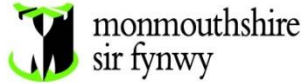


# Public Document Pack



Neuadd y Sir  
Y Rhadyr  
Brynbuga  
NP15 1GA

County Hall  
Rhadyr  
Usk  
NP15 1GA

Tuesday, 17 September 2024

Dear Councillor

## CABINET

You are requested to attend a **Cabinet** meeting to be held at **Steve Greenslade Room, County Hall, Usk** on **Wednesday, 25th September, 2024, at 4.30 pm.**

## AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Consultation Response - Extension of job share provisions for elected members of principal councils to non-executive roles 1 - 24

Division/Wards Affected: All

Purpose: To approve the Council's response to the Welsh Government's consultation on the extension of job share provisions for elected members of principal councils to non-executive roles.

Author: John Pearson, Local Democracy Manager (Head of Democratic Services)

Contact Details: [johnpearson@monmouthshire.gov.uk](mailto:johnpearson@monmouthshire.gov.uk)

4. CALL IN OF THE HOME TO SCHOOL TRANSPORT POLICY 2025-26 25 - 32

Division/Wards Affected: All

Purpose: To provide Cabinet with the opportunity to re-consider the decision taken by Cabinet on September 11th concerning the proposed changes to distance eligibility criteria within the proposed Home to School Transport Policy for 2025-26. This follows the call-in of the decision and the subsequent recommendation of the People Scrutiny Committee to refer the matter back to Cabinet.

Author: Matthew Gatehouse, Chief Officer – People, Performance and Partnerships

Contact Details: [matthewgatehouse@monmouthshire.gov.uk](mailto:matthewgatehouse@monmouthshire.gov.uk)

Yours sincerely,

**Paul Matthews**  
**Chief Executive**

### CABINET PORTFOLIOS

County Councillor	Area of Responsibility	Ward
Mary Ann Brocklesby	<p><b>Leader</b> Lead Officer – Paul Matthews, Matthew Gatehouse</p> <p>Whole Authority Strategy and Direction Whole authority performance review and evaluation Relationships with Welsh Government, UK Government and local government associations Regional Relationships with City Regions and Public Service Board Strategic Procurement Local Food production and consumption, including agroforestry and local horticulture</p>	Llanelly
Paul Griffiths	<p><b>Cabinet Member for Planning and Economic Development Deputy Leader</b> Lead Officer – Frances O’Brien</p> <p>Economic Strategy Local development plan and strategic development plan including strategic housing sites Homelessness, affordable housing delivery and private sector housing (empty homes, leasing scheme, home improvement loans, disabled facilities grants and adaptive tech) Supporting Town Centres including car parking and enforcement Development Management and Building Control Skills and Employment Broadband connectivity</p>	Chepstow Castle & Larkfield
Ben Callard	<p><b>Cabinet Member for Resources</b> Lead Officers – Peter Davies, Frances O’Brien, Jane Rodgers</p> <p>Finance including MTFP and annual budget cycle Benefits Human resources, payroll, health and safety Land and buildings Property maintenance and management Emergency planning</p>	Llanfoist & Govilon

Martyn Groucutt	<p><b>Cabinet Member for Education</b> Lead Officers – Will McLean, Ian Saunders</p> <p>Early Years Education All age statutory education Additional learning needs/inclusion Post 16 and adult education School standards and improvement Community learning Sustainable communities for learning Programme Youth service School transport</p>	Lansdown
Ian Chandler	<p><b>Cabinet Member for Social Care, Safeguarding and Accessible Health Services</b> Lead Officer – Jane Rodgers</p> <p>Children’s services Fostering &amp; adoption Youth Offending service Adult services Whole authority safeguarding (children and adults) Disabilities Mental health and wellbeing Relationships with health providers and access to health provision</p>	Llantilio Crossenny
Catrin Maby	<p><b>Cabinet Member for Climate Change and the Environment</b> Lead Officer – Frances O’Brien, Ian Saunders</p> <p>Decarbonisation Transport planning, public transport, highways and MCC fleet Active travel Waste management, street care, litter, public spaces, and parks Pavements and back lanes Flood alleviation, management and recovery Countryside, biodiversity, and river health</p>	Drybridge
Angela Sandles	<p><b>Cabinet Member for Equalities and Engagement</b> Lead Officers – Frances O’Brien,, Matthew Gatehouse, Jane Rodgers, Ian Saunders</p> <p>Community inequality and poverty (health, income, nutrition, disadvantage, discrimination, isolation and cost of living crisis) Citizen engagement and democracy promotion including working with voluntary organisations Citizen experience - community hubs, contact centre, and customer service and registrars, communications, public relations and marketing Leisure centres, play and sport Tourism Development and Cultural strategy</p>	Magor East with Undy

	Public conveniences Electoral Services and constitution review Ethics and standards Welsh Language Rights of way Trading Standards, Environmental Health, Public Protection, and Licencing	
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# Aims and Values of Monmouthshire County Council

## Our purpose

To become a zero-carbon county, supporting well-being, health and dignity for everyone at every stage of life.

