

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2016 - 2017

**COUNCIL
25th MAY 2016**

Agenda Item No. 6

**REPORT OF THE DIRECTOR OF
LEGAL AND DEMOCRATIC SERVICES**

**PROPOSED AMENDMENTS TO THE
COUNCIL'S CONSTITUTION
INCLUDING ITS GENERAL SCHEME
OF DELEGATION**

1. PURPOSE OF REPORT

To seek Council's approval of amendments to the Council's Constitution including its General Scheme of Delegation of Executive and Non-Executive Functions.

2. RECOMMENDATIONS

It is recommended that Council:-

Allocation of Notices of Motion

- 2.1 Allocates the 20 notices of motion as required by Council Procedure Rule 10.2(a) for Municipal Year 2016-2017;

The Council's General Scheme of Delegation of Executive and Non-Executive Functions

- 2.2 Agrees the proposed improvements to the General Scheme of Delegation as outlined within paragraph 5 of the report to allow for further transparency in the Council's decision making processes;
- 2.3 Subject to 2.2 above, instructs the Council's Monitoring Officer to update the Council's Constitution to reflect the changes to the General Scheme of Delegation and any other necessary consequential changes required to be made;
- 2.4 Agrees that the amendments to the General Scheme of Delegation be taken forward by Officers following the Annual General Meeting with full implementation from 1st July 2016;

Proposed amendments to the Access to Information, Overview and Scrutiny and Executive Procedure Rules

- 2.5 For the reasons outlined in the report considers amending paragraph 14.2(a) of the Access to Information Rules and relevant section of

paragraph 17.1(a) of the Overview and Scrutiny Procedure Rules as follows:-

Paragraph 14.2(a) of the Access to Information Rules

“The Proper Officer or his or her representative shall attend any meeting of the Cabinet, a Committee of the Cabinet or a Joint Committee or joint Sub-Committee where all its Members are Members of the Executive, and shall, within 2 clear working days after the relevant meeting, produce a decision record.”

Paragraph 17.1(a) of the Overview and Scrutiny Procedure Rules

“,the decision shall be deemed to have been published upon publication on the Council's website by the Proper Officer within 2 clear working days of it being made. A copy will also be available at the main offices of the Council.”

- 2.6 For the reason outlined in the report considers amending paragraph 17.1(e) of the Overview and Scrutiny Procedures as follows:-

“If, having considered the decision, the Overview and Scrutiny Committee refers it back to the decision making body for reconsideration or the matter to full Council, it must set out in writing the nature of its concerns. If referred to the decision maker they shall then reconsider within a further 5 clear working days, amending the decision or not, before adopting a final decision. This decision shall take effect and be implementable on the date and time immediately following the closure of the relevant meeting.”

- 2.7 For the reason outlined in the report considers making provision in the Executive Procedure Rules that the role of Proper Officer, in the absence of the Service Director – Cabinet Office and Public Relations be undertaken by the Chief Executive.

Development Control Committee – Proposed amendments to its terms of reference

- 2.8 For the reason outlined in the report considers amending paragraph 2.1 of the Development Control Committee Terms of Reference by adding the following after paragraph 2.1(kk) as follows:-

- “(ll) Power to issue an Enforcement Warning Notice*
- (mm) Duties in relation to Developments of National Significance and Nationally Significant Infrastructure Projects*
- (nn) Power to issue Local Impact Reports for Developments of National Significance and Nationally Significant Infrastructure Projects*
- (oo) Power to issue Screening and Scoping Opinions*

- (pp) Powers to issue Temporary Stop Notices for Listed Buildings
- (qq) Powers to discharge conditions
- (rr) Power to issue formal pre-application advice.”

2.9 For the reason outlined in the report considers amending paragraph 2.2.1 of the Development Control Committee Terms of Reference to include reference to recent legislative changes as follows:-

- *Planning (Wales) Act 2015*
- *Historic Environment (Wales) Act 2016*

2.10 For the reason outlined in the report considers amending paragraph 2.2.1(d) as follows: -

- (d) Applications submitted by serving Councillors or their immediate family or employees of the *Regeneration and Planning Service* or their immediate families.

Establishing a Pension Fund Committee

2.11 Creates a politically balanced Pension Fund Committee consisting of 5 elected Members to oversee the Council's responsibilities with regards to the administration of the Rhondda Cynon Taf Pension Fund;

2.12 Subject to 2.11 above, agrees that the Pension Fund Committee be responsible for the strategic management of the RCT Pension Fund in accordance with its terms of reference as set out in Appendix 3 to the report with all operational matters as set out in Appendix 4 to the report continuing to be delegated to the Group Director for Corporate and Frontline Services (as the Section 151 Officer or in his absence the Deputy Section 151 Officer) who shall be supported by an Investment and Administration Advisory Panel.

Scrutiny Committee Membership, Members' participation in the Scrutiny process and scrutiny of the Cwm Taf Public Services Board

2.13 Considers reducing membership of the Council's Scrutiny Committees from 17 to 14 Elected Members;

2.14 Agrees members of the DAG political group (x2) and the Council's unallocated Member (x1) be given an opportunity to attend meetings, of a Scrutiny Committee of their choice on an ex-officio/co-opted basis and agree they be able to nominate themselves and participate in any scrutiny working group(s) they may have an interest in joining.

