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AGENDA

Pwyllgor PWYLLGOR Y CYFANSODDIAD

Dyddiad ac amser y cyfarfod DYDD LLUN, 28 CHWEFROR 2022, 4.30 PM

Lleoliad CYFARFOD O BELL TRWY MS TEAMS

Aelodaeth Cyngorydd Goodway (Cadeirydd)
Cynghorwyr Berman, Burke-Davies, Carter, K Jones, Goddard, Jones-Pritchard, Lister, Kelloway, Keith Parry, Mia Rees a/ac Wong

1 Ymddiheuriadau

Derbyn ymddiheuriadau am absenoldeb.

2 Datgan Buddiannau

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

3 Cofnodion *(Tudalennau 3 - 8)*

Cymeradwyo cofnodion y cyfarfod blaenorol ar 13 Rhagfyr 2021 fel cofnod cywir

4 Trefniadau Cyfarfod Aml-Leoliad *(Tudalennau 9 - 60)*

5 Cynllun Deisebau'r Cyngor *(Tudalennau 61 - 82)*

6 Diweddariadau i'r Cyfansoddiad *(Tudalennau 83 - 252)*

7 Canllaw'r Cyfansoddiad *(Tudalennau 253 - 300)*

8 Eitemau Brys (os oes rhai)

9 Dyddiad y cyfarfod nesaf

Dyddiad y cyfarfod nesaf i'w gadarnhau.

Davina Fiore

Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol

Dyddiad: Dydd Mawrth, 22 Chwefror 2022

Cyswllt: Mandy Farnham, 02920 872618, Mandy.Farnham@caerdydd.gov.uk

PWYLLGOR Y CYFANSODDIAD

DYDD LLUN, 13 RHAGFYR 2021

Yn
bressenol: Cynghorydd Goodway(Cadeirydd)

Cynghorwyr Berman, Burke-Davies, Carter, K Jones, Goddard,
Jones-Pritchard, Lister, Keith Parry, Mia Rees a/ac Wong

55 : YMDDIHEURIADAU

Apologies for absence were received Councillor Kelloway

56 : DATGAN BUDDIANNAU

Councillor Jones-Pritchard declared a personal interest in relation to the discussion in the previous meeting regarding planning applications and agents.

57 : COFNODION

The minutes of the meeting held on 21 June 2021 were approved as a correct record.

58 : TREFNIADAU CYFARFOD O BELL NEU AML-LEOLIAD

The Committee was provided with an update on the development of multi-location meeting arrangements and an early draft of a Multi-Location Meeting Arrangements Policy for its consideration and direction.

The Committee was advised that the draft had been prepared in accordance with legislation and Welsh Government guidance.

The Committee discussed the possibility that Councillors might be absent from the city for long periods but would still be able to attend meetings remotely. Members considered whether there should be a commitment to attend a minimum number of meetings face-to-face. Members were advised that the role of political groups in the selection of candidates and what was expected of candidates was important in this regard. It is within the legislation for groups to express a preference for Councillors to be present at a certain number of meetings, although it is not permissible to insist that they are physically present.

Some members expressed the view that the encouragement of members to physically attend meetings should be strengthened to a requirement to attend at least 1 a year. Other members pointed out that there might be legitimate reasons for members to be unable or unwilling to attend. The view was expressed that the draft policy ought to be amended to indicate that it was desirable for Councillors to attend at least 1 meeting per year in person. Members were advised that it was open to them to increase the number of meetings Councillors were encouraged to attend in person, however it was not possible to make it a requirement.

Members were concerned that Councillors might log on virtually to a meeting but not remain in front of their laptop, in fact being elsewhere while appearing to be still

attending. Members were advised that it was difficult to ascertain whether someone had moved away from their device for a legitimate reason, or their connection had failed. People could be given the benefit of the doubt in the first instance, but if it happened again or for an extended period it might be considered a breach of the Code of Conduct. It could also be a matter for the political groups to make Councillors aware that their absence would be noticed.

Members also considered whether there might be a technological alternative to roll call voting in virtual or multi-location meetings, as roll call votes take considerable time. Members were advised that the Council had procured software that would allow both members who were physically present and those attending a multi-location virtually to vote, and for the votes to be collated and displayed on screen. It would also be possible for members to vote using MS Teams as an interim solution, although that might not be possible for a full Council meeting.

Members drew attention to the fact that Democratic Services was not listed among the committees to be webcast. Members were advised that the Council's contract only allowed for 200 hours of webcasting and there was no budget to request more. In the circumstances it was considered important to prioritise committees in which there was more public interest.

Members were advised that the draft policy was intended for the post-pandemic period and that there would be a review after an agreed interval.

Members noted that at Planning Committee meetings it was a requirement for Councillors to keep their cameras turned on and remain visible.

Members sought clarification on whether it was expected that Councillors would be able to use Zoom for video meetings with constituents.

Members discussed whether the guidance for video meetings should contain a recommendation for a 5-minute break every hour in line with HSE advice, or whether the frequency and duration of breaks should be at the discretion of committee chairs. It was considered that a requirement for hourly breaks might prove disruptive in some meetings where discussions were lengthy.

RESOLVED:

The Committee agreed to:

a. Note the content of the report and the draft Multi-Location Meetings Policy. Agree that the views expressed should be reflected in the development of the policy, and to receive a further report on this matter at its next meeting.

59 : DIWEDDARIADAU I'R CYFANSODDIAD

The Committee was presented with a report to enable it to give further consideration to the Council Meeting Procedure Rules in relation to Ordinary Motions; and officer delegations in respect of any regrading application submitted by an Operational Manager, to ensure the Constitution remains up to date and fit for purpose.

The Committee was requested to give further consideration to the rules in relation to:

- (i) the maximum number of Ordinary Motions which may be considered at each Council meeting
- (ii) the scope of Ordinary Motions; and
- (iii) amendments to Ordinary Motions.

Maximum number of motions

The Committee was requested to give further consideration to the factors to be considered in selecting Motions, specifically, ‘the number of Motions from the relevant group which have already been considered by full Council during that municipal year’. It has been submitted that, in considering the number of Motions previously taken by a relevant group, account should also be taken of the number allocated to that group. It is understood that this means that it should be the proportion of a group’s allocated number of Motions which should be considered, rather than simply the number. The Committee was invited to consider amending Rule 22(i) to this effect.

Other factors which are, in practice, considered if more than the maximum number of Motions are submitted, include the order in which the Motions are submitted and whether a Motion has been put back at the previous Council meeting. The Committee was recommended to add these factors to the list set out in Rule 22(i).

Under Rule 7(b) “The Chair shall have discretion to conduct the meeting to secure proper full and effective debate of business items”. The Monitoring Officer has advised that this rule, and the wide discretion given to the Chair of a meeting under the common law, allows the Chair the discretion to increase the maximum number of Motions at a particular Council meeting, if the Chair considers it appropriate to do so in all the circumstances, having particular regard to the factors set out and following consultation with party groups. It was recommended that the Chair’s discretion in this regard should be explicitly set out within Rule 22(i) for the avoidance of any doubt.

Members expressed the view that in deciding the number of Motions to go before Council the Chair should pay heed to the Procedure Rules. There was doubt expressed that the Chair had discretion to change the agreed Council Procedure Rules. Members were advised that the Chair had the discretion to ensure that proceedings were fair. Officers would not advise the Chair to use that discretion frequently or lightly, but only in specific circumstances where there was otherwise a risk of unfairness.

Members debated whether the 2-motion cap per meeting should be replaced with a 12-motion cap across the year, to allow greater flexibility in the number of motions coming before meetings. There was discussion about the possibility of allocating motions at particular meetings to each party group. The view was expressed that this might deny party groups the opportunity to bring forward topical motions, and that party groups might miss their allocated slot through the cancellation of meetings.

Members discussed the ability of Councillors to require their vote to be recorded in the minutes, and expressed concern that this ability might be open to abuse if members were able to retrospectively disassociate themselves from a decision that they had not opposed at the time it was taken. Members were advised that it would be possible to record individual Councillors’ votes in minutes.

Scope of Ordinary Motions

The Committee was invited to consider suggested amendments to the definitions of Relevant Business and Inappropriate Business in Rule 35, to allow the permitted scope of Motions to be widened in recognition of the Council's legitimate role in lobbying national government and other bodies in relation to matters within their respective competence.

Members expressed the view that the scope of motions should not be widened so far as to permit the criticism of national government and other bodies on matters that did not fall within the Council's responsibility. It was argued that where matters fell within the Council's responsibility but the Council did not possess the power to address them adequately, then it would be appropriate for the Council to lobby government for an enhancement of its powers.

Amendments to Ordinary Motions

Members were invited to consider inserting an additional rule after Rule 22(u) as follows:

'(ua) If the proposer of a Motion accepts a proposed amendment (of which notice has been duly given in accordance with Rule 22(r)), the amendment shall become part of the substantive Motion, unless the Chair rules that the amendment is fundamentally inconsistent with the Motion, in which case, the amendment shall be put to the vote.'

Members were advised that the purpose of the rule change was to clarify procedure and avoid confusion such as had arisen at a recent meeting of Council, where a proposer had orally accepted an amendment and there had then followed confusion as to whether the accepted amendment formed part of the substantive motion, following the substantive motion being amended upon the passing by vote of a further amendment which did not incorporate the previously accepted amendment.

Members discussed the necessity for the rule change. It was proposed that the new wording should be along the following lines: If a party group accepts an amendment, then any further amendment is amending the motion as amended. The view was expressed that either all amendments should be voted on, or if amendments from different party groups are not compatible, then if one group's amendment is accepted other groups' amendments should be ruled out.

Members were advised that a motion is the property of the party group that proposed and seconded it until a decision is made upon it by Council, at which point it becomes the property of the Council if approved. A decision does not necessarily require a full vote.

Members accepted that the risk of confusion could be mitigated if the Lord Mayor clarified that an amendment that had been orally accepted by the proposer would then form part of the substantive motion, as amended by further amendments. It was then open to party groups to withdraw or vote against their own amendments if they did not wish to accept the amendment.

Regrading Applications of Operational Managers – Monitoring and Oversight of Chief Executive's delegated powers

The Committee was advised that further consideration had been given to the appropriate monitoring and oversight arrangements, and the recommendation of the Monitoring Officer, in consultation with the chair of this Committee and the Chief HR Officer, is that this may be achieved by providing for the regrading of any Operational Manager deemed as a Deputy Chief Officer to be reported in the Pay Policy Statement (required under section 38 of the Localism Act 2011) which is reported annually to both Cabinet and Council.

RESOLVED:

The Committee agreed to:

- a. Recommend that any regrading applications of Operational Managers who fall within the statutory definition of a Deputy Chief Officer are to be reported within the annual Pay Policy Statement considered by Cabinet and approved by full Council;
- b. Agree the Constitution amendments set out in paragraphs 15, 22 and 35 of the report and recommend the same to full Council for approval and

To make no change to the current Council Meeting Procedure Rules on Amendments to Motions, but to keep this issue under review.

60 : BLAENGYNLLUN GWAITH

The Committee received and was asked to consider and approve the Constitution Committee Forward Work Plan for 2021-22 as detailed in Appendix A to this report.

RESOLVED:

The Committee considered and approved the Forward Work Plan 2021-22, and the areas considered as priorities as set out in Appendix A.

61 : EITEMAU BRYS (OS OES RHAI)

There was no urgent business.

Daeth y cyfarfod i ben am 6.30 pm

Mae'r dudalen hon yn wag yn fwriadol

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

MULTI-LOCATION MEETING ARRANGEMENTS

Reason for this Report

1. The purpose of this report is to provide the Constitution Committee with an update on the planned multi-location meeting arrangements following the public consultation on the initial draft of the Multi-Location Meetings Policy for its consideration and direction.

Background

2. On 13 December 2021 the Committee considered the initial draft of the Council's Multi-location Meeting Policy. Some initial changes to the policy were proposed which included:
 - a. To encourage all committee members physically attend at least one face to face meeting every six months for each committee or decision-making body to which they are appointed.
 - b. That appropriate breaks are included in the policy to reflect the Health and Safety Executive (HSE) or the Committee Chair offers the opportunity for appropriate breaks to meet the needs of the Committee.
3. These changes were made to the draft policy prior to the commencement of the public consultation and engagement with Elected Members, Joint Committee members, officers and the public.
4. It was agreed that the consultation would also be used to assist in the development and completion of an equalities impact assessment which would more accurately reflect the needs of those participating in meetings

Issues

Consultation

5. The revised draft Multi-Location Meetings Policy and committee report were shared with all Elected, Independent and Co-opted Members of Cardiff Council, the members of the Prosiect Gwyrdd and Glamorgan Archives Joint Committees and support officers from each of the Council's committees and sub committees.

6. The Head of Democratic Services provided a consultation event on 11th and 12th January 2022, with Joint Committee Members, Independent Members and committee support officers. These sessions outlined the policy and possible impact of the policy on the delivery of committee meetings.
7. Feedback from these activities was collated and where appropriate the policy was revised to clarify its contents or to address issues that were identified. The collated Member and officer feedback is shown at **Appendix A**. The responses have been categorised as follows:
 - a. Responses 1 - 55 relate to the draft multi-locations meeting policy,
 - b. Responses 56 – 64 relate to the guidance documents to support the policy
 - c. Responses 65 – 69 being more general issues about the policy

Key findings from the Member and Officer Consultation

8. The Elected Member and Officer consultation identified a number of proposals to improve clarity and understanding of the draft policy which included:
 - a. providing a clear definition of the committees and meeting to which the policy would apply to.
 - b. the provision of public available meeting software to enable independent Members and the public to remotely participate in meetings.
 - c. that proposals for Joint Committees to be undertaken as predominately remote meetings was generally welcomed.
 - d. Including the Local Authority Governor Panel as a predominantly remote meeting.
 - e. questioning the need to include the paragraph relating to “encouraging Elected and other members to physically attend one meeting every 6 months”.
 - f. Concerns regarding the impact on the effectiveness of the democratic process in remotely attending meetings and the preference of some Members for a greater level of physical attendance at meetings.
 - g. Clarification of technical and process related issues.
 - h. Separation of the guidance from the policy to enable updates of made to reflect the rapidly developing technology and processes.
9. Working with the Corporate Research Team a public survey was developed and circulated to the following organisations and bodies on 24 January 2022 with responses requested by 14 February 2022:
 - a. the Citizens Panel with approximately 5,500 public representatives
 - b. the Youth Council
 - c. Community Councils
 - d. Various equality Groups identified by the Equalities Team which included:
 - Cardiff 3rd Sector Network
 - Race Equality First
 - Diverse Cymru
 - Cardiff 50+ Forum
 - Guide Dogs Cymru
 - Disability Wales

- Alzheimer's Society
- Age Connects (Cardiff and the Vale)
- Royal National Institute for the Blind
- Wales Council for the Deaf
- Deaf Hub Wales
- British Deaf Association
- Cardiff Councils 5 Employee Networks
 - Black Asian and Minority Ethnic,
 - Carers,
 - Disability,
 - LGBT+ and
 - Women's
- Cardiff East Interfaith Network

e. The residents of Cardiff with a public survey promoted on the Councils social media accounts.

10. A total of 144 responses were received from the public consultation are attached at **Appendix B**.

Key findings from the Public Consultation

11. Some of the responses received were to address wording or other grammatical inconsistencies but the key elements of the feedback related to the following:

- a. Not all of the survey questions were answered by all respondents however the survey was undertaken by a diverse range of respondents.
- b. Over 80% of respondents identified that they did not engage or observe meetings with the main reason being that they do not know where to find the information for meetings (67.3%).
- c. The majority of respondents would either view the live stream 64% (16) or archived webcast 48% (12) with 20% (5) using both live stream and archived webcast.
- d. A larger number of respondents (137) indicated that if they wanted to engage or observe meeting their preferred option was primarily by using virtual arrangements 74.5 % (102) with 25.5% (35) wishing to attend in person.
- e. The responses generally supported the webcasting of the committees identified in the policy.
- f. Although the proposed arrangements for physical observers would support the requirement of those who wish to physically attend meeting there were a number of barriers which may need to be address including the timings of meetings.

The Equality Impact Assessment

12. Following the consultation the Equality Impact Assessment (EIA) was drafted and a copy is attached at **Appendix C**.

Proposed Changes to the Draft Policy

13. A number of changes to the draft policy were identified and provisionally applied to the policy at **Appendix D**. Comment tags have been added to the document to identify where a consultation response has been made and changes have been made to draft policy. These have included:

- a. Local Authority Meetings: Added additional paragraphs 3 and 4 to improve clarity on the types of meeting that are covered by the policy.
- b. Policy Review: Added paragraph 12 to include a review period for the policy

Documentation: There is a need to ensure that participants and observers are able to access to easy-to-understand information which explains how they can and should engage in multi-location meetings. With the imminent implementation of the Council's new conferencing system and meeting software, the guidance, which is expected to complement this policy will be prepared based on the new technology and systems. To minimise changes to the policy once it is approved, it is proposed that the associated documents be published separately with reference made to them in the main policy document. Paragraph 13 refers to separate guidance including:

- Guidelines for Public Participants and Observers of Multi-location Meetings which will be published on the internet.
 - "Guidelines for Council Participants and Observers at Multi-location Meetings" and "Chairing Multi-location Meetings" will be made available on the Council's Intranet.
- c. ICT Equipment: Clarification of ICT equipment and publicly available remote software in paragraph 23
 - d. Predominantly Remote Meetings: In addition, the joint committees the Local Authority Governor Panel has been added as a predominantly remote meeting. Paragraph 29 has been enhanced to the understand of how representatives of other LA's can join a remote meeting.
 - e. Health and Safety of participants and Observers: clarified the need for participants rather than observers to undertake DSE assessment in Paragraph 35. Paragraph 47 added to identify opportunities for informal physical meeting which are not covered by the policy.
 - f. Physical Attendance: Contrary to the view of the committee respondents questioned if this paragraph (43) was needed if it could not be enforced. Paragraph 44 was added to clearly state that individual could physically attend any and all meeting if they wished to do so.

- g. Webcasting: The webcast meetings, available webcasting hours, monitoring and function (not a formal record) was added for clarification in paragraph 56.
- h. Online meeting Platforms: Clarified benefit of using council devices in paragraphs 61 and 62.

General Support.

- 14. Respondents acknowledged that the authority is required to provide a virtual option for its meetings and were supportive of the main proposals within the policy. Any issues that were raised were relatively minor.

Concerns

- 15. Some consultees expressed their concerns about the effectiveness of the democratic process in decision making with multi-location meetings and suggested that sitting around a table offers an opportunity to 'read the room', confirm that all views have been captured, and encourage contributions from all participants. The consultation responses indicated that there will be Committee Members who may not physically meet, and that there is a need to ensure effective Committee relationships and to develop the collective cohesion of all committee members.
- 16. The consultation responses indicated that there will be Committee Members who may not physically meet, and that there is a need to ensure effective Committee relationships and to develop the collective cohesion of all committee members. The addition of paragraphs 44 and 47 may also assist to address these concerns.

Involvement of Young People

- 17. The draft Multi-location Meeting Policy does not specifically reference the involvement young people although representatives of the Youth Council are invited to a number of Scrutiny Committees as invitees. The Youth Council Executive have requested that a Young Person Friendly version of the policy be developed to support the intentions of Cardiff becoming a Child Friendly City. It has also been proposed that the Youth Council be involved in the development of this version of the policy.

Implementation of the Policy

- 18. To optimise the benefits which the policy is intended to achieve, its implementation has been scheduled for 5 May 2022. This will enable the new conferencing system to be installed and all members elected in the Local Government Elections in 2022 to be trained in the use of the new technology and systems including how they can effectively participate in physical and remote meetings.

Review of the Policy

- 19. It is proposed that a review of the policy be undertaken after 12 months from the implementation of the Multi-location Meetings policy.

20. This project is already on the Governance and Legal Directorate Risk Register and to support the implementation and subsequent review of the policy, the key concerns identified during the consultation will be reflected and monitored in the Directorate Risk Register.

Legal Implications (including Equality Impact Assessment where appropriate)

21. The Local Government and Elections (Wales) Act 2021 ('the 2021 Act'), Part 3, Chapter 4, requires local authorities to broadcast full Council meetings and to make and publish arrangements to ensure that all Council, Cabinet, Committee, Sub-Committee and Joint Committee meetings may be attended remotely (i.e. enabling persons who are not in the same place to attend the meeting) – also referred to as 'multi-location meetings'.
22. Meetings must be capable of being held virtually, but individual authorities must decide whether their meetings will be held fully virtually, partially virtually (where some participants are in the same physical location, whilst others join the meeting virtually, referred to as 'hybrid meetings') or as physical meetings (although authorities may not mandate physical attendance at meetings).
23. Meeting participants must be able to speak to and hear each other; and for meetings which are required to be broadcast (ie. full Council meetings), participants must also be able to see and be seen by each other.
24. The 2021 Act makes permanent the changes to electronic publication of meeting documentation, which were introduced by the 2020 Coronavirus Meeting Regulations. Under the 2021 Act, all meeting documents, including notices, summonses, agendas, reports and background papers must be published on the Council's website. A note of the meeting, including Members in attendance and decisions made, must be published within 7 working days of the meeting. Notice of meetings is no longer required to be posted at the Council's offices. However, copies of agendas and reports must be made available for the public if meetings are held physically; and the Council is also required to make public access provision for members of the public who cannot access electronic documents (for example, by providing access to computers, copies of documents, or making documents available for inspection.)
25. The 2021 Act also introduces a new duty on local authorities, with effect from 5 May 2022, to encourage local people to participate in their decision making and to prepare and publish a public participation strategy detailing how it will meet this duty.
26. When considering arrangements for remote attendance or 'multi-location meetings', authorities must have regard to statutory guidance issued by the Welsh Ministers: [Interim statutory guidance on multi-location meetings \(gov.wales\)](https://gov.wales/interim-statutory-guidance-on-multi-location-meetings)
27. The statutory guidance sets out a number of general principles to guide authorities when developing their meeting arrangements, namely, transparency, accessibility, good conduct, Welsh language, local needs and future generations – as detailed in section 2 of the guidance. This sets the framework within which authorities must consider options and decide the meeting arrangements which best suit the authority and the communities it serves.

28. When public consultation is undertaken, case law has established that the consultation process should:
- (i) be undertaken when proposals are still at a formative stage;
 - (ii) include sufficient reasons and information for particular proposals to enable intelligent consideration and response;
 - (iii) provide adequate time for consideration and response; and;
 - (iv) ensure that the product of consultation is conscientiously taken into account when the ultimate decision is taken.
29. In considering this matter, the Council must have regard to its public sector equality duties under the Equality Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties, Councils must in making decisions have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. The Protected characteristics are: age, gender reassignment, sex, race – including ethnic or national origin, colour or nationality, disability, pregnancy and maternity, marriage and civil partnership, sexual orientation, religion or belief – including lack of belief. When taking strategic decisions, the Council also has a statutory duty to have due regard to the need to reduce inequalities of outcome resulting from socio-economic disadvantage ('the Socio-Economic Duty' imposed under section 1 of the Equality Act 2010). In considering this, the Council must take into account the statutory guidance issued by the Welsh Ministers and must be able to demonstrate how it has discharged its duty. An Equalities Impact Assessment should be carried out to identify the equalities implications of the proposed arrangements, including inequalities arising from socio-economic disadvantage, and due regard should be given to the outcomes of the Equalities Impact Assessment.
30. The Council must also be mindful of the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards and consider the impact of its arrangements upon the Welsh language.
31. The Well-being of Future Generations (Wales) Act 2015 requires the Council to consider how its proposals will contribute towards meeting its well being objectives (set out in the Corporate Plan). Members must also be satisfied that the proposals comply with the sustainable development principle, which requires that the needs of the present are met without compromising the ability of future generations to meet their own needs.
32. The approval of any policy which does not form part of the Council's policy framework (as defined in the Constitution, Article 4.2(a)) is a function reserved to the Cabinet under the Scheme of Delegations, Section 2, paragraph 4.

Financial Implications

33. There is funding in place for the Council's new conferencing system, which will be financed through the Council's Capital Programme.
34. The Council has an ongoing contract with a supplier for Webcasting of meetings until 31st March 2023, costs are to be met from the Democratic Services budgets.

35. Following the 2022 Local Government election an exercise will be undertaken by officials to identify the cost of new ICT equipment for Elected Members and the identified costs will be funded through earmarked reserves.

RECOMMENDATIONS

36. The Constitution Committee is recommended to:
- a. Consider the content of the report and its appendices.
 - b. Identify and agree any changes that should be made to the draft Multi-Location Meetings Policy attached as Appendix D; and authorise the Monitoring Officer, in consultation with the Chair, to make the agreed changes.
 - c. Recommend the draft Multi-Location Meetings Policy, subject to any agreed amendments, to Cabinet for approval.

DAVINA FIORE

Director of Governance and Legal Services and Monitoring Officer

22 February 2022

Appendix A Consultation Responses - Member and Officers

Appendix B Consultation Responses - Public

Appendix C Draft Equality Impact Assessment

Appendix D Draft Multi-Location Meetings Policy

Background Papers:

[Remote / Multi-Location Meeting Arrangements](#) report to the Constitution Committee dated 21 June 2021

[Multi-Location Meeting Arrangements](#) report to Constitution Committee dated 13 December 2021

CONSULTATION RESPONSES - MEMBER AND OFFICERS

| Serial | Response |
|--------|--|
| 1 | Establishing the scope of the policy: It may be useful to provide a statement to stipulate which meetings the policy applies to, drawing on the language of the Act. From looking at both the Act and Guidance, I appreciate that this may not be straight forward. Simply put however, it would be useful to clarify which type of meetings are within scope and which are out of scope. For example, does the policy need to make clear that it does not apply to Governors meetings? |
| 2 | Distinguishing between Council responsibility & the responsibility of another body: Following on from the above point, we may want to clarify where the Council has direct responsibility for ensuring Multi Location Provision, and where it must ensure that another body discharges the duty on its behalf, e.g. Corporate Joint Committees or other regional bodies corporate who conduct business where the Council is involved but is not directly/immediately responsible. To put this another way, if the Corporate Joint Committee does not discharge their responsibility in relation to this policy, the non-compliance must sit with them. |
| 3 | Need to make clear which meetings this refers to i.e. meetings involving elected Members |
| 4 | It would be helpful to define which type of meetings this refers to e.g. |
| 5 | Need to clarify what the legislation requires and which type of meetings it applies to. E.g. need to be clear doesn't apply to governors meetings |
| 6 | We need to ensure that the policy can be applied to all current and future meetings which Cardiff Council may be responsible for (eg City Deal, CJsCs etc) Currently policy is very focused on committees run by Democratic Services |
| 7 | "Decisions" This perhaps needs redrafting as Scrutiny Committees don't make decisions |
| 8 | Consider quoting the Act and offering an explanation (part 3, chp4, s47(6)) |
| 9 | What is the process for review and alteration once it is in place? Would it be reviewed say quarterly in its first year so that changes could be made and problems rectified – would the Constitution Cttee look at it? |
| 10 | Reliance on the internet - This is a key point given digital exclusion issues in Cardiff, particularly in lower socio-economic areas – whilst the policy rightly highlights physical meetings are not accessible to some, perhaps need to emphasise a bit more that remote meetings are not accessible to digitally excluded ... which helps explain why multi-location mtgs are preferred... |
| 11 | Does this need to be more generic |

| Serial | Response |
|--------|--|
| 12 | Line 19 deals with physical attendees needing IT equipment to be able to follow contributions from those attending remotely. This will need to be arranged in such a manner so as to not cause “feedback”, which disrupts the broadcast for remote attendees |
| 13 | No mention was made regarding the software install for independent members that sit on committees. How will that be addressed? |
| 14 | We welcome the fact that the committees have been assigned a likely type of meeting (mostly virtual, mostly physical etc). Understood that have to offer a virtual option by law. |
| 15 | So this will mean balancing needs of those who can’t access physical mtgs with needs of those who can’t access remote mtgs. |
| 16 | As can remote mtgs to digitally excluded |
| 17 | Glamorgan Archives Joint Committee has been meeting remotely since the start of the pandemic and it’s generally worked really well, so I have no issue with the idea of continuing that on a permanent basis. |
| 18 | From a PG perspective, Andrew has contacted the officer representatives from other Authorities and I understand they are broadly/generally in agreement about the approach ie primarily Joint Committee (JC) meetings will be remote but with the option of physical JC meetings (if it is felt beneficial). |
| 19 | JP and I have discussed this and we would be in favour of all Prosiect Gwyrdd meetings being remote .As you suggested in the presentation , travelling to Cardiff or even Barry for a 10-15 minute meeting is not an option these days. |
| 20 | In light of the Prosiect Gwyrdd Joint Committee, I see no reason due to distance, that these could not be totally remote. |
| 21 | I understand from the draft policy that if the JC meeting is physical it can be held from a variety of different locations eg some members at one location and others at another location. I presume that if the meeting was not fully remote, it could be a mixture of both physical and remote ie some members/officers could be in physical attendance (at different locations if necessary) with others accessing the JC remotely. I am not sure if needed but would it be useful to specifically include this later point in para 25? |
| 22 | I did confirm via the Labour Whip my view that the governors panel (LAPG)meeting worked well virtually as previously member would spend longer travelling than they did in meetings. I think it would be really sad if meetings like that went back to being an inface meeting unless the members of the committee actually wanted to change again as it seems such a chunk of people’s time if they are not already in County Hall |
| 23 | We don’t currently do this. |
| 24 | Point 30 on the first line is “to use of” I think should be “to make use of” or “to use” |
| 25 | Attendance at multi-location meetings may require participants and observers to use display screen equipment or to be seated for extended periods of time. |
| 26 | Is this all participants or just those who are going to be in the whole meeting? I think it might be excessive to ask witnesses to complete DSE, especially as they are not usually in the meeting for longer than 1-2 hours. Does this need changing to say ‘participants who are expected to be in the meeting for more than 2 hours’ |

| Serial | Response |
|--------|---|
| 27 | Will it also avoid mtgs being held one after the other when participants are on both committees e.g., planning committee and E&C – participant could end up in front of screen for 6 hrs – with short comfort breaks only – not ideal |
| 28 | I think for scrutiny it has been the Chairs views that have taken precedence albeit that some chairs have checked with cttee members as well |
| 29 | All committee members are encouraged to physically attend at least one meeting every 6 months of each committee or decision-making body to which they are appointed during each municipal year where it is possible and practicable to do so. I just wonder why this is required and what purpose it will serve? Some Committees might only sit a few times a year and even if they are more regularly, I am not sure what would be achieved. |
| 30 | You mentioned that you are recommending physical presence at a meeting every 6 months. As the Standards and Ethics meetings are held quarterly that would mean that you are suggesting attendance at every other meeting. Is that correct |
| 31 | Why? |
| 31a | Whether a member can elect to attend in-person? Given the ongoing pandemic and uncertainties that is not an option at present, however can this be considered for the post-pandemic position? |
| 32 | I understand and can see the benefits of increased use of technology, but I would be grateful for assurances that the inherent associated risks in respect of access, participation, ensuring committee consensus, cohesion and inclusion, and the effectiveness of the democratic process have been assessed with relevant risks mitigated. |
| 33 | I don't like Zoom meetings, I like real meetings with real people. The sooner we return to our wonderful City Hall Chamber designed for such meetings the better. Politics is about people and meeting people and talking to them. I did not become a councillor to become a face on tv channel. |
| 34 | They (GAJC Committee Members) have previously expressed a vague desire to meet face-to-face again. The issue I can see with that is that we normally meet at the Glamorgan Archives building, but we wouldn't have the technical infrastructure to be able to deliver a multi-location meeting with some in the building and some at home and it's not worth us having that technical equipment for 4 meetings a year. I don't know if you've had any comments/thoughts from any of our Joint Committee, but this might be something that I will need to discuss with them as to whether they would want the potential for a face-to-face meeting occasionally, say once a year for example. Would it be possible to borrow the technical equipment for such a meeting or would we need to think about holding the meeting in one of the existing rooms set-up for the purpose? |
| 35 | Duplication of words - the number |
| 36 | Point 40 on the second line "the number" is repeated |
| 37 | This doesn't really work for Cabinet so we need to be clear that it is for non executive meetings |
| 38 | I feel Scrutiny Committees will need to meet physically once each year to establish, build and maintain the team working relationship, to secure the Chair's position. This could be the initial meeting after election/appointment at Full Council. Could Cardiff's policy recommend this even though it can't mandate? |

| Serial | Response |
|--------|--|
| 39 | Which role do you see the PSO performing – Organiser? Or simply officer support. |
| 40 | We should probably reference point (bii) of this procedure rule which states that notice must be given on the agenda! |
| 41 | Again this is not how we record Cabinet attendance |
| 42 | Might be better to refer to ‘Scrutiny Committee’ rather than name them, as they may well change |
| 43 | Will there be restrictions on the number of hours of webcasting time allocated to each Committee? |
| 44 | Just to follow up from the discussion around minutes vs webcast recordings – we have previously said that we don’t think we would permanently preserve video recordings of meetings as they are not the official record and are not legally admissible (as far as we understand it). The signed minutes currently remain the officially accepted record and so that has to be the accepted format for preservation. However, the discussion today has backed up the thoughts that have been running through my mind recently that it might be feasible in the future for the video recording to become a more official record and we might need to consider the long-term preservation of this as a distinct record-set. This requires a bit more thought and planning as the expense of preserving video files on a permanent basis could be significant. I’ll give it a bit more thought and see if I can put some more factual info behind the pros and cons of keeping them. This doesn’t really impact on the policy but is something that requires a bit more thought and discussion as we move permanently into the online meeting world. |
| 45 | Should really refer to Decision registers here in terms of Cabinet (and Council?!) |
| 46 | Does this need a ‘subject to covid restrictions’ caveat – just in case fully remote because of covid and therefore County Hall not open to public? |
| 47 | This should be 2 working days – otherwise a request could be made at 5pm on a Friday for a 5pm meeting on a Monday! |
| 48 | Line 55 refers to MS Teams, yet Line 56 refers to translations being provided by Zoom. How will this work in practice? |
| 49 | Again Cabinet office? |
| 50 | We’ve suggested changes to the terminology. For example, Cabinet publishes a decision register, rather than minutes etc. If, however, this is now a legislative requirement, we’ll review. |
| 51 | "clear" |
| 52 | Cabinet? |
| 53 | For consistency, should this spell out that physical attendance cannot be mandated – so clear that same rules apply to officers as to members. |
| 54 | Does this apply to all participants, even those who are in physical meeting with the Chair? |

| Serial | Response |
|--------|--|
| 55 | Should this be all participants, not just remote participants, as all participants will be logged into teams to be able to vote/ seek consensus – see point 75. |
| 56 | On the instructions – “the Chair will join the meeting 5 minutes the start” I think “before” is missing |
| 57 | Should there also be a section of leaving a meeting early – e.g. put message in Chat function? |
| 58 | On the Prior to Meetings section, I feel, a lot of the points are not applicable to most committees and the last point in that section does not make sense. Possibly some typos there. I don’t like the wording of the other two Chair sections and feel they could be a lot simpler if needed at all. Most Chairs, I’m sure, discuss the plan for the meeting with their relevant officers beforehand and have the relevant paperwork to assist them. I don’t feel there is a need to over complicate it. |
| 59 | We need to be careful re: pre-emption or decisions here |
| 60 | Missing the word ‘to’ |
| 61 | Should this point be in next section? |
| 62 | Missing the word ‘of’ |
| 63 | Missing the word ‘of’ |
| 64 | Sorry, not clear if they should avoid asking members in turn or whether they should do this |
| 65 | Futureproofing: Some aspects of the policy may become dated very quickly. For that reason, you may want to refer to “suitably qualified staff” supporting hybrid meetings, rather than specific teams. Equally, rather than name specific meeting as being within scope, you may be better served by tightly defining the type of meetings that are within scope of the policy. |
| 66 | The document is very wordy and difficult to follow but after the support worker explained the reasoning then it makes sense for it to be written out like this. However, will there be a young person friendly version of the document produced where things like legal requirements could be removed? We are happy to help you produce a young person friendly version. |
| 67 | Is there any reason why children and young people are not specifically mentioned in the document? We feel that as some of us are involved in these types of meeting that maybe there should be a mention, especially around time constraints of children and young people attending school and therefore would find it almost impossible to attend meetings before 4:30 |
| 68 | Due to the length of the document we don’t feel we have had enough time to fully go through the document but we can’t see anything that is obvious we would change other than what we have already said but we think if a child friendly version was made it would make it easier for us. |
| 69 | From a HR perspective we have no comments on the policy – it seems consistent with the hybrid working for staff. |

Mae'r dudalen hon yn wag yn fwriadol

CONSULTATION RESPONSES – PUBLIC**Summary of responses:**

1. A total of 144 respondents participated in this consultation. Not all questions were answered by all respondents. The majority of respondents 62.7% (86) were aged 55 and over with the under 24's accounting for only 5.8% (8) of the respondents. The consultation was undertaken by approximately equal numbers of men/male 49.3% (67) and women/female 47.8% (65) with a small number identifying as "other" 0.7% (1) or preferred not to say 2.2% (3).
2. Approximately 20% of respondents identified themselves as a disabled person with many having a long-standing illness or health condition 50.0% (36). The majority of respondents described themselves as having Mental Health difficulties 27.8% (20), were Deaf, Deafened or Hard of hearing 23.6% (17) or had mobility impairments 22.2% (16) which accounted for a majority of the disabilities. A smaller number of respondents described themselves as having visual impairment 9.7% (7), Learning impairment/ difficulties 6.9% (5) or were a wheelchair user 4.2% (3).

Comment:

The consultation was undertaken by a diverse range of respondents.

3. **Current Engagement and observation**

- a. Only 18.7% (25) respondents currently engage or observe meetings of the Council or its committees. Over 80% of respondents currently **do not** engage or observe meetings with the main reason being that they do not know where to find the information for meetings (67.3%).

Comment:

Identify how meeting information can be made more easily available to potential observers i.e. providing easier access to meeting information on the council' internet website, use regular social media posts (1 per month) with links to calendar of meeting webpage for the month.

- b. Of the 18% (25) of respondents that indicated that they do engage with council meetings, only 8% (2) would only expect to attend in person. The remainder would either view the live stream 64% (16) or archived webcast 48% (12) with 20% (5) using both live stream and archived webcast.
- c. A larger number of respondents (137) indicated that if they wanted to engage or observe meeting their preferred option was primarily by using virtual arrangements 74.5 % (102) with 25.5% (35) wishing to attend in person

Comment:

The proposed plans for physical attendance of public at meetings in the Multi-location meetings policy will support the requirements of those who wish to attend public meetings in person.

4. Meetings Observed

The 26 respondents indicated that the meetings they had engaged or observed were primarily Council (64%), Planning Committee (40%), Cabinet (32%) and Scrutiny (32%) meetings. Standards and Ethics Committee (12%) and the Governance and Audit Committee (4%) had a significantly less engagement with only the Licensing Sub-Committee (4%) being identified as another committee that had been observed.

Many of the respondent 17 (65%) engaged with or observed two or more committees

Comment:

The responses support the plans for webcasting of meetings.

5. Barriers to attending meetings

a. In Person

The consultation identified that 29.4% (10) respondents had no barriers to attending a meeting in person. The timings of the meetings (19) 55.9%) was identified as the largest barrier to attending a meeting in person with 20.6% identifying health concerns or accessibility issues. Financial implications relating to travel, time off work, and childcare were identified by 8.8% (3) respondents.

b. Virtually

The majority 75.2% (76) of the 101 respondents to this question had no issues with engaging or observing a meeting virtually. It should be noted that none of the respondents who identified meeting timings as a barrier to a physical meeting responded that they had “no issues” virtual meeting barriers.

ICT barriers relating to: access to relevant internet access, devices and software were identified by 8% (8) respondents.

Of these only one respondent (1%) identified that they had no access to internet services, lacked a suitable device or relevant software to engage or observe meetings and could be considered digitally excluded if they had not responded to this online survey.

Barriers to privacy including being identified in a public meeting and lack of quiet / private space to participate in the meeting were indicated by 18% (18) of respondents.

A number of respondents identified other barriers which included:

- the timings of meetings and their availability to attend virtually 4% (4).
- the availability of a British Sign Language (BSL) interpreter

Comment:

Although a significant majority of respondents were satisfied with attending meetings virtually, some work will be needed to identify how the barriers can be reduced which may include:

- considering the timings of meetings for public participants and observers in the survey of meeting timings undertaken by committees following the Local Government Elections in 2022.
- The intention to provide publicly available software for Multi-Location meeting will address some of these barriers.
- Digital exclusion is an ongoing concern which may be addressed as part of the Council's Participation Strategy which is being developed.
- Barriers for the Deaf community may be addressed with further development of a mobile conferencing system. However, appropriate funding will need to be identified to deliver picture in picture signing and for the provision of BSL Interpreters.

| Serial | Question | Responses |
|--------|--|--|
| 1. | Do you currently engage or observe meetings of Council and/or its committees? | No (113) 81.9% Yes (25) 18.1% |
| 2. | If yes, how do you do this? | Viewing the Live-stream (15) 62.5% Archived Webcast (12) 50.0% In person (7) 29.2% |
| 3. | If no, what stops you? | Don't know where to find the information about these meetings (74) 67.3% Other (21) 19.1% Not interested (15) 13.6% Don't have access to the internet (0) |
| 4. | Which committees do you observe? | Council (16) 64.0% Planning Committee (10) 40.0% Cabinet (8) 32.0% Scrutiny Committees (8) 32.0% Standards & Ethics Committee (3) 12.0% Governance & Audit Committee (1) 4.0% Other - Licensing Sub Committee (1) 4.0% |
| 5. | If you wanted to engage with or observe a meeting, how would you prefer to attend? | Virtually (e.g. Teams, Zoom or similar platform) (102) 74.5% In person (35) 25.5% |
| 6. | What would be your barriers to attending in person? | The timings of the meetings (19) 55.9% No issues (10) 29.4% Health concerns (4) 11.8% Accessibility issues (3) 8.8% Financial implications (e.g. travel, time off work, childcare) (3) 8.8% Other (-) |
| 7. | What would your barriers be to attending virtually? | No issues (76) 75.2% Concerns around being identified in a public meeting (14) 13.9% Lack of quiet / private space to participate in the meeting (9) 8.9% No access to relevant software to join the meeting (5) 5.0% |

| Serial | Question | Responses |
|--------|--|--|
| | | Other (5) 5.0% <ul style="list-style-type: none"> i. Information regarding how to access obscured by officers. Timing of meetings around work schedule ii. Time of the meeting due to work iii. Concern if BSL interpreter available iv. Not being available on the day v. Time Lack of suitable device (3) 3.0% No access to internet services (3) 3.0% |
| 8. | What was your age on your last birthday? | 65-74 (38) 27.7% 55-64 (33) 24.1% 45-54 (16) 11.7% 75+ (15) 10.9% 35-44 (14) 10.2% 25-34 (9) 6.6% Under 16 (4) 2.9% 16-24 (4) 2.9% Prefer not to say (4) 2.9% |
| 9. | Are you...? | Male (67) 49.3% Female (65) 47.8% Prefer not to say (3) 2.2% Other (1) 0.7% |
| 10. | Do you identify as Trans? | No (126) 93.3% Prefer not to say (7) 5.2% Yes (2) 1.5% Prefer to self-describe (0) |
| 11. | Do you identify as a disabled person? | No (104) 75.9% Yes (27) 19.7% Prefer not to say (6) 4.4% |
| 12. | Please tick any of the following that apply to you | Long-standing illness or health condition (e.g. cancer, asthma) (36) 50.0% Mental health difficulties (20) 27.8% Deaf/ Deafened/ Hard of hearing (17) 23.6% |

| Serial | Question | Responses |
|--------|---|---|
| | | Mobility impairment (16) 22.2% Prefer not to say (8) 11.1% Visual impairment (7) 9.7% Learning impairment/ difficulties (5) 6.9% Other (5) 6.9% Wheelchair user (3) 4.2% |
| 13. | Do you consider yourself to be Welsh? | Yes (87) 67.4% No (42) 32.6% |
| 14. | What is your ethnic group? Where the term 'British' is used, this refers to any of the four home nations of Wales, England, Northern Ireland and Scotland, or any combination of these. | White - Welsh/English/Scottish/Northern Irish/British (114) 82.6% White - Any other white background (6) 4.3% Prefer not to say (4) 2.9% Asian/Asian Welsh/British – Pakistani (3) 2.2% Asian/Asian Welsh/British - Indian (3) 2.2% Asian/Asian Welsh/British - Any other (3) 2.2% White - Irish (2) 1.4% Any other ethnic group (please specify) Mixed/Multiple Ethnic Groups - White and Black Caribbean (1) 0.7% |

Please consult with the Equality Team for any assistance with completing this assessment- equalityteam@cardiff.gov.uk

| |
|--|
| Policy Title: |
| New: Multi-Locations Meeting Policy |

| | |
|---|--|
| Who is responsible for developing and implementing the Policy? | |
| Name: Gary Jones | Job Title: Head of Democratic Services |
| Service Team: Committee & Member Services | Service Area: Democratic Services |
| Assessment Date: | |

1. What are the objectives of the Policy?

With the implementation of “The Local Government and Elections (Wales) Act 2021 the Welsh Government has provided Councils the power and freedom to convene multi-location meetings which will allow councillors to participate remotely and the public to participate/observe remotely, enabling greater accessibility and public participation in local government decision making. This EIA is in reflection to our proposed Multi-Locations Meeting Policy.

2. Please provide background information on the Policy and any research done [e.g. service users data against demographic statistics, similar EIAs done etc.]

The Council’s Constitution reflects the existing legislation and provides the basis for the observation and participation of individuals at formal meetings of the Council and its committees. This policy will support the intentions of the Welsh Government to enable greater participation and transparency of Local Government decision making. Consultation with Elected Members, Officers, Joint Committee Members, Independent Members and a public consultation to seek the views of the residents of Cardiff including Young people, Equality Groups, Community Councils has been carried out and has informed our approach.

3 Assess Impact on the Protected Characteristics

3.1 Age

Will this Policy have a **differential impact [positive]** on younger/older people?

| | Yes | No | N/A |
|----------------|-----|----|-----|
| Up to 18 years | X | | |
| 18 - 65 years | X | | |
| Over 65 years | X | | |

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Please give details/consequences of the differential impact, and provide supporting evidence, if any.

The provision for observers and participants at meetings will not differentiate between the age ranges. Although there is a likelihood that some individuals may prefer to participate or observe the physical rather the remote part of meeting or vice versa. An equal level of opportunity will be provided in support of participants and observers in any element of the multi-location meeting. This policy is considered as a positive step to enable wider access to council meetings. The Welsh Government has identified the following benefits of multi-location meetings:

- Enhancing and supporting local democracy by demonstrating this Council conducting its business;
- Making it easier for the public to observe multi-location meetings.
- Enabling external participants to actively engage at meetings to provide a greater range of views and to enhance decision making.
- Making the Council more resilient and sustainable. The Wellbeing of Future Generations (Wales) Act 2015 requires relevant authorities to think about, and act on, long term needs in the way that policy is developed and made. Multi-location meetings reduce the carbon footprint of physical meetings (although digital activity is not of course carbon-neutral). They can also help relevant authorities to reduce the risk of future unexpected events – such as extreme weather – which could in future present a challenge to in-person meetings.
- Reducing the need for travel. Significant time and cost savings for councillors, officers and other participants have arisen particularly for joint bodies.
- It is easier for participants to take part if they have professional and caring commitments.
- Better support for members from diverse backgrounds, by multi-location meetings making it easier for care providers, or disabled people, or people with other protected characteristics, to engage on an equal footing;
- Better behaviours. Although experiences have been mixed, on the whole meeting management and the behaviours of participants have both improved, with less heckling taking place at meetings.

