

APPOINTMENT OF ASSISTANT TO CABINET MEMBERS

LEADER (COUNCILLOR HUW THOMAS)

AGENDA ITEM: 3

Reason for this Report

1. To consider the appointment of a new Assistant to Cabinet Members ('Cabinet Assistant').

Background

2. Article 7.5 of the Council's Constitution relates to the appointment of Assistants to Cabinet Members, or alternatively referred to as 'Cabinet Assistants', and provides that:

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

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

in accordance with the detailed Role Description set out in Appendix A.

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

3. A copy of the current Role Description for Assistants to Cabinet Members, which was agreed by the Council on 20 October 2016 and is contained within Article 7 of the Council's Constitution, is attached as **Appendix A** to this report. These positions are unremunerated.

Issues

4. On 6 July 2017, the Cabinet appointed the following four Cabinet Assistants:
 - Cllr Dilwar Ali – Cabinet Assistant (Citizen Engagement) focusing on open democracy/democratic renewal.

- Cllr Jennifer Burke-Davies – Cabinet Assistant (Community Engagement) focusing on volunteering and community action.
 - Cllr Jane Henshaw – Cabinet Assistant (Local Environment) focusing on addressing specific streetscape/cleanliness issues across the whole city.
 - Cllr Ashley Lister – Cabinet Assistant (Youth Services) focusing on developing, launching and delivering the Cardiff Commitment.
5. In order to provide additional support to the Cabinet, it is proposed that Cllr Peter Wong be appointed as a new Cabinet Assistant focusing specifically on Private Sector Housing matters.
 6. As was outlined previously in the report to Cabinet in July 2017, the Cabinet will also seek to review these roles from time to time in order to reflect the work that has been completed by individual Assistants to Cabinet Members (or Cabinet Assistants) and any future priorities. With reference to Councillor Lister, it is proposed that his Assistant to Cabinet Member role be amended to focus specifically on child poverty matters. The evolution of the role recognises that the work undertaken to launch and establish the Cardiff Commitment as a flagship programme for creating opportunities and supporting the career progression for young people is now maturing and being delivered as part of core business.

Reasons for Recommendations

7. To approve the appointment of an additional Assistant to Cabinet Members (or Cabinet Assistant).

Legal Implications

8. As part of its executive arrangements, the Council is able to provide for Assistants to Cabinet Members (also sometimes referred to as Deputy Cabinet Members) to be appointed to assist the Cabinet. The National Assembly for Wales' Statutory Guidance on Executive Arrangements (SI 2006/56) states as follows:

'4.29 Local authorities will be free to determine whether to have deputy cabinet members but should they so decide, those deputies will be unable to substitute for a cabinet member at a cabinet meeting nor vote on behalf of the cabinet member for whom they deputise. Cabinet members cannot delegate decision-making power to individual elected members outside the cabinet. An executive, therefore, is not able to have formal substitute or deputy members. A separate executive is designed to increase transparency and accountability. Allowing formal substitution could cloud accountability. Since deputies cannot play a formal role in the decision-making process, their role, if appointed, would be a support and advisory one which could have a representational element.'

9. The Council's Constitution, Article 7.5 ('Assistants to Cabinet Members'), set out in paragraph 2 of the report, allows the Cabinet to appoint such Assistants to Cabinet Members as it considers reasonably necessary, details their role (in line with the statutory guidance), and specifically

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

10. In considering the appointment of Assistants to Cabinet Members, Cabinet should note that an Assistant to a Cabinet Member should not be a member of a Scrutiny Committee which scrutinises his or her Cabinet Member’s portfolio. This is because the Members’ Code of Conduct expressly provides that a Member will have a prejudicial interest in any item of business at a Scrutiny Committee which relates to a Cabinet decision or action taken at the time that Member was a member of the Cabinet (Code, Rule 13.1). A Cabinet Assistant may, however, be a member of a Scrutiny Committee which has no responsibility for the scrutiny of his or her Cabinet Member’s portfolio. This is expressly incorporated into the Cabinet Assistants’ Role Description, which is appended as Appendix A to this report (and Appendix A to Article 7 in the Constitution).

Financial Implications

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

RECOMMENDATION

Cabinet is recommended to:

- (1) approve the appointment of Councillor Wong as the Cabinet Assistant (Private Sector Housing), as set out in Paragraph 5 of this report; and
- (2) approve the amendment to refocus Councillor Lister’s role as the Cabinet Assistant (Building Prosperity).

SENIOR RESPONSIBLE OFFICER	DAVINA FIORE Director of Governance & Legal Services and Monitoring Officer
	20 September 2019

The following appendix is attached:

Appendix A: Assistant to Cabinet Member Role Description

The following background papers have been taken into account:

- Cabinet Report, 6 July 2017 – Appointment of Assistants to Cabinet Members and Member Champions
- Council Report, 20 October 2016 – Assistants to Cabinet Members
- Cabinet Report, 18 February 2016 – Appointment of Assistant to Cabinet Member
- Cabinet Report, 11 June 2015 – Assistant Cabinet Members
- Cabinet Report, 12 June 2014 – Deputy Cabinet Members Appointments
- Cabinet Report, 15 May 2014 – Deputy Cabinet Members and Member Champions