

CONSTITUTION COMMITTEE

14 JANUARY 2011

Present: County Councillor Berman (Chairperson);
County Councillors Aubrey, Dixon, Goodway,
Howells, Kelloway, Elgan Morgan, Keith Parry, Piper,
Dianne Rees and Walsh

8 : MINUTES

The minutes of the meeting held on 10 September, 2010 were approved as a correct record and signed by the Chairperson.

9 : COUNCIL PROCEDURE RULES – BUDGET COUNCIL

The Budget debate had, for a number of years, been conducted in accordance with a protocol and speaking order that had been agreed on a cross-party basis by the Council's Business Committee. This had required the standing order relating to the Rules of Debate to be suspended for the duration of this item.

By incorporating a set of rules for the Budget debate in the Council Procedure Rules, the suspension of standing orders would be unnecessary. A set of draft Budget Procedure Rules, largely based on custom and practice, was submitted for discussion. Members were also asked to consider whether an opportunity should be afforded to any independent Member (as opposed to Members of the Independent Group) to speak during the general debate on the Budget.

There followed a discussion on this matter, with agreement on the draft Budget Procedure Rules for the Budget Council Meeting on 24 February 2011. It was stressed that the importance of the Budget meeting warranted more time for discussion and, as a result, it was suggested that, in principle, the Budget Council Meeting in 2012 should exclude notices of motion and formal questions. This would then allow more time to be devoted to the Budget debate including the opportunity to give more time to a proposer who was moving more than one amendment.

Although there was a consensus that independent Members should have the right to speak in the general debate, it was accepted that it would not be possible for all Members to speak in the debate and there was a

responsibility on the Groups themselves to decide who should speak to ensure that their political points were well made.

RESOLVED – That

- (1) subject to the approval of Council, the Council Procedure Rules be amended by the inclusion of Procedure Rules for the Budget Council Meeting as detailed in Appendix A;
- (2) subject to appropriate consultation, the Budget Council Meeting in 2012 should exclude notices of motion and formal questions, which would then allow more time to be apportioned for the Budget debate.

10 : COUNCIL PROCEDURE RULES – AMENDMENTS TO MOTIONS

Council on 28 January, 2010 (minute no: 162) approved changes to the Council Procedure Rules (CPR), which included a change to CPR 14.6(b) Amendments to Motions. The change to this Rule was agreed to maximise the opportunity for all amendments to motions to be voted upon, which had been interpreted subsequently to include when such an amendment had been accepted by the mover of the original motion.

A Member raised a point of clarification at Council on 16 December 2010 which challenged this interpretation and, in an attempt to clarify the position, it was proposed that Council be recommended to further amend Council Procedure Rule 14.6(b) as set out below (with proposed amendments set out in bold italics).

“Any amendments to motions of which notice has been given under Rule 12 will be called by the Lord Mayor in an order determined by the Lord Mayor, in consultation with the Monitoring Officer, to facilitate coherent debate and to, wherever possible allow *each* amendment to have the opportunity to be voted upon. Each amendment will be proposed and seconded and then put to the vote in the order determined by the Lord Mayor. ***For the avoidance of doubt this provision will apply even when the mover of the original motion indicates that he/she is prepared to accept the amendment, so that wherever possible all Council Members have opportunity to vote on the original motion and the amended motion.***”

There followed some discussion on the intended meaning of the amendment to CPR 14.6(b) that was agreed in January 2010 and whether an amendment accepted by the mover of a motion should be voted upon separately.

RESOLVED – That subject to the approval of Council, the amendment to the Council Procedure Rules in relation to notices of motion, as indicated above and detailed in paragraph 6 of the report, be approved.

11 : PROTOCOL ON MEMBER ENGAGEMENT, CONSULTATION AND CORRESPONDENCE

Council on 23 September 2010 accepted a notice of motion regarding engagement and consultation by the Council with Members. The motion called on the Constitution Committee to agree a proposed protocol for consideration at a subsequent full Council meeting that would set out clearly what Members could expect with regard to consultation and responses to their requests for information about Ward matters.

The motion proposed that the protocol would place an emphasis on engaging Members in discussions about all issues and developments that would impact on their Wards or constituents, that would place them on an equal footing with other partners and stakeholders and would accurately capture their views. The protocol would also include details on how Members' views would be recorded and presented in reports and ensure that when decisions were made contrary to Members' expressed views this would be detailed in the report.

A discussion paper setting out key principles was considered at a Whips meeting on 8 November 2010 and it was agreed that that each party group would consider the document and submit any views for inclusion in the final draft protocol.

