



DINAS A SIR CAERDYDD
CITY AND COUNTY OF CARDIFF

GWYS Y CYNGOR

DYDD IAU, 26 TACHWEDD 2020

COUNCIL SUMMONS

THURSDAY, 26 NOVEMBER 2020,

Fe'ch gwysir I fynychu cyfarfod blynyddol y **CYNGOR SIR DINAS A SIR CAERDYDD**, a gynhelir yn Cyfarfod o Bell on Dydd Iau, 26 Tachwedd 2020 at 3.00 pm I drafod y materion a nodir yn yr agenda atodedig.

Davina Fiore
Cyfarwyddwr Llywodraethu a Gwasanaethau
Cyfreithiol

Neuadd y Sir
Caerdydd
CF10 4UW

Dydd Gwener, 20 Tachwedd
2020

1 Ymddiheuriadau am Absenoldeb

Derbyn ymddiheuriadau am absenoldeb.

2 Ethol Cadeirydd y Cyngor ar gyfer 2020 - 2021

Mae'r Cyfansoddiad yn nodi y bydd y Cyngor yn ethol Cadeirydd y Cyngor yn ei Gyfarfod Blynyddol.

3 Penodi Dirprwy Gadeirydd y Cyngor ar gyfer 2020 - 2021

Mae'r Cyfansoddiad yn nodi y bydd y Cyngor yn ethol Is-gadeirydd y Cyngor yn ei Gyfarfod Blynyddol.

4 Datgan Buddiannau

Derbyn datganiadau buddiannau (i'w gwneud yn unol â Chod Ymddygiad yr Aelodau)

5 Cofnodion (Tudalennau 5 - 14)

Cymeradwyo cofnodion y cyfarfod a gynhaliwyd ar 22 Hydref 2020 fel cofnod cywir.

6 Protocol yr Aelodau ar Ddiogelu Plant ac Oedolion Sy'n Agored i Niwed (Tudalennau 15 - 34)

Adroddiad y Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol a'r Swyddog Monitro.

7 Addewid Caerdydd (Tudalennau 35 - 40)

8 Cyhoeddiadau'r Arglwydd Faer

Clywed cyhoeddiadau'r Arglwydd Faer gan gynnwys Cydnabyddiaethau a Gwobrau.

9 Cyhoeddiadau'r Arweinydd sy'n ymwneud â'r Flwyddyn Ariannol i ddod

10 Penodi aelodau o'r Cabinet (pan y disgwylir etholiad o'r fath);

11 Sefydlu Pwyllgorau Sefydlog y Cyngor ar gyfer 2020 - 2021 (Tudalennau 41 - 66)

- 12** **Dyrannu Seddau ac Enwebu a Phenodi Aelodau i Bwyllgorau** *(Tudalennau 67 - 76)*

- 13** **Ethol Cadeiryddion a Dirprwy Gadeiryddion Pwyllgorau** *(Tudalennau 77 - 80)*

- 14** **Penodi Cynrychiolwyr i Gyrrff Allanol** *(Tudalennau 81 - 82)*

- 15** **Tâl a Lwfans Aelodau 2020 - 2021** *(Tudalennau 83 - 108)*

- 16** **Rhaglen o Gyfarfodydd y Cyngor** *(Tudalennau 109 - 112)*

- 17** **Materion Brys**

Mae'r dudalen hon yn wag yn fwriadol

City Council of the City & County of Cardiff
22 October 2020

1

AMTHE COUNTY COUNCIL OF THE CITY & COUNTY OF CARDIFF

The County Council of the City & County of Cardiff met at County Hall, Cardiff on 22 October 2020 to transact the business set out in the Council summons dated Friday, 16 October 2020.

Present: County Councillor (Lord Mayor)

County Councillors Ahmed, Asghar Ali, Dilwar Ali, Berman, Bowden, Bowen-Thomson, Boyle, Bradbury, Bridgeman, Burke-Davies, Carter, Cowan, Cunnah, De'Ath, Derbyshire, Driscoll, Ebrahim, Elsmore, Ford, Gibson, Goddard, Goodway, Gordon, Henshaw, Gavin Hill-John, Philippa Hill-John, Hinchey, Hopkins, Howells, Hudson, Jacobsen, Jenkins, Jones-Pritchard, K Jones, Owen Jones, Joyce, Kelloway, Lancaster, Lay, Lent, Lister, Mackie, McGarry, McKerlich, Melbourne, Merry, Michael, Molik, Naughton, Owen, Parkhill, Jackie Parry, Keith Parry, Patel, Phillips, Dianne Rees, Mia Rees, Robson, Sandrey, Sattar, Simmons, Singh, Stubbs, Taylor, Graham Thomas, Huw Thomas, Lynda Thorne, Walker, Weaver, Wild, Williams, Wong and Wood

77 : APOLOGIES FOR ABSENCE

Apologies were received from Councillor Linda Morgan.

78 : DECLARATIONS OF INTEREST

Declarations of Interest in accordance with the Members Code of Conduct were received as follows:

COUNCILLOR	ITEM	NATURE OF INTEREST
Cllr Naughton	Item 9	Prejudicial Interest - Family Member is in receipt of a pension from Cardiff Bus.
Cllr Lay	Item 9	Personal Interest - Chair of Cardiff Bus
Cllr Gavin Hill-John	Item 9	Personal Interest - Vice Chair of Cardiff Bus
Cllr Sandrey	Item 9	Prejudicial Interest - Board Member of Cardiff Bus
Cllr Lister	Item 10	Personal Interest - Family Member in receipt of social housing

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Cllr Williams	Item 10	Personal Interest - Owner of property in Westgate Street; Director of Cartref Care Homes and Diverse Cymru; Family Members employed by the Council
Cllr Owen Jones	Item 9	Personal Interest - Board Member of Cardiff Bus

79 : MINUTES

The minutes of the meeting held on 24 September 2020 were approved and signed as a correct record.

80 : PETITIONS

Councillor Lisa Ford submitted a petition of over 51 signatures calling on the Council to introduce calming measures in affected areas in Fairwater and Pentreban. The petition will be noted and forwarded to the Cabinet Member for a written response.

81 : PUBLIC QUESTIONS

No public questions were received.

82 : LORD MAYOR'S ANNOUNCEMENTS

The Lord Mayor recognised in the Queen's Birthday Honours list; Cardiff citizens who had received. 5 BEMs, 5 MBEs and 3 OBEs.

The Lord Mayor referred to the recently launch of a targeted, city-wide digital media campaign to promote the extension of the Senedd franchise to 16 and 17-year-olds and eligible foreign citizens living in Wales and to raise awareness of the need to register to vote.

The changes also allow young people from the age of 14 to register to vote. Over coming months, the campaign will seek to engage with schools and community groups to ensure the newly enfranchised audience is aware of the changes. Members were asked to promote the changes in their own community, as well as the general message of registering to the wider electorate.

83 : COMPLIANCE REPORTS 2020/2021

The Cabinet Member for Finance, Modernisation and Performance, Councillor Weaver proposed the various reports.

The Statement of Accounts for 2019/20 were presented in order to meet the requirement of the Accounts and Audit (Wales) Regulations 2014 (as amended). The International Standard on Auditing (ISA) required the Appointed Auditor to report
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those charged with governance, on the key matters arising from the audit examination of the Statement of Accounts for the year ending 31 March 2020. In accordance with the Council's Treasury Management Policy Statement, the Annual Treasury Management Report for 2019/20 was presented based on the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice.

The Leader of the Council, Councillor Huw Thomas seconded the report.

The Lord Mayor invited debate on the report.

The Cabinet Member for Finance, Modernisation and Performance, Councillor Weaver responded to matters raised in the debate.

The report was CARRIED:

RESOLVED:

The Council AGREED to:

1. Approve the audited Statement of Accounts 2019/20 – County Council of the City and County of Cardiff as well as Cardiff Harbour Authority (Appendix 1).
2. Approve the audited Statement of Accounts 2019/20 – Cardiff and Vale of Glamorgan Pension Fund (Appendix 2).
3. Approve the Annual Governance Statement 2019/20 (Appendix 3)
4. Note the Audit of Accounts Reports (ISA 260) from Audit Wales on the Statement of Accounts of County Council of the City and County of Cardiff, Cardiff Harbour Authority and Cardiff and Vale of Glamorgan Pension Fund, for the year ending 31 March 2020 (Appendices 5, 6, and 7).
5. Note the Cardiff Port Health Authority Annual Return 2019/20 (Appendix 8)
6. Note the final Letters of Representation for the County Council of the City and County of Cardiff, Cardiff Harbour Authority and Cardiff and Vale of Glamorgan Pension Fund.
7. Note that the following documents will be signed following the conclusion of the meeting:
 - Statement of Accounts for County Council of the City and County of Cardiff – Lord Mayor and Corporate Director Resources
 - Statement of Accounts for Cardiff and Vale of Glamorgan Pension Fund – Lord Mayor and Corporate Director Resources
 - Statement of Accounts for Cardiff Harbour Authority – Corporate Director Resources
 - Annual Return of Cardiff Port Health Authority – Lord Mayor and Corporate Director Resources

- Annual Governance Statement – Leader of the Council and Chief Executive
- Audit Certificate for the County Council of the City and County of Cardiff, Cardiff and Vale of Glamorgan Pension Fund and Cardiff Harbour Authority – Appointed Auditor, Audit Wales. To be signed at a later date
- Letter of Representation for the County Council of the City and County of Cardiff - Lord Mayor and Corporate Director Resources
- Letter of Representation for Cardiff and Vale of Glamorgan Pension Fund – Lord Mayor and Corporate Director Resources
- Letter of Representation for Cardiff Harbour Authority – Lord Mayor and Corporate Director Resources.

8. Note the Treasury Management Annual Report for 2019/20 (Appendix 9).

84 : LICENSING REVIEW OF STATEMENT OF LICENSING POLICY

The Chairperson of the Licensing Committee, Councillor Mackie proposed the report.

Council was asked to formally authorise the publication of, and use of the Council's Statement of Licensing Policy (SLP) and Cumulative Impact Assessment (CIA) which had been reviewed and updated in accordance with the statutory requirements of the Licensing Act 2003, following the commencement of the Policing and Crime Act 2017.

The Cabinet Member for Clean Streets, Recycling and Environment and Chairperson of Regulatory Services, Councillor Michael Michael seconded the report.

The Lord Mayor invited debate on the report.

The Chairperson of the Licensing Committee, Councillor Mackie responded to matters raised during the debate.

The report was carried:

RESOLVED:

The Council AGREED:

- 1) To approve the decision taken by the Licensing Committee at its meeting of 10 September 2020 to adopt and publish the Statement of Licensing Policy and Cumulative Impact Assessment for use with effect from 1 December 2020.
- 2) Authorised the Head of Shared Regulatory Services to make administrative amendments to the documents should the need arise.

85 : CARDIFF CITY TRANSPORT SERVICES LIMITED (TRADING AS CARDIFF BUS)

The Cabinet Member for Finance, Modernisation and Performance, Councillor Weaver proposed the report.

This report set out the Council's proposal, as shareholder, to invest in the future of Cardiff City Transport Services Limited (trading as Cardiff Bus) and to secure the continuity of bus service provision in the city. It highlighted a range of measures to address the difficulties faced by Cardiff Bus and the Trustees of its pension scheme to agree, in accordance with Pension Legislation, the Triennial valuation of the pension scheme at 31 March 2018

The Leader of the Council, Councillor Huw Thomas seconded the report.

The Lord Mayor initially invited public debate on the report. Thereafter it was RESOLVED to exclude the public pursuant to Section 100A (4) of the Local Government Act 1972 as appendices 1 – 8 and 10 of the report contain exempt information of the description contained in paragraphs 6, 14 and 21 of Parts 4 & 5 of Schedule 12A of the Local Government Act 1972.

The Cabinet Member for Finance, Modernisation and Performance, Councillor Weaver responded to matters raised in the debate.

The report was carried:

RESOLVED:

The Council AGREED to:

1. Subject to Cardiff Council and Cardiff City Transport Services Limited concluding the agreements referred to in Recommendation 2:
 - 1.1 Agree that Cardiff Council becomes the Statutory and Principal Employer of the Cardiff City Transport Services Limited Pension Scheme.
 - 1.2 delegate to the Corporate Director Resources, in consultation with the Cabinet Member (Finance, Modernisation and Performance) authority to enter into legal agreements with Trustees and Cardiff City Transport Services Limited to become the Statutory and Principal Employer and deal with all ancillary matters relating thereto.
 - 1.3 agree that Cardiff Council enter into a 'Flexible Apportionment Arrangement' with the Trustees of the Cardiff City Transport Services Limited Pension Scheme meaning that all future liabilities in respect to pension obligations will fall to Cardiff Council.
2. In order to facilitate entering into a Flexible Apportionment Arrangement, delegate the Corporate Director Resources and Monitoring Officer, in consultation with the Cabinet Member (Finance, Modernisation and
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Performance) authority to enter into a back-to-back legal agreement with Cardiff City Transport Services Limited to ensure any sums payable by the Council in respect of:

- a. contributions in to the scheme as part of any deficit recovery
 - b. allowance for scheme expenses
 - c. Pension Protection Fund levy and
 - d. any other costs and expenses incurred by the Council in respect to its obligations as Statutory and Principal employer are recovered from the Cardiff City Transport Services Limited.
3. Delegate to the Corporate Director Resources, in consultation with the Cabinet Member (Finance, Modernisation and Performance) authority to carry out on behalf of Cardiff Council the responsibilities of the Statutory and Principal Employer of the Cardiff City Transport Services Limited Pension scheme.
 4.
 - a) Subject to completion of the actions set out in recommendations 1 & 2, delegate to the Corporate Director Resources, in consultation with the Cabinet Member (Finance, Modernisation and Performance) authority to release up to £7.0 million included in the 2020/21 capital programme with this payment being subject to Cardiff City Transport Services Limited agreeing to carry out the interventions to support viability and strengthen the balance sheet.
 - b) note that any release of funds allocated in future years will be subject to review and included as part of future budget proposals.
 5. Delegate to the Corporate Director Resources, as Cardiff Council's shareholder representative, authority to approve any request by Cardiff City Transport Services Limited to issue additional equity as appropriate.
 6. Agree that Cardiff Council acquire additional equity issued in Cardiff City Transport Services Limited as part of the implementation of any financial support package approved by the Council.
 7. Delegate to the Corporate Director Resources, in consultation with the Cabinet Member (Finance, Modernisation and Performance) authority to identify and make necessary improvements to the governance process in respect to Cardiff City Transport Services Limited as outlined in this report and report back to a future Council meeting on the changes made.
 8. Delegate to the Corporate Director Resources, authority to explore alternative means of providing financial support to Cardiff City Transport Services Limited that would reduce the requirement for Cardiff Council's allocation included in the indicative Capital Programme and authorise the Corporate Director Resources to conclude any such agreements on behalf of Cardiff Council.

86 : CABINET MEMBER STATEMENTS

Council received Cabinet Member Statements.

The Leader of the Council, Councillor Huw Thomas provided Council with an update on the current situation in Cardiff relating to COVID-19.

[Leader Statement](#)

The Leader responded to questions in relation to:

- Welsh Government Firebreak
- The “R” number in Cardiff
- Corporate Plans
- Western Gateway

[Cabinet Member, Strategic Planning & Transport](#)

The Cabinet Member responded to questions in relation to:

- School Street Scene initiative, 20mph zones outside schools;
- Current position with Castle Street
- Active Travel Cycleways
- Air Quality

[Cabinet Member, Culture & Leisure](#)

The Cabinet Member responded to questions in relation to:

- Thanks to staff at Channel View Leisure Centre

[Cabinet Member, Finance Modernisation & Performance](#)

- No questions received.

[Cabinet Member, Housing & Communities](#)

The Cabinet Member responded to questions in relation to:

- Welsh Government Guidance on Homelessness
- Housing construction methods when dealing with a Climate Emergency
- Housing development programme in Llandaff North

[Cabinet Member, Clean Streets, Recycling & Environment](#)

The Cabinet Member responded to questions in relation to:

- 1 Planet Strategy, charging points for electric vehicles
- Winter Garden waste, use of Household Recycling Centres
- Leaf fall in Pontcanna
- Provision of veterinary service at Cardiff Dogs Home

[Cabinet Member, Children & Families](#)

The Cabinet Member responded to questions in relation to:

- Cardiff Parenting Services

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[Cabinet Member, Social Care, Health & Well-being](#)

The Cabinet Member responded to questions in relation to:

- First Point of Contact.
- Social Isolation, what steps were taken to meet additional pressures.

[Deputy Leader, Education, Employment & Skills](#)

The Cabinet Member responded to questions in relation to:

- COVID-19 cases in schools
- Data in relation to attendance figures at schools
- Welsh Government proposals for Free School Meals

[Cabinet Member, Investment & Development](#)

The Cabinet Member responded to questions in relation to:

- How the Council was supporting the Hospitality Sector during the pandemic
- The merits of building an Arena in Cardiff Bay

87 : NOTICE OF MOTION

The Lord Mayor advised that the notice of motion proposed by Councillor Emma Sandrey and seconded by Councillor Rhys Taylor had been received for consideration and was included on the Summons for the meeting.

The motion was deferred to this meeting of the Council to enable written legal and financial advice to be provided to Members before the motion was debated.

The legal and financial advice was attached at Agenda Item 11.

The Lord Mayor invited Councillor Emma Sandrey to propose the motion as follows:

“The Covid-19 pandemic has shown how reliant we are on each other to get ahead, and what we can achieve when we work together. It has shown that we are all stronger when our public services are strongest.

It has also demonstrated the importance of recognising that there is no going back to the way things were. We are entering a critical moment; we have one chance to deliver meaningful change for the greatest number of people in our city and on our shared ambition for Cardiff.

However, we must do this with the residents of Cardiff, and not to them. All too often, in the rush to get things done since March, things aren't being done right, and residents as well as ward members are being informed rather than consulted about changes.

Whether we agree with the aims and objectives of proposed changes or not, it cannot be right that change is implemented in such a top-down manner, which risks stoking the potential for backlash from those who feel ignored and resentful, ultimately setting the city backwards on public engagement and progressive solutions to the city's pre-Covid 19 problems.

Citizens Assemblies are a body of citizens brought together to deliberate on issues of importance, they employ a cross section of the public to study options and propose answers through rational and reasonable discussion and through inquiry of experts,

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and they aim to reinstall trust in the political process by taking direct ownership of decision making.

Citizens Assemblies are representative and inclusive, allow for increased cognitive diversity, breach the border of direct democracy and allow for deliberation”

This Council calls for:

“The creation of a Citizens Assembly to deliberate and provide real time feedback on the Cardiff Restart, Recover and Renew strategy in order that the proposed changes that will affect people in and around Cardiff are taken by a more representative and diverse cross section of the public, in the hope that we can reinstall trust in our political process through shared ownership of decision making, and take as many residents with us as possible as we move out of lock down, while still living under the constraints of a worldwide pandemic”

The motion was seconded by Councillor Rhys Taylor

The Lord Mayor invited debate.

The Lord Mayor invited Councillor Sandrey to respond to items raised during the debate.

The Lord Mayor moved to the vote on the Motion.

The Motion was LOST

88 : URGENT BUSINESS

No urgent business was received.

89 : SCRUTINY COMMITTEE'S ANNUAL REPORTS

The Scrutiny Committees' Annual Reports were noted.

90 : AUDIT COMMITTEE ANNUAL REPORT 2019/2020

The Audit Committee Annual Report was noted.

91 : SENIOR MANAGEMENT ARRANGEMENTS

Council was asked to approve the creation and public advertisement of the two new posts of Director, Adults, Housing and Communities and Director, Children's Services, on the basis of terms and conditions at a Director level, which form part of the new senior management structure that was agreed by the Cabinet on 15 October 2020.

