

# Minutes



## Democratic Services Committee

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Date: 29 April 2021

Time: 10.00 am

Present: Councillors C Ferris, M Whitcutt, P Hourahine, J Hughes, J Clarke, T Watkins, K Thomas, M Evans and C Evans

Gareth Price (Head of Law & Regulation) and Pamela Tasker (Governance Officers)

In Attendance:

Apologies: Councillors

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### 1 **Declarations of Interest**

None

### 2 **Minutes of the Last Meeting**

On page 3 of the minutes Councillor K. Thomas stated that the second paragraph down under item 4, could this be corrected to 'Councillor K Thomas made reference to the role Councillors take on'.

On page 4 Councillor Hourihane stated that on the seventh paragraph down where it states 'group of newly elected Councillors'. Councillor Hourihane stated that other Councillors also attended not just Councillor Hourihane and that it was the Councillors that had said that the training was good not the Democratic Services officers but that the Councillors had not received the feedback.

In the last paragraph Councillor K. Thomas stated that where it is written 'there was a visible shortfall with only 30% females'. Councillor Thomas clarified that they meant that on the Council there was only 30% of elected members that are female.

Councillor M. Evans stated that where it says 'Councillor Hughes had suggested that some of the older Councillors should not be mentors', the word 'not' to be removed.

Councillor Hourihane stated that on page 5 should be added to a future agenda.

On page 8 Councillor Thomas said that on the first paragraph that the role of Councillors was demanding- 'therefore' to be taken out.

#### **Agreed:**

The Chair moved the Minutes as an accurate record.

### 3 **Audit Committee - Changes to Terms of Reference**

The Head of Law and Regulation updated the Committee that Leanne Rowlands had been appointed as the new Democratic Services Manager and that Connor Hall had been appointed as a new Scrutiny Advisor.

The Head of Law and Regulation stated that this report was about the process rather than the functionality of the Audit Committee. It was explained that the new legislation came into force in January 2021 and there would be new changes introduced between now and May 2022.

### **Main Points:**

- The title of Audit Committee had now changed to Governance and Audit Committee.
  - There would be a change to some statutory functions so there were some additional terms including reviewing performance assessment and the complaints handling processes.
  - The Committee was asked to note these changes and recommend to Council to amend the constitution to change the name of Audit Committee from 1 April and to include those additional functions in the terms of reference.
  - Appendix 1 contained the current terms of reference for Audit Committee and Appendix 2 had been amended to what it should be.
  - In terms of **performance assessment**, the act entirely changed the Council's framework in terms of the annual improvement report and the corporate plan report. It changed to a self-assessment process where councils assessed their own performance, and it was subject to an independent peer review on an annual basis. This would have an impact on Scrutiny committees going forward.
  - According to the WLGA this would be a fundamental change of culture as to how the Council assesses its performance.
  - The current duties under the 2009 measure in terms of continual improvement and annual audit report would be discontinued and replaced with a self-assessment process which would have an impact across the Council in terms of Scrutiny and service planning and how scrutiny reviewed performance.
  - The new Governance and Audit Committee would have an enhanced role as part of the annual self-assessment process and to assess that the Council's processes were robust. Complaints that go to Cabinet would in future be referred to the Governance and Audit Committee in terms of how we handled complaints as opposed to the outcome.
  - The final point discussed was the membership of the Governance and Audit Committee, which was not immediate, but the composition of the committee would change. At present there was one lay member which was a legal requirement who is an independent Chair, and the other 8 members are elected Members, and this was proportionally balanced. As of next May 2022, there would be a legal requirement that one third of the committee were independent members. Therefore, the Council would have to recruit new additional members. The Chair's term comes to an end next May 2022 so 3 new independent members would be needed to serve on the committee.
- The Head of Law and Regulation stated that this recruitment process was currently being discussed with the Chief Internal Auditor and the Head of Finance as to how to commence this process as all Councils across Wales would be recruiting for these members.

