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AGENDA

Pwyllgor PWYLLGOR Y CYFANSODDIAD

Dyddiad ac amser y cyfarfod DYDD IAU, 31 AWST 2017, 5.00 PM

Lleoliad YSTAFELL BWYLLGORA 4 - NEUADD Y SIR

Aelodaeth Cynghorydd Goodway (Cadeirydd)
Cynghorwyr Berman, Burke-Davies, Carter, Keith Jones, Goddard, Jones-Pritchard, Kelloway, McEvoy, McKerlich, Wong a/ac Ebrahim

1 Cadeirydd

I nodi i'r Cyngor yn ei gyfarfod ar 29 Mehefin 2017 ethol y Cynghorydd Goodway fel Cadeirydd y Pwyllgor hwn ar gyfer Blwyddyn Gyngor 2017/18

2 Aelodaeth a Chylch Gorchwyl

Yng Nghyfarfod Blynyddol y Cyngor ar 25 Mai 2017, penodwyd yr aelodaeth a'r Cylch Gorchwyl canlynol i'r Pwyllgor hwn: -

Aelodaeth

Y Cynghorwyr Jennifer Burke-Davies, Rodney Berman, Joe Carter, Saeed Ebrahim, Susan Goddard, Russell Goodway, Keith Jones, Mike Jones-Pritchard, Kathryn Kelloway, Neil McEvoy, Rod McKerlich a Peter Wong.

Cylch Gorchwyl

I adolygu Cyfansoddiad y Cyngor ac i argymhell unrhyw newid i'r Cyngor a/neu'r Cabinet, ac eithrio y bydd gan y Pwyllgor (yn amodol ar gyngor y Swyddog Monitro) yr awdurdod i wneud y newidiadau canlynol ar ran y Cyngor:-

(a) Drafftio gwelliannau i wella eglurder a chael gwared ag anghysonderau.

(b) Diweddarau i adlewyrchu newidiadau deddfwriaethol a materion cofnodi.

(c) Diwygiadau i Reolau Gweithdrefnol Ariannol, Contractau a Thir (yn amodol ar gyrchu cyngor gan y Swyddog S.151).

3 Ymddiheuriadau

Derbyn ymddiheuriadau am absenoldebau.

4 Datgan Buddiannau

I'w gwneud ar ddechrau'r eitem agenda dan sylw, yn unol â Chod Ymddygiad yr Aelodau.

5 Cofnodion (*Tudalennau 1 - 8*)

I nodi cofnodion cyfarfod diwethaf y weinyddiaeth flaenorol, 2 Mawrth 2017.

6 Disgrifiadau Swyddi Aelodau – Pencampwyr Aelodau (*Tudalennau 9 - 66*)

Adroddiad y Cyfarwyddwr Llywodraethiant a Gwasanaethau Cyfreithiol

7 Cyngor 25 Mai 2017: Cyfeiriad Nôl i Reolau Gweithdrefn y Cyngor
(*Tudalennau 67 - 100*)

Adroddiad y Cyfarwyddwr Llywodraethiant a Gwasanaethau Cyfreithiol

8 Amllder Cyfarfodydd a Chynllun Gwaith

Eitem i'w drafod i bennu rhaglennu cyfarfodydd yn y dyfodol.

Davina Fiore

Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol

Dyddiad: Dydd Gwener, 25 Awst 2017

Cyswllt: Andrea Redmond, 02920 872434,

CONSTITUTION COMMITTEE

2 MARCH 2017

Present: County Councillor De'Ath(Chairperson)
County Councillors Bridges, Goodway, Gordon, Hinchey, Knight,
Magill, Patel, Walker and Woodman

14 : APOLOGIES

No apologies for absence were received.

15 : WELCOME AND MEMBERSHIP

The Chair welcomed Councillor Bridges to his first meeting of the Constitution Committee since his appointment to replace Councillor Margaret Jones which was approved at Council on 26 January 2017.

16 : DECLARATIONS OF INTEREST

There were no declarations of interest.

17 : MINUTES

The minutes of the meeting held on 28 November 2016, were agreed as a correct record and signed by the Chairperson.

18 : REVIEW OF THE COUNCIL MEETING PROCEDURE RULES

Members were advised that the purpose of the report was to provide Committee Members with the opportunity to consider proposed changes to the Council Meeting Procedure Rules and make recommendation to Full Council in May 2017.

At its last meeting, in November 2016, the Constitution Committee considered options for changing various aspects of the Council Meeting Procedure Rules, in light of the results from a Members' Survey and discussions with Party Group Leaders and Whips.

Members considered all of the proposed changes as outlined in Appendix 1 to the report.

The Chairperson invited questions and comments from Members on each of the proposed changes as follows:

- Frequency of Meetings: - Members discussed the possibility of removing the July meeting as this falls within the school summer break. Members noted that there may be more business on other months.
- Time Limit on Council Meetings – Members discussed the length of meetings and the setting of an end time limit of 9pm with a scheduled break at 7pm for Full Council. Members agreed that this would support any equalities issues for Members who have caring responsibilities or have worked all day. However it

was agreed that meetings needed to be more structure and rigid timings on items.

- Oral Questions - some Members agreed with the reduction in the number of oral questions but only if coupled with an increased capacity to ask more written questions, including written question at the Budget and Annual Council meetings. The Monitoring Officer explained that that no written questions were allowed at Budget Council because of capacity issues for Cabinet Member and officers in the run up to such an important meeting.

Members felt that for back bench Members, Full Council was the only forum in which to ask Ward specific questions and were reluctant for this to be compromised with the introduction of requirement that questions must be on budget or policy, and must not relate to matters affecting one ward only.

Members discussed reducing the number of oral questions to twenty; some Members considered that if this happened then ward questions should be allowed; some Members underlined the importance of oral questions to back bench Members and that they shouldn't be reduced.

Members also suggested that written questions should be used for ward issues and if not resolved then only then could the matter be asked as an oral question.

Members considered that oral questions should be proportional and that Cabinet Members should be discounted from the calculation.

- Timing for Speakers in a debate - Members discussed the proposed reduction in speaker time from 6 minutes to 4 minutes for proposers of motions and from 3 minutes to 2 minutes to general speakers. The Committee considered that 2 minutes would be very limiting and if implemented then appropriate training should be provided.
- Members discussed the thirty second warning given to wind up by the Lord Mayor and considered that this was very disruptive and interrupted the train of thought; it was considered that there could be an amber/red light system instead whereby the amber light signalled the thirty second warning and when the light changed to red, the microphone would be cut off.
- Members sought clarification on whether the decisions being made were for a new administration and the Monitoring Officer explained that if Committee made recommendations to the March Council these could be implemented from May 2017 and could be built in to Members induction plan; or the Committee could make recommendations to the new Council administration for consideration as part of the Annual Council.
- Some Members considered that any changes should be trialled for one year then reviewed.

Following the last Council meeting the Committee discussed Council Procedure Rule 26 (c) in relation to closure motions. The Monitoring Officer read out the current rule from the Council Procedure Rules. Members considered that the rule needed to be changed to allow the vote on the amendments, as in its current form amendments

fall. It was noted that the current rules gave the discretion to the Chair to decide whether an item had been sufficiently discussed which in itself could be difficult. It was felt that if the proposed change was not accepted that there should be at least a warning about what would happen if a closure motion is moved. The Monitoring Officer stressed the importance of following the rules to avoid decisions being open to challenge.

RESOLVED - That the Committee

- (1) recommend to the next administration the following proposed changes to the Council Procedure Rules: -
 - (i) reduce the number of Council meeting by one by removing the July meeting of Council;
 - (ii) agree to an end time limit of 9.00pm for Council meetings with a 30 minute break and remaining business be put straight to the vote without debate and in the case of Oral questions receive written replies;
 - (iii) agree to reduce the number of oral questions from 30 to 20 and for these to be allocated 2 questions per Group; 1 per Independent Member and the remaining allocated proportionally removing the Cabinet Members from this calculation;
 - (iv) the removal of the second supplementary question from a person other than the questioner;
 - (v) The number of Notice of Motion be reduced to 2 per meeting with the exception of Annual Council and Budget Council and these be distributed on a proportional basis;
 - (vi) Speaker time for proposer of motions and report be reduced to 4 minutes; general speakers remain at 3 minutes;
- (2) note the issues highlighted from the Member Survey set out in paragraph 5 of the report; and
- (3) recommend to Full Council on 23 March 2017 the following change to Council procedure rule 26 (c) to take effect from Annual Council in May 2017: -

26 CLOSURE MOTIONS

- (c) If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will put the closure motion to the vote. *If it is passed the Chair will, if there are any amendments, put the amendments to the vote before giving the mover of the original motion the right of reply prior to putting his motion to the vote.*

19 : MEMBER DEVELOPMENT & TRAINING - CONSTITUTION PROVISIONS

Members were advised that in the Wales Audit Office (WAO) Corporate Assessment Follow On Report issued in February 2016, one of the proposals for improvement was a recommendation that the Council's arrangements for Member development and learning should be strengthened to enable Members to undertake their roles more effectively (WAO Proposal for Improvement P5).

In response to the WAO Follow On Report, the Cabinet (on 21st March 2016) noted that Members of committees discharging a quasi-judicial role in Cardiff, namely, the

Public Protection; Licensing and Planning Committees, are required as a matter of practice to attend training before they can participate in these committees. The Cabinet agreed that the Democratic Services Committee would be asked to review the Council's arrangements, identify essential training requirements for Members and agree a new member development & training programme to commence in May 2017.

Members noted that the Constitution currently makes clear that Members are expected to undertake appropriate training to enable them to carry out their duties. However, there is no specific reference to essential training, even though it is the Council's accepted practice that members of quasi-judicial bodies, must have attended training before they participate in those committees.

The Monitoring Officer stated that Cardiff could go one step further and extend this current practice to other committees such as Pensions Committee and Audit Committee.

The Chairperson invited questions and comments from Members;

- Members noted the legal responsibility for training for quasi-judicial committees and considered that where there are legal responsibilities on other committees such as Corporate Parenting, then training should be mandatory.
- Members discussed general attendance at meetings and training and noted that some Members only attend Full Council and therefore were able to sustain 100% attendance; Members considered that there should be a baseline expectation of the number of committees Members should attend and their attendance set against that; after some discussion Members considered that Members should be expected to sit on at least one committee aside from Full Council.
- With reference to training, Members considered that there should be mandatory training such as Health and Safety, Personal Protection and Corporate Safeguarding as Members are often alone with vulnerable people.
- The Monitoring Officer explained that to make such training mandatory would mean writing it into the constitution; other types of training such as data protection etc., would need to be included in the Cardiff Undertaking. The Monitoring Officer also explained that for Members to have to sit on one committee other than Full Council, should go to group/Whip meetings for consideration.

RESOLVED - That the Committee

- (1) noted the information set out in the report;
- (2) agreed the proposed Constitution amendments to terms of reference of Committee to include essential training for committees with legal responsibilities;
- (3) agreed that Party Groups and Whips be advised that Members need to sit on at least one Committee aside from Full Council;

- (4) instructed the Monitoring Office to draft the proposed amendments to the Constitution for approval by full Council in March.

20 : REVIEW OF SCRUTINY COMMITTEE STRUCTURE

Members were advised that the report would enable them to consider and make recommendations to a future Full Council and the new administration post May 2017, on a preferred model for Scrutiny arrangements (four potential options were appended to the report) that will best equip the Council to provide effective and relevant scrutiny to:

- Meet the needs of the future administration and wider Council Membership;
- Take account of a range of recent, current and planned changes to legislation, policy and service delivery;
- Make best use of Member and officer resources;
- Provide evidence based policy solutions that will support the Council's governance and improvement; and
- Help scrutiny fulfil its critical friend role, championing the interests of the citizen.

Members were further advised that Cardiff's model was similar to that of many other Welsh councils. Several of these have five committees, several have four committees, and several have three. There was an even balance between arrangement by directorate, by portfolio and as a hybrid of the two.

Members noted that the Review had been driven by a number of internal and external factors. Principal among these were:

- Wales Audit Office (WAO)'s February 2016 recommendations that Cardiff:
 - i. Develop an approach to cross-cutting scrutiny (given the increasing nature of collaborative service delivery and governance, and the Wellbeing of Future Generations agenda); and
 - ii. Consider scrutiny's role in addressing the strategic challenges facing the Council at this point in time.
- Changes to the Council's service delivery arrangements such as the City Deal Regional Cabinet, the shared Regulatory Service and other alternative service delivery models.
- Ongoing budget pressures and Member and officer capacity.

With regards to consultation on the Scrutiny Review, Members and senior managers have been engaged throughout the process; Discussions had been held with the Cardiff and Vale University Health Board, Cardiff Third Sector Council, South Wales Fire and Rescue Service, South Wales Police and the Office of the South Wales Police and Crime Commissioner. Initial feedback found that the Third Sector Council would welcome greater involvement in the scrutiny process, and felt that the sector has more to offer in connecting the Council with its citizens. The Office of the South Wales Police and Crime Commissioner has pointed to the value provided by scrutiny in assuring democratic oversight of crime and disorder, and of supporting partnership

activity. Further to this Paul Keeping advised Members that the Office of the South Wales Police and Crime Commissioner considered that the scrutiny of the PSB and Crime and Disorder Committee needed to be properly resourced, they also supported co-option on committees; South Wales Police considered that duplication should be avoided and that joint working should be increased in relation to Crime and Disorder making it more holistic across committees and Council services; the Third Sector supported more Task and Finish Groups as they considered these more productive.

The Chairperson invited questions and comments from Members;

- Members considered that the details of the new arrangements needed to be considered by the new administration, but could see the sense in reducing the number of committees to four.
- Members noted that partnership in the scrutiny process could provide better impact analysis and the outcomes for the citizens of Cardiff could be demonstrated and evidenced.
- Members considered the co-optees and some Members felt that as co-optees are not bound by the Council's code of conduct and as such have no potential sanctions, that they should not have the same influence on scrutiny committees as elected Members. Members also considered that they could be called Invited experts rather than co-optees, and that the Nolan process should be followed and the positions be publically advertised.
- Members discussed Task and Finish Groups and concluded that external witnesses could participate more in these as they saw real value in the work undertaken by Task and Finish groups.
- Members noted the lack of attendance at scrutiny committees and considered there may be a correlation between this and the lack of impact scrutiny committees; Members considered that going forward Scrutiny could be involved earlier in shaping Council Policy.

