

**REPORT OF THE MONITORING OFFICER**

**AGENDA ITEM: 3**

**COUNCIL MEETING PROCEDURE RULES**

**Reason for this Report**

1. To provide Members with the opportunity to consider proposed amendments to the Council Meeting Procedure Rules, arising from an ongoing review of that document.

**Background**

2. Following a cross party informal discussion on the current Council Meeting Procedure Rules, a copy of the rules was circulated to all Members and political groups. As part of the process, Members were invited to raise any concerns or comments on the current rules at their political group meetings and for those comments to be forwarded to this Committee for consideration. The Committee was advised at its meeting on 27 July 2009 that comments had only been received from one of the political groups and these were circulated at the meeting for Members' information.

3. Members were advised that Party Whips had asked for further time to discuss these matters within their political groups. As a result it was agreed that all comments and revisions from the political groups and individual Members should be circulated to the Committee in advance of the October meeting, to allow for full consideration of all suggestions.

4. Members will be aware that the October meeting was cancelled.

5. The report to Committee on 27 July 2009 is attached at Appendix A and the comments from the Independent Group are attached at Appendix B.

**Issues**

6. Members are asked to further consider the report as submitted on 27 July 2009 in the light of any further comments that are received prior to this meeting.

## **Legal Implications**

7.The Local Government Act 2000 requires the Council to keep its Constitution under review and up to date, and Article 14 of the Constitution provides for review and revision of the Constitution.

## **Financial Implications**

8.There are no financial implications arising from this report.

## **Recommendations**

To consider any comments in relation to the Council Procedure Rules and to refer any proposed changes to Council.

**Kate Berry**

City and County Solicitor

Dated: 26 October 2009

## APPENDIX A

**CARDIFF COUNCIL  
CYNGOR CAERDYDD**



**CONSTITUTION COMMITTEE:**

**27 July 2009**

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**REPORT OF THE MONITORING OFFICER**

**AGENDA ITEM:**

### **COUNCIL MEETING PROCEDURE RULES**

#### **Reason for this Report**

1. To provide Members with the opportunity to consider proposed amendments to the Council Meeting Procedure Rules, arising from an ongoing review of that document.

#### **Background**

2. Over a series of meetings, this Committee has considered potential amendments, and agreed revisions, to the Council Meeting Procedure Rules. Over the past year, Members have raised further issues about, and suggested potential amendments to, these Procedure Rules. In addition, officers identify, from time to time, aspects of the Procedure Rules which would benefit from clarification or simplification. This report attempts to capture these issues.
3. As a result of a cross-party informal discussion of such matters at a recent meeting of Group Whips, a copy of the current Rules was circulated to all Members and political Groups. As part of this process, Members were invited to raise any concerns or comments at their Group meetings and for those comments to be forwarded to this Committee for consideration.

#### **Issues**

4. The Committee's approved Terms of Reference is to review the Council's Constitution, and to recommend to Council and/or 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.
  - (c) Amendments to the Financial, Contracts and Land Procedure Rules (subject to the advice of the S.151 Officer being sought).
5. The City and County Solicitor and Monitoring Officer has previously been given delegated authority from the Constitution Committee (meeting on 9 March

2005) to amend typographical and minor drafting errors and this was extended in September 2008.

6. Set out below are a number of issues that have been identified which require consideration or clarification and which have arisen in the course of the last twelve months:

(a) Notice of Questions (CPR 10.3)

The Committee has 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 9 am on the last working day before Council to 12 noon on Tuesday. However, Committee did request that the position continue to be monitored. Committee is asked to consider this matter again.

Set out below are practical steps that could be taken to assist in processing questions:

- Members, wherever possible, submitting questions in advance of the deadline;
- Members submitting questions via the “questions mailbox” on a prepared pro-forma – this would negate the need for officers to format received questions.

(b) Written Responses to Questions (CPR 10.4)

The Constitution currently provides that written answers to questions will be circulated prior to the commencement of the meeting. Members have enquired whether these answers could be made available earlier. However, I have to inform Members that the current timetable for submitting questions means that it would be extremely difficult for the written answers to be collated any earlier.

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

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

Committee is asked to confirm that no supplementary question can be asked if the Councillor who put the original question is not present in the Council Chamber.

