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

ESTABLISHMENT OF STANDING COMMITTEES OF THE COUNCIL 2021-2022

Reason for this Report

1. To approve the establishment of Standing Committees of Council for the Municipal year 2021 – 2022, 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
Constitution Committee	12 Members
Corporate Parenting Advisory Committee	9 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>
Governance and 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>
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**.

Corporate Parenting Advisory Committee Terms of Reference

6. At an Extraordinary meeting of Council on 20th January 2020, full Council approved a Motion which welcomed the appointment of an independent expert by the then Director of Social Services, in consultation with the Cabinet Member for Children & Families and the Chief Executive, to undertake a review of the Member Safeguarding Protocol and a review of the existing terms of reference and operation of the Council's Corporate Parenting Advisory Committee and make recommendations on how the role of the committee can be strengthened.

7. The review was undertaken by the Independent Expert which included a series of one to one discussions with Group Leaders, Cabinet Members, and Scrutiny Chairs. This was followed up with workshops with Elected Members to assist in developing the new Terms of Reference for the Corporate Parenting Advisory Committee. The revised Terms of Reference seek to improve the clarity and focus of the Committee when championing the interests of Children Looked After and Care Leavers.
8. On 18 May 2021, the Corporate Parenting Advisory Committee, considered the revised terms of reference and agreed to seek the views of the Children and Young People Scrutiny Committee and Cabinet Members prior to it being recommended to Council for approval and adoption.
9. No further feedback has been received and therefore the revised Terms of Reference for the Corporate Parenting Advisory Committee as recommended by the committee have been incorporated into **Appendix A** for approval.

Governance & Audit Committee Terms of Reference

10. At its meeting on 23 March 2021, the Audit Committee, considered and agreed to recommend that Council approve amendments of its terms of reference to reflect the requirements of Part 6 of the Local Government and Elections (Wales) Act 2021. The Act introduces a new performance and governance regime which includes the Committee's new name of 'Governance and Audit Committee' and new statutory functions. The Committee's terms of reference have been amended to include the following new statutory functions:
 - To review the Council's draft annual Self-Assessment Report in respect of the financial year 2021/22 and each financial year thereafter, and make any appropriate recommendations for changes.
 - To consider the Panel Performance Assessment Report when received, review the Council's draft response to the Panel Performance Assessment Report, and make any appropriate recommendations for changes.
 - To review the Council's draft response to any Auditor General recommendations arising from a 'special inspection' in respect of the Council's performance requirements, and to make any appropriate recommendations for changes.
 - To review and assess the authority's ability to handle complaints effectively, and make any associated reports and recommendations.

Local Authority Governor Panel Terms of Reference

11. Minor amendments are proposed to make clear that the Panel's remit includes making recommendations in respect of any school governor appointments which are to be made by the local authority, including for example, governors appointed to temporary governing bodies set up under the Council's powers of intervention in schools causing concern.
12. The amended terms of reference are shown in **Appendix A**.

Legal Implications

13. 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).

14. There are specific legislative provisions governing the following committees:

Standards and Ethics Committee

15. 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.
16. 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

17. 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.

Governance and Audit Committee

18. Under the Local Government (Wales) Measure 2011 ('the 2011 Measure'), Councils are required to establish an Audit Committee to discharge the functions conferred under Part 6, Chapter 2 of the Measure. The Local Government and Elections (Wales) Act 2021 ('the 2021 Act') amends the 2011 Measure to rename audit committees as 'governance and audit committees' and confer on them the additional functions listed in paragraph 10 of the report. The 2021 Act provisions took effect on 1st April 2021. The Audit Committee's name and terms of reference are to be amended accordingly.
19. The legislation currently provides that there must be at least one lay member on the Governance and Audit Committee or up to a third of the total membership. (However, Members may wish to note that the 2021 Act changes this requirement, with effect from 5th May 2022, to a requirement that one third of the Committee must be lay members.) The Committee may 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).

20. The current composition of the Governance and Audit Committee, as approved at Annual Council in November 2020, includes four non - councillor 'Independent Members' and 8 Councillors. The proportion of Independent Members is one third of the Committee members, which complies with the current rules, as well as the new requirements which will take effect from May 2022.

Planning Committee

21. 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

23. 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 2021-2022 Municipal Year; and
 - b. authorise the Monitoring Officer to update the Constitution accordingly.

DAVINA FIORE

Director of Governance & Legal Services and Monitoring Officer

21 May 2021

Appendix A – Committee Terms of Reference

Background Papers:

Corporate Parenting Advisory Committee report, Proposed Corporate Parenting Protocol and Corporate Parenting Advisory Committee Terms of Reference – [18 May 2021](#).

Minutes of Extraordinary Council meeting, [20 January 2020](#).

Audit Committee report, [23 March 2021](#).