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AGENDA

Pwyllgor PWYLLGOR Y CYFANSODDIAD

Dyddiad ac amser y cyfarfod DYDD MERCHER, 21 MEDI 2016, 5.00 PM

Lleoliad NEUADD Y DDINAS

Aelodaeth Cyngorydd De'Ath (Chair)
Y Cyngorwyr Aubrey, Goodway, Gordon, Hinchey, Margaret Jones, Knight, Magill, Woodman, Walker, Patel a/ac Dilwar Ali

1 Ymddiheuriadau

Derbyn ymddiheuriadau am absenoldeb.

2 Datgan Buddiannau

I'w gwneud ar ddechrau'r eitem agenda dan sylw, yn unol â Chod Ymddygiad yr Aelodau.

3 Croeso'r Cyfarwyddwr Llywodraethu a Chyfreithiol a Swyddog Monitro

4 Cofnodion *(Tudalennau 1 - 6)*

Cymeradwyo cofnodion y cyfarfod a gynhaliwyd ar 19 Tachwedd 2015 fel gwir gofnod.

5 Penderfyniadau Unigol gan Aelodau'r Cabinet *(Tudalennau 7 - 26)*

6 Cynorthwy-ydd i Aelodau'r Cabinet *(Tudalennau 27 - 32)*

7 Dyddiad y cyfarfod nesaf

David Marr
Swyddog Monitro Dros Dro
Dyddiad: Dydd Iau, 15 Medi 2016
Cyswllt: Gill Nurton, ,

This document is available in English / Mae'r ddogfen hon ar gael yn Saesneg

CONSTITUTION COMMITTEE

19 NOVEMBER 2015

Present: County Councillor De'Ath (Chairperson)
County Councillors Aubrey, Cowan, Goodway, Margaret Jones,
Knight, Magill, Dianne Rees and White.

12 : APOLOGIES

Apologies were received from Councillors Hinchey and Woodman.

13 : DECLARATIONS OF INTEREST

No declarations of interest were received.

14 : MINUTES

The minutes of the meeting held on 15 July 2015 were agreed as a correct record and signed by the Chairperson.

15 : BUDGET MEETING PROCEDURE RULES

To allow the Committee to review the Procedure Rules which apply to Council Budget Meetings and to consider whether any amendments should be recommended to full Council.

The Budget Meeting Procedure Rules were adopted by Council on 27th January 2011, on the recommendations of the Constitution Committee. The Rules were further reviewed and in January 2012 the Council approved various changes, addressing issues such as the maximum number of speakers in the debate, speakers' time allocations and the exclusion of notices of motion and Members' questions to ensure sufficient time can be given to the budget debate.

The Monitoring Officer also initiated debate on the timescales of the alternative budget proposals.

The Chairperson invited questions and comments from Members:

- Members considered the budget debate was currently dominated by the Cabinet as they all spoke to the debate it was felt that all Councillors should have an opportunity to contribute for a more even sided debate; and consideration should be given to when Cabinet Members speak in the debate.
- A Member considered that giving Cabinet Members the opportunity to all speaking at the start of the budget debate, or at the end of the debate was unfair, but it was noted that it was difficult to know how to improve the current process.
- Members discussed the process whereby the Alternative Budget proposal are submitted and the issue that these proposals have not been part of the public

consultation process. It was noted that the Section 151 Officer and Monitoring Officer consider the alternative proposals for soundness and lawfulness.

- With reference to consultation on alternative budget proposals, it was considered that the Council would not have the resources to consult on these at such a late stage in the process.
- With regard to the alternative budget proposals and timings, it was noted that until a firm Cabinet Proposal was received on the Friday before Budget Council, then it was impossible to know what amendments could be made.
- Members asked if there was any leeway for the Cabinet Proposal to be available sooner. The Monitoring Officer advised that the timescale was agreed as part of the budget strategy in the summer, however she was keen to bring it forward as much as possible and she has been looking at standing orders in relation to this. It was noted that the final settlement was not due until 10 March 2016 which was later than usual.
- Members discussed consultation and considered that consultation needed to be thorough, timely and real with engagement with the public to allow informed perspective and decisions.
- The Monitoring Officer considered that there may be a bigger piece of work that needed to be done on the timing of budget proposals; it was noted that the All Wales Model assumes 5-7 days before.

A Member requested a vote on the proposal that Cabinet Members be allocated 3 minutes to speak and no specific speaking rights. This proposal was moved by Councillor Goodway and seconded by Councillor Dianne Rees. A vote was taken and the proposal was CARRIED.

RESOLVED - That the Budget Meeting Procedure Rules be approved, subject to the removal of the special speaking rights of individual Cabinet Members -other than the proposer and the seconder of the proposals - and they be allowed 3 minutes the same as an ordinary Member as part of the general debate.

16 : E-PETITIONS

To approve the introduction of the e-Petitions facility on Modern.Gov Committee Management System to allow for on-line petitions to be received, facilitating wider public engagement than a traditional paper based petition.

The Council on 27 March 2014, following a review undertaken by the Constitution Committee and a pilot period, adopted new Council Procedure Rules. The Constitution Committee had as part of the review discussed in detail the rules relating to petitions; petition thresholds and how they would be dealt with. Rule 20 on Petitions was adopted as part of the new Council Procedure Rules.

The Constitution Committee on 15 January 2015 considered the model Petition Scheme established by the Local Democracy, Economic Development and Construction Act 2009, which applied to principal authorities in England and Wales – for Wales County Council and County Borough Councils which supported the

streamlining and clearer guidance to Elected Members, the public and officers on how petitions are dealt with by the Council.

The Committee agreed that following the introduction of the Committee Management System further consideration would be given to piloting e-Petitions. It was noted that the process would not apply for the Elected Mayor, just for regular Council Business.

With reference to data protection it was noted that only the petitioners name and locality would only be published.

The Chairperson sought questions and comments from Members:

- Members sought further information on the costs involved and how addresses would be validated. Officers explained that there would be no cost involved as e. Petitions was a facility available through the Committee Management system. The Monitoring Officers added that the constitution currently requires a paper based petitions to be recorded. Members supported a system that validates and records petitions and their outcomes that provides greater visibility and accessibility of electronic data.
- Members sought clarification on the validation process; the submission process. Officers explained that the electronic petitions were based on the same principles as a paper based system and required a lead petitioner and an email address for the petition to be valid. Further work was required to develop and pilot the e. Petitions portal.

