

CONSTITUTION COMMITTEE

6 NOVEMBER 2009

Present: County Councillor Berman (Chairperson);
County Councillors Aubrey, Goodway, Howells,
Elgan Morgan, Keith Parry and Walker

Apologies: Councillors Burley, Dianne Rees and Walsh

13 : MINUTES

The minutes of the meeting held on 11 September, 2009 were approved as a correct record and signed by the Chairperson.

14 : COUNCILLORS COMMISSION EXPERT PANEL REPORT

This Committee on 11 September 2009 considered a report entitled “*are we being served*” which had been published by a panel of experts set up by the Welsh Assembly Government. The Expert Panel made 35 recommendations and the WAG Minister for Social Justice and Local Government was currently seeking views on those recommendations. The consultation period had been extended to 27 November 2009.

This Committee had previously agreed that copies of the Expert Panel’s report and recommendations be circulated to all Members to enable individual Members or Groups to report back to this Committee.

The Committee considered each recommendation of the Expert Panel and agreed a response to each of the 35 recommendations. As part of these discussions, the Committee also considered comments that had been received from the Council’s Independent Group, as well as a copy of a report considered by the WLGA Coordinating Committee on 23 October 2009, which outlined an initial draft consultation response on behalf of Welsh local government

RESOLVED – That

- (1) the draft response be forwarded to each member of this Committee attending today’s meeting for confirmation;

- (2) the draft response be made to the Welsh Assembly Government by 27 November 2009, subject to the approval of Council.

15 : COUNCIL PROCEDURE RULES

This Committee on 27 July 2009 referred to an ongoing review of the Council Meeting Procedure Rules. A copy of the current Rules had been circulated to all Members and Groups with a request that any concerns or comments be reported back to this Committee

A number of issues which had arisen over the last twelve months had been identified for discussion and clarification. They included the following:

(a) Notice of Questions (CPR10.3)

The Committee had previously been informed of practical difficulties relating to the submission of questions but had declined a suggestion to move the deadline for the submission of questions from 9am on the last working day before Council to 12 noon on Tuesday. The issue continued to be monitored and the Clerk to the Council offered the following practical steps that could assist in processing questions:

- Members, wherever possible, submitting questions in advance of the deadline;
- Members submitting questions via the “questions mailbox”

In relation to the above, Members discussed whether the process should be changed. There was some argument for simply providing written answers. The Monitoring Officer indicated that there were times where questions could be answered by senior officers prior to the Council meeting. On such occasions the Monitoring Officer could contact the questioner to ascertain whether the question could be withdrawn on the basis that an officer response would be provided prior to the meeting.

It was suggested that Members should aim their questions at the correct Executive Member or Committee Chair. To assist in this process a list of Executive Portfolios would be circulated to Members.

(b) Written Responses to Questions (CPR 10.4)

The Constitution currently provided for written answers to questions to be circulated prior to the commencement of the meeting. Members had enquired whether these answers could be made available earlier. The Clerk to the Council advised Members that the current timetable for submitting questions made it extremely difficult for written answers to be collated any earlier.

(c) Supplementary Questions to Questions on Notice (CPR 10.7)

The Constitution currently provided for a Councillor to ask one supplementary question (without notice) of the Councillor to whom the first question was asked. One further supplementary question could be asked by a Councillor provided that Councillor was neither the original questioner nor a member of the same political group as the questioner.

It had become an unwritten rule that if the original questioner was not in the Council Chamber then no supplementary question could be asked.

It was proposed that the ruling be relaxed to allow a supplementary question to be asked from a Councillor of a different Group even if the original questioner was not present.

(d) Public Questions (CPR 11)

There was a time limit of 15 minutes for questions to be put and answered and for any supplementary questions and answers. There were occasions whereby the time limit could be exceeded because of the number of public questions received. It was proposed not to limit the number of questions at the present time but to allow the Lord Mayor to extend the 15 minute period if the need arose.

(e) Amendments to Motions (CPR14.6)

The Constitution stated that

(a) An amendment to a motion must be relevant to a motion and will either be:

(i) to leave out words;

- (ii) to leave out words and insert or add others;
- (iii) to insert or add words;
- (iv) to substitute another proposition

as long as the effect of (i) to (iv) was not to negate the motion.

Members had previously raised issues about sub section (iv), particularly over the interpretation of the word 'negate' and explained their reasons why on occasions the words of a motion were deleted in total and alternative wording substituted. Amendments to motions were dealt with in the order in which they were received. This had the effect of some later amendments falling if earlier amendments were accepted. The Monitoring Officer offered to assist by providing an appropriate form of words whereby officers would construct the order of amendments thereby allowing each amendment to be voted upon.

(f) Point of Order (CPR 14.12)

A point of order related only to an alleged breach of the Council Rules of Procedure or law. The Councillor must first state the rule or law to which he/she was referring and then commencing with the words 'is it in order for' indicate the way in which he/she considered it had been broken.

The view had previously been expressed that such points of order should only be recorded in the minutes if that would provide greater clarity to the minutes. The Committee proposed that the submission of a point of order in the minutes was a matter for the officer to determine.

(g) Personal Explanation (CPR 14.13)

A personal explanation only related to one of the following:

- Some material part of an earlier speech by the Councillor in the present debate which may appear to have been misunderstood;
- To reply to an allegation of misconduct made against the Councillor giving the explanation; or
- To make an apology to Council

The view had previously been expressed that such points of personal explanation should only be recorded in the minutes if the specific matter related to an issue that was to be recorded in the minutes.

As in (f) above this was to be a matter for the officer to interpret.

(h) Members' Speaking Rights

As there had been some confusion with Members over the time limits when engaged in debate it was necessary to clarify that only proposers of motions or movers of reports were entitled to 6 minutes. Everyone else, including movers of amendments, had 3 minutes. It was proposed that this be shown clearly in the Rules.

It was further proposed that the Rules should clearly recognise sufficient time for the mover of a report to respond to questions on the report.

(i) Prayers at Council Meetings

The appropriateness of opening the meeting with prayers had been questioned by some Members. It was proposed that a multi faith approach be adopted, as was the case when Councillor Gasson was Lord Mayor.

The Monitoring Officer was to provide Groups with options to consider.

The Committee considered suggested changes submitted by the Independent Group including the introduction of the following Rule:

“12.2(a)(ii) No group which is recognised by the Council shall have less than two motions.”

And the substitution of CPR 16.3 with the following:

16.3 Show of Hands/Electronic Voting

“The Lord Mayor will take the vote by use of an electronic voting system or, if such a system is unavailable by a show of hands. If there is no dissent, the vote be taken by the affirmation of the meeting.”

Other than the above, the suggested changes to the Council Meeting Procedure Rules from the Independent Group were either not accepted or acknowledged that they were already in being.

RESOLVED – That

- (1) the Monitoring Officer provide an updated report to the meeting on 15 January 2010 incorporating those comments made by Members;
- (2) the Monitoring Officer provide options to Groups for the opening of Council meetings.

16 : NEXT MEETING

It was noted that the meeting scheduled for 4 December 2009 was cancelled. The next meeting was to be held on 15 January 2010.