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Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

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Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate

Deialu uniongyrchol / Direct line /: 01656 643148 / 643147 / 643694

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Friday, 20 October 2023

Dear Councillor,

DEMOCRATIC SERVICES COMMITTEE

A meeting of the Democratic Services Committee will be held Hybrid in the Council Chamber - Civic Offices, Angel Street, Bridgend, CF31 4WB on **Thursday, 26 October 2023 at 10:00.**

AGENDA

1. Apologies for Absence
To receive apologies for absence from Members.
2. Declarations of Interests
To receive declarations of personal and prejudicial interest (if any) from Members/Officers in accordance with the provisions of the Members' Code of Conduct adopted by the Council from 1 September 2008.
3. Approval of Minutes 3 - 6
To receive for approval, the minutes of the 08/06/2023.
4. Welsh Government Statutory and Non-Statutory Guidance for Principal Councils in Wales 7 - 172
5. Welsh Local Government Association's Councillor Support Self-Evaluation Framework 173 - 184
6. Elected Member Personal Safety Protocol 185 - 200
7. Multi-Location Meetings Policy Review 201 - 218
8. Independent Remuneration Panel for Wales Draft Annual Report 2024/25 219 - 282
9. Democratic Services Committee Councillor Portal Working Group Update 283 - 286
10. Democratic Services Committee Forward Work Programme 287 - 292
11. Urgent Items
To consider any item(s) of business in respect of which notice has been given in

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accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.

Note: This will be a Hybrid meeting and Members and Officers will be attending in the Council Chamber, Civic Offices, Angel Street Bridgend / Remotely via Microsoft Teams. The meeting will be recorded for subsequent transmission via the Council's internet site which will be available as soon as practicable after the meeting. If you have any queries regarding this, please contact cabinet_committee@bridgend.gov.uk or tel. 01656 643148 / 643694 / 643513 / 643696.

Yours faithfully

K Watson

Chief Officer, Legal and Regulatory Services, HR and Corporate Policy

Councillors:

S Aspey
P Ford
RM Granville
D T Harrison

Councillors

M L Hughes
RM James
R J Smith
I M Spiller

Councillors

T Thomas
G Walter
E D Winstanley

MINUTES OF A MEETING OF THE DEMOCRATIC SERVICES COMMITTEE HELD HYBRID IN THE COUNCIL CHAMBER CIVIC OFFICES, ANGEL STREET, BRIDGEND, CF31 4WB / REMOTELY VIA MICROSOFT TEAMS ON THURSDAY, 8 JUNE 2023 AT 10:00

Present

Councillor T Thomas – Chairperson

S Aspey	P Ford	RM Granville	M L Hughes
R J Smith	I M Spiller	G Walter	

Apologies for Absence

D T Harrison, RM James and E D Winstanley

Officers:

Mark Galvin	Senior Democratic Services Officer - Committees
Rachel Keepins	Democratic Services Manager
Michael Pitman	Technical Support Officer – Democratic Services

17. DECLARATIONS OF INTERESTS

None

18. APPROVAL OF MINUTES

RESOLVED: That the minutes dated 23/02/2023 be approved as a true and accurate record.

19. DEMOCRATIC SERVICES COMMITTEE ANNUAL REPORT

The Democratic Services Manager presented a report which provided the Democratic Services Committee with the Annual Report for the period May 2022 to May 2023 and the work of the Committee during that period.

She highlighted the current situation, membership and meeting dates of the Committee as set out in section 3 of the report. She drew the Committees attention to section 3.6 which highlighted the various work undertaken since the elections in May 2022, particularly in relation to the Working Group that was established.

The Democratic Services Manager highlighted the structure of the Democratic Services Team, which had seen some changes since the last annual report. Details of this were set out in section 3.14 of the report.

A Member asked in relation to 3.6 making reference to the Sub Committee. He asked how often this Sub Committee met. The Democratic Services Manager stated that this was not a regular held committee, but held on an 'as and when needed' basis.

A Member asked in relation to 3.15, he was impressed with the level of detail in the minutes taken by the Democratic Services, however he did not want the team to be put under too much pressure. He asked that the team explore ways of alleviating pressures where possible and this may mean shortening minutes down.

The Democratic Services Manager agreed that this was something that needed to be looked at due to the time taken to draft the minutes, but also the high translation costs that come with the minutes.

A Member added that the use of working groups had proven to be very effective and hoped that this would continue.

RESOLVED: That the Committee noted the Annual Report for submission to Council for information.

20. **REVIEW OF ELECTED MEMBER ANNUAL REPORT PROCESS**

The Democratic Services Manager presented a report which sought to:

- a) Provide information relating to the Annual Report Process for Elected Members; and
- b) Provide opportunity to review the process and make any suggested amendments or improvements, specifically how to encourage Member take up and promote the final reports.

She explained that there was no mandatory duty on Members or Cabinet Members to make an Annual Report on their activities. However, all political groups will be requested to actively promote the completion of Annual Reports by all of their Members.

She drew attention to Appendix 1 which was the current report template that Members should use. Appendix 2 provided guidance in completing the annual report, and Appendix 3 provided an example. Further details on submitting an annual report were at section 3 of the report.

The Chairperson asked for confirmation on timescales that the annual reports needed to be completed by. The Democratic Services Manager confirmed that June 30th 2023 was the deadline.

The Chairperson asked if there were any data available on how many of the annual reports were read by the public. The Democratic Services Manager stated that this was not monitored in the past but could look into ways of monitoring this for the future.

A Member suggested that attendance statistics were referenced in the annual reports as this may be something members of the public would be interested in.

A Member asked if the number of referrals that are submitted by Members is easily obtainable information, as this would also provide some useful feedback to the public. The Democratic Services Manager stated that the new referral system did not provide statistics as easily as the old one. She said that she would look into providing this information.

A Member suggested that annual reports could be promoted either via social media or through the Town & Community Councils.

RESOLVED: That the Committee

(1) Considered the Annual Report process and provide any comments or suggested amendments,

(2) Considered how to encourage Member take up of the process and how to promote the final reports.

21. **MEMBER DEVELOPMENT PROGRAMME UPDATE**

The Democratic Services Manager presented a report

- a) Provided the Committee with an update on the delivery of the Council's Member Training and Development Programme and related activities;
- b) Requested the Committee to identify any further topics for inclusion in the Member Development Programme.

She explained that Appendix A detailed the training and development sessions that have taken place as part of the Member Development Programme since last reported to the Democratic Services Committee on 20 October 2022. Appendix B provided the attendance record to the sessions.

She drew attention to Appendix C which highlighted the future training scheduled over the coming months and asked the Committee if there were any further training requirements.

The Chairperson stated that as Members can attend training remotely, was there a way of ensuring that they were actually in attendance and fully engaged. The public perception could be that if Members have their cameras off, they may not be present.

The Chairperson commented on the future training and believed it to be exciting and informative. He added that consideration for a topic on welfare and benefits may prove very useful for Members in order to be able to signpost their constituents in the right direction.

A Member stated that the directorate surgeries he had attended were particularly useful and informative, however the social services surgery was not well attended and believed that more promotion of these to Members was necessary.

A Member added that if Development Control Committee and Governance & Audit Committee training sessions could be provided to all Members, it would broaden their knowledge even further.

RESOLVED: That the Committee

- a) Noted the report and its appendices; and
- b) Identified any additional Member development topics or briefings for inclusion in the Member Development Programme and prioritise them accordingly.

22. **DEMOCRATIC SERVICES COMMITTEE FORWARD WORK PROGRAMME**

The Democratic Services Manager presented a report which contained the proposed Forward Work Programme (FWP) for the Democratic Services Committee for consideration and further development.

Attached at Appendix A was a draft FWP for the Democratic Services Committee for 2023-24. Further information was at section 3 of the report.

The Chairperson asked if Members wished to suggest changes or amendments to the constitution, how would they go about this. The Democratic Services Manager stated that they would need to email the Monitoring Officer, these would then be considered by

DEMOCRATIC SERVICES COMMITTEE - THURSDAY, 8 JUNE 2023

herself and the Deputy Monitoring Officer. If the reasons for amendments satisfied legal criteria then these changes would be provided to Council for approval.

A Member suggested with regards to training session length, if they could be kept to between 1 and 2 hours, as longer than this has proven to be tiring for Members to absorb the information and engage with the trainer effectively. This is particularly important when followed or preceding a committee meeting.

RESOLVED: That the Committee considered the proposed draft Forward Work Programme for the Democratic Services Committee attached at Appendix A and provide any comment or suggestions for further items for the Committee to consider at its future meetings.

23. **URGENT ITEMS**

None

The meeting closed at 10:50

Meeting of:	DEMOCRATIC SERVICES COMMITTEE
Date of Meeting:	26 OCTOBER 2023
Report Title:	WELSH GOVERNMENT STATUTORY AND NON-STATUTORY GUIDANCE FOR PRINCIPAL COUNCILS IN WALES
Report Owner / Corporate Director:	HEAD OF DEMOCRATIC SERVICES
Responsible Officer:	RACHEL KEEPINS DEMOCRATIC SERVICES MANAGER AND HEAD OF DEMOCRATIC SERVICES
Policy Framework and Procedure Rules:	There is no effect upon the policy framework and procedure rules in respect of this report.
Executive Summary:	This report presents the Welsh Government’s final ‘Statutory and Non-Statutory Guidance for Principal Councils in Wales’, issued in June 2023, for the Committee’s consideration of sections relevant to the role and remit of the Democratic Services Committee.

1. Purpose of Report

- 1.1 The purpose of this report is to inform the Committee of the Welsh Government’s final ‘Statutory and Non-Statutory Guidance for Principal Councils in Wales’, issued in June 2023, with specific reference to how it relates to the work of the Democratic Services Committee.

2. Background

- 2.1 The Local Government and Elections (Wales) Act 2021 was passed by Senedd Cymru on 18 November 2020. It received Royal Assent on 20 January 2021.
- 2.2 The Welsh Government’s stated purpose for the Act, as noted in its Explanatory Memorandum is to:
- ‘provide local government with new ways to support and serve their communities’; and
 - to ‘reinvigorate local democracy in Wales’.

- 2.3 The Act makes changes to the legislative framework for local government elections, democracy, performance and governance. It seeks to reform and strengthen local government accountability, performance and transparency, and places new duties on principal councils to promote public participation in local democracy. The Welsh Government also anticipate that some of the provisions within the Act will encourage greater diversity in local government.
- 2.4 In January 2021 a report went to Council to highlight the 2021 Bill and also demonstrate how the Authority was planning on meeting its requirements with a detailed action plan.

3. Current situation / proposal

- 3.1 In June 2023 Welsh Government published the 'Statutory and Non-Statutory Guidance for Principal Councils in Wales', which consists of consolidated statutory guidance intended to meet requirements under the Local Government Act 2000, the Local Government (Wales) Measure 2011 and the Local Government and Elections (Wales) Act 2021.
- 3.2 This Guidance, attached at **Appendix A** includes:
- Part 2 Guidance for elected members' support, training and development
 - Part 3 Guidance on public participation strategies and petition schemes
 - Part 4 Guidance on constitutions, executives, scrutiny, governance and audit committees and conducting meetings.
- 3.3 The remit of the Democratic Services Committee does not cover all aspects of the guidance and therefore the main areas that are within the Committee's remit are highlighted below. Other committees will receive updates on the guidance which is within their remits:

Part 2

- 1.0 Timing of Council Meetings
- 2.0 Training, Development and Support for Local Authority Members
- 3.0 Research Support and Services for Councillors

Part 4

- 6.0 Arrangements for Securing Effective Overview and Scrutiny
- 7.0 Appointment of Persons to Chair Overview and Scrutiny Committees
- 8.0 Co-opted Members of Overview and Scrutiny Committees
- 9.0 'Call in' Arrangements in relation to Overview and Scrutiny Committees
- 10.0 Councillor Calls for Action
- 11.0 Overview and Scrutiny Committees - Taking into account the views of the public
- 12.0 Joint Overview and Scrutiny Committees
- 13.0 Democratic Services Committees
- 15.0 Guidance on multi-location meetings.

4. Equality implications (including Socio-economic Duty and Welsh Language)

4.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. This is an information report; therefore, it is not necessary to carry out an Equality Impact assessment in the production of this report. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

5. Well-being of Future Generations Implications and Connection to Corporate Well-being Objectives

5.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there is no significant or unacceptable impact upon the achievement of well-being goals/objectives as a result of this report.

6. Climate Change Implications

6.1 There are no Climate Change implications as a result of this report.

7. Safeguarding and Corporate Parent Implications

7.1 There are no Safeguarding or Corporate Parent implications as a result of this report.

8. Financial Implications

8.1 There are no direct financial implications arising out of this report.

9. Recommendation

9.1 It is recommended that the Committee consider and note the relevant sections of the Welsh Government's final 'Statutory and Non-Statutory Guidance for Principal Councils in Wales', issued in June 2023, and provide any related comments or suggested items for future consideration.

Background documents

None

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Llywodraeth Cymru
Welsh Government

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

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Part 1 - About this guidance

Purpose of this guidance

This guidance is consolidated statutory guidance intended to support principal councils meet requirements under the Local Government Act 2000, the Local Government (Wales) Measure 2011 and the Local Government and Elections (Wales) Act 2021.

Navigating this guidance

This guidance consists of 4 parts as set out below:

Part 1 – About this guidance

Part 2 – Guidance for elected members’ support, training and development

Part 3 – Guidance on public participation strategies and petition schemes

Part 4 – Guidance on constitutions, executives, scrutiny, governance and audit committees and conducting meetings

Terminology

For the purposes of this guidance the terms Principal Council and Local Authority are to be considered to mean County Council or County Borough Council.

Part 2 – Guidance for elected members’ support, training and development

1.0 Timing of Council Meetings Statutory Guidance

Status of this Guidance

1.1 This is statutory Guidance made under Section 6 of the Local Government (Wales) Measure 2011 (the Measure). By virtue of section 6 (2) of the Measure, local authorities must have regard to this guidance in respect of the times and intervals at which meetings of a local authority are held. The relevant meetings in the context of this guidance are meetings of the full council and any committee or sub-committee of the council.

Purpose

1.2 Part 1 of the Measure contains provisions related to the strengthening of local democracy. More specifically, this guidance deals with “promoting and supporting membership of local authorities” and section 6 relates to the timing of meetings.

1.3 The times at which the meetings of a council take place is of considerable significance as it can affect the extent to which individuals may contemplate standing for election. It is also important to provide for flexibility to support the changing needs of councillors when they are elected so that diversity can be maintained. This is an area for concern as it may impact on the diversity of membership of the council and thus impact on the council’s ability to make decisions which are informed by and reflect the diversity of people living in the council area. Decision making informed by insight from people of all ages and backgrounds is likely to be more balanced and have more focus on sustainable and long term solutions which balance the needs of different people in keeping with the principles set out in the Well-being of Future Generations (Wales) Act 2015.

1.4 For example, whilst the requirement to provide the facility for multi-location meetings for members who wish to join meetings remotely (see section 47 of the Local Government and Elections (Wales) Act 2021 (the 2021 Act)) should overcome some concerns, many people will find attending, sometimes lengthy meetings, in the day is incompatible with their paid employment and certain times of day are challenging for people with caring responsibilities such as young children. Therefore, for the purposes of this guidance the timing of meetings also includes their frequency and length.

Reviewing existing arrangements

- 1.5 Only members of council executives are considered to be “full-time” councillors and this is reflected in the levels of payments they are entitled to for their special responsibilities. By contrast, non-executive members are considered to undertake the equivalent of a part-time role, which will, in many cases, need to be fitted around whatever other commitments councillors may have.
- 1.6 For many prospective and serving councillors in full-time employment, the extent to which their employers are supportive of their new commitment is a vital concern. Although employment legislation entitles councillors to time off for public duties, operating that in practice may be more difficult (see Section 50 of the Employment Rights Act 1996 (1996 c18)).
- 1.7 The timing, length and frequency of meetings is the most problematic issue in this respect. Other duties may be fulfilled at times which suit the individual but a meeting is at a set time and (subject to any arrangements made for remote attendance) at a set venue.
- 1.8 It is neither practical nor desirable for the Welsh Government to prescribe the times, length and frequency of meetings of the full council, its committees and sub-committees as these are matters for each council to consider in individual circumstances. However, it is important that councils do not simply continue to hold their meetings at the same time, in the same way as they have always done, simply out of inertia. What may have been tradition or an arrangement which suited the previous cohort of councillors will not necessarily serve the interests of the current one. It is recommended that meetings should be held of a length and at times, intervals and locations which are convenient to its members, having regard to equality and diversity issues. Also, regardless of whether meetings are fully on-line, multi-location or in person, agendas should provide for suitable breaks as this not only promotes a more effective meeting but is essential for members’ and officers’ health and well-being.
- 1.9 Therefore, all local authorities should review the times, frequency and length of meetings at least once in every term, preferably shortly after the new council is elected. However, it would be prudent to consider an increase in this frequency to accommodate changes in circumstances that may accrue during that period.
- 1.10 Councils should survey their members, at least once shortly after each election, to assess their preferences and should be committed to act on the conclusions. The survey should be carried out at such time as it will be of most benefit to

incoming members but no later than six months following ordinary elections. It will then be for each authority to decide on the regularity of such surveys.

1.11 Issues to be taken into account in conducting a survey could include:

- Whether daytime or evening meetings are preferred;
- Whether meetings are to be in person, fully online or multi-location;
- The preferred meeting length;
- Whether particular times cause difficulties for councillors with particular characteristics, such as age, gender, religion, having caring responsibilities or being in employment.

1.12 When considering the results of the survey, councils will need to balance a range of responses and while committed to flexibility it may not be possible to accommodate every individuals' circumstances at all meetings. In these circumstances councils should also consider whether there may be advantages to rotating meeting times due to an impossibility of meeting all of their members needs all of the time. Any such arrangements will, of course, need to be clearly publicised for the benefit of interested members of the public.

2.0 Training, Development and Support for Local Authority Members Statutory Guidance

Status of this Guidance

- 2.1 This is statutory guidance made under Section 7(4) of the Local Government (Wales) Measure 2011 (the Measure), a local authority (a county or county borough council in Wales) must have regard to it.
- 2.2 Section 38 of the Local Government Act 2000, as amended by section 45 of the Local Government and Elections (Wales) Act 2021. A local authority (a county or county borough council in Wales), elected mayor or an executive leader must have regard to it; and Section 71 of the Government of Wales Act 2006.

Purpose

- 2.3 Part 1 of the Measure contains provisions intended to strengthen local democracy. Chapter 1 of that Part concerns the support provided to members of a local authority and section 7 within that chapter provides for the training and development of these members. This guidance relates to matters local authorities must take into account in securing reasonable training and development opportunities for its members as required under section 7 of the Measure.

What the Measure requires

- 2.4 Section 7 requires local authorities to secure the provision of reasonable training and development opportunities for its members. Each member should also have the opportunity to have a review of their training and development needs on an annual basis. However, it should be noted that these provisions do not apply to the executive leader of an authority which operates a leader and cabinet executive.
- 2.5 Should a member decide to have an annual review of their training and development needs, the authority must ensure that the review includes an opportunity for an interview with someone who they consider to be “suitably qualified” to advise about the training and development needs of a member.
- 2.6 In relation to these functions, a local authority is under an obligation to have regard to guidance issued by Welsh Ministers.

Reasonable Training and Development Opportunities

- 2.7 The Measure does not define what constitutes reasonable training and development opportunities for the purposes of section 7. The Welsh Government recommends that local authorities provide opportunities for what is essential for a local authority member to perform their role effectively.
- 2.8 The role of councillors is constantly evolving as legislation changes, for example, the Local Government and Elections (Wales) Act 2021 (the 2021 Act) brings in provision enabling executive members to job share executive posts and for there to be assistants to the executive, it amended the remit of Governance and Audit Committees and placed new duties on councils to encourage the public to participate in decision making. Likewise the social and environmental context in which councillors undertake their roles is constantly changing, new developments in social media, structural change in the way the public services are organised and the way councils interact with individuals and communities.
- 2.9 Therefore, it is essential that councils do not have a static view of what constitutes reasonable training and development needs for the purposes of section 7 of the Measure. The definition should be one which is regularly and frequently kept under review, most likely by the democratic services committee, to ensure it reflects legislative changes and the needs of members identified through their annual reviews. It is not sufficient to offer a package of training to a member immediately on their election and take a position that is sufficient to support them for the whole of their term.
- 2.10 Subjects for an on-going training programme of member development should, but not exclusively, include:
- Induction - An introduction to the work of a local authority and its relationship with key bodies and the role of those bodies. Councils should plan a comprehensive induction programme for new councillors for delivery shortly after ordinary elections and also for new members elected at a by election;
 - Training on the role and functions of the executive, the council and its officers;
 - An overview of the council's constitution, including the operation of meetings, how to raise questions with the leader and executive, access to information and research support;
 - Training for the chairs of committees including effective chairing skills;
 - Training on specific roles members may undertake such as governors or representatives on health boards, fire and rescue authorities or national parks including a short brief on the purpose of the role and the member's responsibilities in keeping the council apprised of developments on the body they are representing the council on, the level of decision making that is

delegated to them and how they may access assistance to support them in the role;

- Training on the role of the councillor as a local member, the delegation of functions to ward members and councillor calls for action;
- Training on public engagement, the council's strategy to encourage participation in local decision making and the role members can play in engaging communities;
- Specific training for councillors carrying out certain regulatory or quasi-judicial roles (training for councillors sitting on planning or licensing committees, for example);
- Specific training for councillors carrying out roles relating to the operations of the council. Governance and Audit, Democratic Services and Standards Committee members might be seen as in particular need;
- Training on the operation of overview and scrutiny and its relationship with the council executive;
- Training on rights and responsibilities under the Equality Act 2010 and more broadly the Social Model of Disability;
- Training on ICT, including how to participate in multi-location meetings and how the use of ICT can support the councillor's work;
- Training on the effective use of social media and the opportunities for better engagement between councillors and the communities they serve. Also the risk of councillors being victimised or harassed by opponents or campaigners overstepping the bounds of reasonable debate;
- Training on wellbeing and safety, including ways of keeping safe when undertaking their role;
- Councillor induction should include training on the expected standards under their authority's Code of Conduct, emphasising the issues that arise as a result of application of the Code in the context of social media. It should also include the role of the Public Services Ombudsman for Wales (PSOW) in handling the complaints about breaches of the Code. Refresher of that training should also form a part of the ongoing programme of member development;
- Training on councillors' corporate parenting responsibilities;
- Regular briefings and updates on changes in the law, policy and other issues that impact on the role of the elected member such as the economy;
- Training on equality and diversity (EDI), and the council's responsibilities in respect of the wellbeing of future generations (WFG);
- Training on keeping safe when working alone, including when visiting others.

2.11 Training can also be carried out using a variety of formats – traditional classroom-style teaching is one option, as is more bespoke coaching and mentoring of individual members. Training and development opportunities might also be 'designed' in to council business to make learning opportunities more practically relevant, for example, a briefing on a technical issue as part of preparation for a

scrutiny meeting. Training can be sourced and delivered in-house, in collaboration with other councils, or with the support of external individuals or organisations.

- 2.12 Training is a process, not an event. Councils could put together a member development strategy, which should reflect the need to keep councillors' skills refreshed and updated. This should incorporate the opportunity for organising briefings for councillors on emerging areas of law and policy. In producing such a strategy councils should consider any guidance including any charters or councillor development frameworks, developed by the WLGA and resources and guidance issued by the PSOW.
- 2.13 Training in the above areas need not be exclusively delivered. Training which combines one or more of the above areas is not discouraged. It is recommended that each member has their own personal development plan which is reviewed on a regular basis. This could be used to inform the annual review of a local authority member's training and development needs as required under the Measure.
- 2.14 It is recommended that the Democratic Services Committee (DSC) has overall responsibility for deciding what should be regarded as reasonable training and development opportunities as part of its function of providing support to members to carry out their functions. In addition to the list above the DSC may consider adding some policy areas for which training is considered essential, such as planning or licensing. It may also consider how it could maximise the opportunities within the council's membership and that of other councils to provide for peer support and mentoring, shadowing and opportunities to observe meetings and other activities.
- 2.15 The agreed, training and development opportunities could be contained within a published development strategy which should include how the development will be provided and the process for commissioning external training and development. The Welsh Local Government Association's Charter for Member Support and Development ("the Charter") could be used for guidance purposes by local authorities in developing their strategies. Local authorities may wish to consider the requirements to achieve the Charter when developing their strategies and programmes.

- 2.16 Every local authority member, other than an executive leader, must be offered the opportunity to have their training and development needs reviewed on an annual basis. It is recommended that much of the training and development needs of local authority members is identified by such reviews.
- 2.17 The review must include an opportunity for a pre-planned interview between the member and a suitably qualified person (see below). The interview could include a review of the training and development received by the member over the last year (or appropriate period if the local authority member has only been recently elected).
- 2.18 Local authorities may wish to consider detailing the outcome of the interview in an agreed plan which sets out training and development needs, if any, identified for the year ahead. It is recommended that this personal development plan is provided for the member and signed by both member and reviewer. This is a private document which is not expected to be published by the authority or member, although a member is free to publicise in his or her annual report any training and development undertaken if he or she so wishes.
- 2.19 Good practise suggests councils should adopt role descriptions to ensure that all members have a full understanding of the expectations placed upon them. The descriptions can then be used as a guide to the skills required by the relevant member. The WLGA's competency framework sets out the expected skills and knowledge across a range of councillor roles ([WLGA Councillor Development \(Competency\) Framework](#)).
- 2.20 The annual review can then be an assessment of training and development needs to support the councillor in their role. A local authority may wish to consider making it clear to members that the review is not a performance review or an assessment of how well or how badly a member has conducted their duties. Ensuring members feel supported to undertake their role and can ask for training and development is integral to engendering a relationship of trust between backbench members, the executive and officers.
- 2.21 Councils could consider the drafting of a personal development plan for each councillor, arising from the statutory interview discussed above. Collated (and anonymised), these individual plans could then form the basis of a corporate member development strategy.

Suitably Qualified

- 2.22 It is for the local authority to determine who could be considered a suitably qualified person to conduct interviews with local authority members to discuss their training and development needs as part of their annual review. This responsibility could be allocated to the DSC within the authority. In most cases, this may not be a question of naming individuals, but of describing a post or office holder, (see below). It would probably be neither suitable nor desirable for a single person to be made responsible for conducting all interviews.
- 2.23 It is also possible for group leaders to conduct interviews with their members or interviews to be conducted by the leader and the executive members. Both these practices are perfectly acceptable methods of complying with the requirements of the Measure.
- 2.24 Authorities may prefer, however, to divest the duty with their human resources officers. If this is the preferred option, local authorities may consider making the Head of Democratic Services (HDS) responsible for co-operating with human resources officers for this part of their work. If the chief executive was selected as a suitably qualified person to conduct an interview it would not be expected that they would work under the supervision of the HDS.
- 2.25 Some authorities may prefer to hire external consultants or peers to conduct interviews, which is also acceptable. Local authorities are encouraged to appoint a Member Development Champion from amongst its councillors.
- 2.26 It is recommended that there should be no surprises in the system and that individual members know who they can expect to conduct their interview. Local authorities may wish to consider including an option in their arrangements for members to make a request to the HDS to arrange for a different person to conduct their interview if there is good reason for so doing.
- 2.27 Finally, authorities must ensure that anyone conducting an interview must themselves have received suitable training in how to do this and are advised to liaise with the WLGA to ensure the provision of this. Therefore, even if the authority has chosen to allocate the duty of conducting reviews to a post, rather than an individual, that post holder should have received the necessary training before conducting reviews.

Executive Leader of the Local Authority

2.28 Section 7 of the Measure does not apply to the executive leader (or elected mayor) of an authority. However, there may, of course, be occasions where the leader wishes to receive training or development and there is no suggestion that, by excluding them from the provisions of the Measure, they should not be able to receive training, nor, indeed, an annual review or an interview with a suitably qualified person.

On-going Training, Development and Support for Members

2.29 The annual review should not be seen as the only point in the year when a discussion is held with a member about their training, development, support and well-being. It should also not be seen by the member as the only opportunity available to them to proactively consider their own development and training needs or other forms of support. Increasingly, councillors are subjected to significant personal demands as a consequence of their work. Representing local people is a privilege but with it comes challenges which, at their most extreme, pose challenges to the mental and physical health of elected representatives.

2.30 Councils have a general responsibility to develop an awareness and an understanding of the constraints under which councillors operate, and to ensure that the support arrangements put in place for councillors reflect these needs. This could be done alongside work carried out by political parties, and national sector bodies.

2.31 Councils should take every opportunity to support the well-being and personal safety of councillors and their families and should note carefully legislation which requires councils to provide councillors with an office contact address, both electronic and postal, (section 43 of the 2021 Act) to ensure members' privacy and that of their families is preserved and protected. This is critical to member's well-being and encouraging and supporting a diversity of membership which reflects the diversity in the council's area.

2.32 The Welsh Government considers the protection of members addresses should be a priority for councils to support their members' well-being and promote diversity of membership. Therefore, the Local Authorities (Amendments Relating to Publication of Information) (Wales) Regulations 2022 amend sections 100G (4) of the Local Government Act 1972 and the Regulation 12 (1) of the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 to remove the requirement to make the register of members addresses and the register of members of the executive addresses available for public inspection.

- 2.33 It is, of course, important that the public are aware of the interests members may have or hold, in particular where those interests could influence the decisions they may be involved in making in their role or roles on the council. Therefore, Part 4, paragraph 15 of the Model Code of Conduct requires members to register personal interests in the authority's register of members interests falling within a category mentioned in paragraph 10(2)(a), by providing written notification to the members' authority's monitoring officer. This includes any land and property in the authority's area in which members have a beneficial interest (or a licence to occupy for more than 28 days).
- 2.34 The Welsh Government is therefore mindful of the need to protect members' safety and welfare, whilst ensuring all relevant interests are captured and openness and transparency is maintained. However, it is the view of the Welsh Government that while members have an obligation to declare interests and not to participate in or influence council business, there is no requirement for members to include their full primary address (or any other address) when registering beneficial interests in land in the authority's area. It would be sufficient for members to state that they own a property in the authority's area (for example identifying the road or ward), in order to discharge their duties under paragraph 15 of the Code.
- 2.35 In addition, councils are reminded, under paragraph 16 of the Model Code, members, with their agreement, need not include information relating to any of the members' personal interests that is deemed sensitive information. In the code, "sensitive information" means the availability of the information for inspection by the public creates, or is likely to create, a serious risk that the member or a person who lives with the member may be subjected to violence or intimidation.
- 2.36 Councils and councillors have a role in supporting the presence of an open, accountable and respectful political culture in local areas. Despite this, councils will need to be aware of the risks that come with high profile public service. Councillors may at times be at physical risk of harm – particularly where they are associated with unpopular or controversial decisions or issues. Councils must seek to understand where and how such risks emerge, and to work closely with local police and other community safety partners to – where necessary – put in place protective arrangements for councillors, as proactively as possible.
- 2.37 Councils are required to put arrangements in place for supporting councillors on family absences but there may be times when a member is in need of targeted, unplanned support for example:

- Where councillors are the subject of attacks on social media which go beyond acceptable political discourse. As far as possible, councillors should be supported to use social media to be more accessible to their constituents, but safe and reliable avenues need to be available to them to highlight such attacks, and for the council to support police action where appropriate. Legally there is a principle that councillors are expected to have “thicker skins”, but this should not limit the extent of informal support and advice that councillors should be given under these circumstances. Political parties may provide advice to councillors on the effective and safe use of social media, but councils should be aware of the comparative vulnerability of councillors who might be members of smaller parties, or acting as independents, and who therefore might not benefit from this support;
- Where councillors have chronic health conditions and/or are disabled, and councils should consider the support from the perspective of the social model of disability and remove barriers that may be disabling councillors with impairments;
- Where their circumstances make them less able to engage with their roles and duties, for example caring responsibilities. These may require temporary or permanent accommodations therefore councils should consider councillors’ wider support needs in respect of their personal commitments;
- Where councillors have other commitments (including professional commitments), or operate under other restrictions, which may limit temporarily or permanently their ability to attend meetings or to otherwise engage in the life of the council.

2.38 Political groups may put in place arrangements for peer mentoring and support, for example, ‘buddying’ newly elected councillors with colleagues returning to office. This is an important element of training and support for many members. However, councillors unaffiliated to a political group (or part of a small, or geographically-specific, political group) may have particular needs, and councils can consider how these can be met in such a way that does not disadvantage other members.

2.39 A council culture where member well-being, learning and development is valued and nurtured amongst elected members could be considered an important element of a council being able to meet its duties in sections 89 and 90 of the 2021 Act to keep its performance under review and consult the public on performance. The active involvement of all members will be important to demonstrating these duties are being met and members must be receptive to training and development to support them in this role and the council must be receptive to the importance of doing so.

3.0 Research Support and Services for Councillors Statutory Guidance

Status of this Guidance

- 3.1 This is statutory guidance issued under section 8(1A) of the Local Government (Wales) Measure 2011. This section enables the Welsh Ministers to issue guidance to which a local authority must have regard when exercising its functions in respect of providing the head of democratic services (HDS) with the staff, accommodation and other resources which are, in its opinion, sufficient for the HDS to discharge their functions.

Purpose of this Guidance

- 3.2 Councillors who are part of the executive or assistants to it have the benefit of working closely with officers of the council and have ready access to information and professional support. In order to undertake their roles effectively all elected members should be able to access a range of information and support. It is anticipated this will mainly focus on signposting individual members to existing sources of information or available training for example, brief prepared for scrutiny committee meetings or how to use research, statistical or legislative websites. It may also include targeted support for groups of members for example, leading a task and finish group investigation or support for individual members to research issues impacting on their communities where they are taking forward a councillor call for action under section 21A of the Local Government Act 2000, they have been delegated functions under section 56 of the 2011 Measure or with which they are involved through their role on the council, for example as chair of a committee.
- 3.3 The democratic services committee should consider the provision of this kind of support to elected members as part of its considerations as to what constitutes sufficient resources for the HDS to discharge their functions. The case for resources for this support should form part of the DSC's budget considerations and discussions with the council. It is anticipated that the DSC will begin this process by identifying the baseline of support which is already available to members, then work with members to identify how this support and its parameters could be developed over time. The council should set out what steps it will take to improve research services to members where appropriate, with actions and timelines and communicate this to members.

Support for Research

- 3.4 It is for the DSC to advise on the nature and level of support for research by elected members that would be suitable for their council and the level of resources that the HDS might require to provide a sufficient set of services in this regard. This guidance sets out the sorts of services the DSC should consider when making its deliberations.
- 3.5 The proportionate use of research support by councillors is an important part of ensuring local democracy is functioning effectively. It is also important to ensure that members do not get frustrated by feeling they are not able to access or have available to them the support they need to make a difference to their local community or undertake a role they have been asked to do on behalf of the council effectively.
- 3.6 Councils should, through their democratic services committee, put in place a protocol or other set of rules governing how councillors should expect to be able to access and use research services, to ensure that it is accessible to all councillors and that it is used equitably and proportionately. This should dovetail with the democratic services committee's oversight of the overall resourcing available for democratic services in an authority.
- 3.7 The aim should be to provide support to assist backbench councillors and their staff to work with constituents, scrutinise legislation, develop policy, undertake any roles they may be asked to do on behalf of the council and undertake effective overview and scrutiny. Research may be related to a specific issue or issues that have a more general impact on the work of elected members across the council but would usually be connected to the delivery of the council's priorities or the scrutiny of their delivery. It should work in harmony with and not be expected to duplicate the support members might be provided by virtue of their membership of a political group, for example where political assistants have been appointed (section 9 of the Local Government and Housing Act 1989). Research provided to councillors through this part of the guidance should not be politically motivated or compromise officers' political neutrality.

Research Support and Services

- 3.8 Examples of research support and services include:
- Collating and distributing background papers to assist councillors to better understand forthcoming key decisions including analysis of complex data and

information which may be provided as background papers for council meetings such as the budget discussion;

- Preparing and sharing regularly management information, including performance management shared as a part of formal assessments either by performance panels or Audit Wales;
- Preparing and sharing demographic information, and information on the use of services by local people;
- Responding to councillors' requests for research on specific topics to be undertaken either by council officers or an external source. Councils should set out clear processes and procedures to ensure councillors have access to this kind of research but also that they understand the requirement for its judicious use within the budget and other resourcing parameters set by the council;
- Signposting of members to useful sources of information they can access on the issue in which they have an interest;
- Circulation of calendars of events held by local and national organisations which may be of interest to members and help inform their knowledge of particular issues.

3.9 The service should not be solely reactive, the proactive provision of timely briefings on new policies, changes in the law or other matters that could impact on the work of members should form part of the service. These briefings should be published and made available to the public as they will be of wider interest and can form part of the Council's strategy for meeting its duties under sections 39 to 41 of the Local Government and Elections (Wales) Act 2021 to encourage local people to participate in decision making and the publication of a participation strategy.

3.10 However, it is also important the DSC and HDS should consult and involve members to shape and regularly review the usefulness and effectiveness of the support provided.

Benefits

3.11 The benefits of pro-active research support for councillors are:

- It means that councillors are better able to engage with the business of the authority in an informed, proactive manner;
- Different officers do not have to deal with requests for information and duplication is reduced;
- There is less demand for the bringing of reports to committees (particularly scrutiny committees) for information, or to note, because there are systematic

methods to share research with councillors through other means thus freeing up committee time and resources;

- The products and outcomes of research can be shared equitably, rather than through one-to-one councillor-officer conversations which privileges those more capable in “navigating” the authority and its officer structures.

Support in accessing information

3.12 Councils should adopt a proactive and permissive approach in how they engage with councillors’ information needs. Councillors cannot always know what information they need to know, and as such may not be in a position to frame requests in a way that captures these needs succinctly. In particular, councils should recognise that it is not optimal for councillors to be expected to make FOI requests of their own authority, and should put in place arrangements to ensure that they can access this – and other – information in an expedited manner.

3.13 As such councils should:

- Frame councillor access to information procedure rules expansively – with a presumption in favour of the release of information to councillors unless a clear public policy reason exists not to;
- Proactively provide councillors with management information and other data to ensure that they are kept informed about the business of the authority. Councils could produce an information bulletin or digest for councillors on a regular basis – subject to resources as suggested above;
- Engage with members to better understand how and where their roles will require that they access certain information sources, and support them to gain that access. This may include negotiation with partners, and others who may hold information relevant to councillors’ roles;
- Ensure mechanisms are in place to protect personal data in line with appropriate legislation.

3.14 As far as possible councils should specify publicly why a matter is exempt from publication or from discussion in a public forum – ideally providing more information than just the description given in Schedule 12A of the Local Government Act 1972.

3.15 Equally, councillors should be made aware that councils are frequently under legal obligations to others with regard to maintaining the confidentiality of certain information – in particular, commercial information and personal information – and such releases could open up the council to challenge.

4.0 Statutory Guidance on duties of leaders of political groups in relation to standards of conduct

Status of this Guidance

4.1 This is statutory guidance issued under section 52A of Local Government Act 2000 (the 2000 Act) inserted by section 62 of the Local Government and Elections (Wales) Act 2021 (the 2021 Act).

Purpose of this Guidance

4.2 This guidance sets out how leaders of political groups in principal councils should meet their duties contained in section 52A of the Local Government Act 2000 (“the 2000 Act”), inserted by section 62, of the 2021 Act, which relates to the promotion and maintenance of high standards of conduct by the members of the group.

4.3 This guidance is designed to support leaders of political groups understand and discharge their duties in relation to high standards of conduct, whilst recognising that they will wish to and should be encouraged to develop their own approach in line with their wider statutory obligations, local circumstances, and best practice. However, the basic principles set out in the guidance should apply to all.

4.4 This guidance specifically addresses the following duties:-

Duty to take reasonable steps to promote and maintain high standards of conduct by the members of the group

4.5 Section 52A(1)(a) of the 2000 Act requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must take reasonable steps to promote and maintain high standards of conduct by the members of the group.

Duty to co-operate with the council’s standards committee (and any sub-committee) in the exercise of the standards committee’s functions

4.6 Section 52A(1)(b) of the 2000 Act requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must co-operate with the council’s standards committee (and any sub-committee of the committee) in the exercise of the standards committee’s functions.

4.7 This guidance refers specifically to these duties on a leader of a political group, and sets out the expectations on how they will perform these duties. All of the duties apply from 5 May 2022.

4.8 There are other provisions within Part 3 of the 2000 Act relating to standards committees, inserted by sections 62 and 63 of the 2021 Act. These aspects of the 2021 Act are also described in this guidance.

4.9 This guidance is set out as follows:-

- Policy context within which the duties are set and the purpose of the duties;
- Duty to take reasonable steps to promote and maintain high standards of conduct by the members of the group;
- Duty to co-operate with the council's standards committee (and any sub-committee) in the exercise of the standards committee's functions.

Policy context and purpose of the duties set out in section 52A of the Local Government Act 2000

Policy context

4.10 Part 3 of the 2000 Act established a statutory framework to promote and maintain high standards of ethical conduct by members and employees of relevant authorities in Wales. A 'relevant authority' is a county or county borough council ("a principal council"), community council, fire and rescue authority, a national park authority and a Corporate Joint Committee.

4.11 The framework consists of the ten general principles of conduct for members (derived from Lord Nolan's 'Seven Principles of Public Life'), set out below:

- Selflessness;
- Honesty;
- Integrity and propriety;
- Duty to uphold the law;
- Stewardship;
- Objectivity in decision-making;
- Equality and respect;
- Openness;
- Accountability;
- Leadership.

4.12 These are included in the statutory Model Code of Conduct ("the Code")(as required under section 50 of the 2000 Act), which lays down a set of enforceable minimum standards for the way in which members should conduct themselves, both in terms of their official capacity and (in some instances) in their personal capacity. It also guides members on the declaration and registration of interests.

All elected members must familiarise themselves with and give a written undertaking to observe the Code before they can take up office. As the Code may from time to time be updated members must familiarise themselves with any changes with which they are required to observe.

- 4.13 Building on the existing arrangements, section 62 of the 2021 Act inserts a new section 52A into the 2000 Act which places a duty on leaders of political groups within a principal council to promote and maintain high standards of conduct by members of their group. Group leaders are required to co-operate with the council's standards committee in the exercise of its general and specific functions for promoting high standards (see below).
- 4.14 Subsection (3) amends section 54 of the 2000 Act to extend the specific functions of a standards committee to include monitoring compliance by leaders of political groups with the new duty imposed on them by the 2021 Act to promote and maintain high standards of conduct by members of their group. A standards committee must also provide advice or provide or arrange training for group leaders on the new duty.

Purpose of the standards of conduct provisions

- 4.15 The ethical standards framework in Wales aims to promote the observance of consistent standards of conduct by local government members. High ethical standards underpin and maintain public confidence in democratic governance and the decision making process. For any organisation to be effective it must respect diversity in all its forms and treat everyone with the respect they would expect for themselves. Engendering a culture within a principal council which embraces high standards of conduct, requires both local leadership and all elected members to accept responsibility and accountability for their actions both individually and collectively.
- 4.16 The standards of conduct provisions in the 2021 Act complement the existing statutory ethical framework and support the Code of Conduct process. The provisions are designed to ensure leaders of political groups in principal councils, supported by standards committees, promote and maintain high standards of conduct by the members of their group.

The wider environment in which the standards of conduct duties operate

- 4.17 The standards of conduct provisions contained in the 2021 Act support the Welsh Government's wider commitment to equality and diversity in public life. Action has been taken through the Diversity in Democracy Programme to tackle the barriers which prevent individuals' active participation in local democracy. Within local government, and through the Welsh Local Government Association

(WLGA), there has been a commitment to Diversity in Democracy, including councils signing Diverse Council declarations which seek, amongst other actions, to ensure councils 'demonstrate an open and welcoming culture to all'. Furthermore, the WLGA, working with the Local Government Association (LGA), Northern Ireland Local Government association (NILGA) and the Scottish body, COSLA, has been promoting the Civility in Public Life programme, which seeks to promote civil, constructive and respectful political discourse.

4.18 The Anti Racist Wales Action Plan sets out a series of goals and actions designed to improve the outcomes for black, Asian and minority ethnic people in Wales. It includes a number of goals and actions for local government relating to its leadership and representation role. It recognises that a more diverse elected representation is good for decision making and likely to lead to decisions which better reflect society as a whole. This in turn contributes to greater public confidence.

Duty to take reasonable steps to promote and maintain high standards of conduct by the members of the group

Introduction

4.19 This is statutory guidance issued under section 52A of the Local Government Act 2000 (the 2000 Act) as amended by section 62 of the Local Government and Elections Act 2021 (the 2021 Act). This section of the guidance should be read by a leader of a political group in a principal council to support the discharge of their duties in section 52A of the 2000 Act, to take reasonable steps to promote and maintain high standards of conduct by the members of the group. The guidance here reflects the minimum requirements, recognising that leaders are best placed to build on this to develop the detail of their own approach, and work together to share best practice across political groups and with standards committees.

Definition of political groups and group leaders

4.20 Section 52A(3) of the 2000 Act enables the Welsh Ministers to make provision in regulations about the circumstances in which (a) members of a county council or county borough council in Wales are to be treated as constituting a political group; (b) a member of a political group is to be treated as a leader of the group.

4.21 The Local Government (Committees and Political Groups) Regulations 1990, made under the Local Government and Housing Act 1989, currently governs the position in this respect, until such time as regulations passed under 52A(3) of the 2000 Act are made.

4.22 Section 52A(1)(a) of the 2000 Act requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must take reasonable steps to promote and maintain high standards of conduct by the members of the group.

4.23 The duty does not make leaders of a political group accountable for the behaviour of their members as conduct must be a matter of individual responsibility and accountability. However, they do have a role in taking reasonable steps in maintaining high standards, setting an example, using their influence to support a positive culture, being proactive in promoting high standards of conduct in their group and addressing issues of alleged non-compliance as soon as they arise.

4.24 Reasonable steps the group leader *may* undertake include:

- demonstrating personal commitment to and attending and participating in relevant development or training around equalities and standards, including on the Code of Conduct;
- actively encouraging group members to attend relevant development or training around equalities and standards including in relation to the Code of Conduct;
- ensuring nominees to a committee have received the recommended training for participating on that committee;
- promoting modelling civility and respect within group communications and meetings and in formal council meetings;
- supporting informal resolution procedures in the council, and working with the standards committee and monitoring officers to achieve local resolution;
- encouraging a culture within the group which supports high standards of conduct and integrity;
- attend a meeting of the council's standards committee if requested to participate in discussions on Code of Conduct issues;
- drive forward work to implement any recommendations from the standards committee about improving standards;
- work with the standards committee to proactively identify, consider and tackle patterns of inappropriate behaviour;
- work together with other group leaders, within reason, to collectively support high standards of conduct within the council and where any issues identified involve more than one political group.

