

CONSTITUTION COMMITTEE

19 NOVEMBER 2015

Present: County Councillor De'Ath (Chairperson)
County Councillors Aubrey, Cowan, Goodway, Margaret Jones,
Knight, Magill, Dianne Rees and White.

12 : APOLOGIES

Apologies were received from Councillors Hinchey and Woodman.

13 : DECLARATIONS OF INTEREST

No declarations of interest were received.

14 : MINUTES

The minutes of the meeting held on 15 July 2015 were agreed as a correct record and signed by the Chairperson.

15 : BUDGET MEETING PROCEDURE RULES

To allow the Committee to review the Procedure Rules which apply to Council Budget Meetings and to consider whether any amendments should be recommended to full Council.

The Budget Meeting Procedure Rules were adopted by Council on 27th January 2011, on the recommendations of the Constitution Committee. The Rules were further reviewed and in January 2012 the Council approved various changes, addressing issues such as the maximum number of speakers in the debate, speakers' time allocations and the exclusion of notices of motion and Members' questions to ensure sufficient time can be given to the budget debate.

The Monitoring Officer also initiated debate on the timescales of the alternative budget proposals.

The Chairperson invited questions and comments from Members:

- Members considered the budget debate was currently dominated by the Cabinet as they all spoke to the debate it was felt that all Councillors should have an opportunity to contribute for a more even sided debate; and consideration should be given to when Cabinet Members speak in the debate.
- A Member considered that giving Cabinet Members the opportunity to all speaking at the start of the budget debate, or at the end of the debate was unfair, but it was noted that it was difficult to know how to improve the current process.
- Members discussed the process whereby the Alternative Budget proposal are submitted and the issue that these proposals have not been part of the public

consultation process. It was noted that the Section 151 Officer and Monitoring Officer consider the alternative proposals for soundness and lawfulness.

- With reference to consultation on alternative budget proposals, it was considered that the Council would not have the resources to consult on these at such a late stage in the process.
- With regard to the alternative budget proposals and timings, it was noted that until a firm Cabinet Proposal was received on the Friday before Budget Council, then it was impossible to know what amendments could be made.
- Members asked if there was any leeway for the Cabinet Proposal to be available sooner. The Monitoring Officer advised that the timescale was agreed as part of the budget strategy in the summer, however she was keen to bring it forward as much as possible and she has been looking at standing orders in relation to this. It was noted that the final settlement was not due until 10 March 2016 which was later than usual.
- Members discussed consultation and considered that consultation needed to be thorough, timely and real with engagement with the public to allow informed perspective and decisions.
- The Monitoring Officer considered that there may be a bigger piece of work that needed to be done on the timing of budget proposals; it was noted that the All Wales Model assumes 5-7 days before.

A Member requested a vote on the proposal that Cabinet Members be allocated 3 minutes to speak and no specific speaking rights. This proposal was moved by Councillor Goodway and seconded by Councillor Dianne Rees. A vote was taken and the proposal was CARRIED.

RESOLVED - That the Budget Meeting Procedure Rules be approved, subject to the removal of the special speaking rights of individual Cabinet Members -other than the proposer and the seconder of the proposals - and they be allowed 3 minutes the same as an ordinary Member as part of the general debate.

16 : E-PETITIONS

To approve the introduction of the e-Petitions facility on Modern.Gov Committee Management System to allow for on-line petitions to be received, facilitating wider public engagement than a traditional paper based petition.

The Council on 27 March 2014, following a review undertaken by the Constitution Committee and a pilot period, adopted new Council Procedure Rules. The Constitution Committee had as part of the review discussed in detail the rules relating to petitions; petition thresholds and how they would be dealt with. Rule 20 on Petitions was adopted as part of the new Council Procedure Rules.

The Constitution Committee on 15 January 2015 considered the model Petition Scheme established by the Local Democracy, Economic Development and Construction Act 2009, which applied to principal authorities in England and Wales – for Wales County Council and County Borough Councils which supported the

streamlining and clearer guidance to Elected Members, the public and officers on how petitions are dealt with by the Council.