RESOLVED:

Council AGREED to:

1. approve the creation and public advertisement of the new post of Director, Adults, Housing and Communities on the basis of the terms & conditions of a Director level post;
2. approve the creation and public advertisement of the new post of Director, Children's Services on the basis of the terms & conditions of a Director level post; and
3. note that responsibility for the appointment of a suitable candidate to the new posts identified above is delegated to the Appointments Committee.

92 : OFFICER DECISION - SMT

Noted

93 : COMMITTEE MEMBERSHIP

The Council received a report to receive nominations and make appointments to current committee vacancies as set out in the report and in accordance with the approved allocation of seats and political group wishes.

RESOLVED:

Council AGREED to:

Appoint to the vacancies on Committee's in accordance with the approved allocation of seats and Party Group Wishes, as set out on the Amendment Sheet.

94 : APPOINTMENT OF LOCAL AUTHORITY GOVERNORS

To appoint Local Authority School Governors to fill vacancies.

RESOLVED:

Council AGREED to:

That, in accordance with the recommendations of the Local Authority Governor Panel, the Council approves the new appointments of Local Authority governors to the school governing bodies as set out in the Council Amendment Sheet, each for a term of 4 years from the date of the appointment.

95 : WRITTEN QUESTIONS

In accordance with Council Procedure Rule 17 (f) [Written Questions](#) received for consideration and the response will be included as a record in the minutes of the meeting.



CARDIFF COUNCIL CYNGOR CAERDYDD

ANNUAL COUNCIL

26th NOVEMBER 2020

REPORT OF THE DIRECTOR OF GOVERNANCE & LEGAL SERVICES

MEMBER PROTOCOL ON SAFEGUARDING VULNERABLE CHILDREN AND ADULTS

Reason for this Report

1. To consider a revised draft of the Protocol, which aims to provide guidance and advice to elected Members on their roles and responsibilities in relation to safeguarding vulnerable children and adults.

Background

2. In January 2016 the Council adopted a Protocol on the Role of Elected Members in Safeguarding Vulnerable Children and Adults ('the Protocol'), in line with the recommendations of the Standards and Ethics Committee, following an Independent Review into the role of Members in dealing with parents' complaints and acting as advocate in child protection proceedings.
3. The Protocol aims to provide guidance and advice to elected Members on their roles and responsibilities in relation to safeguarding vulnerable children and adults.

Issues

4. The Protocol has been independently reviewed and updated, following extensive discussion with Members, to ensure it remains fit for purpose. Flowcharts have been incorporated to clarify the process for Members to make a safeguarding referral or to raise other safeguarding concerns.
5. Full Council considered and approved an ordinary resolution in January 2020, which welcomed the independent review of the Members' Safeguarding Protocol and put forward proposals in relation to the remit of the review. It was also resolved that any recommendations from the

independent review would be considered by the Children and Young People's Scrutiny Committee, Corporate Parenting Advisory Committee and Cabinet, prior to submission to full Council for approval.

6. The Standards and Ethics Committee considered the revised draft Protocol at its meeting on 30th September and recommended clarification of certain sections, including the sections relating to advocacy and disclosure of information about individual cases. The Monitoring Officer was authorised to amend the draft Protocol, in consultation with the Chair, having regard to comments made by the Committee, and to submit the revised draft Protocol to full Council for approval.
7. In order to reinforce the importance and effectiveness of the Protocol, the Standards and Ethics Committee has recommended that the approved Protocol should be incorporated within the Constitution and the Cardiff Undertaking. A separate report on the Cardiff Undertaking is presented under agenda item 6.
8. The revised draft Protocol was circulated to members of the Children and Young People's Scrutiny Committee (following the cancellation of the committee's meeting scheduled for 9th November 2020). The feedback received was positive, commenting that the revised draft Protocol was comprehensive.
9. The Corporate Parenting Advisory Committee considered and agreed the revised draft Protocol at its meeting on 17th November 2020.
10. Cabinet considered the revised draft Protocol at its meeting on 19th November and were supportive of it.
11. The revised draft Protocol (with appended flowcharts) recommended for approval and adoption by full Council is attached as **Appendix A**.

Legal Implications

12. Relevant legal implications are set out in the Protocol at **Appendix A**.

Financial Implications

13. There are no direct financial implications arising from this report.

Recommendations

Council is recommended to:

1. Approve and adopt the revised draft Protocol on the Role of Members in Safeguarding Vulnerable Children and Adults, attached at **Appendix A**; and

2. Agree that the approved Protocol should be incorporated within Part 5 of the Constitution.

Davina Fiore
Director of Governance & Legal Services and Monitoring Officer

19th November 2020

Appendices:

Appendix A: revised draft Protocol – The Role of Elected Members in Safeguarding Vulnerable Children and Adults

Background papers:

Standards and Ethics Committee report, 'Member Protocol on Safeguarding Vulnerable Children and Adults', December 2015 and September 2020

Corporate Parenting Advisory Committee report, 'Member Protocol on Safeguarding Vulnerable Children and Adults', 17th November 2020

Cabinet report, 'Member Protocol on Safeguarding Vulnerable Children and Adults', 17th November 2020

Minutes of Council meeting, January 2020

Council report, 'Member Protocol on Safeguarding Vulnerable Children and Adults', January 2016

Mae'r dudalen hon yn wag yn fwriadol

PROTOCOL

THE ROLE OF ELECTED MEMBERS IN SAFEGUARDING CHILDREN AND VULNERABLE ADULTS

1. Purpose of the Protocol

To provide guidance and advice to Elected Members on:

- their roles and responsibilities in relation to safeguarding children and vulnerable adults; and
- how Members should raise any concerns and receive assurance about children and adults who may be at risk.

2. Introduction

Safeguarding and Protection is not something that can be achieved by one person or organisation. The emotional reaction of the public when children and adults have been harmed, neglected or exploited is understandable and experienced by those people who are professionally skilled practitioners who are directly working with and responsible for safeguarding and protecting people from harm.

Key public statutory agencies, together with independent, private and third sector organisations that provide services to the public who are vulnerable, have a critical role in safeguarding and protecting children and adults.

Responsibility for protecting people, who through no fault of their own are vulnerable, rests with parents, families, and those professional staff who have a duty to care. Analytical and accurate assessments, good, relevant and focused communication, dynamic multi agency intervention and treatment is critical in safeguarding and protecting vulnerable children and adults.

3. The All Wales Safeguarding Procedures (2019)

The All Wales Safeguarding Procedures have been developed to ensure policy and practice in Wales consistently applies the legislation and statutory guidance as required by The Social Services and Well-Being (Wales) Act 2014.

The Procedures are designed and intended to standardise practice across Wales. Awareness amongst policy makers and practitioners has emphasised the need for common systems and processes to protect both children and adults at risk of abuse and neglect.

The Procedures identify arrangements for responding to safeguarding concerns about practitioners and people in a position of trust, power or influence. The Procedures provide a clear process for investigation where the nature of activity of a practitioner or person who is in a position of trust has raised concerns.

4. The Members' Code of Conduct

The Members' Code of Conduct places a number of duties on Elected Members, which will apply whenever they are responding to the concerns raised by their constituents or other members of the public. The Code of Conduct requires Elected Members to ensure their comments do not disclose confidential information. They must not conduct themselves in a manner likely to bring the Council (or the office of councillor) into disrepute. They should show respect and consideration for others, and not use bullying behaviour or harass anyone. They should not use their position, or Council resources, improperly. The application of the Code is explained further in paragraphs 7.3 to 7.7 below.

Breaches of this Protocol by Elected Members may lead to complaints that the Cardiff Council Member Code of Conduct has been breached. Complaints about a breach of the Code of Conduct will be dealt with by the Council's Monitoring Officer and/or the Public Services Ombudsman for Wales and may lead to a public hearing by a Hearings Panel of the Council's Standards and Ethics Committee. If an Elected Member is found by the Hearings Panel to have breached the Code of Conduct, a sanction may be imposed of up to six months suspension from office and forfeiture of the Members allowance for the relevant period.

5. Social Media

The Welsh Local Government Association (WLGA) Social Media: A Guide for Councillors provides helpful guidance and advice about issues to consider when using social media. The WLGA guidance helpfully refers to the Code of Conduct and offers an overview and important detail to consider when dealing with complex casework matters.

The Code of Conduct applies to Elected Members when conducting the business of your authority, acting, claiming to act or giving the impression you are acting in your official capacity as a member or representative of your authority. The Code also applies even when you are not acting in your capacity as a Member if you conduct yourself in a manner which could reasonably be regarded as bringing your office or your authority into disrepute.

Key messages include:

- Maintaining respect for others and not disclosing confidential information about individuals or the council.

- Avoid making negative comments about or to individuals which could be interpreted as bullying or intimidation.
- Making unfair or inaccurate criticism of your authority in a public arena may be regarded as bringing your authority into disrepute.

6. The Role of the Council and its Elected Members

6.1 All Members of the Council have a strategic role in relation to Social Services and need to satisfy themselves that the Council as a whole is discharging its statutory responsibilities and demonstrates good practice wherever possible.

6.2 A number of high profile public inquiries have highlighted the importance of ensuring that safeguarding services are prioritised and adequately resourced, and all Elected Members have responsibility in this regard.

6.3 The Council as a whole is the 'corporate parent' of all Children Looked After. This requires Elected Members, relevant Council managers and staff to work together to discharge their different roles and responsibilities, to ensure the best possible care and opportunities are provided for Children Looked After. The responsibility to ensure the best possible care and opportunities also applies to children receiving Care and Support services.

6.4 Elected Members have an important role to play in safeguarding children and vulnerable adults, as the eyes and ears in the community. This particularly applies where ward surgeries and local ward networks enable Members to be alerted to early signs of safeguarding concerns, whether general patterns of behaviour or concerns about a particular child or vulnerable adult.

6.5 The Members of the Cabinet, the Corporate Parenting Advisory Committee, the Children and Young People's Scrutiny Committee and the Community and Adults Scrutiny Committee have additional specific responsibilities, as outlined in section 12 below.

7. Responsibilities of Elected Members

7.1 It is the responsibility of all Elected Members to bring concerns they have about vulnerable children or adults to the attention of the responsible officer. **If a Member is concerned that a child or vulnerable adult may be at risk of harm, this should be reported immediately - please refer to Section 8, and the contact list at the end of this Protocol. Briefly:**

Children (up to 17 years old) - Multi Agency Safeguarding Hub (MASH).

Adults (age 18 and over) - The Adult Safeguarding Team.

Out of Hours – The Emergency Duty Team (EDT).

Note: Flowchart at Annex 1. Making a Safeguarding Referral.

7.2 Where constituents or other members of the public have sought advice/assistance from a Member, the Elected Members may also wish to make written/oral representations in order to satisfy themselves that concerns or problems are being dealt with appropriately.

7.3 **Members' Code of Conduct** - Whilst Elected Members have an important role to play in responding to the concerns of their constituents or other members of the public, they must be mindful of their obligations under the Members' Code of Conduct, in particular:

7.4 **Personal Interests** – Members must be mindful of their duty under the Members' Code of Conduct to disclose any personal interest in a particular case in which they may be making representations. For example, a personal interest may arise from the Member's personal relationship with a service user or from the Member's involvement in a particular organisation. Members must ensure that their personal or private interests do not conflict with their public duties, to the Council as a whole or to all ward constituents.

7.5 **Advocacy for Service Users** – Although Members may routinely respond to queries and investigate concerns on behalf of constituents and other members of the public as part of their casework role, it is not appropriate for an Elected Member, unless exceptional circumstances apply, to act as an independent advocate for a service user during case conferences or other formal meetings attended by Council officers or Members, due to the potential conflict of interest and confusion over the role in which the Member is acting. Elected Members are part of the Council and have a duty to make decisions in the public interest and to represent all ward constituents fairly and equally; whereas the role of an independent advocate is to represent and act on behalf of an individual, to provide emotional support and help them to understand the process and to raise questions and issues as necessary. An Elected Member seeking to act as an independent advocate is likely to have an actual or perceived conflict between his/her duties to:

- (i) the Council and its Officers.
- (ii) the individual service user, and
- (iii) other ward constituents.

An Elected Member's involvement may also create an impression to those involved of undue influence being exerted in any relevant decision making process, in view of the Member's position within the Council. The Council has a responsibility to ensure that service users have access to advocacy services wherever necessary, and can provide contact details of independent advocacy service providers and professional advocates upon

request. In certain court proceedings, service users will also have the benefit of accessing free legal advice, should they choose, and can be legally represented in Court, therefore always having a voice in Court and their interests protected. In court proceedings where there is limited/no access to free legal advice, the service user can again have access to advocacy services where necessary and can seek guidance/assistance from the Support from Court service that is available.

It is only in exceptional circumstances (such as where an Elected Member is a family member of a service user or is a professional advocate), that it may be appropriate for an Elected Member to act as an advocate for a service user. However, any such exceptional circumstances must be explained and agreed in advance with the Director of Social Services or the Monitoring Officer.

7.6 Criticism of Officers – Elected Members should ensure that any concerns about Council officers are raised with the relevant Director. In accordance with the Protocol on Member/Officer Relations, staffing issues are the statutory responsibility of the Chief Executive, as Head of Paid Service. Elected Members should note that case law regarding a Councillor’s right to freedom of expression under Article 10 of the European Convention on Human Rights (Heesom v. Public Services Ombudsman for Wales 2014) has held that:

- Council officers are not expected to tolerate the same level of criticism as politicians during political debate;
- Unwarranted criticism of officers by Councillors damages the mutual duty of trust and confidence between Councillors and officers; and that
- There is a public interest in ensuring that officers are not subjected to unwarranted criticism which could undermine the performance of their public duties and public confidence in the administration.

Note: Flowchart at Annex 2. Process for Raising Other Safeguarding Concerns or Criticism of Officers.

7.7 Political/Public Debate – When raising issues politically in public debate, during Council meetings, using social media etc, Members must ensure their comments do not disclose confidential information or personal information about identifiable individuals; must not make unwarranted criticism of officers, and must not conduct themselves in a manner likely to bring the Council (or the office of Councillor) into disrepute.

8. What to do if you are concerned that a child or vulnerable adult may be at risk of harm?

(Please see Flowchart at Annex 1: Making a Safeguarding Referral)

8.1 Children (up to 17 years old) - If an Elected Member has any information which raises concerns about harm or potential harm to any child, a child protection referral should be made immediately to the Multi Agency Safeguarding Hub (MASH) or, if outside office hours, to the Emergency Duty Team (please see Contact List at the end of this Protocol) where an appropriately trained Social Worker will ensure Children in Need of Care and Support or Child Safeguarding Procedures are initiated if needed, and will provide you with any required advice or guidance.

8.2 Adult (age 18 and over)- If any information raises concerns about harm or potential harm to a vulnerable adult, these concerns should be reported immediately to the Adult Safeguarding Team or, if outside of office hours, to the Emergency Duty Team (please see Contact List at the end of this Protocol) where an appropriately trained Social Worker will ensure that any appropriate procedures are initiated, and will provide you with any required advice and guidance.

8.3 If a Member has concerns about immediate danger needing a emergency response or thinks a crime is being committed, the police should be contacted on 999. You should never delay taking emergency action to safeguard a child or vulnerable adult.

9. Raising any other safeguarding concerns

(Please see Flowchart at Annex 2: Process for Raising Other Safeguarding Concerns or Criticism of Officers)

If an Elected Member has any other concern relating to safeguarding, such as:

- any concerns following a referral made to the Children's Multi-Agency Safeguarding Hub (MASH) or the Adults Safeguarding Team;
- any concerns about a specific case where the Member knows that Social Services are already involved; or
- any general concerns about safeguarding arrangements, not relating to a specific child or vulnerable adult,

the Member should bring this to the attention of the Director of Children's Services, the Assistant Director or Director of Adult Services (as appropriate), or the Director of Social Services.

10. What to Expect?

10.1 All concerns will be investigated and assurances given to the Councillor that the welfare of the child or vulnerable adult is being safeguarded.

10.2 All referrals of children or vulnerable adults at risk of harm will be promptly investigated in accordance with the timescales provided for in the **All Wales Safeguarding Procedures** and a response will be given to the Councillor within 24 hours to confirm that relevant/appropriate action has been taken. The Council will not, however, be able to confirm the outcome of any particular investigation due to confidentiality and data protection laws.

10.3 Any other safeguarding queries or non specific casework concerns will be carefully considered and a response will be given to the Councillor within 10 working days. If a full response cannot be provided within 10 working days, the response will indicate a reasonable timescale within which a full reply will be given.

10.4 Any complaints made by or on behalf of the service users will be considered in accordance with the council's complaints procedures, which fully comply with all relevant statutory provision and best practice.

- (i) Complaints about the handling or outcomes of child protection conferences will be dealt with under the "Procedure for handling complaints from parents, caregivers, and children about the functioning of the child protection conference". This procedure is appended as Annex 3 to this Protocol.
- (ii) All other complaints about Cardiff Social Services will be dealt with under the 'Social Services Complaints Policy and Procedure' (established in accordance with The Social Services Complaints Procedure (Wales) Regulations 2014 and The Representations Procedure (Wales) Regulations 2014). This procedure is appended as Annex 4 to this Protocol.

11. Members' Rights to Information and Information Sharing

11.1 The Protocol on Members' Rights of Access to Information and Documents (set out in Part 5 of the Constitution), sets out Members' rights to information held by the Council and how to access such information.

11.2 **Personal Information** - Access to personal information is restricted by data protection legislation (see below); and any information provided under the "need to know" principle must only be used in connection with the Member's duties as a Councillor, and must not be disclosed to any other persons (unless and until the information properly enters the public domain).

Under the "need to know" principle, all Members have a right to inspect any Council documents if access to the documents is reasonably necessary to enable the Member to properly perform their duties as a Member of the Council.

11.3 The Council will ensure that all Elected Members have access to general information about trends and issues affecting children and vulnerable adults as well as the quality and range of services provided.

Personal information/information about individual cases

11.4 Information relating to individuals is protected (as 'personal data') under data protection legislation, and such information may also be confidential. Personal data includes any information relating to an identifiable individual, even if the individual is not explicitly named. General advice on Members' data protection responsibilities is set out in the 'Data Protection' section of the Members' Handbook.

11.5 The Council is legally responsible (as the 'Data Controller') for personal information held by the Council (or held by Members for the purpose of Council business). Each Elected Member is legally responsible (as 'Data Controller') for personal information held for constituency work purposes. The Council and all Elected Members must carefully consider, on a case by case basis, their legal obligations in respect of any particular personal information they may hold.

11.6 The law requires that all personal information must be handled fairly, lawfully and securely. In particular, personal information about individual cases must not be disclosed without the consent of the individual/s, concerned, unless a legal exemption applies. This means that **the Council can only disclose information about individual cases to Members if it is satisfied that the individual/s concerned have consented to such disclosure and that the individual has the capacity to give such consent.**

11.7 If a Member is asked by a ward constituent or other member of the public to assist them in resolving a Social Services matter, the Member will be dealing with personal information, some of which will be sensitive personal information ('special category data', defined by law as information about a person's racial or ethnic origin; political opinions religious or philosophical beliefs; trade union membership; physical or mental health or condition; genetic or biometric data; or sexual life or orientation; and 'criminal offence data' meaning information about alleged criminal activity; or court proceedings), and subject to additional legal protection and restrictions.

11.8 Members must ensure that:

- The individual/s concerned understand how the Member intends to use their personal information and have consented to this. Members should be mindful that some service users' level of understanding may require further consideration and assistance due to their vulnerabilities.

