



County Hall
Cardiff
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AGENDA

Committee	CONSTITUTION COMMITTEE
Date and Time of Meeting	MONDAY, 28 NOVEMBER 2016, 5.00 PM
Venue	COMMITTEE ROOM 2, COUNTY HALL, ATLANTIC WHARF, CARDIFF
Membership	Councillor De'Ath (Chair) Councillors Aubrey, Dilwar Ali, Goodway, Gordon, Hinchey, Margaret Jones, Knight, Magill, Patel, Walker and Woodman

1 Apologies

To receive apologies for absence.

2 Declarations of Interest

To be made at the start of the agenda item in question, in accordance with the Members' Code of Conduct.

3 Minutes *(Pages 1 - 4)*

To approve as a correct record the minutes of the meeting 21 September 2016.

4 Review of the Council's Constitution - Council Procedure Rules *(Pages 5 - 22)*

Report of the Director, Governance and Legal Services attached

5 Date of next meeting - 9 February 2017 at 5.00pm

Davina Fiore
Director Governance & Legal Services

Date: Tuesday, 22 November 2016

Contact: Gill Nurton Email: G.Nurton@cardiff.gov.uk Tel: 029 20872432

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg

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CONSTITUTION COMMITTEE

21 SEPTEMBER 2016

Present: County Councillors Hinchey, Margaret Jones, Knight, Magill, Patel, Woodman and Walker.

1 : APOLOGIES

Apologies were received from Councillor De'Ath (Chair) Councillors Dilwar Ali; Aubrey; Goodway and Gordon.

2 : APPOINTMENT OF CHAIR FOR THE MEETING

It was proposed by Councillor Patel and seconded by Councillor Magill that Councillor Hinchey be appointed Chair for the meeting.

3 : DECLARATIONS OF INTEREST

In accordance with the Code of Conduct, Councillor Knight declared an interest in Item 6: Assistant to Cabinet Members as he had been appointed by the Cabinet to Assistant to Cabinet Member role in June 2015.

Councillor Knight remained at the meeting during consideration of the item, but took no part in the decision.

4 : MINUTES

The minutes of the last meeting 19 November 2015 were submitted for approval.

In considering the minutes a point of accuracy was raised in relation to Min No 15: Budget Procedure Rules and the recording of the discussion that took place.

It was felt that the minutes did not accurately reflect the concerns raised around: -

- due diligence checks of alternative Budget amendments that had not been subject to the same consultation and scrutiny as the formal budget proposals and did not contain the supporting Equality Impact Assessment in accordance with statutory requirements; and that
- the minutes did not accurately reflect the legal requirement for a lawful balanced budget to be passed by Full Council.

Whilst it was noted that a vote was taken on the speaking rights of individual Cabinet Members, the minutes did not accurately reflect the concerns of those present that this would not give Cabinet Members the right to speak on matters that affect their portfolio or amendments or the alternative budget proposals.

RESOLVED – That the minutes be approved and that the issues of accuracy be recorded in the minutes of this meeting for completeness.

5 : WELCOME DIRECTOR GOVERNANCE AND LEGAL SERVICES AND MONITORING OFFICER

The Chairperson formally welcomed Davina Fiore as the new Director Governance and Legal Services and Monitoring Officer who had taken up post on 19 September 2016. The Committee looked forward to working with her.

6 : INDIVIDUAL CABINET MEMBER DECISION-MAKING

The Director of Governance and Legal Services presented the report to Committee for consideration of a legal and constitutional framework for decision making by individual Cabinet Members.

The Committee considered the decisions taken by Cabinet over the last 12 month period since they reviewed the decisions previously; the type of decisions being taken; and the requirement under the WAO Corporate Assessment Follow-on report 21 March 2016 for the Constitution to review the volume and category of decisions.

The Committee concluded that in view of the time period before the end of this administration; and the decision to remain with collective responsibility of the Cabinet; that no further action be taken on this matter at present and that any future review or change be considered by the new administration in May 2017.

RESOLVED – That

1. the information set out in the report be noted;
2. the option of individual Cabinet decision-making not be pursued during the remainder of this administration;
3. further consideration on a potential legal framework for individual Cabinet decision making be undertaken by the new administration post May 2017.

7 : ASSISTANT TO CABINET MEMBERS

The Director Governance and Legal Services presented a report on roles and responsibilities of Assistants to Cabinet Members for submission to Council for approval and inclusion in the Council's Constitution to ensure consistency in title, roles and accountabilities.

The Committee discussed and made recommendations on the Draft Role Description. There was particular concern on the use of the phrases in the role description 'to deputise', and when had how an Assistant to a Cabinet Member would act for a Cabinet Member if ever need to take up such a role as a Member; and or be requested to formally speak.

RESOLVED That

1. the Director Governance and Legal Services be given delegated authority to amend the wording of the Role Descriptions to delete any reference to 'Deputise' and clarify issues around formal request for Assistant to Cabinet Members to formally speak;

2. a report on the recommendations of the Constitution Committee be submitted to Full Council for approval;
 3. the Director Governance and Legal Services be instructed once ratified by Council to amend the Constitution accordingly;
 4. the Director Governance and Legal Services provide a copy of the Role Descriptions to all Assistants to Cabinet Members.
- 8 : DATE OF NEXT MEETING - 10 November 2016 at 5.00pm in Committee Room 4

Chair: _____

Date: _____

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**CITY & COUNTY CARDIFF
DINAS A SIR CAERDYDD**



CONSTITUTION COMMITTEE :

28 NOVEMBER 2016

**REPORT OF THE DIRECTOR GOVERNANCE & LEGAL SERVICES
& MONITORING OFFICER**

Review of the Council's Constitution – Council Procedure Rules

Reason for the Report

1. The purpose of this report is to provide Committee Members with opportunity to review and consider any potential changes to the Council Procedure Rules in light of recent discussions with Party Group Leaders and Whips; and the outcome of the survey of all Members in October & November 2016.

Background

2. The Constitution Committee previously considered a major change to the Council Procedure Rules in 2012/13 and has reviewed elements of the procedure in 2015/16 to further clarify or amend rules – for example implementation of an allocation for each Member of Written Questions.
3. Appendix 1 to this report is an options paper for discussion at the meeting which considers elements of the Council Procedure Rules; information on the current rules and suggestions and/or consideration for change. The suggestions are not intended as an exhaustive list of possible amendments that could be made, nor are any recommended over any other variation that may be preferable; they are simply intended to provoke discussion.
4. Attached as Appendix 2 is the data collated from the Member Council meeting survey and information provided in the free text box that supports some of the suggestions. Thirty five Members responded to the survey.

Legal Implications

5. The Local Government Act 2000 requires the Council to keep its Constitution under review and up to date. Article 14 of the Constitution provides for its review and revision

Financial Implications

6. There are no financial implications arising from this report

RECOMMENDATIONS

The Committee is recommended to:

1. receive the information in the report and discuss the elements of the Council Procedure Rules that could be considered for review;
2. agree a way forward to enable recommendations to be drawn up for consideration by the Committee at its next meeting for recommendation to Full Council and the new administration post in May 2017.

DAVINA FIORE

Director Governance & Legal Services & Monitoring Officer

21 November 2016

Annexes

Appendix 1 : Constitution Review Council Procedure Rules - Options for Key Areas for Amendment

Appendix 2: Members Survey Results November 2016

Background Papers

Cardif Constitution Council Procedure Rules (Version 10 Aug 2016)

**Constitution Review Council Procedure Rules
Options for Key Areas for Amendment**

Appendix 1

Informal soundings have been taken with Leaders and Whips and feedback from all Members

Issue	Comments	Current Position	Requirement	Options
Frequency of Meetings	<ul style="list-style-type: none"> • 43% of respondents thought we have too many full Council meetings. • 57% of respondents said they would agree to fewer full Council meetings. • Majority of opposition members did not support this. 	9 meetings a year monthly except for April, August and December	<ul style="list-style-type: none"> • Annual Meeting (May) • Statement of Accounts Sign off (September) • Budget Setting meeting (February) 	<ul style="list-style-type: none"> • Bimonthly meeting (6 meetings) • 6 weekly (8 meetings) • 8 meetings monthly meetings (no meeting April; August; December & remove another meeting July/ October)
Time limit on Council meetings	<ul style="list-style-type: none"> • 83% of respondents think Council meetings are too long. • A majority of members support having a time limit for the meeting, after which any remaining matters could be put straight to the vote or deferred to the next meeting. • Views on the proposed 	Meetings held at 16.30 with no time limit	No statutory guidance although councils can implement a 'time limit' if the wish.	<ul style="list-style-type: none"> • End time limit 8.00pm **; • End time limit 8.30pm **; <p>** Remaining items put straight to the vote.</p> <ul style="list-style-type: none"> • No cut off time.

Issue	Comments	Current Position	Requirement	Options
	end time varied from 7.00pm through to 10.00pm; with most respondents suggesting 8.00 or 8.30pm.			
Oral Questions by Councillors	<ul style="list-style-type: none"> • 46% of respondents thought that Oral Questions were an important part of the business of Council; • 67% of opposition members thought that Oral Questions were an important part of the business of Council; • 49% of respondents answered yes to supporting having Members Questions dealt with in a different way. 	Current limit on Oral questions is 30 maximum. Allocation is 3 questions allocated per Group and 15 allocated proportionally with 1 oral question per independent member	No statutory requirement however the review of CPR in 2012/13 introduced the limit on Oral Questions	<ul style="list-style-type: none"> • Only questions on Budget and Policy; • No questions if the answer is in the public domain; • Have a separate meeting with Cabinet Members and Directors to deal with questions; • Reduce no of Oral questions given to lead Group; • Only one question per Council with a maximum of 3 per Party Group.
Supplementary Questions		One supplementary is allowed from the Questioner and one further supplementary from another party of individual.	No statutory requirement custom and practice in Cardiff for two supplementary	Only one supplementary from the original Questioner.

Issue	Comments	Current Position	Requirement	Options
Allocation of Notices of Motion	<ul style="list-style-type: none"> 71% of respondents (25 of those who responded) think the allocation of motions should be reviewed. There was no clear agreement on how allocation should be made, although the proposal which had the highest number in favour was that opposition groups be allocated a minimum of three each with the remainder allocated proportionately. 	20 Motions per year allocated proportionally with a minimum of 2 motions per Group	No statutory requirement. Custom and practice has always been to allocated proportionally	<ul style="list-style-type: none"> Opposition Groups have greater no of Motions; Cap on the number of motions to be considered per meeting; Motions should be define more robustly as a matter of budget or policy which the Council has power to implement.t
Timing for Speakers during a debate		6 minutes for Proposers of a report or motion. 3 minutes for seconder and general speakers in debates. Other than Budget Council where Lead Cabinet Member gets 10 minutes Leader 4 minutes Opposition Spokespersons 5 minutes All other Members 3 minutes.	Time allocated to speakers is a local decision and is currently based on custom and practice.	<ul style="list-style-type: none"> To e considered.

Appendix 2 Results	Do you think Council meetings are:			What is the most important part of the Council meeting for you?				Do you think we have too many Council meetings?		Would you agree to fewer full Council meetings?		If yes, how many should we have?			Would you support having Member questions dealt with in a different way?		
	a) Useful	b) A waste of time	c) A bit of both	a) Motions	b) Cabinet statements	c) Oral questions	d) Other	a) Yes	b) No	a) Yes	b) No	a) Minimum necessary	b) Every two months	c) Eight a year	a) Yes	b) No	c) Yes, if...
Total	8	4	23	14	15	16	9	15	20	20	14	6	9	4	17	15	3
Percentage (total surveys)	23%	11%	66%	40%	43%	46%	26%	43%	57%	57%	40%	17%	26%	11%	49%	43%	9%
Percentage (of answers to this question)	23%	11%	66%	26%	28%	30%	17%	43%	57%	59%	41%	32%	47%	21%	49%	43%	9%
Total (Labour backbench)	1	3	6	4	4	2	3	6	4	8	2	3	2	3	9	0	1
Percentage (Labour backbench)	10%	30%	60%	25%	25%	13%	19%	38%	25%	50%	13%	19%	13%	19%	56%	0%	6%
Percentage (Labour backbench answers)	10%	30%	60%	31%	31%	15%	23%	60%	40%	80%	20%	38%	25%	38%	90%	0%	10%
Total (Cabinet)	2	0	3	2	3	3	0	3	2	3	2	1	2	0	3	1	1
Percentage (Cabinet)	40%	0%	60%	13%	19%	19%	0%	19%	13%	19%	13%	6%	13%	0%	19%	6%	6%
Percentage (Cabinet answers)	40%	0%	60%	25%	38%	38%	0%	60%	40%	60%	40%	33%	67%	0%	60%	20%	20%
Total (Labour)	3	3	10	7	7	5	3	9	7	11	5	4	4	3	12	1	3
Percentage (Labour)	19%	19%	63%	44%	44%	31%	19%	56%	44%	69%	31%	25%	25%	19%	75%	6%	19%
Percentage (Labour answers)	19%	19%	63%	32%	32%	23%	14%	56%	44%	69%	31%	36%	36%	27%	75%	6%	19%
Total (Anon)	1	1	5	2	4	3	2	5	2	6	1	2	4	0	4	3	0
Percentage (Anon)	14%	14%	71%	29%	57%	43%	29%	71%	29%	86%	14%	29%	57%	0%	57%	43%	0%
Percentage (anon answers)	14%	14%	71%	18%	36%	27%	18%	71%	29%	86%	14%	33%	67%	0%	57%	43%	0%
Total (opposition)	4	0	8	5	4	8	4	1	11	3	8	0	1	1	1	11	0
Percentage (opposition)	33%	0%	67%	42%	33%	67%	33%	8%	92%	25%	67%	0%	8%	8%	8%	92%	0%
Percentage (opposition answers)	33%	0%	67%	24%	19%	38%	19%	8%	92%	27%	73%	0%	50%	50%	8%	92%	0%