The Youth Council Executive identified that the policy did not specifically reference young people although some members of the Youth Council attend Scrutiny Committees as invitees. They also identified that policy was long and difficult to read and that young people would benefit from having their own version to refer to.

What action(s) can you take to address the differential impact?

The Youth Council could assist in the development of a Young Persons version of the policy.

3.2 Disability

Will this Policy have a **differential impact [positive]** on disabled people?

| | Yes | No | N/A |
|--------------------|-----|----|-----|
| Hearing Impairment | X | | |

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Equality Impact Assessment

| | | | |
|---|----------|----------|--|
| Physical Impairment | X | | |
| Visual Impairment | X | | |
| Learning Disability | X | | |
| Long-Standing Illness or Health Condition | X | | |
| Mental Health | X | | |
| Substance Misuse | | X | |
| Other: | | X | |

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

General:

The online availability of meeting via webcasting supports all of these impairments and will also make it easier for disabled participants to take part if they have professional and caring commitments.

Hearing Impairment:

For those participants or observers at the physical part of the meeting, audio enhancement will be provided and access to the hearing loop technology will be available in the meeting rooms. BSL provision will also be provided for participants (when requested). Those participating or observing remotely will be able utilise their own bespoke facilities to provide audio enhancement or on-screen subtitling.

Physical Impairment / Long-Standing Illness or Health Condition

For those participants or observers who may be challenged to attend a physical meeting, the ability to participate or observe meetings remotely provides an opportunity to engage with decision making meetings. Previously with only physical meetings being available attending a meeting may have posed a significant challenge to some individuals. Remote participation and observation reduce these challenges and enables wider consideration of the decision-making process.

Visual Impairment

Being able to participate or observe meetings from their home may enable those with visual impairments to access meetings using their own bespoke equipment. The personal equipment is likely to be tailored to the needs of the individual and provide them with suitable support to participate or observe a multi-location meeting.

Enhanced sound quality at physical meetings may also assist those with visual impairment.

The use of BSL Interpreters in physical meeting can be provided on request with and with appropriate notice.

Learning Disability

The ability for observers with learning disabilities to view meetings from their homes which allows and webcast to be viewed multiple times to assist with understanding

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Mental Health

Some people with mental health issues may be challenged with travel or locations with lots of people and may prefer to watch alone or in a familiar environment at home.

What action(s) can you take to address the differential impact?

The increased use of technological solutions and the continued development of processes and equipment will enable better support to be made available for those with disabilities. Further investigation of how BSL Interpreters can support remote observers and or participants should be undertaken.

3.3 Gender Reassignment

Will this Policy/ have a **differential impact [positive]** on transgender people?

| | Yes | No | N/A |
|---|-----|----|-----|
| Transgender People (People who are proposing to undergo, are undergoing, or have undergone a process [or part of a process] to reassign their sex by changing physiological or other attributes of sex) | X | | |

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

Beneficial to all regardless of gender

What action(s) can you take to address the differential impact?

No actions necessary

3.4. Marriage and Civil Partnership

Will this Policy have a **differential impact [positive]** on marriage and civil partnership?

| | Yes | No | N/A |
|-------------------|-----|----|-----|
| Marriage | X | | |
| Civil Partnership | X | | |

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

Beneficial to all regardless of Marriage or Civil Partnership status

What action(s) can you take to address the differential impact?

No actions necessary

3.5 Pregnancy and Maternity

Will this Policy have a **differential impact [positive]** on pregnancy and maternity?

| | Yes | No | N/A |
|-----------|-----|----|-----|
| Pregnancy | X | | |

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| | | | |
|-----------|----------|--|--|
| Maternity | X | | |
|-----------|----------|--|--|

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

This policy will enable those individuals who may be pregnant or on maternity/paternity leave to engage, participate or observe Council and other meetings if they do not wish to travel or be in physical attendance. .

What action(s) can you take to address the differential impact?

No actions necessary

3.6 Race

Will this Policy have a **differential impact [positive]** on the following groups?

| | Yes | No | N/A |
|---|------------|-----------|------------|
| White | X | | |
| Mixed / Multiple Ethnic Groups | X | | |
| Asian / Asian British | X | | |
| Black / African / Caribbean / Black British | X | | |
| Other Ethnic Groups | X | | |

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

Beneficial to all regardless of race.

What action(s) can you take to address the differential impact?

No actions necessary

3.7 Religion, Belief or Non-Belief

Will this Policy have a **differential impact [positive]** on people with different religions, beliefs or non-beliefs?

| | Yes | No | N/A |
|-----------|------------|-----------|------------|
| Buddhist | X | | |
| Christian | X | | |
| Hindu | X | | |
| Humanist | X | | |
| Jewish | X | | |
| Muslim | X | | |
| Sikh | X | | |
| Other | X | | |

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

Beneficial to all regardless of Religion

What action(s) can you take to address the differential impact?

No actions necessary

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3.8 Sex

Will this Policy have a **differential impact [positive]** on men and/or women?

| | Yes | No | N/A |
|-------|-----|----|-----|
| Men | X | | |
| Women | X | | |

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

The use of technology for multilocation meetings which results in improved behaviours particularly those that are being webcast. This prevents poor behaviour adversely affecting any participants at meetings

What action(s) can you take to address the differential impact?

No actions necessary

3.9 Sexual Orientation

Will this Policy have a **differential impact [positive]** on the following groups?

| | Yes | No | N/A |
|-----------------------|-----|----|-----|
| Bisexual | X | | |
| Gay Men | X | | |
| Gay Women/Lesbians | X | | |
| Heterosexual/Straight | X | | |

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

Beneficial to all regardless of sexual orientation

What action(s) can you take to address the differential impact?

No actions necessary

3.10 Socioeconomic Duty

Is the change anticipated to reduce or contribute to inequality of outcome as a result of socio-economic disadvantage? (e.g. will the change negatively impact on those on low-incomes or those living in deprived areas)

| | Yes | No | N/A |
|----------------------|-----|----|-----|
| Socioeconomic impact | X | | |

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

The provision of the physical meeting arrangements alongside remote for participants or observers who may enable those who digitally excluded to participate or observe the decision-making process. This will be achieved by enabling those wishing to observe or participate to attend the physical meetings venue without the need for

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their own access to the internet or ICT equipment. This support will be provided by suitably trained officers to individuals in the relevant meeting venues.

What action(s) can you take to address the differential impact?

Monitor the level of attendance of individuals who attend physical meetings by the use of a sign in sheet with the option to identify why they have decided to attend the physical part of a public meeting.

3.11 Welsh Language

Will this Policy have a **differential impact [positive]** on Welsh Language?

| | Yes | No | N/A |
|----------------|-----|----|-----|
| Welsh Language | X | | |

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

The legislation requires that simultaneous translation facilities at meeting should be made available to those who wish to speak in Welsh. The policy identifies that when integrated with the new conferencing system the authority will have the ability to:

- have translators undertake their duties remotely is necessary
- have simultaneous translation to hearing loop type equipment
- provide webcasts in English (with Welsh translation) and Welsh on the relevant webcasting webpages.

What action(s) can you take to address the differential impact?

No actions necessary

4. Consultation and Engagement

What arrangements have been made to consult/engage with the various Equalities Groups?

Liaison with the equalities team to circulate consultation survey to the key equalities stakeholders, these included:

- Cardiff 3rd Sector Network
- Race Equality First
- Diverse Cymru
- Cardiff 50+ Forum
- Guide Dogs Cymru
- Disability Wales
- Alzheimer's Society
- Age Connects (Cardiff and the Vale)
- Royal National Institute for the Blind
- Wales Council for the Deaf
- Deaf Hub Wales

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- British Deaf Association
- Cardiff Councils 5 Employee Networks
 - Black Asian and Minority Ethnic,
 - Carers,
 - Disability,
 - LGBT+ and
 - Women's
- Cardiff East Interfaith Network

5. Summary of Actions [Listed in the Sections above]

| Groups | Actions |
|--|---|
| Age | The Youth Council could assist in the development of a Young Persons version of the policy. |
| Disability | The increased use of technological solutions and the continued development of processes and equipment will enable better support to be made available for those with disabilities. Further investigation of how BSL Interpreters can support remote observers and or participants should be undertaken. |
| Gender Reassignment | No actions necessary |
| Marriage & Civil Partnership | No actions necessary |
| Pregnancy & Maternity | No actions necessary |
| Race | No actions necessary |
| Religion/Belief | No actions necessary |
| Sex | No actions necessary |
| Sexual Orientation | No actions necessary |
| Welsh Language | No actions necessary |
| Generic Over-Arching [applicable to all the above groups] | Monitoring the observation and participation levels at meetings during the first year following implementation of the policy will be used to provide some evidence which can be considered as part of a subsequent review of the policy to ensure its effectiveness. |

6. Further Action

Any recommendations for action that you plan to take as a result of this Equality Impact Assessment (listed in Summary of Actions) should be included as part of your Service Area's Business Plan to be monitored on a regular basis.

7. Authorisation

The Template should be completed by the Lead Officer of the identified Policy/Strategy/Project/Function and approved by the appropriate Manager in each Service Area.

CARDIFF COUNCIL

Equality Impact Assessment

| | |
|--|----------------|
| Completed By : Gary Jones | Date: 4 Feb 22 |
| Designation: Head of Democratic Services | |
| Approved By: | |
| Designation: | |
| Service Area: | |

7.1 On completion of this Assessment, please ensure that the form is submitted to the Equality Team mailbox so that there is a record of all assessments undertaken in the Council- equalityteam@cardiff.gov.uk.

For further information or assistance, please contact the Equality Team- equalityteam@cardiff.gov.uk

DRAFT

Mae'r dudalen hon yn wag yn fwriadol

Multi-Location Meetings Policy



Cardiff Council
2022

Version 0.9 dated 16 February 2021

DRAFT

Version 0.9 dated 16 February 2021

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Overview

Background

1. Arrangements were first made to progress “remote meetings” in the Local Government (Wales) Measure 2011, however this required at least 30% of the attendees to be in attendance in person and was rarely used. At the outset of the coronavirus pandemic in March 2020, the Welsh Government introduced the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 which established a framework for Councils to convene remote meetings for all attendees throughout 2020 and part of 2021.
2. With the implementation of “The Local Government and Elections (Wales) Act 2021 the Welsh Government has provided Councils the power and freedom to convene multi-location meetings which will enable greater accessibility and public participation in local government decision making.

Local Authority Meetings

3. In accordance with the 2021 Act this Multi-locations Meeting Policy will apply to all meetings of:

- a. The Council
- b. The Executive (Cabinet)
- c. A joint committee of two or more local authorities
- d. A committee or sub-committee of a. – c. above.

4. This policy does not cover:

- a. meetings of other public bodies
- b. public meetings or any other meeting bodies (including councils) of public meetings any or other meetings organised by the Council or another organisation.
- c. Corporate Joint Committees (CJCs) or community councils meetings, on which separate guidance is being prepared by Welsh Government.

5. Formal meetings of the Council or its committees are convened in accordance with the relevant legislative requirements for those meetings. These meetings are usually held to make formal decisions or recommendations and are often held in public. Notice of these meetings is published in advance on the Council’s website and includes information about the location, timing and business to be conducted. Previously these meetings would have been held with all participants being in physical attendance at a single venue.

Legal Requirements

6. Under the Local Government and Elections (Wales) Act 2021 (‘the 2021 Act’), Part 3, Chapter 4, local authorities are required to:

- a. Broadcast full Council meetings (with effect from May 2022).
- b. Make and publish arrangements to ensure that all Council, Cabinet, Committee

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and Joint Committee meetings may be attended remotely (i.e. enabling persons who are not in the same place to attend the meeting) – also referred to as 'multi-location meetings'.

- Meetings must be capable of being held virtually, but each authority must decide whether their meetings will be held fully virtually, partially virtually (where some participants are in the same physical location, whilst others join the meeting virtually, also referred to as 'hybrid meetings') or as physical meetings (although authorities may **not** mandate physical attendance at meetings).
 - Meeting participants must be able to speak to and hear each other; and for meetings which are required to be broadcast (i.e.. full Council meetings), participants must also be able to see and be seen by each other.
 - These requirements took effect from May 2021, when the temporary provisions for remote attendance at meetings made under the Coronavirus Meeting Regulations 2020 ended.
- c. Publish all meeting documents on the Council's website, including notices, summonses, agendas, reports and background papers (with effect from May 2021).
- A note of the meeting, including Members in attendance and decisions made, must be published within 7 working days of the meeting.
 - Notice of meetings is no longer required to be posted at the Council's offices. However, copies of agendas and reports must be made available for the public if meetings are held physically.
 - The Council is also required to make public access provision for members of the public who cannot access electronic documents, for example, by providing access to computers, copies of documents, or making documents available for inspection.
7. When considering arrangements for remote attendance or 'multi-location meetings', authorities must have regard to the statutory guidance issued by the Welsh Ministers: [Interim statutory guidance on multi-location meetings \(gov.wales\)](https://gov.wales/interim-statutory-guidance-on-multi-location-meetings)
8. Section 2 of the statutory guidance sets out a number of general principles to guide authorities when developing their meeting arrangements, namely, transparency, accessibility, good conduct, Welsh language, local needs and future generations. This sets the framework within which authorities must consider options and decide the meeting arrangements which best suit the authority and the communities it serves.
9. The guidance also confirms that the meeting arrangements should be reflected in the procedure rules set out in the constitution.

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Policy on Multi-Location Meetings

10. Alongside the legally mandated arrangements that authorities must make for multi-location meetings, the statutory guidance says that authorities should develop a wider policy setting out the detailed systems chosen by the authority for the operation of its multi-location meetings.
11. This policy is intended to clarify the arrangements of Multi-Locations meetings for:
 - a. Participants in meetings convened by the Council;
 - b. Officers providing support to formal meetings
 - c. Officers with adjacent responsibilities – for example, those responsible for drafting and clearing reports, attending meetings to present reports to members and officers with supervisory responsibilities on governance matters;
 - d. Anyone with an interest in the way in which the business of this authority is conducted
12. This policy will initially be reviewed after 12 months after implementation and subsequently on an “as required” basis.
13. In addition, separate detailed guidance is provided as follows:
 - a. Guidance for Council Participants and Observers
 - b. Guidance for Public Participants and Observers
 - c. Guidance for Chairs

What are Multi-Location Meetings?

14. Multi-location meetings which may have been described previously as “remote” or “hybrid” meetings are meetings of the Council or its committees whose participants are not all in the same physical place. This may include:
 - all participants are in the same physical location except one individual who joins from another location, with a physical public gallery being provided;
 - a roughly equal number of members are present in one physical space compared with those joining through remote means;
 - all members are joining through remote means but nonetheless a physical public gallery has been made available in a Council venue
 - a meeting taking place wholly through remote means where no physical meeting arrangements have been made.
15. Multi-location meetings offer this Council an opportunity to raise its profile in the community and to bring its work directly into people’s homes. Evidence from the remote meetings held during the pandemic shows that public access to multi-location meetings is likely to be significantly higher than the level of audiences of formal meetings when all meetings were held physically in a single location.

Participation at a meeting

16. A “participant” of a multi-location meeting is defined in the statutory guidance as a person who takes an active part in that meeting. They might be an Elected Member, a person giving evidence to a committee as a witness, an appellant or claimant on a regulatory matter, someone presenting a petition, or taking part formally in another way.

Observing a meeting

17. An “observer” of a multi-location meeting is defined in the statutory guidance as a member of an audience, or otherwise spectating, a multi-location meeting. They might be in the same room that a meeting is taking place or they might be observing by remote means.

The benefits of multi-location meetings

18. Cardiff Council has been convening its meetings by remote means throughout much of 2020 and 2021. While meeting this way has proven to be initially challenging, it has also resulted in a number of benefits:
 - a. Enhancing and supporting local democracy by demonstrating this Council conducting its business.
 - b. Making it easier for the public to observe multi-location meetings.
 - c. Enabling external participants to actively engage in meetings to provide a greater range of views and to enhance decision making.
 - d. Making the Council more resilient and sustainable.
The Wellbeing of Future Generations (Wales) Act 2015 requires relevant authorities to think about, and act on, long term needs in the way that policy is developed and made. Multi-location meetings reduce the carbon footprint of physical meetings (although digital activity is not of course carbon-neutral). They can also help relevant authorities to reduce the risk of future unexpected events – such as extreme weather – which could in future present a challenge to in-person meetings.
 - e. Reducing the need for travel. Significant time and cost savings for councillors, officers and other participants have arisen, particularly for joint bodies.
 - f. It is easier for participants to take part if they have professional and caring commitments.
 - g. Better support for members from diverse backgrounds, by multi-location meetings making it easier for care providers, or disabled people, or people with other protected characteristics, to engage on an equal footing.
 - h. Better behaviours. Although experiences have been mixed, on the whole meeting management and the behaviours of participants have both improved, with less heckling taking place at meetings.

The challenges of multi-location meetings

19. There have been a number of significant challenges which need to be addressed to support multi-location meetings, which include:
 - a. Suitable technology – before 2020, there was little or no technology other than basic video conferencing and webcasting. The rapid development of remote working technology during the coronavirus pandemic made basic remote meetings possible. The complexity of equipment and software necessary to

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deliver public multi-location meetings requires a significant further step-change in technology.

- b. Reliance on the internet – Participants involved in remote meetings are reliant on having a suitable internet connection to join and maintain their presence in this type of meeting.
- c. Fully remote meetings are not accessible to those individuals and communities who are considered as digitally excluded. The provision of multi-location meetings offers an opportunity of equality of access to all.
- d. Cultural change – significant progress was made by the authority its Elected Members and public participants in adapting to remote meetings during the coronavirus pandemic. The development of multi-location meetings provides a significant cultural challenge from the existing processes for all those involved in the decision-making processes of the Council.
- e. Accessibility and Security – the wide scale accessibility requirements of multi-location meetings facilities also needs to address the security of information and of meetings particularly when meetings can be recorded and broadcast.
- f. Involvement and participation – The level of interest in local government decision-making is low and usually limited to those issues which have a specific personal impact. Whilst the pandemic provided an opportunity to increase the level of observers at meetings it is uncertain whether this will continue as the pandemic eases. Encouraging the public to become involved in the wider decision-making issues facing the Council will be an ongoing challenge.

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The Meeting Environment in Cardiff

Physical Venues

20. Currently, the Council has a number of venues for its formal meetings with Committee Room 4 in County Hall having a limited multi-location meeting capability. The implementation of the Council's new conferencing system will address the existing limitations in Committee Room 4 and provide three venues with the ability to fully support multi-location meetings:

- a. Council Chamber - City Hall
- b. Council Chamber - County Hall
- c. Committee Room 4 - County Hall

The Technological Requirements

21. The delivery of multi-location meetings requires the provision of equipment and facilities to be enable those involved to participate or observe meetings as identified below:

Control Systems

22. Any multi-location meeting will be facilitated by Democratic Services or Cabinet Office who will use the control systems to ensure that the full range of meeting facilities and functionality can be co-ordinated and integrated for all participants and observers to deliver effective meeting support. The control systems will provide and co-ordinate cameras, audio inputs and outputs, simultaneous translation, speaker

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queues, electronic voting, integration with the Council webcasting provider and to support participants and observers.

23. The following ICT equipment is required:

Physical Participants and Observers

- Microphones to enable other participants and observers to hear the meeting proceedings, initiate a request to speak, support electronic voting and enable access to simultaneous translation facilities
- Appropriate cameras to show other participants and observers when the individual speaking
- Display screens to enable those physically participating/observing to see those attending remotely.
- Simultaneous translation equipment
- Audio enhancement and hard of hearing support without compromising the audio quality of the remote attendees.

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Remote Participants

- A suitable ICT device with camera and microphone facilities
- Suitable access to the internet.
- Relevant software which is publicly available to support remote attendance at meetings.

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Remote Observers

- A suitable ICT device with an audio output and ideally a visual display
- Internet access to view the Council's webcasting website. [Home - Cardiff Council Webcasting \(public-i.tv\)](#)

24. The rapidly evolution and improvement of technological development in software, equipment and the provision of appropriate security measures require regular review to ensure the ease of provision and accessibility. This will need to be budgeted for as part of the cost of democracy.

Determining the type of Meeting

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25. The Welsh Government guidance identifies that the needs of local democracy, and the needs of the public in engaging with multi-location meetings, are a paramount consideration in deciding where and when meetings will be convened partially or wholly by remote means. The overriding intention of the Act is to help the public to be able to access and engage with local democratic systems. The convenience of participants and the efficient operation of relevant authorities themselves is important but the needs of the public will come first and a balance has to be achieved with the physical and remote element of meetings when decisions are being made.

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26. In addition to Council and Cabinet meetings the Council has in the region of 23 committees and sub-committees which support its statutory, regulatory and governance arrangements. There are also two joint committees which involve by a number of other Local Authorities and which are administered by Cardiff Council.

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27. Physical meetings should not be seen as representing the “gold standard” with multi-location meetings being second best. Physical meetings may be convenient and effective for those who are digitally excluded or most familiar with and comfortable with how they work – but they may also be inaccessible and impractical to many.

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Predominantly Remote Meetings

28. The Glamorgan Archive and the Prosiect Gwyrdd Joint Committees have representatives from up to five other Local Authorities across South Wales. Given the challenges of travelling significant distances across the region and the need to ensure maximum participation, these meetings and other Joint Committees supported by the authority will primarily be held as fully remote meetings.

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29. With appropriate facilities in other local authority venues, multi-location meetings may enable some participants to attend physically in venues in or near their own area whilst the remaining participants attend remotely. This does not preclude a number of participants from differing local authorities meeting remotely at a mutually agreed location where this is seen as beneficial for those participants or the decision-making process.

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30. This type of arrangement may also be suitable for those meetings which require participants to travel across the city at peak periods to attend meetings outside of normal working hours such as the Local Authority Governor Panel.

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Multi-location meetings

31. All meetings must be able to operate as multi-location meetings to ensure that participants, as defined above are able to attend remotely. This includes meetings of the following:

- Council
- Cabinet
- Constitution Committee
- Corporate Parenting Advisory Committee
- Democratic Services Committee
- Employment Conditions Committee
- Governance and Audit Committee
- Pensions Committee
- Standards & Ethics Committee
- Children and Young People Scrutiny Committee
- Community & Adult Services Scrutiny Committee
- Economy & Culture Scrutiny Committee
- Environmental Scrutiny Committee
- Policy Review and Performance Scrutiny Committee
- Licensing Committee
- Planning Committee
- Public Protection Committee

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32. Experience has identified that some meetings may be better suited to having a higher level of physical attendance. The following are considered to be those multi-location meetings where additional flexibility is needed due to the sensitive nature of these meetings and how they could potentially impact the livelihoods of those

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participants other than the Council representatives in attendance. However, this does not preclude some or all participants attending these meetings remotely if they wish or if there are overriding reasons for doing so. These include:

- Appointments Committees
- Council Appeals Committee
- Licensing Sub Committee
- Public Protection Sub Committee
- Standard and Ethics Sub Committee (Hearings Panel)

Use of Cameras

33. The Law requires participants of meetings that are broadcast to be able to “speak to and be heard by each other” and “to see and be seen by each other”. The ability to see and be seen predominantly applies when a participant is speaking, although for some meetings, participants attending remotely may also be required to ensure that their cameras remain on for the duration of the meeting, for example, quasi-judicial meetings such as Planning Committee. For other meetings the Chair may use their discretion whether participants are to keep their cameras on when not speaking.
34. There are occasions when a remote participant may need to disable their camera to stabilise their connection to the meeting due to internet issues or because they have been temporarily interrupted by events at their location. If this occurs the participant should use the chat function to inform the meeting Chair and democratic services staff

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Health and Safety of Participants and Observers

35. Attendance at multi-location meetings may require participants and observers to use of display screen equipment or to be seated for extended periods of time. To negate any adverse impacts from attending multi-location meetings remotely, participants will be requested to undertake a Display Screen Equipment (DSE) self-assessment particularly where they are expected to be in attendance at meetings for over 2 hours, to ensure that the configuration of their equipment meets health and safety requirements.
36. It is recommended that a break away from the screen of 5-10 minutes should be taken after 1 hour of continuous display screen use or a longer break after 2 hours of continuous screen use. The Chair should consider the need for appropriate breaks as part the agenda management arrangements of the meeting.

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Establishing the Calendar of Meetings

37. To provide clarity and transparency for participants and observers of council meetings a programme of meeting is developed annually which identifies when, where and how each of the Council’s meetings will be held. This is subject to change during the year for operational reasons+.
38. The programme of meetings will avoid wherever possible scheduling meetings to be held simultaneously or immediately following another meeting. If this cannot be

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avoided the relevant Chairs will be consulted and one of the meetings will be undertaken as a fully remote meeting.

The Survey of Meeting Timings

39. After each local election each committee or decision-making body has the opportunity to determine the most suitable day and time for their meetings to take place. This is also an opportunity for each committee to collectively agree the number of their meetings which are to be held predominantly physically or predominantly remotely or multi-location, with provision for physical attendance during each municipal year. This may be based purely on a percentage of all scheduled meetings or reflect the view that physical attendance for particular topic i.e. Budget meetings which may benefit from a more fluid flow of debate. However, the Council may not mandate that any or all participants attend meetings physically. Meeting participants must be able to attend remotely if they wish to do so.
40. This determination will be reflected in the Council's programme of meetings and published on the Council's website. Where committee meetings are identified as primarily physical in the programme of meetings, this does not prevent committee members from attending meetings remotely.

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Attendance at Meetings

Elected Member and Council Officer Participants

41. Invitations to meetings will be provided electronically using Microsoft Outlook or the relevant meeting software. The invitation will provide details of the meeting, its location and timings. It will also include links to enable the participants to join remotely should they wish to do so. On receipt of the invitation, participants will be requested to indicate their intentions to attend the meeting physically or remotely to enable any necessary administrative and support arrangements to be put in place by Democratic Services and the Cabinet Office.

Remote Participants

42. Those participants considering attending the meeting remotely should also ensure that they have appropriate internet connectivity to join and maintain their attendance throughout the meeting. When joining remotely from a previously unused location, participants are requested to inform Democratic Services and a test meeting will be established to confirm the level of connectivity in readiness for the formal meeting.

Physical Attendance

43. All committee members are encouraged to physically attend at least one meeting of each committee or decision-making body to which they are appointed during each municipal year.
44. Although physical attendance of participants cannot be mandated, there is no restriction for participants on their own volition, determining to physically attend any or all meetings.

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Serial 33

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45. The technological requirements for physical meetings will limit the available meeting venues to the City Hall Council Chamber, the County Hall Council Chamber and County Hall Committee Room 4. Following successful implementation of the Council's new conferencing system a further procurement may be undertaken to enable other venues to be utilised with a fully portable camera and display systems which can be used in tandem with the existing conferencing facilities.

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46. On occasions due to physical space, technological issues or specific requirements such as socially distancing rules, the number of physical attendees who may be present at each meeting may be limited. Where this is necessary the Chair of the meeting together with essential officer support for the Chair, multi-location meeting broadcasts and simultaneous translation staff are given priority for attendance. Priority consideration will also need to be given to external participants at non-executive meetings, who may also need to attend the physical meeting in order to participate before any remaining spaces are allocated to the political groups in accordance with political balance. The political groups are expected to give priority to any members who have difficulties joining a meeting remotely.

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47. Member Development and other informal opportunities to facilitate physical meetings of committee members may be used to promote good practice, develop working relationships and to mitigate any adverse impact of remote attendance at formal meetings.

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Attendance of other participants

48. Meetings are also attended by a range of participants other than committee members. These include invitees, witnesses, officers providing technical or other support for example, Principal Scrutiny Officers, external experts and members of the public asking questions in accordance with the Council Procedure Rules.

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49. Once the need for additional participants including members of the public (where appropriate) is identified by service area or support officers, they will inform Democratic Services of the details and contact information of the participant. The external participants will be contacted by Democratic Services to confirm their attendance, explain how they can join the meeting either as a physical or remote participant and the meeting procedures. If the external participant is joining the meeting remotely an electronic meeting invitation similar to that of other participants will be sent. They will also be offered the opportunity of a test meeting to familiarise themselves with the technology and the arrangements that are in place.

Recording and broadcasting of meetings by observers

50. Members of the public are permitted to photograph, film or record Councillors and officers and use social media at any Council meetings that are open to the public and press, as long as:

- Notice has been given (on the meeting agenda and signage outside the meeting) so that everyone attending the meeting is made aware that they may be recorded and that by attending the meeting they are deemed to consent to this;

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- The recording or transmission must create no disturbance disruption or distraction to the good order and conduct of the meeting;
- Any recording must be overt, not covert;
- There is to be no recording or transmission of proceedings dealing with any exempt or confidential information;
- The Chair shall have discretion, subject to proper consideration of any relevant representations and legal advice, to prohibit a recording or exclude anyone reasonably considered to be in breach of these rules; and
- The person making the recording or transmission shall be solely responsible for complying with all applicable legal obligations arising from their actions

[\[Council's Access to Information Procedure Rules, Rule 4A\]](#)

51. The Council also permits photography and social media reporting of all its public meetings.

Record of Attendance

52. The attendance of each committee member and participant will be recorded by the Democratic Services or Cabinet Officer(s) supporting the committee. This will be achieved by recording attendance on a sign in sheet or using the attendance record from the remote meeting software to confirm attendance at the meeting. These records will be combined and added into the minutes of the meeting before being published on the Council's website.

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53. Committee Members are to inform the relevant Democratic Services or Cabinet Support Officers if they are unable to attend a meeting and their apologies will be recorded: at the meeting, in the minutes of the meeting and published on the Council's website.

Observing Meetings

Webcast meetings

54. The main purpose of webcasting is to aid transparency, governance and accountability by giving members of the public, elected members, officers and other interested parties the opportunity to observe meetings without having to attend in person and for the Council to have an official audio and visual record of its decision-making process.
55. The following formal meetings of the Council will either be webcast by being streamed live or recorded for subsequent upload to the Council's webcasting website within 48 hours of the end of the meeting.
- Council
 - Cabinet
 - Planning Committee
 - Governance and Audit Committee
 - All Scrutiny Committee meetings
 - Standards and Ethics Committee

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56. A total of 200 hours is available annually for webcasting meetings and the total usage will be monitored by Democratic Services Officers. Where resources allow, other meetings can be streamed live or recorded for subsequent upload to the Council webcasting webpages, if it is considered by the Chair that the meeting or items being considered at that meeting are of significant public interest.

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57. Webcasting does not replace the formal record of the meeting and the decisions taken, which are published on the Council website in the form of minutes or decision records and retained in hard copy in accordance with the Council's retention policy.

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58. A [webcasting protocol is included in Part 5 Of the Council's Constitution](#) which serves to:

- Ensure compliance with the Council's obligations under the Data Protection Act 2018 and the Human Rights Act 1998.
- Specify the notifications to be given about webcasting in agenda packs, for public speakers and observers and at the start of each meeting being streamed or recorded
- Ensure that appropriate signage is provided at physical meeting venues to make clear that recording is taking place.
- Provide the Chair with the discretion to terminate or suspend the webcast in appropriate circumstances
- Safeguard that no exempt or confidential agenda items will be webcast.
- Confirm the availability of webcasts to be viewed on the Council's website and subsequently stored in accordance with the Council's records management procedures.
- Provide for the removal of webcasts or parts of webcasts by the Monitoring Office, if necessary.

Physical Attendance of Observers at Multi-location Meetings

59. Observers will also be able to attend the physical element of meetings from the public gallery in each of the primary locations.

Physical attendance of observers for Remote Meetings

60. To enable those observers who do not have access to the internet to view either fully remote or non-webcast meetings, they may request to attend a public viewing of that meeting. For viewing a fully remote meeting this will require a request to be submitted 2 clear working days prior to the remote meeting to enable arrangements to be made in Committee Room 4 or another suitable location in County Hall for the viewing.

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Online Meeting Platforms

61. The Council will continue to use Microsoft Teams as its primary remote meeting platform until the implementation of the Council's new conferencing system. This platform should only be used by Elected Members from their Council provided devices to maintain the effective security of its meetings. Non-Council devices may be used by prior arrangement with Democratic Services and Cabinet Officers, although the functionality available when using these "guest" devices may differ from that provided by the Council's devices.

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- 62. Council participants using other devices rather than their Council provided devices presents security concerns, because: this does not allow them to be identified as an official attendee; they will be required to use the lobby when they join a meeting; it creates uncertainty for officers when admitting unknown or unfamiliar participants to the meeting from the lobby, as other devices do not have access to the Council's network security infrastructure.
- 63. Other participants are able to join meetings using links contained within the meeting invitation which is circulated to all participants.
- 64. For facilitating dual language meetings Zoom can be used instead of Teams for our formal meetings when a request to speak Welsh is made in advance of a meeting.
- 65. The Council's conferencing system will include multi-location meeting software which will support simultaneous translation and provide additional meeting functionality. Further detailed guidance is available for Council and Public Participants.

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Publication of meeting information

Public information

- 66. The production and publication of the Programme of Meetings, public agenda, reports, decision records and minutes are facilitated by the Council's committee administration software Civica-Modern.gov. Meeting participants are sent an email which includes links to the electronic agenda pack at least three clear working days prior to a meeting.
- 67. The software enables the Council to publish public information to its English and Welsh webpages for the public to view. The public are also able to [subscribe to updates](#) on the [Councillors and Meetings](#) webpages and identify any specific meetings or topics which they have an interest in. Once registered, the Modern.gov system will automatically provide electronic updates when new information is published on the website.
- 68. Modern.gov is also available to download as an app from the [App store](#), [Google Play](#) and [Microsoft Store](#) which allows participants, observers and members of the public to view the Councils' meeting information. The Modern.gov app provides a paperless facility which enables participants to annotate their meeting document during their preparation for a meeting.
- 69. For those participants with an identified need or to provide ease of reading for more complex documents, hard copies can be provided with prior arrangement with either Democratic Services or Cabinet Support Officers as necessary.

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Non Public Information

- 70. The law provides that some information may not be made publicly available and this is known as exempt or confidential information. When this type of information is considered at a formal meeting the documents are published on the Council's intranet and are only available to those entitled to view them. The publication of these documents is also supported by the Modern.gov app but participants will be

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required to register the device they intend to use for viewing these documents with Democratic Services. Successful registration of a device will provide access to the Councils "private" modern.gov network but will still limit the availability of the information to those entitled to view it.

Consideration of exempt or confidential information at meetings.

71. When exempt or confidential information is to be considered at a formal meeting, wherever possible, the agenda will schedule those items at the end of the meeting, so as to minimise any inconvenience to observers who will be required to leave the meeting at that point.
72. Agenda items which contain public information, and which are not fully exempt or confidential can be considered in a public environment. Should any participant wish to refer to the exempt or confidential information the Chair must be informed, and the meeting should exclude the press and public before continuing.
73. When an exempt or confidential item is planned to be considered the following options may be used to ensure that the information, is not shared with anyone other than those entitled to receive it:
 - a. an additional "private" remote meeting can be established by Democratic Services which will only include participants entitled to consider the exempt information. When the meeting moves into exempt session the entitled participants will leave the public meeting and join the private meeting, leaving the remainder of the participants in the public remote meeting.
 - b. request that those not entitled to consider the exempt information leave the public remote meeting or be moved to the "virtual" lobby whilst the exempt information is considered.
74. The meeting recording and webcast will be paused and a notification that the meeting is not currently open to the public will be displayed on the broadcast. In the physical part of the meeting any observers will be requested to leave the room whilst the exempt item is considered.
75. When consideration of the exempt information has been completed, if there are further public items to be considered, all remote participants will be invited to re-join the public remote meeting and the recording and webcast will be resumed. The observers or participants attending the physical meeting will be invited to return into the meeting venue.

Access and Participation at meetings

76. When elected or appointed to a committee or decision-making body, participants who are elected members will be able to use their Council issued ICT devices to receive meeting information and which will have remote meeting software installed. Other committee members will be offered Council ICT devices but may be able to use their own devices where appropriate.

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Training and induction

77. Committee Members will be provided with an appropriate induction to enable them to actively participate at meetings. The induction will include the use of the software for joining remote meetings, meetings procedures for joining and participating in physical and remote meetings, an understanding of the Code of Conduct requirements and the Council’s decision-making process and any committee specific procedures.
78. Training for certain committee members is mandatory due to the requirements of the role, as confirmed in the Council’s Constitution or the committee’s terms of reference.

Officer Support at meetings

79. Primary support for multi-location meeting will be provided by Democratic Services and the Cabinet Office. This will include the:
- “Organiser” who will circulate the meeting appointment which will include a link to enable participants to join remotely. The organiser will also monitor the remote participants and assist them to join or re-join the remote meeting.
 - “Clerk” who will support the meeting, facilitate any voting and take the minutes
 - “Recording controller” will facilitate the live streaming of the meeting or the recording and subsequent upload of the meeting to the Council’s webcasting webpage.
 - For larger or more technical meetings an additional Democratic Services Officer will support the other Democratic Services or Cabinet officers as necessary during the meeting.
 - Technical support and advice may also be provided at the meeting by other specialist officers, for example, Legal, Planning, Scrutiny or Licensing Officers who can assist the Chair, participants and observers at meetings. The officer support for meetings should follow the arrangements for other participants and may be provided remotely or by physical attendance. Consultation between the relevant officers, their managers and the Chair will be necessary to ensure that appropriate service delivery and support requirements are met.
80. Additional support may be also provided by ICT Officers to ensure that the technology used during meetings operates effectively and that the meeting can be progressed as planned.

Voting at Meetings

81. The voting rule are set out in the relevant procedure rules in the Council’s Constitution.

Seeking Consensus

82. To negate the need for a formal vote, the Chair may seek a consensus from the meeting participants. The chair will state the recommendation and request that participants confirm if they have any objections to the recommendation(s) and that they indicate any objection either verbally or by using the chat function in Teams accordingly. The Chair will wait approximately 30 seconds to allow participants to

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indicate their objection and if none are received the recommendations may be considered as carried. If however, there are objections the Chair shall initiate a vote.

Method of Voting

83. In a physical meeting voting will be carried out electronically and the names of those voting for, against or abstaining from voting will be recorded electronically.

A Roll-Call vote

84. The roll call vote requires the Clerk to ask each participant individually if they are for or against the recommendation or if they wish to abstain from the vote. If a participant cannot be contacted to provide their vote, the clerk will continue with the roll-call vote and return to those participants who have not responded after an attempt to contact all participants has been made. If the participant cannot be contacted after a second attempt to provide their vote and there is a quorum in attendance at the meeting the participant shall be recorded as not in attendance.
85. Responses are recorded and when all of the participants in attendance have indicated their vote, the Clerk will then collate the responses and inform the Chair of the outcome of the vote.
86. The Chair will announce the outcome of the vote to the meeting and a summary of the vote shall be pasted into the chat facility in Teams to inform the meeting participants of the details of the vote.

Chairing meetings

87. Chairing a multi-location meeting is very different to chairing a face-to-face meeting and the Chair will be supported to carry out their role as outlined in the Officer Support at meetings section above. The role of the Chair is particularly challenging at a physical meeting with some participants joining remotely. The "balance" between individuals in a room, and those joining by remote means, will have a significant effect on how business will be transacted.
88. Chairs have a particular responsibility to prepare for a multi-location meeting, in a more planned and directed way than might be necessary for a physical meeting. This may involve the Chair consulting with officers, committee members and participants in advance of a meeting.
89. Separate guidance will be provided for Committee Chairs which will be made available on the Council's intranet.

Chat Function use by Remote Participants

90. The chat function provides a simple method of enabling the chair to manage the meeting and to enable the remote participants to communicate with the chair. Remote participants should only use the Chat facility to indicate the following:
- Speak – When the remote participant wishes to speak

- Declaration – to advise the Chair that the remote participant wishes to make a declaration of interest other than under the Declarations of interest item on the agenda.
- Point of Order – to notify the Chair that a remote participant has a Point of Order to make. The Chair should invite the participant to speak at the earliest opportunity.
- Explanation - to notify the Chair that a remote participant has a Point of Personal Explanation to make. The Chair should invite the participant to speak at the earliest opportunity.

The “Chat” facility is only to be used for communicating with the Chair and is not to be used for offline discussions with other participants during the meeting.

Associated Documents:

- Guidelines for Public Participants and Observers of Multi-location Meetings
- Guidelines for Council Participants and Observers at Multi-location Meetings
- Guidelines for Chairing Multi-location Meetings

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Mae'r dudalen hon yn wag yn fwriadol

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

Draft Petition Scheme**Reason for this Report**

1. The purpose of this report is to provide the Constitution Committee with a draft Petition Scheme for its consideration and approval.

Background

2. The Local Government and Elections (Wales) Act 2021 places a duty on the Council to make and publish a “petition scheme” setting out how the council intends to handle and respond to petitions (including electronic petitions). The new duty comes into force from 5th May 2022. The petition scheme must, set out:
 - a) how a petition may be submitted to the council;
 - b) how and by when the council will acknowledge receipt of a petition;
 - c) the steps the council may take in response to a petition received by it;
 - d) the circumstances (if any) in which the council may take no further action in response to a petition;
 - e) how and by when the council will make available its response to a petition to the person who submitted the petition and to the public.
3. The council also has a duty to review its petition scheme from time to time and, if the council considers it appropriate, revise the scheme. If the council revises or replaces a petition scheme, it must publish the revised or new scheme.

Issues

4. Guidance for a Council’s Petition Scheme is expected to be published in the autumn. This guidance has yet to be released for formal consultation, but it is expected that this will take place before the summer break. The proposed petition scheme may need to be reviewed when the guidance is published, and it is proposed that it be included as part of the Council’s Public Participation Strategy which is currently being developed and which will be the subject of a public consultation which will inform an equalities impact assessment later this year.

5. The pre-consultation draft guidance identifies that the petition scheme should be linked to the Council's Participation Strategy and should be developed not just to ensure a fair and robust process but also to provide a helpful and positive experience for those people who take the time to submit and promote petitions. This is likely to involve consideration of the following issues:
- A clear explanation of the matters about which the council will accept petitions, including the criteria for making a decision to accept or reject a petition;
 - How and where advice will be given to petitioners to enable them to engage productively with the process, including measures in place for disabled people and individuals with long term health conditions and neurodiversity;
 - A clear understanding of the different stages in the petitions scheme, with an explanation of what thresholds will be used to determine the transition from one stage to another;
 - How petitions fit in with other opportunities for the public to be involved – and signposting to other opportunities, either as complementary to a petition or instead of it;
 - The correct body to consider a given petition. It is right for petitions to be heard by a variety of different bodies, although the default is likely to be full Council unless it is seen as especially useful for the petition to be heard by a committee that focuses specifically on the subject matter of the petition itself;
 - Petition schemes will need to consider where petitions are considered in scrutiny committees. These committees have no power to act on petitions but could (for example) adopt petitioners' arguments as formal recommendations;
 - The rights of petitioners to speak in meetings, and how this engages with wider public speaking rights, and rights to make deputations;
 - How and within what timeframe the council will provide feedback to the petitioner on the success or otherwise of their petition.

Updating of the Councils Interim Arrangements

6. On 24 September 2020, in response to the coronavirus restrictions, the Council approved interim arrangements for the submission of electronic petitions under the Council Meeting Procedure Rule 20, subject to compliance with certain conditions, pending the introduction of a new Petition Scheme.
7. Discussions between the Chair of the Planning Committee and senior Planning officers, have indicated that no significant changes to the petition scheme related to Planning Committee procedures are currently required and that any new proposals should be developed in collaboration with the Planning Committee membership in the new administration.
8. Therefore, it is proposed that the interim arrangements be updated to reflect the likely contents of the Petition Scheme.
9. A draft of Cardiff Council's proposed Petition Scheme is attached at **Appendix A**. This reflects the interim arrangements, the lessons learned whilst these arrangements have been in place and the likely requirements of the Petition Scheme guidance.

10. In addition, alternative options to submitting a petition which may be a better option for members of the public to have their say, have been added the petition scheme. These include:
- a) Writing to the appropriate Cabinet Member or Senior Officer
 - b) Contacting your local Councillor
 - c) Responding to a Consultation
 - d) Raising your concerns with the Scrutiny service
 - e) Making a suggestion through the Council's website
 - f) Asking a question at Council.

Proposed Key Changes

11. The proposed key changes are listed below with the corresponding changes in the Constitution being identified in **Appendix B** and include:
- a) Details for the submission of paper petitions and any electronic petitions by email to the Democratic Services mailbox 7 working days before the date of a Council or committee meeting.
 - b) the information to be provided to Democratic Services regarding the petition which must include:
 - details and contact information for the lead petitioner
 - the subject and intention of the petition
 - the number of signatories to the petition
 - c) The lead petitioner, and signatories may be an individual who lives, works or studies within Cardiff Council's area of responsibility or an or an organisation based in the Cardiff Council area.
 - d) The Council will consider all relevant petitions with more than 10 signatories that fall within the scope of this Scheme.
 - e) All petitions must include:
 - The name of the lead petitioner
 - The subject and intention of the petition
 - The name and Cardiff postal address of those signing the petition, including a postcode.
 - petitions submitted in connection with a live Planning Application the petition must also contain the planning application reference number and planning issues that may be relevant to the planning decision.
 - f) That a petition with the necessary information which does not relate to a regulatory application will result in the lead petitioner or relevant ward Councillor being invited to present the petition at the Council meeting during the petitions item on the Council agenda. They will be allowed to speak for one minute. The presentation of the petition to Council by a lead petitioner was discussed with Political Group Whips who considered this to be beneficial for public participation. When reviewed as part of the

Participation Strategy there will be an opportunity to address any concerns which arise in practice.

- g) For Council and committee petitions (other than Planning Committee petitions), if a number of petitions are received with a similar topic and desired outcome, only one lead petitioner will be able to present their petition to Council. The lead petitioner for each petition will be notified by Democratic Services and requested to liaise with each other to consider options to amalgamate petitions and determine which lead petitioner will present the petition to Council. If agreement is not reached the petitioner with the highest number of signatories will have the right to speak.
 - h) Any petitions which are received which do not meet the criteria will not be presented at a Council meeting.
 - i) For petitions presented to Council or a Committee, (other than to the Planning Committee) a written response to the lead petitioner from the appropriate Officers or Cabinet Member will be provided within 20 working days of the presentation of a valid petition. Confirmation that the response has been provided will be published on the Council's Petitions web page. This is replicated for the Committee Procedure Rules and the Planning Committee Procedure Rules.
 - j) For Planning Committee petitions: For a petition with less than 50 signatures which affords no speaking rights at committee a response to any relevant planning grounds will be provided within the planning report with such report available for public inspection on the Council's planning register following determination of the application. No further response will therefore be provided.
 - k) Exceptions in the:
 - period immediately before an election or referendum we may need to deal with your petition differently. If this is the case we will explain the reasons and discuss any revised timescale which may apply.
 - event that more than one valid petition is submitted in relation to a live planning application and there is more than one petitioner wishing to speak on a planning application, the Head of Planning, in consultation with the Chair of Planning Committee may determine at his discretion whether more than one petitioner should be afforded speaking rights in order to secure a proper, full and effective debate of the planning application by virtue of the subject matter and planning issues to which the petitions relate
12. The implementation of the revised petition scheme is seen as beneficial for the residents of Cardiff and no adverse equality impacts have been identified. The Equality Impact Assessment will be reviewed after the development of and consultation on the Participation Strategy.