A draft protocol was submitted to the Committee which had drawn upon evidence from a number of local authorities which had been recognised as operating best practice in this area of work.

The current table providing response times for correspondence was submitted to examine whether the timescales were still appropriate. It was noted that existing guidance did not make reference to e-mails and Members were asked to consider clarifying the position of e-mail correspondence.

There was currently no Corporate Electronic Document and Records Management System to assist in the effective performance management and monitoring of correspondence response times to Members. It was suggested that Members could submit correspondence to either nominated officers or specific mailboxes. Service Areas could establish a dedicated Members' Enquiry Mailbox or, alternatively, Members could be asked to make greater use of the C2C Councillor Contact Mailbox.

Members considered the draft protocol and the following comments were made:

- Ward Members must be informed of matters affecting their wards. They must be kept 'in the loop'.
- Clarification must be given to the words "where appropriate" when referring to consulting Members.
- Electronic correspondence (i.e. e-mails) should be included in the protocol, but care must be taken to ensure that responses are provided in a reasonable time and not necessarily caught by the correspondence timescales which would unduly delay a response.
- Electronic queries should receive electronic replies and would also assist in reducing paper use.
- All OMs and above should be aware of the protocol.
- Service Areas be asked to implement dedicated Members' Enquiry Mailboxes, and if considered appropriate nominate officers for dealing specifically with Members' correspondence. (A dedicated mailbox could provide an automated response to a query and would enable any queries to be accessed and dealt with by a number of officers if a particular officer was not available).
- Officers must be aware of Ward boundaries.

RESOLVED – That the draft Member Engagement, Consultation and Correspondence Protocol be amended as indicated and submitted to Council for approval.

12 : PROPERTY DISPOSALS STRATEGY ANNUAL REPORT
2010/2011

The Committee received a report on the Council's programme of property rationalisation and disposal which set out a Procedural Policy Statement for the management of the property disposals programme.

The policy statement (Appendix 1) had drawn together current policy statements, procedural guidance, working practices and operational considerations into one composite corporate document, which would streamline current decision making processes to respond quickly to the changing dynamics of the property market.

The surplus and potential surplus properties schedule comprised a list of sites and buildings which had already been identified as surplus or potentially surplus to the Council's requirements. It was proposed that the schedule would be circulated to Members twice a year for information. Local Members would continue to be regularly advised and involved in the disposals process in individual cases. The policy statement highlighted and strengthened the arrangements for consultation with Ward Members at appropriate junctures throughout the disposal process. In response to a Member's question, it was confirmed that Ward Members would be involved in full and proper consultation right the way through the disposal process.

RESOLVED – That the report be noted and the streamlined procedures set out in Appendix 1 to the report be approved.

13 : COUNCIL PROCEDURE RULES: ISSUES REPORT

The Committee considered a number of emerging issues relating to the Council Procedure Rules which had not yet been considered by the political groups.

Deputy Chairs of Scrutiny Committees:

At the Council meeting on 18 November 2010 a Member raised the possibility of appointing Deputy Chairs of Scrutiny Committees. It was noted that the Council's Constitution already set out a process for dealing with the absence of a Chair. It was proposed that no action be taken on this matter.

Public Questions:

A member of the public had expressed disappointment that the Council Procedure Rules prevented a question he submitted from being tabled because he was unable to attend a Council meeting. He had asked that the Council give the matter further consideration.

It was reported that the Council's Constitution allowed for a questioner to nominate a substitute to attend if the questioner was unable to do so. It was proposed that no action be taken on this matter.

Business Committee:

A Member of the Business Committee had questioned the need for, and the functionality of, the Business Committee and had asked if there was a more appropriate channel that could deal with the issues that fell within the remit of that Committee.

The Chair, who is also the Chair of the Business Committee, commented on the reason why that Committee had been established, but agreed that he was prepared to consider a more acceptable format if there was agreement with all parties. It was proposed that, in the interim, the functions of the Business Committee be delegated to the Clerk to the Council, in consultation with the Lord Mayor, and that the decisions be communicated by e-mail to Leaders and Whips.

RESOLVED – That

- (1) No action be taken on the appointment of Deputy Chairs of Scrutiny Committees and the procedure on Public Questions;
- (2) In the interim, the functions of the Business Committee be delegated to the Clerk to the Council, in consultation with the Lord Mayor, and the decisions be communicated by e-mail to Leaders and Whips.

14 : NEXT MEETING

It was agreed that the meeting of this Committee on 4 February 2011 be cancelled and that the next meeting will therefore be held on 4 March 2011.