## **Objectives we are working towards**

- Fair place to live where the effects of inequality and poverty have been reduced;
- Green place to live and work with reduced carbon emissions and making a positive contribution to addressing the climate and nature emergency;
- Thriving and ambitious place, where there are vibrant town centres and where businesses can grow and develop
- Safe place to live where people have a home where they feel secure in;
- Connected place where people feel part of a community and are valued;
- Learning place where everybody has the opportunity to reach their potential

## Our Values

**Openness.** We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

**Fairness.** We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

**Flexibility.** We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

**Teamwork.** We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.

**Kindness:** We will show kindness to all those we work with putting the importance of relationships and the connections we have with one another at the heart of all interactions.



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<b>SUBJECT:</b>	<b>Consultation Response extension of job share provisions for elected members of principal councils to non-executive roles</b>
<b>MEETING:</b>	<b>CABINET</b>
<b>DATE:</b>	<b>25 September 2024</b>
<b>DIVISION/WARDS AFFECTED:</b>	<b>All</b>

## 1. PURPOSE

- 1.1 To approve the Council's response to the Welsh Government's consultation on the extension of job share provisions for elected members of principal councils to non-executive roles.

## 2. RECOMMENDATIONS

- 2.1 That Cabinet approve the consultation response at Appendix 2.

## 3. KEY ISSUES

- 3.1 The Local Government and Elections (Wales) Act 2021 introduced provisions that enabled two or more members to jointly share a Cabinet role.
- 3.2 It was introduced to support diversity in those standing for election and encourage more people to undertake senior positions in the Council by enabling them to balancing the work of being a member of Cabinet alongside other responsibilities.
- 3.3 Since the Local Government elections in May 2022 there have been two instances of job sharing within the executive, with the roles of Cabinet Member for Engagement and Equalities and Cabinet Member for Resources being shared during the current term.
- 3.4 Welsh Government have launched a consultation in relation to proposals to expand the current job sharing provisions. A copy of Welsh Government's consultation document is attached at Appendix 1 of this report. The proposals seek to extend the job sharing provisions beyond Cabinet to include the following non-executive roles, all of which are entitled to a senior responsibility allowance in accordance with the determination of the Independent Remuneration Panel for Wales:
  - chair of a council
  - vice-chair of a council
  - presiding member of a council
  - deputy presiding member of a council

- chair of a committee or sub-committee of a council
- vice-chair or deputy chair of a committee or sub-committee of a council
- deputy mayor in a mayor and cabinet executive

3.5 The consultation seeks responses to five specific questions and also provides an opportunity to add any additional comments in relation to relevant matters which are not specifically addressed.

3.6 A draft response has been prepared by the Head of Democratic Services and is attached at Appendix 2 of this report. The Council's constitution requires Cabinet to agree responses to consultations from Welsh Government.

3.7 If the attached consultation response is approved by Cabinet, it will be submitted by the Head of Democratic Services by the deadline of 4<sup>th</sup> October 2024.

#### **4. EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING)**

4.1 N/a

#### **5. RESOURCE IMPLICATIONS**

5.1 n/a

#### **6. CONSULTEES**

Chief Officer, Law & Governance (Monitoring Officer)  
Cabinet Member for Equalities

#### **7. Background Papers**

Appendix 1 – Welsh Government Consultation Document  
Appendix 2 – Draft Consultation Response

#### **8. AUTHOR**

John Pearson, Local Democracy Manager

#### **9. CONTACT DETAILS**

E-mail: johnpearson@monmouthshire.gov.uk



Llywodraeth Cymru  
Welsh Government

PUBLICATION, DOCUMENT

# Consultation on the extension of job share provisions for elected members of principal councils to non-executive roles

We want your views on proposed changes to extend job sharing arrangements for elected members in principal councils to include non-executive roles.

First published: 12 July 2024

Last updated: 12 July 2024

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/consultation-extension-job-share-provisions-elected-members-principal-councils-non-executive-roles> for the latest version.

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## Supporting diversity

Local councils are responsible for a wide range of services and matters. The decisions councils make can impact on both individuals and the whole community, this means it is vital all groups and voices are represented and heard as part of our democratic system.

For the purposes of this consultation document, reference to a "council" is to a principal council (i.e. a county or county borough council in Wales) and a reference to a "councillor" is to a member of a principal council.

To support diversity of representation on our councils, the Welsh Government is committed to tackling the barriers which prevent an individual's active participation in local democracy through elected office. Diversity in decision makers is critical to effective decision making as diverse groups bring a range of backgrounds, perspectives and experiences, which reflect the needs of the wide range of citizens they serve.

We have already put in place a range of measures to support diversity amongst councillors including enabling the use of multi-location or hybrid meetings, introducing family absence, reissuing guidance on the support that should be provided to councillors, and implementing a pilot Access to Elected Office Fund to support disabled people wishing to stand for election.

## Job-sharing for councillors in local government

The term job-share in many ways is self-explanatory. It is an approach which enables one role to be shared by 2 or more, but usually 2 individuals. The job-share partners will undertake the same role, share the remuneration for the role on the basis of the time commitment for the role, usually on a 50/50 basis but

this can be divided differently depending on the agreement between the job-share partners. While responsibilities for the role are shared, often each person has responsibility for specific aspects of the role.

Welsh Ministers recognise the opportunity to support diversity offered through job sharing and how this could enable more people to participate in local democracy. This is why the Local Government and Elections (Wales) Act 2021 (“the 2021 Act”) made provisions for job-sharing by executive members as a means of supporting greater diversity in some of the most senior elected roles in local government. The 2021 Act provides for this to be extended to other senior roles held by councillors such as chairs of committees.