Implementation of the Petition Scheme

13. The Local Government and Elections (Wales) Act 2021 requires Local Authorities to make and publish a Petition Scheme, a duty which comes into effect from 5th May 2022.
14. Development of the Council's own e-petition facility on the Modern.gov committee administration system will be progressed based on the approved petition scheme.

Review of the Petition Scheme

15. It is proposed that the petition scheme be reviewed after 6 months as part of the development of the Council's Participation Strategy which will include public consultation on any revised proposals.

Legal Implications

16. The Council's duty to make and publish a petition scheme is introduced by section 42 of the Local Government and Elections (Wales) Act 2021, which comes into force on 5th May 2022. The specific legislative requirements are set out in paragraphs 2 and 3 of the report. In considering this matter, the Council must have regard to any statutory guidance issued by the Welsh Government.
17. The Constitution currently makes provision for petitions in the Council Meeting Procedure Rules, Rule 20; the Committee Meeting Procedure Rules, Rule 14.2; and the Planning Committee Procedure Rules, Rule 14.2. Draft amendments to these meeting procedure rules are set out in Appendix B. The proposed changes to these Rules will require the approval of full Council.
18. When considering its petition scheme, the Council must have regard to:
 - (i) public sector equality duties under the Equality Act 2010 (including specific Welsh public sector duties). These legal duties require the Council to have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. The Protected characteristics are: age, gender reassignment, sex, race – including ethnic or national origin, colour or nationality, disability, pregnancy and maternity, marriage and civil partnership, sexual orientation, religion or belief – including lack of belief. When taking strategic decisions, the Council also has a statutory duty to have due regard to the need to reduce inequalities of outcome resulting from socio-economic disadvantage ('the Socio-Economic Duty' imposed under section 1 of the Equality Act 2010). In considering this, the Council must take into account the statutory guidance issued by the Welsh Ministers and must be able to demonstrate how it has discharged its duty. An Equalities Impact Assessment should be carried out to identify the equalities implications of the proposed arrangements, including inequalities arising from socio-economic disadvantage, and due regard should be given to the outcomes of the Equalities Impact Assessment.
 - (ii) The Council must also be mindful of the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards and consider the impact of its arrangements upon the Welsh language.

- (iii) The Well-being of Future Generations (Wales) Act 2015 requires the Council to consider how its proposals will contribute towards meeting its well being objectives (set out in the Corporate Plan). Members must also be satisfied that the proposals comply with the sustainable development principle, which requires that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Financial Implications

- 19. The provision of the Council's E-Petition facility is contained within the Modern.gov committee administration system. This system is funded from the existing Democratic Services budget at no extra cost.

RECOMMENDATIONS

- 20. The Constitution Committee is recommended to:
 - a) Consider the content of the report and appendices.
 - b) Approve the Draft Cardiff Council Petition Scheme as attached at Appendix A
 - c) Recommend to Council that the Constitution be amended as proposed in Appendix B to reflect the changes to the petition scheme.
 - d) Recommend to Council that the Petition Scheme be published by 5th May 2022

DAVINA FIORE

Director of Governance and Legal Services and Monitoring Officer

22 February 2022

Appendix A Draft Cardiff Council Petition Scheme

Appendix B Proposed Amendments to the Constitution

Background Papers:

[E- Petitions](#) report to the Constitution Committee dated 19 November 2015

[Governance Update – Restart Arrangements](#) report to Council dated 24 September 2020

[Local Government and Elections \(Wales\) Act 2021](#)

Cardiff Council Petition Scheme 2022

Overview

Petitioning is one way that individuals, community groups and organisations can participate in the democratic process, by raising issues of public concern with the Council and allowing Elected Members to consider the need for change. It is acknowledged that petitions can have positive outcomes that lead to change or inform debate.

Before considering whether or not to raise a petition, you may should discuss your issue with your local Ward Councillor who may be able to help you with it or explain how to make representations on a particular subject to the right person at the Council. Details on [how to contact your local Councillor](#) are available on the Council's website.

Who can raise a petition?

1. Anyone who lives, works, owns a business or studies in the City and County of Cardiff can sign or submit a petition, including those under the age of 18. Petitions may be submitted on paper or electronically using an online petition system which meets the requirements of a valid petition, or a combination of the two.

Consideration of a Petition

2. A petition may be considered at a meeting of the Council, Cabinet or by the relevant Cabinet member, by a committee if the topic of the petition relates to the specific role of that committee, for example when the petition relates to an objection to a planning application which is to be considered by the Planning Committee.
3. The Head of Democratic Services and the Head of Planning (for planning petitions) in consultation with the Monitoring Officer will consider the petitions submitted and determine if the petition is admissible based on the following criteria for a valid petition.

Requirements of a Valid Petition.

Lead Petitioner

4. All petitions require a lead petitioner to be identified who will act as the contact point for the petition. The following are the requirements necessary for a lead petitioner:
 - a. The name of the lead petitioner, may be an individual who lives, works or studies within Cardiff Council's area of responsibility or an or an organisation based in the Cardiff Council area.
 - b. The lead petitioner's full home, work, study postal address or the organisations postal address, must be included a personal email address or contact information to which any communications concerning the petition can be sent.

The Petition

5. The Council will consider all petitions with more than 10 signatories that fall within the scope of this Scheme. Petitions can be submitted to the Council or one of its committees either on paper or electronically, with the general requirements of the Scheme applying to both paper and e-petitions. The petition must:
 - a. contain a clear, short statement covering the subject of the petition. The petition will be returned if it is unclear;
 - b. call for Cardiff Council to take some specific action, for example: “*We call on Cardiff Council to...*” or “*We call on the Planning Committee to ...*” This must be repeated on every page of a paper petition.
 - c. provide the names and postal addresses of those signing the petition, including postcodes.
 - d. petitions submitted in connection with a live Planning Application the petition must also contain the planning application reference number and planning issues that may be relevant to the planning decision.
 - e. A suggested petition template is shown at **Annex A**.
6. Petitions must not contain:
 - a. Language which is offensive, intemperate or provocative. This not only includes obvious profanities, swear words and insults, but any language which a reasonable person would regard as offensive.
 - b. Potentially false or potentially defamatory statements.
 - c. Information which is prohibited from being published by an order of a court or a body or person with similar power.
 - d. Material which is potentially confidential, commercially sensitive, or which may cause personal distress or loss.
 - e. Any commercial endorsement, promotion of any product, service or publication or statements that amount to advertisements.
 - f. The names of officials of public bodies, unless they are part of the senior management of those organisations.
 - g. The names of family members of elected representatives or officials of public bodies.
 - h. The names of individuals, or information where they may be identified, in relation to criminal charges.
 - i. Issues for which a petition is not the appropriate channel (for example, correspondence about a personal issue or an issue subject to court proceedings).

Petitions that are not admissible under this Scheme

- a) Petitions relating to anything which relates to a matter the Council is not responsible for.
- b) Statutory petitions, or petitions relating to Local Authority Referendums which fall under the Local Authorities (Referendums) (Petitions and Directions) (Wales) Regulations 2001, for which separate arrangements apply. For further information contact the Director of Governance and Legal Services and Monitoring Officer.
- c) Petitions asking the Council to adjudicate, arbitrate or mediate personal or staffing issues or commercial interests where this is the role of a court or tribunal)
- d) Petitions on matters that are subject to legal proceedings in the courts
- e) Petitions on matters that are already subject to determination by an Ombudsman (or person with similar powers)
- f) Petitions that are essentially freedom of information (FOI) requests, comments, compliments or complaints, which will be passed to the appropriate department for a suitable response.
- g) Petitions which raise issues of possible councillor or local government employee misconduct will be taken as complaints arising under the Local Government Act 2000 and will be reported to the Monitoring Officer rather than considered under this petition scheme.
- h) When a petition has been presented to Council or a Committee (other than the Planning Committee), no further petition on a similar topic and seeking a similar outcome, shall be considered within six months of the Council meeting at which the petition was first considered or the petitioner heard.

Petition Signatories

7. An appropriate signatory is an individual who lives, works, owns a business or studies in the City and County of Cardiff.
8. An individual can only sign a petition once. People must not sign both an online and a paper petition, and duplications may be removed if it is found that a petitioner has signed twice.

Submitting a Petition

9. Paper or electronic petitions which are to be considered by full Council or committees other than the Planning Committee, are to be submitted to:
 - a. An Elected Member of Cardiff Council for presentation to Council or committee.
 - b. To Democratic Services
Cardiff Council.

County Hall,
Atlantic Wharf,
Cardiff
CF10 4UW

Or electronically to: DemocraticServices@Cardiff.gov.uk

Petitions must be submitted to Democratic Services either by email, post or hand delivery, in accordance with the Petition Scheme, by 5pm, 7 working days before the date of the Council meeting or committee meeting.

10. Petitions objecting to a planning applications can be submitted via the councils online planning system or by post to:

Development Management
Room 201
County Hall
Atlantic Wharf
Cardiff
CF10 4UW

Or electronically to: SupportServices@cardiff.gov.uk

Note: Ensure that your objection quotes the relevant planning reference number

How and by when the council will acknowledge receipt of a petition

11. Receipt or notification of a paper petition or submission of an electronic petition submitted to Democratic Services will be acknowledged within 5 working days provided that the contact details of the lead petitioner are provided at the same time.
12. Electronic petitions submitted to the online planning portal will be displayed on the website within 5 working days .
13. Paper petitions submitted by post to Development Management will be acknowledged within 5 working days provided that the contact details of the lead petitioner are provided at the same time.

Confirming a Valid Petition

14. Initial checks to confirm that a submitted petition meets the requirements of the Scheme will be undertaken by Development Management Officers for Planning petitions or Democratic Services Officers for all other petitions.
15. For Council petitions, if a number of petitions are received on a similar topic with similar desired outcomes, only one lead petitioner will be able to present their petition to Council. The lead petitioner for each petition will be notified by Democratic Services and requested to liaise with each other to consider options to amalgamate petitions and determine which lead petitioner will present the petition to Council. If agreement is not reached the petitioner with the largest number of signatures will have the right to present the petition to Council.

16. Any concerns regarding the validity of the petition will be raised with the Head of Democratic Services or Head of Planning for Planning petitions respectively.
17. These officers will consult with the Monitoring Officer before invalidating any petition.
18. If your petition is invalid the lead petitioner and/or the relevant Elected Member will be informed within 5 working days of receipt of the petition, why it cannot be progressed.

The steps the council may take in response to a petition received by it.

Council Petitions

19. In accordance with the Council Meeting Procedure Rule 20 of the Council's constitution:
 - a. When a petition is presented to Council by the lead petitioner or a ward member, they may outline the request of the petitioners, the reason for the request and the number of the signatories. In any event the lead petitioner or ward 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

Committee Petitions

20. In accordance with Rule 14.2 of the Committee Meeting Procedure Rules within the Council's Constitution:
 - a. When a petition contains 50 or more signatures, one person from amongst those signing the petition may address a committee to which the petition has been referred on the subject matter of the petition for up to three minutes.
 - b. Where the petitioners object to an application which is to be considered by the Planning Committee or the Licensing Committee the applicant will also be given an opportunity to be heard.
 - c. Any petition presented directly to a committee shall be delivered to the relevant Chief Officer at least seven clear working days prior to the date of the meeting of the committee at which it is to be presented, to enable the applicant to be notified if appropriate and to be present at the meeting of the committee if the applicant so wishes.

- d. When a petitioner has been heard by a committee under this Committee Meeting Procedure Rule no further petition on a similar topic and seeking a similar outcome shall be considered and no further address shall be heard on that item, within six months of the committee meeting at which the petition was first considered or the petitioner heard.

Exceptions

21. In the period immediately before an election or referendum we may need to deal with your petition differently. If this is the case we will explain the reasons and discuss any revised timescale which may apply.
22. In the event that more than one valid petition is submitted in relation to a live planning application and there is more than one petitioner wishing to speak on a planning application, the Head of Planning, in consultation with the Chair of Planning Committee may determine at his discretion whether more than one petitioner should be afforded speaking rights in order to secure a proper, full and effective debate of the planning application by virtue of the subject matter and planning issues to which the petitions relate

Response to the Petition.

Council Petitions

23. Responses to lead petitioners will be provided within 20 working days of the presentation of a valid petition to Council. Confirmation that the response has been provided will be published on the Council's Petitions web page.

Committee Petitions

24. When a petition contains 50 or more signatures, one person from amongst those signing the petition may address a committee for up to three minutes. (See para 20 c. above)
25. For a petition with less than 50 signatures which affords no speaking rights at committee a response to any relevant planning grounds will be provided within the planning report with such report available for public inspection on the Council's planning register following determination of the application. No further response will therefore be provided.

Alternatives to Petitions

26. After reading the Petition Scheme an individual or organisation may consider that a petition is not the most appropriate avenue to achieve your desired outcome. Alternative options to enable members of the public to have their say include:
 - a. Writing to the appropriate Cabinet Member or Senior Officer
 - b. Contacting your local Councillor
 - c. Responding to a Consultation

- d. Raising your concerns with the Scrutiny service
- e. Making a suggestion through the Council's website
- f. Asking a question at Council.

Data protection and GDPR

27. All personal data will be handled in compliance with data protection laws and our [Privacy Policy](#). We will keep hard copy and electronic petition information for 12 months and after that time it will be safely and securely destroyed.

DRAFT

SUGGESTED PAPER PETITION TEMPLATE – CARDIFF COUNCIL

Tudalen 74

| | |
|--|--|
| LEAD PETITIONER DETAILS: | |
| Name: | |
| Full Postal Address: | |
| Lead Petitioner’s email address | |
| Lead Petitioner’s Telephone Number (Optional) | |

| | |
|--|--|
| PETITION DETAILS: | |
| A clear, short statement covering the subject of the petition. The petition will be returned if it is unclear; | |
| Call for Cardiff Council to take some specific action, for example: “ <i>We call on Cardiff Council to...</i> ” or “ <i>We call on the Planning Committee to ...</i> ” | <p><i>We call on..</i></p> <p>Note: to be repeated on every page of a paper petition</p> |

| Petition Signatories: | | | | |
|--|-------------|----------------------------|-----------------|------------------|
| <i>We call on...(copied from petition details)</i> | | | | |
| Serial | Name | Full Postal Address | Postcode | Signature |
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Council Meeting Procedure Rules

20 PETITIONS

 Ariyadasa, Kumi
AMENDED TO REFLECT REVISED PETITION
SCHEME

- (a) A Petition, comprised of at least 10 signatories, may be presented to Council by either: (i) a Member, or (ii) a Lead Petitioner, subject to compliance with the Council's Petitions Scheme and this Rule 20.
- (b) Petitions must be submitted to Democratic Services either by email, post or hand delivery, in accordance with the Petition Scheme, by 5pm, 7 working days before the date of the Council meeting, and must include:
- (i) The name and contact details for the Lead Petitioner;
 - (ii) The subject matter and specific request of the Petition;
 - (iii) The name and postal address (including postcode) of each Petition signatory; and
 - (iv) The total number of signatories to the Petition.
- (c) Each and every signatory to the Petition, including the Lead Petitioner, must be either:
- (i) An individual who lives, works or studies within the City and County of Cardiff; or
 - ~~(ii)~~ A representative of an organisation which operates within the City and County of Cardiff.
- ~~(b)~~(d) The receipt of a Petition will be acknowledged by the Head of Democratic Services within 5 working days from its receipt. Subject to compliance with this Rule 20 and the Petition Scheme, the Lead Petitioner or the relevant ward Member will be invited to present the Petition to the next appropriate Council meeting.
- (e) If more than one Petition is received in relation to a similar subject matter and seeking a similar outcome, only one Lead Petitioner or Member will be permitted to present the Petition to Council. Democratic Services officers will notify each Lead Petitioner and Member and ask them to liaise with each other to consider amalgamating the Petitions and agree which Lead Petitioner or Member will present the Petition to Council. In the absence of such agreement, the Lead Petitioner of the Petition with the highest number of signatories shall have the right to present the Petitions to Council.
- (f) When a Petition has been presented to Council under this Rule 20, no further Petition on a similar subject matter and seeking a similar outcome shall be considered within six months of that Council meeting.
- ~~(e)~~(g) Where a Member or Lead Petitioner ~~delivers-presents~~ a petition to the Council, they Member may outline the request by the petitioners, the reason for the request and the number of the signatories, provided that in any event they Member may not speak under this rule for more than one minute.
- ~~(d)~~(h) 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.
- (i) Written responses will be provided within 20 working days of the presentation of a valid petition to Council.
- (j) A summary of all valid Petitions received, in accordance with this Rule and the Council's Petition Scheme, and the Council's response, will be published on the Council's Petitions web page.

Committee Meeting Procedure Rules

 Ariyadasa, Kumi
Amended to reflect revised draft Petition Scheme

14.2 Right of Petitioners to address committee

- (a) Subject to compliance with the Council's Petition Scheme and this Rule 14.2, ~~When a Petition (including an electronic petition) contains signatures of~~ When a Petition (including an electronic petition) contains signatures submitted, with signatories numbering not less than fifty Cardiff electors ~~with their addresses~~, a substantial proportion of whom could

reasonably be expected to be affected by the matter to which the Ppetition relates, one person from amongst those signing the petition ('the Lead Petitioner') may address a committee to which the Ppetition has been referred on the subject matter of the Ppetition for up to three minutes.

- (b) In any case where the petitioners object to an application which is to be considered by ~~the Planning Committee or~~ the Licensing Committee ~~or the Public Protection Committee~~, the applicant will also be given an opportunity to be heard.

- (c) Any Petition to be presented to a Committee must be submitted to the Head of Democratic Services either by email, post or hand delivery, in accordance with the Petition Scheme, by 5.00pm, 7 working days before date of the Committee meeting at which it is to be presented, and must include:

- i. The name and contact details for the Lead Petitioner;
- ii. The subject matter and specific request of the Petition;
- iii. The name and postal address (including postcode) of each Petition signatory;
- iv. The reference number of any application to which the Petition may relate; and
- i-v. The total number of signatories to the Petition.

- ~~(e)~~(d) Each and every signatory to the Petition, including the Lead Petitioner, must be an individual who lives, works or studies within the City and County of Cardiff.

- (e) The receipt of a Petition will be acknowledged by the Head of Democratic Services within 5 working days. Provided the Petition meets all criteria set under this Rule 14.2 and the Petition Scheme, the Lead Petitioner will be invited to present the Petition at the Committee meeting and the applicant (if any) will be notified and invited to attend the Committee if the applicant so wishes.

- ~~(d) Any petition presented direct to a committee shall be delivered to the relevant Chief Officer at least seven clear days prior to the date of the meeting of the committee at which it is to be presented, to enable the applicant to be notified if appropriate and to be present at the meeting of the committee if the applicant so wishes.~~

(f) In the event that more than one Petition is received, which meets all criteria set under this Rule 14.2 and the Petition Scheme, in relation to the same application or a similar subject matter and seeking a similar outcome, only one Lead Petitioner will be permitted to present the Petition to Committee. Democratic Services officers will notify each Lead Petitioner and ask them to liaise with each other to consider amalgamating the Petitions and agree which Lead Petitioner will present the Petition to Committee. In the absence of such agreement, the responsible Chief Officer, in consultation with the Chair of the Committee, may determine at his/her discretion how many petitioners should be afforded speaking rights in order to secure a proper, full and effective debate, having regard to the subject matter and relevant issues to which the Petitions relate.

- (e) [REDACTED]
- (f)(g) When a petitioner has been heard by a committee under this Committee Meeting Procedure Rule no further Petition on the same item and seeking a similar outcome shall be considered and no further address shall be heard on that item, within six months of the committee meeting at which the Petition was first considered or the petitioner heard.
- (e)(h) A petition comprised of less than 50 signatories or which does not meet all criteria set under this Rule 14.2 and the Petition Scheme shall be granted no speaking rights at Committee. However, a response to any relevant issues will be provided with the Committee report or as part of the late representations to Committee, and such report will be available for public inspection on the Council's website in accordance with the Access to Information Procedure Rules.

Ariyadasa, Kumi

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PLANNING COMMITTEE PROCEDURE RULES

| | |
|------|---|
| 14.2 | Right of Petitioners to address committee |
| | <p>(a) <u>Subject to compliance with the Council's Petition Scheme and this Rule 14.2, When a Petition (including an electronic petition) is submitted, with signatories numbering contains signatures of not less than fifty Cardiff electors with their addresses, a substantial proportion of whom could reasonably be expected to be affected by the matter to which the Petition relates, one person from amongst those signing the petition ('the Lead Petitioner') may address a the Planning Committee to which the Petition has been referred on the subject matter of the Petition for up to three minutes.</u></p> <p>(b) In any case where the petitioners object to a planning application, the applicant will also be given an opportunity to be heard.</p> <p>(c) <u>Any Petition presented to the Planning Committee must be submitted to the Local Planning Authority either by email, post or hand delivery, in accordance with the Petition Scheme, by 5.00pm, 7 working days before date of the meeting at which it is to be presented, and must include:</u></p> <ul style="list-style-type: none"><u>i. The name and contact details for the Lead Petitioner;</u><u>ii. The subject matter and specific request of the Petition and reference to planning issues that may be relevant to the planning decision;</u><u>iii. The name and postal address (including postcode) of each Petition signatory;</u><u>iv. The reference number of the planning application to be determined by the Local Planning Authority; and</u><u>v. The total number of signatories to the Petition.</u> <p><u>Any petition presented direct to a committee shall be delivered to the relevant Chief Officer at least seven clear days prior to the date of the meeting of the committee at which it is to be presented, to enable the applicant to be notified if appropriate and to be present at the meeting of the committee if the applicant so wishes.</u></p> <p>(d) <u>Each and every signatory to the Petition, including the Lead Petitioner, must be an individual who lives, works or studies within the City and County of Cardiff.</u></p> <p>(e) <u>The receipt of a Petition will be acknowledged by the Head of Planning within 5 working days. Provided the Petition meets all criteria set under this Rule 14.2 and the Petition Scheme, the Lead Petitioner will be invited to present the Petition at the Planning Committee meeting and the applicant will be notified and invited to attend the Planning Committee if the applicant so wishes.</u></p> |
| | <p>(f) <u>In the event that more than one Petition is received, which meets all criteria set under this Rule 14.2 and the Petition Scheme, in relation to the same planning application and seeking a similar outcome, only one Lead Petitioner will be permitted to present the Petition to Planning</u></p> |

Committee. Democratic Services officers will notify each Lead Petitioner and ask them to liaise with each other to consider amalgamating the Petitions and agree which Lead Petitioner will present the Petition to Planning Committee. In the absence of such agreement, the Head of Planning, in consultation with the Chair of Planning Committee, may determine at his discretion how many petitioners should be afforded speaking rights in order to secure a proper, full and effective debate of the planning application, having regard to the subject matter and planning issues to which the Petitions relate.

(g) When a petitioner has been heard by the Planning Committee under this –Procedure Rule, no further Ppetition on the same item and seeking a similar outcome shall be considered and no further address shall be heard on that item, within six months of the Ccommittee meeting at which the Ppetition was first considered or the petitioner heard.

(h) A petition comprised of less than 50 signatories or which does not meet all criteria set under this Rule 14.2 and the Petition Scheme shall be granted no speaking rights at Planning Committee. However, a response to any relevant planning grounds will be provided with the Planning Committee report or as part of the late representations to Planning Committee, and such report will be available for public inspection on the Council's planning register following determination of the application. No further response will be provided.

Mae'r dudalen hon yn wag yn fwriadol

**CARDIFF COUNCIL
CYNGOR CAERDYDD**



CONSTITUTION COMMITTEE:

28 FEBRUARY 2022

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

CONSTITUTION UPDATE

Reason for this Report

1. To enable the Committee to consider constitution changes required to reflect:
 - (a) New legislative provisions introduced by the Local Government and Elections (Wales) Act 2021, in particular, in respect of:
 - (i) Electronic broadcast of full Council meetings and Multi-location meeting arrangements;
 - (ii) Assistants to the Cabinet;
 - (iii) Job sharing for Cabinet Members;
 - (iv) Statutory functions of the Chief Executive; and
 - (v) A Constitution Guide
 - (b) Further consideration of the Council Meeting Procedure Rules on amendments to Notices of Motion.
 - (c) Various legislative and other updates and drafting improvements.

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. The Monitoring Officer has delegated authority to make minor amendments to the Constitution, to include:
 - (a) amending typographical and minor drafting errors;
 - (b) updating to reflect legislative changes and matter of record; and
 - (c) drafting improvements to enhance clarity and remove minor anomalies

(Scheme of Delegations, Section 4E reference LD16A).

4. The Council is required to keep its Constitution up to date and fit for purpose, and the Constitution Committee has responsibility for considering any necessary amendments in line with its terms of reference, set out in paragraph 2 above.

Issues

5. The Local Government and Elections (Wales) Act 2021 ('the 2021 Act') introduces various changes to the legislative framework intended to 'provide local government with new ways to support and serve their communities' and to 'reinvigorate local democracy in Wales'. The new legislation is being brought into effect in stages; and the Committee has previously received reports on specific requirements already in force, such as requirements in relation to multi-location meeting arrangements.
6. Further parts of the 2021 Act are due to come into force on 5th May 2022; and this report outlines those provisions which need to be reflected in the Council's Constitution, to allow the Committee to consider appropriate amendments.
7. The Welsh Government is preparing statutory and non-statutory guidance on the new legislation. Draft guidance has been shared with the Monitoring Officer on an informal basis, prior to formal consultation on the guidance, which has been used to inform the proposed amendments. The Committee will be informed as and when the draft / final guidance is issued, so that this can be reviewed and further consideration given to any issues, as appropriate.
8. A Schedule of Recommended Constitution Amendments is attached as **Appendix A**. The key changes relate to the following:

Electronic Broadcast of Full Council meetings and Multi-Location Meeting Arrangements

9. As noted in the Committee's previous reports on Remote / Multi-Location Meeting arrangements, the 2021 Act, Part 3, Chapter 4, requires local authorities to broadcast full Council meetings and to make and publish arrangements to ensure that all Council, Committee and Cabinet meetings may

be attended remotely (that is, enabling persons who are not in the same place to attend the meeting) – also referred to as ‘multi-location meetings’.

10. Members will be aware that Cardiff already has in place arrangements for the electronic broadcast (webcast) of full Council meetings (under the Council Meeting Procedure Rules, Rule 32); and has adopted a Webcasting Protocol (in Part 5 of the Constitution) to guide and support these arrangements. Accordingly, only minor amendments are recommended to be made to the Council Meeting Procedure Rules and the Webcasting Protocol to fully reflect the new statutory requirements. These changes are for completeness only and do not represent any changes to Cardiff’s current webcasting arrangements.
11. The new legislative requirements and arrangements being made in respect of multi-location meetings are addressed in the separate report to this Committee, ‘Multi-Location Meetings Arrangements’. The Committee will note that Cardiff’s arrangements are to be set out in a Multi-Location Meetings Policy, subject to Cabinet approval.
12. In order to reflect the new legislative requirement that all Council, Committee and Cabinet meetings must be capable of being attended remotely; and associated changes to public access rules in relation to meetings and documents, various amendments are required to the Council’s meeting procedure rules, the Remote Attendance Procedure Rule and the Access to Information Procedure Rules, as indicated in the Schedule of Recommended Amendments (**Appendix A**) and shown in the marked up amendments to the Constitution (**Appendix B**).

Assistants to the Cabinet

13. The 2021 Act makes new statutory provision enabling the Council’s executive arrangements to make provision for councillors to be appointed to assist the executive (Cabinet) in discharging executive functions (section 57 of the 2021 Act, which amends the Local Government Act 2000).
14. The draft statutory guidance indicates that ‘The aim is to support diversity by enabling members who might not be in a position to take up a full time executive role because of personal or other circumstances to have the opportunity to learn and develop. Whilst not members of the executive, assistants can attend and speak at executive meetings and could bring valuable diversity and insight into discussions.’
15. Key points of the new legislative provisions include the following:
 - (a) An assistant to the executive is not a member of the executive, but is entitled to attend, and speak at, any meeting of the executive or of a committee of the executive.
 - (b) Assistants are to be appointed either by the Leader or the Council, but the power to appoint assistants may not be delegated.
 - (c) The executive arrangements may make provision for the number of assistants that may be appointed; their term of office; and their responsibilities.

- (d) Assistants may not include the chairman and vice-chairman of the authority; may not be members of Scrutiny Committees; and are included for the purposes of counting the maximum number of Cabinet members who may be appointed to the Democratic Services Committee and the Governance and Audit Committee. The WG draft statutory guidance indicates that the same rule applies also to the Standards and Ethics Committee.
- (e) The Council must have regard to statutory guidance issued by the Welsh Government.

16. Prior to the 2021 Act, there was no statutory provision for Assistants to the Executive, but statutory guidance on executive arrangements (SI 2006/56, paragraph 4.29) made clear that they were permissible. Accordingly, Article 7.5 of the Constitution currently makes the following provision:

'7.5 Assistants to Cabinet Members

The Cabinet may appoint Councillors to act as assistants to the Cabinet as the Cabinet considers reasonably necessary and appropriate. Their role will be:

- (a) to assist the Cabinet collectively;*
- (b) to liaise with the Chairs and members of relevant Scrutiny Committees; and*
- (c) to act as observers at meetings of the Cabinet or a committee of the Cabinet, in accordance with the detailed Role Description set out in Appendix A.*

Assistants to the Cabinet may not vote on any matters before the Cabinet, neither may they substitute for a Cabinet Member at a meeting of the Cabinet nor in any decision-making role.'

17. It is understood that the Cabinet currently has 5 Assistants to Cabinet Members, with responsibility for the following areas: Citizen Engagement; Community Engagement; Local Environment; Private Sector Housing; and Building Prosperity (appointed by the Cabinet in July 2017 and September 2019).

18. Article 7.5 of the Constitution needs to be amended to reflect the new statutory provisions. It is recommended that the power to appoint any Assistants to the Cabinet should rest with the Leader, as the leader of the Cabinet, rather than full Council. The recommended amendments to Article 7.5 are shown below:

'7.5 Assistants to the Cabinet Members

The Cabinet Leader may appoint Councillors to act as aAssistants to the Cabinet as the Cabinet he/she considers reasonably necessary and appropriate. Neither the Lord Mayor nor the Deputy Lord Mayor may be appointed as Assistants to the Cabinet.

An Assistant to the Cabinet is not a member of the Cabinet. Their role will be:

- (a) to assist the Cabinet collectively; and*
- (b) to liaise with the Chairs and members of relevant Scrutiny Committees; and*
- ~~(c) to act as observers at meetings of the Cabinet or a committee of the Cabinet,~~ in accordance with the detailed Role Description set out in Appendix A.*

Assistants to the Cabinet may attend and speak at, any meeting of the Cabinet or a committee of the Cabinet, but may not vote on any matters before the Cabinet, neither

may they substitute for a Cabinet Member at a meeting of the Cabinet nor in any decision-making role.'

19. Corresponding draft amendments have been made to the Cabinet Assistants' Role Description, which is appended as Appendix A to Article 7 of the Constitution, as shown in the marked up amendments to the Constitution (**Appendix B**).
20. The Committee may wish to consider whether the number of Assistants that may be appointed and their term of office should also be specified, or whether these matters should be left to the discretion of the Leader.

Cabinet Job Sharing

21. The 2021 Act makes new statutory provision requiring the Council's executive arrangements to make provision enabling two or more councillors to share an office on an executive, including the office of executive leader (section 58 and Schedule 7 of the 2021 Act).
22. The draft statutory guidance suggests that Councils 'should consider matters such as how this could increase the diversity in the executive to best reflect the diversity in the council's area, how will job sharing members be supported to ensure they can maintain a reasonable work life balance and opportunities for succession planning in the executive job sharing may offer. Job sharing arrangements must not be used solely as a means to increase the number of executive members.'
23. Key points of the new legislative provisions include the following:
 - (a) If job-sharers are appointed, the statutory maximum number of Executive members is increased from 10 to 13, on the basis that:
 - if there are 13 Executive members, at least 3 must be job-sharers; and
 - if there are 11 or 12 Executive members, at least 2 must be job-sharers.The draft statutory guidance indicates that 'There is a statutory limit of three on the number of executive posts (including the executive leader) that can be filled on a job sharing basis. This is to ensure that in councils with a smaller number of members there are still sufficient members to provide proper scrutiny of the executive.'
 - (b) Where Cabinet Members share office under job sharing arrangements, for voting and quorum purposes at Cabinet meetings, they are treated as one member with one vote.
 - (c) The IRPW's draft Annual Report for 2022/23 states that: 'Each job sharer will be paid an appropriate proportion of the salary group as set out in Table 3', which is understood to mean that the senior salary is to be split proportionally. The IRPW draft Annual report also says that 'for all job share arrangements the senior salary cap will be increased subject to the statutory maximum of 50% of the council's membership. Where the arrangements would mean that the

statutory maximum would be exceeded the Panel would need to seek the approval of Welsh Ministers.'

- (d) Job sharing arrangements are to be made from May 2022 for Executive members only, but the Welsh Government may introduce Regulations to extend job-sharing arrangements to non-executive members.
- (e) The Council must have regard to any statutory guidance issued by the Welsh Government.

24. With regard to voting, the draft statutory guidance indicates that:

'Should two or more of the members in a job sharing arrangement attend a meeting in their capacity as an executive member they may both be recorded as having attended and they may both speak at the meeting but should the meeting require a vote to be cast they must decide amongst them who will cast the vote, if they cannot agree on the vote then they must make the chair of the meeting aware they have not agreed a position.'

'If one member of a job sharing arrangement attends a meeting in their capacity as a member of the executive and the meeting requires a vote then the attending member must cast their vote in agreement with the other members of their job sharing arrangement. The chair of the meeting should establish whether this is the case and if agreement has not been reached then the job sharing member attending the meeting must make the chair aware no agreement has been reached. Councils will wish to consider what arrangements they put in place where a member of a job sharing arrangement casts a vote at a meeting they have attended which is not in agreement with their job sharing partners.'

25. The Monitoring Officer has sought clarification of the draft guidance on how Councils should deal with the situation where job sharing partners are unable to agree on how their vote shall be cast. It is suggested that if there is no agreement on how the vote should be cast, then no vote should be recorded.

26. Amendments to Article 7, The Cabinet, and the Cabinet Procedure Rules have been drafted to reflect the above, as shown in **Appendix B**.

Statutory Functions of the Chief Executive

27. The statutory provisions relating to the designation and functions of the Head of Paid Service have been amended by section 54 of the 2021 Act. The Explanatory Notes to the 2021 Act note that 'The statutory role of head of paid service is often exercised by the officer more usually referred to as the chief executive or managing director. Whilst these terms are widely used to denote the head of a council's administration throughout local government in Wales, neither title is found in local government legislation.'

28. The new legislation redesignates the Head of Paid Service as the Chief Executive, restates the functions previously assigned to this post and expands

the list of functions to include those relating to performance and governance; namely financial planning, asset management and risk management, in order to bring the responsibilities of the Chief Executive into line with modern governance practices.

29. The revised title and functions of the post have been reflected in draft amendments to Article 11 of the Constitution, as shown in **Appendix B**.

Constitution Guide

30. As noted in the separate report to Committee under Agenda item 7, the Council is required to prepare and publish a constitution guide which explains the content of its Constitution in ordinary language ('the Constitution Guide'). The Constitution and Constitution Guide must be made available at the Council's principal office for inspection by members of the public at all reasonable hours; and copies of both must be supplied upon request, either free of charge or at a charge representing no more than the cost of providing the copy.

31. The new statutory requirements have been reflected in draft amendments to Article 15, attached as **Appendix B**.

Amendments to Notices of Motion (Council Meeting Procedure Rules)

32. At its last meeting on 13th December 2021, the Committee's Constitution Update report included consideration of certain changes to the Council Meeting Procedure Rules in respect of Ordinary Motions (Rule 22). The Committee agreed changes in relation to the selection of Ordinary Motions to be considered at each Council meeting; and the scope of Motions, which were subsequently approved by full Council in January 2022.

33. The Committee also considered the Rules on amendments to Ordinary Motions. It was noted that the rules (Rule 22(r) to (x)) currently make no provision for amendments which may be (submitted in accordance with the rules and) *accepted* by the proposer of a motion. Specifically, it was noted that the rules were unclear on whether: (i) the amendment, as accepted, should be treated as carried; (ii) the amendment should be put to the vote, irrespective of its acceptance; or (iii) the accepted amendment should be regarded as an alteration of the proposers own Motion under Rule 22(q).

34. The Monitoring Officer advised that, unless an amendment was fundamentally inconsistent with the Motion, the acceptance of an amendment by the proposer of the Motion would, in the absence of any contrary provision in the rules, lead to the amendment becoming part of the substantive Motion. However, if the Chair ruled the amendment to be fundamentally inconsistent with the original Motion, then the amendment should be put to the vote. The Committee

considered the suggested insertion of an additional rule after Rule 22(u) to clarify the position, as follows:

‘(ua) If the proposer of a Motion accepts a proposed amendment (of which notice has been duly given in accordance with Rule 22(r)), the amendment shall become part of the substantive Motion, unless the Chair rules that the amendment is fundamentally inconsistent with the Motion, in which case, the amendment shall be put to the vote.’

35. After discussion, the Committee agreed that as long as the Lord Mayor made clear that an accepted amendment had become part of the substantive Motion, so that Members were clear on the terms of the Motion being voted upon, amendment of the Rules may not be necessary. It was agreed that this matter should be kept under review.

36. At the January 2022 Council meeting, doubts were raised once more over the rules in relation to accepted amendments to Motions; and it was agreed that the Constitution Committee should be asked to give this further consideration.

37. In line with the Monitoring Officer’s advice, it appears to be understood and agreed that accepted amendments (A) shall become part of the substantive Motion, without requiring a vote, unless the amendment is fundamentally inconsistent with the Motion. However, the uncertainty appears to arise in situations where a second amendment (B) is carried following a vote, the question being whether:

- (i) both amendments (A, the one which was accepted; and also B, the one which was carried by a vote) are incorporated into the substantive motion, which is then voted upon; or
- (ii) the second amendment (B, which was carried by a vote of the Council) supercedes A, the amendment which was accepted by the proposer of the Motion, so that the substantive Motion becomes the Motion as amended, B, which is then voted upon.

38. It is suggested that in future, where there are two amendments, either both amendments have to be accepted without a vote, or both amendments have to be voted on. The Committee is invited to consider inserting a new rule into the Council Meeting Procedure Rules to this effect, as follows:

‘(ua) If the proposer of a Motion accepts a proposed amendment (of which notice has been duly given in accordance with Rule 22(r)), the amendment shall become part of the substantive motion without a vote, unless:

- (i) The Chair rules that the amendment is fundamentally inconsistent with the original Motion, in which case the amendment shall be put to the vote; or
- (ii) Two or more amendments to the Motion are moved, in which case, either all amendments must be accepted, or all amendments must be put to the vote.’

39. The proposed new rule 22(ua) has been included in the marked up copy of the Council Meeting Procedure Rules included in **Appendix B**.

Other Updates and Drafting Improvements

40. In reviewing the Constitution, a number of other minor amendments and drafting improvements have been identified and are included in the Schedule of Recommended Amendments appended as **Appendix A**, with a brief explanation of the reason for the change. The recommended amendments are shown using tracking in the marked up amendments to the Constitution (**Appendix B**).

41. The Committee may wish to note that there are also a number of minor updates required throughout the Constitution, which may be made under the Monitoring Officer's delegated authority (referred to in paragraph 3 above), including the following:

| CURRENT REFERENCE | PROPOSED AMENDMENT |
|--|---|
| Commission for Local Administration | Public Services Ombudsman for Wales |
| National Assembly for Wales | Senedd Cymru / Welsh Ministers, as appropriate |
| Local Government Boundary Commission for Wales | Local Democracy and Boundary Commission for Wales |
| Scheme of Members' Allowances / Members' Allowances Scheme | Members' Remuneration Schedule |
| Head of Paid Service | Chief Executive |
| European Convention on Human Rights | Human Rights Act 1998 |
| Chief Operating Officer | Corporate Director |
| Democratic Services Manager | Committee and Member Services Manager |
| Data Protection Act 1998 | Data Protection Act 2018 |
| Chief Officer Legal and Democratic Services | Director of Governance and Legal Services |

Legal Implications

42. The Local Government Act 2000 and the Local Authority Constitution (Wales) Direction 2002 requires the authority to keep its constitution up to date.

43. Minor legislative updates and drafting improvements may be approved by the Constitution Committee under its approved terms of reference or under the Monitoring Officer's delegated authority. All other substantive Constitution amendments require the approval of full Council.

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

Financial Implications

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

Recommendations

The Committee is recommended to:

1. Consider and agree the Constitution amendments set out in this report and **Appendix B**, subject to any agreed changes;
2. Authorise the Monitoring Officer, in consultation with the Chair, to draft any further amendments to reflect the views of the Committee; and
3. Recommend the agreed Constitution amendments to full Council for approval.

Davina Fiore

Director Governance and Legal Services & Monitoring Officer

22 February 2022

Appendices

Appendix A

Schedule of Recommended Constitution Amendments

Appendix B

Constitution, marked up to show recommended amendments

Background papers

Constitution Committee report, 'Constitution Update', December 2021
Welsh Government Draft Statutory and Non Statutory Guidance, Part 4

CONSTITUTION UPDATE – SCHEDULE OF RECOMMENDED AMENDMENTS

| SECTION | TITLE | REFERENCE | RECOMMENDED AMENDMENT |
|--------------------------------------|--------------------------|-----------------|--|
| Part 1 | Summary and Explanation | Para 4 | Number of Cardiff Cllrs increased to 79 and term of office increased to 5 years |
| | | Para 7 | To reflect new legislation providing that the number of Cabinet members may be increased if there are Cabinet Job Sharers |
| | | End of document | Added reference to Constitution Guide |
| Part 2, Articles Article 1 | The Constitution | | |
| Article 2 | Members of the Council | 2.1 | Update to total number of elected members being 79 |
| | | 2.2 | Update to five year term of office |
| | | 2.3 | Update references to Wales Improvement Programme |
| | | 2.4 | Cardiff Undertaking – amendment to reflect requirement for Undertaking to be given at each annual council meeting; and to reflect arrangements made for Members who are absent from the annual council meeting or who are subsequently elected at a by-election. |
| | | 2.5 | Update to reflect that ‘salaries’ are payable under Members’ Remuneration Schedule (and replace reference to Members Allowances Scheme) |
| Article 3 | Citizens and the Council | 3.1 | Voting and petitions – to add reference to right to vote in LG elections and new requirements for Petition Scheme |
| Article 4 | The Council | 4.2(c) | Housing land transfer – legislative update |
| Article 5 | Chairing the Council | 5.1(e) | Added reference to Lord Mayor’s civic functions |
| Article 6 | Scrutiny Committees | 6.1 | Added - Assistants to Cabinet may not be members of Scrutiny Committees |
| | | 6.5 | Added reference to Joint Scrutiny Committees |
| Article 7 | The Cabinet | 7.2 | Form and Composition –i) to reflect that the maximum number of Cabinet members may be increased if any Cabinet Job Sharers are appointed. ii) To reflect that, as a matter of practice and as permitted by law, the Cabinet is appointed by the Leader rather than the Council |
| | | 7.3 | Leader – to reflect new legislation allowing two or more Councillors to be elected to share office (new job share provisions) |

CONSTITUTION UPDATE – SCHEDULE OF RECOMMENDED AMENDMENTS

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| | | 7.4 | Other Cabinet members - – to reflect new legislation allowing two or more Councillors to be elected to share office (new job share provisions); and appointment of Cabinet by the Leader |
| | | 7.5 | Assistants to Cabinet members – amended to reflect new legislative provision: <ul style="list-style-type: none"> - ‘Assistants to Cabinet’ (not to cabinet <i>members</i>) – amended throughout constitution, eg. CPR 22 - Appointment of Assistants may be made by either the Leader or full Council (not by Cabinet, as currently stated) – recommendation is Leader - Lord Mayor / Deputy may not be Assistants to Cabinet - Right to speak at cabinet meetings, deleted reference to observing only. |
| | | App A | Assistants to Cabinet, Role Description – to reflect new legislation provision they may not be scrutiny committee members; and to reflect other changes made to Article 7.5 above. |
| | | 7.7 | Responsibility for functions – added clarification about allocation of functions and deleted text about procedure for arrangements to be made for discharge of functions, as this is more appropriately dealt with in the Cabinet Procedure Rules (Rule 1.2) |
| Article 8 | Regulatory and Other Committees | | |
| Article 9 | Standards & Ethics Committee | 9.2(a)(ii) | Membership – limit on number of Cabinet members (one) amended to include Assistants to Cabinet, based on the draft statutory guidance. |
| | | 9.3 | Community Councils Sub-Committee -amended to reflect legal position which is that a sub-committee <u>may</u> be appointed. In Cardiff we have not done so (community council functions are discharged by the whole Standards Committee). Amended to clarify and address drafting error. |
| | | 9.5 | Added point to refer to new statutory requirement for Annual report |
| Article 10 | Joint Arrangements | 10.5 | New point to refer to provisions for Corporate Joint Committees made under Chapters 3-5 of the 2021 Act |
| Article 11 | Council Employees | | Amended to reflect the change of the statutory title ‘Head of Paid Service’ to ‘Chief Executive’; and new statutory functions for this post |
| | | 11.4 | Added to list of Section 151 Officer’s functions and restrictions on post, for consistency with other statutory officer provisions |
| | | 11.4A | Added constitutional functions of Head of Democratic Services and changes to restrictions on post introduced by 2021 Act. |

CONSTITUTION UPDATE – SCHEDULE OF RECOMMENDED AMENDMENTS

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| | | 11.5 | Added the statutory requirement to provide these statutory officers with sufficient resources |
| Article 12 | Decision making | 12.1 | Clarification / drafting improvement - Added a list of possible decision makers |
| | | 12.3 | List of types of decisions, added: - (d) Individual Cabinet member decision making; and - (e) ward / non-Cabinet member decision making. Noting that law permits arrangements to be made and set out in the Scheme of Delegations, but in Cardiff no such arrangements in place. |
| Article 13 | Finance, Contracts and Legal Matters | | |
| Article 14 | Review and Revision | 14.2(b) | Legislative update – reference to ‘alternative arrangements’ for executive, replaced with ‘mayor and cabinet’ executive (the only other form of executive arrangements now available). |
| Article 15 | Suspension, Interpretation and Publication | 15.2 | Inserted new defined terms: - Assistant to the Cabinet - Cabinet member - Cabinet Job Sharer - Constitution Guide - Corporate Joint Committee - Petition Scheme - Public Services Board - Remote attendance Amended: - Head of Paid Service – replaced with new statutory provisions for Chief Executive - ‘Member’ definition - Petition (to include electronic petitions) |
| | | 15.3 | Publication – updated to reflect new provisions for electronic documents / publication on website; and new requirements for a Constitution Guide |
| | | 15.4 | Transitional provisions – deleted, no longer relevant |
| Part 3 | Scheme of Delegations | | |
| Part 3, Section 4E | | CE9/9A & FS52/53 | Minor amendment - Electoral Registration Officer and Returning Officer designations, changed from Section 151 Officer to Chief Executive, in line with Council decision of February 2019 |

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CONSTITUTION UPDATE – SCHEDULE OF RECOMMENDED AMENDMENTS

| | | | |
|---------------------------------|-----------------------------------|--|---|
| Council Meeting Procedure Rules | 5 | Time and place of meeting – amended to reflect multi-location meetings law and policy | |
| | 6 | Summons – to include details of how to meetings access remotely | |
| | 12, 13, 15, 21, 27 | To reflect remote attendance provision, amended references to standing / remaining seated, meeting room, ‘to the floor’, handed to the chair etc | |
| | 20 | Petitions – to reflect revised Petition Scheme (please see separate report, agenda item 5) | |
| | 29 | Voting – amended to reflect electronic voting system | |
| | 31 | Record of Attendance – amended to deal with ‘Attendance’ generally and make provision for remote attendance in line with multi-location meetings law and policy | |
| | 32 | Recording – expanded references to electronic broadcast (webcast) of meetings, in line with new legal requirements | |
| | 35 | Interpretation – inserted definition for ‘remotely’ | |
| | Budget Meeting Procedure Rules | 2&3 | Place of meetings and summons – amended to reflect multi-location meetings and access to them |
| | Committee Meeting Procedure Rules | 4&5 | Place of meetings and agenda – amended to reflect multi-location meetings and access to them |
| | | 9.4, 11.1, 16 | To reflect fact that Members may be attending remotely, amendments made to references to standing, the meeting room etc |
| | | 13 | Record of Attendance – amended to deal with ‘Attendance’ generally and make provision for remote attendance in line with multi-location meetings law and policy |
| | | 14.2 | Petitions – to reflect revised Petition Scheme (please see separate report, agenda item 5) |
| | 18 | Recording – to refer to electronic broadcast, in line with new legislation | |
| Access to Info Procedure Rules | 2 | To refer to multi-location meetings | |
| | 4 | To address access to multi-location meetings | |
| | 4A | Refer to ‘broadcast’ of meetings, consistent with terminology in new legislation | |
| | 5 | Notice of meetings – to reflect new legislative requirements | |
| | 6 | Access to agenda and reports – to reflect new requirement that papers should be provided for members of the public attending a physical meeting | |
| | 8 | Minutes and other documents after meeting – added new requirements for a note of the meeting within 7 working days; and minutes to be published on website. Clarifying that this rule does not apply to Cabinet meetings, which are dealt with under the separate Rule 13 dealing with records of Cabinet decisions. | |
| | 9 | Background papers – reflecting new requirement they should be published on the website unless not reasonably practicable to do so; and must remain accessible for 6 years. | |

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CONSTITUTION UPDATE – SCHEDULE OF RECOMMENDED AMENDMENTS

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| | 13 | Record of Executive Decisions – updated to reflect new legislation |
| | 16 | Officer decisions – correction to include Director decisions in the list of those published in Officer Decision Register, in line with provisions of Scrutiny Rules and what we do in practice. |
| | 18 | Members rights of access to exempt papers – update to reflect previous legislative changes. |
| | 20 | Additional rule to deal with new requirement for Members’ correspondence addresses to be published. |
| Budget and Policy Framework Procedure Rules | | No changes – minor typo amendments only |
| Cabinet Procedure Rules | 1.1 | Executive decisions - Minor drafting amendments and clarification about allocation / arrangements which may be made; and deletion of text about Leader’s power to allocate responsibilities to the extent not allocated in the Scheme of Delegations, as this is dealt with in Article 7.7 |
| | 1.4 | Decisions of the Cabinet – removed reference to voting, as this is dealt with now in a separate rule 2.6; and re-ordered this para which was previously para 1.7 (suggested drafting improvement) |
| | 1.5 | Cabinet meetings – place of meeting amended to reflect multi-location meeting arrangements |
| | 1.6 | Quorum – to refer to new legislation on Job Sharers counting as one person for quorum purposes |
| | 2.2(a) | Attendance - to refer to remote attendance |
| | 2.2(c) | To include Job Sharers and Assistants in the list of permitted attendees at Cabinet meetings |
| | 2.6 | Voting – separate rule, for clarity (drafting improvement) |
| | 2.7 | Cabinet Job Sharers – new rule to address voting arrangements |
| Scrutiny Procedure Rules | 2 | Scrutiny members – to make reference to Assistants to Cabinet, who may not be scrutiny members |
| | 4 | Meetings – to make reference to multi-location meetings |
| | 11(d) | Hearing evidence – Assistants to Cabinet role description says they may give evidence to scrutiny committees if the Cabinet member cannot attend – amendment made to reflect this, and option for alternative officer reps to attend, with the agreement of the scrutiny committee. |

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CONSTITUTION UPDATE – SCHEDULE OF RECOMMENDED AMENDMENTS

| | | |
|------------------------------------|-----------------|---|
| Planning Committee Procedure Rules | 4&5 | Place of meetings and agenda – amended to reflect multi-location meetings and access to them |
| | 9.4, 11.1, 16.1 | To reflect fact that Members may be attending remotely, amendments made to references to standing, the meeting room etc |
| | 13 | Record of Attendance – amended to deal with ‘Attendance’ generally and make provision for remote attendance in line with multi-location meetings law and policy |
| | 14.2 | Petitions – to reflect revised Petition Scheme (please see separate report, agenda item 5) |
| | 18 | To refer to ‘electronic broadcast’ of meetings, consistent with terminology in new legislation |
| Remote Attendance Procedure Rule | | Re-titled as ‘Multi-Location Meetings’ and amended to refer to the new legal requirements and the Council’s Multi-Location Meetings policy |
| Webcasting Protocol | | Amended to reflect new requirements for full Council meetings to be webcast. |

Part 6 (Members’ Remuneration Schedule); and Part 7 (Management Structure) – No changes

PART 1 - SUMMARY AND EXPLANATION

The County Council's Constitution

1. Cardiff Council's Constitution, sets out how the Authority operates how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.
2. The Constitution is divided into 15 Articles which set out the basic rules governing the Authority's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

What's in the Constitution?

