

## **DRAFT RESPONSE - WG CONSULTATION: LOCAL GOVERNMENT: GUIDANCE FOR PRINCIPAL COUNCILS**

### **CONSULTATION QUESTIONS**

#### **Question 1**

Is the revised guidance on the timing of council meetings sufficiently clear as to the purpose for regularly reviewing the timing, length and frequency of all council meetings?

#### **Democratic Services Committee Response.**

The guidance provides the boundaries for Council's to determine their own requirements for Council meetings which is considered as useful.

#### **Question 2**

Has the guidance on the timing of council meetings adequately addressed the context of multi-location meetings?

See **Question 39**

#### **Question 3**

Are there any other issues you would like the guidance on the timing of council meetings to address?

#### **Democratic Services Committee Response.**

The survey of meeting timings which has been undertaken may indicate a diverse range of timings and preferences. Some collective discussions are needed to confirm the agreed timings for meetings although this may lead to some Elected Members being disappointed that their preferences have been superseded by the majority view of the Council. The guidance should reference that although the preferences for meeting timings may be sought it does not always guarantee that individual Members will be able to have their preferences met and that an element of compromise is necessary.

#### **Question 4**

Has the revised guidance on training, development and support for elected members addressed all of the relevant changes in legislation?

#### **Democratic Services Committee Response.**

a. **Reasonable Training and Development Opportunities**

The guidance indicates that the on-going training programme of Member Development should but not exclusively include a number of topics (Para 2.9 refers). This is a significant commitment from all Elected members, the Authority and its partners. Whilst this training is offered and Democratic Services Committee prioritises the training by identifying mandatory training (usually relating to legal responsibilities of elected members), Members and particularly those elected members elected mid-term, do struggle to benefit from all of the opportunities due to the ongoing commitments of individual Members in addition to their other Council, ward, career and personal commitments.

b. **Annual Review**

The guidance is considered as useful although the take up on Annual Reviews is still to be determined but the opportunity for individuals to have an Annual Review is seen as beneficial. This guidance could be used to refresh our current processes to encourage greater participation.

Should the take up on the use of Annual Reviews increase significantly, it would also increase the expectation for individual training to be undertaken and the commitment and resources needed to make this an effective option for Elected Members may become a significant challenge to support and maintain.

### **Question 5**

Are the sections on focused support and support for the well-being of members sufficient?

#### Democratic Services Committee Response.

The guidance is considered useful

### **Question 6**

Do you have any comments on the view of the Welsh Government that whilst members must register their home as a beneficial interest under the Code of Conduct, there is no statutory requirement for the register of members' interests to be published including the home addresses of members?

#### Standard and Ethics Committee Response

The Standards and Ethics Committee considered this question at their meeting on 22<sup>nd</sup> June. The Committee agreed that there is no statutory requirement for the full home addresses of members to be included on the published register of members interests. The Committee noted that the Public Services Ombudsman for Wales current guidance states: The description must be clear enough to maintain openness and public confidence in any business of the Council you may influence or decisions you take on behalf of the Council, whilst also protecting your personal information and safety. For example, when describing property which you own or rent which you live in, the description may include the street name or postcode in which your property is situated (as opposed to your full address). The Committee agreed that there is no need for the specific address to be identified and that it would be preferable if members are asked only to disclose the ward in which the property is situated, noting that this of course does not negate the need for the member to declare the property as a conflict of interest where appropriate and necessary.

### **Question 7**

Are there any other issues you would like the revised guidance on training, development and support for members to address?

#### Democratic Services Committee Response.

The guidance does not address the personal security of Elected Members particularly when lone working in their wards. This Council has been identified as an exemplar of good practice [Cardiff Council: Councillor safety - lone working devices | Local Government Association](#). The provision of suitable lone working procedures should be referenced in the guidance.

### **Question 8**

Does the guidance on research support and services for elected members provide sufficient examples of the matters which should be taken into consideration by the DSC when considering whether the HDS has sufficient staff and resources to, in its opinion, discharge their functions?

Democratic Services Committee Response.

The guidance is clear

**Question 9**

Does the guidance explain clearly that the intention is for capacity for research support to be built up over time and that the DSC and the HDS should have a strategy for this?

Democratic Services Committee Response.

The guidance is clear and will enable the development of suitable strategy for providing this research capacity.

**Question 10**

Are there any other issues or comments you would like to make in relation to the guidance on research support and services for elected members?

Democratic Services Committee Response.