2.15 Approves scrutiny of the Cwm Taf Public Services Board be undertaken, in the first instance, by the Council's Overview and Scrutiny Committee;

- 2.16 Instructs officers to work with their colleagues in Merthyr Tydfil CBC and in consultation with the Chair of the Overview and Scrutiny Committee to investigate the possibility of creating a Joint Scrutiny Committee to scrutinise the Cwm Taf Public Services Board in the future;

Members' Attendance At Meetings

- 2.17 Notes that the Chairman of the Standards Committee was arranging to meet with leaders of the Council's political groups prior to the Annual General Meeting on 25th May 2016 to outline the intention of the Standards Committee to monitor Members' attendances at meetings in the future and recommend to the Council's AGM changes to the manner of recording Member attendances.
- 2.18 Agrees, following the recommendation from the Standards Committee that, in future, the following data be captured with regards to Members' attendance at each meeting: -
- Member's Attendance/Non-attendance;
 - Recording whether apologies were given (or not) for non-attendance by a Member; and
 - Whether a Member remained for the duration of the meeting or left prior to its conclusion.
- 2.19 That the Director of Legal and Democratic Services amend the Council's Constitution to reflect the required amendments/initiatives detailed in the above recommendations and make any consequential changes.

3. BACKGROUND

- 3.1 The Council's Constitution was adopted in May 2002 and sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that they are efficient, transparent and available to local people. The Constitution is a `living document` in that it is constantly being updated and revised to reflect new Government legislation and improvements in procedures gained in light of experience.

4. ALLOCATION OF NOTICES OF MOTION

- 4.1 Council Procedure Rule 10.2(a) specifies that motions of which notice must be given be limited to a maximum of 20 in each municipal year and the allocation between political groups for the following municipal year shall be determined at the Annual Meeting.
- 4.2 For the last municipal year the Notices of Motion were allocated on the following basis:

Labour – 11
Plaid Cymru - 5
Independent Group – 2
Democratic Alliance Group - 1
Unallocated Member (1) - 1

4.3 The 20 motions need to be allocated for the Municipal Year 2016-2017.

5. THE COUNCIL'S GENERAL SCHEME OF DELEGATION OF EXECUTIVE AND NON-EXECUTIVE FUNCTIONS

5.1 The Council's General Scheme of Delegation, was agreed by full Council at the AGM in 2002, and forms part of the Council's Constitution.

5.2 In accordance with Section 13 of the Local Government Act 2000, the responsibility for the functions of the Council are divided into 'Council' functions and 'Executive' functions (as outlined within Section 5 Part 3 of the General Scheme of Delegation). Changes to each of the functions can only be approved through the respective decision making process – i.e. Executive = Leader/Cabinet; Non-Executive = Council/Committees.

5.3 Since 2002, the Council has witnessed a range of changes in staffing and with the recent changes to the Chief Officer structure, it is deemed timely that the operation of the Scheme is reviewed and improvements on the Scheme are made where appropriate. Areas for improvement have already been identified in respect of the current processes in place with Executive Arrangements and responsibility for Executive functions, and these were formally acknowledged and agreed by Cabinet on the 17th March 2016.

5.4 In light of this, it is therefore suggested that further proposed improvements across the General Scheme of Delegation, highlighted within this report be taken forward for consideration to ensure a consistent and robust approach to governance within the Authority.

5.5 The proposed improvements outlined within this report were supported by Cabinet on the 17th March 2016 and were also considered and supported by the Overview and Scrutiny Committee on the 20th April and the Corporate Governance & Constitution Committee on the 26th April.

5.6 It is considered Implementation of the proposed improvements in respect of the General Scheme of Delegation will allow greater transparency in respect of decision making and will seek to ensure a consistent and robust approach to governance of Executive Functions across the Authority.

PROPOSED IMPROVEMENTS TO BE TAKEN FORWARD

5.7 KEY DECISIONS

5.8 It is proposed that going forward Executive functions will either be

- A 'significant Key Decision'; or
- An operational Decision

5.9 Utilising the Local Government White Paper 'Devolution, Democracy & Delivery' (White Paper Reforming Local Government: Power to Local People), their definition of 'Key Decision' is:-

“an Executive decision, which is likely:

a) to result in the relevant Local Authority incurring expenditure which is, or the making of savings which are, significant [...] or

b) to be significant in terms of its effects on Communities living or working in an area comprising two or more wards or electoral divisions.”

5.10 CABINET WORK PROGRAMME

5.11 Part 4, Section 12 of the Council's Access to Information Procedure Rules require the production of a Cabinet forward work programme, over a three month period.

5.12 It is proposed that further improvements in respect of the forward work programme be taken forward

5.13 It is intended that in future the Cabinet work programme should list all of the 'Key Decisions' which the Cabinet proposes to consider over a 6 month period (although the timescales may not be stipulated), allowing sufficient notice and opportunity for consultation and / or pre-scrutiny. The work programme will be subject to change to take into account any urgent items or additional items as and when arising.

5.14 It is proposed that along with the proposed titles of the Key Decisions a brief 'purpose of the report' will also be available. It is anticipated that reporting of the programme in this manner will make the programme more accessible to members of the public and improve transparency as well as further facilitating the opportunities for pre-scrutiny.

5.15 Publication of an accurate work programme outlining consideration of Key Decisions will strengthen the robust Governance arrangements intended to be taken forward.

5.16 Section 12(2) of the Access to Information Procedure Rules advises of the publication of the work programme and with the growth and accessibility of the internet it is proposed that publication of the work

programme be taken forward through the Council's website, with the programme being updated and reflected on the main Cabinet page of the website. It is proposed that the Constitution be amended to reflect this change.

5.17 CHIEF OFFICER DELEGATED DECISIONS

5.18 Executive Functions are delegated to Chief Officers under s15 of the Local Government Act 2000. These functions are predominantly those functions which fall under their areas of responsibility and in the terms set out in Section 5 of Part 3 of the Constitution.