4.25 As set out above, the purpose of the new duties is to build on and support a culture which is proactive, acts on and does not tolerate inappropriate behaviour. The Guidance from the Public Services Ombudsman for Wales for members on the Code of Conduct provides advice on the Code and its requirements. It includes examples of cases considered by the Ombudsman and decisions reached by local standards committees and the Adjudication Panel for Wales

which demonstrate behaviours which are unreasonable or inappropriate. Leaders of political groups and all members, including independent members, should have regard to the Ombudsman's Guidance, which can be accessed on the [Ombudsman's website](#).

- 4.26 The importance of attendance at training on the Code of Conduct has been highlighted by the Ombudsman and was raised under the independent review of the Ethical Standards Framework and Model Code of Conduct carried out by Richard Penn. Leaders of political groups should actively encourage all members in their group to read the Ombudsman's Guidance and any local guidance issued by the monitoring officer or standards committee and to take up any offer of training. They should also work constructively with standards committees and monitoring officers to identify the training requirements for themselves and for their group members.
- 4.27 It is essential that relationships with members are established which encourage them to raise issues with the group leader. The group leader has a significant role to play in creating a culture of trust and mutual respect in their group. Where issues arise, the importance of resolving low-level complaints at a local level has been raised by the Ombudsman and the independent Review of the Framework. Typically, these complaints are about alleged failures to show respect and consideration for others and the making of frivolous and low-level complaints. The group leader should be pivotal in preventing the escalation of these complaints to the stage where more formal interventions become necessary. Leaders of political groups should have informal discussions with members who may be showing early signs of inappropriate behaviour to 'nip this in the bud' before it becomes problematic or in danger of breaching the Code. This may include suggesting and requesting appropriate training or refresher training for the members concerned, asking for social media posts they have made to be removed, and requesting they apologise where appropriate.
- 4.28 A leader of a political group who fails to comply with the new duty in a meaningful way, may potentially be regarded as bringing their office into disrepute, and likely to be in breach of the Code (see the Ombudsman's Guidance).
- 4.29 Political group leaders will want to ensure they are able to evidence the steps they have taken to help create an environment in which members demonstrate appropriate standards of behaviour, undertake appropriate training and address, with members, instances where standards of behaviour falls short of that expected. It is a matter for individual group leaders how they choose to evidence their compliance with this guidance, but it may include notes of meetings, copies of correspondence, audits of member training on issues such as equality and the Code of Conduct and action taken to address any gaps in that training.

4.30 A political group's internal disciplinary procedures remain a matter for that group or any associated political party's own rules on discipline. However, it is expected that the group leader will take reasonable steps to promote and maintain high standards of conduct by members within group communications and meetings as well as their 'public' conduct outside of the group setting.

Duty to co-operate with the council's standards committee (and any sub-committee) in the exercise of the standards committee's functions

Introduction

4.31 This section of guidance is issued under section 52A of the Local Government Act 2000 (the 2000 Act) as amended by section 62 of the Local Government and Elections Act 2021 (the 2021 Act). It is about the duty to co-operate with the council's standards committee (and any sub-committee) in the exercise of the standards committee's functions within section 52A of the 2000 Act.

4.32 The duties came into force on 5 May 2022.

Duty

4.33 Section 52A(1)(b) of the 2000 Act requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must co-operate with the council's standards committee (and any sub-committee of the committee) in the exercise of the standards committee's functions.

Role of leader of political group

4.34 It is essential the leaders of a political group co-operate, and ensure the members within their group co-operate, with the monitoring officer and standards committee when an issue is referred to the standards committee.

4.35 Leaders of a political group should build good relations, and work constructively with the monitoring officer, seeking advice from them and the standards committee on matters of behaviour and conduct when required, both promoting positive behaviours and addressing inappropriate ones. Group leaders should also report compliance with their duty to the standards committee. This can take the form of a short letter or report at a frequency agreed by the political group leaders in the council and its standards committee. Group leaders should also report any serious concerns about members' behaviour which have not been remedied by informal actions, in line with the requirement in the Code of Conduct to report such breaches.

4.36 At the beginning of each council year Political group leaders should meet with the standards committee to agree the following:

- How group leaders and the standards committee will work together to ensure appropriate standards of behaviour;
- Frequency of meetings between group leaders and the standards committee throughout the year;
- The threshold which the standards committee will use to establish whether it is content that political group leaders have complied with the duties of the 2021 Act;
- The mechanism for political group leaders to provide reports to the standards committee about the actions they have taken to comply with the duties within the 2021 Act.

4.37 If a member is found by the standards committee to be in breach of the Code of Conduct and is disciplined by the committee, the leader of the political group must support the action, in order to maintain the high standards of conduct expected in public life and the Code. Group leaders should observe the Ombudsman's Guidance and the Sanctions Guidance issued by the President of the Adjudication Panel for Wales, which can be accessed on the [Adjudication Panel's website](#).

5.0 Statutory Guidance on the Functions of Standards Committees

Status of this guidance

5.1 This guidance is issued under section 54(7) of the Local Government Act 2000 (the 2000 Act) inserted by section 63 of Local Government and Elections (Wales) Act (the 2021 Act).

5.2 The duties came into force on 5 May 2022.

Purpose of this guidance

5.3 Local standards committees play an important role in supporting members, individually and collectively, to develop and maintain a culture which embraces high standards of conduct.

5.4 A principal council is required by section 53 of the 2000 Act to establish a standards committee.

5.5 The general functions of a standards committee under section 54(1) of the 2000 Act are to promote and maintain high standards of conduct by members and co-opted members of a “relevant authority” and to assist them to observe the members Code of Conduct.

5.6 In addition, a standards committee also has specific functions under section 54(2) of the 2000 Act, namely to:

- advise the authority on the adoption or revision of a Code of Conduct;
- monitor the operation of the Code of Conduct; and
- provide advice or provide or arrange training on the Code of Conduct for members of the authority.

5.7 Section 56(1) of the 2000 Act provides that a principal council’s standards committee (or a sub-committee established for the purpose) also exercises these functions in relation to members of community councils in its area. Principal council standards committees should play a proactive role in promoting and supporting high standards of conduct in the town and community councils in their area, for example, by visiting them, working together to share good practice and identifying training opportunities.

5.8 Monitoring officers work closely with standards committees and support them in providing day-to-day advice to members on conduct matters.

5.9 A principal council may arrange for its standards committee to exercise such other functions as it considers appropriate, for example, monitoring the operation of corporate maladministration complaint procedures.

5.10 An important aspect of governance arrangements is the approach taken to gifts and hospitality. While there has been some support for a Wales wide approach we consider this is a matter to be dealt with by individual councils. We would expect standards committees to regularly review the approach taken in respect of gifts and hospitality and the use of thresholds. We would recommend this to be a matter included in standards committees annual reports. In addition it is considered this is a matter which would be routinely discussed at regular meetings of Monitoring Officers across Wales.

6.0 Duty of a standards committee to monitor group leaders' compliance with the duties, and provision of advice and training

Status of this guidance

6.1. This guidance is issued under section 54 of the Local Government Act 2000 (the 2000 Act) as amended by 62(3) of the Local Government and Elections (Wales) Act 2021 (the 2021 Act).

Purpose

6.2. Section 62(3) of the 2021 Act amends section 54 of the 2000 Act to extend the specific functions of a standards committee to include monitoring compliance by leaders of political groups with the duty imposed on them by the 2021 Act to promote and maintain high standards of conduct by members of their group. As noted above, a council's political group leaders and its standards committee should agree on the form and frequency of a report from each group leader to the standards committee. The standards committee should then consider each report and provide feedback to the group leaders.

6.3. A standards committee must also provide advice and training or arrange to train group leaders on the new duty. At the start of each administration this should take place within six months of the election and be reviewed at least annually.

6.4. As set out earlier in this guidance the standards committee should meet with group leaders at the beginning of each council year to agree a number of issues, including the frequency of meetings between political group leaders and the standards committee through the year to discuss compliance with the duties covered by this guidance, annual reporting processes and issues arising from the analysis of complaints in respect of standards of behaviour.

7.0 Duty of standards committee to make annual report

Status of this guidance

7.1. This guidance is issued under section 54(7) of the Local Government Act 2000 (“the 2000 Act”).

Purpose

7.2. Section 63 of the 2021 Act inserts section 56B into the 2000 Act which places a requirement on standards committees in each “relevant authority” to make an annual report to the authority concerned. In the case of a principal council, the requirement to report to “the authority” in this context includes any community councils in its area.

7.3. As a minimum, the report must:

- describe how the committee has discharged its functions during the preceding financial year;
- confirm the operation of a local protocol for the resolution of complaints and provide an assessment of its impact. Where no local protocol has been adopted, the standards committees must consider whether the adoption of such a protocol would support its functions in relation to promoting high standards of ethical conduct;
- include an analysis of complaints. This analysis must include information about the number of councillors who have been the subject of a complaint which has been upheld, and whether they have or have not attended a training session on the Code of Conduct prior to or after the complaint was received;
- include a summary of reports and recommendations made or referred to the committee by the Public Services Ombudsman for Wales relating to the investigation of alleged breaches of the member Code of Conduct, and any subsequent action taken by the committee;
- include a summary of notices given to the committee by the Adjudication Panel for Wales, relating to the Panel’s decisions on possible breaches of the member Code of Conduct;
- describe the advice it has provided on training for all members and how that has been implemented; in the case of a principal council set out how it has worked with the town and community councils in its area to promote and maintain high standards of conduct amongst town and community councillors; and
- in the case of a principal council, include the committee’s assessment of how political group leaders have complied with the new duty under section 52A(1) of the 2000 Act (inserted by section 62 of the 2021 Act) to promote high

standards of conduct, including the advice the standards committee has provided and the training it has suggested.

- 7.4. The committee may also wish to report on the number of cases considered under local resolution processes. This would help to capture data on an “all Wales” basis, on matters which do not reach the Public Services Ombudsman for Wales.
- 7.5. Approaches to the management and monitoring of gifts and hospitality are often sensitive matters. It is recommended the approach to this is reviewed and agreed within individual principal councils and that the regular review of thresholds for declaration of gifts, hospitality, material benefit or advantage, are included in standards committee’s annual report. This will assist in terms of transparency of the arrangements.
- 7.6. The requirement to make an annual report is intended to ensure there is a regular and consistent approach to the reporting and consideration of standards of conduct by members of relevant authorities in Wales. This is intended to promote local ownership and collective responsibility by members for ensuring high standards of conduct within their authority. To this end, section 56B places an obligation on a relevant authority to consider the report and any recommendations made by its standards committee within three months of its receipt. The authority’s consideration of a report will be a matter of public record through the published minutes of the meeting.
- 7.7. The standards committee should consider whether there are improvements that can be made to strengthen the standards of behaviour of members. This may include recommendations to the full council and town and community councils in its area about matters such as mandating training in equalities and the model code of conduct.
- 7.8. It would be good practice for standards committees to share their Annual Reports with the Public Services Ombudsman for Wales and town and community councils.

Part 3 – Guidance on public participation strategies and petition schemes

1.0 Statutory Guidance on Public Participation Strategies

Status of this Guidance

- 1.1 This is statutory guidance made under section 44 of the Local Government and Elections (Wales) Act 2021 (the 2021 Act). A principal council (a county or county borough council in Wales), must have regard to it.

Purpose of this Guidance

- 1.2 This guidance is to support councils in the preparation and maintenance of their public participation strategies which aim to support and encourage decision making, which is informed by, understands and reflects the diversity of the communities in the council area.

Policy intent

- 1.3 Public participation is essential to ensuring the needs and aspirations of communities are at the heart of local decision making. Councils must demonstrate they recognise and value the contribution of local people in identifying, shaping and evaluating the services they and their families rely upon as part of their democratic decision-making processes. This is central to the ethos of the Well-being of Future Generations (Wales) Act 2015 (the 2015 Act) and sections 39 to 41 of the 2021 Act are intended to work in harmony with the pursuit of councils' well-being goals and complement the five ways of working set out in the 2015 Act.
- 1.4 This is because the 'participation duty' in the 2021 Act relates specifically to participation in the democratic processes of the council, recognising the democratic dimension of councils which is specific and integral to their constitution. Its focus is on maintaining the participation, trust and interest of the public in democracy in the years between elections. Also, if this trust interest can be grown, supported and built upon in the years between elections, there is the opportunity to further build on this and encourage higher levels of voter registration and turnout at election time.
- 1.5 The aim of the public participation strategy is therefore to set out the arrangements the council intends to put in place to embed and deliver a culture of partnership with the public. To build this culture of partnership and for the

public to have confidence in the council's commitment to encourage and act on their views, the participation strategy must be developed with all diverse communities within the council area.

- 1.6 The 2021 Act does not provide a definition of participation but for the purposes of this guidance and the preparation of the public participation strategy '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. The council's public participation strategy should be clear how it will enable participation for everyone including by reference to the social model of disability.

What the 2021 Act requires

- 1.7 The 2021 Act places a duty on principal councils (a county or county borough council in Wales) to encourage local people to participate in their decision making. This includes where councils are making decisions in partnership with another principal council or in conjunction with another individual or body such as a local health board. This is set out in section 39 of the 2021 Act and is specifically intended to encourage public participation in the democratic processes of the council as a bridge with the public's direct engagement with councillors.
- 1.8 Section 40 of the Act then requires a principal council to prepare and publish a public participation strategy setting out how it will encourage local people to participate in its decision making. These strategies **must** include (section 40(2):
- 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 the council's duty in section 62 of the Local Government (Wales) Measure 2011 (bringing views of the public to attention of overview and scrutiny committees);
 - f) ways of promoting awareness among members of the principal council of the benefits of using social media to communicate with local people.

- 1.9 The strategy **may** also address how a principal council proposes to comply with a duty imposed by any enactment. This enables the council to set out in one place how it will address a variety of duties to eliminate any duplication and to make it easier for the public to understand the many different ways in which the council is encouraging participation across the range of its activities.
- 1.10 In developing its public participation strategy councils must consult people who live, work or study in the council's area and anyone else it thinks appropriate. Section 41 of the 2021 Act requires a council's first strategy made under this section to be published as soon as reasonably practicable after the local government elections in May 2022.
- 1.11 There are many ways of involving, engaging and interacting with individuals and groups of individuals within communities for example, formal consultations, focus groups, public meetings and citizens juries. No one mechanism is the key to developing a partnership approach between members of the public and the council which serves them, and councils will need to consider which approaches are best matched to different aspects of the strategy and the different communities they must engage.
- 1.12 A public participation strategy must go beyond relying solely on traditional requests for feedback on pre-determined plans and establish a relationship with communities built on trust, a commitment to listen to all voices and for those voices to be heard and to work together with the community to explore and resolve issues of concern, promote and recognise achievements and face new challenges together. The public participation strategy must set out how this will be achieved.
- 1.13 Section 41 then enables the council to determine the frequency of the subsequent reviews of its strategy but it must consult with people who live, work or study in the council's area and anyone else it thinks appropriate when undertaking a review. The revised or new version of the strategy must be published as soon as possible after the review.

Preparing the strategy

- 1.14 In preparing the strategy the council should be clear about those it is required to consult with under section 41 of the 2021 Act on its purpose. The purpose is to set out **HOW** the council will achieve the requirements set out in section 39 of the Act.
- 1.15 Each of the requirements cannot be met solely through formal consultation, although formal consultation may be one of the pathways for participation, demonstrating that the requirements are being met will involve setting out a

basket of measures. For example, demonstrating the council is meeting the requirement relating to 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 could include formal consultation processes but could also include 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 and agendas and so on.

- 1.16 Whilst meeting the requirement relating to promoting awareness among local people of how to become a member of the principal council and what membership entails could include youth councils and youth cabinets, outreach in local communities and opportunities for shadowing elected members, promotion of how to attend council meetings, podcasts and webcasts about the work of elected members and so on.
- 1.17 The development of the strategy should be informed by discussions and involvement of the public as to its purpose and what participation pathways would best enable them and support them to engage in local decision making. The approach to the development of the strategy and the routes for participation it sets out must go beyond this, focusing on a partnership approach with those impacted by decisions made and services provided by the council.
- 1.18 An effective approach to public participation cannot be achieved without investment. It is essential as part of any baseline assessment the current level of resource allocated to engaging with the public is identified with an explanation of what those resources deliver.
- 1.19 The requirement to develop a public participation strategy should not be seen as an indication that councils are not already engaging with the public. Many councils will already have a number of mechanisms in place aimed at helping the council to understand the views of the public it serves. Councils should use the 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.
- 1.20 Councils should have regard to their statutory duties in respect of equalities, Welsh language and the Well-being of Future Generations (Wales) Act 2015 when preparing their strategy. Councils should also be aware that a well-rounded public participation strategy is integral to demonstrating it is meeting its duties under section 89 of the 2021 Act to keep its performance and governance under review and its duties under section 90 to consult local people on performance.

Baseline assessment

1.21 An important part of any strategy is being clear about the starting point. In the case of a public participation strategy it is necessary to understand what is already in place, what works well and where the gaps are. It is essential there is an understanding of the demographics within the local authority area. A local authority should conduct a baseline assessment as part of its preparation for developing a public participation strategy.

1.22 Key issues which should be considered as part of this assessment are the demographic profile of the local authority, the existing level and nature of community engagement and the current approach to public participation. The following questions, while not exhaustive, may be useful in establishing the baseline assessment:

- 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?

1.23 The baseline assessment will help the local authority to focus on its strengths while developing a holistic, public-centred strategy.

1.24 In advance of drafting a strategy the council should consider the requirement placed on it through sections 39, 40 and 41 of the 2021 Act alongside the baseline assessment. This will provide an opportunity to identify key issues which will be important in developing the strategy, the timelines for action and the potential for investment to support both the development of, and implementation of the strategy.

Designing effective public participation

1.25 Building on good practice and working with the public, councils can move from traditional approaches and design more collaborative, tailored and imaginative participation. Strategies should explain the approach and guiding principles the council has adopted. There are many approaches a council could follow in the development of its strategy and the following is intended to set out a high level approach of the key steps:

Design

- Set out clearly the purpose of the strategy and the intended outcomes;
- Identify and set out the process for development such as public and stakeholder engagement and how this will be inclusive and extensive;
- Involve a wide range of staff across the council to bring together an understanding of existing interactions with the public, understand good practice and generate ideas;
- Ensure the design fulfils the statutory requirements relating to the Well-being of Future Generations (Wales) Act 2015, equalities and Welsh language and considers the social model of disability and responsibilities in relation to children's rights;
- Set out how it will be ensured that the council executive and the council provide leadership for the development and implementation of the strategy;
- Set out how ward councillors will be involved in championing and leading the development process in their communities.

Development

- Map existing participation pathways, existing strengths and weaknesses, identify gaps;
- Identify opportunities where digital could add value or provide new opportunities;
- Use the development process to create participation, harness democratic involvement, both inside the council and with the public, and build it into involvement in decision making;
- Road test proposals in communities;
- Benchmark proposals with other councils;
- Identify on-going resource needs to implement and evaluate the strategy.

Evaluation and Revision

- Develop and use evaluation measures;
- Set timeframes for evaluation and revision.

1.26 This should not be approached as a sequential process. It should be noted that the above are interrelated, iterative tasks, not a step-by-step template.

Promoting awareness

1.27 Effective public participation relies on there being a range of information available to the public which includes information about the following:

- the role of the council;
- how the council is structured;
- who represents them on the council and what has their contribution been;
- How decisions are made;
- How decisions are scrutinised;
- Key contacts within the council for general and specific issues;
- Short, Medium and Long term plans;
- Financial aspects of the Council;
- Information about council service or activities complaints and trends in terms of complaints as well as actions / changes made as a result;
- Key contact points.

1.28 The above is not an exhaustive list, there are many other examples of information which should be easily accessible to the public. It is however important that the public help define what they consider to be important to them as opposed to an approach which solely relies on the council determining what it thinks is important to people.

1.29 Much of the above information should be included in the council's constitution and constitution guide which it is required to prepare, publish and keep up to date by section 37 of the Local Government Act 2000. Separate guidance has been published about constitutions and the constitution guide.

1.30 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 PSOW;
- 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.

Reviewing, revising and replacing the strategy

1.31 Encouraging and implementing measures to encourage public participation is a challenging aspect of council business. It is expected that as participation levels increase, the new partnership approach between the council and individuals and communities will present more ways of working together which may necessitate amendments to the strategy, which should be developed in conjunction with the public.

1.32 The council must review its public participation strategy as soon as possible following each ordinary election, but may review its strategy at any other time. When reviewing the strategy the council must consult local people, and others it considers have an interest in the strategy. Following a review, the council may revise its strategy, or replace it with a new strategy.

1.33 The council must publish the revised or new strategy as soon as possible setting out the changes and the rationale for those changes.

1.34 However, the public participation strategy should not be viewed as a static 'document', only reviewed and revised to a pre-determined timetable. It should be viewed as an opportunity to constantly learn and develop and a process should be in place to ensure learning and good practice can be captured and harnessed in between 'formal' reviews.

Matters to consider

Bringing together and joining up existing pathways for participation under the umbrella of the strategy

1.35 Principal councils already have numerous ways of enabling people and communities to get involved with their policy development and service delivery

and the way in which this informs the democratic processes of the council. . However, the participation strategy can add value to existing pathways by clearly identifying them, signposting them and recognising them as potential multi-use pathways that could enrich areas of the council's work which they may not previously have been designed to interact or connect with.

Examples of existing participation pathways include:

- Interactions generated through engagement with the guide to the constitution published under section 37 of the Local Government Act 2000, as amended by section 45 of the Local Government and Elections (Wales) Act 2021;
- Arrangements to support the delegation of functions to individual ward councillors under section 56 of the Local Government (Wales) Measure 2011;
- How the publication of future meeting dates of council, committee and scrutiny meetings and their forward work programmes support the public's knowledge of council business and therefore ability to engage with and participate in it;
- How policies relating to the co-option of members to council committees can support and enhance diversity of perspective;
- How arrangements for fulfilling the statutory duty in section 62 of the Local Government (Wales) Measure 2011 to take the views of the public into account work in harmony with and support the duty in section 39 of the 2021 Act;
- How arrangements for the public to make complaints and submit complements to the council can be interactive and include feedback on changes or actions that result (this should form part of the Governance and Audit Committee's function to review and assess the effectiveness of the council's ability to handle complaints effectively);
- How existing statutory participation pathways will be integrated within the strategy, such as those relating to equalities, future generations and planning;
- How the council's policies on the broadcasting of council meetings, including archiving, as required by section 46 of the 2021 Act support the public's awareness and therefore ability to engage with council decision making;
- Ensuring the work and engagement elected members undertake in their wards is recognised and incorporated into participation strategy;
- Connecting the enabling of members' annual reports under section 5 of the Local Government (Wales) Measure 2011 as a means of promoting awareness of the council's functions and the role of elected members;
- The Council's petition scheme and petitions submitted under it as required by section 42 of the 2021 Act;
- The council's duty under section 90 of the 2021 Act to consult local people on performance;
- Schools' engagement programmes and work to ensure young people are registered and made aware of their voting rights;

- Youth councils and youth cabinets;
- Focus groups and citizens' panels.

1.36 One of the functions of the role of the participation strategy is to coherently set out how these pathways contribute to and enable the public to participate in decision making. It should identify the added value of approaching participation in a holistic rather than piecemeal way. Mapping of existing pathways is also important to identify both gaps and potential connections which could strengthen the participation networks.

Making the best use of digital

1.37 Technology has advanced significantly during the last decade and there are many tools that, if used appropriately can help bring democracy closer to the public. It offers new ways of engaging, which can address previous limitations, rather than simply recreating traditional offline participation online. The use of digital services and communication across Wales varies, however, developing and maintaining the participation strategy provides the opportunity for councils to work together and share experience and learning as to what works. 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.

1.38 The Covid-19 pandemic resulted in an increased awareness and use of digital, however these are technologies which present challenges in terms of training and awareness and a wide range of skills are needed to properly embrace digital participation. Councils should consider the cost benefits of investment in digital to promote engagement, including the investment in staff training and expertise required to make effective use of the opportunities digital presents. This is likely to mean taking a medium to longer term horizon for the realisation of benefits.

1.39 Participation strategies must include ways of promoting awareness amongst members of the principal council of the benefits of using social media to communicate with local people. This should be co-ordinated with the work of the Democratic Service Committees and its development of a member development strategy. Annual training reviews with individual members can be used to identify specific training needs but the participation strategy should set out how members will be involved in campaigns the council might run or support and how collective efforts of members can be harnessed on social media to promote and enable public participation. Separate guidance has been issued on member support, training and development and councils are reminded of their duties to ensure the well-being of their members is protected and, in particular, members are also provided with high quality training and information to deal with the challenges social media can bring in relation to threats and harm to personal well-being.

- 1.40 Digital is both a benefit and a barrier to diversity of participation and councils should be mindful of this when considering their approach to digital participation. Online channels can accommodate large volumes of participation thus allowing people with work, caring or other commitments to take their time to make their contribution at a time that suits them. However, it also has the potential to exclude some communities and people with protected characteristics from being able to participate in a way which is suitable or comfortable for them and so a mix of participation pathways should always be available.
- 1.41 This is because while digital communication offers significant benefits and opportunities to facilitate participation, the way it is implemented has the potential to exclude individuals. There are many reasons for this including physical and mental health conditions, accessibility of technology, lack of digital skills and socio-economic factors. Therefore, participation strategies must identify how the council will address these and other risks and ensure inclusivity.
- 1.42 Digital advances are likely to be a constant theme in society and it will be important for councils to enable staff to engage in exploration of new ways of working in a way that staff feel supported to try new ways of engaging. This will require appropriate safeguards to be put in place and the strategy should identify how any exploration will take place, how the public will be involved and how it will approach identifying and implementing safeguards.

Ensuring Equality and Diversity

- 1.43 This Welsh Government is committed to increasing diversity across all aspects of public life. This includes tackling the barriers which prevent individuals' active participation in local democracy and provision of local services.
- 1.44 Equality and diversity are fundamental to effective public participation. The public participation strategy must set out how the council will ensure the widest possible range of views from the public inform council business. This will require councils to go beyond what many describe as 'the usual suspects'.
- 1.45 Leadership and culture within councils is key to a successful partnership approach to participation. The baseline assessment councils conduct will assist in identifying existing routes to communication and engagement, while providing an opportunity to identify key communication gaps and opportunities to explore how the more hard to reach groups can be encouraged to participate. The use of representative groups, community leaders, ward councillors and charities can all provide important information about community networks. The involvement of such groups should be welcomed and form a key component of any public participation strategy.

- 1.46 The Equality Act 2010 provides a legal framework for protection against direct and indirect discrimination for people with protected characteristics. These include age, sex, disability and religion. Councils must ensure its strategy sets out how it will advance equality of opportunity through the establishing and maintaining relationships with individuals and groups with protected characteristics.
- 1.47 In respect of disability, the Welsh Government is committed to the Social Model of Disability. This is an important approach, which goes beyond the Equality Act 2010 and broadens the focus on disability by recognising that what makes someone disabled is not their medical condition, but the attitudes and structures of society which present barriers. This is a key distinction and the removal of societal and attitudinal barriers must form part of the public participation strategy.
- 1.48 There are many ways in which barriers, often not intentional, can present in normal council business. An example would be where there are time limits on contributions to be made at meetings. The conditions some people experience may not be in a position to put forward their views within that time frame and as a result feel frustrated and not heard. This is a simple example of a self-imposed council barrier to participation, there will be others which could be explored further with those effected.

Local Authority Meetings

- 1.49 Much of a council's work is undertaken through meetings both at full council and committees. There are a number of challenges councils face when determining the arrangements for these meetings including the timing of the meetings, opportunities for the public to attend and contribute and communication of the impact on communities and individuals as a result of the decisions made. While the majority of these meetings are open to the public, it is recognised that not everyone will be able to attend in person. It is therefore important that information about the items to be considered, the evidence base which will underpin discussions and the outcome is readily available to the public. The public participation strategy should be clear about the communication arrangements around all council meetings. Separate guidance about multi-location meetings has been published.
- 1.50 The 2021 Act requires principal councils to broadcast meetings of the full council live as they happen. This development will allow the public to follow the proceedings of the full council in real time from wherever they are, hear the contribution of their local representatives and understand the issues raised in respect of agenda items. The council is also required to make the broadcast available electronically for a reasonable period after the meeting. This should be

available for at least six months following the meeting. This should not be seen as a prohibition on councils to the broadcast of other meetings of the council. This is the first step in respect of broadcasting and the Welsh Government intends to extend this requirement to a number of other council committee meetings in the future. As part of its strategy councils should explore the views of the public about which of the council's committees they consider should be broadcast. This will require councils to ensure the public are clear about the nature and scope of each of its committees and sub committees.

Influencing decisions

1.51 A principal council must set out in its strategy how it will support people to express their views on decisions before and after they are taken. This could include, for example:

- Setting out arrangements for contacting a local councillor, or a relevant cabinet member or senior officer, to make representations directly – and how those representations will be responded to;
- Setting out how representations can be made at relevant meetings;
- Holding local meetings to discuss the issues with local people;
- Including mechanisms for individuals to identify issues for consideration through scrutiny (for example, through arrangements to support the public to suggest topics for scrutiny or opportunities to take part in the scrutiny process);
- Opportunities to make their views known via the council's website or social media channels, these should include opportunities for individuals to speak with 'real people' where appropriate rather than simply relying on automated responses or interaction.

Ensuring impact

1.52 The expected impact of participation should be integral to design, delivery and monitoring. Councils should consider impact in terms of:

- Inviting participation when thinking is still at a formative stage;
- Providing information that allows for informed consideration;
- Giving adequate time for consideration and response;
- Giving 'real' consideration to the results of participation before a decision is taken;
- Councils should set out how participation will influence the council's decision making, how the executive and relevant committees will be involved and what processes will be put in place.

1.53 Transparency should also be a key feature of these processes as should feedback to those participating about what the impact of their involvement has been. Feedback processes are integral to this so that people can understand and trust that their views were considered seriously and appropriately even though the outcome may not reflect or entirely reflect what they may have hoped for.

1.54 The strategy should therefore set out how this feedback cycle will operate in practice.

Approval and Review

1.55 The strategy should set out the arrangements for approval and review within the council and what the proposed review cycle will be. As noted above, it should also set out that the strategy is a living document and to that end processes for on-going review and improvement should also be set out, as well as 'formal' full review periods and processes. The strategy should also set out how it will be evaluated and how the council will incorporate learning from its self and panel assessments conducted under Part 6 of the 2021 Act into any resulting new or revised participation strategy.

2.0 Statutory Guidance on Petitions

Status of this Guidance

2.1 This is statutory guidance made under section 44 of the Local Government and Elections (Wales) Act 2021 (the 2021 Act).

Purpose of this Guidance

2.2 This guidance is to support councils in the preparation and maintenance of petition schemes aimed at enabling communities to explore support for specific issues to inform council deliberations.

What the Act requires

2.3 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.

2.4 The petition scheme must as a minimum set out:

- a) how a petition may be submitted to the council;
- b) how and by when the council will acknowledge receipt of a petition;
- c) the steps the council may take in response to a petition received by it;
- d) the circumstances (if any) in which the council may take no further action in response to a petition;
- e) how and by when the council will make available its response to a petition to the person who submitted the petition and to the public.

2.5 A principal council must review its petition scheme from time to time and, if the council considers it appropriate, revise the scheme.

2.6 If a principal council revises or replaces a petition scheme, it must publish the revised or new scheme.

Designing a petition scheme

2.7 A petition scheme should not be considered as the sole method of receiving public views on matters. Its design and parameters should be set in the context of the council's public participation strategy and informed by the other participation pathways available to members of the public. Therefore, as part of a suite of pathways used as part of the council's wider public participation strategy, it can be a powerful tool in gauging support for specific courses of

action.

- 2.8 Well designed and resourced petition systems, working in conjunction and harmony with other participation pathways can have a range of benefits for the public and councils. For example, petitions enable communities to quickly highlight the issues which are of the most concern to them to the council, they can add weight to representations made by ward councillors on their behalf and provide a focus for community discussion. In turn, councils gain valuable insight into the concerns of their communities and can then support communities in addressing these issues.
- 2.9 Petitions should not be considered as a nuisance or threat and should be considered as a good opportunity to hear the views of the public, whether in support or not of something the council may be considering or intending to do.
- 2.10 Councils should, when designing petition schemes, think about the process from the point of view of petitioners, including understanding what petitioners might think “success” will look like at different stages in the process, and how the process can be made as transparent and streamlined as possible.
- 2.11 Councils should have regard to their statutory duties in respect of equalities, Welsh language and the Well-being of Future Generations (Wales) Act 2015 when preparing their petition scheme.
- 2.12 Petition schemes should be developed not just to ensure a fair and robust process but also to provide a helpful and positive experience for those people who take the time to submit and promote petitions. This is likely to involve consideration of the following issues:
- A clear explanation of the matters about which the council will accept petitions, including the criteria for making a decision to accept or reject a petition;
 - How and where advice will be given to petitioners to enable them to engage productively with the process, including measures in place for disabled people and individuals with long term health conditions and neurodiversity;
 - A clear understanding of the different stages in the petitions scheme, with an explanation of what thresholds will be used to determine the transition from one stage to another;
 - How petitions fit in with other opportunities for the public to be involved – and signposting to other opportunities, either as complementary to a petition or instead of it, including connecting the potential petitioner with their ward councillor;
 - The correct body to consider a given petition. It is right for petitions to be heard by a variety of different bodies, although the default is likely to be full Council

unless it is seen as especially useful for the petition to be heard by a committee that focuses specifically on the subject matter of the petition itself;

- Petition schemes will need to consider where petitions are considered in scrutiny committees. These committees have no power to act on petitions but could (for example) adopt petitioners' arguments as formal recommendations;
- The rights of petitioners to speak in meetings, and how this engages with wider public speaking rights, and rights to make deputations;
- How and within what timeframe the council will provide feedback to the petitioner on the success or otherwise of their petition.

2.13 Councils are encouraged to explore what would constitute good practice around the framework for petition schemes set out in this guidance. For example, what might be an appropriate signature threshold for the consideration of a petition and how and when this threshold would be kept under review. This would support a balance between local discretion based on the size of the council, the nature of the scheme and its relationship to other participation pathways in the council and consistency for the members of the public who may be engaged with multiple councils or move from one council area to another.

Part 4 – Guidance on constitutions, executives, scrutiny, governance and audit committees and conducting meetings

1.0 Statutory Guidance on Constitutions

Status of this Guidance

- 1.1 This is statutory guidance issued under section 38 of the Local Government Act 2000, as amended by section 45 of the Local Government and Elections (Wales) Act 2021. A local authority (a county or county borough council in Wales), elected mayor or an executive leader must have regard to it. This guidance replaces previous guidance relating to constitutions issued under this section in 2006.

Purpose of this Guidance

- 1.2 This guidance is to support councils in the preparation and maintenance of their constitutions.

Developing a Constitution

- 1.3 Under Section 37 of the Local Government Act 2000, each council operating executive arrangements is required to prepare, keep up to date and publish electronically a document known as the council's 'constitution'. This must include a copy of their standing orders, code of conduct and other information the council considers appropriate.
- 1.4 The Welsh Ministers issued separate guidance on Modular Constitutions for Welsh councils in 2001. This is regularly updated by Lawyers in Local Government and the WLGA and remains a valuable resource for local authorities.

Content of the Constitution

- 1.5 Councils should ensure their constitution is easy to use and understand. It will also be supplemented by a constitution guide (see The Constitution Guide below). Councils should in particular make sure parts of the constitution which deal with related issues are cross-referenced. In considering their constitution, councils should have regard to their statutory duties in relation to the Welsh language, the Well-being of Future Generations (Wales) Act 2015, equalities, including the public sector socio economic duty, and also that they are now required to publish their constitutions electronically.

1.6 The constitution must include:

- Such information as the Welsh Ministers may direct, this currently includes information with respect to the discharge of all the council's functions as directed by the Local Government Act 2000 (Local Authority Constitution) (Wales) Direction 2023 made under section 37(1)(a) (annexed to this guidance);
- A copy of the authority's standing orders;
- A copy of the authority's code of conduct for members (including co-opted members); and
- Such other information as the authority considers appropriate.

1.7 The Local Government Act 2000 (Local Authority Constitution) (Wales) Direction 2023 provides that a constitution must specify the roles of the full council. The arrangements for the discharge of non-executive functions should be a statement of who or which body within the council is responsible for the discharge of non-executive functions, (as described in the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 made under Section 13(3)(a) of the Local Government Act 2000) together with a description of the role of the full council. The constitution must be clear as to how decisions are taken, who takes them, which decisions are delegated and to whom and how the decision to delegate is made. Decisions involving significant and/or controversial matters must not be delegated to officers.

1.8 There is considerable scope for local choice and diversity in the content of the constitution and the way in which it operates. Many of the matters to be included in the constitution may also be included in an authority's standing orders.

1.9 There will be other matters governing the conduct of the authority's affairs which will not be included in standing orders, executive arrangements, the arrangements for the discharge of non-executive functions, the code of conduct for members or the code of conduct for officers. Councils may, if they choose, include any of these other matters in their constitution.

1.10 For example, a council should include a description of locally developed protocols governing the relationships between the executive, other councillors and officers. The constitution should be clear these relationships must be constructive and respectful at all times. Also, as well as enabling informal routes for disagreements between members to be addressed, the constitution should provide routes for officers to seek informal resolution of difficulties in relationships with members without the need to escalate to formal processes. The code of conduct for officers should make clear that that code of conduct is incorporated into the officers' contract of employment. It should also be clear that, once informal routes have been exhausted, statutory processes must be followed in

relation to any disciplinary action relating to officers falling within the remit of the Local Authorities (Wales) Standing Order Regulations 2006.

1.11 Other matters councils should consider including and / or taking into account in their constitutions include:

- The need for a “preamble” (or introduction) to the constitution, setting out the important principles that underpin the constitution’s contents and recognising the council’s broader obligations to local democracy and local people;
- The relationship between Articles of the constitution and more detailed rules of procedure (if this is the structure that a Council chooses to use to organise its constitution);
- The way in which informal discussions between members and officers inform and influence formal decision-making at the council;
- The way the council makes decisions in partnership with other councils and other bodies, in particular through public service boards, regional partnership boards, corporate joint committees, and any joint committee established under the Local Government Act 1972;
- How the council will appoint members to national park authorities and fire and rescue authorities and how those members will update the council on their work;
- The working arrangements and relationship with community and town councils in the council’s area;
- Rules of procedure which relate to high profile issues – for example, the full council procedure rules, including the arrangements in place for the electronic broadcasting of those meetings and the archiving and retention of the broadcasts;
- Financial procedure rules;
- Details on arrangements relating to public participation in relation to duties included in sections 39 to 41 of the Local Government and Elections (Wales) Act 2021;
- The arrangements for dealing with complaints including interaction with the PSOW;
- The needs of equality, diversity and inclusion and the statutory duties related to these and the Welsh language. This relates not only to ensuring that constitutional documents are themselves accessible, but that rules and procedures take account of the needs of people with a wide range of needs. For example, parts of the constitution that relate to the public’s right to be involved in decision-making should take account of these needs;
- Councils’ duties relating to the Well-being of Future Generations (Wales) Act 2015. Councils’ overall legal obligations under this Act are well understood, but it also has implications, for example, through the ways of working, for how

councils make formal decisions, and how scrutiny and oversight systems operate;

- The way the council will fulfil its obligations under the UK General Data Protection Registration (UKGDPR) when dealing with personal information.

1.12 Importantly, the constitution should be drafted as a flexible document. For example, it should not be necessary to produce a revised constitution every time an ad-hoc committee or sub-committee is appointed to undertake a particular task. However, this needs to be balanced against the need for a constitution to be detailed enough so that anyone who has dealings with the council can use it to determine who is responsible for the matter with which they are concerned.

Availability of the Constitution

1.13 The Act requires that copies of the constitution are published electronically and available at the council's principal office for inspection at all reasonable times. Members of the public should be able to take away copies of the constitution for free or charge representing no more than the cost of providing the copy a reasonable fee. It is also recommended that local authorities should make copies of the constitution available more widely, for example at all their offices, libraries, community buildings etc.

Review and Revisions to the Constitution

1.14 The council's constitution should be kept up to date at all times. Councils should review the constitution regularly to make sure it continues to be fit for purpose, with these reviews being led by councillors, and supported by the council's monitoring officer in consultation with the head of democratic services.

1.15 In considering their arrangements for the ongoing review and revision of their constitution councils should consider:

- Whether the council constitution will permit the monitoring officer to make "minor" amendments and what constitutes a minor amendment, for example the updating of a reference to legislation. Full reviews and major amendments must be agreed at full Council. Councils may wish to systematise this process, by linking it more formally to the annual general meeting to ensure that the constitution is kept under regular review;
- Arrangements for councillor "ownership" (that is, a clear sense that councillors are responsible for making sure that the constitution is of a high quality). This matter of ownership is important. Ownership must be held by full council; but detailed work can be led by a named committee. Whichever formal space is designated it is important that councillors have regular opportunities to reflect on the strength of the governance framework, of which the constitution forms a central part.

- 1.16 An individual councillor may propose additions, amendments, suspensions or withdrawals to the council's constitution, but in doing so would have to declare any interest they have before obtaining a decision of the full council. Any proposal should also be accompanied by advice from the Monitoring Officer to full Council (or any committee or member considering potential changes).
- 1.17 All proposed changes, unless previously agreed as being 'minor' have to be debated by the full council and require a majority vote of those members voting to be accepted.
- 1.18 Any changes the council has resolved to make will come into immediate effect unless the decision specifies otherwise.
- 1.19 The published constitution should be amended within 5 working days of the making of a resolution to ensure the most up to date version of the constitution is always available.

WELSH GOVERNMENT

**The Local Government Act 2000 (Local Authority Constitution) (Wales)
Direction 2023**

1. The Welsh Ministers, in exercise of the power given to them by sections 37(1)(a) of the Local Government Act 2000 (“the Act”), directs each county and county borough council (“local authority”) in Wales that the document which they must prepare and keep up to date in accordance with section 37(1) of the Act and referred to in that section as their constitution must contain the information specified in the Schedule.
2. This direction will have effect from to be confirmed.
3. The Local Government Act 2000 (Local Authority Constitution) (Wales) Direction 2001 is revoked.

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Minister for Finance and Local Government

The Schedule

Specified Information

1. A summary of the constitution.
2. The roles of members and (if applicable) of the elected mayor including:
 - 2.1 Their election and terms of office;
 - 2.2 The rights and duties of all members and (if applicable) of the elected Mayor, including the application of family absence for members.
3. The roles of the full council including:
 - 3.1 The functions and actions which are reserved to the full council; and
 - 3.2 The different types of council meeting and the rules governing the proceedings of those meetings, including the arrangements for multi-location meetings and for their electronic broadcast where this is required on a statutory basis or undertaken voluntarily.
4. The roles of the chairperson or presiding member of the council, and their respective deputies.
5. The roles of overview and scrutiny committees including:
 - 5.1 The terms of reference of each of the committees;
 - 5.2 The general and specific roles of each of the committees;
 - 5.3 The rules governing the proceedings of the committees; and
 - 5.4 The arrangements in place for the consideration of and response to their reports by the full council and/or the executive.
6. The roles of the standards committee and of any sub-committee of that committee including:
 - 6.1 The membership of the committee and any sub-committee;
 - 6.2 The roles, functions, rights and duties of the committee and any sub-committee;

- 6.3 The rules governing the proceedings of the committee and any sub-committee; and
 - 6.4 The arrangements in place for the consideration of and response to their reports by the full council and/or the executive.
7. The roles of any area committees including:
 - 7.1 The membership, terms of reference and functions of the committees;
 - 7.2 The rules governing the proceedings of the committees; and
 - 7.3 The arrangements in place for the consideration of and response to their reports by the full council and/or the executive.
8. The roles of the governance and audit committee and of any sub- committee of that committee including:
 - 8.1 The membership of the committee and any sub-committee;
 - 8.2 The roles, functions, rights and duties of the committee and any sub-committee;
 - 8.3 The rules governing the proceedings of the committee and any sub-committee; and
 - 8.4 The arrangements in place for the consideration of and response to their reports by the full council and/or the executive.
9. The roles of the Democratic Services Committee and of any sub-committee of that committee including:
 - 9.1 The membership of the committee and any sub-committee;
 - 9.2 The roles, functions, rights and duties of the committee and any sub-committee;
 - 9.3 The rules governing the proceedings of the committee and any sub-committee; and
 - 9.4 The arrangements in place for the consideration of and response to their reports by the full council and/or the executive.

10. In the case of a local authority which is operating executive arrangements as defined by section 10(1) of the Act the roles of the executive and of members of the executive including:
 - 10.1 The roles, functions, rights and duties of members of the executive and assistants to the executive, including the maximum number of assistants that may be appointed;
 - 10.2 The roles, functions, rights and duties of any elected mayor and any deputy mayor;
 - 10.3 The allocation of responsibility for the exercise of social services functions including responsibility for looked after children;
 - 10.4 The process for the appointment and removal of members of the executive and assistants to the executive;
 - 10.5 The rules governing the proceedings of the executive, including the arrangements for multi-location meetings;
 - 10.6 The arrangements for determining and managing the job sharing of executive posts, including the executive leader in relation to managing, and the manner in which this will be considered when allocating seats on committees which include a seat for members of the executive, such as the governance and audit committee and the democratic services committee, to which the political balance rules apply. In the case of the executive leader, the arrangements must set out how an election for executive leader will be undertaken where one or more of the potential office holders seeking that office are seeking it on the basis of job sharing arrangements.
11. Particulars of any arrangements for the discharge of any functions by individual members, another local authority, including corporate joint committees, or for the exercise of any functions jointly with another local authority including:
 - 11.1 The nature of the arrangements and the functions to which they apply;
 - 11.2 The membership of any joint committees and sub-committees;
 - 11.3 The rules governing the proceedings of any joint committees and sub-committees; and
 - 11.4 Details of any contracting out arrangements.
12. The roles of officers of the local authority including:

- 12.1 The management structure of the local authority;
 - 12.2 The functions of the chief executive, the monitoring officer, the head of democratic services and the chief finance officer (section 151 officer);
 - 12.3 The code of conduct for officers;
 - 12.4 The arrangements for recruitment, appointment, remuneration, dismissal and disciplinary action in relation to officers, including officers covered by the Local Authorities (Wales) Standing Order Regulations 2006 and the council's pay policy statement;
 - 12.5 Details of delegations of functions to officers; and
 - 12.6 Protocols for managing constructive and respectful relationships between officers and members, including informal and formal processes for handling disputes and complaints.
13. The principles and processes for efficient, transparent and accountable decision making within the council and access to information about decision making including rules of procedure for decision making and access to information in respect of the full council, its committees and sub-committees, the executive, overview and scrutiny committees and officers.
 14. The confidential reporting procedure with references to the authority's codes of conduct for members and employees respectively.
 15. The rules and regulations governing finance, contractual and legal matters including:
 - 15.1 Audit procedures;
 - 15.2 Contracts and procurement rules and procedures including authentication of documents; and
 - 15.3 The rules governing legal proceedings by and against the local authority.
 16. The arrangements to fulfil the duties under sections 91, 92 and 93 of the Local Government and Elections (Wales) Act 2021 to report on the council's performance and to arrange and respond to a panel assessment.
 17. The rules and procedures for review and revision of the constitution.

