

## **AMENDMENTS TO THE CONSTITUTION – PROPOSED BY MEMBERS**

### **Section 2.5**

***Add a new para 2.5.5: ‘The Monitoring Officer will ask the Democratic Services Committee annually whether or not they wish to review the Constitution and to propose any amendments’.***

An annual review of the Constitution is not part of the remit of the Democratic Services Committee. The previous review was undertaken by the Committee when consideration was being given to the new All Wales Model Constitution. The process for review is set out in the Constitution and this is adequate to deal with significant process and legislative changes. It would not be practical or a good use of resources to review the Constitution annually or at every request from a Member or when there is a difference of opinion on interpretation.

### **Section 4.19.9 Supplementary Question**

A number of queries / proposals have been received in relation to Questions by Members and Supplementary Questions. It seems to be accepted that the current “fastest finger first” for the Supplementary Question is difficult to monitor.

#### **Proposal 1**

***Amend the existing paragraph 4.19.9 to : “A member asking a question under Rule 4.19.2 or 4.19.3 may ask one supplementary question. The supplementary question must be directly related to the initial question which is raised and can be without notice of the Member to whom the first question was asked. If however any further specialist or specific information is required following receipt of the written response, then the questioner should give written notice of their supplementary question at least 1 working day before the Council Meeting”.***

#### **Proposal 2**

***Allow the original questioner a supplementary question but don’t accept further supplementary questions from other Members. This will prevent tenuous supplementary questions and allow time for more questions to be asked.***

**Monitoring Officer response:** It is agreed that the supplementary question must be directly related. It is not the opportunity to raise a new issue or to address matters that are related to specific ward issues / member referrals. Currently written responses are not received / circulated until the day before the meeting. To introduce this proposal would mean moving that deadline. The remit of questions are set out at paragraph 4.19.2 of the Constitution: “...a Member may ask a question on any matter in relation to which the Council has powers or duties or which affects the County Borough of Bridgend...”. The MO’s interpretation of this and the advice that would be given to the Mayor is that it needs to relate to something the Council has responsibility for or can offer support and assistance. There may be benefit in removing the entitlement to another supplementary question from the wider Members. They are often used to give a statement or ask a question on a largely unrelated topic. This would also resolve the issue of “fastest finger first”.

#### **Proposal 2**

***15 working days before the Ordinary Meeting of Council, an anonymous 10 Member ballot of all 51 Members will be taken by the Mayor, Deputy Mayor, Monitoring Officer or the Head of Democratic Services, to establish the order in which Members will ask their question. A maximum of 6 questions will be asked in any Ordinary Meeting of Council, which must be submitted at least 10 working days***

***before the meeting. The question and answer session will last no more than 30 minutes. No supplementary questions.***

**Monitoring Officer response:** Most of these issues were considered in the last two reviews of the Constitution but can be considered again if that is felt appropriate. Anonymous ballot and fastest finger first were discussed but not accepted.

The process for questions was discussed at length during the working group and practices were compared in other Council's. The process was changed when the new Constitution was adopted and they are now taken in order of political groups in proportion to their representation on the Council followed by those Members who are not members of any political group. The working group / officers have not been able to come up with an alternative to the "fastest finger first". It's been noted that some of the supplementary questions are statements, or tenuously linked to the original question.

The Monitoring Officer's recommendation would be that we retain the 30 minutes for questions and the current order that the questions are considered on the agenda (order of political groups in proportion to their representation). The original questioner has the opportunity to ask one supplementary which must be directly linked to the original question. The additional supplementary from another Member is removed from the process and if the topic is one of wider interest it can be considered as a topical debate at a future meeting.

#### **Section 4.11.4 – Announcements**

The current Constitution at paragraph 4.11 sets out the order of business for an Ordinary Meeting of the Council. This includes provision for Announcements from the Mayor, Chief Executive, Leader and Members of Cabinet. There are also additional bullet points which allow reports to be submitted. These are rarely used in Bridgend as we currently utilise Officer reports, although on occasion we have reports from a Committee – Standards / Corporate Overview and Scrutiny Committee/ Democratic Services Committee. The purpose of a report is to bring an item to Council that needs a decision or needs to be presented for information / awareness.

