

CONSTITUTION COMMITTEE

17 OCTOBER 2008

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

Apology: Councillor Goodway

7 : MINUTES

The minutes of the meeting held on 8 September 2008 were approved as a correct record and signed by the Chairperson.

8 : CONTRACT STANDING ORDERS AND PROCUREMENT RULES

The Council was required to have contract standing orders which governed the way it let contracts. The Contract Standing Orders formed part of the Council's Constitution.

The Committee received a report which recommended the approval of Contract Standing Orders and Procurement Rules, which had been updated to reflect developments in procurement law and practice.

Public procurement was the process by which public sector organisations, such as the Council, acquired goods, services and works from third parties. For it to be effective it was important that the process addressed all stages of the procurement process.

The Committee was advised that the Contract Standing Orders and Procurement Rules, as submitted, had been updated to:

- (a) reflect the provisions of The Public Contracts Regulations 2006, which serve to implement in England, Wales and Northern Ireland, Directive 2004/18/EC of the European Parliament and Council of 31.3.04 on the co-ordination of procedures for the award of public works contracts, public supply contracts and public services contracts. Commonly referred to as the European procurement rules

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- (b) provide key concepts and principles of good procurement practice to assist officers who dealing with the council's various procurements
- (c) reflect the Council's procurement strategy
- (d) reflect developments in procurement law and practice, and
- (e) to address issues of sustainability, e procurement and use of framework and collaborative purchase arrangements.

It was noted that the Rules made provision for the use of In House service provision where the same existed. (See Rule 4).

Officers of the City and County Solicitor and Treasurer's Service Areas elaborated on the reports and answered Members questions. It was noted that a series of guidance handbooks would be prepared coupled with in-house training. It was also pointed out that there had been a great deal of input from the Finance and Procurement Team

RESOLVED – That

- (1) the Contract Standing Orders and Procurement Rules, as submitted, form part of the Council's Constitution and replace the existing Contract Procedure Rules,
- (2) the City and County Solicitor be authorised to make such amendments to the Council's Scheme of Delegations as are required to facilitate the implementation of the Rules.

9 : FINANCIAL PROCEDURE RULES

The Council had in place Financial Procedure Rules which provided a framework for managing the Authority's financial affairs and were part of the Council's Constitution. The Financial Procedure Rules applied to every Member and Officer of the Authority and anyone acting on its behalf.

The City and County Treasurer was responsible for maintaining a continuous review of the Financial Procedure Rules. A recent review had

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been undertaken and the changes had been brought to this Committee for approval.

The Financial Procedure Rules, as submitted, had been updated to reflect:

1. the responsibilities of Chief Officers under Para 3.69 of the rules, in relation to capital monitoring.
2. the requirements of External Audit due to changes in legislation from the Local Government Finance Act 1982 to the Public Audit (Wales) Act 2004 under Para 4.45 of the rules.
3. the responsibilities under the City and County Treasurer in relation to payments; due to changes made to the Construction Industry Scheme under Para 5.120 of the rules.
4. the increasing nature of partnership working, changes that have been made to ensure processes are in place which ensure partners are aware of the Council's Financial Procedure Rules under Para 6.6 of the rules.

The Committee was advised that the Audit Panel reported quarterly to the City and County Treasurer and there was a role, if needed, for the Executive and Scrutiny although there was no formal mechanism for Executive involvement.

RESOLVED – That

- (1) the Financial Procedure Rules, as submitted, form part of the Council's Constitution and replace the existing Financial Procedure Rules,
- (2) the City and County Solicitor be authorised to make such amendments to the Council's Scheme of Delegations as are required to facilitate the implementation of the Rules.

10 : PLANNING COMMITTEE

The Monitoring Officer reminded Members that in 2005/06 this Committee undertook a major review of how the Council worked as a decision making body. As part of this review, the Committee undertook a consultation exercise, involving all Members, regarding options for improving the effectiveness of the Council's current constitutional and decision making processes.

