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CORRESPONDENCE FOLLOWING THE COMMITTEE MEETING

Committee POLICY REVIEW AND PERFORMANCE SCRUTINY COMMITTEE

Date and Time of Meeting WEDNESDAY, 1 MARCH 2023, 10.00 AM

Please find below correspondence send by the Committee Chair following the meeting, together with any responses received.

For any further details, please contact scrutinyviewpoints@cardiff.gov.uk

10 **Correspondence following Committee Meeting**(Pages 3 - 20)

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Date: 2 March 2023

Councillor Huw Thomas, Leader
 Councillor Chris Weaver,
 Cabinet Member, Finance, Modernisation & Performance,
 Cardiff Council,
 County Hall,
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Dear Huw & Chris,

PRAP Scrutiny Committee: 1 March 2023: Corporate Plan 2023-26

The Committee has asked that as Chair I pass on its observations following consideration of the draft Corporate Plan 2023-26 yesterday. Thank you both for attending in person, we also wish to place on record our appreciation of senior officers continued support for in-person scrutiny. On this occasion, please pass on our sincere thanks to Paul Orders, Chris Lee, Sarah McGill, Gareth Newell and Dylan Owen.

The Committee welcomed a robust and ambitious Corporate Plan that has been the subject of a comprehensive refresh. This is clearly an important document and your confidence that Cabinet and organisational structures are appropriate is reassuring. We note with interest your interaction with Audit Wales during the document's planning stages, as they undertake a review of how Councils are translating political policy into performance delivery plans. Members made observations as follows:

Presentation of information in the Corporate Plan

The Committee is of the view that there are small additions to the Corporate Plan that would improve its presentation as a public document. We **recommend** the addition of a column in the KPI section indicating the position at the previous year end, which would enable comparison with future targets and performance progress. Whilst Members have access to the Corporate Performance Dashboard, and you will be running training sessions for Members on this, the public do not have such access. We note your response that you will review this but are keen to strike a balance between clarity and detail.

Cross Directorate Work

Members heralded the Corporate Plan as a good piece of work. However, we urge you to avoid the build-up of silos. For example, we consider the issue of drug taking and dealing is as much a matter for WBO 1 (*Cardiff is a great place to grow up*) as for WBO 4 (*Safe, confident and empowered communities*); Arts and Culture can contribute to WBO4 (*Safe, confident and empowered communities*) as well as to WBO 5 (*A capital city that works for Wales*). We are pleased to hear that Corporate Plan challenge sessions include multiple Directors and Cabinet Members. We agree it is important to retain accountability for priorities, steps and performance, however we **recommend** you reflect how greater cross Directorate work might lead to an improved Plan. We also recognise that not all priorities are totally within the Council's control.

Advice Services

The Committee drew attention to the need for good quality citywide advice services, given the current cost of living climate. It is our understanding that many advice centres have closed. We note the Council has experienced a significant increase in demand for its *into work* and *money advice* services in the past year, as more people become eligible for support. We were also pleased to hear there has been work with our partners to streamline the gateway to advice services. We note that the Community and Adult Services Scrutiny Committee has highlighted similar concerns as the provision of services through third sector organisations has decreased over recent years. We therefore accept your offer to return with a fuller picture gathered from your work to better understand the demand for, and provision of, advice services available across the city.

Workforce Resilience

Members asked how confident you are that staff are coping with the demands where there are reductions in staffing levels. We were pleased to hear that the formalisation of volunteering as a workplace opportunity has been a great success in areas such as libraries, and through activities such as litter picking as the Council steps up in its role as a facilitator of better communities.

The Committee heard that the FTE headcount reduction proposals in the budget are consistent with Corporate Plan deliverability, and that business cases for all voluntary severance proposals are a matter of course.

The Council’s workforce was central to Committee’s concerns throughout our scrutiny of both the Corporate Plan and the Budget. We recognise that an over stretched workforce is a threat to the Council’s resilience and we are keen to ensure appropriate well-being measures are in place to mitigate unnecessary workplace stress. We note you acknowledge the importance of recognising staff given their critical role in delivering successful services, and that the budget factors in the local government pay settlement. We also note the Chief Executive considers there is appropriate care and discussion on how savings are constructed. We look forward to scrutiny of the forthcoming workforce strategy at an appropriate time to allow Members full engagement with policies that support the well-being of staff.

