

CONSTITUTION COMMITTEE

6 NOVEMBER 2013

Present: County Councillor Ralph Cook (Chairperson);
County Councillors Cowan, Furlong, Gordon, Hyde, Knight,
Magill, Marshall, Walker and Woodman

Apologies: County Councillors Aubrey and Goodway

14 : MEMBERSHIP

The Committee noted that Council at its meeting on 26 September 2013 appointed Councillor Goodway to replace Councillor Keith Jones and Councillor Woodman to replace Councillor Kelloway.

The Chair welcomed Councillor Woodman to her first meeting of this Committee.

15 : DECLARATIONS OF INTEREST

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.

16 : MINUTES

The minutes of the meeting of the Constitution Committee held on 18 September 2013 were approved as a correct and signed by the Chairperson.

17 : PROCUREMENT AND PROPERTY DECISION MAKING REVIEW

The County Clerk and Monitoring Officer, Marie Rosenthal reported on the work to date of the Procurement and Property Decision Making Task and Finish Group. The Task and Finish Group had met and agreed its terms of reference; the methodology and required outcomes; and had

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received an overview of Property and Procurement procedures. Further meetings were planned with the appropriate Cabinet Member and senior officers to consider all the issues and the outcomes would be report to the Committee at its meeting in January.

RESOLVED – That the update on the Procurement and Property Decision Making Review Task and Finish Group be noted.

18 : PILOT COUNCIL PROCEDURE RULES

The County Clerk and Monitoring Officer sought Committees views on the outcome of the pilot of the Council Procedure Rules (CPR) and the feedback received from Council Members as part of the pilot process - details of which were included in Appendix A of the report. The Committee was required to consider the feedback and provide its recommendation to Council in November for approval.

The CPR are an important governance tool for meetings of the full Council to ensure effective debate; consideration and approval of major policy; effective accountability of the Cabinet and other Committees to Council, its Elected Members and the electorate; consideration and debate on a long-term vision for the Council; the genuine forum for opinion; and is responsible for guaranteeing integrity and the standards of conduct of Elected Members and officers.

The Chair invited discussion and the following comments and observations were made:

- Interpretation of Deadlines – the need for a consistency in deadlines and interpretation of the meaning of a ‘working day’. It was noted that the deadlines had been set in consultation with party groups and to fit in with group meeting schedules.
- Oral Questions – the number and arrangements for oral questions had been the subject of much debate during the pilot process and there remained a divide in opinion. It was recognised however that there was a need to strike a balance between the number of questions asked and the time spent dealing with each question. The reinstatement of the second supplementary question had been welcomed. The process for Oral questions allowed those following proceedings to have a better understanding of the questions being asked at Council than previously.

- Written Questions – there was no further revision of Written questions proposed at this stage, however it was agreed that if a Member submit a series of questions on the same topic then it was in order for the Cabinet Member/ Chair to provide a composite answer.
- Member Debate – the feedback suggested that Member Debates were valued by some Members as a means for backbench Members to raise issues of importance to them and to influence Cabinet opinion, and the topics that had been brought forward were in general relevant to Council business and policy development. However, it was considered that the absence of a resolution following the debate meant that the debate lacked purpose and outcomes. Notices of Motion fulfilled this purpose and it was up to party groups to facilitate Members to have the opportunity to debate matters of importance and influence through submitting Notices of Motion to Full Council.

It was felt that this was one element of the CPR rules which had extended the business and length of Council meetings. It was therefore proposed that Member Debates be removed from the CPR with effect from the December meeting of Council.

- Petitions – concerns had been expressed that the thresholds and the ability for a petition to automatically trigger a Council debate were impractical it was therefore proposed that the thresholds be amended and the ability for a petition to automatically trigger a debate be removed.

The Committee discussed the setting up of a Petitions Committee, but considered that at this time this would be an additional expense and resource requirement. In response to concerns raised on responses and outcomes on petitions the Monitoring Officer agreed to ensure a system was implemented to record the submission of petitions and to monitor the responses provided to them.

- Notice of Motion – Members noted that further clarification had been provided on the rules of debate, the closure of motions, and the Chair's discretion on the closure of debate.
- Green Paper – Members were content with the revisions that had been made to the Green Paper Rule.

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- Public Engagement – the importance of public engagement in the democratic process of Council and Committee meetings was discussed and in particular public question time at Cabinet and Scrutiny meetings. A Member drew attention to the report of the Policy Review and Performance Scrutiny Committee on Public Engagement and the need to review the recommendations. It was proposed that a report be brought to the next Committee detailing progress on the recommendations contained in the Scrutiny report and on ways of developing greater public engagement in Council and Committees.
- Length of Meetings – Members discussed the purpose and focus of Council meetings; and the length of meetings; the practice of guillotining meetings adopted by other Local Authorities. The Monitoring Officer underlined the importance of the role of the Chair in setting the Council agenda.

RESOLVED – That

1. delegated authority be granted to the County Clerk and Monitoring Officer in consultation with the Chair of the Committee to make such amendments to the pilot Council Procedure Rules as agreed and to finalise the draft Council Procedure Rules for recommendation to Council;
2. it be proposed to Council that the trial period of the amended Council Procedure Rules be extended to April 2014 and that notice be given to Council in March 2014 for decision in April 2014 on the Council Procedure Rules to be adopted for implementation during the 2014/15 municipal year;
3. a report on Public Engagement providing an update on the recommendations of Policy Review and Performance Scrutiny Committee report and providing opportunity for a wider discussion on initiatives to increase Public Engagement in the democratic process of Council be brought forward to the next meeting.

