

COUNCIL:

25 MAY 2017

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

**CONSTITUTION AMENDMENTS RECOMMENDED BY CONSTITUTION
COMMITTEE - COUNCIL MEETING PROCEDURE RULES**

Reason for the Report

1. The purpose of this report is to provide Council with the opportunity to consider proposed changes to the Council Meeting Procedure Rules, which have been recommended by the Constitution Committee.

Background

2. The full Council meeting is where all 75 Cardiff Councillors meet to discuss and agree the Budget and Policy Framework for the Council. This includes all the major policies of the Council, the budget and council tax; and forms the foundation of the Council's work. Full Council is also responsible for adopting a Scheme of Delegations (setting out who has responsibility for the discharge of the authority's functions) and its Constitution, as well as a number of other functions (set out in Article 4.1 of the Constitution).
3. All local authorities have statutory power to make standing orders (procedure rules) for the regulation of Council proceedings and business and may vary or revoke any such orders (Local Government Act 1972, section 99 and Schedule 12 Part VI paragraph 42), subject to compliance with that Act.
4. The Council Meeting Procedure Rules (set out in Part 4 of the Constitution) are the standing orders adopted by the Council to regulate meetings of the full Council.
5. At its meetings in November 2016 and March 2017, the Constitution Committee considered options for changing various aspects of the Council Meeting Procedure Rules, in light of the results from a Members' Survey conducted in the Autumn of 2016, and discussions with party group leaders and whips.
6. The Members' Survey Results were noted, in summary, as follows:

Frequency of Council Meetings:

- 43% of respondents thought we have too many full Council meetings.
- 57% of respondents said they would agree to fewer full Council meetings.

- Majority of opposition members did not support this.

Time Limit on Council Meetings:

- 83% of respondents think Council meetings are too long.
- A majority of Members support having a time limit for the meeting, after which any remaining matters could be put straight to the vote or deferred to the next meeting.
- Views on the proposed end time varied from 7.00pm through to 10.00pm; with most respondents suggesting 8.00 or 8.30pm.

Oral Questions by Councillors

- 46% of respondents thought that Oral Questions were an important part of the business of Council;
- 67% of opposition members thought that Oral Questions were an important part of the business of Council;
- 49% of respondents answered yes to supporting having Members' Questions dealt with in a different way.

Allocation of Notices of Motion

- 71% of respondents (25 of those who responded) think the allocation of motions should be reviewed.
- There was no clear agreement on how allocation should be made, although the proposal which had the highest number in favour was that opposition groups be allocated a minimum of three each with the remainder allocated proportionately.

7. The Committee made comments in relation to each area identified by the Survey Results for potential change, as well as a number of other observations regarding the current arrangements, and instructed the Monitoring Officer to develop proposals for change. Having discussed different options for change, the Constitution Committee, at its meeting on 2nd March, agreed to recommend certain changes for consideration by the new Council.

Issues

8. The changes to the Council Meeting Procedure Rules, which have been recommended by the Constitution Committee, are indicated in the table in **Appendix A** to this report. Members will note that for each recommended change, the table sets out the current rules and a summarised note of the Committee's final comments.
9. A copy of the Council Meeting Procedure Rules, showing the recommended amendments, is attached as **Appendix B**, for approval by Council.
10. If Members are minded to put forward any alternative or further proposed changes to the Rules, it should be noted that the discussion and decision on such proposals will need to be adjourned until the June Council meeting, pursuant to Rule 33(b), which provides as follows:

“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.”

The purpose of this Rule is to allow sufficient time for proper formulation and consideration of any new proposed changes. Alternatively, Members may wish to refer any proposed changes back to the Constitution Committee for further consideration (pursuant to Rule 25(a)(iv)).

Legal Implications

11. The Local Government Act 2000 requires the Council to keep its Constitution under review and up to date. Article 14 of the Constitution provides for its review and revision.
12. Under its Terms of Reference, the Constitution Committee is authorised by the Council to review the Council’s Constitution, and to recommend to Council any changes.
13. Any changes to the Council Meeting Procedure Rules require the approval of full Council..
14. The Council is under a legal duty to comply with its standing orders, once duly adopted. Non-compliance may mean that the Council’s decisions are open to challenge by judicial review, which if successful, may result in decisions being ruled as ‘ultra vires’ (outside of the Council’s powers) and quashed.
15. Other relevant legal implications are set out in the body of the report.

Financial Implications

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

RECOMMENDATIONS

Council is recommended to:

- i. Approve the changes to the Council Meeting Procedure Rules which have been recommended by the Constitution Committee, as shown in **Appendix B**; and
- ii. Instruct the Monitoring Officer to amend the Constitution accordingly.

DAVINA FIORE

Director Governance and Legal Services and Monitoring Officer

18 May 2017

Appendices

Appendix A: Table of Recommended Changes to Council Meeting Procedure Rules

Appendix B: Council Meeting Procedure Rules (draft) – marked up to show recommended amendments

Background Papers

Constitution Committee Reports, Review of the Council Meeting Procedure Rules, November 2016 and March 2017

Members' Survey Results, November 2016