

Minutes



Democratic Services Committee

Date: 30 March 2022

Time: 10.00 am

Present: Councillors C Ferris (Chair), P Hourahine, T Watkins, M Evans and C Townsend

In Attendance: Gareth Price (Head of Law & Standards), Elizabeth Bryant (Assistant Head of Legal Services) and Felicity Collins (Governance Officer)

Apologies: Councillors M Whitcutt, J Clarke, K Thomas, G Giles and C Evans

1 **Apologies**

Councillor Giles, Councillor Clarke, Councillor Whitcutt, Councillor Thomas and Leanne Rowlands.

2 **Declarations of Interest**

None.

3 **Minutes of the Last Meeting**

The minutes of the meeting on 28 February 2022 were accepted and **approved** as an accurate record of the meeting.

Matters Arising

Councillor M. Evans referred to the first page of the minutes of the last meeting where committee brought up the issue of the petition schemes and that the officers had just received advice from the Welsh Government at the time. It was noted that the officers would receive more information to report on for the March meeting and asked if the Committee could have an update on the future information from the Welsh Government.

Head of Law and Standards confirmed that the next item on the agenda would pick up on that point but advised they did not receive further updates in terms of guidance. As the last meeting was based on draft guidance and such guidance would not be available until after May. Therefore advised that the officers are proceeding on the basis of the draft guidance to update the Members verbally.

4 **Participation Strategy Consultation Update (Information Only)**

Gareth Price – Head of Law and Standards

The Lead Officer gave a brief overview report to the Committee on the Participation Strategy and the outcome of the public consultation on the draft strategy approved by committee. The Officer explained that he had an update from the Democratic and Electoral Services manager on the public consultation which was limited to 13-14 responses through the council's website page. In terms of the strategy itself, there were no comments about what was in the strategy but comments about the council not listening to public concerns and how they respond to the same.

It was mentioned that some comments were in relation to the accessibility of the website. Members were informed that the public access is being looked in relation to customer service requests but this was about the accessibility of the governance process and how it works, which is a requirement of the legislation. As it is a dynamic policy with objectives to implement, the criticisms made will be addressed as part of the action plan.

The Head of Service advised that due to the timescales of the plan, there would not be another meeting between March and May. Committee was informed that the consultation responses would not change the draft document that the Members have seen and that it will be presented to full council on 17th May to be adopted. The new Democratic Services Committee would have that on the work programme to keep the plan under review in implementing the engagement strategy.

The Head of Service provided the Committee with a presentational update by the Democratic and Electoral Services Manager which discussed the legislative requirements of formal petition schemes. It was indicated how the council has a process but as it is not documented, the results could not be reported back to committee. The officer highlighted that the council needs to formalise what to do. Members were reminded that this is based on the draft guidance from Welsh Government and that they would try to develop something to present to Council in May. A filtering system was considered so that vexatious petitions would not be dealt with by the council, this could be through validating of the lead petitioners and also whether the council would want a minimum number of signatures before responding to them.

Requirements were discussed for what would not be deemed as a valid petition, such as planning and licensing decisions, code of conduct complaints and statutory appeals as the authority already has processes for those. It was also mentioned that the council could prescribe a timescale for a response to the petitions in question.

The officer welcomed comments and questioning from the Committee.

Committee raised the following points:

- Councillor Hourahine noted how the petitions that he comes across in his ward mostly relate to resident parking and noted the last remark regarding to the timescale; that it should be essential for the council to have a timescale for the petitions to be dealt with. The Member asked the officer to confirm if they could foresee parking coming within these petition schemes.

The Head of Law and Standards confirmed that if the petition scheme met the necessary requirements, then it would be allowed.

- Councillor Hourahine added in some cases, the applications for parking are for a short length of the highway and asked the council to consider that when deciding the guidelines for the petition schemes.

In response, the officer clarified that would not be for the council to consider as they would like the committee's views on that. It was explained that the authority could structure said petition schemes but welcomed the Member's views on ideas such as minimum number of signatures to validate a petition to decide what they think would merit a debate.