RESOLVED – That

1. following further testing it was agreed in principle to activate the e. Petitions on the Council's Committee Management System on a trial basis;
2. once testing is complete Committee consider adopting the draft model City of Cardiff Petition Scheme and any necessary changes to the Council Procedure Rule 20.

17 : CONSTITUTION UPDATES

This report was to inform the Committee of various amendments required to ensure the Constitution remains up to date and fit for purpose.

The Constitution Committee's approved Terms of Reference are:

To review the Council's Constitution, and to recommend to Council and/or Executive 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).

The Monitoring Officer has delegated authority to make minor amendments to the Constitution, to include:

- (a) amending typographical and minor drafting errors;
- (b) updating to reflect legislative changes and matter of record; and
- (c) drafting improvements to enhance clarity and remove minor anomalies

(delegated by the Constitution Committee on 8th September 2008).

Members were advised that Constitution provisions in respect of the following matters have been identified as requiring amendment and details of these were provided in the report:

- Single Licensing Authority functions under Part 1 of the Housing (Wales) Act 2014;
- Webcasting of Council meetings;
- Councillor Resignation and Notice of Vacancy and
- Appointments to Committees / Scrutiny Chairs.

The Chairperson invited questions and comments from Members:

- The Monitoring Officer confirmed that with regard to appointments of Scrutiny Chairs the update was to ensure that the constitution reflected the Local Government (Wales) Measure in relation to the appointment process.
- Members discussed webcasting and discussed the quality of the sound on the webcast. Members were advised of changes that had been made to the Wi-Fi in City Hall in order to prevent interference with the sound system for devices competing for the same bandwidth in the Chamber.
- Members asked whether a previous request to look at how Monmouthshire webcast their meetings (via YouTube) had been progressed. Officers advised that initial inquiries had found that You Tube technology did not provide the same product. Cardiff meetings are live webcasted and Members can follow the agenda items and see the all reports and had speaker recognition system. It was possible to consider You Tube for recording of remote meetings or training in venues that did not have the webcasting feed.

RESOLVED - That

1. the Constitution amendments set out in paragraphs 10, 12 and 13 of the report were agreed for approval by full Council; and
2. the minor Constitution amendments set out in paragraphs 14 and 15 of the report made under the Monitoring Officer's delegated authority were noted.

18 : REVIEW OF QUESTIONS TO COUNCIL

Members were provided with a paper on the review of the pilot of Written Questions to Council and to initiate a discussion on the opportunities for questions from Members at Council.

Members also discussed Oral Questions and the majority view was that as there are only nine meetings a year, one of which being the Budget meeting, which does not allow oral questions that if there were any further reduction in the number of oral questions it should be from the ruling group allocation. Members concurred that Oral Questions provided an opportunity for backbench Members to ask questions to hold the Cabinet and Chairs of Committees to account on areas of concern for constituents and that the ruling group Members have greater access to Cabinet Members and information.

It was also noted that Oral Questions would be best placed at the end of the meeting so that the main business of Council can be concluded first.

Members felt that Cabinet Statements had developed into a substantive item and after much discussion general consensus was that the statements should be published with the Summons, the Friday before the meeting so that more time was available to prepare questions; it was noted however that this would place extra pressure on Cabinet Support staff.

It was considered that too many Notices of Motion in one meeting was untenable.

RESOLVED: That officers look at best practice in relation to Council Meetings and procedures and report back to a future meeting of the Committee.

19 : DATE OF NEXT MEETING - 16 MARCH 2016 AT 5.00PM IN COMMITTEE ROOM 4

The meeting terminated at 6.35pm

Mae'r dudalen hon yn wag yn fwriadol

**CITY OF CARDIFF COUNCIL
CYNGOR DINAS CAERDYDD**



CONSTITUTION COMMITTEE:

21st September 2016

INDIVIDUAL CABINET MEMBER DECISION MAKING

REPORT OF THE INTERIM MONITORING OFFICER

Reason for this Report

1. To enable the Committee to further consider decision making by individual Cabinet members.

Background

2. The Constitution Committee's approved Terms of Reference are:

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).
3. As part of the Committee's review of the Council's decision making arrangements, at its meeting in January 2014 the Committee resolved to review the option of individual Cabinet Member decision making, in consultation with the Leader and Cabinet. The Committee has received two subsequent reports on this issue, in September 2014 and in January 2015.
4. At its meeting in September 2014, the Committee considered the legal and constitutional framework for decision making by individual Cabinet members and the volume and type of Cabinet decisions taken over the preceding six months, with potential criteria for determining which decisions may be suitable for individual Cabinet member decision.

5. The Committee noted that the Wales Audit Office (WAO) Corporate Assessment had commented on the length of Cabinet agendas and identified the need for more efficient arrangements to support timely decision making with better co-ordinating of activity, swifter consideration of Scrutiny recommendations and improved management of meetings including agenda content. The Committee resolved to instruct the Monitoring Officer to consult with the Leader and Cabinet on this issue and bring a further report back to Committee with options for consideration.
6. The Committee received a further report at its meeting in January 2015. The Committee noted that the Leader and Cabinet had been consulted and were broadly supportive of the proposal to introduce individual Cabinet member decision making, subject to a proper, public and efficient process being adopted. Two suggested approaches to categorising decisions for this purpose were considered, namely: (i) the Red / Amber / Green (RAG) categorisation of Cabinet business used for Scrutiny purposes; and (ii) the 'Key Decision' concept used in English local authorities. The Committee raised certain concerns regarding the transparency of executive decision making, emphasising the need for an effective published Forward Plan and list of key decisions, and the importance of published decision notices; and requested that further consideration be given to assessing the strengths and weaknesses of the RAG / Key Decision categorisation.
7. The Wales Audit Office Corporate Assessment Follow On Report, issued in February 2016 recorded that:

'54. Decisions relating to the Council's executive functions are taken by the Cabinet as a whole or delegated to its Senior Officers. These arrangements are set out in the Council's constitution and recorded in its decision register, both of which are available on the Council's website. The Council has started to consider whether to delegate some of these executive decisions to individual Cabinet Members so as to help speed up executive decision-making, in line with comments we made in our September 2014 Corporate Assessment report. However, the issue of whether to delegate executive decisions to individual Cabinet Members has not yet been resolved by the Council.'

This issue was identified as a Proposal for Improvement (reference P2d):

'To ensure that a decision is made on the issue about whether to delegate executive decision-making to individual Cabinet Members.'