5.19 Officer Delegated Decisions are open decisions, although depending on the subject matter, the accompanying report may be exempt from publication. Delegated Decisions taken since the 2010-2011 Municipal Year are listed on the Council's website - ([Delegated Decision](#)).

5.20 Currently, day to day Management / Operational decisions or Exempt reports are not published on the Council's website.

5.21 To ensure accountability and to allow the opportunity for scrutiny of the decisions taken, it is proposed that Chief Officer Delegated Decisions in respect of 'Key Decisions' now be open to scrutiny.

5.22 The aim of the new process is to improve transparency and accountability and to ensure a consistent and robust approach in respect of implementing decisions, yet we must be mindful that any new process still maintains an efficient decision making process, which does not become detrimental to the Council or the Communities that it serves.

5.23 All 'Key Decisions' of an Officer, made by Delegated Decision must be published in the same manner as decisions of the Cabinet. Delegated Decisions will need to be published with immediate effect and no later than 2 clear working days following the decision(s) being taken.

5.24 Once published, the Decision(s) will be subject to the same process in respect of 'Call In' as any Cabinet Committee Decision, i.e. the decision will come into force and may be implemented on the expiry of five clear working days after the publication of the decision, unless the decision is called-in for review by Scrutiny.

5.25 An email will be sent to all Councillors following publication of a Delegated Decision with the link to the decision(s), to ensure transparency.

5.26 OPERATIONAL / DAY TO DAY DECISIONS

5.27 In respect of Operational or day to day management decisions taken forward through Officer Delegated Decisions, these will be recorded by the service and a record of the decisions maintained.

5.28 To allow for the proposed changes to the Chief Officer Delegated Decisions to be implemented, amendments will need to be made to the Constitution with regards to the Call In arrangements outlined within Rule 17 of the Overview and Procedure Rules.

5.29 SENIOR MANAGEMENT STRUCTURE – LIST OF AUTHORISATIONS

5.30 Due to the recent changes in the Senior Management Structure it is suggested that to ensure a manageable and efficient process is in place in respect of Chief Officer Delegation, amendments are made to the Chief Officer authorisation list to allow members of the Senior Leadership Team to authorise Officer Delegated Decisions.

5.31 Work is currently being undertaken on the Officer Scheme of Delegation to ensure that this process reflects the appropriate management of responsibility and a review of current practices is also being undertaken to ensure a consistent practice across the Authority. The Council's Functional Areas Chart, attached as Appendix 1 illustrates these proposed changes.

5.32 CABINET DECISION NOTICES

5.33 It is often the case that reports presented to Cabinet require presentation to full Council for a decision. For example, the Council's Annual Revenue Budget - A budget strategy is agreed by Cabinet which it then recommends to Council. Proposed Budget amendments can also be put forward for consideration at the relevant Council meeting(s). It is the role of the Council to formally approve the Revenue Budget.

5.34 In such circumstances it is proposed that the Cabinet Decision Notice should reflect that Call-In is 'not applicable' in these areas as all Members will have the opportunity to discuss and vote on the item in Full Council.

5.35 The same is proposed for items which are presented to Cabinet and then presented to Scrutiny – For example, the Council's Performance & Resources reports are presented to Cabinet and then to the Finance & Performance Scrutiny Committee.

5.36 These proposed amendments are not intended to limit Members opportunity to Call In Cabinet decisions, but reflect a more common

sense approach to the overall decision making process of the Cabinet and Council.

5.37 **CONCLUSION**

5.38 Adoption of the processes highlighted within this report combined with the new ways of working will help to illustrate the Council's robust approach to decision making and will strengthen the Council's Governance arrangements.

5.39 The proposed changes will require an amendment to the Council's General Scheme of Delegation, Overview and Scrutiny Procedure Rules and other consequential changes to the Council's Constitution. It is proposed that the Council's Monitoring Officer be instructed to amend the Constitution and the proposals be implemented from the 1st July 2016.

6. **PROPOSED AMENDMENTS TO THE ACCESS TO INFORMATION, OVERVIEW AND SCRUTINY AND EXECUTIVE PROCEDURE RULES**

6.1 Paragraph 14.2(a) of the Council's Access to Information Rules stipulates the following with regards to the preparation of an Executive (Cabinet) Decision record:-

"(a) The Proper Officer or his or her representative shall attend any meeting of the Cabinet, a Committee of the Cabinet or a Joint Committee or joint Sub-Committee where all its Members are Members of a local authority executive, and shall, as soon as reasonably practicable after the meeting, produce a decision record."

6.2 Paragraph 17.1(a) of the Council's Overview and Scrutiny Procedure Rules stipulates the following:-

"...the decision shall be published on the Council's website by the Proper Officer and shall be available at the main offices of the Council normally within 2 clear working days of it being made."

6.3 Therefore in order to achieve consistency and certainty with regards to the Council's Overview and Scrutiny and Access to Information Procedure Rules with regards to the decision record being required to be published within 2 clear workings days of the decision being made it is proposed paragraph 14.2(a) of the Access to Information Rules and relevant section of paragraph 17.1(a) of the Overview and Scrutiny Procedure Rules be amended (shown in italics) as follows:-

Paragraph 14.2(a) of the Access to Information Rules

"(a) The Proper Officer or his or her representative shall attend any meeting of the Cabinet, a Committee of the Cabinet or a Joint

Committee or joint Sub-Committee where all its Members are Members of a local authority the Executive, and shall, ~~as soon as reasonably practicable normally~~ *within 2 clear working days* after the relevant meeting, produce a decision record.”