RESOLVED - That the Committee

1. recommend a preferred 4 Scrutiny Committee Scrutiny model for consideration by Full Council and the new administration post May 2017.
2. agree that during the next Council, scrutiny committees will each have nine elected Members;
3. agree that all non-Executive elected Members will be encouraged to participate in Scrutiny, as committee members and / or as members of task and finish inquiries. The maximum number of Members to sit on a task and finish inquiry should be nine; and
4. ensure that partners and citizens are involved in scrutiny activity by encouraging external participation in formal scrutiny committee meetings and task and finish activity.

The meeting terminated at Time Not Specified

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**CYNGOR CAERDYDD
CARDIFF COUNCIL**



CONSTITUTION COMMITTEE:

31 AUGUST 2017

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

MEMBERS' ROLE DESCRIPTIONS - MEMBER CHAMPIONS

Reason for this Report

1. To enable the Committee to consider incorporating role descriptions into the Constitution for Member Champions, as recommended by the Cabinet; and to consider whether to also incorporate into the Constitution the Council's approved role descriptions for any other Member roles.

Background

2. The Constitution Committee's approved Terms of Reference are:

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).
3. In July 2014, the Council agreed to create a number of Member Champion roles to champion specific issues (Community and Food Growing, Cycling and Sustainable Transport, Diversity and Equality).
 4. In October 2015, the Council considered the Annual Reports produced by its Member Champions and agreed to adopt the generic role description and person specification for Member Champions contained within the Welsh Local Government Association (WLGA) Framework Member Role Descriptions and Person Specifications 2015 (Appendix A).
 5. At its meeting in July 2017, the Cabinet considered the allocation of the various Member Champion roles created by the Council since 2014 and resolved to assimilate a number of roles within the relevant Cabinet Member portfolio responsibilities. Cabinet agreed to allocate any other specific Member Champion roles considered necessary to either executive or non-

executive Members as appropriate, with appointments to be made by full Council.

Issues

6. At its meeting in July 2017, the Cabinet noted the WLGA Member Champion Role Description appended at **Appendix A** (which had been adopted by Council in October 2015) and recommended that Constitution Committee be asked to consider incorporating this within the Constitution in order to clarify the role and responsibilities of Member Champions.
7. The role of a Member Champion is, in addition to other Council responsibilities, to advocate on behalf of the issues they are championing, aiming to ensure these issues are taken into account during Council policy development and decision-making. Such roles are generally used to provide a voice for traditionally under-represented groups, to raise the profile of certain issues and widen member participation in Council business.
8. Any Member Champions appointed by the Council are required to work effectively within political and executive working arrangements agreed by Council. They have no decision-making powers, may not commit the Council to any course of action or agree the deployment of Council resources; and do not attract a Special Responsibility Allowance. Council has agreed that Member Champions in Cardiff should be invited to provide Annual Reports on their work to full Council.
9. Cardiff's Constitution currently makes no reference to Member Champions. In order to clarify the role and responsibilities of Member Champions, this report recommends that a new clause and the approved WLGA role description (Appendix A) be added into the Constitution, Article 2 'Members of the Council', as follows:

'2.6 Member Champions

Member Champions may be appointed by the Council to advocate on behalf of specific issues and fulfil the role description set out in Appendix A. Member Champions will have no decision-making powers and may not commit the Council to any course of action or commit Council resources. They will work within the political management and executive working arrangements agreed by the Council.'
10. The Committee may also wish to consider other Member role descriptions. Members may recall that a role description for Assistants to Cabinet Members has been inserted as an appendix to Article 7.5 of the Constitution (in accordance with the recommendations of this Committee in September 2016).
11. The Council has adopted all the Member role descriptions set out in the WLGA Framework Member Role Descriptions and Person Specifications (adopted in December 2013), which included the following role descriptions:
 - Elected Member

- Leader
 - Cabinet Member
 - Chair of the Council
 - Chair of Democratic Services Committee
 - Member of Democratic Services Committee
 - Chair of a Regulatory Committee
 - Member of a Regulatory Committee
 - Chair of Standards Committee
 - Member of Standards Committee
 - Chair of Audit Committee
 - Member of Audit Committee
 - Chair of an Overview and Scrutiny Committee
 - Member of an Overview and Scrutiny Committee
 - Leader of the Opposition
 - Member Champion
12. The WLGA Framework Member Role Descriptions, updated in 2015, are set out in **Appendix B**. The Committee is invited to consider whether it may be helpful to include any of the other role descriptions (in addition to Member Champions) into the Constitution in order to clarify and confirm roles, and if so, to instruct the Monitoring Officer accordingly.

Legal Implications

13. Other relevant legal provisions are set out in the body of the report.

Financial Implications

14. There are no direct financial implications arising from the recommendations of the report.

Recommendations

The Committee is recommended to:

1. consider and agree the incorporation of the Member Champions Role Description set out at **Appendix A** into the Constitution;
2. instruct the Monitoring Officer to amend the Constitution as set out in paragraph 9 of this report, subject to approval by full Council; and
3. consider whether it may be beneficial to incorporate into the Constitution any other Member Role Descriptions set out in **Appendix B**, and instruct the Monitoring Officer to make the necessary amendments, subject to approval by full Council.

Davina Fiore
Director of Governance and Legal Services and Monitoring Officer
17th August 2017

Appendices

Appendix A Member Champions Role Description
Appendix B Framework Member Role Descriptions and Person Specifications 2015
(WLGA) <http://wlga.wales/member-role-descriptions>

Background papers

Council report 'Wales Charter for Member Support and Development', 19 December 2013
Council report 'Member Champions', July 2014
Council report 'Member Champions and Annual Reports', 13 October 2015
Constitution Committee report 'Assistants to Cabinet Members', 21 September 2016
Cabinet report 'Appointment of Assistants to Cabinet Members and Member Champions', 6 July 2017

Member Champion Role Description

1. Accountabilities

To Full Council

2. Role Purpose and Activities

Within the Council

- To promote the interest being championed within the Council's corporate and service priorities
- To promote the needs of the client group represented in the interest to the decision makers within the council
- To work with the decision makers in the Council to establish strategies/policies/work plans connected with the interest
- To maintain an awareness of all matters connected with the interest
- To contribute to good practice and the continuous improvement of services and functions related to the interest
- To engage with members in matters related to the interest such as attending Overview and Scrutiny/Cabinet /Full Council meetings etc.
- Raising awareness of and taking a lead role in the development of all members and officers in relation to the interest

In the Community

- To raise the profile of the interest in the community
- To engage with citizens and community groups in matters related to the interest
- To lead and support local initiatives related to the interest

3. Values

- To be committed to the values of the Council and the following values in public office:
- - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect
 - Equality and fairness
 - Appreciation of cultural difference
 - Sustainability
 - Inclusive leadership

Member Champion Person Specification

Within the Council

- Understanding of the area of interest being championed in terms of council strategies and policy, good practice, improvement and national agendas and the needs of the client group
- Ability to engage with a range of members and officers around the area of interest and listening to requirements
- Ability to advocate on behalf of the area of interest within the council

In the Community

- Understanding of the needs of the community in relation to the interest
- Ability to engage with citizens and community groups in matters related to the interest.
- Ability to lead and support local initiatives related to the interest.
- Ability to represent the position of the council to the community in relation to the interest.



Framework Member Role Descriptions and Person Specifications

2015

Background

This is a set of generic role descriptions and person specifications for elected members. They are applicable in any authority and are made available as suggestions rather than prescription.

The role descriptions set out the responsibilities and functions of the role of the elected member. The person specifications describe the qualities and skills required of the member in the role and can help when considering personal development.

Where members undertake more than one role it is anticipated that role descriptions would be combined. For example: Overview and Scrutiny committee chairs would be expected to undertake the role of

Elected member
Overview and Scrutiny Member
Overview and Scrutiny Chair

The set covers the following roles:

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▪ Cabinet Member	9
▪ Chair of the Council	11
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▪ Member of DS Committee	15
▪ Chair of a Regulatory Committee	17
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▪ Chair of Standards Committee	19
▪ Member of Standards Committee	21
▪ Chair of Audit Committee	23
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This document has been produced collaboratively by the Association, members, officers from the Member Support Officer Network and a task and finish group drawn from the Network. We are grateful to the officers and members of Denbighshire as forerunners in this work, and to the Scrutiny Champions Network for updates in the Overview and Scrutiny Roles.

Suggested amendments and additions are invited from authorities to enable us to continue to develop the set.

Please contact Sarah Titcombe, Policy and Improvement Officer (Democratic Services) WLGA. Tel 029 2046 8638 or e mail sarah.titcombe@wlga.gov.uk

Elected Member Role Description

1 Accountabilities

- To Full Council
- To the electorate of their ward

2 Role Purpose and Activity

- **Representing and supporting communities**
 - To represent ward interests
 - To be an advocate for the Council in the ward and communities they serve
 - To be a channel of communication to the community on council strategies, policies, services and procedures
 - To represent individual constituents and local organisations, undertaking casework on their behalf and serving all fairly and equally
 - To liaise with executive members, other council members, council officers and partner organisations to ensure that the needs of the local communities are identified, understood and supported
 - To be vigilant and do everything possible to protect adults and children at risk from abuse
 - To promote tolerance and cohesion in local communities
- **Making decisions and overseeing council performance**
 - To participate in Full Council meetings, reaching and making informed and balanced decisions, and overseeing performance
 - To participate in informed and balanced decision making on committees and panels to which they might be appointed
 - To adhere to the principles of democracy and collective responsibility in decision making
 - To take corporate responsibility for the protection of vulnerable children and adults
 - To promote and ensure efficiency and effectiveness in the provision of council and other public services
- **Representing the Council (subject to appointment)**
 - To represent the Council on local outside bodies as an appointee of the Council
 - To represent the Council on local partnership bodies, promoting common interest and co-operation for mutual gain
 - To represent and be an advocate for the Council on national bodies and at national events
- **Internal governance, ethical standards and relationships**
 - To promote and support good governance of the Council and its affairs
 - To provide community leadership and promote active citizenship

- To promote and support open and transparent government
 - To support, and adhere to respectful, appropriate and effective relationships with employees of the Council
 - To adhere to the Member's Code of Conduct, the Member/Officer Protocol and the highest standards of behaviour in public office
- **Personal and role development**
- To participate in opportunities for development provided for members by the authority

3 Values

- To be committed to the values of the Council and the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect
 - Equality and fairness
 - Appreciation of cultural difference
 - Sustainability

Leader (and Deputy) Role Description

1 Accountabilities

- To Full Council
- The Public

2 Role Purpose and Activity

- **Providing political leadership to the Council**
 - To be a political figurehead for the Council; to be the principal political spokesperson for the Council.
 - To provide leadership in building a political consensus around council policies
 - To form a vision for the Council and community
 - To provide strong, clear leadership in the co-ordination of policies, strategies and service delivery
- **Appointing the Cabinet***
 - To designate the appropriate portfolios
 - To appoint appropriate elected members to each portfolio
 - To allocate cabinet members to roles with regard to their abilities.
 - To designate the Deputy Leader.
- **Representing and acting as ambassador for the Authority**
 - To represent the Authority to a high standard. Provide a strong, competent and eloquent figure to represent the Authority both within the County and at external bodies.
 - To represent the Authority on the WLGA coordinating committee and the WLGA regional partnership board.
 - To provide leadership and support local partnerships and organisations.
 - To represent the Authority in regional and national bodies as appropriate.
- **Providing leadership within the portfolio**
 - To fulfil the role of a portfolio holder, having regard to the role purpose and activities, and role specification of an executive member
- **Managing and leading the work of the Cabinet and chairing meetings**
 - To ensure the effective running of the Cabinet by managing the forward work programme and ensuring its continuing development.
 - To ensure the work of the Cabinet meets national policy objectives.
 - To advise and mentor other cabinet members in their work.
 - To chair meetings of the Cabinet in line with the Constitution.
 - In the Leader's absence the Deputy Leader should fulfil this role.

- **Participating in the collective decision making of the Cabinet**
 - To work closely with other cabinet members to ensure the development of effective council policies and the budgetary framework for the Council, and the delivery of high quality services to local people.
 - To accept collective responsibility and support decisions made by the Cabinet once they have been made.

- **Working with officers to lead the organisation**
 - To liaise with the Chief Executive, and other appropriate officers, on a regular basis
 - To work with employees of the Council in relation to the strategic vision and direction of the Council, the management roles of officers and the development of policy issues.

- **Leading partnerships and community leadership**
 - To give leadership to local strategic partnerships and local partners in the pursuit of common aims and priorities
 - To negotiate and broker in cases of differing priorities and disagreement
 - To act as a leader of the local community by showing vision and foresight

- **Internal governance, ethical standards and relationships**
 - To promote and support good governance of the Council and its affairs
 - To provide community leadership and promote active citizenship
 - To promote and support open and transparent government
 - To support, and adhere to respectful, appropriate and effective relationships with employees of the Council
 - To adhere to the Member's Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office

3 Values

- To be committed to and demonstrate the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect
 - Equality and fairness
 - Appreciation of cultural difference
 - Sustainability
 - Inclusive leadership
 - Consensus building

Deputy Leader

- **To fulfil the duties of the Leader in his or her absence**
- **To assist the Leader in specific duties as required**

* Under constitutional arrangements for a cabinet model, either the Full Council or the Leader may appoint the Cabinet. In Wales it is common practice for the Leader to appoint the Cabinet under this model. This Role Description has been written accordingly, noting that councils may vary this arrangement. In the case of Fourth Option Authorities, the Board should be selected according to the political balance of the Authority.