- If the Member intends to make enquiries with the Council about a particular case, then the Member should obtain written consent from all individuals involved, expressly authorising the Council to disclose their personal information to the Member; and provide a copy of this consent to the Council. (If it is not possible to obtain written consent in any particular case, the Member should discuss this with the appropriate Assistant Director)
- All personal information relating to individual cases must be used only as necessary and appropriate in order to take the agreed action on behalf of the individual; and must not be used or disclosed for any other purpose, for example, political purposes.
- Members must have robust systems for holding personal information securely and only for as long as necessary.

11.9 Further advice is available from the Council's Information Management Operational Manager. The Information Commissioner's Office website also publishes helpful guidance for Councillors on their data protection responsibilities (see Background Documents listed at the end of this Protocol).

12. Decision Makers and Accountability

In addition to the strategic role of full Council, referred to in section 6 above, the key decision makers and their accountabilities are as follows:

Cabinet: Cabinet Member, Children and Families; and Cabinet Member, Social Care, Health, and Wellbeing

12.1 The Cabinet has a collective corporate leadership role and decision making powers in respect of children's and adults' services, subject to compliance with the Council's approved Policy Framework. The Cabinet Member for Children and Families has particular responsibility to lead and inform the Cabinet's work on safeguarding, child protection, corporate parenting and looked after children matters. The Cabinet Member for Social Care, Health and Well-being has particular responsibility to lead and inform the Cabinet's work on adult social care and safeguarding vulnerable adults matters. Both Cabinet Members are regularly briefed by the Statutory Director of Social Services on the performance of Social Services functions, any identified weaknesses and recommended improvement actions.

Statutory Director of Social Services

12.2 The Statutory Director of Social Services is responsible for providing professional leadership and discharging core responsibilities in respect of all Social Services functions of the Council. The Director submits a Statutory Annual Report to Cabinet on the discharge of the Council's Social Services functions, including a report on all Social Services complaints.

Corporate Parenting Advisory Committee

12.3 The Corporate Parenting Advisory Committee is responsible for advising the Council and the Cabinet on the discharge of the authority's corporate parenting functions. The Committee provides advice and makes recommendations to the Cabinet or Council regarding the discharge of corporate parenting functions. The Committee ensures that Corporate Parenting has a role and status within the Council.

Children and Young People Scrutiny Committee

12.4 The Children and Young People's Scrutiny Committee is responsible for scrutinising, measuring and actively promoting improvement in service provision and compliance with the Council's approved policies, aims and objectives in relation to children and young people, including children's social services.

Community and Adult Services Scrutiny Committee

12.5 The Community and Adult Services Scrutiny Committee is responsible for scrutinising, measuring and actively promoting improvement in service provision and compliance with the Council's approved policies, aims and objectives in relation to community and adults' services, including adults' social services.

CONTACT LIST:

The Multi Agency Safeguarding Team (MASH)-	029 2053 6490
The Adult Safeguarding Team	029 2233 0888
Emergency Duty (out of hours) Team (EDT)	029 2078 8570
Director of Children's Services	xx
Assistant Director of Adult Services	xx
Director of Adult Services	xx
Director of Social Services	029 2087 2900

Commented [AK1]: Contact details to be inserted when appointment process concludes

APPENDICES:

- Annex 1. Flowchart – Making a Safeguarding Referral.
- Annex 2. Flowchart – Process for Raising Other Safeguarding Concerns or Criticism of Officers.

- Annex 3. "Procedure for handling complaints from parents, caregivers and children about the functioning of the child protection conference", Cardiff and Vale of Glamorgan Local Safeguarding Children Board.
- Annex 4. 'Social Services Complaints Policy and Procedure', City of Cardiff Council.

BACKGROUND DOCUMENTS:

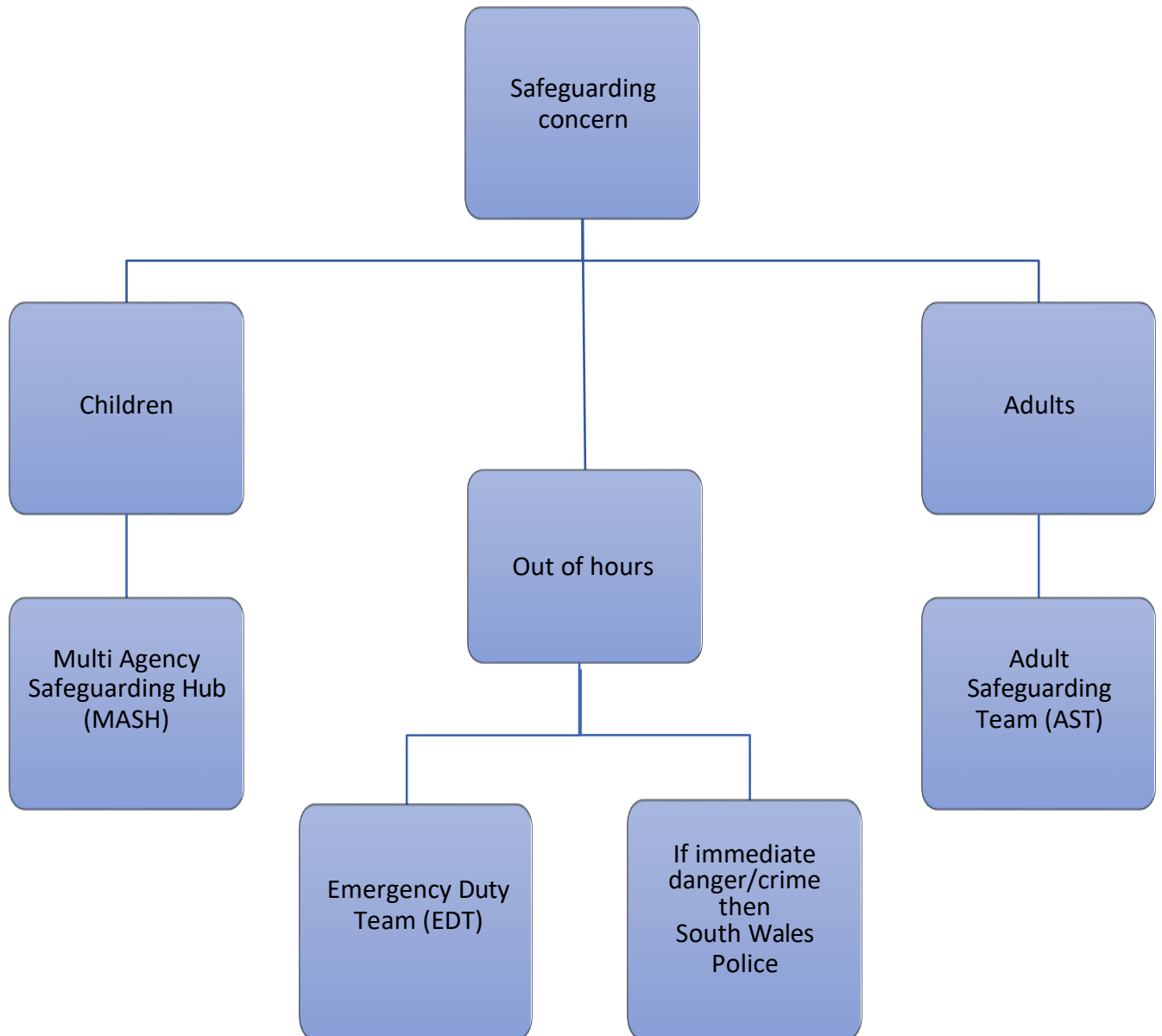
- Members' Code of Conduct.
- WLGA Social Media Guidance.
- Social Services and Well-Being (Wales) Act 2014, Part 10 Code of Practice (Advocacy)
- Protocol on Member/Officer Relations.
- Protocol on Members' Rights of Access to Documents and Information.
- Members' Handbook, 'Data Protection' section.
- Information Commissioner's Office, 'Advice for elected and prospective councillors'.
- GDPR and Data Protection Act.

DRAFT

Mae'r dudalen hon yn wag yn fwriadol

Protocol: The role of Elected Members in Safeguarding

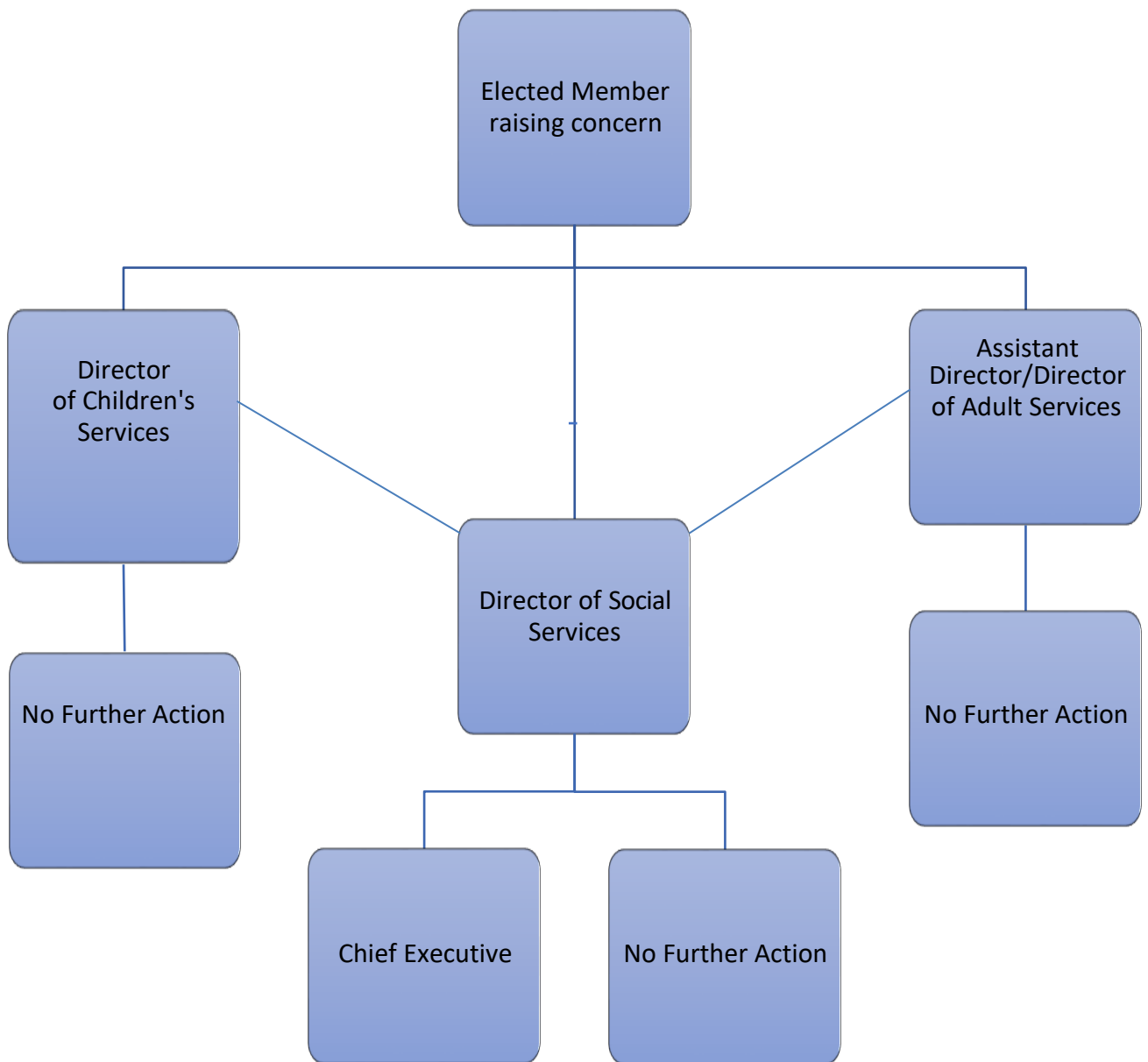
Making a Safeguarding Referral



Mae'r dudalen hon yn wag yn fwriadol

Protocol: The role of Elected Members in Safeguarding

Process for Raising Other Safeguarding Concerns or Criticism of Officers



Mae'r dudalen hon yn wag yn fwriadol

**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL
SERVICES AND MONITORING OFFICER**

CARDIFF UNDERTAKING**Reason for this Report**

1. To enable Members to consider recommended amendments to the Cardiff Undertaking; and to invite Members to publicly affirm their commitment to the updated Cardiff Undertaking.

Background

2. The Council's ethical code is comprised of the Members Code of Conduct and the Cardiff Undertaking, both of which are incorporated within the Council's Constitution (Part 5).
3. The statutory framework for the conduct of Members is set under Part 3 of the Local Government Act 2000. Under powers granted in the Act, the National Assembly for Wales has made an order specifying principles governing the conduct of Members ('the Principles of Conduct' SI 2001/2276); and issued a model code regarding the conduct expected of Members, reflecting the Principles of Conduct. The model statutory code has been adopted by Cardiff Council, without variation, and is enshrined, as the Members' Code of Conduct, within the Council's Constitution. Members must comply with the duties set out in the Members' Code of Conduct. Sanctions may be imposed on any Member found to be in breach of the Code.
4. The Cardiff Undertaking was adopted by the Council in 2004, on the recommendations of a Corporate Governance Commission. It provides an opportunity for Members to publicly commit to using their term of office to work for the Council, the City and its citizens, and to commit to the standards of conduct expected by the Council, and has been amended from time to time.
5. In accordance with the recommendations of the Standards and Ethics Committee, Elected Members have been asked, since 2008, to reaffirm their commitment to the Cardiff Undertaking at each Annual Council meeting.

6. The Standards and Ethics Committee received a report on the Cardiff Undertaking at its meeting on 30th September 2020 and recommended a number of amendments for the approval of Council.

Issues

7. The Standards and Ethics Committee has recommended a number of amendments to the Cardiff Undertaking, including:
 - (i) Incorporating a commitment to complying with the Council's approved Protocol on the Role of Members in Safeguarding Vulnerable Children and Adults, in order to reinforce its importance and effectiveness.
 - (ii) Adding commitments in respect of stewardship of Council resources and leadership, in accordance with recommendations made by the Council's Internal Audit team following its review of Codes of Conduct (July 2020);
 - (iii) Strengthening the commitments in respect of treating all people equally and with respect; and
 - (iv) A number of other minor drafting improvements.
8. A marked up copy of the Cardiff Undertaking is attached as **Appendix A**, showing the recommended amendments.
9. Under the Council Meeting Procedure Rules, Rule 2(b)(vi), all Members are asked to publicly affirm their commitment to the Cardiff Undertaking at Annual Council each year.

Legal Implications

10. Relevant legal implications are set out in the body of the report.

Financial Implications

11. There are no direct financial implications arising from this report. Some associated cost with the provision of Member Development activities may be incurred to support the Cardiff Undertaking which will be met from the existing Member Development budget.

Recommendations

Council is recommended to:

1. Approve the revised Cardiff Undertaking set out in **Appendix A**; and
2. Invite all Members to publicly affirm their commitment to complying with the revised Cardiff Undertaking.

DAVINA FIORE
DIRECTOR OF GOVERNANCE AND LEGAL SERVICES AND MONITORING
OFFICER
20 November 2020

APPENDICES

Appendix A Cardiff Undertaking, marked up to show recommended
 amendments

Background papers

Standards and Ethics Committee report, 'Cardiff Undertaking', 30th September 2020

Mae'r dudalen hon yn wag yn fwriadol

THE CARDIFF UNDERTAKING FOR COUNCILLORS



This undertaking should be considered in conjunction with the Members' Code of Conduct and forms part of the ethical code which binds all members of the City & County of Cardiff.

As a Councillor elected to the County Council of the City and County of Cardiff, and in accordance with the principles of public life:-

I UNDERTAKE TO:-

Promotion of equality and respect for others

1. Represent Cardiff and all the people of Cardiff ~~and to hold this duty of representation equally to all the people of Cardiff~~ equally and without discrimination, show respect and consideration for others and not use bullying behaviour.

Objectivity and propriety

2. Consider all issues and cases brought to me on their merits.
3. Balance the interests of my Ward with the interests of the Council and the people of Cardiff as a whole.

Selflessness and stewardship

4. Give priority to the interests of the Council, Cardiff and of the people of Cardiff, when acting as a Cardiff Councillor.
5. Ensure that the Council's resources are used both lawfully and prudently, when discharging my duties and responsibilities.

6. Safeguard and promote the life chances of children looked after by the Council and diligently discharge my responsibilities as Corporate parent of those children, acting always in accordance with the Protocol on the Role of Elected Members in Safeguarding Vulnerable Children and Adults.

Commented [AK1]: Amended to reflect the fact that Members may have different duties when acting in different roles, eg. when acting as a company director, a Member must act in the best interests of the company.

Integrity

7. Act according to the highest standards of probity in carrying out my various duties as a Councillor.

Duty to uphold the law

8. Adhere to and respect the Members' Code of Conduct and have proper regard to the advice and guidance issued by the Standards & Ethics Committee.

9. Adhere to and respect the provisions of any Local Resolution Protocol proposed by the Standards & Ethics Committee and adopted by Council

Accountability and openness

10. Not to disclose information given to me in confidence

11. Support and promote the conduct of the Council's business being carried out in an open and transparent manner.

Leadership

12. Promote and support these commitments by leadership and by example and act in a way that secures or preserves public confidence.

In order to enable me to carry out my duties I further undertake that I will commit to appropriate training, to include all training which has been identified as ~~essential mandatory~~ in the Member ~~Induction Programme/Member Training and Development Plan~~ Programme, or equivalent, to equip me to carry out my duties as a Councillor.

Commented [AK2]: Amended to reflect current Member Development Programme

Name: Date:

Signed:



**CYNGOR CAERDYDD
CARDIFF COUNCIL**

ANNUAL COUNCIL

26 NOVEMBER 2020

**REPORT OF DIRECTOR OF GOVERNANCE & LEGAL SERVICES &
MONITORING OFFICER**

ESTABLISHMENT OF STANDING COMMITTEES OF THE COUNCIL 2020-2021

Reason for this Report

1. To approve the establishment of Standing Committees of Council for the Municipal year 2020 – 2021, their size and terms of reference.

Background

2. The Constitution provides that, at its Annual meeting, the Council will decide on any amendment to the standing committees of the Council, including amendments to their size and terms of reference (Council Meeting Procedure Rules, Rule 2(b)(xi)).

Issues

Proposed Committees

3. The Council is recommended to establish the Standing Committees shown in Table A with the indicated number of seats.

TABLE A – Establishment of Committees and Size

<u>REGULATORY AND OTHER COMMITTEES</u>	
<u>Committees</u>	<u>Seats</u>
Appointments Committee <i>(convened as and when required)</i>	To comprise 5 Members from those appointed to serve in accordance with the rule on political balance
Audit Committee	12 Members comprised of: <ul style="list-style-type: none"> • 8 Elected Members and • 4 Independent Members <p><i>(Cannot include more than 1 Member of the Cabinet who must not be the Council Leader)</i></p>
Constitution Committee	12 Members

Corporate Parenting Advisory Committee	8 Members (Includes Deputy Leader and/ or Cabinet Member for Education and Cabinet Member for Children's Services up to a maximum of 3 Cabinet members) <i>(Must not be Members of the Children & Young People Scrutiny Committee (or equivalent))</i>
Council Appeals Committee	9 Members
Democratic Services Committee	12 Members <i>(Cannot include more than 1 Member of the Cabinet who must not be the Council Leader)</i>
Disciplinary & Grievance Appeals Committee <i>(Convened as and when required)</i>	To comprise not less than 3 and not more than 5 Members from those appointed to serve in accordance with the rule on political balance.
Employment Conditions Committee	8 Members
Family Absence Appeals Panel <i>(Called as and when required)</i>	3 Members <i>(To be Members of the Democratic Services Committee but not include the Chair of Council)</i>
Licensing Committee	12 Members
Planning	12 Members <i>(Should not include more than one Elected Member from a multi Member Ward)</i>
Public Protection	12 Members
Standards & Ethics Committee	9 Members to be comprised of: <ul style="list-style-type: none"> • 3 Elected Members*, • 5 Independent Members and • 1 Community Council Member) *Not subject to Political proportionality requirements, but recommended to be cross party
Pensions Committee	5 Members

<u>SCRUTINY COMMITTEES</u>	
Children and Young People	9 Members plus 4 co-opted Members including: <ul style="list-style-type: none"> • one Church in Wales Representative; • one Roman Catholic Representative and; • two Parent Governor Representatives.
Community and Adult Services	9 Members
Economy and Culture	9 Members
Environmental	9 Members
Policy Review & Performance	9. Members
<u>OTHER GROUPS AND PANELS</u>	
Bilingual Cardiff Member Group	9 Members (At least one member from each political Group)
Health & Safety Advisory Group	5 Members (Appropriate Cabinet Member and up to 4 other Members)
Local Authority Governor Panel	7 Members (Appropriate Cabinet Member and up to 6 other Members)
Investment Advisory Panel	3 Members (To be Members of the Pension Committee)
Works Council	5 Members (To be Members of Employment Condition Committee)

4. The sizes of the Council's standing committees are as set out in the Constitution Article 6.1 (Scrutiny Committees); and Article 8.1 (Regulatory and Other Committees).