#### **Proposal 1**

***We should be issued the announcements as part of our paper pack and allowed to question the Cabinet Members on their activities over the last month.***

#### **Proposal 2**

***Items previously communicated by social media and/or email (announcements) can be taken as read and attached as an appendix to the meeting. It is recognised that since this council has met from May 2022 the leader and cabinet are giving announcements under 4.11.4 but avoiding giving reports under 4.11.5 & 4.11.6. Retain announcements from Mayor and Chief Executive.***

#### **Proposal 3**

***Allow Cabinet members to circulate their announcements via email prior to the meeting. These can also be shared on social media. Most of them are information / updates for the public which would reach a bigger audience if circulated more widely. The Leader, Chief Executive and Mayor continue their announcements to Full Council.***

**Monitoring Officer response:** This was also an area of debate when the Constitution was reviewed and when it was considered by Council. It was previously considered that Cabinet announcements were needed to update the wider public on key issues and inform Council on the work being undertaken by Cabinet Members. Given the changes in the way we communicate with the public it should be considered whether this is still the best mechanism. The Monitoring Officer would suggest that Cabinet communications are picked up as part of the Communications strategy and feedback provided to Council on alternative methods. It is considered that the announcements from the Leader, Mayor and Chief Executive are relevant and

therefore it is recommended that they continue. It is not recommended that questions should be allowed on the announcements as they are of an informative nature.

#### **Section 4.19.1 – Questions by Members on Reports of the Cabinet or Committee**

##### **Proposal 1**

***Questions by Members shall be taken in turn, so that if a Member has multiple questions then after their first one, they wait in turn to ask their next one(s)”.***

**Monitoring Officer response:** this is at the discretion of Chairs. Some will ask for Members to put their questions one at a time, and then go back in line. Others like Members to ask their whole set of questions. This is something the committee can discuss and agree at any pre-meeting (if appropriate). A change to the Constitution would not alter this as it is still at the Chair's discretion.

#### **General – Timings / Breaks**

##### **Proposal 1**

***Make it a rule that meetings will not exceed 3 hours in duration, save where in the opinion of the Chair the scheduled business can be concluded by means of a 15 minute extension. In the event that the agenda cannot be concluded, business will be carried over to the next meeting. If in the opinion of the Chair and relevant supporting Officer the business of a committee requires more than 3 hours, then multiple meetings must be scheduled.***

**Monitoring Officer response:** This would have to be considered for other meetings, including quasi judicial where there may be timescales to determine the business before the committee. Some meetings will have heavier agendas than others. Most meetings are scheduled for three hours or less and therefore it is for the Chair to manage the meeting accordingly. It would be difficult to manage the Informal Forward Work Programme if we kept carrying over items, particularly when they are fairly urgent. There may be occasions when items cannot be deferred. The Monitoring Officer would not recommend any changes to the Constitution on this proposal.

##### **Proposal 2**

***A 10 minute comfort break must be offered after 90 minutes of business. No meeting segment (the time between breaks) can continue for 60 minutes.***

**Monitoring Officer response:** A 10 minute comfort break is referenced in the Chair's protocol and Chair's are reminded during the meeting. However, it is a matter for the Chair to run the meeting and may choose to take an earlier / later break depending on the discussion and whether there is a natural break. The protocol can be reviewed to reinforce and ask the Group Leaders to confirm they will ask their nominated Chairs to adhere to the provisions.

A 60 minute session seems quite short, particularly for quasi judicial meetings. It would be disruptive for those presenting / giving evidence. The Monitoring Officer would not recommend any changes to the Constitution on this proposal but Chairs will be reminded of the requirement to take comfort breaks.

### Proposal 3

***No more than a total of 5 hours of council/sub-committee/scrutiny meetings can be scheduled for any single day. There must be a 1 hour break between the latest possible end time of one meeting and the start time of Scrutiny meeting.***

**Monitoring Officer response:** This is avoided where possible, not only for Members wellbeing but also for officers who have to service the meetings. Occasionally during the budget scrutiny process, or if there is a call in / additional Development Control Committee there will be extra meetings added to the calendar. We try to avoid holding them on days where there is already a committee scheduled but that is not always possible due to the timescales to hold the meeting. Some committees are arranged by partners, eg, SRS committee. This is not a matter to be included in the Constitution.

## OVERVIEW AND SCRUTINY COMMITTEES

### Section 7.14.3

#### Proposal 1

***Add a new sentence - "Persons nominated to Deputise for the Chair in the event of absence or technical issues shall be nominated by the Committee in line with the political grouping of the Chair".***

**Monitoring Officer response:** If someone is absent from the meeting in its entirety the Committee will nominate / approve who will Chair on the day. It seems sensible that if there is a technical / emergency situation someone is nominated by the Chair to briefly take over and call an adjournment. The Monitoring Officer would not recommend that this proposal requires a Constitutional amendment.