Many councillors find it difficult to balance the demanding role of being a councillor with the personal responsibilities of caring for loved ones as well as other commitments. The challenges of the role, the sensitivities of many of the activities undertaken and the increasing expectation of the public that councillors are ‘on duty’ 24 hours a day, 7 days a week can prevent individuals from giving serious consideration to becoming a councillor.

The Welsh Government undertook a **programme of research** to find out more about the role of councillors in Wales, their remuneration and experiences of citizen engagement. Key points made by councillors about their workload were as follows:

- Around two-fifths of principal councillors (44%) said they spent 31 hours or more per week undertaking council business.
- Of these figures, a quarter of principal councillors (25%) indicated that they worked more than 40 hours each week.
- Two-thirds (66%) said they were available 24 hours a day, 7 days a week, with only 4% of respondents stating they had set times during which they could be contacted by constituents.
- Principal councillors emphasised their day-to-day role and workload varied considerably each week, depending on the nature of the work they were

involved in (for example, attending formal council and committee meetings, dealing with casework and engaging with constituents) and the type of roles they held within the council.

- A particular concern was the increasing workload and time commitments that the role demanded, with many finding it increasingly difficult to maintain a distinction between their council role and private life.
- Respondents also noted that it was becoming increasingly difficult for councillors to sustain their work commitments alongside full-time employment.

Implementing Job-sharing is not without its challenges and issues such as: potential duplication of work, additional time spent in planning the division of workload or meetings; and possibility of poor communication or relationship between job-share partners need to be taken into account. It is also possible that despite sharing the same political background/party, job-sharers may have different views on certain specific issues.

However, feedback from councillors who are or have been job-sharers in executive roles suggest that such disadvantages would be outweighed by the benefits as it offers opportunities to promote greater diversity, flexibility, and collaboration that better services the interests and needs of the communities. The following are some of the benefits identified from our discussions:

- Increased diversity and representation: Job-sharing can attract a more diverse pool of candidates for senior roles, as it can accommodate individuals with varying schedules, responsibilities, and backgrounds.
- Broader skill set: 2 individuals with different strengths and areas of expertise can complement each other in a job-sharing arrangement.
- Enhanced work-life balance: senior elected council positions can be demanding and time-consuming. Job-sharing allows individuals to balance their responsibilities with other commitments, such as family, work, or personal pursuits.
- Breaking down barriers for those people who would not ordinarily think of

this as a viable role for them to apply for due to time-commitment.

- Continuity and consistency: In cases where one councillor needs to take a temporary leave of absence (due to illness, family matters, etc.), the other councillor can ensure continuity and prevent disruptions in the council's functioning.
- Diverse perspectives and solutions: With 2 individuals in a job-sharing arrangement, there is a greater likelihood of considering a wider range of perspectives and ideas. This can lead to more creative and inclusive decision-making.
- Skill development and learning opportunities: Job-sharing can provide a unique learning experience for both individuals involved. They can learn from each other, develop new skills, and broaden their understanding of wide variety of issues.

## Executive job-share arrangements

The 2021 Act included provisions to address several specific issues about the practical arrangements for job-share partnerships. These included voting arrangements in cabinet, quorum arrangements for meetings where job-share partners attended and rules about the number of cabinet members permissible when cabinets included job-share arrangements.

Since removing the barriers to job-share arrangements within council executives, several councils have put job-share arrangements in place. We would welcome your thoughts on how this has operated so far and whether anything further could be done to support councils wishing to put this kind of job-share arrangement in place.



## Standing for election as a job-share partnership

During the passage of the 2021 Act, there was some support for legislating to allow job sharing for all councillors i.e. a job sharing on the ballot paper. This is a complex matter for which it was recognised further work was needed to fully understand the issues that could arise. As a result, this aspect of job-sharing is not considered further in this consultation but will be the subject of a more detailed consultation in the future.

## Extension of job-sharing to non-executive roles

Section 60 of the 2021 Act provides for Welsh Ministers to make regulations to facilitate changes to the legislation to remove the barriers for job-share partners to hold a range of non-executive roles. The Act also makes provision for Welsh Ministers to issue guidance in respect of this matter and that where guidance is issued principal councils must have regard to it. The relevant non-executive roles are:

- chair of a council
- vice-chair of a council
- presiding member of a council
- deputy presiding member of a council
- chair of a committee or sub-committee of a council
- vice-chair or deputy chair of a committee or sub-committee of a council
- deputy mayor in a mayor and cabinet executive

In light of the experience to date with executive arrangements, we have identified some areas which require further consideration, and we would be grateful for your views about these matters.

## Member voting

It is proposed that job-sharers for all of the roles identified in section 60 of the 2021 Act will have one vote between them, as is the case with executive arrangements (para 2B(2) of Schedule 1 to the Local Government Act 2000).

Where job-sharers attend a meeting in a non-executive role listed in paragraph 15, it is further proposed that they together count only as one person for the purpose of determining quorum (as is the case with executive arrangements - para 2B(3) of Schedule 1 to the Local Government Act 2000).

