

Minutes



Democratic Services Committee

Date: 28 February 2022

Time: 10.00 am

Present: Councillors C Ferris (Chair), P Hourahine, J Clarke, T Watkins, K Thomas, M Evans and C Townsend, Gareth Price (Head of Law and Standards), Leanne Rowlands (Democratic Services Manager), Anne Jenkins (Governance Team Leader), Felicity Collins (Governance Officer)

Apologies: Councillors M Whitcutt

1 Apologies

Councillor Whitcutt.

2 Declarations of Interest

None.

3 Minutes of Meeting held on 18 January 2022

The minutes from the meeting of 18 January 2022 were **accepted** and approved as a true record of the last meeting.

Matters Arising

Councillor M. Evans made reference to the mention of petition schemes from 13 December 2021 and asked if the officers had an update for the Committee on the submission of petitions.

The Head of Law and Standards explained that the draft guidance had only just been received and confirmed that the Committee will receive a more detailed report on the options in the March meeting.

4 Members Induction Training (Presentation Update)

Leanne Rowlands – Democratic Services Manager

The Democratic Services Manager updated the Committee and shared the plans for the Members Induction Training for their review and comment. Members were advised of the legislative requirements in place for the Members and the work of the WLGA on a framework for Members in Wales. The Committee was informed that competency frameworks will be used for Members to help them develop.

Key points

The Lead Officer covered the principles and the methods of delivery of the training, noted that the training will have a member centred focus, and that they are looking at how to make the training as engaging as possible.

Members were informed that the training will be taken place on varying platforms, such as face to face training, workshops and e-learning modules to ensure it can be delivered accessibly. There would also be coaching and mentoring.

The Committee was advised of key dates and were informed that there will be 6 clear working days from the count to the Annual General Meeting taking place on 17 May; which is a very tight timescale for turnaround especially with new Members coming in. There will be a big undertaking to conduct core training and inductions with the equipment so the new Members can be ready for the AGM. Members were informed the AGM will be a hybrid meeting so the Democratic Services team need to provide the training as necessary so Members feel comfortable to participate in the meetings.

The Lead Officer covered the curriculum objectives, went through week by week to breakdown the training for the Members. It was summarised that there are 33 modules in total but 16 of which will be mandatory and 6 of those will be mandatory to Members in specific committees. For the rest of the Members, there will be 10 mandatory modules in total which will be broken down over a period of time and more dispersed after the first week of inductions.

The Democratic Services Manager welcomed any questions and comments from the Committee.

Committee raised the following points:

- Councillor T. Watkins queried if the Members of the Committee could have a copy of the presentation.

The Democratic Services Manager confirmed that they will distribute it and that part of the support for prospective candidates and information on training will be available. It was explained they are setting expectations for the first week as there will be lots to work around so it is important to make it clear how busy that week will be. It was discussed that councillors and prospective candidates may have holidays booked so it would be good to warn them in advance.

- Councillor Hourahine thanked the officer for the presentation and mentioned that 3-4 Members on the Standards Committee in the past did not participate in the mandatory modules and asked if there would be sanctions introduced for those who do not participate in the same.

The Head of Service responded by confirming that the council does not have enforcement sanctions but clarified the rules, if Members do not complete the mandatory training, then they cannot sit on Planning and Licensing committees. However, there was no sanction that could be imposed if members do not undertake the mandatory Code of Conduct training. It was stressed that members are required to agree to comply with the Code of Conduct when signing their Declaration/Acceptance of Office but unfortunately there are no enforcement sanctions if they do not attend the mandatory training. Welsh Government have advised that they do not intend to change the rules before the May elections, as recommended by the Richard Penn review, to include a commitment to the training as part of the Declaration of acceptance of office. However with the Council and the Ombudsman, the Code of Conduct training is mandatory but with no means of compulsion.

Committee was informed that the council organised a number of refresher training sessions for those members but however if some did not attend, the council electronically sent them the training information.

One additional enforcement provision in the new legislation is that Leaders of the individual political groups have a personal responsibility to maintain ethical standards within their groups. Therefore they are expected to ensure their political members attend the mandatory training.

- A comment was made by Councillor M. Evans that it was good to see that the team acknowledges that less is more in the approach and mentioned that a large amount of information could be overwhelming for the Members. The Member went on to address the hybrid meeting proposal for May as he believed that restrictions may be lifted by then as the council would want face to face interaction in the civic centre and stressed this decision to put a meeting online in May was not a decision the Member would like to support.

