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## AGENDA

**Pwyllgor** PWYLLGOR Y CYFANSODDIAD

**Dyddiad ac amser y cyfarfod** DYDD IAU, 2 MAWRTH 2017, 3.30 PM

**Lleoliad** YSTAFELL BWYLLGORA 4 - NEUADD Y SIR

**Aelodaeth** Cyngorydd De'Ath (Cadeirydd)  
Y Cynghorwyr Dilwar Ali, Aubrey, Bridges, Goodway, Gordon, Hinchey, Knight, Magill, Patel, Walker a/ac Woodman

### 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 Cofnodion *(Tudalennau 1 - 4)*

Cymeradwyo cofnodion y cyfarfod a gynhaliwyd ar 28 Tachwedd 2016 fel gwir gofnod.

### 4 ADOLYGIAD O REOLAU GWEITHDREFN CYFARFODYDD Y CYNGOR *(Tudalennau 5 - 12)*

### 5 DATBLYGU A HYFFORDDI AELODAU – DARPARIAETHAU CYFANSODDIAD *(Tudalennau 13 - 18)*

### 6 Adolygiad o Strwythur y Pwyllgor Craffu *(Tudalennau 19 - 40)*

### 7 Dyddiad y cyfarfod nesaf

**Davina Fiore**

**Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol**

Dyddiad: Dydd Gwener, 24 Chwefror 2017

Cyswllt: , ,

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

CONSTITUTION COMMITTEE

28 NOVEMBER 2016

Present: County Councillor De'Ath(Chairperson)  
County Councillors Aubrey, Dilwar Ali, Goodway, Gordon,  
Hinchey, Margaret Jones, Knight, Patel and Walker

9 : APOLOGIES

Apologies were received from Councillor Magill.

10 : DECLARATIONS OF INTEREST

There were no declarations of interest.

11 : MINUTES

The minutes of the meeting 21 September 2016 were approved as a correct record and signed by the Chairperson.

12 : REVIEW OF THE COUNCIL'S CONSTITUTION - COUNCIL PROCEDURE RULES

The Committee received a report setting out options for discussion and review of any potential changes to elements of the Council Procedure Rules in light of discussion with Party Group Leaders and Whips.

The Director of Governance and Legal Services referred to Appendix 1 of the report which identified the current rules; opportunities to change; and data collated from the Member Council meeting Survey which was set out in Appendix 2 and the Committee discussion was centred around each of the elements.

The following comments were made: -

Frequency of Meetings:

- There was support for dropping to 8 meetings per year by removing July meeting (during holiday time), but noted that this would leave a long gap between June and September meetings.
- If the agreement was to keep to 9 meetings improvements be made to the management and timing of meetings.
- There were some general concerns that reducing to less than 8 meetings per year would create a democratic deficit and the holding of the Executive to account.

Time Limit on Council meetings:

- There was broad agreement that Council meetings were too long and a break was needed to be factored in.
- The optimum time limit should be set at 21.00pm with a 30 minute break any outstanding items for decision would be put straight to the vote and any oral questions would be responded to in writing.

- No limit be set for the Budget Council meeting and the meeting be run in accordance with the Budget Procedure Rules.
- Consideration be given earlier start time for meetings.
- Consideration be given to theming meetings by portfolio area/s.
- It was recognised that not all Members remained for the whole of the meeting.

#### Oral Questions by Councillors:

- Reduce the time for questions from 90 to 60 minutes.
- There was broad agreement to reduce the current maximum of 30 questions to 20, reducing the allocation to each group.
- The ruling group not have the greatest number of questions.
- It was felt that oral questions were being asked so that the quota was used and were not genuine questions.
- Oral questions to relate to policy matters, and not relate to matters affecting only one ward - unless questioner can demonstrate that they have not been able to obtain a written response through the usual channels.
- Members were in agreement that questions on statements were more effective than oral questions, however it was recognised that questions could only relate to matters raised in the statement, and the time allocated for questions on statement was limited. It was noted that statements were rotated at each meeting.
- It was noted that the Leader and Cabinet Members had taken on board request from two previous Chairs of Council on regular statements to Council and for the statements to be circulated the day before the meeting. It was felt that statements could be prepared sooner, and published on the website.
- Opposition member oral questions to be taken first. It was noted that this was the current process.

#### Supplementary Questions:

- It was questioned whether supplementary questions should be allowed at all.
- It was important to keep one supplementary from the original questioner so that they can follow up on the answer provided.

Members were conscious that some oral questions were being brought forward because Members were struggling to get a response through other channels.

#### Allocation of Notices of Motion:

- It was noted that the current allocation was 20 motions per year allocated proportionally with a minimum of 2 per Group.
- It was considered that the current number of motions could be reduced;
- That there be a maximum of 2 motions per meeting which would equate to 14 motions over the 7 formal meetings excluding Budget and Annual Council.
- Motions which relate to national matters where Cardiff Council has no genuine influence be excluded and that motions be confined to Council business; policies or budget matters.
- That the ruling group do not have the greater share of motions;
- The ruling group have no motions and the item be as 'Opposition Business' and given a half hour to one hour time slot;
- Groups have an allocation of speakers for each Motion.

The merits of Member Debates trialled earlier in this administration were discussed which provided opportunity for one off debates on matters of policy or Council related topics. It was recognised that these were in essence the same as Notice of Motion other than it provided all non- executive Members an opportunity to request a debate, and allowed engagement from individual Members, without Party Group influence, and Independent Members who would not have an opportunity to bring forward Notices of Motion. It was recognised that if these were re-introduced then it would add to the length of Council meetings.

Time allocated to speakers during debates:

- The time management of the agenda for meetings could be reviewed with the proposed reduction in questions and motions.
- It was noted that timings for debate were discussed with Whips and the Chair of Council before the agenda is finalised, but it was suggested more could be done to ensure that items are timed better; speakers do not over run; and reduce the number of interruptions.
- It was suggested that Cabinet Members should only speak on matters within their portfolio.
- Other options were to reduce speaker's time from 3 to 2 minutes and proposers of reports and positions from 6 to 4 minutes – with the exception of speaking time for Budget Council proceedings.

In a general discussion matters were raised around:

- Scrutiny process and the use of Call-In of decisions.
- Ensuring that Council meetings are effective use of time and resources.
- Matters of conduct are dealt with effectively at meetings.
- The adherence to the rules on Point of Order and Personal Explanation.

The Director of Governance and Legal Services confirmed that the outcomes from this meeting would be drawn up into a report for discussion at next Constitution Committee to enable a recommendation if agreed to be submitted to Council. As part of the process Party Group Leaders and whips were encourage to consult within their groups and feedback to the Director.

RESOLVED – That

1. the report and the findings of the survey of Members on Council meetings be noted;
2. a report drawing together conclusions from the discussions on the review of the elements of the Council Procedure Rules identified in Appendix A of the report be provided to the next meeting of the Committee.

13 : DATE OF NEXT MEETING - 9 February 2017 at 5.00pm

***This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg***

Mae'r dudalen hon yn wag yn fwriadol

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



**CONSTITUTION COMMITTEE :**

**2 MARCH 2017**

**REVIEW OF THE COUNCIL MEETING PROCEDURE RULES**

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

**Reason for the Report**

1. The purpose of this report is to provide Committee Members with the opportunity to consider proposed changes to the Council Meeting Procedure Rules and to recommend them to the new Council in May 2017.

**Background**

2. At its last meeting, in November 2016, the Constitution Committee considered options for changing various aspects of the Council Meeting Procedure Rules, in light of the results from a Members' Survey and discussions with party group leaders and whips.
3. The Committee considered the full Members' Survey Results, which were also summarised follows:

Frequency of Council Meetings:

- 43% of respondents thought we have too many full Council meetings.
- 57% of respondents said they would agree to fewer full Council meetings.
- Majority of opposition members did not support this.