Requests following this scrutiny:

- That you return with a fuller picture gathered from your work to better understand demand for advice services across the city.

Recommendations following this scrutiny:

To summarise, the Committee makes 2 formal recommendations which are set out below. As part of the response to this letter I would be grateful if you could, for each recommendation, state whether the recommendation is accepted, partially accepted or not accepted and summarise the Cabinet’s response. If the recommendation is accepted or partially accepted, I would also be grateful if you could identify the responsible officer and provide an action date. This will ensure that progress can be monitored as part of the approach agreed by Cabinet in December 2020.

Recommendation	Accepted, Partially Accepted or Not Accepted	Cabinet Response	Responsible Officer	Action Date
We recommend the addition of a column in the KPI section indicating the position at the previous year end, which would enable comparison with future targets and performance progress.				

We recommend you reflect on how greater cross Directorate work might deliver further improvements to the Plan.				
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Finally, on behalf of the Committee, thank you for your co-operation on this important document, and for your ongoing collaboration and policy engagement with Scrutiny. I look forward to your response which should address the requests and recommendations listed.

Yours sincerely,



**COUNCILLOR JOEL WILLIAMS
CHAIR, POLICY REVIEW AND PERFORMANCE SCRUTINY COMMITTEE**

CC Members of the Policy Review & Performance Scrutiny Committee
Leaders of Opposition Parties – Adrian Robson, Rodney Berman & Andrea Gibson
Paul Orders, Chief Executive
Chris Lee, Corporate Director, Resources
Sarah McGill, Corporate Director, People & Communities
Gareth Newell, Partnership & Community Engagement Manager
Dylan Owen, Policy & Improvement Manager
Chris Pyke, OM Governance & Audit
Tim Gordon, Head of Communications & External Relations
Jeremy Rhys, Assistant Head of Communications and External Affairs
Gary Jones, Head of Democratic Services
Debi Said, Cabinet Support Officer
Alison Taylor, Cabinet Support Officer
Joanne Watkins, Cabinet Business Manager
Andrea Redmond, Committees Support Officer

SWYDDFA CYMORTH Y CABINET CABINET SUPPORT OFFICE

Cyf/My Ref: CM49629

Eich Cyf/Your Ref:

Dyddiad/Date: 2 March 2023

Cllr Joel Williams
Chairperson, Policy Review and Performance Scrutiny Committee
City of Cardiff Council
County Hall
Cardiff
CF10 4UW

Dear Joel

Policy Review & Performance Scrutiny Committee 1st March 2023

Thank you for your letters dated 2 March 2023 and the useful comments raised in relation to the 2023/24 Budget and Corporate Plan. I can assure you that Cabinet was able to reflect on the points raised prior to our meeting on 2 March 2023.

Responses to recommendations in respect of the Corporate Plan are included below:

We recommend the addition of a column in the KPI section indicating the position at the previous year end, which would enable comparison with future targets and performance progress

Partially accepted. The Corporate Plan will be reviewed to ensure it strikes the right balance between clarity of presentation and providing sufficient contextual performance information. This will include a consideration of the most appropriate way of providing Councillors and members of the public with timely, informative and well-presented performance information. An immediate first step will involve arranging elected member training sessions to ensure they are familiar with the Corporate Plan dashboard which already includes performance information, provided over time and against target. This is updated on a quarterly basis following a quality assurance process and will be shared with scrutiny committees.

We recommend you reflect on how greater cross Directorate work might deliver further improvements to the Plan.

Accepted: The process for developing the Corporate Plan places a strong emphasis on cross portfolio and cross directorate working, and the approach to developing the Well-being objectives and associated steps and KPIs is robust. We do, however, welcome

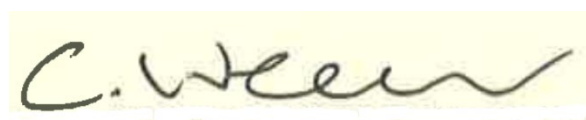
every opportunity to consider options to strengthen integration and joined up working as part of developing and delivering the Plan.