In executive roles, where job-sharers are unable to agree a position upon which a vote is held, the votes of the job-sharers do not count towards the vote. This applies only in circumstances where the job-sharers are voting on an issue as part of their cabinet role. When voting on other matters e.g., as part of a full council vote, each councillor is entitled to an individual vote. These arrangements are set out in the statutory guidance which supports the legislative provisions for executive job share arrangements. We intend to adopt this same approach in guidance to support non-executive job share arrangements. This would only apply in circumstances where a councillor is voting on a matter as part of a job-share arrangement in one of the specified posts set out under the [Extension of job-sharing to non-executive roles](#) section.

There is, however, a particular issue which requires consideration in respect of situations where a chair of a committee is operating on a job-share basis and the job-share partners are unable to agree on a position to take when voting. In these circumstances, we propose where there is a vice chair, they assume the responsibility for the casting vote. In the event there is no vice chair, the Chairs are required to vote against the proposal. We intend to include this approach in guidance to principal councils.

## Political balance of committees

Councils conduct much of their business through committees. The law requires most of the committees are 'politically balanced'. The Local Government (Committees and Political Groups) Regulations 1990 as amended by The Local Government (Committees and Political Groups) (Amendment) (Wales) Regulations 2014 makes provisions for these arrangements. Statutory and non-statutory guidance on democracy within principal councils, issued by the Welsh Ministers in July 2023, explains the detail of these arrangements. The key matter is that the seats on each committee reflect the political make-up of the council, so if a party or independent group had 40% of the seats on the full council, it will be allocated 40% of the seats on each committee of the council which the law requires to be a 'politically balanced' committee.

As job-share arrangements operate on the basis that those operating under a job-share basis are equal to one role and one vote, the political balance arrangements should not be impacted by job-share arrangements. However, there could be an impact on the political balance arrangements if job-share partners were appointed to roles from different parties. Careful consideration would need to be given to the political balance calculations if this were to be the case and agreed by all parties prior to the arrangement being confirmed. It is not expected that these circumstances would arise, except in rare cases, as it is anticipated most non-executive roles would be shared by persons from the same political group.

## Proposed action

Welsh Ministers propose to make regulations and to issue guidance in support of the regulations to facilitate the extension of job-sharing to non-executive members of principal councils to non-executive roles as set out under the

[Extension of job-sharing to non-executive roles](#) section.

# Local Government and Elections (Wales) Act 2021

## Impact of proposals

The facilitation of job-share arrangements for executive roles has been welcomed, the intention is to extend this flexibility and to encourage greater diversity in non-executive roles as a result. We hope the planned change to allow for non-executive member of councils to job-share roles will have a positive impact on diversity by allowing more people who may not otherwise have had sufficient time available due to other commitments (such as caring responsibilities) to take up senior roles in local government.

It is hoped the proposals will also have a positive impact on well-being of members with regards to work/life balance and having sufficient time for any family commitments. There may also be a positive impact on councils as organisations, as job-sharing may provide opportunities for coaching members into new roles and for succession planning of positions.

## Consultation questions

### Question 1

We would be interested in any observations/comments you may have on the operation of job-share arrangements within executive roles within councils in Wales.

## Question 2

Do you agree with the proposed approach for the voting arrangements for non-executive job-share partners and that the details of the approach should be set out in guidance?

## Question 3

Do you agree that under normal circumstances job-share arrangements should not impact upon the political balance of committees?

## Question 4

Do you agree that in those cases where a job-share is made up of partners from different parties, the approach to calculating the membership of the committee should be agreed by all parties?

## Question 5

We would like to know your views on the effects the proposed change would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

- What effects do you think there would be?
- How could positive effects be increased, or negative effects be mitigated?

## Question 6

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

## How to respond

Submit your comments by 4 October 2024, in any of the following ways:

- complete our [online form](#)
- download, complete our [response form](#) and email [lgpolicy.correspondence@gov.wales](mailto:lgpolicy.correspondence@gov.wales)
- download, complete our [response form](#) and post to:

Local Government Democracy Team  
Third Floor East  
Welsh Government  
Cardiff  
CF10 3NQ

## Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'

- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please **tell us**.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

## Data Protection Officer

Data Protection Officer  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

E-mail: [data.protectionofficer@gov.wales](mailto:data.protectionofficer@gov.wales)

## Information Commissioner's Office

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Telephone: 01625 545 745 or 0303 123 1113

Website: [ico.org.uk](https://ico.org.uk)

## UK General Data Protection Regulation (UK GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data. In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation. If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.



## Further information and related documents

Number: WG50255

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Welsh Government

PUBLICATION, DOCUMENT

# Consultation on the extension of job share provisions for elected members of principal councils to non-executive roles

We want your views on proposed changes to extend job sharing arrangements for elected members in principal councils to include non-executive roles.

**First published:** 12 July 2024

**Last updated:** 12 July 2024

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# Consultation questions

## Question 1

We would be interested in any observations/comments you may have on the operation of job-share arrangements within executive roles within councils in Wales.

The ability of Cabinet members to share a portfolio role has enabled greater flexibility for those members to balance their work as a Cabinet member with other responsibilities. This has a positive impact on diversity by creating opportunities for individuals who may not otherwise have had sufficient time to devote to a role on the executive due to other commitments. Further, allowing a Cabinet role to be shared by more than one individual, allows a wider range of knowledge and experience to be utilised.

