

THE VALE OF GLAMORGAN COUNCIL

Minutes of a remote Special Meeting held at 7.05 p.m. on 20th November, 2023.

The Council agenda is available [here](#).

The Meeting recording is available [here](#).

Present: Councillor Julie Aviet (Mayor); Councillors Anne Asbrey, Gareth Ball, Rhiannon Birch, Bronwen Brooks, Gillian Bruce, Ian Buckley, Lis Burnett, Samantha Campbell, George Carroll, Charles Champion, Janice Charles, Millie Collins, Marianne Cowpe, Pamela Drake, Vincent Driscoll, Anthony Ernest, Christopher Franks, Wendy Gilligan, Emma Goodjohn, Ewan Goodjohn, Stephen Haines, Sally Hanks, Howard Hamilton, William Hennessy, Nic Hodges, Mark Hooper, Catherine Iannucci, Gwyn John, Dr. Ian Johnson, Susan Lloyd-Selby, Belinda Loveluck-Edwards, Julie Lynch-Wilson, Kevin Mahoney, Michael Morgan, Jayne Norman, Helen Payne, Elliot Penn, Sandra Perkes, Ian Perry, Joanna Protheroe, Ruba Sivagnanam, Carys Stallard, Neil Thomas, Rhys Thomas, Margaret Wilkinson, Edward Williams, Mark Wilson and Nicholas Wood.

532 ANNOUNCEMENT –

Prior to the commencement of the business of the Committee, the Mayor read the following statement: “May I remind everyone present that the meeting will be live streamed as well as recorded via the internet and this recording archived for future viewing”.

533 APOLOGIES FOR ABSENCE –

These were received from Councillors Christine Cave, Robert Fisher, Russell Godfrey, Naomi Marshallsea and Steffan Wiliam.

534 DECLARATIONS OF INTEREST –

No declarations of interest were received.

535 AMENDMENTS TO THE COUNCIL’S CONSTITUTION (MO / HLDS) –

The Leader outlining the report indicated that the Monitoring Officer met in September, at her request, with the four Group Leaders of the Council regarding suggested amendments to Section 4 of the Council Constitution with a view to the Monitoring Officer, following the discussions, preparing a report for Full Council’s consideration.

Appendix A to the report detailed suggested proposed amendments for Council's consideration. Section 4.11 detailed the rules in relation to the way business was conducted at Ordinary meetings. The ordering of business to be transacted currently placed questions received by the public towards the end of the Council Summons. Rule 4.11.10 refers to this matter. The Monitoring Officer, in the spirit of the Council's Public Participation Strategy, recommended that the Rules covering the current order of business under Section 4.11, Ordinary Meetings be amended to allow questions received from the public to be received earlier in the transaction of business at future Council meetings. It was therefore proposed to amend the current Rules to allow public questions to be dealt with following the receiving of announcements (Rule 4.11.4). The proposed amendment was set out in Appendix A to the report, the effect of which would see public questions becoming Rule 4.11.5 with all subsequent rules being renumbered accordingly in the Council Constitution.

It was also being proposed that the procedure for receipt of public questions to be considered at Council meetings (Rule 4.17.3.12 refers) be amended to introduce a requirement that only one question may be asked per requester or organisation, per Ordinary Council meeting in the interests of fairness and proportionality.

Appendix B to the report detailed suggested proposed amendments for Council's consideration. These suggested changes related to the proposed amendments to Rules governing Members' questions (Rule 4.19). The suggested changes / amendments related to the following matters:

- A change to the period in which notice of a question must be given to the Proper Officer to bring this procedure into alignment with the same period governing Motions on Notice (Rule 4.20.1);
- The introduction of a maximum number of questions to be considered at Council meetings. The maximum number suggested was based on the same political balance calculation used for the allocation of seats on Committees and equated to the following breakdown:
 - Labour 13.43 – 13 (rounded down)
 - Conservative 6.98 – 7 (rounded up)
 - Plaid Cymru 4.30 – 4 (rounded down)
 - Llantwit First Independents 2.15 – 2 (rounded down)
 - Independents x 4 0.54 – 4 (1 each, rounded up);
 (The above was for illustrative purposes and could change from time to time. Any changes to allocations would be notified to Group Leaders at that time);
 Total 30 (the calculation was actually based on 29, but the mathematical rounding up took the total to 30).
- The requirement for a Member who was a member of a group to obtain the countersignature of their Group Leader (or in their absence Group Secretary) prior to the submission of a question to the Proper Officer;
- A change to the procedure for dealing with the Order of Questions;
- The introduction of a time period for the consideration of Member Questions on Notice at Council meetings, that time period being 45 minutes;
- Any questions that remained unanswered would be addressed in writing and these would be appended to the minutes of the meeting.