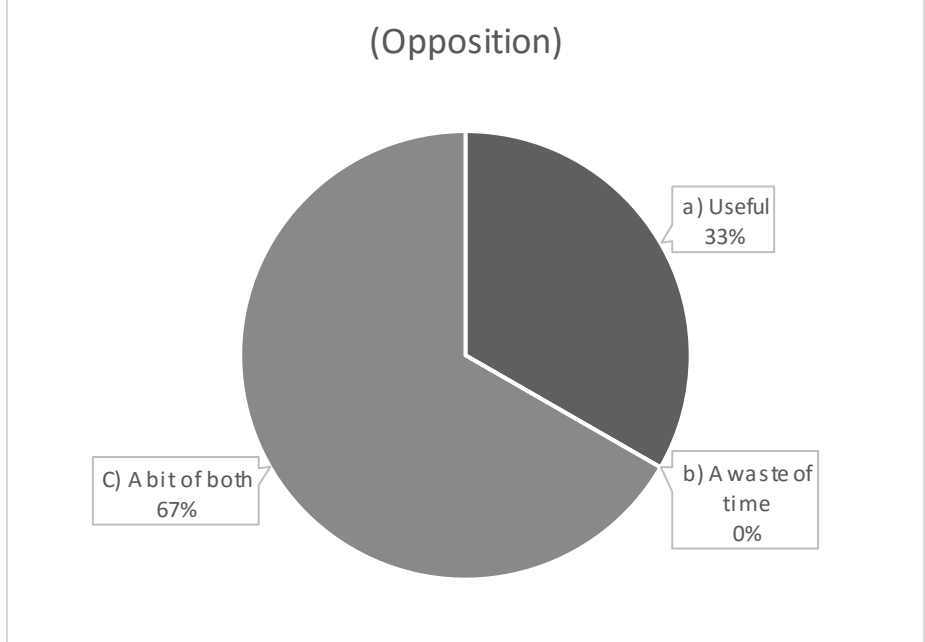
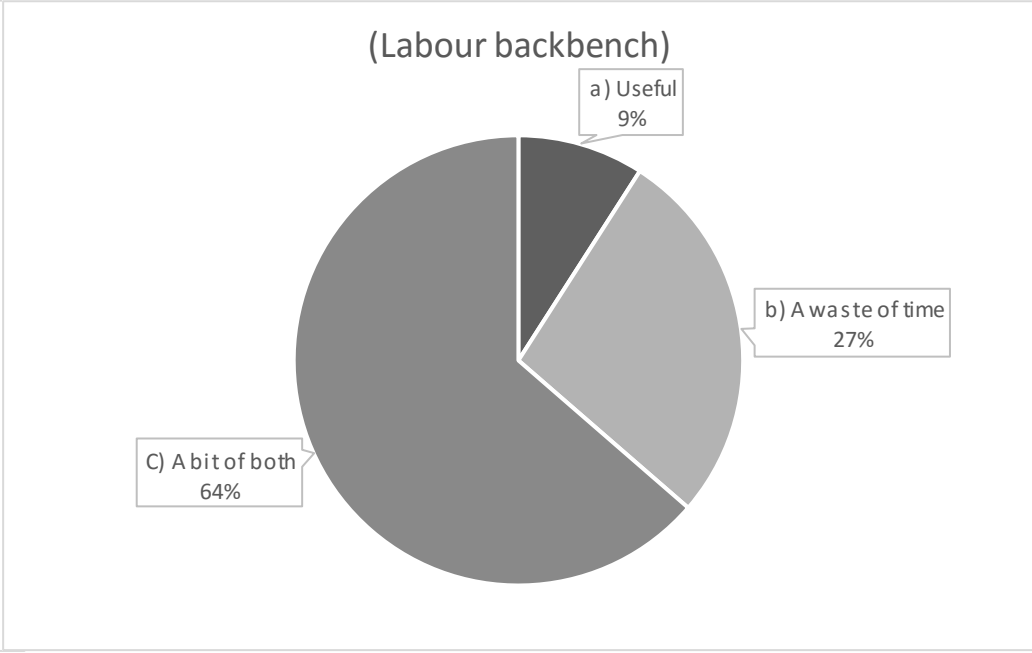
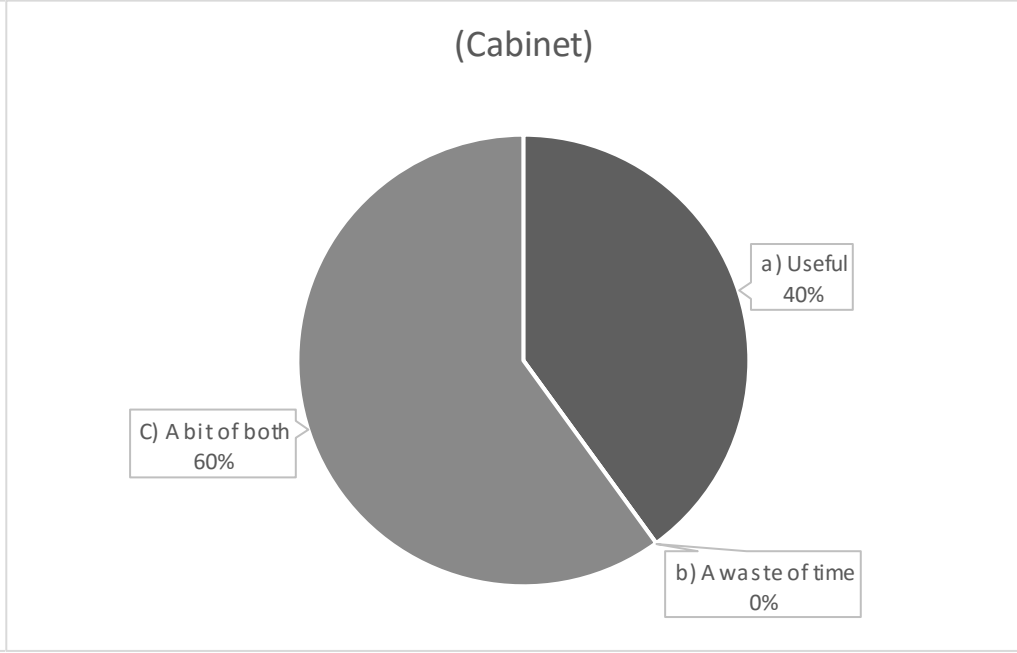
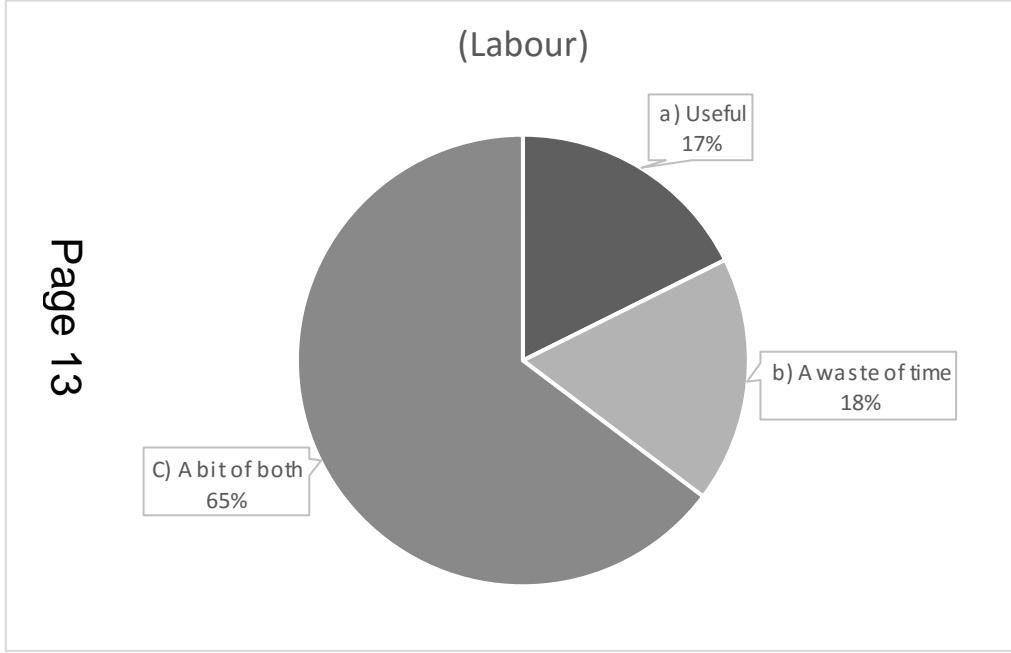
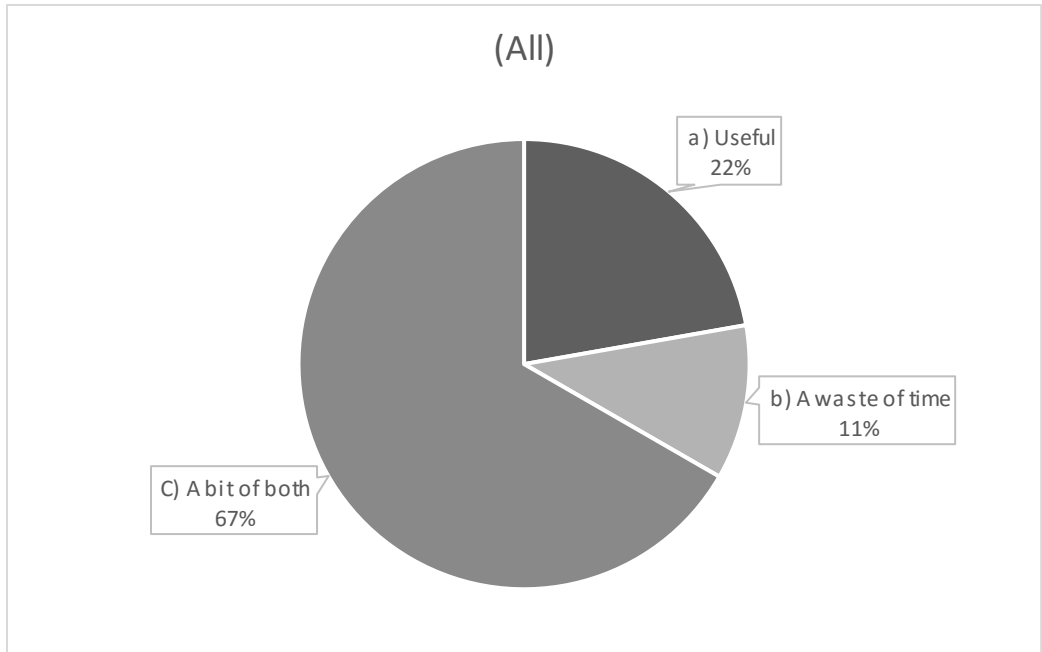
	Do you think the allocation of motions to party groups should be reviewed?		If yes, how would you like to see the available motions allocated?				Do you think Council meetings are:			Would you support having a time at which the meeting would end and matters remaining be dealt with are either put straight to the vote and outstanding questions given written answers?			If yes, what time do you think it should end?
	a) Yes	b) No	a) Equally across all political parties	b) Each party be allocated three and the remainder allocated proportionally	c) Opposition groups be allocated a minimum of three each and the	d) Other	a) Too long	b) Too short	c) About right	a) Yes	b) No	c) Yes, if...	
Total	25	8	4	3	7	8	29	0	3	20	10	2	18
Percentage (total surveys)	71%	23%	11%	9%	20%	23%	83%	0%	9%	57%	29%	6%	20:17
Percentage (of answers to the question)	76%	24%	18%	14%	32%	36%	91%	0%	9%	63%	31%	6%	20:15
Total (Labour backbench)	6	4	0	2	0	3	9	0	1	6	1	2	
Percentage (Labour backbench)	38%	25%	0%	13%	0%	19%	56%	0%	6%	38%	6%	13%	
Percentage (Labour backbench answers)	60%	40%	0%	40%	0%	60%	90%	0%	10%	67%	11%	22%	
Total (Cabinet)	2	2	0	0	1	1	4	0	0	3	1	0	
Percentage (Cabinet)	13%	13%	0%	0%	6%	6%	25%	0%	0%	19%	6%	0%	
Percentage (Cabinet answers)	50%	50%	0%	0%	50%	50%	100%	0%	0%	75%	25%	0%	
Total (Labour)	8	7	0	2	1	4	14	0	1	9	3	2	
Percentage (Labour)	50%	44%	0%	13%	6%	25%	88%	0%	6%	56%	19%	13%	
Percentage (Labour answers)	53%	47%	0%	29%	14%	57%	93%	0%	7%	64%	21%	14%	
Total (Anon)	5	1	0	1	3	1	6	0	1	5	2	0	
Percentage (Anon)	71%	14%	0%	14%	43%	14%	86%	0%	14%	71%	29%	0%	
Percentage (anon answers)	83%	17%	0%	20%	60%	20%	86%	0%	14%	71%	29%	0%	
Total (opposition)	12	0	4	0	3	3	9	0	1	6	5	0	
Percentage (opposition)	100%	0%	33%	0%	25%	25%	75%	0%	8%	50%	42%	0%	
Percentage (opposition answers)	100%	0%	40%	0%	30%	30%	90%	0%	10%	55%	45%	0%	

