



DINAS A SIR CAERDYDD  
CITY AND COUNTY OF CARDIFF

**GWYS Y CYNGOR**

DYDD IAU, 26 MAI 2016

**COUNCIL SUMMONS**

THURSDAY, 26 MAY 2016,

Fe'ch gwysir I fynychu cyfarfod **CYNGOR SIR DINAS A SIR CAERDYDD**, a gynhelir yn Council Chamber, City Hall, Cathays Park, Cardiff on Dydd Iau, 26 Mai 2016 at 4.30 pm I drafod y materion a nodir yn yr agenda atodedig.

*David Marr*

**David Marr**  
**Swyddog Monitro Dros Dro**

Neuadd y Sir  
Caerdydd  
CF10 4UW

Dydd Gwener, 20 Mai 2016

**1 Ymddiheuriadau am Absenoldeb**

*Derbyn ymddiheuriadau am absenoldeb.*

**2 Datgan Buddiannau**

*Derbyn datganiadau buddiannau (i'w gwneud yn unol â Chod Ymddygiad yr Aelodau).*

**3 Ethol Arglwydd Faer y Cyngor ar gyfer 2016/17**

*Mae'r Cyfansoddiad yn nodi y bydd y Cyngor yn ethol Arglwydd Faer y Cyngor yn ei Gyfarfod Blynyddol.*

*Bydd yr Arglwydd Faer yn annerch y Cyngor.*

**4 Ethol Dirprwy Arglwydd Faer y Cyngor ar gyfer 2016/17**

*Mae'r Cyfansoddiad yn nodi y bydd y Cyngor yn ethol Dirprwy Arglwydd Faer y Cyngor yn ei Gyfarfod Blynyddol.*

**5 Pleidlais o Ddiolch**

*Arweinydd y Cyngor i gynnig pleidlais o ddiolch i'r Arglwydd Faer blaenorol a chyflwyno bathodyn iddo.*

*Y Cynghorydd Walker, yr Arglwydd Faer diwethaf, i ymateb.*

**6 Cofnodion (Tudalennau 1 - 56)**

*Cymeradwyo cofnodion y cyfarfod a gynhaliwyd ar 24 Mawrth 2016 fel cofnod cywir.*

**7 Ymrwymiad Caerdydd i Gynghorwyr (Tudalennau 57 - 60)**

*Adroddiad y Swyddog Monitro Dros Dro.*

*Aelodau i gadarnhau eu hymrwymadau i egwyddorion Ymrwymiad Caerdydd fel y'u mabwysiadwyd a chydymffurfio i ymrwymiad ychwanegol i ddiogelu a hyrwyddo cyfleoedd bywyd plant dan ofal y Cyngor, a chyflawni'n ddiwyd eu cyfrifoldebau fel Rhiant Corfforaethol i'r plant hyn.*

**8 Cyhoeddiadau'r Arglwydd Faer**

*Derbyn cyhoeddiadau'r Arglwydd Faer gan gynnwys Cydnabyddiaethau a Gwobrau.*

**9 Cyhoeddiadau'r Arweinydd**

*Derbyn unrhyw gyhoeddiadau gan yr Arweinydd mewn perthynas â'r flwyddyn drefol sydd i ddod.*

**10 Adolygu Cydbwysedd Gwleidyddol; Sefydlu Pwyllgorau, eu maint, eu cylch**

**gorchwyl a dyraniad seddi arnynt. (Tudalennau 61 - 82)**

*Adroddiad y Swyddog Monitro Dros Dro.*

*Mae'r Cyfansoddiad yn nodi y bydd y Cyngor, yn ei Gyfarfod Blynyddol, yn penderfynu ar unrhyw ddiwygiadau i'w bwyllgorau ar gyfer y flwyddyn drefol, maint a chylch gorchwyl y pwyllgorau hynny, a'r seddi i'w dyrannu i grwpiau gwleidyddol yn unol ag Adran 17 rheolau Deddf Llywodraeth Leol a Thai 1989 mewn perthynas â Chydbwysedd Gwleidyddol*

*Gofynnir i'r Cyngor dan yr eitem hon gymeradwyo trefniadau amgen i sicrhau cymesurolddeb gwleidyddol llwyr o ran penodiadau i'r holl bwyllgorau, a rhaid sicrhau pleidlais unfrydol yn hyn o beth.*

**11 Enwebu Aelodau i wasanaethu ar bob Pwyllgor a sefydlir ac Ethol Cadeirydd a Dirprwy Gadeirydd. (Tudalennau 83 - 90)**

*Adroddiad y Swyddog Monitro Dros Dro.*

*Mae'r Cyfansoddiad yn nodi y bydd y Cyngor, yn ei Gyfarfod Blynyddol, yn derbyn enwebiadau Aelodau i wasanaethu ar bob pwyllgor, yn penodi i'r pwyllgorau hynny, ac yn ethol Cadeirydd a Dirprwy Gadeirydd ar gyfer pob un o'r pwyllgorau hynny.*

**12 Enwebu Aelodau i Wasanaethu ar Gyrrff Allanol. (Tudalennau 91 - 96)**

*Adroddiad y Swyddog Monitro Dros Dro.*

*Mae'r Cyfansoddiad yn nodi y bydd y Cyngor, yn ei Gyfarfod Blynyddol, yn derbyn enwebiadau Aelodau i wasanaethu ar gyrrff allanol ac yn penodi i'r cyrrff allanol hynny, ac eithrio lle bo penodiadau i'r cyrrff hynny wedi'u dirprwyo gan y Cyngor, neu os mai dim ond y Cabinet all benodi iddynt.*

**13 Penodi Llywodraethwyr Awdurdod Lleol i Gyrrff Llywodraethu Ysgolion (Tudalennau 97 - 104)**

*Adroddiad y Swyddog Monitro Dros Dro.*

*Cymeradwyo argymhellion Panel Llywodraethu'r Awdurdod Lleol 19 Mai 2016.*

**14 Gorchymyn Awdurdodau :leol (Cod Ymddygiad Model) (Cymru) (Diwygiad) 2016 – Mabwysiadu Cod Ymddygiad Newydd i Aelodau. (Tudalennau 105 - 124)**

*Adroddiad y Swyddog Monitro.*

**15 Atodlen Cydnabyddiaeth Aelodau 2016/17** (*Tudalennau 125 - 136*)

*Adroddiad y Prif Weithredwr*

*Y Cyngor i gymeradwyo lefelau rhagnodedig taliadau cydnabyddiaeth a lwfansau Aelodau sy'n daladwy yn 2016/17 fel y penderfynir arnynt gan Banel Taliadau Cydnabyddiaeth Annibynnol Cymru.*

**16 Rhaglen Cyfarfodydd y Cyngor, y Cabinet a Phwyllgorau 2016/17**  
(*Tudalennau 137 - 144*)

*Adroddiad y Swyddog Monitro Dros Dro.*

*Mae'r Cyfansoddiad yn nodi y bydd y Cyngor, yn ei Gyfarfod Blynyddol, yn cymeradwyo rhaglen o gyfarfodydd arferol y Cyngor ar gyfer y flwyddyn i ddod.*

**17 Penderfyniad Brys ar Ysgol Uwchradd Woodlands** (*Tudalennau 145 - 146*)

*Adroddiad y Swyddog Monitro Dros Dro.*

*Adroddwyd i'r Cyngor er gwybodaeth dan Reol Gweithdrefn Graffu 13(a) Cyfansoddiad Caerdydd.*

**18 Materion Brys (os o gwbl)**

*Ystyried unrhyw faterion y penderfynodd y Cadeirydd eu bod yn rhai brys yn unol â Rheolau Gweithdrefnol y Cyngor.*

**CITY & COUNTY OF CARDIFF  
DINAS A SIR CAERDYDD**



**ANNUAL COUNCIL:**

**26<sup>th</sup> MAY 2016**

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**REPORT OF THE INTERIM MONITORING OFFICER**

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**CARDIFF UNDERTAKING**

**Purpose of the Report**

1. To recommend an amendment to the Cardiff Undertaking and to invite Members to reaffirm their commitment to the revised Undertaking.

**Background Information**

2. The Council's ethical code comprises the National Code of Conduct which is incorporated into the Council's Constitution and the Cardiff Undertaking which was agreed at the Council meeting on 1st July 2004.
3. The Cardiff Undertaking provides an opportunity for Members to publicly commit to using their term of office to work for the Council, the City and its citizens, and to commit to the standards of conduct expected by the Council.
4. In accordance with the recommendations of the Standards and Ethics Committee, Elected Members have been asked since 2008 to reaffirm their commitment to the Cardiff Undertaking at each Annual Council meeting.

**Issues**

5. At the Council's Annual Meeting on 21 May 2015, it was requested that the important role of Councillors as Corporate Parents should be incorporated as an integral part of the Cardiff Undertaking. A draft amendment to the Cardiff Undertaking to this effect is shown in **Appendix A**.

**Financial and Legal Implications**

6. There are none arising from this report.

## **Recommendations**

Council is recommended:-

- (a) to approve the amended Cardiff Undertaking shown in **Appendix A**.
- (b) to ask all Members to formally sign the amended Cardiff Undertaking to reaffirm their commitment to it.

**David Marr**  
**Interim Monitoring Officer**

18<sup>th</sup> May 2016

## **Appendices**

Appendix A            Amended Cardiff Undertaking (draft)

### Background Papers:

Council reports, 'Cardiff Undertaking', May 2008 and May 2015, and minutes thereof

## THE CARDIFF UNDERTAKING FOR COUNCILLORS



This undertaking should be considered in conjunction with the Members' Code of Conduct and forms part of the ethical code which binds all Members of the City & County of Cardiff.

As a Councillor elected to the County Council of the City and County of Cardiff, and in accordance with the principles of public life:-

### **I UNDERTAKE TO:-**

#### **Promotion of equality and respect for others**

1. Represent Cardiff and all the people of Cardiff and to hold this duty of representation equally to all the people of Cardiff.

#### **Objectivity and propriety**

2. Consider all issues and cases brought to me on their merits.
3. Balance the interests of my Ward with the interests of the Council and the people of Cardiff as a whole.

#### **Selflessness and stewardship**

4. Give priority to the interests of the Council, Cardiff and of the people of Cardiff.
5. Safeguard and promote the life chances of children looked after by the Council and diligently discharge my responsibilities as Corporate Parent of those children.

#### **Integrity**

5. Act according to the highest standards of probity in carrying out my various duties as a Councillor.

#### **Duty to uphold the law**

6. Adhere to and respect the Members' Code of Conduct and have proper regard to the advice and guidance issued by the Standards & Ethics Committee.
7. Adhere to and respect the provisions of any Local Resolution Protocol proposed by the Standards & Ethics Committee and adopted by Council.

#### **Accountability and openness**

8. Not to disclose information given to me in confidence.
9. Support and promote the conduct of the Council's business being carried out in an open and transparent manner.

**In order to enable me to carry out my duties I further undertake that I will commit to appropriate training to equip me to carry out my duties as a Councillor.**

Signed .....

## **YMRWYMIAD CAERDYDD I GYNGHORWYR**



Dylid ystyried yr ymrwymiad hwn ochr yn ochr â'r Cod Ymarfer i Aelodau ac mae'n ffurfio rhan o'r cod moesegol y mae pob Aelod o Ddinas a Sir Caerdydd yn rhwym wrtho.

Fel Cynghorydd a etholwyd i Gyngor Sir Dinas a Sir Caerdydd, ac yn unol ag egwyddorion bywyd cyhoeddus:

### **YMRWYMAF I:**

#### **Hyrwyddo cydraddoldeb a pharch i eraill**

1. Cynrychioli Caerdydd a phobl Caerdydd a chynnal y cyfrifoldeb hwn o ran cynrychioli pawb yng Nghaerdydd yn gyfartal.

#### **Gwrthrychedd a phriodoldeb**

2. Ystyried yr holl faterion ac achosion a gyflwynwyd i mi yn ôl eu rhinweddau eu hunain.
3. Cydbwysu buddiannau fy Ward gyda buddiannau'r Cyngor a phobl Caerdydd yn ei chyfanrwydd.

#### **Ystyried eraill a stiwardiaeth**

4. Rhoi blaenoriaeth i fuddiannau'r Cyngor, Caerdydd a phobl Caerdydd.

#### **Cywirdeb**

5. Gweithredu'n unol â'r safonau uchaf o ran cywirdeb wrth gyflawni fy nyletswyddau amrywiol fel Cynghorydd.

#### **Dyletswydd i gydymffurfio â'r gyfraith**

6. Cydymffurfio â'r Cod Ymddygiad i Aelodau a'i barchu, ac ystyried y cyngor a'r canllawiau a gyhoeddir gan y Pwyllgor Safonau a Moeseg yn briodol.
7. Parchu darpariaethau unrhyw Brotocolau Datrys Lleol a gynigwyd gan y Pwyllgor Safonau a Moeseg ac a fabwysiadwyd gan y Cyngor, a chydymffurfio â nhw.

#### **Atebolrwydd a gonestrwydd**

8. Peidio â datgelu gwybodaeth a roddir i mi yn gyfrinachol.
9. Cefnogi a hyrwyddo ymddygiad y Cyngor i sicrhau bod ei fusnes yn cael ei gynnal mewn ffordd onest a chlr.

**I'm galluogi i gyflawni fy nyletswyddau, ymrwymaf i hyfforddiant priodol i'm galluogi i gyflawni fy nyletswyddau fel Cynghorydd.**



Enw: .....

Dyddiad: .....

Llofnod: .....

Mae'r dudalen hon yn wag yn fwriadol

**CITY & COUNTY OF CARDIFF  
DINAS A SIR CAERDYDD**



**ANNUAL COUNCIL**

**26 MAY 2016**

**REPORT OF INTERIM MONITORING OFFICER**

**ESTABLISHMENT OF COMMITTEES, THEIR SIZE AND TERMS OF REFERENCE; AND THE ALLOCATION OF SEATS ON COMMITTEES**

**Reason for this Report**

1. To approve the establishment of Committees, their size, terms of reference and allocation of seats for 2016/17 in accordance with the statutory requirements concerning political balance.

**Background**

2. The Constitution provides that at its Annual meeting the Council will decide on any amendments to its standing Committees and their size, terms of reference and allocation of seats.
3. The Local Government and Housing Act 1989 requires the Council to allocate Committee seats to political groups in proportion to the size of the Groups on the Council as far as is reasonably practicable.
4. The appointment of Members to committees and the election of Chairs and Deputy Chairs for 2016/17 are dealt with in a separate report (Agenda item 11).

**Issues**

Proposed Committees

5. The Council is recommended to establish the Committees with the number of seats shown in Table A.
6. Included in the list is the number of seats allocated to the Council on Joint Committees and Boards that are established under joint arrangements with Welsh Government and other partner authorities.

**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>	
Planning Committee	12
Licensing Committee	12
Public Protection Committee	12
Audit Committee	12 (8 Members and 4 Independent Members) Cannot include more than 1 Member of the Cabinet who must not be the Council Leader
Constitution Committee	12
Corporate Parenting Advisory Committee	8 (Not Members of the Children & Young People Scrutiny Committee)
Council Appeals Committee	9
Democratic Services Committee	12 (Cannot include more than 1 Member of the Cabinet who must not be the Council Leader)
Family Absence Appeals Panel (Called as and when required)	3 (To be Members of the Democratic Services Committee but not include the Chair of Council)
Employment Conditions Committee	8
Standards & Ethics Committee	9 (3 Members**, 5 Independent Members & 1 Community Member) **Not subject to Political balance arrangements
Local Authority Governor Panel	7
Appointments Committee	To comprise 5 Members from those appointed to serve in accordance with the rule on political balance

<b><u>COMMITTEES</u></b>	<b><u>SEATS</u></b>
Disciplinary & Grievance Appeals Committee	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.
<b><u>Scrutiny Committees</u></b>	
Children & Young People	13 (9 County Councillors + 4 Co-opted Members)
Community & Adult Services	9
Economy and Culture	9
Environmental	9
Policy Review & Performance	9
<b><u>Other Groups and Panels</u></b>	
Health & Safety Advisory Group	5 (Appropriate Cabinet Member and up to 4 other Members)
Works Council	5 (To be Members of Employment Condition Committee)
<b><u>Allocation of Seats on Joint or collaborative Committees &amp; Boards</u></b>	
Public Services Board	1 Cardiff Councillor
Glamorgan Archives Joint Committee	5 Cardiff Councillors
Prosiect Gwyrdd Joint Committee	2 (Relevant Cabinet Members)
Shared Regulatory Services Joint Committee	2 (Relevant Cabinet Member & Chair of Licensing Committee)

<b><u>COMMITTEES</u></b>	<b><u>SEATS</u></b>
Central South Consortium Joint Education Service Joint Committee	1 (Leader or relevant Cabinet Member)
Vale, Valleys and Cardiff Regional Adoption Collaborative Joint Committee	1 (Relevant Cabinet Member)

### Terms of Reference

7. The proposed terms of reference of each of the established Council Committees and Groups are set out in Appendix A and are included in the Cardiff Constitution.
8. The Council is asked to note and agree revised terms of reference for the Community & Adult Services Scrutiny Committee and Policy Review & Performance Scrutiny Committee, which have been updated to reflect the change in responsibility for scrutiny of the Local Service Board (Cardiff Partnership Board).

