



DINAS A SIR CAERDYDD
CITY AND COUNTY OF CARDIFF

GWYS Y CYNGOR

DYDD IAU, 25 MAI 2017

COUNCIL SUMMONS

THURSDAY, 25 MAY 2017,

Fe'ch gwysir i fynychu cyfarfod blynyddol **CYNGOR SIR DINAS A SIR CAERDYDD**, a gynhelir yn Siambr y Cyngor - Neuadd y Ddinas, Gerddi Gorsedd, Caerdydd ar Dydd Iau, 25 Mai 2017 at 4.30 pm i drafod y materion a nodir yn yr agenda atodedig.

Davina Fiore
Cyfarwyddwr Llywodraethu a Gwasanaethau
Cyfreithiol

Neuadd y Sir
Caerdydd
CF10 4UW

Dydd Gwener, 19 Mai 2017

Hyrwyddo cydraddoldeb a pharch at eraill Gwrthrychedd a priodoldeb Anhunaoldeb a stiwardiaeth
Uniondeb Dyletswydd i gynnal y gyfraith Atebolrwydd a bod yn agored

<i>Eitem</i>	
1	Ymddiheuriadau am absenoldeb <i>Derbyn ymddiheuriadau am absenoldebau.</i>
2	Datgan Buadiannau <i>Derbyn datganiadau buddiannau (i'w gwneud yn unol â Chod Ymddygiad yr Aelodau).</i>
3	Ethol Cadeirydd y Cyngor ar gyfer 2017/18 <i>Mae'r Cyfansoddiad yn nodi y bydd y Cyngor, yn ei Gyfarfod Blynyddol, ethol Cadeirydd y Cyngor.</i>
4	Penodi Dirprwy Gadeirydd yn Cyngor ar gyfer 2017/18 <i>Mae'r Cyfansoddiad yn nodi y bydd y Cyngor, yn ei Gyfarfod Blynyddol, ethol Is-gadeirydd y Cyngor.</i>
5	Ethol Aelodau i Gyngor Sir Dinas a Sir Caerdydd (Tudalennau 1 - 4) <i>Derbyn adroddiad y Swyddog Canlyniadau ar Aelodau a etholwyd ar 4 Mai 2017.</i>
6	Ymgymeriad Caerdydd (Tudalennau 5 - 8) <i>Mae'r Aelodau yn datgan eu hymrwymiad i egwyddorion Ymrwymiad Caerdydd.</i> <i>Adroddiad y Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol a Swyddog Monitro.</i>
7	Cyhoeddiadau'r Arglwydd Faer <i>Derbyn cyhoeddiadau'r Arglwydd Faer gan gynnwys Cydnabyddiaethau a Gwobrau.</i>
8	Ethol Arweinydd y Cyngor ac Aelodau'r Cabinet <i>Mae'r Cyfansoddiad yn nodi mai Cyngorydd wedi'i ethol i'r swydd Arweinydd gan y Cyngor fydd yr Arweinydd.</i> <i>Mae'r Cyfansoddiad hefyd yn nodi bod y Cabinet yn cael ei benodi gan y Cyngor.</i>
9	Cyhoeddiadau'r Arweinydd <i>Derbyn unrhyw gyhoeddiadau gan yr Arweinydd</i>
10	Pwyllgor Cynllunio - Rheoliadau Newydd (Tudalennau 9 - 12) <i>Adroddiad y Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol a Swyddog Monitro.</i>
11	Sefydlu Pwyllgorau'r Cyngor ar gyfer 2017/18 (Tudalennau 13 - 30)

	<p><i>Mae'r Cyfansoddiad yn nodi y bydd y Cyngor, yn ei Gyfarfod Blynyddol, yn penderfynu ar ba bwyllgorau i'w sefydlu ar gyfer y flwyddyn flynyddol, maint a chylch gorchwyl y pwyllgorau hynny.</i></p> <p><i>Adroddiad y Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol a Swyddog Monitro.</i></p>
12	<p>Sefydlu Pwyllgorau Craffu ar gyfer 2017/18 (Tudalennau 31 - 42)</p> <p><i>Yn dilyn Adolygiad y Pwyllgor Craffu yn 2016, gwnaeth Pwyllgor y Cyfansoddiad ar 2 Mawrth 2017 nifer o argymhellion i'r Cyngor newydd eu hystyried.</i></p> <p><i>Adroddiad y Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol a Swyddog Monitro.</i></p>
13	<p>Dyrannu Seddau ac enwebu Aelodau i Bwyllgorau (Tudalennau 43 - 52)</p> <p><i>Mae'r Cyfansoddiad yn darparu y bydd y Cyngor yn penderfynu dyrannu seddau i grwpiau gwleidyddol yn unol ag Adran 17 o Ddeddf Llywodraeth Leol a Thai 1989 rheolau sy'n ymwneud â Cydbwysedd Gwleidyddol.</i></p> <p><i>Os gwelwch yn dda nodi bod y Cyngor gofynnir dan yr eitem hon i gymeradwyo trefniadau amgen i gymesuredd gwleidyddol caeth ar gyfer penodiadau i bob pwyllgor sy'n gofyn am bleidlais nem Con - hynny yw pleidlais i gymeradwyo heb unrhyw dissention.</i></p> <p><i>Adroddiad y Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol a Swyddog Monitro.</i></p>
14	<p>Ethol Cadeiryddion a Dirprwy Gadeiryddion Pwyllgorau (Tudalennau 53 - 56)</p> <p><i>Derbyn enwebiadau ar gyfer Cadeiryddion a dirprwy Gadeiryddion Pwyllgorau wedi'u sefydlu.</i></p> <p><i>Adroddiad y Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol a Swyddog Monitro</i></p>
15	<p>Enwebu Aelodau i wasanaethu ar Gyrrff Allanol (Tudalennau 57 - 66)</p> <p><i>Mae'r Cyfansoddiad yn nodi y bydd y Cyngor, yn ei Gyfarfod Blynyddol, yn derbyn enwebiadau o Aelodau i wasanaethu ar gyrrff allanol ac i benodi i'r cyrrff allanol hynny heblaw am pan mai'r Cyngor sy'n gyfrifol am benodi i'r cyrrff hynny neu pan mai'r Cabinet yn unig sy'n gallu penodi iddynt.</i></p> <p><i>Adroddiad y Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol a Swyddog Monitro</i></p>
16	<p>Tâl a Lwfans Aelodau 2017/18 (Tudalennau 67 - 80)</p>

	<p><i>Cymeradwyo Cynllun Lwfansau Aelodau ar gyfer 2017/18 yn unol â gofynion Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol a Chyfansoddiad Caerdydd.</i></p> <p><i>Adroddiad y Prif Weithredwr</i></p>
17	<p>Adolygiad o Reolau Gweithdrefn Cyfarfodydd y Cyngor <i>(Tudalennau 81 - 112)</i></p> <p><i>Gwnaeth Pwyllgor y Cyfansoddiad ar 2 Mawrth 2017 nifer o argymhellion i'r Cyngor newydd eu hystyried.</i></p> <p><i>Adroddiad y Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol a Swyddog Monitro</i></p>
18	<p>Calendr o Gyfarfodydd y Cyngor Llawn ar gyfer 2017/18 <i>(Tudalennau 113 - 114)</i></p> <p><i>Adroddiad y Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol a Swyddog Monitro</i></p>
19	<p>Materion Brys</p> <p><i>Ystyried unrhyw faterion y mae'r Cadeirydd wedi, yn unol â'r Cyngor Rheolau Gweithdrefn, ardystio'n brys.</i></p>



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

COUNCIL

25 MAY 2017

REPORT OF THE RETURNING OFFICER

ELECTION OF MEMBERS TO THE COUNTY COUNCIL OF THE CITY & COUNTY OF CARDIFF

Background

1. On Thursday 4 May 2017 the following Members were elected to Cardiff County Council.

<u>Adamsdown</u> Nigel Howells Owen Llewellyn Jones	Lib Dem Labour	<u>Ely</u> Susan Goddard Russell Goodway James Murphy	Labour Labour Labour
<u>Butetown</u> Saeed Ebrahim	Labour	<u>Fairwater</u> Lisa Ford Neil McEvoy Keith Parry	Plaid Cymru Plaid Cymru Plaid Cymru
<u>Caerau</u> Peter Bradbury Elaine Simmons	Labour Labour	<u>Gabalfa</u> Rhys Taylor Ashley Wood	Lib Dem Lib Dem
<u>Canton</u> Stephen Cunnah Susan Elsmore Ramesh Patel	Labour Labour Labour	<u>Grangetown</u> Ashley Lister Abdul Sattar Lynda Thorne	Labour Labour Labour
<u>Cathays</u> Ali Ahmed Norma Mackie Sarah Merry Christopher Weaver	Labour Labour Labour Labour	<u>Heath</u> Fenella Bowden Graham Hinchey Lyn Hudson	Heath & Birchgrove Independents Labour Conservative
<u>Creigiau/St Fagans</u> Graham Thomas	Conservative	<u>Lisvane</u> David Walker	Conservative
<u>Cyncoed</u> Wendy Congreve Bablin Molik Kathryn Kelloway	Lib Dem Lib Dem Conservative	<u>Llandaff</u> Sean Driscoll Philippa Hill-John	Conservative Conservative

<u>Llandaff North</u> Dilwar Ali Jennifer Burke-Davies	Labour Labour	<u>Radyr & Morganstown</u> Roderick McKerlich	Conservative
<u>Llanishen</u> Phillip Bale Shaun Jenkins John Lancaster Thomas Parkhill	Labour Conservative Conservative Conservative	<u>Rhiwbina</u> Jayne Cowan Oliver Owen Adrian Robson	Conservative Conservative Conservative
<u>Llanrumney</u> Lee Bridgeman Keith Jones Heather Joyce	Labour Labour Labour	<u>Riverside</u> Iona Gordon Kanaya Singh Caro Wild	Labour Labour Labour
<u>Pentwyn</u> Joseph Carter Daniel Naughton Emma-Jayne Sandrey Frank Jacobsen	Lib Dem Lib Dem Lib Dem Labour	<u>Rumney</u> Robert Derbyshire Jacqueline Parry	Labour Labour
<u>Pentyrch</u> Gavin Hill-John	Conservative	<u>Sploitt</u> Huw Thomas Jane Henshaw Edward Stubbs	Labour Labour Labour
<u>Penylan</u> Joseph Boyle Rodney Berman Asghar Ali	Lib Dem Lib Dem Lib Dem	<u>Trowbridge</u> Bernie Bowen-Thompson Christopher Lay Michael Michael	Labour Labour Labour
<u>Plasnewydd</u> Daniel De'Ath Susan Lent Peter Wong Mary McGarry	Labour Labour Labour Labour	<u>Whitchurch & Tongwynlais</u> Timothy Davies Michael Jones-Pritchard Linda Morgan Michael Phillips	Conservative Conservative Conservative Conservative
<u>Pontprennau & Old St Mellons</u> Dianne Rees Joel Williams	Conservative Conservative		

Issues

2. The overall political composition of the Council is as set out in Table A.

TABLE A - Composition of the Council as at 4 May 2017:

Groups	Number of Councillors	Proportionality
Labour	40	53.33%
Conservative	20	26.67%
Liberal Democrat	11	14.67%
Plaid Cymru	3	4%
Ungrouped Independent	1	1.33%

Legal Implications

3. There are no legal implications arising from this report.

Financial Implications

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

Recommendation

The composition of the Council as from 4 May 2017 be noted.

Christine Salter
Returning Officer
16 May 2017

Mae'r dudalen hon yn wag yn fwriadol

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



ANNUAL COUNCIL:

25 MAY 2017

**REPORT OF DIRECTOR OF GOVERNANCE AND LEGAL SERVICES
AND MONITORING OFFICER**

THE CARDIFF UNDERTAKING

Purpose of the Report

1. To require all Elected Members at the first Annual Council meeting of this administration to publicly declare, and formally sign to record, their commitment to the principles of the Cardiff Undertaking in accordance with the constitution.

Background

2. The Council's ethical code comprises the National Code of Conduct which is incorporated into the Council's Constitution and the Cardiff Undertaking which was first agreed at the Full Council meeting on 1st July 2004.
3. The Cardiff Undertaking provides an opportunity for Members to publicly commit to using their term of office to work for the Council, the City and its citizens, to commit to the role of being a corporate parent, and to commit to the standards of conduct expected by the Council which now includes a commitment to carrying out essential training.
4. The Council Meeting Procedure Rules provide that the Annual Council meeting will receive the Cardiff Undertaking from Members in years where an ordinary election has taken place (Rule 2(b) (vi)). Elected Members are asked to reaffirm their commitment to the Cardiff Undertaking at each Annual Council meeting during their term of office.

Issues

5. In addition, the Full Council at its meeting 23 March 2017 approved the widening of the Elected Member commitment to undertake appropriate training, to include all training which has been identified as essential in the Member Induction and Training and Development Plans.

Legal Implications

6. If any councillor fails to comply with the Cardiff Undertaking it may be a breach of the member Code of Conduct. This could result in a complaint being made against the individual councillor. Any complaint would be dealt with in accordance with the Council's procedures for dealing with complaints.

Financial Implications

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

Recommendation

That all Elected Members as part of this meeting publicly declare and formally sign their commitment to the Cardiff Undertaking.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

18 May 2017

Appendix

Appendix A The Cardiff Undertaking

Background Papers:

Council reports, 'Cardiff Undertaking', May 2008, May 2015, May 2016 and March 2017 and minutes thereof

YMRWYMIAD CAERDYDD I GYNGHORWYR THE CARDIFF UNDERTAKING FOR COUNCILLORS



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

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

Fel Cynghorydd a etholwyd I Gyngor Sir Dinas a Sir Caerdydd, ac yn unol ag egwyddorion bywyd chyhoeddus:-

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

YMRWYMAF I: I UNDERTAKE TO:-

Hyrwyddo cydraddoldeb a pharch I eraill Promotion of equality and respect for others

- | | |
|---|--|
| 1. Cynrychioli Caerdydd a phobl Caerdydd a chynnal y cyfrifoldeb hwn o ran cynrychioli pawb yng Nghaerdydd yn gyfartal. | 1. Represent Cardiff and all the people of Cardiff and to hold this duty of representation equally to all the people of Cardiff. |
|---|--|

Gwrthrychedd a phriodoldeb Objectivity and propriety

- | | |
|---|---|
| 2. Ystyried yr holl faterion ac achosion a gyflwynwyd I mi yn ôl eu rhinweddau eu hunain. | 2. Consider all issues and cases brought to me on their merits. |
| 3. Cydbwysu buddiannau fy Ward gyda | 3. Balance the interests of my Ward with the interests of the Council and the people of Cardiff as a whole. |
| 4. buddiannau'r Cyngor a phobl Caerdydd yn ei chyfanrwydd. | |

Ystyried eraill a stiwardiaeth Selflessness and stewardship

- | | |
|--|---|
| 4. Rhoi blaenoriaeth I fuddiannau'r Cyngor, Caerdydd a phobl Caerdydd. | 4. Give priority to the interests of the Council, Cardiff and of the people of Cardiff. |
| 5. Diogelu a hyrwyddo cyfleoedd bywyd plant sy'n derbyn gofal gan y Cyngor a chyflawni fy nghyfrifoldebau'n ddiwyd fel Rhiant Corfforaethol I'r plant hynny. | 5. Safeguard and promote the life chances of children looked after by the Council and diligently discharge my responsibilities as Corporate parent of those children. |

**Cywirdeb
Integrity**

- | | |
|---|---|
| 6. Gweithredu'n unol â'r safonau uchaf o ran cywirdeb wrth gyflawni fy nyletswyddau amrywiol fel Cynghorydd | 6. Act according to the highest standards of probity in carrying out my various duties as a Councillor. |
|---|---|

**Dyletswydd I gydymffurfio â'r gyfraith
Duty to uphold the law**

- | | |
|---|---|
| 7. Cydymffurfio â'r Cod Ymddygiad I Aelodau a'i barchu, ac ystyried y cyngor a'r canllawiau a gyhoeddir gan y Pwyllgor Safonau a Moeseg yn briodol. | 7. Adhere to and respect the Members' Code of Conduct and have proper regard to the advice and guidance issued by the Standards & Ethics Committee. |
| 8. Parchu darpariaethau unrhyw Brotocolau Datrys Lleol a gynigiwyd gan y Pwyllgor Safonau a Moeseg ac a fabwysiadwyd gan y Cyngor, a chydymffurfio â nhw. | 8. Adhere to and respect the provisions of any Local Resolution Protocol proposed by the Standards & Ethics Committee and adopted by Council |

**Atebolrwydd a gonestrwydd
Accountability and openness**

- | | |
|---|--|
| 9. Peidio â datgelu gwybodaeth a roddir I mi yn gyfrinachol. | 9. Not to disclose information given to me in confidence |
| 10. Cefnogi a hyrwyddo ymddygiad y Cyngor I sicrhau bod ei fusnes yn cael ei gynnal mewn ffordd onest a chlr. | 10. Support and promote the conduct of the Council's business being carried out in an open and transparent manner. |

Er mwyn i mi allu cyflawni fy nyletswyddau, rwy'n ymrwmo i ddilyn hyfforddiant priodol, i gynnwys pob math o hyfforddiant a nodwyd yn hanfodol yn y Rhaglen Gyflwyno i Fyfyrrwyr/Cynllun Hyfforddi a Datblygu Aelodau, neu hyfforddiant cyfatebol, fel y gallaf gyflawni fy nyletswyddau fel Cynghorydd.

In order to enable me to carry out my duties I further undertake that I will commit to appropriate training, to include all training which has been identified as essential in the Member Induction Programme/Member Training and Development Plan, or equivalent, to equip me to carry out my duties as a Councillor.

Enw/Name: Dyddiad/
Date:

Llofnod/Signed:

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



ANNUAL COUNCIL:

25 MAY 2017

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

PLANNING COMMITTEE – NEW REGULATIONS

Reason for this Report

1. To inform Council of new subordinate legislation made by the Welsh Government introducing new rules in relation to the size, composition and proceedings of planning committees, and recommend the requisite amendments be made to the Planning Committee Procedure Rules and Council Constitution.

Background

2. The Planning (Wales) Act 2015 introduced a number of changes to the planning system in Wales. One objective of the changes was the standardisation of planning committee arrangements and procedures across Wales. Subordinate legislation is used to provide the detailed implementation of the changes introduced.
3. The Planning Committee is a standing committee established by full Council to discharge the town and country planning and development control functions of the authority (in accordance with its approved terms of reference, which are set out in the Scheme of Delegations, Appendix 2).
4. The establishment of the Planning Committee, its size and membership are determined by Annual Council; and the conduct of its business is governed by standing orders, the Planning Committee Procedure Rules, contained within Part 4 of the Constitution.

Issues

5. Two new statutory instruments have been made by the Welsh Government introducing new rules for planning committees, both of which came into force on 5th May 2017, namely:
 - (i) The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017; and
 - (ii) The Local Authorities (Standing Orders)(Wales)(Amendment) Regulations 2017.

