

Minutes



Democratic Services Committee

Date: 20 July 2023

Time: 10.00 am

Present: Councillors R Mogford (Chair), E Stowell-Corten, M Spencer, B Perkins, P Hourahine, R Howells, K Thomas, T Harvey and A Sterry

1 Apologies

None

2 Declarations of Interest

None

3 Minutes of Meeting held on 27 April 2023

The Minutes of the Last Meeting held on the 27 April 2023 were held as a true and accurate record.

4 Constitution Update

The Assistant Head of Legal Services presented this item to Committee. The All Wales Monitoring Officers' Group, via funding from the Welsh Local Government Association commissioned Browne Jacobson to draft a new model constitution and a model constitution guide due to provisions coming into force under the Local Government and Elections (Wales) Act 2021. The all-Wales model Constitution has been approved for local authorities to adopt and will be implemented in sections as part of the work programme for committee. These will be considered by Committee before being presented to Cabinet and Council for approval and adoption as appropriate.

Questions:

The Committee noted that their understanding of the intention of the updated constitution was to make the Constitution clearer and easier to understand.

The Assistant Head of Legal Services highlighted that the object was to make a model Constitution that can be adopted by all local authorities in Wales. The aim is to get consistency across all local authorities to make it easier for members, officers and the public to work in accordance with the constitution. Different local authorities have different processes so the model Constitution will still need to be tailored to reflect how Newport City Council works.

The Committee noted that there was a considerable amount of information in the Constitution, some of which has not been amended for some time, and therefore a large undertaking to review the Constitution.

The Assistant Head of Legal Services noted that whilst the current document works it is not perfect, but harmonisation is required, which will support clarification and consistency.

The Committee requested confirmation on the timescale of progress to allow it to return to Committee.

The Democratic and Electoral Services Manager noted that it will be split, and sectional reports will be brought to the Committee so would need to be included in the Forward Work Programme, beginning at the next meeting.

The Assistant Head of Legal Services highlighted that due to the volume of work it is going to take several months and anticipated that the Committee will be considering part of the Constitution at each meeting for a period of time.

The Committee queried whether it would be presented at Council in full.

The Democratic and Electoral Services Manager noted that it would be presented to Cabinet Council as appropriate, in stages once approved by the Committee.

5 Participation Strategy Update

The Democratic and Electoral Services Manager presented this item to Committee.

Main Points:

- Under the Local Government and Elections (Wales) Act 2021 Local Authorities were required to develop a Participation Strategy that supports residents to become more involved in decision-making and to encourage more diversity in decision-makers.
- As part of this public engagement process, the Council was also required to make and publish a Petition Scheme, setting out how public petitions can be submitted and how the Council will respond.
- Democratic Services Committee supported the development of the Strategy and the Petition Scheme, which were adopted by Council in May 2022.
- These working definitions are informed by 'Practitioners' Manual for Public Engagement' (Participation Cymru, 2012).
- Engagement: An active and participative process by which people can influence and shape policy and services that includes a wide range of different methods and techniques.
- Consultation: A formal process by which policy makers and service providers ask for the views of interested groups and individuals
- Participation: People being actively involved with policy makers and service planners from an early stage of policy and service planning and review.
- Specific Participation duties under the legislation embedded into the Strategy which include:
 - Promoting awareness of the functions the Council carries out to residents, businesses and visitors.
 - Sharing information about how to go about becoming an elected Member, or Councillor, and what the role of Councillor involves.
 - Providing greater access to information about decisions that have been made, or that will be made by the Council.
 - Providing and promoting opportunities for residents to provide feedback to the Council, including comments, complaints and other types of representations.
 - Promoting awareness of the benefits of using social media to communicate with residents to Councillors.

- The principles agreed in the Strategy build on strengths, reflecting the existing functions in place that support Participation, whilst also including actions that support further progression and development.
- The expectation is that councils will build on this experience and move towards greater participation.
- Feedback from consultation indicated that residents:
 - Are interested in the decisions that the Council makes and would welcome having more of a voice as part of the decision-making process.
 - Felt that there was room to improve in terms of citizen engagement and involvement in the democratic process.
 - Felt that the actions outlined in the strategy would help residents to become more involved in decision making.
 - Would like engagement to focus on more varied and alternative methods of communication, particularly with potentially harder to reach groups.
- Monitoring progress is about looking at the strategic aim and what we already have in place to build on, the actions we take to improve and the measures in place to track the progress. There are individual performance measures that are tracked in service plans and progress against the Strategy would be reported through the Council's Annual Self-Assessment Report: Wellbeing Objective 4 around Improving Participation and Involvement.
- Key Actions under the Strategy are:
 - Develop and publish a scheme that sets out how the Council deals with Petitions.
 - Publish a guide to the Democratic Process.
 - Review and update the Scrutiny Public Engagement Strategy particularly with respect to hybrid meetings.
 - Promote awareness of the benefits of using social media to communicate with residents to Councillors.
 - Survey to residents based on The National Survey for Wales which has been used as a benchmark.