I hope that this response captures all the points raised in your letter and thank you again for your support.

Yours sincerely



Y Cyng | Cllr Huw Thomas
Arweinydd Cyngor Caerdydd | Leader, Cardiff Council



Y Cyngorydd/Councillor Christopher Weaver
Aelod Cabinet dros Gyllid, Moderneiddio a Pherfformiad/Cabinet member for Finance, Modernisation & Performance

cc

Members of the Policy Review & Performance Scrutiny Committee

Cllr Adrian Robson, Group Leader, Conservatives

Cllr Andrea Gibson, Group Leader, Common Ground

Cllr Rodney Berman, Group Leader, Liberal Democrats

Chris Lee, Corporate Director, Resources

Sarah McGill, Corporate Director, People & Communities

Ian Allwood, Head of Finance

Anil Hirani, Operational Manager, Capital, Corporate & Treasury

Gareth Newell, Partnership & Community Engagement Manager

Chris Pyke, OM Governance & Audit

Tim Gordon, Head of Communications & External Relations

Jeremy Rhys, Assistant Head of Communications and External Relations

Gary Jones, Head of Democratic Services

Alison Taylor, Cabinet Support Officer

Joanne Watkins, Cabinet Business Manager

Andrea Redmond, Committees Support Officer.

Date: 2 March 2023

Councillor Chris Weaver,
Cabinet Member. Finance, Modernisation & Performance
Cardiff Council,
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Dear Chris,

PRAP Scrutiny Committee 1 March 2023: Draft Budget Proposals 2023/24

As Chair of the Policy Review and Performance Scrutiny Committee my sincere thanks for attending Committee on 1 March 2023 to present the budget proposals for 2023/24. Please also pass on our appreciation to the Corporate Director Resources, Chris Lee, Corporate Director People & Communities, Sarah McGill, Head of Finance, Ian Allwood, and Capital Account Manager, Anil Hirani, for attending in person to answer Members questions. The Committee acknowledges the value of bringing budget proposals forward simultaneously with the refreshed Corporate Plan. I therefore pass on Member's comments and observations following our discussion at the Way Forward.

Revenue Budget

The Committee made a number of observations. The following responses were noted:

- **Fees & Charges** - that increases in Fees and Charges for Council Services are very much led by service areas themselves.
- **Energy Prices** – the proposed budget aims to offset the volatility faced in respect of energy pricing. Finance officers have made well informed best projections, and the Council is purchasing energy in advance where possible.
- **Inflation** - the Council's regular budget monitoring reports throughout the year will ensure inflation is factored into its financial resilience. However, continuing increases in inflation will impact on the budget.
- **Grant Funding** – all Directorates remain acutely aware of their grant funding positions and the Council takes advantage of grant funding wherever possible.
- **The Covid Contingency Fund** (£10m) has been realigned.

Financial modelling

Members sought assurance that the financial modelling used to determine the budget allocated to Directorates is effective, particularly in respect of demand led services. We note the Finance service works closely with all Directorates, modelling different scenarios and ensuring that contingencies are put in place, particularly for the Adult and Children's Services Directorates.

Council Tax

Members were unanimous in their support for containing the increase in Council Tax below the rate of inflation. We note the difficult balance to be struck and that the level of increase is dependent on the budget gap. In respect of Council Tax Collection rates, Members note that more streamlined processes are now in place that are resulting in an increased collection rate.

Employee Implications

Members highlighted that most of the Council's budget savings are made through the loss of staff. We note the headcount reduction in this budget is larger than in previous years, however you consider some vacant posts simply must be filled. Members expressed concern for staff welfare and consider that a level of experience amongst staff across Directorates must be maintained. We note that all four Scrutiny Committees have examined this issue in considering the budget proposals and that Cabinet is confident that the right level of experience has been retained. Going forward we note your suggestion of a deeper dive monitoring exercise into how staff numbers have fallen by service area over a number of years. We will factor this into our work programme.

