

CONSTITUTION COMMITTEE

10 JULY, 2008

Present: County Councillor Berman (Chair);
Councillors Aubrey, Burley, Greening, Howells, Keith
Parry, Piper, Dianne Rees, Walker and Walsh

Apology: Councillor Goodway

1 : CHAIRPERSON

The Committee noted that the County Council at its Annual Meeting on 15 May, 2008 had elected County Councillor Berman as Chair of this Committee for the Municipal Year 2008/09.

2 : MEMBERSHIP AND TERMS OF REFERENCE

The Committee noted that Council at its Annual Meeting on 15 May, 2008 had approved the following membership and terms of reference

(i) Membership

County Councillors Aubrey, Berman, Burley, Goodway, Greening, Howells, Elgan Morgan, Keith Parry, Piper, Dianne Rees, Walker and Walsh.

(ii) Terms of Reference

To review the Council's Constitution and to recommend to Council and/or the Executive any changes, except that the Committee will have authority (subject to the Monitoring Officer's advice) to make the following changes on behalf of the Council.

- (a) drafting improvements to enhance clarity and remove minor anomalies;
- (b) updating to reflect legislative changes and matters of record;

2.

- (c) amendments to the Financial, Contracts and Land Procedure Rules, (subject to the advice of the Section 151 Officer being sought).

3 : MINUTES

The minutes of the meeting held on 6 July 2007 were approved as a correct record and signed by the Chairperson.

4 : WEB CASTING BRIEFING

The Chair welcomed Matthew Jellings of 'Public Eye' and Cath Thomson of Communications who provided Members with a short briefing and a practical demonstration on web casting.

Web casting offered a new way of communicating with the public and provided a record of proceedings for those unable to attend meetings. It was an open, accessible and transparent method of communicating and offered a great number of publicity opportunities.

The cost depended upon the amount of equipment required. It was pointed out that cameras were already available in City Hall and that it was possible to use a portable system in both City and County Halls.

4 : CONSTITUTION

The Committee received an updating report of the City and County Solicitor and Monitoring Officer concerning the ongoing officer review of the Constitution together with proposals for a future work programme.

Under the overview of the Governance Programme, a Working Group of Officers had been reviewing the Articles of the Constitution. A number of changes and improvements had been identified which would correct typographical errors, remove anomalies and repetitions, update statutory provisions and adopt current titles.

It was recommended that the City and County Solicitor be given delegated authority to incorporate such changes and that a final "clean" draft be submitted to Committee and reported to Council for final approval.

3.

It was further proposed that the Council Procedure Rules be amended insofar as they related to the following notices of motion. The proposals were submitted and Members commented accordingly.

Notices of Motion on Notice

It was proposed that there be an additional criterion to be applied by the Proper Officer before approving notices of motion (NOM) for inclusion in the Council Summons.

In any case where the notice of motion appeared to be unlawful and/or not presently contained within the approved Council Budget for the year in question, the NOM should appear on the Agenda but with a statement from the Proper Officer that the latter criterion appears to apply and that the NOM shall be deferred to the next Ordinary Council so that written legal and financial advice may be placed before Members when the matter is debated.

This would avoid the possibility of Council debating an issue and approving a Motion that could turn out to be unlawful and/or not presently contained within the approved Council Budget.

Notices of Motion without Notice

It was also proposed that a notice of motion to amend a report, currently permissible from the floor, be changed to a NOM upon abridged notice by adopting the same deadline as Council Questions so that such a NOM appears on the Amendment Sheet. This would mean that any NOM to amend a report would have to be received by the Proper Officer no later than 9.00am the day before Council.

Again this would afford the opportunity for the motion to be considered and that considered officer advice could be made available.

Members were also asked to consider limiting the practice of asking supplementary questions of Executive Members in view of the fact there were now 9 Executive Portfolios. Members proposed to defer this item.

Earlier in the meeting Members had received a brief presentation on the potential of web casting Council proceedings. The Council procedure rules currently stated that "No recording shall be made of the proceedings

of the Council whether audio or visual and by whatever method except with the express authorisation of the meeting.”

The Council now had the technology to potentially web cast meetings of Council live on the Internet. It was noted that such technology was currently utilised by a number of local authorities and its benefits included increased public accessibility and transparency. It was proposed that Members should receive a presentation on web casting and that a ‘soft’ launch be made in September of the Council meeting via the intranet and that the trial be extended thereafter with a full review at the end of the financial year in respect of cost implications.

The City and County Solicitor reported on the following future work programme:

Financial and Contract Procedure Rules

An officer review was underway with the object of making the Rules clearer and more user-friendly. The review included the thresholds for the delegated authority to write-off of debts and permitted actions by officers. It was proposed to report to the next meeting.

Changes to Articles

An officer review was currently underway looking at the role, remit and function of the Audit Panel in consultation with members of the Panel. The Committee would receive a report on the outcome

Planning Committee

The Committee had previously received a report on a draft Code of Good Practice which was out for consultation. Officers were currently looking at the issues with a view to aligning any such Code with the new Members Code of Conduct. The Standards and Ethics Committee had also expressed interest in a Code of Good Practice. Although a report would be submitted to this Committee it was stated that Groups should have sufficient time to consider the Code.

5.

Outside Bodies

It was proposed that the criteria for representation by Members on Outside Bodies be reviewed to ensure a consistency of approach. The review would include the reporting back procedures, accountability and term of office. Such a review would also assist in the development of appropriate training and officer support. The review would also look at officer representation on outside bodies.

It was recommended that the responsibility for the review and the appointment of officer representation be delegated with the Chief Executive.

RESOLVED – That

- 1 the City and County Solicitor be authorised to amend the Constitution as indicated above and a clean amended document with track changes be reported to the next meeting of this Committee;
- 2 subject to the approval of Council, the proposed amendments to the Constitution in relation to notices of motions, as indicated in the preamble to this minute, be approved;
- 3 the proposed amendments to Members' questions at Council be deferred;
- 4 in respect of web casting of Council proceedings, Members receive a presentation and a 'soft' launch be made in September of the Council meeting via the intranet and the trial be extended thereafter with a full review at the end of the financial year in respect of cost implications;
- 5 the future work programme referred to in the preamble be progressed as follows:
 - report back on Financial and Contract Procedure Rules
 - report back on the outcome of the review of the Audit Panel
 - report to a future meeting on Code of Good Practice in relation to the Planning Committee
 - undertake a review of the criteria for Member and Officer representation on outside bodies.