### **Questions:**

- Councillor Hourihane stated that they were concerned that continuous improvement might be swept away in exchange for lighter auditing, and that shouldn't the Council still aim for this.

The Head of Law and Regulation explained that it was a different process and that this was a different way of monitoring and assessing. So instead of an annual improvement report and Audit Wales coming in annually to give a Certificate of Compliance this was more of a self-assessment process and it gave Councils more flexibility.

The Council would need to set up an external independent peer review panel however the continual improvement was still there.

- Councillor Hourihane questioned the peer review.

The Head of Law and Regulation confirmed this was an external panel independent of the Council that would provide the peer review and the Council would have an obligation to consider the feedback of this panel when it planned services for next year.

- Councillor Hourihane referred to the small cost for the Council for implementing these regulations for the Governance and Audit Committee.

The Head of Law and Regulation confirmed that the report was referring to the additional lay members of the Audit committee and the committee would be focused on being process driven. The bigger changes for the self-assessment process would be for the scrutiny committees and the service planning process.

It was confirmed that the cost would be minimal, and that cost referred to appointing 2 additional lay members to the Audit Committee who would be paid an allowance and there would be a one-off cost for the Council for recruitment.

- Councillor Hourihane enquired the peer review panel and whether it would be expensive.

The Head of Law and Regulation confirmed that this panel would not be paid and that the members of the panel would be volunteers. The Council was still waiting on Welsh Government on the process for establishing these panels. The Council did not have to produce their first self-assessment report until a year after the election.

- Councillor T. Watkins enquired as to who was going to scrutinise the Governance and Audit committee.

The Head of Law and Regulation confirmed that there would still be an annual audit report as usual, but there would not be an annual improvement plan. At present Audit Wales come in and audit the Council annually which would be removed, and the Council would not have an obligation to complete an annual improvement report. However, all other Audit reports would remain the same.

- Councillor K. Thomas asked whether previous lay members who have chaired before could reapply for the position again.

The Head of Law and Regulation stated that at present there was one independent chair who could serve two terms of office. The present chair could not stand again when their term came to an end.

- Councillor K. Thomas questioned as to whether the recruitment was robust to get members who were impartial to sit on the peer review panel.

The Head of Law and Regulation confirmed that we were still awaiting guidance from Welsh government on the peer review panel.

There was a role description attached to the report which formed the basis for the recruitment of the independent members. A similar process was carried out recently to recruit new independent members for the Standards Committee and it was thought that the recruitment for the Governance and Audit Committee would be the same process. This was robust where there was an open public advertisement with the setting up of an appointments panel to interview shortlisted candidates.

It was discussed that a mix of experience was needed to assess how well the Council was delivering services.

The Head of Law and Regulation asked for confirmation from Members that they were happy to start recruitment for lay members as soon as possible.

The Chair asked whether the independent members could serve on more than one committee and serve on committees in other authorities.

The Head of Law and Regulation confirmed that the independent members to be recruited were not elected members and although in theory they could serve on more than one committee in one Council, lay members should only serve on one committee to have a more direct view of Newport Councils processes but legally they could sit on other Audit committees in other Local Authorities. Independent Members access to confidential information also should be considered.

**Agreed:**

The Committee Members confirmed their agreement for the immediate recruitment of Independent Members for the Governance and Audit Committee

#### **4 Draft Guidance -Multi-Location Meetings**

The Head of Law and Regulation stated that the report was for information. Between now and next May 2022 hybrid meetings were being developed. This was a mixture of face-to-face meetings and allowing Councillors to dial in remotely. This was to be discussed later in the Committee.

Welsh Government were keen to provide guidance to Councillors and Local Authorities on how these hybrid meetings should be conducted also referred to as Multi-Location Meetings.

The report was a draft so if Members had any comments, they could be fed back to the WLGA and Welsh Government.

The Committee were informed that Newport City Council had secured £52,000 grant funding from the Digital Democracy Fund to improve the infrastructure in the Council Chambers and Committee rooms and to enhance the software.

