

Minutes



Democratic Services Committee

Date: 18 October 2022

Time: 10.00 am

Venue: Council Chambers – Hybrid Meeting

Present: Councillors D Fouweather (Chair), A Sterry, P Hourahine, E. Stowell-Corten, M Spencer, T Watkins, A Pimm and T Harvey

Elizabeth Bryant (Deputy Monitoring Officer), Gareth Price (Head of Law & Regulation), Leanne Rowlands (Customer Services Manager), Anne Jenkins (Governance Team Leader) Felicity Collins and Pamela Tasker (Governance Officers)

Apologies: Councillor K Thomas

1 Apologies

Councillor Thomas.

2 Declarations of Interest

None.

3 Minutes of Meeting held on 23 June 2022

The minutes of the last meeting held on 23 June 2022 were **accepted** and approved as an accurate record of the meeting.

4 Guide to the Constitution

The Head of Law and Standards provided a brief overview of the requirement for the local authority to publish the new constitution guide which will be public facing and a simplified version of the constitution, which will not be a technical document so members of the public can interact and engage with the document.

It was stressed that this is draft statutory guidance, model produced by the Welsh Government and that the officers have condensed a lot of information from the constitution into a smaller document. The guide has lots of hyperlinks which would direct the members of the public to those parts of the constitution/policies they'd like to access.

Members were advised that the council has to have adopted and published the guide to the constitution as soon as possible after May 2022 to comply with the legislation, so unfortunately there would not be enough time for public consultation.

It was suggested to the Committee that they could recommend to Council in November that this document should be adopted as a starter document to meet the requirements of the

legislation but agree to keep the document under constant review and improve it as they go along in the forward work programme. Public consultation could then be carried out as part of the review of the guide.

Committee raised the following points:

- Councillor Hourahine asked with regard to public feedback; who the wider groups be engaged with would be and when would it be the most likely for the committee to get that first part of public feedback.

In response, the Head of Service explained that it is entirely up to the committee members to decide on how they wish to engage. Councillors have various ways of consulting with the public, such as online questionnaires which could be something they can build into the forward work programme.

The Democratic and Electoral Services Manager added that in May the authority adopted the Participation Strategy in order to comply with the legislation which sets out the starter on how the council can engage with the public. There are key objectives in there and the feedback was that they did a lot to engage online and looked into how to get to groups who are harder to reach. It was mentioned they could always bring that back to future committees to update the Members.

- Councillor Hourahine referred to part 4.5 on page 29 where it states that Councillors can request a recorded vote. The Member asked the officers to clarify how many Councillors would be required to make a recorded vote.

The Head of Law and Standards confirmed that it states in the council standing orders that it requires five Councillors. It was mentioned that the Standing Orders regulated the conduct of meetings and were intended for Councillors, not for members of the public. Therefore, it was unnecessary to repeat this level of detail in the public guide to the constitution.

- Councillor Hourahine felt that the number clarifying would help everyone reading the document and also referred to page 34 regarding the Standards Committee whereby ex-councillors are not allowed to sit on that committee but it does not state that in the document.

The Head of Service clarified that the document is a simplified guide where the council has tried to keep it as short as possible. Apologies were made if the Members feel they have taken out details that they think are relevant.

Members were reminded that the information on such matter mentioned are all set out in the constitution itself but reiterated that officers cannot input a lot of detail for each committee and how they all operate as the document is meant to be an overview. If individuals would like to know the rules, they would then be directed to the relevant part of the constitution.

- Councillor Hourahine referred to page 57, where if a Member were to raise an issue with Overview Scrutiny Management Committee, there is no mechanism to see how that would be achieved. It was asked if this is something new.

In response, the Head of Service advised Members that this is not new and that goes back to the original Act from 2000. Individual Councillors have always had the right to take issues of their choice to scrutiny, members are able to request items for the work programme.

- Councillor Hourahine asked if there has ever been a referral and vote.

The Head of Service clarified that this right of referral had been used occasionally in the past. Usually the committee would collectively select the issues they would like to discuss. It was stressed that there is scope for individual Councillors to raise such issues which can be discussed with the chairs of such committees.

- The Chair commented that the call in process for Cabinet Member decisions has always been there.

The Lead Officer explained that there has always been a call in process but only for unlawful or un-constitutional decisions. We don't have a call in process on merits of the decision. There is a subtle difference in the Newport City Council's call in system works. Thankfully never had a successful call-in as decisions should not be let through if unlawful or un-constitutional. Newport has a comprehensive system of a pre-decision consultation so all Members can see the report and have a chance to make comments on the decision before it is made.

- Councillor Watkins expressed his concern that the Committee has been asked to adopt the draft report in November, as he felt that they do not know of the legislation that would come forward after that.

