

CONSTITUTION COMMITTEE

2 MARCH 2017

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

14 : APOLOGIES

No apologies for absence were received.

15 : WELCOME AND MEMBERSHIP

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

16 : DECLARATIONS OF INTEREST

There were no declarations of interest.

17 : MINUTES

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

18 : REVIEW OF THE COUNCIL MEETING PROCEDURE RULES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESOLVED - That the Committee

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

26 CLOSURE MOTIONS

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

19 : MEMBER DEVELOPMENT & TRAINING - CONSTITUTION PROVISIONS

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

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

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

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

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

The Chairperson invited questions and comments from Members;

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

RESOLVED - That the Committee

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

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

20 : REVIEW OF SCRUTINY COMMITTEE STRUCTURE

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

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

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

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

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

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

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

The Chairperson invited questions and comments from Members;

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

RESOLVED - That the Committee

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

The meeting terminated at Time Not Specified

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