

Extract from Transcript of Petitions Committee Meeting 7 February 2012

Y Gweinidog Llywodraeth Leol a Chymunedau—Sesiwn Dystiolaeth Lafar The Minister for Local Government and Communities—Oral Evidence Session

[1] **William Powell:** Good morning, Minister. We are very grateful to you for sparing the time to join us this morning to consider the two petitions before us. I ask you to introduce your team, and then we will start the evidence session.

[2] **The Minister for Local Government and Communities (Carl Sargeant):** Good morning, Chair and committee. It is good to be back, although it is not that long since I was here last. I will ask my team to give their full names and titles, if that is helpful.

[3] **Ms Carter:** I am Debra Carter, head of local government finance and public service performance.

[4] **Mr Cuthbert:** I am Frank Cuthbert from the Welsh Government scrutiny, democracy and participation team.

[5] **William Powell:** A warm welcome to you all. We are here to consider two petitions this morning—P-O4-331 on the filming and recording of council meetings, and P-04-332 on local authority spending details over £500. On the filming and recording of council meetings, we previously issued a consultation and received a number of responses. We would like to go straight to questions, and Bethan has indicated that she would like to ask the first question.

[6] **Bethan Jenkins:** Beth yw barn **Bethan Jenkins:** What is the Welsh Llywodraeth Cymru ar ei gwneud yn Government's view on introducing a angenrheidiol yn statudol i gyhoeddi statutory obligation to publish details of manylion gwariant dros £500 neu £1,000, er expenditure over £500 or £1,000, for enghraifft? example?

[7] **Carl Sargeant:** I thank the Member for her question. I have made it very clear in Plenary that my view is that local authorities should determine this approach themselves; it is for them to decide locally whether they should do that. I have no current intention to make that statutory.

[8] **Bethan Jenkins:** Diolch am yr **Bethan Jenkins:** Thank you for that esboniad hwnnw. Pe bai llywodraeth leol yn explanation. If local government decided to penderfynu gwneud hyn, a fyddai hynny'n do this, would it make their actions more gwneud eu gweithredoedd yn fwy agored a open and transparent, allowing the public to thryloyw, gan ganiatáu i'r cyhoedd allu see exactly where scarce council money is gweld yn iawn lle mae arian prin cynghorau being spent? yn cael ei wario?

[9] **Carl Sargeant:** That is an interesting debate. I am all for transparent councils and transparent government—that is absolutely the right thing to do—but there is a real question of balance here, given the onerous task of publishing all expenditure above £500. I am aware that some councils are already doing that, but the jury is out, if you like, on its effectiveness. Whether it has reduced the number of freedom of information requests is still unknown. Is the task of doing this financially and physically onerous, compared with the information that the general public might want to access through the FOI system that is already in place? It is a

question of balance between publishing everything or not publishing everything and the cost involved in doing that.

[10] **William Powell:** Minister, you have anticipated part of my next question. Has the Welsh Government had any contact with Monmouthshire County Council and Newport City Council regarding the implementation of their publication scheme?

[11] **Carl Sargeant:** My team constantly monitors what is happening in local government across the board. As I said earlier, it is early days yet as to whether the effectiveness of publication has had a direct impact on publication versus freedom of information requests. I will seek more detail on that, and when I have it, I will be more than happy to share it with committee. However, as I said, it is a matter for the local authority to explain to local people why it spends as it does, and whether it believes that it is right to publish details of spending over £500, as some councils are doing. At the moment, I have not seen the benefits of doing that.

[12] **William Powell:** In addition, has there been any contact as yet between the Welsh Government and Eric Pickles, or any of his officials in England, given the recent developments with regard to the recommendation that authorities on the English side of the border should publish in this fashion?

[13] **Carl Sargeant:** I have regular correspondence with Mr Pickles. Of course, there is a different policy agenda at the other end of the M4, but I respect the right of another Government to make a judgment about making direction or providing authorities with statutory guidance. I would hope that that would be replicated in that Government's attitude towards this one.

[14] **Russell George:** You have addressed the question that I was going to ask, but have you done any work on the increase in the number of FOI requests that councils have received since freedom of information legislation was introduced?