An example was used, where a petition regarding residents parking had more than 20 residents' signatures, then it could be deemed valid and would be directed to the Head of Service and relevant Cabinet Member for a decision. The council could log the receipt of the petition in the scheme and record how and when it was responded to. For instance, at a much higher level petition, if traffic restrictions affected a broader community and that the petition had

hundreds of signatures; then it could be more appropriate to be discussed at a scrutiny committee.

The scheme would intend to formalise the petition process and give more substance to it; the officer advised that they would like the committee's views and if they thought it would be appropriate for scrutiny to get involved.

- Councillor M. Evans made the suggestion of the council reviewing the percentages of streets having an input in the petition. For example, they could set a minimum requirement of 40% of the street rather than having a specific number of signatures. The Member agreed that the council does need to engage with the public and members so they are aware of petitions circulating within their wards. The Member agreed that with the larger petitions, it would be important that scrutiny has a role in the discussion. It was mentioned that residents get frustrated at the council and feel that their views are not heard. The Member stressed that if a significant number of people have signed the petition then they have a right to be heard by the scrutiny committee as it would be healthy for democracy.
- Councillor T. Watkins commented in relation to the number of signatures and suggested that this should be dependent on what the petition is about and that the lead petitioner should have direct communication about why their petition would not be considered for a debate. The Member went on to agree that there should be a timescale and that the committee should invite petitioners rather than automatically allowing the residents to go before the scrutiny committee. Once a timescale is given, then they should give feedback to the petitioner and local councillor, and relevant Cabinet Member.

With regard to the points made by the Members, the Head of Law and Standards clarified in terms of the process that the intention would be to develop something the council could present to the AGM on 17 May 2022 to adopt going forward. The petition scheme would be an integral part of public engagement strategy and advised that it may be a case of trial and error with the scheme at first where improvement and refinement may be needed. It was recognised that the ward councillors would need to be informed of the petitions. For instance, a smaller petition could go to the Cabinet Member, and a larger one could go to scrutiny. If the issue is ward specific, then ward members would be invited and informed at the very least which could be built into the scheme.

The officer suggested that it could be treated similarly to questions in council; where they will take a view and the Monitoring Officer and Democratic Services Manager if it's an appropriate petition in terms of the guidance/rules. If so, that could be escalated in line with the process.

The Committee was advised that the officers would take away committee's comments and present a first draft on 17 May 2022 as part of the wider participation strategy. The Head of Service confirmed that they would not want to make the scheme too complicated.

- Councillor M. Evans made the suggestion of using percentages for the matter of it going to debate. For example, if a vast majority did not want it, then that would be wasting officer's time. The Member referred to the surveys that the council used to do, where if only a certain percentage then clearly the point of

view from another time that a resident might not like the council, and may try again to sign their petition off.

The Member also queried the reason for the petition scheme going to the Annual General Meeting in May as there would be many new councillors and thought that the AGM was a formal meeting. The Member advised that the new councillors would be burdened with new information. It was mentioned how the committee got the draft scheme from the latest council meeting and was therefore unsure on why it would be coming back in June.

In response, the Head of Service agreed that it is not ideal and would expect petition schemes and the participation strategy to be on the agenda for the Democratic Services Committee. But advised they have to refine it and by law the council has to have a new petition scheme in place, the same way the participation strategy is needed. Therefore, the council require the scheme to be adopted at the AGM so it can be adopted and refined by the Democratic Services Committee, to have something in place by May.

With regard to the AGM in May not being the place to discuss the matters, the Officer advised that in light of the legislation that the council has to adopt; it is inevitable as the council has a number of housekeeping matters to deal with. It was explained that 17 May is the earliest opportunity that the officers have to take to full council.

- Councillor M. Evans noted he was aware of that, but advised that the council has not yet received the draft guidance from the Welsh Government and stated that they should not be making decisions from draft legislation.