18. Provisions for the suspension and interpretation of the constitution and elements of it.
19. The statutory derivations of all of the provisions of the constitution (i.e. the powers and duties under which they are made).

2.0 The Constitution Guide Statutory Guidance

Status of this Guidance

- 2.1 This statutory guidance is issued under section 38 of the Local Government Act 2000. A local authority (a county or county borough council in Wales), elected mayor or an executive leader must have regard to it.

Purpose of this Guidance

- 2.2 This guidance accompanies the requirement set out in section 38 of the Local Government Act 2000, as amended by section 45 of the Local Government and Elections (Wales) Act 2021. This section requires councils to publish electronically and keep up to date a guide which explains in ordinary language the content of their constitution.

What is the Guide?

- 2.3 Councils must produce and publish a guide to their constitution. A guide to the constitution is not the same thing as a guide setting out how the council works, although there is likely to be some overlap, nor is it an annotated index of the constitution itself. Councils are likely to already hold material on their website explaining key aspects of their operation, which could be used to form this guide.

Consultation and matters to be taken into consideration when preparing the guide

- 2.4 How to prepare an effective constitution guide should form part of the council's strategy on encouraging public participation in decision making by the council prepared under sections 40 and 41 of the Local Government and Elections (Wales) Act 2021. Councils could speak to local people, and to voluntary organisations representing local people, to understand what it would be most helpful to put in the constitution guide.
- 2.5 Councils should also have regard to their statutory duties in respect of equalities, Welsh language and the Well-being of Future Generations (Wales) Act 2015 when preparing their constitution guide. Councils should involve and consult a wide range of people and groups from diverse backgrounds before publishing the final guide.
- 2.6 An effective constitution guide will be one that understands the different interactions local people are likely to have with the council, and with local democratic systems, and which focusses in more detail on those interactions. It

may bear some similarity with some of the introductory information on councils' websites describing how the council operates.

2.7 For example, a guide could provide particular detail on:

- The rights of the public to access information about the council (including the right to inspect accounts, and other formal documents);
- Rights of access to meetings, and public speaking rights; and
- Arrangements for petitions.

The Welsh Local Government Association and Lawyers in Local Government have produced a model guide to the constitution which councils may find helpful.

3.0 The Exercise of Functions by Councillors Statutory Guidance

Status of this Guidance

- 3.1 This is statutory guidance made under Section 56 of the Local Government (Wales) Measure 2011 (the Measure). This replaces previous guidance issued on this matter.

Purpose of this Guidance

- 3.2 This is statutory guidance issued in accordance with section 56(6) of the Measure to which the county or county borough council or senior executive member of the local authority must have regard in making arrangements under section 56.
- 3.3 Powers under section 56 are optional in nature but those councils that decide to use them may have regard to this guidance to assist them.
- 3.4 By giving more autonomy to elected members in their local area, section 56 enhances councillors' ability to resolve issues and problems on behalf of their residents.

Introduction

- 3.5 The Measure includes powers for councillors to help them tackle issues and resolve problems in their local ward.
- 3.6 Section 56 enables councils to make arrangements for functions to be exercised by individual councillors to allow them to make decisions at an electoral ward level that may result in improvements in their local areas.
- 3.7 Arrangements under this section provide for a non-executive member to exercise those functions in relation to the electoral ward for which the member has been elected, or to exercise functions in relation to their official membership of an outside body.
- 3.8 This guidance seeks to outline potential positive benefits from delegating functions to elected members both within their role as ward members and as the council's official representative on outside bodies. The aim is to support elected members in being the voice of their community within the council and the voice of the council in their community.

What the Measure says about exercise of functions by councillors

- 3.9 Section 56 gives powers to local authorities to formally delegate powers to individual councillors to carry out any function of the authority. With regard to the range of functions that may be exercised by non-executive councillors, section 56 allows local authorities flexibility to develop arrangements which may best suit their individual preferences. This includes enabling local authorities to delegate both executive functions and other council functions to non-executive councillors.
- 3.10 Section 56(1) provides that the senior executive member of a local authority may make arrangements for a non-executive member of the authority to exercise a function of the local authority which is the responsibility of the executive. Section 56(2) provides that a local authority may make arrangements for a non-executive member of the authority to exercise any other function of the authority.
- 3.11 However, councils will need to be mindful that section 56(3) stipulates that local authorities may only delegate functions to non-executive members –
- (i) in relation to the electoral ward for which the non-executive member is elected, or
 - (ii) in relation to the non-executive member's official membership of a body other than the local authority.

Purpose and objectives of section 56

- 3.12 The intent behind the provision is to provide councils with a wider range of opportunities to make effective use of elected members' representational role, this could now also be considered in conjunction with the duties placed upon councils in sections 39 to 41 of the Local Government and Elections (Wales) Act 2021 (the 2021 Act) to encourage local people to participate in decision making.
- 3.13 It could also be a way of supporting elected member training and development. For example, councils may wish to use the provision as a means to create developmental 'on-the-job' learning initiatives for non-executive members in instances where they may be utilised as council representative on outside bodies such as local health boards, housing associations, voluntary organisations, trusts or agencies. Such 'learning by doing' would be a chance to further councillors' skills and knowledge in a given area and broaden the council's overall pool of experienced elected members.
- 3.14 For those outside bodies where more than one member is appointed, councils may wish to delegate functions in a way which empowers non-executive members on occasions where the executive member may be absent.
- 3.15 In these instances, it would be important for the council to ensure those non-executive councillors to whom functions had been delegated receive the support

and developmental opportunities necessary for them to successfully fulfil their role.

3.16 As a means to provide the necessary transparency and accountability for delegated functions, section 100EA of the Local Government Act 1972 (as amended by section 57 of the Measure) provides the Welsh Ministers with powers to make regulations to require councils to publicly record decisions made under section 56 of the Measure. This is in order to give the public information about the work undertaken by councillors within their wards. The Welsh Ministers have not exercised this power however councils are encouraged to publish these decisions as a matter of good practice. Councils may also wish to publish delegated decisions of councillors as part of their annual review process.

3.17 Although section 56 gives broad powers to delegate any local authority function to an individual member, there are obviously some functions that will be more appropriate than others. It would not be appropriate to delegate powers which are specified as specifically not to be exercised by the executive or not to be exercised solely by the executive in the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 as these functions are intended to be exercised by the membership of the council as a whole or one of its committees. Also it would not be appropriate to delegate functions requiring a council wide strategic approach such as social care. But, delegated powers could be used to allow councillors to play a more active role in a wide range of policy areas.

3.18 For example, functions that could be delegated may include:

- Powers to effect repairs or improvements to streets. This could include road calming measures or street lighting;
- Powers to develop and oversee youth activities within the area of an electoral ward.

Factors to consider when delegating powers

3.19 When considering whether or not to delegate functions to non-executive members, councils may wish to give thought to the following issues in relation to members:

- What value can be added by delegating powers? What specific local problems will be able to be tackled as a result?
- Would councillors need additional support such as legal advice in the discharge of delegated functions?
- How will members be supported if their decisions are challenged, for example, by judicial review?

- How will councillors publicly record decisions made using their new powers?
- Integrating the learning and participation generated through the delegation in to wider initiatives and strategies including statutory ones to strengthen them; and
- How the delegations support the council in meeting statutory duties in relation to equalities, Welsh language, the Well-being of Future Generations (Wales) Act 2015 and the duty to encourage participation in the 2021 Act.

3.20 For officers, in supporting elected members discharge delegated functions, things to think about include:

- Working more closely with councillors to develop their knowledge and skills;
- Providing advice and reports to ensure delegated powers are used effectively and in accordance with duties placed upon the council, including advice on statutory duties such as those contained in the Well-being of Future Generations Act (Wales) 2015, the Welsh Language (Wales) Measure 2011 and the Equality Act 2010;
- Will members need legal advice and support to discharge the delegated functions?
- How will members be supported if their decisions are challenged, for example, by judicial review?
- How will the decisions made by councillors with delegated functions be officially recorded?
- Implementing decisions that are made under delegated powers;
- Developing processes to appropriately record decisions made by a councillor under these powers.

Some practical considerations

3.21 Practically speaking, most local authorities will probably wish to amend their constitutions to put in place arrangements for delegating powers to councillors. Councils may wish to utilise existing procedures used to delegate powers to cabinet members when developing frameworks for delegating functions to non-executive members. In particular, any decisions made by non-executive members using delegated functions should be subject to the same call-in procedures as relate to executive functions more generally. Further options councils may wish to adopt include:

- Establishing enabling powers in their constitution for the purpose of delegating powers to non-executive members to be used as and when needed; and
- Using delegated powers to tackle specific area based issues in response to local challenges.

3.22 It is for councils to decide the extent and means by which they wish to use the powers under section 56. It is advised that councils should develop a protocol to define when and under what conditions a function will be delegated to a non-executive member. Also, that the training, development and support the councillor might require to undertake the role is considered as part of their annual training review. When making arrangements to delegate powers, councils should take into account the need to avoid the possibility of allegations of favouring councillors of a particular political persuasion. In multi-member wards, local authorities should make the same arrangements for delegated functions including any associated budgetary arrangements to apply to each elected member or to none.

Multi-member Wards

3.23 The powers in the Measure relate to individual councillors but local authorities may need to put arrangements in place to ensure that delegated powers are used jointly by all members representing a particular ward especially if those members are from different political parties.

3.24 If functions are delegated to councillors within the same ward, councils may wish to produce guidance and support aimed at ensuring decisions undertaken in wards are co-ordinated and complementary in improving outcomes for local people.

Links with Councillor Calls for Action (CCfA)

3.25 Where councils have decided to take advantage of the powers under section 56, they will find that there are some close links with CCfA. Members exercising delegated powers may find that they have more opportunities to resolve issues locally without having recourse to CCfA. CCfAs on particular issues may encourage councils to use section 56 to delegate powers to members to resolve those issues locally.

4.0 Council Executives Statutory Guidance

Status of this Guidance

4.1 This guidance is statutory guidance issued under section 38 of the Local Government Act 2000 and a county or county borough council, elected mayor or executive leader must have regard to it. This section was amended by section 59 of the Local Government and Elections (Wales) Act 2021 to provide for Welsh Ministers to issue guidance under section 38 which ‘may among other things, include provision designed to encourage good practice in relation to equality and diversity (within the meaning of section 8(2) of the Equality Act 2006).’

Purpose of this Guidance

4.2 The purpose of this guidance is to require the executive leader of a council to take into account diversity when appointing their cabinet. The aim is to support and encourage decision making in the executive which understands and reflects the diversity of the communities in the council area.

4.3 This guidance also requires council executives to take a proactive, positive and constructive approach to its interactions with scrutiny in the council.

Diversity in Cabinets

4.4 When establishing their cabinet the executive leader or elected mayor must have regard to statutory duties relating to equalities and the Welsh language. This includes consideration of the protected characteristics set out in the Equalities Act 2010, including the public sector duty to have due regard to the need to reduce the inequalities of outcome resulting from socio-economic disadvantage.

4.5 The leader or mayor must consider how their appointments to the cabinet reflect and support the diversity of the communities in the council area and as far as possible try to reflect this diversity. This is to ensure decision making in the executive is informed by a wide range of perspectives and experiences. The Local Government and Elections (Wales) Act 2021 (the “2021 Act”) provides executive leaders with opportunities to increase the diversity in their cabinet through the use of job sharing arrangements and/or the appointment of assistants to the executive.

4.6 When appointing two or more members to a job sharing arrangement the leader must not make the cabinet role covered by the job sharing arrangement of such a size that it could not reasonably be undertaken by a single cabinet member working on their own. The workload of the role must not increase simply because two or more members will now be undertaking it. The purpose is to support

diversity, including through succession planning, to enable members to genuinely share the role.

Job Sharing Executive Leaders and Executive Members

- 4.7 Section 58 of the 2021 Act amends the Local Government Act 2000 to require councils with executive arrangements to make provision enabling two or more councillors to share office on that executive, including the office of leader of the executive. It is envisaged, that the most likely scenario in the case of the leader of an executive, is that two or more members would mutually make an arrangement to stand for election as executive leader on the basis of a job-sharing arrangement. The executive procedures and council procedures must provide for this.
- 4.8 In the case of executive members, it is for the executive leader to determine appointments to the executive based on the arrangements set out and agreed in the council's constitution. The constitution must set out the parameters for the operation of job-sharing arrangements in the executive. The number of executive posts (including that of executive leader) that can be filled on a job-sharing basis is limited to three by the 2000 Act. This is to ensure that in councils with a smaller number of members there are still sufficient members to provide proper scrutiny of the executive.
- 4.9 When making appointments on a job-sharing basis the executive leader should consider matters including how:
- This could increase the diversity in the executive to best reflect the diversity in the council's area;
 - Job-sharing members will be supported to ensure they can maintain a reasonable work life balance; and
 - Those arrangements may offer opportunities for succession planning in the executive.
- 4.10 The terms of the job-sharing arrangements should be clear and agreed in advance. Members of the job sharing arrangement, their cabinet colleagues, other elected members and officers will need to understand how the responsibilities of the cabinet role subject to the job sharing arrangement are to be discharged. Job-sharing arrangements should not be used solely as a means of increasing the number of executive members or to create roles for job-sharing members which equate to workloads greater than if the cabinet position was held by an individual member. However, one member of the arrangement focusing on some aspects of the role and another member focusing on others enables skills and knowledge to be utilised to best effect.

- 4.11 In the case of both job-sharing executive leaders and job-sharing executive members, the two or more members in the job-sharing arrangement are to be treated as one member when attending a meeting in their capacity as members of the executive for voting purposes and for the purposes of determining whether a meeting is quorate. The exception is where one member of a job sharing arrangement makes a declaration of interest and has to recuse themselves from the meeting and voting, the other member or members of the arrangement may remain and exercise the vote ascribed to the job share arrangement.
- 4.12 Should two or more of the members in a job-sharing arrangement attend a meeting in their capacity as executive members they should both be recorded as having attended the meeting and they both may speak at the meeting. However, should the meeting require a vote to be cast, they must decide between them in advance who will cast their vote and inform the chair of the meeting. There is then a careful balance to be struck between pre-determination and proper preparation for the meeting amongst the job-sharers which should include an exploration on their position, what questions they may have on the matter and what further information they might wish to see, in the same way that it would be expected they would manage all aspects of their job-sharing arrangements to ensure continuity and consistency of approach between themselves.
- 4.13 If one member of a job-sharing arrangement attends a meeting in their capacity as a member of the executive and the meeting requires a vote then the attending member must cast their vote taking into account preparatory discussions with their job-sharing partners.
- 4.14 Where a member of a job-sharing arrangement casts a vote at a meeting they have attended which is subsequently identified as contrary to any preparatory discussions between job-sharing partners, unless the contradiction is attributable to debate and discussion in the meeting, then that vote may be treated as invalid for the purpose of decision making, as the vote is allocated to the job-sharing arrangement and not to the individual member of that arrangement who has attended the meeting.
- 4.15 It will be for each council to determine the appropriate course of action at that point, based on the specific circumstances, to ensure integrity of decision making is maintained. Councils should explain the significance of this aspect of job-sharing clearly to any members participating in executive job-sharing arrangements in advance and it should form part of induction and training for executive members.
- 4.16 As noted above, councils and job-sharing members should recognise that the successful operation of job-sharing arrangements will require the establishment of effective working arrangements from the outset and high levels of trust

between the job-sharing members. The working arrangements should include how disputes between job-sharers will be resolved.

- 4.17 Councils will need to consider how they communicate the position in respect of job-share arrangements to external organisations to which job-sharing members are appointed in their capacity as an executive member.
- 4.18 Councils must consider the implications for political balance requirements for those committees which are subject to political balance requirements and on which a job-sharing member of the executive may sit i.e. the Governance and Audit Committee and the Democratic Services Committee. This will require consideration where a job-sharing arrangement consists of members from more than one political group or a political group or groups and an unaffiliated member or members (where an unaffiliated member is a member not registered with the proper officer as being a member of a political group for the purposes of sections 15 to 17 of the Local Government and Housing Act 1989).
- 4.19 The treatment of job-sharing partners as if they were one member for the purposes of voting and quorums for meetings they attend as executive members does not extend to meetings they attend in their roles as members of the council.

Assistants to the Executive

- 4.20 Section 57 of the 2021 Act amends the 2000 Act to provide for the appointment of assistants to the executive. The aim is to support diversity by enabling members who might not be in a position to take up a full time executive role because of personal or other circumstances to have the opportunity to learn and develop. Whilst not members of the executive, assistants can attend and speak at executive meetings or at committees of the executive and could bring valuable diversity and insight into discussions.
- 4.21 The Council's constitution, which must be agreed by the full council, and its executive arrangements must include provision as to the number of assistants to the executive that may be appointed, their term of office and their responsibilities. Again, there should be a clear purpose to the appointment of assistants to the executive, and these appointments should not be used solely as a means of increasing the number of members able to make a contribution to the running of the executive.
- 4.22 The 2000 Act (as amended) provides that neither the chair nor the vice-chair of the council nor the presiding member, or deputy presiding member can be appointed as assistants to the executive.

4.23 Whilst assistants to the executive are not members of the executive, they are treated as if they are members of the executive for the purposes of the allocation of seats on scrutiny committees where neither members of the executive nor assistants to the executive can be members. Likewise, the committees which are able to include one member of the executive, the Governance and Audit Committee, the Democratic Services Committee and the Standards Committee, can only have a member of the executive OR an assistant to the executive as part of their membership (Schedule 6, to the Local Government and Elections (Wales) Act 2021 and The Local Government and Elections (Wales) Act 2021 Consequential Amendments (Job-Sharing and Assistants to the Executive) Regulations 2022).

Scrutiny and Call-ins

4.24 Cabinets should recognise the importance of effective scrutiny for the good governance of the council overall and reflect this in their constitutions. They should respond promptly and constructively to requests from scrutiny for information, attendance at meetings and other reasonable requests.

4.25 Executives should note that Section 65 of the Local Government and Elections (Wales) Act 2021 amended section 22(10) of the Local Government Act 2000 which provides Welsh Ministers with a power to make regulations which include provision for or in connection with requiring prescribed information about prescribed decisions made in connection with the discharge of functions which are the responsibility of a local authority executive to be made available to members of the public or members of the authority to include an overview and scrutiny committee of the authority or a sub-committee of such a committee. This is intended to convey the seriousness which Welsh Ministers attach to effective co-operation and information sharing between the executive and scrutiny and its place at the heart of the good and effective governance of the council.

4.26 Cabinets should set the tone for organisational commitment to effective scrutiny by ensuring there is parity of esteem between scrutiny and the executive and encouraging scrutiny to operate in a cross party constructive manner.

4.27 Cabinets should respond promptly and respectfully to recommendations from scrutiny explaining whether the recommendation will be accepted or rejected, the reasons for these decisions and what actions will be taken. Cabinets should publish their response electronically and the response should be available to the public except for matters exempt from publication.

4.28 Cabinets should be open to the need for appropriate use of call-ins and respond in a prompt and constructive manner to such requests. Cabinets should support

the design of effective and proportionate call in rules which do not make call-ins overly difficult or impossible.

4.29 Leaders and cabinets should also be respectful and mindful of the role of statutory officers such as the chief executive, the monitoring officer and the section 151 officer and their appointment by and role in serving the council as a whole. In exercising their functions, leaders and cabinets must remain within the parameters of the statutory framework and the council's own constitution. They must respect the role council officers play in advising them of these parameters and the interaction of this role with the scrutiny process and decisions required either by statute or the council's constitution to be taken by the full council.

5.0 Political Assistants Non Statutory Guidance

Status of the guidance

5.1 This is non-statutory guidance on the appointment of political assistants to political groups.

Purpose of this guidance

5.2 The purpose of this guidance is to explain provisions in the Local Government and Housing Act 1989 relating to the appointment of political assistants and to encourage councils to be open and transparent regarding the role and activities of the political assistants they employ.

Political Assistants

5.3 Local authority political assistants are local government employees who undertake research and provide administrative support for the main political groups within an authority.

5.4 The existence of these posts allows a separation of professional officer and political roles and can enable the provision of advice to councillors that local authority officers are prevented from providing.

5.5 [Part I of the Local Government and Housing Act 1989](#) sets out the framework regulating the appointment and conduct of political assistants.

5.6 Under section 2 of the 1989 Act, the post of political assistant in a local authority is politically restricted. This means that, like other politically restricted posts, the post-holder cannot stand for election, act as an election agent or sub-agent, be an officer of a political party, manage a party or branch of a party, and cannot canvass on behalf of a political party or candidate for election.

5.7 Political assistants are, however, permitted to speak to the public with the intention of affecting support for a political party, but their actions must not give the impression that they are acting as the representative of the political party.

5.8 Political assistants are also able to publish or cause to be published written work or other material intended to affect public support for a political party, but they must not give the impression that the publication is authorised by the political party.

5.9 These rules were adopted to address concerns about political impartiality, conflict of interest and the use of taxpayer funds for political purposes in councils.

Further details on the restrictions in place can be found in the [Local Government Officers \(Political Restrictions\) Regulations 1990](#).

5.10 The restrictions take the form of terms and conditions that are deemed to be incorporated into those officers' terms of appointment and conditions of employment. The restrictions applicable to all holders of politically restricted posts are set out in [Part I of the Schedule](#) to the Regulations. [Part II of Schedule](#) provides for further terms and conditions for political assistants.

Appointments

5.11 Under [section 9 of the Local Government and Housing Act 1989](#), a local authority may appoint up to 3 assistants for political groups subject to stringent conditions and safeguards.

5.12 The 3 largest political groups in each authority qualify for a political assistant if the membership of the group consists of at least 10% of the membership of the authority. The exception is where only one political group accounts for at least 10% of the membership, in which case the next biggest group also qualifies.

5.13 No appointments can be made until posts have been established for all qualifying groups, however, only one post can be appointed to a political party.

5.14 Under [section 7 of the Local Government and Housing Act 1989](#) employees of a local authority must be appointed on merit. Section 9 provides an exception to this principle. The appointment of each political assistant is down to the political group each post (political assistant) is to represent. The appointee can take account of the candidate's political activities during the selection process, although the posts are 'politically restricted' (as described above).

5.15 Once appointed line management responsibility for political assistants should be assigned to one of the authority's senior officers. However, in practice, political assistants' day to day work will be determined and managed by the relevant political group and its political group leader. Authorities should therefore consider how any conflicts or disputes will be resolved, perhaps through the development and agreement of a protocol.

Remuneration and contracts

5.16 It is for the authority to determine the salary payable, however, it is expected that local authorities show restraint and allow pay increases in a proportionate manner in line with wider local government pay.

[The Local Government \(Assistants for Political Groups\) \(Remuneration\) \(Wales\) \(Amendment\) Order 2019 \(legislation.gov.uk\)](#) sets the maximum level of potential pay that political assistants can be paid.

5.17 Under [section 9\(4\)\(b\) of the Local Government and Housing Act 1989](#) the maximum salary set by regulations is a full-time equivalent figure so it is not possible to pay an annual salary at an hourly rate for part-time hours if this would breach the maximum amount stipulated if the political assistant were to work full-time.

5.18 The contract of employment must terminate at or before the annual council meeting following the first elections after the person was appointed. However, this does not prevent the post holder being reappointed for a further term. The local authority cannot delegate any functions to an assistant, and no other authority officer can be required to work under the direction of an assistant (other than in respect of secretarial or clerical services).

Openness and transparency

5.19 Each local authority is under a duty to draw-up and regularly update a list of posts which are politically restricted and political assistants are expected to comply with the officer code of conduct of their authority.

5.20 Local authorities should consider publishing the details below as best practice:

- The total number of political assistants it employs;
- The political group each assistant serves;
- The number of councillors in each political group; and
- The number of hours per week for which each political group's assistant is employed.

6.0 Arrangements for Securing Effective Overview and Scrutiny

Statutory Guidance

Status of this Guidance

6.1 This guidance is statutory guidance issued under section 38 of the Local Government Act 2000. A county or county borough council, elected mayor or an executive leader must have regard to it. It replaces previous guidance issued in 2012.

Purpose of this Guidance

6.2 The purpose of this guidance is to ensure councils have effective scrutiny arrangements and that procedures are in place to regularly review and seek to improve the effectiveness of those arrangements.

Policy Intent

6.3 Overview and scrutiny is an essential element of the political and general governance of the council. The council and executive culture should be open to and supportive of scrutiny and scrutiny should be provided with staff and resources to enable it to effectively undertake its functions, including holding the council executive to account.

6.4 It is recognised that difficult decisions will always have to be made in relation to council finances but the overriding principle should be that investment in scrutiny also contributes to better services for local people by providing another channel for people to be involved in the decisions that affect them and driving a culture of learning and improvement across the council as whole. This principle should be considered in light of sections 39 to 41 of the Local Government and Elections Act 2021 (the 2021 Act) in terms of the duty to encourage local people to participate on decision making and prepare a strategy on encouraging participation and the duty on a principal council to keep its performance under review, including the conduct of its self and panel assessments and consulting local people as part of that duty as required by sections 89 and 90 of the 2021 Act.

6.5 Effective scrutiny of collaborative arrangements with other councils such as joint committees and corporate joint committees and cross public service partnership arrangements - such as public service boards must be viewed as essential in ensuring that those arrangements are democratically accountable to local people.

Processes and Relationships

- 6.6 To achieve the policy intent scrutiny should not sit aside from other processes which form part of the council's governance system. Arrangements for overview and scrutiny should be set out clearly in the council's constitution and constitution guide required by section 37 of the Local Government Act 2000.
- 6.7 Scrutiny should be an integral part of the council's self-assessment under Part 6 of the Local Government and Elections (Wales) Act 2021 (the 2021 Act) and should also be considered when the council arranges its panel assessment.
- 6.8 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 strategy the council must prepare and consult upon in sections 40 and 41.
- 6.9 Scrutiny chairs should have good working relationships with each other and regularly discuss approaches to scrutiny and learn from the work of other scrutiny committees within the council and in other councils. Scrutiny chairs should also establish good working relationships with the chair of the governance and audit committee and the standards committee, as well as the chair or presiding member of the council and the chairs of other committees. They should also foster good working relationships with internal and external auditors and with regulators.
- 6.10 The effectiveness of scrutiny is in part dependent on mutual respect between those charged with scrutiny of the executive and the executive itself. Chairs should therefore develop constructive working relationships with the council's executive in particular, the leader, cabinet members, chief executive and senior officials. The council's executive are required to reciprocate this approach to constructive working under statutory guidance also issued under section 38 of the Local Government Act 2000.

Effective Working

- 6.11 All scrutiny committees should adopt the most effective ways of working to ensure they are able to fulfil their role. This may include:
- The consideration of matters as part of a multi-item committee agenda. Here, councils should ensure the number of items on a single agenda does not make it difficult for members to consider the matter in question in depth;
 - The consideration of matters at a single-item committee agenda. This provides more flexibility around approach, involving panels of witnesses, and potentially

some public participation. One off “challenge panels” can be a proportionate and effective way to dig into a topic;

- Task and finish groups. “Task and finish” groups are small, informal groups of members, commissioned by a committee to investigate a topic and to report back. Task and finish groups are not subject to rules about the meeting of committees, because they are informal bodies;
- The convening of a short task and finish group. A group that meets only a couple of times over a few weeks will be able to tackle a narrow, defined subject. It is likely to be possible for a review to be commissioned, and then to report back to the next meeting of the same committee; and
- The convening of a longer task and finish group. The “traditional” task and finish group model is for a body that meets multiple times over several month, building a comprehensive evidence base.

6.12 The commissioning of task and finish groups, where it happens, should involve the agreement of a scope, setting out the terms of reference of the group and the timescale for carrying out its work.

6.13 Task and finish groups can meet either in private, or in public. When they have completed their work, task and finish groups should submit a report and recommendations to the committee that has commissioned them. This should also include some record of the proceedings of the group (including information on where, and from whom, evidence has been gathered), particularly if the group has met in private. The committee can then decide to adopt the recommendations, submitting them to the council’s executive or another body for a response.

6.14 All ways of working demand careful planning. Councils should, in programming work, consider in some detail the scope of a topic and how it should be considered so as to maximise its impact. In some cases this may involve councillors’ meetings beforehand, either in private or in public, to discuss questioning strategy, or otherwise meeting to plan scrutiny work. Resourcing arrangements for scrutiny should take into account the necessity for officer support for this planning activity.

Resourcing and Information

6.15 To be effective scrutiny must be resourced and have access to officers dedicated to supporting scrutiny committees to plan, manage and execute their work programmes. Officers not directly supporting scrutiny should be mindful that their employment is with the council and not the executive, they should therefore

provide scrutiny committees with support and information in a constructive and timely manner to assist their work. This may sometimes present challenges for officers but members of scrutiny committees and members of the executive should also be mindful of these conflicts and these matters should be considered when protocols are developed governing the relationships between officers and members for inclusion in the council's constitution.

6.16 Section 65 of the Local Government and Elections (Wales) Act 2021 amended section 22(10) of the Local Government Act 2000 which provides Welsh Ministers with a power to make regulations which include provision for or in connection with requiring prescribed information about prescribed decisions made in connection with the discharge of functions which are the responsibility of a local authority executive to be made available to members of the public or members of the authority to include an overview and scrutiny committee of the authority or a sub-committee of such a committee. This is intended to convey the seriousness which Welsh Ministers attach to effective co-operation and information sharing between the executive and scrutiny and its place at the heart of the good and effective governance of the council.

Reviewing Scrutiny

6.17 Effective scrutiny is itself open to regular review and arrangements should be put in place for this to take place as part of the council's self-assessment processes. Peer review is also a good way to review effectiveness and learn from the experience of other scrutineers.

7.0 Appointment of Persons to Chair Overview and Scrutiny Committees Statutory Guidance

Status of this Guidance

7.1 This is statutory guidance made under Section 75 of the Local Government (Wales) Measure 2011 (the Measure). This guidance replaces previous guidance issued under this section in relation to the appointment of persons to chair overview and scrutiny committees in 2012.

Purpose of this guidance

7.2 To provide guidance to councils on the appointment of persons to chair overview and scrutiny committees.

Introduction

7.3 Part 6 of the Measure deals with overview and scrutiny, including, from sections 66 to 75, provisions relating to the appointment of chairs of overview and scrutiny committees (scrutiny committees). The policy intent is to ensure overview and scrutiny is not dominated by the political groups on the executive of the council, and can act independently.

What the Measure requires

7.4 Local authorities must include within their standing orders arrangements for the appointment of the chairs of their scrutiny committees which are in line with the following;

(i) Council with no political groups declared

Each scrutiny committee elects its own chair.

(ii) Council with only one declared political group

Each scrutiny committee elects its own chair.

(iii) Council has two political groups but only one scrutiny committee

The scrutiny committee elects its own chair. If, however, one of the groups (A) is represented in the council executive but the other (B) is not, that other group (B) must be left to appoint the chair.

(iv) Council with two or more political groups and multiple scrutiny committees

If there is more than one political group on the executive they can only be allocated as many chairs as is proportionate to their combined share of the council's total membership. This should be rounded down if it does not equate a whole number. It is then for the political groups on the executive to decide on the distribution of the executive's allocation of chairs between themselves.

The rest of the scrutiny chairs are the "property" of those groups not represented in the executive. If there is only one such group, they are entitled to all the remaining chairs. If there is more than one non-executive group, each gets a share of the chairs in proportion to their membership, rounding down to the nearest whole number, including zero. For example:

Number of members of council = 60
Number in executive groups(s) = 26
Number of scrutiny chairs = 5
Number for executive groups = 2
Number of chairs remaining = 3
Number of non-executive group(s) = 3
Size of non-executive group C = 16
Size of non-executive group D = 6
Size of non-executive group E = 2
Entitlement to scrutiny chairs of C = 2
Entitlement of scrutiny chairs of D = 1
Entitlement of scrutiny chairs of E = 0

Should there be any unallocated chairs following this calculation, then the chair is to be appointed by the members of that committee(s).

If all political groups in an authority are represented in the executive and the rounding down process results in unallocated chairs, any such chairs are also to be appointed by the members of those committees.

(v) Council where political group refuses to take allocation of chairs

Where a political group declines to take its allotment of chairs, none of those chairs can be allocated to an executive group. The vacant positions are to be offered to the other political groups in proportion to their size. In the example above, if A refused their 2 chairs, the opposition groups would be entitled to appoint the chairs of 5 committees and the allocations should be C = 3, D = 1, E = 1. If C refused their 2 chairs, the other groups would be entitled to one each. If D refused its single chair that would go to E, as group C has already had its allocation rounded up to give it 2.

In a council where there is only one non-executive group and this group is declining its chairs, or in a council where there are other non-executive groups but each of them declines to take the vacant chairs, it is left to each scrutiny committee to elect its own chair from any of its membership.

(vi) Political make-up of the executive changes

If a political group leaves or joins the executive, the exercise of allocation of chairs begins again in accord with the provisions described above.

(vii) Filling casual vacancies

Should a scrutiny chair be vacated for some reason, the chair should normally be allocated to the same political group as the outgoing chair. If, however, the chair has been elected by the committee itself, then the committee should appoint the new chair.

(viii) Council wishes to operate different allocation system

A council may decide to abandon the processes outlined above, but only if it wishes to bring about an allocation of scrutiny chairs which is more favourable to the non-executive groups than would be produced by the prescribed procedures. For this to happen, a majority within each political group must support the alternative proposal, and the proposal must be approved by a resolution of the full council, with a majority of members of every political group voting in favour of the resolution.

(ix) Appointment of vice-chairs

The allocation of any committee vice-chairs is a matter for each authority to decide upon.

Welsh Ministers may make regulations in relation to the allocation of chairs and also issue directions. At the time of issuing this guidance there are no plans to do either.

Guidance

- 7.5 The provisions of sections 66 onwards provide little room for manoeuvre. Councils' standing orders should set a timetable for the appointment processes to be completed.
- 7.6 Where a situation arises where the allocation procedures outlined in this guidance appear inadequate to deal with a particular situation, councils should first consult

their legal advisers for an opinion. Welsh Government officials may be contacted for advice by those legal advisers if necessary.

- 7.7 The spirit of the legislation is clear. It reflects a policy position in favour of scrutiny being, as far as possible, independent from the leadership of a council.

8.0 Co-opted Members of Overview and Scrutiny Committees

Statutory Guidance

Status of this Guidance

8.1 This is statutory guidance made under Section 76 of the Local Government (Wales) Measure 2011 (the Measure). It relates to the co-option of persons that are not members of local authorities onto their overview and scrutiny committees in accordance with section 21 of the Local Government Act 2000. This guidance replaces previous guidance issued in 2012.

Purpose of this Guidance

8.2 The purpose of this guidance is to provide a framework for councils to consider when appointing co-opted members to overview and scrutiny committees. In particular it requires councils to have regard to how co-option could bring a wide range of different skills and increased diversity to overview and scrutiny committees.

Policy Intent

8.3 Co-option of members to overview and scrutiny committees who are not councillors is a way to build a more diverse membership. It can provide a way to support broader public participation in local democracy and should form part of the council's strategy on encouraging participation as required by section 40 of the Local Government and Elections (Wales) Act 2021.

8.4 In making arrangements for co-option, councils might:

- Think about the needs of under-represented groups, and the barriers that might otherwise exist for such groups to engage with the business of the authority;
- Consider co-option alongside other methods of assuring public participation such as inviting people with valuable perspectives and experience to engage as witnesses or technical advisers as co-option may not always be the best way to garner the views and experience of some people.

8.5 Co-opted members on committees can significantly strengthen their effectiveness by bringing different perspectives. Whilst co-option is only one method by which the views of stakeholders can help shape the work of scrutiny committees, it is considered by the Welsh Government to be an important tool in achieving 'buy-in' from representative groups and individuals that may otherwise be disengaged from local decision-making processes. Co-option can serve to strengthen Members' community leadership role through the provision of alternative perspectives and the facilitation of stronger area-based networks and contacts.

- 8.6 The Welsh Government considers that including a broader range of specialists, community representatives and service-users in scrutiny exercises is advantageous, and that proactively engaging co-optees in scrutiny activity, enables elected members to send powerful messages about involving people and partners through their own structures and practice.
- 8.7 In recognition of the rich impact multi-perspective scrutiny can have in driving improvement, panels have been established to scrutinise the work of Public Service Boards whose membership span sectoral, organisational and geographic boundaries. To date these panels have included co-optees from voluntary organisations, local health boards, community health councils, police and crime panels, Natural Resources Wales, and local business forums who have been working alongside elected members to improve local services. When appointing co-optees from partner public bodies, individuals should be from a non-executive function within their organisation, where possible, to avoid any conflict of interest.
- 8.8 Some of the important benefits accruing from these arrangements have been the cross-transference of learning and the breaking down of organisational fragmentation in addressing 'wicked issues'. These practices have indicated that partnership working and co-option may be seen as processes that increase local democratic input and integration across different parts of the public sector.

Deciding when to co-opt

- 8.9 Any appointment of co-optees should be informed by scrutiny forward work plans and what outcomes elected members are seeking to achieve as the result of planned scrutiny exercises. Councils are advised to think carefully about the use of co-option as a means to develop partner relations or improved public connections that may add significant value to the work of scrutiny committees.
- 8.10 In all instances where co-option is being considered, care should be taken to ensure that co-option is in fact the best way for some individuals or groups of interest to be involved in the work of scrutiny committees. Groups of interest should include protected characteristics equality groups in recognition of the value these perspectives can add to the work of local authority scrutiny committees. In some circumstances it may be more appropriate for stakeholders to act as 'expert advisors' of a task and finish group or to be included as an invitee at scrutiny committee meetings. For example, some vulnerable groups or service users may feel intimidated by the formality of full committee meetings and may wish to submit written or oral evidence in support of a scrutiny review. The nature of stakeholder involvement in scrutiny work will need to be established on a case by case basis.

8.11 Also, organisations who are financially supported by partner agencies may feel reluctant to challenge the performance of funding providers in a public arena. Steps should be taken to minimise the risk of co-optees experiencing conflicts of interest as a result of being involved in scrutiny work.

Identifying potential co-opted members

8.12 Councils may wish to think about employing several strategies to identify co-optees that are likely to enrich scrutiny activity.

For example, councils may wish to:

- Approach town and community councils in the area to nominate representatives for co-option on to committees;
- Advertise in the local press;
- Utilise social networking sites;
- Approach wider 'sectoral organisations' such as the voluntary sector or local business forums for co-optee nomination; and
- Invite former co-optees with specific interest or expertise, to attend scrutiny meetings in an 'advisory capacity' when there are relevant items on the agenda.

8.13 Councils may also wish to develop an application form for groups or individuals to complete to express an interest in becoming a co-optee. Such forms could be made available from the scrutiny web pages of local authorities or advertised in the local press. Again, consideration should be given to protected characteristic equality groups.

Recruiting co-opted members

8.14 Councils will need to ensure that recruitment processes in relation to co-optees, whether this be on an individual or representational basis, are inclusive and fair so as to encourage people with a wide diversity of knowledge, skills and experience to participate in scrutiny activity.

8.15 To assist committees in recruiting co-optees it is suggested that councils consider developing outline role descriptions for co-opted members. These would help to clarify the expectations of both committees and potential co-opted members. Some councils have also found it helpful when selecting a co-opted member when more than one application has been received to identify competencies against which an application for a position is evaluated.

8.16 However, as a general rule it is suggested that committees should ensure co-opted members are able to:

- (i) represent the interests of the population that receive services provided by or commissioned by public service providers;

And/or,

- (ii) contribute expert knowledge or skills that will lead to a rigorous and objective scrutiny of the issues under review;

And/or,

- (iii) live or work in the county or county borough area.

8.17 Councils should have a protocol to govern co-option to scrutiny committees, to provide consistency and transparency on these issues. The protocol should form part of scrutiny's rules of procedure.

Scrutiny Committees: Number of co-opted members

8.18 In recognition of the democratic mandate of councillors it is recommended that the number of co-opted members on a scrutiny committee should not exceed a third of the total membership of the committee.

8.19 It is suggested however, that approaches to co-option be informed by an appreciation of what the co-optee will be able to contribute to the issue under consideration rather than a narrow focus on numbers of co-opted members.

8.20 Such an approach will help committees decide whether or not the participation of co-opted members remains relevant to its work priorities or whether there is need to refresh co-opted membership from time to time.

Sub-Committees: number of co-opted members

8.21 In recognition of the varied ways in which sub-committees operate, it is recommended that no limit be placed on the number of co-opted members that may participate in a sub-committee.

8.22 However, it is considered that it should be the case that co-opted members should not comprise the whole membership of the sub-committee.

Types of appointment for co-opted Members

8.23 As previously highlighted, scrutiny committees have a wide range of options available to them with regard to appointing co-opted members.

In their recruitment processes councils may specify that the appointment of a co-opted member is to be:

- i) For the life of the committee;
- ii) Until such time as it decides to terminate the appointment; or
- iii) For the purpose of a particular review or performance monitoring exercise.

8.24 It is advised that successful applicants be required to sign a statement of appointment that will include terms governing appropriate conduct. Specifically, on accepting office, co-opted members should be required to declare that they will observe the Code of Conduct for Members in the particular council's constitution which covers, among other matters, treating others with respect, not disclosing confidential information and disclosing relevant personal interests.

8.25 To ensure that co-opted members are provided with the information and skills necessary to fully participate in scrutiny activity, it is recommended that councils take steps to provide co-optees with appropriate induction training in addition to other training and developmental opportunities.

Voting rights and Code of Conduct

8.26 The Measure does not afford co-opted members of scrutiny committees with any voting rights. Consequently, they are therefore not bound by statute to comply with the Code of Conduct for Elected members as provided for by Part 3 of the Local Government Act 2000. However, co-opted members should be encouraged to abide by the principles set out in the code and conduct themselves to the highest standards of ethical behaviour. There are other statutory co-optees whose roles attract voting rights. These include: those members co-opted under the provisions of paragraph 8 to Schedule 1 to the Local Government Act 2000, the Parent Governor Representatives and Church Representatives (Wales) Regulations 2001 and the Crime and Disorder (Overview and Scrutiny) Regulations 2009. Any members co-opted under these provisions are required by law to comply with the Code of Conduct.

9.0 ‘Call in’ Arrangements in relation to Overview and Scrutiny Committees Statutory Guidance

Status of this guidance

9.1 This guidance is statutory guidance issued under section 38 of the Local Government Act 2000. A county or county borough council elected mayor or an executive leader must have regard to it. This guidance replaces any previous guidance issued on this matter.

Purpose of this guidance

9.2 The purpose of this guidance is to set out matters local authorities should take in to account when making their arrangements under section 21 of the Local Government Act 2000 in relation to the powers of overview and scrutiny committees to review and scrutinise decisions made, including those not yet implemented by the executive and make recommendations for those decisions to be reconsidered. The process commonly referred to as ‘call in’.

Policy Intent

9.3 The call in process is an important part of the political governance of the council. The rules of procedure a council sets out in relation to call in should strike a balance between enabling open and transparent overview and scrutiny of decisions and preventing deliberate filibustering of the council’s operation. For these reasons, councils should ensure that clear and consistent call-in rules form a part of their constitutions.

Guidance

9.4 Call-ins should not be regarded as a regular tool for scrutiny and they should not by default become a means of compensating for deficiencies elsewhere in scrutiny procedures. The more constructive approach is to put in place procedures which facilitate more, proportionate, pre-decision scrutiny.

Call-in rules should make reference to:

- The kinds of decision which will be subject to call-in. These will usually be key decisions, set out in the executive’s forward plan;
- The number of councillors who need to request a call-in for it to be valid;
- Any other limits to call-in requests – for example, a need for a decision to cover two or more electoral divisions in order to be valid;
- Process requirements, for example, the need to fill in a form stating reasons for the call-in, which would then be published. In general councils should ensure that call-in requests do not need to satisfy too many bureaucratic

requirements, and that they ensure that call-ins can happen where politicians recognise a pressing need for a decision to be reconsidered;

- The timescale, after a decision is made, within which a valid call-in request might be made and accepted;
- The arrangements for organising a meeting of an overview and scrutiny committee once a valid call-in request is received;
- Arrangements for how such a meeting is carried out. This may include a right for a councillor or councillors requesting a call-in to set out their reasons for doing so;
- The recommendations that the scrutiny committee can make. These might be to take no further action (allowing the decision to be immediately implemented) or to make recommendations to the executive that the decision should be amended, or withdrawn entirely;
- Arrangements for the executive to provide a response to the scrutiny committee.

9.5 Call-in rules should not be designed to make call-ins essentially impossible (for example, by requiring that two members of a scrutiny committee request a call-in where political balance requires that only one member of each committee is a member of the opposition). For this reason, councils should review their call-in rules following elections to ensure that they still allow for the proportionate use of this power.

10.0 Councillor Calls for Action Statutory Guidance

Status of this Guidance

10.1 This is statutory guidance made under Section 21A(3) of the Local Government Act 2000 (the 2000 Act). This guidance replaces previous guidance on this matter issued in 2012.

Purpose of this Guidance

10.2 This is statutory guidance issued under section 21A(3) of the 2000 Act (as amended by section 63 of the Local Government (Wales) Measure 2011 (the 2011 Measure)), to which a member of an authority must have regard in considering whether to make a call for action. Councillor calls for action (CCfAs) enable local councillors and their electors to ensure a response from their council leadership to issues of local importance. CCfAs should be regarded as one of a series of tools elected members have at their disposal to resolve local issues and make a positive difference in their community.

