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

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**ESTABLISHMENT OF STANDING COMMITTEES OF THE COUNCIL  
2018/19**

**Reason for this Report**

1. To approve the establishment of Standing Committees of Council for 2018/19, 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**

| <b><u>COMMITTEES</u></b>   | <b><u>SEATS</u></b>   |
|--|---|
| <b><u>Regulatory and Other Committees</u></b>                    |   |
| Appointments Committee<br><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 (8 Elected Members and 4 Independent Members)<br><b><i>(Cannot include more than 1 Member of the Cabinet who must not be the Council Leader)</i></b> |
| Constitution Committee   | 12  |

| <b><u>COMMITTEES</u></b>   | <b><u>SEATS</u></b>  |
|--|--|
| Corporate Parenting Advisory Committee   | 8 (Includes Lead Cabinet Members as appropriate up to maximum of 3)<br><b><i>(Must not be Members of the Children &amp; Young People Scrutiny Committee (or equivalent))</i></b> |
| Council Appeals Committee  | 9  |
| Democratic Services Committee  | 12<br><b><i>(Cannot include more than 1 Member of the Cabinet who must not be the Council Leader)</i></b>  |
| Disciplinary & Grievance Appeals Committee<br><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  |
| Family Absence Appeals Panel<br><i>(Called as and when required)</i>                 | 3<br><b><i>(To be Members of the Democratic Services Committee but not include the Chair of Council)</i></b>   |
| Licensing Committee  | 12   |
| Planning   | 12<br><b><i>(Should not include more than one Elected Member from a multi Member Ward)</i></b>   |
| Public Protection  | 12   |
| Standards & Ethics Committee   | 9 (3 Elected Members**, 5 Independent Members & 1 Community Member)<br><br>**Not subject to Political balance requirements   |
| Pensions Committee   | 5  |
| <b><u>Scrutiny Committees</u></b>  |  |
| Children and Young People  | 9  |
| Community and Adult Services   | 9  |
| Economy and Culture  | 9  |
| Environmental  | 9  |
| Policy Review & Performance  | 9  |

| <u>COMMITTEES</u>              | <u>SEATS</u>   |
|--------------------------------|--|
| <u>Other Groups and Panels</u> |  |
| Health & Safety Advisory Group | 5 (Appropriate Cabinet Member and up to 4 other Members) |
| Local Authority Governor Panel | 7  |
| Investment Advisory Panel      | 3<br>(to be Members of the Pension Committee)            |
| Works Council                  | 5<br>(To be Members of Employment Condition Committee)   |

4. The size of the Council's standing committees is not currently set out in the Constitution. In the interests of transparency, it is recommended that the Monitoring Officer should be asked to incorporate the size of each of the Council's Committees into the Constitution, Article 6.1 (Scrutiny Committees); and Article 8.1 (Regulatory and Other Committees), as shown in Appendix A1 and A2 respectively.

#### Terms of Reference

5. The proposed terms of reference for each of the Standing Committees and Groups are set out in **Appendix B**.
6. Council is asked to note and agree the revised terms of reference for the Licensing Committee and the Public Protection Committee. The terms of reference have been revised to make provision for new licensing functions (in relation to 'special procedures' such as tattooing, acupuncture, piercing etc) which are being introduced by the Public Health (Wales) Act 2017 (but are not yet in force), which must, by law, be discharged by the Licensing Committee.

#### **Legal Implications**

7. 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).
8. 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

9. There are specific legislative provisions governing the following committees:

#### Standards and Ethics Committee

10. 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.
11. 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

12. 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

13. 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. 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.

14. The current composition of the Audit Committee, as approved at Annual Council in May 2017, 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

15. The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017 (made under s.39 of the Planning Wales Act 2015), which came into force in May 2017, introduced 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.

15. 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 (sub-paragraph (a) above). The legal requirements in relation to multi-member wards (sub-paragraph (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 10.

#### Scrutiny Committees

16. 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.

### **Financial Implications**

17. The overall costs associated with members can be contained within the overall Members budget get allocated for 2018/19

## **RECOMMENDATIONS**

The Council

1. approves 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 B** of this report, for the 2018/19 Municipal Year; and
2. authorises the Monitoring Officer to update the Constitution accordingly, to include incorporating the size of each of the Council's Committees into the Constitution, Article 6.1 (Scrutiny Committees); and Article 8.1 (Regulatory and Other Committees) as shown in Appendices A1 and A2 respectively.

**DAVINA FIORE**

**Director of Governance & Legal Services and Monitoring Officer**

18 May 2018

Appendix A1 - Article 6.1 Scrutiny Committees – proposed amendments

Appendix A2 – Article 8.1 Regulatory and Other Committees – proposed amendments

Appendix B – Committee Terms of Reference