### Political Balance

9. Since January 2016 there have been three changes to the overall political composition of the Council as set out in Table B:

**TABLE B** - Composition of the Council as at 20 May 2016:

Groups	Number of Councillors	Proportionality
Labour	43	57.33%
Liberal Democrat	15	20%
Conservative	9	12%
Plaid Cymru	3	4%
Ungrouped Independent Councillors	5	6.67%

### Allocation of Seats

10. The Council is required to allocate Committee seats to political groups in proportion, as far as is reasonably practicable, to the size of the Groups on the Council (in accordance with the Local Government and Housing Act 1989, Section 15 and the Local Government (Committees and Political Groups) Regulations 1990).
11. The total number of seats on the proposed Committees which are subject to the political balance requirements (as set out in paragraph 10 above) is 139. Based on the current composition of the Council (as of 20 May 2016), the proportional allocation of seats on those Committees is as set out in Table C:

**TABLE C – Allocation of Seats in accordance with Political Balance**

Groups	Number of Councillors	Proportionality	Number of Committee seats
Labour	43	75.33%	80
Liberal Democrat	15	20%	28
Conservative	9	12%	17
Plaid Cymru	3	4%	7
Ungrouped **	5	6.67%	(7)

*\*\* Non-grouped Councillors are not according to political balance legislation entitled to seats on Committees and are not therefore taken into account for the purposes of the political balance calculation.*

12. The proportional allocation of seats, as set out in Table C above, has been discussed with all Party Group Whips. The Plaid Group has indicated that it does not wish to take up its allocation of Committee seats, and therefore, these have been distributed amongst the other Groups, as shown in Appendix B.
13. In addition, the Liberal Democrat and Conservative Groups have given up an allocation of their seats to un-grouped members for this municipal year.
14. Under the rules on political balance, the Council may adopt an alternative arrangement to strict political proportionality for the allocation of seats on Committees and distribute seats on a different basis provided that notice of such proposal is given in the Council Summons, and the alternative arrangement is approved by Council, without any Member voting against the arrangement (referred to as a '*nem con*' vote).
15. Notice has been given on the Council Summons to effect the alternative arrangement for the distribution of seats on Committees as detailed in Appendix B.

### **Legal Implications**

16. Sections 15 to 17 of the Local Government and Housing Act 1989 ("the 1989 Act") and the Local Government (Committees and Political Groups) Regulations 1990 ("the 1990 Regulations") lay down requirements designed to ensure that there is political balance on Committees. The rules apply to all ordinary committees, advisory committees, scrutiny committees, the Democratic Services Committee, Audit Committee, and joint committees where the Council appoints 3 or more seats, but do not apply to the Standards and Ethics Committee.
17. At its Annual Meeting, the Council is required to review the political make up of its Committees in accordance with the principles set out in Section 15 of 1989 Act, those principles being:

- (a) not all seats on a Committee should be allocated to the same political group;
  - (b) the majority group on the Council should form the majority on the Committee;
  - (c) subject to (a) and (b), that the proportion of seats allocated to each political group on the total of all Committees should be the same as the proportion of Council Members who belong to that group; and
  - (d) subject to (a)–(c), that the proportion of seats allocated to each political group on each Committee should be the same as the proportion of Council Members who belong to that group.
18. Where a local authority has determined the allocation of political groups on a Committee, it is under a duty to give effect to the wishes of those groups with regard to the identities of the persons who are to represent that group on the Committee (pursuant to Section 16 of the 1989 Act). Regulation 15 of the 1990 Regulations contains a residual power for the Council to make appointments if the political groups fail to do so. (The 1990 Regulations also make provision for identifying political groups and their members for these purposes). However, the allocation of seats based on the political proportionality principles set out in Section 15 of the 1989 Act (please see paragraph 11 above) may be varied (pursuant to Section 17 of the 1989 Act) if alternative arrangements are approved by the Council, subject to:
- i. Notice being given to all Members of the proposal to adopt the alternative arrangements for the allocation of seats – this is met by the express reference made in the Council Summons (Regulation 20 of the 1990 Regulations); and
  - ii. The alternative arrangements must be approved by the Council without dissent (a “nem con” vote).

This report recommends the approval of alternative arrangements for the allocation of seats on Committees in accordance with section 17 of the 1989 Act.

#### Standards and Ethics Committee

19. Standards Committees in Wales 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 1989 Act do not apply.

20. 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.
21. The terms of office of the 5 independent members have not expired and so no further appointments of independent members are presently required.
22. The term of office for a Councillor sitting on the Standards Committee can be no longer than the period until the next ordinary Local Government Elections.

#### Democratic Services Committee

23. The Local Government (Wales) Measure 2011 (section 12) states that the Democratic Services Committee cannot include more than one member of the Cabinet, who must not be the Leader.

#### Audit Committee

24. The Local Government (Wales) Measure 2011 (section 82) 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.
25. The current composition of the Audit Committee, as approved at Annual Council in May 2015, 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.
26. 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

## **Financial Implications**

27. Assuming that the number of Committees and their size remains unchanged there are no additional financial implications arising from this report that have not been included within the Council's budget for 2016/17.

## **RECOMMENDATIONS**

That the Council

- (1) approves the establishment of the Council Committee structure and the size and terms of reference of each Committee for the 2016/17 Municipal Year as set out in paragraph 7 (Table A) and Appendix A of this report; and
- (2) approves 'alternative arrangements' for the allocation of seats on each Committee as set out in Appendix B and agreed by Party Group Whips;

**DAVID MARR**  
**Interim Monitoring Officer**  
19 May 2016

Appendix A – Committee Terms of Reference

Appendix B - Distribution of Seats Municipal Year 2016/17 in accordance with Group Wishes

**Planning Committee**

- (a) Those functions listed in Section A of Schedule 1 of the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 and any amendments thereto and any matters ancillary thereto as defined in Regulation 3(2) to (4) of the Regulations.
- (b) Those functions listed in paragraphs 3 and 4 of Section I of Schedule 1 of the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 and any amendments thereto and any matters ancillary thereto as defined in Regulation 3(2) to (4) of the Regulations.

**Licensing Committee**

To be the Council's Licensing Committee as required by the Licensing Act 2003 and Gambling Act 2005 and any re-enactment or modification thereof; and as full delegate of the Council to exercise all the powers and functions permitted under those Acts.

**Public Protection Committee**

- (a) Those functions listed in Sections B and C and Paragraph 10 of Section I of Schedule 1 of the Local Authorities (Executive Arrangements) (Functions & Responsibilities) (Wales) Regulations 2007 (the Regulations), any amendments thereto and any matters ancillary thereto as defined in Regulation 3(2) to (4) of the Regulations, except to the extent that such matters fall to the Licensing Committee by virtue of Section 7 of the Licensing Act 2003 or the Gambling Act 2005.
- (b) In relation to those functions acting as Appeal Committee where appropriate.
- (c) The discharge of any function relating to the control of pollution or the management of air quality.
- (d) The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area.
- (e) Any function relating to contaminated land.
- (f) The service of an abatement notice in respect of a statutory nuisance.
- (g) Any function under a local Act of a licensing or regulatory nature.
- (h) Any function in relation to the making of an Alcohol Consumption in Designated Public Places Order under the provisions of the Criminal Justices & Police Act 2001.

## **Audit Committee**

### Governance, Risk & Control

- To consider the Council's corporate governance arrangements against the good governance framework by way of the process of compiling the Annual Governance Statement.
- To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account the internal audit opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk and internal control.
- To consider the Council's framework of assurance and ensure that it adequately addresses the risk and priorities of the Council.
- To monitor and scrutinise the effective development and operation of the risk management arrangements within the Council.
- To oversee progress in addressing risk-related issues reported to the Committee, such as the Corporate Risk Register.
- To consider any Anti-Fraud strategies, policies or procedures.

### Internal Audit

- To approve the Internal Audit Strategy comprising the risk-based internal audit plan, containing the internal audit resources (resources include; Audit, Investigations, Risk & Governance and Programme and Project Assurance Teams).
- To approve significant changes to the risk-based internal audit plan and resource requirements.
- To consider reports from the Audit Manager on Internal Audit's performance during the year e.g. progress reports.
- To consider the Audit Manager's Annual Report, including the statement of conformance with the Public Sector Internal Audit Standards 2013 and the results of the Quality Assurance and Improvement Programme that supports the statement. Fundamental to the annual report is the overall opinion on the adequacy and effectiveness of the Council's framework of governance, risk management and internal control together with a summary of the work supporting the opinion.
- To receive summaries of specific internal audit reports in accordance with agreed protocols.
- To receive reports on fraud prevention and detection initiatives and updates to any related policies and strategies.
- To receive reports of any significant incidents of fraud or financial impropriety and actions taken to enhance controls where this is considered necessary.

### External Audit

- To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- To consider specific reports as agreed with the external auditors.
- To comment on the scope and depth of external audit work and to ensure it gives value for money.

### Financial Reporting

- To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
- To seek assurances that the Council has complied with the Treasury Management Strategy and Practices by demonstrating effective control of the associated risks and pursuing optimum performance consistent with those risks.

### Accountability Arrangements

- To report to Council on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of the governance, risk management and internal control frameworks.
- To raise the profile of probity generally within the Council and to report on matters of concern to the individual Cabinet Member, relevant Scrutiny Committee, Cabinet or to Council as necessary and appropriate.
- To work in synergy with the five Scrutiny Committees of the Council and liaise with other Council Committees as and when appropriate to avoid duplication in work programmes.

### Training & Development

- To attend relevant training session in accordance with the Member Development Programme including specialist training tailored for Members of the Audit Committee e.g. treasury management.

### **Corporate Parenting Advisory Committee**

1. To oversee the development and effective implementation of Cardiff Council's Corporate Parenting Strategy.
2. To monitor the way in which services that have a responsibility to Looked After Children and Care Leavers fulfil their responsibilities and to raise matters of concern about the delivery of services that arise at meetings of the Board.
3. To promote the joining up of key strategies, policies and local planning arrangements where this will increase their effectiveness and support a holistic approach to improving the life changes and overall outcomes of looked after children and care leavers in line with their peers.

4. To raise the profile of the needs of looked after children and care leavers through a range of activities which will include consideration of performance information, meetings with looked after children, care leavers, parents, foster carers, staff and visits to children's services and resources, including children's homes.
5. To ensure that children and young people have information about what they can expect from Cardiff Council as their corporate parent.
6. To promote meaningful consultation and participation and ensure that the view of children, young people, their families and carers are listened to and taken into account through the Panel/Board and by the Council as a whole.
7. To ensure that the achievements of looked after children, care leavers, foster carers and staff are celebrated and rewarded.
8. To ensure that systems are in place to ensure children who are looked after can be confident that their individual interests will receive full and fair consideration including when these may be in conflict with aspects of the policies and procedures of the Council.
9. To make recommendations to others in respect of the corporate parenting of looked after children as consistent with the role and purpose of the panel.

### **Constitution Committee**

To review the Council's Constitution, and to recommend to Council and/or Cabinet any changes, except that the Committee will have authority (subject to the Monitoring Officer's advice) to make the following changes on behalf of the Council:-

- (a) Drafting improvements to enhance clarity and remove minor anomalies;
- (b) Updating to reflect legislative changes and matters of record;
- (c) Amendments to the Financial, Contracts and Land Procedure Rules (subject to the advice of the S.151 Officer being sought).

### **Council Appeals Committee**

To hear and determine appeals (other than those appeals which are within the terms of reference of any other committee) from determinations and decisions of the Authority where there is a statutory requirement for there to be an appeal to Members of the Council or where such appeal is allowed for in any policy or procedure approved by the Council.

On hearing an appeal the Committee shall be empowered, on behalf and in the name of the Council, to make such order as it considers appropriate, within the range of decisions permissible at law.

The Committee, when sitting to hear an appeal, shall not include any Members of the Cabinet, or Members of any Committee principally concerned with the service by which the decision or determination has been made, or Members who have been concerned in any previous consideration of the matter, which has given rise to or from which the appeal arises.

At each sitting of the Committee to hear an appeal, the Committee shall, firstly, ensure that the appeal has been properly made and, secondly, that the appellant has been afforded the opportunity of being represented at the hearing of his/her appeal by such friend, lawyer or other representative as he/she may choose.

In hearing an appeal the Committee shall conform to the rules of natural justice.

### **Democratic Services Committee**

- To carry out the local authority's function of designating the Head of Democratic Services;
- To keep under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services in order to ensure that it is adequate for the responsibilities of the post;
- To make reports, at least annually, to the full Council in relation to these matters

### **Family Absence Appeals Panel**

To be the Appeals Panel required pursuant to Regulation 36(1) of the Family Absence for Members of Local Authorities (Wales) Regulations 2013 and any amendment thereof; and to discharge all functions of the Panel pursuant to those Regulations.

### **Employment Conditions Committee**

- (a) To consider and determine policy and issues arising from the organisation, terms and conditions of individual employees at Chief Officer/Assistant Director level and above (together with any other category of employee specified in Regulation from time to time) where this is necessary;
- (b) To decide requests for re-grading of posts at Chief Officer level and above (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.

## **Standards & Ethics Committee**

- (a) To monitor and scrutinise the ethical standards of the Authority, its Members, employees and any associated providers of the Authority's services and to report to the Council on any matters of concern.
- (b) To advise the Council on the content of its Ethical Code and to update the Code as appropriate.
- (c) To advise the Council on the effective implementation of the Code including such matters as the training of Members and employees on the Code's application.
- (d) To consider and determine the outcome of complaints that Councillors and co-opted members have acted in breach of the Code in accordance with procedures agreed by the Standards Committee, including the imposition of any penalties available to the Committee.
- (e) To oversee and monitor the Council's Whistleblowing procedures and to consider ethical issues arising from complaints under the procedure and other complaints.
- (f) To grant or refuse requests for dispensations in respect of Members' interests under the Members' Code of Conduct in accordance with the relevant statutory provisions.
- (g) To undertake those functions in relation to Community Councils situated in the area of the Council and members of those Community Councils which are required by law.
- (h) To recommend to Council and the Cabinet any additional guidance on issues of probity.
- (i) To hear and determine any complaints of misconduct by Members or a report of the Monitoring Officer, whether on reference from the Ombudsman or otherwise.
- (j) To recommend the provision to the Monitoring Officer of such resources as he/she may require for the performance of his/her duties

## **Local Authority Governor Panel**

For School Governing Bodies constituted under The Government of Maintained Schools (Wales) Regulations 2005 to advise the council on appointments and removal of governors to those places allocated to the Local Authority;

To consider and make decisions relating to the recruitment, training and vetting of potential governors and any other matters that may be referred to the Panel by the Cabinet or the Constitution Committee.



## **Appointments Committee**

To discharge the functions of the authority in respect of the appointment and dismissal of Chief Officers and Deputy Chief Officers (as defined in the Local Authorities (Standing Orders) ( Wales) Regulations 2006), in accordance with the Employment Procedure Rules and any other relevant Council policies and procedures.