Time Limit on Council Meetings:

- 83% of respondents think Council meetings are too long.
- A majority of Members support having a time limit for the meeting, after which any remaining matters could be put straight to the vote or deferred to the next meeting.
- Views on the proposed end time varied from 7.00pm through to 10.00pm; with most respondents suggesting 8.00 or 8.30pm.

Oral Questions by Councillors

- 46% of respondents thought that Oral Questions were an important part of the business of Council;
- 67% of opposition members thought that Oral Questions were an important part of the business of Council;
- 49% of respondents answered yes to supporting having Members' Questions dealt with in a different way.

Allocation of Notices of Motion

- 71% of respondents (25 of those who responded) think the allocation of motions should be reviewed.
  - There was no clear agreement on how allocation should be made, although the proposal which had the highest number in favour was that opposition groups be allocated a minimum of three each with the remainder allocated proportionately.
4. The Committee made comments in relation to each area identified for potential change, as well as a number of other observations regarding the current arrangements, and instructed the Monitoring Officer to develop proposals for change for further consideration by the Committee.

## Issues

5. The key areas of the Council Meeting Procedure Rules which have been identified for amendment, the comments noted at the last Committee meeting, and the proposed changes in respect of each area are shown in **Appendix 1** to this report. Members are invited to consider and agree the changes to be made, subject to the approval of full Council.
6. A number of other observations and suggested changes were also made by individual Committee members, including:
- i. Council meetings should be themed to focus in depth on different issues, allowing for Members' questions on particular portfolio areas, with a 2 hour meeting time limit.
  - ii. Cabinet Statements are sometimes repetitive, addressing matters which are already in the public domain; whereas they should be more focussed on portfolio policy matters and decisions taken.
  - iii. Questions on Cabinet statements should be limited, for example to 6 or 8 questions, in order to keep within the 30 minute time allocation.
  - iv. Further research and analysis should be undertaken for the Committee to consider: (i) the type of Council decisions being made currently and projected over a 4 to 5 year cycle, with an indication of which decisions are necessary; and (ii) comparative data on the procedures adopted in other local authorities eg. Bristol, Birmingham, Nottingham and Swansea.
  - v. The personal explanation rule and its use should be considered again.
  - vi. The powers of the Chair and the proper exercise of those powers should be further considered to enable the Chair to manage debate more effectively – to ensure that all Members have an equal opportunity to contribute to the debate and to focus the debate on relevant issues.
7. Members are invited to consider whether they wish to pursue any of the issues raised in the paragraph above; and to instruct the Monitoring Officer accordingly.



## **Legal Implications**

8. The Local Government Act 2000 requires the Council to keep its Constitution under review and up to date. Article 14 of the Constitution provides for its review and revision.
9. Under its Terms of Reference, the Constitution Committee is authorised by the Council to review the Council's Constitution, and to recommend to Council any changes. Any changes to the Council Meeting Procedure Rules require the approval of full Council.

## **Financial Implications**

10. There are no financial implications arising from this report

## **RECOMMENDATIONS**

The Committee is recommended to:

- i. Agree the proposed changes to the Council Meeting Procedure Rules, as set out in Appendix 1, with any further amendments considered appropriate;
- ii. Instruct the Monitoring Officer if the Committee wishes to pursue any of the suggestions noted in paragraph 5 of the report; and
- iii. Recommend to full Council the changes agreed under Recommendation 1 above, to take effect from May 2017.

**DAVINA FIORE**

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

**24<sup>th</sup> February 2017**

### Appendices

Appendix 1 : Council Meeting Procedure Rules – Proposed Changes

### Background Papers

Constitution Committee Report, Review of the Council Meeting Procedure Rules, November 2016

Members' Survey Results, November 2016

Mae'r dudalen hon yn wag yn fwriadol

**Council Meeting Procedure Rules  
Proposed Changes for Consideration**

**Appendix 1**

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Issue	Current Position	Committee's Previous Comments and Suggestions	Proposed Changes
<p><u>Frequency of Meetings</u></p> <p><i>[Requirement is:</i></p> <ul style="list-style-type: none"> <li>• Annual Meeting (May)</li> <li>• Statement of Accounts Sign off (September)</li> <li>• Budget Setting meeting (February)]</li></ul>	<p>9 meetings a year monthly except for April, August and December</p>	<ul style="list-style-type: none"> <li>• Support for dropping to 8 meetings per year by removing July meeting (during holiday time), but noted that this would leave a long gap between June and September meetings</li> <li>• Keep 9 meetings but improve management and timing of meetings</li> <li>• Concern that reducing to less than 8 meetings per year would allow less time for Opposition</li> </ul>	<ul style="list-style-type: none"> <li>• Remove July meeting, leaving 8 full Council meetings per year</li> </ul>
<p><u>Time limit on Council meetings</u></p> <p><i>[No statutory guidance although councils can implement a 'time limit' if they wish.]</i></p>	<p>Meetings held at 16.30 with no time limit</p>	<ul style="list-style-type: none"> <li>• Broad agreement that meetings are too long and a break is needed</li> <li>• End time limit 8.30pm, with a break at 7pm</li> <li>• End time limit 9pm, with a half hour break</li> <li>• No time limit for Budget Council because of the duty to set a balanced budget</li> <li>• Start meetings earlier</li> </ul>	<ul style="list-style-type: none"> <li>• Introduce a meeting end time limit of 9pm, with a half hour break at around 7pm – to apply to all full Council meetings except the February Budget Council</li> </ul> <p>(Remaining items put straight to the vote without debate, questions given written answers)</p>
<p><u>Oral Questions by Councillors</u></p> <p><i>[No statutory requirement, however the review</i></p>	<p>Current limit on Oral questions is 30 questions maximum and 90 minutes total.</p>	<ul style="list-style-type: none"> <li>• 1 hour is sufficient, questions rarely take 90 minutes</li> <li>• Broad agreement to reduce the current maximum of 30 questions</li> <li>• Should relate to Council business (NB. current rules allow rejection of</li> </ul>	<ul style="list-style-type: none"> <li>• Reduce the maximum number of oral questions to 20, by reducing allocation from 3 to 2 questions per group, 1 per independent member and remaining questions allocated proportionally AND</li> </ul>

Issue	Current Position	Committee's Previous Comments and Suggestions	Proposed Changes
<i>of CPR in 2012/13 introduced a limit on Oral Questions]</i>	Allocation is 3 questions allocated per Group and 15 allocated proportionally with 1 oral question per independent member	<p>questions relating to matters for which the Council has no responsibility or do not affect Cardiff)</p> <ul style="list-style-type: none"> <li>• Should not relate to matters affecting one ward only (unless questioner has not been able to obtain a written response through the usual channels)</li> <li>• Make no change to Oral Questions, but limit Questions on Cabinet Statements instead</li> <li>• Analyse questions asked and consider whether they should have been asked</li> <li>• No change to number of questions allocated per group</li> <li>• Opposition member questions should be taken first (NB. Current rules provide for this)</li> <li>• Members of ruling group(s) should have no questions or submit written questions only</li> </ul>	<ul style="list-style-type: none"> <li>• Introduce a requirement that questions must be on budget or policy, and must not relate to matters affecting one ward only</li> </ul>
<p><u>Supplementary Questions</u></p> <p><i>[No statutory requirement; custom and practice in Cardiff for two supplementary]</i></p>	One supplementary is allowed from the Questioner and one further supplementary from a Member who does not	<ul style="list-style-type: none"> <li>• No supplementary questions needed</li> <li>• 1 supplementary question is sufficient</li> </ul>	<p>Allow only one supplementary from the original Questioner</p> <p>(remove provision for a further supplementary question)</p>

