

RHONDDA CYNON TAFF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2015 - 2016

**COUNCIL
20th MAY 2015**

Agenda Item No. 7

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

**PROPOSED AMENDMENTS TO THE
CONSTITUTION**

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1. PURPOSE OF REPORT

To seek Council's approval of amendments to the Constitution.

2. RECOMMENDATIONS

Allocation of Notices of Motion

- 2.1 To allocate the 20 notices of motion as required by Council Procedure Rule 10(2)(a) for Municipal Year 2015-2016.

Member Questions

- 2.2 To consider amending the final paragraph of Council Procedure Rule 9.2 to read as follows: -

If more than five questions on notice which may be asked at any meeting of the full Council are received by the Proper Officer then the five questions to be asked at that meeting are to be determined by a ballot conducted by the Mayor (and in his/her absence the Deputy Mayor).

- 2.3 To consider introducing new Council Procedure Rules 9.4 (c) and (d) as follows: -

(c) Each Member is permitted to ask one question per Council meeting (and a further supplementary question at the relevant Council meeting in accordance with Rule 9.6);

(d) The question must be submitted to the Proper Officer by the Member wishing to ask that question at the relevant Council meeting; and

(e) The subject matter of the question to be put cannot then be repeated by any Member for a period of six months following the relevant Council meeting at which it was asked.

Council Procedure Rule 23 - Photographs and Recording of Council Meetings

- 2.4 To consider amending the final paragraph of Council Procedure Rule 9.2 to read as follows:

Proceedings at meetings will be tweeted live via the Council's official twitter account. Elected Members and members of the public are also permitted to use social media during Council meetings provided it does not disrupt proceedings. Save for this exemption proceedings may not otherwise be photographed, videoed, sound recorded or transmitted in any way outside the meeting without prior permission of the Mayor. Failure to comply with this rule may invoke rule 19.4 (members to leave meeting) and 20.1 (removal of members of the public).

Role and responsibilities of the Mayor & Deputy Mayor

- 2.5 To consider whether or not to implement the recommendations of the Corporate and Governance Constitution Committee as detailed in paragraph 7.5 and 7.6 of this report in respect of the roles and responsibilities of the Mayor and Deputy Mayor.
- 2.6 That the Director of Legal and Democratic Services amend the Council's Constitution to reflect the required amendments and make any consequential changes.

3. BACKGROUND

- 3.1 The Council's Constitution was adopted in May 2002 and sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that they are efficient, transparent and available to local people. The Constitution is a `living document` in that it is constantly being updated and revised to reflect new Government legislation and improvements in procedures gained in light of experience.

4. ALLOCATION OF NOTICES OF MOTION

- 4.1 Council Procedure Rule 10.2(a) specifies that motions of which notice must be given be limited to a maximum of 20 in each municipal year and the allocation between political groups for the following municipal year shall be determined at the Annual Meeting.
- 4.2 For the last municipal year the Notices of Motion were allocated on the following basis:

Labour – 11
Plaid Cymru - 5
Independent Group – 2
Democratic Alliance Group - 1

Unallocated Member (1) - 1

4.3 The 20 motions need to be allocated for the municipal year 2015-2016.

5. AMENDMENT TO PROCEDURES FOR MEMBERS QUESTIONS

5.1 Under Council Procedure Rule 9.2 the maximum number of questions on notice which may be asked at any meeting of the full council is 5 and if the number of questions received exceeds this amount it shall be the first five questions received by the Proper Officer that will be accepted. Any questions on notice not accepted need to be resubmitted to the Proper Officer for the next full Council meeting in accordance with the procedure rules.

5.2 It is recommended that this process be amended and that the final paragraph of Council Procedure Rule 9.2 be changed to read as follows: -

If more than five questions on notice which may be asked at any meeting of the full Council are received by the Proper Officer then the five questions to be asked at that meeting are to be determined by a ballot conducted by the Mayor (and in his/her absence the Deputy Mayor).

Any questions on notice not successful in the ballot will need to be resubmitted to the Proper Officer for the next full Council meeting in accordance with these Council Procedure Rules.

5.3 For the sake of clarity it is also recommended that new Rules 9.4 (c), (d) and (e) be introduced stipulating the following: -

(c) Each Member is permitted to ask one question per Council meeting (and a further supplementary question at the relevant Council meeting in accordance with Rule 9.6);

(d) The question must be submitted to the Proper Officer by the Member wishing to ask the question; and

(e) The subject matter of the question to be put cannot be repeated by any Member for a period of six months following the relevant Council meeting at which it was asked.