Number of answers

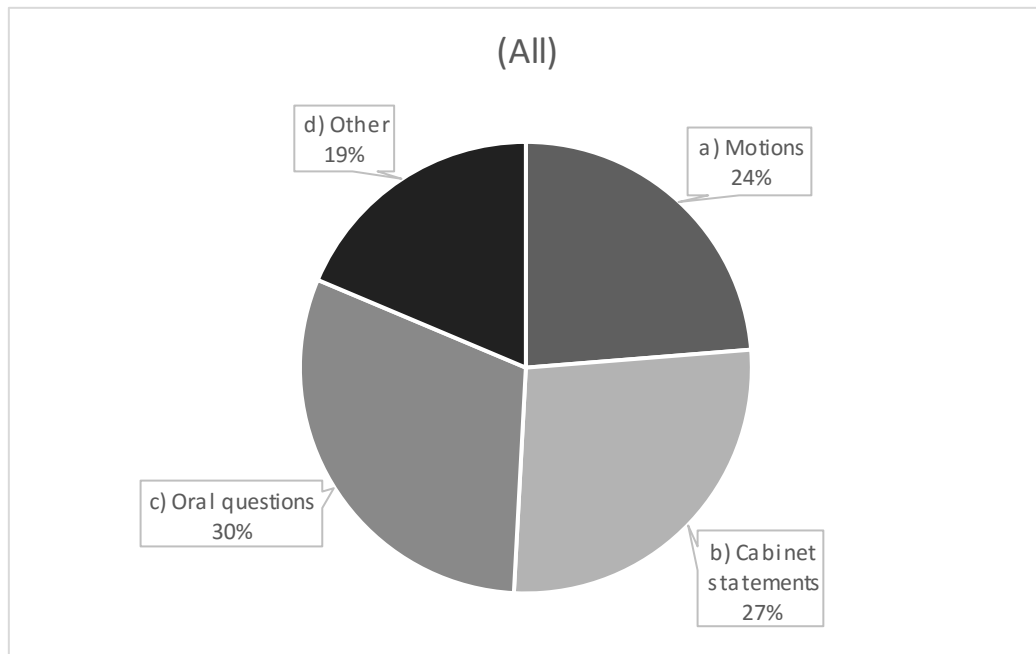
Average

Median

1. Do you think Council meetings are:



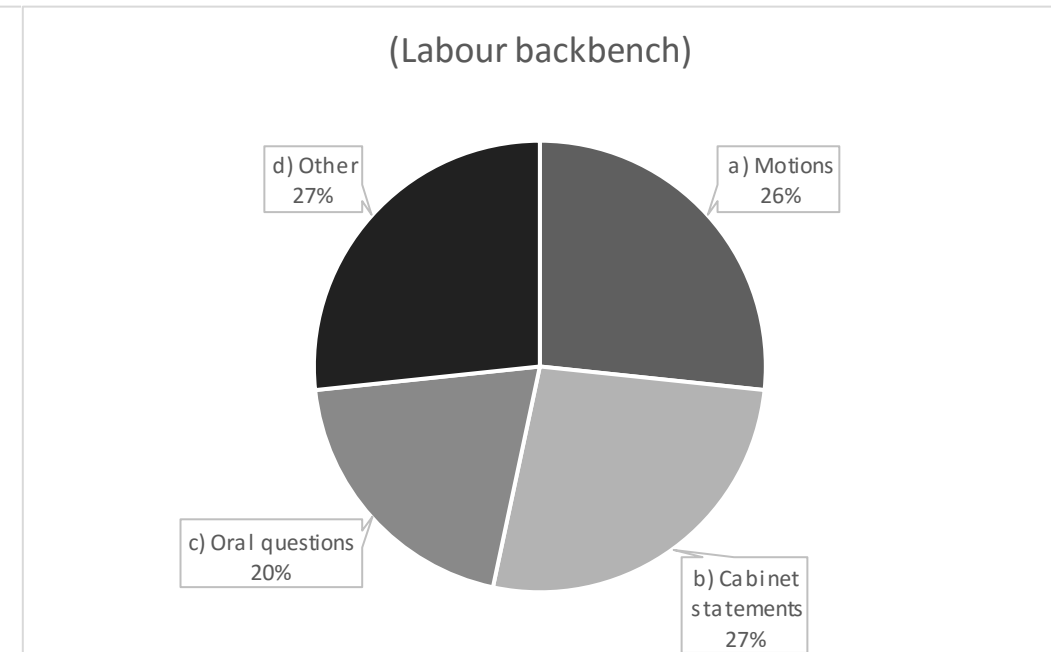
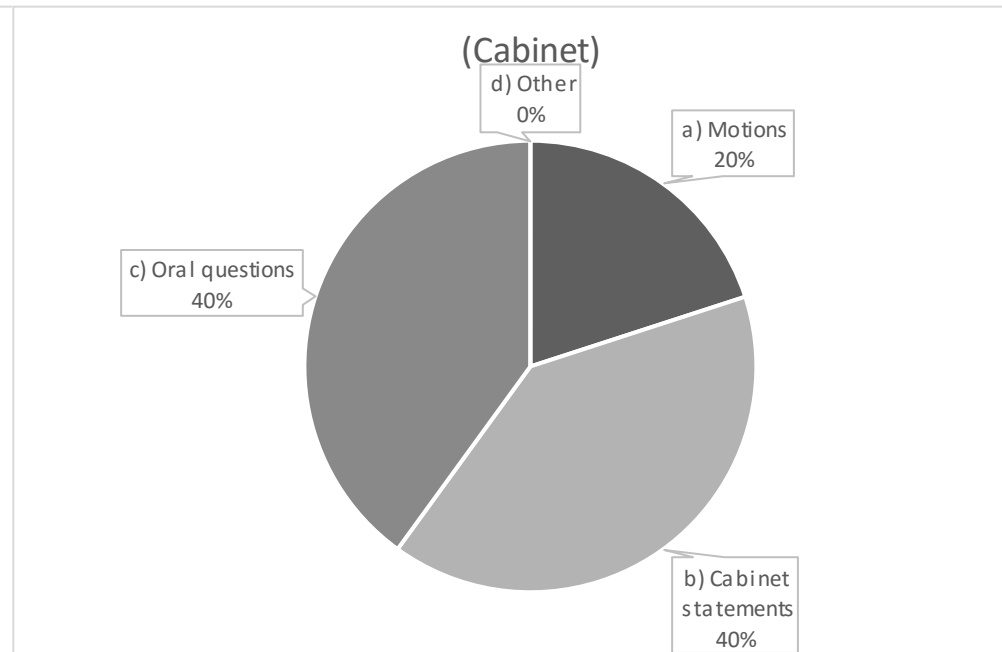
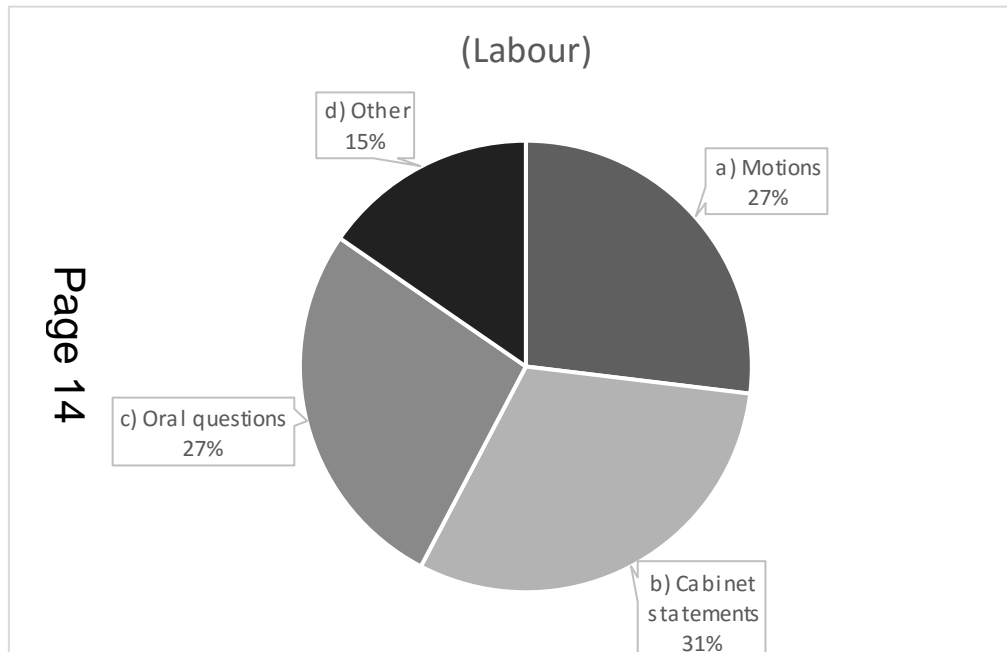
2. What is the most important part of the Council meeting for you?



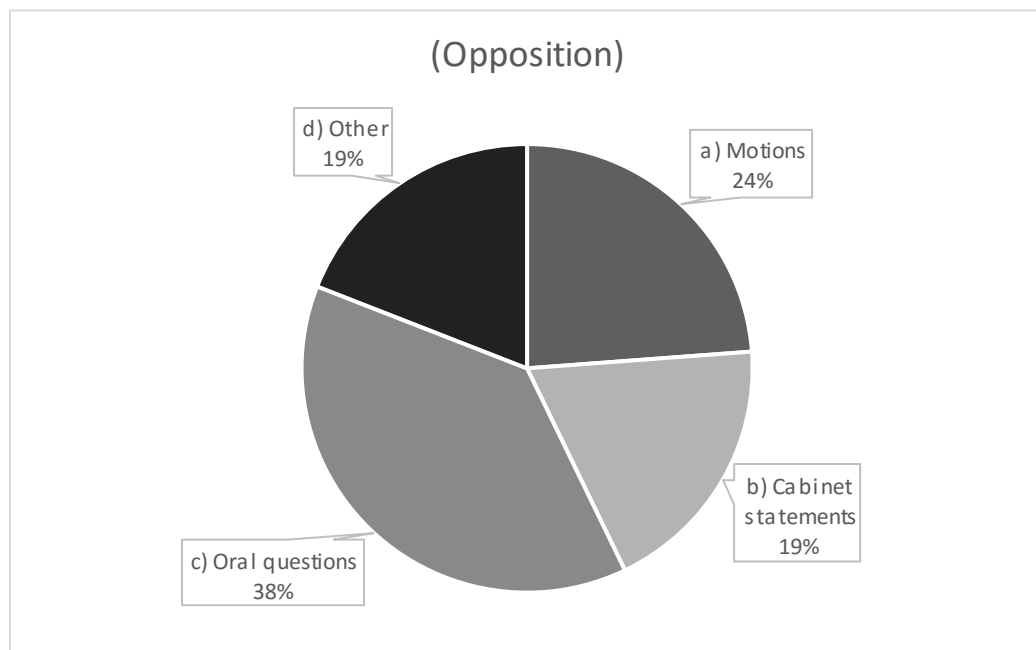
"Being seen to scrutinise by the public."

"Could rotate statements and questions?"

Ticked every box and added: "Written questions."



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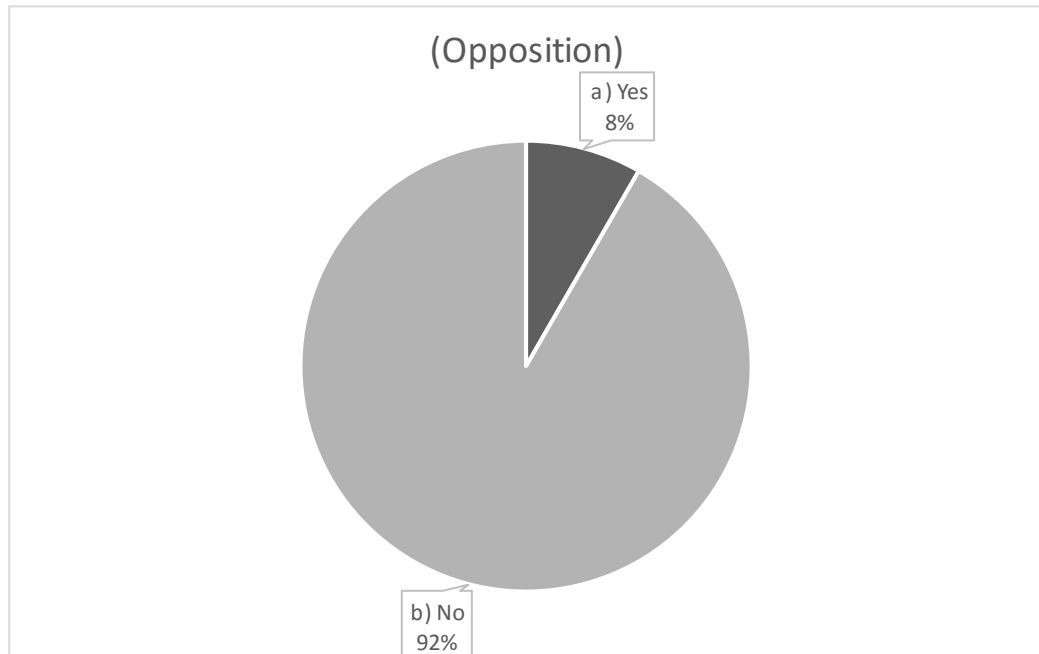
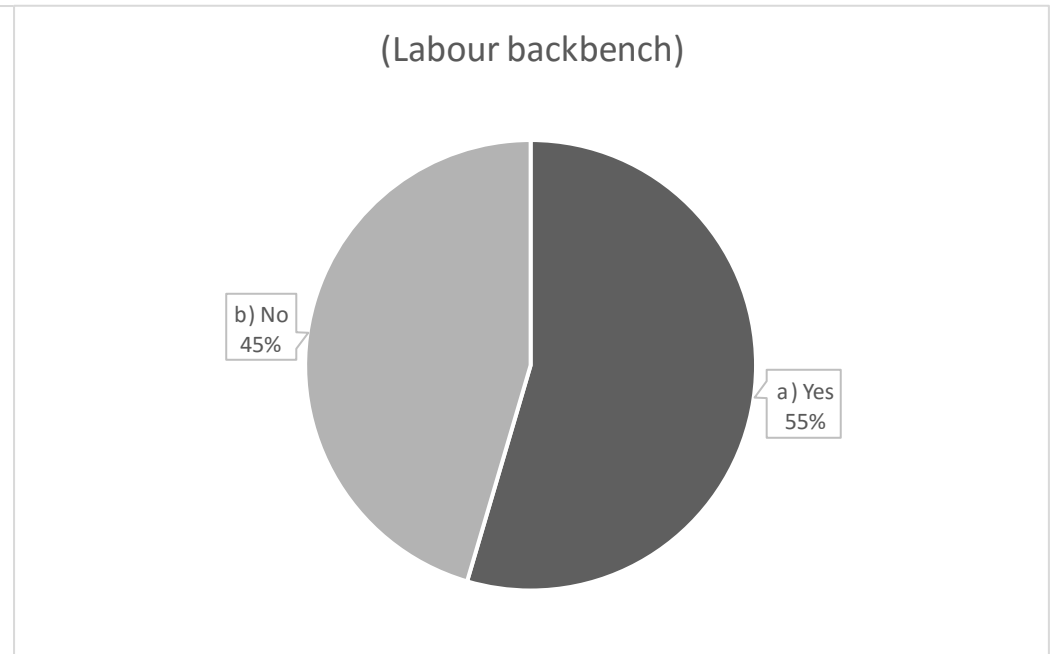
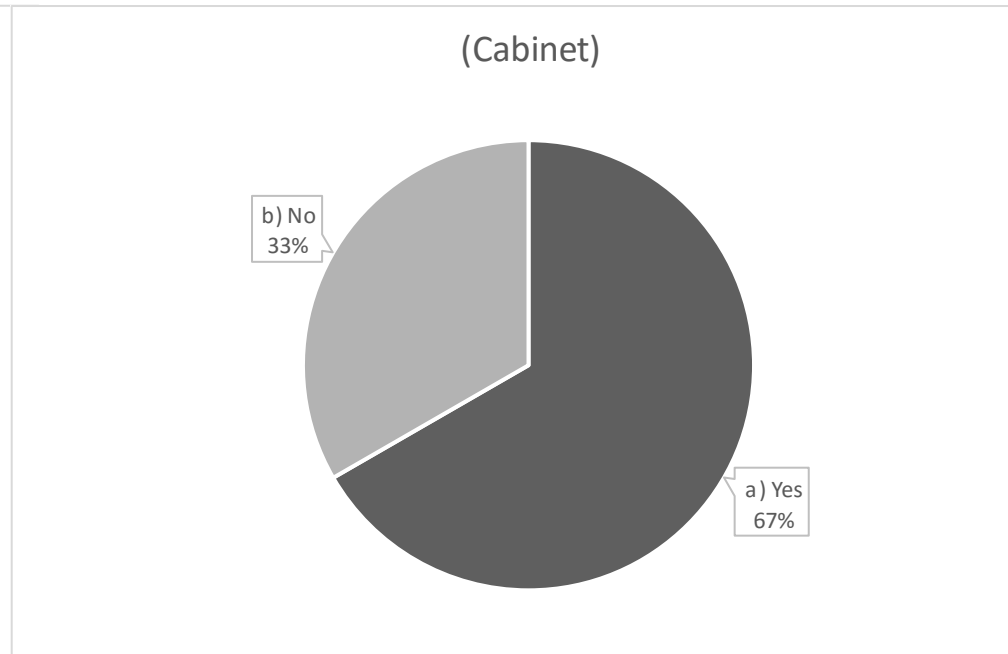
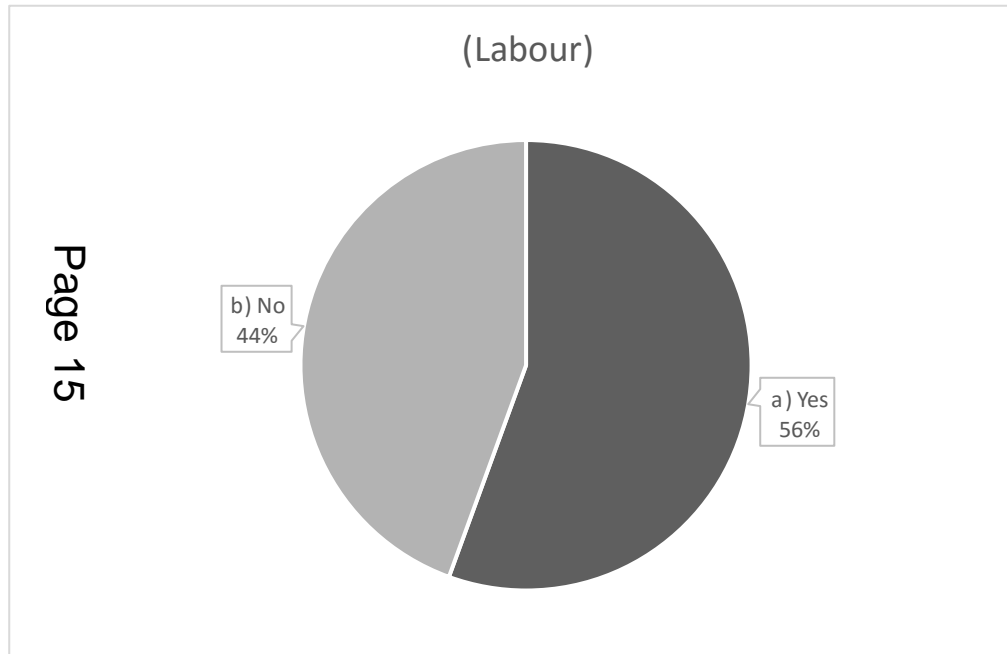
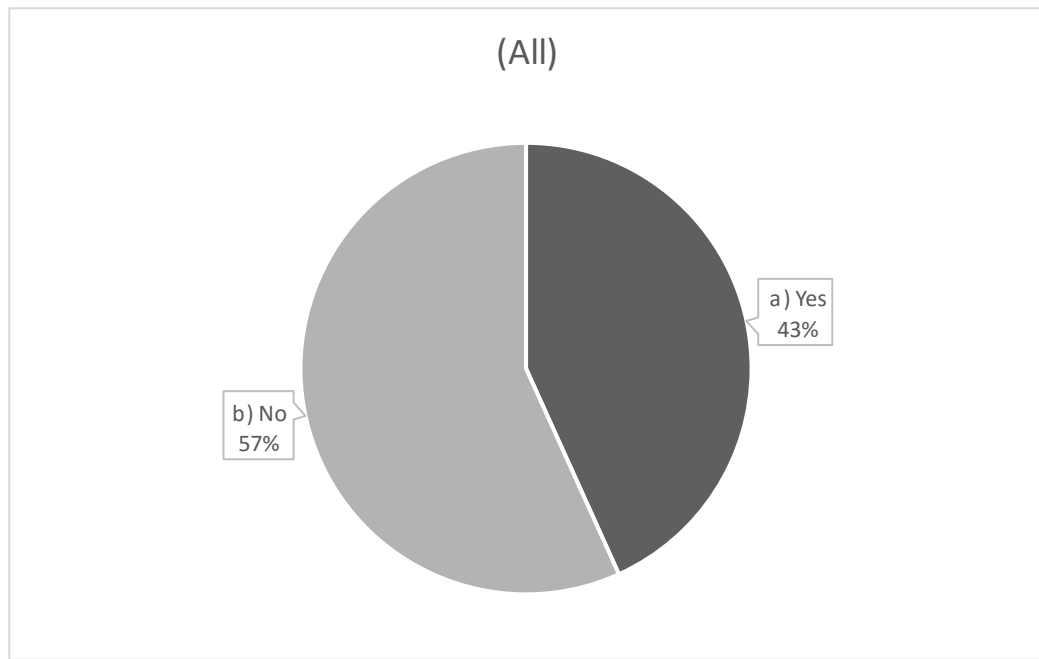
"Reports for decision."