Issues

8. The Cabinet considered the WAO Corporate Assessment Follow On Report on 21st March 2016, and approved a 'Statement of Action', which included the following action:

'Constitution Committee to undertake a further review of the volume and category of decisions taken by the Cabinet over the last 12 months and consider making provision within the Council's Constitution for executive decision-making to be delegated to individual Cabinet Members.'

(Action Point P2d, timetabled for action in September 2016)

9. The Cabinet decisions taken during the period September 2015 to July 2016 (inclusive) are set out in the table in **Appendix A**.

10. Members will note that the total number of Cabinet business items considered during the period September 2015 to July 2016 was 100. For previous years, the figures were as follows:

| | |
|-----------------------------|-----|
| September 2014 to July 2015 | 126 |
| September 2013 to July 2014 | 134 |

11. As noted in paragraph 6 above, the Committee has previously indicated that it wishes to give further consideration to analysing Cabinet business in terms of (i) its RAG status; and (ii) the 'Key Decision' concept, to consider whether such categorisation may assist to identify decisions suitable for individual Cabinet Member decision-making.

RAG status

12. Members will be aware that the Cabinet's business is currently categorised in the Cabinet Forward Plan with a Red / Amber / Green (RAG) traffic light rating, denoting as follows:

Red – Decisions relating to high level functions, primarily relating to policy formulation within the Policy and Budgetary Framework, where the Cabinet would usually make a proposal

Amber – Decisions of a more sensitive nature, which could be potentially contentious or not of a routine nature. These would generally flow through to the Cabinet for decision without prior scrutiny, although a judgement will be made in each case regarding scrutiny considerations before decision and the possibility of call-in

Green – Decisions of a non-contentious, day to day nature, unlikely to be the subject of call-in

13. The RAG rating of Cabinet decisions taken during the last 12 months is shown in **Appendix A**. It will be noted that a few business items, such as items included late on an urgent basis, have not been given a RAG rating.

Nevertheless, Members may wish to consider whether business items which are RAG rated as Green (or possibly Amber) may be matters potentially suitable for individual Cabinet Member decision.

Key Decisions

14. Under the legislative arrangements which apply to English local authorities, all 'Key Decisions' which are to be taken must be published in advance, and for these purposes a 'Key Decision' is statutorily defined as:

'An executive decision which is likely to result in significant expenditure or savings, having regard to the budget for that particular service or function; or is likely to be significant in terms of its effect on communities living or working in 2 or more wards of the authority' (Regulation 8 of SI 2012/2089).

15. The Committee has previously agreed that it wishes to consider whether the concept of a 'Key Decision' may be helpful to identify Cabinet decisions which may be suitable for individual Cabinet Member decision-making. In order to pursue this line of analysis, consideration needs to be given to specifying what is to be regarded as 'significant expenditure or savings', as this does not appear to be statutorily defined, but is instead left to individual authorities in England to determine having regard to their particular circumstances. Similarly, consideration should be given to providing guidelines on what is to be regarded as 'significant in terms of its effect on communities'.

16. The 'Key Decision' concept is unfamiliar to Welsh local authorities; however, it appears that many English authorities have adopted their own extended definitions, tailored to the particular circumstances and requirements of their individual authorities. A sample of some extended 'Key Decision' definitions published online is shown in the table in **Appendix B**. Members will note that definitions include:

- a. prescribed financial thresholds;
- b. specific types of financial transactions and exceptions;
- c. factors to be considered in assessing the impact on communities; and
- d. specific decisions, such as decisions relating to policy framework proposals or recommendations, including approvals for consultation purposes.

17. If Members wish to further consider whether the concept of a 'Key Decision' may assist to identify matters which are suitable for individual Cabinet Member decision-making, then they are invited to provide comments on how a 'Key Decision' should be defined for Cardiff.

Other Considerations

18. Members may recall that Cardiff has previously, in or around 2002/03, adopted a scheme which gave individual Cabinet Members decision-making

authority in respect of specific decisions within their areas of responsibility, such as:

- a) Agreeing responses to petitions in respect of services within their portfolio;
- b) Agreeing submission of bids for additional resources;
- c) Determining responses to reports from Scrutiny Committees;
- d) Approving acceptance of tenders valued from £1,000,000 to £5,000,000;
- e) Approving the write-off of individual debts up to £50,000; and
- f) Approving the sale or purchase of land valued £1,000,000 to £5,000,000 (Cabinet member with responsibility for Resources only).

19. As the majority of the above decisions (all except those in sub-paragraphs (c) and (f) above) are delegated to Senior Officers under Cardiff's current Scheme of Delegations, this previous approach would not significantly reduce the current volume of Cabinet business. However, Members may wish to review the position with regard to:

- (i) Responses to Scrutiny Committee reports; and
- (ii) Land transactions valued up between £1 million and £5 million,

and consider whether such decisions may be suitable to be returned for individual Cabinet Member decision-making.

20. If individual Cabinet Member decision-making is to be adopted, it is suggested that the Leader and/or Ward Members could be given the right to require any executive item which may be scheduled for individual decision-making to be considered formally and collectively by the Cabinet on request; and that it should also be open to an individual Cabinet Member to refer up any matter scheduled for his/her decision to full Cabinet.

Way Forward

21. Members are invited to consider whether the option of individual Cabinet Member decision-making is to be progressed further, and if so, to provide views on the methodology and criteria for determining which decisions may be taken in this way. Members may wish to consider establishing a Working Group comprised of Committee members, including Cabinet representative/s and Opposition Member/s to make recommendations to the Committee in this regard.

22. Members may also wish to consider other ways of potentially reducing the volume of Cabinet business (without introducing individual Cabinet Member decision-making). It may be possible to remove certain types of business from Cabinet agendas, for example, information reports, receipt of Scrutiny reports and responses to such reports, approvals for proceeding to consultation or responses to external consultation exercises. However, further consideration would be required as to how these matters could potentially be dealt with under any revised arrangements, so as to ensure accountability and transparency.