## **Disciplinary & Grievance Appeals Committee**

To hear and determine:

- (a) all appeals by employees of the Council who may have a right to appeal to Councillors in accordance with disciplinary and grievance procedures approved by the Council;
- (b) all other appeals from disciplinary actions which may be referred to it, whether by the Council or a Committee;
- (c) grievances by and against the Chief Executive in accordance with grievance procedures approved by the Council; and, with a differently constituted membership, appeals following decisions on such grievances; and
- (d) in exceptional circumstances, where the Chief Executive cannot address matters because of an associated grievance, disciplinary proceedings against any officer at Chief Officer/Assistant Director level and above; and, with a differently constituted membership, appeals following decisions in such disciplinary proceedings.

On hearing each case the Committee shall be empowered, on behalf and in the name of the Council, to make such order as it considers appropriate, except where retirement or redundancy is contemplated, when consultation with the Cabinet will take place prior to determination of the matter.

The Committee, when sitting to hear an individual case, shall comprise not less than three no more than five members. From the members appointed to serve on the Committee, those who are to sit to hear any particular matter shall be chosen by rota following consultation with the Group Whips, subject to the exclusion of any member who:

- (i) is a member of the Cabinet or of a Committee principally concerned with the service in which the employee concerned is employed; or
- (ii) has been concerned in any previous consideration of the matter which has given rise to the disciplinary action, grievance, or decision from which an appeal arises.

At each sitting of the Committee to hear a disciplinary matter or appeal, the Committee shall, firstly, ensure that the matter of complaint has been clearly put to the employee and, secondly, that the employee has been afforded the opportunity of being represented at the hearing by such friend, trade union officer, lawyer or other representative as he/she may choose.

In any hearing the Committee shall conform to the rules of natural justice.

## **SCRUTINY COMMITTEES**

### **Children and Young People Scrutiny Committee**

- To scrutinise, measure and actively promote improvement in the Council's performance in the provision of services and compliance with Council policies, aims and objectives in the area of children and young people, including :
  - School Improvement
  - Schools Organisation
  - School Support Services
  - Education Welfare & Inclusion
  - Early Years Development
  - Special Educational needs
  - Governor Services
  - Children's Social Services
  - Youth Services and Justice
  - Children's Play Services
- To assess the impact of partnerships with and resources and services provided by external organisations including the Welsh Government, Welsh Government Sponsored Public Bodies, joint local government services and quasi-departmental non governmental bodies on the effectiveness of Council service delivery.
- To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures which may enhance Council performance and service delivery in this area.

### **Community and Adult Services Scrutiny Committee**

- To scrutinise, measure and actively promote improvement in the Council's performance in the provision of services and compliance with Council policies, aims and objectives in the area of community and adult services, including:
  - Public and Private Housing
  - Disabled Facilities Grants
  - Community Safety
  - Neighbourhood Renewal and Communities First
  - Advice & Benefits
  - Consumer Protection
  - Older Persons Strategy
  - Adult Social Care
  - Community Care Services
  - Mental Health & Physical Impairment
  - Commissioning Strategy
  - Health Partnership
- To assess the impact of partnerships with and resources and services provided by external organisations including the Welsh Government, joint

local government services, Welsh Government Sponsored Public Bodies and quasi-departmental non governmental bodies on the effectiveness of Council service delivery.

- To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures which may enhance Council performance and service delivery in this area.
- To be the Council's Crime and Disorder Committee as required by the Police and Justice Act 2006 and any re-enactment or modification thereof; and as full delegate of the Council to exercise all the powers and functions permitted under that Act.

### **Economy and Culture Scrutiny Committee**

- To scrutinise, measure and actively promote improvement in the Council's performance in the provision of services and compliance with Council policies, aims and objectives in the area of economic regeneration.
  - Cardiff City Region City Deal
  - Inward Investment and the marketing of Cardiff
  - Economic Strategy & Employment
  - European Funding & Investment
  - Small to Medium Enterprise Support
  - Cardiff Harbour Authority
  - Lifelong Learning
  - Leisure Centres
  - Sports Development
  - Parks & Green Spaces
  - Libraries, Arts & Culture
  - Civic Buildings
  - Events & Tourism
  - Strategic Projects
  - Innovation & Technology Centres
  - Local Training & Enterprise
- To assess the impact of partnerships with and resources and services provided by external organisations including the Welsh Government, joint local government services, Welsh Government Sponsored Public Bodies and quasi-departmental non governmental bodies on the effectiveness of Council service delivery.
- To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures which may enhance Council performance or service delivery in this area.

## **Environmental Scrutiny Committee**

- To scrutinise, measure and actively promote improvement in the Council's performance in the provision of services and compliance with Council policies, aims and objectives in the area of environmental sustainability, including:
  - Strategic Planning Policy
  - Sustainability Policy
  - Environmental Health Policy
  - Public Protection Policy
  - Licensing Policy
  - Waste Management
  - Strategic Waste Projects
  - Street Cleansing
  - Cycling and Walking
  - Streetscape
  - Strategic Transportation Partnership
  - Transport Policy and Development
  - Intelligent Transport Solutions
  - Public Transport
  - Parking Management
- To assess the impact of partnerships with and resources and services provided by external organisations including the Welsh Government, joint local government services, Welsh Government Sponsored Public Bodies and quasi-departmental non governmental bodies on the effectiveness of Council service delivery.
- To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures which may enhance Council performance and service delivery in this area.

## **Policy Review and Performance Scrutiny Committee**

- To scrutinise, monitor and review the overall operation of the Cardiff Programme for Improvement and the effectiveness of the general implementation of the Council's policies, aims and objectives, including:
  - Council Business Management and Constitutional Issues
  - Cardiff Council Corporate Plan
  - Strategic Policy Development
  - Strategic Programmes
  - Community Planning & vision Forum
  - Voluntary Sector Relations
  - Citizen Engagement & Consultation
  - Corporate Communications
  - Contact Centre Services and Service Access
  - International Policy
  - Cardiff Local Development Plan
  - Equalities
  - Finance and Corporate Grants

- Organisational Development
  - Cardiff Efficiencies Programme
  - E-Government
  - Information and Communication Technology
  - Council Property
  - Commissioning and Procurement
  - Carbon Management
  - Legal Services
  - Public Services Board
- To scrutinise, monitor and review the effectiveness of the Council's systems of financial control and administration and use of human resources.
  - To assess the impact of partnerships with and resources and services provided by external organisations including the Welsh Government, joint local government services, Welsh Government Sponsored Public Bodies and quasi-departmental non governmental bodies on the effectiveness of Council service delivery.
  - To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures which may enhance Council performance and service delivery in this area.

## **OTHER PANELS & WORKING GROUPS**

### **Bilingual Cardiff Working Group**

#### Aim

To take a lead role in developing a truly bilingual Cardiff where citizens and staff of the City of Cardiff Council can access services and support in either language equally through improved partnership working.

#### Objectives and Roles

- To ensure compliance with the Council's Welsh Language Scheme and the standards set by the Welsh Language Commissioner.
- To monitor the Council's performance against Welsh language legislation including investigating breaches of policy.
- To request evidence and/or presentations from officers within their respective areas in relation to specific Welsh language matters.
- To feed back on any issues relating to the Welsh language from Service Users or Service Providers to the forum, and vice versa if necessary.
- To review and contribute to the Council's final response for the Annual Monitoring Report with Bilingual Cardiff team prior to consideration by Cabinet/Council.
- To receive feedback from the Welsh Language Coordinators Meeting and work with Welsh Language Champions (O.M level and above) to further embed the awareness of Welsh within the Council's corporate culture.

- To contribute to responses on behalf of the Council on Welsh language consultation issues e.g. to the Welsh Language Commissioner
- To act as a reference group for Welsh language related issues and provide a voice for service users and providers.
- To have an advisory role and report to Cabinet every six months.

### **Health and Safety Advisory Group**

- to promote corporate and strategic health and safety issues;
- to address specific health and safety issues which have not been resolved elsewhere in the organisation through normal administrative machinery, joint consultative arrangements or Service Area Health and Safety Committees;
- to consider reactive and active performance measures in respect of health and safety;
- to consider other health and safety issues as appropriate, whether raised by the Council or the trade unions;
- to make recommendations.

### **Works Council**

- (1) to consider any relevant matter referred to it by the Council; the Employment Conditions Committee; the Executive; the Chief Executive; or trade union representatives providing that: -
  - (a) the matter has been raised previously by the representatives with the Chief Executive, Chief Operating Officer, Corporate Chief Officer as appropriate and/or Chief Officer/Head of Service and the trade unions are dissatisfied with the response; or
  - (b) there has been no response on the matter raised to the trade union representatives within a reasonable period of time.
- (2) to make recommendations.

Distribution of Seats Municipal Year 2016/17 in accordance with Group Wishes

Appendix B

Committee	Number of Seats	Labour	Lib Dem	Cons	Plaid	Heath Ind	Llanrumney Ind	Rhiwbina Ind	Splott Ind	Trow/ St Mellons Ind
<b>Committees subject to Political Balance</b>										
No of Seats	75/75	43/75	15/75	9/75	3/75	1/75	1/75	1/75	1/75	1/75
Percentage		57.33%	20%	12%	4%	1.33%	1.33%	1.33%	1.33%	1.33%
Total No Seats	139	80	28	17	7	7				
<b>Ordinary Committees</b>										
Planning	12	7	3	2						
Licensing	12	8	3	1						
Public Protection	12	8	3	1						
Audit Committee	8	5	2	1						
Constitution Committee	12	8	3	1						
Corporate Parenting Advisory Committee	9	6	2	*(1)				*1		
Council Appeals	9	6	2	1						
Democratic Services Committee	12	7	3	2						
Employment Conditions	8	5	2	1						
No of Seats	94	60	23	10	0	0	0	1	0	0
<b>Scrutiny Committees</b>										
Children & Young People	9	6	2	1						
Community & Adult	9	5	2	*(1)				1		*1
Economic & Culture	9	6	2	1						
Environment	9	6	2	1						
Policy Review & Performance	9	6	1 *(2)	1				*1		
No of Seats	45	29	9	4	0	0	0	2	0	1
<b>TOTAL NO OF SEATS</b>										
	139	89	32	14	0	0	0	3	0	1
Percentage		64%	23%	10%	0	0	0	2%		1%

\*Indicates seats given up by political groups to un-grouped Members

Committee	Number of Seats	Labour	Lib Dem	Cons	Plaid	Heath Ind	Llanrumney Ind	Rhiwbina Ind	Splott Ind	Trow/ St Mellons Ind
<b><u>Political Balance not applicable</u></b>										
Standards & Ethics Committee	3	1	1	1						
Bilingual Cardiff Working Group	10	6	1	1	1					
Local Authority Governor Panel	7	4	1	1	*(1)	*1				
Works Council	5	3	1	1						
Health & Safety Advisory Group	5	3	1	1						
Glamorgan Archives Joint Committee	5	2	1	2						



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**REPORT OF THE INTERIM MONITORING OFFICER**

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**NOMINATION & APPOINTMENT OF MEMBERS AND CHAIRS AND DEPUTY CHAIRS TO SERVE ON COMMITTEES, BOARDS & PANELS**

**Reason for Report**

1. The purpose of this report is to facilitate the nomination and appointment of Members to serve on each Committee established in accordance with Agenda Item 10; and the election of the Chair and Deputy Chair (as appropriate) for each such Committee.

**Background**

2. The previous report (Agenda Item 10) outlined matters relating to the establishment of Committees, together with their composition and allocation of seats in accordance with the statutory provisions on political balance.

**Issues**

- a) Nominations and Appointments to Committees
3. Following the establishment of Committees and the allocation of seats on each Committee in accordance with the statutory provisions on political balance, the next step is to make appointments to those Committees. It is the duty of the Council to make appointments as soon as practical thereafter, and to give effect to the stated wishes of political groups with regard to their nominations to the seats allocated to each particular group.
  4. Based on the Committee structure and composition set out in the previous report (Agenda Item 10), total nominations required are set out in Table A as follows:

**TABLE A**

<b><u>COMMITTEES</u></b>	<b><u>SEATS</u></b>
<b><u>Regulatory and Other Committees</u></b>	
Planning Committee	12
Licensing Committee	12 (same membership as Public Protection Committee)

<b><u>COMMITTEES</u></b>	<b><u>SEATS</u></b>
Public Protection Committee	12 (same Membership as Licensing Committee)
Audit Committee	12 (8 Members and 4 Non-Councillor Members) Cannot include more than 1 Member of the Cabinet, who must not be the Council Leader
Constitution Committee	12
Corporate Parenting Advisory Committee	8 (not Members of the Children & Young People Scrutiny Committee) (to include relevant Cabinet Member for Children's Services , Education and Community Safety)
Council Appeals Committee	9
Democratic Services Committee	12 (cannot include more than 1 Member of the Cabinet, who must not be the Council Leader)
Family Absence Appeals Panel	3 (Members of Democratic Services Committee)
Employment Conditions Committee	8
Standards & Ethics Committee	9 (3 County Councillors, 1 Community Councillor and 5 Non - Councillor Members)
Local Authority Governor Panel	7 (to include relevant Cabinet Member)
<b><u>Scrutiny Committees</u></b>	
Children & Young People	13 (9 County Councillors + 4 Co-opted)
Community & Adult Services	9
Economy and Culture	9
Environmental	9
Policy Review & Performance	9
<b><u>Other Groups</u></b>	
Bilingual Cardiff Working Group	12
Health and Safety Advisory Group	5

<b><u>COMMITTEES</u></b>	<b><u>SEATS</u></b>
Works Council	5
<b><u>Joint Committees and Boards</u></b>	
Public Services Board	1 (Leader or relevant Cabinet Member)
Glamorgan Archives Joint Committee	5
Prosiect Gwyrdd Joint Committee	2 (relevant Cabinet Members)
Shared Regulatory Services Joint Committee	2 (relevant Cabinet Member & Chair of Licensing Committee)
Central South Consortium Joint Education Service Joint Committee	1 (Leader or relevant Cabinet Member)
Vale, Valleys and Cardiff Regional Adoption Collaborative Joint Committee	1 (Relevant Cabinet Member)

5. It is normal practice where possible for the groups to make known their nominees at the Annual meeting but where this is not achievable the Proper Officer will receive nominations and make appointments in accordance with the wishes of the relevant political groups (under delegated authority reference LD17), and report the appointments and any subsequent changes to the next Council meeting for Members' information.
- b) Election of Chairs and Deputy Chairs (as appropriate)
6. The Constitution provides that the Chair and a Deputy Chair for each Committee shall be elected at Annual Council. In order to take those decisions, political groups will (at least in relation to any person to be nominated for appointment as Chair or Deputy Chair as the case may be) need to ensure that formal notice is given to the Proper Officer of the group's wishes that that person is nominated to the relevant Committee.
7. Legislation requires the politically proportional allocation of Scrutiny Chairs for Councils comprised of several political groups (pursuant to Part 6 of The Local Government (Wales) Measure 2011). The proportional allocation of Scrutiny Committee Chairs calculated in accordance with the principles set out in section 70 of the Local Government (Wales) Measure 2011, and discussed with the political groups, is shown in the Table B below:

**TABLE B** - Allocation of Chairs of Scrutiny in accordance with Political Balance

Groups	Allocation of Chairs	Political Balance
Labour	3	57.33%
Liberal Democrat	1	20%
Conservative	1	12%
Total	5	

8. Once the Council has determined the allocation of Scrutiny Chairs to each political group, the appointment of Scrutiny Chairs is to be made by the relevant group. Subject to Council approval of the proportional allocation of Scrutiny Chairs, political groups are requested to provide notice of their proposed appointments to the Proper Officer to enable Annual Council to note the appointments.
9. Nominations to the following Chairs and Deputy Chairs need to be notified to the Proper Officer: -

**TABLE C**

	<u>Chair</u>	<u>Deputy Chair</u>
<b><u>Regulatory and Other Committees and Groups</u></b>		
Planning Committee		
Licensing Committee		
Public Protection Committee		
Corporate Parenting Advisory Committee		-----
Constitution Committee		-----
Council Appeals Committee		-----
Democratic Services Committee		-----
Employment Conditions Committee		-----
Bilingual Cardiff Working Group		-----
School Governor Panel		-----

*\*\*Note that the Chairs of the Audit Committee and the Standards & Ethics Committee are appointed by their respective Committees. The Chair of the Standards and Ethics Committee must be a non-Council (Independent) Member.*

	<u>Chair</u>	<u>Deputy Chair</u>
<b><u>Scrutiny Committees</u></b>		
Children & Young People Scrutiny		-----
Community & Adult Services		-----
Economy and Culture		-----
Environmental		-----
Policy Review & Performance		-----

10. Details of the nominations received will be provided on the amendment sheet at the Annual Council meeting.

### **Legal Implications**

11. The Council Procedure Rules provide that, at the Annual Council meeting, the Council will receive nominations of members to serve on its standing committees and make such appointments; and elect a Chair and a Deputy Chair for each of the committees (Rule 2(b) (xiii) and Rule 2(b) (xv) respectively).