Terms of Reference

5. The proposed terms of reference for each of the Standing Committees and Groups are set out in **Appendix A**.

Audit Committee Terms of Reference

6. The [Audit Committee 28 July 2020](#) considered and agreed to recommend that Council approve a minor amendment of its terms of reference, under its Statement of Purpose, to reflect its purpose to provide independent assurance not only to the Members of Cardiff Council, but also to its wider citizens and stakeholders, by adding the words shown in bold text below:

*“The purpose of our Audit Committee is to provide independent assurance to the members of Cardiff Council, **and its wider citizens and stakeholders**, on the adequacy of the risk management framework and the internal control environment. It provides an independent review of Cardiff Council’s governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.”*

7. The revised draft terms of reference for the Audit Committee, shown at **Appendix A**, conforms to best practice CIPFA guidance, (Audit Committees, Practical Guidance for Local Authorities and Police).

Legal Implications

8. The arrangements made by the Council for discharging its functions may include the establishment of one or more ordinary committees. The size of its committees and their terms of reference are to be determined by Council (pursuant to the Local Government Act 1972, sections 101 and 102).
9. All decisions taken by or on behalf the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers of behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Council Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council’s fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances
10. There are specific legislative provisions governing the following committees:
Standards and Ethics Committee
11. Councils in Wales are required to establish a Standards Committee to discharge the functions conferred under Part 3 of the Local Government Act 2000 governing Member conduct issues. Standards Committees must consist of not less than five and not more than nine members, and independent members must comprise at least half of all members. The Committee must include at least one ‘Community Committee member’ (i.e. a member of a community council within the authority’s area) as the Standards Committee discharges functions in relation to Community Councils. Regulations specifically prohibit anyone other than a member of the Council, an independent member or a ‘Community Committee’ Member from being a member of the Committee. The Leader is prohibited from being a member of the Standards Committee, and no more than one member of the Cabinet may be a member of the Committee. The political balance requirements of the Local Government and Housing Act 1989 do not apply.
12. The Council’s Constitution (Article 9) provides that the Standards & Ethics Committee will be composed of 9 members comprising 5 ‘independent’ members, 3 Cardiff County Councillors and 1 Community Councillor.

Democratic Services Committee

13. The Local Government (Wales) Measure 2011 requires Councils to establish a Democratic Services Committee to discharge the functions conferred under Part 1, Chapter 2 of the Measure. The legislation states that the Democratic Services Committee cannot include more than one member of the Cabinet, who must not be the Leader.

Audit Committee

14. The Local Government (Wales) Measure 2011 also requires Councils to establish an Audit Committee to discharge the functions conferred under Part 6, Chapter 2 of the Measure. The legislation provides that there must be at least one lay member on the Audit Committee or up to a third of the total membership. Subject to that, the Council must decide how many non-councillors should be appointed to the Audit Committee. The Committee can include no more than one Cabinet member, who may not be the Leader. The Committee is subject to the statutory political balance requirements (section 82(7) of the Measure).
15. The current composition of the Audit Committee, as approved at Annual Council in May 2019, includes four non - councillor 'Independent Members' and 8 Councillors. The proportion of Independent Members is one third of the Committee members, which is the maximum permitted by law.

Planning Committee

16. The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017 (made under s.39 of the Planning Wales Act 2015), stipulate the following legal requirements:
 - (a) A planning committee must contain no fewer than 11 members and no more than 21 members, but no more than 50% of the authority members (rounded up to the nearest whole number); and
 - (b) Where wards have more than one elected Member, only one Member may sit on the planning committee, in order to allow other ward Members to perform the representative role for local community interests (but this rule is not applicable to authorities comprised solely of multiple Member wards).

These legal requirements are reflected in the Planning Committee Procedure Rules, Rule 1.1A.

17. The recommended size of Cardiff's Planning Committee is 12 members, which complies with the legal requirements in relation to the size of the committee (paragraph 16(a) above). The legal requirements in relation to multi-member wards (paragraph 16(b) above) will need to be followed in considering appointments to the Planning Committee, which is dealt with in the separate Council report under Agenda item 11.

Scrutiny Committees

18. The Local Government Act 2000 requires authorities to set up overview and scrutiny committees. The legislative provisions for overview and scrutiny committees for Wales have been amended and supplemented by the Local Government (Wales) Measure 2011 and Regulations made thereunder. In addition, other legislation imposes requirements regarding scrutiny of particular issues, for example, crime and disorder matters (the Police and Justice Act 2006); and Public Services Board functions (the Wellbeing of Future Generations (Wales) Act 2015). Subject to compliance with the relevant statutory provisions, the size of its scrutiny committees is a matter for each Council to determine.

Corporate Parenting Advisory Committee

19. An Advisory Committee may be established to advise and make recommendations to the Cabinet and or the Council on any matter relating to the discharge of its functions which fall within the Committee's approved terms of reference (s.102(4) of the Local Government Act 1972).
20. An Advisory Committee may consist of any persons the Authority chooses, whether Elected Members or not (but not including employees of the Authority, or others who are disqualified from being an elected Member of the Authority, eg. those declared bankrupt). The political balance requirements apply in relation to Elected Member appointments (s.15 and Schedule 1, paragraph 1(b) of the Local Government and Housing Act 1989).
21. The establishment of an Advisory Committee, agreeing its terms of reference and membership, and making appointments to the Committee are all matters which must be approved by full Council. Full Council approved the establishment of a Corporate Parenting Advisory Committee in July 2014.

Financial Implications

22. The costs associated with Members, in accordance with the Members' Schedule of Remuneration, are to be contained within the allocated budget.

RECOMMENDATIONS

The Council is recommended to

- a. approve the establishment and size of the Council Committees set out in paragraph 3 (Table A); and the terms of reference of each Committee, as set out in **Appendix A** of this report, for the 2020-2021 Municipal Year; and
- b. authorise the Monitoring Officer to update the terms of reference of the Audit Committee in the Constitution.

DAVINA FIORE

Director of Governance & Legal Services and Monitoring Officer

20 November 2020

Appendix A – Committee Terms of Reference

Background Papers:

- [Minutes of the Audit Committee meeting dated 28 July 2020 \(Minute 7 refers\)](#)

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PART 3 – RESPONSIBILITY FOR FUNCTIONS

APPENDIX 2 – TERMS OF REFERENCE FOR COMMITTEES

Committee	Terms of Reference
Appointments (convened as and when required)	<p>To discharge the functions of the authority in respect of the appointment and dismissal of Chief Officers and Deputy Chief Officers (as defined in the Local Authorities (Standing Orders)(Wales) Regulations 2006) and the statutory Head of Democratic Services, in accordance with the Employment Procedure Rules and any other relevant Council policies and procedures.</p> <p>All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>
Audit	<p><u>Statement of Purpose</u></p> <ul style="list-style-type: none"> • Our Audit Committee is a key component of Cardiff Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards. • The purpose of our Audit Committee is to provide independent assurance to the members of Cardiff Council, and its wider citizens and stakeholders, on the adequacy of the risk management framework and the internal control environment. It provides an independent review of Cardiff Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place <p><u>Governance, Risk & Control</u></p> <ul style="list-style-type: none"> • To review the Council's corporate governance arrangements against the good governance framework, including the ethical framework and consider annual governance reports and assurances. • To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account the internal audit opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and internal control.

Committee	Terms of Reference
	<ul style="list-style-type: none"> • To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements. • To consider the Council's framework of assurance and ensure that it adequately addresses the risk and priorities of the Council. • To monitor the effective development and operation of risk management in the Council. • To monitor progress in addressing risk-related issues reported to the committee. • To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions. • To review the assessment of fraud risks and potential harm to the council from fraud and corruption. • To monitor the Counter-fraud strategy, actions and resources. • To review the governance and assurance arrangements for significant partnerships or collaborations. <p><u>Internal Audit</u></p> <ul style="list-style-type: none"> • To approve the Internal Audit Charter. • To review proposals in relation to the appointment of external providers of internal audit services and to make recommendations. • To approve the risk-based internal audit plan, containing internal audit's resource requirements, the approach to using other sources of assurances and any work required to place reliance upon those other sources. • To approve significant interim changes to the risk based internal audit plan and resource requirements. • To make appropriate enquiries of both management and the audit manager to determine if there are any inappropriate scope or resource limitations. • To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Audit Manager. To approve and periodically review safeguards to limit such impairments.

Committee	Terms of Reference
	<ul style="list-style-type: none"> • To consider reports from the Audit Manager on Internal Audit's performance during the year, including the performance of external providers of internal audit services. These will include: <ul style="list-style-type: none"> - Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work; - Regular reports on the results of the Quality Assurance and Improvement Programme (QAIP); - Reports on instances where the internal audit function does not conform to the PSIAS and Local Government Application Note (LGAN) considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement. • To consider the Audit Manager's annual report: <ul style="list-style-type: none"> - The statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement – these will indicate the reliability of the conclusions of internal audit; - The opinion on the adequacy and effectiveness of the Council's framework of governance, risk management and control together with a summary of the work supporting the opinion – these will assist the committee in reviewing the Annual Governance Statement. • To consider summaries of specific internal audit reports as requested. • To receive reports outlining the action taken where the Audit Manager has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions. • To contribute to the Quality Assurance and Improvement Programme and in particular the external quality assessment of internal audit that takes place at least once every five years. • To consider a report on the effectiveness of internal audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit Regulations. • To provide free and unfettered access to the Audit Committee Chair for the Audit Manager, including the opportunity for a private meeting with the Committee.

Committee	Terms of Reference
	<p data-bbox="448 230 655 264"><u>External Audit</u></p> <ul data-bbox="448 271 1391 790" style="list-style-type: none"> <li data-bbox="448 271 1391 342">• To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance. <li data-bbox="448 383 1391 454">• To consider specific reports as agreed with the external auditors. <li data-bbox="448 495 1391 566">• To comment on the scope and depth of external audit work and to ensure it gives value for money. <li data-bbox="448 607 1391 640">• To commission work from internal and external audit. <li data-bbox="448 680 1391 790">• To advise and recommend on the effectiveness of relationships between external and internal audit and other inspector agencies or relevant bodies. <p data-bbox="448 831 727 864"><u>Financial Reporting</u></p> <ul data-bbox="448 871 1391 1384" style="list-style-type: none"> <li data-bbox="448 871 1391 1048">• To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council. <li data-bbox="448 1088 1391 1198">• To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts. <li data-bbox="448 1238 1391 1384">• To seek assurances that the Council has complied with the Treasury Management Strategy and Practices by demonstrating effective control of the associated risks and pursuing optimum performance consistent with those risks. <p data-bbox="448 1424 858 1458"><u>Accountability Arrangements</u></p> <ul data-bbox="448 1464 1391 2011" style="list-style-type: none"> <li data-bbox="448 1464 1391 1641">• To report to Council on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of the governance, risk management and internal control frameworks, financial reporting arrangements and internal and external audit functions. <li data-bbox="448 1682 1391 1827">• To report to Council on an annual basis and to publish an Annual Report on the Committee's work, performance in relation to the terms of reference and its effectiveness in meeting its purpose. <li data-bbox="448 1868 1391 2011">• To raise the profile of probity generally within the Council and to report on matters of concern to the individual Cabinet Member, relevant Scrutiny Committee, Cabinet or to Council as necessary and appropriate.

Committee	Terms of Reference
	<ul style="list-style-type: none"> • To work in synergy with the five Scrutiny Committees of the Council and liaise with other Council Committees as and when appropriate to avoid duplication in work programmes. <p><u>Training & Development</u></p> <ul style="list-style-type: none"> • To attend relevant training session in accordance with the Member Development Programme including specialist training tailored for Members of the Audit Committee e.g. Treasury Management.
Constitution	<p>To review the Council's Constitution, and to recommend to Council and/or Cabinet any changes, except that the Committee will have authority (subject to the Monitoring Officer's advice) to make the following changes on behalf of the Council:-</p> <p>(a) Drafting improvements to enhance clarity and remove minor anomalies.</p> <p>(b) Updating to reflect legislative changes and matters of record.</p> <p>(c) Amendments to the Financial, Contracts and Land Procedure Rules (subject to the advice of the S.151 Officer being sought).</p>
Corporate Parenting Advisory Committee	<p>(a) To champion the life chances and rights of Children Looked After; Children in need; Care Leavers and children and young people in the criminal justice system across the Council, with Elected Members and partners.</p> <p>(b) To actively promote real and sustained improvements by ensuring that there are mechanisms in place to:</p> <ul style="list-style-type: none"> • ascertain and have regard to the child or young person's view, wishes and feelings, so far as reasonable practicable; • have regard to the importance of promoting and respecting the child or young person's dignity; • have regard to the characteristics, culture and beliefs of the child or young person; • have regard to the importance of providing appropriate support to enable the child or young person to participate in decisions that affect them; • have regard to the importance of promoting the upbringing of the child by the child's family, in so far as doing so is consistent with promoting the child's well-being; • Where the child is under the age of 16, ascertain and have regard to the views, wishes and feelings of those with parental responsibility for the child, in so far as doing so is consistent with the well-being of the child, and reasonably practicable

Committee	Terms of Reference
	<ul style="list-style-type: none"> • That there is a follow on provision for young people leaving care that meets the need of young adults <p>(c) To develop and undertake a programme of consultation, listening and engagement events with Children Looked After, Children in Need and Care Leavers as well as visits to services providing support and advice to those children and young people.</p> <p>(d) To recommend ways in which more integrated services can be developed across all Council directorates, schools and other stakeholders to lead towards</p> <ul style="list-style-type: none"> • Improved education attainment and achievement for Children Looked After, Children in need and Care Leavers; • Emotional and Mental Health and Well-being Support for Children Looked After, Children in Need, and Care Leavers; • Improvements in services for children with disabilities • To encourage Looked After Children, Children in need and Care Leavers to become active citizens. <p>(e) To ensure performance monitoring systems are in place, and regularly review performance data to ensure sustained performance improvements in outcomes;</p> <p>(f) To benchmark and learn from best practice of other Local Authorities</p> <p>(g) To receive all relevant Children’s Services inspection and annual reports, including: Children’s Homes Quality of Care Report; Child Practice Review Themes, Fostering Annual Quality of Care Report; Adoption Fostering Annual Quality of Care Report; 4C’s Commissioning; Out of Area Annual Report; Education Report; Children’s Complaints reports; and Advocacy Annual Report;</p> <p>(h) To develop, monitor and review a corporate parenting strategy, and ensure its effective implementation through work plans and corporate parenting training programmes;</p> <p>(i) To submit an annual progress report to the Cabinet and make recommendations where responsibility for that function rests with the Cabinet;</p> <p>(j) To report to the Children and Young People’s Scrutiny Committee as necessary;</p> <p>(k) To recommend the appointment of co-opted members to the Committee for approval by Council;</p>

Committee	Terms of Reference
	<p>(l) To submit an Annual Report on the work of the Committee to full Council.</p> <p>(m) All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>
Council Appeals	<p>To hear and determine appeals (other than those appeals which are within the terms of reference of any other Committee) from determinations and decisions of the Authority where there is a statutory requirement for there to be an appeal to Members of the Council or where such appeal is allowed for in any policy or procedure approved by the Council.</p> <p>On hearing an appeal the Committee shall be empowered, on behalf and in the name of the Council, to make such order as it considers appropriate, within the range of decisions permissible at law.</p> <p>The Committee, when sitting to hear an appeal, shall not include any Members of the Cabinet, or Members of any Committee principally concerned with the service by which the decision or determination has been made, or Members who have been concerned in any previous consideration of the matter, which has given rise to or from which the appeal arises.</p> <p>At each sitting of the Committee to hear an appeal, the Committee shall, firstly, ensure that the appeal has been properly made and, secondly, that the appellant has been afforded the opportunity of being represented at the hearing of his/her appeal by such friend, lawyer or other representative as he/she may choose.</p> <p>In hearing an appeal the Committee shall conform to the rules of natural justice.</p> <p>All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>
Democratic Services	<p>(a) To carry out the local authority's function of designating the Head of Democratic Services.</p> <p>(b) To keep under review the adequacy of provision of staff, accommodation and other resources made available to discharge the democratic services functions of the Authority.</p> <p>(c) To make reports, at least annually, to the full Council in relation to these matters.</p>

Committee	Terms of Reference
Disciplinary & Grievance Appeals (convened as and when required)	<p>To hear and determine:</p> <ul style="list-style-type: none"> (a) all appeals by employees of the Council who may have a right to appeal to Councillors in accordance with disciplinary and grievance procedures approved by the Council; (b) all other appeals from disciplinary actions which may be referred to it, whether by the Council or a Committee; (c) grievances by and against the Chief Executive in accordance with grievance procedures approved by the Council; and, with a differently constituted membership, appeals following decisions on such grievances; and (d) in exceptional circumstances, where the Chief Executive cannot address matters because of an associated grievance, disciplinary proceedings against the Chief Operating Officer; a Corporate Chief Officer or a Chief Officer; and, with a differently constituted membership, appeals following decisions in such disciplinary proceedings <p>On hearing each case the Committee shall be empowered, on behalf and in the name of the Council, to make such order as it considers appropriate, except where retirement or redundancy is contemplated, when consultation with the Cabinet will take place prior to determination of the matter.</p> <p>The Committee, when sitting to hear an individual case, shall comprise not less than three nor more than five members. From the members appointed to serve on the Committee, those who are to sit to hear any particular matter shall be chosen by rota following consultation with the Group Whips, subject to the exclusion of any member who:</p> <ul style="list-style-type: none"> (i) is a member of the Cabinet or of a Committee principally concerned with the service in which the employee concerned is employed; or (ii) has been concerned in any previous consideration of the matter which has given rise to the disciplinary action, grievance, or decision from which an appeal arises. <p>At each sitting of the Committee to hear a disciplinary matter or appeal, the Committee shall, firstly, ensure that the matter of complaint has been clearly put to the employee and, secondly, that the employee has been afforded the opportunity of being represented at the hearing by such friend, trade union officer, lawyer or other representative as he/she may choose.</p> <p>In any hearing the Committee shall conform to the rules of natural justice.</p>