Legal Implications

23. Detailed advice on the legal and constitutional framework for decision making by individual Cabinet Members was set out in the previous reports to Committee on this issue (September 2014 and January 2015). That advice is not repeated here. Key points to note include:
- i. By law, the Council may allocate responsibility for discharging any Executive Function/s to any individual Cabinet member (or to the full Cabinet, a Cabinet Committee or an officer). This legal position is reflected in the Constitution, Article 7.7 (The Cabinet, Responsibility for Functions).
 - ii. The Council's Scheme of Delegations (in Part 3 of the Constitution) lists various functions which are reserved to the (full) Cabinet, and delegates all other Executive Functions to the Council's senior officers. No provision is currently made in Cardiff's Constitution for the Leader or any individual Cabinet Members to exercise any decision making powers (as opposed to the current consultation requirements).
 - iii. Any decisions to be taken by an individual Cabinet Member (if suitable provision were made in the Council's Constitution) are subject to the same legal requirements as a full Cabinet decision in respect of consultation, proper advice, record keeping, publication, call-in and scrutiny. Clear criteria and protocols would need to be developed to guide and regulate the decision making process.
 - iv. Full Council would need to approve any proposed introduction of individual Cabinet member decision making and the associated Constitution amendments.

Financial Implications

There are no direct financial implications arising from this report.

Recommendations

The Committee is recommended:

- (i) To note the information set out in this report and its appendices, and to provide any appropriate comments;
- (ii) To agree whether the Committee wishes to take forward the option of individual Cabinet Member decision-making, in principle, and if so, whether to establish a Working Group as set out in paragraph 21 of this report; and
- (iii) To receive a further report on this matter in due course.

David Marr
Interim Monitoring Officer
12th September 2016

Appendices

Appendix A Cabinet Business – September 2015 to July 2016

Appendix B Sample of Definitions of ‘Key Decision’

Background papers

Constitution Committee Reports on Individual Cabinet Member Decision Making, 17th September 2014 and 15th January 2015; and minutes thereof

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

Cabinet report, ‘Wales Audit Office Corporate Assessment Follow On Report – Statement of Action’, 21st March 2016; and minutes thereof

Cabinet Forward Plans, Agendas and Decision Registers for the period September 2015 to July 2016

Cabinet Decision Registers from September 2013 to July 2015

CABINET BUSINESS – SEPTEMBER 2015 TO JULY 2016

| Cabinet Meeting Date | Cabinet Business | RAG Rating |
|----------------------|---|------------|
| 17 Sept 2015 | Neighbourhood Partnerships – Appointment of Lead Members | GREEN |
| | Budget Monitoring Month 4 | GREEN |
| | Q1 Corporate Performance Report | GREEN |
| | WAO Annual Improvement Report | GREEN |
| | Annual Complaints Report | GREEN |
| | Disposal of Land at Howard Gardens | AMBER |
| | SOP: Proposed transfer of Glyn Derw High School to Michaelston Community College site | AMBER |
| | SOP: Proposed establishment of new high school in the West | AMBER |
| | School Transport Policy Review – Home to School Transport | AMBER |
| | Resettlement of Afghan and Syrian People, Support Scheme | |
| | Additional Licensing Scheme in Cathays Ward | GREEN |
| | Cardiff Public Realm Manual | GREEN |
| | Director of Social Services Annual Report | GREEN |
| | Cardiff's Ageing Well in Wales Delivery Plan | AMBER |
| 1 Oct 2015 | St Mellons Hub Phase 2 Community Consultation | AMBER |
| | City of Cardiff Council Annual Improvement Report 2014/15 | |
| | Corporate Parenting Advisory committee progress report | GREEN |
| | Response to Call-In for the New Household Waste Recycling Centre and Reuse Facility | |
| | Future Provision of Substance Misuse Counselling Services in Cardiff | |
| | Cardiff Parking Strategy 2015 - Consultation draft | AMBER |
| 12 Nov 2015 | Cardiff Business Council Update | AMBER |
| | Review of Non Operational Estate | AMBER |
| | Update of Council's No Smoking Policy | GREEN |
| | Treasury Management Mid Year Report 2015/16 | GREEN |
| | Budget Monitoring - Month 6 | GREEN |

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| | City Operations Broadening Enforcement Powers to Improve the Public Realm | AMBER |
| | City of Cardiff Council Day Opportunities Strategy | RED/AMBER |
| 3 Dec 2015 | Llanedeyrn Hub and the Maelfa Regeneration Scheme | AMBER |
| | City of Cardiff Council Libraries Stock Management Strategy and Local Studies Service | AMBER |
| | Council Tax - Discretionary Relief Policy | GREEN |
| | School Organisation Proposals: Specialist Provision For Primary Aged Pupils with Speech and Language Difficulties, and with Behavioural Emotional and Social Difficulties. | GREEN |
| | Schools Organisation Planning: The provision of Welsh-medium and English-medium primary school places in and around Llandaff North | AMBER |
| | Amendments to the Joint Scheme for the Allocation of Social Housing | AMBER |
| | Cardiff Central Transport Interchange | AMBER |
| 10 Dec 2015 | Cardiff Capital Region City Deal Update | |
| | 2016/17 Budget Proposals - for Consultation | GREEN |
| | Quarter 2 Performance report 2015/16 | |
| | Calculation of Council Tax Base | GREEN |
| | Corporate Risk Register - Mid Year Review | AMBER |
| | SOP: Proposed Establishment of a New High School in the West to Replace Glyn Derw High School and Michaelston Community College | AMBER |
| | SOP: The provision of additional English-medium and Welsh-medium primary school places in the Adamsdown and Splott wards (Post Consultation) | AMBER |
| | SOP: The Provision of Additional English-Medium and Welsh-Medium Primary School Provision In and Around the Butetown, Canton, Grangetown And Riverside Areas (The 'Four Wards') | AMBER |
| | Hackney Carriage Fares | GREEN |
| 21 Jan 2016 | Cardiff Commitment to Youth Engagement and Progression (Strategy) | |
| | Gypsy and Traveller Accommodation and Site Assessment Criteria | |