Cabinet Member Role Description

1 Accountabilities

- To the Leader
- To the Cabinet (through collective responsibility)
- To Full Council

2 Role Purpose and Activities

- **Providing portfolio leadership**
 - To give political direction to officers working within the portfolio
 - To gain the respect of officers within the portfolio; provide support to officers in the implementation of portfolio programmes
 - To provide leadership in the portfolio
 - To liaise with the appropriate scrutiny chair and receive scrutiny reports as required
 - To be accountable for choices and performance in the portfolio
 - To have an overview of the performance management, efficiency and effectiveness of the portfolio
 - To make executive decisions within the Portfolio*
- **Contributing to the setting of the strategic agenda and work programme for the portfolio**
 - To work with officers to formulate policy documents both strategic and statutory. Ensure that the political will of the majority is carried to and through the Cabinet.
 - To provide assistance in working up and carrying through a strategic work programme both political and statutory. Carry out consultations with stakeholders as required. Make sure that the portfolio's forward work programme is kept up to date and accurate.
- **Providing representation for the portfolio**
 - To provide a strong, competent and persuasive figure to represent the portfolio. Be a figurehead in meetings with stakeholders.
- **Reporting and accounting**
 - To report as appropriate to the Leader, Full Council, Cabinet, appropriate chair of scrutiny, regulatory bodies and the media.
 - To be the principal political spokesperson for the portfolio.
 - To appear before scrutiny committees in respect of matters within the portfolio.

- **Taking an active part in cabinet meetings and decision making**
 - To show an interest in and support for the portfolios of others
 - To recognise and contribute to issues which cut across portfolios or are issues of collective responsibility
- **Leading partnerships and community leadership**
 - To give leadership to local strategic partnerships and local partners in the pursuit of common aims and priorities
 - To negotiate and broker in cases of differing priorities and disagreement
 - To act as a leader of the local community by showing vision and foresight
- **Internal governance, ethical standards and relationships**
 - To promote and support good governance of the Council and its affairs
 - To provide community leadership and promote active citizenship
 - To promote and support open and transparent government
 - To support, and adhere to respectful, appropriate and effective relationships with employees of the Council
 - To adhere to the Members' Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office

3 Values

- To be committed to the values of the Council and the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect
 - Equality and fairness
 - Appreciation of cultural difference
 - Sustainability
 - Inclusive leadership

* This only applies under constitutional arrangements where individual cabinet members or combinations of cabinet members are given individual responsibility for making decisions on behalf of the Executive.

Chair of the Council Role Description **Also suitable for Mayor* and Presiding Officer**

1. Accountabilities

- Full Council

2. Role Purpose and Activity

- **Acting as a symbol of the Council's democratic authority**
 - As the ceremonial head of the Council, to be non-political and uphold the democratic values of the Council
 - To represent the Council at civic and ceremonial functions
- **Chairing Council meetings**
 - To preside over meetings of the Council, so that its business can be carried out efficiently
 - To ensure the Council conducts its meetings in line with the Council's Standing Orders
- **Upholding and promoting the Council's Constitution**
 - To ensure the Constitution is adhered to and, if necessary, to rule on the interpretation of the Constitution
- **Internal governance, ethical standards and relationships**
 - To promote and support good governance of the Council and its affairs
 - To provide community leadership and promote active citizenship
 - To promote and support open and transparent government
 - To support, and adhere to respectful, appropriate and effective relationships with employees of the Council
 - To adhere to the Members' Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office
- **Work programming**
 - To prepare and manage an annual work programme for the Council to meet its legal obligations (e.g. setting the budget and the Council Tax and making appointments)

3. Values

- To be committed to the values of the Council and the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect
 - Equality and fairness
 - Appreciation of cultural difference
 - Sustainability

Vice Chair

- **To fulfil the duties of the Chair in his or her absence**
- **To assist the Chair in specific duties as required**

* This Role Description describes the duties of the Chair or Presiding Officer of the Full Council or the Mayor in presiding over Council Meetings. It does not provide the detail of the wider ambassadorial or ceremonial responsibilities required of the Mayor.

Chair of Democratic Services Committee Role Description

1 Accountabilities

- To Full Council

2 Role Purpose and Activity

▪ Providing leadership and direction

- To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making

- To lead the committee in its role in:

- Designating the head of Democratic Services
- Keeping under review the provision of staff, accommodation and other resources made available to the Head of Democratic services, ensuring that these are adequate
- Make annual reports to the full council in relation to the above
- Appointing sub committees and chairs of subcommittees to undertake functions delegated by the committee
- Considering reports prepared by the Head of Democratic Services
- Developing the Authority's member support and development strategy
- Ensuring that members have access to a reasonable level of training and development as described in the Authority's member development strategy and the Wales Charter for Member Support and Development
- Ensuring that the budget for member development is sufficient
- Ensuring that members have access to personal development planning and annual personal development reviews
- Work with the member support and development champion where relevant to promote the role of members and necessary support and development.

- To demonstrate integrity and impartiality in decision making which accord with legal, constitutional and policy requirements

▪ Promoting the role of the Democratic Services Committee

- To act as an ambassador for the DS committee, facilitating understanding of the role
- To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly
- To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings.

- **Internal governance, ethical standards and relationships**

- To develop the standing and integrity of the committee and its decision making
- To understand the respective roles of members, officers and external parties operating within the Democratic services committee's area of responsibility
- To promote and support good governance by the Council.

3 Values

- To be committed to the values of the council and the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect
 - Equality and fairness
 - Appreciation of cultural differences
 - Sustainability

Member of a Democratic Services Committee Role Description

1 Accountabilities

- To Full Council
- To the Chair of the Democratic Services committee

2 Role purpose and activity

- **Understanding the nature of the audit committee:**
 - To be aware of and effectively undertake the role of the committee in:
 - Designating the head of Democratic Services
 - Keeping under review the provision of staff, accommodation and other resources made available to the Head of Democratic services, ensuring that these are adequate
 - Make annual reports to the full council in relation to the above
 - Appointing sub committees and chairs of subcommittees to undertake functions delegated by the committee
 - Considering reports prepared by the Head of Democratic Services
 - Developing the Authority's member support and development strategy
 - Ensuring that members have access to a reasonable level of training and development as described in the member development strategy and the Wales Charter for Member Support and Development
 - Ensuring that the budget for member development is sufficient
 - Ensuring that members have access to personal development planning and annual personal development reviews
 - To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee.
 - To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the committee

- **Participating in meetings and making decisions**
 - To participate effectively in meetings of the Democratic services committee,
 - To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements

- **Internal governance, ethical standards and relationships**
 - To ensure the integrity of the committee's decision making and of his/her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements
 - To promote and support good governance by the Council
 - To understand the respective roles of members, officers and external parties operating within the Democratic Services committee's area of responsibility

3 Values

- To be committed to the values of the Council and the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect
 - Equality and fairness
 - Appreciation of cultural difference
 - Sustainability

Chair of a Regulatory Committee Role Description

1 Accountabilities

- To Full Council
- To the members of the regulatory committee

2 Role Purpose and Activity

- **Providing leadership and direction**
 - To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
 - To ensure that applicants and other interested parties are satisfied as to the transparency of the regulatory process
 - To demonstrate integrity and impartiality in decision making which accord with legal, constitutional and policy requirements
 - To delegate actions to sub committees as appropriate
- **Promoting the role of the regulatory committee and quasi-judicial decision making**
 - To act as an ambassador for the regulatory committee, facilitating understanding of the role
 - To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly
 - To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings and in individual cases/applications before formal committee meetings
- **Internal governance, ethical standards and relationships**
 - To develop the standing and integrity of the committee and its decision making
 - To understand the respective roles of members, officers and external parties operating within the regulatory committee's area of responsibility
 - To promote and support good governance by the Council.

3 Values

- To be committed to the values of the council and the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect
 - Equality and fairness
 - Appreciation of cultural differences
 - Sustainability

Member of a Regulatory Committee Role Description

1 Accountabilities

- To Full Council
- To the Chair of the regulatory committee

2 Role purpose and activity

- **Understanding the nature of the regulatory committee and quasi-judicial decision making**
 - To be aware of the quasi-judicial nature of regulatory committee decision making
 - To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee
 - To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and individual cases/applications before the committee
- **Participating in meetings and making decisions**
 - To participate effectively in meetings of the regulatory committee, ensuring that both local considerations and policy recommendations are balanced to contribute to effective decision making
 - To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements
- **Internal governance, ethical standards and relationships**
 - To ensure the integrity of the committee's decision making and of his/her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements
 - To promote and support good governance by the Council
 - To understand the respective roles of members, officers and external parties operating within the regulatory committee's area of responsibility

3 Values

- To be committed to the values of the Council and the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect
 - Equality and fairness
 - Appreciation of cultural difference
 - Sustainability

Chair of Standards Committee Role Description

1 Accountabilities

- To Full Council

2 Role Purpose and Activity

▪ Providing leadership and direction

- To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly
- To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice on the Code of Conduct
- To demonstrate independence, integrity and impartiality in decision making which accord with legal, constitutional and policy requirements
- To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
- To lead the committee in its role in:
 - promoting and maintaining high standards of conduct by Councillors and co-opted members
 - assisting the Councillors and co-opted members to observe the Members' Code of Conduct;
 - advising the Council on the adoption or revision of the Members' Code of Conduct;
 - monitoring the operation of the Members' Code of Conduct;
 - advising, training or arranging to train Councillors, co-opted members on matters relating to the Members' Code of Conduct;
 - granting dispensations to Councillors and co-opted members
 - dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales.
 - the exercise of these functions in relation to community councils and the members of those community councils.

3 Values

- To be committed to the values of the council and the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect

- Equality and fairness
- Appreciation of cultural differences
- Sustainability

Member of a Standards Committee Role Description

1 Accountabilities

- To Full Council
- To the Chair of the Standards Committee

2 Role purpose and activity

- **Understanding the nature of the Standards committee and effectively fulfilling its functions by:**
 - promoting and maintaining high standards of conduct by Councillors and co-opted members
 - assisting the Councillors and co-opted members to observe the Members' Code of Conduct;
 - advising the Council on the adoption or revision of the Members' Code of Conduct;
 - monitoring the operation of the Members' Code of Conduct;
 - advising, training or arranging to train Councillors, co-opted members on matters relating to the Members' Code of Conduct;
 - granting dispensations to Councillors and co-opted members
 - dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales.
- To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee.
- To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the committee
- **Participating in meetings and making decisions**
 - To participate effectively in meetings of the Standards committee,
 - To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements
- **Internal governance, ethical standards and relationships**
 - To ensure the integrity of the committee's decision making and of his/her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements
 - To promote and support good governance by the Council

- To understand the respective roles of members, officers and external parties operating within the Standards committee's area of responsibility

3 Values

- To be committed to the values of the Council and the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect
 - Equality and fairness
 - Appreciation of cultural difference
 - Sustainability

Chair of Audit Committee Role Description

1 Accountabilities

- To Full Council

2 Role Purpose and Activity

▪ Providing leadership and direction

- To demonstrate independence, integrity and impartiality in decision making which accord with legal, constitutional and policy requirements
- To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
- To agree the agendas for Audit Committee meetings
- To lead the committee in its role in:
 - reviewing and scrutinising the authority's financial affairs
 - Making reports and recommendations in relation to the authority's financial affairs
 - Reviewing and assessing the risk management, internal control and corporate governance arrangements of the authority
 - Making reports and recommendations to the authority on the adequacy and effectiveness of those arrangements
 - Overseeing the authority's internal and external audit arrangements
 - Reviewing the financial statements prepared by the authority and approving them when powers are delegated.
 - Developing relationships with internal and external auditors and the Authority's Monitoring Officer
 - Developing a forward work programme designed to deliver the audit committees functions
 - Reviewing and self assessing the performance of the Committee and its members

▪ Promoting the role of the audit committee

- To act as an ambassador for the audit committee, facilitating understanding of the role
- To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly
- To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings and in the audit process

- **Internal governance, ethical standards and relationships**

- Understanding the financial risks associated with corporate governance; being satisfied that the authorities assurance statements including the annual governance statement reflects the risk environment and any activities required to improve it
- To develop the standing and integrity of the committee and its decision making
- To understand the respective roles of members, officers and external parties operating within the audit committee's area of responsibility
- To promote and support good governance by the Council.

3 Values

- To be committed to the values of the council and the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect
 - Equality and fairness
 - Appreciation of cultural differences
 - Sustainability

Member of an Audit Committee Role Description

1 Accountabilities

- To Full Council
- To the Chair of the Audit Committee

2 Role purpose and activity

- **Understanding the role of the Audit Committee and undertaking its functions:**
 - Reviewing and scrutinising the authority's financial affairs
 - Making reports and recommendations in relation to the authority's financial affairs
 - Reviewing and assessing the risk management, internal control and corporate governance arrangements of the authority,
 - Making reports and recommendations to the authority on the adequacy and effectiveness of those arrangements,
 - Overseeing the authority's internal and external audit arrangements
 - Reviewing the financial statements prepared by the authority.
- To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee.
To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the committee
- **Participating in meetings and making decisions**
 - To participate effectively in meetings of the audit committee; questioning and seeking clarification on matters falling within the committee's remit
 - To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements
- **Internal governance, ethical standards and relationships**
 - Understanding the financial risks associated with corporate governance; being satisfied that the authorities assurance statements including the annual governance statement reflects the risk environment and any activities required to improve it
 - To ensure the integrity of the committee's decision making and of his/her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements
 - To promote and support good governance by the Council
 - To understand the respective roles of members, officers and external parties operating within the audit committee's area of responsibility

3 Values

- To be committed to the values of the Council and the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect
 - Equality and fairness
 - Appreciation of cultural difference
 - Sustainability

Overview and Scrutiny Chair Role Description

1. Accountabilities

- Full Council
- The Public
- The Committee

2. Role purpose & activity

- **Providing leadership and direction**
 - To provide confident and effective management of the committee
 - To promote the role of overview and scrutiny within the council, liaising effectively with officers, executive members and colleague chairs
 - To promote the integral role and contribution of scrutiny within the authority's wider improvement planning and reporting arrangements
 - To lead joint scrutiny activities with other authorities or organisations when required
 - To champion and promote the role of Overview and Scrutiny to the public, helping the public better understand and, crucially, contribute to and engage with the scrutiny process.
 - To promote the role of Overview and Scrutiny to partner bodies, helping them to understand and engage with the Scrutiny function.
 - To demonstrate an objective and evidence based approach to overview and scrutiny ensuring that scrutiny inquiries are methodologically sound and incorporate a wide range of evidence and perspectives
 - To follow-up scrutiny recommendations, evaluate the impact and added value of overview and scrutiny activity and identify areas for improvement
 - Work closely with scrutiny support staff to drive continual improvements in scrutiny
 - Assist in publicising the work of the scrutiny committee
- **Managing the work programme**
 - To develop a balanced work programme for the committee which includes pre decision scrutiny, policy development and review, investigative scrutiny, holding the executive to account, and performance monitoring
 - To ensure the programme takes account of relevant factors such as: the work programmes of the executive and other committees, strategic priorities and risks, audit and regulatory reports and recommendations, single-integrated plan and partners strategic priorities and relevant community issues
 - To ensure that the public are engaged in scrutiny activities by informing them about the work programme and encouraging participation
 - To ensure that the work programme is delivered

- To report on progress against the work programme to Council, and others as appropriate
 - To ensure that the work programme is manageable and the workload delegated and prioritised to focus on the areas of most benefit or greatest risk to the organisation.
 - To ensure that task and finish/working/sub groups have clear terms of reference and deliver the required outcomes.
- **Leading Joint Scrutiny**
 - To apply the appropriate tests and criteria when deciding whether or not to undertake joint scrutiny
 - To ensure that regional bodies and partnerships are held to account and that their plans are subject to scrutiny
 - To develop protocols and terms of reference for joint working
 - To ensure public engagement in joint scrutiny activities
 - To enable the pooling of scrutiny resources for effective working and outcomes
 - To ensure the equal participation and contribution from all partners as appropriate
- **Effective meeting management**
 - To plan and set agendas containing clear objectives and outcomes for the meeting
 - To ensure that necessary preparation is done beforehand, if necessary, through pre-meetings, including agreeing appropriate lines of questioning
 - To ensure that the approach to overview and scrutiny is impartial and that the committee meeting is conducted without political whipping (as per the Local Government (Wales) Measure 2011)
 - To manage the progress of business at meetings, ensuring that meeting objectives are met, and the code of conduct, standing orders and other constitutional requirements are adhered to
 - To ensure that all participants have an opportunity to make an appropriate contribution
 - To ensure that members of the public are able to contribute to meetings and understand the protocols for public speaking.
- **Involvement and development of committee members**
 - To encourage effective contributions from all committee members in both committee and task and finish groups
 - To assess individual and collective performance within the committee and work to improve scrutiny outcomes
 - To ensure that committee members have the appropriate knowledge and skills to undertake their roles and work with lead members and officers to secure appropriate development.

