

ECONOMY & CULTURE SCRUTINY COMMITTEE

19 MARCH 2024

Present: Councillor Wong(Chairperson)
Councillors Berman, Brown-Reckless, Henshaw, Jenkins,
Lloyd Jones and Thomson

78 : APOLOGIES FOR ABSENCE

Apologies had been received from Cllrs Shimmin and Jackie Jones.

79 : DECLARATIONS OF INTEREST

None received.

80 : MINUTES

The minutes of the previous meeting were agreed as a correct record and signed by the Chairperson.

81 : CORPORATE JOINT COMMITTEE UPDATE

Members were advised that this report provides Committee with an update on;

- o the establishment of Corporate Joint Committees (CJCs)
- o the implications of the transition from the City Deal to the CJC on Cardiff Council's role as the Accountable Body and;
- o the transfer of Cardiff Council employees to the CJC

Members had the opportunity to scrutinise the report and explore the implications for the Council, including overview and scrutiny arrangements and the economic development role.

The Chairperson welcomed Cllr Huw Thomas – Leader of the Council; Chris Lee – Corporate Director, Resources; Jon Day – Operational Manager, Tourism and Investment; Jayne La Grua – Monitoring Officer, Cardiff Capital Region City Deal; Paul Orders – Cardiff Council, CEX; Kellie Beirne, Chief Executive Cardiff Capital Region; and Christian Hanagan – Service Director – Democratic Services & Communication Services, Rhondda Cynon Taff.

The Leader and Chief Executive were invited to make statements, after which Members were provided with a presentation and invited to ask questions and make comments/observations.

Members asked how the arrangements compared with the previous City Deal arrangements with regards to scrutiny and whether there would be a mechanism for

more effective scrutiny of the decisions taken and more opportunities for pre-decision scrutiny. The Leader stated that these concerns around the level of scrutiny of the City Deal arrangements had been discussed at Committee previously and had been discussed with the Scrutiny Chairs of Cardiff Council too. There has also been an exchange of letters between the CEX of the Corporate Joint Committee (CJC) on this issue. He added that there is a shared feeling there of the need to strengthen scrutiny arrangements. The Leader anticipated that pre-decision would not be practical as the timetable of meetings would still be quarterly, but the CJC is looking at how it can strengthen its scrutiny arrangements. The Leader noted the challenge of the context of 10 Local Authorities meeting quarterly and he has expressed his view that when decisions are taken locally then the local Authority undertaken their own scrutiny exercise. Members were further advised that after 1 April, the Joint Overview and Scrutiny Committee (JOSC) of the City Deal will become the JOSC of the CJC and that members should see an improvement in the scrutiny arrangements with the development of a forward plan and an annual report back to the member Council's scrutiny committees.

Members asked about the risks and implication for Cardiff Council if these scrutiny arrangements are not put in place. The Leader stated that the risks would be shared by all 10 LA's. Cardiff Council will no longer be the accountable body so there is an element of de-risk there. The Leader stated that he and officers are reasonable comfortable that the commitment is there to improve the scrutiny arrangements.

Members asked to what extent there is a legal entitlement or legal obligation for the scrutiny arrangements or whether this is a voluntary process. Members were advised that the scrutiny arrangements are statutory arrangements as part of the statutory function/entitlement. Members of the public and members of the committee can request scrutiny of any matters they wish to, these must be key decisions which will be published on the forward plan.

Members asked who decides what matters are scrutinised, how much time is given to them, how agendas are set, whether matters would be scrutinised in open/closed session, how much time opposition Councillors will have to scrutinise if they feel something is important. Members were advised that any of the 10 members of the JOSC can request scrutiny of a particular matter and it is up to that committee to determine its own terms of reference within the legislation and it is a matter for that committee to determine their forward plan and what they want to scrutinise. For the wider membership, any member who wants a particular matter scrutinised should make that known to their respective member on the JOSC. Members were further advised with regard to pre-decision scrutiny, it has always been a challenge to engage members of all 10 LA's, but the publication of a forward work programme should help with identifying areas where members think pre-decisions scrutiny would add value. Members were told that scrutiny would take in place in open session unless there were matters of commercially sensitive information being discussed. With regards to what has to be scrutinised, there is guidance but no specific statutory direction on this. Members were advised that projects in particular areas would have the opportunity for local scrutiny but also a regional overview.