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| | Annual Review of the Council's Voluntary Redundancy Scheme | AMBER |
| | Review of the Council's Disciplinary Policy and Associated Policies and Procedures | GREEN |
| | Independent Commission on Local Government Finance Wales: City of Cardiff Council Response | |
| | CCTV Body Worn Camera Policy and Pilot Deployment | GREEN |
| | Adoption of Cardiff LDP | |
| | The Performance of Cardiff Schools 2014/15 | |
| 18 Feb 2016 | Corporate Plan | RED |
| | Assistant to Cabinet Member | GREEN |
| | Draft Local Government Wales Bill | GREEN |
| | Quarter 3 Performance 15/16 | GREEN |
| | Budget Monitoring - Month 9 | GREEN |
| | Budget Proposals 16/17 | RED |
| 10 Mar 2016 | Wales Audit Office – Corporate Assessment Follow On | |
| | Llanishen Community Hub | GREEN |
| | The City of Cardiff Councils Equality Plan 2016-2020 | AMBER |
| | Housing Revenue (HRA) Business Plan | A |
| | National Non-Domestic Rates – Write Offs | GREEN |
| | Annual Council Pay Policy Statement 17/18 | GREEN |
| | School Admission Arrangements | GREEN |
| | SOP : The Provision of additional Welsh-Medium and English-Medium Primary School Places in and around Butetown, Canton, Grangetown and Riverside Areas | AMBER |
| | SOP: Proposed establishment of a New High School in the West to Replace Glyn Derw High School and Michaelston Community Collage | AMBER |
| | SOP: The Provision of Welsh-Medium and English-Medium Primary School Places in and around Llandaff North (Post Statutory Notice) | AMBER |
| 21 Mar 2016 | Wales Audit Office Corporate Assessment Follow On Report – Statement of Action | |
| | Cardiff Capital Region City Deal | |
| | Cardiff Central Transport Interchange | GREEN |
| | Creative Education Partnership | GREEN |
| | School Catchment Areas | GREEN |
| | SOP: The Provision of English-Medium and Welsh-Medium Primary School Places in the | AMBER |

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| | Adamsdown and Splott Wards | |
| 19 May 2016 | Multi Agency Child Sexual Exploitation Strategy | GREEN |
| | Corporate Parenting Strategy | GREEN |
| | Cardiff Business Improvement District | |
| | Llanover Hall – Expressions of Interest to Sub Lease | |
| | Cabinet Advisory Groups | |
| | Response to the report of CASSC – Information, Advice and Assistance Services for Mental Health Service Users in Cardiff. | |
| | City of Cardiff Digital Strategy | GREEN |
| | Cardiff 2020 Aiming for Excellence | |
| 16 Jun 2016 | Joint Scrutiny Task and Finish Report on Community Infrastructure Levy | |
| | Welsh Language Standards: Annual Monitoring Report | |
| | Organisational Development Programme Update | |
| | Commissioning and Procurement LA Trading Company | AMBER |
| | Q4 Performance Report | AMBER |
| | Outturn 201516 | |
| | Employee Health and Well-Being Strategy | GREEN |
| 14 Jul 2016 | Cardiff Capital Region City Deal | AMBER |
| | EU Referendum Implications | URGENT |
| | Corporate Asset Management Plan | AMBER |
| | Budget Strategy 2017/18 and the Medium Term | GREEN |
| | SOP – Specialist Provision for Primary Aged Pupils with Speech and Language Difficulties and with Behavioural Emotional and Social Difficulties | AMBER |
| | Cardiff Statue and Monument Protocol | GREEN |
| 27 Jul 2016 | Property Investment Estate | |
| | Cardiff Business Improvement District | AMBER |
| | ADM – Leisure Centres | AMBER |
| | National Non-Domestic Rate – Write Offs | GREEN |
| | Corporate Risk Register | AMBER |
| | Director of Social Services Annual Report | GREEN |
| | Response to the report of CASSC – How to Reduce Crime in the Night Time Economy | |

Mae'r dudalen hon yn wag yn fwriadol

APPENDIX B

| Authority | Definition of a Key Decision |
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| | <p>1.1 A Key Decision means an executive decision which is likely:-</p> <p>1.1.1 To result in the Council incurring expenditure which is, or the making of savings, which are significant as defined in 1.2 below, having regard to the Council's budget for the service or function to which the decision relates; or</p> <p>1.1.2 To be significant in terms of its effect on communities living or working in an area comprising one or more wards in the area of the Council.</p> <p>1.2 For the purposes of 1.1.1 above, savings or expenditure are significant if they exceed £200,000 per annum (revenue) or £500,000 whole life cost (capital),.</p> <p>1.3 Savings and expenditure in 1.2 above, does not include:-</p> <p>1.3.1 The day to day activity of the Council's treasury management functions, which are covered by the Treasury Management Policy Statement approved separately by the Council.</p> <p>1.3.2 Expenditure which is identified in the approved Revenue Budget or Service Plan for the service concerned;</p> <p>1.3.3 Implementation of a capital project identified in the approved Capital Programme and in respect of which the detailed business case (or equivalent) has been approved;</p> <p>1.3.4 Implementation of an explicit policy within the approved Budget and Policy Framework or fulfilment of the policy intention of a key decision previously approved by the Executive;</p> <p>1.3.5 The invitation of tenders or awarding of contracts where necessary to provide for the continuation of an established policy or service standard.</p> <p>1.4 For the purpose of 1.1.2 above, a decision will be regarded as "significant" if the outcome of the decision will have an impact, for better or worse, on the amenity of the community or quality of service provided by the Authority to a substantial number of people living or working in the wards affected.</p> <p>1.5 A decision maker may only take a Key Decision in accordance with the requirements of the Access to Information Procedure Rules set out in Part G2 of the constitution.</p> |
| B | <p>4.1 Under the Local Government (Executive Arrangement) (Access to Information) (England) Regulations 2000, a key decision is a decision made by the Executive, an individual Member or Officer which is likely:</p> <p>"(a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or the function to which the</p> |

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| | <p>decision relates; or</p> <p>(b) to be significant in terms of its effects on Communities living or working in an area comprising two or more wards in the area of the local authority”.</p> <p>4.2 The definition of "Key Decision" for [B] is to be found in paragraph 41 of the Council Procedure Rules (Section 13)</p> <p>41.2 The following decisions are Key Decisions: an executive decision which is likely to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the authority’s budget for the service or function to which the decision relates; or to be significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority</p> <p>41.3 Under part (a) of the definition any expenditure or savings of £1million or more shall be significant for that part of the definition, with the exception that the letting of any contract which involves the provision of services to, or the purchase of goods and services by the Council, where such contract relate to the internal workings of the Council and therefore do not have a significant impact on local communities in the same way as other contracts. Such contracts include advertising, provision of locum staff, library books, vehicles, consumables, food, gas, electricity and cleaning services shall be excluded from the definition of a key decision</p> <p>41.4 Where the Executive as a body is making Key Decisions, that meeting shall be held in public. Where a matter is to be considered and Regulation 7 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 is applicable then the meeting will be held in public. In both cases the public may be excluded from the meeting where confidential or exempt information is likely to be disclosed.</p> <p>41.5 Where an officer exercising an executive function under delegated powers, receives a report which he/she intends to take into consideration when making a Key Decision that decision shall not be taken until the report has been made available for inspection by the public for five clear working days following receipt of the report by the decision taker. A copy of such report must be supplied as soon as reasonably practicable to the Chairman of the relevant Scrutiny Committee.</p> |
| C | <p>(i) A Key Decision is an Executive decision to be taken by The Cabinet which falls within the following definition approved by the Council:-</p> <ul style="list-style-type: none"> • Any decision relating to the approval of or variation to the Council’s policy framework or budget which is reserved in the Council’s constitution for determination by Full Council on a recommendation from The Cabinet (Any recommended to Council item), or |

