

CONSTITUTION COMMITTEE

25 OCTOBER 2017

Present: Councillor Goodway (Chairperson)
Councillors Berman, Burke-Davies, Carter, Goddard, Jones-Pritchard, Kelloway, McEvoy, McKerlich and Wong

9 : APOLOGIES

Apologies were received from Councillors Saeed Ebrahim and Keith Jones.

10 : DECLARATIONS OF INTEREST

There were no declarations of interests.

11 : MINUTES

The minutes of the meeting 31 August 2017 were approved as a correct record and signed by the Chairperson subject to the inclusion of Councillor Susan Goddard as an apology.

12 : REVIEW OF THE CONSTITUTION

The Committee received and considered potential areas of change to the procedure rules for meetings of Full Council and other areas of the Constitution, to ensure that the governance arrangements for the relevant activities were fit for purpose and appropriately covered all business of the Council.

The Chairperson advised that since the last meeting further discussions had been held with the Leader of the Council, Group Leaders and Group Whips. This had been followed by discussions within political groups.

Council Meeting Procedure Rules (CPR) - Feedback from Groups Whips on the consultation document formulated following the August meeting, along with benchmarking data from core cities, provided the background for the Committee to consider and make recommendations.

The Chairperson advised that the aim was to have more business and focussed Council meetings and that where there was general consensus that these changes would be implemented before the next Annual Meeting.

The following were areas of agreement: -

- There was no requirement for a guillotine / cut off time as it was felt that the Chair of Council would manage the business within the allocated time limits so that meetings did not go beyond 10.00pm. However it was agreed that the time limits on agenda items should be included in the CPRs, with discretion for the Lord Mayor to extend them.
- Include a rule to manage and limit tributes and eulogies;
- Ordinary Motions be limited to two per meeting;

- Cabinet Green Papers to be debated at Council should be counted as part of the leading group's allocation of Ordinary Motions;
- Reintroduce the rule that amendments to Ordinary Motions must not negate the original motion;
- The Cabinet Member to have the right of reply to a motion and (with the agreement of the mover and seconder) to move that the vote be adjourned to the next meeting, in order to give the Cabinet the chance to consider the matter first;
- Cabinet Statements to be circulated with the Council agenda and be related to Policy announcements, updates, budgetary issues or matters of significance;
- Remove Cabinet Members and Assistants to Cabinet members from the calculation of the leading group's proportional allocation of oral questions;
- Remove the provision for a second supplementary question on oral questions;
- Provide for composite answers to oral questions which are closely related or on the same subject matter, whenever appropriate;
- Allow political groups to identify their preferred speakers in advance for debates on particular matters if they wish to (but retaining the discretion of the Lord Mayor).

There was no clear conclusion to the following activities related to the CPR:-

- How to provide opportunity for further Opposition Time;
- Consider whether to re-introduce the Member Debate;
- How questions on Cabinet Statements and Oral questions can be better managed;
- Change deadlines for receipt of Notice of Motions or change meeting of Party Group Whips to allow for their involvement in the consideration of timing of Council meetings with the Chair of Council;
- Provide a rule for dealing with suspended votes following meetings – that is to deal with combined amendments to motions;
- Review rules on Recording / Filming of Council, Committee and Scrutiny Meetings;
- The need for a Council Petitions Scheme included in the Constitution.

Scrutiny Functions - The Committee was advised of a recommendation received from Scrutiny Chairs to consider amending the current Call-In rules in relation to matters which have been subject to Pre-Decision Scrutiny. The Chairs were recommending that in such cases the call-in of a decision should only be permitted if there is significant and relevant new or additional information which has not been previously considered by the relevant Scrutiny Committee, so as to avoid unnecessary duplication of work already undertaken. Under Cardiff's current rules, an Executive decision may be called-in by any non-Cabinet Member. A number of authorities require a call-in request to be supported by more than one Member and some authorities require the request to have cross-party support. Members may wish to consider reviewing Cardiff's rules in this regard.

The Committee was also advised that the Wales Audit Office (WAO) is undertaking a national themed review of Cardiff's scrutiny function, 'Scrutiny – Fit for the Future'. The purpose of the review is to consider how Councils are responding to current challenges, including the Well-being of Future Generations Act and scrutiny of public service boards. It will also examine how well placed the Council is to respond to future challenges including continued pressure on public finances and possible moves towards more regional working between local authorities; and review progress

made in addressing WAO's earlier recommendations. Any recommendations relating to constitutional issues which may arise from WAO's review will be reported to the Constitution Committee for consideration in due course.

Cross-Party Member Working Groups - The Committee noted that an All Women Cross Party Group was due to meet in December.

Ward Member Consultation – this is an important areas for Councillors and it had been suggested that an amendment be made to the Scheme of Delegations, Officer Delegations, Section 4A to ensure that officers fully consult Ward Councillors on matters that specifically impact on their ward or have a significant effect on more than one ward.

Questions to Cabinet Members - the Consultation Document on CPR rules had highlighted other forums were public questions could be more appropriate such as Cabinet or Scrutiny Committees.

RESOLVED – That

1. A report be prepared for Full Council to recommend the implementation of areas where there was cross party consensus and this be circulated to all Party Group Leaders and Whips for agreement prior to the November Council meeting;
2. The Director of Governance and Legal Services prepare further reports on any other potential changes for consideration by the Committee and these be incorporated into the Committee Work Plan 2017/18.

13 : COMMITTEE FORWARD WORK PLAN

The Committee received a draft Forward Work Plan prepared following initial discussion at its meeting on 31 August 2017.

RESOLVED – That

1. the Constitution Committee Forward Work plan was approved; and
2. the Director of Governance and Legal Services in consultation with the Chairperson be given delegated powers to update the plan to include prioritisation of work plan items in line with the allocation of resources to each topic area.

14 : DATE OF NEXT MEETING

RESOLVED – That the date of the next meeting be agreed with the Chairperson in consultation with the Director of Governance and Legal Services.

The meeting terminated at 18.35pm

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