Committee	Terms of Reference
	All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.
Employment Conditions	<p>(a) to consider and determine policy and issues arising from the organisation, terms and conditions of Chief Officers and Deputy Chief Officers (as defined in the Local Authorities (Standing Orders) (Wales) Regulations 2006), together with any other category of employee specified in Regulation from time to time where this is necessary, subject to the approval of Council in respect of any determination or variation of the remuneration of Chief Officers;</p> <p>(b) to decide requests for re-grading of Chief Officers and Deputy Chief Officers (as defined in the Local Authorities (Standing Orders) (Wales) Regulations 2006), together with any other category of employee specified in Regulation from time to time, whether by way of appeal by an employee against a decision to refuse a re-grading application or to decide applications for re-grading which are supported, subject to the approval of Council in respect of any determination or variation of the remuneration of a Chief Officer.</p> <p>(c) All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>
Family Absence Appeals Panel	<p>To be the Appeals Panel required pursuant to Regulation 36(1) of the Family Absence for Members of Local Authorities (Wales) Regulations 2013 and any amendment thereof; and to discharge all functions of the Panel pursuant to those Regulations.</p> <p>All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>
Licensing	<p>To be the Council's Licensing Committee as required by the Licensing Act 2003 and Gambling Act 2005 and any re-enactment or modification thereof; and as full delegate of the Council to exercise all the powers and functions permitted under those Acts or otherwise required by law to be discharged by the statutory Licensing Committee.</p> <p>All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>

Committee	Terms of Reference
Local Authority Governors Panel	<p>For School Governing Bodies constituted under The Government of Maintained Schools (Wales) Regulations 2005:</p> <p>(a) To advise the Council on appointments and removal of governors to those places allocated to the Local Authority;</p> <p>(b) To consider and make decisions relating to the recruitment, training and vetting of potential governors and any other matters that may be referred to the Panel by the Cabinet for the Constitution Committee; and</p> <p>(c) All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>
Planning	<p>(a) Those functions listed in Section A of Schedule 1 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 and any amendments thereto and any matters ancillary thereto as defined in Regulation 3 (2) to (4) of the Regulations.</p> <p>(b) Those functions listed in paragraphs 3 and 4 of Section I of Schedule 1 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 and any amendments thereto and any matters ancillary thereto as defined in Regulation 3 (2) to (4) of the Regulations.</p> <p>(c) All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>
Public Protection	<p>(a) Those functions listed in Sections B and C, and paragraph 10 of Section I, of Schedule 1 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities)(Wales) Regulations 2007 (the Regulations), any amendments thereto and any matters ancillary thereto as defined in Regulation 3 (2) to (4) of the Regulations, except to the extent that such matters fall to the Licensing Committee by virtue of Section 7 of the Licensing Act 2003, the Gambling Act 2005 or any other legislative provision;</p> <p>(b) In relation to those functions acting as Appeal Committee where appropriate;</p> <p>(c) The discharge of any function relating to the control of pollution;</p> <p>(d) The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area;</p>

Committee	Terms of Reference
	<p>(e) Any function relating to contaminated land;</p> <p>(f) The service of an abatement notice in respect of a statutory nuisance; and</p> <p>(g) Any function under a local Act of a licensing or regulatory nature,</p> <p>without prejudice to the functions lawfully exercised by the Shared Regulatory Services Joint Committee, pursuant to the Shared Regulatory Service Collaboration Agreement dated 10th April 2015.</p> <p>All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>

Committee	Terms of Reference
Standards & Ethics	<p>(a) To monitor and scrutinise the ethical standards of the Authority, its Members, employees and any associated providers of the Authority's services, and to report to the Council on any matters of concern.</p> <p>(b) To advise the Council on the content of its Ethical Code and to update the Code as appropriate.</p> <p>(c) To advise the Council on the effective implementation of the Code including such matters as the training of Members and employees on the Code's application.</p> <p>(d) To consider and determine the outcome of complaints that Councillors and co-opted members have acted in breach of the Code in accordance with procedures agreed by the Standards Committee, including the imposition of any penalties available to the Committee.</p> <p>(e) To oversee and monitor the Council's whistleblowing procedures and to consider ethical issues arising from complaints under the procedure and other complaints.</p> <p>(f) To grant or refuse requests for dispensations in respect of Members' interests under the Members Code of Conduct in accordance with the relevant statutory provisions.</p> <p>(g) To undertake those functions in relation to community councils situated in the area of the Council and members of those community councils which are required by law</p> <p>(h) To recommend to Council and the Cabinet any additional guidance on issues of probity.</p> <p>(i) To hear and determine any complaints of misconduct by Members or a report of the Monitoring Officer, whether on reference from the Ombudsman or otherwise.</p> <p>(j) To recommend the provision to the Monitoring Officer of such resources as he/she may require for the performance of his/her duties.</p> <p>All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>
Pensions Committee	<p>To discharge the functions of the authority as Administering Authority of the Cardiff & Vale of Glamorgan Pension Fund ('the Fund') as described in the Local Government Pension Scheme (LGPS) Regulations made under the Superannuation Act 1972 (sections 7,12 or 24) and Section 18(3A) of the Local Government and Housing Act 1989; and</p>

Committee	Terms of Reference
	<p>To discharge the following specific strategic functions with regards to the Fund, taking account of advice from the Corporate Director Resources and the Fund's professional advisers:-</p> <ul style="list-style-type: none"> a) Determining the Fund's aims and objectives, strategies, statutory compliance statements, policies and procedures for the overall management of the Fund, including in relation to the following areas: <ul style="list-style-type: none"> i) Governance – approving the Governance Policy and Compliance Statement for the Fund; ii) Funding Strategy – approving the Fund's Funding Strategy Statement including ongoing monitoring and management of the liabilities, giving due consideration to the results and impact of the triennial actuarial valuation and interim reports; iii) Investment strategy - approving the Fund's investment strategy, Statement of Investment Principles and Myners Compliance Statement including setting investment targets and ensuring these are aligned with the Fund's specific liability profile and risk appetite; iv) Communications Strategy – approving the Fund's Communication Strategy; v) Discretions – determining how the various administering authority discretions are operated for the Fund; and vi) Internal Dispute Resolution Procedure – determining how the Scheme Member disputes are administered. b) Monitoring the implementation of these policies and strategies as outlined in a) above on an ongoing basis. c) Considering the Fund's financial statements as part of the approval process and agreeing the Fund's Annual Report. Receive internal and external audit reports on the same. d) Receiving ongoing reports from the Corporate Director Resources in relation to the delegated operational functions. e) To provide independent assurance to members of the Fund of the adequacy of the risk management and associated control environment, responsible for the Fund's financial and non-financial performance. f) To adhere to the principles set out in the Pensions Regulator Code of Practice and undertake its duties in compliance with the obligations imposed on it. g) To receive regular training to enable Committee Members to make effective decisions and be fully aware of their statutory and fiduciary responsibilities and their stewardship role.

Committee	Terms of Reference
	<p>h) Consider any pension compliance matters raised by the Fund's Local Pension Board.</p> <p>i) All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>
SCRUTINY	
Children & Young People	<p>To scrutinise, measure and actively promote improvement in the Council's performance in the provision of services and compliance with Council policies, aims and objectives in the area of children and young people, including :</p> <ul style="list-style-type: none"> • School Improvement • Schools Organisation • School Support Services • Education Welfare & Inclusion • Early Years Development • Special Educational needs • Governor Services • Children's Social Services • Youth Services and Justice • Children's Play Services <p>To assess the impact of partnerships with and resources and services provided by external organisations including the Welsh Government, Welsh Government Sponsored Public Bodies, joint local government services and quasi-departmental non-governmental bodies on the effectiveness of Council service delivery.</p> <p>To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures which may enhance Council performance and service delivery in this area.</p>
Community & Adult Services	<p>To scrutinise, measure and actively promote improvement in the Council's performance in the provision of services and compliance with Council policies, aims and objectives in the area of community and adult services, including:</p> <ul style="list-style-type: none"> • Public and Private Housing • Disabled Facilities Grants • Community Safety • Neighbourhood Renewal and Communities First • Advice & Benefits • Consumer Protection • Older Persons Strategy

Committee	Terms of Reference
	<ul style="list-style-type: none"> • Adult Social Care • Community Care Services • Mental Health & Physical Impairment • Commissioning Strategy • Health Partnership <p>To assess the impact of partnerships with and resources and services provided by external organisations including the Welsh Government, joint local government services, Welsh Government Sponsored Public Bodies and quasi-departmental non-governmental bodies on the effectiveness of Council service delivery.</p> <p>To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures which may enhance Council performance and service delivery in this area.</p> <p>To be the Council's Crime and Disorder Committee as required by the Police and Justice Act 2006 and any re-enactment or modification thereof; and as full delegate of the Council to exercise all the powers and functions permitted under that Act.</p>
Economy & Culture	<p>To scrutinise, measure and actively promote improvement in the Council's performance in the provision of services and compliance with Council policies, aims and objectives in the area of economic regeneration.</p> <ul style="list-style-type: none"> • Cardiff City Region City Deal • Inward Investment and the marketing of Cardiff • Economic Strategy & Employment • European Funding & Investment • Small to Medium Enterprise Support • Cardiff Harbour Authority • Lifelong Learning • Leisure Centres • Sports Development • Parks & Green Spaces • Libraries, Arts & Culture • Civic Buildings • Events & Tourism • Strategic Projects • Innovation & Technology Centres • Local Training & Enterprise <p>To assess the impact of partnerships with and resources and services provided by external organisations including the Welsh Government, joint local government services, Welsh Government Sponsored Public Bodies and quasi-departmental non-</p>

Committee	Terms of Reference
	<p>governmental bodies on the effectiveness of Council service delivery.</p> <p>To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures which may enhance Council performance or service delivery in this area.</p>
Environmental	<p>To scrutinise, measure and actively promote improvement in the Council's performance in the provision of services and compliance with Council policies, aims and objectives in the area of environmental sustainability, including:</p> <ul style="list-style-type: none"> • Strategic Planning Policy • Sustainability Policy • Environmental Health Policy • Public Protection Policy • Licensing Policy • Waste Management • Strategic Waste Projects • Street Cleansing • Cycling and Walking • Streetscape • Strategic Transportation Partnership • Transport Policy and Development • Intelligent Transport Solutions • Public Transport • Parking Management <p>To assess the impact of partnerships with and resources and services provided by external organisations including the Welsh Government, joint local government services, Welsh Government Sponsored Public Bodies and quasi-departmental non-governmental bodies on the effectiveness of Council service delivery.</p> <p>To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures which may enhance Council performance and service delivery in this area.</p>
Policy Review & Performance	<p>To scrutinise, monitor and review the overall operation of the Cardiff Programme for Improvement and the effectiveness of the general implementation of the Council's policies, aims and objectives, including:</p> <ul style="list-style-type: none"> • Council Business Management and Constitutional Issues • Cardiff Council Corporate Plan • Strategic Policy Development • Strategic Programmes • Community Planning & vision Forum • Voluntary Sector Relations

Committee	Terms of Reference
	<ul style="list-style-type: none"> • Citizen Engagement & Consultation • Corporate Communications • Contact Centre Services and Service Access • International Policy • Cardiff Local Development Plan • Equalities • Finance and Corporate Grants • Organisational Development • Cardiff Efficiencies Programme • E-Government • Information and Communication Technology • Council Property • Commissioning and Procurement • Carbon Management • Legal Services • Public Services Board <p>To scrutinise, monitor and review the effectiveness of the Council's systems of financial control and administration and use of human resources.</p> <p>To assess the impact of partnerships with and resources and services provided by external organisations including the Welsh Government, joint local government services, Welsh Government Sponsored Public Bodies and quasi-departmental non-governmental bodies on the effectiveness of Council service delivery.</p> <p>To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures which may enhance Council performance and service delivery in this area.</p>

Mae'r dudalen hon yn wag yn fwriadol

**REPORT OF DIRECTOR OF GOVERNANCE AND LEGAL SERVICES
AND MONITORING OFFICER**

ALLOCATION OF SEATS AND APPOINTMENTS TO COMMITTEES**Reason for this Report**

1. The Council is requested to determine the allocation of seats on Committees to political groups in accordance with the Political Balance Rules; and to receive nominations and make appointments of Members to serve on each of the standing Committees in accordance with Party Group wishes.
2. The Council is also asked to approve an extension to the leave of absence granted to an Independent Member of the Audit Committee; and to appoint a parent governor representative to the Children and Young People's Scrutiny Committee to fill a vacancy.

Background

3. The previous report (Agenda Item 10) outlined matters relating to the establishment of Committees, together with their size and terms of reference.
4. The Council Procedure Rules in the Constitution provide that at the Annual meeting the Council will decide on the allocation of seats on committees to political groups in accordance with legislation.
5. The Local Government and Housing Act 1989 requires the Council to allocate Committee seats to political groups in proportion to the size of the groups on the Council as far as is reasonably practicable.
6. Having determined the allocation of seats to political groups, the Annual Council meeting is required to receive nominations of Members to serve on each of the established Committees and make such appointments.
7. The Standards and Ethics Committee is exempt from the political balance requirements (under Regulation 12 "*Allocation of seats to Political Groups*" of the Standards Committees (Wales) Regulations 2001).

Issues

Political Balance

8. The current composition of the Council is as set out in Table A:

TABLE A - Composition of the Council as at 1 May 2019:

Groups and Independents	Number of Councillors	Political Balance
Labour	38	50.67%
Conservative	21	28.00%
Liberal Democrat	11	14.67%
Welsh National Party	4	4.0%
Heath & Birchgrove Independent	1	1.33%

Allocation of Seats

9. The total number of seats on the Committees recommended under Agenda item 11, which are subject to the political balance requirements is 144, as detailed in **Appendix A**. Based on the current composition of the Council (shown in Table A), the proportional allocation of seats on those Committees is as set out in Table B:

TABLE B – Allocation of Seats in accordance with Political Balance

Groups and Independents	Number of Committee seats
Labour	75
Conservative	41
Liberal Democrats	21
Welsh National Party	7
Independent	0
Totals	144

10. The proportional allocation of seats, as set out in Table B above, was previously approved by Council on 28 November 2019.

Nominations and Appointments to Committees

11. Based on the Committee structure and size set out in the previous report (Agenda Item 10), the total number of seats to be filled are 144.
12. It is normal practice for the Groups to make known their nominations at the Annual Council meeting, but where this is not achieved the Director of Governance and Legal Services and Monitoring Officer may exercise her delegated authority (reference LD17) to make appointments to fill committee seats in accordance with the wishes of the political groups and then report the appointments and any subsequent changes to the next Council meeting for information. Alternatively, appointments may be made at the next meeting of Full Council.

13. It is the duty of the Council to make appointments as soon as practicable on or after the annual meeting, and to give effect to the stated wishes of party groups regarding who is to be appointed to the seats allocated to each particular group.

Audit Committee Member Leave of Absence

14. Ian Arundale has served as a Member of the Audit Committee from 25 June 2014 and as Chairperson between 22 June 2015 – 28 November 2019. Council approved his reappointment to the Audit Committee for a second term for the period 25 June 2019 – 24 June 2024.
15. Council, at its meeting on 28 November 2019, approved an ongoing leave of absence for Ian Arundale of 'up to a year' to enable him to take up the position of Deputy Chief Constable through a short-term contract with Cleveland Police.
16. The Audit Committee, on 17 November 2020, considered a request from Ian Arundale to extend his leave of absence until the end of the municipal year 2020/21 bearing in mind the complications which have arisen with the work programme he had contracted to complete as a result of the Covid pandemic.
17. The Committee recommended approval of the request to Full Council.

Appointment of Parent Governor Representative on the Children and Young People's Scrutiny Committee

18. The Council is required to appoint two parent governor representatives to the Children and Young People's Scrutiny Committee (under the Scrutiny Procedure Rules, Rule 3 and The Parent Governor Representatives and Church Representatives (Wales) Regulations 2001). The term of office of one parent governor representative, Ms Karen Dell'Armi, expired on 5th September 2020, giving rise to a vacancy. In accordance with the requirements of the Regulations, the vacancy was publicised and two nominations were received. An election was held by postal ballot during the period from 16th October 2020 to 30th October 2020; and the votes were counted on 5th November 2020. The candidate who secured the most votes was Ms Karen Dell'Armi, which is due to be publicly announced on 20th November 2020.
19. Council is recommended to re-appoint Ms Dell'Armi as a parent governor representative on the Children and Young People's Scrutiny Committee for a further two year term, commencing on 27th November 2020.

Legal Implications

Political balance

20. Sections 15 to 17 of the Local Government and Housing Act 1989 ("the 1989 Act") and the Local Government (Committees and Political Groups) Regulations 1990 ("the 1990 Regulations") lay down requirements designed to ensure that there is political balance on Committees. The rules apply to all ordinary committees,

advisory committees, scrutiny committees, the Democratic Services Committee, Audit Committee and joint committees where the Council appoints three or more seats, but do not apply to the Standards and Ethics Committee.

21. At its Annual Meeting, the Council is required to review the political make up of its Committees, and determine the allocation of seats to political groups in accordance with the principles set out in Section 15 of 1989 Act, those principles being:
 - (a) not all seats on a Committee should be allocated to the same political group;
 - (b) the majority group on the Council should form the majority on the Committee;
 - (c) subject to (a) and (b), that the proportion of seats allocated to each political group on the total of all Committees should be the same as the proportion of Council Members who belong to that group; and
 - (d) subject to (a)–(c), that the proportion of seats allocated to each political group on each Committee should be the same as the proportion of Council Members who belong to that group.
22. Where a local authority has determined the allocation of political groups on a Committee, it is under a duty to give effect to the wishes of those groups with regard to the identities of the persons who are to represent that group on the Committee (pursuant to Section 16 of the 1989 Act). Regulation 14 of the Local Government (Committees and Political Groups) Regulations 1990 ('the 1990 Regulations') requires political groups to be notified of their allocation on a committee in order that they may nominate individuals to serve on that committee. Regulation 15 contains a residual power for the Council to make appointments if the political groups fail to do so. However, apart from this provision, the Council has no discretion in the matter - its function is simply to make appointments, which give effect to the wishes of the political groups.
23. The wishes of a political group are to be taken as those expressed to the Proper Officer (a) orally or in writing by the leader or representative of the group; or (b) in a written statement signed by a majority of the members of the group. In the event that different wishes of a political group are notified, the wishes notified in accordance with point (b) shall prevail (Regulation 13).
24. A political group is identified when two or more members of the Council who wish to be treated as a political group write to the Proper Officer to inform him of that fact and of their name and the identity of their leader. A person joins a particular political group by sending a notice signed by him/her and the leader of the group. People may cease to be members of the group by notifying the Proper Officer (the Monitoring Officer) of their resignation, joining another group, or being ousted by a notice signed by a majority of the members of the group.
25. The Annual Council meeting is required to 'receive nominations of members to serve on each of the standing committees and make such appointments' (Council Meeting Procedure Rules, Rule 2(b)(xiii). Under its approved Scheme of Delegations (Section 4E, delegation reference LD17), Council has also delegated authority to the Monitoring Officer 'To appoint councillors or non-councillor members to committee seats allocated to political groups or nominating bodies (or to make changes, fill vacancies or give effect to temporary membership changes – "substitutions") in accordance with the wishes of political groups or member nominating body.' This report recommends that Council makes appointments to its

committees in accordance with the groups' nominations submitted to this Council meeting; and instructs the Monitoring Officer to make appointments to any remaining vacancies in accordance with the wishes of the relevant political groups, and to report all appointments made to the next Council meeting.