"We need to reassess the format of Council meetings."

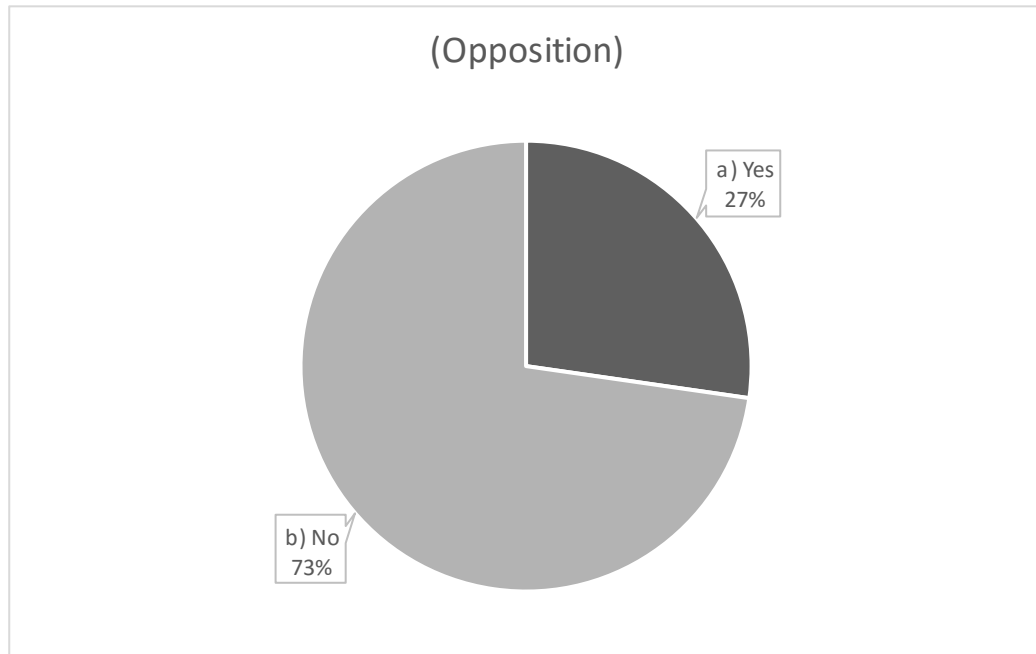
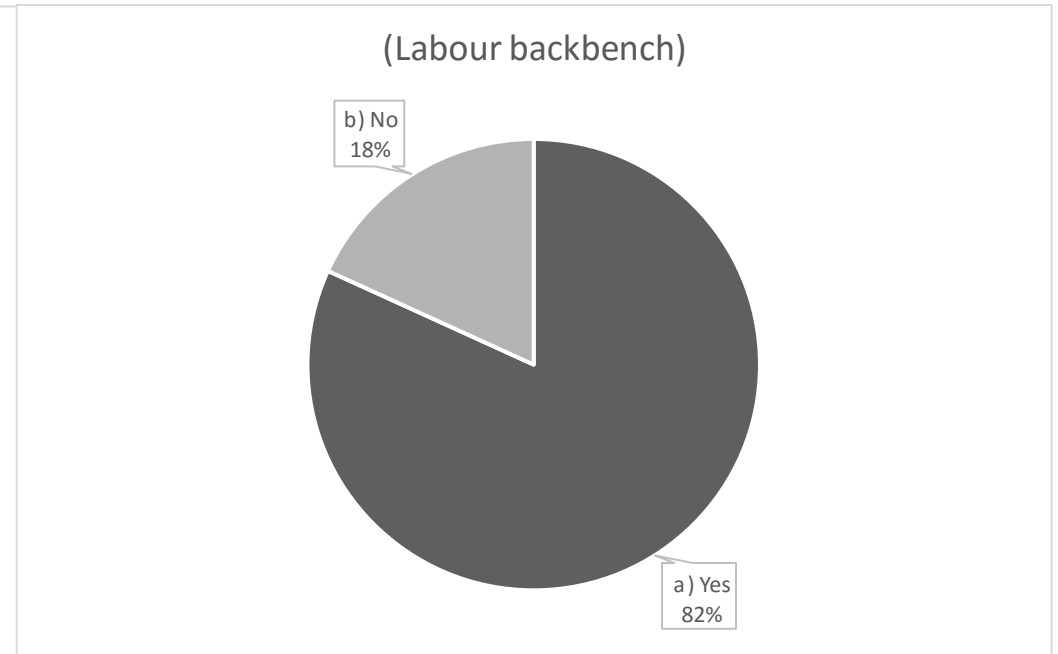
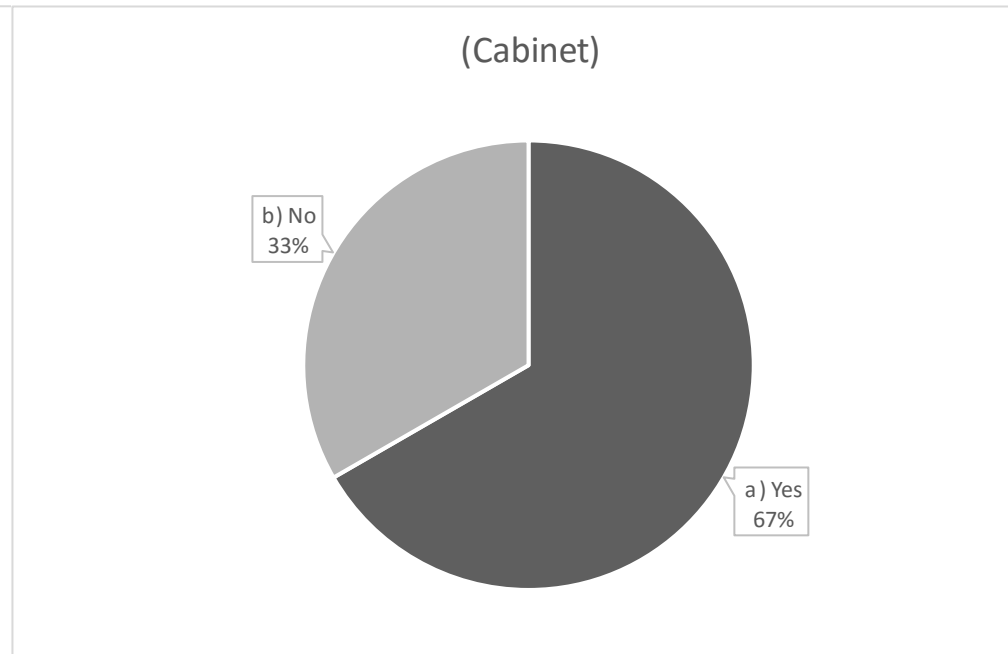
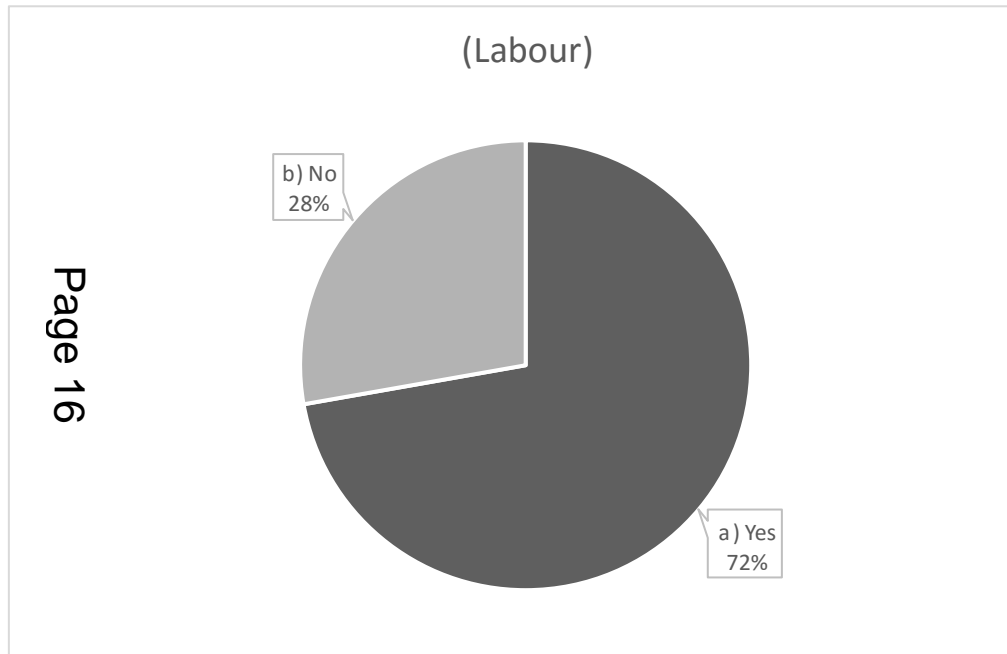
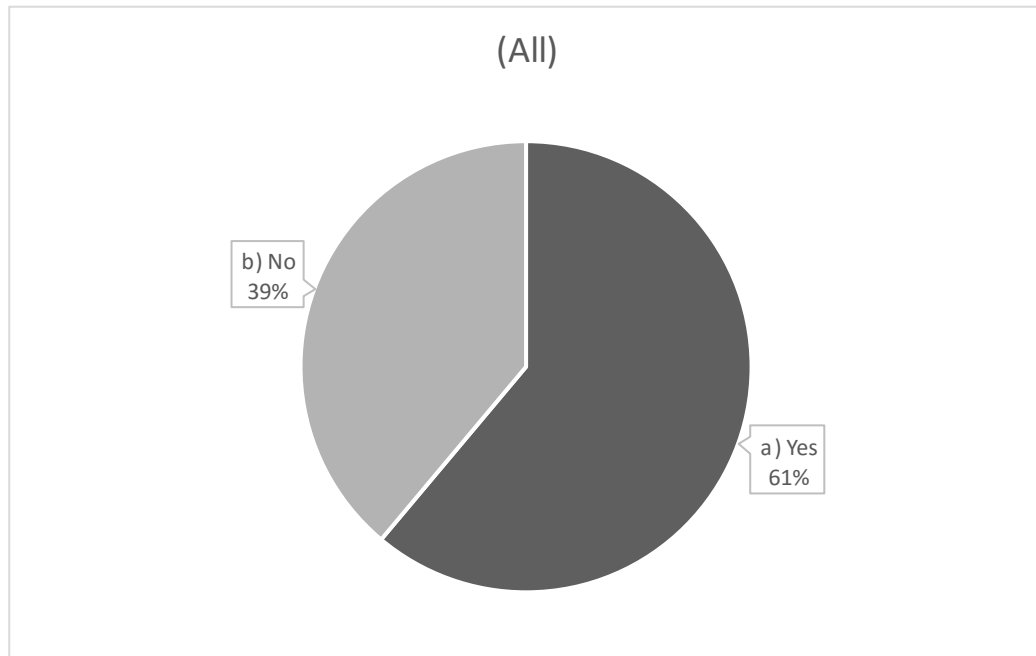
"Policy development."
"Policy debate."
"Posing essential policies that have to be passed by full Council."

"The end."
"Going home."

