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CORRESPONDENCE FOLLOWING THE COMMITTEE MEETING

Committee ECONOMY & CULTURE SCRUTINY COMMITTEE

Date and Time of Meeting TUESDAY, 19 MARCH 2024, 4.30 PM

Please find below correspondence send by the Committee Chair following the meeting, together with any responses received.

For any further details, please contact scrutinyviewpoints@cardiff.gov.uk

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Date: 21 March 2024

Councillor Huw Thomas
Leader, Cardiff Council
Sent via email.



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Dear Councillor Thomas,

ECONOMY & CULTURE SCRUTINY COMMITTEE - 19 MARCH 2024 CORPORATE JOINT COMMITTEE UPDATE

Our thanks to you, and all officers, for attending committee to facilitate our consideration of the Corporate Joint Committee (CJC) Update. Our thanks also for the insightful presentation provided, detailing the establishment of the CJC and the specific implications for Cardiff of the transition from City Deal to CJC. The Committee's key observations, comments and requests made at the meeting are summarised in this letter.

Scrutiny Arrangements

Given the significant responsibility of the CJC, Members consider it vitally important that strong governance arrangements are put in place through effective scrutiny of CJC decisions. We concur with yourself and officers on the importance of ensuring optimal scrutiny of the CJC, which must be facilitated by the CJC providing the Joint Overview and Scrutiny Committee (JOSC) with meaningful and timely opportunities to allow a valuable contribution. The Committee has asked me to emphasise the need for existing City Deal scrutiny arrangements to be reviewed and strengthened on transition to a CJC.

For clarity, in reviewing the scrutiny arrangements of the CJC, the Committee requests that you address:

- The need to ensure there are clear and established lines of communication and formal reporting arrangements between the JOSC and all relevant scrutiny committees of the 10 regions.
- The need to ensure the JOSC undertakes adequate and meaningful pre-decision scrutiny of forthcoming CJC decisions.

- The importance of effective scrutiny arrangements in building public confidence in the CJC.
- The implications of a lack of political balance within the JOSOC. Given that the JOSOC does not follow the same political balance rules as local authority committees. This issue was of considerable concern for two of our Committee Members, who highlighted that this does not align with constitutional principles displayed in local authorities. They consider it is important that opposition Councillors have a strong voice within CJC governance arrangements (*see below*).
- The implications for effective scrutiny of the JOSOC meeting quarterly as it does currently, and how this will enable successful pre-decision scrutiny.

From the discussion we note:

- Scrutiny of the CJC is a statutory requirement.
- The underpinning principle of scrutiny is non-political, with the importance of scrutiny committee members exercising their own views and not those of their relevant party.
- There is shared consensus around the need to strengthen existing scrutiny arrangements, including providing an opportunity for the greater involvement of local authorities' own scrutiny committees with the work of the CJC JOSOC. For example, when considering a project based in a specific authority, we heard the JOSOC will ensure there is sufficient opportunity for engagement with, and contributions from, the home authority to inform its consideration of the issue.
- The commitment for the JOSOC to:
 - Publish a Forward Work Plan to ensure strengthened public awareness and engagement with their work (*also noted is CJC's intention to publish a Forward Work Plan, which will provide the foundation for the JOSOC Forward Work Programme*).
 - Provide 'member' Councils with regular updates on their work.
- The importance of undertaking pre-decision scrutiny is recognised by members of JOSOC.
- In line with this Council's scrutiny arrangements, members of the JOSOC will determine items to be scrutinised, and if an individual outside of the JOSOC

membership wishes an item to be considered, that individual should inform their relevant representative.

- Items considered by the JOSC deemed to be confidential will be the call of the Head of Democratic Services of the Authority contracted to provide professional scrutiny services (currently RCT), or the CJC Monitoring Officer in line with legislation.
- All matters considered by the JOSC can be considered by relevant councils, if required.
- Cardiff arrangements for membership of the JOSC has conventionally been determined as the Chair of the relevant Scrutiny Committee.
- In a bid to increase accessibility, future meetings of the JOSC will be live-streamed and stored for subsequent viewing on the host authority's website.
- The number of JOSC meetings is currently limited by staff resource.

