



## **RHONDDA CYNON TAF COUNCIL CORPORATE GOVERNANCE AND CONSTITUTION COMMITTEE**

Minutes of the meeting of the Corporate Governance and Constitution Committee meeting held on Thursday, 2 May 2019 at 5.00 pm at the Council Chamber, The Pavilions, Clydach Vale, CF40 2XX.

### **County Borough Councillors - Corporate Governance and Constitution Committee Members in attendance:-**

Councillor S Powderhill (Chair)

Councillor L De Vet    Councillor M Webber  
Councillor D Grehan

### **Officers in attendance**

Mr C Hanagan, Service Director of Democratic Services & Communication  
Mr A Wilkins, Director of Legal Services

#### **1 APOLOGIES**

Apologies for absence were received from County Borough Councillors G Stacey, M Griffiths, H Fychan and G Williams.

#### **2 DECLARATION OF INTEREST**

In accordance with the Council's Code of Conduct, there were no declarations made pertaining to the agenda.

#### **3 MINUTES**

It was **RESOLVED** to approve the minutes of the 14<sup>th</sup> May, 2018 as an accurate reflection of the meeting.

#### **4 APPOINTMENT OF A PRESIDING MEMBER**

The Service Director, Democratic Services & Communication referred Members to his report which set out a proposal to appoint a Presiding Member (and Deputy Presiding Member) into the Council structure to undertake the administrative functions of the Chair of the Council as set out in Article 5 of the Council's Constitution.

The Service Director advised that the purpose of appointing a Presiding Member was to enable a structure by which:

- The recognised governance and administrative functions of the position of the Chair of the Council are undertaken by the Presiding Member (or in his/her absence the Deputy Presiding Member); and
- The ceremonial and civic functions could become a stand-alone role to be undertaken by the Mayor (or in his/her absence the Deputy Mayor).

It was added that if remunerated, a Presiding Member would be entitled to a Band 3 Senior Salary (for 19/20 £22,568) and the post would count towards the Senior Salary cap for this Council of 19 posts.

Members were asked to consider whether to adopt such a structure noting that only the administrative functions of the Chair of the Council as set out in Article 5 of the Council's Constitution involved with chairing Council meetings and upholding and promoting the purposes of the Constitution would be transferred to the Presiding Member.

Members discussed the proposal outlined within the report with the Cabinet Member for Council Business commenting on the consistency and continuity if the proposed role was taken forward in respect of Chairing of Council business, allowing the Mayor to concentrate on the important civic element of their duty. The Member sought clarity on the salary entitlement for the Deputy Presiding Member to which officers confirmed that no entitlement would be made for the deputy post. It was suggested that a further recommendation should be taken forward, adding that if taken forward the appointment should be taken on an annual basis at the Council AGM, referencing the similar appointment for the Council's Leader.

Another Member commented on the opportunities for the Deputy Mayor to train on issues of Council Business when deputising for the Mayor, although the Chair commented that this depended if such opportunities arose, reflecting that he had chaired all Council meetings during his term of office as Mayor. The Member also sought clarity on the proposed salaries going forward for the Mayor and Deputy Mayor if the Presiding Member post was taken forward, referencing the loss of duties of the Mayor. Officers confirmed that salaries for Mayor and Deputy Mayor were Civic Salaries and were not eligible for a Senior salary post, following the recommendations of the IRP, advising that this would be a Council determination at the AGM.

Following discussions it was **RESOLVED**:

1. To note the proposal contained within the report in respect of the appointment of a Presiding Member (and Deputy Presiding Member) into the Council structure whom would undertake the administrative functions of the Chair of the Council for which are currently carried out by the Mayor; and
2. To recommend to Council the appointment of a Presiding Member (and Deputy Presiding Member) at its Annual General Meeting on the 15th May 2019.
3. To recommend to Council that if such an appointment is taken forward, such an appointment should be made on an annual basis.