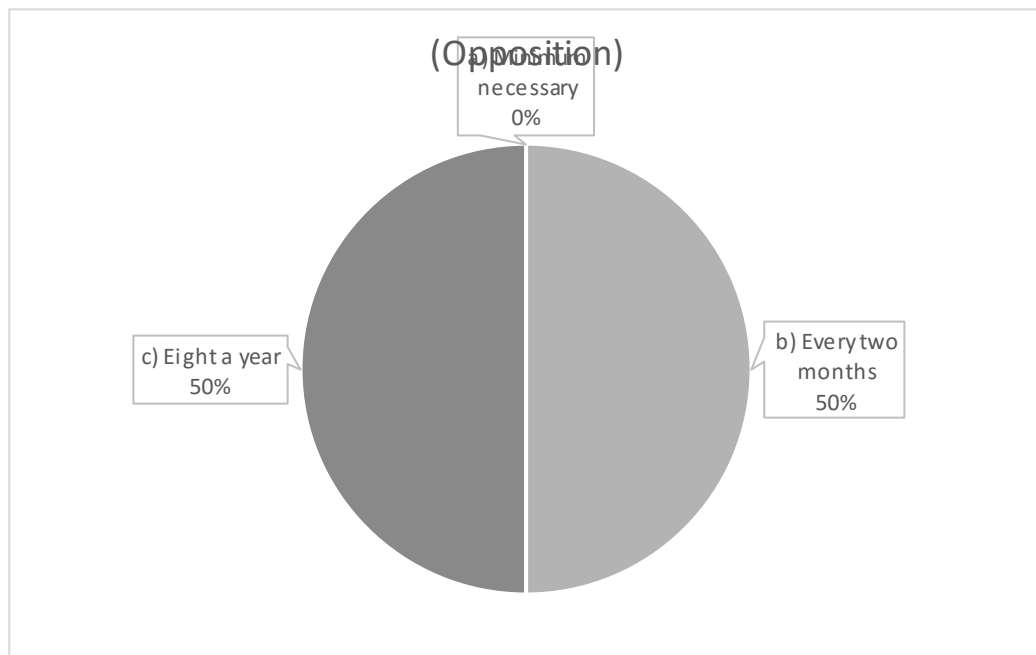
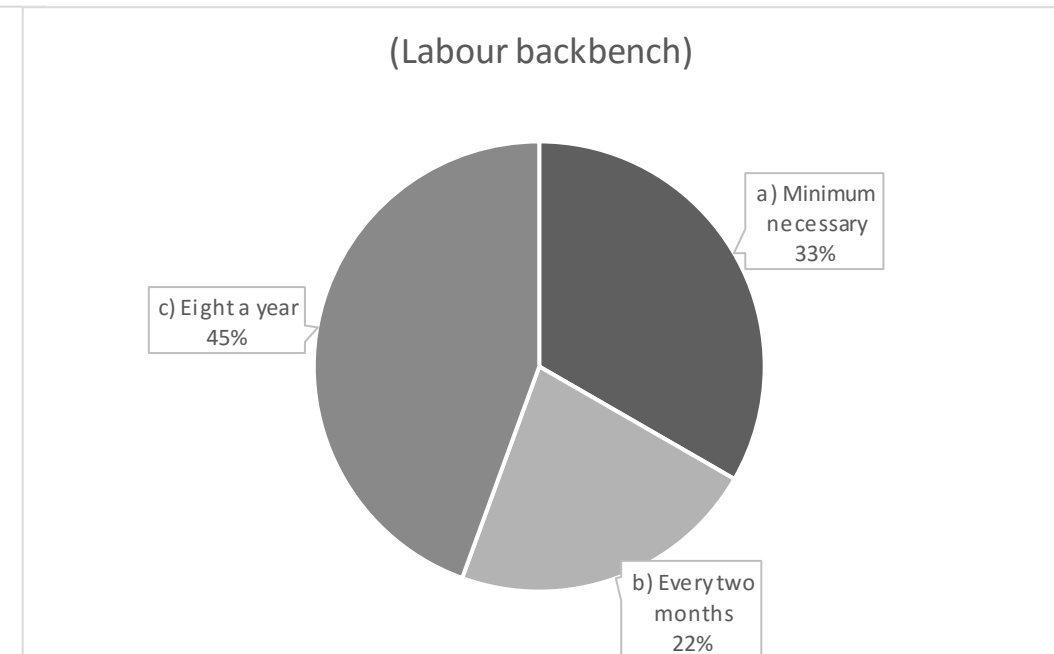
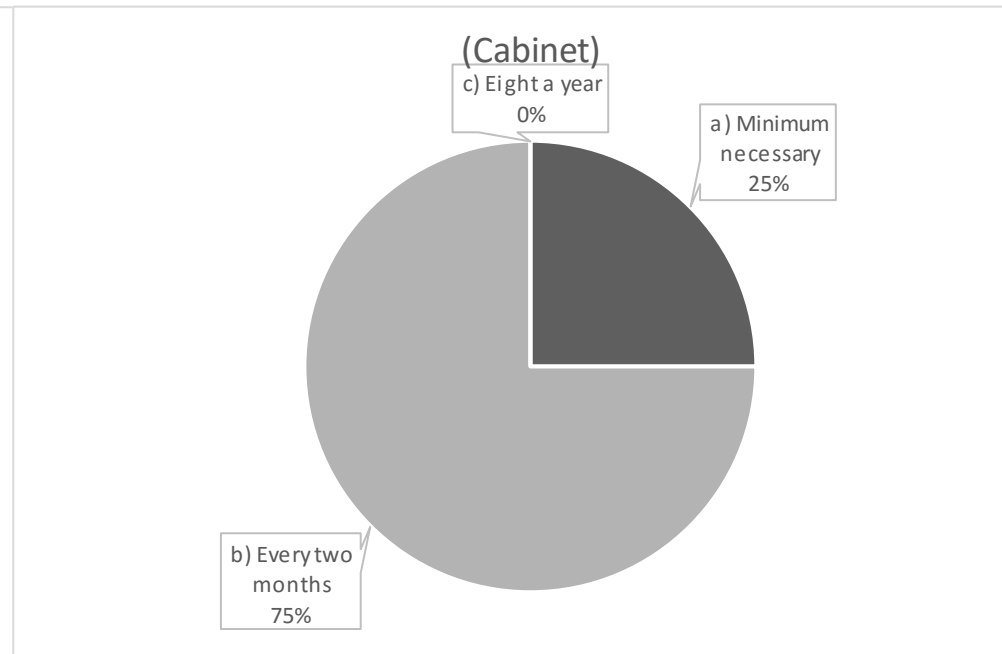
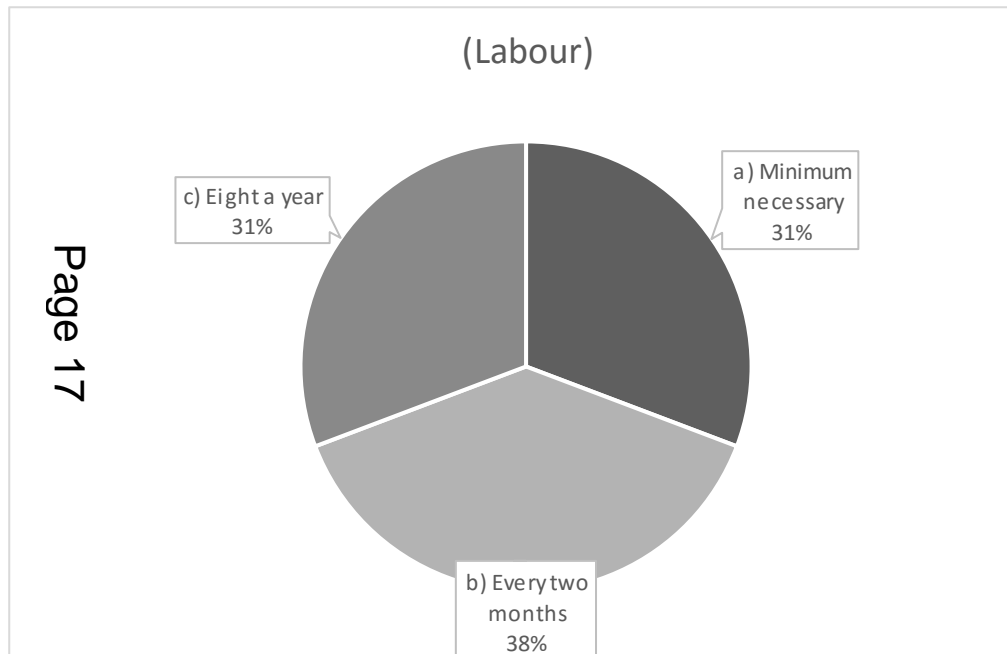
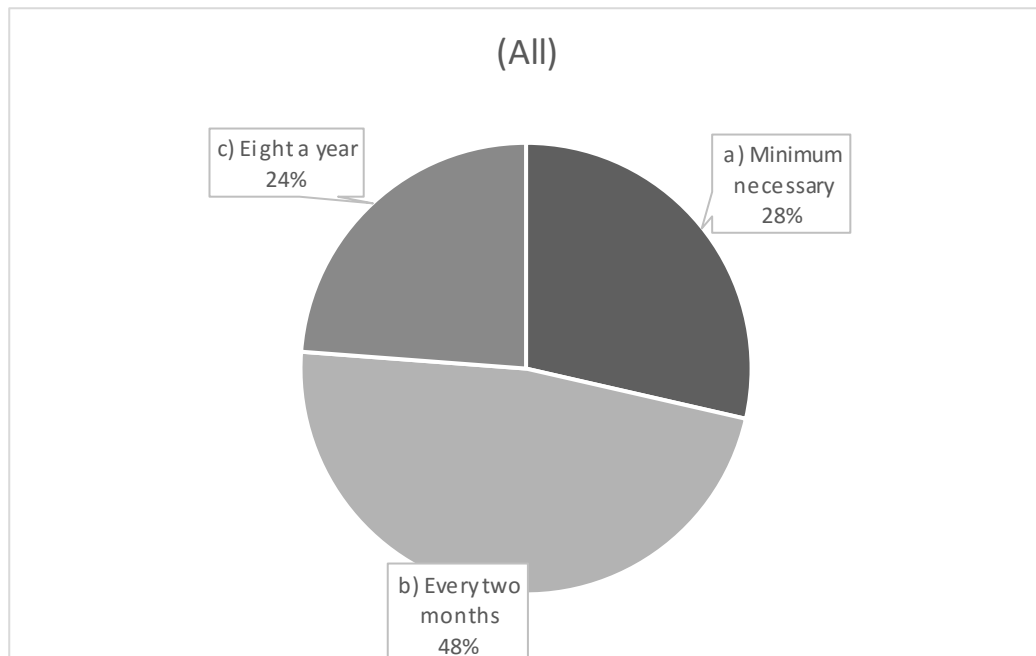
3. Do you think we have too many Council meetings?



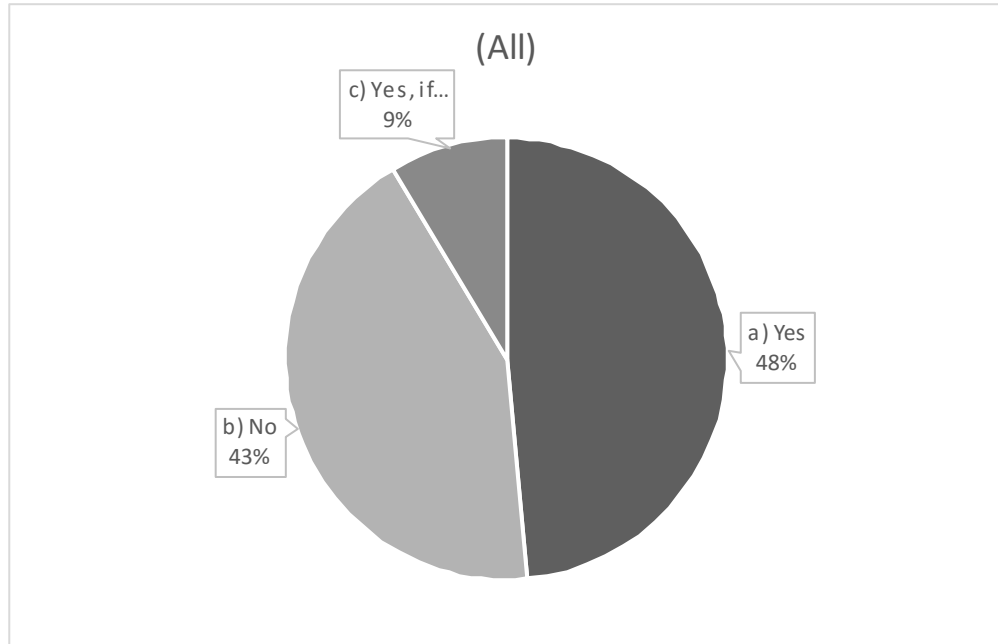
4. Would you agree to fewer full Council meetings?