The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017

6. These Regulations (made under section 39 of the Planning (Wales) Act 2015), introduce new rules in relation to the size and composition of planning committees specifically:

- (a) A planning committee must contain no fewer than 11 members and no more than 21 members, but no more than 50% of the authority members (rounded up to the nearest whole number).

Cardiff's Planning Committee has consistently been established at each Annual Council with 12 members, which fully conforms with the new requirements in relation to the size of the committee.

- (b) Where wards have more than one elected Member, only one Member may sit on the planning committee, in order to allow other ward Members to perform the representative role for local community interests (but this rule is not applicable to authorities comprised solely of multiple Member wards).

This new requirement will need to be borne in mind when considering appointments to the Planning Committee.

7. Failure to comply with the new rules will affect the validity of decisions taken by the planning committee. The Welsh Government therefore advises that the new rules should be incorporated into the relevant section of the Constitution.
8. The Planning Committee Procedure Rules currently provide for the establishment of the planning committee, so these Rules require amendment to reflect the new rules.
9. In considering the establishment of the Planning Committee and the nominations and appointments to this committee (at this Annual Council meeting under Agenda Items 11 and 13 respectively), the Council must have regard to these new rules.

The Local Authorities (Standing Orders)(Wales)(Amendment) Regulations 2017.

10. These Regulations amend the Local Authorities (Standing Orders)(Wales) Regulations 2006, which require local authorities to incorporate into their standing orders certain provisions relating to their staff, meetings and proceedings. The Regulations require the Council to amend its standing orders in relation to the planning committee as follows:

- (a) Each meeting of the planning committee must have a quorum of 50% of the membership to make decisions.

The current quorum requirement is one quarter of the whole number of committee members (Planning Committee Procedure Rules, Rule 7). This Rule needs to be amended to reflect the new quorum requirement.

- (b) The use of substitute members in the absence of appointed members is prohibited.

The Planning Committee Procedure Rules currently make no reference to substitute members. In order to comply with the new Regulations, a new rule should be added to prohibit the use of substitute members.

Legal Implications

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

Financial Implications

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

RECOMMENDATIONS

Council is recommended to:

1. note the provisions of the new subordinate legislation relating to planning committees;
2. approve the requisite amendments to the Planning Committee Procedure Rules, as set out in the report; and
3. instruct the Monitoring Officer to make the necessary Constitution amendments.

Davina Fiore

Director of Governance & Legal Services and Monitoring Officer

19 May 2017

Background Papers

The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017

SI 2017/459 <http://www.legislation.gov.uk/wsi/2017/459/contents/made>

The Local Authorities (Standing Orders)(Wales)(Amendment) Regulations 2017 SI 2017/460

<http://www.legislation.gov.uk/wsi/2017/460/contents/made>

Welsh Government, Department for Economy, Skills and Natural Resources letter to all local authority Chief Executives and Chief Planning Officers dated 30 March 2017 regarding the above regulations

Mae'r dudalen hon yn wag yn fwriadol

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



ANNUAL COUNCIL

25 MAY 2017

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

**ESTABLISHMENT OF STANDING COMMITTEES OF THE
COUNCIL 2017/18**

Reason for this Report

1. To approve the establishment of Standing Committees of Council for 2017/18, their size and terms of reference.

Background

2. The Constitution provides that, at its Annual meeting, the Council will decide on any amendment to the standing committees of the Council, including amendments to their size and terms of reference (Council Meeting Procedure Rules, Rule 2(b)(xi)).

Issues

Proposed Committees

3. The Council is recommended to establish the Committees shown in Table A with the indicated number of seats. The list of Standing Committees approved at the last Annual Meeting of Council is to be amended by the addition of the Pension Committee established by Council on 30 June 2017.
4. A report on the establishment of the Scrutiny Committees will be considered as a separate item as part of the Annual Council 25 May 2017 agenda

TABLE A – Establishment of Committees and Size

<u>COMMITTEES</u>	<u>SEATS</u>
<u>Regulatory and Other Committees</u>	
Appointments Committee (convened as and when required)	To comprise 5 Members from those appointed to serve in accordance with the rule on political balance
Audit Committee	12 (8 Elected Members and 4

<u>COMMITTEES</u>	<u>SEATS</u>
	Independent Members) Cannot include more than 1 Member of the Cabinet who must not be the Council Leader
Constitution Committee	12
Corporate Parenting Advisory Committee	8 (Includes Lead Cabinet Members as appropriate up to maximum of 3) (Must not be Members of the Children & Young People Scrutiny Committee (or equivalent))
Council Appeals Committee	9
Democratic Services Committee	12 (Cannot include more than 1 Member of the Cabinet who must not be the Council Leader)
Disciplinary & Grievance Appeals Committee (Convened as and when required)	To comprise not less than 3 and not more than 5 Members from those appointed to serve in accordance with the rule on political balance.
Employment Conditions Committee	8
Family Absence Appeals Panel (Called as and when required)	3 (To be Members of the Democratic Services Committee but not include the Chair of Council)
Licensing Committee	12
Local Authority Governor Panel	7
Planning	12
Public Protection	12
Standards & Ethics Committee	9 (3 Elected Members**, 5 Independent Members & 1 Community Member) **Not subject to Political balance arrangements
Pensions Committee	5
<u>Other Groups and Panels</u>	
Health & Safety Advisory Group	5 (Appropriate Cabinet Member and up to 4 other Members)

<u>COMMITTEES</u>	<u>SEATS</u>
Pension Panel	3 (to be Members of the Pension Committee)
Works Council	5 (To be Members of Employment Condition Committee)

Terms of Reference

5. The proposed terms of reference for each of the Standing Committees and Groups are set out in **Appendix A**.
6. Council is asked to note and agree the revised terms of reference for the Audit Committee, as set out in **Appendix A**, which were recommended by the Audit Committee at its meeting on 14th March 2017 for approval by full Council. Members may wish to note that the report to Audit Committee indicates that the revised terms of reference reflect those prescribed by CIPFA.

Legal Implications

6. The arrangements made by the Council for discharging its functions may include the establishment of one or more ordinary committees. The size of its committees and their terms of reference are to be determined by Council (pursuant to the Local Government Act 1972, sections 101 and 102).

There are specific legislative provisions governing the following committees:

Standards and Ethics Committee

7. Councils in Wales are required to establish a Standards Committee to discharge the functions conferred under Part 3 of the Local Government Act 2000 governing Member conduct issues. Standards Committees must consist of not less than five and not more than nine members, and independent members must comprise at least half of all members. The Committee must include at least one 'Community Committee member' (i.e. a member of a community council within the authority's area) as the Standards Committee discharges functions in relation to Community Councils. Regulations specifically prohibit anyone other than a member of the Council, an independent member or a 'Community Committee' Member from being a member of the Committee. The Leader is prohibited from being a member of the Standards Committee, and no more than one member of the Cabinet may be a member of the Committee. The political balance requirements of the Local Government and Housing Act 1989 do not apply.

8. The Council's Constitution (Article 9) provides that the Standards & Ethics Committee will be composed of 9 members comprising 5 'independent' members, 3 Cardiff County Councillors and 1 Community Councillor.

Democratic Services Committee

9. The Local Government (Wales) Measure 2011 requires Councils to establish a Democratic Services Committee to discharge the functions conferred under Part 1, Chapter 2 of the Measure. The legislation states that the Democratic Services Committee cannot include more than one member of the Cabinet, who must not be the Leader.

Audit Committee

10. The Local Government (Wales) Measure 2011 also requires Councils to establish an Audit Committee to discharge the functions conferred under Part 6, Chapter 2 of the Measure. The legislation provides that there must be at least one lay member on the Audit Committee or up to a third of the total membership. Subject to that, the Council must decide how many non-councillors should be appointed to the Audit Committee. The Committee can include no more than one Cabinet member, who may not be the Leader. Statutory Guidance recommends that all Members of the Committee should display independence of thinking and unbiased attitudes, and must recognise and understand the value of the audit function.
11. The current composition of the Audit Committee, as approved at Annual Council in May 2016, includes four non - councillor 'Independent Members' and 8 Councillors. The proportion of Independent Members is one third of the Committee members, which is the maximum permitted by law.

Planning Committee

12. As noted in the separate report on the Planning Committee – New Regulations (Agenda item 11), new regulations came into force on 5th May 2017, introducing 2 new requirements for any committee discharging relevant planning functions:
 - (a) A planning committee must contain no fewer than 11 members and no more than 21 members, but no more than 50% of the authority members (rounded up to the nearest whole number); and
 - (b) Where wards have more than one elected Member, only one Member may sit on the planning committee, in order to allow other ward Members to perform the representative role for local community interests (but this rule is not applicable to authorities comprised solely of multiple Member wards).

13. The recommended size of Cardiff's Planning Committee is 12 members, which complies with the new requirements in relation to the size of the committee (sub-paragraph (a) above). The new requirements in relation to multi-member wards (sub-paragraph (b) above) will need to be followed in considering appointments to the Planning Committee, which is dealt with in the separate Council report under Agenda item 14.
14. All decisions taken by or on behalf the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers of behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Council Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances

Financial Implications

15. Assuming that the number of Committees and their size remains unchanged, there are no additional financial implications arising from this report that have not been included within the Council's budget for 2017/18.

RECOMMENDATIONS

That the Council approves the establishment of the Council Committees set out in paragraph 4 (Table A), and their size as set out in that Table A; and the terms of reference of each Committee, as set out in **Appendix A** of this report, for the 2017/18 Municipal Year.

DAVINA FIORE

Director of Governance & Legal Services and Monitoring Officer

18 May 2017

Appendix A – Committee Terms of Reference

Background Papers

Full Council 30 June 2016 – Report - Establishment of a Pensions Committee and Participation of the Cardiff & Vale of Glamorgan Pension Fund
Audit Committee 14 March 2017 – Report – Audit Committee Terms of Reference

Committee	Terms of Reference
Appointments (convened as and when required)	<p>To discharge the functions of the authority in respect of the appointment and dismissal of Chief Officers and Deputy Chief Officers (as defined in the Local Authorities (Standing Orders)(Wales) Regulations 2006) and the statutory Head of Democratic Services, in accordance with the Employment Procedure Rules and any other relevant Council policies and procedures.</p> <p>All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>
Audit	<p><u>Governance, Risk & Control</u></p> <ul style="list-style-type: none"> • To review the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances. • To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account the internal audit opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and internal control. • To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements. • To consider the Council's framework of assurance and ensure that it adequately addresses the risk and priorities of the Council. • To monitor the effective development and operation of risk management in the Council. • To monitor progress in addressing risk-related issues reported to the committee. • To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions. • To review the assessment of fraud risks and potential harm to the council from fraud and corruption. • To monitor the Counter-fraud strategy, actions and resources.

Committee	Terms of Reference
	<p data-bbox="480 255 671 286"><u>Internal Audit</u></p> <ul style="list-style-type: none"> <li data-bbox="480 293 1098 324">• To approve the Internal Audit Charter. <li data-bbox="480 371 1425 510">• To approve the risk-based internal audit plan, containing internal audit's resource requirements, the approach to using other sources of assurances and any work required to place reliance upon those other sources. <li data-bbox="480 557 1425 696">• To approve significant changes to the risk-based internal audit plan, including audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources. <li data-bbox="480 743 1425 808">• To approve significant interim changes to the risk based internal audit plan and resource requirements. <li data-bbox="480 855 1425 958">• To make appropriate enquiries of both management and the audit manager to determine if there are any inappropriate scope or resource limitations. <li data-bbox="480 1005 1425 1547">• To consider reports from the Audit Manager on Internal Audit's performance during the year. These will include: <ul style="list-style-type: none"> <li data-bbox="555 1115 1425 1218">- Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work <li data-bbox="555 1265 1425 1330">- Regular reports on the results of the Quality Assurance and Improvement Programme <li data-bbox="555 1377 1425 1547">- Reports on instances where the internal audit function does not conform to the PSIAS and Local Government Application Note considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement. <li data-bbox="480 1594 1425 1767">• The opinion on the adequacy and effectiveness of the Council's framework of governance, risk management and internal control together with a summary of the work supporting the opinion – these will assist the committee in reviewing the Annual Governance Statement. <li data-bbox="480 1814 1425 1879">• To consider summaries of specific internal audit reports as requested. <li data-bbox="480 1926 1425 2063">• To receive reports outlining the action taken where the Audit Manager has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation

Committee	Terms of Reference
	<p>of agreed actions.</p> <ul style="list-style-type: none"> • To contribute to the Quality Assurance and Improvement Programme and in particular the external quality assessment of internal audit that takes place at least once every five years. • To consider a report on the effectiveness of internal audit to support the Annual governance Statement, where required to do so by the Accounts and Audit Regulations. • To support the development of effective communication with the audit manager. <p><u>External Audit</u></p> <ul style="list-style-type: none"> • To consider the external auditor’s annual letter, relevant reports, and the report to those charged with governance. • To consider specific reports as agreed with the external auditors. • To comment on the scope and depth of external audit work and to ensure it gives value for money. • To commission work from internal and external audit. • To advise and recommend on the effectiveness of relationships between external and internal audit and other inspector agencies or relevant bodies. <p><u>Financial Reporting</u></p> <ul style="list-style-type: none"> • To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council. • To consider the external auditor’s report to those charged with governance on issues arising from the audit of the accounts. • To seek assurances that the Council has complied with the Treasury Management Strategy and Practices by demonstrating effective control of the associated risks and pursuing optimum performance consistent with those risks. <p><u>Accountability Arrangements</u></p> <ul style="list-style-type: none"> • To report to Council on the Committee’s findings, conclusions and recommendations concerning the adequacy

Committee	Terms of Reference
	<p>and effectiveness of the governance, risk management and internal control frameworks, financial reporting arrangements and internal and external audit functions.</p> <ul style="list-style-type: none"> • To report to Council on an annual basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose. • To raise the profile of probity generally within the Council and to report on matters of concern to the individual Cabinet Member, relevant Scrutiny Committee, Cabinet or to Council as necessary and appropriate. • To work in synergy with the Scrutiny Committees of the Council and liaise with other Council Committees as and when appropriate to avoid duplication in work programmes. <p><u>Training & Development</u></p> <ul style="list-style-type: none"> • To attend relevant training session in accordance with the Member Development Programme including specialist training tailored for Members of the Audit Committee e.g. treasury management.
Constitution	<p>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:-</p> <p>(a) Drafting improvements to enhance clarity and remove minor anomalies.</p> <p>(b) Updating to reflect legislative changes and matters of record.</p> <p>(c) Amendments to the Financial, Contracts and Land Procedure Rules (subject to the advice of the S.151 Officer being sought).</p>
Corporate Parenting Advisory Committee	<p>(a) To actively promote real and sustained improvements in the life chances of Looked After Children, Children in Need, Care Leavers and children and young people in the criminal justice system and to work within an annual programme to that end;</p> <p>(b) To develop, monitor and review a corporate parenting strategy, and ensure its effective implementation through work plans and corporate parenting training programmes;</p> <p>(c) To seek to ensure that the life chances of Looked After Children, Children in Need and care leavers are maximised in</p>

Committee	Terms of Reference
	<p>terms of health, educational attainment, and access to training and employment, to aid the transition to a secure and productive adulthood;</p> <p>(d) To recommend ways in which more integrated services can be developed across all Council directorates, schools and other stakeholders to lead towards better outcomes for Looked After Children, Children in Need and care leavers;</p> <p>(e) To ensure that mechanisms are in place to enable Looked After Children, Children in Need and care leavers, to play an integral role in service planning and design, and that their views are regularly sought and acted upon;</p> <p>(f) To ensure performance monitoring systems are in place, and regularly review performance data to ensure sustained performance improvements in outcomes for Looked After Children, Children in Need and care leavers;</p> <p>(g) To receive all relevant Children's Services inspection and annual reports, including: Children's Homes Quality of Care Report; Case Practice Reviews, Fostering Annual Quality of Care Report; Adoption Fostering Annual Quality of Care Report; 4C's Commissioning; Out of Area Annual Report; Annual Report of Brighter Futures (with education); Children's Complaints reports; and Advocacy Annual Report;</p> <p>(h) To report to the Cabinet at least twice a year;</p> <p>(i) To make recommendations to the Cabinet where responsibility for that function rests with the Cabinet;</p> <p>(j) To report to the Children and Young People's Scrutiny Committee as necessary;</p> <p>(k) To recommend the appointment of co-opted members to the Committee for approval by Council;</p> <p>(l) To develop and undertake a programme of consultation, listening and engagement events with Looked After Children and care leavers, as well as visits to services providing support and advice to Looked After Children, Children in Need and care leavers;</p> <p>(m) To submit an Annual Report on the work of the Committee to full Council.</p> <p>(n) All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>

Committee	Terms of Reference
<p>Council Appeals</p>	<p>To hear and determine appeals (other than those appeals which are within the terms of reference of any other Committee) from determinations and decisions of the Authority where there is a statutory requirement for there to be an appeal to Members of the Council or where such appeal is allowed for in any policy or procedure approved by the Council.</p> <p>On hearing an appeal the Committee shall be empowered, on behalf and in the name of the Council, to make such order as it considers appropriate, within the range of decisions permissible at law.</p> <p>The Committee, when sitting to hear an appeal, shall not include any Members of the Cabinet, or Members of any Committee principally concerned with the service by which the decision or determination has been made, or Members who have been concerned in any previous consideration of the matter, which has given rise to or from which the appeal arises.</p> <p>At each sitting of the Committee to hear an appeal, the Committee shall, firstly, ensure that the appeal has been properly made and, secondly, that the appellant has been afforded the opportunity of being represented at the hearing of his/her appeal by such friend, lawyer or other representative as he/she may choose.</p> <p>In hearing an appeal the Committee shall conform to the rules of natural justice.</p> <p>All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>
<p>Democratic Services</p>	<p>(a) To carry out the local authority's function of designating the Head of Democratic Services.</p> <p>(b) To keep under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services in order to ensure that it is adequate for the responsibilities of the post.</p> <p>(c) To make reports, at least annually, to the full Council in relation to these matters.</p>
<p>Disciplinary & Grievance Appeals (convened as and when required)</p>	<p>To hear and determine:</p> <p>(a) all appeals by employees of the Council who may have a right to appeal to Councillors in accordance with disciplinary and grievance procedures approved by the Council;</p>

Committee	Terms of Reference
	<p>(b) all other appeals from disciplinary actions which may be referred to it, whether by the Council or a Committee;</p> <p>(c) grievances by and against the Chief Executive in accordance with grievance procedures approved by the Council; and, with a differently constituted membership, appeals following decisions on such grievances; and</p> <p>(d) in exceptional circumstances, where the Chief Executive cannot address matters because of an associated grievance, disciplinary proceedings against the Chief Operating Officer; a Corporate Chief Officer or a Chief Officer; and, with a differently constituted membership, appeals following decisions in such disciplinary proceedings</p> <p>On hearing each case the Committee shall be empowered, on behalf and in the name of the Council, to make such order as it considers appropriate, except where retirement or redundancy is contemplated, when consultation with the Cabinet will take place prior to determination of the matter.</p> <p>The Committee, when sitting to hear an individual case, shall comprise not less than three nor more than five members. From the members appointed to serve on the Committee, those who are to sit to hear any particular matter shall be chosen by rota following consultation with the Group Whips, subject to the exclusion of any member who:</p> <p>(i) is a member of the Cabinet or of a Committee principally concerned with the service in which the employee concerned is employed; or</p> <p>(ii) has been concerned in any previous consideration of the matter which has given rise to the disciplinary action, grievance, or decision from which an appeal arises.</p> <p>At each sitting of the Committee to hear a disciplinary matter or appeal, the Committee shall, firstly, ensure that the matter of complaint has been clearly put to the employee and, secondly, that the employee has been afforded the opportunity of being represented at the hearing by such friend, trade union officer, lawyer or other representative as he/she may choose.</p> <p>In any hearing the Committee shall conform to the rules of natural justice.</p> <p>All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>