## **5 THE COUNCIL'S CONSTITUTION – PROPOSED AMENDMENTS & ANCILLARY MATTERS**

The Committee considered the Joint Report of the Service Director, Democratic Services & Communication and the Director of Legal Services

which sought Committee's approval to commend to Council the adoption of the proposed amendments and ancillary matters relating to the Council's Constitution.

The Service Director provided Committee with a detailed overview of the proposed amendments and following consideration of the report, there followed a series of questions and comments in respect of the proposed amendments and ancillary matters relating to the Council's Constitution.

Member discussed in detail section 4.1-4.10 of the report in respect of Members' Questions and the proposal to take forward a maximum of 20 minutes for Questions on Notice at Full Council. Members welcomed the change to allow the opportunity for more questions to be asked although one Member suggested that the caveat of 'or a minimum of 5 questions', to be included, to ensure that at least the same amount of questions as current practice would be maintained. The Cabinet Member for Council Business commented that if the proposal was taken forward and it was evidenced that the 20minute allocation did not prove sufficient time for 5 or more questions then the item could be reviewed by the Corporate Governance & Constitution Committee.

Members spoke positively of the publication of petitions proposal on the Council website, and agreed that a criteria for publication would need to be formalised. It was suggested by one Member that the local Member should also be kept updated in respect of the petition as well as the lead petitioner, regardless of who presented the petition.

Following a detailed discussion and consideration of the report it was **RESOLVED** to commend the following amendments to full Council for consideration at the Council's Annual General Meeting 2019:-

#### Members' Questions

1 Council Procedure Rule 9.2 as follows:

A maximum of 20 minutes shall be allowed for Questions on Notice at Full Council. Any questions that are not dealt with in this time limit shall fall. The order of questions to be asked at each meeting shall be determined by a ballot conducted by the Proper Officer. Any questions on notice not answered will need to be resubmitted to the Proper Officer for the next full Council meeting in accordance with these rules. This rule does not prevent a Member asking an urgent question to which the Mayor has agreed can be put in accordance with Rule 9.4(b). Any such urgent questions shall be put prior to the commencement of the 20 minutes allocated for questions received on notice.

2 Procedure Rule 9.5(c) as follows:

(c) where the reply cannot conveniently be given orally, a written answer provided subsequently to the questioner, within 10 working days and a copy of the answer circulated to all Members.

#### Motions on Notice

- 3 Council Procedure Rule 10.1(b), second bullet point as follows:
- in writing, by fax or e-mail (with the names of the Proposer and Secunder clearly stated) signed by the Proposer; and

Content and length of speeches

- 4 Council Procedure Rule 12.4 as follows:

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Mayor acknowledging that flexibility shall be given where a speech is being delivered through the medium of Welsh to allow for simultaneous translation.

Substitution

- 5 Council Procedure Rule 22.4(iii) as follows:

(iii) after notifying the Proper Officer via e-mail or telephone by 8.30a.m. on the day of the meeting of the intended substitution.

Proposed amendments to the Open Government Council Meeting Procedure Rules

Public Questions

- 6 Rule 3.2 to stipulate that the Proper Officer will conduct the ballot noting, as is current practice, that all Leaders of Political Groups (or their nominated substitute) and any unallocated Members would be entitled to attend the ballot should they wish to do.

- 7 Rule 3.3 be amended as follows:

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer not later than 5.00pm at least eight clear working days (not including the date of the meeting) before the date of the meeting. Each question must give the name and address of the questioner and must specify the Member to whom it is to be put.

- 8 Rule 3.10(c) be amended as follows:

(c) a written answer (with a copy of that answer being circulated to all Members).

Public Presentations

- 9 Rule 4.1 be amended as follows:

Any resident of or Council taxpayer or non domestic ratepayer in the County Borough may make a presentation to Council on a matter for

which the Council has responsibility. Presentations will be selected by a draw to be undertaken by the Mayor or Deputy Mayor which shall take place as soon as possible after the period for submission of presentations has expired. A maximum of two, 5 minute presentations will be permitted per meeting provided that a written submission summarising the presentation(s) is received by the Proper Officer not later than 5.00pm at least eight clear working days (not including the date of the meeting) before the date of the meeting.

