

Minutes



Democratic Services Committee

Date: 23 June 2022

Time: 10.00 am

Venue: Council Chambers and Microsoft Teams (Hybrid Meeting)

Present: Councillors D Fouweather (Chair), T Watkins, K Thomas, A Sterry, P Hourahine, T Harvey, A Pimm, M Spencer and E Stowell-Corten, Gareth Price (Head of Law and Standards), Leanne Rowlands (Democratic and Electoral Services Manager), Elizabeth Bryant (Assistant Head of Legal Services), Anne Jenkins (Governance Team Leader), Taylor Strange (Governance Officer), Felicity Collins (Governance Officer)

1 Apologies

None.

2 Declarations of Interest

None.

3 Minutes of Meeting held on 30 March 2022

The minutes of the last meeting on 30 March 2022 were accepted and **approved** as an accurate record of the meeting.

4 Forward Work Programme 2022/23

Gareth Price – Head of Law and Standards
Leanne Rowlands – Democratic and Electoral Services Manager

The Head of Law and Standards summarised the terms of reference and purpose of the Democratic Services Committee; which is to mainly oversee the effective discharge of the Council's democratic functions and to ensure that there are sufficient resources to facilitate support for Members in discharging their roles. The Local Government Wales Measure made it a statutory requirement for all councils to have a Democratic Services Committee in place to discharge these statutory function. The Measure was subsequently amended by the Local Government Democracy (Wales) Act 2013, to provide for a wider range of functions. The Committee also have oversight over the council's written constitution and monitor and oversee Members training and development.

Committee Members were introduced to Leanne Rowlands, the Democratic and Electoral Services Manager, who is the designated statutory Head of Democratic Services, whose duty is to report annually on the resources of the Democratic Services team in supporting the Councillors.

Members were advised in previous annual reports, the Democratic Services Committee is a non-partisan board which looks into the council functions and is not generally a political meeting. It was mentioned that it is not a decision making committee, but however the Members can make recommendations to full council on the constitution and to improve the council's corporate governance structure.

The officers welcomed questions from the Committee.

Committee raised the following points:

- Councillor Spencer queried if there would be more ad-hoc meeting dates. The Head of Service confirmed that the committee is expected to meet quarterly but could schedule more meetings in if frequent work comes in for the committee to review. Committee was advised that they could also agree the frequency and timing of the meetings.

The Head of Law and Standards continued to give a brief overview of the rest of the report and covered what would be on the agenda in the forward work programme. The Lead Officer highlighted that the officers took a number of reports to full Council's AGM in May 2022 for adoption to reflect the requirements of the Local Government and Elections (Wales) Act 2021; this includes hybrid meetings, the participation strategy and also the new petition scheme for the council. It was explained that the Committee are required to monitor the effectiveness of these policies and keep all of these under review and they can choose when to receive these monitoring reports.

As the petition scheme and hybrid meetings had only just been introduced as policies, the Head of Law & Standards recommended that the Committee defer monitoring these policies until later on in the year, if they would like that. It was highlighted that the participation and engagement strategy has a number of objectives which could be brought forward in the agenda if the Members would like to discuss those in future meetings.

For the September meeting, Members were advised that there is a legal requirement in legislation to produce a guide in the constitution to the decision making process. The officers intend to make the procedure easier to understand and will look to present on that to the Members in the next meeting.

Further to the discussion, the Lead Officer noted with the Committee that the other agenda item for next meeting, in light of engagement strategy will be the arrangement for ward meetings. It was highlighted that these have been down to the discretion of the ward councillors; as certain areas have a high turnout whereas others would not. Even if that does not change, the council would like to look into how the meetings are supported and structured; the officer advised they would look to bring suggestions in on how to move those arrangements forward.

The Committee agreed the forward work programme, as set out in the report and agreed the next meeting of Monday 12 September at 10am and timing of the meetings.

5 Revised Scheme of Delegation to Officers

Gareth Price – Head of Law and Standards

The Head of Service explained that officers took a report to the Full Council AGM in May on the scheme of delegation but noted that since then there has been a few issues on the current operating scheme and advised Members that the report would look to address those anomalies. The officer gave Committee a brief overview on the review for recommended amendments.

The first change mentioned was the powers of the Chief Executive as Returning Officer for the elections, which are delegated to the Chief Executive under a different part of the constitution relating to the allocation of responsibilities. From the recent election, a Community Council was inquorate so they looked to use powers for temporary measures so they could co-opt. It occurred to officers that the powers delegated to the Chief Executive elsewhere in the constitution were not reflected in the scheme of delegation in the current constitution. Therefore as a point of clarity, it was necessary to update the scheme of delegation to include those election powers. There were also some other minor changes to reflect the re-alignment of services to different Heads of Service.

The one substantive change that the Officers asked the Members to recommend to Council was to make the change in scheme of delegation for planning decisions. At present, all planning applications in relation to council owned property and corporate assets go to planning committee; the former Head of Regeneration was conflicted as the corporate property manager was also in charge of development and control and felt it was inappropriate for an officer to determine a planning application and also be on the asset management side. Therefore, all planning applications in relation to corporate property and assets had to be referred to Planning Committee for determination, regardless of how minor the applications were.

The transfer of the corporate property function to another Head of Service, following the senior management restructure, provides an opportunity to give planning officers the power to deal with minor applications relating to council assets and property. The client role for assets and property has now been transferred to People, Policy and Transformation, and that service area is now responsible for any planning application in relation to corporate property and assets. The Head of Economic Regeneration has the responsibility for discharging the separate development control function. The separating of those functions would remove the need for minor applications to go to Planning Committee and could be dealt with by the officers under the scheme of delegation.

With more significant planning applications, which fall outside the officer scheme of delegation, they would still go to Planning Committee. Members were assured that the call in process would not change, where Members can refer any respective officer delegated decisions to the Planning Committee, providing valid planning reasons to do so.

The officers welcomed questions from the committee.

Committee raised the following points:

- The Chair mentioned that in the past, elected Members' planning applications on their own homes would go to Planning Committee; and queried if this would still apply following the change.

In response, the Head of Law and Standards confirmed that nothing would change in terms of the planning application process, where any elected member has a personal interest in the outcome, whether as applicant or objector. They would still have to be referred to Planning Committee for determination. For the sake of transparency, the same would apply for internal applications where an officer submits an application and has a close association with the planning department. Members were informed that those type of planning applications would still go to the Planning Committee regardless of being minor or significant.

- Councillor K. Thomas noted that she experienced difficulty hearing the discussion through Microsoft teams as did a few of the other Members who joined the meeting remotely, they reported fading in and out on the microphones.

The Chair referred Members that the minutes of the meeting would reflect the report provided and if any Members have questions on the same; the Head of Law and Standards would clarify any points for them.

Recommendations

The Democratic Services Committee considered the officer's recommendations and accepted the Revised Officer Scheme of Delegation with the requirement to update the Planning Scheme of Delegation and to reflect the Chief Executive's powers to discharge specific functions in relation to elections.

The Committee recommended to full Council meeting on Tuesday 19 July that the revised officer Scheme of Delegation be formally approved and adopted and the constitution be updated accordingly.

6 Date of Next Meeting

Monday 12 September 10am – 12pm

Meeting terminated at 10:24am