

**BY SUBMITTING THIS REPORT TO THE CABINET OFFICE, I, PAUL ORDERS (CHIEF EXECUTIVE) AM CONFIRMING THAT THE RELEVANT CABINET MEMBER(S) ARE BRIEFED ON THIS REPORT**

**CARDIFF COUNCIL  
CYNGOR CAERDYDD**

**CABINET MEETING: 18 JANUARY 2024**

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**PARTICIPATION STRATEGY 2023-27 (INCLUDING PETITION SCHEME AND CONSTITUTION GUIDE)**

**TACKLING POVERTY, EQUALITY & PUBLIC HEALTH  
(COUNCILLOR JULIE SANGANI / COUNCILLOR PETER BRADBURY)**

**AGENDA ITEM:**

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**Reason for this Report**

1. To consider the responses to the consultation on the Council's Participation Strategy; approve the consequential amendments to the draft Participation Strategy 2023-27; note that no changes are proposed to the approved Petition Scheme; and approve the finalised Constitution Guide.

**Background**

2. The Administration's '[Stronger, Fairer, Greener](#)' policy statement, which was approved by the Council's Cabinet on 14 July 2022, includes the commitment to: *"Introduce a new Community Participation Strategy, amplifying the voices of people who are currently less likely to get involved in the decision-making process."*
3. The Council's [Corporate Plan 2023-26](#) also includes the commitment 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. On 13 July 2023, the Cabinet approved a draft Participation Strategy 2023-27 for public consultation and agreed that a further report on the Participation Strategy 2023-27 be considered for final approval in Autumn 2023.

5. Section 39 of the Local Government and Elections (Wales) Act 2021 ('the 2021 Act') places a duty on principal councils in Wales to encourage local people to participate in their decision making. This includes where decisions are made in partnership with another body, or the decision is delegated to an individual.
6. Section 40 of the 2021 Act requires a principal council to prepare and publish a public participation strategy specifying how it proposes to comply with the duty to encourage local people to participate in its decision making. A public participation strategy must, in particular, address:
  - (a) ways of promoting awareness among local people of the principal council's functions;
  - (b) ways of promoting awareness among local people of how to become a member of the principal council, and what membership entails;
  - (c) ways of facilitating access for local people to information about decisions made, or to be made, by the principal council;
  - (d) ways of promoting and facilitating processes by which local people may make representations to the principal council about a decision before, and after, it is made;
  - (e) arrangements made, or to be made, for the purpose of bringing the views of the public to the attention of the Council's scrutiny committees in accordance with the requirements of Section 62 of the Local Government (Wales) Measure 2011;
  - (f) ways of promoting awareness among members of the principal council of the benefits of using social media to communicate with local people.
7. In preparing a public participation strategy, a principal council must consult local people (i.e. people who live, work or study within the council's area) and such other persons as it considers appropriate. At the Cabinet meeting on 13 July 2023, it was therefore agreed that the draft Participation Strategy 2023-27 would be subject to a period of formal consultation.
8. In accordance with Section 41 of the 2021 Act, a principal council's first public participation strategy must be published as soon as reasonably practicable after 5 May 2022 when the legislative requirements came into force.

### **Participation Strategy 2023-27**

9. In recognition of the distinct requirements of the public participation strategy, as set out in the 2021 Act, the Council's draft Participation Strategy 2023-27 is comprised of two distinct components:
  - **Part 1** – this section focuses on the Council's **Consultation and Engagement** arrangements, which seek to ensure that the citizen voice is at the heart of decision making. This sets out how the Council will provide and promote opportunities for local people to provide their views to the Council through consultation and engagement in a number of different ways, including, for example, questionnaire surveys, focus groups and the Council's Citizens Panel, as well as how

such engagement will be conducted (i.e. online or face-to-face in person). It also makes clear how any such views and representations will be used by the Council to inform decision making and how this is communicated to local people.