#### Proposed amendments to the Budget and Policy Framework Procedure Rules

- 10 Second paragraph of Rule 2(b) as follows:

Any amendments to the proposals of the Cabinet to be proposed by Members at Council may not be considered by Council unless notice of the proposed amendment has been given in writing, by fax or via e-mail (with the names of the Proposer and Seconder clearly stated) to the Proper Officer and signed by the Proposer not later than 5:00pm at least 8 clear working days (not including the date of the meeting) before the date of the Council meeting.

#### Proposed amendments to the Pension Fund Committee terms of reference

- 11 The terms of reference, specifically Paragraph 14.1(a) by adding a new bullet point 'a (vi)' as follows and renumbering existing bullet points a (vi) and a (vii) accordingly:

vi) Stewardship Code – approving the Fund's Stewardship code to promote best practice in stewardship that is consistent with seeking long – term investment returns;

- 12 Paragraph 14.1(c) to as follows:

(c) Considering the Fund's financial statements as part of the approval process and to receive the Fund's Annual Report. Receive internal and external audit reports on the same.

#### 'Proper Officer' references

- 13 'Proper Officer' references in the Council's Constitution from the Monitoring Officer to the Service Director – Democratic Services and Communications.

#### Petitions

- 14 To adopt an agreed set of procedures for the receipt and processing of petitions.

## REVIEW - OVERVIEW AND SCRUTINY 'FIT FOR THE FUTURE'

The Service Director, Democratic Services & Communication provided Members with details of the proposals in response to the Wales Audit Office 'Fit for the Future' review in respect of the Council's Scrutiny arrangements and sought approval to amend the constitution to reflect the proposals contained within the report.

Members were provided with the background to the report and the review undertaken, with the Service Director detailing the lengthy discussions taken forward at the Special Overview & Scrutiny Committee on the 1<sup>st</sup> May in respect of the report and its proposals, with the suggested amendments to the proposals highlighted below:

- Terms of Reference to be allocated at the start of the Municipal Year by the Overview & Scrutiny Committee following consultation with the Scrutiny Chairs and Vice Chairs (particular reference was made to the current TOR for the Children & Young People Scrutiny and its wide remit);
- To develop a streamlined and focused Committee Work Programme to ensure a more outcome based approach is taken forward following agreement with the Scrutiny Chairs and Vice Chairs and respective Scrutiny Committees; and
- Remove reference to 'summons the Mover and Seconder of a Notice of motion to a scrutiny meeting' and formalise the invitation to the Mover and Seconder (following a point raised that once the motion has passed it becomes the Council's motion);

The Cabinet Member for Council Business spoke of the good practices witnessed in other Authorities, referencing the previous WAO peer exchange review conducted and the opportunity available to utilise such practices and to assist and develop taking forward the Councils scrutiny arrangements to ensure they are fit for purpose and fit for the future. The Cabinet Member also commented on the need to strengthen public engagement through the use of webcasting and a future role to play for non-allocated Members.

Following consideration of the report and the oral feedback of the Overview & Scrutiny Committee it was **RESOLVED:**

1. To note the observations and responses to the proposals of the WAO fit for the future review as outlined within Appendix A of the report.
2. To note the verbal feedback of the Overview & Scrutiny Committee following consideration of the report and the recommended proposals following their meeting on the 1<sup>st</sup> May, 2019.
3. Agree that following prior consultation with the Scrutiny Chairs and Vice Chairs, the Terms of Reference of each of the Scrutiny Committees be reviewed, refined and agreed by the Overview and Scrutiny Committee at its first meeting, of the 2019-2020 Municipal Year.
4. Subject to the agreement to the above, recommend to the Council Annual General Meeting that authority is provided to the Director of Legal Services (as Monitoring Officer) to update the Council Constitution

accordingly to reflect the changes to the Committees Terms of Reference, once agreed upon.

**This meeting closed at 5.53 pm**

**Cllr S Powderhill  
Chairman.**