Paragraph 17.1(a) of the Overview and Scrutiny Procedure Rules

”,the decision shall ~~be deemed to have been published upon publication on the Council's website by the Proper Officer and shall be available at the main offices of the Council~~ normally within 2 clear working days of it being made. *A copy will also be available at the main offices of the Council.*”

- 6.4 Again for reasons of clarity it is proposed paragraph 17.1(e) of the Overview and Scrutiny Procedures Rules be amended (shown in italics) as follows:-

“(e) If, having considered the decision, the Overview and Scrutiny Committee refers it back to the decision making body for reconsideration or the matter to full Council, it must set out in writing the nature of its concerns. If referred to the decision maker they shall then reconsider within a further 5 clear working days, amending the decision or not, before adopting a final decision. *This decision shall take effect and be implementable on the date and time immediately following the closure of the relevant meeting.*”

- 6.5 Currently the Executive Procedure Rules identify the Proper Officer as the Service Director – Cabinet Office and Public Relations with no provision for who the Proper Officer should be in their absence. It is therefore recommended Council make provision in the Executive Procedure Rules that the role of Proper Officer, in the absence of the Service Director – Cabinet Office and Public Relations be undertaken by the Chief Executive.

7. DEVELOPMENT CONTROL COMMITTEE– PROPOSED AMENDMENTS TO ITS TERMS OF REFERENCE

- 7.1 As a result of a number of recent legislative changes with regards to planning matters in Wales it is proposed that the Development Control Committee Terms of Reference (as contained in Part 3 of the Constitution – Responsibility for Functions) be amended as detailed below:-

7.1.1 *Additional items to be added to paragraph 2.1 (shown in italics)*

“2.1 To discharge the functions of Rhondda Cynon Taff County Borough Council in relation to all the aspects of the following Development Control matters:-

- “(ll) Power to issue an Enforcement Warning Notice*
- (mm) Duties in relation to Developments of National Significance and Nationally Significant Infrastructure Projects*
- (nn) Power to issue Local Impact Reports for Developments of National Significance and Nationally Significant Infrastructure Projects*
- (oo) Power to issue Screening and Scoping Opinions*
- (pp) Powers to issue Temporary Stop Notices for Listed Buildings*
- (qq) Powers to discharge conditions*
- (rr) Power to issue formal pre-application advice.”*

7.1.2 *Additional items to be added relating to paragraph 2.2.1 (shown in italics)*

“2.2.1 The determination of planning (and other planning related) applications, the issuing of screening and scoping opinions under the EIA Regulations and all functions and procedures relating to Town and Country Planning (including Enforcement) as contained within the following Acts (as amended where applicable) and including all subordinate legislation:

- *Planning (Wales) Act 2015*
- *Historic Environment (Wales) Act 2016*

7.1.3 Due to recent service structure changes paragraph 2.2.1(d) be amended as follows (shown in italics): -

- (d) Applications submitted by serving Councillors or their immediate family or employees of the ~~Development Control~~ *Regeneration and Planning Service* or their immediate families.

8. ESTABLISHING A PENSION FUND COMMITTEE

8.1 Members will be aware that the administration of the Rhondda Cynon Taf Pension Fund ('RCT Pension Fund') is a function of full Council and that since 1996, this responsibility has been delegated to the Chief Finance Officer (as Section 151 Officer) and supported by an Investment and Administration Panel.

8.2 The governance arrangements for the Local Government Pension Scheme have been subject to significant change over recent years including, latterly the formation of a Pension Board to assist in the effective discharge of the Council's responsibilities as Scheme Manager.

8.3 There has also been recent consultation and Central Government requirements for all Pension Funds to consider the pooling of their investments in order to save on investment costs and optimise investment arrangements, including effective governance.

8.4 At an all Wales level, an initial proposal has been agreed by DCLG for the eight Welsh Pension Funds to continue with the work which has been in progress for a number of years in Wales in terms of a Welsh Collective Investment approach. A more detailed submission to DCLG is now required by July 2016 with a view to implementation proceeding very quickly thereafter.

8.5 CURRENT ARRANGEMENTS

8.6 Across the national Local Government Pension Scheme ('LGPS'), there are a number of different governance arrangements in place, which include formal committees of Council, Panels with differing levels of representation and decision making powers and, as in our case, delegation to a nominated officer.

8.7 As indicated above, constitutionally, full Council has delegated the responsibility for the RCT Pension Fund to the Group Director for Corporate and Frontline Services (as the Section 151 Officer), who is supported in this role by an Investment and Administration Panel to which Council has nominated 2 members (reviewed annually at the AGM).

8.8 On the 14th January 2015, Council agreed the establishment of a Pension Board in line with the requirements of the Local Government Pension Scheme (Amendment) (Governance) Regulations 2014 (the "Amendment Regulations"). The Pension Board's role is to ensure that measures are in place to ensure effective and efficient governance and administration of the RCT Pension Fund.

8.9 The current governance structure for the RCT Pension Fund is attached at Appendix 2.

8.10 PROPOSED ARRANGEMENTS

8.11 In light of the national developments and focus which the LGPS is continuing to attract, it is opportune to review the Council's current governance arrangements with a view to putting in place a structure which is fit for purpose in terms of the future collaborative arrangements which are quickly developing.

