

CABINET MEETING: 19 MAY 2016

CABINET POLICY ADVISORY GROUPS

REPORT OF THE MONITORING OFFICER

AGENDA ITEM: 9

**PORTFOLIO: SKILLS, SAFETY, ENGAGEMENT & DEMOCRACY
(COUNCILLOR DAN DE'ATH)**

Reason for this Report

1. To consider the establishment of Cabinet Policy Advisory Groups, including common terms of reference and membership provisions, as part of the Cabinet's commitment to establish and promote more inclusive approaches to policy development.

Background

2. The Cabinet has the important statutory role of providing strategic leadership and direction to the Council and is responsible for the development of policies for the delivery of services to the whole community of Cardiff. This includes developing and proposing those strategic policies and plans that comprise the Council's Policy Framework and which must be approved by Council.
3. In developing policy, the Cabinet can sponsor its own policy work (e.g. through the establishment of advisory groups or sub-committees). Alternatively, as has happened previously in some instances in Cardiff, the Cabinet may ask Scrutiny Committees to carry out evidence based task and finish reviews. However, the Cabinet cannot insist that Scrutiny Committees undertake any such policy development work, as those Committees control their own work planning to ensure the delivery of an effective scrutiny function.

Issues

4. The Cabinet is committed to developing a more inclusive approach to policy development and decision making, which seeks to involve Members more widely and to utilise their personal expertise and experience in various fields. One such approach is through the proposed establishment of Cabinet Advisory Groups, which have been introduced elsewhere in the UK (e.g. Swindon, Oxfordshire, Milton Keynes, Dover).

5. Cabinet Policy Advisory Groups are informal Member/Officer working groups with no formal committee status or decision making authority. Accordingly, there is no reference to Cabinet Policy Advisory Groups within the Council's Constitution as they are not formal meetings of the Council and do not have the status of advisory committees under the Local Government Act 1972 Section 102(4).
6. As Cabinet Policy Advisory Groups are informal and without status, they may be established by the Cabinet or the relevant Cabinet Member, following notification to the Council's Monitoring Officer, with appropriate terms of reference and membership provisions, noting always that the Cabinet retains full legal responsibility to make any formal decisions in discharge of its functions. Consideration should also be given to the potential implications for the existing policy development role and work programmes of the Council's Scrutiny function if Cabinet Policy Advisory Groups are established in order to ensure that there is no duplication of work and resources.
7. The role of the Cabinet Policy Advisory Groups is to advise and assist Cabinet Members in the development of policy and the exercise of their duties. Cabinet Policy Advisory Groups can be cross-cutting in the issues which they consider.
8. Cabinet Policy Advisory Groups will usually be chaired by the relevant Cabinet Member and may comprise non-executive councillors, officers from relevant directorates and external parties. Meetings will be held usually on a monthly basis, with a minimum amount of paperwork, in order to reduce the total time spent in meetings by Members and Officers. The relevant Cabinet Member should report back to the Cabinet following completion of the group's work.
9. In 2015/16, the Cabinet piloted the Cabinet Policy Advisory Group model to provide an informal policy development mechanism, which looked specifically at affordable housing issues. This approach was referenced in paragraph 53 of the Wales Audit Office Corporate Assessment Follow On report, which was received by the Cabinet on 10 March 2016:

"An Affordable Housing Advisory Group, which provides advice to the Cabinet on specific policy issues, has been established."
10. The group has met informally on four occasions since July 2015 and has heard evidence about housing need in Cardiff and the issues affecting the development of affordable housing in the city. The group has been chaired by the Cabinet Member for Health, Housing & Wellbeing and attendees have included non-executive councillors, housing association representatives and council officers with expertise in housing development, capital finance and planning. The meetings have enabled the group to develop a good understanding of affordable housing issues in Cardiff.