3. Article 1 of the Constitution commits the Council to provide accountable leadership to the community, in partnership with its citizens, to improve service delivery to all the people of Cardiff. Articles 2–15 explain the rights of citizens and how the key parts of the Authority operate. These are:
 - Members of the Council (Article 2)
 - Citizens and the Authority (Article 3)
 - The Council (Article 4)
 - Chairing the Council (Article 5)
 - Scrutiny Committees (Article 6)
 - The Executive (Article 7)
 - Regulatory and other committees (Article 8)
 - The Standards & Ethics Committee (Article 9)
 - Joint arrangements (Article 10)
 - Council Employees (Article 11)
 - Decision Making (Article 12)
 - Finance, Contracts and Legal Matters (Article 13)
 - Review and Revision of the Constitution (Article 14)
 - Suspension, interpretation and publication of the Constitution (Article 15)

How the Authority operates

Council Arrangements

4. The Council is composed of 75–79 councillors elected every four–five years. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.
5. Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards & Ethics Committee

advises them on the Code of Conduct and on development needs linked with conduct.

6. All Councillors meet together as the Council. Meetings of the Council are normally open to the public. The Council decides the Authority's strategic policies, as set out in Article 4 and sets the budget each year.

Executive Arrangements (Leader and Cabinet)

7. The Cabinet is the part of the Council which is responsible for most major decisions. The Cabinet is made up of the Leader elected by the Council, and up to nine other councillors whom he/she nominates for approval by the Council (although this number may be increased if two or more councillors are appointed to share the same office as Cabinet member, referred to as 'Cabinet Job Sharers', in accordance with Articles 7.3 and 7.4 of this Constitution). Meetings of the Cabinet, Scrutiny Committees, the Council and other committees are open to the public to attend except where confidential information or exempt information is being discussed, as defined by the law. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

Scrutiny

8. Scrutiny Committees support the work of the Cabinet and the Council as a whole. The number of Scrutiny Committees is determined by the Council. Scrutiny Committees monitor the decisions of the Cabinet. They allow backbench members, citizens and stakeholders to have a greater say in matters concerning the Authority. They produce reports and recommendations which advise the Cabinet and the Council on its policies, budget and service delivery. They can 'call-in' a decision which has been made but not yet implemented. This enables Scrutiny to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

The Authority's Employees

9. The Authority has employees to give advice, implement decisions of the Cabinet and Council, and manage the day-to-day delivery of its services, including making decisions in accordance with a Scheme of Delegations. Employees are bound by a statutory Code of Conduct and a Protocol governs the relationships between employees and Councillors. The employees of the Authority serve the Authority as a whole and are required to advise impartially.

Citizens' Rights

10. Citizens have a number of rights in their dealings with the Authority. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Authority's own processes.

11. Where members of the public use specific Authority services, for example as a parent of a school pupil or as a council tenant, they have additional rights which are not covered in this Constitution.

Citizens may:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Cabinet, Council and its Committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- contribute to investigations by the Scrutiny Committees;
- see reports and background papers, and any record of decisions made by the Council and Cabinet except where they contain personal or confidential information;
- complain to the Authority with regard to a perceived dissatisfaction about the standard of service, action or lack of action by the Authority or its staff. All complaints will be dealt with in accordance with the Authority's Complaint Policy, which provides an effective framework for review should the complainant be dissatisfied with the initial response;
- complain to the [Commission for Local Administration in Public Services Ombudsman for Wales](#) (Ombudsman) if they think the Authority has not followed its procedures properly. However, the Authority expects a complainant to allow it the opportunity to resolve the complaint using the Authority's own Complaint Policy before contacting the Ombudsman, and the Ombudsman normally expects this too;
- complain to the Ombudsman if they have evidence which they think shows that a Councillor or Co-Opted Member has not followed the Members' Code of Conduct; and
- inspect the Authority's accounts and make their views known to the external auditor.

The Authority welcomes participation by its citizens in its work.

[You may find it helpful to read this Constitution in conjunction with the Constitution Guide, which is available \[insert hyperlink or other information about how to obtain a copy of the Constitution Guide\].](#)

Mae'r dudalen hon yn wag yn fwriadol

PART 2 – ARTICLES OF THE CONSTITUTION

Article 2 – Members of the Council

2.1 Composition

The Authority will comprise ~~75-79~~ Councillors (otherwise called Members). One or more Councillors will be elected by the voters of each electoral division in accordance with a scheme drawn up by the ~~Local Government Boundary Commission for Wales~~Local Democracy and Boundary Commission for Wales and approved by the ~~National Assembly for Wales~~Welsh Government.

2.2 Election and terms of Councillors

The regular election of Councillors will be held on the first Thursday in May every ~~four~~five years or at such other time as may be set by law. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.3 Roles and functions of all Councillors

(a) Key roles

Councillors will:

- (i) collectively set the Policy Framework and carry out a number of strategic functions;
- (ii) represent their communities and bring their views into the Authority's decision-making process, i.e. become the advocate of and for their communities;
- (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (iv) seek to balance different interests identified within the ward and represent the ward as a whole;
- (v) ~~contribute to the continual improvement of council services~~promote and ensure efficiency and effectiveness in the provision of Council services through the Wales Improvement Programme;
- (vi) be involved in decision-making;
- (vii) be available to represent the Authority on other bodies; and
- (viii) maintain the highest standards of conduct and ethics.

(b) Rights and Duties

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law and this Constitution;
- (ii) Councillors may visit any land or premises of the Authority subject to the following:
 - they must properly identify themselves to the person in control of the premises and may not issue instruction to employees;
 - or interview any employee other than a Corporate Director, Chief Officer or senior officer nominated for that purpose on matters of policy or principle, or any matter which is either under consideration by the Council or Cabinet or likely to be brought before it or any of its Committees;
 - visits to residential establishments must have regard to the privacy and safety of residents and therefore may only be undertaken following proper notice to the relevant Chief Officer or his/her nominee and the visit may then be made in accordance with arrangements specified.
- (iii) Councillors will not make public information which is confidential information or exempt information without the consent of the Authority or divulge information given in confidence to anyone other than a Councillor, officer or other person legally entitled to know it.

2.4 Conduct

Councillors and employees will at all times observe their Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

Each Councillor will, ~~after their election~~ at each Annual Council meeting, give the Cardiff Undertaking to publicly demonstrate their commitment with all other Councillors to upholding the highest standards of conduct and to serving the interests of the Council, Cardiff, its citizens and those to whom the Council owes a duty.

The giving of the Cardiff Undertaking will take place ~~at~~:

- (a) ~~the at each~~ annual council meeting; ~~after the ordinary election~~ or
- (b) if the Councillor does not attend ~~that the~~ annual meeting, by written confirmation provided by the Councillor to the Head of Democratic Services, as soon as reasonably practicable after the annual council meeting; or at the first meeting of the Council thereafter which the Councillor attends or
- (c) where the Councillor is elected at a by-election, by written confirmation provided by the Councillor at the same time as providing their Declaration of Acceptance of Office, the first meeting of the Council which the Councillor attends after the by-election.

2.5 Allowances

Councillors will be entitled to receive [salaries and allowances](#) in accordance with the Members' ~~Allowances Scheme~~[Schedule of Remuneration](#), as set out in Part 6 of this Constitution.

Mae'r dudalen hon yn wag yn fwriadol

PART 2 – ARTICLES OF THE CONSTITUTION

Article 3 – Citizens and The Council

3.1 Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Procedure Rules set out in Part 4 of this Constitution.

(a) Voting and Petitions

(i) [Citizens aged over 16 years and on the register of local government electors for the area are entitled to vote in local government elections for their area.](#)

(ii) [Citizens can seek to raise a matter with the Council by submitting a petition in accordance with the Council's Petition Scheme.](#)

~~(iii)~~ Citizens on the electoral roll for the area have the right to sign a petition to request a referendum for an 'elected mayor' form of Constitution and the right to vote in any such referendum.

(b) Information

Citizens have the right to:

(i) attend meetings of the Council, its Committees and the Cabinet except those parts of meetings where confidential information or exempt information is likely to be disclosed, and that business is conducted in private;

(ii) see reports and background papers of meetings held in public, and any records of decisions made by the Council, the Cabinet and designated senior officers; and

(iii) inspect the Council's accounts and make their views known to the external auditor.

(c) Participation

(i) Citizens have the right to contribute to investigations by Scrutiny Committees in accordance with the Scrutiny Procedure Rules, as set out in Part 4 of this Constitution;

(ii) ask questions at meetings of the Council, of members of the Cabinet or the Chairperson of a Committee.

(d) Complaints

Citizens have the right to complain to:

- (i) the authority itself under its Complaint Policy;
- (ii) the Ombudsman about any injustice they have suffered as a result of maladministration, but they are encouraged to use the Council's own Complaint Policy first;
- (iii) the Ombudsman where they believe a Councillor or co-opted member of the Authority has breached the Member's Code of Conduct

3.2 Citizens' responsibilities

Citizens must not be violent, abusing or threatening to Councillors or employees and must not wilfully harm things owned by the Authority, Councillors or employees.

PART 2 – ARTICLES OF THE CONSTITUTION

Article 4 – The Council

4.1 Functions of the Council

Only the Council will exercise the following functions:-

- (a) adopting and changing the Authority's executive arrangements and this Constitution, save as provided in Article 11.3 (a)
- (b) approving or adopting the policy framework, the budget and any application to the ~~National Assembly for Wales~~ Welsh Ministers in respect of any Housing Land Transfer;
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules set out in Part 4 of this Constitution, making decisions about any matter in the discharge of an Executive Function which is covered by the Policy Framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the budget;
- (d) electing and removing the Leader ~~and appointing and removing members of the Cabinet (not being the Leader);~~
- (e) agreeing and/or amending the terms of reference of committees, deciding on their composition and making appointments to them, except as expressly and lawfully delegated;
- (f) appointing representatives to outside bodies unless the appointment is an Executive Function or has been delegated by the Council;
- (g) adopting ~~an allowances scheme~~ Schedule of Members' Remuneration under Article 2.5;
- (h) changing the name of the area, conferring the title of honorary alderman or freedom of the City;
- (i) making or confirming the appointment of the Chief Executive;
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (k) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself or by a person to whom or body to which it has delegated its powers rather than the Cabinet; and
- (l) all other matters which, by law, must be reserved to Council.

Commented [AK1]: NB. This is reserved to full Council by Cardiff's constitution, not a statutory requirement. By law, appointments may be made by either full Council or by the Leader.

Updated 31 October 2021

4.2 Meanings

(a) Policy Framework

The policy framework means the following plans and strategies:-

- Corporate Plan;
- Local Well-Being Plan;
- Cardiff Self-Assessment Report;
- Local Development Plan;
- Local Transport Plan;
- Welsh Language Strategy;
- Youth Justice Plan;
- Housing Strategy;
- Rights of Way Improvement Plan; and
- Pay Policy Statement;

Together with such other plans and strategies which the Authority may decide should be adopted by the Council as a matter of local choice.

(b) Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax Base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

(c) Housing Land Transfer

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the ~~National Assembly for Wales~~ Welsh Ministers for approval of a programme of large scale disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes, where approval is required under sections 32 or 43 of the Housing Act 1985.

4.3 Council meetings

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings

and they will be conducted in accordance with the Council Meeting Procedure Rules, as set out in Part 4 of this Constitution.

4.4 Responsibility for functions

Updated 31 October 2021

The Monitoring Officer will keep up to date the details in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Cabinet.

Updated 31 October 2021

Mae'r dudalen hon yn wag yn fwriadol

PART 2 – ARTICLES OF THE CONSTITUTION

Article 5 – Chairing the Council

5.1 Role and Function of the Lord Mayor

The Lord Mayor and the Deputy Lord Mayor will be elected by the Council annually. The Lord Mayor and in the absence of the Lord Mayor, the Deputy Lord Mayor will preside at the meetings of the Council and have the following roles and functions:

- (a) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- (b) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- (c) to ensure that the Council meeting is a forum for the debate of matters before the meeting and the place at which Councillors who are not members of the Cabinet are able to hold the Cabinet to account;
- (d) to carry out duties in respect of Members' Family Absence as required under the Family Absence for Members of Local Authorities (Wales) Regulations 2013;
- (d)(e) as civic leader of Cardiff, to promote the interests and reputation of the Council and Cardiff as a whole and act as an ambassador for both, and undertake civic, community and ceremonial activities and foster community identity and pride.

Mae'r dudalen hon yn wag yn fwriadol

PART 2 – ARTICLES OF THE CONSTITUTION

Article 6 – Scrutiny Committees

6.1 Terms of Reference, Size & Membership

The Council has appointed the following Scrutiny Committees:

- (a) Children and Young People
- (b) Community and Adult Services
- (c) Economy and Culture
- (d) Environmental
- (e) Policy Review and Performance

to discharge the functions set out in the Terms of Reference shown in Appendix 2 to Part 3 of this Constitution. Each Scrutiny Committee shall be comprised of 9 elected Members. Membership of Scrutiny Committees is restricted to those Councillors who are not members of the Cabinet or Assistants to the Cabinet.

6.2 General

Within their terms of reference, Scrutiny Committees will:

- review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Authority's functions;
- make reports and/or recommendations to the Council and/or the Cabinet;
- consider any matter affecting the area or its inhabitants; and
- exercise the right to 'call-in', for reconsideration, decisions made but not yet implemented by the Cabinet, Cabinet Members and designated senior officers.
- Receive and consider reports from statutory external inspectors or auditors referred to them.
- Act in accordance with the Scrutiny Procedure Rules.

6.3 Specific functions

(a) Policy Review and Performance

The **Policy Review and Performance** Scrutiny Committee will:

- (i) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;

- (iv) question relevant people and organisations about their views on issues and proposals affecting the area;
- (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working; and
- (vi) adjudicate on any areas of overlap between the functions of the Scrutiny Committees and allocate any additional areas of responsibility which are not already included within the terms of reference of any particular Scrutiny Committee.

(b) Scrutiny

Scrutiny Committees will:

- (i) review and scrutinise the decisions made by and performance of the Cabinet and/or committees and employees both in relation to individual decisions and over time;
- (ii) review and scrutinise the performance of the Authority in relation to its policy objectives, performance targets and/or service areas;
- (iii) question members of the Cabinet and committees and/or employees about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (iv) make recommendations to the Cabinet and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
- (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the scrutiny committee and local people about their activities and performance; and
- (vi) question and gather evidence from any person (with their consent).

(c) Resources

Scrutiny Committees may exercise overall responsibility for the resources made available to them.

(d) Annual Report

Scrutiny Committees must report annually to the Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

6.4 **Proceedings of Scrutiny Committees**

Scrutiny Committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules, as set out in Part 4 of this Constitution.

6.5 Two or more local authorities may agree, or be required, to appoint a joint Scrutiny Committee by arrangements made under section 58 of The Local Government (Wales) Measure 2011 and regulations made thereunder.

Mae'r dudalen hon yn wag yn fwriadol

PART 2 – ARTICLES OF THE CONSTITUTION

Article 7 – The Cabinet (Executive)

7.1 Role

The Cabinet will arrange for the discharge of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

7.2 Form and composition

Cabinet

(a) ~~Subject to paragraph (b) below, the~~ Cabinet will consist of the Leader together with no more than nine other Councillors (the total number of members of the Cabinet may not exceed 10).

(b) If two or more councillors are elected to share office as Leader or are appointed to share the office of Cabinet member ('Cabinet Job Sharers'), the total number of members of the Cabinet may be increased to:

(i) 11 or 12, if at least 2 of the members have been elected or appointed to share office; or

~~(ii)~~ 13, if at least 3 of the members have been elected or appointed to share office.

~~(b)(c)~~ The Council elects the Leader.

~~(d) The Council Leader appoints not less than two but no more than nine councillors to the Cabinet (excluding the Leader);~~ the other members of the Cabinet.

7.3 Leader

~~(i)~~ (i) The Leader will be a Councillor elected to the position of leader by the Council. Two or more Councillors may be elected by the Council to share the office of Leader, if they mutually make an arrangement to stand for election as leader on the basis of a job sharing arrangement.

~~(ii)~~ (ii) The Leader will hold office until:

(a) he/she resigns from the office; or

(b) he/she is suspended from being a Councillor or from being Leader or from being a member of the Cabinet under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or

- (c) he/she is no longer a Councillor; or
- (d) he/she is removed from office by resolution of the Council; or
- (e) the day of the next regular election.

7.4 Other Cabinet Members

- (i) Cabinet members (other than the Leader) will be Councillors appointed by the ~~Council~~ Leader. Two or more Councillors may be appointed to share the office of Cabinet member.
- (ii) There may be no co-optees and no deputies or substitutes for members of the Cabinet (other than the Leader). Neither the Lord Mayor nor Deputy-Lord Mayor may be appointed to the Cabinet, and Cabinet Members (including the Leader) may not be members of a Scrutiny Committee.
- (iii) A Councillor appointed as a Cabinet Member shall hold office until:
 - (a) he or she resigns from office; or
 - (b) he or she is suspended from being a councillor or from being a member of the Cabinet under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
 - (c) he or she is no longer a councillor; or
 - (d) he/she is removed from office by resolution of the Council; or
 - (e) the day of the next regular election.

7.5 Assistants to the Cabinet Members

The ~~Cabinet Leader~~ may appoint Councillors to act as ~~a~~ Assistants to the Cabinet as ~~the Cabinet~~ ~~he/she~~ considers reasonably necessary and appropriate. Neither the Lord Mayor nor Deputy Lord Mayor may be appointed as Assistants to the Cabinet.

An Assistant to the Cabinet is not a member of the Cabinet. Their role will be:

- (a) to assist the Cabinet collectively; and
- (b) to liaise with the Chairs and members of relevant Scrutiny Committees;
~~and~~
- ~~(b) to act as observers at meetings of the Cabinet or a committee of the Cabinet~~

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in accordance with the detailed Role Description set out in Appendix A.

Assistants to the Cabinet may attend, and speak at, any meeting of the Cabinet or a committee of the Cabinet, but may not vote on any matters before the Cabinet, neither may they substitute for a Cabinet Member at a meeting of the Cabinet nor in any decision-making role.

7.6 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules, as set out in Part 4 of this Constitution.

7.7 Responsibility for functions

Part 3 of the Constitution sets out the provisions made with respect to the allocation of any functions which are the responsibility of the Cabinet among the following persons:-

- (a) the Cabinet;
- (b) any member of the Cabinet;
- (c) any committee of the Cabinet; and
- (d) any officers of the authority.

Where such allocation has been made the body to which or the person to whom a function has been allocated in accordance with that provision may discharge that function or may be authorised to make arrangements for the discharge of those functions, as set out in the Cabinet Procedure Rules.

To the extent that the functions which are the responsibility of the Cabinet have not been allocated as set out above (but not further or otherwise) the Leader may discharge any of those functions or may determine the respective responsibilities of Cabinet, Cabinet Committees, Cabinet Members and officers in respect of the taking of particular Executive Decisions. The Leader shall notify the Proper Officer in writing of any such delegation of responsibilities and the Proper Officer will maintain a list setting out the respective responsibilities as they may be from time to time in accordance with the Cabinet Procedure Rules set out in Part 4 of this Constitution.

~~Any person who or body which has arranged for the discharge of any functions in accordance with the powers conferred by section 15 of the Local Government Act 2000 shall notify the Proper Officer in writing of such arrangements and the Proper Officer will maintain a record of such arrangements as they may be from time to time in accordance with the Cabinet Procedure Rules set out in Part 4 of this Constitution.~~

Commented [AK1]: This is dealt with in the Cabinet Procedure Rules, Rule 1.2

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- 7.8 During any period when there is no Cabinet, any functions which are the responsibility of the Cabinet shall be allocated to and discharged by the ~~Head of Paid Service~~Chief Executive or in his/her absence the Corporate Directors acting singularly or collectively provided that in discharging such functions the ~~Head of the Paid Chief Executive Service~~ or the Corporate Directors shall have regard to and comply with any protocol applying to the exercise of delegated powers in so far as that is reasonably practicable, and in consultation with any Councillor being the Leader of a political group in accordance with the Local Government (Committees and Political Groups) Regulations 1990.

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APPENDIX A – ASSISTANTS TO ~~THE CABINET MEMBERS~~ – ROLE DESCRIPTION

- 1 Assistants to ~~the~~ Cabinet ~~Members~~ are Members appointed by the ~~Cabinet Leader~~ to work with a Cabinet Member or Cabinet Members and assist ~~them with any function except decision making subject to the limitations below~~ in the discharge of the Cabinet's functions.
- 2 This includes taking forward particular projects or programmes. Most Assistant posts will range across the functions of ~~the a~~ Cabinet Member/s but it is a matter for each individual Cabinet Member/s, after discussion with the Leader of the ~~C~~ouncil, to establish any limits or conditions on the ways in which the Assistant will operate. Any limitations on the role of Assistant which ~~the a~~ Cabinet Member wishes to impose should be agreed with the Leader, a matter of record and, to be copied to the Leader of the Council and the Monitoring Officer.
- 3 The role of Assistant to ~~the~~ Cabinet ~~Member~~ does not attract a ~~special responsibility allowance senior salary under the Members' Remuneration Schedule.~~
- 4 Assistants to ~~the~~ Cabinet ~~Members~~ may:
 - (a) Undertake specific task, research and investigations and attend conferences, seminars and meetings, as requested by the Cabinet Member/s, so as to keep abreast of current policy and development initiatives.
 - (b) Attend Cabinet Briefings on behalf of a Cabinet Member.
 - (c) Attend and speak (but not vote) at Cabinet meetings ~~on behalf of a Cabinet Member.~~
 - (d) Attend formal and informal functions on behalf of a Cabinet Member, except for official openings or ceremonies or events where a formal speech is required, in which case, in the event of the absence of the Cabinet Member, the Lord Mayor or another Cabinet Member will normally represent the Council.
 - (e) Formally speak at events and functions on issues within his or her area of responsibility, where the Assistant has received a specific ~~named~~ invitation to speak.
 - (f) Liaise with non-executive members in order to ensure that the Cabinet Member is fully aware of issues which are of concern to Members.
 - (g) Appear before a Scrutiny Committee where the Cabinet Member cannot attend or where the Assistant has focused on the particular project or

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programme. (However, the Scrutiny Committee may also request the Cabinet Member to attend on a further occasions).

~~(h) Be a member of a Scrutiny Committee which does not relate to his or her Cabinet Member's portfolio.~~

~~(i) Be a member of a Scrutiny Task and Finish Group.~~

5 However, an Assistant to a Cabinet Member cannot:

(a) Take decisions

(b) Deputise for a Cabinet Member at Council Meetings

(c) Be a member of ~~the any~~ Scrutiny Committee ~~which scrutinises his or her Cabinet Member's portfolio.~~

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PART 2 – ARTICLES OF THE CONSTITUTION

Article 9 – The Standards & Ethics Committee

9.1 Standards & Ethics Committee

The Council has and will continue to appoint a statutory Standards & Ethics Committee.

9.2 Composition

Political Balance

The Standards & Ethics Committee does not have to comply with the political balance rules in section 15 of the 1989 Local Government and Housing Act and the Council has resolved that three Councillors elected at the annual meeting of the Council shall be nominated to sit on the Committee.

(a) Membership

The Standards & Ethics Committee will be composed of nine members. Its membership will include:

- (i) Five 'independent' members, who are not either a Councillor or an employee or the spouse of a councillor or an employee of the Authority or any other relevant authority as defined by the Act, appointed in accordance with the procedure set out in the Standards Committees (Wales) Regulations 2001;
- (ii) Three Councillors (who shall not include the Leader and shall include not more than one member of the Cabinet or Assistant to the Cabinet) of the Authority; and
- (iii) One member of a Community Council wholly or mainly in the Council's area (a 'Community Committee Member').

(b) Term of office

- (i) Independent members shall be appointed for a period of not less than four years and no more than six years, such period to be determined by Council upon their appointment. They may be re-appointed for one further consecutive term of up to a further four years only.
- (ii) Members of Cardiff Council who are members of the Standards & Ethics Committee shall be appointed for a period of no longer than the period until the next ordinary local government election following their appointment. They shall cease to be a member of the Standards & Ethics Committee if they cease to be a member of Cardiff Council. They may be re-appointed for one further consecutive term only.

Commented [AK1]: The draft statutory guidance says Assistants to the Executive should be treated as Cabinet members for purposes of the limitation on the number of Cabinet members on Standards Committees (and DSC and Governance and Audit Committees), but this doesn't seem to be reflected in the Standards committees legislation yet (although legislation on DSC and G&A Committees has been amended to this effect). Suggest we amend our constitution to reflect the spirit / intention of the new legislative provisions.

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(iii) The Community Committee Member shall be appointed for a period of no longer than the period until the next ordinary elections for the community council following his/her appointment. He or she shall cease to be a member of the Standards & Ethics Committee if he or she ceases to be a member of a community council in the Council's area. He or she may be re-appointed for one further consecutive term only.

(c) Quorum

A meeting of the Standards & Ethics Committee shall only be quorate when:

- (i) at least three members are present; and
- (ii) at least half the members present are independent members.

(d) Voting

Independent members and community committee members will be entitled to vote at meetings.

(e) Community committee members

A community committee member shall not take part in the proceedings of the Standards & Ethics Committee or any of its sub-committees when any matter relating to a member of their Community Council is being considered.

(f) Chairing the Committee

- (i) Only an independent member of the Standards & Ethics Committee may be the Chairperson.
- (ii) The Chairperson and Vice Chairperson will be elected by the members of the Standards & Ethics Committee for whichever is the shortest period of (a) not less than 4 years and no more than 6 years, or (b) until the term of office of that person as an independent member of the Committee comes to an end. The Chairperson and Vice Chairperson can be re-appointed.

9.3 Community Councils Sub-Committee

The Standards & Ethics Committee ~~will include~~may appoint a sub-committee to exercise ~~the its functions set out in Article 9.4(h) below in relation to the community councils which are situated in the administrative area of Cardiff and the members of those community councils.~~ The ~~Such~~ sub-committee will include at least two independent members and one community committee member, unless the matter before the sub-committee relates to the community committee member's Council or a member of that council, in which case the community committee member's place will be taken by another member of the Standards & Ethics Committee.

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9.4 **Role and Function**

The Standards & Ethics Committee will have the roles and functions set out in its approved terms of reference in Appendix 2 of Part 3 of this Constitution.

9.5 **Annual Report**

As soon as possible after the end of each financial year, the Standards and Ethics Committee shall make an annual report to the Council, in accordance with the requirements of section 63 of the Local Government and Elections (Wales) Act 2021.

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Mae'r dudalen hon yn wag yn fwriadol

PART 2 – ARTICLES OF THE CONSTITUTION

Article 10 – Joint Arrangements

10.1 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions, which are not Executive Functions in any of the participating authorities. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Executive Functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) The Cabinet may appoint Cabinet Members to a joint committee. The Cabinet may also appoint non-Cabinet Members to represent the Cabinet and in doing so the non-Cabinet Members shall report to the Cabinet not the Council. Such Members need not reflect the political composition of the local authority as a whole.
- (d) Details of any joint arrangements under Articles 10.1(a) and (b) including any delegations to joint committees will be found in the scheme of delegations in Part 3 of this Constitution.

10.2 Access to information

- (a) The Access to Information Procedure Rules apply.
- (b) If all the members of a joint committee are members of the executive in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.
- (c) If the joint committee contains members who are not on the executive of any participating authority then the Access to Information Procedure Rules in Part V (A) of the Local Government Act 1972 will apply.

10.3 Delegation to and from other local authorities

- (a) The Council may delegate Non-Executive Functions to another local authority or, in certain circumstances, the executive of another local authority.
- (b) The Cabinet may delegate Executive Functions to another local authority or the executive of another local authority in certain circumstances.
- (c) The decision whether or not to accept such a delegation from another

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local authority shall be reserved to the Council.

10.4 Contracting out

The Council or Cabinet may arrange for the Council to contract out to another body or organisation functions which may be exercised by an officer. Contracting out to another local authority can be arranged under S 101 of the Local Government Act 1972. Special statutory provisions permit joint arrangements with Health Bodies, but otherwise there may be a need for order under Section 70 of the Deregulation and Contracting Out Act 1994, unless the contracting arrangements provide that the contractor acts as the Council's agent under usual contracting principles, and provided there is no delegation of the Authority's discretionary decision making.

10.5 Corporate Joint Committees

The Council may, with one or more other principal councils, make an application to the Welsh Ministers asking them to consider establishing, by regulations made under section 72 of the Local Government and Elections (Wales) Act 2021, a corporate joint committee to exercise a function or functions of those councils in relation to their areas if they consider there would be advantages in collaboratively exercising their function/s through a corporate body. A corporate joint committee may also be established by regulations issued by the Welsh Government without an application from the Council. The procedure and conditions which apply in each case are set out in Chapters 3, 4 and 5 of Part 5 of the Local Government and Elections (Wales) Act 2021 and regulations made thereunder.

OR

1.1 Introduction

Corporate joint committees may be established: -

1.1.1 at the instigation of the Welsh Ministers, to undertake the Council's transport, strategic planning, economic development and/or improving education functions; or

1.1.2 at the instigation of the Council, to undertake any of the Council's functions.

1.2 Corporate Joint Committees

1.2.1 The Council may, jointly with one or more other local authorities make a joint committee application to the Welsh Ministers, asking them to consider making regulations under section 72 of the Local Government

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and Elections (Wales) Act 2021 establishing a corporate joint committee to exercise a function of those authorities or the economic wellbeing function in relation to the principal areas of those authorities.

1.2.2 The Council shall not make such an application unless and until it has consulted: -

(a) local people in the Council's area;

(b) [community councils in the Council's area;]

(c) [the National Park authority for a National Park, any part of which is in the Council's area;]

(d) the Public Services Board;

(e) every trade union which is recognised (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992) by the Council; and

(f) such other persons as the Council considers appropriate.

1.2.3 The Council may, jointly with all other local authorities for the principal areas in a corporate joint committee's area, make an application to the Welsh Ministers asking them to consider making regulations under section 80 of the Local Government and Elections (Wales) Act 2021 to amend or revoke joint committee regulations which establish a corporate joint committee of which the Council is a member.

1.2.4 The Council may not exercise the power in section 11.2.3 to ask the Welsh Ministers to amend corporate joint committee regulations so as to omit or modify a function which relates to the Council's transport, strategic planning, economic development or improving education functions.

1.2.5 [insert any other specific requirements]

Commented [AK1]: Davina, this is the text used in the model constitution, setting out the legislative provisions in more detail. Would you prefer to include this more detailed provision or are you happy with my summary above?

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Mae'r dudalen hon yn wag yn fwriadol

PART 2 – ARTICLES OF THE CONSTITUTION

Article 11 – Council Employees

11.1 Management structure

- (a) **General**
The Council may engage such ~~employees staff~~ as it considers necessary to carry out its functions.
- (b) ~~Head of Paid Service~~ **Chief Executive, Monitoring Officer, and Section 151 Officer and Head of Democratic Services**
The Council will designate Council employees to take these statutory posts, as set out in Part 7 of this Constitution. Such posts will have the functions described in Article 11.2–11.45 below.
- (c) **Structure**
The ~~Head of Paid Service~~ **Chief Executive** will provide and publicise a description of the overall staffing structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

11.2 Constitutional functions of the ~~Head of Paid Service~~ Chief Executive

- (a) **Discharge of functions by the Council**
The ~~Head of Paid Service~~ **Chief Executive** ~~has a right to report to the Council on any matter relating to~~ must keep the following matters under review:
 - (i) ~~the manner in which the discharge of the Council's functions is co-ordinated;~~
 - (ii) ~~the Council's arrangements in relation to financial planning, asset management and risk management;~~
 - (iii) ~~the number and grade of employees staff required for the discharge of functions; and~~
 - (iv) ~~and the organisation, appointment and arrangements for management of employees~~ the Council's staff (including arrangements for training and development).

Where the Chief Executive considers it appropriate to do so, he/she must make a report to the Council setting out his/her proposals in respect of any of the above matters; which must be considered by a meeting of the full Council held within 3 months from receipt of the report.

- (b) **Restrictions on ~~functions~~ posts**
The ~~Head of Paid Service~~ **Chief Executive** may not be the Monitoring Officer or the Head of Democratic Services, but may hold the post of the Section 151 Officer if a qualified accountant.
- (c) **The core roles of the ~~Head of Paid Service~~ Chief Executive are:**

Commented [AK1]: This reflects amendments to the Chief Executive's statutory functions made by s.54 of the 2021 Act, taking effect from May 2022

- overall corporate management and operational responsibility (including co-ordinating the discharge of the authority's different functions and overall management responsibility for all staff);
- the provision of professional and impartial advice to all parties in the decision making process (the Cabinet, Scrutiny Committees, full Council and other committees);
- responsibility for a system of record keeping for all the authority's decisions;
- representing the authority on partnership and external bodies (as required by statute or the Council); and
- service to the whole Council, on a politically neutral basis.

11.3 Constitutional functions of the Monitoring Officer

(a) **Maintaining the Constitution**

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Councillors, ~~employees~~ ~~staff~~ and the public. For this purpose the Monitoring Officer has been delegated the power to amend the Constitution to give effect to any decisions of the Council or the Cabinet, and to take account of any changes of fact or law.

(b) **Ensuring lawfulness and fairness of decision making**

After consulting with the ~~Head of Paid Service~~ ~~Chief Executive~~ and S.151 Officer, the Monitoring Officer will report to the Council or to the Cabinet in relation to an Executive Function – if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Provided that the decision has not already been implemented such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) **Supporting the Standards & Ethics Committee**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards & Ethics Committee.

(d) **Receiving reports**

The Monitoring Officer is responsible for receiving and where necessary co-ordinating action on reports made by the Public Services Ombudsman ~~for Wales~~ and decisions of the case tribunals. Any other Council Member or Officer to whom such reports may be addressed must forward them to the Monitoring Officer.

(e) **Conducting investigations**

The Monitoring Officer will conduct investigations into matters referred by the Ombudsman and make reports or recommendations in respect of them to the Standards & Ethics Committee. The Monitoring Officer shall also conduct an ~~e~~ investigation into any allegation of misconduct by a Councillor where he/she has reason to believe that it may be appropriate

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for the Council to exercise its powers of self regulation, and report to the Standards and ~~E~~ethics Committee as appropriate.

- (f) **Proper ~~Q~~oefficer for access to information**
The Monitoring Officer will ensure that Executive Decisions and decisions of designated senior officers, together with the reasons for those decisions and relevant employee reports and background papers are made publicly available as soon as possible.
- (g) **Advising whether executive decisions are within the budget and policy framework**
The Monitoring Officer, in conjunction with the Section 151 Officer as appropriate, will advise whether decisions of the Cabinet or Cabinet Members are in accordance with the budget and policy framework.
- (h) **Providing advice**
The Monitoring Officer, in conjunction with the Section 151 Officer as appropriate, will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.
- (i) **Corporate management**
The Monitoring Officer will contribute to the corporate management of the authority, particularly by providing advice on constitutional issues, lawfulness and propriety.
- (j) **Restrictions on posts**
The Monitoring Officer cannot be the Section 151 Officer or the ~~Head of Paid Service~~Chief Executive.

11.4 Constitutional functions of the Section 151 Officer

- (a) **Ensuring lawfulness and financial prudence of decision making**
After consulting with the ~~Head of Paid Service~~Chief Executive and the Monitoring Officer, the Section 151 Officer will report to the Council or to the Cabinet in relation to an Executive Function and the Authority's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Authority is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs**
The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Corporate management**
The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

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(d) **Providing advice**

The Section 151 Officer, in conjunction with the Monitoring Officer as appropriate, will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise Councillors and employees in their respective roles.

(e) **Give financial information**

The Section 151 Officer will provide financial information to members of the public and the community, as necessary and appropriate.

(f) **Advising whether executive decisions are within the budget and policy Framework**

The Section 151 Officer will, in conjunction with the Monitoring Officer, advise whether decisions of the Cabinet or Cabinet members are in accordance with the budget and policy framework.

(g) **Restrictions on posts**

The Section 151 Officer cannot be the Monitoring Officer or the Head of Democratic Services.

Commented [AK2]: Suggested for consistency with the provisions above.

11.4A Constitutional functions of the Head of Democratic Services

(a) **Support and advice**

The Head of Democratic Services will provide support and advice to the authority in relation to its meetings; to committees of the authority and the members of those committees; to any joint committee which a local authority is responsible for organising and the members of that committee; and to each member of the authority in carrying out the role of member of the authority (but excluding a member's role as a Cabinet member).

(b) **Democratic Services Committee**

The Head of Democratic Services will provide support and advice to the Democratic Services Committee and its members.

(c) **Scrutiny**

The Head of Democratic Services will promote the role of the authority's Scrutiny Committees; provide support and advice to Scrutiny Committees; and Provide support and advice in relation to the functions of the authority's scrutiny committees, to members of the authority, members of the Cabinet and officers;

(d) **Reports and recommendations**

The Head of Democratic Services will make reports and recommendations to Council in respect of the number and grades of staff required to discharge the

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Council's democratic services functions; and the appointment, organisation and proper management of staff required to discharge these functions.

(e) Restrictions on posts

The Head of Democratic Services cannot be the Chief Executive or the Section 151 Officer.

Commented [AK3]: The 2021 Act removes the restriction in respect of the post of MO, with effect from May 2022. See section 8(4)(b) of the Measure, repealed by Local Government and Elections (Wales) Act 2021 Pt 9 section 161(2)(a).

Commented [AK4]: The updated model constitution includes the HoDS in the constitution list of statutory officers. I've summarised the key duties rather than replicating all the detail set out in the legislation (sections 8 and 9 of the LG Measure 2011), for consistency with the provisions above.

Commented [AK5]: I haven't added the HoDS here. Please let me know if we should.

11.5 The Statutory Officers

The ~~Head of Paid Service~~ Chief Executive, the Monitoring Officer and the Section 151 Officer shall meet together periodically with the employees responsible for human resources, internal audit and the provision of legal services to the Authority to consider how the probity of the Authority's decision making processes and discharge of functions may be protected and enhanced.

The Council must provide the Chief Executive, the Monitoring Officer, the Section 151 Officer and the Head of Democratic Services with the officers, accommodation and other resources they require to perform their statutory duties.

11.6 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

11.7 Employment

The recruitment, selection and dismissal of employees will comply with the Employment Procedure Rules.

Mae'r dudalen hon yn wag yn fwriadol

PART 2 – ARTICLES OF THE CONSTITUTION

Article 12 – Decision Making

12.1 Responsibility for decision making

There are a number of different decision makers who may be responsible for the various decisions of the authority:

- (i) Full Council
- (ii) A Committee or Sub-Committee of the Council
- (iii) The Cabinet
- (iv) A Committee of the Cabinet
- (v) The Leader or another individual Cabinet member
- (vi) An individual non-Cabinet member
- (vii) A Joint Committee or a Corporate Joint Committee
- (viii) An Officer

The Authority will issue and keep up to date a Scheme of Delegations which records what part of the Authority or which individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This Scheme is set out in Part 3 of this Constitution.

12.2 Principles of decision making

All decisions of the Authority will be made in accordance with the following principles:

- (a) on the basis of merit and in the public interest;
- (b) with due consultation and after taking professional advice from employees;
- (c) with due regard for the need to promote equality of opportunity, sustainability, risk and human rights etc.;
- (d) in accordance with proper access to information; and
- (e) explaining the reasons for the decision, a record of any personal interest declared, any dispensation to speak granted by the Authority's Standards & Ethics Committee and details of any relevant consultation.

12.3 Types of decision

- (a) **Decisions reserved to the Council**
Decisions relating to the functions listed in Article 4.1 will be made by the Council and not delegated.
- (b) **Decision making by the Council**
Subject to Article 12.4, the Council meeting will follow the Council Meeting Procedure Rules when considering any matter.
- (c) **Decision making by the Cabinet**

Subject to Article 12.4, the Cabinet will follow the Cabinet Procedures Rules when considering any matter.

(d) Decision making by the Leader or individual Cabinet members
Arrangements may be made (under the Local Government Act 2000, section 15) to delegate executive functions to the Leader or individual members of the Cabinet. The Council's approved Scheme of Delegations currently makes no provision for the Leader or individual Cabinet member decision making. The members of the Cabinet exercise collective decision making, in accordance with the Cabinet Procedure Rules.

(e) Decision making by non-Cabinet members
Arrangements may be made (under the Local Government (Wales) Measure 2011, section 56) to delegate certain functions to non-Cabinet members, specifically, functions relating to the Member's electoral ward; or relating to their membership of another body to which they have been appointed by, or on behalf of, the Council. The Scheme of Delegations will include any such arrangements. There are currently no such arrangements in place.

(df) Decision making by Scrutiny Committees and any sub-committees of Scrutiny Committees
Scrutiny Committees and their sub-committees will follow the Committee Meeting Procedure Rules and the Scrutiny Procedures Rules when considering any matter.

(eg) Decision making by other committees and sub-committees established by the Council
Subject to Article 12.4, other committees and sub-committees will follow the Committee Meeting Procedures Rules as apply to them.

(fh) Decision making by Officers
Officer decisions will be made in accordance with Part 3, Section 4 of this Constitution.

12.4 **Decision making by Council bodies acting as tribunals**

The Council, its committees, a Councillor or an employee acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person, will follow a proper procedure which is compatible with the requirements of natural justice and the rights contained in the ~~European Convention on~~ Human Rights Act 1998.