We note that paragraphs 3.6 and 3.7 suggest a protocol for accessing research and requires the research to be related to the delivery of the Council's priorities or their scrutiny. It is suggested that requests for research should relate to the Councillor's role and to something the Council has the ability to do something about by means of a power, responsibility or duty. This should avoid requests for significant amounts of research on matters which while important, may not be part of the Councils responsibilities or decision-making powers. e.g. issues such as Brexit

This is a new requirement and with this Council having 79 Members the provision of a research facility for all Elected Members requires appropriate funding or resources to be identified. The expectation of all members to have access to research facilities will need to be managed to ensure that the research can only be undertaken within the available resources of the authority.

**Question 11**

Does the guidance in Section 1 of this consultation adequately address issues relating to equality and diversity, including the social model of disability?

Democratic Services Committee Response.

The guidance is considered useful

**Question 12**

Is there anything further the guidance could suggest to strengthen the need to take account of equality and diversity, including the social model of disability when developing the public participation strategy?

Democratic Services Committee Response.

Appropriate links to the Social Model of Disability should be added to the guidance.

Note:

A response has been requested from Performance and Partnerships Services which may be submitted separately from this response.

### **Question 13**

Is there anything further the guidance could suggest to strengthen the need to take account of the Welsh language when developing the public participation strategy?

#### Democratic Services Committee response

No further guidance is required.

#### Bilingual Cardiff Response

The delivery of any public participation strategy must abide by the Welsh Language Standards adopted by all Local Authorities in Wales. This requires the presentation of supporting materials and service in both Welsh and English, so the Welsh language is not treated less favourably than the English language. All projects and initiatives subject to consultation must also be subject to a Welsh language impact assessment in the planning stages to ensure positive and negative effects are identified and increased or mitigated as required.

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### **Question 14**

Is the guidance sufficiently clear that the public participation strategy is intended to work in harmony with existing statutory duties relating to public involvement and participation by in particular focusing on public participation in the democratic processes of the council as set out in section 40(2) of the 2021 Act?

#### Democratic Services Committee response

No further clarification of the guidance is required.

Note:

A response has been requested from Performance and Partnerships Services which may be submitted separately from this response.

### **Question 15**

Are there any other matters you would like to see included in the guidance on public participation strategies?

#### Democratic Services Committee response

No further matters to be included in the guidance is necessary.

Note:

A response has been requested from Performance and Partnerships Services which may be submitted separately from this response.

**Question 16**

Is the balance in the guidance on petition schemes between guiding principles and local discretion helpful?

**Democratic Services Committee Response.**

The guidance is useful but further work will be needed to clarify to the public what is within the remit of the Council. This will ensure that the submission of petitions can be progressed rather than the public considering that the Council is just rejecting a petition.

**Question 17**

Are there any other matters you would like to see included in the guidance on petition schemes?

**Democratic Services Committee Response.**

Cardiff Council has already developed and agreed its petition scheme. While this be reviewed and consulted on as part of the Public Participation Strategy, it does not currently anticipate the need for significant changes.

**Question 18**

Does the revised guidance on constitutions and the revised constitution direction contain references to all of the legislative changes you would expect to be included?

Yes.

**Question 19**

Does the guidance on the constitution guide strike the right balance between guiding principles and local discretion?

Yes.

**Question 20**

Do you have any other comments or suggestions in relation to the guidance on the constitution, the constitution guide or the constitution direction?

No.

**Question 21**

Is there anything further that should be included in the guidance on the exercise of functions by councillors?

No.

**Question 22**

Are there further references to legislation made since the guidance on the exercise of functions by councillors was issued which should be included?

No.

**Question 23**

Is there anything further you would like to see included in the guidance on job sharing for executive members?

Cardiff has two job share posts in the Cabinet. This arrangement only commenced after the recent local elections. The Leader of the Council has confirmed that the existing draft guidance has been sufficient to date.

Based on our experience of operating job share arrangements to date, clarification would be helpful on the following issues:

- (i) Conflicts of interest – we assume that where one of the job sharers has a personal and prejudicial interest in a matter, which would preclude them taking part and voting, the job sharer partner without any such personal interest is able to take part and exercise the vote on behalf of the job sharers. We think this should be clarified please.
- (ii) Representing the Council on External Organisations (draft guidance paragraph 4.16) – we think it would be helpful to acknowledge that external organisations may need to adapt their procedures / constitutional provisions to accommodate the job sharing arrangement; and for the guidance to clarify that the legislative provisions relating to voting and quorum for job sharers are intended to apply equally to joint committee meetings.