Minority view – Cllr Berman

Cllr Berman has asked that his minority view be captured in this letter, which is that he has serious concerns that 90% of the JOSC Membership are those of the local authorities ruling party. The JOSC does not follow the same political balance arrangements as local authorities, and this arrangement provides Cllr Berman with significant concern around the lack of opposition and diverse voices within the JOSC. Further, he considers that a lack of political balance within JOSC membership could impact the quality and effectiveness of scrutiny, and public confidence in the scrutiny of the CJC by the JOSC.

Minority view – Cllr Brown-Reckless

Cllr Brown-Reckless has asked that her minority view be captured in this letter. She has serious concerns to learn that around 90% of JOSC Membership are Labour councillors, responsible for scrutinising councils, nine out of ten of which are Labour run. In this respect she considers the arrangements for scrutiny of the CJC by JOSC to be fundamentally flawed, and request legal advice be taken on whether JOSC constituted in this way properly discharges the legal scrutiny requirement. JOSC does not follow the same political balance arrangements as local authorities, and this arrangement provides Cllr Brown-Reckless with significant concern around the lack of opposition and diverse voices within JOSC. She is perplexed if it is the case that there is not even one councillor from the Conservative, Liberal Democrat or Plaid

party entitled to sit on JOSOC. Further, she considers that a lack of political balance and non-Labour councillors within JOSOC membership could impact the quality and effectiveness of scrutiny of the Labour run councils, and that basic constitutional principles of checks and balances, would ordinarily provide for non-Labour councillors to constitute at the very least a substantial part of the membership of a committee responsible for scrutinising Labour run councils. She is further concerned that the arrangements will not engender public confidence in the scrutiny of the CJC by JOSOC, and confidence in probity in public spending. She is not persuaded by argument put forward that councillors on scrutiny committees are supposed to act apolitically and for that reason there should not be concern at the scrutiny of Labour run councils being by a scrutiny committee comprised around 90% by Labour councillors. She considers effective and robust cross-party scrutiny of the CJC, which the public can have confidence in, to be very important given its anticipated spending budget of hundreds of millions of pounds of public money.

Committee view

For clarity, this is not a view shared by all Committee Members. As referenced at the meeting, my own experience of JOSOC membership is that no members of JOSOC are party political; and all Members exercise their membership impartially with no political affiliation. However, it is a point to be noted and reflected upon.

Fundamentally, we share and commend the underpinning principle of scrutiny as a non-political voice, with the importance of scrutiny committee members exercising their own views and not those of their relevant party.

Public Understanding

The establishment of the CJC is a significant progression and the Committee considers it fundamental to foster strong public awareness and understanding of its role in the economic future of South-East Wales. We highlighted how a lack of public understanding, or transparency around a public body (for example the European Union) can result in public misconception, with subsequent impacts.

Recognising the technical and high-level work of the CJC, we wish to stress the importance of breaking this information down into clear, accessible, and engaging messaging for the public.

Members note and welcome that the importance of this issue is shared by yourself and officers, with the ongoing work of the CJC communication team aiming to ensure wider public understanding and visibility, particularly around investments across the region and the forthcoming regional transport and strategic planning work. We look forward to increased visibility through improved live streaming of CJC scrutiny meetings, profile raising attendance at public events, an updated website and newsletter communication to help boost public awareness.

Equity investments

The Committee welcomed the insightful overview of current equity investments and how they will feed into the new arrangements. We encourage a continued focus on 'plugging the gap' and supporting sectors to grow, allowing for innovation and growth through inward investment.

Once again, my sincere thanks to you, and all officers for attending Committee and answering our queries. A response to this letter is not required, however we hope the issues highlighted in this letter will inform discussions at this key point of transition from City Deal to CJC, particularly those in relation to the development of JOSCS scrutiny arrangements.

