

Draft Minutes

Democratic Services Committee

Date: 27 April 2023

Time: 10.00 am

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

In Attendance: Leanne Rowlands (Democratic and Electoral Services Manager), Elizabeth Bryant (Head of Law and Standards), Pamela Tasker (Governance Support Officer), Taylor Strange (Governance Officer)

1. Apologies

None

2. Declarations of Interest

None

3. Minutes of Meeting held on 21 February 2023 (Pages 3 - 8)

Agreed:

The Minutes of the Last Meeting held on the 21 February 2023 were held as a true and accurate record.

4. Annual Report of the Head of Democratic Services (Pages 9 - 18)

The Democratic and Electoral Services Manager presented the item to Committee. Under the Local Government (Wales) Measure 2011, the Democratic Services Committee is required to keep under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, to ensure that adequate resources are provided for the responsibilities of the post.

The Committee is asked:

- (i) To consider and comment upon the Annual Report.
- (ii) To endorse the view of the Head of Law & Standards and Democratic Services Manager that the provision of staff, accommodation and other resources by the Council is adequate to discharge the statutory requirements in relation to decision making, democratic administration and scrutiny; and

(iii) To ask the Democratic Services Manager to keep under review the provision of staff, accommodation and other resources made available to members to ensure that statutory requirements and any changing needs of elected members are met, and to present a report to this Committee should any review be required.

The statutory functions of the Head of Democratic Services are set out in the Measure and relate to the provision of advice and support to non-executive members as part of the democratic process, and all councillors when carrying out their representational role. In effect this covers Committee services, scrutiny and governance, and general member support services.

Main Points:

- The Democratic Services covers Community services, Scrutiny and Governance, and general member services.
- The report considered the period 2021/22 and during the reporting period there were no changes to the provision of staff in terms of capacity and resource. However, there were changes to officers as there was a retirement of one of the Governance Support Officers and the Scrutiny Officer applied for another role, so that role was vacant. All posts have now been filled on a permanent basis and the team is currently at full capacity.
- Following the retirement of the Elections Manager, responsibility for this area was transferred to sit under the Democratic Services Manager responsibilities in January 2022. The role became the Democratic and Electoral Services Manager, and the key objective at this time was to successfully deliver the local elections in May 2022, and subsequently to provide induction and support services to those members appointed.
- There was a full compliment of staff in the Democratic and Services Team in this period and there were changes but the provision of staff was adequate to discharge functions.
- In accordance with the requirements of the Measure the staffing and resources available to discharge these democratic functions will need to be kept under regular review, to ensure that they remain adequate and effective. This will include reviewing the provision of staffing in Electoral Services in consideration of the changes to legislation under the Elections Act 2022 that start to impact operations in 2023.
- Adopting Hybrid Meetings was a major legislative change and since May 2022 Members have been able to join meetings in person and from other locations; there was a tight turnaround between the Election and Council AGM so the team had to ensure that Members signed the Declaration and had the correct IT kit and access to be able to join Hybrid meetings.
- The Constitution was also amended to reflect the arrangements developed to meet the requirements for Multi Location Meetings.
- It has been a year of firsts for the team being involved in Mayor Making and the other first was the death of Queen Elizabeth II in 2022 where the team facilitated the civic duties for this both during the period of mourning and to hear the decree announcing the new King.
- During this period specialist training for the team has been provided by Public Governance Wales on democratic accountability, governance and scrutiny, and from the Association of Electoral Administrators on all aspects of Electoral Administration.
- New starters received training as part of induction, with cross training and people moved into new roles.
- There is an ongoing focus on learning and development, with training plans in place on an individual and team basis.

- Any changes in statutory requirements and/or the needs of members will also need to be kept under review and will be reported to the Democratic Services Committee. Potential pressures could include:
 - The impact of the Elections Act 2022
 - Any changes to the demands and needs of elected members
 - Any changes in statutory requirements, e.g., Welsh Language Standards; Wellbeing of Future Generations Act / PSB Scrutiny.
 - Increased day to day demands
 - Any further demands from regulatory bodies
 - The impact of the cost-of-living crisis on resource and demands
- The Democratic and Electoral Services manager recognised the work of officers in the Democratic Services Team and recorded personal gratitude for their support.

Questions:

A Committee Member commented on the review of the Democratic Services provision and expressed their concern that the Electoral Manager post was incorporated into the Democratic Services team Manager responsibility and that it meant more pressure on the team and requested that Members be kept aware of this and of any changes.

- The Democratic and Electoral Services Manager stated that the change in terms of the electoral team being brought under Democratic Services happened in January last year. It was recognised that this was a change in workload but the annual activities and the local elections had been effective under this new structure.

The Chair commented that the role of Elections Manager was important and wide reaching, and perhaps should have been replaced.