[15] **Carl Sargeant:** No. Again, I have asked my team to start looking at these questions. What is the main thrust of FOI requests? Is it financial, or policy related, or about the decision-making process? I do not have any data to share with you on that at the moment. As I said, some councils have started publishing financial details, but it is too early to tell whether there will be a drop in FOI requests because of the transparency of publication. It is something that I would be keen to understand better, when those data are available. It may prove to be a cost benefit, if the information is useful, but if you look at it in another way, there must be quite a few transactions over £500, and some of the more important things that people would wish to home in on could get lost in the data. You would have to go through all those data to find a specific element that an FOI request might turn up now. You might want to know the exact amount of money spent on the number 5 bus service, or whatever.

[16] There are two ways of looking at this. Is publication of transactions over £500 cost-beneficial and transparent, making this a better system than FOI, through which data can be obtained now? The jury is out on that, and I am not convinced. It is, therefore, to be determined locally whether there is value for money. If there is proved to be value for money, that is something that I would have to think about in the future in considering how we share that best practice across local authorities.

[17] **Russell George:** Analysing those data is crucial in taking this forward, so I agree with you, Minister.

[18] **William Powell:** Joyce, you indicated that you want to ask a question.

[19] **Joyce Watson:** Minister, taking this from the other side, concern has been expressed that small and medium-sized enterprises could avoid undertaking local authority work if publishing spend information meant that competitors had a greater opportunity to obtain knowledge of payments made. Have you looked at or thought about that aspect?

[20] **Carl Sargeant:** I expect that there are pros and cons to that. The ease of obtaining figures on local authority spending on a certain service might be beneficial for businesses in some ways. However, I do not intend to interfere with the business protocols of local authorities. This is about a market-driven force, in terms of delivery of services, and none of these data are unobtainable. If it is onerous to publish all of these figures, then we must measure the value for money aspect of this. Businesses can already obtain these figures through the FOI system. I do not yet know whether there are any benefits from publicising this upfront.

[21] **William Powell:** We now move to consider P-04-331, which is perhaps the higher profile of the two petitions submitted by Jacqui Thompson and her supporters. This petition is on the filming and recording of council meetings, which is an issue that has been raised independently in Plenary over recent months. A number of us have some background on this issue, given our local government experience. Joyce, I believe that you want to kick off on this petition.

[22] **Joyce Watson:** Minister, you said in your letter to this committee that you would encourage local authorities to allow members of the public to film their proceedings. What specific steps are you taking to encourage councils to do that?

[23] **Carl Sargeant:** I am doing that by not standing in their way if they wish to do that. My encouragement has been made public to councils in order for them to adopt a policy that, again, goes back to our last discussion about openness and transparency. I am comfortable with councils filming their meetings—I have made that statement in the past—but it is for them to make that decision.

[24] **Joyce Watson:** In the evidence that we have received, Pembrokeshire County Council thought that not making verbatim recordings of proceedings might place councils in a disadvantageous position in relation to legal proceedings, should an edited version of a council debate be used to support a claim or complaint. Do you have any views on that?

[25] **Carl Sargeant:** The fact that some things are taken out of context goes with the world of politics and the broader media environment. You must look at the whole story, or the whole statement that has been made; people will often be familiar with just taking part of a sentence, which a Minister or a political opponent may or may not have said. Interestingly, Pembrokeshire has just announced that it is to show its council meetings on the internet, so, while it had a concern, it may have reviewed that concern and now feels more comfortable in taking forward the proposal to broadcast meetings on the internet, which I support.

[26] **Joyce Watson:** That is good.

[27] **William Powell:** Minister, thank you for flagging that up; I also become aware of that in the last 24 hours. The fact that Pembrokeshire has taken that step has been quite well-received by many interested commentators. What work has your department undertaken with Welsh councils, and possibly the Welsh Local Government Association, in exploring the benefits of the broadcasting of council meetings, particularly with regard to the assessment of the cost benefit?

[28] **Carl Sargeant:** I am not in charge of broadcasting, nor are local authorities. However, as I said, I am sympathetic to a structured process for local authorities to be able to

stream their meetings. Their meetings should be transparent and open to the public, as I said earlier, but councils should also be aware that filming is being taking place. Covert filming is not appropriate; it should be about everyone being transparent and knowing exactly what is happening at the appropriate time.