8.12 To this end, it is proposed that the Council creates a formal Pension Fund Committee (subject to the provisions of Section 101 of the Local Government Act 1972) to oversee its responsibilities with regard to the administration of the RCT Pension Fund. It is proposed that the Pension Fund Committee be constituted consisting of 5 elected

Members noting there is a requirement that the committee be politically balanced.

- 8.13 It is proposed that the Pension Fund Committee be responsible for the strategic management of the RCT Pension Fund with all operational matters continuing to be delegated to the Group Director for Corporate and Frontline Services (as the Section 151 Officer or in his absence the Deputy Section 151 Officer) who shall be supported by an Investment and Administration Advisory Panel with appropriate officer, independent advisor and professional support.
- 8.14 The proposed terms of reference for the Pension Fund Committee are attached at Appendix 3, with all day to day and operational responsibilities being delegated to the Group Director for Corporate and Frontline Services as outlined at Appendix 4.
- 8.15 The proposed revised governance structure for the RCT Pension Fund, incorporating the above changes is attached at Appendix 5. It is considered the revised arrangements for the governance of the Rhondda Cynon Taf Pension Fund are more aligned to future needs and the developing collaborative environment.

9. SCRUTINY COMMITTEE MEMBERSHIP, MEMBERS' PARTICIPATION IN THE SCRUTINY PROCESS AND SCRUTINY OF THE CWM TAF PUBLIC SERVICES BOARD

SCRUTINY COMMITTEE MEMBERSHIP

- 9.1 The Overview and Scrutiny 2015-16 Annual Report is set out at Agenda Item 17. It is considered that to enable the future challenges set out therein to be addressed and in accordance with best practice that the membership of the five Scrutiny Committees should be reduced from 17 to 14 elected Members. This proposal would not affect the number of members from the Plaid Cymru and Independent political groups that they may nominate to sit on each Scrutiny Committee.

MEMBERS' PARTICIPATION IN THE SCRUTINY PROCESS

- 9.2 Members will recall that at the meeting of Council held on the 20th April 2016 the following Notice of Motion was adopted by Council: -

“This Council instructs the Director of Legal & Democratic Services to present a report to the Annual General Meeting setting out a proposal to enable all non-executive members to participate in the scrutiny process.”

- 9.3 The current political balance of the Council allows for the Labour, Plaid Cymru and Independent political groups to be represented on, and nominate their Members to sit on, the Council's Scrutiny Committees.

However the political balance also means it is not possible for some non-executive Members to have the ability to participate in the scrutiny process. This is currently the case with members of the DAG political group and the Council's unallocated elected member.

- 9.4 It is therefore proposed that members of the DAG political group (x2) and the Council's unallocated Member (x1) be given an opportunity to attend meetings of a Scrutiny Committee of their choice, on an ex-officio/co-opted basis, for which they may have a particular interest or expertise. They would not be able to be voting members of the relevant Scrutiny Committee although it is proposed they be able to nominate themselves and participate in any scrutiny working group(s) they may have an interest in joining.

SCRUTINY OF THE CWM TAF PUBLIC SERVICES BOARD

- 9.5 Following the implementation of the Well Being of Future Generations (Wales) Act 2015 both RCT Local Service Board and the Merthyr Tydfil Local Service Board agreed to the formation of one Cwm Taf Public Services Board ('Cwm Taf PSB') going forward. On the 12th May 2016 at the Cwm Taf PSB inaugural meeting the Board agreed to act as the principal strategic leadership forum for the planning, commissioning and delivery of public services across organisational boundaries and to achieve better outcomes for the people of Cwm Taf. It will seek to understand the major issues faced by each partner organisation, to become a more transparent Board through publishing data and performance and will move from a reactive to a preventative agenda.
- 9.6 In order to ensure democratic accountability of the Public Service Boards (PSB), there is a requirement for a designated Local Government Scrutiny Committee of the relevant local authority to scrutinise the work of the PSB.
- 9.7 With the wider streamlining approach in respect of partnership working and the formation of the PSB for the whole of the Cwm Taf area, it would seem appropriate that future scrutiny arrangements are taken forward as a joint approach in order to avoid duplication of time and resources of the Cwm Taf PSB and Merthyr and RCT's Scrutiny Committees.
- 9.8 At this Council's Overview and Scrutiny Committee meeting held on the 28th November 2015, following consideration of the report of the Head of Democratic Services in respect of the Future Generations Act, the Committee resolved "To explore the opportunity of working with Merthyr Tydfil to undertake joint scrutiny should the PSB's merge."
- 9.9 Merthyr Tydfil CBC have also supported an openness to joint scrutiny arrangements in this area being taken forward.

- 9.10 It is therefore proposed that firstly Council approves scrutiny of the Cwm Taf Public Services Board be undertaken, in the first instance, by the Council's Overview and Scrutiny Committee and secondly instructs officers to work with their colleagues in Merthyr Tydfil CBC, and in consultation with the Chair of the Overview and Scrutiny Committee, to investigate the possibility of creating a joint scrutiny committee to scrutinise the Cwm Taf PSB in the future.

