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**REPORT OF THE CITY AND COUNTY SOLICITOR AGENDA ITEM:6**

**COUNCIL PROCEDURE RULES: ISSUES REPORT**

**Reason for this Report**

1. This report sets out a number of emerging issues relating to the Council Procedure Rules for initial consideration by this Committee prior to potential wider consultation with Members and political groups.

**Background**

2. 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).

**Issues**

3. A number of issues have been raised over recent months that relate to the Council Procedure Rules. These are set out below for the Committee's consideration:

Deputy Chairs of Scrutiny Committees

4. At the County Council meeting on 18 November, 2010, a Member raised the matter of the potential appointment of Deputy Chairs to Scrutiny Committees. It was agreed that the matter be considered by this Committee. A copy of the relevant question and response is attached as Appendix 1.

### Public Questions

5. A Member of the Public has expressed disappointment that the Council Procedure Rules prevented a question he submitted from being tabled, as he was unable to attend a Council meeting, and the rules as drafted do not allow for the question to be dealt with in his absence. The member of the public requested that this be reconsidered.

### Business Committee

6. A Member of the Business Committee has questioned the need for, and the functionality of, the Business Committee, and asked whether there is a more appropriate channel that could deal with the issues that fall within the remit of that Committee.
7. The terms of reference of the Business Committee are as follows:
  - (i) *to deal with the agenda for the next Council meeting;*
  - (ii) *to allocate time for individual agenda items;*
  - (iii) *the development of a Forward Plan for Council business.*

### **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**

The Committee is requested to give initial consideration to the matters set out above prior to potential wider discussion with Members at Group level.

**Kate Berry**

City and County Solicitor

Dated: 7 January 2011

**QUESTION NO. 1**

**CITY AND COUNTY OF CARDIFF**

**COUNCIL : 18 NOVEMBER 2010**

**QUESTION TO THE CHAIR OF CONSTITUTION COMMITTEE**

**QUESTION FROM COUNTY COUNCILLOR ROBSON**

The Community and Adult Scrutiny Committee currently has no Chairman following Cllr Ralph Cook's suspension for two months. Do you think that consideration should be given to appointing, proportionally, deputy chairs for each Scrutiny Committee, and that this position would not be eligible for any Special Responsibility Allowance?

**Reply**

*[In the absence of the Chair of Constitution Committee, Cllr Nigel Howells, as a member of the Constitution Committee, will answer any supplementary questions at today's meeting]*

I have to say that, personally, it is not something that I have given any thought to as the Council's Constitution already sets out a process for dealing with the absence of a Chair:

*"In the absence of the chair and the deputy chair of the committee, the committee will choose a chair to chair the committee. The person presiding at the meeting may exercise any power or duty of the chair."*

As this is the first time the circumstances you describe have occurred, as far as I am aware, since scrutiny committees on this Council were first established in 1999, I am not currently persuaded of the need for the change you suggest.

**Supplementary Question: County Councillor Robson**

Councillor Howells, can I ask that you take this issue back to the full Constitution Committee as I always feel that it's better to be prepared should any other Chairs have to take time off from their Scrutiny duties at any point?

Reply: *County Councillor Howells (in Councillor Berman's absence)*

I am happy to do that.