- **Part 2** – this section focuses on **Democratic Engagement** and promoting and supporting participation in the democratic process, including council decision making. It also provides information and promotes awareness of how local people can seek to become a councillor and what the role entails, as well as how local people can get involved directly in how decisions are made by the Council – for example, by asking Public Questions at Council meetings, submitting petitions to the Council and making representations to their local councillor(s). It will also link to other requirements of the 2021 Act, including the Council’s Petition Scheme and Constitution Guide.
10. Both parts of the Participation Strategy 2023-27 include an action plan setting out a range of actions to support the implementation of the strategy.

#### Developing a Draft Participation Strategy

11. As part of the development of the draft Participation Strategy 2023-27 the Council has engaged extensively with a wide range of stakeholders to understand barriers to engagement and develop proposals for improvement, with a focus on understanding how the council can better reach out to groups who historically have not engaged in consultations. Stakeholders engaged with included local ward councillors in areas of low response, community organisations, representative bodies and the Council’s Employee Networks.
12. Two workshops were held involving all elected members on 10 & 16 May 2023. The proposals contained within the draft Participation Strategy 2023-27 were also considered by the Council’s Policy Review and Performance Scrutiny Committee on 22 March 2023, providing committee members with an opportunity to shape the development of the strategy. All recommendations made by the Committee were accepted.
13. The Council’s Policy Review and Performance Scrutiny Committee also had a further opportunity to review the revised draft Participation Strategy 2023-27 at its meeting on 10 January 2024, and the comments and any recommendations made by the Scrutiny Committee will be reported to the Cabinet meeting on 18 January 2024.

#### Public Consultation and Engagement Methodology

14. An 11-week public consultation on the draft Participation Strategy 2023-27 ran from Monday 24 July 2023 to Sunday 8 October 2023. Information was translated into Welsh, Polish, Arabic and Bengali, and hard copies were printed and made publicly available across the city. The online survey was sent to the over 5,000 members of the Citizens Panel and hosted on the Council’s website. Links to the survey were also emailed to an extensive range of stakeholders, along with an invitation to request paper copies of the surveys in their choice of available languages. A copy of the

Participation Strategy Consultation Report is attached as **Appendix B** to this report.

15. Many community organisations promoted the survey digitally via organisational newsletters, emails and WhatsApp messages to staff and members. Paper copies of the survey, with freepost envelopes, were available across the Council's extensive network of libraries and hubs.
16. Targeted engagement was also undertaken with the stakeholder groups identified in the strategy as being under-represented within the Council's consultation and engagement work. This included direct engagement with advocacy groups and representative organisations and, to support the consultation exercise, focus groups were convened to engage with:
  - Children and Young People
  - Older People
  - Black, Asian and Minority Ethnic Communities
  - People who identify as Disabled

17. Direct engagement was therefore undertaken with the following groups:

#### Children and Young People

- Cardiff Council Youth Engagement teams
- ProMo Cymru (youth, particularly via social media)
- National Minority Ethnic Youth Forum (focusing on Grangetown and Butetown)
- Grange Pavilion Youth Forum
- Attendees from across Cardiff who attended a youth job fair held at Central Library
- Cardiff University School of Journalism
- Cardiff Cares Academy pre-training induction group

#### Older People

- Cymru Older People Alliance
- Elder-specific groups in Hubs and community spaces (mixed groups)
- Day Opportunities team elder inclusion project
- Elder outreach work via Community Volunteers team

#### Black, Asian and Minority Ethnic Communities

- Cardiff and Vale College (largest provider of ESOL classes in Wales; mixed group)
- Independent ESOL teacher (feedback from mixed group and women only group)
- Women Connect First (women's group)
- Race Equality First (women's group)

#### People who identify as Disabled

- RNIB
- SightLife
- British Deaf Association\*
- Deaf Hub Cymru\*

*\* Dialogue is ongoing with the Deaf community to review and improve engagement.*