5. If yes, how many should we have?



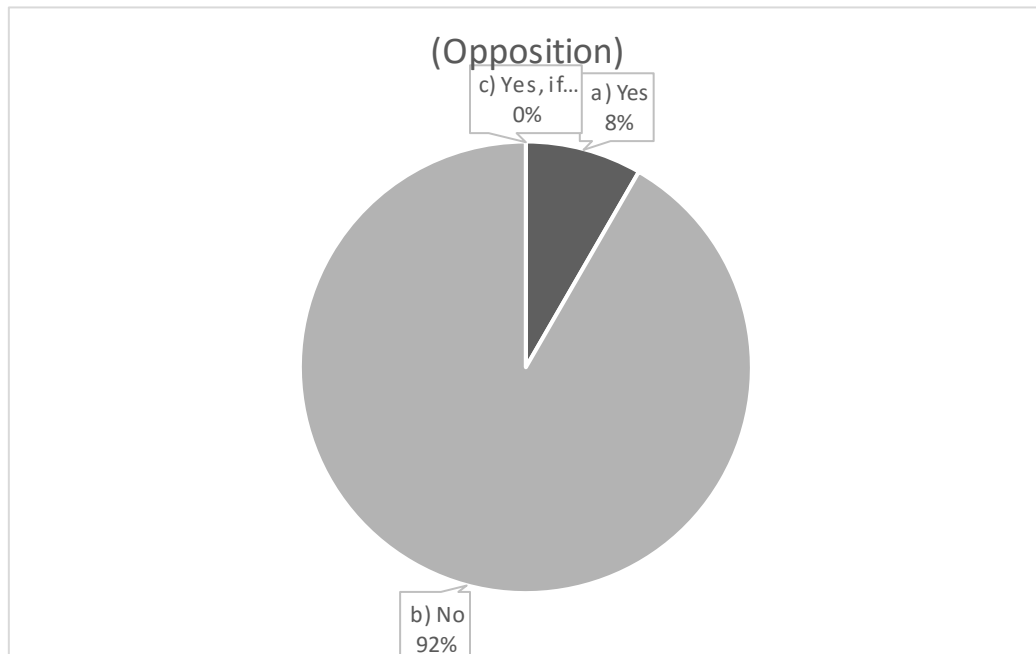
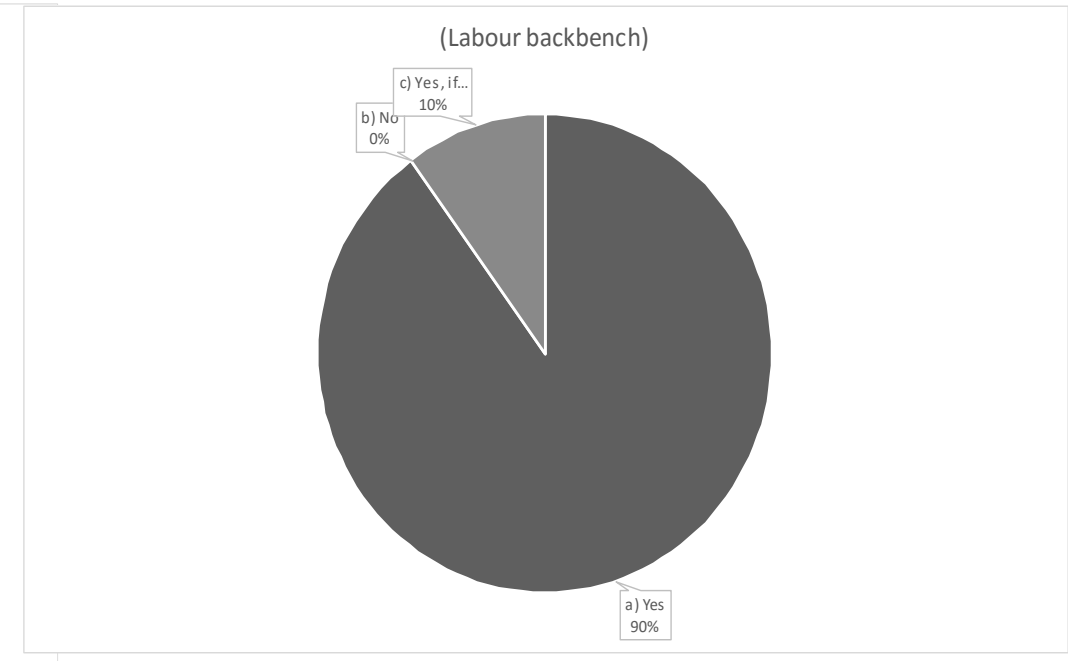
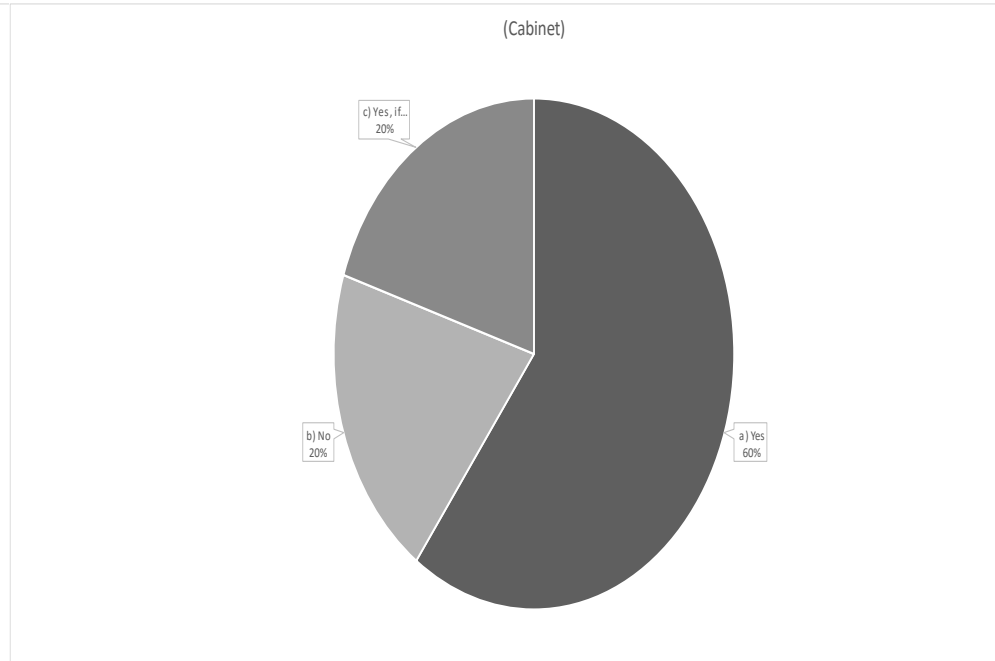
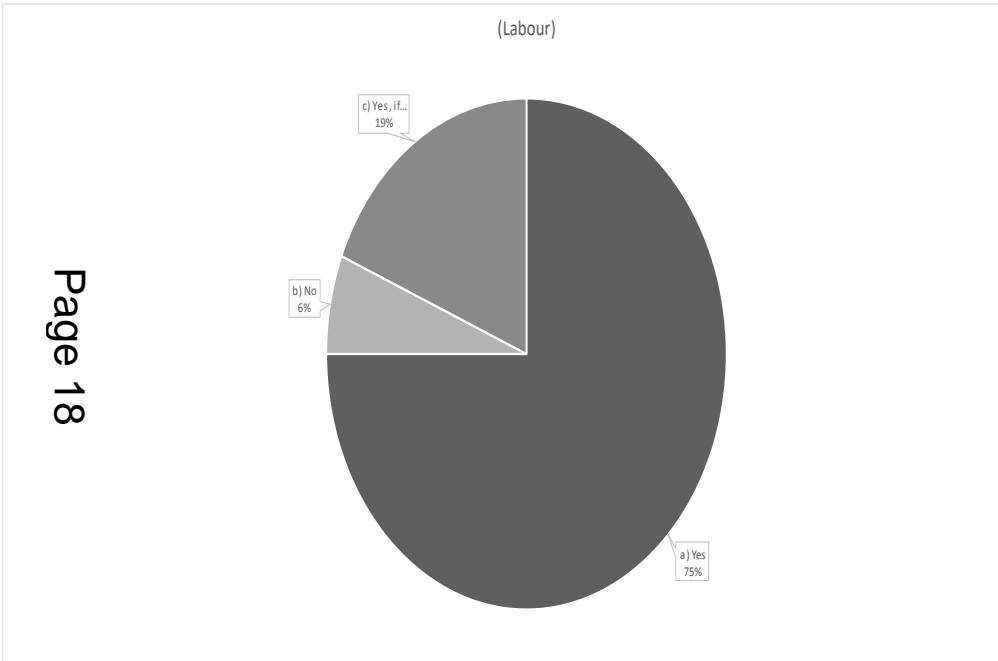
6. Would you support having Member questions dealt with in a different way?



"If properly organised and supported."

"Cabinet Members must not be permitted to hide behind Officers. Need to master their brief."

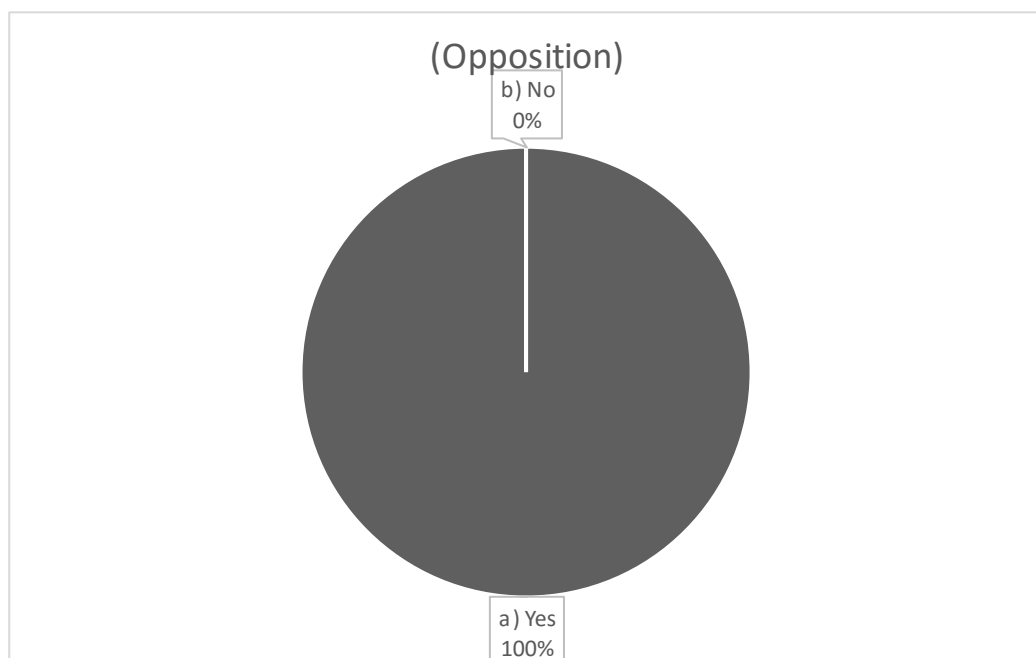
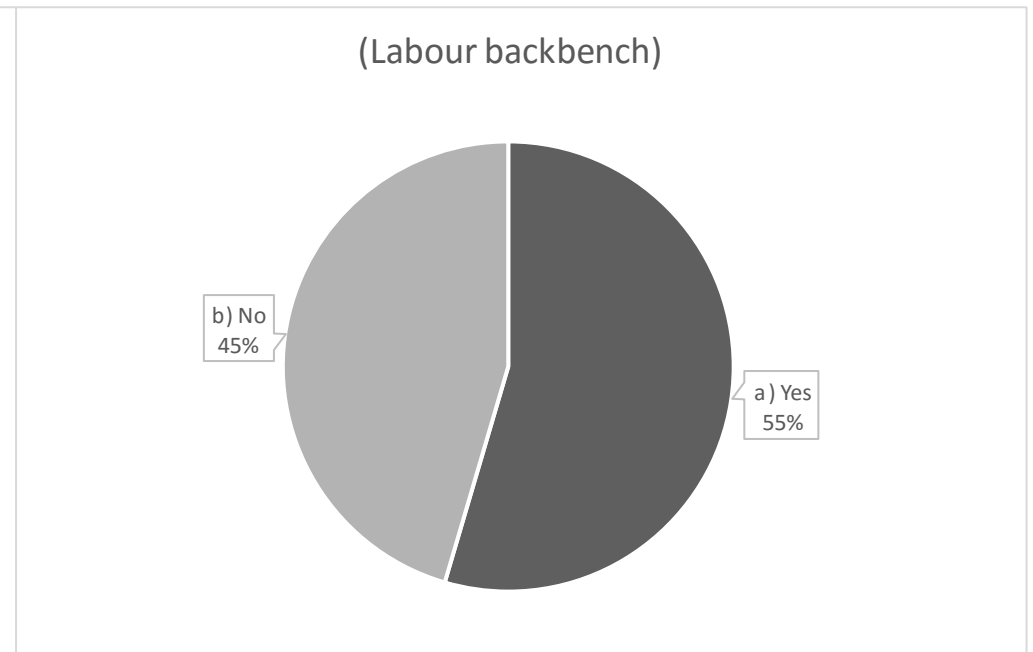
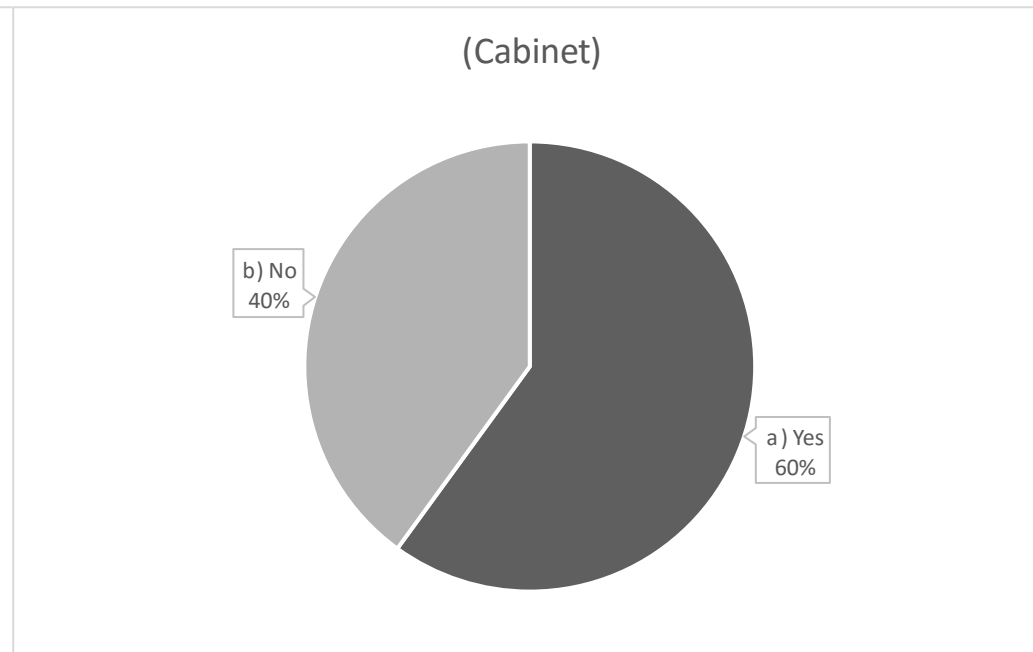
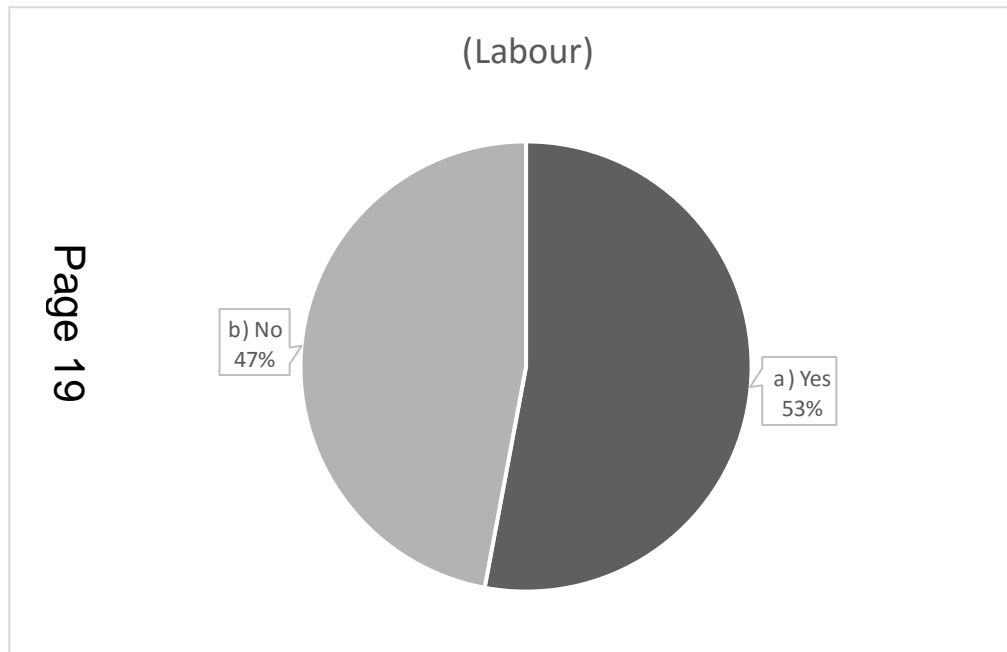
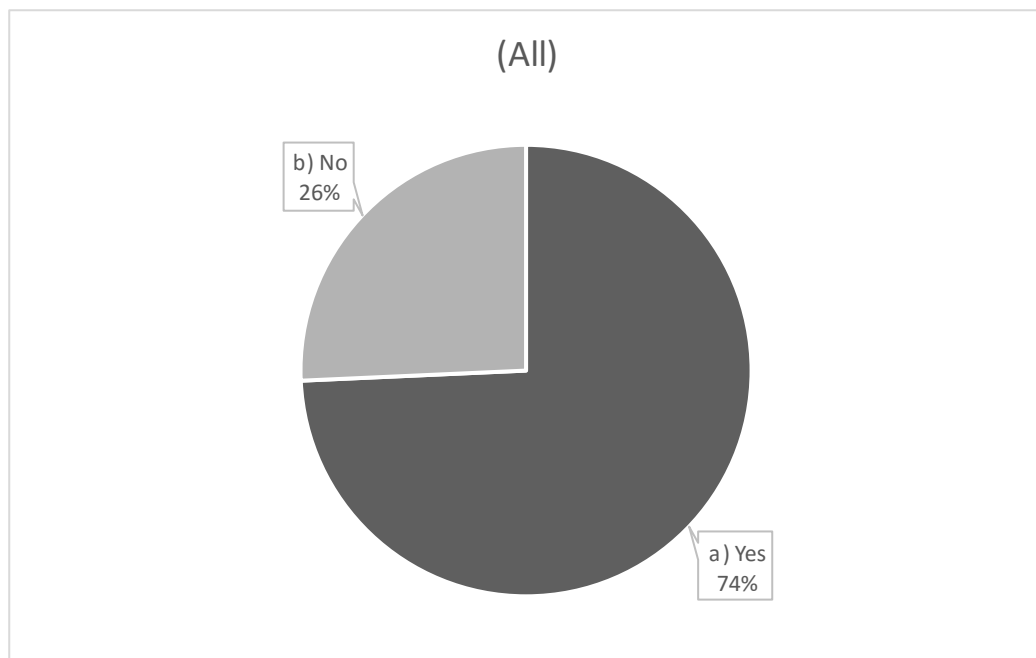
"I think there are more appropriate forums for questions. All meetings need a fresh look. Potentially more, shorter, non-compulsory meetings."



