

**POLICY AND RESOURCES CABINET BOARD
19TH NOVEMBER 2009**

FINANCE & CORPORATE SERVICES

REPORT OF THE HEAD OF LEGAL & DEMOCRATIC SERVICES

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ITEM 1

PART 1 SECTION A

RESPONSE TO CONSULTATION ON “ARE WE BEING SERVED?” – THE REPORT OF THE COUNCILLOR COMMISSION EXPERT PANEL WALES

PURPOSE OF REPORT

To deal with Consultation received by the Authority.

BACKGROUND

1. In December 2007 the recommendations of the Councillors Commission were published. The Commission’s recommendations applied to England only.
2. In March 2008 the Welsh Assembly Government established the Expert Panel Wales to consider the position of local government in Wales. The terms of reference for the Expert Panel were as follows:-
 - 2.1. To consider the recommendations of the Councillors Commission and their appropriateness for implementation in Wales;
 - 2.2. To consider whether there are any issues relevant to widening participation in local government in Wales, which have not been considered by the Councillors Commission; and
 - 2.3. To make recommendations to the Minister by November 2008.
3. The recommendations of the Councillors Commission in England are found at Appendix 3 of the Expert Panel Wales Report. Members have had a link emailed to them which allows access to a copy of the Expert Panel Wales Report on the internet. Copies of that Report have been placed in the Members’ Room.
4. The Panel recommendations are attached in the Appendix to this report. They also appear as Annex A to the full report. We are requested to comment on those recommendations.
5. The recommendations of the Panel are directed towards different “recipients”, ranging widely from WAG to the WLGA, the Independent Remuneration Panel and the political parties. Some of these recommendations suggest changes in the law or statutory guidance which would then come back to Local Authorities for implementation. Other of the recommendations are addressed directly to Local Authorities and would not require any changes in the law as a general rule. Those recommendations which are addressed to Local Authorities now and do not require

actions by other bodies to implement them are those numbered 1, 5, 9, 11, 13, 14, 21, 23, 28, 30 and 33 and marked *.

6. As part of its work, the Expert Panel considered the following specific themes that were linked to the themes considered originally by the Councillors Commission:
 - 6.1. The role of Councillors;
 - 6.2. Public perception and understanding of Councillors and the role of the media;
 - 6.3. Balancing working and family life with being a Councillor;
 - 6.4. Supporting, recognising and rewarding Councillors; and
 - 6.5. Recruiting and retaining a diverse range of Councillors.
7. The Welsh Assembly Government Minister for Social Justice and Local Government is currently seeking views primarily on those recommendations contained within the report that are aimed at the Welsh Assembly Government, but would also welcome views on any of the 35 recommendations made by the Expert Panel. Any comments should be returned to the Local Government Democracy Team at the Welsh Assembly Government by 27th November 2009.
8. There has been a debate for some time now on the role of the Councillor following the reforms which took place in the earlier part this decade. One aspect of the document which can be welcomed without reservation is further recognition of the importance of the Councillors role, both executive and back bench Members.
9. The report is also to be supported in its central drive to enlarge the pool of elected Members and encourage wider participation in local democracy.
10. It is however open to question whether some of the recommendations contained in the report are too prescriptive. Also, some of the recommendations might introduce additional calls on finance at a time when all Local Authorities are facing a difficult financial future.
11. Purely for the purposes of discussion in some possible responses to the recommendations set out in the report appear in the boxed text in the Appendix.

RECOMMENDATION

That the general comments contained in paragraphs 8-10 of this report form the basis of a response to the consultation together with such of the specific comments set out in the Appendix as are approved by Members.

REASON FOR PROPOSED DECISION

To respond to the consultation.

LIST OF BACKGROUND PAPERS

Are we being Served? The Report of the Councillor Commission Expert Panel Wales.

WARDS AFFECTED

All

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COMPLIANCE STATEMENT

RESPONSE TO CONSULTATION ON “ARE WE BEING SERVED?” – THE REPORT OF THE COUNCILLOR COMMISSION EXPERT PANEL WALES

(a) **Implementation of Decision**

The decision is proposed for implementation after the 3 day call-in period.