Council is referred to the legal implications provided in the report on the establishment of Committees (Agenda Item 10) which are also relevant to this report.

12. As explained in the Legal Implications to that report (on Agenda Item 10), where a local authority has determined the allocation of political groups on a Committee, it is under a duty to give effect to the wishes of those groups with regard to the identities of the persons who are to represent that group on the Committee (pursuant to Section 16 of the 1989 Act). Regulation 14 of the Local Government (Committees and Political\_Groups) Regulations 1990 ('the 1990 Regulations') requires political groups to be notified of their allocation on a committee in order that they may nominate individuals to serve on that committee. Regulation 15 contains a residual power for the Council to make appointments if the political groups fail to do so. However, apart from this provision, the Council has no discretion in the matter - its function is simply to make appointments which give effect to the wishes of the relevant political groups.
13. The wishes of a political group are to be taken as those expressed to the Proper Officer (a) orally or in writing by the leader or representative of the group; or (b) in a written statement signed by a majority of the members of the group. In the event that different wishes of a political group are notified, the wishes notified in accordance with point (b) shall prevail (Regulation 13).
14. A political group is identified when two or more members of the Council who wish to be treated as a political group write to the Proper Officer to inform him of that fact and of their name and the identity of their leader. A person joins a particular political group by sending a notice signed by him/her and the leader of the group. People may cease to be members of the group by notifying the Proper Officer (the Monitoring Officer) of their resignation, joining another group, or being ousted by a notice signed by a majority of the members of the group.

Under the Scheme of Delegations (delegation reference LD17), the Monitoring Officer is authorised to appoint members to Committee seats allocated to political groups (or make changes and fill vacancies) in accordance with the wishes of the political groups.

For the avoidance of doubt the requirements for political balance do not apply to the Cabinet or a Committee of the Cabinet or to the Standards and Ethics Committee.

### Democratic Services Committee

15. The Democratic Services Committee cannot include more than one Cabinet member; and any such Cabinet member cannot be the Leader of the Council. The

person appointed to Chair the Democratic Services Committee must not be a Member of the Executive Group i.e. the Chair cannot be a member of any political group included in the Cabinet (pursuant to sections 12 and 14 of the Local Government (Wales) Measure 2011

#### Audit Committee

16. The Local Government (Wales) Measure 2011 (section 82) provides that the Audit Committee can include no more than one Cabinet member, who may not be the Leader. The Chair of the Audit Committee must be elected by the Committee and may be either a lay member or a non-executive group member (section 83).

#### Standards and Ethics Committee

17. The Standards Committees (Wales) Regulations 2001 provide that the Standards Committee is not subject to political balance (Regulation 12); and that its Chair and Vice-Chair must be Independent Members of the Committee elected by the Committee (Regulation 22)

#### Scrutiny Chairs

18. As noted in the body of the report, Part 6 of the Local Government (Wales) Measure 2011('the 2011 Measure') requires the politically proportional allocation of Scrutiny Committee Chairs. The proportional allocation of Scrutiny Committee Chairs must be calculated in accordance with section 70 of the 2011 Measure and approved by Council. Once the Council has determined the allocation of Scrutiny Chairs to each political group, the appointment of Scrutiny Chairs is to be made by the relevant group.

#### **Financial Implications**

19. Assuming that the number of Committees remains unchanged, there are no additional financial implications arising from this report that have not been included within the Council's budget for 2016/17.

#### **RECOMMENDATIONS**

That the Council

- (1) receives the nominations from the political groups to the seats allocated to each group as agreed under Agenda Item 10 and approves the corresponding appointments;
- (2) requests the Interim Monitoring Officer to report to the next Council meeting the details of all appointments to committees for information, taking into account any further nominations or changes notified following this meeting;
- (3) elects the Chairs and Deputy Chairs (as appropriate) to the Regulatory and Other Committees shown in paragraph 9 – Table C, and or any other such Committees that may be established;

- (4) approves the proportional allocation of Scrutiny Chairs as set out in paragraph 7, Table B of the report; and
- (5) subject to approval of recommendation 4), notes the appointment of the Scrutiny Chairs in accordance with the wishes of Party Groups pursuant to Part 6 of The Local Government (Wales) Measure 2011.

**DAVID MARR**  
**Interim Monitoring Officer**  
20 May 2016

Mae'r dudalen hon yn wag yn fwriadol



**CITY & COUNTY OF CARDIFF  
DINAS A SIR CAERDYDD**



**ANNUAL COUNCIL:**

**26 MAY 2016**

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**REPORT OF THE INTERIM MONITORING OFFICER**

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**NOMINATION OF MEMBERS TO SERVE ON OUTSIDE BODIES**

**Reasons for the Report**

1. To consider and agree nominations to statutory and non-statutory outside bodies, and fill any existing outside body vacancies for 2016/17 municipal year.

**Background**

2. The Constitution provides that the Council will, from time to time, receive nominations and make Member appointments as necessary to serve as representatives of the Council on outside bodies.

**Issues**

3. The Council is asked to consider and agree nominations to serve on bodies which are appointed on an annual basis as set out in Appendix A.
4. The Council is asked to note that the allocated number of Cardiff representatives on the Welsh Local Government Association (WLGA) Council is based on one member of the Council for each 50,000 populations or part thereof, which increased from 7 to 8 in 2015/16 based on the latest official population estimate for the city (2013 Mid Year Population Estimate = 351,700). The WLGA Council Annual Meeting will be held in Cardiff on 1 July 2016.
5. Nominations for appointments to Outside Bodies are submitted by the Party Group Whips and a schedule detailing proposed nominations will be circulated as part of the Amendment Sheet at the Annual Council meeting.

## **Legal Implications**

6. The appointment of individuals to serve on outside bodies is a Local Choice function under the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007. In the approved Scheme of Delegations the Council has determined that responsibility for the proposed appointments shall rest with Full Council.

## **Financial Implications**

7. There are no financial implications arising as a direct consequence of this report.

## **RECOMMENDATION**

The Council is requested to receive nominations and approve appointments to outside bodies as listed in Appendix A and as set out on the amendment sheet.

**DAVID MARR**  
**Interim Monitoring Officer**  
20 May 2016

Appendix A: Annual Nominations and Appointments vacancies on Outside Bodies 2016/17

**Background Papers**  
Register Appointments to Outside Bodies

Organisation	Aims of the Organisation	Number of Representatives	Notes
Cambrian Educational Foundation for Deaf Children	To offer financial assistance to young people between the ages of pre-school & 25 years, who have hearing impairment and either reside in Wales or have a parent who resides in Wales. Assistance is given for their education and social development.	1 Member	
Cardiff Bus	Cardiff City Transport Services Ltd (otherwise known as Cardiff Bus) is a private limited company which is wholly owned by Cardiff Council. It was constituted as a Public Transport company within the mean of Section 72 of the Transport Act 1985 and the main purpose of the company is the provision of road passenger transport services.	7 Members (4 Labour, 2 Liberal Democrat, 1 Conservative)	
Cardiff & Vale of Glamorgan Community Health Council	<p>The CHC represents the interests of the patients and public of Cardiff and the Vale of Glamorgan in relation to local health services. The 4 statutory duties/functions of the CHC are to:</p> <ol style="list-style-type: none"> <li>1 Scrutinise the operation of health services in Cardiff &amp; Vale of Glamorgan, to make recommendations for the improvement of that service, and to advise the UHB upon such matters relating to the operation of the health service.</li> <li>2 To be consulted by the UHB in respect of health services for which it is responsible.</li> <li>3 To enter and inspect NHS premises.</li> <li>4 To provide an independent advocacy service on behalf of the Welsh Ministers for those aged 18 and over.</li> </ol>	3 Members (1 from each of the main Party Groups)	<p>Councillor Hudson (Conservative) is currently a Member.</p> <p>2 vacancies (an be Elected Member or external appointments)</p>

Organisation	Aims of the Organisation	Number of Representatives	Notes
Local Government Association (LGA) General Assembly	The LGA is the membership organisation of local authorities in England and Wales and its mission is to support, promote and improve local government. The LGA General Assembly is the only LGA decision making forum which all local authorities in membership are eligible to attend and vote. The role of the General Assembly is to consider strategic policy of national significance to local government.	4 Members (including the Leader of the Council)	<p>The Council is entitled to appoint 4 representatives to the LGA General Assembly. The LGA also encourages those Authorities entitled to 3 or 4 representatives on the General Assembly to allocate one of those positions to Minority Group Leaders from their Authority.</p> <p>On the election of LGA Chair, Vice-Chairs and Deputy Chairs under Article 8.4 and on questions of estimated expenditure and subscriptions under Articles 21.1 and 21.2 of the Constitution, Welsh Authorities in corporate membership are entitled to 1 vote, which is usually exercised by the Leader or nominated substitute.</p> <p>On non-devolved matters directly relevant to their statutory duties and responsibilities, the Council is entitled to 7 votes based on population size. These votes are usually exercised by the Leader or nominated substitute.</p> <p>The Annual Meeting of the LGA General Assembly will be held on 5 July 2016 in Bournemouth.</p>
Race Equality First	Race Equality First aims to work towards the elimination of racial discrimination & promote equality of opportunity & good relations between persons of different racial groups.	2 Members (Inc. Relevant Cabinet Member)	Councillor Bradbury (Cabinet Member) 1 vacancy to be filled.

Organisation	Aims of the Organisation	Number of Representatives	Notes
South Wales Fire & Rescue Authority	The Fire & Rescue Authority consists of 24 Councillors from the 10 local authorities which originally combined to form the Authority. The composition of the Authority is determined by the size of the electoral representation within each local authority and the political proportionality across the combined area.	5 Members (3 Labour, 1 Liberal Democrat & 1 Conservative)	<p>The Independent Remuneration Panel for Wales has previously determined that the remuneration of ordinary members of an FRA should be aligned to the Basic Salary of a member of a principal council and that the time commitment required is in the region of 20 days per year. This remains the basis of the Panel's determinations and the Panel has determined that the Basic Salary for Fire &amp; Rescue Authority ordinary members should be £1,700 (20/156 x £13,300) in 2016/17.</p> <p>The Panel has also determined that a Fire &amp; Rescue Authority Senior Salary can be paid to the Chair, Deputy Chair and up to two Chairs of Committees.</p>
South Wales Police and Crime Panel	The Police and Crime Panel is responsible for overseeing the Police and Crime Commissioner and reviewing and scrutinising his decisions.	2 Members (1 Labour & 1 Liberal Democrat)	<p>The Panel is made up of 10 local Councillors, representing the 7 local authorities in South Wales, along with 2 co-opted independent members.</p> <p>Councillor representatives to the Police and Crime Panel are appointed in line with the population size and the political balance of the 7 local authorities within the South Wales Police area. As a result, Cardiff, Swansea and RCT are entitled to 2 representatives.</p> <p>In 2015/16, a General Allowance was paid subject to a Member's attendance at meetings/training events up to a maximum of 5 meetings/training events per year at an amount of £184 per attendance (max. £920.00 per year). The level of General allowance for 2016/17 is to be agreed.</p>

Organisation	Aims of the Organisation	Number of Representatives	Notes
			<p>If Members elect to receive this General Allowance, there will be no additional payment for travel and/or subsistence expenses. Alternatively, those Members who do not wish to receive the General Allowance may opt out and claim for travel and/or subsistence expenses.</p>
<p>Welsh Local Government Association (WLGA)</p> <p>(i) WLGA Council</p> <p>(ii) WLGA Co-coordinating Committee</p>	<p>The WLGA aims to promote, protect, support and develop democratic local government in Wales and in particular the interests of Welsh unitary authorities and Associate Organisations in membership.</p> <p>The WLGA Council is the sovereign body of the Association and will primarily deal with the appointment of officers, constitutional and business issues. It will also have a deliberative role which can be utilised in the furtherance of WLGA policy.</p>	<p>8 Members</p> <p>1 Member</p>	<p>A Local Authority in full membership shall be entitled to appoint one member of the Council for each 50,000 population or part thereof.</p> <p>In 2015/16, Cardiff's entitled was increased to 8 representatives on the WLGA Council, which does not need to reflect the requirements of political balance.</p> <p>The vote allocation is 8 votes which is usually exercised en bloc by the Leader or nominated substitute.</p> <p>The WLGA Council Annual Meeting is due to be held on Friday 1 July 2016 in Cardiff.</p> <p>The WLGA Co-ordinating Committee is comprised of one member appointed by each Member Council from among those members it has appointed to the WLGA Council (usually the Leader of the Council). The Co-ordinating Committee is the main policy and deliberative forum of the WLGA.</p>

**CITY & COUNTY OF CARDIFF  
DINAS A SIR CAERDYDD**



**COUNCIL:**

**26 MAY 2016**

**REPORT OF INTERIM MONITORING OFFICER**

**APPOINTMENT OF LOCAL AUTHORITY GOVERNORS TO SCHOOL GOVERNING BODIES**

**Reason for this Report**

1. To appoint Local Authority School Governors.

**Background**

2. Section 19 of the Education Act 2002 creates the general ability for the Local Authority to appoint governors to the Governing Bodies of maintained schools, with further detail contained in the Government of Maintained Schools (Wales) Regulations 2005. When Local Authority school governor vacancies arise, either by appointees reaching the end of their term of office or resigning, it is the statutory duty of the Council to fill the vacancies as soon as possible.
3. The Local Authority Governors Panel to oversee this process was constituted at the Annual Council in May 2015 and held its first termly meeting in September 2015.

**Issues**

4. The Local Authority Governors Panel met on 19 May 2016 to consider new applications to current and future vacancies up to 30 September 2016. The recommendations of the Panel are contained in Appendix 1 to this report.

**Reasons for Recommendations**

5. To ensure that the Council fulfils its statutory functions in respect of the appointment of local authority governors for maintained schools.

**Legal Implications**

6. As noted in paragraph 2 of the report, the Council is required, pursuant to the Education Act 2002, section 19 and regulations made there under, to appoint local authority governors to the Governing Bodies of maintained schools, in accordance with those statutory provisions.

7. Appointments to outside bodies are a local choice function, which is reserved under the Council's Constitution to full Council. Accordingly, the appointment of local authority governors to Governing Bodies, as recommended in this report, requires the approval of full Council.

### **Financial Implications**

8. There are no financial implications arising from this report.

### **Recommendation**

That Council consider the recommendations of the Local Authority Governor Panel 19 May 2016 and approve the appointments of Local Authority Governors to the School Governing Bodies as set out in Appendix 1.

**DAVID MARR**  
**Interim Monitoring Officer**  
19 May 2016

*The following Appendix is attached:*

Appendix 1            List of Local Authority School Governor vacancies and recommendations for appointment by the Local Authority Governor Panel for the period 27 May 2016 to 30 September 2016

*The following Background Documents have been taken into account: N/A*



**LA Governor Vacancies - Recommendations from LA Governor Panel  
27 May 2016 – 30 September 2016**

**Appendix 1**

- i. All appointments in the list are recommended by the LA Governor Appointments Panel and will have satisfied the required application process.
- ii. All terms of office unless otherwise stated are for 4 years.