Standards and Ethics Committee

26. Standards Committees in Wales must consist of not less than five and not more than nine members, and independent members must comprise at least half of all members. The Committee must include at least one 'Community Committee member' (i.e. a member of a community council within the authority's area) as the Standards Committee discharges functions in relation to Community Councils. Regulations specifically prohibit anyone other than a member of the Council, an independent member or a 'Community Committee' Member from being a member of the Committee. The Leader is prohibited from being a member of the Standards Committee, and no more than one member of the Cabinet may be a member of the Committee. The political balance requirements of the 1989 Act do not apply.
27. The Council's Constitution (Article 9) provides that the Standards & Ethics Committee will be composed of 9 members comprising 5 'independent' members, 3 Cardiff County Councillors and 1 Community Councillor.
28. The terms of office of the five independent members and the Community Council Member have not expired and so no further appointments of independent members or a Community Council Member are presently required.
29. The term of office for a Councillor sitting on the Standards Committee can be no longer than the period until the next ordinary Local Government Elections; but a Councillor may be re-appointed for one further consecutive term.

Democratic Services Committee

30. The Local Government (Wales) Measure 2011 (section 12) states that the Democratic Services Committee cannot include more than one member of the Cabinet, who must not be the Leader.

Audit Committee

31. The Local Government (Wales) Measure 2011 (section 82) provides that there must be at least one lay member on the Audit Committee or up to a third of the total membership. The current and recommended composition of the Audit Committee includes four non - councillor 'Independent Members' seats and 8 Councillors. This proportion of Independent Members is one third of the Committee members, which is the maximum permitted by law.
32. The Committee can include no more than one Cabinet member, who may not be the Leader. The Audit Committee is subject to the political balance rules. Statutory Guidance recommends that all Members of the Committee should display independence of thinking and unbiased attitudes, and must recognise and understand the value of the audit function.

33. The Council has power to determine the size and membership of its Audit Committee and make appointments to it, subject to compliance with the statutory provisions in Part 6, Chapter 2 of the Local Government (Wales) Measure 2011. The recommended extension to the leave of absence for Mr Arundale may be approved by Council pursuant to these powers

Planning Committee

34. The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017 (made under s.39 of the Planning Wales Act 2015), provide that where wards have more than one elected Member, only one Member may sit on the planning committee (but this rule is not applicable to authorities comprised solely of multiple Member wards). This allows other ward Members to perform the representative role for local community interests. This statutory requirement is reflected in the Planning Committee Procedure Rules, Rule 1.1A. In submitting nominations for the Planning Committee, political groups will need to comply with this rule.

Parent Governor Representatives on Education Scrutiny Committees

35. As noted in the body of the report, under the Parent Governor Representatives and Church Representatives (Wales) Regulations 2001 and the Scrutiny Procedure Rules, the Council is required to appoint two parent governor representatives to the Children and Young People's Scrutiny Committee, following an election process conducted in accordance with the Regulations. The term of office of a parent governor representative must be between two and four years. A parent governor representative is disqualified from continuing in office if they resign or become disqualified from holding office as a parent governor, but not upon expiry of their term of office as a parent governor.
36. All decisions taken by or on behalf the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers of behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Council Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

37. There are no direct financial implications arising from this report. However, in respect of the leave of absence request, for any period where there are fewer serving Co-opted Audit Committee Members there would be a reduction in the need for payments associated with the preparation and attendance of Committee Meetings, in accordance with the rates applicable through the Members' Schedule of Remuneration.

RECOMMENDATIONS

The Council is recommended to:

- a. approve the allocation of seats on Committees for the municipal year 2020/21 as set out in **Appendix A**;
- b. receive nominations from Party Groups in respect of the seats allocated to each Group as identified in **Appendix B**;
- c. appoint Members to each Committee in accordance with the nominations received from Party Groups as detailed on the amendment sheet;
- d. request the Monitoring Officer to make appointments in respect of any remaining vacancies in accordance with any further nominations or changes received from the relevant political groups following this meeting, and to report to the next Council meeting the details of all appointments to committees for information;
- e. approve the recommendation of the Audit Committee to grant the request for an extension of the leave of absence for Mr Ian Arundale until the end of the 2020/21 municipal year; and
- f. approve the reappointment of Ms Karen Dell'Armi as parent governor representative on the Children and Young People's Scrutiny Committee for a further two year term commencing on 27th November 2020.

DAVINA FIORE

Director of Governance and Legal Services and Monitoring Officer

20 November 2020

Appendix A – Distribution of Seats Municipal Year 2020/21
Appendix B - Proposed Committee Appointments (To Follow)

Mae'r dudalen hon yn wag yn fwriadol

DISTRIBUTION OF SEATS MUNICIPAL YEAR 2020/21

Political Balance - 26 November 2020													
	Number of Seats	Labour		Cons		Lib Dem		Welsh National Party		**Non Grouped		Totals	
		N ^o	%	N ^o	%	N ^o	%	N ^o	%	N ^o	%		
Total Number of Seats	144	75	52.08	41	28.47	21	14.58	7	4.86	0	0.00	144	
Councillors	75	38	50.67	21	28.00	11	14.67	4	5.33	1	0	75	
Variation as a Percentage %			1.42		0.47		-0.08		-0.47		0.00		
Variation as seats	1.44		2.04		0.68		-0.12		-0.68		0.00		
Ordinary Committees													
	Number of Seats	Labour		Cons		Lib Dem		Welsh National Party		**Non Grouped		Totals	
		N ^o	%	N ^o	%	N ^o	%	N ^o	%	N ^o	%		
Audit Committee	8	5	62.50	2	25.00	1	12.50	0	0.00	0	0.00	8	
Constitution Committee	12	6	50.00	3	25.00	2	16.67	1	8.33	0	0.00	12	
Corporate Parenting Advisory Committee	9	4	44.44	3	33.33	1	11.11	1	11.11	0	0.00	9	
Council Appeals	9	5	55.56	3	33.33	1	11.11	0	0.00	0	0.00	9	
Democratic Services Committee	12	6	50.00	3	25.00	2	16.67	1	8.33	0	0.00	12	
Employment Conditions	8	4	50.00	3	37.50	1	12.50	0	0.00	0	0.00	8	
Licensing	12	6	50.00	3	25.00	2	16.67	1	8.33	0	0.00	12	
Public Protection	12	5	41.67	4	33.33	2	16.67	1	8.33	0	0.00	12	
Pension Committee	5	3	60.00	1	20.00	1	20.00	0	0.00	0	0.00	5	
Planning	12	7	58.33	3	25.00	2	16.67	0	0.00	0	0.00	12	
Totals	99	51	51.52	28	28.28	15	15.15	5	5.05	0	0.00	99	
Councillors	75	38	50.67	21	28.00	11	14.67	4	5.33	1			
Variation as a Percentage %			0.85		0.28		0.48		-0.28		0.00		
Variation as seats	0.99		0.84		0.28		0.48		-0.28		1.00		
Scrutiny Committees													
Allocation of Chairs		5	2	2	1	0	0	0	0	0	0	5	
	Chair	Number of Seats	Labour		Cons		Lib Dem		Welsh National Party		**Non Grouped		Totals
			N ^o	%	N ^o	%	N ^o	%	N ^o	%	N ^o	%	
Children & Young People	Lab	9	4	44.44	3	33.33	2	22.22	0	0.00		9	
Community & Adult	Cons	9	5	55.56	2	22.22	1	11.11	1	11.11		9	
Economic & Culture	Lib Dem	9	5	55.56	3	33.33	1	11.11	0	0.00		9	
Environment	Lab	9	5	55.56	3	33.33	1	11.11	0	0.00		9	
Policy Review & Performance	Cons	9	5	55.56	2	22.22	1	11.11	1	11.11		9	
Totals		45	24	53.33	13	28.89	6	13.33	2	4.44		45	
Councillors		75	38	50.67	21	28.00	11	14.67	4	5.33	1	75	
Variation as a Percentage %			2.67		0.89		-1.33		-0.89		0.00		
Variation as seats	0.45		1.20		0.40		-0.60		-0.40		1.00		

Mae'r dudalen hon yn wag yn fwriadol

REPORT OF THE DIRECTOR OF GOVERNANCE & LEGAL SERVICES & MONITORING OFFICER

ELECTION OF CHAIRS AND DEPUTY CHAIRS OF COMMITTEES
Reason for Report

1. The purpose of this report is to facilitate the election of Chairs and Deputy Chairs for each of the committees established by Annual Council.

Background

2. Agenda Items 10 and 11 outlined matters relating to the establishment of Committees, together with their composition and allocation of seats and appointments made in accordance with the statutory rules on political balance.

Issues

3. The Constitution provides that the Annual Council meeting will elect a Chair and a Deputy Chair for each of the Committees. In order to take those decisions, political groups will need to ensure that formal notice has been given to the Proper Officer (and noted under Agenda item 12) of the group's nomination of any Member who is to be nominated for election as Chair or Deputy Chair of a Committee.
4. Part 6 of The Local Government (Wales) Measure 2011 requires the politically proportional allocation of Scrutiny Chairs for Councils comprised of several political groups. The proportional allocation of Scrutiny Committee Chairs calculated in accordance with the principles set out in section 70 of the Local Government (Wales) Measure 2011, and discussed with the political groups, is shown in the Table A below:

TABLE A - Allocation of the five Chairs of Scrutiny in accordance with Political Balance

Labour Group allocation	38 seats of 75 = 50.67% of the 5 Chairs seats available which is $0.5067 \times 5 = 2.53$ seats.	2 Seats The legislation requires the figures for Executive Groups are rounded down.
Opposition Groups are then entitled to the remaining 3 seats; each Opposition Group being entitled to their proportional share of the total Opposition Group seats rounded to the nearest whole number (including zero).		

Conservative Group allocation	21 out of 37 total opposition seats = 56.75% of 3 seats = $0.5675 \times 3 = 1.70$ seats	2 Seats (rounded up)
Lib Dem Group allocation	11 out of 37 = 29.72% of 3 seats = 0.89 seats	1 Seat (rounded up)
Welsh National Party Group allocation	4 out of 37 = 10.81% of 3 seats = 0.32 seats,	0 Seats (rounded down)

5. Once the Council has determined the allocation of Scrutiny Chairs to each political group, the law provides that the appointment of Scrutiny Chairs is to be made by the relevant group. Subject to Council approval of the proportional allocation of Scrutiny Chairs, political groups are requested to provide notice of their proposed appointments to the Proper Officer to enable Annual Council to note the appointments.
6. Nominations for the following Chairs and Deputy Chairs need to be notified to the Proper Officer: -

TABLE B - Chairs and Deputy Chairs

	<u>Chair</u>	<u>Deputy Chair</u>
<u>Regulatory and Other Committees and Groups</u>		
Corporate Parenting Advisory Committee	Deputy Leader	N/A
Constitution Committee		N/A
Council Appeals Committee		N/A
Democratic Services Committee		N/A
Employment Conditions Committee		N/A
Licensing Committee		
Public Protection Committee		
Planning Committee		
Pension Committee		N/A
Bilingual Cardiff Working Group		N/A
School Governor Panel		N/A

***Note that the law provides that the Chairs of the Audit Committee and the Standards & Ethics Committee are appointed by their respective Committees. (The Chair of the Standards and Ethics Committee must be a non-Council (Independent) Member.)*

	<u>Chair</u>	<u>Deputy Chair</u>
<u>Scrutiny Committees</u>		
Children & Young People Scrutiny		N/A
Community & Adult Services		N/A
Economy and Culture		N/A
Environmental		N/A
Policy Review & Performance		N/A

7. Details of the nominations received will be provided on the amendment sheet at the Annual Council meeting.

Legal Implications

8. The Council Meeting Procedure Rules provide that, at the Annual Council meeting, the Council will elect a Chair and a Deputy Chair for each of the committees (Rule 2(b) (xv)). This report seeks nominations for the positions of Chair and Deputy Chair for each of the listed committees (and notes that nominees must have been validly nominated to the relevant committee under the separate Agenda item 12 on nominations to committees).

There are specific legislative provisions in respect of the Chairs of the following statutory committees:

Democratic Services Committee

9. The person appointed to Chair the Democratic Services Committee must not be a Member of the Executive Group i.e. the Chair cannot be a member of any political group included in the Cabinet (pursuant to sections 12 and 14 of the Local Government (Wales) Measure 2011).

Audit Committee

10. The Chair of the Audit Committee must be elected by the Committee and may be either a lay member or a non-executive group member (Section 83). The Committee has elected an independent member as Chair of this Committee, who remains in office. This report does not address that Committee.

Standards and Ethics Committee

11. The Standards Committees (Wales) Regulations 2001 provide that the Standards Committee Chair and Vice-Chair must be Independent Members of the Committee elected by the Committee (Regulation 22). The Committee has elected its Chair and Vice-Chair, who remain in office. This report does not address that Committee.

Scrutiny Chairs

12. As noted in the body of the report, Part 6 of the Local Government (Wales) Measure 2011('the 2011 Measure') requires the politically proportional allocation of Scrutiny Committee Chairs. The proportional allocation of Scrutiny Committee Chairs must be calculated in accordance with section 70 of the 2011 Measure and the associated statutory guidance (as shown in paragraph 4, Table A in the body of the report); and approved by Council. Once the Council has determined the allocation of Scrutiny Chairs to each political group, the appointment of Scrutiny Chairs is to be made by the relevant group.

Financial Implications

13. The costs associated with Chairs and Deputy Chairs, in accordance with the Members' Schedule of Remuneration, are to be contained within the allocated budget.

RECOMMENDATIONS

The Council is recommended to

- (1) receive nominations and elect the Chairs and Deputy Chairs (as appropriate) to the Regulatory and Other Committees and Groups shown in paragraph 6 – Table B, and or any other such Committees that may be established;
- (2) approve the proportional allocation of Scrutiny Chairs as set out in paragraph 4, Table A of the report; and
- (3) subject to approval of recommendation (2), note the proposed appointments of the Scrutiny Chairs to be made by Party Groups pursuant to Part 6 of The Local Government (Wales) Measure 2011.

DAVINA FIORE

Director Governance & Legal Services and Monitoring Officer

20 November 2020



**REPORT OF DIRECTOR OF GOVERNANCE AND LEGAL SERVICES
AND MONITORING OFFICER**

APPOINTMENT OF MEMBERS TO SERVE ON OUTSIDE BODIES**Reasons for the Report**

1. To receive nominations and make appointments of Members to statutory and non-statutory outside bodies which are required annually.

Background

2. The Constitution provides that the Council will, from time to time, receive nominations and make Member appointments as necessary to serve as representatives of the Council on outside bodies.

Issues

3. The Council is asked to receive nominations and agree appointments of Members to serve on bodies which are required on an annual basis as listed on the Amendment Sheet.
4. Nominations for appointments to Outside Bodies are submitted by the Party Group Whips and a schedule detailing nominations will be circulated as part of the Amendment Sheet at the Annual Council meeting.

Legal Implications

5. The appointment of individuals to serve on outside bodies is a Local Choice function under the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007. In the approved Scheme of Delegations the Council has determined that responsibility for the proposed appointments shall rest with Full Council.
6. Guidance for Members appointed to outside bodies has been published by the WLGA explaining the roles and duties of Members in relation to both the outside body and the Council, including advice on managing potential conflicts of interest. The WLGA Guidance is accessible here: <https://www.wlga.gov.uk/appointments-to-outside-bodies-the-councillors-role> Further advice is available from Legal Services.

Financial Implications

7. There are no financial implications directly arising from this report

RECOMMENDATION

The Council is requested to receive nominations and approve appointments to outside bodies as listed on the Amendment Sheet.

DAVINA FIORE

Director of Governance & Legal Services and Monitoring Officer

20 November 2020.

Appendix A: Annual Nominations and Appointments to vacancies on Outside Bodies 2019/20

Background Papers

Register Appointments to Outside Bodies

<https://www.wlga.gov.uk/appointments-to-outside-bodies-the-councillors-role>

**CYNGOR CAERDYDD
CARDIFF COUNCIL****ANNUAL COUNCIL:****20 NOVEMBER 2020**

REPORT OF THE CHIEF EXECUTIVE

MEMBERS' SCHEDULE OF REMUNERATION 2020 – 2021**Reason for this Report**

1. To note the approval of the Members' Schedule of Remuneration as required in accordance with the Council Meeting Procedure Rules.

Background

2. Council is required, as its Annual meeting, to approve a Scheme of Members Allowances to meet the requirements of the Council Meeting Procedure Rules, Rule 2(b) (xvi).
3. Council received and approved a report on the Members' Schedule of Remuneration at its meeting on the 23 July 2021 to meet the publication requirements of the Independent Remuneration Panel for Wales in its Annual and Supplementary Reports.

Issues

4. The Members Schedule of Remuneration 2020/21, approved by Council on 23 July 2020, is appended as Appendix A.

Legal Implications

5. There are no direct legal implications arising from the recommendation contained in this report.

Financial Implications

6. There are no direct financial implications arising from the recommendations of this report.

RECOMMENDATIONS

The Council is recommended to:

1. To note the approval of the Members' Schedule of Remuneration 2020/21, as set out in **Appendix A** by Council on 23 July 2020

PAUL ORDERS

Chief Executive

20 November 2020

The following Appendix is attached to this report:

APPENDIX A: Members' Schedule of Remuneration 2020 – 2021

Background Papers:

Minutes of Council meeting 23 July 2020

Independent Remuneration Panel for Wales Annual Report (February 2020)

English: <https://gov.wales/sites/default/files/publications/2020-02/annual-report-2020-to-2021.pdf>

Cymraeg: <https://llyw.cymru/sites/default/files/publications/2020-02/adroddiad-blynyddol-2020-i-2021.pdf>

Independent Remuneration Panel for Wales Supplementary Report (May 2020), Principles relating to the Reimbursement of Costs of Care (RoCoC);:

English: <https://gov.wales/sites/default/files/publications/2020-05/supplementary-report-2020.pdf>.

Cymraeg: <https://llyw.cymru/sites/default/files/publications/2020-05/adroddiad-atodol-2020.pdf>.

COUNCIL:

23 JULY 2020

REPORT OF THE CHIEF EXECUTIVE

MEMBERS' SCHEDULE OF REMUNERATION 2020 – 2021

Reason for this Report

1. To note the determinations of the Independent Remuneration Panel for Wales (IRPW) in its following reports:
 - Annual Report published in February 2020.
 - Supplementary Report published in May 2020 in respect of the Principles relating to the Reimbursement of Costs of Care
2. To approve for publication by 31 July 2020, the Members' Schedule of Remuneration 2020 – 2021, which has been revised to meet the requirements of the IRPW in its Annual and Supplementary Reports.

Background

3. The Independent Remuneration Panel for Wales (IRPW) (*'the Panel'*) is a statutory body established initially by the Welsh Government in January 2008 to recommend the levels of salaries, allowances and expenses payable to Councillors and Co-opted Members. The Local Government (Wales) Measure 2011 gave the Panel additional powers to prescribe the levels of Member remuneration and allowances. The Panel also received further powers following the introduction of the Local Government (Democracy) (Wales) Act 2013.

Issues

IRPW Annual Report 2020-2021

4. The Panel's Annual Report was published in February 2020, and detailed its determinations on the payment of remuneration and allowances in 2020 – 2021 to Elected Members and Co-opted Members by principal councils from 1st April 2020. The report is available on the IRPW website via the following link:

English: <https://gov.wales/sites/default/files/publications/2020-02/annual-report-2020-to-2021.pdf>

Cymraeg: <https://llyw.cymru/sites/default/files/publications/2020-02/adroddiad-blynyddol-2020-i-2021.pdf>

- The IRPW Regulations and guidance set out in the Panel’s Annual Report in February 20, require the Council to produce and maintain an annual Schedule of Remuneration (*the Schedule*) that details the payments approved to Elected Members and Co-opted Members in accordance with the levels of remuneration and allowances determined by the Panel in its Annual or Supplementary Reports.

Basic Salary

- The Panel determined that the annual Basic Salary payable to Elected Members of all principal councils in Wales for 2020 – 2021 is **£14,218**.

