

**CONSTITUTION COMMITTEE:**

**21 JUNE 2021**

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

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**COUNCIL MEETING PROCEDURE RULES**

**Reason for this Report**

1. To allow the Committee to consider potential changes to the procedure rules for meetings of full Council and recommend any agreed changes to full Council for approval.

**Background**

2. The Constitution Committee has responsibility, in accordance with its approved terms of reference, for reviewing the Constitution and recommending any changes to full Council for approval.
3. A general review of the rules for Council meetings was carried out by the Committee in 2017/18. At its meeting on 8<sup>th</sup> January 2018, the Committee agreed a number of changes to the Council Meeting Procedure Rules, aimed at making Council meetings more focussed and providing more opportunities for contributions from opposition members and backbench members of the leading group. Changes made were as follows:
  - i. A rule to limit tributes and eulogies;
  - ii. A limit of 2 Ordinary Motions per meeting (and rules for selecting the Motions if more than 2 are submitted);
  - iii. To change the allocation rules for Ordinary Motions by deducting Cabinet Green Papers from the leading group's allocation; removing Cabinet members and Assistants to Cabinet members from the proportionality calculations; and reducing the minimum number for any recognised political group;
  - iv. To introduce a 'Submission Period' (which brings forward the deadline) for Ordinary Motions in order to allow time for party groups to agree the selection of Motions if there are more than the maximum number (of 2) for a particular Council meeting;
  - v. A rule that amendments to Ordinary Motions must not negate the original motion ('wrecking amendments');
  - vi. A right for the Cabinet member to 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;

vii. A requirement for Cabinet Statements to be circulated with the Council agenda;

viii. To remove Cabinet members and Assistants to Cabinet members from the calculation of the proportional allocation of Oral Questions;

ix. To remove provision for a second supplementary question on Oral Questions;

x. To provide for composite answers to Oral Questions which are closely related or on the same subject matter, whenever appropriate;

xi. To allow political groups to identify their preferred speakers in advance on particular matters if they wish to (but retaining the discretion of the Lord Mayor); and

xii. To include the current time limits on agenda items within the Rules, with discretion for the Lord Mayor to extend them.

These changes were subsequently approved by full Council on 25<sup>th</sup> January 2018 and took effect from Annual Council in May 2018.

4. The Committee subsequently agreed a few further changes in relation to specific aspects of Council meetings, such as rules to govern the recording and use of social media during Council meetings (Constitution Committee, March 2018) and Public Questions – allowing the questioner to read out their question at the meeting (Constitution Committee, February 2019), which were approved by full Council (in March 2018 and March 2019 respectively).

## **Issues**

5. The current Council Meeting Procedure Rules are appended as **Appendix A** to this report.
6. A number of suggestions have been put forward by Members in relation to potential changes for consideration by the Constitution Committee, namely the following:

### White papers

7. Green Papers and White Papers are used by central government and some local authorities as part of the policy development process. A Green Paper is generally a preliminary report intended as a platform to initiate discussion around a particular issue; and is often followed by a White Paper setting out proposals for new policy, including a policy in draft.
8. By law, full Council must approve the key policies of the authority, referred to as the 'Policy Framework', defined in the Constitution (Article 4.2(a)). Under executive arrangements, the approval of all other policies, outside of the Policy Framework, is the responsibility of the Cabinet.

9. The Council Meeting Procedure Rules currently make provision for Green Papers to be introduced and debated at full Council – Rule 21; but there is no provision for White Papers. Two Green Papers were introduced in 2018 – ‘Building More and Better Jobs’ (January 2018); and ‘Transport and Clean Air’ (June 2018). No other Green Papers have been brought forward since 2018.
10. Members are invited to consider whether they wish to recommend introducing a process for White Papers to be debated at full Council, in order to facilitate wider Member participation in the policy development process; and if so, any parameters regarding the types of policies for which a White Paper would be appropriate. Officers can then be instructed to draft any appropriate amendments to the Council Meeting Procedure Rules for consideration by the Committee.
11. Members may wish to note that a desktop study of the approaches taken in other Core Cities indicates that around half of those authorities do make use of White Papers, but without any explicit reference or provision made in their Council meeting procedure rules or constitutions.

#### Oral questions

12. The current rules allocate Oral Questions proportionally to the political groups (excluding Cabinet Members and Assistants to Cabinet Members from the allocation of the leading group). They allow a maximum of 90 minutes for Oral Questions; set out the order in which questions may be asked; allow a maximum of one minute for answering each question; and allow for one supplementary question – Rule 17. Oral Questions are made available in writing and are not read out at the meeting. There is no word limit for each Oral Question.
13. Independent Members of the Standards and Ethics Committee are encouraged to observe Council meetings and provide feedback. At the Standards and Ethics Committee meeting in December 2019, the Committee considered feedback in relation to Council meetings (in June and July 2019) and agreed to recommend to Constitution Committee that oral questions should be displayed on screens and read out orally at the Council meeting, so that members of the public may understand the question which is being answered. Accordingly, it is recommended that Rule 17 be amended as shown below:

‘A maximum of 90 minutes shall be allowed for Oral Questions, any questions that are not dealt with in this time limit shall fall.