**Existing LA Governor Vacancies**

<b>School</b>	<b>Ward</b>	<b>Start of Vacancy</b>	<b>Re-appointment requested</b>	<b>Applications received</b>	<b>Approved Yes/No</b>
<del>B</del> aden Powell Primary School	Splott	02/03/2016		Tony Powell	Yes
<del>C</del> ardiff High School	Cyncoed	30/04/2016		Miriam Norton	Yes
<del>C</del> reigiau Primary School	Creigiau	08/07/2015		Elizabeth Lewis	Yes
<del>E</del> astern High School	Rumney	17/03/2016		Paul Gorin	Yes
<del>E</del> ly and Caerau Children's Centre	Ely	23/06/2015			
Gabalfa Primary School	Llandaff North	09/01/2016 22/04/2016		Richard Norton	Yes
Glan Yr Afon Primary School	Llanrumney	13/10/2015			
Glyncoed Primary School	Pentwyn	24/09/2015			
Gwaelod Y Garth Primary School	Pentyrch	14/03/2016			
Howardian Primary School	Penylan	13/01/2016			
Lakeside Primary School	Cyncoed	25/09/2006		Andrew Gigg	Yes
Meadowbank Special School	Llandaff North	25/01/2006			
Oakfield Primary School	Trowbridge	04/03/2015			
Pen-Y-Bryn Primary School	Llanrumney	12/10/2015		Paul Stock	Yes
Pencaerau Primary School	Caerau	24/09/2014			

School	Ward	Start of Vacancy	Re-appointment requested	Applications received	Approved Yes/No
Peter Lea Primary School	Fairwater	23/09/2015		Louise Bassett	Yes
Rhiwbina Primary School	Rhiwbina	02/09/2015		Sue Powell	Yes
St John Lloyd RC Primary School	Trowbridge	30/01/2013			
St Francis RC Primary School	Ely	23/03/2016	Irene Humphreys		Yes
Thornhill Primary School	Llanishen	22/06/2015			
Trelai Primary School	Caerau	11/12/2015		Alan Smith	Yes
Trowbridge Primary School	Trowbridge	11/02/2016		Nicola Campbell	Yes
Windsor Clive Primary School 2 x vacancies	Ely	05/09/2015 23/03/2016	Irene Humphreys		Yes
Ysgol Glan Morfa	Splott	29/01/2014			
Ysgol Gyfun Gymraeg Bro Edern	Penylan	27/01/2016			
Ysgol Gymraeg Coed-Y-Gof	Fairwater	22/10/2015			
Ysgol Gymraeg Melin Gruffydd x vacancies	Whitchurch	18/06/2015 21/11/2015 17/07/2015		Rhys Taylor	Yes
Ysgol Gymraeg Treganna	Canton	30/01/2016		Thomas Evan Morgan	Yes
Ysgol Mynydd Bychan	Gabalfa	16/12/2015			
Ysgol Pen Y Pil	Trowbridge	11/09/2013			
Ysgol Pencae	Llandaff	21/10/2015			
Ysgol Pwll Coch	Canton	27/01/2016			
Ysgol y Berllan Deg	Pentwyn	29/02/2016			
Ysgol-Y-Wern	Llanishen	18/04/2016		Margaret Kemp	Yes

**Future LA Governor Vacancies – 31 May 2016 to 30 September 2016**

School	Ward	Start of Vacancy	Re-appointment Requested	Applications Received	Approved
Albany Primary School	Plasnewydd	21/09/2016	Mark Stephens		Yes
Birchgrove Primary School	Heath	22/06/2016	Cllr Graham Hinchey		Yes
Bishop Childs C/W Primary School	Trowbridge	25/09/2016	Mr Richard Leyshon		Yes
Bryn Deri Primary School	Radyr	21/09/2016	Margaret Lloyd		Yes
Cantonian High School 2 x vacancies	Fairwater	27/06/2016 21/09/2016	Cllr Paul Mitchell	Susan Watts	Yes Yes
Cathays High School 2 x vacancies	Gabalfa	21/07/2016 25/09/2016	Mr Peter Wong		Yes Deferred to September LA Panel Meeting
Cardiff High School 3 x vacancies	Cyncoed	19/07/2016 19/07/2016 21/09/2016	Nonny Mathewson		Yes
Christ the King RC Primary School	Llanishen	20/07/2016	Lydia Haskey		Yes
Corpus Christi RC High School	Lisvane	28/09/2016		Marcia Donovan	Yes
Fairwater Primary School	Fairwater	28/09/2016	Mrs Jacqueline Turnbull		Yes
Fitzalan High School 2 x vacancies	Canton	21/09/2016 19/07/2016	Cllr Patel Jaswant Singh		Yes Yes
Gladstone Primary School	Cathays	22/06/2016	Cllr Weaver		Yes
Grangetown Primary School	Grangetown	19/07/2016	Cllr Chris Lomax		Yes
Greenhill School 2 x vacancies	Rhiwbina	28/09/2016 28/09/2016			

School	Ward	Start of Vacancy	Re-appointment Requested	Applications Received	Approved
Hawthorn Primary School 2 x vacancies	Llandaff North	28/09/2016 28/09/2016			Deferred to September LA Panel Meeting
Hywel Dda Primary School 2 x vacancies	Ely	01/09/2016 20/07/2016	Cllr James Murphy Susan Jones		Yes Yes
Lansdowne Primary School	Canton	28/09/2016		Cllr Darren Williams	Yes
Llanishen Fach Primary School	Rhiwbina	20/07/2016	Cllr Eleanor Sanders		Yes
Llysfaen Primary School 2 x vacancies	Lisvane	28/09/2016 28/09/2016	Cllr David Walker Susan Powell		Yes Yes
Mary Immaculate High School	Caerau	28/09/2016	Sally Power		Yes
Meadowbank Special School	Llandaff North	28/09/2016	David Melding		Yes
Millbank Primary School	Caerau	20/07/2016			Deferred to September LA Panel Meeting
		21/09/2016	Diane Leigh		Yes
Moorland Primary School	Splott	26/09/2016			
Mount Stuart Primary School X 2 vacancies	Butetown	22/06/2016 21/09/2016	Ivor Gittens Derek Walker		Yes Yes
Ninian Park Primary School	Grangetown	21/06/2016	Cllr Ashley Govier		Yes
Pentrebane Primary School	Fairwater	27/06/2016			
Peter Lea Primary School	Fairwater	27/06/2016			
Radyr Comprehensive School	Radyr	21/09/2016	David Silver		Yes
Radyr Primary School	Radyr	21/09/2016	Cllr Rod McKerlich		Yes
Rhydypenau Primary School	Cyncoed	21/09/2016	Nonny Mathewson		Yes
Roath Park Primary School 2 x vacancies	Plasnewydd	26/09/2016 21/09/2016	Cllr Sue Lent	Shavannah Taj	Yes Yes
Rumney Primary School 2 x vacancies	Rumney	01/09/2016 01/09/2016	Cllr Bob Derbyshire Caroline Derbyshire		Yes Yes

School	Ward	Start of Vacancy	Re-appointment Requested	Applications Received	Approved
St Cadoc's RC Primary School	Llanrumney	21/09/2016	Cllr Jaqueline Parry		Yes
St David's C/W Primary School	Pentwyn	26/09/2016	Cllr Paul Chaundy		Yes
St Joseph's RC Primary School (Cardiff)	Gabalfa	28/09/2016	Simon Lawrence		Yes
St Mary The Virgin C/W Primary School	Butetown	22/06/2016	Cllr Ali Ahmed		Yes
St Mary's Catholic Primary School	Riverside	22/06/2016	Louisa Devonish		Yes
St Mellons C/W Primary School	Llanrumney	21/09/2016	Idris Meurig Thomas		Yes
St Philip Evans RC Primary School	Pentwyn	21/09/2016	Cllr Paul Chaundy		Yes
The Hollies School (Pentwyn)	Pentwyn	26/09/2016			
Tongwynlais Primary School 2 x vacancies	Whitchurch	26/09/2016 28/09/2016	Kathy Haggarty Cllr Ben Thomas		Yes Yes
Ton Yr Ywen Primary School	Heath	22/06/2016	Cllr Graham Hinchey		Yes
Ysgol Frelai Primary School	Caerau	22/06/2016	Cllr Elaine Simmons		Yes
Whitchurch High (Foundation) School	Whitchurch	11/09/2016			
Ysgol Willows High School	Splott	22/06/2016	Cllr Huw Thomas		Yes
Ysgol Glan Morfa	Splott	22/06/2016	Cllr Huw Thomas		Yes
Ysgol Gyfun Gymraeg Bro Eder 4 x vacancies	Penylan	28/09/2016 28/09/2016 28/09/2016 28/09/2016	Elinor Patchell Hefin Jones Alison Gale		Yes Yes Yes
Ysgol Gyfun Gymraeg Glantaf	Llandaff North	21/09/2016	Elinor Patchell		Yes
Ysgol Gyfun Gymraeg Plasmawr 2 x vacancies	Fairwater	26/09/2016 26/09/2016	Arun Midha		Yes
Ysgol Pen y Groes 3 x vacancies	Pentwyn	28/09/2016 28/09/2016 28/09/2016	Mike Landers		Yes
Ysgol y Berllan Deg	Pentwyn	21/09/2016			
Ysgol-Y-Wern	Llanishen	25/09/2016			

Mae'r dudalen hon yn wag yn fwriadol

**CITY & COUNTY OF CARDIFF  
DINAS A SIR CAERDYDD**



**COUNCIL**

**26 MAY 2016**

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**REPORT OF THE INTERIM MONITORING OFFICER**

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**MEMBERS' CODE OF CONDUCT – MINOR AMENDMENTS TO CODE AND ETHICAL FRAMEWORK**

**Purpose of the Report**

1. To inform Members of minor amendments to the Model Code of Conduct and other aspects of the ethical framework introduced by new legislation; and to recommend corresponding revisions to the Council's Members' Code of Conduct.

**Background**

2. The Local Government Act 2000, Part III (and regulations made thereunder) sets an ethical framework for the conduct of local government members. A key component of the ethical framework is the statutory Model Code of Conduct (issued under the Local Authorities (Model Code of Conduct) (Wales) Order 2008). The Council adopted the statutory Model Code in May 2008, as the Members' Code of Conduct.
3. In the 2012 White Paper, 'Promoting Local Democracy', the Welsh Government indicated its view that the current ethical framework provides an appropriate balance between guiding Members on the standards of conduct expected of them, and giving reassurance to the public that misconduct will be dealt with consistently and appropriately. However, the White Paper also set out a number of proposals for improving the operation of the ethical framework, some of which were introduced in the Local Government (Democracy)(Wales) Act 2013 ('the 2013 Act').

**Issues**

4. New subordinate legislation has now been introduced which is intended to support the proposed improvements to the ethical framework set out in the 2012 White Paper and introduced in the 2013 Act. The new legislation comprises of two new statutory instruments: the Local Authorities (Model Code of Conduct)(Wales)(Amendment) Order 2016 and the Local Government (Standards Committees, Investigations,

Dispensations and Referral)(Wales)(Amendment) Regulations 2016, both of which came into force on 1st April 2016.

5. The new legislation makes largely technical and consequential changes to the Model Code of Conduct and other subordinate legislation, intended to clarify certain issues and provide consistency with changes introduced by the 2013 Act.

### **Changes to the Model Code of Conduct**

6. The effect of the changes made to the Model Code of Conduct is shown in **Appendix A** to this report.
7. The key changes to the current Model Code, which are of relevance to Members of County Councils, are as follows:
  - a) Register of Interests - The requirements for registering personal interests are clarified, to require that any personal interest disclosed for the first time must be entered in the Members' register of interests. Currently, Cardiff Councillors complete an annual Register of Interests form which is published on the Council website (and must be updated within 28 days of any changes) and declare personal interests as they arise at meetings which are recorded in the minutes. In order to comply with the revised Model Code, the personal interest forms of interests declared at meetings will need to be published on the Council website as part of the Register of Interests.
  - b) Reporting a breach - The obligation on a Member to report a potential breach of the Code to the Ombudsman is removed, in recognition and support of the operation of local complaints protocols. However, this does not prevent a member from quite properly reporting a potentially serious breach of the Code to the Ombudsman. The requirement to report a breach to the Monitoring Officer is retained.
  - c) Ward interests - The personal interests provision regarding perceived conflict between a Member's ward role and decisions taken on behalf of the Authority (paragraph 10(2)(b) of the Code) is removed. This is to overcome unintended difficulties, where this provision has been interpreted as potentially precluding Members from participating in any decisions affecting their ward. Members are, however, reminded that when participating in decisions relating to their ward, they must be mindful of the general obligation to act objectively and in the wider public interest (pursuant to paragraph 8 of the Code).
8. The Council is required to consider the amendments to the Model Code and approve revisions to its Code of Conduct within 6 months from the date on which the 2016 Order was made. The 2016 Order was made on 27th January 2016, which means that amendments to the Members' Code of Conduct must be approved by the Council by no later than 26th July 2016.



9. Members should note that the provisions of the Model Code are mandatory for all Councils to adopt, although it is possible for additions to be inserted locally which go beyond the statutory requirements. None of the mandatory provisions of the Model Code can be excluded.
10. The Standards and Ethics Committee considered the changes to the Model Code at its meeting in March 2016, and its recommendation to Council is to amend the Members' Code of Conduct to reflect the revised Model Code.
11. The Council is required to publicise any changes to its Code of Conduct by way of newspaper notices and any other means considered appropriate, to make copies of the amended Code available for public inspection and to send a copy to the Public Services Ombudsman for Wales (in accordance with the provisions of section 51(6) of the Local Government Act 2000).
12. Members should also note that the undertaking to comply with the Code of Conduct which all Members will have given in their Declaration of Acceptance of Office (under section 83(1) of the Local Government Act 1972), applies to the Code of Conduct 'for the time being, as may be revised from time to time'. (A fresh undertaking to comply with the Code is only required when an authority adopts a code of conduct for the first time – pursuant to section 52(1) of the Local Government Act 2000).

### **Other changes to the ethical framework**

13. A number of other minor and consequential changes have been made to the ethical framework, in particular concerning the operation of Standards Committees and Monitoring Officers' functions. The changes are set out in the report to the Standards and Ethics Committee dated 22<sup>nd</sup> March 2016, appended as **Appendix B** to this report (specifically, paragraph 9 of that report).
14. Amongst the other changes is a removal of the current four year restriction on the term of office for local authority and community council members of a standards committee, to reflect the postponement of the 2016 local government elections. Under the new provisions, the term of office of local authority and community council members may continue up until the next ordinary elections following the member's appointment. The current Community Council representative on the Standards and Ethics committee has confirmed he is content to remain as a Committee member until the 2017 Local Government elections.
15. However, Article 9 of the Council's Constitution, which reflects the statutory provisions regarding Standards Committee members' terms of office, needs to be amended to reflect the removal of the four year restriction. Council is recommended to authorise the Monitoring Officer to make the necessary Constitution amendments.

## Legal Implications

16. These are set out in the body of the report.

## Financial Implications

17. There are none arising directly from this report.

## Recommendations

Council is recommended to:

1. note the amendments made to the Model Code of Conduct and other aspects of the statutory ethical framework, as set out in the report;
2. approve the amendment of the Members' Code of Conduct, in accordance with the revised Model Code, as set out in **Appendix A**; and
3. delegate authority to the Interim Monitoring Officer to:
  - (i) publicise the changes to the Members' Code of Conduct, as required by law (and set out in paragraph 11 of the report); and
  - (ii) make the necessary amendments to Article 9 of the Constitution ('Standards and Ethics Committee), as set out in paragraph 15 of the report.