3. Values

To be committed to the values of the Council and the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability

Overview and Scrutiny Member Role Description

1 Accountabilities

- Chair of the appropriate scrutiny committee
- Full Council
- The public

2 Role purpose & activity

- To participate fully in the activities of the Overview and Scrutiny Committee, the development and delivery of its work programme and any associated task and finish groups
- **Scrutinising and developing policy**
 - To assist in the development of council policy through scrutinising of draft policies, and improvement and refinement of existing policy
 - To challenge policies on a sound basis of evidence for example against legislation or local political priority
 - To assess the impact of existing policy and identify areas for improvement
 - To identify where new policies might be required to address forthcoming legislation
- **Holding the Executive to account, monitoring performance and service delivery**
 - To monitor the performance of internal and external providers against standards and targets including questioning of executive and senior officers on the delivery of targets
 - To contribute to the identification and mitigation of risk
 - To investigate and make recommendations to address the causes of under performance or poor performance
 - To monitor action plans or recommendations following external audit, inspection or regulatory reports
 - To evaluate the validity of executive decisions and challenge decisions through call in where appropriate
 - To build trust with the executive so that appropriate matters could be sent to scrutiny for a pre-decision review prior to the executive taking a final decision
- **Promoting the work of Overview and Scrutiny**
 - To promote the role of overview and scrutiny within and outside the council, developing effective internal relationships with officers and other members and external relationships with community representatives.

- To demonstrate an objective non political and evidence based approach to overview and scrutiny, by utilising a wide range of research in any work undertaken including sources of information outside the Council
 - To add value to the decision making and service provision of the authority through effective scrutiny
 - To be able to demonstrate where scrutiny is making a difference by its involvement
- **Community engagement**
 - To use scrutiny as a means to address community issues and engage the public in forward work programmes
 - To encourage stakeholders to participate in the work of the authority
 - To assist in developing locally viable and acceptable policy solutions
 - To build a dialogue around priorities, objectives and performance, among communities and stakeholders
 - To take a county wide perspective in dealing with issues
- **Participating in joint scrutiny**
 - To work within the appropriate terms of reference and protocols governing joint working in scrutiny
 - To apply the appropriate tests and criteria when deciding whether or not to undertake joint scrutiny
 - To contribute to the scrutiny of regional bodies and partnerships
 - To encourage public engagement in joint scrutiny
 - To work effectively with partner scrutineers from other authorities and organisations.
- **Meeting participation**
 - To make adequate and appropriate preparation for meetings through research and briefings and planning meeting strategies
 - To participate in a proactive objective, informed and effective manner taking account of the Code of Conduct, Standing Orders and other constitutional requirements
 - To demonstrate effective scrutiny inquiry skills in questioning, listening and information handling
 - To be non-political
 - To focus on outcomes / making a difference by participation

3. Values

To be committed to the values of the Council and the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness

- Appreciation of cultural difference
- Sustainability

Leader of the Opposition Role Description

1. Accountabilities

- To the nominating group within the constitution

2. Role Purpose and Activity

Providing political leadership for an opposition group

- To be a political figurehead for the opposition group; to be the principal political spokesperson for the Council's opposition.
- To provide leadership in the constructive challenge of the Council's policies
- To constructively challenge the vision for the Council and community where appropriate
- To provide strong, clear leadership in the co-ordination of alternative policies, strategies and service delivery
- **Representing the Authority's opposition**
 - To represent the Opposition Group to a high standard; providing a strong, competent and eloquent figure to represent the opposition within the Authority.
 - To represent the Council on external bodies
- **Internal governance, ethical standards and relationships**
 - To promote and support good governance of the Council and its affairs
 - To provide community leadership and promote active citizenship
 - To promote and support open and transparent government
 - To promote, support, and adhere to respectful, appropriate and effective relationships with employees of the Council
 - To promote, support and adhere to the Member's Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office

3. Values

To be committed to and demonstrate the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability
- Inclusive leadership
- Consensus building

Role of the Deputy Leader of the Opposition

- To fulfil the duties of the Leader in his or her absence
- To assist the Leader in specific duties as required

Member Champion Purpose and Role

What are Member Champions?

Member Champions exist to provide a voice for traditionally underrepresented groups, or issues which need to be kept at the forefront of council business although they may not be the responsibility of any individual or committee.

Member Champions, (sometimes called lead members) are elected members who in addition to their other council responsibilities make sure that the issue or group that they are championing are taken into account when council policy is being developed and decisions are made. Members act as champions in areas such as children, homelessness, equalities, older people, young people, scrutiny, member support and development, health improvement and anti poverty. There is a statutory role for a lead member of children's and young people's services with a responsibility for over-seeing the arrangements made under sections 25 and 26 of the 2004 Children Act.

Guidance on undertaking the role with regard to the subject knowledge that members need is sometimes available from the outside bodies associated with the issue being championed for example the toolkit for older peoples' champions from the LGA. Otherwise they will be reliant on their authority for guidance in the subject they lead on and also their role as lead member in this area.

What do they do?

Typically, the lead member will:

- Make sure that their area of interest is taken into account when developing policy or making decisions
- Ask questions about performance and resourcing for the area
- Raise the profile of the area and make the authority aware of good practice.
- Engage with external bodies who work in the area
- Engage with other officers and members in relation to the role.
- Engage with community groups with an interest/stake in the area
- Report action to the council

How does their role fit within the corporate structure?

This will vary according to the area/issue that is being championed and how the authority functions. There is potential for confusion and overlap between the role of the member champion and those of the relevant executive member or overview and scrutiny members. The champion role itself could be undertaken by either the relevant executive member or a non executive member.

It is therefore important that members and officers work together to agree roles and action for the area being championed and that there are mechanisms for lead members to report on their activities. It is helpful for the authority to draft a protocol which sets out what powers champions have and do not have, such as whether or not they are able to make decisions on behalf of the authority. Similarly, the appointment

of champions varies between authorities, and includes appointments being made by full council meetings or by the leader.

The Role Description

It is difficult to create a role description that fits with the different roles expected of champions and how they operate in the different authorities' structures. The following is a generic model which will require local adaptation, particularly to reflect the difference that may exist between a statutory role, one undertaken by an executive member and a non executive lead.

Member Champion Role Description

1. Accountabilities

To Full Council

2. Role Purpose and Activities

Within the Council

- To promote the interest being championed within the Council's corporate and service priorities
- To promote the needs of the client group represented in the interest to the decision makers within the council
- To work with the decision makers in the Council to establish strategies/policies/work plans connected with the interest
- To maintain an awareness of all matters connected with the interest
- To contribute to good practice and the continuous improvement of services and functions related to the interest
- To engage with members in matters related to the interest such as attending Overview and Scrutiny/Cabinet /Full Council meetings etc.
- Raising awareness of and taking a lead role in the development of all members and officers in relation to the interest

In the Community

- To raise the profile of the interest in the community
- To engage with citizens and community groups in matters related to the interest
- To lead and support local initiatives related to the interest

3. Values

- To be committed to the values of the Council and the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect
 - Equality and fairness
 - Appreciation of cultural difference
 - Sustainability
 - Inclusive leadership

Section 2:

Person Specifications

Elected Member Person Specification

To fulfil his or her role as laid out in the role description, an effective member requires the following:

Representing and supporting communities

- Good advocacy skills
- Interpersonal skills
- Integrity and the ability to set aside own views and act impartially
- The ability to present relevant and well reasoned arguments
- Good communication skills

Making decisions and overseeing council performance

- Knowledge and understanding of meetings law, rules and conventions
- An understanding of strategic, policy and service contexts for decisions
- The ability to challenge ideas and contribute positively to policy development

Representing the Council (subject to appointment)

- Good public speaking skills
- Good presentation skills
- The ability to persuade others and act with integrity

Internal governance, ethical standards and relationships

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council

Personal and role development

- An ability to assess personal and role development needs
- Desire and skills to participate in development

Leader Person Specification

To fulfil his or her role as laid out in the role description, an effective leader requires:

Providing political leadership to the Council

- Knowledge of community strengths, areas of improvement and key issues.
- An understanding of the relationship between national and local politics
- Have a good strategic awareness of issues facing the Council
- An understanding of the Council's strategy, policies and operations

Appointing the Cabinet*

- An understanding of the rules for the appointment of Cabinet Members
- An ability to recognise talent amongst members
- An ability to negotiate the most advantageous appointments within and across political groups
- To appraise, guide and mentor senior members

Representing and acting as ambassador for the Authority

- High level communication skills to communicate to the media, local community and wider audience.
- Good public speaking skills

Providing leadership within the portfolio

- The skills necessary for a cabinet member to fulfil their role.

Managing and leading the work of the Cabinet and chairing meetings of the Cabinet

- An understanding of the Cabinet procedure rules
- Skills to Chair meetings, including encouraging participation from all members.
- A knowledge and understanding of national policy objectives
- An overview of the work being carried out by cabinet members.

Participating in the collective decision making of the Cabinet

- The ability to constructively challenge decisions and suggest alternatives

Working with officers to lead the organisation

- An understanding of the roles and responsibilities of the Chief Executive and other officers

Leading partnerships and community leadership

- Adaptive leadership skills
- Negotiation and brokerage skills
- Creative and lateral thinking skills; the ability to see ahead and be predictive

Internal governance, ethical standards and relationships

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council

Cabinet Member Person Specification

To fulfil his or her role as laid out in the role description, an effective Cabinet Member requires:

Portfolio leadership

- An understanding of the Council's strategy, policies and operations
- Leadership skills

Contributing to the setting of the strategic agenda and work programme for the portfolio

- The ability to present to others
- The ability to exercise strategic awareness and judgement
- Knowledge of relevant issues and who to involve in decision making
- The ability to persuade others
- Knowledge of Council and national objectives

Providing representation for the Portfolio

- Public speaking skills
- Good presentation skills

Reporting as appropriate

- High level communication skills

Taking an active part in cabinet meetings and decisions

- The ability to constructively challenge decisions and suggest alternatives
- The knowledge, confidence and ability to contribute to discussion and resolution of cross cutting and collective issues

Leading partnerships and community leadership

- Adaptive leadership skills
- Negotiation and brokerage skills
- Creative and lateral thinking skills; the ability to see ahead and be predictive

Internal governance, ethical standards and relationships

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council

Chair of the Council Person Specification

To fulfil his or her role as laid out in the role description, an effective member requires the following:

Acting as a symbol of the Council's democratic authority

- Good public speaking skills
- An in-depth understanding of role of Chair

Chairing Council meetings

- Skills to chair meetings, to ensure business is carried out effectively and all those attending participate
- An understanding of the Council's Standing Orders

Upholding and promoting the Council's Constitution

- An understanding of the Council's Constitution
- An understanding of when to seek the advice of the Monitoring Officer on issues relating to the Constitution

Internal governance, ethical standards and relationships

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council

Work programming

- The ability and discipline to plan and manage work programmes

Chair of Regulatory Committee Person Specification

To fulfil his or her role as set out in the role description, an effective regulatory committee chair requires:

- **Providing leadership and direction**
 - Ability to conduct meetings to ensure that applicants feel that they have been dealt with fairly and fully even if their application is refused
 - Understanding of the Council's role and ability to ensuring that stake holders are aware of that role
 - Communication skills
 - Knowledge of local issues
 - Ability to manage the work of the committee
 - Ability to support and develop necessary skills in fellow members of the committee

- **Promoting the role of the regulatory committee and quasi-judicial decision making**
 - Understanding and appreciation of the regulatory framework
 - Ability to inspire and enthuse committee members for the work of the committee
 - Integrity and the ability to set aside own views and act impartially
 - Knowledge and understanding of the relevant code(s) of conduct and protocols and the ability to champion them

- **Internal governance, ethical standards and relationships**
 - Knowledge and understanding of the Code of Conduct(s) and protocols
 - Knowledge of and commitment to the values of the Council

Regulatory Committee Member Person Specification

To fulfil his or her role as laid out in the role/job description, an effective member of a regulatory committee requires the following:

Understanding the nature of the regulatory committee and quasi-judicial decision making

- Integrity and the ability to set aside own views and act impartially
- Knowledge of law, policy and procedures for that regulatory/quasi judicial area
- Maintenance of knowledge
- Objectivity and judgement

