

POLICY REVIEW AND PERFORMANCE SCRUTINY COMMITTEE

13 MARCH 2024

Present: Councillor Williams(Chairperson)
Councillors Ash-Edwards, Bowen-Thomson, Carter, Chowdhury,
Henshaw, Hinchey, Hunt and Thomson

64 : APOLOGIES FOR ABSENCE

Members were advised that the Leader was unable to attend as he was unwell.

65 : DECLARATIONS OF INTEREST

Cllr Bowen Thomson declared a personal interest in Item 5 as CEO of Safer Wales.
Cllr Ash-Edwards declared a personal interest in Item 5 as a Non – Executive
Director of Cardiff Bus.

66 : MINUTES

The Minutes of the meeting held on 28 February 2024 were agreed as a correct
record and signed by the Chairperson.

67 : COUNCIL AS THE CORPORATE TRUSTEE - GOVERNANCE ARRANGEMENTS

For this item, the Chairperson welcomed Chris Lee, Corporate Director, Resources,
Debbie Marles, Interim Monitoring Officer and Richard Crane, Principal Solicitor.

The Chairperson advised Members that this was an opportunity for pre-decision
scrutiny of a report to Cabinet proposing the future governance arrangements to be
adopted for discharging the Council's role as a corporate trustee. Committee were
reminded that they had previously scrutinised the Council's approach to resolving the
conflict of interest it faced as the sole corporate trustee of Maindy Park, a registered
charity. Following that scrutiny, Committee recommended that the Council avoids
conflicts of interest delaying future projects by putting in place mechanisms that
prevent such a recurrence. Members were advised that a review of governance and
financial management arrangements of all trusts of which the Council is a trustee is
underway and a report to Cabinet is programmed next week.

The Chairperson noted apologies from the Leader, Councillor Thomas as he was
unwell and read out a statement provided.

Members were provided with a presentation from Officers.

The Chairperson invited questions and comments from Members.

Officers provided an update on the progress being made by the Council in
developing a database of all land held in trust. They explained that the work is

ongoing and offered to share the list in its current state, acknowledging that it is incomplete and requires further exploration. The committee requested the sharing of the database to gain insight into the current status of land held in trust by the Council.

A discussion took place around the Trusts Cabinet Committee and Members noted that the Trusts Cabinet Committee were unlikely to meet frequently, as the process does not require them to meet for smaller projects such as those related to parks. Members were advised that five Cabinet Members will be appointed to the Trusts Cabinet Committee, with membership being periodically reviewed to ensure no conflicts of interest arise.

Members asked whether there had been any other significant conflicts or concerns other than the one addressed regarding Maindy Park Trust under the previous arrangements. Officers advised there had not been. Members were assured that if an issue arises from the Corporate Plan 2024-27 or Budget 2024-25 where all Members, and possibly officers, are seriously conflicted, it will revert back to the Charity Commission, similar to the Maindy Park Trust issue.

The Committee sought assurance that the proposals to Cabinet concerning the governance of Council-held trusts would undergo close scrutiny by the Charities Commission and legal counsel. Members noted that whilst the proposals referenced previous advice and guidance from the Maindy Park Trust case, they did not specifically address the establishment of a Trusts Cabinet Committee and a Trusts Advisory Committee.

The Committee noted that a solution led by the Cabinet itself automatically excludes backbench Members, potentially with experience in charity matters, from participating in a trustee role. Whilst understanding that the solution aligns with regulations on Executive powers, it was observed that there will still be an opportunity for engagement through scrutiny of the Trust Cabinet Committee decisions. However, the solution appears more complex under a Cabinet style of government compared to the previous committee system.

Members sought clarification on the order of decision-making if the proposal was approved by the Cabinet. For example, they inquired whether the Trusts Cabinet Committee, or the Cabinet itself, would be first to consider a matter. It was noted that the intention is for an in-principle decision on a matter of serious conflict to be presented to the Cabinet first, with prior legal advice and known restrictions already in place. The decision would be made by Cabinet Members not sitting on the Trust Cabinet Committee. If Cabinet identifies a serious conflict, this would trigger the activation of the Trusts Cabinet Committee. The proposed approach would be underpinned by a clear distinction between the Cabinet and the Trusts Cabinet Committee.