Appendix C to the report detailed suggested proposed amendments for Council's consideration. These suggested changes related to the proposed amendments to Rules governing Motions on Notice (Rule 4.20). The suggested changes / amendments related to the following matters:

- The introduction of a time period for the consideration of Motions on Notice at Council meetings, that time period being thirty minutes for each Motion on Notice;
- The introduction of a maximum number of Motions on Notice to be considered at a Council meeting;
- The introduction of a procedure to be followed if more than the maximum number of Motions submitted for a Council meeting was exceeded;
- The introduction of a procedure to deal with Motions not moved.

Councillor Mahoney, referring to the proposals considered that it was time to address the number of questions being submitted to Council meetings by certain Members. Referring specifically to the proposals in relation to Member questions he felt that as opposed to what was being put forward it would be more appropriate to allow for one question per Member as opposed to the proposed limit and for there to be no time limit. Referring to his comments made at previous Council meetings in relation to the duration of Council meetings, he had held the long view that meetings would take as long as they needed to take.

Councillor Dr. Johnson referring to the meeting of Group Leaders held with the Council's Monitoring Officer where proposals had been presented to the four Group Leaders at that time, he had made it clear to the Monitoring Officer and the other Group Leaders that he disagreed with all the proposals being put forward in regard to changes to Section 4 of the Council's Constitution. He was surprised and disappointed that this had been brought forward to the Council meeting. Referring to the fact that the Council operated in a slightly unique way as all Councils did, he reminded Members that there were only a certain number of Council meetings held in the year complimented with a number of Special Council meetings. Having reviewed a number of recordings of Council meetings held over the past 12 months, he had calculated that meetings on average were for 2 hours. The maximum longest meeting that he attended had been approximately 4 ½ hours. It was his view that to agree to the reduction in the number of questions and the opportunity for back benchers to have a voice was unfair and inefficient. Reflecting on the earlier comments made during the evening in regard to other matters considered particularly in regard to the effectiveness of the Council's Scrutiny Committees, the proposals appeared to be at odds with those sentiments. He also reminded Members that currently within the Rules of Debate there was a limitation on speeches by any Member of 5 minutes. He considered that the proposals were not a solution to a problem as the Council could meet more regularly if it thought there was more items that needed to be discussed in the event there was insufficient time. He also disagreed with the suggestion that members of the public should have their questions answered before Elected Councillors. Overall, he considered the proposals to be undemocratic and in his view having the effect of gagging Members, and it seemed to him that there was a political side to the proposals. He was however, happy for a cross-party of

Members of the Democratic Services Committee to have a working party/task and finish group to discuss the proposed changes to the Constitution and the impact on Members. Whilst he had no objections to the proposals in regard to Section 26 of the Constitution, he moved an amendment

“That a cross-party working group be established to discuss the proposed amendments as detailed in the report to Section 4 of the Council’s Constitution”. This was duly seconded by Councillor Cowpe.

Councillor Champion considered that some Councillors had made a rod for their own back in regard to the number of questions that were submitted for Council meetings. In addition, he sought clarification in regard to paragraph 2.3 of the report in the context that there was no mention of through schools in the County.

Councillor Carroll, speaking to the amendment, indicated his support for it as it would be more preferable if the proposals were agreed by a cross-party group of Members rather than presented to the Council meeting as a fait accompli. His attention then turned to the original Motion and to his comments made in regard to matters previously considered earlier in the evening relating to the Council not delivering for its residents and considered that the scrutiny of the Authority’s performance was paramount and vital as was the opportunity to do so. He was deeply concerned regarding the proposals to amend the Council’s Constitution which he did not support. He had made it clear in a previous meeting with other Group Leaders that he did have concerns regarding the way meetings of the Council were governed and echoed some of the comments made by Councillor Mahoney and he personally welcomed a move to make meetings more focussed so that they were not dominated by a small group of individuals. However, he felt that the proposals went far beyond what he considered to be sensible changes to bring more focus to meetings and were no more than a deliberate attempt to limit scrutiny of the Administration’s decisions. He signalled that he would support the proposed amendment.