11. The Wales Audit Office report recommended explicitly that members involved in the work of Cabinet Policy Advisory Groups do not sit on any Scrutiny Committee responsible for scrutinising the same/similar issues. This is set out in the following Proposal for Improvement (P2c):

“review the role and membership of Cabinet Advisory Groups to ensure that those members involved do not sit on any Scrutiny Committee responsible for scrutinising the same/similar issues”

12. On 21 March 2016, the Cabinet approved the following action point in response to the specific Proposal for Improvement (P2c) identified by the Wales Audit Office in relation to Cabinet Advisory Groups:

“Terms of Reference for Cabinet Advisory Groups will be agreed”

13. It is proposed that the establishment of any Cabinet Policy Advisory Groups should be undertaken as and when required by the relevant Cabinet Member, who would determine the specific terms of reference and membership of the group. The precise terms of reference for each Cabinet Policy Advisory Group should be determined and agreed when individual groups are established as required, but should be based broadly on the common terms of reference as set out in **Appendix A** to this report.

14. It is suggested that any Cabinet Policy Advisory Group that is established should comprise the following persons:

- the relevant Cabinet Member/s;
- the relevant Director/s and/or Assistant Director/s;
- no more than five non-executive councillors who do not sit on any Scrutiny Committee responsible for scrutinising the same/similar issues; and
- any appropriate external experts, advisors, stakeholders or partners (as determined by the Cabinet Member/s in consultation with the relevant Director/s).

15. It is also proposed that no more than three such Cabinet Policy Advisory Groups will be appointed at any one time unless particular circumstances necessitate the appointment of additional groups.

Reason for Recommendations

16. To support a more inclusive approach to policy development work that is undertaken on behalf of the Cabinet.

Financial Implications

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

Legal Implications

18. The legal implications appear in the text of this report.

RECOMMENDATION

Cabinet is recommended to approve the establishment of Cabinet Policy Advisory Groups, as and when required, to assist with policy development on behalf of the Cabinet. The Terms of Reference of Groups shall be based broadly on the common terms of reference set out in Appendix A to this report.

David Marr

Interim Monitoring Officer

13 May 2016

The following appendix is attached:

Appendix A: Cabinet Policy Advisory Groups – Common Terms of Reference

The following background papers have been taken into account

Wales Audit Office Corporate Assessment Follow On Report, 26 February 2016

<http://www.audit.wales/system/files/publications/Cardiff-CA-2016-English.pdf>

APPENDIX A

Cabinet Policy Advisory Groups – Common Terms of Reference

- a) To advise the relevant Cabinet Member and/or the Cabinet as a whole on any policy, plan or strategy relating to [*named issues*] to support delivery of relevant corporate priorities as set out in the Corporate Plan.
- b) To undertake specific tasks, research and investigations, so as to inform the Cabinet Policy Advisory Group's advice to the relevant Cabinet Member and/or the Cabinet as a whole.
- c) To consider any policy, plan or strategy relating to [*named issues*], which may be referred to it by the relevant Cabinet Member and/or the Cabinet as a whole.
- d) To operate as a task and finish group.
- e) To include the following membership:
 - the relevant Cabinet Member/s;
 - the relevant Director/s and/or Assistant Director/s;
 - no more than five non-executive councillors who do not sit on any Scrutiny Committee responsible for scrutinising the same/similar issues; and
 - any appropriate external experts, advisors, stakeholders or partners (as determined by the Cabinet Member/s in consultation with the relevant Director/s).
- f) To be chaired by the relevant Cabinet Member as part of their portfolio responsibility or by a nominated vice-chairman in his/her absence.
- g) To have quorum of three members – one of which should be the relevant Cabinet Member as chair or the nominated vice-chairman.
- h) To determine final recommendations to the relevant Cabinet Member and/or the Cabinet by consensus if at all possible or by means of a show of hands if necessary.
- i) To report and make recommendations to the relevant Cabinet Member and/or the Cabinet as a whole as and when required.