The Committee agreed that following the introduction of the Committee Management System further consideration would be given to piloting e-Petitions. It was noted that the process would not apply for the Elected Mayor, just for regular Council Business.

With reference to data protection it was noted that only the petitioners name and locality would only be published.

The Chairperson sought questions and comments from Members:

- Members sought further information on the costs involved and how addresses would be validated. Officers explained that there would be no cost involved as e. Petitions was a facility available through the Committee Management system. The Monitoring Officers added that the constitution currently requires a paper based petitions to be recorded. Members supported a system that validates and records petitions and their outcomes that provides greater visibility and accessibility of electronic data.
- Members sought clarification on the validation process; the submission process. Officers explained that the electronic petitions were based on the same principles as a paper based system and required a lead petitioner and an email address for the petition to be valid. Further work was required to develop and pilot the e. Petitions portal.

RESOLVED – That

1. following further testing it was agreed in principle to activate the e. Petitions on the Council's Committee Management System on a trial basis;
2. once testing is complete Committee consider adopting the draft model City of Cardiff Petition Scheme and any necessary changes to the Council Procedure Rule 20.

17 : CONSTITUTION UPDATES

This report was to inform the Committee of various amendments required to ensure the Constitution remains up to date and fit for purpose.

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).

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

(delegated by the Constitution Committee on 8th September 2008).

Members were advised that Constitution provisions in respect of the following matters have been identified as requiring amendment and details of these were provided in the report:

- Single Licensing Authority functions under Part 1 of the Housing (Wales) Act 2014;
- Webcasting of Council meetings;
- Councillor Resignation and Notice of Vacancy and
- Appointments to Committees / Scrutiny Chairs.

The Chairperson invited questions and comments from Members:

- The Monitoring Officer confirmed that with regard to appointments of Scrutiny Chairs the update was to ensure that the constitution reflected the Local Government (Wales) Measure in relation to the appointment process.
- Members discussed webcasting and discussed the quality of the sound on the webcast. Members were advised of changes that had been made to the Wi-Fi in City Hall in order to prevent interference with the sound system for devices competing for the same bandwidth in the Chamber.
- Members asked whether a previous request to look at how Monmouthshire webcast their meetings (via YouTube) had been progressed. Officers advised that initial inquiries had found that You Tube technology did not provide the same product. Cardiff meetings are live webcasted and Members can follow the agenda items and see the all reports and had speaker recognition system. It was possible to consider You Tube for recording of remote meetings or training in venues that did not have the webcasting feed.

RESOLVED - That

1. the Constitution amendments set out in paragraphs 10, 12 and 13 of the report were agreed for approval by full Council; and
2. the minor Constitution amendments set out in paragraphs 14 and 15 of the report made under the Monitoring Officer's delegated authority were noted.

18 : REVIEW OF QUESTIONS TO COUNCIL

Members were provided with a paper on the review of the pilot of Written Questions to Council and to initiate a discussion on the opportunities for questions from Members at Council.

Members also discussed Oral Questions and the majority view was that as there are only nine meetings a year, one of which being the Budget meeting, which does not allow oral questions that if there were any further reduction in the number of oral questions it should be from the ruling group allocation. Members concurred that Oral Questions provided an opportunity for backbench Members to ask questions to hold the Cabinet and Chairs of Committees to account on areas of concern for constituents and that the ruling group Members have greater access to Cabinet Members and information.

It was also noted that Oral Questions would be best placed at the end of the meeting so that the main business of Council can be concluded first.

Members felt that Cabinet Statements had developed into a substantive item and after much discussion general consensus was that the statements should be published with the Summons, the Friday before the meeting so that more time was available to prepare questions; it was noted however that this would place extra pressure on Cabinet Support staff.

It was considered that too many Notices of Motion in one meeting was untenable.

RESOLVED: That officers look at best practice in relation to Council Meetings and procedures and report back to a future meeting of the Committee.

19 : DATE OF NEXT MEETING - 16 MARCH 2016 AT 5.00PM IN COMMITTEE ROOM 4

The meeting terminated at 6.35pm