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| | <ul style="list-style-type: none"> • Any decisions made in the course of developing proposals to the Full Council to amend the policy framework. This includes decisions made to amend draft policies for the purposes of consultation. • Any decision which will result in income, expenditure or savings with a gross full year effect of £500,000 or greater whether or not the item has been included in the relevant approved budget with the exception of expenditure which is required for the day to day provision of services (eg day to day supplies, payment of energy bills etc.), or • Any decision which is likely to have a significant impact on people living or working in communities in two or more Wards with the exception of decisions that involve two or more Wards simply because of the carrying out of a programme of works. <p>(ii) A decision taker may only make a key decision in accordance with the requirements of The Cabinet Procedure Rules set out in Part 4 of this Constitution.</p> |
| D | <p>3.3.5.1 A Key Decision is a decision:-</p> <ul style="list-style-type: none"> a. taken by the Cabinet or an individual Cabinet Member, b. in connection with the discharge of a Cabinet Function and which is determined as such by the Leader and is likely: <ul style="list-style-type: none"> i. to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or ii. to be significant in terms of its effects on communities living or working in an area comprising one or more wards in the County. <p>3.3.5.2 For the purposes of 3.3.5.1(b)(i) above £500,000 shall generally be regarded as significant in terms of expenditure or savings. A matter involving a lesser sum may be regarded as significant in terms of expenditure or savings in exceptional circumstances including but not limited to:</p> <ul style="list-style-type: none"> a. where a lesser sum is involved but other non-financial factors make the matter significant in terms of the service or function to which the decision relates, b. or where a lesser sum is involved but it has significant impact on the budgets for other services or functions or on the Council's budget as a whole. <p>3.3.5.3 For the purposes of 3.3.5.1 (b) (ii) above any issue which, in the opinion of the Leader of the Council, is likely to have a significant effect or impact any group(s) of people shall be regarded as significant in terms of impact on communities. In deciding whether an issue has a significant effect or impact on any group(s) of people the Leader shall have regard to:</p> <ul style="list-style-type: none"> a. whether the decision may incur a significant social, |

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| | <p>economic or environmental risk or benefit</p> <p>b. the likely extent of the impact of the decision both within and outside the County</p> <p>c. whether the decision is likely to be a matter of political or other controversy</p> <p>d. the extent to which the decision is likely to result in or attract substantial public interest.</p> <p>3.3.5.4 The decision of the Leader of the Council as to whether a decision is a Key Decision may be challenged by Call In.</p> <p>3.3.5.5 The Chief Executive will maintain a list of anticipated Cabinet decisions that may be Key Decisions.</p> |
| E | <p>(i) A key decision is a Cabinet decision which is likely:</p> <p>(a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or</p> <p>(b) to be significant in terms of its effect on communities living or working in an area comprising two or more electoral divisions in the area of the local authority.</p> <p>NOTE: The current Financial and Contract Rules recommend any financial decision over and above a budget value of £140,000 to be a key decision.</p> <p>(ii) A decision-taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4 of this Constitution.</p> |
| F | <p>A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4 of this Constitution.</p> <p>These are decisions which are likely:-</p> <p>(i) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or</p> <p>(ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.</p> <p>The Council will treat decisions on the following matters as key decisions:</p> <ul style="list-style-type: none"> • Statutory plans - policy framework plans, which need full Council approval in any event. • Any matter on which Cabinet will require full Council approval. • Contracts involving expenditure or income of over |

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| | <p>£250,000 (Contracts over £5000,000 expenditure will need Council approval anyway) in respect of any single contract.</p> <ul style="list-style-type: none"> • Virement between budget heads of more than 10% for any amount exceeding £250,000. • Proposal for Council development on any land which is not "permitted development" under the Permitted Development Order (i.e. which requires an application for planning permission) except for development which involves temporary consent. • Any proposal which changes charges to any users of a service. • Any proposal to cease to provide a Council service (other than temporarily) at any premises. • Any proposal to make substantive changes to any service provided by the Council. • Consideration of budget estimates. |
| G | <p>(i) A key decision is an Executive decision which is likely:</p> <ul style="list-style-type: none"> (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority. <p>(ii) Key decisions may only be made by the full Executive (the Cabinet) or by a committee of the Cabinet or an individual executive councillor (or under delegations to an area committee or under joint arrangements) and will follow the Executive Standing Orders set out in Part 4, Section B of this Constitution.</p> |
| H | <p>A decision of the Executive, an Area Committee, or of a Corporate Director acting in accordance with the Scheme of Delegation will be a Key Decision if it comes within one or more of the following categories:</p> <ul style="list-style-type: none"> i) It is likely to result in the Council incurring expenditure or making savings which are significant having regard to the Council's budget for the service or function to which the decision relates; or ii) it is likely to be significant in terms of its effects on communities living or working in 2 or more Stockport wards. iii) it forms part of the development of, or the development of a change to, the Policy Framework or Budget. iv) it involves revenue expenditure or saving that is neither provided for within the Budget, nor virement permitted by the Constitution. v) it involves capital expenditure that is not provided for within: <ul style="list-style-type: none"> a. the capital estimate for a specific scheme; or b. a lump sum capital estimate; c. the capital programme at all, subject to rule 5.7 of the |

