

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2014-2015

COUNCIL

10TH DECEMBER, 2014

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

Agenda Item No.11

**NOTICE OF MOTION –
COUNCIL MEETING – 24TH
SEPTEMBER, 2014**

Author: Ms.Karyl May, Democratic Services Manager

1. PURPOSE OF THE REPORT

The purpose of this report is to inform Members of the comments of the Corporate Governance and Constitution Committee at the meeting held on the 13th November, 2014 in respect of the Notice of Motion that was presented to the meeting of the Council on the 24th September, 2014.

2. RECOMMENDATIONS

It is recommended that Members:

Either

- (a) Amend Part 4 Rules of Procedure paragraph 10.3.1 of the Council's Constitution relating to matters that can be considered by way of Notices of Motions to read, and as recommended by the Corporate Governance and Constitution Committee:

‘Subject to Rule 10.3.2 motions for which notice may be given under rule 10.1 must be about matters for which the Council has a responsibility. Other matters which the Council could influence, that are the responsibilities of other Governments but which substantially affect the well being of the administrative area of the Council **or will also be allowed in the wider public interest, subject to them not being defamatory, frivolous or offensive.**’

As per the Notice of Motion presented to Council on the 24th September, 2014, subject to the additional wording as shown in bold.

Or

- (b) That no amendments be made to Part 4 Rules of Procedure paragraph 10.3.1. to the Council's Constitution.

3. **BACKGROUND**

- 3.1 Members will recall the following Notice of Motion that was presented to Council on the 24th September, 2014 standing in the names of County Borough Councillors P.Jarman, G.Davies, K.Morgan, I.Pearce, M.Weaver, S.Rees-Owen, C.Davies, E.Webster and S.Evans-Fear:

“That the following proposed amendment to the Council’s Constitution be forwarded to the Corporate Governance and Constitution Committee for consideration or else be considered and adopted by this meeting in the interest of efficiency:

Amend Part 4 Rules of Procedure Para 10.3.1 relating to matters that can be considered by way of Notices of Motions to read:

‘Subject to Rule 10.3.2 motions for which notice may be given under rule 10.1 must be about matters for which the Council has a responsibility. Other matters which the Council could influence, that are the responsibilities of other Governments but which substantially affect the well being of the administrative area of the Council, will also be allowed in the wider public interest’.”

- 3.2 It was resolved at that meeting to defer consideration of the Motion to the Corporate Governance and Constitution Committee.
- 3.3 At the meeting of the Corporate Governance and Constitution Committee held on the 13th November, 2014, Members gave consideration to the Notice of Motion as detailed in paragraph 3.1 above and also to the information gleaned from local authority websites in Wales, as shown at Appendix 1 to this report. County Borough Councillor P.Jarman, who is a Member of the Committee was unable to attend the meeting and in her absence, the Chairman agreed for her written comments to be circulated and considered at the meeting.
- 3.4 Members were of the view that Part 4 Rules of Procedure paragraph 10.3.1 of the Council’s Constitution should be amended as outlined in the Notice of Motion shown at paragraph 3.1 subject to the additional wording as shown in bold below:

“Subject to Rule 10.3.2 motions for which notice may be given under rule 10.1 must be about matters for which the Council has a responsibility. Other matters which the Council could influence, that are the responsibilities of other Governments but which substantially affect the well being of the administrative area of the Council, **or** will also be allowed in the wider public interest **subject to them not being defamatory, frivolous or offensive.**”

APPENDIX 1

SCOPE OF NOTICE OF MOTIONS ACROSS AUTHORITIES IN WALES

ANGLESEY

Must be about matters for which the Council has responsibility or which affects the area or where the Council has a legitimate interest.

BLAENAU GWENT

Must be about matters for which the Council has a responsibility or which affect the area.

BRIDGEND

Must be about matters for which the Council has a responsibility or which affect the County Borough.

CARDIFF

Notice of Motions must be in relation to Relevant Business and must not be Inappropriate Business

The following interpretation is provided in their Constitution:

“*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.

“*Inappropriate Business*” means matters that:

- (i) are not in relation to a matter for which the Council has a responsibility and which affects the administrative area or citizens of the Council;
- (ii) are defamatory, frivolous or offensive;
- (iii) require the disclosure of confidential or exempt information; or
- (iv) relate to the personal circumstances or conduct of any officer and Member or conditions of service of employees; or
- (v) relate to an individual, particular group or business or the questioner’s own particular circumstances.

CAERPHILLY

Must be relevant to some matter in relation to which the Council have powers or duties or which affects the County Borough.

CARMARTHENSHIRE

Must be relevant to some matter in relation to which the Authority have functions or which affects the area of the Authority, or part of it, or the inhabitants of that area, or some of them.

CEREDIGION

Must be about matters for which the Council has responsibility and which substantially affect the administrative area of Ceredigion.

CONWY

Must be about matters for which the Council has a responsibility of which affects the County Borough.

DENBIGHSHIRE

Must be about matters for which the Council has a responsibility of which affect the County.

FLINTSHIRE

Scope of Notice of Motions:

The County Council cannot alter, but it can express a view, on decisions made by the Cabinet and cannot require the Cabinet to follow its view on any Executive function

A motion which could be perceived as being defamatory in nature shall not be accepted for inclusion on the Council agenda.

Criteria for Allowable Motions

1. The subject matter of a motion should have a direct connection with the business of the Council or the interests of the residents or the County of Flintshire;
2. The text of a motion should be precise and understandable;
3. Where the motion makes references to facts, published reports or published statements it should be factually accurate and must give the source of the information upon which it relies (i.e. person/organisation and place/date/publication); the motion should not be defamatory in content; and
4. The motion should make a proposition which is capable of being debated and voted upon with or without amendment.

GWYNEDD

Every motion shall be relevant to some matter in relation to which the authority have functions, or which affects the area of the authority, or part of it or the inhabitants of that area, or some of them.

MERTHYR

MONMOUTHSHIRE

NEATH PORT TALBOT

Must be about matters for which the Council has a responsibility or which affect the area.

NEWPORT

PEMBROKESHIRE

Must be about matters for which the Council has a responsibility or which affect Pembrokeshire.

POWYS

Must be about matters for which the Council has responsibility and which substantially affect the well being of the administrative area of the Council.

SWANSEA

Must be relevant to matters over which the Council has power or which affects the City and County of Swansea.

TORFAEN

Must be about matters for which the Council has responsibility or which affect the area.

VALE OF GLAMORGAN

Must be about matters for which the Council has a responsibility or which affect the Vale of Glamorgan area.

WREXHAM

Not specified

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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Freestanding Matter