

CONSTITUTION COMMITTEE

11 FEBRUARY 2019

Present: Councillor Goodway(Chairperson)
Councillors Berman, Jones, Jones-Pritchard, Lister, Kelloway,
McKerlich, Keith Parry and Wong

34 : CHAIRPERSON

It was noted that Council at its Annual meeting 24 May 2018 elected Councillor Goodway as Chair of this Committee for the Municipal Year 2018/19

35 : MEMBERSHIP AND TERMS OF REFERENCE

It was noted that Council at its Annual meeting 24 May 2018 agreed the following Membership and Terms of Reference: -

Membership

Councillors Jennifer Burke-Davies, Rodney Berman, Joe Carter, Susan Goddard, Russell Goodway, Keith Jones, Mike Jones-Pritchard, Kathryn Kelloway, Ashley Lister, Rod McKerlich, Keith Parry and Peter Wong.

Terms of Reference

To review the Council's Constitution, and to recommend to Council and/or Cabinet 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).

36 : DECLARATIONS OF INTEREST

There were no declarations of interest for this meeting

37 : MINUTES

The minutes of the meeting 15 March 2018 were approved by the Committee and signed by the Chairperson.

38 : DRAFT CODE OF CORPORATE GOVERNANCE

The draft Code of Corporate Governance was received for discussion and comments prior to finalisation for inclusion in the Council's Constitution. The report provided details of positive feedback received from the Audit Committee and a recommended strengthening of the code around references to Fraud.

The Committee welcomed the formalisation of the Council's Code of Governance which adopted the seven good governance principles developed by CIPFA and SOLACE.

RESOLVED – That the draft Code of Governance be recommended to Council for inclusion in the Cardiff Constitution which had been positive

39 : PUBLIC QUESTIONS AT FULL COUNCIL

The report provided the Committee the opportunity to consider the current rules and a suggested change to the rule on Public Questions at Council meetings.

It was proposed that Public Questions received in accordance with CPR 18, 19 and 25 be permitted to read out their question at the Council meeting so that the proceedings are clear and transparent particularly for those watching on the webcast and as courtesy to the Public Questioner.

The Committee considered whether there were any further changes it wish to make to the current rules and whether there were sufficient opportunities for the public to engage in the range of cabinet and Committee meetings required by the Authority. It was agreed that no further changes were required at the present time.

RESOLVED – That the Council be recommended to amend Council Procedure Rules, Rue 18 to allow for Public Questioners at Council to read out their question at the meeting.

40 : APPOINTMENT OF SUBSTITUTE COMMITTEE MEMBERS

The Committee was invited to consider arrangements for the appointment of Substitute Committee Members in accordance with the draft procedure set out in Appendix A of the report. The new Procedure Rule would only allow for substitutions at committee meetings if a Member was unable to attend over an extended period of time and due to one or more of the following reasons:

- (i) Unavoidable family or work commitments;
- (ii) Serious illness;
- (iii) Maternity, paternity or adoption leave;
- (iv) Other Family Absence, approved under the Family Absence Procedure Rules;
- (v) Caring responsibilities;
- (vi) Some other good reason.

The rules would be administered by the Head of Democratic Services.

RESOLVED – That

1. The provisions and principles for the appointment of substitute Members were approved;
2. The Council be recommended to adopted and incorporate the agreed procedure rule into the Committee Meeting Procedure Rules and the Scrutiny Procedure Rules.

41 : SCRUTINY COMMITTEES SIZE AND MEMBERSHIP OF TASK AND FINISH GROUPS - UPDATE

The Committee received a follow up report on the outcome of discussions with Scrutiny Chairs Party Group Whips on the Scrutiny Committee Size and Membership of Task and Finish Groups so that it could consider any recommended changes to the Scrutiny Procedure Rules.

In discussions with the Chairs and Group Whips it was agreed that the size of scrutiny committees should remain unchanged and in the interests of clarity and transparency it was recommended that the agreed size be set out in the Constitution by amending Rule 1 of the Scrutiny Procedure Rules.

The arrangements for Task and Finish Groups do allow non- executive elected Members who are not necessarily members of a scrutiny committee to participate and bring their expertise to Task and Finish enquiries. It was also proposed that the maximum number of Members on a Task and Finish Group should be nine.

The Committee had no issue with the proposed changes and welcomed input from Members from across the Council into the work of Task and Finish Groups.

RESOLVED – That the Council be recommended to adopted the amended Scrutiny Procedure Rules 1 and 2

- (a) To set out the agreed size of the five scrutiny Committees as agreed by Annual Council;
- (b) To confirm that the membership of Task and Finish Groups may include any non-Executive Elected Members, subject to a maximum of nine Members on any Task and Finish Group;
- (c) Confirm that non-Councillors may be invited to participate in Task and Finish inquiries as expert advisors to a Task and Finish Group.

42 : SCRUTINY CALL-IN RULES

The report was presented to allow the Committee to consider whether it wishes to make any changes to the rules governing scrutiny Call-Ins in particular to alter Rule 12 so that it requires more than one Member to call in a decision. Evidence was provided from other core cities on their call-in arrangements

The Committee noted that over the last 5 years the number of call-ins of decisions were low and that as it had within the last 12 months introduced the rule that call-ins cannot be made of decisions already been the subject of pre-decision scrutiny that it was important to bed this change in first before undertaking a further review.

RESOLVED – That the Scrutiny Call-In Procedure Rule 12 remain unchanged.

43 : PLANNING COMMITTEE DELEGATIONS

The Committee note that this report was to regularise officer delegations approved by the Planning Committee in 15 March 2018 and include in the Constitution Scheme of Delegations.

RESOLVED- That the Committee subject to approval by Full Council agreed to incorporate within the Scheme of Delegations Part 3 of the Constitution the following:

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- (i) The planning delegations approved by Planning Committee on 15 March 2018 as set out in Appendix A of the report;
- (ii) The highway delegations approved by planning Committee on 13 June 2013 as set out in Appendix B of the report

44 : FORWARD PLAN

The forward Plan was presented to Committee and noted

45 : FUTURE MEETINGS

The date of future meetings would be finalised as part of the Calendar of meetings for the Municipal Year 2019/ 20

The meeting terminated at 17.45pm