

Participation Strategy

Purpose of report

1. To offer Members an opportunity for early policy development scrutiny of the public participation strategy, currently under development.

Background

2. The Committee's Terms of Reference confer responsibility for the scrutiny and review of the effectiveness of the implementation of Council policy developed to address citizen engagement and consultation.
3. Full Council on 9 March 2023 agreed a new Corporate Plan 2023-26. Within Well-being Objective 7 - *Modernising and integrating our public services* – under the priority '*Ensuring the Council represents and responds to the diversity of Cardiff's communities*' the Council commits to:
Develop a draft of the Participation Strategy for public consultation by June 2023 with a focus on improving engagement with seldom heard voices and amplifying the voices of people who are currently less likely to get involved in the decision-making process.
4. The Corporate Plan commitment will be led by the Cabinet Member for Public Health and Equality, Cllr Julie Sangani, and developed by the Performance & Partnerships function. The scope of the Participation Strategy is predicated on legislation that also requires the new strategy to encompass ways of promoting awareness among local people of how to become a member of the council, and what membership entails. Therefore, delivery of this strategy is a collaborative policy development exercise together with the Council's Democratic Services function.

Issues

5. The Local Government (Wales) Act 2021 places a duty on principal councils to encourage local people to participate in their decision making. This includes where the council is making decisions in partnership with another individual or body, for example a local health board (*section 39*).
6. Councils across Wales are required to develop and publish a strategy on encouraging participation that specifies how they will comply with the duty. (*section 40*). The public participation strategy must address:
 - ways of promoting awareness among local people of the council's functions;
 - ways of promoting awareness among local people of how to become a member of the council, and what membership entails;
 - ways of facilitating access for local people to information about decisions made, or to be made, by the council;
 - ways of promoting and facilitating processes by which local people may make representations to the council about a decision before, and after, it is made;
 - arrangements made, or to be made, for the purpose of the council's duty in section 62 of the 2011 Measure (bringing views of the public to attention of scrutiny committees);
 - ways of promoting awareness among members of the principal council of the benefits of using social media to communicate with local people.
7. Importantly, the legislation places a duty on the council to consult local people who live, work or study in the council's area, and anyone else it thinks appropriate, when preparing its public participation strategy (*section 41*). The public participation strategy must set out how Council will establish a relationship with its communities built on trust and a commitment to listen. The strategy must also set out the frequency of subsequent reviews.
8. Draft Welsh Government guidance on public participation states that it is essential to ensure the needs and aspirations of communities are at the heart of local decision making. The policy intent of the strategy is for the council to set out

the arrangements it intends to put in place to embed and deliver a culture of partnership with the public.

9. The draft guidance states that the participation strategy must be developed together with all diverse communities within the council area. Participation should be interpreted as an all-encompassing term for activities or methods which inform, engage, consult, involve or use co-development or co-production between council and the public. It should also be interpreted as participation of everyone no matter their age, protected characteristic or characteristics or socio-economic background.

Preparing the strategy

10. In preparing the strategy the council should be clear about those it is required to consult with, by setting out **how** the council will achieve the requirements of section 39 of the Act. This might include setting out a basket of measures; how to make representations to your ward member; how to submit questions to the council leader; how to submit evidence to scrutiny committees; how to become a member of a citizens' panel or a co-production forum; systematic publication of council, cabinet and committee forward work plans.
11. The draft guidance is clear that Councils should use the participation strategy to build on the strengths it already has in this area, while developing new ways of working within a wider partnership approach to demonstrate its commitment to public participation.
12. The first step in preparation of the strategy is for a local authority to conduct a **baseline assessment** as part of its preparation for developing a public participation strategy. Key questions that must be asked:
 - What is the local authority's demographic profile?
 - What community networks already exist and under what circumstances does the local authority engage with them?
 - What community leaders and local issues champions has the local authority identified, developed and maintained relationships with?

- What mechanisms currently exist for members of the community to put forward ideas to the council for consideration? How is this communicated to the public?
 - How does the local authority act upon complaints received and how does the public know whether changes have been made to services / processes as a result? Information published by the PSOW about levels of complaints for councils is a rich source of information;
 - What resources are dedicated to community engagement / involvement? What has changed as a result?
 - How does the public contribute to the scrutiny of the council's work?
13. The council's public participation strategy should include how it will improve the way it promotes awareness for example by:
- Improving the relevant sections of the council's website;
 - Ensuring the council's forward plan supports public engagement by being accessible, timely and user friendly;
 - Ensuring information for potential councillors is available and fit for purpose;
 - Communicating through council publications, local media and social media, taking steps to use languages such as BSL and Braille;
 - Information and support for schools;
 - How individuals can submit positive comments to the council and the arrangements for making complaints about services or activities, including the role of the Public Service Ombudsman Wales;
 - Staff from across the council being involved in its design, development, review and revision so that all interactions with the public can be harnessed;
 - Staff training and development on good practice engagement, encouragement to see the participation strategy as a living document with continuous opportunity for improvement;
 - How it will measure progress in terms of public participation; and
 - Providing information to individuals interested in standing to be a councillor.
14. Other important references of interest in the draft guidance include:
- The council must review its public participation strategy as soon as possible following each ordinary election;

- A participation strategy must set out the ways in which the council and the public can exploit the use of digital to maximise opportunities for effective participation;
 - The role scrutiny plays in involving local people to participate in decision making under section 39 of the 2021 Act should be set out in the participation strategy.
15. The presentation attached at **Appendix 1** will be delivered at committee, setting out progress to date in addressing the duties and requirements of the Local Government Act 2021 in respect of encouraging local people to participate in their decision making.

Scope of the Scrutiny

16. This matter has been brought forward for early policy development scrutiny, prior to an all-member workshop to be held in May 2023, followed by a public consultation in June 2023. The baseline assessment is nearing completion. Members are invited to:
- i) Contribute to the ongoing development of the participation strategy and how effectively it addresses the requirements as set out in paragraphs 10-13 above.
 - ii) Make contributions and suggestions that will potentially enrich the scope and detail of the baseline assessment.
 - iii) Make recommendations to inform the developing strategy.

Way Forward

17. Councillor Julie Sangani, Cabinet Member Public Health and Equality, Davina Fiore, Director of Governance & Legal Services, Gary Jones, Head of Democratic Services, Gareth Newell, Head of Performance and Partnerships, and Dylan Owen, Operational Manager Policy and Performance have been invited to facilitate Member engagement in collaborative policy development scrutiny of work ongoing to draft the Council's Participation Strategy in line with the Corporate Plan commitment.

Legal Implications

18. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

19. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

Recommendation

The Committee is recommended to:

- i. consider the progress update as presented,
- ii. reflect on discussion at Committee and
- iii. consider whether it wishes to offer its observations and recommendations to Cabinet to inform ongoing development of the participation strategy.

DAVINA FIORE
Director of Governance & Legal Services
16 March 2023