Issue	Current Position	Committee's Previous Comments and Suggestions	Proposed Changes
	belong to the same Group as the Questioner.		
<p><u>Allocation of Notices of Motion</u></p> <p><i>[No statutory requirement. Custom and practice has always been to allocate proportionally]</i></p>	20 Motions per year allocated proportionally with a minimum of 2 motions per Group	<ul style="list-style-type: none"> <li>• 1 Motion per meeting, with allocation of between 2 and 3 Motions for each group</li> <li>• Maximum of 2 Motions per meeting</li> <li>• Reduce from 20 Motions per year</li> <li>• Disallow Motions from ruling group(s)</li> <li>• Exclude Motions which relate to national matters where Cardiff Council has no genuine influence (NB. Current rules require that Motions must relate to matters for which the Council has responsibility and which affect Cardiff)</li> <li>• Should relate to Council policy or budget</li> <li>• Should be renamed as 'Opposition Business' and given a half hour to one hour time slot</li> </ul>	<ul style="list-style-type: none"> <li>• Reduce the maximum number of Motions per year to 18 or 16 (dependent on the number of meetings per year agreed above, ie. 18 Motions if we retain 9 meetings per year; or 16 Motions if we reduce to 8 meetings per year)</li> <li>• Introduce a maximum of 2 Motions per meeting</li> <li>• Retain current allocation provisions</li> <li>• Consider whether to tighten the rules to require that Motions must relate to Council policy or budget issues</li> </ul>
<p><u>Timing for Speakers during a debate</u></p> <p><i>[Time allocated to speakers is a local decision and is currently based on custom and practice.]</i></p>	<p>6 minutes for Proposers of a report or motion. 3 minutes for seconder and general speakers in debates.</p> <p>(Other than Budget</p>	<ul style="list-style-type: none"> <li>• Chair to have more discretion to limit time for speakers (NB. Chair already has this - currently has power to refuse or restrict a Member's right to speak)</li> <li>• Limit time for speakers to 2 minutes</li> <li>• Reduce proposers time limit to 4 minutes; 2 minutes for seconder; and 2-3 mins for response</li> </ul>	<ul style="list-style-type: none"> <li>• Reduce speakers' time limits to: <ul style="list-style-type: none"> <li>- Proposer 4 minutes;</li> <li>- Secunder / general speakers 2 minutes</li> </ul> </li> </ul> <p>(Other than for Budget Council)</p>

Issue	Current Position	Committee's Previous Comments and Suggestions	Proposed Changes
	<p>Council, where Lead Cabinet Member gets 10 minutes; Leader 4 minutes; Opposition Spokespersons 5 minutes; and All other Members 3 minutes.)</p>	<ul style="list-style-type: none"> <li>• Introduce a word limit</li> <li>• No change to budget debate timings</li> <li>• Agenda planning to agree time allocation for each business item and the number of questions</li> <li>• Conduct of debate needs better management – by ordering into speakers for / against, to ensure all views can be expressed</li> <li>• Cabinet Members should only speak on matters within their portfolio</li> </ul>	

**CITY OF CARDIFF COUNCIL  
GYNGOR DINAS CAERDYDD****CONSTITUTION COMMITTEE:****2<sup>nd</sup> March 2017**

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**MEMBER DEVELOPMENT & TRAINING – CONSTITUTION  
PROVISIONS****REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL  
SERVICES AND MONITORING OFFICER**

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**Reason for this Report**

1. To enable the Committee to consider strengthening the constitutional provisions in respect of Members' training requirements, to reflect the training identified as essential for Members to discharge their roles effectively.

**Background**

2. In the Wales Audit Office (WAO) Corporate Assessment Follow On Report issued in February 2016, one of the proposals for improvement was a recommendation that the Council's arrangements for Member development and learning should be strengthened to enable Members to undertake their roles more effectively (WAO Proposal for Improvement P5).
3. In response to the WAO Follow On Report, the Cabinet (on 21st March 2016) noted that Members of committees discharging a quasi-judicial role in Cardiff, namely, the Public Protection; Licensing and Planning Committees, are required as a matter of practice to attend training before they can participate in these committees. The Cabinet agreed that the Democratic Services Committee would be asked to review the Council's arrangements, identify essential training requirements for Members and agree a new member development & training programme to commence in May 2017.
4. At its meeting in December 2016, the Democratic Services Committee considered a draft Member Induction Programme 2017, which identified various training considered essential for Members to effectively discharge their roles (further information on this is provided in paragraph 11 below). The Programme is currently being finalised for implementation after the May 2017 elections.

## Issues

5. This Committee is recommended to consider amending the Council's constitutional provisions to enshrine and support the effectiveness of the Council's arrangements for Member training.

### Current Constitution provisions:

6. The Constitution currently contains the following references to Member training:

- (i) Cardiff Undertaking (Constitution, Part 5)

As Members will be aware, all Councillors are asked to annually reaffirm their commitment to the Cardiff Undertaking, which includes the following:

*'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.'*

- (ii) Planning Committee Procedure Rules (Constitution, Part 4)

#### *"Rule 20 Member Development Training*

*All Members of the County Council are expected to undertake a basic level of training on planning matters in their role as local Members. Specific training will be provided to the Chair, Deputy Chair and members of the Planning Committee as part of the Member Development Programme."*

- (iii) Planning Code of Good Practice (Constitution, Part 5)

#### *"9 Training*

*Training on planning matters will be made available at convenient times for all Members of the Council, and in particular those serving on the Planning Committee.*

*..*

*Do endeavour to attend any training sessions provided since these will be designed to extend your knowledge and thus assist you in carrying out your role properly and effectively."*

7. Members will note that the Constitution currently makes clear that Members are expected to undertake appropriate training to enable them to carry out their duties. However, there is no specific reference to essential training, even though it is the Council's accepted practice that members of quasi-judicial bodies, such as the Public Protection, Licensing and Planning Committees must have attended training before they participate in those committees (as noted in paragraph 3 above); and the Democratic Services Committee is identifying other essential Member training requirements.



### Options the Committee may wish to consider:

8. It is recommended that the Committee consider strengthening the Constitution provisions on training in the following respects:

#### **Quasi-Judicial Committees**

9. It is recognised that Member training is particularly important for the work of such committees, as they are required to exercise powers and procedures resembling those of a court of law or judge, which may affect the legal rights, duties or privileges of specific parties. For this reason, it is suggested that it would be appropriate to enshrine the essential training requirements for Members of such Committees within the Constitution.
10. Whilst the Constitution does make reference to the training of Planning Committee members (please see paragraph 6(ii) and (iii) above), this provision should be strengthened to reflect the Council's arrangements where Planning Committee members must have undertaken relevant training before they participate in the Committee. It is also suggested that similar provision should be made in the Constitution for all other quasi-judicial committees and bodies, namely the Licensing Committee, Public Protection Committee, Appeals Panel and Standards & Ethics Committee.

#### **Essential Member Training & Development**

11. Members may also wish to consider making reference in the Constitution to the requirement for Members to undertake any other training identified as essential in order to properly discharge their roles. In the draft Member Induction Plan 2017 currently being prepared by the Democratic Services Committee, this includes training for all Members on matters such as the Members' Code of Conduct, Council Finance, the Constitution, Information Communication Technology, Data Management and Freedom of Information etc.; and also specific training for members of the Audit Committee and the Appointments Committee. Enshrining the essential training requirements within the Constitution may encourage Member engagement and support the effectiveness of the Council's Member development arrangements.

#### **Decision Making Bodies**

12. The decisions of any formal decision making body may be subject to challenge by judicial review if it is shown that the Members making the decision had not received sufficient training to understand the relevant law or issues. Whilst this is particularly important for the quasi-judicial bodies (referred to in paragraph 10 above), the Committee may wish to consider whether Members should give a commitment to attending any relevant training before participating in any Committee or other decision making body. It is expected that Members of most, if not all, Committees (or other decision making bodies) will have essential training identified in relation to the functions of that Committee, and so be covered by any 'essential training' provisions which are agreed under paragraph 11 above. However, for the avoidance of any doubt, Members may wish to consider whether a general

provision should be made regarding training to be undertaken by Members of all decision making bodies.