A Committee Member stated that in terms of public awareness, it can be an uphill struggle persuading people to register to vote and the Member asked whether the team would be able to make provision for the new requirements for Voter ID and other changes.

- The Democratic and Electoral Services Manager appreciated the concerns and explained that there was a planned programme from the Electoral Commission and there will be a local communication plan. They confirmed that communication in Wales had been held back, as voters were going to the polls next week in England only.

A Committee Member commended the Democratic Services team for how smoothly last year's Election ran and asked how much support the Mayor would be given this year.

The Chair commented that this was a very important question to ask and stated that they were the last Mayor that had support they considered to be proper.

- The Democratic and Electoral Services Manager confirmed that there would be no changes to mayoral support as the current arrangements would continue. They confirmed that whilst there is no longer a dedicated support to the mayor, an officer regularly checks the Mayoral diary on a day-to-day basis and the Democratic and Electoral Manager stated that they check in twice a week with the officer covering the Mayors office. Recruitment has been completed to provide back up to the chauffeur team to provide back up when needed.

A Committee Member requested updates on plans to engage with residents to encourage registrations to vote and also thanked the team for all their hard work and support in the last year.

A Committee Member commented on training and queried whether it was ongoing for Democratic Services in all roles.

- The Democratic and Electoral Services Manager confirmed that training was ongoing for all Scrutiny Officers and Governance Support Officers in all roles, and there was a training plan in place to manage this.

A Committee Member stated the Democratic Services Team had to adjust to the new demand and this year was quite challenging with new Members starting so they expressed their thanks to the team for their hard work.

Agreed:

The Committee noted and endorsed the Annual Report.

5. Review of Standing Orders (Pages 19 - 24)

The report was presented to the Committee by the Head of Law and Standards where at the Council meeting on 24th January 2023 it was resolved that Democratic Services Committee consider Standing Orders in place under Part 4: Rules of Procedure of the Constitution regarding Questions at Council to the Leader of the Council.

Main Points:

- It was moved on the 24th January 2023 for the committee to consider Questions to the Leader in the Leaders absence and the Democratic Services Committee asked for debate regarding an extension to the time for allotted for Leader's Questions.
- The current Standing Orders under Part 4: Rules of Procedure do not reference any specific provision regarding the role of the Deputy Leader in Leader's questions, including Leader's announcements, on such occasions when the Deputy Leader is deputising in the Leader's absence at Full Council meetings.
- Clarification of the requirements of the Deputy Leader when deputising for the Leader in full Council would require a new Standing Order to confirm the procedure concerning Leader's announcements and Leader's questions.
- In terms of Questions to the Leader, Newport City Council has a unique approach whereby questions are not required to be submitted in writing in advance of the meeting.
- Under current Standing Orders, Members can submit Questions in numerous ways to the Leader and the Cabinet Member outside of the Council meeting.
- The Committee was asked to consider options set out in the report:

a. Deputisation for the Leader at Council

Option 1a

The Committee recommends that Standing Orders are updated to specify that the Deputy Leader conducts Leader's announcements and responds to Leader's questions when called upon to deputise for in the Leader's absence at full Council meetings.

Option 2a

The Committee recommends that Standing Orders are updated to specify that Leader's announcements and Leader's questions are not part of proceedings when the Deputy Leader is called upon to deputise in the Leader's absence at Council meetings. In this circumstance, questions to the Leader would be submitted in writing with written responses being provided within 10 working days following the Council meeting.

b. Questions to the Leader

Option 1b

Standing Order 4.2 is not amended; Questions to Leader are asked verbally, and responded to verbally at the Council meeting, and the time limit remains 15 minutes.

Option 2b

Standing Order 4.2 is amended to align with the process for Questions to Cabinet Members. Questions are submitted in writing to Democratic Services ahead of the meeting, no later than 4pm three working days before the meeting. Accepted questions are then asked verbally and responded to verbally at the meeting within a time limit of 30 minutes. The timeline for submitting questions, to the Leader or to Cabinet Members, would be by 4pm 10 working days in advance of the Council meeting. Consideration would be given to changing the times of Council to start earlier, to allow for the increased time for responding to questions.

Preferred Option

The Head of Law and Standards stated that the preferred options are **2(a)** where the Committee recommends that Standing Orders are updated to specify that the Leader's announcements and Leaders Questions are not part of proceedings when the Leader is not in attendance and **1(b)** where Questions to the Leader remain as they are.

The Chair asked who made the decisions on the options and why were they recommended.

The Democratic and Electoral Services Manager stated that other Councils were looked at to observe what arrangements they had, and the precedent of the January Council meeting was also considered where the Deputy Leader had stood in for the Leader; however, the Committee was able to put forward alternative options other than those outlined in the report.