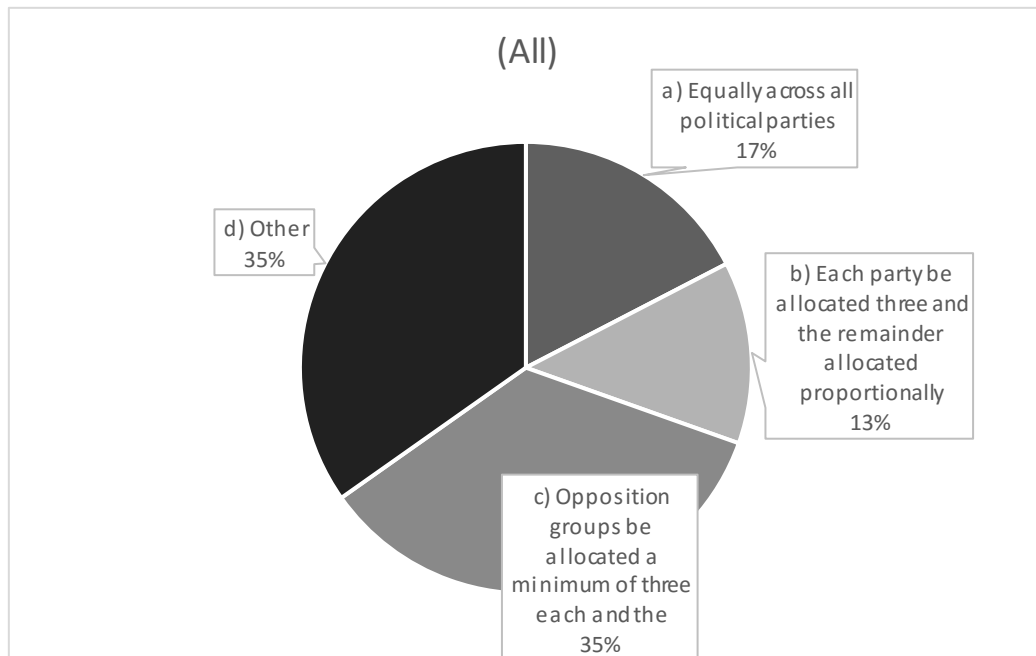
"There needs to be a way for Members to flag up and question general issues that affect their wards in public and less formally."

"They are mostly email-solvable except for emergency questions."

7. Do you think the allocation of motions to party groups should be reviewed?



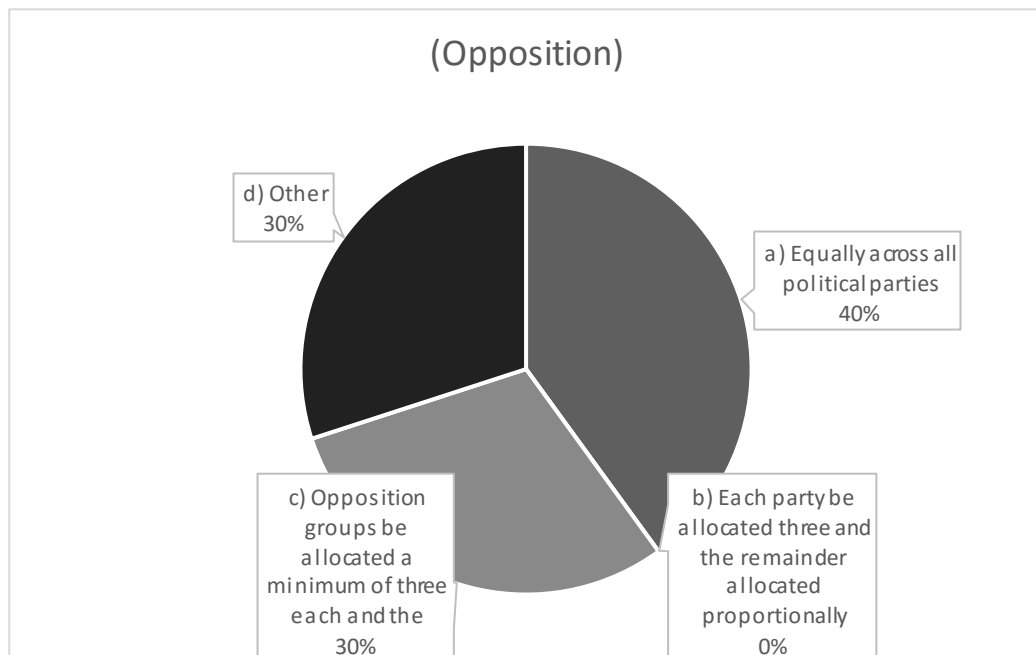
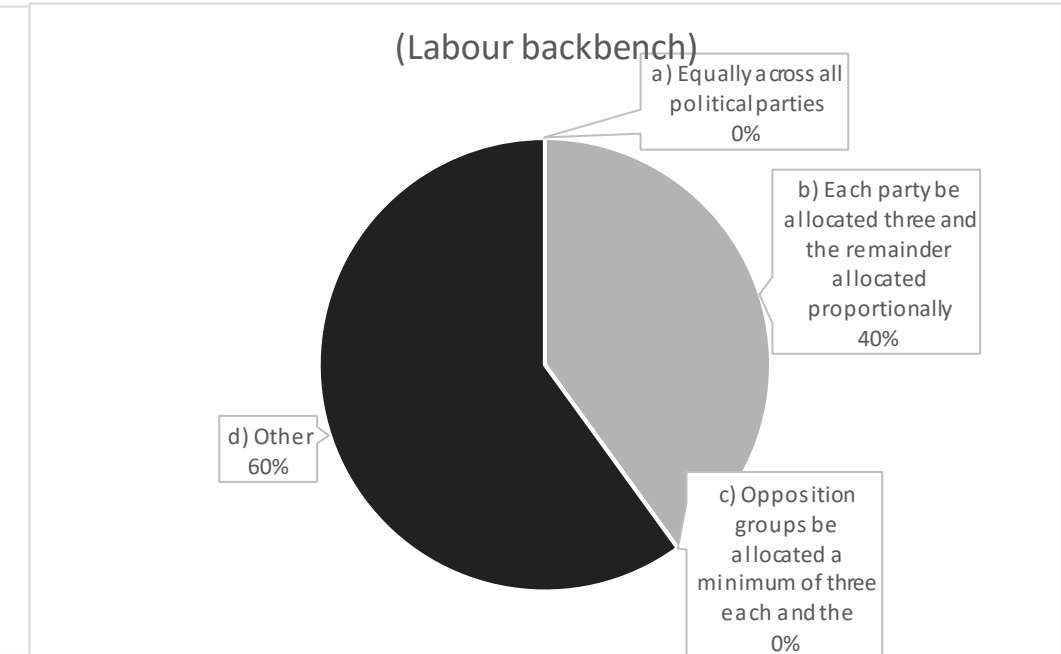
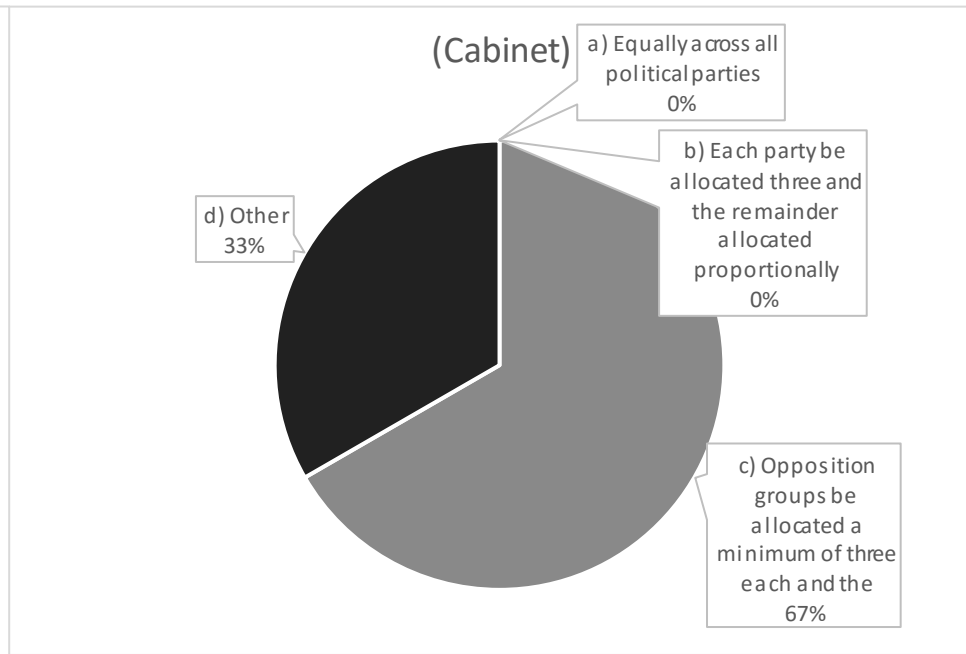
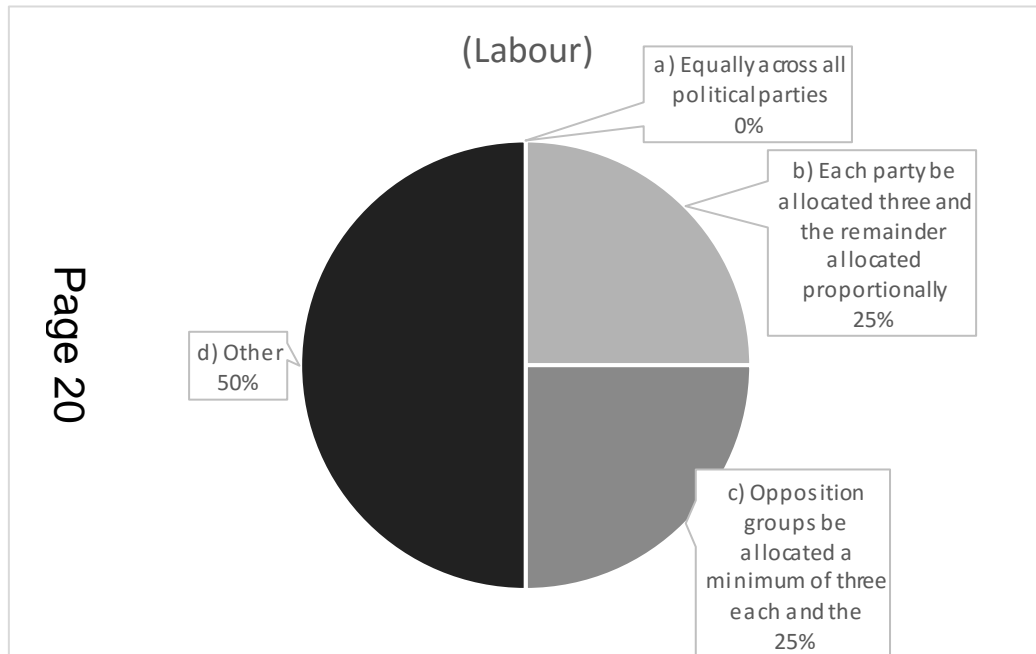
8. If yes, how would you like to see the available motions allocated?



"I think 20 is too many."
"Reduce allocation (20)."

"Not sure at this stage."

"The ruling group does not need nominations and invariably they are trivial. Opposition groups should be allocated up to two nominations."