However, in smaller authorities, an increased number of executive members may cause workload management issues for non-executive members in relation to other committee work. For example, Cabinet members are unable to sit on Scrutiny Committees, and there are restrictions set out within existing legislation relating to executive membership of other committees. Therefore, where more members are part of the executive due to job sharing arrangements, this could increase the workload of non-executive members and impact upon attendance levels across committee meetings.

Members with experience of undertaking job sharing roles in the executive would have benefited from training and clearer guidance on how to share the responsibilities of the post and ensure that the role is divided equally between those members.

## Question 2

Do you agree with the proposed approach for the voting arrangements for non-executive job-share partners and that the details of the approach should be set out in guidance?

It is agreed that the approach to voting arrangements in respect of non-executive job share partners should be set out in guidance. However, consideration should be given to the fact that there may be certain implications for committees which do not arise in relation to current job sharing arrangements for executive members. For example, executive members are more likely to be from one political party, and the discounting of votes where there is a divergence of opinion between job sharing partners, is less likely to affect the outcome of a decision than at other committees which are subject to political balance requirements and are therefore made up of

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members from a number of political groups or independent members.

Consideration should also be given to the potential consequences of the proposal that Chairs be required to exercise their casting vote against a proposal where there is no agreement between job share partners. This has potentially significant implications for quasi-judicial committees in particular, such as Licensing Committee or Planning Committee, where mandating that a vote be cast a particular way, could lead to unintended results, including unlawful decisions being made leading to the Council facing legal, reputational and financial consequences.

### Question 3

Do you agree that under normal circumstances job-share arrangements should not impact upon the political balance of committees?

Yes. It is a legal requirement that committees are politically balanced in accordance with the requirements set out in s.15 Local Government and Housing Act 1989 'so far as is reasonably practicable'.

In most circumstances, where job share partners are from the same political group, there would be no impact on political balance calculations.

### Question 4

Do you agree that in those cases where a job-share is made up of partners from different parties, the approach to calculating the membership of the committee should be agreed by all parties?

Yes. Where job share partners are from different political groups, this could affect the ability to comply with political balance requirements, and we agree with the proposals that in those circumstances, there would need to be provision for cross party agreement prior to such arrangements being confirmed.

### Question 5

We would like to know your views on the effects the proposed change would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

- What effects do you think there would be?
- How could positive effects be increased, or negative effects be mitigated?

We do not consider that the proposed change have any implications for the Welsh language.

## Question 6

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

Consideration should be given to the impact of job sharing in relation vice chairs of the relevant committees in particular the following:

- Where the chair of a committee is subject to job sharing arrangements, vice chairs will have less opportunity to stand in as chair, and therefore less opportunity to develop those skills;
- Job sharing chairs will be entitled to a proportion of a senior responsibility allowance, whereas a vice chair, who will take on additional responsibility under these proposals by being required to exercise a casting vote in certain situations, will not be entitled to a proportion of the senior responsibility allowance.

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**SUBJECT: CALL IN OF THE HOME TO SCHOOL TRANSPORT POLICY 2025-26**  
**MEETING: Cabinet**  
**DATE: 25<sup>th</sup> September 2024**  
**DIVISION/WARDS AFFECTED: All**

## 1. PURPOSE:

- 1.1 To provide Cabinet with the opportunity to re-consider the decision taken by Cabinet on September 11th concerning the proposed changes to distance eligibility criteria within the proposed Home to School Transport Policy for 2025-26. This follows the call-in of the decision and the subsequent recommendation of the People Scrutiny Committee to refer the matter back to Cabinet.

## 2. RECOMMENDATIONS:

- 2.1 That Cabinet decides whether to reaffirm its decision taken on 11th September to approve the distance eligibility criteria in the Home to School Transport Policy in light of the comments made by the People Scrutiny Committee on 19<sup>th</sup> September.
- 2.2 That the points highlighted by the People Scrutiny Committee are used to inform the way in which future consultation exercises are carried out.

## 3. KEY ISSUES:

- 3.1 The Council's constitution gives scrutiny committees the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet. This is one of the ways in which the executive can be held to account. The committee has the option to:

- Accept the Cabinet decision; or
- Refer the matter back to the Cabinet with reasons; or
- Refer the matter to full Council for consideration with reasons.

- 3.2 On 19<sup>th</sup> September People Scrutiny Committee debated a call-in for the reasons:

*“Insufficient public consultation, which took place over the school holidays preventing many families from expressing their views.”*

- 3.3 A draft note of the meeting is attached as appendix 1. This has not yet been approved by the committee as a formal minute of proceedings. The original paper considered by Cabinet is contained as a link within the background papers of this report and a full recording of the meeting is available on YouTube to allow Cabinet members to fully appraise themselves of the views of the committee prior to reconsidering the decision.

- 3.4 The committee focussed, in particular, on the length/timing of the consultation. The example of Rhondda Cynon Taff was cited as good practice that could be learnt from.

It was recognised that there were more responses to the consultation than previous ones. The committee suggested that this might be due to the scope of the changes.

3.5 There were also concerns about whether the questions were clear, but officers assured the committee that parents found the consultation easy to understand and engage with. Explanations and reassurances were given about when safe walking route assessments would take place, though there are still concerns about them among members. The Cabinet Member agreed to share the legal advice from the Monitoring Officer with members regarding the decision to change the date of the consultation. There was a suggestion that changes could be delayed to the next academic year.