Participating in meetings and making decisions

- Ability to listen and to consider and respect the views of other contributors
- Good public speaking skills
- Good advocacy skills

Internal governance, ethical standards and relationships

- Knowledge and understanding of the Code of Conduct(s) and protocols
- Knowledge of and a commitment to the values of the Council

Overview and Scrutiny Chair Person Specification

To fulfil his or her role laid out in the role description an effective Scrutiny Chair requires:

Providing leadership and direction

- Ability to see the 'big picture'
- Understanding of the role and functions of the council
- Understanding of the key strategies, priorities and direction of travel of the Council
- Understanding of the purpose of the scrutiny function and its role in the council's wider improvement planning and reporting arrangements
- Ability to promote an approach to scrutiny which is (a) member led, (b) seeks to provide an evidence based challenge of decision makers and service providers and (c) is an important mechanism for community engagement and service improvements
- Understanding of the legal requirements around scrutiny, including prohibition of political whipping and taking the views of the public into account
- Understanding of the purposes and processes associated with the Councillor Call for Action and the Call In procedure
- Understanding of the terms of reference for the committee and the role of the chair
- Understanding of member support functions
- Understanding of council service, improvement and financial priorities and risks
- Ability to develop work programmes
- Understanding of community issues
- Objectivity and understanding of equalities and diversity
- Negotiation and consensus building
- Ability to build constructive and 'critical friend' relationships with the Executive
- A commitment to personal development in the role
- Commitment to develop other members by mentoring and guidance
- Working closely with scrutiny support officers to ensure the continual development of scrutiny
- Making sure that scrutiny is making a difference

Managing the work programme

- Ability to manage projects and resources
- Ability to manage people
- Ability to prioritise
- Ability to report progress to different groups in different styles – verbally and in writing
- Ability to monitor and constantly review work programmes

Leading Joint Scrutiny

- An ability to create an effective, supportive and welcoming environment for scrutiny members and partner representatives from different organizations

- An ability to see the big picture at the regional level
- A clear understanding of the role and functions of the partnership/regional organization
- An understanding of the key strategies, priorities and direction of travel of the partnership/regional organization
- A commitment to enabling an approach to joint scrutiny which is member-led, provides an evidence-based challenge and is an important mechanism for community engagement and service improvement
- An ability to work constructively with partnerships/regional organisations under scrutiny
- A commitment to develop and embed an apolitical, objective, collective and inclusive scrutiny process
- A commitment to offer guidance and mentorship to scrutiny members
- A willingness to ensure that joint scrutiny makes a difference
- An ability to negotiate and build consensus
- An ability to manage people, projects and resources
- A commitment to raising the profile of joint scrutiny and an ability to champion it within the authority and beyond

Effective meeting management

- Understanding and application of meeting protocols, code of conduct, standing orders and other constitutional requirements including protocols for public speaking and webcasting
- Ability to chair meetings effectively, managing members contributions and the agenda and progressing business to achieve the desired outcomes
- Ability to facilitate effective discussions focussing on the agreed questioning strategy.
- Ability to listen and question effectively
- Ability to prepare and introduce speakers and make them feel at ease when presenting to the committee
- Ability to be impartial and ensure that the committee is acting in a non-political way

Community engagement

- Understanding of the role of scrutiny in enabling local people and communities to contribute to the decision and policy making process
- Knowledge of local issues and expectations
- Ability to work effectively with all members of the community and to build an understanding of the role of scrutiny with the public and stakeholders
- ability to engage with individuals and organisations in the community especially those traditionally excluded
- To promote an understanding that scrutiny is a last resort for matters such as CCfA
- Ability to manage expectations of the public in asking scrutiny to consider issues

Involving and developing of committee members

- Understanding of the role and skills of the scrutiny committee and its individuals
- Ability to support members and the committee in assessing their performance
- Ability to identify any training and development needs and Champion and participate in appropriate learning and development
- Provide mentoring, guidance and support to members in their roles such as members leading task and finish groups

Overview and Scrutiny Member Person Specification

To fulfil his or her role as laid out in the role description, an effective scrutiny member requires:

- Understanding of the role and functions of the council
- Understanding of the key strategies, priorities and direction of travel of the Council
- Understanding of the purpose and a commitment to the scrutiny function
- Full understanding of the scrutiny remit and role, to deliver an approach to scrutiny which is (a) member led, (b) seeks to provide an evidence based challenge of decision makers and service providers and (c) is an important mechanism for community engagement and service improvements
- Understanding of the terms of reference for their own committee and how they relate to others.
- Ability to operate apolitically, objectively and with an understanding of equalities and diversity
- Understanding of member support functions
- Willingness to work within the guidance of the chair
- Willingness to undertake personal development as necessary and understand the skills they need to undertake the role
- Understanding of the legal requirement to take the views of the public into account
- Ability to negotiate and build consensus
- Understanding of the purposes and processes associated with the Councillor Call for Action and the Call In procedure
- Understanding of council service, improvement and financial priorities and risks
- Understanding of community issues
- Engage fully in scrutiny including asking questions

Scrutinising and developing policy

- Knowledge of and ability to evaluate existing policy
- Understanding of best practice
- Understanding of national and local legislative and policy context

Monitoring performance and service delivery and holding the executive to account

- Understanding of the councils improvement programme and associated risk assessment arrangements
- Understanding of the principles and practice of performance management
- Understanding of council's performance management arrangements
- Ability to analyse data and challenge performance
- Understanding of the arrangements for call in
- Ability to act as a critical friend and in a non political way
- Undertake an overview rather than detailed monitoring
- Ability to hold executive members / officers to account for the achievement of targets / objectives

- Monitoring action plans arising from internal or external regulator reviews

Participating in Joint Scrutiny

- A commitment to working jointly with scrutiny members of other authorities and representatives of partner organizations
- An understanding of the role and functions of the partnership/regional organization
- An understanding of the key strategies, priorities and direction of travel of the partnership/regional organization
- A commitment to an approach to joint scrutiny which is member-led, provides an evidence-based challenge and is an important mechanism for community engagement and service improvement
- An ability to operate apolitically, objectively, collectively and inclusively
- Willingness to work within the guidance of the chair
- Willingness to undertake personal development as necessary and understand the skills they need to undertake the role
- An ability to negotiate and build consensus
- Full engagement in scrutiny, including asking questions

Community engagement

- Understanding of the role of scrutiny in enabling local people and communities to contribute to the decision and policy making process
- Knowledge of local issues and expectations
- Ability to work effectively with all members of the community and to build an understanding of the role of scrutiny with the public and stakeholders
- ability to engage with individuals and organisations in the community especially those traditionally excluded

Meeting participation

- Ability to interpret information and data from a range of sources
- Understanding and application of meeting protocols, code of conduct, standing orders and other constitutional requirements
- Ability to participate in meetings including effective listening, questioning and speaking
- Preparation work including considering lines of questioning
- Ability to present information to the committee

Leader of the Opposition Person Specification

To fulfil his or her role as laid out in the role description, an effective leader of the opposition requires:

In providing political leadership for the opposition group

- Knowledge of community strengths, areas of improvement and key issues.
- An understanding of the relationship between national and local politics
- Have a good strategic awareness of issues facing the Council
- An understanding of the Council's strategy, policies and operations
- An ability to challenge different strategies, policies and operations

In representing the Authority's opposition

- High level communication skills to communicate to the media, local community and wider audience.
- Good public speaking skills
- Creative and lateral thinking skills; the ability to see ahead and be foresighted
- Leadership skills

Internal governance, ethical standards and relationships

- An understanding of the roles of officers, members and different agencies
- Respect for, and willingness to work with, different groups and individuals
- A thorough knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge of and commitment to the values of the Council

Member Champion Person Specification

Within the Council

- Understanding of the area of interest being championed in terms of council strategies and policy, good practice, improvement and national agendas and the needs of the client group
- Ability to engage with a range of members and officers around the area of interest and listening to requirements
- Ability to advocate on behalf of the area of interest within the council

In the Community

- Understanding of the needs of the community in relation to the interest
- Ability to engage with citizens and community groups in matters related to the interest.
- Ability to lead and support local initiatives related to the interest.
- Ability to represent the position of the council to the community in relation to the interest.

**CYNGOR CAERDYDD
CARDIFF COUNCIL****CONSTITUTION COMMITTEE:****31 AUGUST 2017**

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

**COUNCIL 25 MAY 2017: REFERENCE BACK TO THE
CONSTITUTION COMMITTEE OF PROPOSED CHANGES TO THE
COUNCIL PROCEDURE RULES****Reason for this Report**

1. Annual Council on 25 May 2017 received the recommendations of the Constitution Committee 2 March 2017 on proposed amendments to the Council Procedure Rules (CPR). The report was referred back to this Committee in accordance with CPR 25 (a) (iv) to allow the new Committee and Councillors to make a decision on the proposed changes.
2. The Committee is asked to review the proposals included in report to Annual Council attached as Appendix 1, annexes A & B, and determine a way forward. Please note that any changes to the Council Procedure Rules have to be agreed by full Council. This Committee may therefore recommend the proposed changes back to full Council or may propose further amendments.

Background

3. Following the Local Election on 5 May 2017, and the Annual Council meeting on 25 May 2017 that established standing committees, their terms of reference and membership; the Council meeting concluded that it would be appropriate for the new Constitution Committee to consider the proposals of the previous Committee and the evidence collected to inform the proposed changes to the Council Procedure Rules.
4. Evidenced in the report to Annual Council 25 May 2017 were the outcomes from the Constitution Committee of November 2016 and March 2017; the results of a Members' Survey conducted in the autumn of 2016; and discussions with Party Group Leaders and Whips on options for refocusing and improving various aspects of the Council Meeting Procedure Rules. (See Annexes A & B).

Issues

5. All Members have had an opportunity to experience the Annual Meeting and two subsequent Full Council meetings to support an informative view on the

proposed Council Procedure Rule changes, which allows them to determine whether these changes should be adopted, amended or considered further.

Legal Implications

6. 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.
7. Under its Terms of Reference, the Constitution Committee is authorised by the Council to review the Council's Constitution, and to recommend to Council any changes.
8. Any changes to the Council Meeting Procedure Rules require the approval of full Council.
9. The Council is under a legal duty to comply with its standing orders, once duly adopted. Non-compliance may mean that the Council's decisions are open to challenge by judicial review, which if successful, may result in decisions being ruled as 'ultra vires' (outside of the Council's powers) and quashed.
10. Other relevant legal implications are set out in the body of the report.

Financial Implications

11. There are no direct financial implications arising from the recommendations of the report.

Recommendations

The Committee is recommended to consider the report and determine a way forward.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

21 August 2017

Appendices

- Appendix 1 Constitution Amendments Recommended by Constitution Committee – Council Meeting Procedure Rules
- Annex A The Table of Recommended Changes to Council Meeting Procedure Rules
- Annex B Council Meeting Procedure Rules (draft) – marked up to show recommended amendments

Background papers

Constitution Committee Reports, Review of the Council Meeting Procedure Rules, November 2016 and March 2017
Members' Survey Results, November 2016

COUNCIL:

25 MAY 2017

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

**CONSTITUTION AMENDMENTS RECOMMENDED BY CONSTITUTION
COMMITTEE - COUNCIL MEETING PROCEDURE RULES**

Reason for the Report

1. The purpose of this report is to provide Council with the opportunity to consider proposed changes to the Council Meeting Procedure Rules, which have been recommended by the Constitution Committee.

Background

2. The full Council meeting is where all 75 Cardiff Councillors meet to discuss and agree the Budget and Policy Framework for the Council. This includes all the major policies of the Council, the budget and council tax; and forms the foundation of the Council's work. Full Council is also responsible for adopting a Scheme of Delegations (setting out who has responsibility for the discharge of the authority's functions) and its Constitution, as well as a number of other functions (set out in Article 4.1 of the Constitution).
3. All local authorities have statutory power to make standing orders (procedure rules) for the regulation of Council proceedings and business and may vary or revoke any such orders (Local Government Act 1972, section 99 and Schedule 12 Part VI paragraph 42), subject to compliance with that Act.
4. The Council Meeting Procedure Rules (set out in Part 4 of the Constitution) are the standing orders adopted by the Council to regulate meetings of the full Council.
5. At its meetings in November 2016 and March 2017, the Constitution Committee considered options for changing various aspects of the Council Meeting Procedure Rules, in light of the results from a Members' Survey conducted in the Autumn of 2016, and discussions with party group leaders and whips.
6. The Members' Survey Results were noted, in summary, as follows:

Frequency of Council Meetings:

- 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.

Time Limit on Council Meetings:

- 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 end time varied from 7.00pm through to 10.00pm; with most respondents suggesting 8.00 or 8.30pm.

Oral Questions by Councillors

- 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.

Allocation of Notices of Motion

- 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.

7. The Committee made comments in relation to each area identified by the Survey Results for potential change, as well as a number of other observations regarding the current arrangements, and instructed the Monitoring Officer to develop proposals for change. Having discussed different options for change, the Constitution Committee, at its meeting on 2nd March, agreed to recommend certain changes for consideration by the new Council.

Issues

8. The changes to the Council Meeting Procedure Rules, which have been recommended by the Constitution Committee, are indicated in the table in **Appendix A** to this report. Members will note that for each recommended change, the table sets out the current rules and a summarised note of the Committee's final comments.
9. A copy of the Council Meeting Procedure Rules, showing the recommended amendments, is attached as **Appendix B**, for approval by Council.
10. If Members are minded to put forward any alternative or further proposed changes to the Rules, it should be noted that the discussion and decision on such proposals will need to be adjourned until the June Council meeting, pursuant to Rule 33(b), which provides as follows:

“Amendment

- (b) Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.”

The purpose of this Rule is to allow sufficient time for proper formulation and consideration of any new proposed changes. Alternatively, Members may wish to refer any proposed changes back to the Constitution Committee for further consideration (pursuant to Rule 25(a)(iv)).

Legal Implications

11. 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.
12. Under its Terms of Reference, the Constitution Committee is authorised by the Council to review the Council’s Constitution, and to recommend to Council any changes.
13. Any changes to the Council Meeting Procedure Rules require the approval of full Council..
14. The Council is under a legal duty to comply with its standing orders, once duly adopted. Non-compliance may mean that the Council’s decisions are open to challenge by judicial review, which if successful, may result in decisions being ruled as ‘ultra vires’ (outside of the Council’s powers) and quashed.
15. Other relevant legal implications are set out in the body of the report.