Introduction

10.3 Section 63 of the 2011 Measure amends Section 21A of the Local Government Act 2000 to enable any councillor of a principal council in Wales to refer a matter to an overview and scrutiny committee which relates to the discharge of any of the functions of the council or which affects all or part of the electoral area which the councillor represents.

10.4 This provision pre-dates the Well-being of Future Generations (Wales) Act 2015, but reflects its principles that outcomes such as improved health, educational attainment and employment should be co-produced through the joint efforts of service users, service providers and others. CCfAs can offer a valuable form of community intelligence which can contribute to developing and delivering a shared vision for the locality. The CCfA should be understood as a means of “last resort” in a broad sense, with issues being raised at a scrutiny committee after other avenues have been explored. As such, the process should make it easier for issues that would benefit from scrutiny consideration to be identified, and for those issues which are best dealt with through other means to be signposted accordingly. It might be helpful to identify research support for members considering a CCfA to either ensure it is the appropriate course of action or to build a well evidenced case to enable effective scrutiny and consideration.

10.5 Therefore, for CCfA to act effectively as an improvement tool, discussions about how to put CCfA procedures in place should focus less on process and more on outcomes. Since it is likely that the types of issues that would make for a CCfA

would be cross-cutting and multi-agency in nature, thought should be given to the types of things that may constitute a satisfactory 'resolution' for councillors and by extension, local communities.

Purpose and objectives of the CCfA

10.6 The CCfA provisions should be seen in the wider context of strengthening local democracy and widening participation in local decision making. They should be considered in the context of duties placed on the council in sections 39 to 41 of the Local Government and Elections (Wales) Act 2021 relating to encouraging local people to participate in decision making.

10.7 As such, CCfA should not be regarded solely as a 'scrutiny' process. Instead Councils should consider it within the context of making improvements more generally to a wider range of council functions aimed at supporting participatory democratic activity. This includes support for members in their constituency roles as well as activities such as complaints, and consultation processes that capture public experience and opinion.

10.8 This guidance is not about providing authorities with a prescriptive 'instruction manual' as to how councils must set about putting CCfAs in practice. Instead, it provides a series of considerations and analysis to those authorities that recognise the value of identifying and acting upon the local knowledge that elected members can channel and who wish to use CCfA.

Legislative context

10.9 The purpose is to ensure that executive arrangements by a local authority enable any member of the council to refer to an overview and scrutiny committee a "local government matter" which falls within the committee's remit. A referral in this way will ensure that the matter is included in the agenda and discussed at the committee. However, in making such a referral the member must have regard to any guidance issued by the Welsh Ministers.

10.10 If the overview and scrutiny committee receives a referral from a member who is not on the committee, it can choose to do any of the things that it might normally do with a new item. These include: reviewing and scrutinising decisions and actions, and making reports and recommendations.

In deciding whether to do any of these things, the committee may "have regard to" two particular points:

- (i) anything that the member may have already done in relation to the matter, particularly if they have been empowered to do so by the council under section 56 of the 2011 Measure,

And;

- (ii) representations made by the elected member as to why the committee should take the matter up. If the committee decides not to take the matter up, it must explain the reasons why to the member. However, if the committee chooses to conduct some work on the issue, it must make sure that the elected member has a copy of any reports or recommendations that it makes in relation to it.

10.11 Subsection (12) of section 21A of the 2000 Act defines 'local government matter' in relation to a member of a local authority in Wales as a matter which is not an excluded matter and which –

- a) relates to the discharge of any function of the authority, or
- b) affects all or part of the electoral area for which the member is elected or any person who lives or works in that area.

10.12 Subsection (13) of section 21A of the 2000 Act defines what is meant by an excluded matter in subsection (12). It is described as any matter which is-

- a) a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or
- b) a matter of any description specified in an order made by the Welsh Ministers for the purposes of this section.

10.13 It can be seen that subsection (12)(b) allows for a broad range of issues that may be referred to an overview and scrutiny committee by a local authority member. As such, local authorities will need to ensure that implementation of CCfA is sufficiently responsive and wide ranging.

10.14 For example, it may be the case that a CCfA identifies a cross-cutting issue such as access to local dental services which could necessitate the scrutiny committee considering engagement with public service partners. In these instances CCfA can be used to develop closer links between councils and external partners.

10.15 When deciding upon whether or not to address an issue raised by CCfA at a scrutiny committee meeting, committees may find it helpful to use criteria for referral.

10.16 In considering how to respond to a CCfA, committees have a wide range of options available to them. They could, for example, call members and officers to attend a meeting and answer questions, instigate a review of policy, or, depending on the nature of the CCfA, make reports or recommendations to the decision making body of the relevant partner(s). Committees should think about the levels of formality that would be most appropriate in addressing issues in a way that helps facilitate positive outcomes.

10.17 Regarding how best to make use of the resources available to them, scrutiny committees should also assess how the problem may fit with existing programmes of work. CCfAs that can be considered as a complementary part of a scrutiny committee's forward work programme should similarly themed or related topics already have been included. In these instances, taking into account the steps councillors will already have taken in trying to resolve a community issue CCfAs can be considered as providing an evidence base to inform the committee's next steps.

Defining 'resolution'

10.18 The concept of resolution is arguably the issue at the centre of CCfA, i.e. ensuring that CCfA actually helps councillors to resolve intractable issues. The purpose of CCfA is to provide resolution where other techniques might not be able to do so, so the first step is to try to see if the issue has been or can be resolved through other means. This should be central to a council's procedures for raising and addressing CCfAs. As highlighted earlier, the deployment of a CCfA should be regarded as a last resort after other avenues have proved unsatisfactory. Consequently, the successful operation of CCfA will be reliant on the effectiveness of existing mechanisms in place aimed at supporting councillors in their constituency role.

10.19 Due to the potential cross-cutting and intractable nature of the social problems likely to be raised under CCfA, it is probable that there be no 'quick fix' of the issue under discussion. Therefore, in order for CCfA to make any headway in addressing local issues, it is advisable that councils should seek to make processes sufficiently adjustable so not to limit openness or exploratory discussion.

10.20 In practical terms it may help if local authority procedures specified that the councillor raising an issue articulates what they would regard as a successful outcome or resolution at the beginning of the CCfA process. Such outcomes could be revised by an appropriate scrutiny committee following initial enquiry. These initial objectives could act as the indicator of success against which the progress of a CCfA could be considered.

10.21 Before a CCfA is escalated to a full scrutiny committee meeting, councillors should first consider the following options in resolving a community issue:

- Informal discussions with officers or other councillors;
- Informal discussions with partner representatives;
- Referral of matters to other 'scrutiny bodies' or internal audit committees;
- Formal discussions with officers and councillors;
- Formal letters to Executive Members;
- Asking questions at Full Council;
- Submitting a motion to Full Council;
- Organising public meetings;
- Use of petitions;
- Making a complaint;
- Freedom of Information requests to other bodies;
- Communication with local MSs or MPs;
- Use of social media or email based campaigns.

10.22 In order for the CCfA to be effective in identifying and addressing public concern, the local authority's leadership together with senior officers within partner agencies will need to support the following principles:

- Appreciation of the role scrutiny can play as a driver of service improvement and its responsiveness to the needs of people in the area;
- Willingness to address unsatisfactory performance and a recognition of the need to resolve problems through discussion;
- Transparency in decision making processes and inclusion of the scrutiny process at all stages;
- Understanding, and a willingness to bolster the multi-faceted 'Community Leadership' role undertaken by members in their communities;
- Appreciation of the active part that service users and the wider community play in achieving improved outcomes.

10.23 Each issue attempted to be raised as a CCfA will have to be considered on its own merits. But it must be demonstrable that each issue raised as a CCfA has been given due and appropriate consideration even if it is then determined it does not meet the criteria the council has set.

10.24 Scrutiny committees often examine issues which are highly political in nature and this should not necessarily be viewed as a negative thing. Elected members

can use the power of political debate to give proper consideration and analysis to controversial issues and in many cases a councillor's local knowledge can result in significant investigatory impact in helping identify constructive ways forward.

Working with partners

10.25 Success in dealing with CCfA issues that involve partners will usually involve those partners having been a part of the initial discussions leading to CCfA being established in a local authority. If partners have been part of those discussions it follows that it is more likely that they will be willing to work with scrutiny committees to resolve local issues.

10.26 Good management of partnership relations by scrutiny committees can be beneficial for both partners and elected members. Using CCfA, Scrutiny can play an important role in linking partners up across the spectrum of local policy making. Partnership scrutiny can assist integration as well as ensuring local needs and aspirations are represented in decision making processes.

Links to community safety issues

10.27 The Police and Justice Act 2006 (the 2006 Act) provides for a CCfA mechanism to deal with community safety and crime and disorder matters. The 2006 Act requires that the designated Crime and Disorder Committee consider all crime and disorder matters including community safety CCfAs. However, it may be the case that a cross-cutting issue such as substance misuse which draws upon a wide range of agencies is raised as a CCfA and it is unclear which committee is best placed to consider it.

10.28 In these instances, councils will need to bear in mind that the most important consideration is for the issue to be discussed in its entirety rather than adopt a rigid structural approach which further fragments enquiry. It may be the case that scrutiny chairs adopt a pragmatic approach about which committee should address a CCfA which has both crime and disorder and other subject elements. For example, it might be the case that scrutiny committees invite additional scrutiny chairs to meetings where CCfAs are being considered as linked to their relevant areas of expertise.

Links with section 56 of the 2011 Measure (exercise of functions by councillors)

10.29 It might be that where councils have chosen to take advantage of the power to delegate functions under section 56, there are close links with CCfA. It could be that members exercising delegated powers will have more opportunities to resolve issues locally without having recourse to CCfA. CCfAs on particular

issues may encourage councils to use section 56 to delegate powers to members to resolve those issues locally, further strengthening the council's responsiveness in improving local services.

11.0 Overview and Scrutiny Committees - Taking into account the views of the public

Status of this guidance

11.1 This is statutory guidance issued under section 62(4) and (5) of the Local Government (Wales) Measure 2011 (the Measure). A local authority and an overview and scrutiny committee must have regard to this guidance in complying with their obligations under section 62 'Taking into account the views of the public'. This guidance replaces previous guidance on this matter issued in 2012.

Purpose of this guidance

11.2 The guidance is intended to provide practical advice to local authorities and overview and scrutiny committees as to how to comply with the requirements set out in section 62 of the Measure. This guidance relates to all overview and scrutiny committees and their sub-Committees, and to any joint overview and scrutiny committees and sub-Committees of joint overview and scrutiny committees (referred to in the legislation as "relevant overview and scrutiny committees").

Background

11.3 Effective scrutiny is integral to helping people feel they are able to influence what goes on in their locality. Scrutiny has an important role in stimulating connections between different individuals and groups, and channelling community intelligence into the improvement processes of the council and its partners. In this respect, the scrutiny function can be regarded as helping to both build and represent democratic capacity. Before this can happen however, people need to know about their options to make their views known when they want to.

11.4 Engaging the public more deeply in scrutiny activity may be regarded as a hallmark of healthy democracy. Better communication about local decision-making processes and greater representative participation will help ensure more direct experiences of community life inform strategic thinking and operational practice. It is also an important element of the council being able to demonstrate it is complying with the duty in section 39 of the Local Government and Elections (Wales) Act 2021 (the 2021 Act) to encourage local people to participate in decision making. The arrangements for taking into account the views of the public in the scrutiny process should be set out in the strategy on encouraging participation required by section 40 of the 2021 Act.

11.5 Section 62 of the Local Government (Wales) Measure 2011 ("the Measure") places a requirement on local authorities to make arrangements that enable all

persons who live or work in the area to bring to the attention of the relevant overview and scrutiny committees their views on any matter under consideration by the committee.

11.6 Furthermore, section 62 provides that an overview and scrutiny committee must take into account any views brought to its attention in accordance with arrangements under this section.

Raising public awareness about scrutiny

11.7 To enable the public to effectively engage with overview and scrutiny committees, the Welsh Government considers people should first be informed about their council's scrutiny function and programmes of planned work.

11.8 As such, overview and scrutiny committees are expected to make strong efforts to raise public awareness about their role and function, including how people and communities can help shape and contribute to the delivery of scrutiny committee forward work programmes (FWP). This should also be included and publicised in the council's strategy on encouraging participation required by section 40 of the 2021 Act.

11.9 Several principal councils have already developed good quality websites which inform members of the public about the way in which decisions are made by a local authority and how people may engage in the work of overview and scrutiny committees. This should also form part of the guide to the constitution required to be published electronically and kept up to date under section 37 of the Local Government Act 2000.

11.10 There should be clear reference to overview and scrutiny on the council's website with easy links to meeting schedules and documentation required by Part VA of the Local Government Act 1972. Local authorities should consider the list below which sets out some of the additional information that could be included on their scrutiny webpages:

- An accessible guide to the local authority's decision-making processes;
- An accessible guide to the local authority's scrutiny function;
- Overview and scrutiny committee FWPs;
- Copies of the annual report of overview and scrutiny committees;
- A list of criteria as to what would make a good scrutiny item;

- Forms by which members of the public can identify issues for scrutiny;
- Forms by which members of the public can put themselves forward to offer comments upon any item included for discussion on a relevant overview and scrutiny committee's FWP;
- Forms by which members of the public may nominate themselves to attend an overview and scrutiny committee to provide evidence, information, comment or views in relation to any topic being considered by such a committee. This will include directions as to how a member of the public may submit views related to Call-Ins;
- Forms by which members of the public may nominate themselves to participate as a co-opted member of an overview and scrutiny committee; and
- Details of Chairs and support staff of overview and scrutiny committees and how they may be contacted.

Public Engagement

11.11 The Welsh Government considers public engagement in scrutiny is vital in improving the design and delivery of local services from a citizen-perspective. Input from a range of stakeholders can assist in understanding the complexities that often characterise social problems and scrutiny committees can play an important role in gathering necessary intelligence.

11.12 In formulating their arrangements for taking in to account the views of the public councils must have regard to their statutory duties in relation to equalities, including the public sector socio-economic duty and the Welsh language. Arrangements must facilitate and support the ability for people and communities from all backgrounds and protected characteristics to be able to engage constructively and easily with scrutiny.

11.13 It is recommended that local authorities develop internal mechanisms to better enable all members of the public engage in scrutiny activity. Such mechanisms should take accessibility into account and may include the following:

- Request that an item be placed on an agenda for consideration by an overview and scrutiny committee (providing this is of immediate relevance to a topic included on its FWP);
- Submit evidence (oral or written) to a planned or ongoing scrutiny review or investigation;
- Participate as a co-opted Member;
- Submit evidence (oral or written) relating to a Call-In of an Executive decision.

- 11.14 Arrangements may take the form of public speaking arrangements in some cases, or developing reports summarising written submissions in others. Committees should take the preferences of the member or member of the public concerned into account. It is recognised that safeguards may need to be built into processes to protect against committees being lobbied in potentially vexatious ways. Overview and scrutiny committees may still refuse public requests to include particular items on their agendas but in doing so should produce a clear rationale to account for their decision.
- 11.15 This rationale could link to criteria that committees will have developed in formulating their overview and scrutiny committees' FWPs. Committees should explain why they may refuse to consider a public request for scrutiny or to exclude particular information from their investigative work.
- 11.16 In managing the engagement process it may help a local authority to differentiate between public contributions to scrutiny which are unsolicited, such as a councillor call for action or an external request for an item to be placed on an agenda, and those which have been actively sought by an overview and scrutiny committee in support of a planned review or investigation.
- 11.17 In either case, any such arrangements made by local authorities should recognise the distinct timescales that direct different forms of scrutiny activity in order that public contributions can influence committee work programmes in an appropriate and timely manner.
- 11.18 It is recommended that arrangements are made to give careful consideration to ensuring the credibility and applicability of public contributions to the scrutiny process. This will ensure that the work of the relevant overview and scrutiny committees is informed by accurate and relevant evidence.
- 11.19 In order to manage the differing ways in which members of the public may engage with the work of scrutiny it is recommended that a series of protocols be developed to assist in the consistent application of practices. The aim of the protocols will be to manage public expectations in terms of setting out how any information submitted to relevant overview and scrutiny committees will be used and detailing how and when feedback will be provided. It is recommended that local authorities develop protocols to cover the following:
- Public speaking arrangements at Scrutiny Committee / Joint Overview and Scrutiny Committees (JOSC) meetings (to include Call-In);
 - Public involvement in Sub-Committee and / or Task & Finish Group Meetings;
 - Managing a request for scrutiny (including petitions);
 - Dealing with requests for public co-option.

Publication of forward work programmes

11.20 The timely publication and regular updating of forward work programmes of overview and scrutiny committees is essential in facilitating meaningful engagement from the public in scrutiny. This should again be included in the council's strategy on encouraging participation in decision making published under section 40 of the 2021 Act.

11.21 It is expected that scrutiny committees publish details of their annual FWP on the council's webpages in a clearly signposted section of the website dedicated to scrutiny.

11.22 To encourage greater collaboration between local authorities in the undertaking of joint scrutiny, it is recommended that overview and scrutiny committees FWPs be published near the start of the municipal year. This will allow such committees to better co-ordinate planned activity with relevant councils and other public sector agencies.

11.23 In addition, in order to stimulate interest within existing community networks and representative groups, relevant overview and scrutiny committees should consider sending copies of their FWP to the following:

- Local voluntary sector organisations;
- Police and Crime Panels;
- Fire and Rescue Authorities;
- Youth Councils;
- National Parks;
- Town and Community Councils.

11.24 It is recommended that this take place at the start of the FWP period and make clear that the FWPs of overview and scrutiny committees are flexible and may change according to local priorities. In addition, local authorities may wish to consider containing information in the FWP about how members of the public may assist in developing and delivering overview and scrutiny committees' FWPs.

Public Engagement and Call-In

11.25 In respect of decisions of a council's executive which have been called-in the local authority may wish to develop public speaking arrangements specifically for these occasions.

11.26 Where the subject matter under consideration is not confidential or exempt, such arrangements could recognise the time-limited nature of call-ins by giving the Chair discretion to allow public speakers to provide information and also respond to information presented during the course of discussion. The Chair may be given discretion to allow for multiple representations to be made at a Call-In meeting to allow for different public perspectives to inform the Committee's deliberations.

11.27 The Chair could also have the discretion to stop a speaker at any time in proceedings if in their view a speaker is making comments that are, or appear to be, defamatory, vexatious, discriminatory or offensive.

Engaging with the Third Sector

11.28 The third sector in Wales has a wealth of specialist expertise and frontline experience in a wide range of areas and can provide means of entry for often disenfranchised people into local decision making.

11.29 For that reason the Welsh Government considers the voluntary sector has an important role to play in providing input to local government overview and scrutiny. Councils should develop protocols with County Voluntary Councils as an integral part of their arrangements in complying with section 62 of the Measure. These should include consideration of co-option, regular meetings between scrutiny chairs and voluntary sector representatives and use of voluntary sector networks as a means to inform and engage people of all ages and backgrounds in the work of scrutiny.

Taking the public's views into account

11.30 An overview and scrutiny committee must take into account any views brought to its attention. In practice this will mean developing appropriate methods by which a member of the public may engage with the scrutiny process as considered above and pro-actively managing the overview and scrutiny committee's interface with written and oral submissions. Authorities will need to have in place methods to deal with requests for scrutiny and / or public oral or written submissions which are vexatious, discriminatory, inappropriate or unreasonable.

11.31 In the event a member of the public requests an issue for scrutiny, then it is recommended a report detailing their submission is considered at the next relevant overview and scrutiny committee meeting. Good practice would also suggest that the person who submitted the issue is invited to attend a meeting to present their views to elected members in person. However, attendance at formal overview and scrutiny committees may not be an attractive or appropriate proposition for some people and so arrangements could be made to ensure their views are nevertheless presented for consideration.

11.32 Regardless of whether or not an overview and scrutiny committee decides to further investigate a public request for scrutiny, it is recommended that the committee provide full feedback as to their decision to the person who submitted the original request, together with a rationale for the course of action adopted.

11.33 On those occasions where an overview and scrutiny committee receives a number of written submissions from the public in relation to a single topic under consideration, then it is recommended a summary report be presented to the relevant committees at the first appropriate opportunity.

12.0 Joint Overview and Scrutiny Committees Statutory Guidance

Status of this Guidance

12.1 This is statutory guidance under section 58(4) of the Local Government (Wales) Measure 2011 (the Measure). A local authority and a joint overview & scrutiny committee must have regard to this guidance in exercising or deciding any function conferred upon it. This guidance replaces previous guidance in relation to joint overview and scrutiny committees issued under this section in 2013.

Purpose of this Guidance

12.2 The purpose of this guidance is to set out the key matters councils must take into consideration when establishing and operating joint overview and scrutiny committees (JOSCs).

Policy Intent

12.3 The aim of section 58 of the Measure is to enable joint scrutiny of collaborative arrangements, such as corporate joint committees, and strengthen scrutiny arrangements through the promotion of collaboration and the sharing of scrutiny expertise. This could include wider public service matters. Section 66 of the Local Government and Elections (Wales) Act 2021 amends section 58 to enable Welsh Ministers to also prescribe the circumstances when two or more principal councils must form a joint scrutiny committee.

12.4 Enabling local authorities to establish JOSCs is intended to make it easier to scrutinise the delivery of providers whose services cover more than one county, or to examine issues which cut across geographical boundaries. The provision for joint scrutiny expands the options currently available to councils in undertaking wider public service scrutiny, and provides for a more flexible way of working to secure improved outcomes. In addition, joint scrutiny can facilitate opportunities to share learning and scrutiny capacity across local authorities. The harnessing of 'collective intelligence' through JOSCs is intended to lead to more effective forms of governance, and higher standards of democratic accountability.

What are the benefits of Joint Scrutiny?

For Scrutineers

12.5 Where joint scrutiny exercises have taken place in Wales, participants have reported a number of benefits in having gained insight into, and knowledge from, other councils' scrutiny arrangements.

12.6 For example, it was found that councillors have been able to view issues from a wider perspective, leading to a more thorough exploration of the topics under consideration. Furthermore, the presence of different scrutiny chairs and support from alternative scrutiny officers has provided opportunities for cross-transference of learning and exchanges of good practice. Experiences of joint scrutiny have been found to stimulate members and officers to critically review and enhance their 'home' council's internal methods and ways of working, ultimately leading to a higher standard of scrutiny.

Benefits for Partners

12.7 From a partnership perspective, the benefits of a joint scrutiny approach are in bringing a fresh eye to developments at all stages of the decision-making process. JOSCs have the ability to bring forward new sources of information that decision-makers may not have considered in the development of plans, policies and strategies.

12.8 Non-executive members have a wealth of local intelligence and are well-placed to evaluate whether partnership priorities and methods of delivery are meaningful to local communities. Many councillors are linked in to a range of social networks and community groups and are able to feed views into decision making processes. Furthermore, JOSCs can help reduce duplication of accountability and reporting mechanisms by adopting a co-ordinated approach to the issue under enquiry.

Selecting the right issue for Joint Overview & Scrutiny

12.9 The effectiveness of a JOSC will be dependent on the reasons underpinning its establishment and the issue it intends to address. To secure the commitment and sustained interest of the principal councils involved, it follows that the topic chosen as the focus of a JOSC should be of relevance to all participants. The identification of a suitable topic for joint scrutiny will be dependent on effective forward work programme planning that seeks to consider issues of wider public interest, as well as those topics specific to a particular geographical area. Members and officers will need to be pro-active in exploring opportunities for joint scrutiny, checking to see whether there is compatibility in the forward work programmes of neighbouring or relevant authorities. Networking via regional and national scrutiny events, and the publication of forward work programmes will allow scrutiny practitioners to be more informed in this respect.

12.10 Some instances where a joint committee might be appropriate include:

- On-going monitoring of a joint service delivery mechanism;
- On-going review of a joint statutory partnership or other collaborative arrangement such as a corporate joint committee;

- Investigating a topic that may require a regional response (for example, waste management or sustainable development);
- Sharing scrutiny resources to investigate a similar topic of high interest or high importance to more than one authority (although not necessarily requiring a joint / multi-authority response).

Criteria for establishing a JOSC

12.11 In deciding whether or not to establish a JOSC, the following questions should be considered:

1. Does the topic involve the work of a strategic partner or partnership body whose services cover more than one local authority area? For example, a JOSC may wish to focus upon the work of a transport provider, third sector organisation or a relevant social enterprise whose services cross authority boundaries;
2. Does the issue or service affect residents across more than one county area or concern a particular population's needs? A JOSC may wish to consider thematic topics such as climate change, fuel poverty, grass-fires or road safety; or it may wish to consider services connected to particular groups of interest such as young adults with physical disabilities, teenage mothers or vulnerable older people;
3. What form of JOSC could reasonably be resourced? Undertaking effective joint scrutiny is dependent on participating councils engaging in the building of relationships, and putting in place systems of working and administration. In order that JOSCs can provide significant added value, care must be taken to ensure that its objectives are proportionate to its resources.

The importance of scoping and project management

12.12 Outline scoping should be undertaken to help determine whether or not to establish a JOSC. In identifying which partnership projects to progress and determining an appropriate methodology, practitioners should think carefully about whether examining a topic will result in added value or enhancement for each participant. In order to determine the likely success of joint work, it is strongly recommended that a project management approach be adopted to help ensure the objectives of joint scrutiny activity are delivered.

12.13 An informal feasibility study should be undertaken by likely participants in order that members and officers more specifically define areas of mutual interest, the type of scrutiny role intended to be undertaken, and the level of resource that could reasonably be dedicated to support a JOSC's effective functioning.

Preliminary work should also identify the likely risks associated with the scrutiny topic, and how it is intended that these be effectively managed.

Roles for Joint Overview & Scrutiny Committees

12.14 Local authorities can use JOSCs in a flexible way to suit their needs. For example, councils have the option to establish JOSCs on an ad hoc basis which may be more appropriate for forms of pre-decision scrutiny or consultation exercises; or councils may decide to establish 'standing' JOSCs which may be more useful in monitoring services or decisions over the medium to long term.

Powers of Joint Overview & Scrutiny Committees

12.15 The 2011 Measure enables Welsh Ministers to make regulations which will provide for JOSCs to have equivalent powers to other overview and scrutiny committees, as set out in existing legislation, and includes reviewing and scrutinising decisions of the Council's executive which have not yet been implemented ('call-in'). These regulations can be found here: [The Local Authorities \(Joint Overview and Scrutiny Committees\) \(Wales\) Regulations 2013 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

12.16 JOSCs may make reports and recommendations about any matter, other than crime and disorder matters which are covered by separate legislation and guidance under sections 19 and 20 of the Police and Justice Act 2006. This guidance does not preclude councils from working together on crime and disorder issues.

12.17 Councils should make efforts to co-ordinate their forward work programmes to avoid duplication and help ensure scrutiny activities are complementary where appropriate. JOSCs could operate in an environment where there is scrutiny of particular issues or organisations at both a joint regional level and at a local level. Clarity of roles will be important to avoid duplication.

12.18 A JOSC is only able to exercise functions in relation to matters which are identified by the appointing authorities. It is therefore important that the local authorities participating in the joint committee are clear from the outset about its roles, responsibilities and terms of reference.

12.19 Under section 58(3)(b) JOSCs also have the option of establishing sub-committees in the same way as single authority overview & scrutiny committees. It is important to note that any sub-committee would discharge only those functions conferred on them by the JOSC.

12.20 This provision will enable JOSCs to operate in a more streamlined and flexible manner in achieving the aims and objectives of the 'parent' JOSC.

12.21 In practice, the reporting arrangements for JOSCs will be informed by the reasons underpinning the committee's establishment and the outcomes intended to be achieved. An important factor for JOSCs to consider when determining reporting arrangements is the need to develop constructive working relationships with the executive groups of service providers who are subject to scrutiny. Consequently, it is suggested that the chairs of JOSCs should meet regularly with an appropriate executive representative to discuss priorities, approaches and planned areas of work.

Joint Overview & Scrutiny Committees and Call-In

12.22 With regard to call-in, JOSCs should be able to recommend that an executive decision made by one of the participating councils, made but not yet implemented, be reconsidered by the person(s) that made it or arrange for that decision to be exercised by the relevant Council.

12.23 However, in order to safeguard against potential abuse, councils should consider developing procedures where an executive decision of one of the participating councils of a JOSC may only be called-in by the JOSC if it is supported by an equal proportion of the participating Councils.

12.24 Whilst the above approach has been suggested to help ensure the integrity of the call-in function as it relates to JOSCs, this is ultimately a matter for councils to determine as part of their constitutional arrangements. In support of the development of such arrangements it is suggested that the number of members required to initiate a Call-In should, as a minimum, be set at half the total membership of the JOSC.

12.25 To illustrate, a worked example is set out in the following fictional scenario.

Councils A, B and C wish to work together to jointly commission services. A Joint Committee is subsequently established which is comprised of the executive members of each Council. A JOSC is also established to provide governance arrangements. The membership of the JOSC is comprised of non-executive Members from the three Councils.

A decision is subsequently made but not implemented by the executives of councils A, B and C. However, non-executive members from Council A consider that the decision made by the three executives may disadvantage Council A's local communities. Council A therefore wishes to call-in the decisions made by the three respective Councils.

In this instance, the JOSC could not call-in a decision made by the executive of Councils B or C unless the call-in procedure was supported by an equal number of members from Councils A, B and C.

The number of members able to call-in an executive decision of one of the participating Councils should be half of the JOSC's entire membership. That half must include equal numbers from each participating council. In the above example, should the total membership of the JOSC be twelve (four members from each Authority) then a call-in could only be made by two members from each Authority which would give six.

In the event that a JOSC would wish to call-in an executive decision made by Councils B and C, then it is advisable that each participating council undertake each call-in separately. That is not to say that two call-in processes could not run in parallel, only to recognise that any re-examination of an executive decision would have to take place on an individual basis within each participating council.

Appointing a Joint Committee

12.26 In establishing a JOSC which is additional to a council's existing scrutiny committee(s), a report setting out its role, responsibilities, terms of reference and intended outcomes to be generated by the joint exercise should be considered by each of the participating authorities appropriate scrutiny committees (or sub-committees) before being endorsed by full council.

12.27 The appropriate scrutiny committees (or sub-committees) would be those whose terms of reference are most closely aligned to the issue intended to be considered by means of a JOSC. This would help to ensure that the non-executive members of each local authority are able to participate in the decision to establish a joint committee and to ensure that a JOSC would add value and would not duplicate existing work programmes.

12.28 With regard to the remit of JOSCs it should be remembered that existing legislation relating to sections 19 and 20 of the Police and Justice Act 2006, excludes any matter which could be considered by a Crime and Disorder Committee from the work programmes of all other scrutiny committees, sub-committees and JOSCs.

12.29 Local authorities will need to give careful consideration to who they appoint to sit on JOSCs. It might be helpful in some instances to appoint members who already sit on the scrutiny committee whose terms of reference most closely match the issue to be scrutinised or the terms of reference for the proposed JOSC. However, in wishing to draw on the expertise and knowledge base of a wider pool of non-executive members this might not be the most appropriate

course of action, and it will be for local authorities to decide which members should be appointed to which committee.

12.30 In order to ensure JOSCs represent fairly the interests of each local authority, an equal number of committee seats must be allocated to each of the participating councils. JOSCs are not required to be politically balanced themselves but each participating council should aim to ensure that the membership of the JOSC it puts forward reflects, as far as possible, the political balance in the council.

12.31 The representation from an authority may include co-opted members from that authority who are either statutory or who have been accorded voting rights under the Crime and Disorder (Overview & Scrutiny) Regulations 2009.

12.32 The JOSCs may also decide to co-opt members who would be in addition to the allocations from each council. With regard to co-option as it relates to a JOSC, the following conditions may help committees determine their approach to co-option:

(i) Where the parent council/committee has appointed co-opted members to sit on the JOSC, the number of co-opted members should not exceed the number of elected members that have been identified by the parent council/committee to sit on the JOSC;

(ii) The JOSC should have the ability to appoint co-opted members if there are none contained within the body of the committee's membership.

12.33 With regard to the size of JOSCs, good practice suggests that the maximum number of seats should be set at no more than 16 for effective functioning. However, this is ultimately a matter for local authorities to decide as it is dependent on the issue intended to be considered.

Chairing a Joint Overview & Scrutiny Committee

12.34 The chair of a JOSC must be elected from the membership of the JOSC, and the election of the chair should take place at the first meeting of the Committee. JOSCs that are established on a long-term basis may decide to rotate chairs annually, or at some other interval, in order for each participating authority to have equal status, and to ensure that opportunities for member development are provided.

12.35 Where joint scrutiny exercises have taken place in Wales, it was found helpful to alternate the chairs amongst the participating local authorities. As such, councils may wish to give thought to allocating vice-chairs (if thought appropriate)

to the members of those authorities who are next scheduled to hold the position of chair. This would allow for a measure of continuity within joint arrangements and broaden the experience of participating members.

Officer Support for JOSCs

12.36 Where a JOSC is established, it is suggested participating councils should share the costs associated with the undertaking of joint scrutiny exercises. This should cover arrangements for officer support and research, as well as administrative support and provision of meeting venues.

12.37 Each council may wish to offer different types of scrutiny officer support in respect of resourcing JOSCs. For example, some councils may wish to offer administrative support, and others research and advisory expertise. Consideration should be given to how the JOSC could most effectively achieve its scrutiny objectives and how the standard of scrutiny could be raised including through the collective learning of each authority.

12.38 In recognition that officer support for scrutiny varies across local authorities, it is likely that the scrutiny support officers of participating councils will need to liaise regularly to co-ordinate and project manage the work of JOSCs, and consider how to make best use of available resources. When deciding joint support arrangements, factors to consider include the scrutiny capacity available and how well the expertise and skill sets of officers' link to the topic(s) identified for joint scrutiny.

12.39 Regular meetings may help to overcome any difficulties in aligning different cultures, methodologies and supporting mechanisms for scrutiny and will help facilitate transfer of skills and learning. Participating scrutiny officers and chairs should nominate a JOSC officer co-ordinator from amongst themselves to ensure a clear point of contact available for those engaged in joint activity.

12.40 It is recommended that those supporting JOSCs put in place opportunities for reflection at key stages (for example, at mid-term points) within the life cycle of scrutiny reviews. This would help ensure that participating authorities are satisfied with the support arrangements and are finding them of benefit in meeting the objectives of the JOSC. Scrutiny support arrangements may include rotating meeting venues of JOSCs among the local authorities represented on the joint committee. However, it may also be the case that the committee chooses to meet at the authority which is geographically most central to minimise travel times for those involved.

Forward Planning

12.41 In order to function effectively, JOSCs should formulate a forward plan to identify what issues the JOSC intends to focus upon during the course of the year or duration for which it is established.

12.42 The forward plan should provide a clear rationale as to the purpose of considering a particular topic, and to the methods by which it will be investigated. Attempts should be made to develop an outcome-focused forward plan rather than one which is process-orientated.

12.43 As JOSCs may be either ad hoc or standing, care will need to be taken to ensure that its forward plan corresponds with the committee's original purpose. For example, in the instance where several authorities may wish to form a JOSC to investigate a cross-cutting issue such as substance misuse, its forward plan should serve to act as the investigation's project plan since the investigation should have a clearly-defined start and finish.

12.44 Where a JOSC may have been formed to consider the work of a strategic partnership, its forward plan should be driven by evidence of community need and a sound understanding of the partnership's priorities, risks and financial pressures. In addition, the forward plans of JOSCs should be agreed in consultation with partners where possible.

12.45 JOSCs must also have regard to guidance relating to section 62 of the Measure which places a requirement on local authorities to engage with the public. The JOSC publishing its forward plan as soon as is reasonably possible in order that interested groups and individuals are able to provide comment and offer their views is integral to complying with this duty.

Appointing a sub-committee of a JOSC

12.46 JOSCs are able to appoint sub-committees. This provision extends the range of options available to a JOSC in being able to effectively investigate and make recommendations for improvement as they relate to issues of public interest or concern.

12.47 As is the case with sub-committees appointed by single authority scrutiny committees, sub-committees of a JOSC can only exercise the functions conferred upon it by the 'parent' JOSC. In the interests of fairness and effective working, a sub-committee of a JOSC should, where possible, consist of equal numbers of representatives from each participating authority.

Ways of Working

The following section is not statutory guidance but has been included as a way of working which JOSCs may wish to consider.

Task and Finish Groups

12.48 Where elected members have been involved in task and finish groups of single authority scrutiny committees, they have reported a number of benefits from working in smaller, more structured teams. For example, members with differing levels of scrutiny experience and subject knowledge are able to gain confidence and motivation by working collaboratively with more experienced councillors and co-opted members. Similarly, task and finish group working can develop positive peer relations as a result of a members working collectively towards a common goal.

12.49 In the event that a JOSC may wish to establish a task and finish group to consider a particular issue in more depth, it is suggested that JOSCs limit the membership of a task and finish group to include any co-opted members the JOSC may wish to appoint.

12.50 Depending on the nature of issue under consideration, JOSC task and finish group investigations can either be 'light-touch' where recommendations can be identified at a relatively early stage and strictly time-limited, or a very intensive investigation involving a range of 'Expert Witnesses', site visits and the commissioning of supporting research as is currently the practice for the majority of overview and scrutiny committees.

12.51 It is often the case that task and finish groups have significant resource implications and for this reason it is suggested that a JOSC think carefully about the number of task and finish groups that can effectively be run and supported at any one time.

12.52 As a means of ensuring that a task and finish group of a JOSC fulfils its objectives, it is recommended that a project management approach be adopted. This should include developing a project brief for the task and finish group's work, a project plan and the production of highlight reports to the parent JOSC to ensure it is kept informed of the investigation's progress.

13.0 Democratic Services Committees Statutory Guidance

Status of this Guidance

13.1 This statutory guidance for Democratic Services Committees made under Sections 8 (1A) and 16 of the Local Government (Wales) Measure 2011 (the Measure). This guidance replaces previous guidance issued on this matter in 2012.

Purpose of this guidance

13.2 This guidance is provided to assist principal councils in the effective running of their democratic services committees.

Introduction

13.3 The Measure contains provisions related to the strengthening of local democracy including the requirement for principal councils to have a democratic services committee. The purpose of the committee is to ensure those councillors outside the executive leadership have the support and resources to fulfil their duties and play a full role in the operation of the local authority.

13.4 This is critical to good governance and enabling the council to demonstrate it is effectively supporting and resourcing scrutiny as part of its duties in sections 89 and 90 of the Local Government and Elections (Wales) Act 2021 (the 2021 Act) relating to keeping performance under review and consulting local people on performance. It is also critical to enable both scrutiny and elected members in their representational role to engage with the public thus contributing to meeting the duties set out in sections 39 to 41 of the 2021 Act in relation to encouraging local people to participate in decision making and participation strategies.

Head of Democratic Services

13.5 Each county and county borough council is required to designate one of their officers as “Head of Democratic Services” (HDS) and provide that officer with sufficient support to do their job (section 8(1) of the Measure). Section 8(1A) enables the Welsh Ministers to issue statutory guidance to councils about the exercise of their function in relation to the provision of staff, accommodation and other resources which are, in the council’s opinion, sufficient to support the HDS in discharging their functions.

13.6 The person designated as HDS must be designated by the democratic services committee (section 11(1)(a) and must not be the council’s chief executive or chief finance officer, section 8(4) as amended by section 161 of the 2021 Act which removed the prohibition on a council designating the same officer monitoring

officer and head of democratic services. The same section of the 2021 Act amends section 43(2) of the Localism Act 2011 to include the head of democratic services in the definition of 'chief officer' for the purposes of pay policy statements.

13.7 The post of HDS is a politically restricted post within the meaning of the Local Government and Housing Act 1989 (section 21) and the designated officer is defined as a chief officer for the purposes of the Local Authorities (Standing Orders) (Wales) Regulations 2006 as amended. In these regulations, the HDS is provided the same 'statutory protection' in relation to disciplinary action as the council's chief executive, monitoring officer and chief finance officer (s151 officer). Underlining the important role they undertake in ensuring the good governance and democratic accountability of the council.

13.8 The HDS is able to delegate any of their functions to any of their staff (section 8(2)). The functions of the HDS are:

- a) to provide support and advice (but see note 1 below) to the authority in relation to its meetings;
 - to committees of the authority and the members of those committees;
 - to any joint committee which a local authority is responsible for organising and the members of that committee;
 - in relation to the functions of the authority's overview and scrutiny committee(s), to members of the authority, members of the executive and officers; -
 - to each member of the authority in carrying out the role of member of the authority (but see note 2 below);
- b) to promote the role of the authority's overview and scrutiny committee(s);
- c) to make reports and recommendations in respect of the number and grades of staff required to discharge democratic services functions and the appointment, organisation and proper management of those staff;
- d) any other functions prescribed by the Welsh Ministers.

[Notes

1. the function of providing advice about whether or how the authority's functions should be, or should have been, exercised, only applies to advice concerning the functions of the overview and scrutiny and democratic services committees;
2. in this case, advice to a member does not include advice in connection with their role as an executive member, and does not include advice about a matter being or to be considered at a meeting (other than a meeting of an overview and scrutiny or democratic services committee).]

13.9 The Measure enables Welsh Ministers to make regulations requiring local authorities to include within their standing orders provisions concerning the management of the staff provided to the HDS. For these purposes, “management of staff” does not include appointment, dismissal or disciplinary action (section 10).

Democratic Services Committees

13.10 Each council must also establish a democratic services committee (DSC) to perform the following roles (section 11):

- carry out the local authority’s function of designating the HDS;
- keep under review the provision of staff, accommodation and other resources made available to the HDS, in order to ensure that it is adequate for the responsibilities of the post;
- make reports to the full council in relation to these matters.

Each DSC can decide how it carries out these functions.

13.11 The full council must appoint the members of the DSC, which must consist solely of councillors and cannot include more than one member of the executive or assistant to the executive. Any executive member must not be the council leader. The rules concerning allocation of seats to political groups apply to the DSC.

13.12 The council must also appoint the chair of the DSC, who must not be a member of any of the political groups represented in the executive. The exception to this is when a council has no opposition groups. In this case, any member of the DSC can be appointed as chair provided the member is not a member of the executive (section 14((1), (2) and (9)).

13.13 The DSC can appoint its own sub-committees and delegate functions to them (section 13). The DSC appoints the chair of any sub-committee (section 14(3)).

13.14 A DSC has the power to require the attendance of any members or officers of the council to answer questions and can invite anyone else it likes to do so also. If a member or officer is required to attend they must answer any questions unless the question is one which they would be entitled to refuse in a court (section 14(5) to (7)).

13.15 DSC meetings and sub-committees are to be open to the public as is normal in council meetings and subject to the same regime of accessibility in general (section 14(8)). The DSC must meet at least once a year (section 15(1)) and, additionally if the full council so decides or at least a third of the members of the DSC demands a meeting (section 15(2)). There is no limit on the maximum

number of meetings a DSC may hold. The onus lies on the chair to ensure that meetings are held when required (section 15(3)).

13.16 The DSC must have regard to guidance from the Welsh Ministers when exercising its functions (section 16(2)).

13.17 Any report presented to the DSC by the HDS must be considered by the DSC within three months. Similarly, any report made by the DSC must be considered by the full council within three months (sections 18 and 19). The procedures relating to the operation of the DSC should be included in the council's constitution.

Functions of the DSC

Designating the Head of Democratic Services

13.18 Only the DSC or a sub-committee of the DSC can designate the HDS. How this operates in practice will vary and a DSC can decide itself how it wishes to do this. However, the expectation is there would be discussion with the chief executive and relevant member(s) of the council executive, for example, to agree whether the post should be advertised externally, in which case the procedures for appointing staff described in the council's standing orders must be followed.

13.19 It would be a sensible arrangement for the DSC to be consulted on the advertising, interview and selection process, even though it would be the council, not the DSC, which would appoint as the employing body. The appointment could, however, be made subject to the DSC subsequently designating the selected person as HDS.

13.20 The person designated as HDS is not prevented from performing other roles within the authority. Just as the chief executive will have other duties to perform outside their statutory role, so too could the HDS. However, local authorities should take care to ensure that any other duties do not conflict with their HDS role and the DSC will need to be satisfied that the person designated has sufficient time to conduct his/her functions despite any other roles they may have.

Making Recommendations on the adequacy of the provision of staff, accommodation and other resources

13.21 It is the function of the DSC to consider, and make recommendations as to, the adequacy of the provision of staff, accommodation and other resources for the exercise of the functions which fall to the HDS. The functions known in many local authorities as members' services, committee services and overview and scrutiny support would fall within the HDS responsibilities.

- 13.22 The HDS must present a report to the DSC describing what they feel to be a reasonable level of support for democratic services functions. The DSC, however, cannot make the final decision on these matters. It must submit its own report to the full council, arguing the case for necessary resource. It may well be that full council will modify or reject the DSC's report, in which case it could be advisable for the DSC to consider alternative proposals, which may involve a period of negotiation involving the HDS, Chief Finance Officer and the appropriate executive member.
- 13.23 In considering the DSC's recommendations the council should take into account the contribution the work of the HDS and the DSC make to the good governance and effective democratic accountability of the council, including the contribution this work makes to the council meeting its duties in sections 39 to 41 of the 2021 Act relating to the duty to encourage local people to participate in decision making and its strategy on public participation and its contribution to sections 89 and 90 of the 2021 Act to keep its performance under review and consult with local people on performance. Ensuring all members are adequately supported and trained, that scrutiny is adequately resourced and committees have access to high quality analysis and information is a cost of effective democracy. It is noted councils will have competing pressures for resources, including for essential front line and statutory services, careful consideration of cumulative impacts of resourcing erosion or reductions in relation to democratic services should therefore be part of considerations on the DSC Committee's report.
- 13.24 The final decision on resources will rest with full council but the Measure places the responsibility on the authority itself to ensure that the HDS is provided with sufficient staff, accommodation and other resources as are, in the council's opinion, sufficient to allow the HDSs functions to be discharged (section 8(1)(b)) and it must therefore fully explain any decision not in keeping with the recommendations of the DSC. See guidance on Research Support and Services for Councillors Statutory Guidance (Part 2, 3.0).

14.0 Governance and Audit Committees Statutory Guidance

Status of this Guidance

14.1 This is statutory guidance under section 85 of the Local Government (Wales) Measure 2011 (the Measure). It replaces any previous guidance issued under this section.

Purpose of this Guidance

14.2 The purpose of this guidance is to set out the key matters councils must take into consideration when establishing and operating governance and audit committees.