(b) **Sustainability Appraisal**

Community Plan Impacts:

Economic Prosperity	No impact
Education and Lifelong Learning	No impact
Better Health and Well Being	No impact
Environment and Transport	No impact
Crime and Disorder	No impact

Other Impacts:

Welsh Language	No impact
Sustainable Development	No impact
Equalities	Positive
Social Inclusion	Positive

(c) **Consultation**

There has been no requirement under the Constitution for external consultation on this item.

Summary of Recommendations from “Are we being Served?” The Report of the Councillor Commission Expert Panel Wales

Recommendation 1*

As part of their statutory duties, local authorities should undertake equality monitoring amongst candidates standing for election and all newly-elected councillors. The same should be done for community and town councillors and in the meantime the census of county councillors should also be extended to community and town councillors.

Possible Response:

Currently WLGA carries out a Councillor census which will include an equality monitoring element. It would not be possible to require candidates to provide equality monitoring information without a change in statutory requirements. Extension of this proposal to Town and Community Councillors would mean that a large number of potential responses would have to be collated. It is questioned whether the response rate to any voluntary survey would be statistically reliable.

Recommendation 2

Consideration should be given to introducing a legal separation of the executive and non-executive functions of the council with separate funding streams that would protect the central provision of members’ services.

Possible Response:

A legal division between the executive and the non executive branches of local government would be expensive and disruptive as well as being unnecessary to achieve the objectives outlined for the Panel. However, in these difficult financial times, Councils must prioritise expenditure and it is difficult to make a case for protecting Member services at the expense of front line services.

Recommendation 3

One Voice Wales should in conjunction with community and town councils and the Welsh Local Government Association (WLGA) develop role descriptions for community and town councillors

Possible Response:

This would be a matter for One Voice Wales.

Recommendation 4

The WLGA should place a stronger emphasis and focus on the role of a Councillor in representing their community - the ward role, in the Wales Member Support and Development Charter.

Possible Response:

The Council has always fully recognised the ward role of all Members particularly back bench Members. The recommendation itself is addressed to the WLGA.

Recommendation 5*

Work should be undertaken within local authorities to further raise the awareness and recognition of the different roles that councillors undertake, in particular ward representation in their communities. This could be achieved by involving members in officer training and induction and including this aspect of their role in the induction and development programmes for council officers.

Possible Response:

The County Borough Council has involved Members in one element of the Leadership Programme training for officers. The Council will assess how this has worked out before taking any further action. It should however be for individual authorities to determine their training methods and priorities.

Recommendation 6

Political parties should:

- (a) make better use of the Candidates' Guide developed by the WLGA amongst candidates and potential candidates
- (b) consider developing or, where they already exist, standardising their own role descriptions to match with the WLGA role specifications to inform the candidate selection process (although the part of the councillor role related to representing their political party would remain the responsibility of each party)

Possible Response:

This is a matter for the political parties but it should be noted that the WLGA Candidates' Guide is readily available to all candidates.

Recommendation 7

The National Assembly, Welsh Assembly Government, the WLGA and One Voice Wales should lead a Governance Wales Campaign which would seek to clarify and explain to the public the responsibilities of the different tiers of government in Wales and what different types of representatives do.

Possible Response:

Agreed.

Recommendation 8

Local authorities should be charged with a statutory duty to facilitate local democratic engagement. This should be supported by the production of guidance from the WLGA.

Possible Response:

If any additional statutory duties are to be placed on local government they must be accompanied with the appropriate finance. It might be questioned also why a duty to promote democratic engagement should be addressed to Local Authorities only.

Recommendation 9*

Local authorities should put in place arrangements which ensure that council officers recognise the importance of working with and supporting councillors to engage with their communities and particular, where appropriate, with marginalised, seldom heard or so called “hard-to-reach” groups.

Possible Response:

The Panel has not produced any evidence that Council officers do not already recognise the importance of assisting Members in working with all parts of their communities.

Recommendation 10

The Code of Practice on Local Authority Publicity should be reviewed by the Welsh Assembly Government.

Possible Response:

The Code of Practice on Local Authority Publicity provides an important safeguard to ensure that public money is spent only on what one might call “public service” publicity in that it is directed towards informing the public and making it better aware of services available and forthcoming developments. The Code restricts publicity which may be seen to be political in nature. Any reforms to the Code should retain the safeguards in the current version.

Recommendation 11*

Local authorities should make arrangements to support councillors to publish (as a minimum on the website) an annual report of their work both in their communities and within the council.