Senior Salaries

- In Cardiff (Population Group A), the maximum number of Senior Salary positions remains as 19, excluding Civic Salary positions.
- The Annual Council meeting in May 2019 approved the allocation of 19 senior salary positions as set out in the table below. (Members will recall that on 21 May 2020, Council agreed that the 2020 Annual Meeting of Council would be deferred and noted that the terms of office of the existing Chairs and Deputies (of Council and Committees) would automatically continue until the 2020 Annual Meeting of Council). It is proposed that the allocation of senior salary positions for 2020/21 should remain unchanged, as set out below.

Bands of Responsibility	Role(s)	No. of Senior Salary Positions
Band 1	Leader	1
	Deputy Leader	1
Band 2	Other Cabinet Members	8
Band 3	Scrutiny Committee Chairs	5
	Planning Committee Chair	1
	Licensing/ Public Protection Committees Chair	1
Band 4	Leader of largest opposition group	1
Band 5	Leader(s) of other political group(s) comprising at least 10% membership of the Authority (if remunerated)	1
Total		19

- The annual Senior Salaries (*inclusive of Basic Salary*) payable in 2020 - 2021 as prescribed by the Panel and applicable to the Council are as follows:

Bands of Responsibility	Role(s)	Senior Salaries determined by the Panel for 2020/21 (inclusive of Basic Salary)
Band 1	Leader	£54,450
	Deputy Leader	£38,450
Band 2	Cabinet Members	£33,450
Band 3	Committee Chairs (if remunerated)	£22,918
Band 4	Leader of largest Opposition Group	£22,918
Band 5	Leader(s) of other political group(s) ' <i>a political group other than controlling/ largest opposition group (if any) which comprises not less than ten per cent of the members of the Council</i> ' (if remunerated)	£17,918

Civic Salaries

10. The IRPW has determined that where paid, a Civic Head must be paid a Band 3 salary of £22,918 and, where paid, a Deputy Civic Head must be paid a Band 5 salary of £17,918 with effect from 1 April 2020

Remuneration of Co-opted Members

11. The IRPW had previously determined that Councils may decide on a maximum number of days for which Co-Opted Members may be paid in any one year, and in its Remuneration Schedule for 2019/20 the Council set a cap of 10 days per year. However, the IRPW's Annual Report for 2020/21 says as follows: "The number of days in any one year for which co-opted members may be paid will reflect the work programme of the relevant committee. The Schedule for 2020/21 has been amended accordingly, and the previous cap is not retained. This recognises the important role that co-opted members have, and the fact that payment must be made for travel and preparation time for committee and other types of meetings as well as other activities, including training.

Supporting the work of Local Authority Elected Members

12. The Annual Report includes a new paragraph regarding the support for an Elected Members Personal Safety which states:

"As a result of their legitimate actions as a councillor an elected member's personal security may become significantly, adversely affected. In keeping with their existing responsibilities, it is the duty of Democratic Services Committees to fund or provide support necessary to enable a councillor to discharge their role reasonably and safely. This may require the funding of appropriate security measures to protect councillors from personal risk or significant threat. Risk assessment and liaison with relevant bodies such as

the police and security services would normally inform selection of required provision.”

13. Measures to support this requirement are already in place in Cardiff and are seen as an exemplar of good practice with the protocols and practice shared with other Local Authorities in Wales.

Impact of the Supplementary Report

14. The Panel’s Supplementary Report was published in May 2020, and prescribed the Principles relating to the Reimbursement of Costs of Care (RoCoC);:

English: <https://gov.wales/sites/default/files/publications/2020-05/supplementary-report-2020.pdf>.

Cymraeg: <https://llyw.cymru/sites/default/files/publications/2020-05/adroddiad-atodol-2020.pdf>.

15. The Supplementary Report builds on the core principles of the IRPW and adds principles which specifically relate to the costs of care. The provision of financial support for members with care responsibilities or personal needs is an important factor in improving and sustaining the diversity of membership. It is essential that there is clarity in the availability of and the access to this support.
16. The Supplementary Report outlines the minimum that Local Authorities should do to ensure that the costs of care are remunerated effectively. The intentions of the Authority to meet those requirements are shown in the table below

The Minimum Authorities should do		How this could/will be done
Be clear who it is for	<ul style="list-style-type: none"> • Members with primary caring responsibilities for a child or adult and or personal support needs where these are not covered by statutory or other provision. • For personal support. This might also include a short term or recent condition not covered by the Equality Act 2010, access to work, Personal Payments, insurance or other provision. 	<p><u>IRPW:</u> A Confidential review of the needs of individual members annually and when circumstances change</p> <p><u>Cardiff:</u> A primary caring responsibilities review will be included as part of the Annual Elected Member Survey with an opportunity to receive requests for RoCoC should individual circumstances change during the year</p>

The Minimum Authorities should do		How this could/will be done
Raise Awareness	<ul style="list-style-type: none"> Ensure potential candidates, candidates and current members are aware that RoCoC is available to them should their current or future circumstances require. 	<p><u>IRPW:</u></p> <ul style="list-style-type: none"> Ensure clear and easily found information is available on website and in election and appointment materials, at Shadowing and at induction and in the members' "handbook". Remind serving members via e-mail and or training. Signpost to IRPW Payments to Councillors leaflets. <p><u>Cardiff:</u> The Authority will develop the following to meet this requirement :</p> <ul style="list-style-type: none"> the review and update of Elections and Candidates internet web pages. Ensure that all induction material includes relevant remuneration information. Elected Member Intranet site to include relevant remuneration information
Promote a Positive Culture	<ul style="list-style-type: none"> Ensure all members understand the reason for RoCoC and support and encourage others to claim where needed. 	<p><u>IRPW:</u></p> <ul style="list-style-type: none"> Encouragement within and across all parties of Relevant Authorities to support members to claim. Agree not to advertise or make public individual decisions not to claim. <p><u>Cardiff:</u> Political Group Whips have indicated support for</p>

The Minimum Authorities should do	How this could/will be done	
		appropriate remuneration of their Elected Members.
Set out the approved duties for which RoCoC can be claimed	<ul style="list-style-type: none"> • Meetings – formal (those called by the Authority) and those necessary to members’ work (to deal with constituency but not party issues) and personal development (training, and appraisals.) • Travel – in connection with meetings. • Preparation – reading and administration are part of a member’s role. Some meetings and committees require large amounts of reading, analysis or drafting before or after a meeting. • Senior salary holders with additional duties may have higher costs. 	<p><u>IRPW:</u> Approved duties are usually a matter of fact. Interpretation of the IRPW Regulations are set out in the Annual Report. “Any other duty approved by the authority, or any duty of class so approved, undertaken for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees.</p> <p>Cardiff: The approved duties have been updated in the Schedule of Remuneration and RoCoC can be claimed for all approved duties.</p>
Be as enabling as possible about the types of care that can be claimed	<ul style="list-style-type: none"> • Members should not be “out of pocket” subject to the limit set in the Annual Report. • Models of care and needs vary. • Members may use a combination of several care options. • Patterns of care may alter over the civic and academic year. • Not all care is based on hourly (or part hourly) rates. • Where a whole session must be paid for, this must be reimbursed even where the care need is only for part of a session. • Members may need to: <ul style="list-style-type: none"> a. book and pay for sessions in advance b. commit to a block contract: week month or term c. pay for sessions cancelled at short notice 	<p><u>IRPW:</u> No further guidance</p> <p><u>Cardiff:</u> The Authority will be as flexible as possible within the remit of the IRPW Annual Report</p>

The Minimum Authorities should do		How this could/will be done
	<ul style="list-style-type: none"> Where care need straddles two sessions both should be reimbursed. 	
Have a simple and effective claim process	<ul style="list-style-type: none"> Members should know how to claim. The claim process should be clear, proportionate and auditable. 	<p><u>IRPW:</u></p> <ul style="list-style-type: none"> Check members understand how to claim and that it is easy to do so. Flexibility to accept paperless invoices Online form Same or similar form to travel costs claim <p><u>Cardiff:</u> A further review will be undertaken to ensure Elected Members are fully aware of the claims processes and to ensure that the process is as simple as possible.</p>
Comply with IRPW Publication rules	<ul style="list-style-type: none"> The IRPW Framework states: "In respect of the publication of the reimbursement of the costs of care, the Panel has decided that relevant authorities should only publish the total amount reimbursed during the year. It is a matter for each authority to determine its response to any Freedom of Information requests it receives. However, it is not intended that details of individual claims should be disclosed." 	<p><u>IRPW:</u> No further guidance</p> <p><u>Cardiff:</u> Cardiff is compliant</p>

Members' Schedule of Remuneration 2020-2021

- The IRPW has developed and issued a proforma Schedule of Remuneration for recommended use by all local authorities in order to promote best practice and assist with consistency in the production of such schedules within Wales. Specific sections within the document are to be amended in order to suit each Authority's own particular circumstances; however, it should be noted that use of the proforma is not mandatory.
- The Council in May 2016 adopted this proforma for use as the basis for the Members' Schedule of Remuneration for future years. In accordance with

the IRPW Regulations, the Council must make arrangements for the publication of the Schedule within the authority area and the Schedule must be sent to the IRPW as soon as practicable after determination and not later than 31 July in the year to which it applies.

19. Any amendments to the Schedule made during the municipal year must be conveyed to the Panel as soon as practicable after the amendments are made. It is proposed that authority should be delegated to the Monitoring Officer to make any necessary amendments to the Schedule in order to reflect any changes in membership of the Council, Cabinet or Committees or as a result of any Supplementary Reports issued by the Panel.

Changes to the Schedule of Remuneration

20. To facilitate the requirements of the IRPW Annual and Supplementary Reports, a number of changes have been made in the updated Schedule of Remuneration as attached at **Appendix A**. These include:
 - a. The transfer of responsibility relating to the remuneration of Elected Members from the Monitoring Officer to the Head of Democratic Services.
 - b. Reference to the requirement to meet the intentions of the IRPW Supplementary Report published in 2020.
 - c. Reimbursement of the Cost of Care replaces the term Care Allowance.
 - d. Removal of the “cap” for Co-opted member claims.
 - e. Updated the Approved Duties to include:
 - Adding the Democratic Services Committee as an approver for attendance at any training or developmental event.
 - Attendance at any non-political personal development event or activity relevant to the role of the individual member with the advance agreement of the Head of Democratic Services.
 - attendance at meetings relating to the personal safety and security of an individual Member.
 - f. Rewording of the section relating to Subsistence Allowance to better reflect the provisions of the IRPW Annual Report.

Legal Implications

21. The legal framework is set by Part 8 of the Local Government (Wales) Measure 2011 (“the Measure”), under which the Independent Remuneration Panel for Wales (“the Panel”) is given functions relating to payments to Councillors and Councillors’ pensions (s.142 of the Measure). The Panel is required to publish an annual report on the exercise of its

functions with respect to each financial year (s.143 of the Measure); and the Council must comply with the requirements imposed on it by the Panel's Annual Report (s.153 of the Measure).

22. As set out in the body of the report, the Council is required to produce and maintain an annual Schedule of Remuneration (*'the Schedule'*), which must be published and sent to the IRPW as soon as practicable after determination and not later than 31 July in the year to which it applies.
23. All Members entitled to receive payment have a personal interest in this report which should be declared. However, paragraph 12.2 (b)(iv) of the Code of Conduct states that you will not be regarded as having a prejudicial interest in any business of the Council relating to remuneration or an allowance or payment or pension made in accordance with the Local Government (Wales) Measure 2011 or the Local Government and Housing Act 1989. This means all Members may debate and vote on the recommendations in this report.

Financial Implications

24. The overall financial allocation for Members' Remuneration in 2020/21 is £1.611 million, the costs are to be contained within the budget allocated.

RECOMMENDATIONS

The Council is recommended to:

1. note the determinations of the Independent Remuneration Panel for Wales (IRPW) in its following reports:
 - Annual Report published in February 2020.
 - Supplementary Report published in May 2020 in respect of the Principles relating to the Reimbursement of Costs of Care
2. agree to retain the current number and allocation of Senior Salary positions, as set out in paragraph 8 of the report;
3. note the actions to be taken to address the recommendations of the IRPW in respect of arrangements for the Reimbursement of the Costs of Care, as set out in paragraph 16 of the report;
4. approve the Members' Schedule of Remuneration 2020/21, as set out in **Appendix A** to this report for publication by 31 July 2020; and
5. delegate authority to the Monitoring Officer to update the Members' Schedule of Remuneration in the Constitution and to make any necessary amendments to the 2020-2021 Schedule from time to time during the municipal year in order to reflect any changes in membership of the Council, Cabinet or Committees or as a result of any Supplementary Reports issued by the Independent Remuneration Panel for Wales.

PAUL ORDERS
Chief Executive
15 July 2020

The following Appendix is attached to this report:

APPENDIX A: Members' Schedule of Remuneration 2020 – 2021

Background Papers:

Independent Remuneration Panel for Wales Annual Report (February 2020)

English: <https://gov.wales/sites/default/files/publications/2020-02/annual-report-2020-to-2021.pdf>

Cymraeg: <https://llyw.cymru/sites/default/files/publications/2020-02/adroddiad-blynyddol-2020-i-2021.pdf>

Independent Remuneration Panel for Wales Supplementary Report (May 2020),
Principles relating to the Reimbursement of Costs of Care (RoCoC);:

English: <https://gov.wales/sites/default/files/publications/2020-05/supplementary-report-2020.pdf>.

Cymraeg: <https://llyw.cymru/sites/default/files/publications/2020-05/adroddiad-atodol-2020.pdf>.

COUNTY COUNCIL OF THE CITY AND COUNTY OF CARDIFF

MEMBERS' SCHEDULE OF REMUNERATION 2020 – 2021

This Scheme is made under the Local Government (Wales) Measure 2011 (“the Measure”) with regard to Independent Remuneration Panel for Wales (IRPW) Regulations which apply to payments made to members and co-opted members of local authorities.

1. Basic Salary

- 1.1 A Basic Salary shall be paid to each elected Member of the Authority.
- 1.2 In accordance with the Regulations, the rate of the Basic Salary shall be reviewed annually as prescribed by the IRPW.
- 1.3 Where the term of office of a Member begins or ends other than at the beginning or end of a year, his/her entitlement to the Basic Salary will be pro-rata.
- 1.4 No more than one Basic Salary is payable to a Member of the Authority.

2. Senior Salaries & Civic Salaries

- 2.1 Members occupying specific posts shall be paid a Senior Salary as set out in **Schedule 1**.
- 2.2 In accordance with the Regulations, the rates of Senior Salaries and Civic Salaries shall be reviewed annually as prescribed by the IRPW.
- 2.3 Only one Senior Salary or Civic Salary is payable to a Member of the Authority.
- 2.4 A Member of the Authority cannot be paid a Senior Salary and a Civic Salary.
- 2.5 All Senior and Civic Salaries are paid inclusive of Basic Salary.
- 2.6 A Senior Salary may not be paid to more than the number of members specified by the IRPW in its Annual Report and cannot exceed fifty percent of the total membership of the authority, except to include a temporary Senior Salary office holder providing temporary cover for the family absence of the appointed office holder.
- 2.7 A Member of the Authority in receipt of a Band 1 or 2 Senior Salary (i.e. Leader, Deputy Leader and Cabinet Members) **cannot** receive a salary from any National Park Authority (NPA) or Fire and Rescue Authority (FRA) for which he/she has been nominated.
- 2.8 Where the term of Senior Salary or Civic Salary of a Member begins or ends other than at the beginning or end of a year, his/her entitlement to the Salary will be pro-rata.

3. Election to Forgo Entitlement to salaries, allowances or fees

- 3.1 A Member may, by notice in writing delivered to the Monitoring Officer, personally elect to forgo any part of his/her entitlement to any salary, allowance or fee payable under this Scheme from the date set out in the notice.

4. Suspension of a Member

- 4.1 Where a Member of the Authority is suspended or partially suspended from his or her responsibilities or duties as a Member of the Authority in accordance with Part III of the Local Government Act 2000 (Conduct of Members), or regulations made under the Act, the part of the Basic Salary payable to him/her in respect of that period for which he or she is suspended will be withheld by the Authority (Section 155 (1) of the Measure).
- 4.2 Where a Member in receipt of a Senior Salary is suspended or partially suspended from being a Member of the Authority in accordance with Part III of the Local Government Act 2000 (Conduct of Members), or regulations made under the Act, the Authority must not make payments of the Member's Senior Salary for the duration of the suspension (Section 155 (1) of the Measure). If the partial suspension relates only to the specific responsibility element of the payment, the member may retain the Basic Salary.

5. Repayment of salaries, allowances or fees

- 5.1 Where payment of any salary, allowance or fee has been made to a Member of the Authority or Co-opted Member in respect of any period during which the Member concerned:
- (a) is suspended or partially suspended from that Member's/Co-opted Member's duties or responsibilities in accordance with Part 3 of the 2000 Act or regulations made under that Act;
 - (b) ceases to be a Member of the Authority or Co-opted Member; or
 - (c) is in any other way not entitled to receive a salary, allowance or fee in respect of that period,

The Authority will require that such part of the salary, allowance or fee as relates to any such period be repaid.

6. Payments

- 6.1 Payments of all salaries, allowances or fees will be made by the Council's Payroll team by BACS transfer in instalments of one-twelfth of the Member's annual entitlement usually on the 15th of each month.
- 6.2 Where payment has resulted in a Member receiving more than his/her entitlement to salaries, allowances or fees the Authority will require that such part that is overpayment be repaid.
- 6.3 All payments are subject to the appropriate tax and National Insurance deductions.

7. Reimbursement of Costs of Care (RoCoC)

- 7.1 The IRPW has identified that the provision of financial support for members with care responsibilities or personal needs is an important factor in improving and sustaining the diversity of Council membership. Cardiff Council is committed to the core principles relating to the Reimbursement of the Cost of Care (RoCoCo) contained in the [IRPW Supplementary Report](#) published in May 2020.
- 7.2 Reimbursement of the Cost of Care shall be provided to a Member or Co-opted Member for the reimbursement of necessary costs for the care of dependent children and adults, and for personal assistance needs, provided the Member incurs expenses in the provision of such care whilst undertaking 'approved' council duties.
- 7.3 Reimbursement of the cost of care applies in respect of children who are aged 15 or under and other persons for whom the Member or Co-opted Member can show that care is required. If a Member or Co-opted Member has more than one dependent the Member may claim more than one allowance, provided the Member can demonstrate a need to make separate arrangements for care.
- 7.4 Eligible Members may claim for the reimbursement of the cost of care for actual and receipted costs for approved duties as shown in **Schedule 2**. All claims for reimbursement of the cost of care should be made in writing to Democratic Services detailing times, dates and reasons for claim. Receipts are required for both informal and formal care arrangements.

8. Family Absence

- 8.1 Members are entitled under the provisions of the Family Absence for Members of Local Authorities (Wales) Regulations 2013 to a period of family absence, during which if they satisfy the prescribed conditions they are entitled to be absent from authority meetings.
- 8.2 When taking family absence Members are entitled to retain a basic salary irrespective of their attendance record immediately preceding the commencement of the family absence.
- 8.3 Should a senior salary holder be eligible for family absence they will be able to continue to receive their senior salary for the duration of the absence.
- 8.4 If the authority agrees that it is necessary to make a substitute appointment to cover the family absence of a senior salary holder the Member substituting will be eligible if the authority so decides to be paid a senior salary.
- 8.5 If the paid substitution results in the authority exceeding its maximum number of senior salaries, an addition to the maximum will be allowed for the duration of the substitution.

9. Co-optees' payments

- 9.1 A Co-optees' daily fee (with a provision for half day payments) shall be paid to Co-optees, provided they are statutory Co-optees with voting rights.