Councillor Haines as the Vice-Chair of the Democratic Services Committee indicated that he supported the amendment and that the proposals set out in the report should have been first presented to the Democratic Services Committee to allow that Committee to form a view on those proposals.

Councillor John as the Group Leader for the Llantwit First Independent Group indicated that he was in favour of proposed changes to the Council’s Constitution and reminded Members that it did not prevent them from submitting questions to Cabinet Members outside of the arrangements for Full Council meetings. He considered the proposed time limit of 45 minutes as ample time for questions to be dealt with, however, the subject of questions submitted over previous Council meetings had been on occasions duplicate questions submitted by other political groups on the same issue. He accepted that other Councils in Wales also had similar arrangements in place to that being proposed in the report as did some Councils have more Council meetings than Cabinet meetings. He reiterated that he saw no reason why Members could not email Cabinet Members directly and copy in all other Members of the Council to raise any specific issue as opposed to raising matters at Full Council meetings. He was also mindful of the duration of

meetings, some of which had extended beyond 10.00 p.m. and the impact on Members given work/life balance issues.

Councillor Campbell referring to the proposals indicated she was particularly concerned as an Independent Member that she may not get the opportunity to have a question raised by herself during a Council meeting. Referring to the amendment proposed by Councillor Dr. Johnson she felt was relevant to her as she feared that if the proposals were agreed that she might not be able to ask a question in a future Council meeting and therefore as an Independent Member she considered the proposals not being fair.

Councillor Hodges referring to the proposed amendment and to the proposals set out in the report, indicated that he did not support any limitation to Members questions in terms of time particularly given that Cabinet Members could filibuster and take up the allotted time by providing long responses. His attention then turned to the proposals for changes to Motions on Notice at Council meetings and the time limitations and the discretion of the Chair of the meeting to extend the time. He considered it was right to say that all Members wanted to talk on Motions given that they would have legitimate concerns, but he considered it in principal wrong to have any limitation on any political group on what they could say. It was his view that the matter should have been referred to the Council's Democratic Services Committee to consider the proposals and to allow them to bring forward suggestions on how changes to the Council's Constitution could be undertaken. He considered the proposals as set out in the report nothing more than government from the top down and not democratic.

The Leader, referring to the comments on the proposed amendment sought to clarify those points raised. In regard to the comments made by Councillor Dr. Johnson, it was not her recollection of the discussions held between the other Group Leaders and the Monitoring Officer earlier in the year. From that meeting with the Group Leaders and the Monitoring Officer she understood that there was a consensus from Councillor Carroll in relation to a limitation on questions that could be submitted by Members. She also provided clarification in terms of the order of questions that would be dealt with at Council meetings and this was set out in the report in front of Members and she reminded all Members that questions would be dealt with in rounds with each political group entitled to ask one question in each round and that any Independent Members would be entitled to ask their question in order of receipt in the first round. On that basis, no Members would be left until the end and not having a voice. Her attention then turned to the matter of Motions on Notice at Council meetings. It was her view that such Motions when submitted were generally well prepared but there was, on many occasions, Members saying the same thing that other Members had previously said and she felt that that was not necessarily the most constructive use of time. Most Councillors she felt would welcome a concise and well argued debate which would mean that most Motions on Notice would be dealt with in line with the time limit as proposed in the report on most occasions. Acknowledging the points in regard to the proposals for a cross-party group of Members of the Democratic Services Committee reviewing the proposals, she reminded Members that the proposals had been researched taking account of practices at numerous other local

authorities in Wales and she indicated that she would be voting against the amendment.

At this juncture of the debate, the Monitoring Officer provided clarification indicating that the Terms of Reference of the Democratic Services Committee and its remit did not extend to cover the matters set out in the report. The report had been brought to Council for consideration as it fell within its Terms of Reference. For the proposals to be considered (if agreed) by the Democratic Services Committee this would require an amendment to its current Terms of Reference.