Financial Implications

16. There are no financial implications directly arising from this report.

RECOMMENDATIONS

Council is recommended to:

- i. Approve the changes to the Council Meeting Procedure Rules which have been recommended by the Constitution Committee, as shown in **Appendix B**; and
- ii. Instruct the Monitoring Officer to amend the Constitution accordingly.

DAVINA FIORE

Director Governance and Legal Services and Monitoring Officer

18 May 2017

Appendices

Appendix A: Table of Recommended Changes to Council Meeting Procedure Rules

Appendix B: Council Meeting Procedure Rules (draft) – marked up to show recommended amendments

Background Papers

Constitution Committee Reports, Review of the Council Meeting Procedure Rules, November 2016 and March 2017

Members' Survey Results, November 2016

TABLE OF RECOMMENDED CHANGES TO COUNCIL MEETING PROCEDURE RULES

Issue	Current Position	Committee's Final Comments	Recommended Changes	Rule/s to be Amended
<p><u>Frequency of Meetings</u></p> <p><i>[Requirement is:</i></p> <ul style="list-style-type: none"> • Annual Meeting (May) • Statement of Accounts Sign off (September) • Budget Setting meeting (February)] 	<p>9 meetings per year, monthly except for April, August and December</p>	<ul style="list-style-type: none"> • Support for dropping to 8 meetings per year by removing July meeting (as this falls during the schools' summer break), but noted that this would leave a long gap between June and September meetings 	<ul style="list-style-type: none"> ➤ Remove July Council meeting, leaving 8 full Council meetings per year 	<p>N/A</p> <p>(Programme of Ordinary Council meetings is decided at AGM, pursuant to Rule 3 – no amendment necessary.)</p>
<p><u>Time limit on Council meetings</u></p> <p><i>[No statutory guidance although councils can implement a 'time limit' if they wish.]</i></p>	<p>Meetings held at 16.30 with no time limit</p>	<ul style="list-style-type: none"> • Broad agreement that meetings are too long and a break is needed (and suggestion that imposing a time limit and break would promote equal opportunities for Members who may have caring commitments or have worked all day) • Timings for agenda items should be adhered to more strictly • No time limit should be set for Budget Council because of the duty to set a balanced budget 	<ul style="list-style-type: none"> ➤ Introduce a meeting end time limit of 9pm, with a half hour break at around 7pm – to apply to all full Council meetings except the February Budget Council <p>(Any remaining business items to be put straight to the vote without debate, and any remaining oral questions to receive written replies)</p>	<p>Rule 5 'Time and Place of Meetings'</p>

Issue	Current Position	Committee's Final Comments	Recommended Changes	Rule/s to be Amended
<p><u>Oral Questions by Councillors</u></p> <p><i>[No statutory requirement, however the review of CPR in 2012/13 introduced a limit on Oral Questions]</i></p>	<p>Current limit on Oral questions is 30 questions maximum and 90 minutes total.</p> <p>Allocation is 3 questions per Group and 15 allocated proportionally with 1 oral question per independent member</p>	<ul style="list-style-type: none"> • Broad agreement to reduce the current maximum of 30 questions • Suggestion that a reduction in the number of oral questions should be balanced by an increase in the number of written questions allowed • Considered introducing a requirement that questions must relate to matters of budget or policy; and ruling out of questions which relate to single ward issues. However, there was concern that this would impede the role of backbench Members 	<ul style="list-style-type: none"> ➤ Reduce the maximum number of oral questions to 20; and ➤ Reduce allocation of questions from 3 to 2 questions per group, retain allocation of 1 question per independent member and allocate the remaining questions proportionally, but remove Cabinet Members when calculating proportionality. 	<p>Rule 17</p>
<p><u>Supplementary Questions</u></p> <p><i>[No statutory requirement; custom and practice in Cardiff for two supplementary]</i></p>	<p>One supplementary is allowed from the Questioner and one further supplementary from a Member who does not belong to the same Group as the Questioner.</p>	<ul style="list-style-type: none"> • General agreement that 1 supplementary question is sufficient 	<ul style="list-style-type: none"> ➤ Allow only one supplementary question from the original Questioner (remove provision for a further supplementary question) 	<p>Rule 17</p>

<p><u>Allocation of Notices of Motion</u></p> <p><i>[No statutory requirement. Custom and practice has always been to allocate proportionally]</i></p>	<p>20 Motions per year allocated proportionally with a minimum of 2 motions per Group</p>	<p>Suggestions included:</p> <ul style="list-style-type: none"> • 1 Motion per meeting, with allocation of between 2 and 3 Motions for each group • Maximum of 2 Motions per meeting • Reduce from 20 Motions per year • Disallow Motions from ruling group(s) • Introduce requirement that Motions must relate to Council policy or budget • Rename as 'Opposition Business' and allow a half hour to one hour time slot 	<ul style="list-style-type: none"> ➤ Introduce a maximum of 2 Motions for each Council meeting, excluding the Annual meeting and Budget Council; and ➤ Retain current proportional allocation arrangements (with a minimum of 2 motions per Group) 	<p>Rule 22</p>
<p><u>Timing for Speakers during a debate</u></p> <p><i>[Time allocated to speakers is a local decision and is currently based on custom and practice.]</i></p>	<p>6 minutes for Proposers of a report or motion. 3 minutes for seconder and general speakers in debates.</p> <p>(Other than Budget Council, where Lead Cabinet Member gets 10 minutes; Leader 4 minutes; Opposition Spokespersons 5 minutes; and All other Members 3 minutes.)</p>	<ul style="list-style-type: none"> • Suggestion to reduce Proposers' time limit from 6 minutes to 4 minutes; and from 3 minutes to 2 minutes for seconder and general speakers • Concern that 2 minutes is too limiting and would need to be supported by appropriate training • There should be no change to budget debate timings 	<ul style="list-style-type: none"> ➤ Reduce time limit for Proposers of a report or motion from 6 minutes to 4 minutes; and ➤ Retain current time limits for Secunder and general speakers (3 minutes) <p>(Other than for Budget Council – No changes to speakers' timings for budget debate, as set out in Budget Meeting Procedure Rules)</p>	<p>Rule 27(g)</p>

PART 4 – RULES OF PROCEDURE

COUNCIL MEETING PROCEDURE RULES

Part 1 – Format and Content of Meetings

1 BUSINESS OF COUNCIL MEETINGS

- (a) The agenda and timings for items of business for any Council Meeting shall be agreed by the Chair in consultation with the Leader at least 6 Working Days prior to the date of the Council meeting.
- (b) The Chair may make any amendments to the draft agenda as they see fit.

2 ANNUAL MEETING OF THE COUNCIL

Timing of the Annual Meeting

- (a) The Annual Meeting will take place within the following periods:
 - (i) in a year when there is an ordinary election of Members, within 21 days following the retirement of the outgoing Members; or
 - (ii) in any other year, the Annual Meeting will take place in March, April or May or as may be required at law.

Business to be transacted at the Annual Meeting

- (b) The Annual Meeting will:
 - (i) elect a person to preside at the meeting if the existing Chair or the Deputy Chair is not present;
 - (ii) elect the new Chair;
 - (iii) appoint the new Deputy Chair;
 - (iv) approve the minutes of the last meeting;
 - (v) receive declarations of interests from Members;
 - (vi) receive from Members the Cardiff Undertaking in years where an ordinary election has taken place;
 - (vii) receive any announcements from the Chair (if any);
 - (viii) elect the Leader (where such election falls due);
 - (ix) appoint members of the Cabinet (where such election falls due);
 - (x) receive announcements from the Leader (if any) relating to the coming municipal year;
 - (xi) decide on any amendment to the standing committees of the Council, including amendments to their size and terms of reference;
 - (xii) decide on the allocation of seats on committees to political groups in accordance with the requirements of the Local Government and Housing Act 1989;

- (xiii) receive nominations of members to serve on each of the standing committees and make such appointments;
- (xiv) receive nominations and make appointments to serve on the outside bodies to which the Council may appoint members (except where doing so has been delegated by the Council or where only the Cabinet has authority to do so);
- (xv) elect a chair and a deputy chair for each of the committees;
- (xvi) approve a Scheme of Members Allowances;
- (xvii) approve a programme of ordinary meetings of the Council for the year;
- (xviii) approve a provisional programme of ordinary meetings of committees;
- (xix) agree any changes, amendments or revisions to the Council's scheme of delegation;
- (xx) for any year in which an ordinary election has taken place, receive a report from the Returning Officer of the Members elected; and
- (xxi) consider other matters which the Chair has certified urgent or appropriate.

3 ORDINARY MEETINGS

- (a) Ordinary Meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting. Ordinary Meetings will:
 - (i) elect a person to preside if the Chair and Deputy Chair are not present (such person not being a member of the Cabinet);
 - (ii) approve the minutes of the last meeting;
 - (iii) receive any declarations of interest (in accordance with the Members Code of Conduct);
 - (iv) if relevant, receive through the Chair from relevant Members the Cardiff Undertaking;
 - (v) receive any petitions;
 - (vi) receive questions from the public and answers in accordance with Rule 18;
 - (vii) receive any announcements from the Chair or Leader;
 - (viii) receive any reports from the Council's Committees introduced by the relevant Committee chairperson, and deal with questions and answers on any of those reports;
 - (ix) receive reports from any of the Council's statutory officers;
 - (x) receive any reports about and any questions and answers on the business of joint arrangements and external organisations;
 - (xi) consider Ordinary Motions;
 - (xii) receive any statements or reports from the Leader and/or Cabinet Members and questions and answers on them;
 - (xiii) receive Member questions and answers raised in accordance with Rules 16 and 16;
 - (xiv) consider any other business in the summons to the meeting; and
 - (xv) consider such other matters as the Chair certifies as urgent or appropriate.

4 EXTRAORDINARY MEETINGS

(a) An Extraordinary Meeting of the Council may be called by:

- (i) the Council by resolution; or
- (ii) the Chair.

(b) The following persons may require the Chair to call an Extraordinary Meeting of the Council. If the Chair has not called a meeting (to be held within 10 Working Days of the request) within two Working Days of receipt of such a written request, then they may do so themselves:

- (i) the Leader;
- (ii) the Head of Paid Service;
- (iii) the Monitoring Officer or section 151 officer; or
- (iv) any five Members of the Council.

(c) Any request presented in accordance with this Rule must:

- (i) specify the business to be transacted at the meeting; and
- (ii) be accompanied by a copy of any report for the meeting.

(d) Any Extraordinary Meeting will:

- (i) elect a person to preside if the Chair and Deputy Chair are not present;
- (ii) receive any declarations of interest from Members;
- (iii) consider the business specified in the request; and
- (iv) consider such other matters as the Chair considers to be urgent or appropriate.

(e) For the avoidance of doubt, the business to be transacted at an Extraordinary Meeting may include one or more Ordinary Motions pursuant to Rule 22, subject to variation of the deadline specified in Rule 22(b) as follows:

the words “by 5.00 pm at least 7 Working Days before the date of the meeting” shall be substituted with the words “at the same time as the request for the meeting is presented under Rule 4(b).”

5 TIME AND PLACE OF MEETINGS

(aa) Ordinary Council meetings, except for the Budget Council meeting, will commence at 4.30pm and end no later than 9pm, with a 30 minute break at a suitable midway point to be decided by the Chair. Any business items remaining at 9pm shall be put to the vote without debate, and any remaining Oral Questions shall receive written replies.

(a) Subject to paragraph (aa) above, the time and place of meetings will normally be as determined by the Council or in the case of an Extraordinary Meeting by the Chair. In the case of meetings called under Rule 4(b) the time and place shall be set by the Proper Officer and notified in the summons.

- (b) The Proper Officer may in case of urgency or at the request of the Chair vary the date, time and place of meetings, subject to reasonable notice of the change having been given.

6 NOTICE OF AND SUMMONS TO MEETINGS

- (a) The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules.
- (b) At least 3 clear days (as required and defined by the relevant legislation and case law) before a meeting, the Proper Officer will send a summons (notice of meeting) by email to every Member. Any Member not wishing to receive the summons by email may request (in writing to the Proper Officer) such other reasonable method of delivery as they may wish.
- (c) The summons will give the date, time and place of each meeting, enclose the agenda and will be accompanied by such reports as are available.

Part 2 – Conduct of Meetings

7 CHAIR OF MEETING

Power of person presiding at meeting

- (a) The person presiding at the meeting may exercise any power or duty of the Chair.

Conduct of meeting by Chair

- (b) The Chair shall have discretion to conduct the meeting to secure proper, full and effective debate of business items. The steps the Chair may take include:
- (i) allowing more time to any speaker or item of business;
 - (ii) permitting a Member to speak more than once;
 - (iii) allowing officers of the Council to advise the meeting as appropriate; and
 - (iv) refusing any Member the opportunity to speak or restricting their rights to speak.
- (c) The Chair's discretion provided for by Rule 7(b) shall operate in precedence to any other Rule contained in the Council Procedure Rules.

8 QUORUM

- (a) The quorum of a meeting will be one quarter of the whole number of Members (rounded up to the nearest whole number).

- (b) If fewer than the quorum attend the meeting or if during any meeting the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at the next meeting or a time and date fixed by the Chair.

9 UNOPPOSED BUSINESS

- (a) The Chair may specify in the Agenda any business that they consider to be unlikely to be opposed by any Member. For example this would include reports that deal with administrative matters and on which the various political groups have already reached agreement. All business specified in the Agenda as unopposed may be dealt with at the meeting as one agenda item and passed by one resolution.
- (b) If any Member wishes for any agenda item that is noted as being unopposed to be dealt with in the normal way, then that Member may request the Chair to remove that item from the list of unopposed business. In such circumstances the Chair will add that item of business to the agenda as a separate item.

10 POINT OF ORDER

- (a) A Member may raise a point of order at any time by indicating to the Chair that they wish to speak. The Chair will hear them immediately.
- (b) A point of order may only relate to an alleged breach of these Rules or the law. The Member must first state the Rule or law to which he/she is referring and then indicate the way in which they consider it has been broken.
- (c) The ruling of the Chair on the matter will be final. Points of order will only be recorded in the minutes if the Democratic Services Manager considers that such an inclusion would provide greater clarity to the minutes.