Overview

14.3 Councils must establish a Governance and Audit Committee. The committee has the following functions (s81, Local Government (Wales) Measure 2011):

- review and scrutinise the authority's financial affairs;
- make reports and recommendations in relation to the authority's financial affairs;
- review and assess the risk management, internal control, performance assessment and corporate governance arrangements of the authority;
- make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements;
- review and assess the authority's ability to handle complaints effectively;
- make reports and recommendations in relation to the authority's ability to handle complaints effectively;
- oversee the authority's internal and external audit arrangements, and
- review the financial statements prepared by the authority.

14.4 The Welsh Government's view is that well-functioning governance and audit committees are critical to the effective governance of councils. They should be viewed positively by all council members as part of the improvement and governance system. They also have an important role to play in improving strategic planning and facilitating both scrutiny and constructive challenge within the structures of a council.

14.5 In addition to these statutory functions, a council can confer other functions on the committee which it deems suitable for it. Each governance and audit committee can decide how it wants to carry out its functions, but in doing so it must have regard to this guidance.

14.6 Detailed guidance on the operation of governance and audit committees has been produced by Chartered Institute of Public Finance and Accountancy

(CIPFA). In deciding how the Governance and Audit Committee will operate and how it will transact its key tasks, councils and committees themselves should consider the intersection between the formal role of this committee and the role of other bodies – in particular, the Democratic Services Committee (in respect of corporate governance) and the Overview and Scrutiny Committee(s) (in respect of financial oversight and review of strategic risks).

Membership

- 14.7 The full council must have regard to this guidance when determining membership. Two thirds of the members of the committee are to be members of the council and one third must be a lay members. Only one member of the executive or assistant to the executive may sit on the committee, and that person must not be the leader (s82, Local Government (Wales) Measure 2011).
- 14.8 The chair of the committee is to be decided upon by the committee members themselves. However, the chair must be a lay member. The committee must also appoint a deputy chair who must not be a member of the council's executive or an assistant to the executive (section 81, subsections 5A, 5B and 5C of the Measure). All committee members, including lay members, have the right to vote on any issue considered by the committee. Lay members are therefore required by statute to comply with the council's code of conduct made under Part 3 of the Local Government Act 2000 and uphold the highest standards of ethical conduct.
- 14.9 The rules within section 15 et seq of the Local Government and Housing Act 1989 apply to governance and audit committees. The authority must however decide how many non-councillors should be appointed to the committee, and all members of the committee should display independence of thinking and unbiased attitudes, and must recognise and understand the value of the governance and audit function.
- 14.10 All new members will need to be provided with induction training. Although it is to be hoped that appointed councillors would have some relevant expertise, this cannot be guaranteed. What will be important, though, is to try and ensure that members do not have any other responsibilities which might conflict with their role on the governance and audit committee. That might be particularly the case in the choice of any executive member or assistant to the executive on the committee.
- 14.11 It may also mean that the members should not have too many other commitments, in general such as membership of other committees because of the significant commitment which being a member of the governance and audit committee implies. All members should receive adequate training and development.

14.12 The governance and audit committee should try and ensure it appoints a member as chair who will be strong and experienced enough to lead the questioning which the committee will have to perform.

14.13 Whatever recruitment method is employed, lay members should be independent from the council and have no business connection with it, although knowledge of how local government functions would be a definite advantage. In appointing lay members whose political allegiances are well known, local authorities should consider if this compromises the independence and perception of independence from the council a lay member should demonstrate. Councils should follow a public recruitment exercise, similar to that used to appoint members of standards committees, to recruit their lay members. It is recommended that a lay member should not be appointed for more than two full terms of a local authority.

Meetings and Proceedings

14.14 As a committee of the council, the governance and audit committee is subject to normal arrangements of openness. Meetings should be held in public, agendas and reports should be published and available for inspection. The exception to this is where “exempt items” are being considered, which are chiefly matters which involve discussions concerning named individuals or commercial in confidence matters.

14.15 Any officer or member called to attend the governance and audit committee meeting must do so. They must answer any questions asked of them save ones which they could refuse to answer if they were in court. The committee can invite other persons to attend before it, but anyone else so invited to attend is under no compulsion to do so.

14.16 The committee must meet at least once a year and must also meet if the full council so decides, or if at least a third of the committee’s members require that a meeting be held. Beyond these stipulations, the committee can meet whenever it determines.

14.17 The Welsh Government suggests councils consider appropriate publications by relevant professional bodies such as CIPFA when establishing and reviewing their procedures for governance and audit committees.

Functions of a Governance and Audit committee

Reviewing the authority’s financial affairs

14.18 Section 151 of the Local Government Act 1972 requires local authorities to make arrangements for the proper administration of its financial affairs. Putting in place the governance and audit committee and providing it with the duty to keep the authority's financial affairs under review must be viewed as assisting in the fulfilment of this requirement.

14.19 This is an area which is given close attention by the authority's external auditors and ties in with the duty of the governance and audit committee to oversee the arrangements for internal and external audit, and also the need to monitor the internal control and risk management arrangements made by the authority.

14.20 Local authorities should make their own arrangements, in their constitution, to provide for clear demarcation between the role of the governance and audit committee and that of a relevant scrutiny committee. The governance and audit committee role should be more to seek assurance that the budgetary control systems (as an internal control) of the council are working, rather than the actual scrutiny of spend. This may serve as acceptable demarcation between the role of the governance and audit committee and that of an overview and scrutiny committee.

Risk management, internal control, performance assessment and corporate governance arrangements of the authority

14.21 The attention to this matter should raise the profile of risk management as a necessary control tool within the authority as a whole. By providing regular review, the governance and audit committee forms a significant part of the authority's corporate governance system.

14.22 The authority should have a clear 'Statement of Purpose' for its governance and audit committee, ensuring the committee has a prime role in ensuring effective corporate governance is central to the organisation's procedures. As such, the governance and audit committee should review the Annual Governance Statement¹ and Corporate Governance Strategy. An effective and high profile governance and audit committee is critical to engendering public confidence that the authority has a solid approach to its financial and organisational propriety.

¹ ¹ An Annual Governance Statement is a document which sets out a council's arrangements for decision-making and governance. The AGS is the product of a review of council governance carried out by senior officers. There is no obligation on Welsh councils to prepare an Annual Governance Statement. As there is no legal obligation to produce an Annual Governance Statement, Welsh Government is not providing statutory guidance on this matter. However, councils will note the presence of the local government accounting standards. Councils could consider how the AGS can be used as a tool for broader corporate improvement; it can be used to evaluate strengths and weaknesses in the governance framework and, as part of an annual action plan, take forward agreed changes accordingly.

14.23 The governance and audit committee will need to report on the adequacy of the authority's risk management and internal control arrangements, and comment on their effectiveness. It will also follow up on risks identified by internal and external auditors and require reports as to action taken in response. This means the council must ensure the governance and audit committee is briefed on the contents and recommendations contained in auditor's reports and has access to them. It should also have access to reports from regulators where these have identified risks, failures in internal control or the corporate governance systems of the council. It would be good practice for all reports from auditors and regulators to be shared with the governance and audit committee as a matter of course.

14.24 In addition to these existing duties, the 2021 Act added a new duty to this group of duties which requires the governance and audit committee to review and assess and make reports of the effectiveness of the arrangements the council has put in place for the performance assessments it is required to complete under section 91 of the Local Government and Elections (Wales) Act 2021 in order to fulfil its duty to keep performance under review in section 89 of the 2021 Act. This is not intended to be a repeat of the performance assessment itself but consideration, for example, of the rigour and comprehensive nature of the process. Neither is it intended to duplicate the role of overview and scrutiny committees in holding the council's executive to account in relation to the performance management of the council's services.

14.25 The council must make a draft of its self-assessment report (and panel assessment report when published) available to its governance and audit committee. The committee must review the draft reports and may make recommendations for changes to the conclusions or action the council intends to take. If the council does not make a change recommended by the governance and audit committee, it must set out in the final self-assessment report (or response to a panel assessment report) the recommendation and the reasons why the council did not make the change.

Review and assess the authority's ability to handle complaints effectively

14.25 The way in which an organisation manages its internal and external complaints process for service and organisational complaints (consideration of the complaints process for complaints made under the members' code of conduct is not a function of the Governance and Audit Committee) is an integral part of its corporate governance systems. It is vital that people, communities and other stakeholders have trust and confidence their complaints will be treated with due respect and gravity. It is also important that staff and others internal to the organisation have trust and confidence internal complaints are treated with similar respect.

14.26 The role of the governance and audit committee is not to consider whether individual complaints have been dealt with appropriately but to consider the effectiveness of the complaints process. For example, is the process accessible to everybody in the community, is the council giving proper consideration to its statutory duties in relation to equalities and Welsh language when handling complaints, is there internal learning built into the complaints process to improve systems and services going forward. The Welsh Government expectation is that councils provide the PSOW with an assessment of the arrangements in place for handling complaints and the effectiveness of its approach as part of its regular communication with the PSOW.

Internal and external auditors

14.27 An effective governance and audit committee should provide the authority's chief finance officer with advice which can serve to bolster the work of internal and external auditors. The committee can ensure that audit reports are kept in the authority's mind, so timing of meetings might be planned so as to effectively follow-up auditors' recommendations.

14.28 The governance and audit committee will expect to input into the planning of internal audit priorities, approving the annual programme of audits and ensuring the internal auditors have the necessary resources to conduct their work effectively. They will want to meet with the Head of Internal Audit and receive their annual report.

14.29 The governance and audit committee should also receive the reports from the external auditors and follow up their recommendations during the year. The committee should have a role in agreeing the authority's response to the auditor's letters or reports as well as being able to meet with the external auditor.

14.30 In addition, the governance and audit committee should receive and consider reports from any regulators or inspectors. In respect of these, the authority will need to ensure there is no unnecessary duplication between the governance and audit committee and any overview and scrutiny committee in considering such reports.

Financial statements

14.31 Before their approval by the authority, the governance and audit committee should consider and comment on the authority's certified draft financial statements. They will want to see to what extent the statements take cognisance of audit reports during the year, and changes in accounting policy and internal control mechanisms. The Committee should also review the external audit

statement and also seek assurance on the management of the council's financial affairs. Any concerns should be reported to the Council.

14.32 Governance and audit committees may approve the financial statements themselves where local authorities have delegated that power to them under regulation 10 of the Accounts and Audit Regulations (Wales) 2014 (as amended).

Governance and Audit Committee Reports and Recommendations

14.33 Reports and recommendations by the governance and audit committee should be considered by full council in particular, as well as the executive. The processes for these considerations should be set out in the council's constitution.

15.0 Guidance on multi-location meetings

Status of this guidance

15.1 This is statutory guidance issued under section 47 of the Local Government and Elections (Wales) Act 2021 (the 2021 Act).

Purpose

15.2 The overall purpose of the Welsh Government in amending the law to give relevant authorities powers and freedoms to convene meetings in this way is to achieve greater accessibility and improved public participation in local government. These powers are closely connected with the new requirement for principal councils to broadcast (by audio and/or video) certain meetings.

15.3 Multi-location meetings offer authorities the potential to update and transform the way they do business. It provides opportunities for authorities to become more flexible and efficient and also raise their profile in the local community and to bring their work directly into people's homes. Public access to multi-location meetings is likely to be significantly higher than the level of audiences of formal meetings when all were held physically – attendance levels during the pandemic bear this out. This heightened public awareness and involvement is to be welcomed – and further encouraged. In particular, authorities will need to think directly about the needs of the public as they design their arrangements and policies for multi-location meetings. While these meetings are still “meetings in public” rather than “public meetings” – by and large the public will be able to observe but not participate – they provide a crucial opportunity for accountability and transparency, and an accessible shop window for many public bodies.

15.4 This guidance is for principal councils, National Park Authorities, Fire and Rescue Authorities, and Port Health Authorities. This guidance does not cover the arrangement by other public bodies of their own formal meetings, or the organisation by public bodies (including councils) of public meetings or any other gathering. It also does not include the convening of formal meetings by corporate joint committees (CJCs) or community councils, which are covered in separate guidance.

15.5 This guidance is intended for:

- Participants in meetings convened by the authorities listed above;
- Officers providing support to formal meetings in these authorities;
- Officers with adjacent responsibilities – for example, those responsible for drafting and clearing reports, attending meetings to present reports to

members and officers with supervisory responsibilities on governance matters;

- Anyone with an interest in the way in which the business of these authorities is conducted.

15.6 Generally speaking the requirements for all relevant authorities is similar, although differences do exist – especially relating to the convening of multi-location meetings of local authority executives, (from paragraph 15.71).

15.7 Relevant authorities are required to “have regard to” the guidance. Where authorities are under an existing statutory obligation to carry out an act the guidance says that they “must” do something; where there is no such obligation but the guidance presents a suggestion on a possible course of action, the guidance says that a council “can” or “may” do something.

How this guidance was developed

15.8 This guidance was developed between February and April 2021. It was drafted by the Centre for Governance and Scrutiny, Cardiff University and Public Governance Wales, who were commissioned by Welsh Government to speak to people with a stake and interest in this area and to develop the text as a result of these conversations.

15.9 This guidance will be reviewed periodically.

Definitions of words used in this guidance

15.10 Generally, the words used in this guidance have the same meaning as they do in the 2021 Act.

15.11 A “relevant authority” is an organisation which is required to put in place arrangements for multi-location meetings. This covers principal councils, Fire and Rescue Authorities, National Parks Authorities and Port Health Authorities. It also includes joint committees of these bodies. The obligations of corporate joint committees (CJCs) and of community and town councils are covered in separate guidance.

15.12 A “meeting” is a formal meeting of a relevant authority convened in accordance with whatever the legal requirements are for such meetings. Formal meetings are usually those where formal decisions can be made; these meetings may need to be held in public and that notice is published beforehand that they are being held. This is not always the case as some meetings, or parts of meetings, are held in private due to confidentiality or exempt issues being discussed. When we talk about these meetings being “convened”, we mean the process involved in organising the meeting and setting and distributing an agenda and

reports.

15.13 A “multi-location meeting” is a meeting of a relevant authority whose participants are not all in the same physical place. In some places these are colloquially described as “remote” meetings. The 2021 Act does not refer to these meetings as “remote”, but that they are attended by “persons who are not in the same place”.

15.14 At least one participant may be joining the meeting by remote means. For example, this includes meetings of the type described below:

- Meetings of a committee where all participants are in the same physical location except one individual who joins from another location, with a physical public gallery being provided;
- Meetings of a committee where a roughly equal number of members are present in a physical space and joining through remote means; those joining through remote means may include the Chair;
- Meetings of a committee where all members are joining through remote means but nonetheless a physical public gallery has been made available in authority premises;
- Meetings of a committee taking place wholly through remote means where no physical arrangements have been made.

15.15 Some have described the kinds of meetings described above as “hybrid meetings”. This guidance and Section 47 of the 2021 Act makes no distinction between meetings where some participants join by remote means and those where all participants do so, but meeting arrangements will need to account for the practical differences that different forms of meetings will take, and make plans accordingly.

15.16 The definition of “Joining a meeting by remote means” is being in a different physical location to that of other participants, and participating through an online meeting platform. Where participants are present in a committee room or other physical space which is publicised (through a formal notice) as being the location of the meeting, those participants are present physically.

15.17 A “participant” of a multi-location meeting is a person who takes an active part in that meeting. They might be a member, a person giving evidence to a committee as a witness, an appellant or claimant on a regulatory matter, someone presenting a petition, or taking part formally in another way.

15.18 An “observer” of a multi-location meeting is a member of an audience, or otherwise spectating, a multi-location meeting. They might be in the same room

that a meeting is taking place or they might be observing by remote means.

15.19 “Meeting arrangements” are the rules and procedures that relevant authorities adopt to act on their statutory requirements relating to multi-location meetings, and to act on the recommendations in this guidance. This guidance suggests that these arrangements will form part of relevant authorities’ constitutions, where they are required.

Background to multi-location meetings

15.20 Arrangements were first made in legislation to allow for “remote meetings” in section 4 of the Local Government (Wales) Measure 2011.

15.21 At the outset of the coronavirus pandemic in March 2020, the Welsh Government produced the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020. These established a framework within which all relevant authorities convened meetings by remote means throughout 2020 and part of 2021. Experience operating meetings under these Regulations has provided relevant authorities with significant expertise in understanding and managing multi-location meetings, now they have been placed on a new statutory footing. The provisions in the 2021 Act can be seen as an evolution of these prior arrangements.

The benefits of multi-location meetings

15.22 Councils, and other relevant authorities, convened meetings by remote means throughout much of 2020 and 2021. While meeting this way proved challenging in the context of the global coronavirus pandemic, it has also resulted in a number of benefits.

- Enhancing and supporting local democracy. Having the flexibility to convene meetings in this way will reduce the barriers that might previously have been in place for explaining and demonstrating how relevant authorities do business;
- Working more productively. When participants come together by remote means, they have often been able to get more done. Multi-location meetings have also resulted in a dramatic reduction in the amount of paper needed and produced. The move to an approach which sees the production of formal notices and other material as being “online by default” will make it easier for councils to innovate around the use of formal meeting material;
- Making it easier for the public to attend meetings. Although experiences have been mixed, public attendance has been higher for multi-location meetings than for meetings in person. Some relevant authorities, in particular, found both before and during the pandemic that multi-location meetings have made it possible to include external participants actively, ensuring that committees

can benefit from a greater range of views. Relevant authorities have reported that members of the public think that multi-location meetings are much less intimidating than those held in person, and that they have the potential to encourage more people to stand for public office. For some though, multi-location meetings will also present challenges – for example, those with poor broadband connections or disabled people, or those unable to access meetings over the internet for other reasons;

- Making relevant authorities more resilient and sustainable in how they carry out their work. The Wellbeing of Future Generations (Wales) Act 2015 requires relevant authorities to think about, and act on, long term needs in the way that policy is developed and made. Multi-location meetings reduce the carbon footprint of physical meetings (although digital activity is not of course carbon-neutral). They can also help relevant authorities to reduce the risk of future unexpected events – such as extreme weather – which could in future present a challenge to in-person meetings. Issues of sustainability are explored in more detail below;
- Making the use of the Welsh language easier. Relevant authorities' experience during 2020 has been that the simultaneous translation on platforms such as Zoom has reduced some of the practical difficulties which some authorities have experienced around facilitating bilingualism in public meetings;
- Reducing the need for travel. For more rural relevant authorities and for relevant authorities covering large geographical areas and for joint bodies, significant time and cost savings for councillors, officers and other participants have arisen. In turn, this makes it easier for participants to take part if they have professional and caring commitments – potentially removing some significant barriers to standing for public office;
- Better support for members from diverse backgrounds, including support that recognises the social model of disability. Just as barriers are being removed to public participation, multi-location meetings have made it easier for care providers, or disabled people, or people with other protected characteristics, to engage on an equal footing. In some cases, participants have found the formality of physical meetings to be off putting, and multi-location meetings have removed this factor. Of course, this raises broader issues around the way that relevant authorities work generally, and the extent to which they welcome participation and involvement from a wide range of people. These are not matters which will be resolved through multi-location meetings alone, but such meetings could be a tool that will, in due course, help a wider range of people to take an active role in local democracy;
- Better behaviours. Although experiences have been mixed, on the whole meeting management and the behaviours of participants have both improved. It has been easier for Chairs of meetings to understand who wants to make a contribution, although it is harder to read body language.

Disruption of meetings by political argument (for example) seems to have been less of a theme as well.

15.23 Physical meetings should not be seen as representing the “gold standard” with multi-location meetings being second best. Physical meetings may be convenient and effective for those most familiar with and comfortable with how they work – but they may also be inaccessible and impractical to many. **All meetings that meet the required communication and quorate arrangements have equal status under the law.**

15.24 For some, there have been drawbacks to multi-location meetings. In particular, people have had worries about the need for more council officers to support them. In time, ongoing experience is likely to improve this and reduce the amount of resource required to support them.

What this guidance covers

15.25 This guidance focuses particularly on arrangements for the convening of formal meetings held by relevant authorities under the 2021 Act , and the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 as amended by the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) (Amendment) Regulations 2021.

15.26 Guidance for principal councils on broadcasting these meetings, where required in law, is being provided separately.

15.27 Together, this legislation updates arrangements for the management of these meetings and enhances transparency and public access.

15.28 This guidance also engages with other enactments relating to this issue, as well as with the wider local democratic context within which the Act sits.

15.29 This guidance focuses particularly on arrangements for the convening and broadcast of formal local authority meetings. Provisions relating to local authority meetings are included in various pieces of legislation, including but not limited to:

- The Local Government and Elections (Wales) Act 2021;
- The Local Government Act 2000;
- The Local Government Act 1972;

- The Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 as amended by the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) (Amendment) Regulations 2021. The National Park Authorities (Wales) Order 1995;
- The North Wales Fire Services (Combination Scheme) Order 1995;
- The Mid and West Wales Fire Services (Combination Scheme) Order 1995;
- The South Wales Fire Services (Combination Scheme) Order 1995.

15.30 Chapter 4 of Part 3 of the 2021 Act covers meetings convened by relevant authorities, as well as by certain other bodies and organisations. In respect of principal councils, community and town councils, National Parks Authorities, Fire and Rescue Authorities and Port Health Authorities, it covers:

- Electronic broadcasts of meetings. Principal councils must make arrangements for broadcasting certain meetings live, and ensuring that broadcasts are available electronically afterwards. A failure to comply with this requirement does not necessarily make proceedings invalid (s46). Separate Regulations and guidance are being prepared on this matter;
- Attendance at meetings: Relevant authorities must make arrangements for “multi-location” meetings, at which participants can speak to and be heard by each other. Where meetings must be broadcast participants must also be able to see each other (s47);
- Notice of meetings, and publication of agendas: Relevant authorities must publish certain information, including notices of meetings, electronically, and electronic information relating to meetings must remain available in this format for six years following the date of the meeting (Part 1 of Schedule 4 to the 2021 Act, amending the Local Government Act 1972). Relevant authorities must also put in place facilities for the public who would otherwise not be able to do so, to access meeting documents.

15.31 Arrangements for the broadcast of meetings (physical or multi-location) held by relevant authorities is explored in separate Regulations and came into force in May 2022 and separate guidance will apply. However, relevant authorities are likely to need to consider the requirement to broadcast alongside the need to make provision for multi-location meetings. This is the reason for suggesting that meeting arrangements take account of both requirements.

General principles

15.32 Relevant authorities will need to think about and agree independently the details of their own arrangements for multi-location meetings. In doing so, they should be guided by the following general principles.

15.33 All of the below relate to legal obligations. In developing meeting arrangements, relevant authorities will need to explicitly assure themselves that these principles are understood, taken into account and acted on, possibly through being the subject of specific discussion at meetings to ensure standing orders are amended by Democratic Services Committees or other bodies in relevant authorities.

15.34 Of paramount importance are the needs of local democracy. Local people need to have confidence that relevant authorities have systems in place that meet their needs – this might be about observing meetings, participating in them, and using this to hold to account a meeting’s participants for what they see and do. Relevant authorities’ approach to multi-location meetings has to be seen as part of the wider support and commitment to local democracy. The other principles described below need to be considered in light of this.

Transparency

15.35 Formal meetings of relevant authorities will be spaces in which democratic debate and decision-making happen. It is fundamental that these meetings are held in public (subject to the specific exceptions available), and that the public are able to access and engage with them. Relevant authorities will need to think about wider legal requirements around transparency, and accessibility, and what that means for the way that they carry out meetings. These meetings allow public and media involvement as observers whether they are held in person or virtually.

(Local Government Act 1972, s100 et seq., Schedule 12 and 12A and related legislation).

Accessibility

15.36 Democratic systems need to be organised and arranged to account for barriers that members of the public might experience. Multi-location meetings have the potential to enhance and improve access for participants. This will not happen automatically however, and meeting arrangements will need to be specifically designed to help this to happen.

15.37 Relevant authorities’ meeting arrangements will need to have regard for the protected characteristics under the Equality Act 2010, including ensuring that accessibility is considered in the context of the social model of disability, and for ensuring that the impact of its decisions on democratic arrangements are understood from these perspectives.

[\(Equality Act 2010\)](#)

Good conduct

15.38 In line with the Nolan Principles, multi-location meetings, as with any other public meeting, should demonstrate high standards of conduct.

15.39 Multi-location meetings have in many places led to changes in conduct, and an improvement in behaviours. Meeting arrangements can account for the need to entrench more positive behaviours – particularly where these meetings involve a number of people together in a single physical location, where different dynamics may arise.

15.40 Relevant authorities will also need to have regard to the Model Code of Conduct (and to local codes of conduct, and standards arrangements) in how they develop their meeting arrangements.

The [Local Authorities \(Model Code of Conduct\) \(Wales\) Order 2008](#)

Use of English and Welsh Languages

15.41 Adherence to legal requirements relating to the use of the English and Welsh languages is a legal requirement. It is a fundamental element of the obligations attached to public bodies in Wales – separate legislation and guidance exists. In order to maximise accessibility relevant authorities may wish to consider subtitling in English and/or Welsh, and translation into other languages depending on need – for example, BSL.

15.42 Arrangements must ensure that English and Welsh are treated equally and support and promote the Welsh Language. The use of the Welsh language can be provided for in multi-location meetings – and normalised in a wide range of settings – in ways which might historically have proven challenging for physical meetings. Relevant authorities will also need to take account of their individual Welsh language standards.

[\(Welsh Language \(Wales\) Measure 2011\)](#)

Local Needs

15.43 Local authorities are democratic institutions. Decisions about local democracy – and the best approaches to promote and encourage engagement in local democratic systems – are best made at a local level. Relevant authorities' approaches to meeting arrangements should therefore be aligned with the way that they approach public participation – in particular, their plans for ensuring that they meet their public participation obligations which came into force in May

2022. An understanding of the specific needs of a wide range of local people is a part of this.

[\(Local Government and Elections \(Wales\) Act 2021, on public participation\)](#).

Future generations

15.44 In agreeing arrangements for meetings, relevant authorities must give regard to the well-being goals and ways of working set out in the Well-being of Future Generations (Wales) Act 2015. Many of the improvements which could be brought about by multi-location meetings – innovation around the transaction or meetings, reductions in the use of paper, enhanced public accessibility and so on – will serve the objective of making local democratic systems more sustainable.

15.45 However, relevant authorities will still need to ensure that the 2015 Act's principles are actively embedded in arrangements for meetings. Digitisation has the potential to significantly reduce the carbon footprint of local democratic systems, but only where cloud services and server storage is procured from carbon neutral providers – digital services are not carbon neutral by default. The reduction in travel will also add to the reduction in the carbon footprint.

Core requirements

15.46 This section sets out the things that relevant authorities **must** do in relation to multi-location meetings.

15.47 These provisions are set out to help ensure legal compliance. In all respects it will be for a relevant authority's Monitoring Officer to determine exactly how the authority will ensure this compliance. The expectation is that relevant authorities will want to use these requirements as a starting point from which to innovate and experiment with different arrangements for facilitating multi-location meetings, in the context of the wider needs of local democracy.

15.48 The 2021 Act requires that "arrangements" be made by principal councils for both the broadcasting of meetings, and the convening of meetings involving participants in multiple locations. These "meeting arrangements" will need to be written in such a way that integrates a relevant authority's approach to multi-location arrangements to its wider compliance with the legislative framework for formal meetings, including the new requirements for the audio and (in certain circumstances) video broadcasting of such meetings.

15.49 Although, there is a requirement for principal councils to broadcast certain meetings which was commenced in May 2022, many principal councils were

already broadcasting a number of their meetings, we therefore suggest these arrangements form an integrated part of an authority's Constitution. For principal councils such arrangements might be subject to oversight from the Democratic Services Committee.

15.50 The reason for integrating these arrangements into a constitutional document is that they set out how the authority is run, and will need to be integrated in some form into the rules of procedure of committees and other formal bodies.

15.51 Relevant authorities will need to develop these arrangements for themselves – there is no single set of rules setting out what arrangements should look like in detail. This guidance sets out a framework within which relevant authorities can explore their options and decide what is right for them and the communities they serve.

Practical considerations

15.52 This section sets out things to which relevant authorities must give regard, but which do not form part of the legislative framework.

15.53 Welsh Government considers these considerations to be matters of good practice. Some specific solutions are suggested but relevant authorities should consider local circumstances in deciding what approaches are ultimately adopted, in a process which should be led by those involved in participating in meetings, and supporting those meetings' operation – always informed by the needs and expectations of the public. While meeting arrangements should fit local preferences and circumstances, there should be a clear process for considering the issues highlighted below. For local authorities the Democratic Services Committee is expected to lead this process.

15.54 Sitting alongside the core requirements of the “meeting arrangements” – the legally mandated arrangements that relevant authorities must make for multi-location meetings – can be a wider multi-location meetings policy, which will also reflect the general principles set out from paragraph 15.32 while setting out more detailed procedures to ensure that multi-location meetings work efficiently, effectively and accountably. Keeping such a policy distinct from the legal “meeting arrangements” is important because it will make it clear to those involved where processes are put in place because of legal requirements, and where local decisions have been made about the operation of multi-location meetings.

15.55 Relevant authorities can take whatever process they choose in designing and adopting this policy, but those responsible for leadership on governance matters, and participants in multi-location meetings, will need to be satisfied

that these arrangements take into account the general principles we set out from paragraph 15.32. In particular, the meetings policy will be the document to refer to the role of the public in the operation of formal meetings, and to ensure their needs and expectations are understood and treated as paramount.

15.56 Because of the public-facing nature of this work relevant authorities may consider it necessary to adopt a provisional policy, and for those within that authority and outside it (in particular, the public) to develop and refine it over time. Reviewing the policy (and of the meeting arrangements themselves) as they operate will offer the best opportunity to reflect and refine.

15.57 Where a relevant authority determines that they wish to draft such a policy it should be led by a committee of the authority with a responsibility for governance, supported by a relevant officer. This might be that authority's Monitoring Officer. Where the authority is a principal council, the decision would be made by the cabinet and the officer taking leadership might properly be the Head of Democratic Services.

15.58 The exact contents of a policy will be agreed at local level. The experience of relevant authorities in the past however suggests that it should include:

- How to decide which meetings will have physical provision made for them, and which will be conducted wholly through remote means (from paragraph 15.60);
- Which online meeting platform or platforms which will be used (from paragraph 15.71);
- How formal notices will be issued, and the publication of agendas and minutes (from paragraph 15.76);
- How exempt matters will be dealt with (from paragraph 15.82);
- Meeting attendance, including deciding where a member is "present" (from paragraph 15.89);
- How participants who sit as part of committees or bodies subject to the 2021 Act will be able to access and participate in the meeting (including support and advice on technology, behavioural and conduct issues) (from paragraph 15.100);
- How observers (including the public and the press) will be able to access the meeting, and how they may actively participate in the meeting where needed (from paragraph 15.118);
- Facilitating broadcast by members of the public (from paragraph 15.119). Broadcast by the authority itself may also be required, and is covered by separate guidance;
- Chairing of meetings (from paragraph 15.138);
- The taking of votes (from paragraph 15.145);

- Training and peer support to ensure that participants are able to take part (from paragraph 15.151).

15.59 It is important to ensure that participants and observers have access to easy to understand information which explains how they can and should engage in multi-location meetings – this documentation can be part of the multi-location meetings policy but should also be available separately, and may constitute a simple explanation of some of those arrangements for the casual reader. It is particularly important the relevant authorities highlight and publicise their multi-location meeting arrangements and policy to make it as easy as possible for the public to engage.

Taking different approaches for different meetings

15.60 *Some relevant authorities may decide that all meetings will be conducted through remote means by default. Relevant authorities may wish to adopt different approaches for different bodies, and for different circumstances.*

In general

15.61 A multi-location meetings policy may make provision that different kinds of meeting be convened, by default, with all participants joining through remote means, or with some arrangement being made for people to attend and participate and observe in person. Policies should recognise that the 2021 Act requires participants to be able to join meetings through remote means for all formal meetings. It will not be permitted for relevant authorities to decide that all meetings will be held entirely physically.

15.62 The needs of local democracy, and the needs of the public in engaging with multi-location meetings, are a paramount consideration in deciding where and when meetings will be convened partially or wholly by remote means. The overriding intention of the 2021 Act on this issue is to help the public to be able to access and engage with local democratic systems. The convenience of participants and the efficient operation of relevant authorities themselves is important but the needs of the public will come first when these decisions are being made.

15.63 Relevant authorities may want to make particular plans for multi-location meetings where a number of participants are in the same physical space, while others join through remote means. Similarly, provisions might need to be made for allowing people to observe in person, or through remote means, or both.

15.64 There is no requirement for each meeting to be held in the same way every time it meets. For example, a council could decide to hold some full council meetings entirely remotely and others as multi-location meetings with a number of

councillors (or most councillors) present in a chamber. In determining which meetings may be held wholly through remote meetings and for which physical arrangements might be made available, relevant authorities might consider:

- The general circumstances of participants. Participants' needs and preferences may change over time, and policies should have the flexibility to allow for arrangements to change where this happens. For example, councillors in a local authority may decide that full Council should take place predominantly physically or predominantly through remote means – but in doing so they might ensure that the policy remains flexible enough to change this approach if participants' views change;
- The subject matter, and number of participants attending, certain meetings. This may relate to the general matters usually under discussion at a given committee (or other body) rather than the specific agenda for an individual meeting;
- The need to ensure that meetings are fully accessible to both active participants and to observers. Accessibility may under certain circumstances require physical provision;
- Connected to this, consideration of whether physical provision for a public gallery, or for the attendance of certain participants, is necessary if the majority of a meeting's participants are joining through remote means. This is discussed in more detail from paragraph 15.118.

15.65 The overriding requirement is to consider the needs of the public, both as observers and participants.

15.66 Relevant authorities may have concerns about equality of access and participation in multi-location meetings where some participants are in the same physical space. On considering the risks and other circumstances they may determine that, by default, meetings can take place either wholly by remote means, or that, where a number of participants express a preference for a meeting being held physically, that support should be given to all participants to attend physically. However it is worth reiterating that relevant authorities will not be able to require that all participants attend physically under these circumstances.

15.67 Where a relevant authority decides that physical arrangements will be made for certain meetings or classes of meetings, a multi-location meetings policy will need to determine what those arrangements will be. They may include:

- The availability of a meeting room which is publicly accessible, along with the provision of a physical public gallery (and press gallery);
- Making arrangements for participants who attend physically to be seen by those joining from other locations (a requirement under the Act), which will

require planning where multiple participants wish to attend physically and where camera facilities in a room may be less than ideal for this purpose;

- The availability of professional support in the room, or through remote means. This may be IT support or governance/clerking support;
- The streaming of broadcast footage from the meeting to those present through the use of one or more display screens (and the use of audio equipment).

15.68 Even where all participants join a meeting from another location a relevant authority may still wish to provide a physical space for members of the public to watch proceedings and to participate. This is covered from paragraph 15.118 .

Accessibility and involvement

15.69 Some participants may wish to join meetings from another location regularly – because they have working or caring responsibilities which make attending meetings in person difficult. Some participants may have a preference for physical meetings. Participants may have personal protected characteristics, or circumstances, which limit their ability to participate online, and/or which requires that certain accommodations be made for physical presence. The same needs are likely to apply to observers. Particular care will be needed to be taken to take account of the needs of one-off participants, especially if they are members of the public rather than employed officers of the authority or regular meeting participants who are (for example) elected councillors.

15.70 Multi-location meetings where some or most participants are present in a single location can pose challenges around accessibility and involvement. Those present in a committee room will need to be able to participate on the same footing as those participating in other locations. This may be difficult where certain participants may be able to hear, but not see, other participants. For these kinds of meetings, there is a risk that those not physically present in a room play less of a part in discussion. These people may end up being “forgotten” by those who are physically present. For a Chair, following the visual cues of those in the same room, and those joining from other locations, is likely to be a challenge. This will need to be thought about, particularly where the Chair themselves is joining a meeting from another location.

Multi-location meeting platforms

15.71 ***Multi-location meetings require additional technology and this has implications for an authority's capacity to procure and use this technology effectively. Finding and using the right platform is an important part of making meetings accessible and transparent, and the***

business of relevant authorities more accountable to the public.

15.72 This guidance does not recommend any specific product. Relevant authorities have made, and will make, their own arrangements in line with their IT and procurement policies. It may be, for example, that relevant authorities wish to explore joint procurement opportunities. It will be useful for relevant authorities procuring to understand how the market for these products evolved, and the need to keep in touch with other relevant authorities to exchange experiences.

15.73 Specifically, any product, or combination of products, should provide:

- The ability for participants to be able to see and hear each other, and the facility for outbound and inbound video and audio to be switched on and off either by a participant themselves or potentially also for a meeting organiser;
- The ability for participants to be named / labelled so that others can easily identify them;
- The ability for participants and observers to be able to join via mobile, or tablet, without losing significant functionality;
- The ability to provide for simultaneous translation. Relevant authorities should ensure that they use a meeting platform which provides for simultaneous translation and that members are comfortable with its use. Principal councils will need to decide whether to broadcast a feed in English, in Welsh, or in both;
- The ability to both record and broadcast the meeting and for participants and observers to know when recording and broadcasting is taking place;
- The ability to caption or subtitle, either live (which may be partially or fully automated) or through editing after the meeting has taken place;
- A “chat” facility (the use of which we discuss from paragraph 15.100 below), visible only to meeting participants, and which can be turned off by the meeting organiser if necessary;
- Sufficient security measures to ensure that the meeting cannot be accessed by unauthorised persons, and to ensure that unauthorised persons can be ejected from the meeting where necessary;
- A user interface which is intuitive and easily understood.

15.74 **Other factors will include:**

- Where and how meetings will be broadcast – for example, on the council’s own website or on Facebook Live or YouTube, or in some other way (covered in separate guidance). It is not recommended that principal councils effect the broadcast requirement by granting public access to online meeting platforms themselves. Broadcast arrangements are dealt with in separate guidance, but again, the needs of the public as observers will be especially important;

- Arrangements where joint meetings are held between relevant authorities which, by default, use different platforms;
- Arrangements for when difficulties with technology emerge, or other circumstances might make it impossible to broadcast a meeting (set out from paragraph 15.107);
- Provision for electronic voting.

15.75 Relevant authorities may wish to consult participants and observers to ensure that IT arrangements work for them, and that the technology means that multi-location meetings are as accessible as they could be.

Notices, agendas, reports and providing for exempt matters

15.76 Alongside multi-location meetings, relevant authorities will need to continue to issue notice of the convening of meetings, and make arrangements for the publication of agendas and reports, online. There are both issues and opportunities associated with this.

- Transparency around the work programmes of bodies covered by these rules. Agendas and papers are usually expected to be published three clear working days in advance of meetings (and the detail of notice requirements are covered in more detail in the section below), but relevant authorities may wish to consider how the interests of transparency and accessibility can be served by earlier notification of proposed agenda items – through more accessible and visible work programmes and through attention being given to the visibility and accuracy of a schedule of forthcoming decisions (which in the case of a principal council executive will be the Forward Plan);
- Arrangements to ensure that those viewing a broadcast can be easily signposted to the agenda, reports and (in the case of recorded meetings) the minutes, and to any relevant background documentation;

15.77 Full detail of notice requirements for meetings (and other formal requirements for the publication of agendas, reports and minutes) can now be found:

- For local authority executives, at the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 as amended by the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) (Amendment) Regulations 2021;.
- For other meetings of relevant authorities, amendments made to Part 5A and schedule 12 of the Local Government Act 1972.

15.78 The principal object of these amendments to the existing legal framework is to remove the requirement for the production of hard copy paperwork relating to formal meetings (except for a couple of specific purposes), and to require relevant authorities to make formal information available electronically, on their website.

15.79 The new arrangements can be summarised as follows:

Notice of meetings

- Public notice of all meetings must be published on the relevant authority's website at least three clear days before the meeting (at the time it is convened, if it is convened at shorter notice);
- Notice must include details of how to access the meeting if it is being held by remote means only, and the place in which the meeting is held if it is partly or wholly taking place physically;
- Notice requirements also apply where a formal meeting is taking place which is not open to the public. Here, notification is required of the time of the meeting, the fact that it is being held by remote means, and that it is not open to the public.

15.80 Usually notice of meetings would be provided on an authority's website; relevant authorities may also make arrangements for notifications to be sent to members, and interested people via subscription, automatically on the uploading of agenda papers. Authorities may also make use of social media to highlight the publication of notice (although notification on social media will not constitute notice for the purposes of the Regulations).

Agendas and reports

- The agenda and reports for public meetings (including late reports) must be published on the website of the authority;
- Paper agendas do need to be made available to members of the public attending meetings held partly physically;
- For principal councils only; recording of decisions by the executive collectively or individually, as well as the recording of business carried out in other meetings of principal councils. This requires that the names of who attended the meeting be recorded alongside apologies, declarations of interest and decisions made. This must be published within 7 working days of the meeting taking place. In the interests of clarity this does not require that a member's or members' signatures are required to be recorded (as has been the case previously). The information referred to above must be published on relevant authorities' websites;

- Background papers relating to meetings of relevant authorities must now be proactively published on a website, not merely be available (although, exceptionally, if it is impractical to do this, they must be open for public inspection). This is an important change; it involves the automatic placement in the public domain of specified documents which may previously have only been, in practice, published on application. Councils will therefore need to think carefully about how background papers are identified, produced and prepared for publication;
- The transaction of paperless business generally. Multi-location meetings are likely to be paperless. Regulations now specify that formal information relating to meetings be published on an authority's website, with the requirement of hard copy material being on public deposit having been removed.

15.81 There may be people who cannot access the information published electronically; principal councils must put in place facilities for members of the public who would not otherwise be able to do so, to access the documents.

Exempt matters

15.82 Bodies covered by the legislation will need to be able to consider exempt matters in private. Exempt matters are things which a relevant authority is allowed not to publish because they are confidential. This may be for a range of reasons, which are set out in schedule 12A of the Local Government Act 1972. Agendas with exempt items on the agenda are often divided into a Part I – held in public – and a Part II – held in private.

15.83 A separate call on the online platform, separate from the call used for broadcast, should be set up for those participating in a meeting by remote means. This reduces the risk that exempt material may be inadvertently made public through being broadcast. The original, public, call can be left open and can continue to broadcast (with an appropriate slide to notify viewers that the committee or body is in private session), so the Chair and other participants can return to formally close the meeting, or further business. This will allow relevant authorities to make clear to observers what is happening, and why.

15.84 Information provided to participants covering exempt matters should be dealt with in the same way as it would be for physical meetings. Bearing in mind that information will now be managed electronically by default under the notice and agenda arrangements highlighted above, relevant authorities may want to ensure that more prominent warnings be placed on exempt material, or whether a different colour can be applied to the background of such material to reflect the fact that, in hard copy, exempt material is usually printed on different colour paper for this reason. In doing so, relevant authorities will need to think about the accessibility needs of participants (around colour

contrasts, for example).

Innovation in how agendas and paperwork are produced and presented

- 15.85 The removal of the general requirement to provide information in hard copy by default invites the possibility for more innovation and creativity. This is not innovation for its own sake, but innovation designed to better engage the public in the work of relevant authorities. Local people will be able to follow and track the way that discussions are had, and decisions made, entirely online. The removal of hard copy notices will allow relevant authorities to experiment with the use of technology to make navigating the decision-making process, in particular, easier.
- 15.86 Relevant authorities may wish to consider how information might be made more accessible through creative use of committee content management systems to present information differently – for example, by moving away from the production of “agenda report packs” as a single PDF and towards the use of more accessible files, and file formats, which help both councillors, other meeting participants and members of the public to engage in formal business. This may include thinking about the way that minutes are drafted and presented, providing links to the substantive reports discussed, and also with the relevant section of the recording or broadcast of the meeting.

Hard copy archiving

- 15.87 Relevant authorities should however consider the needs of archiving. It is common practice that councils (and other relevant authorities) retain and bind, or otherwise store for historical purposes, hard copies of the records of formal proceedings of the authority. There is an obligation that formal information be retained for a period of six years although it is considered good practice to do so in perpetuity.
- 15.88 Archiving is likely to be possible and necessary for electronic documentation – agendas, reports, minutes, background papers and other information important for researchers, historians or others to understand how decisions have come to be made. Relevant authorities will need to think about how they build systems to make sure that material produced predominantly, or entirely, electronically will be archived.

Meeting attendance

- 15.89 ***Multi-location meetings provide additional challenges in terms of meeting attendance. It is important for the integrity of voting procedures and***

attendance records that expectations and procedures are clear.

15.90 Meeting arrangements and/or the meetings policy should make clear when a participant is considered to be “present”. There are a variety of circumstances in which this might become an issue – for example, in the taking of votes. Meeting arrangements may not engage with the detail of these issues (and others) because not all circumstances can be anticipated in advance. Local determination is important here.

15.91 Instead, the Monitoring Officer and/or governance officer in attendance at a meeting should be able to use agreed principles to provide a Chair with consistent advice over whether a participant should or should not be regarded as “present”.

15.92 This is particularly important for the taking of votes but is also relevant for participation in meetings more generally. It is likely also to have salience if the need to determine if a member has been present at a meeting is relevant for the purpose of determining whether they have attended a council meeting in the past six months (s85, Local Government Act 1972).

15.93 Particular circumstances might include:

- Connection problems. The connection may drop, making it difficult for some participants to follow debate and discussion. It may also disrupt a broadcast feed. A loss of connection may not be immediately apparent to others present. Certain committees or bodies may resolve matters through a general expression of consent rather than a roll call vote, meaning that some participants may lose the opportunity to express disagreement under these circumstances;
- Participants in meetings joining by remote means by video may seek to disable video to stabilise their connection or because they have been temporarily interrupted by events at their location - it may be unclear whether some participants are present or not. Relevant authorities will need to think about whether the requirement to be both seen and heard, for most meetings, allows for brief, temporary interruption like this;
- Where a participant is in the “waiting room” on an online platform. Here, participants will probably not be considered “present” as they cannot be seen and heard by others, cannot see and hear others (other than through a broadcast stream) and can play no active part in the meeting. The same may apply to participants who are only watching the broadcast feed as an observer.

15.94 This list is provided as an illustration; individual authorities will need to make the decisions on these points that are right for them, and which they are

confident both meet the needs of the law and the needs and expectations of local people in how local democracy is transacted.

15.95 Relevant authorities may decide that an officer could check to ensure ongoing presence at a meeting by requiring members to confirm their presence in the meeting chat at the beginning of each substantive item, as we suggested from paragraph 15.100. This could also provide a way to check presence in advance of a vote, as we suggest from paragraph 15.145.