#### **Question 24**

Is there anything further you would like to see included in the guidance on assistants to the executive?

No.

#### **Question 25**

Is there anything further you would like to see included in the guidance to cabinets on effective overview and scrutiny?

#### Scrutiny Chairs Response

The guidance should make more specific reference of the relationship between the Cabinet and scrutiny committees to encourage closer working relationships, set benchmarks for working and improved joined up working. Whilst there are general references across the consultation document regarding the Cabinet's relationship with scrutiny in terms of "*Principles for efficient, transparent and accountable decision making and access to information about decision making including rules of procedure for decision making and access to information*" (paragraph 13, page 65), there are no specific guidance or protocols on how this could work in practice. There is lots of guidance within the scrutiny-specific parts of the guidance, but we feel that there needs to be a more general set of guidelines on how the cabinet and scrutiny (and other committees) engage with each other. We recommend that the following further information be included in the general guidance to assist in this process:

- The need for coordinated work plans and programmes across Cabinet and Scrutiny, including building scrutiny into all timescales for drafting and publishing reports;
- Encouraging Cabinet and scrutiny to have "parity of esteem" as indicated in paragraph 4.25 (page 78);
- Acknowledgement, support and promotion of the importance of scrutiny in the decision-making process and this be communicated across the organisation and beyond;

- Timely access to reports, briefings and information for publication and consideration at scrutiny;
- Equal access to research, information and support services as afforded to the cabinet. For example, acknowledging that Scrutiny is the route by which the public can feed into Council decision-making, the corporate communications support service is of particular importance in meeting the aspirations of a Participation Strategy. The guidance could usefully examine the justification for dedicated scrutiny communications support;
- Expectations and commitments required by Cabinet and officers to facilitate effective scrutiny, including attendance at MLM meetings; being prepared for Member questions etc. and
- Arrangements on how the output from scrutiny is considered and responded to by Cabinet.

### **Question 26**

Does the revised set of guidance relating to overview and scrutiny reflect all of the legislative changes that are relevant to the context in which scrutiny operates?

Yes in respect of Local Authority Scrutiny

### **Question 27**

Are there any other issues that should be reflected in any of the guidance on scrutiny, for example, would further guidance in respect of corporate joint committees be helpful?

### Scrutiny Chairs Response

The effective scrutiny of the CJC will be a key requirement in the near future and the lessons learned from existing collective scrutiny of arrangements i.e. City Deal should be applied. Guidance would be beneficial to ensure the core scrutiny requirements are established for CJC's from the outset.

To deliver the benefits of joint scrutiny for CJC's, it is considered that there is a need for:

- An agreed standardised methodology and approach to scrutiny due to the fact that each Local Authority undertakes its scrutiny responsibilities in different ways, utilising varied practices.
- Sufficient resource that enables the supporting Authority to provide direct support to all Scrutiny representatives from the different Local Authorities. Alternatively, a dedicated and funded shared resource where each Local Authority provides this direct support to their own individual representative.
- Continuity of representation to try and promote group cohesiveness in order to minimise the disruptive affect that changes in representatives can cause.
- That the supporting Authority:
  - works with Members to ensure that they have full clarity and understanding of the strategic purpose for the Corporate Joint Committee and a better understanding of their roles in delivering these responsibilities.
  - Strengthens the Corporate Joint Scrutiny Committee culture to foster better collaborative working amongst scrutiny representatives from different local authorities.
  - Further develop and enhance the skills and knowledge of the Members of the Corporate Joint Scrutiny Committee to enable them to deliver effective scrutiny at a strategic/regional level including whilst having a full understanding of the key strategies, priorities, and direction of travel of the CJC. This could require the

provision of additional Member learning and development, specialist briefings, pre-meetings, site visits with the consideration of good practice from other regions.

- Undertakes an annual self-assessment to identify further support and training needs of Members.
- Support and strengthen the commitment of individual Members to deliver effective member-led scrutiny and provide robust evidence-based challenge to the CJC. This may also include the provision of appropriate independent research to support the Committee.
- Encourage attendance and active participation of all Committee Members at Corporate Joint Scrutiny Committee meetings.
- Engages with other Local Authority Scrutiny Committees to:
  - assist in identifying topics for scrutiny at a regional level
  - support scrutiny of local issues relating to CJC
  - receive scrutiny reports and recommendations from individual Local Authority Scrutiny Committees as necessary.
- Develop an Annual Report that will be shared with all constituent Local Authorities to describe the scope of work, outputs, outcomes and impact that the Joint Scrutiny Committee has achieved during the year.