11 PERSONAL EXPLANATION

- (a) A Member may make a personal explanation at any time by indicating to the Chair that they wish to speak. A personal explanation may only relate to:
- (i) some material part of an earlier speech by the Member in the present debate which may appear to have been misunderstood;
 - (ii) to reply to an allegation of misconduct made against the Member giving the explanation; or
 - (iii) to make an apology to the Council.
- (b) The ruling of the Chair on the admissibility of a personal explanation will be final.
- (c) Points of personal explanation will only be recorded in the minutes if the Democratic Services Manager considers that such an inclusion would provide greater clarity to the minutes.

12 DECLARATIONS OF INTEREST

- (a) A Member may at any time declare a personal interest under the Members' Code of Conduct and when a Member stands to make a declaration he/she shall be heard immediately and shall be allowed to make the declaration without interruption.

13 MEMBERS' CONDUCT

Members Speaking at Council

- (a) When a Member speaks at full Council they must address the meeting through the Chair and should stand (if able) when they are speaking. If more than one Member stands or otherwise indicates their desire to speak, the Chair will ask one to speak and the others must be quiet.
- (b) Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order, a point of personal explanation or to declare an interest.

Chair calling the meeting to order

- (c) When the Chair calls the meeting to order or stands any Member speaking at the time must stop and sit down. The meeting must be silent.

Member's to maintain order

- (d) The Chair is to maintain order in meetings and must call to order any Member who:
- (i) is engaging in conduct which the opinion of the Chair constitutes criminal behaviour or contempt of court;
 - (ii) is obstructing the business of the meeting;
 - (iii) seeks to raise a matter outside the scope of the matter at hand;
 - (iv) acts in a discourteous way;
 - (v) is using disorderly, discriminatory or offensive language;
 - (vi) refuses to conform to any Rule or other requirement for the conduct of Members; or
 - (vii) disregards the authority of the Chair.

Member not to be heard further or to leave the meeting

- (e) If a Member disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member be not heard further.
- (f) If the Member continues to behave improperly or offensively or deliberately obstructs business after such a motion is carried, the Chair may move that

either the Member leaves the meeting or that the meeting is adjourned for a specified period.

14 GENERAL DISTURBANCE

- (a) If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he/she thinks necessary.

15 DISTURBANCE BY PUBLIC

- (a) Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules or Rule (b) below.
- (b) If a member of the public interrupts or disrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt or causes disruption, the Chair may order their removal from the meeting room.

Part 3 – Procedures and Rules of Debate

16 QUESTIONS AND DEBATE ON REPORTS AND CABINET STATEMENTS

- (a) On Cabinet Member Statements presented to the Council:
 - (i) A Member may ask the person presenting the report any question or otherwise comment on the subject matter of the statement without notice. Following the Cabinet Members response to such questions, the Member asking the original question shall be allowed to ask a supplementary question to clarify the response to the question.
 - (ii) One minute shall be allowed for each of the question, answer, supplementary question and supplementary answer.
- (b) On Reports presented to the Council
 - (i) The person presenting the report shall have 6 minutes to introduce it. A maximum of 3 minutes will be allowed to each Member to speak in relation to the report. 3 minutes will be allowed for the presenter of the report to make their closing remarks in response to points raised by other Members.

17 ORAL AND WRITTEN QUESTIONS BY MEMBERS

General

- (a) In accordance with this Rule 17, a Member may ask questions of:

- (i) the Leader or any Cabinet Member;
- (ii) the chair of any committee or sub-committee; or
- (iii) nominated members of the Fire Authority.

Submission of Questions

(b) A Member wishing to ask a Written Question should provide the question by email to the Council's mailbox for the submission of questions (as specified by the Democratic Services Manager). In doing so the Member must specify the person to whom the question is addressed.

(c) Oral Questions ~~shall~~ may be submitted by (or on behalf of):

- (i) each of the spokespersons for each opposition political group recognised by the Council (or such other Member as the leader of that group may nominate); ~~and~~
- ~~(ii)~~ (ii) a backbench Member of the ruling group(s) nominated to the Democratic Services Manager for such purpose; ~~and~~
- ~~(ii)(iii)~~ (iii) any Members who are not members of any political groups recognised by the Council

by email to the Council's mailbox for the submission of questions (as specified by the Democratic Services Manager). In doing so the Member must specify:

- (i) the name of the Member asking each question; and
- (ii) the order in which the group wishes to ask its questions (if applicable).

(cc) The total number of Oral Questions submitted to each Council meeting shall not exceed twenty.

~~(cd) Each such person~~ A Member shall be entitled to submit a maximum of the number of questions that are allocated to their political group (or to them) calculated in accordance with the following rules:

- (i) Each political group recognised by the Council shall automatically be entitled to ~~3-2~~ 2 Oral Questions; ~~and~~
- (ii) ~~In addition a~~ Any Members who are not members of any political group recognised by the Council shall be entitled to submit one Oral Question each; and
- (iii) ~~In addition, a further 15~~ The remaining Oral Questions shall be allocated amongst the political groups in proportion to their representation on the Council, but Cabinet members are to be excluded when calculating the proportional entitlement of each political group.

~~In addition any Members who are not members of any political group recognised by the Council shall be entitled to submit one Oral Question each. Unless those Members agree otherwise, the order in which they shall be entitled to submit questions shall be determined by rotation.~~

(d) Questions will be dealt with in accordance with the following procedures.

Oral Questions

Oral Questions will be dealt with in accordance with the following procedure:

DRAFT

Day	Action
12.00 noon, 2 Working Days prior to Council Meeting	Deadline for the Submission of Oral Questions
At Council Meeting questions shall be made available in writing and online at least 30 minutes prior to the start of the meeting and dealt with as set out opposite.	<p>A maximum of 90 minutes shall be allowed for Oral Questions, any questions that are not dealt with in this time limit shall fall.</p> <p>Each Oral Question will be made available in writing and online at the start of the meeting and dealt with in the following order:</p> <ul style="list-style-type: none"> - Oral Questions shall not be read orally, but will be dealt with in rounds. In the first three rounds each political group shall each be entitled to ask one question. In subsequent rounds, only political groups with remaining Oral Questions shall be entitled to ask questions. - In each round the ordering of the questions shall be determined by the size of each of the political groups (with the largest going first) except that the ruling group(s) shall go last. - Questions from Members who are not members of a political group recognised by the council shall be asked at the start of the fourth round. <u>Unless those Members agree otherwise, the order in which they shall be entitled to submit questions shall be determined by rotation.</u> <p>Each question shall be answered orally by the Cabinet Member that the Cabinet deem most suitable to respond (or by the relevant chair of a committee or nominated member of the fire authority if the question was so addressed). A maximum of one minute shall be allowed for the answering of the question.</p> <p>The Member who submitted the question shall then be allowed one minute to ask a supplementary question.</p> <p>The person to whom the question is addressed shall have one minute to answer the supplementary question.</p> <p>One further supplementary question may be asked by another Member provided that the asker is not a member of the same political group as the Member who submitted the original question. The Member asking the further supplementary question shall be allowed one</p>

	minute to ask it, and the response shall also be limited to one minute.
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Urgent Oral Questions

- (e) At the end of the period allocated for Oral Questions the Chair may allow Members to ask further Oral Question for which notice under Rule (b) above has not been given if:
- (a) the Chair and the person to whom the question is addressed has been given at least two hours written notice of the question prior to the start of the meeting; and
 - (b) the Chair has confirmed to the Member asking the Question and the person to whom it is addressed that they are satisfied that the question is of urgent public importance and could not be better dealt with under any other Rule or other procedure of the Council.

Written Questions

- (f) Written Questions may be asked at any time and will be dealt with as set out below:

Day	Action/Comment
9.00am 9 Working Days prior to Council Meetings	<p>Deadline for the submission of Written Questions for an answer to be received at the Council Meeting.</p> <p>If a question is submitted following this deadline it will be answered at the following Council Meeting.</p> <p>If a Member submits more than 5 Written Questions, only 5 of these Questions (which the Member will be invited to prioritise) will be answered at the Council Meeting; and the remaining Questions will be answered at the following Council Meeting.</p> <p>The Monitoring Officer shall have discretion to instruct that a composite answer may be given to Written Questions which are closely related or on the same subject matter, wherever she considers this appropriate.⁴</p>
12.00 noon on the day of the Council Meeting	Deadline for answers to Written Questions which are to be answered at the Council Meeting (as referred to above) to be circulated by email to all Members.

⁴-This will take effect for the March 2015 Council meeting (as there are no Written or Oral Questions at the February Budget Council); and be trialled up until and including the Council meeting in November 2015, during which time the changes would be monitored and reviewed, and thereafter made permanent or further amended

A full copy of each Written Question (together with the answers to them) will be attached to the minutes of the meeting.

Rejection of Questions

- (g) The Chair may reject an Oral Question, Urgent Oral Question or a Written Question if in their opinion it:-
- (i) is not in relation to Relevant Business (as defined in Rule 35);
 - (ii) is in relation to Inappropriate Business (as defined in Rule 35);
 - (iii) is substantially the same as a question which has been put at a meeting of the Council in the past six months and there has been no material change in the answer which would be given; or
 - (iv) is a statement or otherwise is not a genuine enquiry.

Withdrawal of questions

- (h) A question may not be withdrawn except with the consent of the person it is addressed to.
- (i) If the Chair or the Monitoring Officer considers that a response to a question could be provided by a senior officer prior to the relevant Council meeting, then the Monitoring Officer may contact the Member concerned to ascertain whether the Member agrees that the question could be withdrawn.

Written record of Oral Questions and Responses

- (j) A written record of Oral Questions and related supplementary questions that are put at the meeting together with the responses provided, will be circulated by or on behalf of the Democratic Services Manager to all Members and the media noted as having attended the meeting by no later than 5.00pm five Working Days following the day of the Council meeting.
- (k) Prior to issue the written note of a response to a supplementary question must be checked for accuracy by the responding person.
- (l) No written note of a response to a supplementary question will be provided to the media before being provided to Members.

18 PUBLIC QUESTIONS

- (a) A period of up to 15 minutes in each meeting shall be allowed for public questions.
- (b) Any person (other than Members) who resides or works in the area of the City and County of Cardiff may ask questions of Cabinet Members or of the chairpersons of committees of the Council at Ordinary Meetings of the Council.

- (c) A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the mailbox set up by the Democratic Services Manager for such purpose no later than 5pm, 6 Working Days before the day of the meeting. Each question must give the name and address of the questioner and must specify the person to whom it is to be put (by name or title).
- (d) At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.
- (e) The number of questions that an individual can ask in a municipal year shall be limited to two, with any further questions being accepted only at the discretion of the Chair.
- (f) The Chair may reject a question if it:
 - (i) is not related to Relevant Business (as defined in Rule 35);
 - (ii) is in relation to Inappropriate Business (as defined in Rule 35);
 - (iii) is substantially the same as a question which has been put at a meeting of the Council in the past six months;
 - (iv) relates to a matter which is the subject of legal or enforcement proceedings or an appeal to a court or tribunal or to a Government Minister or the National Assembly or an investigation by the Local Government Ombudsman;
 - (v) relates to the activities and aims of a political party or organisation;
 - (vi) relates to a Regulatory Decision or a matter which may result in a Regulatory Decision;
 - (vii) is a statement or otherwise is not a genuine enquiry; or
 - (viii) would require the expenditure of a disproportionate amount of time, money or effort to prepare the answer.

The ruling of the Chair in the above matters shall be final.

- (g) The Proper Officer will make a record of each question received and a copy of the questions to be asked at a meeting will be open to public inspection and circulated to Members prior to the meeting.
- (h) Questions will be asked in the order in which notice of them was received, except that the Chair may group together similar questions.
- (i) If the questioner is absent or fails to identify themselves then the question will be deemed to be withdrawn.
- (j) A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must relate to the original question or the answer given and be limited to one minute. The Chair may reject a supplementary question on any of the grounds set out in (f) above.

Answers

- (k) No more than five minutes will be allowed for a response to any one question.
- (l) Any question which cannot be dealt with during public question time, either because of lack of time or because of the nonattendance of the Member, to whom it was to be put, will be dealt with by a written answer and a copy of the answer will be recorded in the minutes of the meeting.

19 GENERAL PROVISIONS RELATING TO ANSWERS TO MEMBER AND PUBLIC QUESTIONS

- (a) An answer may take the form of:
 - (i) an oral answer given by the person to whom the question is addressed or another person nominated by them;
 - (ii) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - (iii) where the reply cannot conveniently be given orally, a written answer circulated later to Members of the Council.
- (b) A person to whom a question is addressed may decline to answer provided that they state the reason for declining to answer.

20 PETITIONS

- (a) Where a Member delivers a petition to the Council the Member may outline the request by the petitioners, the reason for the request and the number of the signatories provided that in any event the Member may not speak under this rule for more than one minute.
- (b) Petitions shall be divided into three classes and shall be addressed as follows:
 - (i) A petition bearing less than 20 signatures shall be dealt with by normal correspondence.
 - (ii) A petition bearing 21-50 signatures shall be noted at the meeting and passed to a relevant officer of the Council for a written response.
 - (iii) A petition bearing 51 or more signatures shall be noted and passed to the relevant Cabinet Member for consideration and a written response.²

21 GREEN PAPERS³

General

- (a) An opportunity for one Cabinet Member to bring forward a Green Paper will be given at each Ordinary Meeting of the Council (but not the Annual Meeting or the budget meeting of Council).

² Subject to further review following referral back to Constitution Committee.

³ Subject to further review following feedback from Cabinet Members.

Procedure for the Debate of Green Papers

- (b) Any Cabinet Member bringing forward a Green Paper must provide the Chair and the Democratic Services Manager with a copy of the Green Paper at least 5 Working Days prior to the Ordinary Meeting. A copy of the Green Paper shall be attached to the Agenda for the meeting.
- (c) Members shall be given a chance to respond to the Green Paper at the meeting (as set out below) and the Green Paper must also provide an opportunity for Members to give written comments following the meeting at which the Green Paper is presented.
- (d) In the debate:
 - (i) The Cabinet Member proposing the Green Paper shall be given 15 minutes to speak, but may choose to allocate a proportion of that time to other Members provided that they:
 - (a) indicate to whom they will allocate time and how much time will be allocated to them at the start of the debate; and
 - (b) in doing so a maximum of 5 Members may speak (including the Cabinet Member proposing the Green Paper).
 - (ii) The debate shall then be opened to the floor for Members to give their initial response to and comments on the Green Paper. A maximum of 10 minutes shall be allowed for such debate and no one Member shall be permitted to speak for more than 3 minutes.