Councillor Perry speaking to the amendment felt that if duplicate questions were being submitted by different political groups which did happen from time to time, it could be left to officers to bring those duplicate questions to the attention of the relevant groups. He also felt that the proposals to limit the number of questions submitted by the public was contrary to the principals of public participation as defined in the Local Government and Elections (Wales) Act 2021. He also referred to his own experience of co-operation of Council officers in responding to queries that he raised and because of the responses he received which sometimes contained outdated website links which often left his question unanswered he had no other option other than to submit questions to Council meetings. He indicated that he would be supporting the proposed amendment.

Councillor Cowpe referring to the proposed amendment and to the comments made in regard to similar questions being submitted for Council meetings, she felt that the sensible thing to do was for the Cabinet Member to indicate at the meeting that a certain number of Councillors had submitted very similar questions and that they were going to be taken as one with a response being provided to all.

Councillor Mahoney echoing the concerns raised by Councillor Campbell expressed concern that Independent Members had not been previously consulted on the proposed changes and he felt that Independent Members had been ignored. Independent Members should have been consulted on the proposals who would have been able to consider these any potentially offer up suggestions as opposed to the proposals being forced upon them. He however also reiterated his previous comments that he accepted that the current system had been abused which should have been addressed as a separate matter.

Councillor Dr. Johnson requested a recorded vote. The relevant number of Members indicated their agreement.

A Recorded Vote took place on Councillor Dr. I.J. Johnson's amendment, seconded by Councillor Cowpe, to establish a cross-party Working Group to consider Section 4 of the Council's Constitution to consider the ways forward and in the interim no changes be made.

Members	For	Against	Abstain
Anne Asbrey	√		
Julie Aviet	√		
Gareth Ball		√	
Rhiannon Birch		√	
Bronwen Brooks		√	
Gillian Bruce	√		
Ian Buckley		√	
Lis Burnett		√	
Samantha Campbell	√		
George Carroll	√		
Charles Champion	√		
Janice Charles	√		
Millie Collins	√		
Marianne Cowpe	√		
Pamela Drake		√	
Vincent Driscoll	√		
Anthony Ernest	√		
Christopher Franks	√		
Wendy Gilligan		√	
Emma Goodjohn		√	
Ewan Goodjohn			√
Stephen Haines	√		
Howard Hamilton		√	

Sally Hanks		√	
William Hennessy	√		
Nic Hodges	√		
Mark Hooper	√		
Catherine Iannucci		√	
Gwyn John		√	
Dr. Ian Johnson	√		
Susan Lloyd-Selby		√	
Belinda Loveluck-Edwards		√	
Julie Lynch-Wilson		√	
Kevin Mahoney	√		
Michael Morgan		√	
Jayne Norman		√	
Helen Payne		√	
Elliot Penn		√	
Sandra Perkes		√	
Ian Perry	√		
Joanna Protheroe		√	
Ruba Sivagnanam		√	
Carys Stallard		√	
Neil Thomas		√	
Rhys Thomas	√		
Margaret Wilkinson		√	
Eddie Williams		√	
Mark Wilson		√	

Nicholas Wood	√		
TOTAL	21	27	1

The Amendment was lost.

Discussion ensued in the context of the report recommendations with Councillor Carroll raising concerns in regard to the proposals in relation to Motions of Notice at Council meetings and how the mechanism for allocating Motions to each political group would be dealt with. In particular he had particular concerns that there was no provision made to ensure that political groups were allocated a certain number of Motions during any one municipal year and separately the proposals which see the Mayor as the Chair of Council meetings using their discretion in terms of the duration and timing of debate and accordingly he indicated that the proposals should be rejected.

Councillor Haines, referring to the underlying principal of each individual Member having equal rights to ask questions and that no one Member should be preferred over another. He also suggested that written replies should be provided by Cabinet Members as opposed to providing verbal responses which would take longer to deal with. He also pointed out that those Members who did not have their question addressed within the allotted time would be unable to ask a supplementary question.

Councillor Charles indicated that to limit the amount of questions or Motions would banish all Members as a consequence of certain individual Councillors abusing the process. She felt that this should have been addressed as a separate matter.