10. MEMBERS' ATTENDANCE AT MEETINGS

- 10.1 At its meeting on 10th July 2015 the Standards Committee agreed that, as part of its Work Programme for the 2015 - 2016 Municipal Year, it would give consideration to the issue of Members' Attendance at meetings.
- 10.2 At its meeting on 26th November 2015 the Committee considered a report of the Monitoring Officer setting out the types of Committee that elected Members are appointed to and attend. The Committee agreed to initially monitor in greater detail Members' attendance at meetings of full Council, all Regulatory and Scrutiny Committees as well as the Audit Committee together with any associated training sessions held since May 2015.
- 10.3 At the Standards Committee meeting held on 28th April 2016 the Chairman informed the Committee that he was in the process of arranging dates to meet with individual leaders of the various Political Groups within the Council prior to the Annual General Meeting on 25th May 2016 in order to outline the intention of the Standards Committee to monitor Members' attendances at meetings in the future and recommend to the Council's AGM changes as to the manner of recording Member attendances. Members noted that the Chairman alone would meet with the leaders and the Monitoring Officer would not be present at these meetings.
- 10.4 With regards to Members' attendances at future training sessions, the Chairman suggested that Standards Committee Members sit in on some sessions to observe the training being provided. It was the wish of the Standards Committee to act in a pro active way in moving forward in this area of work.
- 10.5 In order to assist the Committees work on this topic in future the Standards Committee has recommended to Council that in addition to the current practice of recording Members' attendance and non-attendance at meetings that the following data be captured for each meeting in the future: -
- Member's Attendance/Non-attendance;
 - Recording whether apologies were given (or not) for non-attendance by a Member; and
 - Whether a Member remained for the duration of the meeting or left prior to its conclusion.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

COUNCIL

25th MAY 2016

REPORT OF THE DIRECTOR, LEGAL & DEMOCRATIC SERVICES

Background Papers

**PROPOSED AMENDMENTS TO THE COUNCIL'S CONSTITUTION
INCLUDING ITS GENERAL SCHEME OF DELEGATION**

Freestanding Matter

Report Officer Consultees: -

Christian Hanagan – Service Director - Cabinet and Public Relations

Emma Wilkins – Principal Cabinet Business Officer

Chris Lee – Group Director, Corporate and Frontline Services

Barrie Davies – Director of Financial Services

Ian Traylor – Head of Service – Pensions, Payroll and Payments

Andy Wilkins – Head of Legal – Corporate & Democratic Services

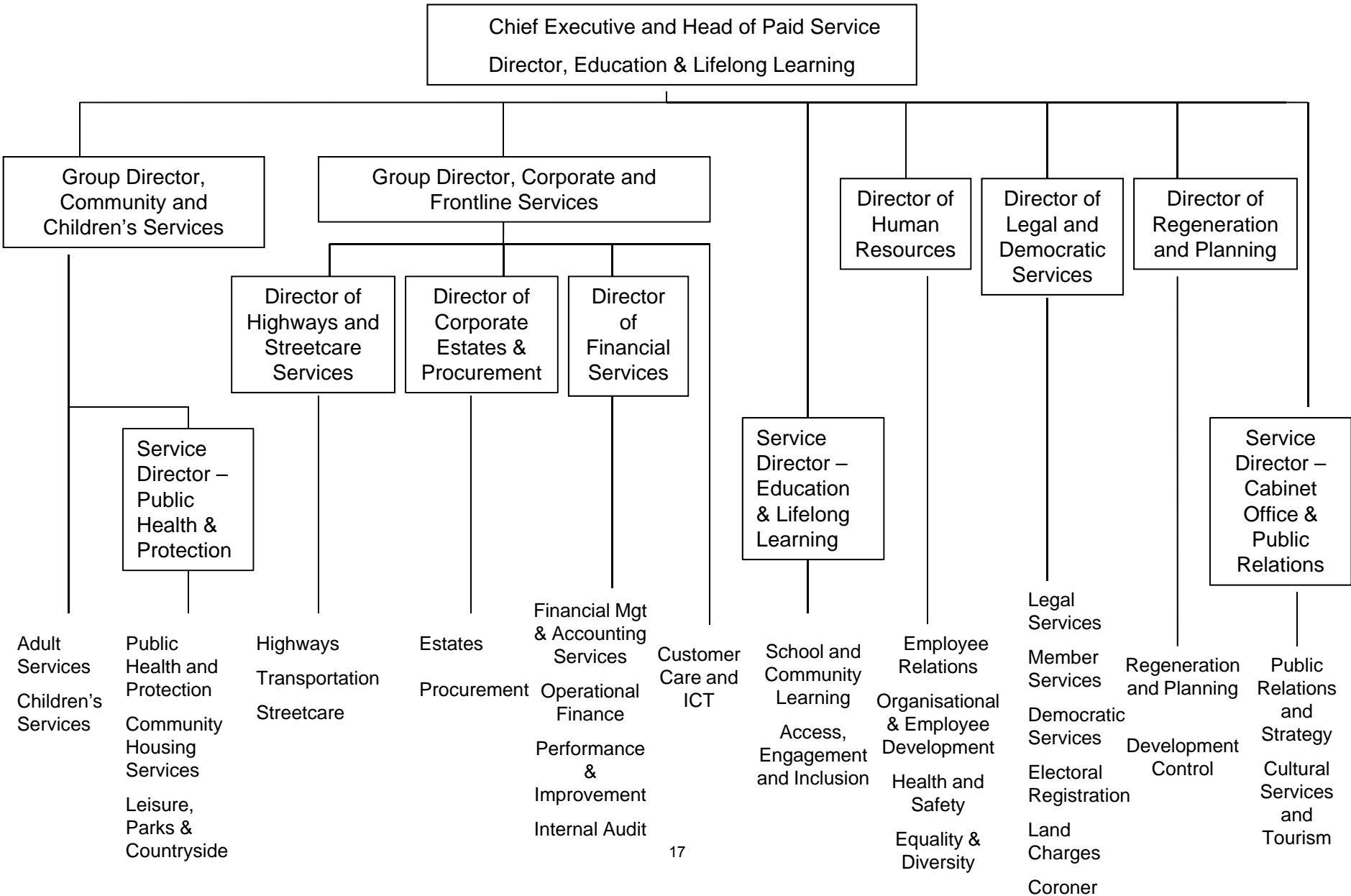
Simon Humphreys – Head of Legal – Planning & Environment