The withdrawal of members with a prejudicial interest

15.96 Where a participant has declared a prejudicial interest in an item they will be required to leave the meeting for the duration of the relevant item. The nature of an interest and whether or not it is prejudicial will be for an authority and its Monitoring Officer to decide.

15.97 For a physical meeting it is usual practice for a participant declaring such an interest to leave the room entirely while discussion is underway, as the mere act of ongoing presence of that individual could be seen as influencing the authority's action.

15.98 Where a participant is joining by remote means, and has declared a prejudicial interest, they should leave or be removed for the duration of consideration of that item. Other participants should however be aware that the participant will be able to observe the broadcast of the meeting while outside. Relevant authorities may seek to include in their policies and meeting arrangements a requirement that participants with prejudicial interests undertake not to observe a broadcast for the reasons set out above, although we note that there is no definitive way to police this requirement and it may be seen as overly restrictive.

15.99 Once the matter has been concluded the clerk or support officer to the committee should immediately notify the relevant participant so that they can re-join the meeting, and the meeting should not continue until they have re-joined (otherwise they should be marked as not present for any further items).

Support during meetings

15.100 ***Support and advice will usually need to be provided to the participants of multi-location meetings, usually relating to matters of procedure. Participants (especially the Chair of the meeting) will need to find an appropriate way to seek and obtain this advice to ensure the smooth running of the meeting.***

15.101 Online platforms used by relevant authorities to convene multi-location meetings will usually have a chat function. The chat function will provide a useful way for advice to be shared and the business of the meeting to be managed, but its use can be open to misunderstanding.

15.102 Meeting policies should explain how this function will be used and the status in terms of meeting records. Some relevant authorities may think it sensible to ban use of the chat function outright, either in all meetings or in some, specified, meetings.

Pros of chat functions

- Allows advice to be given by governance officers without disrupting the meeting;
- Allows the Chair to “cue up” and acknowledge requests by committee members to contribute without disrupting the flow of questioning;
- Allows members to generally express assent or agreement with another participant, or with a proposal to resolve a given issue, in a manner which gives the Chair confidence to proceed (although the fact that consent has been given in this way would need to be verbally acknowledged by the Chair in the interests of transparency);
- Allows the Chair or clerk to check whether a particular member is still “present”, as we outline from paragraph 15.145.

Cons of chat functions

- Can be seen as undermining the transparency of the meeting;
- Can risk participants becoming distracted;
- Risk that participants use the chat for personal communication, and that this communication becomes inadvertently visible to other participants and to the public;
- Risk that chat will involve conversation about the matters under discussion without that discussion being visible to others, or recorded properly. Multi-location meetings policies may need to decide on the status of material recorded in the chat, and whether it can be used by the clerk to assist in the preparation of minutes;
- Risk that the chat becomes a place for general chit-chat.

15.103 The chat function will usually need to be limited to participants and the governance officer – but participants should treat conversations in chat as if they are happening in public.

15.104 Participants may decide to use WhatsApp or other messaging platforms to communicate over the course of the meeting. These platforms are not in the control of the authority; care should be taken in how they are used. For example, in the case of principal councils, if used within a political group, certain uses of WhatsApp could be seen as coming into conflict with the ban on the use of political management (whipping) at scrutiny committees.

Officer support arrangements

15.105 Different meetings will require different kinds of support from governance officers, and others. In the short term, as relevant authorities adapt to multi-location meetings (and, in particular, adapt to meetings where some may join through remote means and some physically) it may be necessary to think about the need for additional support. In due course, familiarity and confidence with new systems (and training and development for both officers and participants) will reduce this need.

15.106 Multi-location meeting policies will need to specify the kind, and level, of support necessary for specific meetings, and the circumstances where support can be provided by remote means and where officers might need to be physically present.

Supporting participants to be able to take an active part in the meeting

15.107 ***Meetings viewed live and available to view later maybe watched by a large audience and carefully scrutinised by the public including via social media. It is important that these meetings demonstrate good governance and high standards of conduct.***

15.108 Meeting policies will need to take account of the need for good conduct and high standards of behaviour. These policies will need to be drafted to closely align with other constitutional provisions on these matters, such as the Code of Conduct.

15.109 Principles of good conduct apply to meetings of any kind. However, there will be some issues that are especially relevant for multi-location meetings.

15.110 The issues below are especially important:

- People being clear about their roles and the roles that others are playing, either as participants or observers. We cover more on this in the section below;

- Recognising that meeting remotely (and where some, but not all, participants are remote attendees) requires a different approach to the agenda and to behaviour than a meeting in person;
- The need to think carefully about – and plan for – how everyone involved in the meeting will be able to actively contribute;
- Having a clear focus on the actual outcome of the meeting.

15.111 Participants are likely to understand that formal meetings can often be “performative” – people in a formal meeting behave differently from the way that they would otherwise behave, even if there is no audience. People’s physical presence in the same space has a significant impact on behaviour. Behaviour which might seem normal when everyone is in the council chamber – heckling, applause, the raising of points of order and so on – may feel odd and unusual when all or most people are joining through remote means. Participants in multi-location meetings during 2020 have talked about the “atmosphere” of multi-location meetings being different.

15.112 Behaviours in different types of meetings are likely to differ. Decision-making committees will look and feel different to audit or oversight committees, which will feel different from a principal council’s planning and licensing committees. Understanding these differing behaviours will help to inform how multi-location meeting policies are developed, and how they connect to policies around conduct and standards.

15.113 This is not just about conduct and behaviour in the narrow sense of the word, but about a shift in mindset about how much work it is possible to do in a multi-location meeting, and how multi-location meetings might help us to plan and carry out work differently.

15.114 Research carried out by the Centre for Governance and Scrutiny in 2020, and further evidence carried out in preparation for the production of this guidance, highlights the need for a shift in mindset associated with meetings where people join from multiple locations.

- It may be necessary to plan to do less. Meetings where some or all participants join through remote means can run as smoothly as in-person meetings, but not everyone is equally familiar with and comfortable with what remains a new way of working. Planning work programmes accordingly will be important;
- Invest in preparation. Later in this guidance we highlight how Chairs may need to carry out planning to understand better what other participants might want to get out of a meeting. This is probably a good habit for all meetings, but will be especially relevant for multi-location ones.

15.115 Behaviour, and expectations, around meetings and how business is carried out in those meetings are crucially important in making those meetings effective. Participants in multi-location meetings and others involved in managing and supporting these meetings will have become adept at organising such meetings during the pandemic. The drafting of meeting arrangements and policies provides an opportunity to reflect on how an understanding of behavioural factors needs to be woven into these systems as they reach maturity.

15.116 Positive behaviours are also about confidence, which will come from participants being properly supported to play an active and productive role in the meetings in which they are due to take part. Relevant authorities will already have a sense of the support needs of meeting participants, but establishing permanent arrangements for multi-location meetings provides an opportunity to revisit those existing assumptions.

15.117 Some of the relevant issues are listed below. These are reproduced, in an amended form, from WLGA guidance issued in early 2020.

- Ensuring that participants have access to appropriate equipment. As a default a desktop PC or laptop with access to a stable broadband connection will be the best way to engage. Participants will need a camera (if they don't have a laptop with an integrated camera) and ideally should use headphones to avoid background noise. Relevant authorities should provide participants who are members of the authority with appropriate equipment if they do not have access to it;
- Ensuring that participants can troubleshoot basic technical problems before or during a meeting – ensuring that they know how to mute and unmute themselves, to activate and disable video, to check their internet connection and so on. There may also be a need to ensure that ICT staff or others are on hand to deal with more serious technical issues;
- Ensuring that participants know how to use the raise, and lower, hand feature, as well as etiquette around muting and unmuting when speaking – the “raise hand” feature may not be usable for those joining on mobile or on a tablet and alternatives may therefore need to be available;
- Use of the chat function, WhatsApp or other messaging platforms. This is covered in more detail from paragraph 15.100;
- Ensuring that names displayed are consistent and accurate, with the role of the individual clearly identified: e.g. “Cllr John Williams – Committee Member” instead of “John’s iPhone” or “jw10881”;
- Ensuring that equipment being used has enough charge or is plugged into the mains;

- Ensuring that participants can view papers easily (we discussed the preparation and presentation of paperwork in more detail from paragraph 15.76); this may include (for example) advice being given to participants on the window snapping function on a Windows device: <https://support.microsoft.com/en-us/windows/snap-your-windows-885a9b1e-a983-a3b1-16cd-c531795e6241>
- The need for participants to check the environment around them before joining a meeting – checking lighting (recognising the daytime lighting conditions may change over the course of a meeting), background (ensuring that backgrounds are relatively neutral and do not involve the inadvertent display of personal information – the council may provide a corporate background or participants may choose to blur their background) and any visual distractions or noise, with mobiles and onscreen notifications set to silent;
- The need to check personal appearance – formal attire is probably not required but members should probably wear the kind of clothing they would wear if physically present at a meeting;
- Arrangements for preparation – joining the meeting fifteen minutes before it is due to start and checking audio and video arrangements;
- Participants assuming that, for a meeting that is planned to be broadcast, the meeting is being recorded and broadcast for the total time they are on the call.

Supporting observers (including the public) to access and participate in the meeting

15.118 ***While the potential for bigger audiences provides new opportunities for participation, multi-location meetings must ensure arrangements are made for the public to participate via questions and presentations, for example. The presentation of multi-location meetings should also take into account public presence as an audience in new ways.***

15.119 The broadcast of meetings will make them more accessible generally – but councils will still need to think of the needs of both observers and participants. This may include:

- The physical layout of rooms, which will be affected by the requirements around visibility of those joining through remote means;
- How participants joining through remote means will be displayed on a screen or screens in a physical location.

Ensuring that observers (including the public) feel welcome

15.120 Councils have found over the course of 2020 that the universal use of multi-location meetings has resulted in a significant increase in the number of people viewing meetings.

15.121 Generally speaking meetings of relevant authorities will be meetings taking place in public rather than “public meetings”. Members of the public will not have an automatic right to address committees or other bodies – although provision may be made in the constitution for them to do so, in which case observers can become participants.

15.122 There will be instances where those people who would otherwise be observers will need to join a meeting as an active participant. This may include:

- Those presenting petitions or deputations;
- Those asking public questions;
- People giving evidence (for example, to scrutiny committees);
- Applicants on regulatory matters (planning and licensing);
- Parties to quasi-judicial matters.

15.123 Where individuals are members of the public the Chair or an officer will need to make arrangements to ensure that they can join to participate – and that they are supported in doing so.

15.124 Meeting policies may need to make particular provision for this.

Making sure that members of the public feel supported when participating through remote means

15.125 At a physical meeting, an officer might have an opportunity to speak quietly to a person beforehand to allay any nerves, and to ensure that a person is satisfied with the experience after they have contributed. In a multi-location meeting these “soft” opportunities for conversation and reassurance may not naturally exist. Individuals may find themselves, joining from their own home, on a public call with fifty strangers, being expected to contribute coherently, and then removed from the call without ceremony when the item reaches its conclusion. Clearly, this is not ideal. Relevant authorities may wish to explore how members of the public joining meetings in this way can be best supported.

Formal meetings which are also public meetings

15.126 It is common for some types of authorities to convene formal meetings which are designed to actively involve the public in proceedings.

15.127 These meetings might legally be formal meetings but they may have a different character and atmosphere. Relevant authorities should not avoid holding these kinds of meetings because they think that managing them as multi-location meetings will be complex. This also goes for meetings held in places in the community other than an authority's normal premises, where the presence of technology for broadcast and display may not be immediately present.

15.128 Meeting arrangements may make particular reference to and provision for these kinds of meetings.

Providing for protest and dissent

15.129 Relevant authorities may also need to consider how opportunities for public protest and dissent might be provided for in multi-location meetings.

15.130 Protest can be inconvenient (and disruptive), but it also reflects a vital public right. Where relevant authorities propose to carry out business by way of multi-location meetings as the norm, and particularly where little to no business for certain bodies may be carried out in person, this feature of the local democratic landscape could be at risk; meeting arrangements should take account of this factor. It will not be appropriate for an authority to decide that it will convene a meeting entirely remotely (with no business being carried out in person) if the principal reason for doing so is because it will eliminate the risk of embarrassment to the authority of a visible, public protest in the vicinity of the meeting.

15.131 It is, however, proper for a council to decide that it will convene all meetings so that they can only be accessed through remote means, as long as the accessibility and equality implications of this decision are understood, and as long as the discretion of the authority to make exceptions to these arrangements in particular cases is not fettered.

15.132 We noted from paragraphs 15.6 the need to make physical arrangements for certain meetings, even those where most participants may be joining through remote means. This may also provide the opportunity for public protest, which could take place in a public gallery, and made visible to those participating through remote means.

15.133 This would allow for a protest to be streamed into a meeting otherwise taking place in multiple locations, and could ensure that people protesting in this way feel that their voice has been heard.

Supporting broadcast by members of the public

15.134 ***Members of the public or the press may wish to film for immediate or future broadcast some or all of a meeting.***

15.135 In the case of multi-location meetings where most or all participants are in the same location, this may involve the separate recording of a broadcast stream for editing and broadcast later.

15.136 For meetings where some or all participants attend physically – with physical arrangements made for observers - members of the public and members of the press may wish to use their own equipment for recording and broadcast.

15.137 Relevant authorities may wish to engage with the local press, and to invite views from the public, as to how their meeting arrangements and policies should take account of the requirement to provide access for this purpose. The way that this works is likely to be different from how councils may have supported this activity when meetings were “all-physical”. This may involve:

- Ensuring that the layout of a room is designed to support video recording (by providing a space from which people might film proceedings without visual obstruction, for example);
- Ensuring that amplification arrangements in a committee room allow proceedings to be adequately recorded by an external microphone, or providing a way for members of the public carrying out recording to take the broadcast audio feed, where relevant;
- Arrangements for shots of the room which include members of the public and others in the audience. Committee meetings occur in public and those attending do not have an automatic expectation of privacy or the right to object to recording, but there may be circumstances in which councils want to think about how they will ensure that those carrying out recording are focusing on the formal proceedings;
- Authorities will have to comply with UK data protection legislation and their own data protection policies in relation to the processing of any recording of meetings that are made. Data protection can be a complex area of law, and it is recommended that the authority consults its data protection officer to ensure compliance;
- Arrangements for video and audio recording of the recorder’s own narrative and of two-way interviews with participants within the committee room; members of the press in particular may want to film interviews, pieces to camera and establishing shots of the space in which the meeting takes place, and arrangements should be in place to support this before and after the meeting, and to ensure that those attending are aware that this may be happening.

This is not an exhaustive list.

Chairing meetings

15.138 ***Chairing a multi-location meeting is very different to chairing a face-to-face meeting. Chairs will need to be supported to carry out their role in specific ways. The job of the Chair will be a particular challenge where a meeting is being carried out in a physical space with only some participants joining through remote means.***

15.139 The following general principles for chairing meetings in this context are reproduced and amended, from WLGA guidance issued in spring 2020, and incorporate guidance produced by the Centre for Governance and Scrutiny for both English and Welsh councils at the same time.

15.140 Chairs have a particular responsibility to prepare for the meeting, probably in a more planned and directed way than might be necessary for a physical meeting. This may involve the Chair consulting with officers, and other committee members, to determine:

- What the meeting is about, and the possible purpose and outcomes for every item on that meeting's agenda;
- What information and paperwork will need to be made available in order for these outcomes to be delivered;
- Where councillors or other meeting participants will want to contribute – and where and how public participation might need to be facilitated;
- Where these people might need particular support in order to participate in the way that they want.

15.141 Chairs will also need to engage with all participants (which may include external witnesses and members of the public or others with a role to play) to ensure that their role and means of involvement are well understood. This is covered in more detail from paragraph 15.118.

15.142 Chairs should:

- Think about the accessibility of the meeting to the public, and whether there are any things they can do that will ensure that public observers are welcomed and that business is explained in a way that is understandable, including the operation of the multi-location meeting itself;
- Ensure that they are prepared for the meeting in a logistical sense by being aware of which members and other participants may be joining by remote means. If the Chair themselves is joining by remote means while

some other participants are present in a committee room particular steps will need to be taken to prepare, which are set out from paragraph 15.6;

- Ensure before the start of the meeting that everyone is able to access the meeting, and that everyone is able to both see and hear each other (where the law requires it for specific meetings) or hear each other (for other formal meetings);
- Provide a reminder of meeting arrangements and policies, particularly relating to conduct and behaviour, including some of the material set out from paragraph 15.107 above. This may (depending on the meeting) involve advice on voting arrangements;
- At the beginning of the meeting, introduce themselves, the committee, officers present and other participants to ensure that those watching or listening to a broadcast are aware who is who;
- To avoid people speaking over each other or long silences, ask each member in turn for their contribution to an item, based on an understanding of what members wish to contribute (as we explore further from paragraph 15.107);
- Check occasionally through the meeting that no one has been 'lost' due to technical issues, and provide support to councillors experiencing challenges – in this Chairs may need the support of support officers
- Pay more attention than usual to framing the meeting with reminders of the purpose of each agenda item and summarising decisions and actions for each item and again at the end of the meeting;
- Check at the end of each agenda item that all members are content that they have been able to contribute, and ensure that agreed voting arrangements are followed where relevant.

15.143 The “balance” between individuals in a room, and those joining by remote means, will have a significant effect on how business will be transacted. This links back to the points we made in the earlier section on conduct and behaviour. Chairs and their support officers are likely to need to know ahead of time which members to attend physically and which may join by remote means. For meetings with a mix of arrangements – particularly if the Chair themselves will be joining by remote means – planning is likely to be necessary. This may include:

- Understanding the motivations and objectives of individual participants on specific agendas items, and having a sense of what they may want to say and ask;
- Identifying how a support officer or other member may bring their attention to a member wishing to make a comment through remote means or in the committee room (it will otherwise be challenging for a Chair to maintain awareness of those in the room as well as those joining remotely);

- Planning debate to be themed or otherwise structured rather than inviting comments generally, to ensure that all participants have an opportunity to contribute;
- Briefing witnesses on expectations;
- Ensuring that reports reflect the above sets of circumstances.

15.144 This kind of planning will benefit any meeting, not just those with a mix of in-person and remote attendance.

The taking of votes

15.145 ***Multi-location meetings provide additional challenges in terms of capturing votes. Chosen options will depend on the chosen platform and local preferences.***

15.146 Participants in a formal meeting may decide to do something through general consent, or through a recorded vote. Immediately before the vote the Chair will need to determine that all members of the body continue to be “present”, as we set out from paragraph 15.89.

15.147 There are a number of different options when it comes to recording votes:

- A verbal roll call of those participants entitled to vote (“voters”). Particularly for full Councils, this process has been found to be the most rigorous but can be very time consuming, especially if amendments to motions are put to the vote;
- Using the ‘raise hand’ function, although this is subject to misinterpretation and human error;
- Responses via the chat;
- Dedicated voting software incorporated into the platform.

15.148 The authority will want to ensure that:

- All voters have the same opportunity to vote;
- All voters vote through the same process. In some council chambers, facilities for the taking and recording of votes may be present, but those joining through remote means may not be able to participate in the use of this in-situ technology. Relevant authorities with this technology will need to think carefully about whether, and how, such facilities might extend into the remote space, or how systems used for remote voting might extend into the physical space;

- A suitable record of the vote is captured by the appropriate officer and is confirmed in a way that is understandable to those observing the meeting.

Bodies reaching resolutions without a vote

15.149 It is common that committees or other bodies may resolve to take certain action without a vote being recorded. In person, the Chair is able to get a sense of whether consensus exists by looking around the room. Those present have the opportunity to object and to press for a vote, depending on the authority's standing orders.

15.150 Where participants are joining through remote means (and particularly where some members join through remote means and some are present physically) the Chair will need to take special care to ensure that consent is present to move on without a vote.

Training, peer support and good practice sharing

15.151 ***The arrangements for multi-location meetings will continue to evolve. This makes it particularly important to ensure that councillors and officers have access to good quality training, peer support and good practice sharing.***

15.152 Those participating in multi-location meetings and those expecting to participate should be offered initial, and top-up, training, development and support to ensure an understanding of these issues. This is not the same as training to support the technical use of ICT equipment.

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Meeting of:	DEMOCRATIC SERVICES COMMITTEE
Date of Meeting:	26 OCTOBER 2023
Report Title:	WELSH LOCAL GOVERNMENT ASSOCIATION'S COUNCILLOR SUPPORT SELF-EVALUATION FRAMEWORK
Report Owner / Corporate Director:	HEAD OF DEMOCRATIC SERVICES
Responsible Officer:	RACHEL KEEPINS DEMOCRATIC SERVICES MANAGER AND HEAD OF DEMOCRATIC SERVICES
Policy Framework and Procedure Rules:	There is no effect upon the policy framework and procedure rules in respect of this report.
Executive Summary:	<p style="text-align: center;">This report sets out the Welsh Local Government Association's (WLGA) proposal for a new voluntary self-evaluation framework for Councils to use to assess the effectiveness of the support they provide for councillors. This framework replaces the former Wales Charter for Councillor Support and Development.</p> <p style="text-align: center;">This report asks for the Committee's comments to be reported back to the WLGA as part of the consultation surrounding the new framework.</p>

1. Purpose of Report

- 1.1 The purpose of this report is to present the Welsh Local Government Association's (WLGA) draft 'Councillor Support Self Evaluation Framework' and provide an opportunity for the Committee to provide feedback to the WLGA on the Framework as part of their consultation process.

2. Background

- 2.1 In 2002, the WLGA (then Syniad) worked with every Council and a cross party group of councillors to identify what further support and training opportunities councillors would find useful. In response to this request the Wales Charter for Member Support and Development was co-developed by the WLGA and Councils to:

- provide a framework for good practice across Wales,
- be an incentive for Councils to provide their councillors with the support and development they needed, and

- provide assurance to councillors that they were being given the best support possible.

2.2 Over the last 20 years, the Charter has been further developed and instrumental in both enabling and recognising local good practice. The majority of Councils, national parks and fire and rescue authorities have been awarded the Charter, whilst others have used it as a framework to identify good practice and check that they have effective support mechanisms in place.

2.3 Following discussions with Heads of Democratic Services from across Wales and a recognition that the local authority culture has now changed quite drastically with different ways of working post-Covid pandemic and resources now being ever more challenging, a new voluntary self-evaluation framework for Councils has been developed, modernising and replacing the former Wales Charter for Councillor Support and Development.

3. Current situation / proposal

3.1 It is intended that the new Self-Evaluation Framework, attached at **Appendix A**, will be used by Councils to assess the effectiveness of the support they provide for councillors.

3.2 The framework reflects a more progressive approach to sector led improvement, recent Welsh Government (WG) legislation, statutory and other guidance as well as recognising the increasingly limited resources available in Councils.

3.3 WLGA have requested that the draft framework proposal be presented to Local Authority Democratic Services Committees for discussion, so that any comments and suggestions can be provided back to them for consideration. Following this consultation, the WLGA propose to issue the framework as a shared support resource to all Councils for them to use as appropriate.

3.4 It is highlighted in the attached that whilst the framework focusses on the support provided for councillors to deliver the outcomes needed by their communities and aims to cover all aspects of good practice in councillor support, as priorities and resources differ between Councils, it would be for Councils to decide locally how much of the framework to use and which sections should be prioritised.

4. Equality implications (including Socio-economic Duty and Welsh Language)

4.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. This is an information report, therefore it is not necessary to carry out an Equality Impact assessment in the production of this report. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

5. Well-being of Future Generations Implications and Connection to Corporate Well-being Objectives

5.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there is no significant or unacceptable impact upon the achievement of well-being goals/objectives as a result of this report.

6. Climate Change Implications

6.1 There are no Climate Change implications as a result of this report.

7. Safeguarding and Corporate Parent Implications

7.1 There are no Safeguarding or Corporate Parent implications as a result of this report.

8. Financial Implications

8.1 There are no direct financial implications arising out of this report however should the Council determine to undertake the voluntary self-assessment in the future, any costs associated will have to be met from the existing budgets.

9. Recommendation

9.1 It is recommended that the Committee consider the proposed 'Councillor Support Self-Evaluation Framework' attached at **Appendix A** and provide any comments or suggestions to be subsequently fed back to the WLGA, recognising local needs and priorities.

Background documents

None

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From Charter to Self-Assessment, the Evolution of the Wales Charter for Member Support and Development

Consultation July 2023

Background

Twenty years ago, support and development for councillors in Wales was less well established than it is today. In 2002, the first improvement team at the WLGA (then Syniad), worked with every council and a cross party group of councillors to identify what further support and training opportunities councillors would find useful. Councils requested that good practice in this area should be agreed, described, and disseminated.

In response to this request, and in line with wider UK practice, the Wales Charter for Member Support and Development was co- developed by the WLGA and councils to:

- provide a framework for good practice across Wales,
- be an incentive for councils to provide their councillors with the support and development they needed, and
- provide assurance to councillors that they were being given the best support possible.

Over the last 20 years, the Charter has been further developed and instrumental in both enabling and recognising local good practice. The majority of councils, national parks and fire and rescue authorities have been awarded the Charter, whilst others have used it as a framework to identify good practice and check that they have effective support mechanisms in place.

Since the inception of the Charter, the local government landscape has changed significantly. The role of councillors has become even more challenging and wide ranging. Resources are scarce and ways of working post Covid radically different. Councils now have more sophisticated and well-established approaches to councillor support. The Welsh Government has introduced legislation with statutory guidance for councillors and democratic services. The improvement landscape has also evolved. In 2021-22 a new Improvement Programme was launched to support sector-led improvement across local government in Wales. Leaders and chief executives have expressed a commitment to sector-led improvement, underpinned by peer challenge, support and mutual aid.

Against this backdrop, the Charter has been reviewed by the WLGA and councils represented by their Heads of Democratic Services. We recognise that although the Charter provided a framework for good practice, impetus for, and recognition of councillor support in the past, there is now a need for a different framework which reflects a more progressive approach to sector led improvement, recent WG legislation, statutory and other guidance and which recognises the increasingly limited resources available in councils.

A Councillor Support Self-Assessment Framework.

Proposal

We propose that the existing Charter be replaced by a voluntary self-assessment framework that focusses on the support provided for councillors to deliver the outcomes needed by their communities. The framework aims to cover all aspects of good practice in councillor support. However, as priorities and resources differ between councils, it would be for councils to decide locally how much of the framework to use and which sections should be prioritised.

The framework would be developed according to the following principles:

1. Aims of the framework

- To provide assurance to councils that councillors are provided with the support, information, guidance, and development needed to enable them to secure the best possible outcomes for their communities.
- To provide an ambitious but pragmatic national framework of good practice which recognises legislative requirements, statutory and other guidance, the expressed needs of councillors and widely accepted examples of what works.

2. Principles for development

- To develop the framework collaboratively with councils, WLGA and other stakeholders to ensure that it meets needs and reflects national aspirations.
- To develop a framework which works with the wider programme for improvement and self-assessment in Wales with a potential to develop as part of the peer review programme if required. Councils may decide that this self-assessment should be led by democratic services committees.
- To develop a framework that reflects the needs of all councillors regardless of political party or independent status.
- To provide opportunities for practice sharing between councils.

3. Scope of the framework

The framework would cover:

- support and development for councillors in the widest sense to incorporate support provided by the whole council. Including, but not limited to, for example, democratic services, legal, digital, communications, learning and development teams, and directorates in their support for scrutiny, the executive and frontline councillors,
- the needs of all councillors before election, as new members and as experienced politicians,
- all councillor roles both within the council and in the community,
- the personal and 'professional' support to councillors within the influence of councils and
- the expectations placed on councils, officers, and councillors themselves.

4. Context

The framework will take account of, for example: the [Local Government and Elections \(Wales\) Act 2021](#), the [Electoral Administration and Reform White Paper](#), the [WLGA Exit Surveys](#), the [WG survey of councillors](#), the [Civility in public life initiative](#), the [WG Guidance for Principal Councils](#) and the emerging local government improvement and self-assessment framework.

5. An example framework for discussion

The framework below is based on the proposed aims and principles and offered as a starting point for discussions between all stakeholders. Councils are invited to comment on the suitability of the framework as a shared, national foundation document that councils can use to develop their own approach to self-assessment recognising their local needs and priorities.

Democracy	Outcomes sought: <ul style="list-style-type: none"> • People are encouraged and enabled to stand for office. • Councillors understand their role and undertake it effectively and ethically. • Councillors can participate equally in council business. • Councillors are provided with the support, information, and resources they need. • Councillors represent the diversity of the people they serve. • Councillors are safe and protected from harm.
Theme	Questions to ask
Candidates and prospective candidates	<p>Does the council provide comprehensive information to prospective and official candidates about the role of the councillor, the council and any associated responsibilities and benefits?</p> <p>Are the approaches to the outreach to and information for prospective candidates made according to the need to encourage diversity in candidates and informed by the council's Diversity Declaration?</p> <p>Does the council signpost prospective candidates to information provided by the WG, WLGA, Electoral Commission and other organisations providing information for candidates?</p> <p>Do councillors, the council and local parties promote fair and respectful campaigning initiatives?</p> <p>Are prospective candidates informed about support for standing such as the Access to Elected Office fund?</p> <p>Are prospective candidates informed of the expectations placed on them to take part in induction and continuing professional development some of which will be mandatory?</p>
Councillors understand their role, responsibilities,	<p>Are all councillors, when elected or when being selected for a specialist position, provided with information and guidance about all aspects of their role?</p>

and accountabilities.	<p>Are all members provided with a competency framework to understand the skills and knowledge required of councillors? Have role descriptions (see WLGA models for examples) been formally adopted by the council and agreed by individual councillors? Have councillors serving on outside bodies been provided with:</p> <ul style="list-style-type: none"> • guidance on their role and responsibilities, • legal information such as their accountabilities and interests, • an explanation of the expectations placed on them by their nominating council, • requirements for communication with and reporting back from the outside body?
Standards of conduct	<p>Do all councillors understand their responsibilities in adhering to the local code of conduct? Have they received local guidance and any information provided by the Public Services Ombudsman for Wales? Do standards committees and chairs understand their particular roles and responsibilities? Do political group leaders promote and maintain high standards of conduct and cooperate with the standards committee? Have all councillors formally committed to undertake all aspects of their role with civility and respect towards each other, the public and officers in all settings and media? Are instances of bullying, harassment and intimidation dealt with quickly and effectively?</p>
The constitution	<p>Do all councillors understand the constitution including:</p> <ul style="list-style-type: none"> • the roles, responsibilities, and limits to the roles of committees, • the role of individual councillors and officers, • councillor /officer protocols, • meeting practice, • standing orders, • rules of debate, • public engagement, • roles on the council where councillor training is deemed mandatory?
Officer support	<p>Does every committee, panel, forum etc. have an appropriate level of officer support? Are councillors supported adequately in their collaborative and joint work with other councils or organisations, for example on corporate joint committees? Are councillors supported in their community and case work? Are all councillors provided with the information and research they are entitled to according to the requirements of the</p>

	<p>statutory guidance issued under section 8 (1A) of the Local Government Wales Measure 2011.</p> <p>i.e. All councillors are proactively and also in response to specific requests, provided with information, data, briefing and training relating to their decision making, committee work and community and casework.</p> <p>This service is:</p> <ul style="list-style-type: none"> • provided equitably to all members according to a published protocol which includes standards and response times, • exclusive of information for party political use, • provided confidentially where necessary and with due regard to data protection and other information law, • undertaken by the council or external agencies, • proportionate and provided within available resources. <p>Democratic services committees ensure that the service is effective and adequately resourced.</p> <p>Do overview and scrutiny committees have dedicated support from officers who can provide impartial research, support, and advice?</p> <p>Has the nature of any support information including research services has been clearly publicised and explained to all councillors?</p>
Equality of access	<p>Are the arrangements made for the business of the council flexible and do they enable councillors to participate fully regardless of personal circumstances?</p> <p>Do meeting times, modes and venues reflect the expressed needs of councillors as closely as possible?</p> <p>Do councillors have equal access to meetings regardless of any protected characteristics?</p> <p>Do the arrangements for multi-location meetings meet the needs of councillors?</p> <p>Are councillors and other meeting participants able to use both Welsh and English in meetings?</p> <p>Do council recess times reflect the needs of councillors with, for example, caring responsibilities?</p> <p>Are job share arrangements for cabinet members supported so that the workload is clear and appropriate?</p> <p>Are occasional physical spaces available for informal meetings on request?</p>
Support for councillors' rights, safety, and wellbeing	<p>Are councillors provided with guidance on their rights and benefits. For example, salaries, family absence, job sharing for members of the executive/cabinet, allowances, tax and benefits, pensions, indemnities, data protection and freedom of information?</p> <p>Are councillors actively encouraged to take up the salaries and allowances they are entitled to and is foregoing allowances and salaries actively discouraged?</p> <p>Does the council have an informal duty of care in place which demonstrates a proactive commitment to protecting councillors' health and wellbeing? Is this recorded and available for members to view? Does it set out the nature of any support available to councillors for example counselling</p>

	<p>and health checks and those responsible for helping councillors access this support?</p> <p>Are councillors provided with guidance on maintaining their wellbeing and personal safety? For example, lone working, bullying and harassment?</p> <p>Does the council act proactively to support councillors who experience bullying and harassment, including liaison with the police if appropriate?</p>
Diversity	<p>Has the council's Diversity Declaration been agreed by the Full Council? Is it monitored?</p> <p>Does the Diversity Declaration set out the actions that the council takes to ensure that councillors from underrepresented groups are actively encouraged to stand and given positions of responsibility wherever possible?</p> <p>Are councillors with special access requirements supported in their work in the council and community?</p>
Digital	<p>Have all councillors been provided with the equipment or funding to buy equipment, software, apps and connectivity required to undertake their role in the council offices, at home and when travelling in the council area?</p> <p>Does this include smart phones and laptops/tablets?</p> <p>Has full training been provided in the use of equipment and packages? Is technical support available?</p> <p>Are councillors sufficiently supported in their attendance at multilocation meetings?</p> <p>Are councillors supported in the use of social media through guidance on its use and online safety?</p>

Community	<p>Outcomes sought:</p> <ul style="list-style-type: none"> • Councillors lead, represent, advocate for, and enable their communities. • Councillors make sure that local resources are available and maximised. • Councillors encourage citizen participation and innovation. • Councillors work with communities to make them sustainable and resilient.
Theme	Questions to ask
Public awareness	<p>Does the council ensure that the public understand the role and responsibilities of councillors and of local MSs', MPs and community and town councillors?</p> <p>Do people know which tier of representative should be contacted for different local issues?</p> <p>Does the council publicise and promote the value of councillors to the community?</p>
Communities contacting councillors	<p>Are systems in place for local residents and community groups to contact their local ward councillor, and/or councillors with specific roles, if appropriate?</p>

	Are these systems and standards for their application clearly articulated and publicised to the public and councillors?
Surgeries and community meetings	Is the support provided by the council for councillors to organise surgeries and community meetings adequate? Do the relevant officers attend community meetings when requested by councillors where appropriate? Is the extent of the support available to councillors clearly articulated to all councillors?
Community engagement, leadership, and co-production	Are councillors informed, supported and resourced to enable their communities to be sustainable and resilient through, for example: <ul style="list-style-type: none"> • formal and informal community consultation • joint working with community leaders to meet needs at a local level, • co-production with local people of policies and actions which lead to successful communities? Is this support for councillors clearly articulated to all councillors?
Casework support	Are adequate systems in place to support councillors in their casework? Is this support: <ul style="list-style-type: none"> • provided equitably to all members according to a published protocol, • exclusive of party-political activities, • provided confidentially where necessary and with due regard to data protection and other information law, • proportionate and provided within available resources. Are councillors provided with guidance on managing casework. Through, for example casework management systems?
Oversight and safety	Does the council have clear protocols in place for protecting the personal safety and wellbeing of councillors which are clearly articulated to councillors and the public? Are the expectations and access of the community managed so that councillors are not contacted inappropriately? Are councillors provided with information and guidance on managing their relationships with the public and maintaining appropriate boundaries?

Learning	Outcome sought: Councillors have the skills and knowledge to deliver what local people need.
Themes	Questions to ask
The Councillor Development Strategy	Does the council have an effective and defined approach to councillor development which includes the expressed needs of every councillor and the needs of the organisation and community?

Personal development reviews	Does the council provide all councillors with useful personal support and development reviews undertaken by people competent to do so?
A learning and development Programme.	Does the council have an annual learning and development programme fully promoted to councillors? Can all councillors access the programme equally? Is the programme regularly monitored, evaluated, and updated? Are councillors able to identify positive outcomes from the training such as improved understanding and performance and specific outcomes for the community?
Induction	Are all new or returning councillors provided with a comprehensive, prioritised, multi session, programme of induction which enables councillors to participate effectively during their first year of office?
Quality of development	Do councillors believe that the learning activities are sufficiently stimulating, relevant and provided in progressive and appropriate styles? Does the council have a systematic and effective approach to commissioning, developing, delivering, and evaluating its training and development activities?
Participation	Do councillors attend all the development opportunities that are relevant to them? Is any non-participation addressed?
Learning from others	Do councillors participate in shared regional and national development opportunities? Are councillors encouraged and supported to collaborate with other councils and national bodies to act as political peers, mentors and in networks to share approaches to the role of councillor, identify good practice and to contribute to sector led improvement?

Meeting of:	DEMOCRATIC SERVICES COMMITTEE
Date of Meeting:	26 OCTOBER 2023
Report Title:	ELECTED MEMBER PERSONAL SAFETY PROTOCOL
Report Owner / Corporate Director:	HEAD OF DEMOCRATIC SERVICES
Responsible Officer:	RACHEL KEEPINS DEMOCRATIC SERVICES MANAGER
Policy Framework and Procedure Rules:	There is no effect upon the policy framework and procedure rules in respect of this report.
Executive Summary:	<p>This report sets out a draft protocol for Elected Member Personal Safety which incorporates useful steps that Elected Members can follow to keep themselves safe as well as providing links to further guidance.</p> <p>The protocol incorporates guidance for Members as well as a generic risk assessment of Elected Member activities, reference to the Council’s Lone Working Guidance as well as the Social Media Protocol for Elected Members.</p> <p>The report presents an opportunity for the Democratic Services Committee to make comment on the draft protocol and propose any amendments.</p>

1. Purpose of Report

- 1.1 The purpose of this report is to present a draft ‘Elected Member Personal Safety Protocol’ to the Committee for comment and any proposed amendments and recommend to Council that authority is delegated to the Monitoring Officer and the Chief Finance Officer to consider and determine any requests for funding appropriate security measures where a Member is at personal risk or significant threat of harm in carrying out their role.

2. Background

- 2.1 Following the Local Government Elections 2022 the Welsh Local Government Association (WLGA), along with Data Cymru, published a report detailing the results from Exit Surveys of Councillors who had stood down voluntarily in the local 2022 elections. The purpose of this was for WLGA and Councils to use the data gathered to understand the demographic of these councillors, their experiences whilst in office and their reasons for standing down. This information was also intended to be

used to assess and improve the support and development opportunities for councillors provided both locally and nationally.

2.2 Under part 5 of this report, under 'Reasons for standing down', (where Members could include a multitude of reasons), whilst the most popular reason, with 50%, was given as retirement, there were 14% who stated their reason as 'Experience of bullying / harassment / intimidation' and 13% 'Concern about bullying / harassment / intimidation'.

2.3 Under section 12 of the report 'What did councillors least enjoy about being a councillor, their responses were broadly split across 5 categories including 'Abuse and harassment from the public' with comments such as:

"Unfortunately, misinformation particularly on social media has created a situation where I found it difficult to want to publicise my work out of fear of personal attacks or harassment. In some cases, I also received death threats which resulted in police involvement."

2.4 Whilst, fortunately, incidents involving violence and aggression towards Elected Members is rare, it is acknowledged that Elected Members are constantly interacting with residents of their community and it is these interactions, and sometimes controversial decisions that they are involved in making, that may lead to Elected Members being subjected to verbal, written or online abuse.

2.5 The Local Government Information Unit (LGIU) states in their guide on Personal Safety for Councillors that: *'While most of the aggression councillors experience will sit at the 'low to modest' spectrum of unacceptable behaviour, severe abuse can tip into the legal definition of violence even if no physical interaction is involved. A strong legislative framework is useful, but the law can only ever protect retrospectively, and no Act of Parliament will ever prevent bad things from happening. It is important to take time to reflect on the systems and processes that could help reduce any potential risks.'*

3. Current situation / proposal

3.1 At its meeting on 12 March 2020, the Democratic Services Committee considered the "Personal Safety for Councillors" report and guidance was circulated to all Members at that time. Following the tragic murder of Sir David Amess MP on 15 October 2021, the guidance, together with a list of additional online resources directed at Personal Safety and Online Abuse, was circulated via email to Members. In light of the findings following the Local Government Elections and in response to recent reported occurrences by Members of online social media abuse and incidents where they have felt vulnerable, an Elected Member Personal Safety Protocol has been drafted based on the previous guidance issued to Members and in consultation with the corporate Health and Safety Unit. The protocol is attached at **Appendix A**.

3.2 The protocol has been developed having regard to guidance published by the Welsh Local Government Association (WLGA) and the Local Government Information Unit (LGIU) and sets out what personal safety measures Elected

Members can establish to prevent and to deal with those rare circumstances when they might find themselves in situations where they become anxious for their safety.

- 3.3 As well as providing useful steps and guidance that Elected Members can follow to keep themselves safe, the protocol provides a generic risk assessment of Elected Member activities for Members to use in relation to their various activities and consider how it relates to them, the risks involved and associated guidance for their continued safety.
- 3.4 It also references the Authority's Lone Working Guidance, which Members are encouraged to familiarise themselves with to ensure their own personal safety. This is to be read in conjunction with the protocol in order to reduce the risks of lone working as far as is reasonably practicable.
- 3.5 Finally, the protocol references social media and online guidance for Elected Members which provides information including 'Setting up social media accounts', 'Using social media effectively and safely', 'Dealing with difficult posts and complaints' and 'Ways to keep you and others safe'.
- 3.6 Links to further guidance are also provided within the protocol for further consideration.
- 3.7 The Independent Remuneration Panel for Wales (IRPW) has stated that the Authority must support the work of its Elected Members and Statutory Co-opted Members to enable them to carry out their duties. To support their work, the Council provides access to e-mail, telephone, data, ICT etc. However, the Authority must also support the safety of Councillors as outlined in the IRPW Annual Report 2021:

"As a result of their legitimate actions as a Councillor and elected Members personal security may become significantly, adversely affected. In keeping with their existing responsibilities, it is the duty of the Democratic Services Committee to fund or provide support necessary to enable a Councillor to discharge their role reasonably and safely. This may require the funding of appropriate security measures to protect Councillors from personal risk or significant threat. Risk assessment and liaison with relevant bodies such as the Police and Security Services would normally inform the selection of required provision".

Further Possible Actions

- 3.8 Whilst the Democratic Services Committee is under a duty to fund and provide the support necessary to enable Members to discharge their roles reasonably and safely, it is not practicable to bring individual requests to provide funding for appropriate security measures to the Committee, particularly as some requests may be urgent. It is therefore proposed that the Monitoring Officer and Chief Finance Officer be delegated authority to consider any requests to provide funding for appropriate security measures by Members. Any such request will be considered on its merits but there will be an expectation that security measures have been advised by the police or security services. The relevant bodies would normally inform the required provision of support and any funding would be reasonable and proportionate.

4. Equality implications (including Socio-economic Duty and Welsh Language)

4.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. This is an information report, therefore it is not necessary to carry out an Equality Impact assessment in the production of this report. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

5. Well-being of Future Generations Implications and Connection to Corporate Well-being Objectives

5.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there is no significant or unacceptable impact upon the achievement of well-being goals/objectives as a result of this report.

6. Climate Change Implications

6.1 There are no Climate Change implications as a result of this report.

7. Safeguarding and Corporate Parent Implications

7.1 There are no Safeguarding or Corporate Parent implications as a result of this report.

8. Financial Implications

8.1 Any requests to provide funding for appropriate security measures by Members would be reasonable and proportionate and be based on a risk assessment and liaison with police/security services. The monies would be found within the existing Democratic Services budget where possible.

9. Recommendations

9.1 It is recommended that the Committee:

- a) Consider the proposed draft Elected Member Personal Safety Protocol and provide any suggested comment or amendments;
- b) Recommends to Council that authority is delegated to the Monitoring Officer and the Chief Finance Officer to consider and determine any requests for funding appropriate security measures where a Member is at personal risk or significant threat of harm in carrying out their role.

Background documents

None

DRAFT PROTOCOL

ELECTED MEMBER PERSONAL SAFETY

1. Introduction

The relationship between Elected Members and their communities is at the heart of what being an Elected Member is all about. Face-to-face contact where constituents can share problems and concerns is vital to enhancing that relationship. Often the Elected Member role extends beyond just the delivery of Council services and these contacts are usually rewarding and non-adversarial. Elected Members become experienced in calming down and treating with respect and sympathy, angry and frustrated residents who often resort to their elected representative when they feel that they are getting nowhere in resolving their problems through other channels.

Whilst incidents of violence and aggression towards Elected Members are rare, it is acknowledged that because Elected Members are constantly interacting with residents of their community, there are times that these interactions, sometimes potentially linked to controversial decisions that Elected Members are involved in making, may lead to Elected Members being subjected to verbal, written or online abuse.

This protocol sets out some useful steps that Elected Members can follow to keep themselves safe and enable them to carry out their role safely and effectively. The purpose of this protocol is not to make Elected Members nervous, but to set out what reasonable personal safety measures can be taken to prevent and to deal with those rare circumstances when they might find themselves in situations where they become anxious for their safety. Personal safety is about valuing ourselves and taking sensible steps to minimise risk so that everyone is confident and comfortable in their role.

In general terms the guidance follows advice given to others who, by virtue of public duties or employment, meet many people whom they do not know. This protocol has been developed from guidance published by the Welsh Local Government Association (WLGA) and the Local Government Information Unit (LGIU).

Additional support is available through the Democratic Services Manager or the Corporate Health and Safety Unit.

2. Risk Assessment

A generic risk assessment of Elected Member activities has been undertaken and is attached at **Appendix 1**. All Elected Members are advised to consider the risk assessment and how it applies to their activities, and follow the guidance set out to ensure their continued safety.

3. Training

All Elected Members will be provided with Personal Safety/Conflict Management Training at the start of their term of office and will receive periodic updates to arrangements as necessary. Members also have access to Welsh Government

funded training on 'Cyber Ninjas for Councillors' which incorporates training on Data Protection as well as Cyber Security.

