

REPORT OF THE MONITORING OFFICER

AGENDA ITEM:

COUNCIL MEETING PROCEDURE RULES

Reason for this Report

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

Background

2. A review of the Council Meeting Procedure Rules has been ongoing with individual Members and political Groups being invited to express any concerns or offer any comments to enable the Rules to be improved.
3. At the meeting of this Committee on 6 November 2009, Members offered a number of initial views on particular elements of the Council procedure rules and requested that I come back to this meeting with a report embracing those comments with a view to taking forward recommendations to Council on 28 January 2010.
4. The comments expressed by Members at the meeting on the 6 November are set out, in summary, in the following paragraphs under two categories – matters where the Committee came to an initial view and asked to consider appropriate recommendations for future consideration by Council; and areas where Members asked myself, as Monitoring Officer, to draft an appropriate form of words, or options, for consideration by the Committee at this meeting.

Issues

Matters on Which Members Reached an Initial View

5. Members are asked to further consider the views listed overleaf and to make appropriate recommendations to Council.

(a) Notice of Questions (CPR 10.3)

- i. Members be encouraged to, wherever possible, submit questions in advance of the deadline to ensure sufficient time for the preparation of responses.
- ii. Members must submit their questions to the Council's formal mailbox as follows:

Formal Questions, or if working outside of Outlook, CCQuestions@cardiff.gov.uk
- iii. Questions must be expressly directed to the appropriate Executive Member or Chair
- iv. If a response to a submitted Question could be provided by a senior officer prior to the meeting then the Monitoring Officer will contact the Member concerned to ascertain whether the question could be withdrawn

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

A Councillor of a different political group be allowed to ask a supplementary question to a question even though the original questioner is not present at the meeting.

(c) Public Questions (CPR 11)

The Lord Mayor to use his/her discretion to extend public question time if the need arises

(d) Motions (12.2(a)(ii))

No Group, which is recognised by the Council, shall have less than two motions in a Municipal Year. If necessary, the maximum number of motions in a year could be increased from 20 to accommodate this change.

(e) Amendments to Motions (CPR 14.6)

The Monitoring Officer to determine the order in which amendments to motions appear on the amendment sheet on the principle that all amendments should have the opportunity to be voted upon. (Members of the Constitution Committee considered that this would remove the perceived need by political groups to move amendments that "delete all and replace" the wording of the original Motion). This would allow the further amendment of CPR 14.6 (a) to:

Delete the words "as long as the effect of (i) to (iv) is not to negate the motion"

(f) Members Speaking Rights

Proposers of motions or movers of reports to be allowed a maximum of 6 minutes. Everyone else, including movers of amendments, to be allowed 3 minutes.

Lord Mayor to use his/her discretion to allow sufficient time for an Executive Member to sum up and respond to questions on a report.

(g) Voting (CPR 16.3)

Replace existing paragraph with the following:

“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.”

(h) Point of Order (CPR 14.12)

Points of order made at meetings of Council should only be recorded if that would provide greater clarity to the minutes. (The Committee has previously indicated that the inclusion of a point of order in the minutes should be a matter for the Clerk to the Council to determine).

(i) Personal Explanation (CPR 14.13)

Points of personal explanation made at meetings of Council should only be recorded if that would provide greater clarity to the minutes. (The Committee has previously indicated that the inclusion of a point of personal explanation in the minutes should be a matter for the Clerk to the Council to determine).

Matters on which Members asked for options for further consideration at this meeting

(j) Prayers at Council Meetings

At the last meeting of this Committee, Members discussed the matter of prayers at, or before, meetings of Council, and asked me to set out options for consideration. Outlined below are three options for consideration at this meeting:

- (i) Continue existing practice – the Lord Mayor appoints a chaplain – or a faith representative(s) who leads prayers at the commencement of the Council meeting;
- (ii) As with option (i) but with prayers being taken immediately prior to meetings of the Council – not as part of the formal meeting;
- (iii) A “moment of reflection” being allowed by the Lord Mayor at the commencement of the Council Meeting – not led by a faith representative;

- (iv) Representatives of different faith groups be invited to lead prayers/periods of reflection at the commencement of Council Meetings.

Other matters for consideration

Draft Minutes

- 6. Minutes of Council and Committee meetings are currently included on the Council's website only after they have been approved at the next appropriate meeting. This can sometimes lead to a delay of up to two – three months, in some instances, between the meeting itself and the approved minutes being published.
- 7. The Committee may wish to consider it appropriate for draft minutes of Committees etc to be published on the Council's website (clearly labelled as draft/no-status) within 10 working days of the original meeting.

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.

Recommendation

To consider any amendments to the Council Procedure Rules and to refer any proposed changes to Council for consideration and approval.

Kate Berry

City and County Solicitor

Dated: 7 January 2010