PART 2 – ARTICLES OF THE CONSTITUTION

Article 14 – Review and Revision of the Constitution

14.1 Duty to monitor and review the constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect, and will advise the Council accordingly.

14.2 Changes to the Constitution

(a) Approval

Except as otherwise provided, changes to the following elements of the constitution can only be approved by the Council:

- Articles
- Council, Committee, Scrutiny and Employment Procedure Rules
- Council Scheme of Delegations
- Terms of Reference for Council and Scrutiny Committees
- Protocol on Member/Officer Relations
- Member Code of Conduct
- Members' Allowances Scheme

(b) Change from a leader and ~~executive cabinet~~ form of executive to ~~alternative arrangements~~ a mayor and cabinet executive, or vice versa

The Council must take reasonable steps to consult with local electors and other interested persons in the area if drawing up proposals for a change to its form of executive.

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PART 2 – ARTICLES OF THE CONSTITUTION

Article 15 – Suspension, Interpretation and Publication of the constitution and Transitional Provisions

15.1 Suspension of the Constitution

- (a) **Limit to suspension**
The Articles of this Constitution may not be suspended. The Council Procedure Rules may be suspended in whole or in part by the full Council to the extent permitted within those Rules and the law.
- (b) **Procedure to suspend**
A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

15.2 Interpretation

- (a) Where the Constitution permits the Authority to choose between different courses of action, the Authority will always choose that option which it thinks is closest to the purposes stated in Article 1.
- (b) The ruling of the Lord Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.
- (c) The following words, phrases and terms shall have the meanings ascribed to them unless the context requires or it is otherwise provided at law.

| Word, phrase or term | Meaning |
|---|--|
| Access to Information Procedure Rules | The rules so titled set out in Part 4 of the Constitution |
| Article | An Article of this Constitution |
| <u>Assistant to the Cabinet</u> | <u>A councillor appointed to assist the Cabinet in accordance with the provisions of Article 7.5</u> |
| Authority | The corporate body being the County Council of the City and County of Cardiff |
| Budget | Has the meaning set out in Article 4.2.(b) |
| Budget and Policy Framework Procedure Rules | The rules so titled set out in Part 4 of the Constitution |

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| Word, phrase or term | Meaning |
|-----------------------------------|---|
| Cabinet | The executive of the Council <u>appointed in accordance with Article 7 of this Constitution</u> |
| <u>Cabinet Member</u> | <u>A councillor appointed to the Cabinet in accordance with Article 7 of this Constitution</u> |
| <u>Cabinet Job Sharer</u> | <u>One of two or more members of the Cabinet elected or appointed to share the same office in accordance with Article 7 of this Constitution</u> |
| Cabinet Procedure Rules | The rules so titled set out in Part 4 of the Constitution |
| Call in | The referral of a decision in accordance with the Scrutiny Procedure Rules |
| Cardiff Undertaking | A commitment given by the presentation at a meeting of the Council (which is open to the public) of an <u>signed document</u> undertaking to uphold the highest standards of conduct and to serve the interests of the Council, Cardiff, its citizens and those to whom the Council owes a duty. Such commitment to be in the form or like form to that set out in Part 5 of the Constitution. |
| Chair | The person elected by the Council <u>or a Committee</u> as the Chair of a Committee or appointed as the Chair of a sub-committee or in his or her absence the Deputy Chair of such committee or sub-committee where one has been elected or appointed or the person presiding at the meeting of a committee or sub-committee |
| Chairman | The person who presides at a meeting of the Council or a Committee pursuant to the provisions of this Constitution |
| <u>Chief Executive</u> | <u>The officer of the Council appointed to discharge the statutory functions set out in section 54 of the Local Government and Elections (Wales) Act 2021</u> |
| Clear Days | Mean days excluding the day when the document is first made available for inspection or dispatched to Councillors and the date of the meeting to which it relates but includes any intervening date when the document is available for public inspection |
| Committee | A committee or sub-committee of the Authority |
| Committee Meeting Procedure Rules | The rules so titled set out in Part 4 of the Constitution |

Commented [AK1]: Check whether Undertaking will always be given at a Council meeting or if it may exceptionally be given in writing outside of a Council meeting (eg. if Member is absent from annual council, or member elected at a subsequent by-election)

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| Confidential information | Confidential information as defined by section 100A(3) of the Local Government Act 1972 as more particularly set out in Article 10.3 of the Access to Information Procedure Rules |
| Constitution | This constitution, as amended |
| <u>Constitution Guide</u> | <u>A document which explains, in ordinary language, the content of this constitution, published by the Council in accordance with section 37 of the Local Government Act 2000</u> |
| Contract Procedure Rules | The Contract Standing Orders and Procurement Rules set out in Part 4 of the Constitution |
| <u>Corporate Joint Committee</u> | <u>A corporate body, established under regulations made under the Local Government and Elections (Wales) Act 2021, Part 5, comprising two or more principal councils in Wales, for the purpose of enabling strategic planning and delivery on a regional scale</u> |
| Council | The Authority meeting together in accordance with Schedule 12 of the Local Government Act 1972 |
| Council Meeting Procedure Rules | The rules so titled set out in Part 4 of the Constitution |
| Council Procedure Rules | The rules set out in Part 4 of the Constitution |
| Councillor | A member of the Authority |
| Employee | An employee of the Authority |
| Employment Procedure Rules | The rules so titled set out in Part 4 of the Constitution |
| Executive Decision | A decision made for the purpose of discharging an Executive Function |
| Executive Function | A function of the Authority which is determined to be an executive function in accordance with section 13 of the Local Government Act 2000 |
| Exempt information | Information of a nature described in Schedule 12A of the Local Government Act 1972 as more particularly set out in Article 10.4 of the Access to Information Procedure Rules |
| Financial Procedure Rules | The rules so titled set out in Part 4 of the Constitution |
| Forward Plan | The agreed plan of business for the Cabinet, to be published on a monthly basis, setting out all the business to be undertaken by the Cabinet for a 12 month period |

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| Head of Paid Service | The officer of the Council designated by the Council under section 4 of the Local Government and Housing Act 1989 |
| Leader | The executive leader as defined in section 48 of the Local Government Act 2000 |
| Lord Mayor | The Lord Mayor for the time being and in his / her absence the Deputy Lord Mayor |
| Member | Unless otherwise stated A person elected to the Council to represent an electoral ward within Cardiff means or a member of the committee or body to which the rule or requirement applies |
| Members Code of Conduct | The Code of Conduct adopted by the Council in accordance with section 51 of the Local Government Act 2000 |
| Members' Allowances Scheme Remuneration Schedule | The scheme <u>schedule</u> referred to in Part 6 of the Constitution |
| Monitoring Officer | The officer of the Council designated by the Council under section 5 of the Local Government and Housing Act 1989 |
| Non-Executive Function | A function of the Authority which is determined to be a non-executive function in accordance with regulations made under section 13 of the Local Government Act 2000 |
| Operational Land / Property | Council land and property held to facilitate delivery of Council services to include without limitation land and property such as offices; schools and associated playing fields; nurseries; youth centres; caretakers houses; libraries; community centres and halls; sport/leisure and outdoor centres and pools; residential homes; day and training centres; enterprise centres; housing area offices; depots; civic amenity sites; cemeteries; crematoria; laboratories; animal pounds; public conveniences; theatres and concert halls; historic buildings and civic residences; and parks, recreation grounds, sports pitches, play areas and all associated buildings, changing rooms and ancillary residential accommodation, but excluding land held for investment or development purposes. In the case of doubt, the Corporate Director, Resources and the Director of Governance and Legal Services shall determine the issue |
| Ombudsman | Commission for Public Administration in Wales <u>Public Services Ombudsman for Wales</u> |

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| Petition | A petition in writing (<u>including an electronic petition</u>) requesting some action or redress in respect of a matter within the jurisdiction of the Council. |
| <u>Petition Scheme</u> | <u>A scheme for Petitions, prepared and published in accordance with section 42 of the Local Government and Elections (Wales) Act 2021</u> |
| Policy Framework | The plans and strategies referred to in Article 4 paragraph 4.2 of the Constitution |
| Proper Officer | An officer of the Authority designated for that purpose by the Authority and in the absence of such designation the County Clerk and Monitoring Officer will be deemed to be the Proper Officer |
| <u>Public Services Board</u> | <u>The public services board established for Cardiff under Part 4 of the Well-Being of Future Generations (Wales) Act 2015</u> |
| Regulatory committee | Any committee with statutory recognised regulatory functions, for example, Licensing Committee, Planning Committee and Public Protection Committee. A Scrutiny Committee or a Committee of the Cabinet cannot be a Regulatory Committee |
| <u>Remote attendance (or attendance by Remote means)</u> | <u>Attendance using some equipment or facility which enables persons who are not present in the same physical location to speak to and hear each other</u> |
| Scrutiny Committees | Those committees of the Authority appointed in accordance with Article 6 |
| Scrutiny Procedure Rules | The rules so titled set out in Part 4 of the Constitution |
| Section 151 Officer | The officer of the Council designated by the Council under section 151 of the Local Government Act 1972 as the person having responsibility for the administration of the financial affairs of the Authority |
| Working Day | Means any day on which the main offices of the Authority are open for usual business and for the avoidance of doubt the phrase 'clear working days' shall exclude the day when notice is given or the documents is made available for inspection or is dispatched to Councillors as the case may be and the date of the meeting or event to which it relates |

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| Writing | A requirement that something shall be submitted in writing will be satisfied by the submission by email to an address designated by the proper Officer for that purpose provided that it is transmitted by the Councillor concerned from the Councillor's email address and in such circumstances will be deemed to have been signed by the Councillor concerned |
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- (d) Reference to any statute or statutory provision includes a reference to:
 - (i) that statute or statutory provision as from time to time amended, extended, re-enacted or consolidated; and
 - (ii) all statutory instruments or orders made pursuant to it.
- (e) Words denoting the singular number only shall include the plural and vice versa.
- (f) Words denoting any gender include all genders.
- (g) The headings in this document are inserted for convenience only and shall not affect the construction or interpretation of this Constitution.
- (h) References to a designated employee of the Council includes (except where the law prescribes that the function, action or the like must be taken by that person alone) a person duly authorised to act for or on behalf of that person provided that the employee designated by or for the purposes of the Constitution shall remain responsible to the Authority.
- (i) References to a post or designation shall be deemed to include a reference to the employee for the time-being performing those functions where the post or designation name is altered or the functions are reallocated and where there is a reference to a generic title (e.g. ~~Chief Operating Officer~~Director, Assistant Director, or Chief Officer) such reference will be deemed to include other posts whatever their designation or name but being within the same tier of management or responsibility.

15.3 Publication

- (a) The Monitoring Officer will ~~give a printed~~provide a link to an electronic copy of this Constitution to each Councillor of the Authority upon the Member first being elected to the Council.
- (b) The Monitoring Officer will ensure that a copyies of this Constitution are is published on the Council's website, made available for inspection at council offices, libraries and other appropriate locations, and can be

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purchased by members of the local press and the public on payment of a reasonable fee.

- (c) The Monitoring Officer will ensure that ~~the summary a copy~~ of the Constitution Guide is published on the Council's website and is made widely available within the area and is updated as necessary.

~~15.4 Transitional Provisions~~

- ~~(a) Anything which as at the date this Constitution comes into effect, is in the process of being done in the exercise of, or in connection with the functions of the Authority, may be continued by the person or body by which those functions become exercisable in respect of the function in question.~~
- ~~(b) Anything done by, or in exercise of, or in connection with any of the functions of the Authority, prior to the date of the adoption of this Constitution by the Council shall, so far as is required for continuing its effect on and after that date, have effect as if done by or in relation to the body or person who is charged with that function.~~
- ~~(c) Notwithstanding anything in the Scrutiny Procedure Rules, a report of a Scrutiny Committee which has been prepared and approved by a Scrutiny Committee prior to the date of the Constitution coming into effect may be submitted to a meeting of the Council for its consideration provided that nothing in this provision shall permit any person or body to make a decision upon any such report except in accordance with the Constitution.~~

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PART 3 – RESPONSIBILITY FOR FUNCTIONS

Section 4E – SPECIAL DELEGATIONS TO STATUTORY, LEGAL, FINANCIAL & HUMAN RESOURCES OFFICERS

NOTE: The following delegations must be read in conjunction with the foregoing Sub-Sections A, B and C which set out the overall basis, limitations, and further provisions which apply to this Scheme of Delegations and also the general delegations to the Chief Executive, Corporate Directors, Directors, Assistant Directors and Chief Officers.

All Delegated decisions taken in this sub-section by the Chief Executive will be published in the Officer Executive Decision Register.

PROVIDED ALWAYS that the decision is:

- a) within budget;
- b) in accordance with the Council's policy framework;
- c) in accordance with Council's Financial and Land Procedure Rules and Contracts Procedure Rules;
- d) in accordance with their Service Area Business Plan; and
- e) not a matter specifically reserved for Full Council, a Committee of the Council, the Cabinet, a Statutory Officer, the Chief Executive, Corporate Director or a Director.

| Chief Executive & Head of Paid Service | |
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| CE1 | In cases of urgency or emergency, to exercise any Executive Function (even where such matters are reserved to the Cabinet) or take any decision on behalf of the Council, where this is necessary to protect the Council's interests. |
| CE2 | To be Head of Paid Service and discharge the functions of appointment and dismissal of, and taking disciplinary action against, any member of staff, in accordance with the Council's HR and financial procedures and subject to appropriate consultation as outlined therein, except where such functions have been reserved to the Appointments Committee. |
| CE3 | To exercise corporate Council functions as appropriate. |
| CE4 | To incur expenditure in the event of a civil emergency. |
| CE5 | To determine any matter which is not a matter specifically reserved for full Council, a committee of the Council, the Cabinet or another Statutory Officer. |

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| CE6 | For the purposes of the Local Government (Contracts) act 1997, authority for the Corporate Director, Resources and any one of the following – Chief Executive, Director of Governance & Legal Services and Monitoring Officer to sign each certificate given under the Act. |
| CE7 | To the Chief Executive or Nominee (Chief HR Officer) to make decisions on employee Terms and Conditions, (including procedures for dismissal), except those relating to: <ul style="list-style-type: none"> • Chief Executive, Chief Officers and other JNC for Chief Officer posts; • Changes to the Council's corporate pay grade structure; • Changes for employee Terms and Conditions which are the subject of contention with the trade unions. |
| CE8 | To determine any application for re-grading of an Operational Manager, within the approved remuneration framework. |
| CE9 | Functions of the Returning Officer. |
| CE9A | Functions of the Electoral Registration Officer. |
| CE10 | To appoint proper officers where required at law for the performance of Executive Functions. |
| CE11 | Re-grading applications – To determine applications for re-grading from the Chief HR Officer |
| CE12 | To approve new operational HR employment policies and changes to existing policies as required. |
| CE13 | Receive notice of resignation of office (pursuant to section 84 of the Local Government Act 1972) |
| Qualification: The above may not be further delegated, save that in the absence of the Chief Executive, they may be exercised by his nominated deputy. | |
| DIRECTOR OF GOVERNANCE & LEGAL SERVICES and the officers for the time being nominated as Monitoring Officer and Deputy Monitoring Officer, to the extent to which the matters below relate to the statutory functions of the Monitoring Officer and are required to discharge their respective roles. | |
| LD1 | To appoint proper officers or authorise an officer of the Authority for any purpose the performance of which is an Executive Function where statute requires that the officer should be appointed or authorised for that specific purpose or purposes. |
| LD2 | All proper officer functions not allocated to other officers and to act as Solicitor to the Council. |
| LD3 | Authority to affix the Common Seal of the Council. |
| <u>Local Government Act 1972 Part V – General Provisions as to Members & Proceedings of Local Authorities</u> | |
| LD4 | Section 83(1) to (4) – Witness and Receipt of Declarations of Acceptance of Office. |
| LD5 | [Not used] [Deleted] |

Commented [AK1]: Amendment approved by Council in January 2022

Commented [AK2]: To reflect allocation of these roles to the CX, as agreed by Council in February 2019

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| LD6 | Section 88(2) – Convening meeting to fill casual vacancy of Chairman. |
| LD7 | {Not used} {Deleted} |
| LD8 | {Not used} {Deleted} |
| LD9 | {Not used} {Deleted} |
| LD10 | Section 99 and Schedule 12 Paragraph 4(2)(b) – Signature of Summonses to Council Meetings. |
| LD11 | Section 99 and Schedule 12 Paragraph 4(3) – Receipt of Notices regarding Addresses to which Summonses to Meetings to be sent. |
| LD12 | <p><u>Part V A – Access to Information</u></p> <ul style="list-style-type: none"> • Section 100B(2) – Exclusion of exempt items from public access. • Section 100B(7)C – Provision of copies of documents to newspapers. • Section 100C(2) – Provision of written summary of exempt proceedings. • Section 100D(1)(a) – Preparation of lists of background papers. • Section 100D(5) – Identification of background papers to a report. • Section 100F(2) – Identification of exempt information not to be disclosed. |
| LD13 | <p><u>Part XI General Provision – Documents and Notices etc</u></p> <ul style="list-style-type: none"> • Section 228(3) – Inspection of accounts. • Section 229(5) – Certification of official documents. • Section 231(1) – Receipt of Notices served on the Council. • Section 233 – Service of Notices by the Council. • Section 234(1) & (2) – Signing of Documents. • Section 238 – Certification of bylaws. |
| LD14 | <p><u>Local Government Housing Act 1989</u></p> <ul style="list-style-type: none"> • Section 2(4) – Receipt of list of politically restricted posts. • Section 19(1) – Receipt of general notice of pecuniary interests from Members. |

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| LD15 | <p><u>Local Government (Committees & Political Groups) Regulations 1990</u></p> <p>Regulation 8 – Receipt of notice of formation of political groups and changes in membership of political groups.</p> |
| LD16 | <p><u>Constitution (including Rules of Procedure)</u></p> <p>To exercise Delegations as set out in the Constitution (including Rules of Procedure)</p> |
| LD16A | <p>To make minor amendments to the Constitution, to include:</p> <p>(a) Amending typographical and minor drafting errors;</p> <p>(b) Updating to reflect legislative changes and matter of record; and</p> <p>(c) Drafting improvements to enhance clarity and remove minor anomalies.</p> |
| LD17 | <p><u>Appointments</u></p> <p>To appoint councillors or non-councillor members to committee seats allocate to political groups or nominating bodies (or to make changes, fill vacancies or give effect to temporary membership changes – “substitutions”) in accordance with the wishes of political groups or member nominating body.</p> |
| LD18 | <p>To make appointments to outside bodies in accordance with the decision of Council.</p> |
| LD19 | <p>To constitute the membership of appeals and complaints committees and Council Tax/Benefit Revenue Boards from panels of trained members.</p> |
| LD20 | <p><u>Representing the Council in the Courts, Tribunals or at Public Enquiries</u></p> <p>To authorise the institution, defence, withdrawal of compromise of any claims or legal proceedings, and or criminal, in consultation with the relevant Chief Officer, except where power to institute proceedings is delegated to specific officers.</p> |
| LD21 | <p>To appear personally or authorise officers of the Council to appear on the Council’s behalf in court proceedings or at any tribunal or public or local inquiry.</p> |

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| LD22 | To engage Counsel to represent the Council at any proceedings. |
| LD23 | To defend and settle (subject to consultation with the relevant Director/Chief Officer and the Chief HR Officer any Employment Tribunal proceedings. |
| LD24 | <u>Applications under Section 53 of the Wildlife and Countryside Act 1981</u> Authority to decide (using the guidelines contained in the legislation and any guidance issued by the authority) whether a claim is supported by sufficient evidence for an order to be made and (subject to circulation of details of such claims to Members of the Planning Committee) to serve notice on applicants who have submitted insufficient evidence or not met the legal requirements that no order be made. |
| LD25 | <u>Pastoral Measure 1983</u> Authority to determine the Council's response to any proposal received for consultation to alter ecclesiastical boundaries under the Measure, taking into account the views of ward councillors for the area and subject to any of these councillors being able to require the matter to be decided by the Cabinet. |
| LD26 | <u>Orders</u> To make all Statutory Orders. |
| LD27 | Instituting criminal proceedings in cases of assault against employees where it is considered appropriate to do so in the interest of the County Council and where such proceedings have not been undertaken by the Police. |
| LD28 | To discharge the functions of the authority in respect of cancellation of family absence pursuant to Regulation 34 of the Family Absence for Members of Local Authorities (Wales) Regulations 2013 |
| Corporate Director, Resources; and the officers for the time being nominated as Section 151 Officer and Deputy Section 151 Officer, to the extent to which the matters below relate to the statutory functions of the Section 151 Officer and are required to discharge their respective roles. | |
| FS1 | Delegated Powers conferred on the Corporate Director, Resources under Financial Procedure Rules. |

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| FS2 | To be the Officer with responsibility for the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972 and meeting the requirement under Section 113 of the Local Government Finance Act 1988 to be a member of one of the recognised accountancy bodies. |
| FS3 | To nominate a properly qualified member of staff to deputise should the Corporate Director, Resources be unable to perform his/her duties under Section 114 of the Local Government Finance Act 1988. |
| FS4 | To facilitate and manage the co-ordination of medium term financial planning, annual budget planning, budget monitoring and the preparation of statutory and other accounts, associated grant claims and supporting records. |
| FS5 | To manage the Council's financial affairs and services, including all matters relating to the Collection Fund, General Fund, Housing Revenue Account, Treasury Management, Reserves and Provisions, Subsidiary Accounts, all other funds established under statutory requirements and trust funds including charitable trust funds where the Council or its officers are trustees. |
| FS6 | For the purpose of the Local Government (Contracts) Act 1997, authority for the Corporate Director, Resources and any one of the following – Chief Executive, Director of Governance and Legal Services and Monitoring Officer, to sign each certificate given under the Act. |
| FS7 | To carry out the functions and exercise the powers of the Authority under Part 1 of the Local Government Finance Act 1988 (Administration and Collection of Community Charges). |
| FS8 | To carry out the functions and exercise the powers of the Authority under Parts I and II of the Local Government Finance Act 1992 (except determinations under Sections 8 (2) or 12 (1) of the 1992 Act) (Administration and Collection of Council Tax). |
| FS9 | To carry out the functions and exercise the powers of the Authority under Part III of the Local Government Finance Act 1988. |

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| FS10 | To operate the Authority's bank accounts for the prudent management of financial affairs and arrange for all cheques to bear the signature of the Corporate Director, Resources; to include, without limitation, the authority to establish appropriate overdraft limits on individual accounts to allow the effective processing of transactions and operation of the accounts, and to enter into legal agreements to set-off debit and credit balances on any such accounts. |
| FS11 | To arrange and operate other bank accounts and to nominate authorised signatories to act on behalf of the Council. |
| FS12 | To approve arrangements for bank accounts for cheque book schools. |
| FS13 | To write off of irrecoverable debts and to determine the payment period of debts where debtors offer to pay by instalments where the debt in question does not exceed £100,000. |
| FS14 | To determine the level of security for the due performance of any contract and to approve Contract Guarantee Bonds. |
| FS15 | To accept nominations of admitted bodies to participate in the Superannuation Fund. |
| FS16 | To determine the appropriate rate of interest where chargeable under any statutory power of the Authority. |
| FS17 | To approve deductions from pay in suitable cases when requested by staff. |
| FS18 | To grant extensions of repayment periods under house mortgages granted by the Authority and on the repossession of mortgaged houses, to sell the same by auction or by private treaty or to foreclose in appropriate cases. |
| FS19 | To waive the right to recovery of salaries paid in advance to employees under Section 30 of the Local Government (Miscellaneous Provisions) Act 1976. |
| FS20 | To authorise the invitation of tenders, quotations, offers or bids and agree appropriate tender evaluation criteria for Framework/Call-off arrangements in accordance with the Contracts Procedure Rules and where appropriate for that purpose, approve select lists of contractors, suppliers and tenderers. |
| FS21 | To approve the acceptance of tender bids, quotations or estimates for Framework/Call-off arrangements in accordance with the Contracts Procedure Rules within financial estimates where: (a) Where the value of the contract does not exceed £5,000,000 and the contract is awarded to the lowest tenderer; or (b) even though the tender is not the lowest provided that the value of the contract does not exceed £1,000,000 |
| FS22 | To approve the write-off of stocks, stores and other assets where the value of the stocks, stores or other assets does not exceed £50,000. |

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| FS23 | <p>To issue legal proceedings (and under Section 223 of the Local Government Act 1972 be authorised to appear on behalf of the County Council at the hearing of any legal proceedings in the Magistrates Court) by way of an application for the issue of a Liability Order in respect of:-</p> <ul style="list-style-type: none"> • unpaid Council Taxes and penalties under Part VI of the Council Tax (Administration and Enforcement) Regulations 1992; by way of an application for the issue of a warrant of commitment to prison under Part VI of the Council Tax (Administration and Enforcement) Regulations 1992; to require financial information, to make an Attachment of Earnings Order; to levy the appropriate amount by distress and sale goods; and to exercise all other enforcement powers of the County Council under the Council Tax (Administration and Enforcement) Regulations 1992 and any subsequent amendments of such Regulations • unpaid rates; by way of an application for the issue of a warrant of commitment; and to exercise all other powers of enforcement of the County Council under the Non-Domestic (Collection and Enforcement) (Local Lists) Regulations 1989 and any amendment thereto. |
| FS24 | To engage the services of bailiffs for the service of summonses and warrants of commitment, obtaining financial information, the levying of distress warrants and the sale of goods and any appropriate action for the recovery of outstanding Community Charges under the Local Government Finance Act 1988 and any regulations made there under and outstanding Council Taxes and penalties under the Local Government Finance Act 1992 and any Regulations made there under. |
| FS25 | To engage the services of bailiffs to serve such summonses, distress warrants, liability orders or warrants of commitment, to levy distress and to sell goods as may be necessary to recover outstanding rates. |
| FS26 | The settlement of claims, in special circumstances (individual claims for loss or damage to employees' personal effects up to a maximum of £100). (CIS 4.F.IN.021A) |
| FS27 | To approve revenue and capital budget virements or any inter-service virements where the purpose of the budget has not been amended. |
| FS28 | In accordance with any policy or strategy decided by the Pensions Committee, to approve decisions relating to the operational management of the Cardiff & Vale of Glamorgan Pension Fund ('the Fund') and the administration of pension benefits. |

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| FS50 | Represent Cardiff Council at the Cardiff Bus AGM. |
| FS52 | Functions of the Returning Officer.[Deleted] |
| FS53 | Functions of the Electoral Registration Officer.[Deleted] |
| FS54 | To give public notice of a casual vacancy (pursuant to section 87(2) of the Local Government Act 1972) and receive notice calling for an election (pursuant to s.89(1) and 89(6) of the same Act, and regulations made thereunder). |
| Chief HR Officer | |
| HR1 | <p>Amendments to Establishment – To approve the proposals of Chief Officers to</p> <ul style="list-style-type: none"> • Determine any applications for re-grading of staff below Operational Manager Level (CIS 4.C.134) • Vary their establishment by:- (CIS 4.C.238) <ul style="list-style-type: none"> ○ Deleting posts ○ Creating posts (CIS 4.C.217) ○ Re-designating and redefining existing posts ○ |
| HR2 | Re-grading Appeals – To determine appeals against decisions made on applications for re-grading from officers graded Operational Manager and below. |
| HR3 | Appointment of temporary staff over and above establishment for periods in excess of 12 months where the funding for the post(s) is/are from external sources. (CIS Ref. 4.C.015) |
| HR4 | Market Supplements – To approve the payment of Market supplements of up to a maximum of 30% of salary. |
| HR5 | Determine requests for extension of half sick pay. |
| HR6 | To determine appeals from staff with regard to unsuccessful applications for flexible working. |
| HR7 | Approval of applications for voluntary severance for Operational Manager and below. (CIS 4.C.182) |

Commented [AK3]: Amended as approved by Council in January 2022

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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 in accordance with these Rules by the Chair in consultation with the Leader at least 6 Working Days prior to the date of the Council meeting.
- (b) Any time limits on agenda items may only be extended at the discretion of the Chair.
- (c) 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;
 - (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;

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- (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~~ [a Schedule of Members' Remuneration](#);
- (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 17;
 - (xiv) consider any other business in the summons to the meeting; and

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- (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 two 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

(a) The time and place of meetings will normally be 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.

[\(aa\) The place of a meeting shall include provision enabling meetings to be attended remotely by persons who are not in the same physical place, in accordance with the Council’s Multi-Location Meetings Policy.](#)

- (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, [including details of how the meeting may be accessed remotely by persons who are not in the same physical place](#), will enclose the agenda and ~~will~~ be accompanied by connected reports and Cabinet statements.

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~~ [indicates to the Chair that he/she wishes](#) 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~~ [attending a physical meeting](#)) 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~~ [silent](#) 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 ~~from~~.

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 statement 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.
 - (iii) A maximum of 45 minutes shall be allowed for questions and debate on Cabinet statements.
- (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 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) a backbench Member of the ruling group(s) nominated to the Democratic Services Manager for such purpose;

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.

Each such person shall be entitled to submit a maximum of the number of questions that are allocated to their political group calculated in accordance with the following rules:

- (i) Each political group recognised by the Council shall automatically be entitled to 3 Oral Questions;
- (ii) A further 15 Oral Questions shall be allocated amongst the political groups in proportion to their representation on the Council, but Cabinet members and Assistants to Cabinet members shall be disregarded for the purposes of such calculation; and
- (iii) Any Members who are not members of any political group recognised by the Council shall be entitled to submit one Oral Question each.

The allocation will be reviewed annually by the leaders of the political groups in consultation with the Chair.

(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:

| 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 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. <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> |

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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 | Deadline for the submission of Written Questions for an answer to be received at the Council Meeting. If a question is submitted following this deadline it will be answered at the following Council Meeting. 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. |
| 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. |

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);

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- (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.

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(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.

(ga) The questioner shall be given the opportunity to read their question orally.

(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.
- (c) The Monitoring Officer shall have discretion to instruct that a composite answer may be given to any questions which are closely related or on the same subject matter, wherever she considers this appropriate. This shall not prejudice any right to ask a supplementary question, which may be available under the Council Meeting Procedure Rules

20 PETITIONS

- (a) A Petition, comprised of at least 10 signatories, may be presented to Council by either: (i) a Member; or (ii) a Lead Petitioner, subject to compliance with the Council's Petitions Scheme and this Rule 20.
- (b) Petitions must be submitted to Democratic Services either by email, post or hand delivery, in accordance with the Petition Scheme, by 5pm, 7 working days before the date of the Council meeting; and must include:
- (i) The name and contact details for the Lead Petitioner;
 - (ii) The subject matter and specific request of the Petition;
 - (iii) The name and postal address (including postcode) of each Petition signatory; and
 - (iv) The total number of signatories to the Petition.
- (c) Each and every signatory to the Petition, including the Lead Petitioner, must be either:
- (i) An individual who lives, works or studies within the City and County of Cardiff; or
 - ~~(i)~~(ii) A representative of an organisation which operates within the City and County of Cardiff.
- ~~(b)~~(d) The receipt of a Petition will be acknowledged by the Head of Democratic Services within 5 working days from its receipt. Subject to compliance with this Rule 20 and the Petition Scheme, the Lead Petitioner or the relevant ward Member will be invited to present the Petition to the next appropriate Council meeting.

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(e) If more than one Petition is received in relation to a similar subject matter and seeking a similar outcome, only one Lead Petitioner or Member will be permitted to present the Petition to Council. Democratic Services officers will notify each Lead Petitioner and Member and ask them to liaise with each other to consider amalgamating the Petitions and agree which Lead Petitioner or Member will present the Petition to Council. In the absence of such agreement, the Lead Petitioner of the Petition with the highest number of signatories shall have the right to present the Petitions to Council.

(f) When a Petition has been presented to Council under this Rule 20, no further Petition on a similar subject matter and seeking a similar outcome shall be considered within six months of that Council meeting.

~~(g)~~ (g) Where a Member or Lead Petitioner delivers/presents a petition to the Council, they Member may outline the request by the petitioners, the reason for the request and the number of the signatories, provided that in any event they Member may not speak under this rule for more than one minute.

~~(h)~~ (h) 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.

(i) Written responses will be provided within 20 working days of the presentation of a valid petition to Council.

(i) A summary of all valid Petitions received, in accordance with this Rule and the Council's Petition Scheme, and the Council's response, will be published on the Council's Petitions web page.

Commented [AK1]: AMENDED TO REFLECT REVISED PETITION SCHEME

21 GREEN PAPERS

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).

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

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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, during the 'Submission Period'. For the purposes of this Rule, the Submission Period shall start at 9am on the third Monday before the Council meeting, and end at 5pm on the Friday of that week (the second Friday before the Council 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 end of the Submission Period.
- (d) Subject to the rules on the number and allocation of Ordinary Motions set out under paragraphs (f) to (i) below, Ordinary Motions will be listed on the agenda in the order in which the notices were received.
- (e) A maximum of 30 minutes shall be allowed for the debate on each Ordinary Motion, unless one or more amendments are moved, in which case the time allowed shall be extended to 45 minutes.

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Number and Allocation of Ordinary Motions

- (f) Subject to Rule (g) below, the number of Ordinary Motions shall be limited to a maximum of 2 motions at each Council Meeting where Ordinary Motions may be considered. Urgent Ordinary Motions (under this Rule 22, paragraph (m)) and Ordinary Motions at any Extraordinary Meeting held (under Rule 4) shall be disregarded in counting the maximum number of Motions set under this paragraph.
- (g) Ordinary Motions will be allocated amongst the political groups in proportion to their representation on the Council and as agreed between the political groups, subject to:
 - (i) No political group recognised by the Council shall be allocated less than one Ordinary Motion in a municipal year. If necessary, the maximum number of Ordinary Motions at a Council meeting (set under paragraph (f) above) may be increased to accommodate this.
 - (ii) Cabinet Green Papers (debated at full Council under Rule 21) shall be deducted from the number of Ordinary Motions allocated to the leading group.
 - (iii) Cabinet Members and Assistants to ~~the Cabinet Members~~ shall be disregarded in the calculation of political proportionality for the purposes of the allocation of Ordinary Motions under this Rule.
- (h) The allocation will be reviewed annually by the leaders of the political groups in consultation with the Chair.
- (i) If more than the maximum number of Motions permitted under paragraph (f) above are submitted for a particular Council meeting, the Chair shall decide which Motions are to be taken, following consultation with the party groups. Factors to be considered in selecting Motions shall include the urgency of the Motion (whether it may reasonably be taken at a later meeting); any policy, budget or other significance to the Council; and the number of Motions from the relevant group which have already been considered by full Council during that municipal year. The Chair's decision shall be final.

Commented [AK2]: Note – amendments to this para were agreed at January 2022 Council. These will be incorporated into this update.

Scope of Ordinary Motions

- (j) Ordinary Motions must be in relation to Relevant Business and must not be Inappropriate Business (as defined in Rule 35).
- (k) 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.
- (l) 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

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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

- (m) 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).
- (n) 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.
- (o) 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

- (p) 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.
- (q) 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

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

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- (i) to leave out words;
 - (ii) to leave out words and insert or add others; or
 - (iii) to insert or add words,
- as long as the effect of (i) – (iii) is not to negate the motion.

(t) 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.

(u) Each amendment will be proposed and seconded and then put to the vote in the order determined by the Chair, unless paragraph (ua) applies.

(ua) If the proposer of a Motion accepts a proposed amendment (of which notice has been duly given in accordance with Rule 22(r)), the amendment shall become part of the substantive motion without a vote, unless:

- (i) The Chair rules that the amendment is fundamentally inconsistent with the original Motion, in which case the amendment shall be put to the vote; or
- ~~(ii)~~ Two or more amendments to the Motion are moved, in which case, either all amendments must be accepted, or all amendments must be put to the vote.

Right of reply and Voting on the Ordinary Motion

(v) 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.

(w) 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.
- (iv) Before the proposer of an Ordinary Motion or the proposer of an amendment exercises a right of reply given under sub-paragraph (ii) or (iii) above, a relevant Cabinet Member (or Assistant to Cabinet Member)

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shall have the opportunity to respond to the Motion on behalf of the Cabinet. If the proposer and seconder of the motion are in agreement, the Cabinet member (or Assistant to ~~the~~ Cabinet ~~Member~~) may move that the vote on the Motion be adjourned until the next meeting of Council. If such an adjournment motion is passed, then at the next suitable full Council meeting:

- (a) a vote on the adjourned Ordinary Motion will be taken without further discussion, unless prior to the commencement of the meeting, notice of withdrawal in writing signed by proposer and seconder has been delivered to the Democratic Services Manager. (For the avoidance of doubt, a vote on an adjourned Ordinary Motion under this rule shall not count for the purposes of the maximum number of Motions permitted at that Council meeting under Rule 22 (f)); or
- (b) if the Motion has been withdrawn in accordance with sub-paragraph (a) above, the Cabinet Member shall report back to Council in his or her Cabinet Member Statement on the withdrawal and any action taken or agreed with the Motion Proposer and Secunder in this regard.

- (x) 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

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.

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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.

26A TRIBUTES AND RECOGNITIONS

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Tributes and recognitions may be received as follows:

- (i) Death of sitting Councillors – The Chair shall have discretion to invite group leaders or another nominated speaker from each group and Independent Member/s to pay tribute;
- (ii) Death of a past Lord Mayor – The Chair will make an announcement and pay tribute; and
- (iii) Death of a former Councillor – The Chair will make an announcement only.

The Chair shall have discretion to announce a one minute silence.

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~~ presented in writing 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 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.
- (i) At any time before the start of the Council meeting, each of the political groups may, through their nominated spokesperson, provide the Chair with a list of their priority speakers in respect of any one or more agenda items. Without

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prejudice to the Chair's discretion (under Rule 7(b)), and subject to compliance with these Council Meeting Procedure Rules, the Chair will endeavour to allow the named Members to speak in the relevant debate in the prioritised order.

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

28 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. At the conclusion of the vote, the Clerk shall declare whether the motion or recommendation is carried or not 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 to declare the motion or recommendation to be carried. However, if there are any objections, the Chair shall initiate a vote.~~

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- (d) Where any Member requests it immediately before or after a vote on a show of hands is taken, their vote will be recorded in the minutes to show whether they voted for or against or abstained from voting; or alternatively, a Member may request a recorded vote requiring the -
- (e) names of all those Councillors voting for, against or abstaining from voting to be recorded electronically and entered into the minutes.

Commented [AK3]: Amended further following discussion with Gary and Mandy – Please can you check that this correctly reflects the voting process.

Voting on appointments excluding employee appointments

- (f) 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.
- (g) 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

- (h) 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.
- (i) The Chair will have a casting vote only in the circumstances mentioned in the preceding paragraph.

29 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;

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- (ii) replies given to Oral Questions; and
- (iii) written questions and answers (as referred to at Rule 17).

30 ~~RECORD OF ATTENDANCE~~

- (a) Members will be regarded as present at a meeting where they attend that meeting either physically at the place specified on the meeting summons or remotely, by means of video conferencing software which enables persons who are not in the same place to speak to and be heard by each other and to see and be seen by each other.
- (b) All Members present during the whole or part of a physical meeting must accurately record their attendance on the record of attendance provided for that purpose.
- ~~(b)~~(c) Any Members attending the meeting remotely will have their attendance recorded electronically via the meeting software, and must leave the meeting if they will not be present for any extended period of time during the meeting.

Commented [AK4]: The MLM policy indicates that the remote meeting software includes an electronic record of attendance; and those attending physically will use the normal sign in sheet. So we have a 'record of attendance' for both types of attendees. I don't think we need to spell that out here, do you?

Commented [FD5R4]: I think we do need to say if they attend remotely there will be an electronic record of attendance, and perhaps we need to say that if they join the meeting remotely they must leave the meeting if they will not be present for an extended period of time during the meeting. We probably need to deal with the issue where they are suspicious that some members log in then do something else?

AMENDED FOLLOWING DISCUSSION WITH MANDY ABOUT RECORDING OF ATTENDANCE. I THINK THAT THE MLM POLICY MAY BE THE PLACE TO SAY ANYTHING MORE ABOUT MEMBERS REPORTING SUSPICIONS OF OTHER MEMBERS SUPPOSEDLY ATTENDING REMOTELY NOT ACTUALLY BEING IN ATTENDANCE.

31 ~~ELECTRONIC BROADCAST AND RECORDINGS OF MEETINGS OF THE COUNCIL~~

- (a) Council meetings shall be webcast as they take place by the Council, in accordance with the Webcasting Protocol (contained within Part 5 of the Constitution), so that members of the public not in attendance at the meeting can see and hear the proceedings. The webcast shall be available electronically on the Council's website for a period of 12 months after the meeting.
- (b) Other filming, recording and use of social media is permitted during Council meetings, provided that:
 - (i) The recording or transmission must create no disturbance, disruption or distraction to the good order and conduct of the meeting;
 - (ii) Notice has been given (on the meeting agenda and signage outside the meeting) so that everyone attending the meeting is made aware that they may be recorded and that by attending the meeting they are deemed to consent to this;
 - (iii) Any recording must be overt, not covert;
 - (iv) There is to be no recording or transmission of proceedings dealing with any exempt or confidential information;
 - (v) The Chair shall have discretion, subject to proper consideration of any relevant representations and legal advice, to prohibit a recording or exclude anyone reasonably considered to be in breach of these rules; and

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- (vi) The person making the recording or transmission shall be solely responsible for complying with all applicable legal obligations arising from their actions.

32 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.

33 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~~ [Chief Executive](#). If there is a need for further detailed legal or financial advice to be provided, the meeting should be adjourned.

34 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.

Commented [AK6]: Note – amendments to these rules were agreed at Council in January 2022 and will be incorporated in this update.

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[“Remotely” or “by remote means” means from a different physical location connected through an online meeting platform.](#)

“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.

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Council Meeting Timetable Summary (assuming no public holidays)

| | Day | General Actions | Oral Question Procedure | Written Questions | | Ordinary Motions |
|------------|----------|--|--|--|--|---|
| Mon | -13 | | | | | 9am – Start of the Submission Period for submission of Ordinary Motions |
| Tues | -12 | | | | | |
| Wed | -11 | | | | | |
| Thu | -10 | | | | | |
| Fri | -9 | | | 9am - Deadline for asking questions to ensure answer given by meeting. | | 5pm – End of Submission Period (deadline for submission) |
| WEEKEND | | | | | | |
| Mon | -8 | | | | | |
| Tue | -7 | | | | | |
| 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 | | | | |

Mae'r dudalen hon yn wag yn fwriadol

PART 4 – RULES OF PROCEDURE

BUDGET MEETING PROCEDURE RULES

1 BUDGET MEETINGS

Budget meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Budget meetings will be held in accordance with the Council Meeting Procedure Rules, subject to the variations set out in these Budget Meeting Procedure Rules.

2 TIME AND PLACE OF MEETINGS

[\(a\)](#) The time and place of meetings will be determined by the Council or in the case of meetings called under Council Meeting Procedure Rule 4(a)(ii) by the Chair and in the case of meetings called under Rule 4(b) by the Proper Officer and notified in the summons.

[\(b\)](#) [The place of a meeting shall include provision enabling meetings to be attended remotely by persons who are not in the same physical place, in accordance with the Council's Multi-Location Meetings Policy.](#)

~~(a)~~[\(c\)](#) 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 proper notice of the change being given.

3 NOTICE OF SUMMONS TO MEETINGS

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. At least three clear days before a meeting, the Proper Officer will send a summons (notice of meeting) signed by him or her by post to every Councillor or leave it at their usual place of residence or at some other place specified by notice in writing given by the Councillor to the Proper Officer. The summons will give the date, time and place of each meeting, [including details of how the meeting may be accessed remotely by persons who are not in the same physical place](#), and specify the business to be transacted, and will be accompanied by such reports as are available.

4 CABINET BUDGET REPORT

The Cabinet Budget report shall enable the Cabinet:-

(a) to submit to Council their proposal of the estimates of expenditure and income in order to set the Council Tax in accordance with the Local Government Finance Act 1992;

- (b) to recommend to Council on the strategy and plan for the control of the Authority's borrowing and capital expenditure for the forthcoming year (the Annual Treasury Management Strategy);
- (c) to recommend to Council the adoption of CIPFA's Treasury Management Code of Practice 2009 by formal acceptance of the Four Clauses of Treasury Management and Treasury Management Policy Statement as Council policy;
- (d) to recommend to Council the Prudential Code Indicators and the Council's Minimum Revenue Provision Policy;
- (e) to set the rent levels for Housing Revenue Account properties, service charges and management fees for leaseholders; and
- (f) to agree the rates and Charges for Council services.

5 SPEAKING ORDER AND CONDUCT OF DEBATE

A maximum of 45 speakers will be allocated proportionally between political groups. The allocation of speakers will be notified to Whips in advance of the Budget meeting. Any 'independent' Member who is not affiliated to any party or group will also be allowed to speak in the general debate. The speaking order will be as follows:

- (i) Cabinet Proposals (including any alternative proposals as per Rule 25(a)(vi) of the Council Procedure Rules)

| | |
|--|------------|
| Cabinet Member with responsibility for Finance | 10 minutes |
|--|------------|

| | |
|-----------------------|-----------|
| Leader of the Council | 4 minutes |
|-----------------------|-----------|

- (ii) Party Group Finance Spokespersons/Movers of alternative proposals (as per Rule 24A or Rule 25(a)(vii) of the Council Procedure Rules, as appropriate.

The Finance Spokesperson of each opposition political group and the seconder of any alternative proposal will then be invited to speak in rotation by reference to each of the political groups in size order (largest group first).

(If more than one amendment is to be moved by one political group then all such amendments will be moved by the relevant Finance Spokesperson at the same time)

| | |
|--------------------------------|-----------|
| Opposition Group spokesperson: | 5 minutes |
|--------------------------------|-----------|

| | |
|---------------------------------------|-----------|
| Secunder of any alternative proposal: | 3 minutes |
|---------------------------------------|-----------|

(iii) General Debate on Cabinet proposal and all alternative proposals – including any further alternative proposals moved and seconded. As indicated above the allocation of speakers will be proportionately based per political group and notified to Whips prior to the meeting.

Opposition Group Leaders 4 minutes

Each other speaker 3 minutes

No Councillor, with the exception of the Councillor with the right of reply at the end of the debate, to speak twice during this item.

The debate will be run in accordance with the rules agreed for the consideration of Notices of Motion, and each amendment will be voted on individually.

(iv) Reserving Right to Speak

Any Member, apart from proposers of the Budget or alternative proposals, may reserve the right to speak later in the debate but any such member will only be entitled to speak for 3 minutes during the general debate.

(v) Right of Reply

The Cabinet Member with responsibility for Finance (or the proposer of an approved alternative proposal) will have the right of reply: 5 minutes

6 EXCLUSION OF NOTICES OF MOTION AND FORMAL QUESTIONS

Formal questions from Councillors and Notices of Motion shall not be received and considered and the respective Council Meeting Rules shall accordingly not apply.

For the avoidance of doubt, public questions may be asked (Council Meeting Procedure Rule 18 applies), other reports may be considered and motions during meetings without notice may be moved (Council Procedure Rule 25 applies).

Mae'r dudalen hon yn wag yn fwriadol

PART 4 – RULES OF PROCEDURE

COMMITTEE MEETING PROCEDURE RULES

1 ESTABLISHMENT OF COMMITTEES AND ALLOCATION OF SEATS

1.1 Establishment

The establishment, terms of reference and allocation of seats of Committees will be determined by the Council in accordance with the Council Meeting Procedure Rules.