## Part 1: Consultation and Engagement

### Summary of Consultation Responses

18. Over 1,300 responses were received to the Participation Strategy consultation survey. Three in five respondents (60%) were already a member of the Council's Citizens Panel; however, a fifth (19.4%) of respondents had never shared their views with the Council before.
19. Amongst respondents taking part in the survey, there was a strong consensus that getting involved in shaping the delivery of services was important (99.2%). In terms of how residents exert influence, those who had engaged with the Council previously had typically done so via surveys (69.5%) or speaking to their local councillor (29.5%).
20. Amongst those respondents who indicated that they had experienced barriers to participation, the biggest barriers were the thought that people's views were not taken into account (34.1%) and a lack of awareness of how to get involved (20.7%). Respondents would be more likely to share their views if they knew the results were taken into account (63.5%), if the engagement was on a topic that was of particular interest to them (51.7%) or if opportunities to get involved were better promoted (50.1%).
21. Respondents typically said that the Council's website would be their main source of information about the Council (80.1%), about local councillors and the work they do (79.0%), the decisions made by the Council (77.2%) and if they wanted to understand consultation and engagement opportunities (82.8%).
22. Of those surveyed, 85.9% had used the Council's website (providing a satisfaction rating of 61.8%) and 33.4% had used the Council's social media channels (providing a satisfaction rating of 43.5%). A number of respondents commented that the Council's website was hard to navigate and things on it were difficult to find. More than half (53.3%) did not follow the Council or their local councillors on social media, with a further 18.0% not using any form of social media.
23. In addition, the Consultation & Engagement team engaged directly with over 200 people from typically under-represented groups. This was done by working with local organisations, community groups, and front-facing council staff to find effective opportunities to interact. Amongst those interviewed face-to-face, the biggest barriers to participation were a lack of awareness of opportunities to have their say, a lack of time to get involved, and a lack of belief that doing so would have an impact.
24. For those typically under-represented in engagement with the Council, face-to-face engagement was recognised as a critical intervention if seldom heard voices were to feature on a regular basis. Those who were given the opportunity to engage directly also made clear their appreciation of the effort being made to gather their views.

25. A number of organisations noted their commitment to supporting the Council to connect with communities across the city; however, limited resources meant that activity would be limited in the absence of a support budget. All groups engaged with – individuals or those representing community groups – highlighted the lack of feedback from consultations and engagement as being an area of improvement. As a result, many stated that they were disinclined to participate in future if they were not presented with evidence that their views are taken into account in council decision-making.

## Responding to the Views of Citizens

26. In response to the key messages emerging from the consultation and engagement, it is proposed that the following amendments are made to the draft Participation Strategy 2023-27:

<b>Consultation Feedback</b>	<b>Council Response</b>
<p><u>Importance of face-to-face engagement with key groups:</u> This was considered to be critical if the Council is to improve engagement with seldom heard voices for all major engagement exercises.</p>	<p>Major consultation and engagement exercises will involve direct engagement with seldom-heard groups, particularly those identified by the Council's baseline assessment exercise. Where Equality Impact Assessments must be completed, these will be done prior to any consultation and arrangements will be made to involve any groups identified as being disproportionately impacted.</p>
<p><u>Supporting Community Groups &amp; Organisations to Promote Engagement Activity:</u> Community organisations noted their commitment to supporting the Council to connect with communities across the city; however, limited resources meant that activity would be limited in the absence of a support budget.</p>	<p>A pilot Participation Fund will be established to enhance engagement activity with local groups, which will draw on a range of financial sources including external grants and existing budgetary resources.</p>
<p><u>Consultation Fatigue:</u> Stakeholder organisations commented on the volume of consultation and engagement activity that is currently being undertaken across the public sector and that public bodies should be more judicious in targeting engagement work.</p>	<p>Adopt a targeted approach to engagement through the development of a community directory of Cardiff organisations and groups, which includes detailed information about the people they support and work with. We will also work through the Cardiff Public Services Board to align public service consultation and engagement work.</p>

Closing the Feedback Loop:

It is as important that the Council shares the findings and outcomes of consultations with communities as it is to ask for those views.