Simon Gale – Service Director – Planning

Karyl May – Head of Democratic Services

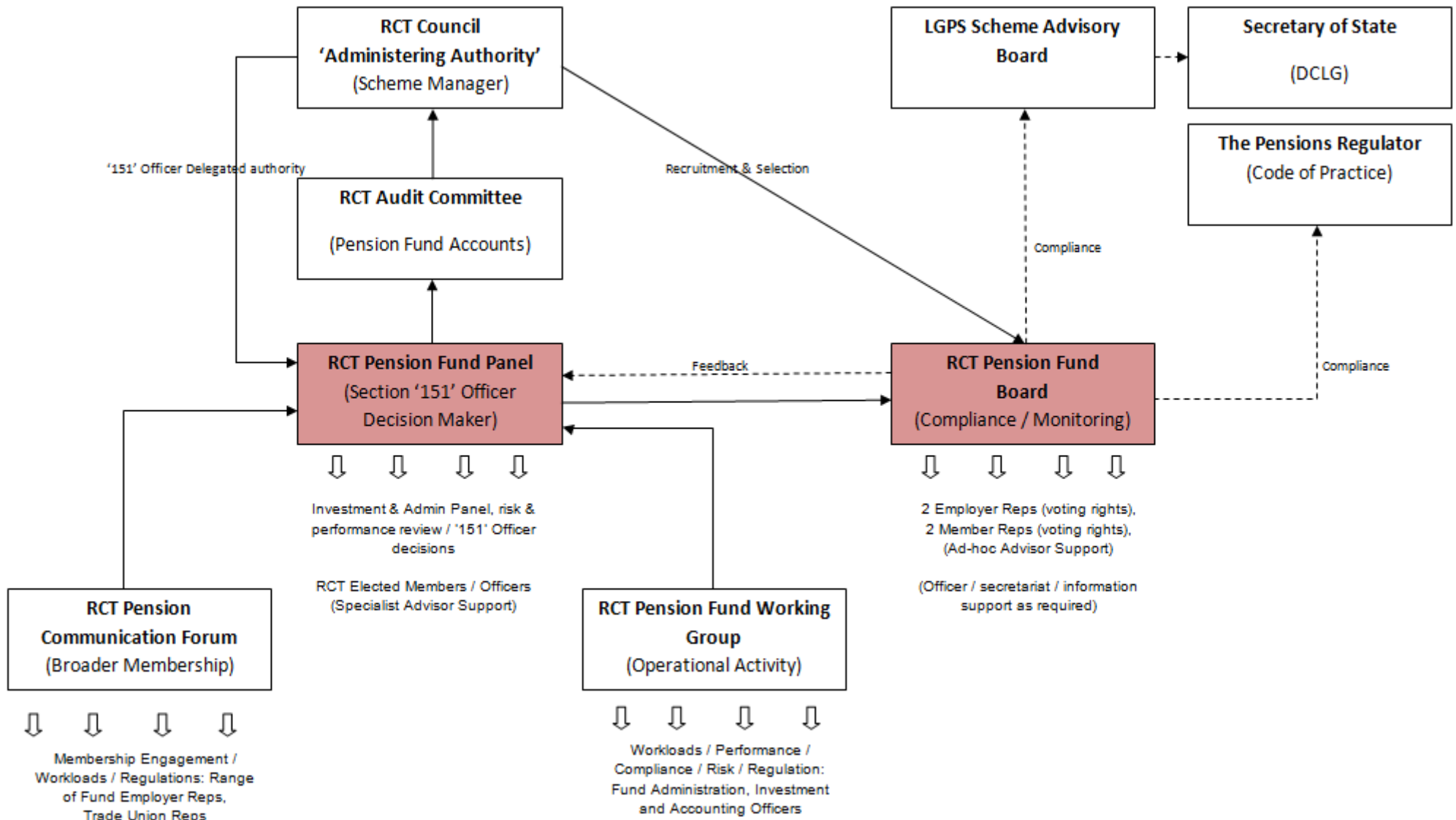
FUNCTIONAL AREAS

APPENDIX 1



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RHONDDA CYNON TAF PENSION FUND - CURRENT GOVERNANCE STRUCTURE



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PENSION FUND COMMITTEE – TERMS OF REFERENCE

The Pension Fund Committee will have the following specific roles and functions with regards to the Rhondda Cynon Taff Pension Fund (the 'Fund'), taking account of advice from the Group Director for Corporate and Frontline Services (in their capacity as s151 Officer) and the Fund's professional advisers:-

- 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:
 - 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) Administration Strategy – approving the Fund's Administration Strategy determining how the Council will the administer the Fund including collecting payments due, calculating and paying benefits, gathering information from and providing information to scheme members and employers;
 - v) Communications Strategy – approving the Fund's Communication Strategy, determining the methods of communications with the various stakeholders including scheme members and employers;
 - vi) Discretions – determining how the various administering authority discretions are operated for the Fund; and
 - vii) 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 Group Director Corporate and Frontline Services in relation to their delegated functions.
- 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.
- 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.
- 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.
- h) Consider any pension compliance matters raised by the Fund's Pension Board.