Committee	Terms of Reference
Employment Conditions	<p>(a) to consider and determine policy and issues arising from the organisation, terms and conditions of Chief Officers and Deputy Chief Officers (as defined in the Local Authorities (Standing Orders) (Wales) Regulations 2006), together with any other category of employee specified in Regulation from time to time where this is necessary, subject to the approval of Council in respect of any determination or variation of the remuneration of Chief Officers;</p> <p>(b) to decide requests for re-grading of Chief Officers and Deputy Chief Officers (as defined in the Local Authorities (Standing Orders) (Wales) Regulations 2006), together with any other category of employee specified in Regulation from time to time, whether by way of appeal by an employee against a decision to refuse a re-grading application or to decide applications for re-grading which are supported, subject to the approval of Council in respect of any determination or variation of the remuneration of a Chief Officer.</p> <p>(c) All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>
Family Absence Appeals Panel	<p>To be the Appeals Panel required pursuant to Regulation 36(1) of the Family Absence for Members of Local Authorities (Wales) Regulations 2013 and any amendment thereof; and to discharge all functions of the Panel pursuant to those Regulations.</p> <p>All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>
Licensing	<p>To be the Council's Licensing Committee as required by the Licensing Act 2003 and Gambling Act 2005 and any re-enactment or modification thereof; and as full delegate of the Council to exercise all the powers and functions permitted under those Acts.</p> <p>All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>
Local Authority Governors Panel	<p>For School Governing Bodies constituted under The Government of Maintained Schools (Wales) Regulations 2005:</p> <p>(a) To advise the Council on appointments and removal of governors to those places allocated to the Local Authority;</p> <p>(b) To consider and make decisions relating to the recruitment, training and vetting of potential governors and any other matters that may be referred to the Panel by the Cabinet for the Constitution Committee; and</p>

Committee	Terms of Reference
	(c) All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.
Planning	<p>(a) Those functions listed in Section A of Schedule 1 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 and any amendments thereto and any matters ancillary thereto as defined in Regulation 3 (2) to (4) of the Regulations.</p> <p>(b) Those functions listed in paragraphs 3 and 4 of Section I of Schedule 1 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 and any amendments thereto and any matters ancillary thereto as defined in Regulation 3 (2) to (4) of the Regulations.</p> <p>(c) All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>
Public Protection	<p>(a) Those functions listed in Sections B and C, and paragraph 10 of Section I, of Schedule 1 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities)(Wales) Regulations 2007 (the Regulations), any amendments thereto and any matters ancillary thereto as defined in Regulation 3 (2) to (4) of the Regulations, except to the extent that such matters fall to the Licensing Committee by virtue of Section 7 of the Licensing Act 2003 or the Gambling Act 2005.</p> <p>(b) In relation to those functions acting as Appeal Committee where appropriate.</p> <p>(c) The discharge of any function relating to the control of pollution or the management of air quality.</p> <p>(d) The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area.</p> <p>(e) Any function relating to contaminated land.</p> <p>(f) The service of an abatement notice in respect of a statutory nuisance.</p> <p>(g) Any function under a local Act of a licensing or regulatory nature.</p> <p>(h) Any function in relation to the making of an Alcohol Consumption in Designated Public Places Order under the</p>

Committee	Terms of Reference
	<p>provisions of the Criminal Justice and Police Act 2001.</p> <p>Without prejudice to the functions lawfully exercised by the Shared Regulatory Services Joint Committee, pursuant to the Shared Regulatory Service Collaboration Agreement dated 10th April 2015.</p> <p>All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>
Standards & Ethics	<ul style="list-style-type: none"> (a) To monitor and scrutinise the ethical standards of the Authority, its Members, employees and any associated providers of the Authority's services, and to report to the Council on any matters of concern. (b) To advise the Council on the content of its Ethical Code and to update the Code as appropriate. (c) To advise the Council on the effective implementation of the Code including such matters as the training of Members and employees on the Code's application. (d) To consider and determine the outcome of complaints that Councillors and co-opted members have acted in breach of the Code in accordance with procedures agreed by the Standards Committee, including the imposition of any penalties available to the Committee. (e) To oversee and monitor the Council's whistleblowing procedures and to consider ethical issues arising from complaints under the procedure and other complaints. (f) To grant or refuse requests for dispensations in respect of Members' interests under the Members Code of Conduct in accordance with the relevant statutory provisions. (g) To undertake those functions in relation to community councils situated in the area of the Council and members of those community councils which are required by law (h) To recommend to Council and the Cabinet any additional guidance on issues of probity. (i) To hear and determine any complaints of misconduct by Members or a report of the Monitoring Officer, whether on reference from the Ombudsman or otherwise. (j) To recommend the provision to the Monitoring Officer of such resources as he/she may require for the performance of his/her duties.

Committee	Terms of Reference
	<p>(k) All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>
Pensions Committee	<p>To discharge the functions of the authority as Administering Authority of the Cardiff & Vale of Glamorgan Pension Fund ('the Fund') as described in the Local Government Pension Scheme (LGPS) Regulations made under the Superannuation Act 1972 (sections 7,12 or 24) and Section 18(3A) of the Local Government and Housing Act 1989; and</p> <p>To discharge the following specific strategic functions with regards to the Fund, taking account of advice from the Corporate Director Resources and the Fund's professional advisers:-</p> <ul style="list-style-type: none"> a) Determining the Fund's aims and objectives, strategies, statutory compliance statements, policies and procedures for the overall management of the Fund, including in relation to the following areas: <ul style="list-style-type: none"> i) Governance – approving the Governance Policy and Compliance Statement for the Fund; ii) Funding Strategy – approving the Fund's Funding Strategy Statement including ongoing monitoring and management of the liabilities, giving due consideration to the results and impact of the triennial actuarial valuation and interim reports; iii) Investment strategy - approving the Fund's investment strategy, Statement of Investment Principles and Myners Compliance Statement including setting investment targets and ensuring these are aligned with the Fund's specific liability profile and risk appetite; iv) Communications Strategy – approving the Fund's Communication Strategy; v) Discretions – determining how the various administering authority discretions are operated for the Fund; and vi) Internal Dispute Resolution Procedure – determining how the Scheme Member disputes are administered. b) Monitoring the implementation of these policies and strategies as outlined in a) above on an ongoing basis. c) Considering the Fund's financial statements as part of the approval process and agreeing the Fund's Annual Report. Receive internal and external audit reports on the same. d) Receiving ongoing reports from the Corporate Director Resources in relation to the delegated operational functions.

Committee	Terms of Reference
	<p>e) To provide independent assurance to members of the Fund of the adequacy of the risk management and associated control environment, responsible for the Fund's financial and non-financial performance.</p> <p>f) To adhere to the principles set out in the Pensions Regulator Code of Practice and undertake its duties in compliance with the obligations imposed on it.</p> <p>g) To receive regular training to enable Committee Members to make effective decisions and be fully aware of their statutory and fiduciary responsibilities and their stewardship role.</p> <p>h) Consider any pension compliance matters raised by the Fund's Local Pension Board.</p> <p>i) All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>

Mae'r dudalen hon yn wag yn fwriadol

REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL SERVICES AND MONITORING OFFICER

ESTABLISHMENT OF SCRUTINY COMMITTEES - Recommendation from Constitution Committee

Reason for the Report

1. To enable Members to consider the recommendations of 2 March 2017 Constitution Committee on a future model for Scrutiny arrangements that will best equip the Council to provide effective and relevant scrutiny within available resources. The four examples presented to Constitution Committee are attached at **Appendix A**).

Background – The Practice of Scrutiny

2. Scrutiny was introduced in local government across the UK through the Local Government Act 2000, as the traditional “Committee System” of local government administration was replaced with a more streamlined “Cabinet and Scrutiny System”. Scrutiny was seen by the Centre for Public Scrutiny as having four ‘cornerstones’, namely:
 - Led by ‘independent minded governors who own the scrutiny role;
 - Acts as a ‘critical friend’ of the executive, holding decision makers to account;
 - Represents the views and concerns of the citizen; and
 - Leads to the improvement of public services.
3. The quality of the environment in which scrutiny operates, the practice of scrutiny and the outcomes that it delivers can be usefully measured through the framework of the Characteristics of Effective Scrutiny in Wales, developed in 2014 by all 22 local authorities in Wales in partnership with the Centre for Public Scrutiny and Wales Audit Office. This framework identifies 15 key characteristics that if followed effectively will deliver:
 - Better outcomes for the area;
 - Better decisions for the organisation; and
 - Better engagement with the public.
4. Broadly speaking, local government scrutiny committees operate in a manner similar to the select committees supporting the UK Parliament. They are

composed of non-executive councillors of all political groups (in proportion to the Council's overall political balance), and meet both in public and in private to:

- Help the Administration develop and review policies;
 - Test the Council's performance and offer advice for improvement;
 - Provide pre-decision scrutiny of decisions that the administration is about to make;
 - Periodically call in for examination decisions that the administration has recently made;
 - Offer a platform for citizens and citizen groups to represent their concerns or ideas for improvement.
5. Scrutiny is recognised as playing a vital and statutory role in the council's governance, shaping the agenda, influencing policy and holding decision-makers to account, engaging the public and building the organisation's resilience and accountability in its working with regulators, partners, the media and citizens.
6. Being a member of a scrutiny committee can enable a councillor to work constructively and effectively with councillors from other political groups and members of their own group to support and improve the council's performance. This allows them to build their interpersonal, analysis and inquiry skills, often equipping members with the skills and experience required to go on to take on representative roles within the group and within the wider council, for instance as committee chairs and members of the Executive. Scrutiny helps councillors to learn how the council really works, building relationships with officers that will help a member learn how to effectively support their local communities and constituents.
7. Although scrutiny covers all areas over which the Cabinet has authority, a number of key areas are specified in legislation. For instance:
- The Police and Justice Act 2006 requires each Council to designate a committee as its statutory Crime and Disorder Committee, providing powers to scrutinise the way the Council is working with the Police and other agencies to tackle crime and disorder and support community safety;
 - The Local Government Measure (Wales) 2009 gives scrutiny a statutory role in securing improvement of public services under the Wales Programme for Improvement, providing assurance to bodies like Wales Audit Office, Estyn and the Care and Social Services Inspectorate for Wales that the Council is providing robust and effective self-regulation;
 - The Local Government Measure (Wales) 2011 requires Councils to ensure that its scrutiny function takes into account the citizen's view, making provisions for public co-option onto scrutiny committees, a close relationship between the Council and its local voluntary services council, and requiring that authorities have protocols for public involvement.
 - The Wellbeing of Future Generations Act (Wales) 2015 specifies that each Council should designate a committee as its statutory committee to

scrutinise the Council and its local strategic partners in health, policing, environment and the third sector working to secure wellbeing for the population through its local Public Services Board.

8. Each Council is required to have at least one scrutiny committee, but in practice tend to have several committees, according to their own structural arrangements and priorities. There is no statutory requirement for the way the committees are arranged, but by convention, most are arranged by a grouping of political portfolios and organisational structures, so that evidence can most conveniently be gathered from key respondents like Cabinet Members and senior managers, and key findings fed back to the Cabinet. This arrangement also allows scrutiny councillors to become involved in areas of their interest or expertise, such as social care, the environment, young people or the economy. A small number of authorities, however, have chosen to arrange their scrutiny in a thematic way (for instance, pre-decision, policy, performance and partnership committees), to streamline resources and enable members to tailor their involvement to the organisation's business outcomes. Swansea Council set up a single Scrutiny Programme Board in 2012 to which a number of informal scrutiny performance and policy panels report.

Scrutiny in Cardiff

9. Cardiff adopted Scrutiny with a substantial structure of five scrutiny committees in 1999. Although Council structures and political portfolios have changed substantially during the past 17 years, and while scrutiny practice has evolved steadily, the five committee structure has remained fundamentally intact during this time. Many of the Committees have almost identical names and terms of reference to those initially established, providing consistency in the Council's governance arrangements.
10. Scrutiny has been of significant and tangible benefit to Cardiff Council over these years – shaping the organisation's agenda, informing policy, holding to account, representing the concerns of communities, and helping councillors build their representative skills.
11. This has built Cardiff's reputation for scrutiny which has been nationally recognised with Cardiff winning a series of UK wide Scrutiny awards, most recently as the Centre for Public Scrutiny's 'Team of the year 2009', 'Best Individual Project (Night-time Economy Inquiry) 2012', and 'Insight and Involvement Award (Cardiff Youth Council) 2014'.
12. Through their responses to Member Survey 2016 and their feedback during the Review of Scrutiny in 2016, Councillors reaffirmed their appreciation of the value of scrutiny, particularly the connection that it provided between the Council and its citizens. A number of members said that they found in-depth 'task and finish' exercises most rewarding. Most members valued the fact that Cabinet members were willing to give regular account for their work at scrutiny committees, and that meetings and inquiries were well planned and chaired, and methodologically sound. Members wanted scrutiny to allow the voice of local people and communities to be consistently heard, and for this to be effectively communicated. Given the pressures on their time, Members felt that

that to justify the time spent in committee meetings, scrutiny needed to be useful, and for that usefulness to be measured and widely understood.

The 2016 Review of Scrutiny in Cardiff

13. During 2016/17 the Council developed a Review of Scrutiny Project to develop a Scrutiny model that would:
 - 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.

14. The Review was driven by a number of internal and external factors. Principal among these were:
 - 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.

15. The Review initially benchmarked 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. A number of workshops were arranged 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 Committees
 - An "All" Member" workshop attended by 10 Members
 - Senior Management Team.

16. 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.

17. 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.
18. Key issues emerging from the above process included:
 - A suggested number and structure of committees the Council required to deliver scrutiny, while working within the Council's current financial constraints.
 - How these committees might be arranged, whether by the existing blend of portfolio and organisational grouping, by theme, or as a "one committee model". There was strong support for retaining the current type of grouping.
 - Ensuring that the Council is able to deliver the statutory requirements to deliver scrutiny under the statutes referred to in paragraph 7 above, the expectations of regulators and the priorities of the Administration.
 - The connection of scrutiny and the communities and citizens of Cardiff. Scrutiny committees currently engage citizens and third sector groups in a variety of ways, but Members wished to see the Council develop new ways of building communication and engagement with external stakeholders.
 - The potential benefits of co-opting non-elected representatives onto scrutiny committees.
 - The potential for scrutiny of the Public Services Board to grow, and the implications that this might have on resources available for local scrutiny.
 - Given expectations that the range of emerging regional service delivery structures (eg the South Central Education Consortium, S E Wales Shared Regulatory Service and Cardiff Capital Region City Deal) would be scrutinised regionally, the pressure this might place on resources available for local scrutiny.
 - The potential for driving integration of health and social care services across Cardiff and the Vale of Glamorgan by arranging scrutiny of social care through one single committee, complementing arrangements for Regional Partnership Boards set by the Social Services and Wellbeing Act 2014. Cardiff has traditionally separated scrutiny of the large social care portfolio into two committees, allowing Children's Services to sit alongside Education, Play and Youth Services, and Adult Services to sit alongside Community Development and support, and Housing. The merits of each approach were commended during the Review process.
 - The need to evaluate the outputs and outcomes of scrutiny.
19. Constitution Committee considered a report summarising all of the above activity and views at its meeting on 2 March 2017. Recognising that any recommendations made at the meeting would need to be reconsidered by a future Full Council, the Committee was recommended to:

- A. Consider four potential future Scrutiny Committee models, and agree to recommend a preferred Scrutiny model for recommendation to Full Council and the new administration post May 2017.
 - B. Agree that during the next Council, scrutiny committees will each have nine elected Members;
 - C. 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.
20. In respect of Recommendation A, the Committee agreed the principle of a future Council having four scrutiny committees (as against the five scrutiny committees in place currently), but preferred not to recommend any of the specific options, given that the next Administration might make different arrangements for the way Cabinet portfolios were structured, and recognising this would be a matter for the future Council.
21. The Committee agreed Recommendations B and C.

Legal Implications

22. 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 thereunder (for example, the Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013) must be considered when determining the future scrutiny model for Cardiff.
23. 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 Well-being of Future Generations (Wales) Act 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.
24. Consultation - The report refers to consultation undertaken and in considering this matter, regard should be had to the outcome of the consultation.

25. 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

26. This proposal sets out a recommendation to reduce the number of Scrutiny Committees to four. For the 2016/17 Budget, a saving proposal of £50,000 was put forward and accepted but was deferred for one year as a result of the use of the Finance Resilience Mechanism. For the 2017/18 budget, the Council budget was approved with the Scrutiny budget now reduced by £50,000. In the event of a decision not to reduce the number of Scrutiny Committees then consideration needs to be given to finding alternative means of achieving a £50,000 saving.

RECOMMENDATIONS

The Council is asked to consider and agree the recommendations from Constitution Committee, namely that:

1. Council approves the establishment of four scrutiny committees and to agree the Council's preferred model with reference to Appendix A;
2. Scrutiny committees should each have nine elected Members; and
3. All non-Executive elected Members should 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.

DAVINA FIORE

Director of Governance & Legal Services & Monitoring Officer

19 May 2017

Appendices: Four potential models for Scrutiny Committee structure.

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 39

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 40

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 41

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.

Page 42

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

**DINAS A SIR CAERDYDD
CITY & COUNTY OF CARDIFF****ANNUAL COUNCIL****25 MAY 2017**

**REPORT OF DIRECTOR OF GOVERNANCE AND LEGAL
SERVICES AND MONITORING OFFICER**

**ALLOCATION OF SEATS AND NOMINATIONS AND APPOINTMENTS OF
MEMBERS TO COMMITTEES****Reason for this Report**

1. The Council is requested to approve the allocation of seats on the established Committees to political groups in accordance with requirements of the Local Government and Housing Act 1989 and to receive nominations of Members to serve on each Committee and make such appointments. .

Background

2. The previous reports (Agenda Items 11 and 12) outlined matters relating to the establishment of Committees, together with their size and terms of reference.
3. The Council Procedure Rules in the Cardiff Constitution provide that at the Annual meeting the Council will decide on the allocation of seats on committees to political groups in accordance with the requirements of the Local Government and Housing Act 1989.
4. The Local Government and Housing Act 1989 requires the Council to allocate Committee seats to political groups in proportion to the size of the Groups on the Council as far as is reasonably practicable.
5. Having determined the allocation of seats to political groups, the Annual Council meeting is required to receive nominations of Members to serve on each of the established Committees and make such appointments.

