

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CORPORATE GOVERNANCE AND CONSTITUTION COMMITTEE

Minutes of the meeting of the Corporate Governance and Constitution Committee held at the County Borough Council Offices, The Pavilions, Cambrian Park, Clydach Vale on Friday, 14th February, 2014 at 11 a.m.

Present:

County Borough Councillor R.Lewis – in the Chair

County Borough Councillors

A.Roberts (Vice-Chair), J.Elliott and R.K.Turner

Officers in Attendance:

Mr.P.J.Lucas – Director, Legal and Democratic Services

Mr.A.Willkins – Corporate Solicitor

Ms.K.May – Democratic Services Manager

5. APOLOGIES FOR ABSENCE

Apologies for absence were received from County Borough Councillors P.Jarman, J.Rosser and M.Webber.

6. DECLARATIONS OF INTEREST

RESOLVED – to note that in accordance with the Code of Conduct, there were no declarations of personal interest relating to the agenda.

7. PROPOSED AMENDMENTS TO THE COUNCIL'S CONSTITUTION –

1. THE FAMILY ABSENCE FOR MEMBERS OF LOCAL AUTHORITIES (WALES) REGULATIONS 2013

2. TERMS OF REFERENCE OF THE SCRUTINY SERVICE COMMITTEES

In his report the Director, Legal and Democratic Services sought the Committee's consideration to the proposed amendments to be made to various parts of the Council's Constitution to take account of The Family Absence for Members of Local Authorities (Wales) Regulations, 2013, which came into force in December, 2013 and amendments to the Terms of Reference of the Service Scrutiny Committees.

Following the observations made by the Director, Legal and Democratic Services and a lengthy discussion, it was **RESOLVED** – That the following recommendations be made to Council at its meeting on the 26th February, 2014 in relation to the proposed amendments to be made to the Council's Constitution in respect of The Family Absence for Members of Local

Authorities (Wales) Regulations 2013 and the Terms of Reference of the Service Scrutiny Committees:

2.1 (1) **Part 2 – Articles of the Constitution**

Article 5 – Chairing the Council (b) Responsibilities of the Mayor (or in his/her absence the Deputy Mayor)

(vii) To carry out duties as required under The Family Absence for Members of Local Authorities (Wales) Regulations 2013.

(2) **Part 3 – Responsibility for Functions**

Section 2 – Responsibility for Council Functions

Council or Name of Committee	Membership	Non-Executive Functions	Delegation of Functions
<ul style="list-style-type: none"> N/A 	The Mayor (or in his/her absence the Deputy Mayor)	In accordance with The Family Absence for Members of Local Authorities (Wales) Regulations 2013 (Regulation 34), the Mayor (or in his/her absence the Deputy Mayor) to consider whether to cancel a Member's period of absence that he/she has been given notification of and on reasonable grounds by the Head of	Head of Democratic Services

<ul style="list-style-type: none"> • Appeals Committee – Family Absence 	<p>3 Members of the Democratic Services Committee (must not include the Mayor or Deputy Mayor))</p>	<p>Democratic Services.</p> <p>In accordance with The Family Absence for Members of Local Authorities (Wales) Regulations 2013 (Regulations 35 and 36):</p> <p>To hear appeals from Members against a decision to withdraw entitlement to family absence.</p> <p>To settle disputes, where a Member, who is on leave of absence would like to attend a particular meeting, type of meeting, or perform a particular duty or type of duty and the Mayor (or in his/her absence the Deputy Mayor) of the Council refuses this request.</p>	<p>Head of Democratic Services</p>
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(3) **Part 4 – Rules of Procedure – Council Rules of Procedure**

(7) Quorum

If a Member is on Family Absence and it would be difficult to replace that Member on a temporary basis, the Mayor (or in his/hr absence the Deputy Mayor) can request that Member to attend a meeting if it might otherwise be inquorate.

(25) Family Absence for Members

25.1 A Member on maternity absence or parental absence may, subject to paragraph 25(2) and (6) below:

- Attend particular meetings
- Attend particular descriptions of meetings
- Perform particular duties; or
- Perform duties of a particular description

25.2 The Member must obtain the permission of the Mayor (or in his/her absence the Deputy Mayor) before attending any meeting or performing any duty.

25.3 The Mayor (or in his/her absence the Deputy Mayor) must inform the Leaders of each political group of the Local Authority before granting permission under paragraph 25.2 above.

25.4 A Member may complain in writing to the Head of Democratic Services regarding a refusal under paragraph 25.2 above.

25.5 The Head of Democratic Services must refer a complaint under paragraph 25.4 above to the Mayor.

25.6 A Panel constituted in accordance with The Family Absence for Members of Local Authorities (Wales) Regulation 2013 must determine a complaint made under paragraph 25.4 above.

25.7 The Panel May:

- Confirm the decision of the Mayor (or in his/her absence the Deputy Mayor) of the Council; or
- Substitute its own decision as to the Member attending any meeting or performing any duty.

(4) Section 4 - Head of Democratic Services

(t) To carry out duties as required under The Family Absence for Members of Local Authorities (Wales) Regulations, 2013.

- 2.2 To note the contents of the letter of the Independent Remuneration Panel for Wales in respect of the entitlement of Members to receive allowances during family absence.
- 2.3 That Article 6 paragraph 6.01 of the Terms of Reference of the Scrutiny Committees be amended so that the Museums be removed from within the terms of reference of the Education and Lifelong Learning Scrutiny Committee and that Tourism be removed from within the terms of reference of the Environmental Services Scrutiny Committee and both come within the remit of the Corporate Services Scrutiny Committee.
- 2.4 That Development Control be deleted from within the terms of reference of the Environmental Services Scrutiny Committee as it already sits within the Corporate Services Scrutiny Committee.
- 2.5 That the Director, Legal and Democratic Services be given delegated authority to amend the terms of reference of the Service Scrutiny Committees consequent upon changes in Officer responsibilities for functions, and report back such changes to this Committee for information.

8. **URGENT BUSINESS**

With the permission of the Chairman, the Director, Legal and Democratic verbally reported that he wished to bring to Members attention that problems had been experienced with inputting information into the Exari software resulting in no progress being made in incorporating the Council's existing Constitution into the new Welsh `Model Constitution` with the necessary amendments, where appropriate and as reported at the meetings of this Committee held on the 10th November and 14th November, 2013. He reported that the Senior Exari Analyst of Bond Dickinson's had been contacted and the matter was being looked into. **RESOLVED** – to note the information and that Members be provided with an update at the next meeting of this Committee.

**R.Lewis
Chairman**

The meeting closed at 11.35 a.m.