General & Earmarked reserves

The Committee sought reassurance that the level of reserves held by the Council are appropriate. Whilst we note that Audit Wales do not issue a recommended figure they consider appropriate for reserves, we are pleased to hear the level of earmarked reserves has increased over recent years and the section 151 officer is comfortable with the current level of reserves. The Committee unanimously agreed that the whole picture presented by Appendix 6 to its papers – the Financial Resilience Snapshot – is an excellent reference point for Members to quickly digest the financial trends.

Budget Consultation

The Committee notes that Cabinet's response when the public respond negatively to a budget consultation proposal is based on its stated priorities. We note that for the examples you gave – shorter library opening times, and residential parking second permit prices – public opinion was divided, the former being rejected whilst the latter was accepted.

Members clarified that the Indoor Arena was not a part of the budget consultation as it is not a new proposal. We were keen to establish that this development project would be cost neutral to the Council. We note that an initial capital allocation of £27m funded by earmarked capital receipts will enable the project's commencement, and thereafter the venue will become self-funding via an operator agreement and is an invest to save project.

Capital Budget

The Committee was reminded that borrowing to fund Capital commitments is a general Council commitment rather than by individual project. Members were reassured that the Council seeks external advice to ensure its capital repayment strategy to cover £870million of commitments over the next 3-4 years. We note the impact of this on the Revenue budget is approximately £34million per annum. We are reassured that the presentation of business cases is the base for decision-making, and indeed that there are formal governance arrangements in place via the Treasury Management Strategy, overseen by the Governance & Audit Committee.

Finally, on behalf of the Committee, thank you once again for facilitating scrutiny of budget proposals for 2023/24. With your support, I look forward to continuing the valuable internal challenge established between this Committee and the Cabinet.

As there are no formal recommendations or requests following this scrutiny, I will not require a response. Once again, a sincere thank you for your time and the support you have offered in providing clear papers to facilitate scrutiny of the Council's Revenue and Capital budgets.

Yours sincerely,



**COUNCILLOR JOEL WILLIAMS
CHAIR, POLICY REVIEW AND PERFORMANCE SCRUTINY COMMITTEE**

cc Members of the Policy Review & Performance Scrutiny Committee
Leaders of Opposition Parties – Adrian Robson, Rodney Berman &
Andrea Gibson
Chris Lee, Corporate Director, Resources
Sarah McGill, Corporate Director, People & Communities
Ian Allwood, Head of Finance
Anil Hirani, Operational Manager, Capital, Corporate & Treasury
Gareth Newell, Partnership & Community Engagement Manager
Chris Pyke, OM Governance & Audit
Tim Gordon, Head of Communications & External Relations
Jeremy Rhys, Assistant Head of Communications and External Affairs
Gary Jones, Head of Democratic Services
Alison Taylor, Cabinet Support Officer
Joanne Watkins, Cabinet Business Manager
Andrea Redmond, Committees Support Officer.

Date: 1 March 2023

Councillor Ashley Lister,
Cabinet Member, Social Services (Childrens)
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Dear Ashley,

PRAP Scrutiny Committee 1 March 2023: Maindy Park Trust Advisory Committee Recommendations

Thank you for attending Committee on 1 March 2023 for pre-decision scrutiny of the Maindy Park Trust Advisory Committee recommendations to Cabinet as Trustee of Maindy Park. Please also pass on my appreciation to the Chair of Maindy Advisory Committee, Jason Bartlett, to Davina Fiore, and to Harriet Morgan, Geldards solicitors, for answering Members questions at the meeting. I have been asked to pass on the Members' conclusion following discussion as follows.

It is the Committee's consensual majority view that the decision-making process put in place to resolve this matter has been robust and independent, that stakeholder voices have been heard, due process has been applied and has provided a good evidence base for the conclusions and the recommendation the Advisory Committee has arrived at.- *that the proposed exchange of the Maindy Park land for the land at Cae Delyn Park is in the best interests of the Charity, subject to compliance with....6 conditions:*

As Chairman, I note the majority view that this matter should be determined by Cabinet at its meeting on 2 March 2023, however I have some concerns as to whether the Trustee is managing this matter properly and reasonably including:

1. Whether the Advisory Committee and Trustee have had adequate independent professional advice that they can rely on. I do not think the Advisory Committee should be considered a substitute for the Trustee receiving its own independent legal and financial advice.