1.2 Chair and Deputy Chair

The chair and where the terms of reference allow, the deputy chair, of each committee shall be elected by the Council in accordance with the Council Procedure Rules.

1.3 Period of Office

The period of office of the chair, deputy chair and members of committee will continue until the first meeting following the Annual Meeting of the Council in any year when no Council elections are held. In a year when Council elections are held the period of office will end on the day of the election.

1.4 Substitute Members

Substitute members may be appointed, in accordance with the Appointment of Substitute Members Procedure Rule, to take the place of a Committee Member who is unable to attend the meeting. A substitute member must speak and vote in his or her own capacity, and is under the same obligations as any other Member in respect of declaring personal interests and complying with the Members' Code of Conduct and all relevant procedure rules.

2 ORDINARY MEETINGS

Ordinary meetings of each Committee will take place in accordance with a programme decided at the Council's Annual Meeting. Ordinary meetings of Committees will (as may be appropriate):-

- (a) elect a person to preside if the chair and deputy chair are not present;
- (b) approve the minutes of the last meeting;
- (c) receive any petitions and where these Procedure Rules allow hear the address on behalf of any petitioners and any response;
- (d) receive any announcements from the chair;
- (e) deal with any business from the last meeting of the committee;
- (f) receive reports from the Cabinet and from any of the other committees and advice reports from employees of the Council;

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- (g) ~~to~~ put questions to the chair or relevant employees of the Council where appropriate on items of business before the committee and ~~to~~ receive responses;
- (h) consider requests from members of the committee for items of business to be considered;
- (i) consider any other business specified in the agenda of the meeting; and
- (j) such other matter or matters which the chair has certified as being urgent.

3 EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings

- (a) Those listed below may request the proper officer to call a meeting of the committee in addition to ordinary meetings:-
 - (i) the Council by resolution;
 - (ii) the chair of the committee;
 - (iii) the ~~Head of Paid Service~~ Chief Executive;
 - (iv) the Monitoring Officer; and
 - (v) one half of the membership of the committee if they have signed a requisition and presented it to the proper officer.
- (b) Any request presented in accordance with this Rule must be in writing, specify the business to be transacted at the meeting and be accompanied by a copy of any report of the meeting.

3.2 Business

Any meeting called in addition to ordinary meetings pursuant to Rule 3.1 will:-

- (a) elect any person to preside if the chair and deputy chair are not present;
- (b) consider the item or items of business specified in the request; and
- (c) such other matter or matters which the chair has certified as being urgent.

4 TIME AND PLACE OF MEETINGS

(a) The time and place of meetings will be determined by the proper officer and notified in the agenda.

(aa) The place of a meeting shall include provision enabling meetings to be attended remotely by persons who are not in the same physical place, in accordance with the Council's Multi-Location Meetings Policy.

5 NOTICE OF AND AGENDA TO MEETINGS

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. At least three clear days before a meeting, the proper officer will send a summons (notice of meeting) signed by him or her by post to every member of the committee or leave it at their usual place of residence or at a place nominated

by the member. The agenda will give the date, time and place of each meeting, including details of how the meeting may be accessed remotely by persons who are not in the same physical place, and specify the business to be transacted, and will be accompanied by such reports as are available.

6 CHAIR OF MEETING

6.1 Chair of the meeting

The chair of the committee will chair a meeting of the committee and in his or her absence the meeting will be chaired by the deputy chair of the committee (if any). In the absence of the chair and the deputy chair of the committee, the committee will choose a chair to chair the committee. The person presiding at the meeting may exercise any power or duty of the chair.

6.2 Conduct of the meeting by the chair

The chair shall conduct the meeting to secure a proper, full and effective debate of business items particularly where a decision is required. The steps the chair may take include:-

- (a) allowing more time for the speaker to properly explain the matter;
- (b) permitting a member to speak more than once;
- (c) allowing employees of the Council to advise the meeting as appropriate;
- (d) allowing a full discussion of reports and matters for decision.

7 QUORUM

The quorum of a meeting will be one quarter of the whole number of members (rounded up to the nearest whole number). 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 a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

8 MOTIONS WHICH MAY BE CONSIDERED

The following motions may be moved provided that they relate to an item of business on the agenda, concern a matter within the terms of reference of the committee and will not purport to exceed the powers delegated to the committee:-

- (a) to appoint a chair of the meeting;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate Committee, body or individual for consideration or reconsideration;
- (e) to appoint a sub committee of the committee arising from an item on the agenda for the meeting subject to statutory constraints;

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- (f) to receive reports and/or to adopt recommendations of committees or officers;
- (g) to receive reports and/or to adopt recommendations of the Cabinet;
- (h) to delegate powers to an officer of the Council or a sub-committee subject to the constraints in this Constitution and of law.
- (i) to propose a resolution which differs from that recommended in a report;
- (j) to proceed to the next business;
- (k) that the question be now put;
- (l) to adjourn a debate;
- (m) to adjourn a meeting;
- (n) to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- (o) to not hear further a member named under Rule 15.3 or to exclude him or her from the meeting under Rule 15.

9 RULES OF DEBATE

9.1 Content of speeches/debate

Speeches, discussion and questions must be directed to the matter under discussion or to a personal explanation or point of order. The period allowed for any speech and the number of times a member may be allowed to speak will be determined by the chair subject to the obligation on him or her under Rule 69.2.

9.2 Point of order

A member may raise a point of order at any time. The chair will hear them immediately. A point of order may only relate to an alleged breach of these Committee Meeting Procedure Rules or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the chair on the matter will be final.

9.3 Personal explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech or comment by the member which may appear to have been misunderstood in the present debate. The ruling of the chair on the admissibility of a personal explanation will be final.

9.4 Declarations of interest

A member may at any time declare a personal interest under the Code of Conduct and when a member ~~stands indicates to the Chair that he/she wishes~~ to make a declaration he/she shall be heard immediately and shall be allowed to make the declaration without interruption.

10 PREVIOUS DECISIONS AND MOTIONS

10.1 **Motion to rescind a previous decision**

A motion or amendment to rescind a decision made at a meeting of the committee within the past six months cannot be moved unless a motion approving the rescission has been passed at a meeting of the full Council.

10.2 **Motion similar to one previously rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of the committee in the past six months cannot be moved unless a motion approving the rescission has been passed at a meeting of the full Council.

11 **VOTING**

11.1 **Majority**

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.

11.2 **Chair's casting vote**

Subject to Rule 11.4 if there are equal numbers of votes for and against, the chair will have a second or casting vote. There will be no restriction on how the chair chooses to exercise a casting vote.

11.3 **Show of hands/Electronic Voting**

The chair will take the vote by show of hands or by use of an electronic voting system if available, whichever the chair decides, or if there is no dissent, by the affirmation of the meeting.

11.4 **Voting on employee appointments**

(a) 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.

(b) The chair will have a casting vote only in the circumstances mentioned in the preceding paragraph.

11.5 **Right to require individual vote to be recorded**

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Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

12 MINUTES

12.1 Signing the minutes

The chair will sign the minutes of the proceedings of the committee at the next suitable 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.

12.2 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the chair put them but otherwise the form of the minutes will be a matter for the proper officer.

13 ~~RECORD OF ATTENDANCE~~

(a) Members will be regarded as present at a meeting where they attend that meeting either physically at the place specified on the meeting agenda or by remote means, which enables persons who are not in the same place to speak to and be heard by each other.

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

(c) Any Members attending the meeting remotely will have their attendance recorded electronically via the meeting software, and must leave the meeting if they will not be present for any extended period of time during the meeting.

14. MEMBERS OF THE PUBLIC

14.1 Exclusion of members of the public

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules or Rule 16 (Disturbance by Public).

14.2 **Right of Petitioners to address committee**

(a) Subject to compliance with the Council's Petition Scheme and this Rule 14.2, When a Petition (including an electronic petition) contains signatures of submitted, with signatories numbering not less than fifty Cardiff electors with their addresses, a substantial proportion of whom could

reasonably be expected to be affected by the matter to which the Ppetition relates, one person from amongst those signing the petition ('the Lead Petitioner') may address a committee to which the Ppetition has been referred on the subject matter of the Ppetition for up to three minutes.

(b) In any case where the petitioners object to an application which is to be considered by ~~the Planning Committee~~ or the Licensing Committee or the Public Protection Committee, the applicant will also be given an opportunity to be heard.

(c) Any Petition to be presented to a Committee must be submitted to the Head of Democratic Services either by email, post or hand delivery, in accordance with the Petition Scheme, by 5.00pm, 7 working days before date of the Committee meeting at which it is to be presented, and must include:

- i. The name and contact details for the Lead Petitioner;
- ii. The subject matter and specific request of the Petition;
- iii. The name and postal address (including postcode) of each Petition signatory;
- iv. The reference number of any application to which the Petition may relate; and
- ~~i-v.~~ v. The total number of signatories to the Petition.

~~(e)~~(d) Each and every signatory to the Petition, including the Lead Petitioner, must be an individual who lives, works or studies within the City and County of Cardiff.

(e) The receipt of a Petition will be acknowledged by the Head of Democratic Services within 5 working days. Provided the Petition meets all criteria set under this Rule 14.2 and the Petition Scheme, the Lead Petitioner will be invited to present the Petition at the Committee meeting and the applicant (if any) will be notified and invited to attend the Committee if the applicant so wishes.

~~(d)~~ Any petition presented direct to a committee shall be delivered to the relevant Chief Officer at least seven clear days prior to the date of the meeting of the committee at which it is to be presented, to enable the applicant to be notified if appropriate and to be present at the meeting of the committee if the applicant so wishes.

(f) In the event that more than one Petition is received, which meets all criteria set under this Rule 14.2 and the Petition Scheme, in relation to the same application or a similar subject matter and seeking a similar outcome, only one Lead Petitioner will be permitted to present the Petition to Committee. Democratic Services officers will notify each Lead Petitioner and ask them to liaise with each other to consider amalgamating the Petitions and agree which Lead Petitioner will present the Petition to Committee. In the absence of such agreement, the responsible Chief Officer, in consultation with the Chair of the Committee, may determine at his/her discretion how many petitioners should be afforded speaking rights in order to secure a proper, full and effective debate, having regard to the subject matter and relevant issues to which the Petitions relate.

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~~(e)~~
~~(f)~~~~(g)~~ When a petitioner has been heard by a committee under this Committee Meeting Procedure Rule no further Ppetition on the same item and seeking a similar outcome shall be considered and no further address shall be heard on that item, within six months of the committee meeting at which the Ppetition was first considered or the petitioner heard.

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~~(e)~~~~(h)~~ A petition comprised of less than 50 signatories or which does not meet all criteria set under this Rule 14.2 and the Petition Scheme shall be granted no speaking rights at Committee. However, a response to any relevant issues will be provided with the Committee report or as part of the late representations to Committee, and such report will be available for public inspection on the Council's website in accordance with the Access to Information Procedure Rules.

Commented [AK1]: Amended to reflect revised draft Petition Scheme

15 MEMBERS' CONDUCT

15.1 Members wishing to speak

When a member speaks at a committee he or she must address the meeting through the chair. If more than one member speaks, the chair will ask one to speak and the others must remain silent until invited to speak unless he or she wishes to make a point of order or a point of personal explanation or to declare an interest.

15.2 Chair seeking order

When the chair asks for order the meeting must be silent.

15.3 Member not to be heard further

If a member persistently 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. If seconded, the motion will be voted on without discussion. If the motion is passed the named member may not discuss or debate any further business whilst it is transacted at the meeting.

15.4 Member to leave the meeting

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. If seconded, the motion will be voted on without discussion. If the motion is passed the named member must leave the meeting forthwith.

15.5 General disturbance

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

16 DISTURBANCE BY PUBLIC

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16.1 Removal of member of the public

If a member of the public interrupts or disrupts proceedings of a committee, the chair will warn the person concerned. If they continue to interrupt or causes disruption, the chair will order their removal from the meeting ~~room~~.

16.2 Clearance of part of meeting ~~room~~

If there is a general disturbance in any part of the meeting ~~room~~-open to the public, the chair may call for that part to be cleared.

17 COUNCILLORS ATTENDING COMMITTEES OF WHICH THEY ARE NOT MEMBERS

A Councillor may attend any meeting of a committee or sub-committee of which they are not a member and with the permission of the Chair may speak but may not vote subject to the following:

- (a) where the Councillor is required to declare an interest and withdraw from the meeting under the Code of Conduct;
- (b) where the Licensing Committee, the Disciplinary Appeals Committee or any other committee or sub-committee exercising similar jurisdiction have asked the members of the public and the parties to withdraw whilst they deliberate before reaching a decision;
- (c) where the ~~Chief Officer Legal and Democratic Services~~Director of Governance and Legal Services or his/her representative advises that as a matter of law non-members of a committee should withdraw.

18 ELECTRONIC BROADCAST AND RECORDING OF PROCEEDINGS OF COMMITTEES

- (a) Committee meetings may be webcast by the Council, in accordance with the Webcasting Protocol (contained within Part 5 of the Constitution).
- (b) Other filming, recording and use of social media is permitted during Committee meetings, provided that:
 - (i) The recording or transmission must create no disturbance, disruption or distraction to the good order and conduct of the meeting;
 - (ii) Notice has been given (on the meeting agenda and signage outside the meeting) so that everyone attending the meeting is made aware that they may be recorded and that by attending the meeting they are deemed to consent to this;
 - (iii) Any recording must be overt, not covert;
 - (iv) There is to be no recording or transmission of proceedings dealing with any exempt or confidential information;

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(v) The Chair shall have discretion, subject to proper consideration of any relevant representations and legal advice, to prohibit a recording or exclude anyone reasonably considered to be in breach of these rules; and

(vi) The person making the recording or transmission shall be solely responsible for complying with all applicable legal obligations arising from their actions.

(c) Use of social media by members of planning, licensing or other regulatory committees is not permitted during the meeting.

19 **SUSPENSION OF COMMITTEE PROCEDURE RULES**

All or any of these are Committee Rules of Procedure except Rule 11.5 may be suspended by motion on notice or without notice if at least one half of the whole number of the Councillors are present. Suspension can only be for the duration of the meeting.

20 **APPLICATION OF COMMITTEE PROCEDURE RULES**

None of the Committee Procedure rules apply to meetings of the Cabinet or to meetings of the Council, but the rules apply to all Committees and all Sub-Committees of the Council.

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PART 4 – RULES OF PROCEDURE

ACCESS TO INFORMATION PROCEDURE RULES

1 Summary of Rights

These rules are a written summary of the rights of the public to attend meetings and the rights of the public and Members of the Council to inspect and copy documents. A copy of these rules will be kept at County Hall and the public shall have the right to inspect them at any reasonable time and to take a copy on payment of a reasonable fee.

2 Scope

These rules apply to all meetings of the Council, Scrutiny committees, the Standards & Ethics Committee and Regulatory Committees (including Planning Committee) and public meetings of the Cabinet (together called meetings), [all of which are held in accordance with the Council's Multi-Location Meetings Policy, which allows meetings to be attended remotely by persons who are not all in the same physical place, using an online meeting platform.](#)

Each Corporate Director shall be the Proper Officer for the purposes of all statutory and regulatory provisions relating to the identification listing and availability of background papers for any report where such report is within the scope of these Rules and that Corporate Director is the responsible or contributing author.

Each Corporate Director shall be responsible for securing compliance with the requirements of the Data Protection Act 1998 and of the Freedom of Information Act 2000 in relation to the data and information within the purview of those Acts held in his or her Department and shall make all necessary arrangements within the Department for that purpose.

3 Openness Policy

The Authority wishes to be as open as possible in terms of sharing access to information both with Councillors and with the public, as permitted within the law and with respect to the rights of others. These rules seek to complement and supplement and not detract from any statutory rights to information (for example within the Data Protection Acts and the Freedom of Information Act) which Councillors and the public are afforded from time to time. These rules do not affect any more specific rights to information contained elsewhere in this Constitution. In the case of any omission or conflict between these rules or the Constitution and statutory rights, statutory rights will always prevail.

4 Rights of the Public to attend Meetings

Members of the public may attend all meetings subject only to the exceptions in these rules. [Where meetings are open to the public and held through remote](#)

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means, partly or wholly (in accordance with the Council's Multi-Location Meetings Policy and as referred to in Rule 2 above), members of the public will be given details of how to access the meeting remotely. The right to attend meetings is subject to the Council's right to exclude persons if their conduct is disorderly or if they misbehave at the meeting. The Press may attend that part of any meeting open to the public.

4A **Broadcast, Filming, Recording and Social Media**

- (a) Meetings which are open to the public under these rules may be webcast by the Council. The Webcasting Protocol (contained within Part 5 of the Constitution) shall apply to all meetings which are webcast.
- (b) Other filming, recording and use of social media is permitted during meetings which are open to the public under these rules, provided that:
- (i) The recording or transmission must create no disturbance disruption or distraction to the good order and conduct of the meeting;
 - (ii) Notice has been given (on the meeting agenda and signage outside the meeting) so that everyone attending the meeting is made aware that they may be recorded and that by attending the meeting they are deemed to consent to this;
 - (iii) Any recording must be overt, not covert;
 - (iv) There is to be no recording or transmission of proceedings dealing with any exempt or confidential information;
 - (v) The Chair shall have discretion, subject to proper consideration of any relevant representations and legal advice, to prohibit a recording or exclude anyone reasonably considered to be in breach of these rules; and
 - (vi) The person making the recording or transmission shall be solely responsible for complying with all applicable legal obligations arising from their actions.

5 **Notices of Meetings**

(a) The Authority will give at least three clear days notice of any meeting by posting details of the meeting on the Council's website (www.cardiff.gov.uk) and on the public notice board at County Hall, Atlantic Wharf, Cardiff and on the Council's Website (www.cardiff.gov.uk).

~~(a)~~(b) Where the meeting or part of the meeting is open to the public and:

- (i) If the meeting is held through remote means only, the notice will give details of the time of the meeting and how to access it;
- (ii) If the meeting is held partly through remote means or is not held through remote means, the notice will give details of the time and place of the meeting and how to access it.

~~(b)~~(c) Where the meeting is not open to the public and:

Commented [AK1]: Please note, we only have to publish notices electronically now, the requirement to publish notice at the Council's principal office has been removed. I've reversed the order here to reflect the primary requirement for electronic publication. However, there is also a new requirement to make public access provision for members of the public who cannot access electronic documents, so I think we should continue to publish on the County Hall noticeboard, assuming we still do, if this is practically possible.

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(i) If the meeting is held partly through remote means or is not held through remote means, the notice will give details of the time and place of the meeting and the fact that it is not open to the public;

(ii) If the meeting is held through remote means only, the notice will give details of the time of the meeting, and the fact that it is being held through remote means only and is not open to the public.

~~(e)~~(d) Special Urgency – if a matter is considered by the Monitoring Officer to be so significantly urgent and unexpected that a decision must be taken and that it is not possible to provide 3 clear days notice of the date of the meeting at which the decision must be taken, then with the agreement of the Chair of the body concerned, the Monitoring Officer is authorised to call such a meeting, subject to the agenda and reports being available to the public at the time at which the meeting is convened.

6 **Access to Agenda and Reports before a Meeting**

(a) The Council will make copies of the agenda and reports open to the public available for inspection on the Council's ~~W~~website (www.cardiff.gov.uk) and at the designated office at least three clear days before a meeting. If an item is added to the agenda later the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors.

~~(a)~~(b) Where a meeting is open to the public and is not held through remote means only, the Council will make available for use by members of the public present at the meeting a reasonable number of copies of the agenda and reports for the meeting.

7 **Supply of Copies**

The Council will supply to any person, on payment of a charge for postage and other justified costs, copies of:

- (a) any agenda and reports that are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Monitoring Officer thinks fit, copies of any other documents supplied to councillors in connection with an item.

8 **Access to Minutes and Other Documents after a Meeting (other than meetings of the Cabinet or a Cabinet Committee)**

(i) Within 7 working days after a meeting, the Council will publish on its website a note setting out:

(a) the names of the members who attended the meeting, and any apologies for absence;

- (b) any declarations of interest;
- (c) any decision taken at the meeting, including the outcomes of any votes, but excluding any exempt information.

(ii) The Council will ~~make available~~ publish on its website copies of the following documents for a period of six years after a meeting:

- (a) the minutes of the meeting ~~(or record of decisions taken together with reasons, for all meetings of the Cabinet)~~ excluding any part of the minutes or proceedings which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

Commented [AK2]: These are the requirements introduced by the 2021 Act with effect from May 2021, in addition to the existing requirements for minutes. We are required to produce a note of the meeting within 7 working days. Draft minutes published within 7 working days would meet this requirement; and I believe this is the approach we have taken. Gary, please can you confirm?

9 Background Papers

9.1 List of background papers

The Proper Officer will set out in every report, or part of a report, which is open to public inspection under Rule 6 or 8 above a list of those documents (called "background papers") relating to the subject matter of the report, or that part of the report, which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) that have been relied on to a material extent in preparing the report.

but not including published works or those that disclose exempt or confidential information (as defined in Rule 10) (and in respect of Cabinet reports, the advice of any political advisor).

9.2 Public Inspection of Background papers

The Council will publish background papers on its website, unless it is not reasonably practicable to do so, in which case, make a copy will be made available for public inspection at the Council's principal offices. Background papers shall remain accessible for public inspection for four-six years after the date of the meeting. one copy of each of the documents on the list of background papers.

10 Confidential and Exempt Information

10.1 Confidential Information – Requirement to Exclude Public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

10.2 Exempt Information – Discretion to Exclude Public

The public may be excluded from a meeting whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6. Due regard will be had to the wishes of the individual should they elect that the hearing be held in private where the law so permits.

10.3 Meaning of Confidential Information

Confidential information means information given to the Council by a Government Department (including the Welsh Assembly Government) on terms which forbid its public disclosure or information which cannot be publicly disclosed by virtue of any enactment or Court Order.

10.4 Meaning of Exempt Information

Exempt information is defined in Schedule 12A, Part 4, of the Local Government Act 1972 as information falling within the following 10 categories (subject to any qualification):

| CATEGORY | QUALIFICATION | LEGISLATIVE REFERENCE |
|--|--|---|
| 1. Information relating to a particular individual | Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information | Paragraph 12 of Schedule 12A, Part 4 of the Local Government Act 1972 |
| 2. Information which is likely to reveal the identity of an individual | Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information | Paragraph 13 of Schedule 12A, Part 4 of the Local Government Act 1972 |

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| CATEGORY | QUALIFICATION | LEGISLATIVE REFERENCE |
|---|---|--|
| <p>3. Information relating to the financial or business affairs of any particular person (including the Council)</p> <p><i>Note : 'financial or business affairs' includes contemplated, as well as past or current, activities</i></p> | <p>Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p> <p>Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under –</p> <ul style="list-style-type: none"> (a) the Companies Acts (as defined in Section 2 of the Companies Act 2006) (b) the Friendly Societies Act 1974 (c) the Friendly Societies Act 1992 (d) the Industrial and Provident Societies Acts 1965 to 1978 (e) the Building Societies Act 1986 (f) the Charities Act 2011 | <p>Paragraph 14 of Schedule 12A, Part 4 of the Local Government Act 1972</p> |

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| CATEGORY | QUALIFICATION | LEGISLATIVE REFERENCE |
|---|---|--|
| <p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority</p> <p><i>Note: 'Labour relations matters' are as specified in paragraphs (a) to (g) of Section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 i.e. matters which may be the subject of a trade dispute</i></p> | <p>Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p> | <p>Paragraph 15 of Schedule 12A, Part 4 of the Local Government Act 1972</p> |
| <p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings</p> | | <p>Paragraph 16 of Schedule 12A, Part 4 of the Local Government Act 1972</p> |
| <p>6. Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment</p> | <p>Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p> | <p>Paragraph 17 of Schedule 12A, Part 4 of the Local Government Act 1972</p> |

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| CATEGORY | QUALIFICATION | LEGISLATIVE REFERENCE |
|--|---|---|
| 7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime | Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information | Paragraph 18 of Schedule 12A, Part 4 of the Local Government Act 1972 |
| In addition to the categories referred to above, the following categories will apply to the proceedings of the Standards and Ethics Committee and its Sub-Committee only in connection with the investigation and consideration of an allegation(s) of a breach of the Council's Member Code of Conduct | | |
| 8. Information which is subject to any obligations of confidentiality. | Information is exempt only where a meeting of a Standards and Ethics Committee is convened to consider a matter referred under the provisions of sections 70(4) or (5), or 71(2) of the Local Government Act 2000 | Paragraph 18A of Schedule 12A, Part 4 of the Local Government Act 1972 (inserted by the Standards Committees (Wales)(Amendment) Regulations 2007) |
| 9. Information which relates in any way to matters concerning national security. | Information is exempt only where a meeting of a Standards and Ethics Committee is convened to consider a matter referred under the provisions of sections 70(4) or (5), or 71(2) of the Local Government Act 2000 | Paragraph 18B of Schedule 12A, Part 4 of the Local Government Act 1972 (inserted by the Standards Committees (Wales)(Amendment) Regulations 2007) |
| 10. The deliberations of the Standards and Ethics Committee or of a Sub-Committee of the Standards and Ethics Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred to it. | | Paragraph 18C of Schedule 12A, Part 4 of the Local Government Act 1972 (inserted by the Standards Committees (Wales)(Amendment) Regulations 2007) |

Information falling within any of paragraphs 1 – 7 is not exempt if it relates to proposed development for which the Council may grant itself planning permission under Regulation 3 of the Town and County Planning General Regulations 1992.

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10.5 Disclosure by Members

Members will not make public Confidential or Exempt Information without the consent of the Authority or divulge information given in confidence to anyone other than a Member or Officer entitled to know it unless otherwise authorised by law.

10.6 Public Interest

Information within Categories 1 to 4, 6 and 7 set out in Rule 10.4 may only be treated as exempt if an assessment of the public interest has been made.

The public interest will be assessed on a case by case basis having regard to all relevant factors including but not limited to the following, to ensure a proper balance is achieved between the right to know, the right to personal privacy and the delivery of effective government.

In making such an assessment the proper officer shall have regard to any relevant prejudice which may be caused to the Council or any other party if the information were disclosed, having regard to the full context of any disclosure. Account may be taken of whether disclosure would breach any obligation of confidence not within Rule 10.3, or the rights of any individual under the Data Protection Act 1998 or the Human Rights Act 1998.

Account will be taken of the fact that the public interest test may be served by allowing access to information which would:

- (a) further the understanding of and participation in debating issues of the day;
- (b) facilitate transparency and accountability in and enhance scrutiny of decisions taken by the Council;
- (c) facilitate transparency and accountability in the spending of public money;
- (d) help individuals understand the decisions made by the Council affecting their lives;
- (e) bring to light information affecting public safety or danger to the environment;
- (f) contribute to the administration of justice and enforcement of the law or the prevention or detection of crime or the apprehension or prosecution of offenders;
- (g) protect the public from unsafe products or rogue traders or practices.

In making such an assessment the following factors shall be regarded as irrelevant:

- (a) possible embarrassment to the Council or its Officers;
- (b) possible loss of confidence in the Council or another public body;
- (c) the seniority of persons involved in the subject matter;
- (d) the risk of the public misinterpreting the information.

10.7 Exclusion of the Public

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A decision to exclude the public from a meeting under this Rule shall be made in accordance with the Council Procedure Rules, the Committee Procedure Rules, or the Cabinet Procedure Rules as appropriate.

11 **Exclusion of Access by the Public to Reports**

Prior to a meeting, if the Proper Officer thinks fit, the Council may exclude access by the public to the whole or any part of a report which in his or her opinion relate to items of business during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports or parts of reports will be marked "Not for Publication" together with the category of information likely to be disclosed. After the meeting access to the Report is subject to Rule 8.

Where the decision to exclude access has required a determination of the public interest the Proper Officer shall keep a note of his or her reasons for the decision.

12 **Application of Rules to the Cabinet**

- (a) Rules 12 – 18 apply to the Cabinet.
- (b) The Cabinet will not conduct any formal business or take any Executive Decision in private except as permitted under Rule 10 or the law.
- (c) If the Cabinet meets to take an Executive Decision then it must also comply with Rules [1 – 7 and 9](#) – 11. For the avoidance of doubt Rules [1 – 7 and 9](#) – 11 do not apply to meetings of the Cabinet where no Executive Decision is to be taken and the sole purpose of which is:-
 - (i) for employees to brief Councillors, or
 - (ii) for informal deliberations to take place which fall short of formal business or the taking of an Executive Decision, or
 - (iii) to meet with representatives of other bodies to discuss the approach to a particular subject.

13 **Record of Executive Decisions**

(i) After any meeting of the ~~Cabinet~~ or a Cabinet Committee, whether held in public or private, the Monitoring Officer, the Monitoring Officer's representative or, where no officer was present, the person presiding at the meeting, will produce a written ~~record-statement in respect~~ of every Executive Decision taken at that meeting as soon as reasonably practicable. The ~~record-statement~~ will include:

- (a) ~~a statement record~~ of the decision including the date it was made,
- (b) the reasons for ~~each Executive Decision~~ the decision,
- (c) ~~the names of the Cabinet members who attended the meeting and any apologies for absence, details of any alternative options considered and rejected at the meeting either directly or by reference to the report,~~
- (d) details of any declaration of interest and a note of any dispensation granted by the Standards and Ethics Committee, and

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~~(a)(e) and details of any consultation that was undertaken and generally comply with legal requirements as to the recording of the Executive Decision or the reasons why no consultation has taken place.~~

(ii) A record of a decision to exclude the public in accordance with Rule 10 shall identify the category of exempt or confidential information and, where appropriate, any relevant determination of the public interest.

~~(iii) A record of the decision~~ The written statement referred to in Rule 13(i) above will be published in the Executive Decision Register and will be circulated to all Members by the Cabinet Business Office. The [Executive Decision Register and any reports considered at the meeting](#) will be [published on the Council's website and](#) available for public inspection at County Hall ~~and on the Council's internet site.~~ [Nothing in this Rule shall require the disclosure of any exempt or confidential information.](#)

14 **Cabinet Meetings relating to matters which are not Executive Decisions**

The Cabinet will decide whether meetings where no Executive Decisions are to be made will be held in public or private. Members of the Cabinet or its committees will be entitled to receive three clear working days notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

15 **The Forward Plan**

15.1 **Period of Forward Plan**

To promote openness and efficiency in decision-making, the Council maintains a Forward Plan of anticipated Executive Decisions. The Forward Plan covers a 12 month period from the date of publication and is updated monthly on a rolling basis.

15.2 **Contents of Forward Plan**

The Forward Plan seeks to anticipate all decisions to be made by the Cabinet and by the Chief Executive and Corporate Directors under delegated powers. Each Corporate Director, and/or Chief Officer in partnership with the relevant Cabinet Member is responsible for identifying future decision-making needs and for informing the Cabinet Business Office. The Cabinet Office Manager maintains the Forward Plan which is available for public inspection at County Hall and on the Council's internet site.

It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) the identity of the decision maker;
- (c) a brief summary of the issues;
- (d) a brief summary of the reasons for any recommendation

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- (e) a draft of the proposed recommendation;
- (f) the date on which, or the period within which, the decision will be taken;
- (g) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (h) the responsible lead officer;
- (i) a contact officer; and
- (j) the status of the decision where:

- (i) Green = Decisions of a non-contentious, day to day nature, unlikely to be the subject of call-in.
- (ii) Amber = Decisions of a more sensitive nature, which could be potentially contentious or not of a routine nature. These would generally flow through to the Cabinet for decision, without prior scrutiny, although a judgement will be made in each case regarding scrutiny consideration before decision, and the possibility of call-in.
- (iii) Red = Decisions relating to high level functions primarily relating to policy formulation within the Policy and Budgetary Framework where the Cabinet would usually make a proposal to Council. For such decisions, the engagement of scrutiny is required before the Cabinet recommendation is made.

Exempt information need not be included in the Forward Plan and confidential information cannot be included.

15.3 Additional Information Relating to Forward Plan Items

Any person who wishes to:

- (a) make representations to the Cabinet or decision taker about a matter in respect of which a decision is to be made;
- (b) request additional information or documents relating to a proposed decision (if any) as they become available

should contact the nominated contact officer. Inclusion of a matter in the Forward Plan does not create any right of access to information which is confidential or exempt as defined in Rule 10.

16 Executive Decisions by individual Members of the Cabinet

Delegated powers may not be exercised by individual Members of the Cabinet in accordance with the Scheme of Delegations.

16.1 Record of individual Decision by employee

Where a decision is taken by an employee under delegated powers, that employee is responsible for retaining a record of such decision and the reason for such decision sufficient for audit and evidential purposes and for ensuring that all those that need to know are informed promptly of the decision and that the decision and the record of it accords with the requirements of the relevant scheme of delegations under which it is made, and any guidance on decision

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making issued by the Monitoring Officer. Decisions made by the Chief Executive, ~~or a Corporate Director~~ or Director will be included in the published ~~Officer Executive~~ Decision Register. ~~(See Rule 13).~~

17 Additional Rights of Access by Members of Scrutiny Committees

17.1 Rights to copies

Subject to Rule 17.2 below, a member of a Scrutiny Committee (including their Sub-Committees and Task groups) will be entitled to copies of any document which is in the possession or control of the Cabinet, or its committees and which contains material relating to:

- (a) any business transacted at a public or private meeting of the Cabinet, or its committees; or
- (b) any decision taken by an individual member of the Cabinet.

17.2 Limit on Rights

No member of a scrutiny committee shall be entitled to any part of a document that contains exempt or confidential information or the advice of a political advisor or assistant unless that information is relevant to:

- (a) an action or decision that is being reviewed or scrutinised or is intended to be scrutinised by that committee or a sub-committee of that committee or;
- (b) is relevant to any review contained in any programme of work of the scrutiny committee or a sub-committee of that committee.

In case of doubt the Monitoring Officer shall determine whether condition (a) or (b) applies.

17.3 Disclosure

Exempt or confidential information supplied to a Member in accordance with Rule 17.1 remains exempt or confidential and is subject to Rule 10.5.

18 Additional Rights of Access for Members

18.1 Material relating to Council and Cabinet Business

All Councillors will be entitled to inspect any document which is in the possession or under the control of:

- (i) the Council relating to business transacted or to be transacted at a meeting of the council, or a committee or a sub-committee; or
- (ii) the Cabinet (or its committees) relating to any business transacted at a decision making meeting following the conclusion of that meeting or relating

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to any decision made by an individual member of the Cabinet where allowed by the Scheme of delegations immediately after the decision has been made unless either (a) or (b) below applies:-

- (a) it contains exempt information falling within paragraphs [1, 2, 4, 5, or 7, 8, 9 or 10](#) of the categories of exempt information in Rule 10; or
- (b) in respect of Cabinet material it contains the advice of a political adviser.
- (c) Provided that the restriction in rule 18.1(a) above shall not apply to a Councillor who is the Leader of a Political Group in accordance with the Local Government (Committees and Political Groups) Regulations 1990.

18.2 Nature of rights

The rights of a Member under Rule 18 are additional to any other right he/she may have, including:

- (a) the common law right to inspect documents where this is necessary for a Member to perform his or her duties. Any Member asserting a 'need to know' in relation to documents not otherwise available under these rules should make application to the Monitoring Officer.
- (b) the statutory rights available to any person under the Freedom of Information Act 2000 and the Environmental Information Regulations 2005.
- (c) Members' right, under Section 228 of the Local Government Act 1972, to inspect the accounts of the Council and of any proper officer of the Council.

In exercising rights of access to information Members shall have regard to any guidance issued by the Monitoring Officer and the Member / Officer and Member Access to Information protocols.

19 Register of Cabinet Members

An up to date register that will be open to the public will be kept at County Hall and published on the Council's website stating:-

- (a) the name and address of every Councillor who is a member of the Cabinet and the ward the Councillor represents;
- (b) the name and address of every member of each committee of the Cabinet;
- (c) the functions of the Cabinet which for the time being are exercised by individual members of the Cabinet; and
- (d) as respects each function, the name of the member of the Cabinet by whom it is exercisable.

[20 Members' Correspondence Address](#)

[The Council will publish an electronic and postal address for each member of the Council to which correspondence for the Member may be sent.](#)

Commented [AK3]: I've amended this to correctly reflect the existing statutory provisions (under SI 2001/2290) – Categories 8-10 were subsequent additions to the list of exemptions and should have been added here too, but have been overlooked.

Please note: **The rules as currently drafted grant Members access to ALL commercially sensitive info, including info about terms in the Council's contract negotiations – which is wider than their statutory rights.** I'm not sure if this is deliberate or not. I'm just flagging this up for your information.

Details are as follows: There is no statutory right of access to exempt info except for info exempt under:

- category 3 (financial or business affairs, ie. commercially sensitive info)
- category 6 (proposed notice or order to be given by the authority)

So, there IS a statutory right of access to the above specific categories of exempt info, *except for any commercial info under category 3 which relates to contract negotiations* – Members have no statutory right of access to commercial info about the Council's contract negotiations.

PART 4 – RULES OF PROCEDURE

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1 The framework for Executive Decisions

- (a) The Council will be responsible for the adoption of the Budget and Policy Framework. Once a Budget or a Policy Framework is in place, it will be the responsibility of the Cabinet to implement it.
- (b) The future business of the Cabinet will be set out in the Forward Plan to be published on a monthly basis.

2 Process for developing the framework

- (a) The Cabinet will publicise by including in the Business Statement a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. The Chairs of Scrutiny Committees will also be notified.
- (b) The Cabinet will then draw up firm proposals having regard to any responses to consultation. If a relevant Scrutiny Committee wishes to respond to the Cabinet in the consultation process then it may do so. As the Scrutiny Committees have responsibility for fixing their own work programme, it is open to the Scrutiny Committees to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Cabinet will take any response from a Scrutiny Committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Cabinet's response.
- (c) Once the Cabinet has approved the firm proposals, they will be referred at the earliest opportunity to the Council for decision.
- (d) In reaching a decision, the Council may adopt the Executive proposals, amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals in their place.
- (e) If it accepts the recommendation of the Cabinet without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
- (f) A copy of the decision shall be given to the Leader.
- (g) An in-principle decision will automatically become effective five clear working days from the date of the Council's decision, unless (i) the Leader informs the proper officer in writing within that time he/she objects to the

decision becoming effective and provides reasons why and (ii) he/she does so before 8 February of that year.

- (h) In that case, the proper officer will call a Council meeting to take place within a further ten clear working days. The Council will be required to re-consider its decision and the written submission ~~within~~ at that meeting. The Council may:-
- (i) approve the initial Cabinet recommendation by a simple majority of votes cast at the meeting; or
 - (ii) approve a different decision which does not accord with the recommendation of the Cabinet by a simple majority.
 - (iii) The decision shall then be made public and shall be implemented immediately.
- (j) In approving the Budget and Policy Framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the Policy Framework which may be undertaken by the Cabinet, in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the Budget and Policy Framework are reserved to the Council.

3 Decisions outside the Budget or Policy Framework

- (a) Subject to the provisions of paragraph 5 of these Rules (virement) the Cabinet, individual members of the Cabinet and any employees or joint arrangements discharging Executive functions may only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget approved by Council, then that decision may only be taken by the Council, subject to 4 below.
- (b) If the Cabinet, individual members of the Cabinet and any employees, or joint arrangements discharging Executive Functions want to make such a decision, they shall take advice from the ~~Head of Paid Service~~Chief Executive, Monitoring Officer and the Section 151 Officer as to whether the decision they want to make would be in contrary to the Policy Framework, or not wholly in accordance with the Budget. If the advice of any of those officers is that the decision would not be in line with the existing Budget and/or Policy Framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 of these Rules (urgent decisions outside the budget and policy framework) shall apply.

4 Urgent decision outside the budget or policy framework

(a) The Cabinet, a committee of the Cabinet, an individual Member of the Cabinet or employees, (area committees) or joint arrangements discharging Executive Functions may take a decision which is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget approved by Council if the decision is urgent. However, the decision may only be taken:

- (i) if it is not possible to convene a quorate meeting of the full Council; and
- (ii) if the chair of a relevant Scrutiny Committee agrees that the decision is urgent.

The reasons why it is not practical to convene a quorate meeting of full Council and the chair of the relevant Scrutiny Committees' consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chair of a relevant Scrutiny Committee, the consent of the Lord Mayor, and in the absence of both, the Deputy Lord Mayor, will be sufficient.

(b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. Virement

(a) The Council shall have budget heads reflecting the Council's Service Area arrangements and taking into account recommended accounting practice.

(b) Steps taken by the Cabinet, an individual member of the Cabinet or employees, or joint arrangements discharging Executive Functions to implement Council policy shall not exceed those budgets allocated to each budget head. However, such bodies or individuals shall be entitled to vire across budget heads in accordance with Financial Regulations. Beyond that limit, approval to any virement across budget heads shall require the approval of the Council.

6. In-year changes to Policy Framework

The responsibility for agreeing the Budget and Policy Framework lies with the Council, and decisions by the Cabinet, an individual member of the Cabinet or employees, (area committees) or joint arrangements discharging Executive Functions must be in line with it. No changes to any policy and strategy which make up the Policy Framework may be made by those bodies or individuals except changes that have been specified or categorised by Council as permissible changes.

7 Call-in of decisions outside the Budget or Policy Framework

(a) Where a Scrutiny Committee is of the opinion that an Executive Decision is, or if made would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget, then it shall seek advice from the

~~Head of Paid Service~~Chief Executive, Monitoring Officer and/or Section 151 Officer, who will report on the matter.

- (b) In respect of functions which are the responsibility of the Cabinet, the report of the ~~Head of Paid Service~~Chief Executive, Monitoring Officer and/or Section 151 Officer shall be to the Cabinet with a copy to every Councillor. Regardless of whether the decision is delegated, the Cabinet must meet to decide what action to take in respect of the report and to prepare a report to Council in the event that the ~~Head of Paid Service~~Chief Executive, Monitoring Officer or the Corporate Director with Section 151 Responsibilities conclude that the decision was a departure from the Budget or Policy Framework, and to the Scrutiny Committees if the ~~Head of Paid Service~~Chief Executive, Monitoring Officer or the Section 151 Officer conclude that the decision was not a departure.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the ~~Head of Paid Service~~Chief Executive, Monitoring Officer and/or Section 151 Officer is that the decision is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget or ultra vires the power of the Cabinet, the Cabinet or the relevant Scrutiny Committee may refer the matter to the Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within ten clear working days of the request by the Cabinet or the Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Chief Executive, Monitoring Officer and/or the Section 151 Officer. The Council may either:-
- (i) endorse a decision or proposal as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way;
- or
- (ii) amend the Authority's financial procedures or Policy Framework to encompass the decision or and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way;
- or
- (iii) where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget or ultra vires the power of the Cabinet, and does not amend the existing Policy Framework to accommodate it or ratify the ultra vires decision., the decision will be a nullity but the Council may require the Cabinet to reconsider the matter in accordance with the advice of either the Chief Executive, Monitoring Officer or Section 151 Officer.

PART 4 – RULES OF PROCEDURE

CABINET PROCEDURE RULES

1 Executive Functions

1.1 Executive Decisions

Part 3 of the Constitution sets out the provision made with respect to the allocation of any functions which are the responsibility of the executive among ~~the following persons—~~

- ~~(a) — the Cabinet,~~
- ~~(b) —~~
- ~~(c) — (b) any member of the Cabinet, (c)~~
- ~~(d) —~~
- ~~(e) — any committee of the Cabinet, and (d)~~
- ~~(f) —~~
- ~~(g)(a) — any officers of the authority.~~

Where such allocation has been made the body to which or the person to whom a function has been allocated in accordance with that provision may discharge that function ~~and make an Executive Decision in relation to it or may be authorised to make arrangements for the discharge of those functions.~~

~~To the extent that the functions which are the responsibility of the executive have not been allocated in accordance with section 15(3) of the Local Government Act 2000 (but not further or otherwise) the Leader will decide how Executive Functions are to be exercised. They may be discharged by:~~

- ~~(a) the Cabinet as a whole;~~
- ~~(b) a committee of the Cabinet;~~
- ~~(c) an individual member of the Cabinet;~~
- ~~(d) an employee of the Council by his or her Office;~~
- ~~(e) an area committee;~~
- ~~(f) joint arrangements; or~~
- ~~(g) another local authority.~~

1.2 Delegation of Executive Functions

To the extent the Leader, the Cabinet, a Cabinet committee or a member of the Cabinet has authority to make arrangements for the exercise of Executive Functions, in any case that person or body will take advice from the Chief

Commented [AK1]: This is addressed in Article 7.7 and does not need to be repeated here.

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Executive, Monitoring Officer and Section 151 Officer before discharging his/her/its authority. Any arrangements made by the Cabinet, a committee of the Cabinet or a member of the Cabinet for the discharge of Executive Functions which may be discharged by him/her or it must be made in writing and set out the name of the person who may discharge of the function, the nature and extent of any delegation and any limitation on its exercise. A copy of the document containing such arrangements must be delivered by or on behalf of the person or body making such arrangements to the proper officer before the arrangements take effect. Any document containing such arrangements which is delivered to the proper officer shall be open to public inspection.

1.3 Changes to the arrangements for the delegation of Executive Functions

- (a) A person who or a body which has made arrangements for the discharge of any Executive Functions in accordance with paragraph 1.2 above may amend the arrangements at any time. To do so, person or body must give written notice to the proper officer and to the person, or body authorised by such arrangements to discharge the relevant Executive Functions. The notice must set out the extent of the amendment to the arrangements, and whether it entails the withdrawal of delegation from any person, or body. Any notice given to the proper officer under this paragraph will be open to public inspection.
- (b) Where a person or body seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on its chairperson.

1.4 Conflicts of Interest

- (a) Any body which or person who has a power to discharge an Executive Function and has a personal interest in a matter for decision will act in accordance with the relevant Code of Conduct set out in Part 5 of this Constitution.
- (b) If an Executive Function cannot be discharged under any arrangements made pursuant to paragraph 1.2 above as a result of a personal interest, the person or body which delegated the function will take the decision, or the matter will be referred to Cabinet for decision.

1.7.4 Decisions of the Cabinet

- (a) Executive Decisions which have been allocated or delegated to the Cabinet will be taken ~~by majority vote of those present~~ at a meeting convened in accordance with the Access to Information Procedure Rules, ~~with the person presiding having a second or casting vote.~~

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- (b) Where Executive Decisions are allocated or delegated to a Cabinet committee, the rules shall be the same as those applying to decisions taken by the Cabinet.
- (c) Executive Decisions which have been allocated or delegated to individual Cabinet Members will be taken in accordance with Cabinet Procedure Rules.

Commented [AK2]: This rule has been moved up from below, and references to voting have been deleted as voting is now dealt with under a separate rule below.

