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

ESTABLISHMENT OF STANDING COMMITTEES OF THE COUNCIL 2020-2021

Reason for this Report

1. To approve the establishment of Standing Committees of Council for the Municipal year 2020 – 2021, 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

REGULATORY AND OTHER COMMITTEES	
<u>Committees</u>	<u>Seats</u>
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 comprised of: <ul style="list-style-type: none">• 8 Elected Members and• 4 Independent Members <i>(Cannot include more than 1 Member of the Cabinet who must not be the Council Leader)</i>
Constitution Committee	12 Members

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) <i>(Must not be Members of the Children & Young People Scrutiny Committee (or equivalent))</i>
Council Appeals Committee	9 Members
Democratic Services Committee	12 Members <i>(Cannot include more than 1 Member of the Cabinet who must not be the Council Leader)</i>
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 <i>(To be Members of the Democratic Services Committee but not include the Chair of Council)</i>
Licensing Committee	12 Members
Planning	12 Members <i>(Should not include more than one Elected Member from a multi Member Ward)</i>
Public Protection	12 Members
Standards & Ethics Committee	9 Members to be comprised of: <ul style="list-style-type: none"> • 3 Elected Members*, • 5 Independent Members and • 1 Community Council Member) *Not subject to Political proportionality requirements, but recommended to be cross party
Pensions Committee	5 Members

<u>SCRUTINY COMMITTEES</u>	
Children and Young People	9 Members plus 4 co-opted Members including: <ul style="list-style-type: none"> • 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
<u>OTHER GROUPS AND PANELS</u>	
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 as 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 28 July 2020](#) considered and agreed to recommend that Council approve a minor amendment of its terms of reference, under its Statement of Purpose, to reflect its purpose to provide independent assurance not only to the Members of Cardiff Council, but also to its wider citizens and stakeholders, by adding the words shown in bold text below:

*“The purpose of our Audit Committee is to provide independent assurance to the members of Cardiff Council, **and its wider citizens and stakeholders**, on the adequacy of the risk management framework and the internal control environment. It provides an independent review of Cardiff Council’s governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.”*

7. The revised draft terms of reference for the Audit Committee, shown at **Appendix A**, conforms to best practice CIPFA guidance, (Audit Committees, Practical Guidance for Local Authorities and Police).

Legal Implications

8. 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).
9. 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
10. There are specific legislative provisions governing the following committees:

Standards and Ethics Committee
11. 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.
12. 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

13. 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

14. 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 subject to the statutory political balance requirements (section 82(7) of the Measure).
15. The current composition of the Audit Committee, as approved at Annual Council in May 2019, 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

16. 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.

17. 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 (paragraph 16(a) above). The legal requirements in relation to multi-member wards (paragraph 16(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

18. 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

19. 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).
20. 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).
21. 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

22. The costs associated with Members, in accordance with the Members' Schedule of Remuneration, are to be contained within the allocated budget.

RECOMMENDATIONS

The Council is recommended to

- a. 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 2020-2021 Municipal Year; and
- b. authorise the Monitoring Officer to update the terms of reference of the Audit Committee in the Constitution.

DAVINA FIORE

Director of Governance & Legal Services and Monitoring Officer

20 November 2020

Appendix A – Committee Terms of Reference

Background Papers:

- [Minutes of the Audit Committee meeting dated 28 July 2020 \(Minute 7 refers\)](#)