IssuesPolitical Balance

6. The overall composition of the Council following the Local Elections on 4 May 2017 is as set out in Table A:

TABLE A - Composition of the Council following elections on 4 May 2017:

Groups	Number of Councillors	Percentage
Labour	40	53.33%
Conservative	20	26.67%
Liberal Democrat	11	14.67%
Plaid Cymru	3	4%
Ungrouped Independent	1	1.33%

Allocation of Seats

7. The Council is required to allocate Committee seats to political groups in proportion, as far as is reasonably practicable, to the size of the Groups on the Council (in accordance with the Local Government and Housing Act 1989, Section 15 and the Local Government (Committees and Political Groups) Regulations 1990).
8. The total number of seats on the proposed Committees subject to the political balance requirements is 144 and is detailed in **Appendix A**. Based on the composition of the Council following the elections on 4 May 2017, the proportional allocation of seats on those Committees is as set out in Table B:

TABLE B – Allocation of Seats in accordance with Political Balance

Groups	Number of Councillors	Number of Committee seats
Labour	40	78
Liberal Democrat	20	39
Conservative	11	21
Plaid Cymru	3	6
Ungrouped **	1	0

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

9. The proportional allocation of seats, as set out in Table B above, has been discussed with all Party Group Whips. The Plaid Group has indicated that it does not wish to take up its allocation of Committee seats, and therefore, these have been distributed amongst the other Groups, as shown in **Appendix A**.
10. Under the rules on political balance, the Council may adopt an alternative arrangement to strict political proportionality for the allocation of seats on Committees and distribute seats on a different basis provided that notice of such proposal is given in the Council Summons, and the alternative arrangement is approved by Council,

without any Member voting against the arrangement (referred to as a '*nem con*' vote).

11. Notice has been given on the Council Summons to effect the alternative arrangement for the distribution of seats on Committees as detailed in **Appendix A**.

Nominations and Appointments to Committees

12. Following the allocation of seats on each Committee in accordance with the statutory provisions on political balance, the next step is to make appointments to those Committees. It is the duty of the Council to make appointments as soon as practical thereafter, and to give effect to the stated wishes of party groups regarding who is nominated to the seats allocated to each particular group.
13. Based on the Committee structure and size set out in the previous reports (Agenda Items 11 and 12), total nominations required are 144 and as set out in Appendix A

It is normal practice where possible for the groups to make known their nominees at the Annual Council meeting, but where this is not achievable the Director of Governance and Legal Services and Monitoring Officer will report the nominations and any subsequent changes to the next Council meeting for Members' information.

Legal Implications

14. Sections 15 to 17 of the Local Government and Housing Act 1989 ("the 1989 Act") and the Local Government (Committees and Political Groups) Regulations 1990 ("the 1990 Regulations") lay down requirements designed to ensure that there is political balance on Committees. The rules apply to all ordinary committees, advisory committees, scrutiny committees, the Democratic Services Committee, Audit Committee, and joint committees where the Council appoints 3 or more seats, but do not apply to the Standards and Ethics Committee.
15. At its Annual Meeting, the Council is required to review the political make up of its Committees in accordance with the principles set out in Section 15 of 1989 Act, those principles being:
 - (a) not all seats on a Committee should be allocated to the same political group;
 - (b) the majority group on the Council should form the majority on the Committee;
 - (c) subject to (a) and (b), that the proportion of seats allocated to each political group on the total of all Committees should be the same as the proportion of Council Members who belong to that group; and
 - (d) subject to (a)–(c), that the proportion of seats allocated to each political group on each Committee should be the same as the proportion of Council Members who belong to that group.

16. However, the allocation of seats based on the political proportionality principles set out in Section 15 of the 1989 Act (please see paragraph 11 above) may be varied (pursuant to Section 17 of the 1989 Act) if alternative arrangements are approved by the Council, subject to:
- i. Notice being given to all Members of the proposal to adopt the alternative arrangements for the allocation of seats – this is met by the express reference made in the Council Summons (Regulation 20 of the 1990 Regulations); and
 - ii. The alternative arrangements must be approved by the Council without dissent (a “nem con” vote).

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

17. Where a local authority has determined the allocation of political groups on a Committee, it is under a duty to give effect to the wishes of those groups with regard to the identities of the persons who are to represent that group on the Committee (pursuant to Section 16 of the 1989 Act). Regulation 14 of the Local Government (Committees and Political Groups) Regulations 1990 (‘the 1990 Regulations’) requires political groups to be notified of their allocation on a committee in order that they may nominate individuals to serve on that committee. Regulation 15 contains a residual power for the Council to make appointments if the political groups fail to do so. However, apart from this provision, the Council has no discretion in the matter—its function is simply to make appointments which give effect to the wishes of the political groups.
18. The wishes of a political group are to be taken as those expressed to the Proper Officer (a) orally or in writing by the leader or representative of the group; or (b) in a written statement signed by a majority of the members of the group. In the event that different wishes of a political group are notified, the wishes notified in accordance with point (b) shall prevail (Regulation 13).
19. A political group is identified when two or more members of the Council who wish to be treated as a political group write to the Proper Officer to inform him of that fact and of their name and the identity of their leader. A person joins a particular political group by sending a notice signed by him/her and the leader of the group. People may cease to be members of the group by notifying the Proper Officer (the Monitoring Officer) of their resignation, joining another group, or being ousted by a notice signed by a majority of the members of the group.
20. Under the Scheme of Delegations (delegation reference LD17), the Monitoring Officer is authorised to appoint members to Committee seats allocated to political groups (or make changes and fill vacancies)

in accordance with the wishes of the political groups.

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

Standards and Ethics Committee

22. Standards Committees in Wales must consist of not less than five and not more than nine members, and independent members must comprise at least half of all members. The Committee must include at least one 'Community Committee member' (i.e. a member of a community council within the authority's area) as the Standards Committee discharges functions in relation to Community Councils. Regulations specifically prohibit anyone other than a member of the Council, an independent member or a 'Community Committee' Member from being a member of the Committee. The Leader is prohibited from being a member of the Standards Committee, and no more than one member of the Cabinet may be a member of the Committee. The political balance requirements of the 1989 Act do not apply.
23. The Council's Constitution (Article 9) provides that the Standards & Ethics Committee will be composed of 9 members comprising 5 'independent' members, 3 Cardiff County Councillors and 1 Community Councillor.
24. The terms of office of the 5 independent members have not expired and so no further appointments of independent members are presently required.
25. The term of office for a Councillor sitting on the Standards Committee can be no longer than the period until the next ordinary Local Government Elections; but a Councillor may be re-appointed for one further consecutive term.
26. The term of office of the Community Council member expired on the day of the local government elections this year and cannot be further extended. Arrangements are in hand to seek a suitable replacement, in consultation with the Community Councils, as required under the relevant legislation. The Standards and Ethics Committee will recommend a new appointment to full Council for approval in due course.

Democratic Services Committee

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

Audit Committee

28. The Local Government (Wales) Measure 2011 (section 82) provides that there must be at least one lay member on the Audit Committee or up to a third of the total membership. Subject to that, the Council must decide how many non-councillors should be appointed to the Audit Committee. The Committee can include no more than one Cabinet member, who may not be the Leader. Statutory Guidance recommends that all Members of the Committee should display independence of thinking and unbiased attitudes, and must recognise and understand the value of the audit function.
29. The current composition of the Audit Committee, as approved at Annual Council in May 2016, includes four non - councillor 'Independent Members' and 8 Councillors. The proportion of Independent Members is one third of the Committee members, which is the maximum permitted by law.

Planning Committee

30. As noted in the separate report on the Planning Committee – New Regulations (Agenda item 11), new regulations came into force on 5th May 2017, introducing new requirements for any committee discharging relevant planning functions. Where wards have more than one elected Member, there is a new requirement that only one Member may sit on the planning committee, in order to allow other ward Members to perform the representative role for local community interests (but this rule is not applicable to authorities comprised solely of multiple Member wards). In submitting nominations for the planning committee, political groups will need to comply with this new rule.
31. All decisions taken by or on behalf the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers of behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Council Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

32. This proposal sets out a recommendation to allocated seats to Committees on the basis that the Committees remain unchanged for 2017/18. For the 2017/18 budget, the Council budget was approved with the Scrutiny budget reduced by £50,000. In the event that as part of Agenda Item 12 a decision is taken not to reduce the number of Scrutiny Committees then consideration needs to be given to finding alternative means of achieving a £50,000 saving.

RECOMMENDATIONS

That the Council:

1. approves 'alternative arrangements' for the allocation of seats on each Committee to political groups as set out in Appendix A;
2. receives nominations from the political groups to the seats allocated to each group and approves the corresponding appointments; and
3. requests the Monitoring Officer to report to the next Council meeting the details of all appointments to committees for information, taking into account any further nominations or changes notified following this meeting.

DAVINA FIORE

Director of Governance and Legal Services and Monitoring Officer

18 May 2016

Appendix A – Distribution of Seats Municipal Year 2017/18

Distribution of Seats 2017/18 Municipal Year

APPENDIX A

Committee	Number of Seats	Labour	Cons	Lib Dem	Plaid	**Non Grouped	
Committees subject to Political Balance							
No of Seats	75/75	40/75	20/75	11/75	3/75	1/75	
Percentage %		53.33%	26.67%	14.67%	4%	1.33%	
Political Balance		54.05%	27.03%	14.86%	4.05%	0	
Total No Seats	144	78	39	21	6	0	144
Ordinary Committees							
Audit Committee	8	5	2	1			8
Constitution Committee	12	7	3	2			12
Corporate Parenting Advisory Committee	9	5	3	1			9
Council Appeals	9	5	3	1			9
Democratic Services Committee	12	7	3	2			12
Employment Conditions	8	5	2	1			8
Licensing <i>(same Membership as Public Protection)</i>	12	7	3	2			12
Public Protection <i>(same Membership as Licensing)</i>	12	7	3	2			12
Pension Committee	5	3	1	1			5
Planning	12	7	3	2			12
No of Seats	99	58	26	15	4		99
Scrutiny Committees							
Allocation of Chairs	5	3	1	1			
Children & Young People	9	5	3	1			9
Community & Adult	9	5	2	2			9
Economic & Culture	9	5	3	1			9
Environment	9	5	3	1			9
Policy Review & Performance	9	5	2	2			9
No of Seats	45	25	13	7	2		45
TOTAL NO OF SEATS							
	144	83	39	22			144
		57.6%	27.1%	15.3%			100%

Committee	Number of Seats	Labour	Cons	Lib Dem	Plaid	**Non Grouped	
<u>Political Balance Not applicable</u>							
Standards & Ethics Committee	3	1	1	1			3
Bilingual Cardiff Working Group	10	7	2	1			10
Local Authority Governor Panel	7	4	2	1			7
Health & Safety Advisory Group	5	3	1	1			5
Pension Panel (<i>** from Membership of Pension Committee</i>)	3	2	1				3
Works Council (<i>** from Membership of Employment Conditions Committee</i>)	5	3	1	1			5

<u>Joint Committees</u>							
Glamorgan Archives Joint Committee	5	3	1	1			5
Prosiect Gwyrdd	**2	2					2
Shared Regulatory Services Joint Committee	*/ **2	2					2
Central South Consortium Joint Education Service Joint Committee	**1	1					1
Vale, Valleys and Cardiff Regional Adoption Collaborative Joint Committee	**1	1					1

* Chair of Licensing Committee

** Cabinet Member/s

ANNUAL COUNCIL

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

ELECTION OF CHAIRS AND DEPUTY CHAIRS OF COMMITTEES

Reason for Report

1. The purpose of this report is to facilitate the election of Chairs and Deputy Chairs for each of the committees

Background

2. Agenda Items 12 and 14 outlined matters relating to the establishment of Committees, together with their composition and allocation of seats in accordance with the statutory provisions on political balance.

Issues

3. The Constitution provides that the Chair and a Deputy Chair for each Committee shall be elected at Annual Council. In order to take those decisions, political groups will (at least in relation to any person to be nominated for appointment as Chair or Deputy Chair as the case may be) need to ensure that formal notice is given to the Proper Officer of the group's wishes that that person is nominated to the relevant Committee.
4. Legislation requires the politically proportional allocation of Scrutiny Chairs for Councils comprised of several political groups (pursuant to Part 6 of The Local Government (Wales) Measure 2011). The proportional allocation of Scrutiny Committee Chairs calculated in accordance with the principles set out in section 70 of the Local Government (Wales) Measure 2011, and discussed with the political groups, is shown in the Table A below:

TABLE A - Allocation of Chairs of Scrutiny in accordance with Political Balance

Groups	Allocation of Chairs	Political Balance
Labour	3	54.05%
Conservative	1	27.03%
Liberal Democrat	1	14.86%
Total	5	

5. Once the Council has determined the allocation of Scrutiny Chairs to each political group, the appointment of Scrutiny Chairs is to be made by the relevant group. Subject to Council approval of the proportional allocation of Scrutiny Chairs, political

groups are requested to provide notice of their proposed appointments to the Proper Officer to enable Annual Council to note the appointments.

6. Nominations to the following Chairs and Deputy Chairs need to be notified to the Proper Officer: -

TABLE B

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

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

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

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

Legal Implications

8. The Council Procedure Rules provide that, at the Annual Council meeting, the Council will elect a Chair and a Deputy Chair for each of the committees (Rule 2(b) (xv)). This report seeks nominations for the positions of Chair and Deputy Chair for each of the listed committees (and notes that nominees must have been validly nominated to the relevant committee under the separate Agenda item 13 on nominations to committees).

There are specific legislative provisions in respect of the Chairs of the following statutory committees:

Democratic Services Committee

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

Audit Committee

13. The Chair of the Audit Committee must be elected by the Committee and may be either a lay member or a non-executive group member (section 83).

Standards and Ethics Committee

14. The Standards Committees (Wales) Regulations 2001 provide that the Standards Committee Chair and Vice-Chair must be Independent Members of the Committee elected by the Committee (Regulation 22)

Scrutiny Chairs

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

Financial Implications

16. This proposal sets out a recommendation to allocated seats to Committees on the basis that the Committees remain unchanged for 2017/18. For the 2017/18 budget, the Council budget was approved with the Scrutiny budget reduced by £50,000. In the event that as part of Agenda Item 12 a decision is taken not to reduce the number of Scrutiny Committees then consideration needs to be given to finding alternative means of achieving a £50,000 saving.

RECOMMENDATIONS

The Council is recommended to

- (1) receive nominations and elects the Chairs and Deputy Chairs (as appropriate) to the Regulatory and Other Committees shown in paragraph 6 – Table B, and or any other such Committees that may be established;
- (2) approve the proportional allocation of Scrutiny Chairs as set out in paragraph 4, Table A of the report; and
- (3) subject to approval of recommendation (2), note the appointment of the Scrutiny Chairs in accordance with the wishes of Party Groups pursuant to Part 6 of The Local Government (Wales) Measure 2011.

DAVINA FIORE

Director Governance & Legal Services and Monitoring Officer

18 May 2017

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

NOMINATION OF MEMBERS TO SERVE ON OUTSIDE BODIES

Reasons for the Report

1. To consider and agree nominations to statutory and non-statutory outside bodies, and fill any existing outside body vacancies for 2017/18 municipal year.

Background

2. The Constitution provides that the Council will, from time to time, receive nominations and make Member appointments to serve on outside bodies to which the Council may appoint members (except where doing so has been delegated by the Council or where only the Cabinet has authority to do so).

Issues

3. The Council is asked to consider and agree nominations to serve on bodies which are appointed on an annual basis as set out in Appendix A.
4. Nominations for appointments to Outside Bodies are submitted by the Party Group Whips and a schedule detailing proposed nominations will be circulated as part of the Amendment Sheet at the Annual Council meeting.
5. Further nominations to other outside bodies are expected to be considered by the Council at the next meeting in June 2017.

Legal Implications

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

7. Members who are appointed onto an outside body take on legal duties and responsibilities as part of the role and have a duty to act in its best interests at all times. For this reason under paragraph 10.2 (viii) of the Councillor Code of Conduct a member has a personal interest which they should declare in any body to which they have been elected, appointed or nominated by the Council.

Financial Implications

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

RECOMMENDATIONS

The Council is recommended to:

1. receive nominations and approve appointments to outside bodies as listed in Appendix A and as set out on the amendment sheet.
2. agree to delegate authority to the Corporate Director (Resources) and the Director of Governance and Legal Services and Monitoring Officer to proceed with the advertising and appointment to the independent Non-Executive Director positions and to establish a politically balanced Members Appointment Panel for the purpose of the appointment process (based on three Labour; one Liberal Democrat and one Conservative Members).

