



DINAS A SIR CAERDYDD
CITY AND COUNTY OF CARDIFF

COUNCIL SUMMONS

DYDD IAU, 24 MEHEFIN 2021

GWYS Y CYNGOR

THURSDAY, 24 JUNE 2021,

PAPURAU ATODOL

Taflen Diwygiadau 24.06.21 (*Tudalennau 3 - 14*)

Davina Fiore
Cyfarwyddwr Llywodraethu a Gwasanaethau
Cyfreithiol

Neuadd y Sir
Caerdydd
CF10 4UW

Dydd Gwener, 18 Mehefin
2021

Mae'r dudalen hon yn wag yn fwriadol



**CYNGOR CAERDYDD
CARDIFF COUNCIL**

COUNCIL:

24 JUNE 2021

AMENDMENT SHEET

ITEM 12: CONSTITUTION AMENDMENTS REPORT

1. Constitution Amendments Report

1.1 Paragraph 1 of the report is to be amended by adding a new sub-paragraph:

‘(vii) Council Meeting Procedure Rules on Members’ Oral Questions.’

1.2 Paragraph 27 of the report (**Regrading Applications of Operational Managers**) is amended to read as follows:

‘27. The Committee considered proposed amendments to the terms of reference of the Employment Conditions Committee to reflect this, and agreed that, subject to arrangements being put in place in relation to monitoring and oversight of the exercise of delegated powers for Operational Manager regrading applications, the Committee’s terms of reference should be amended as shown below:

‘(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;

(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), except for Operational Managers deemed to be classed as Deputy Chief Officers, whose applications may be determined under Chief Executive officer delegation within the remuneration framework for Operational Managers, 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.

(c) All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.’

1.3 Paragraphs 31 and 32 of the report (**Members' / Senior Officers' Planning Applications**) are amended as shown highlighted below:

31. Planning applications may be submitted directly or through an agent. For the avoidance of any doubt, it is recommended that the exception to the Head of Planning's delegated authority should be amended to clarify that this includes any applications submitted *on behalf of a Member or Director / Assistant Director*, but not to any application which may be submitted by an Elected Member who is acting in a professional capacity as an agent on behalf of a third party. It is also recommended, for the same reasons (set out in paragraph 30 above), that this exception should extend to the Head of Planning and Planning Operational Managers. The recommended amendments are as follows:

(i) Planning applications submitted by or on behalf of any current Elected Members of the Council (except when a Member is acting in a professional capacity as an agent for a third party), Directors and Assistant Directors or the Head of Planning or Planning Operational Managers.

32. This would clarify that any planning application submitted by or on behalf of an elected Member (except when the Member is acting professionally as an agent), any Director / Assistant Director, or the Head of Planning or Planning Operational Managers must be determined by the Planning Committee. The Head of Planning has been consulted and is content with the proposed changes. However concerns have been raised about extending this further to include Operational Managers, so the Constitution Committee has agreed to give further consideration to the position of Operational Managers and has asked the Monitoring Officer to report back to a future Committee meeting.

1.4 A new paragraph 32A is to be inserted, as follows:

'Council Meeting Procedure Rules on Members' Oral Questions

32A Under Rule 17, Oral Questions are made available in writing and are not read out at the meeting. Following observation of full Council meetings, the Standards and Ethics Committee has recommended that oral questions should be displayed on screens and read out orally at the Council meeting, so that members of the public may understand the question which is being answered. The Constitution Committee has agreed to recommend the amendment of Rule 17 as shown below:

- Oral Questions ~~shall not be read orally, but~~ will be dealt with in rounds. In the first three rounds each political group shall each be entitled to ask one question. In subsequent rounds, only political groups with remaining Oral Questions shall be entitled to ask questions

1.5 The recommendations of the report are amended as shown below:

Recommendations

~~Subject to the recommendations of the Constitution Committee on 21st June 2021, the~~ Council is recommended to approve the Constitution amendments recommended by the Constitution Committee in relation to:

- (i) Local Pension Board;
- (ii) Cardiff and Vale of Glamorgan Channel Panel;
- (iii) Section 151 Officer's delegation for banking matters;
- (iv) Officer delegations for appropriation of land;
- (v) Determination of regrading applications of Operational Managers, subject to arrangements being put in place in relation to monitoring and oversight of the exercise of delegated powers for Operational Manager regrading applications;~~and~~
- (vi) Determination of Members' and Senior Officers' planning applications; and
- (vii) Council Meeting Procedure Rules on Members' Oral Questions,

as set out in the report.

