



## **COUNCIL – 16<sup>TH</sup> NOVEMBER 2021**

**SUBJECT: NOTICE OF MOTION – REVIEW OF COUNCIL  
CONSTITUTION AND MEMBER PROTOCOL**

**REPORT BY: CORPORATE DIRECTOR EDUCATION AND CORPORATE  
SERVICES**

### **1. PURPOSE OF REPORT**

- 1.1 Council is asked to consider the Notice of Motion as set out in paragraph 5.1 of the report and make an appropriate recommendation, in accordance with Rule 11(3) of the Constitution the motion was first considered by Policy and Resources Scrutiny Committee at its meeting on the 28<sup>th</sup> September 2021 and was not supported.

### **2. SUMMARY**

- 2.1 A Notice of Motion has been received from Councillor K. Etheridge and is supported by Councillors D. Cushing, N. Dix, A. Farina-Childs, C. Mann, B. Owen, G. Simmonds, T. Parry, J. Taylor and L. Whittle.
- 2.2 The Notice of Motion meets the criteria set out in the Council's Constitution and in accordance with the Council's Rules of Procedure was first considered by the Environment and Sustainability Scrutiny Committee, Members debated the motion and by a majority voted not to support the motion.

### **3. RECOMMENDATION**

- 3.1 Council are asked to consider the notice of motion the Notice of Motion as outlined in paragraph 5.1 and make an appropriate recommendation.

### **4. REASONS FOR THE RECOMMENDATION**

- 4.1 In accordance with the Council's Constitution.

### **5. THE REPORT**

- 5.1 **Notice of Motion**

Councillor Etheridge in his notice of motion calls on the Council to review the Councils Constitution and Members Protocol with an emphasis on the procedure of delegated powers within the Authority on major decisions made, which may have implications for all elected members during their term of office, with the remit looking at engagement and consultation with respective ward members prior to implementation.

We therefore call for the establishment of an all-party working group to be set up and report recommendations with implementation taking place prior to the May 2022 elections on changes which are required.

## **6. ASSUMPTIONS**

- 6.1 As a notice of motion is a procedural matter and must be dealt with in accordance with Council's Constitution, no assumptions have been made.

## **7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT**

- 7.1 This report does not require an Integrated Impact Assessment as it relates to a procedural matter under the Councils Constitution.
- 7.2 The procedural rules regarding a Notice of Motion are contained within Council's Constitution as adopted in May 2002. The Council's Constitution sets out the framework for the decision-making roles and responsibilities.
- 7.3 However the outcome of the Notice of Motion and any subsequent reports arising from it may require an Integrated Impact Assessment.

## **8. FINANCIAL IMPLICATIONS**

- 8.1 There are no financial implications associated with this report.

## **9. PERSONNEL IMPLICATIONS**

- 9.1 There are no personnel implications associated with this report.

## **10. CONSULTATIONS**

- 10.1 The Notice of Motion was considered by the Policy and Resources Scrutiny Committee at its meeting on the 28<sup>th</sup> September 2021.
- 10.2 Councillor K. Etheridge presented the Notice of Motion, to ask Caerphilly County Borough Council to review the Councils Constitution and Members Protocol with an emphasis on the procedure of delegated powers within the authority on major decisions made, which may have implications for all elected members during their term of office, with the remit looking at engagement and consultation with respective ward members prior to implementation.

He called for the establishment of an all-party working group to be set up and report recommendations with implementation taking place prior to the May 2022 elections on changes which are required.

- 10.3 Concerns were raised regarding the establishment of an all-party working group. It was considered that further scrutiny offers no further democracy to residents, it would slow down the decision-making process and add a further layer of bureaucracy. However, it was argued that as the all-party working group would be making suggestions to Council, it would not be adding any further layers of bureaucracy.
- 10.4 A Member highlighted that the Constitution has been in place since 2002 and has worked in everybody's interest. It was felt that the proposals put forward by Councillor K. Etheridge will not improve the way the Council operates. In response, it was pointed out that the Constitution is an evolving document which does get amended periodically. It was argued that from time to time is necessary to review the Constitution, in light of circumstances as they evolve, to see if there are better ways of working.
- 10.5 A Member sought advice from the Monitoring Officer as to whether a working group is an appropriate way to amend the Constitution. The Member referred to Article 14 which covers the review and revision of the Constitution, which places the key role in recommending amendments in the hands of the Monitoring Officer. The Monitoring Officer addressed the Scrutiny Committee and provided his views on the Notice of Motion. Members were advised that the Monitoring Officers of Wales are currently in the process of putting together a draft Constitution to be adopted by the 22 Councils in Wales and Members were further advised that it would be brought to their attention when it is available. It was noted that it is a role of the Monitoring Officer to keep the constitution under review, however it is ultimately a matter for Council. The Monitoring Officer addressed a number of issues raised by Councillor K. Etheridge. In conclusion, Members were reminded that a series of Corporate reviews are being undertaken, one of which is on Decision Making, and some of the points that are raised within the Notice of Motion are covered in the Corporate Review. In response to the comments made by the Monitoring Officer a concern was raised in that there was no timescale provided for the draft Constitution and it was suggested that an all-party working group would add value and improve it.
- 10.6 Reference was made to the establishment of an all-party working group, to be set up and report recommendations with implementation taking place prior to the May 2022 elections, and concerns were raised regarding timescale.

The Notice of Motion was moved and seconded, by way of Microsoft Forms voting (and in noting that there were 4 votes For, 8 votes Against and 0 Abstentions) the motion was not supported.

- 10.7 Therefore the Policy and Resources Scrutiny Committee RECOMMEND to Council that the motion not be supported.

## **11. STATUTORY POWER**

### 11.1 Local Government Act 2000

Author: Emma Sullivan (Senior Committee Services Officer)

Appendices: Appendix 1 Signed copy of Notice of Motion.