

CONSTITUTION COMMITTEE

28 FEBRUARY 2022

Present: Councillor Goodway(Chairperson)
Councillors Berman, Burke-Davies, Carter, K Jones, Goddard,
Jones-Pritchard, Lister, Kelloway, Keith Parry, Mia Rees and
Wong

62 : APOLOGIES

No apologies for absence were received.

63 : DECLARATIONS OF INTEREST

No declarations of interest were received in accordance with the Members' Code of Conduct

64 : MINUTES

The minute of the meeting held on 13 December 2021 were approved as a correct record of the meeting.

65 : MULTI-LOCATION MEETING ARRANGEMENTS

The Committee were provided with an update on the planned multi-location meeting arrangements. The initial draft policy had been considered by the Committee on 13 December 2021 when a number of suggested amendments were made. Those changes were made to the draft policy prior to the commencement of the public consultation and engagement with Elected Members, Joint Committee Members, Officers and the Public.

RESOLVED:

- a. To agree the changes made to the draft Multi-Location Meetings Policy, Appendix D and
- b. Recommend the draft Multi-Location Meetings Policy to Cabinet for approval.

66 : COUNCIL PETITION SCHEME

The Committee were provided with an outline of the draft Petition Scheme.

Members were invited to make comments and raise questions, and these discussions are summarised as follows:

Members sought clarification on the definition of electronic petitions and observed that there are many websites from which electronic petitions can be generated. Officers advised that an e-petition section on the Council's website was suggested. Under the proposed scheme contact details for the lead petitioner would be required. Petitions from other sources could be accepted if they met the requirements of the

scheme, but it would not be desirable to accept petitions if the petitioners had no connection to Cardiff. It will probably be necessary to review the scheme after an interval.

Members discussed whether people who submit petitions should have an opportunity to address Council meetings. It was suggested that a minimum of 50 signatures should be required before petitions could be considered. The view was expressed that the process would be open to abuse if the minimum was too low, and that there ought to be an ability to bar vexatious petitions. There was concern that Council meetings could be overwhelmed with an excessive number of petitions. Officers advised that advance notice of petitions would be required and that a petition would need to pass the test for admissibility. Proof of residence would also be required before a petitioner was allowed to address the Council. Experience has shown that the current petition scheme which only requires a low number of signatories does not generate a large number of petitions.

It was suggested that a distinction could be made between a lead petitioner, who could only address the Council if there were more than 50 signatories, and an Elected Member who could present a petition with less than 50 signatures. Officers advised that this would be possible and the Committee agreed to delegate authority to the Chairperson and Monitoring Officer to make the required alteration.

Members referred to GDPR and expressed the view that knowing who had signed petitions and where they lived could be pertinent to assessing the weight to be given to their views, particularly in regard to Planning and Licensing petitions. The view was expressed that the names of signatories ought to be in the public domain.

Members asked whether an exception could be made to allow people who live outside the county boundary to be accepted as signatories in some circumstances. The question was raised whether it should be stipulated that the 50-signatory minimum should only include Cardiff residents. Members were advised that an alteration to the wording could be considered and that the Chairperson and Monitoring Officer would reflect on the minimum residents' requirement.

RESOLVED:

1. To approve the Draft Cardiff Council Petition Scheme as attached at Appendix A, subject to the Monitoring Officer, in consultation with the Chair, drafting the further amendments discussed;
2. To recommend to Council that the Constitution be amended as proposed in Appendix B to reflect the changes to the Petition Scheme; and
3. To recommend to Council that the Petition Scheme be published by 5th May 2022.

67 : CONSTITUTION UPDATE

The report enabled the Committee to consider constitution changes required to reflect:

- a) New legislative provisions introduced by the Local Government and Elections (Wales) Act 2021, in particular, in respect of:
 - i. Electronic broadcast of full Council meetings and Multi-location meeting arrangements;
 - ii. Assistants to the Cabinet;
 - iii. Job sharing for Cabinet Members;
 - iv. Statutory functions of the Chief Executive; and
 - v. A Constitution Guide.
- b) Further consideration of the Council Meeting Procedure Rules on amendments to Notices of Motion.
- c) Various legislative and other updates and drafting improvements.

Members were invited to make comments and raise questions, and these discussions are summarised as follows:

Members discussed the proposal that all amendments to Notices of Motion should be voted on at Council rather than being orally accepted as they felt . it would better allow the democratic view of the Council to be recognised. There were concerns that the proposed change would allow incompatible amendments to be carried. Members asked whether composite motions could be agreed before meetings of Council. Officers advised that there would be resource implications; the view was expressed that these ought to be met. Members suggested that a simply worded explanation of the effects of amendments on a Motion be made available to Councillors during a Meeting.

Members discussed the provision regarding agreement on voting between job sharing Cabinet Members, and raised concerns that it would lead to predetermination of votes. Officers advised that Welsh Government guidance requires that job sharing Cabinet Members reach agreement on how they will vote. Should they fail to reach agreement, it is proposed that the vote not be counted.

Members sought clarification on the experience of Councils that had made their Chief Executive redundant. Officers advised that it was not possible to appoint to a post that had been made redundant. It was possible to designate another Office Holder as having the Chief Executive function.

Members sought clarification on whether a Cabinet Member could delegate to an Assistant. Officers advised that Assistants may not exercise formal decision making powers or vote. Members expressed the view that the Assistant's role was a useful developmental one and that it could be expanded. Guidance would be helpful to encourage younger Elected Members considering taking advantage of the opportunity. It was suggested that the powers and responsibilities of an Assistant Cabinet Member need to be clearly defined. Officers advised that it was proposed to do this in the Constitution.

Members sought clarification on the whether the provision regarding Assistant Cabinet Members was new. Officers advised that there was existing provision in guidance, but that the legislation was new and had added to it.

Members discussed remuneration for Assistant Cabinet Members. Officers advised that there was no Special Responsibility Allowance attached to the post. Assistant

Cabinet Members do not have an allocated salary. The role would have to be evidenced and submitted to the IRPW for an appropriate salary to be allocated. The Council is already at its maximum allowance of 19 senior salaries and the IRPW has declined to permit the limit to be raised, consequently a Senior Salary post would have to be withdrawn to allow the creation of a new one.

RESOLVED:

1. To agree the Constitution amendments set out in the report and Appendix B;
and
2. To recommend the agreed Constitution amendments to full Council for approval.

68 : CONSTITUTION GUIDE

The Committee was informed of the new legislative requirement for Councils to prepare and publish an ordinary language guide to the Constitution; and considered a draft Guide prepared for this purpose.

RESOLVED:

1. To note the Constitution Guide attached at Appendix A;
2. To note that a public engagement and consultation process will be undertaken to seek feedback on the draft Guide as part of the development of the Council's Public Participation Strategy;
3. To authorise the Monitoring Officer, in consultation with the Chair, to make any agreed changes to reflect the views expressed by consultation feedback; and
4. To recommend the draft Constitution Guide, subject to any amendments, for approval by Cabinet as part of the Public Participation Strategy.

69 : URGENT ITEMS (IF ANY)

There were no urgent items

70 : DATE OF NEXT MEETING

The date of the next meeting will be confirmed in due course.

The meeting terminated at 5.50 pm