Members considered it still was not clear who decides whether a matter is commercially sensitive and would be considered in private session and were concerned that public scrutiny is being undermined. Members were also concerned that due to the LA make-up of the membership there is a politically unbalanced

committee and expressed concern around how opposition Councillors can engage in the process of i.e. agenda setting, and whether there were any protections or safeguards in this respect. Members were advised that decisions on commercial sensitivity are governed by the law and access to information procedure rules, with regards to the JOSC, these would be the access to information rules of RCT and the decision taken by the Head of Democratic Services or Monitoring Officer. Addressing the question of political imbalance on the Committee, Members were advised that the membership of JOSC is one member from each of the 10 LA's, so it doesn't not have the same political balance rules as other committees have, however each of the individual LA's can scrutinise local matters.

Members asked if there were any opposition Councillors on JOSC at the moment. The Leader advised that 9/10 representatives on JOSC are Labour as they are from the majority party in the respective LA's, there is also one Independent member representative.

Members asked for an explanation around the equity investments and how organisations feed into this. Members were advised that there are two types of equity investments that the Cardiff Capital Region have been dealing with, the first being individual organisations who have expressed an interest to be involved and investment into these companies has been predicated on their growth prospects and what they bring to the economy. They also look for scale up business that have high potential and contribute to growing productivity in the Cardiff Capital Region through the lens of innovation. They are trying to support the particular sectors that the region has strength and competitive advantage in and around such as cyber, compound semi-conductors, media and creative companies – fulfilling a real gap in the market for investment.

Members further discussed the political balance on the JOSC and it was noted that pre 2022 there was a significant difference in the make-up of the committee. It was further noted that deputy members are encouraged to attend the JOSC and at the discretion of the Chair, constituent authorities are welcome to attend and contribute to discussions.

A further Member shared concern around the political balance stating that 9/10 members of JOSC were from one political party but did not necessarily represent 90% of the Councillors across the 10 LA's, which is a consequence of the way it's been set up. It was added that it would not give the public confidence that all viewpoints would be considered when making decisions and effective scrutiny taking place.

Members discussed communication with the public and the Leader explained that there is recognition that there needs to be politically lead communications and engagement. Members were also advised that meetings will generally be in public and there are public events and consultations planned as well as newsletters to councillors. There is a YouTube Channel in development and the website is being updated.

The youth representative about how the representatives on the committee are chosen, how the transition to the CJC will impact on staff resources and also around webcasting of meetings and how long meeting webcasts are kept. Committee were advised that in Cardiff it had been agreed between the Leader and scrutiny chairs

that the Cardiff representative would be the chair of the Economy & Culture Scrutiny Committee, deputised by the Chair of the Environmental Scrutiny Committee. In terms of staff resources, it was noted that the CJC will require its own S151 Officer and Monitoring Officer. In terms of webcasting, it was noted that the CJC meetings are webcast live and RCT as the host authority will webcast the JOSOC meetings and they will be kept online.

The Chairperson asked questions around ensuring the projects are understandable to the public and are transparent, which would in turn instil public confidence. The Leader agreed that this was an important issue as people may perceive, as with the City Deal, that Cardiff is taking money from their communities when in fact there is evidence that this is not the case in terms of increased GDA uplift across the region.

Cllr Brown-Reckless wished it to be noted that she has serious concerns that around 90% of JOSOC 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 JOSOC to be fundamentally flawed and requested that legal advice be taken on whether JOSOC constituted in this way properly discharges the legal scrutiny requirement. JOSOC 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 JOSOC. 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 the 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 of around 90% 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.