The Head of Law and Standards clarified with the Committee Members that it is not draft legislation, just guidance and that the legislation is already in place.

- Councillor M. Evans went on to query if the officers knew when the final guidance is going to be received in June.

In response, the Lead Officer advised that the consultation period ends 22 May and that they do not expect the guidance until June. It was acknowledged that the timing is not ideal but advised that the council has to adopt a basic scheme that meets the requirements from the legislation and the Democratic Services Committee could refine it once it has been finalised and adopted. Therefore the council legally has to have something adopted to comply with the legislation.

- Councillor Hourahine raised his concern that the process would become overly bureaucratic. It was considered that most articulate residents would not have an issue in expressing their views; but the Members have duties to present those who are unable to. Therefore the Member asked for confirmation on how the councillors could provide support to those residents who cannot express themselves clearly and mentioned it would be something for the council should consider. For instance, those who may have mental health problems.

The Head of Service recognised that is a broader issue but the focus of the committee's meeting is on how to deal with petitions when they come in and advised that, once they are at the stage when residents provide representations, the Officers would look at equality issues.

Members were informed that something new would be discussed to the address the wellbeing duties for public attendance and assured the Member that representation issue would be picked up separately.

The Committee was advised that after May, there will be hybrid meetings and for residents who may be digitally excluded; there would be a facility available for face to face meetings.

- Discussion ensued and Councillor Hourahine made the suggestion that the council could direct petitioners to the equality policy for guidance as a footnote at the bottom of petition schemes.

The Lead Officer confirmed that the officers could do that as lead petitioners would be informed on that, and that a link could be included for accessibility.

5 Independent Remuneration Panel (IRP) Report (Information Only)
Gareth Price – Head of Law and Standards

The Committee was informed that the Independent Remuneration Panel Report (IRPR) has been included within the agenda purely for information but touched on Councillor M. Evans' point about it coming into the AGM for discussion.

The Head of Service explained that this was the final report and there has been no significant changes to it since the draft report from November 2021 with regard to the basic allowances and re-setting of senior salaries.

With regard to full council on 17 May 2022; the council will be asked to adopt the Members Allowance Scheme based on the revised salaries and for house-keeping matters, the officers have to take the report in May for the new council to adopt.

The Members were advised that once the AGM has made appointments in terms of Cabinet Members and Party Leaders, the published member scheme of allowances would put their names against the schedules of senior salaries.

Members acknowledged the officer's points regarding the documentation.

6 New Officer Scheme of Delegation (Information Only)
Gareth Price – Head of Law and Standards
Elizabeth Bryant – Assistant Head of Legal Services

The Head of Service provided a brief overview to the Committee and reiterated that the new Officer Scheme of Delegation is a work in progress where they will look to refine and finalise. It was noted that there were no substantive changes to the current delegation but specific function were re-allocated to the new Heads of Service, following the senior management restructure and the re-alignment of services.

For example, public protection previously came under Law and Standards and taxi/licensing and all of the environmental health sections were under Head of Law and Standards, but these functions were transferring to the new Head of Environment & Public Protection. It would ensure that the right officer delegation sits within the right service area and advised that it is a lot more complicated than it seems because the council are having to disaggregate some of the services. The Head of Law and Standards paid credit to the Assistant Head of Legal Services, Elizabeth Bryant who undertook a lot of work on that.

The Members were informed that it is a work in progress and the intention would be to finish between the current time and May for the Members to sign off on 17 May.

The officers welcomed any queries from the Committee.

Committee raised the following points:

- Councillor Watkins queried how the scheme of delegation would affect the scrutiny committees.

The Head of Law and Standards advised that the officer scheme delegation is purely about decisions made at officer level. In relation to the scrutiny committees; the majority of that would depend on what the make-up will be of the newly elected council.

Currently, there were two Performance Scrutiny Committees that scrutinised service plans and they were based on the old People and Place/Corporate Directorates. Members were informed that there are currently four corporate directorates and the grouping of services is different. In addition, there would be a new performance self-assessment process that the Head of People, Policy and Transformation was developing.