1.5 Cabinet meetings

- (a) The Cabinet will meet at times, ~~and~~ dates and places to be agreed by the Cabinet. The place of a meeting shall include provision enabling meetings to be attended remotely by persons who are not in the same physical place, in accordance with the Council's Multi-Location Meetings Policy.
- (b) Those listed below may ask the proper officer to call Cabinet meetings in addition to those agreed by the Cabinet:
 - (i) the Leader;
 - (ii) the ~~Head of Paid Service~~ Chief Executive;
 - (iii) the Monitoring Officer;
 - (iv) the section 151 Officer;
 - (v) any three members of the Cabinet.
- (c) Any request presented in accordance with this paragraph must be in writing, must specify the business to be transacted at the meeting and must be accompanied by a copy of any report for the meeting.
- (d) Cabinet meetings will generally be held in public in accordance with the provisions of the Access to Information Procedure Rules.
- (e) A Councillor being the Leader of a political group in accordance with the Local Government (Committees and Political Groups) Regulations 1990 shall have the right (such right to be exercised reasonably and not so as to interfere with the proper conduct of business) to speak at any meeting of the Cabinet or a committee of the Cabinet even though he/she is not a member of the Cabinet or Cabinet committee as the case may be. In the absence of the Leader of such political group the Councillor designated as the Leader's deputy may exercise this right. This right may not be exercised in the following cases:
 - (i) where the Councillor is required to declare an interest and withdraw from the meeting under the Members' Code of Conduct;

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(ii) where the Cabinet or any committee of the Cabinet exercising a quasi judicial function have asked the members of the public and the parties to withdraw whilst they deliberate before reaching a decision;

(iii) where the Monitoring Officer or his/her representative advises that as a matter of law or to protect the Council's interest non-members of the Cabinet or the committee of the Cabinet (as the case may be) should withdraw;

(f) Provided that nothing in this rule shall prevent the Chair of the meeting exercising his/her powers to ensure the orderly conduct of the proceedings

1.6 Quorum

[\(a\)](#) The quorum for a meeting of the Cabinet shall be three.

[\(b\)](#) Where any meeting is attended by more than one Cabinet Job Sharer who share the same role (members of the Cabinet who have been elected or appointed to share the same office) in their capacity as a member of the executive, they together count only as one person for the purpose of determining whether the meeting is quorate.

2 CONDUCT OF CABINET MEETINGS

2.1 Chairing the Meeting

If the Leader is present he/she will chair the meeting of the Cabinet. In his/her absence, then the Cabinet Member appointed by the Leader to chair Cabinet meetings in his/her absence shall preside. In his/her absence, a person chosen by those present shall preside.

2.2 Attendance

[\(a\)](#) Members will be regarded as present at a meeting where they attend that meeting either physically at the place specified on the meeting agenda or by remote means, which enables persons who are not in the same place to speak to, and be heard by each other.

[\(b\)](#) Meetings of the Cabinet are generally open to any person who wishes to attend in accordance with the Access to Information Procedure Rules.

[\(bc\)](#) Subject to paragraph (c) below only Cabinet Members ([including Cabinet Job Sharers](#)), [Assistants to the Cabinet](#), employees or persons asked to, or with a duty to, advise Cabinet or other persons asked by the Cabinet to do so, may speak at a Cabinet meeting.

[\(ed\)](#) A Councillor may attend any meeting of the Cabinet or a Cabinet committee (whether or not they are a member of the Cabinet or of the Cabinet committee) and with the permission of the chairperson may speak but may not vote except in the following cases:

- (i) where the Councillor is required to declare an interest and withdraw from the meeting under the Code of Conduct;
- (ii) where the Cabinet or a committee of the Cabinet (as the case may be) is exercising functions of a quasi-judicial nature and have asked the members of the public and the parties to withdraw whilst they deliberate before reaching a decision;
- (iii) where the Director of Governance and Legal Services or his/her representative advises that as a matter of law non-members of the Cabinet or Cabinet committee (as the case may be) should withdraw.

2.3 **Business**

- (a) At each meeting of the Cabinet the following business will be conducted:
 - (i) consideration of the minutes of the last meeting;
 - (ii) declarations of interest, if any;
 - (iii) matters referred to the Cabinet (whether by a Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules;
 - (iv) consideration of reports from Scrutiny Committees;
 - (v) other matters set out in the agenda for the meeting;
 - (vi) to exclude the public for the consideration of any item in accordance with the Access to Information Procedure Rules; and
 - (vii) and any matter which the chairperson considers should be considered at the meeting as a matter of urgency by reason of special circumstances or legal requirement.
- (a) The future business of the Cabinet will be set out in the Forward Plan to be published on a monthly basis.

2.4 **Consultation**

All reports regarding issues for an Executive Decision will contain information on the nature and extent of any consultation with stakeholders (including Councillors) and relevant Scrutiny Committees, and the outcome of that consultation. The level of consultation will be appropriate to the nature of the matter under consideration.

2.5 **Agenda**

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- (a) Any member of the Cabinet may give notice to the Proper Officer that he/she wishes a matter or an item of business relevant to the functions of the executive to be included on the agenda for a meeting of the Cabinet. On receipt of such request the proper officer will include such matter or item on the next suitable agenda.
- (b) The Head of Paid Service Chief Executive, Monitoring Officer and/or the Section 151 Officer may, in pursuance of their statutory duties, require an item to be included on the agenda of a Cabinet meeting and to have the item discussed. In other circumstances, where any two of the Head of Paid Service Chief Executive, Section 151 Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to consider a matter that requires a decision, they may in pursuance of their statutory duties, jointly require an item to be included on the agenda of a Cabinet meeting and to have the item discussed.
- (c) There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by Scrutiny Committees.

The agenda for any relevant meeting will include items determined under the above, unless otherwise required by law.

2.6 Voting

- (a) Subject to Rule 2.7 below, Cabinet decisions will be decided by a simple majority of those present and voting at the meeting.
- (b) If there are equal numbers of votes for and against, the person presiding at the meeting shall have a second or casting vote.

2.7 Cabinet Job Sharers

- (a) Cabinet Job Sharers (two or more members of the Cabinet who have been elected or appointed to share the same Cabinet office) will have one vote between them in respect of any matter on which they have a right to vote because they are a member of the Cabinet.
- (b) If two or more Cabinet Job Sharers who share the same office ('Job Sharing Partners') attend a Cabinet meeting, in their capacity as a member of the Cabinet, where a vote is required in respect of a Cabinet decision, each Member must agree their vote with their Job Sharing Partner/s and agree which one of them is to cast their agreed vote at the meeting. When casting the vote at the meeting, the Cabinet Job Sharer must confirm to the Chair of the meeting that their vote has been agreed with their Job Sharing Partner/s. If there is no agreement between the Job Sharing Partners, their vote shall not be counted.
- (c) If one Cabinet Job Sharer attends a Cabinet meeting, in their capacity as a member of the Cabinet, where a vote is required in respect of a Cabinet decision, the Cabinet Job Sharer must confirm to the Chair that their Job

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Sharing Partner/s has agreed to them casting the vote on behalf of all Job Sharing Partners. In the absence of such confirmation, the Cabinet Job Sharers' vote shall not be counted.

3 **CABINET COMMITTEES**

3.1 **Chairperson of Cabinet Committees**

The chairperson of a Cabinet Committee shall be such member of the Cabinet Committee as the Cabinet shall appoint. In the absence of the chairperson a person chosen by those present shall preside

3.2 **Quorum**

The quorum of a Cabinet committee shall be one quarter of the membership of the committee or three (whichever is larger).

3.3 **Conduct of business of Cabinet Committees**

The rules for the calling and conduct of meetings of the Cabinet shall (save to the extent they are inconsistent with paragraphs 3.1 and 3.2) apply to the calling and conduct of meetings of a Cabinet committee provided that any reference in the rules to the Leader shall in the case of a Cabinet Committee be construed as a reference to the chairperson of the Cabinet Committee

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PART 4 – RULES OF PROCEDURE

SCRUTINY PROCEDURE RULES

1 Scrutiny Committees

The Council will have the five Scrutiny Committees set out in Article 6 and will appoint to them as it considers appropriate from time to time. Scrutiny Committees will have a membership of nine elected Members unless otherwise determined by Council.

Scrutiny Committees may appoint "Task and Finish" Sub Committees comprised of up to nine elected Members, for a fixed period, on the expiry of which they shall cease to exist. These will not exercise the formal powers associated with scrutiny (which are the preserve of Committees), but can contribute to, or inform, the scrutiny process. A Scrutiny Committee may agree to invite one or more advisors with relevant expertise to participate in a Task and Finish group inquiry

2 Members of Scrutiny Committees

All councillors, except members of the Cabinet [and Assistants to the Cabinet](#), may be members of a Scrutiny Committee or a Task and Finish Sub Committee. However, no member may be involved in scrutinising a decision which he/she has been directly involved in taking.

3 Co-opted Members

The Children & Young People Scrutiny Committee shall include in its membership the following voting representatives:

- (a) 1 Church in Wales diocese representative;
- (b) 1 Roman Catholic diocese representative; and
- (c) 2 parent governor representatives.

When matters unrelated to education functions, which are the responsibility of the executive, fall to be considered by the Children & Young People Scrutiny Committee, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

3A Substitute Members

Substitute members may be appointed, in accordance with the Appointment of Substitute Members Procedure Rule, to take the place of a Committee Member who is unable to attend the meeting. A substitute member must speak and vote in his or her own capacity, and is under the same obligations as any other

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Member in respect of declaring personal interests and complying with the Members' Code of Conduct and all relevant procedure rules.

4 **Meetings of the Scrutiny Committees**

Scrutiny Committees shall generally meet on a monthly basis. In addition, extraordinary meetings may be called from time to time as and when appropriate. A Scrutiny committee meeting may be called by the Chairperson of the relevant Scrutiny Committee if he/she considers it necessary or appropriate.

Scrutiny Committee meetings will:

(a) be held in accordance with the Council's Multi-Location Meetings Policy;
and

(a)(b) -generally be held in public in accordance with the provisions of the Access to Information Procedure Rules.

5 **Quorum**

The quorum of a meeting will be one quarter of the whole number of members of that Scrutiny Committee/Sub Committee. During any meeting, if the Chairperson declares that there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairperson. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting of the Scrutiny Committee/Sub Committee.

6 **Chairperson**

Scrutiny Chairpersons will be appointed on a politically proportionate basis in accordance with the provisions of sections 66 – 75 of the Local Government (Wales) Measure 2011.

7 **Scrutiny Role and Conduct of Business**

Within their terms of reference, Scrutiny Committees:-

- (a) Will set their own work programmes and submit Annual Reports for consideration by the Council. Such reports will outline previous, and ongoing, investigations, and set out any known future work programme.
- (b) May make proposals to the Cabinet regarding policy and service development and scrutinise and review decisions made, or actions, taken in connection with the discharge of any Council functions.
- (c) May use the budgets allocated to them, relevant Council employees, advisers and assessors to assist them in fulfilling their role. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to

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inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and/or expenses for doing so. They must comply with the Council's procedures and keep within the budgets allocated to them in so doing.

- (d) As far as possible, will ensure that the objectives of any proposed business are set out in its programme.

8 **Agenda items**

- (a) Any member of a Scrutiny Committee may give notice to the Head of Democratic Services that he/she wishes an item relevant to the functions of that committee to be included on the agenda for a future meeting. On receipt of such a request, the Chairperson will ensure that it is included as an item on the next suitable agenda.
- (b) Scrutiny Committees shall respond, as soon as their work programme permits, to requests from the Council or the Cabinet, to review particular areas of Council activity. Where they do so, the Scrutiny Committee shall report their findings, and any recommendations, back to the Cabinet and/or Council, as appropriate.

9 **Reports from Scrutiny Committees**

- (a) Once it has formed recommendations following the conclusion, or part conclusion, of its deliberations on a particular topic, a Scrutiny Committee will prepare a formal report and submit it for consideration by the Cabinet (if the report relates to a Executive Decision or proposal) or to the Council (if the recommendation would require a departure from, or a change, to the agreed budget and policy framework).
- (b) If a Scrutiny Committee cannot reach unanimous agreement on the content of a report to the Council or Cabinet as appropriate, then any member of the committee may request that the points of difference between their view and that of the majority and the reasons for the difference in view be recorded in the Scrutiny Committee report and submitted for consideration by the Council or Cabinet as appropriate. Where a minority report is requested, it must be requested before the Committee's report on the topic under scrutiny is determined.
- (c) The Council or Cabinet shall give consideration to a formal report of a Scrutiny Committee and any minority report at an appropriate meeting. Where appropriate, the Scrutiny Committee shall receive a written response from the Cabinet to its formal report and any minority report, as soon as is practicable following the consideration of the report by the Cabinet. The appropriate Cabinet Member will also attend a future meeting of the scrutiny committee to present any response.

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(d) Where a scrutiny committee prepares a report for consideration by the Cabinet in relation to a matter where the decision making power has been delegated to an individual member of the Cabinet, then the Scrutiny Committee will submit a copy of their report to him/her for consideration. The member with delegated decision-making power must consider the report and respond in writing to the Scrutiny Committee. The member will also attend a future meeting of the Scrutiny Committee to present their response.

10 **Rights of Scrutiny Committee members to documents**

Members of Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

11 **Hearing evidence and receiving information**

(a) Scrutiny Committees may receive written submissions or call witnesses to assist them in their examination of topics.

(b) They may require any Cabinet Member and/or Council officer to attend to explain, in relation to matters within their remit:-

(i) any decision or series of decisions;

(ii) the extent to which actions taken implement Council policy; and/or

(iii) the performance of any Council service within their portfolio or management responsibility

(iv) and it is the duty of those persons to attend if so required.

(c) Where any member or officer is required to attend a Scrutiny Committee under this provision, the Chairperson of that Committee, or an officer acting at their behest, will inform the member or officer in writing, giving at least ten calendar days notice of the meeting at which he/she is required to attend, except in cases of urgent necessity, when at least 48 hours notice will be given. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

(d) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the scrutiny committee shall, in consultation with the member or officer, arrange an alternative date for attendance, or may agree to an Assistant to the Cabinet or an alternative officer representative attending the Scrutiny Committee meeting, or may seek a written submission.

Commented [AK1]: This reflects the approved Assistants to Cabinet role description.

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- (e) A Scrutiny Committee may invite anyone whom it believes can make a useful contribution to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders and members and officers in other parts of the public sector and can invite such people to attend.
- (f) Scrutiny Committees will programme their agendas as effectively as possible and will in particular give any witness called to appear before them a time by which they can expect their contribution to be completed. At the expiry of that time period, the witness can leave unless he/she agrees to remain longer.

12 Call-in Procedure

- (a) When an Executive Decision is made by the Cabinet, a Committee of the Cabinet, the Leader, a Cabinet Member, the Chief Executive, a Corporate Director or a Director exercising a Corporate Director or a Director delegation, the decision shall be published on the Council's Intranet Site, and shall be available at the main offices of the Council, normally within two working days of being made. Members of those Committees who request it (in respect of decisions falling within their Committee's terms of reference) and Chairpersons of all Scrutiny Committees will also be sent copies of the records of all such decisions within the same timescale by the proper officer.
- (b) The notice will bear the date on which it is published and will specify that the decision will be implemented on the expiry of seven clear working days after the publication of the decision ("the call-in period"), unless the decision is called in as set out below.
- (c) Any non Cabinet member of the Council (or a co-opted member of the Children and Young People Scrutiny Committee, in the case of a decision relating to an education matter) may call-in a decision of which notice has been given as set out above, by giving notice in writing to the Head of Democratic Services within the call-in period. The Head of Democratic Services shall then notify the Cabinet Office of the call-in. He/she shall call a meeting of the relevant committee on such date as he/she may determine, where possible after consultation with the Chairperson of the Committee, and in any case within five clear working days of the decision to call-in ("the scrutiny period"). At its meeting, the Scrutiny Committee may consider the called-in decision itself or decide to refer the issue to the Council for scrutiny, if the matter is of general significance and importance to the Council as a whole. A Council meeting to consider this issue must take place within ten clear working days of this referral ("the Council scrutiny period") unless otherwise agreed between the Leader and the Chairperson of the relevant Scrutiny Committee.
- (d) Having considered the decision, the Scrutiny Committee or the Council (if the decision has been referred to Council) may refer it back to the Cabinet or the decision maker for reconsideration, setting out in writing the nature of

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its concerns. The Cabinet or decision maker shall then reconsider the matter before adopting a final decision, arranging for the decision to be changed to reflect points made by the Scrutiny Committee, or formally deferring the matter for further consideration. The relevant Scrutiny Committee or Council as appropriate will be advised of the outcome at its next meeting.

- (e) If following a call-in, the matter is not referred back to the Cabinet or decision maker, the decision shall take effect on the date of the relevant Scrutiny Committee or Council meeting which considers the issue, or the expiry of the scrutiny period or the Council scrutiny period as appropriate, whichever is the later.
- (f) The role of Scrutiny Committees calling in a decision is:
 - (i) To test the merits of the decision
 - (ii) To consider the process by which the decision has been formulated.
 - (iii) To make recommendations (to support the decision, change aspects of the decision, or to invite the decision making body to reconsider).
 - (iv) To suggest further steps before a decision is made (but not to try to carry out those steps in place of the decision making body).
 - (v) To come to a view in a relatively short time scale, so as not to compromise the speed and efficiency of the decision-making process.
- (g) In calling in a decision it is not sufficient for the Member requesting the call in to state that they wish to test the merits of the decision. A member requesting a call in shall specify precisely which aspects of the decision they wish to question or challenge.
- (h) The Head of Democratic Services may, in consultation with the Monitoring Officer, rule that a call in is not valid if:
 - (i) The call in request has not been made within the seven working days allowed for call in;
 - (ii) It is not clear which Executive Decision is being called in;
 - (iii) The decision is exempt from call in on account of urgency provisions;
 - (iv) The call in request provides too little information to enable Committee members or the decision taker to adequately prepare for the call in meeting.
 - (v) The decision being called in, or broadly the same decision, has been called in during the last six months; or

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- (vi) The matter has already been scrutinised by the relevant Scrutiny Committee and there is no significant new or additional information which has not been previously considered by that Committee.

13 Exceptions: Call-in and Urgency

- (a) The call-in procedure set out above shall not apply where the decision being taken is urgent. A decision will be urgent if either the ~~Head of Paid Service~~ **Chief Executive**, the Monitoring Officer or the S151 Officer certifies that any delay likely to be caused by the call-in process could seriously prejudice the Council, or the public interest, and the Chair of the relevant scrutiny committee or, in his/her absence, the Chair of the Council, or in both their absences, the Vice-Chair of the Council, agrees that the matter is urgent. The record of the decision and notice by which it is made public shall state whether the decision is an urgent one, and therefore not be subject to call-in. Decisions taken as a matter of urgency must be reported for information to the next available meeting of the Council, together with the reasons for urgency.
- (b) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

14 Procedure at Scrutiny Committee meetings

- (a) Scrutiny Committees shall consider the following business:
 - (i) minutes of the last meeting;
 - (ii) declarations of interest (to be made at the commencement of the agenda item in question);
 - (iii) consideration of any matter referred to the Committee for a decision in relation to call in of a decision;
 - (iv) responses of the Cabinet to reports of the Scrutiny Committee; and
 - (v) the business otherwise set out on the agenda for the meeting.
- (b) Where the Scrutiny Committee conducts investigations, the Committee may also invite people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:
 - (i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of those invited to give evidence, and to contribute and speak;
 - (ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and

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(iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

(iv) that members of the council acting in their constituency representative role be permitted to attend and give evidence in connection with ward specific matters provided they have first given notice to the Chair of the Scrutiny Committee.

(c) Following any investigation or review, the Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate, and shall make its report and findings public, except that reports containing confidential or exempt information need not be made public to the extent that such information would be disclosed.

15 **Matters within the remit of more than one Scrutiny Committee**

Where a Scrutiny Committee proposes to conduct a review, or scrutinise a matter, which also falls (whether in whole or in part) within the remit of another Scrutiny Committee, then the arrangements for the future scrutiny of this matter will be agreed by the relevant Scrutiny Chairpersons. This agreement will be reported to the next meeting of the appropriate Scrutiny Committees.

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PART 4 – RULES OF PROCEDURE

PLANNING COMMITTEE PROCEDURE RULES

1 ESTABLISHMENT OF PLANNING COMMITTEE AND ALLOCATION OF SEATS

1.1 Establishment

The establishment, terms of reference and allocation of seats for the Planning Committee will be determined by the Council in accordance with the Council Meeting Procedure Rules.

1.1A Size and Composition

- (i) The planning committee must contain no fewer than 11 members and no more than 21 members, but no more than 50% of the authority members (rounded up to the nearest whole number).
- (ii) Where wards have more than one elected Member, only one Member may sit on the planning committee, in order to allow other ward Members to perform the representative role for local community interests.

1.1B Substitute Members

The use of substitute members in the absence of appointed members on the Planning Committee is prohibited.

1.2 Chair and Deputy Chair

The chair and deputy chair of the Planning Committee shall be elected by the Council in accordance with the Council Procedure Rules.

1.3 Period of office

The period of office of the chair, deputy chair and members of the Planning Committee will continue until the first meeting following the Annual Meeting of the Council in any year when no Council elections are held. In a year when Council elections are held the period of office will end on the day of the election.

2 ORDINARY MEETINGS

Ordinary meetings of the Planning Committee will take place every 4 weeks, subject to bank holiday provision, in accordance with a calendar of committee meetings approved at the Council's Annual Meeting. Ordinary meetings of the Planning Committee will (as may be appropriate):-

- (a) elect a person to preside if the chair and deputy chair are not present;
- (b) approve the minutes of the last meeting;
- (c) receive any petitions and where these Procedure Rules allow hear the address on behalf of any petitioners and any response;
- (d) receive any announcements from the chair;
- (e) deal with any business from the last meeting of the committee;
- (f) put questions to the chair or relevant employees of the Council where appropriate on items of business before the committee and to receive responses;
- (g) consider requests from members of the committee for items of business to be considered;
- (h) consider any other business specified in the agenda of the meeting including 'late representations' relating to planning applications which have been received at least 24 hours prior to the scheduled start of the meeting; and
- (i) such other matter or matters which the chair has certified as being urgent.

3 ADDITIONAL (EXTRAORDINARY) MEETINGS

3.1 Calling additional (extraordinary) meetings

- (a) Those listed below may request the proper officer to call an additional meeting of the committee in addition to ordinary meetings:-
 - (i) the Council by resolution;
 - (ii) the chair of the committee;
 - (iii) the Head of Paid Service;
 - (iv) the Monitoring Officer;
 - (v) one half of the membership of the committee if they have signed a requisition and presented it to the proper officer.
- (b) Any request presented in accordance with this Rule must be in writing, specify the business to be transacted at the meeting and be accompanied by a copy of any report for the meeting.

3.2 Business

Any meeting called in addition to ordinary meetings pursuant to Rule 3.1 will:-

- (a) elect a person to preside if the chair and deputy chair are not present;
- (b) consider the item or items of business specified in the request; and
- (c) such other matter or matters which the Chairman has certified as being urgent.

4 TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the proper officer and notified in the agenda.

[The place of a meeting shall include provision enabling meetings to be attended remotely by persons who are not in the same physical place, in accordance with the Council's Multi-Location Meetings Policy.](#)

5 NOTICE OF AND AGENDA TO MEETINGS

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. At least three clear days before a meeting, the proper officer will send a summons (notice of meeting) signed by him or her by [post-email](#) to every member of the committee or leave it at their usual place of residence or at a place nominated by the member. The agenda will give the date, time and place of each meeting, [including details of how the meeting may be accessed remotely by persons who are not in the same physical place,](#) and specify the business to be transacted, and will be accompanied by such reports as are available.

6 CHAIR OF MEETING

6.1 Chair of the meeting

The chair of the committee will chair a meeting of the committee and in his or her absence the meeting will be chaired by the deputy chair of the committee (if any). In the absence of the chair and the deputy chair of the committee, the committee will choose a chair to chair the committee. The person presiding at the meeting may exercise any power or duty of the chair.

6.2 Conduct of the meeting by the chair

The chair shall conduct the meeting to secure a proper, full and effective debate of business items particularly where a decision is required.

Those wishing to speak on each planning application will do so in the following order:

- (a) Officers to present any issues not included in the Committee report, such as issues on the late representation sheet (3 mins);
- (b) petitioner (if applicable) to speak to any petition of objection (3 mins);
- (c) applicant (if applicable) to exercise right of response to petition (3 mins)
- (d) Members (if present) representing the Ward in which the application is located (5 mins each);
- (e) Members (if present) who do not represent the Ward in which the application is located, subject to such Members formally requesting the Chair, in writing, in advance of the meeting with details of the reasons for the request to speak (5 mins each);
- (f) Planning Committee Members to debate and decide on applications unless the Chair considers that more time is required (15 mins).

7 QUORUM

The quorum of a meeting will be one half of the whole number of members (rounded up to the nearest whole number). 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 a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

8 MOTIONS WHICH MAY BE CONSIDERED

The following motions may be moved provided that they relate to an item of business on the agenda, concern a matter within the terms of reference of the committee and will not purport to exceed the powers delegated to the committee:-

- (a) to appoint a chair of the meeting;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate Committee, body or individual for consideration or reconsideration;
- (e) to appoint a sub committee of the committee arising from an item on the agenda for the meeting subject to statutory constraints;
- (f) to receive reports and/or to adopt recommendations of committees or officers;
- (g) to receive reports and/or to adopt recommendations of the Cabinet;
- (h) to delegate powers to an officer of the Council or a sub-committee subject to the constraints in this Constitution and of law;
- (i) to propose a resolution which differs from that recommended in a report;
- (j) to proceed to the next business;
- (k) that the question be now put;
- (l) to adjourn a debate;
- (m) to adjourn a meeting;
- (n) to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- (o) to not hear further a member named under Rule 15.3 or to exclude him or her from the meeting under Rule 15.4.

9 RULES OF DEBATE

9.1 Content of speeches/debate

Speeches, discussion and questions must be directed to the matter under discussion or to a personal explanation or point of order. The period allowed for any speech and the number of times a member may be allowed to speak will be determined by the chair subject to the obligation on him or her under Rule 6.2.

9.2 Point of order

A member may raise a point of order at any time. The chair will hear them immediately. A point of order may only relate to an alleged breach of these Committee Meeting Procedure Rules or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the chair on the matter will be final.

9.3 **Personal explanation**

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech or comment by the member which may appear to have been misunderstood in the present debate. The ruling of the chair on the admissibility of a personal explanation will be final.

9.4 **Declarations of interest**

A member may at any time declare a personal interest under the Code of Conduct and when a member ~~stands~~ [indicates that he/she wishes](#) to make a declaration he/she shall be heard immediately and shall be allowed to make the declaration without interruption.

10 **PREVIOUS DECISIONS AND MOTIONS**

10.1 **Motion to rescind a previous decision**

A motion or amendment to rescind a decision made at a meeting of the committee within the past six months cannot be moved unless a motion approving the rescission has been passed at a meeting of the full Council.

10.2 **Motion similar to one previously rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of the committee in the past six months cannot be moved unless a motion approving the rescission has been passed at a meeting of the full Council.

11 **VOTING**

11.1 **Majority**

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.

11.2 **Chair's casting vote**

If there are equal numbers of votes for and against, the chair will have a second or casting vote. There will be no restriction on how the chair chooses to exercise a casting vote.

11.3 **Show of hands/Electronic Voting**

The chair will take the vote by show of hands or by use of an electronic voting system if available, whichever the chair decides, or if there is no dissent, by the affirmation of the meeting.

11.4 **Right to require individual vote to be recorded**

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

12 **MINUTES**

12.1 **Signing the minutes**

The chair will sign the minutes of the proceedings of the committee at the next suitable 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.

12.2 **Form of minutes**

Minutes will contain all motions and amendments in the exact form and order the chair put them but otherwise the form of the minutes will be a matter for the proper officer.

13 **~~RECORD OF ATTENDANCE~~**

[13.1](#) Members will be regarded as present at a meeting where they attend that meeting either physically at the place specified on the meeting agenda or by remote means, which enables persons who are not in the same place to speak to and be heard by each other.

[13.2](#) All Councillors present during the whole or part of a physical meeting must accurately record their attendance on the record of attendance provided for that purpose.

[13.3](#) Any Members attending the meeting remotely will have their attendance recorded electronically via the meeting software, and must leave the meeting if they will not be present for any extended period of time during the meeting.

14 **MEMBERS OF THE PUBLIC**

14.1 **Exclusion of members of the public**

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules or Rule 16 (Disturbance by Public).

14.2 Right of Petitioners to address committee

(a) Subject to compliance with the Council's Petition Scheme and this Rule 14.2, ~~When a P~~petition (including an electronic petition) is submitted, with signatories numbering ~~contains signatures of~~ not less than fifty Cardiff electors ~~with their addresses~~, a substantial proportion of whom could reasonably be expected to be affected by the matter to which the ~~p~~Petition relates, one person from amongst those signing the petition ('the Lead Petitioner') may address ~~a the Planning C~~ommittee to which the ~~P~~petition has been referred on the subject matter of the ~~P~~petition for up to three minutes.

(b) In any case where the petitioners object to a planning application, the applicant will also be given an opportunity to be heard.

(c) Any Petition presented to the Planning Committee must be submitted to the Local Planning Authority either by email, post or hand delivery, in accordance with the Petition Scheme, by 5.00pm, 7 working days before date of the meeting at which it is to be presented, and must include:

- i. The name and contact details for the Lead Petitioner;
- ii. The subject matter and specific request of the Petition and reference to planning issues that may be relevant to the planning decision;
- iii. The name and postal address (including postcode) of each Petition signatory;
- iv. The reference number of the planning application to be determined by the Local Planning Authority; and
- v. The total number of signatories to the Petition.

~~Any petition presented direct to a committee shall be delivered to the relevant Chief Officer at least seven clear days prior to the date of the meeting of the committee at which it is to be presented, to enable the applicant to be notified if appropriate and to be present at the meeting of the committee if the applicant so wishes.~~

(d) Each and every signatory to the Petition, including the Lead Petitioner, must be an individual who lives, works or studies within the City and County of Cardiff.

(e) The receipt of a Petition will be acknowledged by the Head of Planning within 5 working days. Provided the Petition meets all criteria set under this Rule 14.2 and the Petition Scheme, the Lead Petitioner will be invited to present the Petition at the Planning Committee meeting and the applicant will be notified and invited to attend the Planning Committee if the applicant so wishes.

(f) In the event that more than one Petition is received, which meets all criteria set under this Rule 14.2 and the Petition Scheme, in relation to the same planning application and seeking a similar outcome, only one Lead Petitioner will be permitted to present the Petition to Planning

Committee. Democratic Services officers will notify each Lead Petitioner and ask them to liaise with each other to consider amalgamating the Petitions and agree which Lead Petitioner will present the Petition to Planning Committee. In the absence of such agreement, the Head of Planning, in consultation with the Chair of Planning Committee, may determine at his discretion how many petitioners should be afforded speaking rights in order to secure a proper, full and effective debate of the planning application, having regard to the subject matter and planning issues to which the Petitions relate.

(g) When a petitioner has been heard by the Planning Committee under this –Procedure Rule, no further Ppetition on the same item and seeking a similar outcome shall be considered and no further address shall be heard on that item, within six months of the Ccommittee meeting at which the Ppetition was first considered or the petitioner heard.

(h) A petition comprised of less than 50 signatories or which does not meet all criteria set under this Rule 14.2 and the Petition Scheme shall be granted no speaking rights at Planning Committee. However, a response to any relevant planning grounds will be provided with the Planning Committee report or as part of the late representations to Planning Committee, and such report will be available for public inspection on the Council’s planning register following determination of the application. No further response will be provided.

15 MEMBERS' CONDUCT

15.1 Members wishing to speak

When a member speaks at a committee he or she must address the meeting through the chair. If more than one member speaks, the chair will ask one to speak and the others must remain silent until invited to speak unless he or she wishes to make a point of order or a point of personal explanation or to declare an interest.

15.2 Chair seeking order

When the chair asks for order the meeting must be silent.

15.3 Member not to be heard further

If a member persistently 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. If seconded, the motion will be voted on without discussion. If the motion is passed the named member may not discuss or debate any further business whilst it is transacted at the meeting.

15.4 **Member to leave the meeting**

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. If seconded, the motion will be voted on without discussion. If the motion is passed the named member must leave the meeting forthwith.

15.5 **General disturbance**

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

16 **DISTURBANCE BY PUBLIC**

16.1 **Removal of member of the public**

If a member of the public interrupts or disrupts proceedings of a committee, the chair will warn the person concerned. If they continue to interrupt or causes disruption, the chair will order their removal from the meeting ~~room~~.

16.2 **Clearance of part of meeting room**

If there is a general disturbance in any part of ~~the a~~ meeting room open to the public, the chair may call for that part to be cleared.

17 **COUNCILLORS ATTENDING PLANNING COMMITTEES OF WHICH THEY ARE NOT MEMBERS**

A Member, who is not a member of the Planning Committee, may attend a Planning Committee meeting and with the permission of the Chair may speak but may not vote subject to the following:

- (a) where the Councillor is required to declare an interest and withdraw from the meeting under the Members' Code of Conduct; or
- (b) where the Director of Governance and Legal Services or his/her representative advises that as a matter of law non-members of a committee should withdraw.

18 **ELECTRONIC BROADCAST AND RECORDING OF PROCEEDINGS OF COMMITTEES**

- (a) Planning Committee meetings shall be webcast by the Council, in accordance with the Webcasting Protocol (contained within Part 5 of the Constitution).
- (b) Other filming, recording and use of social media is permitted during Planning Committee meetings, provided that:

- (i) The recording or transmission must create no disturbance, disruption or distraction to the good order and conduct of the meeting;
 - (ii) Notice has been given (on the meeting agenda and signage outside the meeting) so that everyone attending the meeting is made aware that they may be recorded and that by attending the meeting they are deemed to consent to this;
 - (iii) Any recording must be overt, not covert;
 - (iv) There is to be no recording or transmission of proceedings dealing with any exempt or confidential information;
 - (v) The Chair shall have discretion, subject to proper consideration of any relevant representations and legal advice, to prohibit a recording or exclude anyone reasonably considered to be in breach of these rules; and
 - (vi) The person making the recording or transmission shall be solely responsible for complying with all applicable legal obligations arising from their actions.
- (c) Use of social media by members of the Committee is not permitted during the meeting.

19 SUSPENSION OF COMMITTEE PROCEDURE RULES

All or any of these Committee Rules of Procedure except Rule 11.4 may be suspended by motion on notice or without notice if at least one half of the whole number of the Councillors are present. Suspension can only be for the duration of the meeting.

20 MEMBER DEVELOPMENT TRAINING

All Members of the County Council are expected to undertake a basic level of training on planning matters in their role as local Members. Specific training will be provided to the Chair, Deputy Chair and members of the Planning Committee as part of the Member Development Programme.

PART 4 – RULES OF PROCEDURE

REMOTE ATTENDANCE STANDING ORDER MULTI-LOCATION MEETINGS

- ~~1. The Council has agreed temporary arrangements for remote attendance at meetings, in accordance with the provisions of the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 ('the 2020 Meetings Regulations').~~
- ~~2. In line with the 2020 Meetings Regulations and government restrictions in relation to the Covid pandemic, the Council has agreed that all meetings of the Council, Cabinet, Committees and Sub-Committees will be held remotely using video conferencing facilities.~~
1. In accordance with the requirements of the Local Government and Elections (Wales) Act 2021, Part 3, all meetings of the Council, Cabinet, Committees and Sub-Committees may be attended remotely. This is reflected in the meeting procedure rules set out in this Constitution. Remote attendance for these purposes means attendance by means of any equipment or facility, such as audio or video conferencing software, which enables persons who are not in the same place to speak to and be heard by each other, and may also enable those persons to see each other.
2. The Council's [Multi-Location Meetings Policy](#) explains how meetings may be attended by persons who are not all in the same physical place, the arrangements which may be made for physical meetings and the support available for meeting participants and observers.
3. In order to facilitate public access, meetings are livestreamed via the Council's webcast wherever possible; and when livestreaming is not achievable, a recording of the meeting is uploaded to the Council's website.
- ~~3.4.~~ Notices of meetings, agendas and reports are published on the Council's website, [as detailed in the Access to Information Procedure Rules](#).
- ~~4. Members of the public may participate in meetings, in accordance with the provisions of the relevant meeting procedure rules (set out in this Constitution) and any other agreed protocols, using audio or video connection to the remote meeting. Details of how to connect to the meeting will be provided by Committee Services.~~
- ~~5. The Local Government and Elections (Wales) Act 2021, Part 3 ('the 2021 Act'), requires the Council to make and publish permanent arrangements for remote attendance at meetings, in line with the provisions of that Act and having regard to statutory guidance.~~
- ~~6. Until the Council makes and publishes permanent arrangements for remote attendance under the 2021 Act, the temporary arrangements agreed under the~~

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Updated 14 April 2021

~~2020 Meeting Regulations are to continue in effect under the provisions of the 2021 Act.~~

~~7. Any references to 'attendance' at meetings in this Constitution or otherwise are to be read as including remote attendance, unless otherwise specified. Remote attendance for these purposes means attendance by means of any equipment or facility which enables persons who are not in the same place to speak to and be heard by each other, and may also enable these persons to see each other.~~

~~8.5.~~

Updated 14 April 2021

PART 5 – CODES AND PROTOCOLS

PROTOCOL FOR WEBCASTING OF COUNCIL AND OTHER COMMITTEE MEETINGS

Introduction

The Council has agreed that ~~certain~~ all full Council meetings and certain Committee meetings will be transmitted live on the Council's website (webcasting). The Council has fixed cameras located within the Council Chambers at City and County Hall and Committee Room 4 at County Hall for this purpose.

The main purpose of webcasting is to aid transparency, governance and accountability by giving members of the public, elected Members, officers and other interested parties the opportunity to view meetings without having to attend in person and for the Council to have an official audio and visual record of its decision-making process.

The Local Government and Elections (Wales) Act 2021, section 46, introduces, with effect from 5th May 2022, a statutory requirement for full Council meetings to be live broadcast so that members of the public not in attendance at the meeting can see and hear the proceedings.

Webcasting does not replace the formal record of the meeting and the decisions taken, which are published on the Council website in the form of minutes and retained in hard copy in accordance with the Council's retention policy.

This protocol governs the conduct of Council and Committee meetings which are the subject of webcasting and aims to ensure that the Council is compliant with its obligations under the Data Protection Act ~~1998~~ 2018 and the Human Rights Act 1998.

Accordingly the following principles will apply to all meetings which are to be webcast by the Council:

Notification of Webcasting

Agenda Packs

Included with each Council and Committee agenda notification the following notice will be attached for meetings that are being webcast:

WEBCASTING

This meeting will be filmed for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for 6

months. A copy of it will also be retained in accordance with the Council's data retention policy.

[Members of the public may also film or record this meeting]

If you make a representation to the meeting you will be deemed to have consented to being filmed. By entering the body of the Chamber you are also consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If you do not wish to have your image captured you should sit in the public gallery area.

If you have any queries regarding webcasting of meetings, please contact Committee Services on 02920 872020 or email [Democratic Services](#)

Public Speakers

In any correspondence notifying public speakers of the meeting date at which permission to speak has been granted, the following advice will be included if the particular meeting is to be webcast:

Please note that this meeting will be filmed for live and/or subsequent broadcast on the Council's website. If you do not wish your public question/statement and subsequent discussion to be filmed/recorded, please contact the Committee Services Team to discuss your concerns.

To comply with the Data Protection Act ~~1998~~2018, we require the consent of parents or guardians before filming children or young people.

Signage at meetings

The following signage will be displayed inside and outside of the meeting room:

WEBCASTING

PLEASE NOTE THAT CARDIFF COUNCIL WILL BROADCAST THIS MEETING LIVE ON ITS WEBSITE AND THE RECORD WILL BE ARCHIVED FOR FUTURE VIEWING

[MEMBERS OF THE PUBLIC MAY ALSO FILM OR RECORD THIS MEETING]

AS YOUR IMAGE MAY BE INCLUDED IN THE BROADCAST, BY ENTERING THE CHAMBER YOU ARE CONSENTING TO BE FILMED AND TO THE POSSIBLE USE OF THOSE IMAGES AND ANY SOUND RECORDINGS

Conduct of Meetings

At the start of each meeting to be filmed, an announcement will be made to the effect that the meeting is being webcast.

The Chairman of the meeting shall have the discretion to terminate or suspend the webcast if:

- (i) The meeting is suspended;
- (ii) A resolution is lawfully passed to exclude the press and public from the meeting;
- (iii) There is a public disturbance;
- (iv) Webcasting may lead to a potential infringement of the rights of any person or other breach of law, subject to legal advice; or
- (v) The Chair considers that continuing to webcast would prejudice the proceedings of the meeting, subject to agreement by the majority of Members attending the meeting.

No exempt or confidential agenda items shall be webcast. The Democratic Services Officer for the meeting will ensure that webcasting of the meeting has ceased and will confirm this to the Chairman of the meeting before any discussion of exempt or confidential matters is commenced.

All archived webcasts will be available to view on the Council's website for a period of twelve months and thereafter will be stored in accordance with the Council's records management procedures.

Archived webcasts or parts of webcasts shall only be removed from the Council's website if the Monitoring Officer considers that it is necessary because all or part of the content of the webcast is or is likely to be in breach of any statutory provision or common law doctrine, for example Data Protection and Human Rights legislation or provisions relating to confidential or exempt information. If the Monitoring Officer has decided to take such action she must notify all Elected Members in writing as soon as possible of the decision and the reasons for such a decision. It is anticipated, however, that meetings will be conducted lawfully and that the need to exercise this power will occur only on an exceptional basis.

The actual webcasts and archived material, and copyright therein, remain the property of the Council, and the right to copy, issue, rent, perform, communicate or adapt any of the webcast or archived material is restricted as follows:

- (i) Subject to (ii) and (iii) below, any person may copy and use webcast material or part thereof provided that the facility is not used in a way that otherwise breaks the law and that the whole agenda item is displayed.
- (ii) The use of any webcast involving the alteration or editing of the material which results in changing the message or context is not permitted without the prior written approval of the Monitoring Officer.
- (iii) The use of webcast for commercial purposes involving re-use of the material is not permitted, unless the prior written approval of the Monitoring Officer is obtained.

Any Elected Member who is concerned about any webcast should raise their concerns with the Monitoring Officer.

If a technical fault develops, the Chair may agree a short adjournment to see if the problem can be resolved. If after adjourning the problem still persists, the meeting should continue irrespective of it not being transmitted live.

Prohibition on Political Publicity

Please note that the Council is prohibited from producing political publicity. This is defined as any material which in whole or in part, appears to be designed to affect political support for a political party. This duty is more acute during pre-election periods, which run from publication of the notice of election to the election. While politics can be a normal part of Council meetings, proceedings which are inherently political may have to be removed from any broadcast to avoid breaching the rules on political publicity. During pre-election periods there may be a short delay in broadcasting to ensure that any political publicity is not inadvertently published.

Other Filming and Recording of meetings

This protocol does not affect existing provisions in the Council's Constitution regarding the recording of meetings.

Members of the public are permitted to film or record Councillors and officers at any Council meetings that are open to the public and press, subject to compliance with the Council's Access to Information Procedure Rules, Rule 4A..

The Council also permits photography and social media reporting of all its public meetings.

Amendment of this Protocol

The Director of Governance and Legal Services shall be authorised to make any minor amendments to this Protocol to ensure it is kept up to date and fit for purpose.

**CARDIFF COUNCIL
CYNGOR CAERDYDD**



CONSTITUTION COMMITTEE:

28 FEBRUARY 2022

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

CONSTITUTION GUIDE

Reason for this Report

1. To inform the Committee about the new legislative requirement for Councils to prepare and publish an ordinary language guide to the Constitution; and enable the Committee to consider a draft Guide prepared for this purpose.

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).

Issues

3. Under the Local Government Act 2000 (section 37), the Council is required to prepare and keep up to date a document (referred to as its constitution) which contains copies of the council's standing orders and code of conduct, any information which the Welsh Ministers may direct them to keep and any other information which the authority considers appropriate.
4. The Local Government and Elections (Wales) Act 2021 ('the 2021 Act'), section 45, amends section 37 of the 2000 Act (local authority constitution) and places a further duty on principal councils to prepare, and keep up to date, a

constitution guide, which explains the content of their constitution in ordinary language.

5. The amended legislation also requires Councils to ensure copies of their constitution and constitution guide are published electronically and made available at their principal office for inspection by members of the public at all reasonable hours. The Council must supply a copy of its constitution and constitution guide to anyone who requests a copy, either free of charge or at a charge representing no more than the cost of providing the copy.
6. The new legislative requirements come into effect from 5th May 2022.
7. In considering their Constitution Guide, Councils are required to have regard to any statutory guidance issued by the Welsh Government. Draft statutory guidance indicates that:

'Preparing an effective constitution guide should form part of the council's strategy on encouraging participation in decision making by the council prepared under sections 39, 40 and 41 of the Local Government and Elections (Wales) Act 2021. Councils could speak to local people, and to voluntary organisations representing local people, to understand what it would be most helpful to put in the constitution guide.'

Councils should also have regard to their statutory duties in respect of equalities, Welsh language and the Well-being of Future Generations (Wales) Act 2015 when preparing their constitution guide. Councils should involve and consult a wide range of people and groups from diverse backgrounds before publishing the final guide.

An effective constitution guide will be one that understands the different interactions that local people are likely to have with the council, and with local democratic systems, and which dwells in more detail on those interactions. It may instead bear more similarity with some of the introductory information on councils' websites describing how the council operates.

For example, a guide could provide particular detail on:

- *The rights of the public to access information about the council (including the right to inspect accounts, and other formal documents);*
- *Rights of access to meetings, and public speaking rights;*
- *Arrangements for petitions.*

The Welsh Local Government Association and Lawyers in Local Government have produced a model guide to the constitution which councils may find helpful as a starting point. The Guide can be found at (insert reference).'

8. A draft Constitution Guide, based on the model guide and adapted to reflect Cardiff's constitutional arrangements, is attached as **Appendix A**. Members views are sought on any suggested changes to the draft Guide.

9. Subject to any agreed changes, it is recommended that officers carry out a public engagement and consultation process to seek feedback on the draft Guide, as part of the development of the Public Participation Strategy, prior to the Guide being finalised.
10. Once finalised and approved by the Cabinet as part of the Public Participation Strategy, the Constitution Guide will be published on the Council's website and made publicly available, in accordance with the legislative requirements.

Legal Implications

11. Relevant legal provisions are set out in the body of the report.

Financial Implications

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

Recommendations

The Committee is recommended to:

1. Consider the draft Constitution Guide attached as **Appendix A** and provide any views on its contents;
2. Note that a public engagement and consultation process will be undertaken to seek feedback on the draft Guide as part of the development of the Council's Public Participation Strategy;
3. Authorise the Monitoring Officer, in consultation with the Chair, to make any agreed changes to reflect the views expressed by the Committee and consultation feedback; and
4. Recommend the draft Constitution Guide, subject to any amendments, for approval by Cabinet as part of the Public Participation Strategy.

Davina Fiore

Director Governance and Legal Services & Monitoring Officer

22 February 2022

Appendices

Appendix A Constitution Guide, draft

Background papers

Draft model Constitution Guide for Welsh Councils, prepared on behalf of the WLGA

Mae'r dudalen hon yn wag yn fwriadol

Guide to the Constitution Of Cardiff Council

Produced pursuant to section 45 of the
Local Government and Elections (Wales) Act 2021

Draft : xx

Introduction

The constitution

The Council is made up of different individuals and bodies, who work together to deliver the Council's functions. The Council's constitution describes the different people and bodies that make up the Council, their functions, and the procedure rules that govern how those bodies work together to deliver services.