DAVINA FIORE

Director of Governance and Legal Services and Monitoring Officer

19 May 2017

Appendix A: Annual Nominations and Appointments vacancies on Outside Bodies 2017/18

Background Papers

Register Appointments to Outside Bodies

Annual Nominations and Appointment vacancies on Outside Bodies 2017/18

Organisation	Aims of the Organisation	Number of Representatives	Notes
Cardiff Business Improvement District (BID) Board	<p>The Business Improvement District (BID) is a business-led initiative supported by government legislation, which gives local businesses the power to get together, decide what improvements they want to make in their city centre, how they will manage these and what it will cost them. BIDs have the power to raise and spend funds locally, with the sole aim of improving their trading environment.</p> <p>BIDs have a maximum term of 5 years, which gives them a good length of time for businesses to feel the benefit of the services and projects delivered by the BID. BIDs deliver services and projects that are always in addition to those provided by the public agencies, including Cardiff Council and the Police. The BID is a not-for-profit organisation and run by a voluntary Board of Directors.</p>	1 Member	On 27 July 2016, the Cabinet resolved that the Leader of the Council be nominated as a BID Board Member.
Cardiff Bus	Cardiff City Transport Services Ltd (otherwise known as Cardiff Bus) is a private limited company which is wholly owned by Cardiff Council. It was constituted as a Public Transport company within the mean of Section 72 of the Transport Act 1985 and the main purpose of the company is the provision of road passenger transport services.	7 Members (4 Labour, 2 Conservative, 1 Liberal Democrat)	

Organisation	Aims of the Organisation	Number of Representatives	Notes
Cardiff & Vale of Glamorgan Community Health Council	<p>The CHC represents the interests of the patients and public of Cardiff and the Vale of Glamorgan in relation to local health services. The 4 statutory duties/functions of the CHC are to:</p> <ol style="list-style-type: none"> 1 Scrutinise the operation of health services in Cardiff & Vale of Glamorgan, to make recommendations for the improvement of that service, and to advise the UHB upon such matters relating to the operation of the health service. 2 To be consulted by the UHB in respect of health services for which it is responsible. 3 To enter and inspect NHS premises. 4 To provide an independent advocacy service on behalf of the Welsh Ministers for those aged 18 and over. 	3 Members	
Cardiff & Vale University Health Board – Stakeholder Reference Group	<p>The SRG has early engagement and involvement in the determination of the UHB overall strategic direction; provision of advice on specific service proposals prior to formal consultation as well as feedback on the impact of the UHB operations on the communities it services.</p>	1 – Member	

Organisation	Aims of the Organisation	Number of Representatives	Notes
Local Government Association (LGA) General Assembly	The LGA is the membership organisation of local authorities in England and Wales and its mission is to support, promote and improve local government. The LGA General Assembly is the only LGA decision making forum which all local authorities in membership are eligible to attend and vote. The role of the General Assembly is to consider strategic policy of national significance to local government.	4 Members (including the Leader of the Council)	<p>The Council is entitled to appoint 4 representatives to the LGA General Assembly. The LGA also encourages those Authorities entitled to 3 or 4 representatives on the General Assembly to allocate one of those positions to Minority Group Leaders from their Authority.</p> <p>On the election of LGA Chair, Vice-Chairs and Deputy Chairs under Article 8.4 and on questions of estimated expenditure and subscriptions under Articles 21.1 and 21.2 of the Constitution, Welsh Authorities in corporate membership are entitled to 1 vote, which is usually exercised by the Leader or nominated substitute.</p> <p>On non-devolved matters directly relevant to their statutory duties and responsibilities, the Council is entitled to 7 votes based on population size. These votes are usually exercised by the Leader or nominated substitute.</p> <p>The Annual Meeting of the LGA General Assembly will be held on 4 July 2017 in Birmingham, prior to the LGA Annual Conference 2017.</p>

Organisation	Aims of the Organisation	Number of Representatives	Notes
Millennium Stadium Plc	Millennium Stadium plc is wholly owned by the Welsh Rugby Union Limited. However, as the Special Shareholder in the company, the Council is entitled to appoint five representatives to serve as Non-Executive Directors on the Board of the company. To date, the Council has appointed 1 Member, 1 Officer (usually the Chief Executive) and 3 independent persons to these positions.	1 Member	The 4-year term of office of the three previous Council-appointed independent Non-Executive Directors (Maria Battle, Rev. Aled Edwards and Mark Hallett) expired on 25 April 2017. It is therefore proposed that the three independent Non-Executive Director positions should be advertised externally and a politically balanced Member Appointments Panel comprising of 5 Members is established (based on 3 Labour, 1 Conservative & 1 Liberal Democrat Members) to shortlist and interview applicants prior to future consideration by the Council.
National Adoption Service Governance Board	<p>A key part of the implementation of the Social Services and Well Being Act (Wales) 2014 the National Adoption Service for Wales brings together existing local government services into a three tier system, with partnership arrangements for services provided in other sectors, to co-ordinate and deliver adoption services in a different way. These tiers are:</p> <ul style="list-style-type: none"> • local authority level where all local authorities will continue to identify and meet needs of children for whom adoption is the most appropriate plan; • regional level where five local authority collaboratives have been created to deliver agreed adoption functions and develop operational links, as appropriate, with voluntary sector and other services to develop and improve service delivery; and at 	1 Member (relevant Cabinet Member and the Mayor or the executive leader (or a deputy to these roles), of the Host Authority (Cardiff))	

Organisation	Aims of the Organisation	Number of Representatives	Notes
	<ul style="list-style-type: none"> national level a small team to co-ordinate and drive improvement and consistency alongside maintaining strategic and planning links with VAA's and the delivery of certain national functions. 		
South Wales Fire & Rescue Authority	The Fire & Rescue Authority consists of 24 Councillors from the 10 local authorities which originally combined to form the Authority. The composition of the Authority is determined by the size of the electoral representation within each local authority and the political proportionality across the combined area.	5 Members (3 Labour, 1 Liberal Democrat & 1 Conservative)	<p>The Independent Remuneration Panel for Wales has previously determined that the remuneration of ordinary members of an FRA should be aligned to the Basic Salary of a member of a principal council and that the time commitment required is in the region of 20 days per year. This remains the basis of the Panel's determinations and the Panel has determined that the Basic Salary for Fire & Rescue Authority ordinary members should be £1,715 in 2017/18.</p> <p>The Panel has also determined that a Fire & Rescue Authority Senior Salary can be paid to the Chair, Deputy Chair and up to two Chairs of Committees.</p> <p>The Annual General Meeting is on Monday 12 June 2017.</p>
South Wales Police and Crime Panel	The Police and Crime Panel is responsible for overseeing the Police and Crime Commissioner and reviewing and scrutinising his decisions.	2 Members (1 Labour & 1 Conservative)	<p>The Panel is made up of 10 local Councillors, representing the 7 local authorities in South Wales, along with 2 co-opted independent members.</p> <p>Councillor representatives to the Police and Crime Panel are appointed in line with the</p>

Organisation	Aims of the Organisation	Number of Representatives	Notes
			<p>population size and the political balance of the 7 local authorities within the South Wales Police area. As a result, Cardiff, Swansea and RCT are entitled to appoint 2 representatives to the Panel according to political balance, which means that Cardiff should nominate 1 Labour and 1 Conservative Members to the Panel.</p> <p>In 2016/17, a General Allowance was paid subject to a Member's attendance at meetings/training events up to a maximum of 5 meetings/training events per year at an amount of £184 per attendance (max. £920.00 per year).</p> <p>If Members elect to receive this General Allowance, there will be no additional payment for travel and/or subsistence expenses. Alternatively, those Members who do not wish to receive the General Allowance may opt out and claim for travel and/or subsistence expenses.</p>
<p>Welsh Local Government Association (WLGA)</p> <p>(i) WLGA Council</p>	<p>The WLGA aims to promote, protect, support and develop democratic local government in Wales and in particular the interests of Welsh unitary authorities and Associate Organisations in membership.</p> <p>The WLGA Council is the sovereign body of the Association and will primarily deal with the appointment of officers, constitutional and</p>	<p>8 Members</p>	<p>A Local Authority in full membership shall be entitled to appoint one member of the Council for each 50,000 population or part thereof. Cardiff's entitled is 8 representatives which does not need to reflect the requirements of political balance.</p> <p>The vote allocation is 8 votes which is usually exercised en bloc by the Leader or nominated</p>

Organisation	Aims of the Organisation	Number of Representatives	Notes
(ii) WLGA Executive Board	business issues. It will also have a deliberative role which can be utilised in the furtherance of WLGA policy.	1 Member	<p>substitute.</p> <p>The WLGA Council Annual Meeting is due to be held on Friday 23 June 2017 in City Hall, Cardiff.</p> <p>The WLGA Executive Board is comprised of one member appointed by each Member Council from among those members it has appointed to the WLGA Council (usually the Leader of the Council). The Co-ordinating Committee is the main policy and deliberative forum of the WLGA.</p>

Mae'r dudalen hon yn wag yn fwriadol

DINAS A SIR CAERDYDD CITY & COUNTY OF CARDIFF



ANNUAL COUNCIL:

25 MAY 2017

REPORT OF THE CHIEF EXECUTIVE

MEMBERS' REMUNERATION AND ALLOWANCES 2017/18

Reason for this Report

1. To set out the determinations of the Independent Remuneration Panel for Wales (The Panel) with regard to the levels of Members' remuneration and allowances that are payable for the municipal year 2017/2018 and other associated matters, and for Council to agree those matters which are reserved for local determination by the Council.

Background

2. The Local Government Measure 2011 has repealed the former regulations requiring the Council to maintain a scheme of members' allowances and strengthened the role of the Independent Remuneration Panel for Wales (the Panel) in determining the level and scope of payments for all authorities in Wales.
3. The Panel's 9th Annual Report was published in February 2017 and a relevant authority must implement the Panel's determinations in the report for 2017/18 from the date of its Annual Meeting. The report is available on the Independent Remuneration Panel for Wales website via the following link:
<http://gov.wales/docs/dsjlg/publications/localgov/170223-annual-report-en.pdf>

Issues

4. The Panel in its Annual report remains firmly of the view that maintaining the democratic values of local government cannot be cost free, but payments to Members for their time, worth and responsibility must be, and must be seen to be, fair and affordable. Publicly funded remuneration is made available to encourage a diversity of willing and able people to undertake local governance through their elected, appointed or co-opted roles.
5. The Panel has determined that there should be a modest uplift of £100 to the annual basic salary in 2017/18 which is approximately 0.75%. No increase is proposed for senior salaries but these post holders will receive the uplift in the basic salary element. While in the current economic circumstances it is not possible to reinstate the link between basic salary and average Welsh earnings, the Panel will, in the future examine possible benchmarks that would be appropriate for the remuneration of elected members.

6. Since the Welsh Government introduced regulations relating to Family Absence of elected members of principal councils, the Panel has incorporated remuneration issues related to such absences in its framework. The Panel received feedback that the same arrangements do not apply to absences caused by long term sickness. The Panel have therefore introduced arrangements to recognise the implications of long term sickness of senior salary holders and have made changes to provide more flexibility for authorities without undermining the principle of prescribing payments which still has continuing support.
7. The Panel noted that elected members have not always utilised the support that has been provided through the Panel's remuneration framework, particularly in respect of the Care Allowance. There has been very limited take up across all of the organisations within the remit of the Panel, and the Panel believes that the major factor for this poor take up is concerns about adverse publicity on individual members. As a result, the Panel has decided to allow optional approaches to the publication of costs of care. It has also decided to use the term "reimbursement of costs of care" to replace Care Allowance, as a result of discussion with the WLGA leadership. In addition, the Panel believes that Democratic Services Committees should take steps to encourage and facilitate eligible members in claiming these allowances

Basic Salary

8. The Panel has determined that the Basic Salary that is payable to elected members of all principal councils in Wales will be **£13,400** in 2017/18, resulting in an annual increase in costs of salary to the Council of £7,500.

Senior Salary

9. The Panel has determined that the Senior Salaries payable in 2017/18 by local authorities in population Group A (i.e. those with populations over 200,000, which includes Cardiff) are as follows:

Bands of Responsibility	Role(s)	Senior Salaries determined by the Panel for 2017/18 (inclusive of Basic Salary)
Band 1	Leader	£53,100
	Deputy Leader	£37,100
Band 2	Cabinet Members – Level 1	£32,100
	Cabinet Members – Level 2	£28,900
Band 3	Committee Chairs – Level 1 (if remunerated)	£22,100
	Committee Chairs – Level 2	£20,100

Bands of Responsibility	Role(s)	Senior Salaries determined by the Panel for 2017/18 (inclusive of Basic Salary)
	(if remunerated)	
Band 4	Leader of largest opposition group	£22,100
Band 5	Leader(s) of other political group(s) comprising at least 10% membership of the Authority (if remunerated)	£17,100

10. The Panel's Annual Report 2016 introduced two levels of Senior Salary for members of councils' executives and committee chairs of principal authorities, Fire and Rescue Authorities (FRAs) and National Park Authorities (NPAs). This was to provide flexibility to enable authorities to reflect, in their schedules of remuneration, variations in the level of responsibility of portfolios and chairs. The Panel has examined the schedules of principal councils for 2016/17 and established that no principal council has introduced differential payments within cabinets or to chairs of committees.
11. It is at the discretion of each council as to which salary level is paid according to local circumstances. Nevertheless, the Panel considers that, in many instances, there are differences in the responsibilities attached to the portfolios of Cabinet Members and this should be reflected in the level of salary paid. The same principle also applies to Committee Chairs.
12. It is a matter for individual authorities to decide the implementation of the determinations on Senior Salary within their specific Cabinet structures. In 2017/18, it is proposed that the Band 2 Senior Salary payable to all Cabinet Members (except for the Leader and Deputy Leader) should continue to be set in accordance with the Level 1 payment (£32,100) prescribed by the Panel that is applicable to the Council (i.e. population Group A).
13. It is a matter for individual authorities to determine at which level a Chair is paid to reflect the appropriate responsibility attached to the specific post. In 2017/18, it is proposed that the Band 3 Senior Salary payable to those Committee Chairs that are remunerated should continue to be set in accordance with the Level 1 payment (£22,000) prescribed by the Panel.
14. The level of Senior Salary set by the Panel is inclusive of Basic Salary and Members must not be paid more than one Senior Salary by his or her Authority. In addition, Cabinet Members in receipt of a Band 1 or Band 2 Senior Salary cannot receive a salary from the Fire & Rescue Authority to which they have been appointed.

Allocation of Senior Salary Positions

15. The Panel has determined that there is no change to the maximum number of the Council's membership that is eligible to receive a Senior Salary in

2017/18. In Cardiff (Population Group A), the maximum number of Senior Salary positions is 19, excluding Civic Salary positions.

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

17. The Council at its Annual Meeting is required to approve the allocation of up to a maximum of 19 allowable Senior Salaries that are payable by the Council in 2017/18. Proposed changes to the allocation of Senior Salaries in 2017/18 are set out below and include an increase in the number of Senior Salary Positions required for Cabinet Members from 7 to 8 to reflect the proposed size of the new Cabinet (to be remunerated at the Band 2, Level 1 salary of £32,100, pursuant to paragraph 12 above), and the removal of a Band 3 Senior Salary allocated previously to the Chair of Democratic Services Committee (at salary of £22,100). The Panel notes that it is a matter for individual authorities to determine which Chairs are paid (and at which level), to reflect the appropriate responsibility attached to the specific post. It is proposed that a Band 5 Senior Salary will continue to be paid to the Leader of any other political group comprising of at least 10% membership of the Authority, and therefore qualifying for a Senior Salary as stipulated by the Panel.

Bands of Responsibility	Role(s)	No. of Senior Salary Positions
Band 1	Leader	1
	Deputy Leader	1
Band 2	Other Cabinet Members	8
Band 3	Scrutiny Committee Chairs	5
	Planning Committee Chair	1
	Licensing / Public Protection Committees Chair	1
Band 4	Leader of largest opposition group (Conservative Group)	1
Band 5	Leader of the Liberal Democrat Group	1
Total		19

Specific or Additional Senior Salaries

18. The Panel has also determined that a provision for 'development posts' is to be included within the Remuneration Framework. In accordance with guidance issued by the Panel in 2014, this allows principal councils to apply to

the Panel for specific and additional Senior Salaries, which do not fall within the current Remuneration Framework or which could not be accommodated within the maximum number of Senior Salaries payable, for a 'development post' that a principal council considers to be important and involves a significant, sustained and additional responsibility. Any applications to the Panel must provide clear evidence that the post(s) have additional responsibility demonstrated by a description of the role, function and duration and would be subject to both approval and formal review by Full Council.

Civic Salary

19. The Panel has determined that the levels of Civic Salary (inclusive of Basic Salary) which are payable in 2017/18 should be increased in line with the increase in the Basic Salary and will be applied by individual authorities as each considers appropriate, taking account of the anticipated workload and responsibilities of Civic Heads and Deputy Civic Heads:

Responsibility Level	Civic Heads (inclusive of Basic Salary)	Deputy Civic Heads (inclusive of Basic Salary)
Level 1	£24,100	£18,100
Level 2	£21,600	£16,100
Level 3	£19,100	£14,100

20. A Councillor must not be paid a Senior Salary and a Civic Salary.
21. It is proposed that a Level 1 Civic Salary will be paid by the Council in 2017/18 to both the Civic Head/Lord Mayor (£24,100) and Deputy Civic Head/Deputy Lord Mayor (£18,100), which would be commensurate with Cardiff's status as the Capital City of Wales and the associated civic responsibilities and workload during the municipal year.

Presiding Member and Deputy Presiding Member

22. The Local Government (Democracy) (Wales) Act 2013 allows local authorities to appoint an additional post of Presiding Member, in addition to a Civic Leader, who would Chair the business meetings of the Council. A Council may also appoint a Deputy Presiding Member.
23. Where appointed and if remunerated, the Panel has determined that a Presiding Member must be paid a Band 3 Level 1 Senior Salary (£22,100). The post would also count towards the maximum number of Senior Salaries which can be allocated by the Council (i.e. 19). The Panel has also determined that the position of Deputy Presiding Member will not be remunerated. This option has not been pursued in Cardiff.

Joint Overview and Scrutiny Committees (JOSCs)

24. Two or more authorities can establish joint scrutiny committees and decide whether or not the chairs of those committees (or a sub-committee of a joint scrutiny committee) will be paid. If they decide to make payments, the following determinations by the Panel which will apply for 2017/18.

25. If a Senior Salary is paid for this role, the Panel has determined that the Chair of a JOSC is eligible for a Senior Salary of **£6,700**, which is equivalent to that part of a Band 3 Level 2 Senior Salary for a Committee Chair (i.e. £20,100), excluding the amount of Basic Salary (£13,400). In cases where the Chair of a JOSC is already in receipt of a Band 3, 4 or 5 Senior Salary, the payment will be **£3,350**.
26. The Chair of a JOSC Sub Committee is eligible for a salary of **£1,675**. In cases where the Chair of the JOSC Sub Committee is already in receipt of a Band 3, 4 or 5 Senior Salary, the payment will be **£837**. Payments to Chairs of JOSC Task & Finish Sub Committees are to be pro-rated to the duration of the task.
27. Payments made to a Chair of a JOSC or a Chair of a JOSC Sub Committee are additional to the maximum proportion of the Council's membership that is eligible to be paid a Senior Salary (i.e. 25% of membership). However, this should not exceed the statutory limit on Senior Salary payments of no more than 50% of a council's membership.
28. Deputy Chairs of JOSCs or JOSC Sub Committees are not eligible for payment. In addition, Co-opted Members of JOSCs or JOSC Sub Committees are not eligible for payment of a Co-opted Member fee unless they are appointed by an authority under Section 144(5) of the Local Government (Wales) Measure 2011 and have voting rights.

Pensions

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

Co-opted Member Payments

30. The Panel has determined that there will be no change to the payments or fees which must be paid to Co-opted Members (provided that they are Co-opted Members with voting rights) in 2017/18. The payments are as follows:

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

Community and town councillors sitting on principal council committees	£198 (4 hours and over) £99 (up to 4 hours)
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31. The level of Co-opted Member payments is equivalent to the current daily rates for chairs and members of the Welsh Government's Band 2 sponsored bodies. The Panel has noted that there has been no uplift in these payment levels across such bodies since 2010.
32. The Panel determined that a Council can decide on a maximum number of days for which Co-opted Members may be paid in any one year. Since 2013/14, the Council has agreed to cap the payments to Co-opted Members at a maximum of the equivalent of 10 full days a year for each Committee to which an independent/lay member has been co-opted (i.e. maximum payments totalling £2560 to Co-opted Member Chairs of Committees and £1980 to Co-opted Ordinary Members of Committees). It is proposed that this maximum or 'cap' of the equivalent of 10 full days a year for each Committee including Co-opted Members should be retained by the Council in 2017/18.
33. A full day meeting is defined by the Panel as over 4 hours and a half day meeting is defined as up to 4 hours. Eligible meetings include other committees and working groups (including task & finish groups), pre-meetings with officers, training and attendance at conferences or any other formal meeting to which Co-opted Members are requested to attend.
34. Co-opted Members with voting rights can claim travel allowance for travelling time to/from the place of the meeting and reasonable time for pre-meeting preparation, the extent of which can be determined by the appropriate officer in advance of the meeting. The appropriate officer can also determine in advance whether a meeting is programmed for a full day (over 4 hours) and Co-opted Member payments will be made on the basis of this determination even if the meeting finishes before 4 hours has elapsed.
35. Co-opted Members are also eligible to claim for Travel and Subsistence Allowances and reimbursement of costs of care, where applicable.