The project group would present a presentation to the Committee in time, as to how this new system would work building on the Microsoft Teams technology being used already which fed into the kit already there in the Council Chambers and other meeting rooms.

It would provide an opportunity for Councillors to dial in remotely so it would make it more flexible for people to participate in committee meetings which considered Welsh Governments diversity agenda to encourage more people to become Councillors.

The Monitoring officer noted that they felt that there was a lot of description there as well as being quite wordy and it could benefit from an executive summary which was to be fed back.

## Questions:

- Councillor Hourihane asked as to how long the Council would be tied into the Teams software.

The Head of Law and Regulation stated that the Council have taken a policy decision to stick with Microsoft Teams as other software did not provide the same data security that Microsoft provided.

Members and other officers could attend other meetings/events on Zoom but the sharing of confidential information on Zoom was not advised.

The Microsoft Licences were part of the 365 package that the Council pay for, and Zoom would be quite expensive if paid for as an extra.

- Councillor Hughes welcomed the Welsh language paragraph and that it was an opportunity for the potential to improve the use of Welsh language and they expressed a wish to move to statutory rather than guidance which could fall lower down in priority and to use Welsh language across the board more publicly.
- Councillor Hughes also stated that there was a real need to think about how Chairs operated as they would need to be more tech savvy as they would need to have new skills dealing with Councillors attending remotely and in person.
- Councillor Hughes provided feedback on the problems encountered in Chairing which sometimes came from the technology used by the public which wasn't always up to scratch.

The Head of Law and Regulation stated that in relation to Welsh language one of the advantages of Zoom was a simultaneous translation. Microsoft have given their word they would develop that Welsh translation function as simultaneous translation was key going forward. There was a function on Teams for translation, but it was not easy to use and was not simultaneous, but it was being looked at as part of the project.

The Head of Law and Regulation stated that they agreed with the point regarding training. Councils would need to put in sufficient training for members as it was a different skill set. Hopefully with the Public-i software and how it broadcasts from the Chamber would make things easier for the Chairs. If there were any concerns or recommendations this could be fed back to the software providers, so any comments Members wanted to make would be taken on board.

- Councillor Watkins asked how we would get public participation increased and was there a process whereby they could be notified about meetings.

The Head of Law and Regulation confirmed that the Committee would discuss this as part of the work programme later and that the legislation would need to be looked at.

It was explained that the Council needed to decide what level of public participation was needed and we needed to allow this to happen, and the systems were flexible enough to allow this.

It was discussed that there had been problems with people joining Teams live events e.g., Police joining Council Meeting as a Live Event which could be a technical issue on the Police end.

- Councillor K. Thomas referred to the note about Welsh language which implied that there would be a consultation with the public on Welsh language.

The Head of Law and Regulation confirmed that there would be no consultation with the public on Welsh Language and the Council were doing the minimum to comply. The aim was for a simultaneous Welsh translation as seen in the Senedd.

- Councillor K. Thomas questioned public access and as to whether there was any data on whether the public have accessed this.

The Head of Law and Regulation stated that public speaking in meetings is what Welsh Government were focused on and that the legislation wanted something proactive in the decision-making process.

- Councillor K Thomas suggested that people were better served giving them an insight on policies and we could inform the public on how we do things.

The Head of Law and Regulation stated that broadcasting committees live was not a legislative requirement, but it was something the Council practised and that under Covid legislations it was different as no one was allowed come into Council buildings. Once social distancing ended there was no legal requirement to do that. Under new legislation it stated that for the main Council meetings they should be accessible to the public but not necessarily broadcasted live. However, broadcasting live was good practice.

- Councillor M. Evans stated that it was important to learn from public engagement and to publicise the Council meetings but that it was necessary to have a facility available to people to inform them of what we do and do we publicise this.

The Head of Law and Regulation agreed and stated that this could be included in the work on developing Public Engagement and Participation Policy.