- 9.2 Payments will take into consideration travelling time to and from the place of the meeting, reasonable time for pre meeting preparation and length of meeting (up to the maximum of the daily rate).
- 9.3 Co-optees are able to claim for meetings and other activities including: other committees and working groups (including task and finish groups), pre-meetings with officers, training and attendance at conferences or any other formal meeting to which co-opted members are requested to attend
- 9.4 The Head of Democratic Services is designated as the “appropriate officer” and will determine preparation time, travelling time and length of meeting, the fee will be paid on the basis of this determination.
- 9.5 The Head of Democratic Services can determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.
- 9.6 A half day meeting is defined as up to 4 hours.
- 9.7 A full day meeting is defined as over 4 hours.
- 9.8 The daily and half day fee for the Chairpersons of the Standards & Ethics Committee and the Audit Committee, as determined by the Independent Remuneration Panel, is set out in **Schedule 1**.
- 9.9 The daily and half day fee for other statutory Co-optees with voting rights, as determined by the Independent Remuneration Panel, is set out in **Schedule 1**.

10. Travel and Subsistence Allowances

10.1 General Principles

- 10.2 Members and Co-opted Members may claim travelling expenses when travelling on the Authority’s business for ‘approved duties’ as set out in **Schedule 2**. Where Members travel on the Authority’s business they are expected to travel by the most cost effective means. In assessing cost effectiveness regard will be given to journey time. A Member who does not travel by the most cost effective means may have his/her claim abated by an appropriate amount.
- 10.3 Where possible Members should share transport.
- 10.4 The distance claimed for mileage should be the shortest reasonable journey by road from the point of departure to the point at which the duty is performed, and similarly from the duty point to the place of return.
- 10.5 The rates of Members’ travel and subsistence allowances are set out in **Schedule 3** and are subject to annual review by the IRPW.
- 10.6 Where a Member is suspended or partially suspended from his or her responsibilities or duties as a Member of the Authority in accordance with Part III of the Local Government Act 2000 (Conduct of Members), or regulations made under the Act, any travel and subsistence allowances payable to him/her in respect of that period for

which he or she is suspended or partially suspended must be withheld by the Authority.

11. Travel by Private Vehicle

- 11.1 The IRPW has determined that the maximum travel rates payable should be the rates set out by Her Majesty's Revenue & Customs for the use of private cars, motor cycles and pedal cycles plus any passenger supplement.
- 11.2 The mileage rates for private vehicles as determined by the IRPW are set out in **Schedule 3**.
- 11.3 Where a Member makes use of his/her private vehicle for approved duty purposes, the vehicle must be insured for business use. Proof of appropriate insurance must be provided to the Authority on request.

12. Travel by Public Transport

12.1 Rail/Coach Travel

Unless otherwise authorised rail tickets will be second-class.

Democratic Services or Cabinet Support Office, as applicable, will usually purchase requisite rail and coach tickets for Members in advance of journeys. In the unlikely event that a Member needs to purchase a ticket directly, payment will be reimbursed upon production of the used ticket and/or a receipt.

12.2 Taxi Fares

Taxi fares will only be reimbursed where their use has been authorised for cases of urgency, where no public transport is reasonably available, or a Member has a particular personal need. Re-imburement will be upon receipt only.

12.3 Air Fares

Unless otherwise authorised flight tickets will be budget or economy class. Discounted flight tickets will be purchased well in advance wherever possible in order to reduce costs.

Travel by air is permissible if it is the most cost effective means of transport. Authorisation of the Monitoring Officer is required and tickets will usually be purchased by Democratic Services or Cabinet Support Office, as applicable.

12.4 Travel Abroad

Travel abroad on the Authority's business will only be permitted where authorised by the Head of Democratic Services. Democratic Services or Cabinet Support Office, as applicable, will usually arrange travel and accommodation.

12.5 Other Travel Expenses

Members will be entitled to reimbursement of toll fees, parking fees, overnight garaging and other necessary travel associated expenses. Re-imbusement will be upon receipt only.

13. Overnight Accommodation

- 13.1 Overnight stays will only be permitted where the Authority's business extends to two days or more, or the venue is at such a distance that early morning or late night travel would be unreasonable. All overnight stays must receive prior authorisation from the Monitoring Officer.
- 13.2 Overnight accommodation will usually be booked by Democratic Services or Cabinet Office, as applicable. Wherever possible the overnight accommodation will be pre-paid or invoiced.
- 13.3 Direct booking of overnight accommodation by a Member will only be permitted in the event of an emergency. Reimbursement will only be made upon the production of a receipt and will be at a level deemed reasonable and not in excess of the rates set out in **Schedule 3**.

14. Subsistence Allowance

- 14.1 The day subsistence rate to meet the costs of meals and refreshments in connection with approved duties (including breakfast when not provided as part of overnight accommodation) is set out in **Schedule 3**. The maximum daily rate covers a 24 hour period and can be claimed for any meal that is relevant, providing such a claim is supported by receipt(s).
- 14.2 No provision is made for subsistence claims within the Council's administrative boundaries.

15. Claims and Payments

- 15.1 A claim for travel and subsistence allowances must be made **in writing by the 1st day of each month** or the previous working day if falling on a Saturday or Sunday or Bank Holiday and **must be accompanied by the relevant receipts**. Claims **must be made within 3 months** of the event and within the relevant accounting year (i.e. by 4 April every year).
- 15.2 Allowances will be paid by the Council's Payroll team by BACS transfer.

16. Pensions

- 16.1 The Authority shall enable its Members who are eligible to join the Local Government Pension Scheme.

17. Compliance

- 17.1 In accordance with the Regulations, the Authority must comply with the requirements of the Panel in respect of the monitoring and publication of payments made to members and co-opted members as set out in **Schedule 4**.

Members are reminded that expense claims are subject to both internal and external audit.

SCHEDULE 1

SCHEDULE OF REMUNERATION 2020 – 2020

MEMBERS ENTITLED TO BASIC SALARY			ANNUAL AMOUNT OF BASIC SALARY
The following named Elected Members of the Authority receive the Basic Salary:			£14,218
Cllr Ali Ahmed	Cllr Gavin Hill-John	Cllr Linda Morgan	
Cllr Ashgar Ali	Cllr Philippa Hill-John	Cllr Daniel Naughton	
Cllr Dilwar Ali	Cllr Robert Hopkins	Cllr Oliver Owen	
Cllr Rodney Berman	Cllr Lyn Hudson	Cllr Thomas Parkhill	
Cllr Fenella Bowden	Cllr Frank Jacobsen	Cllr Keith Parry	
Cllr Bernie Bowen-Thomson	Cllr Owen Jones	Cllr Mike Phillips	
Cllr Jennifer Burke-Davies	Cllr Michael Jones-Pritchard	Cllr Dianne Rees	
Cllr Joe Carter	Cllr Heather Joyce	Cllr Mia Rees	
Cllr Jayne Cowan	Cllr Kathryn Kelloway	Cllr Emma Sandrey	
Cllr Stephen Cunnah	Cllr John Lancaster	Cllr Abdul Sattar	
Cllr Bob Derbyshire	Cllr Christopher Lay	Cllr Elaine Simmons	
Cllr Sean Driscoll	Cllr Susan Lent	Cllr Kanaya Singh	
Cllr Saeed Ebrahim	Cllr Ashley Lister	Cllr Ed Stubbs	
Cllr Lisa Ford	Cllr Neil McEvoy	Cllr Rhys Taylor	
Cllr Andrea Gibson	Cllr Mary McGarry	Cllr Graham Thomas	
Cllr Susan Goddard	Cllr Rod McKerlich	Cllr Joel Williams	
Cllr Iona Gordon	Cllr Siân-Elin Melbourne	Cllr Peter Wong	
Cllr Jane Henshaw	Cllr Bablin Molik	Cllr Ashley Wood	

	SENIOR SALARY ENTITLEMENTS (includes Basic Salary)		ANNUAL AMOUNT OF SENIOR SALARY
	ROLE	MEMBER	
1.	Leader	Cllr Huw Thomas	£54,450
2.	Deputy Leader & Cabinet Member for Education, Employment and Skills	Cllr Sarah Merry	£38,450
3.	Cabinet Member for Children and Families	Cllr Graham Hinchey	£33,450
4.	Cabinet Member for Clean Streets, Recycling and Environment	Cllr Michael Michael	£33,450
5.	Cabinet Member for Culture and Leisure	Cllr Peter Bradbury	£33,450
6.	Cabinet Member for Finance, Modernisation and Performance	Cllr Christopher Weaver	£33,450
7.	Cabinet Member for Housing and Communities	Cllr Lynda Thorne	£33,450

	SENIOR SALARY ENTITLEMENTS (includes Basic Salary)		ANNUAL AMOUNT OF SENIOR SALARY
	ROLE	MEMBER	
8.	Cabinet Member for Investment and Development	Cllr Russell Goodway	£33,450
9.	Cabinet Member for Social Care, Health and Well-being	Cllr Susan Elsmore	£33,450
10.	Cabinet Member for Strategic Planning and Transport	Cllr Caro Wild	£33,450
11.	Chairperson of Children and Young People Scrutiny Committee	Cllr Lee Bridgeman	£22,918
12.	Chairperson of Community and Adult Services Scrutiny Committee	Cllr Shaun Jenkins	£22,918
13.	Chairperson of Economy and Culture Scrutiny Committee	Cllr Nigel Howells	£22,918
14.	Chairperson of Environmental Scrutiny Committee	Cllr Ramesh Patel	£22,918
15.	Chairperson of Policy Review and Performance Scrutiny Committee	Cllr David Walker	£22,918
16.	Chairperson of Planning Committee	Cllr Keith Jones	£22,918
17.	Chairperson of Licensing & Public Protection Committees	Cllr Norma Mackie	£22,918
18.	Leader of the Largest Opposition Group (Conservative Group)	Cllr Adrian Robson	£22,918
19.	Leader of the Liberal Democrat Group	Cllr Joe Boyle	£17,918
<i>A maximum of 19 senior salaries for Cardiff Council may be paid and this has not been exceeded.</i>			

ENTITLEMENT TO CIVIC SALARIES (includes Basic Salary)		ANNUAL AMOUNT OF CIVIC SALARY
ROLE	MEMBER	
Civic Head (Mayor / Chair)	Cllr Daniel De'Ath	£22,918
Deputy Civic Head (Deputy Mayor / Chair)	Cllr Jacqueline Parry	£17,918

ENTITLEMENT AS STATUTORY CO-OPTTEES		AMOUNT OF CO-OPTTEES ALLOWANCES
ROLE	MEMBER	
Chairperson of Standards & Ethics Committee	Dr James Downe	£256 Daily Fee (4 hours and over) £128 ½ Day Fee (up to 4 hours)
Chairperson of Audit Committee	D Hugh Thomas	£256 Daily Fee (4 hours and over) £128 ½ Day Fee (up to 4 hours)
Statutory Co-optees – ordinary members: Audit Committee Children & Young People Scrutiny Committee Standards & Ethics Committee	<ul style="list-style-type: none"> • Gavin MacArthur • David Price • Patricia Arlotte • Carol Cobert • Karen Dell'Armi • Matthew Richards • Hollie Edwards-Davies • Chrissie Nicholls • Jason Bartlett • Arthur Hallett • Community Councillor Stuart Thomas 	£198 Daily Fee (4 hours and over) £99 ½ Day Fee (up to 4 hours)

MEMBERS ELIGIBLE TO RECEIVE CARE ALLOWANCE	
All Members	Up to a maximum of £403 per month

SCHEDULE 2

Approved duties:

- attendance at a meeting of the Authority or of any committee of the Authority or of any body to which the Authority makes appointments or nominations or of any committee of such a body;
- attendance at a meeting of any association of authorities of which the Authority is a member;
- attendance at any other meeting the holding of which is authorised by the Authority or by a committee of the Authority or by a joint committee of the Authority and one or more other Authorities;
- a duty undertaken for the purpose of or in connection with the discharge of the functions of Cabinet;
- a duty undertaken in pursuance of a standing order which requires a Member or Members to be present when tender documents are opened;
- a duty undertaken in connection with the discharge of any function of the Authority which empowers or requires the Authority to inspect or authorise the inspection of premises;
- attendance at any training or developmental event approved by the Authority, Cabinet or Democratic Services Committee
- Attendance at any non-political personal development event or activity relevant to the role of the individual member with the advance agreement of the Head of Democratic Services.
- attendance at meetings relating to the personal safety and security of an individual Member.

SCHEDULE 3

Mileage Rates

All sizes of private motor vehicle Up to 10,000 miles Over 10,000 miles	45 pence per mile 25 pence per mile
Private Motor Cycles Pedal Cycles	24 pence per mile 20 pence per mile
Passenger supplement	5 pence per passenger per mile

Subsistence Allowance

The day subsistence rate is up to a maximum of £28 and covers a 24 hour period and can be claimed for any meal if relevant provided such a claim is supported by receipts.

Re-imbusement of alcoholic drinks is not permitted.

Overnight Stay

The maximum allowances for an overnight stay are £200 for London and £95 for elsewhere.

A maximum of £30 is available for an overnight stay with friends or relatives whilst on approved duty.

SCHEDULE 4

Compliance

- The authority will arrange for the publication on the council's website the total sum paid by it to each member and co-opted member in respect of salary, allowances, fees and reimbursements not later than 30 September following the close of the year to which it relates. In the interests of transparency this will include remuneration from all public service appointments held by elected members.
- The authority will publish on the council's website a statement of the basic responsibility of a councillor and role descriptors for senior salary office holders, which clearly identify the duties expected.
- The authority will publish on the council's website the annual schedule of Member Remuneration not later than 31 July of the year to which the schedule refers.
- The authority will send a copy of the schedule to the Independent Remuneration Panel not later than 31 July of the year to which the schedule refers.
- The authority will maintain records of member/co-opted members' attendance at meetings of council, cabinet and committees for which a member/co-opted member may submit a claim for travel allowance and/or co-optees' fee.
- The authority will arrange for the publication on the council's website of annual reports prepared by members.
- When the authority agrees a paid substitution for family absence it will notify the Independent Remuneration Panel within 14 days of the date of the decision of the details including the particular post and the duration

Mae'r dudalen hon yn wag yn fwriadol

ANNUAL COUNCIL:**26 NOVEMBER 2020**

**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL SERVICES
AND MONITORING OFFICER**

**PROGRAMME OF COUNCIL, CABINET & ORDINARY COMMITTEE MEETINGS
2020/21****Reason for this report**

1. To agree the programme of Full Council meetings for the period November 2020 to August 2021 and note the interim programme of Cabinet and Committees for the period November 2020 to August 2021 to be finalised in consultation with Chairs of Committees and in line with Forward Work Plans.

Background

2. The Annual Council meeting is required to approve a programme of ordinary meetings of Council, and a provisional programme of meetings for Council Committees (Council Meeting Procedure Rules, Rule 2(b)(xvii) and (xviii)).
3. The Welsh Government has issued statutory guidance about the timing of Council meetings under Section 6(2) of the Local Government (Wales) Measure 2011, to which the Council must have regard. In accordance with the statutory guidance, a survey was carried out in May 2017 to assess Members' preferences regarding the times and intervals at which meetings of a local authority are held. The programme of future meetings reflects the results of the survey and agreements made by individual Committees around preferred start times.
4. The Annual Council on 19 May 2019 agreed a programme of Full Council meetings for 2019 – 2020 and indicative dates for Full Council for 2019-2020 municipal year.

Issues

5. Appendix A (*marked to follow*) is the proposed Programme of Council, Cabinet and Committee meetings from November 2020 to August 2021.
6. The appointment of Committee Chairs (Agenda Item 13) may necessitate further consultation on the programme of ordinary Committee meetings.

Formal Meetings Diary

Full Council

7. There are nine meetings of Full Council including the Annual meeting and Budget setting meeting. There are no meetings of Council in April, August and December.
8. Provisionally, Full Council meetings will take place on 28 January 2021, 4 March 2021 (Budget), 25 March 2021, 20 May 2021 (Annual), 24 June 2021 and 22 July 2021.

Cabinet

9. Cabinet meetings are held on a monthly basis with the exception of August. Depending on agenda items, Cabinet is also unlikely to be able to meet in the pre-election period which starts on 29 March 2021, so it is unlikely that there will be a Cabinet meeting in April 2021. Where the level of business to be determined from the Forward Plan is likely to be more than the amount of business that can be dealt with in one meeting, additional meetings will be arranged and publicised.

Regulatory Committees

10. Licensing, Planning and Public Protection Committees are held on a monthly basis subject to there being sufficient business. Licensing Sub Committees convened under the Licensing Act 2003, will be held as and when required.

Scrutiny Committees

11. Scrutiny Committees meet on a monthly basis with the exception of August and in an election year, April and May.

Corporate Parenting Advisory Committee

12. This Committee agreed to meet bi-monthly to meet their Work Plan requirements.

Audit Committee

13. Five meetings of the Audit Committee per year are scheduled in accordance with their Work Plan.

Democratic Services Committee

14. In accordance with the Local Government (Wales) Measure 2011 requirements (Section 15(2)) the Democratic Services Committee has to meet at least once a year. As for 2019/20 Municipal Year, it is proposed to meet twice and provisional dates are included within the draft Calendar and are subject to confirmation with the Chair, in consultation with Committee Members.

Standards & Ethics Committee

15. The Standards and Ethics Committee will meet as and when necessary in order to deliver its work programme. Provisional dates are included within the draft Calendar

and are subject to confirmation with the Chair and in consultation with Committee Members.

Constitution Committee

16. As for 2019/20 Municipal Year, it is proposed to meet twice and provisional dates will be included within the draft Calendar and are subject to confirmation with the Chair in consultation with Committee Members.

Other Committees

17. Meetings of the Appointments Committee, Local Authority Governor Panel, Appeals Committee, Bilingual Cardiff Member Group, Pension Committee and Pension Panel will be scheduled as and when required.

Legal Implications

18. As noted in the body of the report, the Council must have regard to the Welsh Government's statutory guidance (issued under section 6 of the Local Government (Wales) Measure 2011) when considering the times and intervals of its meetings.
19. In summary, the guidance states that:
 - Work and other commitments make setting a programme of meetings that suits all Members difficult;
 - Welsh Government does not wish to prescribe the number/timings of meetings; and
 - it is important that Authorities proactively review their meeting arrangements, by way of example, the guidance states that "What may have been tradition or an arrangement which suited the previous generation of Councillors will not necessarily serve the interests of the new intake."
20. The guidance requires the Council to survey its Members in respect of times and intervals in which meetings of the local authority are held at least once a term and preferably shortly after the new council is elected. Members will note that a survey of Members was undertaken in May 2017 and that the programme of future meetings reflects the results of the survey and agreements made by individual Committees around preferred start times.
21. The pre-election period for the Senedd and Police and Crime Commissioner elections, due to start on 29 March 2021, is likely to prevent decisions being taken on controversial or politically sensitive matters in April and May which may lead to some changes in the meeting diary.

Financial Implications

22. The costs associated with delivering the programme of meetings are to be contained within the allocated budget.

RECOMMENDATIONS

The Council is recommended to

- (1) approve the programme of Council, Cabinet and Committee meeting dates for November 2020 – August 2021 subject to further consultation with Chairs of Committees appointed by Council; and
- (2) delegate authority to the Director of Governance and Legal Services to make any necessary alterations to the programme of Committee meetings and request that the final programme be reported to the ordinary Council meeting on 28 January 2021 for approval.

DAVINA FIORE

Director of Governance and Legal Services and Monitoring Officer

20 November 2020

The following Appendices are attached:

Appendix A Programme of Council, Cabinet and Committee meetings from
November 2020 – March 2020.. (*To follow*)

Background papers

Welsh Government Statutory Guidance from the Local Government Measure 2011, June 2012, Chapter 1:

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