(d) Public Questions (CPR 11)

There is a time limit of 15 minutes for questions to be put and answered and for any supplementary questions and the answers.

It is suggested that a limit be placed on the maximum number of questions which may be put to one meeting in order to ensure that they are dealt with within the 15 minutes which are allowed.

(e) Amendments to Motions (CPR14.6)

The Constitution states 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) is not to negate the motion.**

Members have raised issues about sub section (iv) particularly over the interpretation of the word 'negate'.

(f) Point of Order (CPR 14.12)

A point of order may only relate 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 is referring and then commencing with the words 'is it in order for' indicate the way in which he/she considers it has been broken.

The view has 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's views on this matter would be welcomed.

(g) Personal Explanation (and 14.13)

A personal explanation may only relate 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 has 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. The Committee's views on this matter would be welcomed.

(h) Members' Speaking Rights

There has been some confusion with Members over the time limits when engaged in debate.

It is necessary, therefore, to clarify that only proposers of motions or movers of a reports are entitled to 6 minutes. Everyone else, including movers of amendments, has 3 minutes.

#### (i) Prayers at Council Meetings

The appropriateness of opening the meeting with prayers has been questioned by some Members. The Committee may wish to give consideration to this matter.

### **Member Consultation**

7. As stated in paragraph 3 above, Groups have been provided with an opportunity to suggest potential amendments to the Council Procedure Rules or areas for discussion. Whips have asked for further time to discuss these matters within Groups. To date comments have been received from only one of the Groups. It is therefore suggested that more time be given for consultation and discussion.

### **Legal Implications**

8. The Local Government Act 2000 requires the Council to keep its Constitution under review and up to date, and Article 14 of the Constitution provides for review and revision of the Constitution.

### **Financial Implications**

9. There are no financial implications arising from this report.

### **Recommendations**

Committee is asked to:

- (i) note the contents of this report;
- (ii) refer the report to the political groups;
- (iii) consider a further report to the next meeting in September 2009

**Kate Berry**  
City and County Solicitor

Dated: 21 July 2009

## Independent group.

Suggested changes to the meeting procedure rules:

- 1) Notice of questions. Rule 10.3 (b) relates to urgent questions.

We propose that the phrase "*he or she has the consent of the Councillor to whom the question is to be put*" is removed from the rules.

- 2) Rule 10.6 Withdrawal of questions.

We would propose that it be changed from "*A question of which notice has been given under Rule 10.2 may not be withdrawn except with the consent of the person of whom it is asked*" to "*A question of which notice has been given under Rule 10.2 may not be withdrawn except with the consent of the person who asked it*".

- 3) Rule 10.7 Supplementary questions.

We would propose that an additional sentence be added to the end of the rule: "*If the Councillor asking the question under rule 10.2 is not present in the chamber, no supplementary questions can be asked*".

- 4) Rule 10.9 Responses to supplementary questions

We would propose that in rule 10.9 (d), the time limit be reduced from 3 minutes to 2 minutes.

- 5) Rule 12.2 Number and sequence of motions of which notice has been given.

We would propose a new rule 12.2 (a) (ii): "*No group which is recognised by the Council shall have less than two motions*".

- 6) Rule 14.6 Amendments to motions

In relation to 14.6 (a), we feel that an amendment to delete all and replace with wording which relates to the original motion, but which has the opposite effect in relation to it is not acceptable.

## 7) Rule 16.3 Show of hands/electronic voting

We would propose that this current rule is deleted and replaced with: *“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 may be taken by the affirmation of the meeting”*.

## 8) 16.4 Recorded vote

We would propose that the current rule is changed to: *“All votes shall be recorded unless an electronic voting system is unavailable. In such an instance the recording of votes will be by the decision of the Lord Mayor.”*

Other issues in the running of the Council meeting:

A) When a Councillor is proposing or seconding a motion or an amendment, the Lord Mayor should inform them how long they have to speak when calling them.

B) Prayers - Our group feels that prayers at meetings should from time to time be conducted by representatives of other religions.

C) Personal Explanations – there should be provision for a Councillor to give way to another member wishing to make a Personal Explanation (a suggested maximum of 30 seconds) and the time this takes should be added onto the original speaker's time.

D) Number of speakers - Instead of taking the list of names on the screen and closing the speaking list, the Lord Mayor should call for members who wish to speak to join the speaking list and then close the list.