2. The Advisory Committee has only three members, and I am concerned that we have not sufficiently drawn on expertise from a larger number of people with professional backgrounds from outside the Council.
3. I would have expected the Advisory Committee to include a lawyer qualified to evaluate and challenge the complex legal issues before them.
4. If the majority of the Cabinet are considered conflicted and unable to act as Trustee, then I question if it is credible that the four remaining members of the Cabinet can still be considered unconflicted or not significantly conflicted, given collective responsibility of the Cabinet and its long demonstrated political will in taking this project forward.
5. In my view the Trustee should have an independent tax opinion the Trust can rely on that there will be no stamp duty or capital gains tax payable by the Trust as a result of the land swap, so that tax charges do not make the Trust worse off after the land swap.

I also raised whether the Advisory Panel has fully considered the caveat's included in the report of the professional surveyors, Cooke & Arkwright, for example in respects to any encumbrances of the land and the flood defence mechanisms at Cae Delyn. I welcome the immediate response on this matter following the meeting from the Head of Legal and Governance.

Requests following this scrutiny:

The Committee is therefore, by majority, comfortable with Cabinet as Trustee resolving this matter subject to two requests for additional information, which were subsequently provided immediately following the scrutiny.

- Confirmation of the exact area of land at Cae Delyn proposed as the swop for land at Maindy. Does it constitute the whole of Cae Delyn or a part thereof?
- Crime statistics reported to the Panel for the proposed area of land swop, and request this is made available to the public.

Finally, the Committee welcomes the creation of an internal board led by the Head of Finance to review the mechanisms in place for holding records of Council Trusts. On behalf of the Committee, thank you for your co-operation on this important issue and I look forward to your response.

Yours sincerely,



**COUNCILLOR JOEL WILLIAMS
CHAIR, POLICY REVIEW AND PERFORMANCE SCRUTINY COMMITTEE**

cc Members of the Policy Review & Performance Scrutiny Committee
Leaders of Opposition Parties – Adrian Robson, Rodney Berman & Andrea Gibson
Jason Bartlett, Chair Maindy Advisory Committee
Davina Fiore, Director of Governance & Legal
Harriet Morgan, Geldards Solicitors
Gary Jones, Head of Democratic Services
Tim Gordon, Head of Communications & External Relations.
Jeremy Rhys, Assistant Head of Communications and External Affairs
Jennifer Goss, Cabinet Support Officer
Joanne Watkins, Cabinet Business Manager;
Andrea Redmond, Committees Support Officer.

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SWYDDFA CYMORTH Y CABINET CABINET SUPPORT OFFICE

Fy Nghyf / My Ref: CM49271

Dyddiad / Date: 02 March 2023

Councillor Joel Williams
Chair, Policy Review and Performance Scrutiny Committee
Cardiff Council
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Via email: Joel.Williams@cardiff.gov.uk

Annwyl / Dear Councillor Williams,

Re: PRAP Scrutiny Committee 1 March 2023: Maindy Park Trust Advisory Committee Recommendations

Thank you for your letter of 1st March. I note the majority view of your committee, which is “that the decision-making process put in place to resolve this matter has been robust and independent, that stakeholder voices have been heard, due process has been applied and has provided a good evidence base for the conclusions and the recommendation the Advisory Committee has arrived at.- that the proposed exchange of the Maindy Park land for the land at Cae Delyn Park is in the best interests of the Charity, subject to compliance with....6 conditions”.

I also note your personal minority view. I am surprised at some of these points as you did not take the opportunity to raise these at the Scrutiny Committee yesterday when both the Council’s Director of Legal and Governance and Harriet Morgan, the independent legal advisor to the charity were present to answer any questions you had. However, using your numbering I can answer your points as follows:

- 1. Whether the Advisory Committee and Trustee have had adequate independent professional advice that they can rely on. I do not think the Advisory Committee should be considered a substitute for the Trustee receiving its own independent legal and financial advice.*

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GWEITHIO DROS GAERDYDD, GWEITHIO DROSOCH CHI

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg, Saesneg neu'n ddwyieithog. Byddwn yn cyfathrebu â chi yn ôl eich dewis, dim ond i chi roi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn arwain at oedi.