Councillor C. Evans stated that engagement increased when people cared, and they were involved. Councillor C. Evans also stated that public questions at Council at appropriate times was something to look forward to, could dispel rumours and opening things to the public should be embraced.

Councillor J. Hughes stated that the Council had a good Facebook page, and this could be used to send monthly meetings to the public without too much cost. The public would access it on this forum.

The Head of Law and Regulation agreed that there was a well-established Facebook and Twitter page to get public messages across and was happy to pick this up as part of the piece of work on public engagement.

## 5 **Local Government & Elections (Wales) Act 2021 - Implementation**

The Head of Law and Regulation stated that this agenda item was presented to the Committee to make Members aware of the work involved in implementing the legislation. Members have had seminars and information sessions on certain aspects of the Local Government and Elections Act in terms of corporate joint committees. However, there was a lot of detail and it was important to cover everything in terms of all the aspects of the legislation.

### **Points to Note:**

- The legislation was being brought into force in stages through various commencement orders.
- The Implementation Schedule keeps track of what's in force and when we must make the necessary amendments to comply.

- There were areas where a political steer was needed, and the Democratic Services Committee also needed to be more actively involved and take this forward in terms of how much they wanted the public to be involved.
- Would the Committee want members of the public to raise questions in Council or get the public involved in Scrutiny etc.
- A petition scheme would also have to be published about how we receive and deal with petitions. There was a function for petitions to be posted online to the Council and the Modern.gov software could be adapted to allow this.
- The new self-assessment process would have a significant impact on the Scrutiny committees which would link into public participation.
- Policies could be developed by officers, but Members needed to inform officers as to what they wanted in the developed policies.

### Questions:

- Councillor M. Evans stated that they were keen to ensure a system was created where the public could ask questions to Cabinet etc, and that the public had the opportunity to do this. However, it was important to be mindful of the single-issue person that doesn't speak for everyone and if the public were able to ask questions, then it needed to ensure that it was not a single issue. Councillor M. Evans also referred to petitions and stated that there maybe needed to be a Petitions Committee like what Welsh Government has. Councillor M. Evans also asked about job sharing for the Leader and Cabinet Members and how would those roles be accountable as a job share and how this would work. Councillor M. Evans mentioned the elections moving from a 4 to a 5-year term but it was thought that this was already agreed and also in relation to the 2 voting systems- Majority or a Single Vote, do the Council decide on this prior to the elections.

The Head of Law and Regulation stated that job sharing was in the legislation and was part of the Diversity/Equality principles and the legislation enabled it for executive officers and members. In relation to the point on the voting system, when Welsh Government was consulted, we were not in favour of this regarding first past the post or proportional representation as it was felt that it was too divisive and too confusing. However, it was in the legislation and it was for the Council to take a view and the public would need to be consulted on this before it was carried out. There were also restrictions on how often this was changed. The Council could then decide if they preferred to move from a first past the post to a single vote system.

- Councillor M. Evans commented that if 20/30 responses were received on the voting system and they all wanted a single transferrable vote would the Council take a decision on this prior to the election.

The Head of Law and Regulation stated that it was a decision for the Council to take but we were still waiting on guidance as to how this would work in practice. It would need a special majority of Council to vote that through and the political will to take it forward. The process of change was very difficult to go through and it had to be a democratic decision to take.

The Head of Law and Regulation also explained that in relation to job sharing that this was the right of the Members and Council could not take a view for the Leader to not be able to do it as it was the choice of the individual.

- Councillor M. Evans asked that if the Chief Executive decided to job share, would members of the Council have any say in this.

The Head of Law and Regulation stated that members of staff could apply to job share but if people were refused job share then it could be a form of indirect discrimination if people were having work life balance difficulties but if job sharing affected the role it could be refused.

- Councillor T. Watkins asked as to when the act had to all be in place and the Head of Law and Regulation confirmed that May 2022 was the end date.
- Councillor C. Evans stated that the Committee was tasked with meaningful issues and that a more cooperative approach was needed for the full term and that the Committee needed to come up with a plan on specific areas and what we would like to do. One of those being how to involve the public in full Council and Scrutiny Committees and could the Committee task officers to look at best practices by other Councils, UK wide and perhaps have a subcommittee and ultimately make recommendations to full Council.