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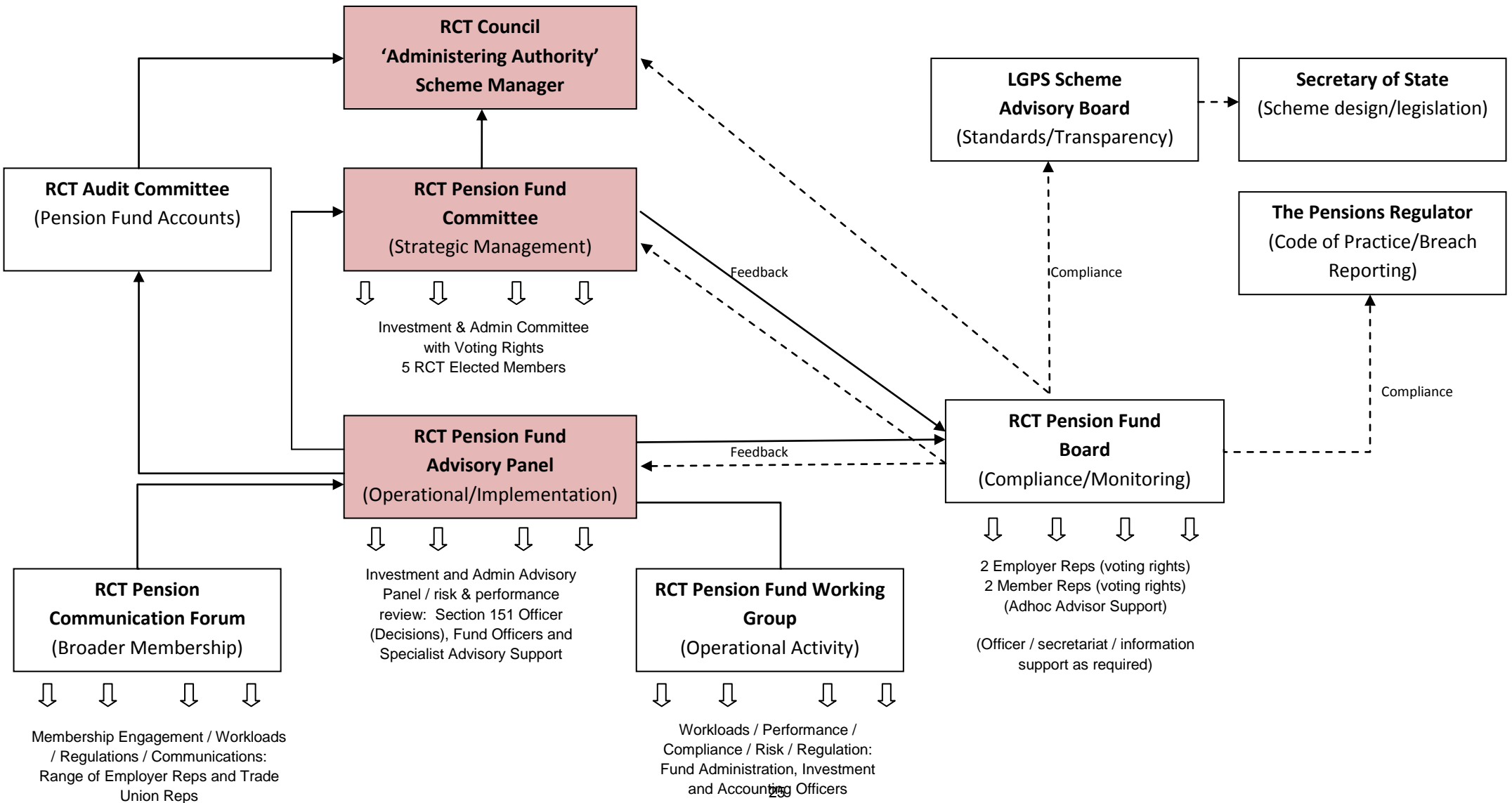
DELEGATED FUNCTIONS

The Group Director Corporate and Frontline Services (in their capacity as s151 officer) shall have delegated responsibility for all day to day operational matters of the Rhondda Cynon Taff Pension Fund (the 'Fund'), including (but not restricted to):-

- a) Selection, appointment and dismissal of the Fund's advisers, including actuary, benefits consultants, investment consultants, global custodian, fund managers, lawyers, pension funds administrator, and independent professional advisers.
- b) Making decisions relating to employers joining and leaving the Fund. This includes which employers are entitled to join the Fund, any requirements relating to their entry, ongoing monitoring and the basis for leaving the Fund.
- c) Agreeing the terms and payment of bulk transfers into and out of the Fund.
- d) Agreeing Fund business plans and monitoring progress against them.
- e) Maintain the Fund's Knowledge and Skills Policy for all Pension Fund Committee Members and for all officers of the Fund, including determining the Fund's knowledge and skills framework, identifying training requirements, developing training plans and monitoring compliance with the policy.
- f) Formulate responses to consultations on LGPS matters and other matters where they may impact on the Fund or its stakeholders.
- g) Ensuring the Fund is managed and pension payments are made in compliance with the extant Local Government Pension Scheme Legislation, Her Majesty's Revenue & Customs requirements for UK registered pension schemes and all other relevant statutory provisions.
- h) Ensuring robust risk management arrangements are in place.
- i) Ensuring the Council operates with due regard and in the spirit of all relevant statutory and non-statutory best practice guidance in relation to its management of the Fund.
- j) Monitor investment performance.
- k) Work with the Fund Actuary to determine the level of employer contributions required from each employer within the Fund, and ensure such contributions are received.

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RHONDDA CYNON TAFF PENSION FUND
PROPOSED GOVERNANCE STRUCTURE MAY 2016



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