Allowances

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

Reimbursement of Costs of Care

37. The Panel has determined that, for 2017/18, all authorities must provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs up to a **maximum payment of £403 per month**. The reimbursement of the costs of care is intended to enable any person whose ability to participate as a member of an authority would be limited by their

responsibilities as a carer, or for a member to receive care support to enable that individual to carry out their role.

38. Reimbursement of expenses will only be made on the basis of the submission of a monthly claim form listing the duties completed or official business undertaken, together with the production of receipts from the carer for the cost of the formal and informal care arrangements claimed. The Panel has confirmed that, as this is a contribution to actual monthly costs, this payment cannot be annualised.

Travel Allowance

39. The Travel Allowance payable in 2017/18 is linked to current HM Revenue & Customs (HMRC) rates and is unchanged and payable as follows:

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

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

Subsistence Allowance

42. Subsistence Allowance will only be paid for 'out-of-county' expenses incurred as part of official business outside the Council's administrative boundaries. Payment of a subsistence allowance to a local authority member for the performance of official business within the boundaries of a county or county borough where s/he is a member should only be made when the authority is satisfied that it can be justified on economic grounds. This does not apply in respect of co-opted members of a local authority who live outside that authority.
43. In terms of Subsistence Allowance for the reimbursement of the cost of any meals within a 24-hour period, the Panel has determined that a **maximum of £28 per day** is payable in 2017/18 (including breakfast if not included in overnight accommodation costs), provided that any claim for expenses is supported by receipts.
44. In terms of Subsistence Allowance which is payable in 2017/18 for the reimbursement of the cost of overnight accommodation, the Panel has

determined that the maximum levels payable be set in line with Welsh Government rates and paid as follows:

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

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

Entitlement to Family Absence

46. Members are entitled to the following periods of family absence under the Family Allowance for Members of Local Authorities (Wales) Regulations 2013:
- Maternity Absence – Available to pregnant Members who can take an absence period of up to a maximum of 26 weeks beginning any time between 11 weeks before up to the date of childbirth.
 - Newborn Absence – Available to a Member who is the father or, is married to, is the civil partner or is the partner of a child’s mother and expects to have the main responsibility for the upbringing of the child. Up to two consecutive weeks are available to be taken within 56 days following a child’s birth.
 - Adopter’s Absence – Available to a Member who adopts a child. Up to two consecutive weeks are available to be taken within 56 days of a child being adopted.
 - New Adoption Absence – Available to a Member who is married to, the civil partner or partner of a person adopting a child and expects to have the main responsibility for the upbringing of the child. Up to two consecutive weeks are available to be taken within 56 days of a child being adopted.
 - Parental Absence – Available to a Member who has or expects to have responsibility for the care of a child and does not satisfy the criteria for Newborn Absence, Adopters Absence or New Adoption Absence. Up to three months can be taken in a single or a series of absences from the date a Member assumes responsibility for the care of a child under the age of 14 and ends 1 year later.
47. Members are entitled to retain their Basic Salary during any period of family absence irrespective of the attendance record immediately preceding the commencement of family absence.
48. When a Senior Salary holder is eligible for family absence he/she will continue to receive the salary for the duration of the absence. Should a Senior Salary holder take a period of family absence, a substitute appointment can be made to that Senior Salary post and a Senior Salary paid (an addition is then allowed to the maximum number of senior salaries allowed for the duration of the substitution, the schedule of remuneration must be amended and the Panel must be informed).

Sickness Absence for Senior Salary Holders

49. The Family Absence Regulations (approved by the National Assembly in 2014) are very specific relating to entitlement and only available for elected members of principal councils. Absence for reasons of ill-health is not included.
50. Instances have been raised with the Panel of senior salary holders on long term sickness and the perceived unfairness in comparison with the arrangements for family absence. In consequence, councils are faced with the dilemma of:
- Operating without the individual member but still paying him/her the senior salary.
 - Replacing the member who therefore loses the senior salary (but retains the basic salary).
52. The Panel has considered this and has determined that the Framework be amended to provide specific arrangements for long term sickness as set out below:
- a) Long term sickness is defined as certified absences in excess of 4 weeks.
 - b) The maximum length of sickness absence within these proposals is 26 weeks or until the individual's term of office ends, whichever is sooner (but if reappointed any remaining balance of the 26 weeks will be included).
 - c) Within these parameters a senior salary holder on long term sickness can, if the authority decides continue to receive remuneration for the post held.
 - d) It is a decision of the authority whether to make a substitute appointment but the substitute will be eligible to be paid the senior salary appropriate to the post.
 - e) If the paid substitution results in the authority exceeding the maximum number of senior salaries payable for that authority as set out in the Annual Report, an addition will be allowed for the duration of the substitution.
 - f) When an authority agrees a paid substitution the Panel must be informed within 14 days of the decision of the details including the specific post and the estimated length of the substitution. The authority's Schedule of Remuneration must be amended accordingly.
 - g) It does not apply to elected members of principal councils who are not senior post holders as they continue to receive basic salary for at least 37 six months irrespective of attendance and any extension beyond this timescale is a matter for the authority.
53. This arrangement applies to members of principal councils, National Park Authorities and Fire and Rescue Authorities who are senior salary holders, including Welsh Government appointed members, but does not apply to co-opted members

Supporting the Work of Local Authority Elected Members

54. The Panel has determined that each Authority, through its Democratic Services Committee, must ensure that all Members are given as much support as is necessary to enable them to fulfil their duties effectively. All

Members should be provided with adequate telephone and email facilities and electronic access to appropriate information.

55. The Panel has further determined that such support should be provided without cost to individual Members. Deductions must not be made from Members' salaries as a contribution towards those support costs which the Authority has decided necessary for the effectiveness and/or efficiency of Members.

Publication of Remuneration and Allowances Information

56. The Council is required to agree, publish and maintain an annual Schedule of Member Remuneration, which sets out details of the specific payments that it intends to make to Members and Co-opted Members in accordance with the levels of remuneration and allowances determined by the Panel. In accordance with the Panel Regulations, the Council is required to produce a schedule of payments to Members and Co-opted Members no later than four weeks following the Council's Annual Meeting and to publish the Schedule of Member Remuneration as soon as practicable after determining the schedule of payments for the year and not later than 31 July 2017. In order to comply with this timescale, the Council's Schedule of Member Remuneration for 2017/18 is to be submitted for consideration by Council on 30 June 2017.
57. Details of Members' remuneration and allowances, including expenses claims made by Members and payments made to Members who are appointed by the Council to other public bodies, will also be published on the Council's website. The Panel has determined that consistency can be improved by the use of a standard proforma and will consult on this in early summer 2017. The Council is required to make arrangements for the publication of details of all remuneration and allowances paid to Members and Co-opted Members in 2016/17 by 30 September 2017.

Election to Forgo Entitlement to Payment

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

Legal Implications

59. The legal framework is set by Part 8 of the Local Government (Wales) Measure 2011 ("the Measure"), under which the Independent Remuneration Panel for Wales ("the Panel") is given functions relating to payments to Councillors and Councillors' pensions (s.142 of the Measure). The Panel is required to publish an annual report on the exercise of its functions with respect to each financial year (s.143 of the Measure); and the Council must comply with the requirements imposed on it by the Panel's Annual Report (s.153 of the Measure). The requirements imposed on the Council by the Panel's Annual Report are set out in the body of the report.
60. All Members entitled to receive payment have a personal interest in this report which should be declared. However, paragraph 12.2 of the Code of Conduct

states that you will not be regarded as having a prejudicial interest in any business of the Council relating to remuneration or an allowance or payment or pension made in accordance with the Local Government (Wales) Measure 2011 or the Local Government and Housing Act 1989. This means all Members may debate and vote on the recommendations in this report.

Financial Implications

61. The direct financial impact of this report is as a result of the proposed £100 increase in basic member salary (+£7,500), the increase by one Cabinet Member (+£32,100) mitigated by the reduction of one Chair of Committee (-£22,100). The net financial impact of £17,500 is anticipated to be contained within the 2017/18 budgetary allocation for member remuneration and costs of £1.529 million.

RECOMMENDATIONS

The Council is recommended to

1. note the determinations of the Independent Remuneration Panel for Wales made in its Annual Report 2017, as set out in the report;
2. note that an annual Basic Salary of £13,400 is payable to all elected members for the municipal year 2017/18;
3. agree to set the Band 2 Senior Salary payable in 2017/18 to all Cabinet Members (except for the Leader and Deputy Leader) at Level 1 (prescribed by the Panel as £32,100 for this Council);
4. agree to set the Band 3 Senior Salary payable in 2017/18 to those Committee Chairs that are remunerated at Level 1 (prescribed by the Panel as £22,100);
5. agree to allocate the maximum of 19 Senior Salary positions payable for 2017/18 as follows:

Bands of Responsibility	Role(s)	No. of Senior Salary Positions
Band 1	Leader	1
	Deputy Leader	1
Band 2 (Level1)	Other Cabinet Members	8
Band 3 (Level1)	Scrutiny Committee Chairs	5
	Planning Committee Chair	1
	Licensing / Public Protection Committees Chair	1

Bands of Responsibility	Role(s)	No. of Senior Salary Positions
Band 4	Leader of largest opposition group (Conservative Group)	1
Band 5	Leader of the Liberal Democrat Group	1
Total		19

6. agree to set the Civic Salary payable in 2017/18 for the positions of Civic Head/Lord Mayor (£24,100) and Deputy Civic Head/Deputy Lord Mayor (£18,100) at Level 1 as prescribed by the Panel; and
7. agree that the payment of Co-opted Member fees in 2017/18 should continue to be capped at a maximum of the equivalent of 10 full days a year.

PAUL ORDERS

Chief Executive
19 May 2017

Background Paper

Independent Remuneration Panel for Wales Annual Report February 2017:
<http://gov.wales/docs/dsjlg/publications/localgov/170223-annual-report-en.pdf>

Mae'r dudalen hon yn wag yn fwriadol

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



COUNCIL:

25 MAY 2017

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

**CONSTITUTION AMENDMENTS RECOMMENDED BY CONSTITUTION
COMMITTEE - COUNCIL MEETING PROCEDURE RULES**

Reason for the Report

1. The purpose of this report is to provide Council with the opportunity to consider proposed changes to the Council Meeting Procedure Rules, which have been recommended by the Constitution Committee.

Background

2. The full Council meeting is where all 75 Cardiff Councillors meet to discuss and agree the Budget and Policy Framework for the Council. This includes all the major policies of the Council, the budget and council tax; and forms the foundation of the Council's work. Full Council is also responsible for adopting a Scheme of Delegations (setting out who has responsibility for the discharge of the authority's functions) and its Constitution, as well as a number of other functions (set out in Article 4.1 of the Constitution).
3. All local authorities have statutory power to make standing orders (procedure rules) for the regulation of Council proceedings and business and may vary or revoke any such orders (Local Government Act 1972, section 99 and Schedule 12 Part VI paragraph 42), subject to compliance with that Act.
4. The Council Meeting Procedure Rules (set out in Part 4 of the Constitution) are the standing orders adopted by the Council to regulate meetings of the full Council.
5. At its meetings in November 2016 and March 2017, the Constitution Committee considered options for changing various aspects of the Council Meeting Procedure Rules, in light of the results from a Members' Survey conducted in the Autumn of 2016, and discussions with party group leaders and whips.
6. The Members' Survey Results were noted, in summary, as 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.

7. The Committee made comments in relation to each area identified by the Survey Results 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. Having discussed different options for change, the Constitution Committee, at its meeting on 2nd March, agreed to recommend certain changes for consideration by the new Council.

Issues

8. The changes to the Council Meeting Procedure Rules, which have been recommended by the Constitution Committee, are indicated in the table in **Appendix A** to this report. Members will note that for each recommended change, the table sets out the current rules and a summarised note of the Committee's final comments.
9. A copy of the Council Meeting Procedure Rules, showing the recommended amendments, is attached as **Appendix B**, for approval by Council.
10. If Members are minded to put forward any alternative or further proposed changes to the Rules, it should be noted that the discussion and decision on such proposals will need to be adjourned until the June Council meeting, pursuant to Rule 33(b), which provides as follows:

“Amendment

- (b) Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.”

The purpose of this Rule is to allow sufficient time for proper formulation and consideration of any new proposed changes. Alternatively, Members may wish to refer any proposed changes back to the Constitution Committee for further consideration (pursuant to Rule 25(a)(iv)).

Legal Implications

11. 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.
12. 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.
13. Any changes to the Council Meeting Procedure Rules require the approval of full Council..
14. The Council is under a legal duty to comply with its standing orders, once duly adopted. Non-compliance may mean that the Council’s decisions are open to challenge by judicial review, which if successful, may result in decisions being ruled as ‘ultra vires’ (outside of the Council’s powers) and quashed.
15. Other relevant legal implications are set out in the body of the report.

Financial Implications

16. There are no financial implications directly arising from this report.

RECOMMENDATIONS

Council is recommended to:

- i. Approve the changes to the Council Meeting Procedure Rules which have been recommended by the Constitution Committee, as shown in **Appendix B**; and
- ii. Instruct the Monitoring Officer to amend the Constitution accordingly.

DAVINA FIORE

Director Governance and Legal Services and Monitoring Officer

18 May 2017

Appendices

Appendix A: Table of Recommended Changes to Council Meeting Procedure Rules

Appendix B: Council Meeting Procedure Rules (draft) – marked up to show recommended amendments

Background Papers

Constitution Committee Reports, Review of the Council Meeting Procedure Rules, November 2016 and March 2017

Members' Survey Results, November 2016

TABLE OF RECOMMENDED CHANGES TO COUNCIL MEETING PROCEDURE RULES

Issue	Current Position	Committee's Final Comments	Recommended Changes	Rule/s to be Amended
<p><u>Frequency of Meetings</u></p> <p><i>[Requirement is:</i></p> <ul style="list-style-type: none"> • Annual Meeting (May) • Statement of Accounts Sign off (September) • Budget Setting meeting (February)] 	<p>9 meetings per year, monthly except for April, August and December</p>	<ul style="list-style-type: none"> • Support for dropping to 8 meetings per year by removing July meeting (as this falls during the schools' summer break), but noted that this would leave a long gap between June and September meetings 	<ul style="list-style-type: none"> ➤ Remove July Council meeting, leaving 8 full Council meetings per year 	<p>N/A</p> <p>(Programme of Ordinary Council meetings is decided at AGM, pursuant to Rule 3 – no amendment necessary.)</p>
<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"> • Broad agreement that meetings are too long and a break is needed (and suggestion that imposing a time limit and break would promote equal opportunities for Members who may have caring commitments or have worked all day) • Timings for agenda items should be adhered to more strictly • No time limit should be set for Budget Council because of the duty to set a balanced budget 	<ul style="list-style-type: none"> ➤ 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 <p>(Any remaining business items to be put straight to the vote without debate, and any remaining oral questions to receive written replies)</p>	<p>Rule 5 'Time and Place of Meetings'</p>

Issue	Current Position	Committee's Final Comments	Recommended Changes	Rule/s to be Amended
<p><u>Oral Questions by Councillors</u></p> <p><i>[No statutory requirement, however the review of CPR in 2012/13 introduced a limit on Oral Questions]</i></p>	<p>Current limit on Oral questions is 30 questions maximum and 90 minutes total.</p> <p>Allocation is 3 questions per Group and 15 allocated proportionally with 1 oral question per independent member</p>	<ul style="list-style-type: none"> • Broad agreement to reduce the current maximum of 30 questions • Suggestion that a reduction in the number of oral questions should be balanced by an increase in the number of written questions allowed • Considered introducing a requirement that questions must relate to matters of budget or policy; and ruling out of questions which relate to single ward issues. However, there was concern that this would impede the role of backbench Members 	<ul style="list-style-type: none"> ➤ Reduce the maximum number of oral questions to 20; and ➤ Reduce allocation of questions from 3 to 2 questions per group, retain allocation of 1 question per independent member and allocate the remaining questions proportionally, but remove Cabinet Members when calculating proportionality. 	<p>Rule 17</p>
<p><u>Supplementary Questions</u></p> <p><i>[No statutory requirement; custom and practice in Cardiff for two supplementary]</i></p>	<p>One supplementary is allowed from the Questioner and one further supplementary from a Member who does not belong to the same Group as the Questioner.</p>	<ul style="list-style-type: none"> • General agreement that 1 supplementary question is sufficient 	<ul style="list-style-type: none"> ➤ Allow only one supplementary question from the original Questioner (remove provision for a further supplementary question) 	<p>Rule 17</p>

<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>	<p>20 Motions per year allocated proportionally with a minimum of 2 motions per Group</p>	<p>Suggestions included:</p> <ul style="list-style-type: none"> • 1 Motion per meeting, with allocation of between 2 and 3 Motions for each group • Maximum of 2 Motions per meeting • Reduce from 20 Motions per year • Disallow Motions from ruling group(s) • Introduce requirement that Motions must relate to Council policy or budget • Rename as 'Opposition Business' and allow a half hour to one hour time slot 	<ul style="list-style-type: none"> ➤ Introduce a maximum of 2 Motions for each Council meeting, excluding the Annual meeting and Budget Council; and ➤ Retain current proportional allocation arrangements (with a minimum of 2 motions per Group) 	<p>Rule 22</p>
<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 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"> • Suggestion to reduce Proposers' time limit from 6 minutes to 4 minutes; and from 3 minutes to 2 minutes for seconder and general speakers • Concern that 2 minutes is too limiting and would need to be supported by appropriate training • There should be no change to budget debate timings 	<ul style="list-style-type: none"> ➤ Reduce time limit for Proposers of a report or motion from 6 minutes to 4 minutes; and ➤ Retain current time limits for Secunder and general speakers (3 minutes) <p>(Other than for Budget Council – No changes to speakers' timings for budget debate, as set out in Budget Meeting Procedure Rules)</p>	<p>Rule 27(g)</p>

PART 4 – RULES OF PROCEDURE

COUNCIL MEETING PROCEDURE RULES

Part 1 – Format and Content of Meetings

1 BUSINESS OF COUNCIL MEETINGS

- (a) The agenda and timings for items of business for any Council Meeting shall be agreed by the Chair in consultation with the Leader at least 6 Working Days prior to the date of the Council meeting.
- (b) The Chair may make any amendments to the draft agenda as they see fit.

2 ANNUAL MEETING OF THE COUNCIL

Timing of the Annual Meeting

- (a) The Annual Meeting will take place within the following periods:
 - (i) in a year when there is an ordinary election of Members, within 21 days following the retirement of the outgoing Members; or
 - (ii) in any other year, the Annual Meeting will take place in March, April or May or as may be required at law.