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| | <p>Financial Procedure Rules, which permits the Executive to utilise released capital funding for other projects where approved scheme costs are reduced or the approved scheme is deleted (unless the resources were specifically ring fenced).</p> <ul style="list-style-type: none"> vi) it involves a significant reduction in or significant change to a service or facility provided by the Council, such reduction or change not being within the Policy Framework or Revenue Budget. vii) it consists of the declaration of land or property, the estimated value of which exceeds £250,000, as surplus to the Council's requirements. viii) it involves securing approval in principle to the acquisition or disposal of land or property the value of which is estimated to exceed £250,000. ix) it involves securing approval in principle to the taking of, or the granting, renewal, assignment, transfer, surrender, taking of surrenders, review, variation or termination of any leases, licences, easements or wayleaves, at considerations in excess of £250,000 per annum or a premium of £250,000. x) its consequences are likely to result in compulsory redundancies or major changes to the terms and conditions of employment of a significant number of Council employees. <p>A Key Decision may only be taken in accordance with the requirements of the Executive Procedure Rules (Part 4 PR3) and Access to Information Rules (Part 4 PR7).</p> |
| J | <ul style="list-style-type: none"> (i) An executive decision taken by the Executive, an Executive Member or an officer will be a Key Decision if it comes within one or more of the following categories: <ul style="list-style-type: none"> a. It is likely to result in the Council incurring expenditure or making of savings which are significant having regard to the Council's budget for the service or function to which the decision relates; or b. to be significant in terms of its effects on communities living or working in 2 or more Trafford wards. c. It forms part of the development of, or the development of a change to, the Policy Framework or Budget. d. It involves securing approval in principle to the acquisition or disposal of land or property the value of which is estimated to exceed £500,000. e. It involves securing approval in principle to the taking of, or the granting, renewal, assignment, transfer, surrender, taking of surrenders, review, variation or termination of any leases, licenses, easements or wayleaves, at considerations in excess of £250,000 per annum or a premium of £500,000 f. Its consequences are likely to result in compulsory redundancies or major changes to the terms and conditions of employment of a significant number of Council employees. |

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| | <p>(ii) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.</p> |
| K | <p>12.5.1 The statutory definition, as contained in paragraph 8 of Part III of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, is as follows:-</p> <p>an executive decision, which is likely:-</p> <p>(a) to result in the Local Authority incurring expenditure which is, or the making of savings which are significant having regard to the Local Authority's budget for the service or function to which the decision relates; or</p> <p>(b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Local Authority.</p> <p>12.5.2 Under part (a) of the definition and subject to 12.5.3 below the Borough Council has decided that any expenditure or savings of £250,000 or more shall be significant for the purposes of that part of the definition. All such Key Decisions must be approved by the Executive Board.</p> <p>12.5.3 The Council has decided that the letting of any contract on behalf of the Council by an authorised person which involves the provision of services to, or the purchase of goods and services by the Borough Council shall be excluded from the definition of a key decision, where such contracts relate mainly to the internal workings of the Authority and do not therefore have a significant impact directly on local communities in the same way as other key decisions. Such contracts may include advertising, library books, vehicles, consumables, food, gas, electricity, and cleaning of borough premises.</p> |
| L | <p>Wiltshire Council defines a key decision as:</p> <ul style="list-style-type: none"> • any decision which would result in the closure of an amenity or total withdrawal of a service; • any restriction of service greater than 5 per cent measured by reference to current expenditure or hours of availability to the public; • any action incurring expenditure or producing savings greater than 20 per cent of budget service areas against which the budget is determined by Full Council; • any decision in accordance with the Council's Financial Regulations (Part 9), involving financial expenditure of £500,000 or above, with the exception of operational expenditure by Corporate Directors identified within the approved budget and policy framework. • any proposal to change the policy framework. • any proposal which would have a significant effect on communities living or working in an area comprising two or more electoral divisions. |

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| M | <p>A key decision means a decision made in connection with the discharge of a function which is the responsibility of the Cabinet and which is likely to:</p> <ul style="list-style-type: none"> a) result in the Council incurring expenditure, or making savings which are significant having regard to the Council's budget for the service or function to which the decision relates; or b) be significant in terms of its effects on communities <p>For the purpose of the above, savings or expenditure are significant if they are equal to or greater than £500,000 or equal to or greater than £100,000 where the savings or expenditure exceeds 10% of the budget for the service plan area whichever is the less. Expenditure in excess of the above levels will not constitute a key decision if such expenditure is made as part of the implementation of a decision which itself was a key decision e.g. the award of a contract <i>or where the expenditure is routine expenditure as described in the Contract procedure rules</i>. A decision taker may only make a key decision in accordance with the requirements of the Access to Information Procedure Rules set out in Part 4 of this Constitution.</p> |
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**CITY OF CARDIFF COUNCIL
GYNGOR DINAS CAERDYDD**



CONSTITUTION COMMITTEE:

21st September 2016

ASSISTANTS TO CABINET MEMBERS

REPORT OF THE INTERIM MONITORING OFFICER

Reason for this Report

1. To enable the Committee to consider the constitutional provisions in respect of Assistants to Cabinet Members in light of the agreed Action Plan following the Wales Audit Office Corporate Assessment Follow On Report.

Background

2. The Constitution Committee's approved Terms of Reference are:

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).
3. As part of its executive arrangements the Council is able to provide for Deputies or Assistants to Cabinet Members to be appointed to assist the Cabinet. The National Assembly for Wales' Statutory Guidance on Executive Arrangements (SI 2006/56) advises as follows:
 - 4.29 Local authorities will be free to determine whether to have deputy cabinet members but should they so decide, those deputies will be unable to substitute for a cabinet member at a cabinet meeting nor vote on behalf of the cabinet member for whom they deputise. Cabinet members cannot delegate decision-making power to individual elected members outside the cabinet. An executive, therefore, is not able to have formal substitute or deputy members. A separate executive is designed to increase transparency and accountability. Allowing formal substitution could cloud accountability. Since deputies cannot play a formal role in the decision-making process, their role, if appointed, would be a support and advisory one which could have a representational element.

4. Accordingly, the Cardiff Constitution, Article 7.5 ('Assistants to Cabinet Members') provides that:

'The Cabinet may appoint Councillors to act as assistants to the Cabinet as the Cabinet considers reasonably necessary and appropriate. Their role will be:

- (a) To assist the Cabinet collectively;
- (b) To liaise with the Chairs and members of relevant Scrutiny Committees; and
- (c) To act as observers at meetings of the Cabinet or a committee of the Cabinet.

Assistants to the Cabinet may not vote on any matters before the Cabinet, neither may they substitute for a Cabinet Member at a meeting of the Cabinet nor in any decision making role.'

5. In order to widen Member participation in Council business and provide additional support to Cabinet Member portfolios, in May 2014 the Cabinet agreed to create three Deputy Cabinet Member positions with the generic Role Description set out in **Appendix 1** to this report, to assist Cabinet Members in the following areas:

- Housing and Tackling Poverty;
- Delivering the Co-Operative Council; and
- Young People and Learning (including Libraries).

(Appointments to these roles were made by the Cabinet in June 2014.).