Councillor Perry reiterated much of his points raised earlier in the meeting. He felt that Members had a right to ask questions on behalf of their communities and the proposals diminished this resulting in less scrutiny of decisions. He felt that replies to questions he had submitted at previous meetings of the Council had only been raised as a consequence of not getting information from officers at that point in time. He also reiterated his point regarding wider public engagement with democratic processes within Councils and the Senedd's position on this issue. He considered the proposals nothing more than anti-free speech, anti-transparency and anti-accountability and therefore anti-democratic.

Councillor Cowpe reminded Members that all had to abide by the Code of Conduct but she considered that the proposals were akin to taking a sledgehammer to crack a nut. She considered that individual Members could have been spoken to directly in an effort to find a better solution as opposed to the proposals under consideration. She also did not agree with the proposals to reorder the Council's agenda business by taking questions from the public before questions from Councillors. She indicated that she would be voting against the proposals.

Councillor Hodges had his own views on how to deal with duplicate questions submitted by Councillors for consideration at Council meetings and it was not beyond officers and Members wit to come to some formal agreement to deal with

these issues. He also questioned in regard to Motions on Notice the discretion being recommended to the Mayor to deal with such matters. He was also concerned the impression of the proposals would give to the public which could be perceived as an attempt to hamper and constrict debate at meetings.

Councillor Ewan Goodjohn made it clear that he and his fellow Labour colleagues had no issue with holding the Cabinet to account at Scrutiny Committees where that should be done. Reports were considered at Scrutiny Committees and recommendations were made which were referred back to the Cabinet for further consideration which was the correct way. He had also questioned recommendations of the Cabinet when scrutinising such matters and he had raised concerns regarding those matters and a reasoned response had been provided for each one. He turned his attention to the current system for Council Member questions, he considered it to be absurd and that the current system had been abused. He indicated that he supported the report proposals and hopefully if approved, this would mean that debates in the future would be more robust, more supportive and more engaging for the public. It was for Members to decide, being democratically elected to represent their constituents, was whatever the outcome of the vote, that would be the decision taken.

Councillor Wood alluded to the unattended consequences of approving the report proposals resulting in the possible reduction in Councillors and public participation. He considered it all Members responsibility to pose questions and to listen to answers and go through the process and he would much prefer to maintain the status quo.

Councillor Dr. Johnson reiterated that he was disappointed by the proposals and that his amendment had not been agreed. It was clear to him that the proposals would be approved without cross party consensus. He referred to the length of time that he had been a Councillor on the Council. In all those years he had strived to be constructive and work with others across parties to reach a consensus but he was disappointed that the proposals would be pushed through despite the concerns raised by fellow Members. It was clear to him that the Administration were prepared to use its majority to amend the Constitution in order to change how meetings operated, how matters were scrutinised and how the public were able to ask questions including Councillors with restrictions on time to enable them to do this. He concurred with Councillor Wood's comments relating to the unattended consequences of agreeing the changes. He hoped that all Members would reconsider their position.

Councillor Sivagnanam expressed disappointment at the level of debate regarding the report's proposals and despite what Members were saying scrutiny of decisions happened regardless to the report recommendations. Referring to the earlier debate on the RLDP demonstrated that 20 out of 54 Councillors attended the Member briefings on the issue. She thought that was where residents expected Councillors to be and where scrutiny of such matters should take place. It was her view that Members took advantage of Council meetings to solely make political gain and she thought that was not what residents would wish to see and she indicated that she would be supporting the report proposals.

Councillor Williams reminded Members that what changes were agreed would be available to any Administration in the future. As a Cabinet Member he was always available to respond to emails or take phone calls from any Member or the public to discuss issues of concern. If he could not respond to queries he would often ask officers to respond on his behalf.

Councillor Morgan, alluding to the comments made by Councillor Williams concurred that he had no difficulty in raising questions with Cabinet Members or with officers and he always received a well considered reply. He also concurred with the remarks made by Councillor Goodjohn and by Councillor John and the issue of the number of questions being submitted to Council meetings required to be addressed to ensure that there was effective use of Council time in debating important issues rather than listening to answers to questions. From his time as a Councillor and when he first encountered the Councillor question system it appeared to him to be carefully geared in many cases that a Councillor would ask a vague question then ask a supplementary question which was nothing more than an ambush on the Cabinet Member which he considered to be deplorable and extended the time of meetings unnecessarily. He viewed the proposals not to be an attack on democracy as it was being described by other Members, and also referred to other democratic processes such as the Council's scrutiny process where matters could be addressed. As an Independent Member of the Council he took exception at some of the remarks made during the debate by other Members and reminded Members it was important to be respectful to each other when debating such matters at meetings.