Cllr Berman asked that his minority view be captured to say that he has serious concerns that 90% of the JOSOC Membership are those of the local authorities ruling party. The JOSOC 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 JOSOC. Further, he considers that a lack of political balance within JOSOC membership could impact the quality and effectiveness of scrutiny, and public confidence in the scrutiny of the CJC by the JOSOC

AGREED: that the Chairperson, on behalf of the Committee, writes to the Cabinet Member conveying the observations and recommendations of the Committee when discussing the way forward.

82 : CITY CENTRE MANAGEMENT - APPROACH TO BUSKING

Members were advised that this item is to undertake policy review of the arrangements in place to manage busking. During this scrutiny, Members can explore the current arrangements for managing busking in Cardiff city centre, and possible future approaches to busking.

For this item, the Chairperson welcomed Cllr Thomas – Leader; Jon Day – Operational Manager, Tourism and Investment; Richard Hyatt and Will Lane - Operational Manager – Neighbourhood Services.

The Leader was invited to make a statement, after which Members were provided with a presentation and invited to ask questions and make comments/observations.

Members noted that the majority of noise nuisance complaints in the city centre do not relate to busking. Officers explained that they do not intend to follow Edinburgh's approach of banning amplification or deploy measures similar to those used by the police to address cyclist issues on Queen Street. Instead, the Council plans to collaborate with buskers and review existing guidelines to assess their effectiveness in addressing busking. It was noted however, additional approaches may be needed to prevent guideline breaches, and the Council will consider the use of existing legislation to address problematic issues as part of the review process.

The Committee commended the Council's ambition to develop a vibrant city centre environment that supports the music sector and ensures a thriving street performance scene, including busking and nurturing local talent. Members welcomed the Council's recognition of the busking community and its involvement in the broader development of the music scene. Additionally, Members appreciated the commitment to consider the entire eco-music system in the Council's music strategies. However, Members acknowledged the competing uses of the city centre, with performers, shoppers, and residents having different needs and priorities.

Members noted that amplification is a central factor in many complaints, particularly in the night-time economy, which falls outside of current city centre warden operational hours. Members expressed concern about the absence of wardens after 5pm and recommended addressing this in the review, along with the need for all relevant partner bodies to share responsibility for addressing noise nuisance in the city centre.

Members welcomed the trial of evening shifts for wardens and ongoing efforts to work with partners on funding and supporting an evening-specific approach. Members considered that night-time management arrangements should address the use of amplified pop-up karaoke on the city's streets during untimely hours.

The Committee commended the direct engagement with buskers in developing the guidelines and urged that it remains a central feature of the review. The Committee noted that wardens currently patrol and engage with buskers on a daily basis, and since June 2023, 87 different buskers have been consulted on the guidelines. The Committee considered that a review of the current engagement processes with

buskers would help to understand what works well and where this engagement could be strengthened.

Members were pleased to hear that there is a low level of resistance to the guidelines, and overall, feedback is positive, with the busking community understanding the reasoning behind having guidelines. Given the relatively small number of buskers in the city, Members stressed the importance of having arrangements in place to monitor the individual behaviour of buskers and enforce guidelines when appropriate.

Members welcomed the comparison review of 15 other council policies that informed the initial development of the guidelines. However, they expressed concerns about the enforceability of a voluntary code and the potential impact this would have on residents and businesses.

Members emphasised the importance of widely circulating the guidelines to key stakeholders, including local music students and associated institutions.

Members welcomed the commitment to consult with businesses and residents during the review of the guidelines and requested further information on this aspect.

AGREED: that the Chairperson, on behalf of the Committee, writes to the Cabinet Member conveying the observations and recommendations of the Committee when discussing the way forward.

83 : URGENT ITEMS (IF ANY)

None received.

84 : DATE OF NEXT MEETING

23/04/2024, 4.30pm

The meeting terminated at 6.40 pm