3.6 Following a vote the committee agreed to refer the decision back to Cabinet.

#### **4.0 EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING):**

4.1 A full impact assessment was conducted as part of the original recommendation made to Cabinet.

4.2 The evaluation has highlighted the complexities of the provision of home to school transport including its substantial impact on resources, its impact on climate change and the need to continually evaluate provision to respond to changing social, economic, legislative and environmental needs. It is apparent that any reduction in the current provision will negatively impact on both existing and future users of the service as there is an expectation that the Council will continue to provide a service which exceeds its statutory functions.

4.3 There is particular concern that the proposed reversion to statutory distance eligibility criteria will disproportionately impact Welsh medium education. The current data and evidence does not support this supposition as of the 300 23-24 home to school transport users that would be impacted by this proposal only 10 of them are attending Welsh medium education. It is acknowledged however that the distance criteria may impact future decisions if parents can choose a closer English medium school. The proposals may also result in increased hardship or logistic difficulties for working families or those who are unable to access transport. If parents have evidenced medical needs that prevent them from accompanying primary aged learners to walk to school they are able to apply for discretionary transport. Similarly, learners who have evidenced medical conditions that prevents them from walking to school can also apply for discretionary transport.

4.4 There is the potential that carbon emissions will increase if all parents choose to drive their children to school, however this will be offset by a reduction in home to school vehicle movements which are predominantly diesel and highest emitters of carbon emissions.

4.5 The full integrated impact assessment can be viewed [here](#).

#### **5. EVALUATION CRITERIA**

5.1 As set out in the original report.

#### **6. REASONS:**

6.1 To reconsider the Cabinet's decision in line with the recommendation of the People Scrutiny Committee.

**7. RESOURCE IMPLICATIONS:**

- 7.1 As set out in the original report to Cabinet The forecast cost for the provision of mainstream home to school transport for the financial year 24-25 is £5,726,603 against a budget allocation of £5,125,025. The budget allocation for ALN transport is £2,451,243 and the annual expenditure forecast is currently being prepared.
- 7.2 If option 1 and 2 from the original report are implemented with no legacy protections, revenue savings of circa £665,000 could be realised. If option 3 is adopted this would enable the Council to work with willing parents to reduce the potential cost burden where personal transport budgets are adopted

**8. CONSULTEES:**

Chief Officer People, Performance and Partnerships

**9. BACKGROUND PAPERS:**

[Cabinet Report – 11<sup>th</sup> September 2024](#)  
[Call-In Request](#)

**10. AUTHOR:**

Matthew Gatehouse, Chief Officer – People, Performance and Partnerships

**11. CONTACT DETAILS:**

Tel: 0778 555 6727

E-mail: [matthewgatehouse@monmouthshire.gov.uk](mailto:matthewgatehouse@monmouthshire.gov.uk)

## People Scrutiny Committee 19<sup>th</sup> September 2024

Note: the following draft minutes focus on the challenge from members – for the full discussion, the recording of the meeting at

[www.youtube.com/watch?v=JyNJK3WKXB4&list=PLlmqn4nAaFJCbj\\_Cu0DbhGQkCrLYK7xM](https://www.youtube.com/watch?v=JyNJK3WKXB4&list=PLlmqn4nAaFJCbj_Cu0DbhGQkCrLYK7xM)

The minutes has not been formally approved by the Committee and should be read as a draft note of the meeting.

### Attendance

#### **Members:**

Laura Wright, Jackie Strong, Jan Butler, Maureen Powell, Chris Edwards, Sue Riley, Emma Bryn, John Crook, Louise Brown, Lisa Dymock, Phil Murphy, Tony Kear, Martyn Groucott

#### **Officers:**

Debra Hill-Howells, Will McLean, Frances O'Brien, Matthew Gatehouse, Robert McGowan

#### **1. Apologies for Absence.**

Peter Strong, with John Crook substituting. Penny Jones, with Louise Brown substituting. Simon Howarth, with Emma Bryn substituting.

#### **2. Declarations of Interest.**

None.

#### **3. Call-In of the decision by Cabinet of 11<sup>th</sup> September 2024 regarding the Home To School Transport Policy 2025-26.**

Members who requested the decision be called-in were asked to speak first, outlining their reasons for doing so.

#### **Councillor Dymock:**

Councillor Dymock stated that the consultation on the proposed changes was poorly timed and did not adequately inform or engage affected families as it took place in the summer holidays, when families are not in their usual routines. This reduced significantly the likelihood that parents or guardians would have had the time to engage fully with the process, and many families might not have even been aware that the consultation was taking place.

She noted that the Cabinet Member discussed the timing at the last meeting of People Scrutiny and referred to the general election as the reason for delay, but Rhondda Cynon Taf ran its consultation from 27<sup>th</sup> November 2023 to 8<sup>th</sup> February 2024, and it was extended by 3 weeks to give more people the chance to participate – she asked why MCC did not do the same. She suggested that the outreach was limited, with only 411 responses and 11 emails received – a low response rate that raises serious concerns about the sufficiency of the Council's outreach efforts, especially in regard to rural families. Many of these rely on school transport due to the lack of safe walking routes and limited public transport options; families therefore required detailed, localised information about how the proposed changes would affect specifically, but there was a lack of granular detail about the communities and individuals who would be affected, making it difficult for

families to fully grasp the consequences of the policy changes' implications – without this, many parents would not have been able to make informed contributions to the consultation or fully appreciate the potential impact on their children's daily lives.