### Proposed Constitution Amendments

13. There are various provisions in the Constitution which may be amended to reflect the Committee's recommendations, specifically:
- (i) Committee Terms of Reference - Some Councils add mandatory training to their constitution as part of the terms of reference of the committee or body. With this approach, if a Committee Member participated in Committee decisions without having undertaken any relevant training, the Committee would be acting outside of its terms of reference and those decisions could be challenged on that basis. Members may consider this approach to be appropriate for the quasi-judicial committees (see paragraph 10 above).
  - (ii) Article 2 'Members of the Council' – a new point 2.6 'Training and Development' could be added below Roles and Functions, Conduct and Allowances, to say that all Members will be required to undertake any training identified as essential for them to discharge their role effectively.
  - (iii) Article 8 'Regulatory and Other Committees'- a new point 8.2 could be added stating that 'All members of committees will be required to attend relevant training before participating in the committee.'
  - (iv) Cardiff Undertaking – the commitment given (set out in paragraph 6(i) above) could be extended to refer to training which has been identified as essential in order to discharge their role.
  - (v) Committee Meeting Procedure Rules – a new rule could be added on Member Development, as in the current Planning Committee Procedure Rules (set out in paragraph 6(ii) above) stating that all Committee members will be required to undertake any training relevant to the functions of the committee.
14. Members are invited to provide any comments on the issues outlined above and agree the proposed Constitution amendments.

### **Legal Implications**

15. In accordance with its terms of reference, the Constitution Committee has responsibility for reviewing, and recommending to Council any changes to the Constitution.
16. Other relevant legal provisions are set out in the body of the report.

### **Financial Implications**

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

## **Recommendations**

The Committee is recommended to:

- (I) Note the information set out in the report and comment as appropriate;
- (II) Agree the proposed Constitution amendments; and
- (III) Instruct the Monitoring Office to draft the proposed amendments to the Constitution for approval by full Council.

**Davina Fiore**  
**Director of Governance and Legal Services and Monitoring Officer**

6<sup>th</sup> February 2017

## **Background papers**

Wales Audit Office 'Corporate Assessment Follow On' report, issued February 2016;  
Cabinet report, 'Wales Audit Office Corporate Assessment Follow On Report – Statement of Action',  
21<sup>st</sup> March 2016  
Democratic Services Committee report, 'Member Development Update', 7<sup>th</sup> December 2016

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

**CONSTITUTION COMMITTEE:**

**2 MARCH 2017**

## **REVIEW OF SCRUTINY COMMITTEE STRUCTURE**

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

#### **Reason for the Report**

1. To enable Members to consider and make recommendations to a future Full Council and the new administration post May 2017, on a preferred model for Scrutiny arrangements (four potential options are appended to this report at **Appendix 1**) that will best equip the Council to provide effective and relevant scrutiny to:
  - Meet the needs of the future administration and wider Council Membership;
  - Take account of a range of recent, current and planned changes to legislation, policy and service delivery;
  - Make best use of Member and officer resources;
  - Provide evidence based policy solutions that will support the Council's governance and improvement; and
  - Help scrutiny fulfil its critical friend role, championing the interests of the citizen.

#### **Section 1: Background, and Scrutiny Review Methodology**

2. The Council is currently undertaking a Review of Scrutiny, to help the Administration forming after the May 2017 Council elections swiftly agree and put in place the most effective scrutiny arrangements that will optimise the support available from non-Executive Members in terms of policy development, improvement, and holding the new Cabinet to account.
3. Cardiff's current five committee scrutiny model is similar to that of many other Core Cities, who arrange their scrutiny as below. Most Core Cities also have a range of partnership scrutiny bodies, notably (as mandatory in England) a Health Partnership Committee:
  - **Liverpool** - 7 Committees grouped as a hybrid of Directorate and Portfolio.
  - **Bristol** - 1 Overview and Scrutiny Board, 4 Committees, grouped by Directorate, 1 Call in Committee.

- **Leeds** - 6 Committees, grouped by Directorate.
  - **Manchester** - 6 Committees, grouped by areas of the Manchester Partnership).
  - **Birmingham**- 5 Committees, grouped by Portfolio.
  - **Cardiff** - 5 Committees, grouped as hybrid of Directorate and Portfolio.
  - **Sheffield** - 5 Committees, grouped by Portfolio.
  - **Glasgow** - 2 Committees.
  - **Newcastle** - 1 Overview and Scrutiny Committee.
  - **Nottingham**- 1 Overview and Scrutiny Board, 1 Call-in Panel.
4. Cardiff's model is similar to that of many other Welsh councils. Several of these have five committees, several have four committees, and several have three. There is an even balance between arrangement by directorate, by portfolio and as a hybrid of the two. Two authorities (Pembrokeshire and Denbighshire) have a thematic (Policy Development, Performance Monitoring, Partnership, Pre-Decision) arrangement, and two (Swansea and Anglesey) have a single committee model.
5. The Review has been driven by a number of internal and external factors. Principal among these are:
- Wales Audit Office (WAO)'s February 2016 recommendations that Cardiff:
    - i. Develop an approach to cross-cutting scrutiny (given the increasing nature of collaborative service delivery and governance, and the Wellbeing of Future Generations agenda); and
    - ii. Consider scrutiny's role in addressing the strategic challenges facing the Council at this point in time.
  - Changes to the Council's service delivery arrangements such as the City Deal Regional Cabinet, the shared Regulatory Service and other alternative service delivery models.
  - Ongoing budget pressures and Member and officer capacity.
6. The Review undertook research in October 2016, to benchmark Cardiff's scrutiny arrangements against other Core Cities and Welsh local authorities, and analysed the key local and regional legislative and policy drivers for scrutiny. In November 2016 the Review Project arranged a number of workshops to engage Members and managers, and capture their views on the kind of scrutiny arrangements that might best support the Council's governance, given the factors described above. Those engaged included:

- Scrutiny Committee Chairs
  - Members of the Community & Adult Services and Children & Young People Scrutiny Committee
  - An “All” Member” workshop attended by 10 Members
  - Senior Management Team.
7. Members of Policy Review and Performance Scrutiny Committee considered the Review of Scrutiny on 6 December 2016, giving feedback on some potential options for the most appropriate number of scrutiny committees for the next Council, and the way they might be structured. The Committee also considered:
- The appropriate balance of time that should be invested in different types of scrutiny (eg Policy Development, Performance Monitoring, Pre-Decision Scrutiny, Call-in etc); and
  - The appropriate balance of time that should be devoted to matters considered at formal Committees, and those considered in informal “task and finish” activity.
8. The letter written by the Committee Chair immediately after the meeting is appended at **Appendix 2**.
9. Following this meeting, officers reviewed the feedback received at the workshops, and the key findings from the previous research and analysis, and developed options for consultation during January 2107 with Scrutiny Chairs, Political Group leaders and Council managers, and key external partners such as Health, Police and Cardiff Third Sector Council.

## **Section 2: Cross Cutting Scrutiny Issues**

### ***a) Partnership and Collaboration***

10. An obvious cross cutting issue is that of partnership and collaboration. The recently published Welsh Government white paper “Reforming Local Government: Resilient and Renewed” puts emphasis on collaborative regional working and this is therefore likely to increase. During the past 12 months, Cardiff has entered into several significant new local and regional partnership ventures, including the Cardiff Public Services Board, the South East Wales Shared Regulatory Service, and the Integrating Health and Social Care Regional Partnership Board and more recently the Cardiff Region City Deal Regional Cabinet. Existing collaborative ventures (such as the South Central Wales Education Consortium) are strengthening their joint scrutiny activity, while other major partnerships, including the Cardiff Capital Region City Deal Board, and the Council’s new partnership with Greenwich Leisure Limited, are likely to form part of Scrutiny’s future work programme. In the medium term, any Tidal Lagoon Proposals coming forward will have scrutiny implications, as the Cabinet Member for Transport, Planning and Sustainability outlined at Environmental Scrutiny Committee in January 2017.