[29] Notwithstanding what I have just said, you will be aware that, in terms of the Local Government (Wales) Measure 2011 that we introduced, we are exploring with authorities the opportunity for remote attendance. I expect that remote attendance would probably only be achieved by a video link of some sort.

10.45 a.m.

[30] Therefore, to enable a council to do that, there will have to be some sort of video system. I am not a techie, Chair, but I believe that, if a video system was streamed into the council and out of the council, it would not be that difficult to upload that to a YouTube-type website. I am sure that the other Members must have a view on how that is done; it is certainly not for me as a non-technical person to offer a response on that.

[31] **William Powell:** What assessment would you make of the potential environmental gains that could be made by minimising travel by staff and members of the general public? You may be aware of recent large-scale meetings that have happened in Powys on particular issues that are contentious there, where there has been webcasting, which seems to have been well received and extended the proceedings of the council to a much wider group of people than otherwise would have had access to them.

[32] **Carl Sargeant:** There are two elements there. The first is the openness of an authority to transfer the knowledge of a meeting beyond a building, so that people in the north or the south of Powys, wherever the meeting may have been, could access it, subject to the internet or whichever medium was used to share that information, which is important.

[33] Secondly, and part of that is where the local government Measure came in, is opening the world of politics and governance to a broader intake of people. Generally, only people who live in the locality of the council offices or meeting rooms could attend meetings, because of work or other commitments, such as family commitments. Through remote attendance, we tried to give other people the opportunity to be engaged in this process. We know, and I have given evidence to other committees about this, that the profile of the average councillor is over the age of 65, white and male. That is true in most councils. We are hoping that, by remote attendance, we might be able to open up that activity to mums at home, who may be looking after their children during the day, or fathers who are looking after their children during the day. Rather than making the journey to a council office somewhere that is way away, they could access meetings by remote attendance. It all fits in quite nicely. The element of remote attendance might lend itself to the publication of meetings on the internet. The digital age has come in, and we should embrace it and use it as best as possible. However, I do not intend to instruct local authorities to do that.

[34] **William Powell:** One final area that is worth our being aware of is the possibility of streamlining council business and increasing productivity. For example, I and other colleagues will have been present at planning meetings of principal local authorities and national parks, which I know are beyond your immediate remit, where officers will have been sitting around for hours waiting for their agenda item to come up, whereas this could lead more seamlessly to people coming when the relevant point has been reached and, therefore, sparing a lot of duplication of process.

[35] **Bethan Jenkins:** O ran opsiynau **Bethan Jenkins:** On other options, if you say eraill, os ydych yn dweud nad ydych yn that you are unwilling to require councils to

barod i'w gwneud yn ofynnol i gynghorau ddarlledu cyfarfodydd yn fyw, a fyddech yn ystyried, er nad ydych yn arbenigwr yn y maes, ei wneud drwy ffyrdd eraill, er enghraifft gwe-gamera neu drawsgrifiad llawn o'r hyn sy'n digwydd? A wnewch edrych ar ddulliau technolegol eraill o gynnal y gwasanaeth penodol hwn?

broadcast meetings live, would you consider, although you are not an expert in the field, doing that through other methods, such as by web cam or a full transcript of proceedings? Will you look at other technical means of providing this specific service?

[36] **Carl Sargeant:** As I said, I am not opposed to authorities doing this. I think that Torfaen County Borough Council is very high-tech in terms of digital media; I am not sure whether it streams its meetings, but I know that it is very good in terms of its use of information and communications technology. It is a policy decision for councils whether they do this or not. I would support a council in streaming its meetings; it is good for openness and transparency for the broader public. However, as I said earlier, I am perhaps not the one to suggest the process by which that would happen. I am, nonetheless, quite sure that there are systems in place that can do that. We have seen this in Pembrokeshire this week, in the way that it is adopting this system at a relatively small cost in relation to the outcome that it may achieve.

[37] **Russell George:** I should say that the Chair and I are both members of Powys County Council and we are both under 60, are we not, Chair? [*Laughter.*] We are white males, however. I just wanted to point out that Powys County Council had a very good meeting a fortnight ago, which over 1,000 people attended—it was also broadcast on the web. It was very well received in the community. I was interested in your views on councillors attending meetings remotely. How would that work with voting, as that would have to take place remotely as well? There are issues with that, I suppose.