Each Oral Question will be made available in writing and online at the start of the meeting and dealt with in the following order:

- Oral Questions ~~shall not be read orally, but~~ will be dealt with in rounds. In the first three rounds each political group shall each be entitled to ask one question. In subsequent rounds, only political groups with remaining Oral Questions shall be entitled to ask questions.’

14. The length of Oral Questions submitted varies from approximately 10 words to 80 words per question. Members are invited to consider whether the introduction of a word limit on Oral Questions may assist to make questions clearer and more concise and improve the quality of responses. If questions are read out, as recommended by the Standards and Ethics Committee (please see paragraph 13 above), then a word limit ensuring shorter questions would allow more questions to be answered within the 90 minute time allocation, and ensure more time is allowed for answers.
15. Desktop research of the approach taken in other Core Cities indicates that some authorities (which provide for Oral Questions to be read out at the Council meeting) do impose a time limit on individual oral questions, for example, 2 minutes per question.

### Ordinary Motions

16. Members have requested that the Committee should be asked to review the current rules in relation to: (i) the maximum number of ordinary motions which may be considered at each Council meeting; and (ii) the scope of ordinary motions.
17. Maximum number – under the current rules, the maximum number of Ordinary Motions is limited to a maximum of 2 motions at each Council meeting (with the exception of the Annual Council and Budget Council meetings, and excluding Urgent Ordinary Motions and Ordinary Motions at any Extraordinary Council Meeting) – Council Meeting Procedure Rule 22(f). However, the rules allow the maximum number of Motions to be increased if necessary to give effect to the rules on allocation of Motions, specifically, the rule that each political group shall be allocated at least one Motion in each municipal year (Rule 22(g)(i)).
18. Rule 22(i) also provides that:

‘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.’
19. The Monitoring Officer has advised that Rule 22(i), read with Rule 7(b) (“The Chair shall have discretion to conduct the meeting to secure proper full and effective debate of business items”), 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. An example of this arose at the Council meeting in March 2021, for which 3 Ordinary Motions were submitted. The Chair exercised his discretion to allow all 3 Motions, following consultation with party groups, on

the basis that the April Council meeting had been cancelled due to the pre-election period, so the March Council meeting was the last meeting before the elections; no groups had used their full allocation; and the party groups were all in agreement.

20. Members are invited to consider whether they wish to instruct the Monitoring Officer to amend Rule 22 to clarify and confirm the Chair's discretion in this regard. It should be noted that the Monitoring Officer has delegated authority (Scheme of Delegations, delegation reference LD16A, to make minor amendments to the Constitution, which includes: '(c) Drafting improvements to enhance clarity and remove minor anomalies.'
21. Scope – the current rules say that 'Ordinary Motions must be in relation to Relevant Business and must not be Inappropriate Business (as defined in Rule 35)' – Rule 22(j).
22. Rule 35 defines 'Relevant Business' as follows:  
"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.
23. Under the current rules, if a Motion is submitted which relates to a matter for which the Council does not have responsibility, it would fall outside of the permitted scope for a Motion and would not be allowed. The Committee considered this when it last reviewed the Council Meeting Procedure Rules in 2017/18 and after detailed consideration decided to make no changes to the rules on the permitted scope of Ordinary Motions.
24. Members are invited to consider whether they are content with the current rules on the scope of Ordinary Motions or if they wish to make any changes such as amending the definition of Relevant Business to mean matters for which the Council has responsibility OR which substantially affect the well-being of Cardiff. This wider scope would mean that motions over which the Council has no responsibility would be allowed.

#### Other potential changes

25. Members are also invited to consider whether there are any other aspects of the full Council meeting that they wish to consider further, and if so, to instruct the Monitoring Officer to report on those issues to a future meeting of the Committee.

#### **Legal Implications**

26. By virtue of article 14 of the Constitution the making of amendments to the Constitution is reserved to Council unless otherwise delegated. The Constitution Committee's terms of reference set out the Committee's delegated authority:

*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).*

27. Any proposed changes to the Council Meeting Procedure Rules will require the approval of full Council.

### **Financial Implications**

28. There are no direct financial implications arising from this report.

### **RECOMMENDATIONS**

The Committee is recommended to:

1. consider the information set out in the report and Appendix A and provide comments on changes to be made to the Council Meeting Procedure Rules;
2. instruct the Monitoring Officer to make any minor clarificatory amendments to the rules on Ordinary Motions, if appropriate; and
3. receive a further report at its next meeting on any additional proposed changes to the Council Meeting Procedure Rules.

**DAVINA FIORE**  
**DIRECTOR OF GOVERNANCE AND LEGAL SERVICES AND MONITORING OFFICER**

15<sup>th</sup> June 2021

### **APPENDICES**

APPENDIX A: Council Meeting Procedure Rules

#### Background papers

Constitution Committee report, 'Council Meeting Procedure Rules', 8 January 2018

Council report, 'Constitution Committee Recommendations on Council Procedure Rules and Scrutiny Procedure Rules', 25 January 2018

Constitution Committee report 'Recording of Council Meetings', March 2018; and Council report, 'Constitution Amendments', March 2018  
Constitution Committee report 'Public Questions at Full Council', February 2019; and Council report, 'Constitution Amendments', March 2019