In response, the Head of Law and Standards clarified the misunderstanding, it would be a hybrid meeting with members physically in the chambers, as they would be entitled to do so, with the option of technology to have councillors dial in remotely. There would be no requirement for the Members to dial in remotely, subject to restrictions. The “hybrid” meeting was a requirement of the new legislation and was intended to give members a personal choice about whether to attend the meeting in person or remotely. Assuming there were no Covid restrictions in place in May, then all members who wanted to come into the Council Chamber would be entitled to do so. No “decision” had been taken to continue with remote meetings after May.

- Councillor M. Evans also asked if the Members could have reassurance that the log in for the e-learning courses would be straight forward as the ones arranged on the NHS log in are difficult to access for Members.

The Democratic Services Manager confirmed that they are looking into the issues for that and are putting something together.

- Councillor Townsend expressed support for Councillor M. Evans’ view on hybrid meetings and stated she would prefer to be in the civic centre as she has residents complaining about the Councillors not meeting in the council chambers. It was noted that it could be seen as a cop-out therefore noted she was keen to get back to face to face as virtual is not conducive to easy discussions. The Member went on to thank the Head of Service for the explanation.

At the end of the discussion, the Head of Service asked the Members to pass on the message to their parties that as there are 6 working days between the count and the AGM to get essential training done. Therefore requested for the Members to inform their peers that it will be a big commitment of their time on those days to sign up for the declarations of office, training on council meetings and IT equipment etc. It was noted that would be extremely helpful for the Democratic Services team if Members could make themselves available on those days.

Agreed:

The Chair agreed for the Members to note that time frame and to report back to their parties accordingly.

5 **Member Surveys (Presentation Update)**

Leanne Rowlands – Democratic Services Manager

The Democratic Services Manager went over the requirements for the coming months such as conducting exit surveys which are intended to gain feedback from Members in order to improve the support, which is linked into the participation strategy and to understand the

experience from the Members. The manager listed the three other surveys to be conducted; an Ethical Standards Exit Survey, a Diversity Survey and a Candidate Survey.

Key points

The Lead Officer went into details of the types of questions that the Members would be answering in the surveys. It was stressed to the Members that the answers to the surveys will be completely confidential and the findings would be anonymised.

Members were advised that the council recognise the challenges of the large number of surveys such as the potential crossover of requirements. For example, the demographic questions. It was noted that the Members could experience survey fatigue and that could be a challenge in getting a reasonable response rate to be objective with the findings.

The Committee were informed that the council could review the questions and consider the crossovers as an opportunity to consolidate at least three surveys into one so it could be more palatable. The Data Cymru survey is separate and will be carried out in the normal way so therefore there is not a way for the team to consolidate that one.

Members were briefed on the timeline of the survey process. The questions of the survey will be done on 10 March, the Data Cymru Candidate Survey will be live from 28 March, as it has been through the consultation period. Then the officers will bring back any surveys to the next Committee meeting at 30 March.

Committee made the following points:

- Councillor K. Thomas referred to the issue of survey fatigue and asked if any new questions would be in the surveys that the Members would not have come across beforehand.

The Democratic Services Manager confirmed that there would not be new areas but the new part of work is linked in with the participation strategy. Therefore some of the data capturing is linking into that, to be monitored.

- Councillor M. Evans also noted the issue of survey fatigue and expressed concern that the team may not get responses from people due to that. It was noted there are separate bodies but queried if the Members could receive one survey instead of three. The Member suggested that the Members could be provided with one page with an opportunity to put comments in.

The Member went on to highlight that with the exit survey's question on induction training; individuals may not remember from 5 years ago as it has been a long time since then. The Member suggested if they could be asked to comment on general training as less is more, and alluded that point from the prior discussion.

6 **Draft Guidance on Constitutions (Information Only)**

Gareth Price – Head of Law and Standards

The Head of Law and Standards informed the Committee that the document is a draft document issued by Welsh Government shortly before the agenda went out so it has been included for information purposes only. Therefore no decisions from the Committee are required.

Members were informed that the team would be happy to pick up questions from the Committee.

Committee raised the following points:

- Councillor Hourahine queried if the Head of Service meant he would answer their questions directly or send them onto the Welsh Government.

The Head of Service confirmed that it depended on the type of question. If it would be comments on the draft documentation then the council would be happy to pass them on to the Welsh Government as a consultation response.

- Councillor T. Watkins asked where the budget would come from for the political assistance role as discussed earlier.

The Head of Law and Standards stated that it would be the council paying for the political group advisers if they were minded to employ them.

- The Member went on to ask if the council would then have to get funding from the Welsh Government for the role or if it would come out of the council budget.