Improve consultation feedback with respondents and the wider public by:

- Developing a feedback programme to share findings and outcomes with consultees, including:
  - Sharing the Consultation report with the Citizens Panel and those who have completed the survey.
  - Producing a regular consultation feedback newsletter which details the results and impact of recent consultations, which is shared with all stakeholders.
  - Establishing a targeted feedback programme to build trust and links with communities least likely to engage.
- Working with Directorates and providing guidance on how to communicate the findings, outcomes and impact of consultation to close the feedback loop in communities.

Accessibility:

- In undertaking consultation and engagement on specific issues, the Council should be aware of how the accessibility of documents (e.g. easy read versions, audio versions, British Sign Language (BSL), tactile maps, subtitles, screen readers etc.) can support participation.
  - The need for venues to be physically accessible and accessible by active transport and public transport was also raised.
- Develop a regular programme of engagement and consultation with representatives of the D/deaf community and those who are blind or partially sighted.
  - Develop guidance on accessible communication and information.

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Plain Language:

The importance of plain language was raised to ensure that the content of consultation and engagement exercises is accessible.

- Cardiff Research Centre will review all consultation and engagement materials to ensure an appropriate reading age.
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## Part 2: Democratic Engagement

27. The 2021 Act introduced other legislative requirements with the aim of promoting and supporting participation in the democratic process, including council decision making. These include the requirements for principal councils to make and publish a petition scheme, and to produce and publish a guide to their constitution.

### Petition Scheme

28. Section 42 of the 2021 Act requires principal councils to make and publish a petition scheme setting out how the council intends to handle and respond to petitions, including electronic petitions.
29. A draft new [Petition Scheme](#) was considered by the Council's Constitution Committee on 28 February 2022, having regard to the draft statutory guidance that was available at that time, which indicated that the Petition Scheme should be linked to the Council's public participation strategy. An amended version of the Petition Scheme was approved subsequently by Council on 17 March 2022 and this was adopted with effect from 5 May 2022.
30. Finalised statutory guidance on Petition Schemes is included within Part 3, section 2 of the: [Statutory and Non-Statutory Guidance for Principal Councils in Wales – supporting provisions within the Local Government Act 2000, the Local Government \(Wales\) Measure 2011 and the Local Government and Elections \(Wales\) Act 2021](#), which was issued in June 2023. The statutory guidance sets out what must be included within the Petition Scheme and how it should be developed within the context of the Council's Participation Strategy.

### Constitution Guide

31. Under the 2021 Act, principal councils are required to produce and publish a guide to their constitution. A draft Constitution Guide was considered by the Constitution Committee on 28 February 2022 and reported to Council on 17 March 2022, having regard to the draft statutory guidance that was available at that time. The report to Council in March 2022 also noted that a public engagement and consultation process was to be undertaken to seek feedback on the draft Guide.



32. Finalised statutory guidance on the Constitution Guide is included within Part 4, section 2 of the: [Statutory and Non-Statutory Guidance for Principal Councils in Wales – supporting provisions within the Local Government Act 2000, the Local Government \(Wales\) Measure 2011 and the Local Government and Elections \(Wales\) Act 2021](#), issued in June 2023. The statutory guidance states that preparation of the Constitution Guide should form part of the Council's Participation Strategy and that principal councils should consult with local people to understand what should be put into the Guide, with certain examples of matters to be included. No changes were required to be made to the draft Constitution Guide as a result of publication of the finalised statutory guidance by the Welsh Government.

### Summary of Consultation Responses

33. The consultation and engagement process in relation to the draft Participation Strategy 2023-27 included a number of questions relating specifically to Democratic Engagement matters. The number of responses to these questions was generally lower when compared with other elements of the consultation. Of those who responded, just over half (54.9%) knew who their local councillors are, with 69.6% confident they would know where to find information about their local councillor and the work they do.