The Head of Law and Regulation agreed that research could be carried out by the Democratic Services Teams Graduate Trainee. Research could be carried out on public engagement and how it would work, and it was up to the Democratic Services Committee to decide how to engage. Background information could be researched and fed back to the Committee. A Task group could be set up, but it was suggested that this Committee would need to meet up more regularly to collaborate on terms of participation strategies etc.

- Councillor C Evans wanted to propose this as a starting point to look at similar sized Councils to Newport. Councillor C Evans made the point that party leaders needed to be informed at each stage of proposals with a properly working document for the senior political leaders to look at e.g., a flow chart.
- Councillor C. Evans proposed that officers looked at best practice as a single issue as we would have to look at it in some detail.

The Chair asked as to who would form the task force group or whether Members favoured a committee.

- Councillor C. Evans explained that they had mentioned a task and finish group as it was a cohesive process for a task group but that the Committee would be committed to follow through on this issue.
- Councillor J. Clarke stated that job sharing was common in large corporations and it was something that they would embrace. In relation to engagement of the public what was key was gaining trust and transparency so there were some very big decisions to be made by this Committee. Councillor Clarke agreed that public engagement needed to be done correctly and it could not be just the one individual person bringing up issues again that were already dealt with.
- Councillor Hourihane stated that caution should be advised as they stated that when they used to visit district councils in sitting and one of these was the first one to have a public Q&A session, these became political opposition slots and didn't make meetings democratic but made Councillors more vocal and this needed to be considered if Council meetings were going to be open to the general public, would it be taken over by people that may not have been elected as they may see this as getting their point put forward.
- Councillor K. Thomas stated that the public may appear at Council meetings if the item was contentious which was fine, but it would maybe be better if public members let their local Councillor know of their feelings prior to Council.



Councillor K. Thomas stated that all the Councillors were democratically elected even though from different parties, and Councillors were there to listen to constituents.

- Councillor T. Watkins said that they were all for the Committee looking at this and that as the Local Government act would be phased in, the Committee could look at these phases as they occur to decide on that module and also asked would Newport City Council ratify the individual models or would it have to wait until the end to have it ratified by Council.

The Head of Law and Regulation confirmed that this could work either way, at the end of this process there was an obligation to redraft the constitution and to produce a summary guide to the constitution. This was a requirement in the legislation and WLGA was coordinating this nationally but there was no reason why this couldn't be fed back incrementally.

If the Committee was happy with the recommendations agreed on, then this could be taken to Council now and maybe the constitution could be brought to Council later at the end of the process. However, any decisions ratified in the meantime could be taken to Council.

- Councillor C. Evans stated that this was a journey and that when an issue was raised there was a forensic approach by the Committee which was the right approach.
- Councillor M. Evans suggested that Cabinet Questions could also be looked at as well as Questions for Council.
- Councillor C. Evans reiterated the step-by-step approach mentioned and that 2 areas would be looked at which was agreed were public questions and petitions to report back on and was it best to maybe widen scope to other areas later.
- Councillor K. Thomas stated that they were not sure this was agreed as the Graduate Trainee would look at proposals and then look at best practice and there were not specific areas mentioned.

The Head of Law and Regulation advised that the Committee should not get too focused on Questions at Council as this was just an example, as a holistic approach would be more favoured, to look at other areas of the UK and how they do public consultations generally.

Councillor T. Watkins asked how long this process would take.

The Head of Law and Regulation stated that it was not to be rushed, it would be comprehensive and would be ready for the next meeting. After that the Committee could meet more regularly.

**Agreed:**

The Members of the Democratic Services committee agreed for research on best practice in other Councils.

**6 Date of next Meeting**

22 July 2021 at 10am

**7 Webcast of Committee**

The meeting terminated at Time Not Specified