Yours sincerely,



**COUNCILLOR PETER WONG
CHAIR, ECONOMY & CULTURE SCRUTINY COMMITTEE**

cc Members of the Economy & Culture Scrutiny Committee
Leaders of opposition parties, Cllr John Lancaster, Cllr Rodney Berman,
Cllr Andrea Gibson
Paul Orders, Chief Executive
Chris Lee, Corporate Director, Resources
Jon Day, Operational Manager Tourism & Investment
Kellie Beirne, Chief Executive, CCR
Jayne La Grua, Monitoring Officer, CCR
Christian Hanagan, Head of Democratic Services, RCT
Gavin McArthur Chair, Governance & Audit Committee
Tim Gordon, Head of Communications & External Relations
Jeremy Rhys, Assistant Head of Communications and External Affairs
Gary Jones, Head of Democratic Services
Claire Deguara, Cabinet Business Manager
Debi Said, Cabinet Support Officer
Andrea Redmond, Committees Support Officer

Date: 22nd March 2024

Councillor Huw Thomas
Leader, Cardiff Council
Sent via e-mail



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Dear Councillor Thomas,

CITY CENTRE MANAGEMENT: APPROACH TO BUSKING

As Chair, Members have asked me to convey their sincere thanks for attending committee to provide an update on the management of busking in Cardiff city centre, and the insight offered into the ongoing review of current arrangements. We also wish to record our thanks to yourself, and all officers, for recognising the importance of the music agenda, the valuable contribution busking provides, and the ongoing work to support busking whilst addressing known issues.

The Committee wishes to assist you and officers with the ongoing review, and therefore this letter summarises our key observations and recommendations for your reflection and consideration.

Overview

From the discussion we note the majority of noise nuisance complaints received in the city centre do not relate to busking. You advised that it is not the Council's intention to take Edinburgh's approach and ban amplification; or indeed to deploy a measure similar to the traffic order enforcement used by the police to address cyclist issues on Queen Street, as that uses different legislation. We note the Council's intention is to collaborate *with* buskers, and undertake a review of the guidelines to assess their effectiveness as they will remain the primary reference point for addressing busking.

However, it is recognised that additional approaches may be required to prevent guidelines being breached. We note that as part of the review you will consider the use of existing legislation to deal with problematic issues.

Cardiff as a Music City

The Committee commends the Council's ambition to develop a vibrant city centre environment; one which supports the music sector and ensures a thriving street performance scene, facilitating busking and nurturing local talent.

Further, we welcome confirmation that the busking community is recognised and involved in the council's wider development of the music scene. We also welcome the Council's commitment that its music strategies, will consider the whole eco-music system.

However, Members, like yourself and officers, recognise there are competing uses of the city centre. Performers, shoppers and residents have differing needs and priorities, which can result in issues around street performance that impact on the amenity of residents and businesses, particularly amplification. We concur that this needs to be to carefully and appropriately managed.

Nighttime Economy

The scrutiny discussion established that amplification is a central factor of many complaints, and Members sought clarity on the reporting arrangements for noise nuisance that occurs within the city centre. We note regulations make it difficult for SRS officers to record and act upon 'one-off' matters on a transient population, which is why a '*feet on the ground approach*' supported by partners, is considered the most effective way forward. However, our concern remains because the majority of complaints relate to amplification in the nighttime economy, which is outside of current city centre warden operational hours (9am-5pm).

Members consider the absence of a warden after 5pm is significant. We **recommend**, that the review addresses this, alongside the need for all relevant partner bodies to share the responsibility of addressing this matter for the benefit and comfort of all city centre residents. We therefore welcome that evening shifts for wardens have already been trialled, alongside the ongoing efforts to work with partners for ways to fund and support an *evening specific* approach to this matter.

In addition, we **recommend** that nighttime management arrangements address the use of amplified pop-up karaoke established on the city's streets during untimely hours.