Business to be transacted at the Annual Meeting

- (b) The Annual Meeting will:
 - (i) elect a person to preside at the meeting if the existing Chair or the Deputy Chair is not present;
 - (ii) elect the new Chair;
 - (iii) appoint the new Deputy Chair;
 - (iv) approve the minutes of the last meeting;
 - (v) receive declarations of interests from Members;
 - (vi) receive from Members the Cardiff Undertaking in years where an ordinary election has taken place;
 - (vii) receive any announcements from the Chair (if any);
 - (viii) elect the Leader (where such election falls due);
 - (ix) appoint members of the Cabinet (where such election falls due);
 - (x) receive announcements from the Leader (if any) relating to the coming municipal year;
 - (xi) decide on any amendment to the standing committees of the Council, including amendments to their size and terms of reference;
 - (xii) decide on the allocation of seats on committees to political groups in accordance with the requirements of the Local Government and Housing Act 1989;

- (xiii) receive nominations of members to serve on each of the standing committees and make such appointments;
- (xiv) receive nominations and make appointments to serve on the outside bodies to which the Council may appoint members (except where doing so has been delegated by the Council or where only the Cabinet has authority to do so);
- (xv) elect a chair and a deputy chair for each of the committees;
- (xvi) approve a Scheme of Members Allowances;
- (xvii) approve a programme of ordinary meetings of the Council for the year;
- (xviii) approve a provisional programme of ordinary meetings of committees;
- (xix) agree any changes, amendments or revisions to the Council's scheme of delegation;
- (xx) for any year in which an ordinary election has taken place, receive a report from the Returning Officer of the Members elected; and
- (xxi) consider other matters which the Chair has certified urgent or appropriate.

3 ORDINARY MEETINGS

- (a) Ordinary Meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting. Ordinary Meetings will:
 - (i) elect a person to preside if the Chair and Deputy Chair are not present (such person not being a member of the Cabinet);
 - (ii) approve the minutes of the last meeting;
 - (iii) receive any declarations of interest (in accordance with the Members Code of Conduct);
 - (iv) if relevant, receive through the Chair from relevant Members the Cardiff Undertaking;
 - (v) receive any petitions;
 - (vi) receive questions from the public and answers in accordance with Rule 18;
 - (vii) receive any announcements from the Chair or Leader;
 - (viii) receive any reports from the Council's Committees introduced by the relevant Committee chairperson, and deal with questions and answers on any of those reports;
 - (ix) receive reports from any of the Council's statutory officers;
 - (x) receive any reports about and any questions and answers on the business of joint arrangements and external organisations;
 - (xi) consider Ordinary Motions;
 - (xii) receive any statements or reports from the Leader and/or Cabinet Members and questions and answers on them;
 - (xiii) receive Member questions and answers raised in accordance with Rules 16 and 16;
 - (xiv) consider any other business in the summons to the meeting; and
 - (xv) consider such other matters as the Chair certifies as urgent or appropriate.

4 EXTRAORDINARY MEETINGS

(a) An Extraordinary Meeting of the Council may be called by:

- (i) the Council by resolution; or
- (ii) the Chair.

(b) The following persons may require the Chair to call an Extraordinary Meeting of the Council. If the Chair has not called a meeting (to be held within 10 Working Days of the request) within two Working Days of receipt of such a written request, then they may do so themselves:

- (i) the Leader;
- (ii) the Head of Paid Service;
- (iii) the Monitoring Officer or section 151 officer; or
- (iv) any five Members of the Council.

(c) Any request presented in accordance with this Rule must:

- (i) specify the business to be transacted at the meeting; and
- (ii) be accompanied by a copy of any report for the meeting.

(d) Any Extraordinary Meeting will:

- (i) elect a person to preside if the Chair and Deputy Chair are not present;
- (ii) receive any declarations of interest from Members;
- (iii) consider the business specified in the request; and
- (iv) consider such other matters as the Chair considers to be urgent or appropriate.

(e) For the avoidance of doubt, the business to be transacted at an Extraordinary Meeting may include one or more Ordinary Motions pursuant to Rule 22, subject to variation of the deadline specified in Rule 22(b) as follows:

the words “by 5.00 pm at least 7 Working Days before the date of the meeting” shall be substituted with the words “at the same time as the request for the meeting is presented under Rule 4(b).”

5 TIME AND PLACE OF MEETINGS

(aa) Ordinary Council meetings, except for the Budget Council meeting, will commence at 4.30pm and end no later than 9pm, with a 30 minute break at a suitable midway point to be decided by the Chair. Any business items remaining at 9pm shall be put to the vote without debate, and any remaining Oral Questions shall receive written replies.

(a) Subject to paragraph (aa) above, the time and place of meetings will normally be as determined by the Council or in the case of an Extraordinary Meeting by the Chair. In the case of meetings called under Rule 4(b) the time and place shall be set by the Proper Officer and notified in the summons.

- (b) The Proper Officer may in case of urgency or at the request of the Chair vary the date, time and place of meetings, subject to reasonable notice of the change having been given.

6 NOTICE OF AND SUMMONS TO MEETINGS

- (a) The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules.
- (b) At least 3 clear days (as required and defined by the relevant legislation and case law) before a meeting, the Proper Officer will send a summons (notice of meeting) by email to every Member. Any Member not wishing to receive the summons by email may request (in writing to the Proper Officer) such other reasonable method of delivery as they may wish.
- (c) The summons will give the date, time and place of each meeting, enclose the agenda and will be accompanied by such reports as are available.

Part 2 – Conduct of Meetings

7 CHAIR OF MEETING

Power of person presiding at meeting

- (a) The person presiding at the meeting may exercise any power or duty of the Chair.

Conduct of meeting by Chair

- (b) The Chair shall have discretion to conduct the meeting to secure proper, full and effective debate of business items. The steps the Chair may take include:
- (i) allowing more time to any speaker or item of business;
 - (ii) permitting a Member to speak more than once;
 - (iii) allowing officers of the Council to advise the meeting as appropriate; and
 - (iv) refusing any Member the opportunity to speak or restricting their rights to speak.
- (c) The Chair's discretion provided for by Rule 7(b) shall operate in precedence to any other Rule contained in the Council Procedure Rules.

8 QUORUM

- (a) The quorum of a meeting will be one quarter of the whole number of Members (rounded up to the nearest whole number).

- (b) If fewer than the quorum attend the meeting or if during any meeting the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at the next meeting or a time and date fixed by the Chair.

9 UNOPPOSED BUSINESS

- (a) The Chair may specify in the Agenda any business that they consider to be unlikely to be opposed by any Member. For example this would include reports that deal with administrative matters and on which the various political groups have already reached agreement. All business specified in the Agenda as unopposed may be dealt with at the meeting as one agenda item and passed by one resolution.
- (b) If any Member wishes for any agenda item that is noted as being unopposed to be dealt with in the normal way, then that Member may request the Chair to remove that item from the list of unopposed business. In such circumstances the Chair will add that item of business to the agenda as a separate item.

10 POINT OF ORDER

- (a) A Member may raise a point of order at any time by indicating to the Chair that they wish to speak. The Chair will hear them immediately.
- (b) A point of order may only relate to an alleged breach of these Rules or the law. The Member must first state the Rule or law to which he/she is referring and then indicate the way in which they consider it has been broken.
- (c) The ruling of the Chair on the matter will be final. Points of order will only be recorded in the minutes if the Democratic Services Manager considers that such an inclusion would provide greater clarity to the minutes.

11 PERSONAL EXPLANATION

- (a) A Member may make a personal explanation at any time by indicating to the Chair that they wish to speak. A personal explanation may only relate to:
- (i) some material part of an earlier speech by the Member in the present debate which may appear to have been misunderstood;
 - (ii) to reply to an allegation of misconduct made against the Member giving the explanation; or
 - (iii) to make an apology to the Council.
- (b) The ruling of the Chair on the admissibility of a personal explanation will be final.
- (c) Points of personal explanation will only be recorded in the minutes if the Democratic Services Manager considers that such an inclusion would provide greater clarity to the minutes.

12 DECLARATIONS OF INTEREST

- (a) A Member may at any time declare a personal interest under the Members' Code of Conduct and when a Member stands to make a declaration he/she shall be heard immediately and shall be allowed to make the declaration without interruption.

13 MEMBERS' CONDUCT

Members Speaking at Council

- (a) When a Member speaks at full Council they must address the meeting through the Chair and should stand (if able) when they are speaking. If more than one Member stands or otherwise indicates their desire to speak, the Chair will ask one to speak and the others must be quiet.
- (b) Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order, a point of personal explanation or to declare an interest.

Chair calling the meeting to order

- (c) When the Chair calls the meeting to order or stands any Member speaking at the time must stop and sit down. The meeting must be silent.

Member's to maintain order

- (d) The Chair is to maintain order in meetings and must call to order any Member who:
- (i) is engaging in conduct which the opinion of the Chair constitutes criminal behaviour or contempt of court;
 - (ii) is obstructing the business of the meeting;
 - (iii) seeks to raise a matter outside the scope of the matter at hand;
 - (iv) acts in a discourteous way;
 - (v) is using disorderly, discriminatory or offensive language;
 - (vi) refuses to conform to any Rule or other requirement for the conduct of Members; or
 - (vii) disregards the authority of the Chair.

Member not to be heard further or to leave the meeting

- (e) If a Member disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member be not heard further.
- (f) If the Member continues to behave improperly or offensively or deliberately obstructs business after such a motion is carried, the Chair may move that

either the Member leaves the meeting or that the meeting is adjourned for a specified period.

14 GENERAL DISTURBANCE

- (a) If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he/she thinks necessary.

15 DISTURBANCE BY PUBLIC

- (a) Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules or Rule (b) below.
- (b) If a member of the public interrupts or disrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt or causes disruption, the Chair may order their removal from the meeting room.

Part 3 – Procedures and Rules of Debate

16 QUESTIONS AND DEBATE ON REPORTS AND CABINET STATEMENTS

- (a) On Cabinet Member Statements presented to the Council:
 - (i) A Member may ask the person presenting the report any question or otherwise comment on the subject matter of the statement without notice. Following the Cabinet Members response to such questions, the Member asking the original question shall be allowed to ask a supplementary question to clarify the response to the question.
 - (ii) One minute shall be allowed for each of the question, answer, supplementary question and supplementary answer.
- (b) On Reports presented to the Council
 - (i) The person presenting the report shall have 6 minutes to introduce it. A maximum of 3 minutes will be allowed to each Member to speak in relation to the report. 3 minutes will be allowed for the presenter of the report to make their closing remarks in response to points raised by other Members.

17 ORAL AND WRITTEN QUESTIONS BY MEMBERS

General

- (a) In accordance with this Rule 17, a Member may ask questions of:

- (i) the Leader or any Cabinet Member;
- (ii) the chair of any committee or sub-committee; or
- (iii) nominated members of the Fire Authority.

Submission of Questions

(b) A Member wishing to ask a Written Question should provide the question by email to the Council's mailbox for the submission of questions (as specified by the Democratic Services Manager). In doing so the Member must specify the person to whom the question is addressed.

(c) Oral Questions ~~shall~~ may be submitted by (or on behalf of):

- (i) each of the spokespersons for each opposition political group recognised by the Council (or such other Member as the leader of that group may nominate); ~~and~~
- ~~(ii)~~ (ii) a backbench Member of the ruling group(s) nominated to the Democratic Services Manager for such purpose; ~~and~~
- ~~(ii)(iii)~~ (iii) any Members who are not members of any political groups recognised by the Council

by email to the Council's mailbox for the submission of questions (as specified by the Democratic Services Manager). In doing so the Member must specify:

- (i) the name of the Member asking each question; and
- (ii) the order in which the group wishes to ask its questions (if applicable).

(cc) The total number of Oral Questions submitted to each Council meeting shall not exceed twenty.

~~(cd) Each such person~~ A Member shall be entitled to submit a maximum of the number of questions that are allocated to their political group (or to them) calculated in accordance with the following rules:

- (i) Each political group recognised by the Council shall automatically be entitled to ~~3-2~~ 2 Oral Questions; ~~and~~
- (ii) ~~In addition a~~ Any Members who are not members of any political group recognised by the Council shall be entitled to submit one Oral Question each; and
- (iii) ~~In addition, a further 15~~ The remaining Oral Questions shall be allocated amongst the political groups in proportion to their representation on the Council, but Cabinet members are to be excluded when calculating the proportional entitlement of each political group.

~~In addition any Members who are not members of any political group recognised by the Council shall be entitled to submit one Oral Question each. Unless those Members agree otherwise, the order in which they shall be entitled to submit questions shall be determined by rotation.~~

(d) Questions will be dealt with in accordance with the following procedures.

Oral Questions

Oral Questions will be dealt with in accordance with the following procedure:

DRAFT

Day	Action
12.00 noon, 2 Working Days prior to Council Meeting	Deadline for the Submission of Oral Questions
At Council Meeting questions shall be made available in writing and online at least 30 minutes prior to the start of the meeting and dealt with as set out opposite.	<p>A maximum of 90 minutes shall be allowed for Oral Questions, any questions that are not dealt with in this time limit shall fall.</p> <p>Each Oral Question will be made available in writing and online at the start of the meeting and dealt with in the following order:</p> <ul style="list-style-type: none"> - Oral Questions shall not be read orally, but will be dealt with in rounds. In the first three rounds each political group shall each be entitled to ask one question. In subsequent rounds, only political groups with remaining Oral Questions shall be entitled to ask questions. - In each round the ordering of the questions shall be determined by the size of each of the political groups (with the largest going first) except that the ruling group(s) shall go last. - Questions from Members who are not members of a political group recognised by the council shall be asked at the start of the fourth round. <u>Unless those Members agree otherwise, the order in which they shall be entitled to submit questions shall be determined by rotation.</u> <p>Each question shall be answered orally by the Cabinet Member that the Cabinet deem most suitable to respond (or by the relevant chair of a committee or nominated member of the fire authority if the question was so addressed). A maximum of one minute shall be allowed for the answering of the question.</p> <p>The Member who submitted the question shall then be allowed one minute to ask a supplementary question.</p> <p>The person to whom the question is addressed shall have one minute to answer the supplementary question.</p> <p>One further supplementary question may be asked by another Member provided that the asker is not a member of the same political group as the Member who submitted the original question. The Member asking the further supplementary question shall be allowed one</p>

	minute to ask it, and the response shall also be limited to one minute.
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Urgent Oral Questions

- (e) At the end of the period allocated for Oral Questions the Chair may allow Members to ask further Oral Question for which notice under Rule (b) above has not been given if:
- (a) the Chair and the person to whom the question is addressed has been given at least two hours written notice of the question prior to the start of the meeting; and
 - (b) the Chair has confirmed to the Member asking the Question and the person to whom it is addressed that they are satisfied that the question is of urgent public importance and could not be better dealt with under any other Rule or other procedure of the Council.

Written Questions

- (f) Written Questions may be asked at any time and will be dealt with as set out below:

Day	Action/Comment
9.00am 9 Working Days prior to Council Meetings	<p>Deadline for the submission of Written Questions for an answer to be received at the Council Meeting.</p> <p>If a question is submitted following this deadline it will be answered at the following Council Meeting.</p> <p>If a Member submits more than 5 Written Questions, only 5 of these Questions (which the Member will be invited to prioritise) will be answered at the Council Meeting; and the remaining Questions will be answered at the following Council Meeting.</p> <p>The Monitoring Officer shall have discretion to instruct that a composite answer may be given to Written Questions which are closely related or on the same subject matter, wherever she considers this appropriate.⁴</p>
12.00 noon on the day of the Council Meeting	Deadline for answers to Written Questions which are to be answered at the Council Meeting (as referred to above) to be circulated by email to all Members.

⁴-This will take effect for the March 2015 Council meeting (as there are no Written or Oral Questions at the February Budget Council); and be trialled up until and including the Council meeting in November 2015, during which time the changes would be monitored and reviewed, and thereafter made permanent or further amended

A full copy of each Written Question (together with the answers to them) will be attached to the minutes of the meeting.

Rejection of Questions

- (g) The Chair may reject an Oral Question, Urgent Oral Question or a Written Question if in their opinion it:-
- (i) is not in relation to Relevant Business (as defined in Rule 35);
 - (ii) is in relation to Inappropriate Business (as defined in Rule 35);
 - (iii) is substantially the same as a question which has been put at a meeting of the Council in the past six months and there has been no material change in the answer which would be given; or
 - (iv) is a statement or otherwise is not a genuine enquiry.

Withdrawal of questions

- (h) A question may not be withdrawn except with the consent of the person it is addressed to.
- (i) If the Chair or the Monitoring Officer considers that a response to a question could be provided by a senior officer prior to the relevant Council meeting, then the Monitoring Officer may contact the Member concerned to ascertain whether the Member agrees that the question could be withdrawn.

Written record of Oral Questions and Responses

- (j) A written record of Oral Questions and related supplementary questions that are put at the meeting together with the responses provided, will be circulated by or on behalf of the Democratic Services Manager to all Members and the media noted as having attended the meeting by no later than 5.00pm five Working Days following the day of the Council meeting.
- (k) Prior to issue the written note of a response to a supplementary question must be checked for accuracy by the responding person.
- (l) No written note of a response to a supplementary question will be provided to the media before being provided to Members.

18 PUBLIC QUESTIONS

- (a) A period of up to 15 minutes in each meeting shall be allowed for public questions.
- (b) Any person (other than Members) who resides or works in the area of the City and County of Cardiff may ask questions of Cabinet Members or of the chairpersons of committees of the Council at Ordinary Meetings of the Council.

- (c) A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the mailbox set up by the Democratic Services Manager for such purpose no later than 5pm, 6 Working Days before the day of the meeting. Each question must give the name and address of the questioner and must specify the person to whom it is to be put (by name or title).
- (d) At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.
- (e) The number of questions that an individual can ask in a municipal year shall be limited to two, with any further questions being accepted only at the discretion of the Chair.
- (f) The Chair may reject a question if it:
 - (i) is not related to Relevant Business (as defined in Rule 35);
 - (ii) is in relation to Inappropriate Business (as defined in Rule 35);
 - (iii) is substantially the same as a question which has been put at a meeting of the Council in the past six months;
 - (iv) relates to a matter which is the subject of legal or enforcement proceedings or an appeal to a court or tribunal or to a Government Minister or the National Assembly or an investigation by the Local Government Ombudsman;
 - (v) relates to the activities and aims of a political party or organisation;
 - (vi) relates to a Regulatory Decision or a matter which may result in a Regulatory Decision;
 - (vii) is a statement or otherwise is not a genuine enquiry; or
 - (viii) would require the expenditure of a disproportionate amount of time, money or effort to prepare the answer.

The ruling of the Chair in the above matters shall be final.

- (g) The Proper Officer will make a record of each question received and a copy of the questions to be asked at a meeting will be open to public inspection and circulated to Members prior to the meeting.
- (h) Questions will be asked in the order in which notice of them was received, except that the Chair may group together similar questions.
- (i) If the questioner is absent or fails to identify themselves then the question will be deemed to be withdrawn.
- (j) A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must relate to the original question or the answer given and be limited to one minute. The Chair may reject a supplementary question on any of the grounds set out in (f) above.

Answers

- (k) No more than five minutes will be allowed for a response to any one question.
- (l) Any question which cannot be dealt with during public question time, either because of lack of time or because of the nonattendance of the Member, to whom it was to be put, will be dealt with by a written answer and a copy of the answer will be recorded in the minutes of the meeting.

