

CONSTITUTION COMMITTEE

12 MARCH 2013

Present: County Councillor Furlong (Chairperson);
County Councillors: Aubrey, Cowan, Gordon, Hyde, Keith Jones,
Kelloway, Knight, Marshall and Walker.

Apologies: County Councillors Goodway and Magill.

12 : COMMITTEE MEMBERSHIP

RESOLVED – That the appointment by Council on 31 January 2013 of Councillor Gordon to replace Councillor De’Ath on the Constitution Committee, be noted.

13 : DECLARATION OF INTERESTS

The Chairperson reminded Members of their responsibilities under Part III of the Members’ Code of Conduct, to declare any interests in general terms and complete “personal interest” forms at the start of the meeting and then, prior to the commencement of the discussion of the item in question, specify whether it is a personal or prejudicial interest. If the interest is prejudicial, Members would be asked to leave the meeting, and if the interest is personal, but not prejudicial, Members would be invited to stay, speak and vote.

14 : MINUTES

The Minutes of the meeting of the Constitution Committee held on 19 December 2012 were approved as a correct record and signed by the Chairperson.

15 : EVALUATION MECHANISM FOR THE REVIEW OF THE COUNCIL PROCEDURE RULES

The Constitution Committee had undertaken a full review of the Council Procedure Rules and produced a revised draft of the Rules which were introduced at Council on 28 February 2013. The proposals to Council at the February 2013 meeting were to pilot the scheme which would go to the next Council when Members would be given a vote.

The Chair had requested that a robust evaluation process be put in place to enable all Members and officers involved in the process to have the opportunity to input their views on the revised rules.

The Committee received details of the proposals for the evaluation of the impact of the changes during the pilot phase April 2013-June 2013.

The Constitution Committee had held a Task and Finish Group on 15 January 2013 as part of the review process.

It had also been proposed that there would be a more detailed survey of both Members and Officers towards the end of the pilot to gain feedback on anything that did not work particularly well and needed to be revised. Any proposals would come back to this Committee and then Council in July, the new procedure rules would then come into effect from the July meeting of Council.

The Committee discussed the following points arising from consideration of the proposals:

- The process for Green Papers was discussed it was suggested that the wording should be tightened up. The Chair stated it would not be appropriate to mandate for Cabinet Members to bring forward Green Papers, the intention was to have a range of mechanisms to facilitate Cabinet to bring forward proposals, it was possible to use the Constitution as part of the process;
- With regard to the timings for debate on Green Papers, it was suggested that these should be revisited, Members were advised that issues such as this would be considered as part of the pilot;
- Reference was made to the wording in the Para 17(c) Oral questions which read ... shall be submitted by (or on behalf of), a Member requested the removal of the words 'each of the spokespersons' and for Para17(c)(i) to read ...'each opposition political group recognised by the Council'. It was agreed that this wording would be amended before the next meeting;
- In response to a query it was confirmed that Members with no political affiliation had been involved in the process.

RESOLVED – That subject to the amended wording to Para 17 (c) (i) the proposals for evaluating the revised Council Procedure Rules and process for the pilot period April to June 2013 be approved.

16 : REVIEW OF SCHEME OF DELEGATIONS

The Monitoring Officer gave a presentation on the review of the Council's Constitution and Scheme of Delegations. Presentation slides were circulated for information.

The Monitoring Officer outlined the reason for review of the Scheme of Delegations, the current Scheme of Delegations, issues to consider and next steps. The Monitoring Officer emphasised the need to work in a transparent way.

Review of Scheme of Delegations

- New Administration;
- Second phase of the review of the Constitution;
- Effective governance and decision making, accountability and scrutiny.

Legal Framework

- The Local Government Acts 1972 and 2000 provide the statutory framework for the discharge of functions by a Local Authority;
- The 2000 Act requires the Authority to adopt executive arrangements – Cardiff Council have adopted a Leader and Cabinet model;
- Statutory Classification of functions
 - Council; Executive; Local Choice.

Current Scheme of Delegations

- Part 3 of the Constitution sets out the current scheme of delegations and allocates responsibility for Council decision making:
 - Council Functions;
 - Non-Executive Functions;
 - Cabinet Functions;
 - Local Choice Functions;
 - Officer delegations (with limitations);
 - Delegations to Joint Committees.

Issues to Consider

- Current Scheme approved in July 2006;
- Individual Cabinet Member decision;
- Financial threshold levels for Officer decisions;
- Procurement and Land decisions;
- Criteria requiring decisions to be published;
- Call-in and scrutiny of decisions;
- New management structure – Officer delegated responsibilities;
- Collaboration agenda and different delivery models;
- Allocation of functions between Council and Committees;
- Local choice functions.

Next Steps

- Constitution Committee to determine timescales;
- Whips to be briefed on options/issues;
- Groups to consider options/issues;
- Scoping report to Constitution Committee;
- Options report/s to Constitution Committee;
- Draft of new Scheme of Delegations;
- Consultation with Members and Officers;
- Final draft of Scheme of Delegations;
- Report to Constitution Committee;
- Council approval of new Scheme;
- Implementation.

The Monitoring Officer outlined the current scheme of Delegations which was implemented in 2006 and was now due for review to ensure it was fit for purpose.

Constitution Committee
12 March 2013

The Committee discussed the various strands of decision making including Regulatory Decisions, Procurement and the Call-in process.

The Monitoring Officer made reference to the current scheme and advised that under the 'Measure' there was a facility to delegate decisions to Joint Committees.

Following discussion on the next steps the Monitoring Officer noted the areas the Committee had indicated it wished to focus on including:

- Procurement;
- Tendering Process;
- Call-in;
- Local Choice Function;
- Issues around the new Management Structures.

The Chair invited Members to look at Part 3 of the Constitution and to think about the themes and feed back their suggestions to her. The Chair also asked Members to consider the most appropriate way of engaging all Members in the process.

RESOLVED – That a short briefing report be submitted to the next meeting of the Constitution Committee together with a report on the interim arrangements for the new Management Structure for decision by the Committee.