Questions:

The Committee noted that the first question on the survey could be reworded to ask residents if they know how they can influence decision making within the Council and then ask how effective that has been for them.

The Committee noted that residents would often contact their MP regarding issues rather than a local councillor, and that there is further confusion as some areas have AMs, MPs and Community Councillors. The Committee reflected that part of the role of Councillor is guiding residents in the right direction for their query. The Committee noted that there is also confusion between Senedd Cymru queries and Local Authority queries.

The Committee felt that the Council website is good in terms of contacting your Councillor facilities, however, there has been a change in that not all Councillor mobile numbers are on the website. The Committee discussed that this was personal choice and that members could choose to be contacted via the 656656 number for the City Contact Centre if that was their preference.

The Democratic and Electoral Services Manager highlighted that there are challenges with the volume of contact and making sure resources are spread effectively.

The Committee noted that it is a Councillor's responsibility to make themselves known to their constituents and noted that it is each Councillor's responsibility to promote themselves. The Committee further reflected that there is a need for the Council to strongly promote ward meetings in support of this. The Democratic and Electoral Services Manager advised of a

new flyer design had been created to advertise ward, and the Comms Teams are on board with promoting ward meetings via social media; Newport Matters was also used to advertise ward meetings where timescales permitted.

The Committee queried what is done with the information obtained from each question asked in the resident survey, and if there is a place on the website where residents can view the analysis of those questions as it currently shows consultations but difficult to find the outcomes.

The Democratic and Electoral Services Manager noted that the questions mirror The National Survey of Wales so that direct comparison can take place and can be shared in future update reports.

The Committee queried how the Strategy was being measured; the Democratic and Electoral Services Manager highlighted the 5 key areas of the strategy and that each of these have their own set of measures. The Democratic and Electoral Services Manager noted that last year quite a few of these measures were brand new so there has been a period of recording figures and then setting a benchmark and a target.

The Committee stated that more people will participate in consultations that may have a direct impact on them, but this can mean that there are neglected areas of services that do not receive much feedback as a result. The Committee felt that if residents are unhappy, they are less likely to engage.

The Democratic and Electoral Services Manager agreed that there is a gap that needs to try to be filled in terms of responses and representation.

The Committee queried what the current process is for petitions and why does this need to be changed. The Democratic and Electoral Services Manager confirmed that the Local Government and Elections (Wales) Act 2021 legislation requires local authorities to be specific on how a petition can be submitted. If the petition has been signed by more than 100 people then it meets the criteria and would go to Overview and Scrutiny Management Committee however if less than 100 signatures, it would go to a Cabinet Member.

6 **Postal Voting**

The Democratic and Electoral Services Manager presented this item to the Committee.

Main Points:

- The Elections Act 2022 received Royal Assent in April 2022 however the Department for Levelling Up, Housing and Communities (DLUHC) are still developing the policy and secondary legislation.
- The Bill impacts the administration of electoral registration and elections, and there are practical arrangements the Council must consider in readiness for implementing the changes.
- Part 1 of the Act introduces several new measures aimed at strengthening the integrity of the electoral process.
- Voter ID application portal went live on 16 January 2023 and from 4 May 2023 applies to:
 - UK Parliamentary by-elections
 - UK Parliamentary recall petitions
 - Police and Crime Commissioner elections in England and Wales
 - Local government elections and referendums in England (not in Wales)
 - From 5 October 2023 also applies to UK Parliamentary general elections
- Unless there is any UK Parliamentary election activity that is earlier than currently scheduled, this will come into effect in Wales in the polling stations from May 2024.