It is intended to: -

- enable the Council to make decisions efficiently and effectively;
- support you to participate in decisions that affect you;
- help Councillors to represent their constituents more effectively; and
- enable you to hold the Council to account.

One of the main aims of the constitution is to set out clearly what you can expect from the Council, and what you can do if your expectations are not met.

This guide

This guide is designed to help you to understand how the Council works to deliver services in your area. It provides an overview of the Council's constitution and explains key sections of the constitution in clear and simple language.

It may also be of use to those organisations that work with the Council to deliver services in the Council's area.

The first part of this guide explains why the constitution is important and how it is reviewed and updated.

It aims to answer questions such as: -

- *Why does the Council have a constitution?* p.5
- *How can I get a copy of the constitution?* p.5
- *Who is responsible for keeping the constitution up to date?* p.5

The second part of this guide explains how the Council is structured. It describes the Council's democratic bodies as well as how decisions are made and by whom.

It explains the functions of the Council, its Cabinet and its committees, and which body of the Council is responsible for particular policies and decisions.

It aims to answer questions such as: -

- *What does my local Councillor do?* p.9
- *What does the Council do?* p.11
- *What happens at Council meetings?* p.12
- *How does the Council make decisions?* p.12
- *How can I find out what the Council decided about an issue that affects me?* p.13
- *What does the Cabinet do?* p.15
- *How does the Cabinet make decisions?* p.15
- *What do the Council's committees do?* p.17
- *Who is responsible for governance, audit and risk management?* p.17
- *Who is responsible for upholding local democracy?* p.18
- *What does the licensing committee do?* p.19
- *What does the planning committee do?* p.19
- *How are decisions scrutinised?* p.20
- *Who is responsible for upholding standards and holding Councillors to account for their conduct?* p.21

The third part of this guide explains the roles and responsibilities of elected members and paid officers of the Council. It describes the jobs they do, and how they work together to deliver the Council's functions and priorities. It also explains the codes of conduct that govern councillors' and officers' conduct and the standards of behaviour that you can expect from them.

It aims to answer questions such as: -

- *What does the Lord Mayor and Chair of Council do?* p.**Error! Bookmark not defined.**

- *What does the Leader do?* p.24
- *What happens if the Leader is unable to perform their duties?* p.24
- *My Councillor is a member of the Cabinet, what does this mean?* p.25
- *How are members of the Cabinet supported?* p.25
- *What does the Chief Executive do?* p.25
- *What responsibilities does the Monitoring Officer have?* p.26
- *Who is responsible for ensuring that the Council's democratic policies and procedures are complied with?* p.26
- *How should Councillors behave?* p.28
- *How should Officers behave?* p.30
- *Are there any special requirements when Councillors or Officers decide planning applications?* p.30
- *How can I complain about the behaviour of a Councillor?* p.31
- *How do I report concerns about the conduct of a paid Officer of the Council?* p.32

The fourth part of this guide provides a summary of the key policies and procedures that govern how the Council carries out certain functions.

It aims to answer questions such as: -

- *Where can I find the Council's key plans and strategies?* p.33
- *How is the Council's policy framework decided?* p.33
- *How does the Council set its budget?* p.34
- *Can decisions be taken that do not comply with the budget or policy framework?* p.34
- *Can money be moved from one budget head to another once the budget has been adopted?* p.35
- *What other policies and procedures govern how the Council manages its budget?* p.35

- *Are there any restrictions on how the Council buys in goods and services?* p.35
- *How does the Council enter into contracts and agreements?* p.35

The final part of this guide explains how you can engage with, and get involved in, your Council and local democracy. It explains how your councillors are elected, how you can contact your councillor, raise questions and speak at meetings, and how you can use petitions to raise issues that are important to you with the Council.

It aims to answer questions such as: -

- *How can I find out when meetings of the Council and its committees and bodies are taking place?* p.37
- *How can I find out what will be discussed at a particular meeting?* p.37
- *How can I find out when an issue I am concerned about will be decided?* p.37
- *Can I ask a committee or body of the Council to look into a particular issue?* p.37
- *Can I attend meetings of the Full Council?* p.38
- *Can I attend other meetings?* p.38
- *Can I speak at a meeting?* p.39
- *Can I ask a question at a meeting?* p.39
- *How can I find out what the Council decided?* p.39
- *Can I view the Council's accounts to understand how my council tax is spent?* p.40

Signposts to the most relevant sections of the constitution and to additional resources available on the Council's website are provided throughout this guide to enable you to read more on a particular topic if you wish.

There is also a detailed index on the last page of this guide to allow you to quickly look up specific topics and issues of interest to you.

If there is anything in this guide which is unclear, or anything is missing, please let us know so we can improve it.

You can get in touch by [\[insert contact details\]](#).

Part 1 The constitution

The constitution governs the way in which the Council, Councillors and officers working at the Council work together to deliver the Council's functions. It ensures that everyone at the Council acts lawfully, fairly and appropriately and that the Council's functions are performed properly and effectively.

 Article 1.3 of the constitution explains the purpose of the constitution.

You can obtain a copy of the constitution from the Council's offices and view it on the Council's website. A copy of the constitution must also be provided to each Councillor when they are elected to the Council.

 You can access the Council's constitution on the Council's website [<insert hyperlink>](#).


 Article 15.3 of the constitution explains where, when and how the constitution must be published.

The Monitoring Officer is responsible for maintaining and reviewing the constitution. The Monitoring Officer is also responsible for deciding how the constitution should be understood and applied. You can read more about the Monitoring Officer's role in Part 4 of this guide.

The Full Council is responsible for agreeing the constitution. The Council has set up a Constitution Committee to review and recommend any changes to the Constitution. The Constitution Committee can make some constitution changes on behalf of the Council, but most changes to the constitution are recommended to the Full Council for approval.

The Monitoring Officer may also make minor changes to the constitution. For example, where there is a change in the law that affects the constitution, or where a minor change is needed to clarify a provision in the constitution that is unclear.

Article 14 of the constitution explain how the constitution is agreed and how it can be changed.

 Appendix 2 to Part 3 of the constitution sets out the constitution changes which can be made by the Constitution Committee

The constitution also governs how meetings of the Council and its committees should be conducted. The person chairing a meeting will be responsible for ensuring that the constitution is followed during that meeting.



Key words and phrases are defined and explained in Article 15.2 of the constitution.

Part 2 The Council's democratic structures

The Council is made up of Councillors who are elected every four years to represent people living in different parts of the Council's area (referred to in the constitution as 'electoral divisions' or 'wards').

Councillors are responsible for everyone living in the Council's area, but they have a special duty to people living in their ward.



Article 2 of the constitution provides an overview of how individual Councillors work together as the Council.

All Councillors meet together regularly as the Full Council. The Full Council is responsible for setting the Council's budget, policy priorities and overall policy framework.

At the start of every year, the Full Council will elect one Councillor as Lord Mayor. The Lord Mayor is responsible for chairing meetings of the Full Council and ensuring that decisions are taken properly and in accordance with the rules. The Lord Mayor is also a civic position and is responsible for carrying out certain ceremonial functions.

You can read more about these roles in Part 3 of this guide.

The Council appoints a small number of individual councillors, usually from the majority political party, to the Cabinet. Members of the Cabinet are responsible for specific policy areas, commonly referred to as portfolios. Cabinet members' portfolios are not included in the constitution because they may change from time to time, but portfolios are shown on the Council's website [insert hyperlink]

The Cabinet meets regularly to take collective decisions on those aspects of the Council's work which the Cabinet is responsible for.

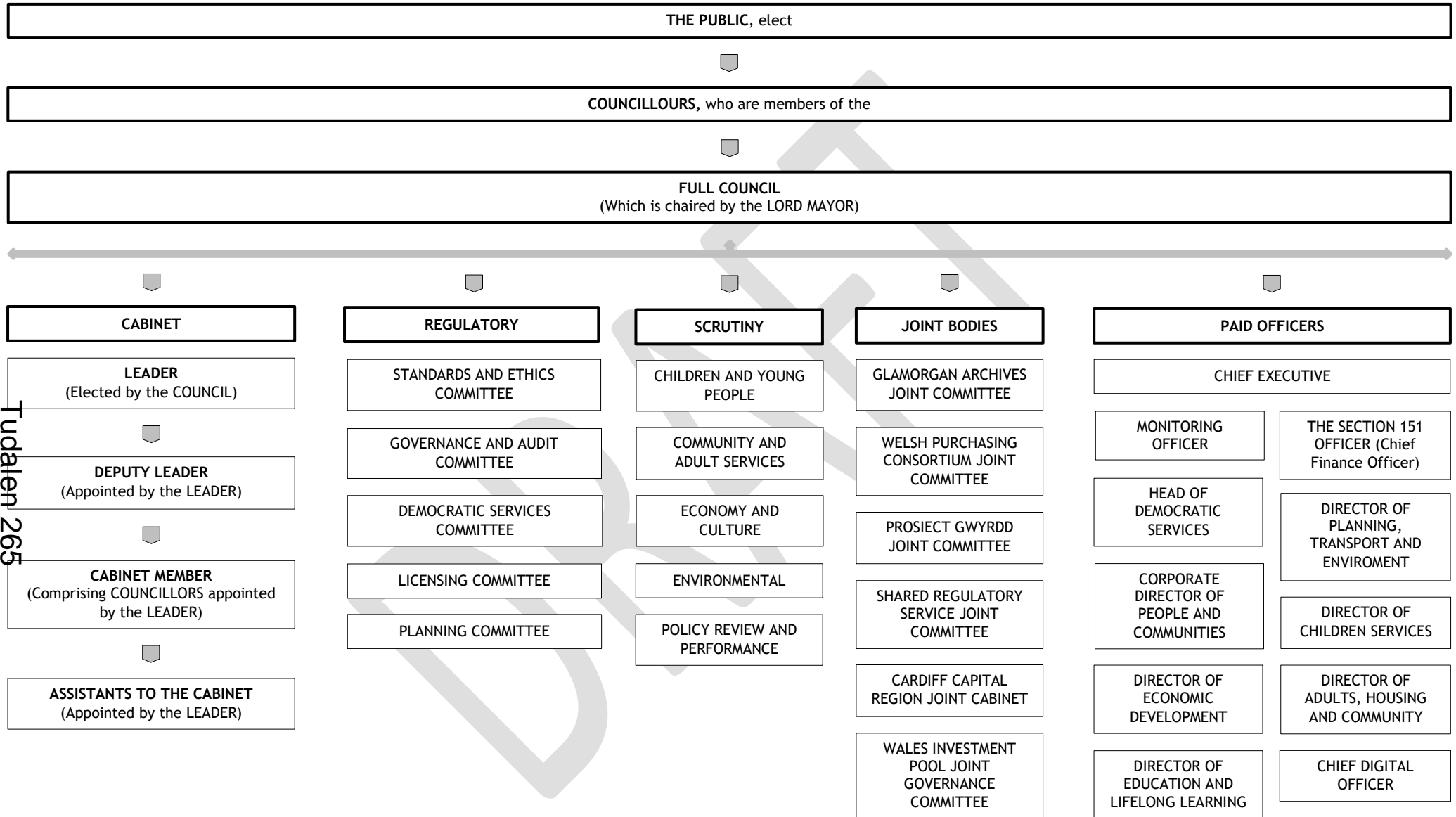
Some of the Council's functions are carried out by committees. Committees are small groups of Councillors that meet together to carry out certain of the Council's regulatory and scrutiny functions. Committees have a number of members from each political group, in the same proportion as the number of councillors from each political group on the Council overall (referred to as 'political balance' or 'political proportionality'), unless everyone agrees otherwise.

The Council may engage such paid staff (referred to as officers) as it considers necessary. The Cabinet, Full Council and committees may delegate functions to

officers. Further information on delegations can be found in the officers' scheme of delegations [\[insert hyperlink\]](#).

You can read more about all of these structures in the following sections of this Part of the guide.

Structure Chart



Tudalen 265

Councillors

Councillors are elected by the people living in a particular ward to represent them on the Council. However, Councillors are also accountable to the wider community and must act in the best interests of everyone living in the Council's area.

If you want to raise an issue with the Council and are not sure who to contact, you may wish to contact your Councillor to ask for help.



You can find out who your local Councillor is and their contact details on the Council's website <insert hyperlink>.

All Councillors are members of the Full Council, and they may also be members of one or more of the Council's members bodies (such as the Cabinet or a committee). Where Councillors act as a member of a particular Council body, they are referred to in the constitution as 'Members'.



This is explained more fully in the list of definitions in Article 15.2 of the constitution.

Councillors have certain rights that are set out in the constitution, which enable them to raise issues and make representations on your behalf.

For example, Councillors may: -

- see any information which they need in order to fulfil their role as a member of the Council;
- attend any meeting of the Council, its committees or the Cabinet;
- speak at any meeting of any Council body which they are a member of;
- with the permission of the chair, speak at any meeting of any Council body (even if they are not a member of that body);
- talk to the Leader, or members of the Cabinet or Council officers about any aspect of Council business; and
- raise complaints.



Councillors' rights and duties are set out in Article 2 of the constitution.



Councillors' rights to information are set out in Rule 18 of the Access to Information Procedure Rules and the Protocol on Members' Rights of Access to Information and Documents.

Councillors may also raise questions at meetings of the Full Council and the Council's committees and sub-committees, submit motions to the Full Council and call-in decisions.



The rules surrounding how these rights are exercised are set out in the procedure rules for each type of meeting: Council Meeting Procedure Rules; Committee Meeting Procedure Rules; Planning Committee Procedure Rules; and Scrutiny Procedure Rules.

Full Council



Article 4 of the constitution governs the Full Council.

What does the Full Council do?

The law requires that certain important decisions are taken by all Councillors meeting together as the Full Council. These are referred to in the constitution as functions of the Full Council. The Council may decide that other non-executive functions should be carried out by the Full Council too. These are referred to in the constitution as local choice functions because the Council has a choice about which person or body should carry them out.



Part 3 of the constitution explains the different types of functions that are carried out by the Council and which part of the Council is responsible for carrying them out.

The Full Council is responsible for, amongst other things: -

- agreeing the constitution, and any changes to the constitution;
- setting the Council's budget;
- agreeing the Council's Corporate Plan (which explains how the Council will deliver its legal duties in areas such as health and social care, children and young people and community safety);
- agreeing key plans and strategies (referred to in the constitution as the 'policy framework');
- electing the Leader and the Lord Mayor; and
- appointing the Chief Executive and other Chief Officers.




The functions of the Full Council are listed in Article 4.1 of the constitution.


Meetings of the Full Council are chaired by the Lord Mayor, who is responsible for ensuring that meetings are conducted in accordance with the constitution and that decisions are made properly, fairly and lawfully.

You can read more about the role of the Lord Mayor in Part 3 of this guide.


What happens at meetings of the Full Council?

 The different types of full Council meetings, how they are called, the issues they decide and the rules for how meetings are run are set out in the Council Meeting Procedure Rules found in Part 4 of the constitution.


The Full Council will meet at the start of each financial year to elect Councillors to particular positions on the Council, to appoint Councillors to outside bodies and to establish committees and working groups to carry out the Council's business during the year. This is known as the annual meeting.

 The timing of the annual meeting and the issues to be decided at that meeting are described in Rule 2 of the Council Meeting Procedure Rules in the constitution.

At the annual meeting, the Council will also decide how often all Councillors should meet together as the Full Council. These regular meetings of the Full Council are known as ordinary meetings.

 Ordinary meetings will deal with the business set out in Rule 3 of the Council Meeting Procedure Rules in the constitution.


In some circumstances, it may be necessary for the Full Council to meet before its next scheduled meeting to discuss an issue that is particularly urgent or important. This is known as an extraordinary meeting of the Council.

 The process by which an extraordinary meeting may be called and the issues that may be discussed there are set out in Rule 4 of the Council Meeting Procedure Rules of the constitution.

The full Council decides the dates for its programme of meetings for each year at the annual council meeting.

The Director of Governance and Legal Services is responsible for issuing a summons for each Councillor to attend each Council meeting. He/She is also responsible for ensuring that the public are told about meetings of the Full Council, by publishing a notice in advance of each meeting. The notice must include certain information such as the date and time of the meeting, where it will be held and how you can access the meeting remotely using video conferencing.

You can read more about participating in meetings of the Council in part 4 of this guide.

 Rules 5 and 6 of the Council Meeting Procedure Rules govern meeting arrangements and notice requirements.

How does the Full Council make decisions?

Meetings of the Full Council are carried out in accordance with an agreed set of rules that are designed to ensure that debates are conducted fairly and efficiently, and that every Councillor has the ability to raise questions and to make comments on the public's behalf.



The rules and procedures for the conduct of meetings and debate are set out in Parts 2 – 4 of the Council Meeting Procedure Rules.

Decisions are made by Councillors casting votes for or against a particular decision (referred to in the constitution as a motion). Councillors may also propose amendments (changes) to a particular motion, which must then be voted on.

Usually, 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.

Decisions will usually require a simple majority of those present voting for a particular motion. In other words, more Councillors must vote for a motion than against it. Where a vote is tied once all Councillors have voted, the Chair (the Lord Mayor) will have a second, casting vote.

If a matter is uncontroversial and no Councillor raises any objection, the Chair may declare the motion or recommendation to be carried (agreed). However, if there are any objections, the Chair will initiate a vote. Councillors may also request that their individual vote on a particular motion is recorded in the minutes.



The Council's voting arrangements are set out in Rule 29 of the Council Meeting Procedure Rules.

Does every Councillor need to be present before a decision can be taken?

Not every Councillor needs to vote on every decision. In fact, in some circumstances it may not be appropriate for a Councillor to vote on a particular issue (for example, where they have a personal interest in a decision). You can read more about this in part three of this guide.

However, in order for the Council to make a lawful decision a minimum number of Councillors must be present at a meeting. The minimum number of Councillors that must be present at a meeting is referred to in the constitution as the quorum for that meeting.



Rule 8 of the Council Meeting Procedure Rules sets out the minimum number of Councillors that must be present so the Full Council can make a decision.




Are meetings recorded?

Full Council meetings are webcast as they take place so that members of the public not in attendance at the meeting can see and hear the proceedings. The live webcast can be viewed on the Council's website at the time of the meeting; and remains available for a period of 12 months after the meeting.

Within 7 working days after a meeting, the Council will publish on its website a note recording the names of the Councillors who attended the meeting and the decisions taken at the meeting.

A full record of each meeting is also made in the form of minutes. The minutes will be agreed by the next meeting of the Council and published on the Council's website in accordance with the Council's Access to Information Procedure Rules, for a period of 6 years after the meeting.

If you want to find out what the Council decided about an issue that affects you, you can read the minutes of the meeting where that issue was discussed.

-  Information on the note of decisions taken and minutes of Council meetings can be found in Rule 8 of the Access to Information Procedure Rules.
-  The Access to Information Procedure Rules can be found in Part 4 of the constitution.
-  Minutes of meetings are available on the Council's website <insert hyperlink>.

The Cabinet

The Cabinet is made up of the Leader and individual Councillors appointed to the Cabinet by the Leader.



Article 7.2 of the constitution explain the composition of the Cabinet and how Councillors are appointed to the Cabinet.

The role of Leader and any role on the Cabinet may be carried out by two or more Councillors on a job-share basis.

What does the Cabinet do?

The law classifies the functions of the Council as 'executive functions' or 'non-executive functions'. The Cabinet is responsible for carrying out the Council's executive functions. However, in practice the Cabinet cannot carry out every one of these functions, so the Council reserves responsibility for certain functions to the Cabinet and delegates responsibility for other functions to officers of the Council or to other bodies like joint committees.

The Council decides which functions to delegate to whom. This is known as the Council's Scheme of Delegations.



Article 7.7 of the constitution explains how the responsibility for executive functions is allocated by the Council.



The Council's Scheme of Delegation can be found in Part 3 of the constitution.

Meetings of the Cabinet

The Cabinet will decide when the Cabinet will meet, and for how long. The Leader will chair meetings of the Cabinet.

The constitution prescribes certain matters that must be considered at every meeting of the Cabinet. Additionally, any member of the Cabinet and certain Chief Officers may require that an item of business is added to the meeting agenda.

Meetings of the Cabinet are carried out in accordance with the Cabinet Procedure Rules in the constitution.



The Cabinet Procedure Rules, found in Part 4 of the constitution govern how meetings of the Cabinet are conducted.

How does the Cabinet make decisions?

The Cabinet is obliged to consult with stakeholders, including individual Councillors, members of the public and certain committees, before it makes certain decisions on matters that are not urgent. The type and level of consultation will depend on the matter being decided. The outcomes of the consultation will be carefully considered to inform the Cabinet decision.



These consultation requirements are explained in Rule 2.4 of the Cabinet Procedure Rules.

All Cabinet decisions are published in the Cabinet Decision Register on the Council's website.



Rule 13 of the Access to Information Procedure Rules sets out the requirements for the Cabinet's record of decisions.

You can view the Cabinet's Decision Register on the Council's website here [insert hyperlink]



You can read the minutes of meetings of the Cabinet on the Council's website here <insert hyperlink>.

Why does the Council have committees and what do they do?

The law requires the Council to establish committees for the purpose of carrying out certain legal functions of the Council. The Council establishes its Committees and appoints Committee members and Chairs for the year at the annual council meeting.

A list of the regulatory and other committees established by the Council is set out in Article 8 of the Constitution.



The functions of each committee are set out in the committees' approved terms of reference in Appendix 2 to Part 3 of the constitution.

The rules and procedures for the conduct of committee meetings are set out in the Committee Meeting Procedure Rules [[insert hyperlink](#)]

The Council may also decide to establish other committees and working groups for the purpose of assisting the Council to conduct its business efficiently and effectively.

What do the Council's regulatory committees do?

Standards and Ethics Committee

The Standards and Ethics Committee is responsible for promoting high standards of conduct by Councillors of Cardiff Council and Community Councils in Cardiff, including by advising and training Councillors on the Members' Code of Conduct and advising the Council on changes to that Code.

The Monitoring Officer is the senior officer responsible for advising and supporting the Standards and Ethics Committee.



The functions of the Standards and Ethics Committee are set out in the committee's approved terms of reference in Appendix 2 to Part 3 of the constitution.

The Standards and Ethics Committee is also responsible for considering complaints of alleged breaches of the Members' Code of Conduct. Complaints may be referred to the Committee by the Public Services Ombudsman for Wales or by the Monitoring Officer under the Local Resolution Protocol adopted by Cardiff Council for dealing with lower level complaints made by Cardiff Councillors about the behaviour of other Councillors. A Hearings Panel may be established, made up from members of the Standards and Ethics Committee, to determine conduct complaints referred to the Committee. The Committee has adopted procedures for dealing with any matters referred to the Hearings Panel.

The Standards and Ethics Committee comprises a mixture of Councillors and independent members (who cannot be members or paid officers of the Council or

related to members or paid officers of the Council) and includes one community councillor.

The Committee includes one Councillor from each of the 3 largest political groups represented on the Council and seeks to operate in a politically neutral manner, guided by shared ethical principles.

You can read more about the Standards Committee in Article 9 of the constitution.



Meeting agendas, reports and minutes of the Standards and Ethics Committee are published on the Council's website here [insert hyperlink]

Governance and Audit Committee

The Governance and Audit Committee advises the Full Council, the Cabinet and their respective committees and members on matters relating to good governance, financial oversight, risk management and complaints.

The Governance and Audit Committee monitors the effectiveness of the Council's rules and procedures for ensuring that the Council acts lawfully, responsibly and that it is accountable to the public (referred to in the constitution as the Council's governance systems and internal controls). The committee is also responsible for ensuring that the Council's decisions and finances are audited in accordance with agreed procedures.

The Governance and Audit Committee comprises a mixture of Councillors and lay members (who are not members of the Council). Councillors are appointed to the Committee in accordance with the political balance rules (which ensure that the political make-up of the committee reflects the political make-up of the Council).



The functions of the Governance and Audit Committee are set out in the committee's approved terms of reference in Appendix 2 to Part 3 of the constitution.





Meeting agendas, reports and minutes of the Governance and Audit Committee are published on the Council's website here [insert hyperlink]

Democratic Services Committee

The Democratic Services Committee is responsible for designating an officer of the Council as the Head of Democratic Services, keeping under review the provision of resources to the Head of Democratic Services for discharging the democratic services functions of the Council and reporting annually to the Council on these matters.



The Democratic Services Committee is made up of Councillors appointed to the Committee in accordance with the political balance rules (which ensure that the political make-up of the committee reflects the political make-up of the Council), and includes no more than one Cabinet member or Assistant to the Cabinet, who cannot be the Leader of the Council.

| | |
|---|--|
|  | The functions of the Democratic Services Committee are set out in the committee's approved terms of reference in Appendix 2 to Part 3 of the constitution. |
|  | Meeting agendas, reports and minutes of the Democratic Services Committee are published on the Council's website here [insert hyperlink] |

Licensing Committee

The Council is responsible for deciding whether to grant licences for a wide range of different businesses, services and activities in its area. The Council's licensing functions are delegated to the Council's Licensing Committee.


The Council will appoint individual Councillors to the Licensing Committee and agree terms of reference for, and the delegation of powers to, the Licensing Committee to enable it to discharge those functions.

| | |
|---|--|
|  | The functions of the Licensing Committee are set out in the committee's approved terms of reference in Appendix 2 to Part 3 of the constitution. |
|  | Meeting agendas, reports and minutes of the Licensing Committee are published on the Council's website here [insert hyperlink] |

Planning Committee


The Council is responsible for operating the planning system in its area. This involves preparing local development plans and local planning policies (which govern development in the Council's area) and managing development (by granting or refusing permission for new development).

The Council will appoint individual Councillors to the Planning Committee and agree terms of reference for, and the delegation of powers to, the Planning Committee to enable it to discharge those functions.

 The functions of the Planning Committee are set out in the committee's approved terms of reference in Appendix 2 to Part 3 of the constitution.

The planning committee has a separate set of procedure rules governing the proceedings at planning committee meetings, set out in the Planning Committee Procedure Rules.

The Members' Planning Code of Good Practice provides information and guidance for Councillors, officers and members of the public about the Council's planning processes [insert hyperlink]

 Meeting agendas, reports and minutes of the Governance and Audit Committee are published on the Council's website here [insert hyperlink]

What do the Council's scrutiny committees do?

The Council has 5 different Scrutiny Committees responsible for holding the Cabinet and other bodies of the Council to account in relation to different aspects of the Council's work:

- (i) Children and Young People
- (ii) Community and Adult Services
- (iii) Economy and Culture
- (iv) Environmental
- (v) Policy Review and Performance

Each Scrutiny Committee is comprised of 9 Councillors. Membership of Scrutiny Committees is restricted to those Councillors who are not members of the Cabinet or Assistants to the Cabinet.

The Scrutiny Committees can: -

- review and scrutinise decisions made by the Cabinet and other parts of the Council;
- make reports and recommendations to the Council or to the Cabinet; and
- make proposals regarding changes to the Council's policies and procedures.

The size, membership and general role of the Scrutiny Committees is set out in Article 6 of the Constitution.



The approved terms of reference for each Scrutiny Committee is set out in Appendix 2 to Part 3 of the constitution.

Members of Scrutiny Committees must be told about meetings of other Council bodies. They have special rights to see Council documents.

Scrutiny Committees may also require any member of the Cabinet or any senior paid officer of the Council to attend a meeting of the committee to explain a decision that they have taken or their performance.



The rules around membership of Scrutiny Committees, the conduct of committee meetings and the carrying out of the functions of the committee are set out in the Scrutiny Procedure Rules, found in Part 4 of the Constitution.

What are joint committees?

The Council may carry out some of its functions jointly with one or more other local authorities in Wales, and with other public bodies. The Council may decide to do this where, for example, the Council considers that it could better promote the economic, social or environmental wellbeing of people living in its area by coordinating its activities with other local authorities, bodies or people.

The Council can establish a joint committee with other local authorities, bodies or people and delegate decisions and functions to that joint committee. By allowing decisions to be taken by a joint committee, the Council can ensure that decisions can be coordinated between all authorities and bodies represented on the committee.

The Cabinet may also establish joint arrangements with one or more local authorities in Wales for the purpose of jointly exercising executive functions together with those authorities.

The Council and the Cabinet may also delegate or contract out particular functions to another local authority or to another body or organisation.



Article 10 of the constitution governs the circumstances in which the Council or Cabinet may enter into joint arrangements with other authorities and bodies, delegate functions and contracting out arrangements.

Section 5 of the Scheme of Delegations (in Part 3 of the Constitution) lists the joint committees established by Cardiff Council with other local authorities: [insert hyperlink].

Part 3 Roles and responsibilities

What roles do Councillors perform?

The key roles of all Councillors are to:

- (i) collectively set the Policy Framework and carry out a number of strategic functions;
- (ii) represent their communities and bring their views into the Authority's decision-making process, i.e. become the advocate of and for their communities;
- (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (iv) seek to balance different interests identified within the ward and represent the ward as a whole;
- (v) promote and ensure efficiency and effectiveness in the provision of Council services;
- (vi) be involved in decision-making;
- (vii) be available to represent the Authority on other bodies; and
- (viii) maintain the highest standards of conduct and ethics.

Councillors may also be elected or appointed to other specific roles, such as:

- Leader and Deputy Leader;
- Lord Mayor and Deputy Lord Mayor
- Cabinet Member or Assistant to the Cabinet
- Chair or Member of a Regulatory or Other Committee
- Chair or Member of a Scrutiny Committee
- Leader of the Opposition and Deputy Leader of the Opposition; and

- Member Champion.

What roles do Officers perform?

The Council may engage such employees as necessary to carry out its functions. Officers are politically neutral and serve the whole Council and its Councillors by providing advice, implementing the Council's policies, and delivering services to the local community.

The Council has designated senior staff with specific statutory roles, including:

- the Chief Executive,
- the Monitoring Officer,
- the Chief Finance Officer (referred to as the 'Section 151 Officer'), and
- the Head of Democratic Services.

Article 11 of the constitution sets out information about the roles played by these senior paid officials of the Council

This part of the guide provides more information about these important roles.

Lord Mayor and Deputy Lord Mayor

The Lord Mayor and Deputy Mayor are elected by the Full Council at the annual council meeting every year.

The Lord Mayor is responsible for: -

- promoting and upholding the constitution;
- presiding over meetings of the Full Council;
- ensuring that meetings of the Full Council are quorate and conducted in accordance with the Council's procedure rules; and
- ensuring that decisions are taken in accordance with the constitution.

The Lord Mayor is also the civil leader of the Council. They are responsible for promoting the interests and reputation of the Council and for carrying out civic, community and ceremonial activities.

The Deputy Lord Mayor performs the Lord Mayor's functions in their absence.



You can read more about the role and functions of the Lord Mayor and the Deputy Mayor in Article 5 of the constitution.

Leader and Deputy Leader

The Leader is elected by the Full Council

The Deputy Leader is appointed by the Council to exercise the Leader's functions in their absence.

The Leader is responsible for appointing members of the Cabinet and allocating specific policy areas and responsibilities (portfolios) to members of the Cabinet.

The Leader chairs meetings of the Cabinet; and is also chair of Cardiff's Public Services Board (a body which brings together the city's public service leadership and decision-makers to strengthen joint working, improving Cardiff's economic, social, environmental and cultural well-being).



Please see Article 7 of the constitution for more information.

Member of the Cabinet

Members of the Cabinet are responsible for: -

- playing an active role in Cabinet meetings and decision making;
- contributing to the development of the Council's forward work programme and to policies and procedures in their area of responsibility;
- providing political leadership to the Council's paid officers on matters they are responsible for;
- reporting to the Full Council, the Leader, the Cabinet and others on the performance of services which they are responsible for; and
- participating in the Council's scrutiny processes and procedures, including by explaining decisions they have made and the performance of functions within their area to relevant Scrutiny Committees.



You can read more about members of the Cabinet in Article 7 of the constitution.

Assistant to the Cabinet

Assistants to the Cabinet support members of the Cabinet by taking on certain tasks and responsibilities on their behalf. They may attend meetings, prepare reports, review papers and draft comments for the member they support.

Assistants to the Cabinet are not members of the Cabinet and cannot vote at Cabinet Meetings or Cabinet Committee Meetings. However, they are entitled to attend and to speak at meetings of the Cabinet and its committees.




You can read more about Assistants to the Cabinet in Article 7.5 of the constitution.


What roles do paid officers of the Council perform?

The elected members of the Council are supported by paid officers of the Council, who are accountable to the Council and responsible for delivering services to the public in accordance with the policies and procedures agreed by the Full Council, the Cabinet and their committees and bodies.


The **Chief Executive** has overall corporate and operational responsibility for the work of the Council and for all paid officers of the Council.

 The Chief Executive's role and responsibilities are described in Article 11.2 of the constitution.


The **Monitoring Officer** is responsible for ensuring lawfulness and fairness in the Council's decision making, maintaining and upholding the constitution, receiving reports of alleged breaches of the Council's duties and obligations and conducting investigations into such allegations.

 The Monitoring Officer's role and responsibilities are described in Article 11.3 of the constitution.

The Section 151 Officer (**Chief Finance Officer**) is responsible for ensuring that the Council makes lawful and financially prudent decisions. They are also responsible for the administration of the Council's financial affairs and providing advice to Councillors on the Council's budgetary and other financial procedures.

 The Section 151 Officer's role and responsibilities are described in Article 11.4 of the constitution.


The **Head of Democratic Services** is responsible for advising the Council, its committees and individual Councillors, on the proper discharge of the Council's democratic functions and responsibilities.


 The Head of Democratic Services' role and responsibilities are described in Article 11.5 of the constitution.

The Council also employs a number of other Directors / Chief Officers, including: -

- Corporate Director of People and Communities
- Director of Economic Development
- Director of Education and Lifelong Learning
- Director of Planning, Transport and Environment
- Director of Childrens Services
- Director of Adults, Housing and Communities
- Chief Digital Officer

Directors / Chief Officers are each accountable to the Council for the financial management and administration of those services and activities allocated to them in accordance with the Council's policies.

 The senior management structure of the Council is set out in Part 7 of the constitution.

 The processes by which officers are recruited, appointed, disciplined and dismissed are set out the Employment Procedure Rules, found in Part 4 of the constitution.

How should Councillors and Officers behave?

Councillors should comply with the Members' Code of Conduct

Councillors are expected to uphold the highest standards of personal and professional conduct. Those standards are described in the Code of Conduct for Members.

The Code of Conduct for Members is intended to help and guide Councillors in maintaining appropriate standards of conduct when serving their community. In turn, it provides reassurance to the public and helps build their trust in, and respect for, their local representatives.

The Code of Conduct for Members is based upon the 7 Principles of Public Life, which were first set out in the 1995 Nolan Report on Standards in Public Life. Three additional principles were added in the local government principles in Wales.

The Code of Conduct for Members is consistent with, and provides for the practical application of, these principles.

➤ **Selflessness**

Members must act solely in the public interest. They must never use their position as members to improperly confer an advantage on themselves or to improperly confer an advantage or disadvantage on others.

➤ **Honesty**

Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

➤ **Integrity and propriety**

Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

➤ **Duty to uphold the law**

Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

➤ **Stewardship**

In discharging their duties and responsibilities members must ensure that their authority's resources are used both lawfully and prudently.

➤ **Objectivity in decision-making**

In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, members must make decisions on merit. Whilst members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

➤ **Equality and respect**

Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sex, sexual orientation, marital status, age or religion, and show respect and consideration for others.

➤ **Openness**

Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

➤ **Accountability**

Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

➤ **Leadership**

Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.



You can read the Code of Conduct for Members in full in Part 5 of the constitution.

Councillors are expected to ensure that they understand their obligations under the Code and act in a way which shows that they are committed to meeting the high standards of conduct that are expected of them. Councillors are provided with training when they are first appointed, and on a regular basis, to support them to comply with the Code of Conduct for Members.

Special requirements for Councillors who are members of the Council's planning committee

Planning affects people's private and financial interests in land and property and the environment in which communities live, work and play.

The Council's planning committee is responsible for balancing the needs and interests of individuals and the community to make decisions that are open, fair and transparent and decided using sound judgment and for justifiable reasons.

For these reasons, members of the Council's planning committee are expected to abide by an additional Members' Code of Good Practice.

The Members' Code of Good Practice explains, amongst other things: -

- the role of officers in providing impartial and professional advice to members of the committee;
- the factors that should be taken into account when deciding an application for planning permission and the factors that should not be taken into account;
- the legal duties which members of the committee must have regard to, such as the duty to have regard to the need to ensure that development contributes to the economic, social, environmental and cultural well-being of Wales and the duty to have regard to the impact of development on the extent to which the Welsh language is used in the Council's area
- the action members should take if they have a personal interest in a matter being determined by the committee (e.g. where an application relates to a property which they own); and
- how applications for development proposed by, or to be carried out by, the Council should be decided.



You can read the Members' Planning Code of Good Practice in full in Part 5 of the constitution.

Officers should comply with the Employees' Code of Conduct

Paid officers of the Council are responsible for serving the council by providing advice to Councillors, implementing the Council's policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

The public is entitled to expect the highest standards of conduct from all those who work for the Council. The Employees' Code of Conduct outlines the rules and

conditions of service which apply to the Council's employees. It is designed to provide clear guidance to assist them in their day to day work and to allow the public to understand what they can expect when they interact with a Council employee.



You can read the Employees' Code of Conduct in full in Part 5 of the constitution.

How should Councillors and Officers work together?

Councillors and Officers have different roles, responsibilities and accountabilities, but it is imperative that they work effectively together to perform the Council's functions and to deliver services to residents living in the Council's area.

The Protocol on Member /Officer Relations is designed to clarify the respective roles and responsibilities of Councillors and Officers and to guide them in their dealings with one another. It explains what Councillors and Officers can reasonably expect from one another and how they should work together to achieve their common purpose.

Councillors are entitled to express political views and to support the policies of the party or group to which they belong. Conversely, officers are expected to carry out the Council's business in a politically impartial way and many are restricted from engaging in political activity. The protocol therefore explains how officers can support the policy deliberations by political groupings, while remaining politically neutral.



You can read the Protocol on Member and Officer Relations in full in Part 5 of the constitution.

How can I make a complaint?

Article 3.1 of the constitution explains that you have the right to complain to:

- (i) the authority itself under its Complaints Policy (for any complaints about the Council, its services or officers);
- (ii) the Ombudsman about any injustice you have suffered as a result of maladministration, but you are encouraged to use the Council's own Complaints Policy first; and

(iii) the Ombudsman if you believe a Councillor or co-opted member of the Council has breached the Member's Code of Conduct.




The Council's website provides more information about how to complain <insert hyperlink>.


Part 4 Policies and procedures

The Council's key plans and strategies (the policy framework)


Where can I find the Council's key plans and strategies?

The Full Council is responsible for setting the Council's key plans and strategies, which together form the Council's policy framework.

 The plans and strategies which form the Council's policy framework are listed in Article 4.2 of the constitution.

 Individual plans and strategies are published on the Council's website. [insert hyperlink]

Additionally, the Council's Corporate Plan brings together the Council's plans and strategies for: communities; children and young people; health social care and wellbeing; and community safety.

 The Council's Corporate Plan is published on the Council's website <insert hyperlink>.


How is the Council's policy framework decided?

The Cabinet is responsible for consulting with relevant stakeholders, considering any reports or recommendations made by the Council's scrutiny committees and working with the Council's senior officers to develop a draft policy framework.

Once the Cabinet has developed a draft policy framework, it will be considered by a meeting of the Full Council. The Full Council may decide to adopt the policy framework, make changes to it, refer it back to the Cabinet so that further work can be done on it, or substitute its own policy framework for the draft prepared by the Cabinet.

If the Full Council decides to adopt the policy framework then it shall take effect immediately. If the Full Council amends the policy framework then the Leader has an opportunity to object to the amendments and to reconvene the Full Council to reconsider the policy framework.

Once adopted, the Cabinet, their committees, individual Councillors and the Council's paid officers are bound to act in accordance with the policy framework.

 The process by which the Full Council adopts a policy framework is described in the Budget and Policy Framework Procedure Rules, found in Part 4 of the constitution.

Budget setting and financial management

How does the Council set its budget?

The Full Council is responsible for agreeing the Council's budget, and for agreeing changes to the Council's budget once it has been formally adopted.

The Council's budget is in two parts: -

- the revenue budget provides for day to day operating costs and expenditure like staff salaries, rent, and the ongoing costs of providing services.
- the capital budget provides for one-off costs like a major road improvement scheme, or the purchase or construction of a new car park.

The Cabinet, in consultation with the Section 151 Officer (Chief Finance Officer), is responsible for developing initial proposals for the Council's budget and consulting over these.

Once this consultation has been completed, the Cabinet is responsible for preparing a final budget proposal for consideration by the Full Council.

The Full Council may adopt the budget without making any changes, amend the budget, or ask the Cabinet to reconsider it before adopting it.



The process by which the Full Council adopts its budget is described in the Budget and Policy Framework Procedure Rules, found in Part 4 of the constitution.

Decisions outside the budget or policy framework

Can decisions be taken that do not comply with the budget or policy framework?

The Full Council may decide to make changes to the policy framework.

Other bodies and individuals may only take decisions that do not comply with the policy framework in a limited number of exceptional circumstances, which are set out in the constitution. For example, where an urgent decision must be taken to safeguard the Council's interests and it is not possible to arrange a meeting of the Full Council in time.

However, the Council's scrutiny committee may decide to refer such decisions to the Full Council for further consideration (this is referred to in the constitution as calling-in the decision).



The Council's arrangements for urgent decisions which do not comply with the policy framework are set out in Rule 4 of the Budget and Policy Framework Procedure Rules, found in Part 4 of the constitution.

Can money be moved from one budget head to another once the budget has been adopted?

During the year the Cabinet and Chief Officers may need to transfer budgets from one service area to another to reflect changed service needs or priorities in order to deliver the Council's policy framework within the financial limits set by the Council.



The mechanism by which the Cabinet and Chief Officers may move money between budget heads is set out in Rule 5 of the Budget and Policy Framework Procedure Rules and the Financial Procedure Rules, found in Part 4 of the constitution.

What other policies and procedures govern how the Council manages its budget?

The Council is bound by a number of different financial rules and procedures that govern how the Council's spending is planned, committed, reviewed and audited.



The Council's detailed Financial Procedure Rules are set out in Part 4 of the constitution.

Are there any restrictions on how the Council buys in goods and services?

The Council can enter into contracts to purchase goods and services in much the same way as any other person or organisation. However, the Council must comply with the Contract Standing Orders and Procurement Rules (the Contract Procedure Rules) in Part 4 of the constitution when it does so.

The purpose of the Contract Procedure Rules is to ensure that the Council complies with relevant legal requirements, and secures the most economically advantageous (best value) goods and services for taxpayers.

If you regularly sell goods or services to the Council then you may wish to familiarise yourself with these rules and procedures.



The Council's Contract Procedure Rules are set out in Part 4 of the constitution.

How does the Council enter into contracts and agreements?

The rules and procedures that govern how agreements, contracts and deeds are authorised and executed on behalf of the Council are set out in Article 13 of the constitution.

Part 5 How can I get involved?

How can I find out when meetings of the Council and its committees and bodies are taking place?

The Council publishes a calendar of meetings, and notice of each meeting is published at least 3 clear working days before the meeting.



The Council publishes the calendar of meetings and notices of meetings on its website <insert hyperlink>.

How can I find out what will be discussed at a particular meeting?

The Council will publish agendas for meetings, together with any reports and background papers at least 3 clear working days in advance of the meeting taking place.

Hard copies of agenda, reports and background papers will also be available at the meeting, if a physical meeting is held, for those members of the public who wish to attend in person.



The Council publishes meeting agendas, reports and supporting documents on its website <insert hyperlink>.

How can I find out when an issue I am concerned about will be decided?

The Council publishes a forward work plan, which sets out what decisions will be taken by the Cabinet and when these matters will be discussed.



The Council publishes the Cabinet's Forward Work Plan on its website <insert hyperlink>.

Can I ask a committee or body of the Council to look into a particular issue?

Yes. You can ask the chair or a member of a particular body to add an item to the agenda for a future meeting, or to raise the issue when the committee is considering items of future business.

You can also submit petitions to the Council, using the Council's petition scheme. The Council is obliged by law to operate a petition scheme, which sets out: -

- how a petition can be submitted to the Council;
- how and when the Council will acknowledge receipt of a petition;

- the steps the Council will take in response to a petition; and
- how any by when the Council will make available its response to a petition to the person who submitted the petition and to the public.



The Council publishes details of its petition scheme on its website <insert hyperlink>.

Can I attend meetings of the Full Council?

Yes, members of the public can come to meetings of the Full Council as long as they are being held in public.

Meetings of the Full Council are also broadcast live on the Council's website so you can watch them in real time remotely if you wish to do so.

The public must be excluded from meetings when confidential information would otherwise be disclosed. Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

The Council may also exclude the public from a meeting, or part of a meeting, where exempt information would be disclosed. Exempt information includes information that relates to a particular individual or their financial or business affairs, information that is legally privileged or information relating to the prevention, investigation or prosecution of a crime, or other information specified in the constitution.

If you interrupt a meeting of the Council, then you are likely to be warned by the Lord Mayor about causing a disturbance. If you continue to disturb the meeting, then you may be removed.



The rules around excluding the public from meetings are set out in the Access to Information Procedure Rules, in Part 4 of the constitution.



The Council's arrangements for broadcasting meetings of the Council are set out in Rule 32 of the Council Meeting Procedure Rules and the Webcasting Protocol, which is in Part 5 of the constitution.



The rules around disturbance by members of the public are set out in Rule 15 of the Council Meeting Procedure Rules in the constitution.

Can I attend other meetings?

Yes, members of the public can come to any meeting which the Council has resolved should be held in public.



Your right to attend meetings of the Council's Cabinet, the council's committees and other bodies are described in Rule 4 of the Access to Information Procedure Rules in the constitution.

Can I speak at a meeting?

Members of the public can speak at any meeting which the Council has resolved should include participation by members of the public.

Can I ask a question at a meeting?

You can ask formal questions of members of the Cabinet or the Chairperson of a committee at meetings of the Full Council.

However, you may only ask a question if you have given the Head of Democratic Services notice in writing (including by email) that you wish to raise a question in advance of the meeting taking place.

You may only ask one question at a meeting, but you may ask one supplementary question relating to the original question or answer given.

Time for questions is limited, and questions are permitted in the order in which they were notified to the Head of Democratic Services. If time for questions runs out before you are able to ask your question, then you will be provided with a written answer to your question instead.

Representations can also be made in specific circumstances, such as objectors to planning applications at planning committee (see section 20.12 of the constitution).



You can read more about asking a question at full Council in Rule 18 of the Council Meeting Procedure Rules.



Contact information for the Head of Democratic Services are published on the Council's website <insert hyperlink>.

How can I find out what the Council decided?

The Council publishes the agenda, reports, background papers and the minutes of meetings. These papers are available for inspection by the public for a minimum of six years from the date of the meeting.

The Council also has arrangements in place for publishing written records of decisions taken by the Cabinet and Officers taking executive decisions.



You can see the meeting agendas, reports and minutes on the Council's website here<insert hyperlink>.

The Cabinet Decision Register is [\[here\]](#)

The Officer Decision Register is [\[here\]](#)

Can I view the Council's accounts to understand how my council tax is spent?

Yes. The Council is required to publish its accounts and to make them available for inspection by the public. You may raise questions of concerns about the Council's accounts with the Council or with the Council's external auditor.



You can view the Council's accounts [\[here\]](#)

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