6. COUNCIL PROCEDURE RULE 23 - PHOTOGRAPHS AND RECORDING OF COUNCIL MEETINGS

6.1 At the Council meeting in December Council endorsed the action taken by the Democratic Services Committee in relation to the use of the remaining grant monies received from the Welsh Government for Remote attendance and the Webcasting of Council meetings.

6.2 Council approved the remaining monies of the grant funding to be used for:

- Webcasting of meetings of the Development Control Committee
- Recording of planning training events to be screened and use on RCTSource.

Council also resolved not to undertake 'remote attendance' of a Cabinet Meeting.

6.3 The Welsh Government has indicated there will be no further grant monies made available in respect of the webcasting of Council meetings.

6.4 Currently Council Procedure Rule 23 stipulates that "proceedings at meetings may not be photographed, videoed, sound recorded or transmitted in any way outside the meeting without prior permission of the Mayor. Failure to comply with this rule may invoke rule 19.4 (members to leave meeting) and 20.1 (removal of members of the public)."

6.5 With the permission of the Mayor it is now common practice for the official Council twitter account to tweet Council meeting proceedings live.

6.6 It is therefore proposed that Rule 23 be amended as follows: -

Proceedings at meetings will be tweeted live via the Council's official twitter account. Elected Members and members of the public are also permitted to use social media during Council meetings provided it does not disrupt proceedings. Save for this exemption proceedings may not otherwise be photographed, videoed, sound recorded or transmitted in any way outside the meeting without prior permission of the Mayor. Failure to comply with this rule may invoke rule 19.4 (members to leave meeting) and 20.1 (removal of members of the public).

7. MAYORS ROLE AND RESPONSIBILITIES

7.1 Members will recall the following Notice of Motion that was presented to Council on the 25th March 2015:-

"This Council notes the work undertaken by the Mayor as First Citizen of the County Borough including the contribution made through charity funding raising activity that has raised hundreds of thousands of pounds for worthy causes.

This Council recognises the role and functions of the Mayor of the Council as defined in the 1972 Local Government Act.

That the role of Mayor should be revised as in, the role and responsibilities it holds within the Council. Such changes could include the reduction/removal of ceremonial activity to support the on-going efficiencies being made by the Council.

Furthermore, the function of chairing the Constitution Committee of the Council could also form part of this new role. This and other changes should be considered by the Constitution Committee with any recommendations being reflected at the Council's Annual General Meeting."

- 7.2 It was resolved at that meeting to defer consideration of the Motion to the Corporate Governance and Constitution Committee.
- 7.3 At the meeting of the Corporate Governance and Constitution Committee held on the 27th April 2015, Members gave consideration to the Notice of Motion as detailed in paragraph 7.1 above. 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 emailed comments to be circulated and considered at the meeting. In the email, Councillor Jarman put options forward that could achieve savings on Member allowances costs.
- 7.4 Committee Members noted the statutory framework concerning the role of the Council's Chairman (the "Mayor") and the current roles and responsibilities.
- 7.5 The Committee resolved to recommend to the Council's Annual Meeting that the annual budget for the Mayor be reduced and that such changes also be reflected in the Mayor's Office; as it was felt that the number and scale of civic events should be reviewed including the Civic Sunday Ceremony and Dinner and that more of a focus being made on fundraising events in support of the Mayor's chosen charities.
- 7.6 Furthermore, it resolved to recommend to Council that given the important role in championing the Constitution the Mayor and Deputy Mayor be appointed as the Chair and Vice-Chair respectively of the Council's Corporate Governance and Constitution Committee and that the Mayor not be separately remunerated for undertaking this function.
- 7.7 The Committee also noted that it be for the Council to decide whether to apply any civic salary to the posts of Civic Head (i.e. its Chairman/Mayor) and deputy Civic Head (its Vice-Chair/Deputy Mayor) and to be based on the determinations of the Independent Remuneration Panel for Wales as set out in their 2015/16 Report and which is to be considered under Agenda Item 12.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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REPORT OF THE DIRECTOR, LEGAL & DEMOCRATIC SERVICES

Background Papers

PROPOSED AMENDMENTS TO THE CONSTITUTION

Freestanding Matter

