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

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**ESTABLISHMENT OF STANDING COMMITTEES OF THE COUNCIL 2019 -  
2020**

**Reason for this Report**

1. To approve the establishment of Standing Committees of Council for the Municipal year 2019 to 2020, 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 Standing Committees shown in Table A with the indicated number of seats.

**TABLE A – Establishment of Committees and Size**

<b><u>COMMITTEES</u></b>	<b><u>SEATS</u></b>
<b><u>Regulatory and Other Committees</u></b>	
Appointments Committee <i>(convened as and when required)</i>	To comprise 5 Members from those appointed to serve in accordance with the rule on political balance
Audit Committee	12 Members (8 Elected Members and 4 Independent Members) <b><i>(Cannot include more than 1 Member of the Cabinet who must not be the Council Leader)</i></b>
Constitution Committee	12 Members

<b><u>COMMITTEES</u></b>	<b><u>SEATS</u></b>
Corporate Parenting Advisory Committee	8 Members (Includes Deputy Leader and/ or Cabinet Member for Education and Cabinet Member for Children's Services up to a maximum of 3 Cabinet members) <b><i>(Must not be Members of the Children &amp; Young People Scrutiny Committee (or equivalent))</i></b>
Council Appeals Committee	9 Members
Democratic Services Committee	12 Members <b><i>(Cannot include more than 1 Member of the Cabinet who must not be the Council Leader)</i></b>
Disciplinary & Grievance Appeals Committee <i>(Convened as and when required)</i>	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 Members
Family Absence Appeals Panel <i>(Called as and when required)</i>	3 Members <b><i>(To be Members of the Democratic Services Committee but not include the Chair of Council)</i></b>
Licensing Committee	12 Members
Planning	12 Members <b><i>(Should not include more than one Elected Member from a multi Member Ward)</i></b>
Public Protection	12 Members
Standards & Ethics Committee	9 (3 Elected Members**, 5 Independent Members & 1 Community Council Member)  **Not subject to Political proportionality requirements, but should be cross party
Pensions Committee	5 Members

<b><u>COMMITTEES</u></b>	<b><u>SEATS</u></b>
<b><u>Scrutiny Committees</u></b>	
Children and Young People	9 Members (plus 4 co-opted Members including one Church in Wales Representative; one Roman Catholic Representative and two Parent Governor representatives.)
Community and Adult Services	9 Members
Economy and Culture	9 Members
Environmental	9 Members
Policy Review & Performance	9. Members
<b><u>Other Groups and Panels</u></b>	
Bilingual Cardiff Member Group	9 Members (At least one member from each political Group)
Health & Safety Advisory Group	5 Members (Appropriate Cabinet Member and up to 4 other Members)
Local Authority Governor Panel	7 Members (Appropriate Cabinet Member and up to 6 other Members)
Investment Advisory Panel	3 Members (To be Members of the Pension Committee)
Works Council	5 Members (To be Members of Employment Condition Committee)

4. The sizes of the Council's standing committees are set out in the Constitution Article 6.1 (Scrutiny Committees); and Article 8.1 (Regulatory and Other Committees).

#### Terms of Reference

5. The proposed terms of reference for each of the Standing Committees and Groups are set out in **Appendix A**.

#### Audit Committee Terms of Reference

6. The Audit Committee 22 January 2019 considered and agreed to recommend amendment of its terms of reference. The revised draft

terms of reference for the Audit Committee conform to best practice CIPFA guidance, as published in 2018 (Audit Committees, Practical Guidance for Local Authorities and Police).

7. In accordance with the CIPFA model template included within the guidance, a statement of purpose has been added to the terms of reference, and incremental updates have been included. The Audit Committee responsibility updates relate to reviewing the ethical framework and significant partnerships or collaborations, and a further documentation of the role in overseeing Internal Audit activities, performance and independence.
8. The Corporate Parenting Advisory Committee 2 April 2019 considered and agreed to amend its terms of reference to better reflect the purpose and focus of the work of the Committee and to refine and update terminology to reflect changes in legislation and protocols.

### **Legal Implications**

9. 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).
10. 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
11. There are specific legislative provisions governing the following committees:

#### Standards and Ethics Committee

12. 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.

13. 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

14. 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

15. 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. The Committee is not subject to the statutory political balance requirements, but Statutory Guidance states that 'It is strongly recommended that the balance of members of the committee is at least as favourable to non-executive groups as would be achieved by political balance rules' (Guidance paragraph 9.24).
16. The current composition of the Audit Committee, as approved at Annual Council in May 2018, 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

17. The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017 (made under s.39 of the Planning Wales Act 2015), stipulate the following legal requirements:
  - (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).

These legal requirements are reflected in the Planning Committee Procedure Rules, Rule 1.1A.

15. The recommended size of Cardiff's Planning Committee is 12 members, which complies with the legal requirements in relation to the size of the committee (sub-paragraph (a) above). The legal 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 11.

#### Scrutiny Committees

16. 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 and Regulations made thereunder. In addition, other legislation imposes requirements regarding scrutiny of particular issues, for example, crime and disorder matters (the Police and Justice Act 2006); and Public Services Board functions (the Wellbeing of Future Generations (Wales) Act 2015). Subject to compliance with the relevant statutory provisions, the size of its scrutiny committees is a matter for each Council to determine.

#### Corporate Parenting Advisory Committee

17. An Advisory Committee may be established to advise and make recommendations to the Cabinet and or the Council on any matter relating to the discharge of its functions which fall within the Committee's approved terms of reference (s.102(4) of the Local Government Act 1972).
18. An Advisory Committee may consist of any persons the Authority chooses, whether Elected Members or not (but not including employees of the Authority, or others who are disqualified from being an elected Member of the Authority, eg. those declared bankrupt). The political balance requirements apply in relation to Elected Member appointments (s.15 and Schedule 1, paragraph 1(b) of the Local Government and Housing Act 1989).
19. The establishment of an Advisory Committee, agreeing its terms of reference and membership, and making appointments to the Committee are all matters which must be approved by full Council. Full Council approved the establishment of a Corporate Parenting Advisory Committee in July 2014.

## **Financial Implications**

20. There are no financial implications directly arising from this report. The costs associated with Members are to be contained within the allocated budget.

## **RECOMMENDATIONS**

The Council is recommended to

1. approve the establishment and size of the Council Committees set out in paragraph 3 (Table A); and the terms of reference of each Committee, as set out in **Appendix A** of this report, for the 2019 – 2020 Municipal Year; and
2. authorise the Monitoring Officer to update the terms of reference of the Audit Committee and Corporate Parenting Advisory Committee in the Constitution.

**DAVINA FIORE**

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

17 May 2019

Appendix A – Committee Terms of Reference

Background Papers

[Audit Committee 22 January 2019](#)

[Corporate Parenting Advisory Committee 2 April 2019](#)