### **Question 28**

Are there any further references to relevant legislation that should be included in the guidance on democratic services committees?

#### Democratic Services Committee Response

The guidance is adequate

### **Question 29**

Is there anything further you think should be included in the guidance on democratic services committees?

#### Democratic Services Committee Response

No further information has been identified for inclusion

### **Question 30**

Does the revised guidance on governance and audit committees reflect all of the relevant legislative changes?

Yes

Note:

A response has been requested from Governance and Audit Committee which may be submitted separately from this response.

### **Question 31**

Does the revised guidance reflect changes in the context in which governance and audit committees now operate?

Yes

Note:



A response has been requested from Governance and Audit Committee which may be submitted separately from this response.

**Question 32**

Is the advice on the guidance on the new duty on governance and audit committees relating to section 89 of the 2021 Act sufficient?

Yes

Note:

A response has been requested from Governance and Audit Committee which may be submitted separately from this response.

**Question 33**

Is the guidance on the new duty on governance and audit committees to review and assess the effectiveness of the arrangements for handling service and corporate complaints sufficient?

Yes

Note:

A response has been requested from Governance and Audit Committee which may be submitted separately from this response.

**Question 34**

Is there anything else you would like to see included in the guidance on governance and audit committees?

No

Note:

A response has been requested from Governance and Audit Committee which may be submitted separately from this response.

**Question 35**

Is the non-statutory guidance on political assistants helpful in highlighting the relevant legislation?

Cardiff Council does not currently have political assistants.

**Question 36**

Is there anything further than you would like to see included in the non-statutory guidance on political assistants?

Cardiff Council does not currently have political assistants.

**Question 37**

We would like to know your views on the effects that the statutory and non-statutory guidance would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

### Bilingual Cardiff Response

The statutory and non-statutory guidance does not have a negative effect on the Welsh language. However, there is an opportunity to increase the positive effects if information detailing the requirements of the Welsh Language Standards adopted by individual Local Authorities is included in information, training, and support provided to Elected Members. Positive effects could be further increased by offering Elected members the opportunity to record their language choice and to receive services and material in the language of their choice.

### **Question 38**

Please also explain how you believe the proposed policy the statutory and non-statutory guidance could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

### Bilingual Cardiff Response

The inclusion of information concerning the requirements of the Welsh Language Standards adopted by individual Local Authorities would promote the status of the Welsh language and demonstrate that Welsh language services are a central part of the Local Authority's work. The provision of material and support in accordance with elected members' language choice would also work to create an increased positive effect for people to use the language. The provision of Welsh language services and material is a statutory requirement under the Welsh Language (Wales) Measure 2011 and information concerning these requirements should be included in training and support for Elected Members.

### **Question 39**

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please enter here:

### Democratic Services Committee Response

The guidance is useful but does not clarify the legislation as to what is considered by the Welsh Government as a "specified" meetings in relation to the broadcasting of meetings. The relevant extract from the Local Government and Election Act Wales 2021 indicates "specified" means specified in regulations made by the Welsh Ministers but no reference to the likely regulations are included in the guidance.

46 Electronic broadcasts of meetings of certain local authorities:

- (1) A principal council must make and publish arrangements for the purpose of ensuring that—

- (a) a broadcast of proceedings at a meeting to which subsection (2) applies is available electronically so that members of the public not in attendance at the meeting can see and hear the proceedings;
  - (b) the proceedings are broadcast as they take place, subject to any specified exceptions;
  - (c) the broadcast is available electronically for a specified period after the meeting.
- (2) This subsection applies to proceedings at a meeting, or any part of a meeting, which is open to the public of—
- (a) a principal council;
  - (b) any of the following specified bodies—
    - (i) the executive of a principal council;
    - (ii) a committee or sub-committee of an executive of a principal council;
    - (iii) a committee or sub-committee of a principal council;
    - (iv) a joint committee, or a sub-committee of a joint committee, of two or more principal councils.
- (3) The Welsh Ministers may by regulations make further provision in connection with the broadcast of proceedings at a meeting to which subsection (2) applies.
- (4) In subsections (1) and (2), “specified” means specified in regulations made by the Welsh Ministers.