Members were advised that the officers would need to look at that with the chairs of scrutiny; which would be a bigger piece of work in terms of new performance.

- The Chair referred to the points three and seven in the Responsibility of Regeneration section to make bids for European funding, and asked if that would be now a thing of the past.

The Head of Law and Standards advised they could omit the reference to 'European'. As the council still would receive external grant funding, levelling up funding and internal grant funding. The Member was advised that they could pick that up as part of the refinement.

The Lead Officer also mentioned that the Heads of Services were fine tuning other things such as the planning process; where currently the planning applications go to the committee because property assets and the corporate assets currently sit with the same Head of Service.. The officer highlighted the conflict which is under the delegation, of determining their own planning applications. As a result of property and assets moving to People, Policy & Transformation, the officers need to tweak that delegation so it can sit with a different area of service for a better purpose.

- Councillor Hourahine mentioned that to his understanding that scientific and academic areas are still applicable for European funding and noted that he was unsure on how that would affect the council but made the suggestion of new wording within the document instead of completely withdrawing it.

In response, the Head of Service advised that with the scheme of delegation, it would be inappropriate to withdraw all reference to European as that is to do with the external grant funding; that might have covered the EU, but did advise that other grants could filter through.

7 **Presiding Member/Chair of Council Update**

Gareth Price – Head of Law and Standards

The Head of Service gave a brief overview to the Committee and explained that the report provides further details of the arrangements, roles and responsibilities for the Presiding Member. The appointment of the Chair of Council/ Presiding Member and the Vice-Chair/Deputy Presiding Member will be determined at the Council Annual General Meeting

on 17 May 2022. Council will also be asked to endorse the necessary changes to the Constitution as a consequence of the adoption of the new Presiding Member role.

The Officer gave more information on how the process would work in practice; the revised role description of the Presiding Member and Vice Chair is detailed in the document. Members were advised that in the report, 76% of councils in Wales have a Presiding Member. The Committee was advised that the councils have already taken that decision but the main point is that the Presiding Member appointment is a matter for full council and will be the first item for the AGM in May.

The Head of Service went into detail to explain the nomination and appointment process of the Presiding Member in Council and advised that the role would be up for review each year, with nothing to prevent the chair of council being re-elected. And highlighted the distinction between the Chair and ceremonial role of the Mayor; that the Mayor simply represents the council as the first citizen at internal and external events.

The Officer referred to other council practices, by agreement on the parties of the council; should the Presiding Member be appointed from one group, the Deputy Presiding Member could be nominated by the other group. This was mentioned as it could be something that the groups may wish to consider after May 2022.

The officer welcomed any comments and questioning from the committee.

Committee raised the following points:

- Councillor M. Evans raised concern of a potentially long meeting in May for the newly elected Members. The Member asked whether the Presiding Member would have a casting vote.

In response, the Head of Service confirmed that the Presiding Member would have a second and casting vote and advised that this was noted in the report but would need to make an amendment to the council standing orders as a consequence to the change. The Presiding Member would have the same rights as the Mayor and the individual chairing the meetings could call the vote.

- The Chair queried whether the current Mayor, Councillor David Williams would open the meeting as Mayor.

The Lead Officer advised assuming if Councillor Williams would be re-elected. And should he be elected in, then the Mayor would open the AGM and the first item on the agenda would be the nominations for the Presiding Member and then after being appointed; that individual would take the chair for the rest of the AGM.

- The Chair queried if it would be conceivable there would have to be elections within the parties to vote for the Members as speakers.

The Officer advised that they could not comment on that but the nominations will be received in council. If there would be more than one individual, then there would be a vote and the appointment would be made for the Member who receives the most votes. How that works within the groups would be of no concern to the Head of Service.

The Chair thanked the committee for their input and the officers for their time.

Thursday 16 June 10am – 12pm

- 9 **Live Event**
[Democratic Services Committee, 30 March 2022 - YouTube](#)

The meeting terminated at 10.59 am