4. Lone Working Guidance

The Authority's Lone Working Guidance can be found on the Council's intranet and all Elected Members are encouraged to familiarise themselves with this document to ensure their own personal safety. The purpose of the guidance is to ensure that there are adequate systems in place to ensure the Health, Safety and Wellbeing of Lone Workers. It is to be read in conjunction with the protocol in order to reduce the risks of lone working as far as is reasonably practicable.

5. Car Safety and Parking

You need to take the same precautions as most car owners do:

- Have your keys in your hand or easily accessible.
- Consider whether an area will be dark and isolated when you return to your car.
- Park where possible, under street lighting.
- Lock the car doors when you get into the car.
- Take boxes/bags to the car when other people are around.
- Try to park on the left- hand side of the road facing the way you want to drive off.
- In a cul-de-sac do not park facing the dead end.
- Try to park in a space where you will not be blocked in.
- At service stations always lock the car when you go to pay.

6. Dealing with Emotional Constituents

It is inevitable that some of the people you will meet will be angry or upset. You need to be prepared to handle all types of emotion. For example, it is worth having some tissues on hand.

Elected Members have to develop the quiet skill of being concerned about constituents' problems without being so involved that they become too emotional to be of help. Calmness in the face of whatever comes up will help you and your constituents.

You may find that racist or offensive remarks are made. If they are directed at you - do not respond - this will only make the situation worse. Instead, bring the interview to an end as quickly as possible. If they are more general remarks, you should state that this is not acceptable and that you cannot continue the interview. Often this will elicit an apology.

Otherwise ask the person to leave. However, you must use your own judgement and if you are alone and in a vulnerable situation do not put yourself at risk no matter how angry the remarks make you.

7. Ward Surgeries

Where ward surgeries are held, the arrangements each Elected Member makes will vary according to local circumstances and it will be a fortunate Elected Member who can find premises for their surgery which meet every aspect of good practice and are also accessible to their constituents.

What follows are suggestions about how to make a surgery safe and effective. Most Elected Members will go through their entire service on the Council without experiencing any problems, but a little time given to preparation and planning can reduce the already small risk further.

The Basics

- a) Do not hold surgeries alone in an otherwise empty building. Try to get someone to act as receptionist. This not only makes you safer, but also makes it much easier to manage a busy surgery. If you are currently doing surgeries alone, discuss how this can be changed with fellow Elected Members or Council Officers. If you hold surgeries alone make sure you have arrangements for a friend or relative to make regular checks on you or have a buddy system for someone you can call discretely if you need help or assistance. This could include making arrangements with the Town Clerk, Democratic Services Officer, colleague councillor, or a friend/relative.
- b) If you cannot avoid doing surgeries on your own, make sure you remember a few simple guidelines. The layout of the room should suit you, i.e. you should sit nearest to the door with the constituents seated on the other side of the table. Seating is best set out at an angle of 45 degrees (seating directly opposite can be confrontational).
- c) If there is no separate waiting room, try to ensure that the waiting constituents are as far as possible away from those whom you are talking to.
- d) Make sure there are no heavy items in the room that could be used as weapons.
- e) If you are at the stage of looking for suitable premises in which to hold a surgery, try to get a space with as many as possible of the following features:
 - Council premises (e.g. community centres) during opening hours or other premises where there are many other people about.
 - Premises where the names of any visitors for Elected Members are recorded.
 - Premises where there is a comfortable waiting area.
- f) Try to ensure the surgery (interviewing) room:
 - a) Is in view of the reception or public area;
 - b) Is connected to the reception by an alarm and there is a procedure for dealing with call for assistance;
 - c) Has a vision panel in the door;
 - d) Has a swift means of escape and any visitors are not able to lock the door from the inside.
- g) If for any reason, during a surgery, you feel concerned about your immediate safety, please call the Emergency services and report this, as detailed in 'Reporting Incidents' below.

8. Personal Callers

Elected Members should seek to maintain a balance between their personal and public lives and should not encourage any callers at their private homes. Good publicity as to how to contact Elected Members and details of ward surgeries reduces the chances of unwanted callers.

9. Mail

As with telephone calls, Elected Members on rare occasions can become the target of malicious or anonymous letters. Any such letters should be given immediately to the Police.

10. Home Visits

Elected Members do sometimes visit residents in their homes, especially those who are elderly, disabled or where they simply want to see for themselves the conditions that are the subject of complaints.

It is for each Elected Member to decide whether a particular visit should be made, especially if the person to be visited is unknown to the Elected Member. Most Elected Members trust their own instincts as to whether to meet someone alone. Sometimes the Elected Member might prefer to be accompanied by a ward colleague or invite the person to a more public place. It is always advisable for you to keep a record of your whereabouts. If necessary, you can let the person whom you are visiting know there is such a record or that you are expected at another place by a certain time etc. or make a call on your mobile phone during the visit.

If you hold home visits alone make sure you have arrangements for a friend or relative to make regular checks on you or have a buddy system for someone you can call discretely if you need help or assistance. This could include making arrangements with the Town Clerk, Democratic Services Officer, colleague councillor, or a friend/relative.

11. Malicious and Nuisance Telephone Calls

Elected Members occasionally get the odd nuisance or abusive call. Although such calls are likely to be rare, you might become the target of a persistent, anonymous caller with a grudge against the Council. These calls need to be dealt with in accordance with Police advice:

- a. Keep the caller talking.
- b. Note any clues the caller may provide as to sex, age, accent, etc.
- c. Listen for any clues as to the caller's motive and intention.
- d. Write down the details immediately to assist police at a later stage.
 - Listen for background noise that may provide valuable information (e.g. railway sounds, industrial noises, machinery, music, animals).
 - Inform the Police.
 - Inform the Democratic Services Manager.

12. Social Media/Online Guidance

As the use of social media increases, Elected Members should ensure that they keep themselves safe online. Elected Members should familiarise themselves with the 'Protocol for the use of Social Media by Elected Members'. This protocol has been developed in line with the Council's ICT protocols and the ICT Code of Practice which is applicable to all Elected Members. The protocol

provides guidance including 'Setting up social media accounts', 'Using social media effectively and safely', 'Dealing with difficult posts and complaints' and 'Ways to keep you and others safe'. The protocol also reminds Elected Members that when using social media they will need to conduct themselves in line with the Members Code of Conduct. It furthermore takes into account that whilst the Council respects the privacy and legal rights of Elected Members, any actions that form part of their role as a councillor may impact on the Council's interests or reputation.

Further guidance can also be found via the Local Government Association's ['Practical Advice for handling online abuse'](#) for Elected Members and the Local Government information Unit's ['Personal Safety for Councillors'](#) which addresses Cyber Safety.

13. Meetings

Where officers have prior knowledge of particular conflict or where they identify that there is a significant potential for such conflict to arise in a meeting or site visit, Democratic Services staff along with relevant department staff, will undertake a suitable assessment to mitigate any instances and provide a framework for dealing with the issues when they arise. This will also take account of the requirements and actions to be taken as stated in the Constitution under section 4.30 'Disturbance by Public'.

14. Elected Member Address

Should an Elected Member wish for their home address or telephone number to be removed from the Authority's website, they should contact the Democratic Services Manager who will arrange for either or both to be replaced by the Democratic Services Team details. However, the Elected Member's email address should remain on the Authority's website and be promoted as necessary save in exceptional circumstances.

15. Appropriate Security Measures

It may be necessary to provide further support to a Member to enable them to discharge their role reasonably and safely. This may require the funding of appropriate security measures to protect Members from personal risk or significant threat. Any such request will be considered on its merits by the Monitoring Officer and Chief Finance Officer but there will be an expectation that such security measures have been advised by the police or security services. Risk assessments and the relevant bodies would normally inform the required provision of support.

16. Damage to property

While not frequent, Elected Members may encounter occasions where personal property is targeted intentionally by someone. Elected Members must report such instances to the Police for action and also report concerns to the Democratic Services Manager and/or Monitoring Officer. Consideration may be given to what steps may be taken to address the issue and prevent any recurrence.

17. Reporting Incidents

Any incidents of concern, even if fairly minor or 'near-misses', should be reported to the Police and the Democratic Services Manager and/or Monitoring Officer. This

enables the Authority to undertake proper monitoring and decide if any action is needed to prevent a recurrence. You may also consider it advisable to notify ward colleagues.

If you are concerned about your immediate safety this should be done by calling 999. You can report non-urgent concerns to your local force by calling 101 or you can report online using the South Wales Police [‘Report a Crime’](#) online form.

An emergency is described as:

- A crime is in progress
- Someone suspected of a crime is nearby
- When there is danger to life
- When violence is being used or threatened.

The Local Government Association’s [‘Councillors’ guide to handling harassment’](#), abuse and intimidation provides a series of practical guidance as well as sections on the [‘Definitions of harassment, abuse and intimidation’](#) and [‘What legal support there is’](#) and what you should expect from the police when reporting an incident or concerning behaviour.

18. Emergency Contact Details

It is advisable to provide this information to the Democratic Services Manager should it be necessary to contact your family / next of kin in the event of an emergency.

19. Elected Member Party Guidance

Elected Members are also encouraged to contact their own political party where appropriate to seek additional guidance on the above issues.

Additional Useful Guidance

[Personal Safety for Members](#): Welsh Local Government Association (WLGA) guidance.

[Personal Safety Guidance for Elected Members](#): Local Government Information Unit (LGIU) guidance.

[Personal Safety Advice](#): Susie Lamplugh Trust guidance covers canvassing and campaigning, dealing with aggression, stalking, lone working, personal alarms, hate crime and internet safety.

[Councillor’s Guide to handling harassment, abuse and intimidation](#): Local Government Association Guidance

[Get Safe Online guidance](#): Government supported website, Get Safe Online. This covers everything from protecting your devices to social networking to information security.

[The Blue Book: A Guide to Personal Security](#): National Counter Terrorism Security Office

Task/Activity/Person: **Elected Member Activities –
Generic Risk Assessment**

Assessed By: **CHSU**

Assessment Review Date:

Hazard (Something with potential to cause harm)	Risk (Who May be Harmed & How?)	Risk Level before controls (Likelihood x severity)	List existing control measures:	Risk Level after controls (Likelihood x severity)	Additional actions to further reduce risk
Lone Working	Elected Members, Elected Member's family. Personal attack, violence and aggression	2x2 (4)	WLGA and LGiU guidance provided to all Members outlining effective measures to manage any risk.	1x2 (2)	All Members to be offered Personal Safety/Conflict management training.
Violence and aggression	Elected Members, Elected Member's family. Violence and aggression.	2x2 (4)	Members are offered attendance at Personal Safety/Conflict management training sessions.	1 x 2 (2)	All Members to report any incidents to Democratic Services Manager and Monitoring Officer.
Travelling/Car safety	Elected Members. Accident or personal attack.	2x2 (4)	Variety of travelling methods currently used. WLGA and LGiU guidance provided to all Members outlining effective measures to manage any risk. Members are offered attendance at Personal Safety/Conflict management training sessions.	1 x 2 (3)	Develop and provide BCBC protocols and guidance.

Form:	Health & Safety Risk Assessment	Date of Issue:	July 2023
Form No:	F001	Issue no:	001

Task/Activity/Person: **Elected Member Activities –
Generic Risk Assessment**

Assessed By: **CHSU**

Assessment Review Date:

Hazard (Something with potential to cause harm)	Risk (Who May be Harmed & How?)	Risk Level before controls (Likelihood x severity)	List existing control measures:	Risk Level after controls (Likelihood x severity)	Additional actions to further reduce risk
Personal visits to Constituent homes	Elected Members. Violence and aggression.	2x2 (4)	Visits arranged direct by Elected Members with knowledge of constituents. Visits at Councillor discretion. WLGA/LGiU Advice and guidance provided to all Members. Members are offered attendance at Personal Safety/Conflict management training sessions.	1 x 2 (2)	Members to follow Personal Safety for Elected Members Guidance. Develop and provide BCBC protocols and guidance. All incidents to be reported to Democratic Services Manager and the Monitoring Officer. Accident/incident report completed.
Constituent visit to Members Home	Elected Members. Violence and aggression.	2x2 (4)		2x2 (4)	Members to follow Personal Safety for Elected Members Guidance. Develop and provide BCBC protocols and guidance. All incidents to be reported to Democratic Services Manager and the

Form:	Health & Safety Risk Assessment	Date of Issue:	July 2023
Form No:	F001	Issue no:	001

Task/Activity/Person: **Elected Member Activities –
Generic Risk Assessment**

Assessed By: **CHSU**

Assessment Review Date:

Hazard (Something with potential to cause harm)	Risk (Who May be Harmed & How?)	Risk Level before controls (Likelihood x severity)	List existing control measures:	Risk Level after controls (Likelihood x severity)	Additional actions to further reduce risk
					Monitoring Officer. Accident/incident report completed.
Malicious and nuisance communication	Elected Members, Elected Member's family. Intimidation and/or harassment. Emotional injury.	2x2 (4)	Police training offered to Elected Members on malicious communications and threats and how to deal with the same. Elected members supported with any issues reported to Democratic Services Manager	2x1 (2)	Members to follow Personal Safety for Elected Members Guidance. Develop and provide BCBC protocols and guidance. All incidents to be reported to Democratic Services Manager and the Monitoring Officer. Accident/incident report completed.
Damage to property	Elected Members. Damage to personal property.	3x1 (3)	Guidance on home security provided to all Elected Members. Advice to report any concerns to Police.	3x1 (3)	All members to report any incidents to Democratic Services Manager and Monitoring Officer.

Form:	Health & Safety Risk Assessment	Date of Issue:	July 2023
Form No:	F001	Issue no:	001

Task/Activity/Person: **Elected Member Activities –
 Generic Risk Assessment**

Assessed By: **CHSU**

Assessment Review Date:

Risk Assessment Signature List

Risk Assessment	Elected Member	Signature	Date
Generic Risk Assessment			

Form:	Health & Safety Risk Assessment	Date of Issue:	July 2023
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Task/Activity/Person: **Elected Member Activities –
Generic Risk Assessment**

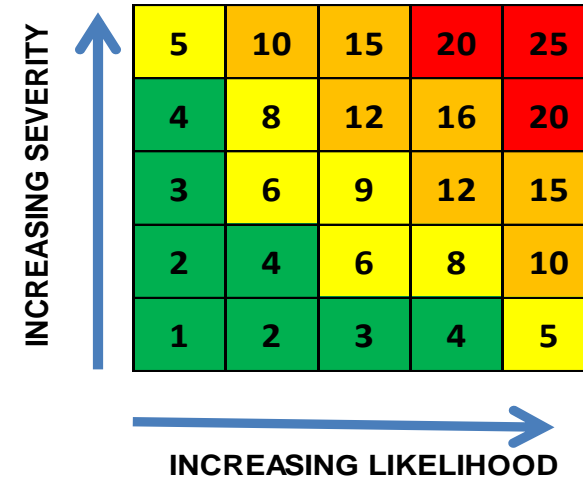
Assessed By: **CHSU**

Assessment Review Date:

LIKELIHOOD OF INJURY/HARM

RATING	DESCRIPTION
1 VERY UNLIKELY	Highly unlikely to occur but may happen in exceptional circumstances. It could happen but probably never will.
2 UNLIKELY	Not expected but there is a slight possibility it may occur at some time.
3 POSSIBLE	The event might occur at some time as there is a history of casual occurrence.
4 LIKELY	There is a strong possibility the event will occur as there is a history of frequent occurrence.
5 VERY LIKELY	Almost certain. The event is expected to occur in most circumstances as there is a clear history of regular occurrence.

RISK MATRIX



SEVERITY OF INJURY/HARM

RATING	DESCRIPTION
1 INSIGNIFICANT	Minimal financial loss. No or only minor personal injury. First aid but no days lost. Resolved by day to day management and negligible impact on systems or operations.
2 MINOR	Minor injury perhaps needing minor medical treatment. Some days lost but not many. Minor impact on operations overall.
3 MODERATE	Lacerations, burns, concussion, serious sprains, fractures.
4 MAJOR	Permanent disabilities or ill-health
5 SEVERE	Fatal injuries, fatal diseases/severe life-shortening diseases.

KEY:

17 - 25	UNACCEPTABLE - Stop activity and make <u>immediate</u> improvements
10 - 16	INADEQUATE - Urgent improvements within specified timescales
5 - 9	ADEQUATE - Aim to improve when reviewed
1 - 4	ACCEPTABLE - No further action but ensure controls are maintained

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Meeting of:	DEMOCRATIC SERVICES COMMITTEE
Date of Meeting:	26 OCTOBER 2023
Report Title:	MULTI-LOCATION MEETINGS POLICY REVIEW
Report Owner / Corporate Director:	HEAD OF DEMOCRATIC SERVICES
Responsible Officer:	RACHEL KEEPINS DEMOCRATIC SERVICES MANAGER AND HEAD OF DEMOCRATIC SERVICES
Policy Framework and Procedure Rules:	The amended policy will need to be presented to Full Council for approval. Any necessary changes to the Constitution will be reported to Council for approval.
Executive Summary:	<p>Under the Local Government and Elections (Wales) Act 2021, local authorities are required to put in place, and publish, arrangements for multi-location meetings, that is, formal meetings where meeting participants may not all be in the same physical place.</p> <p>The Authority’s Multi-location Meetings Policy was approved by Council in June 2022 with the proposal that this be reviewed in 12 months’ time.</p> <p>This report presents suggested amendments to the policy for consideration and discussion by the Democratic Services Committee prior to its submission to full Council for approval, including:</p> <ul style="list-style-type: none"> • Removing reference to the pandemic and the requirement for any social distancing; • The request for all participants of meetings to keep cameras on for the full duration of the meeting; • Clarification on the Chair’s responsibility for any voting process during multi-location meetings; • Clarification on the process for Members declaring prejudicial interests during multi-location meetings; • Clarification of officer support arrangements; • Updated guidance for participants joining a remote meeting; and

	<ul style="list-style-type: none"> • Updated guidance for Chairs. <p>It also asks the Democratic Services Committee to consider whether a more flexible approach would be acceptable when considering which meetings should be entirely remote in line with the policy itself.</p>
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1. Purpose of Report

- 1.1 The purpose of the report is to provide the Democratic Services Committee with proposed amendments to the Multi-Location Meetings Policy as part of a policy review, prior to its submission to full Council for approval.

2. Background

- 2.1 Section 4 of the Local Government (Wales) Measure 2011 makes provision to allow for “remote meetings”. At the outset of the Covid-19 Pandemic in March 2020 the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 enabled local authorities to convene meetings by remote means.
- 2.2 Under the Local Government and Elections (Wales) Act 2021, local authorities are required to put in place, and publish, arrangements for multi-location meetings, that is, formal meetings where meeting participants may not all be in the same physical place. The meeting arrangements are comprised of the rules and procedures adopted by the local authority in accordance with the statutory requirements, and should be reflected in the Council’s Constitution.
- 2.3 Alongside the legally mandated arrangements that authorities must make for multi-location meetings, authorities should develop a wider policy setting out the detailed systems chosen by the authority for the operation of its multi-location meetings.
- 2.4 At its meeting on 15 June 2022, a Multi-location Meetings Policy was approved by Council that took account of interim statutory guidance issued by Welsh Government (WG), which set out a number of guiding principles to be considered in developing multi-location meeting arrangements, as well as practical considerations. The guidance also listed suggested issues to be included in the policy but indicated that the exact contents of the policy will be agreed at local level.
- 2.5 The report also proposed a review be undertaken after 12 months from the implementation of the policy.

3. Current situation / proposal

- 3.1 The WG guidance says: ‘*A multi-location meetings policy may make provision that different kinds of meeting be convened, by default, with all participants joining through remote means, or with some arrangement being made for people to attend and participate and observe in person. Policies should recognise that the Act requires participants to be able to join meetings through remote means for all formal meetings. It will not be permitted for relevant authorities to decide that all meetings will be held entirely physically. Physical meetings should not be seen as representing the “gold standard” with multi-location meetings being second best.*

Physical meetings may be convenient and effective for those most familiar with and comfortable with how they work – but they may also be inaccessible and impractical to many.'

- 3.2 Following the approval of the Multi-location Meetings Policy and new equipment and systems being introduced in the Council chamber, Multi-location, or 'Hybrid' meetings commenced in October 2022.
- 3.3 Overall these meetings have been successful and have allowed for Members, Officers and the public, to access Council and Cabinet meetings either in person, in the Council chamber, or remotely from various locations.
- 3.4 In light of the review, it was felt an opportune time to update the policy with slight amendments relating to both the changing circumstances of the Authority and the pandemic, as well as clarification for various circumstances.
- 3.5 The updated policy is attached at **Appendix A** with proposed changes incorporated. These include:
- Removing reference to the pandemic and the requirement for any social distancing;
 - The request for all participants of meetings to keep cameras on for the full duration of the meeting;
 - Clarification on the Chair's responsibility for any voting process during multi-location meetings;
 - Clarification on the process for Members declaring prejudicial interests during multi-location meetings;
 - Clarification of officer support arrangements;
 - Updated guidance for participants joining a remote meeting;
 - Updated guidance for Chairs.
- 3.6 Within the policy and Welsh Government guidance it is referenced that there is no requirement for each meeting to be held in the same way every time it meets. The Council may decide to hold some meetings entirely remotely and others as multi-location meetings with a number of councillors (or most councillors) present in the Chamber.
- 3.7 Whilst attendance of Members in person for meetings was considerably high following the commencement of multi-location meetings in October 2022, and remains as such for meetings such as full Council and Development Control Committee, there have been dwindling numbers since this time for many other Committees and on numerous occasions there have been no more than 3 Members attending in person.
- 3.8 The policy states that: *'In determining which meetings may be held wholly through remote meetings and for which physical arrangements might be made available, the Council will consider:*

- *The general circumstances of participants. Participants' needs and preferences may change over time. This Policy allows for arrangements to change where this happens.*
- *The subject matter, and number of participants attending, certain meetings. This may relate to the general matters usually under discussion at a given committee (or other body) rather than the specific agenda for an individual meeting.*
- *The need to ensure that meetings are fully accessible to both active participants and to observers. Accessibility may under certain circumstances require physical provision. Connected to this, whether physical provision for a public gallery, or for the attendance of certain participants, is necessary if the majority of a meeting's participants are joining through remote means'.*

3.9 Given the resource intensive nature of supporting multi-location meetings, Democratic Services will continue to monitor the numbers of Members attending hybrid meetings in person over this municipal year with a view to reviewing this at the Annual Meeting of Council in May 2024.

4. Equality implications (including Socio-economic Duty and Welsh Language)

4.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

5. Well-being of Future Generations Implications and Connection to Corporate Well-being Objectives

5.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there is no significant or unacceptable impact upon the achievement of well-being goals/objectives as a result of this report.

6. Climate Change Implications

6.1 There are no Climate Change implications as a result of this report.

7. Safeguarding and Corporate Parent Implications

7.1 There are no Safeguarding or Corporate Parent implications as a result of this report.

8. Financial Implications

8.1 There are ongoing discussions and improvements that are being considered for the Council chamber to assist with hybrid meetings, the costs for which will be considered by the Chief Officer - Finance, Performance & Change and the Head of Partnership Services. The only potential cost arising directly out of this report and the proposed changes to the policy relate to the possible provision of additional ICT hardware that

may have to be purchased should some Members persistently struggle with internet connection when keeping their cameras on. These will need to be considered on a case-by-case basis with a clear business case provided by the Democratic Services Manager, approved by the relevant Business Manager and Finance Officer, and funded from within the existing Democratic Services Budget.

9. Recommendations

- 9.1 It is recommended that the Committee consider and discuss the proposed amendments to the Multi-location Meetings Policy attached at **Appendix A** prior to submission to full Council.

Background documents

None

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Multi-location meetings policy

Background

Formal meetings of the Council or its committees are convened in accordance with the relevant legislative requirements for those meetings. These meetings are usually held to make formal decisions and are often held in public. Notice of these meetings is published in advance on the Council's website and includes information about the location, timing and business to be conducted. Previously these meetings would have been held with all participants being in physical attendance at a single venue.

Multi-location meetings offer the Council the potential to update and transform the way it does business. It provides opportunities for the Council to become more flexible and efficient and also raise its profile in the local community and to bring its work directly into people's homes. Public access to multi-location meetings is likely to be significantly higher than the level of audiences of formal meetings when all were held physically. This heightened public awareness and involvement is to be welcomed and further encouraged. While these meetings are still "meetings in public" rather than "public meetings" by and large the public will be able to observe but not participate they provide a crucial opportunity for accountability and transparency, and an accessible shop window for many public bodies.

Arrangements were first made in legislation to allow for "remote meetings" in Section 4 of the Local Government (Wales) Measure 2011. At the outset of the coronavirus pandemic in March 2020, the Welsh Government produced the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020. These established a framework within which all relevant authorities convened meetings by remote means throughout 2020 and part of 2021. Experience of operating meetings under these Regulations has provided relevant authorities with significant expertise in understanding and managing multi-location meetings, now they have been placed on a new statutory footing. The provisions in the Local Government and Elections (Wales) Act 2021("the 2021Act") can be seen as an evolution of these prior arrangements.

Under the 2021 Act Welsh Government has provided local authorities the power and freedom to convene multi-location meetings which will enable greater accessibility and public participation in local government decision making. When considering arrangements for remote attendance or 'multi-location meetings', authorities must have regard to the statutory guidance issued by the Welsh Ministers. Local Authorities are required to:

- a. Broadcast full Council meetings.
- b. Make and publish arrangements to ensure that all Council, Committee and Cabinet meetings may be attended remotely (i.e. enabling persons who are not in the same place to attend the meeting) – also referred to as 'multi-location meetings'.
 - Meetings must be capable of being held virtually, but each authority must decide whether their meetings will be held fully virtually, partially virtually (where some participants are in the same physical location, whilst others join the meeting virtually, also referred to as 'hybrid meetings') or as physical meetings (although authorities may not mandate physical attendance at meetings).
 - Meeting participants must be able to speak to and hear each other; and for meetings which are required to be broadcast (i.e. full Council meetings), participants must also be able to see and be seen by each other.

- c. Publish all meeting documents on the Council's website, including notices, summonses, agendas, reports and background papers
- A note of the meeting, including Members in attendance and decisions made, must be published within seven working days of the meeting.
 - Notice of meetings is no longer required to be posted at the Council's offices. However, copies of agendas and reports must be made available for the public if meetings are held physically.
 - The Council is also required to make public access provision for Members of the public who cannot access electronic documents, for example, by providing access to computers, copies of documents, or making documents available for inspection.

Definitions of words used in this Policy

Generally, the words used in this Policy have the same meaning as they do in the 2021 Act.

A **“relevant authority”** is an organisation which is required to put in place arrangements for multi-location meetings. This covers principal councils, fire and rescue authorities, National parks authorities and port health authorities. It also includes joint committees of these bodies. The obligations of corporate joint committees (CJCs) and of community and town councils are covered in separate guidance.

A **“meeting”** is a formal meeting of a relevant authority convened in accordance with whatever the legal requirements are for such meetings. Formal meetings are usually those where formal decisions can be made; these meetings may need to be held in public and that notice is published beforehand that they are being held. This is not always the case as some meetings, or parts of meetings, are held in private due to confidentiality or exempt issues being discussed. When we talk about these meetings being “convened”, we mean the process involved in organising the meeting and setting and distributing an agenda and reports.

A **“multi-location meeting”** is a meeting of a relevant authority whose participants are not all in the same physical place. In some places these are colloquially described as “remote” meetings. The 2021 Act does not refer to these meetings as “remote”, but that they are attended by “persons who are not in the same place”. At least one participant may be joining the meeting by remote means. For example, this includes meetings of the type described below:

- Meetings of a committee where all participants are in the same physical location except one individual who joins from another location, with a physical public gallery being provided;
- Meetings of a committee where a roughly equal number of Members are present in a physical space and joining through remote means; those joining through remote means may include the Chair;
- Meetings of a committee where all Members are joining through remote means but nonetheless a physical public gallery has been made available in authority premises;
- Meetings of a committee taking place wholly through remote means where no physical arrangements have been made.

Some have described the kinds of meetings described above as “hybrid meetings”.

The statutory guidance and the 2021 Act makes no distinction between meetings where some participants join by remote means and those where all participants do so, but the Council will need to account for the practical differences that different forms of meetings will take, and make plans accordingly.

“Joining a meeting by remote means” is being in a different physical location to that of other participants, and participating through an online meeting platform. Where participants are present in a committee room or other physical space which is publicised (through a formal notice) as being the location of the meeting, those participants are present physically.

A **“participant”** of a multi-location meeting is a person who takes an active part in that meeting. They might be a Member, a person giving evidence to a committee as a witness, an appellant or claimant on a regulatory matter, someone presenting a petition, or taking part formally in another way.

An **“observer”** of a multi-location meeting is a member of an audience, or otherwise spectating, a multi-location meeting. They might be in the same room that a meeting is taking place or they might be observing by remote means.

“Meeting arrangements” are the rules and procedures that relevant authorities adopt to act on their statutory requirements relating to multi-location meetings, and to act on the recommendations in this guidance.

The benefits of multi-location meetings

The Council convened all its meetings by remote means throughout 2020 and 2021 and has subsequently been operating hybrid arrangements. Whilst this has been challenging it also resulted in a number of benefits

- Enhancing and supporting local democracy. Having the flexibility to convene meetings in this way will reduce the barriers that might previously have been in place for explaining and demonstrating how relevant authorities do business.
- Working more productively. When participants come together by remote means, they have often been able to get more done. Multi-location meetings have also resulted in a dramatic reduction in the amount of paper needed and produced.
- Making it easier for the public to observe meetings.
- Making the Council more resilient and sustainable in how it carries out its work. The Wellbeing of Future Generations (Wales) Act 2015 requires relevant authorities to think about, and act on, long term needs in the way that policy is developed and made. Multi-location meetings reduce the carbon footprint of physical meetings (although digital activity is not of course carbon-neutral). They can also help relevant authorities to reduce the risk of future unexpected events, such as extreme weather, which could in future present a challenge to in-person meetings. Issues of sustainability are explored in more detail below.
- Reducing the need for travel. Significant time and cost savings for councillors, officers and other participants have arisen. In turn, this makes it easier for participants to take part if they have professional and caring commitments potentially removing some significant barriers to standing for public office.
- Better support for Members from diverse backgrounds, including support that recognises the social model of disability. Just as barriers are being removed to public participation, multi-location meetings have made it easier for care providers, or disabled people, or people with other protected characteristics, to engage on an equal footing. In some cases, participants

have found the formality of physical meetings to be off putting, and multi-location meetings have removed this factor.

General Principles

The Council will be guided by the following principles when making arrangements for multi-location meetings:

Transparency

Formal meetings of the Council will be spaces in which democratic debate and decision-making happen. It is fundamental that these meetings are held in public (subject to the specific exceptions available), and that the public are able to access and engage with them.

Accessibility

Meeting arrangements will need to have regard for the protected characteristics under the Equality Act 2010, including ensuring that accessibility is considered in the context of the social model of disability, and for ensuring that the impact of its decisions on democratic arrangements are understood from these perspectives.

Good conduct

In line with the Nolan Principles, multi-location meetings, as with any other public meeting, should demonstrate high standards of conduct. The Council will have regard to the Model Code of Conduct when making meeting arrangements. Meeting arrangements shall account for the need to entrench more positive behaviours, particularly where these meetings involve a number of people together in a single physical location, where different dynamics may arise.

Use of English and Welsh Languages

Adherence to legal requirements relating to the use of the English and Welsh languages is a legal requirement. It is a fundamental element of the obligations attached to public bodies in Wales – separate legislation and guidance exists. The Council will take account of its individual Welsh Language Standards and ensure that English and Welsh are treated equally and the Welsh Language is supported and promoted.

Local Needs

The Council is a democratic institution. Decisions about local democracy and the best approaches to promote and encourage engagement in local democratic systems are best made at a local level. The Council's approach to meeting arrangements will be aligned with its plans for ensuring public participation in accordance with the 2021 Act and understanding the specific needs of a wide range of local people will be part of this.

Future generations

In agreeing arrangements for meetings, the Council will have regard to the well-being goals and ways of working as set out in the Well-being of Future Generations (Wales) Act 2015 and ensure that the principles under the Act are actively embedded in arrangements for meetings. Digitisation has the potential to significantly reduce the Council's carbon footprint and the reduction in travel will also add to the reduction in the carbon footprint.

Meeting Environment in the Council

The Council's Chamber at Civic Offices, Angel Street will have the ability to fully support multi-location meetings. Any multi-location Committee meeting will be facilitated by the Democratic Services Team who will use the control systems to ensure that the full range of meeting facilities and functionality can be co-ordinated and integrated for all participants and observers to deliver effective meeting support. The control systems will provide and co-ordinate cameras, audio inputs and outputs, simultaneous translation (where requested), speaker queues, electronic voting, integration with the Council webcasting provider and to support participants and observers.

Multi-location meeting platform

The Council's technology platform has been arranged in line with ICT and Procurement policies and provides for the following:

- The ability for participants to be able to see and hear each other, and the facility for outbound and inbound video and audio to be switched on and off either by a participant themselves or potentially also for a meeting organiser.
- The ability for participants to be named / labelled so that others can easily identify them.
- The ability for participants and observers to be able to join via mobile, or tablet, without losing significant functionality.
- The ability to provide for simultaneous translation (upon request).
- The ability to both record and broadcast the meeting and for participants and observers to know when recording and broadcasting is taking place.
- The ability to caption or subtitle, either live (which may be partially or fully automated) or through editing after the meeting has taken place.
- A "chat" facility visible only to meeting participants, and which can be turned off by the meeting organiser if necessary.
- Sufficient security measures to ensure that the meeting cannot be accessed by unauthorised persons, and to ensure that unauthorised persons can be ejected from the meeting where necessary.

The Council will continue to use Microsoft Teams as its primary remote meeting platform. This will be used by Elected Members from their Council provided devices to ensure effective security. Non-Council devices may be used although the functionality available when using these "guest" devices may differ from that provided by the Council. Other participants are able to join meetings using links provided by the Council contained within the meeting invitation.

Determining the type of Meeting

The Statutory Guidance identifies that the needs of local democracy and the needs of the public in engaging with multi-location meetings are a paramount consideration in deciding where and when meetings will be convened partially or wholly by remote means. The intention of the 2021 Act is to help the public to be able to access and engage with local democratic systems. The convenience of participants and the efficient operation of the

Council is important but the needs of the public will come first when these decisions are being made.

The Council has the following committees which support its statutory, regulatory and governance arrangements and all meetings must be able to operate as multi-location meetings to ensure that participants are able to attend remotely:

- Appeals Panel
- Appointments Committee
- Cabinet, Cabinet Committee - Corporate Parenting, Cabinet Committee -Equalities
- Council
- Democratic Services Committee
- Development Control Committee
- Governance and Audit Committee
- Licensing Act 2003 Committee, Licensing Act 2003 Sub Committees A & B
- Licensing Committee, Licensing Sub Committees A & B
- Rights of Way Sub Committee
- Standards Committee
- Town and Community Council Forum
- Corporate Overview and Scrutiny Committee
- Subject Overview and Scrutiny Committees 1, 2 and 3
- Public Service Board

There are also joint committees administered by the Council.

There is no requirement for each meeting to be held in the same way every time it meets. The Council may decide to hold some meetings entirely remotely and others as multi-location meetings with a number of councillors (or most councillors) present in the Chamber. In determining which meetings may be held wholly through remote meetings and for which physical arrangements might be made available, the Council will consider:

- The general circumstances of participants. Participants' needs and preferences may change over time. This Policy allows for arrangements to change where this happens.
- The subject matter, and number of participants attending, certain meetings. This may relate to the general matters usually under discussion at a given committee (or other body) rather than the specific agenda for an individual meeting.
- The need to ensure that meetings are fully accessible to both active participants and to observers. Accessibility may under certain circumstances require physical provision. Connected to this, whether physical provision for a public gallery, or for the attendance of certain participants, is necessary if the majority of a meeting's participants are joining through remote means.

Physical meetings should not be seen as representing the "gold standard" with multi-location meetings being second best. Physical meetings may be convenient and effective for those most familiar with and comfortable with how they work but they may also be inaccessible and impractical to many. All meetings that meet the required communication and quorate arrangements have equal status under the law.

Notice of meetings

Public notice of all meetings is published on the Council's website with the agendas and reports published at least three clear days before the meeting. The notice will include details of how to access the meeting if it is being held by remote means only and the place in which the meeting is being held if it is partly or wholly taking place physically. The requirement of

hard copy material being on public deposit has now been removed however the Council will put in place facilities for members of the public who are not able to access the documents electronically.

The names of those who attended the public meeting alongside apologies, declarations of interest and decisions made will be published on the Council's website within seven days of the meeting taking place.

Attendance

The attendance of Members and participants will be recorded by Democratic Services. This will be by recording their attendance on a sign in sheet at a physical meeting or using the attendance record from the software to confirm remote attendance. These records will be combined and added into the minutes of the committee meeting.

Participants attending the meeting remotely should ensure that they have appropriate internet connectivity to join and maintain their attendance throughout. Guidance for joining a remote meeting is available at Appendix 1. The Monitoring Officer will provide consistent advice to the Chair over whether a Member should or should not be regarded as "present". This will be particularly important for the taking of votes but is also relevant for participation in meetings more generally. It will have relevance for determining whether a Member has attended a council meeting in the past six months in accordance with Section 85 of the Local Government Act 1972. All Elected Members are encouraged to physically attend at least one meeting every six months for each committee to which they are appointed.

Where a Member is in the "waiting room" on an online platform they will not be considered as "present" as they cannot be seen and heard by others, cannot see and hear others and can play no active part in the meeting.

External participants (invitees, officers, members of the public asking questions in accordance with the Constitution and Rules of Procedure) will be contacted by Democratic Services to confirm their attendance and will be advised how they join the meeting either as a physical or remote participant and the meeting procedures. If they are joining the meeting remotely an electronic meeting invitation will be sent.

Members of the public will be able to attend the physical element of multi-location meetings from the public gallery.

Webcasting

Webcasting provides transparency, governance and accountability by giving members of the public, Elected Members, officers and other parties the opportunity to observe meetings without having to attend in person and for the Council to have an official audio and visual record of its decision making process.

All of the formal committees outlined above will be either streamed live or recorded for subsequent upload onto the Council's website after the meeting.

Use of cameras during remote meetings

The Local Government and Election (Wales) Act 2021 stipulates that participants of meetings that are broadcast must be able to "speak to and be heard by each other" and "to see and to be seen by each other". Members attending remotely are required to keep their cameras on for the duration of the meeting in order to maintain the integrity of the decision making process.

There may however be occasions when a remote participant may need to disable their camera in order to stabilise their connection to the meeting due to internet issues or because they have been temporarily interrupted by events at their location. If this occurs the participant should inform the Chair and Democratic Services via the hands up function.

The taking of votes

The voting arrangements will reflect the requirements in the Council's Constitution.

Immediately before the vote the Chair will need to determine that all Members continue to be "present".

To negate the need for a formal vote, the Chair may seek a consensus from the meeting participants. In person, the Chair is able to get a sense of whether consensus exists.

Special care will be taken

where participants are joining through remote means to ensure that consent is present to move on without a vote. If however, there are objections the Chair will instigate a vote.

The Council will ensure that all voters have the same opportunity to vote through the same process whether attending remotely or physically.

There are a number of different options when it comes to recording votes:

- A verbal roll call of those Members entitled to vote. The Democratic Services Officer will ask each Member individually if they are for or against the recommendation or if they wish to abstain from the vote. If a Member cannot be contacted to provide their vote, the Officer will continue with the roll call vote and return to those participants who have not responded. If the Member cannot be contacted after a second attempt and there is a quorum in attendance at the meeting the participant will be considered as not in attendance. When all of the Members in attendance have given their vote, the Democratic Services Officer will collate all of the responses and inform the Chair of the outcome of the vote and in way that it is understandable to those who may be observing the meeting.
- Dedicated voting software incorporated into the Council's platform.

Exempt matters

The Council will need to consider exempt matters in private. This may be for a range of reasons which are set out in Schedule 12A of the Local Government Act 1972. When such information is to be considered at a formal meeting, the agenda will schedule those items at the end of the meeting so as to minimise any inconvenience to observers who will be required to leave the meeting.

The meeting recording and webcasting will be paused and in the physical part of the meeting any observers will be requested to leave the room whilst the exempt information is being considered.

When consideration of the information has been completed and there are further public items to be considered, the recording and webcast will resume and observers or participants attending the physical meeting will be invited to return into the meeting venue by Democratic Services.

Elected Members who are attending the meeting remotely must activate their cameras for any exempt items. Those members must ensure they are at a location where they can participate in the meeting privately and that the meeting cannot be overheard.

Prejudicial Interests

Where a participant has declared a prejudicial interest in an item they will be required to leave the meeting for the duration of the relevant item. If the participant is physically present they will leave the room entirely while the discussion is underway.

If the participant is joining by remote means and has declared a prejudicial interest, they should leave or be removed for the duration of consideration of that item. Participants with prejudicial interests are required to not observe the broadcast of the meeting while outside.

Once the matter has been concluded, Democratic Services should immediately notify the participant so that they can re-join the meeting, and the meeting should not continue until they have re-joined (otherwise they shall be marked as not present for any further items).

Training

All Members will be provided with an appropriate induction to enable them to actively participate in meetings. This will include the use of the software for joining and participating in physical and remote meetings, meeting procedures and any committee specific procedures.

A guide to joining formal meetings remotely is available at Appendix 1.

Officer support arrangements

Different meetings will require different kinds of support from Democratic Services, and others. Primary support for multi-location committee meetings will be provided by Democratic Services and technical support may be provided by ICT Officers to ensure that the technology used during meetings operates effectively and that the meeting can be progressed as planned.

Council Officers who support committee meetings, such as Legal, Planning, Licensing will be provided with technical training to ensure they can support the meeting Chair if necessary.

Chairing Meetings

Chairing a multi-location meeting is very different to chairing a face-to-face meeting. Chairs will need to be supported to carry out their role in specific ways. The role will be particularly challenging where a meeting is being carried out in a physical space with only some participants joining through remote means.

Guidance for Chairs is available at Appendix 2.

Appendix 1 - Guidance for participants joining a remote meeting

- ✓ Make sure that you set up your device in an area which is secure so that no disturbance occurs during the course of the meeting as it is important to ensure a degree of formality in the proceedings. . Remember that you should be the only person able to hear any confidential or exempt items being discussed and this includes any verbal contribution you make to the debate or vote.
- ✓ Ensure that your internet connection is sufficiently strong in that location to join and remain connected for the full duration of the meeting. If your broadband signal is weak you may wish to consider attending the physical meeting location. The legislation requires that you are able to be seen and heard.
- ✓ Ensure that you have the Council's Corporate background and there is nothing that can be seen when you are on camera which may compromise your privacy or challenge your professionalism.
- ✓ If you are joining a meeting from your car, you must not be driving and must be stopped in a safe environment where you can concentrate on the call. Pulling over does not reduce the risk unless you are in a safe place. You should decline the meeting and follow up with the Democratic Services Team if you don't feel safe.
- ✓ Turn your microphone off, but be ready to activate it if you are called to speak. You should deactivate it when you have finished speaking to lessen background noise/interference for others.
- ✓ Turn off any noisy gadgets which may be distracting to yourself or other participants.
- ✓ Ensure that your device is connected to the Council's Network between meetings to enable you to receive and manage the latest software and security updates.
- ✓ Check that Microsoft Teams is installed and you are able to connect to others.
- ✓ Check that your microphone is working and that the settings are correct. Too loud and there may be some feedback - too quiet and you and the observers won't be able to hear you. Consider using headphones or earphones (with a microphone).
- ✓ Ensure that the camera is positioned to provide a clear, front-on view of your face. If your camera is active during a meeting the "observers" may still be able to see you when you are using other applications on the same screen and you can't see them.
- ✓ Fully charge your equipment and ensure that you have easy access to charging facilities as remote meetings have a higher than normal power consumption.
- ✓ Ensure you know how to mute/unmute your microphone and to switch your camera on and off.
- ✓ Familiarise yourself with the Democratic Services contact details should you have any difficulties during the meeting.

- ✓ When reading the reports consider whether you have any “Declarations of Interest” that you will need to be made at the meeting. Inform Democratic Services of any declarations that you need to make (as these will be read out at the start of a remote meeting) or contact the Monitoring Officer well in advance of the meeting if you need advice. Do not wait until just before a meeting as this will be problematic to provide you with the appropriate advice. Once you have received any advice please ensure you let Democratic Services know if you will be declaring an interest.

Appendix 2 - Guidance for Chairs

Chairs have a particular responsibility to prepare for the meeting, probably in a more planned and directed way than might be necessary for a physical meeting. The following principles are reproduced from the Statutory Guidance on multi-location meetings and incorporates Welsh Local Government Association (WLGA) and Centre for Governance and Scrutiny Guidance.

Prior to the meeting the Chair should:

- confirm the purpose and outcomes for each item on the agenda.
- ensure that any information essential for consideration at the meeting, is made available to participants.
- identify where participants may wish to contribute in the meeting.
- ensure that appropriate arrangements are in place to support effective participation.
- confirm that all participants (which may include external participants and Members of the public or others) fully understand their role and how they can actively contribute to the meeting.
- ensure that they are aware of which participants are joining remotely.
- consider the accessibility of the meeting to the public, ensuring that observers are welcomed and that the business of the meeting is explained in a way that is understandable, including the operation of the multilocation meeting itself.
- ensure that they are prepared for the meeting in a logistical sense by being aware of which Members and other participants may be joining by remote means.
- provide a reminder of meeting arrangements and policies, particularly relating to conduct and behaviour, and any advice on voting arrangements.
- introduce themselves, the committee, officers present and other participants to ensure that those watching or listening to a broadcast are aware who is in attendance at the meeting.
- identify how a support officer or other Member may bring their attention someone wishing to make a comment through remote means or in the committee room.
- occasionally confirm throughout the meeting that no one has been ‘lost’ due to technical issues and provide support to Members experiencing challenges although additional support may be needed from supporting officers.

During the meeting the Chair should:

- brief participants on expectations.
- frame the meeting with reminders of the purpose of each agenda item, summarise decisions and actions for each item and again at the end of the meeting.