Councillor Dymock sought clarity as to whether the Equality Impact Assessment was published at the same time as the consultation; if not, she argued this would have limited the ability of respondents to fully assess the implications of the proposals and would undermine the transparency of the consultation.

**Councillor Kear:**

Councillor Kear supported Councillor Dymock's comments. He asked if the Cabinet Member could advise who gave the legal advice regarding the timing of the consultation and whether that can be made available to members. **ACTION – to be shared with members**

**Councillor Murphy:**

Councillor Murphy highlighted safe walking routes as an example of the importance of proper consultation. He appreciated that the current numbers need consideration each year but fundamental routes, e.g. Caerwent-Caldicot, should have been identified. A resident whose children would be affected by the proposals informed Councillor Murphy that there is no safe walking route from Caerwent to Caldicot, with blind corners and a lack of pavement in some places – had the consultation been longer and at a more appropriate time, examples such as these, in which walking routes for children would be irresponsible, might have been put forward. This argument could surely be replicated in other parts of county.

Citing further examples of unsafe routes, Councillor Murphy asserted that work to adequately bring forward these measures should have been done sooner, as RCT did. Unsuitable routes would then have been discounted, relieving parents of their concerns. Not all parents would be able to transport children themselves. The need to save money was fully recognised, but the Councillor suggested that there must be a more considered process, and that bringing up such decisions so close to deadlines is unacceptable.

**Cabinet Member Martyn Groucott gave the following response:**

The Cabinet Member clarified that legal advice was given by the Council's Monitoring Officer, and reiterated the details of the consultation: this year, it took place between 12<sup>th</sup> July and 23<sup>rd</sup> August. 408 people completed the online survey and 11 emails were received. He noted that it had been planned to extend the consultation period, starting earlier: Cabinet considered this as early as 30<sup>th</sup> April, and plans were put in place for the consultation process to start on 3<sup>rd</sup> June, but the general election was announced on 22<sup>nd</sup> May, and the Monitoring Officer made it clear that the consultation could not proceed during that period. A strategy was therefore developed to enable a detailed and through consultation to be undertaken, despite not being able to extend its length. He asserted that the record number of responses received shows that although the consultation period was 6 weeks, shorter than planned, its effectiveness was greater than any previously held e.g. the consultation for 23-24 which ran between 5<sup>th</sup> August and 16<sup>th</sup> September 2022, for which 71 responses were received, and at which time People committee did not raise any concerns about the length or nature of the process, and there was no call-in. This year, despite the process being truncated by national politics, the consultation length was identical, and no objection was raised by People scrutiny.

The Councillor gave further details about this year's consultation: officers determined to ensure that every user of Home To School Transport was made aware of the consultation, particularly as important changes were being considered. Before breaking up for the summer, Headteachers made sure that all parents were aware of the consultation, which was followed by a monumental effort from officers to ensure its success:

every user was contacted personally, and the Comms team was very successful in a media blitz to ensure all communities were fully aware. Officers also undertook face-to-face meetings in each hub, and there were 12 articles in the 3 local newspapers. As a result, response to the consultation was dramatically better than any previously held, with 400+ completed responses – over 100 more than for the consultation over the council's budget, for example.

The Cabinet Member added further that another improvement was the use of social media. Material was put on Facebook and X on 16<sup>th</sup>, 19<sup>th</sup>, 22<sup>nd</sup>, 23<sup>rd</sup>, 28<sup>th</sup>, 30<sup>th</sup> and 31<sup>st</sup> July and 1<sup>st</sup>, 5<sup>th</sup>, 8<sup>th</sup>, 11<sup>th</sup>, 14<sup>th</sup>, 17<sup>th</sup>, 19<sup>th</sup>, 21<sup>st</sup> and 23<sup>rd</sup> August, for which there were nearly 60,000 views. A large-print version of the consultation was sent out by email, on request, ensuring that those with additional needs were part of the process. Involvement has therefore dramatically increased from consultations held previously. The Councillor stated that the evidence is therefore overwhelming that time for the process has not been reduced, though it would have been extended if circumstances had permitted. Officers' hard work in engaging the public and stakeholders through multiple channels resulted in the hugely improved response rate. Councillor Groucott concluded by saying that he could not accept, given the evidence of dramatically increased participation, that it can be reasonably argued that the consultation was ineffective and should have been changed, given the circumstances.

#### **Key Points from Members:**

- It was asked if members had had the opportunity to see the responses from the public in order to assess whether the consultation was done adequately. Officers responded that the Cabinet report provided statistics, but the full detail could be made available to members if they wished. In the survey, the public were given the opportunity to give comments through open questions but as it would have been impractical to include all 411 responses in the report, they were summarised around themes e.g. Welsh language, and respondents were asked what proposals they would put forward to make savings if they disagreed with the policy.
- A member expressed their opinion that consultations should take place in Spring, suggesting that increased responses in this instance might be due to the policy being a controversial one. She noted the example of one of her ward members having been unaware of the consultation, and a community councillor had expressed dissatisfaction with the timing and quality of questions. Officers expressed surprise that any users were unaware, with 3,173 emails having been dispatched on 12<sup>th</sup> July and a follow-up sent on 8<sup>th</sup> August to remind any who hadn't responded to do so.
- A member expressed their support for the Call-in and suggested that the consultation had failed two of the four Gunning principles, used as a guide for public engagement. The timing during the Summer holiday meant respondents would not have been around, and there would always be low engagement, as a result. He appreciated the dramatic rise in feedback from residents compared to other consultations but suggested this might reflect panic from respondents due to the timing and length of the consultation period. He proposed gaining an understanding as to why RCT's Monitoring Officer determined that they held their consultation between November 2023 and February 2024.
- Clarity was sought as to whether a school not being included in Appendix 1 meant that it was unaffected by the proposals. Officers confirmed that the appendix lists only those schools where a Home To School service is provided, and therefore those affected.
- The member asked for clarity as to whether Thornwell was affected. Officers responded that based on last year's figures, there was no-one affected at Thornwell. Because this policy would not take hold until September 2025, officers would not ask for safe walking assessments on routes that would not be