- The ID can be those on the list provided by DLUHC, or residents can apply for a Voter Authority Certificate (VAC) through their local authority.
- At local elections in England on 4 May, voters needed to show photo identification to vote in polling stations. These were the first elections in Great Britain where this requirement was in place. Elections took place in 230 areas in England and around 27 million people were eligible to vote.
- High level of scrutiny of the impact of Voter ID, although it is still early days in terms of analysis.
- It is not easy to predict the volume of people applying for the ID; in recent pilots this has been less than 5% of the population.
- The Electoral Commission found that:
 - Awareness of the need to bring ID to vote at a polling station was high.
 - Awareness and take-up of the Voter Authority Certificate was low.
 - At least 0.25% of people who tried to vote at a polling station in May 2023 were not able to because of the ID requirement.
 - Around 4% of all non-voters said they didn't vote because of the voter ID requirement.
 - The UK Government and the wider electoral community should work to improve the collection of data at polling stations.
 - Levels of voter confidence and satisfaction were similar to previous elections.
- Democracy Volunteers are impartial observers who aim to attend elections and report their observations. They had 150 accredited observers at the English local elections and observers generally formed teams and attended 879 polling stations across all the regions in England.
- They found that 1.2% of those attending polling stations were turned away because they lacked the relevant ID or were judged not to have it.
- The Electoral Commission will:
 - Run the national public communications campaign to raise awareness.
 - Support those without eligible identification to understand how and when they can apply for an electoral identity document.
- It is anticipated that there will be materials that Local Authorities can use through social media channels to include mail shots, etc. to support increased awareness.
- Development of a campaign in Newport that will include engagement with partner organisations and measures to address potential disenfranchisement of some groups.
- For Newport, the communication plan will commence in September.
- The Statutory Instrument (SI) to implement Elections Act 2022 changes to postal and proxy voting and introduce an online application service for these voting methods was laid before Parliament on 6 July. The SI relating to postal and proxy voting has changed from the version originally published by DLUHC on 23 May 2023.
- Reserved elections only
 - UK Parliamentary General Elections (UK-wide)
 - Police and Crime Commissioner elections (England and Wales)
- Online Absent Voting Applications from 31 October 2023.
- Proxy renewals – reapplication required in January 2024, January 2025 and January 2026.
- Postal voters will need to make a fresh application every 3 years.
- All postal voters (who applied before 30 January 2024) are required to transition to the new system by 31 January 2026.
- The SI does not yet include full divergence impacts, or the more detailed impact on administration, funding and digital requirements testing.
- DLUHC stated they are working very closely with the Scottish and Welsh Governments, electoral administrators and representative bodies on how best to mitigate and manage the impact of these differences.

- DLUHC stated that they have designed the digital service, and associated changes to existing Electoral Management Software systems, to facilitate the divergence and continue to work on any administrative challenges identified.
- DLUHC stated that since the passage of the Elections Act, the Scottish and Welsh Governments have expressed an interest in applying the online route to devolved polls in the future. For this to happen, legislation in the UK Parliament would be required.

Questions:

The Committee stated that the awareness process needs to be start as soon as possible.

The Committee asked whether there is any data from previous elections in Newport on numbers of people that did not engage. The Democratic and Electoral Services Manager informed Committee that is data that can be obtained and brought before the Committee.

The Committee wanted clarification on whether the applications for Voter ID are done online or by post. The Democratic and Electoral Services Manager highlighted that these are done online but in-person support is available at the Civic Centre by the Electoral Registration team.

The Committee noted that if a hard copy can be made available, these can be handed out when canvassing if a resident is unsure how to do this online. The Democratic and Electoral Services Manager informed Committee that flyers can be provided to Councillors which can be shared to candidates.

The Committee queried whether there was a migration to postal voting following Covid. The Democratic and Electoral Services Manager informed Committee that approximately 20% of the total Electoral Register are registered for postal votes. That had increased significantly during Covid, and this continues to increase year on year.

The Committee queried what would happen if two elections were to take place at the same time and where Voter ID is only required for one of these elections. The Democratic and Electoral Services Manager highlighted that some of the challenges with this legislation creating divergence are the processes for different elections and that is amplified by multiple polls running on the same day. The Democratic and Electoral Services Manager highlighted the importance of engaging with residents as much as possible to ensure they have the correct information.

The Committee queried how long are Voter ID certificates valid for and will information about this be included in Electoral Registration paperwork.

The Democratic and Electoral Services Manager informed Committee that the Voter ID Certificates are valid for 12 months, but this would need to be confirmed and flyers are being included within canvassing activities.

The Committee commented that if these certificates are only valid for a year it will be expensive and time-consuming and will potentially deter people from voting.

The Committee asked whether there has been any funding provided for implementation of this. The Democratic and Electoral Services Manager stated that there has been funding but the fulfilment is done elsewhere. The resident would complete the form on GOV.UK, our staff then verify the information, and it would then be sent to a fulfilment centre to be sent out. The funding covers staffing, equipment to take photographs for the time being, but may not be supported in future years with additional grant funding.

The Committee queried whether there is any discretion about acceptance of Voter ID. The Democratic and Electoral Services Manager confirmed that the appropriate levels of discretion would be managed through additional training for poll station staff.

7 Date of next Meeting

23rd November 2023 at 10am