The Head of Law and Standards stated that in Wales there was a model constitution.

The Chair asked what the evidence was that other Councils approached Leader's questions in a different way, and which Councils did this.

The Head of Law and Standards confirmed that Newport City Council were the only council who had open Questions to Leader that are not submitted in advance in writing.

A Committee Member stated that the former Leader accepted Questions without notice and confirmed that Newport was the only Council doing this at the time. The Committee Member stated they were happy to continue with this current method as it was an interesting alternative to what other Councils do. The Committee Member also wanted to continue with the allotted time of 15 minutes for Questions. Regarding the Questions to the Deputy Leader in the absence of the Leader they were prepared to accept the recommended option.

A Committee Member stated that they were concerned that if there was a Deputy Leader that had a heavy workload, such as Cabinet Member of Education, then to ask this person to have a total overview of the workload in the same way as the Leader would be a lot to ask. They went on to say that the Leader answers questions without notice or prior preparation, and it would not be fair to ask the Deputy Leader to do this.

The Head of Law and Standards stated that it was not reasonable to expect the Deputy Leader to do this without preparation time and written Questions for the Deputy Leader might be a better option to secure a response on these rare occasions.

The Chair commented that back in 2004 the Leader and Cabinet Members at the time had been on their feet for an hour at a time during Question Time. A Committee Member commented that there was a different structure at that time.

A Committee Member stated that they thought that as the Deputy Leader received an allowance for their role then the Deputy Leader should be expected to deputise when the Leader was not there, and this included answering Questions as otherwise this negated the need for a Deputy Leader role.

Another Committee Member stated that the role of the Deputy Leader included lots of additional responsibilities such as representing the Council at local or regional meetings, but this would put a lot of additional responsibility on this person if the Standing Orders were changed to allow Questions at Council to the Deputy Leader.

A Committee Member asked why have an enhanced allowance, and another Committee Member stated that it was not appropriate to discuss the monetary allowance of this Cabinet Member role at this meeting.

A Committee Member stated that this should include Questions at Council in the role of Deputy Leader, if they do get an enhanced allowance.

Another Committee Member stated that they felt that this was nothing to do with the monetary compensation for taking on the role but rather the additional amount of knowledge they would need to have in relation to all the different portfolios.

It was mentioned that the Leader could say I don't know the answer and will get back to you, but it was discussed that this would not be acceptable to some Members.

The Chair considered that there was a reasonable expectation that if the Deputy Leader was deputising for the Leader, then they should be able to answer questions across the range of the Council given that there was an additional allowance granted to be Deputy Leader.

A Committee Member asked whether the Deputy Leader role was a statutory role, and it was confirmed by the Head of Law and Standards that it was a statutory role.

A Committee Member stated that they had concerns in relation to the Deputy Leader taking Questions in this way, as the Leader of the Council has access to confidential sensitive information that the Deputy Leader did not have access to; therefore the Deputy Leader could only answer certain parts of a Question as they could be any topic. The Committee Member also stated that in relation to extending the Question Time they did not feel a need for this as 40-50% of Questions asked could go to the Cabinet Member and not to the Leader so could not see the reason for the extension.

A Committee Member asked whether it was a regular occurrence where we don't get through the Questions in Council as some Questions needed a longer answer.

The Chair responded by stating that the Leader of the Opposition can submit their question to the Leader and if the Leader gives a long answer and there is a supplementary question which can also provide a long answer, then not all members on the list to ask questions get the chance to do so in Council.

A Committee Member asked whether the time could be increased.

The Democratic and Electoral Services Manager clarified that Questions can be submitted to the Leader or Cabinet Members at any time, not just at Council.

A Committee Member stated that if a Member had a Question for the Cabinet Member then they should just ask them and not the Leader, if it was relevant to a Cabinet Member portfolio. They also went on to say that time was wasted by taking the 3 full minutes to ask a Question and there was more time wasted then by asking supplementary Questions. The Committee Member felt that Questions needed to be more direct and also considered that Members should avoid arguments with the Presiding Member.

Another Committee Member thought that this was a good point as the Presiding Members rule was final and this couldn't be questioned or opposed.

A Committee Member stated that since they have been a Councillor this does keep happening especially with supplementary questions being asked, so they felt direct Questions were best and the 15 minutes time limit for Questions should stand as it is.

A Committee Member added they were in the joint third largest political group but they do not get to ask Questions to Leader at Council. They went on to say that at the last council meeting they were going to ask about schools but informed the Leader of the Question and this was then addressed with the Chief Education Officer, so it was effectively resolved outside of the Questions to the Leader at Council process. The Committee Member felt that having an option of having a 30-minute limit instead of a 15 minute limit would ensure that smaller parties and the opposition have the opportunity to ask Questions.