required next year. Route assessments will be undertaken but they will be based on current year applications once those have been assessed, which would include an assessment of Thornwell.

- Further explanation was requested for the timing of the assessments. Officers responded that the team will go through the data and ascertain which learners will still be with us from 1<sup>st</sup> September 2025, so those assessments can be undertaken. We will identify which learners will lose transport as a result of the policy, which learners are still with us, and any new applications we receive.
- Regarding the timing in relation to RCT's consultation, it was asked when MCC knew the relevant information and the decision was taken to consult later than the Spring. The Cabinet Member responded that the timing was based in part on historical precedent in this and the previous administration, though this could be changed in the future, and he reiterated that the plan had been to bring this consultation forward by several weeks. In addition, the consultation was undertaken in the Summer because the date of the policy's implementation would then not be as far away for parents who need to make the application, and if the window were longer between consultation and implementation there might even be new children moving into the county between those dates. Therefore, the Cabinet Member asserted that RCT is flawed in running its consultation so much earlier than the policy would start.
- A member expressed their appreciation for decisions that need to be made in light of the budget, but that Home To School Transport is one of the most important things that should be retained, and suggested that the policy being more of a drastic change than before might be why RCT consulted so much earlier. The member suggested that because the consultation did not take place earlier, the 24/25 policy should be retained for 25/26, especially as parents might not have understood the full implications of the proposals. Consultation could then run in the Spring when more information will be available.
- The member suggested further that this should come under the Education budget because of greater contact with schools and the input from Headteachers about the policy's implications.
- It was asked if assessing safe walking routes will be done by the Spring term so that parents have more time to go through the appeal process, if necessary. Officers responded that regarding timing, in order for members to have sufficient evidence and data to inform decisions, officers needed to ensure there was time to do that. The team is small, and its focus at the start of the year is assessing eligibility for the forthcoming school term. The timing was also determined so as not to conflate Home To School Transport with the budget consultation and its implications. Officers tried hard to ensure this be a standalone consultation, and that members and parents had all the information they needed to be able to respond properly. Any future consultations that are held earlier would need to be held when they would not be conflated with other discussions. It was highlighted that safe walking route assessments are carried out by independent road safety officers in the Highways team, and that there is no intention of putting learners in the position of walking unsafe routes.
- Regarding identifying cohorts and safe walking routes, it was asked how much notice could be given to parents. Officers responded that data from the current academic year will be looked at from the start of October. We will aim to contact parents who we think will be affected by the end of the current calendar year to make them aware.
- A member shared Councillor Murphy's concern about the Caerwent-Chepstow road and children's safety, but expressed their reassurance by the officers' comments about how seriously it would be taken by officers and the road safety assessment process.
- The Chair asked how targeted the social media campaign was. Officers responded that there was broad coverage, with efforts made to ensure a coordinated campaign to ensure anyone accessing Facebook or X would receive numerous notifications that there was an ongoing consultation. There were 2,123 views of the consultation page, from 1140 unique individuals, with a total of 59,526 views across the two

platforms. Targeting was not done via social media, but stakeholders were targeted by email, as explained above. It was also important to target those who may be parents or guardians in the future.

- In summing up on behalf of the call-in signatories, Councillor Murphy suggested that too much weight should not be given to online views. Ordinarily, the signatories would wish to refer the matter to full Council but given the short timeframe in which to do so before the statutory deadline of 1<sup>st</sup> October, in this instance they would recommend referring back to Cabinet for reconsideration.

#### **Chair's Summary:**

The committee expressed its appreciation to the officers for their hard work in conducting the consultation. The comments from the committee today focussed, in particular, on looking to the example of Rhondda Cynon Taf and the length/timing of its consultation, with a suggestion to have discussions with their officers about what might be learned for future consultations. It was noted that there were more responses to the consultation than previous ones, but that this might be due to the scope of the changes. A member suggested that partly because of this, perhaps the changes could be delayed to the next academic year. There were concerns about whether the questions were clear, but officers assured the committee that parents found the consultation easy to understand and engage with. Explanations and reassurances were given about when safe walking route assessments would take place, though there are still concerns about them among members. The Cabinet Member agreed to share the legal advice from the Monitoring Officer with members regarding the decision to change the date of the consultation.

The committee moved to a vote on one of the three options:

- 1) Accept the Cabinet's decision.*
- 2) Refer the matter back to Cabinet for re-consideration (with reasons).*
- 3) Refer the matter to Council for consideration.*

The committee voted unanimously for Option 2, to refer the matter back to Cabinet for reconsideration.