- plan for the debate to be themed or otherwise structured rather than inviting comments generally, to ensure that all participants have an opportunity to contribute.
- develop an understanding the motivations and objectives of individual participants on specific agendas items and a sense what they may want to say and ask.
- avoid people speaking over each other or long silences, ask each Member in turn for their contribution to an item, based on an understanding of what Members wish to contribute
- ensure that breaks are taken at least every 90 minutes. Breaks should be for a minimum of 10 minutes.
- check that all Members are content, that they have been able to contribute, and if necessary, provide a reminder of any voting arrangements.

Agenda Item 8

Meeting of:	DEMOCRATIC SERVICES COMMITTEE
Date of Meeting:	26 OCTOBER 2023
Report Title:	INDEPENDENT REMUNERATION PANEL FOR WALES DRAFT ANNUAL REPORT 2024/25
Report Owner / Corporate Director:	HEAD OF DEMOCRATIC SERVICES
Responsible Officer:	RACHEL KEEPINS DEMOCRATIC SERVICES MANAGER
Policy Framework and Procedure Rules:	There is no effect upon the policy framework and procedure rules in respect of this report.
Executive Summary:	<p>This report sets out the Independent Remuneration Panel for Wales (IRPW) draft Annual Report for the municipal year 2024/25.</p> <p>The aim of the IRPW is to support local democracy and give communities their voice, through setting up an appropriate and fair remuneration framework, which encourages inclusion and participation. The IRPW make determinations on the following:</p> <ul style="list-style-type: none"> • the salary structure within which members are remunerated; • the type and nature of allowances to be paid to members; • whether payments are mandatory or allow a level of local flexibility; • arrangements in respect of family absence. <p>For its Annual Report 2024/25 the main elements of change affecting the Local Authority include:</p> <ul style="list-style-type: none"> • Basic Salary for Elected Members of Principal Councils – Determination 1; • Salaries paid to Senior, Civic and Presiding members of Principal Councils – Determination 2; • Salaries for Joint Overview and Scrutiny Committees (JOSC) – Determination 3;

	<ul style="list-style-type: none"> • Payments to Fire and Rescue Authorities – Determination 4; • Payments made to co-opted members of Principal Councils and Fire and Rescue Authorities: Determination 5. <p>The Committee is asked to note the report and provide any comments to be submitted to the IRPW and the Welsh Local Government Association by the deadline of 8 December 2023.</p>
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1. Purpose of Report

- 1.1 The purpose of this report is to present the draft Independent Remuneration Panel for Wales (IRPW) Annual Report 2024/25 to the Committee for Members to provide views on its content as part of the consultation process.

2. Background

- 2.1 In accordance with the requirements of Section 147 of the Local Government (Wales) Measure 2011, the IRPW has published its draft Annual Report setting out its determinations for the municipal year 2024/25.
- 2.2 The aim of the IRPW is to support local democracy and give communities their voice, through setting up an appropriate and fair remuneration framework, which encourages inclusion and participation.
- 2.3 The IRPW is responsible for setting the levels and arrangements for the remuneration of elected and co-opted members of the following organisations:
- Principal Councils: County and County Borough Councils
 - Community and Town Councils
 - National Park Authorities
 - Fire and Rescue Authorities
 - Joint Overview Scrutiny Committees
 - Corporate Joint Committees
- 2.4 The IRPW makes determinations on the following:
- the salary structure within which members are remunerated
 - the type and nature of allowances to be paid to members
 - whether payments are mandatory or allow a level of local flexibility
 - arrangements in respect of family absence
- 2.5 For its Annual Report 2023/24 the IRPW concluded that as much of the information published in the Annual Report replicated that of previous years, often without significant change, they would focus instead on the changes made as a result of the proposals. The majority of the content set out in previous reports was therefore removed and placed on the Panel's website, significantly reducing the size of the report and making it more manageable to navigate.

2.6 In order to meet the requirement of the Measure to publish its final report in Spring 2024 the IRPW has requested that any representations or comments about this report should be received no later than 8 December 2023. The IRPW has advised that representations or comments received after this date may not be considered.

3. Current situation / proposal

3.1 The draft IRPW Report is attached at **Appendix A** and proposes some changes to the current remuneration prescribed for Elected Members at Principal (County Borough) and Town and Community Council levels. The following paragraphs summarise the key elements of the report for the Authority.

3.2 Basic Salary for Elected Members of Principal Councils – Determination 1

3.2.1 In 2009 the Panel decided the average work commitment of an elected councillor of a principal council was three working days and having reviewed this time commitment, this has not changed.

3.2.2 The Panel noted that in previous electoral cycles, the remuneration of councillors fell far behind the key benchmark of Average Hourly Earnings in Wales (ASHE) published by the Office of National Statistics. This led to the Panel to reset the basic salary in 2021 to align with the 2020 ASHE and reduced the imbalance that had arisen between the basic salary of members of principal councils and the average salaries of their constituents. The change took effect from the May 2022 local elections with a significant uplift.

3.2.3 The Panel has determined to continue this link with ASHE and for the financial year 1 April 2024 to 31 March 2025 the basic salary will be aligned with three-fifths of the all Wales 2022 ASHE, the latest figure available at drafting. This will be £18,666.

3.3 Salaries paid to Senior, Civic and Presiding members of Principal Councils – Determination 2

3.3.1 The number of senior salaries available to this Authority remains unchanged at 18 based on a review undertaken in 2021 of differentials and market comparators. Senior salaries will therefore be increased at the same rate as basic salaries.

3.3.2 The ASHE related uplift will also apply to the role element of the Leader, Deputy Leader, Executive Members, Committee Chairs and the Leader of the largest opposition group, (Bands 1, 2, 3, and 4). Where a Band 5 is paid for the Leader of other political groups, there is no increase to the role element as this remains temporarily frozen. The increase in the basic salary will apply.

3.3.3 The senior salaries for 2024-25 are summarised in the table below:

Basic salary (payable to all elected members) £17,600			
	Group A	Group B	Group C

Basic salary (payable to all elected members) £17,600			
	Cardiff, Rhondda Cynon Taf, Swansea	Bridgend, Caerphilly, Carmarthenshire, Conwy, Flintshire, Gwynedd, Newport, Neath Port Talbot, Pembrokeshire, Powys, Vale of Glamorgan, Wrexham	Blaenau Gwent, Ceredigion, Denbighshire, Merthyr Tydfil, Monmouthshire, Torfaen, Isle of Anglesey
Senior salaries (inclusive of basic salary)			
Band 1			
Leader	£69,998	£62,998	£59,498
Deputy Leader	£48,999	£44,099	£41,649
Band 2			
Executive Members	£41,999	£37,799	£35,699
Band 3			
Committee Chairs (if remunerated):		£27,999	
Band 4			
Leader of Largest Opposition Group		£27,999	
Band 5			
Leader of Other Political Groups		£22,406	

3.4 Salaries for Joint Overview and Scrutiny Committees (JOSC) – Determination 3

3.4.1 The 2022/23 IRPW report stated that as there had been little use made of the arrangements for JOSCs, the Panel decided to delete the payment from the Framework. If a JOSC is formed by an individual council and it wishes to remunerate, it can apply using the arrangements contained in paragraphs 3.27 and 3.28 of the 2022/23 IRPW report. These paragraphs set out guidance for Local Authorities on the application of specific or additional senior salaries that do not fall within the framework. Current JOSCs in operation will continue without need for further confirmation.

3.4.2 There are no other changes relating to Joint Committees other than the salary of a chair of a Joint Overview and Scrutiny Committee will continue to be aligned to Band 3 and will be set at £9,333. The salary of a vice-chair is set at 50% of the Chair and will be £4,667.

3.5 Payments to Fire and Rescue Authorities – Determination 4

- 3.5.1 The three fire and rescue services (FRAs) in Wales: Mid and West Wales, North Wales and South Wales were formed as part of Local Government re-organisation in 1996. FRAs comprise elected members who are nominated by the Principal Councils within each fire and rescue service area.
- 3.5.2 In line with the Panel’s decision to increase the basic salary of elected members of principal councils, the remuneration level for ordinary members of FRAs is also increased in line with ASHE.
- 3.5.3 The remuneration for Chairs will remain linked to a Band 3 senior salary of principal councils, therefore, there will be a small increase to the role element of their pay. Deputy Chairs, Committee Chairs and other senior roles will remain linked to Band 5, therefore, their role element of pay will remain frozen. The increase in basic salary will apply. Further details of this are provided below:

Fire and Rescue Authorities

Basic salary for ordinary member	£2,632
Chair	£11,965
Deputy Chair (where appointed)	£6,372
Committee Chair or other senior post	£6,372

- 3.5.4 All current Determinations, including restrictions on receiving double allowances, will be published on our website. Other than the above increases, there are no changes proposed this year.
- 3.6 Payments made to co-opted members of Principal Councils and Fire and Rescue Authorities: Determination 5
- 3.6.1 The current Determination (made in the 2022 to 2023 Annual Report) states that co-opted members of the relevant bodies should be remunerated on a day or half day basis. In addition, the relevant officer may decide on the total number of days remunerated in a year and set a reasonable time for meeting preparation.
- 3.6.2 Following the Covid pandemic and changes in the ways of working with more frequent use of online meetings and training courses as well as more regular committee meetings, the IRPW considered moving to an hourly rate instead. It was recognised however, that this may not always be appropriate, especially to cover in person meetings scheduled to last several hours.
- 3.6.3 The Panel therefore proposes that there should be local flexibility for the relevant officer to decide when it will be appropriate to apply a day or a half day rate or to use an hourly rate where it is sensible to aggregate a number of short meetings.
- 3.6.4 The proposal for payments made to co-opted members of Principal Councils and Fire and Rescue Authorities are set out in the table below:

Role	Hourly rate payment	Up to 4 hours payment rate	4 hours and over payment rate
------	---------------------	----------------------------	-------------------------------

Chairs of standards, and audit committees	£33.50	£134	£268
Ordinary Members of Standards Committees who also chair Standards Committees for Community and Town Councils	£29.75	£119	£238
Ordinary Members of Standards Committees; Education Scrutiny Committee; Crime and Disorder Scrutiny Committee and Audit Committee	£26.25	£105	£210
Community and Town Councillors sitting on Principal Council Standards Committees	£26.25	£105	£210

3.7 The IRPW report indicates no further changes to the payments and benefits paid to elected members and therefore all other Determinations from 2022 to 2023 still stand and should be applied in 2023 to 2024, including those covering:

- Travel and subsistence;
- Care and Personal Assistance;
- Sickness Absence;
- Corporate Joint Committees,
- Assistants to the Executive,
- Additional salaries and Job sharing arrangements

4. Equality implications (including Socio-economic Duty and Welsh Language)

4.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

5. Well-being of Future Generations Implications and Connection to Corporate Well-being Objectives

5.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there is no significant or unacceptable impact upon the achievement of well-being goals/objectives as a result of this report.

6. Climate Change Implications

6.1 There are no Climate Change implications as a result of this report.

7. Safeguarding and Corporate Parent Implications

7.1 There are no Safeguarding or Corporate Parent implications as a result of this report.

8. Financial Implications

8.1 The proposed changes to the remuneration of Elected Members for the 2024-25 financial year will potentially increase the financial commitment required from this Authority.

8.2 A full assessment of the financial impact to the Council in respect of Elected Members' remuneration will be required. Any additional costs will be a budget pressure for the service in 2024-25 and will need to be considered when finalising the Medium-Term Financial Strategy and addressed as part of the budget setting process for that year.

9. Recommendations

9.1 It is recommended that the Committee:

- a) Note the content of the report;
- b) Provide any response in respect of the IRPW Draft Annual Report 2024-25;
- c) Approve that any response of the Committee be submitted to the IRPW and the WLGA by the deadline of 8 December 2023.

Background documents

None

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Independent Remuneration Panel for Wales

Annual Report

DRAFT

October 2023

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Foreword

Welcome to the draft report of the Independent Remuneration Panel for Wales, setting out our proposals on pay, expenses and benefits for elected members of Principal Councils, Town and Community Councils, National Park Authorities and Fire and Rescue Authorities for implementation from April 2024.

This has been a year of change for the Panel, with 1 longstanding member leaving us and the appointment of 2 new members. I would like to thank Helen Wilkinson for her contribution over the years to the Panel and wish her well for the future.

Last year we were down to only 3, which is the minimum for a Panel meeting to be quorate. Earlier this year we were able to appoint 2 new members to bring our current complement up to 5. I welcome Dianne Bevan and Kate Watkins to the Panel and thank Saz Willey, Vice Chair, and Bev Smith for their continued contribution throughout the year. You can find out more about our Panel members on our website.

The Local Government (Wales) Measure 2011, Part 8 (The Measure), which gives the statutory authority for the Panel's work, allows the appointment of a minimum of 3 and up to 7 members.

This draft annual report is now issued for consultation. We have again put forward a set of specific questions where we would welcome your feedback. We welcome any additional comments either on the detail of the proposed Determinations or on other relevant areas you think the Panel should consider.

The Consultation period ends on 8 December and after deliberating on your feedback, and taking cognisance of any change in circumstances, the Panel will issue its final Determinations and annual report by the 28 February 2024.

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Frances Duffy

Chair

Panel Membership

- Saz Willey, Vice Chair
- Bev Smith
- Dianne Bevan
- Kate Watkins

Detailed information about the members, our strategic plan, our deliberations and supporting research and evidence can be found on the [Panel website](#).

Introduction

This year we published our first strategic plan. This covers the period from 2023 until 2025 and sets the framework for our deliberations and wider context for our decisions. The key elements are set out below under Roles and Responsibilities of the Panel.

With a strengthened Panel, we were able to focus on building our research and evidence plan to support our discussions on our remuneration framework. Our evidence plan will be published on our website inline with our aim to be open and transparent in all our decision making.

Our goal continues to be to ensure that levels of remuneration are fair and reasonable. We agreed to continue to align levels of remuneration for elected members of Principal Councils, National Park and Fire and Rescue Authorities within the context of average Welsh earnings. This has meant using the Annual

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Survey of Hours and Earnings within Wales (ASHE) published by Office for National Statistics (ONS) as the main benchmark for setting remuneration.

The Measure states that “the Panel must take into account what it considers will be the likely financial impact on relevant authorities” of its decisions. The Panel considered evidence on public sector finances and the impact on Principal Authorities’ budgets. Whilst the total cost of remuneration for elected members is relatively low in terms of overall budgets, the Panel were mindful of the heightened economic and fiscal strain on Principal Councils.

In reaching our decision to continue the link between elected members remuneration and the average earnings of their constituents, the Panel remain of the view that a fair and reasonable remuneration package will continue to support elected members and not act as a barrier to participation. This is an important principle, underpinning our considerations on appropriate remuneration.

In line with our commitment to simplifying reporting and compliance, the Panel this year looked at the reporting requirements for Community and Town Council. We continue to receive queries regarding the PAYE treatment of the mandatory allowance for working from home (£156 per annum) and the option of a flat rate of £52 a year for consumables. We will update our guidance on this issue which should ensure clarity for local clerks.

We are also mindful of a continuing, albeit reducing, number of Community and Town councillors who decide to forego all or part of their entitlement. We strongly believe that councillors should be reimbursed for some of the expenses they necessarily incur whilst carrying out their duties.

Currently each council must annually report to the Panel, and publish on its website, the details and names of each councillor in receipt of any expenses. In previous years we agreed that in respect of costs of care and personal assistance allowances, it would be inappropriate to name individual councillors,

and that it would be sufficient to simply list the total amounts paid and the total number of recipients.

The Panel feels that it would be appropriate to extend this to the mandatory payment for working from home, the flat rate consumables allowance and travel and subsistence claims. This will give the right balance between public accountability and individual privacy, and we hope will encourage all to accept the payments they are entitled to.

We will therefore provide a new template report for use from September 2024 and will continue to monitor the level of payments made.

The final area that the Panel considered this year, was the method of calculating payments made to co-opted members of Principal Councils, National Park and Fire and Rescue Authorities.

Following feedback on last year's annual report and queries raised through the year by some co-opted members and by several Heads of Democratic Services, the Panel took evidence from the correspondents on the impact of both the increase in numbers of co-opted members and the changing nature of working patterns. This showed that the current arrangement of either a half day rate for anything up to 4 hours and a full day rate for anything over, was insufficiently flexible to reflect the patterns of working now more normally in place, mainly due to more online or hybrid working.

The Panel therefore proposes that the local relevant officer should have the flexibility to decide when it will be appropriate to apply a day or a half day rate and when to use an hourly rate where it is sensible to aggregate a number of short meetings.

The Panel is aware of feedback that our website can be difficult to navigate and that finding the right Determination to deal with a specific issue is not always straightforward, especially for new elected members or officials. We will

therefore update the links on the website and created a new link to a page setting out all the current Determinations that should be applied. It will be updated every year when the final annual report is issued, and we hope this will be easier to navigate than having to refer to every year's report.

We are also reviewing our guidance (previously called the Regulations) and frequently asked questions pages.

Role and responsibilities of the Panel

Our Role

The Panel is responsible for setting the levels and arrangements for the remuneration of elected and co-opted members of the following organisations:

- Principal Councils: County and County Borough Councils
- Community and Town Councils
- National Park Authorities
- Fire and Rescue Authorities
- Joint Overview Scrutiny Committees
- Corporate Joint Committees

The Panel is an independent organisation and the organisations listed above are required, by law, to implement the decisions it makes.

We make determinations on:

- the salary structure within which members are remunerated
- the type and nature of allowances to be paid to members
- whether payments are mandatory or allow a level of local flexibility
- arrangements in respect of family absence

- arrangements for monitoring compliance with the Panel's decisions

Our aim

- supporting local democracy and giving communities their voice, through setting up an appropriate and fair remuneration framework, which encourages inclusion and participation

Our goals

- our determinations should ensure that levels of remuneration are fair, reasonable, represent value for money for the taxpayer, and are set within the context of Welsh earnings and the wider financial circumstances of Wales
- our Determinations should support elected members from a diverse range of backgrounds, and levels of remuneration should not act as a barrier to participation

Our strategic objectives

- to make evidence, based Determinations
- to use clear and accessible communications
- to proactively engage and consult
- to simplify compliance and reporting
- to work collaboratively

The Panel

- Frances Duffy (Chair)

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- Saz Willey (Vice Chair)
- Dianne Bevan (Member)
- Bev Smith (Member)
- Kate Watkins (Member)

Further information on Panel members can be found on the [Panel's website](#).

Methodology

As set out in our strategic objectives the Panel has committed to making evidence-based decisions. This year we prepared an evidence and research paper to pull together the various sources of information that the Panel considered in making its draft Determinations. This provided a wide range of data, evidence and contextual factors to inform the Panel's decision-making process in relation to its Determinations for the 2024 to 2025 financial year. This included:

- data on average UK and Wales weekly earnings, including ASHE the Annual Survey of Hours and Earnings
- annual CPIH and CPI inflation rates
- benchmarks, including councillor remuneration in Scotland
- research on councillor workload, views and attitudes to remuneration and diversity (Welsh Government)
- findings of Senedd Cymru Equality, Local Government and Communities Committee (2019)
- data collected on the take up of remuneration and benefits packages by councillors
- data on local authority finances

The full set of evidence and research considered, will be published on our [website](#).

The Panel engaged directly with key stakeholder representative groups including the Welsh Local Government Association and its Heads of Democratic Services committee, One Voice Wales, the Society for Local Council Clerks and North and Mid Wales Association of Local Councils. These discussions provide an opportunity for the Panel to explore views about existing arrangements, the impact decisions are having on individuals, how the arrangements are operating in practice and any issues or concerns individuals wish to raise. It also provides an opportunity for discussion about emerging situations which the Panel may need to consider in respect of its decision making.

The Panel helped facilitate sessions at the Welsh Government’s “Diversity in Democracy” events earlier this year. This gave us the opportunity to hear the direct experiences of a range of elected members, prospective candidates and organisations working to broaden representation in local government. We have drawn on that information to inform this report and to explore areas for future consideration.

This year this focused on 3 main issue, affordability, payments made to co-opted members and reporting requirements for Community and Town Councils. The Panel would like to thank all those that contributed to our deliberations either directly or through feedback and questions on our last report.

The Panels’ proposals will now be consulted on and following consideration of views received in response to this consultation the Panel will make its final determinations and issue the 2024 to 2025 final report, in February 2024.

Deliberations and determinations for 2024 to 2025

Basic salary for elected members of principal councils: Determination 1

The basic salary, paid to all elected members, is remuneration for the responsibility of community representation and participation in the scrutiny, regulatory and related functions of local governance. It is based on a full time equivalent of t3 days a week. The Panel regularly reviews this time commitment, and no changes are proposed for 2024 to 2025.

The Panel is fully aware of the current constraints on public funding and the impact its decisions will have on the budgets of Principal Authorities. The Panel is also mindful of our aims and objectives to provide a fair and reasonable remuneration package to support elected members and to encourage diversity of representation.

The Panel also noted that in previous electoral cycles, the remuneration of councillors fell far behind the key benchmark of Average Hourly Earnings in Wales (ASHE) and a significant uplift was therefore required in 2022.

The Panel has therefore determined that for the financial year 1 April 2024 to 31 March 2025 it is right to retain the link between the basic salary of councillors and the average salaries of their constituents. The basic salary will be aligned with three fifths of all Wales 2022 ASHE, the latest figure available at drafting. This will be £18,666.

Salaries paid to Senior, Civic and Presiding members of principal councils: Determination 2

The limit on the number of senior salaries payable (“the cap”) will remain in place.

All senior salaries include the basic salary payment. The different levels of additional responsibility of and between each role is recognised in a banded framework. No changes to banding are proposed this year.

The basic pay element will be uplifted in line with ASHE and this uplift will also apply to the role element of Bands 1, 2, 3 and 4. Where a Band 5 is paid, there is no increase to the role element as this remains temporarily frozen. The increase in the basic salary will apply.

The salary of a leader of the largest (Group A) council will therefore be £69,998. All other payments have been decided in reference to this and are set out in Table 1.

Group A

- Cardiff
- Rhondda Cynon Taf
- Swansea

Table 1: salaries payable to basic, senior, civic and presiding members of principal councils (Group A)

Description	Amount
Basic salary	£18,666
Band 1 Leader	£69,998
Band 1 Deputy Leader	£48,999
Band 2 Executive Members	£41,999
Band 3 Committee Chairs (if paid)	£27,999
Band 4 Leader of the largest opposition group	£27,999
Band 5 Leader of other political groups (if paid)	£22,406
Civic Head (if paid)	£27,999
Deputy Civic Head (if paid)	£22,406
Presiding Member (if paid)	£27,999
Deputy Presiding Member (basic only)	£18,666

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Group B

- Bridgend
- Caerphilly
- Carmarthenshire
- Conwy
- Flintshire
- Gwynedd
- Newport
- Neath Port Talbot
- Pembrokeshire
- Powys
- Vale of Glamorgan
- Wrexham

Table 1: salaries payable to basic, senior, civic and presiding members of principal councils Group B

Description	Amount
Basic salary	£18,666
Band 1 Leader	£62,998
Band 1 Deputy Leader	£44,099
Band 2 Executive Members	£37,799
Band 3 Committee Chairs (if remunerated)	£27,999

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Description	Amount
Band 4 Leader of the largest opposition group	£27,999
Band 5 Leader of other political groups (if paid)	£22,406
Civic Head (if paid)	£27,999
Deputy Civic Head (if paid)	£22,406
Presiding Member (if paid)	£27,999
Deputy Presiding Member (basic only)	£18,666

Group C

- Blaenau Gwent
- Ceredigion
- Denbighshire
- Merthyr Tydfil
- Monmouthshire
- Torfaen
- Isle of Anglesey

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Table 1: salaries payable to basic, senior, civic and presiding members of principal councils Group C

Description	Amount
Basic salary	£18,666
Band 1 Leader	£59,498
Band 1 Deputy Leader	£41,649
Band 2 Executive Members	£35,699
Band 3 Committee Chairs (if remunerated)	£27,999
Band 4 Leader of the largest opposition group	£27,999
Band 5 Leader of other political groups	£22,406
Civic Head (if paid)	£27,999
Deputy Civic Head (if paid)	£22,406
Presiding Member (if paid)	£27,999
Deputy Presiding Member (basic only)	£18,666

There are no further changes to the payments and benefits paid to elected members. All current Determinations will be published on our [website](#).

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There have been no changes made to allowances for:

- travel and subsistence
- care and personal assistance
- sickness absence
- corporate joint committees
- assistants to the executive
- additional salaries and job-sharing arrangements

Salaries for Joint Overview and Scrutiny Committee: Determination 3

The salary of a chair of a Joint Overview and Scrutiny Committee will continue to be aligned to Band 3 and will be set at £9,333.

The salary of a vice-chair is set at 50% of the Chair and will be £4,667.

There are no other changes.

Payments to national parks authorities and fire and rescue authorities: Determination 4

The 3 national parks in Wales, Eryri (Snowdonia), Pembrokeshire Coast and Bannau Brycheiniog (Brecon Beacons), were formed to protect spectacular landscapes and provide recreation opportunities for the public. **The Environment Act 1995** led to the creation of a National Park Authority (NPA) for each park. National Park authorities comprise members who are either elected members nominated by the principal councils within the national park area or are members appointed by the Welsh Government through the Public Appointments process. Welsh Government appointed and council nominated members are treated equally in relation to remuneration.

The 3 fire and rescue services (FRAs) in Wales: Mid and West Wales, North Wales and South Wales were formed as part of Local Government re-organisation in 1996. FRAs comprise elected members who are nominated by the Principal Councils within each fire and rescue service area.

In line with the Panel's decision to increase the basic salary of elected members of principal councils, the remuneration level for ordinary members of both NPAs and FRAs is also increased in line with ASHE.

The remuneration for Chairs will remain linked to a principal council Band 3 senior salary. Their role element will therefore increase accordingly. Deputy chairs, Committee chairs and other paid senior posts will remain linked to a Band 5. This means the role element of their pay will continue to be temporarily frozen. Full details of the levels of remuneration for members of NPAs and FRAs is set out in Table 2.

Table 2: payments to national parks authorities

National parks authorities	Amount
Basic salary for ordinary member	£5,265
Chair	£14,598
Deputy chair (where appointed)	£9,005
Committee chair or other senior post	£9,005

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Table 2: payments to fire and rescue authorities

Fire and rescue authorities	Amount
Basic salary for ordinary member	£2,632
Chair	£11,965
Deputy chair (where appointed)	£6,372
Committee chair or other senior post	£6,372

All current Determinations, including restrictions on receiving double allowances, will be published on our website. Other than the above increases, there are no changes proposed this year.

Payments made to co-opted members of Principal Councils, National Park Authorities and Fire and Rescue Authorities: Determination 5

The current Determination (made in the 2022 to 2023 Annual Report) states that co-opted members of the relevant bodies should be remunerated on a day or half day basis. In addition, the relevant officer may decide on the total number of days remunerated in a year and set a reasonable time for meeting preparation.

The Panel has noted the changes to working practices, put in place during Covid and now becoming more routine, that has meant a move towards more frequent use of online meetings and or training courses, often short, as well as more regular committee meetings. The panel also received feedback from Heads of Democratic Services raising this issue.

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The Panel considered moving to an hourly rate instead. This would better reflect new ways of working and hours actually worked. However, the Panel recognised that this may not always be appropriate, especially to cover in person meetings scheduled to last several hours.

The Panel therefore proposes there should be local flexibility for the relevant officer to decide when it will be appropriate to apply a day or a half day rate or to use an hourly rate where it is sensible to aggregate a number of short meetings, as outlined in Table 3.

Table 3: payments made to co-opted members of Principal Councils, National Park Authorities and Fire and Rescue Authorities

Role	Hourly rate payment	Up to 4 hours payment rate	4 hours and over payment rate
Chairs of standards, and audit committees	£33.50	£134	£268
Ordinary Members of Standards Committees who also chair Standards Committees for Community and Town Councils	£29.75	£119	£238
Ordinary Members of Standards Committees; Education Scrutiny Committee; Crime and Disorder Scrutiny Committee and Audit Committee	£26.25	£105	£210
Community and Town Councillors sitting on Principal Council Standards Committees	£26.25	£105	£210

Community and Town Councils

The Panel continues to mandate payments for the extra costs of working from home and payments for office consumables. There is no change to the Determination made last year.

Mandatory payments: Determination 6

Payment for extra costs of working from home

All councils must pay their members £156 a year (equivalent to £3 a week) towards the extra household expenses (including heating, lighting, power and broadband) of working from home.

Set payment for consumables

Councils must either pay their members £52 a year for the cost of office consumables required to carry out their role, or alternatively councils must enable members to claim full reimbursement for the cost of their office consumables.

It is a matter for each council to make and record a policy decision in respect of when and how the payments are made and whether they are paid monthly, yearly or otherwise. The policy should also state whether and how to recover any payments made to a member who leaves or changes their role during the financial year.

Compensation for financial loss: Determination 7

Compensation for financial loss is an optional payment. The amount for financial loss was not increased last year.

Previously, the Panel determined that an appropriate level of payment should be set at the daily rate of ASHE.

To maintain this link, the figures for 2024 are now proposed as £119.62 for a full day and £59.81 for a half day.

Reporting requirements: Determination 8

Community and Town Councils are required to submit an annual statement of payments to the Panel by the 30 September each year, and also publish this on their website. The Panel have provided a template return for clerks to use.

The Panel have discussed and considered changing the requirements for Community and Town Councils when submitting their statement of payment returns. The Panel's aim is to simplify administration and encourage Councils to ensure all mandatory payments are made to individual members.

The Panel proposes that from September 2024, the returns need only show the total amounts paid in respect of the mandatory payments mentioned above. That is the £156 contribution to the costs of working from home and the £52 set rate consumables allowance and the travel and subsistence expenses paid.

This brings these in line with the reporting of the costs of care and personal assistance allowances.

Payments to community and town councils

Type of payment	Group	Requirement
Reimbursement for time spent on CTC matters (previously known as Basic Payment)	1 (Electorate over 14,000)	£156 mandatory for all members. All councils must pay their members £156 a year (equivalent to £3 a week) towards the extra household expenses (including heating, lighting, power and broadband) of working from home
Reimbursement for office consumables whilst working from home	1 (Electorate over 14,000)	£52 mandatory for all members. All councils must pay their members £52 a year (equivalent to £1 a week) towards the cost of office consumables whilst working home
Senior role payment	1 (Electorate over 14,000)	Mandatory for 1 member; optional for up to 7
Mayor or Chair of Council	1 (Electorate over 14,000)	Optional: up to a maximum of £1,500
Deputy Mayor or Deputy Chair of Council	1 (Electorate over 14,000)	Optional: up to a maximum of £500
Attendance Allowance	1 (Electorate over	Optional

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14,000)

Financial loss 1 Optional
(Electorate
over
14,000)

Travel and
subsistence 1 Optional
(Electorate
over
14,000)

Costs of care 1 Mandatory
(Electorate
over
14,000)

Reimbursement for
time spent on CTC
matters (previously
known as Basic
Payment) 2 £156 mandatory for all members. All councils must
(Electorate pay their members £156 a year (equivalent to £3 a
over week) towards the extra household expenses
10,000 to (including heating, lighting, power and broadband) of
13,999) working from home

Reimbursement for
office consumables
whilst working from
home 2 £52 mandatory for all members. All councils must pay
(Electorate their members £52 a year (equivalent to £1 a week)
over towards the cost of office consumables whilst working
10,000 to home
13,999)

Senior role payment 2 Mandatory for 1 member: optional up to 5
(Electorate
over
10,000 to
13,999)

Mayor or chair of Council	2	Optional: up to a maximum of £1,500
	(Electorate over 10,000 to 13,999)	

Deputy Mayor or Deputy Chair of Council	2	Optional: up to a maximum of £500
	(Electorate over 10,000 to 13,999)	

Attendance allowance	2	Optional
	(Electorate over 10,000 to 13,999)	

Financial loss	2	Optional
	(Electorate over 10,000 to 13,999)	

Travel and subsistence	2	Optional
	(Electorate over 10,000 to 13,999)	

Costs of care	2	Mandatory
	(Electorate over 10,000 to	

13,999)

Reimbursement for time spent on CTC matters (previously known as Basic Payment) 3 (Electorate over 5,000 to 9,999) £156 mandatory for all members. All councils must pay their members £156 a year (equivalent to £3 a week) towards the extra household expenses (including heating, lighting, power and broadband) of working from home

Reimbursement for office consumables whilst working from home 3 (Electorate over 5,000 to 9,999) £52 mandatory for all members. All councils must pay their members £52 a year (equivalent to £1 a week) towards the cost of office consumables whilst working home

Senior role payment 3 (Electorate over 5,000 to 9,999) Optional up to 3 members

Mayor or Chair of Council 3 (Electorate over 5,000 to 9,999) Optional: up to a maximum of £1,500

Deputy Mayor or Deputy Chair of Council 3 (Electorate over 5,000 to 9,999) Optional: up to a maximum of £500

Attendance allowance 3 (Electorate over 5,000 to 9,999) Optional

Financial loss 3 Optional
(Electorate
over 5,000
to 9,999)

Travel and subsistence 3 Optional
(Electorate
over 5,000
to 9,999)

Costs of care 3 Mandatory
(Electorate
over 5,000
to 9,999)

Reimbursement for time spent on CTC matters (previously known as Basic Payment) 4 £156 mandatory for all members. All councils must pay their members £156 a year (equivalent to £3 a week) towards the extra household expenses (including heating, lighting, power and broadband) of working from home
(Electorate over 1,000 to 4,999)

Reimbursement for office consumables whilst working from home 4 £52 mandatory for all members. All councils must pay their members £52 a year (equivalent to £1 a week) towards the cost of office consumables whilst working home
(Electorate over 1,000 to 4,999)

Senior role payment 4 Optional up to 3 members
(Electorate
over 1,000
to 4,999)

Mayor or Chair of Council 4 Optional: up to a maximum of £1,500
(Electorate
over 1,000)

to 4,999)

Deputy Mayor or
Deputy Chair of
Council

4 Optional: up to a maximum of £500
(Electorate
over 1,000
to 4,999)

Attendance
allowance

4 Optional
(Electorate
over 1,000
to 4,999)

Financial loss

4 Optional
(Electorate
over 1,000
to 4,999)

Travel and
subsistence

4 Optional
(Electorate
over 1,000
to 4,999)

Cost of care

4 Mandatory
(Electorate
over 1,000
to 4,999)

Reimbursement for
time spent on CTC
matters (previously
known as Basic
Payment)

5 £156 mandatory for all members. All councils must
(Electorate pay their members £156 a year (equivalent to £3 a
less than week) towards the extra household expenses
1,000) (including heating, lighting, power and broadband) of
working from home

Reimbursement for office consumables whilst working from home	5 (Electorate less than 1,000)	£52 mandatory for all members. All councils must pay their members £52 a year (equivalent to £1 a week) towards the cost of office consumables whilst working home
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Senior role payment	5 (Electorate less than 1,000)	Optional: up to 3 members
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Mayor or Chair of Council	5 (Electorate less than 1,000)	Optional: up to a maximum of £1,500
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Deputy Mayor or Deputy Chair of Council	5 (Electorate less than 1,000)	Optional: up to a maximum of £500
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Attendance allowance	5 (Electorate less than 1,000)	Optional
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Financial loss	5 (Electorate less than 1,000)	Optional
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Travel and subsistence	5 (Electorate less than 1,000)	Optional
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Cost of care	5 Mandatory (Electorate less than 1,000)
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There have been no changes made to payments for undertaking senior roles; allowances for travel and subsistence; care and personal assistance or attendance allowance.

All current Determinations will be published on our website.

Summary of Determinations 2024 to 2025

Determination 1

The basic level of salary for elected members of principal councils will set at £18,666.

Determination 2

The salary of a leader of the largest (Group A) council will be £69,998. All other payments have been decided in reference to this. All payments are set out in Table 1.

Determination 3

The salary of a chair of a Joint Overview and Scrutiny Committee will be £9,333.

The salary of vice-chair will be £4,667.

Determination 4

The basic pay of members of National Park Authorities and Fire and Rescue authorities has been increased. All payments are set out in Table 2.

All current Determinations, including restrictions on receiving double allowances, will be published on our website. Other than the above increases, there are no changes proposed this year.

Determination 5

For co-opted member payments, the Panel proposes there should be local flexibility for the relevant officer to decide when it will be appropriate to apply a day or a half day rate or to use an hourly rate where it is sensible to aggregate a number of short meetings.

The full and half day rates remain unchanged from 2023 to 2024. The only change is the stipulation of hourly rates, as set out in Table 3.

Determination 6

Members of Community and Town Councils will be paid £156 a year (equivalent to £3 a week) towards the extra household expenses (including heating, lighting, power and broadband) of working from home. And Councils must either pay their members £52 a year for the cost of office consumables required to carry out their role, or alternatively councils must enable members to claim full reimbursement for the cost of their office consumables.

Determination 7

Compensation for financial loss is an optional payment. The amount for financial loss was not increased last year.

Previously, the Panel determined that an appropriate level of payment should be set at the daily rate of ASHE.

To maintain this link, the figures for 2024 are now proposed as £119.62 for a full day and £59.81 for a half day.

Determination 8

The Panel proposes that from September 2024, the returns need only show the total amounts paid in respect of the mandatory payments mentioned above. That is the £156 contribution to the costs of working from home and the £52 set rate consumables allowance and the travel and subsistence expenses paid.

This brings these in line with the reporting of the costs of care and personal assistance allowances.

All other Determinations set out in the 2023 to 2024 [Annual Report](#) of the Panel remain valid and should be applied.

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Meeting of:	DEMOCRATIC SERVICES COMMITTEE
Date of Meeting:	26 OCTOBER 2023
Report Title:	DEMOCRATIC SERVICES COMMITTEE COUNCILLOR PORTAL WORKING GROUP UPDATE
Report Owner / Corporate Director:	HEAD OF DEMOCRATIC SERVICES
Responsible Officer:	RACHEL KEEPINS DEMOCRATIC SERVICES MANAGER AND HEAD OF DEMOCRATIC SERVICES
Policy Framework and Procedure Rules:	There is no effect upon the policy framework and procedure rules in respect of this report.
Executive Summary:	<p>This report provides an update on the work of the Democratic Services Committee Councillor Portal Working Group.</p> <p>The Group have held three meetings since its commencement and considered and discussed a series of issues and aspects associated with the use of the Councillor portal with the view to finding resolutions to improve the overall Member referral process.</p> <p>At the latest meeting the Group also made recommendations for the Committee’s consideration.</p>

1. Purpose of Report

- 1.1 The purpose of this report is to present the Committee with an update on the work of the Democratic Services Committee Councillor Portal Working Group for the Committee to note including recommendations from the most recent meeting.

2. Background

- 2.1 At their meeting in February 2023 the Committee received a report detailing an ‘Update on the Digital Platform and Member Portal’. The Committee concluded this item requesting that ‘the Democratic Services Manager and the Head of Partnerships to establish a working group to take forward the development of the Member Portal’.

- 2.2 The Working Group has now been established comprising of 4 Members of the Committee along with Group Leaders, with support from the Democratic Services Manager, and has met on 3 separate occasions in May, July and September 2023.
- 2.3 As a result of these meetings, a series of issues and actions has been created which has been added to the Authority's Experience and Improvement team's own action log for the Councillor Portal. These are monitored at each meeting of the Group along with several being chosen for detailed discussion and exploration.
- 2.4 Some examples of actions that have been taken forward resulting from the work of the Group include a series of training sessions for Members held to provide latest updates and some tips and hints for Members in using the portal. Engagement has also taken place with Town and Community Councils and various aspects have been raised with the software provider for reviewing with a view to improving the Portal for Members to use.

3. Current situation / proposal

- 3.1 One of the main concerns that Members of the Group have raised is the time taken for responses to some referrals with some Members highlighting that there are still referrals outstanding after 12 months. The Group highlighted that whilst there may be an escalation process in place, there is no monitoring of this by service areas.
- 3.2 Whilst Service Level Agreements (SLAs) for response rates is scheduled to be considered at a future meeting of the Group with Officers, Members raised the fact that the development of dashboards within the Portal would assist and enable effective monitoring of referrals by both Officers and Members. The Group at its most recent meeting therefore agreed that this needed to be prioritised and recommended the following:

Recommendation 1

The Group highlighted that the portal escalation process was not working efficiently and therefore recommend that the development of the Portal Dashboards be prioritised for completion as soon as possible in order for effective monitoring of referral response rates to be undertaken by Senior managers.

- 3.3 In addition to this, the Group made the following recommendation in relation to the response rates to referrals for the Communities Directorate:

Recommendation 2

The Group continued to express concerns regarding the response rates to referrals and 'report it' requests from the Communities Directorate specifically, and reiterated the point that they do not have dedicated staff to take responsibility for member referrals as other Directorates do. Given the sheer quantity of referrals that the Communities Directorate receive, their public facing nature and the resulting reputational risk to the Authority and Members this represents in relation to responding effectively and efficiently to public concerns, it is recommended that dedicated staff be provided to the Communities Directorate to undertake this role. Furthermore, due to current budget pressures within the Communities Directorate and the risk mentioned

above, it is recommended that this be funded centrally and not from within the Communities budget.

Future meetings

- 3.4 The Group are next scheduled to meet in November where they will be discussing various aspects with Service Area Representatives from across Directorates. As well as SLAs, they wish to explore actions relating to re-directing referrals, ownership of referrals, containing responses within the portal and split referrals where there is a need for Officers to gather information from a separate department within the Authority, or from a partner organisation.
- 3.5 The Members of the Group have also stated that they welcome any comments or queries from other Members of the Committee regarding the Councillor Portal and would be happy to explore these as part of their work.

4. Equality implications (including Socio-economic Duty and Welsh Language)

- 4.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. This is an information report, therefore it is not necessary to carry out an Equality Impact assessment in the production of this report. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

5. Well-being of Future Generations Implications and Connection to Corporate Well-being Objectives

- 5.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there is no significant or unacceptable impact upon the achievement of well-being goals/objectives as a result of this report.

6. Climate Change Implications

- 6.1 There are no Climate Change implications as a result of this report.

7. Safeguarding and Corporate Parent Implications

- 7.1 There are no Safeguarding or Corporate Parent implications as a result of this report.

8. Financial Implications

- 8.1 The budget monitoring quarter 2 revenue forecast considered by Cabinet on the 17 October 2023, presented an overall projected overspend position for 2023-24 of £10.932 million. Furthermore, the Medium-Term Financial Strategy presented to Council in March 2023 highlighted a £14.5 million funding gap in the coming 3 years.

8.2 Given the current financial position there will be limited, if any, budget pressures funded in 2024-25, therefore the recommendations will be difficult to implement if funding is required.

9. Recommendations

9.1 It is recommended that the Committee:

- a) Note the update provided in this report on the work of the Democratic Services Councillor Portal Working Group;
- b) Consider the recommendations from the Working Group at 3.2 and 3.3 of this report and the financial implications therein.

Background documents

None

Meeting of:	DEMOCRATIC SERVICES COMMITTEE
Date of Meeting:	26 OCTOBER 2023
Report Title:	DEMOCRATIC SERVICES COMMITTEE FORWARD WORK PROGRAMME
Report Owner / Corporate Director:	HEAD OF DEMOCRATIC SERVICES
Responsible Officer:	RACHEL KEEPINS DEMOCRATIC SERVICES MANAGER
Policy Framework and Procedure Rules:	There is no effect upon the Policy Framework or Procedure Rules.
Executive Summary:	<ul style="list-style-type: none"> • The Local Government (Wales) Measure 2011, requires local authorities to appoint a Democratic Services Committee to oversee the Democratic Services functions of the Council, ensure that the work is adequately resourced and report to full Council accordingly. • This report sets out the Committee’s remit and proposes items for its Forward Work Programme for the year. • The forward work programme is flexible and could be subject to change at each Committee meeting.

1. Purpose of Report

- 1.1 The purpose of this report is to present Members with a proposed Forward Work Programme (FWP) for the Democratic Services Committee for consideration and further development.

2. Background

- 2.1 The Local Government (Wales) Measure 2011, Part 1, Chapter 2, requires local authorities to appoint a Democratic Services Committee to oversee the Democratic Services functions of the Council, ensure that the work is adequately resourced and report to full Council accordingly.
- 2.2 As stated in the Constitution, the Democratic Services Committee have the following functions:

1. To review the adequacy of provision of staff, accommodation, and other resources to discharge democratic services functions, and
2. To make reports and recommendations to Council, at least annually, in relation to such provision.
3. At the request of the Council, review any matter relevant to the support and advice available to members of the Council, and the terms and conditions of office of those members.
4. To make reports and recommendations to the Council following a review.

2.3 In addition to this, as a member of the Democratic Services Committee, the role includes, (but is not exclusive to):

- a) developing the Authority's member support and development strategy;
- b) ensuring that members have access to a reasonable level of training and development as described in the member development strategy and the Wales Charter for Member Support and Development;
- c) ensuring that the budget for member development is sufficient;
- d) ensuring that members have access to personal development planning and annual personal development reviews.
- e) promoting and supporting good governance by the Council.
- f) understanding the respective roles of members, officers and external parties operating within the Democratic Services Committee's area of responsibility.

3. Current situation / proposal

3.1 Attached at **Appendix A** is a draft FWP for the Democratic Services Committee for 2023-24.

3.2 Reports such as the Independent Remuneration Panel Wales Draft Annual Report and the Committee's own Annual Report will be regular items for the Committee to consider each year, as will Member Development updates.

3.3 It is for Members to consider whether there are any other items they wish to add to their FWP considering the role and remit of the Committee. This can then be revisited at each meeting so that Members have the opportunity to amend or add to the FWP throughout the year.

4. Equality implications (including Socio-economic Duty and Welsh Language)

4.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

5. Well-being of Future Generations Implications and Connection to Corporate Well-being Objectives

5.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there is no significant or unacceptable impact upon the achievement of well-being goals/objectives as a result of this report.

6. Climate Change Implications

6.1 There are no Climate Change implications as a result of this report.

7. Safeguarding and Corporate Parent Implications

7.1 There are no Safeguarding or Corporate Parent implications as a result of this report.

8. Financial Implications

8.1 There are no financial implications arising from this report.

9. Recommendation

9.1 Members are requested to consider the proposed draft Forward Work Programme for the Democratic Services Committee attached at **Appendix A** and provide any comment or suggestions for further items for the Committee to consider at its future meetings.

Background documents

None

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DEMOCRATIC SERVICES COMMITTEE FORWARD WORK PROGRAMME

Date of meeting	Item	Invitees/Further Detail
8 February 2024	Member Development Programme Update	
8 February 2024	Member Research Protocol	Final version of WLGA protocol and BCBC Draft Protocol
8 February 2024	Councillor Portal Working Group Update	
Date TBC		

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