19 : FAMILY ABSENCE REGULATIONS 2013

The Committee was advised of new legislation on Family Absence for Members. Part 2 of the Local Government (Wales) Measure 2011 (“the Measure”) introduced an entitlement to a period of family absence for Members of Local Authorities during which a Member is entitled to be absent from authority meetings. The entitlement created by the Measure

is subject to Members satisfying conditions prescribed by the Welsh Ministers in regulations. The Family Absence for Members of Local Authorities (Wales) Regulations 2013 (“the Regulations”) have been made by the Welsh Ministers and take effect from 5 December 2013.

The Committee was advised that there are five types of family absence to which a Member may be entitled under the Measure, subject to compliance with the Regulations:

- (i) Maternity absence – for the mother of a child, granted up to a maximum of twenty six weeks;
- (ii) Newborn absence – for the parent of a child other than the mother, for a period of up to two weeks;
- (iii) Adopter’s absence – for the adopter of a child, for a period of up to two weeks;
- (iv) New adoption absence - for the partner of an adopter, for a period of up to two weeks; and
- (v) Parental absence – for a member who becomes responsible for a child (and does not meet the conditions for newborn absence, adopter’s absence or new adoption absence), for a period of up to three months.

The Regulations prescribe the conditions that Members must satisfy to be entitled to a period of family absence, make provisions regarding the duration, start, cancellation and end of a period of family absence, and set out an administrative process for dealing with family absence. The Welsh Ministers have also published Statutory Guidance on Family Absence (“the Guidance” issued under section 30 of the Measure), to which the Council is required to have regard.

The Committee noted the statutory obligations of the Council as detailed paragraphs 3 to 7 of the report and the requirement for provision to be included in the Council’s standing orders; the establishment of a Panel and arrangements for the decisions of the authority, as set out in paragraphs 8 to 11.

The Monitoring Officer advised that she would consult with the Democratic Services Committee on the issues set out in paragraphs 8 to 11 of the report. Following any comments received recommendations on each of these issues will be brought forward for approval by this Committee.

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RESOLVED – That

1. the provisions of the Family Absence for Members of Local Authorities (Wales) Regulations 2013, and the statutory obligations imposed on the Council, as set out in paragraphs 3 to 7 (inclusive) of the report be noted;
2. the Family Absence Provisions in particular regarding the provision to be made in standing orders; the establishment of a Panel; and arrangements for the decisions of the authority, as set out in paragraphs 8 to 11 of the report be noted;
3. the Monitoring Officer to consult with the Democratic Services Committee on the issues set out in paragraphs 8 to 11 (inclusive) of the report, and to report back to a future meeting of this Committee with recommendations on each of these issues.

20 : MEMBER ROLE DESCRIPTIONS

The County Clerk and Monitoring Officer provided an overview of the Welsh Local Government Association's Charter for Member Support and Development. The Wales Charter for Member Support and Development has been created by the Welsh Local Government Association WLGA to give structure and impetus to the growing body of support services for elected members within Welsh Local Government in particular personal, role, skill and knowledge development; support facilities and services. The Charter had been in place for a number of years, during which various authorities have formally committed to the principles in the Charter by signing the statement of intent to apply and working towards meeting the criteria.

The County Clerk and Monitoring Officer advised that it was proposed that the Council invests in its Members and works over the next few months towards satisfying any requirements of the Charter that it has not already achieved and applies for the award of the Charter in the forthcoming year.

One of the requirements of the Charter was that Members are supported with Role Descriptions. The Framework Member Role Descriptions and Person Specifications were attached as Appendix B.

The Committee discussed the Role Descriptions in particular in relation to the governance and decision making roles and the need for these to

accurately reflect the roles of these post-holders; and the need to promote Member Champions.

The County Clerk and Monitoring Officer advised that the work to gain the Charter would be undertaken within current resources.

RESOLVED – That

1. the Committee supported the proposal for the Authority to work towards obtaining The Wales Charter for Member Support and Development and the adoption of the Framework Member Role Descriptions and Person Specification;
2. delegated authority be granted to the County Clerk and Monitoring Officer, in consultation with the Chair, to:
 - (a) amend the Constitution to make suitable references to the Member Role Descriptions and Person Specifications; and
 - (b) work with Member Services to ensure that the remaining requirements of the Charter are satisfied.

21 : PROGRAMME OF MEETINGS

The Committee received an initial briefing in relation to the number of Council and other Committee meetings held annually and the sustainability of the Council's meeting timetable in the future in the context of the Council meeting its statutory obligations for meetings; the effective use of allocated resources; and known budgetary challenges.

Members discussed concerns about the number and length of the formal Council and Committee meetings; resourcing of meetings; and impacts on the Democratic Services team.

Comparator data on the number of meetings serviced in 2011/12 and 2012/13 which indicated that the overall number of meetings serviced by the Democratic Services team had increased by over 25% placing a greater demand on existing resources.

The Chair emphasised the importance of good governance and timely decision making; the Council Statutory and Regulatory functions; and balancing the democratic engagement of Elected Members and public and against the demand and sustainability of the service, and the opportunity to review the historical scheduling of monthly cycle of meetings. In addition work was ongoing on developing a new IT solution for Members

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which would reduce the demand on hard copy agendas. Members expressed their support for the excellent work undertaken by the Democratic Services team.

Members queried whether there was a statutory minimum number of meetings requirement and the cost involved in meetings.

RESOLVED -That the report be noted and a further report be submitted for consideration at the next meeting on the frequency of meetings to enable Committee to formulate a view on a programme of meetings to be agreed by Annual Council for the 2014/15 Municipal Year.

22 : DATE OF NEXT MEETING

The next meeting is scheduled for 22 January 2014 at 5.00pm.