Members discussed whether there was a case for the appointment of external independent members on the Cabinet Trusts Committee. Whilst officers considered an internal solution to be the best way forward, some Members expressed concern about inadequacies in the proposed arrangements, especially in cases of serious conflicts of interest. They sought assurance that point 30 of the Cabinet report, which addresses conflicts of interest on a case-by-case basis, would be effectively enacted.

The Committee highlighted a case (R v South Somerset County Council 2022) where incorrect advice by the Monitoring Officer resulted in Councillors participating incorrectly in a decision, leading to a ruling that the decision was not lawful. Members emphasised the importance of ensuring that the proposals to Cabinet address this scenario. The Interim Monitoring Officer noted that this is a specialist area of law and highlighted the use of specialist counsel by the Council.

Members sought assurance that the Council, as part of the review of trusts, has considered land disposals made in recent years and that the multidisciplinary team responsible for the review will look both forwards and backwards, reflecting on previous decisions. The Interim Monitoring Officer assured the Committee that, at this point, there are no concerns regarding past disposals.

AGREED: that the Chairperson, on behalf of the Committee, writes to the Cabinet Member conveying the observations and recommendations of the Committee when discussing the way forward.

68 : STRATEGIC EQUALITY PLAN 2024-28

For this item, the Chairperson welcomed Councillor Julie Sangani, Cabinet Member for Public Health and Equality, Dylan Owen, Operational Manager for Policy and Performance, Babita Parekh, Equalities team and Abbie Streeter, Policy team.

Members were reminded that in line with Committee's Terms of Reference Committee have a remit for the scrutiny of Equality policy. Every four years it is beholden on the Council to publish its Strategic Equality Objectives. Work is underway to develop the Council's Equality, Diversity and Inclusion Strategy for 2024-28. The team were attending Committee in a policy development capacity, providing Members with an opportunity to engage in development of the Strategy, and offer their views as a stakeholder in its development.

The Cabinet Member was invited to make an opening statement after which Members were provided with a presentation from Officers.

The Chairperson invited questions and comments from Members.

The Committee acknowledged the detailed work that had gone into developing the draft Equalities, Diversity & Inclusion Strategy 2024/28 but suggested it could be more focussed and more impactful by streamlining the document. Members recommended retaining only essential information and emphasising what sets this strategy apart in terms of addressing equality. Members further suggested signposting or appending references to the Corporate Plan and creating a more sharply equality-focused main document.

Members emphasised the need for the Equalities, Diversity & Inclusion Strategy to explicitly recognise and embed intersectionality as a fundamental principle from the outset. They considered that the final document should capture the full spectrum of equality issues and integrate intersectionality throughout to make it explicit.

Members highlighted the shocking disparities in life expectancy across Cardiff and identified several key issues contributing to inequality such as the impact of changes to the benefits system on life expectancy.

Members commended the Council's efforts to address child poverty through the Child Friendly team.

Members raised some concerns about night-time safety in the city centre. Members considered there to be a lack of diverse night-time entertainment, with the primary focus being entertainment for the younger cohort. Whilst acknowledging the challenges beyond the Council's control, Members emphasised the importance of focusing efforts where the Council can make an impact on the feeling of safety at night-time in the City Centre.

The Committee considered there should be greater emphasis on measuring feelings of safety, especially amongst women, in the strategy. The Committee acknowledged the ongoing work on a domestic violence strategy and action plan, and asked to see the action plan as soon as it was available.

Members commended the progress in integrating Equality Impact Assessments (EIAs) into policy making and service design but highlighted statistical evidence of economic inactivity among ethnic minorities. Members were keen to hear how qualitative data could complement quantitative data in policy development.

Members appreciated the commitment to zero tolerance of bullying, hate crime, and racism in schools, and emphasised the need to embed equalities in education.

The Committee discussed the crucial role of travel and transport in accessing work, social, and cultural opportunities. Members noted disparities in public transport connectivity and access to cars in certain parts of the city, which they believed essential to address meeting objective 2. Members requested that this aspect be included in the Strategy, and officers agreed to consider their concerns and incorporate references to accessing sustainable transport.

AGREED: that the Chairperson, on behalf of the Committee, writes to the Cabinet Member conveying the observations and recommendations of the Committee when discussing the way forward.

69 : URGENT ITEMS (IF ANY)

None received.

70 : DATE OF NEXT MEETING

17 April 2024 at 4.30pm.

The meeting terminated at 7.03 pm