In response, the Officer replied that it would come out of the staffing budget to pay for the political assistants. No additional funding for that.

- Councillor Hourahine queried if the political adviser roles would be paid pro-rata to the number of seats.

The Head of Law and Standards advised that the group would need to have at least 10% of the Members in the council to qualify for the adviser. So as from May, with the increase in Council membership to 51 Councillors, each group would have to have at least 6 Members to be eligible for a political assistant. Subject to having sufficient members, then the 3 largest groups on the Council would be entitled to appoint a single political assistant. But it is not proportionate to the number of seats, more to the number of Members to qualify for the assistance.

- The Chair referred to section 56 of the delegated powers and queried if this was new legislation to the council.

The Lead Officer confirmed that this is previous advice from the 2011 measure, therefore it is not new and is a restatement of previous guidance and is advisory for the council.

- The Chair queried if the council is implementing the section 56.
The Head of Law confirmed that section 56 is a discretionary power and the council has never implemented the delegation of decisions to non-executive members. Some councils have used this power where they have large areas and ward committees within individual communities. They have given delegated powers to the non-executive members on those ward committees. However, in Newport the scheme of delegation for individual executive decision-making was to Cabinet Members and Heads of service.

- The Chair referred to page 35 about the co-option of non-members onto scrutiny committees and asked the officers if the council are adhering to that.

The Head of Service confirmed that the council does and has done since 2000 as it is a requirement from the Local Government Act. For instance in education, the scrutiny committee has statutory co-opted members.

- The Chair asked if the council publishes their forward work programme.

The Head of Law and Standards stated that the Council currently does that and highlighted that in every meeting Members agree their work programme and is published as a public document and uploaded on the website.

- With regard to joint oversee scrutiny committees; the Chair asked if the council are still doing those.

The Head of Service clarified that the council has a number of joint scrutiny committees because the more collaboration there is, then the more joint committees would be needed.

For example, regional joint scrutiny will be required for the Corporate Joint Committees and we are also looking at establishing a joint corporate scrutiny committee for the PSB which has gone regional. As more services deliver on a regional basis via collaboration; therefore there is a requirement for regional scrutiny and joint scrutiny committees with the participating councils. The Members would see more of this as the council moves toward collaboration and joint delivery of services.

- The Chair mentioned if this has been a long term aspiration of the council coming into practice.

The Head of Law and Standards confirmed the ability to set up a joint scrutiny has been available since the previously mentioned 2011 measure. The need to set them up has developed more recently as the council moves to more regional collaboration.

- Councillor T. Watkins asked if the individual Members could comment on the draft copy and if those comments would be sent to the Welsh Government or Newport City Council.

In response, the Head of Service informed the Member to send their comments back to the council so they can forward them on to the Welsh Government. Members were reminded that the draft copy is just a reinstatement of legislation that has been in place for years.

The council would look for comments on the technical aspects and the guidance will relate back to any part of drafting and new legislative provisions.

7 **Democracy Handbook (Information Only)**

Gareth Price – Head of Law and Standards

The Head of Law and Standards informed the Committee that the Democracy Handbook provided is currently a draft document with more to follow. When the final version is issued, the Members can input their comments and raise queries on the same.

Committee raised the following points:

- Councillor T. Watkins queried if there is a timeline on the two documents mentioned.

The Head of Service stated that in terms of consultation; the council has not been given a formal consultation period. It was explained that they will not get the final versions of the documents until after the elections in May. It was noted that despite there is not a timescale, the sooner the committee can respond, the better.

- Councillor T. Watkins expressed his concern that if the documents are ready after the election, there could be more pressure on the new candidates being elected in May.

The Lead Officer clarified that there would not be pressure on the candidates themselves, as it is more of a focus on the governance process. Members were assured that the work being carried out until May is to ensure the basics are in place so the current constitution would meet the necessary requirements. For instance, with the petition schemes, they could be in place by May with a very basic policy but the new council may wish to review and improve on this. The documents are constantly being refined and reviewed and the new Democratic Services Committee could look into those.

- The Chair agreed with the comment from page 79 that training is a process and not an event and commented that the council should revisit the petition schemes.

In response, the Head of Service confirmed that advice has only just come out so when they develop the petition scheme they will take it into consideration. The guidance has not been finalised yet with regard to the approach which may need to be revisited after May. However, Committee was informed that officers will bring options for consideration in March.

8 **Date of next Meeting**

Wednesday 30 March 10am – 12pm.

9 **Live Event**

[Democratic Services Committee, 28 February 2022 - YouTube](#)

Meeting terminated at 10:53 hrs.