

CONSTITUTION UPDATE – SCHEDULE OF RECOMMENDED AMENDMENTS

SECTION	TITLE	REFERENCE	RECOMMENDED AMENDMENT
Part 1	Summary and Explanation	Para 4	Number of Cardiff Cllrs increased to 79 and term of office increased to 5 years
		Para 7	To reflect new legislation providing that the number of Cabinet members may be increased if there are Cabinet Job Sharers
		End of document	Added reference to Constitution Guide
Part 2, Articles Article 1	The Constitution		
Article 2	Members of the Council	2.1	Update to total number of elected members being 79
		2.2	Update to five year term of office
		2.3	Update references to Wales Improvement Programme
		2.4	Cardiff Undertaking – amendment to reflect requirement for Undertaking to be given at each annual council meeting; and to reflect arrangements made for Members who are absent from the annual council meeting or who are subsequently elected at a by-election.
		2.5	Update to reflect that ‘salaries’ are payable under Members’ Remuneration Schedule (and replace reference to Members Allowances Scheme)
Article 3	Citizens and the Council	3.1	Voting and petitions – to add reference to right to vote in LG elections and new requirements for Petition Scheme
Article 4	The Council	4.2(c)	Housing land transfer – legislative update
Article 5	Chairing the Council	5.1(e)	Added reference to Lord Mayor’s civic functions
Article 6	Scrutiny Committees	6.1	Added - Assistants to Cabinet may not be members of Scrutiny Committees
		6.5	Added reference to Joint Scrutiny Committees
Article 7	The Cabinet	7.2	Form and Composition –i) to reflect that the maximum number of Cabinet members may be increased if any Cabinet Job Sharers are appointed. ii) To reflect that, as a matter of practice and as permitted by law, the Cabinet is appointed by the Leader rather than the Council
		7.3	Leader – to reflect new legislation allowing two or more Councillors to be elected to share office (new job share provisions)

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		7.4	Other Cabinet members - – to reflect new legislation allowing two or more Councillors to be elected to share office (new job share provisions); and appointment of Cabinet by the Leader
		7.5	Assistants to Cabinet members – amended to reflect new legislative provision: <ul style="list-style-type: none"> - ‘Assistants to Cabinet’ (not to cabinet <i>members</i>) – amended throughout constitution, eg. CPR 22 - Appointment of Assistants may be made by either the Leader or full Council (not by Cabinet, as currently stated) – recommendation is Leader - Lord Mayor / Deputy may not be Assistants to Cabinet - Right to speak at cabinet meetings, deleted reference to observing only.
		App A	Assistants to Cabinet, Role Description – to reflect new legislation provision they may not be scrutiny committee members; and to reflect other changes made to Article 7.5 above.
		7.7	Responsibility for functions – added clarification about allocation of functions and deleted text about procedure for arrangements to be made for discharge of functions, as this is more appropriately dealt with in the Cabinet Procedure Rules (Rule 1.2)
Article 8	Regulatory and Other Committees		
Article 9	Standards & Ethics Committee	9.2(a)(ii)	Membership – limit on number of Cabinet members (one) amended to include Assistants to Cabinet, based on the draft statutory guidance.
		9.3	Community Councils Sub-Committee -amended to reflect legal position which is that a sub-committee <u>may</u> be appointed. In Cardiff we have not done so (community council functions are discharged by the whole Standards Committee). Amended to clarify and address drafting error.
		9.5	Added point to refer to new statutory requirement for Annual report
Article 10	Joint Arrangements	10.5	New point to refer to provisions for Corporate Joint Committees made under Chapters 3-5 of the 2021 Act
Article 11	Council Employees		Amended to reflect the change of the statutory title ‘Head of Paid Service’ to ‘Chief Executive’; and new statutory functions for this post
		11.4	Added to list of Section 151 Officer’s functions and restrictions on post, for consistency with other statutory officer provisions
		11.4A	Added constitutional functions of Head of Democratic Services and changes to restrictions on post introduced by 2021 Act.

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		11.5	Added the statutory requirement to provide these statutory officers with sufficient resources
Article 12	Decision making	12.1	Clarification / drafting improvement - Added a list of possible decision makers
		12.3	List of types of decisions, added: - (d) Individual Cabinet member decision making; and - (e) ward / non-Cabinet member decision making. Noting that law permits arrangements to be made and set out in the Scheme of Delegations, but in Cardiff no such arrangements in place.
Article 13	Finance, Contracts and Legal Matters		
Article 14	Review and Revision	14.2(b)	Legislative update – reference to ‘alternative arrangements’ for executive, replaced with ‘mayor and cabinet’ executive (the only other form of executive arrangements now available).
Article 15	Suspension, Interpretation and Publication	15.2	Inserted new defined terms: - Assistant to the Cabinet - Cabinet member - Cabinet Job Sharer - Constitution Guide - Corporate Joint Committee - Petition Scheme - Public Services Board - Remote attendance Amended: - Head of Paid Service – replaced with new statutory provisions for Chief Executive - ‘Member’ definition - Petition (to include electronic petitions)
		15.3	Publication – updated to reflect new provisions for electronic documents / publication on website; and new requirements for a Constitution Guide
		15.4	Transitional provisions – deleted, no longer relevant
Part 3	Scheme of Delegations		
Part 3, Section 4E		CE9/9A & FS52/53	Minor amendment - Electoral Registration Officer and Returning Officer designations, changed from Section 151 Officer to Chief Executive, in line with Council decision of February 2019