**David Marr**  
**Interim Monitoring Officer**  
20 May 2016

## APPENDICES

Appendix A Amended Model Code of Conduct  
Appendix B Standards and Ethics Committee report, 22<sup>nd</sup> March 2016, 'Minor Amendments to Members' Code of Conduct and Ethical Framework'

### Background papers

Council report, 'The Local Authorities (Model Code of Conduct)(Wales) Order 2008 – New Code of Conduct', 15 May 2008; and minutes thereof

Standards and Ethics Committee report 'New Statutory Instruments on the Ethical Framework - Welsh Government Consultation', 15 December 2015

Welsh Government's letter dated 2<sup>nd</sup> March 2016 'Local Government Ethical Framework', informing Authorities about the new legislation

Welsh Government Consultation Document, 'Local Government Act 2000 – Part III, Conduct of Local Government Members, Amendments to Subordinate Legislation, 30 November 2015

Status:  Law In Force

## Local Authorities (Model Code of Conduct) (Wales) Order 2008/788

### Schedule 1

This version in force from: **April 1, 2016** to **present**

(version 3 of 3)

## THE MODEL CODE OF CONDUCT

### PART 1 INTERPRETATION

#### 1.—

(1) In this code—

*“co-opted member”* (*“aelod cyfetholedig”*), in relation to a relevant authority, means a person who is not a member of the authority but who—

(a) is a member of any committee or sub-committee of the authority, or

(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee;

*“meeting”* (*“cyfarfod”*) means any meeting—

(a) of the relevant authority,

(b) of any executive or board of the relevant authority,

(c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or

(d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990

<sup>1</sup>

,

and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

*“member”* (*“aelod”*) includes, unless the context requires otherwise, a co-opted member;

[*“register of members’ interests”* (*“cofrestr o fuddiannau’r aelodau”*) means the register established and maintained under [section 81](#) of the [Local Government Act 2000](#);

<sup>2</sup>

[*“registered society”* means a society, other than a society registered as a credit union, which is—

(a) a registered society within the meaning given by [section 1\(1\)](#) of the [Co-operative and Community Benefit Societies Act 2014](#); or

(b) a society registered or deemed to be registered under the Industrial and Provident

Societies Act (Northern Ireland) 1969;

]

“*relevant authority*” (“*awdurdod perthnasol*”) means—

- (a) a county council,
- (b) a county borough council,
- (c) a community council,
- (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
- (e) a National Park authority established under section 63 of the Environment Act 1995;

“*you*” (“*chi*”) means you as a member or co-opted member of a relevant authority; and

“*your authority*” (“*eich awdurdod*”) means the relevant authority of which you are a member or co-opted member.

[

(2) In relation to a community council—

(a) “*proper officer*” (“*swyddog priodol*”) means an officer of that council within the meaning of [section 270\(3\)](#) of the [Local Government Act 1972](#); and

(b) “*standards committee*” (“*pwylgor safonau*”) means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under [section 56\(1\) and \(2\)](#) of the [Local Government Act 2000](#).

]

## PART 2 GENERAL PROVISIONS

### 2.—

(1) Save where paragraph 3(a) applies, you must observe this code of conduct—

- (a) whenever you conduct the business, or are present at a meeting, of your authority;
- (b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
- (c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or
- (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

**3.**

Where you are elected, appointed or nominated by your authority to serve—

(a) on another relevant authority, or any other body, which includes a [...] <sup>5</sup>

Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or

(b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

**4.**

You must—

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;

(b) show respect and consideration for others;

(c) not use bullying behaviour or harass any person; and

(d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

**5.**

You must not—

(a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;

(b) prevent any person from gaining access to information to which that person is entitled by law.

**6.—**

(1) You must—

(a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;

(b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);

(c) report [...] <sup>6</sup>

to your authority's monitoring officer any conduct by another member which you

reasonably believe breaches this code of conduct;

(d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

## 7.

You must not—

(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;

(b) use, or authorise others to use, the resources of your authority—

(i) imprudently;

(ii) in breach of your authority's requirements;

(iii) unlawfully;

(iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;

(v) improperly for political purposes; or

(vi) improperly for private purposes.

## 8.

You must—

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by—

(i) the authority's head of paid service;

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

(iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

## 9.

You must—

(a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;

(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

## PART 3 INTERESTS

### Personal Interests

## 10.—

(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your authority if—

(a) it relates to, or is likely to affect—

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(viii) any body to which you have been elected, appointed or nominated by your

authority;

(ix) any—

(aa) public authority or body exercising functions of a public nature;

(bb) company, [registered society]

<sup>z</sup>, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) trade union or professional association; or

(ee) private club, society or association operating within your authority's area,

in which you have membership or hold a position of general control or management;

(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

[...]  
<sup>8</sup>

(c) a decision upon it might reasonably be regarded as affecting—

(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(c)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

(iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

to a greater extent than the majority of—

(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

## Disclosure of Personal Interests



**11.—**

(1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make—

(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or

(b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer [, or in relation to a community council, your authority's proper officer]

from time to time but, as a minimum containing—

(a) details of the personal interest;

(b) details of the business to which the personal interest relates; and

(c) your signature.

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

### **Prejudicial Interests**

## 12.—

(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—

(a) relates to—

(i) another relevant authority of which you are also a member;

(ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;

(iii) a body to which you have been elected, appointed or nominated by your authority;

(iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;

(v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to—

(i) the housing functions of your authority where you hold a tenancy or lease with your authority,

provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;

(ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

(iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

[

(iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of [Part 8](#) of the [Local Government \(Wales\) Measure 2011](#), or an allowance or pension provided under [section 18](#) of the [Local Government and Housing Act 1989](#);

]

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

### **Overview and Scrutiny Committees**

#### **13.**

You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

### **Participation in Relation to Disclosed Interests**

#### **14.—**

(1) Subject to sub-paragraphs (2), [(2A), ]

(3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee—

(a) withdraw from the room, chamber or place where a meeting considering the business is being held—

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business,

provided that the public are also allowed to attend the meeting for the same purpose,

whether under a statutory right or otherwise.

[

(2A) Where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under a statutory right or otherwise.

(2B) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.

] [12](#)

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if—

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you—

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing—

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

## **PART 4 THE REGISTER OF MEMBERS' INTERESTS**

### **Registration of Financial and Other Interests and Memberships and Management Positions**

[

#### **15.— Registration of Personal Interests**

(1) Subject to sub-paragraph (4), you must, within 28 days of—

(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(b) your election or appointment to office (if that is later),

register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a), in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(3) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

(4) Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).

(5) Sub-paragraphs (1) and (2) do not apply if you are a member of a relevant authority which is community council when you act in your capacity as a member of such an authority.

(6) You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

[1](#)  
[13](#)

## Sensitive information

### 16.—

(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer [, or in relation to a community council, your authority's proper officer]

[14](#)

asking that the information be included in your authority's register of members' interests.

(3) In this code, “*sensitive information*” (“*gwybodaeth sensitif*”) means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

## Registration of Gifts and Hospitality

### 17.

You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer [, or in relation to a community council, to your authority's proper officer ]

[15](#)

of the existence and nature of that gift, hospitality, material benefit or advantage.

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## Notes

1. S.I. 1990/1553 as amended by S.I. 1991/1389; S.I. 1993/1339; S.I. 1998/1918; and S.I. 1999/500.
2. Definition inserted in para.1(1) by Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016/84 [art.2\(2\)\(a\)](#) (April 1, 2016)
3. Definition of 'registered society' inserted in para.1 of Sch.1 by Co-operative and Community Benefit Societies and Credit Unions Act 2010 (Consequential Amendments) Regulations 2014/1815 [Sch.1 para.21\(a\)](#) (August 1, 2014 immediately after 2014 c.14)
4. Para.1(2) substituted by Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016/84 [art.2\(2\)\(b\)](#) (April 1, 2016)
5. Words revoked in para.3(a) by Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016/84 [art.2\(3\)\(a\)](#) (April 1, 2016)
6. Words revoked in para.6(1)(c) by Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016/84 [art.2\(3\)\(b\)](#) (April 1, 2016)
7. Words substituted in Sch.1 para.10(2)(a)(ix)(bb) by Co-operative and Community Benefit Societies and Credit Unions Act 2010 (Consequential Amendments) Regulations 2014/1815 [Sch.1 para.21\(b\)](#) (August 1, 2014 immediately after 2014 c.14)
8. Para.10(2)(b) revoked by Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016/84 [art.2\(4\)\(a\)](#) (April 1, 2016)
9. Words inserted in para.11(4) by Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016/84 [art.2\(4\)\(b\)](#) (April 1, 2016)
10. Para.12(2)(b)(iv) substituted by Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016/84 [art.2\(4\)\(c\)](#) (April 1, 2016)
11. Word inserted in para.14(1) by Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016/84 [art.2\(4\)\(d\)\(i\)](#) (April 1, 2016)
12. Para.14(2A) and (2B) inserted by Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016/84 [art.2\(4\)\(d\)\(ii\)](#) (April 1, 2016)
13. Para.15 substituted by Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016/84 [art.2\(5\)\(a\)](#) (April 1, 2016)
14. Words inserted in para.16(2) by Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016/84 [art.2\(5\)\(b\)](#) (April 1, 2016)
15. Words inserted in para.17 by Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016/84 [art.2\(5\)\(c\)](#) (April 1, 2016)

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**Subject:** Local government



**STANDARDS AND ETHICS COMMITTEE:**

**22 MARCH 2016**

**REPORT OF THE INTERIM MONITORING OFFICER**

**AGENDA ITEM: 8**

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**MINOR AMENDMENTS TO MEMBERS' CODE OF CONDUCT AND  
ETHICAL FRAMEWORK**

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**Reason for this Report**

1. To inform the Committee of minor amendments to the Model Code of Conduct and various other aspects of the statutory ethical framework, which have been introduced by new subordinate legislation made by the Welsh Government.

**Background**

2. The Local Government Act 2000, Part III (and regulations made thereunder) sets an ethical framework for the conduct of local government members. In its 2012 White Paper, 'Promoting Local Democracy', the Welsh Government set out a number of proposals for improving the operation of the framework, some of which were addressed in the Local Government (Democracy)(Wales) Act 2013 ('the 2013 Act').
3. On 30<sup>th</sup> November 2015, the Welsh Government issued a consultation on two draft statutory instruments (under Part III of the Local Government Act 2000), intended to give effect to the policy proposals set out in the 2012 White Paper and consequential upon the legislative changes introduced by the 2013 Act and related matters.
4. The proposed changes were considered by the Committee at its meeting in December 2015. The Committee noted that the proposals were largely technical, in that substantive changes to the law had already been made by the 2013 Act, and the proposals were mostly consequential changes to subordinate legislation and the Model Code of Conduct to make them compatible with the primary legislation.
5. The Committee expressed no concerns with the proposed amendments, but it was suggested that the Welsh Government should be asked to take this

opportunity to review the current restriction on the size of a standards committee, in light of the quorum problems which had been experienced in Cardiff. The Committee delegated authority to the Monitoring Officer, in consultation with the Chair, to prepare and submit a response to the Welsh Government's consultation on behalf of the Committee. A response on behalf of the Committee was sent accordingly.

## Issues

6. Two new statutory instruments have now been made, both of which come into force on 1<sup>st</sup> April 2016. The key changes introduced are set out below.

### The Local Authorities (Model Code of Conduct)(Wales)(Amendment) Order 2016

7. This Order amends the Model Code of Conduct for Members as follows:
  - a) Consequential amendments are made to reflect the transfer of responsibility for the maintenance of community councils' registers of interests from the Monitoring Officer to the 'proper officer' of each community council, which was introduced by the 2013 Act with effect from 1<sup>st</sup> May 2015.
  - b) The requirements for registering interests are clarified, to require that any interest disclosed for the first time must be entered in the Members' register of interests. This requirement applies to both Community Councillors and County Councillors, although the exemption for Community Councillors from the advance registration requirements (applicable to certain financial and other interests) is maintained.
  - c) The obligation on a Member to report a potential breach of the Code to the Ombudsman is removed.
  - d) The personal interests provision regarding perceived conflict between a Member's ward role and decisions taken on behalf of the Authority (paragraph 10(2)(b) of the Code) is removed. This is to overcome unintended difficulties in relation to Members' participation in business relating to their ward. Members are, however, reminded that when participating in decisions relating to their ward, they must be mindful of the general obligation to act objectively and in the wider public interest (pursuant to paragraph 8 of the Code).
8. The Council is required to consider the amendments to the Model Code and adopt a revised Code of Conduct within 6 months from the date on which the Amendment Order is made. The Amendment Order was made on 27<sup>th</sup> January 2016, which means a revised Code must be adopted by 26<sup>th</sup> July 2016. However, it is suggested that Authorities should adopt a revised Code no later than their forthcoming annual meetings.

### Local Government (Standards Committees, Investigations, Dispensations and Referral)(Wales)(Amendment) Regulations 2016

9. This Order amends 3 statutory instruments (the Standards Committee Regulations 2001, the Functions of Monitoring Officers and Standards



Committees Regulations 2001, and the Grant of Dispensations Regulations 2001), as follows:

- a) A number of consequential amendments are made to include reference to joint standards committees, introduced by the 2013 Act.
  - b) The current maximum term of office for local authority and community council members of a standards committee (4 years) is removed, to reflect the postponement of the 2016 local government elections. Article 9 of the Council's Constitution needs to be amended accordingly; and consideration needs to be given to extending current Members' (in particular, the Community Council Committee member's) terms of office at the Council's forthcoming annual meeting.
  - c) Provision is made to enable standards committees to delay publication of agendas and information related to consideration of misconduct investigations until the misconduct proceedings are concluded. It is suggested, however, that misconduct hearings should generally be held in public, unless there are particular reasons why some or all of the proceedings should be held in private.
  - d) Provision is made to allow referral of misconduct matters to the standards committee of another authority, in order to overcome any potential conflict of interest which a standards committee may have.
  - e) The period of suspension imposed by a standards committee is limited to the remainder of a Members' term of office if this is less than 6 months. This clarification is in line with comparable powers of the Adjudication Panel.
  - f) A new requirement is introduced for a Member to seek permission from the President or nominated member of the Adjudication Panel for Wales in order to appeal against the determination of a standards committee. This is intended to remove frivolous or unmeritorious appeals.
  - g) Provision is made to allow referral of a dispensation application to the standards committee of another authority, for example, where there is a potential conflict of interest or to expedite an urgent application.
  - h) A new general dispensation category is introduced to enable a standards committee to grant a dispensation, allowing a Member with an otherwise prejudicial interest to participate in a matter, if it considers it appropriate in all the circumstances. The Committee's Policy on Dispensations will need to be amended to include this new basis for a dispensation.
10. Members will note that certain constitutional and policy amendments are required in order to reflect the above legislative changes. Members will also note that the Committee's suggestion regarding the current restriction on the size of a standards committee has not, unfortunately, been addressed by the Welsh Government at this time.

### **Legal Implications**

11. Relevant legal provisions are set out in the body of the report.

### **Financial Implications**

12. There are no financial implications arising from this report.

## **RECOMMENDATION**

The Committee is recommended to:

1. Note the amendments made to the Model Code of Conduct and certain aspects of the statutory ethical framework, as set out in the report;
2. Recommend to Council the adoption of a revised Code of Conduct for Members, reflecting the amendments to the Model Code;
3. Delegate authority to the Monitoring Officer to make the necessary amendments to:
  - (a) Article 9 of the Constitution ('Standards and Ethics Committee'), subject to the approval of Council, and
  - (b) the Committee's Policy on Dispensations, in consultation with the Chair.

**David Marr**  
**Interim Monitoring Officer**  
15 March 2016

### Background Papers

Welsh Government's letter dated 2<sup>nd</sup> March 2016 'Local Government Ethical Framework', informing Authorities about the new legislation

Standards and Ethics Committee report 'New Statutory Instruments on the Ethical Framework - Welsh Government Consultation', 15 December 2015

Welsh Government Consultation Document, 'Local Government Act 2000 – Part III, Conduct of Local Government Members, Amendments to Subordinate Legislation, 30 November 2015

# CITY & COUNTY OF CARDIFF DINAS A SIR CAERDYDD



**ANNUAL COUNCIL:**

**26 MAY 2016**

## REPORT OF THE CHIEF EXECUTIVE

### MEMBERS' REMUNERATION AND ALLOWANCES 2016/17

#### Reason for this Report

1. To note the prescribed levels of Members' remuneration and allowances that are payable in 2016/17, as determined by the Independent Remuneration Panel for Wales (The Panel), and agree those matters which are reserved for local determination by the Council.

#### Background

2. The Independent Remuneration Panel for Wales is a statutory body that was established initially by the Welsh Government in January 2008 to recommend the levels of salaries, allowances and expenses payable to Councillors and Co-opted Members. The Local Government (Wales) Measure 2011 gave the Independent Remuneration Panel for Wales additional powers to prescribe the levels of member remuneration and allowances. The Panel also received further powers following the introduction of the Local Government (Democracy) (Wales) Act 2013.
3. The Panel's 8<sup>th</sup> Annual Report was published in February 2016 and a relevant authority must implement the Panel's determinations in the report for 2016/17 from the date of its Annual Meeting. The report is available on the Independent Remuneration Panel for Wales website via the following link:  
<http://gov.wales/docs/dsjlg/publications/160217-irp-annual-report-16-17-en.pdf>

#### Issues

4. For the first time, the Panel was provided with a 'remit' letter in March 2015 by the Minister for Public Services, which drew the Panel's attention to the Welsh Government's desire to reduce the cost of politics to the public purse and pointed to a number of aspects of the current remuneration framework for consideration. The Minister also asked the Panel to consider whether the rates of payment to leaders and cabinet members is justified when compared with those paid in similarly sized councils in other parts of the UK. The Panel has given due consideration to the remit letter and has reached its determinations for 2016/17 without direction from the Welsh Government.
5. For 2016/17, the Panel has decided not to increase the basic or senior salaries because of the continuing constraints on local government spending.