11. Cardiff Council is also revising its approach to neighbourhood partnerships, which in themselves will have task and finish groups and action plans. During the Review of Scrutiny Councillors have identified the need for scrutiny to prioritise its resources to avoid overlap with other governance structures.
12. Cardiff has already undertaken and managed partnership scrutiny, for example, the five Council Prosiect Gwyrdd regional waste project, and predecessors of the current Public Services Board. Currently Policy Review and Performance Scrutiny Committee manages the overview of Public Services Board scrutiny, while the other four scrutiny committees carry out other partnership scrutiny within their terms of reference.
13. None of the options set out at **Appendix 1** have proposed the creation of a specific Partnership Scrutiny Committee – something that some other Welsh local authorities have chosen to introduce. Instead, it is considered preferable for the scrutiny committee whose terms of reference are closest linked to the work of the partnership to take ownership of the scrutiny of that partnership. This will ensure synergy between local and regional scrutiny of the topic, and will also allow the Members with greatest knowledge or interest in the topic to take a lead role in the local and regional scrutiny of the work. The Welsh Government's 31 January 2017 White Paper "Reforming Local Government: Resilient and Renewed" suggested that given the move towards regional service delivery, local authorities might wish to choose on a case by case basis whether they wished to arrange scrutiny of these services :
  - As part of their "day job" on a local basis (as currently the case for many current partnership scrutiny activities);
  - By undertaking additional informal joint scrutiny task and finish or panel activity (as in the case of the South Central Wales Education Consortium); or
  - By taking part in a bespoke formal joint scrutiny Committee (as is being proposed for the City Deal).

#### ***b) Scrutiny of Crime and Disorder***

14. The Police and Justice Act 2006 requires local authorities to designate a scrutiny committee with responsibility for the scrutiny of crime and disorder in the authority area. In Cardiff, the responsibility has been effectively discharged for since 2006 by the Community and Adult Services Scrutiny Committee. Any future scrutiny model should ensure that as far as possible the terms of reference of the designated scrutiny committee would optimise its potential to effectively scrutinise crime and disorder, and that it would have adequate capacity to do so.



### ***c) Other Cross Cutting Scrutiny Issues***

15. When the Welsh Government consulted on its draft Local Government Bill in 2015/16, it described the potential role of scrutiny within the authority in securing the authority's good governance, self-assessment and improved performance, and the relationships between of internal scrutiny and external auditors, inspectors and regulators in supporting these matters. Any future scrutiny model and wider governance arrangements should optimise scrutiny's ability to play a clear and effective role in improvement, and support these relationships, reducing the external regulatory burden and saving the Council money.
16. Welsh Government also published its Social Services and Wellbeing Act in 2014, setting out a more holistic vision for the way that Information, Advice and Assistance (IAA) would be provided to people inquiring about social care support, and specifying a role for each part of the Council in ensuring good access to IAA. This will have implications for the way that Social Services has traditionally been scrutinised.

## **Section 3: Other “Key Strategic Challenges” Facing The Council**

### ***a) Issues suggested in the WAO's latest Corporate Assessment Report***

17. In its February 2016 Corporate Assessment Follow On Report, Wales Audit Office recommended that “The Council must ensure that it addresses the proposals for improvement as set out in this report to deliver improved outcomes within the next 12 months”. A future scrutiny model will need to be able to focus on these issues, which are set out clearly in the organisations Management Statement of Action.

### ***b) Ongoing Financial Pressure on Council Revenue Budgets***

18. At a time of growing public expectations and statutory responsibilities currently being placed on scrutiny, Council revenue budgets have faced pressure from recent financial challenges facing the organisation. With this in mind, any future proposed scrutiny model should be capable of making the best use of the resources available to it.

### ***c) Member Capacity and Development***

19. Equally, a future scrutiny model needs to recognise and support the pressures facing elected members in participating in scrutiny activity around other pressures, such as ward representation and work and family responsibilities.

#### **d) The Place of the Citizen in Scrutiny**

20. The Local Government Measure (Wales) 2011 clearly set out the rights and expectations of citizens in interfacing with local authorities through scrutiny, Cardiff's scrutiny councillors expressed a view that scrutiny should be as closely focussed on the needs of citizens as possible. Currently, scrutiny committees regularly receive requests from citizen groups to present a case to a scrutiny committee on a current issue, and some petitions have been presented directly to a scrutiny committee. Citizen groups like Cardiff Third Sector Council are asked to identify items to be included on Scrutiny Committee work programmes. Third sector stakeholder experts regularly present evidence to formal scrutiny committee meetings, and task and finish inquiries. During 2015, third sector organisations were also involved in a pilot of public questions to scrutiny committees. Webcasting was introduced to scrutiny committees in December 2016, and one committee meeting is now being webcast each month.
21. Other methods could also be employed to increase citizen focus and involve our partners more, with capacity being the main factor limiting their implementation. Meetings could, for instance, be held in community settings, and more calls for evidence could be arranged (as they are by the Committees of the National Assembly for Wales). The Scrutiny Chairs have expressed their hope that additional capacity can be released to increase the level of promotion and communication of scrutiny activity, and ways that citizens and partners can be involved in scrutiny.

#### **Section 4: The Arrangement of Scrutiny Committees**

22. Any constitutional arrangements that a future Council might establish (in terms of the number and nature of its scrutiny committees) should enable the Council to deliver the key aims of the review. In other words, to enable more cross-cutting scrutiny; to support recent, current and planned changes to Council service delivery; and to best support member and officer capacity to deliver constructive challenge, accountability and improvement.
23. Following the engagement described above, officers have designed a number of options for how scrutiny committees could be structured within the governance arrangements of the new Council after the Council elections on 4 May 2017. These are set out for Members' information at **Appendix 1**. The models presented for consultation at this Committee meeting are:
  - **Model A:** Four committee Model, with a combined social care committee (version 1).
  - **Model B:** Four committee Model, with a combined social care committee (version 2).
  - **Model C:** Four committee Model, with two separate social care committees.

- **Model D:** The Current Scrutiny Model - Five committees, with two social care committees, meeting 11 times per year.

24. The following paragraphs address some of the main areas to focus on in planning effective scrutiny arrangements.

**a) The Number of Scrutiny Committees**

25. A critical piece of feedback shared by many Members and officers during the Review was that task and finish scrutiny was seen as more productive and effective than the more formal Scrutiny Committee meetings.
26. Therefore, while one of the four potential models attached at **Appendix 1** shows the current five Committee structure, three of them show a four Committee structure. It is hoped that a smaller number of committees might enable a wider range of non-executive Members (both those on a scrutiny committee, but also those not on a scrutiny committee) to devote time to scrutiny task and finish activity. Although both a three committee model and a one committee model were raised as possibilities during engagement on the Review, there was limited appetite for this from either officers or members, as stakeholders felt that there needed to be enough committees to allow Members to develop a degree of speciality and expertise in a defined range of topics.

**b) Membership and Co-option onto Scrutiny Committees**

27. Since their introduction sixteen years ago, Cardiff's scrutiny committees have each had nine non-executive elected Members on them, with party representation of committee members and chairs being distributed in a manner proportionate to the Council's overall membership. In July 2016, Full Council took the decision to temporarily reduce membership on each scrutiny committee to eight, as it had for some time proven difficult to maintain full membership. Having analysed arrangements in other local authorities, it has been found that at nine members per committee, Cardiff was already one of the authorities with the fewest members on its scrutiny committees. It is recommended that following the May 2017 elections the new Council consider whether the number of elected members on each Committee be reinstated to nine.
28. At the Policy Review and Performance Scrutiny Committee meeting on 6 December 2016, members discussed an issue that an increasing number of members are working, and combine council membership with a full time job. Other members have caring responsibilities at different times during the day. Some members prefer to be a member of a formal scrutiny committee, while others like to invest their time in informal task and finish activity. To best support member appetite, interest and capacity, it may be useful during the next Council to change the current assumption that only members of a formal scrutiny committee could take part in a task and finish Inquiry. It is

recommended that any non-executive member (not just those on scrutiny committees) may be involved in task and finish activity. It is important to note that current protocols on political balance and declaration of interest would be robustly maintained. It will be helpful to specify the maximum number of Members that should sit on an individual task and finish inquiry with nine being suggested as the maximum number.