6. The Constitution Committee, in June 2014, considered the Deputy Cabinet Member appointments and the constitutional provisions of Article 7.5. The Committee expressed some concern that the designation of 'Deputy Cabinet Member' may be misleading as the post-holders are not able to fully deputise for Cabinet members. The Committee resolved not to amend the designations in the Constitution on this basis.

7. In June 2015, the Cabinet revised the positions and approved 3 Assistant to Cabinet Member appointments, to assist Cabinet Members in the following areas:

- Technology, Innovation and Skills;
- Active Travel & Wellbeing (including Libraries); and
- Housing and Tackling Poverty.

(A new Assistant was appointed for the Housing and Tackling Poverty position in February 2016, following the resignation of the previous appointee.)

Issues

8. The Wales Audit Office Corporate Assessment Follow On Report issued in February 2016 considered the Council's arrangements in this respect and reported (at paragraph 52) that:

'Three Assistants to Cabinet Members have been appointed. Their functions are clearly defined in the Council's constitution, but during our review they were often referred to as Assistant (sic) [Deputy] Cabinet Members, which are posts that are not permissible. This lack of clarity raises the risk that they may be perceived to be members of the Cabinet or inappropriately become directly involved in the decision making process. However, the Council advised us that they did not do so.'

Accordingly, one of the Wales Audit Office Proposals for Improvement (reference P2b) was to:

'Ensure that the titles and roles of Assistants to Cabinet Members are applied consistently, ensuring that their limited roles and responsibilities do not cloud any accountabilities.'

9. In considering the WAO Follow On Report on 21st March 2016 the Cabinet approved an Action Plan which included the following action on this matter:

'Role description for Assistants to Cabinet Members will be included within the Council's Constitution and provided to all post-holders to assist in clarifying roles and responsibilities.' (Action Point P2b)

10. The Committee is recommended to note the Role Description approved by the Cabinet and appended as **Appendix 1**; and to instruct the Monitoring Officer to insert the Role Description into the Constitution, subject to the approval of Council; and to ensure that all post-holders are supplied with a copy of the Role Description.

Legal Implications

11. The Council must agree the form of its executive arrangements, along with the standing orders, schemes of delegation and codes of conduct which together make up the Council's Constitution. The Constitution Committee has responsibility for reviewing, and recommending to Council any changes to the Constitution, in accordance with its terms of reference (set out in paragraph 2 above).
12. The Cabinet is responsible for the discharge of executive functions in accordance with the approved executive arrangements set out in the Constitution. The Cabinet is entitled to consult with, and take soundings from, other councillors or whoever it thinks appropriate. However, the Cabinet remains accountable for decision making with regard to executive functions.
13. Other relevant legal provisions are set out in the body of the report.

Financial Implications

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

Recommendations

The Committee is recommended to:

- (I) Note the Role Description for Assistants to Cabinet Members approved by the Cabinet and set out in **Appendix 1**;
- (II) Instruct the Monitoring Officer to draft amendments to the Constitution to include the Role Description referred to in Recommendation (I);
- (III) Recommend to Council approval of the Constitution amendments referred to in Recommendation (II); and
- (IV) Instruct the Monitoring Office to ensure that copies of the Role Description are provided to all Assistants to Cabinet Members.

David Marr
Interim Monitoring Officer

12th September 2016

Appendices

Appendix 1 Assistants to Cabinet Members – Role Description

Background papers

Cabinet report 'Deputy Cabinet Members and Member Champions', 15th May 2014 and minutes thereof;
Constitution Committee report 'Constitution Update', 11th June 2014 and minutes thereof;
Wales Audit Office 'Corporate Assessment Follow On' report, issued February 2016;
Cabinet report, 'Wales Audit Office Corporate Assessment Follow On Report – Statement of Action', 21st March 2016; and minutes thereof;
National Assembly for Wales Statutory Guidance, Guidance for County and County Borough Councils in Wales on Executive and Alternative Arrangements, July 2006.

ASSISTANTS TO CABINET MEMBERS – ROLE DESCRIPTION

Article 7.5 Cardiff Constitution provides as follows:

‘The Cabinet may appoint Councillors to act as Assistants to the Cabinet as the Cabinet considers reasonably necessary and appropriate. Their role will be:

- (a) To assist the Cabinet collectively
- (b) To liaise with the Chairs and members of relevant Scrutiny Committees and
- (c) To act as observers at meetings of the Cabinet or a committee of Cabinet.

Assistants to the Cabinet may not vote on any matters before the Cabinet, neither may they substitute for a Cabinet Member at a meeting of the Cabinet nor in any decision making role.’

ROLE DESCRIPTION

1. Assistants to Cabinet Members are members appointed by the Cabinet to work with a Cabinet Member or Cabinet Members and deputise for them for any function except decision-making subject to the limitations set out below.

2. This includes taking forward particular projects or programmes. Most Assistant posts will range across the functions of the Cabinet Member but it is a matter for each individual Cabinet Member, after discussion with the Leader of the Council, to establish any limits or conditions on the ways in which the Assistant will operate. Any limitations on the role of Assistant which the Cabinet Member wishes to impose should be a matter of record, to be copied to the Leader of the Council and the Monitoring Officer.

3. The role of Assistant to Cabinet member does not attract a special responsibility allowance

4. Assistants to Cabinet Members may:

- Undertake specific tasks, research and investigations and attend conferences, seminars and meetings, as requested by the Cabinet Member, so as to keep abreast of current policy and development initiatives.
- Deputise for a Cabinet Member at Cabinet Briefings.
- Deputise for a Cabinet Member (but not vote) at Cabinet meetings.
- Deputise for the Cabinet Member at formal and informal functions, except for official openings or ceremonies where it is appropriate for the Cabinet Member to have a role, in which case, in the event of the absence of the Cabinet Member, the Lord Mayor will normally represent the Council.
- Liaise with non-executive members in order to ensure that the Cabinet Member is fully aware of issues which are of concern to members.
- Appear before a Scrutiny Committee where the Cabinet Member cannot attend or where the Assistant has focussed on the particular project or programme.

(However, the Scrutiny Committee may also request the Cabinet Member to attend on a further occasion).

- Be a member of a Scrutiny Committee which does not relate to his or her Cabinet Member's portfolio.
- Be a member of a Scrutiny Task and Finish Group.

5. However, an Assistant to a Cabinet Member cannot:

- Take decisions
- Deputise for a Cabinet Member at Council Meetings
- Be a member of the Scrutiny Committee which scrutinises his or her Cabinet Member's portfolio.