Possible Response:

This issue is related to the issue dealt with in Recommendation 10 in that any publication of the Local Authority or paid for by the Local Authority must be in compliance with the Code. Members are able to issue their own publicity to constituents. A similar recommendation was made by the Independent Remuneration Panel and it is suggested that this be discussed between the Remuneration Panel and the WLGA.

Recommendation 12

The Independent Remuneration Panel should consider making a communication allowance available to councillors which could be used to fund communication with their electorate. This expenditure should be accounted for in an annual report and any communication would need to adhere to the Code of Practice on Local Authority Publicity.

Possible Response:

This is a matter for the Independent Remuneration Panel.

Recommendation 13*

Councillors should be actively encouraged to embrace the digital age in communication with their communities. In line with the WLGA Charter, local authorities should provide all elected members with training opportunities on using appropriate IT packages and communicating through digital media (such as developing websites and blogging), as well as ongoing IT support. Wherever possible, such training should be opened up to community and town councillors.

Possible Response

The County Borough Council provides IT support to Councillors. Extending that support and training to Town and Community Councillors would not necessarily be practical in all cases. Town and Community Councils will have their own individual IT packages which will not be compatible with County Borough Council provision in all cases.

Recommendation 14*

Local authorities should provide training and ongoing support in dealing with the press and broadcasters for all their elected members. Wherever possible, such training should be opened up to community and town councillors.

Possible Response:

Support for County Borough Councillors in communication with the press and broadcasters is provided already. It is not envisaged that there would be a substantial uptake of any offer of training to Town and Community Councillors and there would be a cost for running it.

Recommendation 15

The Welsh Assembly Government, WLGA and One Voice Wales should initiate discussions with the public service broadcasters in Wales and Ofcom to identify what role these broadcasters could play in enhancing the coverage of local government, and, in particular, how the BBC will carry out the commitment given by the Director General in January to improving coverage of local government.

Possible Response:

Agreed

Recommendation 16

The UK Government should consider including a provision in the forthcoming Equality Bill which will allow political parties to use special measure for the selection of black and minority ethnic candidates. Political parties should be encouraged to use special measures for women which are already permissible in their selection processes in order to ensure that a balanced list of candidates are standing for election.

Possible Response:

This is a matter for the UK Government.

Recommendation 17

The Electoral Commission should assist Political parties in Wales to identify and take account of good practice from other parts of the UK and learn from other parties in measures to engage with under-represented groups and support them through the process of selection and candidacy.

Possible Response:

This is a matter for the Electoral Commission and the political parties.

Recommendation 18

The Candidates' Guide produced by the WLGA should be available to potential candidates prior to every local government election and steps should be taken by the Electoral Commission to promote the guidance which is available to all candidates, particularly to independent candidates who do not have practical support provided by a political party.

Possible Response:

The WLGA Candidates' Guide is available on the internet currently.

Recommendation 19

The possibility of establishing a fund to support the specific needs of people from under-represented groups to become candidates (such as meeting accessibility needs, communication support where English is not a first language etc) should be explored by the Welsh Assembly Government in conjunction with the Electoral Commission.

Possible Response:

If any provision of this nature is to be made it should be centrally administered by Welsh Assembly Government.

Recommendation 20

The Welsh Assembly Government should work in partnership with the Assembly Commission, the WLGA and other relevant organisations to develop an all Wales shadowing scheme which would provide opportunities for shadowing and mentoring people from under represented groups by councillors and AMs.

Possible Response:

It is noted that this initiative is already underway.

Recommendation 21*

Schools and council officers working with children and young people or in promoting democracy should be encouraged to actively seek opportunities to engage councillors (both county and community and town) in meeting and working with children and young people, both at county and ward level.

Possible Response:

The County Borough Council already strives to work with young people in relation to its many functions. Councillors are appointed as representatives on Schools Governing Bodies.

Recommendation 22

A comprehensive review of the role of a councillor role and the time commitment required to fulfil it should be undertaken by the Independent Remuneration Panel in the course of their fundamental review of Members' Remuneration this year.

Possible Response:

The Independent Remuneration Panel have already carried out extensive research in this area indicating that the average time commitment was approximately 25 hours per week.