ITEM 14: AMENDMENTS TO NOTICE OF MOTION (3)

AMENDMENT 1 TO MOTION

Proposed by: Councillor Neil McEvoy
Seconded by: Councillor Keith Parry

Add at the end of the motion add the following:

- *furthermore, this Council resolves to set up a political action group made up of 1 councillor from each political group, chaired by an opposition councillor, which will work with residents groups to achieve recourse.*

The Council calls on the Executive to consider a report to set aside £250,000 from the County general reserves to seed fund legal action against the building companies, if satisfactory recourse is not agreed by the Action Group and the building companies by 16th September 2021.

Cardiff Council calls upon other Councils in Wales and the Welsh Government to contribute to the newly created legal fund. It is essential that we stand up for our citizens.

In the public interest, Cardiff Council will make available the as built, original drawings on all buildings which are affected, or are said to be affected by the safety scandal.

The Amended Motion will read as follows:

This month marks the 4 year anniversary of the Grenfell Tower disaster in which 72 people tragically lost their lives.

Cardiff Council acted swiftly to ensure all Council-owned high rise buildings were safe, whilst Welsh Government have also acted to enable Registered Social Landlords to do the same.

However, the situation for privately owned high-rise remains unresolved, and the cladding scandal has also exposed other defects affecting private high-rise development, including the absence of appropriate fire compartmentation, other ineffective fire-stopping measures, and unsafe balconies, with many buildings, including in Cardiff, requiring 'waking-watch' regimes in place to ensure residents' safety in the event of fire.

The introduction of EWS1 forms, without sufficient numbers of qualified engineers to carry out inspections has further exacerbated the issues faced by residents living in high-rise accommodation.

These arrangements have clearly impacted on the mental wellbeing of the residents who, through no fault of their own find themselves unsure if their homes is safe, with their lives placed on hold. They also face a significant financial impact, with residents struggling to get insurance for their properties, owner-occupiers falling into negative equity and unable to sell their property, and residents facing the possibility of having to fund the costs of making the good the defects to their properties themselves, despite having purchased their properties in good faith.

This Council therefore –

- Endorses the principle that Leaseholders did not create the issues that have been identified and believe that they should not have to pay to rectify these issues.
- Welcomes the recommendations of the Welsh Government's Building Safety White Paper, and calls for its enacting as legislation as quickly as possible, with additional support provided in terms funding and resources to deliver its objectives.
- In doing so, but recognising the time required to prepare legislation, also believes that there are a series of urgent actions should be enacted straight away, including
 - The rapid establishment of Joint Inspection Teams to undertake an audit of affected buildings with funding made available to address the defects identified
 - Investment to increase the availability of qualified surveyors able to issue EWS1 certificates.
 - An accelerated testing process for new cladding
- Further calls on Welsh and UK Government to work jointly to bring developers to the table so that a wider funding package can be created to resolve the issues that continue to affect the lives of residents in high-rise buildings in Cardiff and across the UK. Requests the Cabinet to explore how developers who have unresolved cladding and building control issues can be better held responsible for their obligations through planning policy and by Shared Regulatory Services

And

- Further asks Cabinet to consider what additional support could be provided to affected residents
- furthermore, this Council resolves to set up a political action group made up of 1 councillor from each political group, chaired by an opposition councillor, which will work with residents groups to achieve recourse.

The Council calls on the Executive to consider a report to set aside £250,000 from the County general reserves to seed fund legal action against the building companies, if satisfactory recourse is not agreed by the Action Group and the building companies by 16th September 2021.

AMENDMENT 2 TO MOTION

Proposed by: Councillor Adrian Robson
Seconded by: Councillor Shaun Jenkins

Add new bullet point after “Shared Regulatory Services”

- Notes that previous monies provided to Welsh Government from Westminster (via the Barnett formula) to help leaseholders tackle issues with cladding and fire safety systems were spent elsewhere and calls for any additional sums to be put into a fire safety fund accessible to Welsh leaseholders.

