

COUNCIL:

26th NOVEMBER 2015

CONSTITUTION COMMITTEE RECOMMENDATIONS – BUDGET MEETING PROCEDURE RULES, E-PETITIONS & CONSTITUTION AMENDMENTS

REPORT OF THE DIRECTOR GOVERNANCE & LEGAL SERVICES

Reason for this Report

1. To enable Council to consider the recommendations of the Constitution Committee in respect of:
 - (i) the Budget Meeting Procedure Rules;
 - (ii) E-Petitions; and
 - (iii) Various Constitution amendments.

Background

2. The Constitution Committee is responsible for reviewing the Council's Constitution and making recommendations to Council in respect of amendments required.
3. At its meeting on 19th November 2015, the Constitution Committee considered various constitutional issues and proposed amendments; and this report sets out recommendations made by the Constitution Committee for approval or information of full Council.

Issues

Budget Meeting Procedure Rules

4. The Budget Meeting Procedure Rules were adopted by Council on 27th January 2011 on the recommendations of the Constitution Committee, and revised in January 2012.
5. At its meeting on 19th November 2015, the Constitution Committee reviewed the Budget Meeting Procedure Rules (**Appendix A**) to consider whether the current Rules remain fit for purpose, or whether any amendments should be made.
6. Members discussed the Speaking Order and Conduct of Debate (Rule 5), and agreed that whilst there should be no change to the maximum number of speakers (45), proportionally allocated between the groups, the Committee

would recommend to Council the removal of provision for each Cabinet member to speak for 4 minutes (after the Cabinet Member with responsibility for Finance and the Leader). Instead, it was suggested that Cabinet members (other than the Cabinet Member for Finance and the Leader) should be given the same speaking rights as any other Member, during the general budget debate (3 minutes each). Accordingly, the Committee recommended that Rule 5(i) should be amended by deletion of the words 'Each Other Cabinet Member, 4 minutes'.

7. Different views were expressed about how arrangements could be changed to improve the budget development process in future, and the Committee agreed to receive a further report on options for consideration in this regard, including potentially bringing the budget timetable forward to allow earlier engagement and negotiation with opposition groups. Any recommended changes in this regard will be reported to a future Council meeting, to take effect for purposes of the 2017/18 budget.

E-Petitions

8. The Constitution Committee has considered the Council's provisions relating to petitions and agreed that a mechanism for on-line petitions (electronic or 'e-petitions') should be made available. Such a facility would provide another avenue through which the public can make the Council aware of specific concerns, thereby facilitating public engagement with the democratic process. It was noted, however, that e-petitions may not be legally valid for particular statutory purposes, such as a petition for a directly elected Mayor, without express statutory provision.
9. The Committee was advised that a facility for e-petitions could be made available within the new Committee Management System ('Modern.gov'), without additional cost implications, and resolved to approve the activation of this facility. It was noted, however, that the provision of the Council's e-petition facility would not in itself prevent the recognition or acceptance of other petitions, electronic or otherwise.
10. The Committee was advised that best practice recommends the adoption of a formal Petition Scheme, setting out how the Council will deal with petitions; and a draft Petition Scheme was considered. It was agreed that the draft Scheme would be amended in light of experience of the operation of the e-petition facility and any other relevant issues; and reviewed at the Committee's next meeting.

Constitution Updates

11. The Committee considered constitution amendments in respect of the following:

Single Licensing Authority functions under Part 1 of the Housing (Wales) Act 2014
12. As Members may be aware, the City of Cardiff Council has been designated as the Single Licensing Authority (SLA) for the whole of Wales for purposes of

administering and enforcing a centrally administered scheme of registration and licensing of landlords and agents in Wales, pursuant to Part 1 of the Housing (Wales) Act 2014.

13. The Cabinet considered a report on this matter at its meeting on 19th March 2015, and agreed to delegate authority to the Corporate Director to address the responsibilities of Cardiff, as Single Licensing Authority; and instructed the Monitoring Officer to make consequential amendments to the Scheme of Delegations.
14. Accordingly, the Constitution Committee recommended to Council the amendment of the Scheme of Delegations (Section 4F) by inserting a new delegation to the Director with responsibility for this matter, as follows:

“To make all necessary arrangements, in consultation with the Cabinet Member, Environment and with advice as necessary from the Corporate Director Resources and the Director Governance and Legal Services, to enable the Council to discharge its functions as Single Licensing Authority under Part 1 of the Housing (Wales) Act 2014.”

Webcasting of Council meetings

15. The Constitution Committee considered the webcasting of Council and Committee meetings at its July meeting and noted that the Council Meeting Procedure Rules refer to the ‘official recording’ of Council meetings, with no requirement for Members’ specific consent, although in practice such consent had been sought as a courtesy. The Committee recommended the webcasting of Council meetings should continue without seeking express consent at each meeting, and this was approved by full Council on 23rd July 2015.
16. In order to reflect this position and for the avoidance of any doubt, at its November meeting the Committee recommended that the Council Meeting Procedure Rules, Rule 32, be amended by inserting text as follows:

“32 RECORDING 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.”

Councillor Resignation and Notice of Vacancy

17. The Committee was advised that the Council’s administrative arrangements for dealing with a Councillor’s resignation and the resultant vacancy (in accordance with Part V of the Local Government Act 1972, ‘the LGA 1972’) are not correctly reflected in the Scheme of Delegations. The Committee recommended amendments to the Scheme of Delegations in order to reflect the established arrangements, specifically to provide that a Member’s resignation notice is to be delivered to the Chief Executive, as the Proper Officer of the Council for this purpose (pursuant to section 84 of the LGA 1972); and that the Returning Officer then has responsibility for issuing the

requisite Public Notice of Vacancy (required under section 87(2) of the LGA 1972) and for receiving a notice calling for an election (under section 89(1) of the LGA 1972).

Legal Implications

18. The Local Government Act 2000 and the Local Authority Constitution (Wales) Direction 2002 requires the authority to keep its constitution up to date. The recommended changes to the Constitution set out in paragraphs 6, 14, 16 and 17 of this report require the approval of full Council, pursuant to Article 14.2(a) of the Constitution.
19. Other relevant legal implications are set out in the body of the report.

Financial Implications

20. There are no direct financial implications arising from this report and in the event that they do arise they will need to be contained within the budgets allocated for each function covered in this report

Recommendations

Council is recommended to:

1. note the recommendations of the Constitution Committee set out in this report; and
2. approve the recommended Constitution amendments set out in paragraphs 6, 14, 16 and 17 of the report.

Marie Rosenthal

Director Governance and Legal Services (Monitoring Officer)

19 November 2015

Appendix A Budget Meeting Procedure Rules

Background papers

Constitution Committee reports, 'Budget Meeting Procedure Rules'; 'E-Petitions'; and 'Constitution Updates', 19 November 2015