

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

COUNCIL

19th December 2018

REPORT OF THE HEAD OF LEGAL SERVICES – MR C GRIFFITHS

Matter for Decision

Wards Affected: All

AMENDMENT TO THE CONSTITUTION OF NEATH PORT TALBOT COUNTY BOROUGH COUNCIL REGARDING SCRUTINY RULES AND DESIGNATION OF CHAIR

Purpose of the Report

1. To consider an amendment to the Rules of Procedure in respect of Neath Port Talbot County Borough Council (“the Council”) Scrutiny Meetings and to consider an amendment to the term “Chairman” to “Chair” or “Chairperson” in Council documents

Background

Scrutiny Rules

2. At the Democratic Services Committee meeting of the 1st February 2018, Members received an update from Cllr A.N.Woolcock on the Scrutiny processes undertaken by the Council. Cllr Woolcock also drew the Committee’s attention to The Constitution of Neath Port Talbot County Borough Council (“the Constitution”) which stated that Members could only speak for 5 minutes. This he felt was not conducive to good scrutiny and suggested that consideration be given to amending the Constitution.
3. It was resolved at the meeting that the Monitoring Officer be asked to consider amending the Constitution in line with the Committee’s views in light of this.
4. A report was taken to Democratic Services Committee on the 7th November 2018 on the changes referenced in this report and Members at the

Democratic Services Committee agreed that the matter should be forwarded to full Council for consideration.

5. Paragraph 12.4 of Part 4 of The Constitution of Neath Port Talbot County Borough Council (Rules of Procedure) currently reads as follows:

“12.4 Content and Length of Speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the chairman”.

6. It would be proposed therefore that Paragraph 12.4 of Part 4 of The Constitution of Neath Port Talbot County Borough Council (Rules of Procedure) shall be deleted and replaced with the following

“12.4 Content and Length of Speeches and Questions

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the chairman save for non-executive Council Committees and Sub-Committees (including the Audit, Standards and Scrutiny Committees) where the time allowed for speeches and/or questions shall be at the discretion of the Chairperson (as a guide around 10 minutes per member)”

7. This will allow for more conducive scrutiny and for members to raise more queries should they feel it relevant to do so. The ultimate discretion though as the duration of any speeches or question will then be within the remit of the Chair. A guide of around 10 minutes per member is suggested but this is not a cap in any sense and merely as an indication for members to know what might be considered reasonable. This is in line with approaches adopted in other neighbouring authorities.
8. If Members are content with this amendment, the Head of Legal Services will proceed to amend the Constitution to reflect this.

Use of the term Chairman in The Constitution of Neath Port Talbot County Borough Council

9. Members have raised an issue to date that instead of the use of the word Chairman in the Constitution and in the reports of the Council’s meetings; there would be a preference to use the word Chairperson or Chair.
10. From a purely historic legal perspective the term “Chairman” is legally correct in that Section 21 of the Local Government Act 1972 refers to the fact that a Principal Council must consist of elected members and it must appoint a “Chairman” from those members for the purposes of chairing meetings of the Council. However, there are no provisions in the LGA which state that

authorities must refer to the person who chairs Council meetings as being the “Chairman”.

11. If Members wish therefore an amendment could be made to the Constitution for the Council to determine that the person who is appointed to chair a meeting is to go by the title of “Chairperson”.

12. The Democratic Services Committee that met on the 7th November 2018 were supportive of this change

Financial Impact

13. There are no financial impacts associated with this Report.

Equality Impact Assessment

14. An amendment to the term “Chairman” to “Chairperson” will ensure equality between respective members who chair, dependant on whether male or female.

Workforce Impacts

15. There are no workforce impacts associated with this Report

Legal Impacts

16. Rules in respect of scrutiny were established in the Local Government Act 2000 and further supplemented by the Local Government (Wales) Measure 2011. The Scrutiny Rules set out in the Constitution reflect these legal principles.

17. As indicated above, Section 21 of the Local Government Act 1972 refers to the fact that a Principal Council must consist of elected members and it must appoint a “Chairman” from those members for the purposes of chairing meetings of the Council. However, there are no provisions in the LGA which state that authorities must refer to the person who chairs Council meetings as being the “Chairman”.

Consultation

18. There is no requirement under the Constitution for external consultation on this item.

Recommendations

19. It is recommended that members agree that the Head of Legal Services be granted delegated authority to amend the Constitution in the following areas:

(a) Paragraph 12.4 of Part 4 of The Constitution of Neath Port Talbot County Borough Council (Rules of Procedure) shall be deleted and replaced with the following

“12.4 Content and Length of Speeches and Questions

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the chairman save for non-executive Council Committees and Sub-Committees (including the Audit, Standards and Scrutiny Committees) where the time allowed for speeches and/or questions shall be at the discretion of the Chairperson (as a guide around 10 minutes per member)”

(b) The term Chairman shall be replaced with the term “Chair” in The Constitution of Neath Port Talbot County Borough Council and a definition included that the reference to the word Chair shall mean the Chairman in accordance with Section 21 of the Local Government Act 1972/

Reason for Proposed Decision

20. To ensure that more conducive scrutiny arrangements can be put in place and an amendment can be made to denote equality between those who chair meetings.

Appendices

21. None

List of Background Papers

22. The Constitution of Neath Port Talbot County Borough Council

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