and consideration of the effectiveness of the Council Procedure Rules on Written Questions at Council meetings.

The Constitution Committee reviewed the procedures for dealing with Members' questions at Council as part of the review of the Council Procedure Rules adopted on 27 March 2014, following a pilot exercise in 2013. It was agreed that the operation of the new Rules should be monitored and reviewed.

The process of questions at Council is an important means by which minority parties and backbench Councillors can obtain information and call the majority party to account. When the current rules were adopted, the majority view accepted that the number of Oral questions should be limited, but no limit was placed on Written

questions. Details of the number of Oral and Written Questions submitted since the adoption of the new Rules were provided and it was noted that there had been a large volume of Written Questions to the November meeting.

The Committee was asked to consider the appropriateness of potentially limiting the number of Written Questions as the potentially high volume of Written questions at Council meetings has a significant administrative burden on the organisation, which has a duty of care to officers who are working many hours over and above to turn questions around within the timescales, with the added pressure of translation deadlines.

The Committee was not minded to change the rules on Oral Question by Members, however a number of comments were made on the Written Questions including :

- the number of Written Questions prior to November 2014 had not been burdensome. The November meeting had been exceptional;
- the Monitoring Officer should have the delegation to composite questions;
- in general the majority of the Committee accepted that a limit on Written Questions per Member per meeting could be trialled.

RESOLVED - That Council be recommended to trial for six Council meetings of the following changes to the procedures for Written Questions:

- a) any Member who wishes to submit more than 5 Written Questions will be invited to prioritise the 5 questions to be answered at the Council meeting;
- b) the answers to any additional Written Questions will be given at the following Council meeting; and
- c) the Monitoring Officer be given discretion to instruct that a composite answer may be given to related Written Questions, wherever she considers this appropriate

63 : COUNCIL MEETING DATES REVIEW

The Committee was requested to agree a calendar of Full Council meetings for the next two Municipal years to enable and ensure that the governance of the Council is conducted efficiently and effectively and that a full Programme of statutory meetings can be arranged within this framework

RESOLVED – That Council be recommended to approve the Calendar of Full Council meetings for the next two Municipal years.

64 : COMMITTEE WORK PLAN 2014/15

The Committee received and considered its Work Plan and in addition to the items programmed requested the following items be included as appropriate: -

- Update on the Improving Governance Programme including constitutional arrangements for Neighbourhood engagement and roles of Community Councils;
- Elected Mayor Model of Governance;
- Council Procedure Rules Review including a review of the Order of Business.

RESOLVED – That the Forward Plan and additional items be noted and updated as appropriate.

65 : DATE OF NEXT MEETING

The next meeting scheduled is 18 March 2015 at 5.00pm.