Following consideration of advice and comparative information provided by a UK expert on elected member remuneration, the Panel is also reassured that, generally, the rates of Senior Salary that it has determined for leaders and cabinet members in Wales are both justified and appropriate in comparison to those of other UK nations.

6. The Panel remains firmly of the view that maintaining the democratic values of local government cannot be cost free, but payments to Members for their time, worth and responsibility must be, and must be seen to be, fair and affordable. Publicly funded remuneration is made available to encourage a diversity of willing and able people to undertake local governance through their elected, appointed or co-opted roles.

#### Basic Salary

7. The Panel has determined that the Basic Salary that is payable to elected Members of all principal councils in Wales will remain at **£13,300** in 2016/17. This amount has remained unchanged since 2014/15.

#### Senior Salary

8. The Panel has determined that the Senior Salaries payable in 2016/17 by local authorities in population Group A (i.e. those with populations over 200,000, which includes Cardiff) are as follows:

<b>Bands of Responsibility</b>	<b>Role(s)</b>	<b>Senior Salaries determined by the Panel for 2016/17 (inclusive of Basic Salary)</b>
Band 1	Leader	£53,000
	Deputy Leader	£37,000
Band 2	Cabinet Members – Level 1	£32,000
	Cabinet Members – Level 2	£28,800
Band 3	Committee Chairs – Level 1 (if remunerated)	£22,000
	Committee Chairs – Level 2 (if remunerated)	£20,000
Band 4	Leader of largest opposition group	£22,000
Band 5	Leader(s) of other political group(s) comprising at least 10% membership of the Authority (if remunerated)	£17,000

9. Whilst the Panel has decided not to increase Senior Salaries in 2016/17, it has made some changes to Band 2 and 3 Senior Salaries to provide greater opportunities for flexibility at a local level to reflect the variations in the governance structures of principal councils. The Panel has introduced two salary levels for Cabinet Members (except Leaders and Deputy Leaders) and for Committee Chairs (if remunerated) of principal councils so that they can take account of the differences in responsibilities that may be attached to specific posts.
10. It is at the discretion of each council as to which salary level is paid according to local circumstances. Nevertheless, the Panel considers that, in many instances, there are differences in the responsibilities attached to the portfolios of Cabinet Members and this should be reflected in the level of salary paid. The same principle also applies to Committee Chairs.
11. It is a matter for individual authorities to decide the implementation of the determinations on Senior Salary within their specific Cabinet structures. In 2016/17, it is proposed that the Band 2 Senior Salary payable to all Cabinet Members (except for the Leader and Deputy Leader) should be set in accordance with the Level 1 payment (£32,000) prescribed by the Panel that is applicable to the Council (i.e. population Group A). This would be broadly consistent with the Basic and Special Responsibility Allowances paid currently to Cabinet Members by other Core Cities such as Bristol, Manchester and Nottingham, as well as with the Level 1 payment that was agreed by Swansea Council (Group A principal council) at its Annual Meeting on 19 May 2016. It would also continue the payment of the Band 2 Senior Salary in 2016/17 at the same level that has been paid since 2014/15.
12. It is a matter for individual authorities to determine at which level a Chair is paid to reflect the appropriate responsibility attached to the specific post. In 2016/17, it is proposed that the Band 3 Senior Salary payable to those Committee Chairs that are remunerated should be set in accordance with the Level 1 payment (£22,000) prescribed by the Panel. Again, this would be consistent with the Level 1 payment that was agreed by Swansea Council (Group A principal council) at its Annual Meeting on 19 May 2016 and would continue the payment of the Band 3 Senior Salary in 2016/17 at the same level that has been paid since 2014/15.
13. The level of Senior Salary set by the Panel is inclusive of Basic Salary and Members must not be paid more than one Senior Salary by his or her Authority. In addition, Cabinet Members in receipt of a Band 1 or Band 2 Senior Salary cannot receive a salary from the Fire & Rescue Authority to which they have been appointed.

#### Allocation of Senior Salary Positions

14. The Panel has determined that there is no change to the maximum number of the Council's membership that is eligible to receive a Senior Salary in 2016/17. In Cardiff (Population Group A), the maximum number of Senior Salary positions is 19, excluding Civic Salary positions.
15. At the Annual Meeting of Council in May 2015, the Council agreed initially to allocate 18 of the maximum of 19 Senior Salaries allowable in 2015/16. An

additional Senior Salary (Band 5) for the Leader of the Conservative Group, payable on a pro rata basis from 26 June 2015 for the remainder of 2015/16, was agreed by the Council on 25 June 2015. This followed an increase in the group membership to 8 Members in June 2015, which increased further to 9 Members following the Pentyrch By-Election that was held on 30 June 2015. This meant that the Conservative Group exceeded the eligibility threshold of 10% of the Council's membership that applies to the payment of a Band 5 Senior Salary to Leaders of other political groups.

16. The 19 Senior Salaries paid by the Council from 26 June 2015 were as follows:

<b>Bands of Responsibility</b>	<b>Role(s)</b>	<b>No. of Senior Salary Positions</b>
Band 1	Leader	1
	Deputy Leader	1
Band 2	Other Cabinet Members	7
Band 3	Scrutiny Committee Chairs	5
	Planning Committee Chair	1
	Licensing / Public Protection Committees Chair	1
	Democratic Services Committee Chair	1
Band 4	Leader of largest opposition group	1
Band 5	Leader of the Conservative Group	1
<b>Total =</b>		<b>19</b>

17. The Panel has taken the view that the payment of the Leader of the largest opposition group (subject to the political group comprising at least 10% membership of the Authority) is important for local democracy. The Panel have therefore continued their previous determination that this Band 4 Senior Salary must be paid.

#### Specific or Additional Senior Salaries

18. The Panel has also determined that a provision for 'development posts' is to be included within the Remuneration Framework. In accordance with guidance issued by the Panel in 2014, this allows principal councils to apply to the Panel for specific and additional Senior Salaries, which do not fall within the current Remuneration Framework or which could not be accommodated within the maximum number of Senior Salaries payable, for a 'development post' that a principal council considers to be important and involves a significant, sustained and additional responsibility. Any applications to the Panel must provide clear evidence that the post(s) have additional

responsibility demonstrated by a description of the role, function and duration and would be subject to both approval and formal review by Full Council.

### Civic Salary

19. The Panel has determined that the levels of Civic Salary (inclusive of Basic Salary) which are payable in 2016/17 should remain the same as 2015/16 and will be applied by individual authorities as each considers appropriate, taking account of the anticipated workload and responsibilities of Civic Heads and Deputy Civic Heads:

<b>Responsibility Level</b>	<b>Civic Heads (inclusive of Basic Salary)</b>	<b>Deputy Civic Heads (inclusive of Basic Salary)</b>
Level 1	£24,000	£18,000
Level 2	£21,500	£16,000
Level 3	£19,000	£14,000

20. A Councillor must not be paid a Senior Salary and a Civic Salary.
21. It is proposed that a Level 1 Civic Salary will be paid by the Council in 2016/17 to both the Civic Head/Lord Mayor (£24,000) and Deputy Civic Head/Deputy Lord Mayor (£18,000), which would be commensurate with Cardiff's status as the Capital City of Wales and the associated civic responsibilities and workload during the municipal year.

### Presiding Member and Deputy Presiding Member

22. The Local Government (Democracy) (Wales) Act 2013 allows local authorities to appoint an additional post of Presiding Member, in addition to a Civic Leader, who would Chair the business meetings of the Council. A Council may also appoint a Deputy Presiding Member.
23. Where appointed and if remunerated, the Panel has determined that a Presiding Member must be paid a Band 3 Level 1 Senior Salary (£22,000). The post would also count towards the maximum number of Senior Salaries which can be allocated by the Council (i.e. 19). The Panel has also determined that the position of Deputy Presiding Member will not be remunerated.

### Joint Overview and Scrutiny Committees (JOSCs)

24. Two or more authorities can establish joint scrutiny committees and decide whether or not the chairs of those committees (or a sub-committee of a joint scrutiny committee) will be paid. If they decide to make payments, the following determinations by the Panel, which will apply for 2016/17:
25. If a Senior Salary is paid for this role, the Panel has determined that the Chair of a JOSC is eligible for a Senior Salary of **£6,700**, which is equivalent to that part of a Band 3 Level 2 Senior Salary for a Committee Chair (i.e. £20,000),

excluding the amount of Basic Salary (£13,300). In cases where the Chair of a JOSC is already in receipt of a Band 3, 4 or 5 Senior Salary, the payment will be **£3,350**.

26. The Chair of a JOSC Sub Committee is eligible for a salary of **£1,675**. In cases where the Chair of the JOSC Sub Committee is already in receipt of a Band 3, 4 or 5 Senior Salary, the payment will be **£837**. Payments to Chairs of JOSC Task & Finish Sub Committees are to be pro-rated to the duration of the task.
27. Payments made to a Chair of a JOSC or a Chair of a JOSC Sub Committee are additional to the maximum proportion of the Council's membership that is eligible to be paid a Senior Salary (i.e. 25% of membership). However, this should not exceed the statutory limit on Senior Salary payments of no more than 50% of a council's membership.
28. Deputy Chairs of JOSCs or JOSC Sub Committees are not eligible for payment. In addition, Co-opted Members of JOSCs or JOSC Sub Committees are not eligible for payment of a Co-opted Member fee unless they are appointed by an authority under Section 144(5) of the Local Government (Wales) Measure 2011 and have voting rights.

#### Pensions

29. The Panel has determined that the entitlement to join the Local Government Pension Scheme (LGPS) shall apply to all elected members of principal councils.

#### Co-opted Member Payments

30. The Panel has determined that there will be no change to the payments or fees which must be paid to Co-opted Members (provided that they are Co-opted Members with voting rights) in 2016/17. The payments are as follows:

<b>Co-opted Members (with voting rights)</b>	<b>Co-opted Member Payments</b>
Chairs of: <ul style="list-style-type: none"> <li>• Standards &amp; Ethics Committee;</li> <li>• Audit Committee (if chaired by independent/lay member)</li> </ul>	£256 (4 hours and over)  £128 (up to 4 hours)
Co-opted Ordinary Members of the Council's Standards & Ethics Committee who also chair standards committees for community councils	£226 (4 hours and over)  £113 (up to 4 hours)
Ordinary Members of: <ul style="list-style-type: none"> <li>• Standards &amp; Ethics Committee;</li> <li>• Education Scrutiny Committee;</li> <li>• Crime &amp; Disorder Scrutiny Committee;</li> <li>• Audit Committee.</li> </ul>	£198 (4 hours and over)  £99 (up to 4 hours)

31. The level of Co-opted Member payments is equivalent to the current daily rates for chairs and members of the Welsh Government's Band 2 sponsored



bodies. The Panel has noted that there has been no uplift in these payment levels across such bodies since 2010.

32. The Panel determined that a Council can decide on a maximum number of days for which Co-opted Members may be paid in any one year. Since 2013/14, the Council has agreed to cap the payments to Co-opted Members at a maximum of the equivalent of 10 full days a year for each Committee to which an independent/lay member has been co-opted (i.e. maximum payments totalling £2560 to Co-opted Member Chairs of Committees and £1980 to Co-opted Ordinary Members of Committees). It is proposed that this maximum or 'cap' of the equivalent of 10 full days a year for each Committee including Co-opted Members should be retained by the Council in 2016/17.
33. A full day meeting is defined by the Panel as over 4 hours and a half day meeting is defined as up to 4 hours. Eligible meetings include other committees and working groups (including task & finish groups), pre-meetings with officers, training and attendance at conferences or any other formal meeting to which Co-opted Members are requested to attend.
34. Co-opted Members with voting rights can claim travel allowance for travelling time to/from the place of the meeting and reasonable time for pre-meeting preparation, the extent of which can be determined by the appropriate officer in advance of the meeting. The appropriate officer can also determine in advance whether a meeting is programmed for a full day (over 4 hours) and Co-opted Member payments will be made on the basis of this determination even if the meeting finishes before 4 hours has elapsed.
35. Co-opted Members are also eligible to claim for Care, Travel and Subsistence Allowances, where applicable.

### **Allowances**

36. The Panel has determined that the term 'allowance' is reserved for payments which are for the reimbursement of actual expenses (e.g. for care, travel and subsistence) which are necessarily incurred by Members and Co-opted Members when conducting their duties as part of official business.

### Care Allowance

37. The Panel has determined that, for 2016/17, Care Allowance will continue to be payable up to a **maximum payment of £403 per month** (depending upon actual costs incurred) to reimburse those Members or Co-opted Members who incur necessary expenses for the care of dependent children or adults or the care of personal assistance needs (provided by informal or formal carers) whilst undertaking their duties.
38. Reimbursement of expenses will only be made on the basis of the submission of a monthly claim form listing the duties completed or official business undertaken, together with the production of receipts for the cost of the formal and informal care arrangements claimed. The Panel has confirmed that, as this is a contribution to actual monthly costs, this payment cannot be annualised.

### Travel Allowance

39. The Travel Allowance payable in 2016/17 is linked to current HM Revenue & Customs (HMRC) rates and is unchanged and payable as follows:

<b>45p per mile</b>	Up to 10,000 miles in a year by car
<b>25p per mile</b>	Over 10,000 miles in a year by car
<b>5p per passenger per mile</b>	Passenger supplement
<b>24p per mile</b>	Motor cycles
<b>20p per mile</b>	Bicycles

40. Claims for the reimbursement of travel expenses incurred as part of official business will be payable on the completion of the relevant claim form and should be accompanied by VAT fuel receipts, where appropriate. All claims for other travel expenses (e.g. public transport) will only be reimbursed on production of receipts and are subject to any further requirements or limitations set by the Council.
41. Travel expenses paid to councillors by their local authority are exempt from Income Tax and employee National Insurance contributions.

#### Subsistence Allowance

42. Subsistence Allowance will only be paid for 'out-of-county' expenses incurred as part of official business outside the Council's administrative boundaries. Payment of a subsistence allowance to a local authority member for the performance of official business within the boundaries of a county or county borough where s/he is a member should only be made when the authority is satisfied that it can be justified on economic grounds. This does not apply in respect of co-opted members of a local authority who live outside that authority.
43. In terms of Subsistence Allowance for the reimbursement of the cost of any meals within a 24-hour period, the Panel has determined that a **maximum of £28 per day** is payable in 2016/17 (including breakfast if not included in overnight accommodation costs), provided that any claim for expenses is supported by receipts.
44. In terms of Subsistence Allowance which is payable in 2016/17 for the reimbursement of the cost of overnight accommodation, the Panel has determined that the maximum levels payable be set in line with Welsh Government rates and paid as follows:

<b>Max. £200 per night</b>	Overnight stay in London
<b>Max. £95 per night</b>	Overnight stay elsewhere
<b>Max. £30 per night</b>	Overnight stay with friends and/or family

45. In 2016/17, the Subsistence Allowance payable for an overnight stay in London has been increased to a maximum of £200 per night to £150 per night.

night. Likewise, the maximum amount payable for an overnight stay with friends and/or family has been increased from £25 per night to £30 per night. The maximum amount payable for an overnight stay elsewhere in the UK remains unchanged at £95 per night.

46. The Panel has confirmed that the above limits apply when an individual Member claims in arrears for the reimbursement of overnight accommodation costs and do not apply when the Council reserves and pays directly for overnight accommodation. However, costs incurred must still be within reasonable limits to be set by the local authority.