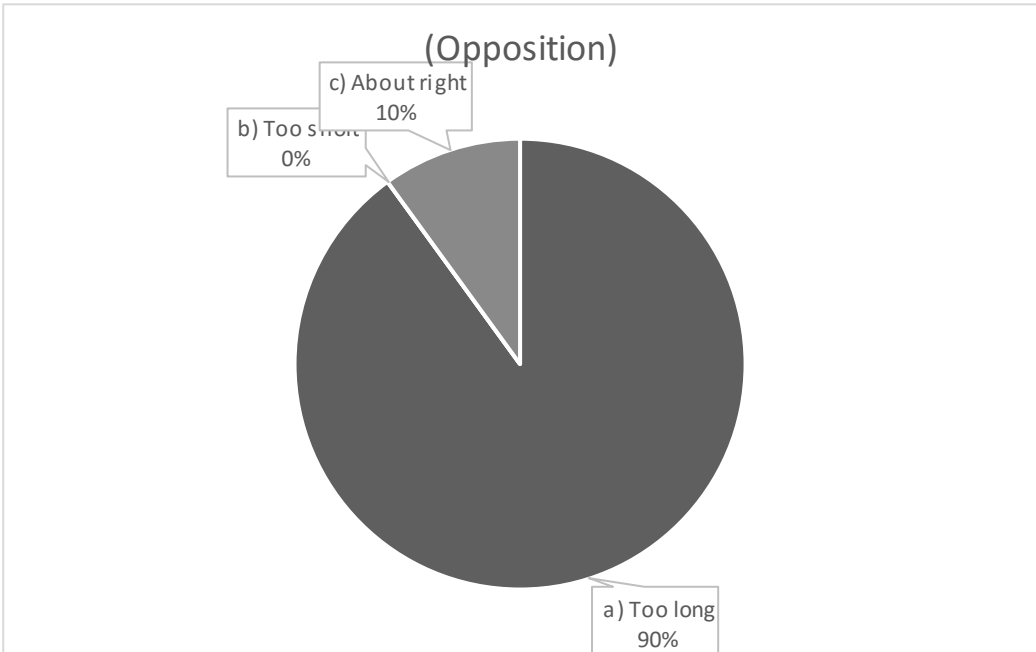
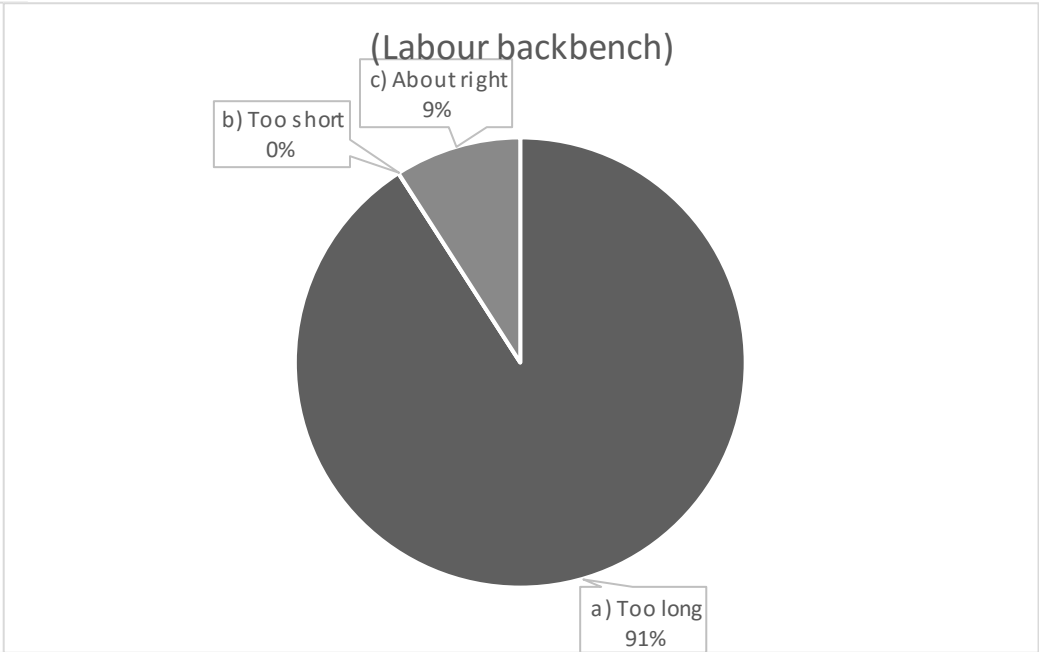
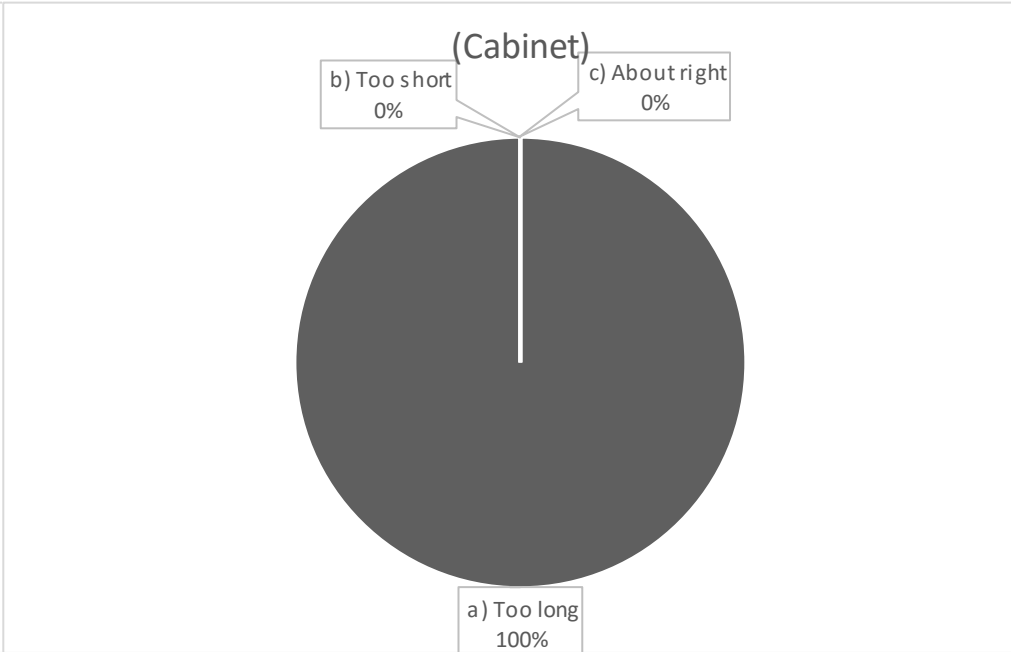
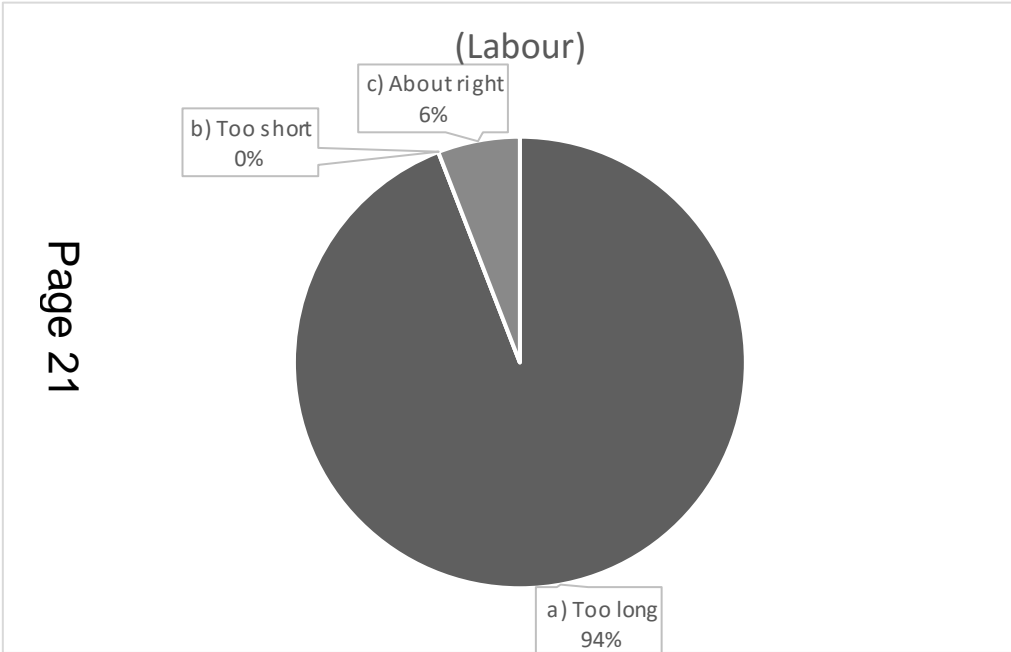
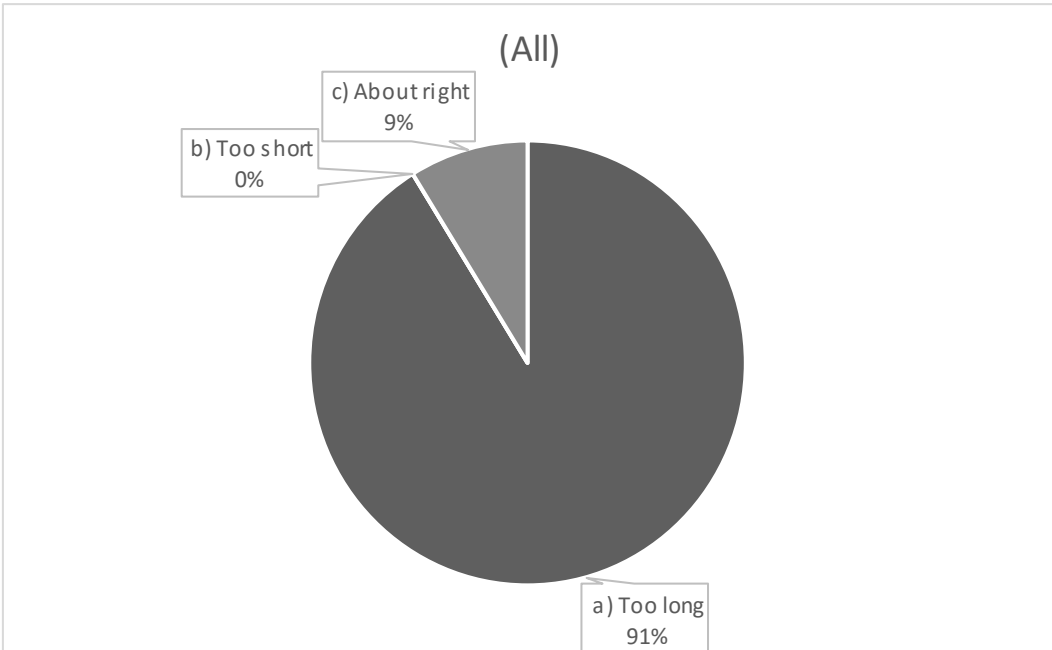


a) Equally across all political parties*
**Including independent members.
"Consideration to include independent members in the proportional allocation."

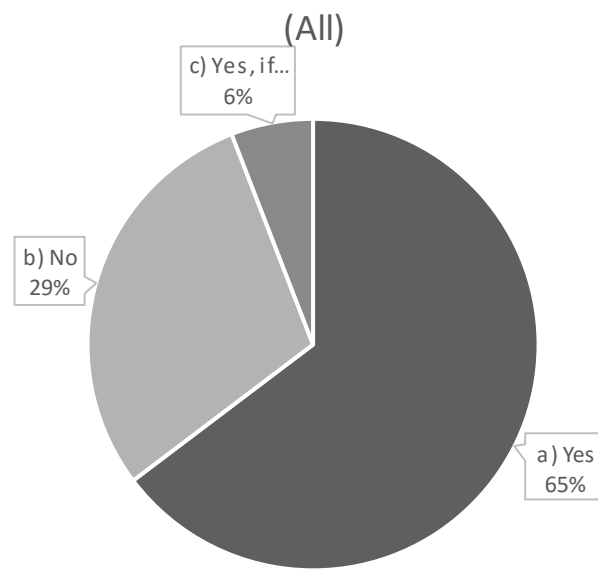
"Balanced by number of members per party."

"Motions only accepted if they are within the purview of the Council."

9. Do you think Council meetings are:

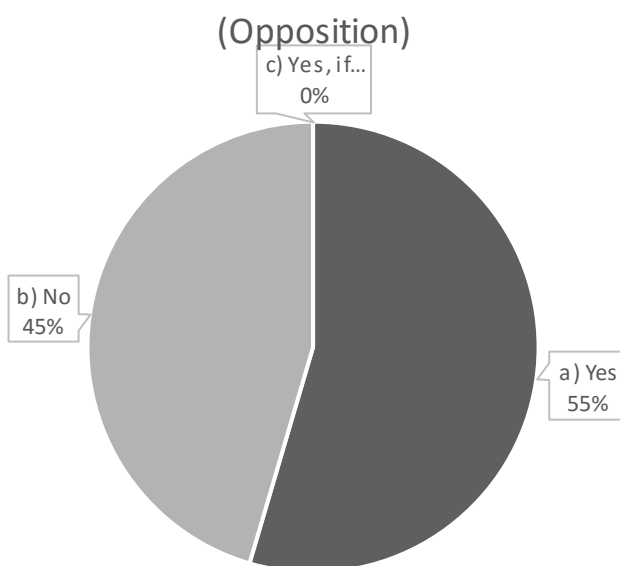
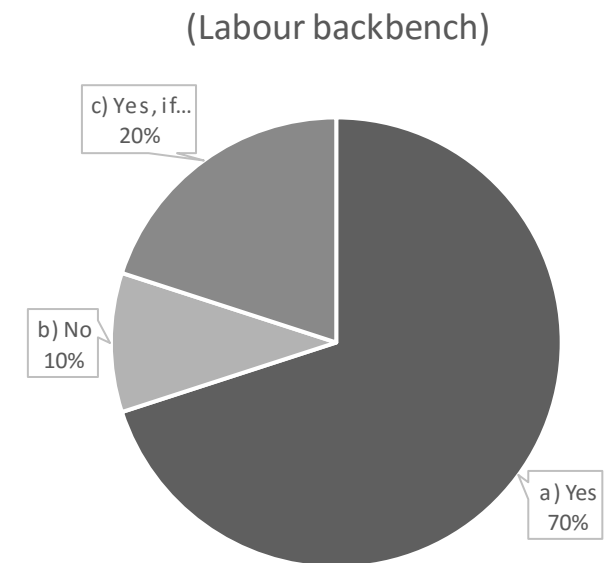
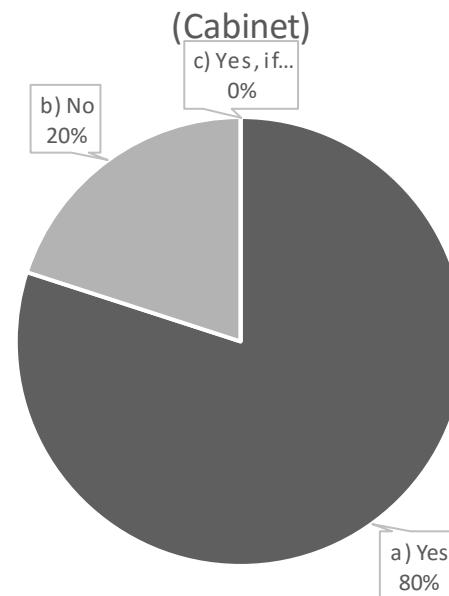
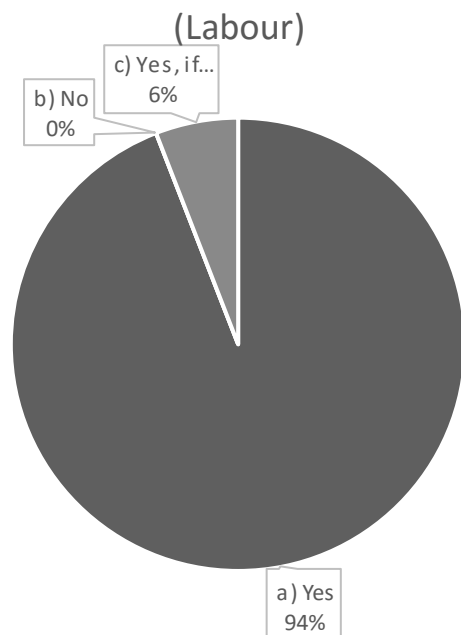


10. Would you support having a time at which the meeting would end and matters remaining be dealt with are put straight to the vote and outstanding questions given written answers?



"Would need cross-party agreement on agenda order. But if we do questions differently we can save time."

"Separate meeting to deal with questions. Perhaps on portfolio group or portfolio-themed basis."



b) No
"Would potentially lead to talking out items/abused."

b) No
"Need better meeting management. Used to manage it."

b) No
"I think different meetings for different purposes would be more appropriate. If items fall = bad time management."