22 ORDINARY MOTIONS

General

- (a) No Ordinary Motion moved by notice pursuant to this Rule 22 will be debated at the Annual Meeting of the Council.
- (b) In order to move an Ordinary Motion it must be emailed by the proposer, and seconded by email to the mailbox allocated for that purpose by the Democratic Services Manager by 5.00pm at least 7 Working Days before the date of the meeting.
- (c) Every Ordinary Motion properly delivered will be dated and registered by the Democratic Services Manager in the order in which they were received and open to Members' inspection after the deadline for receipt.
- (d) Ordinary Motions will be listed on the agenda in the order in which the notices were received.

Number and Allocation of Ordinary Motions

- (e) Subject to Rule (f) below, the number of Ordinary Motions shall be limited to a maximum of 20-2 motions in-at each municipal year Ordinary Council meeting except the Budget Council meeting.
- (f) The allocation of Ordinary Motions will be agreed between the political groups. The allocation will be reviewed annually by the leaders of the political groups in consultation with the Chair. No political group recognised by the Council shall be allocated less than two Ordinary Motions in a municipal year. ~~If necessary, the maximum number of Ordinary Motions in a year may be increased to accommodate this.~~

Scope of Ordinary Motions

- (g) Ordinary Motions must be in relation to Relevant Business and must not be Inappropriate Business (as defined in Rule 35).
- (h) Any Ordinary Motion which requires a change in the budgetary framework may only call for a report on the matter to be prepared for consideration by the Executive and or Council as appropriate.
- (i) If any Ordinary Motion appears to the Chair to be not presently contained within the approved Council Budget for the year in question, it will still be included on the agenda for the meeting. However a statement from the Chair to this effect and stating that the Ordinary Motion shall be deferred to the next ordinary meeting of Council so that written legal and financial advice may be given to Members before the motion is debated.

Urgent Ordinary Motions

- (j) The Chair has the authority to agree to take an urgent Ordinary Motion which is not on the agenda (or to place an urgent Ordinary Motion on the agenda if sufficient notice is received).
- (k) The discretion is entirely that of the Chair who alone needs to be satisfied as to the need for urgency but an urgent Ordinary Motion should not be taken unless the Chair is satisfied that:
 - (i) the proposer of the motion has taken all reasonable steps to notify the Chair and the Monitoring Officer of their desire to raise an Urgent Motion at the earliest opportunity;
 - (ii) and the motion requires an urgent decision in relation to an important public interest matter and it cannot reasonably be dealt with by other means; and
 - (iii) the motion is seconded.
- (l) In all cases, the reason for the urgency shall be clearly stated, and the Chair will explain to the Council the reason why they have accepted an Urgent Ordinary Motion.

Withdrawal or alteration of Ordinary Motions

(m) No Ordinary Motion can be withdrawn or deferred once it has been delivered except:-

- (i) if prior to the commencement of the meeting notice of withdrawal in writing signed by the proposer, and seconder has been delivered to the Democratic Services Manager; or
- (ii) a Member may withdraw an Ordinary Motion of which they have given notice at any time after the meeting has commenced provided that they have not moved the motion or spoken on it and they have the consent of the meeting.

(n) A Member may alter their own motion only with the consent of the meeting. Only alterations which could be made as an amendment may be made.

Amendments to Ordinary Motions by other Members

(o) An amendment to an Ordinary Motion may not be moved unless notice of the amendment has been given to the Democratic Services Manager by email, and seconded by 5.00pm 2 Working Days before the meeting.

(p) An amendment to an Ordinary Motion must be relevant to the motion and will be:-

- (i) to leave out words;
- (ii) to leave out words and insert or add others; or
- (iii) to insert or add words.

(q) Any amendments to Ordinary Motions will be called by the Chair in an order determined by the Chair, in consultation with the Monitoring Officer. The ordering shall be selected to facilitate coherent debate and to, wherever reasonably possible, allow each amendment to have the opportunity to be voted upon.

(r) Each amendment will be proposed and seconded and then put to the vote in the order determined by the Chair.

Right of reply and Voting on the Ordinary Motion

(s) Once amendments have been put to the vote, the principal motion, as amended if any amendments have been carried, will then be put to the vote.

(t) The rights of reply before the vote on an Ordinary Motion takes place are as follows:

- (i) Before any amendment is put to the vote, the Member who proposed the Ordinary Motion shall be given an opportunity to respond to the amendment.

- (ii) If no amendments are proposed or carried to an Ordinary Motion, then the Member who proposed the motion shall be given the right of reply before the Ordinary Motion is put to the vote.
 - (iii) If any amendment(s) is carried then the proposer of the amendment shall have the right of reply before the Ordinary Motion (as amended) is voted on. In the event that more than one amendment has been carried, then the Chair shall use their discretion to determine which of the proposers of the amendments shall have the final right of reply.
- (u) A Member exercising a right of reply will not introduce any new matter and after the reply, a vote shall be taken without further discussion.

23 AMENDMENT TO MINUTES OF COMMITTEE REFERRED FOR DECISION

- (a) An amendment to a minute of a Committee or a Sub-committee before the Council for decision can only be moved in the same way as an Ordinary Motion.

24 AMENDMENTS TO REGULATORY DECISION

- (a) No amendment may be moved to a Regulatory Decision.
- (b) No amendment may be moved which would have the effect of disproving the recommendation of a Committee or a Sub-Committee in relation to a Regulatory Decision.
- (c) For the purposes of this Rule a Regulatory Decision is the determination of an application for planning permission or any decision, determination, action, direction, order, approval, refusal or enforcement action in exercise of the powers of the Council as the local planning authority or those powers specified in section B of Schedule 1 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007.

24a AMENDMENTS TO REPORTS BEFORE COUNCIL

- (a) An amendment to a report before Council may not be moved unless notice of the amendment has been emailed by the proposer, and seconded by email, to the Democratic Services Manager by 9:00am on the Working Day before the meeting.

25 MOTIONS DURING MEETINGS

- (a) In addition to any other provision of these Rules the following motions may be moved without notice by any Member during a meeting:-
 - (i) to appoint a Member to Chair the meeting if the Chair of Council or the Deputy Chair of Council is not present;
 - (ii) in relation to the accuracy of minutes of the Council;
 - (iii) to change the order of business in the agenda;

- (iv) to refer something to an appropriate Committee, body or individual for consideration or reconsideration;
- (v) to appoint a Committee or Member arising from an item on the Agenda;
- (vi) to receive reports and/or to adopt recommendations of the Cabinet, committees or officers;
- (vii) to amend a motion except one to which Rule 22 applies;
- (viii) to proceed to the next business;
- (ix) that the question be put to the vote;
- (x) to adjourn a debate or a meeting;
- (xi) to extend the time limit for a speech or item of business;
- (xii) to consider Ordinary Motions submitted under rule 22 in excess of the number specified in Rule 22(e); and
- (xiii) to exclude the public and media in accordance with the Access to Information Procedure Rules, as set out in Part 4 of the Constitution.

26 CLOSURE MOTIONS

- (a) Subject to rule (d) below, a Member may move, without comment, the following motions at the end of a speech of another Member;
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will give the mover of the original motion a right of reply and then put the closure motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will put the closure motion to the vote. If it is passed he will give the mover of the original motion a right of reply before putting any amendments which have been seconded and debated and then the substantive motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the Chair will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

27 GENERAL RULES OF DEBATE

- (a) Unless matters are otherwise provided for by other procedures contained in these Rules, the following rules of debate shall apply to the conduct of all business of the Council.
- (b) Members may speak in English or Welsh.
- (c) No speeches may be made after the mover has moved a motion until the motion has been seconded. The Chair may allow the mover to explain the purpose of

the motion if he/she thinks fit. The proposer of the motion shall have the right to make the first speech in relation to the motion which he/she has moved.

- (d) When seconding a motion or amendment, a Member may reserve their speech until later in the debate.
- (e) Unless notice of the motion has already been given, the Chair may require it to be written down and handed to the Chair before it is discussed.
- (f) Speeches must be directed to the question under discussion or to a personal explanation or point of order and avoid Irrelevant Business (as defined in Rule 35).
- (g) Proposers of motions or movers of reports may speak for up to ~~six~~four minutes. Unless otherwise stated in these Rules, no other speech may exceed three minutes without the consent of the Chair.
- (h) Unless the Chair is of the view that exceptional circumstances exist, a Member who has spoken on a matter may not speak again whilst it is the subject of debate.

28 PREVIOUS DECISIONS AND MOTIONS

Motion to rescind a previous decision

- (a) A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least twenty one Members.

Motion similar to one previously rejected

- (b) A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least twenty one Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

Part 4 – General Provisions

29 VOTING

Majority

- (a) Unless this Constitution or the law provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

Chair's casting vote

- (b) Except in the case of a vote under Rules (e) and (f) below, if there are equal numbers of votes for and against, the Chair will have a second or casting vote.

Method of Voting

- (c) In normal circumstances voting will be carried out electronically and the names of those voting for, against or abstaining from voting will be recorded electronically and entered into the minutes.
- (d) If a matter seems to be uncontroversial (and no objection is received from any Member) the Chair may determine that a vote by a show of hands is sufficient. Where any Member requests it immediately before or after a vote on a show of hands is taken, their vote will be so recorded in the minutes to show whether they voted for or against or abstained from voting.

Voting on appointments excluding employee appointments

- (e) If there is one position (in a body or organisation) to be filled by a nominee of the Council and more than one person is nominated for that position then the position will be filled by the person with the greatest number of votes.
- (f) If there are two or more positions (in a body or organisation) to be filled by nominees of the Council and the number of nominations exceeds the number of such positions each Member of the Council will be able to exercise one vote for each such position (but may vote only once for each nominee) and the persons to whom more votes have been given than other persons up to the number of positions to be filled, shall be appointed.

Voting on employee appointments

- (g) In the event of there being more than two candidates for an appointment and no candidate receives the required majority on the first vote, the candidate with the least number of votes will be eliminated and a further vote will be taken. This procedure will be repeated until a candidate receives the required majority. If more than one candidate has the same number of votes and that is the lowest number of votes cast, a vote will be taken to decide the candidate to be eliminated from future votes. In the event of an equal number of votes being cast at this stage, the Chair will have a casting vote.
- (h) The Chair will have a casting vote only in the circumstances mentioned in the preceding paragraph.

30 MINUTES**Signing the minutes**

- (a) The Chair will sign the minutes of the proceedings at the next meeting (unless it is an Extra-Ordinary Meeting). The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

Form of minutes

- (b) The form of the minutes will be a matter for the Proper Officer but will include:-
- (i) all motions and amendments in the exact form and order the Chair put them;
 - (ii) replies given to Oral Questions; and
 - (iii) written questions and answers (as referred to at Rule 17).

31 RECORD OF ATTENDANCE

- (a) All Members present during the whole or part of a meeting must accurately record their attendance on the record of attendance provided for that purpose.

32 RECORDINGS OF MEETINGS OF THE COUNCIL

- (a) Council meetings shall be webcast ('the official recording'). Other than the official recording, no recording shall be made of the proceedings of meetings of the Council whether audio or visual and by whatever method except with the express authorisation of the meeting.
- (b) If a person records the proceedings of any meeting (or causes such recording to be effected) without authorisation then the Chair will order their removal from the meeting room and shall not permit them to be admitted to a further meeting except on a written undertaking to desist from such recording and on the destruction of such recordings as may have been made and anything derived from them.

33 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**Suspension**

- (a) All or any of these Council Rules of Procedure except Rule 29 may be suspended by motion on notice or without notice if at least one half of the whole number of Members is present.

Amendment

- (b) Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

34 OFFICER ADVICE

- (a) Any report placed for decision before Council should contain all necessary advice to enable Members to take a decision. Reports will be circulated in advance of the meeting and if a Member requires clarification on an issue related to the report, this should be sought prior to the meeting.
- (b) Further officer advice will only be available at the meeting of Council with the consent of the Chair, in consultation with the Head of Paid Service. If there is a need for further detailed legal or financial advice to be provided, the meeting should be adjourned.

35 INTERPRETATION

- (a) In these Rules the following words shall have the following meanings.

“Relevant Business” means matters for which the Council has a responsibility and which substantially affect the well-being of the administrative area of the Council and/or the citizens (or a significant group of them) of the Council.

“Inappropriate Business” means matters that:

- (i) are not in relation to a matter for which the Council has a responsibility and which affects the administrative area or citizens of the Council;
- (ii) are defamatory, frivolous or offensive;
- (iii) require the disclosure of confidential or exempt information; or
- (iv) relate to the personal circumstances or conduct of any officer and Member or conditions of service of employees; or
- (v) relate to an individual, particular group or business or the questioner’s own particular circumstances; or
- (vi) are ultra vires the Council or unlawful.

“Working Day” means a normal working day in Wales when banks are open for normal business (for the avoidance of doubt, excluding weekends and public holidays).

- (b) Any reference to “in writing” or “written” shall include email.
- (c) The Chair’s ruling on the interpretation of these terms in relation to the application of these Rules shall be final.

Council Meeting Timetable Summary (assuming no public holidays)

	Day	General Actions	Oral Question Procedure	Written Questions		Ordinary Motions
	Thu	-10				
	Fri	-9		9am Deadline for asking questions to ensure answer given by meeting.		
WEEKEND						
	Mon	-8				
	Tue	-7				5pm - Deadline for Submission of Ordinary Motions
	Wed	-6	- 5pm - Deadline for Submission of Public Questions			
	Thu	-5	Deadline for submission of Green Papers			
	Fri	-4	Summons and Agenda Circulated			
WEEKEND						
	Mon	-3				
	Tue	-2		12.00 noon – Deadline for submission of Oral Questions		5pm - Deadline for submission of amendments to Ordinary Motions
	Wed	-1	9am - Deadline for submission of amendments to reports			
	Thu	0	Council Meeting	12.00 noon - Written copies of questions and answers circulated by email		
	Fri	1				
WEEKEND						
	Mon	2				
	Tue	3				
	Wed	4				
	Thu	5	Circulation of written copy of Oral Question/Answers			