The Leader expressed her disappointment with the comments made. Referring to the meeting with the Monitoring Officer and other Group Leaders it was her recollection that Councillor Dr. Johnson was against the proposal to restrict one question per Member but the rest of his comments made earlier at the meeting were not her recollection of the content of that meeting with the Monitoring Officer. The comments made by Councillor Carroll were not her recollection of the events of the meeting with the Monitoring Officer and as a result of his comments at that meeting the Monitoring Officer had prepared proposals which were set out in the report. She was also surprised that some Members opposed public questions being considered earlier in the agenda and before Member questions when they knew the public would have to wait hours for their question to be dealt with. She considered the proposal to deal with public questions earlier in the Council agenda to be no different in the way the Council allowed the public to participate in similar ways at meetings of the Council's Scrutiny Committees.

In regard to Councillor Carroll's comments regarding Cabinet ignoring Scrutiny Committees recommendations, she reminded Members that the recent report to Council in relation to the Annual Scrutiny Report required amending because the data in the report had not correctly reflected that the Cabinet had not ignored one single recommendation from the Council's Scrutiny Committees. It was also often the case that responses back to Cabinet often did not contain specific recommendations for the Cabinet to take account of.

Turning her attention to the matter of Motions and the proposals, she was disappointed that the report had not been fully read and sought to clarify the

circumstances where the Mayor would use her discretion and in consultation with the relevant Group Leaders. If there was no Motion submitted by the Labour Group then she would not be involved in those discussions and it would be a matter for the Group Leaders who had submitted a Motion.

In regard to the order of Member questions, it was a matter for each Political Group Leader to decide which order they wished their Group questions to be dealt with at each Council meeting.

In concluding she indicated her support for the report recommendations.

At this juncture, Councillor Dr. Johnson requested a recorded vote and the relevant number of Members indicated their agreement.

Councillor Burnett (Leader of the Council) moved the report's recommendations which was seconded by Councillor Brooks.

A Recorded Vote took place on the report recommendations.

Members	For	Against	Abstain
Anne Asbrey		√	
Julie Aviet	√		
Gareth Ball	√		
Rhiannon Birch	√		
Bronwen Brooks	√		
Gillian Bruce		√	
Ian Buckley	√		
Lis Burnett	√		
Samantha Campbell		√	
George Carroll		√	
Charles Champion		√	
Janice Charles		√	
Millie Collins		√	
Marianne Cowpe		√	

Pamela Drake	√		
Vincent Driscoll		√	
Anthony Ernest		√	
Christopher Franks		√	
Wendy Gilligan	√		
Emma Goodjohn	√		
Ewan Goodjohn	√		
Stephen Haines		√	
Howard Hamilton	√		
Sally Hanks	√		
William Hennessy		√	
Nic Hodges		√	
Mark Hooper		√	
Catherine Iannucci	√		
Gwyn John	√		
Dr. Ian Johnson		√	
Susan Lloyd-Selby	√		
Belinda Loveluck-Edwards	√		
Julie Lynch-Wilson	√		
Kevin Mahoney		√	
Michael Morgan	√		
Jayne Norman	√		
Helen Payne	√		
Elliot Penn	√		
Sandra Perkes	√		

Ian Perry		√	
Joanna Protheroe	√		
Ruba Sivagnanam	√		
Carys Stallard	√		
Neil Thomas	√		
Rhys Thomas		√	
Margaret Wilkinson	√		
Eddie Williams	√		
Mark Wilson	√		
Nicholas Wood		√	
TOTAL	29	20	

RESOLVED –

(1) T H A T the changes to the relevant officer delegations as set out in paragraphs 2.2 and 2.3 of the report be approved and that Section 26 of the Constitution be amended accordingly.

(2) T H A T the proposed amendments to Section 4 of the Council's Constitution as set out in Appendices A to C of the report be approved and that the Council's Constitution be amended accordingly.

Reason for decisions

(1&2) Having regard to the contents of the report and discussions at the meeting.