

Section 3 – Statutory Guidance

Timing of Council Meetings Statutory Guidance

Status of this Guidance

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

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

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. 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.

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 includes their frequency and length.

Reviewing existing arrangements

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.

For many prospective 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)).

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.

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 way as they always have 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.

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, with the advent of five year terms it would be prudent to consider an increase in this frequency to accommodate changes in circumstances that may accrue during that period.

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. 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 within three months of ordinary elections. It will then be for each authority to decide on the regularity of such surveys.

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

- Whether daytime or evening meetings are preferred.
- Whether meetings are to be 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.

When considering the results of the survey, 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.

Training, Development and Support for Local Authority Members Statutory Guidance

Status of this Guidance

This is statutory guidance made under Section 7(4) of the Local Government (Wales) Measure 2011 (the Measure), section 38 of the Local Government Act 2000 and section 71 of the Government of Wales Act 2006.

Purpose

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. The guidance relates to matters local authorities must take into account in securing reasonable training and development opportunities for its members as required by section 7 of the Measure.

What the Measure requires

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.

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.

In relation to these functions, a local authority is under an obligation to have regard to guidance issued by Welsh Ministers.

Guidance Reasonable Training and Development Opportunities

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.

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 councils interact with and

Therefore it is essential that councils have a 'living definition' of what constitutes reasonable training and development needs for the purposes of section 7 of the Measure which is regularly and frequently kept under review, most likely by the democratic services committee. 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.

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 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 expected standards and the code of conduct (which might form part of an induction but may also be considered for regular 'refresher' training);
- 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 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 councillors' substantive work, to make learning opportunities more practically relevant. Training can be sourced and delivered in-house, or with the support of external individuals or organisations.

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 have regard to material produced by the WLGA, in particular the Wales Charter (and Advanced Charter) for Member Support and development

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.

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.

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.

Annual Review

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 are identified by such reviews.

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).

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.

In achieving the standard required for the Charter, local authorities will need to adopt role descriptions for the posts of leader, deputy leader, executive member, scrutiny member, chair of scrutiny and chairs of statutory and area committees. The descriptions could be used as a guide as to the skills required by the relevant member.

The review is an assessment of training and development needs. 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.

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

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.

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.

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.

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.

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.

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

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

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.

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.

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.

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.

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).

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.

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 information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

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.

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 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.

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.

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.

Councillors' Research Services Statutory Guidance

Status of this Guidance

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

Councillors who are part of the executive or cabinet have the benefit of working closely with officers of the council and have ready access to information and professional support. However, in order to undertake their roles effectively all elected members should be able to access a range of information and support, including help to research issues which are impacting on their communities or with which they are involved through their role on the council. The information should be accurate and well-researched and include financial, legislative and statistical information. Councils must therefore ensure that all councillors have access to research services to carry out their roles.

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.

Support for Research

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.

The proportionate use of research services 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.

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.

The aim of members' research services should be to provide resources to assist backbench councillors and their staff to support 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.

Role of Councillors Research Services

Tasks that a research service could carry out 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.

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.

However, there is a risk of members feeling swamped with information so the DSC and HDS should consult and involve members to shape and regularly review the usefulness and effectiveness of the services provided.

Benefits

The benefits of centralised 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

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.

As such councils should:

- Frame 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.

Councils should consider alternatives to private sessions of committees where the opportunity exists – for example, by re-framing reports or planning discussions in such a way that removes the need for confidential matters to be discussed. Frequently, however, such workarounds will be impossible. 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.

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.

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