WORKING FOR CARDIFF, WORKING FOR YOU

The Council welcomes correspondence in Welsh, English or bilingually. We will ensure that we communicate with you in the language of your choice, as long as you let us know which you prefer. Corresponding in Welsh will not lead to delay.



Please note that that the Advisory Committee have had independent valuation advice from Elizabeth Hill, an independent surveyor from Cooke and Arkwright and Harriet Morgan, a Partner at Geldards Solicitors with expertise in charity law. Both were instructed to give independent advice to the charity and attended all meetings of the Advisory Committee in person to deal with any queries, and the independent surveyor provided written reports which were available to the committee members and the public in the committee reports and to the cabinet. In addition Ian Allwood the Council's Head of Finance instructed external tax advisors to give advice on any possible tax implications and the Advisory Committee had access to this written advice. Cabinet have access to all of the reports and documentation the Advisory committee had. In addition Harriet Morgan the independent legal advisor to the trust will be attending Cabinet this afternoon in person to advise the cabinet on their decision. The Advisory Committee is not considered a substitute for the Cabinet receiving its own independent advice, and I am not sure why you thought this was the case.

The independent legal advisor will be able to confirm whether or not the trustee has sufficient independent advice in order to make an informed and lawful decision. There is no reason why the Advisory Committee must include a lawyer, as they are entitled to rely on their independent legal advisor (and other professional advisors).

2. The Advisory Committee has only three members, and I am concerned that we have not sufficiently drawn on expertise from a larger number of people with professional backgrounds from outside the Council.

The Advisory Committee has been properly constituted under the Local Government Act 1972, section 102(4) and the Council's constitution. All necessary and relevant independent professional advice has been obtained. If the Advisory Committee or Cabinet wish to receive further advice, they may request it.

3. I would have expected the Advisory Committee to include a lawyer qualified to evaluate and challenge the complex legal issues before them.

As you know The Advisory Committee is made up of independent members from the Council's Standards and Ethics Committee who are appointed to that committee on the basis that they have experience in working on a committee and dealing with ethical issues. They received independent legal advice in person from a charity expert, had opportunities to ask questions and test the advice given.

4. If the majority of the Cabinet are considered conflicted and unable to act as Trustee, then I question if it is credible that the four remaining members of the Cabinet can still be considered unconflicted or not significantly conflicted, given collective responsibility of the Cabinet and its long demonstrated political will in taking this project forward.

The Council has sought and is relying on Counsel's opinion on this matter. A leading QC and a charity law specialist barrister have both confirmed that the decision-making arrangements which have been adopted are a lawful and appropriate way to manage the

Council's conflict of interests in this matter. The majority of the cabinet have a personal and prejudicial interest either because of their previous involvement in decision making on the education development and/or because they are governors of Cathays High. Counsel was satisfied that the remaining members of the cabinet who were appointed to the cabinet after the local elections in 2022 and have had no previous involvement in this matter, may take the decision on behalf of the trust. Please note that the quorum for cabinet meetings is 3.

- 5. In my view the Trustee should have an independent tax opinion the Trust can rely on that there will be no stamp duty or capital gains tax payable by the Trust as a result of the land swap, so that tax charges do not make the Trust worse off after the land swap.*

Please note that independent advice from a specialist tax advisor was considered by the Advisory Committee at its November 2022 meeting, as Exempt Appendix H to the November Committee report. The tax advice was marked as Exempt from publication because the advisor confirmed the advice was provided in confidence to the Trust. The November Committee report is Appendix 2 to the Cabinet report and the Exempt tax advice will be accessible to Cabinet members. Please note charities are exempt from CGT on any gains if the gains are applicable and applied for charitable purposes and 3 conditions are satisfied which are the gain must (i) accrue to a charity ii) must be for charitable purposes and iii) charitable expenditure rules must be satisfied.

Yn gywir / Yours sincerely,



Y Cyngorydd / Councillor Ash Lister
Yr Aelod Cabinet dros Wasanaethau Cymdeithasol (Gwasanaethau Plant)
Cabinet Member for Social Services (Children's Services)

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