Members were invited to consider facilitating a similar review, including consulting with all Members of Council, of the arrangements for meetings of the Planning Committee. The approach previously adopted was for Members to consider an issues paper which subsequently formed the basis of a questionnaire to all Members; discussions at Group meetings; and subsequent discussions at Committee. Such a review could ultimately lead to the development of a set of Planning Committee procedure rules, which would form part of the Council's Constitution.

Naturally the Planning Committee Members would be significant stakeholders in such a review but it was important to have the comments of all Members on the Planning Committee processes in the first instance.

Issues that could be considered as part of the review could include:

- Timing of meetings – meetings currently start at 2.30pm and can go beyond 8.00pm. Members may wish to start earlier but then this may not be practical for those in full time employment.
- Local Member Representations – Members are currently, at the Chair's discretion, allowed to speak longer at Planning Committee than at Council. Local Ward Members (ie 2, 3 or 4 Members from the same ward) can each speak on an application thereby leading to lengthy debates. Should this be reviewed? The order in which participants speak at meetings could also be reviewed.
- Room Layout/Access – the views of Members would be welcomed on access arrangements, acoustics and potential layout of meetings.
- Public Information – the views of Members would be welcomed as to whether the Council currently provides sufficient information to the public on how the planning process works and the suitability of various methodologies of communicating with the public on planning matters.

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- Petitions – members of the public can only speak to a petition if it has 50 or more signatures. Should this be reviewed?
- Late Representation Sheets – these are distributed at the time of the meeting containing late comments, representations. Does this need to be looked at?
- Format of Committee Minutes and Reports – Members' views would be welcomed on whether the current presentation and distribution of papers are acceptable and understandable or whether there is scope for alternative presentations (ie different colour paper for different areas of the City)

Members offered other areas for review including:

- Timing of items of agendas – not knowing when an item was to be discussed.
- Site visits – should members of the public be allowed to make representations at these visits?
- Planning Process – provide easy access guides
- Right of reply – should this be reviewed?
- Lobbying of Committee Members (any lobbying must be declared at the meeting)
- Major/minor Planning applications – make a distinction between the two as Members may wish to comment on major applications in the City.

RESOLVED – That the Monitoring Officer, in consultation with the Leader and Chair of Planning Committee, be authorised to develop a questionnaire to enable the views of Members and Groups to be ascertained on the Planning Committee processes.

11 : QUESTIONS ON NOTICE AT COUNCIL

The Monitoring Officer submitted an information report on questions on notice at Council. This Committee had previously undertaken a review of the Council Procedure Rules. As part of these deliberations the Committee agreed that from time to time the arrangements for questions on notice at Council be reviewed.

In September 2006 a new system was introduced whereby written answers were provided at Council. Officers were charged with the duty of circulating written answers to questions at least one hour before the

commencement of Council. To comply with this timescale had proved to be extremely difficult and had only been complied with on one occasion.

The Committee was also advised that the South Wales Police Authority had indicated that the short timescale for responding to questions was causing them some difficulty and had asked that they be allowed more time to respond.

The receipt of oral questions had continued to be monitored and an analysis of the number of questions received for each Council meeting was submitted for information.

The Committee was asked to consider whether the deadline for submission of questions should be brought forward and whether the number of questions submitted by an individual Member at each Council meeting should be limited. The Committee did not wish to see any change to these arrangements but did suggest that the ruling on the Rejection of Questions should be more rigidly applied.

Members sought and received clarification on how questions were ordered on the schedule.

Members discussed whether questions should be specifically directed to the Lord Mayor for a response and noted the impartial nature of the Lord Mayor's position.

RESOLVED – That

- (1) the information set out in the report be noted;
- (2) no action be taken on changing the arrangements on procedures for Council Questions although the Monitoring Officer be asked to apply the ruling for the rejection of questions more rigidly;
- (3) specific Questions to the Lord Mayor be disallowed.