### Petition Scheme

34. A fifth (21.5%) of respondents to the consultation were aware of the Council's Scrutiny Committees, and 13.0% of the Council's Petition Scheme. Only 3.9% of respondents had used the Council's Petition Scheme, with less than a quarter of those respondents (23.2%) expressing any dissatisfaction with the existing arrangements.
35. Paragraph 39 of the previous report to Council in March 2022 also included reference to the recommendation of the Constitution Committee that the Petition Scheme should be reviewed after six months of operation, with a public consultation as part of the development of the Council's public participation strategy and take account of finalised statutory guidance to be issued by the Welsh Government. No changes were required to be made to the Petition Scheme as a result of publication of the finalised statutory guidance by the Welsh Government.
36. In addition, no specific comments relating to the Council's existing Petition Scheme were received as part of the consultation process. As a result, no changes are required to be made to the existing scheme; however, it is proposed that the Petition Scheme will be further reviewed during the 2025/26 municipal year in accordance with Part 3, paragraph 2.5 of the statutory guidance, which requires principal councils to review their petition schemes 'from time to time' and make any revisions to the scheme, as appropriate.

## Constitution Guide

37. The responses to the consultation showed that the level of awareness of the Council's Constitution was low amongst all groups, which was understandable given the technical and legal nature of the document. Feedback, however, suggested a level of confidence in the system with those engaged with consistently expressing the view that existing arrangements "just work".
38. Few respondents expressed an interest in understanding more about the Constitution, but set out their expectations as to where to find further information. When asked where they would look for the Constitution Guide should they want to see it, most people said they would look on the Council's website. This reflected the findings of the consultation survey in terms of where people would look for information about the Council more generally. The Council could therefore take assurance that the Constitution was accessible through various media, which members of the public would expect.
39. With regard to the formats in which the Constitution Guide should be made available, respondents wanted any documents issued by the Council to be made available in a choice of formats, on request. Specific examples mentioned included electronic documents (suitable for access by screen readers), accessible video files (with BSL and subtitles), easy read versions and audio files (audio files and videos should be based on the easy read version, rather than trying to present an overly technical document in this way).
40. Paragraph 28 of the previous report to Council on 17 March 2022 confirmed that the Constitution Committee had '*authorised the Monitoring Officer, in consultation with the Chair, to make any appropriate changes to the draft Guide to reflect consultation feedback, before recommending it to Cabinet for approval, as part of the Council's public participation strategy.*' The responses to the consultation have not resulted in any changes being made to the content of the draft Constitution Guide by the Council's Monitoring Officer. However, the former Monitoring Officer did recommend a few minor clarificatory amendments to the draft Constitution Guide (to make it clearer that the Constitution sets out decision making processes, rather than service standards). As a result, the Cabinet is recommended to approve the finalised version of the Constitution Guide, which is attached as **Appendix D** to this report.

## Democracy Portal

41. Almost three-quarters of respondents (73.0%) felt a Democracy Portal would be useful, with over half (52.8%) likely to use it. A few responses indicated the importance of ensuring that information was easy to find. Most felt they would not be likely to use social media accounts for Democratic Services; amongst those who would, twice as many would use Facebook as Twitter/X. Just over half (50.1%) identified that better promotion of the opportunities to get involved and share their views with the council would be beneficial.

## Responding to the Views of Citizens

42. In response to the key messages emerging from the consultation and engagement process, it is proposed that the following amendments are made to the draft Participation Strategy 2023-27 in relation to Democratic Engagement:

Consultation Feedback	Council Response
<ul style="list-style-type: none"> <li>Almost three-quarters of respondents (73.0%) felt a Democracy Portal would be useful, with over half (52.8%) likely to use it.</li> </ul>	<p>Continue the development for the launch of a Democracy Portal for Cardiff in September 2024.</p>
<ul style="list-style-type: none"> <li>Low levels of awareness of Scrutiny and the Council's Petition Scheme.</li> </ul>	<p>The "Democracy" Communication Plan to be developed to improve awareness of the opportunities to participate in the Council's decision-making processes.</p> <p>Following period of awareness raising, a further review of the Council's Petition Scheme should be undertaken in 2025/26.</p>
<ul style="list-style-type: none"> <li><u>Accessibility:</u> Participation and engagement related information, including the Council's Constitution Guide, should consider the accessibility of documents (e.g. easy read, audio, subtitles, screen readers etc.) to support awareness of the processes.</li> </ul>	<p>Support the development of guidance on accessible communication and information.</p> <p>Guidance on accessible communication and information to be utilised for the content of the Democracy Portal.</p>
<ul style="list-style-type: none"> <li>Better promotion of the opportunities to get involved and share their views with the Council.</li> </ul>	<p>Utilise the Council's existing social media channels where appropriate to promote opportunities for the public to get involved and share their views with the Council.</p> <p>Develop a Democracy Facebook site to assist in the promotion of these opportunities. This is recognised as a social media channel primarily used by over 35-year-olds</p> <p>Consider the subsequent development of a Democracy Twitter/X social account to engage with younger people.</p>

## **Reason for Recommendations**

43. To enable the Cabinet to note the outcome of the consultation and engagement exercise and approve the updated Participation Strategy 2023-27 in accordance with the requirements of the Local Government and Elections (Wales) Act 2021.

## **Financial Implications**

44. As outlined in paragraph 26, the financial costs of the proposed arrangements will be identified from a range of sources including external grants, the use of existing financial resources and, where needed, the reallocation of existing budgetary resources.

## **Legal Implications**

45. The legal framework is set out in the body of the report. As set out in the report, the Cabinet is asked to approve the Participation Strategy following consultation.
46. In considering its Participation Strategy, the Council must have regard to the statutory guidance issued by the Welsh Government within Part 3, section 1, of the: [Statutory and Non-Statutory Guidance for Principal Councils in Wales – supporting provisions within the Local Government Act 2000, the Local Government \(Wales\) Measure 2011 and the Local Government and Elections \(Wales\) Act 2021](#), 'the Democracy Handbook', issued in June 2023. The statutory guidance includes guidance on the process for preparing the strategy, what it should contain, and the requirements for publication and review of the strategy. Legal Services is instructed that the draft Participation Strategy has been prepared with due regard to the statutory guidance.
47. The Democracy Handbook also includes statutory guidance on the Petition Scheme and Constitution Guide, as referred to in paragraphs 30 and 32 above, and due regard must be given to that guidance.

## **Equality Duty**

48. In considering this matter, the Council must have regard to its public sector equality duties under the Equality Act 2010 (including specific Welsh public sector duties). This means the Council must give due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. The protected characteristics are: age, gender reassignment, sex, race – including ethnic or national origin, colour or nationality, disability, pregnancy and maternity, marriage and civil partnership, sexual orientation, religion or belief – including lack of religion or belief.
49. When taking strategic decisions, the Council also has a statutory duty to have due regard to the need to reduce inequalities of outcome resulting from socio-economic disadvantage ('the Socio-Economic Duty' imposed under section 1 of the Equality Act 2010). In considering this, the Council must take into account the statutory guidance issued by the Welsh

Ministers ([WG42004 A More Equal Wales The Socio-economic Duty Equality Act 2010 \(gov.wales\)](#)) and must be able to demonstrate how it has discharged its duty.

50. An Equalities Impact Assessment aims to identify the equalities implications of the proposed decision, including inequalities arising from socio-economic disadvantage, and due regard should be given to the outcomes of the Equalities Impact Assessment, which is included within the Single Impact Assessment and attached as **Appendix C** to this report.