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Council Meeting Procedure Rules	5	Time and place of meeting – amended to reflect multi-location meetings law and policy
	6	Summons – to include details of how to meetings access remotely
	12, 13, 15, 21, 27	To reflect remote attendance provision, amended references to standing / remaining seated, meeting room, ‘to the floor’, handed to the chair etc
	20	Petitions – to reflect revised Petition Scheme (please see separate report, agenda item 5)
	29	Voting – amended to reflect electronic voting system
	31	Record of Attendance – amended to deal with ‘Attendance’ generally and make provision for remote attendance in line with multi-location meetings law and policy
	32	Recording – expanded references to electronic broadcast (webcast) of meetings, in line with new legal requirements
	35	Interpretation – inserted definition for ‘remotely’
Budget Meeting Procedure Rules	2&3	Place of meetings and summons – amended to reflect multi-location meetings and access to them
Committee Meeting Procedure Rules	4&5	Place of meetings and agenda – amended to reflect multi-location meetings and access to them
	9.4, 11.1, 16	To reflect fact that Members may be attending remotely, amendments made to references to standing, the meeting room etc
	13	Record of Attendance – amended to deal with ‘Attendance’ generally and make provision for remote attendance in line with multi-location meetings law and policy
	14.2	Petitions – to reflect revised Petition Scheme (please see separate report, agenda item 5)
	18	Recording – to refer to electronic broadcast, in line with new legislation
Access to Info Procedure Rules	2	To refer to multi-location meetings
	4	To address access to multi-location meetings
	4A	Refer to ‘broadcast’ of meetings, consistent with terminology in new legislation
	5	Notice of meetings – to reflect new legislative requirements
	6	Access to agenda and reports – to reflect new requirement that papers should be provided for members of the public attending a physical meeting
	8	Minutes and other documents after meeting – added new requirements for a note of the meeting within 7 working days; and minutes to be published on website. Clarifying that this rule does not apply to Cabinet meetings, which are dealt with under the separate Rule 13 dealing with records of Cabinet decisions.
	9	Background papers – reflecting new requirement they should be published on the website unless not reasonably practicable to do so; and must remain accessible for 6 years.

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	13	Record of Executive Decisions – updated to reflect new legislation
	16	Officer decisions – correction to include Director decisions in the list of those published in Officer Decision Register, in line with provisions of Scrutiny Rules and what we do in practice.
	18	Members rights of access to exempt papers – update to reflect previous legislative changes.
	20	Additional rule to deal with new requirement for Members’ correspondence addresses to be published.
Budget and Policy Framework Procedure Rules		No changes – minor typo amendments only
Cabinet Procedure Rules	1.1	Executive decisions - Minor drafting amendments and clarification about allocation / arrangements which may be made; and deletion of text about Leader’s power to allocate responsibilities to the extent not allocated in the Scheme of Delegations, as this is dealt with in Article 7.7
	1.4	Decisions of the Cabinet – removed reference to voting, as this is dealt with now in a separate rule 2.6; and re-ordered this para which was previously para 1.7 (suggested drafting improvement)
	1.5	Cabinet meetings – place of meeting amended to reflect multi-location meeting arrangements
	1.6	Quorum – to refer to new legislation on Job Sharers counting as one person for quorum purposes
	2.2(a)	Attendance - to refer to remote attendance
	2.2(c)	To include Job Sharers and Assistants in the list of permitted attendees at Cabinet meetings
	2.6	Voting – separate rule, for clarity (drafting improvement)
	2.7	Cabinet Job Sharers – new rule to address voting arrangements
Scrutiny Procedure Rules	2	Scrutiny members – to make reference to Assistants to Cabinet, who may not be scrutiny members
	4	Meetings – to make reference to multi-location meetings
	11(d)	Hearing evidence – Assistants to Cabinet role description says they may give evidence to scrutiny committees if the Cabinet member cannot attend – amendment made to reflect this, and option for alternative officer reps to attend, with the agreement of the scrutiny committee.

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Planning Committee Procedure Rules	4&5	Place of meetings and agenda – amended to reflect multi-location meetings and access to them
	9.4, 11.1, 16.1	To reflect fact that Members may be attending remotely, amendments made to references to standing, the meeting room etc
	13	Record of Attendance – amended to deal with ‘Attendance’ generally and make provision for remote attendance in line with multi-location meetings law and policy
	14.2	Petitions – to reflect revised Petition Scheme (please see separate report, agenda item 5)
	18	To refer to ‘electronic broadcast’ of meetings, consistent with terminology in new legislation
Remote Attendance Procedure Rule		Re-titled as ‘Multi-Location Meetings’ and amended to refer to the new legal requirements and the Council’s Multi-Location Meetings policy
Webcasting Protocol		Amended to reflect new requirements for full Council meetings to be webcast.

Part 6 (Members’ Remuneration Schedule); and Part 7 (Management Structure) – No changes