#### Entitlement to Family Absence

47. Members are entitled to the following periods of family absence under the Family Allowance for Members of Local Authorities (Wales) Regulations 2013:

- Maternity Absence – Available to pregnant Members who can take an absence period of up to a maximum of 26 weeks beginning any time between 11 weeks before up to the date of childbirth.
- Newborn Absence – Available to a Member who is the father or, is married to, is the civil partner or is the partner of a child's mother and expects to have the main responsibility for the upbringing of the child. Up to two consecutive weeks are available to be taken within 56 days following a child's birth.
- Adopter's Absence – Available to a Member who adopts a child. Up to two consecutive weeks are available to be taken within 56 days of a child being adopted.
- New Adoption Absence – Available to a Member who is married to, the civil partner or partner of a person adopting a child and expects to have the main responsibility for the upbringing of the child. Up to two consecutive weeks are available to be taken within 56 days of a child being adopted.
- Parental Absence – Available to a Member who has or expects to have responsibility for the care of a child and does not satisfy the criteria for Newborn Absence, Adopters Absence or New Adoption Absence. Up to three months can be taken in a single or a series of absences from the date a Member assumes responsibility for the care of a child under the age of 14 and ends 1 year later.

48. Members are entitled to retain their Basic Salary during any period of family absence irrespective of the attendance record immediately preceding the commencement of family absence.

49. When a Senior Salary holder is eligible for family absence he/she will continue to receive the salary for the duration of the absence. Should a Senior Salary holder take a period of family absence, a substitute appointment can be made to that Senior Salary post and a Senior Salary paid (an addition is then allowed to the maximum number of senior salaries allowed for the duration of the substitution, the schedule of remuneration must be amended and the Panel must be informed).

#### Supporting the Work of Local Authority Elected Members

50. The Panel has determined that each Authority, through its Democratic Services Committee, must ensure that all Members are given as much support as is necessary to enable them to fulfil their duties effectively. All Members should be provided with adequate telephone and email facilities and electronic access to appropriate information.
51. The Panel has further determined that such support should be provided without cost to individual Members. Deductions must not be made from Members' salaries as a contribution towards those support costs which the Authority has decided necessary for the effectiveness and/or efficiency of Members.

#### Publication of Remuneration and Allowances Information

52. The Council is required to agree, publish and maintain an annual Schedule of Member Remuneration, which sets out details of the specific payments that it intends to make to Members and Co-opted Members in accordance with the levels of remuneration and allowances determined by the Panel. In accordance with the Panel Regulations, the Council is required to produce a schedule of payments to Members and Co-opted Members no later than four weeks following the Council's Annual Meeting and to publish the Schedule of Member Remuneration as soon as practicable after determining the schedule of payments for the year and not later than 31 July 2016. In order to comply with this timescale, the Council's Schedule of Member Remuneration for 2016/17 is to be submitted for consideration by Council on 30 June 2016.
53. Details of Members' remuneration and allowances, including expenses claims made by Members and payments made to Members who are appointed by the Council to other public bodies, will also be published on the Council's website. The Council is required to make arrangements for the publication of details of all remuneration and allowances paid to Members and Co-opted Members in 2015/16 by 30 September 2016.

#### Election to Forgo Entitlement to Payment

54. It remains the right of any individual Member or Co-opted Member to independently and voluntarily opt to forgo all or any part of their entitlement to a salary, allowance or fee determined annually by the Panel in its Annual Report or any Supplementary Reports by giving notice in writing to the Proper Officer of the Council.

#### **Legal Implications**

55. The legal framework is set by Part 8 of the Local Government (Wales) Measure 2011 ("the Measure"), under which the Independent Remuneration Panel for Wales ("the Panel") is given functions relating to payments to Councillors and Councillors' pensions (s.142 of the Measure). The Panel is required to publish an annual report on the exercise of its functions with respect to each financial year (s.143 of the Measure); and the Council must comply with the requirements imposed on it by the Panel's Annual Report (s.153 of the Measure). The requirements imposed on the Council by the Panel's Annual Report are set out in the body of the report.

## **Financial Implications**

56. This report sets out the framework within which the salaries and allowances will be determined. The proposals as listed are similar to the assumptions built in setting the 2016/17 budget for this function thus there are no direct financial implications arising from this report. However, in the event of the demands on the budget exceeding the allocation then consideration needs to be given as to what mitigation would need to be taken in order to remain within the budgetary resources allocated.

## **RECOMMENDATIONS**

Council is recommended to:

1. note the determinations of the Independent Remuneration Panel for Wales in respect of the prescribed levels of Members' remuneration and allowances payable in 2016/17, as set out in the report;
2. agree to set the Band 2 Senior Salary payable in 2016/17 to all Cabinet Members (except for the Leader and Deputy Leader) in accordance with the Level 1 payment (£32,000) prescribed by the Panel, as applicable to the Council;
3. agree to set the Band 3 Senior Salary payable in 2016/17 to those Committee Chairs that are remunerated in accordance with the Level 1 payment (£22,000) prescribed by the Panel;
4. agree to retain the current allocation of the maximum of 19 Senior Salary positions for 2016/17, as set out in paragraph 16 of the report;
5. agree to set the Civic Salary payable in 2016/17 for the positions of Civic Head/Lord Mayor (£24,000) and Deputy Civic Head/Deputy Lord Mayor (£18,000) in accordance with the Level 1 payments prescribed by the Panel; and
6. agree that the payment of Co-opted Member fees in 2016/17 should continue to be capped at a maximum of the equivalent of 10 full days a year.

PAUL ORDERS  
Chief Executive  
20 May 2016

## **Background Paper**

Independent Remuneration Panel for Wales Annual Report February 2016:

<http://gov.wales/docs/dsjlg/publications/160217-irp-annual-report-16-17-en.pdf>

Mae'r dudalen hon yn wag yn fwriadol



**ANNUAL COUNCIL:**

**26 MAY 2016**

## **REPORT OF THE INTERIM MONITORING OFFICER**

### **PROGRAMME OF COUNCIL, CABINET & ORDINARY COUNCIL MEETINGS 2016/17**

#### **Reason for this report**

1. The purpose of this report is to update Council on the programme of Full Council meetings for the period June 2016 to May 2017, and approve the interim programme of Cabinet and Committees for the period June 2016 to August 2016.

#### **Background**

2. The approval of the programme of ordinary meetings of Council, Cabinet and Council Committees is required in accordance with the Council's Constitution.
3. The Council on 29 January 2015 agreed an indicative programme of Full Council meetings for 2016/17 municipal year based on the number and frequency of meetings as agreed by the Constitution Committee, 19 March 2014.
4. Annual Council on 21 May 2015 agreed a programme of Cabinet & ordinary Committee meetings to August 2016.

#### **Issues**

5. The programme of Cabinet and Council Committee meetings to August 2016 has been reviewed and updated to include all currently scheduled meeting and is attached as Appendix A.
6. The appointment of Committee Chairs (Agenda Item 11) may necessitate in further consultation on the programme of ordinary Committee meetings from September 2016. It is therefore proposed that a full programme of meetings to August 2017 be reported to Council on 30 June 2016.

#### **Legal Implications**

7. Welsh Government issued guidance under section 6 of the Local Government (Wales) Measure 2011 that by virtue of section 6(2) of the Measure, Local Authorities must have regard to this guidance when considering the times and intervals at which meetings of a local authority are held.
8. In summary, the guidance states that:

- Work and other commitments make setting a programme of meetings that suits all Members difficult;
- Welsh Government does not wish to prescribe the number/timings of meetings; and
- it is important that Authorities proactively review their meeting arrangements, by way of example the guidance states that “What may have been tradition or an arrangement which suited the previous generation of councillors will not necessarily serve the interests of the new intake.”

9. The guidance requires the Council to survey its Members in respect of times and interval in which meetings of the local authority are held at least once a term and preferably shortly after the new council is elected. This was done in May 2012 and as part of the Constitution Council & Committee meeting review in 2013/14.

### **Financial Implications**

10. There are no direct financial implications arising from this report apart from the potential for administrative savings, if as recommended by the Constitution Committee the number of full Council meetings is reduced to nine per year.

### **RECOMMENDATIONS**

The Council is recommended to

- (1) approve the updated programme of Cabinet and Council meetings for June 2016 – August 2016;
- (2) note the dates of Full Council meetings June 2016 to May 2017 as provisionally agreed at Council 29 January 2015;
- (3) note that a full programme of all Council, Cabinet and Committee meetings will be presented to Council on 30 June 2016 for approval.

**DAVID MARR**

**Interim Monitoring Officer**

20 May 2016

The following Appendices are attached:

Appendix A            Dates of Full Council meetings June 2016 to May 2017

Appendix B            Programme of All Council, Cabinet & Committee meetings June 2016 to August 2016



**APPENDIX A**

<b>DATES OF FULL COUNCIL MEETINGS JUNE 2016 to MAY 2017</b>				
<b>June 2016</b>				
Thurs	30	Council	4.30pm	City Hall
<b>July 2016</b>				
Thurs	28	Council	4.30pm	City Hall
<b>September 2016</b>				
Thurs	29	Council	4.30pm	City Hall
<b>October 2016</b>				
Thurs	20	Council	4.30pm	City Hall
<b>November 2016</b>				
Thurs	24	Council	4.30pm	City Hall
<b>NO MEETING IN DECEMBER 2016</b>				
<b>January 2017</b>				
Thurs	26	Council	4.30pm	City Hall
<b>February 2017</b>				
Thurs	23	Council (Budget)	4.30pm	City Hall
<b>March 2017</b>				
Thurs	23	Council	4.30pm	City Hall
<b>NO MEETING IN APRIL 2017 (PRE-ELECTION PERIOD)</b>				
<b>May</b>				
Thurs	25	Annual Council	4.30pm	City Hall

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**CALENDAR OF COUNCIL, CABINET & COMMITTEE MEETINGS  
JUNE TO AUGUST 2016**

<b>May 2016</b>				
Mon	30	<b>Bank Holiday</b>		
Tue	31			
<b>June 2016</b>				
Wed	01			
Thu	02			
Fri	03			
Mon	06	<b>Joint Environment and Policy Review &amp; Performance Scrutiny</b>	<b>4.00pm</b>	<b>Committee Room 3</b>
Tue	07	<b>Licensing Committee</b>	<b>10.00am</b>	<b>Committee Room 4</b>
Tue	07	<b>Public Protection Committee</b>	<b>10.30am</b>	<b>Committee Room 4</b>
Tue	07	<b>Policy Review &amp; Performance Scrutiny</b>	<b>4.30pm</b>	<b>Committee Room 4</b>
Wed	08	<b>Community and Adult Services Scrutiny</b>	<b>5.00pm</b>	<b>Committee Room 4</b>
Thu	09	<b>Economy &amp; Culture Scrutiny</b>	<b>4.30pm</b>	<b>Committee Room 4</b>
Fri	10			
Mon	13			
Tue	14	<b>Children and Young People Scrutiny Committee</b>	<b>2.30pm</b>	<b>Committee Room 4</b>
Tue	14	<b>Environmental Scrutiny Committee</b>	<b>4.30pm</b>	<b>Committee Room 3</b>
Wed	15	<b>Planning Committee (DC)</b>	<b>2.30pm</b>	<b>Committee Room 4</b>
Thu	16	<b>Cabinet</b>	<b>3.30pm</b>	<b>City Hall</b>
Fri	17			
Mon	20			
Tue	21			
Wed	22			
Thu	23	<b>EU Referendum</b>		
Fri	24	<b>Glamorgan Archives Joint Committee</b>	<b>2.00pm</b>	<b>Records Office</b>
Mon	27	<b>Audit Committee</b>	<b>10.30am</b>	<b>Committee Room 4</b>
Tue	28			
Wed	29			
Thu	30	<b>Council</b>	<b>4.30pm</b>	<b>City Hall</b>
<b>July 2016</b>				
Fri	01			
Mon	04			
Tue	05	<b>Licensing Committee</b>	<b>10.00am</b>	<b>Committee Room 1</b>

Tue	05	<b>Public Protection Committee</b>	<b>10.30am</b>	<b>Committee Room 1</b>
Tue	05	<b>Policy Review &amp; Performance Scrutiny</b>	<b>4.30pm</b>	<b>Committee Room 4</b>
Wed	06	<b>Community and Adult Services Scrutiny</b>	<b>5.00pm</b>	<b>Committee Room 4</b>
Thu	07	<b>Economy &amp; Culture Scrutiny</b>	<b>4.30pm</b>	<b>Committee Room 4</b>
Fri	08			
Mon	11			
Tue	12	<b>Children and Young People Scrutiny Committee</b>	<b>2.30pm</b>	<b>Committee Room 4</b>
Tue	12	<b>Environmental Scrutiny Committee</b>	<b>4.30pm</b>	<b>Committee Room 3</b>
Wed	13	<b>Planning Committee (DC)</b>	<b>2.30pm</b>	<b>Committee Room 4</b>
Thu	14	<b>Cabinet</b>	<b>3.30pm</b>	<b>City Hall</b>
Thu	14	<b>Constitution Committee</b>	<b>5.30pm</b>	<b>Room A, City Hall</b>
Fri	15			
Mon	18			
Tue	19	<b>Corporate Parenting Committee</b>	<b>2.00pm</b>	<b>Committee Room 4</b>
Wed	20	<b>Standards &amp; Ethics Committee</b>	<b>4.30pm</b>	<b>Committee Room 4</b>
Thu	21			
Fri	22			
Mon	25			
Tue	26			
Wed	27			
Thu	28	<b>Council</b>	<b>4.30pm</b>	<b>City Hall</b>
Fri	29			
<b>August 2016</b>				
Mon	01			
Tue	02	<b>Licensing Committee</b>	<b>10.00am</b>	<b>Committee Room 1</b>
		<b>Public Protection Committee</b>	<b>10.30am</b>	<b>Committee Room 1</b>
Wed	03			
Thu	04			
Fri	05			
Mon	08			
Tue	09			
Wed	10	<b>Planning Committee (DC)</b>	<b>2.30pm</b>	<b>Committee Room 4</b>
Thu	11			
Fri	12			
Mon	15			
Tue	16			
Wed	17			

Thu	18			
Fri	19			
Mon	22			
Tue	23			
Wed	24			
Thu	25			
Fri	26			
Mon	29	<b>Bank Holiday</b>		
Tue	30			
Wed	31			

Mae'r dudalen hon yn wag yn fwriadol

**CITY & COUNTY OF CARDIFF  
DINAS A SIR CAERDYDD**



**COUNCIL:**

**26 MAY 2016**

**REPORT OF THE DIRECTOR GOVERNANCE & LEGAL  
SERVICES**

**URGENT DECISIONS TAKEN IN RESPECT OF**

**Reason for this Report**

1. In accordance with the Council's Scrutiny Procedure Rule 13(a), urgent officer decisions taken in respect of Woodlands High School are being reported to Council for information.

**Issues**

Woodlands High School

2. An Officer Decision – 'Intervention in Woodlands High School' was taken on 11 April 2016 by the Director of Education as an urgent decision. The decision was to:
  - (i) Intervene in Woodlands High School pursuant to the School Standards and Organisation (Wales) Act 2013 ('the SSOW Act 2013');
  - (ii) Require the Governing Body to secure advice from another school; and
  - (iii) Appoint two additional Governors (David Saunders and Andrew Gregory) and nominate one of those governors, David Saunders, to be the Chair of the governing body pursuant to Section 6 of the SSOW Act 2013.
3. The reason for the decision was that, pursuant to the SSOW Act 2013, one or more of the statutory grounds for intervention by the Council existed, and the exercise of one or more of the Council's powers of intervention was necessary in order to address the concerns and secure improvement.
4. The Decision was taken in consultation with the Cabinet Member with portfolio responsibility for Education and Local Ward Members.
5. It was noted that any delay in implementation of the decision would impede the achievement of the necessary improvements and was not

therefore in the public interest. For these reasons, the Monitoring Officer and the Chair of the Children and Young People's Scrutiny Committee agreed the decision should be taken on an urgent basis.

### **Legal Implications**

6. There are no direct legal implications arising from this report. Legal implications were considered and included as part of the Officer Decision process.

### **Financial Implications**

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

### **RECOMMENDATION**

That Council receives the report for information.

**David Marr**  
**INTERIM MONITORING OFFICER**  
**20 May 2016**

Background Papers

Officer Decision,