The Amended Motion would read as follows:

This month marks the 4 year anniversary of the Grenfell Tower disaster in which 72 people tragically lost their lives.

Cardiff Council acted swiftly to ensure all Council-owned high rise buildings were safe, whilst Welsh Government have also acted to enable Registered Social Landlords to do the same.

However, the situation for privately owned high-rise remains unresolved, and the cladding scandal has also exposed other defects affecting private high-rise development, including the absence of appropriate fire compartmentation, other ineffective fire-stopping measures, and unsafe balconies, with many buildings, including in Cardiff, requiring ‘waking-watch’ regimes in place to ensure residents’ safety in the event of fire.

The introduction of EWS1 forms, without sufficient numbers of qualified engineers to carry out inspections has further exacerbated the issues faced by residents living in high-rise accommodation.

These arrangements have clearly impacted on the mental wellbeing of the residents who, through no fault of their own find themselves unsure if their homes is safe, with their lives placed on hold. They also face a significant financial impact, with residents struggling to get insurance for their properties, owner-occupiers falling into negative equity and unable to sell their property, and residents facing the possibility of having to fund the costs of making the good the defects to their properties themselves, despite having purchased their properties in good faith.

This Council therefore –

- Endorses the principle that Leaseholders did not create the issues that have been identified and believe that they should not have to pay to rectify these issues.
- Welcomes the recommendations of the Welsh Government’s Building Safety White Paper, and calls for its enacting as legislation as quickly as possible, with additional support provided in terms funding and resources to deliver its objectives.
- In doing so, but recognising the time required to prepare legislation, also believes that there are a series of urgent actions should be enacted straight away, including
 - The rapid establishment of Joint Inspection Teams to undertake an audit of affected buildings with funding made available to address the defects identified
 - Investment to increase the availability of qualified surveyors able to issue EWS1 certificates.
 - An accelerated testing process for new cladding

- Further calls on Welsh and UK Government to work jointly to bring developers to the table so that a wider funding package can be created to resolve the issues that continue to affect the lives of residents in high-rise buildings in Cardiff and across the UK. Requests the Cabinet to explore how developers who have unresolved cladding and building control issues can be better held responsible for their obligations through planning policy and by Shared Regulatory Services.
- Notes that previous monies provided to Welsh Government from Westminster (via the Barnett formula) to help leaseholders tackle issues with cladding and fire safety systems were spent elsewhere and calls for any additional sums to be put into a fire safety fund accessible to Welsh leaseholders.

And

- Further asks Cabinet to consider what additional support could be provided to affected residents

AMENDMENT 3 TO MOTION

Proposed by: Councillor Rhys Taylor
Seconded by: Councillor Rodney Berman

Before *This Council therefore* add

This Council regrets that the Fire Safety Bill:

- Provides weaker protections and support for leaseholders or tenants in buildings less than 18 meters high.
- Does not prevent the owner of a building from passing the costs of any remedial work on to leaseholders or tenants of that building.

The Amended Motion would read as follows:

This month marks the 4 year anniversary of the Grenfell Tower disaster in which 72 people tragically lost their lives.

Cardiff Council acted swiftly to ensure all Council-owned high rise buildings were safe, whilst Welsh Government have also acted to enable Registered Social Landlords to do the same.

However, the situation for privately owned high-rise remains unresolved, and the cladding scandal has also exposed other defects affecting private high-rise development, including the absence of appropriate fire compartmentation, other ineffective fire-stopping measures, and unsafe balconies, with many buildings, including in Cardiff, requiring 'waking-watch' regimes in place to ensure residents' safety in the event of fire.

The introduction of EWS1 forms, without sufficient numbers of qualified engineers to carry out inspections has further exacerbated the issues faced by residents living in high-rise accommodation.

These arrangements have clearly impacted on the mental wellbeing of the residents who, through no fault of their own find themselves unsure if their homes is safe, with their lives placed on hold. They also face a significant financial impact, with residents struggling to get insurance for their properties, owner-occupiers falling into negative equity and unable to sell their property, and residents facing the possibility of having to fund the costs of making the good the defects to their properties themselves, despite having purchased their properties in good faith.