A Committee Member asked whether Questions that were not asked of the Leader at Council due to the time limit were followed up with a written response.

The Chair confirmed that the Member needed to inform Democratic Services of their unasked Question in writing following Council, then this would receive a response.

A Committee Member stated that some Members did not know about the process of Questions At Any Time and needed to be informed.

A Committee Member stated that Leader's Questions at Council was an opportunity for Members to ask questions in the public arena and ask questions of those elected to represent their communities. They felt that whereas Committees all work together in non-partisan arrangements, Council was an important opportunity to express political views. The Committee Member stated that they were against the 15 minutes limit as they thought that Newport is the only Council that does this; however, they also recognised that there was an opportunity to ask questions and maybe going forward some Questions could be submitted in writing.

A Committee Member stated that in relation to Questions from the Opposition, supplementary Questions take up a lot of time and often written like a script which doesn't allow anyone else to ask Questions. The Committee Member proposed that supplementary questions to be restricted to one sentence only.

Another Committee Member proposed that another option would be to cease having supplementary Questions. They proposed that Members could ask their initial Question but if there was a supplementary question then they needed to submit this in writing instead.

The Chair agreed with this and stated that this would give more Members an opportunity to ask questions at Council.

A Committee Member asked whether three Questions could be asked from each major party, but it was discussed that this might not be approved by Members.

The Chair verified with the Committee that their recommendation was to keep the 15 minutes duration for open Questions to as Council, and that supplementary Questions would be submitted and answered in writing not verbally.

The Committee then went back to debate the role of the Deputy Leader at Council when deputising for the Leader.

A Committee Member stated that announcements and Questions were different aspects of the role.

Another Committee Member stated that announcements can be handed from the Leader to the Deputy Leader to be read out so they should stay in.

A Committee Member asked that the Committee move on from point 2(a) to allow the Deputy Leader to make announcements but not to answer Questions. Announcements were a way of advertising or highlighting certain issues.

Agreed:

The Committee agreed that for point 2(a) the Deputy Leader will make announcements but will not answer Questions.

The Committee agree that the time frame of 15 minutes for Questions to the Leader remains but that any supplementary Questions be submitted in writing.

The Chair noted that this agenda item received a good debate and thanked Committee Members for their contribution.

6.Independent Remuneration Panel (IRP) Report (Information Only) (Pages 25 - 56)

The Head of Law and Standards presented the report to the Committee which was an information only report.

Main Points:

- This is the final Annual Report of the Independent Remuneration Panel for Wales, setting the Decisions and Determinations on pay, expenses and benefits for elected members of principal councils, community and town councils, National Park Authorities and Fire and Rescue Authorities for implementation from April 2023.
- In Council on 16th May, Members will be asked to adopt this following Council AGM and appointments will be made and salaries will be published.

7.Forward Work Programme

- Constitution Update- 20 July 2023
- Participation Strategy Update- 20 July 2023
- Postal Voting- 20 July 2023
- Annual Report of the Head of Democratic Services- 23 November 2023

The Democratic and Electoral Services Manager stated that changes to the Constitution would be on the agenda for the next committee and that there would also be a presentation on postal voting as the Committee needed a recap.

The Chair commented that the ID for postal voting was different and confusing for people.

The Democratic and Electoral Services Manager stated that legislation has been passed on a national level.

The Chair commented that would have a good example next week from England voting.

A Committee Member stated that Members needed to know the profile of who was voting.

The Democratic and Electoral Services Manager stated that evidence from local England Elections could be brought to committee. The Democratic and Electoral Services Manager stated that the ongoing work to prepare will be done operationally to ensure that we were ready but that the Committee could have updates on the legislation as it was implemented across Wales.

The Chair stated that the Committee needed to know the difference in rules for a general election and its postal rules and then for Senedd and Council as these will be different again. The Committee needed to look at this so residents will know what's needed.

A Committee Member asked whether the Council criteria would be the same as the Senedd criteria or would it be up to the individual Councils.

- The Democratic and Electoral Services Manager confirmed that the Elections Act was all of the UK, and this covered the parliamentary and the National Elections and then the Local Government and Elections (Wales) Act was Wales only and there is a divergence between the two so there would be an increase in differences in how elections for Wales are managed compared to parliamentary elections.

A Committee Member stated that they were concerned about Welsh Government and Local Elections.

- The Democratic and Electoral Services Manager stated that they were largely the same, but a summary can be brought to committee on what the differences are.

A Committee Member stated that there would be some sort of list system for Senedd Elections, and it was noted that there was a lot of elections coming up.

The Democratic and Electoral Services Manager stated that it was important to identify what was important for residents.

8. Date of next Meeting

20 July 2023 at 10am