19 GENERAL PROVISIONS RELATING TO ANSWERS TO MEMBER AND PUBLIC QUESTIONS

- (a) An answer may take the form of:
 - (i) an oral answer given by the person to whom the question is addressed or another person nominated by them;
 - (ii) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - (iii) where the reply cannot conveniently be given orally, a written answer circulated later to Members of the Council.
- (b) A person to whom a question is addressed may decline to answer provided that they state the reason for declining to answer.

20 PETITIONS

- (a) Where a Member delivers a petition to the Council the Member may outline the request by the petitioners, the reason for the request and the number of the signatories provided that in any event the Member may not speak under this rule for more than one minute.
- (b) Petitions shall be divided into three classes and shall be addressed as follows:
 - (i) A petition bearing less than 20 signatures shall be dealt with by normal correspondence.
 - (ii) A petition bearing 21-50 signatures shall be noted at the meeting and passed to a relevant officer of the Council for a written response.
 - (iii) A petition bearing 51 or more signatures shall be noted and passed to the relevant Cabinet Member for consideration and a written response.²

21 GREEN PAPERS³

General

- (a) An opportunity for one Cabinet Member to bring forward a Green Paper will be given at each Ordinary Meeting of the Council (but not the Annual Meeting or the budget meeting of Council).

² Subject to further review following referral back to Constitution Committee.

³ Subject to further review following feedback from Cabinet Members.

Procedure for the Debate of Green Papers

- (b) Any Cabinet Member bringing forward a Green Paper must provide the Chair and the Democratic Services Manager with a copy of the Green Paper at least 5 Working Days prior to the Ordinary Meeting. A copy of the Green Paper shall be attached to the Agenda for the meeting.
- (c) Members shall be given a chance to respond to the Green Paper at the meeting (as set out below) and the Green Paper must also provide an opportunity for Members to give written comments following the meeting at which the Green Paper is presented.
- (d) In the debate:
 - (i) The Cabinet Member proposing the Green Paper shall be given 15 minutes to speak, but may choose to allocate a proportion of that time to other Members provided that they:
 - (a) indicate to whom they will allocate time and how much time will be allocated to them at the start of the debate; and
 - (b) in doing so a maximum of 5 Members may speak (including the Cabinet Member proposing the Green Paper).
 - (ii) The debate shall then be opened to the floor for Members to give their initial response to and comments on the Green Paper. A maximum of 10 minutes shall be allowed for such debate and no one Member shall be permitted to speak for more than 3 minutes.

22 ORDINARY MOTIONS

General

- (a) No Ordinary Motion moved by notice pursuant to this Rule 22 will be debated at the Annual Meeting of the Council.
- (b) In order to move an Ordinary Motion it must be emailed by the proposer, and seconded by email to the mailbox allocated for that purpose by the Democratic Services Manager by 5.00pm at least 7 Working Days before the date of the meeting.
- (c) Every Ordinary Motion properly delivered will be dated and registered by the Democratic Services Manager in the order in which they were received and open to Members' inspection after the deadline for receipt.
- (d) Ordinary Motions will be listed on the agenda in the order in which the notices were received.

Number and Allocation of Ordinary Motions

- (e) Subject to Rule (f) below, the number of Ordinary Motions shall be limited to a maximum of 20-2 motions in-at each municipal year Ordinary Council meeting except the Budget Council meeting.
- (f) The allocation of Ordinary Motions will be agreed between the political groups. The allocation will be reviewed annually by the leaders of the political groups in consultation with the Chair. No political group recognised by the Council shall be allocated less than two Ordinary Motions in a municipal year. ~~If necessary, the maximum number of Ordinary Motions in a year may be increased to accommodate this.~~

Scope of Ordinary Motions

- (g) Ordinary Motions must be in relation to Relevant Business and must not be Inappropriate Business (as defined in Rule 35).
- (h) Any Ordinary Motion which requires a change in the budgetary framework may only call for a report on the matter to be prepared for consideration by the Executive and or Council as appropriate.
- (i) If any Ordinary Motion appears to the Chair to be not presently contained within the approved Council Budget for the year in question, it will still be included on the agenda for the meeting. However a statement from the Chair to this effect and stating that the Ordinary Motion shall be deferred to the next ordinary meeting of Council so that written legal and financial advice may be given to Members before the motion is debated.

Urgent Ordinary Motions

- (j) The Chair has the authority to agree to take an urgent Ordinary Motion which is not on the agenda (or to place an urgent Ordinary Motion on the agenda if sufficient notice is received).
- (k) The discretion is entirely that of the Chair who alone needs to be satisfied as to the need for urgency but an urgent Ordinary Motion should not be taken unless the Chair is satisfied that:
- (i) the proposer of the motion has taken all reasonable steps to notify the Chair and the Monitoring Officer of their desire to raise an Urgent Motion at the earliest opportunity;
 - (ii) and the motion requires an urgent decision in relation to an important public interest matter and it cannot reasonably be dealt with by other means; and
 - (iii) the motion is seconded.
- (l) In all cases, the reason for the urgency shall be clearly stated, and the Chair will explain to the Council the reason why they have accepted an Urgent Ordinary Motion.

Withdrawal or alteration of Ordinary Motions

(m) No Ordinary Motion can be withdrawn or deferred once it has been delivered except:-

- (i) if prior to the commencement of the meeting notice of withdrawal in writing signed by the proposer, and seconder has been delivered to the Democratic Services Manager; or
- (ii) a Member may withdraw an Ordinary Motion of which they have given notice at any time after the meeting has commenced provided that they have not moved the motion or spoken on it and they have the consent of the meeting.

(n) A Member may alter their own motion only with the consent of the meeting. Only alterations which could be made as an amendment may be made.

Amendments to Ordinary Motions by other Members

(o) An amendment to an Ordinary Motion may not be moved unless notice of the amendment has been given to the Democratic Services Manager by email, and seconded by 5.00pm 2 Working Days before the meeting.

(p) An amendment to an Ordinary Motion must be relevant to the motion and will be:-

- (i) to leave out words;
- (ii) to leave out words and insert or add others; or
- (iii) to insert or add words.

(q) Any amendments to Ordinary Motions will be called by the Chair in an order determined by the Chair, in consultation with the Monitoring Officer. The ordering shall be selected to facilitate coherent debate and to, wherever reasonably possible, allow each amendment to have the opportunity to be voted upon.

(r) Each amendment will be proposed and seconded and then put to the vote in the order determined by the Chair.

Right of reply and Voting on the Ordinary Motion

(s) Once amendments have been put to the vote, the principal motion, as amended if any amendments have been carried, will then be put to the vote.

(t) The rights of reply before the vote on an Ordinary Motion takes place are as follows:

- (i) Before any amendment is put to the vote, the Member who proposed the Ordinary Motion shall be given an opportunity to respond to the amendment.

- (ii) If no amendments are proposed or carried to an Ordinary Motion, then the Member who proposed the motion shall be given the right of reply before the Ordinary Motion is put to the vote.
 - (iii) If any amendment(s) is carried then the proposer of the amendment shall have the right of reply before the Ordinary Motion (as amended) is voted on. In the event that more than one amendment has been carried, then the Chair shall use their discretion to determine which of the proposers of the amendments shall have the final right of reply.
- (u) A Member exercising a right of reply will not introduce any new matter and after the reply, a vote shall be taken without further discussion.

23 AMENDMENT TO MINUTES OF COMMITTEE REFERRED FOR DECISION

- (a) An amendment to a minute of a Committee or a Sub-committee before the Council for decision can only be moved in the same way as an Ordinary Motion.

24 AMENDMENTS TO REGULATORY DECISION

- (a) No amendment may be moved to a Regulatory Decision.
- (b) No amendment may be moved which would have the effect of disproving the recommendation of a Committee or a Sub-Committee in relation to a Regulatory Decision.
- (c) For the purposes of this Rule a Regulatory Decision is the determination of an application for planning permission or any decision, determination, action, direction, order, approval, refusal or enforcement action in exercise of the powers of the Council as the local planning authority or those powers specified in section B of Schedule 1 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007.

24a AMENDMENTS TO REPORTS BEFORE COUNCIL

- (a) An amendment to a report before Council may not be moved unless notice of the amendment has been emailed by the proposer, and seconded by email, to the Democratic Services Manager by 9:00am on the Working Day before the meeting.

25 MOTIONS DURING MEETINGS

- (a) In addition to any other provision of these Rules the following motions may be moved without notice by any Member during a meeting:-
 - (i) to appoint a Member to Chair the meeting if the Chair of Council or the Deputy Chair of Council is not present;
 - (ii) in relation to the accuracy of minutes of the Council;
 - (iii) to change the order of business in the agenda;

- (iv) to refer something to an appropriate Committee, body or individual for consideration or reconsideration;
- (v) to appoint a Committee or Member arising from an item on the Agenda;
- (vi) to receive reports and/or to adopt recommendations of the Cabinet, committees or officers;
- (vii) to amend a motion except one to which Rule 22 applies;
- (viii) to proceed to the next business;
- (ix) that the question be put to the vote;
- (x) to adjourn a debate or a meeting;
- (xi) to extend the time limit for a speech or item of business;
- (xii) to consider Ordinary Motions submitted under rule 22 in excess of the number specified in Rule 22(e); and
- (xiii) to exclude the public and media in accordance with the Access to Information Procedure Rules, as set out in Part 4 of the Constitution.

26 CLOSURE MOTIONS

- (a) Subject to rule (d) below, a Member may move, without comment, the following motions at the end of a speech of another Member;
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will give the mover of the original motion a right of reply and then put the closure motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will put the closure motion to the vote. If it is passed he will give the mover of the original motion a right of reply before putting any amendments which have been seconded and debated and then the substantive motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the Chair will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

27 GENERAL RULES OF DEBATE

- (a) Unless matters are otherwise provided for by other procedures contained in these Rules, the following rules of debate shall apply to the conduct of all business of the Council.
- (b) Members may speak in English or Welsh.
- (c) No speeches may be made after the mover has moved a motion until the motion has been seconded. The Chair may allow the mover to explain the purpose of

the motion if he/she thinks fit. The proposer of the motion shall have the right to make the first speech in relation to the motion which he/she has moved.

- (d) When seconding a motion or amendment, a Member may reserve their speech until later in the debate.
- (e) Unless notice of the motion has already been given, the Chair may require it to be written down and handed to the Chair before it is discussed.
- (f) Speeches must be directed to the question under discussion or to a personal explanation or point of order and avoid Irrelevant Business (as defined in Rule 35).
- (g) Proposers of motions or movers of reports may speak for up to ~~six~~four minutes. Unless otherwise stated in these Rules, no other speech may exceed three minutes without the consent of the Chair.
- (h) Unless the Chair is of the view that exceptional circumstances exist, a Member who has spoken on a matter may not speak again whilst it is the subject of debate.

28 PREVIOUS DECISIONS AND MOTIONS

Motion to rescind a previous decision

- (a) A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least twenty one Members.

Motion similar to one previously rejected

- (b) A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least twenty one Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

Part 4 – General Provisions

29 VOTING

Majority

- (a) Unless this Constitution or the law provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

Chair's casting vote

- (b) Except in the case of a vote under Rules (e) and (f) below, if there are equal numbers of votes for and against, the Chair will have a second or casting vote.

Method of Voting

- (c) In normal circumstances voting will be carried out electronically and the names of those voting for, against or abstaining from voting will be recorded electronically and entered into the minutes.
- (d) If a matter seems to be uncontroversial (and no objection is received from any Member) the Chair may determine that a vote by a show of hands is sufficient. Where any Member requests it immediately before or after a vote on a show of hands is taken, their vote will be so recorded in the minutes to show whether they voted for or against or abstained from voting.

Voting on appointments excluding employee appointments

- (e) If there is one position (in a body or organisation) to be filled by a nominee of the Council and more than one person is nominated for that position then the position will be filled by the person with the greatest number of votes.
- (f) If there are two or more positions (in a body or organisation) to be filled by nominees of the Council and the number of nominations exceeds the number of such positions each Member of the Council will be able to exercise one vote for each such position (but may vote only once for each nominee) and the persons to whom more votes have been given than other persons up to the number of positions to be filled, shall be appointed.

Voting on employee appointments

- (g) In the event of there being more than two candidates for an appointment and no candidate receives the required majority on the first vote, the candidate with the least number of votes will be eliminated and a further vote will be taken. This procedure will be repeated until a candidate receives the required majority. If more than one candidate has the same number of votes and that is the lowest number of votes cast, a vote will be taken to decide the candidate to be eliminated from future votes. In the event of an equal number of votes being cast at this stage, the Chair will have a casting vote.
- (h) The Chair will have a casting vote only in the circumstances mentioned in the preceding paragraph.

30 MINUTES**Signing the minutes**

- (a) The Chair will sign the minutes of the proceedings at the next meeting (unless it is an Extra-Ordinary Meeting). The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

Form of minutes

- (b) The form of the minutes will be a matter for the Proper Officer but will include:-
- (i) all motions and amendments in the exact form and order the Chair put them;
 - (ii) replies given to Oral Questions; and
 - (iii) written questions and answers (as referred to at Rule 17).

31 RECORD OF ATTENDANCE

- (a) All Members present during the whole or part of a meeting must accurately record their attendance on the record of attendance provided for that purpose.

32 RECORDINGS OF MEETINGS OF THE COUNCIL

- (a) Council meetings shall be webcast ('the official recording'). Other than the official recording, no recording shall be made of the proceedings of meetings of the Council whether audio or visual and by whatever method except with the express authorisation of the meeting.
- (b) If a person records the proceedings of any meeting (or causes such recording to be effected) without authorisation then the Chair will order their removal from the meeting room and shall not permit them to be admitted to a further meeting except on a written undertaking to desist from such recording and on the destruction of such recordings as may have been made and anything derived from them.

33 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**Suspension**

- (a) All or any of these Council Rules of Procedure except Rule 29 may be suspended by motion on notice or without notice if at least one half of the whole number of Members is present.

Amendment

- (b) Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

34 OFFICER ADVICE

- (a) Any report placed for decision before Council should contain all necessary advice to enable Members to take a decision. Reports will be circulated in advance of the meeting and if a Member requires clarification on an issue related to the report, this should be sought prior to the meeting.
- (b) Further officer advice will only be available at the meeting of Council with the consent of the Chair, in consultation with the Head of Paid Service. If there is a need for further detailed legal or financial advice to be provided, the meeting should be adjourned.

35 INTERPRETATION

- (a) In these Rules the following words shall have the following meanings.

“Relevant Business” means matters for which the Council has a responsibility and which substantially affect the well-being of the administrative area of the Council and/or the citizens (or a significant group of them) of the Council.

“Inappropriate Business” means matters that:

- (i) are not in relation to a matter for which the Council has a responsibility and which affects the administrative area or citizens of the Council;
- (ii) are defamatory, frivolous or offensive;
- (iii) require the disclosure of confidential or exempt information; or
- (iv) relate to the personal circumstances or conduct of any officer and Member or conditions of service of employees; or
- (v) relate to an individual, particular group or business or the questioner’s own particular circumstances; or
- (vi) are ultra vires the Council or unlawful.

“Working Day” means a normal working day in Wales when banks are open for normal business (for the avoidance of doubt, excluding weekends and public holidays).

- (b) Any reference to “in writing” or “written” shall include email.
- (c) The Chair’s ruling on the interpretation of these terms in relation to the application of these Rules shall be final.

Council Meeting Timetable Summary (assuming no public holidays)

	Day	General Actions	Oral Question Procedure	Written Questions		Ordinary Motions
	Thu	-10				
	Fri	-9		9am Deadline for asking questions to ensure answer given by meeting.		
WEEKEND						
	Mon	-8				
	Tue	-7				5pm - Deadline for Submission of Ordinary Motions
	Wed	-6	- 5pm - Deadline for Submission of Public Questions			
	Thu	-5	Deadline for submission of Green Papers			
	Fri	-4	Summons and Agenda Circulated			
WEEKEND						
	Mon	-3				
	Tue	-2		12.00 noon – Deadline for submission of Oral Questions		5pm - Deadline for submission of amendments to Ordinary Motions
	Wed	-1	9am - Deadline for submission of amendments to reports			
	Thu	0	Council Meeting	12.00 noon - Written copies of questions and answers circulated by email		
	Fri	1				
WEEKEND						
	Mon	2				
	Tue	3				
	Wed	4				
	Thu	5	Circulation of written copy of Oral Question/Answers			

ANNUAL COUNCIL:

25 MAY 2017

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

PROGRAMME OF COUNCIL, CABINET & ORDINARY MEETINGS

Reasons for the Report

1. The Council Procedure Rules provide for the Annual Council to agree a programme of meetings for each municipal year.

Background

2. The Council at its Annual Meeting on 16 May 2016 approved an indicative calendar of meetings for the Council from June 2017 to July 2018 in order to facilitate the transition arrangements for the new administration and secure the availability of facilities for meetings.

Issues

2. An interim Calendar of Meetings of the Council, Cabinet and Committees for the period June to August 2017 will be circulated as part of the amendment sheet for Council.
3. Further consultation will be undertaken with Lead Members, Chairs of Committees and Committee Members in relation to the schedule going forward, and a full calendar of all meetings for the 2017/18 and an interim calendar for 2018/19 will be brought forward to Full Council for consideration at its June meeting.
4. In accordance with the draft statutory guidance issued by the Welsh Government under Section 6(1) of the Local Government (Wales) Measure 2011, the Council is required to survey Members in respect of the times and intervals at which meetings of a local authority are held. All local authorities should review the times at which meetings are held at least once in every term, preferably shortly after the new council is elected.
5. The Timing of Meetings Survey of all Elected Members was completed during the Induction week and the outcomes were as follows:
 - 41 completed responses were received.
 - 23 responses were from newly Elected Members.
 - 80% indicated a preference for Thursday Council meetings.
 - 63% indicated that they would prefer all meetings starting 4.30pm or later.

- 24% indicated that they would prefer all meetings in the afternoon from 1.30pm.
- A number of Members commented that meetings should not go on late into the night because of caring and other commitments.

Legal Implications

6. The draft statutory guidance issued by the Welsh Government under Section 6(1) of the Local Government (Wales) Measure 2011 requires the Council to Survey its Members in respect of times and interval in which meetings of the local authority are held.
7. The Council Procedure Rules provide that the Council's programme of all Council meetings shall be set by the Council.
8. The Council in setting the programme of meetings should give consideration to the principles of equality and diversity around meeting times.

Financial Implications

9. In the event that as part of Agenda Item 12 a decision is taken not to reduce the number of Scrutiny Committees then consideration needs to be given to finding alternative means of achieving the current year £50,000 saving approved as part of the 2017/18 Budget.

RECOMMENDATIONS

The Council is recommended to

- (1) approve the Interim Calendar of Council, Cabinet & Regulatory Committee meetings for June to August 2017 which will be circulated as part of the amendment sheet
- (2) notes the outcome of the Members Timing of Meeting Survey, and that this information be taken into account in finalising a composite programme of Council, Cabinet and Committee meetings for 2017/18;
- (3) a programme of meeting dates for 2017/18 and indicative dates for 2018/19 be submitted for consideration at Council on 29 June 2017

DAVINA FIORE

Director of Governance and Legal Services and Monitoring Officer

19 May 2017