[38] The one issue that I wanted to ask you about is this: in providing evidence, one council talked about the cost of Welsh and English translation and the need for palantypists for meetings that are broadcast. Do you believe that such issues should be used by councils as a reason for not broadcasting meetings?

[39] **Carl Sargeant:** If you wish me to expand on that, I cannot see how uploading a meeting to YouTube or whatever should make any difference to the operation and function of a council that is happening with or without a camera. So, if an authority believes that it is compliant in its function of holding a meeting, I do not see that putting a camera in front of it is a bigger issue.

[40] **Russell George:** You have expressed your view that this is a matter for each individual local authority. Opening it up a bit further, however, this technology is relatively inexpensive, especially when it comes perhaps to just streaming audio. What are your views on town and community councils doing this, so long as costs were low? Do you have views on that as well?

[41] **Carl Sargeant:** Some of the larger town and community councils might have the financial capacity and the knowledge base to deliver that. There is much innovative thinking going on in town, parish and community councils, and if they wished to adopt that process, I would certainly not stand in the way of it. I would encourage them to do that. There is a cost involved, but it is a matter for local authorities and the local town and community councils to decide whether they think it appropriate or not.

[42] **Bethan Jenkins:** I acknowledge that you say it is for the councils to decide, but is there any way that you could provide some sort of guidance? We have heard of instances in which people have been reprimanded or judged for filming during council meetings without

permission. Is there anything that you could do? You have given us your view that you would be happy for things to be put online and so on, but could you express it to local authorities, so that those local authorities that are not so high-tech or up with the latest technology might have a different opinion?

[43] **Carl Sargeant:** I am certainly more than happy to talk with the WLGA and One Voice Wales, in terms of town and community councils, to express my view on the matter. It would be for the umbrella organisations to share that information with local authorities or town and community councils.

[44] I have made it quite clear. There has been quite a high profile case relating to this issue, and I understand why the petition has been raised. I am often accused by Members of micromanaging local authorities, but I have made it clear that, where this is a decision by a local authority or a local agency, I am loath to interfere in the process. However, if you are suggesting that sharing my views more widely may help to clarify the situation, I would certainly not be opposed to that.

[45] **Russell George:** This question follows on slightly from Bethan's. Clearly, there is an obligation on local authorities to open up their meetings to the public so that the media and reporters can go in and report, but there are issues with reporters going in with cameras and being asked to leave. That is perhaps where the Welsh Government could come in and have a view, take an opinion or provide guidance.

[46] **Carl Sargeant:** I believe that a process is already in place for private meetings in local authorities, and that is well established. Forgive me if I have misinterpreted this, but I think that the issue is about the general approach to filming council meetings more broadly. My view has been very clear: if filming or recording of a council meeting is to take place, either by a third party or by a council official, everybody should be made aware of that. The issue for me is about being open and transparent, so that all parties fully understand what the ground rules are in this regard. I think that that is fair and reasonable. I would not like to see covert camera or recording operations in local democracy.

[47] It also comes back to the point that you made about the potential for being selective with the elements that are published, such as single lines or a paragraph that a member may or may not have said. It is about taking a reasonable approach in taking this forward. I would, nevertheless, encourage local authorities and the various agencies involved in local democracy to give serious consideration to the opportunities open to them in terms of the transparency of their organisations in the broader public light.

[48] **William Powell:** Minister, thank you for your openness in dealing with these questions. You seem very much to be at the epicentre of this drive for transparency in local government. I would ask you to share some of your experiences with Cabinet colleagues, because, increasingly, there seems to be pressure on other services and areas of government, such as health boards and so on. I have previously raised with you the possibility of webcasting police authority meetings, which is another area that does not always seem to be as open to scrutiny and public awareness as others. So, if you could share this with Cabinet colleagues, it would be really helpful.

[49] We are very grateful to you for coming with your team to address our issues today. Given the shortage of time, and because we want to consider your responses properly, I propose that we consider the petition in the light of your responses at our next meeting, which will be on 13 March. Thank you—diolch yn fawr.