#### Well-Being of Future Generations (Wales) Act 2015

51. The Well-Being of Future Generations (Wales) Act 2015 ('the Act') places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales – a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible.
52. In discharging its duties under the Act, the Council has set and published well-being objectives designed to maximise its contribution to achieving the national well-being goals. The well-being objectives are set out in Cardiff's Corporate Plan 2023-26. When exercising its functions, the Council is required to take all reasonable steps to meet its well-being objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the well-being objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.
53. The well-being duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:
  - Look to the long term
  - Focus on prevention by understanding the root causes of problems
  - Deliver an integrated approach to achieving the 7 national well-being goals
  - Work in collaboration with others to find shared sustainable solutions
  - Involve people from all sections of the community in the decisions which affect them
54. The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible using the link below:  
<http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>

## General

55. Cabinet must be satisfied that the proposal is within the Policy and Budget Framework, if it is not then the matter must be referred to the Council. All decisions taken by or on behalf 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 of behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Council 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.
56. The decision maker should also have regard to, when making its decision, to the Council's obligations under the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards. Case law has established that a conscientious effort must be made to identify the positive, negative and neutral effects of policy decisions and to consider actions to mitigate negative effects and promote positive effects. This assessment is included within the Single Impact Assessment (**Appendix C**).
57. The report also sets out that consultation has been undertaken with the public. The general principles applicable to consultation are outlined in [R v London Borough of Brent, ex p Gunning \[1985\] LGR 168](#) and frequently referred to as "the *Gunning* principles":
- The consultation must be at a time when proposals are still at a formative stage.
  - The proposer must give sufficient reasons for any proposal to permit of intelligent consideration and response. Those consulted should be aware of the criteria that will be applied when considering proposals and which factors will be considered decisive or of substantial importance at the end of the problem.
  - Adequate time must be given for consideration and response.
  - The product of consultation must be conscientiously taken into account in finalising any statutory proposals.
- The carrying out of consultation gives rise to a legitimate expectation that the outcome of the consultation will be considered as part of the decision-making process. The decision maker should therefore take the outcome of the consultation into account when making its decision.
58. Any procurement of services should be carried out in accordance with the contract procedure rules and applicable procurement regulations. Any provision of grant should be carried out in accordance with any applicable council guidance. Legal advice should be sought before proceeding.

## HR Implications

59. There are no HR implications directly related to the report.

## **Property Implications**

60. There are no property implications in respect of the Participation Strategy 2023-27 report. Where there are property transactions or valuations required to deliver any proposals, they should be done so in accordance with the Council's relevant Asset Management process and in consultation with appropriate service areas.

## **RECOMMENDATIONS**

Cabinet is recommended to:

1. approve the Participation Strategy 2023-27;
2. note that no changes are to be made to the approved Petition Scheme, which is to be reviewed again in 2025/26;
3. approve the Constitution Guide and authorise the Monitoring Officer to make any minor amendments which may be required from time to time; and
4. delegate authority to the Chief Executive, in consultation with the Cabinet Members for Tackling Poverty, Equality & Public Health, to make any consequential amendments to the draft Participation Strategy 2023-27 following any recommendations made by the Policy Review and Performance Scrutiny Committee, together with any other minor amendments, as necessary, prior to publication.

<b>SENIOR RESPONSIBLE OFFICER</b>	<b>Paul Orders</b> Chief Executive
	January 2024

*The following appendices are attached:*

- Appendix A:** Participation Strategy 2023-27
- Appendix B:** Participation Strategy Consultation Report
- Appendix C:** Single Impact Assessment
- Appendix D:** Constitution Guide

*The following background papers have been taken into account:*

- Local Government & Elections (Wales) Act 2021
- [Statutory and Non-Statutory Guidance for Principal Councils in Wales – supporting provisions within the Local Government Act 2000, the Local Government \(Wales\) Measure 2011 and the Local Government and Elections \(Wales\) Act 2021 \(WG23-23\) June 2023](#)

- [Cabinet Report, 13 July 2023: Cardiff Council Participation Strategy 2023-27](#)
- [Council Report, 17 March 2022: Constitution Update](#)
- [Constitution Committee Report, 28 February 2022: Draft Petition Scheme](#)
- [Constitution Committee Report, 28 February 2022: Constitution Guide](#)

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