Engagement with Buskers

The Committee was pleased to hear of the direct engagement with buskers in developing the guidelines and we urge that remains a central feature of this review. Further, we note the wardens currently patrol and engage with all buskers on a daily basis, and since June 2023, 87 different buskers have been consulted on the guidelines. The Committee feel engagement efforts are important and for this reason, we **recommend** the current engagement processes with buskers be reviewed to understand what works well, and where this engagement could be strengthened.

Resistance to the Guidelines

Members were pleased to hear there is a low level of resistance to guidelines and overall, feedback is positive, and the reasoning behind having guidelines is understood by the busking community. Given the relatively small number of buskers in the city, Members wish to stress the importance of having arrangements in place that allow for monitoring the individual behaviour of buskers and enforcing guidelines when appropriate.

We feel such a process will be valuable when there is an individual who shows persistent unwillingness to adhere to guidelines or co-operate. For this reason, we **recommend** you consider the implementation of a management process which allows the monitoring of an individual busker's lack of co-operation / adherence to guidelines. We believe this will significantly assist in monitoring the number of complaints aligned to an individual, allowing the use of stricter deterrents such as PSPO's (*when required and appropriate*).

Voluntary Code of Conduct for Buskers

We welcome that a comparison review of 15 other council policies informed the initial development of the guidelines, and we understand the reason closer towns and cities (*such as Newport and Barry*) with lower footfall were not included. However members

expressed concerns about the enforceability of a voluntary code, and the impact this would have on residents and businesses.

Communicating the guidelines

Finally, Members wish to stress the importance of widespread circulation of the guidelines. We **recommend** that circulation of the guidelines to key stakeholders be reviewed and includes, in particular, local music students and associated institutions. Members welcome that the review of guidelines will include consultation with businesses and residents, and we **request** further information on this commitment.

Recommendations following the Scrutiny:

To summarise, the Committee makes **5 recommendations** as set out below.

As part of the response to this letter I would be grateful if you could, for each recommendation, state whether the recommendation is accepted, partially accepted or not accepted and summarise the Cabinet’s response.

If the recommendation is accepted or partially accepted, I would also be grateful if you could identify the responsible officer and provide an action date. This will ensure that progress can be monitored as part of the approach agreed by Cabinet.

Recommendation	Accepted, Partially Accepted or Not Accepted	Cabinet Response	Responsible Officer	Action Date
The review addresses the absence of a city centre warden after 5pm				
Nighttime management arrangements address the use of amplified pop-up karaoke prevalent on the city’s streets during untimely hours.				
The current engagement process with buskers be reviewed to understand what works well, and where this engagement could be strengthened.				

Consider the implementation of a management process which allows for monitoring of an individual's busker lack of co-operation / adherence to guidelines.				
The circulation of guidelines to key stakeholders be reviewed and include local music students and associated institutions.				

Requests following the Scrutiny:

In addition, this letter contains the following **request** for further information:

- Insight into the current plans to engage or consult with residents and businesses as part of the guidelines review. Including the means for this engagement, and the known key stakeholders.

Once again, our sincere thanks to you and officers for providing us with this update and the opportunity to feed into the review. As referenced at the meeting, the Committee expressed an interest in reviewing progress of the Council's Music Strategy. We will factor this into our 2024/25 work programming discussions, and our support officer will contact officers to discuss feasibility and scheduling.

Yours sincerely,

P Wong

**COUNCILLOR PETER WONG
CHAIR, ECONOMY & CULTURE SCRUTINY COMMITTEE**

cc Members of the Economy & Culture Scrutiny Committee
Jon Day, Operational Manager Tourism & Investment
Will Lane, SRS
Gavin McArthur Chair, Governance & Audit Committee
Tim Gordon, Head of Communications & External Relations
Jeremy Rhys, Assistant Head of Communications and External Affairs
Debi Said, Cabinet Office
Andrea Redmond, Democratic Services

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