The Head of Service advised the Member that the legislation is already in force and clarified that the officers recommended that the Members adopt it to comply with the legislation. As the authority is currently waiting for the final guidance from the Welsh Government, Members were assured that the officers have had the draft guide for a while. It was stressed that the document is dynamic and the Officer suggested that the Committee could keep it under review.

If there would be any change in the guidance, the officers would bring it to committee for discussion.

- Councillor Watkins asked when the council receives the guide if it could come to committee for approval prior to council for approval. The Chair agreed to the suggestion.

Members of the Committee noted the content of the report and approved of it to be passed to full Council for adoption in November.

Committee wished to make the following recommendation:

The draft guide to the Constitution to be approved and referred to Council for adoption.

5 Amendment to the Constitution - Cabinet Job-sharing and Executive Assistants

The Head of Law and Standards provided the Committee with a brief overview of the legislative changes with the right for the Cabinet Member post to be shared and the right for leaders to appoint assistants to the executive. It was explained that the report updates the relevant parts of the constitution to reflect how it works in practice.

Members were advised that the Leader of the Council appoints the Cabinet Members and can decide which post could be job shared.

The Officer noted how there are a number of reasons for job sharing, which is not to increase the number of posts or sharing the workload, but more about improving diversity and succession planning.

The Head of Service informed the Members on how the Cabinet Member decision making would work, as the two Members would have a single vote between them. If the Cabinet Members cannot agree on their vote jointly, then their vote would be invalid and would be

disregarded. With the individual Cabinet Member decisions for signing off a report, this would be delegated to the Cabinet Members as stated in the scheme of delegation. If there were a disagreement amongst the two Cabinet Members, the written report would go to the Leader of the Council for the decision.

Members were also informed how the assistants to executives do not have vote in cabinet, nor a senior salary. They are entitled to speak at Cabinet meetings but are not responsible for the decisions made by the Cabinet Member. It was stressed that the legislation needs provision for those to be appointed and to update the constitution so there is discretion. This would have no financial implication as the officers have amended the relevant part of the constitution but intend for these changes in practice to be reflected.

It was recommended to the Committee that the Members take the report to full council in November in order to accept and reflect the changes.

Committee wished to make the following recommendation:

The Committee noted the content of the report and agreed to take the report to council in November for adoption of the changes to the Constitution.

6 Independent Remuneration Panel - Draft Annual Report

The Committee were informed that there was not that much change to the report, just that the basic salaries for the Members will be increased by 4.76% in line with inflation. Members were reminded that normally committee would not comment on the same but the IRP had asked specific consultation questions about the process of consultation and determination, which the Committee may wish to consider. Members were informed all other allowances, such as the co-opted Members will not change, as of next April.

Committee made the following comments:

- Councillor Watkins asked if it would be appropriate for the Committee to comment on the document as it affects all Councillors and could be a conflict of interest.

The Head of Service advised the Members that they are being asked on how the salary is based, not the pay itself.

Following agreement from the Chair, the Head of Law and Standards ran through each consultation question to provide Members with an opportunity to make comments on the same.

Members were informed it is a draft report which is subject to consultation comments, the next report would come to Committee around February/March to form the new scheme of allowances for next year. The Head of Service appreciated that with the first question, where it discusses basing allowances on average salaries and may feel too much of an interest to express their opinion on that.

Consultation Questions:

- - 1. Members agreed to select the no opinion option.
 - 2. Members agreed to select the no opinion option.
 - 3. Members agreed to select the yes option.
 - 4. Members wished for the report to carry on as it is so selected the yes option for that.
 - 5. Members agreed to selection the yes option.

The Officer thanked the Members for their responses.

7 **Date of next Meeting**

Tuesday 21 February - 10am - Committee Room 1

The Committee agreed on the meeting being held in a committee room for the next meeting. Reservations were expressed over the facility of the broadcasting visibility. Members were informed by the Democratic and Electoral Services Manager that the screens now allow the officers to zoom which would work for the size of the committee.

The Head of Service informed Committee that due to the September meeting being cancelled so the Committee is out of sync in terms of meetings, the Democratic Services Committee Annual Report is due to go to Council in November.

The Officer suggested to the Members that the Officers could draft the report and email it to the Members for comment to produce it collectively by agreement to take to Council in November. Members were advised it would be better than waiting for the report in the New Year otherwise it would be a big gap from previous years.

Councillor Watkins commented that would be fine with regard to the annual report. The Member assumed that as Democratic Services Committee is a public meeting, if people would like to watch it, would that be facilitated in the committee rooms?

The Head of Service confirmed that Committee Room 1 has a public seating area on the side.

Meeting terminated 10:47 hrs