29. Arrangements would need to be made to appoint a chair of a task and finish Inquiry, if the Inquiry Chair was not the chair of the “parent” formal scrutiny committee.
30. It was also mooted by some current scrutiny chairs during the review that every non-executive member should either be expected to sit on a scrutiny committee, or contribute in another measurable manner to supporting scrutiny activity, recognising that some members commit significant time to other committee activity (such as Planning, Licencing etc).
31. It may be beneficial for the Council to consider extending its current arrangements for co-option of non-elected Members onto scrutiny committees (currently, only Children and Young People Scrutiny Committee has co-optees – two parent governor representatives and two faith representatives). Senior managers were particularly positive about the potential for greater co-option, and many members share their enthusiasm. Some members are, however, less favourable to this idea, and this Committee decided not to extend co-option when it last considered the subject at its 15 July 2015 meeting. Since then, Welsh Government signalled its support for co-option in its consultation on the proposed Wales Bill in 2016. Short of full and permanent co-option onto a formal scrutiny Committee (which could in itself be beneficial), there are various other options – for instance co-option for single meetings, co-option for certain types of scrutiny items (eg performance monitoring), or co-option onto task and finish inquiries or inviting partners or witnesses to engage on particular topics.

### ***c) The Frequency of Formal Scrutiny Committee Meetings***

32. Whatever decisions might be made on the number and alignment of future scrutiny committees, another critical factor is the frequency of those committees’ formal meetings. Given current Member and officer capacity, and continuing financial pressure on the Council budget, it is not considered likely that retaining a five committee model with the current frequency of formal scrutiny committee meetings will allow Members to undertake more task and finish activity, which they clearly said they would like to do during the Review’s engagement workshops.
33. Reducing to a four committee model with meetings at the same frequency (11 meetings scheduled per committee each year) is likely to release a small amount of extra officer capacity to support task and finish inquiries. Alternatively, a five committee model with fewer meetings a year could achieve the same aim. If, however, the number of meetings per year were to

be reduced (to, for instance, six bi-monthly meetings per committee), agreement would need to be sought on which items might generally be prioritised for formal meetings, and which for task and finish.

34. However, given the current monthly cycle of Cabinet meetings, if pre-decision scrutiny was considered a high priority to come to formal committee meetings, careful arrangement and scheduling would have to be managed to ensure that items could be scrutinised before Cabinet consideration.

#### ***d) Committee Terms of Reference***

35. In considering the structure and potential terms of reference of Committees, respondents to the engagement were given the opportunity to give their views on a set of committees arranged by theme (eg Policy, Partnership, Performance and Pre-Decision) as Councils in Pembrokeshire and Denbighshire had introduced. Although members and officers could see the in-principle benefit of these committees delivering cross-cutting scrutiny, again there was less likely buy in to this kind of arrangement to the current style of function led arrangement – with Committees each having responsibility as now for a discrete range of organisational directorates and political portfolios. Members in particular felt that this would allow them to develop a relationship with areas of the Council’s work that particularly appealed to them, and to which they felt they could commit their time and expertise. This is, therefore how the models at **Appendix 1** have been arranged.

#### ***e) Scrutiny of Social Care***

36. Two particular aspects of cross cutting scrutiny that might be particularly important to address could be seen to be those driven by two recent pieces of legislation – namely the Social Services and Wellbeing Act (Wales) 2014, and the Wellbeing of Future Generations Act (Wales) 2015. Some Members were supportive of current arrangements for scrutiny of social care (which sees adult social care issues coming to Community and Adult Services Scrutiny Committee, and children’s social care issues going to Children and Young People Scrutiny Committee). However, the Cabinet member for Health, Housing and Wellbeing (whose Portfolio includes Adult Social Care) and the Director of Social Services advocated that a combined social services committee would be able to address the former Act more effectively. They felt that this new arrangement could also support and streamline the relationship with the Care and Social Services Inspectorate Wales, who would only have a relationship with one scrutiny committee.
37. Several of the models at **Appendix 1** therefore illustrate a combined social services committee. Others retain the current alignment between adult social care and independent living / housing support commissioning, which have also become increasingly linked in recent years in light of the requirements of the Social Services and Wellbeing Act (Wales) 2014.

### ***f) Scrutiny of the Wellbeing of Future Generations***

38. Welsh Government specified in the Wellbeing of Future Generations Act (Wales) 2015 a statutory role for scrutiny in providing assurance and monitoring of the development by the Public Services Board of a Population Needs Assessment and resultant Wellbeing Objectives. In terms of the broader Wellbeing agenda and the work of Cardiff's partnership work at the Public Services Board (PSB), the Council's Policy Review and Performance Committee (PRAP) had adopted overview of this agenda in 2015, following consideration of previous advice from Her Majesty's Inspectorate for Education Estyn. During 2016, this Committee programmed two meetings to discuss the PSB and Wellbeing agenda, but it is possible that the associated workload might increase in the next few years. Welsh Government Guidance suggested that dedicated scrutiny resources should be ring-fenced to ensure effective analysis and robust assurance. Any future model should be mindful of the need to ensure capacity is available for the appropriate Committee (suggested to be retained in PRAP) to deliver.

### ***g) Scrutiny of the Cardiff Capital Region City Deal***

39. The scrutiny arrangements of Cardiff's biggest new partnership venture – the Cardiff Capital Region City Deal – are currently being considered. It has been suggested that a joint scrutiny body be put in place to provide assurance for the City Deal's Regional Cabinet arrangements, but this is under consideration. No proposals have been developed to date, and even if a joint scrutiny body was appointed there will still be a need for local scrutiny.

### ***h) Arrangement of Performance Monitoring at Scrutiny***

40. WAO recognised in its February 2016 Corporate Assessment Follow On report that the Council's performance management approach is undergoing a transition, and in its WAO Management Statement of Action in March 2016, the Council built a number of projects into its Organisational Development Programme to ensure improvement of performance management and monitoring.
41. Each of the models at **Appendix 1** assume that each Committee will retain a degree of monitoring of the performance of the services within their terms of reference, while the "corporate" committee (currently called PRAP) will retain a wider overview of corporate performance and budget management. The aim will be to optimise Member involvement and skills, while reducing any unnecessary duplication.

### ***i) Avoidance of Duplication Between Committee Functions***

42. The Review identified views from members and senior managers that steps should be taken to avoid any unnecessary duplication of functions between

Council committees. On the one hand, while there are occasions when two or more scrutiny committees have an interest in closely related matters, the terms of scrutiny committees should carefully remove any unnecessary duplications. Secondly, steps should be taken to ensure clearly separated focus between a scrutiny committee and another Council committee (eg Planning, Audit, Corporate Parenting). Thirdly, a number of Members perceived unnecessary duplication between some non-scrutiny committees (eg Constitution Committee and Democratic Services Committee) that a future Council should address.

43. In concluding this section of the report, members are requested to consider the options set out at **Appendix 1** and the consultation feedback, and agree recommendations to the future Full Council on the matters detailed in the report. The establishment of Scrutiny Committees is a standing item on the agenda of the Annual Council, which takes place in May 2017.