This Council regrets that the Fire Safety Bill:

- Provides weaker protections and support for leaseholders or tenants in buildings less than 18 meters high.
- Does not prevent the owner of a building from passing the costs of any remedial work on to leaseholders or tenants of that building.

This Council therefore –

- Endorses the principle that Leaseholders did not create the issues that have been identified and believe that they should not have to pay to rectify these issues.

- Welcomes the recommendations of the Welsh Government's Building Safety White Paper, and calls for its enacting as legislation as quickly as possible, with additional support provided in terms funding and resources to deliver its objectives.
- In doing so, but recognising the time required to prepare legislation, also believes that there are a series of urgent actions should be enacted straight away, including
 - The rapid establishment of Joint Inspection Teams to undertake an audit of affected buildings with funding made available to address the defects identified
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 - An accelerated testing process for new cladding
- Further calls on Welsh and UK Government to work jointly to bring developers to the table so that a wider funding package can be created to resolve the issues that continue to affect the lives of residents in high-rise buildings in Cardiff and across the UK. Requests the Cabinet to explore how developers who have unresolved cladding and building control issues can be better held responsible for their obligations through planning policy and by Shared Regulatory Services.

And

- Further asks Cabinet to consider what additional support could be provided to affected residents

ITEM 17: COMMITTEE MEMBERSHIP

Committee	Vacancy	Group	Nomination Received
Corporate Parenting Advisory Committee	1 vacancy	1 x Propel	
Environmental Scrutiny Committee	1 vacancy	1 x Labour	Councillor Peter Wong
Planning Committee	1 vacancy	1 x Conservative	Councillor Sean Driscoll
Public Protection	1 vacancy	1 x Propel	
Policy Review & Performance Scrutiny	1 vacancy	1 x Propel	Councillor Joel Williams to fill the Propel vacancy

ITEM 19: LOCAL AUTHORITY SCHOOL GOVERNORS

To approve the new appointments of Local Authority School Governors, each for a term of 4 years, in accordance with the recommendations of the Local Authority Governor Panel as set out below:

Current/Existing Vacancies:

SCHOOL	WARD	START OF VACANCY	APPOINTED
Baden Powel Primary School	Splott	30/01/2021	Neera Singh
Fairwater Primary School	Fairwater	29/03/2021 01/05/2021	George Fleri Alison Bond
Ffederasiwn y Ddraig	Llanrumney & Trowbridge	27/01/2021	Cai Maxwell
Gabalfa Primary School	Llandaff North	22/04/2021	Les Maxim
St Mellons C.W Primary School	Llanrumney	01/05/2021	Clyde Darrell
The Hollies School	Pentwyn	28/03/2021	Cllr Emma Sandrey
Whitchurch Primary School	Whitchurch & Tongwynlais	07/03/2021	Jonathan Morgan
Ysgol Gyfun Gymraeg Bro Edern	Penylan	28/11/2021	Elin Arfon
Ysgol Gymraeg Pwll Coch	Canton	18/06/2021	Rhodri Ab Owen

Future Vacancies:

SCHOOL	WARD	START OF VACANCY	APPOINTED
Birchgrove Primary School	Heath	29/09/2021	Mike Ash-Edwards
Glyncoed Primary School	Pentwyn	30/09/2021	Sarah Jane Francis
Llanishen High School	Llanishen	01/09/2021	Louise Casella
Pentyrch Primary School	Pentyrch	29/09/2021	Cllr Gavin Hill-John
Rhiwbeina Primary School	Rhiwbina	29/09/2021	Tom Gallard
St Fagans C.W Primary School	Ely	29/09/2021	Claire Hill
St Illtyd's Catholic High School	Rumney	29/09/2021	Justine Pianowski
St Monica's C.W Primary school	Cathays	31/08/2021	Cllr Ali Ahmed
The Hollies School	Pentwyn	25/09/2021 29/09/2021	Claire Hardy Lisa Gerson
Trelai Primary School	Caerau	25/09/2021	Les Maxim
Willows High School	Splott	29/09/2021	Camilla Lovelace
Ysgol Gymraeg Pwll Coch	Canton	29/09/2021	Bethan Jenkins

Mae'r dudalen hon yn wag yn fwriadol