

COUNCIL:

23 MARCH 2017

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

**CONSTITUTION AMENDMENTS – (I) MEMBER TRAINING AND DEVELOPMENT;
AND (II) CLOSURE MOTIONS DURING FULL COUNCIL MEETINGS**

Reason for this Report

1. To enable the Council to consider the Constitution amendments recommended by the Constitution Committee in respect of: (i) Members' training and development; and (ii) Closure Motions during full Council meetings.

Background

2. The Constitution Committee at its meeting on 2nd March 2017 considered, amongst other matters, reports on (i) Member Training and Development - Constitution provisions; and (ii) Review of the Council Meeting Procedure Rules.
3. This report sets out the constitution amendments in relation to member Training and Development and closure motions recommended by Constitution Committee on 2nd March 2017, which require the approval of full Council. A further more detailed report on amendments to the Council Procedure Rules will be considered after the May 2017 Elections.

Issues

Member Training and Development

4. The Constitution Committee noted that the Wales Audit Office (WAO) Corporate Assessment Follow-On Report issued in February 2016, had included a recommendation that the Council's arrangements for Member development and learning should be strengthened to enable Members to undertake their roles more effectively (WAO Proposal for Improvement P5). Further, that in accordance with the Action Plan approved by Cabinet in March 2016 in response to the WAO Report, the Democratic Services Committee had identified in the Member Induction Programme 2017 training considered essential for Members to effectively discharge their roles. In summary this is training relating to statutory obligations where there may be legal implications which members may not be otherwise aware of. So for

example essential training includes that on the Code of Conduct; Corporate Parenting; Safeguarding; Data Protection; Equalities.

5. The Committee noted that the Constitution currently makes clear that Members are expected to undertake appropriate training to enable them to carry out their duties. However, there is no specific reference to essential training, even though it is the Council's accepted practice that members of quasi-judicial bodies, such as the Public Protection, Licensing and Planning Committees must have attended training before they participate in those committees; and the Democratic Services Committee has identified other essential Member training requirements (as noted in the paragraph above).
6. The Committee agreed that, in order to support the effectiveness of the Council's arrangements for Member training, the Constitution should be amended as set out below.

Quasi-Judicial Committees

7. The Committee noted that Member training is particularly important for the work of quasi-judicial committees, as they are required to exercise powers and procedures resembling those of a court of law or judge, which may affect the legal rights, duties or privileges of specific parties. For this reason, the Committee agreed that it would be appropriate to enshrine the essential training requirements for Members of such Committees within the Constitution.
8. It was noted that some Councils add mandatory training to their constitution as part of the terms of reference of the committee or body. With this approach, if a Committee Member participates in Committee decisions without having undertaken any relevant training, the Committee would be acting outside of its terms of reference and those decisions could be challenged on that basis. This means that members who have not attended the training would not take part in the decision making process. The Committee considered this approach to be appropriate for the quasi-judicial committees and accordingly recommended amendment of the terms of reference of those committees.
9. The recommended amendments to the committees' terms of reference are shown on **Appendix A**.

Essential Member Training & Development

10. The Committee noted that the Member Induction Plan 2017 prepared by the Democratic Services Committee identifies various training considered essential in order for Members to properly discharge their roles. Training had been designated as essential on matters such as the Members' Code of Conduct, Council Finance, the Constitution, Information Communication Technology, Data Management and Freedom of Information; and specific training for members of the Audit Committee and the Appointments Committee. The Constitution Committee members agreed that training should be mandatory on such matters, as they involved legal responsibilities; and this should be enshrined within the Constitution, in order to encourage Member

engagement and support the effectiveness of the Council's Member development arrangements.

11. It was noted that the Cardiff Undertaking (incorporated in the Constitution, Part 5), which all Councillors are asked to annually reaffirm, currently includes a commitment to undertake appropriate training. Constitution Committee have recommended that this Undertaking should be widened by inserting the underlined amendment as follows:

*'In order to enable me to carry out my duties, I further undertake that I will commit to appropriate training, **to include all training which has been identified as essential in the Member Induction Programme / Member Training and Development Plan, or equivalent**, to equip me to carry out my duties as a Councillor.'*

Council Meeting Procedure Rules – Closure Motions

12. The Constitution Committee considered various aspects of the Council Meeting Procedure Rules and resolved to recommend certain amendments for consideration by the new Council after the May elections.
13. The Committee also discussed the provisions of Council Meeting Procedure Rule 26 (c) in relation to closure motions. Members considered that the rule needed to be changed to allow a vote on any amendments prior to the vote on the original motion, as in its current form, amendments fall. The Committee resolved to recommend to full Council on 23 March 2017 the following change to Council Meeting Procedure Rule 26 (c), to take effect from Annual Council in May 2017:

26 CLOSURE MOTIONS

- (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 the Chair 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.**"*

Legal Implications

14. In accordance with its terms of reference, the Constitution Committee has responsibility for reviewing, and recommending to Council any changes to the Constitution. The recommended constitution amendments require the approval of full Council.
15. Other relevant legal implications are set out in the body of the report.

Financial Implications

16. There are no direct financial implications arising from this report.

Recommendations

The Council is recommended to approve the following Constitution amendments:

- (1) Committee's Terms of Reference, as set out in **Appendix A**;
- (2) the Cardiff Undertaking, as set out in paragraph 11 of the report;
- (3) Council Meeting Procedure Rules, Rule 26(c) as set out in paragraph 13 of the report; and
- (4) Instruct the Monitoring Office to amend the Constitution accordingly.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

15th March 2017

Appendices

Appendix A Committee Terms of Reference – recommended amendments

Background papers

Constitution Committee report 'Member Training and Development – Constitution Provisions', 2nd March 2017

Constitution Committee report 'Review of the Council Meeting Procedure Rules', 2nd March 2017