### **Legal Implications**

44. The Local Government Act 2000 requires authorities to set up overview and scrutiny committees. The legislative provisions for overview and scrutiny committees for Wales have been amended and supplemented by the Local Government (Wales) Measure 2011. The provisions of the 2000 Act, the 2011 Measure and Regulations made there under (for example, the Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013) must be considered when determining the future scrutiny model for Cardiff.
45. In addition, other legislation imposes requirements as regards scrutiny. For example, The Police and Justice Act 2006 made provision for a range of changes to the way in which Community Safety Partnerships (CSPs) in Wales fulfil their responsibilities in relation to tackling crime, disorder and substance misuse in their locality. These changes, contained in sections 19, 20 and 21 of the Police and Justice Act 2006, include a requirement that local authority scrutiny structures should consider crime and disorder matters. The Wellbeing of Future Generations Act (Wales) 2015 specifies Executive arrangements by a local authority under the Local Government Act 2000 must ensure that its overview and scrutiny committee has power to review or scrutinise decisions made, or other action taken, by the public services board for the local authority area in the exercise of its functions. To ensure compliance with legislative requirements, legal advice has and will be provided on the scrutiny model for Cardiff as the proposals are developed.
46. Consultation - The report refers to consultation undertaken and in considering this matter regard should be had to the outcome of the consultation.
47. Equality Duty - In considering this matter regard must be had to the Council's duties under the Equalities Act 2010 (including specific Welsh public sector duties) – the Public Sector Equality Duties (PSED). These duties require the Council to have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of

'protected characteristics'. The 'Protected characteristics' are: Age, Gender Reassignment, Sex, Race – including ethnic or national origin, colour or nationality, Disability, Pregnancy and Maternity, Marriage and Civil Partnership, Sexual Orientation, and Religion or Belief – including lack of belief. In determining the scrutiny model the decision maker will need to be satisfied that scrutiny can be carried out in a way that ensures the Council's Public Sector Equality Duties are met.

## **Financial Implications**

48. Constitution Committee is being asked to make recommendations for a future Full Council to consider, following the May 2017 Council elections. The options set out in this report can all be funded from within the 2017/18 budget allocation for Scrutiny Services and in the event of unforeseen then they need to be found from within the existing budgetary allocation. Committee is being asked to make recommendations for a future Full Council to consider, following the May 2017 Council elections.

## **Consultation**

49. As detailed in the body of this report, Members and senior managers have been engaged throughout the process of the review. Further to this, the strategic partners represented on the Cardiff Public Services Board have been invited to provide their views on the issues presented above, to inform Members in reaching recommendations.
50. Discussions have been held with the Cardiff and Vale University Health Board, Cardiff Third Sector Council, South Wales Fire and Rescue Service, South Wales Police and the Office of the South Wales Police and Crime Commissioner. Initial feedback has found that the Third Sector Council would welcome greater involvement in the scrutiny process, and feel that the sector has more to offer in connecting the Council with its citizens. The Office of the South Wales Police and Crime Commissioner has pointed to the value provided by scrutiny in assuring democratic oversight of crime and disorder, and of supporting partnership activity.
51. Any further feedback received from each of the partners will be presented orally at the meeting.

## **Recommendations**

The Committee is recommended to consider the information in the report and appendices, and:

1. Recommend a preferred Scrutiny model for consideration by Full Council and the new administration post May 2017.



2. Agree that during the next Council, scrutiny committees will each have nine elected Members;
3. Agree that all non-Executive elected Members will be encouraged to participate in Scrutiny, as committee members and / or as members of task and finish inquiries. The maximum number of Members to sit on a task and finish inquiry should be nine; and
4. Ensure that partners and citizens are involved in scrutiny activity by encouraging external participation in formal scrutiny committee meetings and task and finish activity.

**DAVINA FIORE**

**Director for Governance & Legal Services & Monitoring Officer**

**23 February 2017**

Appendix 1: Potential Future Scrutiny Committee Models.

Appendix 2: Scrutiny Chair's letter to Cabinet Member after Policy Review and Performance Scrutiny Committee meeting, 6 December 2016.

Mae'r dudalen hon yn wag yn fwriadol

**MODEL A: Potential FOUR-Committee Scrutiny Model, with ONE Social Care Committees VERSION 1**

Numbers quoted refer to the number of items Committee might receive per year, based on actual items held during 2016 calendar year

Page 33

**Partnership, Improvement and Policy \*\***

29 Items

- Performance (7)
- Improvement (6)
- Corporate Policy (4)
- Budget (3)
- Partnership (2)
- Council Property (2)
- Tourism (2)
- Transformation (1)
- Human Resources (1)
- Customer Services (1)

Scope for more partnership scrutiny?

**Community, Care and Protection \***

35 Items

- Children’s Services (14)
- Adult Social Care (6)
- Community Devt (6)
- Consumer Protection (2)
- Community Safety (5)
  
- Perf Monitoring (4)
- Business Plans (3)
- Budget Scrutiny (1)

\* this committee would be designated as Crime and Disorder Committee

**Economy, Skills and Housing**

37 Items

- Education (10)
- Housing (8)
- Economy (7)
- Heritage (1)
- Adult Learning (1)
- Youth (1)
  
- Perf Monitoring (4)
- Business Plans (3)
- Budget Scrutiny (1)

**Environment and Services**

30 Items

- Environment (10)
- Transport (5)
- Infrastructure (2)
- Planning (2)
- Parks (1)
- Libraries (2)
- Leisure and Play (3)
  
- Perf Monitoring (4)
- Business Plans (2)
- Budget Scrutiny (1)

\*\* this committee would consider POLICY around Neighborhood Partnerships – the other three would consider the DELIVERY of work through Neighborhood Partnerships, within their terms of reference.

[Task and Finish Groups]

Chairs’ Liaison Forum (Bimonthly)

[Joint Scrutiny Committees]

**MODEL B: Potential FOUR-Committee Scrutiny Model, with ONE Social Care Committees VERSION 2**

Numbers quoted refer to the number of items Committee might receive per year, based on actual items held during 2016 calendar year

Page 34

**Partnership, Improvement and Policy \*\***

31 Items

- Corporate Performance (3)
- Improvement (6)
- Corporate Policy (4)
- Corporate Budget (2)
- Partnership (2)
- Council Property (2)
- Transformation (1)
- Human Resources (1)
- Strategic Planning (1)
- Customer Services (1)
- Perf Monitoring (4)
- Business Plans (3)
- Budget Scrutiny (1)

**Community, Care and Protection**

35 Items

- Adult Social Care (6)
- Children’s Social Care (8)
- Joint Social Care (2)
- Community Devt (4)
- Safeguarding (5)
- Perf Monitoring (4)
- Business Plans (2)
- Budget Scrutiny (1)

**Economy, Education & Skills**

36 Items

- Education (10)
- Economy (7)
- Libraries (2)
- Tourism (2)
- Play (2)
- Leisure (1)
- Heritage (1)
- Adult Learning (1)
- Youth (1)
- Parks (1)
- Perf Monitoring (4)
- Business Plans (3)
- Budget Scrutiny (1)

**Environment, Housing & Safety \***

38 Items

- Environment (10)
- Housing (8)
- Transport (5)
- Infrastructure (2)
- Planning (2)
- Regulatory (1)
- Community Safety (3)
- Perf Monitoring (4)
- Business Plans (2)
- Budget Scrutiny (1)

\* this committee would be designated as Crime and Disorder Committee

\*\* this committee would consider POLICY around Neighborhood Partnerships – the other three would consider the DELIVERY of work through Neighborhood Partnerships, within their terms of reference.

Chairs’ Liaison Forum (Bimonthly)

[Task and Finish Groups]

[Joint Scrutiny Committees]

**MODEL C: Potential FOUR-Committee Scrutiny Model, TWO Social Care Committees**

Numbers quoted refer to the number of items Committee might receive per year, based on actual items held during 2016 calendar year

Page 35

**Children and Young People**

34 Items

- Children’s Services (11)
- Education (10)
- Youth (1)
- Play (2)

- Perf Monitoring (4)
- Business Plans (2)
- Budget Scrutiny (1)

3 Joint Social Care with A&H

**Adults and Housing \***

34 Items

- Housing (8)
- Adult Social Care (4)
- Community Devt (6)
- Safety (7)

- Perf Monitoring (4)
- Business Plans (2)
- Budget Scrutiny (1)

3 Joint Social Care with A&H

\* this committee would be designated as Crime and Disorder Committee

**Economy and Environment**

38 Items

- Economy (7)
- Environment (10)
- Transport (5)
- Infrastructure (2)
- Planning (2)
- Tourism (2)
- Parks (1)
- Regulatory (1)
- Heritage (1)

- Perf Monitoring (4)
- Business Plans (2)
- Budget Scrutiny (1)

**Partnership, Improvement and Policy \*\***

34 Items

- Performance (7)
- Improvement (6)
- Corporate Policy (4)
- Budget (3)
- Partnership (2)
- Council Property (2)
- Transformation (1)
- Human Resources (1)
- Customer Services (1)
- Adult Learning (1)
- Libraries (2)
- Leisure (1)
- Business Plans (3)

\*\* this committee would consider POLICY around Neighborhood Partnerships – the other three would consider the DELIVERY of work through Neighborhood Partnerships, within their terms of reference.