Recommendation 23*

Local authorities should consider ways in which time commitments for councillors and cost burdens for local authorities can be reduced, for example through the use of video conferencing facilities, remote voting and paperless working. In addition, One Voice Wales, the WLGA and the Welsh Assembly Government should jointly consider how to promote greater use of ICT by community and town councils.

Possible Response:

Local Authorities cannot use video conferencing and remote voting for decision making meetings without changes in legislation. It is agreed however that IT provision needs to be kept under review to ensure that it properly serves Members.

Recommendation 24

The WLGA should develop an employer's pack in conjunction with employer organisations which sets out the benefits to supporting employees who wish to become, or are, councillors. The pack could include examples of good practice.

Possible Response:

We understand that WLGA is looking at the possibility of producing a Councillor pack.

Recommendation 25

Consideration should be given to how public sector employers can be encouraged to actively support employees to participate in public life and whether it is possible to use procurement to achieve the same outcome amongst private sector employers.

Possible Response:

The County Borough Council looks forward to the WLGA census in 2010 in order to determine the employment background of Councillors and enable the Association to form a view about bars to public sector staff becoming Councillors.

Recommendation 26

Guidance should be issued to local authorities to encourage them to put in place policies for maternity, paternity (including adoptive) and caring leave for councillors. Similarly, policies for time management, including cover in periods of absence, flexible working and support should be developed.

Possible Response:

It is assumed that this recommendation is addressed to the Welsh Assembly Government. The nature of the recommendation is not entirely clear. Members who have to absent themselves from meetings where decisions are made are usually covered by other Members with little difficulty.

Recommendation 27

The forthcoming consultation being conducted by the Independent Remuneration Panel on a review of councillors' allowances should engage members of the public in a meaningful way, possibly through the use of a Citizens Panel.

Possible Response:

This is a matter for the Independent Remuneration Panel.

Recommendation 28*

Councils should be required to undertake a bi-annual survey of members in order to identify their support needs. This survey should be reported to full council and shared with the WLGA.

Possible Response:

Issues such as this should be left to individual Councils to determine. It is recognised however that regular assessments should take place.

Recommendation 29

Investors in People UK should ensure that the Investor in People Standard assesses a council's commitment to developing their councillors as well as their employees. Investors in People status should only be awarded to councils who have been successful in being awarded the Wales Charter for Member Support and Development

Possible Response:

If accepted this would tie Members into the IIP process and could potentially mean that IIP will not be gained by certain functions or authorities until such time as Members have also gone through the IIP process.

Recommendation 30*

All local authorities should ensure that training and development opportunities are available to their elected members and ensure that consideration is given to ways in which these programmes can be delivered in a way which minimises the time commitment required for members. The development of training packages should be done in association with community and town councils, whose councillors could also benefit from training and development opportunities.

Possible Response:

Agreed subject to the comment that Town and Community Councils need specific training in their own functions rather than the functions of the Principal Authorities.

Recommendation 31

The WLGA should consider the development of accredited training which could be taken up by councillors on a voluntary basis.

Possible Response:

This is a matter for the WLGA.

Recommendation 32

Consideration should be given to allocating some funding, with an appropriate audit mechanism attached, to individual councillors through the remuneration framework to allow members to meet some support needs. This could be explored further by the Independent Remuneration Panel.

Possible Response:

The Council will await the outcome of the Independent Remuneration Panel report which has been subject to consultation in looking at support for Members.

Recommendation 33*

Councils should consider the needs of individual members when determining what technological support is provided. In doing this they should be mindful of addressing the specific need for councillors to combine their role with other commitments.

Possible Response:

Agreed subject to clarification of the meaning of the second sentence in the recommendation.

Recommendation 34

The WLGA should issue guidance to local authorities in consultation with the Equality and Human Rights Commission on meeting their obligations to councillors in respect of the equality enactments and councils should be encouraged to provide support over and above their statutory obligations as a way of encouraging the recruitment and retention of under-represented groups. All councillors should be offered an assessment which would identify any accessibility needs, language support requirements or caring needs. Local Authority Members support officers should in conjunction with the individual councillor and where appropriate party group officers draw up a plan to identify how these needs can be met.

Possible Response:

The Members training on the Code of Conduct deals with equality and human rights issues.

Recommendation 35

Political parties should ensure that support for councillors extends beyond candidacy and should consider ways in which mechanisms for supporting their councillors can be developed.

Possible Response:

This is a matter for the political parties.