Chairs’ Liaison Forum (Bimonthly)

[Task and Finish Groups]

[Joint Scrutiny Committees]

# MODEL D: CURRENT FIVE-Committee Scrutiny Model

Numbers quoted refer to the number of items Committee received during 2016, excluding correspondence, adoption of reports, briefings & other business items.

**Community & Adult Services \***

30 Items

- Housing (8)
- Adult Social Care (6)
- Community Devt (6)
- Community Safety (2)
- Perf Monitoring (4)
- Business Plans (2)
- Budget Scrutiny (2)

**Policy Review & Performance**

30 Items

- Corporate Performance (2)
- Improvement (6)
- Corporate Policy (4)
- Budget (2)
- Partnership (2)
- Council Property (2)
- Strategic Planning (1)
- Transformation (1)
- Human Resources (1)
- Customer Services (1)
- Perf Monitoring (4)
- Business Plans (3)
- Budget Scrutiny (1)

**Environmental**

22 Items

- Environment (10)
- Transport (4)
- Infrastructure (1)
- Planning (1)
- Perf Monitoring (4)
- Business Plans (1)
- Budget Scrutiny (1)

\* This Committee is Cardiff's designated Crime and Disorder Committee

**Children & Young People**

31 Items

- Education (10)
- Children's Services (8)
- Child Safeguarding (4)
- Play (2)
- Youth (1)
- Perf Monitoring (4)
- Business Plans (1)
- Budget Scrutiny (1)

**Economy & Culture**

25 Items

- Economy (7)
- Heritage (2)
- Tourism (2)
- Libraries (2)
- Adult Learning (1)
- Parks (1)
- Leisure (1)
- Perf Monitoring (4)
- Business Plans (3)
- Budget Scrutiny (2)

**Chairs' Liaison Forum (Bimonthly)**

[Task and Finish Groups]

**JOINT SCRUTINY**

- CASSC and Env (1)** -Regulatory
- E&C and Env (1)** Transport
- CASSC and CYP (1)** - Joint Social Care
- PRAP and Env (1)** - Infrastructure

**Appendix 2:**  
**Scrutiny Chair's letter to Cabinet Member after Policy Review and  
Performance Scrutiny Committee meeting, 6 December 2016**

My Ref: T: Scrutiny/PRAP/Comm Papers/Correspondence

Date: 13 December 2016

Councillor Dan De'Ath  
Cabinet Member Safety, Skills & Engagement,  
Cardiff Council,  
County Hall  
Cardiff  
CF10 4UW



County Hall  
Cardiff,  
CF10 4UW  
Tel: (029) 2087 2087

Neuadd y Sir  
Caerdydd,  
CF10 4UW  
Ffôn: (029) 2087 2088

Dear Councillor De'Ath,

**Policy Review & Performance Scrutiny Committee: 6 December 2016**  
**ODP – Review of Scrutiny**

As Chair of the Policy Review and Performance Scrutiny Committee I wish to thank you for attending Committee to consult on the Review of Scrutiny. Members welcomed the opportunity to engage with early emerging models, and following their discussion at the Way Forward have asked me to pass on the following comments and observations to inform final proposals to the Constitution Committee in February 2017.

**Model preference**

The Committee is firmly of the view that there is merit in retaining the principal of 4 - 5 Scrutiny Committees. Several Members feel the existing model should be the preferred option, due to its overarching success over many years. However, all Members accept that in retaining the existing model there are grounds for tweaking the Terms of Reference of all Committees.

Whilst endorsing the status quo, Members have some specific views.

- All Members feel the existence of a Constitution Committee and a Democratic Services Committee is significant duplication and unnecessary overlap.
- We consider the implications of Partnership scrutiny are still an unknown

- We consider 4 Committees could work (and reduce costs), where the Economy and Culture Scrutiny Committee relieves pressure on a combined Social Services committee by effectively taking responsibility for housing and skills development
- Some Members are keen to retain two Social Services Scrutiny Committees,
- Some Members consider Housing should remain alongside Adult Services.
  
- Some Members wish to highlight that the PRAP type Committee should undertake cross cutting scrutiny, whilst not duplicating the work of other committees. We feel there needs to be closer overarching working between Committees to reduce such duplication.

### **Scrutiny Training**

The Committee feels strongly that basic Scrutiny training should be mandatory, and Members nominated for Scrutiny Committee positions should be required to complete the training prior to attendance at their first meeting.

### **Resources**

The Committee takes on board the expectation that the 2017/18 budget will realise the £50k reduction agreed in the 2016/17 Scrutiny budget, but given the essential work that Scrutiny undertakes Members see a need to enhance rather than reduce arrangements.

### **Balancing Formal and Informal Scrutiny**

In relation to the balance between formal Committee and informal Task and Finish (T&F) work the Committee feels it is important to factor T&F work into all proposed models. However, we feel that T& F meetings are not public forums and therefore an over dependency will not deliver our 'Open' Council commitment. Furthermore, Members consider an expansion of T&F work will not resolve the resource challenges currently experienced. The implication is that T&F work is more likely to be undertaken during the afternoon, to ensure witness access, which will conflict with the responsibilities of younger Councillors. Some Members wish to suggest there is an opportunity to access support for T& F from non-scrutiny back bench Members.

### **Size of Committees**

Importantly the Committee is concerned about the number of seats on Scrutiny Committees. Specifically, we feel the current issue of vacant seats has not been a problem in previous administrations. The current difficulty filling seats is therefore perhaps a unique situation and we would err caution before making significant changes to the size of Committees. Members feel the position could change



dramatically in May 2017, depending on the circumstances of newly elected Members.

### **Drivers for change**

Members are keen to clarify the real drivers for Scrutiny change. We note you consider resources; statutory responsibility for scrutiny of the PSB; and a 50k saving. We feel it is important to separate outcomes from enablers and we are not convinced all drivers referred to in the papers are important enough to determine a new model.

### **Embedding Scrutiny**

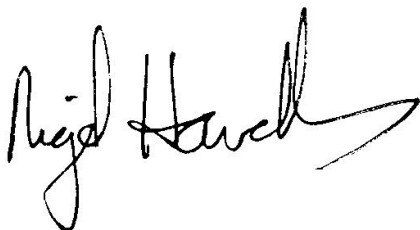
The Committee wishes to highlight the importance of improving the embeddedness of Scrutiny. We feel this could be achieved in the following ways:

- By improving back bench and front bench links to policy formulation;
- By improving the monitoring of how Scrutiny recommendations are embedding.
- By linking Scrutiny recommendations to the PPDR's of Senior Managers

As a small aside, thank you for consulting many stakeholder groups on the proposals. May we request that Independent Councillors are also consulted.

Once again, on behalf of the Committee, I wish to thank yourself, the Director of Governance and Legal Services, Davina Fiore, and the Scrutiny & Equalities Manager for your support in bringing this matter forward for Scrutiny. The Committee looks forward to maintaining good communication with yourself and future administrations to preserve and improve the role of Scrutiny in the Council's governance arrangements.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Nigel Howells', with a long, sweeping horizontal stroke at the end.

**COUNCILLOR NIGEL HOWELLS  
CHAIR, POLICY REVIEW AND PERFORMANCE SCRUTINY COMMITTEE**

Mae'r dudalen hon yn wag yn fwriadol